

Township Council

*Township of Ocean
399 Monmouth Rd.
Oakhurst, NJ 07755-1589*



Meeting Agenda - Final

Thursday, February 08, 2024

5:00 PM

Council Chambers

Township Council

*Mayor John P. Napolitani Sr.
Deputy Mayor David J. Fisher
Councilman Robert V. Acerra, Sr.
Councilwoman Gitta D. Kaplan
Councilwoman Kelly L. Terry*

WORKSHOP MEETING
TOWNSHIP COUNCIL – TOWNSHIP OF OCEAN

ALL WORKSHOP TOWNSHIP COUNCIL MEETINGS WILL BE AUDIO AND VIDEOTAPED AND WILL BE SHOWN ON THE TOWNSHIP OF OCEAN'S COMMUNITY CABLE CHANNEL, CHANNEL 22 ON VERIZON FIOS AND CHANNEL 77 ON CABLEVISION.

ROLL CALL: Mayor Napolitani

Deputy Mayor Fisher

Councilmember(s) Acerra, Kaplan, and Terry

STATEMENT OF COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT.

The notice requirements of the Open Public Meetings Act for this meeting have been satisfied; a copy of the Annual Notice was sent to the Asbury Park Press and The Coaster, posted in Town Hall and filed in the office of the Municipal Clerk on December 14, 2023.

ITEMS FOR DISCUSSION:

D1. Various Township Projects - Update

COUNCIL COMMENTS

PUBLIC COMMENTS:

RESOLUTION DECLARING CLOSED SESSION FOR THE FOLLOWING MATTERS:

C1. Potential Litigation - Various Matters

ALL REGULAR TOWNSHIP COUNCIL MEETINGS WILL BE AUDIO AND VIDEOTAPED AND WILL BE SHOWN ON THE TOWNSHIP OF OCEAN'S COMMUNITY CABLE CHANNEL, CHANNEL 22 ON VERIZON FIOS AND CHANNEL 77 ON CABLEVISION.

AGENDA
REGULAR TOWNSHIP COUNCIL MEETING
TOWNSHIP OF OCEAN
(7:00 p.m.)

ROLL CALL: Mayor Napolitani

Deputy Mayor Fisher

Councilmember(s) Acerra, Kaplan, and Terry

PLEDGE OF ALLEGIANCE AND SILENT PRAYER

STATEMENT OF COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT:

The notice requirements of the Open Public Meetings Act for this meeting have been satisfied; a copy of the Annual Notice was sent to the Asbury Park Press and The Coaster, posted in Town Hall and filed in the office of the Municipal Clerk on December 14, 2023.

Fire Exit Procedures:

There are two emergency exits on the wall to my right that will take you to the front of the building and another one to my left that will take you to the rear parking lot.

Notice:

All cell telephones must be turned off. If you need to make a call, kindly make your call outside the meeting room.

COUNCIL COMMENTS:**MAYOR’S STATEMENT: Public Questions on Resolutions and Vouchers**

All matters listed under 'Consent Agenda' are considered routine by the Township Council and will be enacted by one motion in the form listed below. There will be no separate discussion of these items. If discussion is desired on any item, that item will be considered separately.

The purpose of this public portion is solely to ask questions to understand Resolutions that appear on this agenda and is not an occasion for a public hearing on an Ordinance. All questions not related to an item on this Agenda should be asked during the Public Comments portion at the conclusion of the meeting.

PUBLIC QUESTIONS:**CONSENT AGENDA:****RESOLUTIONS:**

RES1. **24-032** Accepting Performance Guarantees for the following:

- a) Block 3, Lot 68 - 1635 Finderne Street - Til J. Dallavalle
- b) Block 130, Lots 1 & 2 - 1900 Sunset Avenue - Jason Taetsch

RES2. **24-033** Authorizing Release of Maintenance Guarantees for the following:

- a) Block 12, Lot 1 - 262 South Lincoln Avenue - Ryan Klaus

RES3. **24-034** Authorizing the extension of the installment plan for the property owners who have not remitted their installment for the special assessment as confirmed:

a) June 9, 2022 - Ordinance No. 2274

b) July 14, 2022 - Ordinance No. 2339

RES4. **24-035** Authorizing and providing for the issuance and sale of \$16,362,850. Bond Anticipation Notes of the Township of Ocean in the County of Monmouth, New Jersey to the Monmouth County Improvement Authority and determining various matters in connection therewith

RES5. **24-036** Authorize Receipt of Bids/Proposals for the following:

a) Vending Machines for the William F. Larkin Golf Course at Colonial Terrace

RES6. **24-037** Authorize the Release of Closed Session Minutes for June 8, 2023

RES7. **24-038** Authorize the following 2024 Contracts for the William F. Larking Golf Course at Colonial Terrace:

a) Geese Chasers, LLC - \$8,541.00

b) Vic Gerard Golf Cars - \$22,218.00

c) BrightView Golf Maintenance, Inc. - \$259,903.20

RES8. **24-039** Ratify the collective bargaining agreement with the PBA Local #57 for the period January 1, 2024 through December 31, 2028

RES9. **24-040** Ratify the collective bargaining agreement with the Superior Officers Association of the Township of Ocean Police Department for the period January 1, 2024 through December 31, 2028

RES10. **24-041** Authorize the submission of the New Jersey Department of Community Affairs Grant to be utilized for a project to improve facilities at Kenny Pickett Field in the Township of Ocean

RES11. **24-042** Authorize a Shared Services Agreement between the City of Long Branch and the Township of Ocean for Municipal Pool Operations and Lifeguard Services for the period May 26, 2024 through September 1, 2024 at a cost not to exceed \$185,000.00

INDIVIDUAL ACTION:

VOUCHERS:

ORDINANCES:

Adoption(s):

ORD1. **ORD. 2451 - (Coaster)**

An Ordinance Amending Chapter XII "Traffic" of the "Revised General Ordinances of the Township of Ocean, 1965" Prohibiting Parking along portions of Johnston Street

ORD2. **ORD. 2452 - (Coaster)**

An Ordinance of the Township of Ocean, County of Monmouth, State of New Jersey Authorizing the Private Sale of Non-Conforming Real Property known as Block 16.01, Lot 8 to a contiguous property owner pursuant to N.J.S.A. 40A:12-13 (B)(5)

ORD3. **ORD. 2453 - (Coaster)**

An Ordinance Amending Chapter 21 of the Comprehensive Land Development Ordinance Establishing Land Use Regulations for Cannabis Establishments and Chapter XIII of the "Revised General Ordinances of the Township of Ocean, 1965" entitled: Taxation

Introduction(s):**ORD1.** **ORD. 2454 - (P.H. 02/22/2024 - Coaster)**

An Ordinance Amending and Supplementing Chapter 21 of the Comprehensive Land Development Ordinance: Subsection 21-20.32 - Cottage Food Operators - Home Bakers; 21-22 through 21-32 Development Standards

ORD2. **ORD. 2455 - (P.H. 02/22/2024 - Coaster)**

Amending and Supplementing Chapter 21 of the Comprehensive Land Development Ordinance: Subsection 21-9.g - Certified List of Property Owners; 21-17 Establishment of Zones; 21018 Zoning Map Amendment; 21-39.4 Cannabis Overlay Zone

PUBLIC COMMENTS:**ADJOURNMENT:**

RESOLUTION

WHEREAS, the Township of Ocean has approved a development project on Block 33, Lot 68, also known as 1635 Finderne Street; and

WHEREAS, the performance guarantees for this project total less than \$20,000.00; and

WHEREAS, Til J. Dallavalle has posted cash performance guarantees totaling \$10,800.00 and Lead Dog Builders, LLC has posted inspection fees totaling \$2,600.00 along with the required certificate of insurance.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Ocean, County of Monmouth, that all requirements for entering into a developer's agreement are hereby waived; and

BE IT FURTHER RESOLVED that the performance guarantees are hereby accepted; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be forwarded to the following:

1. Township Engineer
2. Planning Administrator
3. Construction Official
4. Til J. Dallavalle

Record of Vote	Deputy Mayor Fisher	<i>Councilman Acerra</i>	Councilwoman Kaplan	Councilwoman Terry	Mayor Napolitani
Motion to Approve					
Motion to Second					
Approved					
Opposed					
Not Voting/Recuse					
Absent/Excused					

CERTIFICATION

*I hereby certify that this is a true copy of a resolution passed by the Township of Ocean Governing Body at their meeting held on **February 8, 2024**.*

Jessie M. Joseph, RMC/CMC
Township Clerk

RESOLUTION

WHEREAS, the Township of Ocean has approved a development project on Block 130, Lots 1 & 2, also known as 1900 Sunset Avenue; and

WHEREAS, the performance guarantees for this project total less than \$20,000.00; and

WHEREAS, Jason Taetsch has posted cash performance guarantees totaling \$8,400.00 and inspection fees totaling \$1,300.00 along with the required certificate of insurance.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Ocean, County of Monmouth, that all requirements for entering into a developer's agreement are hereby waived; and

BE IT FURTHER RESOLVED that the performance guarantees are hereby accepted; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be forwarded to the following:

1. Township Engineer
2. Planning Administrator
3. Construction Official
4. Jason Taetsch

Record of Vote	Deputy Mayor Fisher	Councilman Acerra	Councilwoman Kaplan	Councilwoman Terry	Mayor Napolitani
Motion to Approve					
Motion to Second					
Approved					
Opposed					
Not Voting/Recuse					
Absent/Excused					

CERTIFICATION

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Jessie M. Joseph, RMC/CMC
Township Clerk

