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4. Ordinance(S) On Second And Final Reading

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4.XVI. 2732-23

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5. Ordinance(S) On First Reading

5.I. 2740-23

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[2740-23 ORDINANCE - EMERGENCY PARKING ON LINDSLEY AVENUE \(002\).PDF](#)

REVISED

Township of West Orange
CONFERENCE MEETING AGENDA
Council Chambers – 66 Main Street
Tuesday, April 4, 2023
Meeting No. 9

This is to inform the general public that this meeting is being held in compliance with Section 5 of the Open Public Meetings Act, Chapter 231, Public Law 1975. The annual notice was emailed to the Star Ledger and filed in the Township Clerk’s office on November 23, 2022 and published in the West Orange Chronicle on December 1, 2022.

Roll Call – Councilwoman Casalino, Councilwoman Ghebremicael, Councilman Rutherford, Councilwoman Scarpa, Council President Williams, Mayor McCartney

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6:30 P.M

- **Council Liaison Announcements**

- **Public Meeting – 7:00 p.m.**

REVISED
PUBLIC MEETING AGENDA
Township of West Orange
66 Main Street – 7:00 p.m.
April 4, 2023/Meeting No. 9

This is to inform the general public that this meeting is being held in compliance with Section 5 of the Open Public Meetings Act, Chapter 231, Public Law 1975. The annual notice was emailed to the Star Ledger and filed in the Township Clerk's office on November 23, 2022 and published in the West Orange Chronicle on December 1, 2022.

Statement of Decorum

In all matters not provided for in subsection 3-15.1 and except upon consent of the Council President, each person addressing the Council pursuant to this subsection shall be required to limit his or her remarks to five (5) minutes and shall at no time engage in any personally offensive or abusive remarks. The chair shall call any speaker to order who violates any provision of this rule.
(1972 Code § 3-15.2)

Roll Call – Councilwoman Casalino, Councilwoman Ghebremicael, Councilman Rutherford, Councilwoman Scarpa, Council President Williams, Mayor McCartney

- 1. Public Comment**
- 2. *Consent Agenda**
- 3. *Approval of Minutes of Previous Meeting – Public Meeting – March 21, 2023**
- 4. *Report of Township Officers – None**
- 6. *Reading of Petitions and Communications and Bids - None**
- 7. *Bills-None**
- 8. *Resolutions**
 - a. 115-23 Resolution Of The Township Of West Orange, In The County Of Essex, State Of New Jersey Providing For The Issuance Of Special Emergency Notes In An Amount Not To Exceed \$2,500,000 To Fund The Preparation And Execution Of A Complete Program Of Revaluation Of Real Property In The Township (Gross)**
 - b. 116-23 Resolution Authorizing the Issuance of Raffle Licenses (Clerk)-Revised**
 - c. 117-23 Resolution Authorizing License Agreement Montclair YMCA for Use of the Ginny Duenkel Pool – 2023 (Legal-Moon)**
 - d. 118-23 Resolution Authorizing a Professional Services Contract with PS&S, 3 Mountainview Road, Warrant, NJ to Provide Professional Engineering Services for Ginny Duenkel Pool Electrical Panels Replacement in the Amount of \$21,900.00. (Carballo)**
 - e. 119-23 Authorizing Change Order No. 13-“West Orange Library 10 Rooney Circle” (Carballo)**
 - f. 120-23 Authorizing Change Order No. 14 - Installation Of Gypsum Board To Cover Exposed Existing Piping Moved Due To Necessary Building Upgrades (Carballo)**

- g. 121-23** Authorizing Change Order No. 15 - Replacement Of WOPL Damaged PR Missing Blinds.(Carballo)
- h. 122-23** Resolution Amending Chapter 25, Sections 24.7(f) and 24.7(g) of the Revised General Ordinances of the Township (Filming Fees) (Legal-Trenk)
- i. 123-23** Resolution Amending Chapter 25, Section 27.6 Of The Revised General Ordinances Of The Township Of West Orange (Fees) (Legal-Trenk)
- j. 124-23** Resolution Amending Chapter 25, Section 56 Of The Revised General Ordinances Of The Township Of West Orange (Escrow Schedule) (Legal-Trenk)
- k. 125-23** Resolution Amending Chapter 25, Section 55.1 Of The Revised General Ordinances Of The Township Of West Orange (Escrow Schedule)(Legal-Trenk)
- l. 126-23** Resolution Amending Chapter 25, Section 27.11 Of The Revised General Ordinances Of The Township Of West Orange (Violations And Penalties) (Legal-Trenk)
- m. 127-23** Resolution Amending Chapter 25, Section 40.2(D) Of The Revised General Ordinances Of The Township Of West Orange (Certificate Of Occupancy Permit) (Legal-Trenk)
- n. 128-23** Resolution Amending Chapter 25, Section 12.4 Of The Revised General Ordinances Of The Township Of West Orange (Supplemental Parking And Loading Space Regulations) (Legal-Trenk)
- o. 129-23** Resolution Amending Chapter 25, Section 11.12 Of The Revised General Ordinances Of The Township Of West Orange (Outdoor Seasonal Sales) (Legal-Trenk)
- p. 130-23** Resolution Amending Chapter 25, 24.2(b)(2)(j)(6) Of The Revised General Ordinances Of The Township Of West Orange (Conditional Uses) (Legal-Trenk)
- q. 131-23** Resolution Amending Chapter 25, Section 16.18 Of The Revised General Ordinances Of The Township Of West Orange (Security Enclosures) (Legal-Trenk)
- r. 132-23** Resolution Amending Chapter 25, Section 15.5 Of The Revised General Ordinances Of The Township Of West Orange (Permits) (Legal-Trenk)
- s. 133-23** Resolution Amending Chapter 25, Section 15.3(c)(1)(c)(7) Of The Revised General Ordinances Of The Township Of West Orange (Allowed Signage-Sidewalk Signs) (Legal-Trenk)
- t. 134-23** Resolution Amending Chapter 14, Sections 20.4 And 20.7 Of The Revised General Ordinances Of The Township Of West Orange (Penalties For Failure To Report And Penalties For Failure To Maintain Property) (Legal-Trenk)
- u. 135-23** Resolution Amending Chapter 14, Section 19.7 Of The Revised General Ordinances Of The Township Of West Orange (Bonds) (Legal-Trenk)
- v. 136-23** Resolution Amending Chapter 1, Section 5.1 Of The Revised General Ordinances Of The Township Of West Orange (Maximum Penalty) (Legal-Trenk)
- w. 137-23** Resolution Amending Chapter 14, Section 17.4 Of The Revised General Ordinances Of The Township Of West Orange (Compliance with Order and Reinspection) (Legal-Trenk)

- x. **138-23** Resolution Amending Chapter 25, Section 11.11 Of The Revised General Ordinances Of The Township Of West Orange (Outdoor Sales) (Legal-Trenk)
- y. **139-23** Resolution Amending Chapter 25, Section 11.10 Of The Revised General Ordinances Of The Township Of West Orange (Outdoor Cafes in the B-1, B-2 and PC Districts) (Legal-Trenk)
- z. **140-23** Resolution Amending Chapter 25, Section 9.11 Of The Revised General Ordinances Of The Township Of West Orange (Portable Storage Containers) (Legal-Trenk)
- aa. **141-23** Resolution Amending Chapter 25, Section 8.4 Of The Revised General Ordinances Of The Township Of West Orange (Walls and Fences) (Legal-Trenk)
- bb. **142-23** Resolution Authorizing the Receipt of Bids for the Lease of Real Property for the Co-Location of Wireless Communications Ground Equipment and Antennas and Ground Equipment on the Property Known as **280 Pleasant Valley Way**, West Orange, NJ 07052 (Legal-Trenk)
- cc. **143-23** Resolution Authorizing the Receipt of Bids for the Lease of Real Property for the Co-Location of Wireless Communications Ground Equipment and Antennas and Ground Equipment on the Property Known as **Mt. Pleasant Avenue**, West Orange, NJ 07052 (Legal-Trenk)
- dd. **144-23** Resolution Rescinding Resolutions 80-23, 112-23 and 113-23, Regarding the Township Attorney's Contracts (Legal-Kayser)

9. Ordinances on Second and Final Reading

- a. **2717-23** An Ordinance Amending and Supplementing Chapter 2 of the Revised General Ordinances of the Township of West Orange, "Administration", Article Vi., "Departments Established", Section 7.1, "Departments, Boards and Commissions", Adding Subsection A.9., "Department Of Engineering", Deleting Section 7.1 B, and Amending and Supplementing Sections 10.1, "Director Of Public Works, Duties of Department" to Alter the Requirements for the Director of Public Works and the Responsibilities of the Department, Deleting Section 10.2., "Division Of Engineering", and Creating a New and Separate "Department Of Engineering" in Newly Added Section 18.2. (Legal-Kayser)
- b. **2718-23** An Ordinance Amending Chapter 25, Sections 24.7(F) And 24.7(G) Of The Revised General Ordinances Of The Township Of West Orange (Filming-Fees) (Legal-Trenk)
- c. **2719-23** An Ordinance Amending Chapter 25, Section 27.6 Of The Revised General Ordinances Of The Township Of West Orange (Fees) (Legal-Trenk)
- d. **2720-23** An Ordinance Amending Chapter 25, Section 56 Of The Revised General Ordinances Of The Township Of West Orange (Escrow Schedule) (Legal-Trenk)
- e. **2721-23** An Ordinance Amending Chapter 25, Section 55.1 Of The Revised General Ordinances Of The Township Of West Orange (Escrow Schedule)(Legal-Trenk)
- f. **2722-23** An Ordinance Amending Chapter 25, Section 27.11 Of The Revised General Ordinances Of The Township Of West Orange (Violations And Penalties) (Legal-Trenk)
- g. **2723-23** An Ordinance Amending Chapter 25, Section 40.2(D) Of The Revised General Ordinances Of The Township Of West Orange (Certificate Of Occupancy Permit) (Legal-Trenk)

- h. 2724-23** An Ordinance Amending Chapter 25, Section 12.4 Of The Revised General Ordinances Of The Township Of West Orange (Supplemental Parking And Loading Space Regulations) (Legal-Trenk)
- i. 2725-23** An Ordinance Amending Chapter 25, Section 11.12 Of The Revised General Ordinances Of The Township Of West Orange (Outdoor Seasonal Sales) (Legal-Trenk)
- j. 2726-23** An Ordinance Amending Chapter 25, 24.2(b)(2)(j)(6) Of The Revised General Ordinances Of The Township Of West Orange (Conditional Uses) (Legal-Trenk)
- k. 2727-23** An Ordinance Amending Chapter 25, Section 16.18 Of The Revised General Ordinances Of The Township Of West Orange (Security Enclosures) (Legal-Trenk)
- l. 2728-23** An Ordinance Amending Chapter 25, Section 15.5 Of The Revised General Ordinances Of The Township Of West Orange (Permits) (Legal-Trenk)
- m. 2729-23** An Ordinance Amending Chapter 25, Section 15.3(c)(1)(c)(7) Of The Revised General Ordinances Of The Township Of West Orange (Allowed Signage-Sidewalk Signs) (Legal-Trenk)
- n. 2730-23** An Ordinance Amending Chapter 14, Sections 20.4 And 20.7 Of The Revised General Ordinances Of The Township Of West Orange (Penalties For Failure To Report And Penalties For Failure To Maintain Property) (Legal-Trenk)
- o. 2731-23** An Ordinance Amending Chapter 14, Section 19.7 Of The Revised General Ordinances Of The Township Of West Orange (Bonds) (Legal-Trenk)
- p. 2732-23** An Ordinance Amending Chapter 1, Section 5.1 Of The Revised General Ordinances Of The Township Of West Orange (Maximum Penalty) (Legal-Trenk)
- q. 2733-23** An Ordinance Amending Chapter 14, Section 17.4 Of The Revised General Ordinances Of The Township Of West Orange (Compliance with Order and Reinspection) (Legal-Trenk)
- r. 2734-23** An Ordinance Amending Chapter 25, Section 11.11 Of The Revised General Ordinances Of The Township Of West Orange (Outdoor Sales) (Legal-Trenk)
- s. 2735-23** An Ordinance Amending Chapter 25, Section 11.10 Of The Revised General Ordinances Of The Township Of West Orange (Outdoor Cafes in the B-1, B-2 and PC Districts) (Legal-Trenk)
- t. 2736-23** An Ordinance Amending Chapter 25, Section 9.11 Of The Revised General Ordinances Of The Township Of West Orange (Portable Storage Containers) (Legal-Trenk)
- u. 2737-23** An Ordinance Amending Chapter 25, Section 8.4 Of The Revised General Ordinances Of The Township Of West Orange (Walls and Fences) (Legal-Trenk)
- v. 2738-23** Ordinance Of The Township Of West Orange, In The County Of Essex, State Of New Jersey (The “Township”) Providing For A Special Emergency Appropriation In An Amount Not To Exceed \$2,500,000 To Fund The Preparation And Execution Of A Complete Program Of Revaluation Of Real Property In The Township (Gross)
- w. 2739-23** An Ordinance Adding Chapter 5, Article Viii Section 35.1 Through 35.24, To The Revised General Ordinances Of The Township Of West Orange (Public Event Permits) (Legal-Trenk)

10. Ordinances on First Reading

- a. 2740-23** An Ordinance Amending and Supplementing Chapter 7, Traffic, Subsection 7-13, Parking Prohibited At All Times on Certain Streets, and Adding Subsection 7-13.1 Emergency Parking On Lindsley Avenue of the Revised General Ordinances of the Township of West Orange (Carballo)

11. Pending Matters/New Matters/Council Discussion

12. ABC Hearing - None

13. Adjournment

The Council President may at his/her discretion modify with consent the order of business at any meeting of the Council if he/she deems it necessary and appropriate.
(1972 Code § 3-8; Ord. No. 726-84; Ord. No. 1157-93; Ord. No. 2128-07 § II)

Please click the link below to join the webinar:

<https://us06web.zoom.us/j/84539749370?pwd=WnR5ZXJwcGxrWSttVnRMODJUeis1dz09>

Webinar ID: 845 3974 9370

Passcode: 893184

Next Meeting Date(s): April 18, 2023

**RESOLUTION OF THE TOWNSHIP OF WEST ORANGE, IN
THE COUNTY OF ESSEX, STATE OF NEW JERSEY
PROVIDING FOR THE ISSUANCE OF SPECIAL
EMERGENCY NOTES IN AN AMOUNT NOT TO EXCEED
\$2,500,000 TO FUND THE PREPARATION AND
EXECUTION OF A COMPLETE PROGRAM OF
REVALUATION OF REAL PROPERTY IN THE TOWNSHIP**

WHEREAS, pursuant to N.J.S.A. 40A:4-53(b) and an ordinance finally adopted on April 4, 2023 (the "Ordinance"), the Township Council of the Township of West Orange, in the County of Essex, State of New Jersey (the "Township") authorized a special emergency appropriation in the amount of \$2,500,000 to fund the preparation and execution of a complete program of revaluation of real property in the Township for the use of the local assessor; and

WHEREAS, in accordance with N.J.S.A. 40A:4-55 and the Ordinance, the Township now seeks to issue special emergency notes, which may be renewed from time to time, but at least 1/5 of all such special emergency notes, including renewals thereof, shall mature and be paid in each year, so that all notes and renewals shall have matured and have been paid not later than the last day of the fifth year following the date of this resolution.

NOW, THEREFORE, BE IT RESOLVED, (not less than two-thirds of all the members of the full governing body thereof affirmatively concurring) that in accordance with N.J.S.A. 40A:4-55:

0. A special emergency appropriation has been made in the amount of \$2,500,000 to fund the preparation and execution of a complete program of revaluation of real property in the Township for the use of the local assessor.
1. In accordance with N.J.S.A. 40A:4-55, special emergency notes are hereby authorized by the Township Council of the Township to be issued in an amount not to exceed \$2,500,000.
2. At least 1/5 of all such special emergency notes, including renewals thereof, authorized hereunder shall mature and be paid in each year, so that all notes and renewals shall have matured and have been paid not later than the last day of the fifth year following the date of this resolution.
3. The special emergency notes shall be executed by the Mayor and the Chief Financial Officer of the Township and the official seal shall be thereunto affixed, imprinted or reproduced and attested by the Clerk of the Township. All notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Township. The notes shall bear interest at such rate or rates and be in such form as may

be determined by the Chief Financial Officer of the Township. It is hereby delegated to the Chief Financial Officer of the Township the authority to determine all matters in connection with the notes issued, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. The Chief Financial Officer is also hereby authorized to sell part or all of the notes from time to time at a public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest, if any, thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the Township Council of the Township at the meeting next succeeding the date when any sale or delivery of the special emergency notes pursuant to this resolution is made. Such report must include the principal amount, the description, the interest rate, the maturity schedule of the special emergency notes so sold, the price obtained and the name of the purchaser.

4. A certified copy of this resolution shall be filed with the Director of the Division of Local Government Services, within the New Jersey Department of Community Affairs.
5. This resolution shall become immediately effective in accordance with law.

CERTIFICATION

I, KAREN J. CARNEVALE, Clerk of the Township of West Orange, in the County of Essex, State of New Jersey, DO HEREBY CERTIFY that the annexed resolution is a true, complete and correct copy of a resolution duly adopted by the Township Council of the Township at a meeting duly called and held April 4, 2023, in full compliance with the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., at which meeting a quorum was present and acting throughout, and which resolution has not been repealed, amended or rescinded but remains in full force and effect on and as of the date hereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Township this 4th day of April, 2023.

(SEAL)

KAREN J. CARNEVALE,
Clerk of the Township of West Orange

RESOLUTION

WHEREAS, the following charitable organization(s) have applied for a Raffle License which raffle is to be conducted within the Township of West Orange,

NOW THEREFORE, BE IT RESOLVED by the Township Council of *the Township of West Orange, that the Municipal Clerk is hereby authorized to* issue a license to conduct a raffle by the following organization (s) at the place (s) and time(s) set opposite their respective name(s):

<u>Organization</u>	<u>Type of Event/Date</u>	<u>Place</u>	<u>RL No.</u>
RENEW International	June 8, 2023 Off Premise 50/50	757 Eagle Rock Ave.	7820
RENEW International	June 8, 2023 On Premise Merchandise	757 Eagle Rock Ave.	7821
Spectrum360	August 21, 2023 On Premise Merchandise	350 Mt. Pleasant Ave.	7822
Temple B’Nai Abraham	May 4, 2023 On Premise Merchandise	350 Pleasant Valley Way	7823
Temple B’Nai Abraham	May 4, 2023 On Premise 50/50	350 Pleasant Valley Way	7824
The ARC of Essex County	September 18, 2023 On Premise 50/50	750 Eagle Rock Ave.	7825
Mt. Pleasant Elementary School PTA	May 18, 2023 On Premise Merchandise	90 Rock Spring Rd.	7826

Karen J. Carnevale, R.M.C.
Municipal Clerk

Tammy Williams
Council President

Adopted: April 4, 2023

RESOLUTION

WHEREAS, the Township of West Orange (the “Township”) owns and maintains an outdoor pool facility, which includes locker room facilities, at the Ginny Duenkel Pool Complex, located at 60 ½ Cherry Street in the Township (the “Pool Facilities”); and

WHEREAS, the Montclair YMCA has for many years used the Pool Facilities during limited hours for youth swim practices and for competitive swimming programs; and

WHEREAS, the Montclair YMCA has once again requested to use the Pool Facilities for youth swim practices during the summer 2023 season, generally between the hours of 6:00 A.M. and 7:45 A.M. on weekdays from approximately May 1, 2023 through August 31, 2023; and

WHEREAS, the Montclair YMCA has agreed to use the Pool Facilities in exchange for the payment of an hourly rental fee of \$70.00, plus payment of various costs and expenses, pursuant to other terms and conditions set forth in the License Agreement annexed hereto as Attachment “A;” and

WHEREAS, the Montclair YMCA has agreed that its use of the Pool Facilities will not conflict with the Township’s uses; and

WHEREAS, the Montclair YMCA has agreed to comply with all pool regulations and all applicable laws;

NOW, BE IT HEREBY RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE that the Mayor be and hereby is authorized to enter into the annexed License Agreement for the Montclair YMCA’s limited use of Pool Facilities and the Municipal Clerk shall be authorized to attest to the Mayor’s signature; and be it further

RESOLVED, that the entry of the License Agreement shall be subject to the Licensee's providing proof of adequate insurance with the Township named as an additional insured, subject to approval of the Law Department, prior to the use of the Pool Facilities.

Karen J. Carnevale, R.M.C.
Township Clerk

Tammy Williams
Council President

Adopted: April 4, 2023

***LICENSE AGREEMENT FOR
LIMITED USE OF POOL FACILITIES***

THIS AGREEMENT, effective May 1, 2023 upon full execution by all parties, between:

Township of West Orange, as Licensor ("Township" or "Licensor")

and

The Montclair YMCA, as Licensee ("Montclair Y" or "Licensee")

WHEREAS, the Montclair Y runs a competitive swimming program in the summer and requires pool time for the same; and

WHEREAS, the Township owns a certain outdoor pool and surrounding facility in the Township located at 60½ Cherry Street, West Orange, New Jersey ("Pool Facility"); and

WHEREAS, the Montclair Y is desirous of using West Orange's outdoor swimming pool and changing room facilities for swim practices.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, the parties hereto agree as follows:

1. **License Date and Effective Date of Agreement.** This License is made with an effective date of May 1, 2023 ("Effective Date"). This Agreement shall not be effective until the Township receives a copy of this Agreement executed by the President of the Board of Trustees or Executive Director of Licensee and the required insurance certificate approved by the Township Attorney along with a Resolution evidencing approval by the Licensor's Township Council.

2. **Description of Agreement Premises.** The premises licensed by Township to Licensee includes the pool and locker rooms located at 60 ½ Cherry Street in the Township of West Orange, New Jersey ("Premises").

3. **Term.** The term of this License shall be for four (4) months, beginning on May 1, 2023 through August 31, 2023. The Director of Recreation reserves the right to terminate this contract at any time at his/her sole discretion.

4. **Licensee's Use.** Licensee shall use the Premises for swim practices and not for any other use. The hours of use will be 6:00 a.m. until approximately 7:45 a.m. Monday, Wednesday, Thursday, Friday beginning no earlier than May 1, 2023 and ending no later than August 31, 2023. Assigned days and hours are subject to change during the period of this agreement if West Orange activities mandate such change. In the

event of a conflict with a Township activity where pool and changing room use is required, the Township shall contact the Senior Aquatics Director of the Montclair Y and notify the Licensee of the unavailability of the premises as soon as the conflict is evident. No alternate arrangements need be made.

5. **Fee and Insurance.** A fee shall be payable in the amount of \$70.00 per hour of actual use. If the Township is required to hire a manager or other authorized individual, the Licensee shall pay those additional expenses. Licensee agrees to maintain public liability insurance naming itself and Township as named insured in an amount not less than one million (\$1,000,000) dollars per occurrence and two million (\$2,000,000) dollars in the aggregate. The Montclair Y shall carry liability insurance with a minimum combined single limit of One Million (\$1,000,000.00) dollars for bodily injury and property damage. The Montclair Y shall provide the original of a Certificate of Insurance to this effect upon signing this agreement. Further, the Montclair Y represents that all participants and staff have additional medical insurance and emergency room coverage under a policy provided through United States Swimming (liability amount of \$10,000,000.00) and will provide a copy of that documentation included with this signed agreement. The policy expiration dates shall be no earlier than August 31, 2023.

6. **Indemnification.** Licensee shall indemnify and hold harmless Licensor including attorney's fees and expenses from any claims arising from Licensee's use of the Premises.

7. **Usage.** Licensee shall comply with all state and local laws, regulations, codes and ordinances. In addition, Licensee shall comply with all Township pool rules as shall be promulgated from time to time by the Township. Licensee hereby acknowledges receipt and full understanding of all current pool rules.

8. **Hours of Licensee Use.** Licensee shall be permitted to use the Premises during the hours of 6:00 a.m. until 7:45 a.m. Monday, Wednesday, Thursday, Friday during the term set forth above. Any other hours of use shall be subject to prior written request and approval by the Township in its sole discretion. Licensee may not use the Premises at any time without the Licensor's authorized representative present.

9. **Licensee's Care.** Licensee will commit no act of waste, will take good care of the Premises, and will comply with all laws, regulations, rules, and orders of any federal, state, or local government agencies or departments. Licensee will do nothing that may potentially increase the cost of Township's fire or public liability insurance.

10. **Staffing/Supervision & Safety:** Licensee shall provide a certified swim coach (USAS) for all competitive swimming activities and shall also provide a certified pool manager (CPO) to properly open the pool and assure its safety for participants. It shall be the responsibility of the Licensee to ensure the safety of its staff and all participants and to ensure that all staff and participants are properly trained in safety and health procedures and concerns. The Licensee shall immediately report any incidents to West Orange in writing, shall provide the Township with a written incident report, and shall fully cooperate with the Township in all regards. The Licensee shall assume all

liabilities of injuries resulting from swim team related activities. All of Licensee's employees, agents and representatives shall be free of any criminal charge or conviction having any impact upon their ability to work with or be in the vicinity of minors.

