

February 14, 2023
Sparta Council Meeting Agenda
and
Related Documents

1. Sparta Council Meeting 2-14-2023 Agenda (Revised)

Documents:

[AGENDA - FEBRUARY 14, 2023-1.PDF](#)

1.I. 23 01 Ordinance Amending Code Article III Section 2 3.2

Documents:

[23 01 ORDINANCE AMENDING CODE ARTICLE III SECTION 2 3.2.PDF](#)

1.II. 23-02 Ordinance North Shore Weight Limit

Documents:

[23-02 ORDINANCE NORTH SHORE WEIGHT LIMIT-1.PDF](#)

1.III. 23-03 Flag Ordinance

Documents:

[23-03 FLAG ORDINANCE.PDF](#)

1.III.i. 23-03 Addendum-Flag Flying Policy

Documents:

[23-03 ADDENDUM-FLAG FLYING POLICY.PDF](#)



SPARTA TOWNSHIP COUNCIL

AGENDA

February 14, 2023

PLEASE TAKE NOTICE that action will be taken on the following items at the Regular Council meeting on Tuesday, February 14, 2023 in the Council Chambers, Sparta Township Municipal Building, 65 Main Street, Sparta, New Jersey.

TIME: The regular meeting begins at 7:30 pm.

STATEMENT:

Adequate notice of this meeting was provided to the public and the press on January 6, 2023 by delivering to the press and posting on the Township website a copy of the notice.

1. ROLL CALL

Councilman Dean Blumetti, Mayor Dan Chiariello, Deputy Mayor Neill Clark, Councilman Josh Hertzberg, Councilwoman Christine Quinn, Township Manager, Attorney, Municipal Clerk

SALUTE TO THE FLAG

PROCLAMATIONS

Black History Month

PRESENTATION

William Kroth, President -Sterling Hill Mining Museum - Franklinite Mineral

2. MINUTES



Reorganization Meeting Minutes held on January 5, 2023 be approved as presented.

Regular Meeting Minutes held on January 10, 2023 be approved as presented.

3. MANAGER'S REPORT

APPROVAL OF MANAGER'S REPORT

4. OPEN TO THE PUBLIC

Items not on the Agenda

5. EXPENDITURES

6. INTRODUCTION OF ORDINANCE

23-03 AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF SPARTA RESPECTING THE DISPLAY OF FLAGS ON TOWNSHIP FLAGPOLES

7. HEARING OF ORDINANCE

23-01 AN ORDINANCE AMENDING ARTICLE III, MEETINGS OF TOWNSHIP COUNCIL, SECTION 2-3.2, REGULAR MEETINGS OF THE MUNICIPAL CODE OF THE TOWNSHIP OF SPARTA

23-02 AN ORDINANCE AMENDING CHAPTER VII, "TRAFFIC," OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF SPARTA, AMENDING SECTION 7-17, "VEHICLE OVER DESIGNATED WEIGHT EXCLUDED FROM CERTAIN STREETS"



8. OPEN TO THE PUBLIC

Resolutions

9. RESOLUTIONS

- 9-1 Resolution Supporting the Designation of “Franklinite” as the Official Mineral of the State of New Jersey
- 9-2 Resolution - Disabled Veteran Cancellation of Tax
- 9-3 One-Day ABC Social Affairs Permit – Karen Ann Quinlan Memorial Foundation
- 9-4 Resolution Appointing Grant (Sam) Rome as the Interim Township Manager
- 9-5 Resolution Authorizing the Submission of a Grant Application to the 2023 Sustainable Jersey Small Grants Program Funded by the PSEG Foundation.
- 9-6 Resolution of the Township Council of the Township of Sparta Authorizing the Award of Contract for Professional Services of Municipal Prosecutor
- 9-7 Resolution to Abolish A Salute 07871 Committee
- 9-8 Resolution Requesting Authorization to Hire Certain Police Officers
- 9-9 Resolution Rescinding Resolution No. 22-178 of the Township of Sparta