RESOLUTION

WHEREAS, the Municipal Land Use Law (N.J.S.A. 40:55D-53) provides for the posting of maintenance guarantees with the governing body after final acceptance of improvements when said improvements have been certified as completed by the Township Engineer; and

WHEREAS, Ryan Klaus has heretofore deposited with the Township of Ocean a cash maintenance guarantee in the amount of \$14,040.00 on premises known as Block 12, Lot 1 located at 262 South Lincoln Avenue; and

WHEREAS, Michael Shafai, representing the Township Engineer, has advised the Township Manager by letter dated January 24, 2024, a copy of which is on file in the Office of the Township Clerk and made a part hereof, that the improvements have been substantially maintained and said representative of the Township Engineer recommends the release of the aforementioned cash maintenance guarantee subject to the payment of any outstanding engineering and administrative fees.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean in the County of Monmouth, that the cash maintenance guarantee in the amount of \$14,040.00 is hereby released, canceled and discharged in accordance with the recommendation of the Township Engineer subject to the payment of any outstanding engineering and administrative fees; and

BE IT FURTHER RESOLVED that a copy of this Resolution, certified to be a true copy, be forwarded to the following:

1. Township Engineer
2. Director of Finance
3. Planning Administrator
4. Construction Official
5. Ryan Klaus

Record of Vote	Deputy Mayor Fisher	Councilman Acerra	Councilwoman Kaplan	Councilwoman Terry	Mayor Napolitani
Motion to Approve					
Motion to Second					
Approved					
Opposed					
Not Voting/Recuse					
Absent/Excused					

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Jessie M. Joseph, RMC/CMC
Township Clerk

RESOLUTION

WHEREAS, the Township Council of the Township of Ocean previously authorized for the installation of curbs, sidewalks and driveway aprons along portions of various streets in the Township of Ocean Ordinance No. 2274; and

WHEREAS, said assessments were confirmed by the Township Council of the Township of Ocean Resolution No. 22-112 on June 9, 2022 with an initial due date of September 1, 2022; and

WHEREAS, the following property owner(s) are delinquent for the payment due September 1, 2023 and are hereby required to make the payment that was due September 1, 2023 plus delinquent interest due to the Township of Ocean by in order to continue in the installment plan, or if no payment is received by the Township of Ocean then full payment of the assessments will be required:

<u>Block</u>	<u>Lot</u>	<u>Due Date</u>	<u>Installment Amount</u>
153	1	9/1/23	\$761.64 (1)

(1) – includes delinquent Interest

WHEREAS, it is the intention of the Township Council to extend the payment period for said property owner(s) affected by the assessment until **February 22, 2024** and allow the property owner(s) to continue the installment plan for the payment of the outstanding balance of the assessments; and

NOW, THEREFORE BE IT RESOLVED, by the Governing Body of the Township of Ocean, County of Monmouth, State of New Jersey, that authorization is hereby given to extend the deadline for payment for the delinquent installments on the assessments due on the above noted property until **February 22, 2024**; and

BE IT FURTHER RESOLVED, that the installment plan for the payment of the special assessment be reinstated as long as payment of the 2023 installment is made by **February 22, 2024**; and

BE IT FURTHER RESOLVED, that said property owner(s) will be notified by mail of the time extension and the provisions for payment of said monies due the Township of Ocean; and

BE IT FURTHER RESOLVED, that any property owner(s) who fails to make the required payment by **February 22, 2024**, the entire balance of the assessments due shall become and be immediately due with interest imposed at the same rate as delinquent taxes, this being 8% on the first \$1,500.00 delinquent and 18% for the balance; and

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be forwarded to the following:

1. Director of Finance
2. Tax Collector

Record of Vote	Deputy Mayor Fisher	<i>Councilman Acerra</i>	Councilwoman Kaplan	Councilwoman Terry	Mayor Napolitani
Motion to Approve					
Motion to Second					
Approved					
Opposed					
Not Voting/Recuse					
Absent/Excused					

CERTIFICATION

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Jessie M. Joseph, RMC/CMC
Township Clerk

RESOLUTION

WHEREAS, the Township Council of the Township of Ocean previously authorized for the installation of curbs, sidewalks and driveway aprons along portions of various streets in the Township of Ocean Ordinance No. 2339; and

WHEREAS, said assessments were confirmed by the Township Council of the Township of Ocean Resolution No. 22-136 on July 14, 2022 with an initial due date of October 1, 2022; amended Resolution No. 22-183 on September 22, 2022 with an initial due date of December 1, 2022; and

WHEREAS, the following property owner(s) are delinquent for the payment due December 1, 2023 and are hereby required to make the payment that was due December 1, 2023 plus delinquent interest due to the Township of Ocean by in order to continue in the installment plan, or if no payment is received by the Township of Ocean then full payment of the assessments will be required:

<u>Block</u>	<u>Lot</u>	<u>Due Date</u>	<u>Installment Amount</u>
160	14	12/1/2023	\$418.98 (1)

(1) – includes delinquent Interest

WHEREAS, it is the intention of the Township Council to extend the payment period for said property owner(s) affected by the assessment until **February 22, 2024** and allow the property owner(s) to continue the installment plan for the payment of the outstanding balance of the assessments; and

NOW, THEREFORE BE IT RESOLVED, by the Governing Body of the Township of Ocean, County of Monmouth, State of New Jersey, that authorization is hereby given to extend the deadline for payment for the delinquent installments on the assessments due on the above noted property until **February 22, 2024**; and

BE IT FURTHER RESOLVED, that the installment plan for the payment of the special assessment be reinstated as long as payment of the 2023 installment is made by **February 22, 2024**; and

BE IT FURTHER RESOLVED, that said property owner(s) will be notified by mail of the time extension and the provisions for payment of said monies due the Township of Ocean; and

BE IT FURTHER RESOLVED, that any property owner(s) who fails to make the required payment by **February 22, 2024**, the entire balance of the assessments due shall become and be immediately due with interest imposed at the same rate as delinquent taxes, this being 8% on the first \$1,500.00 delinquent and 18% for the balance; and

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be forwarded to the following:

1. Director of Finance
2. Tax Collector

Record of Vote	Deputy Mayor Fisher	<i>Councilman Acerra</i>	Councilwoman Kaplan	Councilwoman Terry	Mayor Napolitani
Motion to Approve					
Motion to Second					
Approved					
Opposed					
Not Voting/Recuse					
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Jessie M. Joseph, RMC/CMC
Township Clerk

**RESOLUTION AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND SALE OF
\$16,362,850 BOND ANTICIPATION NOTES OF THE TOWNSHIP OF OCEAN, IN THE
COUNTY OF MONMOUTH, NEW JERSEY TO THE MONMOUTH COUNTY
IMPROVEMENT AUTHORITY, AND DETERMINING VARIOUS MATTERS IN
CONNECTION THEREWITH**

WHEREAS, the Township of Ocean, in the County of Monmouth, New Jersey (the “Township”) has heretofore adopted, from time to time, various bond ordinances (the “Bond Ordinances”) authorizing various capital improvements, and the issuance and sale, from time to time, of its bonds and bond anticipation notes in order to finance such capital improvements; and

WHEREAS, the Bond Ordinances authorize the Chief Financial Officer to sell any bond anticipation notes thereunder at public or private sale, as determined by the Chief Financial Officer; and

WHEREAS, the Township has applied to The Monmouth County Improvement Authority (the “MCIA”) to participate in its pooled governmental note financing program (the “Program”); and

WHEREAS, under the Program, the MCIA will issue and sell its pooled notes (the “MCIA Notes”), which MCIA Notes will be secured by (i) payments by various governmental entities located in Monmouth County (including the Township) under various notes issued by such entities to the MCIA and (ii) the unconditional guaranty of the County of Monmouth (the “County”); and

WHEREAS, on January 10, 2024, the New Jersey Local Finance Board held a hearing and issued positive findings in respect of the issuance of the MCIA Notes by the MCIA; and

WHEREAS, the Township wishes to participate in the Program, and to issue and sell all or a portion of its bond anticipation notes to the MCIA; and

WHEREAS, the Township will receive a proposal for the purchase of such bond anticipation notes from the MCIA, which purchase will be effected through a note purchase agreement to be entered into between the Township and the MCIA; and

WHEREAS, the Township acknowledges that the MCIA intends to execute a contract of purchase with an underwriter pertaining to the sale of the MCIA Notes, the proceeds of which shall be used by the MCIA, inter alia, to purchase the such bond anticipation notes of the Township; and

WHEREAS, the Township now wishes to authorize the issuance and sale of its bond anticipation notes, and the issuance and sale of all or a portion thereof to the MCIA;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF OCEAN, IN THE COUNTY OF MONMOUTH, NEW JERSEY, as follows:

SECTION 1. The Chief Financial Officer is hereby authorized to cause all or a portion of its bond anticipation notes (the "Program Notes") to be issued and sold to the MCIA in accordance with the Program.

SECTION 2. The terms and conditions of the sale of the Program Notes to the MCIA shall be set forth in a Note Purchase Agreement to be dated on or about the date of pricing of the MCIA Notes, between the MCIA and the Township. The execution and delivery by the Mayor, the Business Administrator or the Chief Financial Officer of the Township (each, an "Authorized Officer") of the Note Purchase Agreement, in such form as shall be approved by such officer, is hereby authorized, such approval to be conclusively evidenced by such officer's execution thereof.

SECTION 3. The Township hereby authorizes the use of certain information concerning the Program Notes and the Township in the Preliminary Official Statement and final Official Statement of the MCIA, to be used in connection with the marketing and sale of the MCIA Notes.

