

**City of Englewood  
City Council Meeting Minutes  
March 20, 2012**

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A Regular Formal Meeting of the Mayor and Council of the City of Englewood, Bergen County, New Jersey, was held in the Municipal Court in the Public Safety Building commencing at 7:30 P.M.

**Roll Call:** Present: Council member Marc Forman  
 Council member Michael Cohen  
 Council member Eugene Skurnick  
 Council member Jack Drakeford  
 Council member Lynne Algrant  
 Mayor / Council President Frank Huttle III  
 City Manager Timothy Dacey  
 City Solicitor William Bailey  
 City Clerk Lauren Vande Vaarst

Council President Huttle called the meeting to order.

The City Clerk stated that adequate notice of this meeting was given by the posting, filing and distribution of the Annual Notice of Meetings as required by the Open Public Meetings Act.

**RESOLUTION #079-03-20-12**

**RESOLUTION ACCEPTING MINUTES**

**BE IT RESOLVED**, that the following minutes be and are hereby accepted and filed:

COUNCIL MEETING  
February 21, 2012

COUNCIL WORKSHOP MEETING  
March 6, 2012

CLOSED SESSION  
February 21, 2012  
March 6, 2012

COUNCIL	MOTION	AYES	NAYS	ABSTAIN	ABSENT
<i>Algrant</i>		X			
<i>Forman</i>		X			
<i>Skurnick</i>	X	X			
<i>Cohen</i>		X			
<i>Drakeford</i>		X			

**RESOLUTION #080-03-20-12**

**APPROVE PAYMENT OF BILLS AND CLAIMS**

**WHEREAS**, The Chief Financial Officer has certified and submitted a consolidated bill and claims list for payment; and

**WHEREAS**, all bills and claims listed herewith have been encumbered and sufficient funds are available for payment; and

**WHEREAS**, the required signatures have all been obtained on each voucher on the attached list.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Englewood, that the bills and claims on the submitted list are hereby approved for payment in the total amount of \$1,174,286.35.

COUNCIL	MOTION	AYES	NAYS	ABSTAIN	ABSENT
<i>Algrant</i>	X	X			
<i>Forman</i>		X			
<i>Skurnick</i>				X	
<i>Cohen</i>		X			
<i>Drakeford</i>		X			

**Old Business:**

**Communications from the Mayor/Council Members:**

**Comments from the City Manager:**

The John T. Wright Ice Arena is closed for the season, and the City Manager has been in discussion with various non-profit groups about running the arena.

The Jabari Society is looking to hold the 2012 Juneteenth Celebration from June 14<sup>th</sup> through the 17<sup>th</sup> at Depot Square Park.

The City received 6 bids on the Denning Park Soccer Field Project, and it is being awarded this evening to Let It Grow, Inc. for \$164,890.30.

The YWCA will be operating the Tryon Pool as well as the Mackay Park Pool. This will be awarded by Resolution at the April 3<sup>rd</sup> Workshop meeting.

Painting of crosswalks throughout the City will begin next week.

**ORDINANCE #12-10**

**AN ORDINANCE AMENDING ORDINANCE NO. 11-06 ESTABLISHING FEES FOR LICENSES, PERMITS AND OTHER APPLICATIONS WITHIN THE CITY OF ENGLEWOOD**

BE IT ORDAINED by the Council of the City of Englewood, Bergen County, New Jersey, as follows:

Section 1. The following fees of licenses, permits, and other applications within the City of Englewood, as amended by Ordinance 11-06, are hereby amended as set forth on Schedule A, annexed hereto and made part hereof.

Section 2. All ordinances or parts thereof inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 3. If any sentence, section, clause, or other portion of this ordinance or the application thereof to any person or circumstance shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or repeal the remainder of this ordinance.

Section 4. This ordinance shall take effect immediately upon passage and publication as required by law.

**SCHEDULE A**

DESCRIPTION	FEE
<b>ANIMAL LICENSES</b>	
<b>Dog License</b>	
Spayed or neutered dog, as certified by a licensed veterinarian, one year license	\$ 8
Dogs not certified as spayed or neutered one year license	\$12
<b>Cat License</b>	
Spayed or neutered cat one year license	\$ 6
Unspayed or unneutered cat, one year license	\$11
<b>Late Fee for Animal License</b>	\$10 after March 1 <sup>st</sup> \$15 after April 1 <sup>st</sup> \$20 after May 1 <sup>st</sup>
<b>Kennel or Pet Shop License</b>	\$50
<b>FIRE PROTECTION SUBCODE PERMIT FEES</b>	
<b>Protection Signaling Devices</b>	
For the first 15 devices	\$100
Each additional 5 devices	\$35
<b>Pneumatic Circuits</b>	
For the first 15 devices	\$100
Each additional circuit	\$ 5
<b>Solid Fuel Heating Appliance</b>	
Each unit (fireplace wood/coal)	\$75
Hot Water Heaters over 99,000 BTU	\$100
<b>Fire Service Mains</b>	
1-4 inches	\$300
More than 4 inches	\$400

<b>Fire hydrants</b>	\$100 each
<b>Each individual pre-engineered system</b>	\$200
<b>Stand Pipes per Riser</b> Shall be computed on the basis of pipe width as follows:	
Up to 2 1/2 inches	\$300
Over 2 1/2 to 4 inches	\$400
Over 4 to 6 inches	\$550
Over 6 inches	\$750
<b>DESCRIPTION</b>	<b>FEE</b>
<b>Fire Pumps</b>	\$250 each
<b>Sprinkler Systems</b> Shall be computed on the basis of the number of sprinkler heads as follows:	
1-25 heads	\$125
26-75 heads	\$200
76-100 heads	\$300
101-200 heads	\$450
Over 201 heads	\$1,000
<b>Central control station</b>	\$125
<b>Manual fire alarm system</b>	\$100
<b>Automatic fire alarm system</b>	\$350
<b>Fire alarm control panel (commercial)</b>	\$300
<b>Smoke Control System</b>	\$200
<b>Fireplace/Metal Chimney Liners</b>	\$75
<b>Fired Appliance Gas/Oil</b>	\$75
<b>Other Fire Protection Equipment</b>	
Dry chemical systems	\$200
Carbon dioxide systems	\$150
Halon systems	\$150
Foam systems	\$150
Commercial kitchen hoods/ducts exhaust	\$150 each
Hot tar kettle (roof)	\$100
Minimum fee	\$100
<b>LANDLORD/TENANT MATTERS</b>	
<b>Capital improvement determination request</b>	\$50
<b>Capital improvement increase application 1-10 units</b>	\$120
<b>Capital improvement increase application over 10 units</b>	\$120 plus \$10 for each unit over 10
<b>Class actions</b>	\$10 plus \$2 for each member
<b>Hardship increase application</b>	
1-10 units	\$250
over 10 units	\$250 plus \$10 for each unit over 10
<b>Intent to convert to condo or coop</b>	\$350
<b>Protected tenancy appeal</b>	\$25 per unit
<b>Other appeals and applications not specified above</b>	\$10 per unit
<b>Multiple dwelling license</b>	3 to 50 units \$6.00 per unit 51+ units \$3 per additional unit
<b>LIQUOR LICENSES</b>	
Plenary Retail Consumption	\$2,500
Plenary Retail Distribution	\$2,340
Limited Retail Distribution	\$63
Club	\$188
<b>MISCELLANEOUS</b>	
<b>Arcade Games, annual</b>	\$150 for one game Plus \$50 per each additional game
<b>Barber Shop/Beauty Parlor</b>	\$30 per shop
<b>Bingo/Raffles</b>	State Statute
<b>Bowling Alleys</b>	\$25 per lane
<b>Circus</b>	\$150 per day
<b>Copies of all other documents,</b>	\$0.05 per page for letter sized pages and smaller

<b>papers, and City records for which no fee provision is made</b>	\$0.07 per page for legal sized pages and larger Electronic records FREE OF CHARGE (i.e. records sent via e-mail and fax) Actual cost to provide records in another medium (i.e. computer disc, CD-ROM, DVD)
<b>Distress Auction Sale</b>	\$120 per day \$25 renewal per day
<b>Dry Cleaners</b>	\$75/location plus \$25 per machine
<b>Filming permit</b>	\$300 per location/day- private property \$600 per location/day- public property
<b>DESCRIPTION</b>	<b>FEE</b>
<b>Flood Zone Certification</b>	\$15
<b>Garbage Pick-Up Rear Yard</b>	\$50 per quarter
<b>Garage Sale/Flea Market</b>	\$10 per permit (2 days)
<b>Gasoline Pump License</b>	\$30 plus \$25 per pump
<b>Golf Course</b>	
Full	\$100
Miniature	\$25
<b>Ice Cream Peddlers</b>	\$250 per vehicle \$50 per salesperson
<b>Landscaper Permit</b>	\$50 per year
<b>Laundries</b>	\$12 per machine
<b>Maps</b>	
Zoning Map / Land Use Map	\$3 per map
Election Map	\$3 per map
<b>Marriage/Civil Union Certificates</b>	\$10 maximum (not to exceed)
<b>Mechanical Amusement Device</b>	\$300 per device
<b>Outdoor Seating License</b>	\$150
<b>Parking Meters</b>	.25 per half hour
<b>Parking Lot Annual permit</b>	\$60 per space per month
<b>Parking Lots</b>	
South Dean Street Parking Garage Lot A:	a. \$.50/hour for the first hour; b. \$1/hour thereafter; c. \$85/ month for monthly spaces used by commuters; d. \$60/month for monthly spaces used by those who work in the Central Business district of Englewood; e. Lost Daily Tickets-maximum fee f. Lost Monthly Permits - \$10.00 g. After 5:00PM- Flat fee of \$5.00
Depot Square Plaza – East Palisade Avenue Lot B:	a. \$85/ month for monthly spaces used by commuters; b. \$60/month for monthly spaces used by those who work in the Central Business district of Englewood; c. Lost Monthly Permits - \$10.00
North Dean Street - Lot C:	a. \$85/ month for monthly spaces used by commuters; b. \$60/month for monthly spaces used by those who work in the Central Business district of Englewood; c. Lost Monthly Permits - \$10.00
Towne Center Lot N:	a. \$60/month for monthly spaces used by those who work in the Central Business district of Englewood; b. Lost Monthly Permits - \$10.00
<b>Peddlers</b>	\$50 per year per vehicle \$10 per year each additional vehicle
<b>Permanent exhibits</b>	\$100 per year
<b>Pool halls (table fee)</b>	\$75 per table per year
<b>Private scavengers</b>	\$50 per vehicle
<b>Registration of contractors</b>	\$50
<b>Rooming House</b>	\$50 \$5 per room
<b>Selling or buying gold/silver</b>	\$50 for each premises on which the licensed activity is to be conducted
<b>Solicitors</b>	\$50 per year per each license
<b>Taxicabs &amp; Drivers License Fees</b>	\$25 per Vehicle per year \$20 per Driver per year \$8 per license transfer (Vehicle) \$5 per replacement license (Vehicle&/or Driver)
<b>Limousine License Fees</b>	\$50 per Company
<b>Temporary Encumbrance of ROW (Dumpster, Construction etc.)</b>	\$20 per week Plus \$10/day per parking meter if applicable

<b>Tow Companies</b>	\$175 per application
<b>Transient Vendor</b>	\$500
<b>Traveling Theatre</b>	\$50 per day
<b>Vital Statistics</b>	\$100 per call-in
Emergency Issue of Records/Licenses	
<b>MUNICIPAL LAND USE</b>	
<b>All applications (other than major subdivisions)</b>	
<b>Major subdivision application</b>	
<b>DESCRIPTION</b>	<b>FEE</b>
<b>Deposit for engineering, legal, and planning review:</b>	
<b>Site Plan</b>	\$2,500 plus \$500 per acre above 1 acre
<b>Use Variance</b>	\$1,000 (in addition to site plan)
<b>"C" Variance (except single family residential)</b>	\$1,000 (in addition to site plan)
<b>Single Family residential "C" variance</b>	New House \$1,800 Addition \$1,200 Pool/Tennis Court \$1,200
<b>Subdivision</b>	Minor \$1,800 Major \$2,500 plus \$500 per lot
<b>List of Property Owners (within 200')</b>	\$10
<b>Certificate of Approval of Subdivision</b>	\$10 \$2 per continuation thereof within 3 years from date of original certificate
<b>MUNICIPAL COURT</b>	
<b>Disposition Sheets</b>	\$3 per page
<b>Parking Summons</b>	\$30.00 \$50.00
<b>Parking in Handicap Space without Permit</b>	\$250.00
<b>Costs for Contested Cases</b>	\$25.00
<b>PLANNING AND ENGINEERING</b>	
<b>Bond requirements (\$100 minimum)</b>	
Concrete curb	\$15 per linear foot
Concrete curb and gutter	\$20 per linear foot
Sidewalk 5'	\$5 per square foot
Sidewalk 7'	\$6 per square foot
Concrete pavement	\$8 per square foot
Asphalt concrete base	\$9 per square foot
Asphalt stone base	\$8 per square foot
Utilities	\$500
Utilities (PSE&G)	\$350 per roadway excavation \$3 per lineal foot of pipe installation
Unimproved and planted areas	\$4 per square foot \$120 Minimum Fee
<b>Engineering Review</b>	\$120 per hour
<b>Excavations and installation of facilities</b>	
Permit Fee	\$50 plus bond for inspection
Inspection Fee	\$120 per hour
<b>Inspection Fees</b>	
Engineer	\$120 per hour
Engineering Staff	\$120 per hour
<b>Legal Fees</b>	
	\$125 per hour
<b>Moving of Structure</b>	\$100 per \$1,000 of moving costs
<b>Sewers</b>	
Connection to the sanitary sewer ( residential)	\$35
Connection to the sanitary sewer (commercial/industrial)	\$100
Connection to storm facilities	\$150
Disconnection from the sanitary sewer	\$20
Sludge removal operator's license	\$20
Sludge removal permit	\$15
Inspection Fee	\$100 (each connection/reconnection)
<b>Soil Erosion</b>	

