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[_KAYSER REVISIONS.PDF](#)

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REVISED

Township of West Orange
CONFERENCE MEETING AGENDA
Council Chambers – 66 Main Street
Tuesday, July 11, 2023
Meeting No. 16

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.

- **Discussion**
 - o **Food Insecurity**
- **Council Liaison Announcements**
- **Public Meeting – 7:00 p.m.**

REVISED
PUBLIC MEETING AGENDA
Township of West Orange
66 Main Street – 7:00 p.m.
July 11, 2023
Meeting No. 16

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 – Special Public Meeting 6.30.23**
- 4. *Report of Township Officers**
 - a. Update - W.O. Public Library Project – Peter Smeraldo, Assistant Business Administrator
- 7. *Reading of Petitions and Communications and Bids-None**
- 8. *Bills**
- 9. *Resolutions**
 - a. **176-23** Resolution Prescribing Fees Set Forth In Chapter 4, Section 11.4 Of The Revised General Ordinances And Ordinance 2743-23 (Shopping Carts: Impounding Fee) (Legal-Gengaro)
 - b. **177-23** Resolution Prescribing Fees As Set Forth In Chapter 4, Section 20.3 Of The Revised General Ordinances And Ordinance 2744-23 (Insufficient Funds-Service Charge) (Legal-Gengaro)
 - c. **178-23** Resolution Prescribing As Fees Set Forth In Chapter 4, Section 29.2 Of The Revised General Ordinances And Ordinance 2747-23 (Parking Of Residential Vehicles Prohibited) (Legal-Gengaro)
 - d. **179-23** Resolution Prescribing As Fees Set Forth In Chapter 4, Section 34.3 Of The Revised General Ordinances And Ordinance 2748-23 (Extra Duty Employment For Police Officers-Rates Of Compensation; Administrative Fees; Payment For Services) (Legal-Gengaro)
 - e. **180-23** Resolution Prescribing As Fees Set Forth In Chapter 5, Section 1.14 Of The Revised General Ordinances And Ordinance 2745-23 (General Licensing Procedures-Fee Schedule) (Legal-Gengaro)
 - f. **181-23** Resolution Prescribing As Fees Set Forth In Chapter 5, Section 2.4 Of The Revised General Ordinances And Ordinance 2746-23 (Peddlers-Commercial Permit Application And Fee Advertisement) (Legal-Gengaro)

- g. 182-23** Resolution Prescribing As Fees Set Forth In Chapter 5, Section 3.3 Of The Revised General Ordinances And Ordinance 2749-23 (Transient Merchants-License Fee; Payment Before Sale; Terms Of License) (Legal-Gengaro)
- h. 183-23** Resolution Prescribing As Fees Set Forth In Chapter 5, Section 5.1 Of The Revised General Ordinances And Ordinance 2750-23 (Auctioneers-License Required) (Legal-Gengaro)
- i. 184-23** Resolution Prescribing As Fees Set Forth In Chapter 5, Section 6.4 Of The Revised General Ordinances And Ordinance 2751-23 (Theaters-Issuance Of License; Fee) (Legal-Gengaro)
- j. 185-23** Resolution Prescribing As Fees Set Forth In Chapter 5, Section 7.2 Of The Revised General Ordinances And Ordinance 2752-23 (Public Dance Halls And Public Dances-License Required; Fee) (Legal-Gengaro)
- k. 186-23** Resolution Prescribing As Fees Set Forth In Chapter 5, Section 8.3 Of The Revised General Ordinances And Ordinance 2753-23 (Retail Food Establishments-Fees) (Legal-Gengaro)
- l. 187-23** Resolution Prescribing Fees As Set Forth In Chapter 5, Section 9.2 Of The Revised General Ordinances And Ordinance 2754-23 (Food And Beverage Vending Machines-Permit And License Fees) (Legal-Trenk) (Legal-Gengaro)
- m. 188-23** Resolution Prescribing Fees As Set Forth In Chapter 5, Section 10.4 Of The Revised General Ordinances And Ordinance 2758-23 (Outdoor Cafes: Fees) (Legal-Gengaro)
- n. 189-23** Resolution Prescribing Fees As Set Forth In Chapter 5, Section 11.1 Of The Revised General Ordinances And Ordinance 2757-23 (Coin Operating Business: License Required) (Legal-Gengaro)
- o. 190-23** Resolution Prescribing Fees As Set Forth In Chapter 5, Section 12.5 Of The Revised General Ordinances And Ordinance 2756-23 (Mechanical and Electronic Amusement Devices: License Required) (Legal-Gengaro)
- p. 191-23** Resolution Prescribing Fees As Set Forth In Chapter 5, Section 12.10 Of The Revised General Ordinances And Ordinance 2755-23 (Jukeboxes) (Legal-Gengaro)
- q. 192-23** Resolution Prescribing Fees As Set Forth In Chapter 5, Section 13.2 Of The Revised General Ordinances And Ordinance 2759-23 (Garage Sales: License Required; Fee) (Legal-Gengaro)
- r. 193-23** Resolution Prescribing Fees As Set Forth In Chapter 5, Section 17.3 Of The Revised General Ordinances And In Ordinance 2760-23 (Dealers In Secondhand Jewelry And Precious Metals: Licenses Fees; Expiration Of License) (Legal-Gengaro)
- s. 194-23** Resolution Prescribing Fees As Set Forth In Chapter 5, Section 21.5 Of The Revised General Ordinances And In Ordinance 2761-23 (Licensing Of Contractors; License Fees And Term) (Legal-Gengaro)
- t. 195-23** Resolution Prescribing Fees As Set Forth In Chapter 5, Section 22.4 Of The Revised General Ordinances And In Ordinance 2762-23 (Licensing Of Public Telephones; License Fees And Term) (Legal-Gengaro)
- u. 196-23** Resolution Prescribing Fees As Set Forth In Chapter 5, Section 25.4 Of The Revised General Ordinances And In Ordinance 2763-23 (Massage Business; Application Fees) (Legal-Gengaro)
- v. 197-23** Resolution Prescribing Fees As Set Forth In Chapter 5, Section 24.5 Of The Revised General Ordinances And In Ordinance 2764-23 (News Vending Machines; Conditions For Permit; Hold Harmless Insurance Required) (Legal-Gengaro)
- w. 198-23** Resolution Prescribing Fees As Set Forth In Chapter 5, Section 31.11 Of The Revised General Ordinances And In Ordinance 2765-23 (Alarm Systems; Violations And Penalties) (Legal-Gengaro)
- x. 199-23** Resolution Prescribing Fees As Set Forth In Chapter 5, Section 27.4 Of The Revised General Ordinances And In Ordinance 2766-23 (Licensing And Registration Of Tree Care Professionals) (Legal-Gengaro)

- y. 200-23** Resolution Prescribing Fees As Set Forth In Chapter 5, Section 32.6 Of The Revised General Ordinances And In Ordinance 2767-23 (Police Requested Towing And Storage Services; Fees) (Legal-Gengaro)
- z. 201-23** Resolution Prescribing Fees As Set Forth In Chapter 5, Section 33.6 Of The Revised General Ordinances And In Ordinance 2768-23 (Licensing For “Shop Local” Reward Programs; Application And License Fees) (Legal-Gengaro)
- aa. 218-23** Resolution Prescribing Fees As Set Forth In Chapter 5, Section 15.3 Of The Revised General Ordinances And In Ordinance 2769-23 (Distribution Of Papers And Other Printed Materials) (Legal-Gengaro)
- bb. 248-23** Resolution Commemorating the 250th Anniversary of the Establishment of the United States as an Independent Nation, and Authorizes the Appointment of a Committee to Develop a Plan for this Commemoration that will Promote the Maximum Involvement of Our Residents, Neighborhoods, Businesses, Schools, Civic Organizations, and Institutions in the Commemorations (Legal-Moon)
- cc. 255-23** Resolution Authorizing Electronic Tax Sale And Cost Of Mailing (Longo)
- dd. 256-23** Resolution Authorizing The Collector Of Taxes To Refund Payment To The Listed Taxpayer Due To Veteran Exemption (Longo)
- ee. 257-23** Resolution Authorizing an Executive Session for the Purpose of Discussing Litigation Specifically Italian American One Voice Coalition v. Township of West Orange, et al. (Legal-Trenk)
- ff. 258-23** Resolution Authorizing An Amendment To A Deed Reversion Per NJSA 40:60-51.2 For 46 Mt. Pleasant Avenue (Block 68, Lot 1.01) As Housing For Low- And Moderate-Income Senior Citizens (D. Ritter)
- gg. 259-23** Resolution Authorizing the Issuance of Raffle Licenses (Clerk)
- hh. 260-23** Resolution Authorizing a One-Year Contract Extension for Licensed Motor Vehicle Drivers, Midtown Direct Shuttle Bus Program for the Period August 1, 2023 To July 31, 2024 to Mobility Coach, Inc., 198 Renshaw Avenue, East Orange, NJ 07017, to Provide Six Licensed Motor Vehicle Operators In Both The Morning and the Evening and a Morning and Evening Supervisor for an Amount Not To Exceed \$483,205.00. (Carballo)
- ii. 261-23** Resolution to Reject Bids Received on May 22, 2023 by Senco Metals, LLC, 318 Mclean Boulevard, Paterson, NJ 07504 and Classic Turf Company, LLC, 437 Sherman Hill Road, Woodbury, CT 06798 Under the Conditions of the Local Public Contracts Law for the Contract Tennis Court Improvements Degnan Park and Rolling Green Courts (Carballo)
- jj. 262-23** Resolution to Award a Contract through Sourcewell Cooperative Purchasing Contract to TK Elevator, 3100 Interstate North Circle, Suite 500, Atlanta, GA 30339 for Elevator Replacements at 10 Rooney Circle Due to Age and Operational Function in an Amount NTE \$\$377,729.05 (Reynolds)
- kk. 263-23** Resolution Authorizing an Award of Contract to DISH Wireless LLC at an Annual Rent of \$176,000 for Lease of Ground Space for the Installation of Communications Equipment Concerning Four (4) Existing Cell Tower Locations located at 280 Pleasant Valley Way, also known as Block 152.07, Lot 1; 395 St. Cloud Avenue, also known as Block 168, Lot 25; 415 Valley Road, also known as Block 16, Lot 5; and Mt. Pleasant Avenue, also known Block 170.02, Lot 5.01 (Gross)

10. Ordinances on Second and Final Reading

- a. 2741-23** An Ordinance Amending Chapter 5, Section 25.9(C) Of The Revised General Ordinances Of The Township Of West Orange (Massage Businesses) (Legal-Trenk)
- b. 2743-23** An Ordinance Amending Chapter 4, Section 11.4 Of The Revised General Ordinances Of The Township Of West Orange (Shopping Carts: Impounding Fee) (Resolution 176-23) (Legal-Trenk)

- c. **2744-23** An Ordinance Amending Chapter 4, Section 20.3 Of The Revised General Ordinances Of The Township Of West Orange - (Insufficient Funds-Service Charge) (Legal-Trenk) (Resolution 177-23)
- d. **2745-23** An Ordinance Amending Chapter 5, Section 1.14 Of The Revised General Ordinances Of The Township Of West Orange (General Licensing Procedures-Fee Schedule) (Legal-Trenk) (Resolution 180-23)
- e. **2746-23** An Ordinance Amending Chapter 5, Section 2.4 Of The Revised General Ordinances Of The Township Of West Orange (Peddlers-Commercial Permit Application And Fee Advertisement) (Legal-Trenk) (Resolution 181-23)
- f. **2747-23** An Ordinance Amending Chapter 4, Section 29.2 Of The Revised General Ordinances Of The Township Of West Orange (Parking Of Residential Vehicles Prohibited) (Legal-Trenk) (Resolution 178-23)
- g. **2748-23** An Ordinance Amending Chapter 4, Section 34.3 Of The Revised General Ordinances Of The Township Of West Orange (Extra Duty Employment For Police Officers-Rates Of Compensation; Administrative Fees; Payment For Services) (Resolution 179-23) (Legal-Trenk)
- h. **2749-23** An Ordinance Amending Chapter 5, Section 3.3 Of The Revised General Ordinances Of The Township Of West Orange (Transient Merchants-License Fee; Payment Before Sale; Terms Of License) (Resolution 182-23) (Legal-Trenk)
- i. **2750-23** An Ordinance Amending Chapter 5, Section 5.1 Of The Revised General Ordinances Of The Township Of West Orange (Auctioneers-License Required) (Legal-Trenk) (Resolution 183-23)
- j. **2751-23** An Ordinance Amending Chapter 5, Section 6.4 Of The Revised General Ordinances Of The Township Of West Orange (Theaters-Issuance Of License; Fee) (Legal-Trenk) (Resolution 184-23)
- k. **2752-23** An Ordinance Amending Chapter 5, Section 7.2 Of The Revised General Ordinances Of The Township Of West Orange (Public Dance Halls And Public Dances-License Required; Fee) (Legal-Trenk) (Resolution 185-23)
- l. **2753-23** An Ordinance Amending Chapter 5, Section 8.3 Of The Revised General Ordinances Of The Township Of West Orange (Retail Food Establishments-Fees) (Legal-Trenk) (Resolution 186-23)
- m. **2754-23** An Ordinance Amending Chapter 5, Section 9.2 Of The Revised General Ordinances Of The Township Of West Orange (Food And Beverage Vending Machines-Permit And License Fees) (Legal-Trenk) (Resolution 187-23)
- n. **2755** An Ordinance Amending Chapter 5, Section 12.10 Of The Revised General Ordinances Of The Township Of West Orange (Jukeboxes) (Legal-Trenk) (Resolution 191-23)
- o. **2756-23** An Ordinance Amending Chapter 5, Section 12.5 Of The Revised General Ordinances Of The Township Of West Orange (Mechanical and Electronic Amusement Devices: License Required) (Legal-Trenk) (Resolution 190-23)
- p. **2757-23** An Ordinance Amending Chapter 5, Section 11.1 Of The Revised General Ordinances Of The Township Of West Orange (Coin Operating Business: License Required) (Legal-Trenk) (Resolution 189-23)
- q. **2758-23** An Ordinance Amending Chapter 5, Section 10.4 Of The Revised General Ordinances Of The Township Of West Orange (Outdoor Cafes: Fees) (Legal-Trenk) (Resolution 188-23)
- r. **2759-23** An Ordinance Amending Chapter 5, Section 13.2 Of The Revised General Ordinances Of The Township Of West Orange (Garage Sales: License Required; Fee) (Legal-Trenk) (Resolution 192-23)
- s. **2760-23** An Ordinance Amending Chapter 5, Section 17.3 Of The Revised General Ordinances Of The Township Of West Orange (Dealers In Secondhand Jewelry And Precious Metals: Licenses Fees; Expiration Of License) (Legal-Trenk) (Resolution 193-23)

- t. 2761-23** An Ordinance Amending Chapter 5, Section 21.5 Of The Revised General Ordinances Of The Township Of West Orange (Licensing Of Contractors; License Fees And Term) (Legal-Trenk) (Resolution 194-23)
- u. 2762-23** An Ordinance Amending Chapter 5, Section 22.4 Of The Revised General Ordinances Of The Township Of West Orange (Licensing Of Public Telephones; License Fees And Term) (Legal-Trenk) (Resolution 195-23)
- v. 2763-23** An Ordinance Amending Chapter 5, Section 25.4 Of The Revised General Ordinances Of The Township Of West Orange (Massage Business; Application Fees) (Legal-Trenk) (Resolution 196-23)
- w. 2764-23** An Ordinance Amending Chapter 5, Section 24.5 Of The Revised General Ordinances Of The Township Of West Orange (News Vending Machines; Conditions For Permit; Hold Harmless Insurance Required) (Legal-Trenk) (Resolution 197-23)
- x. 2765-23** An Ordinance Amending Chapter 5, Section 31.11 Of The Revised General Ordinances Of The Township Of West Orange (Alarm Systems; Violations And Penalties) (Legal-Trenk) (Resolution 198-23)
- y. 2766-23** An Ordinance Amending Chapter 5, Section 27.4 Of The Revised General Ordinances Of The Township Of West Orange (Licensing And Registration Of Tree Care Professionals) (Legal-Trenk) (Resolution 199-23)
- z. 2767-23** An Ordinance Amending Chapter 5, Section 32.6 Of The Revised General Ordinances Of The Township Of West Orange (Police Requested Towing And Storage Services; Fees) (Legal-Trenk) (Resolution 200-23)
- aa. 2768-23** An Ordinance Amending Chapter 5, Section 33.6 Of The Revised General Ordinances Of The Township Of West Orange (Licensing For “Shop Local” Reward Programs; Application And License Fees) (Legal-Trenk) (Resolution 201-23)
- bb. 2769-23** An Ordinance Amending Chapter 5, Section 15.3 Of The Revised General Ordinances Of The Township Of West Orange (Distribution Of Papers And Other Printed Materials) (Legal-Trenk) (Resolution 218-23)
- cc. 2779-23** An Ordinance Amending Chapter 7, Section 4.1 Of The Revised General Ordinances Of The Township Of West Orange (On-Street Regulations-School Zones) (Gengaro)
- dd. 2780-23** An Ordinance Amending Chapter 7, Section 8.9 Of The Revised General Ordinances Of The Township Of West Orange (Construction Zone-Violations And Penalties) (Gengaro)
- ee. 2781-23** An Ordinance Amending Chapter 7, Section 14.10(E) Of The Revised General Ordinances Of The Township Of West Orange (Parking Of Commercial Vehicle On Streets-Penalties) (Gengaro)
- ff. 2782-23** An Ordinance Amending Chapter 10, Section 3.4 Of The Revised General Ordinances Of The Township Of West Orange (Pet Shops, Kennels, Shelters, Pounds-License Fees) (Gengaro)
- gg. 2783-23** An Ordinance Amending Chapter 10, Section 2.5 Of The Revised General Ordinances Of The Township Of West Orange (Licensing Of Dogs-Fees) (Gengaro)
- hh. 2784-23** An Ordinance Amending Chapter 10, Section 8.7 Of The Revised General Ordinances Of The Township Of West Orange (Control Of Animals-Fees For Impoundment, Redemption, Boarding, Medical Treatment And Adoption) (Gengaro)
- ii. 2785-23** An Ordinance Amending Chapter 10, Section 10 Of The Revised General Ordinances Of The Township Of West Orange (Commission Of Nuisance Prohibited-Violations; Penalty) (Gengaro)
- jj. 2786-23** An Ordinance Amending Chapter 10, Section 11.3 Of The Revised General Ordinances Of The Township Of West Orange (Licensing Of Cats-Licensing Requirements) (Gengaro)
- kk. 2787-23** An Ordinance Amending Chapter 10, Section 11.4 Of The Revised General Ordinances Of The Township Of West Orange (Licensing Of Cats-Penalty) (Gengaro)

- ll. 2788-23** An Ordinance Amending Chapter 12, Section 3.4 Of The Revised General Ordinances Of The Township Of West Orange (Food Handler's Certificate-Fee; Use Of Fee) (Gengaro)
- mm. 2789-23** An Ordinance Amending Chapter 11, Section 7.6 Of The Revised General Ordinances Of The Township Of West Orange (Unlawful Acts By Persons Under Legal Age For Purchase Of Alcoholic Beverages; Disorderly Persons- Violations; Penalties) (Gengaro)
- nn. 2790-23** An Ordinance Amending Chapter 12, Section 6.2 Of The Revised General Ordinances Of The Township Of West Orange (Sale Or Delivery Of Ice-Application; License Fee) (Gengaro)
- oo. 2791-23** An Ordinance Amending Chapter 12, Section 7.5 Of The Revised General Ordinances Of The Township Of West Orange (Privy Vaults, Cesspools And Septic Tanks-Fee For Permit) (Gengaro)
- pp. 2792-23** An Ordinance Amending Chapter 12, Section 7.11 Of The Revised General Ordinances Of The Township Of West Orange (Privy Vaults, Cesspools And Septic Tanks- Enforcement) (Gengaro)
- qq. 2793-23** An Ordinance Amending Chapter 12, Section 8.14 Of The Revised General Ordinances Of The Township Of West Orange (Tobacco And Nicotine Delivery Products-Penalties) (Gengaro)
- rr. 2794-23** An Ordinance Amending Chapter 12, Section 7.7 Of The Revised General Ordinances Of The Township Of West Orange (Privy Vaults, Cesspools And Septic Tanks- Permit To Operate An Individual Subsurface Sewage Disposal System (Gengaro)
- ss. 2795-23** An Ordinance Amending Chapter 12, Section 9.9 Of The Revised General Ordinances Of The Township Of West Orange (Tattoo And Body Piercing Establishments-Permit Fees) Gengaro
- tt. 2796-23** An Ordinance Amending Chapter 12, Section 9.20 Of The Revised General Ordinances Of The Township Of West Orange (Tattoo and Body Piercing Violations and Penalties) (Gengaro)
- uu. 2797-23** An Ordinance Amending Chapter 12, Section 11.3 Of The Revised General Ordinances Of The Township Of West Orange (E-Cigarette Licensing-Licensing Fee) (Gengaro)
- vv. 2798-23** An Ordinance Amending Chapter 13, Section 4.1 Of The Revised General Ordinances Of The Township Of West Orange (E-Cigarette Licensing-Violations and Penalties) (Gengaro)
- ww. 2799-23** An Ordinance Amending Chapter 13, Section 4.2 Of The Revised General Ordinances Of The Township Of West Orange(Plan Review Fee) (Gengaro)
- xx. 2800-23** An Ordinance Amending Chapter 13, Section 4.3 Of The Revised General Ordinances Of The Township Of West Orange (Demolition) (Gengaro)
- yy. 2801-23** An Ordinance Amending Chapter 13, Section 4.4 Of The Revised General Ordinances Of The Township Of West Orange (Building Removal) (Gengaro)
- zz. 2802-23** An Ordinance Amending Chapter 13, Section 7.4 Of The Revised General Ordinances Of The Township Of West Orange (Electrical Subcode Fees) (Gengaro)
- aaa. 2803-23** An Ordinance Amending Chapter 13, Section 7.5 Of The Revised General Ordinances Of The Township Of West Orange (Fire System Fees) (Gengaro)
- bbb. 2804-23** An Ordinance Amending Chapter 13, Section 8.11 Of The Revised General Ordinances Of The Township Of West Orange (Fire Prevention Subcode-Permit Fees) (Gengaro)
- ccc.2805-25** An Ordinance By The Mayor And Township Council Amending The Township Of West Orange Revised General Ordinances To Repeal Chapter 24, Flood Damage Prevention; To Adopt A New Chapter 24 Floodplain

Management Regulations; To Adopt Flood Hazard Maps; To Designate A Floodplain Administrator; and Providing For Severability And An Effective Date (Gengaro)

ddd. 2807-23 An Ordinance Establishing Chapter 14, Section 21 Of The Revised General Ordinances Of The Township Of West Orange (Registration Of Vacant Property) (Legal-Trenk)

11. Ordinances on First Reading-None

Pending Matters/New Matters/Council Discussion

12. ABC Hearing

- a. 720-23** Hearing on Renewal for Plenary Retail Consumption, Distribution and Club Licenses for the **2023-2024** License Term (Clerk)
- b. 721-23** Hearing on Renewal for 2022-2023 License Term-**Angelito's, LLC** 0722-33-066-009 (Special Conditions)
- c. 722-23** Hearing on Renewal for 2023-2024 License Term-**Angelito's, LLC** 0722-33-066-009 (Special Conditions)
- d. 723-23** Hearing on Renewal for 2023-2024 License Term-**Harrison Avenue Tavern, Inc.** 0722-33-058-006 (Special Conditions)

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)

Agenda is subject to change.

Please click the link below to join the webinar:

<https://us06web.zoom.us/j/88428199328?pwd=Y1hpU3RqTHhOR1Q2RzNjYnhqdEtDZz09>

Webinar ID: 884 2819 9328

Passcode: 661682

Call in # +1 646 931 3860 US

Next Meeting Date(s):

2023 Budget Hearing – July 20, 2023-6 p.m.

Township Council Meeting – August 1, 2023

176-23
June 13, 2023

**RESOLUTION PRESCRIBING FEES SET FORTH IN CHAPTER 4, SECTION 11.4 OF
THE REVISED GENERAL ORDINANCES AND ORDINANCE 2743-23**

WHEREAS, on May 2, 2023, the Township of West Orange (the “Township”) passed Ordinance 2743-23 (the “Ordinance”), amending Chapter 4, Section 11.4 of the Revised General Ordinances of the Township; and

WHEREAS, the Ordinance amended Chapter 4, Section 11.4 of the Revised General Ordinances of the Township to set the fees and/or penalties set forth therein to 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: an impounding shopping cart shall be returned to its owner upon payment of a fee of \$10.00, and it is further

RESOLVED, that the Township Clerk is authorized to attest to the Mayor’s signature.

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

Tammy Williams
Council President

Adopted: June 13, 2023

**RESOLUTION PRESCRIBING FEES AS SET FORTH IN CHAPTER 4, SECTION 20.3
OF THE REVISED GENERAL ORDINANCES AND ORDINANCE 2744-23**

WHEREAS, on May 2, 2023, the Township of West Orange (the “Township”) passed Ordinance 2744-23 (the “Ordinance”), amending Chapter 4, Section 20.3 of the Revised General Ordinances of the Township; and

WHEREAS, the Ordinance amended Chapter 4, Section 20.3 of the Revised General Ordinances of the Township to set the fees and/or penalties set forth therein to 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: \$20.00 imposed on any taxes, fees or other charges due to the Township of West Orange where a check or draft has been submitted to the Township toward the payment of such taxes, fees or other charges, and such check or draft is returned with insufficient funds, and it is further

RESOLVED, that the Township Clerk is authorized to attest to the Mayor’s signature.

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

Tammy Williams
Council President

Adopted: June 13, 2023

178-23
June 13, 2023

**RESOLUTION PRESCRIBING AS FEES SET FORTH IN CHAPTER 4, SECTION 29.2
OF THE REVISED GENERAL ORDINANCES AND ORDINANCE 2747-23**

WHEREAS, on May 2, 2023, the Township of West Orange (the “Township”) passed Ordinance 2747-23 (the “Ordinance”), amending Chapter 4, Section 29.2 of the Revised General Ordinances of the Township; and

WHEREAS, the Ordinance amended Chapter 4, Section 29.2 of the Revised General Ordinances of the Township to set the fees and/or penalties set forth therein to 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: \$5.00 per instance, for a temporary parking permit as described under the Ordinance, and it is further;

RESOLVED, that the Township Clerk is authorized to attest to the Mayor’s signature.

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

Tammy Williams
Council President

Adopted: June 13, 2023

179-23
June 13, 2023

**RESOLUTION PRESCRIBING AS FEES SET FORTH IN CHAPTER 4, SECTION 34.3
OF THE REVISED GENERAL ORDINANCES AND ORDINANCE 2748-23**

WHEREAS, on May 2, 2023, the Township of West Orange (the “Township”) passed Ordinance 2748-23 (the “Ordinance”), amending Chapter 4, Section 29.2 of the Revised General Ordinances of the Township; and

WHEREAS, the Ordinance amended Chapter 4, Section 29.2 of the Revised General Ordinances of the Township to set the fees and/or penalties set forth therein to 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: \$5.00 for a temporary parking permit as described under the Ordinance, and it is further

RESOLVED, that the Township Clerk is authorized to attest to the Mayor’s signature.

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

Tammy Williams
Council President

Adopted: June 13, 2023

180-23
June 13, 2023

**RESOLUTION PRESCRIBING AS FEES SET FORTH IN CHAPTER 5, SECTION 1.14 OF THE
REVISED GENERAL ORDINANCES AND ORDINANCE 2745-23**

WHEREAS, on May 2, 2023, the Township of West Orange (the “Township”) passed Ordinance 2745-23 (the “Ordinance”), amending Chapter 5, Section 1.14 of the Revised General Ordinances of the Township; and

WHEREAS, the Ordinance amended Chapter 5, Section 1.14 of the Revised General Ordinances of the Township to set the fees and/or penalties set forth therein to prescribed by Resolution; and

**NOW, BE IT HEREBY RESOLVED BY THE TOWNSHIP COUNCIL OF THE
TOWNSHIP OF WEST ORANGE**, the following fee schedule be implemented into the Ordinance:

Automatic amusement games	\$250 per year
Blasting,	\$50 per month, \$200 per year
Circulars and handbills	\$20 per person per day
Driving ranges and miniature golf courses	\$200 per year
Junk dealer	\$100 per year
Pawnbroker	\$100 per year
Pool and billiards tables	\$15 per table per year
Shuffleboard	\$20 per year
Tank Trucks	\$100 per year

and it is further

RESOLVED, that the Township Clerk is authorized to attest to the Mayor’s signature.

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

Tammy Williams
Council President

Adopted: June 13, 2023

181-23
June 13, 2023

**RESOLUTION PRESCRIBING AS FEES SET FORTH IN CHAPTER 5, SECTION 2.4
OF THE REVISED GENERAL ORDINANCES AND ORDINANCE 2746-23**

WHEREAS, on May 2, 2023, the Township of West Orange (the “Township”) passed Ordinance 2746-23 (the “Ordinance”), amending Chapter 5, Section 2.4 of the Revised General Ordinances of the Township; and

WHEREAS, the Ordinance amended Chapter 5, Section 2.4 of the Revised General Ordinances of the Township to set the fees and/or penalties set forth therein to prescribed by Resolution; and

NOW, BE IT HEREBY RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, the fee to be prescribed in section (l) of the Ordinance shall be \$100 per application, except in the case of multiple peddlers working for an entity, or for another peddler, the entity or principal peddler application shall pay the \$100 application fee and each individual peddler shall pay an additional \$50 for their individual permit, for the use of the Township to defray the cost of investigating, processing and issuing the permit, and for the purpose of raising revenue as permitted by N.J.S.A. 40:52-2, and it is further;

RESOLVED, that the Township Clerk is authorized to attest to the Mayor’s signature.

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

Tammy Williams
Council President

Adopted: June 13, 2023

182-23
June 13, 2023

**RESOLUTION PRESCRIBING AS FEES SET FORTH IN CHAPTER 5, SECTION 3.3
OF THE REVISED GENERAL ORDINANCES AND ORDINANCE 2749-23**

WHEREAS, on May 2, 2023, the Township of West Orange (the “Township”) passed Ordinance 2749-23 (the “Ordinance”), amending Chapter 5, Section 3.3 of the Revised General Ordinances of the Township; and

WHEREAS, the Ordinance amended Chapter 5, Section 3.3 of the Revised General Ordinances of the Township to set the fees and/or penalties set forth therein to prescribed by Resolution; and

NOW, BE IT HEREBY RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, the fee to be prescribed in the ordinance shall be \$500; and it is further

RESOLVED, that the Township Clerk is authorized to attest to the Mayor’s signature.

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

Tammy Williams
Council President

Adopted: June 13, 2023

183-23
June 13, 2023

**RESOLUTION PRESCRIBING AS FEES SET FORTH IN CHAPTER 5, SECTION 5.1
OF THE REVISED GENERAL ORDINANCES AND ORDINANCE 2750-23**

WHEREAS, on May 2, 2023, the Township of West Orange (the “Township”) passed Ordinance 2750-23 (the “Ordinance”), amending Chapter 5, Section 5.1 of the Revised General Ordinances of the Township; and

WHEREAS, the Ordinance amended Chapter 5, Section 5.1 of the Revised General Ordinances of the Township to set the fees and/or penalties set forth therein to prescribed by Resolution; and

NOW, BE IT HEREBY RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, the fee shall be set at \$50 per day under the Ordinance, and it is further

RESOLVED, that the Township Clerk is authorized to attest to the Mayor’s signature.

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

Tammy Williams
Council President

Adopted: June 13, 2023

184-23
June 13, 2023

**RESOLUTION PRESCRIBING AS FEES SET FORTH IN CHAPTER 5, SECTION 6.4
OF THE REVISED GENERAL ORDINANCES AND ORDINANCE 2751-23**

WHEREAS, on May 2, 2023, the Township of West Orange (the “Township”) passed Ordinance 2751-23 (the “Ordinance”), amending Chapter 5, Section 6.4 of the Revised General Ordinances of the Township; and

WHEREAS, the Ordinance amended Chapter 5, Section 6.4 of the Revised General Ordinances of the Township to set the fees and/or penalties set forth therein to prescribed by Resolution; and

NOW, BE IT HEREBY RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, the fees in the Ordinance shall be set forth herein:

License to Operate a motion picture theater	\$150 per screen per year
Play, concert, vaudeville or variety	\$3 for the first day on which the show is conducted and \$1 per day for each additional day
Theaters with capacity under 500 people	\$150 per year
Theaters with seating capacity between 500 and 1,000 people	\$250 per year
Theaters with seating capacity over 1,000 people	\$500 per year

and it is further

RESOLVED, that the Township Clerk is authorized to attest to the Mayor’s signature.

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

Tammy Williams
Council President

Adopted: June 13, 2023

**RESOLUTION PRESCRIBING AS FEES SET FORTH IN CHAPTER 5, SECTION 7.2
OF THE REVISED GENERAL ORDINANCES AND ORDINANCE 2752-23**

WHEREAS, on May 2, 2023, the Township of West Orange (the “Township”) passed Ordinance 2752-23 (the “Ordinance”), amending Chapter 5, Section 7.2 of the Revised General Ordinances of the Township; and

WHEREAS, the Ordinance amended Chapter 5, Section 7.2 of the Revised General Ordinances of the Township to set the fees and/or penalties set forth therein to prescribed by Resolution; and

NOW, BE IT HEREBY RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, the fee to be set for a license as set forth in the Ordinance shall be \$50.00; and it is further

RESOLVED, that the Township Clerk is authorized to attest to the Mayor’s signature.

