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[HISTORY: Adopted by the Board of Commissioners of the City of Bordentown: Art. I, 8-8-1988 as Ord. No. 1988-11; Art. II, 12-24-1990 as Ord. No. 1990-5. Amendments noted where applicable.]

ARTICLE I
Violations and Penalties
[Adopted 8-8-88 as Ord. No. 1988-11]

§ 1-1. Penalties enumerated.

A. Any person, firm or corporation who shall violate any provision of any chapter or Article of the Code of the City of Bordentown or who aids, abets or assists in the violation of any provision of any chapter or Article of the Code of the City of Bordentown or who shall fail to comply with the provisions of any chapter or Article of the Code of the City of Bordentown or who shall engage in or exercise any business or occupation or do anything for which a license or permit is required thereby without having a valid license or permit as may be required by any chapter or Article of the Code of the City of Bordentown, unless another penalty is specifically provided, shall, upon conviction, be subject to a fine not exceeding one thousand dollars ($1,000.), imprisonment in the county jail, or in any place provided by the City of Bordentown for the detention of prisoners, for a term not exceeding ninety (90) days or by a period of community service not exceeding ninety (90) days, or any combination thereof, in the discretion of the Judge of the Municipal Court.

B. The continuation of any violation for successive days shall constitute a separate and distinct offense for each day, and the person, firm or corporation allowing or permitting the continuation of the violation may be punished as provided in Subsection A for each and every separate and distinct offense.

C. This Article shall not apply to a violation of any chapter or Article for which a specific penalty is provided for the violation of that chapter or Article nor shall this Article preclude any chapter or Article from containing a mandatory minimum penalty for the violation of that chapter or Article.

ARTICLE II
Adoption of Code
[Adopted 12-24-1990 as Ord. No. 1990-5]

The Board of Commissioners of the City of Bordentown do ordain Article II entitled "Adoption of Code" shall state as follows:

§ 1-2. Adoption of Code.

Pursuant to N.J.S.A. 40:49-4, the ordinances of the City of Bordentown of a general and permanent nature, adopted by the governing body or any predecessor body, as revised, codified and consolidated into chapters and sections by General Code Publishers Corp. and consisting of Chapters 1 through 305, together with an Appendix, are hereby approved, adopted, ordained and enacted as the Code of the City of Bordentown, hereinafter referred to as the "Code."

§ 1-3. Supersession of prior ordinances.

This ordinance and the Code shall supersede all other 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.

§ 1-4. When effective.

All provisions of this ordinance and the Code shall be in full force and effect in accordance with the applicable provisions provided by law.

§ 1-5. Copy of Code to be kept 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 a copy shall be certified by the City Clerk of the City of Bordentown 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 City Clerk to be made available to persons desiring to examine the same during all times when said Code is in effect.

§ 1-6. 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 Bordentown 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.

§ 1-7. Publication and filing.

The City Clerk of the City of Bordentown, pursuant to law, shall cause to be published, in the manner required, a copy of this adopting ordinance in a newspaper of general circulation in the city. Sufficient copies of the Code shall be maintained in the office of the City Clerk for inspection by the public at all times during regular office hours. The enactment and publication of this adopting ordinance, coupled with the 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.

§ 1-8. Code book to be kept up-to-date.

It shall be the duty of the City 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 the Clerk's 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.

§ 1-9. Sale of Code book.

Copies of the Code book containing the Code may be purchased from the Clerk upon the payment of a fee to be set by resolution of the

governing body, which may also arrange, by resolution, for procedures for the periodic supplements thereof.

§ 1-10. Altering or tampering with Code; penalties for violations.

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 Bordentown to be misrepresented thereby. Anyone violating this section of this ordinance shall be subject, upon conviction, to the penalties contained in § 1-1.

§ 1-11. 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.

§ 1-12. 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.

§ 1-13. Repealer.

All ordinances or parts of ordinances of a general and permanent nature adopted and in force on the date of the adoption of this ordinance and not contained in the Code are hereby repealed as of the effective date of this adopting ordinance, except as hereinafter provided.

§ 1-14. Ordinances saved from repeal.

The adoption of this Code and the repeal of ordinances provided for in § 1-13 of this ordinance shall not effect the following ordinances, rights and obligations, which are hereby expressly saved from repeal:

A. Any ordinance adopted subsequent to January 1, 1990.

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 of 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 therefrom.

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, road, highway, park or other public place or portion thereof.

G. Any ordinance or resolution 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 or obligation.

I. The levy or imposition of taxes, assessments or charges.

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.

§ 1-15. Changes in previously adopted ordinances.

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 may have been made in one (1) or more of said ordinances. It is the intention of the governing body that all such changes be adopted as part of the Code as if the ordinances so changed have been previously formally amended to read as such.

§ 1-16. Changes in Code as printed.

A. The Code as printed contains a number of provisions for which revisions or deletions are necessary due to changes occurring during the time the codification was in process.

B. It is the intention of the governing body that the following changes or amendments be adopted herewith to become effective on the effective date of this ordinance: Ordinance No. 1989-12 as it amends Chapter 250, Taxicabs, herein.

C. Compiled ordinances identified. All chapters not identified are reserved for future use.[1]

Chapter Number	Title
1	General Provisions
7	Attorney, Prosecutor and Public Defender
11	Bills and Claims, Payment of
17	Clerk, Deputy
21	Court, Municipal
27	Election Districts
31	Engineer, City
35	Escrow

[1] Editor's Note: The Fee Schedule, which immediately followed this subsection, was deleted 10-28-1991 by Ord. No. 1991-9. Said fees shall be established from time to time by the Board of Commissioners and are on file in the office of the City Clerk.

Chapter Number	Title
36	Ethics, Code of
39	Fire Department
45	Indemnification of Employees
47	Interlocal Services Agreements
51	Land Use Procedures
55	Local Assistance Board
66	Police Department
74	Sewerage Authority
78	Sewer Rebate Program
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174	Garbage, Rubbish and Refuse
180	Historic Preservation
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244	Subdivision of Land and Site Plan Approval
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Chapter 7

ATTORNEY, PROSECUTOR AND PUBLIC DEFENDER

ARTICLE I
City Attorney

§ 7-1. Appointment, qualifications and compensation.

§ 7-2. Powers and duties.

ARTICLE II
Municipal Prosecutor

§ 7-3. Appointment and qualifications.

§ 7-4. Powers and duties.

ARTICLE III
Municipal Public Defender

§ 7-5. Appointment and qualifications.

§ 7-6. Powers and duties.

[HISTORY: Adopted by the Board of Commissioners of the City of Bordentown 3-9-87 as Ord. No. 1987-3. Amendments noted where applicable.]

GENERAL REFERENCES

Municipal Court — See Ch. 21.
Indemnification of employees — See Ch. 45.

ARTICLE I
City Attorney

§ 7-1. Appointment, qualifications and compensation.

There shall be a City Attorney of the City of Bordentown who shall be appointed by the Board of Commissioners by a majority vote of its members for a term of one (1) year from the first day of January of the year of his appointment and until his successor has been appointed and qualified. He shall be an attorney-at-law of the State of New Jersey but need not be a resident of the city. In lieu of appointing an individual, the Commission may appoint a firm of attorneys, all members of which shall be attorneys-at-law of the State of New Jersey. The City Attorney shall not receive a fixed salary but shall be paid such retainer and hourly rate as may be agreed upon and authorized by the Board of Commissioners, plus such fees and charges as shall be deemed reasonable. The appointment of the City Attorney shall be by resolution duly adopted pursuant to the Local Public Contracts Law.[1]

§ 7-2. Powers and duties.

The City Attorney shall have such powers and perform such duties as are provided for the office of City Attorney by general law or ordinances of the city. He shall represent the city in all judicial and administrative proceedings in which the municipality or any of its officers or agencies may be a party or have an interest. He shall give all legal counsel and advice where required by the Board of Commissioners and shall in general serve as the legal advisor to the Board of Commissioners on all matters of city business. In furtherance of such general powers and duties, but without limitation thereto. the City Attorney shall:

A. Draft or approve as to form and sufficiency all legal documents, contracts, deeds, ordinances and resolutions made, executed or adopted by or on behalf of the municipality.

[1] Editor's Note: See N.J.S.A. 40A:11-1 et seq.

B. Conduct appeals from orders, decisions or judgments affecting any interest of the city as he may, in his discretion, determine to be necessary or desirable or as shall be directed by the Board of Commissioners.

C. Subject to the approval of the Board of Commissioners, have power to enter into any agreement, compromise or settlement of any litigation in which the city is involved.

D. Render opinions in writing upon any question of law submitted to him by the Board of Commissioners or any member thereof with respect to his official powers and duties and perform such duties as may be necessary to provide legal counsel to the Board of Commissioners in the administration of municipal affairs.

E. Supervise and direct the work of such additional attorneys and technical and professional assistants as the Board of Commissioners may authorize for special or regular employment in or for the municipality.

ARTICLE II
Municipal Prosecutor

§ 7-3. Appointment and qualifications.

There shall be a Municipal Prosecutor of the City of Bordentown who shall be an attorney-at-law of the State of New Jersey and shall be appointed by the Board of Commissioners for a period of one (1) year from the first day of January of the year of his appointment and until his successor has been appointed and qualified. The appointment of the Municipal Prosecutor shall be by resolution duly adopted pursuant to the Local Public Contracts Law.[2]

§ 7-4. Powers and duties.

The Municipal Prosecutor shall prosecute on behalf of the state or the City of Bordentown any case to be tried before the Municipal Judge whenever requested to do so by the Judge, the Board of

[2] Editor's Note: See N.J.S.A. 40A:11-1 et seq.

Commissioners, the City Attorney or the Chief of Police of the city and shall assume any and all duties as may from time to time be assigned to the office of the Municipal Prosecutor.

ARTICLE III
Municipal Public Defender
[Added 7-11-88 by Ord. No. 1988-9]

§ 7-5. Appointment and qualifications.

There shall be a Municipal Public Defender of the City of Bordentown who shall be an attorney-at-law of the State of New Jersey and shall be appointed by the Board of Commissioners for a period of one (1) year from the first day of January of the year of his appointment and until his successor has been duly appointed and qualified. The appointment of the Municipal Public Defender shall be by resolution duly adopted pursuant to the Local Public Contracts Law.[3]

§ 7-6. Powers and duties.

The Municipal Public Defender shall represent those defendants in the Municipal Court of the City of Bordentown whom the Judge of the Municipal Court has determined are indigent and constitutionally or otherwise entitled by law to have counsel furnished without cost. The Municipal Public Defender shall not represent those defendants who are indigent and are constitutionally or otherwise entitled by law to counsel if such defendants affirmatively and with an understanding of the waiver of such right to counsel state an intention to proceed without counsel. The representation of the defendant by the Municipal Public Defender shall continue through trial and, in the event of a conviction, shall continue through sentencing and shall include advising the defendant with respect to his right of appeal but shall not include the preparation and filing of the notice of appeal or any other application for postconviction relief.

[3] Editor's Note: See N.J.S.A. 40A:11-1 et seq.

Chapter 11

BILLS AND CLAIMS, PAYMENT OF

§ 11-1. Compliance required.

§ 11-2. Procedures and requirements.

[HISTORY: Adopted by the Board of Commissioners of the City of Bordentown 6-14-76 as Ord. No. 1976-9. Amendments noted where applicable.]

§ 11-1. Compliance required.

Payment of moneys by the City of Bordentown, hereinafter simply referred to as "city," shall be made only in accordance with the procedures and requirements of this chapter.

§ 11-2. Procedures and requirements.

The following procedures and requirements shall apply to every claim for payment of moneys by a claimant, except employees' salaries and wages, and to the persons submitting the same:

A. A detailed bill or statement of items or demands shall be presented to the City Clerk, upon a form of voucher of the city or similar form, with such attachments annexed thereto as may be necessary, duly certified by the claimant with the following vendor's declaration: "I do solemnly declare that the within bill is correct in all its particulars, that the articles have been furnished or services rendered as stated therein and that no bonus has been given or received on account of said bill."

B. It shall be the duty of the City Clerk to have the officer or employee, who has been duly designated by the city, to certify on every claim by signature thereon that the items or

materials have been received by or the services rendered to the city.

C. The voucher form, together with such attached supporting papers annexed thereto, shall then be presented to the department director or department head who, if satisfied the claim is proper, shall approve the same by signature thereon. After such approval is given, the department director or department head shall file the claim with the City Clerk, who shall then present such claim to the Board of Commissioners of the city, hereinafter simply variously referred to as "Commissioners" or "Board," for formal approval at a regular meeting.

D. All claims to be considered by the Commissioners shall be in voucher form and have the approving signature of the department director or department head thereon, whereupon said Board shall formally approve the same at a regular meeting of the Commissioners, except that said Board may disapprove and reject any claim presented to it upon stating the reason for such rejection. Any disapproved claim shall be referred back to the City Clerk with such instructions as the Board may give at the time of disapproval. Approval may be by motion and of a number of separate claims by a single motion.

E. It shall be the duty of the City Clerk to prepare a list of all claims that are to be presented for approval by the Board at a regular meeting, said list to be made available to every member of the Board at least two (2) days before the claims are subject to formal action by the Board.

F. Claims must be presented to the City Clerk prior to 4:00 p.m. on Wednesday of the week immediately preceding a regular meeting of the Board and have department director or department head approval noted thereon prior to said time, to be listed for approval of the Board at the next regular meeting of the Board following such time and day.

G. After approval, claims shall be listed in a book or record to be designated as "Claims Approved by the Board of Commissioners of the City of Bordentown on (insert date)." This listing shall be amplified by an appropriate detail in the minutes to permit ready identification. An appropriate record shall also

be made as to any claims disapproved and rejected and the reason therefor and any instructions with reference thereto.

H. It shall be the duty of the City Clerk, or such other officer designated by resolution of the Board, to indicate by signed certification on such claims that they have been approved for payment, with the date of approval thereof noted on the claim.

I. After the City Clerk has certified that the claims have been approved, such Clerk shall turn the same over to the City Treasurer or other chief financial officer, who shall forthwith prepare the necessary checks for the payment thereof, which said checks shall be signed by at least two (2) members of the Board and thereafter countersigned by the City Treasurer. After preparing checks for the payment of claims, the City Treasurer shall record them in the proper books of account and thereafter mail or otherwise distribute the checks to the respective claimants.

J. The city shall incur no late charge, service charge, interest charge or penalty to any person or claimant upon any bill or statement by reason of the same not being paid sooner than proper and full adherence to the procedures and requirements of this chapter shall permit, together with a reasonable period of time following approval for payment by the Board within which the City Treasurer shall mail or otherwise distribute payment checks to such persons or claimants.

Chapter 17

CLERK, DEPUTY

§ 17-1. Office established.

§ 17-2. Appointment.

§ 17-3. Compensation.

§ 17-4. Powers and duties.

[HISTORY: Adopted by the Board of Commissioners of the City of Bordentown 3-9-87 as Ord. No. 1987-2. Amendments noted where applicable.]

GENERAL REFERENCES

Indemnification of employees — See Ch. 45.

§ 17-1. Office established.

The office of Deputy Municipal Clerk of the City of Bordentown is hereby established.

§ 17-2. Appointment.

The Board of Commissioners shall appoint a Deputy Municipal Clerk by a majority vote of its members for a term of one (1) year from the first day of January of the year of his appointment and until his successor has been appointed and qualified.

§ 17-3. Compensation.

The compensation payable to the Deputy Municipal Clerk shall be established annually by the Annual Salary Ordinance of the City of Bordentown.[1]

§ 17-4. Powers and duties.

The Deputy Municipal Clerk shall assist the Municipal Clerk in the performance of all of the functions and duties of the Office of Municipal Clerk and shall perform other such duties as from time to time may be assigned by either the Board of Commissioners or the City Clerk.

[1] Editor's Note: The Annual Salary Ordinance is on file at the city offices where it is available for inspection.

Chapter 25

ECONOMIC DEVELOPMENT ADVISORY COMMITTEE

§ 25-1. Committee established.

§ 25-2. Purpose; powers and duties.

§ 25-3. Composition and compensation.

§ 25-4. Terms of office.

[HISTORY: Adopted by the Board of Commissioners of the City of Bordentown 2-25-2008 by Ord. No. 2008-04. Amendments noted where applicable.]

§ 25-1. Committee established.

There is hereby established an advisory committee which shall be known as the "Bordentown City Economic Development Advisory Committee."

§ 25-2. Purpose; powers and duties.

The Bordentown City Economic Development Advisory Committee shall assist in the development and maintenance of a positive business environment in the City of Bordentown, shall foster an appropriate mix of business types throughout the City and shall work to avoid a proliferation of vacant or underused commercial properties and the nuisances inherited with such conditions. The Committee shall perform the following functions:

A. Prepare a commercial use survey and inventory for the City to monitor types of commercial uses, commercial tax ratables and the availability of vacant or underused

commercial property, including property that could be used for commercial purposes.

B. To establish guidelines and strategies to attract and assist businesses which are appropriate businesses that will maximize the commercial tax ratables and be a contributing part of the City's economic and social life.

C. Coordinate efforts with any federal, state, county, regional and/or private economic development agencies to foster and perpetuate a successful and commercial environment in the City and to give guidance and information to businesses which desire to start up or relocate in the City.

D. Encourage reinvestment in existing but unused or underused commercial structures in the City.

E. Research the availability of and prepare applications for grants and/or funding, subject to the approval of the Board of Commissioners, which would help facilitate economic development.

F. Confer with and advise the Planning Board and Board of Commissioners concerning land use issues which may have an impact upon the commercial and industrial uses of the City.

G. Report semiannually to the Planning Board and the Board of Commissioners on the state of the City's business community with recommendations for improvement.

§ 25-3. Composition and compensation.

A. This Committee shall be composed of eight voting members. Classes II through VII shall be appointed by the Mayor, with preference given to the prospective appointees who have training or experience in small business operation, commercial real estate, financing, banking, municipal planning or law. **[Amended 9-14-2009 by Ord. No. 2009-13]**

(1) Class I. The elected Director of Revenue and Finance shall be a member of this Committee.

(2) Class II. There shall be one member who is a member of the City of Bordentown Planning/Zoning Board.

(3) Class III. There shall be one member who is a member of the Downtown Bordentown Association or its successor business organization.

(4) Class IV. There shall be one member who is a member of the Regional Business Organization or a governmental unit involved with economic development.

(5) Class V. There shall be one member who shall possess the background, education or experience relating to the financial sector, particularly the banking industry.

(6) Class VI. There shall be one member who shall possess the background, education or experience relating to the real estate sector, particularly commercial or industrial real estate.

(7) Class VII. There shall be two additional at-large members who shall possess the characteristics of any Class II through Class VI memberships.

B. The members of the Committee shall serve without compensation.

C. No member may act on any matter in which the member has, either directly or indirectly, any personal or financial interest.

§ 25-4. Terms of office.

A. Terms of office shall be as follows:

(1) The Class I member's term will run concurrent with his/her term in office as a Commissioner.

(2) The Class II member's will run concurrent with his/her term in office as a Planning Board Member.

(3) The initial term of the Class III member shall be three years; the initial term of the Class IV member shall be two years; the initial term of the Class V and Class VI members shall be one year; thereafter, the Class III, IV, V and VI members shall be appointed for three-year terms.

(4) The initial term of the Class VII positions shall be three years for the first at-large position and two years for the second at-large position; thereafter, the at-large membership positions shall be appointed for three years. **[Added 9-14-2009 by Ord. No. 2009-13]**

B. Reappointment. Class III, IV, V, VI and VII members are limited to a maximum of three consecutive terms. **[Amended 9-14-2009 by Ord. No. 2009-13]**

C. Vacancies. If a vacancy occurs in any class other than by expiration of term, it shall be filled by an appointment as provided for the unexpired term.

D. Removal from the Advisory Committee. Any member, other than the Class I member, after a public hearing, if he/she shall request one, may be removed by the Board of Commissioners for cause.

E. Officers.

(1) The Committee shall, at its first organizational meeting, and at each annual reorganizational meeting thereafter, elect a chairperson and vice chairperson from among its members and select a secretary, who may or may not be a member of the Committee or a municipal employee.

(2) The Board of Commissioners shall provide for the Economic Development Advisory Committee in its budget and shall appropriate funds for its expenses. The Economic Development Advisory Committee shall not, however, exceed, exclusive of gifts or grants, the amounts appropriated by the Board of Commissioners for its use.

§ 51-15. Appeals and applications.

A. Appeals to the Board may be taken by any interested party affected by a decision of a City official based on or made in the enforcement of Chapter 300, Zoning, or the Official Map. Each appeal shall be taken within 65 days by filing a notice of appeal with the official from whom the appeal was taken, together with three copies of said notice, with the Secretary of the Board. Said notice of appeal shall specify the grounds for said appeal. The official from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

B. Three copies of an application for the exercise of the Board's power pursuant to § 51-10J(2) through (6) shall be filed with the Secretary of the Board.

C. At the time of filing the appeal or application, but in no event less than 10 days prior to the date set for hearing, the applicant shall also file all relevant plot plans, maps or other papers. The applicant shall obtain all necessary forms from the Secretary of the Board. The Secretary of the Board shall inform the applicant of the steps to be taken to initiate proceedings and of the regular meeting dates of the Board.

(Cont'd on page 5111)

Chapter 60

OPEN MEETINGS; COMMUNICATIONS

ARTICLE I
Open Meetings

§ 60-1. Compliance with the Open Public Meetings Act.

§ 60-2. Definitions.

§ 60-3. Access to quasi-public meetings.

§ 60-4. Notice.

§ 60-5. Public's right to participate.

ARTICLE II
Communications to Boards and Commissions

§ 60-6. Written communications.

[HISTORY: Adopted by the Board of Commissioners of the City of Bordentown as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Community development and municipal affairs — See Ch. 19.
Economic Development Advisory Committee — See Ch. 25.
City Engineer — See Ch. 31.
Environmental Commission — See Ch. 33.
Local Assistance Board — See Ch. 55.
Parks and Recreation Commission — See Ch. 64.

ARTICLE I
Open Meetings
[Adopted 9-22-2008 by Ord. No. 2008-14]

§ 60-1. Compliance with the Open Public Meetings Act.

In an effort to promote public access to information during all phases of the deliberation, policy formulation and decision making process, the City hereby reaffirms its commitment to the New Jersey Open Public Meetings Act, N.J.S.A. § 10:4-6 et seq., and seeks to expand such public access to other informational review meetings.

§ 60-2. Definitions.

As used in this article, the following words shall have the following meanings:

QUASI-PUBLIC MEETINGS — Any meeting, conference or gathering by or between members of Boards and/or Commissions and/or the City Planner or City Engineer to review or discuss an application pending before said Board or Commission, whether or not a quorum of Board or Commission membership exists, shall constitute a quasi-public meeting.

§ 60-3. Access to quasi-public meetings.