	\$600 one acre or less \$600 each additional acre or part thereof
<b>Soil Disturbance</b> \$100 first 50 cubic yards \$100 each additional 50 cubic yards	
<b>Tree Removal Permit</b>	\$50.00 per tree \$200.00 one-half acre of land or less \$50.00 per each additional one-half acre or part thereof above one acre
<b>DESCRIPTION</b>	<b>FEE</b>
<b>POLICE DEPARTMENT</b>	
<b>Audio Tape</b>	\$25 per tape
<b>Copies of Motor Vehicle Accident Reports</b>	\$0.05 per page for letter sized pages and small \$0.07 per page for legal sized pages and larger Electronic records FREE OF CHARGE (i.e. records sent via e-mail and fax) Actual cost to provide records in another medium (i.e. computer disc, CD-ROM, DVD) Mailed Reports additional \$5
<b>Mailed Reports (Criminal)</b>	\$10
<b>Discovery</b>	\$0.75 per pages 1-10 \$0.50 per pages 11-20 \$0.25 per pages over 20
<b>Expungement</b>	\$10
<b>Fingerprinting</b>	\$30
<b>Gun Permit</b>	\$2 per each
<b>Firearms ID Card</b>	\$5 per each
<b>Field Reports (Non-criminal)</b>	\$0.75 per pages 1-10 \$0.50 per pages 11-20 \$0.25 per page over 20
<b>Investigation Reports(Criminal)</b>	\$0.75 per pages 1-10 \$0.50 per pages 11-20 \$0.25 per page over 20
<b>Letters of Good Conduct/ Character Reference</b>	\$7 per letter
<b>Police Escort</b>	\$20 per escort one way \$35 per escort round trip
<b>Police Security (Extra Duty) Detail</b>	\$65.00 per hour or part thereof with a four (4) hour minimum for each Police Officer. The hourly rate on legal holidays shall be at time and one-half  \$20.00 for administrative fee for each extra duty detail  \$10.00 per hour per vehicle for each vehicle required for extra duty details.
<b>Video Tape (view only)</b>	\$50 per one-half hour of viewing per tape
<b>RECREATION FACILITIES/ PROGRAMS</b>	
<b>SunFun Day Camp</b>	\$170 Residents per week \$255 Non-Residents per week
<b>SunFun Day Camp – Late Fee</b>	Residents Full Weekly Rate of \$170 + \$50 Non-Residents Full weekly rate of \$255 + \$50
<b>Travel Baseball</b>	\$125 per season
<b>Tackle Football</b>	\$120 per season
<b>Impact Baseline Test Fee</b>	\$12 per season
<b>Track</b>	\$45 per season
<b>Tennis</b>	\$45 per season
<b>Cheerleading</b> \$10 per season	
<b>Spring/Fall Soccer - Travel</b> \$90 per season	
<b>Spring Soccer – Training</b> \$60 per season	
<b>Indoor Soccer</b> \$65 per season	
<b>Park Permit</b> \$50 per 2 hours	
<b>Senior Happenings</b> \$35 per person annually	
<b>Municipal Swimming Pool</b>	
Membership per person \$30 per individual per season	\$100 annually per immediate family with one (1) guest pass per season
Persons age 60yrs or older	\$5 per individual per season
Daily admission non-members \$10.00 weekdays (per day per season)	

\$15 weekends (per day per season)
Pool Group/ Camp Rates weekdays only (per person per day)

**Please Note:**

Englewood Residents that are eligible for the Reduced or Free Lunch Program will qualify for a 40% discount on Englewood Recreation's Football, Track & Field, and Soccer program fees. Proper documentation of eligibility must be provided at registration.

Englewood Residents with multiple children who do not qualify for the Reduced or Free Lunch Program will receive a 15% discount on Englewood Recreation's Football, Track & Field, and Soccer program fees.

Additional programs are subject to fees set by the Instructor/Organization. These programs are not eligible for reduced fees unless the discounts are set by the Instructor/Organization.

All recreation fees are governed by the sliding fees schedule used by the Englewood Board of Education Reduced or Free Lunch Program.

The Sun Fun Day Camp discounted rate of \$140 per week per child is available for those Englewood Residents with multiple children who do not qualify for the Reduced or Free Lunch Program.

Non-resident fees equal the Cost of the Program + Half of the Program Cost.

Replacement swim membership cards must be purchased at full price. (\$30 individual/\$5 senior)

Recreation Department policy:

- o Processing Fee \$10 per transaction
- o Late Registration Fee \$10.00 per transaction

**Englewood Recreation Department Refund Policy:**

All refund requests must be sent directly to the Englewood Recreation Department at least one week prior to the start date of the program.

A \$10.00 processing fee will be charged for all refunds.

No refunds will be issued after the start of a program except for one of the following reasons:

- o The program is cancelled by the Englewood Recreation Department.
- o The request is accompanied by a written medical excuse from a Physician.

There will be absolutely no refunds and/or transfer of funds after a program has ended.

Any exception to the Englewood Recreation Department Refund Policy is only at the discretion of the instructor and/or the Recreation Director.

DESCRIPTION	FEE
<b>Tax Office</b>	
<b>Duplicate Tax Bills</b>	
<b>Returned Check Charge</b>	\$15 per check
<b>Letter of Tax Certification</b>	\$5 per year of inquiry
<b>Tax Searches</b>	\$10 per search year continuation year continuation year continuation
<b>Printout of Tax Account</b>	
<b>Property Assessment Record Card</b>	
<b>Affidavit of Discharge of Tax Lien</b>	
<b>Lien Redemption Fee</b>	

**Uniform Construction Code Fees**

**Exemptions**

The following shall be exempt from the local construction permit fees:

- A. Disabled persons. No person shall be charged a local construction permit fee for any construction, reconstruction, alteration, or improvement designed and undertaken solely to promote accessibility by disabled persons to an existing public or private structure or any of the facilities contained therein.
- B. Environmental. No person shall be charged a local construction permit fee for any construction, reconstruction,

alteration, or improvement designed and undertaken solely to install solar photovoltaic systems to promote reductions of emissions of greenhouse gasses.

**Plan Review**

- A. All fees required for plan review and the issuance of any permit or certificate shall be collected prior to the review or the issuance of the permit or certificate. Fees shall be computed in accordance with the requirements and standards set forth in the State Uniform Construction Code and in accordance with the following fee schedule, a copy of which shall be posted in the Central Permit Office.

**Building sub-code fees**

- A. New construction permit fees shall be based upon the volume of the structure as computed in accordance with 5:23-4.18(c) promulgated under the Uniform Construction Code Act. The new construction permit fee shall be in the amount of \$0.05 per cubic foot. The minimum fee for new construction shall be \$500.

- B. Renovations and Alterations

Residential and commercial:

Cost per \$1,000 of total alteration costs:

- o \$20 per \$1,000 up to \$100,000 of total alteration costs.
- o \$15 per \$1,000 for \$100,000 to \$250,000 of total alteration costs.
- o \$10 per \$1,000 over \$250,000 of total alteration costs.
- o The minimum fee shall be \$60

For the purpose of determining estimated cost, the applicant shall submit cost data as may be available by the architect or engineer of record, a recognized estimating firm, or a bona fide contractor's bid. The Construction Code Official shall make the final decision regarding estimated costs.

- C. Demolition

- o Residential \$350 per structure
- o Commercial \$500 per structure
- o Accessory \$100 per structure

- D. Permit fees for structure additions shall be computed on the same basis as for new construction for the portion to be added as computed in accordance with 5:23-4.18(c) (iii) promulgated under the Uniform Construction Code Act. The minimum fee for additions shall be \$500.

- E. The fee for a permit for moving of one building from one lot to another or to another location on the same lot shall be in the amount of \$100 per \$1,000 of the estimated cost of moving plus the estimated cost of new foundations and all work necessary to place the building in its completed condition in the new location.

- F. The fee for a permit to construct signs shall be as follows:

- 1. Roof signs and billboards - \$4 per square foot, minimum fee of \$200.
- 2. All other signs requiring a permit pursuant to the Uniform Construction Code shall be as follows:
  - o 1-10 square feet \$ 50
  - o 11-25 square feet \$ 75
  - o 26-49 square feet \$100
  - o Over 49 square feet \$125(as permitted by ordinance)

3. The fee for double-faced signs shall be computed on the basis of one side only. In the event the surface area of the sides if unequal, the larger side shall be used for the purpose of computing the fee.

- G. The fees charged for a certificate of occupancy, certificate of continuing occupancy, and certificate of zoning compliance shall be as follows:

- 1. The fee for a certificate of continuing occupancy shall be in accordance with the following schedule:
  - o One and two family dwellings \$150
  - o All other uses \$250
  - o Rental occupancy \$100

In addition to the forgoing fees, in the event a third inspection reveals previously noticed violations which remain unabated, an additional inspection fee equal to the fee for a certificate of continuing occupancy/rental occupancy shall be charged for such third inspection and each additional inspection performed until the violations are abated.

2. The fee for a certificate of occupancy, granted pursuant to new constructions, alterations, additions, and repairs shall be 10% of the fee charged for the construction permit, provided that there shall be a minimum fee of \$40 and a



maximum fee of \$100.

- a. There will be No Charge for the first Temporary Certificate of Occupancy issued
- b. \$30 will be charged per each extension of the Temporary Certificate of Occupancy

3. The fee for a certificate of zoning compliance shall be as follows (05-16):

- o One and Two family dwellings \$50
- o All other uses \$100

H.

Residential code variation	\$100
Commercial code variation	\$300

I. The fee to be charged for the reinstatement of a lapsed permit shall be 25% of the initial permit fee provided such application for reinstatement is made within one year from the date the initial permit lapsed. Thereafter, the fee for the reinstatement of a lapsed permit shall be 100% of the initial permit fee.

J. In addition to any other fee set forth herein, there shall be charged a State of New Jersey Training fee, in an amount of \$0.00334 per cubic foot of volume, which shall be charged to all new construction and additions to existing structures. Such fees shall be forwarded to the Bureau of Housing Inspection, Department of Community Affairs, pursuant to regulations adopted by the Commissioner of the Department of Community Affairs NJAC 5:23-4.19(b).

K. The fees for the construction and maintenance of swimming pools shall be as follows:

- o Permanent above ground of any construction \$150
- o Permanent pools in ground \$500
- o The foregoing fees are exclusive of any fees required for accessory construction appurtenant to the pool.

L. For development applications for one family dwellings involving "C" variances and for building permits not requiring Planning Board or Board of Adjustment approval, the applicant shall establish an escrow in the amount of \$150 for the Engineering Offices and \$150 for the Health Department for costs incurred in Plan Review and Inspection purposes from which time shall be charged back at the rate of \$70 per hour. If the aggregate amount of such costs exceeds the deposits for costs, the applicant shall, on demand, pay the amount of such excess. If the aggregate amount of such costs shall be less than the deposit for costs, the excess shall be refunded to the applicant.

M. Lead Hazard Abatement with Certificate of Clearance \$145

N. Asbestos Abatement with Administrative Certificate \$160

### **Plumbing Sub code Fees**

A. The fee shall be in the amount of \$75/first fixture and \$25/each additional fixture except as limited in (B) below. For the purpose of computing this fee, fixtures or stacks shall include lavatories, kitchen sinks, urinals, water closets, bath tubs, shower stalls, laundry tubs, floor drains, drinking fountains, dishwashers, garbage disposals, clothes washers, vent stacks, roof drains or similar devices.

B. The fee shall be in the amount of \$100 per special device for grease traps, oil separators, sewer ejectors, and sewer pumps.

C. The fee for sanitary sewer connections or replacements:

- o Residential \$ 75
- o Commercial \$150

D. Other plumbing fees shall be as follows:

- o Domestic hot water heater \$ 75
- o Commercial hot water heater \$150
- o Walk-in Box \$150 per box
- o Underground water sprinklers:

Residential	\$ 75
Commercial	\$150

- Plumbing stacks \$ 75
- o Gas piping and appliances:  
per gas line or appliance \$50
- o Heating units:
  - Under 500,000 BTU \$ 75
  - 500,000 BTU or more \$150
  - Residential steam units, for showers \$ 75
- o Water connection (street to building)
  - Residential \$75
  - Commercial 2" and over \$150
  - Water softeners \$75
- o Backflow preventers:
  - Residential (up to 1 inch) \$75
  - Commercial (over 1 inch) \$150
  - Abandoned well \$150
  - Abandoned septic \$150
  - Fuel oil piping \$ 50
  - Air conditioning units \$ 75
  - Refrigeration systems \$ 150
  - Solar systems \$ 150
  - Propane Tanks \$ 100 per tank
- o Swimming pools
  - Above ground \$ 75
  - In ground \$150
  - Annual public pool inspection \$100

**Electrical Sub code Fees**

**Rough Wiring**

- o All switches, lighting, emergency and exit light, communication point and receptacles to be counted as outlets, 1-50 outlets \$125
- o For each additional 25 outlets or fraction thereof \$ 25
- o Electric Stove, Oven, Cook top, Cooking Equipment, and Similar Appliances \$ 75
- o Air Conditioning Units, Electrical Furnaces and Welders \$100

**Motors-Generators-Transformers**

- o Fractional HP motor (dishwasher/disposal/fan) \$ 25 each
- o Over 1 HP up to 10 H \$ 75
- o Over 10 H \$100

**Service-Meter Equipment and Feeders**

- o Service Panels, entrances, sub-panels:
  - o Up to 100 amps \$ 75
  - o Up to 200 amps \$125
  - o Up to 1000 amps \$200
  - o Over 1000 amps \$300
  - o Underground \$ 75 Additional
  - o Electrical disconnects \$ 25
  - o Temporary electric service \$ 75

**Primary Transformers-Vaults-Enclosures-Substations** (applies to each bank of transformers):

- o Not over 200 K.V.A. \$ 75
- o Over 200 to 500 K.V.A. \$100

- Over 500 K.V.A. \$200

**Electric Signs \$ 75**

**Signaling Devices**

- Fire Alarm Panel \$25
- Up to 8 devices/detectors \$75
- Each Additional \$4
- Burglar Alarm \$75

**Elevator Electrical Permit \$200**

**Pools**

- Above ground pool, in ground pool, and exterior hot tub \$200
- Interior Jacuzzi (therapeutic bathtub) \$75
- Annual pool inspection \$100
- Additional hot tub/Jacuzzi \$ 25 each

**Solar, Minimum fee \$75**

- Each array shall be listed as communication point.
- Each inverter shall be listed as switch.
- Each disconnect shall be included and listed as Amp motor control center/disconnect.
- Back-fed circuit breaker shall be listed as sub-panel or, if a stand-alone system, as a service.