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

Tammy Williams
Council President

Adopted: June 13, 2023

**RESOLUTION PRESCRIBING AS FEES SET FORTH IN CHAPTER 5, SECTION 8.3
OF THE REVISED GENERAL ORDINANCES AND ORDINANCE 2753-23**

WHEREAS, on May 2, 2023, the Township of West Orange (the “Township”) passed Ordinance 2753-23 (the “Ordinance”), amending Chapter 5, Section 8.3 of the Revised General Ordinances of the Township; and

WHEREAS, the Ordinance amended Chapter 5, Section 8.3 of the Revised General Ordinances of the Township to set the fees and/or penalties set forth therein to prescribed by Resolution; and

NOW, BE IT HEREBY RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, the following fee schedule shall be implemented for yearly license fees for retail establishments as set forth in the Ordinance:

Bakery, Specialty	\$75
Baker, Full Service	\$100
Candy Counters	\$25
Catering, Off Premises Only	\$125
Delicatessen, Grocery, No Seating	\$50
Delicatessen, Grocery, With Seating	\$75
Frozen Dessert, No Seating	\$50
Frozen Dessert, Seating	\$75
Health Care Facility	Bed Capacity up to 40: \$125 Bed Capacity over 40: \$300 Nonprofit: \$250
Itinerant restaurant, Carnival or Fair with	\$50 for first day and an additional \$25 for up to five additional days.

Food	
Meat or Fish Market	\$75
Mobile Retail Food Establishment-Itinerant Restaurant Only	\$50 for first day and an additional \$25 for up to five additional days.
Mobile Truck, Packaged Goods Only	\$125
Packaged Goods Store	\$50
Plant and Commercial Cafeterias	\$125
Restaurant, Luncheonette, Hotel, Country Club or Banquet House	Seating Capacity 0-25 Persons-\$75 Seating Capacity 26-50 Persons: \$100 Seating Capacity 51-100 Persons: \$175 Seating Capacity 101-200 Persons: \$275 Seating Capacity Over 200 Persons: \$400
Schools and Nursery Schools with Food	Profit: \$75 Nonprofit: \$50
Snack Bar	\$50
Supermarket with up to 20,000 square feet	\$150
Supermarket with over 20,000 square feet	\$250
Tavern or Liquor Store without Food Service	\$50

and it is further,

RESOLVED, that the Township Clerk is authorized to attest to the Mayor's signature.

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

Tammy Williams
Council President

Adopted: June 13, 2023

187-23
June 13, 2023

**RESOLUTION PRESCRIBING FEES AS SET FORTH IN CHAPTER 5, SECTION 9.2
OF THE REVISED GENERAL ORDINANCES AND ORDINANCE 2754-23**

WHEREAS, on May 2, 2023, the Township of West Orange (the “Township”) passed Ordinance 2754-23 (the “Ordinance”), amending Chapter 5, Section 9.2 of the Revised General Ordinances of the Township; and

WHEREAS, the Ordinance amended Chapter 5, Section 9.2 of the Revised General Ordinances of the Township to set the fees and/or penalties set forth therein to prescribed by Resolution; and

NOW, BE IT HEREBY RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, the permit and license fee as stated in the Ordinance shall be:

Permit Fee: \$40 per year

License Fees: \$30 for one machine per year and \$15 for each additional machine with a maximum of \$250 for any number of machines;

and it is further,

RESOLVED, that the Township Clerk is authorized to attest to the Mayor’s signature.

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

Tammy Williams
Council President

Adopted: June 13, 2023

**RESOLUTION PRESCRIBING FEES AS SET FORTH IN CHAPTER 5, SECTION 10.4
OF THE REVISED GENERAL ORDINANCES AND ORDINANCE 2758-23**

WHEREAS, on May 2, 2023, the Township of West Orange (the “Township”) passed Ordinance 2758-23 (the “Ordinance”), amending Chapter 5, Section 10.4 of the Revised General Ordinances of the Township; and

WHEREAS, the Ordinance amended Chapter 5, Section 10.4 of the Revised General Ordinances of the Township to set the fees and/or penalties set forth therein to prescribed by Resolution; and

NOW, BE IT HEREBY RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, the fees set forth in the Ordinance shall be prescribed as follows:

Fee for Application for Outdoor Café	\$50
License Fee For Successful Applicant	\$50
License Fee For Successful Applicant With Existing Restaurant	\$2

and it is further,

RESOLVED, that the Township Clerk is authorized to attest to the Mayor’s signature.

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

Tammy Williams
Council President

Adopted: June 13, 2023

**RESOLUTION PRESCRIBING FEES AS SET FORTH IN CHAPTER 5, SECTION 11.1
OF THE REVISED GENERAL ORDINANCES AND ORDINANCE 2757-23**

WHEREAS, on May 2, 2023, the Township of West Orange (the “Township”) passed Ordinance 2757-23 (the “Ordinance”), amending Chapter 5, Section 11.1 of the Revised General Ordinances of the Township; and

WHEREAS, the Ordinance amended Chapter 5, Section 11.1 of the Revised General Ordinances of the Township to set the fees and/or penalties set forth therein to prescribed by Resolution; and

NOW, BE IT HEREBY RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, the application for a license as set forth in the Ordinance shall be accompanied by an annual fee of \$2 per machine, and it is further;

RESOLVED, that the Township Clerk is authorized to attest to the Mayor’s signature.

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

Tammy Williams
Council President

Adopted: June 13, 2023

190-23
June 13, 2023

**RESOLUTION PRESCRIBING FEES AS SET FORTH IN CHAPTER 5, SECTION 12.5
OF THE REVISED GENERAL ORDINANCES AND ORDINANCE 2756-23**

WHEREAS, on May 2, 2023, the Township of West Orange (the “Township”) passed Ordinance 2756-23 (the “Ordinance”), amending Chapter 5, Section 12.5 of the Revised General Ordinances of the Township; and

WHEREAS, the Ordinance amended Chapter 5, Section 12.5 of the Revised General Ordinances of the Township to set the fees and/or penalties set forth therein to prescribed by Resolution; and

NOW, BE IT HEREBY RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, the license fee set forth in the Ordinance shall be:

Distributers of Mechanical Amusement Devices	\$250 per machine per year, provided, however, that the total annual license fee charged to a distributor shall not exceed \$2,000.
Operators of Mechanical Amusement Devices	\$50 per machine per year.

and it is further;

RESOLVED, that the Township Clerk is authorized to attest to the Mayor’s signature.

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

Tammy Williams
Council President

Adopted: June 13, 2023

191-23
June 13, 2023

**RESOLUTION PRESCRIBING FEES AS SET FORTH IN CHAPTER 5, SECTION 12.10
OF THE REVISED GENERAL ORDINANCES AND ORDINANCE 2755-23**

WHEREAS, on May 2, 2023, the Township of West Orange (the “Township”) passed Ordinance 2755-23 (the “Ordinance”), amending Chapter 5, Section 12.10 of the Revised General Ordinances of the Township; and

WHEREAS, the Ordinance amended Chapter 5, Section 12.10 of the Revised General Ordinances of the Township to set the fees and/or penalties set forth therein to prescribed by Resolution; and

NOW, BE IT HEREBY RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, the license fee set forth in the Ordinance shall be \$50 per machine per year, and it is further;

RESOLVED, that the Township Clerk is authorized to attest to the Mayor’s signature.

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

Tammy Williams
Council President

Adopted: June 13, 2023

192-23
June 13, 2023

**RESOLUTION PRESCRIBING FEES AS SET FORTH IN CHAPTER 5, SECTION 13.2
OF THE REVISED GENERAL ORDINANCES AND ORDINANCE 2759-23**

WHEREAS, on May 2, 2023, the Township of West Orange (the “Township”) passed Ordinance 2759-23 (the “Ordinance”), amending Chapter 5, Section 13.2 of the Revised General Ordinances of the Township; and

WHEREAS, the Ordinance amended Chapter 5, Section 13.2 of the Revised General Ordinances of the Township to set the fees and/or penalties set forth therein to prescribed by Resolution; and

NOW, BE IT HEREBY RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, the fee for a license as set forth in the Ordinance shall be \$5, and it is further;

RESOLVED, that the Township Clerk is authorized to attest to the Mayor’s signature.

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

Tammy Williams
Council President

Adopted: June 13, 2023

193-23
June 13, 2023

**RESOLUTION PRESCRIBING FEES AS SET FORTH IN CHAPTER 5, SECTION 17.3
OF THE REVISED GENERAL ORDINANCES AND IN ORDINANCE 2760-23**

WHEREAS, on May 2, 2023, the Township of West Orange (the “Township”) passed Ordinance 2760-23 (the “Ordinance”), amending Chapter 5, Section 17.3 of the Revised General Ordinances of the Township; and

WHEREAS, the Ordinance amended Chapter 5, Section 17.3 of the Revised General Ordinances of the Township to set the fees and/or penalties set forth therein to prescribed by Resolution; and

NOW, BE IT HEREBY RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, the fee set forth in the Ordinance shall be: \$100 per year for a permanent-based business; \$25 per day of business for an itinerant business, and it is further;

RESOLVED, that the Township Clerk is authorized to attest to the Mayor’s signature.

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

Tammy Williams
Council President

Adopted: June 13, 2023

194-23
June 13, 2023

**RESOLUTION PRESCRIBING FEES AS SET FORTH IN CHAPTER 5, SECTION 21.5
OF THE REVISED GENERAL ORDINANCES AND IN ORDINANCE 2761-23**

WHEREAS, on May 2, 2023, the Township of West Orange (the “Township”) passed Ordinance 2761-23 (the “Ordinance”), amending Chapter 5, Section 21.5 of the Revised General Ordinances of the Township; and

WHEREAS, the Ordinance amended Chapter 5, Section 21.5 of the Revised General Ordinances of the Township to set the fees and/or penalties set forth therein to prescribed by Resolution; and

NOW, BE IT HEREBY RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, the application fee set forth in the Ordinance shall be: \$50 and the renewal fee set forth in the Ordinance shall be \$35; and it is further;

RESOLVED, that the Township Clerk is authorized to attest to the Mayor’s signature.

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

Tammy Williams
Council President

Adopted: June 13, 2023

195-23
June 13, 2023

**RESOLUTION PRESCRIBING FEES AS SET FORTH IN CHAPTER 5, SECTION 22.4
OF THE REVISED GENERAL ORDINANCES AND IN ORDINANCE 2762-23**

WHEREAS, on May 2, 2023, the Township of West Orange (the “Township”) passed Ordinance 2762-23 (the “Ordinance”), amending Chapter 5, Section 22.4 of the Revised General Ordinances of the Township; and

WHEREAS, the Ordinance amended Chapter 5, Section 22.4 of the Revised General Ordinances of the Township to set the fees and/or penalties set forth therein to prescribed by Resolution; and

NOW, BE IT HEREBY RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, the application fee set forth in the Ordinance shall be: \$250 and the renewal fee set forth in the Ordinance shall be \$150; and it is further;

RESOLVED, that the Township Clerk is authorized to attest to the Mayor’s signature.

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

Tammy Williams
Council President

Adopted: June 13, 2023

196-23
June 13, 2023

**RESOLUTION PRESCRIBING FEES AS SET FORTH IN CHAPTER 5, SECTION 25.4
OF THE REVISED GENERAL ORDINANCES AND IN ORDINANCE 2763-23**

WHEREAS, on May 2, 2023, the Township of West Orange (the “Township”) passed Ordinance 2763-23 (the “Ordinance”), amending Chapter 5, Section 25.4 of the Revised General Ordinances of the Township; and

WHEREAS, the Ordinance amended Chapter 5, Section 25.4 of the Revised General Ordinances of the Township to set the fees and/or penalties set forth therein to prescribed by Resolution; and

NOW, BE IT HEREBY RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, the application fee set forth in the Ordinance shall be set forth as follows:

For one massage practitioner: \$250 per year;

For each additional massage practitioner: \$100 per year;

and it is further;

RESOLVED, that the Township Clerk is authorized to attest to the Mayor’s signature.

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

Tammy Williams
Council President

Adopted: June 13, 2023

197-23
June 13, 2023

**RESOLUTION PRESCRIBING FEES AS SET FORTH IN CHAPTER 5, SECTION 24.5
OF THE REVISED GENERAL ORDINANCES AND IN ORDINANCE 2764-23**

WHEREAS, on May 2, 2023, the Township of West Orange (the “Township”) passed Ordinance 2764-23 (the “Ordinance”), amending Chapter 5, Section 24.5 of the Revised General Ordinances of the Township; and

WHEREAS, the Ordinance amended Chapter 5, Section 24.5 of the Revised General Ordinances of the Township to set the fees and/or penalties set forth therein to prescribed by Resolution; and

NOW, BE IT HEREBY RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, the permit fee set forth in the Ordinance shall be \$25 per machine, and it is further;

RESOLVED, that the Township Clerk is authorized to attest to the Mayor’s signature.

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

Tammy Williams
Council President

Adopted: June 13, 2023

198-23
June 13, 2023

**RESOLUTION PRESCRIBING FEES AS SET FORTH IN CHAPTER 5, SECTION 31.11
OF THE REVISED GENERAL ORDINANCES AND IN ORDINANCE 2765-23**

WHEREAS, on May 2, 2023, the Township of West Orange (the “Township”) passed Ordinance 2765-23 (the “Ordinance”), amending Chapter 5, Section 31.11 of the Revised General Ordinances of the Township; and

WHEREAS, the Ordinance amended Chapter 5, Section 31.11 of the Revised General Ordinances of the Township to set the fees and/or penalties set forth therein to prescribed by Resolution; and

NOW, BE IT HEREBY RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, the penalty set forth in the Ordinance shall be set forth as follows:

For two false alarms in one-year: \$50;

For each additional false alarm in one year: \$100;

and it is further;

RESOLVED, that the Township Clerk is authorized to attest to the Mayor’s signature.

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

Tammy Williams
Council President

Adopted: June 13, 2023

199-23
June 13, 2023

**RESOLUTION PRESCRIBING FEES AS SET FORTH IN CHAPTER 5, SECTION 27.4
OF THE REVISED GENERAL ORDINANCES AND IN ORDINANCE 2766-23
REGARDING THE APPLICATION AND LICENSE FEE SET FORTH IN CHAPTER 5
SECTION 27.4**

WHEREAS, on May 2, 2023, the Township of West Orange (the “Township”) passed Ordinance 2766-23 (the “Ordinance”), amending Chapter 5, Section 27.4 of the Revised General Ordinances of the Township; and

WHEREAS, the Ordinance amended Chapter 5, Section 27.4 of the Revised General Ordinances of the Township to set the fees and/or penalties set forth therein to prescribed by Resolution; and

NOW, BE IT HEREBY RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, the fee as set forth in the Ordinance shall be **\$100.00**, and it is further;

RESOLVED, that the Township Clerk is authorized to attest to the Mayor’s signature.

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

Tammy Williams
Council President

Adopted: June 13, 2023

200-23
June 13, 2023

**RESOLUTION PRESCRIBING FEES AS SET FORTH IN CHAPTER 5, SECTION 32.6
OF THE REVISED GENERAL ORDINANCES AND IN ORDINANCE 2767-23**

WHEREAS, on May 2, 2023, the Township of West Orange (the “Township”) passed Ordinance 2767-23 (the “Ordinance”), amending Chapter 5, Section 32.6 of the Revised General Ordinances of the Township; and

WHEREAS, the Ordinance amended Chapter 5, Section 32.6 of the Revised General Ordinances of the Township to set the fees and/or penalties set forth therein to prescribed by Resolution; and

NOW, BE IT HEREBY RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, the fee as set forth in the Ordinance shall be \$200, and it is further;

RESOLVED, that the Township Clerk is authorized to attest to the Mayor’s signature.

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

Tammy Williams
Council President

Adopted: June 13, 2023

201-23
June 13, 2023

**RESOLUTION PRESCRIBING FEES AS SET FORTH IN CHAPTER 5, SECTION 33.6
OF THE REVISED GENERAL ORDINANCES AND IN ORDINANCE 2768-23**

WHEREAS, on May 2, 2023, the Township of West Orange (the “Township”) passed Ordinance 2768-23 (the “Ordinance”), amending Chapter 5, Section 33.6 of the Revised General Ordinances of the Township; and

WHEREAS, the Ordinance amended Chapter 5, Section 33.6 of the Revised General Ordinances of the Township to set the fees and/or penalties set forth therein to prescribed by Resolution; and

NOW, BE IT HEREBY RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, the application and license fees as set forth in the Ordinance shall be:

Application Fee: \$50 (nonrefundable)

License Fee: \$100 for the initial two-year term; \$200 if the applicant renews for a three-year term in accordance with Subsection 5-33.5;

and it is further;

RESOLVED, that the Township Clerk is authorized to attest to the Mayor’s signature.

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

Tammy Williams
Council President

Adopted: June 13, 2023

**RESOLUTION PRESCRIBING FEES AS SET FORTH IN CHAPTER 5, SECTION 15.3
OF THE REVISED GENERAL ORDINANCES AND IN ORDINANCE 2769-23**

WHEREAS, on May 2, 2023, the Township of West Orange (the “Township”) passed Ordinance 2769-23 (the “Ordinance”), amending Chapter 5, Section 15.3 of the Revised General Ordinances of the Township; and

WHEREAS, the Ordinance amended Chapter 5, Section 15.3 of the Revised General Ordinances of the Township to set the fees and/or penalties set forth therein to prescribed by Resolution; and

NOW, BE IT HEREBY RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, the license fee set forth in the Ordinance shall be \$20 each day, and it is further;

RESOLVED, that the Township Clerk is authorized to attest to the Mayor’s signature.

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

Tammy Williams
Council President

Adopted: June 13, 2023

RESOLUTION

WHEREAS, Governor Philip Murphy and the New Jersey State Legislature created RevolutionNJ in 2018 to plan, encourage, develop, and coordinate the commemoration of the 250th anniversary of the founding of the United States, New Jersey's pivotal role in the American Revolution, and the contributions of its diverse peoples to the nation's past, present, and future;; and

WHEREAS, the New Jersey Historical Commission, under the leadership of Secretary of State Tahesha Way, with its non-profit partner Crossroads of the American Revolution established RevolutionNJ to advance the role that history plays in public discourse, community engagement, education, tourism, and scholarship in New Jersey; and

WHEREAS, RevolutionNJ will engage New Jerseyans in all 21 counties and 564 municipalities through its officially recognized programs, initiatives, and events over the next ten years; and

WHEREAS, it is fitting and desirable that we commemorate the beginning of the Nation and the role New Jersey played over the past 250 years as well as its present and future role as part of the United States, with particular focus on the individuals, ideas, and events that shaped our Country, State, and the Township of West Orange (the "Township"); and

WHEREAS, RevolutionNJ will consider the role New Jersey played during the American Revolution when it saw more battles and skirmishes than any other state and was truly the Crossroads of the American Revolution; and

WHEREAS, RevolutionNJ will highlight the role New Jerseyans played beyond the battlefield during the American Revolution when people of diverse backgrounds contributed to the development of the State and the Nation in various ways and fought for the right to life, liberty, and the pursuit of happiness; and

WHEREAS, preserving, studying, and enjoying state history strengthens communities and builds bonds between New Jersey residents as we work together toward the goals of justice and equality embedded in the United States Constitution.

NOW THEREFORE BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE that the Township of West Orange hereby endorses RevolutionNJ and its mission to advance the role that history plays in public discourse, community engagement, education, tourism and scholarship in New Jersey; and

BE IT FURTHER RESOLVED that the Township Council commemorates the 250th anniversary of the establishment of the United States as an independent Nation; and

BE IT FURTHER RESOLVED that the Township Council authorizes the appointment of a committee to develop a plan for this commemoration that will promote the maximum involvement of our residents, neighborhoods, businesses, schools, civic organizations, and institutions in the commemorations; and

BE IT FURTHER RESOLVED that the Township Council further urges all its residents to reflect upon the significance of this event and the role that our State and its diverse people have played in the history and development of our Nation and to participate in this important commemoration, endeavoring to include the stories of all those whose lives are part of the history of what we now know as New Jersey, and understanding that the revolution continues today as we uphold the revolutionary ideals articulated in our founding documents

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

Tammy Williams
Council President

Adopted: June 27, 2023

RESOLUTION AUTHORIZING ELECTRONIC TAX SALE AND COST OF MAILING

WHEREAS, NJSA 54:5-19.1 authorizes municipalities to conduct electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Local Government Services, and

WHEREAS, the Director of the Division of Local Government Services has approved NJ Tax Lien Investors/Real Auction.com to conduct electronic tax sales, and

WHEREAS, an electronic tax sale is innovative and provides a greater pool of potential lien buyers, thus creating the environment for a more complete tax sale process, and

WHEREAS, the Township of West Orange wishes to participate in an electronic sale.

WHEREAS, the rules and regulations require a municipality to send two (2) notices of tax sale to all properties included in said sale; and

WHEREAS, the rules and regulations allow said municipality to charge a fee of \$25.00 per notices for the creation, printing and mailing of said notice; and

WHEREAS, in an effort to more fairly assign greater fiscal responsibility to delinquent taxpayers, the Township of West Orange will charge \$25.00 per notice mailed which will be assessed specifically to the delinquent accounts that are causing the need for a tax sale and not the general tax base.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of West Orange, that the Tax Collector is hereby authorized to participate in the electronic tax sale and submit to the Director of Local Government Services if necessary.

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

Tammy Williams
Council President

Adopted: July 11, 2023

I hereby certify funds are available from: _____
Account No./Amount

John Gross, Chief Financial Officer

256-23
July 11, 2023

**RESOLUTION AUTHORIZING THE COLLECTOR OF TAXES TO REFUND PAYMENT
TO THE LISTED TAXPAYER DUE TO VETERAN EXEMPTION**

WHEREAS the Assessor has granted a 100% Veteran Disabled exemption to parcels listed below and a letter of eligibility from the Veteran's Administration is on file in the Assessor's office showing the effective date of exemption.

WHEREAS, the owner or its mortgage servicer made payments after the date of exemption and tax refunds are due in the amounts listed below.

NOW, THEREFORE BE IT RESOLVED by the West Orange Township Council that the Collector of Taxes and Treasurer of West Orange, be and they are hereby authorized, empowered and directed to cause to be paid to the homeowners the tax refunds due:

Block	Lot	Qual	Owner's Name & Address	Amount
152.22	1413	C0012	Corelogic Centralized Refunds PO Box 9202 Coppell, TX 75019	\$5,124.00
TOTAL AMOUNT:				\$ 5,124.00

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

Tammy Williams
Council President

Adopted: July 11, 2023

I hereby certify funds are available from: _____
Account No./Amount

John Gross, Chief Financial Officer

RESOLUTION TO HOLD A CLOSED SESSION

WHEREAS, the Open Public Meetings Act (N.J.S.A. 10:4. et seq.) provides for the exclusion of the public meetings of the governing body during the discussion of certain matters; and

WHEREAS, prior to the exclusion of the public from a meeting of the Township Council it is required that the Council adopt a Resolution stating the general nature of the subject to be discussed and stating as precisely as possible the time when the minutes of the discussion conducted in closed session can be disclosed to the public; and

WHEREAS, this body is about to consider a matter which falls within the purview of N.J.S.A. 10-4-12, and can properly exclude the public from such discussions; now, therefore, be it

BE IT RESOLVED, that the Township Council of the Township of West Orange, now assembled in public session at its regular meeting of **July 11, 2023** enter into a closed session to consider the following matter(s).

- () 1. Discussion of any material, the disclosure of which constitutes an invasion of individual privacy.
- () 2. A collective bargaining agreement or the terms of provisions of same.
- () 3. Techniques or tactic utilized to protect the safety and property of the public provided that their disclosure could impair such protection.
- () 4. An investigation of violations or possible violations of the laws of the State of New Jersey and/or the Township of West Orange Administrative Code.
- (X) 5. Pending or anticipated litigation or contract negotiation in which this body is or maybe a party.
- () 6. A matter falling within the attorney-client privilege to the extent that confidentiality is required in order for the attorney to exercise his ethical duties to this body.
- () 7. Personnel matters.
- () 8. Discussion of any matter which by express provision of Federal law or State statute or rule of Court shall be rendered confidential.
- () 9. Discussion of any matter in which the release of information would impair a right to receive funds from the Government of the United Sates.
- () 10. Discussion of any matter involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed.

() 11. Deliberations occurring after a public hearing that may result in imposition of a civil penalty or suspension or loss of a license or permit.

More specifically, the Council may discuss in closed session the following topic(s):

**Resolution Authorizing an Executive Session for the Purpose of Discussing Litigation
Specifically Italian American One Voice Coalition v. Township of West Orange, et al.**

(the general subject matter(s) of discussion shall be indicated by a check mark in the appropriate box and shall be more specifically referred to thereafter to the extent such additional disclosure can be made without compromising the need for confidentiality giving rise to the closed session.

IT IS FURTHER RESOLVED that the minutes of said discussion shall be made public as soon as the matter under discussion is no longer of a confidential or sensitive nature such that the public interest will no longer be served by such confidentiality.

The foregoing resolution was duly adopted by the Township Council of the Township of West Orange at a public meeting held on **July 11, 2023.**

Motion:

Second:

Vote

Aye:

Opposed:

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

Tammy Williams
Council President

Adopted: July 11, 2023

RESOLUTION

AUTHORIZING AN AMENDMENT TO A DEED REVERSION PER NJSA 40:60-51.2 FOR 46 MT. PLEASANT AVENUE (BLOCK 68, LOT 1.01) AS HOUSING FOR LOW- AND MODERATE-INCOME SENIOR CITIZENS

WHEREAS, the Township of West Orange sold the real property commonly known as 46 Mt. Pleasant Avenue, West Orange, New Jersey and also known and designated as Block 68, Lot 1.01 on the Township tax map (the “Property”) to West Orange Senior Housing Urban Renewal LLC (“WOSH”) for the purpose of development a 65-unit housing project of which 64 housing units are for low- and moderate-income senior citizens (the “Project”) ; and

WHEREAS, the Township Council had authorized the sale of the Property to WOSH in accordance with Resolution No. 124-22 adopted April 26, 2022; and

WHEREAS, the deed conveying the Property to .WOSH in accordance with NJSA 40A:12-21 contained a reversion of title to the Township if the Property was not used for housing for low- or moderate-income persons; and

WHEREAS, in order to obtain construction and permanent financing to build and operate the housing the construction and permanent lenders including the New Jersey Housing and Mortgage Finance Agency require that the reversion to the Township is subject and subordinate to the mortgage financing and deed restrictions of such lender for their loans used to construct or operate the housing for low- and moderate-income persons; and

WHEREAS, the Township Council is authorized by NJSA 40:60-51.2 to waive, release, modify or subordinate the reversion to accomplish the purposes for which the Property was sold and conveyed by a resolution after a public hearing held before the Township Council, of the holding of which notice describing the lands in question, and the terms, covenants, condition, limitations or reverters to be waived, released, modified or subordinated, and, if to be modified or subordinated, describing the manner in which the same shall be modified or subordinated, shall first have been given by advertisement published once each week for two weeks in a newspapers circulating in such municipality; and

WHEREAS, the appropriate notice was published in the Star Ledger.; and

WHEREAS, the financing is required to accomplish the purposes for which the Property was sold to WOSH.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Orange, Essex County, New Jersey, pursuant to NJSA 40:60-51.2 , that the Mayor is hereby authorized to execute and the Township Clerk to attest to the AMENDMENT TO REVERTER IN DEED BY THE TOWNSHIP OF WEST ORANGE TO WEST ORANGE SENIOR HOUSING URBAN RENEWAL LLC in the form attached hereto

NOW THEREFORE, BE IT FURTHER RESOLVED by the Township Council of the Township of West Orange, Essex County, New Jersey, that the Mayor is hereby authorized to approve and to execute such further instruments or documents in furtherance of the AMENDMENT TO REVERTER IN DEED BY THE TOWNSHIP OF WEST ORANGE TO WEST ORANGE SENIOR HOUSING URBAN RENEWAL LLC .

This is to certify that the above Resolution was adopted by the Township Council on July 11, 2023.

Tammy Williams, Council President

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

Adopted July 11, 2023

AUTHORIZING AN AMENDMENT TO A DEED REVERSION PER NJSA
40:60-51.2 FOR 46 MT. PLEASANT AVENUE (BLOCK 68 LOT 1.01) AS HOUSING FOR
LOW- AND MODERATE-INCOME SENIOR CITIZENS.

RESULT:_____

MOVER:_____

SECOND:_____

AYES:_____

ABSENT:_____

AWAY:_____

NAYS:_____

AMENDMENT TO REVERTER IN DEED BY THE TOWNSHIP OF WEST ORANGE
TO WEST ORANGE SENIOR HOUSING URBAN RENEWAL LLC

This Amendment to Reverter is dated the 11th day of July, 2023, by the Township of West Orange, a municipal corporation of the State of New Jersey, whose address is 66 Main Street, West Orange, New Jersey 07052 (“Township”) to West Orange Senior Housing Urban Renewal LLC, a New Jersey limited liability company, whose address is c/o The Alpert Group, One Parker Plaza, Fort Lee, New Jersey 07024 (“WOSH”).

WHEREAS, the Township sold property located at tax map Block 68, Lot 1.01 (the “Property”) to WOSH by deed dated March 21, 2023, recorded in the Essex County Clerk’s Office April 6, 2023 at instrument number 2023021678 (the “Deed”); and

WHEREAS, in such deed the Township retained a right of reverter of the Property (the “Reverter”) in the event that certain events occur as more fully set forth in the Deed; and

WHEREAS, the Township desires to clarify and modify the Reverter.

NOW THEREFORE, the Township hereby agrees that:

1. The following clause shall modify the Reverter:

“The Reverter is subject and subordinate to the lien of any then existing mortgage, deed restriction, encumbrance, regulatory agreement or other encumbrance, including, without limitation, the construction mortgage liens and permanent mortgage liens listed in Paragraph 2 hereinbelow (each, a “Lien”) placed on the Property in connection with financing being provided to develop, construct and operate low and moderate income housing on the Property. Accordingly, any such Lien shall remain as a valid lien with all rights and remedies of the mortgagee or holder of any such encumbrance remaining as is set forth in such Lien document.”

2. The Liens that are contemplated as of this date for the purpose of obtaining construction or permanent financing for the construction and operation of low or moderate income housing are: (a) TD Bank N.A. construction financing in an amount of approximately \$16,750,000, (b) Essex County construction and permanent financing in the amount of approximately \$1,300,000, (c) Township of West Orange construction and permanent financing in the amount of approximately \$500,000, (d) New Jersey Housing and Mortgage Finance Agency permanent financing in the amount of approximately \$11,940,000, (e) New Jersey Housing and Mortgage Finance Agency permanent financing in the amount of approximately \$8,000,000, and (f) any refinancing, modification or other alteration or change to any then existing financing.

3. Except as set forth above, the Reverter language in the aforesaid Deed shall remain in full force and effect.

(signature pages to follow)

Signature Page to Amendment to Reverter

Signatures. The Township and WOSH sign this Amendment to Reverter as of the date at the top of the first page.

TOWNSHIP OF WEST ORANGE, a Municipal Corporation of the State of New Jersey

By: _____
Name: Susan McCartney
Title: Mayor

STATE OF NEW JERSEY

SS.:

COUNTY OF ESSEX

I CERTIFY that on July ____, 2023, Susan McCartney, the Mayor of the **TOWNSHIP OF WEST ORANGE, a Municipal Corporation of the State of New Jersey** personally came before me and acknowledged under oath, to my satisfaction, that this person (or if more than one, each person):

- (a) was the maker of the attached Amendment to Reverter on behalf of the Township;
- (b) was authorized to and did execute this Amendment to Reverter as Mayor of the **TOWNSHIP OF WEST ORANGE, a Municipal Corporation of the State of New Jersey**, the entity named in this Amendment to Reverter; and
- (c) made this Amendment to Reverter for \$1.00 as the full and actual consideration paid or to be paid for the transfer of title. (Such consideration is defined in N.J.S.A. 46:15-5)

(Notary Public)

(Signature Page to Amendment to Reverter)

**WEST ORANGE SENIOR HOUSING URBAN
RENEWAL, LLC, a limited liability company**

By: _____
Name: Joseph Alpert
Title: Member

STATE OF NEW JERSEY

SS.:

COUNTY OF BERGEN

I CERTIFY that on July ____, 2023, Joseph Alpert, the Member of the **WEST ORANGE SENIOR HOUSING URBAN RENEWAL, LLC (“WOSH”), a limited liability company of the State of New Jersey** personally came before me and acknowledged under oath, to my satisfaction, that this person (or if more than one, each person):

- (a) was the maker of the attached Amendment to Reverter on behalf of WOSH;
- (b) was authorized to and did execute this Amendment to Reverter as Member of **WOSH**, the entity named in this Amendment to Reverter; and
- (c) signed this Amendment to Reverter for \$1.00 as the full and actual consideration paid or to be paid for the transfer of title. (Such consideration is defined in N.J.S.A. 46:15-5)

(Notary Public)

259-23
July 11, 2023

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>
Metropolitan YMCA of the Oranges	9.18.23 Off Premise 50/50	25 Prospect Avenue	7834
Christopher C.J. Morgan Memorial Scholarship Foundation, Inc.	8.27.23 and 8.28.23 On Premise 50/50	90 Rock Spring Rd.	7835
Christopher C.J. Morgan Memorial Scholarship Foundation, Inc.	8.27.23 and 8.28.23 On Premise Tricky Tray	90 Rock Spring Rd.	7836

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

Tammy Williams
Council President

Adopted: July 11, 2023

R E S O L U T I O N

WHEREAS, the Township Council by Resolution No. 194-22 dated July 19, 2022 awarded a one-year contract to Mobility Coach, Inc., 198 Renshaw Avenue, East Orange, NJ 07017 for the period August 1, 2022 to July 31, 2023 to provide six licensed jitney bus operators in both the morning and evening plus a morning and evening supervisor for the Midtown Direct Shuttle Bus Program in the amount of \$441,852.00; and

WHEREAS, the bid documents for the Midtown Direct Shuttle Bus Program received on July 12, 2022 included Alternates to extend the service for two additional one-year periods; and

WHEREAS, Mobility Coach, Inc., was the only bidder of this service; and

WHEREAS, their bid to provide six morning and six evening jitney bus operators plus a morning and evening Supervisor for the period August 1, 2023 to July 31, 2024 totaled \$483,205.00; and

WHEREAS, the bid documents allow for the extension of the contract subject to Council approval; and

WHEREAS, the performance of the contract by Mobility Coach over the past 11 months has been very good; and

WHEREAS, the Township Administration recommends a one-year extension to Mobility Coach, Inc. for Licensed Motor Vehicle Drivers, Midtown Direct Shuttle Bus Program for the Period August 1, 2023 to July 31, 2024 in the amount of \$483,205.00; and

WHEREAS, sufficient funds exist for the extension of this contract; 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 a one-year contract extension for Licensed Motor Vehicle Drivers, Midtown Direct Shuttle Bus Program for the period August 1, 2023 to July 31, 2024 be awarded to Mobility Coach, Inc., 198 Renshaw Avenue, East Orange, NJ 07017 to provide six licensed motor vehicle operators in both the

morning and the evening and a morning and evening Supervisor for an amount not to exceed \$483, 205.00.

