

ORDINANCE NO. 2230

**AN ORDINANCE ADOPTING A REVISION AND CODIFICATION
OF THE ORDINANCES OF THE BOROUGH OF ROSELLE PARK,
IN THE COUNTY OF UNION, NEW JERSEY**

WHEREAS, the Mayor and Borough Council of the Borough of Roselle Park in the County of Union, State of New Jersey, has caused its ordinances of a general and permanent nature to be amended and supplemented and to be compiled and revised and embodied in a revision and codification known as "The Revised General Ordinances of the Borough of Roselle Park, 2007."

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF ROSELLE PARK, UNION COUNTY, NEW JERSEY, AS FOLLOWS:

Section 1. The ordinances of the Borough of Roselle Park in the County of Union, New Jersey, of a general and permanent nature, as codified, in Chapters I through Chapter XL, are hereby ordained as "The Revised General Ordinances of the Borough of Roselle Park, 2007."

Section 2. All of the provisions of "The Revised General Ordinances of the Borough of Roselle Park, 2007," shall be in force and effect on and after the effective date of this ordinance.

Section 3. All ordinances of a general and permanent nature, adopted by the Mayor and Borough Council (hereafter referred to as the "Council") and in force on October 4, 2007, and not contained in "The Revised General Ordinances of the Borough of Roselle Park, 2007," are hereby repealed from and after the effective date of this ordinance, except as hereafter provided in Section 4.

Section 4. The repeal provided for in Section 3 of this ordinance shall not affect:

- a. Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or occurring before the effective date of this ordinance;
- b. Any prosecution, action, suit or other proceeding pending or any judgment rendered on or prior to the effective date of this ordinance;
- c. Any right of franchise conferred by the Council;
- d. Any right, right-of-way or easement acquired or established in any street, road, highway or other public place within the Borough;
- e. Any ordinance of the Borough providing for laying out, opening, altering, widening, relocating, straightening, acceptance or vacation of any street, road or highway within the Borough;
- f. Any ordinance or resolution of the Borough promising or guaranteeing the payment of money by or for the Borough or authorizing the issuing of bonds or other evidence of the Borough's indebtedness, or any contract of or obligation assumed by the Borough;

g. The annual budget appropriation ordinances or resolutions, and all ordinances and resolutions appropriating or transferring funds;

h. The administrative ordinances or resolutions of the Council not in conflict or inconsistent with the provisions of this Code;

i. Any ordinance or resolution of the Council fixing compensation or salaries of the Borough officials and employees or the pay and compensation of positions and clerical employments which are not provided for in this Code and which are not in conflict or inconsistent therewith;

j. Any ordinance or resolution of the Council creating employments, positions or offices and fixing duties therefor which are not provided for in this Code and which are not in conflict or inconsistent therewith;

k. Concerning the Traffic Chapter, any other provision of this ordinance to the contrary notwithstanding, the repeal provided for in Section 3 of this ordinance shall not become effective with respect to any ordinance regulating traffic or parking on the public streets or highways until the traffic and parking chapters of this Code are finally approved by the Commissioner of the New Jersey Department of Transportation, and said chapters shall not take effect until finally approved by the Commissioners as aforesaid;

l. Ordinances adopted by the Board of Health of the Borough of Roselle Park;

m. Any ordinances of the Borough Council adopted upon final passage after the 4th day of October, 2007.

Section 5. The effects of proposed changes contained in the Code are listed below:

Chapter I: General Provisions. Most of Chapter I is new. Sections 1-1 through 1-4 are new. Section 1-1, Short Title, provides the official title of this Code. Section 1-2, Definitions, establishes definitions for use in the entire Code or when drafting future ordinances of the Borough. Section 1-3, Construction, provides rules of construction and interpretation of general terms used throughout this Code, as well as for all other ordinances adopted by the Borough of Roselle Park and Section 1-4 establishes the Divisions used in the Code.