SECTION 4. The execution and delivery by an Authorized Officer of a Continuing Disclosure Agreement, if any, to be dated as of the date of closing of the MCIA Notes, between the Township and the trustee for the MCIA Notes, in such form as shall be approved by such officer, is hereby authorized, such approval to be conclusively evidenced by such officer's execution thereof.

SECTION 5. A portion of the proceeds of sale of the Program Notes to the MCIA may be retained by the MCIA as payment for the Township's allocable share of issuance expenses and expenses related to the County Guaranty. Any Authorized Officer is hereby authorized and directed to pay all of the costs associated with the sale and issuance of the Program Notes.

SECTION 6. The Authorized Officers and any other officer of the Township, and the staff and consultants of the Township, are hereby authorized and directed to take all actions and execute any other agreement which may be necessary or convenient to effectuate the terms of this resolution in connection with the issuance, sale and delivery of the Program Notes, which includes the review and delivery of a preliminary official statement and official statement on behalf of the Township, and the execution of the Note Purchase Agreement, the Continuing Disclosure Agreement, if any, and any other agreement to be executed in connection with the issuance of the Program Notes or the MCIA Notes.

SECTION 7. This resolution shall take effect immediately.

Record of Vote	Deputy Mayor Fisher	Councilman Acerra	Councilwoman Kaplan	Councilwoman Terry	Mayor Napolitani
Motion to Approve					
Motion to Second					
Approved					
Opposed					
Not Voting/Recuse					
Absent/Excused					

CERTIFICATION

*I hereby certify that this a true copy of a resolution passed by the Township of Ocean Governing Body at their meeting held on **February 8, 2024.***

Jessie M. Joseph, RMC/CMC
Township Clerk

RESOLUTION

WHEREAS, the Township Council is desirous of receiving Sealed Bids for the following:

Vending Machines for Use at the William F. Larkin Golf Course at Colonial Terrace

WHEREAS, specifications for the aforesaid items will be on file in the Office of the Director of Recreation and will be available for inspection.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean, County of Monmouth that it does hereby authorize the Township Clerk to advertise for the Receipt of Sealed Bids for the aforesaid item(s) as per the specifications on file and will be received by the Township Manager, or his designee, in the Township West Wing Conference Room, Second Floor, Township Hall, 399 Monmouth Road, Oakhurst, New Jersey on a date to be determined.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the following:

1. Director of Recreation

Record of Vote	Deputy Mayor Fisher	Councilman Acerra	Councilwoman Kaplan	Councilwoman Terry	Mayor Napolitani
Motion to Approve					
Motion to Second					
Approved					
Opposed					
Not Voting/Recuse					
Absent/Excused					

CERTIFICATION

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Jessie M. Joseph, RMC/CMC
Township Clerk

RESOLUTION

WHEREAS, Section 8 of the Open Public Meetings Act, Ch. 231, P.L. 1975 permits the exclusion of the public from a meeting in certain circumstance; and

WHEREAS, the public shall be excluded from discussions of and actions upon specified subject matters including:

1. Personnel
2. Pending litigation matters involving the Township, its employees and/or agents
3. Pending or future land acquisitions
4. Pending or future contract negotiations

WHEREAS, the Township of Ocean adopted procedures to make closed session minutes available for public inspection; and

WHEREAS, the Municipal Clerk, on a periodic basis shall review the minutes of the closed sessions of the Township of Ocean and make a recommendation to the Township Council which minutes should be made available for public inspection. The minutes which are made public shall not thereafter be treated as confidential but may be viewed by and copies issued to any person so requesting them; and

WHEREAS, the release of the below noted closed session minutes are subject to certain item(s) being redacted prior to the release due to the fact that the matter has not been concluded, and therefore, are not subject to release;

NOW, THEREFORE BE IT RESOLVED, by the Governing Body of the Township of Ocean, County of Monmouth that authorization is hereby given to release the following closed session minutes, subject to any appropriate redaction:

June 8, 2023

Record of Vote	Deputy Mayor Fisher	<i>Councilman Acerra</i>	Councilwoman Kaplan	Councilwoman Terry	Mayor Napolitani
Motion to Approve					
Motion to Second					
Approved					
Opposed					
Not Voting/Recuse					
Absent/Excused					

CERTIFICATION

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Jessie M. Joseph, RMC/CMC
Township Clerk

RESOLUTION

WHEREAS, the Township of Ocean owns and operates the William F. Larkin Golf Course at Colonial Terrace; and

WHEREAS, the Township of Ocean is desirous of providing environmentally safe goose control measures to deter geese from the grounds of the facility; and

WHEREAS, the Township of Ocean desires to enter into an annual agreement with Geese Chasers, LLC, 4 Milton Drive, Medford, NJ 08055 for the provision of the aforementioned services in an amount not to exceed \$8,541.00 for 2024; and

WHEREAS, the Director of Finance has certified that funds will be made available by the Governing Body in the Township of Ocean Temporary and Final 2024 Municipal Budget under the following line item appropriation: William F. Larkin Golf Course at Colonial Terrace – Outside Services – account #4-01-28-799-252;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean that the Mayor is hereby authorized to execute a service contract with Geese Chasers, LLC, Medford, NJ for 2024 goose control measures at the William F. Larkin Golf Course at Colonial Terrace at a cost not to exceed \$8,541.00; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the following:

1. Geese Chasers, LLC
2. Department of Human Services
3. Director of Finance

Record of Vote	Deputy Mayor Fisher	Councilman Acerra	Councilwoman Kaplan	Councilwoman Terry	Mayor Napolitani
Motion to Approve					
Motion to Second					
Approved					
Opposed					
Not Voting/Recuse					
Absent/Excused					

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Jessie M. Joseph, RMC/CMC
Township Clerk

RESOLUTION

WHEREAS, the Township of Ocean will resume operations of the William F. Larkin Golf Course at Colonial Terrace on or about April 1, 2024; and

WHEREAS, the Township of Ocean intends to provide golf cars available for rent by course users during the operating season; and

WHEREAS, the Township of Ocean desires to enter into a Full-Service Lease Agreement with Vic Gerard Golf Cars, LLC, 281 Squankum Road, Farmingdale, NJ 07727 for the provision of 23 reconditioned Club Car gasoline golf cars and two Club Car utility vehicles for the 2024 operating season in an amount not to exceed \$22,218.00; and

WHEREAS, the Director of Finance has certified that funds will be made available by the Governing Body in the Township of Ocean Temporary and Final 2024 Municipal Budget under the following line item appropriation: William F. Larkin Golf Course at Colonial Terrace – Outside Services – account #4-01-28-799-252;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean that the Mayor is hereby authorized to execute a Full- Service Lease Agreement with Vic Gerard Golf Cars, LLC for use at the William F. Larkin Golf Course at Colonial Terrace operating season at a cost not to exceed \$22,218.00; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the following:

1. Vic Gerard Golf Cars
2. Department of Human Services
3. Director of Finance

Record of Vote	Deputy Mayor Fisher	Councilman Acerra	Councilwoman Kaplan	Councilwoman Terry	Mayor Napolitani
Motion to Approve					
Motion to Second					
Approved					
Opposed					
Not Voting/Recuse					
Absent/Excused					

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Jessie M. Joseph, RMC/CMC
Township Clerk

RESOLUTION

WHEREAS, the Township Council of the Township of Ocean awarded a contract for maintenance services for the William F. Larkin Golf Course at Colonial Terrace to BrightView Golf Maintenance, Inc., Calabasas, CA on July 14, 2022; and

WHEREAS, the bid gave the Township of Ocean the right to extend the contract for up to two (2) one-year terms; and

WHEREAS, in accordance with the provisions of the bid, the Township of Ocean wishes to extend the contract for a one (1) one-year term for the 2024 season; and

WHEREAS, it is the recommendation of the Township Manager and the Director of Recreation that the contract with BrightView Golf Maintenance, Inc., Calabasas, CA be extended for a one-year term at a cost not to exceed \$259,903.20 for the 2024 season; and

WHEREAS, the Director of Finance has certified that funds for said contract will be made available contingent upon the adoption of the 2024 Municipal Budget, under the following line item appropriation: Contract Services – Colonial Terrace Golf Course.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean in the County of Monmouth that it does hereby authorize the one (1) year extension of the contract for maintenance services at the William F. Larkin Golf Course at Colonial Terrace for the period March 1, 2024 through November 30, 2024, to BrightView Golf Maintenance, Inc., Calabasas, CA, at a cost not to exceed \$259,903.20; and

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be forwarded to the following:

1. Director of Finance
2. Director of Recreation
3. Brightview Golf Course Maintenance, Inc.

Record of Vote	Deputy Mayor Fisher	<i>Councilman Acerra</i>	Councilwoman Kaplan	Councilwoman Terry	Mayor Napolitani
Motion to Approve					
Motion to Second					
Approved					
Opposed					
Not Voting/Recuse					
Absent/Excused					

CERTIFICATION

*I hereby certify that this is a true copy of a resolution passed by the Township of Ocean Governing Body at their meeting held on **February 8, 2024**.*

Jessie M. Joseph, RMC/CMC
Township Clerk

RESOLUTION

WHEREAS, the Township of Ocean desires to enter into a five (5) year agreement with PBA Local #57 for the period January 1, 2024 through December 31, 2028; and

WHEREAS, said Agreement shall be entitled as follows: "Agreement between the Township of Ocean, County of Monmouth and the PBA Local #57 of the Township of Ocean Police Department" and shall be incorporated herein by reference; and