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

Adopted: July 11, 2023

I hereby certify funds are available from:

John Gross, Chief Financial Officer

Tammy Williams, Council President

CHALLENGE GRANT BUS SHUTTLE

ACCOUNT NO. 01-2010-00-9610-150

R E S O L U T I O N

**AUTHORIZING THE REJECTION OF TWO BIDS RECEIVED FOR A CONTRACT
FOR TENNIS COURT IMPROVEMENTS DEGNAN PARK AND
ROLLING GREEN COURTS**

WHEREAS, the Township of West Orange sought bids for a Contract for Tennis Court Improvements at Degnan Park and Rolling Green Courts; and

WHEREAS, two sealed bids were received and opened by the Township on May 22, 2023; and

WHEREAS, CME Associates submitted a letter dated June 23, 2023 which included a Bid Report and Recommendation of Award, summary of Base Bids and copy of the Proposal and Schedule of Bids Page C-31 submitted by Senco Metals, LLC; and

WHEREAS, the low bidder, Senco Metals, LLC submitted a bid in the amount of \$1,453,200.00; and

WHEREAS, after review of the submitted bid package, it was found that Senco Metals, LLC failed to provide the required subcontractor information for the proposed electric work therefore, was not responsive with the mandatory documentation required under the Local Public Contracts Law 40A:11-23.2-f and must be rejected; and

WHEREAS, the second bidder known as Classic Turf Company, LLC did submit a responsive bid in the amount of \$1,983,716.75, but this amount substantially exceeds the Township's appropriation for these goods and services and must be rejected pursuant to Local Public Contracts Law 40A:11-13.2.; and

WHEREAS, Municipal Engineer by letter dated June 28, 2023, recommends both bids be rejected; and

WHEREAS, the Township Council concurs in the foregoing recommendation of the Municipal Engineer.

NOW LET IT BE RESOLVED, by the Council of the Township of West Orange to reject bids received on May 22, 2023 by Senco Metals, LLC, 318 McLean Boulevard, Paterson, NJ 07504 and Classic Turf Company, LLC 437 Sherman Hill Road, Woodbury, CT 06798 under the conditions of the Local Public Contracts Law for the contract Tennis Court Improvements Degnan Park and Rolling Green Courts.

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

Tammy Williams
Council President

Adopted: July 11, 2023



JOHN H. ALLGAIR, PE, PP, LS (1983-2001)
DAVID J. SAMUEL, PE, PP, CME
JOHN J. STEFANI, PE, LS, PP, CME
JAY B. CORNELL, PE, PP, CME
MICHAEL J. McCLELLAND, PE, PP, CME
GREGORY R. VALES, PE, PP, CME

TIM W. GILLEN, PE, PP, CME (1991-2019)
BRUCE M. KOCH, PE, PP, CME
LOUIS J. PLOSKONKA, PE, CME
TREVOR J. TAYLOR, PE, PP, CME
BEHRAM TURAN, PE, LSRP
LAURA J. NEUMANN, PE, PP
DOUGLAS ROHMEYER, PE, CFM, CME
ROBERT J. RUSSO, PE, PP, CME
JOHN J. HESS, PE, PP, CME

June 23, 2023

261-23

Leonard Lepore
Township of West Orange
66 Main Street
West Orange, NJ 07052

Attn: Leonard Lepore
Township Engineer

**Re: Tennis Courts Improvements at Degnan Park & Rolling Green Courts
Bid Report and Recommendation of Award
Township of West Orange, Essex County, NJ
Our File: VWR00200.01**

Dear Mr. Lepore:

Bids were received on May 22, 2023, for the above referenced project. A total of two (2) bids were submitted, ranging from a low base bid in the amount of \$1,453,200.00 by Senco Metals, LLC., to a high base bid of \$1,983,716.75 by Classic Turf Company, LLC. The Engineer's Estimate for the Base Bid was \$1,417,892.50. Below is a summary of the Base Bids.

	Bidder's Name	Base Bid Total
1	Senco Metals, LLC	\$1,453,200.00
2	Classic Turf Company, LLC	\$1,983,716.75

Upon review of the submitted bid packages for both bidders, it was found that the low bidder, Senco Metals, LLC did not provide the required subcontractor information for the proposed electric work, which is mandatory cause for rejection of their bid. Furthermore, the total bid price submitted by the second low bidder, Classic Turf Company, LLC exceeded the engineer's estimate. Based upon this information, our office recommends that both bids be rejected.



Leonard Lepore, Township Engineer
Re: Tennis Courts Improvements at
Degnan Park & Rolling Green Courts
Bid Report and Recommendation of Award

June 23, 2023
Our File No. VWR00200.01
Page 2

We trust this is the information you require at this time. Should you have any questions or comments relative to this project, please do not hesitate to contact this office.

Very truly yours,

CME Associates

Trevor J. Taylor, PE, PP, CME, CFM
For the Firm

TT:AB

Enclosure (to all)

cc: Zayibeth Carballo
James Latore
Edwin Johnson
Paula Reynolds

PROPOSAL AND SCHEDULE OF BIDS

IDENTIFICATION OF SUBCONTRACTORS PER N.J.S.A. 40A:11-16

Subcontractors of the four (4) trade categories listed on this page must be set forth in accordance with N.J.S.A. 40A:11-16. If the contract does not involve any of the specialty trade categories below, please insert the word "NONE" in each appropriate space provided.

DO NOT LEAVE ANY SPACE BLANK (see Instructions on previous page)

1. Plumbing and Gas Fitting and All Kindred Work (Not Required by Contract)

Name: NONE

Address: _____

License Number(s): _____ Name(s) of License Holder(s): _____

2. Steam Power Plants, Steam and Hot Water Heating and Ventilating Apparatus, and All Kindred Work (Not Required By Contract):

Name: NONE

Address: _____

License Number: Not Applicable

3. Electrical Work

Name: NONE

Address: _____

License Number(s): _____ Name(s) of License Holder(s): _____

4. Structural Steel and Ornamental Iron Work (Not Required By Contract):

Name: NONE

Address: _____

License Number: Not Applicable

Bidder

Filip Filipovski, President

By (name and title)

Signature

RESOLUTION

RESOLUTION TO AMEND AMOUNT AWARDED A CONTRACT TO TK ELEVATOR, THROUGH USE OF THE SOURCEWELL (formerly NJPA) NATIONAL COOPERATIVE PURSUANT TO N.J.S.A. 52:34-6.2

WHEREAS, on June 13, 2023 Resolution 236-23 was awarded to TK Elevator; and

WHEREAS, the amount of the award was incorrect and needs to be revised to reflect \$24,000.00 more for an alternate item that was missed in the original quote; and

WHEREAS, the total amount of the contract will be \$377,729.05; and

NOW, THEREFORE BE IT RESOLVED that Resolution 236-23 is hereby amended as follows:

WHEREAS, the Township of West Orange (“Township”) requires elevator replacements at 10 Rooney Circle for due to age and operational function.

WHEREAS, 10 Rooney Circle was built in 1971, consisting of two-full operational elevators;

WHEREAS, both elevators have exceeded their operational usefulness and serviceability due to a lack of available replacement parts;

WHEREAS, replacing the elevators at 10 Rooney Circle will ensure A.D.A compliance and provide access to tenants and visitors;

WHEREAS, N.J.S.A. 52:34-6.2 authorizes contracting units to purchase goods or contract for services through the use of a nationally recognized and accepted cooperative purchasing agreement that has been developed utilizing a competitive bidding process by another contracting unit with the State of New Jersey or within any other state, when available; and

WHEREAS, the Sourcewell cooperative operates under the enabling authority of Minnesota State Statute 123A.21 and

WHEREAS, the Township’s membership #28197 was established in 2015; and

WHEREAS, the Purchasing Agent has published on May 8, 2023 a Notice of Intent, pursuant to the Local Finance Notice 2012-10 to utilize the Sourcewell Cooperative Contract #080420-TKE with TKE Elevator, 3100 Interstate North Circle, Suite 500, Atlanta, GA 30339 provide a comment period to allow vendors a mechanism to provide alternate proposals; and

WHEREAS, there were no comments presented, and

WHEREAS, the Department of Public Works has determined the Township’s use of the Sourcewell cooperative purchasing contract to procure a replacement of a decommissioned

elevator and a replacement of an elevator past its life expectancy will result in a cost savings for the Township and offer A.D.A compliance, and

WHEREAS, consistent with the Sourcewell cooperative purchasing contract and the needs of the Township, TK Elevator, 3100 Interstate North Circle, Suite 500, Atlanta, GA 30339 provided a proposal for each elevator, see attached cost sheets hereto "Exhibit A".

NOW, THEREFORE BE IT RESOLVED, by the West Orange Township Council the following:

1. The Township shall receive from TK Elevator, all supplemental documentation which complies with the laws of the State of New Jersey for vendors awarded a contract by a public entity.
2. The Township Purchasing Agent be authorized to enter into a contract on behalf of the Township and a purchase order issued.
3. The Township's Chief Financial Officer certifies sufficient funds are available for said procurement not to exceed \$377,729.05.

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

Tammy Williams, Council President

Adopted:

I Certify funds available from Capital Account No. _____
\$377,729.05

John O. Gross, Chief Financial Office

RESOLUTION

WHEREAS, on June 28, 2023, the Township of West Orange received certain bids concerning the lease of ground space for the installation of communications equipment concerning four (4) existing cell tower locations located at 280 Pleasant Valley Way, also known as Block 152.07, Lot 1; 395 St. Cloud Avenue, also known as Block 168, Lot 25; 415 Valley Road, also known as Block 16, Lot 5; and Mt. Pleasant Avenue, also known Block 170.02, Lot 5.01; and

WHEREAS, the Township received bid submissions for all four sites from DISH Wireless LLC with a total bid of \$176,000 per annum; and

WHEREAS, the Purchasing Agent and Chief Financial Officer have reviewed the bids and consulted with FSD Enterprises LLC; and

WHEREAS, FSD Enterprises has issued the report annexed hereto as **Exhibit “A”**;

NOW, BE IT HEREBY RESOLVED, by the Township Council of the Township of West Orange that the telecommunications bid be and is hereby awarded to DISH Wireless LLC at an annual rent of \$176,000 in conformance with the bid specifications; and

IT IS FURTHER RESOLVED that the Mayor be and is hereby to execute and the Municipal Clerk be and is hereby authorized to attest to the Mayor’s signature on the appropriate agreements.

Karen J. Carnevale
Municipal Clerk

Tammy Williams
Council President

Adopted: July 11, 2023

EXHIBIT "A"



Wireless Telecommunications Consulting

Declan O'Scanlon, CEO

Office: 732-741-3246

Mobile: 732-859-2921

Email: Declan@fsdenterprises.com

MEMO

Date: July 6, 2023

To: John Gross

From: Heather O'Scanlon

RE: West Orange Cell Towers – Bid Submission Summary

FSD Enterprises had the opportunity to review the bids submitted to West Orange Township on June 28, 2023, for the Right to Lease Ground Space for the Installation of Communications Equipment, with simultaneous leasing of additional carriers at the following four (4) existing cell tower locations:

- 280 Pleasant Valley Way, also known as Block 152.07, Lot 1
- 395 St. Cloud Avenue, also known as Block 1688, Lot 25
- 415 Valley Road, Block 16, Lot 5
- Mt. Pleasant Avenue, Block 170.02, Lot 5.01

The Township received bid submissions for all four (4) sites from DISH WIRELESS L.L.C. (DISH).

We recommend awarding a lease for co-location to DISH for each of the four (4) sites. Under the bids submitted, West Orange will receive **\$176,000.00** rent annually.

Below is a summary of DISH'S submission for each site, followed by FSD comments and /or recommendations. If the Township agrees with our recommendations, FSD will work with DISH, on behalf of the Township, to resolve any issues and prepare lease documents.

Please let us know if you have any questions.



280 Pleasant Valley Way, also known as Block 152.07, Lot 1:

Annual Rent: \$44,000.00

Exceptions: NONE

We recommend awarding to DISH.

395 St. Cloud Avenue, also known as Block 1688, Lot 25

Annual Rent: \$44,000.00

Exceptions: NONE

We recommend awarding to DISH.

415 Valley Road, Block 16, Lot 5

Annual Rent: \$44,000.00

Exceptions: NONE

We recommend awarding to DISH.



ENTERPRISES, LLC

Mt. Pleasant Avenue, Block 170.02, Lot 5.01

Annual Rent: \$44,000.00

Exceptions:

This bid is submitted with the below exception to Section 5, page 9, Instructions to Bidder.

Original Section 5:

5. FAILURE TO EXECUTE A LEASE.

Should the successful bidder fail to execute and deliver the Lease, as defined in Section 7, within one hundred eighty (180) days after bid award, the bidder forfeits to the Township, as liquidated damages, the bid security deposited with its bid. An extension of the 180-day window may be granted by the Township if the Township determines, in its reasonable discretion, to do so.

9

Proposed Exception to Section 5 (see underlined text):

5. FAILURE TO EXECUTE A LEASE.

Should the successful bidder fail to execute and deliver the Lease, as defined in Section 7, within one hundred eighty (180) days after bid award, the bidder forfeits to the Township, as liquidated damages, the bid security deposited with its bid. An extension of the 180-day window may be granted by the Township if the Township determines, in its reasonable discretion, to do so. Notwithstanding anything else contained in this Section 5, the successful bidder shall have the option, in its sole discretion, to voluntarily withdraw this bid without forfeiting the bid security deposited with its bid if the successful bidder is unable to agree to lease terms with the Lead Bidder (as defined in Section 1 of the Project Specifications).

9

This is reasonable as, although 100% of the rent is sent to the Township, a lease must be signed with Crown Castle (the Lead Bidder). We recommend approving this exception and awarding to DISH.

AN ORDINANCE AMENDING CHAPTER 5, SECTION 25.9(c) OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WEST ORANGE, NEW JERSEY that Chapter 25 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 ensure the health and safety of all persons involved in massage businesses establishments within the Township.

II. CHAPTER 5, SECTION 25.9(c) SHALL BE AND HEREBY IS AMENDED AS FOLLOWS:

c. All employees, including massage practitioners and employees shall be clean and wear clean, nontransparent outer garments. A separate dressing room must be available on the premises. Doors to such dressing rooms shall open inward and shall be self-closing.

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.

Karen J. Carnevale, R.M.C.

Tammy Williams, Council President

Susan McCartney, Mayor

Introduced: April 18, 2023

Adopted: June 13, 2023

Legislative History

The purpose of this ordinance is to revise the Operating Requirements of Massage establishments to provide gender neutral dressing rooms. This also eliminates the requirement for showers.

**AN ORDINANCE AMENDING CHAPTER 4, SECTION 11.4 OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(SHOPPING CARTS: IMPOUNDING FEE)**

**BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF
WEST ORANGE, NEW JERSEY** that Chapter 4, Section 11.4 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 4, Section 11.4 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 4, SECTION 11.4 SHALL BE AND HEREBY IS AMENDED AND
SUPPLEMENTED TO INCORPORATE THE FOLLOWING:**

§4-11.4 BE AND HEREBY AMENDED AS FOLLOWS:

- The portion entitled “Impounding Fee” which specifies the impounding fee the Township Police Department may charge if any abandoned shopping cart is found on public streets shall be repealed and replaced by the following language:

The Police Department shall impound any shopping cart found abandoned on the public streets or sidewalks or in any other place in the Township outside the premises and adjoining supervised parking area of a store which makes shopping carts available to its customers. An impounded shopping cart shall be returned to its owner on payment of a fee to be prescribed by Resolution.. Any unclaimed shopping carts may be sold or destroyed by the Police Department after a reasonable time.

III. REPEAL OF CONFLICTING ORDINANCES

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

IV. SEVERABILITY

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

V. EFFECTIVE DATE

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

SUSAN MCCARTNEY, MAYOR

**TAMMY WILLIAMS,
COUNCIL PRESIDENT**

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

INTRODUCED: May 2, 2023

ADOPTED: June 13, 2023

Legislative History

The purpose of this ordinance is to modify the fines set forth in Chapter 4 of the Revised General Ordinances of the Township of West Orange to be subject to adjustment by Resolution.

**AN ORDINANCE AMENDING CHAPTER 4, SECTION 20.3 OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(INSUFFICIENT FUNDS-SERVICE CHARGE)**

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WEST ORANGE, NEW JERSEY that Chapter 4, Section 20.3 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 4, Section 20.3 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 4, SECTION 20.3 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

§4-20.3 BE AND HEREBY AMENDED AS FOLLOWS:

- The portion entitled “Service Charge” which specifies the service charge imposed on any taxes, fees or other charges due to the Township where a check was submitted and returned for insufficient funds shall be repealed and replaced by the following language:

A service charge shall be imposed on any taxes, fees or other charges due to the Township of West Orange where a check or draft has been submitted to the Township toward the payment of such taxes, fees or other charges, and such check or draft is returned for insufficient funds. Whenever an account owing is for a tax or special assessment, the service charge shall be included on whatever list of delinquent accounts is prepared for the enforcement of the tax or assessment lien. The appropriate municipal officer may demand that future payments be tendered in cash or by certified or cashier's check on any account where a check tendered for payment on such account is returned for insufficient funds. The service charge may be collected in any manner authorized by law. The amount of the service charge imposed shall 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: May 2, 2023

ADOPTED: June 13, 2023

Legislative History

The purpose of this ordinance is to modify the fines set forth in Chapter 4 of the Revised General Ordinances of the Township of West Orange to be subject to adjustment by Resolution.

**AN ORDINANCE AMENDING CHAPTER 5, SECTION 1.14 OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(GENERAL LICENSING PROCEDURES-FEE SCHEDULE)**

**BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF
WEST ORANGE, NEW JERSEY** that Chapter 5, Section 1.14 of the Revised General Ordinances of the Township of West Orange be and are hereby amended as follows:

I. PURPOSE

The purpose of this ordinance is to modify the fines set forth in Chapter 5, Section 1.14 of the Revised General Ordinances of the Township of West Orange to be amendable by Resolution such that it is amendable in the future by approval of the Township Council, a necessity in an everchanging socioeconomic climate.

**II. CHAPTER 5, SECTION 1.14 SHALL BE AND HEREBY IS AMENDED AND
SUPPLEMENTED TO INCORPORATE THE FOLLOWING:**

§5-1.14 BE AND HEREBY AMENDED AS FOLLOWS:

- The portion entitled “Fee Schedule” which specifies the schedule of fees for permits and licenses not provided for elsewhere in the code shall be repealed and replaced by the following language:

The following is a Schedule of Fees for permits and licenses not provided for elsewhere in this revision. The initial application for permits and licenses pertaining to amusement devices shall be accompanied by a fee as 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: May 2, 2023

ADOPTED: June 13, 2023

Legislative History

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

AN ORDINANCE AMENDING CHAPTER 5, SECTION 2.4 OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE (PEDDLERS-COMMERCIAL PERMIT APPLICATION AND FEE ADVERTISEMENT)

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WEST ORANGE, NEW JERSEY that Chapter 5, Section 2.4 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 5, Section 2.4 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 5, SECTION 2.4 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

§5-2.4 BE AND HEREBY AMENDED AS FOLLOWS:

- The portion entitled “Commercial Permit Application and Fee Advertisement” which specifies the schedule of fees for permits for peddlers, as defined by the Township of West Orange Municipal Code, shall be repealed and replaced by the following language:

Every applicant for a commercial permit under this section shall file with the Township Clerk a sworn application in writing, on a form to be furnished by the Township. The form shall be completed and signed by the applicant with the following information:

- a. Name, age and physical description of the applicant if an individual; if applicant is an organization, name of the organization as well as the name, age and physical description of all persons who will be working as peddlers in the Township on behalf of the organization (each of whom must complete their own individual application);
- b. Residence or principal business address of the applicant, but not a post office box, to which all notices and communications are to be addressed;
- c. Permanent home address of the applicant (if different than residence or principal business address);
- d. Brief description of the nature of the applicant's business, and the goods to be sold or the services to be furnished or performed;
- e. If employed, the name and address of the employer, together with credentials establishing the exact relationship, and a letter or other written

statement signed by the employer, certifying that the applicant is authorized to act as such employer's representative;

f. Length of time for which the right to do business is desired, but not to exceed a period of 45 days;

g. Extent and portion of Township to be covered by or on behalf of the applicant; days, dates and hours on and between which sales will be conducted;

h. Statement of and signed by the applicant as to whether or not the applicant or any person working as a peddler on behalf of the applicant has been convicted of any crime or disorderly persons offense or violation of any ordinance; and if so, the nature of the crime, offense or violation, the punishment or penalty assessed therefor, and the date and place of such conviction;

i. License number and complete description of any vehicle which is to be used in connection with such peddling activity;

j. Two passport size photographs of the applicant and all persons working as peddlers on behalf of the applicant, taken within 60 days immediately prior to the filing of the application;

k. Each applicant, including all persons working as peddlers on behalf of an entity applicant, or for another individual applicant, shall submit himself or herself for fingerprinting at Police headquarters before a permit may be issued;

l. Payment of an application fee as prescribed by Resolution and as permitted by N.J.S.A. 40:52-2;

m. Two business references located in the County of Essex, State of New Jersey, or in lieu thereof such other available evidence of the character and business responsibility of the applicant as will enable an investigator to properly evaluate such character and responsibility, including, but not limited to, banking references, customer references, and lender references;

n. The applicant shall provide a copy of his or her New Jersey Business Registration Certificate;

o. The applicant shall insert one advertisement two inches by two inches in size in a newspaper circulated in the Township, informing the public of the name, purpose, location and dates of any peddling activity for which a permit may be issued under this section at least two weeks prior to the commencement of such activity. The costs of such advertisement shall be paid by the applicant, which shall file an affidavit of publication with the Township Clerk. In the case of an applicant who will have other peddlers

working on his behalf only one advertisement shall be necessary, but same shall set forth the number of peddlers who will be working on that applicant's behalf.

III. REPEAL OF CONFLICTING ORDINANCES

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

IV. SEVERABILITY

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

V. EFFECTIVE DATE

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

SUSAN MCCARTNEY, MAYOR

**TAMMY WILLIAMS,
COUNCIL PRESIDENT**

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

INTRODUCED: May 2, 2023

ADOPTED: June 13, 2023

Legislative History

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

**AN ORDINANCE AMENDING CHAPTER 4, SECTION 29.2 OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(PARKING OF RESIDENTIAL VEHICLES PROHIBITED)**

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WEST ORANGE, NEW JERSEY that Chapter 4, Section 29.2 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 4, Section 29.2 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 4, SECTION 29.2 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

§4-29.2 BE AND HEREBY AMENDED AS FOLLOWS:

- The portion entitled “Service Charge” which specifies the service charge imposed on any taxes, fees or other charges due to the Township where a check was submitted and returned for insufficient funds shall be repealed and replaced by the following language:

a. Definitions. As used in this subsection:

PARK OR PARKING

Shall mean the standing or waiting on a street, road or highway of a vehicle not actually engaged in receiving or discharging passengers or merchandise, unless in obedience to traffic regulations or traffic signs or signals.

PERSON

Shall include natural persons, firms, associations, partnerships and corporations.

RECREATIONAL VEHICLE

Shall mean any motor vehicle primarily designed and used as a travel trailer, camper, camping trailer, motor home or tent trailer and any boat, snowmobile, jet-ski, off-road motorcycle, vehicle intended for the purpose of racing and/or their respective trailer(s).

STORE

Shall mean keeping for safe care or custody whether temporarily or permanently.

b. Parking Restrictions. No person shall park or store any recreational vehicle of any size on any residential street, highway, right-of-way, public place or private road within the Township between the hours of 9:00 p.m. and 7:00 a.m. every day except as hereinafter provided.

c. Temporary Parking Permits. Any person who is subject to the provisions of this subsection may apply to the Chief of Police or his designee for a temporary

permit allowing the parking of a recreational vehicle which will be valid as follows:

1. Up to 30 consecutive days upon a showing by the applicant that visitors to such person's residence will not be able to park in the immediate vicinity thereof or on such person's property without violating the Township's ordinances.
2. Up to two consecutive days, with one renewal period of two consecutive days in any thirty-day period, for the purpose of loading and/or unloading such vehicle, upon a showing by an applicant that the vehicle cannot be parked on the applicant's property.

d. Application Procedure.

1. Applications for temporary permits shall be made in writing to the Chief of Police or his designee on forms provided by the Township.
2. Each applicant shall provide satisfactory proof that all of the conditions required for the issuance of a permit have been met.
3. Each applicant shall also provide the original registration documents and/or ownership papers to the recreational vehicle.
4. The fee for a temporary parking permit shall be an amount as prescribed by Resolution.

e. Approval of Temporary Parking Permits; Limitation.

1. The Chief of Police or his designee shall approve any application for a temporary parking permit which meets the requirements of this subsection provided there is a further finding that the issuance of such permit will not unduly impair traffic safety during the period of its validity.
2. Approval may be conditioned upon parking being limited to a certain portion or portions of any residential street, highway, right-of-way or public place.
3. No more than one temporary parking permit shall be issued and outstanding at any one time for the use of any one dwelling unit.

f. Other Compliance. The parking or storage of any recreational vehicle must comply with all other local parking regulations.

g. Penalty. Any person violating this subsection shall be liable, upon conviction, to the penalty stated in Chapter 1, Section 1-5 for each such violation and each day in which such violation continues shall constitute a separate violation or offense.

III. REPEAL OF CONFLICTING ORDINANCES

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

IV. SEVERABILITY

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

V. EFFECTIVE DATE

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

SUSAN MCCARTNEY, MAYOR

**TAMMY WILLIAMS,
COUNCIL PRESIDENT**

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

INTRODUCED: May 2, 2023

ADOPTED: June 13, 2023

2747-23
Legislative History

The purpose of this ordinance is to modify the fines set forth in Chapter 4 of the Revised General Ordinances of the Township of West Orange to be subject to adjustment by Resolution.

**AN ORDINANCE AMENDING CHAPTER 4, SECTION 34.3 OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(EXTRA DUTY EMPLOYMENT FOR POLICE OFFICERS-RATES OF
COMPENSATION; ADMINISTRATIVE FEES; PAYMENT FOR SERVICES)**

**BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF
WEST ORANGE, NEW JERSEY** that Chapter 4, Section 34.3 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 4, Section 34.3 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 4, SECTION 34.3 SHALL BE AND HEREBY IS AMENDED AND
SUPPLEMENTED TO INCORPORATE THE FOLLOWING:**

§4-34.3 BE AND HEREBY AMENDED AS FOLLOWS:

- The portion entitled “Rates of Compensation; Administrative Fees; Payment for Services” which specifies the rate of compensation to employees of the Township Police Department performing Extra Duty Services shall be repealed and replaced by the following language:

Because of the myriad types of assignments that Police Officers may be called upon to perform, it is reasonable that different rates apply.

a. Unless there are contractual agreements with a vendor/contractor to the contrary, the following rates of compensation apply:

- 1.** Steady Security/Crowd Control Assignments. Steady security and crowd control assignments shall be paid at a rate as prescribed by Resolution. This rate includes a administrative fee prescribed by the same Resolution.
- 2.** Special Event Security/Crowd Control Assignments. Special event security and crowd control assignments shall be paid at a rate as prescribed by Resolution. This rate includes an administrative fee prescribed by the same Resolution. Special event security/crowd control assignments are defined as assignments not worked on a regular/steady basis.
- 3.** Special Event-New Year's Eve. Special event-New Year's Eve assignments shall be paid at a rate as prescribed by Resolution. This rate includes an administrative fee to be prescribed by the same Resolution.
- 4.** Traffic/Road Construction. Assignments for all traffic control at construction site assignments shall be as follows:

(a) Assignments between 12:00 a.m. on Monday and 11:59 p.m. on Friday shall be paid at a rate as prescribed by Resolution. This rate includes an

administrative fee prescribed by the same Resolution.

(b) Assignments between 12:00 a.m. on Saturday and 11:59 p.m. on Sunday shall be paid at a rate as prescribed by Resolution. This rate includes an administrative fee prescribed by the same Resolution..

(c) All road construction assignments that require the use of a marked patrol unit shall be charged additionally, as prescribed by Resolution. This is in addition to the administrative fees already billed. The assignment of the vehicle will be determined by the Police Administration and availability of the vehicles at the time of the request.

b. All assignments shall have a four hour minimum per officer contracted.

c. Officers are entitled to the minimum hours of compensation stipulated in subsection 4-34.3b if their assignment is cancelled upon their arrival at the job site without advance notice stipulated in subsection 4-34.4c.

d. Officers who begin an assignment, but who are cancelled prior to the completion of the assignment shall be entitled to the minimum compensation stipulated in subsection 4-34.3b or the number of hours worked, whichever is longer.

III. REPEAL OF CONFLICTING ORDINANCES

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

IV. SEVERABILITY

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

V. EFFECTIVE DATE

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

SUSAN MCCARTNEY, MAYOR

**TAMMY WILLIAMS,
COUNCIL PRESIDENT**

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

INTRODUCED: May 2, 2023

ADOPTED: June 13, 2023

2748-23

Legislative History

The purpose of this ordinance is to modify the fines set forth in Chapter 4 of the Revised General Ordinances of the Township of West Orange to be subject to adjustment by Resolution.

**AN ORDINANCE AMENDING CHAPTER 5, SECTION 3.3 OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(TRANSIENT MERCHANTS-LICENSE FEE; PAYMENT BEFORE SALE;
TERMS OF LICENSE)**

**BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF
WEST ORANGE, NEW JERSEY** that Chapter 5, Section 3.3 of the Revised General
Ordinances of the Township of West Orange be and are hereby amended as follows:

I. PURPOSE

The purpose of this ordinance is to modify the fines set forth in Chapter 5, Section 3.3 of the Revised General Ordinances of the Township of West Orange to be amendable by Resolution such that it is amendable in the future by approval of the Township Council, a necessity in an everchanging socioeconomic climate.

**II. CHAPTER 5, SECTION 3.3 SHALL BE AND HEREBY IS AMENDED AND
SUPPLEMENTED TO INCORPORATE THE FOLLOWING:**

§5-3.3 BE AND HEREBY AMENDED AS FOLLOWS:

- The portion entitled “License Fee; Payment before Sale; Terms of License” which specifies the licensing fee to be paid by transient merchants shall be repealed and replaced by the following language:

All transient merchants or itinerant vendors shall, before offering for sale any personal property, pay to the Township Clerk a fee as prescribed by Resolution, and upon payment of such sum, he/she shall be entitled to apply for and receive a license which shall continue in favor of the person to whom it is issued for the period of 180 days from the day of issuance.

III. REPEAL OF CONFLICTING ORDINANCES

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

IV. SEVERABILITY

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

V. EFFECTIVE DATE

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

SUSAN MCCARTNEY, MAYOR

**TAMMY WILLIAMS,
COUNCIL PRESIDENT**

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

INTRODUCED: May 2, 2023

ADOPTED: June 13, 2023

2749-23

Legislative History

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

**AN ORDINANCE AMENDING CHAPTER 5, SECTION 5.1 OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(AUCTIONEERS-LICENSE REQUIRED)**

**BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF
WEST ORANGE, NEW JERSEY** that Chapter 5, 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 5, Section 5.1 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 5, SECTION 5.1 SHALL BE AND HEREBY IS AMENDED AND
SUPPLEMENTED TO INCORPORATE THE FOLLOWING:**

§5-5.1 BE AND HEREBY AMENDED AS FOLLOWS:

- The portion entitled “License Required” which specifies the fee for conducting an auction shall be repealed and replaced by the following language:

Every auctioneer shall obtain a license by filing an application as provided by this chapter. The fee for conducting each auction shall be prescribed by Resolution. The Township Council may waive this fee for an auction sponsored by a nonprofit organization upon proper application to the Township Council, who may so decide based upon information in the request submitted by such nonprofit organization.

III. REPEAL OF CONFLICTING ORDINANCES

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

IV. SEVERABILITY

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

V. EFFECTIVE DATE

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

SUSAN MCCARTNEY, MAYOR

**TAMMY WILLIAMS,
COUNCIL PRESIDENT**

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

INTRODUCED: May 2, 2023

ADOPTED: June 13, 2023

2750-23

Legislative History

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

**AN ORDINANCE AMENDING CHAPTER 5, SECTION 6.4, OF THE REVISED GENERAL
ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(THEATERS ISSUANCE OF LICENSE; FEE)**

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WEST ORANGE, NEW JERSEY that Chapter 5, Section 6.4 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 5, Section 6.4 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 5, SECTION 6.4 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

§5-6.4 BE AND HEREBY AMENDED AS FOLLOWS:

- The portion entitled “Issuance of License; Fee” which specifies fee included with regard to the issuance of a license to produce a theater as defined under the Township of West Orange Municipal Code shall be repealed and replaced by the following language:

If the reports of the Chief of Police and the Code Enforcement Officer are favorable, the Township Clerk shall issue the license immediately upon payment of the required license fee. The fee for a license to operate a motion picture theater shall be prescribed by Resolution. The fee for a play, concert, vaudeville or variety show shall also be prescribed by Resolution. In lieu of the foregoing fee, the producer of a play or show, or the operator of a theater in which such plays or shows are performed, may pay an annual license fee per year for theaters with a seating capacity of 500 and under, the amount of which as prescribed by Resolution, a separate fee as prescribed by Resolution for theaters with a seating capacity of 500 to 1,000 or a separate fee per year prescribed by Resolution for theaters with a seating capacity of 1,000 or more.

III. REPEAL OF CONFLICTING ORDINANCES

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

IV. SEVERABILITY

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

V. EFFECTIVE DATE

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

SUSAN MCCARTNEY, MAYOR

**TAMMY WILLIAMS,
COUNCIL PRESIDENT**

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

INTRODUCED: May 2, 2023

ADOPTED: June 13, 2023

**AN ORDINANCE AMENDING CHAPTER 5, SECTION 7.2 OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(PUBLIC DANCE HALLS AND PUBLIC DANCES-LICENSE REQUIRED; FEE)**

**BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF
WEST ORANGE, NEW JERSEY** that Chapter 5, Section 7.2 of the Revised General Ordinances of the Township of West Orange be and are hereby amended as follows:

I. PURPOSE

The purpose of this ordinance is to modify the fines set forth in Chapter 5, Section 7.2 of the Revised General Ordinances of the Township of West Orange to be amendable by Resolution such that it is amendable in the future by approval of the Township Council, a necessity in an everchanging socioeconomic climate.

