AN ORDINANCE BY PRINCETON CONCERNING GENERAL PROVISIONS AND AMENDING THE "CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY, 1974" AND THE "CODE OF THE TOWNSHIP OF PRINCETON, NEW JERSEY, 1968".

WHEREAS, the Borough of Princeton and Township of Princeton pursuant to the provisions of the New Jersey Municipal Consolidation Act, *N.J.S.A.* 40:43-66.35 consolidated as Princeton on January 1, 2013; and

WHEREAS, pursuant to *N.J.S.A.* 40:43-66.64, the Princeton Council on January 1, 2013 adopted a Resolution continuing in effect Ordinances of the former Borough of Princeton and the former Township of Princeton as a new Code for Princeton is prepared; and

WHEREAS, the Princeton Council's Code Subcommittee has reviewed and consolidated portions of Chapter 1 of the "Code of the Borough of Princeton, New Jersey, 1974" and portions of Chapter 1 of the "Code of the Township of Princeton, New Jersey, 1968" pertaining to General Provisions; and

WHEREAS, the Princeton Council wishes to adopt said Code revisions which will become a part of the new Princeton Code at a future date.

NOW, THEREFORE, BE IT ORDAINED by the Princeton Council as follows:

Section 1. Sections 1-1 through 1-6 of the "Code of the Borough of Princeton, New Jersey, 1974" and Sections 1-1 through 1-7 of the "Code of the Township of Princeton, New Jersey, 1968" are hereby repealed.

Section 2. Revisions to Chapter 1 of the "Code of the Borough of Princeton, New Jersey, 1974" as set forth in Exhibit A attached hereto and made a part hereof are hereby adopted to set forth

the general provisions applicable to the Princeton Code and to replace the aforementioned sections of the "Code of the Borough of Princeton, New Jersey, 1974" and the "Code of the Township of Princeton, New Jersey, 1968".

Section 3. Section 1-7 of the "Code of the Borough of Princeton, New Jersey, 1974," regarding credit card convenience fees, is hereby repealed.

Section 4. An amendment to Chapter 2 of the "Code of the Borough of Princeton, New Jersey, 1974" regarding credit card convenience fees as set forth on Exhibit B attached hereto and made a part hereof is hereby adopted to set forth the requirements for credit card convenience fees and to replace the aforementioned section 1-7 of the "Code of the Borough of Princeton, New Jersey, 1974".

Section 5. All ordinances and resolutions or parts thereof inconsistent with this Ordinance are repealed.

Section 6. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion thereof.

Section 7. The provisions of the attached Chapter 1 and amendment to Chapter 2 shall be applicable within Princeton upon final adoption and shall become a part of the new Princeton Code once completed and adopted.

_____ _____

Linda S. McDermott, Clerk Liz Lempert, Mayor

Ordinance Introduced:
Ordinance Adopted:

EXHIBIT A

CHAPTER 1 – GENERAL PROVISIONS

Sec. 1-1. How Code designated and cited.

This Chapter and the following chapters constitute and shall be designated as the "Code of Princeton, New Jersey, 2013," and may be so cited.

Sec. 1-2. Rules of construction.

In the construction of this Code and of all other Princeton ordinances, words and phrases shall be read and construed with their context and shall, unless inconsistent with the manifest intent of the governing body or unless another or different meaning is expressly indicated, be given their generally accepted meaning according to the approved usage of the language. Technical words and phrases and words and phrases having a special or accepted meaning in the law shall be construed in accordance with such technical or special and accepted meaning.

In such construction, the following words and phrases shall have the meanings herein given:

Code. The words "the Code" or "this Code" shall mean the Code of Princeton, New Jersey 2013.

Computation of time. Whenever a notice is required to be given or an act to be done a certain length of time before any proceeding shall be had, the day on which such notice is given or such act is done shall not be counted in computing the time, but the day on which such proceeding is to be had shall be counted.

Council or Mayor and Council. The words "council" or "mayor and council" shall mean the council or mayor and council of Princeton.

County. The words "county," "the county" or "this county" shall mean the County of Mercer.

Gender. Words importing gender shall apply to females as well as to males, and to bodies corporate, partnerships, limited partnerships and associations, foreign and domestic, as well as to individuals.

Governing Body. Governing Body shall mean the council, unless the context requires the meaning mayor and council.

Month. The word "month" shall refer to a calendar month.

Municipality. The word "municipality" shall mean Princeton, a municipal corporation of the State of New Jersey.[1]

Number. Words used in the singular number shall include the plural, and words used in the

[1] The municipality was formed on January 1, 2013, in accordance with N.J.S.A. 40A:60.1 *et seq.*

plural number shall include the singular number.

Oath. The word "oath" shall be construed to include an affirmation where an affirmation may be substituted for an oath. In such cases the words "swear" and "sworn" shall be construed to be equivalent to the words "affirm" and "affirmed."

Officer; subordinate officer; employee. The following definitions apply only in connection with the procedures set forth in Chapter 2 of this Code which specifically address the appointment, hiring, promotion, discipline, suspension or discharge (as applicable) of subordinate officers and employees of the municipality: the word "officer" shall apply only to the mayor and council members; the term "subordinate officer" shall apply to (a) the holder of an office created or recognized by state law, including but not limited to the administrator, attorney, prosecutor, public defender, construction official, subcode officials and engineer, and (b) the holder of an office established by the council who is responsible for performing a permanent municipal function; and the word "employee" shall mean a person employed directly by Princeton.

Officer or official in title. The words "officer" or "official," and the title of an officer or official, shall be construed as if the words "of Princeton" followed them.

Owner. The word "owner" shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety, of the whole or of a part of a building or land.

Person. The word "person" shall include corporations, companies, clubs, societies, firms, partnerships, associations, organizations and any other group or entity acting as a unit, as well as an individual.

Preceding; following. The words "preceding" and "following" shall mean next before and next after, respectively.

Princeton. The word "Princeton" shall mean Princeton, a municipal corporation of the State of New Jersey, in Mercer County, New Jersey.

Shall; may. The word "shall" is mandatory; the word "may" is permissive.

Sidewalk. The word "sidewalk" shall mean any portion of a street between the curb line and the adjacent property line, intended for the use of pedestrians.

State. The words "state," "the state" or "this state" shall mean the State of New Jersey.

Street. The word "street" shall mean and include public highways, roads, avenues, courts, public lanes, alleys and sidewalks.

Tenant or occupant. The words "tenant" or "occupant," applied to a building or land, shall include any person who occupies the whole or part of such building or land, whether alone or with others.

Tense. Words used in the past or present tense include the future, as well as the past and present.

Week. The word "week" shall mean a calendar week.

Writing; written. The words "writing" and "written" shall include printing and any other mode of representing words, letters and figures.

Sec. 1-3. Provisions considered as continuations of existing ordinances.

The provisions appearing in this Code, so far as they are the same in substance as those of ordinances existing at the time of the effective date of this Code, shall be considered as continuations thereof and not as new enactments.

Sec. 1-4. Catchlines of sections.

The catchlines of the several sections of this Code are intended as mere catch-words to indicate the contents of the section and shall not be deemed or taken to be titles of such sections, neither as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

Sec. 1-5. Severability of parts of Code.

Each section of this Code is hereby declared to be a separate section, and the determination of any section or part thereof to be void shall not affect the validity of any other section or part thereof.

Sec. 1-6. General penalty; continuing violations; repeat violations; other penalties.

General Penalty. Whenever in this Code, or in any other ordinance or resolution or in any rule, regulation or order promulgated pursuant to this Code or other ordinance of the municipality, any act which is prohibited or is made or declared to be unlawful or an offense or misdemeanor, or whenever in such Code or in such other ordinance, rule, regulation, resolution or order, the doing of any act is required or the failure to do any act is declared to be unlawful or an offense (and where no specific penalty is provided therefor), the violation of any such provision of this Code or of any other ordinance, rule, regulation, resolution or order, or of any rule, regulation or order promulgated pursuant to this Code, shall be punished by one or more of the following, unless specifically exempted from these penalties as provided in the ordinances: a fine not exceeding two thousand dollars; imprisonment for a period not to exceed ninety days; or performance of community service for a period not exceeding ninety days.

Repeat violations. Any person who is convicted of violating this Code or any other ordinance or resolution or any other rule, regulation or order promulgated pursuant to this Code or other ordinance within one year of the date of a previous violation of the same provision, and who was fined for that previous violation, shall be sentenced by the court to an additional fine as a repeat offender. The additional fine imposed by the court upon a person for a repeated offense shall be neither less than the minimum nor more than the maximum fine fixed for a violation of the provision, but shall be in addition to but calculated separately from the fine imposed for the current violation of

the provision.

Alternate penalties under certain circumstances. Whenever any provision of the New Jersey Revised Statutes limits the authority of the municipality to punish the violation of any particular provision of this Code or other ordinance, rule, regulation, resolution or order promulgated pursuant thereto to a fine of less amount than that provided in this section, imprisonment for a shorter term than that provided in this section or community service for a shorter term than that provided in this section, then the violation of such particular provision of this Code or other ordinance, rule, regulation, resolution or order shall be punished by the imposition of not more than the maximum fine, imprisonment and/or community service so authorized.

Minimum penalty. The council may prescribe in any particular ordinance that for violation of that ordinance a minimum penalty shall be imposed which shall consist of a fine fixed at an amount not exceeding $100.00.

Continuing violations. Each day any violation of this Code or any other ordinance, rule, regulation, resolution or order promulgated pursuant thereto shall continue or shall have continued shall constitute a separate offense, unless otherwise provided in the subject Code, ordinance, rule regulation, resolution or order. Any person convicted of violating this Code or any ordinance or resolution or any other rule, regulation or order promulgated pursuant to this Code or other ordinance, and who is in default of the payment of any fine imposed for the violations may, in the court's discretion, be imprisoned for a term not exceeding ninety days or be required to perform community service for a period not exceeding ninety days.

EXHIBIT B

CHAPTER 2 – ADMINISTRATION

Article VI. Miscellaneous Fees

Sec. 2-102. Credit card convenience fees.

Whenever a credit card shall be used to make payment for a municipal tax, service, fee or penalty, the municipality shall be authorized to collect a convenience fee to defray the cost of transactional fees charged or chargeable to the municipality by a bank or credit card company pursuant to a third-party merchant services agreement in connection with the processing of the credit card payment, as indicated below. Prior to processing the credit card payment, the municipality shall disclose to the credit card user the actual amount of the transactional fee to be charged.

The transactional fee to be charged to a credit card user shall be the actual fee charged or chargeable to the municipality for that transaction, as set forth in its third-party merchant services agreement, which includes the following:

(a) A fixed percentage of the amount of the transaction; and

(b) A minimum fee assessed for the transaction, if any.

AN ORDINANCE BY PRINCETON CONCERNING ADMINISTRATION AND AMENDING THE "CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY, 1974" AND THE "CODE OF THE TOWNSHIP OF PRINCETON, NEW JERSEY, 1968".

WHEREAS, the Borough of Princeton and Township of Princeton pursuant to the provisions of the New Jersey Municipal Consolidation Act, *N.J.S.A.* 40:43-66.35 consolidated as Princeton on January 1, 2013; and

WHEREAS, pursuant to *N.J.S.A.* 40:43-66.64, the Princeton Council on January 1, 2013 adopted a Resolution continuing in effect Ordinances of the former Borough of Princeton and the former Township of Princeton as a new Code for Princeton is prepared; and

WHEREAS, the Princeton Council's Code Subcommittee has reviewed and consolidated portions of Chapter 2 of the "Code of the Borough of Princeton, New Jersey, 1974" and portions of Chapter 2 of the "Code of the Township of Princeton, New Jersey, 1968" pertaining to Administration; and

WHEREAS, the Princeton Council wishes to adopt said Code revisions which will become a part of the new Princeton Code at a future date.

NOW, THEREFORE, BE IT ORDAINED by the Princeton Council as follows:

Section 1. Sections 2-1 through 2-50 within Articles I, II and III of Chapter 2 of the "Code of the Borough of Princeton, New Jersey, 1974," and Sections 2-1 through 2-19.2, 2-43 through 2-53.2, 2-60 through 2-68, and 2-74 through 2-80 within Articles I, II, III, IV, XI, XII, XIII, XVI and XVIII of Chapter 2 of the "Code of the Township of Princeton, New Jersey, 1968," are hereby repealed.

