

**BOROUGH OF OLD TAPPAN
ORDINANCE NO. 695-99**

**AN ORDINANCE SUPPLEMENTING THE REVISED
GENERAL ORDINANCES OF THE BOROUGH OF
OLD TAPPAN TO PROHIBIT THE USE OF
BOROUGH HALL FOR POLITICAL FUNDRAISING**

BE IT ORDAINED by the Mayor and Council of the Borough of Old Tappan, County of Bergen, and State of New Jersey, as follows:

Section 1. The Revised General Ordinances of the Borough of Old Tappan are hereby supplemented by the addition of the following:

CHAPTER XXI

POLITICAL FUNDRAISING

21-1 Purpose.

Political contributions have a profound impact on government decision making. Our laws in New Jersey do not presently ban solicitation or acceptance of contributions by public office holders and employees while on public property or by use of public facilities. A conflict may arise between the business of political fundraising and the business of government in Borough Hall, and this may cause a distraction from the people's business. The most appropriate method to prevent this conflict and to insure the integrity of government decisions is the prohibition of political fundraising on or by use of the Borough Hall. It is accordingly found and determined that the paramount public interest in a clean and accountable government requires the prohibition of political fundraising on or by use of the Borough Hall.

21-2 Definitions.

Candidate. Any individual seeking election to a public office of the federal government, state, county, municipality, school district or political organization at an election.

Contribution. Includes all loans and transfers of money or other thing of value to or by any candidate, elected official or political organization, and all pledges or other commitments or assumptions of liability to make any such transfer. Contributions shall be deemed to have been made upon the date when such commitment is made or liability assumed.

Political Organization. Means any two or more persons acting jointly, or any corporation, partnership or any 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 federal, state, county, municipal or school board office. "Political organization" includes, but is not limited to, organizations otherwise defined as "political committee," "joint candidates committee," and "legislative leadership committee."

Municipality. The Borough of Old Tappan and any officer, department, board, commission, or agency thereof.

Municipal official, employee and appointee. Any person holding elective municipal office or holding an appointed position in the municipal government, or in 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 in any agency, commission, board, or office thereof, whether the position is full time or part time.

Solicit. To seek by oral or written communication a contribution as same is defined herein.

21-3 Prohibition Against Soliciting or Accepting Political Contributions on Borough Hall Property.

No municipal official, employee or appointee may solicit, commit to pay, or receive payment of or a commitment to pay any contribution for any candidate, elected official or political organization while in or on the property of the Borough Hall.

21-4 Prohibited Forms of Fundraising.

Prohibited forms of fundraising shall include but are not limited to:

- a. Soliciting or accepting contributions using Borough Hall telephones, fax machines or computers.
- b. Soliciting or accepting contributions using personal telephones while on the property of the Borough Hall.
- c. Soliciting or accepting contributions through the use of publicly-owned computers or privately-owned personal computers while on the property of the Borough Hall.
- d. Sending correspondence from Borough Hall or by use of Borough services, equipment or postage.
- e. Face-to-face soliciting of an individual or an owner or representative of a business entity while on the property of the Borough Hall.

21-5 Reporting Requirements.

It shall be the responsibility of any employee, appointed or elected official who observes any prohibited forms of fundraising to report such conduct to the Borough prosecutor and the Borough clerk who shall report same to the governing body.

21-6 Whistleblower Provision.

It shall be unlawful for any employee, elected official or appointee to be dismissed, reprimanded, retaliated against or otherwise intimidated for complying with the reporting requirements mandated by this ordinance.

21-7. Violation.

Violation of any provision of this ordinance shall be punished by a period of community service not exceeding 90 days or a fine not exceeding \$1,000, or both.

Section 2. Repealer.

All ordinances or parts of ordinances inconsistent or in conflict with this Ordinance are hereby repealed as to said inconsistencies and conflicts.

Section 3. Severability.

If any section, part of any section, or clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the remaining provisions of this ordinance. The governing body of the Borough of Old Tappan declares that it would have passed the ordinance and each section and subsection thereof, irrespective of the fact that any one or more of the subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

Section 4. Effective Date.

This ordinance shall take effect immediately upon passage and publication according to law.