WHEREAS, the Director of Finance has certified that funds are available in the 2024 Temporary and Final Municipal Budget and will be made available in subsequent years budgets;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean that it does hereby approve the aforementioned labor agreement between the Township of Ocean and PBA Local #57 for the five (5) year period January 1, 2024 through December 31, 2028; and

BE IT FURTHER RESOLVED that authorization is hereby given for the Mayor and Municipal Clerk to execute the aforementioned Agreements; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be forwarded to the following:

1. Township Manage
2. Director of Finance
3. Chief of Police
4. President, PBA Local #57

Record of Vote	Deputy Mayor Fisher	Councilman Acerra	Councilwoman Kaplan	Councilwoman Terry	Mayor Napolitani
Motion to Approve					
Motion to Second					
Approved					
Opposed					
Not Voting/Recuse					
Absent/Excused					

CERTIFICATION

*I hereby certify that this is a true copy of a resolution passed by the Township of Ocean Governing Body at their meeting held on **February 8, 2024**.*

Jessie M. Joseph, RMC/CMC
Township Clerk

RESOLUTION

WHEREAS, the Township of Ocean desires to enter into a five (5) year agreement with the Superior Officers Association of the Township of Ocean Police Department for the period January 1, 2024 through December 31, 2028; and

WHEREAS, said Agreement shall be entitled as follows: “Agreement between the Township of Ocean, County of Monmouth and the Superior Officers Association of the Township of Ocean Police Department” and shall be incorporated herein by reference; and

WHEREAS, the Director of Finance has certified that funds are available in the 2024 Temporary and Final Municipal Budget and will be made available in subsequent years budgets;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean that it does hereby approve the aforementioned labor agreement between the Township of Ocean and the Superior Officers Association of the Township of Ocean Police Department for the five (5) year period January 1, 2024 through December 31, 2028; and

BE IT FURTHER RESOLVED that authorization is hereby given for the Mayor and Municipal Clerk to execute the aforementioned Agreements; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be forwarded to the following:

1. Township Manage
2. Director of Finance
3. Chief of Police
4. Superior Officers Association

Record of Vote	Deputy Mayor Fisher	Councilman Acerra	Councilwoman Kaplan	Councilwoman Terry	Mayor Napolitani
Motion to Approve					
Motion to Second					
Approved					
Opposed					
Not Voting/Recuse					
Absent/Excused					

CERTIFICATION

*I hereby certify that this is a true copy of a resolution passed by the Township of Ocean Governing Body at their meeting held on **February 8, 2024**.*

Jessie M. Joseph, RMC/CMC
Township Clerk

RESOLUTION

WHEREAS, the Township of Ocean desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for \$100,000.00 to be utilized for a project to improve facilities Kenny Pickett Field in the Township of Ocean.

NOW, THEREFORE, BE IT RESOLVED,

- 1) that the Township of Ocean hereby authorize the application for such a grant; and
- 2) recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department does further authorize the expenditure of funds pursuant to the terms of the agreement between the Township of Ocean and the New Jersey Department of Community Affairs.

BE IT FURTHER RESOLVED that the persons whose names, titles and signatures appear below are Authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith:

David G. Brown, II

John P. Napolitani, Sr.

Township Manager

Mayor

Record of Vote	Deputy Mayor Fisher	Councilman Acerra	Councilwoman Kaplan	Councilwoman Terry	Mayor Napolitani
Motion to Approve					
Motion to Second					
Approved					
Opposed					
Not Voting/Recuse					
Absent/Excused					

CERTIFICATION

*I, Jessie M. Joseph, the Clerk of the Township of Ocean, hereby certify that at a meeting of the Governing Body held on **February 8, 2024**, the above RESOLUTION was duly adopted.*

Jessie M. Joseph, RMC/CMC
Township Clerk

RESOLUTION

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq., authorizes joint activities among municipalities and was enacted with the intent to facilitate and promote shared services agreements; and

WHEREAS, the Township of Ocean and the City of Long Branch are desirous of entering into a Shared Services Agreement for municipal pool operations and lifeguard services for the period May 26, 2024 through September 1, 2024; and

WHEREAS, the City of Long Branch will provide the Township of Ocean with all lifeguard hiring and recruitment, the services of ten (10) lifeguards working staggered eight (8) hour shifts on a daily basis during the season, provide lifeguard uniforms to all Township lifeguard staff and provide lifeguard CPR certification; and

WHEREAS, the Township of Ocean will provide the City of Long Branch with the daily opening and closing of the Long Branch Municipal Pool including testing and balancing water chemistry for state testing, will be on-call for equipment and water quality emergencies at the Long Branch Municipal Pool, provide pool maintenance training to Long Branch staff members, host American Red Cross Lifeguard certification/recertification courses, provide two (2) pool supervisors; and

WHEREAS, the said Agreement provides for the aforementioned services being provided by the City of Long Branch to the Township of Ocean at a cost not \$185,000.00; and

WHEREAS, the Director of Finance has certified that funds will be made available upon adoption of the 2024 Temporary and Final Budget; and

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Ocean, County of Monmouth that the Mayor and Township Clerk are hereby authorized to execute a Shared Services Agreement between the Township of Ocean and the City of Long Branch for municipal pool operations and lifeguard services for the period May 26, 2024 through September 1, 2024; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be forwarded to the following:

1. Township Manager
2. Director of Finance
3. City of Long Branch
4. Director of Recreation

Record of Vote	Deputy Mayor Fisher	<i>Councilman Acerra</i>	Councilwoman Kaplan	Councilwoman Terry	Mayor Napolitani
Motion to Approve					
Motion to Second					
Approved					
Opposed					
Not Voting/Recuse					
Absent/Excused					

CERTIFICATION

*I hereby certify that this is a true copy of a resolution passed by the Township of Ocean Governing Body at their meeting held on **February 8, 2024.***

Jessie M. Joseph, RMC/CMC
Township Clerk

ORDINANCE NO. 2451

AN ORDINANCE AMENDING CHAPTER XII "TRAFFIC" OF THE "REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF OCEAN, 1965" PROHIBITING PARKING ALONG PORTIONS OF JOHNSON STREET

BE IT ORDAINED by the Township Council of the Township of Ocean, County of Monmouth, State of New Jersey, that Chapter XII, Section 12.1-1 Schedule I of an ordinance entitled "Revised General Ordinances of the Township of Ocean, 1965", and the same is hereby amended and supplemented in the following manner:

SECTION I

§ 12.1-1 SCHEDULE I: NO PARKING

Section 12.1-1, Schedule I is hereby amended and supplemented by adding the following:

<u>NAME OF STREET</u>	<u>SIDE</u>	<u>LOCATION</u>
Johnston Street	West	Beginning from the northwest corner of Johnston Street at Lake Avenue, thence in a southerly direction along said west side of Johnston Street to the intersection of West Park Avenue

SECTION II

All Ordinances, or parts thereof, contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

SECTION III

This Ordinance shall take effect upon final passage and publication in accordance with law.

Record of Vote	Councilman Acerra	Councilman Fisher	Councilwoman Terry	Mayor Napolitani	Vacant
Motion to Approve	X				
Motion to Second		X			
Approved	X	X	X	X	
Opposed					
Not Voting/Recuse					
Absent/Excused					

CERTIFICATION

*I hereby certify that this is a true copy of an Ordinance introduced by the Township of Ocean Governing Body at their meeting held on **January 25, 2025**.*

Jessie M. Joseph, RMC/CMC
Township Clerk

ORDINANCE NO. 2452

**AN ORDINANCE OF THE TOWNSHIP OF OCEAN, COUNTY OF MONMOUTH, STATE OF NEW JERSEY,
AUTHORIZING THE PRIVATE SALE OF NON-CONFORMING REAL PROPERTY KNOWN AS BLOCK 16.01, LOT
8 TO A CONTIGUOUS PROPERTY OWNER PURSUANT TO NJSA 40A:12-13(B)(5)**

WHEREAS, NJSA 40A:12-13(B)(5) authorizes the sale of municipally owned property which is less than the minimum size required for development under the Municipal Zoning Ordinance; and which is without any capital improvement thereon, to the owners of contiguous real property; and

WHEREAS, the Township Council has found and determined that a portion of the real property designated as **Block 16.01, 8** aforesaid (hereinafter the "Property") will not be needed for public use and may be offered for sale to the contiguous owners pursuant to the cited statutes; and

WHEREAS, the Township Council of the Township of Ocean has recommended the sale of the subject lot with a **minimum bid price of \$89,500.00**.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Ocean, County of Monmouth, State of New Jersey as follows:

SECTION I

Within five (5) days following final enactment of this ordinance, the Township Clerk shall post on the regular Town Hall bulletin board and advertise in a newspaper circulating the Township, a notice setting forth the following information as to the sale of a portion of **Block 16.01, Lot 8** (Elberon Boulevard) of the Township of Ocean Tax Map, whose sale is hereby authorized. A copy of this notice shall be mailed by certified mail by the Township Clerk to all contiguous property owners of the property being offered for sale within the aforesaid five (5) day period.