**Additional Fees:**

- Back-up Generators/ Transfer Switch/ Control Panel \$125
- Electric de-icing equipment \$75 each
- Electric clothes dryer \$50 each
- Electric floor heating system \$50 each
- Electric duct heaters \$25 each
- Electric space heater \$25 each
- Baseboard electric heater \$25 each
- Refrigeration unit (cooler/walk in box) \$100 each
- Additional Fee for Underground Electrical Inspection \$75
- Electric Water Heater \$50
- Geo Thermal Heating System \$200
- Walk-in Box \$100
- Temporary Trailer
  - First trailer \$75
  - Each Additional Trailer \$50
- Temporary Generators (non emergency) \$125

**Fees for Inspections Conducted After Regular Business Hours, Weekends and/ or Holidays:**

\$100 per hour, minimum charge of four (4) hours

And \$100 per each hour or part thereof in excess of 4 four (4) hours

**Councilman Skurnick discussed amending Ordinance # 12-10 to read that Landscaper’s Permit Fee be set as \$50 per vehicle working in the City of Englewood and if a vehicle does not have a sticker then they will not be allowed to dump at the DPW yard.**

**A Motion was made by Councilman Skurnick “to charge a Landscaper’s Permit Fee to be set as \$50 per vehicle per year with a sticker issued per vehicle”. Motion was not seconded.**

**A Motion was made by Councilwoman Algrant and seconded by Councilman Forman to amend Ordinance # 12-10 to read “Landscaper’s Permit Fee be set as a \$50 per Landscaping Company per year which will include one (1) vehicle sticker and a charge of \$10.00 per sticker for each additional vehicle “.**



FIRST READING DATE: March 20, 2012

COUNCIL	MOTION	VOTE
Algrant	X	Y
Forman		Y
Skurnick		Y
Cohen		Y
Drakeford		Y

**ORDINANCE #12-13**

**AN ORDINANCE AMENDING CHAPTER 25, SECTION 25-19 SCHEDULE XI OF THE TRAFFIC AND PARKING ORDINANCE OF THE REVISED GENERAL ORDINANCES OF THE CITY OF ENGLEWOOD**

**WHEREAS**, Chapter 25, Section 25-19 designates that no person shall park a vehicle upon any of the streets or parts of streets described in Schedule XI attached to and made a part of this chapter, for a period in excess of the time limit set out therein, on any day except Sundays and legal holidays, unless otherwise stated; and

**WHEREAS**, the Governing Body of the City of Englewood wishes to amend the aforesaid Section to designate the street listed below as time limited parking in the specified direction and designated areas.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Englewood, Bergen County, New Jersey, that Chapter 25-9, Schedule II is hereby amended as follows:

Grand Avenue      West      15 minutes      12 Noon to 8PM      From a point 320 feet from the southerly curb line of Englewood Avenue to a point 40 feet North thereof.

This Ordinance shall take effect immediately upon final passage and publication as required by law.

FIRST READING DATE: March 20, 2012

COUNCIL	MOTION	VOTE
Algrant		Y
Forman		Y
Skurnick	X	Y
Cohen		Y
Drakeford		N

**ORDINANCE #12-14**

**AN ORDINANCE ADOPTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE CITY OF ENGLEWOOD, COUNTY OF BERGEN, STATE OF NEW JERSEY; PROVIDING FOR THE MAINTENANCE OF SAID CODE; REPEALING AND SAVING FROM REPEAL CERTAIN ORDINANCES NOT INCLUDED THEREIN; ESTABLISHING A PENALTY FOR ALTERING OR TAMPERING WITH THE CODE; AND MAKING CERTAIN CHANGES IN PREVIOUSLY ADOPTED ORDINANCES**

**Be it ordained and enacted** by the City Council of the City of Englewood, County of Bergen, State of New Jersey, as follows:

**§ 1-1. Adoption of Code.**

Pursuant to N.J.S.A. 40:49-4, the ordinances of the City of Englewood of a general and permanent nature adopted by the City Council of the City of Englewood, as revised, codified and consolidated into chapters and sections by General Code, and consisting of Chapters 1 through 431, together with an Appendix, are hereby approved, adopted, ordained and enacted as the "Code of the City of Englewood," hereinafter known and referred to as the "Code."

**§ 1-2. Code supersedes prior ordinances.**

This ordinance and the Code shall supersede the 1978 Revised General Ordinances and all general and permanent ordinances enacted prior to the enactment of this Code, except such ordinances as are hereinafter expressly saved from repeal or continued in force.

**§ 1-3. When effective.**

This ordinance shall take effect immediately upon passage and publication according to law.

**§ 1-4. Copy of Code on file.**

A copy of the Code in loose-leaf form has been filed in the office of the City Clerk and shall remain there for use and examination by 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 City of Englewood by impressing thereon the Seal of the City, as provided by law, and such certified copy shall remain on file in the office of the Clerk of the City, to be made available to persons desiring to examine the same during all times while said Code is in effect.

**§ 1-5. Amendments to Code.**

Any and all additions, amendments or supplements to the Code, when passed and adopted in such form as to indicate the intent of the governing body to make them a part thereof, shall be deemed to be incorporated into such Code so that reference to the "Code of the City of Englewood" shall be understood and intended to include such additions and amendments. Whenever such additions, amendments or supplements to the Code shall be adopted, they shall thereafter be printed and, as provided hereunder, inserted in the loose-leaf book containing said Code, as amendments and supplements thereto.

**§ 1-6. Publication; filing.**

The Clerk of the City of Englewood, pursuant to law, shall this Adopting Ordinance to be published, in the manner required, in a newspaper of general circulation in the City. Sufficient copies of the Code shall be maintained in the office of the Clerk for inspection by the public at all times during regular office hours. The enactment and publication of this Adopting Ordinance, coupled with availability of copies of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

**§ 1-7. Code book to be kept up-to-date.**

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

**§ 1-8. Sale of Code book.**

Copies of the Code, or any chapter or portion of it, may be purchased from the Clerk, or an authorized agent of the Clerk, upon the payment of a fee authorized by the City. The Clerk shall also arrange for procedures for the periodic supplementation of the Code.

**§ 1-9. Altering or tampering with Code; penalties for violation.**

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, any part or portion of the Code or to alter or tamper with such Code in any manner whatsoever which will cause the law of the City of Englewood to be misrepresented thereby. Anyone violating this section or any part of this ordinance shall be subject, upon conviction, to one or more of the following: a fine of not more than \$2,000 or imprisonment for not more than 90 days or a period of community service not exceeding 90 days, in the discretion of the Judge imposing the same.

**§ 1-10. Severability of Code provisions.**

Each section of the Code and every part of each section is an independent section or part of a section, and the holding of any section or a part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

**§ 1-11. Severability of ordinance provisions.**

Each section of this ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

**§ 1-12. Repeal of inconsistent ordinances.**

All ordinances or parts of ordinances inconsistent with the provisions contained in the Code adopted by this ordinance are hereby repealed; provided, however, that such repeal shall only be to the extent of such inconsistency, and any valid legislation of the City of Englewood which is not in conflict with the provisions of the Code shall be deemed to remain in full force and effect. Whenever an ordinance that repeals an earlier ordinance or part thereof is itself repealed, such repeal shall not revive the former ordinance or part thereof, unless specific provision is made therefore.

**§ 1-13. Ordinances saved from repeal.**

The adoption of this Code and the repeal of ordinances provided for in § 1-12 of this ordinance shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal:

- A. Any ordinance adopted subsequent to 12-13-2011.
- B. Any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability.
- C. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision or any penalty, punishment or forfeiture which may result there from.
- D. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered, prior to the effective date of this ordinance brought pursuant to any legislative provision.
- E. Any franchise, license, right, easement or privilege heretofore granted or conferred.
- F. Any ordinance providing for the laying out, opening, altering, widening, relocating, straightening, establishing of grade, changing of name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place or any portion thereof.
- G. Any ordinance appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond or other instruments or evidence of the City's indebtedness.
- H. Ordinances authorizing the purchase, sale, lease or transfer of property or any lawful contract, agreement or obligation.
- I. The levy or imposition of taxes, assessments or charges or the approval of the municipal budget.
- J. The dedication of property or approval of preliminary or final subdivision plats.
- K. All currently effective ordinances pertaining to the rate and manner of payment of salaries and compensation of officers and employees.
- L. Any ordinance adopting or amending the Zoning Map.
- M. Any legislation relating to or establishing a pension plan or pension fund for municipal employees.
- N. Section 2 of Ord. No. 97-19 amending Section 11 of 1953 (Green Acre Land Rules amendment).

**§ 1-14. Changes in previously adopted ordinances.**

- A. In compiling and preparing the ordinances for adoption and revision as part of the Code pursuant to N.J.S.A. 40:49-4, certain grammatical changes and other minor changes were made in one or more of said ordinances. It is the intention of the City Council that all such changes be adopted as part of the Code as if the ordinances so changed had been previously formally amended to read as such.
- B. Fees. In the following sections, the fees have been eliminated and reference made to the fees in Chapter 191, Fee Schedule: §§ 47-1, 100-3, 100-7, 100-11, 100-27, 100-44, 106-3, 112-3A and F, 112-14C, 173-3A, 197-8, 232-2B, 311-9B, 311-10B(1) and (2), 311-11B(1), 311-18, 317-64E, 325-20D, 334-9, 334-20B, 358-8, 380-14, 380-15A, 380-16B, 385-2, 385-12B, 393-9, 410-10A, 425-15A and B.
- C. Global nomenclature changes. Throughout the Code, references to the department, agency or official in noted in the first column have been revised as set forth in the second column

<b>Change</b>	<b>To</b>
State Department of Health	State Department of Health and Senior Services
Municipal Court Clerk	Municipal Court Administrator
Department of Community Services	Department of Building and Code Enforcement
Central Personnel Office or Personnel Office	Human Resources Department
Animal warden(s); Dog Warden	Animal Control officer
City Administrator	City Manager
Revised General Ordinances	Code of the City of Englewood

- D. Statutory references. Throughout the Code references to the state statute have been revised to use "N.J.S.A." to cite same consistently. The consolidated reference to the current N.J.S.A. citation has been added to the text of sections containing only the unconsolidated reference and/or statutes referred to only by title. Incorrect or outdated citations are amended as set forth in the revisions to the individual chapters set forth in the Code Adoption Ordinance.

- E. In addition, the changes, amendments or revisions as set forth in Schedule A attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this ordinance. (Chapter and section number references are to the ordinances as they have been renumbered and appear in the Code.)

**SCHEDULE A  
SPECIFIC REVISIONS AT TIME OF ADOPTION OF CODE**

**Chapter 1, General Provisions.**

**Article II, Rules of Construction; Definitions; Seal; General Penalty.**

- A. The following sections are repealed:  
 (1) Original Section 1-1, What constitutes "Revised General Ordinances"; designation.  
 (2) Original Section 1-4, References to chapters, articles and sections.  
 (3) Original Section 1-9, Severability; effect of partial invalidity.
- B. Section 1-16, Definitions, is amended in the following respects:  
 (1) The definition of New Jersey Statutes or N.J.S. is amended by changing "N.J.S." to "N.J.S.A."  
 (2) The definitions of "Revised General Ordinances or R.G.O.," "Revised Ordinance or R.O." and "Revised Statutes or R.S." are repealed.
- C. Section 1-21, Missed meetings, is amended as follows:  
*Except as otherwise provided by law or specifically provided by ordinance, any member of any board or agency appointed by the Mayor and/or City Council who is absent for six consecutive weeks or from three consecutive regular meetings, whichever is longer, without being excused there from by the board or agency for a valid reason, may be removed from office by the appointing authority.*

**Chapter 3, Administrative Code.**

- A. Section 3-10, Appointment; termination, Subsection A, the second sentence, is amended as follows:  
*In the event that the City Manager is terminated for reason other than just cause after five years of service, the maximum salary and medical benefits he or she will be entitled to as severance as shall be governed by the City Charter and state law.*
- B. Section 3-60, Applicability of Chapter 23, is amended as follows:  
*The provisions of Chapter 23, Court, Municipal, of the City Code shall continue to be applicable to the Municipal Court, except that Section 16-2 thereof is hereby repealed.*

**Chapter 8, Boards, Commissions and Committees.**

**Article I, Housing Authority.**

Section 8-2 is amended as follows:

*The Housing Authority shall function as provided by the Local Redevelopment and Housing Authorities Law (N.J.S.A. 40A:12A-1 et seq.) and other applicable laws of this state.*

**Article VIII, Green Team.**

Section 8-42, Purpose, is amended by adding the following sentence: "*The purpose of the Green Team shall be:*"

**Chapter 25, Traffic and Parking.**

- A. Section 25-33, Time limit; rate; hours of operation, is amended as follows to allow for the integration of Ord. No. 10-23 with its two-hour time limits into Schedule XXII which currently only accounts for one-hour time limits.

