

**AN ORDINANCE AMENDING CHAPTER 5, SECTION 24.5 OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(NEWS VENDING MACHINES; CONDITIONS FOR PERMIT;
HOLD HARMLESS INSURANCE REQUIRED)**

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WEST ORANGE, NEW JERSEY that Chapter 5, Section 24.5 of the Revised General Ordinances of the Township of West Orange be and are hereby amended as follows:

I. PURPOSE

The purpose of this ordinance is to modify the fines set forth in Chapter 5, Section 24.5 of the Revised General Ordinances of the Township of West Orange to be amendable by Resolution such that it is amendable in the future by approval of the Township Council, a necessity in an everchanging socioeconomic climate.

II. CHAPTER 5, SECTION 24.5 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

§5-24.5 BE AND HEREBY AMENDED AS FOLLOWS:

- The portion entitled “Conditions for Permit; Hold Harmless Insurance Required” which specifies the fees paid to the Township of West Orange for the installation and operation of news vending machines shall be repealed and replaced by the following language:
 - a. Permits may be issued for the installation of any news vending machine, but such machine and the installation, use or maintenance thereof shall be conditioned upon compliance with the provisions of this section. An annual permit fee prescribed by Resolution per machine is required. The amount of the fee may be amended by the Township at any time subsequent to the adoption of this section.
 - b. The permit shall be valid for a period of one year, on a calendar-year basis, commencing on January 1, and shall be prorated if the permit is issued effective subsequent to January 1.
 - c. No permit shall be issued or renewed unless the applicant(s) represents, stipulates, contracts and agrees to jointly and severally defend, indemnify and hold the Township harmless against liability for any and all claims for damage to property or injury to or death of persons arising out of or resulting from the issuance of the permit or the control, maintenance or ownership of any news vending machine.
 - d. Before a permit is issued the applicant must execute an indemnification agreement substantially as follows: "The applicant and any other persons, organizations, firms or corporations on whose behalf the application is made represents, stipulates, contracts and agrees that they do jointly and severally defend, indemnify and hold harmless the Township of West Orange against liability for any and all claims for damage to property or injury to or death of persons arising out of or resulting from the issuance of the permit or the control, maintenance or ownership of any news vending machine.

e. Before the office of the Chief of Police may issue a permit to any person, that person shall file with the office of the Chief an insurance policy of a company duly licensed to transact business under the insurance laws of this State in the sum of \$500,000 for one person, and for more than one person, \$2,000,000, insuring against loss from liability imposed by law upon the distributor for damages on account of bodily injury or death suffered, and in the sum of \$50,000 against loss on account of property damage suffered by any person or persons as a result of an accident occurring by reason of the ownership, control or maintenance of the news vending machine permitted; and no permit shall continue effective unless such insurance, in the full and collectible amount of \$500,000 for one person and \$2,000,000 for more than one person for bodily injuries or death and \$50,000 for property damages, shall remain in force during the entire term of the permit. Such insurance policy shall provide for the payment of any final judgment recovered by any person on account of the ownership, maintenance and control of such news vending machine or any fault in respect thereto and shall be for the benefit of any person suffering loss, damage or injury as aforesaid. The Township shall be a named additional insured in said policy

III. REPEAL OF CONFLICTING ORDINANCES

Any Ordinances of the Township which are in conflict with this Ordinance are hereby repealed to the extent of such conflict.

IV. SEVERABILITY

If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereof shall not affect the remaining parts of this Ordinance.

V. EFFECTIVE DATE

This Ordinance shall take effect upon final passage and publication in accordance with the law.

SUSAN MCCARTNEY, MAYOR

**TAMMY WILLIAMS,
COUNCIL PRESIDENT**

KAREN J. CARNEVALE, R.M.C., MUNICIPAL CLERK

INTRODUCED: May 2, 2023

ADOPTED: June 13, 2023

2764-23
Legislative History

The purpose of this ordinance is to modify the fines set forth in Chapter 5 of the Revised General Ordinances of the Township of West Orange to be subject to adjustment by Resolution.