Section 1-5, Penalty, contains the new penalty provisions as provided by Statute. The general penalty clause is applicable to the entire Code or any other ordinance adopted by the Borough Council. In subsection 1-5.1, Maximum Penalty, a maximum penalty of a fine not exceeding two thousand (\$2,000.00) dollars and/or imprisonment for a term not to exceed ninety (90) days and/or a period of community service not to exceed ninety (90) days is established in accordance with State Statutes. For violation of a housing or zoning ordinance, the penalty may not exceed one thousand two hundred fifty (\$1,250.00) dollars. Subsection 1-5.1 eliminates the need to restate the maximum penalty clause each time a new regulatory ordinance is adopted. Subsection 1-5.2, Minimum Penalty, provides a minimum fine of one hundred (\$100.00) dollars. Subsection 1-5.3, Powers of the Court, provides that the court shall have the power to impose a fine, imprisonment or community service, Subsection 1-5.4, Additional Fine for Repeat Offenders provides that additional fines may be imposed on any person who is convicted of the

same violation within one (1) year of the date of the previous violation. Subsection 1-5.5, Default of Payment of Fine, provides that any person who defaults on payment of a fine may be imprisoned in the County Jail or be required to perform community service. Subsection 1-5.6, Violations of Housing or Zoning Codes; Time Permitted to Abate Condition; Hearing, provides for an abatement period of thirty (30) days if a fine greater than one thousand two hundred fifty (\$1,250.00) dollars is imposed. Subsection 1-5.7, Separate Violations, provides that each and every day a violation exists shall constitute a separate violation. Subsection 1-5.8, Application, provides that the penalty is set at the discretion of the Judge of the Municipal Court.

Section 1-6, Severability, provides for the severability of unconstitutional or unenforceable Code provisions.

Section 1-7, is new and provides that the Code shall be maintained by the Municipal Clerk, provides that the Municipal Clerk shall keep the Code up-to-date and that the Governing Body shall provide for supplements to the Code.

Section 1-8, Additions and Amendments to Code, provides that all amendments or additions to the Code if adopted to be part of the Code shall be deemed to be incorporated and part of the Code.

Section 1-9, provides that copies of the Code may be purchased from the Municipal Clerk and Section 1-10 states that it is unlawful to improperly change, amend or alter the Code without authorization.

Chapter II: Administration. This Administrative Chapter has been organized into eight (8) articles as follows:

- Article I Mayor and Borough Council
- Article II Officers and Employees
- Article III Departments of the Local Government
- Article IV Boards, Committees and Commissions
- Article V Municipal Court
- Article VI Administrative Policies and Procedures
- Article VII Fees for Municipal Services
- Article VIII Guidelines for Photographing, Videotaping and Recording Public Meetings.

Article I, Mayor and Borough Council, is new and provides for the organization of the Governing Body. The establishment of rules of the Council, the powers of the Council, codification of ordinances, filling of a vacancy in elected office and the powers and duties of the Mayor. Provisions on wards and election districts are continued from the prior Code.

Section 2-2, Meetings of the Council, is new and provides for the organizational meeting and regular and special meetings of Council. The section contains the requirements for a quorum

and the rules of procedures, and requires that all meetings shall comply with the Open Public Meetings Act.

Section 2-3, Powers and Duties of the Mayor, is new and states the statutory powers concerning meetings, voting, appointments, execution of the laws and supervision of the officers of the Borough.

Section 2-6, President of the Council, is new and provides for the election and duties of the President of Council.

Section 2-8, Municipal Clerk, provides the appointment, term, qualifications, powers and duties and compensation of the Municipal Clerk, and also provides for the appointment of a Deputy Municipal Clerk and the position of Clerk-Stenographer.

Section 2-9, Chief Administrative Officer, provides the establishment of the position, appointment, term, removal, acting position, qualifications, powers and duties.

In Section 2-10, Chief Financial Officer, the term of office was revised to agree with state statute.

Section 2-11, Tax Assessor, is new and provides for the appointment, qualifications, duties, salary and term of office.

Section 2-12, Tax Collector, is new and provides the appointment, duties, term, qualifications, certification required and duties.

In Section 2-13, Borough Attorney, state license requirements were added to Subsection 2-13.1.

Section 2-16, Borough Engineer, is continued from the 1980 Code.

Section 2-17, Auditor, is new.

Section 2-18, Local Historian, is continued from the 1980 Code.

Article III contains the Departments of the Local Government and includes the Police Department, Fire Department, Public Works and Code Enforcement.

Article IV contains Boards, Committees and Commissions and includes the general regulations, the Board of Health, Environmental Commission, Morses Creek Flood Control Commission, Public Assistance and Human Resources Board, Community Center Committee, Technology Commission, Recreation Committee

In Section 2-37 references to the Senior Citizen Services Commission were revised to refer to the Community Center Committee.

Section 2-39, Recreation Committee, was added by Borough Resolution No. 50-79.

Article V, Municipal Court, includes the Municipal Court provisions, Municipal Court Prosecutor, Public Defender and Municipal Court Administrator.