Section 2. Revisions to Chapter 2 of the "Code of the Borough of Princeton, New Jersey,

1974" as set forth on Exhibit A attached hereto and made a part hereof are hereby adopted to set forth provisions governing Administration generally and to replace the aforementioned sections of the "Code of the Borough of Princeton, New Jersey, 1974" and the "Code of the Township of Princeton, New Jersey, 1968".

Section 3. All ordinances and resolutions or parts thereof inconsistent with this Ordinance are repealed.

Section 4. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion thereof.

Section 5. The provisions of the attached Chapter 2 shall be applicable within Princeton upon final adoption and shall become a part of the new Princeton Code once completed and adopted.

_____ _____

Linda S. McDermott, Clerk Liz Lempert, Mayor

Ordinance Introduced:

Ordinance Adopted:

EXHIBIT A

CHAPTER 2 – ADMINISTRATION

Article I. Municipal Governing Body.

Sec. 2-1A.1. Mayor and council.

The mayor is the executive head of the municipal government, and the council is the legislative body of the municipal government.

Sec. 2-1A.2. Powers and duties.

The mayor and council shall have such powers and duties as prescribed in N.J.S.A. 40A:60-1 *et seq.* and in the general laws of the State of New Jersey.

Article II. Municipal Departments and Offices.

Division 1. Department of Administration and Finance.

Sec. 2-1. Department created.

There is hereby created a Department of Administration and Finance, the department head of which shall be the Municipal Administrator.

Sec. 2-1.1. Administrator; residency.

The administrator shall be required to be a resident of Princeton; provided, however, that the council may waive this requirement if it determines, by resolution, that it is appropriate under the then current circumstances and is in the best interests of Princeton.

Sec. 2-1.2. Appointment; service at pleasure of council.

The administrator shall be appointed by the mayor, with the advice and consent of the council, and shall serve at the pleasure of the council.

Sec. 2-1.3. Removal from office.

The administrator may be removed by a two-thirds vote of the full council membership. The resolution of removal shall become effective three months after its adoption by the council. The council may provide that the resolution shall have immediate effect, provided, however, that council shall cause to be paid to the administrator forthwith any unpaid balance of the administrator's salary and the salary for the next three calendar months following adoption of the resolution.

Sec. 2-1.4. Authority to hold other appointive office.

The administrator shall devote full time to the duties of the office; except that nothing herein shall prevent the appointment of the administrator to any other appointive office in the municipality and the fulfillment of the duties thereof.

Sec. 2-1.5. Compensation.

The administrator shall receive such compensation as shall be prescribed by the council in the annual salary ordinance.

Sec. 2-1.6. Powers and duties.

The administrator shall, under the supervision and control of the mayor and council, to the extent not prohibited by law:

(a) Be responsible for the proper and efficient administration of all municipal business, except those duties and responsibilities conferred upon other officials by state statutes, other applicable laws, rules and regulations promulgated by state and county agencies, judicial authority or ordinances of the municipality. The administrator may delegate to the deputy administrator, or any department head or other Princeton employee such powers as the administrator may deem necessary for efficient administration. The administrator shall retain responsibility for all such work performed by others;

(b) Serve as the municipality's personnel officer, maintain sound personnel practices and policies, maintain appropriate records of all subordinate officers and employees, and have the authority to hire, promote, discipline, suspend or discharge any employee, provided that to the extent those employees are covered by applicable state statutes, rules and regulations, or another provision of this Code, they shall be hired, promoted, disciplined, suspended or discharged in a manner consistent with such statutes, rules, regulations and/or this Code. As required by law, the mayor shall nominate, and with the advice and consent of the council, appoint all subordinate officers (unless another procedure is specified by state law). The administrator shall be responsible for the operation and staffing of all departments and offices within the municipality, and all department heads and subordinate officers shall report to the administrator;

(c) Assign responsibility for departmental action and coordinate interdepartmental operations;

(d) Prepare the proposed annual municipal budget, by requiring and receiving appropriation requests from the heads of departments and reviewing such requests, transmitting a tentative budget and consulting with the mayor and council with respect thereto and submitting on or before the submittal date mandated by the state, the administrator's final recommendations in the form required by state law for municipal budgets, appending thereto a detailed analysis of the various items of expenditure and preliminary revenues and such explanatory comment or statement as may be desirable;

(e) Administer the budget after its adoption and implement the work programs contained therein, and enforce the financial procedures and policies of the municipality and its departments;

(f) Execute and enforce the laws of the state and ordinances and resolutions of the municipality, except where authority is granted to others by statutes or ordinances; see that all of the terms and conditions imposed in favor of the municipality or its inhabitants in any statute, public utility franchise, performance bond, or other contractual undertaking are fulfilled;

(g) Keep the mayor and council informed as to the conduct of municipal affairs as well as the condition of municipal finances and make such recommendations to the mayor and council as the administrator deems necessary and advisable;

(h) Attend all regular and special meetings of the council or mayor and council, except where excused therefrom by the council, and, if directed, other meetings and events requiring attendance of a representative of Princeton;

(i) Recommend to the mayor and council the employment of professional service consultants to perform work and render advice;

(j) Negotiate contracts in accordance with law, in consultation with the municipal attorney as needed, oversee the performance and faithful execution of such contracts, except insofar as such duties are expressly imposed upon some other municipal officer or official by statute or ordinance, and make recommendations to the council regarding contract awards;

(k) Review and recommend all bills and vouchers for payment prior to final approval by the council;

(l) Maintain a continuing review and analysis of budget operations, work programs, and costs of municipal services;

(m) At the request of the council, study and analyze the duties and responsibilities of any appointed official, employee, or department, and submit a written report relating thereto to the council for such further action as the council may deem advisable;

(n) Study, recommend, implement and enforce procedures and policies of the municipality and in its departments for receipt, dissemination and collation of, and for responses to, communications and information;

(o) Oversee all purchasing activity of the municipality with authority as its contracting agent to prepare public advertising for bids and quotations as required by law and to review bids for the purchase of materials, supplies and services on behalf of the municipality in accordance with the provisions of the state statutes and sound purchasing practices; and, in compliance with the requirements of the New Jersey Local Public Contracts Law (N.J.S.A. 40A:11-1 *et seq.*) make or recommend awards of contracts in the name of the municipality for the various agencies, boards, departments and other offices of the municipality.

The administrator is specifically authorized to make awards of contracts, without public advertising for bids, when the cost or price of any contract in the aggregate does not exceed in a contract year the maximum bid threshold in effect pursuant to N.J.S.A. 40A:11-3a., as may be amended. If the administrator or designee is a Qualified Purchasing Agent, by resolution the council may increase the bid threshold up to the adjusted maximum amount permitted by the Legislature by N.J.S.A. 40A:11-3c., as may be amended.

The administrator or designee shall keep an account of all purchases and may, from time to time, or when directed, issue rules and regulations governing the requisition and purchase of all municipal supplies

and equipment. For purposes of this section, during the absence, disqualification or disability of the administrator, the deputy administrator or other qualified designee, selected by the mayor or administrator, as appropriate under the circumstances, shall act in place of the administrator on a temporary basis.

To the extent authorized by law, the administrator may delegate some or all of the purchasing obligations set forth in this subsection (o) and below in subsection (p) to a purchasing agent, in which case said purchasing agent shall report to the Chief Financial Officer; and

(p) Oversee all emergency purchases. A contract may be negotiated or awarded without public advertising for bids and bidding therefor, notwithstanding that the contract price will exceed the bid threshold, when an emergency affecting the public health, safety or welfare requires the immediate delivery of goods or the performance of services, provided that the awarding of such contracts is made in accordance with N.J.S.A. 40:11-6 and rules promulgated thereunder, as may be amended, and this subsection.

The official in charge of the department wherein the emergency occurred shall notify the administrator of the need for the performance of a contract, the nature of the emergency, the time of its occurrence and the need for invoking these emergency purchase procedures. If the administrator is satisfied that an emergency exists, the administrator or designee shall be authorized to award a contract or contracts for such purposes as may be necessary to respond to the emergent needs. The notification shall be reduced to writing and filed with the administrator.

The administrator shall inform the mayor and council of the emergency and need for an emergency contract as soon as possible. The administrator shall see that the matter is placed on the agenda for discussion and/or action at the next or following meeting of the governing body.

Upon the furnishing of such goods or services, in accordance with the terms of the contract, the contractor furnishing such goods or services shall be entitled to be paid therefor and the governing body shall be obligated for said payment, and the governing body shall take such action as shall be required to provide for payment of the contract price.

Sec. 2-1.7. Deputy administrator; appointment; compensation; duties.

The administrator may appoint a deputy administrator whose compensation shall be fixed by the annual salary ordinance. The deputy administrator shall have a general knowledge of all aspects of municipal government and be qualified to serve as administrator. The deputy administrator shall have such other duties as may be delegated or assigned by the administrator. The deputy administrator may simultaneously hold another position with Princeton.

Division 2. Municipal Attorney.

Sec. 2-2. Creation of office; appointment; qualifications; term; compensation; residency.

There shall be a municipal attorney for the municipality, in but not of the Department of Administration and Finance, who need not be a resident of the municipality, who shall be appointed by the mayor with the advice and consent of the council for the term of one year, commencing on January 1 of the

year of appointment. Said appointment shall be memorialized in a professional services resolution and agreement in accordance with the requirements of the New Jersey Local Public Contracts Law (N.J.S.A. 40A:11-1 *et seq.*). The municipal attorney shall be qualified and licensed as an attorney-at-law of the State of New Jersey in good standing, and shall receive such compensation as is established in the aforesaid professional services resolution and agreement, a portion of which, if appropriate, may be provided for by the council in the annual salary ordinance.

Sec. 2-2.1. Duties.

The municipal attorney shall perform all duties of a legal nature pertaining to the office of an attorney representing a municipal corporation, except in particular cases where for special reasons another attorney is employed.

Division 3. Municipal Prosecutor; Municipal Public Defender.

Sec. 2-3. Offices created.

The municipal prosecutor and municipal public defender shall be in but not of the Department of Administration and Finance.

Sec. 2-3.1. Municipal prosecutor; appointment.

There shall be a municipal prosecutor, who shall be appointed by the mayor with the advice and consent of the council for the term of one year from the date of appointment. Said appointment shall be memorialized in a professional services resolution and agreement in accordance with the requirements of the New Jersey Local Public Contracts Law (N.J.S.A. 40A:11-1 *et seq.*). The municipal prosecutor shall be qualified and licensed as an attorney-at-law of the State of New Jersey in good standing. The prosecutor shall receive such compensation as is established in the aforesaid professional services resolution and agreement, a portion of which, if appropriate, may be provided for by the council in the annual salary ordinance. The compensation of municipal prosecutors, including additional prosecutors, shall be in lieu of any and all other fees; provided, however that when a municipal prosecutor is assigned to prosecute a de novo appeal in the Superior Court, the prosecutor shall be entitled to additional compensation unless the municipality expressly provides otherwise at the same time as the adoption of the aforesaid professional services resolution. The duties of the prosecutor shall be as follows:

(a) Participate in and prosecute all cases when necessary or practical in the municipal court, including all criminal and quasi-criminal complaints; and all complaints by municipal officials, inspectors and directors, in conjunction with the municipal attorney, when appropriate; and

(b) Have the power and authority, to the extent not inconsistent with any statute of the State of New Jersey or applicable municipal ordinances, to settle, compromise, downgrade or dismiss any complaints when, in the prosecutor's judgment, the best interests of the municipality will be served.

Sec. 2-3.1.1. Additional prosecutors.

(a) In accordance with applicable laws, ordinances and resolutions, the mayor may appoint

additional municipal prosecutors as necessary to administer justice in a timely and effective manner in municipal court. Such appointments shall be made in accordance with N.J.S.A. 2B:25-4, and shall be for a term of one year from the date of appointment and may continue pending reappointment or appointment of a successor. Said appointments shall be memorialized in professional services resolution(s) and agreement(s) in accordance with the requirements of the New Jersey Local Public Contracts Law (N.J.S.A. 40A:11-1 *et seq.*).

(b) If the municipal court has two or more municipal prosecutors there shall be a "chief municipal prosecutor" who shall be appointed by the mayor. The chief municipal prosecutor shall have authority over other prosecutors serving that court with respect to the performance of their duties.

Sec. 2-3.2. Municipal public defender.

Sec. 2-3.2.1. Appointment.