**II. CHAPTER 5, SECTION 7.2 SHALL BE AND HEREBY IS AMENDED AND
SUPPLEMENTED TO INCORPORATE THE FOLLOWING:**

§5-7.2 BE AND HEREBY AMENDED AS FOLLOWS:

- The portion entitled “License Required; Fee” which specifies fee to be paid in accordance with conducting a public dance or public dance hall within the Township of West Orange shall be repealed and replaced by the following language:

No person shall conduct a public dance or dance hall within the Township without having first obtained either a public dance license or a dance hall license, whichever is appropriate, in the manner provided in this section.
The fee for a license shall 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: May 2, 2023

ADOPTED: June 13, 2023

2752-23

Legislative History

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

**AN ORDINANCE AMENDING CHAPTER 5, SECTION 8.3 OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(RETAIL FOOD ESTABLISHMENTS-FEES)**

**BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF
WEST ORANGE, NEW JERSEY** that Chapter 5, Section 8.3 of the Revised General
Ordinances of the Township of West Orange be and are hereby amended as follows:

I. PURPOSE

The purpose of this ordinance is to modify the fines set forth in Chapter 5, Section 8.3 of the Revised General Ordinances of the Township of West Orange to be amendable by Resolution such that it is amendable in the future by approval of the Township Council, a necessity in an everchanging socioeconomic climate.

**II. CHAPTER 5, SECTION 8.3 SHALL BE AND HEREBY IS AMENDED AND
SUPPLEMENTED TO INCORPORATE THE FOLLOWING:**

§5-8.3 BE AND HEREBY AMENDED AS FOLLOWS:

- The portion entitled “Fees” which specifies the yearly fee to be paid in accordance with retail food establishments located within the Township of West Orange shall be repealed and replaced by the following language:

The yearly license fees for retail food establishments shall be prescribed by Resolution and shall vary depending on the type of retail food establishment that seeks a permit.

III. REPEAL OF CONFLICTING ORDINANCES

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

IV. SEVERABILITY

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

V. EFFECTIVE DATE

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

SUSAN MCCARTNEY, MAYOR

**TAMMY WILLIAMS,
COUNCIL PRESIDENT**

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

INTRODUCED: May 2, 2023

ADOPTED: June 13, 2023

2753-23
Legislative History

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

**AN ORDINANCE AMENDING CHAPTER 5, SECTION 9.2 OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(FOOD AND BEVERAGE VENDING MACHINES-PERMIT AND LICENSE FEES)**

**BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF
WEST ORANGE, NEW JERSEY** that Chapter 5, Section 9.2 of the Revised General Ordinances of the Township of West Orange be and are hereby amended as follows:

I. PURPOSE

The purpose of this ordinance is to modify the fines set forth in Chapter 5, Section 9.2 of the Revised General Ordinances of the Township of West Orange to be amendable by Resolution such that it is amendable in the future by approval of the Township Council, a necessity in an everchanging socioeconomic climate.

**II. CHAPTER 5, SECTION 9.2 SHALL BE AND HEREBY IS AMENDED AND
SUPPLEMENTED TO INCORPORATE THE FOLLOWING:**

§5-9.2 BE AND HEREBY AMENDED AS FOLLOWS:

- The portion entitled “Permit and License Fees” which specifies the fee to be paid in accordance with operating a food and beverage machine within the Township of West Orange shall be repealed and replaced by the following language:

The annual fee for a permit or license under this section, which fee is to be collected by the Department of Health and Welfare, shall 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: May 2, 2023

ADOPTED: June 13, 2023

Legislative History

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

**AN ORDINANCE AMENDING CHAPTER 5, SECTION 12.10 OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(JUKEBOXES)**

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WEST ORANGE, NEW JERSEY that Chapter 5, Section 12.10 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 5, Section 12.10 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 5, SECTION 12.10 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

§5-12.10 BE AND HEREBY AMENDED AS FOLLOWS:

- The portion entitled “Jukeboxes” which specifies the process for applying for a machine commonly known as a jukebox in a commercial establishment and prescribing a licensing fee for jukeboxes in the Township of West Orange shall be repealed and replaced by the following language:
 - a. Application of Regulation. This subsection shall apply to those machines located in commercial establishments which play music automatically upon the insertion of a coin, slug, token, plate, disc or key, and which are commonly known as jukeboxes.
 - b. License Required. No owner of a jukebox shall permit such machine to be used within the Township without first obtaining a license and paying the required fee for each machine.
 - c. Issuance of License. The Township Clerk shall issue licenses and collect license fees from owners of jukeboxes upon application being made on forms supplied by the Township Clerk and upon the payment of the requisite fee.
 - d. Fee. Owners shall pay a license fee prescribed by Resolution per machine per year at the time of applying for a license from the Township Clerk.
 - e. Penalty. For violation of any provision of this subsection, penalties shall be in accordance with Chapter 1, § 1-5.

III. REPEAL OF CONFLICTING ORDINANCES

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

IV. SEVERABILITY

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

V. EFFECTIVE DATE

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

SUSAN MCCARTNEY, MAYOR

**TAMMY WILLIAMS,
COUNCIL PRESIDENT**

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

INTRODUCED: May 2, 2023

ADOPTED: June 13, 2023

2755-23

Legislative History

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

**AN ORDINANCE AMENDING CHAPTER 5, SECTION 12.5 OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(MECHANICAL AND ELECTRONIC AMUSEMENT DEVICES:
LICENSE REQUIRED)**

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WEST ORANGE, NEW JERSEY that Chapter 5, Section 12.5 of the Revised General Ordinances of the Township of West Orange be and are hereby amended as follows:

I. PURPOSE

The purpose of this ordinance is to modify the fines set forth in Chapter 5, Section 12.5 of the Revised General Ordinances of the Township of West Orange to be amendable by Resolution such that it is amendable in the future by approval of the Township Council, a necessity in an everchanging socioeconomic climate.

II. CHAPTER 5, SECTION 12.5 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

§5-12.5 BE AND HEREBY AMENDED AS FOLLOWS:

- The portion entitled “License Fees” which specifies the fee to be paid in accordance with operating mechanical and electrical amusement devices in the Township of West Orange shall be repealed and replaced by the following language:
 - a.** The maximum number of mechanical amusement devices permitted in any one premises shall be five machines.
 - b.** Distributors of mechanical amusement devices shall be charged a fee prescribed by Resolution for each machine distributed as an annual license fee.
 - c.** Operators of mechanical amusement devices shall be charged a fee prescribed by resolution for each machine as an annual license fee. An operator who uses machines owned by him or her in his/her own place of business shall be charged only an operator's fee for each such machine, provided however, that he or she submit proof satisfactory to the Township Clerk that he or she is the actual owner of the machine or machines.
 - d.** In any licensed premises there shall be 50 square feet of operating area for each mechanical amusement device. The calculation of the operating area shall exclude any area of the premises which is used for other purposes but shall include access and walkways primarily serving the amusement device, provided however, that the maximum number of mechanical amusement devices permitted in any one premises shall be five machines

III. REPEAL OF CONFLICTING ORDINANCES

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

IV. SEVERABILITY

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

V. EFFECTIVE DATE

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

SUSAN MCCARTNEY, MAYOR

**TAMMY WILLIAMS,
COUNCIL PRESIDENT**

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

INTRODUCED: May 2, 2023

ADOPTED: June 13, 2023

Legislative History

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

**AN ORDINANCE AMENDING CHAPTER 5, SECTION 11.1 OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(COIN OPERATING BUSINESS: LICENSE REQUIRED)**

**BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF
WEST ORANGE, NEW JERSEY** that Chapter 5, Section 11.1 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 5, Section 11.1 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 5, SECTION 11.1 SHALL BE AND HEREBY IS AMENDED AND
SUPPLEMENTED TO INCORPORATE THE FOLLOWING:**

§5-11.1 BE AND HEREBY AMENDED AS FOLLOWS:

- The portion entitled “License Required” which specifies the fee to be paid in accordance with operating a coin machine in the Township of West Orange shall be repealed and replaced by the following language:

No coin-operated business shall be permitted unless, upon written application, a license for its operation shall be obtained. In addition to the information required by Subsection 5-1.2, the application shall set forth the type of operation and the number of machines proposed to be operated. The application shall be accompanied by an annual fee prescribed by Resolution. The license shall be issued by the Township Clerk upon authorization 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: May 2, 2023

ADOPTED: June 13, 2023

2757-23

Legislative History

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

**AN ORDINANCE AMENDING CHAPTER 5, SECTION 10.4 OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(OUTDOOR CAFES: FEES)**

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WEST ORANGE, NEW JERSEY that Chapter 5, Section 10.4 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 5, Section 10.4 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 5, SECTION 10.4 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

§5-10.4 BE AND HEREBY AMENDED AS FOLLOWS:

- The portion entitled “Outdoor Cafes-Fees” which specifies the fee to be paid in accordance with operating an outdoor café in the Township of West Orange shall be repealed and replaced by the following language:
 - a.** All applicants when submitting an application for an outdoor cafe license shall pay a nonrefundable application fee of to be prescribed by Resolution.
 - b.** Any successful applicant for an outdoor cafe which will be located on a public sidewalk or public easement shall pay an annual license fee to be prescribed by Resolution.
 - c.** Any successful applicant for an outdoor cafe which will be located on the property of an existing restaurant shall pay an annual license fee to be prescribed by Resolution for each outdoor seat.

III. REPEAL OF CONFLICTING ORDINANCES

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

IV. SEVERABILITY

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

V. EFFECTIVE DATE

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

SUSAN MCCARTNEY, MAYOR

**TAMMY WILLIAMS,
COUNCIL PRESIDENT**

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

INTRODUCED: May 2, 2023

ADOPTED: June 13, 2023

2759-23

Legislative History

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

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WEST ORANGE, NEW JERSEY that Chapter 5, Section 13.2 of the Revised General Ordinances of the Township of West Orange be and are hereby amended as follows:

I. PURPOSE

The purpose of this ordinance is to modify the fines set forth in Chapter 5, Section 13.2 of the Revised General Ordinances of the Township of West Orange to be amendable by Resolution such that it is amendable in the future by approval of the Township Council, a necessity in an everchanging socioeconomic climate.

II. CHAPTER 5, SECTION 13.2 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

§5-13.2 BE AND HEREBY AMENDED AS FOLLOWS:

- The portion entitled "License Required; Fee" which specifies licensing requirements for operating a garage sale in the Township of West Orange shall be repealed and replaced by the following language:

It shall be unlawful for any person to conduct a garage sale in the Township without first filing with the Planning Department the information hereinafter specified and obtaining from the Planning Department, a license to do so, to be known as a "Garage Sale License." The fee for such license shall be fixed 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: May 2, 2023

ADOPTED: June 13, 2023

**AN ORDINANCE AMENDING CHAPTER 5, SECTION 17.3 OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(DEALERS IN SECONDHAND JEWELRY AND PRECIOUS METALS: LICENSES
FEES; EXPIRATION OF LICENSE)**

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WEST ORANGE, NEW JERSEY that Chapter 5, Section 17.3 of the Revised General Ordinances of the Township of West Orange be and are hereby amended as follows:

I. PURPOSE

The purpose of this ordinance is to modify the fines set forth in Chapter 5, Section 17.3 of the Revised General Ordinances of the Township of West Orange to be amendable by Resolution such that it is amendable in the future by approval of the Township Council, a necessity in an everchanging socioeconomic climate.

II. CHAPTER 5, SECTION 17.3 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

§5-17.3 BE AND HEREBY AMENDED AS FOLLOWS:

- The portion entitled “License Fees; Expiration of License” which specifies licensing requirements for dealers in secondhand jewelry and precious metals in the Township of West Orange shall be repealed and replaced by the following language:
 - a. Upon issuance of a license, the fee shall be based as follows:
 - 1. Permanent-based business: a yearly fee is required prescribed by Resolution.
 - 2. Itinerant business: a daily fee is required prescribed by Resolution..
 - b. A license issued under the provisions of this section shall not be transferable and shall terminate on December 31 of the year in which the license is issued.

III. REPEAL OF CONFLICTING ORDINANCES

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

IV. SEVERABILITY

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

V. EFFECTIVE DATE

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

SUSAN MCCARTNEY, MAYOR

**TAMMY WILLIAMS,
COUNCIL PRESIDENT**

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

INTRODUCED: May 2, 2023

ADOPTED: June 13, 2023

Legislative History

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

**AN ORDINANCE AMENDING CHAPTER 5, SECTION 21.5 OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(LICENSING OF CONTRACTORS; LICENSE FEES AND TERM)**

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WEST ORANGE, NEW JERSEY that Chapter 5, Section 21.5 of the Revised General Ordinances of the Township of West Orange be and are hereby amended as follows:

I. PURPOSE

The purpose of this ordinance is to modify the fines set forth in Chapter 5, Section 21.5 of the Revised General Ordinances of the Township of West Orange to be amendable by Resolution such that it is amendable in the future by approval of the Township Council, a necessity in an everchanging socioeconomic climate.

II. CHAPTER 5, SECTION 21.5 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

§5-21.5 BE AND HEREBY AMENDED AS FOLLOWS:

- The portion entitled “License Fees and Terms” which specifies the fees contractors who perform work in the Township of West Orange must pay shall be repealed and replaced by the following language:
 - a. Upon the filing of the application, the applicant shall pay to the Township a fee as prescribed by Resolution. A similar fee shall be paid upon the filing of an application for relicensing after revocation of a license previously issued.
 - b. The term of any license shall expire on December 31 of the calendar year in which it is issued and shall be renewed on January 1 of each year.
 - c. An application to renew such license shall be filed with the Construction Official in December of the year preceding that for which renewal is sought on a renewal form provided by the Township. There shall be an annual renewal fee as prescribed by Resolution and the criteria for renewal shall be the same as set forth in Subsection 5-21.4 hereof for the issuance of such license. Failure to renew any license on or before January 31 of the calendar year for which it is sought shall cause the license to lapse and any subsequent application shall be deemed to be an original application filed in accordance with the provisions hereof and shall require the payment of the appropriate fee.

III. REPEAL OF CONFLICTING ORDINANCES

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

IV. SEVERABILITY

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

V. EFFECTIVE DATE

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

SUSAN MCCARTNEY, MAYOR

**TAMMY WILLIAMS,
COUNCIL PRESIDENT**

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

INTRODUCED: May 2, 2023

ADOPTED: June 13, 2023

Legislative History

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

**AN ORDINANCE AMENDING CHAPTER 5, SECTION 22.4 OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(LICENSING OF PUBLIC TELEPHONES; LICENSE FEES AND TERM)**

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WEST ORANGE, NEW JERSEY that Chapter 5, Section 22.4 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 5, Section 22.4 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 5, SECTION 22.4 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

§5-22.4 BE AND HEREBY AMENDED AS FOLLOWS:

- The portion entitled “License Fees and Terms” which specifies the fees paid to the Township of West Orange to operate an outdoor telephone shall be repealed and replaced by the following language:
 - a. Upon the filing of the application, the applicant shall pay to the Township a fee of prescribed by Resolution for each telephone.
 - b. The term of any license shall expire on December 31 of each calendar year in which it is issued and shall be renewed on January 1 of each year.
 - c. An application to renew such license shall be filed with the Township Engineer in December of the year preceding that for which renewal is sought on a renewal form provided by the Township. There shall be an annual renewal fee prescribed by Resolution and the criteria for renewal shall be the same as set forth herein for the issuance of such license. Failure to renew any license on or before January 31 of the calendar year for which it is sought shall cause the license to lapse and any subsequent application shall be deemed to be an original application filed in accordance with the provisions hereof and shall require the payment of the appropriate fee.
 - d. All applications shall be forwarded to the Chief of Police for comment and recommendations.

III. REPEAL OF CONFLICTING ORDINANCES

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

IV. SEVERABILITY

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

V. EFFECTIVE DATE

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

SUSAN MCCARTNEY, MAYOR

**TAMMY WILLIAMS,
COUNCIL PRESIDENT**

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

INTRODUCED: May 2, 2023

ADOPTED: June 13, 2023

Legislative History

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

**AN ORDINANCE AMENDING CHAPTER 5, SECTION 23.4 OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(AMUSEMENT GAMES AND AGRICULTURAL FAIRS AND EXPOSITIONS;
RAFFLES)**

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WEST ORANGE, NEW JERSEY that Chapter 5, Section 23.4 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 5, Section 23.4 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 5, SECTION 23.4 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

§5-23.4 BE AND HEREBY AMENDED AS FOLLOWS:

- The portion entitled “License Fees; Terms” which specifies the fees paid to the Township of West Orange to operate amusement games, agricultural fairs and expositions shall be repealed and replaced by the following language:
 - a. All licenses shall be issued for the term set forth therein but each license shall expire one year after the date of issuance.
 - b. There shall be a nonrefundable license fee prescribed by Resolution for each license issued for amusement games to be played at an Agricultural Fair and Exposition, but if the term of any Agricultural Fair and Exposition exceeds 30 days the nonrefundable license fee which is prescribed by Resolution.
 - c. All license fee for all other amusement games not played at an Agricultural Fair and Exposition shall be prescribed and categorized by Resolution based on the activity.
 - d. Senior Citizen Special Bingo Permits shall be exempt from any fee imposed by the Township.
 - e. Bingo and Raffle Permits issued to the West Orange Board of Education shall be exempt from any fee imposed by 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: May 2, 2023

ADOPTED: June 13, 2023

Legislative History

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

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

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

I. PURPOSE

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

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

§5-24.5 BE AND HEREBY AMENDED AS FOLLOWS:

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

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

III. REPEAL OF CONFLICTING ORDINANCES

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

IV. SEVERABILITY

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

V. EFFECTIVE DATE

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

SUSAN MCCARTNEY, MAYOR

**TAMMY WILLIAMS,
COUNCIL PRESIDENT**

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

INTRODUCED: May 2, 2023

ADOPTED: June 13, 2023

2764-23
Legislative History

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

**AN ORDINANCE AMENDING CHAPTER 5, SECTION 31.11 OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(ALARM SYSTEMS; VIOLATIONS AND PENALTIES)**

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WEST ORANGE, NEW JERSEY that Chapter 5, Section 31.11 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 5, Section 31.11 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 5, SECTION 31.11 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

§5-31.11 BE AND HEREBY AMENDED AS FOLLOWS:

- The portion entitled “Violations and Penalties” which specifies the fine paid to the Township of West Orange if a person or business is found guilty of a violation of this section of the Township Municipal Code shall be repealed and replaced by the following language:

a. False Alarms.

1. For the first false alarm without satisfactory reason in any twelve-month period, a written warning shall be issued.
2. For the second false alarm without satisfactory reason in the same twelve-month period, a fine prescribed by Resolution shall be paid to the Township.
3. For the third or subsequent false alarm without satisfactory reason in the same twelve-month period, a fine prescribed by Resolution shall be paid to the Township.
4. When deciding to issue a summons for violations of this section, the emergency service worker should consider the time period between activations in order to allow the alarm subscriber time to effect repairs to the systems.

b. Other Violations and Penalties. Any person violating any of the provisions of this section, except as set forth in Subsection **a** above shall, for each offense, be liable to the penalty, upon conviction, as stated in Chapter 1, § 1-5. Each incident 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: May 2, 2023

ADOPTED: June 13, 2023

2765-23

Legislative History

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

**AN ORDINANCE AMENDING CHAPTER 5, SECTION 27.4 OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(LICENSING AND REGISTRATION OF TREE CARE PROFESSIONALS)**

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WEST ORANGE, NEW JERSEY that Chapter 5, Section 27.4 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 5, Section 27.4 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 5, SECTION 27.4 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

§5-27.4 BE AND HEREBY AMENDED AS FOLLOWS:

- The portion entitled “Application for License and License Fee” which specifies the fees paid to the Township of West Orange by Qualified Tree Experts shall be repealed and replaced by the following language:

Applications for licensing pursuant to this section shall be made to the Department of Public Works under oath on a form furnished by the Township. Upon the filing of the application, the applicant shall pay to the Township a fee prescribed by Resolution. The application shall set forth the following information:

- a. The applicant’s name, business name and business address.
- b. Whether the applicant is an individual, a partnership or corporation.
- c. If the applicant is an individual, the applicant's resident address.
- d. If the applicant is a partnership, the names of the partners and their respective residence addresses.
- e. If the applicant is a corporation or other entity, the names of all corporate officers and all stockholders who possess more than 10% of its stock, the name and address of the registered agent and the address of the principal office of the corporation.
- f. Whether the applicant or any partners or officers thereof have ever been convicted of a crime, and if so, the name of the person convicted, the date of conviction, the crime or charge involved and the disposition thereof.
- g. Whether the applicant or any partner, shareholder or officer has been named in a complaint to the State or County, the Division of Consumer

Affairs, the Better Business Bureau or any other similar agency and the disposition of such a complaint.

h. Whether the applicant or any partner, shareholder or officer has been named party defendant in a civil suit for any reason related to his or her work as contractor or subcontractor as defined above and the disposition of such litigation.

i. The number of years the applicant has been in business at its present business address and all prior locations.

j. Evidence of state licensure under the Tree Expert and Tree Care Operator Licensing Act, N.J.S.A. 45:15C-11 et. seq.

k. Acknowledgment and certification that the applicant has reviewed Chapter 25, § 25-27 of the Revised General Ordinances of the Township of West Orange 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: May 2, 2023

ADOPTED: June 13, 2023

Legislative History

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

**AN ORDINANCE AMENDING CHAPTER 5, SECTION 32.6 OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(POLICE REQUESTED TOWING AND STORAGE SERVICES; FEES)**

**BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF
WEST ORANGE, NEW JERSEY** that Chapter 5, Section 32.6 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 5, Section 32.6 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 5, SECTION 32.6 SHALL BE AND HEREBY IS AMENDED AND
SUPPLEMENTED TO INCORPORATE THE FOLLOWING:**

§5-32.6 BE AND HEREBY AMENDED AS FOLLOWS:

- The portion entitled “Fees” which specifies the fee for a person or business operating and/or performing towing services in the Township Municipal Code shall be repealed and replaced by the following language:

There shall be a nonrefundable application fee prescribed by Resolution payable with the submission of any application for a license.

III. REPEAL OF CONFLICTING ORDINANCES

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

IV. SEVERABILITY

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

V. EFFECTIVE DATE

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

SUSAN MCCARTNEY, MAYOR

**TAMMY WILLIAMS,
COUNCIL PRESIDENT**

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

INTRODUCED: May 2, 2023

ADOPTED: June 13, 2023

2767-23
Legislative History

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

**AN ORDINANCE AMENDING CHAPTER 5, SECTION 33.6 OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(LICENSING FOR “SHOP LOCAL” REWARD PROGRAMS; APPLICATION AND
LICENSE FEES)**

**BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF
WEST ORANGE, NEW JERSEY** that Chapter 5, Section 33.6 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 5, Section 33.6 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 5, SECTION 33.6 SHALL BE AND HEREBY IS AMENDED AND
SUPPLEMENTED TO INCORPORATE THE FOLLOWING:**

§5-33.6 BE AND HEREBY AMENDED AS FOLLOWS:

- The portion entitled “Application and License Fees” which specifies the application fee for a person or business seeking to apply to operate and administer a Shop Local Program in the Township of West Orange shall be repealed and replaced by the following language:
 - a.** Application Fee. In order to submit an application for a license pursuant to this section, the applicant shall remit a nonrefundable application fee in an amount prescribed by Resolution to the Township Clerk. This application fee shall not apply to applications for license renewals.
 - b.** License Fee. The applicant shall remit a fee prescribed by Resolution for the initial two-year term of its license. If the license is renewed for subsequent three year term(s) in accordance with Subsection 5-33.5, the applicant shall pay to the Township a nonrefundable license fee in an amount 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: May 2, 2023

ADOPTED: June 13, 2023

2768-23
Legislative History

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

**AN ORDINANCE AMENDING CHAPTER 5, SECTION 15.3 OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(DISTRIBUTION OF PAPERS AND OTHER PRINTED MATERIALS)**

**BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF
WEST ORANGE, NEW JERSEY** that Chapter 5, Section 15.3 of the Revised General Ordinances of the Township of West Orange be and are hereby amended as follows:

I. PURPOSE

The purpose of this ordinance is to modify the fines set forth in Chapter 5, Section 15.3 of the Revised General Ordinances of the Township of West Orange to be amendable by Resolution such that it is amendable in the future by approval of the Township Council, a necessity in an everchanging socioeconomic climate.

**II. CHAPTER 5, SECTION 15.3 SHALL BE AND HEREBY IS AMENDED AND
SUPPLEMENTED TO INCORPORATE THE FOLLOWING:**

§5-15.3BE AND HEREBY AMENDED AS FOLLOWS:

- The portion entitled “Issuance of License; Fee” which specifies licensing requirements for the distribution of papers and other printed materials in the Township of West Orange shall be repealed and replaced by the following language:

A license shall be issued by the Township Clerk, pursuant to the general licensing procedures contained in § 5-1 of the General Ordinances of the Township of West Orange, on the payment of a fee in an amount prescribed by Resolution for each day, for each person to whom a license is issued. The Township Clerk shall endorse on each license the amount of the fee and the dates on which the license shall be valid.

III. REPEAL OF CONFLICTING ORDINANCES

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

IV. SEVERABILITY

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

V. EFFECTIVE DATE

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

SUSAN MCCARTNEY, MAYOR

**TAMMY WILLIAMS,
COUNCIL PRESIDENT**

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

INTRODUCED: May 2, 2023

ADOPTED: June 13, 2023

Legislative History

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

**AN ORDINANCE AMENDING CHAPTER 7, SECTION 4.1 OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(ON-STREET REGULATIONS-SCHOOL ZONES)**

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WEST ORANGE, NEW JERSEY that Chapter 7, Section 4.1 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 7, Section 4.1 of the Revised General Ordinances of the Township of West Orange (the “Township Code”) 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 7, SECTION 4.1 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

§7-4.1 BE AND HEREBY AMENDED AS FOLLOWS:

- The portion entitled “School Zones” which specifies the penalty to a persons convicted of a violation of Chapter 7 of the Township Municipal Code within a school zone shall be repealed and replaced by the following language:
 - a.** Unless another penalty is expressly provided by New Jersey Statute, every person convicted of a violation of this chapter or any supplement thereto, within a School Zone as established by § 7-33, shall be prescribed by Resolution at the approval of the Township Council.:
 - b.** Mandatory Court Appearance Required. Any person issued a summons charging a violation of this chapter within a School zone, except as expressly provided by New Jersey Statute, shall personally appear in Municipal Court to plead or otherwise respond thereto and may not waive the appearance by use of the mails or otherwise.

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: June 13, 2023

ADOPTED: June 27, 2023

Legislative History

The purpose of this ordinance is to modify the fines set forth in Chapter 7 of the Revised General Ordinances of the Township of West Orange to be subject to adjustment by Resolution.

**AN ORDINANCE AMENDING CHAPTER 7, SECTION 8.9 OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(CONSTRUCTION ZONE-VIOLATIONS AND PENALTIES)**

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WEST ORANGE, NEW JERSEY that Chapter 7, Section 8.9 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 7, Section 8.9 of the Revised General Ordinances of the Township of West Orange (the “Township Code”) 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 7, SECTION 8.9 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

§7-8.9 BE AND HEREBY AMENDED AS FOLLOWS:

- The portion entitled “Violations and Penalties” which specifies the penalty to a persons convicted of a violation of Chapter 7, Section 8 of the Township Municipal Code governing traffic control in a construction zone shall be repealed and replaced by the following language:

Any person, contractor or utility who commits a violation of this section shall, upon conviction be subject to punishment as prescribed by Resolution.

A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

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: June 13, 2023

ADOPTED: June 27, 2023

Legislative History

The purpose of this ordinance is to modify the fines set forth in Chapter 7 of the Revised General Ordinances of the Township of West Orange to be subject to adjustment by Resolution.

**AN ORDINANCE AMENDING CHAPTER 7, SECTION 14.10(e) OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(PARKING OF COMMERCIAL VEHICLE ON STREETS-PENALTIES)**

**BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF
WEST ORANGE, NEW JERSEY** that Chapter 7, Section 14.10(e) 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 7, Section 14.10(e) of the Revised General Ordinances of the Township of West Orange (the “Township Code”) 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 7, SECTION 14.10(e) SHALL BE AND HEREBY IS AMENDED AND
SUPPLEMENTED TO INCORPORATE THE FOLLOWING:**

§7-14.10(e) BE AND HEREBY AMENDED AS FOLLOWS:

- The portion entitled “Violations and Penalties” which specifies the penalty to a persons convicted of a violation of Chapter 7, Section 14.10 of the Township Municipal Code governing parking of commercial vehicles on residential streets, highways, public place or private road in the Township of West Orange shall be repealed and replaced by the following language:

(e) Penalties. Any person convicted of violating this subsection shall be liable to a fine in an amount 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: June 13, 2023

ADOPTED: June 27, 2023

Legislative History

The purpose of this ordinance is to modify the fines set forth in Chapter 7 of the Revised General Ordinances of the Township of West Orange to be subject to adjustment by Resolution.

**AN ORDINANCE AMENDING CHAPTER 10, SECTION 3.4 OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(PET SHOPS, KENNELS, SHELTERS, POUNDS-LICENSE FEES)**

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WEST ORANGE, NEW JERSEY that Chapter 10, Section 3.4 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 10, Section 3.4 of the Revised General Ordinances of the Township of West Orange (the “Township Code”) 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 10, SECTION 3.4 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

§10-3.4 BE AND HEREBY AMENDED AS FOLLOWS:

- The portion entitled “License Fees” which specifies the annual fees applicable for kennel and pet shop licenses under Chapter 10 Section 3 of the Township Municipal Code shall be repealed and replaced by the following language:

The annual license fees for kennel and pet shop licenses shall be set forth 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: June 13, 2023

ADOPTED: June 27, 2023

Legislative History

The purpose of this ordinance is to modify the fines set forth in Chapter 10 of the Revised General Ordinances of the Township of West Orange to be subject to adjustment by Resolution.

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WEST ORANGE, NEW JERSEY that Chapter 10, Section 2.5 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 10, Section 2.5 of the Revised General Ordinances of the Township of West Orange (the “Township Code”) 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 10, SECTION 2.5 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

§10-2.5 BE AND HEREBY AMENDED AS FOLLOWS:

- The portion entitled “Fees” which specifies the license fee applicable for a dog license and dog registration fee application shall be repealed and replaced by the following language:

The following fees are applicable to dog license and dog registration fee applications:

a. The person applying for a license shall pay a fee in an amount prescribed by Resolution. These same fees shall apply and be charged with the annual renewal of each license and registration fee.

b. In addition, a late fee in an amount prescribed by Resolution will be charged to any person who submits an application on or after March 1 of any calendar year for a renewal of a license for a dog required to be licensed under subsection § 10-2.1a. Such fee shall be charged to each late application submitted.

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.

**AN ORDINANCE AMENDING CHAPTER 10, SECTION 8.7 OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(CONTROL OF ANIMALS-FEES FOR IMPOUNDMENT, REDEMPTION, BOARDING,
MEDICAL TREATMENT AND ADOPTION)**

**BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF
WEST ORANGE, NEW JERSEY** that Chapter 10, Section 8.7 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 10, Section 8.7 of the Revised General Ordinances of the Township of West Orange (the “Township Code”) 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 10, SECTION 8.7 SHALL BE AND HEREBY IS AMENDED AND
SUPPLEMENTED TO INCORPORATE THE FOLLOWING:**

§10-8.7 BE AND HEREBY AMENDED AS FOLLOWS:

- The portion entitled “Fees for Impoundment, Redemption, Boarding, Medical Treatment and Adoption” which specifies the annual fees applicable under Chapter 10, Section 8 governing the Control of Animals shall be repealed and replaced by the following language:
 - a. Any person whose dog is impounded by the Health Department for violation of subsection § 10-8.6 or otherwise shall pay the fee set forth by Resolution at the approval of the Township Council.
 - b. Boarding Facilities at the Alex Caprio Animal Control Facility. In addition to any other fees chargeable pursuant to the ordinances of the Township all owners of animals impounded by the Health Department shall pay the daily boarding fees as set forth by Resolution.
 - c. Emergency Treatment of Injured Animals. Any person owning an animal that has been injured and impounded by the Health Department shall pay all veterinary fees for the medical treatment and services that were required to treat that animal in addition to all other such fees that are chargeable.
 - d. Adoption Fees. The fees to be charged to any person who adopts dogs, puppies, cats and/or kittens from the Township shall be set forth 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: June 13, 2023

ADOPTED: June 27, 2023

2784-23
Legislative History

The purpose of this ordinance is to modify the fines set forth in Chapter 10 of the Revised General Ordinances of the Township of West Orange to be subject to adjustment by Resolution.

**AN ORDINANCE AMENDING CHAPTER 10, SECTION 10 OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(COMMISSION OF NUISANCE PROHIBITED-VIOLATIONS; PENALTY)**

**BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF
WEST ORANGE, NEW JERSEY** that Chapter 10, Section 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 10, Section 10 of the Revised General Ordinances of the Township of West Orange (the “Township Code”) 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 10, SECTION 10 SHALL BE AND HEREBY IS AMENDED AND
SUPPLEMENTED TO INCORPORATE THE FOLLOWING:**

§10-10 BE AND HEREBY AMENDED AS FOLLOWS:

- The portion entitled “Violations; Penalty” which specifies the fee to be paid for violations of Chapter 10, Section 8.11 of the Township Code governing the “pooper-scooper” regulations shall be repealed and replaced by the following language:
 - a. A person who violates or refuses to comply with subsection §10-8.11 shall be assessed a period of community service cleaning the Township's parks and playgrounds for a period of no less than two hours nor more than 10 hours and a fine in an amount prescribed by Resolution.
 - b. Any person who violates or refuses to comply with any other section of this chapter shall be liable to a penalty in an amount 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: June 13, 2023

ADOPTED: June 27, 2023

2785-23
Legislative History

The purpose of this ordinance is to modify the fines set forth in Chapter 10 of the Revised General Ordinances of the Township of West Orange to be subject to adjustment by Resolution.