Article VI, Administrative Policies and Procedures contains Approval of Claims, Purchases through County Contracts, Length of Service Awards Program, Payment of Taxes and Assessments Prior to Payment of Fire Insurance Claims, Payment of Taxes Required Prior to Issuance of Permit or License and Reciprocal Agreement for Police Services.

Article VII contains Fees for Municipal Services. In Subsection 2-67.2 the Fees for Police Department escort services were established at twenty-five (\$25.00) per trip.

Article VIII contains guidelines for photographing, videotaping and recording public meetings.

Chapter III: Police Regulations. This chapter contains the regulations enforced by the Police Department which include regulations concerning alcoholic beverages in public places; registration of bicycles; graffiti; drug-free school zone map; DWI school safety zone map; littering and dumping; receptacles required; obscene materials; peace and good order; roller skates, roller blades, skateboards, scooters and other wheeled devices; shopping carts; regulation of vehicles; school property and playgrounds; and registered sex offender prohibition zones.

In many instances the violations and penalty provisions in this Code have been revised to refer to the General Penalty in Chapter I, Section 1-5.

In Subsection 3-2.3 the fee for a bicycle registration decal was established at one (\$1.00) dollar.

In Subsection 3-3.3, additional language was added to permit the Borough to cover graffiti.

In Subsection 3-7.9 the penalty for littering and dumping, requirement for receptacles, was revised to one thousand (\$1,000.00) dollars.

In Subsection 3-15.3, the penalty for violation of the school property and playgrounds regulations was revised to two hundred fifty (\$250.00) dollars.

Chapter IV: Licensing and Business Regulations. This chapter contains the requirements for licensing and regulation of business in the Borough of Roselle Park. Business regulations include Distribution of Advertising Materials; Alarm Devices; Filming; Landscaping and Lawn Maintenance; Livery, Limousines and Shuttle Buses; Massage Businesses; Peddlers, Canvassers and Transient Merchants; Sale or Purchase of Used Jewelry, Used Electronic Devices, Used Auto-Parts and Used Metals; Billboards, Taxicabs; Towing and Storage; Food and Beverage Vending Machines.

In many instances the violations and penalty provisions in this chapter have been revised to refer to the General Penalty in Chapter I, Section 1-5.

In Subsection 4-1.2, the payment of past due taxes, penalties and fees were required to obtain a license.

In Subsection 4-4.7, the fee for a third false alarm was established at fifty (\$50.00) dollars; the fee for a fourth false alarm was established at seventy-five (\$75.00) dollars; provisions for waiver of the fees by the Police Chief were added.

In Subsection 4-9.3, a criminal history background check was added for massage business applications.

In Subsection 4-19.1 language was added concerning an additional two (2) year term for a towing license.

In Subsection 4-19.4 language was added to provide towing for Borough-owned vehicles.

Chapter V: Licensing and Regulation of Amusements and Entertainments. This chapter controls the licensing of Amusement Devices; Bingo and Raffle Licensing; Circuses, Shows, Exhibitions and Miniature Golf; Pool and Billiard Parlors; Coin-Operated Music Devices and Cabarets; Dances and Entertainment.

In many instances the violations and penalty provisions in this chapter have been revised to refer to the General Penalty in Chapter I, Section 1-5.

In Subsection 5-1.2 the language concerning license fees was revised for clarity.

In Subsection 5-1.3 reference to the Building Inspector was revised to refer to the Construction Official.

In Subsection 5-3.2, reference to the Committee on License and Transportation was revised to refer to the Mayor and Council.

The license fee for circuses, shows and exhibitions was revised in Subsection 5-3.3 to five hundred (\$500.00) dollars.

Chapter VI: Alcoholic Beverage Control. The existing Borough ordinances on this subject have been rearranged for purposes of topical sequence and new text material has been included.

New sections include Subsections 6-3.1, Laws Applicable; 6-3.2, Issuing Authority and 6-3.3, License Required.

Section 6-5, Suspension or Revocation of License is new.

Section 6-6, Persons Under the Legal Age, has been revised to prohibit a licensee from selling, serving, delivering any alcoholic beverage to any person under the legal age, and also to provide the penalty for persons under the legal age as contained in N.J.S.A. 33:1-81.

Chapter VII: Traffic. This chapter contains the Traffic Ordinances of the Borough placed in accordance with the model of organization that has been recommended by the State of New Jersey Division of Motor Vehicles. This chapter may not be enforced until approval is obtained from the Director of the Bureau of Traffic Engineering, New Jersey Department of Transportation. New and revised street regulations are included if they have been recommended by the Police Department or the New Jersey Department of Transportation and approved by the Bureau of Traffic Engineering of the Department of Transportation.