There shall be a municipal public defender who shall be appointed by the mayor, with the advice and consent of the council. The mayor may appoint such additional public defenders as may be determined to be necessary. In such case, the mayor shall appoint one of the public defenders as "chief public defender," in accordance with the provisions of N.J.S.A. 2B:24-3. Said appointments shall be memorialized in professional services resolution(s) and agreement(s) in accordance with the requirements of the New Jersey Local Public Contracts Law (N.J.S.A. 40A:11-1 *et seq.*).

Sec. 2-3.2.2. Qualifications.

In accordance with the provisions of N.J.S.A. 2B:24-4, the public defender and any additional (deputy) public defenders shall be qualified as attorney(s)-at-law of the State of New Jersey in good standing and shall represent those defendants appearing in municipal court who are determined by the court to be indigent and whose representation is assigned to the public defender by the court.

Sec. 2-3.2.3. Term.

The public defender(s) shall be appointed for a term of one year from the date of appointment and may continue to serve in office pending reappointment or appointment of a successor.

Sec. 2-3.2.4. Compensation.

The public defender(s) shall be compensated as set forth in the aforesaid professional services resolution(s) and agreement(s), a portion of which, if appropriate, may be provided for by the council in the annual salary ordinance.

Sec. 2-3.2.5. Chief public defender.

The chief public defender shall have all of the duties provided by N.J.S.A. 2B:24-6 in the representation of indigent defendants in proceedings over which the Princeton Municipal Court has jurisdiction and shall have authority over any deputy public defenders that may be appointed with respect to the performance of their duties.

Sec. 2-3.2.6. Deputy public defenders.

Deputy public defenders shall serve in the absence or disqualification of the chief public defender or when assigned by the chief public defender.

Sec. 2-3.2.7. Representation of private clients.

Municipal public defenders may represent private clients in the municipal court and before municipal agencies, subject to the Rules of Court Governing the Conduct of Lawyers, Judges and Court Personnel.

Sec. 2-3.2.8. Application for representation by the public defender.

A person applying for representation by the public defender shall pay an application fee of two hundred dollars. In accordance with N.J.S.A. 2B:24-17 and with guidelines promulgated by the New Jersey Supreme Court, the municipal court may waive any required application fee, in whole or in part, only if the court determines, in its discretion, upon a clear and convincing showing by the applicant that the application fee represents an unreasonable burden on the person seeking representation. The municipal court may permit a person to pay the application fee over a specific period of time not to exceed four months.

Sec. 2-3.2.9. Eligibility for services.

Eligibility for services of the public defender shall be determined by the municipal court on the basis of the need of the defendant. Need shall be measured as provided by law and in accordance with the guidelines promulgated by the New Jersey Supreme Court. In the event that a determination of eligibility cannot be made before the time when the first services are to be rendered, or if an initial determination is found to be erroneous, the municipal court shall refer the defendant to the public defender provisionally, and if subsequently it is determined that the defendant is ineligible the municipal court shall inform the defendant, and the defendant shall be obliged to engage his own counsel and to reimburse the municipality for the cost of the services rendered to that time.

Sec. 2-3.2.10. Investigation of financial status.

The municipal court shall undertake an investigation of the financial status of each defendant seeking representation and shall have the authority to require a defendant to execute and deliver written requests or authorizations required under applicable law to provide the court with access to records of public or private sources, otherwise confidential, as may be of aid in evaluating eligibility. As provided by law, the court is authorized to obtain information from any public record, office of the state, or any subdivision or agency thereof on request and without payment of fees ordinarily required by law.

Sec. 2-3.2.11. Financial obligations of parents or guardians.

As provided by N.J.S.A. 2B:24-11, whenever a person entitled to representation by a public defender pursuant to said act, is under the age of eighteen years, the eligibility for services shall be determined on the basis of the financial circumstances of the individual and the financial circumstances of

the individual's parents or legal guardians.

Sec. 2-3.2.12. Reimbursement.

As provided by N.J.S.A. 2B:24-12, if the defendant has or reasonably expects to have means to meet some part, though not all, of the cost of the services rendered, the defendant shall be required to reimburse the municipality and the municipality shall have a lien on any property to which the defendant shall have or acquire an interest for the amount equal to the reasonable value of the services rendered to a defendant pursuant to this act as calculated at the same rate as the office of the public defender bills clients at that time.

Sec. 2-3.2.13. Collection and settlement of claims.

The municipal attorney may do all things necessary to collect any money due to the municipality by way of reimbursement for services rendered by a public defender. The municipal attorney may enter into arrangements with any state or county agency to handle collections on a cost basis. The municipal attorney shall have all of the remedies and proceedings available for collection which are available for or upon the recovery of a judgment in a civil action and shall also be permitted to collect counsel fees and costs from the defendant. The municipal attorney is authorized to compromise and settle any claims for services performed whenever the financial circumstances of the person receiving the services are such that, in the judgment of the municipal attorney, the best interest of the municipality will be served by compromise and settlement.

Sec. 2-3.2.14. Establishment of fund.

Funds collected from the application fee shall be deposited in a dedicated fund administered by the chief financial officer of the municipality. The fund shall be used exclusively to meet the costs incurred in providing the services of a public defender including, when required, expert and lay person investigation and testimony.

Division 4. Office of Municipal Clerk.

Sec. 2-4. Municipal clerk - Office created.

The office of municipal clerk of Princeton is hereby created in accordance with N.J.S.A. 40A:9-133 through 135, in the Department of Administration and Finance.

Sec. 2-4.1. Same - Appointment; term; vacancy.

The clerk shall be appointed by the council for a term of three years. For the purposes of tenure, the term of the municipal clerk shall be deemed to have begun as of the actual date upon which a person serving as municipal clerk is appointed. In the event of a vacancy in the office of municipal clerk, an appointment shall be made for a new term and not for the unexpired term. A reappointment of an incumbent municipal clerk made within sixty days following the expiration of the prior term shall not be considered to be a new appointment and the effective date of the reappointment shall date back to the date of expiration of the initial term of the appointment. The council shall appoint a person to a three-year term

as municipal clerk within six months after the previous municipal clerk has resigned or the office has otherwise become vacant. Should the office of municipal clerk become vacant, the council may appoint a person to serve as acting municipal clerk for a period of not more than six months.

Sec. 2-4.2. Same - Power and duties.

The municipal clerk shall have the following powers and duties:

(a) Act as secretary of the municipal corporation and custodian of the municipal seal and of all minutes, books, deeds, bonds, contracts, and archival records of the municipal corporation. The council may, however, provide by ordinance that any other specific officer shall have custody of any specific other class of record;

(b) Act as secretary to the governing body, prepare meeting agendas at the discretion of the council, be present at all meetings of the council, keep a journal of the proceedings of every meeting, retain the original copies of all ordinances and resolutions, and record the minutes of every meeting;

(c) Serve as the chief administrative officer in all elections held in the municipality, subject to the requirements of Title 19 of the Revised Statutes;

(d) Serve as chief registrar of voters in the municipality, subject to the requirements of Title 19 of the Revised Statutes;

(e) Serve as the administrative officer responsible for the acceptance of applications for licenses and permits and the issuance of licenses and permits, except where statute or municipal ordinance has delegated that responsibility to some other municipal officer;

(f) Serve as coordinator and records manager responsible for implementing local archives and records retention programs as mandated pursuant to Title 47 of the Revised Statutes; and

(g) Perform such other duties as are now or hereafter imposed by statute, regulation or by municipal ordinance or regulation.

Sec. 2-4.3. Same - Compensation.

The municipal clerk shall receive such compensation as shall be fixed by council in the annual salary ordinance.

Sec. 2-4.4. Deputy municipal clerk - Office created.

The office of deputy clerk of the municipality is hereby created.

Sec. 2-4.5. Same - Appointment; term; vacancy.

The deputy clerk shall be appointed by the council for a term of one year, calculated from the first day of January of the year in which the deputy clerk is appointed, and shall serve after the expiration of such term until a successor shall be appointed and shall qualify. Any vacancy in said office occurring other than by expiration of term shall be filled in like manner, but for the unexpired term only.

Sec. 2-4.6. Same - Powers and duties.

The deputy clerk shall have all of the powers and duties of the clerk during absence or disability of the latter and shall also have such other powers and duties as shall be prescribed from time to time by the clerk or by the council.

Sec. 2-4.7. Same - Compensation.

The deputy clerk shall receive such compensation as shall be fixed by the council in the annual salary ordinance.

Sec. 2-4.8. Assistant to the municipal clerk.

The administrator may appoint an Assistant to the Municipal Clerk, who shall receive such compensation as shall be fixed by the council in the annual salary ordinance. Said assistant shall be certified to perform the duties of the municipal clerk pursuant to N.J.S.A. 40A:9-133.2., and may simultaneously hold another position with Princeton.

Sec. 2-4.9. Defense and indemnification.

Princeton shall provide the clerk, deputy clerk and assistant to the clerk (if one is appointed) with defense and indemnification of any action or legal proceeding arising out of and directly related to the clerk's, deputy clerk's or assistant to the clerk's lawful exercise of authority in furtherance of their official duties pursuant to this Code and in accordance with the requirements and procedures set forth in N.J.S.A 40A:9-134.1.

Sec. 2-4.10. Clerk, deputy clerk; assistant to the clerk: temporary designee.

During the absence or disability of both the clerk and the deputy clerk, the assistant to the clerk shall be appointed by the council or the clerk, as appropriate, in which case the assistant shall have all of the powers and duties of the clerk. In the absence or disability of all three, a temporary designee may be appointed by the council or the clerk, as appropriate, which designee shall have all of the powers and duties of the clerk, provided that said designee is certified to perform said duties pursuant to N.J.S.A. 40A:9-133.2.

Division 5. Division of Finance.

Sec. 2-5. Division created.

There is hereby established a Division of Finance, in the Department of Administration and

Finance, the department head of which shall be the director of finance, who shall report to the administrator through the deputy administrator. The director of finance shall supervise and oversee the chief financial officer, tax collector, tax assessor, human resources manager, chief information officer, and other employees in the Division, except as to functions for which such officers or employees have specific authority granted by New Jersey statute or regulation or this Code.

Sec. 2-5.1. Director of finance - appointment; compensation.

The director of finance shall be appointed by the mayor with the advice and consent of the council, and shall receive such compensation as is determined by the council in the annual salary ordinance. The director of finance may simultaneously hold another position in Princeton, and shall be qualified as provided in N.J.S.A. 40A:9-140.2 *et seq*.

Sec. 2-5.2. Chief financial officer.

A chief financial officer shall be appointed by the council pursuant to N.J.S.A. 40A:9-140.10. The chief financial officer shall be a person qualified as provided in the above-referenced statute. The annual compensation for said officer shall be as established by the council in the annual salary ordinance.

Sec. 2-5.3. Same - Approval and payment of claims.

Pursuant to N.J.S.A. 40A:5-17, the chief financial officer is hereby authorized to approve and pay claims once same have been audited and found correct in accordance with the following provisions:

(a) The chief financial officer is hereby designated an approval officer with the title of certifying and approval officer;

(b) As approval officer, the chief financial officer shall prepare certifications as required by N.J.S.A. 40A:5-16(b); ascertain the existence of proper and sufficient appropriations for the payments to be made and determine that there is legal authority for the payments, evidenced by the action of the purchasing agent in respect to the goods or services ordered and the incurring of the expense thereafter;

(c) As approval officer, the chief financial officer shall prescribe the procedure for approving and certifying to the proper municipal officer claims for payments and drawing the checks therefor;

(d) As approval officer, the chief financial officer shall establish a procedure for certifying approved claims to the council by continuing to present to council a bill list which shall be presented to council for approval;

(e) In addition to the approval of said claims, the chief financial officer shall be authorized to pay said claims once audited and found correct by drawing a check on the proper municipal account, signed by the mayor, the municipal clerk and the said chief financial officer. Prior to paying any claim, however, the chief financial officer shall contact either the mayor or council president to receive authorization to issue a check to pay a claim;

(f) The chief financial officer shall maintain general books of account of all claims that have

been approved and paid as required by the provisions of the New Jersey Local Fiscal Affairs Law, N.J.S.A. 40A:5-1 *et seq.*; and

(g) The chief financial officer shall provide certifications and financial and account information as may be required by the administrator or designee in connection with purchase of goods and services, in order to comply with the New Jersey Local Public Contracts Law and Rules, and other relevant laws.

Sec. 2-5.4. Tax collector.

The office of tax collector is hereby established, in accordance with N.J.S.A. 40A:9-141 *et seq*. Performance of the tax collector's official duties shall be subject to the oversight and requirements of the Director of the Division of Local Government Services. Performance as a subordinate officer of the municipality shall be in accordance with the municipality's personnel policies, and as may be directed by the director of finance or administrator.