11. **Lifeguard:** A fully certified lifeguard shall be present at all times. The Licensee will pay all costs for providing the lifeguard and shall reimburse West Orange for the utilization of a West Orange staff lifeguard.

12. **Repairs.** Township will make all necessary repairs to the Premises at Township's expense except when the repairs are caused by the misuse or neglect by Licensee or by persons under Licensee's control or on the Premises at Licensee's invitation, in which even, Licensee shall make those repairs at Licensee's own expense. Licensee shall surrender the Premises in the same condition as they were at beginning of the term, reasonable wear and tear excepted.

13. **Improvements.** Licensee shall not cause any improvements, renovations or other work to be done at the Premises. All of Licensee's personal property shall be removed by Licensee on a daily basis upon the completion of Licensee's hours of use hereunder.

14. **Abandoned Property.** All of Licensee's property remaining on the Premises shall be deemed abandoned and the sole property of the Township.

15. **Payment.** An initial payment of \$2,000 shall be due to the Township by no later than May 1, 2023. The remaining balance, the amount of which will be presented to the Licensee by the Township by no later than September 15, 2023, shall be due to the Township by no later than October 15, 2023.

16. **Services.** The Township shall provide no services for Licensee's use except as specifically provided herein. Licensee agrees to place all garbage in a designated area. Township agrees to maintain the electrical, plumbing, HVAC and structural systems on the Premises.

17. **Damage to Building.** If the Premises are damaged by fire or any other cause, then Township may, give Licensee notice of election to terminate this Agreement.

18. **Township May Terminate.** If Licensee defaults in the performance of any covenant or condition of this Agreement, Township may, on written notice to Licensee terminate this Agreement.

19. **Notices.** Any notice by either party to the other shall be in writing and shall be deemed to be properly given only if delivered personally, telecopied, or mailed by registered or certified mail, return receipt requested, addressed (a) if to Licensee, at the above indicated location; (b) if to Township, at Township's address set out in this Agreement; or (c) at such addresses as Licensee or Township from time to time may designate in writing. Notice shall be deemed to have been given upon delivery if delivered personally, and if mailed, upon the third day after the date of mailing.

20. **Township's Right to Inspect Premises.** Township may enter the Premises at any time without notice to Licensee to inspect the premises or make those repairs, replacements, and additions to the Premises as Township deems necessary or desirable. Licensee shall have no claim or cause of action against Township solely for entering the premises in accordance with the Paragraph.

21. **Interruption of Services or of Occupancy.** Interruption or curtailment of any service maintained on the Premises if caused by strikes, mechanical difficulties, or any other causes beyond Township's control shall not entitle Licensee to any claim against Township or to any abatement in rent, nor shall they constitute constructive or partial eviction.

22. **Elements of Construction Eviction.** Licensee shall not be entitled to claim a constructive eviction from the Premises.

23. **No Representations.** Neither party has made any representations or promises, other than those contained in this Agreement or in some further writing signed by the party making the representation or promise.

24. **Covenant of Quiet Enjoyment.** Township covenants that as long as Licensee pays the rent and any additional rent required under this Agreement and performs Licensee's covenants, Licensee shall peaceably and quietly have, hold, and enjoy the premises for the term provided, subject to the provisions of this Agreement.

25. **Waiver of Jury Trial.** To the extent waiver is permitted by law, the parties waive trial by jury in any action or proceeding brought in connection with this Agreement or the premises.

26. **Captions.** The captions in this Agreement are included for convenience only and shall not be taken into consideration in any construction or interpretation of this Agreement or any of its provisions.

27. **No Assignment.** The Licensee is not permitted to assign sublet or transfer any aspect of this Agreement, in whole or in part, to any entity or person.

28. **Agreement Binding on Successors, Representatives, and Assigns.** The provisions of this Agreement shall apply to, bind, and inure to the benefit of Township and Licensee, their successors, legal representatives, and assigns.

29. **Entire Agreement:** This Agreement may not be modified except by written agreement signed by both of the parties hereto.

IN WITNESS WHEREOF, the parties have hereunto executed this Agreement.

MONTCLAIR YMCA

Dated: _____

Signed: _____

TOWNSHIP OF WEST ORANGE

Dated: _____

Signed: _____

RESOLUTION

WHEREAS, the Township of West Orange requires Engineering Services for Ginny Duenkel Pool Electrical Panels Replacement; and

WHEREAS, to provide professional engineering services for design, construction documentation, bid review and construction administration services for Ginny Duenkel Pool Electrical Panels Replacement, the Township requires the services of a Professional Engineering firm; and

WHEREAS, the Township Engineer solicited a proposal from PS&S who has previously provided professional engineering services for the plastering of the pool surface, the replacement of existing drains and underwater lighting in the main pool; and

WHEREAS, PS&S, responded to the Request for Proposal; and

WHEREAS, PS&S, have performed similar work for the Township on several projects and their work quality is very good; and

WHEREAS, by letter dated March 27, 2023 the Township Engineer recommended a professional services contract be awarded to PS&S, 3 Mountainview Road, Warren, NJ 07059 for Professional Engineering Services associated with Ginny Duenkel Pool Electrical Panels Replacement; and

WHEREAS, PS&S responded to the Township's Request for Qualifications for Professional Services for 2023; and

WHEREAS, sufficient funds exist for the services outlined in the proposal of Ginny Duenkel Pool Electrical Panels Replacement; and

WHEREAS, the Township Council concurs in the foregoing.

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of West Orange, New Jersey that a professional services contract be awarded to PS&S to provide professional engineering services for Ginny Duenkel Pool Electrical Panels Replacement in the amount of \$21,900.00.

BE IT FURTHER RESOLVED that a copy of this Resolution be published in the West Orange Chronicle within ten (10) days of its approval as required by State Statute.

**Karen J. Carnevale, R.M.C.,
Municipal Clerk**

Tammy Williams, Council President

Adopted: April 4, 2023

I hereby certify funds are available from:

**ACCOUNT NO.
Capital Improvements**

\$21,900.00

John Gross, Chief Financial Officer



Via Email

March 21, 2023

PS&S#090230460

Ms. Zayibeth Carballo, PE, PLS, PP
Assistant Municipal Engineer, Department of Public Works
Township of West Orange
25 Lakeside Avenue
West Orange, New Jersey 07052

Education

Energy Utility

Healthcare

Public Works

Real Estate

Science & Technology

Re: **Ginny Duenkel Pool – Electrical Panels Replacement
PS&S Proposal for Engineering Services**

Dear Ms. Carballo:

Paulus, Sokolowski and Sartor, LLC (PS&S) is pleased to submit this proposal to provide professional engineering services to the Township of West Orange for the design, construction documentation, bid review, and construction administration services for Electrical Panels Replacement project of the Ginny Duenkel Pool located at 60 1/2 Cherry St, West Orange, NJ.

1.0 SCOPE OF SERVICES

In accordance with recent correspondence, we understand that the Township desires to replace all existing aged electrical panels in the Ginny Duenkel Pool Building to avoid potential electric shock, fires, arc, and/or even explosions. PS&S proposes to provide the following professional engineering services in support of this project:

- A. Review of Pool record plans.
- B. Perform a field visit to confirm/verify existing conditions at the project site.
- C. Design and specifications for the replacement of all existing electrical panels in the existing Pool Building.
- D. Provide twelve (12) sets of bid documents.
- E. Provide construction administration services including review and processing of contractor submittals (shop drawings, warranty, etc.), response to RFI's, and contractor payment requisition submissions. PS&S assumes a total of up to two (2) site visits during the entire construction period anticipated to be two months.

2.0 ASSUMPTIONS AND EXCLUSIONS

We assume the following in our proposal:

1. The design is limited to the replacement of all existing electrical panels at the Pool Building. The design of replacing other electrical equipment including receptacles, switches, building lighting system, fire alarm system, grounding and lightning protection system, associated wires, and conduits are not included in this

3 Mountainview Road
PO Box 4039
Warren, NJ 07059

t. 732.560.9700

www.psands.com



- proposal. Structural repairs/modifications to the Pool and Building are not included either.
2. The design/technical specifications are anticipated to be on the drawings, and that book specifications are not required.
 3. All Application and Permit fees will be paid by Township of West Orange.
 4. Full time or daily site visits during construction period is not required and not included in the proposal.

3.0 SCHEDULE

PS&S will commence work within ten (10) days of authorization to proceed and estimates up to four (4) weeks to complete the design, specifications, and bid documents. The bid document review time by the Township of West Orange is not included in the Schedule.

4.0 FEE, TERMS, AND CONDITIONS

PS&S proposes to provide the aforementioned Scope of Services for a **LUMP SUM** fee of **Twenty-One Thousand Nine Hundred Dollars (\$21,900.00)** as broken down below. These fees exclude any permit fees, which will be paid directly by the Township of West Orange. These services would be performed in accordance with the terms and conditions of the attached PS&S *Schedule of Charges & Hourly Rates* and *General Conditions of Service* both dated March 21, 2023.

Fee Breakdown	
Phase 010 – Design	\$13,700.00
Phase 020 – Bid Phase	\$2,800.00
Phase 020 – Construction Administration	\$3,900.00
Phase 990 – Expenses (printing, mail, mileage)	\$1,500.00
Total	\$21,900.00

5.0 AUTHORIZATION

We appreciate the opportunity to prepare this proposal, and we look forward to working with you on this project. Should you find this proposal to be acceptable, please return a signed copy for our files.

Very truly yours,

PAULUS SOKOLOWSKI and SARTOR, LLC

Digitally signed by Fred Chen
Date: 2023.03.21
18:19:39-04'00'

Fred Chen, PE
Director

cc: L. Lepore (West Orange), M. Cohen (PS&S), T. Conlon (PS&S)



Township of West Orange
Ginny Duenkel Pool Electrical Panels Replacement
March 21, 2023

Page 3

attach.

PROPOSAL ACKNOWLEDGED AND ACCEPTED:	
CLIENT:	Township of West Orange, NJ
SIGNATURE:	
NAME:	
TITLE:	
DATE:	



GENERAL CONDITIONS OF SERVICE

Page 1 of 4

These General Conditions of Service ("General Conditions") and PS&S's Schedule of Charges & Hourly Rates ("Rate Schedule") are attachments to this Proposal. Unless you (the Client) specifically exclude these General Conditions, they along with the Rate Schedule and the Proposal will comprise the agreed terms under which Services will be provided (hereinafter referred to as the "Professional Service Agreement" or "PSA") for the project described in the Proposal (the "Project"). Any Service that you request (or is required) that is not described in the Proposal is considered to be an Additional Service. Additional Services will require a written amendment to the Professional Service Agreement before being performed.

1. CHARGES FOR SERVICES

When PS&S is to be paid on the basis of time expended and expense incurred on the Project, compensation shall be determined using the hourly rates on the attached Schedule of Charges and Hourly rates, subject to modification by PS&S as per the language in the Schedule of Charges. If PS&S is to be paid on a lump-sum basis, compensation shall be paid on a percentage-of-completion basis, or in accordance with the milestone achievement schedule included in the Proposal.

Billing time for in-person meetings and / or site visits will commence and terminate from portal-to-portal to/from a PS&S office location.

If the Client requests PS&S to provide other Services in addition to those described in the attached Proposal, PS&S requires a written additional service authorization amending this Professional Service Agreement before PS&S will proceed with that work.

Any retainer payment must be returned with one (1) executed copy of this proposal prior to commencement of work and it shall be applied against the final invoice only and not against interim invoices. Should there be any balance due you at the end, it will be returned to you.

Further, it is specially understood and agreed that PS&S's fees are in no way contingent upon the plans or project being approved by any reviewing agency.

2. CHARGES FOR REIMBURSABLE EXPENSES

All Reimbursable Expenses incurred for a Project will be separately billed at actual cost plus fifteen percent (15%). Such expenses include, but are not limited to, costs for: subcontractor(s)/consultant(s); laboratory; reproduction [printing, binding, etc.]; special equipment required for Project execution; Project-required travel; special insurance coverage in excess of or different from PS&S's standard insurance coverage; special mailing and, any other costs particular to Project engagement. Mileage costs will be billed at the rate authorized by the Internal Revenue Service. If rental vehicles are used (at the option of PS&S), the actual rental charges plus fifteen percent (15%) will be billed instead of using the IRS mileage reimbursement rate.

3. TIME FOR PERFORMANCE

Delays created by scheduling of government meetings, or by any failure by the Client to timely respond to requests for input, information, or decisions may extend the Project schedule and require an increase in PS&S's compensation. If PS&S's Services have not been completed by the date established in the Proposal for the completion of Services, through no fault of PS&S, all PS&S Services provided thereafter shall be compensated on an hourly-rate basis using the rates attached, notwithstanding any other compensation amount set forth in the Proposal.

Neither party shall be liable to the other for any delay or failure in performance of any of the obligations under this Agreement to the extent such delay or failure is caused by any pandemic-related impact, fire, flood, earthquake, civil, governmental, or military authority, acts of God, war, terrorist acts, or other similar causes beyond a party's reasonable control and without the fault or negligence of the delayed or non-performing party.

4. PAYMENT

Invoices for all Services: will be issued on a monthly basis; are considered due upon receipt; and, must be paid within 30 days of the invoice date. Interest at one percent (1%) per month (but not exceeding any maximum rate allowed by law) will be charged on any invoice amount not paid within 30 days of the invoice date. All reasonable attorney's fees and costs incurred by PS&S to collect any delinquent amounts shall be added to the amount to be paid by the Client.



PS&S shall not be obligated to deliver any documents for governmental review, deliver any documents or Services for the next Project milestone, sign and seal documents (or any final Construction Documents), nor shall PS&S be obligated to commence providing any Services during the Construction Phase of a Project while any invoice for properly performed Services (or previously delivered document) is overdue and remains unpaid more than 30 days after invoice date. If any undisputed invoiced amounts are not paid within 60 days of invoice date, PS&S may suspend its Services or terminate this Agreement whether on this project or another PS&S engagement. Once Services are suspended for nonpayment, they will be resumed at the discretion of PS&S but only when all unpaid amounts, including accrued interest, are paid in full on all engagements. If PS&S terminates this Agreement for non-payment, the Client shall also be obligated to pay the reasonable costs associated with termination. A suspension of Services shall not preclude PS&S from later electing to terminate this Agreement for continued non-payment of its invoices. Any failure by PS&S to terminate or suspend Services shall not constitute a waiver of, nor be considered a limitation of, these or any other rights and remedies available at law or equity.

If the Client requests PS&S to suspend Project Services for more than 60 days, the Client shall pay PS&S a charge of not more than ten percent (10%) of the amount due for the remaining unperformed Services, as a condition for PS&S to resume the performance of its Services, according to a mutually acceptable revised Project Schedule. Projects with current payment status receive the first commitment of PS&S's resources.

5. TAXES

If applicable, the Client shall pay the cost of any sales, use, excise, value-added or other tax, which is or may become applicable to the Services, in addition to the amount of compensation due to PS&S under this Agreement.

6. STANDARD OF CARE AND PS&S'S RESPONSIBILITIES

PS&S shall perform its Services in a manner consistent with that level of skill and care ordinarily exercised by other professional consultants providing the same or similar Services, under similar circumstances and location that exist at the time of providing the Services. PS&S represents that it is duly qualified to provide the Services that are covered by this Agreement and that it is authorized to enter into and execute this Agreement. No other representation, express or implied, and no warranty or any guarantee is made as part of this Agreement, or in any report, document or other communication provided as part of the Services.

If changes are made by the Client or others that affect the design documentation or Services provided by PS&S, any PS&S liability for such changes and their consequences shall be waived by the Client, and Client shall have sole responsibility and liability for such changes and their consequences, unless PS&S was previously advised in writing of such changes, and allowed the proper time in accordance with applicable professional standards, to evaluate and consent to such changes. Client shall compensate PS&S for the time required to provide the evaluation required due to such changes.

PS&S's Services are provided to meet the applicable standards of care, applicable laws, building codes and regulations ("design requirements") for the submission of a permit application from governmental authorities with jurisdiction over the project. At times, these design requirements may be interpreted differently by certain government inspectors and building officials, resulting in changes to the design documents and the project construction, in some cases after permits and approvals have already been issued. Although these design changes may increase the construction costs of the Project, that does not mean that the design documents were not prepared to meet the applicable design requirements or professional standards. It is therefore expressly understood that any additional construction costs that may result, shall not be the basis for any claim for damages against PS&S; and, any design changes required to satisfy conditions of approval by any regulatory agency shall be billed on a time and materials basis as additional costs.

7. CLIENT'S RESPONSIBILITIES

The Client will provide to PS&S all available information pertinent to or required for the performance of PS&S's Services as described in this Agreement. PS&S will be permitted to rely on the accuracy and completeness of the Client-supplied information unless doing so would be a breach of the standard of care set forth in Section 6 above. The Client will provide PS&S access to all public and private property as necessary for PS&S to perform its Services and give prompt written notice to PS&S whenever the Client becomes aware of anything that could affect the Services.



8. PURCHASE/WORK/TASK ORDERS

If the Client issues a purchase/work/task order or other document related to PS&S's Services, it is agreed that such document is issued for Client's internal accounting purposes only and shall not amend, supplement, modify, or delete any terms or conditions of this Agreement regardless of the language on that purchase/work/task order. If there is any conflict between the terms and conditions of such purchase/work/task order and this Agreement, the terms and conditions of this Agreement shall govern.

9. MUTUAL WAIVER OF CONSEQUENTIAL DAMAGES

PS&S and the Client each waive the right to make any claims against the other for consequential damages arising out of or related to this Agreement.

10. LIMITATION OF LIABILITY

To the fullest extent permitted by law, PS&S's total liability to the Client for any and all injuries, claims, losses, costs, damages, or claim expenses arising out of or related to this Agreement, however caused, shall not exceed the total amount of \$50,000 or the amount of PS&S's fee (whichever is greater).

11. PROJECT CONSTRUCTION AND SITE SAFETY

PS&S shall not be responsible for the means, methods, techniques, procedures, or sequence of construction, nor shall PS&S be held responsible for the safety precautions and programs of the Client's contractor(s) working at the Project Site, or any failure of those contractor(s) to comply with applicable laws, rules, or regulations. To the fullest extent permitted by law, neither PS&S nor any of its employees, consultants, authorized agents or representatives performing Services at the Project Site or elsewhere shall be liable for any injury occurring as part of the construction of the Project or any site work, due to a failure, breach or disregard of construction safety standards, procedures, Site-specific programs, transportation regulations, or industry practices at the construction Project (or Site) by the Client's contractors or others for whom PS&S is not responsible under this Agreement. PS&S shall only be responsible for the adherence and compliance of all PS&S employees, consultants, authorized agents and representatives with the Project-site safety programs and procedures, and the laws and regulations applicable to those for whom PS&S is responsible under this Agreement.

12. HAZARDOUS OR TOXIC MATERIALS

Unless specifically agreed to in the Proposal, which is part of this Agreement, PS&S shall not be responsible to search for, detect, test, investigate or determine the presence of, monitor, remediate, clean up, remove, contain, treat, detoxify or neutralize hazardous, toxic or radioactive materials, mold, or any other pollutant or toxin within or adjacent to the Project or Site, which is the subject of this Agreement.

13. DOCUMENTATION AND ELECTRONIC MEDIA LIMITATIONS

- A. All drawings, specifications and/or other documents created by PS&S ("Documents") are instruments of service prepared for the Project. PS&S, as the author, retains the intellectual property rights in the Documents, subject to the licenses and rights to use granted in this Agreement.
- B. PS&S grants to the Client an unlimited license to make and retain electronic copies of Design Documents but solely in connection with its use on the Project. The Design Documents are not intended or represented to be suitable for use by Client or others to prepare shop drawings, for extensions of the Project at or on land adjacent to the Project Site or at any location other than the Project Site. Client shall not add to, modify or alter nor allow others to add to, modify, or alter the Design Documents including any printed copies of the Documents, unless Client shall have removed all references to "Paulus, Sokolowski and Sartor," "PS&S" and any other references, marks, and the like [including metadata or other electronic tags] that relate in any way to, or can be used to identify PS&S as the author of the Documents.
- C. Client shall indemnify, defend, save and hold PS&S, its subconsultants and each of their partners, officers, shareholders, directors and employees harmless from and against any and all claims, judgments, suits, liabilities, damages, costs or expenses (including reasonable attorneys' fees) arising as the result of: i) Client's failure to comply



with any of the requirements of this Section 13; or ii) any different, unintended use, addition to, modification, alteration, change to or misinterpretation of the Documents by Client, or any party that receives the Documents from the Client (the "User"), without the knowledge and consent of PS&S.

- D. Files provided in electronic media format [text, data, graphics, or other types of information] are furnished only for the convenience of Client and/or its authorized users. Because data stored in electronic media format can deteriorate or be modified inadvertently or otherwise without authorization of the data's creator, the Users shall perform acceptance tests or procedures and provide notice of any issues or irregularities upon receipt of the files. Otherwise, the Users shall be deemed to have accepted the data transferred. PS&S shall not be responsible to maintain Documents stored in electronic media format after acceptance by the Client or its Users.
- E. When transferring documents in electronic media format, PS&S makes no representations as to long-term compatibility, usability, or readability of Documents resulting from the use of software application packages, operating systems, or computer hardware differing from those used by PS&S. Documents that may be relied upon by the Client, or its User(s) are limited to the versions that are signed and sealed by PS&S.
- F. Client accepts that the conversion of the printed versions of Documents into electronic media format or conversion of Documents from the format supplied by PS&S to another format may introduce errors or other inaccuracies. Client and its Users shall confirm the accuracy of the Documents before using them. Client accepts all responsibility for any errors or inaccuracies arising from the conversion of the Documents to another client-selected format, and releases PS&S and its subconsultants from any liability, costs, losses, or damages or expenses arising as the result of conversion errors or inaccuracies.

14. INSURANCE

PS&S will procure and maintain such insurance as will protect it from: claims related to or arising from Workers' Compensation Acts; claims for damages arising from bodily injury, sickness, disease or death of any and all employees or of any person other than such employees; claims or damages arising from injury to or destruction of property including loss of use resulting therefrom; and claims arising out of the performance of our professional services, but only to the extent such claims arise out of the performance of our professional services. A Certificate of Insurance shall be forwarded to the CLIENT if requested upon receipt of signed agreement evidencing our workers compensation policy coverage, general liability policy coverage, automobile liability coverage, excess coverage, professional liability coverage, and pollution liability coverage.

15. OTHER TERMS

This Agreement shall be construed in accordance with, and governed by, the laws of the State of New Jersey excluding any choice-of-law principles, including those of the law of the state where the Project is located that would require the application of the laws of a jurisdiction other than New Jersey.

Each party to this Agreement for itself, its successors and in respect of its property, irrevocably consents and agrees that: i) any legal action or proceeding with respect to this Agreement will be brought in a state or federal court in the State of New Jersey, which shall be the exclusive jurisdiction for all legal matters and any appeals; and ii) irrevocably waives any objection that it may have now or later to the laying of venue of any of the aforesaid actions or proceedings in a location in the State of New Jersey.

If any term of this Agreement or its application to any person or circumstance shall be determined to be invalid or unenforceable, the remaining provisions of this Agreement and/or the application of terms or provisions other than those that are found to be invalid or unenforceable, shall not be affected, and this Agreement shall be valid, binding, and enforceable to the fullest extent permitted by law.



3 Mountainview Road
PO Box 4039
Warren, NJ 07059

Proposal/Contract No: 090230460

Date: 03/21/2023

SCHEDULE OF CHARGES & HOURLY RATES

1. CHARGES FOR SERVICES

When PS&S is to be paid on the basis of time expended and expenses incurred on the Project, compensation shall be determined using the hourly rates. These rates are effective January 1, 2023, but may be modified thereafter by PS&S, depending on market conditions. PS&S reserves the right to add or modify title names within each established billing rate category.

If the Client requests PS&S to provide other Services in addition to those described in the attached Proposal, PS&S requires a written additional service authorization amending this Agreement, before PS&S will proceed with that work.