**§ 25-33, Time limit; rate; hours of operation.**

*Parking within parking meter zones, as designated in Schedule XXII, between the hours of 9:00 a.m. and 6:00 p.m., except on Sundays and legal holidays, shall be limited to a period of ~~one-hour~~ time as indicated in Schedule XXII, at such rate as may be determined by the City Council from time to time and designated on the parking meter.*

- B. Section 25-62, Enforcement, Subsection A, is amended by changing "Division of Police" to "Police Department."
- C. Schedule A is amended by adding the following entry:

Next Day Hill Drive <sup>1</sup>	South	7:00 a.m. to 4:00 p.m.	Monday to Saturday	From a point 550 feet easterly from the intersection of Lydecker Street to a point 1,050 feet easterly there from
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**Chapter 31, Ethics, Code of.**

<sup>1</sup> Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).



Section 31-1, Definitions, the definition of "City agencies," is amended to delete the reference to the Rent Board.

#### **Chapter 36, Fire Department.**

Section 36-9, is amended as follows:

##### **§ 36-9. Assignment of members to Unit; qualifications**

*Only full-time paid members of the Fire Department and/or civilian members of the Englewood Fire Department Fire Prevention Bureau may be assigned to the Fire Investigation Unit. Civilian members appointed to the unit shall be approved by the Fire Chief. Before any member shall be assigned to the Fire Investigation Unit, such member shall have successfully completed an appropriate course of training approved by the New Jersey Office of the Attorney General, Division of Criminal Justice, the International Association of Arson Investigators, or the National Fire Academy Police Training Commission and an arson investigation training course approved by the New Jersey Division of Fire Safety Department of Public Safety.*

#### **Chapter 56, Personnel.**

A. Section 56-9, Types of employees, Subsections A and B, are amended as follows:

- A. *Classified service, which shall include those permanent positions established in the classification of positions hereinafter set forth on file in the Clerk's office.*
- B. *Unclassified service, which shall include those positions hereinafter listed as being in the unclassified service, and which are not included with the aforesaid classification on file in the Clerk's office.*

B. Section 56-10, Classified service, is amended as follows:

*The classification of positions in the classified service heretofore adopted, as set forth in section 18-13, shall be continued.*

C. Section 56-32, Maternity leave, is amended by deleting the existing provisions and substituting the following language as § 56-32:

##### **§ 56-32. Maternity leave.**

*Maternity leave shall be granted as provided in N.J.S.A. 34:11B-1 et seq., the Family Leave Act.*

D. Section 56-75, Post-retirement health benefits, is amended by adding the word "eligible" so that the section reads, in part, as follows:

*"...provided the City of Englewood remains enrolled in the New Jersey State Health Benefits Program, for the retiree up to age 65 and his/her eligible dependents up to age 65 or until the death of the retiree, whichever first occurs..."*

#### **Chapter 94, Alcoholic Beverages.**

##### **Article I, Licensing and Operations.**

A. Section 94-2, License fees is amended by deleting the fee for seasonal retail consumption licenses as this license is not currently issued by City. The section is further amended to refer to Chapter 191, Fee Schedule, for the current license fees.

##### **§ 94-2. License fees.**

*The annual fees for the granting of the following alcoholic beverage licenses are fixed as follows provided for in Chapter 191, Fees:*

- A. *Plenary retail consumption license: \$75.*
- B. *Seasonal retail consumption license: \$650.*
- C. *Plenary retail distribution license: \$575.*
- D. *Limited retail distribution license: \$50.*
- E. *Club license: \$115.*

B. Original Section 4-3.1, Retail package sales prohibited on Sunday, as added 5-5-1981 by Ord. No. 81-14, is repealed.

#### **Chapter 106, Animals.**

##### **Article I, Dogs**

A. Section 106-1, Definitions,

- (1) The definition of "nuisance cat" is repealed from § 106-1 and moved to § 106-23. References to "nuisance cats" or "cats" in §§ 106-15, 106-16, 106-18 and 106-19 are deleted. Section 106-23 is amended to add the definition of "nuisance cat" from § 106-1 and to revise § 106-27, Impounding of unlicensed cats, by adding Subsection A(5) to read "Any nuisance cat."
- (2) The definition of "pet shop" is amended as follows so as to match the term as defined in N.J.S.A. 4:19-15.1:  
*PET SHOP -- Any room or group of rooms, cage, or exhibition pen, not part of a kennel, wherein dogs for sale are kept or displayed. Any place of business which is not part of a kennel, wherein animals, including, but not limited to, dogs, cats, birds, fish, reptiles, rabbits, hamsters or gerbils, are kept or displayed chiefly for the purpose of sale to individuals for personal appreciation and companionship rather than for business or research purposes.*

B. Section 106-2, Annual license and registration tag required; attaching tag to collar, is amended by deleting Subsection C, as added 12-1-1981 by Ord. No. 81-73, reading as follows:

- C. ~~Any cat which is not at all times kept indoors shall be inoculated with rabies vaccine in the same manner as provided herein for the inoculation of dogs.~~
- C. Section 106-3, License and tag fees; expiration, is amended as follows:  
~~The person applying for the license and registration tag shall pay a fee of \$3.50 for the licensing of each dog and the additional sum of \$0.50 for the registration tag of each dog; as provided for in Chapter 191, Fee Schedule, for the licensing of each dog and the additional sum for the registration tag of each dog. For each annual renewal, the fee for the license and for the registration tag shall be the same as for the original license and tag. Said licenses, registration tags and renewals thereof shall expire on the last day of January in each year. Late fees shall be imposed after March 1, April 1 and May 1 as set forth in Chapter 191, Fee Schedule.~~
- D. Section 106-4, Service dogs, is amended as follows:  
Dogs used as guides for blind persons and commonly known as "seeing-eye" dogs, dogs used to assist handicapped persons and commonly known as "service dogs" and dogs used to assist deaf persons and commonly known as "hearing ear" dogs shall be licensed and registered as other dogs hereinabove provided for except that the owner or keeper of such dog shall not be required to pay any fee therefore.
- E. Section 106-6, Contents of application; Contents of application; preservation and forwarding of information, is amended as follows:
- A. The application shall state the breed, sex, age, color and markings of the dog for which license and registration are sought, and whether it is of a long- or short-haired variety, and whether it has been surgically debarked or silenced; and the name, street, and post office address of the owner and the person who shall keep or harbor such dog.
- B. The information on the said application and the registration number issued for the dog shall be preserved for a period of three years by the City Clerk or other official designated by the Council. In addition, the Clerk or other local official shall forward to the State Department of Health and Senior Services each month, on forms furnished by the Department an accurate account of registration numbers issued or otherwise disposed of. Registration numbers shall be issued in the order of application.
- F. Section 106-12, License to operate dog establishments; application contents, is amended as follows:
- A. Any person who keeps or operates or proposes to establish a kennel, pet shop, shelter, or pound within the City shall apply to the City Clerk for a license entitling him to keep or operate such establishment. The application therefore shall describe the premises where the establishment is located, or is proposed to be located, the purpose or purposes for which it is to be maintained, and shall be accompanied by the written approval of local health and municipal authorities showing compliance with the local and state rules and regulations governing location of and sanitation at such establishment.
- B. All licenses issued for a kennel, pet shop, shelter or pound shall state the purpose for which the establishment is maintained, and all such licenses shall expire on the last day of June of each year, and be subject to revocation by the municipality on recommendation of the State Department of Health and Senior Services or the Board of Health for failure to comply with the rules and regulations of the state department or local board governing the same, after the owner has been afforded a hearing by either the state department or local board, except as provided in Subsection C of this section. Any person holding such license shall not be required to secure individual licenses for dogs owned by such licensee and kept at such establishments; such licenses shall not be transferable to another owner or different premises.
- C. The license for a pet shop shall be subject to review by the City, upon recommendation by the State Department of Health and Senior Services or the local health authority for failure by the pet shop to comply with the rules and regulations of the state department or local health authority governing pet shops or if the pet shop meets the criteria for recommended suspension or revocation provided under Subsection c or d of Section 5 of P.L. 1999, c. 336 (N.J.S.A. 56:8-96), after the owner of the pet shop has been afforded a hearing pursuant to Subsection e of Section 5 of P.L. 1999, c. 336 (N.J.S.A. 56: 8-96). The City, based on the criteria for the recommendation of the local health authority provided under subsections c and d of Section 5 of P.L. 1999, c. 336 (N.J.S.A. 56:8-96), may suspend the license for 90 days or may revoke the license if it is determined at the hearing that the pet shop:
- (1) Failed to maintain proper hygiene and exercise reasonable care in safeguarding the health of animals in its custody; or
- (2) Sold a substantial number of animals that the pet shop knew, or reasonably should have known, to be unfit for purchase.
- D. The City may issue a license for a pet shop that permits the pet shop to sell pet supplies for all types of animals, including cats and dogs, and sell animals other than cats and dogs but restricts the pet shop from selling cats or dogs, or both.
- E. Every pet shop licensed in the state shall submit annually and no later than May 1 of each year records of the total number of cats and dogs, respectively, sold by the pet shop each year to the City, and the City shall provide this information to the local health authority.
- G. Section 106-13, License fees for kennels, pet shops, shelters and pounds, is amended as follows:  
~~The annual fee for a kennel providing accommodations for 10 or less dogs shall be \$10 and for more than 10 dogs, \$25. The annual license fee and for a pet shop shall be \$10 as provided for in Chapter 191, Fee Schedule. No fee shall be charged for a shelter or pound.~~

- H. Original Sections 6-13 (License expiration; revocation of license to operate establishment) and 6-14 (Individual dog license exemption for establishments; transfer prohibited) are repealed. See now § 106-12.
- I. Section 106-16, Notice of seizure, is amended by changing the phrase "~~liable to be disposed of or destroyed~~" to "liable to be offered for adoption or destroyed."
- J. Section 106-18, When dog may be destroyed, is amended as follows:
  - A. When any dog so seized has been detained for seven days after notice, when notice can be given as above set forth, or has been detained for seven days after seizure when no notice can be given as above set forth, and if the owner or person keeping or harboring said dog has not claimed such animal and paid the fees set out in section 6-24 below, the Animal Control Officers may cause the animal to be destroyed in a manner causing as little pain as possible and consistent with the provisions of N.J.S.A. 4:22-19 or to be offered for adoption seven days after seizure, provided that:
    - (1) Notice is given as set forth above and the animal remains unclaimed; or,
    - (2) The owner or person keeping or harboring the animal has not claimed the animal and paid all expenses incurred by reason of its detention, including maintenance costs not exceeding \$4.00 per day; or,
    - (3) The owner or person keeping or harboring a dog which was unlicensed at the time of seizure does not produce a license and registration tag for the dog.
  - B. At the time of adoption, the right of ownership in the animal shall transfer to the new owner. No dog so caught and detained or procured, obtained, sent or brought to a pound or shelter shall be sold or otherwise made available for the purpose of experimentation.
- K. Original Section 6-24, Fees (for Animal Warden services), amended 2-17-1976 by Ord. No. 2171, is repealed.

**Article II, Cats.**

- A. Section 106-23, Definitions, is amended by adding the definition of nuisance cat deleted from § 106-1 as follows:
 

NUISANCE CAT -- A cat which habitually causes disturbance to persons other than its owners, whether by reason of excessive and disturbing noise, or by depositing feces on property other than the property of its owners, or otherwise.
- B. Section 106-25, Licensing requirements, Subsection G, is amended as follows:
  - G. A license shall be issued after payment of a fee as set forth below in Chapter 191, Fee Schedule, and as hereafter amended from time to time. Late fees shall be imposed after March 1, April 1 and May 1 as set forth in Chapter 191.
    - (1) ~~Spayed or neutered cat, one-year license: \$4.~~
    - (2) ~~Unneutered or unspayed cat, one-year license: \$8.~~
- C. Original Subsection I of Section 3, dealing with the fee for duplicate license or registration sleeve is repealed.
- D. Section 106-27, Impounding of unlicensed cat, Subsection A, is amended by adding the following Subsection A(5):
  - (5) Any nuisance cat.

**Chapter 134, Building Design and Appearance.**

Sections 134-5, Submission of survey or drawing required, and 134-7, Appeal from action of official, are amended by changing "building subcode official" to "Zoning Official."

