

ORDINANCE NO. 1285
ADOPTING ORDINANCE

AN ORDINANCE ADOPTING A REVISION AND CODIFICATION OF THE
ORDINANCES OF THE TOWNSHIP OF WEST CALDWELL IN THE COUNTY OF
ESSEX, NEW JERSEY

WHEREAS, the Township Council of the Township of West Caldwell in the County of Essex, New Jersey has caused its ordinances of a general and permanent nature to be compiled and revised and embodied in a revision and codification known as "The Revised General Ordinances of the Township of West Caldwell, 1995".

NOW, THEREFORE, BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST CALDWELL IN THE COUNTY OF ESSEX, NEW JERSEY, AS FOLLOWS:

Section 1. The ordinances of the Township of West Caldwell in the County of Essex, New Jersey, of a general and permanent nature, as codified, Chapters 1 to 22 are hereby ordained as "The Revised General Ordinances of the Township of West Caldwell, 1995."

Section 2. All of the provisions of "The Revised General Ordinances of the Township of West Caldwell, 1995," shall be in force and effect on and after the effective date of this ordinance.

Section 3. All ordinances of a general and permanent nature, adopted by the Township Council and in force on September 19, 1995 and not contained in "The Revised General Ordinances of the Township of West Caldwell, 1995," are hereby repealed from and after the effective date of this ordinance, except as hereinafter provided in Section 4.

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

- a. Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this ordinance;
- b. Any prosecution, action, suit or other proceeding pending or any judgment rendered on or prior to the effective date of this ordinance;
- c. Any right of franchise conferred by the Township Council;
- d. Any right, right-of-way or easement acquired or established in any street, road, highway or other public place within the Township;
- e. Any ordinance of the Township providing for laying out, opening, altering, widening, relocating, straightening, acceptance or vacation of any street, road or highway within the Township;
- f. Any ordinance or resolution of the Township promising or guaranteeing the payment of money by or for the Township or authorizing the issuing of bonds or other evidence of the Township's indebtedness, or any contract of or obligation assumed by the Township;
- g. The annual budget appropriation ordinances or resolutions, and all ordinances and resolutions appropriating or transferring funds;
- h. The administrative ordinances or resolutions of the Township Council not in conflict or inconsistent with the provisions of the Revised General Ordinances;
- i. Any ordinance or resolution of the Township Council fixing compensation or salaries of the Township officials and employees or the pay and compensation of positions and clerical employments

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which are not provided for in the Revised General Ordinances and which are not in conflict or inconsistent therewith;

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

k. Ordinance No. 424, adopted May 16, 1961;

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

m. All ordinances adopted by the Board of Health of the Township of West Caldwell;

n. Any ordinances of the Township Council adopted upon final passage after September 19, 1995.

Section 5. The ordinances of the Township of West Caldwell have been substantially revised, edited, amended, supplemented and rearranged to establish the "Revised General Ordinances of the Township of West Caldwell, 1995", containing Chapters I through XXII. The effect of proposed changes contained in the revision are listed below:

CHAPTER 1: General Provisions.

Chapter 1, General Provisions, containing Sections 1-1 through 1-6 is new, and contains the official title, general definitions, rules of construction and severability clause that are intended to provide uniform construction and interpretation of general terms used throughout the revision, as well as for all other ordinances of the Township of West Caldwell.

Section 1-5, General Penalty, is applicable to the entire Code or any other ordinance of the Township of West Caldwell. In subsection 1-5.1, a maximum penalty of one or more of the following is established to conform to State Statutes: one thousand (\$1,000.00) dollars fine, or ninety (90) days imprisonment, or a period of community service not exceeding ninety (90) days. Subsection 1-5.1 eliminates the need to restate the maximum penalty clause each time a new regulatory ordinance is adopted. Subsection 1-5.2 is new and states that a minimum penalty, not exceeding one hundred (\$100.00) dollars, may be established for the violation of a particular Code provision or ordinance. Subsection 1-5.3 is new and provides for an additional fine for repeat offenders. Subsection 1-5.4 is new and provides for imprisonment for default of payment of a fine. Subsection 1-5.5 provides that each and every day a violation exists is deemed a separate violation. Subsection 1-5.6 states that the amount of any particular penalty is at the discretion of the Judge of the Municipal Court. Section 1-6 provides that the Revised General Ordinances shall be maintained by the Township Clerk. Throughout the Code, penalty provisions have been revised to refer to the provisions of this section.