Any quasi-public meeting not already subject to the New Jersey Open Public Meetings Act shall be open to the public.

§ 60-4. Notice.

Notice of said meetings shall be provided by posting written notice of the quasi-public meeting on the City Bulletin Board at least 48 hours prior to the meeting. Notice shall include a list of topics to be discussed.

§ 60-5. Public's right to participate.

Time shall be designated at any quasi-public meeting for members of the public to be heard on the topic(s) discussed. Time shall be limited to no more than five minutes per public participant and shall be further limited to avoid duplication and irrelevant discussion.

ARTICLE II
Communications to Boards and Commissions
[Adopted 9-22-2008 by Ord. No. 2008-15]

§ 60-6. Written communications.

Pursuant to this section, all written communications to any elected or appointed member of any Board or Commission of the City of Bordentown shall be addressed to the intended party, c/o the Office of the City Clerk, 324 Farnsworth Avenue, Bordentown City, New Jersey 08505, and, upon receipt, said documents will be opened and reviewed by the City Clerk, or her designee, and routed to the appropriate department, Board or Commission.

Chapter 66

POLICE DEPARTMENT

§ 66-1. Department established.

§ 66-1A. Police Physician.

§ 66-2. Appropriate authority; Department head.

§ 66-3. Composition.

§ 66-4. Appointment and promotion.

§ 66-5. Duties.

§ 66-6. Commitment of Department.

§ 66-7. Compensation.

§ 66-8. Special officers.

[HISTORY: Adopted by the Board of Commissioners of the City of Bordentown 9-2-1941. Amendments noted where applicable.]

GENERAL REFERENCES

Fire Department — See Ch. 39.

§ 66-1. Department established. [Amended 9-10-2001 by Ord. No. 2001-7]

A. A Police Department be and the same is hereby established in the City of Bordentown, County of Burlington, State of New Jersey.

B. The official name of said Police Department shall be as follows: "Bordentown City Police Department."

C. The Police Department shall:

(1) Preserve the public peace; prevent crime and disorderly conduct; detect and arrest offenders against the penal laws and ordinances effective within the City; suppress riots, mobs and insurrections; dispense unlawful or dangerous assemblages; and preserve order at all elections and public meetings and assemblages.

(2) Administer and enforce laws and ordinances in force within the City in all cases where such administration and enforcement is not vested in the exclusive jurisdiction of such City officials as the City Zoning Officer, Building Inspector, Plumbing Inspector or Health Officer and cooperate fully with such officers.

(3) Remove all nuisances in public streets, ways, parks, playgrounds, parking lots and other public places and inspect and observe all places of public amusement or assemblage and all places operating under any state or City license or permit.

(4) Provide proper police attendance and protection at fires.

(5) Apprehend, arrest or summon all persons lawfully charged with the violation of any law or ordinance for the suppression or punishment of crimes, disorderly conduct or offenses.

(6) Provide for the attendance of its members in court when necessary for the prosecution and trial of persons charged with crimes, disorderly conduct or offenses under any law or ordinance.

(7) Serve and execute all process issuing out of the Municipal Court and have all the power and authority of constables of this state, except as to the service of civil processes out of courts other than the Municipal Court.

(8) Render aid to all distressed, injured, infirm and sick persons and perform such duties in regard to the body of any deceased as may be necessary or proper under the existing circumstances.

(9) Cooperate fully with the law enforcement agencies and prosecuting authorities of federal, state and county governments.

(10) Maintain such police training programs as may be necessary and proper for the efficient and effective organization and operation of the Police Department.

§ 66-1A. Police Physician. [Added 9-10-2001 by Ord. No. 2001-7]

The Director of Public Safety shall designate a local physician who shall act in the official capacity of Police Physician. The Police Physician shall examine all members of the police force, or appointees to the police force, whenever requested by the Director of Public Safety or the Chief of Police, and shall report in writing the result of such examinations, with his opinion as to the physical fitness for police work of the person examined. The Police Physician shall be called, whenever the services of a physician are required, to examine or administer to a person then in custody of the Police Department. In case of the unavailability of the Police Physician, any local physician may be called upon to act in his/her place at the discretion of the Director of Public Safety, the Chief of Police or the senior officer on duty.

§ 66-2. Appropriate authority; Department head. [Added 9-10-2001 by Ord. No. 2001-7[1]]

A. The appropriate authority, as said term is used in N.J.S.A. 40A:14-118, shall be the Director of Public Safety. The

1. **Editor's Note: This ordinance also provided for the renumbering of former § 66-2 as § 66-3.**

Director of Public Safety shall adopt and promulgate rules and regulations for the government of the police force and for the discipline of its members. Said Police Department shall be under the immediate charge and direction of the Director of Public Safety.

B. The Chief of Police shall be the head of the Police Department and shall be directly responsible to the Director of Public Safety for the efficiency and routine day-to-day operations of the Police Department, and pursuant to policies established by the Director of Public Safety, he shall:

(1) Administer and enforce rules and regulations and special emergency directives for the disposition and discipline of the force and its officers and personnel.

(2) Have, exercise and discharge the functions, powers and duties of the force.

(3) Prescribe the duties and assignments of all subordinates and other personnel.

(4) Delegate such authority, as he may deem necessary for the efficient operation of the Police Department, to be exercised under his direction and supervision.

(5) Report at least monthly to the Director of Public Safety, in such form as the Director of Public Safety shall prescribe, on the operation of the Police Department during the preceding month and shall make such other reports as may be requested by the Director of Public Safety.

§ 66-3. Composition. [Amended 8-12-1991 by Ord. No. 1991-7; 11-22-1993 by Ord. No. 1993-20; 9-10-2001 by Ord. No. 2001-7[2]; 1-26-2004 by Ord. No. 2004-02]

2. **Editor's Note: This ordinance also deleted former § 66-3, Supervision.**

The Police Department of the City of Bordentown may consist of one Chief of Police, one Deputy Chief of Police, one Captain, up to but not more than two Lieutenants, up to but not more than four Sergeants, up to but not more than two Corporals, up to but not more than six patrol officers, up to but not more than four law enforcement officers-Class 1, and up to but not more than three law enforcement officers-Class 2, all of whom shall act and be known as "police officers of the City of Bordentown, New Jersey." There is no requirement that all superior or partial officers' positions shall be filled at any one time. The decision to fill any superior position rests in the City's discretion.

§ 66-4. Appointment and promotion. [Amended 12-24-1990 by Ord. No. 1990-5; 4-10-1995 by Ord. No. 1995-7; 9-10-2001 by Ord. No. 2001-7; 9-14-2009 by Ord. No. 2009-14]

All members of the Police Department shall hereafter be appointed by the Commissioner of Public Safety. All applicants for appointment to or for promotion within the Police Department shall be qualified for appointment or promotion as required by law, ordinance and civil service rules and regulations. All applicants for appointment must be residents of the City of Bordentown and must maintain continuous residency from the announced closing date of the Department of Personnel examination up to and including the date of appointment.

§ 66-5. Duties.

The Chief of Police and patrolmen shall severally perform the duties imposed upon them respectively by such ordinances, orders, rules and regulations as may from time to time be

adopted for the government and control of the Police Department.[3]

§ 66-6. Commitment of Department.

Every member of the Police Department shall devote his whole time and attention to his duties as a member of the Police Department.

§ 66-7. Compensation. [Amended 11-22-1993 by Ord. No. 1993-20; 9-10-2001 by Ord. No. 2001-7]

Salaries of the Chief of Police, Sergeants, Corporals, patrolmen and law enforcement officers, Classes 1 and 2, shall be such as the governing body shall by the resolution or ordinance set forth.

§ 66-8. Special officers. [Added 9-10-2001 by Ord. No. 2001-7]

Special officers (referred to in the City's salaries ordinance and herein as law enforcement officers, Classes 1 and 2) may be appointed and utilized by the Police Department pursuant to N.J.S.A. 40A:14-146.8.

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3. Editor's Note: Former Section 6, which immediately followed this section and provided that all members of the Police Department be Marshals of the City, was deleted 12-24-1990 by Ord. No. 1990-5.

§ 78-5. Approval or disapproval of form; appeals.

A. The City Clerk is hereby designated as the approval officer for claim forms that are submitted by all applicants. The City Clerk shall examine each claim form returned and shall determine whether, in his or her discretion, the claim form has been timely filed, has been signed by the proper qualified owner of record of the affected property and whether the applicant is current in the payment of sewer service charges, real estate taxes or water service charges.

B. In the event that the City Clerk determines that the claim form has not been timely filed nor properly executed by the proper qualified owner, the City Clerk shall send a notice of disapproval of the rebate claim to the applicant, stating the reasons why the rebate claim is disapproved.

C. In the event that the City Clerk determines that the qualified owner is delinquent in the payment of sewer service charges, real estate taxes or water service charges, the City Clerk shall pay the equal share of the qualified owner to the Bordentown Sewerage Authority or the City of Bordentown, as the case may be, to the extent of the delinquency and shall notify the qualified owner of such payment.

D. In the event that any applicant is dissatisfied with the decision of the City Clerk, the applicant shall have a right of appeal to the Board of Commissioners of the City of Bordentown. All appeals shall be filed in writing with the City Clerk within thirty (30) days of the date of the notice from the City Clerk, stating the reasons and grounds for appeal in detail.

§ 78-6. Distribution of shares.

As soon as practicable after September 1 of each year, the City Clerk shall begin distributing one (1) equal share to each qualified owner whose claim form has been received and approved by the City Clerk. Claim forms received and approved shall be paid within sixty (60) days of receipt. No claim shall be paid unless first approved by resolution of the Board of Commissioners of the City of Bordentown.

Chapter 80

SUBSTANCE ABUSE POLICY

ARTICLE I
General Provisions

§ 80-1. Applicability.

§ 80-2. Policy to be mandatory and condition of employment.

ARTICLE II
Policy

§ 80-3. Use prohibited.

§ 80-4. Prohibitions and discipline.

§ 80-5. Individuals subject to testing.

§ 80-6. Rehabilitation and discipline.

[HISTORY: Adopted by the Board of Commissioners of the City of Bordentown 3-10-1997 by Ord. No. 1997-4. Amendments noted where applicable.]

ARTICLE I
General Provisions

§ 80-1. Applicability.

The Substance Abuse Policy, enclosed herein and made a part hereof, establishes the guidelines governing all city employees of the City of Bordentown in prohibiting the use of illegal drugs, controlled substances or alcohol on the job.

§ 80-2. Policy to be mandatory and condition of employment.

The Substance Abuse Policy, attached hereto and incorporated herein, is mandatory and an express condition of employment.

ARTICLE II
Policy

§ 80-3. Use prohibited.

The City of Bordentown prohibits the use by its City Commissioners, employees and appointed professionals of illegal drugs or the abuse of other controlled substances, including alcohol. The City of Bordentown has a significant business interest and public obligation to ensure the efficiency and productivity of its employees and elected and appointed officials (hereinafter collectively referred to as "employee" or "employees") and an obligation to ensure the health and safety of its employees on the job as well as the public. To this end, the City of Bordentown has established the following rules and regulations regarding the use, sale or possession of illegal drugs, controlled substances or alcohol on the job. These rules and regulations are mandatory and express conditions of employment.

§ 80-4. Prohibitions and discipline.

A. The use, sale or possession of illegal drugs, controlled substances or alcohol on city premises is grounds for immediate discharge.

B. The presence of an employee on city premises while under the influence of illegal drugs, controlled substances or alcohol is grounds for immediate discharge.

C. The city, in its sole discretion, reserves the right to take any other disciplinary action, short of discharge,

including but not limited to warning, suspending or continuing the employment of the employee on the express condition that the employee submit to rehabilitation or drug or alcohol counseling.

D. The city is under no obligation under these rules to impose any lesser discipline prior to discharging an employee for violation of these rules.

§ 80-5. Individuals subject to testing.

A. Postaccident. At the sole discretion of the city, a current employee may be required to submit blood and/or urine samples, at the approved collection site, for purposes of drug or alcohol testing if the employee is involved in an accident at the workplace while on duty that indicates the possible illegal use of drugs, controlled substances or alcohol. Any employee involved in such an accident shall immediately notify the appropriate supervisor of the accident. Failure to report an accident may be grounds for disciplinary action, including discharge.

B. Reasonable suspicion.

(1) Whenever a supervisor has reasonable suspicion to believe that the actions, appearance or conduct of an employee while on duty are indicative of the use of alcohol or drugs, the employee will be requested to undergo a drug and/or alcohol test. Any refusal to undergo testing under such circumstances will result in a presumed-positive test result, subjecting the employee to discipline up to and including discharge.

(2) Reasonable suspicion may be derived from a number of circumstances. Listed below are a number of examples of the behavior which may give rise to reasonable suspicion. These are examples only and should not be construed to limit the type of behavior which may give rise to reasonable suspicion. The

determination of reasonable suspicion will be made on a case-by-case basis.

(a) Inappropriate or uncontrollable behavior.

(b) Loud or slurred speech.

(c) Sleeping while at work.

(d) Falling or staggering uncontrollably.

(e) Smelling of alcohol or marijuana.

(f) Causing harm or injury to oneself or others, or exhibiting violent or threatening behavior to oneself or to others.

(g) Excessive absenteeism, declining productivity and/or excessive tardiness.

(3) In any instance where reasonable suspicion has arose, the employee will be transported to and from the medical facility for testing purposes by a city representative, preferably the supervisor involved. The supervisor shall provide a written report to the City Clerk within 24 hours detailing the particulars of the probable cause incident. If the employee refuses the transportation procedures and attempts to operate his own vehicle, the supervisor or city representative will take appropriate action to discourage him from doing so, up to and including contacting a law enforcement office for intervention. Any employee failing to cooperate with any of the procedures described above will be subject to discipline up to and including discharge.

C. Preemployment and random testing.

(1) Employees required to hold a commercial driver's license (CDL) in order to perform their job are subject to preemployment and random drug and alcohol testing in accordance with federal regulations.

(2) In compliance with United States regulations of the Department of Transportation, the city has implemented the required types of drug and alcohol testing, as defined in the regulations. If at any time the regulations change, such changes will become effective as required.

(3) The city has named National Safety Compliance to select employees, by lottery, for random testing. The supervisor will be informed of the employees chosen who shall be required to report to the medical facility within eight hours of notification. Testing will be for drug and alcohol use only.

(4) Refusals to be tested will be classified as a positive test. Any person with a positive test will be medically unqualified to operate a commercial motor vehicle. The city's testing agency will attempt to discuss a positive test with the employee prior to notifying the city of the results.

§ 80-6. Rehabilitation and discipline.

A. Violation of the city's substance abuse policy may result in severe disciplinary action, including discharge, at the city's sole discretion.

B. At the sole discretion of the city, an employee testing positive may be referred to an evaluation and/or rehabilitation as a condition of continued employment. The decision to seek diagnosis and accept treatment is primarily the employee's responsibility and is done so at employee expense. The counseling or rehabilitation program must be regularly attended and completed by the employee, failure to do so may result in discharge. Participation in the program will be monitored by the township, The employee will further be monitored for a twenty-four-month period and is subject to periodic unannounced testing.

C. Employees with personal alcohol or drug abuse problems are encouraged to request assistance from their physician, the human resources office or their department head. The city will provide assistance on a confidential basis and will assist the employee in seeking counseling services and treatment. Employees who voluntarily seek assistance may do so without jeopardizing their continued employment, provided that they strictly adhere to the terms of their treatment and counseling program.

D. Employees in safety sensitive positions may be assigned to a nonsafety sensitive position during rehabilitation. The employee may be required to use accumulated leave time if absence from work is required for rehabilitation.

E. Rehabilitation shall be available only once, and any subsequent positive test result or refusal to undergo drug testing will result in the immediate termination of the employee.

Chapter 82

TAX COLLECTOR

§ 82-1. Purpose.

§ 82-2. Definitions.

§ 82-3. Office established.

§ 82-4. Appointment.

§ 82-5. Term; vacancy.

§ 82-6. Compensation.

§ 82-7. Duties; position to be part-time.

§ 82-8. Attendance requirements.

§ 82-9. Removal from office.

[HISTORY: Adopted by the Board of Commissioners of the City of Bordentown 7-28-86 as Ord. No. 1986-8. Sections 82-4 and 82-6 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. II. Other amendments noted where applicable.]

GENERAL REFERENCES

Indemnification of employees — See Ch. 45.

§ 82-1. Purpose.

The purpose of this chapter is to establish the office of the Tax Collector in the City of Bordentown, to appoint a person to the position of Tax Collector, to fix the salary for the position of Tax Collector and to regulate the attendance of the Tax Collector in the City of Bordentown.

§ 82-2. Definitions.

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

ATTEND — To be available in the office for appointments and/or officials of the City of Bordentown.

MUNICIPAL BUILDING — The building located at 324 Farnsworth Avenue in the City of Bordentown.

STATUTE — The New Jersey Statutes Annotated.

TAX COLLECTOR — The official charged with the duty of collecting taxes upon real and personal property in the municipality.

§ 82-3. Office established.

It is hereby established within the City of Bordentown the office of Municipal Tax Collector.

§ 82-4. Appointment. [Amended 4-25-88 by Ord. No. 1988-5[1]]

The Municipal Tax Collector for the City of Bordentown shall be appointed pursuant to N.J.S.A. 40A:9-141.

§ 82-5. Term; vacancy.

A. Pursuant to N.J.S.A. 40A:9-142, the Municipal Tax Collector shall hold office for a term of four (4) years from the first day of January next following his or her appointment.

B. Vacancies other than due to expiration of term shall be filled by appointment for the unexpired term.

[1] Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. II.

§ 82-6. Compensation.[2]

The Municipal Tax Collector shall be compensated for his or her services. The compensation of the Tax Collector may be adjusted annually by the Annual City Salary Ordinance.[3]

§ 82-7. Duties; position to be part-time.

A. The Municipal Tax Collector is charged with the performance of the duties as set forth in statute.

B. The position shall be part-time.

§ 82-8. Attendance requirements.

A. Pursuant to N.J.S.A. 54:4-72, the City of Bordentown exercises its authority to control the days of attendance by the Tax Collector at his or her office in the Municipal Building for each week during the months next proceeding the month on which taxes become delinquent. For the months of January, April, July and October, the Tax Collector is obliged to attend his or her office in the Municipal Building on at least one (1) regularly scheduled weekday per week. Said attendance shall be for a period of time not less than two (2) hours per day. The regular schedule of attendance of the Tax Collector in his or her office shall be conspicuously posted in the Municipal Building.

B. In extraordinary cases and upon application to the Board of Commissioners of the City of Bordentown, the Tax Collector may attend his or her municipal office on Saturdays in lieu of attendance on any chosen weekday. If such alternative is chosen and permitted by the Board of Commissioners, the weekly posting of hours shall so indicate.

C. If for any legitimate reason directly related to the tax-collecting duties imposed by statute, the Tax Collector is unable to attend for the required days and time as prescribed in this chapter, the Tax Collector shall report such fact to the

[2] Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. II.
[3] Editor's Note: The Annual City Salary Ordinance is on file at the city offices where it is available for inspection.

Board of Commissioners of the City of Bordentown. In its discretion, the Board of Commissioners may either excuse attendance for those hours or else require attendance for an additional period of time equal to that which was missed as a result of the Tax Collector's claimed inability.

§ 82-9. Removal from office.

Violation of any of the requirements of this chapter shall constitute good cause for the removal of the Tax Collector by the Director of the Division of Local Governmental Services of the State of New Jersey, in the manner provided by statute.

PART II

GENERAL LEGISLATION

Chapter 96

ALARM SYSTEMS

§ 96-1. Title.

§ 96-2. Definitions.

§ 96-3. License required; fee; application requirements.

§ 96-4. False alarms.

§ 96-5. Silencing of alarms.

§ 96-6. Termination of service; reinstatement.

§ 96-7. Exceptions.

§ 96-8. Use of automatic dialing equipment.

§ 96-9. Applicability.

§ 96-10. Violations and penalties.

[HISTORY: Adopted by the Board of Commissioners of the City of Bordentown 7-16-84 as Ord. No. 1984-13. Section 96-10 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. II. Other amendments noted where applicable.]

GENERAL REFERENCES

Fire Department — See Ch. 39.
Fire safety — See Ch. 162.

§ 96-1. Title.

This chapter may be cited and referred to as the "Alarm System Ordinance of the City of Bordentown of 1984."

§ 96-2. Definitions.

For the purpose of this chapter, certain words and phrases are defined as follows:

ALARM SYSTEM — Any mechanical, electrical or electronic device which is designed or used for the detection of an unauthorized entry into a building, structure or facility or for alerting others about the commission of an unlawful act or the presence of a fire or smoke condition or other emergency situation within a building, structure or facility or for alerting others about the existence of any other condition requiring the response of the police, fire, ambulance or other emergency personnel, and which emits an audible and/or visual signal when activated. "Alarm system" includes, but is not limited to, audible alarms and subscriber alarm systems.

AUDIBLE ALARM — Any device that emits an audible signal from the premises that it is designated to protect whether or not the same is part of an alarm system as defined in this chapter.

AUTOMATIC DIALING EQUIPMENT — Alarm systems and devices which automatically dial any emergency phone number and uses a recorded or taped message to alert the communications center of the need for fire or ambulance services.

EMERGENCY PHONE NUMBER — The primary telephone number advertised to the public for the purpose of requesting emergency fire, police and/or ambulance services.

FALSE ALARM — Any alarm activation of any alarm system by other than an intruder or other unauthorized entry into a building, structure or facility or the existence of an emergency situation.

§ 96-3. License required; fee; application requirements.

A. License required. Any person who desires to connect a commercially or privately owned or operated alarm system to the communications center of the Police Department of the City of Bordentown shall first obtain a license from the

Director of Public Safety and Affairs or his designee, both hereinafter referred to as "Director," for such connection privilege. Application for such licenses shall be made to the Director on a form prepared in accordance with this chapter.

B. Fee. The Director shall set the initial application and annual fee charged for such a license and for any petition for reinstatement of a terminated license. Such fees shall each not exceed one hundred dollars ($100.).

C. Application for license. An applicant for such a license shall file with the Director, together with the required license application fee, a written application, signed and sworn to by the applicant or by an authorized officer of the applicant if a corporation or partnership. The application shall include the following information:

(1) The name and address of the applicant.

(2) The name and address of the person actually using the alarm system, if different from the name set forth above.

(3) The type of systems and the method of connection to the communications center.

(4) A statement by the applicant holding the city harmless for any and all losses or damages which may occur as a result of any malfunction or the failure of the alarm system or of the City Police Department to respond promptly thereto and a clause to indemnify the city in the event that any judgment is obtained against the city arising out of such use of the communications center.

§ 96-4. False alarms.

For any false alarm after the third false alarm in any one (1) calendar year, as established by the records of the Police Department, the applicant, owner, lessee or tenant of a building, structure or facility in which an alarm system or audible alarm is installed shall be in violation of this chapter and liable for the imposition of a penalty hereunder upon complaint to be made by a member of the City Police Department.