**Chapter 152, Buildings, Unsafe.**

The following changes are made to the sections noted below pursuant to N.J.S.A. 40:48-2.5:

- A. Section 152-2, Enforcement, Subsection B(1), is amended by changing "not less than 10 days" to "not less than seven days."
- B. The following new § 152-3 is added:
 

Any building or buildings, or parts thereof, which have been damaged to such an extent that nothing remains but the walls, or parts of the walls and other supports, shall, regardless of the safety and sturdiness of those remaining walls or parts thereof, be deemed inimical to the welfare of the residents of the City and the municipality may exercise its police powers to repair, demolish, or cause the repairing or demolishing of the building or buildings, or parts thereof, pursuant to the procedures set forth in this chapter.
- C. Section 152-4, Standards, is amended as follows:
 

The public officer may determine that a building is unfit for human habitation or occupancy or use if he finds that conditions exist in such a building which are dangerous or injurious to the health or safety of the occupants of such buildings, the occupants of neighboring buildings or other residents of the City of Englewood. Such conditions may shall be deemed to include, but shall not necessarily be limited to, the following (without limiting the generality of the foregoing): defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair; structural defects; uncleanliness; failure to comply with the requirements of the Building Code or the certificate of occupancy.

**Chapter 159, Certificates of Continuing Occupancy.**

A new § 159-4 is added to read as follows:

**159-4. Fees.**

The fee for a certificate of continuing occupancy shall be as provided for in Chapter 191, Fee Schedule.

**Chapter 167, Construction Codes, Uniform.**

- A. Original Section 9-7, Plan review, as amended 12-20-1977 by Ord. No. 2288 and 11-7-2007 by Ord. No. 07-27, is repealed. See now Chapter 191, Fee Schedule.
- B. Section 167-8, Fees is amended by deleting the existing fees adopted in 2007 and referencing the current fees in Chapter 191, Fee Schedule.

**§ 167-8. Fees.**

Fees shall be as provided for in Chapter 191, Fee Schedule.

- C. Section 167-9 is amended by changing "not less than \$00" to "not less than \$100."
- D. Original Section 9-19, Reorganization of positions, is repealed.

**Chapter 180, Eating Establishments.**

**Article II, Outdoor Cafes.**

Section 180-16, License fee, is amended as follows:

*Except as hereinafter amended from time to time pursuant to the current Fee Ordinance of the City of Englewood, the The application fee for a license for an outdoor cafe shall be \$100 as provided for in Chapter 191, Fee Schedule.*

**Chapter 191, Fee Schedule.**

- A. Section 191-6, Miscellaneous, is amended in the following respects:
  - (1) The fee for emergency inspections is amended as follows:  
Saturdays, Sundays and holidays for an inspection requiring up to 4 hours
  - (2) A fee for the renewal of distress auction sales licenses is added at \$25 per day.
  - (3) The fee for an auctioneer license application is added at \$0 and the fee for what was designated as the application is changed to "auction sale permit, per year" with the same fee of \$250. This is done to reconcile the fees with Chapter 112.
  - (4) In § 191-6, "Encumbrance of public property (dumpster/construction)" is amended as follows:
 

<u>Temporary encumbrance of public property right-of-way (dumpster/construction) dumpster, construction, etc.</u>	<u>\$20 per week plus \$10 per day per parking space meter if applicable per day</u>
---	--
  - (5) The fee for garage sales and flea markets is amended by adding "per permit (2 days)."
  - (6) The fee for pay telephones in the public right-of-way is repealed.
  - (7) The fee for television and movie filming is revised to read as follows

<u>Television and movie Filming permit:</u>	
<u>Per location per day on private property</u>	<u>\$300</u>
<u>Additional for filming on public property Per location per day on public property</u>	<u>\$600</u>

- B. Section 191-10, Planning and engineering: The fee for the inspection of excavations and installation of facilities is changed from \$110 per hour to \$120 per hour.
- C. Section 191-11, Police Department:
  - (1) The heading "Copies of accident and field reports" is changed to "Copies of motor vehicle accident reports" and "Mailed reports - additional \$5" is added.
  - (2) Mailing reports is changed to "Mailed reports (criminal)."

- (3) Discovery is amended by adding: CD \$25 each.
- (4) The fee of \$30 for fingerprinting is repealed.
- (5) "Investigation reports" is changed to "Investigation reports (criminal)."
- (6) A category for "field reports (noncriminal)" is added to read as follows:

Field reports (noncriminal):	
Per pages 1 to 10	\$0.75
Per pages 11 to 20	\$0.50
Per pages over 20	\$0.25

D. Section 191-14, Uniform construction code fees:

- (1) A new Subsection A(1) is added to read as follows:
  - (1) *Exemptions. The following shall be exempt from the local construction permit fees:*
    - (a) *Disabled persons. No person shall be charged a local construction permit fee for any construction, reconstruction, alteration, or improvement designed and undertaken solely to promote accessibility by disabled persons to an existing public or private structure or any of the facilities contained therein.*
    - (b) *Environmental. No person shall be charged a local construction permit for any construction, reconstruction, alteration, or improvement designed and undertaken solely to install solar photovoltaic systems to promote reductions of emissions of greenhouse gasses.*
- (2) Subsection B, Building subcode fees, is amended as follows:
  - (a) Subsection B (1) is amended by changing "Section D of Article 13 of Part I of the Regulations" to "N.J.A.C. 5:23-4.18(c)."
  - (b) Subsection B (2), Renovations, (a) is amended as follows:
    - [1] ~~Up to Per \$1,000 up to \$100,000 of total alteration costs: \$20.~~
    - [2] ~~Between Per \$1,000 for \$100,000 and to \$250,000 of total alteration costs: \$15.~~
    - [3] ~~Over Per \$1,000 over \$250,000 of total alteration costs: \$10.~~
    - [4] ~~Minimum fee: \$60.~~
  - (c) Subsection B (4) is amended as follows:
 

*Permit fees for structure additions shall be computed on the same basis as for new construction for the portion to be added as computed in accordance with N.J.A.C. 5:23-4.18(c)(iii) promulgated under the Uniform Construction Code Act (N.J.S.A. 52:27D-119 et seq.). The minimum fee for additions shall be \$500.*
  - (d) Subsection B (10) is amended as follows:
 

(10) ~~The state surcharge is calculated upon current state fees. [N.J.A.C. 5:23-4.19(b)]. In addition to any other fee set forth herein, there shall be charged a State of New Jersey training fee in an amount of \$0.00334 per cubic foot of volume, which shall be charged to all new construction and additions to existing structures. Such fees shall be forwarded to the Bureau of Housing Inspection, Department of Community Affairs, pursuant to regulations adopted by the Commissioner of the Department of Community Affairs [N.J.A.C. 5:23-4.19(b)].~~

**Chapter 212, Fire Prevention.**

**Article I, Smoke Detectors.**

Section 212-5, Enforcement, is amended by changing Department of Community Development and Housing to Department of Community Affairs, Division of Fire Safety.

**Article II, Fire Prevention Code.**

Section 212-19, Basic fire control and enforcement authority, Subsection B(1), is amended to change the Penalty Collection Act (N.J.S.A. 2A:58-1) to the Penalty Enforcement Law of 1999 (N.J.S.A. 2A:58-12 et seq.).

**Article III, Identification of Buildings Containing Truss or Premanufactured Components.**

Section 212-23, Definitions, is amended by changing the definition of "Fire or Fire Department" by deleting "Fire or."

**Chapter 222, Flood Damage Prevention.**

A. Section 222-5, Definitions, definition of "substantial improvement," is amended to read as follows:

~~**SUBSTANTIAL IMPROVEMENT**—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% 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 exceeds 50% of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred 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 officer and which are the minimum necessary to assure safe living conditions; or

B. Any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure.

- B. Section 222-17, Provisions for flood hazard reduction, Subsection C(1), is amended to add the following sentence after the first sentence to read as follows: "All encroachments require permits and/or waivers from the New Jersey Department of Environmental Protection."

#### **Chapter 236, Graffiti.**

Section 236-4, Violations and penalties, is amended by changing N.J.S.A. 2A:20-1 et seq. to N.J.S.A. 2A:4A-20 et seq.

#### **Chapter 250, Land Use.**

- A. Original Article 2, Definitions, is repealed. See now the definition of "steep sloped areas" which has been moved to § 250-58, Definitions.
- B. Section 250-8, Fees, is amended by deleting the existing fees and referencing the current fees in Chapter 191, Fee Schedule, so that § 250-8 reads as follows:  
**§ 250-8, Fees.**  
*Chapter 191, Fee Schedule, shall apply to applications for development, said fees to be paid to the City of Englewood prior to any action being taken by any municipal agency respecting said application.*
- C. Original Section 1, Title, of Article 6, Site Plan Review, is repealed. See now § 250-1.
- D. Original Section 1, Title, of Article 7, Subdivision, is repealed. See now § 250-1.
- E. Section 250-53, Purposes, the lead-in paragraph, is amended as follows:  
*There is hereby established a revised comprehensive zoning plan and Zoning Ordinance for the City of Englewood, New Jersey, which is set forth in the text and map that constitute this ordinance Part 4, which said ordinance is adopted for the purposes stated in the Municipal Land Use Law of the State of New Jersey, and which, for the protection and promotion of the public health, safety and welfare, shall be deemed specifically to include the following purposes, among others:*
- F. Section 250-47, Major subdivision procedure, Subsection F(1), is amended by changing Section 20 of Chapter 433 of the Laws of 1953 (N.J.S.A. 40:55-1.20) to N.J.S.A. 40:55D-38 to 40:55D-41 and 40:55D-44.
- G. Section 250-55, Zoning Map, the lead-in paragraph of Subsection A and Subsection A(1) are amended as follows:  
A. *The boundaries of the said districts are hereby established as shown on the "Zoning Map, City of Englewood, New Jersey," dated January 16, 1979 February 1, 2001, last revised February 18, 2009, which map accompanies and which, with all explanatory matter thereon, is hereby adopted and made a part of this chapter.*  
(1) *The boundaries of the zoning districts established by the map entitled "Zoning Map, City of Englewood, New Jersey", dated January 16, 1979, referred to in this section, are amended so as to designate the following premises as being in the One-Family Residence (R-D) District rather than in the Multiple Residence (RMA) District: Lots 15, 16 and 17 in Block 704, as shown on the Tax Map of the City of Englewood, being premises located on the north side of West Hudson Avenue, east of Tenafly Road.*
- H. Section 250-60, Multiple Residence (RMA) District, Subsection E(2)(b) is amended by changing the reference to Section 4-3-8 (no such section exists) to read "this § 250-60."
- I. Section 250-62, Multiple Residence (RMH) District, Subsection J, is amended by changing the original reference to Section 4-2.9 (now § 250-60I) to 4-2.12 (now § 250-60L).
- J. Section 250-69, Attached Townhouse (ATH) District, Subsection D(3), is amended by changing the original reference to Section 4-9.4 (now Subsection D of § 250-69) to 4-9.7 (now Subsection G of § 250-69).
- K. Section 250-102, Definitions (in Article XV, Signs), the definition of "Board" is repealed.  
~~BOARD -- The Sign and Business-Facade-Review and Recommendation Board of the City of Englewood.~~
- L. Section 250-138, Redevelopment plans: Subsection A is amended as follows:  
A. *Applicability. This section shall be applicable to all applications for development within an area declared as "an area in need of renewal" pursuant to the provisions of N.J.S.A. 40:55C-3 and 40:55-21.1 and undertaken as part of a*

~~redevelopment plan adopted in accordance with the provisions of N.J.S.A. 40:55C-1 et seq. N.J.S.A. 40A:12A-1 et seq. and authorized pursuant to a developer's agreement between a redeveloper and the City Council or a redevelopment agency established by the City of Englewood.~~

#### **Chapter 254, Laundries and Dry-Cleaning Establishments.**

##### **Article I, Dry-Cleaning Establishments.**

Section 254-2, License required; application; compliance with other regulations; fee; expiration date, Subsection E, is amended as follows:

~~The annual fee for such a license and the annual per-machine fee shall be at the rate of \$5 provided for in Chapter 191, Fee Schedule, for each dry-cleaning self-service machine installed on the premises with a minimum fee of \$25. Each license shall expire on December 31 of the year in which it is issued.~~

##### **Article II, Laundries and Launderettes.**

Section 254-12, License required; application; compliance with other regulations; fee; expiration date, Subsection E is amended as follows:

~~The annual fee per-machine fee for such a license shall be at the rate of \$5 for each self-service washing machine and dryer installed on the premises with a minimum fee of \$25 as provided for in Chapter 191, Fee Schedule. Each license shall expire on December 31 of the year in which it is issued.~~

#### **Chapter 286, Noise.**

- A. Section 286-2, Definitions, the definition of "sound level meter" and Subsection F of § 286-3, Powers, duties and qualifications of Noise Control Officer, are amended to change N.J.A.C. 7:29B to N.J.A.C. 7:29-2.1 et seq.
- B. Section 286-3, Powers, duties and qualifications of Noise Control Officer, Subsection C, is amended to change N.J.A.C. 7:29 to N.J.A.C. 7:29-1.1 et seq.
- C. Section 286-7, Exceptions, Subsection E, is amended to change N.J.A.C. 7:29-13 to N.J.A.C. 7:29-1.4.