Sec. 2-5.5. Same - Appointment; qualifications; term; vacancy.

The tax collector shall be appointed by the mayor with the advice and consent of the council, for a term of four years from the first day of January next following the appointment. Any person appointed or reappointed as tax collector shall hold a valid tax collector certificate issued in accordance with law. Vacancies other than due to expiration of term shall be filled by appointment for the unexpired term.

Sec. 2-5.6. Same - Office hours.

The council may, by resolution, set appropriate hours of operation of the tax collector's office and the working hours of the tax collector, commensurate with the compensation paid to the tax collector, and all personnel assigned to the tax collector's office.

Sec. 2-5.7. Deputy tax collector.

The position of deputy collector of the municipality is hereby created.

Sec. 2-5.8. Same – Appointment; duties.

A deputy tax collector shall be appointed by the administrator. The person who shall serve as the deputy tax collector shall perform all duties imposed by law upon and act in the place of the tax collector during the temporary absence or disability of the tax collector and shall perform such other duties as shall be assigned to such person by the tax collector.

Sec. 2-5.9. Same - Qualifications.

The qualifications required for a deputy collector shall be determined by the tax collector and the director of finance based on the needs of the municipality.

Sec. 2-5.10. Compensation.

The tax collector, deputy tax collector and other subordinate personnel shall be compensated in accordance with the annual salary ordinance.

Sec. 2-5.11. Municipal tax assessor; office established; compensation.

The office of municipal tax assessor is hereby established and shall be maintained for the purpose of assessing real and personal property for taxation within the municipality, in accordance with N.J.S.A. 40A:9-146 *et seq*. Such office shall consist of a tax assessor, deputy tax assessor, and such subordinate personnel as may be deemed necessary and proper to perform the assessment function in accordance with law. The tax assessor, deputy tax assessor and other subordinate personnel shall be compensated as set forth in the annual salary ordinance.

Sec. 2-5.12. Appointment; qualifications; term; duties.

The mayor, with the advice and consent of the council, shall appoint the tax assessor, who shall hold office for a term of four years from the first day of July next following the appointment. At the time of appointment, the tax assessor must hold a valid tax assessor certificate as required by law. The assessor shall have the duty of assessing property for the purpose of general taxation. The mayor, with the advice and consent of the council, may appoint a deputy tax assessor, who shall serve at the pleasure of the council. At the time of appointment, the deputy tax assessor must hold a valid tax assessor certificate as required by law.

Sec. 2-5.13. Office hours.

The council may, by resolution, set the total number of weekly hours of operation of the tax assessor's office, and the total number of weekly work hours (but not the specific work hours) of the tax assessor, commensurate with the compensation paid to the tax assessor.

Division 6. Department of Engineering.

Sec. 2-6. Department created.

A department of engineering is hereby created, the department head of which shall be the director of engineering, who shall report to the administrator except as to the functions for which the engineer has specific authority granted by statute or ordinance. The director of engineering may also be referred to as the municipal engineer or engineer.

Sec. 2-6.1. Qualifications; appointment; term; vacancy.

The engineer shall be a person qualified and licensed to practice professional engineering in the state and such person shall possess the scientific engineering skill that is necessary to qualify such person to personally perform the duties of the office. Such person shall be appointed by the mayor with the advice and consent of the council for a term of three years as the council shall designate, computed from January 1 of the year in which appointed. Any vacancy in such office occurring other than by expiration of term shall be filled by the mayor with the advice and consent of the council for the unexpired portion of the term.

Sec. 2-6.2. Duties.

The engineer shall perform or supervise all duties of an engineering nature pertaining to the office of an engineer of a municipal corporation, except in particular cases where for special reasons another engineer is employed, and shall also have such powers and duties as are conferred or imposed by law or ordinance or as otherwise specified by the council. The engineer, subject to the oversight of the administrator, shall have full charge and management of the employees of the office and of the property belonging or assigned to the engineering department.

Including but not limited to the following, the municipal engineer shall:

(a) have charge of and be responsible for all municipal engineering for Princeton, including but not limited to land use engineering, construction engineering and management, design engineering and developer compliance;

(b) have charge of and be responsible for all surveying of streets and shall keep records thereof;

(c) have charge of all municipal maps, plans, specifications and engineering data, except such of these as may, by law or by resolution of the council, be required to be filed in places other than the engineering department;

(d) be responsible for filing all plans and specifications submitted by public utility companies and make, from time to time, revisions in the municipal maps that relate to underground utility lines;

(e) have charge of plans and specifications and select materials, hire contractors or labor, and supervise all construction work done by or for the municipality, except when otherwise provided for by law or by the council, and subject to the limitations of the New Jersey Local Public Contracts Law;

(f) to the extent permitted by law, oversee the work of the subcode officials, zoning officer and the municipal inspectors; and

(g) have charge of the work of the planning department and supervise the work of the planner.

Sec. 2-6.3. Records and reports.

The engineer shall submit a report to the administrator each month as to the progress of the work under the engineer's control; and at the end of each year shall submit an annual summary of the work done by the department of engineering.

Sec. 2-6.4. Compensation.

The engineer shall receive such salary or compensation as shall be fixed and determined by the council in the annual salary ordinance.

Sec. 2-6.5. Acting engineer.

In case of the absence or disability of the municipal engineer, the administrator may designate an assistant engineer or other qualified person as acting municipal engineer, and the acting municipal engineer shall have and perform all the powers and duties of the municipal engineer when acting in that capacity.

Sec. 2-6.6. Engineering assistants - Employment; compensation.

The engineer is hereby authorized to recommend for employment qualified assistants who, when approved by the administrator, shall enter upon their duties as assigned by the engineer and shall receive such compensation as may be determined by the administrator subject to the annual salary ordinance. Such assistants shall include but not be limited to a construction engineer, design engineer and land use engineer.

Sec. 2-6.7. Same - Delegation of powers and duties.

The engineer is hereby authorized and empowered to delegate to assistants such of the powers and duties delegated or imposed upon the engineer by this Code or as, in the engineer's judgment, they are qualified to undertake and capable of performing in the best interests of the municipality, and such assistants are hereby authorized and empowered to have and perform such powers and duties so delegated to them, under the supervision and direction of the engineer. The engineer shall retain responsibility for all such work performed by others.

Division 7. Department of Infrastructure and Operations.

Sec. 2-7.1 Department created.

A department of infrastructure and operations is hereby created, the department head of which shall the director of infrastructure and operations.

Sec. 2-7.2. Appointment; qualifications; compensation.

The director of infrastructure and operations shall be appointed by the mayor with the advice and consent of the council. The director shall be qualified and have the necessary experience to manage all aspects and divisions of said department, and shall be compensated as provided by the council in the annual salary ordinance.

Sec. 2-7.3. Duties.

The duties and powers of the director of infrastructure and operations shall include supervisory responsibility for:

(a) The oversight and efficient operation of the Princeton sanitary and storm sewer systems;

(b) The oversight and operation of the municipal garage, downtown parking and supervision of all maintenance and repair work on all cars, trucks, vehicles, mechanical equipment and tools owned by the municipality, except as otherwise provided by the council;

(c) The condition of all streets, curbs, gutters, sidewalks, catch basins and street drains required to be cleaned, constructed, maintained or repaired by the municipality;

(d) The condition of all buildings, parks and open space owned or controlled by Princeton; and

(e) Municipal trash and organic waste collections, municipal recycling and all municipal trees, shrubs and plants.

Sec. 2-7.4. Division of public works created.

In the department of infrastructure and operations, a division of public works is hereby created. There shall be a superintendent of public works as supervisor of this division, and except as to any functions for which the superintendent has specific authority granted by law or ordinance, the superintendent shall report to the director of infrastructure and operations.

Sec. 2-7.5. Appointment; qualifications; compensation.

The superintendent shall be appointed by the administrator, and shall be compensated as provided by the council in the annual salary ordinance. The superintendent shall have the necessary experience and qualifications to oversee the division of public works and manage and supervise the care and maintenance of Princeton's roads, streets and sidewalks and their appurtenances, municipal parking, municipal vehicles, municipal property and open space, and municipal recycling.

Sec. 2-7.6. Duties.

The duties of the superintendent shall include but not be limited to the following:

(a) Operation of the municipal garage and supervision of all maintenance and repair work on all cars, trucks, vehicles, mechanical equipment and tools owned by the municipality, except as otherwise provided by the council;

(b) Responsibility for the cleaning, construction, maintenance and repair of all streets, curbs, gutters, sidewalks, catch basins and street drains required to be cleaned, constructed, maintained or repaired by the municipality;

(c) Responsibility for the making of, or causing to be made, routine inspections of all buildings owned or controlled by Princeton and supervision of municipal employees and others in making such repairs as may be directed by the director of infrastructure and operations. The superintendent shall inspect and certify as to the satisfactory completion of such repairs;

(d) Responsibility for all municipal recycling, management of downtown parking and municipal trees, shrubs and plants; and

(e) Management and supervision of the employees of the division of public works.

Sec. 2-7.7. Division of sewer operations created.

In the department of infrastructure and operations, a division of sewer operations is hereby created. Said division shall have the obligation to ensure the efficient operation of the Princeton sanitary and storm sewer systems, as well as their upkeep, maintenance and repair. The director of infrastructure and operations shall serve as director of said division, and may delegate some or all of his or her duties thereunder.

AN ORDINANCE BY PRINCETON CONCERNING PAY-TO-PLAY REGULATIONS AND CAMPAIGN CONTRIBUTIONS AND AMENDING THE "CODE OF THE TOWNSHIP OF PRINCETON, NEW JERSEY, 1968".

WHEREAS, the Borough of Princeton and Township of Princeton pursuant to the provisions of the New Jersey Municipal Consolidation Act, *N.J.S.A.* 40:43-66.35 consolidated as Princeton on January 1, 2013; and

WHEREAS, pursuant to *N.J.S.A.* 40:43-66.64, the Princeton Council on January 1, 2013 adopted a Resolution continuing in effect Ordinances of the former Borough of Princeton and the former Township of Princeton as a new Code for Princeton is prepared; and

WHEREAS, the Princeton Council's Code Subcommittee has reviewed and updated portions of Articles XIX and XXI of Chapter 2 of the "Code of the Township of Princeton, New Jersey, 1968," pertaining to Political Fundraising and Pay-to-Play Regulations, respectively; and

WHEREAS, the Princeton Council wishes to adopt said Code revisions which will become a part of the new Princeton Code at a future date.

NOW, THEREFORE, BE IT ORDAINED by the Princeton Council as follows:

Section 1. Article XIX, Sections 2-81 through 2-83, and Article XXI, Sections 2-87 through 2-92, of Chapter 2 of the "Code of the Township of Princeton, New Jersey, 1968," are hereby repealed in their entity.

Section 2. Revisions to Article XIX, Sections 2-81 through 2-83, and Article XXI, Sections 2-87 through 2-92, of Chapter 2 of the "Code of the Township of Princeton, New Jersey, 1968," as set forth on Exhibit A attached hereto and made a part hereof are hereby adopted to set forth provisions governing political fundraising and pay-to-play and to replace the aforementioned

sections of the "Code of the Township of Princeton, New Jersey, 1968".

Section 3. All ordinances and resolutions or parts thereof inconsistent with this Ordinance are repealed.

Section 4. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion thereof.

Section 5. The foregoing provisions of this Ordinance shall be applicable within Princeton upon final adoption and shall become a part of the new Princeton Code once completed and adopted.

_____ _____

Linda S. McDermott, Clerk Liz Lempert, Mayor

Ordinance Introduced:

Ordinance Adopted:

EXHIBIT A

CHAPTER 2 - ADMINISTRATION

Article XXI. Pay-to-Play Regulations; Campaign Contributions.

Sec. 2-87. Prohibition on awarding public contracts to certain business entities.

(a) Any other provision of law to the contrary notwithstanding, Princeton or any of its purchasing agents or agencies or those of its independent authorities, as the case may be, shall not enter into an agreement or otherwise contract to procure professional, banking, insurance coverage services or any other consulting services, including those awarded pursuant to a "fair and open" bid process, from any business entity, if that entity has solicited or made any contribution of money, or pledge of a contribution, including in-kind contributions, and/or loans, to a municipal campaign committee or fund of any candidate, or holder of, a public office within Princeton having ultimate responsibility for the award of the contract, or campaign committee financially supporting such candidate or officeholder, or to any Princeton or Mercer County party committee, or to any political action committee (PAC) that regularly engages in the support of municipal elections and/or municipal parties in excess of the thresholds specified in subsection (d) within one calendar year immediately preceding the date of the contract or agreement.