§ 96-5. Silencing of alarms

Audible alarms must be silenced by the building, structure or facility owner, lessee or tenant or someone on behalf of such person(s) within sixty (60) minutes after the same begins to emit an audible signal.

§ 96-6. Termination of service; reinstatement.

After the fourth false alarm in any one (1) calendar year or the sixth false alarm in any eighteen-month period, any license issued pursuant to this chapter shall be terminated by the Director, who shall give written notice thereof personally or by regular mail sent to the applicant at the address shown upon the application for the license being terminated. Service shall be terminated on the third day following personal service or mailing of the notice of termination. The licensee may petition the Board of Commissioners of the city for a hearing to request the resumption of connection privileges. Any such petition must demonstrate effective measures taken to eliminate the reoccurrence of false alarms. Reinstatement of connection privileges shall be in the sole discretion of said Board of Commissioners. There shall be no refund of any fee upon terminating of service whether the same be by the Director or voluntary by the applicant or other person.

§ 96-7. Exceptions.

The provisions of this chapter shall not apply to the audible alarms that may be used by police, fire, ambulance, rescue or other emergency services, civil defense agencies or affixed to motor vehicles.

§ 96-8. Use of automatic dialing equipment.

The use of automatic dialing equipment is hereby prohibited for alerting the communications center of the need for police assistance or intervention but is herewith permitted as to the need of fire or ambulance services.

§ 96-9. Applicability.

The provisions contained herein shall apply equally to those alarm systems and audible alarms that were placed in service both prior to as well as subsequent to the effective date of this chapter.

§ 96-10. Violations and penalties.[1]

Violation of any provision of this chapter shall, upon conviction thereof, be punishable as provided in Chapter 1, General Provisions, Article I, Violations and Penalties.

[1] Editor's Note: Amended at time of adoption of code; see Ch. 1, General Provisions, Art. II.

Chapter 100

ALCOHOLIC BEVERAGES

§ 100-1. Definitions.

§ 100-2. Compliance required.

§ 100-3. Class C licenses.

§ 100-4. Local authority.

§ 100-5. Suspension, revocation or failure to renew licenses.

§ 100-6. Responsibility of licensee.

§ 100-7. Plenary retail consumption licenses.

§ 100-8. Seasonal retail consumption licenses.

§ 100-9. Plenary retail distribution licenses.

§ 100-10. Limited retail distribution licenses.

§ 100-11. Club licenses.

§ 100-12. Hours of operation; closing of licensed premises.

§ 100-13. Screening of areas for sale or consumption.

§ 100-14. Sale to minors and intoxicated persons prohibited.

§ 100-15. Conduct on licensed premises.

§ 100-16. Gambling on licensed premises prohibited.

§ 100-17. Inspection of licensed premises.

§ 100-18. Information to be provided to Board of Commissioners.

§ 100-19. Violations and penalties.

§ 100-20. Possession or consumption by minors; penalty.

§ 100-21. Possession on school property.

§ 100-22. Service to minors.

§ 100-23. Additional penalties.

[HISTORY: Adopted by the Board of Commissioners of the City of Bordentown 3-13-1989 by Ord. No. 1989-3. Amendments noted where applicable.]

GENERAL REFERENCES

Parks and recreation — See Ch. 206.
Peace and good order — See Ch. 210.
Retail food establishments — See Ch. 228.
Zoning — See Ch. 300.

§ 100-1. Definitions.

When used in this chapter, the following terms shall be defined as follows:

CLASS C LICENSES — Such licenses as are classified as "Class C licenses" pursuant to the statute.

RULES AND REGULATIONS — Such rules and regulations established from time to time by the Director of the Division of Alcoholic Beverage Control of the State of New Jersey.

STATUTE — The New Jersey Alcoholic Beverage Law, N.J.S.A. 33:1-1 et seq., as amended.

§ 100-2. Compliance required.

It shall be unlawful to sell or distribute alcoholic beverages within the City of Bordentown, except pursuant to and within the terms of the statute, rules and regulations and this chapter.

§ 100-3. Class C licenses.

All applications for any Class C license, and all Class C licenses issued hereunder, shall be subject to the statute, rules and regulations and this chapter.

§ 100-4. Local authority.

The Board of Commissioners of the City of Bordentown shall be the local authority for the issuance, suspension or revocation of any license issued pursuant to this chapter.

§ 100-5. Suspension, revocation or failure to renew licenses.

The Board of Commissioners of the City of Bordentown may deny an application for a license or transfer of license pursuant hereto or may suspend or revoke or otherwise fail to renew any license issued pursuant hereto for any violation of any provision of the statute, rules or regulations, this chapter or of any ordinance of the City of Bordentown.

§ 100-6. Responsibility of licensee.

Each licensee to whom a license pursuant to this chapter is issued shall permit alcoholic beverages to be consumed only in accordance with the statute, rules or regulations, this chapter or any other ordinance of the City of Bordentown.

§ 100-7. Plenary retail consumption licenses.

A. No more than eight plenary retail consumption licenses shall be issued and outstanding at the same time in the City of Bordentown, but this limitation shall not prevent the renewal of licenses presently outstanding or the transfer of such licenses and the renewal of licenses so transferred.

B. The fee to be charged for a plenary retail consumption license shall be as established from time to time by the Board of Commissioners.[1] **[Amended 11-13-1995 by Ord. No. 1995-18]**

§ 100-8. Seasonal retail consumption licenses.

No seasonal retail consumption licenses shall be issued within the City of Bordentown.

§ 100-9. Plenary retail distribution licenses.

A. No more than one plenary retail distribution license shall be issued and outstanding at the same time in the City of Bordentown.

B. The fee to be charged for a plenary retail distribution license shall be as established from time to time by the Board of Commissioners.[2] **[Amended 11-13-1995 by Ord. No. 1995-18]**

§ 100-10. Limited retail distribution licenses.

No limited retail distribution licenses shall be issued within the City of Bordentown.

§ 100-11. Club licenses.

A. No more than four club licenses shall be issued and outstanding at the same time in the City of Bordentown.

B. The fee to be charged for a club license shall be as established from time to time by the Board of

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1. **Editor's Note: See Ch. 37, Fees and Licenses.**
2. **Editor's Note: See Ch. 37, Fees and Licenses.**

Commissioners.[3] **[Amended 11-13-1995 by Ord. No. 1995-18]**

C. All club licensees shall adhere to § 100-12, Hours of operation; closing of licensed premises. **[Added 12-10-2001 by Ord. No. 2001-16]**

§ 100-12. Hours of operation; closing of licensed premises. [Amended 12-24-1990 by Ord. No. 1990-6; 7-27-1992 by Ord. No. 1992-3; 1-22-1996 by Ord. No. 1995-21; 9-11-1997 by Ord. No. 1997-9; 2-8-1999 by Ord. No. 1999-3; 12-10-2001 by Ord. No. 2001-16; 8-12-2002 by Ord. No. 2002-10; 4-14-2003 by Ord. No. 2003-6; 3-9-2009 by Ord. No. 2009-02]

A. No licensee shall sell, serve or deliver, allow, permit or suffer the sale, service or delivery of any alcoholic beverage upon or from the licensed premises between the hours of 12:00 midnight and 9:00 a.m. from Sunday through Thursday, inclusive, of each week. On Fridays and Saturdays, licensees may open at 9:00 a.m. and may serve alcohol until the following morning (Saturdays and Sundays, respectively) until 1:30 a.m. Also, on New Year's Eve, Saint Patrick's Day, Easter Sunday, Fourth of July, Thanksgiving Eve and Christmas, inclusive, a licensee may permit the sale of any alcoholic beverage until 1:30 a.m. the following morning and consumption upon the licensed premises until 2:00 a.m. the following morning at the discretion of the Board of Commissioners of the City of Bordentown.

B. Licensees with a kitchen and dining area equipped in accordance with the Uniform Construction Code provisions for preparing, cooking and serving meals for consumption therein and that are regularly and principally used for the purpose of providing meals to the public may sell, at retail, alcoholic beverages by the glass, glass mug or glass goblet, but not in the original container, for on-premises

3. **Editor's Note: See Ch. 37, Fees and Licenses.**

consumption in conjunction with the serving of meals on Sundays between the hours of 11:00 a.m. and 12:00 midnight. When New Year's Eve, Saint Patrick's Day, Easter Sunday, Fourth of July, Thanksgiving Eve and Christmas fall on a Sunday, the sale of alcoholic beverages may take place between the hours of 11:00 a.m. and 1:30 a.m. the following morning and consumption upon the premises may continued until 2:00 a.m. the following morning.

C. During the hours that the consumption of alcoholic beverages upon the licensed premises is prohibited by this chapter, the entire licensed premises shall be closed to all persons except the licensees or employees who clean or perform other necessary work in or about the premises during such prohibited hours; and the entire interior of the bar or business room or any other room where alcoholic beverages are sold, delivered or consumed shall be kept open to full view of the public thoroughfare or from adjacent rooms to which the public is freely admitted. The closing-of-premises requirement shall not apply to club licenses which may remain open for business, except for the sale, service or delivery of alcoholic beverages, during the hours prohibited by this chapter.

§ 100-13. Screening of areas for sale or consumption.

A. No alcoholic beverage may be either sold or consumed in any portion of the licensed premises which is open to view of the public thoroughfare or from adjacent rooms to which the public is freely admitted. All doors leading into that portion of the licensed premises in which sales or consumption of alcoholic beverages are permitted shall be kept closed during the hours that sales or consumption are permitted by this chapter. All such doors that contain glass panes shall have appropriate glass-pane treatments that will prevent full view into that portion of the licensed premises from the public thoroughfare or from adjacent rooms to which the public is freely admitted. All windows

existing in that portion of the licensed premises in which alcoholic beverages are sold or consumed shall be covered by window treatments that will prevent view into that portion of the licensed premises from the public thoroughfare or from adjacent rooms to which the public is freely admitted.

B. No licensee shall permit any voices, noises or other sounds of any type or nature to emanate from the licensed premises to either any adjoining premises or to the public thoroughfare.

§ 100-14. Sale to minors and intoxicated persons prohibited.

No licensee shall sell, serve or deliver or allow, permit or suffer the sale, service or delivery of any alcoholic beverages, directly or indirectly, to any person under the age of 21 years or to any person actually or apparently intoxicated or to allow, permit or suffer the consumption of alcoholic beverages by any such person upon the licensed premises.

§ 100-15. Conduct on licensed premises.

No licensee shall allow, permit or suffer in or upon the licensed premises any disturbances, lewdness, immoral activities, fighting, brawls or unnecessary noises or allow, permit or suffer the licensed place of business to be conducted in such a manner as to create or become a nuisance.

§ 100-16. Gambling on licensed premises prohibited.

No licensee shall allow, permit or suffer any gambling, lottery or football or other betting pool to be conducted or any ticket or right of participation in any lottery or football or other betting pool to be sold or offered for sale on or about the licensed premises.

§ 100-17. Inspection of licensed premises.

No license of any type shall be issued pursuant to this chapter until the premises have been approved by the Commissioners of the City of Bordentown and by the Board of Health for the City of Bordentown or County of Burlington. The Board of Commissioners of the City of Bordentown and the appropriate Board of Health shall, after the issuance of any license, have the right and power at any time or times to inspect the licensed premises to ascertain whether the premises is being maintained in a sanitary condition. The failure to maintain the licensed premises in a sanitary condition shall be cause for the suspension or revocation of the license.

§ 100-18. Information to be provided to Board of Commissioners.

Any licensee or applicant for a license shall provide such information to the Board of Commissioners of the City of Bordentown as may be requested with respect to any matter or matters pertaining to the ownership or management of the premises or to any other matter pertaining to the conduct of the business being conducted pursuant to the license.

§ 100-19. Violations and penalties. [Amended 12-24-1990 by Ord. No. 1990-5]

Violation of any provision of this chapter shall, upon conviction thereof, be punishable as provided in Chapter 1, General Provisions, Article I, Violations and Penalties.

§ 100-20. Possession or consumption by minors; penalty. [Added 5-13-1991 by Ord. No. 1991-5]

A. Any person under the legal age to purchase alcoholic beverages who knowingly purchases, possesses without legal authority or knowingly consumes any alcoholic beverage in any school, public conveyance (but not limited to movie theaters, motels or hotels) or public parks,

beaches or other open public lands is guilty of a disorderly persons offense and shall be fined not less than $100.

B. Nothing in this section shall apply to possession of alcoholic beverages by any such person while actually engaged in the performance of employment pursuant to an employment permit issued by the Director of the Division of Alcoholic Beverage Control or for a bona fide hotel or restaurant, in accordance with provisions of N.J.S.A. 33:1-26.

§ 100-21. Possession on school property. [Added 5-13-1991 by Ord. No. 1991-5]

Any person of legal age to purchase alcoholic beverages who, knowingly and without the express written permission of the school board, its delegated authority or any school principal, brings or possesses any alcoholic beverages on any property used for school purposes which is owned by any school or school board is guilty of a disorderly persons offense.

§ 100-22. Service to minors. [Added 5-13-1991 by Ord. No. 1991-5]

Anyone, either above or below the legal age to purchase alcoholic beverages, who purposely or knowingly offers or who serves or makes available an alcoholic beverage to a person or persons under the legal age for consuming alcoholic beverages or entices that person to drink an alcoholic beverage or who makes available his or her residence or property as a place for an underage person or persons to consume alcohol is a disorderly person. This section shall not apply to a parent or guardian or to a first cousin or closer relative by blood, marriage or adoption of the person under legal age for consuming alcoholic beverages, if the parent, guardian or relative is of the legal age to consume alcoholic beverages and is present while the underage relative consumes the same, or to a religious observance, ceremony or rite. This section shall also not apply to any person in his home who is of true legal age to

consume alcoholic beverages who offers or serves or makes available an alcoholic beverage to a person under the legal age for consuming alcoholic beverage in the presence and with the permission and approval of the guardian or first cousin or closer relative by blood, marriage or adoption of the person under the legal age for consuming alcoholic beverages, if the guardian or relative is of a legal age to consume alcoholic beverages. The foregoing two exceptions apply only between the underage person or persons who may be present.

§ 100-23. Additional penalties. [Added 5-13-1991 by Ord. No. 1991-5]

A person found guilty of violating § 100-20, 100-21 or 100-22 is a disorderly person and shall be sentenced in accord with N.J.S.A. 2C:43-3 and 2C:43-8.

Chapter 104

AMUSEMENT DEVICES AND ARCADES

ARTICLE I
Amusement Devices

§ 104-1. License required.

§ 104-2. Issuance of and requirements for licenses; fees.

§ 104-3. Devices used for gambling purposes prohibited.

§ 104-4. Nonissuance or cancellation of license for conviction of certain offenses or crimes.

§ 104-5. Purpose.

§ 104-6. Violations and penalties.

ARTICLE II
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§ 104-7. Title.

§ 104-8. Definitions.

§ 104-9. License required; display; nontransferability.

§ 104-10. Application procedures.

§ 104-11. License application fee.

§ 104-12. Term of license.

§ 104-13. License renewal fee; payment.

§ 104-14. Objections to license renewal; hearing.

§ 104-15. Permitted locations.

§ 104-16. Loitering.

§ 104-17. Noise level.

§ 104-18. Gambling; prizes and awards.

§ 104-19. Inspections; certificate of approval required.

§ 104-20. Revocation or suspension of license.

§ 104-21. Violations and penalties.

[HISTORY: Adopted by the Board of Commissioners of the City of Bordentown: Art. I, 1-20-42; Art. II, 3-28-83 as Ord. No. 1983-4. Sections 104-4, 104-6, 104-11 and 104-21 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. II. Other amendments noted where applicable.]

GENERAL REFERENCES

Bingo and raffles — See Ch. 112.
Bowling alleys and billiard rooms — See Ch. 120.
Zoning — See Ch. 300.

ARTICLE I
Amusement Devices
[Adopted 1-20-42]

§ 104-1. License required. [Amended 3-14-83 by Ord. No. 1983-2]

No person, firm or corporation shall operate, maintain or install in any store, building, public place or in quasi-public place, wherein the public is invited or may enter in, any bagetelle devices, baseball games, pinball machines, bowling machines, electronic and video games, machines, projectors or devices showing or display motion-picture films or videotapes or portions thereof and all other like machines for entertainment or amusement, music machines and similar playing devices unless the person, firm or corporation shall have first obtained a license for that purpose from the Board of Commissioners. This enumeration is intended to be typical and shall not be construed as exclusive.

§ 104-2. Issuance of and requirements for licenses; fees. [Amended 3-14-83 by Ord. No. 1983-2]

A. The licenses for the placing, operation, maintenance or use of such amusement devices or machines mentioned aforesaid shall be issued to and in the names of the proprietor of the premises where the machine or machines are to be installed. For the calendar year commencing February 1 and expiring January 31 at 12:00 midnight, the fee for the issuance of said license shall be one hundred dollars ($100.) per machine, except for music machines or juke boxes, which shall be fifty dollars ($50.) per machine for said calendar year, for each and every machine installed on said premises. Said license shall be transferable to a similar device or machine; provided, however, that the license issued to the proprietor shall specifically state the number of machines which said proprietor shall be entitled to install and operate on said premises; and provided, further, that said proprietor shall at no time maintain, operate or install any machine or machines in excess of the number licensed. Upon the initial application for any of the amusement devices or machines mentioned aforesaid for which the application is made after February 1 of a given year, the aforesaid fees shall be prorated on the basis of one-twelfth (1/12) of the applicable fee for each month or portion thereof remaining in the calendar year in which such initial application is made. The fees set forth herein shall apply to all previously licensed machines whose licenses have not been renewed on February 1, 1983, or prior to the effective date of this section.

B. Said fee of one hundred dollars ($100.) per machine shall not exceed a combined total maximum fee for all such machines of two thousand dollars ($2,000.) for any one (1) licensed business location, premises, site or establishment regardless of the number of such machines licensed for such business location, premises, site or establishment pursuant to the provisions hereof. **[Added 3-26-84 by Ord. No. 1984-3[1]]**

[1] Editor's Note: This ordinance also provided that it shall be retroactively effective for the 1984-1985 licensing year.

§ 104-3. Devices used for gambling purposes prohibited.

Any person who shall use or permit to be used any of the machines or devices licensed hereunder for the purposes of gambling shall be deemed to be guilty of a violation of this Article and punishable therefor as hereinafter provided.

§ 104-4. Nonissuance or cancellation of license for conviction of certain offenses or crimes.[2]

No license shall be issued under this Article to any person who shall have been convicted of a crime or who has been convicted of any offense against the New Jersey Code of Criminal Justice or against any municipal ordinance, if said offense for which the applicant was convicted was one of gambling, and in the event that the licensee shall, after the issuance of such license, be convicted of any crimes or shall be convicted of the offense of gambling under the New Jersey Code of Criminal Justice or any such municipal ordinance, then the license of such person shall be forthwith canceled, and all machines operated or controlled by said person shall thereafter be deemed to be operated in violation of this Article.

§ 104-5. Purpose. [Amended 3-14-83 by Ord. No. 1983-2]

This Article is enacted for the purpose of licensing, regulating and controlling automatic amusement devices such as bagetelle devices, baseball games, pinball machines, bowling machines, electronic and video games or machines and projectors or devices showing or displaying motion-picture films or videotapes or portions thereof and all other like machines for entertainment or amusement, music machines and other similar playing devices operated by the deposit of coins to defray the cost of promoting the health, safety and welfare of the city residents by City Police Department observation and patrolling of establishments wherein the same are located to thereby prevent nuisances and/or the congregation of large numbers of persons in and about such establishments, which nuisances and persons would be hazardous or annoying to patrons of the same and to the public in general.

[2] Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. II.

§ 104-6. Violations and penalties.[3]

Violation of any provision of this Article shall, upon conviction thereof, be punishable as provided in Chapter 1, General Provisions, Article I, Violations and Penalties.

ARTICLE II
Arcades
[Adopted 3-28-83 as Ord. No. 1983-4]

§ 104-7. Title.

This Article shall be known and may be cited as the "City of Bordentown Arcade Ordinance."

§ 104-8. Definitions.

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

AMUSEMENT ARCADE — Any public or quasi-public place or premises wherein five (5) or more amusement machines or devices are maintained, kept, operated or installed, except the premises of any volunteer fire company whose amusement devices shall also be exempt from all licensing fees.

AMUSEMENT DEVICE — Any automatic, mechanical or electronic machine or device of skill or entertainment, operated or set in motion by the deposit of any coin or coins, tokens or slugs or the like thereof, purchased for cash, such as bagetelle devices, baseball games, pinball machines, bowling machines, electronic and video games, machines, projectors or devices showing or displaying motion-picture films or video tapes or portions thereof and all other like machines for entertainment or amusement.

[3] Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. II.

OPERATOR — Any natural person, partnership, firm, association, corporation or any other business entity which owns or controls premises or a location within the City of Bordentown in which any device is displayed or kept for use of play.

PERSON — Any natural person, partnership, firm, association, corporation or other business entity.

§ 104-9. License required; display; nontransferability.

A. No operator shall operate an amusement arcade unless a license is first obtained for the place or premises where the same is located.

B. Each license shall be displayed in full view on the premises to which it is issued.

C. Said license shall not be transferable to any other operator nor to any other premises or location.

§ 104-10. Application procedures.

Applications for licenses shall be made to the City Clerk in writing upon a form entitled "Amusement Arcade Application" supplied by said Clerk. There shall be set forth upon such amusement application form the name and address and telephone number(s), date of birth and social security number of the operator, the persons owing ten percent (10%) or more of the shares of stock or of an interest in any operator as shall not be a natural person, disclosing any prior existing criminal record of any of the foregoing natural persons, a full description of the premises or location wherein the amusement arcade to be licensed is to be located, name of owner(s) of said premises or location together with the written consent of such owner(s) endorsed upon said application and the full description of the type and number of amusement devices to be operated and/or to be stored upon the licensed premises and the proposed times of operation of the amusement arcade.

§ 104-11. License application fee.[4]

The fee for each application filed and any arcade license issued thereon shall be the sum of one hundred dollars ($100.), payable to the City Clerk upon application being filed and being nonrefundable.

§ 104-12. Term of license.

The term of a license shall be for one (1) year from the date of issue of the same by the City Clerk, unless sooner revoked or suspended.

§ 104-13. License renewal fee; payment.

The renewal fee shall be the same as the license application fee, and the same must be paid before 12:00 midnight of the date of expiration of a previously issued license. If such renewal fee is not so timely paid, a new amusement arcade application form for issuance of an arcade license must be filed with the City Clerk.

§ 104-14. Objections to license renewal; hearing.