Billable Hourly Rate Title

\$ 235	Executive VP, Principal LSRP, SVP, VP
\$ 230	Sr. Director, Director, Lead Surveyor
\$ 225	Sr. Lead (Architect, Engineer, Landscape Architect, Planner, Project Designer), Sr. Project Manager, Sr. Project LSRP, Scientific Leader, Sr. (CAD/BIM Manager, Construction Field Specialist), Project Controls Manager
\$ 205	Project Manager, Lead (Architect, Engineer, Landscape Architect, Planner, Project Designer, Project Scientist), Sr. (Project Surveyor, Operations Analyst, LSRP), Construction Field Specialist, CAD/BIM Manager, Survey Crew Coordinator
\$ 185	Sr. Project (Architect, Engineer, Landscape Architect, Planner) Lead (Designer, Scientist, GIS Analyst), Lead Project CAD/BIM Technician, Sr. Surveyor, Project LSRP
\$ 170	Sr. (Architect, Engineer, Landscape Architect, Planner, Archaeologist, Architectural Historian), Sr. Project (Designer, Scientist), Lead (Construction Inspector, Project Controls Analyst, CAD/BIM technician), Operations Analyst, Project Surveyor, LSRP
\$ 160	Sr. (Construction Inspector, Crew Chief), Project Coordinator
\$ 155	Project (Architect, Engineer, Landscape Architect, Planner), Sr. (Designer, Scientist, GIS Analyst), Sr. Project CAD/BIM Technician, Archaeologist III, Principal Investigator, Surveyor, Survey Technician
\$ 145	Architect, Engineer, Landscape Architect, Planner, GIS Analyst, Project (Designer, Scientist), Sr. (CAD/BIM Technician, Project Controls Analyst)
\$ 135	Crew Chief, Archaeologist/Architectural Historian II, Survey CAD Technician, Project Construction Inspector
\$ 130	Technical (Designer, Scientist), Project CAD/BIM Technician, Archaeologist/Architectural Historian I
\$ 120	Designer, Scientist, CAD/BIM Technician, Field/GIS Technician
\$ 105	Project Controls Analyst, Sr. Administrative Support
\$ 105	Instrument Operator, Construction Inspector
\$ 85	Administrative Support

When survey field crew time is billed on a crew basis, the following rates apply (portal to portal):

\$ 265	2-person crew	\$ 345	3-person crew
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2. LICENSED SITE REMEDIATION PROFESSIONAL (LSRP) CONDITIONS

When work performed by PS&S includes the services of an Licensed Site Remediation Professional ("LSRP"), the LSRP will use his or her professional judgment to make recommendations as to actions required based upon the LSRP's review of the applicable statutes, regulations and guidance documents. The Client acknowledges that the LSRP's recommendations or issuance of any Response Action Outcome ("RAO") shall not constitute: (i) any acceptance of liability on behalf of PS&S or any LSRP employed by PS&S; (ii) any form of guarantee, indemnity or insurance for any legal liability or obligation of the Client. Further, the Client acknowledges that when PS&S's services hereunder entail the use of professional judgment, PS&S is not providing any guarantee that any other professional reviewing PS&S's work hereunder will not offer different recommendations or reach different conclusions based on that professional's use of his or her judgment. The Client acknowledges that PS&S is not responsible to the Client or any third-party for costs resulting from a different recommendation or different conclusion rendered by another party.

Under the Site Remediation Reform Act, N.J.S.A. 58:10C-1 et seq. ("SRRA"), the New Jersey Department of Environmental Protection (NJDEP) can audit and review an RAO and the Site Remediation Professional Board can review work performed by an LSRP. Further, an RAO can be invalidated if NJDEP determines that the RAO is not protective of human health and the environment. Neither PS&S nor the LSRP shall be held responsible for the invalidation of the RAO, and any services which might be required due to any such invalidation shall be considered an Additional Service.

The State has established mandatory and regulatory time frames to complete certain remediation requirements. If these time frames are not met, fines and potential NJDEP direct oversight could be imposed upon the Client. To the extent provided for in the scope of work, PS&S will advise the Client of deadlines and actions necessary to fulfill the requirements of such time frames. The Client acknowledges that PS&S's provision of such advice will not and does not shift responsibility for compliance with such time frames to PS&S. Further, if the Client delays in approving and proceeding with the recommendations of PS&S's LSRP in meeting these time frames or the Client delays in payment of services rendered by PS&S, which results in a delay to the progress of the project, the Client agrees that PS&S will not be held responsible or liable for any fees, fines, or financial impacts incurred as a result of NJDEP's direct oversight, fines, and fees.

Furthermore, the Client acknowledges that in the context of supporting any conclusions or recommendations made to any third-party or governmental entity, PS&S may be required to release or otherwise publish: data from tests performed on samples taken from the project location; physical observations of the project location; or other technical information obtained by PS&S regarding the physical conditions of the project location, including but not limited to, submissions made by PS&S's LSRP in connection with a project. Client expressly acknowledges that under SRRA, if the LSRP identifies a condition at the Site that, in the professional judgment of the LSRP, is an Immediate Environmental Concern ("IEC") (as defined in the SRRA), the LSRP is obligated to so advise the Client and to call the NJDEP's telephone hotline to advise the NJDEP of such IEC.

RESOLUTION

WHEREAS, the Township as part of the Redevelopment along Executive Drive and Rooney Circle acquired the office building and land known as 10 Rooney Circle; and

WHEREAS, a portion of this building will be used as the new West Orange Public Library; and

WHEREAS, the Township's architect, Arcari Iovino of Little Ferry, NJ the Township's contractor for this project, H&S Construction and Mechanical Inc. of Elizabeth, NJ needs to perform work associated with installation of new water service in the library building; and

WHEREAS, New Jersey American Water (NJAW) stated that the building's domestic water vault and supply are not in compliance; and

WHEREAS, a new domestic line has to be routed from the street to the building; and

WHEREAS, a new meter valve will be installed and supplied by NJAW closer to the street for service; and

WHEREAS, installation of a hot box enclosure with heater and slab that will house a 6" fire line and 2" domestic service line with Pressure Reducing Valve (PRV) as required by applicable code and regulations; and

WHEREAS, H&S Construction and Mechanical, Inc., of Elizabeth, NJ, submitted Change Order No. 13 in the amount of \$137,690.43 dated March 30, 2023 to perform work associated with water service installation; and

WHEREAS, Change Order No. 13 is acceptable to Arcari Iovino Architects, P.C., Little Ferry, NJ as well as the Municipal Engineer; and

WHEREAS, sufficient funds exist for these Change Orders; and

WHEREAS, the Township Council concurs in the foregoing.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of West Orange that Change Order No. 13 in the amount of \$137,690.43 be approved, and with Change Order No. 1 of \$6,946.54, Change Order No. 2 of \$25,366.66 and Change Order No. 3 of \$14,013.60,

Change Order No. 4 of \$8,245.39, Change Order No. 5 of \$8,800.01, Change Order No. 6 of \$13,933.89, Change Order No. 7 \$1,735.04, Change Order No. 8 of \$6,811.93, Change Order No. 9 \$17,422.45, Change Order No. 10 \$2,129.78, Change Order No. 11 \$2,388.09 and with Change Order No. 12 in the amount of \$26,591.52 represents a 5.36 percent increase in the original contract amount of \$5,075,000.00 bringing the adjusted contract amount to \$5,347,075.33.

BE IT FURTHER RESOLVED that the Business Administrator John O. Gross is authorized to execute the Change Order on behalf of the Township of West Orange.

Karen J. Carnevale, RMC
Municipal Clerk

Tammy Williams, Council President

Adopted: April 4, 2023

I certify availability of funds:

Account Number:

03 2645 21 0100 010
\$137,690.43

John O. Gross, Chief Financial Officer

**AIA®****Document G701® – 2017****Change Order**

PROJECT: *(Name and address)*
 West Orange Public Library
 10 Rooney Circle
 West Orange, NJ 07052

CONTRACT INFORMATION:
 Contract For: General Construction
 Date:

CHANGE ORDER INFORMATION:
 Change Order Number: 013
 Date: March 30, 2023

OWNER: *(Name and address)*
 Township of West Orange
 66 Main Street
 West Orange, NJ 07052

ARCHITECT: *(Name and address)*
 Arcari + Iovino Architects, P.C.
 One Katherine Street
 Little Ferry, NJ 07643

CONTRACTOR: *(Name and address)*
 H&S Construction and Mechanical, Inc.
 721 Bayway Avenue
 Elizabeth, NJ 07202

THE CONTRACT IS CHANGED AS FOLLOWS:

(Insert a detailed description of the change and, if applicable, attach or reference specific exhibits. Also include agreed upon adjustments attributable to executed Construction Change Directives.)

Install new water service (COR #23R2). Add \$137,690.43

The original Contract Sum was	\$	5,075,000.00
The net change by previously authorized Change Orders	\$	134,384.90
The Contract Sum prior to this Change Order was	\$	5,209,384.90
The Contract Sum will be increased by this Change Order in the amount of	\$	137,690.43
The new Contract Sum including this Change Order will be	\$	5,347,075.33

The Contract Time will be increased by twenty eight (28) days.
 The new date of Substantial Completion will be

NOTE: This Change Order does not include adjustments to the Contract Sum or Guaranteed Maximum Price, or the Contract Time, that have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

Arcari + Iovino Architects, P.C.
ARCHITECT *(Firm name)*

SIGNATURE

Dariusz Bona, Project Architect
PRINTED NAME AND TITLE

DATE

H&S Construction and Mechanical, Inc.
CONTRACTOR *(Firm name)*

SIGNATURE

Daniel Hernandez, President
PRINTED NAME AND TITLE

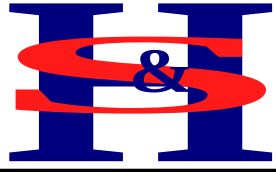
DATE

Township of West Orange
OWNER *(Firm name)*

SIGNATURE

PRINTED NAME AND TITLE

DATE



Construction & Mechanical, Inc.

General Contractors · Sprinkler · Plumbing · Heating · Design

CHANGE ORDER REQUEST

Date: 3/30/23

Project: West Orange Public Library

To Contractor:

H&S Construction & Mechanical Inc.

721 Bayway Ave

Elizabeth NJ 07202

The Contract is changed as follows:

Owner: Township of West Orange
Construction Mngr:

Architect: Arcari & Iovino

Contractor: H&S Construction

Field:

COR #: 23R2

Initiation date:

Project No: 22-044

Contract For: Completion Contract

Contract Date:

Costs associated with installing new domestic water line per new site utility plan. This work was generated by american water company.

Item	Description	Company		Totals
1	Install new water service- see breakdown proposal.	Crossroads		\$ 121,619.08
2				\$ -
3				\$ -
4				\$ -

Sub-Contractor Subtotal \$ 121,619.08

H&S - Overhead & Profit Of Sub Cost \$ 6,080.95

Sub Contractors Total \$ 127,700.03

Item	Description	Company		Totals
5	PM time	H&S		\$ 1,200.00
6	Additional Project supervision time 40hrs	H&S		\$4,000
7				
8				
9				
10				
11				

Contractor Subtotal \$ 5,200.00

H & S - Overhead & Profit 15% of Contractor Cost \$ 780.00

Contractors Total \$ 5,980.00

Sub Total \$ 133,680.03

H&S Bond Cost \$ 4,010.40

Total \$ 137,690.43

The contract time will be increased by: 28 days

CROSSROADS PAVING COMPANY
CHANGE ORDER REQUEST

TITLE: Utility upgrades per updated C-5 issued 2-1-23

DATE: 2/9/23

PROJECT: 22-044 West Orange Library

COR NO: 1R

TO: H&S Construction & Mechanical, Inc.

DESCRIPTION OF CHANGE:

Additional water utility work as requested. Provide extra excavation / restoration of water line including 2" copper pipe and hot box. This change order replaces 1R dated 2/9/23. Delete 6'x7'x6.5' pit with hatch and move all internals into a proposed 8'x20'x6.5' hot box enclosure w/ heater and slab. This hot box will now house 6" fire line and 2" service line with PRV & accessories.

<u>Description</u>	<u>Quantity</u>	<u>Units</u>	<u>Unit Price</u>	<u>Net Amount</u>
Approx. 255lf excavation & restore	255	LF	\$61.00	\$15,555.00
Approx 620lf 2" type K copper w/ fittings	620	LF	\$29.00	\$17,980.00
6" DIP fittings for hydrant	1	LS	\$600.00	\$600.00
Furnish and install 20'x8' hotbox	1	LS	\$32,695.00	\$32,695.00
Concrete slab for hotbox enclosure	220	SF	\$35.00	\$7,700.00
Additional 6" fittings	1	LS	\$8,885.00	\$8,885.00
Credit for 6' x 7' x 6.5' Wtr Meter Pit	1	LS	(\$6,585.00)	(\$6,585.00)
Labor and equipment for work	40	HR	\$843.32	\$33,732.80
			SUBTOTAL	\$110,562.80
Labor / Equipment for Utility Crew				
Operator "A"	0	HR	\$116.24	\$0.00
Operator "B"	0	HR	\$114.15	\$0.00
Foreman	0	HR	\$100.27	\$0.00
(3) laborers @100.64/hr/ea	0	HR	\$301.92	\$0.00
Komatsu PC200 no operator	0	HR	\$112.66	\$0.00
Komatsu W200 no operator	0	HR	\$68.01	\$0.00
Pickup truck with small tools	0	HR	\$30.07	\$0.00
			\$843.32	\$0.00
			Subtotal:	\$110,562.80
			10% Overhead:	\$11,056.28
			10% Profit:	\$0.00
			TOTAL	\$121,619.08

RESOLUTION

WHEREAS, the Township as part of the Redevelopment along Executive Drive and Rooney Circle acquired the office building and land known as 10 Rooney Circle; and

WHEREAS, a portion of this building will be used as the new West Orange Public Library; and

WHEREAS, the Township's architect, Arcari Iovino of Little Ferry, NJ the Township's contractor for this project, H&S Construction and Mechanical Inc. of Elizabeth, NJ needs to perform work associated with wall enclosures for exposed piping; and

WHEREAS, domestic water pipe was exposed at the lower level of the Township's Library during a pipe leak repair after construction commenced; and

WHEREAS, during the design phase, pipes in the main hallway were not anticipated, and as a result the routing of the pipes had to be changed after contractor field verified the location of existing shaft; and

WHEREAS, H&S Construction and Mechanical, Inc., of Elizabeth, NJ, submitted Change Order No. 14 in the amount of \$4,252.03 dated March 30, 2023 to perform additional work associated with wall enclosures for exposed piping; and

WHEREAS, Change Order No. 14 is acceptable to Arcari Iovino Architects, P.C., Little Ferry, NJ as well as the Municipal Engineer; and

WHEREAS, sufficient funds exist for these Change Orders; and

WHEREAS, the Township Council concurs in the foregoing.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of West Orange that Change Order No. 14 in the amount of \$4,252.03 be approved, and with Change Order No. 1 of \$6,946.54, Change Order No. 2 of \$25,366.66 and Change Order No. 3 of \$14,013.60, Change Order No. 4 of \$8,245.39, Change Order No. 5 of \$8,800.01, Change Order No. 6 of \$13,933.89, Change Order No. 7 \$1,735.04, Change Order No. 8 of \$6,811.93, Change Order No. 9 \$17,422.45, Change Order No. 10 \$2,129.78, Change Order No. 11 \$2,388.09, Change Order No. 12 in the amount of \$26,591.52 and with Change Order No. 13 in the amount of \$137,690.43 represents

a 5.44 percent increase in the original contract amount of \$5,075,000.00 bringing the adjusted contract amount to \$5,351,327.36.

BE IT FURTHER RESOLVED that the Business Administrator John O. Gross is authorized to execute the Change Order on behalf of the Township of West Orange.

Karen J. Carnevale, RMC
Municipal Clerk

Tammy Williams, Council President

Adopted: April 4, 2023

I certify availability of funds:

Account Number:

03 2645 21 0100 010
\$4,252.03

John O. Gross, Chief Financial Officer



AIA® Document G701® – 2017

Change Order

PROJECT: *(Name and address)*
West Orange Public Library
10 Rooney Circle
West Orange, NJ 07052

CONTRACT INFORMATION:
Contract For: General Construction
Date:

CHANGE ORDER INFORMATION:
Change Order Number: 014
Date: March 30, 2023

OWNER: *(Name and address)*
Township of West Orange
66 Main Street
West Orange, NJ 07052

ARCHITECT: *(Name and address)*
Arcari + Iovino Architects, P.C.
One Katherine Street
Little Ferry, NJ 07643

CONTRACTOR: *(Name and address)*
H&S Construction and Mechanical, Inc.
721 Bayway Avenue
Elizabeth, NJ 07202

THE CONTRACT IS CHANGED AS FOLLOWS:

(Insert a detailed description of the change and, if applicable, attach or reference specific exhibits. Also include agreed upon adjustments attributable to executed Construction Change Directives.)

Wall enclosures for exposed piping (COR #25R & COR 26). Add \$4,252.03

The original Contract Sum was	\$ 5,075,000.00
The net change by previously authorized Change Orders	\$ 272,075.33
The Contract Sum prior to this Change Order was	\$ 5,347,075.33
The Contract Sum will be increased by this Change Order in the amount of	\$ 4,252.03
The new Contract Sum including this Change Order will be	\$ 5,351,327.36

The Contract Time will be unchanged by Zero (0) days.
The new date of Substantial Completion will be

NOTE: This Change Order does not include adjustments to the Contract Sum or Guaranteed Maximum Price, or the Contract Time, that have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

Arcari + Iovino Architects, P.C.
ARCHITECT *(Firm name)*


SIGNATURE

Dariusz Bona, Project Architect
PRINTED NAME AND TITLE

3/30/23
DATE

H&S Construction and Mechanical, Inc.
CONTRACTOR *(Firm name)*


SIGNATURE

Daniel Hernandez, President
PRINTED NAME AND TITLE

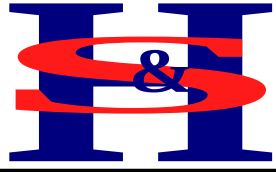

DATE

Township of West Orange
OWNER *(Firm name)*


SIGNATURE


PRINTED NAME AND TITLE


DATE



Construction & Mechanical, Inc.

General Contractors · Sprinkler · Plumbing · Heating · Design

CHANGE ORDER REQUEST

Date: 3/27/23

Project: West Orange Public Library

To Contractor:

H&S Construction & Mechanical Inc.

721 Bayway Ave

Elizabeth NJ 07202

The Contract is changed as follows:

Owner: Township of West Orange

Construction Mngr:

Architect: Arcari & Iovino

Contractor: H&S Construction

Field:

COR #: 25R

Initiation date:

Project No: 22-044

Contract For: Completion Contract

Contract Date:

Box out domestic water line with drywall and install access door.

Item	Description	Company		Totals
1	Domestic water box out- see proposal attached	HQ Construction		\$ 1,503.67
2				\$ -
3				\$ -
4				\$ -

Sub-Contractor Subtotal \$ 1,503.67

H&S - Overhead & Profit Of Sub Cost \$ 75.18

Sub Contractors Total \$ 1,578.85

Item	Description	Company		Totals
5	PM time .5	H&S		\$ 75.00
6		H&S		
7				
8				
9				
10				
11				

Contractor Subtotal \$ 75.00

H & S - Overhead & Profit 15% of Contractor Cost \$ 11.25

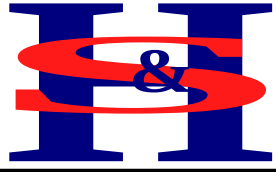
Contractors Total \$ 86.25

Sub Total \$ 1,665.10

H&S Bond Cost \$ 49.95

Total \$ 1,715.05

The contract time will be increased by: 2 days



Construction & Mechanical, Inc.

General Contractors · Sprinkler · Plumbing · Heating · Design

CHANGE ORDER REQUEST

Date: 3/27/23

Project: West Orange Public Library

To Contractor:

H&S Construction & Mechanical Inc.

721 Bayway Ave

Elizabeth NJ 07202

The Contract is changed as follows:

Owner: Township of West Orange

Construction Mngr:

Architect: Arcari & Iovino

Contractor: H&S Construction

Field:

COR #: 26

Initiation date:

Project No: 22-044

Contract For: Completion Contract

Contract Date:

Upper floor drywall pipe enclosure around pipe. No finishes shown for this area on drawings.

Item	Description	Company		Totals
1	Pipe box out- see proposal attached	HQ Construction		\$ 2,263.66
2				\$ -
3				\$ -
4				\$ -

Sub-Contractor Subtotal \$ **2,263.66**

H&S - Overhead & Profit Of Sub Cost \$ 113.18

Sub Contractors Total \$ **2,376.84**

Item	Description	Company		Totals
5	PM time .5	H&S		\$ 75.00
6		H&S		
7				
8				
9				
10				
11				

Contractor Subtotal \$ **75.00**

H & S - Overhead & Profit 15% of Contractor Cost \$ 11.25

Contractors Total \$ **86.25**

Sub Total \$ **2,463.09**

H&S Bond Cost \$ **73.89**

Total \$ **2,536.98**

The contract time will be increased by: 2 days

RESOLUTION

WHEREAS, the Township as part of the Redevelopment along Executive Drive and Rooney Circle acquired the office building and land known as 10 Rooney Circle; and

WHEREAS, a portion of this building will be used as the new West Orange Public Library; and

WHEREAS, the Township's architect, Arcari Iovino of Little Ferry, NJ the Township's contractor for this project, H&S Construction and Mechanical Inc. of Elizabeth, NJ needs to perform work associated with additional window shades; and

WHEREAS, H&S Construction and Mechanical, Inc., of Elizabeth, NJ, submitted Change Order No. 15 in the amount of \$8,358.48 dated March 30, 2023 to perform additional work associated with additional manually-operated solar shades to be supplied and installed on the second floor; and

WHEREAS, Change Order No. 15 is acceptable to Arcari Iovino Architects, P.C., Little Ferry, NJ as well as the Municipal Engineer; and

WHEREAS, sufficient funds exist for these Change Orders; and

WHEREAS, the Township Council concurs in the foregoing.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of West Orange that Change Order No. 15 in the amount of \$8,358.48 be approved, and with Change Order No. 1 of \$6,946.54, Change Order No. 2 of \$25,366.66 and Change Order No. 3 of \$14,013.60, Change Order No. 4 of \$8,245.39, Change Order No. 5 of \$8,800.01, Change Order No. 6 of \$13,933.89, Change Order No. 7 \$1,735.04, Change Order No. 8 of \$6,811.93, Change Order No. 9 \$17,422.45, Change Order No. 10 \$2,129.78, Change Order No. 11 \$2,388.09, Change Order No. 12 in the amount of \$26,591.52, Change Order No. 13 in the amount of \$137,690.43 and with Change Order No. 14 in the amount of 4,252.03 represents a 5.61 percent increase in the original contract amount of \$5,075,000.00 bringing the adjusted contract amount to \$5,359,685.84.

BE IT FURTHER RESOLVED that the Business Administrator John O. Gross is

authorized to execute the Change Order on behalf of the Township of West Orange.

Karen J. Carnevale, RMC
Municipal Clerk

Tammy Williams, Council President

Adopted: April 4, 2023

I certify availability of funds:

Account Number:

03 2645 21 0100 010
\$8,358.48

John O. Gross, Chief Financial Officer

**AIA**[®]**Document G701[®] – 2017****Change Order**

PROJECT: *(Name and address)*
 West Orange Public Library
 10 Rooney Circle
 West Orange, NJ 07052

CONTRACT INFORMATION:
 Contract For: General Construction
 Date:

CHANGE ORDER INFORMATION:
 Change Order Number: 015
 Date: March 30, 2023

OWNER: *(Name and address)*
 Township of West Orange
 66 Main Street
 West Orange, NJ 07052

ARCHITECT: *(Name and address)*
 Arcari + Iovino Architects, P.C.
 One Katherine Street
 Little Ferry, NJ 07643

CONTRACTOR: *(Name and address)*
 H&S Construction and Mechanical, Inc.
 721 Bayway Avenue
 Elizabeth, NJ 07202

THE CONTRACT IS CHANGED AS FOLLOWS:

(Insert a detailed description of the change and, if applicable, attach or reference specific exhibits. Also include agreed upon adjustments attributable to executed Construction Change Directives.)

Additional window shades at upper level (COR #24R). Add \$8,358.48

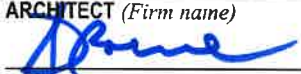
The original Contract Sum was	\$ 5,075,000.00
The net change by previously authorized Change Orders	\$ 276,327.36
The Contract Sum prior to this Change Order was	\$ 5,351,327.36
The Contract Sum will be increased by this Change Order in the amount of	\$ 8,358.48
The new Contract Sum including this Change Order will be	\$ 5,359,685.84

The Contract Time will be unchanged by Zero (0) days.
 The new date of Substantial Completion will be

NOTE: This Change Order does not include adjustments to the Contract Sum or Guaranteed Maximum Price, or the Contract Time, that have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

Arcari + Iovino Architects, P.C.
ARCHITECT *(Firm name)*


SIGNATURE

Dariusz Bona, Project Architect
PRINTED NAME AND TITLE


DATE

H&S Construction and Mechanical, Inc.
CONTRACTOR *(Firm name)*

SIGNATURE

Daniel Hernandez, President
PRINTED NAME AND TITLE

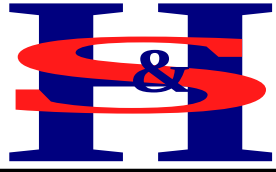
DATE

Township of West Orange
OWNER *(Firm name)*

SIGNATURE

PRINTED NAME AND TITLE

DATE



Construction & Mechanical, Inc.

General Contractors · Sprinkler · Plumbing · Heating · Design

CHANGE ORDER REQUEST

Date: 3/20/23

Project: West Orange Public Library

To Contractor:

H&S Construction & Mechanical Inc.
721 Bayway Ave
Elizabeth NJ 07202

The Contract is changed as follows:

Owner: Township of West Orange
Construction Mngr:

Architect: Arcari & Iovino
Contractor: H&S Construction

Field:

COR #: 24R

Initiation date:

Project No: 22-044

Contract For: Completion Contract

Contract Date:

Costs associated with furnishing and installing additional shades on upper and lower floors.