**AN ORDINANCE AMENDING CHAPTER 10, SECTION 11.3 OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(LICENSING OF CATS-LICENSING REQUIREMENTS)**

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WEST ORANGE, NEW JERSEY that Chapter 10, Section 11.3 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 10, Section 11.3 of the Revised General Ordinances of the Township of West Orange (the “Township Code”) 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 10, SECTION 11.3 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

§10-11.3 BE AND HEREBY AMENDED AS FOLLOWS:

- The portion entitled “Licensing Requirements” which specifies the licensing requirements that govern the ownership of a cat in the Township shall be repealed and replaced by the following language:
 - a. Display of License Number Required. Any person who shall own, keep, or harbor a cat of licensing age shall annually apply for and procure from the Health Department a license and official registration tag with license number, or a registration sleeve for each cat so owned, kept, or harbored, and shall place upon such cat a collar, or other device with the license number securely fastened or displayed thereto. Acceptable methods of displaying license number shall include, but are not limited to, breakaway or elastic collars. License tags or sleeves are not transferable.
 - b. Time for Applying for License. The owner of any newly acquired cat of licensing age, or of any cat which attains licensing age, shall make application for license tag or sleeve for such cat within 10 days after such acquisition or age attainment. This requirement will not apply to a nonresident keeping a cat within the Township for not longer than 90 days. Applications shall be furnished by the Health Department.
 - c. Cats Brought into Township. Any person who shall bring, or cause to be brought into this Township, any cat licensed in another State for the current year, and bearing registration tag or sleeve, and shall keep the same or permit the same to be kept within the Township for a period of more than 90 days, shall immediately apply for a license and registration tag or sleeve for each such cat.

d. Application, Contents, Preservation of Information. The application shall state the breed, sex, age, color, and markings of the cat for which license and registration are sought, and whether it is of a long or shorthaired variety; also the name, street, and post office address of the owner, and the person who shall keep or harbor such cat. The information on the application and the registration number issued for the cat shall be preserved for a period of three years by the Health Department.

e. License Forms and Tags. License forms and official tags or sleeves shall be furnished by the Health Department and shall be numbered serially, and shall bear the year of issuance and the name of the municipality.

f. Evidence of Inoculation with Rabies Vaccine or Certification of Exemption; Requirement for License. The Health Department shall not grant any such license and official registration tag or sleeve for any cat, unless the owner thereof provides evidence that the cat to be licensed and registered has been inoculated with a rabies vaccine of a type approved by and administered in accordance with the recommendations of the United States Department of Human Services, or has been certified exempt as provided by subsection § 10-11.2. The rabies inoculation shall be administered by a duly licensed veterinarian, or by such other veterinarian permitted by law to do the same.

g. License Fee Schedule. A license shall be issued after payment of a fee as prescribed by Resolution. Persons who fail to obtain a license as required within the time period specified in this section, will be subject to a delinquent fee in an amount prescribed by Resolution.

h. Fees, Renewals, Expiration Date of License. License from another municipality shall be accepted. The person applying for the license and registration tag and/or sleeve shall pay the fee fixed or authorized. The fee for the renewal of license and registration tag or sleeve shall be the same as for the original, and the license, registration tag or sleeve and renewal thereof shall expire on January 31 of the following year. Only one license and registration tag or sleeve shall be required in the licensing year for any cat in this Township. Any valid New Jersey license tag or sleeve issued by a New Jersey municipality shall be accepted by this municipality as evidence of compliance.

i. Loss of License. If a license tag or sleeve has been misplaced or lost, the Health Department may issue a duplicate license and/or registration sleeve for that particular cat at a fee in an amount prescribed by Resolution.

j. Proof of Licensing. Proof of licensing shall be produced by any person owning, keeping, maintaining, or harboring a cat, upon the request of any Health Official, Police Officer, Animal Control Officer, or other authorized person.

k. Interfering with Persons Performing Duties Under this Section. No person shall hinder, molest, or interfere with anyone authorized or empowered to perform any duty under this section.

l. Disposition of Fees Collected. License fees and other moneys collected or received under the provisions of this section, shall be forwarded to the Chief Financial Officer of the Township, and shall be placed in a special account separate from any of the other accounts of the municipality and shall be used for the following purposes only; collecting, keeping, and disposing of cats liable to seizure, for local prevention and control of rabies, providing anti-rabies treatment under the direction of the Health Department for any person known or suspected to have been exposed to rabies, and for administering the provisions of this section. Any unexpected balance remaining in such special account shall be retained until the end of the third fiscal year following, and may be used for any of the purposes set forth in this section. At the end of the third fiscal year following and at the end of each fiscal year thereafter, there shall be transferred from such special account to the general funds of the municipality any amount then in such account which is in excess of the municipality any amount then in such account which is in excess of the total amount paid into the special account during the last two fiscal years next preceding.

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: June 13, 2023

ADOPTED: June 27, 2023

Legislative History

The purpose of this ordinance is to modify the fines set forth in Chapter 10 of the Revised General Ordinances of the Township of West Orange to be subject to adjustment by Resolution.

**AN ORDINANCE AMENDING CHAPTER 10, SECTION 11.4 OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(LICENSING OF CATS-PENALTY)**

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WEST ORANGE, NEW JERSEY that Chapter 10, Section 11.4 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 10, Section 11.4 of the Revised General Ordinances of the Township of West Orange (the “Township Code”) 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 10, SECTION 11.4 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

§10-11.4 BE AND HEREBY AMENDED AS FOLLOWS:

- The portion entitled “Penalty” which specifies the penalty for violating the licensing requirements that govern the ownership of a cat in the Township shall be repealed and replaced by the following language:

Except as otherwise provided in this section, any person who violates, or who fails or refuses to comply with this section shall be liable, upon conviction, to a penalty in an amount prescribed by Resolution.. Any person suspected of being a first offender shall receive a written warning that he/she will have 30 days to obtain a license and if no such license is obtained within that period a notice of violation will be issued.

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: June 13, 2023

ADOPTED: June 27, 2023

Legislative History

The purpose of this ordinance is to modify the fines set forth in Chapter 10 of the Revised General Ordinances of the Township of West Orange to be subject to adjustment by Resolution.

**AN ORDINANCE AMENDING CHAPTER 12, SECTION 3.4 OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(FOOD HANDLER'S CERTIFICATE-FEE; USE OF FEE)**

**BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF
WEST ORANGE, NEW JERSEY** that Chapter 12, Section 3.4 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 12, Section 3.4 of the Revised General Ordinances of the Township of West Orange (the "Township Code") 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 12, SECTION 3.4 SHALL BE AND HEREBY IS AMENDED AND
SUPPLEMENTED TO INCORPORATE THE FOLLOWING:**

§12-3.4 BE AND HEREBY AMENDED AS FOLLOWS:

- The portion entitled "Fees; Use of Fee" which specifies the fees for an application for a Food Handler's Certificate shall be repealed and replaced by the following language:

Application for the Food Handler's Certificate shall include a fee in an amount prescribed by Resolution payable to the Township. All fees shall be placed in a fund used for the upgrading of instructional materials and the purchasing of audio-visual equipment. Monies shall be left in the fund for the prescribed usage for a period of three years. Thereafter, monies shall be transferred to the General Account.

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: June 13, 2023

ADOPTED: June 27, 2023

2788-23
Legislative History

The purpose of this ordinance is to modify the fines set forth in Chapter 12 of the Revised General Ordinances of the Township of West Orange to be subject to adjustment by Resolution.

**AN ORDINANCE AMENDING CHAPTER 11, SECTION 7.6 OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(UNLAWFUL ACTS BY PERSONS UNDER LEGAL AGE FOR PURCHASE OF
ALCOHOLIC BEVERAGES; DISORDERLY PERSONS- VIOLATIONS; PENALTIES)**

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WEST ORANGE, NEW JERSEY that Chapter 11, Section 7.6 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 11, Section 7.6 of the Revised General Ordinances of the Township of West Orange (the “Township Code”) 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 11, SECTION 7.6 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

§11-7.6 BE AND HEREBY AMENDED AS FOLLOWS:

- The portion entitled “Violations; Penalties” which specifies the penalties for any person who violates Chapter 11, Section 7 of the Township Code governing the purchase and/or sale of alcohol to persons under the legal age to consume alcohol shall be repealed and replaced by the following language:

Any person who shall violate any of the provisions of this section, excluding an underage person caught possessing or consuming an alcoholic beverage on private property, shall be deemed and adjudged to be a disorderly person, and upon conviction thereof, shall be punished by a fine in an amount set forth by Resolution. Further, the Court shall suspend the person's license to operate a motor vehicle for six months or prohibit the person from obtaining a license to operate a motor vehicle in this State for six months beginning on the date he or she becomes eligible to obtain a license or on the date of conviction, whichever is later. In addition to the general penalty prescribed for this offense, the Court shall require any person violating these provisions to participate in an alcohol education or treatment program authorized by the Department of Health for a period not to exceed the maximum period of confinement prescribed by law for the offense for which the individual has been convicted.

If an underage person is convicted of possessing or consuming an alcoholic beverage on private property in violation of this law, he/she will be subject to a fine in an amount set forth by Resolution and delineated per offense.. The Court also has the

discretion to suspend the person's license to operate a motor vehicle for six months or prohibit the person from obtaining a license to operate a motor vehicle in this State for six months beginning on the date he or she becomes eligible to obtain a license or on the date of conviction, whichever is later.

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: June 13, 2023

ADOPTED: June 27, 2023

Legislative History

The purpose of this ordinance is to modify the fines set forth in Chapter 11 of the Revised General Ordinances of the Township of West Orange to be subject to adjustment by Resolution.

**AN ORDINANCE AMENDING CHAPTER 12, SECTION 6.2 OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(SALE OR DELIVERY OF ICE-APPLICATION; LICENSE FEE)**

**BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF
WEST ORANGE, NEW JERSEY** that Chapter 12, Section 6.2 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 12, Section 6.2 of the Revised General Ordinances of the Township of West Orange (the “Township Code”) 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 12, SECTION 6.2 SHALL BE AND HEREBY IS AMENDED AND
SUPPLEMENTED TO INCORPORATE THE FOLLOWING:**

§12-6.2 BE AND HEREBY AMENDED AS FOLLOWS:

- The portion entitled “Application; License Fee” which specifies the fee to be paid by any person seeking a license for the sale or delivery of ice in the Township shall be repealed and replaced by the following language:

Any person applying for a license shall make written application therefor on forms prepared and distributed by the Health Department. A license fee in an amount prescribed by Resolution shall be paid for each vehicle used by the applicant in the sale or delivery of ice.

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: June 13, 2023

ADOPTED: June 27, 2023

2790-23
Legislative History

The purpose of this ordinance is to modify the fines set forth in Chapter 12 of the Revised General Ordinances of the Township of West Orange to be subject to adjustment by Resolution.

**AN ORDINANCE AMENDING CHAPTER 12, SECTION 7.5 OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(PRIVY VAULTS, CESSPOOLS AND SEPTIC TANKS-FEE FOR PERMIT)**

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WEST ORANGE, NEW JERSEY that Chapter 12, Section 7.5 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 12, Section 7.5 of the Revised General Ordinances of the Township of West Orange (the "Township Code") 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 12, SECTION 7.5 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

§12-7.5 BE AND HEREBY AMENDED AS FOLLOWS:

- The portion entitled "Fee for Permit" which specifies the fee for a permit to maintain a subsurface disposal system shall be repealed and replaced by the following language:

There shall be a nonrefundable fee in an amount prescribed by Resolution for the permit required by subsection 12-7.3 which must accompany the filing with the Health Department of the plan required by subsection 12-7.4.

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: June 13, 2023

ADOPTED: June 27, 2023

Legislative History

The purpose of this ordinance is to modify the fines set forth in Chapter 12 of the Revised General Ordinances of the Township of West Orange to be subject to adjustment by Resolution.

**AN ORDINANCE AMENDING CHAPTER 12, SECTION 7.11 OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(PRIVY VAULTS, CESSPOOLS AND SEPTIC TANKS- ENFORCEMENT)**

**BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF
WEST ORANGE, NEW JERSEY** that Chapter 12, Section 7.11 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 12, Section 7.11 of the Revised General Ordinances of the Township of West Orange (the “Township Code”) 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 12, SECTION 7.11 SHALL BE AND HEREBY IS AMENDED AND
SUPPLEMENTED TO INCORPORATE THE FOLLOWING:**

§12-7.11 BE AND HEREBY AMENDED AS FOLLOWS:

- The portion entitled “Enforcement” which specifies the penalty for failing to comply with the provisions of Chapter 12 Section 7 of the Township Code shall be repealed and replaced by the following language:
 - a. Any person violating any provision of this section shall be subject to a cease and desist order from the Health Department. Any violation of a cease and desist order shall be subject, upon conviction, to a fine in an amount set forth by Resolution.
 - b. The Health Department shall also have discretion to bring an action in Municipal Court charging any person violating this section with maintaining a nuisance.

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 12 of the Revised General Ordinances of the Township of West Orange to be subject to adjustment by Resolution.

**AN ORDINANCE AMENDING CHAPTER 12, SECTION 8.14 OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(TOBACCO AND NICOTINE DELIVERY PRODUCTS-PENALTIES)**

**BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF
WEST ORANGE, NEW JERSEY** that Chapter 12, Section 8.14 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 12, Section 8.14 of the Revised General Ordinances of the Township of West Orange (the “Township Code”) 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 12, SECTION 8.14 SHALL BE AND HEREBY IS AMENDED AND
SUPPLEMENTED TO INCORPORATE THE FOLLOWING:**

§12-8.14 BE AND HEREBY AMENDED AS FOLLOWS:

- The portion entitled “Penalties” which specifies the penalty for failing to comply with the provisions of Chapter 12 Section 8 governing the sale and delivery of Nicotine products in the Township shall be repealed and replaced by the following language:
 - a. Unless otherwise provided by law, statute or ordinance, any person violating any provision of this section shall, upon conviction thereof, pay a fine in an amount prescribed by Resolution. The complaint shall be made in the Municipal Court or before such other judicial officer having authority under the laws of the State of New Jersey.
 - b. In addition any violator of this section shall be subject to having any Township License, held by the violator, suspended, revoked or fined. No such action may be taken unless the requirements of due process are satisfied.
 - c. Any person who continually violates this section may also be charged in the Municipal Court or in Superior Court with maintaining a nuisance.
 - d. These penalties are in addition to any penalties that may be imposed including but not limited to penalties imposed by the New Jersey Code of Juvenile Justice, N.J.S.A. 2A:170-51, et seq. and N.J.S.A. 2C:33-13.1, et seq.
 - e. Each sale of tobacco and or nicotine delivery product to any person under the age of 21 shall constitute a separate violation.

f. Fines and sanctions associated with this section shall be dedicated and forwarded to the Health Department to be used in connection with education and enforcement of this ordinance. The monies shall be maintained by the Chief Financial Officer or Comptroller 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: June 13, 2023

ADOPTED: June 27, 2023

2793-23

Legislative History

The purpose of this ordinance is to modify the fines set forth in Chapter 12 of the Revised General Ordinances of the Township of West Orange to be subject to adjustment by Resolution.

**AN ORDINANCE AMENDING CHAPTER 12, SECTION 7.7 OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(PRIVY VAULTS, CESSPOOLS AND SEPTIC TANKS- PERMIT TO OPERATE AN
INDIVIDUAL SUBSURFACE SEWAGE DISPOSAL SYSTEM)**

**BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF
WEST ORANGE, NEW JERSEY** that Chapter 12, Section 7.7 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 12, Section 7.7 of the Revised General Ordinances of the Township of West Orange (the “Township Code”) 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 12, SECTION 7.7 SHALL BE AND HEREBY IS AMENDED AND
SUPPLEMENTED TO INCORPORATE THE FOLLOWING:**

§12-7.7 BE AND HEREBY AMENDED AS FOLLOWS:

- The portion entitled “Permit to Operate an Individual Subsurface Sewage Disposal System” which specifies the fee for a permit to operate an individual subsurface sewage disposal system shall be repealed and replaced by the following language:

No person may operate or utilize an individual sewage disposal system without first obtaining from the Health Department a permit to operate such system. There shall be a fee in an amount set forth by Resolution for the issuance of a permit.

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: June 13, 2023

ADOPTED: June 27, 2023

Legislative History

The purpose of this ordinance is to modify the fines set forth in Chapter 12 of the Revised General Ordinances of the Township of West Orange to be subject to adjustment by Resolution.

**AN ORDINANCE AMENDING CHAPTER 12, SECTION 9.9 OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(TATTOO AND BODY PIERCING ESTABLISHMENTS-PERMIT FEES)**

**BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF
WEST ORANGE, NEW JERSEY** that Chapter 12, Section 9.9 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 12, Section 9.9 of the Revised General Ordinances of the Township of West Orange (the “Township Code”) 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 12, SECTION 9.9 SHALL BE AND HEREBY IS AMENDED AND
SUPPLEMENTED TO INCORPORATE THE FOLLOWING:**

§12-9.9 BE AND HEREBY AMENDED AS FOLLOWS:

- The portion entitled “Permit Fees” which specifies the permit fee for operating a tattoo and/or body piercing establishment in the Township of West Orange pursuant to Chapter 12, Section 9 of the Township Code shall be repealed and replaced by the following language:

The permit fee for a tattoo or body piercing establishment shall be an amount as set forth by Resolution. The permit fee for each person employed on the premises who will do tattooing or body piercing under the direction of a physician or osteopath shall be an amount set forth by Resolution. If a premises has both body piercing and tattooing, there shall be a separate fee for body piercing as well as tattooing.

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: June 13, 2023

ADOPTED: June 27, 2023

2795-23
Legislative History

The purpose of this ordinance is to modify the fines set forth in Chapter 12 of the Revised General Ordinances of the Township of West Orange to be subject to adjustment by Resolution.

**AN ORDINANCE AMENDING CHAPTER 12, SECTION 9.20 OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(TATTOO AND BODY PIERCING VIOLATIONS AND PENALTIES)**

**BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF
WEST ORANGE, NEW JERSEY** that Chapter 12, Section 9.20 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 12, Section 9.20 of the Revised General Ordinances of the Township of West Orange (the “Township Code”) 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 12, SECTION 9.20 SHALL BE AND HEREBY IS AMENDED AND
SUPPLEMENTED TO INCORPORATE THE FOLLOWING:**

§12-9.20 BE AND HEREBY AMENDED AS FOLLOWS:

- The portion entitled “Violations and Penalties” which specifies the fine for anyone convicted of a violation under Chapter 12, Section 9 of the Township Code governing tattoos and body piercings shall be repealed and replaced by the following language:

Any person, firm or corporation violating any of the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount set forth by Resolution, and for the purposes of this section, a separate offense shall be deemed to be committed on each day during or on which a violation occurs or continues.

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: June 13, 2023

ADOPTED: June27, 2023

2796-23
Legislative History

The purpose of this ordinance is to modify the fines set forth in Chapter 12 of the Revised General Ordinances of the Township of West Orange to be subject to adjustment by Resolution.

**AN ORDINANCE AMENDING CHAPTER 12, SECTION 11.3 OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(E-CIGARETTE LICENSING-LICENSING FEE)**

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WEST ORANGE, NEW JERSEY that Chapter 12, Section 11.3 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 12, Section 11.3 of the Revised General Ordinances of the Township of West Orange (the “Township Code”) 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 12, SECTION 11.3 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

§12-11.3 BE AND HEREBY AMENDED AS FOLLOWS:

- The portion entitled “Licensing Fees” which specifies the fee an establishment must pay for a license to sell electronic cigarettes under Chapter 12, Section 11 of the Township Code shall be repealed and replaced by the following language:
 - a. No person shall conduct, maintain or operate a Retail Electronic Smoking Device Establishment that sells, distributes or gives Electronic Smoking Devices without first obtaining from the West Orange Health Department a license to do so.
 - b. Fees in accordance with the following schedule shall be paid before any license required in this section shall be issued:

Electronic Smoking Device Establishment License: An amount set forth by Resolution.
 - c. Licenses issued under the provisions of this section, unless forfeited or revoked by the West Orange Health Department, shall expire annually on the 31st day of May of each year.
 - d. No license is transferrable by sale or otherwise.
 - e. Such license shall be posted in a conspicuous place in such establishment. No itinerant establishments shall be permitted to obtain an Electronic Smoking Device Establishment License.
 - f. All licensing fees shall be paid to the Township of West Orange to offset budget appropriations in connection with education and

enforcement of this section and/or the States Tobacco Age of Sale Inspection Program.

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: June 13, 2023

ADOPTED: June 27, 2023

Legislative History

The purpose of this ordinance is to modify the fines set forth in Chapter 12 of the Revised General Ordinances of the Township of West Orange to be subject to adjustment by Resolution.

**AN ORDINANCE AMENDING CHAPTER 13, SECTION 4.1 OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(E-CIGARETTE LICENSING-VIOLATIONS AND PENALTIES)**

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WEST ORANGE, NEW JERSEY that Chapter 13, Section 4.1 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 13, Section 4.1 of the Revised General Ordinances of the Township of West Orange (the "Township Code") 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 13, SECTION 4.1 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

§13-4.1 BE AND HEREBY AMENDED AS FOLLOWS:

- The portion entitled "Construction Permit Fee" which specifies the permit fee for any construction permit shall be repealed and replaced by the following language:

The fee for a construction permit shall be the sum of the subcode fees listed in paragraphs a and b hereof and shall be paid before the permit is issued.

a. Building Subcode Fee. The building subcode fee shall be:

1. For new construction and additions, the fee shall be an amount set forth by Resolution based on the size of the building or structure volume.
2. For renovations, repairs and alterations , the fee shall be an amount set forth by Resolution based on the estimated costs of renovations, repairs and alterations.
3. For combinations of renovations, repairs and additions, the sum of the fees computed separately as renovations, repairs and additions.
4. For filling or removal of abandoned in-ground fuel oil storage tanks, , the fee shall be an amount set forth by Resolution.
5. For temporary structures, , the fee shall be an amount set forth by Resolution,

6. Applications for a temporary certificate of occupancy for the second issuance and any renewal thereafter shall be a fee set forth by Resolution,

7. Applications for a variation of the adopted codes:

(a) Residential, an amount determined by Resolution,

(b) Commercial, an amount determined by Resolution.

8. Construction of new retaining walls:

(a) Residential walls with a wall surface area of less than 550 square feet in area shall have a flat fee of an amount prescribed by Resolution.

(b) Residential walls with a wall surface area of more than 550 square feet in area shall have a flat fee of an amount prescribed by Resolution.

(c) Commercial retaining walls of any size shall have a fee as per an alteration.

9. Sheds and garden type structures over 100 square feet in area shall be a flat fee of an amount prescribed by Resolution.

10. For the installation of a swimming pool:

(a) Residential aboveground pool for one- and two-family homes shall have a flat fee of an amount prescribed by Resolution.

(b) Residential inground pools for one- and two-family homes shall have a flat fee of an amount prescribed by Resolution.

(c) All other use groups shall pay a flat fee of an amount prescribed by Resolution for any type of pool.

11. Change of Use.

(a) Change of use review for any space without alteration work shall be a flat fee of an amount prescribed by Resolution. If accompanied by alteration work the minimum fee shall be set forth and paid in accordance with the Resolution.

b. Plumbing Subcode Fee. The plumbing subcode fee for proposed plumbing construction or alteration shall be \$50 for the first fixture, device or plumbing stack to be installed and \$5 for each additional fixture, device or plumbing stack shown in the approved plan for construction or alteration provided that the minimum fee shall be of an amount set forth by Resolution.

1. In addition to the fees set forth above, there are hereby established the fees for issuance of permits for the installation of the following:

(a) Water service connections — an amount prescribed by Resolution.

(b) Hot water heater — an amount prescribed by Resolution.

(c) Gas piping — an amount prescribed by Resolution.

(d) Sewer service connections — an amount prescribed by Resolution.

(e) Boilers — an amount prescribed by Resolution. up to 300,000 BTU and an increased amount prescribed by resolution above 300,000 BTU.

(f) Warm air furnace — an amount prescribed by Resolution.

(g) Air conditioning unit — an amount prescribed by Resolution.

(h) Grease traps, oil separators, back flow preventer, interceptors, fuel oil piping, sewer ejector — an amount prescribed by Resolution.

(i) Oil burner unit — same as gas-fired boilers — subsection d.

(j) Oil tank: residential — an amount prescribed by Resolution.

(k) Lawn sprinkler outlets — an amount prescribed by Resolution per head.

(l) Fire sprinkler heads — an amount prescribed by Resolution per head.

(m) Hose cabinets — an amount prescribed by Resolution per cabinet.

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: June 13, 2023

ADOPTED: June 27, 2023

2798-23
Legislative History

The purpose of this ordinance is to modify the fines set forth in Chapter 13 of the Revised General Ordinances of the Township of West Orange to be subject to adjustment by Resolution.

**AN ORDINANCE AMENDING CHAPTER 13, SECTION 4.2 OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(PLAN REVIEW FEE)**

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WEST ORANGE, NEW JERSEY that Chapter 13, Section 4.2 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 13, Section 4.2 of the Revised General Ordinances of the Township of West Orange (the “Township Code”) 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 13, SECTION 4.2 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

§13-4.2 BE AND HEREBY AMENDED AS FOLLOWS:

- The portion entitled “Plan Review” which specifies the amount to be charged for the plan review of a construction project shall be repealed and replaced by the following language:

The fee for plan review shall be set forth by Resolution but shall be a percentage of the amount to be charged for the Construction Permit and shall be paid before the plans are reviewed. The amount paid for this fee shall be credited toward the amount of the fee to be charged for the Construction Permit.

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: June 13, 2023

ADOPTED: June 27, 2023

Legislative History

The purpose of this ordinance is to modify the fines set forth in Chapter 13 of the Revised General Ordinances of the Township of West Orange to be subject to adjustment by Resolution.

**AN ORDINANCE AMENDING CHAPTER 13, SECTION 4.3 OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(DEMOLITION)**

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WEST ORANGE, NEW JERSEY that Chapter 13, Section 4.3 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 13, Section 4.3 of the Revised General Ordinances of the Township of West Orange (the “Township Code”) 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 13, SECTION 4.3 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

§13-4.3 BE AND HEREBY AMENDED AS FOLLOWS:

- The portion entitled “Demolition” which specifies the fee for a permit for demolition shall be repealed and replaced by the following language:

The fee for a permit for demolition of a building or structure shall be set forth 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: June 13, 2023

ADOPTED: June 27, 2023

Legislative History

The purpose of this ordinance is to modify the fines set forth in Chapter 13 of the Revised General Ordinances of the Township of West Orange to be subject to adjustment by Resolution.

**AN ORDINANCE AMENDING CHAPTER 13, SECTION 4.4 OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(BUILDING REMOVAL)**

**BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF
WEST ORANGE, NEW JERSEY** that Chapter 13, Section 4.4 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 13, Section 4.4 of the Revised General Ordinances of the Township of West Orange (the “Township Code”) 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 13, SECTION 4.4 SHALL BE AND HEREBY IS AMENDED AND
SUPPLEMENTED TO INCORPORATE THE FOLLOWING:**

§13-4.4 BE AND HEREBY AMENDED AS FOLLOWS:

- The portion entitled “Building Removal” which specifies the fee for a permit for removal of a building shall be repealed and replaced by the following language:

The fee for a permit for the removal of a building or structure from one lot to another or to a new location on the same lot shall be at the rate an amount set forth 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: June 13, 2023

ADOPTED: June 27, 2023

2801-23

Legislative History

The purpose of this ordinance is to modify the fines set forth in Chapter 13 of the Revised General Ordinances of the Township of West Orange to be subject to adjustment by Resolution.

**AN ORDINANCE AMENDING CHAPTER 13, SECTION 7.4 OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(ELECTRICAL SUBCODE FEES)**

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WEST ORANGE, NEW JERSEY that Chapter 13, Section 7.4 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 13, Section 7.4 of the Revised General Ordinances of the Township of West Orange (the "Township Code") 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 13, SECTION 7.4 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

§13-7.4 BE AND HEREBY AMENDED AS FOLLOWS:

- The portion entitled "Electrical Subcode Fees" which specifies the fee for an inspection/permit under Chapter 13, Section 7 of the Township Code shall be repealed and replaced by the following language:

In connection with this subsection the following inspection/permit fees shall be charged:

- a. Rough and Final Wiring. (All switches, receptacles, lighting, outlets and fixtures.)
 1. One to 25 — an amount set forth by Resolution.
 2. Each additional 25 outlets or fraction thereof — \$12.
- b. Swimming Pools.
 1. Above-ground — bonding; outlets and motors — an amount set forth by Resolution.
 2. In-ground — bonding, outlets and motors — \$100.
- c. Periodic Electrical Inspections and "Bonding and Grounding" Certificates for Swimming Pools, Spas and Hot Tubs.
 1. The first pool at a site shall be charged an amount set forth by Resolution per pool.
- d. Electrical Signs.
 1. Incandescent — an amount set forth by Resolution.
 2. Electric Discharge Sign (0 to 10 Amp) — an amount set forth by Resolution.

3. Each additional 5 Amps or fractions thereof — an amount set forth by Resolution.

e. Dwellings.

1. Electric heaters — an amount set forth by Resolution.
2. Electric dryer — an amount set forth by Resolution.
3. Electric range — an amount set forth by Resolution.
4. Electric surface unit — an amount set forth by Resolution.
5. Electric heat pumps — an amount set forth by Resolution.
6. Electric oven — an amount set forth by Resolution.
7. Electric hot water heater — an amount set forth by Resolution.
8. Dishwasher — an amount set forth by Resolution.
9. Sump pump — an amount set forth by Resolution.
10. Therapeutic pool — an amount set forth by

11.

Whirlpool — an amount set forth by Resolution.

12. Jacuzzi — an amount set forth by Resolution.

13. Exhaust fan (1 to 3) — an amount set forth by Resolution.

f. Service Panel. (Includes service conductors, feeders, switchboard and panel boards.)

1. 0 to 224 Amp — an amount set forth by Resolution.
2. 225 to 600 Amp — an amount set forth by Resolution.
3. 601 to 1,000 Amp — an amount set forth by Resolution.
4. 1,001 Amp and Up — an amount set forth by Resolution.
5. Meters — an amount set forth by Resolution.

g. Transformers or Generators.

1. Less than 1 kW — an amount set forth by Resolution.
2. 1 to 10 kW — an amount set forth by Resolution.
3. 10.1 — 35 kW — an amount set forth by Resolution.
4. 36 to 100 kW — an amount set forth by Resolution.
5. 101 kW and up — an amount set forth by Resolution.

h. Motors.

1. Less than 1 hp — an amount set forth by Resolution.
2. 1 to 10 hp — an amount set forth by Resolution.
3. 10.1 to 35 hp — an amount set forth by Resolution.
4. 36 to 100 hp — an amount set forth by Resolution.
5. 100.1 hp and up — an amount set forth by Resolution.

i. Furnace.

1. Central heat, oil, gas, electric and JVAC (One and Two Family Residential — an amount set forth by Resolution.
2. Central heat, oil, gas, electric and HVAC (Commercial and Industrial) — an amount set forth by Resolution.

j. Pole Lights.

1. 1 to 5 poles — an amount set forth by Resolution.
2. Each additional pole — an amount set forth by Resolution.

k. Lawn Sprinkler: Wiring - residential: an amount set forth by Resolution; commercial - an amount set forth by Resolution.

l. Fire and Burglar Alarm Systems.

1. Panel and up to 25 devices, each additional 25 or fraction thereof — an amount set forth by Resolution..
2. Residential — an amount set forth by Resolution.
3. Commercial — an amount set forth by Resolution.
4. Communication Writing.
 - (a) 1 to 25 Devices — an amount set forth by Resolution.
 - (b) 26 to 50 Devices — an amount set forth by Resolution.
 - (c) 51 to 75 Devices — an amount set forth by Resolution.
 - (d) 76 to 100 Devices — an amount set forth by Resolution.
 - (e) 101 to 125 Devices — an amount set forth by Resolution.
 - (f) 126 to 150 Devices — an amount set forth by Resolution.
 - (g) 151 to 200 Devices — an amount set forth by Resolution.
 - (h) 201 to 225 Devices — an amount set forth by Resolution.

- m. Radio and Television Transmitting Equipment — an amount set forth by Resolution.
- n. Temporary Installation (nor more than 60 days) and Decorative Displays — an amount set forth by Resolution.
- o. Inspection and Reintroduction of Current — an amount set forth by Resolution.
- p. Bonding of Footing to Ground Electrode System — an amount set forth by Resolution..
- q. Minimum Fee. No fee charged pursuant to this subsection shall be less than an amount set forth 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: June 13, 2023

ADOPTED: June 27, 2023

2802-23
Legislative History

The purpose of this ordinance is to modify the fines set forth in Chapter 13 of the Revised General Ordinances of the Township of West Orange to be subject to adjustment by Resolution.

**AN ORDINANCE AMENDING CHAPTER 13, SECTION 7.5 OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(FIRE SYSTEM FEES)**

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WEST ORANGE, NEW JERSEY that Chapter 13, Section 7.5 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 13, Section 7.5 of the Revised General Ordinances of the Township of West Orange (the “Township Code”) 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 13, SECTION 7.5 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

§13-7.5 BE AND HEREBY AMENDED AS FOLLOWS:

- The portion entitled “Fire System Fees” which specifies the fee in connection with specific categories of inspections and/or permits shall be repealed and replaced by the following language:

In connection with this subsection, the following inspection/permit fees shall be charged:

- a. Kitchen Suppression System.
 1. Hood — an amount set forth by Resolution.
 2. Piping — an amount set forth by Resolution.
- b. Gas or Oil Appliance Not Connected to Plumbing.
 1. Fire place — an amount set forth by Resolution.
 2. Fireplace insert — an amount set forth by Resolution.
 3. Free-standing stove — an amount set forth by Resolution.
- c. Standpipe Systems — an amount set forth by Resolution.
 1. Additional risers — an amount set forth by Resolution..
- d. Smoke Detectors.
 1. 1 to 10 Heads — an amount set forth by Resolution.