**PUBLIC NOTICE
TOWNSHIP OF OCEAN – MONMOUTH COUNTY
ORDINANCE #2452 – SALE OF LAND**

TAKE NOTICE that an ordinance of the Township of Ocean adopted pursuant to NJSA 40A:12-13(b)(5) on February 8, 2024 the Township of Ocean offers for sale the following property to contiguous property owners under the following terms and conditions:

- a) Property offered for Sale: Block 16.01, Lot 8 (Elberon Boulevard) of the Township of Ocean Tax Map
- b) Minimum Price: \$89,500.00
- c) Deed Restriction: The Property shall be precluded from further sale as a separate lot by the contiguous owner purchasing said property pursuant to this ordinance. Nothing contained herein shall prohibit the development of the Property for accessory uses to the principal, contiguous lot with which it shall be merged; or shall prohibit its development as a fully buildable lot providing it

is included with other lands from the principal contiguous lot if a subdivision is approved by the Township of Ocean Planning Board or Board of Adjustment.

- d) The sale is made subject to all restrictions, covenants, restrictions and conditions of record, with said property being sold in an “as is” condition and is being sold subject to such other facts that an accurate, certified survey would reveal. The sale is further subject to the purchaser obtaining subdivision and site plan approval to consolidate the Property for use with the contiguous property.
- e) Any contiguous property owner desiring to make an offer for the purchase of the property being offered for sale herein shall, within twenty (20) days following advertisement of this notice or a receipt of a mailed copy of this note, make an offer in writing by certified mail addressed to the Township Council c/o Township Clerk, Township of Ocean, 399 Monmouth Road, Oakhurst, New Jersey 07755 at no less than the minimum price set forth hereinabove. All bids must be received **no later than 3:00pm on February 20, 2024, all bids must be marked “Sealed Bid Enclosed – Elberon Boulevard”**.
- f) The Township Council of the Township of Ocean reserves the right to reject any and all offers, and shall accept or reject any offer within thirty (30) days of the advertisement of this public notice. If the Township Council fails to accept or reject any offer within the aforesaid time period, all offers will be deemed rejected. Where there is more than one owner with real property contiguous to the property being offered for sale, the subject property will be sold to the highest bidder or offer from among all such owners submitting an offer as provided for herein. All offers shall be accompanied by a certified or cashier’s check in the amount of ten percent (10%) of the offer made, payable to the Township of Ocean; the balance shall be paid at closing of title.
- g) A meets and bounds description must be provided by the successful bidder within twenty (20) days after the acceptance of the offer by the Township Council.
- h) The closing of title shall be by a bargain and sale deed without covenants as to grantor. Closing shall take place no later than ninety (90) days after the acceptance of the offer by the Township Council. The Township of Ocean makes no representation as to the condition or marketability of title as to the subject property.
- i) In addition to the purchase or offer price, it shall be the responsibility of the successful bidder to pay at closing the advertisement and mailing costs in connection with this sale and the Township Attorney’s fee for the preparation of the deed in connection with this sale. If the successful bidder or offer shall fail to close title through no fault of the Township, the successful bidder or offerer shall forfeit the deposit made for the sale, which shall be retained by the township as liquidated damages, except in the event the successful bidder or offerer is not successful in obtaining subdivision and site plan approval to develop the Property with the contiguous property, the Township shall return the deposit to the successful bidder and neither party shall have any further obligation to the other with regard to the Property.
- j) The Township Clerk shall file with the Director, Division of Local Government Services in the Department of Community Affairs, a sworn affidavit verifying publication of advertisement as required by this ordinance.

SECTION II

All ordinances and parts of ordinances in consistent herewith are hereby repealed.

SECTION III

Since this ordinance is not legislative in nature, it need not be codified in the “Revised General Ordinances of the Township of Ocean.”

Record of Vote	Councilman Acerra	Councilman Fisher	Councilwoman Terry	Mayor Napolitani	Vacant
Motion to Approve	X				
Motion to Second		X			
Approved	X	X	X	X	
Opposed					
Not Voting/Recuse					
Absent/Excused					

CERTIFICATION

*I hereby certify that this is a true copy of an Ordinance introduced by the Township of Ocean Governing Body at their meeting held on **January 25, 2024**.*

Jessie M. Joseph, RMC/CMC
Township Clerk

SCHEDULE A

Will be provided at a later date.

SCHEDULE B

Property Value Calculation

Block 16.01, Lot 8

Elberon Boulevard

Square Feet	5,200
Minimum Opening Bid	\$89,500.00

ORDINANCE #2453

AN ORDINANCE AMENDING CHAPTER 21 OF THE COMPREHENSIVE LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF OCEAN ESTABLISHING LAND USE REGULATIONS FOR CANNABIS ESTABLISHMENTS AND CHAPTER XIII OF THE “REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF OCEAN, 1965” ENTITLED: TAXATION

WHEREAS, on December 14, 2023, the Township enacted Ordinance #2444 amending and supplementing certain sections of Chapter 21 of the Comprehensive Land Development Ordinance of the Township of Ocean as related to Cannabis Businesses; and

WHEREAS, the Township seeks to set forth certain site limitations in the development of the cannabis businesses as well as update the provisions for the imposition and collection of the municipal taxes from the cannabis establishments.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Ocean, County of Monmouth, State of New Jersey as follows:

SECTION 1

Chapter 21 – The Comprehensive Land Development Ordinance of the Township of Ocean shall be amended as follows; additions to the current ordinance are noted in underline.

Section 21-39.4 Cannabis Business Zones.

The provisions of this Section shall provide the developmental standards for Cannabis business and shall supersede all other standards for such establishments.

d. Site Standards for Cannabis Businesses

1. There shall be no on-site sales of alcohol or tobacco products, and no on-site consumption of food, alcohol, tobacco, or cannabis by patrons, whether in the building or on its grounds or parking lots. Cannabis Consumption Areas are not permitted.
2. Hours of public operation shall be limited to 8:00 a.m. through 8:00 p.m. ~~daily~~ Monday through Saturday. Hours of public operation shall be limited to between 10:00 a.m. and 5:00 p.m. on Sunday. No licensed Cannabis businesses shall be open to the public between the hours of 8:01 p.m. and 7:59 a.m. on any day.
3. ~~For any licensed cultivation, processing, or similar operation, the facility~~ All businesses shall provide an air treatment system with sufficient odor absorbing

ventilation and exhaust systems such that any odors generated inside the facility are not detectable by a person of reasonable sensitivity anywhere on adjacent property, within public rights of way, or within any other unit located within the same building as the licensed facility if the use only occupies a portion of a building.

4. For any licensed ~~business, cultivation, processing, manufacturing, or similar operation~~, the facility shall provide for noise mitigation features designed to minimize disturbance from machinery, processing and/or packaging operations, loading, and other noise generating equipment or machinery. All licensed facilities must operate within applicable State decibel limitations. Outside generators and other mechanical equipment used for any kind of power supply, cooling or ventilation shall be enclosed and have appropriate baffles, mufflers, and/or other noise-reduction systems to mitigate noise pollution.
5. To the extent not already required by the entity's State license, all sites must be equipped with security cameras covering all exterior parking and loading areas, points of entry, and interior spaces which are either open to the public or used for the storage or processing of cannabis products. Footage must be maintained for the duration required under State law.
6. All licensed facilities must provide the Ocean Township Police Department with access to security footage immediately upon request by the Department.
7. To the extent not already required by the entity's State license, all licensed facilities must provide at least one security guard (or more if required by the State or Township) during all times the facility is open to the public. At a minimum, the security guard shall be a State Certified Security Officer whose certification is in good standing.
8. For any ~~business licensed cultivation operation~~, the facility must mitigate lighting spillover into any residential neighborhoods and must comply with all applicable State lighting limitations.
9. Cannabis waste shall be stored, secured, and managed in accordance with applicable state laws.
10. Cannabis plants, products, and paraphernalia shall be screened from view from any exterior windows.
11. All Cannabis businesses shall conduct operations indoors in heated/air-conditioned permanent buildings, not trailers, outdoors, movable kiosks, etc.. No Cannabis Cultivators shall be permitted to operate outdoors, e.g., grow canopies.

12. Any Cannabis Retailer shall only have one primary public access point, which shall be directly adjacent to the right-of-way or parking area of the building. Access should not be through common entrances with other uses.
13. Drive-through facilities are not permitted.
14. Cannabis Retailers' interiors shall provide a secure location for storage of products with minimum products in any customer service area.
15. People shall not be permitted to congregate outside of a Cannabis Retailer, loiter or wait in line to access the Cannabis Retailer. The facility shall have a plan in place if interior capacity is exceeded, i.e., numbers are given and customers wait in their vehicles until called.

e. On-Site Signage

1. No State licensed cannabis business shall display signage containing text and/or images intended to promote excessive consumption of legal marijuana products. External signage, including window signage, must be limited to text identifying the business and the logo for the business. Neon signs shall be prohibited.
2. Signage shall otherwise comply with the requirements of Section 21-44.3 (Signs in the Commercial Zones (C-RSSF, C-1, C-2, C-3, C-4, C-5), and Office and Industrial Zones (O-1/20, O-1/40, O-1/80, I-1) of the Ocean Township Code to the extent permissible by applicable State laws and regulations governing signage standards for licensed cannabis businesses.
3. No State licensed cannabis business shall place or cause to be placed any off-site advertising signage.

SECTION II

Chapter XIII "Taxation" of the "Revised General Ordinance of the Township of Ocean, 1965" shall be amended as follows; additions to the current ordinance are noted in underline.

Section 13-5 Cannabis Business Sales Tax shall be deleted in toto and replaced as follows:

§13-5 CANNABIS TRANSFER AND USER TAX.

§13-5.1 Tax Imposed; Transfer Tax and User tTx.

- a. As authorized by N.J.S.A. 40:48I-1, there is hereby a transfer tax imposed on: (1) receipts from the sale of cannabis by a cannabis cultivator to another cannabis cultivator; (2) receipts from the sale of cannabis items from one cannabis establishment to another

cannabis establishment; (3) receipts from the retail sale of cannabis items by a cannabis retail to retail consumers who are twenty-one (21) years of age or older; or (4) by any combination thereof.