10. COUNCIL LIAISON' UPDATES

11. OLD BUSINESS



Agenda items

1. Zoning Board- 2 Alternate vacancies
2. Appoint 2 Council Liaisons' to Sparta Historical Society
3. Economic Development Committee
4. Modify Salute 07871 resolution

12. NEW BUSINESS

13. OPEN TO THE PUBLIC

14. ADJOURNMENT



9-1 Resolution Supporting the Designation of “Franklinite” as the Official Mineral of the State of New Jersey

WHEREAS, New Jersey has a long history of mineral mining, including two world-famous zinc mines in Sussex County, at Franklin and at Ogdensburg; and

WHEREAS, in 1968, the New Jersey Legislature passed a Resolution declaring our neighbor, the Borough of Franklin, the “Fluorescent Mineral Capital of the World”; and

WHEREAS, in order to pay recognition to the scientific, economic, and historic importance of Franklinite, it is fitting and appropriate to designate Franklinite as the official mineral of the State of New Jersey; and

WHEREAS, we strongly support “Franklinite for New Jersey State Mineral.” This Bill, S1727, unanimously passed the NJ Senate on October 17, 2022 and the identical Bill is in the Assembly, Bill A3393. This Bill designates franklinite as official mineral of the State of New Jersey.

WHEREAS, the mineral has unique properties that are found almost exclusively here in Sussex County, in the Franklin area; the mineral has made the area world-famous; through a NJ DEP poll Franklinite has been recognized as the best representative of NJ minerals; has a main element of zinc which has strengthened America’s economy along with iron, that has helped us in the Revolutionary War and the 1800s; and has brought immigrants and livelihood to the State over the last 150 years.”

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of Sparta, Sussex County, New Jersey, Sparta Township hereby supports Bill No. S-1727 and identical Bill A3393 in the Assembly designating “Franklinite” as the official



mineral of the State of New Jersey and urges our State Legislators and our Governor to support this legislation for the reason expressed herein.

A copy of this Resolution shall be placed on file with the Clerk of the Township.

Copies of this Resolution shall be sent to Sparta Township's representatives in the New Jersey Legislature, and a copy shall be sent to the Governor of the State of New Jersey.

If any section, subsection, sentence, clause, or phrase in this Resolution is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Resolution.

9-2 Disabled Veteran Cancellation of Tax

WHEREAS, the property owner of Block 4002, Lot 179, is a 100% permanently disabled veteran in accordance with N.J.S.A 54:4-30.30;

WHEREAS, the Assessor approved the exemption on February 7, 2023 and the U.S. Department of Veteran's Affairs assigned the effective date as of August 24, 2022.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Sparta that the Tax Collector refund taxes in the amount of \$3,168.28 for the 4th quarter of 2022 and \$3,118.79 for the 1st quarter of 2023.

In addition, Tax Collector will cancel the 2023 second half taxes.

9-3 One-Day ABC Social Affairs Permit – Karen Ann Quinlan Memorial Foundation

BE IT RESOLVED by the Township Council of the Township of Sparta that permission be granted to Karen Ann Quinlan Memorial Foundation for a Social Affairs permit , to be held on March 30, 2023 from 6:00 p.m. to 10:00 p.m. at Andres Lakeside Dining, 112 Tomahawk Trail, Sparta, NJ.



9-4 Resolution Appointing Grant (Sam) Rome as the Interim Township Manager

WHEREAS, the previous Interim Township Manager, Neil Spidaletto, resigned from the position of Interim Township Manager effective December 31, 2022; and

WHEREAS, Sparta Township requires the services of an Interim Township Manager to assume the responsibilities previously held by Mr. Spidaletto and as set forth in the Statutes of the State of New Jersey and the Code of the Township of Sparta.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Sparta, Sussex County, New Jersey, that:

1. The Sparta Township Council hereby appoints Grant (Sam) Rome as the Interim Township Manager.
2. Mr. Rome shall serve as the Interim Appointing Authority of the Township of Sparta.
3. Mr. Rome will be assigned a Civil Service title of Municipal Manager Job 2, part-time.
4. Mr. Rome shall be paid a stipend of \$ 200.00 per day (\$73,000 annually) for his services as the part-time Interim Township Manager.