Any objections to the renewal of an amusement arcade license shall be filed in writing with the City Clerk. Such written objections shall set forth in detail the basis therefor and shall be signed by the individual or business entity making the objection, giving full address and telephone number of the objector. A hearing on the objection to renewal shall be held before the Board of Commissioners of the City of Bordentown upon at least ten (10) days' notice to the licensee and to the person(s) objecting. Notice of the hearing shall be published at least once in a newspaper circulating within the city, no less than ten (10) days prior to the hearing. All hearings shall be conducted by the Board of City Commissioners and shall be open to the public. In rendering its decision, the Board of City Commissioners shall set forth in writing its findings of fact, conclusions and the reasons therefor. If a majority of the Board of City Commissioners determine that the licensee has violated the terms and provisions of this Article, then the operator's license shall not be renewed. A copy of the decision shall be

[4] Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. II.

sent to the licensee and person or persons who filed objections within twenty (20) days of the hearing's conclusion.

§ 104-15. Permitted locations.

An amusement arcade shall be permitted in premises or upon a location permitted by the applicable provisions of Chapter 300, Zoning.

§ 104-16. Loitering.

The licensee and/or operator of the premises upon which any such licensed devices or machines exist shall not allow loitering in or about the premises.

§ 104-17. Noise level.

No licensee shall permit the noise level from any premises upon which licensed amusement devices are operated to interfere with the reasonable use of any adjacent structures or property.

§ 104-18. Gambling; prizes and awards.

No licensee shall permit or allow any gambling purpose prohibited by law in conjunction with any amusement device. No licensee shall offer or permit to be offered any prizes or awards, whether in cash or otherwise, as an incidental use of said machine.

§ 104-19. Inspections; certificate of approval required.

No license shall be issued until the premises has been inspected by the Construction Code Official as to compliance with any applicable federal, state or municipal statutes, regulations, ordinances or codes and a certificate of approval has been issued by said official for use of the premises or location set forth in the amusement arcade application. After said license has been issued, the licensee shall permit any law enforcement official or Construction Code Official to inspect the premises for any violations during any hours of operation.

§ 104-20. Revocation or suspension of license.

All licenses issued under this Article shall be deemed to be granted upon the express condition that, in addition to any other sanction or penalty, the Board of Commissioners of the City of Bordentown may, after due notice by personal service or certified mail, return receipt requested, suspend or revoke the license of any licensee for violating any provision of this Article or for permitting or suffering the violation of any federal, state or municipal statutes, regulations, ordinances or codes or for any good cause determined by said Board of Commissioners to be detrimental to the public health, safety and welfare of the residents of the City of Bordentown or of adjacent municipalities or to other persons.

§ 104-21. Violations and penalties.[5]

Violation of the provisions of this Article shall, upon conviction thereof, be punishable as provided in Chapter 1, General Provisions, Article II, Violations and Penalties.

[5] Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. II.

Chapter 116

BOATS

§ 116-1. Purpose.

§ 116-2. Definitions.

§ 116-3. Permit required.

§ 116-4. Period of permitted uses.

§ 116-5. Fees; duration of permit.

§ 116-6. Parking; decals.

§ 116-7. Restrictions and regulations.

§ 116-8. Liability.

§ 116-9. Violations and penalties; enforcement.

[HISTORY: Adopted by the Board of Commissioners of the City of Bordentown 4-21-1959; amended in its entirety 3-13-1995 by Ord. No. 1995-5. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Parks and recreation — See Ch. 206.

§ 116-1. Purpose.

The purpose of this chapter shall be to:

A. Protect the general health, safety and welfare of the local residents and visitors to the City boat ramp.

B. Protect the City ramp, ramp area and parking lot.

C. Promote and provide a source of safe boating recreation access and to provide for an orderly procedure for the use of the ramp and ramp area by boaters and visitors alike.

§ 116-2. Definitions.

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

BOATS — Refers to all motorized or nonmotorized vessels with a rigid hull and to all jet skis, waverunners and like vehicles.

LOCAL RESIDENT — A person owning a valid New Jersey driver's license which lists upon it the applicant's name and an address located within the municipal boundaries of those municipalities participating in the Community Education Recreation Program Agreement dated July 1, 1982, which now include the City of Bordentown, Bordentown Township, any person primarily employed by those municipalities, any members of the Bordentown Yacht Club or Yapewi Aquatic Club and any taxpayer of the City of Bordentown. **[Amended 9-9-1996 by Ord. No. 1996-13; 6-8-2009 by Ord. No. 2009-08]**

NEW JERSEY STATE RESIDENT — A person owning a valid New Jersey driver's license which lists upon it the applicant's name and an address located within the State of New Jersey.

OUT-OF-STATE RESIDENT — All other applicants that are neither local residents or New Jersey State residents as defined herein.

PUBLIC OFFICER — That person designated by the City of Bordentown to monitor the ramp area during hours to be specified by the City and who shall have full powers to issue violations and enforce the provisions of this chapter.

RAMP — A concrete ramp used for boat ingress and egress, as well as the portable wooden dock placed thereon during periods of use.

§ 116-3. Permit required.

No one shall be permitted to use the boat ramp or designated trailer parking only area without applying for and obtaining a permit from Bordentown City, at the Municipal Office located at 324 Farnsworth Avenue in the City of Bordentown. Applicants for a permit must provide proof of a valid registration for the boat and trailer, if applicable. If a trailer is to be used, the permit decal will be assigned and affixed to both the boat and the trailer. If a trailer will not be used, then the permit decal will be assigned and affixed only to the boat. The issuance or denial of a permit shall be at the City's sole discretion.

§ 116-4. Period of permitted uses.

Permits shall entitle the holder to use the boat ramp and designated trailer parking area and shall be issued for the period of April 1 through November 1. The ramp and parking area shall be closed to all boats and vehicles between the hours of 2:00 a.m. and 6:00 a.m.

§ 116-5. Fees; duration of permit.

A. Permit fees will be charged for the use of the ramp and designated trailer parking area as established from time to time by the Board of Commissioners.[1] **[Amended 11-13-1995 by Ord. No. 1995-18]**

B. Annual permits purchased in the calendar year 1995 will be for the year 1995 for the period specified in § 116-4. Thereafter, permits will be valid for the calendar year for which they are issued for the period specified in § 116-4. **[Amended 9-9-1996 by Ord. No. 1996-13]**

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1. **Editor's Note: See Ch. 37, Fees and Licenses.**

§ 116-6. Parking; decals.

A. Upon receiving a permit from the City, permit decals shall be conspicuously and permanently affixed to both the left front of the boat trailer and the side of the boat at the port bow. If no trailer is used to launch the boat, then the decal shall be conspicuously located on the side of the boat itself at the port bow.

B. No person shall park a vehicle which is not connected to a trailer in the areas designated for trailer parking only.

C. Parking shall be prohibited in the ramp parking lot during those hours that the ramp is closed to the public.

D. All persons using the boat ramp and ramp parking lot shall obey all signs posted relative to parking and ramp use.

E. The Police Department, Public Officer or Supervisor of Public Works shall be empowered to cause any vehicle parked in violation of these provisions to be towed away at the owner's expense.

§ 116-7. Restrictions and regulations.

A. Boat restrictions; ingress and egress.

(1) Mooring of boats shall not be permitted within 25 yards of the ramp or ramp area so as to restrict access to the ramp.

(2) Boats may only be launched in the designated ramp area.

(3) No boat shall be permitted to be tied to the municipal ramp or ramp area for a period in excess of 10 minutes.

(4) It shall be unlawful to obstruct the use of the ramp and ingress or egress to the ramp, either from the parking area or from the water.

(5) Persons waiting to launch from the ramp, and to exit the water, shall proceed in an orderly, single-file manner.

(6) Boats passing within the vicinity of the ramp shall do so at slow speed so as to prevent the creation of wakes which may endanger the safety and welfare of the public or the property in the boat ramp area.

(7) No boat shall be launched from a vehicle on the ramp which is not trailered; i.e., boats cannot be launched from the bed, roof or other section of a vehicle directly into the water. A properly permitted boat of appropriate weight and size may be manually transported to and launched from the ramp if said launching can be accomplished in a safe manner, which does not endanger the welfare of either those launching the boat or other persons using the ramp and ramp area. The determination of whether said launching can be safely accomplished rests solely with the City, and all decisions in this regard shall be final. **[Added 9-9-1996 by Ord. No. 1996-13]**

B. Regulations.

(1) Boat and trailer regulations. All boats and trailers using the municipal facilities must have valid registrations and any and all other state and federal permits that may be required.

(2) Vehicle repair. There shall be no repairing or maintenance, other than those necessitated by emergency, of vehicles, boats or trailers, in or around the ramp and the parking area.

(3) Loitering and/or fishing. There shall be no congregating or fishing allowed on the ramp area.

(4) Swimming. There shall be no swimming in the entire municipal ramp area at any time.

(5) Alcoholic beverages. No alcoholic beverages shall be consumed in the municipal parking lot, on the boat ramp or in vehicles utilizing same.

(6) Bicycles. No bicycles shall be permitted on the ramp area at any time.

(7) Removal of fire hazards. Any conditions about or around a boat declared to be a fire hazard in the judgment of the Fire Official, Chief of the Fire Department or Assistant Chief shall be removed by the owner or person in charge of such.

(8) Waste oil products. Waste oil shall not be deposited or disposed of into the waters of any stall or slip nor into the waters adjacent thereto or any municipal trash receptacle.

(9) No cooking or barbecues shall be allowed in the municipal parking lot or boat ramp area other than those areas specifically designated for same.

(10) Any and all litter generated by anyone using the municipal parking lot shall be completely removed and properly disposed of by said persons prior to leaving the area.

§ 116-8. Liability.

All persons using the City boat launching ramp shall do so at their own risk. The City assumes no responsibility for theft, loss or damage to any boats or motor vehicles, or any equipment used in connection with them, or any personal injury that may occur to any person while using the municipal ramp or parking area in any fashion.

§ 116-9. Violations and penalties; enforcement.

A. Any person who violates any one or more of the provisions of this chapter shall be subject to a fine of not less than

$100 nor more than $500 and/or a period of imprisonment not to exceed 30 days and/or a period of community service not to exceed 200 hours, or any combination thereof, for a first offense. For a second or subsequent offense, a violator shall be subject to a fine of not less than $250 nor more than $1,000 and/or a period of imprisonment not to exceed 60 days and/or to a period of community service not to exceed 60 hours or any combination thereof, and the City may, in its discretion, terminate that person's permit for the calendar year, and, in the case of willful violations, may permanently bar that person from the use of the boat ramp and municipal parking lot area adjacent thereto. In the case of a continuing violation or violations, such penalties may be assessed for each day that the violation or violations continue unabated, until such time as the violation or violations are corrected. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

B. The provisions of this chapter may be enforced by the Public Officer designated by the City, the Police Department, the Supervisor of Public Works or the State Marine Police, where applicable.

location, dimensions and elevations of the area in question, existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

A. The elevation, in relation to mean sea level, of the lowest floor, including the basement, of all structures.

B. The elevation, in relation to mean sea level, to which any structure has been floodproofed.

C. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in § 166-17B.

D. A description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

§ 166-13. Administration.

A. The Planning Board or, in certain instances specified herein, the Zoning Board of Adjustment is hereby appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions.

B. Authority to administer and implement this chapter is conferred in the following manner:

(1) The Zoning Board of Adjustment shall review and grant or deny all applications for development permits within the meaning of this chapter that also require review by the Zoning Board of Adjustment pursuant to the requirements of the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., and local ordinances adopted pursuant thereto.

(2) The Planning Board shall review and grant or deny all other applications for development permits within the meaning of this chapter and shall perform all other duties and responsibilities designated by this chapter.

§ 166-14. Duties and responsibilities.

The duties of the Planning Board or, in instances specified in § 166-13 hereof, the Zoning Board of Adjustment shall include, but not be limited to:

A. Permit review. The Planning Board or Zoning Board of Adjustment shall:

(1) Review all development permits to determine that the permit requirements of this chapter have been satisfied.

(2) Review all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.

(3) Review all development permits to determine if the proposed development is located in the floodway; if located in the floodway, assure that the encroachment provisions of § 166-18A are met.

B. Use of other base flood data. When base flood elevation and floodway data has not been provided in accordance with § 166-7, Basis for establishing areas of special flood hazard, the local administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer § 166-17A, Residential construction, and § 166-17B, Nonresidential construction. **[Amended 5-26-87 by Ord. No. 1987-10]**

C. Information to be obtained and maintained. The Planning Board or Zoning Board of Adjustment shall:

(1) Obtain and record the actual elevation, in relation to mean sea level, of the lowest habitable floor, including the basement, of all new or substantially improved structures, and whether or not the structure contains a basement.

(2) For all new substantially improved floodproofed structures:

(a) Verify and record the actual elevation in relation to mean sea level.

(b) Maintain the floodproofing certifications required in § 166-12C.

(3) Maintain for public inspection all records pertaining to the provisions of this chapter.

D. Alteration of watercourses. The Planning Board or Zoning Board of Adjustment shall:

(1) Notify adjacent communities and the Division of Water Resources in the New Jersey Department of Environmental Protection prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Insurance Administration.

(2) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

E. Interpretation of FIRM boundaries. The Planning Board or Zoning Board of Adjustment shall make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions).

§ 166-15. Variances.

A. Requests for variances.

(1) The Planning Board or, in instances specified in § 166-13 hereof, the Zoning Board of Adjustment shall hear and decide requests for variances from the requirements of this chapter.

(2) Those aggrieved by the decision of the Planning Board or Zoning Board of Adjustment, as the case may be, may obtain court review of such decision in the Superior Court as provided in the rules governing the courts of the State of New Jersey.

(3) In deciding such requests for variances, the Planning Board or Zoning Board of Adjustment, as the case may be, shall consider all technical evaluations, all relevant

factors, standards specified in other sections of this chapter and:

(a) The danger that materials may be swept onto other lands to the injury of others.

(b) The danger to life and property due to flooding or erosion damage.

(c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

(d) The importance of the services provided by the proposed facility to the community.

(e) The necessity to the facility of a waterfront location, where applicable.

(f) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.

(g) The compatibility of the proposed use with existing and anticipated development.

(h) The relationship of the proposed use to the Comprehensive Plan and floodplain management program of that area.

(i) The safety of access to the property in times of flood for ordinary and emergency vehicles.

(j) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.

(k) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems and streets and bridges.

(4) Upon consideration of the factors of Subsection A(3) and the purposes of this chapter, the Planning Board or Zoning Board of Adjustment, as the case may be, may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

(5) The Planning Board or Zoning Board of Adjustment, as the case may be, shall report any variances to the Federal Insurance Administration upon request.

B. Conditions for variances.

(1) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (½) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided that the items in Subsection A(3)(a) through (k) have been fully considered. As the lot size increases beyond one-half (½) acre, the technical justification required for issuing the variance increases.

(2) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the New Jersey Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.

(3) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(4) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(5) Variances shall only be issued upon:

(a) A showing of good and sufficient cause.

(b) A determination that failure to grant the variance would result in exceptional hardship to the applicant.

(c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety or extraordinary public expense; create nuisances; cause fraud on or victimization of the public as identified in Subsection A(3); or conflict with existing local laws or ordinances.

(6) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

§ 166-16. General standards for flood damage prevention.

In all areas of special flood hazard, the following standards are required:

A. Anchoring.

(1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

(2) All manufactured homes shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces. **[Amended 5-26-87 by Ord. No. 1987-10]**

B. Construction materials and methods.

(1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

C. Utilities.

(1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

(2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters.

(3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(4) Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. **[Added 5-26-87 by Ord. No. 1987-10]**

D. Subdivision proposals.

(1) All subdivision proposals shall be consistent with the need to minimize flood damage.

(2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

(3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

(4) Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least fifty (50) lots or five (5) acres, whichever is less.

E. **[Added 5-26-87 by Ord. No. 1987-10]** Enclosure openings. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or

architect or must meet or exceed the following minimum criteria:

(1) A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.

(2) The bottom of all openings shall be no higher than one (1) foot above grade.

(3) Openings may be equipped with screens, louvers or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

§ 166-17. Specific standards for flood damage prevention.

In all areas of special flood hazard where base flood elevation data have been provided as set forth in § 166-7, Basis for establishing areas of special flood hazard, or in § 166-14B, Use of other base flood data, the following standards are required:

A. Residential construction. New construction and substantial improvement of any residential structure shall have the lowest floor, including the basement, elevated to or above base flood elevation.

B. Nonresidential construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including the basement, elevated to the level of the base flood elevation or, together with attendant utility and sanitary facilities, shall:

(1) Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water.

(2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

(3) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this subsection. Such

certification shall be provided to the official as set forth in § 166-14C(2). **[Amended 5-26-87 by Ord. No. 1987-10]**

C. Mobile homes.

(1) Mobile homes shall be anchored in accordance with § 166-16A(2).

(2) All manufactured homes to be placed or substantially improved within an area of special flood hazard shall be elevated on a permanent foundation such that the top of the lowest floor is at or above the base flood elevation. **[Amended 5-26-87 by Ord. No. 1987-10]**[2]

§ 166-18. Floodways.

Located within areas of special flood hazard established in § 166-7 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions apply:

A. Encroachments, including fill, new construction, substantial improvements and other development, shall be prohibited unless a technical evaluation demonstrates that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

B. If Subsection A is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of § 166-16, General standards for flood damage prevention, and § 166-17, Specific standards for flood damage prevention.

C. The placement of any mobile homes, except in an existing mobile home park or existing mobile home subdivision, shall be prohibited.

[2] Editor's Note: Former Section 5.2.3(3), which immediately followed this subsection and regulated the placement of mobile homes in floodways, was repealed 5-26-87 by Ord. No. 1987-10.

§ 166-19. Fees.

An applicant for a development permit under this chapter shall submit with his application the following fees: a nonrefundable processing fee of twenty-five dollars ($25.), plus a technical review fee of one hundred dollars ($100.) for the first acre of land in the tract being reviewed and fifty dollars ($50.) per additional acre or fraction, provided that an applicant for a development permit who is also submitting an application pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., and local ordinances adopted pursuant thereto, shall submit only a technical review fee of fifty dollars ($50.) for the first acre and twenty-five dollars ($25.) per additional acre or fraction, in addition to the fees required for the Municipal Land Use Law application.

Chapter 174

GARBAGE AND BULK TRASH COLLECTION, RECYCLING AND ENFORCEMENT

ARTICLE I
Collection

§ 174-1. **Definitions.**

§ 174-2. **Collection schedule; restrictions; placement at curb.**

§ 174-3. **Container requirements.**

§ 174-4. **Prohibited activities.**

§ 174-5. **Violations and penalties.**

ARTICLE II
Recycling

§ 174-6. **Purpose.**

§ 174-7. **Statutory authority.**

§ 174-8. **Definitions.**

§ 174-9. **Establishment of curbside program.**

§ 174-10. **Source separation and collection of designated recyclables for curbside program.**

§ 174-11. **Establishment of public dropoff program.**

§ 174-12. **Bulk dropoff and pickup.**

§ 174-13. **Brush pickup.**

§ 174-14. **Establishment of dropoff program for apartment and condominium complexes and mobile home parks.**

§ 174-15. Source-separation and placement of designated recyclables in recycling dropoffs.

§ 174-16. Mandatory commercial and institutional source-separation program.

§ 174-17. Unlawful activities; nuisance.

§ 174-18. Noncollection of solid waste contaminated by designated recyclables.

§ 174-19. Other means of disposal.

§ 174-20. Noninterference with existing contracts.

§ 174-21. Separation and disposal of leaves.

§ 174-22. Enforcement.

§ 174-23. Violations and penalties.

§ 174-24. Injunctions; concurrent remedies.

§ 174-25. Construal of provisions.

§ 174-26. Severability.

§ 174-27. Repealer.

§ 174-28. When effective.

ARTICLE III
Disposal of Sharp Medical Instruments

§ 174-29. Definitions.

§ 174-30. Purpose.

§ 174-31. Guidelines.

§ 174-32. Violations and penalties.

[HISTORY: Adopted by the Board of Commissioners of the City of Bordentown as indicated in article histories. Amendments noted where applicable.]

GARBAGE & TRASH COLLECTION

GENERAL REFERENCES

Fees and licenses — See Ch. 37.
Littering — See Ch. 190.
Parks and recreation — See Ch. 206.
Property maintenance — See Ch. 216.

(Cont'd on page 17403)

ARTICLE I
Collection
[Adopted 3-9-1987 by Ord. No. 1987-4]

§ 174-1. Definitions.

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

ASHES — The residue from fireplaces, wood-burning stoves or coal or other fuel furnaces or stoves, and includes accumulations of dirt and such other noncombustible materials not included in refuse or garbage.

CITY — The City of Bordentown.

GARBAGE — Includes kitchen wastes, food, animal, fruit or vegetable wastes and matter of a similar nature.

HE and HIS — Singular and plural; male, female or neuter gender.

PERSONS — Any individual, partnership, company, firm or corporation.

REFUSE — Includes combustible debris, paper, cardboard, rags, mattresses, discarded wearing apparel, furniture, carpets, rubber, grass cuttings, plant trimmings, leaves, bottles, broken glass, crockery and tin cans. It shall not include scrap metal, earth, sand, bricks, stone, plaster or debris of a similar substance that accumulates incidental to building construction, nor shall it include trade wastes.

TRADE WASTES — All items which are discarded incidental to a manufacturing, industrial or repair process, such as scrap, used parts or containers.

VEGETATIVE WASTE — Any leaves, branches, tree or plant limbs, grass clippings, bushes, plant trimmings, weeds and other such garden wastes. **[Added 10-26-1987 by Ord. No. 1987-19]**

WASTE — Garbage, refuse or ashes.

§ 174-2. Collection schedule; restrictions; placement at curb. [Amended 11-27-2000 by Ord. No. 2000-11]

A. Garbage, refuse and ashes shall be collected from each residential and commercial building within the City by the City or its subcontractor according to a schedule of collection to be determined by the Superintendent of Public Works of the City.

B. The City shall not collect any garbage, refuse, ashes or waste of any kind from any industrial, light industrial or manufacturing plant or building.

C. Garbage, refuse and ashes to be collected by the City or its subcontractor shall be placed at or near the curbline in front of the building from which the garbage, refuse or ashes were generated in order that said waste may be easily collected from the roadway. Said waste shall not, however, be placed so close to the roadway as to project thereon or to interfere with persons or vehicles lawfully using the roadway. The City reserves the right to limit collection to public streets that have been dedicated to and accepted by the City and may refuse to enter private property to remove solid waste. No waste receptacle shall be placed on the sidewalk prior to sunset of the day before such wastes are to be collected in the particular district. All empty receptacles shall be removed from the sidewalk no later than 6:00 p.m. of the day of collection.

§ 174-3. Container requirements.