- b. This transfer tax shall be imposed at the following rates:
 - 1. 2% of the receipts from each sale by a cannabis cultivator;
 - 2. 2% of the receipts from each sale by a cannabis manufacturer
 - 3. 1% of the receipts from each sale by a cannabis wholesaler;
 - 4. 2% of the receipts from each sale by a cannabis distributor;
 - 5. 2% of the receipts from each sale by a cannabis retailer.
- c. There shall also be imposed a user tax, at the equivalent transfer tax rates, on any concurrent license holder operating more than one cannabis establishment, as permitted by Section 33 of P.L.2021, c.16 (C.24:6I-46). The user tax shall be imposed on the value of each transfer or use of cannabis or cannabis items not otherwise subject to the transfer tax imposed pursuant to paragraphs a and b of this Section, from the license holder's establishment that is located in the Township of Ocean to any of the other license holder's establishments, whether located in the Township of Ocean or another municipality.
- d. All taxes imposed by this section shall be in addition to any other tax imposed by law. Any transaction for which the transfer tax or user tax is imposed, or could be imposed, pursuant to this section, other than those which generate receipts from the retail sales by cannabis retailers, shall be exempt from the tax imposed under the "Sales and Use Tax Act", P.L. 1966, c. 30 (C.54:32B-1 et seq.).

§ 13-5.2 Collection of Transfer Tax and User Tax.

- a. The transfer tax or user tax shall be collected or paid, and remitted to the Township of Ocean by the cannabis establishment from the cannabis establishment purchasing or receiving the cannabis or cannabis items or from the consumer at the point of sale, on behalf of the Township of Ocean by the cannabis retailer selling the cannabis item to that consumer.
- b. The transfer tax or user tax shall be stated, charged, and shown separately on any sales slip, invoice, receipt or other statement or memorandum of the price paid or payable, or equivalent value of the transfer, for the cannabis or cannabis item.

- c. Every cannabis establishment required to collect a transfer or user tax imposed by this section shall be personally liable for the transfer tax or user tax imposed, collected or required to be collected under this section.
- d. Any cannabis establishment shall have the same right with respect to collecting the transfer tax or user tax from another cannabis establishment as if the transfer tax or user tax was a part of the sale and payable at the same time, or with respect to non-payment of the transfer or user tax by the cannabis establishment or consumer, as if the transfer tax or user tax was part of the purchase price of the cannabis or cannabis item, or equivalent value of the transfer of the cannabis or cannabis item, and payable at the same time; provided however, that the Township Manager shall be joined as a party in any action or proceeding brought to collect the transfer tax or user tax.
- e. No cannabis establishment required to collect a transfer tax or user tax imposed by this section shall advertised or hold out to any person or to the public in general, in any manner, directly or indirectly, that the transfer tax or user tax will not be separately charged and stated to another cannabis establishment or the consumer, or that the transfer tax or user tax will be refunded to the cannabis establishment or the consumer.

§13-5.3 Remittance of Transfer and User Tax.

- a. Each cannabis establishment collecting transfer and user taxes pursuant to this chapter shall remit the collected taxes to the Chief Financial Officer of the municipality on a quarterly basis along with a report certified as true and accurate by the cannabis establishment's Chief Financial Officer, Comptroller, or other similarly situated person showing the gross revenues for the cannabis establishment for each month of the quarter. No tax shall be considered remitted unless and until said report is supplied. Cannabis retailers shall also file a copy of their ST-50C form that they filed with the State. No tax shall be considered remitted unless and until the cannabis retailers file a copy of the ST-50C form.

Remittance shall be payable for the prior three month's activities and due at the same time as quarterly dates for the collection of property taxes. The revenues due on February 1 of each year shall include all transfer taxes or user taxes collected for the prior year months of October, November and December. The revenues due on May 1 of each year shall include all transfer taxes and user taxes collected for the immediate prior months of January, February and March. The revenues due on August 1 of each year shall include all transfer taxes and user taxes collected for the immediate prior months of April, May and June. The revenues due on November 1 of each year shall include all transfer taxes and user taxes collected for the immediate prior months of July, August and September.

There shall be a ten (10) day grace period for the payment of said transfer tax and/or user tax which will coincide with the ten (10) day grace period typically permitted for

property tax payments. There shall be no extension of the cannabis transfer tax/ user tax grace period without a resolution of the governing body authorizing a specific extension.

- b. Each cannabis establishment shall file on an annual basis no later than February 1 of each year a financial report from an independent accountant certifying as to the annual revenue for the preceding year.
- c. Each cannabis establishment shall file with the Township on a monthly basis a copy of its METRC seed to sale inventory management system report.
- d. The Chief Financial Officer of the Township of Ocean may order an audit of any taxpayer under this chapter for purpose of ascertaining the correctness or completeness of any return of payment. The Chief Financial Officer is hereby authorized to examine the books, papers and records of any taxpayer to verify the accuracy of any declaration or return, or if no declaration or return was filed, to ascertain the tax due. Every taxpayer is hereby directed and required to give to the chief financial officer, or to any agent designated by him/her, the means, facilities and opportunity for such examinations and investigations, as are hereby authorized.

SECTION III

If any part of this Ordinance shall be deemed invalid such part shall be deemed severable and the invalidity thereof shall not affect the remaining part of this Ordinance.

SECTION IV

Any Ordinance or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed and superseded.

SECTION V

This Ordinance shall take effect upon final passage and publication in accordance with Law.

Record of Vote	Councilman Acerra	Councilman Fisher	Councilwoman Terry	Mayor Napolitani	Vacant
Motion to Approve	X				
Motion to Second		X			
Approved	X	X	X	X	
Opposed					
Not Voting/Recuse					
Absent/Excused					

CERTIFICATION

*I hereby certify that this is a true copy of an Ordinance introduced by the Township of Ocean Governing Body at their meeting held on **January 25, 2024.***

Jessie M. Joseph, RMC/CMC
Township Clerk

ORDINANCE NO. 2454

**AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER 21 OF THE COMPREHENSIVE LAND DEVELOPMENT ORDINANCE
OF THE TOWNSHIP OF OCEAN**

BE IT ORDAINED by the Township Council of the Township of Ocean, County of Monmouth, State of New Jersey as follows:

Chapter 21 – The Comprehensive Land Development Ordinance of the Township of Ocean is hereby amended and supplemented to read as follows: deletions to the current ordinance are crossed out; additions to the current ordinance are noted in underline. Only those specific sections shown as deletions or additions are being changed. All other sections shall remain unchanged.

SECTION I

21-20.32 Cottage Food Operators - Home Bakers

Cottage Food Operators - Home Bakers operating subject to a New Jersey Cottage Food Operator Permit shall be permitted accessory uses in any legally existing residence in any district subject to the requirements of N.J.A.C. 8:24.1 et. seq.

21-22. R-1 LOW DENSITY SINGLE-FAMILY RESIDENTIAL ZONE

21-22.2 Development Standards.

- a. Single-Family (Non-Cluster).
 - 1. Principal Buildings.
 - (i) Maximum lot coverage:
 - Building: ~~20%~~ 25% of ~~buildable~~ total lot area.
 - Impervious: ~~75%~~ 45% of ~~buildable~~ total lot area.
- b. Single-Family (Cluster).
 - 2. Principal Buildings.
 - (i) Maximum lot coverage:

Building: ~~20%~~ 25% of ~~buildable~~ total lot area.

Impervious: ~~75%~~ 45% of ~~buildable~~ total lot area.

21-22.4 Planned Adult Community (PAC) Development Option

b. In the event that the applicant elects to develop the property as a Planned Adult Community, the following shall apply:

8. Dwelling Units shall be detached single-family dwelling units or duplex units attached on a common lot line. No more than 50% of the total units shall be duplex units. The development shall utilize the following standards:

(f) Maximum lot coverage: ~~40% of total lot area~~

Building: 25% of total lot area

Impervious: 45% of total lot area

21-22.5 Planned Adult Community Option 2 (PAC-2 Overlay Option)

b. In the event that the applicant elects to develop the property as a Planned Adult Community, the following shall apply:

6. Principal buildings shall be limited to detached single family residences, and shall be subject to the following standards.

(k) Maximum impervious lot coverage: ~~67%~~ 45% of total lot area

(l) Maximum building coverage: ~~40%~~ 25% of total lot area.

21-23. R-1T LOW DENSITY SINGLE-FAMILY RESIDENTIAL TRANSITIONAL ZONE.

21-23.2 Development Standards.

a. Single-Family (Non-Cluster).

1. Principal Buildings.

(i) Maximum lot coverage:

Building: ~~20%~~ 25% of ~~buildable~~ total lot area.

Impervious: ~~75%~~ 45% of ~~buildable~~ total lot area

b. Single-Family (Cluster).

2. Principal Buildings.

(i) Maximum lot coverage:

Building: ~~20%~~ 25% of ~~buildable~~ total lot area.

Impervious: ~~75%~~ 45% of ~~buildable~~ total lot area

21-24 R-2 LOW DENSITY SINGLE-FAMILY RESIDENTIAL ZONE.

21-24.2 Development Standards.

a. Single-Family (Non-Cluster).

1. Principal Buildings.

(i) Maximum lot coverage:

Building: ~~22%~~ 25% of ~~buildable~~ total lot area.

Impervious: ~~75%~~ 45% of ~~buildable~~ total lot area

b. Single-Family (Cluster).