This resolution shall take effect immediately; however, it shall be void and of no effect in the event that Grant (Sam) Rome fails to qualify for or refuses the position of Interim Township Manager.

9-5 Resolution authorizing the submission of a grant application to the 2023 Sustainable Jersey Small Grants Program funded by the PSEG Foundation.



WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

WHEREAS, the Township of Sparta strives to save tax dollars, assure clean land, air and water, improve working and living environments; and

WHEREAS, the Township of Sparta is participating in the Sustainable Jersey Program; and

WHEREAS, one of the purposes of the Sustainable Jersey Program is to provide resources to municipalities to make progress on sustainability issues, and they have created a grant program called the Sustainable Jersey Small Grants Program;

THEREFORE, the Township Council of the Township of Sparta has determined that the Township of Sparta should apply for the aforementioned Grant in the amount of \$2,000.00.

THEREFORE, BE IT RESOLVED, that Township Council of the Township of Sparta, State of New Jersey, authorize the submission of the aforementioned Sustainable Jersey Grant.

**9-6 Resolution of the Township Council of the Township of Sparta
Authorizing the Award of Contract for Professional Services of
Municipal Prosecutor**

WHEREAS, the Township of Sparta has need for the professional services of a Municipal Prosecutor; and

WHEREAS, funds are available for this purpose; and



WHEREAS, N.J.S.A. 40A:11-1, *et seq.*, the "Local Public Contracts Law" permits governing bodies to contract for certain professional services without competitive bidding; and

WHEREAS, N.J.S.A. 40A:11-5 requires the award of contract for Professional Services be publicly advertised and the contract itself be available for public inspection:

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Sparta as follows:

1. The Township of Sparta hereby appoints Timothy J. Profeta, Esq., and the law firm of Laddey, Clark & Ryan, LLP, 60 Blue Heron Road, Suite 300, Sparta, NJ 07871, as Municipal Prosecutor for the period January 1, 2023 to December 31, 2023, in accordance with the attached Contract.

2. This appointment is awarded without competitive bidding as a "Professional Service" pursuant to the Local Public Contracts Law as this is a professional service within the meaning of the law.

3. The Mayor and Township Clerk are hereby authorized and directed to execute the Contract with Laddey, Clark & Ryan, LLP on behalf of the Township.

4. A Notice in accordance with the Local Public Contracts Law shall be published in the New Jersey Herald as required by law.

5. A copy of this Resolution as well as the Contract shall be placed on file with the Clerk of the Township.

6. This resolution shall take effect immediately. However, it shall be void and of no effect in the event that Laddey, Clark & Ryan, LLP does not sign the Agreement.

7. If any section, subsection, sentence, clause or phrase in this resolution is for any reason held to be unconstitutional or invalid, such decision shall not affect the



remaining portions of this resolution.

9-7 Resolution to Abolish A Salute 07871 Committee

WHEREAS, the Township Council of the Township of Sparta wishes to continue to support past, present and future service members of Sparta who served in and across all branches of the military; and

WHEREAS, the Township Council of the Township of Sparta believes that this support can best be expressed and realized through a non-governmental committee established by a community and/or veterans organization with community backing, outreach support and recognition of our service members; and

WHEREAS, by Resolution adopted on March 26, 2019, the Township Council of the Township of Sparta established a “Salute 07871 Committee” whose goals and objectives, while still shared by the Township, shall be served through a community Salute 07871 Committee.

NOW, THEREFORE, BE IT RESOLVED by the Sparta Township Council, County of Sussex and State of New Jersey, that the Salute 07871 Committee previously established by the Township is hereby abolished in consideration of the work that shall be done through community organizations.

If any section, subsection, sentence, clause or phrase in this resolution is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining parts of this resolution.