- 2. 11 to 35 Heads — an amount set forth by Resolution.
- 3. 36+ to an amount set forth by Resolution.
- e. Alarm Panel Rep. — an amount set forth by Resolution.
- f. Exit Emergency Lights — an amount set forth by Resolution.
- g. Sprinkler systems.
 - 1. 1 to 25 Heads — an amount set forth by Resolution..
 - 2. 26 and up — an amount set forth 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: June 13, 2023

ADOPTED: June 27, 2023

Legislative History

The purpose of this ordinance is to modify the fines set forth in Chapter 13 of the Revised General Ordinances of the Township of West Orange to be subject to adjustment by Resolution.

**AN ORDINANCE AMENDING CHAPTER 13, SECTION 8.11 OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(FIRE PREVENTION SUBCODE-PERMIT FEES)**

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WEST ORANGE, NEW JERSEY that Chapter 13, Section 8.11 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 13, Section 8.11 of the Revised General Ordinances of the Township of West Orange (the "Township Code") 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 13, SECTION 8.11 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

§13-8.11 BE AND HEREBY AMENDED AS FOLLOWS:

- The portion entitled "Fire Prevention Subcode-Permit Fees" which specifies the fee in connection with specific categories of inspections and/or permits shall be repealed and replaced by the following language:

In connection with this chapter the following permit fees shall be charged and received:

- a. Acetylene generator, payment of a fee in an amount set forth by Resolution.
- b. Ammunition, payment of a fee in an amount set forth by Resolution.
- c. Auto tire rebuilding plant, payment of a fee in an amount set forth by Resolution.
- d. Auto wrecking yards, payment of a fee in an amount set forth by Resolution.
- e. Blasting agents, payment of a fee in an amount set forth by Resolution.
- f. Bonfires, payment of a fee in an amount set forth by Resolution except nonprofit.
- g. Bowling establishments, payment of a fee in an amount set forth by Resolution.
- h. Calcium carbide, payment of a fee in an amount set forth by Resolution.
- i. Cellulose nitrate motion picture film, payment of a fee in an amount set forth by Resolution..
- j. Cellulose nitrate plastics, payment of a fee in an amount set forth by Resolution.

- k. Combustible fibers, payment of a fee in an amount set forth by Resolution.
- l. Combustible materials, payment of a fee in an amount set forth by Resolution.
- m. Compressed gases, payment of a fee in an amount set forth by Resolution.
- n. Containers for welding and cutting gases, payment of a fee in an amount set forth by
- o. Dipping operations (flammable), payment of a fee in an amount set forth by Resolution.
- p. Dry cleaning plants, payment of a fee in an amount set forth by Resolution.
- q. Dust producing materials, plant handling, payment of a fee in an amount set forth by Resolution.
- r. Explosives, payment of a fee in an amount set forth by Resolution.
- s. Fireworks display, payment of a fee in an amount set forth by Resolution.
- t. Flammable finishes, payment of a fee in an amount set forth by Resolution.
- u. Gasoline filling stations, payment of a fee in an amount set forth by Resolution.
- v. Fruit ripening, payment of a fee in an amount set forth by Resolution.
- w. Fumigation, payment of a fee in an amount set forth by Resolution.
- x. Garages, repair, payment of a fee in an amount set forth by Resolution.
- y. Hazardous chemicals, payment of a fee in an amount set forth by Resolution.
- z. Liquid petroleum gases, payment of a fee in an amount set forth by Resolution.
- aa. Lumber yards, payment of a fee in an amount set forth by Resolution.
- bb. Magnesium, payment of a fee in an amount set forth by Resolution.
- cc. Matches, payment of a fee in an amount set forth by Resolution.
- dd. Oil burning equipment, to work in conjunction with plumbing, payment of a fee in an amount set forth by Resolution.
- ee. Organic coatings, payment of a fee in an amount set forth by Resolution.
- ff. Commercial ovens, payment of a fee in an amount set forth by Resolution.

- gg. Places of assembly, payment of a fee in an
- hh. Rubbish fires, payment of a fee in an amount set
- ii. Spraying operations (flammable payment of a fee in an amount set forth by Resolution.
- jj. Storing combustible materials, payment of a fee in an amount set forth by Resolution.
- kk. Tents, payment of a fee in an amount set forth by Resolution.
- ll. Thermal insecticidal fogging, payment of a fee in an amount set forth by Resolution.
- mm. Waste material handling plants, payment of a fee in an amount set forth by Resolution.
- nn. Welding and cutting, payment of a fee in an amount set forth by Resolution.
- oo. Welding and cutting, tank storage, payment of a fee in an amount set forth by Resolution.
- pp. Welding and cutting, calcium carbide acetylene generator use, payment of a fee in an amount set forth 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: June 13, 2023

ADOPTED: June 27, 2023

Legislative History

The purpose of this ordinance is to modify the fines set forth in Chapter 13 of the Revised General Ordinances of the Township of West Orange to be subject to adjustment by Resolution.

**ORDINANCE FOR ADOPTION OF THE FLOODPLAIN MANAGEMENT REGULATIONS
OF THE TOWNSHIP OF WEST ORANGE**

AN ORDINANCE BY THE MAYOR AND TOWNSHIP COUNCIL AMENDING THE TOWNSHIP OF WEST ORANGE REVISED GENERAL ORDINANCES TO REPEAL CHAPTER 24, FLOOD DAMAGE PREVENTION; TO ADOPT A NEW CHAPTER 24 FLOODPLAIN MANAGEMENT REGULATIONS; TO ADOPT FLOOD HAZARD MAPS; TO DESIGNATE A FLOODPLAIN ADMINISTRATOR; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of New Jersey has, in N.J.S.A. 40:48 et seq and N.J.S.A. 40:55D et seq., conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of the Township of West Orange and such areas may be subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare, and

WHEREAS, the Township of West Orange was accepted for participation in the National Flood Insurance Program on May 2, 1977 and the Mayor and Township Council desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59, 60, 65 and 70 necessary for such participation; and

WHEREAS, the Township of West Orange is required, pursuant to N.J.A.C. 5:23 et seq., to administer and enforce the State building codes, and such building codes contain certain provisions that apply to the design and construction of buildings and structures in flood hazard areas; and

WHEREAS, the Township of West Orange is required, pursuant to N.J.S.A. 40:49-5, to enforce zoning codes that secure safety from floods and contain certain provisions that apply to the development of lands; and

WHEREAS, the Township of West Orange is required, pursuant to N.J.S.A.58:16A-57, within 12 months after the delineation of any flood hazard area, to adopt rules and regulations concerning the development and use of land in the flood fringe area which at least conform to the standards promulgated by the New Jersey Department of Environmental Protection (NJDEP).

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Township Council of the Township of West Orange that the following floodplain management regulations are hereby adopted.

SECTION 24-1. RECITALS.

The foregoing whereas clauses are incorporated herein by reference and made a part hereof.

SECTION 24-2 These regulations specifically repeal and replace the following ordinance(s) and regulation(s): Repeal Chapter 24 Flood Damage Prevention of the Revised General Ordinances of the Township of West Orange and replace with Chapter 24 titled Floodplain Management Regulations .

SECTION 24-3 SCOPE AND ADMINISTRATION

24-3.1 Title. These regulations, in combination with the flood provisions of the Uniform Construction Code (UCC) N.J.A.C. 5:23 (hereinafter “Uniform Construction Code,” consisting of the Building Code, Residential Code, Rehabilitation Subcode, and related codes, and the New Jersey Flood Hazard Area Control Act (hereinafter “FHACA”), N.J.A.C. 7:13, shall be known as the *Floodplain Management Regulations* of the Township of West Orange (hereinafter “these regulations”).

24-3.2 Scope. These regulations, in combination with the flood provisions of the Uniform Construction Code and FHACA shall apply to all proposed development in flood hazard areas established in Section 24-4 of these regulations.

24-3.3 Purposes and objectives. The purposes and objectives of these regulations are to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific flood hazard areas through the establishment of comprehensive regulations for management of flood hazard areas, designed to:

- (1) Protect human life and health.
- (2) Prevent unnecessary disruption of commerce, access, and public service during times of flooding.
- (3) Manage the alteration of natural floodplains, stream channels and shorelines;
- (4) Manage filling, grading, dredging and other development which may increase flood damage or erosion potential.
- (5) Prevent or regulate the construction of flood barriers which will divert floodwater or increase flood hazards.
- (6) Contribute to improved construction techniques in the floodplain.
- (7) Minimize damage to public and private facilities and utilities.
- (8) Help maintain a stable tax base by providing for the sound use and development of flood hazard areas.
- (9) Minimize the need for rescue and relief efforts associated with flooding.
- (10) Ensure that property owners, occupants, and potential owners are aware of property located in flood hazard areas.
- (11) Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events.
- (12) Meet the requirements of the National Flood Insurance Program for community participation set forth in Title 44 Code of Federal Regulations, Section 59.22.

24-3.4 Coordination with Building Codes. Pursuant to the requirement established in N.J.A.C. 5:23, the Uniform Construction Code, that the Township of West Orange administer

and enforce the State building codes, the Mayor and Township Council of the Township of West Orange does hereby acknowledge that the Uniform Construction Code contains certain provisions that apply to the design and construction of buildings and structures in flood hazard areas. Therefore, these regulations are intended to be administered and enforced in conjunction with the Uniform Construction Code.

24-3.5 Ordinary Building Maintenance and Minor Work. Improvements defined as ordinary building maintenance and minor work projects by the Uniform Construction Code including non-structural replacement-in-kind of windows, doors, cabinets, plumbing fixtures, decks, walls, partitions, new flooring materials, roofing, etc. shall be evaluated by the Floodplain Administrator through the floodplain development permit to ensure compliance with the Substantial Damage and Substantial Improvement Section 24-5.14 of this ordinance.

24-3.6 Warning. The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. Enforcement of these regulations does not imply that land outside the special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage.

24-3.7 Other laws. The provisions of these regulations shall not be deemed to nullify any provisions of local, State, or Federal law.

24-3.8 Violations and Penalties for Noncompliance. No structure or land shall hereafter be constructed, re-located to, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a violation under N.J.S.A. 40:49-5. Any person who violates this ordinance or fails to comply with any of its requirements shall be subject to one (1) or more of the following: a fine of not more than \$2,000 imprisonment for a term not exceeding ninety(90) days or a period of community service not exceeding 90 days.

Each day in which a violation of an ordinance exists shall be considered to be a separate and distinct violation subject to the imposition of a separate penalty for each day of the violation as the Court may determine except that the owner will be afforded the opportunity to cure or abate the condition during a 30 day period and shall be afforded the opportunity for a hearing before the court for an independent determination concerning the violation. Subsequent to the expiration of the 30-day period, a fine up to \$2,000 may be imposed if the court has not determined otherwise, or if upon reinspection of the property, it is determined that the abatement has not been substantially completed.

Any person who is convicted of violating an ordinance within one year of the date of a previous violation of the same ordinance and who was fined for the previous violation, shall be sentenced by a court to an additional fine as a repeat offender. The additional fine imposed by the court upon a person for a repeated offense shall not be less than the minimum or exceed the maximum fine fixed for a violation of the ordinance, but shall be calculated separately from the fine imposed for the violation of the ordinance.

24-3.8(1) Solid Waste Disposal in a Flood Hazard Area. Any person who has unlawfully disposed of solid waste in a floodway or floodplain who fails to comply with this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$2500 or up to a maximum penalty by a fine not exceeding \$10,000 under N.J.S.A. 40:49-5.

24-3.9 Abrogation and greater restrictions. These regulations supersede any ordinance in effect in flood hazard areas. However, these regulations are not intended to repeal or abrogate any existing ordinances including land development regulations, subdivision regulations, zoning ordinances, stormwater management regulations, or building codes. In the event of a conflict between these regulations and any other ordinance, code, or regulation, the more restrictive shall govern.

SECTION 24-4 APPLICABILITY

24-4.1 General. These regulations, in conjunction with the Uniform Construction Code, provide minimum requirements for development located in flood hazard areas, including the subdivision of land and other developments; site improvements and installation of utilities; placement and replacement of manufactured homes; placement of recreational vehicles; new construction and alterations, repair, reconstruction, rehabilitation or additions of existing buildings and structures; substantial improvement of existing buildings and structures, including repair of substantial damage; installation of tanks; temporary structures and temporary or permanent storage; utility and miscellaneous Group U buildings and structures; and certain building work exempt from permit under the Uniform Construction Code; and other buildings and development activities.

24-4.2 Establishment of Flood Hazard Areas. The Township of West Orange was accepted for participation in the National Flood Insurance Program on May 2, 1977.

The National Flood Insurance Program (NFIP) floodplain management regulations encourage that all Federal, State, and Local regulations that are more stringent than the minimum NFIP standards take precedence in permitting decisions. The FHACA requires that the effective Flood Insurance Rate Map, most recent preliminary FEMA mapping and flood studies, and Department delineations be compared to determine the most restrictive mapping. The FHACA also regulates unstudied flood hazard areas in watersheds measuring 50 acres or greater in size and most riparian zones in New Jersey. Because of these higher standards, the regulated flood hazard area in New Jersey may be more expansive and more restrictive than the FEMA Special Flood Hazard Area. Maps and studies that establish flood hazard areas are on file at the Building Department, Township Hall 66 Main Street West Orange, N.J. 07052.

The following sources identify flood hazard areas in this jurisdiction and must be considered when determining the Best Available Flood Hazard Data Area:

- 1) **Effective Flood Insurance Study.** Special Flood Hazard Areas (SFHAs) identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "Flood Insurance Study Essex County, New Jersey (All Jurisdictions)" dated April 3, 2020 and the accompanying Flood Insurance Rate Maps (FIRM) identified in Table 24-4.2(1) whose effective date is June 4, 2007 are hereby adopted by reference.

Table 24-4.2(1)

Map Panel #	Effective Date	Suffix	Map Panel #	Effective Date	Suffix
34013C0084	6/4/2007	F	34013C0094	6/4/2007	F
34013C 0091	6/4/2007	F	34013C0103	6/4/2007	F
34013C 0092	6/4/2007	F	34013C0111	6/4/2007	F
34013C 0093	6/4/2007	F	34013C	6/4/2007	F

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- 2) **Federal Best Available Information.** The Township of West Orange shall utilize Federal flood information as listed in the table below that provides more detailed hazard information, higher flood elevations, larger flood hazard areas, and results in more restrictive regulations. This information may include but is not limited to preliminary flood elevation guidance from FEMA (such as Advisory Flood Hazard Area Maps, Work Maps or Preliminary FIS and FIRM). Additional Federal Best Available studies issued after the date of this ordinance must also be considered. These studies are listed on FEMA's Map Service Center. This information shall be used for floodplain regulation purposes only.

Table 24-4.2(2)

Map Panel #	Preliminary Date	Map Panel #	Preliminary Date
None as of the date of this ordinance			

- 3) **Other Best Available Data.** The Township of West Orange shall utilize high water elevations from flood events, groundwater flooding areas, studies by federal or state agencies, or other information deemed appropriate by the Township of West Orange. Other "best available information" may not be used which results in less restrictive flood elevations, design standards, or smaller flood hazard areas than the sources described in Section 24-4.2 (1) and (2), above. This information shall be used for floodplain regulation purposes only.
- 4) **State Regulated Flood Hazard Areas.** For State regulated waters, the NJ Department of Environmental Protection (NJDEP) identifies the flood hazard area as the land, and the space above that land, which lies below the "Flood Hazard Area Control Act Design Flood Elevation", as defined in Section 24-11, and as described in the New Jersey Flood Hazard Area Control Act at N.J.A.C. 7:13. A FHACA flood hazard area exists along every regulated water that has a drainage area of 50 acres or greater. Such area may extend beyond the boundaries of the Special Flood Hazard Areas (SFHAs) as identified by FEMA. The following is a list of New Jersey State studied waters in this community under the FHACA, and their respective map identification numbers.

Table 24.4.2(3) List of State Studied Waters

Name of Studied Water	File Name	Map Number
Canoe Brook	N0000029	9
Canoe Brook	N0000030	10
Canoe Brook	N0000031	11

Bear Brook	SUPPI002	B-2
Nishuane Brook	SUPPIV02	N-1
Nishuane Brook	SUPPIV03	N-2
Second River Trib	SUPPIV09	ST-2
East Fork of East Branch Rahway River, Wigwam Brook	SUPPIV23	1
E Branch Rahway River	SUPPV003	3 OF 3
W Branch Rahway River	SUPPV004	1 OF 3
W Branch Rahway River	SUPPV005	2 OF 3
W Branch Rahway River	SUPPV006	3 OF 3
Peckman River,	SUPPV008	1 OF 2
Peckman River,	SUPPV009	2 OF 2

24-4.3 Establishing the Local Design Flood Elevation (LDFE).

The Local Design Flood Elevation (LDFE) is established in the flood hazard areas determined in Section 24-4.2, above, using the best available flood hazard data sources, and the Flood Hazard Area Control Act minimum Statewide elevation requirements for lowest floors in A, Coastal A, and V zones, ASCE 24 requirements for critical facilities as specified by the building code, plus additional freeboard as specified by this ordinance.

At a minimum, the Local Design Flood Elevation shall be as follows:

- 1) For a delineated watercourse, the elevation associated with the Best Available Flood Hazard Data Area determined in Section 24-4.2, above plus one foot or as described by N.J.A.C. 7:13 of freeboard; or
- 2) For any undelineated watercourse (where mapping or studies described in 24-4.2 (1) and (2) above are not available) that has a contributory drainage area of 50 acres or more, the applicants must provide one of the following to determine the Local Design Flood Elevation:
 - a. A copy of an unexpired NJDEP Flood Hazard Area Verification plus one foot of freeboard and any additional freeboard as required by ASCE 24; or
 - b. A determination of the Flood Hazard Area Design Flood Elevation using Method 5 or Method 6 (as described in N.J.A.C. 7:13) plus one foot of freeboard and any additional freeboard as required by ASCE 24. Any determination using these methods must be sealed and submitted according to Sections 24-7.2 and 24-7.3.
- 3) AO Zones – For Zone AO areas on the municipality's FIRM (or on preliminary flood elevation guidance from FEMA), the Local Design Flood Elevation is determined from the FIRM panel as the highest adjacent grade plus the depth number specified plus one foot of freeboard. If no depth number is specified, the Local Design Flood Elevation is three (3) feet above the highest adjacent grade.
- 4) Class IV Critical Facilities - For any proposed development of new and substantially improved Flood Design Class IV Critical Facilities, the Local Design Flood Elevation must be the higher of the 0.2% annual chance (500 year) flood elevation or the Flood Hazard Area Design Flood Elevation with an additional 2 feet of freeboard in accordance with ASCE 24.

- 5) Class III Critical Facilities - For proposed development of new and substantially improved Flood Design Class III Critical Facilities in coastal high hazard areas, the Local Design Flood Elevation must be the higher of the 0.2% annual chance (500 year) flood elevation or the Flood Hazard Area Design Flood Elevation with an additional 1 foot of freeboard in accordance with ASCE 24.

SECTION 24-5 DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR

24-5.1 Floodplain Administrator Designation. The Construction Official is designated the Floodplain Administrator. The Floodplain Administrator shall have the authority to delegate performance of certain duties to other employees.

24-5.2 General. The Floodplain Administrator is authorized and directed to administer the provisions of these regulations. The Floodplain Administrator shall have the authority to render interpretations of these regulations consistent with the intent and purpose of these regulations and to establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be consistent with the intent and purpose of these regulations and the flood provisions of the building code and shall not have the effect of waiving specific requirements without the granting of a variance pursuant to Section 24-9 of these regulations.

24-5.3 Coordination. The Floodplain Administrator shall coordinate with the Construction Official to administer and enforce the flood provisions of the Uniform Construction Code.

24-5.4 Duties. The duties of the Floodplain Administrator shall include but are not limited to:

- (1) Review all permit applications to determine whether proposed development is located in flood hazard areas established in Section 24-4 of these regulations.
- (2) Require development in flood hazard areas to be reasonably safe from flooding and to be designed and constructed with methods, practices and materials that minimize flood damage.
- (3) Interpret flood hazard area boundaries and provide available flood elevation and flood hazard information.
- (4) Determine whether additional flood hazard data shall be obtained or developed.
- (5) Review required certifications and documentation specified by these regulations and the building code to determine that such certifications and documentations are complete.
- (6) Establish, in coordination with the Construction Official, written procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Section 24-5.14 of these regulations.
- (7) Coordinate with the Construction Official and others to identify and investigate damaged buildings located in flood hazard areas and inform owners of the requirement to obtain permits for repairs.
- (8) Review requests submitted to the Construction Official seeking approval to modify the strict application of the flood load and flood resistant construction requirements

of the Uniform Construction code to determine whether such requests require consideration as a variance pursuant to Section 24-9 of these regulations.

- (9) Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps when the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available.
- (10) Require applicants who propose alteration of a watercourse to notify adjacent jurisdictions and the NJDEP Bureau of Flood Engineering, and to submit copies of such notifications to the Federal Emergency Management Agency (FEMA).
- (11) Inspect development in accordance with Section 24-8 of these regulations and inspect flood hazard areas to determine if development is undertaken without issuance of permits.
- (12) Prepare comments and recommendations for consideration when applicants seek variances in accordance with Section 24-9 of these regulations.
- (13) Cite violations in accordance with Section 24-10 of these regulations.
- (14) Notify the Federal Emergency Management Agency when the corporate boundaries of the Township of West Orange have been modified.
- (15) Permit Ordinary Maintenance and Minor Work in the regulated areas discussed in Section 24-4.2.

24-5.5 Use of changed technical data. The Floodplain Administrator and the applicant shall not use changed flood hazard area boundaries or base flood elevations for proposed buildings or developments unless the Floodplain Administrator or applicant has applied for a Conditional Letter of Map Revision (CLOMR) to the Flood Insurance Rate Map (FIRM) revision and has received the approval of the Federal Emergency Management Agency. A revision of the effective FIRM does not remove the related feature(s) on a flood hazard area delineation that has been promulgated by the NJDEP. A separate application must be made to the State pursuant to N.J.A.C. 7:13 for revision of a flood hazard design flood elevation, flood hazard area limit, floodway limit, and/or other related feature.

24-5.6 Other permits. It shall be the responsibility of the Floodplain Administrator to assure that approval of a proposed development shall not be given until proof that necessary permits have been granted by Federal or State agencies having jurisdiction over such development, including section 404 of the Clean Water Act. In the event of conflicting permit requirements, the Floodplain Administrator must ensure that the most restrictive floodplain management standards are reflected in permit approvals.

24-5.7 Determination of Local Design Flood Elevations. If design flood elevations are not specified, the Floodplain Administrator is authorized to require the applicant to:

- (1) Obtain, review, and reasonably utilize data available from a Federal, State, or other source, or
- (2) Determine the design flood elevation in accordance with accepted hydrologic and hydraulic engineering techniques. Such analyses shall be performed and sealed by a licensed professional engineer. Studies, analyses, and computations shall be submitted in sufficient detail to allow review and approval by the Floodplain Administrator. The

accuracy of data submitted for such determination shall be the responsibility of the applicant.

It shall be the responsibility of the Floodplain Administrator to verify that the applicant's proposed Best Available Flood Hazard Data Area and the Local Design Flood Elevation in any development permit accurately applies the best available flood hazard data and methodologies for determining flood hazard areas and design elevations described in 24-4.2 and 24-4.3 respectively. This information shall be provided to the Construction Official and documented according to Section 24-5.15.

24-5.8 Requirement to submit new technical data. Base Flood Elevations may increase or decrease resulting from natural changes (e.g. erosion, accretion, channel migration, subsidence, uplift) or man-made physical changes (e.g. dredging, filling, excavation) affecting flooding conditions. As soon as practicable, but not later than six months after the date of a man-made change or when information about a natural change becomes available, the Floodplain Administrator shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data in accordance with Title 44 Code of Federal Regulations Section 65.3. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.

24-5.9 Activities in riverine flood hazard areas. In riverine flood hazard areas where design flood elevations are specified but floodways have not been designated, the Floodplain Administrator shall not permit any new construction, substantial improvement or other development, including the placement of fill, unless the applicant submits an engineering analysis prepared by a licensed professional engineer that demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachment, will not increase the design flood elevation more than 0.2 feet at any point within the community.

24-5.10 Floodway encroachment. Prior to issuing a permit for any floodway encroachment, including fill, new construction, substantial improvements and other development or land-disturbing-activity, the Floodplain Administrator shall require submission of a certification prepared by a licensed professional engineer, along with supporting technical data, that demonstrates that such development will not cause any increase in the base flood level.

24-5.10.1 Floodway revisions. A floodway encroachment that increases the level of the base flood is authorized if the applicant has applied for a Conditional Letter of Map Revision (CLOMR) to the Flood Insurance Rate Map (FIRM) and has received the approval of FEMA.

24-5.11 Watercourse alteration. Prior to issuing a permit for any alteration or relocation of any watercourse, the Floodplain Administrator shall require the applicant to provide notification of the proposal to the appropriate authorities of all adjacent government jurisdictions, as well as the NJDEP Bureau of Flood Engineering and the Division of Land Resource Protection. A copy of the notification shall be maintained in the permit records and submitted to FEMA.

24-5.11.1 Engineering analysis. The Floodplain Administrator shall require submission of an engineering analysis prepared by a licensed professional engineer, demonstrating that the flood-carrying capacity of the altered or relocated portion of the watercourse will be maintained, neither increased nor decreased. Such watercourses shall be maintained in a manner that preserves the channel's flood-carrying capacity.

24-5.12 Alterations in coastal areas. The excavation or alteration of sand dunes is

governed by the New Jersey Coastal Zone Management (CZM) rules, N.J.A.C. 7:7. Prior to issuing a flood damage prevention permit for any alteration of sand dunes in coastal high hazard areas and Coastal A Zones, the Floodplain Administrator shall require that a New Jersey CZM permit be obtained and included in the flood damage prevention permit application. The applicant shall also provide documentation of any engineering analysis, prepared by a licensed professional engineer, that demonstrates that the proposed alteration will not increase the potential for flood damage.

24-5.13 Development in riparian zones All development in Riparian Zones as described in N.J.A.C. 7:13 is prohibited by this ordinance unless the applicant has received an individual or general permit or has complied with the requirements of a permit by rule or permit by certification from NJDEP Division of Land Resource Protection prior to application for a floodplain development permit and the project is compliant with all other Floodplain Development provisions of this ordinance. The width of the riparian zone can range between 50 and 300 feet and is determined by the attributes of the waterbody and designated in the New Jersey Surface Water Quality Standards N.J.A.C. 7:9B. The portion of the riparian zone located outside of a regulated water is measured landward from the top of bank. Applicants can request a verification of the riparian zone limits or a permit applicability determination to determine State permit requirements under N.J.A.C. 7:13 from the NJDEP Division of Land Resource Protection.

24-5.14 Substantial improvement and substantial damage determinations. When buildings and structures are damaged due to any cause including but not limited to man-made, structural, electrical, mechanical, or natural hazard events, or are determined to be unsafe as described in N.J.A.C. 5:23; and for applications for building permits to improve buildings and structures, including alterations, movement, repair, additions, rehabilitations, renovations, ordinary maintenance and minor work, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Construction Official, shall:

- (1) Estimate the market value, or require the applicant to obtain a professional appraisal prepared by a qualified independent appraiser, of the market value of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made.
- (2) Determine and include the costs of all ordinary maintenance and minor work, as discussed in Section 24-3.5, performed in the floodplain regulated by this ordinance in addition to the costs of those improvements regulated by the Construction Official in substantial damage and substantial improvement calculations.
- (3) Compare the cost to perform the improvement, the cost to repair the damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, where applicable, to the market value of the building or structure.
- (4) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage. This determination shall also include the evaluation of flood related damages over a 10-year period to determine if the costs of repairs at the times of each flood constitutes a repetitive loss as defined by this ordinance.
- (5) Notify the applicant in writing when it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the building code is required and notify the applicant in writing when it is determined that work does not constitute substantial

improvement or repair of substantial damage. The Floodplain Administrator shall also provide all letters documenting substantial damage and compliance with flood resistant construction requirements of the building code to the NJDEP Bureau of Flood Engineering.

24-5.15 Department records. In addition to the requirements of the building code and these regulations, and regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of these regulations and the flood provisions of the Uniform Construction Code, including Flood Insurance Studies, Flood Insurance Rate Maps; documents from FEMA that amend or revise FIRMs; NJDEP delineations, records of issuance of permits and denial of permits; records of ordinary maintenance and minor work, determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required certifications and documentation specified by the Uniform Construction Code and these regulations including as-built Elevation Certificates; notifications to adjacent communities, FEMA, and the State related to alterations of watercourses; assurance that the flood carrying capacity of altered waterways will be maintained; documentation related to variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to these regulations and the flood resistant provisions of the Uniform Construction Code. The Floodplain Administrator shall also record the required elevation, determination method, and base flood elevation source used to determine the Local Design Flood Elevation in the floodplain development permit.

24-5.16 Liability. The Floodplain Administrator and any employee charged with the enforcement of these regulations, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by these regulations or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of these regulations shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The Floodplain Administrator and any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of these regulations.

SECTION 24-6 PERMITS

24-6.1 Permits Required. Any person, owner or authorized agent who intends to conduct any development in a flood hazard area shall first make application to the Floodplain Administrator and shall obtain the required permit. Depending on the nature and extent of proposed development that includes a building or structure, the Floodplain Administrator may determine that a floodplain development permit or approval is required in addition to a building permit.

24-6.2 Application for permit. The applicant shall file an application in writing on a form furnished by the Floodplain Administrator. Such application shall:

- (1) Identify and describe the development to be covered by the permit.
- (2) Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.
- (3) Indicate the use and occupancy for which the proposed development is intended.
- (4) Be accompanied by a site plan and construction documents as specified in Section 24-7

of these regulations, grading and filling plans and other information deemed appropriate by the Floodplain Administrator.

- (5) State the valuation of the proposed work, including the valuation of ordinary maintenance and minor work.
- (6) Be signed by the applicant or the applicant's authorized agent.

24-6.3 Validity of permit. The issuance of a permit under these regulations or the Uniform Construction Code shall not be construed to be a permit for, or approval of, any violation of this appendix or any other ordinance of the jurisdiction. The issuance of a permit based on submitted documents and information shall not prevent the Floodplain Administrator from requiring the correction of errors. The Floodplain Administrator is authorized to prevent occupancy or use of a structure or site which is in violation of these regulations or other ordinances of this jurisdiction.

24-6.4 Expiration. A permit shall become invalid when the proposed development is not commenced within 180 days after its issuance, or when the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions shall be requested in writing and justifiable cause demonstrated. The Floodplain Administrator is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each.

24-6.5 Suspension or revocation. The Floodplain Administrator is authorized to suspend or revoke a permit issued under these regulations wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or code of this jurisdiction.

SECTION 24-7 SITE PLANS AND CONSTRUCTION DOCUMENTS

24-7.1 Information for development in flood hazard areas. The site plan or construction documents for any development subject to the requirements of these regulations shall be drawn to scale and shall include, as applicable to the proposed development:

- (1) Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations when necessary for review of the proposed development. For buildings that are located in more than one flood hazard area, the elevation and provisions associated with the most restrictive flood hazard area shall apply.
- (2) Where base flood elevations or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with Section 24-7.2.
- (3) Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than 5 acres and base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with Section 24-7.2(3) of these regulations.
- (4) Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas and Coastal A zones, new buildings shall be located landward of the reach of mean high tide.
- (5) Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
- (6) Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended

purpose. The applicant shall provide an engineering certification confirming that the proposal meets the flood storage displacement limitations of N.J.A.C. 7:13.

- (7) Extent of any proposed alteration of sand dunes.
- (8) Existing and proposed alignment of any proposed alteration of a watercourse.
- (9) Floodproofing certifications, V Zone and Breakaway Wall Certifications, Operations and Maintenance Plans, Warning and Evacuation Plans and other documentation required pursuant to FEMA publications.

The Floodplain Administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by these regulations but that are not required to be prepared by a registered design professional when it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance.

24-7.2 Information in flood hazard areas without base flood elevations (approximate Zone A). Where flood hazard areas are delineated on the effective or preliminary FIRM and base flood elevation data have not been provided, the applicant shall consult with the Floodplain Administrator to determine whether to:

- (1) Use the Approximation Method (Method 5) described in N.J.A.C. 7:13 in conjunction with Appendix 1 of the FHACA to determine the required flood elevation.
- (2) Obtain, review, and reasonably utilize data available from a Federal, State or other source when those data are deemed acceptable to the Floodplain Administrator to reasonably reflect flooding conditions.
- (3) Determine the base flood elevation in accordance with accepted hydrologic and hydraulic engineering techniques according to Method 6 as described in N.J.A.C. 7:13. Such analyses shall be performed and sealed by a licensed professional engineer.

Studies, analyses, and computations shall be submitted in sufficient detail to allow review and approval by the Floodplain Administrator prior to floodplain development permit issuance. The accuracy of data submitted for such determination shall be the responsibility of the applicant. Where the data are to be used to support a Letter of Map Change (LOMC) from FEMA, the applicant shall be responsible for satisfying the submittal requirements and pay the processing fees.

24-7.3 Analyses and certifications by a Licensed Professional Engineer. As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a licensed professional engineer for submission with the site plan and construction documents:

- (1) For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in Section 24-7.4 of these regulations and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.
- (2) For development activities proposed to be located in a riverine flood hazard area where base flood elevations are included in the FIS or FIRM but floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and

anticipated flood hazard area encroachments will not increase the base flood elevation more than 0.2 feet at any point within the jurisdiction. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.

- (3) For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained, neither increasing nor decreasing the channel's flood-carrying capacity. The applicant shall submit the analysis to FEMA as specified in Section 24-7.4 of these regulations. The applicant shall notify the chief executive officer of all affected adjacent jurisdictions, the NJDEP's Bureau of Flood Engineering and the Division of Land Resource Protection; and shall provide documentation of such notifications.
- (4) For activities that propose to alter sand dunes in coastal high hazard areas (Zone V) and Coastal A Zones, an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage and documentation of the issuance of a New Jersey Coastal Zone Management permit under N.J.A.C. 7:7.
- (5) For analyses performed using Methods 5 and 6 (as described in N.J.A.C. 7:13) in flood hazard zones without base flood elevations (approximate A zones).