#### **Chapter 317, Property Maintenance.**

- A. Section 317-39, Violations and penalties is amended as follows:  
~~Any person convicted of a violation of this article shall be subject to a fine not less than \$100 nor more than \$1,000 or imprisonment for a term not to exceed 90 days, or both the penalties in § 317-62A. A separate violation shall occur on each day during which a violation continues.~~
- B. Section 317-43, License fee, is amended as follows:  
~~The license fee and per-room fee shall be due and payable as of June 1 of each year. Where licenses are issued after December 1, the licensee shall pay 1/2 of the license and per-room fee. The annual license fee shall be \$25 as provided in Chapter 191, Fee Schedule.~~

#### **Chapter 325, Rental Property.**

##### **Article I, Rent Control in Substandard Units.**

- A. Section 325-2, Definitions, the definition of "substandard multiple dwelling" is amended as follows:  
~~SUBSTANDARD MULTIPLE DWELLING -- Any multiple dwelling determined to be substandard by the public officer, based upon the standards set forth in the State Housing Code as promulgated by the bureau of housing on July 25, 1966, and as thereafter amended and supplemented, and Chapter 317, Property Maintenance, of the Code of the City of Englewood, the higher standard to control. The determination of the public officer as to the controlling standard in the event of a conflict between the two codes shall be conclusive.~~
- B. Section 325-3, Standards for enforcement, is amended as follows:  
~~The State Housing Code promulgated by the bureau of housing on July 25, 1966 and as thereafter amended and supplemented setting which sets standards consistent with the minimum health and safety requirements as heretofore adopted is hereby readopted shall be used as the standard in the enforcement of this article.~~

##### **Article II, Licensing and Registration of Multiple Dwellings and Condominiums.**

Section 325-20 and 325-21 are amended to delete Subsections E and D, respectively, of those sections, which subsection contained penalties. A new penalty section is added to read as follows:

###### **§ 325-23. Violations and penalties.**

~~Any person violating any provision of this article shall be subject to a fine of not less than \$100 nor more than \$1,000 or imprisonment for a term not exceeding 90 days, or both, for each separate violation thereof.~~

##### **Article IV, Tenant Selection Procedures for Subsidized Housing.**

Section 325-36 is added to read as follows:

###### **§ 325-36. Violations and penalties.**

~~Any person violating any provision of this article shall be subject to a fine of not less than \$100 nor more than \$1,000 or imprisonment for a term not exceeding 90 days, or both, for each separate violation thereof.~~

**Article VI, Emergency Fuel Oil Delivery.**

- A. Section 325-46, Billing; institution of proceedings by City, is amended by revising the second to last sentence as follows:  
*The City of Englewood may institute any proceedings against a landlord whose negligence or failure to act results in the necessity for the City of Englewood to arrange for the providing of fuel oil or refining the burner as provided herein under the Penalty Enforcement Law of 1999 (N.J.S.A. 2A:58-10 et seq.) as provided pursuant to the provisions of the Emergency Fuel Oil Delivery Act, P.L. 1980, c. 170; N.J.S.A. 26:3-31.4 et seq.*
- B. Section 325-48 is added to read as follows:  
**§ 325-48. Violations and penalties.**  
*Any person violating any provision of this article shall be subject to a fine of not less than \$100 nor more than \$1,000 or imprisonment for a term not exceeding 90 days, or both, for each separate violation thereof.*

**Chapter 334, Sales, Special.**

**Article I, Distress Sales**

Section 334-15, Distress sales by auction, Subsection C, is amended as follows:  
*The license holder (or its agent if the holder is a corporation) shall remain in continuous attendance while any sale by the auctioneer is being conducted, and a violation by the auctioneer, or any other person participating in such sale, shall be deemed to be a violation by the license holder as well.*

**Article II, Garage Sales and Flea Markets**

Sections 334-24 (Enforcement officials) and 334-25 (Liability) are amended by changing "Division of Police" to "Police Department."

**Chapter 342, Sewers.**

Section 342-37, Fees for licenses and permits, is amended as follows:  
*The fee to be charged for a license or permit issued pursuant to the provisions of this chapter shall be as follows provided for in Chapter 191, Fee Schedule:*

- A. ~~For a connection to the public sewer, for residential or commercial property: \$5.~~
- B. ~~For a connection to the public sewer, for industrial property: \$25.~~
- C. ~~For disconnection from the public sewer: \$10.~~
- D. ~~For a sludge removal operator's license: \$10 per year~~
- E. ~~For a sludge removal permit: \$5.~~
- F. ~~For each inspection as provided herein: \$5.~~

**Chapter 347, Shopping Carts.**

- A. Section 347-6, Notice of removal and redemption; fee, is amended by changing the fee of \$3 to "a fee of \$4 but not to exceed \$50."
- B. Section 347-7, Redemption by owner; proof of ownership defense to adverse claimant, Subsection A, is amended by changing "...payment of the sum of \$3" to "...payment of the sum as provided in § 347-6." Section 347-8, Notice of public auction; pre-auction redemption; fees, Subsections A and B, are amended to refer to the sum in § 347-7.

**Chapter 370, Stormwater and Surface Drainage.**

- A. Section 370-1, Authority, is amended by changing the reference to N.J.S.A. 58:16-1 et seq. to read N.J.S.A. 58:16A-1 et seq.
- B. Section 370-3, Applicability, the first sentence of Subsection C, is amended as follows:  
*This chapter shall only apply to permit and any stormwater management facilities constructed as party part of any of the regulated activities as hereinafter defined.*

**Chapter 380, Streets and Sidewalks.**

**Article IV, Awnings.**

Section 380-27, Permit required; fee requirements; issuance, Subsection B, is amended as follows:  
*No permit for any such awning shall be issued by the Construction Code Official unless or until the proposed awning has been reviewed and approved by the ~~Sign and Business Appearance Review and Recommendation Board~~ pursuant to the provisions of Ordinance No. 2337 of the City of Englewood, as amended Zoning Official and Construction Code Official.*

**Article VIII, Temporary Closing of Streets.**

Section 380-44, Authority to close by regulation; sprinkler use, is amended as follows:  
*The ~~Mayor or the City administrator~~ City Manager is hereby authorized to provide by regulation for the closing of any street or portion thereof to motor vehicle traffic on any day or days or during specified hours on any day or days whenever such street or portion thereof is used in conjunction with the operation of a fire hydrant water sprinkler or whenever he finds that such closing is necessary for the preservation of the public safety, health, or welfare.*

**Article X, Temporary Obstructions.**

Section 380-54A and C are amended by changing the references to the License Clerk to read the "City Clerk's office." Subsection C is further amended by changing the application fee from \$10 to \$20.

**Chapter 385, Swimming Pools.**



**Article I, Municipal Pool.**

A. Section 385-3, Periods of operation; closing, is amended to read as follows:

**§ 385-3. Periods of operation; closing.**

- A. *The pool season shall commence on the last day of public school term of each year with a seven-day week schedule.*
- B. *The pool may be closed for maintenance operations, health conditions, inclement weather, or any other reason deemed necessary by the pool manager and/or the Director of Recreation.*
- C. *The presence of any person within the pool premises at any time other than during operating hours shall be deemed in violation of this article.*

B. Original Section 23-4, Swimming instruction, is repealed.

C. Section 385-5, Use of badges, Subsection C, is amended as follows:

- C. ~~*On weekdays a lost badge must be reported immediately to the recreation office. On Saturdays, Sundays and holidays, replacement badges may be obtained at the pool office. There will be a non-refundable service charge of \$3 for replacing lost or damaged badges. Replacement swim membership cards must be purchased at full price.*~~

D. Section 385-6, Health and safety regulations, is amended to read as follows:

**§ 385-6. Health and safety regulations.**

- A. *All bathers must rinse with water before entering the pool area.*
- B. *No smoking is permitted.*
- C. *Admission to the pool shall be refused to anyone showing evidence of a communicable disease, sore or inflamed eyes, infection, or any type of skin disease. No person with any type of bandage or cast will be allowed in any pool area.*
- D. *No pets shall be allowed within the pool facilities.*
- E. *No glass or metal containers of any kind will be permitted within the pool area.*
- F. *No running, pushing, ball playing, or undue disturbances affecting the safety and comfort of others will be permitted.*
- G. *No food or beverages shall be brought into the pool area.*
- H. *No diving is permitted.*
- I. *All bathers must wear bathing suits at all pool areas.*
- J. *Kapok or cork jackets, air-inflated tubes, underwater masks, goggles, flippers, snorkels, etc., will not be permitted.*
- K. *Parents should make certain that their children make periodic visits to the rest rooms.*
- L. *Expectorating and nose blowing in the pool is prohibited.*
- M. *Only water shoes will be permitted in the deck area.*
- N. *Dressing and undressing will be done in bathrooms only.*

**Article II, Private Pools and Wading Pools.**

Section 385-19, Location, Subsection A(1), is amended as follows:

~~*Residence Districts RIAA and RIA R-AAA, R-AA, R-A and R-B.*~~

**Chapter 393, Taxicabs.**

Section 393-6, Insurance, is amended as follows:

~~*No taxicab license shall be issued hereunder unless the applicant shall first submit to the City Clerk a certificate of insurance issued by an insurance company licensed to do business in the state of New Jersey, certifying that the applicant maintains liability insurance covering all taxicabs to be used by him, with policy limits of not less than \$100,000 for injury or death to one person, and \$300,000 for injury or death resulting from any one accident, and limits of liability of not less than \$10,000 for property damage. The owner shall file with the Municipal Clerk an insurance policy of a company duly licensed to transact business in the state providing insurance in the amount of \$10,000 to satisfy all claims for damages by reason of bodily injury or death of any one person, and not less than \$20,000 to satisfy all claims of bodily injury or death in any one accident, and not less than \$5,000 to satisfy any claims for property damage. Such certificate shall state that no such policy may be canceled or changed in any material respect without 30 days' prior notice to the City.*~~

**Chapter 410, Towing.**

A. Original Section 10-71, New applications not required of existing licensees, is repealed.

B. Section 410-10, License fee; term of license, Subsection A, is amended as follows:

~~*No license shall be issued until the applicant therefore has paid the first annual fee therefore which shall be the sum of \$75 for the first year or any part thereof fee provided for in Chapter 191, Fee Schedule.*~~

**FIRST READING DATE: March 20, 2012**

COUNCIL	MOTION	VOTE
Algrant	X	Y

Forman		Y
Skurnick		Y
Cohen		Y
Drakeford		N

**ORDINANCE NO. 12-06**

**AN ORDINANCE AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION IN THE SUM OF \$90,000 FOR THE PREPARATION OF A MASTER PLAN FOR THE CITY OF ENGLEWOOD**

**WHEREAS**, the City of Englewood last revised their Master Plan in calendar year 2009; and

**WHEREAS**, the 2010 US Census took place after the adoption of the 2009 Master Plan and that coupled with numerous properties designated as redevelopment zones within the City of Englewood has resulted in a need to revisit the Master Plan before the periodic review as required by N.J.S.A 40:55D-89; and

**WHEREAS**, N.J.S.A. 40A:4-53 authorizes a municipality to adopt an ordinance authorizing special emergency appropriations for the engagement of special consultants for the preparation of a master plan,

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Englewood, Bergen County, New Jersey, pursuant to N.J.S.A. 40A:4-53 (Chapter 48, P.L. 1956, as amended), as follows:

Section 1. The sum of \$90,000 is hereby appropriated for the engagement of a special consultant for the preparation of a master plan for the City of Englewood as a special emergency appropriation as defined in and provided for in N.J.S.A. 40A:4-53.

Section 2. The authorization to finance the appropriation shall be provided for in succeeding annual budgets by the inclusion of at least one-fifth (1/5) of the amount authorized pursuant to N.J.S.A. 40A:4-55.

Section 3. All ordinances or parts thereof inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 4. This ordinance shall take effect immediately upon passage and publication as provided by law and upon the filing with the Director of the Division of Local Government Services and the Department of Community Affairs.

**FIRST READING DATE: February 21, 2012**

COUNCIL	MOTION	VOTE
Algrant		Y
Forman		Y
Skurnick	X	Y
Cohen		Y
Drakeford		Y

DATE PUBLISHED IN THE RECORD: February 24, 2012

DATES PUBLIC HEARINGS HELD: March 20, 2012

DATE SECOND READING HELD: March 20, 2012

COUNCIL	MOTION	OPEN	MOTION	CLOSE	MOTION	ADOPT
Algrant	X	Y	X	Y	X	Y
Forman		Y		Y		Y
Skurnick		Y		Y		Y
Cohen		Y		Y		Y
Drakeford		Y		Y		Y

**Public Hearing – Ordinance # 12-06:** No one from the Public came forward to speak

**ORDINANCE #12-07**

**AN ORDINANCE ADOPTING DEVELOPMENT APPLICATION FORMS**

**WHEREAS**, the City has endeavored to develop and implement a user friendly and comprehensive format for which applicants can apply to the respective City Boards, Commissions, Building and related departments with respect to land use, zoning, signage, real estate development and other applications pertaining to thereto; and

**WHEREAS**, an Ad Hoc Committee within the City of Englewood was formed to analyze, create and where appropriate revise development application forms in order to achieve these objectives.

**NOW THEREFORE BE IT ORDAINED** by the Governing Body of the City of Englewood, the application forms, check list, schedules and related documents annexed hereto as Appendix A are hereby duly adopted and incorporated within the City of Englewood's Municipal Land Use Ordinance; and

**NOW, THEREFORE, BE IT FURTHER ORDAINED** that any other Ordinance or parts thereof inconsistent herewith are hereby repealed to the extent of such inconsistency. If any sentence, section, clause or other portion of this Ordinance or the application thereof to any person or circumstance shall for any reason be adjudged by a Court of competent jurisdiction to be invalid, it shall not impair or repeal the remainder of this Ordinance.

This Ordinance shall take effect upon passage and publication as required by law.