Chapter VIII: Animal Control. This chapter codifies the ordinances dealing with the licensing and control of dogs and cats and the feeding of wildlife on public lands.

Subsection 8-2.1 was added new to require that dogs be licensed.

Subsection 8-2.5 contains new language concerning dog licensing application content and information to be sent to the State Department of Health.

Subsection 8-2.7 contains new language concerning the disposition of the fees collected for a dog license.

Chapter IX: Library Regulations. The regulations adopted by the Borough Council concerning return of over-due books, damage to library property, use of fake information and issuance of a library card to a minor are included in this chapter.

Chapter X: Parks and Recreation Areas. Regulations concerning use of parks and recreation areas are contained herein.

In Subsection 10-3.3, the hours for use of tennis courts were revised to permit use from 6:00 a.m. to 10:00 p.m.

Chapter XI: Reserved.

Chapter XII: Personnel Policies. This chapter contains the personnel policies adopted by the Governing Body and includes terms of employment; insurance; disability; compensation for Police Officers; terminal compensation for Department Heads; retirement benefits; vacations and holidays; part-time employees; waiver of benefits; Alcohol and Drug Policy; Workplace Violence Policy and the prohibition of political fund-raising on public property.

Chapter XIII: Officers and Employees. This chapter contains positions established by ordinance citing the establishment of the position and powers and duties. These are the positions established by a separate ordinance.

A new Section 13-6, Salary, Compensation was added which is applicable to the entire chapter. This section provides that compensation shall be paid in twenty-six (26) installments.

Chapter XIV: Reserved.

Chapter XV: Reserved.

Chapter XVI: Building and Construction. This chapter contains the 1980 Code provisions of Chapter 92 establishing the Enforcing Agency for the State Uniform Construction Code and the building subcode fees.

Chapter XVII: Hotels and Multiple Dwellings. This chapter contains provisions for the maintenance of hotels and multiple dwellings as enforced by the Apartment House Inspector.

Chapter XVIII: Rental Housing. This chapter provides regulation for rental housing.

Chapter XIX: Property Maintenance. The property maintenance standards of the 1980 Code are continued herein. This chapter contains the adoption of the 1966 BOCA National Property Maintenance Code, visual obstructions at intersections, Certificate of Necessity and prohibited activities addressing vegetation, litter and unguarded excavations.

Chapter XX: Swimming Pools. This chapter contains regulations for the construction, erection or installation of a permanent swimming pool.

Chapter XXI: Reserved.

Chapter XXII: Fire Prevention and Protection. This chapter provides for enforcement of the Uniform Fire Safety Act, establishes fees for inspections and establishes regulations for fire lanes.

Chapter XXIII: Streets and Sidewalks. This chapter contains regulations concerning excavations in streets; standards for the construction and repair of sidewalks; construction standards for driveways; depositing materials on streets or sidewalks; snow and ice removal from sidewalks; sidewalk cafe permit and permit for newsracks on public property.

In subsection 23-4.1, language was added requiring a permit to deposit sand, gravel, waste or like matter on a street or sidewalk.

Chapter XXIV: Environmental Regulations. This chapter provides for the reimbursement to the Borough for clean-up of hazardous materials and the removal of gasoline storage tanks.

Chapter XXV: Soil and Soil Removal. The regulations establishing a soil removal permit and the permit for soil or landfill delivery are contained in this chapter.

Chapter XXVI: Trees. This chapter contains provisions for the protection of trees along streets or parks.

Chapter XXVII: Sewers. This chapter contains Regulations and Control for the Use of Public Sewers; Obstructions and Breaks; Cost of Sewer Use; Use Regulations; Industrial Waste; Payment by Industrial Users of Cost Recovery Charges and Sewer Utility.

Chapter XXVIII: Solid Waste Management. This chapter contains the provisions for the collection of garbage, trash, leaves and grass, collection of yard waste, use of dumpsters, recycling and recycling in multi-family housing developments.

The Title of Section 28-1 was revised to include leaves and grass.

Subsection 28-1.1 was revised to permit grass and vegetation debris to be placed in biodegradable bags or standard garbage cans.

Chapter XXIX: Wireless Telecommunications Towers and Antennas. This chapter regulates the location and use of telecommunication towers and antennas.

Chapter XXX: Reserved.

Chapter XXXI: Stormwater Control. The stormwater control regulations as adopted by Ordinance No. 2179 are complete in this chapter.