2. Principal Buildings.

(i) Maximum lot coverage:

Building: ~~25%~~ 25% of ~~buildable~~ total lot area.

Impervious: ~~75%~~ 45% of ~~buildable~~ total lot area.

21-24A R-2 High Density Single-family Residential Overlay Zone (R-2HD).

21-24A.2 Development Standards.

a. Single Family Homes.

1. Principal buildings.

(i) Maximum building coverage: ~~38%~~ 25% of the ~~buildable~~ total lot area.

- (j) Maximum lot coverage: ~~70%~~ 45% of the ~~buildable~~ total lot area.

21-25 R-3 MEDIUM DENSITY SINGLE-FAMILY RESIDENTIAL ZONE.

21-25.2 Development Standards.

a. Single-Family (Non-Cluster).

1. Principal buildings.

- (i) Maximum lot coverage:

Building: ~~25%~~ 25% of ~~buildable~~ total lot area.

Impervious: ~~80%~~ 45% of ~~buildable~~ total lot area

b. Single-Family (Cluster)

2. Principal Buildings.

- (i) Maximum lot coverage:

Building: ~~25%~~ 25% of ~~buildable~~ total lot area.

Impervious: ~~75%~~ 45% of ~~buildable~~ total lot area

21-25.4 Planned Adult Community Option.

b. In the event that the applicant elects to develop the property as a planned adult community, the following shall apply:

- 5. Dwelling units shall be detached single-family dwelling units. The development shall utilize the following standards:

- (f) Maximum lot coverage: ~~40% of total lot area.~~

Building: 25% of total lot area

Impervious: 45% of total lot area

21-25.5 Alternative Single-family Overlay Residential Option.

b. Development Standards. The Alternative Single-Family Overlay Residential Option Zone specified herewith shall be occupied only as indicated in this chapter and shall only be located on a contiguous tract of five acres or greater.

1. Principal buildings.

(i) Maximum lot coverage:

Building: ~~45%~~ 25% of ~~buildable~~ total lot area.

Impervious: ~~67%~~ 45% of ~~buildable~~ total lot area

21-26 R-4 MEDIUM DENSITY SINGLE-FAMILY RESIDENTIAL ZONE.

21-26.2 Development Standards.

a. Single-Family.

1. Principal buildings.

(i) Maximum lot coverage:

Building: ~~27%~~ 25% of ~~buildable~~ total lot area.

Impervious: ~~90%~~ 65% of ~~buildable~~ total lot area.

21-27 R-4HO MEDIUM DENSITY SINGLE-FAMILY RESIDENTIAL/HOME PROFESSIONAL OFFICE ZONE.

21-27.2 Development Standards.

a. Single-Family.

1. Principal buildings.

(i) Maximum lot coverage:

Building: ~~27%~~ 25% of ~~buildable~~ total lot area.

Impervious: ~~90%~~ 65% of ~~buildable~~ total lot area.

21-28 R-5 HIGH DENSITY SINGLE-FAMILY RESIDENTIAL ZONE.

21-28.2 Development Standards.

a. Single-Family.

1. Principal buildings.

(i) Maximum lot coverage:

Building: ~~35%~~ 25% of ~~buildable~~ total lot area.

Impervious: ~~90%~~ 65% of ~~buildable~~ total lot area.

.

21-29 R-6 HIGH DENSITY SINGLE-FAMILY RESIDENTIAL ZONE.

21-29.2 Development Standards.

a. Single-Family.

1. Principal buildings.

(i) Maximum lot coverage:

Building: ~~35%~~ 25% of ~~buildable~~ total lot area.

Impervious: ~~90%~~ 65% of ~~buildable~~ total lot area.

21-30 R-7 GARDEN APARTMENT RESIDENTIAL ZONE.

21-30.2 Development Standards.

a. Principal Buildings

7. Maximum lot coverage:

Building: ~~27%~~ 25% of ~~buildable~~ total lot area.

Impervious: ~~60%~~ 50% of ~~buildable~~ total lot area.

21-31 R-3 PLANNED RESIDENTIAL DEVELOPMENT ZONE.

21-31.2 Development Standards.

b. In the event that the applicant elect to develop the property as a townhouse residential development, the following standards shall apply:

8. Townhouse dwelling units shall utilize the following standards:

(d) Maximum lot coverage: ~~27% of the buildable lot area of the entire planned residential development site.~~

Building: 20% of of the total area of the entire planned residential development

Impervious: 40% of the total area of the entire planned residential development

21-32 AR-3/PRD AFFORDABLE HOUSING ZONE

21-32.2 Development Standards.

b. In the event that the applicant elects to develop the property as an affordable residential development, the following standards shall apply, except for affordable apartment flats (see Subsection 21-32.2c.).

10. Townhouse dwelling units including affordable townhouse dwelling units, shall utilize the following standards:

(d) Maximum lot coverage: ~~27% of the buildable lot area of the entire planned residential development site.~~

Building: 20% of of the total area of the entire planned residential development

Impervious: 40% of the total area of the entire planned residential development

11. Senior citizen housing complexes.

(a) The following standards are intended for senior citizen housing complexes which are part of larger affordable residential developments. If an affordable residential developments consists entirely of a senior citizen housing complex, those standards governing the entire affordable residential development shall apply.

(10) Maximum lot coverage: ~~27% of the buildable lot area of the entire planned residential development site.~~

Building: 20% of the total area of the entire planned residential development

Impervious: 40% of the total area of the entire planned residential development

21-32A MULTIFAMILY INCLUSIONARY RESIDENTIAL ZONE

21-32A.2 Development Standards.

The following development standards shall apply to the MIR-1 Zone:

- j. Maximum lot coverage - building ~~35%~~ 25% of ~~buildable~~ total lot area
- k. Maximum lot coverage - impervious: ~~60%~~ 50% of the ~~buildable~~ total lot area.

Impervious: 50% of total lot area

BULK REQUIREMENTS - RESIDENTIAL ZONES

ZONE	LOT AREA (Sq.Ft.)	LOT WIDTH	LOT DEPTH	MINIMUM REQUIREMENTS				ACCESSORY		MAXIMUM PERMITTED				
				FRONT YARD SETBACK	SIDE YARD SETBACK	REAR YARD SETBACK	SIDE YARD SETBACK	REAR YARD SETBACK	LOT COVERAGE(1)		DENSITY DU/ACRE	HEIGHT/ STORIES		
									BUILDING	IMPERVIOUS				
R-1	40,000	150'	150'	50'	20'/40'	40'	(2)	(2)	20%	25%	75%	45%	NA	35'/2.5
R-1(Cluster)	30,000	125'(3)	150'	50'	20'/40'	40'	(2)	(2)	20%	25%	75%	45%	1.0	35'2.5
R-1(PAC)	SEE SECTION 21-22.4													
R-1(PAC2)	SEE SECTION 21-22.5													
R-1T	40,000	150'	150'	50'	20'/40'	40'	(2)	(2)	20%	25%	75%	45%	NA	35'/2.5
R-1T(Cluster)	22,500	125(3)	150'	50'	20'/40'	40'	(2)	(2)	20%	25%	75%	45%	1.0	35'/2.5
R-2	22,500	125'	125'	50'	10'/30'	40'	(2)	(2)	22%	25%	75%	45%	NA	35'/2.5
R-2(Cluster)	16,875	120'	120'	45'	10'/30'	40'	(2)	(2)	25%	25%	75%	45%	1.7	35'/2.5
R-2HD	9,750(10)	75'	130'(10)	25'	10'	40'	(2)	(2)	38%	25%	70%	45%	2.1	35'/2.5
R-3	18,750	125'	125'	45'	10'/30'	40'	(2)	(2)	25%	25%	80%	45%	NA	35'/2.5
R-3(Cluster)	14,000	100'	125'	35'(9)	10'/30'	40'	(2)	(2)	25%	25%	75%	45%	2.0	35'/2.5
R-3(PAC)	SEE SECTION 21-25.4													
R-3(Alt)	SEE SECTION 21-25.5													
R-4	10,000	90'	100'	30'	10'/25'	30'	(2)	(2)	27%	25%	90%	50%	NA	35'/2.5

BULK REQUIREMENTS - RESIDENTIAL ZONES

ZONE	LOT AREA (Sq.Ft.)	LOT WIDTH	LOT DEPTH	FRONT YARD SETBACK	MINIMUM REQUIREMENTS				MAXIMUM PERMITTED				
					PRINCIPAL		ACCESSORY		LOT COVERAGE(1)		DENSITY DU/ACRE	HEIGHT/ STORIES	
					SIDE YARD SETBACK	REAR YARD SETBACK	SIDE YARD SETBACK	REAR YARD SETBACK	BUILDING IMPERVIOUS				
R-1	40,000	150'	150'	50'	20'/40'	40'	(2)	(2)	20% <u>25%</u> 75% <u>45%</u>	NA	35'/2.5		
R-1(Cluster)	30,000	125'(3)	150'	50'	20'/40'	40'	(2)	(2)	20% <u>25%</u> 75% <u>45%</u>	1.0	35'2.5		
R-1(PAC)	SEE SECTION 21-22.4												
R-1(PAC2)	SEE SECTION 21-22.5												
R-1T	40,000	150'	150'	50'	20'/40'	40'	(2)	(2)	20% <u>25%</u> 75% <u>45%</u>	NA	35'/2.5		
R-1T(Cluster)	22,500	125(3)	150'	50'	20'/40'	40'	(2)	(2)	20% <u>25%</u> 75% <u>45%</u>	1.0	35'/2.5		
R-2	22,500	125'	125'	50'	10'/30'	40'	(2)	(2)	22% <u>25%</u> 75% <u>45%</u>	NA	35'/2.5		
R-2(Cluster)	16,875	120'	120'	45'	10'/30'	40'	(2)	(2)	25% <u>25%</u> 75% <u>45%</u>	1.7	35'/2.5		
R-2HD	9,750(10)	75'	130'(10)	25'	10'	40'	(2)	(2)	38% <u>25%</u> 70% <u>45%</u>	2.1	35'/2.5		
R-3	18,750	125'	125'	45'	10'/30'	40'	(2)	(2)	25% <u>25%</u> 80% <u>45%</u>	NA	35'/2.5		
R-3(Cluster)	14,000	100'	125'	35'(9)	10'/30'	40'	(2)	(2)	25% <u>25%</u> 75% <u>45%</u>	2.0	35'/2.5		
R-3(PAC)	SEE SECTION 21-25.4												
R-3(Alt)	SEE SECTION 21-25.5												
R-4	10,000	90'	100'	30'	10'/25'	30'	(2)	(2)	27% <u>25%</u> 90% <u>50%</u>	NA	35'/2.5		

Attachment 2 - Bulk Requirements - Residential Zones - shall be amended to be consistent with the above changes.