(b) No business entity which enters into negotiations for, or agrees to, any contract or agreement with Princeton or any department or agency thereof or of its independent authorities for the rendition of professional, banking or insurance coverage services or any other consulting services, including those awarded pursuant to a "fair and open" bid process, shall violate this section by making or soliciting any contribution of money, or pledge of a contribution, including in-kind contributions, or loans, to a municipal campaign committee or fund of any candidate for, or holder of, a public office within Princeton having ultimate responsibility for the award of the contract, or campaign committee financially supporting such candidate or officeholder, or to any political action committee (PAC) that engages in the support of municipal elections and/or municipal parties, or to any Princeton or Mercer County party committee, between the time of first communications between that business entity and Princeton regarding a specific contract or agreement and the later of the termination of negotiations or the completion of the contract or agreement.

(c) For purposes of this article, a "business entity" seeking a public contract means an individual including the individual's spouse, if any, and any child living at home; person; firm; corporation; professional corporation; partnership; organization; or association. The definition of a business entity includes all principals who own ten percent or more of the equity in the corporation or business trust, partners, and officers in the aggregate employed by the entity as well as any subsidiaries directly controlled by the business entity.

(d) An individual meeting the definition of "business entity" under this section may annually contribute during the twelve month period prior to local government contract negotiations a

maximum of three hundred dollars each for a municipal campaign committee or fund of any candidate, or holder of, the Princeton public office having the ultimate responsibility for the award of a contract or agreement, and a maximum of three hundred dollars to any Princeton or Mercer County party committee. However, any group of individuals meeting the definition of "business entity" under this section, including such principals, partners, and officers of the entity in the aggregate, may not annually contribute for any purpose in excess of two thousand five hundred dollars to a municipal campaign committee or fund of all Princeton candidates, Princeton and/or Mercer County political parties and PACs referenced in this article combined, during the twelve month period prior to local government contract negotiations.

(e) The limitations set forth in subsection (d) above shall not apply in the event the subject contract is offered to the lowest responsible bidder after public advertising for bids and quotes, pursuant to the competitive bidding requirements of the Local Public Contracts Law and Rules, N.J.S.A. 40A:11-1 *et seq.*

Sec. 2-88. Contributions made prior to the effective date.

No contribution of money or any other thing of value, including in-kind contributions, made by a business entity to any municipal candidate for mayor or council or office holder, or any Princeton or Mercer County party committee or PAC referenced in this article shall be deemed a violation of this article, nor shall an agreement for property, goods, or services, of any kind whatsoever, be disqualified thereby, if that contribution was made by the business entity prior to the effective date of this article.

Sec. 2-89. Contribution and disclosure statement by business entity.

(a) Prior to awarding any contract or agreement to procure services, including banking or insurance coverage services, with any business entity, Princeton or any of its purchasing agents or agencies, as the case may be, shall receive a sworn statement from the business entity made under penalty of perjury that the business entity has not made a contribution in excess of the limits contained in section 2-87(d), or in violation of the time period and recipients specified in section 2-87(a) and (b).

(b) The business entity shall have a continuing duty to report any violations of this article that may occur during the negotiation or duration of a contract or agreement with Princeton. The certification required under this section shall be made prior to entry into the contract or agreement with Princeton and shall be in addition to any other certifications that may be required by any other provision of law.

(c) The business entity shall append a "Contribution Disclosure Statement" to its sworn certification, which statement shall be a list specifying the amount, date, and the recipient of any and all contributions reportable under N.J.S.A. 19:44A-1 *et seq.*, made by the entity and its principals to or on behalf of any candidate, candidate committee, joint candidates committee, continuing political

committee, or political party committee of, or within Mercer County for the time period reference in sections 2-87 and 2-88 above. The business entity shall have a continuing duty to update said statement during the course of negotiations and/or contract performance, as the case may be. No contract shall issue if the entity has failed to submit a Contribution Disclosure Statement.

Sec. 2-90. Return of excess contributions.

A business entity or Princeton candidate or officeholder or municipal or county party committee or PAC referenced in this article may cure a contribution which violates section 2-87(b) or is in excess of the limits contained in section 2-87(d), if, within thirty days after the general election following any such contribution, or upon written notice of violation from Princeton, whichever occurs sooner, the business entity notifies the mayor and council in writing and seeks and receives reimbursement of a contribution from the municipal committee or fund of a Princeton candidate or office holder, or any Princeton or Mercer County political party or PAC referenced in this article.

Sec. 2-91. Penalty.

(a) All Princeton professional, banking, insurance and consulting services contracts shall provide that it shall be a breach of the terms of the contract for a business entity to: (i) make or solicit a contribution in violation of this article; (ii) knowingly conceal or misrepresent a contribution given or received; (iii) make or solicit contributions through intermediaries for the purpose of concealing or misrepresenting the source of the contribution, or the intended beneficiary; (iv) make or solicit any contribution on the condition or with the agreement that it will be contributed to a campaign committee of any candidate or holder of the public office of Princeton; (v) engage or employ a lobbyist or consultant with the intent or understanding that such lobbyist or consultant would make or solicit any contribution, which if made or solicited by the business entity itself, would subject that entity to the restrictions of this article; (vi) fund contributions made by third parties, including consultants, attorneys, family members, and employees; (vii) engage in any exchange of contributions to circumvent the intent of this article; or (viii) directly or indirectly, through or by any other person or means, do any act which would subject that entity to the restrictions of this article.

(b) Any business entity who violates (a) i-viii shall be disqualified from eligibility for future Princeton contracts for a period of four calendar years from the date of the violation.

(c) It shall be a rebuttable presumption that failure to disclose a contribution made in violation of this article is a knowing and intentional act.

Sec. 2-92. Severability and effectiveness clause.

(a) If any section, subsection, sentence, clause or phrase of this article is for any reason held to be unconstitutional, invalid, or unenforceable by a court of competent jurisdiction, such decision shall not affect the remaining portions of this article.

(b) And any ordinance inconsistent with the terms of this article is hereby repealed to the extent of such inconsistency.

Sec. 2-93. Prohibition of campaign contributions on municipal property.

For State law prohibiting the solicitation and making of campaign contributions on municipal property, see N.J.S.A. 19:44A-19.1 (P.L. 2011, c.204).

AN ORDINANCE BY PRINCETON CONCERNING PEDDLING AND SOLICITING AND AMENDING THE "CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY, 1974" AND THE "CODE OF THE TOWNSHIP OF PRINCETON, NEW JERSEY, 1968".

WHEREAS, the Borough of Princeton and Township of Princeton pursuant to the provisions of the New Jersey Municipal Consolidation Act, *N.J.S.A.* 40:43-66.35 consolidated as Princeton on January 1, 2013; and

WHEREAS, pursuant to *N.J.S.A.* 40:43-66.64, the Princeton Council on January 1, 2013 adopted a Resolution continuing in effect Ordinances of the former Borough of Princeton and the former Township of Princeton as a new Code for Princeton is prepared; and

WHEREAS, the Princeton Council's Code Subcommittee has reviewed and consolidated portions of Chapter 25 of the "Code of the Borough of Princeton, New Jersey, 1974" and portions of Chapter 14 of the "Code of the Township of Princeton, New Jersey, 1968" pertaining to Peddling and Soliciting; and

WHEREAS, the Princeton Council wishes to adopt said Code revisions which will become a part of the new Princeton Code at a future date.

NOW, THEREFORE, BE IT ORDAINED by the Princeton Council as follows:

Section 1. Sections 25-1 through 25-38 within Articles I, II, III and IV of Chapter 25 of the "Code of the Borough of Princeton, New Jersey, 1974," and Sections 14-1 through 14-13.2 within Article I of Chapter 14 of the "Code of the Township of Princeton, New Jersey, 1968," are hereby repealed.

Section 2. Revisions to Chapter 14 of the "Code of the Township of Princeton, New Jersey, 1968" as set forth on Exhibit A attached hereto and made a part hereof are hereby

adopted to set forth provisions governing peddling, soliciting and similar conduct, and to replace the aforementioned sections of the "Code of the Borough of Princeton, New Jersey, 1974" and the "Code of the Township of Princeton, New Jersey, 1968".

Section 3. Section 2-125 of the "Code of the Township of Princeton, New Jersey, 1968," which sets forth the license fees for peddlers, solicitors and transient merchants, shall be amended to reflect the revisions to Chapter 14 as set forth in the attached, and as follows (deletions are ~~struck~~ and additions are underlined):

Sec. 2-125. Peddler, Solicitor, Transient Merchant License

Peddler, Solicitor, Transient Merchant	$100.00
~~One-day peddler's license~~	~~$25.00~~

Section 4. Section 2-98 of the "Code of the Borough of Princeton, New Jersey, 1974," regarding fees for peddler, solicitor and transient merchant licenses, is hereby repealed.

Section 5. All ordinances and resolutions or parts thereof inconsistent with this Ordinance are repealed.

Section 6. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion thereof.

Section 7. The provisions of this Ordinance and the attached Chapter 14 shall be applicable within Princeton upon final adoption and shall become a part of the new Princeton Code once completed and adopted.

Linda S. McDermott, Clerk

Liz Lempert, Mayor

Ordinance Introduced:

Ordinance Adopted:

EXHIBIT A

CHAPTER 14. PEDDLING, SOLICITING AND RELATED ACTIVITIES.

Article I. Solicitors, Canvassers, Peddlers and Transient Merchants.

Sec. 14-1. Purpose.

The purposes of this article are to (1) deter the use of peddling or soliciting to gain access to homes or other premises for criminal purposes; (2) maintain peace, comfort, quiet and privacy for residents of Princeton while balancing the same against the opportunity for peddlers and solicitors to exercise their rights of free speech; (3) discourage unethical, dishonest and illegal business practices; (4) prevent dishonest solicitation of funds; (5) protect the safety and welfare of the inhabitants of Princeton as well as peddlers and solicitors engaged in such activities within Princeton; and (6) preserve safety and order in and about the streets, sidewalks, businesses and public areas in Princeton. All application fees to be charged for the issuance of licenses are not to be considered as revenue, but are charges for the purpose of covering the expenses of administering this article.

Sec. 14-2. Definitions.

Canvasser - See definition of *solicitor* below.

Commercial shall mean pertaining to or engaging in commerce, or prepared, done or acting with the sole emphasis on salability or profit. The term commercial shall not include charitable speech.

Individual shall mean any natural person.

Itinerant vendor – See definition of *transient merchant* below.

Merchandise shall mean all goods, wares, food, drinks, fruits, vegetables, magazines, subscriptions, periodicals, printed material, farm products, all types of articles of personal property, all types of orders or contracts for services, home improvements or alterations, and anything that may be sold or distributed shall be considered "merchandise" for the purpose of this article.

Nonprofit organization shall mean (1) any organization tax exempt under §501(c)(3) of the Internal Revenue Code; (2) any organization created under or otherwise subject to the provisions of Title 15A of the New Jersey Statutes; (3) any organization, whether or not qualified under §501(c)(3) of the Internal Revenue Code or subject to the provisions of Title 15A of the New Jersey Statutes, whose primary purpose is to benefit the school age children of Princeton, including but not limited to schools, school clubs and organizations, Cub Scouts, Boy Scouts, Brownies, Girl Scouts and similar youth groups; (4) any organization whose primary purpose is to advocate for religious or political causes, whether or not qualified under §501(c)(3) of the Internal Revenue Code or subject to Title 15A of the New Jersey Statues; or (5) any department within Princeton's municipal governmental structure, including, but not limited to, the Police Department and any volunteer fire or first aid company that is located in, has a substantial membership from or serves Princeton.

Peddler shall mean any person who goes from house to house or place to place by any means of conveyance, carrying or transporting merchandise for the purpose of selling and

delivering the merchandise to customers. The term *peddler* shall include the words, hawker and huckster, and shall also include a person who from time to time offers merchandise for sale from one or more fixed locations out of doors, when the merchandise is displayed or stored in a motor vehicle located on the property, whether the property is owned by that person or by others.

Person shall mean and include any natural person, firm, partnership, corporation, organization, club, or association or any principal, agent, employee or representative thereof.