CHAPTER 2: Administration of Government.

Chapter 2 contains the administrative ordinances of the Township of West Caldwell. This chapter contains the following sections:

- 2-1 Elected Officials
- 2-2 Appointed Officials
- 2-3 Mayor: Powers and Duties
- 2-4 Township Council

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2-5	Ordinances
2-6	Township Clerk/Administrator; Deputy
2-7	Administrative Organization
2-8	Department of Finance
2-9	Department of Public Works
2-10	Department of Public Safety
2-11	Water Department
2-12-2-13	Reserved
2-14	Township Attorney
2-15	Township Prosecutor
2-16	Township Engineer
2-17	Municipal Court
2-18	Zoning Board of Adjustment
2-19	Planning Board
2-20	Local Assistance Board
2-21	Board of Health
2-22	Emergency Management: Coordinator; Deputy
2-23	Board of Trustees of Free Public Library
2-24	Environmental Commission
2-25-2-30	Reserved
2-31	Public Documents and Services

Throughout the Code several universal changes have been accomplished. We have endeavored to change "Councilman" to "Councilperson", to change references from "his or her" to "his" or "he or she" to "he" whenever it is suitable. All reference to the "Building Inspector" have been changed as necessary to refer to the "Construction Official" or the "Building Subcode Official". Reference to "Township Clerk" have been revised to "Township Clerk/Administrator." Sections containing penalties have been revised to refer to Chapter 1, Section 1-5, General Penalty.

Subsection 2-5.5 concerning powers of the Mayor to veto an ordinance includes new language for clarity.

Subsection 2-7.1a was revised to include the Department of Water in the department listing.

The fees in subsection 2-31.2, Fees for Copies, have been revised. Subsection 2-31.3, Public Services, provides fees for services and materials distributed by the Police Department and is added new to the Code.

CHAPTER 3: Police Department.

This chapter contains the administrative provisions of the Township Police Department.

In Section 3-7, paragraph a,5(a)(4) was amended with regard to points and provides for parts of points for merit.

CHAPTER 4: Fire Department.

This chapter contains the provisions governing the Volunteer Fire Department of the Township of West Caldwell.

In Section 4-2, paragraph a,2. concerning appointment of the Fire Chief was amended for clarity.

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CHAPTER 5: Personnel.

This chapter contains the personnel policies for Township officers, employees and appointees. Provisions concerning appointments, personnel management, working conditions, conduct, disciplinary actions, outside employment, meritorious actions, bonding, ethics and defense and indemnification are included.

Subsection 5-2.2, Qualifications, is revised to provide for employment application forms.

Subsection 5-2.3 concerning application for appointment has been revised to include relevant education, training, experience, etc.

Subsection 5-2.4, Processing (Applications) is revised to include that applicants shall demonstrate that he or she is able to perform the duties of the position for which he or she has applied.

Subsection 5-2.5 has been revised to clarify the grounds for rejection of applicants with regard to inability to perform the duties of the position applied for.

In subsection 5-4.6, Leave of Absence Without Pay was revised to include approval of leave as required by State or Federal law.

CHAPTER 6: Police Regulations.

This chapter includes the regulation of alarms; bicycles; littering; noise; vehicle and machinery storage and abandonment; unlicensed vehicles; trailers; firearms and hunting; snow and ice removal; brush, grass and weed removal; alcoholic beverages and conduct in public, semi-public or private places.

Subsection 6-1.8, General Regulations (Alarms) was revised to provide for the fourth through the ninth false alarms and the tenth and subsequent false alarms in a calendar year. A fine of one hundred (\$100.00) dollars for each occurrence was added for the tenth and subsequent false alarms.

Subsection 6-1.11, Violations and Penalties (Alarms) was revised to state that false alarms are subject to fines as prescribed by subsection 6-1.8d.