SECTION II

All ordinances, or parts of ordinances, in conflict with the provisions of this Ordinance, to the extent of such conflict, are repealed. If any section, paragraph, subparagraph, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subparagraph, clause or provision so adjudged and the remainder of this ordinance shall be deemed valid and effective.

SECTION III

This Ordinance shall take effect upon its final passage and publication as provided by law.

Record of Vote	Deputy Mayor Fisher	Councilman Acerra	Councilwoman Kaplan	Councilwoman Terry	Mayor Napolitani
Motion to Approve					
Motion to Second					
Approved					
Opposed					
Not Voting/Recuse					
Absent/Excused					

CERTIFICATION

*I hereby certify that this is a true copy of an Ordinance introduced by the Township of Ocean Governing Body at their meeting held on **February 8, 2024.***

Jessie M. Joseph, RMC/CMC
Township Clerk

ORDINANCE NO. 2455

**AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER 21 OF THE COMPREHENSIVE LAND DEVELOPMENT ORDINANCE
OF THE TOWNSHIP OF OCEAN**

BE IT ORDAINED by the Township Council of the Township of Ocean, County of Monmouth, State of New Jersey as follows:

Chapter 21 – The Comprehensive Land Development Ordinance of the Township of Ocean is hereby amended to read as follows:

SECTION I

21-9.g. shall be amended in its entirety to read:

“Certified List of Property Owners: \$10 or &0.25 per name, whichever is greater.”

21-17 Establishment of Zones shall be amended to add “CBO - Cannabis Business Overlay Zone” in the chart after “I-1 Light Industrial Zone”

21-18 The Zoning Map shall be amended to add “CBO - Cannabis Business Overlay Zone (see Ord. Section 21-39A.a.)” at the bottom of the Legend. The Zoning Map shall be added to the codified Land Development Ordinance as “Attachment 4”.

21-39.4 Cannabis Business Zones shall be deleted in its entirety.

The following shall be added after Section 22-39.3.

21-39A CBO - Cannabis Business Overlay Zone

- a. The Cannabis Business Overlay Zone is hereby established in which Cannabis Cultivators, Cannabis Manufacturers, Cannabis Distributors, Cannabis Wholesalers, and Cannabis Retailers are permitted. Such uses shall be limited to:
 1. C-4 RSSF Zone on parcels that do not front Highway 35, and;
 2. that portion of the Light Industrial Zone (I-1) that is south of Deal Road and west of State Route 35.

Said uses are subject to and in accordance with all applicable provisions set forth herein, State law, and all other applicable codes and regulations, including but not limited to the Building Code

- b. The provisions of this section shall provide the developmental standards for Cannabis business and shall supersede all other standards for such establishments.
- c. Definitions. The terms and definitions as delineated in N.J.S.A. 24:6I-33 are incorporated herein.
- d. State Licensed Cannabis Businesses Are Permitted.
 - 1. Any business duly licensed by the State of New Jersey to conduct legal adult use marijuana operations, as defined by State law, may operate within the noted zones so long as: (i) the entity maintains its State license in good standing; (ii) the entity maintains its Ocean Township Business License in good standing; and (iii) the entity otherwise remains in full compliance with the laws and regulations established by the State of New Jersey and the applicable agency, authority, and/or department governing the licensed activity, as may be amended.
 - 2. No Business License to operate within the Township of Ocean shall be granted or renewed without such evidence as may be required by the Township Clerk's Office to determine that the entity maintains all valid State and/or departmental licenses and approvals, and that all such licenses and/or approvals remain in good standing at the time of registration.
- e. Site Standards for Cannabis Businesses.
 - 1. There shall be no on-site sales of alcohol or tobacco products, and no on-site consumption of food, alcohol, tobacco, or cannabis by patrons.
 - 2. Hours of public operation shall be limited to 8:00 a.m. through 8:00 p.m. daily. No licensed Cannabis businesses shall be open to the public between the hours of 8:01 p.m. and 7:59 a.m. on any day.
 - 3. For any licensed cultivation, processing, or similar operation, the facility shall provide an air treatment system with sufficient odor absorbing ventilation and exhaust systems such that any odors generated inside the facility are not detectable by a person of reasonable sensitivity anywhere on adjacent property, within public rights of way, or within any other unit located within the same building as the licensed facility if the use only occupies a portion of a building.
 - 4. For any licensed cultivation, processing, manufacturing, or similar operation, the facility shall provide for noise mitigation features designed to minimize disturbance from machinery, processing and/or packaging operations, loading, and other noise generating equipment or machinery. All licensed facilities must

operate within applicable State decibel limitations.

5. To the extent not already required by the entity's State license, all sites must be equipped with security cameras covering all exterior parking and loading areas, points of entry, and interior spaces which are either open to the public or used for the storage or processing of cannabis products. Footage must be maintained for the duration required under State law.
6. All licensed facilities must provide the Ocean Township Police Department with access to security footage immediately upon request by the Department.
7. To the extent not already required by the entity's State license, all licensed facilities must provide at least one security guard (or more if required by the State or Township) during all times the facility is open to the public. At a minimum, the security guard shall be a State Certified Security Officer whose certification is in good standing.
8. For any licensed cultivation operation, the facility must mitigate lighting spillover into any residential neighborhoods and must comply with all applicable State lighting limitations.
9. Cannabis waste shall be stored, secured, and managed in accordance with applicable state laws.
10. Cannabis plants, products, and paraphernalia shall be screened from view from any exterior windows.
11. All Cannabis businesses shall conduct operations indoors. No Cannabis Cultivators shall be permitted to operate outdoors, e.g., grow canopies.

f. On-Site Signage.

1. No State licensed cannabis business shall display signage containing text and/or images intended to promote excessive consumption of legal marijuana products.
2. Signage shall otherwise comply with the requirements of subsection 21-44.3, Signs in the Commercial Zones (C- RSSF, C-1, C-2, C-3, C-4, C-5), and Office and Industrial Zones (O-1/20, O-1/40, O-1/80, I-1), of the Ocean Township Code to the extent permissible by applicable State laws and regulations governing signage standards for licensed cannabis businesses.
3. No State licensed cannabis business shall place or cause to be placed any off-site advertising signage.

g. Penalties.

1. For violation of any provision of this section, the penalty upon conviction shall be the maximum fine permitted under New Jersey State law for the violation of a municipal ordinance in accordance with N.J.S.A. 40:49-5, or imprisonment for a period not exceeding the maximum time permitted under New Jersey State law for the violation of a municipal ordinance, in accordance with N.J.S.A. 40:49-5, or both. In any case where the penalty is an amount greater than \$1,250 upon an owner for violations of housing or zoning codes, the owner shall be provided a thirty-day period in which the owner shall be afforded the opportunity to cure or abate the condition and shall also be afforded an opportunity for a hearing before a court of competent jurisdiction for an independent determination concerning the violation. Subsequent to the expiration of the thirty-day period, a fine greater than \$1,250 may be imposed if a court has not determined otherwise or, upon reinspection of the property, it is determined that the abatement has not been substantially completed.
2. Separate Violation for Each Day. Each day that a violation of this section is allowed to exist shall constitute a separate violation or offense and shall be subject to the penalty as prescribed herein.

SECTION II

All ordinances, or parts of ordinances, in conflict with the provisions of this Ordinance, to the extent of such conflict, are repealed. If any section, paragraph,

BULK REQUIREMENTS - RESIDENTIAL ZONES

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					PRINCIPAL		ACCESSORY		LOT COVERAGE(1)		DENSITY	HEIGHT/ STORIES
					SIDE YARD SETBACK	REAR YARD SETBACK	SIDE YARD SETBACK	REAR YARD SETBACK	BUILDING IMPERVIOUS	DU/ACRE		
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<u>R-3(PAC)</u> SEE SECTION 21-25.4												
<u>R-3(Alt)</u> SEE SECTION 21-25.5												
R-4	10,000	90'	100'	30'	10'/25'	30'	(2)	(2)	27% <u>25%</u>	90% <u>50%</u>	NA	35'/2.

subparagraph, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subparagraph, clause or provision so adjudged and the remainder of this ordinance shall be deemed valid and effective.

SECTION III

This Ordinance shall take effect upon its final passage and publication as provided by law.

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Jessie M. Joseph, RMC/CMC
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