Solicitor shall mean an individual who goes from house to house or from place to place by any means of conveyance, soliciting or attempting to take orders for the sale of merchandise or services of any kind for future performance or delivery, whether or not such individual has, carries or exposes for sale a sample of the merchandise or services, and whether or not he is collecting advance payments on such sales or orders, or who engages in any of the foregoing activities from a stationary location or any street or any public place. The word solicitor shall also mean any individual who goes from house to house or from place to place for the purpose of obtaining contributions or subscriptions, or who does research analyses, makes surveys or opinion polls, obtains rating data or similar information, distributes advertisements or handbills of a commercial nature or who engages in any similar work which involves a door to door or place to place activity. The word *solicitor* shall also include the word *canvasser*.

Transient merchant shall mean any person who merchandises or sells with the intent to close out or discontinue a business within a period of one year from the date of commencement and occupies a room, building or other permanently constructed premises for the purpose of selling merchandise. The words *transient merchant* shall also include the words *itinerant vendor*.

Sec. 14-3. License required; exceptions.

(a) It shall be unlawful for any peddler, solicitor or transient merchant to sell, offer for sale or distribute merchandise, printed material or services within Princeton without first obtaining a license from the clerk by filing an application for license, paying a license fee and obtaining said license.

(b) The license requirements of this article shall not apply to the following:

(1) Any nonprofit organization as defined in section 14-2 of this article, provided that the means of identification assigned by such organization, if any, is carried by the peddler, solicitor or transient merchant. If no means of identification is assigned by such organization, the peddler, solicitor or transient merchant shall be required to carry a bona fide means of identification, including but not limited to a valid driver's license or other government-issued identification.

(2) Any person intending to distribute noncommercial or not-for-profit handbills, pamphlets, leaflets, circulars, advertisements or printed material.

(3) Any person (a) campaigning for any elected public office or public question, which is to be voted upon in Princeton at a general, special, primary or school board election, or in a national or State election; (b) distributing handbills, pamphlets, leaflets, circulars, advertisements or printed material with respect thereto; or (c) otherwise engaging in political speech.

(4) Any person engaging in the advocacy of noncommercial or not-for-profit causes, whether or not in connection with a larger organization, or engaging in spontaneous speech, including, but not limited, to speech between neighbors.

(5) Any person honorably discharged from the military of the United States as defined by N.J.S.A. 45:24-9 and 24-10, possessing corresponding identification in conformity with said statute.

(6) Any person who is an exempt fireman as defined by N.J.S.A. 45:24-9 and 24-10, possessing corresponding identification in conformity with said statute.

(7) Any person holding a solicitation license or permit issued under any legislation of the United States government or by a state agency pursuant to statute.

(c) Nothing in this section shall be construed as exempting the persons or organizations listed in section 14-3(b) from compliance with the provisions of this article that do not deal with or relate to licenses.

Sec. 14-4. Effect of license.

Upon obtaining a license as hereinafter provided, a peddler, solicitor or transient merchant may conduct licensed activities within Princeton only as long as he adheres to the regulations set forth in this article and carries the license upon his person or displays the license in a conspicuous place at all times during the conduct of the licensed activities. The license shall be shown to any individual upon request.

Sec. 14-5. Application for license.

An application for license shall be made upon forms provided by Princeton, including a New Jersey State Bureau of Identification form authorizing release of any criminal history record information to the Princeton Police Department, shall be sworn to, shall be filed with the municipal clerk and shall contain or be accompanied by the following information:

(a) *For solicitors and peddlers.*

(1) Applicant's name, permanent address, local address (if different from permanent address) and telephone number.

(2) Name and address of the organization or person(s) on whose behalf soliciting or peddling is being made, together with telephone numbers.

(3) A description of the nature of merchandise to be sold.

(4) Length of time for which license is desired.

(5) A statement as to whether or not the applicant has been convicted of any crime, disorderly persons offense or petty disorderly persons offense involving deceptive

business practices or fraud, or a violation of any ordinance enacted in other municipalities concerning peddling, solicitation or transient merchandising, when and where the offense(s) occurred and the penalty imposed, if any.

(6) Motor vehicle registration number, make and model of any motor vehicle used by the applicant in connection with his peddling or soliciting.

(7) Applicant's photo identification, which the municipal clerk will photocopy and attach to the application.

(8) If the applicant is an agent, employee or representative, he shall attach to the application a letter from the person or organization for whom the applicant works or represents, authorizing the applicant to act as its agent, employee or representative and assuming responsibility for the applicant's conduct.

(9) All applicants selling merchandise subject to sales tax shall submit a copy of a valid certificate of authority issued by the Director of the New Jersey Division of Taxation, pursuant to N.J.S.A. 54:32B-15, empowering the applicant to collect sales tax. Certificates shall not be required for the sale of property exempted from sales and use taxation pursuant to N.J.S.A. 54:32B-8.2. All licensees shall attach the original certificate to their cart, stand, truck or other merchandising device, as required by N.J.S.A. 54:32B-15.

(10) All applicants selling food items for immediate consumption shall submit a copy of the board of health license.

(b) *For Transient Merchants.*

(1) Applicant's name, permanent address, local address (if any) and telephone number.

(2) Description of the nature of the business or activity including the average quantity, kind and value of the merchandise to be sold.

(3) Applicant's photo identification, which the municipal clerk will photocopy and attach to the application.

(4) The days during which the business is to be conducted.

(5) The name and addresses of the persons from whom the goods making up the stock were or are to be purchased by the applicant.

(6) A statement as to whether or not the applicant has been convicted of any crime, disorderly persons offense or petty disorderly persons offense involving deceptive business practices or fraud, or a violation of any ordinance enacted in other municipalities concerning peddling, solicitation or transient merchandising, when and where the offense(s) occurred and the penalty imposed, if any.

(7) A bond in accordance with N.J.S.A. 45:24-5 in an amount equal to twenty-five percent of the value of the personal property shown in the disclosures required by subsection (b)(2) above but in no event less than one thousand dollars. The bond shall be in effect for a period of one year from the date of license issuance, shall indemnify and pay Princeton any penalties or costs incurred in the enforcement of this section and the purchaser of personal property a sum equal to at least the amount of any payment such purchaser may have been induced to make through the misrepresentation of the applicant, its agents, servants or employees. The bond shall be in a form approved by the municipal attorney.

(8) An instrument in accordance with N.J.S.A. 45:24-6 appointing the clerk as the applicant's true and lawful agent.

(9) If the applicant is an agent, employee or representative, he shall attach to the application a letter from the person or organization for whom the applicant works or represents, authorizing the applicant to act as its agent, employee or representative and assuming responsibility for the applicant's conduct.

(10) All transient merchants are subject to the statutory requirements set forth in N.J.S.A. 45:24-1 *et seq.*, and shall be subject to the penalties set forth therein in the event of a failure to comply with any of said requirements.

(11) All applicants shall submit a copy of a valid certificate of authority issued by the Director of the New Jersey Division of Taxation, pursuant to N.J.S.A. 54:32B-15, empowering the applicant to collect sales tax. Certificates shall not be required for the sale of property exempted from sales and use taxation pursuant to N.J.S.A. 54:32B-8.2. The licensee shall prominently display the original certificate at his place of business as may be authorized by the license, as required by N.J.S.A. 54:32B-15.

(12) All applicants selling food items for immediate consumption shall submit a copy of the board of health license.

Sec. 14-6. Approval or rejection of application.

(a) Following the filing of a complete application and payment of the license fee as set forth in section 14-11 to the municipal clerk, the clerk shall forward the application to the chief of police, who shall, as soon as practicable but no later than within thirty days make such investigation, within the limits of the resources available to the chief, which may include background checks, of statements made in the application and the business responsibility and character of the applicant or any employee or agent who shall engage in the licensed activity, for the protection of the public good. Where sufficient cause is shown therefor, the chief of police shall have such additional time as may be reasonably necessary to make the investigation.

(b) If, as a result of such investigation, the character or business responsibility of the applicant or any employee or agent who shall engage in the licensed activity is found to be unsatisfactory, the chief of police shall endorse on such application his disapproval and the

reasons therefor and return the application to the clerk. The chief may disapprove an application if such a disapproval is based on one or more of the following findings with respect to the applicant:

(1) Conviction of any crime, disorderly persons offense or petty disorderly persons offense involving deceptive business practices or fraud, or a violation of any ordinance enacted in any municipality concerning peddling, solicitation or transient merchandising.

(2) Record of breaches of peddling, solicitation or transient merchant contracts.

(3) Fraud, misrepresentation or false statements contained in the application for license.

(c) In the absence of such findings, the chief of police shall find the applicant satisfactory and shall endorse his approval on the application and return the application to the clerk.

Sec. 14-7. Denial or issuance of license; expiration.

(a) If the applicant or any employee or agent who shall engage in the licensed activity is found unsatisfactory by the chief of police, and he endorses his disapproval upon the application, the clerk shall notify the applicant by mail that the application is disapproved and shall deny issuance of the license. Such notice shall be mailed within five working days following the endorsement of disapproval by the chief of police.

(b) If the application is found to be satisfactory by the chief of police, the clerk shall issue a license addressed to the applicant to conduct the business applied for. The license shall be on a form issued by the clerk's office.

(c) All peddling and soliciting licenses shall expire December 31 of the calendar year in which they are issued unless, by their terms, they expire prior to that time, and shall be limited to the express purpose set forth therein. With respect to transient merchants, the license shall expire no later than one hundred eighty (180) days after its issuance.

Sec. 14-8. Revocation of license.

(a) Licenses may be revoked by the chief of police, or his designee, for any of the following causes:

(1) Fraud, misrepresentation or false statements contained in the application for license.

(2) Fraud, misrepresentation or false statement made in the course of carrying out activities pursuant to the license.

(3) Violation of any provision of this article or another Princeton ordinance.

(4) Conviction of any crime, disorderly persons offense or petty disorderly persons offense involving deceptive business practices or fraud.

(5) Violation of ordinances enacted in other municipalities concerning peddling, solicitation or transient merchandising.

(b) Notice of revocation shall be personally communicated to the licensee, and thereafter it shall be unlawful for the licensee or any of the licensee's employees or agents to sell, offer for sale or distribute merchandise or services in the municipality. If a hearing is requested by a licensee, the licensee shall be provided with a notice of the hearing before the chief of police or his designee. The notice shall be in writing, setting forth the grounds of the complaint and the time and place of the hearing. The notice shall be served personally upon the licensee or mailed postage prepaid to the licensee's address as given by the licensee in making the application, at least five days prior to the date set for the hearing, and no more than five days after receipt by the chief of police or his designee of the written request for a hearing.

Sec. 14-9. Appeal.

Any person aggrieved by the action of the chief of police or municipal clerk in the denial of an application for a license, or in the decision with reference to revocation of a license, shall have the right to appeal to the council. The council shall not hear any appeal unless the applicant has first made appeal to the chief of police. Such appeal shall be taken by filing with the clerk, within fourteen days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for a hearing on such appeal. The council shall set a time and place for hearing the appeal and a notice of the hearing shall be given to the applicant. The decision of the council on the appeal shall be final and conclusive.

Sec. 14-10. General regulations.

It shall be unlawful for a person to:

(a) Attempt to peddle or distribute merchandise or printed material, or solicit funds or canvass for information, without first having identified himself as a peddler, solicitor, transient merchant or canvasser registered with the municipality and displaying the license issued therefor.

(b) Have exclusive right to any location on public property.

(c) Enter or attempt to enter the land of any resident where such resident has posted or placed a clearly visible sign indicating that such resident does not wish to be disturbed by peddlers or solicitors.

(d) Refuse to leave a private dwelling or property after having been once requested to do so by the owner or occupant thereof.

(e) Shout, cry out, blow a horn, ring a bell, or use any sound making or amplifying device on any streets, parks or public places of the municipality, or upon private property, that would create or become a nuisance or noise disturbance as prohibited elsewhere this Code.

(f) Distribute obscene merchandise or printed material, or printed material that advocates unlawful conduct.

(g) Litter the streets, public places or other property within the municipality by any merchandise or printed material.

(h) Station, place, set up or maintain a cart, wagon, motor vehicle or other vehicle, or allow it to remain on any sidewalk in a way that would:

(1) Restrict, obstruct, interfere with or impede any pedestrian's right-of-way;

(2) Restrict, obstruct, interfere with or impede the ingress or egress from the abutting property;

(3) Create or become a nuisance;

(4) Increase traffic congestion, cause or increase traffic delay or hazard;

(5) Cause or create or constitute a danger to life, health or property.

(i) Peddle, solicit, offer to sell or solicit, or engage in the business of selling except between the hours of 9:00 a.m. and 8:00 p.m.

(j) Peddle using a cart of the dimensions of which exceeds two feet in width, four feet in length and four feet in height including wheel height, while conducting business on any sidewalk.

(k) Use any cart which, when fully loaded with merchandise, cannot be easily moved and maintained under control by the licensee only.

(l) Use, set up, attach, place or permit the use of any table, crate, carton, rack, device or structure of any kind to increase the selling or display capacity of the peddler's cart.

(m) Station, place, set up or maintain a peddler's cart or allow it to remain on any sidewalk if to do so would reduce the unobstructed pedestrian right-of-way.

(n) Engage in the business of peddling within ten feet of any location where the curb has been depressed to facilitate pedestrian or vehicle movement.

(o) Engage in the business of peddling on any sidewalk or along any street within fifteen feet of any fire hydrant, crosswalk or driveway.

(p) Station, place, set up or maintain a peddler's cart or goods against display windows of fixed location businesses, nor shall they be within twenty feet from an entranceway to any building, store, theater, library, school, museum, movie house, sports arena or other place of public assembly, without the permission of the property owner and in such a manner as to restrict, obstruct, interfere with or impede pedestrian or vehicular right-of-way.

(q) Engage in the business of peddling on any sidewalk or along any street within ten feet from intersecting streets or sidewalks.

(r) Engage in the business of peddling within thirty feet of any location where another peddler is engaged in the business of peddling.

(s) Engage in the business of selling at any location without giving a written receipt to each customer for any sale in excess of twenty dollars. The receipt shall show clearly the seller's name, business address, license number, a description of the merchandise sold, and the purchase price, and shall be sequentially numbered.

(t) Engage in the business of peddling on any sidewalk or along any street within ten feet of a bus stop. For purpose of this section, the words "bus stop" shall include the sidewalk and the adjoining street where there is a designated bus stop.

(u) Sell food, drinks, ice cream, confections or other items for immediate consumption unless the peddler has available for public use a litter receptacle which shall be clearly marked and maintained for patronage use, nor shall any peddler leave any location without first picking up, removing and disposing of any trash or refuse remaining from the sales made by him; nor shall any person sell food, drinks, ice cream, confections or other food items for consumption without having first received any permit or license required by the municipality or the board of health for food handling.

(v) Leave any cart unattended at any time or place or leave the same overnight on any sidewalk.

(w) Stop, stand or park any vending cart or motorized vehicle used for vending purposes for more than five minutes for the purpose of selling food and merchandise.

(x) Station, place, set up or maintain a cart, wagon, table, stand, display or vehicle on private property unless the owner has previously secured approval for such use of the property pursuant to the provisions of Code governing land use.

(y) Use any non-motorized carts except at the following location: on the sidewalk running along the south side of Nassau Street from Washington Road to University Place. Vending by means of non-motorized vending carts shall be prohibited in any other locations other than those set forth in this subsection (y).

(z) Use of any motorized vending carts and/or motorized vehicles for vending purposes in any location except on the street.

Sec. 14-11. Application fee required.

(a) Each application shall be accompanied by an application fee of one hundred dollars for each individual solicitor or peddler, or transient merchant license, to compensate the municipality for the cost of administering this article, including the investigation and regulation of the conduct of licenses. Such fees will not be refunded if a license is denied or revoked.

(b) No license issued under this article shall be used at any time by any person other than the person to whom it was issued.

(c) Where an organization has several agents peddling, soliciting, distributing merchandise or printed material or services, or canvassing, each agent shall pay the applicable application fee and shall be issued a separate license.

Sec. 14-12. Exceptions.

This article shall not affect any of the following persons or activities:

(a) Any person engaged in the delivery, in the regular course of business, of goods, wares, merchandise, or other articles of personal property to the premises of persons who had previously ordered same or were entitled to receive same by reason of prior agreement.

(b) Any nonprofit organization, as defined in section 14-2 of this article, engaged in the solicitation of funds for charitable purposes solely from its members.

(c) Any person engaged in the solicitation of funds for a nonprofit organization, when solicitation occurs on premises owned or controlled by the person soliciting funds or with the permission of the person who owns or controls the premises.

(d) Federal census-taking and surveys taken pursuant to federal, state or local laws.

(e) Any public utility, or its employees, which is subject to the regulation of the State Board of Public Utility Commissioners; provided, however, that such employees shall display the identification badge or card issued by the employer.

(f) Children enrolled in public and private elementary and secondary schools in Princeton, including children peddling or soliciting for schools, school clubs and organizations, Cub Scouts, Boy Scouts, Brownies, Girl Scouts, and similar youth groups.

(g) Any person engaged in the delivery or solicitation of subscriptions for a print media organization provided, however, that said person shall adhere to the general regulations set forth in section 14-10 hereinabove and in addition such persons shall display an identification badge (subject to the approval by the police department) provided by the print media and an

information sheet shall be filed with the police department and clerk containing (1) the proposed location of solicitation; (2) the make, model and license plate number of any vehicle being used during such solicitation; (3) the name of the supervisor of the persons soliciting; and (4) the names of all those soliciting within Princeton on behalf of said print media.

Sec. 14-13. Penalties.

Any person who shall solicit or peddle, or operate as a transient merchant within the municipality in violation of any provision of this article shall be subject to the penalties provided for in section 1-6 of this Code. Each violation of a provision of this article shall be considered a separate offense and a separate offense shall be deemed committed on each day during which or on which a violation occurs or continues.

AN ORDINANCE BY PRINCETON CONCERNING CORNER HOUSE AND AMENDING THE "CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY, 1974" AND THE "CODE OF THE TOWNSHIP OF PRINCETON, NEW JERSEY, 1968".

WHEREAS, the Borough of Princeton and Township of Princeton pursuant to the provisions of the New Jersey Municipal Consolidation Act, *N.J.S.A.* 40:43-66.35 consolidated as Princeton on January 1, 2013; and

WHEREAS, pursuant to *N.J.S.A.* 40:43-66.64, the Princeton Council on January 1, 2013 adopted a Resolution continuing in effect Ordinances of the former Borough of Princeton and the former Township of Princeton as a new Code for Princeton is prepared; and

WHEREAS, the Princeton Council's Code Subcommittee has reviewed and consolidated Chapter 27A of the "Code of the Borough of Princeton, New Jersey, 1974" and a portion of Chapter 2 of the "Code of the Township of Princeton, New Jersey, 1968" pertaining to Corner House; and

WHEREAS, the Princeton Council wishes to adopt said Code revisions which will become a part of the new Princeton Code at a future date.

NOW, THEREFORE, BE IT ORDAINED by the Princeton Council as follows:

Section 1. Chapter 27A, consisting of Sections 27A-1 through 27A-3, of the "Code of the Borough of Princeton, New Jersey, 1974," and Article XX of Chapter 2, consisting of Sections 2-84 through 2-86 of the "Code of the Township of Princeton, New Jersey, 1968," regarding the "Corner House Board" are hereby repealed.

Section 2. Section 2-77 of Chapter 2 of the "Code of the Borough of Princeton, New Jersey, 1974," and Section 2-104 of Chapter 2 of the "Code of the Township of Princeton, New Jersey, 1968," also regarding Corner House, are hereby repealed.

Section 3. A NEW Chapter 27A of the "Code of the Borough of Princeton, New Jersey, 1974," entitled "Corner House," as set forth on Exhibit A attached hereto and made a part hereof is hereby adopted to set forth the duties and authority of the Corner House Board and Corner House Executive Director, and to replace the aforementioned provisions of the "Code of the Borough of Princeton, New Jersey, 1974" and the "Code of the Township of Princeton, New Jersey, 1968".

Section 4. All ordinances and resolutions or parts thereof inconsistent with this Ordinance are repealed.

Section 5. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion thereof.

Section 6. The provisions of the attached Chapter 27A shall be applicable within Princeton upon final adoption and shall become a part of the new Princeton Code once completed and adopted.

_____ _____

Linda S. McDermott, Clerk Liz Lempert, Mayor

Ordinance Introduced:

Ordinance Adopted:

EXHIBIT A

CHAPTER 27A. CORNER HOUSE.

Sec. 27A-1. The creation of a Corner House Board.

There is hereby established a Corner House Board consisting of nine members as follows:

(a) Seven residents of Princeton;

(b) One member of the Corner House Foundation, ex officio;

(c) One member from the council.

The Foundation shall annually designate its member of the board. The term of the member from the council shall be for one year and as annually appointed by the council. The mayor, with the advice and consent of council, shall appoint the resident-members. On the initial appointment to the board, two residents shall be appointed for a one year term, two residents for a two year term and three residents for a three year term. All members of the board shall serve until their respective successors are appointed and have qualified. All reappointments shall be for the term of three years. Members of the board shall annually select one of its members to serve as the chairperson of the board. The board shall meet regularly to discharge its duties. The Corner House Foundation member shall serve in an ex officio capacity and shall have no voting rights on the board.

Sec. 27A-2. Corner House Board; powers and duties.

The Corner House Board shall provide recommendations to the council concerning the operations and administration of Corner House, the municipal treatment and prevention agency addressing substance abuse and education programs associated with same. Additionally, the board shall:

(a) Provide advice to the council concerning the planning, development, administration and operation of programs and activities in the area of drug abuse and drug abuse prevention and shall devise and recommend methods for measuring and reporting upon the effectiveness of ongoing programs with the Princeton community; and

(b) Help guide the philosophy, policies and procedures of Corner House as it implements its programs for prevention, education and treatment involving substance abuse; and

(c) Make recommendations to the council on requests for public funding for Corner House; and

(d) Review recommendations submitted to the board by the Corner House executive

director regarding the Corner House operating budget; and

(e) Undertake such additional duties and responsibilities as requested by the council concerning programs for substance abuse prevention, education and treatment for the Princeton community.

Sec. 27A-3. Corner House executive director; duties.

(a) Corner House shall be overseen and administered by the Corner House executive director. The executive director shall be a department head and subject to all of the municipality's administrative procedures, including but not limited to its personnel manual. The executive director shall be appointed by the mayor with the advice and consent of the council, and shall receive such compensation as shall be prescribed by the council in the annual salary ordinance. The Corner House executive director shall, under the supervision and control of the administrator, do the following:

(1) Study, recommend, administer, implement and enforce personnel, organizational and policy decisions for Corner House;

(2) Keep the board informed of all matters within the executive director's jurisdiction by such reports as he/she deems advisable or as may be requested by the board and administrator and by an annual report of his or her work for the benefit of the public served by Corner House;

(3) Prepare annually the operating budget for Corner House;

(4) Serve as the Princeton Alcohol and Drug Alliance ("PADA") coordinator or his or her designee; and

(5) Such additional duties as may be requested of the executive director either by the Corner House Board or the administrator, or both.

AN ORDINANCE BY PRINCETON CONCERNING MUNICIPAL COURT AND AMENDING THE "CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY, 1974" AND THE "CODE OF THE TOWNSHIP OF PRINCETON, NEW JERSEY, 1968".

WHEREAS, the Borough of Princeton and Township of Princeton pursuant to the provisions of the New Jersey Municipal Consolidation Act, *N.J.S.A.* 40:43-66.35 consolidated as Princeton on January 1, 2013; and

WHEREAS, pursuant to *N.J.S.A.* 40:43-66.64, the Princeton Council on January 1, 2013 adopted a Resolution continuing in effect Ordinances of the former Borough of Princeton and the former Township of Princeton as a new Code for Princeton is prepared; and

WHEREAS, the Princeton Council's Code Subcommittee has reviewed and consolidated various sections and chapters of the "Code of the Borough of Princeton, New Jersey, 1974" and the "Code of the Township of Princeton, New Jersey, 1968" pertaining to the Municipal Court of Princeton and its personnel; and

WHEREAS, the Princeton Council wishes to adopt said Code revisions which will become a part of the new Princeton Code at a future date.

NOW, THEREFORE, BE IT ORDAINED by the Princeton Council as follows:

Section 1. Chapter 20 of the "Code of the Borough of Princeton, New Jersey, 1974," and Chapter 12 of the "Code of the Township of Princeton, New Jersey, 1968," governing the "Municipal Court" are hereby repealed.

Section 2. Section 2-66 of Chapter 2 of the "Code of the Borough of Princeton, New Jersey, 1974" and Section 2-93 of Chapter 2 of the "Code of the Township of Princeton, New Jersey, 1968," also governing the "Municipal Court," are hereby repealed.

Section 3. Article XVII of the "Code of the Township of Princeton, New Jersey, 1968," governing the office of Municipal Court Administrator is hereby repealed.