Section 6-12, Conduct in Public; Semi-Public or Private Places is new and prohibits certain acts and restricts the use of prescription drugs.

CHAPTER 7: General Licensing.

This chapter codifies the regulations governing the licensing procedures; peddlers, hawkers and vendors; solicitors and canvassers; charitable solicitation; used motor vehicle dealers; going out of business sales; bingo; automatic amusement devices; nursery schools; carnivals and circuses; motor vehicle service stations and motion picture theaters.

In subsection 7-7.4, Fees, bingo and raffle fees have been revised to reflect the fees provided by State law.

Subsection 7-8.8, Application Investigation (Automatic Amusement Devices) was revised to change the references from "Fire Chief" to "Fire Official" concerning inspection of premises.

CHAPTER 8: Alcoholic Beverage Control.

Regulations concerning alcoholic beverage control are codified in this chapter.

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Subsection 8-5.3, Closing Provisions, is new and provides that licensed premises shall be closed during the hours that the sale of alcoholic beverages are prohibited with exceptions for employees and the licensee to remain on the premises.

Subsection 8-7.1, Persons Under the Legal Age in Licensed Premises is new, prohibiting underage persons to purchase or consume alcoholic beverages.

Subsection 8-7.6, Violations and Penalties is new and provides the penalty for violations by persons under the legal age, pursuant to N.J.S.A. 33:1-81.

Throughout the chapter, the word "minor" has been changed to read "person under the legal age."

CHAPTER 9: Animal Control.

Ordinances concerning the regulation of dogs, vicious dogs, canvass of dogs, dog bites, impoundment and licensing of dogs, pet shops, shelters and pounds are included within this chapter. The disposition of fees and money collected under these regulations is also included.

CHAPTER 10: Taxicabs.

This chapter contains the regulation of taxicabs in the Township and provides for the licensing and registration of taxicab owners and taxicab drivers. Vehicle inspections, insurance, rates and taxi stands are also included.

CHAPTER 11: Traffic.

This chapter contains the traffic ordinances of the Township placed in accord with the model of organization that has been recommended by the State of New Jersey Division of Motor Vehicles. This chapter may not be enforced until approval is obtained from the Director of the Bureau of Traffic Engineering, New Jersey State Department of Transportation. Revised street regulations are included as they have been recommended by the Department of Transportation.

This chapter has been divided into Articles for ease in use of this Code:

- Article I On-Street Traffic Regulations.
- Article II Control of Movement and Parking of Traffic on Municipal and Board of Education Property.
- Article III Control of Movement and Parking of Traffic on Private Property to Which the Public Is Invited.
- Article IV Application of Title 40 to Semi-Public and Private Streets, Driveways and Parking Areas.
- Article V Handicapped Parking.

CHAPTER 12: Fire Prevention.

This chapter incorporates the Fire Prevention Code as established by the Uniform Fire Safety Act; and establishes the Bureau of Fire Prevention.

Subsection 12-1.9, Obstruction of Fire Lanes was revised. This subsection provides for the designation of fire lanes and prohibits obstructions in fire lanes and provides for enforcement by the Fire Prevention Bureau and the Police Department.

CHAPTER 13: Building and Housing.

This chapter incorporates the State Uniform Construction Code Enforcing Agency, Housing Standards, Unfit Buildings, Rent Stabilization and the Protected Tenancy Appeal Board.

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Subsection 13-1.5, Fees; Records; Reports and Biannual Reports has been revised to contain upgraded permit fees.

Subsection 13-3.7, Demolition Permit has been amended to refer the permit fee to subsection 13-1.5.

CHAPTER 14: Health.

This chapter contains regulations for coin-operated dry-cleaning establishments, retail food establishments, food and beverage vending machine licenses, release of hazardous substances and prohibits cigarette vending machines.

CHAPTER 15: Reserved.

CHAPTER 16: Soil Removal.

This chapter is concerned with the removal of soil, and establishes a permit requirement to move or allow soil to be moved.

CHAPTER 17: Streets, Sidewalks and Sanitation.

This chapter provides for the regulation of excavations in public streets, repair or construction of sidewalks and curbs, encroachments, news vending machines, collection of debris and waste, public scavengers and recycling.