24-7.4 Submission of additional data. When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a Letter of Map Change (LOMC) from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

SECTION 24-8 INSPECTIONS

24-8.1 General. Development for which a permit is required shall be subject to inspection. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of these regulations or the building code. Inspections presuming to give authority to violate or cancel the provisions of these regulations or the building code or other ordinances shall not be valid.

24-8.2 Inspections of development. The Floodplain Administrator shall inspect all development in flood hazard areas authorized by issuance of permits under these regulations. The Floodplain Administrator shall inspect flood hazard areas from time to time to determine if development is undertaken without issuance of a permit.

24-8.3 Buildings and structures. The Construction Official shall make or cause to be made, inspections for buildings and structures in flood hazard areas authorized by permit in accordance with the Uniform Construction Code, N.J.A.C. 5:23.

- 1) **Lowest floor elevation.** Upon placement of the lowest floor, including the basement, and prior to further vertical construction, certification of the elevation required in Section 24-17.2 shall be submitted to the Construction Official on an Elevation Certificate.
- 2) **Lowest horizontal structural member.** In V zones and Coastal A zones, upon placement of the lowest floor, including the basement, and prior to further vertical

construction, certification of the elevation required in Section 24-17.2 shall be submitted to the Construction Official on an Elevation Certificate.

- 3) **Installation of attendant utilities** (electrical, heating, ventilating, air-conditioning, and other service equipment) and sanitary facilities elevated as discussed in Section 24-17.2.
- 4) **Final inspection.** Prior to the final inspection, certification of the elevation required in Section 24-17.2 shall be submitted to the Construction Official on an Elevation Certificate.

24-8.4 Manufactured homes. The Floodplain Administrator shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of these regulations and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted on an Elevation Certificate to the Floodplain Administrator prior to the final inspection.

SECTION 24-9 VARIANCES

24-9.1 General. The West Orange Zoning Board shall hear and decide requests for variances. The West Orange Zoning Board shall base its determination on technical justifications submitted by applicants, the considerations for issuance in Section 24-9.5, the conditions of issuance set forth in Section 24-9.6, and the comments and recommendations of the Floodplain Administrator and, as applicable, the Construction Official. The West Orange Zoning Board has the right to attach such conditions to variances as it deems necessary to further the purposes and objectives of these regulations.

24-9.2 Historic structures. A variance to the substantial improvement requirements of this ordinance is authorized provided that the repair or rehabilitation of a historic structure is completed according to N.J.A.C. 5:23-6.33, Section 1612 of the International Building Code and R322 of the International Residential Code, the repair or rehabilitation will not preclude the structure's continued designation as a historic structure, the structure meets the definition of the historic structure as described by this ordinance, and the variance is the minimum necessary to preserve the historic character and design of the structure.

24-9.3 Functionally dependent uses. A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use provided the variance is the minimum necessary to allow the construction or substantial improvement, and that all due consideration has been given to use of methods and materials that minimize flood damage during the base flood and create no additional threats to public safety.

24-9.4 Restrictions in floodways. A variance shall not be issued for any proposed development in a floodway when any increase in flood levels would result during the base flood discharge, as evidenced by the applicable analysis and certification required in Section 24-7.3(1) of these regulations.

24-9.5 Considerations. In reviewing requests for variances, all technical evaluations, all relevant factors, all other portions of these regulations, and the following shall be considered:

- (1) The danger that materials and debris may be swept onto other lands resulting in further injury or damage.
- (2) The danger to life and property due to flooding or erosion damage.

- (3) The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners.
- (4) The importance of the services provided by the proposed development to the community.
- (5) The availability of alternate locations for the proposed development that are not subject to flooding or erosion and the necessity of a waterfront location, where applicable.
- (6) The compatibility of the proposed development with existing and anticipated development.
- (7) The relationship of the proposed development to the comprehensive plan and floodplain management program for that area.

- (8) The safety of access to the property in times of flood for ordinary and emergency vehicles.
- (9) The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwater and the effects of wave action, where applicable, expected at the site.
- (10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets, and bridges.

24-9.6 Conditions for issuance. Variances shall only be issued upon:

- (1) Submission by the applicant of a showing of good and sufficient cause that the unique characteristics of the size, configuration or topography of the site limit compliance with any provision of these regulations or renders the elevation standards of the building code inappropriate.
- (2) A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable.
- (3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
- (4) A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (5) Notification to the applicant in writing over the signature of the Floodplain Administrator that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and that such construction below the base flood level increases risks to life and property.

SECTION 24-10 VIOLATIONS

24-10.1 Violations. Any development in any flood hazard area that is being performed without an issued permit or that is in conflict with an issued permit shall be deemed a violation. A building or structure without the documentation of elevation of the lowest floor, the lowest horizontal structural member if in a V or Coastal A Zone, other required design certifications, or other evidence of compliance required by the building code is presumed to be a violation until such time as that documentation is provided.

24-10.2 Authority. The Floodplain Administrator is authorized to serve notices of violation or stop work orders to owners of property involved, to the owner's agent, or to the person or persons doing the work for development that is not within the scope of the Uniform Construction Code, but is regulated by these regulations and that is determined to be a violation.

24-10.3 Unlawful continuance. Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by N.J.S.A. 40:49-5 as appropriate.

24-10.4 Review Period to Correct Violations. A 30-day period shall be given to the property owner as an opportunity to cure or abate the condition. The property owner shall

also be afforded an opportunity for a hearing before the court for an independent determination concerning the violation. Subsequent to the expiration of the 30-day period, a fine up to \$2,000.00 may be imposed if a court has not determined otherwise or, upon reinspection of the property, it is determined that the abatement has not been substantially completed.

SECTION 24-11 DEFINITIONS

24-11.1 General. The following words and terms shall, for the purposes of these regulations, have the meanings shown herein. Other terms are defined in the Uniform Construction Code N.J.A.C. 5:23 and terms are defined where used in the International Residential Code and International Building Code (rather than in the definitions section). Where terms are not defined, such terms shall have ordinarily accepted meanings such as the context implies.

24-11.2 Definitions

30 DAY PERIOD – The period of time prescribed by N.J.S.A. 40:49-5 in which a property owner is afforded the opportunity to correct zoning and solid waste disposal after a notice of violation pertaining to this ordinance has been issued.

100 YEAR FLOOD ELEVATION – Elevation of flooding having a 1% annual chance of being equaled or exceeded in a given year which is also referred to as the Base Flood Elevation.

500 YEAR FLOOD ELEVATION – Elevation of flooding having a 0.2% annual chance of being equaled or exceeded in a given year.

A ZONES – Areas of 'Special Flood Hazard in which the elevation of the surface water resulting from a flood that has a 1% annual chance of equaling or exceeding the Base Flood Elevation (BFE) in any given year shown on the Flood Insurance Rate Map (FIRM) zones A, AE, AH, A1–A30, AR, AR/A, AR/AE, AR/A1– A30, AR/AH, and AR/AO. When used in reference to the development of a structure in this ordinance, A Zones are not inclusive of Coastal A Zones because of the higher building code requirements for Coastal A Zones.

AH ZONES– Areas subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are between one and three feet. Base Flood Elevations (BFEs) derived from detailed hydraulic analyses are shown in this zone.

AO ZONES – Areas subject to inundation by 1-percent-annual-chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet.

ACCESSORY STRUCTURE – Accessory structures are also referred to as appurtenant structures. An accessory structure is a structure which is on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure. For example, a residential structure may have a detached garage or storage shed for garden tools as accessory structures. Other examples of accessory structures include gazebos, picnic pavilions, boathouses, small pole barns, storage sheds, and similar buildings.

AGRICULTURAL STRUCTURE - A structure used solely for agricultural purposes in which the use is exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock. Communities must require that new construction or substantial improvements of agricultural structures be elevated or floodproofed to or above the Base Flood Elevation (BFE) as any other nonresidential building. Under some

circumstances it may be appropriate to wet-floodproof certain types of agricultural structures when located in wide, expansive floodplains through issuance of a variance. This should only be done for structures used for temporary storage of equipment or crops or temporary shelter for livestock and only in circumstances where it can be demonstrated that agricultural structures can be designed in such a manner that results in minimal damage to the structure and its contents and will create no additional threats to public safety. New construction or substantial improvement of livestock confinement buildings, poultry houses, dairy operations, similar livestock operations and any structure that represents more than a minimal investment must meet the elevation or dry-floodproofing requirements of 44 CFR 60.3(c)(3).

AREA OF SHALLOW FLOODING – A designated Zone AO, AH, AR/AO or AR/AH (or VO) on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow. **AREA OF SPECIAL FLOOD HAZARD** – see **SPECIAL FLOOD HAZARD AREA**

ALTERATION OF A WATERCOURSE – A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

ASCE 7 – The standard for the Minimum Design Loads for Buildings and Other Structures, referenced by the building code and developed and published by the American Society of Civil Engineers, Reston, VA. which includes but is not limited to methodology and equations necessary for determining structural and flood-related design requirements and determining the design requirements for structures that may experience a combination of loads including those from natural hazards. Flood related equations include those for determining erosion, scour, lateral, vertical, hydrostatic, hydrodynamic, buoyancy, breaking wave, and debris impact.

ASCE 24 – The standard for Flood Resistant Design and Construction, referenced by the building code and developed and published by the American Society of Civil Engineers, Reston, VA. References to ASCE 24 shall mean ASCE 24-14 or the most recent version of ASCE 24 adopted in the UCC Code [N.J.A.C. 5:23].

BASE FLOOD ELEVATION (BFE) – The water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year, as shown on a published Flood Insurance Study (FIS), or preliminary flood elevation guidance from FEMA. May also be referred to as the “100-year flood elevation”.

BASEMENT – Any area of the building having its floor subgrade (below ground level) on all sides.

BEST AVAILABLE FLOOD HAZARD DATA - The most recent available preliminary flood risk guidance FEMA has provided. The Best Available Flood Hazard Data may be depicted on but not limited to Advisory Flood Hazard Area Maps, Work Maps, or Preliminary FIS and FIRM.

BEST AVAILABLE FLOOD HAZARD DATA AREA- The areal mapped extent associated with the most recent available preliminary flood risk guidance FEMA has provided. The Best Available Flood Hazard Data may be depicted on but not limited to Advisory Flood Hazard Area Maps, Work Maps, or Preliminary FIS and FIRM.

BEST AVAILABLE FLOOD HAZARD DATA ELEVATION - The most recent available preliminary

flood elevation guidance FEMA has provided. The Best Available Flood Hazard Data may be depicted on but not limited to Advisory Flood Hazard Area Maps, Work Maps, or Preliminary FIS and FIRM.

BREAKAWAY WALLS – Any type of wall subject to flooding that is not required to provide structural support to a building or other structure and that is designed and constructed such that, below the Local Design Flood Elevation, it will collapse under specific lateral loads such that (1) it allows the free passage of floodwaters, and (2) it does not damage the structure or supporting foundation system. Certification in the V Zone Certificate of the design, plans, and specifications by a licensed design professional that these walls are in accordance with accepted standards of practice is required as part of the permit application for new and substantially improved V Zone and Coastal A Zone structures. A completed certification must be submitted at permit application.

BUILDING – Per the FHACA, “Building” means a structure enclosed with exterior walls or fire walls, erected and framed of component structural parts, designed for the housing, shelter, enclosure, and support of individuals, animals, or property of any kind. A building may have a temporary or permanent foundation. A building that is intended for regular human occupation and/or residence is considered a habitable building.

CONDITIONAL LETTER OF MAP REVISION - A Conditional Letter of Map Revision (CLOMR) is FEMA's comment on a proposed project that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA). The letter does not revise an effective NFIP map, it indicates whether the project, if built as proposed, would be recognized by FEMA. FEMA charges a fee for processing a CLOMR to recover the costs associated with the review that is described in the Letter of Map Change (LOMC) process. Building permits cannot be issued based on a CLOMR, because a CLOMR does not change the NFIP map.

CONDITIONAL LETTER OF MAP REVISION - FILL -- A Conditional Letter of Map Revision - Fill (CLOMR-F) is FEMA's comment on a proposed project involving the placement of fill outside of the regulatory floodway that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA). The letter does not revise an effective NFIP map, it indicates whether the project, if built as proposed, would be recognized by FEMA. FEMA charges a fee for processing a CLOMR to recover the costs associated with the review that is described in the Letter of Map Change (LOMC) process. Building permits cannot be issued based on a CLOMR, because a CLOMR does not change the NFIP map.

CRITICAL BUILDING – Per the FHACA, “Critical Building” means that:

- a. It is essential to maintaining continuity of vital government operations and/or supporting emergency response, sheltering, and medical care functions before, during, and after a flood, such as a hospital, medical clinic, police station, fire station, emergency response center, or public shelter; or
- b. It serves large numbers of people who may be unable to leave the facility through their own efforts, thereby hindering or preventing safe evacuation of the building during a flood event, such as a school, college, dormitory, jail or detention facility, day care center, assisted living facility, or nursing home.

DEVELOPMENT – Any manmade change to improved or unimproved real estate, including but

not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of materials, mining, dredging, filling, grading, paving, excavations, drilling operations and other land-disturbing activities.

DRY FLOODPROOFING – A combination of measures that results in a non-residential structure, including the attendant utilities and equipment as described in the latest version of ASCE 24, being watertight with all elements substantially impermeable and with structural components having the capacity to resist flood loads.

ELEVATED BUILDING – A building that has no basement and that has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns. Solid perimeter foundations walls are not an acceptable means of elevating buildings in V and VE Zones.

ELEVATION CERTIFICATE – An administrative tool of the National Flood Insurance Program (NFIP) that can be used to provide elevation information, to determine the proper insurance premium rate, and to support an application for a Letter of Map Amendment (LOMA) or Letter of Map Revision based on fill (LOMR-F).

ENCROACHMENT – The placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

FEMA PUBLICATIONS – Any publication authored or referenced by FEMA related to building science, building safety, or floodplain management related to the National Flood Insurance Program. Publications shall include but are not limited to technical bulletins, desk references, and American Society of Civil Engineers Standards documents including ASCE 24.

FLOOD OR FLOODING

- a. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - 1. The overflow of inland or tidal waters.
 - 2. The unusual and rapid accumulation or runoff of surface waters from any source.
 - 3. Mudslides (i.e. mudflows) which are proximately caused by flooding as defined in (a) (2) of this definition and are akin to a river or liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition.

FLOOD HAZARD AREA DESIGN FLOOD ELEVATION – Per the FHACA, the peak water surface elevation that will occur in a water during the flood hazard area design flood. This elevation is determined via available flood mapping adopted by the State, flood mapping published by FEMA (including effective flood mapping dated on or after January 31, 1980, or any more recent advisory, preliminary, or pending flood mapping; whichever results in higher flood elevations, wider floodway limits, greater flow rates, or indicates a change from an A zone to a V zone or coastal A zone), approximation, or calculation pursuant to the Flood Hazard Area Control

Act Rules at N.J.A.C. 7:13-3.1 – 3.6 and is typically higher than FEMA's base flood elevation. A water that has a drainage area measuring less than 50 acres does not possess, and is not assigned, a flood hazard area design flood elevation.

FLOOD INSURANCE RATE MAP (FIRM) – The official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS) – The official report in which the Federal Emergency Management Agency has provided flood profiles, as well as the Flood Insurance Rate Map(s) and the water surface elevation of the base flood.

FLOODPLAIN OR FLOOD PRONE AREA – Any land area susceptible to being inundated by water from any source. See "Flood or flooding."

FLOODPLAIN MANAGEMENT REGULATIONS – Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance) and other applications of police power. The term describes such State or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

FLOODPROOFING – Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

FLOODPROOFING CERTIFICATE – Certification by a licensed design professional that the design and methods of construction for floodproofing a non-residential structure are in accordance with accepted standards of practice to a proposed height above the structure's lowest adjacent grade that meets or exceeds the Local Design Flood Elevation. A completed floodproofing certificate is required at permit application.

FLOODWAY – The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 0.2 foot.

FREEBOARD – A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

FUNCTIONALLY DEPENDENT USE – A use that cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities necessary for the loading or unloading of cargo or passengers, and shipbuilding and ship repair facilities. The term does not include long-term storage or related manufacturing facilities.

HABITABLE BUILDING– Pursuant to the FHACA Rules (N.J.A.C. 7:13), means a building that is intended for regular human occupation and/or residence. Examples of a habitable building include a single-family home, duplex, multi-residence building, or critical building; a commercial building such as a retail store, restaurant, office building, or gymnasium; an accessory structure that is regularly occupied, such as a garage, barn, or workshop; mobile and manufactured homes, and trailers intended for human residence, which are set on a foundation and/or

connected to utilities, such as in a mobile home park (not including campers and recreational vehicles); and any other building that is regularly occupied, such as a house of worship, community center, or meeting hall, or animal shelter that includes regular human access and occupation. Examples of a non-habitable building include a bus stop shelter, utility building, storage shed, self-storage unit, construction trailer, or an individual shelter for animals such as a doghouse or outdoor kennel.

HARDSHIP – As related to Section 24-9 of this ordinance, meaning the exceptional hardship that would result from a failure to grant the requested variance. The West Orange Zoning Board requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

HIGHEST ADJACENT GRADE – The highest natural elevation of the ground surface prior to construction next to the proposed or existing walls of a structure.

HISTORIC STRUCTURE – Any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. Individually listed on a State inventory of historic places in States with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 1. By an approved State program as determined by the Secretary of the Interior; or
 2. Directly by the Secretary of the Interior in States without approved programs.

LAWFULLY EXISTING – Per the FHACA, means an existing fill, structure and/or use, which meets all Federal, State, and local laws, and which is not in violation of the FHACA because it was established:

- a. Prior to January 31, 1980; or
- b. On or after January 31, 1980, in accordance with the requirements of the FHACA as it existed at the time the fill, structure and/or use was established.

Note: Substantially damaged properties and substantially improved properties that have not been elevated are not considered “lawfully existing” for the purposes of the NFIP. This definition is included in this ordinance to clarify the applicability of any more stringent statewide floodplain management standards required under the FHACA.

LETTER OF MAP AMENDMENT - A Letter of Map Amendment (LOMA) is an official amendment, by letter, to an effective National Flood Insurance Program (NFIP) map that is requested through the Letter of Map Change (LOMC) process. A LOMA establishes a property's location in relation to the Special Flood Hazard Area (SFHA). LOMAs are usually issued because a property has been inadvertently mapped as being in the floodplain but is actually on natural high ground above the base flood elevation. Because a LOMA officially amends the effective NFIP map, it is a public record that the community must maintain. Any LOMA should be noted on the community's master

flood map and filed by panel number in an accessible location.

LETTER OF MAP CHANGE – The Letter of Map Change (LOMC) process is a service provided by FEMA for a fee that allows the public to request a change in flood zone designation in an Area of Special Flood Hazard on a Flood Insurance Rate Map (FIRM). Conditional Letters of Map Revision, Conditional Letters of Map Revision – Fill, Letters of Map Revision, Letters of Map Revision-Fill, and Letters of Map Amendment are requested through the Letter of Map Change (LOMC) process.

LETTER OF MAP REVISION - A Letter of Map Revision (LOMR) is FEMA's modification to an effective Flood Insurance Rate Map (FIRM). Letter of Map Revisions are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA). The LOMR officially revises the Flood Insurance Rate Map (FIRM) and sometimes the Flood Insurance Study (FIS) report, and when appropriate, includes a description of the modifications. The LOMR is generally accompanied by an annotated copy of the affected portions of the FIRM or FIS report. Because a LOMR officially revises the effective NFIP map, it is a public record that the community must maintain. Any LOMR should be noted on the community's master flood map and filed by panel number in an accessible location.

LETTER OF MAP REVISION – FILL -- A Letter of Map Revision Based on Fill (LOMR-F) is FEMA's modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway may be initiated through the Letter of Map Change (LOMC) Process. Because a LOMR-F officially revises the effective Flood Insurance Rate Map (FIRM) map, it is a public record that the community must maintain. Any LOMR-F should be noted on the community's master flood map and filed by panel number in an accessible location.

LICENSED DESIGN PROFESSIONAL – Licensed design professional shall refer to either a New Jersey Licensed Professional Engineer, licensed by the New Jersey State Board of Professional Engineers and Land Surveyors or a New Jersey Licensed Architect, licensed by the New Jersey State Board of Architects.

LICENSED PROFESSIONAL ENGINEER - A licensed professional engineer shall refer to individuals licensed by the New Jersey State Board of Professional Engineers and Land Surveyors.

LOCAL DESIGN FLOOD ELEVATION (LD FE) – The elevation reflective of the most recent available preliminary flood elevation guidance FEMA has provided as depicted on but not limited to Advisory Flood Hazard Area Maps, Work Maps, or Preliminary FIS and FIRM which is also inclusive of freeboard specified by the New Jersey Flood Hazard Area Control Act and Uniform Construction Codes and any additional freeboard specified in a community's ordinance. In no circumstances shall a project's LD FE be lower than a permit-specified Flood Hazard Area Design Flood Elevation or a valid NJDEP Flood Hazard Area Verification Letter plus the freeboard as required in ASCE 24 and the effective FEMA Base Flood Elevation.

LOWEST ADJACENT GRADE – The lowest point of ground, patio, or sidewalk slab immediately next a structure, except in AO Zones where it is the natural grade elevation.

LOWEST FLOOR – In A Zones, the lowest floor is the top surface of the lowest floor of the lowest enclosed area (including basement). In V Zones and coastal A Zones, the bottom of the lowest

horizontal structural member of a building is the lowest floor. An unfinished or flood resistant enclosure, usable solely for the parking of vehicles, building access or storage in an area other than a basement is not considered a building's lowest floor provided that such enclosure is not built so as to render the structure in violation of other applicable non-elevation design requirements of these regulations.

MANUFACTURED HOME – A structure that is transportable in one or more sections, eight (8) feet or more in width and greater than four hundred (400) square feet, built on a permanent chassis, designed for use with or without a permanent foundation when attached to the required utilities, and constructed to the Federal Manufactured Home Construction and Safety Standards and rules and regulations promulgated by the U.S. Department of Housing and Urban Development. The term also includes mobile homes, park trailers, travel trailers and similar transportable structures that are placed on a site for 180 consecutive days or longer.

MANUFACTURED HOME PARK OR SUBDIVISION – A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MARKET VALUE – The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in these regulations, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value shall be determined by one of the following methods (1) Actual Cash Value (replacement cost depreciated for age and quality of construction), (2) tax assessment value adjusted to approximate market value by a factor provided by the Property Appraiser, or (3) established by a qualified independent appraiser.

NEW CONSTRUCTION – Structures for which the start of construction commenced on or after the effective date of the first floodplain regulation adopted by a community; includes any subsequent improvements to such structures. New construction includes work determined to be a substantial improvement.

NON-RESIDENTIAL – Pursuant to ASCE 24, any building or structure or portion thereof that is not classified as residential.

ORDINARY MAINTENANCE AND MINOR WORK – This term refers to types of work excluded from construction permitting under N.J.A.C. 5:23 in the March 5, 2018 New Jersey Register. Some of these types of work must be considered in determinations of substantial improvement and substantial damage in regulated floodplains under 44 CFR 59.1. These types of work include but are not limited to replacements of roofing, siding, interior finishes, kitchen cabinets, plumbing fixtures and piping, HVAC and air conditioning equipment, exhaust fans, built in appliances, electrical wiring, etc. Improvements necessary to correct existing violations of State or local health, sanitation, or code enforcement officials which are the minimum necessary to assure safe living conditions and improvements of historic structures as discussed in 44 CFR 59.1 shall not be included in the determination of ordinary maintenance and minor work.

RECREATIONAL VEHICLE – A vehicle that is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled or permanently towable by a light-duty truck, and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

REPETITIVE LOSS – any flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

RESIDENTIAL – Pursuant to the ASCE 24:

- a. Buildings and structures and portions thereof where people live or that are used for sleeping purposes on a transient or non-transient basis;
- b. Structures including but not limited to one- and two-family dwellings, townhouses, condominiums, multi-family dwellings, apartments, congregate residences, boarding houses, lodging houses, rooming houses, hotels, motels, apartment buildings, convents, monasteries, dormitories, fraternity houses, sorority houses, vacation time-share properties; and
- c. institutional facilities where people are cared for or live on a 24-hour basis in a supervised environment, including but not limited to board and care facilities, assisted living facilities, halfway houses, group homes, congregate care facilities, social rehabilitation facilities, alcohol and drug centers, convalescent facilities, hospitals, nursing homes, mental hospitals, detoxification facilities, prisons, jails, reformatories, detention centers, correctional centers, and prerelease centers.

SOLID WASTE DISPOSAL – “Solid Waste Disposal” shall mean the storage, treatment, utilization, processing or final disposition of solid waste as described in N.J.A.C. 7:26-1.6 or the storage of unsecured materials as described in N.J.A.C. 7:13-2.3 for a period of greater than 6 months as specified in N.J.A.C. 7:26 which have been discharged, deposited, injected, dumped, spilled, leaked, or placed into any land or water such that such solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

SPECIAL FLOOD HAZARD AREA – The greater of the following: (1) Land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year, shown on the FIRM as Zone V, VE, V1-3-, A, AO, A1-30, AE, A99, or AH; (2) Land and the space above that land, which lies below the peak water surface elevation of the flood hazard area design flood for a particular water, as determined using the methods set forth in the New Jersey Flood Hazard Area Control Act in N.J.A.C. 7:13; (3) Riparian Buffers as determined in the New Jersey Flood Hazard Area Control Act in N.J.A.C. 7:13. Also referred to as the AREA OF SPECIAL FLOOD HAZARD.

START OF CONSTRUCTION – The **Start of Construction** is as follows:

- a. **For other than new construction or substantial improvements, under the Coastal Barrier Resources Act (CBRA)**, this is the date the building permit was issued, provided that the actual start of construction, repair, rehabilitation, addition, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a building on site, such as the pouring of a slab or footing, the installation of piles, the construction of columns or any work beyond the stage of excavation; or the placement of a manufactured (mobile) home on a foundation. For a substantial improvement, actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- b. For the purposes of determining whether proposed construction must meet new requirements when National Flood Insurance Program (NFIP) maps are issued or revised and Base Flood Elevation's (BFEs) increase or zones change, the Start of Construction includes substantial

improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. Such development must also be permitted and must meet new requirements when National Flood Insurance Program (NFIP) maps are issued or revised and Base Flood Elevation's (BFEs) increase or zones change.

For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

For determining if new construction and substantial improvements within the Coastal Barrier Resources System (CBRS) can obtain flood insurance, a different definition applies.

STRUCTURE – A walled and roofed building, a manufactured home, or a gas or liquid storage tank that is principally above ground.

SUBSTANTIAL DAMAGE – Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures that have incurred “substantial damage,” regardless of the actual repair work performed. This term also includes structures which have incurred “repetitive loss” or “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either

- (a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local Code Enforcement Official and which are the minimum necessary to assure safe living conditions, or

- b.) Any alteration of a “historic structure” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.”

UTILITY AND MISCELLANEOUS GROUP U BUILDINGS AND STRUCTURES – Buildings and structures of an accessory character and miscellaneous structures not classified in any special occupancy, as described in ASCE 24.

VARIANCE – A grant of relief from the requirements of this section which permits construction in a manner otherwise prohibited by this section where specific enforcement would result in

unnecessary hardship.

VIOLATION – A development that is not fully compliant with these regulations or the flood provisions of the building code. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION – the height, in relation to the North American Vertical Datum (NAVD) of 1988, (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

WATERCOURSE. A river, creek, stream, channel, or other topographic feature in, on, through, or over which water flows at least periodically.

WET FLOODPROOFING – Floodproofing method that relies on the use of flood damage resistant materials and construction techniques in areas of a structure that are below the Local Design Flood Elevation by intentionally allowing them to flood. The application of wet floodproofing as a flood protection technique under the National Flood Insurance Program (NFIP) is limited to enclosures below elevated residential and non-residential structures and to accessory and agricultural structures that have been issued variances by the community.

SECTION 24-12 SUBDIVISIONS AND OTHER DEVELOPMENTS

24-12.1 General. Any subdivision proposal, including proposals for manufactured home parks and subdivisions, or other proposed new development in a flood hazard area shall be reviewed to assure that:

- (1) All such proposals are consistent with the need to minimize flood damage.
- (2) All public utilities and facilities, such as sewer, gas, electric and water systems are located and constructed to minimize or eliminate flood damage.
- (3) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwater around and away from structures.

24-12.2 Subdivision requirements. Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:

- (1) The flood hazard area, including floodways, coastal high hazard areas, and Coastal A Zones, and base flood elevations, as appropriate, shall be delineated on tentative subdivision plats.
- (2) Residential building lots shall be provided with adequate buildable area outside the floodway.
- (3) The design criteria for utilities and facilities set forth in these regulations and appropriate codes shall be met.

SECTION 24-13 SITE IMPROVEMENT

24-13.1 Encroachment in floodways. Development, land disturbing activity, and encroachments in floodways shall not be authorized unless it has been demonstrated through hydrologic and hydraulic analyses required in accordance with Section 24-17.3(1) of these

regulations, that the proposed encroachment will not result in any increase in the base flood level during occurrence of the base flood discharge. If Section 24-17.3(1) is satisfied, proposed elevation, addition, or reconstruction of a lawfully existing structure within a floodway shall also be in accordance with Section 24-17.2 of this ordinance and the floodway requirements of N.J.A.C. 7:13.

24.13.1.1 Prohibited in floodways. The following are prohibited activities:

- (1) The storage of unsecured materials is prohibited within a floodway pursuant to N.J.A.C. 7:13.
- (2) Fill and new structures are prohibited in floodways per N.J.A.C. 7:13.

24-13.2 Sewer facilities. All new and replaced sanitary sewer facilities, private sewage treatment plants (including all pumping stations and collector systems) and on-site waste disposal systems shall be designed in accordance with the New Jersey septic system regulations contained in N.J.A.C. 14A and N.J.A.C. 7:9A, the UCC Plumbing Subcode (N.J.A.C. 5:23) and Chapter 7, ASCE 24, to minimize or eliminate infiltration of floodwater into the facilities and discharge from the facilities into flood waters, or impairment of the facilities and systems.

24-13.3 Water facilities. All new and replacement water facilities shall be designed in accordance with the New Jersey Safe Drinking Water Act (N.J.A.C. 7:10) and the provisions of Chapter 7 ASCE 24, to minimize or eliminate infiltration of floodwater into the systems.

24-13.4 Storm drainage. Storm drainage shall be designed to convey the flow of surface waters to minimize or eliminate damage to persons or property.

24-13.5 Streets and sidewalks. Streets and sidewalks shall be designed to minimize potential for increasing or aggravating flood levels.

24-13.6 Limitations on placement of fill. Subject to the limitations of these regulations, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwater, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, when intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the UCC (N.J.A.C. 5:23). Proposed fill and encroachments in flood hazard areas shall comply with the flood storage displacement limitations of N.J.A.C. 7:13.

24-13.7 Hazardous Materials. The placement or storage of any containers holding hazardous substances in a flood hazard area is prohibited unless the provisions of N.J.A.C. 7:13 which cover the placement of hazardous substances and solid waste is met.

SECTION 24-14 MANUFACTURED HOMES

24-14.1 General. All manufactured homes installed in flood hazard areas shall be installed pursuant to the Nationally Preemptive Manufactured Home Construction and Safety Standards Program (24 CFR 3280).

24-14.2 Elevation. All new, relocated, and replacement manufactured homes to be placed or substantially improved in a flood hazard area shall be elevated such that the bottom of the frame is elevated to or above the elevation specified in Section 24-17.2.

24-14.3 Foundations. All new, relocated, and replacement manufactured homes,

including substantial improvement of existing manufactured homes, shall be placed on foundations as specified by the manufacturer only if the manufacturer's installation instructions specify that the home has been designed for flood-resistant considerations and provides the conditions of applicability for velocities, depths, or wave action as required by 24 CFR Part 3285-302. The Floodplain Administrator is authorized to determine whether the design meets or exceeds the performance necessary based upon the proposed site location conditions as a precondition of issuing a flood damage prevention permit. If the Floodplain Administrator determines that the home's performance standards will not withstand the flood loads in the proposed location, the applicant must propose a design certified by a New Jersey licensed design professional and in accordance with 24 CFR 3285.301 (c) and (d) which conforms with ASCE 24, the accepted standard of engineering practice for flood resistant design and construction.

24-14.4 Anchoring. All new, relocated, and replacement manufactured homes to be placed or substantially improved in a flood hazard area shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

24-14.5 Enclosures. Fully enclosed areas below elevated manufactured homes shall comply with the requirements of Section 24-17.2.

24-14.6 Protection of mechanical equipment and outside appliances. Mechanical equipment and outside appliances shall be elevated to or above the elevation of the bottom of the frame required in Section 24-17.2 of these regulations.

Exception. Where such equipment and appliances are designed and installed to prevent water from entering or accumulating within their components and the systems are constructed to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding up to the elevation required by Section 24-17.2, the systems and equipment shall be permitted to be located below that elevation. Electrical wiring systems shall be permitted below the design flood elevation provided they conform to the provisions of NFPA 70 (National Electric Code).

SECTION 24-15 RECREATIONAL VEHICLES

24-15.1 Placement prohibited. The placement of recreational vehicles shall not be authorized in coastal high hazard areas and in floodways.

24-15.2 Temporary placement. Recreational vehicles in flood hazard areas shall be fully licensed and ready for highway use and shall be placed on a site for less than 180 consecutive days.

24-15.3 Permanent placement. Recreational vehicles that are not fully licensed and ready for highway use, or that are to be placed on a site for more than 180 consecutive days, shall meet the requirements of Section 24-17.2 for habitable buildings and Section 24-14.3.

SECTION 24-16 TANKS

24-16.1 Tanks. Underground and above-ground tanks shall be designed, constructed, installed, and anchored in accordance with ASCE 24 and N.J.A.C. 7:13.

