

TOWNSHIP OF DENNIS

**COUNTY OF CAPE MAY
STATE OF NEW JERSEY**

ORDINANCE NO. 2014-01

**AN ORDINANCE OF THE TOWNSHIP OF DENNIS AMENDING AND
SUPPLEMENTING CHAPTER 17 OF THE REVISED GENERAL ORDINANCES
OF THE TOWNSHIP OF DENNIS, TO ELIMINATE AND DISSOLVE THE
NATURAL RESOURCES COMMITTEE, ESTABLISH AN ENVIRONMENTAL
COMMISSION PROVIDING FOR APPOINTMENT AND REMOVAL OF
MEMBERS AND ESTABLISHING ITS DUTIES AND RESPONSIBILITIES**

WHEREAS, the Township Committee of the Township of Dennis has concluded that it is in the interests of the general public to dissolve the existing Natural Resources Committee; and

WHEREAS, there has existed within the Township of Dennis a Natural Resources Committee which has been set forth within the Township Code within Chapter 17; and

WHEREAS, the Township Committee of the Township of Dennis hereby deems the continued existence of this Natural Resource Committee to be unnecessary; and

WHEREAS, while the Township Committee of the Township of Dennis deems the Natural Resource Committee of the Township of Dennis to be unnecessary, the Township Committee believe it is in the best interests of the Township of Dennis and its residents to have an established Commission to advise and discuss with the Mayor and Committee issues of environmental concern within the Township; and

WHEREAS, the Township Committee of the Township of Dennis believe that an Environmental Commission should be established within the Township of Dennis, and should consist of members of the general public and the governing body; and

WHEREAS, THE Township Committee of the Township of Dennis has determined that the enactment of this ordinance will further protect the safety, health, and general welfare of the residents of this Township.

ORDINANCE NO. 2013-01
PAGE 2

NOW, THEREFORE, BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF DENNIS AS FOLLOWS:

SECTION 1. The Title of Chapter 17 of the Township Code is amended to read as follows:

ENVIRONMENTAL COMMISSION

SECTION 2. The existing Chapter 17 of the Township Code is hereby repealed in its entirety and the following new Chapter 17 is adopted in its place: as follows:

17-1 Commission established.

There is hereby created in the Township of Dennis an Environmental Commission, pursuant to N.J.S.A. 40:56A-1 et seq., with the membership, powers, duties and responsibilities hereafter set forth in this chapter.

17-2. Membership; compensation; Chairman; alternate members.

- A. The Commission shall consist of seven (7) regular and two (2) alternate members, appointed by the Mayor. One (1) regular member shall also be a member of the Township Consolidated Land Use Board, and all regular and alternate members shall be residents of the township.
- B. All members of the Commission shall serve without compensation.
- C. The Mayor shall designate one (1) regular member to serve as Chairman and presiding officer of the Commission.
- D. Alternate members shall be designated at the time of their appointment as Alternate No. 1 and Alternate No. 2. 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 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.

17-3 Terms of office; vacancies.

- A. Regular members. Initially, two (2) Commissioners shall be appointed for one-year terms, two (2) for two-year terms and three (3) for three-year terms. Thereafter, each appointment shall be for three-year terms. A vacancy of the Commission occurring otherwise than by expiration of a term shall be filled for the unexpired term in the same manner as the original appointment.
- B. Alternate members. The terms of the alternate members shall be for two (2) years, except that the terms of the alternate members first appointed shall be two (2) years for Alternate No. 1 and one (1) year for Alternate No. 2, so that the term of not more than one (1) alternate member shall expire in any one (1) year. A vacancy occurring otherwise than by expiration of term shall be filled by the appointing authority for the unexpired term only.

17-4 Removal of members.

- A. The Mayor or Township Committee may remove any regular 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.
- B. An alternate member may, after public hearing if he requests one, be removed by the Township Committee for cause.

17-5 Records to be kept; annual report.

The Commission shall keep records of its meetings and activities and shall make an annual report to the governing body of the municipality.

17-6 Meetings and records to be open to the public.

The meetings of the Commission shall be subject to the Open Public Meetings Act, and its records shall be considered public documents.

17-7 Appropriation; additional employees.

ORDINANCE NO. 2014-01
PAGE 4

- A. The Township Committee shall, each year, appropriate funds for the expenses incurred by the Commission.
- B. The Commission may appoint such clerks and other employees as it may from time to time require and within the limits of the funds appropriated to it.

17-8 Powers and duties.

The Commission shall have the following powers and duties:

- A. It shall keep an index of all open areas, publicly or privately owned, including open marshlands, swamps and other wetlands, in order to obtain information on the proper use of such areas, and it may from time to time recommend to the Consolidated Land Use Board plans and programs for inclusion in the Township Master Plan and for the development and use of such areas.
- B. The Commission may, as it deems fit, 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.
- C. The Commission may advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which in its judgment it deems necessary for its purposes.

17-9 Applications for development.

- A. When the Commission has prepared and submitted to the Consolidated Land Use Board the index of natural resources referred to in the foregoing Section 17-8, the Consolidated Land Use Board shall thereafter make available to the Commission an informational copy of every application for development submitted to the Consolidated Land Use Board.
- B. The Commission shall review each application and may provide its advice to the Consolidated Land Use Board, which advice shall be conveyed through the delegation of one (1) of its members or staff to testify orally at the hearing on the application and to explain any written report which may have been prepared and/or submitted to the Board.

17-10 Studies and recommendations.

The Commission may 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.

17-11 Acquisition of property.

- A. The Commission may, subject to the approval of the Township Committee, acquire property, both real and personal, in the name of the township 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.
- B. Any such 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 of the township.

SECTION 3. The previously established Natural Resources Committee of the Township of Dennis is hereby deemed eliminated and dissolved, and all offices and membership in same which have been created are hereby revoked and dissolved. Any authority or power any person, or persons, had or was otherwise authorized by the existence of the Natural Resources Committee is hereby revoked. Any and all funds held by the Natural Resources Committee, barring any legal limitations, shall be immediately turned over by the Treasurer of the Natural Resources Committee to the Chief Financial Officer of the Township and the Chief Financial Officer shall place such funds in the general fund of the Township.

SECTION 4. Any portion, or portions, of the Township Code inconsistent herewith is (are) hereby repealed.

ORDINANCE NO. 2014-01
PAGE 6

SECTION 5. This ordinance shall be part of the Township of Dennis Municipal Code as though codified and fully set forth therein. The Township Clerk shall have this ordinance codified and incorporated in the official copies of the Township of Dennis Code.

SECTION 6. This ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

John Murphy, Mayor

Brian O'Connor, Deputy Mayor

Albert M. DiCicco, Committee Member

Brian W. Teefy, Committee Member

Frank L. Germanio, Committee Member

The foregoing Ordinance was introduced at a meeting of the Township Committee of the Township of Dennis on February 04, 2014. Publication will be held on February 12, 2014 and a Public Hearing will be held at a meeting of the said Township Committee to be held on March 04, 2014 at 6:30pm in the Municipal Building located at 571 Petersburg Road in Dennisville.

ATTEST _____
Jacqueline B. Justice, RMC/Clerk