

BOROUGH OF BERLIN
ORDINANCE NO. 2017-16

AN ORDINANCE ESTABLISHING CERTAIN RULES AND REGULATIONS FOR NON-PROFIT ORGANIZATIONS WITHIN THE BOROUGH OF BERLIN THAT EITHER RECEIVE BOROUGH FUNDS OR UTILIZE BOROUGH PROPERTY

WHEREAS, certain non-profit organizations operating within the Borough of Berlin either receive financial assistance or utilize public lands owned and maintained by the Borough of Berlin; and

WHEREAS, the Borough of Berlin supports said organizations in the best interest of the health, safety and welfare of its citizens; and

WHEREAS, the Mayor and Borough Council of the Borough of Berlin desire to establish certain rules and regulations for such non-profit organizations operating within the Borough of Berlin that either receive financial assistance or utilize public lands owned and maintained by the Borough of Berlin.

NOW THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Berlin, County of Camden, State of New Jersey that the following Chapter 237 of the Code of the Borough of Berlin is hereby added and adopted as follows:

Section 1: **Chapter 237-1: Purpose.** All non-profit organizations operating within the Borough of Berlin that either receive financial assistance or utilize public lands owned and maintained by the Borough of Berlin in the best interest of the citizens of the Borough of Berlin shall at all relevant times observe the rules, regulations and requirements set forth herein.

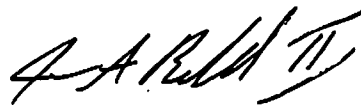
Section 2: **Chapter 237-2: Provisions.** All non-profit organizations set forth herein, shall present to the Mayor and Borough Council the following information no later January 31 each calendar year, the following information, prior to receiving Borough funds or utilizing borough owned and maintained property:

- A. A certified and true copy of the organization's annual audit, to the extent necessary for the last two years of financial information, including but not limited to financial statements and banking records as determined by the Borough's Chief Financial Officer.
- B. Proof of liability insurance in the form of an occurrence policy and an endorsement to the liability policy naming the Borough of Berlin, its agents, employees and professionals as additional insureds and waiving any and all rights of subrogation against the Borough of Berlin. The liability insurance required hereunder shall cover bodily injury and property damage in amounts set by the Borough and/or its Risk Manager and shall be in a form approved by the Borough's Risk Manager and/or the Borough Attorney.
- C. In addition to any other requirements, such organizations shall sign, through a duly authorized representative, an agreement to defend, indemnify and hold harmless the Borough of Berlin from any and all claims not arising from the sole negligence of the Borough of Berlin.
- D. The Mayor and the Borough Council and such other officials, consultants, agents and employees of the Borough as may be necessary and appropriate shall be and are hereby authorized to perform those acts and execute those documents that are necessary in order to affect the purposes of this Ordinance.
- E. Submit annually a Business Entity Status Report proving the organization is in good standing with the State of New Jersey.
- F. Failure to abide by the regulations set forth herein shall result in either the withholding of funds or revocation of facilities usage.

Section 3: All other Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

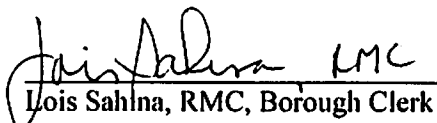
Section 4: If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such subdivision, clause or provision and the remainder of this Ordinance shall be deemed valid and effective.

Section 5: This Ordinance shall take effect immediately upon final passage and publication as required by law.



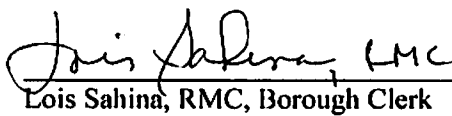
By: James Bilella, Mayor

ATTEST:



Lois Sahina, RMC, Borough Clerk

I, Lois Sahina, Clerk of the Borough of Berlin, hereby certify the foregoing to be a true and correct copy of an Ordinance adopted by the Mayor and Borough Council at their meeting of December 14, 2017, in the Municipal Building, 59 South White Horse Pike, Berlin, New Jersey.



Lois Sahina, RMC, Borough Clerk

Introduced: November 16, 2017
Adopted: December 14, 2017