Item	Description	Company		Totals
1	Additional shades -see attached break down	Griffith shade		\$ 7,400.00
2				\$ -
3				\$ -
4				\$ -

Sub-Contractor Subtotal \$ 7,400.00

H&S - Overhead & Profit Of Sub Cost \$ 370.00

Sub Contractors Total \$ 7,770.00

Item	Description	Company		Totals
5	PM time 2 hrs	H&S		\$ 300.00
6		H&S		
7				
8				
9				
10				
11				

Contractor Subtotal \$ 300.00

H & S - Overhead & Profit 15% of Contractor Cost \$ 45.00

Contractors Total \$ 345.00

Sub Total \$ 8,115.00

H&S Bond Cost \$ 243.45

Total \$ 8,358.45

The contract time will be increased by: 2 days



308 Washington Avenue
Nutley, NJ 07110
908-568-1530

- Commercial Shades and Blinds
- Motorized Systems
- Theatrical Drapes and Hardware
- Cubicle Curtains and Track
- Acoustical Wall panels

Date	Quote #

Quoted To	Project-
H&S Construction ATTN-Pat	West Orange Library Window Treatments –Shades Supplied/Installed

	Estimator	Neil Feldman—neil@griffithshade.com.
--	------------------	--------------------------------------

Description	Qty	Unit Price	Total
<u>West Orange Library—Window Treatments</u> <u>Manual Shades</u> Manually-operated solar shades shall be supplied/installed at exterior locations not indicated on RCP's to receive shades. These shades shall be the same as those already approved by the design team for locations shown on the RCP's. 2 nd Floor—North and East elevations. All shades shall be installed mullion-to-mullion. QTY of shades: 34.			7,400
	Total		\$7,400

Signature_____.

- Proposal is non-binding without scope review.
- All wire and wiring related to motorized shades is the responsibility of others, unless quote stipulates contrary.
- Terms are net 30 of the fully quoted amount; No retainage..
- Tax is not included. Exempt certificate must be furnished.
- Quote is valid for 60 days from the date of quote.

Shading Solutions * Automation * Window Treatments * Interiors Specialties

RESOLUTION

WHEREAS, the Township of West Orange (the “Township”) passed Ordinance 2718-23 (the “Ordinance”), amending Chapter 25, Sections 24.7(f) and 24.7(g) of the Revised General Ordinances of the Township; and

WHEREAS, the Ordinance amended Chapter 25, Sections 24.7(f) and 24.7(g) of the Revised General Ordinances of the Township to be prescribed by Resolution; and

NOW, BE IT HEREBY RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, the following fees are pursuant to Chapter 25 Section 24.7(f) are as follows:

Basic Filming Permit	\$150.00
Daily Filming Permit—Major Motion Picture	\$3,000.00 per day
Other Filming	\$1,000.00 per day
Exempt Groups Pursuant to Chapter 25, Section 24.7(f)(3)	\$25.00 as a one-time fee

and it is further;

RESOLVED, that, pursuant to Chapter 25 Section 24.7(g), any person who violates Chapter 25 Section 24.7 shall punished by a fine of \$1,000.

Karen J. Carnevale, R.M.C.
Township Clerk

Tammy Williams
Council President

Adopted: April 4, 2023

RESOLUTION

WHEREAS, the Township of West Orange (the “Township”) passed Ordinance 2719-23 (the “Ordinance”), amending Chapter 25, Section 27.6 of the Revised General Ordinances of the Township;
and

WHEREAS, the Ordinance amended Chapter 25, Section 27.6 of the Revised General Ordinances of the Township to be prescribed by Resolution; and

NOW, BE IT HEREBY RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, the following fees are implemented regarding the processing of a tree removal permit pursuant to Chapter 25, Section 27.6:

Chapter 25, Section 27.6(a)	The nonrefundable fee for processing a tree removal permit application for an unimproved lot, not the subject of a development application shall be prescribed as follows: - More than three trees: \$100.00 plus \$50.00 for every tree thereafter (beginning at the fourth tree).
Chapter 25, Section 27.6(b)	Application for a tree removal permit related to a development application shall be a minimum of \$500.00 , plus \$50.00 per tree for every tree removed.

and it is further,

Karen J. Carnevale, R.M.C.
Township Clerk

Tammy Williams
Council President

Adopted: April 4, 2023

RESOLUTION

WHEREAS, the Township of West Orange (the “Township”) passed Ordinance 2719-23 (the “Ordinance”), amending Chapter 25, Section 56 of the Revised General Ordinances of the Township; and

WHEREAS, the Ordinance amended Chapter 25, Section 56 of the Revised General Ordinances of the Township to be prescribed by Resolution; and

NOW, BE IT HEREBY RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, the following fees are implemented regarding the application fees pursuant to Chapter 25, Section 56 of the Revised General Ordinances:

§ 25-56.1. Minor Subdivision Application Fees.

§ 25-56.2. Major Subdivision Application Fees.

§ 25-56.3. Site Plans - Nonresidential Application Fees.

§ 25-56.4. Site Plans - Residential Application Fees.

§ 25-56.5. Variances and Conditional Use Application Fees.

Separate fee(s) shall be required for each application type. Therefore, if an application package consists of a "D" variance, "C" variance and site plan, the total fee shall be the sum of the fees for each separate application. The escrow charge shall be the maximum for any one type of application.

Where disbursements from the escrow account leave less than 10% of the original deposit, the applicant shall replenish the account in an amount equal to the original deposit. (See Section 25-55, Escrow Deposits for Applications. If less than 10% remains in escrow account, applicant shall post additional escrow in amounts equal to original deposit.)

§ 25-56.6. Fee for Digitizing Zoning Board of Adjustment and Planning Board Applications, Exhibits and Drawings.

The fees corresponding to Chapter 25, Section 56.6 are attached hereto as Exhibit “A.”

Karen J. Carnevale, R.M.C.
Township Clerk

Tammy Williams
Council President

Adopted: April 4, 2023

EXHIBIT A

§ 25-56.6. Fee for Digitizing Zoning Board of Adjustment and Planning Board Applications, Exhibits and Drawings. [Ord. No. 2357-12 § 25-56.6]

a. Residential Site Plan and Subdivision Fees.

Concept Plan:	0 to 20 lots/units:	\$100 per lot or unit
	21+ lots/units:	\$2,000 + \$50 per lot/unit in excess of 20
Minor Subdivision:		\$200 + \$100 per lot
Site and/or Major Subdivision:		
Preliminary:	0 to 10 units or lots:	\$500 + \$100 per lot or unit
	11 to 30 units or lots:	\$1,000 + \$75 per lot or unit
	31 or more units or lots:	\$2,500 + \$50 per lot or unit
Final:	0 to 10 units or lots:	\$200 + \$75 per lot or unit
	11 to 30 units or lots:	\$300 + \$50 per lot or unit
	31 or more units or lots:	\$1,000 + \$40 per lot or unit

b. Commercial/Industrial Development Application.

Concept Plan:	0 to 3 lots:	\$300 + \$100 per lot
	4 or more lots:	\$2,000 + \$250 per lot

If an application involves 10 or more acres, an additional \$100 for each acre, or fraction thereof, in excess of 10 acres.

c. Commercial/Industrial Development Application Involving New Building Area:

Concept Plan:		\$1,000
Preliminary Site Plan:	0 to 1,999 square feet:	\$1,000
	2,000 to 19,999 square feet:	\$1,000 + \$150 per each 1,000 square feet of gross floor area
	20,000 + square feet:	\$2,500 + \$50 per each 1,000 square feet above 20,000 square feet of gross floor area
Final:	0 to 1,999 square feet:	\$500
	2,000 to 19,999 square feet:	\$2,500
	20,000 + square feet:	\$1,000 + \$0.12 per square foot

d. Other Submissions.

Conditional use approval:	
Appeals under N.J.S.A. 40:55D-70a:	\$750
Interpretation or special questions under N.J.S.A. 40:55D-70b:	\$100
One or two family residences-hardship variances under N.J.S.A. 40:55D-70C: (decks, home addition)	\$35
All other hardship variances under N.J.S.A. 40:55D-70c:	\$750
Single Family Residence:	\$200
Multi-family Residence:	\$200 + \$100 per unit
All other use variances N.J.S.A. 40:55D-70d:	\$500

e. Amended Submissions.

Revised or amended plans or submission for single or two family dwellings:	An amount not to exceed 50% of the original fee requirement
Revised or amended plans or submission in all other categories:	An amount not to exceed 50% of the original fee

A separate check payable to the Township of West Orange shall be submitted for all the above application types.

RESOLUTION

WHEREAS, the Township of West Orange (the “Township”) passed Ordinance 2721-23 (the “Ordinance”), amending Chapter 25, Section 55.1 of the Revised General Ordinances of the Township; and

WHEREAS, the Ordinance amended Chapter 25, Section 55.1 of the Revised General Ordinances of the Township to be prescribed by Resolution; and

NOW, BE IT HEREBY RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, the following fees are implemented regarding the escrow schedule pursuant to Chapter 25, Section 55.1:

Chapter, Section	Title	Proposed Fee
Chapter 25, Section 55.1(a)(1)	Residential and Nonresidential Dwelling Units or Lots	3-25-- \$3,000
		26-100--\$3,500
		101-500--\$5,500
		501-1000--\$8,000
		1,000+--\$10,000
Chapter 25, Section 55.1(a)(2)	Commercial/Industrial	1,250-2,500 sq. ft. gross floor area -- \$1,500
		2,501-20,000 sq. ft. gross floor area -- \$1,500
		20,000-50,000 sq. ft. gross floor area -- \$1,500
		Over 50,000 sq. ft. gross floor area -- \$.005 each additional square foot.
Chapter 25, Section 55.1(a)(3)	Preparation of Resolution of Approval or Denial	Up to \$750.00
Chapter 25, Section 55.1(c)(1)(a) through (f)	Schedule	Attendance/all meeting preparation, post-meeting duties/minutes for Secretary--\$225.
		Attendance for Public Advocate--\$250
		Attendance of transcriber--\$225

		Attendance of Board Attorney--\$500
		Attendance of Planner--\$500
		All other Expenses such as newspaper notices--\$60
		The Board has the right to hire other consultants if deemed
Chapter 25, Section 55.1(c)(1)(g)		The Board also has the right to hire other consultants if deemed necessary by the Board for regular or special meetings such as traffic or environmental consultants. If the Board deems additional work is needed that is not part of the preparation, meeting and post duties an hourly rate will be paid. The following is the hourly rate: Secretary — \$33.82/hr; transcriber — \$50/hr.; any other professionals — \$125/hr.

Karen J. Carnevale, R.M.C.
Township Clerk

Tammy Williams
Council President

Adopted: April 4, 2023

RESOLUTION

WHEREAS, the Township of West Orange (the “Township”) passed Ordinance 2722-23 (the “Ordinance”), amending Chapter 25, Section 27.11 of the Revised General Ordinances of the Township; and

WHEREAS, the Ordinance amended Chapter 25, Section 27.11 of the Revised General Ordinances of the Township to be prescribed by Resolution; and

NOW, BE IT HEREBY RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, the following fees shall be prescribed for any violation of Chapter 25, Section 27 of the Revised General Ordinances of the Township shall be a minimum of \$100.00 and no more than \$2,000.00.

Karen J. Carnevale, R.M.C.
Township Clerk

Tammy Williams
Council President

Adopted: April 4, 2023

RESOLUTION

WHEREAS, the Township of West Orange (the “Township”) passed Ordinance 2723-23 (the “Ordinance”), amending Chapter 25, Section 40.2(d)(4) of the Revised General Ordinances of the Township; and

WHEREAS, the Ordinance amended Chapter 25, Section 40.2(d)(4) of the Revised General Ordinances of the Township to be prescribed by Resolution; and

NOW, BE IT HEREBY RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, the following fees shall be implanted for any person requesting the issuance of a Certificate of Occupancy as defined by Chapter 25 of the Revised General Ordinances of the Township pursuant to Chapter 25, Section 40.2 of the Revised General Ordinances of the Township:

Single Unit Residential Dwelling	\$100
2 Unit Residential Dwelling	\$150
3 Unit Residential Dwelling	\$200
4 Unit Residential Dwelling	\$250
5 Unit Residential Dwelling	\$300
6 Unit Residential Dwelling	\$300
Sale or Change in Occupancy of Commercial Space	\$100 per unit up to 1,000 square feet or \$.010 per square foot for 1,0001 square feet to 5,000 square feet or \$0.15 per square foot for 5,001 square feet and up to a maximum of \$5,000.
Reinspection Fee	\$50

Karen J. Carnevale, R.M.C.
Township Clerk

Tammy Williams
Council President

Adopted: April 4, 2023

RESOLUTION

WHEREAS, the Township of West Orange (the “Township”) passed Ordinance 2724-23 (the “Ordinance”), amending Chapter 25, Section 12.4 of the Revised General Ordinances of the Township; and

WHEREAS, the Ordinance amended Chapter 25, Section 12.4 of the Revised General Ordinances of the Township to be prescribed by Resolution; and

NOW, BE IT HEREBY RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, the following fees shall be prescribed pursuant to the Ordinance:

Chapter 25, Section 12.4(a)(6)(d)(2)	\$50.00
Chapter 25, Section 12.4(b)(3)(l)(8)	\$50.00
Chapter 25, Section 12.4(b)(3)(m)	\$1,250
Chapter 25, Section 12.4(b)(6)(b)(1)	\$50.00

Karen J. Carnevale, R.M.C.
Township Clerk

Tammy Williams
Council President

Adopted: April 4, 2023

RESOLUTION

WHEREAS, the Township of West Orange (the “Township”) passed Ordinance 2725-23 (the “Ordinance”), amending Chapter 25, Section 11.12 of the Revised General Ordinances of the Township; and

WHEREAS, the Ordinance amended Chapter 25, Section 11.12 of the Revised General Ordinances of the Township to be prescribed by Resolution; and

NOW, BE IT HEREBY RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, the following fees shall be prescribed pursuant to the Ordinance:

Chapter 25, Section 11.12(a)(2)	The fee for a permit for an outdoor seasonal sale for a commercial or any for profit organization shall be \$100.00 per day . The fee for a permit for a bona fide not for profit organization or charity shall be \$25.00 per day .
Chapter 25, Section 11.12(a)(8)	Any person, firm, corporation, merchant, club, association, group, charitable institution or organization who shall violate any of the terms or regulations of this subsection may have their permit summarily revoked by the Zoning Officer. In addition, any person, firm, corporation, merchant, club, association, group, charitable institution or organization conducting any such outdoor sale or similar activity without having the necessary permit or who shall violate any of the terms or regulations of this subsection shall also, upon conviction of any violation thereof, be fined \$1,000 for each violation. Each day, or part thereof, during which a sale without the required permit or in violation hereof shall continue, shall be considered a separate violation.

Karen J. Carnevale, R.M.C.
Township Clerk

Tammy Williams
Council President

Adopted: April 4, 2023

RESOLUTION

WHEREAS, the Township of West Orange (the “Township”) passed Ordinance 2726-23 (the “Ordinance”), amending Chapter 25, Section 24.2(b)(2)(j)(6) of the Revised General Ordinances of the Township; and

WHEREAS, the Ordinance amended Chapter 25, Section 24.2(b)(2)(j)(6) of the Revised General Ordinances of the Township to be prescribed by Resolution; and

NOW, BE IT HEREBY RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, that, pursuant to the Ordinance, the following fees are prescribed under Chapter 25, Section 24.2(b)(2)(j)(6) of the Revised General Ordinances of the Township:

(6) Enforcement.

(i) Except as otherwise provided by State statute, any person violating any provision of this Subsection (j), upon conviction, is punishable by a fine **not to exceed \$1,000 or a term of imprisonment not to exceed 90 days**, or both. In no event shall any person violating this Subsection (j), upon conviction, receive a fine below the amount of **\$100**. In addition, the Township may authorize the Law Department to file an action in any court of competent jurisdiction to remove or abate any violation of this ordinance.

Karen J. Carnevale, R.M.C.
Township Clerk

Tammy Williams
Council President

Adopted: April 4, 2023

RESOLUTION

WHEREAS, the Township of West Orange (the “Township”) passed Ordinance 2727-23 (the “Ordinance”), amending Chapter 25, Section 16.18 of the Revised General Ordinances of the Township; and

WHEREAS, the Ordinance amended Chapter 25, Section 16.18 of the Revised General Ordinances of the Township to be prescribed by Resolution; and

NOW, BE IT HEREBY RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, the following permit fee shall be prescribed pursuant to the Ordinance: \$25.00.

Karen J. Carnevale, R.M.C.
Township Clerk

Tammy Williams
Council President

Adopted: April 4, 2023

RESOLUTION

WHEREAS, the Township of West Orange (the “Township”) passed Ordinance 2728-23 (the “Ordinance”), amending Chapter 25, Section 15.5 of the Revised General Ordinances of the Township; and

WHEREAS, the Ordinance amended Chapter 25, Section 15.5 of the Revised General Ordinances of the Township to be prescribed by Resolution; and

NOW, BE IT HEREBY RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, the following permit fee shall be prescribed with regard to signs pursuant to the Ordinance:

Chapter 25, Section 15.5(c)	Application for a permit for a temporary sign shall include a deposit of \$1.00
Chapter 25, Section 15.5(d)	The fee for permits under the Ordinance shall be \$0.25 per square foot of surface area with a minimum of \$5.00 and a maximum of \$50 per sign.

Karen J. Carnevale, R.M.C.
Township Clerk

Tammy Williams
Council President

Adopted: April 4, 2023

RESOLUTION

WHEREAS, the Township of West Orange (the “Township”) passed Ordinance 2729-23 (the “Ordinance”), amending Chapter 25, Section 15.3(c)(1)(c)(7) of the Revised General Ordinances of the Township; and

WHEREAS, the Ordinance amended Chapter 25, Section 15.3(c)(1)(c)(7) of the Revised General Ordinances of the Township to be prescribed by Resolution; and

NOW, BE IT HEREBY RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, the following fee shall be prescribed with regard to final approval of a sidewalk sign pursuant to the Ordinance: \$10.00.

Karen J. Carnevale, R.M.C.
Township Clerk

Tammy Williams
Council President

Adopted: April 4, 2023

RESOLUTION

WHEREAS, the Township of West Orange (the “Township”) passed Ordinance 2730-23 (the “Ordinance”), amending Chapter 14, Sections 20.4 and 20.7 of the Revised General Ordinances of the Township; and

WHEREAS, the Ordinance amended Chapter 14, Sections 20.4 and 20.7 of the Revised General Ordinances of the Township to be prescribed by Resolution; and

NOW, BE IT HEREBY RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, the following fine an out of state foreclosing creditor is to pay if found in violation of Chapter 14, Section 20.4 of the Revised General Ordinances shall be \$2,500; and it is further

RESOLVED, that the penalty under the Ordinance, Chapter 14, Section 20.7 for a foreclosing creditor found in violation of Chapter 14-20.5 shall be \$1,500.

Karen J. Carnevale, R.M.C.
Township Clerk

Tammy Williams
Council President

Adopted: April 4, 2023

RESOLUTION

WHEREAS, the Township of West Orange (the “Township”) passed Ordinance 2731-23 (the “Ordinance”), amending Chapter 14, Section 14-19.7 of the Revised General Ordinances of the Township; and

WHEREAS, the Ordinance amended Chapter 14, Section 14-19.7 of the Revised General Ordinances of the Township to be prescribed by Resolution; and

NOW, BE IT HEREBY RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, the following bond payment shall be required pursuant to the Ordinance: not less than \$500 or more than \$5,000.

Karen J. Carnevale, R.M.C.
Township Clerk

Tammy Williams
Council President

Adopted: April 4, 2023

RESOLUTION

WHEREAS, the Township of West Orange (the “Township”) passed Ordinance 2732-23 (the “Ordinance”), amending Chapter 1, Section 5.1 of the Revised General Ordinances of the Township; and

WHEREAS, the Ordinance amended Chapter 1, Section 5.1 of the Revised General Ordinances of the Township to be prescribed by Resolution; and

NOW, BE IT HEREBY RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, the maximum fine for violations of the Township of West Orange Municipal Code where no specific fine or penalty is provided regarding the specific section of the West Orange Municipal Code violated is hereby \$1,500 or imprisonment for a period not exceeding 90 days; or a period of community service for a period not exceeding 90 days in accordance with N.J.S.A. 40:49-5;

Karen J. Carnevale, R.M.C.
Township Clerk

Tammy Williams
Council President

Adopted: April 4, 2023

RESOLUTION

WHEREAS, the Township of West Orange (the “Township”) passed Ordinance 2733-23 (the “Ordinance”), amending Chapter 14, Section 17.4 of the Revised General Ordinances of the Township; and

WHEREAS, the Ordinance amended Chapter 14, Section 17.4 of the Revised General Ordinances of the Township to be prescribed by Resolution; and

NOW, BE IT HEREBY RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, that, pursuant to the Ordinance, the following reinspection fee shall be charged by the Public Officer: \$100.00

Karen J. Carnevale, R.M.C.
Township Clerk

Tammy Williams
Council President

Adopted: April 4, 2023

RESOLUTION

WHEREAS, the Township of West Orange (the “Township”) passed Ordinance 2734-23 (the “Ordinance”), amending Chapter 25, Section 11.11 of the Revised General Ordinances of the Township; and

WHEREAS, the Ordinance amended Chapter 25, Section 11.11 of the Revised General Ordinances of the Township to be prescribed by Resolution; and

NOW, BE IT HEREBY RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, the following fees shall be prescribed pursuant to the Ordinance:

Chapter 25, Section 11.11(a)(2)	The fee for a permit for an outdoor seasonal sale for a commercial or any for profit organization shall be \$100.00 per day . The fee for a permit for a bona fide not for profit organization or charity shall be \$25.00 per day .
Chapter 25, Section 11.11(a)(10)	Any person, firm, corporation, merchant, club, association, group, charitable institution or organization who shall violate any of the terms or regulation of this subsection may have their permit summarily revoked by the Zoning Officer. In addition, any person, firm, corporation, merchant, club, association, group, charitable institution or organization conducting any such outdoor sale or similar activity without having the necessary permit or who shall violate any of the terms or regulations of this subsection shall also, upon conviction of any violation thereof, be fined not more than \$1,000 for each violation. Each day, or part thereof, during which a sale without the required permit or in violation hereof shall continue, shall be considered a separate violation.

Karen J. Carnevale, R.M.C.
Township Clerk

Tammy Williams
Council President

Adopted: April 4, 2023

RESOLUTION

WHEREAS, the Township of West Orange (the “Township”) passed Ordinance 2735-23 (the “Ordinance”), amending Chapter 25, Section 11.10 of the Revised General Ordinances of the Township; and

WHEREAS, the Ordinance amended Chapter 25, Section 11.10 of the Revised General Ordinances of the Township to be prescribed by Resolution; and

NOW, BE IT HEREBY RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, the following fees shall be prescribed pursuant to the Ordinance: \$50 per year;

Karen J. Carnevale, R.M.C.
Township Clerk

Tammy Williams
Council President

Adopted: April 4, 2023

RESOLUTION

WHEREAS, the Township of West Orange (the “Township”) passed Ordinance 2736-23 (the “Ordinance”), amending Chapter 25, Section 9.11 of the Revised General Ordinances of the Township; and

WHEREAS, the Ordinance amended Chapter 25, Section 11.10 of the Revised General Ordinances of the Township to be prescribed by Resolution; and

NOW, BE IT HEREBY RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, the following fees shall be prescribed pursuant to the Ordinance: \$75.00 per application;

Karen J. Carnevale, R.M.C.
Township Clerk

Tammy Williams
Council President

Adopted: April 4, 2023

RESOLUTION

WHEREAS, the Township of West Orange (the “Township”) passed Ordinance 2737-23 (the “Ordinance”), amending Chapter 25, Section 8.4 of the Revised General Ordinances of the Township; and

WHEREAS, the Ordinance amended Chapter 25, Section 8.4 of the Revised General Ordinances of the Township to be prescribed by Resolution; and

NOW, BE IT HEREBY RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, the following fees shall be prescribed pursuant to the Ordinance:

Residential District	\$50.00 for each erection of a wall and/or fence as defined under Chapter 25, Section 8 of the Revised General Ordinances of the Township.
Nonresidential District	\$100.00 for each erection of a wall and/or fence as defined under Chapter 25, Section 8 of the Revised General Ordinances of the Township.