9-8 Resolution Requesting Authorization to Hire Certain Police Officers

WHEREAS, it is the desire of Sparta Township to hire a police officer, and

WHEREAS, the Sparta Township Police Department staff have conducted background checks and interviewed Police Officer candidates in accordance with Civil Service guidelines; and

WHEREAS, the Sparta Township Police Department staff recommend the hiring of the following Police Officer Candidate:

Kyle J. Stoll, as a Temporary Appointment, at \$50,000/year,
in accordance with N.J.S.A 11A:4-1.3.

WHEREAS, the Township's Chief of Police recommends hiring this officer; and

WHEREAS, the Township's Chief Financial Officer has certified that funds are available for this purpose; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Sparta, approve the hiring of said Police Officer effective March 2nd, 2023.

A copy of this Resolution shall be placed on file with the Clerk of the Township.

This resolution shall take effect immediately.

If any section, subsection, sentence, clause or phrase in this resolution is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this resolution.



9-9 Resolution Rescinding Resolution No. 22-178 of the Township of Sparta

WHEREAS, while Sparta Township Ordinance § 4-3 “Deer Hunting on Township-owned Properties” as amended by Sparta Township Council Ordinance § 15-01, prohibits all hunting on Township-owned properties, except in the event that the Township Council determines that deer hunting is necessary to control the deer population; and

WHEREAS, in such event a determination is made by the Council and the Council adopts a resolution setting forth the applicable permit fee, the process for obtaining permits and the rules and regulations for such; and

WHEREAS, a Resolution No. 22-178, was adopted by the Sparta Township Council authorizing hunting of white-tailed deer on Township-owned property due to a necessity to control the deer population in Sparta Township; and

WHEREAS, the Sparta Township Council has subsequently made a determination that further investigation is required to determine if there is such a need for the allowance of hunting on Township-owned property, as well as a need to investigate other measures of deer control that the Township should explore; and

WHEREAS, the Sparta Township Council desires to rescind Resolution No. 22-178 and direct the Township Manager to study the issue of deer population control in Sparta Township, as well as the benefits, drawbacks and means to control hunting on Township-owned property; and

NOW, THEREFORE, BE IT RESOLVED by the Sparta Township Council, County of Sussex and State of New Jersey, as follows;



1. Resolution No. 22-178 is hereby rescinded and repealed.

2. The Interim Sparta Township Manager is directed to engage a review of the current deer population conditions and implement a deer control program, seeking engagement with and input from the New Jersey Department of Environmental Protection, Division of Fish and Wildlife (DEP), from the Sparta Environmental Commission, Sparta Recreation Department and Sparta Township Risk Manager.

3. The Interim Township Manager is to identify eligible Township-owned properties upon which deer hunting may be permitted, identifying said properties on a map. The Interim Township Manager is to interface with the NJ DEP's Program on Community Based Deer Management (CBDM), in an effort to explore alternative methods of controlling deer populations, which includes, but is not limited to, controlled hunting, capture and removal and fertility control. This engagement shall include interfacing with the NJ DEP and setting up a meeting with the CBDM biologist to discuss Sparta-specific issues and best practices regarding hunts and land management as it pertains to deer.

If any section, subsection, sentence, clause or phrase in this resolution is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining parts of this resolution.

**AN ORDINANCE AMENDING ARTICLE III, MEETINGS OF TOWNSHIP COUNCIL,
SECTION 2-3.2, REGULAR MEETINGS OF THE MUNICIPAL CODE OF THE TOWNSHIP
OF SPARTA**

WHEREAS, the Sparta Township Council desires to amend Article III, Section 2-3.2 of the Township of Sparta Municipal Code; and

WHEREAS, the Sparta Township Council has approved a change to the time the Township Council Meetings for its Council Meetings, on the second and fourth Tuesdays of each month, from 7:00 p.m. to 7:30 p.m.

NOW, THEREFORE, BE IT ORDAINED by the Sparta Township Council, in the County of Sussex, State of New Jersey, that the Municipal Code of the Township of Sparta, Article III, Meetings of Township Council, Section 2-3.2, Regular Meetings, as follows:

Section 1. Section 2-3.2 is amended as follows:

The Council shall meet regularly in the Municipal Building or such other public building as may be determined by Resolution, on the second and fourth Tuesdays of each month at 7:30 p.m. prevailing time, except that the Council may, by Resolution, dispense with one or more of the regular meetings otherwise scheduled. When the time for any regular meeting of the Council shall fall on a holiday, the meeting shall be held at the same hour on the next succeeding day which is not a holiday.

Section 2. Severability. If any provision of this ordinance or the application of this Ordinance to any person or circumstances is held invalid, the remainder of this ordinance shall not be affected and shall remain in full force and effect.

Section 3. Repealer. All ordinances or parts of ordinances or resolutions inconsistent or in opposition to the provisions of this ordinance are hereby repealed in their entirety.

Section 4. Effective Date. This ordinance shall take affect after final passage and publication as required by law.

NOTICE

NOTICE is hereby given that the above ordinance was introduced and passed upon first reading at a meeting of the Mayor and Council of the Township of Sparta, in the County of Sussex, New Jersey, held on January 24, 2023. It will be further considered for final passage after public hearing at a meeting of the Mayor and Council to be held in the Municipal Building, 65 Main Street, in the Township of Sparta, on February 14, 2023, at 7:30 P.M., and during the preceding week copies of the ordinance will be made available at the Clerk's office in the Municipal Building to members of the general public.

KATHLEEN CHAMBERS, RMC
MUNICIPAL CLERK

NOTICE

NOTICE is hereby given that the above entitled ordinance was introduced and passed at a meeting of the Township Council of the Township of Sparta, held at the Municipal Building, 65 Main Street, Sparta, NJ on January 24, 2023. The same came up for final passage and adoption at a regularly scheduled meeting of the Township Council of the Township of Sparta, held on February 14, 2023 at 7:30 p.m., at the Municipal Building, 65 Main Street, Sparta, NJ and after all person's present were given an opportunity to be heard concerning the same, it was finally passed and adopted and will be in full force in the Township according to law.

KATHLEEN CHAMBERS, RMC
MUNICIPAL CLERK

AN ORDINANCE AMENDING CHAPTER VII, "TRAFFIC," OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF SPARTA, AMENDING SECTION 7-17, "VEHICLE OVER DESIGNATED WEIGHT EXCLUDED FROM CERTAIN STREETS"

WHEREAS, the Sparta Township Engineer and Police Department have in the interest of public safety, investigated the use of North Shore Trail by trucks and commercial vehicles. The Township Engineer provided his recommendation to reduce the weight limit on North Shore Trail to four (4) tons, and

WHEREAS, the Township of Sparta Council desires to amend the Township's existing Ordinance Chapter VII, "Traffic", Section 7-17, "Vehicles Over Designated Weight Excluded From Certain Streets" as authorized by N.J.S.A. 39:4-8.b(1) and N.J.S.A. 39:4-107(1)i; and

WHEREAS, the Township Engineer and the Police Chief concur with the need to amend the Ordinance; and

NOW, THEREFORE, BE IT ORDAINED by the Sparta Township Council, County of Sussex, State of New Jersey, that the revised General Ordinances of the Township of Sparta are amended as follows:

Section 1. Township Ordinance 22-14 is hereby repealed and rescinded.

Section 2. Township Ordinance Section 7-17, "Vehicles Over Designated Weight Excluded From Certain Streets" is hereby amended as follows:

a. **Delete:**

<u>Name of Street</u>	<u>Weight</u>	<u>Location</u>
North Shore Trail	8 tons	Entire length

Section 3. All roads existing on private property within the Lake Mohawk Country Club Community that are subject to Subtitle 1 of the Title 39 of the New Jersey Statutes are exclusively governed by Sparta Ordinance § 7-37.4, which shall include a weight limit of 4 tons for the entire length of North Shore Trail.

Section 4. Signs shall be erected and maintained to post the four (4) ton weight limit on North Shore Trail.

Section 5. Severability. If any provision of this ordinance or the application of this ordinance to any person or circumstances is held invalid, the remainder of this ordinance shall not be affected and shall remain in full force and effect.