SECTION 24-17 OTHER DEVELOPMENT AND BUILDING WORK

24-17.1 General requirements for other development and building work. All development and building work, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in these regulations or the Uniform Construction Code (N.J.A.C. 5:23), shall:

- (1) Be located and constructed to minimize flood damage;
- (2) Meet the limitations of Section 24-7.3(1) of this ordinance when located in a regulated floodway;
- (3) Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic and hydrodynamic loads, including the effects of buoyancy, during the conditions of flooding up to the Local Design Flood Elevation determined according to Section 24-4.3;
- (4) Be constructed of flood damage-resistant materials as described in ASCE 24 Chapter 5;
- (5) Have mechanical, plumbing, and electrical systems above the Local Design Flood Elevation determined according to Section 24-4.3 or meet the requirements of ASCE 24 Chapter 7 which requires that attendant utilities are located above the Local Design Flood Elevation unless the attendant utilities and equipment are:
 - i. Specifically allowed below the Local Design Flood Elevation; and
 - ii. Designed, constructed, and installed to prevent floodwaters, including any backflow through the system from entering or accumulating within the components.
- (6) Not exceed the flood storage displacement limitations in fluvial flood hazard areas in accordance with N.J.A.C. 7:13; and
- (7) Not exceed the impacts to frequency or depth of offsite flooding as required by N.J.A.C. 7:13 in floodways.

24-17.2 Requirements for Habitable Buildings and Structures.

- 1) Construction and Elevation in A Zones not including Coastal A Zones.
 - a. No portion of a building is located within a V Zone.
 - b. No portion of a building is located within a Coastal A Zone, unless a licensed design professional certifies that the building's foundation is designed in accordance with ASCE 24, Chapter 4.
 - c. All new construction and substantial improvement of any habitable building (as defined in Section 24-11) located in flood hazard areas shall have the lowest floor, including basement, together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated to or above the Local Design Flood Elevation as determined in Section 24-4.3, be in conformance with ASCE Chapter 7, and be confirmed by an Elevation Certificate.
 - d. All new construction and substantial improvements of non-residential structures shall:
 - i. Have the lowest floor, including basement, together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated to or above the Local Design Flood Elevation as determined in Section 24-4.3, be in conformance with ASCE

- Chapter 7, and be confirmed by an Elevation Certificate; or
- ii. Together with the attendant utility and sanitary facilities, be designed so that below the Local Design Flood Elevation, the structure:
 - 1. Meets the requirements of ASCE 24 Chapters 2 and 7; and
 - 2. Is constructed according to the design plans and specifications provided at permit application and signed by a licensed design professional, is certified by that individual in a Floodproofing Certificate, and is confirmed by an Elevation Certificate.
- e. All new construction and substantial improvements with fully enclosed areas below the lowest floor shall be used solely for parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding. Enclosures shall:
- iii. For habitable structures, be situated at or above the adjoining exterior grade along at least one entire exterior wall, in order to provide positive drainage of the enclosed area in accordance with N.J.A.C. 7:13; enclosures (including crawlspaces and basements) which are below grade on all sides are prohibited;
 - iv. Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters unless the structure is non-residential and the requirements of 24-17.2(1)(d)(ii) are met;
 - v. Be constructed to meet the requirements of ASCE 24 Chapter 2;
 - vi. Have openings documented on an Elevation Certificate; and
 - vii. Have documentation that a deed restriction has been obtained for the lot if the enclosure is greater than six feet in height. This deed restriction shall be recorded in the Office of the County Clerk or the Registrar of Deeds and Mortgages in which the building is located, shall conform to the requirements in N.J.A.C.7:13, and shall be recorded within 90 days of receiving a Flood Hazard Area Control Act permit or prior to the start of any site disturbance (including pre-construction earth movement, removal of vegetation and structures, or construction of the project), whichever is sooner. Deed restrictions must explain and disclose that:
 - 1. The enclosure is likely to be inundated by floodwaters which may result in damage and/or inconvenience.
 - 2. The depth of flooding that the enclosure would experience to the Flood Hazard Area Design Flood Elevation;
 - 3. The deed restriction prohibits habitation of the enclosure and explains that converting the enclosure into a habitable area may subject the property owner to enforcement;
- f. For new construction or substantial improvements, enclosures shall be less than 295 square feet in size.

24-17.3 Garages and accessory storage structures. Garages and accessory storage structures shall be designed and constructed in accordance with the Uniform Construction Code.

24-17.4 Fences. Fences in floodways that have the potential to block the passage of floodwater, such as stockade fences and wire mesh fences, shall meet the requirements of Section 24-7.3(1) of these regulations. Pursuant to N.J.A.C. 7:13, any fence located in a floodway shall have sufficiently large openings so as not to catch debris during a flood and thereby obstruct floodwaters, such as barbed-wire, split-rail, or strand fence. A fence with little or no open area, such as a chain link, lattice, or picket fence, does not meet this requirement.

Foundations for fences greater than 6 feet in height must conform with the Uniform Construction Code. Fences for pool enclosures having openings not in conformance with this section but in conformance with the Uniform Construction Code to limit climbing require a variance as described in Section 24-9 of this ordinance.

24-17.5 Retaining walls, sidewalks, and driveways. Retaining walls, sidewalks and driveways that involve placement of fill in floodways shall meet the requirements of Section 24-7.3(1) of these regulations and N.J.A.C. 7:13.

24-17.6 Swimming pools. Swimming pools shall be designed and constructed in accordance with the Uniform Construction Code. Above-ground swimming pools and below-ground swimming pools that involve placement of fill in floodways shall also meet the requirements of Section 24-7.3(1) of these regulations. Above-ground swimming pools are prohibited in floodways by N.J.A.C. 7:13.

24-17.7 Roads and watercourse crossings.

- (1) For any railroad, roadway, or parking area proposed in a flood hazard area, the travel surface shall be constructed at least one foot above the Flood Hazard Area Design Elevation in accordance with N.J.A.C. 7:13.
- (2) Roads and watercourse crossings that encroach into regulated floodways or riverine waterways with base flood elevations where floodways have not been designated, including roads, bridges, culverts, low- water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, shall meet the requirements of Section 24-7.3(1) of these regulations.

SECTION 24-18 TEMPORARY STRUCTURES AND TEMPORARY STORAGE

24-18.1 Temporary structures. Temporary structures shall be erected for a period of less than 180 days. Temporary structures shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the base flood. Fully enclosed temporary structures shall have flood openings that are in accordance with ASCE 24 to allow for the automatic entry and exit of flood waters.

24-18.2 Temporary storage. Temporary storage includes storage of goods and materials for a period of less than 180 days. Stored materials shall not include hazardous materials.

24-18.3 Floodway encroachment. Temporary structures and temporary storage in floodways shall meet the requirements of Section 24-7.3(1) of these regulations.

SECTION 19 UTILITY AND MISCELLANEOUS GROUP U

24-19.1 Utility and Miscellaneous Group U. In accordance with Section 312 of the International Building Code, Utility and Miscellaneous Group U includes buildings and structures that are accessory in character and miscellaneous structures not classified in any specific occupancy in the Building Code, including, but not limited to, agricultural buildings, aircraft hangars (accessory to a one- or two-family residence), barns, carports, communication equipment structures (gross floor area less than 1,500 sq. ft.), fences more than 6 feet (1829 mm) high, grain silos (accessory to a residential occupancy), livestock shelters, private garages, retaining walls, sheds, stables, tanks and towers.

24-19.2 Flood loads. Utility and miscellaneous Group U buildings and structures, including substantial improvement of such buildings and structures, shall be anchored to prevent flotation, collapse or lateral movement resulting from flood loads, including the effects of buoyancy, during conditions up to the Local Design Flood Elevation as determined in Section 24-4.3.

24-19.3 Elevation. Utility and miscellaneous Group U buildings and structures, including substantial improvement of such buildings and structures, shall be elevated such that the lowest floor, including basement, is elevated to or above the Local Design Flood Elevation as determined in Section 24-4.3 and in accordance with ASCE 24. Utility lines shall be designed and elevated in accordance with N.J.A.C. 7:13.

24-19.4 Enclosures below base flood elevation. Fully enclosed areas below the design flood elevation shall be constructed in accordance with Section 24-17.2 and with ASCE 24 for new construction and substantial improvements. Existing enclosures such as a basement or crawlspace having a floor that is below grade along all adjoining exterior walls shall be abandoned, filled-in, and/or otherwise modified to conform with the requirements of N.J.A.C. 7:13 when the project has been determined to be a substantial improvement by the Floodplain Administrator.

24-19.5 Flood-damage resistant materials. Flood-damage-resistant materials shall be used below the Local Design Flood Elevation determined in Section 24-4.3.

24-19.6 Protection of mechanical, plumbing, and electrical systems. Mechanical, plumbing, and electrical systems, equipment and components, heating, ventilation, air conditioning, plumbing fixtures, duct systems, and other service equipment, shall be elevated to or above the Local Design Flood Elevation determined in Section 24-4.3.

Exception: Electrical systems, equipment and components, and heating, ventilating, air conditioning, and plumbing appliances, plumbing fixtures, duct systems, and other service equipment shall be permitted to be located below the Local Design Flood Elevation provided that they are designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding to the Local Design Flood Elevation in compliance with the flood-resistant construction requirements of ASCE 24. Electrical wiring systems shall be permitted to be located below the Local Design Flood Elevation provided they conform to the provisions of NFPA 70 (National Electric Code).

SECTION 24-20. SEVERABILITY.

Where any section, subsection, sentence, clause, or phrase of these regulations is, for any reason, declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof, other than the part so declared.

SECTION 24-21. EFFECTIVE DATE.

This ordinance shall take effect on July 11, 2023

SUSAN MCCARTNEY, MAYOR

**TAMMY WILLIAMS
COUNCIL PRESIDENT**

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

INTRODUCED: June 13, 2023

ADOPTED: July 11, 2023

**AN ORDINANCE ESTABLISHING CHAPTER 14, SECTION 21 OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(REGISTRATION OF VACANT PROPERTY)**

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WEST ORANGE, NEW JERSEY that Chapter 14 of the Revised General Ordinances of the Township of West Orange be and are hereby amended and supplemented as follows:

I. PURPOSE

The purpose of this section is to enable the Township to regulate the safety, maintenance, security and upkeep of vacant and/or abandoned property and to establish a registry for the monitoring of vacant and/or abandoned property.

III. CHAPTER 14, SECTIONS 21 SHALL BE AND HEREBY IS ESTABLISHED AS FOLLOWS:

14-21 REGISTRATION OF VACANT PROPERTIES

14-21.1 Definitions

FORECLOSING CREDITOR: Shall mean and have the same definition as set forth in Chapter 14, Section 20.2 of the Revised General Ordinances of the Township of West Orange.

OWNER- Includes the title holder, any agent of the title holder having authority to act with respect to a vacant property, any foreclosing entity subject to the provisions of N.J.S.A. 46:10B-51 (Public Law 2008), any debtor in possession of the property, lienholder or mortgage holder, or any other entity determined by the Township to have authority to act with respect to the property.

REGISTRANT: Any person, owner, foreclosing creditor or entity who files a registration statement in accordance with this Chapter.

RESIDENCE- Any building in which at least 2/3 of the usable area which has been, is or may be used as a residence, home or dwelling.

STRUCTURE- Any construction, production, or piece of work artificially built or composed of parts purposefully joined together.

VACANT PROPERTY-

A. Any residence or structure that meets the following criteria shall be deemed vacant:

- (1) The residence and/or structure is not legally occupied, or in which all lawful construction operations requiring a permit have substantially ceased.

- (2) Is in such condition that it cannot legally be reoccupied without repair, permit, or rehabilitation.
- B. Any property meeting the following conditions shall not be deemed vacant:
 - (1) All building systems are in working order;
 - (2) Grounds are maintained in good condition;
 - (3) The property is not in violation of any applicable laws, regulations or ordinances; and
 - (4) Legal residential occupancy has resumed, or the property is being publicly marketed by its owner for sale or rental.
- C. Each block and lot shall be considered separate property.

14-21.2 Registration Required; Period of Validity; General Regulations

- A. The registrant and/or owner of any vacant property as defined herein shall, within 60 days after the building becomes vacant property or within sixty (60) days after assuming ownership of the vacant property, or within 14 calendar days after receipt of notice from the Township, whichever is earlier, file a registration statement for each such vacant property on forms or manner provided by the Township for such purposes. The registration shall remain valid for six months from the date of registration. The registrant shall be required to renew the registration every six months as long as the building remains vacant property and shall pay a registration or renewal fee in the amount prescribed by Resolution at the approval of the Township Council for each vacant property registered.
- B. Any owner of any building, structure or property that meets the definition of “vacant property” prior to the effective date of this article shall file a registration statement for that property in accord with Section A.
- C. The registrant shall notify the Zoning Official within 10 days of any change in the registration information including but not limited to change in ownership by filing an amended registration statement on a form provided by the Zoning Official for such purposes.
- D. The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the Township against the owner or owners of the building.
- E. Any owner of vacant property who intends to restore the property to occupancy following the initial registration shall file a detailed plan for restoration of the property to habitable condition on a form issued by the Zoning Official together with an amended registration statement.

- (1) During the restoration period, the owner shall be exempt for a period of 12 months from payment of the vacant property registration fee(s) as long as the property is being actively restored but shall comply with all other laws, regulations and municipal ordinances. Exception will terminate if the restoration activity ceases.
- (2) In the event the property has not been approved for occupancy at the end of the twelve-month period, the owner shall be liable for any fees waived. The Fire Chief, Zoning Official, and/or their designee may extend the waiver of the registration fee for not more than one additional twelve-month period in response to a written request, prior to the expiration of the initial twelve-month period, by the property owner where the Fire Chief, Zoning Official, and/or their designee finds compelling conditions existed outside the owner's control which inhibited the owner from restoring the property within the initial twelve-month period.

14-21.3 Registration Statement Requirements; Property Inspection

- A. After filing a registration statement or a renewal of a registration statement, the owner or registrant of any vacant property shall provide access to the Township to conduct an exterior and interior inspection of the building to determine compliance with the municipal code, following reasonable notice, during the period covered by the initial registration or any subsequent renewal.
- B. The registration statement shall include the name, street address and telephone number of a natural person 21 years of age or older, designated by the owner or owners as the authorized agent for receiving notices of code violations and for receiving process, in any court proceeding or administrative enforcement proceeding, on behalf of such owner or owners in connection with the enforcement of any applicable code. This person must maintain an office in the State of New Jersey or reside within the State of New Jersey. The statement shall also include the name of the person responsible for maintaining and securing the property, if different.
- C. An owner who is a natural person and who meets the requirements of this article as to the location of residence or office may designate himself or herself as agent.
- D. By designating an authorized agent under the provisions of this section, the owner consents to receive any and all notices of code violations concerning the registered vacant property and all process in any court proceeding or administrative enforcement proceeding brought to enforce code provisions concerning the registered building by service of the notice or process on the authorized agent. Any owner who has designated an authorized agent under the provisions of this section shall be deemed to consent to the continuation of the agent's designation for the purposes of this section until the owner notifies the Code Enforcement Office of a

change of authorized agent or until the owner files a new annual registration statement. The designation of an authorized agent in no way releases the owner from any requirement of this article.

14-21.4 Registration Fees

Registration fees shall be set forth by Resolution and shall be structured such that each renewal is an increased registration fee from the initial registration fee.

14-21.5 Requirements for Owners of Vacant Property.

The registrant of any vacant property, and/or any person or entity maintaining, operating or collecting rent for any such building that has become vacant, shall, within sixty (60) days from vacancy:

- A. Secure the building against unauthorized entry for the pendency of vacancy.
- B. Post a sign affixed to the building indicating the name, address and telephone number of the owner, the owner's authorized agent for the purpose of service of process and the person responsible for day-to-day supervision and management of the structure, if such person is different from the owner holding title or the authorized agent. The sign shall be of a size and placed in such a location so as to be legible from the nearest public street or sidewalk, whichever is nearer, but shall be no smaller than 18 inches by 24 inches, and the sign shall remain in place for the pendency of vacancy.
- C. Maintain the vacant property for the entire period of vacancy in accordance with all applicable local and state property maintenance codes, ordinances or regulations, building codes, health codes and fire codes pertaining to the exterior condition and appearance of the building, the safety and structural integrity of the building, the outdoor portion of the property, the condition and safety of accessory structures on the property, and any conditions on the property which constitute a hazard or adversely affect the health and safety of persons who may have contact with the vacant property.
- D. Promptly repair all broken windows, doors and other openings and unsafe conditions. Boarding up of open and broken windows and doors is prohibited, except as a temporary measure for no longer than 45 consecutive days, which period may be extended at the discretion of the Fire Chief or his Designee. Boards or coverings must be installed and painted in accordance with Township specifications.

14-21.6 Effect on other laws, Interpretation of Provisions; Violations and Penalties

- A. Nothing in this article is intended to or shall be read to prevent the Township from taking action against buildings found to be unfit for human habitation or unsafe structures, as provided in applicable provisions of the Code of the Township of West Orange, or imposing a lien for costs on any property to the full extent permitted by law, or pursuing any other remedy provided in law. Further, any action taken under any such code provision other than the demolition of a structure shall not relieve an owner from its obligations under this article.
- B. Violations and Penalties: Any registrant who is not in full compliance with this article or who otherwise violates any provision of this article or the rules and regulations issued hereunder shall be subject to a fine pursuant to Township Code § 1-5-1 *et seq.*

IV. 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.

V. 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.

VI. 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: June 13, 2023

ADOPTED: June 27, 2023

Legislative History

The purpose of this ordinance is to supplement and amend the Township Code to include a requirement that vacant property owners register their property so that the Township can better monitor the same to clean, maintain, and keep safe residents and neighboring property owners to vacant properties.

RESOLUTION

WHEREAS, unless otherwise noted herein, the holders of alcoholic beverage licenses from the Township of West Orange set forth on Exhibit A attached hereto and made part hereof, have made applications to this Township of West Orange ABC Board to renew said licenses for the **2023-2024** license term; and

WHEREAS, said licenses have paid all license renewal fees and submitted the appropriate application to renew; and

WHEREAS, a public hearing was held before the Township of West Orange ABC Board on **July 11, 2023** and no one appeared in opposition to any license renewal; and

NOW, THEREFORE, BE IT RESOLVED that the Township of West Orange ABC Board wishes to renew the following alcoholic beverage licenses set forth for the **2023-2024** license term:

0722-33-043-008 Los Tapatios, Inc. t/a Los Tapatios

KAREN J. CARNEVALE, RMC
ABC Board Secretary

TAMMY WILLIAMS
Council President/ABC Board member

Adopted: July 11, 2023
Effective: July 11, 2023

This resolution is subject to change once licensees meet all requirements to renew.

**TOWNSHIP OF WEST ORANGE, ESSEX COUNTY, NEW JERSEY
WEST ORANGE ABC BOARD**

RESOLUTION

WHEREAS, an application has been filed by Angelitos, LLC t/a El Palacio DePollo, located at 540 Valley Road, West Orange, New Jersey, for renewal of its Plenary Retail Consumption License # 0722-33-039-008, for the **2022-2023** License Term, which License was obtained by Angelinos, LLC, on May 29, 2012, through a person to person transfer of said License from Duran & Vera, L.L.C., t/a El Rancho, which Licensee had a history of violations and incidents resulting in Special Conditions being attached to its License since the 2005 - 2006 License Term; and

WHEREAS, the West Orange Police Department, due to the extensive enforcement history, repeated quality of life complaints from the neighborhood, and need for extensive police intervention, recommended that the Special Conditions attached to the prior Licensee, Duran & Vera, be carried over to the new Licensee, Angelitos, at least until experience with the operations of the new Licensee makes clear that those Special Conditions, or some of them, can be relaxed without putting the neighborhood at risk and overburdening the Police Department; and

WHEREAS, a public hearing was conducted on May 29, 2012 and no one appeared in opposition to the person-to-person transfer, and Raymond Armour, Esq. Attorney for the transferee, was present and consented to the Special Conditions attached to the previous Licensee being transferred to the new Licensee; and

WHEREAS, on May 29, 2012, the West Orange ABC Board approved the person to person transfer of Plenary Retail Consumption License #0722-33-039-008, to Angelitos, LLC t/a El Palacio DePollo, with the same Special Conditions attached to its License as had been attached to the previous Licensee and with the understanding and agreement that the same Special Conditions would be continued for the 2012 – 2013 and succeeding License Terms unless and until relaxed or eliminated at a subsequent renewal hearing after providing an opportunity for the Licensee to be heard; and

WHEREAS, by letter dated and sent via regular and certified mail to the Licensee on **May 20, 2022**, the Licensee was notified of the Township ABC Board's intention to continue the same Special Conditions upon renewal for the **2022-2023** License Term and offering a formal hearing in the event there was objection to same by the Licensee; and

WHEREAS, the underlying reasons for the Special Conditions previously imposed on this License have not changed and the Licensee has offered no objection to their continuation, nor any request for their relaxation, and therefore by its inaction has consented to continuation of the same Special Conditions upon renewal; and

WHEREAS, this License was not renewed last year due to the owner of the License having passed away and the Estate's Executor having failed to take the needed steps for renewal,

but tax clearance for last year's renewal having been received on June 10, 2022, and all fees having been paid for the 2022-2023 renewal period,

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Orange serving as the Township Board of Alcoholic Beverage Control, does hereby approve the renewal of the Plenary Retail Consumption License # 0722-33-039-008, for the **2022-2023** License Term, for Angelitos, LLC, t/a El Palacio DePollo, for the premises at 540 Valley Road, West Orange, New Jersey, subject to continuation of the following Special Conditions pursuant to *N.J.S.A. 33:1-32*:

- A. The Licensee shall have last call Sunday, Monday, Tuesday, Wednesday and Thursday at 12:00 a.m. of the following morning, and shall close for business at 12:30 a.m. of the following morning;
- B. The Licensee shall have last call on Friday and Saturday at 12:30 a.m. of the following morning, and shall close for business at 1:00 a.m. of the following morning;
- C. A fully operational video surveillance security system must be in place at the licensed premises including cameras, digital video recording device, personnel to operate them and deployment of each to ensure that the premises, personnel and exterior areas are being videotaped at all times, which videotape must be available to the Police Department, State ABC and any other governmental entity. The Licensee agrees to update, replace, and/or implement any computer system, including monitors, keyboards, towers, and mouses, hardware, including a digital recording device, software, or other improvements or upgrades as may be needed to ensure compliance with the specific mandate set forth herein, the intent of which is to ensure that in the event of any incident on or around the premises that an actual real time videotape exists of the events which occurred without the ability of anyone, accidentally or purposely, to delete or alter the videotape.

AND BE IT FURTHER RESOLVED, that a copy of this Resolution shall be provided to the Director of the Division of Alcoholic Beverage Control of the State of New Jersey and shall be maintained in the Township's permanent Alcoholic Beverage Control records, and that the Director is, and hereby is, respectfully requested to grant approval to the Township of West Orange of the Special Conditions set forth herein, which approval shall then also be maintained in the Township's permanent ABC records;

The above Resolution was passed by the Township Council of the Township of West Orange serving as the West Orange Township Board of Alcoholic Beverage Control at their regular meeting held on **July 11, 2023**.

Karen J. Carnevale, R.M.C., Municipal Clerk
and Secretary to the ABC Board

Tammy Williams, Council President and
ABC Board Chairman

Adopted: July 11, 2023

Effective Date: July 11, 2023

**TOWNSHIP OF WEST ORANGE, ESSEX COUNTY, NEW JERSEY
WEST ORANGE ABC BOARD**

RESOLUTION

WHEREAS, an application has been filed by Angelitos, LLC t/a El Palacio DePollo, located at 540 Valley Road, West Orange, New Jersey, for renewal of its Plenary Retail Consumption License # 0722-33-039-008, for the **2023-2024** License Term, which License was obtained by Angelinos, LLC, on May 29, 2012, through a person to person transfer of said License from Duran & Vera, L.L.C., t/a El Rancho, which Licensee had a history of violations and incidents resulting in Special Conditions being attached to its License since the 2005 - 2006 License Term; and

WHEREAS, the West Orange Police Department, due to the extensive enforcement history, repeated quality of life complaints from the neighborhood, and need for extensive police intervention, recommended that the Special Conditions attached to the prior Licensee, Duran & Vera, be carried over to the new Licensee, Angelitos, at least until experience with the operations of the new Licensee makes clear that those Special Conditions, or some of them, can be relaxed without putting the neighborhood at risk and overburdening the Police Department; and

WHEREAS, a public hearing was conducted on May 29, 2012 and no one appeared in opposition to the person-to-person transfer, and Raymond Armour, Esq. Attorney for the transferee, was present and consented to the Special Conditions attached to the previous Licensee being transferred to the new Licensee; and

WHEREAS, on May 29, 2012, the West Orange ABC Board approved the person to person transfer of Plenary Retail Consumption License #0722-33-039-008, to Angelitos, LLC t/a El Palacio DePollo, with the same Special Conditions attached to its License as had been attached to the previous Licensee and with the understanding and agreement that the same Special Conditions would be continued for the 2012 – 2013 and succeeding License Terms unless and until relaxed or eliminated at a subsequent renewal hearing after providing an opportunity for the Licensee to be heard; and

WHEREAS, by letter dated and sent via regular and certified mail to the Licensee on **April 20, 2023**, the Licensee was notified of the Township ABC Board's intention to continue the same Special Conditions upon renewal for the **2023-2024** License Term and offering a formal hearing in the event there was objection to same by the Licensee; and

WHEREAS, the underlying reasons for the Special Conditions previously imposed on this License have not changed and the Licensee has offered no objection to their continuation, nor any request for their relaxation, and therefore by its inaction has consented to continuation of the same Special Conditions upon renewal; and

WHEREAS, this License was not renewed last year due to the owner of the License having passed away and the Estate's Executor having failed to take the needed steps for renewal,

but tax clearance for last year's renewal having been received on June 10, 2022, and for the 2023-24 renewal period on June 26, 2023, and all fees having been paid for both renewal periods, and ABC Board Resolution 721-23 having been adopted immediately before the instant ABC Board Resolution renewing the License for the 2022-2023 License Term,

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Orange serving as the Township Board of Alcoholic Beverage Control, does hereby approve the renewal of the Plenary Retail Consumption License # 0722-33-039-008, for the **2023-2024** License Term, for Angelitos, LLC, t/a El Palacio DePollo, for the premises at 540 Valley Road, West Orange, New Jersey, subject to continuation of the following Special Conditions pursuant to *N.J.S.A. 33:1-32*:

- A. The Licensee shall have last call Sunday, Monday, Tuesday, Wednesday and Thursday at 12:00 a.m. of the following morning, and shall close for business at 12:30 a.m. of the following morning;
- B. The Licensee shall have last call on Friday and Saturday at 12:30 a.m. of the following morning, and shall close for business at 1:00 a.m. of the following morning;
- C. A fully operational video surveillance security system must be in place at the licensed premises including cameras, digital video recording device, personnel to operate them and deployment of each to ensure that the premises, personnel and exterior areas are being videotaped at all times, which videotape must be available to the Police Department, State ABC and any other governmental entity. The Licensee agrees to update, replace, and/or implement any computer system, including monitors, keyboards, towers, and mouses, hardware, including a digital recording device, software, or other improvements or upgrades as may be needed to ensure compliance with the specific mandate set forth herein, the intent of which is to ensure that in the event of any incident on or around the premises that an actual real time videotape exists of the events which occurred without the ability of anyone, accidentally or purposely, to delete or alter the videotape.

AND BE IT FURTHER RESOLVED, that a copy of this Resolution shall be provided to the Director of the Division of Alcoholic Beverage Control of the State of New Jersey and shall be maintained in the Township's permanent Alcoholic Beverage Control records, and that the Director is, and hereby is, respectfully requested to grant approval to the Township of West Orange of the Special Conditions set forth herein, which approval shall then also be maintained in the Township's permanent ABC records;

The above Resolution was passed by the Township Council of the Township of West Orange serving as the West Orange Township Board of Alcoholic Beverage Control at their regular meeting held on **July 11, 2023**.

Karen J. Carnevale, R.M.C., Municipal Clerk
and Secretary to the ABC Board

Tammy Williams, Council President and
ABC Board Chairman

Adopted: July 11, 2023

Effective Date: July 11, 2023

**TOWNSHIP OF WEST ORANGE, ESSEX COUNTY, NEW JERSEY
WEST ORANGE ABC BOARD
RESOLUTION**

WHEREAS, the Township Council of the Township of West Orange serves as the Township of West Orange Board of Alcoholic Beverage Control; and

WHEREAS, an application has been filed by Harrison Avenue Tavern, Inc., t/a Harrison Avenue Tavern, 36 Harrison Avenue, West Orange, New Jersey 07052, for renewal of its Plenary Retail Consumption License # 0722-33-058-006, for the period **July 1, 2023 through June 30, 2024**, the Application submitted to the Township Clerk and in compliance with New Jersey State Laws regulating the sale, consumption, and distribution of alcoholic beverages; and

WHEREAS, on January 6, 2009, the Licensee represented by counsel and after a public hearing at which there was no opposition, the Township Council of the Township of West Orange sitting as the West Orange Board of Alcoholic Beverage Control, adopted Resolution #421, authorizing the Extension of Licensed Premises and Place to Place transfer for the Harrison Avenue Tavern; and

WHEREAS, the area covered by the expansion of the licensed premises is in the parking lot immediately adjacent to the rear door of the main licensed establishment, is encircled by a portable fence which is covered to prevent the public from viewing the interior portion where the outside bar is located, and that area had been used since 2001 as an area for outdoor dining with a café permit; and

WHEREAS, in forwarding the application for extension or expansion of the licensed premises, the Police Department noted that it was the first found in the Township to include an open area in a parking lot and that while calls for service had been minimal or non-existent, the area proposed for the expansion was contiguous to a residential area; and

WHEREAS, there had been numerous calls for service and complaints to Council members from the residential neighbors due to noise coming from the outdoor bar from both music and customer voices, the number of such complaints totaling 28 in the Spring of 2011; and

WHEREAS, the ABC Board has had considerable problems with noise and quality of life issues with other ABC Licensees adjoining residential neighborhoods in other areas of the Township and as the representatives of and conscience of the community has taken a more proactive approach as a result of such experiences; and

WHEREAS, with respect to its license renewal for the 2011-2012 License term, the Licensee was notified by certified mail, registered return receipt of the ABC Board's intention upon renewal for that License term to reconsider its approval of the expansion of the licensed premises, or in the alternative, to consider the imposition of Special Conditions to address the concerns of the residential neighborhood, and the Licensee having had the opportunity to be heard and through the assistance of counsel, the Township and the Licensee, in order to avoid the

time and expense of a formal hearing came to a voluntary agreement; and

WHEREAS, the Licensee, having installed additional noise reduction components on its outdoor premises in 2011-2012, and the Township having monitored the Licensed premises in order to ensure that the neighborhood residents have the peaceful and beneficial enjoyment of their properties while at the same time permitting the Licensee to reasonably conduct and profit from its business, and the number of noise complaints having lessened, but the noise issues not eliminated, the License having been renewed for each succeeding License period with the same Special Conditions; and

WHEREAS, by letter dated and sent via certified mail to the Licensee on or about **April 20, 2023**, the Licensee was notified of the Township ABC Board's intention to continue the same Special Condition upon renewal for the **2023-2024** License Term and offering a formal hearing in the event there was objection to same by the Licensee; and

WHEREAS, the underlying reasons for the Special Conditions previously imposed on this License have not changed and the Licensee has offered no objection to their continuation, nor made any request for their relaxation, and therefore by its inaction has consented to continuation of the same Special Conditions upon renewal;

NOW, THEREFORE, BE IT RESOLVED THAT THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE serving as the Township Board of Alcoholic Beverage Control, does hereby approve the renewal of the Plenary Retail Consumption License heretofore issued to the Licensee, Harrison Avenue Tavern, Inc., t/a Harrison Avenue Tavern, 36 Harrison Avenue, West Orange, New Jersey 07052, License # 0722-33-058-006, for the **2023-2024** licensing term, subject to the following Special Conditions pursuant to *N.J.S.A. 33:1-32*, to be imposed on the outdoor bar only:

- A. The Licensee shall have last call on Sunday at 7:30 p.m., closing at 8:00 p.m.; amplified music to cease at 8:00 p.m.; "amplified music" refers to the jukebox on the premises, the limit modifier (volume control) for which shall not at any time exceed 70 for Zone 3, the outside bar area.
- B. The Licensee shall have last call on Monday at 9:30 p.m., closing at 10:00 p.m.; amplified music to cease at 10:00 p.m.
- C. The Licensee shall have last call on Tuesday at 9:30 p.m., closing at 10:00 p.m.; amplified music to cease at 10:00 p.m.
- D. The Licensee shall have last call on Wednesday at 9:30 p.m., closing at 10:00 p.m.; amplified music to cease at 10:00 p.m.
- E. The Licensee shall have last call on Thursday at 10:30 p.m., closing at 11:00 p.m.; amplified music to cease at 11:00 p.m., all of the foregoing, A., B., C., D., and E., excepting holiday eves which fall on Sunday through Thursday, on which days last call shall be at 12:30 a.m., and closing at 1:00 a.m.
- F. The Licensee shall have last call on Friday (Saturday morning) at 12:30 a.m.,

closing at 1:00 a.m.; amplified music to cease at 1:00 a.m.

- G. The Licensee shall have last call on Saturday (Sunday morning) at 12:30 a.m., closing at 1:00 a.m.; amplified music to cease at 1:00 a.m.
- H. On all nights bartenders and servers shall periodically remind customers to moderate their voices to avoid disturbing the residents of the surrounding residential area and paying special attention to this condition after 10:00 p.m.
- I. Live entertainment shall be limited to Friday and Saturday nights and infrequent special occasions and shall also be limited to the hours between 5:00 p.m. and 10:30 p.m., except the St. Patrick's Day event when music may begin at Noon;

AND BE IT FURTHER RESOLVED, that a copy of this Resolution shall be provided to the Director of the Division of Alcoholic Beverage Control of the State of New Jersey and shall be maintained in the Township's permanent Alcoholic Beverage Control records, and that the Director is, and hereby is, respectfully requested to grant his approval to the foregoing Special Conditions as required by statute, and to communicate that approval to the Township of West Orange, which approval shall then also be maintained in the Township's permanent ABC records;

The above Resolution was passed by the Township Council of the Township of West Orange sitting and serving as the West Orange Board of Alcoholic Beverage Control at their regular meeting held on **July 11, 2023**.

Susan McCartney, Council President
and ABC Board Chairwoman

Karen J. Carnevale, Municipal Clerk
and Secretary to the ABC Board

Adopted: July 11, 2023

Effective Date: July 11, 2023

Approved as to form on the basis of the facts provided: