

## ORDINANCE NO. 2014-17

### ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER II, "ADMINISTRATION", SECTION 2-70 "USE OF PUBLIC BUILDINGS" OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RED BANK

Councilman DuPont offered the following ordinance and moved its adoption on final reading:

**BE IT ORDAINED** by the Governing Body of the Borough of Red Bank that Chapter II, "Administration", Section 2-70 "Use of Public Buildings" of the Revised General Ordinances of the Borough of Red Bank, be amended and supplemented as follows:

**SECTION ONE:** Section 2-70 ("Use of Public Buildings) of Article II ("Administration") of the Revised General Ordinances of the Borough of Red Bank is amended and supplemented as follows ( stricken text denotes deletions, underlined text denotes additions):

#### **§ 2-7.3 Campaigning, Soliciting or Accepting Political Contributions Prohibited.**

##### 2-7.3a. Definitions.

- 1) CANDIDATE—Any individual seeking election to a public office of the Federal, State, County or municipal government or school district, or other political office or any individual who shall have been elected to or failed to be elected to any such office.
- 2) ELECTED OFFICIAL—A person elected to any public office of the Federal, State, County or municipal government, school district or other political office.
- 3) POLITICAL CONTRIBUTION—Any loan, transfer of money or other thing of value to any candidate, elected official or representative of any candidate, elected official or representative of any political organization or any other commitment or assumption of liability to make any such transfer. Political contributions shall be deemed to have been made upon the date when such commitment is made or liability assumed.
- 4) POLITICAL CAMPAIGNING—The conducting of a political campaign for the election of a candidate to public office to include political canvassing, meetings to discuss the election of a candidate, writing of political literature, dissemination or mailing of literature for a candidate, preparation of political signs for a candidate, direct or indirect contact with other political candidates, elected officials or representatives of any political organization or any public or private entity or person or persons concerning in any way the election of a candidate, or the storage of any political literature, signs or other political items used for election of a candidate.
- 5) POLITICAL ORGANIZATION—Any two (2) or more persons acting jointly, or any corporation, partnership or other incorporated or unincorporated association which is organized to, or does, aid or promote the nomination, election or defeat of any candidate or candidates for any Federal, State, County, municipal or school board office or political party office. Political organization includes, but is not limited to, organizations defined in N.J.S.A. 19:44A-3 as a "political committee", "joint candidates committee", "continuing political committee", "political party committee" or "legislative leadership committee."
- 6) MUNICIPALITY—The government of the municipality, including any office, department, board, commission or agency thereof.
- 7) MUNICIPAL BUILDING—Any building owned or leased by the municipality for the conducting of any official municipal business.
- 8) MUNICIPAL OFFICIAL, EMPLOYEE AND APPOINTEE—Any person holding any elected municipal office or holding an appointed position in the municipal government or any agency, commission, board or office thereof, whether the position is full time or part time, compensated or uncompensated; and any employee of municipal government or of any municipal agency, commission, board or office thereof, whether the position is full time or part time.
- 9) SOLICIT—To ask for, by oral or written communication, a political contribution as that term is defined herein.
- 10) MUNICIPAL PERSONAL PROPERTY—All municipal property owned, leased or controlled by the municipal government including, but not limited to, vehicles, telephones, fax machines, computers, copy machines,

stationery which includes municipal letterhead, postage and other office equipment.

2-7.3b Regulations.

- 1) Prohibition against soliciting or accepting political contributions or political campaigning in a municipal building or room in a municipal building. No municipal official, employee, appointee or political candidate may solicit, commit to pay, or receive payment of a commitment to pay any political contribution for any candidate, elected official or political organization while in any municipal building or room in a municipal building or undertake or conduct any political campaigning while in any municipal building or room in a municipal building.
- 2) Prohibition against use of municipal personal property for political fundraising or political campaigning. No municipal official, employee, appointee or political candidate may solicit, commit to pay or receive payment of or a commitment to pay any political contribution for any candidate, elected official or political organization while utilizing municipal personal property or undertaking or conduct political campaigning while utilizing municipal personal property.

**2-70.3 4 Fees and Additional Requirements.** The Mayor and Borough Council may impose fees to cover costs to the Borough associated with the proposed use and that the Mayor and Borough Council may impose additional requirements deemed to be necessary to protect the health, safety and welfare of the general public.

The use of Borough owned facilities by official groups of the Borough Government and Borough sponsored activities and quasiofficials will take precedence before non-sponsored organizations, groups, committees and/or individuals.

**SECTION TWO:** Any ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance. All other provisions of Section 2-7 “Use of Public Buildings” of the “Administration” Chapter of the Borough’s Ordinance are ratified and remain in full force and effect.

**SECTION THREE:** If any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable.

**SECTION FOUR:** This Ordinance shall take effect immediately upon its passage and adoption according to law.

Seconded by Councilman Murphy and adopted on roll call by the following vote:

	Yes	No	Abstain	Absent
Councilman Murphy	( x )	( )	( )	( )
Councilwoman Burnham	( x )	( )	( )	( )
Councilwoman Horgan	( x )	( )	( )	( )
Councilwoman Lewis	( x )	( )	( )	( )
Councilman Zipprich	( x )	( )	( )	( )
Councilman DuPont	( x )	( )	( )	( )

Dated: October 8, 2014