Subsection 17-5.1, Definitions was revised to amend the definition of debris.

CHAPTER 18: Utilities.

This chapter contains provisions concerning water use and charges, water for refrigeration and or air conditioning, sewer systems, and the Pequannock, Lincoln Park and Fairfield Sewerage Authority System.

In Section 18-1, Water Use and Charges, the following subsections have been revised:

Subsection 18-1.6,	Charges;
Subsection 18-1.9,	Water Meters;
Subsection 18-1.10,	Service Line;
Subsection 18-1.11,	Private Line;
Subsection 18-1.14,	Access to Township Property; and
Subsection 18-1.15,	Requests for Discontinuance of Services.

In subsection 18-3.4, Building Sewers and Connections, a reference to the Sewer Department has been changed to the Department of Public Works and a paragraph has been added concerning building demolitions.

CHAPTER 19A: Land Use Procedures.

This chapter contains the Land Use Procedures Ordinance recently adopted by the Township Council as Ordinance No. 1272 on May 16, 1995.

CHAPTER 19: Subdivision of Land.

This chapter contains the Township ordinances as amended and supplemented concerning the subdivision of land.

CHAPTER 20: Zoning.

This chapter contains the Township zoning regulations as amended and supplemented.

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CHAPTER 21: Flood Plain and Storm Water Management.

This chapter contains the regulations for development and use of land in flood hazard areas.

CHAPTER 22: Public Property and Recreation Area.

This chapter contains regulations concerning library property and municipal swimming pools.

Section 22-2, Municipal Swimming Pools is new and regulates the hours of use of Cedar Pool and Westville Pool.

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Throughout the Revision there has been reorganization and editing of the source ordinances, not to effect substantive changes but intended to eliminate word duplications and overlapping and to effect uniformity of expression. In some cases provisions of the source ordinances have not been included in the Revision either because they have been expressly or implied repealed by later ordinances, are obsolete or no longer apply in the Township of West Caldwell.

Section 6. A copy of the Revised General Ordinances of the Township of West Caldwell, in the County of Essex and State of New Jersey, in loose-leaf form, has been filed in the office of the Township Clerk of the Township of West Caldwell and shall remain there for the use and examination of the public until final action is taken on this ordinance, and if this ordinance shall be adopted, such copy shall be certified to by the Clerk of the Township of West Caldwell by impressing thereon the seal of the Township of West Caldwell, as provided by law, and such certified copy shall remain on file in the office of the Township Clerk of the Township of West Caldwell to be made available to persons desiring to examine the same during all times while the Revision is in effect.

Section 7. Amendments to the Revision. Any and all additions, amendments or supplements to the Revision when passed and adopted in such form as to indicate the intent of the Township Council to make them a part thereof shall be deemed to be incorporated into such revisions so that reference to "The Revised General Ordinances of the Township of West Caldwell, 1995" shall be understood and intended to include such additions and amendments. Whenever such additions, amendments or supplements to the Revision shall be adopted they shall thereafter be printed, and as provided hereunder inserted in the book containing the Revised General Ordinances as amended and supplemented thereto.

Section 8. It shall be the duty of the Township Clerk or someone authorized and directed by the Clerk to keep up-to-date the certified copy of the book containing "The Revised General Ordinances of the Township of West Caldwell, 1995," required to be filed in his office for the use of the public. All changes in the Revision and all ordinances adopted subsequent to the effective date of this codification shall be adopted specifically as part of the Revision and shall when finally adopted be included therein by reference until such changes or new ordinances are printed as supplements to the Code, at which time such supplements shall be inserted therein.

Section 9. The Township Clerk of the Township of West Caldwell, pursuant to law, shall cause to be published in the manner required a copy of this adopting ordinance in a newspaper of general circulation in the Township of West Caldwell. Sufficient copies of "The Revised General Ordinances of the Township of West Caldwell, 1995," shall be maintained in the office of the Township Clerk for inspection by the public at all times during regular office hours. The enactment and publication of this adopting ordinance coupled with availability of copies of the Revision for inspection by the public shall be deemed, held and considered to be due and legal publication of all provisions of the Revision for all purposes.

