Revised 4/27/04
Revised 5/4/04

ORDINANCE NO. 30-04

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF SOUTH BRUNSWICK ESTABLISHING CHAPTER 3, ARTICLE IV, ENTITLED "POLITICAL CAMPAIGN CONTRIBUTION LIMITATIONS"

BE IT ORDAINED by the Township Council of the Township of South Brunswick, County of Middlesex, State of New Jersey, establishing Chapter 3, Article IV, of the South Brunswick Code entitled "Political Campaign Contribution Limitations."

I.

ARTICLE IV

POLITICAL CAMPAIGN CONTRIBUTION LIMITATIONS

§3-14. It is hereby declared to be in the public interest and the policy of the Township of South Brunswick that, in addition to insuring full compliance with the New Jersey Campaign Contributions and Expenditures Reporting Act, N.J.S.A. 19:44A-1 et seq., to limit political campaign contributions to Township elected officials and candidates for Township elective office and to political action committees of candidates for or holders of a Township elective office or to a Township or Middlesex County political committee or club by those persons, developers and professional business entities who may benefit from a business relation with or quasi-judicial actions of the Township and/or its Land Use Boards.

§3-15. As used in this Article, the following terms shall have the definitions indicated, unless the context clearly indicates otherwise:

a. Contribution- The term "Contribution" means every loan, gift, subscription, advance or transfer of money or other thing of value, including any item of real property or personal property, tangible or intangible (but not including services provided without compensation by individuals volunteering a part or all of their time), made to or on behalf of any office holder, candidate, candidate committee, joint candidates committee, political committee, continuing political committee or political party committee and any pledge, promise or other commitment or assumption of liability to make such transfer. Any such commitment or assumption shall be deemed to have been a contribution upon the date when such commitment is made or liability assumed.

b. Developer- The term "Developer" means a developer as defined by *N.J.S.A.* 40:55D-4, i.e. the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposal for development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

c. Professional Business Entity- For purposes of this Article, a "professional business entity" 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 also

includes all principals who own 10% 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. The term also includes any person or entity whose principals are required to be licensed by New Jersey Law and/or who supply legal representation, expert testimony or written reports. It shall include the individuals supplying such services as well as the firms or entities in which such individuals practice.

§3-16. No individual that submits a proposal or enters into negotiations for or agrees to any agreement or contract with the Township on any agreement or contract that is not publicly bid, for goods, services, equipment or property, shall make a monetary campaign contribution in excess of $400.00 for a primary election and $400.00 for a general election to a candidate for or the holder of a Township or Middlesex County elective office or to the political action committee of a candidate for or the holder of a Township or Middlesex County elective office or to a Township or Middlesex County political committee or club between ninety days before the start of negotiations or submittal of the proposal relative to such an agreement or contract, whichever is earlier, and the termination of negotiations or the completion of the agreement or contract, whichever is later.

§3-17. No professional business entity that submits a proposal or enters into negotiations for or agrees to any agreement or contract with the Township on any agreement or contract that is not publicly bid, for goods, services, equipment or property, shall make a monetary campaign contribution in excess of $2,500.00 for a primary election and $2,500.00 for a general election to a candidate for or the holder of a Township or Middlesex County elective office or to the political action committee of a candidate for or the holder of a Township or Middlesex County elective office or to a Township or Middlesex County political committee or club between ninety days before the start of negotiations or submittal of the proposal relative to such an agreement or contract, whichever is earlier, and the termination of negotiations or the completion of the agreement or contract, whichever is later.

§3-18. No individual doing business with the Township on a contract or agreement that is not publicly bid shall make a monetary campaign contribution in excess of $400.00 for a primary election and $400.00 for a general election to a candidate for or the holder of a Township or Middlesex County elective office or to the political action committee of a candidate for or the holder of a Township or Middlesex County elective office or to a Township or Middlesex County political committee or club.

§3-19. No professional business entity doing business with the Township on a contract or agreement that is not publicly bid shall make a monetary campaign contribution in excess of $2,500.00 for a primary election and $2,500.00 for a general election to

a candidate for or the holder of a Township or Middlesex County elective office or to the political action committee of a candidate for or the holder of a Township or Middlesex County elective office or to a Township or Middlesex County political committee or club.

§3-20. No individual who makes a development application before a Land Use Board shall make a monetary campaign contribution in excess of $400.00 for a primary election and $400.00 for a general election to a candidate for or the holder of a Township or Middlesex County elective office or to the political action committee of a candidate for or the holder of a Township or Middlesex County elective office or to a Township or Middlesex County political committee or club from ninety days prior to the time the development application is filed with the Land Use Board to such time as the project is fully completed and constructed.

§3-21. No developer or professional business entity who makes a development application before a Land Use Board shall make a monetary campaign contribution in excess of $2,500.00 for a primary election and $2,500.00 for a general election to a candidate for or the holder of a Township or Middlesex County elective office or to the political action committee of a candidate for or the holder of a Township or Middlesex County elective office or to a Township or Middlesex County political committee or club from ninety days prior to the time the development application is filed with the Land Use Board to such time as the project is fully completed and constructed.

§3-22. An individual, developer or professional business entity may cure a violation of this Article if, no later than 30 days following the day of the primary election or general election next following the date on which the contribution is made, the individual, developer or professional business entity seeks and receives reimbursement of the prohibited contribution. Once a cure has been perfected pursuant to this section, the individual, developer or professional business entity shall not be subject to the penalties contained in this Article.

§3-23. An individual, developer or professional business entity found to knowingly violate this Article or to knowingly fail to reveal or misrepresent a monetary campaign contribution in excess of the limits set forth in this Article shall be considered to be in breach of the terms of any agreement or contract between that individual, developer or professional business entity and the Township then in effect or of an approval by a Land Use Board and shall be subject to the penalties prescribed in Section 3-24 and any other penalties prescribed by law.

§3-24. An individual, developer or professional business entity found to be in violation of any portion of this Article shall be disqualified from eligibility for future

contracts, agreements or development applications with the Township for a period of two calendar years from the date of the determination of the violation by the Municipal Court and in addition shall have any contract or agreement with the Township then in effect terminated immediately.

§3-25. The Township Clerk shall provide a candidate for elective office with a copy of this Article at such time as such candidate requests a petition for said office.

§3-26. All Ordinances or parts of Ordinances inconsistent with the provisions of this Article shall be and the same are hereby repealed.

II. If any clause, sentence, paragraph, section or part of this ordinance or any other codes or ordinances incorporated herein shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof, directly involved in the controversy in which said judgment shall have been rendered.

III. This ordinance shall become effective twenty (20) days after its final passage.

The above ordinance was introduced and passed on first reading at a regular meeting of the Township Council of the Township of South Brunswick held on May 4, 2004, and will be considered on second and final reading and final passage at a regular meeting of the Township Council of the Township of South Brunswick to be held at the Municipal Building, Monmouth Junction, New Jersey, at 7:30 p.m. on June 1, 2004, at which time and place any person having an interest therein will be given an opportunity to be heard.

Barbara Nyitrai
Township Clerk

This is to certify that the foregoing is a true copy of an ordinance adopted by the Township Council of South Brunswick Township on June 1, 2004.

Barbara Nyitrai
Barbara Nyitrai, RMC
Township Clerk