**FIRST READING DATE: February 21, 2012**

COUNCIL	MOTION	VOTE
Algrant		Y
Forman		Y
Skurnick	X	Y
Cohen		Y
Drakeford		Y

DATE PUBLISHED IN THE RECORD: February 24, 2012

DATES PUBLIC HEARINGS HELD: March 20, 2012

DATE SECOND READING HELD: March 20, 2012

COUNCIL	MOTION	OPEN	MOTION	CLOSE	MOTION	ADOPT
Algrant		Y		Y		Y
Forman		Y		Y		Y
Skurnick	X	Y	X	Y	X	Y
Cohen		Y		Y		Y
Drakeford		Y		Y		Y

**Public Hearing – Ordinance # 12-07:** No one from the Public came forward to speak

**ORDINANCE NO. 12-08**

**AN ORDINANCE REQUIRING PRIVATE STORM DRAIN INLET RETROFITTING IN THE CITY OF ENGLEWOOD**

**SECTION I. Purpose:** An ordinance requiring the retrofitting of existing storm drain inlets which are in direct contact with repaving, repairing, reconstruction, or resurfacing or alterations of facilities on private property, to prevent the discharge of solids and floatables (such as plastic bottles, cans, food wrappers and other litter) to the municipal separate storm sewer system operated by the City of Englewood so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

**SECTION II. Definitions:** For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

a. Municipal separate storm sewer system (MS4)– a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the City of Englewood or other public body, and is designed and used for collecting and conveying stormwater.

b. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

c. Storm drain inlet- an opening in a storm drain used to collect stormwater runoff and includes, but is not limited to, a grate inlet, curb-opening inlet, slotted inlet, and combination inlet.

d. Waters of the State – means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

**SECTION III. Prohibited Conduct:** No person in control of private property (except a residential lot with one single family house) shall authorize the repaving, repairing (excluding the repair of individual potholes), resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen), reconstructing or altering any surface that is in direct contact with an existing storm drain inlet on that property unless the storm drain inlet either:

1. Already meets the design standard below to control passage of solid and floatable materials; or

2. Is retrofitted or replaced to meet the standard in Section IV below prior to the completion of the project.

**SECTION IV. Design Standard:** Storm drain inlets identified in Section III above shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section V.3 below.

1. Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:

a. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or

b. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater basin floors.

2. Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.

3. This standard does not apply:

a. Where the municipal engineer agrees that this standard would cause inadequate hydraulic performance that could not practically be overcome by using additional or larger storm drain inlets that meet these standards;

b. Where flows are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:

i. A rectangular space four and five-eighths inches long and one and one-half inches wide (this option does not apply for outfall netting facilities); or

ii. A bar screen having a bar spacing of 0.5 inches.

c. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1") spacing between the bars; or

d. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

**SECTION V. Enforcement:** This ordinance shall be enforced by the Office of the City Engineer of the City of Englewood

**SECTION VI. Penalties:** Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed \$500 for each storm drain inlet that is not retrofitted to meet the design standard.

**SECTION VII. Severability:** Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

**SECTION VIII. Effective date:** This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

**FIRST READING DATE: February 21, 2012**

COUNCIL	MOTION	VOTE
Algrant	X	Y
Forman		Y
Skurnick		Y
Cohen		Y
Drakeford		Y

DATE PUBLISHED IN THE RECORD: February 24, 2012

DATES PUBLIC HEARINGS HELD: March 20, 2012

DATE SECOND READING HELD: March 20, 2012

COUNCIL	MOTION	OPEN	MOTION	CLOSE	MOTION	ADOPT
Algrant		Y		Y		Y
Forman		Y		Y		Y
Skurnick	X	Y	X	Y	X	Y
Cohen		Y		Y		Y
Drakeford		Y		Y		Y

**Public Hearing – Ordinance # 12-08:** No one from the Public came forward to speak

**ORDINANCE NO. 12-09**

**AN ORDINANCE REQUIRING THE COVERING OF DUMPSTERS  
IN THE CITY OF ENGLEWOOD**

**SECTION I. Purpose:** An ordinance requiring dumpsters and other refuse containers that are outdoors or exposed to stormwater to be covered at all times and prohibits the spilling, dumping, leaking, or otherwise discharge of liquids, semi-liquids or solids from the containers to the municipal separate storm sewer system(s) operated by the City of Englewood and/or the waters of the State so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

**SECTION II. Definitions:** For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

a. Municipal separate storm sewer system (MS4) – a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the City of Englewood or other public body, and is designed and used for collecting and conveying stormwater.

b. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

c. Refuse container – any waste container that a person controls whether owned, leased, or operated, including dumpsters, trash cans, garbage pails, and plastic trash bags.

d. Stormwater – means water resulting from precipitation (including rain and snow) that runs off the land’s surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

e. Waters of the State – means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

**SECTION III. Prohibited Conduct:** Any person who controls, whether owned, leased, or operated, a refuse container or dumpster must ensure that such container or dumpster is covered at all times and shall prevent refuse from spilling out or overflowing.

Any person who owns, leases or otherwise uses a refuse container or dumpster must ensure that such container or dumpster does not leak or otherwise discharge liquids, semi-liquids or solids to the municipal separate storm sewer system(s) operated by the City of Englewood.

**SECTION IV. Exceptions to Prohibition:**

- a. Permitted temporary demolition containers
- b. Litter receptacles (other than dumpsters or other bulk containers)
- c. Individual homeowner trash and recycling containers
- d. Refuse containers at facilities authorized to discharge stormwater under a valid NJPDES permit
- e. Large bulky items (e.g., furniture, bound carpet and padding, white goods placed curbside for pickup)

**SECTION V. Enforcement:** This ordinance shall be enforced by the Property Maintenance Division of the Building Department of the City of Englewood

**SECTION VI. Penalties:** Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed \$300 per day for the violation.

**SECTION VII. Severability:** Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

**SECTION VIII. Effective date:** This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

**FIRST READING DATE: February 21, 2012**

COUNCIL	MOTION	VOTE
Algrant	X	Y
Forman		Y

Skurnick		Y
Cohen		Y
Drakeford		Y

DATE PUBLISHED IN THE RECORD: February 24, 2012

DATES PUBLIC HEARINGS HELD: March 20, 2012

DATE SECOND READING HELD: March 20, 2012

COUNCIL	MOTION	OPEN	MOTION	CLOSE	MOTION	ADOPT
Algrant	X	Y	X	Y	X	Y
Forman		Y		Y		Y
Skurnick		Y		Y		Y
Cohen		Y		Y		Y
Drakeford		Y		Y		Y

**Public Hearing – Ordinance # 12-09:**

Curtis Caviness 41 E. Forest Avenue:

- o Asked if Ordinance #12-09 is connected to #12-08 and questioned the exceptions listed in the Ordinance.

**Public Comment on Agenda Items:**

Phil Vogel 318 Marlboro Road:

- o Spoke about Resolution # 084, and questioned who uses the soccer field (Englewood residents versus nonresidents).
- o Who will be running the soccer program and will it be year round.
- o Questioned the need for more soccer fields.

Curtis Caviness 41 E. Forest Avenue:

- o Spoke about Resolution # 084, and is concerned with the money being spent on the soccer field.
- o Residents in the area of Denning Park have concerns about visitor parking.

Deiadra Helm 318 W. Ivy Lane:

- o Spoke about Resolution # 084, questioned how much the City of Englewood is contributing towards the soccer field.
- o The money should be spent on the Ice Arena.

**RESOLUTION #081-03-20-12**

**SELF-EXAMINATION OF BUDGET**

**WHEREAS**, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

**WHEREAS**, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

**WHEREAS**, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the City of Englewood has been declared eligible to participate in the program by the Division of Local government Services, and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 2012 budget year.

**NOW THEREFORE BE IT RESOLVED** by the governing body of the City of Englewood that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
  - a. Payment of interest and debt redemption charges
  - b. Deferred charges and statutory expenditures
  - c. Cash deficit of preceding year
  - d. Reserve for uncollected taxes
  - e. Other reserves and non-disbursement items
  - f. Any inclusions of amounts required for school purposes.

2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).

3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.

4. That pursuant to the Local Budget Law:

- a. All estimates of revenue are reasonable, accurate and correctly stated,
- b. Items of appropriation are properly set forth
- c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.

5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.

6. That all other applicable statutory requirements have been fulfilled.

**BE IT FURTHER RESOLVED** that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

COUNCIL	MOTION	AYES	NAYS	ABSTAIN	ABSENT
<i>Algrant</i>		X			
<i>Forman</i>		X			
<i>Skurnick</i>		X			
<i>Cohen</i>	X	X			
<i>Drakeford</i>		X			

**RESOLUTION #082-03-20-12**

**2011 RESERVE BUDGET TRANSFERS**

**WHEREAS**, N.J.S.A. 40A:4-59 provides that all unexpended balances carried forward at the close of the year are available, until lapsed at the close of the succeeding year, to meet specific claims, commitments or contracts incurred during the previous fiscal year, and allow transfers to be made from unexpended balances which are expected to be insufficient during the first three months of the succeeding year;

**WHEREAS**, there is a need for budget transfers due to unforeseen circumstances and the need to provide funds to cover imminent obligations;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Englewood that the Chief Financial Officer is hereby authorized to make transfers from Current Fund Budget Accounts for the year 2011 where a deficit would possibly occur on or before March 31, 2012 pursuant to and in accordance with provisions N.J.S.A. 40A:4-59, and according to the schedule attached hereto.

COUNCIL	MOTION	AYES	NAYS	ABSTAIN	ABSENT
<i>Algrant</i>		X			
<i>Forman</i>		X			
<i>Skurnick</i>		X			
<i>Cohen</i>	X	X			
<i>Drakeford</i>		X			

**RESOLUTION #083-03-20-12**

**Temporary Emergency Appropriations**

**WHEREAS**, an emergent condition has arisen in that the City of Englewood is expected to enter into contracts, commitments, or payments prior to the 2012 Budget adoption and no adequate provision has been made in the 2012 temporary budget for the aforesaid purposes; and

**WHEREAS**, N.J.S.A. 40A:4-20 provides for the creation of an emergency temporary appropriation for said purpose; and

**WHEREAS**, the total emergency temporary appropriation resolution adopted in 2012 pursuant to the provisions of Chapter 96, PL 1951 (N.J.S.A. 40A:4-20) including this resolution totals \$14,679,300;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Englewood, Bergen County, New Jersey, that in accordance with the provisions of N.J.S.A. 40A:4-20 emergency temporary appropriations are hereby made in the amount of \$365,500;

**BE IT FURTHER RESOLVED** that said emergency temporary appropriations will be provided for in the 2012 Budget and a certified copy of this resolution be filed with the Director of the Division of Local Government Services.

COUNCIL	MOTION	AYES	NAYS	ABSTAIN	ABSENT
<i>Algrant</i>		X			
<i>Forman</i>		X			
<i>Skurnick</i>		X			
<i>Cohen</i>	X	X			
<i>Drakeford</i>		X			

**RESOLUTION #084-03-20-12**

**AUTHORIZING AWARD OF CONTRACT  
FOR THE DENNING PARK SOCCER FIELD PROJECT**

**WHEREAS**, sealed bids were received on March 20, 2012 for the Denning Park Soccer Field Project in accordance with specifications therefore and following public advertisement; and

**WHEREAS**, specifications were sent and responsible bids were received from six (6) bidders; and

**WHEREAS**, the bid submitted by Let It Grow, Inc., 52 Ackerson Street, River Edge, New Jersey 07661 for the sum of \$164,890.30 was determined to be the low bid and is in compliance with the specifications; and based upon the recommendation of the City Engineer, can be accepted by the City Council; and

**WHEREAS**, this bid is awarded according to a fair and open process pursuant to PL 2004, c.19;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Englewood that the bid submitted by Let It Grow, Inc., is hereby accepted; and

**BE IT FURTHER RESOLVED** that the City Manager is hereby authorized to execute an agreement between the City of Englewood and Let It Grow, Inc., for the Denning Park Soccer Field Project in accordance with the specifications therefore.

**BE IT FURTHER RESOLVED** that subject to the availability of funds therefore, the City Manager is authorized to approve change orders in a sum not to exceed 20% of the contract price.

Funding for this project is available from the following sources:

Ordinance 11-10(e) (50%)

Bergen County Open Space Trust Fund (50%)

COUNCIL	MOTION	AYES	NAYS	ABSTAIN	ABSENT
<i>Algrant</i>		X			
<i>Forman</i>		X			
<i>Skurnick</i>		X			
<i>Cohen</i>	X	X			
<i>Drakeford</i>		X			

**RESOLUTION #085-03-20-12**

**APPOINT RECREATION ADVISORY COMMITTEE MEMBERS**

**BE IT RESOLVED**, by the City Council of the City of Englewood, Bergen County, State of New Jersey; that the following appointments are confirmed to the Recreation Advisory Committee for the following terms:

Richard Dalgetty, 117 B East Palisade Avenue, appointed as a member to a three-year term commencing January 1, 2012 and expiring December 31, 2014.

Michael Oneal LeSane, 38-49 Parkview Terrace, appointed as a member to a three-year term commencing January 1, 2012 and expiring December 31, 2014.



Marc Forman, 275 Engle Street, appointed as City Council Liaison to a one-year term commencing January 1, 2012 and expiring December 31, 2012.

COUNCIL	MOTION	AYES	NAYS	ABSTAIN	ABSENT
<i>Algrant</i>		X			
<i>Forman</i>	X	X			
<i>Skurnick</i>				X	
<i>Cohen</i>		X			
<i>Drakeford</i>		X			

**RESOLUTION #086-03-20-12**

**APPOINT HISTORIC PRESERVATION ADVISORY COMMITTEE MEMBERS**

**BE IT RESOLVED**, by the City Council of the City of Englewood, Bergen County, State of New Jersey; that the following appointments are confirmed to the Historic Preservation Advisory Committee for the following terms:

Irmari Nacht, 256 Van Nostrand Avenue, be reappointed as a Class C member to a four-year term commencing January 1, 2012 and expiring December 31, 2015.