A. Refuse of all classes shall be placed and stored in suitable receptacles or containers pending removal. Containers for garbage or refuse shall be metal or plastic, watertight and fitted with handles and with a substantial tight-fitting metal or plastic cover. As an alternative, containers for garbage or refuse may be

commercial plastic garbage or refuse bags securely tied, taped or tabbed closed. Shopping bags or other plastic bags which are not specifically sold as containers for garbage or refuse shall be prohibited. In addition, dumpsters shall also be prohibited. **[Amended 11-27-2000 by Ord. No. 2000-11]**

B. The combined weight from any rigid waste container and its contents shall not exceed 80 pounds. A plastic garbage bag of the permitted type shall not be filled with garbage or refuse to the extent that it causes the garbage bag to break or come open. Liquid wastes shall not be placed in a refuse container of any kind.

C. Containers for ashes shall be of metal and sturdy construction. Hot cinders, ashes or smoldering embers shall not be placed in refuse containers of any kind for collection. Receptacles for ashes should be provided with covers to prevent the admission of snow and rain and subsequent freezing of the contents in the container.

D. All empty boxes, cartons and wrappings to be collected shall be flattened down and securely fastened or tied together so as to require no unnecessary space on the vehicle collecting the same. All papers shall be securely tied so as to prevent scattering. No person shall place any empty boxes, cartons, wrappings or papers of any kind in the street, except near the curbline for collection in the manner described in this article.

E. No rigid containers shall be filled above a point two inches below the top.

F. If the type of refuse to be removed is of a bulky nature and cannot fit within the refuse receptacle, it may be wrapped in bundles and securely tied, or, as in the case of discarded furniture, it shall be broken, reduced in volume and bundled so as to permit safe and speedy handling. The greatest dimension of such bulky articles shall not be more than three feet.

G. A sufficient number of containers for the refuse accumulating between collecting days shall be provided by every person, householder, storekeeper, shopkeeper, market, restaurant, hotel, apartment owner or other place of business served by the city. All refuse containers shall be maintained in good condition by the owners thereof and promptly replaced when no longer fit for use. Containers which have been marked with a condemned tag by the Department of Public Works will be taken away by the collectors if used after they have been tagged.

§ 174-4. Prohibited activities.

A. It shall be unlawful to throw or disperse or permit the throwing or dispersal of garbage, refuse and waste of any type, whether collectible or not under this article, upon any lot, street, sidewalk or place in the city, other than as provided by this article.

B. No person shall remove or disturb any garbage, refuse, ashes, waste or containers placed for collection unless he is the owner thereof or has authority from the owner or of the city.

C. No person shall bring into the City from any other place any garbage, refuse, ashes or wastes for the purpose of having the same collected by the City or its subcontractor.

D. No scrap metal, earth, sand, bricks, stones, plaster or debris of a similar substance that accumulates incidental to building construction nor any trade wastes generated by any industrial, commercial, retail or service establishment in the City shall be placed for collection by any person nor shall the same be collected by the City or its subcontractor.

E. No person shall place any garbage, refuse, ashes or waste for collection in any place other than in front of the building in which such wastes were generated, nor shall any person deposit any garbage, refuse, ashes or wastes for collection in the receptacles of any other person.

(Cont'd on page 17407)

F. No vegetative waste shall be placed for collection by any person, nor shall same be collected by the city or its subcontractor as part of regular waste collection. The city may, however, designate special procedures for the collection and/or disposal of such vegetative waste. **[Added 10-26-1987 by Ord. No. 1987-19]**

§ 174-5. Violations and penalties. [Amended 12-24-1990 by Ord. No. 1990-5]

Violation of any provision of this article shall, upon conviction thereof, be punishable as provided in Chapter 1, General Provisions, Article I, Violations and Penalties.

ARTICLE II
Recycling
[Adopted 12-12-1988 as Ord. No. 1988-19; amended in its entirety 3-11-1996 by Ord. No. 1996-3]

§ 174-6. Purpose.

The City of Bordentown finds that the reduction of the amount of solid waste and conservation of recyclable materials is an important public concern and is necessary to implement the requirements of the SWMA and the County Plan. The separation and collection of paper, cardboard, glass, cans and any other materials which shall in the future be designated as recyclables for recycling from the residential, commercial and institutional establishments in this city will minimize the adverse environmental effects of landfilling by reducing the need for landfills and conserving existing landfill capacity, facilitating the implementation and operation of other forms of resource recovery called for by the County Plan, conserving natural resources and reducing the cost of solid waste disposal in general. This article will also establish regulations, enforcement and penalties concerning municipal services for the collection and disposal of nonrecyclable solid waste.

§ 174-7. Statutory authority.

The recycling sections of this article are adopted pursuant to § 6, 9 and 14 of P.L. 1987, c.102 (effective April 20, 1987), N.J.S.A. 40:48-2, N.J.S.A. 40:66-1 and N.J.S.A. 40:49-2.1.

§ 174-8. Definitions.

A. As used in this article, the following definitions shall apply:

ALUMINUM CAN — Containers which are comprised entirely of aluminum and which contain or formerly contained only nonhazardous substances.

APARTMENT COMPLEX — Twenty-five apartments or more located on a single property or contiguous properties under common ownership or management. For this purpose, apartment shall mean an enclosed space that consists of one or more rooms occupying all or part of a floor or floors in a building of one or more floors or stories, but not the entire building, and that is designed for use as a residence.

BRUSH — Products resulting from the pruning of trees, shrubs, bushes or vines, but excluding grass clippings, flowers or weeds. Brush shall not mean the product of tree removal or pruning by professional tree removers, trimmers or landscapers, nor shall it mean tree trunks or stumps.

BULK — All items of trash, debris or discarded household furniture, equipment or others item not falling within the definition of "solid waste" or "recyclable," which shall not fit in the trash containers assigned to the resident. Bulk items shall also include "white goods," as defined herein.

CANS — Containers comprised of aluminum, tin, steel or a combination thereof, which contain or formerly contained only nonhazardous substances or such other

substances as have been approved for recycling by the OWM.

CARDBOARD — All corrugated cardboard normally used for packing, mailing, shipping or containerizing goods, merchandise or other material, but excluding plastic, foam, wax-coated or soiled corrugated cardboard.

CITY — The City of Bordentown located within the County of Burlington, State of New Jersey.

COMMERCIAL or COMMERCIAL USER — Any person or other entity operating a business, trade, industry or other nonresidential activity.

COMMERCIAL TRASH — All nonrecyclable garbage and rubbish accumulated by any businesses operating within the city.

COMMINGLED — Source-separated, nonputrescible recyclable materials that have been mixed at the source of generation (i.e., placed in the same container).

CONDOMINIUM COMPLEX — Twenty-five condominium units or more located on a single property or contiguous properties under common ownership or management. For this purpose, condominium, as in N.J.S.A. 46:8B-1 et seq., shall mean a deed providing for ownership by one or more owners of units of improvements, together with an undivided interest in common elements appurtenant to each such unit.

CONSTRUCTION DEBRIS — A subcategory of bulk trash and shall mean all debris and rubbish generated as a result of residential or commercial construction taking place within the city. Only recyclable construction debris may be deposited at the municipal dropoff site or at curbside, if curbside collection is provided by the Department of Public Works. Recyclable construction debris shall not include any painted wood or other painted materials, any formica or plastic derivative, metals or any asbestos shingles or other asbestos-containing material.

COUNTY — The County of Burlington, State of New Jersey.

COUNTY PLAN — The District Solid Waste Management Plan for Burlington County as approved by the New Jersey Department of Environmental Protection.

DESIGNATED RECYCLABLE MATERIALS — Those recyclable materials to be source-separated in this municipality. The term includes, but is not limited to, glass, paper, aluminum and ferrous cans, corrugated cardboard, plastic containers, food waste, ferrous and nonferrous scrap and white goods.

DISPOSITION — The proper and lawful transportation, placement or arrangement of designated recyclable materials for all possible end uses except disposal as solid waste and, in the case of solid waste, the proper and lawful transportation and disposal of solid waste.

GLASS — All clear (flint), green and brown (amber) colored glass containers. Glass shall not include crystal, ceramics, light bulbs and plate, window, laminated, wired or mirrored glass.

GRASS CLIPPINGS — Products of pruning, lawn grass, flowers and weeds. Grass clippings shall not mean the products of pruning, lawn grass, flowers and weeds by professional cutters or landscapers. "Leaves" shall mean the vegetative product of tree branches that annually drop from the branches.

HOUSEHOLD TRASH — All nonrecyclable garbage and rubbish generated by a resident at his household. Household trash shall not mean garbage or rubbish generated by a contractor or vendor.

INSTITUTIONAL — Any person or other entity, either public or private, either for profit or nonprofit, who operates for educational, municipal, charitable or other public purpose.

MOBILE HOME PARK — Twenty-five mobile homes or more located on a single property or contiguous properties under common ownership or management. For this purpose, "mobile home" shall mean a home, excluding travel trailers, which is a movable or portable unit, designed to be connected to utilities for year-round occupancy.

OWM — The Burlington County Office of Waste Management, its successors and assigns.

PAPER — All newspaper, high-grade office paper, fine paper, bond paper, office paper, xerographic paper, mimeograph paper, duplication paper, magazines, paperback books, school paper, catalogs, computer paper, telephone books and similar cellulosic material, but excluding wax paper, plastic or foil-coated paper, thermal fax paper, carbon paper, blueprint paper, food-contaminated paper, soiled paper and cardboard.

PERSON — Any individual, firm, partnership, *corporation, association, cooperative enterprise, trust,* municipal authority, federal institution or agency, state institution or agency, municipality, other governmental agency or any other entity or any group of such persons which is recognized by law as the subject of rights and duties. In any provisions of this article prescribing a fine, penalty or imprisonment, the term "person" shall include the officers and directors of a corporation or other legal entity having officers and director.

PLASTIC BOTTLES — All milk, water, soda and detergent bottles that are labeled as made from polyethylene terephthalate (PET) and high density polyethylene terephthalate (HDPE). Specifically excluded are bottles that formerly contained hazardous materials, including but not limited to motor oil, antifreeze and pesticides.

RECYCLABLE MATERIAL — A material which would otherwise become solid waste, which can be collected,

separated or processed and returned to the economic mainstream in the form of raw materials or products.

RECYCLING — Any process by which materials, which would otherwise become solid waste, are collected, separated or processed and returned to the economic mainstream in the form of raw materials or products.

RECYCLING DROPOFF — Any facility designed and operated solely for the receiving and storing of source-separated, nonputrescible metal, glass, paper, plastic containers and cardboard.

RESIDENT — Any person residing within the city on a temporary or permanent basis, but excluding persons residing in hotels and motels.

ROADSIDE — That portion of the city easement between the roadway's edge and the resident's property line.

SOLID WASTE — Garbage, refuse and other discarded materials resulting from industrial, commercial and agricultural operations and from domestic and community activities and shall include all other waste materials, except for solid animal and vegetable wastes collected by swine producers licensed by the State Department of Agriculture to collect, prepare and feed such wastes to swine on their farms.

SOURCE-SEPARATE — The proper separation of recyclable materials from the solid waste stream at the point of waste generation.

SWMA — The New Jersey Solid Waste Management Act, as amended.[1]

WHITE GOODS — Household appliances, including but not limited to hot-water heaters, washers, dryers, ranges and refrigerators with doors removed. "White goods" shall not mean hot-water heaters, washers, dryers,

[1] Editor's Note: See N.J.S.A. 13:1E-1 et seq.

ranges and refrigerators generated by a commercial vendor.

B. All other terms and phrases shall be as defined in the SWMA, the regulations promulgated thereunder and/or the County Plan, unless the content clearly requires a different meaning.

§ 174-9. Establishment of curbside program.

A. There is hereby established a program (curbside program) for the separate collection of paper, cardboard, glass, cans and plastic from all nonphysically disabled residents of the City of Bordentown. Said curbside program shall not apply to any apartment complex, condominium complex or mobile home park or to any commercial or institutional establishment.

B. Collection of recyclable materials pursuant to this article shall be in accordance with a schedule of recycling collection areas and dates to be publicly advertised by the city and county.

C. All residents of the city within the area serviced by the curbside program established pursuant to this section shall source-separate or, should the County Plan in the future no longer require source separation, shall appropriately gather all designated recyclables upon receiving notice from the city and shall place them at the side of the road fronting their residence in the manner designated in this article and on the date specified for collection by the schedule published by the city and county.

D. Designated recyclables for this curbside program established pursuant to this section shall consist of the following materials:

(1) Paper.

(2) Cardboard.

(3) Glass and cans.

(4) Plastic bottles.

(5) Other recyclable materials as designated by the city at all times 30 days after publication of notice in a newspaper of general circulation.

§ 174-10. Source separation and collection of designated recyclables for curbside program.

All recyclables placed at the roadside by residents for collection pursuant to the curbside program established pursuant to this article shall be prepared for collection in accordance with the following:

A. All newspapers shall be placed in paper bags or tied in bundles not exceeding 35 pounds in weight nor exceeding 1 foot in thickness.

B. All other paper shall be placed in paper bags or tied in bundles not exceeding 35 pounds in weight nor exceeding 1 foot in thickness.

C. Cardboard shall be flattened and tied in bundles with dimensions not exceeding 1 foot by 3 feet by 3 feet.

D. Glass containers and plastic bottles shall have caps and lids removed.

E. Glass, cans and plastic bottles shall be rinsed free of contaminants.

F. Glass and cans shall be placed in a recycling container to be provided by the city. Plastic and/or paper garbage bags shall not be utilized as containers for glass and cans. Plastic bottles shall be placed in the same container once curbside collection of plastic bottles begins.

G. No material shall be placed at the roadside earlier than the evening of the day preceding a scheduled collection day. Material must be placed at the roadside by 7:00

a.m. on the scheduled collection day. The recyclables shall be placed at the roadside for collection adjacent to one another and clearly separated from containers of solid waste.

§ 174-11. Establishment of public dropoff program.

A. There is hereby established a program (public dropoff program) for the source separation and delivery to a recycling dropoff of paper, cardboard, glass, cans and plastic bottles from all residents located in areas of this city where curbside collection does not occur, with the exception of apartment complexes, condominium complexes and mobile home parks.

B. All residents of the city served by the public dropoff program established pursuant to this section shall source separate all designated recyclables and shall deposit all such recyclables at a recycling dropoff designated by the city.

C. Designated recyclables for the public dropoff program established pursuant to this section shall consist of the following materials:

(1) Paper.

(2) Cardboard.

(3) Glass, cans and plastic bottles.

(4) Other recyclable materials as designated by the city at all times, 30 days after said designation and publication of notice in a newspaper of general circulation.

§ 174-12. Bulk dropoff and pickup.

A. Curbside. All bulk items, including "white goods" as defined herein, shall be stored inside a building or storage shed on a resident's property prior to being

placed outside for collection and shall not be placed at the roadside for collection earlier than the evening of the day preceding the scheduled collection day, nor later than 6:00 a.m. on the scheduled collection day. Any bulk items, including white goods, placed outside of a residence or business prior to the time specified for collection shall violate this article and be subject to the penalties contained herein. Bulk items and white goods generated by commercial or professional movers, haulers, cleaners, builders or installers shall be promptly removed by private service, but in no event shall said bulk items remain at a residence or property for more than 48 hours.

B. Bulk trash municipal dropoff site. The city may provide a bulk trash municipal dropoff site when a need is determined. This dropoff is to be used for residential bulk trash that is inconvenient to place at curbside for scheduled bulk pickup. No construction debris in excess of 50 pounds generated by an individual or from a single site shall be deposited at the municipal dropoff site or at curbside for municipal collection. All debris in excess of 50 pounds shall be taken to an approved recycling center or landfill. Proof of residency in the City of Bordentown is required in order to use the municipal bulk trash dropoff site. Such proof may be provided by a resident showing his or her driver's license or vehicle registration. In the event that a nonresident contractor is hauling bulk trash for a resident to the municipal dropoff site, a letter stating the resident's name, address and telephone number and the contractor's authorization to haul bulk trash from that residence with the resident's signature is required. Notwithstanding the foregoing and within the discretion of the Public Works Manager, in-person authorization, given directly by the resident to the Public Works Manager or his designee may be required before admittance of the nonresident contractor to the dropoff site.

§ 174-13. Brush pickup.

A. Residential curbside collection. All brush shall be stored on a resident's property and shall not be placed at the roadside earlier than 10:00 p.m. the evening of the day preceding the scheduled collection day nor later than 6:00 a.m. on the scheduled collection day. Brush collection/schedules shall be distributed or otherwise made available by the Department of Public Works. Brush generated by professional tree removers, trimmers or landscapers shall be removed by private services within 10 days from the date it is generated.

B. Municipal dropoff. The city may provide a bulk trash municipal dropoff site when a need is determined. This dropoff is to be used for the dropoff and disposition of commercial and municipal brush. Brush, meeting the definition contained in this article, shall be accepted within the sole discretion of the Public Works Manager. For all such accepted brush, the city shall charge a fee based on cubic yard of acceptable brush, as set forth in Chapter 37 of the Code of the City of Bordentown.

§ 174-14. Establishment of dropoff program for apartment and condominium complexes and mobile home parks.

A. There is hereby established a program (private dropoff program) for the source separation and delivery to a recycling dropoff of paper, cardboard, glass, cans, and plastic bottles from all residents of apartment complexes, condominium complexes and mobile home parks within this city.

B. The owner of and/or manager of every apartment complex, condominium complex and mobile home park within this city shall provide and maintain, in a neat and sanitary condition, recycling dropoff(s) to receive all designated recyclables generated by residents of the complex or mobile home park. In cases where a

condominium association exists, the condominium association shall be responsible for provision and maintenance of the recycling dropoff(s). Said recycling dropoff shall be constructed and capable of receiving designated recyclables within three months of the effective date of this article.

C. The owner of and/or manager of every apartment complex, condominium complex and mobile home park shall arrange for the collection for recycling of all designated recyclables from said dropoffs.

D. The number and design of the recycling dropoffs required by this section for each apartment complex, condominium complex and mobile home park shall be consistent with guidelines provided by OWM pursuant to the County Plan.

E. Designated recyclables for the private dropoff program required by this section shall consist of the following materials:

(1) Paper.

(2) Cardboard.

(3) Glass and cans.

(4) Plastic bottles.

(5) Other recyclable materials as designated by the city at all times 30 days after said designation and publication of notice in a newspaper of general circulation.

§ 174-15. Source-separation and placement of designated recyclables in recycling dropoffs.

A. Designated recyclables required to be placed in recycling dropoffs pursuant to this section shall be consistent with the following:

(1) Newspapers shall be placed in paper bags or tied in bundles not exceeding 35 pounds in weight nor exceeding 1 foot in thickness.

(2) All other papers shall be placed in paper bags or tied in bundles not exceeding 35 pounds in weight nor exceeding 1 foot in thickness.

(3) Cardboard shall be flattened and placed in bundles not exceeding 1 foot by 3 feet by 3 feet.

(4) Glass containers and plastic bottles shall have caps and lids removed.

(5) Glass, cans and plastic bottles shall be rinsed free of contaminants.

(6) Glass shall be separated by color, and each color of glass shall be placed in a receptacle designated for that color at the recycling dropoff.

(7) Cans shall be placed in the receptacle designated for cans at the recycling dropoff.

(8) Plastic bottles shall be placed in the designated receptacle at the recycling dropoff.

(9) Paper and cardboard shall be neatly stacked in their designated areas in the dropoff.

B. Bundling requirements of Subsection A(1), (2) and (3) above are not applicable in cases where the complex has secured the services of a private recycler which does not have these requirements. Glass, cans and plastic separation requirements are not required if a municipally approved commingled market has been secured.

§ 174-16. Mandatory commercial and institutional source-separation program.

A. All persons generating municipal solid waste within this city through the operation of a commercial or

institutional establishment shall source-separate and arrange for the collection for recycling of all designated recyclables within 60 days of the effective date of this article.

B. Designated recyclables for the mandatory commercial and institutional source-separation program shall consist of the following materials:

(1) High-grade paper, including but not limited to white letterhead paper, white bond paper, white typing paper, white copier paper, white notepad paper, white writing paper, other nonglossy white office paper without plastic, computer printout paper, manila folders, computer tab cards and white onionskin paper.

(2) Cardboard.

(3) Glass, cans and plastic bottles generated by food and beverage service establishments, including school and employee cafeterias.

(4) Other recyclable materials as designated by this city at any time 30 days after said designation and publication of notice of the designation in a newspaper of general circulation.

C. The arrangement for collection of designated recyclables for disposition hereunder shall be the responsibility of the highest management individual of any commercial or institutional establishment generating designated recyclables. Said arrangements may include, without limitation, directing marketing of recyclables, delivery to an authorized municipal dropoff, contracts with solid waste collectors/haulers for separate collection of any or all designated recyclables, contracts with other persons for separate collection of any or all designated recyclables or direct delivery to a county recycling facility upon notification by OWM that deliveries of specified designated recyclables will be accepted at the facility.

D. Commercial and institutional generators shall bear responsibility for the proper disposition of recyclables even though said generator may contract with another party for disposition. Each generator shall submit to the Municipal Recycling Coordinator by the first of February of each year documentation verifying the previous year's total recycling (expressed by weight). Documentation shall take the form of letters verifying weight issued by the receptor to the generator of the recycled material. Weight slips or paid invoices must be maintained by the generator and/or receptor for inspection if required by this city, county or state.

§ 174-17. Unlawful activities; nuisance.

A. It shall be unlawful for:

(1) Any person, other than those persons authorized, to collect any designated recyclable which has been placed at the roadside for collection or within a recycling dropoff pursuant to this article.

(2) Any person to violate or to cause or to assist in the violation of any provision of this article or any provision of the County Plan concerning recycling.

(3) Any person to place or to cause or to be placed any material other than a designated recyclable in or near a recycling dropoff.

(4) Any person to hinder, to obstruct, to prevent or to interfere with this city, the county or any other authorized persons in the performance of any duty under this article or in the enforcement of this article.

B. All unlawful conduct set forth in § 174-17A shall constitute a public nuisance.

§ 174-18. Noncollection of solid waste contaminated by designated recyclables.

This city or any other person collecting solid waste generated within this city may refuse to collect solid waste from any person which has clearly failed to source-separate recyclables designated under any applicable section of this article, and such person shall be subject to the penalties set forth in this article.

§ 174-19. Other means of disposal.

Notwithstanding anything herein to the contrary, any resident of the city may donate or sell any recyclable to any other person, whether operating for a profit or not for profit; provided, however, that the person receiving the recyclables shall not, under any circumstances, collect the donated or sold material from an established recycling collection route or from a recycling dropoff without prior written permission from this city for such collection. Permission for such collection shall not be given for any day other than a Saturday or Sunday and in no case shall such permission be given to collect recyclables from a recycling dropoff.

§ 174-20. Noninterference with existing contracts.

A. Nothing contained in this article shall be construed to interfere with or in any way modify the provisions of any existing contract which is consistent with N.J.S.A.13:1E-29 and in force in the municipality on the effective date of this article.

B. No renewal of any existing contract upon the expiration of the original term thereof and no new contract for the collection, transportation, processing or purchase of solid waste or recyclables shall be entered into after the effective date of this article, unless such renewal or such contract shall conform to the requirements of this article.

§ 174-21. Separation and disposal of leaves.

A. No person shall dispose of leaves, arrange for the disposal of leaves or cause leaves to be disposed of in any manner not approved by the New Jersey Department of Environmental Protection (NJDEP) as an acceptable method of reusing leaves.

B. All persons who gather leaves and who are served by a municipal program of separate collection of leaves shall source-separate all leaves and place them for collection at the times and in the manner heretofore or hereafter prescribed by the city.

C. All persons who gather leaves and who are not served by a municipal program for separate collection of leaves shall arrange for the separate disposal or processing of leaves at a composting facility or an agricultural, horticultural, silvicultural or other commercial operation which processes or utilizes leaves for compost, mulch or other beneficial uses and which is authorized by NJDEP to accept leaves.

D. Nothing herein shall require any person to gather leaves or prevent any person from utilizing leaves generated on his property for use on their property for compost, mulch or other agricultural, horticultural, silvicultural, gardening or landscaping purposes.

§ 174-22. Enforcement.

A. Recycling.

(1) Enforcement officer for this article. The Public Works Manager shall be responsible, under the authority of the City Clerk, for the implementation and enforcement of all recycling requirements of this article, and shall have the authority to designate, as is necessary, employees from the Department of Public Works to monitor and enforce the provisions of this article.

(2) In addition to the enforcement officer, the Burlington County Health Department is hereby appointed as an enforcement officer for the implementation and enforcement of the commercial and institutional recycling requirements of this article, as well as the implementation and enforcement of § 174-14, Establishment of dropoff program for apartment and condominium complexes and mobile home parks, of this article.

(3) Enforcement of this article shall be commenced in the Municipal Court of the City of Bordentown, and penalties or fines shall be collected with costs in a summary civil proceeding.

(4) Any penalties or fines collected in an enforcement action shall be paid to the city when such action is brought by the Public Works Manager. Any penalties or fines collected in an enforcement action shall be paid to the Treasurer of Burlington County when such action is brought by the Burlington County Health Department.

B. Solid waste; litter, garbage and rubbish.

(1) The enforcement officer appointed pursuant to § 174-22A of this article shall also have the authority to and shall be responsible for the implementation and enforcement of all solid waste, garbage, rubbish and leaves requirements of this article.

(2) Enforcement of this article shall be commenced in the Municipal Court of the City of Bordentown, and penalties or fines shall be collected with costs in a summary civil proceeding.

(3) Any penalties or fines collected in an enforcement action shall be paid to the city.

§ 174-23. Violations and penalties.

A. Any person who violates the provisions of this article shall, upon conviction thereof in a proceeding before a court of competent jurisdiction, be subject to the following fines:

(1) Residential recycling violation. A fine of not less than $25 and not more than $1,000.

(2) Commercial or institutional violation. A fine of not less than $500 and not more than $1,000.

B. Each continuing day of violation of this article shall constitute a separate offense.

C. Upon reasonable suspicion that a residential or commercial user is violating the provisions of this article requiring mandatory recycling, the Public Works Manager may cause to be inspected the trash or containers and surrounding premises of both residential and commercial users to determine whether the requirements of this article are being met.

§ 174-24. Injunctions; concurrent remedies.

A. In addition to any other remedy provided in this article, this City may institute a suit in equity where unlawful conduct or public nuisance exists for an injunction to restrain a violation of this article or the County Plan. In addition to an injunction, the court may impose penalties as authorized by § 174-23 hereof.

B. The penalties and remedies prescribed by this article shall be deemed concurrent. The existence or exercise of any remedy shall not prevent this City or the county from exercising any other remedy provided by this article or otherwise provided at law or equity.

§ 174-25. Construal of provisions.

The terms and provisions of this article are to be liberally construed so as best to achieve and to effectuate the goals and purposes hereof. This article shall be construed in pari materia with the SWMA and the New Jersey Administrative Code regulations interpreting the same and the county recycling plan.

§ 174-26. Severability.

The provisions of this article are severable. If any provision of this article or its application to any person or circumstances is held invalid, said invalidity shall not affect any other provision or application of this article which can be given effect without the invalid provision or application of this article.

§ 174-27. Repealer.

All provisions of any other ordinance which are inconsistent with the provisions of this article are hereby repealed.

§ 174-28. When effective.

This article shall become effective upon final adoption and publication in the manner prescribed by law.

ARTICLE III
Disposal of Sharp Medical Instruments
[Adopted 7-8-2002 by Ord. No. 2002-8]

§ 174-29. Definitions.

As used in this chapter, the following term shall have the following meaning:

> SHARP MEDICAL INSTRUMENTS — Hypodermic needles and any other sharp instrument used in the

home by patients to treat any and all illness and disease, including but not limited to diabetes, allergies or infertility, that may carry bloodborne pathogens.

§ 174-30. Purpose.

The Commissioners of the City of Bordentown believe it to be in the best interest of its employees and residents to require the proper disposal of all hypodermic needles and other sharp instruments used to treat medical ailments in the home. Proper disposal of these medical instruments assists in the reduction of injuries sustained by residents and employees in the City. Also, properly disposing sharp medical instruments prevents the spread of disease and environmental contamination and pollution.

§ 174-31. Guidelines.

The residents of Bordentown City who dispose of sharp medical instruments in their household trash shall adhere to the following guidelines:

A. Place sharp instruments in a thick, opaque, puncture-proof container after use.

B. Label the container "used sharp instruments" or other similar language.

C. Keep the container away from the reach of children and animals.

D. Throw out all needles, syringes and other sharp items into the container after use.

E. When the container is approximately 3/4 full, it should be disposed of.

F. Tightly seal the container with a lid.

G. Reinforce the lid with heavy-duty tape.

H. Wrap the container in brown paper bag or newspaper and mark it DO NOT RECYCLE.

I. Place the wrapped container in the garbage for regular garbage collection.

§ 174-32. Violations and penalties.

A. Any person who violates the provisions of this article shall, upon conviction thereof in a proceeding before the City of Bordentown Municipal Court, be subject a fine of $100 for the first offense and a fine of not less that $300 and not more that $1,000 for each subsequent offense.

B. Each violation of this article shall constitute a separate offense.

Chapter 180

HISTORIC PRESERVATION

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[HISTORY: Adopted by the Board of Commissioners of the City of Bordentown 6-25-1984 by Ord. No. 1984-12; amended in its entirety 5-11-2009 by Ord. No. 2009-06. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Land use procedures — See Ch. 51.
Building repair, maintenance and inspection — See Ch. 130.
Property maintenance — See Ch. 216.
Subdivision of land and site plan approval — See Ch. 244.
Zoning — See Ch. 300.

ARTICLE I
Title, Scope and Purpose

§ 180-1. Short title; authority.

A. Short title.

(1) This Chapter 180 shall be known by and may be referred to by the short title of "The Historic Preservation Ordinance of the City of Bordentown" and may be cited as such.

(2) This chapter shall consist of text and Zoning Map, said Zoning Map being entitled "Zoning Map, City of Bordentown." This map, together with all explanatory matter thereon, is declared to be part of this chapter, and is on file with the City Clerk and Planning Board Secretary. If and when changes are made in zoning boundaries as included on said Zoning Map, such changes in the map shall be made promptly after the City governing body approves such amendment.

B. Authority. This chapter is enacted pursuant to the authority granted by Chapter 291, Laws of 1975, commonly referred to and cited as the "Municipal Land Use Law" (N.J.S.A. 40:55D-1 et seq.), as amended; and, without limiting the foregoing, pursuant to the authority granted by Chapter 516, Section 21, Laws of 1985, commonly referred to and cited as the "Historic Preservation Commission," N.J.S.A. 40:55D-107.

§ 180-2. Establishment of System for historic preservation.

A. Framework. The Board of Commissioners of the City of Bordentown hereby creates a framework of regulations and measures that will be employed by the City to effect and enhance historic preservation.

B. Regulations and measures. Said regulations and measures shall include, but not be limited to, establishment and operation of an Historic Preservation Commission, to perform, manage, and coordinate advancing public interests through historic preservation and manage change within the City through designation and regulation of historic landmarks and historic districts within the City; and issuance of certificate of appropriateness; and other measures and regulations referenced herein.

§ 180-3. Scope; minimum requirements.

The provisions of this chapter shall be held to be minimum requirements. It is not intended by this chapter to repeal, abrogate, annul or in any way to impair existing provisions of other articles, chapters, or ordinances, except those specifically repealed by this chapter, or private restrictions placed upon property by deed, covenant or other agreements. Where this chapter imposes a greater restriction than is imposed and required by other provisions of law or by other rules, regulations or resolutions, the provisions of this chapter shall control. Where the provisions of any other laws, ordinances, rules, regulations, or resolutions require greater restrictions than are imposed by this chapter, the provisions of such other laws, rules, regulations or restrictions shall control.

§ 180-4. Intended purposes.

The intention of this chapter is to advance public interests, effectuate and accomplish the protection, enhancement, and perpetuation of historic resources, buildings, structures, sites, objects, improvements, and districts within the City of Bordentown; to implement certain aspects of the City's Master Plan; to provide guidance to property owners in achieving preservation of historic resources; and to advance the following public purposes:

A. To enhance the general welfare of the public by preserving and protecting historic, architectural, engineering, social, cultural, archaeological, scenic, and aesthetic, resources in the City;

B. To promote the economic welfare of the City through the protection, preservation, rehabilitation, and reconstruction of its historic resources, historic landmarks and historic districts;

C. To encourage the continued use of historic resources, historic landmarks and historic districts, and to facilitate their appropriate use or reuse;

D. To identify, designate, and regulate historic resources, historic landmarks and historic districts, in order to preserve their historic, architectural, engineering, social, cultural, archaeological, scenic, and aesthetic significance;

E. To enhance the public's knowledge and appreciation of the history and historic resources of the City of Bordentown, for the education, pleasure, and welfare of the local population and visitors;

F. To foster civic pride in the history, culture, and architecture of Bordentown City;

G. To encourage beautification and private reinvestment in historic resources, historic landmarks and historic districts, and surrounding properties;

H. To maintain the visual and aesthetic continuity, diversity, and character of the City and its neighborhoods;

I. To maintain and develop an appropriate and harmonious setting for Bordentown City's historic resources, historic landmarks and historic districts;

J. To manage change of historic resources, historic landmarks and historic districts, by encouraging sensitive alteration and/or new construction in keeping with the historic character of the City;

K. To recognize the importance of historic resources, historic landmarks and historic districts, by urging property owners and tenants to maintain their properties in keeping with the requirements and standards of this chapter;

L. To coordinate, manage, and maintain an overall vision of historic and cultural preservation within Bordentown and the region, on behalf of the City;

M. To encourage the proper maintenance and preservation of historic settings and landscapes; and

N. To discourage the unnecessary demolition or removal of historic resources, historic landmarks and historic districts.

ARTICLE II
Word Use and Definitions

§ 180-5. Compliance with other definitions.

Unless otherwise expressly stated, the following terms shall, for the purposes of this chapter, have the meaning as herein defined. Any word or term not noted below shall be used with a meaning as defined in Webster's Third New International Dictionary of the English Language, unabridged, or its most recent edition thereof. Moreover, whenever a term is used in this chapter which is defined in N.J.S.A. 40:55D-1 et seq., such term is intended to have the meaning as defined in N.J.S.A. 40:55D-1 et seq., unless specified to the contrary in this chapter. Where improvements are governed by the New Jersey Residential Site Improvement Standards (RSIS), such terms shall have the same meaning as in N.J.A.C. Title 5, Chapter 21.

§ 180-6. Definitions and descriptions.

Unless otherwise expressly stated or the context otherwise requires, the following words and terms, for the purpose of this chapter or any rules and regulations later adopted hereunder, shall have the meanings as indicated:

ADDITION — An extension or increase in the size, floor area, lot coverage, or height of any building, structure, site, object, improvement, or landmark.

ADMINISTRATIVE OFFICER — The City employee or officer, appointed by the Mayor, who is responsible for various administrative duties set forth herein.

AFFECTING A LANDMARK OR HISTORIC DISTRICT — Any activity or proposed work shall be deemed to be "affecting

a designated historic landmark" if the Construction Code Official, Historic Preservation Commission, Zoning Board of Adjustment, Planning Board, or governing body shall so find pursuant to the general criteria for review in Article V, § 180-18, of this chapter; or if the aforesaid activity or work is proposed to be conducted on a property or lot that is partly or entirely within:

A. An historic landmark; or

B. An historic district; or

C. An historic buffer area; or

D. The vista or view of an historic landmark or historic district; or

E. If the aforesaid activity or work would alter or remove any historic feature of an historic resource.

ALTERATIONS —

A. Any change in the exterior features; rearrangement in the structural parts, or in the existing facilities; an addition; moving any building, structure, object, or improvement or combination of them from one location or position to another; changes to the appearance of an exterior surface other than paint, except for new paint applied to historically unpainted surfaces; changes or modifications to its historic features; and addition of a sign or the enlargement of any existing sign.

B. "Alterations" does not mean painting or cleaning, except new paint applied to historically unpainted surfaces; ordinary maintenance and repairs; or repairs on an existing property, site, building, structure, or improvement, after a sudden disaster (such as a storm, flood, or fire), for the limited purposes of:

(1) Protecting human life, human safety; and

(2) To the extent then possible, protecting the historic resource from further damage.

APPLICATION — A request to the Commission made pursuant to this chapter for the purposes of obtaining a certificate of appropriateness or other action by the Historic Preservation Commission hereunder specified.

APPLICATION FOR DEVELOPMENT — An application to the Planning Board or the Zoning Board of Adjustment of the City of Bordentown for approval of a major or minor subdivision, plat, or site plan, planned development, conditional use, or zoning variance, or an application for the construction, reconstruction, conversion, alteration, relocation, or enlargement of any building or other structure, excavation, or landfill, or for any use, or change in the use, of any building, or other structure, or of any parcel of land, for which permission may be required pursuant to the Municipal Land Use Law.

BUILDING — Any man-made structure created principally to shelter any form of human activity as well as its functionally related appurtenances or improvements such as a house and a barn. Human activity includes business, education, habitation, manufacture, religion, shelter, storage, trade, transportation, and the like.

CERTIFICATE OF APPROPRIATENESS OR C/A — That permit issued by the Historic Preservation Commission which is required before any work may be commenced on any historic landmark or any building, structure, site, object, or improvement, located within an historic district.

COMMISSION OR HPC — The Historic Preservation Commission established pursuant to the provisions of this chapter; it acts as the Historic Preservation Commission referred to in the Municipal Land Use Law and cited as N.J.S.A. 40:55D-107 et seq., and as set forth in Chapter 180 of the General Code of the City of Bordentown.

CONSTRUCTION OFFICIAL — The officer in charge of the granting of building or construction permits in the City.

DEMOLITION — The partial or total razing, dismantling, "gutting," or destruction, whether entirely or in part, of any designated property, site, building, structure, object, or improvement, or the obliteration of any natural feature. Demolition includes the removal of a property, site, building, structure, object, or improvement, from its location, or the removal, or destruction, of its facade, surface, or cultural, historical, archaeological, or architectural elements.

DESIGNATED LANDMARK OR DISTRICT — An individual building, structure, site, object, improvement or district which has been determined to have historical, architectural, archeological, cultural, engineering, aesthetic, or other significance pursuant to the provisions of this chapter.

DEVELOPMENT — The division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or structure, or of any mining, excavation, or landfill, and any use, or change in the use, of any building, or other structure, or land, or use of land, for which permission may be required pursuant to the Municipal Land Use Law (N.J.S.A. 40:55D-4).

HISTORIC — Having historical, cultural, architectural, archeological, aesthetic, economic, engineering, social, or other significance as defined by the provisions of this chapter, whether from an historic or prehistoric era.

HISTORIC BUFFER AREA — A surface area circumscribed by measuring 200 feet from the lot line surrounding each designated historic building, improvement, landmark, or site, which is not located within an historic district. "Historic buffer area" shall also mean a surface area circumscribed by measuring 200 feet from the lot lines surrounding each historic district, with all the lots comprising an historic district collectively viewed as a single entity.

HISTORIC DISTRICT — One or more historic sites and intervening or surrounding property significantly affecting or affected by the quality and character of the historic site or sites (N.J.S.A. 40:55D-4). For the purposes of this chapter, "historic district" shall further mean such overlay zone district or districts as are identified on the Zoning Map of the City of Bordentown pursuant to N.J.S.A. 40:55D-65.1.

HISTORIC DISTRICT RESOURCES — Those resources classified as either "key," "contributing" or "noncontributing," which are defined as follows:

A. KEY — Any buildings, structures, sites, objects or improvements which, due to their significance, would individually qualify for historic landmark status;

B. CONTRIBUTING — Any buildings, structures, sites, objects or improvements which are integral components either because they date from a time period which makes them historically significant or because they represent an architectural type, period or method which is historically significant; and

C. NONCONTRIBUTING — Any buildings, structures, sites, objects or improvements which do not add to the historic architectural qualities, historic associations, or archaeological values for which an historic district is significant because:

   (1) They were not present during the period of significance;

   (2) Due to alterations, disturbances, additions, or other changes, they no longer possess historic integrity reflecting their character at that time or are incapable of yielding important information about the period; or

   (3) They do not independently meet the National Register criteria.

HISTORIC LANDMARK(S) — Any buildings, structures, sites, objects, or improvements, or districts, which possess integrity of location, design, setting, materials, workmanship, and association, which have been determined, pursuant to the terms of this chapter, to meet one or more of the following criteria:

A. Of particular historic significance to the City of Bordentown by reflecting or exemplifying the broad cultural, political, economic, or social history of the nation, state or community; or

B. Associated with the historic personages important in national, state, or local history; or

C. The site of an historic event which had a significant effect on the development of the nation, state, or community; or

D. An embodiment of the distinctive characteristics of a type, period, or method of architecture or engineering; or

E. Representative of the work or works of a locally, regionally, or nationally important or recognized builder, designer, artist, or architect; or

F. Significant for containing elements of design, detail, materials, or craftsmanship which represent a significant innovation; or

G. Able or likely to yield information important in prehistory or history.

HISTORIC RESOURCE — Any prehistoric or historic district, site, building, structure, or object, included in or eligible for inclusion in, the historic preservation element of the Master Plan.

HISTORIC SITE — Any property, whether real or personal, man-made structure, natural object or configuration, or any portion or group of the foregoing of historical, archaeological, cultural, scenic, or architectural significance (N.J.S.A. 40:55D-4). For the purposes of this chapter, "historic site" shall

further mean such sites as have been identified in the Master Plan as meeting the above-listed criteria.

IMPROVEMENT — Any structure or any part thereof installed upon real property by human endeavor and intended to be kept at the location of such construction of installation for a period of time not less than 120 continuous days.

IN-KIND — Same material, color, shape, quality, and appearance, based on historic research and physical evidence of essential form and detailing of historical materials or features. All changes must maintain integrity. Historic components must be documented in place ("in situ") as required by the Historic Preservation Commission (with photos, measurements, profiles, and drawings) prior to in-kind treatment, repair or replacement.

INTEGRITY — The ability of a property or element to convey its historic significance; the retention of those essential characteristics and features that enable a property to effectively to convey its significance.

INTERESTED PARTY — Any person whose right to use, acquire or enjoy property is affected by any action taken under this chapter, or under any other law of this state or of the United States, has been denied, violated or infringed by an action or a failure to act under this chapter (N.J.S.A. 40:55D-4).

INVENTORY — A list of surveyed historic properties determined to meet the criteria of significance specified herein.

LANDMARK — A building, structure, site, or object which has a special character or special historical or aesthetic interest as part of the development, heritage, or cultural characteristics of the City, state, or nation, and which has been designated as a landmark pursuant to the provisions of this chapter (N.J.S.A. 40:55D-112).

LANDMARK DISTRICT — A geographic area with distinctly definable boundaries composed of several buildings or sites which:

A. Have acquired a unity of character through the interrelationship of the component buildings and sites; and

B. Have been designated as having historical, archeological, cultural, scenic, architectural or other significance pursuant to the provisions of this chapter.

MASTER PLAN — The Master Plan of the City of Bordentown, as amended from time to time, compiled pursuant to the Municipal Land Use Law.

MINOR APPLICATION — Any application for a certificate of appropriateness which:

A. Does not involve demolition, relocation or removal of an historic landmark or a key or contributing resource in an historic district;

B. Does not involve an addition to an historic landmark or a property in an historic district or new construction in an historic district;

C. Is a request for approval of fences, signs, lighting, paving, exterior sheathing, trim, shutters, gutters, or streetscape work, which strictly complies with the adopted design guidelines for the proposed improvement and which, in opinion of the Chairman of the Commission, will not substantially affect the characteristics of the historic landmark or the historic district; or

D. Is a request for a field change for a certificate of appropriateness which has already been issued and which meets the criteria of Subsection C above.

MUNICIPAL LAND USE LAW — The Municipal Land Use Law of the State of New Jersey, P.L. 1975, c. 291 (N.J.S.A. 40:55D-1 et seq.), as amended from time to time.

NATIONAL REGISTER CRITERIA — The established criteria for evaluating the eligibility of properties for inclusion in the National Register of Historic Places, as set forth in 36 CFR 60.4 et seq.

OBJECT — A material thing of functional, aesthetic, cultural, historic, scenic, engineering, archaeological, or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.

ORDINARY MAINTENANCE AND REPAIR — The repair of any ordinary deterioration, wear, or damage to a structure, or any part thereof, from its intended, normal operation or use, in order to return the same as nearly as practicable to its condition, operation, and appearance prior to the occurrence of such deterioration, wear, or damage with in-kind material and quality workmanship and having the same appearance. Ordinary maintenance and repair shall include "routine maintenance" or "cyclical maintenance."

OWNER — Any person having a right, title, or interest in any property so as to be legally entitled, upon obtaining such permits and other authorizations as may be required pursuant to law, to perform construction, alteration, removal, demolition, or other work, with respect to such property. "Owner" shall include a person or legal entity that has the actual or apparent authority from the owner to act on the owner's behalf.

OVERLAY ZONE DISTRICT — A finite area of land, as designated by its boundaries on the Zoning Map, through which additional, specific, and uniform regulations govern land and structures on a geographic area but do not change the underlying zoning.

PERMIT — Any required approval, including but not limited to a certificate of appropriateness, construction permit, demolition permit, or a zoning permit.

PRESERVATION or PRESERVE — The act or process of applying measures necessary to sustain the existing form, integrity and materials of an historic property. Work, including

preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken. New exterior additions are not within the scope of "preservation"; however, the limited and sensitive upgrading of mechanical, electrical, and plumbing systems, and other code-required work, to make properties functional is appropriate within a preservation project.

PROPORTION — A system of comparative relationships with respect to size, shape, and amount, especially in relation to the whole. Systems of proportion govern the relationships between and among design aspects of property, site, building, building elements, improvements, objects, district, streetscape, and setting. Proportion applies at all scales. Generally, the goal of a proportional system is to produce a sense of order, coherence, and harmony between and among the parts, things, or elements.

PROTECTION or PROTECT — The act or process of applying measures designed to affect the physical condition of a property by defending or guarding it from deterioration, loss, or attack, or to cover or shield the property from damage or destruction.

RECONSTRUCTION or RECONSTRUCT — The act or process of depicting, or reproducing, by means of new construction, the form, features, and detailing, of a nonsurviving building, structure, site, object, improvement or landscape for the purpose of replicating its appearance at a specific period of time and in its historic location when documentary and physical evidence is available.

REHABILITATION or REHABILITATE — The act or process of making possible an efficient compatible contemporary use for a property through repair, alterations, or additions, while preserving those portions or features of the property that convey its historical, cultural, archeological, or architectural values.

REPAIR — Any physical work done on an improvement that is not an addition and does not change the exterior appearance, or historic or cultural features, of any improvement; provided, however, that any such repairs must be done with materials and workmanship of the same quality as the existing materials and workmanship of the improvement.

REPLACEMENT or REPLACE — The act or process of replicating any feature that is used to substitute for an existing and deteriorated or extensively damaged feature.

REMOVAL — To partially or completely cause a structure, building, improvement, or object, or portion thereof, to change to another location, position, station or residence.

RESTORATION or RESTORE — The act or process of accurately recovering the form, details, features, and character of a property and its setting as it appeared at a particular period of time. It may sometimes mean the removal of features from other periods in its history and reconstruction or replacement of missing features from the restoration period. Restoration shall include documentation, retention, preservation, and safekeeping of features removed that are from other periods and which have acquired cultural, historic, or architectural value of their own. The limited and sensitive upgrading of mechanical, electrical, and plumbing, systems and other code-required work to make properties functional is appropriate within a restoration project.

SECRETARY OF INTERIOR'S STANDARDS — The standards and guidelines issued by the U.S. Department of the Interior, National Park Service, pursuant to the Historic Preservation Act; 36 CFR 67; and 36 CFR 68. They are intended to apply to a wide range and wide variety of resource types, including buildings, sites, structures, objects and districts. They address preservation, rehabilitation, restoration, and reconstruction. The Treatment Standards, developed in 1992, were codified as 36 CFR Part 68 in the July 12, 1995, Federal Register (Vol. 60, No. 133), and Standards for Rehabilitation were codified in 36 CFR 67. An illustrated publication regarding rehabilitation was issued pursuant to the

foregoing standards is available under the title, "The Secretary of the Interior's Standards for Rehabilitation and Illustrated Guidelines for Rehabilitating Historic Buildings" (1991, reprinted 1997).

SITE — Any place, real property, or part, or combination of properties, whether public or private, with or without improvements, which is the location of a significant event or series of events, a prehistoric or historic occupation or activity, a trail, route, building, structure, or object, or any configuration, portion, or group of the foregoing, whether standing, ruined, or vanished, where the location itself possesses historical, cultural or archeological value regardless of the value of any existing building, structure, or object above or below the property's surface.

STREETSCAPE — The visual character of the street, including, but not limited to, the architecture, building setbacks and height, fences, storefronts, signs, lighting, parking areas, materials, color, sidewalks, curbing and landscaping.

STRUCTURE — Any combination of materials used to form a construction for the purposes of occupancy, use, or ornamentation, having a fixed location on, above or below the surface of land, or attached to something having a fixed location on, above, or below the surface of the land. For the purposes of this chapter only, the word "structure" shall also include, but not be limited to, bridges, signs, fences, walls, and paving materials.

SUDDEN DISASTER — Any incident, natural or man-made, or a series of incidents, that occurs without sufficient advance warning to take measures to protect or preserve a property, land, building, site, object, or improvements, which incident causes significant damage to a property, building, site, object, or improvements thereon. Sudden disaster shall include, without limiting the foregoing, fire, flood, or storm damage. Sudden disaster does not mean deterioration; wear over time due to ordinary use; or damage related to neglect, failure, or willful refusal, by a property owner or occupant, to perform ordinary maintenance and repairs, and preservation, in a

timely or workmanlike manner; or failure to take protective measures when there are advance warnings of impending disaster.

SURVEY — The process of identifying and gathering data on the City's resources for the ascertainment of their historical, architectural, archeological, aesthetic, cultural, engineering, social, or other significance. It includes a field survey that is the physical search for and recording of historic resources on the ground, preliminary planning and background research before the field survey begins, organization and presentation of survey data as the survey proceeds, and the development of inventories.

SURVEY DATA — The raw data produced by the survey; that is, all the information gathered on each property and area investigated.

VIEW or VISTA — The view by the public of a building, structure, site, object, improvement, or landscape, from any point on a street, road or walkway which is used as a public thoroughfare, either vehicular and/or pedestrian. A "vista" means a view from a location on, near, or within a building, structure, site, object, improvement, or a landscape.

ARTICLE III
Historic Preservation Commission

§ 180-7. Establishment; members.

A. Establishment. There is hereby established within the City of Bordentown an Historic Preservation Commission (HPC), whose members shall serve without compensation. The Historic Preservation Commission shall act as the Historic Preservation Commission pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-107 et seq.

B. Members. The Commission shall be comprised of seven regular members and two alternates. At least one member shall be appointed from each of the following classes,

including no fewer than a total of three members from Classes A and B:

(1) Class A: a person who is knowledgeable in building design and construction or architectural history and may reside outside the City; and

(2) Class B: a person who is knowledgeable in, or who has demonstrated an interest in, local history and who may reside outside the municipality; and

(3) Class C: citizens of the City who shall hold no other municipal office, position or employment, except for membership on the Planning Board or Zoning Board of Adjustment. Class C members should have at a minimum a demonstrated interest in history, historic preservation or a related field.

C. Alternate members. Two alternate members shall also serve on the Commission. They must qualify as Class C members and shall be designated as "Alternate #1" or "Alternate #2" at the time of appointment. Alternate members may participate in all Commission discussions during proceedings but may not vote except in the absence or disqualification of a regular member. In the event that a choice must be made as to which alternate member is to vote, Alternate #1 shall vote. A vote shall not be delayed in order that a regular member may vote instead of an alternate member.

§ 180-8. Appointment of members; terms; vacancies (N.J.S.A. 40:55D-107).

A. The Mayor shall appoint all members of the Commission and shall designate at the time of appointment the regular members by class and alternate members as "Alternate #1" and "Alternate #2." The Mayor shall appoint a full membership, including regular and alternate members, within 60 days from the effective date of this chapter.

B. The terms of the members first appointed shall be so determined that, to the greatest practicable extent, the expiration of the terms shall be distributed, in case of regular members, evenly over the first four years after their appointment and, in the case of alternate members, evenly over the first two years after their appointment, provided that the initial term of no regular member shall exceed four years, and that the initial term of no alternate member shall exceed two years. Thereafter, the term of a regular member shall be four years; and the term of an alternate member shall be two years.

C. A vacancy occurring otherwise than by expiration of a term shall be filled within 60 days for the unexpired term only.

D. No more than two members of the Historic Preservation Commission shall simultaneously serve as a member on the Planning Board or Zoning Board of Adjustment.

E. The presence of four members at a meeting shall constitute a quorum; this quorum may include alternate members filling vacancies of regular members due to absence or disqualifications. A majority vote of those present and voting shall prevail, and shall be sufficient to grant or deny a certificate of appropriateness, except a C/A regarding a demolition permit. A majority of the appointed membership shall be required to recommend a change or addition to a landmark or historic district, or to grant a certificate of appropriateness regarding a demolition permit.

F. The City governing body may remove a member of the Historic Preservation Commission for cause, after public hearing if he or she so requests it.

§ 180-9. Officers.

The officers of the Historic Preservation Commission shall be as follows: The Historic Preservation Commission shall elect a Chair and Vice-Chair from its members and select a Secretary,

who may or may not be a member of the Historic Preservation Commission or a municipal employee (N.J.S.A. 40:55D-107c).

§ 180-10. Rules and organization.

A. The Historic Preservation Commission shall recommend to the City governing body for adoption written rules and procedures for the transaction of its business and for the consideration of applications for certificates of appropriateness and for the designation of historic landmarks and historic districts. Such rules and procedures shall not be inconsistent with the provisions of this chapter and shall include but not be limited to rules pertaining to all notices and hearings required herein.

B. The Historic Preservation Commission shall establish a regular schedule of monthly meetings, and shall meet unless there is no Historic Preservation Commission business to be conducted. Additional meetings may be called by the Chairperson or Vice-Chairperson as required to fulfill the Historic Preservation Commission's obligations under this chapter.

C. The Historic Preservation Commission Secretary shall keep minutes and records of all meetings and proceedings, including agendas, voting records, attendance, resolutions, reports, findings, determinations, decisions and applications, which shall be public documents. All meetings shall be noticed, have a previously advertised agenda, and be conducted in accordance with the Open Public Meetings Act (N.J.S.A. 10:4-6 et seq.), and applicants shall be notified of decisions in writing. Copies of all minutes shall be delivered to the City Clerk, maintained at City Hall, and available to the public. A record of Historic Preservation Commission proceedings shall be kept and made publicly available. Minutes shall include the reasons for Historic Preservation Commission decisions, but a formal verbatim record shall not be required. The Historic Preservation Commission may, in historic preservation's absolute discretion, make unofficial

duplicates of some or all of its records available to the public.

D. Copies of records shall be made available to municipal bodies, agencies, and officials for their use. When the Planning Board or the Zoning Board of Adjustment refers an application to the Historic Preservation Commission, then the referring board shall receive a copy of the Historic Preservation Commission's report.

E. The City Construction and Planning Offices shall maintain and display an up-to-date map showing the boundaries of all areas designated as historic landmarks and districts.

F. No member of the Historic Preservation Commission shall be permitted to act on any matter in which he or she has, either directly or indirectly, any personal or financial interest. Unless a member resides or owns property within 200 feet of property that is the subject of an application, mere ownership or residence in a designated historic district and/or ownership of a designated historic landmark or a nondesignated property shall not be deemed a personal or financial interest.

G. All rules, regulations, and guidelines of the Historic Preservation Commission shall be subject to the approval of the City governing body and shall be made available to the public and applicants at City Hall for inspection.

§ 180-11. Duties and responsibilities.

The duties and responsibilities of the Historic Preservation Commission shall be as follows:

A. To prepare, record, and maintain a system for the survey and inventory of historic resources within the City using criteria that are compatible with National Park Service Bulletin Number 24, Guidelines for Architectural Surveys and coordinated with the State of New Jersey Historic Preservation Office's statewide inventory;

B. To make recommendations to the City governing body, Planning Board, and Zoning Board of Adjustment, for the designation of local landmarks and historic districts. The recommendations shall be based on criteria established for inclusion on the National Register;

C. To make recommendations to the Planning Board on the historic preservation plan element of the master plan, capital improvement program, and on the implications for preservation of historic sites on any other master plan elements;

D. To advise the Planning Board and Zoning Board of Adjustment on applications referred to the Historic Preservation Commission for development, alterations, demolition, and new construction affecting designated landmarks and historic districts by recommending the denial or grant of an application;

E. To review and render determinations regarding applications for certificates of appropriateness as set forth in this chapter, including those that are not referred from either the Zoning or Planning Boards;

F. To act in an advisory role to other officials and departments of the City government, County Planning Board, and other agencies as appropriate for preservation of historic resources, design, and protection of cultural resources regarding the designation and protection of cultural resources;

G. To act as a liaison on behalf of the City to individuals and organizations concerned with historical preservation;

H. To work toward the continuing education of citizens within the City regarding historic preservation issues and concerns;

I. To ensure that when a discipline is not represented on the Historic Preservation Commission and the Commission considers an action (e.g., development application,

National Register nominations) which is normally evaluated by a professional in that specific discipline, the Historic Preservation Commission shall obtain professional expertise before rendering a decision. All professional experts, whether paid or volunteer, must meet the applicable federal professional qualifications;

J. To ensure that all Historic Preservation Commission members annually attend either a conference or training workshop on historical preservation issues, land use, or related issues;

K. To review, monitor, and recommend, to the governing body, any properties or districts for inclusion in the New Jersey or National Register of Historic Places;

L. To monitor and recommend to the City governing body the submission of any grants related to historic preservation;

M. To carry out such other advisory, educational and informational functions as will promote historic preservation in the City;

N. To report annually to the Planning Board and the City governing body on the state of historic preservation in the City and recommend measures to improve same; and

O. To collect and disseminate material on the importance of historic preservation and techniques for achieving same.

§ 180-12. Budget; expert assistance.

A. The governing body shall make provision in its budget and appropriate funds for the expenses of the Historic Preservation Commission.

B. The Historic Preservation Commission may employ, contract for, and fix the compensation of experts, other staff, and services as it shall deem necessary, in accordance with local and state guidelines and laws. The Historic Preservation Commission shall obtain its legal

counsel from the municipal attorney at the rate of compensation determined by the City governing body, unless the City governing body, by appropriation, provides for separate legal counsel for the Historic Preservation Commission. Expenditures pursuant to this section shall not exceed, exclusive of gifts or grants, the amount appropriated by the City governing body for the Historic Preservation Commission's use.

§ 180-13. Finances.

The City governing body may establish by ordinance reasonable fees necessary to cover the expenses of administration and professional services to aid the Commission in its review of applications and development reviews. These fees are in addition to any other required under any portion of this or any other applicable City ordinance.

ARTICLE IV
Designation of Landmarks and Historic Districts

§ 180-14. Landmarks and historic districts designated.

A. The following areas are, and hereby continue to be, from the original date of such prior designation, each designated as an historic district of the City of Bordentown, and every structure therein is hereby designated an historic landmark worthy of protection and preservation:

   (1) The LC Local Commercial District as shown upon the Zoning Map of the City of Bordentown as adopted by Chapter 300, Zoning.

   (2) The Thompson Street neighborhood, defined as Block 901, Lots 14 to 28, inclusive, and Block 902, Lots 1 to 19, inclusive.

B. Other and additional historic districts and/or individual historic landmarks within or without an historic district

may be designated by reference to the City Zoning Map or City Tax Map as to districts or by City Tax Map as to individual historic landmarks. Such other and additional designations shall be based on the method, procedures, and standards forth in this chapter.

§ 180-15. Criteria for designation.

A. Survey. The Commission shall from time to time undertake a survey to identify proposed or potential historic districts or sites that are worthy of protection and preservation. This survey and identification shall be performed in accordance with and pursuant to a process approved by the State Historic Preservation Office (SHPO).

B. Criteria for designation. The criteria for evaluating and designating historic districts and sites should be consistent with the National Register criteria. The Commission shall identify buildings, structures, objects and sites within the City that merit designation and protection and that meet the criteria set forth in this chapter. The Commission or any interested party may recommend designation of historic sites or districts that have integrity of location, design, setting, materials, workmanship and association and that meet one or more of the following criteria:

(1) Character, interest, or value as part of the development, heritage or cultural characteristics of the City, state or nation.

(2) Association with events that have made a significant contribution to the broad patterns of national, state or local history.

(3) Association with the lives of persons significant in national, state or local history.

(4) Embodiment of the distinctive characteristics of a type or period of construction, architecture, or engineering or of a method of construction.

(5) Identification with the work of a builder, designer, artist, architect or landscape architect whose work has influenced the development of the City, state or nation.

(6) Embodiment of elements of design, detail, material or craftsmanship that render an improvement architecturally significant or structurally innovative.

(7) Likelihood of yielding information important in prehistory or history.

§ 180-16. Procedures for designation.

A. Interested parties, concerned citizens, or City officials or agencies may contact the Secretary to the Commission to request consideration of a proposed historic site or district. Based on its review, the Commission shall make a list of sites and districts that it proposes to nominate for designation and shall institute the designation procedures set forth in this chapter.

B. The formal nomination of an historic site or historic district shall include photographs of the property or properties, a copy of the Tax Map sheet on which the property or properties are located marked to show the location of the property or properties, a building-by-building inventory of all properties, photographs of all improvements, a physical description, and statement of significance that addresses the criteria for designation, and a written description of the location and boundaries of the site or district.

C. The list of proposed historic sites and historic districts, with accompanying information in support of the designation, including lot and block numbers and street addresses where available, shall be subject to review at a public hearing before the Commission.

D. After the preparation of the list of properties that it proposes for designation, and at least 10 days prior to the date scheduled for the hearing, the Commission shall, by certified mail, return receipt requested, attempt to notify each owner of a proposed historic site, or the owner of a property within a proposed historic district, of the date and time of the hearing and that his or her property is being considered for historic designation. Failure to obtain owners' signatures on certified mail receipts shall not invalidate the designation process.

E. At least 10 days before the hearing, a map and list of proposed designated sites shall be made available for public inspection at City Hall. At least 10 days prior to the date scheduled for the hearing, the list of proposed designated historic sites and districts, and notice of availability of the map showing the proposed designated historic sites and districts, shall be published, together with notice of the hearing, in the official newspapers of the City.

F. At the hearing, interested persons shall be entitled to present their opinions, suggestions, corrections, and objections to the proposed recommendations for the historic site or district designations.

G. Upon review of the proposed site or historic district, and after hearing the comments of the public, if any, the Commission shall forward the proposed site or district nominations and a complete list of involved properties to the Planning Board, accompanied by a report of its recommendations for sites and districts to be identified in the historic preservation element of the Master Plan and designated as historic sites or districts in the Land Development Ordinance (Chapter 300 of Bordentown City Code) and the criteria used in making its recommendations. Copies of the report shall be delivered to the Planning Board and the City Clerk, and a notice of the action shall be published in official newspapers of the City by the Commission.

H. In addition to any notices required for amendment to the Master Plan, notification of proceedings before the Planning Board shall be by public notice in the official newspapers of the City and by prominent posting on the City bulletin board in Town Hall at least 30 days prior to the Planning Board hearing. All other requirements of the Municipal Land Use Law regarding adoption of or amendments to the Master Plan and development regulations shall be followed.

I. After Planning Board review and adoption of a revised historic preservation element of the City of Bordentown City Master Plan that includes the historic sites and districts, the Commission shall submit the list of proposed historic sites and districts and a map to the City governing body for adoption to amend the Land Development Ordinance. In the event that the Planning Board does not recommend inclusion of the sites or districts in the historic preservation element, the Commission may nevertheless request that the City governing body consider designation pursuant to N.J.S.A. 40:55D-65.1.

ARTICLE V
Review of Alteration, Demolition, or New Construction Affecting Designated Landmarks or Historic Districts

§ 180-17. Actions requiring review.

A. General. All permits and development applications involving the development activities that affect an historic landmark or an improvement within an historic district shall be reviewed by the Commission. Such review shall be required for the following actions:

(1) Demolition of an historic landmark or an improvement within an historic district.

(2) Relocation of any structure within an historic district or of any historic landmark.

(3) All changes in any historic features or the exterior architectural appearance of any improvement within an historic district or of any historic landmark by addition, alteration, or replacement.

(4) Any new construction of an improvement in an historic district.

(5) Site plans or subdivisions affecting an historic landmark or an improvement within an historic district.

(6) Zoning variances affecting an historic landmark or an improvement within an historic district.

(7) New paint being applied to historically unpainted surfaces.

(8) Any work concerning fences, signs, lighting, paving, exterior sheathing, trim, shutters, gutters, or streetscape work, by minor application.

(9) Any request for a field change for a certificate of appropriateness which has already been issued.

B. Actions not requiring review.

(1) When an historic landmark requires immediate emergency repair to preserve the continued habitability of the landmark, the health and safety of its occupants or others, or its historic features from further damage arising from sudden disaster. Non-emergency repairs, shall be subject to the standard review procedures and all requirements herein. Only emergency repairs shall be performed following this expedited review procedure:

(a) Emergency repairs may be performed in accordance with the applicable construction codes immediately upon approval of the Construction Official in consultation with the Historic Preservation Commission Chair, who

shall certify that a bona fide emergency of the type described herein exists, without first obtaining a certificate of appropriateness from the Historic Preservation Commission. Under such circumstances only, the emergency repairs performed shall be limited to repairs as are necessary to preserve the continued habitability of the building or structure, the health and safety of its occupants or others and/or to protect historic features from further damage. Where feasible, temporary measures to prevent further damage shall be used, provided these measures are reversible without damage to the building or improvements.

(b) Simultaneously with the commencement of the emergency work, the property owner shall make a request for a certificate of appropriateness from the Historic Preservation Commission memorializing the approval of said emergency work. This request shall be made pursuant to the standard procedures set forth in this article.

(c) It should be noted that the emergency review procedures outlined in this section should be strictly limited to those circumstances which, in the opinion of the Construction Official in consultation with the Historic Preservation Commission Chair, rise to the level of a bona fide emergency of the type referenced above. No work in addition to the emergency repairs shall be performed until an appropriate request for approval has been granted by the Construction Official and the Commission.

(2) Changes to the interior of structures.

(3) In-kind repair of existing windows and doors.

(4) Installation of storm windows which are compatible with the architectural period or design of the subject structure, to be used with the existing windows.

(5) In-kind maintenance and repair of existing roof material.

(6) In-kind repair of existing roof structures such as dormers and chimneys.

(7) In-kind replacement of existing shingles, clapboards, or other siding.

(8) In-kind maintenance and repair of existing shingles, clapboards or other siding.

(9) In-kind repairs to existing signs, shutters, outdoor displays, fences, hedges, street furniture, awnings, off-street driveway and parking material and sidewalks.

(10) Painting or cleaning, except where it is proposed that new paint be applied to historically unpainted surfaces.

C. Informal review of concept plan for proposed undertakings. At the request of the applicants considering action that may require Commission review, the Commission shall grant an informal review of a concept plan for the proposed undertaking. Neither the applicant not the Commission shall be bound by any informal review.

§ 180-18. Standards for review.

A. General criteria for review. In reviewing an application, or reviewing whether proposed activity or work is affecting a landmark or historic district, the Historic Preservation Commission, the Planning Board, the Zoning Board of Adjustment, the City governing body, and all other officials and agencies of the City responsible for the administration of this chapter shall conduct their review based on the

purposes and provisions of this chapter, the standards and guidelines of the Secretary of the Interior, and:

(1) The impact of the proposed change on the historic, architectural, and/or cultural significance of the landmark or landmark district.

(2) The importance of the landmark or the building, structure, object, or site to the nation, state, region, or municipality, and the extent to which its historic or architectural interest would be adversely affected to the detriment of public interest.

(3) The use of any landmark or landmark district involved in the proposed change.