Section 6. Repealer. All ordinances or parts of ordinances or resolutions inconsistent or in opposition to the provisions of this Ordinance are hereby repealed in their entirety.

Section 7. Effective Date. This ordinance shall take effect after publication and passage according to law.

NOTICE

NOTICE is hereby given that the above ordinance was introduced and passed upon first reading at a meeting of the Mayor and Council of the Township of Sparta, in the County of Sussex, New Jersey, held on January 24, 2023. It will be further considered for final passage after public hearing at a meeting of the Mayor and Council to be held in the Municipal Building, 65 Main Street, in the Township of Sparta, on February 14, 2023, at 7:30 P.M., and during the preceding week copies of the ordinance will be made available at the Clerk's office in the Municipal Building to members of the general public.

KATHLEEN CHAMBERS, RMC
MUNICIPAL CLERK

NOTICE

NOTICE is hereby given that the above entitled ordinance was introduced and passed at a meeting of the Township Council of the Township of Sparta, held at the Municipal Building, 65 Main Street, Sparta, NJ on January 24, 2023. The same came up for final passage and adoption at a regularly scheduled meeting of the Township Council of the Township of Sparta, held on February 14, 2023 at 7:30 p.m., at the Municipal Building, 65 Main Street, Sparta, NJ and after all persons present were given an opportunity to be heard concerning the same, it was finally passed and adopted and will be in full force in the Township according to law.

KATHLEEN CHAMBERS, RMC
MUNICIPAL CLERK

**AN ORDINANCE AMENDING THE CODE OF THE
TOWNSHIP OF SPARTA RESPECTING
THE DISPLAY OF FLAGS ON TOWNSHIP FLAGPOLES**

WHEREAS, the Government Speech Doctrine establishes that a government organization, such as the Township of Sparta, may advance its own expression without requiring viewpoint neutrality when the government itself is the speaker, so long as its expression does not show religious preference (See, *Matal v. Tam*, 137 S. Ct. 1744, 1757 (2017)); and

WHEREAS, the Township Council maintains flagpoles on various public building and within public parks and playgrounds within the Township of Sparta; and

WHEREAS, the Township Council wishes to permit the display of commemorative flags upon Township owned flagpoles as a form of government expression; and

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Sparta, Sussex County, New Jersey, as follows:

SECTION 1. The Code of the Township of Sparta is hereby amended to read in full as follows:

Display of flags.

- (a) In addition to the Flag of the United States, the Township of Sparta may display such additional flags on Township owned flagpoles on public buildings and in public parks and playgrounds as the Township Council may authorize by resolution as a form of government speech, provided the display of same shall not show religious preference.
- (b) The Flag of the United States shall be displayed highest and any such additional flags shall be flown below the Flag of the United States. The Flag of the United States shall be displayed in accordance with and in the manner prescribed in Chapter 1 of Title 4 of the United States Code (4 U.S.C.S. §§ 1-10).
- (c) The Township's flagpoles are not intended to serve as a forum for free expression by the public. Rather, the Township's flagpoles are to be used exclusively by the Township, where the Council may display a commemorative flag as a form of government expression. The Township will not display a commemorative flag based on a request from a third party, nor will the Township use its flagpoles to sponsor the expression of a third party.
- (d) No person shall display or place upon any flagpole owned by the Township of Sparta any flag or other object not otherwise authorized as an expression of government speech by the Township Council of the Township of Sparta and without the express written permission of the Township of Sparta.
- (e) Owing to their very nature as expressive locations meant for contemplation and reflection, monuments and memorials and other similar structures donated as a remembrance, shall not be deemed locations for flying expressive flags via resolution.
- (f) In addition to the Flag of the United States and such other flags as may be authorized by resolution of the Township Council, the following flags are hereby permitted to be displayed upon flagpoles owned by the Township of Sparta as a form of expression of government speech, in the manner set forth above:
 - 1) Flag of the State of New Jersey
 - 2) P.O.W./M.I.A (Prisoner of War/Missing in Action)) flag as provided in Title 36, Chapter 9, §902 of the United State Code (36 U.S.C.S. §902)

- (g) Nothing contained herein is intended to abridge the right of the citizens of the Township of Sparta to petition or request the Township Council to authorize an expression of government speech.