Karen J. Carnevale, R.M.C.
Township Clerk

Tammy Williams
Council President

Adopted: April 4, 2023

WHEREAS, the Township of West Orange (hereinafter referred to as the “Township”) presently owns property located at 280 Pleasant Valley Way, Township of West Orange, located in the County of Essex, State of New Jersey, and otherwise known as Block 152.07, Lot 1, upon which stands an existing monopole and communications equipment; and

WHEREAS, the Township wishes to solicit for bid(s) for additional wireless communications tenants on the monopole; and

WHEREAS, the Township has prepared bid specifications for the lease of Township owned property known as 280 Pleasant Valley Way, Township of West Orange, located in the County of Essex, State of New Jersey, and otherwise known as Block 152.07, Lot 1 for the installation and operation of a wireless communications equipment on the monopole and ground space; and

WHEREAS, the bid solicitation shall be advertised by the Township in accordance with the provisions of the New Jersey Lands and Building Law, N.J.S.A. 40A:12-14 and the Township authorizes the lease of public property not needed for public use; and

WHEREAS, upon completion of bidding, the Township may accept the highest bid(s) or reject all bids; and

WHEREAS, the term of the lease will be for five (5) years, with four (4) additional renewal terms of five (5) years each, commencing on the date which the Lease is fully executed by both parties and the minimum bid is \$44,000.00 per carrier annually for the initial term and a 3% increase for each renewal term; and

WHEREAS, the Township Council desires to authorize the Township to advertise for the receipt of bids for said lease of Township property.

NOW, BE IT RESOLVED, by the Township Council of the Township of West Orange, County of Essex, State of New Jersey as follows:

1. That the Township is hereby authorized to advertise for the receipt of bids for leasing Township owned property known as 280 Pleasant Valley Way, Township of West Orange, located in the County of Essex, State of New Jersey, and otherwise known as Block 152.07, Lot 1 for the installation and operation of a wireless communications equipment on the

monopole and ground space.

2. The minimum bid for the lease is \$44,000.00 per year per carrier.

3. The term of the lease will be for five (5) years, with four (4) additional renewal terms of five (5) years each, commencing on the date which the Lease is fully executed by both parties.

4. That the Township reserves the right to reject all bids.

5. That the Township Clerk shall advertise the Notice to Bidders for the purpose of the receipt of sealed bids for the above-named project.

6. That upon adoption of this resolution, the Township Clerk shall forward a certified copy of said resolution the Township Administrator, Chief Financial Officer and Township Attorney.

Karen J. Carnevale, R.M.C.
Township Clerk

Tammy Williams
Council President

Adopted: April 4, 2023

WHEREAS, the Township of West Orange (hereinafter referred to as the “Township”) presently owns property located at the recycling center on Mount Pleasant Avenue, Township of West Orange, located in the County of Essex, State of New Jersey, and otherwise known as Block 170.02, Lot 5.01; and

WHEREAS, under a previous bid, Omnipoint Communications, Inc. was awarded the right to construct and manage a new monopole located at the recycling center located on Mount Pleasant Avenue, Township of West Orange, located in the County of Essex, State of New Jersey, and otherwise known as Block 170.02, Lot 5.01; and

WHEREAS, Omnipoint Communications, Inc. subsequently transferred ownership of the monopole to Crown Castle; and

WHEREAS, the Township wishes to solicit for additional bid(s) for additional wireless communications tenants on the monopole; and

WHEREAS, the Township has prepared bid specifications for the lease of Township owned property known as the Recycling Center at Mount Pleasant Avenue, Township of West Orange, located in the County of Essex, State of New Jersey, and otherwise known as Block 170.02, Lot 5.01 for the installation and operation of a wireless communications equipment on the monopole and ground space; and

WHEREAS, the bid solicitation shall be advertised by the Township in accordance with the provisions of the New Jersey Lands and Building Law, N.J.S.A. 40A:12-14 and the Township authorizes the lease of public property not needed for public use; and

WHEREAS, upon completion of bidding, the Township may accept the highest bid(s) or reject all bids; and

WHEREAS, successful bidder(s) shall enter into a lease with Crown Castle; and

WHEREAS, the term of the lease will be for five (5) years, with four (4) additional renewal terms of five (5) years each, commencing on the date which the Lease is fully executed by both parties and the minimum bid is \$44,000.00 per carrier annually for the initial term and a 3% increase for each renewal term; and

WHEREAS, the Township Council desires to authorizes the Township Clerk to advertise

for the receipt of bids for said lease of Township property.

NOW, BE IT HEREBY RESOLVED, by the Township Council of the Township of West Orange, County of Essex, State of New Jersey as follows:

1. That the Township is hereby authorized to advertise for the receipt of bids for leasing Township owned property known the Recycling Center at Mount Pleasant Avenue, Township of West Orange, located in the County of Essex, State of New Jersey, and otherwise known as Block 170.02, Lot 5.01 for the installation and operation of a wireless communications equipment on the monopole and ground space.

2. The minimum bid for the lease is \$44,000.00 per year per carrier with 3% annual increases.

3. The term of the lease will be for five (5) years, with four (4) additional renewal terms of five (5) years each, commencing on the date which the Lease is fully executed by both parties.

4. That the Township reserves the right to reject all bids.

5. That the Township Clerk shall advertise the Notice to Bidders for the purpose of the receipt of sealed bids for the above-named project.

6. That upon adoption of this resolution, the Township Clerk shall forward a certified copy of said resolution the Township Administrator, Chief Financial Officer and Township Attorney.

Karen J. Carnevale, R.M.C.
Township Clerk

Tammy Williams
Council President

Adopted: April 4, 2023

RESOLUTION

WHEREAS, the West Orange Township Council at its regular meeting on March 21, 2023, adopted Resolution numbers 80-23, 112-23, and 113-23, authorizing execution of various professional service agreements with the Township Attorney and his firm, each adopted by an affirmative vote of two Council members, negative votes by two Council members, one Council member stating her abstentions and the Mayor casting in each instance an affirmative vote to break the tie votes of the Council; and

WHEREAS, in each of those votes, the Mayor's was cast and accepted by the Municipal Clerk based on advice from the Assistant Township Attorney of the applicability of N.J.S.A. 40A:9-132, providing that "in every municipality, unless otherwise provided by law, if the governing body shall fail (a) to organize and elect a president or chairman at its annual meeting held for such purpose, (b) to fill any vacancy in office or position, (c) to adopt any resolution or ordinance or (d) to take any other action whatsoever, by reason of a tie or insufficient vote among the members, the mayor shall vote in aid of said organization, the election of candidates, appointments of officers or others, adoption of resolutions or ordinances or the taking of any other action"; and

WHEREAS, the Township of West Orange is a municipal corporation of the State of New Jersey, duly established and operating as a Faulkner Act Mayor-Council form of government; and

WHEREAS, the Assistant Township Attorney's advice was based on the reasoning that N.J.S.A. 40A:9-132, was a "general law" as defined in the Faulkner Act in N.J.S.A. 40:69A-28, and not inconsistent with the Faulkner Act such that it should apply and govern the situation of the stated votes; and

WHEREAS, missing from the Assistant Township Attorney's analysis was any consideration of N.J.S.A. 40:69A-41(b), providing "the mayor may attend meetings of council and may take part in discussions of council but shall have no vote except in the case of a tie on the question of filling a

vacancy in the council, in which case he may cast the deciding vote”, such provision a part of the Faulkner Act and plainly inconsistent with N.J.S.A. 40A:9-132; and

WHEREAS, our Courts have made clear that a “general law must be consistent with the Faulkner Act for the general law to control, the general law does not rein supreme over the Faulkner Act” (See DeSoto v. Smith, 383 N.J.Super. 384, 393 (App. Div. 2006), Keuerleber v. Twp. of Pemberton, 260 N.J.Super. 541 (App. Div. 1992), and N.J.S.A. 40:69A-28); and

WHEREAS, taking all of those facts and law into account, the Resolutions recorded as adopted based on the votes taken including those of the Mayor, who should not have been permitted to vote, were impermissible as a matter of law and whether or not *ultra vires* and a nullity as a matter of law, should now be rescinded to formally nullify those actions and correct the record of the actions taken at the March 21, 2023 Council meeting;

NOW, THEREFORE, BE IT, AND HEREBY IT IS, RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, that Resolution numbers 80-23, 112-23, and 113-23, authorizing execution of various professional service agreements with the Township Attorney and his law firm, each adopted by virtue of affirmative votes of two Council members, negative votes of two Council members, one Council member stating her abstentions and the Mayor, believing her affirmative votes to be valid and binding based on the advice of the Assistant Township Attorney, casting in each instance an affirmative vote to break the tie votes of the Council, are hereby rescinded.

Karen J. Carnevale, R.M.C.
Municipal Clerk

Tammy Williams
Council President

Adopted: April 4, 2023

ORDINANCE

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 2 OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE, “ADMINISTRATION”, ARTICLE VI., “DEPARTMENTS ESTABLISHED”, SECTION 7.1, “DEPARTMENTS, BOARDS AND COMMISSIONS”, ADDING SUBSECTION a.9., “DEPARTMENT OF ENGINEERING”, DELETING SECTION 7.1 b. AND AMENDING AND SUPPLEMENTING SECTIONS 10.1, “DIRECTOR OF PUBLIC WORKS, DUTIES OF DEPARTMENT” TO ALTER THE REQUIREMENTS FOR THE DIRECTOR OF PUBLIC WORKS AND THE RESPONSIBILITIES OF THE DEPARTMENT, DELETING SECTION 10.2., “DIVISION OF ENGINEERING”, AND CREATING A NEW AND SEPARATE “DEPARTMENT OF ENGINEERING” IN NEWLY ADDED SECTION 18.2.

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, in the County of Essex and State of New Jersey that Chapter 2 of the Revised General Ordinances of the Township of West Orange, Sections 7.1 and 10.1 are amended and supplemented, Section 10.2 is deleted in its entirety and Section 18.2 is added, all as follows:

I. PURPOSE

For decades the public works and engineering functions of the Township of West Orange have been combined in a single department, the Department of Public Works, directed by a licensed professional engineer, with a Division of Engineering. The long-serving Director of that Department is about to retire and the Township has concluded that going forward it would be more efficient and effective to have separate Departments for these functions which have different licensing requirements. The Faulkner Act permits municipalities operating under the Mayor-Council form of government to have up to nine departments and this separation will result in that number of departments. In addition, the references to “Boards and Commissions” in the title to Section 7.1 and in the body of Section 7.1 b. are eliminated as unnecessary and, in some instances, incorrect information, the substantive details of correctly listed Boards, Commissions and Committees appearing elsewhere in the Municipal Code.

II. A.

CHAPTER 2 OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE, “ADMINISTRATION”, ARTICLE VI., “DEPARTMENTS ESTABLISHED”, SECTION 7.1, “DEPARTMENTS, BOARDS AND COMMISSIONS”, SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO READ AS FOLLOWS:

§2-7.1. Municipal Departments.

There shall be the following Municipal Departments: .

1. Department of Administration and Finance.
2. Department of Law.
3. Department of Public Works.
4. Department of Planning and Development.
5. Department of Police.
6. Department of Fire.
7. Department of Health and Welfare.
8. Department of Recreation and Cultural Affairs.
9. Department of Engineering.

B.

CHAPTER 2 OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE, "ADMINISTRATION", ARTICLE VI., "DEPARTMENTS ESTABLISHED", SECTION 10 "DEPARTMENT OF PUBLIC WORKS", 2-10.1, "DIRECTOR OF PUBLIC WORKS; DUTIES OF DEPARTMENT", SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO READ AS FOLLOWS:

§2-10.1 Director of Public Works; Duties of Department

- a. There shall be a Department of Public Works, the head of which shall be the Director of Public Works. Prior to his/her appointment, the Director shall be a Certified Public Works Manager (CPWM) of the State of New Jersey, and have at least four years of responsible experience in public works administration.
- b. At any time wherein the position of Director of Public Works is vacant the duties of the Director of Public Works, in part or in total, may be performed by a Deputy Department Head of Public Works. He/she shall receive such compensation as may be fixed by ordinance.
- c. The Department shall:
 1. Be responsible for all matters relating to the construction, management, maintenance and operation of the physical properties of the Township other than office supplies, furniture and equipment.
 2. Assist in the preparation of plans and specifications and the letting and performance of contracts for all Township public works or improvements.

Department.

Any references within this section to a Director of Public Works shall mean the Director

of Public Works or a Deputy Department Head of Public Works acting as the Director of Public Works.

C.

CHAPTER 2 OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE, "ADMINISTRATION", ARTICLE VI., "DEPARTMENTS ESTABLISHED", SECTION 10 "DEPARTMENT OF PUBLIC WORKS", 2-10.2, "DIVISION OF ENGINEERING", SHALL BE AND HEREBY IS DELETED IN ITS ENTIRETY.

D.

CHAPTER 2 OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE, "ADMINISTRATION", ARTICLE VI., "DEPARTMENTS ESTABLISHED", SECTION 18, CURRENTLY RESERVED, SHALL BE ADDED TO CREATE THE DEPARTMENT OF ENGINEERING AS FOLLOWS:

§2-18 Department of Engineering

§2-18.1 Director - Municipal Engineer

a. There shall be a Department of Engineering, the Director of which shall be the Township Engineer. The Township Engineer shall be a qualified and licensed professional engineer and in good standing in the State of New Jersey.

§2-18.2 Functions of the Engineering Department

Under the direction and supervision of the Municipal Engineer, the Department of Engineering shall:

- a. Prepare, or cause to be prepared, plans and specifications for public works in conjunction with their staff and improvements undertaken by the Township, either on force account or by public contract.
- b. Supervise the performance of contracts for public works, the amounts due and payable thereunder.
- c. Provide and maintain surveys, maps, plans, specifications and operating records with respect to capital improvement projects, public works and facilities owned or operated by the Township.
- d. Supervise and direct the installation and administration of departmental records, payroll and inventory controls, and cost analyses.

- e. Provide all engineering and mechanical services required by any department, office or agency of the Township government, except as otherwise directed by the Mayor or Business Administrator.
- f. Study and report upon the technical requirements of street lighting and traffic control.
- g. Supervise and enforce the Township's interest in public contracts for fire, hydrant service, street lighting, joint outlet sewer maintenance.
- h. Provide technical and engineering advice and assistance to other Township Departments as needed.
- i. Construction oversight of capital improvement projects to municipal roadways inclusive of storm and sanitary sewers, sidewalks, pathways, and other facilities within the municipal right-of-way (R.O.W.).
- j. Issuance and inspection of road opening, sidewalk, curb, dumpster and sewer connection and capping permits within the municipal right-of-way (R.O.W.).
- k. Supervise the preparation of tax maps and municipal mapping.
- l. Issuance of tree removal permits and exemption reports.
- m. Conduct annual registration of tree contractors permitted to work within the Township.
- n. Review grading, pool and plot plans for zoning and building permits.

Coordinate, report streetlight outages and request light improvements to Public Service Electric and Gas (PSE&G) on behalf of the residents and capital improvement projects.

- p. Prepare grant applications, concept plans and cost estimates.
- q. Manage municipally and grant funded projects from bid phase through construction and closeout.
- r. Manage hiring of consultants; develop requests for proposals, review, and coordinate consultant work.
- s. Prepare and assist legal department with resolutions, ordinances, ordinance amendments, reports, presentations, and public correspondence.
- t. Responsible for the preparation of the annual NJDEP MS4 Stormwater Reporting.
- u. Prepare and calculate annual reimbursement costs for street lighting and snow removal for private communities.

v. Issue certificates as to approval of land subdivisions by the Planning Board or the Council, pursuant to State Municipal Planning Act. (N.J. Laws of 1953, Chapter 433 as amended; N.J.S.A. 40:55D-1 et seq.)

III. REPEAL OF CONFLICTING ORDINANCES

Any ordinances of the Township that 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 after its 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: March 7, 2023

ADOPTED: April 4, 2023

Legislative History

For decades the public works and engineering functions of the Township of West Orange have been combined in a single department, the Department of Public Works, directed by a licensed professional engineer, with a Division of Engineering. The long-serving Director of that Department is retiring and the Township has concluded that going forward it would be more efficient and effective to have separate Departments for these functions which have different licensing requirements. The Faulkner Act permits municipalities operating under the Mayor-Council form of government to have up to nine departments and this separation will result in that number of departments. There is no need for the informational list of “Boards, Commissions and Committees”, some of which no longer exist, none of which reference pertinent ordinance or Code citations evidencing their location elsewhere in the Code and their location here is easy to forget when there are later changes which contributes to unnecessary inaccuracies.

**AN ORDINANCE AMENDING CHAPTER 25, SECTIONS 24.7(f) AND 24.7(g) OF THE
REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(FILMING-FEES)**

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WEST ORANGE, NEW JERSEY that Chapter 25, Sections 24.7(f) and 24.7(g) 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 25, Sections 24.7(f) and 24.7(g) 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 25 SECTIONS 24.2(f) AND 24.2(g) SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

§§25-24.7(f) AND 25-24.7(g) BE AND HEREBY AMENDED AS FOLLOWS:

- The portion entitled “Filming” which specifies the fees in addition to direct reimbursement of all expenses incurred by the Township for filming permits, and that which prescribes the fine for a violation of the same, shall be repealed and replaced by the following language:

f. Fees. In addition to direct reimbursement for all expenses including but not limited to police, fire, public safety, public works, overtime incurred by Township employees and other expenses incurred by the Township for any filming that takes place within the Township, the scheduled fees for the issuance of permits authorized by this subsection shall be as follows:

1. Basic filming permit: an amount to be prescribed by Resolution.
 - (a) Where an applicant requests a waiver pursuant to Subsection d8, and requires expedited processing of the permit application, the basic filming permit shall be double the amount prescribed under the Resolution applicable to subsection (1) of this section.
2. Daily filming fee payable in addition to the basic filming permit are as follows:
 - (a) Major motion pictures: an amount to be prescribed by Resolution.
 - (b) Other filming: an amount to be prescribed by Resolution.
3. The following groups shall be exempt from the basic filming permit and per diem fees, and instead shall be charged only a meager fee to be prescribed by Resolution, one-time fee for filming:
 - (a) Not-for-profit organizations; and

(b) Students of an educational facility filming for educational purposes only.

g. Violations and Penalties. Any person violating this subsection or these rules and regulations or any instructions provided by the Fire Official or any other Township inspector or employee, upon conviction thereof, shall be punished by a fine to be set by Resolution, per day or by imprisonment not exceeding 90 days, or both. A separate defense shall be deemed committed for each day during which the violation occurs or continues. The fines or penalty set forth herein shall be in addition to any other penalties which may be incurred.

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: March 21, 2023

ADOPTED:

Legislative History

The purpose of this ordinance is to modify the fines set forth in Chapter 25 of the Revised General Ordinances of the Township of West Orange to be subject to adjustment by Resolution.

**AN ORDINANCE AMENDING CHAPTER 25, SECTION 27.6 OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(FEES)**

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WEST ORANGE, NEW JERSEY that Chapter 25, Section 27.6 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 25, Section 27.6 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 25 SECTION 27.6 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

§25-27.6 BE AND HEREBY AMENDED AS FOLLOWS:

- The portion entitled “Fees” which specifies required fees owed to the Township for processing a tree removal permit, shall be repealed and replaced by the following language:
 - a. Except as provided below, the basic, nonrefundable fee for processing a tree removal permit application for an improved lot which is not the subject of a development application shall be an amount prescribed by Resolution, intended to cover such processing costs to the Township as a preapplication meeting, review and evaluation of the application, requisite site inspections, and communications with the applicant including those relating to issuance or denial of a tree removal permit.
 - 1. Fees shall be waived for nonviable trees, as certified by the officer.
 - b. In the case of an application for a tree removal permit related to a development application, the nonrefundable fee shall be an amount prescribed by Resolution, intended to cover the same costs to the Township stated in Subsection a of this section.

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: March 21, 2023

ADOPTED: April 4, 2023

Legislative History

The purpose of this ordinance is to modify the fines set forth in Chapter 25 of the Revised General Ordinances of the Township of West Orange to be subject to adjustment by Resolution.

**AN ORDINANCE AMENDING CHAPTER 25, SECTION 56 OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(ESCROW SCHEDULE)**

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WEST ORANGE, NEW JERSEY that Chapter 25, Section 56 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 25, Section 56 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 25 SECTION 56 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

§25-56 BE AND HEREBY AMENDED AS FOLLOWS:

- The portion entitled “Application Fees” which specifies various application fees for minor subdivisions, major subdivisions, site plans for both residential and non-residential zones, variances and conditional uses and digitizing zoning board of adjustment, shall be repealed and replaced by the following language:

§ 25-56.1 Minor Subdivision Application Fees.

§ 25-56.2 Major Subdivision Application Fees.

§ 25-56.3 Site Plans - Nonresidential Application Fees.

Fees for nonresidential applications shall be prescribed by Resolution at the approval of the Council of the Township of West Orange.

	Fee	Escrow
a.		
b.		
c.		

§ 25-56.4 Site Plans - Residential Application Fees.

§ 25-56.5 Variances and Conditional Use Application Fees.

Fees for variance and conditional use applications shall be prescribed by Resolution at the approval of the Council of the Township of West Orange.

§ 25-56.6 Fee for Digitizing Zoning Board of Adjustment and Planning Board Applications, Exhibits and Drawings.

Fees for digitizing Zoning Board of Adjustment and Planning Board applications, exhibits and drawings shall be prescribed by Resolution at the approval of the Council of the Township of West Orange.

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: March 21, 2023

ADOPTED:

Legislative History

The purpose of this ordinance is to modify the fines set forth in Chapter 25 of the Revised General Ordinances of the Township of West Orange to be subject to adjustment by Resolution.

**AN ORDINANCE AMENDING CHAPTER 25, SECTION 55.1 OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(ESCROW SCHEDULE)**

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WEST ORANGE, NEW JERSEY that Chapter 25, Section 55.1 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 25, Section 55.1 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 25 SECTION 55.1 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

§25-55.1 BE AND HEREBY AMENDED AS FOLLOWS:

- The portion entitled “Escrow Schedule” which specifies required escrow schedule for each applicant to the Planning Board and/or Zoning Board of Adjustment, shall be repealed and replaced by the following language:
 - a. Subject to the provisions of paragraph b hereof, each applicant shall prior to the application being ruled complete pursuant to the provisions of the Municipal Land Use Law, submit the following sum(s) to be held in escrow in accordance with the provisions prescribed by Resolution.
 - b. Within 30 days after the filing of an application for development the Planning Board and/or Zoning Board of Adjustment as the case may be, shall, in conjunction with appropriate representative of the staff of the Township, review the application for development to determine whether the escrow amount set forth in paragraph a above is adequate. In conducting such review the Board shall consider the following criteria.
 1. The presence or absence of public water and/or sewer servicing the site.
 2. Environmental considerations, including but not limited to geological, hydrological and ecological factors.
 3. Traffic impact of the proposed development.
 4. Impact of the proposed development on existing aquifer and/or water quality.

Upon completion of the review and within the thirty-day period the Board shall adopt a Resolution specifying whether the escrow amount specified in paragraph a is sufficient, excessive or insufficient. In the event the Board shall determine

that the amount is excessive it shall in the Resolution specify the amount that shall be deemed sufficient. In the event the Board shall determine the amount specified in paragraph a is insufficient it shall so specify and shall further set forth the amount required to be posted in light of the criteria specified herein.

c. This paragraph adopts and creates a payment schedule for consultants and/or employees for special Planning Board or Zoning Board meetings paid out of escrow funds paid by the applicant who is heard at said special Planning or Zoning Board Meeting. The schedule will be prescribed by Resolution at the approval of the Township Council.

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: March 21, 2023

ADOPTED:

2721-23

Legislative History

The purpose of this ordinance is to modify the fines set forth in Chapter 25 of the Revised General Ordinances of the Township of West Orange to be subject to adjustment by Resolution.

**AN ORDINANCE AMENDING CHAPTER 25, SECTION 27.11 OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(VIOLATIONS AND PENALTIES)**

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WEST ORANGE, NEW JERSEY that Chapter 25, Section 27.11 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 25, Section 27.11 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 25 SECTION 27.11 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

§25-27.11 BE AND HEREBY AMENDED AS FOLLOWS:

- The portion entitled “Violations and Penalties” which specifies required fees owed should any person violate any provision of Chapter 25, Section 27, shall be repealed and replaced by the following language:
 - a. Any person who violates any provision of this section shall, upon conviction thereof, be punishable by up to the maximum penalties prescribed by N.J.S.A. 40:49-5, establishing maximum penalties for violation of municipal ordinances generally, and as the same may be amended, the maximum penalties at the time of passage of this section being a fine not exceeding an amount prescribed by Resolution or imprisonment for a term not exceeding 90 days, or a period of community service not exceeding 90 days, or any or all of those penalties, and each tree removed or damaged in violation of this section shall be deemed a separate offense. However, if a person is convicted of removing a specimen tree without a permit, he shall be punished by a fine which shall be a minimum amount prescribed by Resolution or the highest minimum fine then allowed by N.J.S.A. 40:49-5, and up to the maximum fine then allowed, or by imprisonment for a term not exceeding 90 days, or both.
 - b. In addition, any person who cuts or removes a tree in violation of this section shall be required to plant a replacement tree on the removal site pursuant to Subsection 25-27.8 of this section. If the tree that was illegally removed was a major tree, he must replant a major tree. If the tree that was illegally removed was a minor tree, he must replant a minor tree.
 - c. The removal of a tree in violation of this section shall automatically suspend any existing tree removal permit(s) associated with a property

and freeze the issuance of any future permits until the matter has been resolved and any required tree replacement has been completed.