Chapter XXXII: Cable Television. This chapter contains the municipal consent granted to Comcast of New Jersey, LLC.

Chapter XXXIII: Reserved.

Chapter XXXIV: Special Improvement District. This chapter contains the designation and regulation of the special improvement district in the Borough.

Chapter XXXV through Chapter XXXIX: Reserved.

Chapter XL: Land Use. This chapter contains the Land Use from the 1980 Code in toto and contains four (4) parts: Procedure, Land Subdivision and Site Plan Review, Zoning and Miscellaneous.

In Section 40-401, Appeals to Zoning Board of Adjustment, the time limit for filing a notice of appeal is twenty (20) days pursuant to N.J.S.A. 40:55D-72.

In Section 40-1006, Selling Before (Final Subdivision) Approval; Violations and Penalties, the penalty was revised to one thousand (\$1,000.00) dollars to agree with N.J.S.A. 40:55D-55.

In Section 40-3105, the penalty for violation was revised to refer to the General Penalty in Chapter I, Section 1-5.

The fee in Section 40-3201 for a copy of the Land Use Chapter was revised to \$35.00.

The fee in Section 40-3202 for a copy of the Master Plan was revised to \$60.00.

Section 6. A copy of the "Revised General Ordinances of the Borough of Roselle Park, 2007" has been filed in the office of the Municipal Clerk of the Borough of Roselle Park and shall remain there for the use and examination of the public until final action is taken on this ordinance, and if this ordinance shall be adopted, such copy shall be certified to by the Clerk in the Borough of Roselle Park by impressing thereon the seal of the Borough of Roselle Park, as provided by law, and such certified copy shall remain on file in the office of the Municipal Clerk of the Borough of Roselle Park to be made available to persons desiring to examine the same during all times while the Code is in effect.

Section 7. Amendments to the Code. Any and all additions, amendments or supplements to the Code when passed and adopted in such form as to indicate the intent of the Borough Council to make them a part thereof shall be deemed to be incorporated into such Codes so that reference to "The Revised General Ordinances of the Borough of Roselle Park, 2007," shall be understood and intended to include such additions and amendments. Whenever such additions, amendments and supplements to the Code shall be adopted, they shall thereafter be printed and, as provided hereunder, inserted in the book containing the Revised General Ordinances as amended and supplemented thereto.

Section 8. It shall be the duty of the Municipal Clerk or someone authorized and directed by the Clerk to keep up-to-date the certified copy of the book containing "The Revised General Ordinances of the Borough of Roselle Park, 2007," required to be filed in the clerk's office for the use of the public. All changes in the Code and all ordinances adopted subsequent to the effective date of this codification shall be adopted specifically as part of the Code and shall, when finally adopted, be included therein by reference until such changes or new ordinances are printed as supplements to the Code, at which time such supplements shall be inserted therein.

Section 9. The Municipal Clerk of the Borough of Roselle Park, pursuant to law, shall cause to be published in the manner required by law a copy of this adopting ordinance in a newspaper of general circulation in the Borough of Roselle Park. Sufficient copies of the Revised General Ordinances of the Borough of Roselle Park 2007 shall be maintained in the office of the Municipal Clerk for inspection by the public, at all times during regular office hours. The enactment and publication of this adopting ordinance coupled with availability of copies of the Code for inspection by the public shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

Section 10. Copies of the book containing "The Revised General Ordinances of the Borough of Roselle Park, 2007," may be purchased from the Municipal Clerk upon the payment

of a fee to be set by resolution of the Council which may also arrange by resolution the procedures for the periodic supplementation thereof.

Section 11. Each section of "The Revised General Ordinances of the Borough of Roselle Park, 2007" and every part of each section is an independent section or part of a section and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

Section 12. This ordinance shall take effect immediately upon final passage and publication thereof according to law.

Throughout the Code, editorial revisions have been made to refer to the proper municipal official, such as Construction Officer or Chief Financial Officer. Statutory references have been inserted where appropriate. Content has been revised to agree with the New Jersey State Statutes.

In many instances references to a penalty have been revised to refer to "the penalty as stated in Chapter I, Section 1-5.

During the editorial process of preparing this Code, there has been reorganization and editing of the source ordinances, not to effect substantive changes but intended to eliminate word duplications and overlapping and to effect uniformity of expression. In some cases, provisions of the source ordinances have not been included in the Code because they have been expressly or impliedly repealed by later ordinances, are obsolete or no longer apply in the Borough of Roselle Park.

Introduced: December 6, 2007

Adopted:

Mayor

Attest: _____
Borough Clerk