SECTION 2. Policy – The attached “Flag Flying Policy” is hereby approved and adopted as the official policy of the Township and shall remain operative and in effect until such time as the Council takes further action to amend or revise said policy.

SECTION 3. Inconsistency - All ordinances or parts thereof, inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 4. Severability - If any clause, sentence, section or other portion of this ordinance, or the application thereof to any person or circumstance, shall be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or repeal the remainder of this ordinance.

SECTION 5. Effective Date - This ordinance shall take effect twenty (20) days following passage and publication as required by law.

NOTICE

NOTICE is hereby given that the above ordinance was introduced and passed upon first reading at a meeting of the Mayor and Council of the Township of Sparta, in the County of Sussex, New Jersey, held on February 14, 2023. It will be further considered for final passage after public hearing at a meeting of the Mayor and Council to be held in the Municipal Building, 65 Main Street, in the Township of Sparta, February 28, 2023, at 7:30 P.M., and during the preceding week copies of the ordinance will be made available at the Clerk's office in the Municipal Building to members of the general public.

KATHLEEN CHAMBERS, RMC
MUNICIPAL CLERK

TOWNSHIP OF SPARTA

FLAG FLYING POLICY

- I. Purpose.
 - A. The Township of Sparta (the "Township") hereby establishes the following guidelines regarding the display of Commemorative or Organizational Flags on a Township flagpole located at the Municipal Building or Township-owned or Township-maintained facilities.
 - B. In adopting this Policy, the Township Council declares that flagpoles owned or maintained by the Township are not intended to serve as a forum for free expression by the public, but rather as a non-public forum for the display of Commemorative or Organizational Flags authorized by the Township Council as an expression of the Township Council's official sentiments which shall constitute government speech. See Matal v. Tam, 137 S. Ct. 1744, 1757 (2017).
 - A. As expression of the Township's official government speech, the Township Council may authorize the display of a Commemorative or Organizational Flag at the flagpole(s) located at the Municipal Building or other Township-owned or Township-maintained facilities.
 - B. The Township Council shall only consider a request to display a Commemorative or Organizational Flag if a majority of the Township Council members agree to place the issue on the agenda for a regular or special Township Council meeting. Further procedural requirements are outlined in Section III.
 - C. At a noticed and agendized Township Council meeting, a majority of Council members would need to adopt a Resolution to authorize the flying of the Commemorative or Organizational Flag.
 - D. Each Commemorative or Organizational Flag cannot be flown more than once per year and will be displayed for a period of time that is reasonable or customary for the duration of the event or for a period not to exceed one month.
 - E. Commemorative and Organizational flags must be temporarily donated for the Township's use and be clean, without holes and tears, and be made of an all-weather fabric. The Township will not be responsible for the condition of the Commemorative or Organizational Flag once flown and may dispose of any such flag not picked up within thirty (30) days after it has been flown.

Flags cannot be larger than 4ft x 6 ft. The Township will not purchase the Commemorative or Organizational Flags.

- F. All Commemorative and Organizational flags must be smaller in size than the American Flag and the New Jersey State flag that is displayed at the Municipal Building, and shall be displayed on a separate flagpole from that on which the American Flag is displayed with the New Jersey State flag.
- G. When the American Flag is at half-mast, the Commemorative or Organizational Flag will also be flown at half-mast.

III. Procedure.

- A. An individual or group who would like to request a Commemorative or Organizational Flag to be approved by the City Council should make a request to the Township Manager. The Township Manager shall distribute any requests made by the public to all members of the Township Council. All requests will then be placed on an agenda for a regular or special Township Council meeting and the request will be considered by the Township Council pursuant to Section II.
- B. The Township Council will only display Commemorative or Organizational flags that it approves as its own government speech.
- C. Flags will be flown according to the U.S. Flag Code.