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: March 21, 2023

ADOPTED:

Legislative History

The purpose of this ordinance is to modify the fines set forth in Chapter 25 of the Revised General Ordinances of the Township of West Orange to be subject to adjustment by Resolution.

**AN ORDINANCE AMENDING CHAPTER 25, SECTION 40.2(d) OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(CERTIFICATE OF OCCUPANCY PERMIT)**

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WEST ORANGE, NEW JERSEY that Chapter 25, Section 40.2(d) 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 25, Section 40.2(d) 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 25 SECTION 40.2(d) SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

§25-40.2(d) BE AND HEREBY AMENDED AS FOLLOWS:

- The portion entitled “Violations and Penalties” which specifies required fees owed should any person violate any provision of Chapter 25, Section 27, shall be repealed and replaced by the following language:

The fee for requesting the issuance of a Certificate of Continued Occupancy shall prescribed by Resolution with the approval of the Township Council.

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: March 21, 2023

ADOPTED:

Legislative History

The purpose of this ordinance is to modify the fines set forth in Chapter 25 of the Revised General Ordinances of the Township of West Orange to be subject to adjustment by Resolution.

**AN ORDINANCE AMENDING CHAPTER 25, SECTION 12.4 OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(SUPPLEMENTAL PARKING AND LOADING SPACE REGULATIONS)**

**BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF
WEST ORANGE, NEW JERSEY** that Chapter 25, Section 12.4 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 25, Section 12.4 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 25 SECTION 12.4 SHALL BE AND HEREBY IS AMENDED AND
SUPPLEMENTED TO INCORPORATE THE FOLLOWING:**

§25-12.4 BE AND HEREBY AMENDED AS FOLLOWS:

- The portion entitled “Supplemental Parking and Loading Space Regulations” which specifies the requirements in all districts for parking and loading spaces in the Township of West Orange, shall be repealed and replaced by the following language:
 - a. In All Districts:
 1. No garage shall be erected so as to encroach on a minimum required front yard, side yard or side front yard, except that an existing private garage for a one-family or two-family dwelling may be rebuilt within its same footprint as per Subsection 25-8.2e.
 2. An access drive to an off-street parking area or truck-loading space may be located within a required side yard, but shall not be located within five feet of a side lot line.
 3. Parking or storage of disabled, unlicensed, unregistered or obviously wrecked vehicles for a period of more than 48 hours is expressly prohibited in any zoning district except on property specifically designated for that purpose.
 4. Required parking areas shall be on the same lot with the main building or use to which they are accessory, except in the B-1 and B-2 Districts per Subsection 25-12.2b.4.
 5. Parking areas and truck-loading spaces shall have safe and adequate access to a public street either by a driveway on the same lot or by means of a permanent easement across any adjoining lot.
 6. No trailer, semitractor, pole trailer, road tractor, truck tractor or vehicle with dual rear wheels shall be parked or

stored on property in any district except as hereinafter provided.

(a) A trailer, semitrailer, pole trailer, road tractor, truck tractor or vehicle with dual rear wheels may be parked or stored on property in an industrial district during the hours of 9:00 p.m. and 7:00 a.m. without being completely housed in a garage.

(b) Nothing herein shall be deemed to prohibit the parking or storing of a trailer, semitrailer, pole trailer, road tractor, truck tractor or vehicle with dual rear wheels on property in any district while it is being used in the transaction of business with the owner or occupant of the property. In no event shall the time period authorized by this subsection exceed four hours.

(c) The provisions of this subsection shall not apply to any vehicle parked or stored for the purpose of installing, maintaining or performing public utility services.

(d) Enforcement and Penalty.

(1) Enforcement of the provisions of these regulations shall be the joint responsibility of the Zoning Officer and/or the Police Department.

(2) Any person, firm, partnership, association, corporation or other entity convicted of violating these regulations shall be liable to a fine, the amount of which is prescribed by Resolution for each such violation and each day in which such violation continues shall constitute a separate violation or offense. In addition to the foregoing remedies the Township Attorney may maintain an action in any court of competent jurisdiction to enjoin, restrain, abate, correct or remove any violation of these regulations.

b. In Residential Districts.

1. Private garages and parking areas shall be utilized only as an accessory to the principal use, except that one parking space in a private garage accessory to a dwelling may be rented to a person who is not a resident of the main building.

2. Not more than 30% of the area of a minimum required front yard, rear yard or side yard shall be used as a parking area. For Senior Citizens Projects not more than 65% of the area of the minimum required front yard, rear yard or side yard shall be used as a parking area.

3. No commercial vehicle as defined in Subsection 25-4b, pickup truck, truck, van or equipment related thereto, shall be parked or stored in any residential district between 9:00

p.m. and 7:00 a.m. unless the following conditions are satisfied:

- (a) If there is a garage on the premises into which the vehicle fits in its stripped down fashion (i.e. without accessories), the vehicle must be parked or stored in the garage with the doors closed.
- (b) If the premises has a garage into which the commercial vehicle fits in its stripped down fashion, there cannot be another ungaraged commercial vehicle on the premises.
- (c) If the residence is multi-family, there can be only one ungaraged commercial vehicle per property provided however that all commercial vehicles that can fit in a garage in their stripped down fashion must be parked or stored in a garage if the premises has a garage. In a multi-family residence, the property owner shall designate in writing the sole permitted commercial vehicle.
- (d) If the vehicle is permitted by this section to be parked outside of a garage, all removable equipment such as pipes, pipe racks, ladders and all racks and equipment must be removed from the vehicle when parked and unexposed to public view.
- (e) If the vehicle is permitted by this section to be parked outside of a garage, any signage or commercial markings that are permanently affixed to the vehicle must be covered with a blank metallic cover that is the same color as the body of the vehicle when the vehicle is parked.
- (f) If the vehicle is permitted by this section to be parked outside of a garage, any signage or commercial markings, such as magnetic lettering, that is not permanently affixed to the vehicle must be removed when the vehicle is so parked.
- (g) Any vehicle that does not fit within a garage as per Subsection a., may be parked in the driveway on the premises in the area of the driveway which is least visible from the nearest adjacent street or roadway.
- (h) Any vehicle permitted to be parked outside a garage by this section must have a single axis chassis body with not more than four wheels, it shall not be more than 20 feet long and seven feet high and shall not exceed 6,000 pounds registered gross vehicle weight.
- (i) The vehicle must be owned and/or operated by a Township resident who is the property owner or tenant who actually resides at the property.
- (j) Exception. Nothing herein shall be deemed to prohibit the parking or storing of a commercial vehicle,

or equipment related thereto, in a residential district while it is being used in the transaction of business with the owner or occupant of any residential property or is in the area for the purpose of installing, maintaining or performing public utility services.

(k) Enforcement. Enforcement of these regulations shall be the joint responsibility of the Zoning Official or the Planning Director's designee and/or the Police Department. Both the vehicle owner and property owner/occupant may be found responsible under this Subsection b,3.

(l) Exemption. The Zoning Official or the Planning Director's designee shall grant an exemption, to any resident who provides proof of the following:

(1) That the commercial vehicle is properly registered and meets all the requirements of the State of New Jersey including all appropriate weight and other restrictions.

(2) That the appearance of the commercial vehicle is clean, free of all graffiti, exterior is finely finished, and all other criteria set forth in Subsections (d), (e), (f), (i), (j) are met.

(3) That the size of the driveway is sufficient or appropriate to permit the storage of the commercial vehicle. The driveway must be of sufficient size to permit the commercial vehicle to be parked with three feet of paving on each side and at least 20 feet from the sidewalk, if applicable, and/or the street whichever is further. The driveway shall be in good condition.

(4) That no other housing, health or other violations of the Township Ordinances and other laws exist.

(5) Show an inability to find alternate parking for the commercial vehicle.

(6) The exemption shall only be available for one commercial vehicle per residence and shall be approved for the particular vehicle only.

(7) In granting the exemption, the Zoning official or the Planning Director's designee may impose such reasonable provisions or restrictions as he or she deems necessary and appropriate.

(8) Upon issuance of an exemption and payment of a permit fee prescribed by Resolution, a sticker shall be affixed to the exempted vehicle's rear bumper and may not be transferred to any other vehicle without Zoning Board approval.

(m) Violation. Any person, firm, partnership, association, corporation or other entity convicted of violating these regulations shall be liable to a fine, the amount of which is prescribed by Resolution for each such violation and each day in which such violation continues shall constitute a separate violation or offense. In addition to the foregoing remedies, the Township Attorney may maintain an action in any court of competent jurisdiction to enjoin, restrain, abate, correct or remove any violation of these regulations.

4. Interior roadways or access drives leading to off-street parking facilities in multiple family developments shall be designated fire lanes and no parking shall be allowed.

5. The parking of house, tent and utility trailers, campers, boats, motor homes and other vehicles, notwithstanding any other provision of this chapter, is expressly prohibited in any front yard or side front yard. In any event vehicles may not be parked or stored for more than a period of 48 hours unless owned or leased by the property owner. Portable storage containers shall only be permitted in accordance with the requirements of Subsection 25-9.11.

6. No tow truck, flat bed truck, or construction equipment may be parked or stored on property in any residential district.

(a) Exceptions. Nothing herein shall be deemed to prohibit the parking or storing of a tow truck, flat bed truck or construction equipment on property in any district while it is being used in the transaction of business with the owner or occupancy of the property or when such vehicle has been summoned to the property by the Police Department. In no event shall the time period authorized by this subsection exceed four hours.

(b) Enforcement; Penalty.

(1) Enforcement of the provisions of these regulations shall be the joint responsibility of the Zoning Officer and/or the Police Department.

(2) Any person, firm, partnership, association, corporation or other entity convicted of violating these regulations shall be liable to a fine prescribed by Resolution for each such violation and each day in which such violation continues shall constitute a separate violation or offense. In addition to the foregoing remedies the Township Attorney may maintain an action in any court of competent jurisdiction to enjoin, restrain, abate, correct or remove any violation of these regulations.

c. A parking area may be situated in whole or in part on the roof of the main building to which it is accessory providing the parking area is properly and adequately screened.

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: March 21, 2023

ADOPTED:

2724-23

Legislative History

The purpose of this ordinance is to modify the fines set forth in Chapter 25 of the Revised General Ordinances of the Township of West Orange to be subject to adjustment by Resolution.

**AN ORDINANCE AMENDING CHAPTER 25, SECTION 11.12 OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(OUTDOOR SEASONAL SALES)**

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WEST ORANGE, NEW JERSEY that Chapter 25, Section 11.12 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 25, Section 11.12 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 25 SECTION 11.12 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

§25-11.12 BE AND HEREBY AMENDED AS FOLLOWS:

- The portion entitled “Outdoor Seasonal Sales” which specifies the requirements for outdoor seasonal sales by any business in the Township of West Orange, shall be repealed and replaced by the following language:
 - a. It shall be unlawful for any person, firm, corporation, merchant, club, association, group, charitable institution or organization to conduct an outdoor seasonal sale as defined herein without first having obtained a permit from the Zoning Officer for that purpose as hereinafter provided:
 - 1. An application for a permit to conduct an outdoor seasonal sale shall be made at least 15 days prior to the sale, and shall be issued for not more than 45 consecutive days. The following information shall be provided and filed with the Zoning Officer prior to the issuance of a permit:
 - (a) The name, address and phone number of the person, firm, corporation, club, association, group, charitable institution or organization conducting the sale.
 - (b) The name, address and phone number of a designated "contact person." This person will be contacted if there are any violations of this subsection during the sale. The contact person shall sign the application.
 - (c) The name and address of the owner of the property on which the sale is to be conducted, together with the consent in writing by the owner.
 - (d) The location and times of such sale.
 - (e) The date or dates of the sale.

- (f) An affirmation or sworn statement by the person signing that the information given is true and correct.
2. The fee for a permit for an outdoor seasonal sale for a commercial or any for profit organization shall be prescribed by Resolution. The fee for a permit for a bona fide not for profit organization or charity shall also be prescribed by Resolution. If more than one person, firm, corporation, merchant, club, association, group, charitable institution or organization is participating in the sale, each participant shall pay a permit fee. Each permit shall be posted so as to be at the location, and for the duration, of the sale.
 3. No street or vehicle right-of-way within the confines of the location of the sale shall be blocked or obstructed by any merchandise offered for sale. A three foot passageway for pedestrians on public sidewalks shall be left open, and merchandise shall be securely and adequately placed so that it will not endanger passersby. Such sales shall not be operated in any manner which would cause a nuisance or create a fire hazard.
 4. Outdoor seasonal sales shall be conducted only in commercial and business zoning districts and only between the hours of 9:00 a.m. and 9:00 p.m., exclusively of set up and disassembling time, except that a bona fide not for profit organization or charity may conduct outdoor seasonal sales on a non-residential property located in a residential zoning district.
 5. Any signage specifically for the outdoor sale shall require a temporary sign permit which shall be in effect only for three days prior to, and the days of, the permitted sale and any signage shall comply with the rules and regulations regarding signage in the Land Use Regulations for the Township, and shall be removed within 24 hours after the end of such permit.
 6. This subsection shall be enforced by the Zoning Officer or his or her designee and the Police Department. It shall be the duty of the Zoning Officer and/or Police Department to investigate any possible violations of this subsection. It shall also be the duty of all departments, officers and employees of the Township to bring to the attention of the Zoning Officer any violations of this subsection of which they become aware.
 7. The holder of a permit and any agents, servants or employees of the holder shall be jointly and severally responsible for the maintenance of good order and decorum on the premises during all hours of such sale or activity.
 8. Any person, firm, corporation, merchant, club, association, group, charitable institution or organization who shall violate any of the terms or regulations of this subsection may have their permit summarily revoked by the Zoning Officer. In addition, any person, firm, corporation, merchant, club, association, group, charitable institution or organization conducting any

such outdoor sale or similar activity without having the necessary permit or who shall violate any of the terms or regulations of this subsection shall also, upon conviction of any violation thereof, be fined an amount to be prescribed by Resolution. Each day, or part thereof, during which a sale without the required permit or in violation hereof shall continue, shall be considered a separate violation.

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: March 21, 2023

ADOPTED:

2725-23

Legislative History

The purpose of this ordinance is to modify the fines set forth in Chapter 25 of the Revised General Ordinances of the Township of West Orange to be subject to adjustment by Resolution.

**AN ORDINANCE AMENDING CHAPTER 25, SECTION 24.2(b)(2)(j)(6) OF THE
REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(CONDITIONAL USES)**

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WEST ORANGE, NEW JERSEY that Chapter 25, Section 24.2(b)(2)(j)(6) 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 25, Section 24.2(b)(2)(j)(6) 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 25 SECTION 24.2(b)(2)(j)(6) SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

§25-24.2(b)(2)(j)(6) BE AND HEREBY AMENDED AS FOLLOWS:

- The portion entitled “Conditional Uses” which specifies the penalty for violating subsection (j) of Chapter 25, Section 24.2(b)(2), governing the rules and regulations of sexually oriented businesses, shall be repealed and replaced by the following language:

(6) Enforcement.

(i) Except as otherwise provided by State statute, any person violating any provision of this Subsection (j), upon conviction, is punishable by a fine to be prescribed by Resolution. In no event shall any person violating this Subsection (j), upon conviction, receive a fine below the amount prescribed by Resolution. In addition, the Township may authorize the Law Department to file an action in any court of competent jurisdiction to remove or abate any violation of this ordinance.

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: March 21, 2023

ADOPTED:

2726-23

Legislative History

The purpose of this ordinance is to modify the fines set forth in Chapter 25 of the Revised General Ordinances of the Township of West Orange to be subject to adjustment by Resolution.

**AN ORDINANCE AMENDING CHAPTER 25, SECTION 16.18 OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(SECURITY ENCLOSURES)**

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WEST ORANGE, NEW JERSEY that Chapter 25, Section 16.18 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 25, Section 16.18 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 25 SECTION 16.18 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

§25-16.18 BE AND HEREBY AMENDED AS FOLLOWS:

- The portion entitled “Security Enclosures” which specifies the requirements for any security enclosure within the Township, shall be repealed and replaced by the following language:

The following provisions apply:

- a. No security enclosures are permitted in or on any nonresidential building or storefront opening in any OB-1, OB-2, B-1, B-2, P-C, O-R, I or I-B District.
- b. Nonsolid grill work is permitted inside nonresidential buildings and store fronts at a minimum of two feet from any front window.
- c. A permit is required from the Construction Official and a permit fee, the amount of which will be prescribed by Resolution, must be paid prior to the installation of any security enclosure. Before a permit will be issued, written notification must be filed with the Fire Subcode Official.

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: March 21, 2023

ADOPTED:

2727-23

Legislative History

The purpose of this ordinance is to modify the fines set forth in Chapter 25 of the Revised General Ordinances of the Township of West Orange to be subject to adjustment by Resolution.

**AN ORDINANCE AMENDING CHAPTER 25, SECTION 15.5 OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(PERMITS)**

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WEST ORANGE, NEW JERSEY that Chapter 25, Section 15.5 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 25, Section 15.5 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 25 SECTION 15.5 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

§25-15.5 BE AND HEREBY AMENDED AS FOLLOWS:

- The portion entitled “Permits” which specifies the requirements for any person, business, or firm within the Township with regard to permits for signs, shall be repealed and replaced by the following language:

It shall be unlawful for any person, firm, or corporation to erect, alter, relocate, or maintain within the Township any sign as set forth and defined in this chapter, except those exempted, without first making application for a permit from the Zoning Officer which shall be in addition to any other licenses or permits which may be required by other ordinances.

a. Applications for permits shall be made on forms supplied by the Township and shall contain the following information:

1. Name, address, and telephone number of the applicant and the sign erector.
2. Location of the building, structure, or lot to which the sign is or is to be attached or erected.
3. Position of the sign in relation to nearby buildings or structures.
4. Name of person, firm, corporation, or association erecting the sign if new construction.
5. Name of owner of property on which sign is located and written consent of owner if other than applicant.
6. Scale drawing of the sign, showing all details, including message, color, lighting, structural design, and anchorage.
7. Such other information as the Zoning Officer shall require to show full compliance with this and all other ordinances of the Township.

b. Procedure. The Zoning Officer, upon receipt of an application, shall examine or cause to be examined, the application and, when necessary, examine, or cause to be examined, the lands and/or premises upon which the sign is erected or proposed to be erected, replaced, or altered as to change the dimensions or information displayed, and determine whether the structure or proposed structure is in compliance with all of the requirements of this chapter and all other laws and ordinances of the Township. The Zoning Officer's determination shall be noted in the application. If the determination is favorable, a permit will be issued; if the determination is unfavorable, the application shall be rejected. Signs requiring a building permit under this section, or any other ordinance or law of the Township, shall not be issued a sign permit until the requirements for a building permit(s) have been met.

c. Temporary Signs: Applications and Procedure. Applications for temporary sign permits shall be made by the fee owner or lease holder of the land on which the sign will be located and the application shall be deemed to grant permission to the Township to enter upon the applicant's land and remove the sign if, upon five days' notice by ordinary mail that the permit has expired, the applicant has failed to remove same. The application for permit shall be made on Township forms and shall contain the same information required of all permits, except in addition, shall also require a deposit of an amount to be set by Resolution, per square foot of sign. The deposit shall be held by the Township until the sign is removed, at which time it shall be returned to the applicant. The Township may use the deposit in order to cover the cost of removing the sign should the applicant fail to do so when the permit expires. Use of the deposit will not limit the Township's ability to use other legal means to recover costs above and beyond the deposited amount.

d. Fees and Expirations. The fee for permits issued hereunder for new signs shall be set by Resolution, per square foot of surface area of the sign with a minimum and a maximum of amount to be prescribed by Resolution.

e. Computation of Sizes and Signs.

1. In residential and other non-corporate, non-business, and non-industrial zones, the size of any sign for the purposes of determining its compliance with the provisions of this chapter shall be computed by multiplying its greatest height by its greatest length, exclusive of supporting structures, unless such supporting structure is illuminated or is in the form of a symbol or contain advertising copy.

2. In business, shopping center, industrial, and corporate zones, the size of any sign shall be computed by multiplying its greatest height by its greatest length, exclusive of supporting structures, unless such supporting structure is illuminated or is in the form of a symbol or contains advertising copy, but for the

purpose of making such determination, the applicant may block off portions of the sign into not more than three rectangles in order to exclude large areas of open space caused by the peculiar design or shape of that symbol, copy or structure.

3. Multiple-side signs carrying the same message on all sides shall be considered to be a size equivalent to the sum of all the sides/signs, except that a two-sided sign with identical information on both sides of the sign shall only have one side included in the calculation of sign area.

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: March 21, 2023

ADOPTED:

2728-23

Legislative History

The purpose of this ordinance is to modify the fines set forth in Chapter 25 of the Revised General Ordinances of the Township of West Orange to be subject to adjustment by Resolution.

**AN ORDINANCE AMENDING CHAPTER 25, SECTION 15.3(c)(1)(c)(7) OF THE
REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(ALLOWED SIGNAGE-SIDEWALK SIGNS)**

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WEST ORANGE, NEW JERSEY that Chapter 25, Section 15.3(c)(1)(c)(7) 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 25, Section 15.3(c)(1)(c)(7) 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 25 SECTION 15.3(c)(1)(c)(7) SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

§25-15.3(c)(1)(c)(7) BE AND HEREBY AMENDED AS FOLLOWS:

- The portion entitled “Allowed Signage, Sidewalk Signs” which specifies the requirements in all districts for parking and loading spaces in the Township of West Orange, shall be repealed and replaced by the following language:

(7) A sidewalk sign may only be erected upon the granting of final approval of the Township Zoning Officer and upon the payment of a fee to be prescribed by Resolution..

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:

ADOPTED:

Legislative History

The purpose of this ordinance is to modify the fines set forth in Chapter 25 of the Revised General Ordinances of the Township of West Orange to be subject to adjustment by Resolution.

**AN ORDINANCE AMENDING CHAPTER 14, SECTIONS 20.4 AND 20.7 OF THE
REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(PENALTIES FOR FAILURE TO REPORT and PENALTIES FOR FAILURE TO
MAINTAIN PROPERTY)**

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WEST ORANGE, NEW JERSEY that Chapter 14, Sections 20.4 and 20.7 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 14, Sections 20.4 and 20.7 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 14, SECTIONS 20.4 AND 20.7 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

§14-20.4 BE AND HEREBY AMENDED AS FOLLOWS:

- The portion entitled “Penalties for Failure to Report” which specifies the fine an out-of-state creditor will endure for failure to appoint an in-State representative through the filing of a foreclosure notice, shall be repealed and replaced by the following language:

Any out-of-State foreclosing creditor that is found to be in violation of the requirement to appoint an in-State representative through the filing of a foreclosure notice shall be subject to a fine prescribed by Resolution for each day of the violation. Any fines imposed on a foreclosing creditor for failure to appoint an in-State representative shall commence on the day after the ten-day period set forth in subsection 20.3a for providing notice to the Township Clerk that a summons and complaint in an action to foreclose on a mortgage has been served.

§14-20.7 BE AND HEREBY AMENDED AS FOLLOWS:

- The portion entitled “Penalties for Failure to Maintain Property” which specifies fine a foreclosing creditor endures per day for failure to comply with Chapter 14, Sections 20.5 and 20.6 of the Revised General Ordinances of the Township of West Orange, shall be repealed and replaced by the following language:

A foreclosing creditor found to be in violation of subsection **14-20.5** of this chapter shall be subject to a fine prescribed by Resolution for each day of the violation. Fines shall begin to accrue 31 days following receipt of the notice provided for in subsection **14-20.6** of this chapter, except if the violation presents an imminent risk to public health and safety, in which

case any fines shall begin to accrue 11 days following receipt of such notice.

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: March 21, 2023

ADOPTED:

Legislative History

The purpose of this ordinance is to modify the fines set forth in Chapter 14 of the Revised General Ordinances of the Township of West Orange to be subject to adjustment by Resolution.

**AN ORDINANCE AMENDING CHAPTER 14, SECTION 19.7 OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(BONDS)**

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WEST ORANGE, NEW JERSEY that Chapter 14, Section 19.7 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 14, Section 19.7 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 14, SECTION 19.7 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

§14-19.7(a) BE AND HEREBY AMENDED AS FOLLOWS:

- The portion entitled “Bond” which specifies the minimum and maximum compensation the Township can recover for the costs of repressing and prosecuting incidents of disorderly behavior, shall be repealed and replaced by the following language:

Any bond required to be posted pursuant to this section shall be in accordance with the judgment of the Hearing Officer, in light of the nature and extent of the offenses indicated in the substantiated complaints upon which the proceedings are based, to be adequate in the case of subsequent offenses to make reparation for (1) damages likely to be caused to public or private property and damages consequent upon disruption of affected residents' rights of fair use and quiet possession of their premises, (2) securing the payment of fines and penalties likely to be levied for such offenses, and (3) compensating the Township for the costs of repressing and prosecuting such incidents of disorderly behavior; ; but no such bond shall be in an amount less than the amount prescribed by Resolution and not more than the amount prescribed by Resolution.. The Township may enforce the bond thus required by action in the Superior Court of New Jersey and shall be entitled to an injunction prohibiting the landlord from making or renewing any lease of the affected premises for residential purposes until that bond or equivalent security, in satisfactory form and amount, has been deposited with the Township.