Ezri Shecter, 243 Walton Street, reappointed as a Class C member to a four-year term commencing January 1, 2012 and expiring December 31, 2015.

Eva Ponerros, 287 Oakwood Road, be appointed as a Class C, Alternate #2 member to fulfill an unexpired two-year term commencing January 1, 2012 and expiring December 31, 2012.

COUNCIL	MOTION	AYES	NAYS	ABSTAIN	ABSENT
<i>Algrant</i>		X			
<i>Forman</i>		X			
<i>Skurnick</i>		X			
<i>Cohen</i>	X	X			
<i>Drakeford</i>		X			

**RESOLUTION #089-03-20-12**

**APPOINT TRAFFIC ADVISORY COMMITTEE MEMBERS**

**BE IT RESOLVED**, by the City Council of the City of Englewood, Bergen County, State of New Jersey; that the following appointments are confirmed to the Traffic Advisory Committee for the following terms:

Shirley Smith, 374 W. Palisade Avenue, reappointed as a member to a three-year term commencing January 1, 2012 and expiring December 31, 2014.

Jonathan Katz, 392 Broad Avenue, appointed as a member to a three-year term commencing January 1, 2012 and expiring December 31, 2014.

Bruce Prince, 120 Jones Road, appointed as a member to a three-year term commencing January 1, 2012 and expiring December 31, 2014.

Michael Cohen, 181 Madison Avenue, appointed as City Council Liaison to a one-year term commencing January 1, 2012 and expiring December 31, 2012.

COUNCIL	MOTION	AYES	NAYS	ABSTAIN	ABSENT
<i>Algrant</i>		X			
<i>Forman</i>		X			
<i>Skurnick</i>		X			
<i>Cohen</i>	X	X			
<i>Drakeford</i>		X			

**RESOLUTION #090-03-20-12**

**RESOLUTION RECOGNIZING MARCH AS WOMEN'S HISTORY MONTH**

**WHEREAS**, the roots of Women’s History Month go back to 1978 when the Sonoma County (California) Commission on the Status of Women declared the week including March 8<sup>th</sup> (International Women’s Day) “Women’s History Week” in an effort to include the study of women’s history in K-12 school curriculums. A movement began to attain a national designation for Women’s History Week and in 1981 Congress passed a resolution declaring “National Women’s History Week”. In 1987 after a petitioning drive organized by the National Women’s History Project, Congress declared the month of March as National Women’s History Month in perpetuity. Since 1995, a special Presidential Proclamation is issued every year which honors the extraordinary achievements of American women; and

**WHEREAS**, an annual theme is selected for National Women’s History Month in order to focus on specific contributions and achievements that women across this nation have made. For 2012 the theme selected for Women’s History Month is “Women’s Education – Women’s Empowerment” which recognizes the recent shift in the gender gap for college students with women outnumbering men on college campuses nationwide for the first time; and

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and City Council of the City of Englewood, County of Bergen, wish to join in the national month of celebration to recognize and appreciate the women of Englewood who are an integral part of our community. Whether they live, work, volunteer, and/ or raise families here in Englewood, the City of Englewood is that much richer for what these vibrant women have brought to our community throughout its history and will continue to do so for the future.

COUNCIL	MOTION	AYES	NAYS	ABSTAIN	ABSENT
<i>Algrant</i>	X	X			
<i>Forman</i>		X			
<i>Skurnick</i>		X			
<i>Cohen</i>		X			
<i>Drakeford</i>		X			

**RESOLUTION #091-03-20-12**

**RESOLUTION HONORING CONGRESSMAN DONALD M. PAYNE**

**WHEREAS**, on March 6, 2012 the State of New Jersey lost one of its greatest treasures with the passing of Congressman Donald M. Payne. Congressman Payne represented New Jersey’s 10<sup>th</sup> Congressional district for 23 years and was the first and only African- American to ever be elected to Congress from the State of New Jersey; and

**WHEREAS**, Congressman Payne was known as one of the most progressive members of New Jersey’s congressional delegation and was widely recognized as a gentleman and an advocate for education and human rights. He was known globally for his efforts to restore democracy and human rights; assisting with peace talks in Northern Ireland and directing relief to war-ravaged regions of Africa. Congressman Payne was one of only five congressmen chosen to accompany then President Bill Clinton and First Lady Hillary Clinton on their historic six-nation tour of Africa.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and City Council of the City of Englewood, County of Bergen, wish to send their heart-felt condolences to the family of Congressman Donald M. Payne, and to honor his lifetime of achievements and contributions to the State of New Jersey, the United States of America and the global community as a statesman and humanitarian.

COUNCIL	MOTION	AYES	NAYS	ABSTAIN	ABSENT
<i>Algrant</i>		X			
<i>Forman</i>		X			
<i>Skurnick</i>		X			
<i>Cohen</i>		X			
<i>Drakeford</i>	X	X			

**Public Session:**

Phil Vogel 318 Marlboro Road:

- o Spoke about the Ice Rink.
- o He feels that people use the Ice Arena to ignite racial tensions.
- o There is strong community support of the Ice Arena and year round programming but the rink is an ice skating rink and programming there is hampered by the physical configuration of the structure.
- o He is concerned about talks in regard to the Ice Arena with nonprofit groups such as the YWCA.

David Rabinowitz 83 E. Linden Avenue:

- o Spoke in support of the ordinance regarding parking on E. Linden Avenue.
- o Explained that the residents are in favor of it because it is a safety issue as the steep incline becomes a blind curve and there is a problem when cars are parked there.

Anita Newkirk Tryon Avenue:

- o Asked if Police Officers are being properly scheduled in regard to Court appearances in order to reduce overtime.
- o Asked what the operating hours for Tryon Poll will be.
- o Suggested self funding ideas for the pools (naming rights, Red Cross instruction site).
- o Inquired about the current funding levels for the Library.
- o Asked if it was possible for the City to set up a Tax Amnesty program for Property Taxes.

Curtis Caviness 41 E. Forest Avenue:

- o Spoke about the newspaper article regarding the \$50,000 stolen from the Fire Department and the lenient sentence that was handed out.

Lisa Levien 81 E. Hamilton Avenue:

- o Spoke as a member of the Board of Health.
- o Would like to see the current Board of Health members be reappointed, and spoke about their experience which is a benefit to the City.

Alva Jones 87 Du Bois Court:

- o Brought the very large pothole at the corner of Humphrey Street and Palisade Avenue to the attention of the Mayor and Council.
- o Asked what the logs that were placed in Mackay Park along Forest Avenue are for.

Norman Gorlyn 150 Madison Avenue:

- o Asked why there is no back up documentation showing the basis for the fees the Fee Ordinance.
- o Spoke about notifying residents when traffic and parking ordinances are revised. Also discussed parking regulations in other municipalities and resident parking stickers.

Ann Dermansky 300 Katherine Street:

- o Stated various statistics regarding Library usage.

Cornelia Rogers 141 Humphrey Street:

- o Inquired if a resident has rear yard pick up; does DPW just move the garbage to the front for the truck to come by later and pick it up or do they take the garbage away with them when they first come to move the cans.
- o Asked why the garage doors at DPW are not open during the hours when residents can drop off electronic recycling and cardboard boxes.
- o Asked if the City had an estimate as to how much it cost to bring all of the October storm debris to the 4<sup>th</sup> Ward. Why does it have to be brought to the 4<sup>th</sup> Ward?

James Evans 341 Washington Place:

- o Agreed with the previous speaker that the garage doors for the cardboard dumpsters should be open.
- o Asked if the mechanics at DPW are certified, and if they are why the City is outsourcing the repair work on the police vehicles.

David Bowman 88 Brownstone Way:

- o Spoke about a fire damaged house on Forest Avenue that is a danger.
- o Discussed current parking signage on Genesee Avenue and asked if it was correct.

Alva Jones 87 Du Bois Court:

- o Would like to see the Council Meeting dates on the marquee.

Phil Vogel 318 Marlboro Road:

- o Landscaper fees should be charged by the load and would like the Council to address this.
- o The curbs in Mackay Park were damaged when the storm debris was picked up.

## **RESOLUTION #092-03-20-12**

### **PERMIT THE COUNCIL OF THE CITY OF ENGLEWOOD TO ENTER INTO CLOSED SESSION**

**BE IT RESOLVED** by the Council of the City of Englewood, pursuant to the provisions of the Open Public Meetings Act, that the Council meet in closed session to discuss the following subject matter:

Litigation and Personnel

Which subject matter is permitted to be discussed in closed session pursuant to the following designated sub-section(s) of Section 7 of the Open Public Meetings Act:

- ( ) Sub-section 1 dealing with material rendered confidential by express provision of Federal or State law.
- ( ) Sub-section 2 covering a matter in which release of information would impair a right to receive federal funds.
- ( ) Sub-section 3 involving disclosure of material which would constitute an unwarranted invasion of privacy, including material related to an individual's personal and family circumstances, without the express written consent of the individual involved.
- ( ) Sub-section 4 pertaining to collective bargaining agreements and the terms, conditions, and negotiations thereof.
- ( ) Sub-section 5 dealing with the acquisition of real property, the settling of bank rates, or the investment of public funds where discussion thereof would adversely affect the public interest.
- ( ) Sub-section 6 dealing with tactics and techniques used in protecting the safety and property of the public where disclosure could impair such protection or investigation of violation of the law.
- (X) Sub-section 7 dealing with pending or anticipated litigation, contract negotiations, or matters falling within the attorney-client privilege.
- (X) Sub-section 8 dealing concerning personnel matters dealing with employment, appointment, termination, or terms and conditions of employment of any person or persons, or the evaluation, promotion or disciplining of employees unless all employees involved consent to disclosure thereof.
- ( ) Sub-section 9 involving deliberations after public hearing on a matter which may result in the imposition of a civil penalty or the suspension or loss of a license.

**AND BE IT FURTHER RESOLVED** that, as precisely as can be determined at this time, the discussion conducted in the said closed session can be disclosed to the public upon taking final action thereon, provided disclosure shall not violate the attorney-client privilege or constitute an undue invasion of privacy; and

**BE IT FURTHER RESOLVED** that, although it is not envisioned that the Council will return to open session after this meeting, the Council reserves the right to do so upon conclusion of the closed session.

<i>COUNCIL</i>	<i>MOTION</i>	<i>AYES</i>	<i>NAYS</i>	<i>ABSTAIN</i>	<i>ABSENT</i>
<i>Algrant</i>	X	X			
<i>Forman</i>		X			
<i>Skurnick</i>		X			
<i>Cohen</i>		X			
<i>Drakeford</i>		X			

**The Council entered into Closed Session at 10:27PM and reconvened in Open Session at 10:38PM**

**RESOLUTION #087A-03-20-12**

**APPOINT BOARD OF HEALTH MEMBERS**

**BE IT RESOLVED**, by the City Council of the City of Englewood, Bergen County, State of New Jersey; that the following appointments are confirmed to the Board of Health for the following terms:

Dr. Earl Marsan, 170 Brayton Street, be reappointed as a member to a three-year term commencing January 1, 2012 and expiring December 31, 2014.

<i>COUNCIL</i>	<i>MOTION</i>	<i>AYES</i>	<i>NAYS</i>	<i>ABSTAIN</i>	<i>ABSENT</i>
<i>Algrant</i>		X			
<i>Forman</i>		X			
<i>Skurnick</i>		X			
<i>Cohen</i>		X			
<i>Drakeford</i>	X	X			

**RESOLUTION #087B-03-20-12**

**APPOINT BOARD OF HEALTH MEMBER**

**BE IT RESOLVED**, by the City Council of the City of Englewood, Bergen County, State of New Jersey; that the following appointment is confirmed to the Board of Health for the following term:

Ketsia Alerte Sadler, 143 Tenafly Road, Apartment 5A, be appointed as a member to a three-year term commencing January 1, 2012 and expiring December 31, 2014.

COUNCIL	MOTION	AYES	NAYS	ABSTAIN	ABSENT
<i>Algrant</i>		X			
<i>Forman</i>		X			
<i>Skurnick</i>				X	
<i>Cohen</i>		X			
<i>Drakeford</i>	X	X			

**RESOLUTION #088A-03-20-12**

**APPOINT HOUSING AUTHORITY MEMBER**

**BE IT RESOLVED**, by the City Council of the City of Englewood, Bergen County, State of New Jersey; that the following appointment is confirmed to the Englewood Housing Authority for the following term:

Bruce Kane, 409 Whitewood Road, be reappointed as a member to a five- year term commencing January 1, 2012 and expiring December 31, 2016.

COUNCIL	MOTION	AYES	NAYS	ABSTAIN	ABSENT
<i>Algrant</i>		X			
<i>Forman</i>		X			
<i>Skurnick</i>		X			
<i>Cohen</i>	X	X			
<i>Drakeford</i>		X			

**RESOLUTION #088B-03-20-12**

**APPOINT HOUSING AUTHORITY MEMBER**

**BE IT RESOLVED**, by the City Council of the City of Englewood, Bergen County, State of New Jersey; that the following appointment is confirmed to the Englewood Housing Authority for the following term:

Vernon Walton, 168 Everett Place, be appointed as a member to a five- year term commencing January 1, 2012 and expiring December 31, 2016.

COUNCIL	MOTION	AYES	NAYS	ABSTAIN	ABSENT
<i>Algrant</i>		X			
<i>Forman</i>			X		
<i>Skurnick</i>				X	
<i>Cohen</i>	X	X			
<i>Drakeford</i>		X			

**ADJOURN: 10:47PM**

Motion: Huttle  
All in Favor

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Lauren Vande Vaarst, RMC  
City Clerk