

**Ordinance**  
of the  
**Borough of Carteret, N. J.**

No. 03-30

Councilman \_\_\_\_\_ Presents the following Ordinance Seconded by Councilman \_\_\_\_\_

**ESTABLISHING A MUNICIPAL PORT AUTHORITY**

**WHEREAS**, the Governing Body of the Borough of Carteret finds that the creation of a municipal port authority will promote the public health, safety and welfare of the Borough's residents through the advancement of uniform and consistent regulations for the development and operation of the Borough's maritime facilities; and

**WHEREAS**, the Borough finds that the increase in the availability of proper port facilities cannot be adequately secured except by exercise of the powers of government.

**BE IT ORDAINED** by the Mayor and Borough Council of the Borough of Carteret (the "Borough") as follows:

**SECTION 1.**

**Creation.**

Pursuant to the provisions of Chapter 192 of the Laws of 1960 (N.J.S.A. 40:68A-29 et seq.) known as the "Municipal Port Authorities Law" of the State of New Jersey, there is hereby created a public body corporate and politic under the name and style of the "Borough of Carteret Municipal Port Authority."

**Powers and Duties.**

1. Provide for the public health and welfare;
2. To sue and be sued;
3. To adopt and have a common seal and to alter the same at pleasure;
4. In its own name acquire, hold, use and dispose of its charges and other revenues and other moneys;
5. In its own name but for the local unit, to acquire, hold, use and dispose of other personal property for the purposes of the municipal port authority, and to acquire by purchase, gift, condemnation or otherwise, or lease as lessee, real property and easements therein, necessary or useful and convenient for the purposes of the municipal port authority, whether subject to mortgages, deeds or trusts or other liens, or otherwise, and to hold and to use the same, and to dispose of property so acquired no longer necessary for the purposes of the municipal port authority;
6. To grant by franchise, lease or otherwise, the use of any project, facilities or property owned and controlled by it to any person for such consideration and for such period or periods of time and upon such other terms and conditions as it may fix and agree upon. Any such grant may be upon condition that the user shall or

may construct or provide any buildings or structures or improvements on such project, facilities or property, or portions thereof, all upon such terms and conditions as may be agreed upon;

7. To provide for and secure the payment of any bonds and the rights of the holders thereof, and to purchase, hold and dispose of any bonds;
8. To apply for and to accept gifts or grants of real personal property, money, material, labor or supplies, for the purposes of the municipal port authority, from any person, county or municipality, including the United States or any agency thereof, and to make and perform such agreements and contracts and to do any and all things necessary or desirable in connection with the procuring, acceptance or disposition of such gifts or grants;
9. To determine exact location, type and character of and all matters in connection with all or any part of the port system which it is authorized to own, construct, establish, effectuate, or control and to enter on any lands, waters or premises for the purpose of making such surveys, diagrams, maps or plans or for the purpose of making such soundings or borings as it deems necessary or convenient;
10. To make or enforce bylaws or rules and regulations for the management and regulation of its business and affairs and for the use, maintenance and operation of the port system and any other of its properties, and to amend the same;
11. To do and perform any acts and things authorized by statute under, through or by means of its own officers, agents and employees, or by contracts with any person
12. To acquire, purchase, construct, lease, operate, maintain and undertake any project and to make service charges for the use thereof;
13. To enter into any and all contracts, execute any and all instruments, and do and perform any and all acts or things necessary, convenient, or desirable for the purposes of the municipal port authority or to carry out any power expressly given in this act subject to "Local Public Contracts Law" (40A:11-1 et seq.);
14. And shall exercise any of the duties and/or powers provided for pursuant to any other statute(s) hereto or hereafter enacted and applicable thereto.

**Composition; member appointment.**

The Carteret Municipal Port Authority shall consist of five (5) members, one of whom shall be the Mayor, one additional member shall be appointed by the Mayor, and the remaining three members shall be appointed by the Mayor with the advice and consent of the Council. The first appointed members shall by resolution be designated to serve for terms respectively expiring on the first days of the first, second, third, and fourth Februaries next ensuing after the date of their appointment. Each member shall hold office for the term of his/her initial appointment and all subsequent appointments shall be for a term of five years. All members must reside within the Borough of Carteret and shall serve without compensation.

**Certification and Filing.**

Upon the adoption of this Ordinance, the Borough Clerk shall file a certified copy of the same in the office of the Secretary of State, with the Division of Local Government Services in the Department of Community Affairs, and in the Clerk's office and must forward a certified copy to each authority, board, commission, or other public body existing or established to exercise powers for port purposes in a port district or other district or area, by or pursuant to act of Legislature of this State alone or in conjunction with the Legislature of another state, the district or area of operation of which includes in whole or in part the area of the port district created by virtue of adoption of this ordinance. The Borough Clerk shall also file any resolution appointing any members to the Carteret Municipal Port Authority in the office of the Secretary of the State.

**SECTION 2.** All ordinances and/or provisions thereof inconsistent with the provision of this Ordinance shall be and are hereby repealed as to the extent of any such inconsistencies.

**SECTION 3.** If any section, subsection, part, clause or phrase of this Ordinance shall be declared invalid by judgment of any Court of competent jurisdiction, the section, subsection, part, clause or phrase shall be deemed to be severable from the remainder of this Ordinance.

**SECTION 4.** This Ordinance shall take effect upon passage and publication according to applicable law.

DO NOT USE SPACE BELOW THIS LINE

COUNCILMAN	RECORD OF COUNCIL VOTE			TL					
	YES	NO	NV	A.B.	COUNCILMAN	YES	NO	NV	A.P.
KRUM	X				RIOS	X			
NAPLES	X				SITARZ	X			
PARISI	X				SOSNOWSKI				X

X - Indicate Vote    AB - Absent    NV - Not Voting    XOR - Indicates Vote to Overrule Veto

Adopted on first reading of the Council of the Borough of Carteret, N.J., on August 14, 2003

Adopted on second reading after hearing on September 4, 2003

APPROVED BY *Paul A. Carter* MAYOR      *Richard M. Barney* MUNICIPAL CLERK