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: March 21, 2023

ADOPTED:

Legislative History

The purpose of this ordinance is to modify the fines set forth in Chapter 14 of the Revised General Ordinances of the Township of West Orange to be subject to adjustment by Resolution.

**AN ORDINANCE AMENDING CHAPTER 1, SECTION 5.1 OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(MAXIMUM PENALTY)**

**BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF
WEST ORANGE, NEW JERSEY** that Chapter 1, Section 5.1 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 1 of the Revised General Ordinances of the Township of West Orange to be amendable by Resolution such that they are easily amendable in the future by approval in an everchanging socioeconomic climate.

**II. CHAPTER 1, SECTION 5.1 SHALL BE AND HEREBY IS AMENDED AND
SUPPLEMENTED TO INCORPORATE THE FOLLOWING:**

§1-5.1 BE AND HEREBY AMENDED AS FOLLOWS:

- The portion entitled “Maximum Penalty” which specifies the maximum penalty for violations under any Chapter of the Township of West Orange Municipal Code shall be repealed and replaced by the following language:

For violation of any provision of this chapter, and any other chapter of this revision, or any other ordinance of the Township where no specific penalty is provided regarding the section violated, the maximum penalty shall, on conviction of a violation, be: a fine prescribed by Resolution stating the maximum fine for violations of the Township of West Orange Municipal Code where no specific fine or penalty is provided regarding the specific section of the West Orange Municipal Code violated.

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: March 21, 2023

ADOPTED:

Legislative History

The purpose of this ordinance is to modify the fines set forth in Chapter 1 of the Revised General Ordinances of the Township of West Orange to be subject to adjustment by Resolution.

**AN ORDINANCE AMENDING CHAPTER 14, SECTION 17.4 OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(COMPLIANCE WITH ORDER AND REINSPECTION)**

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WEST ORANGE, NEW JERSEY that Chapter 14, Section 17.4 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 14, Section 17.4 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 14, SECTION 17.4 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

§14-17.4 BE AND HEREBY AMENDED AS FOLLOWS:

- The portion entitled “Compliance with Order and Reinspection” which specifies the reinspection fee when the premises are ordered vacated and the owner or occupant and corrects the violations complained of within thirty-days shall be repealed and replaced by the following language:

When the premises are ordered vacated, all doors to the exterior will be locked and entrance prohibited. Conditions and the violations complained of shall be corrected within 30 days. Thereafter the owner or occupant affected thereby may request a reinspection which shall be provided upon the payment of a reinspection fee to be set by the Township Council by Resolution.. Based on the reinspection, the Public Officer shall either issue and order which shall revoke the previous order and permit from an occupancy or state such further conditions or time limits during which additional repairs or improvements are to be made before occupancy is again permitted or order vacation and demolition as in subsection 14-17.3. Upon compliance with the conditions contained in any order, the Public Officer shall permit the signs to be removed and the premises made available again for occupancy.

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:

ADOPTED:

Legislative History

The purpose of this ordinance is to modify the fines set forth in Chapter 14 of the Revised General Ordinances of the Township of West Orange to be subject to adjustment by Resolution.

**AN ORDINANCE AMENDING CHAPTER 25, SECTION 11.11 OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(OUTDOOR SALES)**

**BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF
WEST ORANGE, NEW JERSEY** that Chapter 25, Section 11.11 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 25, Section 11.11 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 25 SECTION 11.11 SHALL BE AND HEREBY IS AMENDED AND
SUPPLEMENTED TO INCORPORATE THE FOLLOWING:**

§25-11.11 BE AND HEREBY AMENDED AS FOLLOWS:

- The portion entitled “Outdoor Sales” which specifies the requirements for outdoor sales by any business in the Township of West Orange, shall be repealed and replaced by the following language:
 - a. It shall be unlawful for any person, firm, corporation, merchant, club, association, group, charitable institution or organization to conduct an outdoor sale as defined herein within any business or commercial zone district without first having obtained a permit from the Zoning Officer for that purpose as hereinafter provided:
 - 1. An application for a permit to conduct an outdoor sale shall be made at least 15 days prior to the sale, and shall be issued for not more than three consecutive days. No person or entity shall be entitled to more than three permits during a twelve-month period. Appropriate provisions for alternate days because of inclement weather shall be made at the time of application for the permit. No applicant, who has already been issued a permit shall be issued a permit for a period to commence within 15 days of the termination of any previously issued permit to that applicant for a particular location. The following information shall be provided and filed with the Zoning Officer prior to the issuance of a permit:
 - (a) The name, address and phone number of the person, firm, corporation, club, association, group, charitable institution or organization conducting the sale.
 - (b) The name, address and phone number of a designated "contact person." This person will be contacted if there are any violations of this subsection during the sale. The contact person shall sign the application.

- (c) The name and address of the owner of the property on which the sale is to be conducted, together with the consent in writing by the owner.
 - (d) The location and times of such sale.
 - (e) The date or dates of the sale.
 - (f) An affirmation or sworn statement by the person signing that the information given is true and correct.
2. The fee for a permit for an outdoor sale for a commercial or any for profit organization shall be prescribed by Resolution. The fee for a permit for a bona fide not for profit organization or charity shall be be prescribed by Resolution. If more than one person, firm, corporation, merchant, club, association, group, charitable institution or organization is participating in the sale, each participant shall pay a permit fee. Each permit shall be posted so as to be at the location, and for the duration, of the sale.
3. No street or vehicle right-of-way within the confines of the location of the sale shall be blocked or obstructed by any merchandise offered for sale. A three foot passageway for pedestrians on public sidewalks shall be left open, and merchandise shall be securely and adequately placed so that it will not endanger passersby. Such sales shall not be operated in any manner which would cause a nuisance or create a fire hazard.
4. Outdoor sales shall be conducted only in commercial and business zoning districts and only between the hours of 9:00 a.m. and 9:00 p.m., exclusively of set up and disassembling time.
5. Any signage specifically for the outdoor sale shall require a temporary sign permit which shall be in effect only for three days prior to, and the days of, the permitted sale and any signage shall comply with the rules and regulations regarding signage in the Land Use Regulations for the Township, and shall be removed within 24 hours after the end of such permit.
6. The following persons and sales shall be excepted from this subsection: Persons selling goods according to an order or process of a court of competent jurisdiction; persons acting in accordance with their duties and powers as public officials; those conducting "garage sales" in residential zones in accordance with the "Garage Sale Ordinance."
7. If food or food stuffs will be sold, an additional permit therefor shall be obtained from the Township Health Department.
8. This subsection shall be enforced by the Zoning Officer or his or her designee and the Police Department. It shall be the duty of the Zoning Officer and/or Police Department to investigate any possible violations of this subsection. It shall also be the duty of all departments, officers and employees of the Township to bring to the attention of the Zoning Officer any violations of this subsection of which they become aware.
9. The holder of a permit and any agents, servants or employees of the holder shall be jointly and severally responsible for the

maintenance of good order and decorum on the premises during all hours of such sale or activity.

10. Any person, firm, corporation, merchant, club, association, group, charitable institution or organization who shall violate any of the terms or regulation of this subsection may have their permit summarily revoked by the Zoning Officer. In addition, any person, firm, corporation, merchant, club, association, group, charitable institution or organization conducting any such outdoor sale or similar activity without having the necessary permit or who shall violate any of the terms or regulations of this subsection shall also, upon conviction of any violation thereof, be fined by an amount prescribed by Resolution for each violation. Each day, or part thereof, during which a sale without the required permit or in violation hereof shall continue, shall be considered a separate violation.

11. The Township Council may in its discretion designate Township wide or area wide celebration days during which an outdoor sale may be held and such sale shall not be subject to the limitations of Subsection a,1 of this subsection.

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:

ADOPTED:

2734-23

Legislative History

The purpose of this ordinance is to modify the fines set forth in Chapter 25 of the Revised General Ordinances of the Township of West Orange to be subject to adjustment by Resolution.

**AN ORDINANCE AMENDING CHAPTER 25, SECTION 11.10 OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(OUTDOOR CAFES IN THE B-1, B-2 AND PC DISTRICTS)**

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WEST ORANGE, NEW JERSEY that Chapter 25, Section 11.10 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 25, Section 11.10 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 25 SECTION 11.10 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

§25-11.10 BE AND HEREBY AMENDED AS FOLLOWS:

- The portion entitled “Outdoor Cafes in the B-1, B-2 and PC Districts” which specifies the requirements for outdoor cafes in the Township of West Orange, shall be repealed and replaced by the following language:

Outdoor cafes shall be permitted subject to the standards and conditions of § 5-10 of Chapter 5, General Licensing, of the Revised General Ordinances of the Township of West Orange and in conjunction with the following conditions:

- a. Adequate access for emergency response personnel must be allowed to the main entrance of the serving establishment from the outdoor serving area as defined by Township fire regulations.
- b. Adequate sidewalk access (at least four feet) must be maintained for easy passage of pedestrians on any public sidewalk or right-of-way.
- c. Some form of formal space delineation, such as a removal fence, may be required during cafe business hours to define sidewalk space from cafe space.
- d. Outdoor or patio type furniture must be used; upholstered furniture is prohibited.
- e. Street furniture (seating, tables, fencing, etc.) must be moved into the serving establishment when the outdoor cafe is not open for business.
- f. Cleanliness of the outdoor serving area is the responsibility of the serving establishment.
- g. Signage, in addition, to that permitted for the serving establishment pursuant to § 25-15, is prohibited.
- h. A sketch showing the proposed location of tables, chairs and umbrellas shall be prepared and submitted to the Director of Planning and Development for approval prior to the use of the sidewalk area.

i. The use of the described locations shall be authorized by a sidewalk cafe permit issued by the Director of Planning upon compliance by the applicant with the requirements of This subsection and the payment of an annual fee to be prescribed by Resolution at the approval of the Township Council.

j. Any permit issued by the Director of Planning shall designate the hours of operation of any sidewalk cafe but in no event may a sidewalk cafe remain open after 11:00 p.m. on Sunday through Thursday or after 12:00 midnight on Friday, Saturday and legal holidays.

k. Nothing herein shall be deemed to be a waiver of the provisions of any health and/or licensing ordinance regulating the operation of a sidewalk cafe.

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: March 21, 2023

ADOPTED:

2735-23

Legislative History

The purpose of this ordinance is to modify the fines set forth in Chapter 25 of the Revised General Ordinances of the Township of West Orange to be subject to adjustment by Resolution.

**AN ORDINANCE AMENDING CHAPTER 25, SECTION 9.11 OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(PORTABLE STORAGE CONTAINERS)**

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WEST ORANGE, NEW JERSEY that Chapter 25, Section 9.11 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 25, Section 9.11 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 25 SECTION 9.11 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

§25-9.11 BE AND HEREBY AMENDED AS FOLLOWS:

- The portion entitled “Portable Storage Containers” which specifies the requirements for the use of portable storage containers in the Township on a temporary basis, shall be repealed and replaced by the following language:

The use of portable storage containers is permitted on a temporary basis and must meet the following conditions:

- a. Portable storage containers shall be placed on property within a residential zone for no more than 30 days unless used in conjunction with a construction permit, in which event, it shall be permitted to remain for the duration of the construction permit, but no more than one year.
- b. A property owner may apply for an extension of the thirty-day limitation to the Zoning Officer for good cause, but in no event for more than an additional 30 days.
- c. No portable storage container shall be placed in any area on a residential property not meeting the accessory structure setback requirements of the zone and in no event shall a portable storage container be placed in a front yard, the public right-of-way, or at any location which obstructs traffic visibility. All portable storage containers shall be placed on a driveway, where possible.
- d. There shall be a limit of one portable storage container per property.
- e. The size of a portable storage container shall not exceed 10 feet in height and 10 feet by 20 feet in width and length.
- f. The portable storage container and the area surrounding it shall be kept in a neat and clean condition.
- g. Persons intending to place a portable storage container on a residential property shall first obtain a permit therefor following completion of the

relevant application form and payment of a fee to be prescribed by Resolution at the approval of the Township Council.

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: March 21, 2023

ADOPTED:

Legislative History

The purpose of this ordinance is to modify the fines set forth in Chapter 25 of the Revised General Ordinances of the Township of West Orange to be subject to adjustment by Resolution.

**AN ORDINANCE AMENDING CHAPTER 25, SECTION 8.4 OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(WALLS AND FENCES)**

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WEST ORANGE, NEW JERSEY that Chapter 25, Section 8.4 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 25, Section 8.4 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 25 SECTION 8.4 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

§25-8.4 BE AND HEREBY AMENDED AS FOLLOWS:

- The portion entitled “Walls and Fences” which specifies the requirements permitted for the construction of walls and fences in the Township, shall be repealed and replaced by the following language:

Walls and fences are permitted under the following conditions:

- a. Walls and fences which are not more than 50% solid are permitted anywhere on the property, in all districts, provided they are not higher than four feet.
- b. Solid walls and fences not higher than six feet are permitted in the rear yard and on the side property line up to the rear line of the applicant's house. If the distance on each side of such a fence is more than five feet to each adjacent house, such solid fence may be located in the side property up to the front of the applicant's house.
- c. In all nonresidential districts, fences or walls not exceeding six feet in height shall be permitted in the side and rear yards provided the fence or wall is not closer than five feet at any point to a principal building in a residential district.
- d. In all nonresidential districts, a fence or wall to be used for screening may not exceed six feet in height.
- e. In all districts the finished side of the fence must face away from the applicant's property.
- f. The use of barbed and/or razor wire is prohibited in all districts.
- g. Electrical wire fence is prohibited in all districts.
- h. No fence as described in this subsection may be constructed in any district without a written application being made to the Zoning Officer who shall issue a permit after compliance with a fee schedule prescribed by Resolution at the approval of the Township Council.

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: March 21, 2023

ADOPTED:

Legislative History

The purpose of this ordinance is to modify the fines set forth in Chapter 25 of the Revised General Ordinances of the Township of West Orange to be subject to adjustment by Resolution.

**TOWNSHIP OF WEST ORANGE
ORDINANCE NUMBER 2738-23**

**ORDINANCE OF THE TOWNSHIP OF WEST ORANGE, IN
THE COUNTY OF ESSEX, STATE OF NEW JERSEY (THE
"TOWNSHIP") PROVIDING FOR A SPECIAL EMERGENCY
APPROPRIATION IN AN AMOUNT NOT TO EXCEED
\$2,500,000 TO FUND THE PREPARATION AND
EXECUTION OF A COMPLETE PROGRAM OF
REVALUATION OF REAL PROPERTY IN THE TOWNSHIP**

WHEREAS, N.J.S.A. 40A:4-53(b) provides that a local unit, such as the Township of West Orange, in the County of Essex, State of New Jersey (the "Township"), may adopt an ordinance authorizing a special emergency appropriation for the preparation and execution of a complete program of revaluation of real property for the use of the local assessor, or of any program to update and make current any previous revaluation program when such is ordered by the county board of taxation; and

WHEREAS, the Essex County Board of Taxation has ordered the Township to implement a municipal wide and complete program of revaluation on all real property of the Township for use of the local assessor (the "Revaluation Program"); and

WHEREAS, pursuant to N.J.S.A. 40A:4-53(b), the Township desires to authorize a special emergency appropriation in the amount of not to exceed \$2,500,000 to fund the cost of the preparation and execution of the Revaluation Program.

BE IT ORDAINED AND ENACTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, IN THE COUNTY OF ESSEX, STATE OF NEW JERSEY (not less than the majority of all members thereof affirmatively concurring) AS FOLLOWS:

SECTION 1. Pursuant to N.J.S.A. 40A:4-53(b), the amount of not to exceed \$2,500,000 (a) is hereby appropriated to fund the cost of the preparation and execution of a complete program of revaluation of real property for the use of the local assessor, or of any program to update and make current any previous revaluation program as ordered by the Essex County Board of Taxation, and (b) shall be deemed a special emergency appropriation as defined and provided for in N.J.S. 40A:4-53. \$2,500,000

SECTION 2. To finance the appropriation authorized hereunder, and described in Section 1 hereof, special emergency notes of the Township (the "Notes") shall be authorized by a resolution of the Township Council of the Township to be adopted in accordance with the provisions of N.J.S.A. 40A:4-55 or such appropriation may be financed from surplus funds available to the Township.

SECTION 3. A certified copy of this ordinance as finally adopted shall be filed with the Director of the Division of Local Government Services, in the New Jersey Department of Community Affairs.

SECTION 4. This ordinance shall take effect twenty (20) days after final adoption and approval by the Mayor.

ADOPTED ON FIRST READING
DATED: MARCH 21, 2023

KAREN J. CARNEVALE,
Township Clerk

TAMMY WILLIAMS,
Council President

ADOPTED ON SECOND READING
DATED: APRIL 4, 2023

KAREN J. CARNEVALE,
Township Clerk

TAMMY WILLIAMS,
Council President

APPROVED:

SUSAN MCCARTNEY
Mayor

April 4, 2023
Date

TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE
PUBLIC NOTICE
NOTICE OF PENDING ORDINANCE

The ordinance, the title of which is published herewith, was introduced and adopted upon first reading at a meeting of the Township Council of the Township of West Orange, in the County of Essex, State of New Jersey, held on March 21, 2023, and will be further considered for final passage, after public hearing thereon, at a virtual meeting of said Township Council on April 4, 2023 at 7:00 p.m. Information regarding remote access to the meeting may be found on the Township's website at www.westorange.org.

The purpose of this ordinance is to authorize a special emergency appropriation in an amount not to exceed \$2,500,000 to fund the preparation and execution of a complete program of revaluation of all real property within the Township.

A copy of said ordinance may be obtained from the Office of the Clerk of the Township during regular municipal office hours at Township Hall, 66 Main Street, West Orange, in said County.

TOWNSHIP OF WEST ORANGE
ORDINANCE NUMBER 2738-23

**ORDINANCE OF THE TOWNSHIP OF WEST ORANGE, IN
THE COUNTY OF ESSEX, STATE OF NEW JERSEY (THE
"TOWNSHIP") PROVIDING FOR A SPECIAL EMERGENCY
APPROPRIATION IN AN AMOUNT NOT TO EXCEED
\$2,500,000 TO FUND THE PREPARATION AND
EXECUTION OF A COMPLETE PROGRAM OF
REVALUATION OF REAL PROPERTY IN THE TOWNSHIP**

KAREN J. CARNEVALE,
Township Clerk

TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE
PUBLIC NOTICE
NOTICE OF THE DATE OF PASSAGE OF ORDINANCE

The ordinance, the title of which is published herewith has been finally adopted by the Township Council of the Township of West Orange, in the County of Essex, State of New Jersey on April 4, 2023.

The purpose of this ordinance is to authorize a special emergency appropriation in an amount not to exceed \$2,500,000 to fund the preparation and execution of a complete program of revaluation of all real property within the Township.

TOWNSHIP OF WEST ORANGE
ORDINANCE NUMBER 2738-23

**ORDINANCE OF THE TOWNSHIP OF WEST ORANGE, IN
THE COUNTY OF ESSEX, STATE OF NEW JERSEY (THE
"TOWNSHIP") PROVIDING FOR A SPECIAL EMERGENCY
APPROPRIATION IN AN AMOUNT NOT TO EXCEED
\$2,500,000 TO FUND THE PREPARATION AND
EXECUTION OF A COMPLETE PROGRAM OF
REVALUATION OF REAL PROPERTY IN THE TOWNSHIP**

KAREN J. CARNEVALE,
Township Clerk

CERTIFICATE OF INTRODUCTION

I, the undersigned Clerk of the Township of West Orange, in the County of Essex, State of New Jersey (the "Township"), DO HEREBY CERTIFY that the foregoing is an extract from the Minutes of a meeting of the governing body of the Township duly called and held on March 21, 2023 at 7:00 p.m. at Township Hall or via a virtual meeting of Township Council, in said County, and that the following was the roll call:

Present:

Absent:

I FURTHER CERTIFY that the foregoing extract has been compared by me with the original minutes as officially recorded in my office in the Minute Book of the governing body and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to in the extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Township this ____ day of _____, 2023.

(SEAL)

KAREN J. CARNEVALE,
Township Clerk

CERTIFICATE OF FINAL ADOPTION

I, the undersigned Clerk of the Township of West Orange, in the County of Essex, State of New Jersey (the "Township"), DO HEREBY CERTIFY that the foregoing is an extract from the Minutes of a meeting of the governing body of the Township duly called and held on April 4, 2023, at 7:00 p.m. at Township Hall or via a virtual meeting of Township Council, in said County, and that the following was the roll call:

Present:

Absent:

I FURTHER CERTIFY that the foregoing extract has been compared by me with the original minutes as officially recorded in my office in the Minute Book of the governing body and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to in the extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Township this ____ day of _____, 2023.

(SEAL)

KAREN J. CARNEVALE,
Township Clerk

CLERK'S CERTIFICATE

I, KAREN J. CARNEVALE, DO HEREBY CERTIFY that I am the Clerk of the Township of West Orange, in the County of Essex (the "Township"), a municipal corporation organized and existing under the laws of the State of New Jersey, and that as such I am duly authorized to execute and deliver this certificate on behalf of the Township. In such capacity, I have the responsibility to maintain the minutes of the meetings of the governing body of the Township and the records relative to all resolutions and ordinances of the Township. The representations made herein are based upon the records of the Township. I DO HEREBY FURTHER CERTIFY THAT:

(1) Attached hereto is the ordinance introduced on March 21, 2023, finally adopted on April 4, 2023 and approved by the Mayor on _____, 2023 (if applicable).

(2) After introduction, the ordinance was published as required by applicable law on _____, 2023 in (insert name of newspaper).

(3) Following the passage of the ordinance on first reading, and at least seven (7) days prior to the final adoption thereof, I caused to be posted in the principal municipal building of the Township at the place where public notices are customarily posted, a copy or summary of said ordinance and a notice that copies of the ordinance would be made available to the members of the general public of the Township who requested copies, up to and including the time of further consideration of the ordinance by the governing body. Copies of the ordinance were made available to all who requested same.

(4) After final passage, the ordinance was duly published as required by law on _____, 2023 in (insert name of newspaper).

(5) The ordinance has not been amended, added to, altered or repealed and said ordinance is now in full force and effect.

(6) A certified copy of the ordinance has been filed with the Director of the Division of Local Government Services, New Jersey Department of Community Affairs.

(7) The official seal of the Township is the seal, an impression of which is affixed opposite my signature on this Certificate.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Township this ____ day of _____, 2023.

(SEAL)

KAREN J. CARNEVALE,
Township Clerk

**AN ORDINANCE ADDING CHAPTER 5, ARTICLE VIII SECTION 35.1 THROUGH 35.24,
TO THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(PUBLIC EVENT PERMITS)**

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

I. PURPOSE

The purpose of this ordinance is to revise the Township's general licensing requirements to require persons seeking to have a public event on property owned by the Township to apply for a permit with the Township for the same.

II. CHAPTER 5, ARTICLE VIII, SECTIONS 35.1 THROUGH 35. SHALL BE AND ARE HEREBY IMPLEMENTED TO INCORPORATE THE FOLLOWING

5-35.1: TITLE

This chapter shall be known and may be cited as the "Public Events Ordinance of the Township of West Orange."

5-35.2: FINDINGS; INTENT

The Mayor and Township Council of the Township of West Orange find that streets, parks, public facilities and other public places in the Township are from time to time temporarily closed and used as sites for fairs, art shows, neighborhood celebrations and other public events, which are privately sponsored but open to the public to varying degrees. Events of this kind serve to improve the quality of life of the residents of the Township and often result in large numbers of people congregating within the confines of the temporarily closed streets or public places, and the resulting crowd conditions create concerns relating to the health, safety and welfare of the public at large and of persons and property in and near the closed area. It is, therefore, essential that a policy be established for governing these events, which shall facilitate control over them by the sponsor and by the Township officials from departments involved with the event to safeguard persons and property.

5-35.3: DEFINITIONS

As used in this chapter, the following terms shall have the meanings indicated:

APPLICANT — An individual or organization submitting an application for an event subject to regulation by this chapter.

APPLICATION — A form issued by the Township Clerk for approval for any event subject to regulation by this chapter.

BLOCK PARTY — A festive neighborhood gathering on public property, but shall not include a garage sale, yard sale, bazaar, rummage sale or other similar activity having the principal purpose as fundraising for an individual or organization, nor shall it include a political meeting or rally, carnival or theatrical or musical performances, such as rock concerts or similar events, or a private party, e.g., birthday, graduation or wedding.

BLOCK PARTY PERMIT — A permit required by this chapter to conduct a block party.

DEMONSTRATION — The gathering of five or more persons for the purpose of demonstrating, picketing, speechmaking, marching and the holding of vigils, and such other gathering as may be protected by the First Amendment to the United States Constitution and the New Jersey Constitution, where such gathering is to be held upon public property. This definition shall not include any gathering or activity that is prohibited by the First Amendment to the United States Constitution and New Jersey Constitution.

DEMONSTRATION PERMIT — A permit required by this chapter to conduct a demonstration.

EVENTS — Collectively, block parties, demonstrations and special events.

PERMIT(S) — The written approval for block parties, demonstrations and special events, in a form approved by the Mayor or Business Administrator.

PERMITTEE — An applicant granted any permit authorized by this chapter.

PERSON — Any individual, firm, partnership, association, corporation, company or organization of any kind.

PUBLIC PROPERTY — Property which is owned, operated, maintained and/or controlled by the Township. Examples of public property include but are not limited to parking lots, plazas, streets, sidewalks, alleys, and parks.

SPECIAL EVENT — A preplanned event that, because of its nature, interest, location, promotion or any combination of similar influences, is expected to draw a large number of people, sponsored by a sponsor other than the Township or its designee, including but not limited to Downtown West Orange, proposed to be held on public property or private property but affecting public property or requiring Township support services, for the purpose(s) of entertainment, celebration, amusement, cultural recognition, arts and crafts displays and/or sales, amateur sports demonstrations or competitions, grand openings or similar activities generally considered recreational in nature. Examples include, but are not limited to festivals, street fairs, art shows, exhibitions, public celebrations, outdoor concerts, parades and road races.

SPECIAL EVENT PERMIT — A permit required by this chapter to conduct a special event.

SPONSOR — The individual, group of individuals, corporation or other entity responsible for organizing an event, and on whose behalf the applicant submits an application.

SUPPORT SERVICES — Those which can or must be provided by the Township to ensure that a special event is conducted in such a manner as to protect the safety, health, property and general welfare of the residents of the Township of West Orange. Examples include, but are not limited to, fire protection, crowd management and control, and traffic management control.

TOWNSHIP — The Township of West Orange.

5-35.4: PERMIT REQUIRED; NONDISCRIMINATION

1. No event as defined in this chapter shall be advertised or held unless a permit for such event has been issued.
2. In granting or denying permits, the Township will not discriminate on the basis of age, gender, race, creed, religion, national origin or sexual preference, the content of the speech or the identity of the speaker(s).

5:35.5: ISSUING OFFICERS

1. All permits, Demonstration, Block Party and Special Event Permits may be approved by the Mayor or Business Administrator or designee after consultation with the Department Directors.
2. Applications for permits shall be made available by the Business Administrator his/her designees, who shall receive completed applications and maintain files of all applications, issued permits and denials of permits.

5:35-6: PROVISIONS APPLICABLE TO ALL EVENTS

The following provisions apply to all events subject to this chapter:

1. Public property authorized for use in connection with any event shall not be obstructed by obstacles which cannot be readily moved to allow the passage of emergency vehicles, and events shall not unduly interfere with movement of emergency vehicles and emergency service to contiguous areas.
2. The Mayor, Police Chief, Business Administrator or their designees may revoke a permit or terminate any event in order to protect public safety and welfare or where the permit conditions have been violated.
3. Permits shall be issued to individuals and shall not be transferred or assigned, nor shall a permit be used at any location or on any date other than as specified in the permit.
4. Events which are cosponsored by the Township or Downtown West Orange are exempt from the provisions of this chapter, as are funeral processions, school-sponsored events and any governmentally sponsored events.
5. An application fee as set forth by resolution of the Township Council from time to time, shall be paid to the Township as payment for the administrative obligations imposed by this chapter except as prohibited by law.
6. Each applicant shall agree in writing to reimburse the Township for any reasonable and foreseeable expenses incurred by the Township resulting from the event, including but not limited to police service, setup and cleanup costs.
7. Each applicant shall agree in writing to reimburse the Township for any specified rent for the use of Township assets, as set forth by resolution of the Township Council from time to time.
8. Events may not be held for the sole purpose of advertising any products, goods or services and may not be held for private profit.
9. Information provided in the application shall be complete and accurate in all material details. Incomplete applications shall be returned to the applicant.

10. An applicant shall not be issued a permit until such time as the applicant has complied with all terms of this chapter, including the submission of the required fees.
11. The conduct of the event shall not negatively affect or impair public health, welfare, and safety.
12. An event shall not be scheduled at a time when school is in session, when such event is located near a route or location adjacent to a school or class thereof without approval of the West Orange Superintendent of Schools, and the noise created by the activities of the event shall not substantially disrupt the activities of the school or class thereof.
13. Before a permit is issued, the applicant shall execute an endorsement on the permit agreeing to comply with the terms and conditions of this chapter and any special conditions and terms specified in the permit.
14. Applications for the use of the same public property at the same time shall be processed based upon the first received complete application. Applicants so denied a permit shall, if possible, be given alternative sites by the issuing officer.
15. An applicant shall at all times be present at the event and shall carry the permit upon his/her person during the conduct of the event.
16. In addition to the requirements of this chapter, all applicants, sponsors and event participants shall comply with all applicable local, state and federal law and regulation. Issuance of an event permit is not a substitute for any other required permit(s). Alcoholic beverages may not be served or consumed on public property at any event unless the applicant receives special permission in accordance with all other requirements pursuant to this Chapter and/or any other Chapter of the West Orange Municipal Code. Breach of any law or regulation shall be cause for revocation of permits.

5:35-7: VIOLATIONS AND PENALTIES

Any person who violates any provision of this chapter, or who willfully violates the conditions contained in any permit, shall be subject to a penalty as set forth in the Code of the Township of West Orange specified in §1-5.1.

5:35-8: PERMIT REQUIRED; FEE

Public Events may be held only pursuant to a permit issued in accordance with the provisions of these Articles and upon payment of a fee as set forth by resolution of the Township Council from time to time except as prohibited by law.

5:35-9: APPLICATION FOR DEMONSTRATION PERMIT

1. Filing period.
 - i. An application for a demonstration permit shall be filed on forms provided by the Business Administrator not less than 21 calendar days in advance of any proposed demonstration.
 - ii. Applications shall be received by the Business Administrator during the hours of 8:30 a.m. to 4:30 p.m., Monday through Friday, holidays excepted or electronically as specified on the application. All demonstration applications shall be deemed granted, subject to all limitations and restrictions provided for in this chapter, unless denied within 5 business days of receipt.

2. Contents. The application for a demonstration permit shall set forth the following information:
 - i. The name, address, telephone number and e-mail address of the applicant and at least one alternate.
 - ii. If the demonstration is proposed to be conducted for, on behalf of, or by an organization, the name, address, telephone number, e-mail address and web-site address of the headquarters of the organization and of the authorized and responsible officers of such organization.
 - iii. The name, address, telephone number and e-mail address of any person(s) responsible for organizing the demonstration in addition to the applicant.
 - iv. The name, address, telephone number and e-mail address of any individual who will be present, in addition to the applicant, and in charge of the demonstration on the day of the demonstration.
 - v. The date when the demonstration is to be conducted.
 - vi. The route, if any, to be traveled, the starting point and termination point and shall include a map and site plan specifying the route, area(s) of assembly and the location of any temporary structure(s) or equipment to be stationed anywhere in the Township to support the demonstration.
 - vii. The approximate number of individuals who will participate in the demonstration.
 - viii. The hours when such demonstration will start and terminate, which shall not be before 8:00 a.m. or after 10:00 p.m.
 - ix. A statement as to whether the demonstration will occupy all or only a portion of the width of the streets proposed to be traversed or public property proposed to be used.
 - x. The location of any assembly areas for such demonstration.
 - xi. The time at which units of the demonstration will begin to assemble at any such assembly area or areas.
 - xii. Any supplemental information which the Mayor or his/her designee and/or the Business Administrator or his/her designee shall find necessary to determine whether to approve or conditionally approve the demonstration permit.
3. Upon receipt of an application, the Business Administrator shall promptly forward copies to the Mayor and all Department Directors.
4. Processing of applications. Permit applications for demonstrations shall be processed in order of receipt, and the use of a particular area shall be allocated in order of receipt of completed applications, subject to the limitations set forth in the section of this Article titled "Issuance of Permit".
5. The Business Administrator, where good cause is shown therefor, shall have the authority to consider any application hereunder which is filed less than 21 days in advance of any proposed demonstrations. In so doing, the Business Administrator shall consider the exigency of an event or occurrence sought to be protested.

5:35-10: ISSUANCE OF DEMONSTRATION PERMIT

1. The Mayor or Business Administrator shall issue a permit as provided for hereunder unless, from a consideration of the application, it is found that:
 1. The requested location is not a public forum or has been determined to be an inappropriate limited forum. In that event, an alternate site, if available for the activity, may be proposed by the Business Administrator to the applicant.
 2. The applicant is unwilling to accept and abide by time, manner and place restrictions placed by the Business Administrator or his/her designee.
 3. A fully executed prior application for the same time and place had been received, and a permit has been or will be granted authorizing activities which do not reasonably permit multiple occupancy of the requested demonstration site. In that event, an alternate site, if available for the activity, may be proposed by the Business Administrator to the applicant.
 4. It reasonably appears from past experience that the participants in the proposed demonstration will, by force or threat of force, willfully injure, intimidate or interfere with or attempt to injure, intimidate or interfere with any person or class of persons participating in or enjoying any lawful activity.
 5. Information contained in the application or requested supplemental information is found to be incomplete or inaccurate in any material detail.
2. When the grounds for denial of an application for permit can be corrected by the imposition of time, manner and place restrictions, such restrictions shall be offered to the applicant. If acceptable, the applicant will endorse a consent specifying such restrictions on the permit to be issued. The applicant shall take all steps the Business Administrator may direct to advise demonstration participants of such restrictions.

5:35-11: TEMPORARY STRUCTURES; SOUND EQUIPMENT

1. In connection with permitted demonstrations, temporary structures, including but not limited to stands, platforms, lecterns, chairs, portable sanitary facilities and press facilities, reasonably necessary for the conduct of the demonstration shall be permitted, provided that such were disclosed in the application and approved in the permit.
 1. All such temporary structures shall be erected in such a manner so as to not cause damage to property and shall be removed immediately after the conclusion of the permitted demonstration.
 2. The Police Chief or his/her designee may request the Business Administrator to impose reasonable restrictions upon temporary permitted structures, in the interest of protecting the areas involved, traffic and public safety considerations.
2. Sound-amplification equipment reasonably necessary for the conduct of the demonstration shall be permitted, provided such equipment was disclosed in the application and approved in the permit, subject to such restrictions as the Business Administrator may find necessary to protect residential privacy.

5:35-12: DENIAL OF DEMONSTRATION PERMIT

The Business Administrator or his/her designee shall act upon the application for a demonstration permit within 5 business days. If the Business Administrator or his/her designee denies the application, he/she shall file a written statement with the Township Clerk and cause it to be delivered to the applicant, within 5 business days after the date upon which the application was filed, stating the reasons for the denial of the permit.

5:35-13: DEMONSTRATION PERMIT APPEAL PROCEDURE

An aggrieved applicant shall have the right to appeal the denial or revocation of a demonstration permit to the Business Administrator. The notice of appeal shall be filed within 48 hours after notice of the application revocation or denial and shall be in writing. The Business Administrator shall act upon the appeal within 48 hours after its receipt. An appeal may be decided by the Business Administrator based on the written record, or if requested in writing by the applicant, the scheduling and conduct of a plenary hearing. A written decision of the appeal shall be filed with the Township Clerk and provided to the applicant within 24 hours after the conclusion of the hearing. The decision shall set forth the reasons for the Business Administrator's decision.

5:35-14: NOTICE TO TOWNSHIP AND OTHER OFFICIALS

Immediately upon issuance of a demonstration permit, the Business Administrator shall send a copy thereof to the following:

1. Mayor and members of the Township Council.
2. All Department Directors.

5:35-15: PUBLIC CONDUCT DURING DEMONSTRATIONS

1. No hand-carried signs or posters transported in such demonstration shall be of greater density than eight-ply, 0.0030 thickness cardboard or plastic. No support for such sign or poster shall be of a metallic substance not thicker than one by 3/4 inch.
2. No person shall unreasonably hamper, obstruct or impede or interfere with any demonstration or demonstration assembly or with any person participating in a demonstration.
3. No vehicles shall be driven or used as part of a demonstration.
4. Parking on demonstration route. Pursuant to the Code of the Township of West Orange, the Police Chief or his/her designee shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a highway or part thereof constituting a part of the route of demonstration.

5:35-15: APPLICATION FOR SPECIAL EVENT PERMIT

An applicant seeking a special event permit shall file an application with the Township Clerk's office upon a form provided by the Township Clerk or his/her designee, no later than 21 days before the special event. The application shall include:

1. The name, address, telephone number and e-mail address of the applicant, who must be at least 18 years of age.
2. The name, address, telephone number, e-mail address and website address of the person sponsoring the special event; if a corporation or other organization, the name and address of the officers of the organization and the relationship of the applicant to said organization.
3. The name, address, telephone number and e-mail address of the individual, who must be at least 18 years of age, who will be present and in charge of the special event on the day of the event.
4. The date and time of the proposed special event.
5. The location of the proposed special event.
6. The hours of operation of the proposed special event, which shall not be before 8:00 a.m. or after 10:00 p.m.
7. The schedule of proposed activities at the special event.
8. The number of participants anticipated to attend the special event.
9. Whether an admission fee will be charged and, if so, how much.
10. Whether the event is open to the general public and, if not, what group or groups are permitted to attend.
11. The nature or purpose of the special event.
12. Whether any merchandise, food or beverages will be sold at the special event.
13. The type and estimated number of vehicles, animals, and structures, if any, which will be used at the special event.
14. Information pertaining to parades, races and other events occurring along a specified route, including but not limited to the following:
 1. The assembly point for the special event, the time at which units of the parade or other event will begin to assemble.
 2. The route to be traveled.
 3. Whether the parade or other event will occupy all or only a portion of the streets in the proposed route.
 4. The number, type and size of floats.
 5. Material and maximum size of any signs or banners to be carried along the route.

5:35-16: SPECIAL EVENT APPLICATION REVIEW AND APPROVAL

1. The Business Administrator shall promptly forward completed applications to the Mayor and Department Directors or their designees.
2. The Police Chief, Fire Chief and other Department Directors or their designees shall review the application and make a public safety assessment for the Business Administrator. The Business Administrator or his/her designee shall authorize issuance of the special event permit upon finding the following:
 1. The conduct of the special event will not require the diversion of so great a number of police officers to properly police the special event and the area contiguous thereto so as to prevent normal police protection for the Township of West Orange.

2. If a parade, race, or other event is occurring along a specified route, the special event is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays in route.
 3. The special event will not tend to unreasonably interfere with the public use of streets and sidewalks and private properties and can be conducted in a safe manner.
 4. The conduct of the special event will not unreasonably disrupt traffic within the Township.
 5. The location of the special event will not cause unreasonable hardship to adjacent businesses or residences.
 6. The special event will not entail extraordinary Township services or unreasonable burdensome expense to the Township.
 7. The location requested for the special event will not unreasonably interfere with mass transit.
3. A special event permit shall be approved, conditionally approved or denied, contingent upon the conditions specified above, within five business days after receiving a completed application. If the application is denied or conditionally approved, the applicant shall be advised, in writing, of the grounds for denial or conditional approval and his/her right of appeal. If the Business Administrator relied on information about the event other than that contained within the application, the applicant shall be advised of such information. The applicant shall be notified of any permit conditions at the time the application is approved and his/her right of appeal of the permit conditions.
 4. When the grounds for denial of an application are due to the noncompliance with any conditions which can be corrected by altering the time, date, duration, route, or location of the event, the application shall be approved conditionally, contingent upon the applicant's acceptance of conditions for permit issuance.

5:35-17: SPECIAL EVENT PERMIT CONDITIONS

The Business Administrator or his/her designee may condition the issuance of a special events permit by imposing reasonable requirements concerning the time, place and manner of the event and such other requirements as are necessary to protect the safety of persons and property and the control of traffic, provided such conditions shall not unreasonably restrict the right of free speech. Such conditions include, but are not limited to:

1. Alteration of the date, time, duration, route or location of the event proposed on the special event application.
2. Conditions concerning the area of assembly and disbanding of parade or other events occurring along a route.
3. Conditions concerning accommodation of pedestrian or vehicular traffic, including restricting the special event to only a portion of public property.
4. Requirements for the use of traffic cones and barricades.
5. Requirements for provision of first aid or sanitary facilities.
6. Requirements for use of special event monitors and providing notice of permit conditions to special event participants.

7. Restrictions on the number and type of vehicles, animals, or structures at the event and inspection and approval of floats, structures, and decorated vehicles for safety purposes by the Fire Department, the Health Department and Department of Code Enforcement, where applicable.
8. Compliance with animal protection ordinances and laws.
9. Requirements for use of garbage containers, cleanup and restoration of Township property. If the permit holder does not clean the area under permit or inadequately cleans the area, the West Orange Department of Public Works shall provide the necessary services at the expense of the permit holder.
10. Restrictions may be placed on the use of amplified sound to ensure the reasonable enjoyment of public spaces to others.
11. In situations where the Business Administrator, Police Chief, Fire Chief, or their designee deems it necessary to have additional police officers, firefighters or other Township staff and/or any other security measures made available for the purpose of preserving the public safety and welfare during the course of the special event, the applicant shall be so advised. If additional expenses or cost are incurred for the purpose of providing such staff or services, the permit holder shall be required to reimburse the Township for such expenses or costs.
12. Applicants may be required to post escrows in amounts to cover the estimated cost of additional expenses borne by the Township but are the responsibility of the applicant.

5:35-18: SPECIAL EVENT MISCELLANEOUS PROVISIONS

1. The Business Administrator shall not process more than one special event permit for any one twenty-four-hour period (12:01 a.m. to 12:00 midnight) unless approved by the Mayor or his/her designee. Where more than one special event application is received for the same date, the application received first will be considered first.
2. No permit shall be issued to any applicant who unlawfully discriminates based on age, sex, race, creed, religion, national origin or sexual preference or for an event sponsored by an organization which so discriminates. All applicants shall submit to the Business Administrator's office a sample of any and all advertisements for said event, at least 14 days prior to said event and as they occur in the days leading up to the event.

5:35-19: SPECIAL EVENT APPEAL PROCEDURE

Any aggrieved applicant or permit holder shall have the right to appeal the special conditions, denial or revocation of a special events permit to the Business Administrator. The written notice of appeal shall be filed within two days after notice of special conditions, denial or revocation. The Business Administrator shall act upon the appeal with three business days after its receipt. Such action shall include the scheduling and conduct of a plenary hearing if requested by the aggrieved party in his/her written notice of appeal. A written decision of the appeal shall be provided to the aggrieved party within three business days after the conclusion of the hearing. The decision shall indicate the reasons for the Township Administrator's decision. Permit holders whose permits are revoked during the event shall not have a right to appeal.

5:35-20: INSURANCE REQUIREMENTS

1. The applicant/sponsor of a special event must submit a certificate evidencing broad form comprehensive liability insurance. Such insurance shall name the Township of West Orange, its officers, employees, elected officials, and agents on the policy or by endorsement as additional insured. Insurance coverage must be maintained for the duration of the special event. Coverage shall be as follows:
 1. General liability: \$2,000,000.
 2. Auto liability: \$2,000,000.
 3. Workers' compensation: statutory requirements.
2. A certificate of insurance, along with all necessary endorsements, must be filed with the Township Clerk no less than five days before the date of the special event. The special event permit shall not be issued by the Business Administrator until after the insurance policy or certificate of insurance, along with necessary endorsements, have been filed by the applicant or sponsor.

5:35-21: APPLICATION FOR BLOCK PARTY PERMIT

1. The Business Administrator shall be authorized to issue a permit for the temporary closure of public property for an approved block party. At least 21 days before the commencement of any block party, an application for such permit shall be filed with the Business Administrator by a bona fide resident, who is at least 18 years of age, of the neighborhood conducting the block party. Such application shall contain:
 1. The name, address, telephone number, and e-mail address of the applicant.
 2. The name, address, telephone number, e-mail address and website address, if available, of the sponsor.
 3. The name of the public property, including any streets, on which the block party is to be held, and a description of the portions thereof to be closed.
 4. A statement from the applicant that a majority of the residents on any street or block(s) for the proposed block party have been notified and approved of the proposed block party, location, date, and hours.
 5. The date and the hours thereof, which shall not be before 10:00 a.m. or after 10:00 p.m.
2. The application may require such additional information as the Business Administrator deems necessary to determine whether to approve or conditionally approve the block party.

5:35-22: BLOCK PARTY APPLICATION REVIEW AND APPROVAL

1. Completed applications shall be sent by the Office of the Business Administrator to the Mayor and all Directors or their designees and by regular mail to the owners of all property immediately abutting the concerned public property at the addresses maintained by the Tax Assessor for such property owners.

2. The Business Administrator and Directors or their designees shall review the application and make a public safety assessment for the Business Administrator. The Business Administrator or his/her designee shall authorize issuance of the block party permit upon finding the following:
 1. The conduct of the block party will not cause a diversion of police officers so as to prevent normal police protection for the Township of West Orange.
 2. The block party will not unreasonably interfere with access to private property.
 3. The conduct of the block party will not unreasonably disrupt traffic within the Township.
 4. The location of the block party will not cause unreasonable hardship to adjacent businesses or residences.
 5. The block party will not cause extraordinary Township services or cause an unreasonably burdensome expense for the Township.
 6. The applicant has complied with all terms of Articles I and IV of this chapter, including the submission of the required fees.
 7. The location requested for the block party will not unreasonably interfere with mass transit.
3. A block party permit shall be approved, conditionally approved or denied, contingent upon the conditions specified above, within five business days after receiving a completed application. If the application is denied or conditionally approved, the applicant shall be advised, in writing, of the grounds for denial or conditional approval. If the Business Administrator relied on information other than that contained within the application, the applicant shall be advised of such information.

5:35-23: BLOCK PARTY PERMIT CONDITIONS

The Business Administrator or his/her designee may condition the issuance of a block party permit by imposing reasonable requirements concerning the time, place and manner of the event and such other requirements as are necessary to protect the safety of persons and property and the control of traffic. Such conditions include, but are not limited to:

1. Alteration of the date, time, duration, or location of the event proposed on the block party application.
2. Conditions concerning accommodation of pedestrian or vehicular traffic, including restricting the block party to only a portion of public property.
3. Requirements for the use of traffic cones and barricades.
4. Requirements for use of garbage containers, cleanup and restoration of Township property.
5. Restrictions on use of amplified sound.
6. In situations where the Police Chief or his/her designee deems it necessary to have additional police officers and any other security measures made available for the purpose of preserving the public safety and welfare during the course of the block party, the applicant shall be so advised. If additional expenses or cost are incurred for the purpose of providing such police protection, the permit holder shall be required to reimburse the Township for such expenses or costs.

7. Applicants may be required to post escrows in amounts to cover the estimated cost of additional expenses borne by the Township but are the responsibility of the applicant.

5:35-24: LIMIT ON NUMBER OF BLOCK PARTY PERMITS

No more than two block party permits shall be granted by the Business Administrator in any calendar year for the same public property.

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.

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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

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

**TAMMY WILLIAMS,
COUNCIL PRESIDENT**

INTRODUCED: March 21, 2023

ADOPTED: April 4, 2023

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 7, TRAFFIC, SUBSECTION 7-13, PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS, AND ADDING SUBSECTION 7-13.1 EMERGENCY PARKING ON LINDSLEY AVENUE OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE

BE IT ORDAINED, by the Township Council of the Township of West Orange, in the County of Essex, State of New Jersey as follows:

Section 1. Subsection 7-13, Parking Prohibited at All Times on Certain Streets, of the Township of West Orange is hereby supplemented and amended as follows: (*italic type denotes deletion*, **bold type denotes addition**):

Name of Street	Sides	Location
<i>Lindsley Avenue</i>	<i>North</i>	<i>Main Street to Laird Drive</i>
Lindsley Avenue	North	Main Street to Laird Drive except for Emergency Vehicles as set forth in 7-13.1

Section 2. Subsection 7-13.1, Emergency Vehicle Parking on Lindsley Avenue, of the Township of West Orange is hereby added as follows: (*italic type denotes deletion*, **bold type denotes addition**):

Name of Street	Sides	Location
Lindsley Avenue	North	Beginning 47' west of the westerly curb line of Main Street extended, and extending 120' west, and then beginning 114' feet east of the easterly curb line of Wheeler Street extended and extending 80' west

Section 3. If any provisions of this Ordinance or application thereof, under any circumstances, is held invalid, the invalidity shall not affect any of the provisions or applications of this Ordinance that can be given effect without the valid provision(s) or application and to this end, the provisions of this Ordinance are severable.

Section 4. All other Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed.

Section 5. This Ordinance shall take effect upon final passage and publication in accordance with law.

**Karen J. Carnevale, R.M.C.
President**

Tammy Williams, Council

Susan McCartney, Mayor

Introduced: April 4, 2023

Adopted: April 18, 2023

LEGISLATIVE HISTORY

This Ordinance amends the Revised General Ordinances of the Township of West Orange Chapter 7-13, Parking Prohibited at All Times on Certain Streets, and adds Chapter 7-13.1 Emergency Vehicle Parking on Lindsley Avenue, in the area of the West Orange Police Building. This change was requested by Police Administration, who wanted extra parking for Emergency Vehicles on the street, in the event that Township-owned parking lot overflows.