

ORDINANCE #2022-10

**ORDINANCE OF THE BOROUGH OF KEYPORT,
COUNTY OF MONMOUTH, NEW JERSEY, AMENDING
CHAPTER II, ARTICLE 7, SECTION 7 OF THE REVISED
GENERAL ORDINANCES OF THE BOROUGH OF
KEYPORT ENTITLED "ENVIRONMENTAL
COMMISSION"**

WHEREAS, the Borough of Keyport (the "**Borough**") is a public body corporate and politic of the State of New Jersey; and

WHEREAS, the Mayor and Borough Council hereby desire to amend Borough Code Chapter II, "Administration," Article 7, "Boards, Commissions and Committees," Section 7 "Environmental Commission" to reflect revisions to the membership and governance of the Borough's Environmental Commission.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Keyport, County of Monmouth, New Jersey that:

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. Chapter II, Article 7, Section 7, entitled "Environmental Commission" is hereby amended as follows (additions are underlined and deletions are in ~~striketrough~~):

§ 2-7.7 Environmental Commission.

- a. Creation. The municipality of Keyport Environmental Commission is hereby established pursuant to Chapter 245 of the Laws of 1968 (N.J.S.A. 40:56A-1 to 40:56A-12), as amended by Chapter 35, P.L. 1972.
- b. Members. A Commission shall consist of seven members appointed by the Mayor, one of whom shall also be a member of the Planning Board and all of whom shall be residents of the municipality of Keyport; the members shall serve for terms of 3 years without compensation except as hereinafter provided and shall serve until the appointment and qualification of their successors. A member shall not be permitted to act on any matter in which he has either directly or indirectly any personal or financial interest. The Mayor shall designate one of the members to serve as Chairman and presiding officer of the Commission. The members of the Commission may elect a Vice Chairman and Secretary of the Commission. The Mayor may also appoint a member of the Borough Council to serve as liaison to the Commission. The liaison shall attend and participate in Commission meetings but shall have no vote in the Commissions deliberations or decisions. The terms of the two, or three years, to be designated by the Mayor in making his appointments, and their

~~successors shall be appointed for terms of three years and until the appointment and qualification of their successors. The first members of the Commission shall be appointed for the following terms:~~

~~Two members for the one year term expiring December 31, 1993,~~

~~Two members for the two year term expiring December 31, 1994,~~

~~Three members for the three year term expiring December 31, 1995.~~

The Mayor may appoint not more than two alternate members who shall be residents of the municipality of Keyport. The members shall serve without compensation except as hereinafter provided. Alternate members shall be designated at the time of appointment as "Alternate No. 1" and Alternate No. 2."

The terms of the alternate members shall be for two years. ~~except that the terms of the alternate members first appointed shall be two years for Alternate No. 1 and one year for Alternate No. 2.~~ so that the The term of not more than one alternate member shall expire in any one year. A vacancy occurring otherwise than by expiration of term shall be filled by the Mayor for the unexpired term only.

An alternate member shall not be permitted to act on any matter in which he has either directly or indirectly any personal or financial interest. An alternate member may, after public hearing if he requests one, be removed by the governing body for cause.

An alternate member may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote first.

The Mayor or governing body may remove any member of the Commission for cause, on written charges served upon the member and after a hearing thereon at which the member shall be entitled to be heard in person or by counsel. A vacancy on the Commission occurring otherwise than expiration of a term shall be filled for the unexpired term in the same manner as an original appointment.

- c. Powers of Commission. The Commission is established for the protection, development or use of natural resources including water resources, located within territorial limits of the municipality of Keyport. The Commission shall have power to conduct research into the use and possible use of the open land areas of the municipality and may coordinate the activities of unofficial bodies organized for similar purposes, and may advertise, prepare, print, and distribute books, maps, charts, plans, and pamphlets which in its judgment it deems necessary for its purposes. It shall keep an index of all open areas, publicly or privately owned, including open marshland, swamps and other wetlands, in order to obtain information on the proper use of such areas and may from time to time recommend to the

Planning Board plans and programs for inclusion in the Master Plan and the development and use of such areas.

- d. Acquisitions by Commission. The Environmental Commission may, subject to the approval of the governing body, acquire property, both real and personal, in the name of the municipality by gift, purchase, grant, bequest, devise or lease for any of its purposes and shall administer the same for such purposes subject to the terms of the conveyance or gift. Such an acquisition may be to acquire the fee or any lesser interest, development right, easement (including conservation easement), covenant or other contractual right (including a conveyance on conditions or with limitations or reversions), as may be necessary to acquire, maintain, improve, protect, limit the future use of, or otherwise conserve and properly utilize open spaces and other land and water areas in the municipality.
- e. Records and Annual Reports. The Environmental Commission shall keep records of its meetings minutes and activities and make an annual report to the governing body. The Environmental Commission shall file a copy of its meeting minutes with the Borough Clerk no later than ten (10) days after the Commission's approval of the meeting minutes. The Environmental Commission shall file a copy of its annual report with the Borough Clerk within thirty (30) days after the close of each fiscal year.
- f. Appropriations. The governing body of a municipality may appropriate funds for the expenses incurred by the Environmental Commission. The Commission may appoint such clerks and other employees and incur such expenses as it may from time to time require, providing the same shall be within the limits of funds appropriated to it by the governing body or otherwise available to it. Any expenditures made by the Environmental Commission shall be made in accordance with Borough purchasing procedures.
- g. Studies and Recommendations. The Environmental Commission shall have power to study and make recommendations concerning open space preservation, water resources management, air pollution control, solid waste management, noise control, soil and landscape protection, environmental appearance, marine resources and protection of flora and fauna.

Section 3. All Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed.

Section 4. Each section, subsection, sentence, clause and phrase of this ordinance is declared to be an independent section, subsection, sentence, clause and phrase and the finding or holding of any such portion of this ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this ordinance.

Section 5. Except as amended by this ordinance, all other provision of the Borough's Revised General Ordinances shall remain in full force and effect.

Section 6. The Borough Clerk is hereby directed, upon adoption of the ordinance after public hearing thereon, to publish notice of the passage thereof.

Section 7. This ordinance shall be in full force and effect from and after its adoption and any publication according to law.

Introduced: March 15, 2022

Public Hearing: April 5, 2022

Adopted:

Michele Clark, RMC
Borough Clerk

Collette J. Kennedy, Mayor
Borough of Keyport