Section 4. A NEW Chapter 12 of the "Code of the Township of Princeton, New Jersey, 1968," entitled "Municipal Court" as set forth on Exhibit A attached hereto and made a part hereof is hereby adopted to set forth the general functions of the Municipal Court of Princeton, and to replace the aforementioned provisions of the "Code of the Borough of Princeton, New Jersey, 1974" and the "Code of the Township of Princeton, New Jersey, 1968".

Section 5. All ordinances and resolutions or parts thereof inconsistent with this Ordinance are repealed.

Section 6. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion thereof.

Section 7. The provisions of the attached Chapter 12 shall be applicable within Princeton upon final adoption and shall become a part of the new Princeton Code once completed and adopted.

Linda S. McDermott, Clerk

Liz Lempert, Mayor

Ordinance Introduced:

Ordinance Adopted:

EXHIBIT A

CHAPTER 12. MUNICIPAL COURT.

Sec. 12-1. Court Established.

A municipal court for the municipality of Princeton is established pursuant to N.J.S.A. 2B:12-1 *et seq.*

Sec. 12-2. Name of court.

The name of the municipal court shall be the "Municipal Court of Princeton."

Sec. 12-3. Appointment and term of office of municipal court judge.

There shall be a municipal judge of the municipal court, who shall be appointed by the mayor with the advice and consent of the council and shall serve for a term of three years from the date of appointment and until a successor is appointed and qualified. Any appointments to fill a vacancy not caused by the expiration of term shall be made for the unexpired term only.

Sec. 12-4. Additional municipal judges.

With the written consent of the Assignment Judge of the vicinage, the municipality may (1) increase the number of judgeships of the municipal court, or (2) appoint one or more temporary judges. Each term of a temporary judge shall not exceed one year. Appointment of any of the foregoing additional judges shall be made by the mayor with the advice and consent of the council.

Sec. 12-5. Designation of acting judge.

Subject to the Rules of Court, the Assignment Judge of the vicinage may appoint an acting judge of the municipal court to serve as judge temporarily when the municipal court judge is unable to hold the municipal court or for other cause.

Sec. 12-6. Qualification of judges; compensation.

The municipal court judge shall be a resident of New Jersey and an attorney-at-law admitted to practice in this state for at least five years. The municipal court judge shall be paid an annual salary in an amount prescribed by the council in the annual salary ordinance.

Sec. 12-7. Territorial jurisdiction.

The municipal court shall have jurisdiction over cases arising within Princeton, namely, those specified offenses enumerated in N.J.S.A. 2B:12-17, and as may be otherwise conferred by the laws

of New Jersey.

Sec. 12-8. Time and place of holding court.

The municipal court shall be held at the municipal building at 400 Witherspoon Street, Princeton, NJ at the time designated by the municipal judge, and at such other times as the business of the court may require, subject to the rules applicable to municipal courts.

Sec. 12-9. Municipal Court Administrator; Deputy Administrator; Court Employees.

There shall be a certified municipal court administrator and a certified deputy court administrator of the municipal court, as well as other necessary employees. The court administrator and deputy court administrator shall be appointed by the mayor with the advice and consent of the council, and shall be compensated in accordance with the annual salary ordinance. The municipal court administrator and deputy administrator are authorized to attest in the municipal judge's name and sign any process, order, warrant, or judgment issued by the municipal court. The administrator and deputy administrator shall also have the authority granted by law and by the Rules of Court to administrators and clerks of courts of record.

The judge of the municipal court may designate, in writing, an acting administrator or deputy administrator to serve temporarily for an absent administrator until the absent administrator returns or until a new administrator is appointed.

Sec. 12-10. Bond or insurance.

Before assuming the duties of office, the municipal judge or municipal court administrator, deputy administrator or other municipal court employees who handle money in the scope of their employment shall be covered by a bond or insurance against loss or misappropriation of funds payable to the municipality in an amount and with terms set by the council.

Sec. 12-11. Officers empowered to execute process.

Any law enforcement officer, or any other person authorized by law, may act in the service, execution and return of process, orders, warrants and judgments issued by the municipal court.

Sec. 12-12. Officials authorized to act for court.

a. The administrator or deputy administrator of the municipal court, when authorized by the municipal judge, may exercise the power of the municipal court to administer oaths for complaints filed with the municipal court and to issue warrants and summonses.

b. The police officer in charge of the police station, other than an officer who participated in the arrest of the defendant, may exercise the power of the municipal court to administer oaths for

complaints filed with the municipal court. Any police officer may issue summonses related to such complaints and may as authorized by the Rules of the Court issue a summons in lieu of an arrest for an offense committed in the officer's presence.

c. The authority of the municipal court to set conditions of pre-trial release may be exercised by the administrator or deputy administrator of the municipal court who is authorized by the municipal judge; or by the police officer in charge of the police station, other than an officer who participated in the arrest of the defendant. The authority may be exercised only in accordance with bail schedules promulgated by the Administrative Office of the Courts or by the municipal court.

d. Except as otherwise provided by the Rules of Court, a person charged with a non-indictable offense shall be released on summons or personal recognizance without unnecessary delay and within 12 hours after arrest unless the judge or court administrator has set the conditions for pretrial release and the conditions remain unmet.

e. A person acting for the municipal court as authorized in this section shall immediately file the complaint, warrant, summons or recognizance which was the subject of the action with the municipal court.

AN ORDINANCE BY PRINCETON CONCERNING PARADES AND AMENDING THE "CODE OF THE BOROUGH OF PRINCETON, NEW JERSEY, 1974".

WHEREAS, the Borough of Princeton and Township of Princeton pursuant to the provisions of the New Jersey Municipal Consolidation Act, *N.J.S.A.* 40:43-66.35 consolidated as Princeton on January 1, 2013; and

WHEREAS, pursuant to *N.J.S.A.* 40:43-66.64, the Princeton Council on January 1, 2013 adopted a Resolution continuing in effect Ordinances of the former Borough of Princeton and the former Township of Princeton as a new Code for Princeton is prepared; and

WHEREAS, the Princeton Council's Code Subcommittee has reviewed and updated Chapter 24 of the "Code of the Borough of Princeton, New Jersey, 1974" pertaining to Parades; and

WHEREAS, the Princeton Council wishes to adopt said Code revisions which will become a part of the new Princeton Code at a future date.

NOW, THEREFORE, BE IT ORDAINED by the Princeton Council as follows:

Section 1. Chapter 24 of the "Code of the Borough of Princeton, New Jersey, 1974" entitled "Parades" is hereby repealed.

Section 2. A NEW Chapter 24 of the "Code of the Borough of Princeton, New Jersey, 1974" as set forth on Exhibit A attached hereto and made a part hereof is hereby adopted to set forth the provisions governing "Parades" and to replace the aforementioned Chapter 24 the "Code of the Borough of Princeton, New Jersey, 1974".

Section 3. All ordinances and resolutions or parts thereof inconsistent with this Ordinance are repealed.

Section 4. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is

for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion thereof.

Section 5. The provisions of the attached Chapter 24 shall be applicable within Princeton upon final adoption and shall become a part of the new Princeton Code once completed and adopted.

Linda S. McDermott, Clerk

Liz Lempert, Mayor

Ordinance Introduced:

Ordinance Adopted:

EXHIBIT A

CHAPTER 24 PARADES.

Article I. In General.

Sec. 24-1. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Parade. Any parade, march, ceremony, show, exhibition, pageant or procession of any kind, or any similar display, in or upon any street or sidewalk in this municipality.

Sec. 24-2. Interference with parades.

No person shall:

(a) Unreasonably hamper, obstruct or impede or interfere with any parade or parade assembly, or with any person, vehicle or animal participating or used in a parade, nor shall any person join or participate in any parade, unless he is authorized to do so by the organization conducting the parade.

(b) Drive any vehicle between the vehicles or persons comprising a parade, when such vehicles or persons are in motion and are conspicuously designated as a parade.

(c) Park or leave unattended any vehicle on any street on the route of a parade, where parking has been prohibited by the chief of police and where signs to such effect have been posted.

Article II. Permits.

Sec. 24-3. Required; exceptions.

No person shall engage in, participate in, aid, form or start any parade, unless a parade permit shall have been obtained from the municipal clerk; except that no permit shall be required for funeral processions, school activities on school property under the immediate direction and supervision of proper school authorities or activities of any governmental agency acting within the scope of its functions.

Sec. 24-4. Application.

A person seeking issuance of a parade permit shall file an application with the municipal clerk on forms provided by such officer.

(a) Filling period. An application for a parade permit shall be filed with the municipal

clerk no less than ten days nor more than thirty days before the date on which it is proposed to conduct the parade.

(b) Contents. The application for a parade permit shall set forth the following information:

(1) The name, address and telephone number of the person seeking to conduct such parade.

(2) If the parade is proposed to be conducted for, on behalf of or by an organization, the names, addresses and telephone numbers of the headquarters of the organization and of the authorized and responsible head of such organization.

(3) The name, address and telephone number of the person who will be the parade chairman and who will be responsible for its conduct.

(4) The date when the parade is to be conducted.

(5) The route to be traveled, the starting point and the termination point.

(6) The approximate number of persons who, and animals and vehicles which, will constitute such parade; the type of animals and description of vehicles.

(7) The hours when such parade will start and terminate.

(8) A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be traversed.

(9) The location by streets of any assembly areas for such parade.

(10) The time at which units of the parade will begin to assemble at any such assembly area.

(11) The interval of space to be maintained between units of such parade.

(12) If the parade is designed to be held by, and on behalf of or for, any person other than the applicant, the applicant for such permit shall file with the municipal clerk a communication in writing from the person proposing to hold the parade, authorizing the applicant to apply for the permit on his behalf.

(c) Late applications. The municipal clerk, where good cause is shown therefor, shall have the authority to consider any application under this section which is filed less than ten days before the date such parade is proposed to be conducted.

Sec. 24-5. Issuance standards.

The municipal clerk shall issue a permit as provided for in this article when, from a consideration of the application and from such other information as may be otherwise obtained, he finds that:

(a) The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route.

(b) The conduct of the parade will not require the diversion of so great a number of police officers of the municipality to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the municipality.

(c) The conduct of such parade will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the municipality other than that to be occupied by the proposed line of march and areas contiguous thereto.

(d) The concentration of persons, animals and vehicles at the assembly point of the parade will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly area.

(e) The conduct of such parade will not interfere with the movement of fire fighting equipment en route to a fire.

(f) The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route.

(g) The parade is not to be held for the sole purpose of advertising any product and is not designed to be held purely for private profit.

(h) There is not outstanding an approved permit for another parade for a time and place that is so proximate to that applied for as to constitute a conflict therewith.

Sec. 24-6. Denial generally; notice.

The municipal clerk shall act upon the application for a parade permit within three business days after the filing thereof and shall, within such time, notify the applicant of his action and, in the event of a denial of the permit, the reasons therefor. A permit may be denied in writing based upon the issuance standards set forth in subsection 24-5. In case more than one application shall be received for parades on the same date, the application first received shall be granted if it complies with all the requirements of this article.

Sec. 24-7. Appeal from denial.

Any person aggrieved shall have the right to appeal the denial of a parade permit to the council. The appeal shall be taken, within three days after notice of denial. The council shall act upon the appeal as soon as practicable after receiving notice of the appeal.

Sec. 24-8. Alternate permit.

The municipal clerk, in denying an application for a parade permit, shall be empowered to authorize the conduct of the parade on a date, at a time or over a route different from that named by the applicant. An applicant desiring to accept an alternate permit shall, within three days after notice of the action of the municipal clerk, file a written notice of acceptance with the municipal clerk. An alternate parade permit shall conform to the requirements of and shall have the effect of a parade permit under this article.

Sec. 24-9. Contents.

Each parade permit shall state the following information:

(a) Starting time.

(b) Minimum speed.

(c) Maximum speed.

(d) Maximum interval of space to be maintained between the units of the parade.

(e) The route of the parade and the portions of the streets to be traversed that may be occupied by the parade.

(f) The maximum length of the parade, in miles or fractions thereof.

Sec. 24-10. Duties of permittee.

A permittee under this article shall comply with all permit directions and conditions and with all applicable laws and ordinances. The parade chairman or other person heading or leading such activity shall carry the parade permit upon his person during the conduct of the parade.

Sec. 24-11. Revocation.

The municipal clerk shall have the authority to revoke a parade permit issued under this article, if applicant fails to comply with the standards for issuance of a permit as herein set forth in section 24-5.