(4) The extent to which the proposed action would adversely affect the public's view from the street of a landmark, building, structure, object, or site located within a landmark district.

(5) The impact that the proposed change would have on the architectural or historic significance of the landmark or landmark district and the visual compatibility of the proposed change with adjacent buildings, structures, objects and sites in accordance with the requirements for design compatibility set forth herein.

B. Rehabilitation of existing buildings, structures, objects, and sites. In reviewing any application, the Commission shall make its recommendation as to whether any application should be approved, approved with conditions, or denied on the basis of the purposes and the provisions of this chapter and the following standards for review, which are identical to the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings as hereafter may be amended:

(1) Every reasonable effort shall be made by the applicant to provide a legal compatible use for a

property which requires minimal alteration of the building, structure, object, or site and its environment, or to use a property for its originally intended purpose.

(2) The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

(3) All buildings, structures, objects and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.

(4) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, object, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.

(5) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, object or site shall be treated with sensitivity.

(6) Deteriorated architectural features shall be repaired rather than replaced, whenever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplication of features, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

(7) The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.

(8) Every reasonable effort shall be made to protect and preserve archeological resources identified in the Master Plan or State Museum Registry, affected by or adjacent to any project.

(9) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, or integrity, and such design is compatible with the proportions, size, scale, color, material, and character of the property, neighborhood or environment.

(10) Whenever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

C. Design criteria for new construction.

(1) In assessing the design of any proposed addition or new construction, the Commission shall consider the following design criteria in conjunction with the general review standards, standards of rehabilitation and review criteria set forth above. These design criteria shall be used to analyze the appropriateness of new construction in the form of additions and alterations to the landmarks or new construction, additions, or alterations to buildings, structures, objects, or sites located within landmark districts.

(a) Height. The height of the proposed structure shall be visually compatible with adjacent buildings.

(b) Proportion of facade. The relationship of the width of the building to the height of the front elevation shall be visually compatible with buildings and places to which it is visually related.

(c) Proportion of the openings. The relationship of the width of windows to the height of windows in a building shall be visually compatible with buildings and places to which it is visually related.

(d) Rhythm of solids. The relationship of solids to voids in the facade of a building shall be visually compatible with buildings and places to which it is visually related.

(e) Rhythm of spacing. The relationship of the building to the open space between it and adjoining buildings shall be visually compatible with buildings and places to which it is visually related.

(f) Rhythm of entrances. The relationship of entrances and porches to the street shall be visually compatible with buildings and places to which it is visually related.

(g) Relationship of materials. The relationship of materials, texture, and tone to the facade and roof of a building shall be visually compatible with the predominant materials used in buildings to which it is visually related.

(h) Roof. The roof shape of a building shall be visually compatible with buildings to which it is visually related.

(i) Continuity of walls. Walls and open fencing shall maintain visual compatibility with buildings and places to which it is visually related.

(j) Scale. The size of a building mass in relation to open spaces, window and door openings, porches and balconies shall be visually compatible with buildings and places to which it is visually related.

(k) Exterior features. A structure's related exterior features, such as lighting, fences, sidewalks, driveways and parking areas, shall be compatible with the features of those structures to which it is visually related and shall be appropriate for the historic period for which the structure is significant. New signage shall also abide by any supplemental historic design or graphic standards that may be developed by the Commission for the district.

(2) It is not the intent of this article to discourage contemporary architectural expression or to encourage new construction which emulates existing buildings or historical architectural interest or of a certain period architectural style, but rather to preserve the integrity and authenticity of an historic preservation district and to ensure the compatibility of new structures therein.

D. Review criteria for demolition. With regard to applications to demolish a landmark or any building, structure, object or site located within a landmark district, the Historic Preservation Commission or any other City agency shall consider the following criteria in conjunction with the general review standards (above) and the Secretary of Interior's standards and guidelines:

(1) Its historical, architectural, cultural, and aesthetic significance in relation to the criteria set forth in this chapter.

(2) Its use, its intended use, and/or the use for which the buildings, structure, object, or site was originally designed and the feasibility of the continuation of its permitted use.

(3) Its importance to the City and the extent to which its historical or architectural value is such that its removal would be detrimental to the landmark district and/or to the public interest.

(4) The extent to which it is of such old, unusual, or uncommon design, craftsmanship, texture, or material that it could not be reproduced or could be reproduced only with great difficulty.

(5) The extent to which its retention would promote business, create new positions, attract tourists, students, writers, historians, artists, or artisans, encourage study and interest in American history, stimulate interest and study in architecture and design, educate citizens in American culture and heritage or make the City a more attractive and desirable place in which to live.

(6) The probable visual impact of its removal upon the ambience of the landmark district.

(7) The structural soundness and integrity of the building, structure, object, or site and the economic feasibility for its restoration or rehabilitation so as to allow for its reasonable use.

(8) The threat to the public health and safety as a result of deterioration or disrepair of the building, structure, object, or site.

(9) The technological feasibility of structural rehabilitation.

(10) The interference with the charitable purposes of any nonprofit or charitable organization if demolition is not permitted.

E. Criteria regarding the relocation of historic buildings or structures. With regard to applications to move to a new location or site any landmark or any building, structure, object or site located within a landmark district, the Historic Preservation Commission or any other City agency shall consider the following criteria in conjunction with the general review standards (above) and the Secretary of Interior's standards and guidelines:

(1) The impact of the loss of integrity suffered as a result of the removal from the original and/or historic location; and, if located within an historic district, the impact of that loss of integrity upon the district as a whole.

(2) The reasons for not retaining the landmark or structure at its present site.

(3) The compatibility, nature, and character of the areas adjacent to both the present site and the proposed site as they relate to the protection of historic properties and districts as regulated by this article.

(4) In the event that a proposed new location is in an historic district, the impact on the visual compatibility of adjacent buildings, structures, objects or sites as set forth herein.

(5) The likelihood of significant damage to the physical integrity of the building, structure or object itself.

§ 180-19. Application for certificate of appropriateness.

A. Application procedures.

(1) It shall be the duty of all City officials of the City of Bordentown reviewing all permit applications

involving any real property or improvements thereon to determine whether such application involves any activity which should also be the subject of an application for a permit and, if it should be, to inform the Secretary of the Commission, the administrative officer, and the applicant of the same.

(2) The administrative officer shall refer all applications for permits pertaining to regulated activities involving landmarks or any buildings, structures, objects, and sites located within landmark districts to the Historic Preservation Commission, in addition to its referral to any other municipal agencies. A certificate of appropriateness (hereinafter "C/A"), issued by the Commission or by the Planning Board or Zoning Board of Adjustment based upon the recommendation of Historic Preservation Commission in accordance with the procedures of this article, is required prior to the commencement of any activities involving landmarks or properties within landmark districts which are governed by the provisions of this article.

(3) Appeals from determinations of the Construction Official pursuant to referral to the Historic Preservation Commission may be made by the applicant to the Zoning Board of Adjustment (part of the City of Bordentown Planning Board) according to N.J.S.A. 40:55D-70a. Nothing herein shall be deemed to limit the right of judicial review of the action after an appeal is concluded by the Zoning Board of Adjustment. The appellant shall pay all costs for copies of any transcript(s) required for appeal.

(4) Minor applications may be filed by the owner directly with the Secretary of the Historic Preservation Commission.

(5) Applications shall be made on forms available in the offices of the administrative officer and the

Commission Secretary in the Bordentown City Hall. Completed applications shall be delivered or mailed to the same office at the Bordentown City Hall.

(6) Upon receipt of an application for a certificate of appropriateness that is not a minor application, the Commission shall schedule a hearing for the purpose of reviewing said application and shall advise the applicant(s) in writing of the time, date, and place of said hearing.

(7) Notice.

(a) Once the applicant has received notice of the date, time, and place of said hearing, he shall, at his own expense, provide the following public notice:

[1] Mail notice of the application and hearing, by first class mail, to all owners, as listed on the current City tax rolls, of property within 200 feet of applicant's property, mailed at least 10 days prior to the hearing.

[2] Publish notice of the application and hearing in the official newspapers for the City at least 10 days prior to the hearing.

(b) The application shall not be deemed complete, where a hearing is required, until the applicant has issued notice of the hearing as described above.

B. Contents of application form. Applications shall include a responsive application form which contains a precise written description of the proposed work or activity. The Commission may require the submission of additional information reasonably necessary to reach an informed decision on the application, including but not limited to any of the following:

(1) Photographs of the existing structure or lot.

(2) Scaled drawings showing site plan layout, facade elevations, and specifications for materials.

(3) For new construction applications, a streetscape elevation drawn to scale, showing the new structure in the context of neighboring buildings, structures and sites.

(4) For large projects, working drawings.

(5) For minor applications, photos, measurements, profiles, and drawings of existing historic components in place ("in situ").

§ 180-20. Certificate of appropriateness review.

A. General procedures.

(1) The Historic Preservation Commission shall review applications for a certificate of appropriateness, other than for minor applications, at a public hearing. The applicant(s) shall not be required to appear or to be represented at any meeting of the Commission at which the Commission will consider his application for a certificate of appropriateness, regardless of the ultimate findings and a report of the Commission.

(2) Within 45 days of receiving an application for review that requires a hearing, the Commission shall hold such hearing, and shall submit in writing to the Planning Board its recommendation with respect to the application. The report shall include findings and conclusions which are based on evidence in the record.

(3) The Planning Board shall, after appropriate review, including strong consideration given to the recommendations of the Historic Preservation

Commission, take one of the following actions concerning an application for a certificate of appropriateness that is under its jurisdiction:

(a) Grant the certificate of appropriateness.

(b) Grant the certificate of appropriateness with conditions.

(c) Deny the certificate of appropriateness.

(4) The Planning Board shall notify the administrative officer of its decision as soon as practicable after making it, so that the administrative officer may issue appropriate permits.

(5) Issuance of an approval of a permit shall be deemed to be final approval pursuant to this article. Such approval shall neither cause nor prevent the filing of any collateral application.

(6) The denial of a permit shall be deemed to preclude the applicant from undertaking the activity applied for.

B. Minor applications.

(1) The Chairman of the Historic Preservation Commission, or subcommittee of Historic Preservation Commissioners appointed by him/her, not representing a quorum, and acting on his/her behalf, may review applications for minor work, without holding a public hearing.

(2) If the Chairman or subcommittee finds the application appropriate, he/she/they may act in place of the full Commission and directly issue a certificate of appropriateness for such minor work.

(3) If the Commission issues a certificate of appropriateness, the Secretary shall notify City agencies through the administrative officer of such

issuance of the certificate of appropriateness for minor work; the City agencies may then issue any other applicable permits.

(4) If the Chairman or the subcommittee does not find the application appropriate, the application shall be scheduled for a public hearing before the full Commission.

(5) Final determination of the appropriateness of the application shall be made by the Commission, which decision shall be binding on the administrative officer.

C. Development in historic zoning districts or sites; informational copies of applications from Planning Board or Zoning Board of Adjustment (N.J.S.A. 40:55D-110).

(1) The Planning Board and Board of Adjustment shall refer to the Commission every application submitted to either board for development in historic zoning districts or on historic sites designated on the Zoning or Official Map, historic buffer areas, or identified in any component element of the Master Plan.

(2) The referral shall be made when the application for development is deemed complete or is scheduled for a hearing, whichever occurs sooner.

(3) Failure to refer the application as required shall not invalidate any hearing or proceeding.

(4) The Commission may provide its advice, which shall be conveyed through its delegated members or staff, who shall testify orally at the hearing and explain any written report which may have been submitted by the Commission regarding the application.

(5) The Commission shall make available to the applicant a copy of its written report concerning said application for development.

§ 180-21. Certificate of Appropriateness posting, term and assignment.

A. Posting C/A on site. The owner shall post the certificate of appropriateness in a conspicuous spot on the site visible to the public during the entire process of work.

B. Periodic inspection. When a certificate of appropriateness has been issued, the administrative officer or his appointee shall, from time to time, inspect the work approved by such certificate and shall regularly report to the Commission the results of such inspections, listing all work inspected and reporting any work not in accordance with such certificate.

C. Term of validity. Except as hereafter provided, a certificate of appropriateness shall be valid for a period of two years from date of issue unless reasonable extensions are requested by the applicant or the Commission. In cases where demolition is permitted, the C/A shall be valid for one year from the date of the Historic Preservation Commission approval of the application. The one-year period shall not be extended.

D. Assignment. No assignment of the rights granted by a certificate of appropriateness shall be permitted.

ARTICLE VI
Violations and Penalties; Enforcement.

§ 180-22. Violations; injunctive relief; penalties.

A. Violations defined. Any person violating any of the provisions of this chapter shall, upon conviction thereof, be subject to the penalties herein. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. Any person who shall undertake an activity without approvals required by this chapter shall be deemed to be in violation hereof.

B. Notice of violations. Upon learning of the violation, the administrative officer shall personally serve upon the owner of the property whereon the violation is occurring a notice describing the violation in detail and giving the owner 10 days to abate the violation by restoring the building, structure, or site to its condition prior to the violation. If the owner cannot personally be served within the City with said notice, a copy shall be posted on the property and a copy shall be sent to the owner at his or her last known address.

C. Injunctive relief. In the event that the violation is not abated within 10 days of service or posting on site, whichever is earlier, the administrative officer shall cause to be instituted any appropriate action or proceeding to prevent such unlawful activity, to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure, or site, or to prevent any illegal act, conduct, business, or use in or about such premises as follows:

(1) If any person shall undertake any activity requiring permit and report of the Commission without first having obtained approval, he or she shall be required to immediately stop the activity, apply for approval, and take any necessary measures to preserve the affected premises pending such approval. If the work is denied, he or she shall immediately restore the building, structure, object, or site to its condition prior to any such activity. The administrative officer is hereby authorized to seek injunctive relief regarding a stop action or restoration in the Superior Court not less than 10 days after the delivery of notice pursuant to Subsection B hereof.

(2) In the event of the threat of imminent action for which the necessary approvals have not been granted, and which action would permanently and adversely change a landmark or any building, structure, object, or site located within a landmark

district, the administrative office is empowered to apply to the Superior Court of New Jersey for injunctive relief as is necessary to prevent such actions.

D. Penalties. In addition to the remedies provided above, a person convicted of a violation of this chapter before a court of competent jurisdiction shall be subject to penalties as follows:

(1) For each day up to 10 days, not more than $100 per day.

(2) For each day between 11 days and 25 days, not more than $250 per day.

(3) For each day beyond 25 days, not more than $500 per day.

(4) For each day beyond 25 days, a jail term, not to exceed 90 days may be imposed.

§ 180-23. Preventative maintenance; violations.

A. Priority. Recognizing the need for preventive maintenance to ensure the continued useful life of historic buildings, structures, objects, and sites, the City governing body hereby declares that code enforcement for such designated properties is a high municipal priority.

B. Notice of violation. In the event that any landmark or any building, structure, object, or site located within a landmark district deteriorates to the point that, in the best estimate of the administrative officer, the cost of correcting the outstanding code violations equals more than 10% of the cost of replacing the entire building, structure, object, or site on which the violation occurs, the administrative officer shall serve personally or by certified mail, return receipt requested, a notice on the owner of the property listing the violations, the estimate for their abatement, and the replacement costs of the improvements, and

stating that if the owner does not take all necessary remedial action within 60 days, or such extensions as the administrative officer shall grant for good cause, the City of Bordentown's designated official may, at the expiration of said 60 days, enter upon the property and abate such violations and cause the cost thereof to become a lien on the property.

C. Hearing. Upon receipt of such notice, the owner may, within 20 days after such receipt, notify the administrative officer of the owner's intentions to have a hearing as to the allegations and estimates set forth in the notice. Such a hearing shall be conducted by the Planning Board in accordance with the City Code, Municipal Land Use Law, and shall, so far as possible, be a formal adversary proceeding in which the administrative officer shall establish matters alleged in the notice by the preponderance of the evidence. If a hearing is requested, the administrative officer will, within 10 days following the hearing, serve on the owner an opinion in writing setting forth his or her conclusions and the reasons therefor.

D. Action without a hearing. If the owner does not request a hearing, the findings of the administrative officer set forth in the notice issued in Subsection B, notice of violations, shall be binding, and the administrative officer may take such necessary action as granted by the provisions of this article.

E. Right of abatement. If the owner does not comply with the findings of the administrative officer, the administrative officer may enter onto the premises and, by use of municipal labor or outside contractors, or both, perform such work as is necessary to abate all violations.

F. Costs. The administrative officer shall then certify to the City governing body the cost of such work performed, plus all administrative, clerical and legal costs and overhead attributable thereto, and shall present the same to the City governing body.

G. Lien. The City governing body may, by resolution, vote to cause the sum so certified to become a lien upon the property, payable with the next quarter's property taxes, and, if not then paid, bearing interest at the same rate as delinquent taxes.

ARTICLE VII
H Historic and Landmarks Overlay Zone

§ 180-24. Background.

A. Archeological studies and recently recovered artifacts dating from 6,000 years to 8,000 years ago, and nearby finds from more than 12,000 years ago, confirm that parts of the area now known as the City of Bordentown were inhabited by prehistoric people. Much later, some areas of the City were occupied, fished, and hunted, by predecessors of and, later still, members of the Lenni Lenape tribe. Their trails formed the basis for early pathways leading to and from City creeks, the Delaware River, and the Trenton-Hamilton-Bordentown Marsh. Lenni Lenape people were present when settlers arrived from Europe.

B. The City of Bordentown, originally known as "Farnsworth's Landing," was one of the earliest towns of West Jersey, having its origin with the initial purchase of lands by Thomas Farnsworth on April 27, 1682, and the building of his first cabin in that year on a commanding site overlooking the Delaware River near the present intersection of Prince and Park Streets.

C. Joseph Borden arrived at Farnsworth's Landing on a coastal vessel and thereafter made an initial purchase of land(s) in the year 1717. He made additional land purchases; his holdings eventually comprised nearly the entire site of the present day City of Bordentown.

D. Upon early colonization, the City of Bordentown was developed with significant historical, cultural,

architectural and social events occurring through the time of the American Revolution and during the early formative years of the United States.

E. Development of the City of Bordentown included the construction of buildings and structures evidencing the style and characteristics of the eras during which they were erected, and of which a representative number remain to the present time and extending back to at least the year 1740.

F. The City of Bordentown has been the context and home for people, events, and innovations of great historical significance to the City, state, nation, and world. They have spanned many eras in time and many diverse fields of human endeavor. Certain sections of the City of Bordentown have layer upon layer of historically significant properties, landscapes, structures, and objects with styles and characteristics representative of many eras, each worthy of preservation. Some of these are in close proximity to one another. When such a section of the City is viewed as a whole, these many styles and characteristics of these seemingly diverse eras are often intertwined, "woven together" with one another. It is this fine-grained, multilayered, rich history, and "tapestry" of styles and characteristics that gives much of the City its unique and irreplaceable character.

G. The historical, cultural, architectural and social heritage of the City of Bordentown is given in trust from generation to generation to be used, preserved, enriched, and then passed on to succeeding generations.

H. The character, lifestyle, economic prosperity and, in general, the overall quality of life in the City of Bordentown is dependent in great measure on the City preserving, protecting, and enhancing this heritage.

I. The ongoing presence of buildings and structures evidencing the character of the City during past eras, and thereby having the quality and dignity of being historic

landmarks by virtue of style or design, is an essential element of preserving the history, character, and identity of the City of Bordentown, and it is likewise an important factor in the economy of the City and maintenance and enhancement of values throughout the City.

J. Historic sites and landmarks are vital to the education, civic pride, and historic preservation and attitude of the City's residents of all ages.

K. A number of critical factors affecting such sites and landmarks, such as indiscriminant demolition or renovation, deterioration due to age or neglect, inattention to maintenance and repair, blight, and similar conditions, threaten the continued preservation of such historic structures and landmarks.

L. The health, safety, and welfare of the City of Bordentown and its citizens are practically dependent on the timely and effective preservation of its historic heritage for the reasons hereinabove set forth.

§ 180-25. Applicability.

The following regulations shall apply to all properties, sites, buildings, improvements, objects, and districts designated as historic landmarks and historic districts (see Article III, § 180-11, herein, and to any other historic resources that are designated in accordance with the procedures outlined in Article IV, § 180-16. These historic designations shall be in addition to the districts that shall also be designated on the City Zoning Map and articles of the Land Development Ordinance for such areas.[1]

1. **Editor's Note: See Ch. 300, Zoning.**

§ 180-26. Permitted uses.

The City Zoning Map shall identify uses permitted for land, property, sites, or areas including historic resources, landmarks, buildings, structures, improvements, objects, or districts. Such permitted uses shall not be altered by further designation as an Historic and Landmarks Overlay Zone.

§ 180-27. Variances to regulations to preserve historic characteristics.

Regulations, including maximum building height, area, minimum lot size, maximum coverage, yard, building distance from lot lines, parking, etc., shall be as provided in the Land Development Ordinance for the respective zones, except that the Planning Board or Zoning Board may grant variances from such regulations where necessary to preserve historic characteristics.

§ 180-28. Zoning and planning regulations to apply.

All existing zoning regulations, in addition to those enumerated in this chapter, shall apply to historic districts. The historic structures and properties in historic districts identified in the Bordentown Historic Survey and the City Master Plan shall be included in the Historic and Landmarks Overlay Zone.

ARTICLE VIII
General

§ 180-29. Other requirements unaffected.

The requirements of this chapter shall be considered to be in addition to and in no case shall they be interpreted as a substitute for any other approval, permit or other action as otherwise required.

§ 180-30. Severability.

In the event that any portion of this chapter is found to be invalid for any reason by any court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the chapter actually adjudged invalid and shall not be deemed to affect the operation on any other portion thereof.

§ 180-31. Interpretation.

This chapter shall be liberally construed to effect the purposes set forth herein. In the event that this chapter conflicts with state law, state law shall take precedence.

§ 180-32. When effective.

This chapter shall take effect upon publication after final passage and approval, as provided by law.

§ 180-33. Repealer.

All other ordinances or parts of ordinance inconsistent with the provisions of this chapter are hereby repealed to the extent of their inconsistency.

§ 180-34. Effect on existing rights.

These regulations shall not abate or modify any action or penalty, liability, or right pending under any ordinance repealed by the adoption of this chapter except as expressly provided in this chapter. Any ordinances or parts of ordinances repealed or amended by this chapter shall remain in force and effect until the effective date of this chapter.

§ 180-35. Existing approvals unchanged.

Nothing in this chapter shall require any change in a certificate of appropriateness, building permit, site plan or zoning

variance which was approved before the enactment of this chapter, provided construction shall have been started within one year from the effective date (as otherwise allowed) of the existing approval or effective date of this chapter, whichever is earlier in time; and the project shall be continuously pursued to completion, otherwise said approvals and permits shall be void.

Chapter 190

LITTERING

§ 190-1. Definitions.
§ 190-2. Littering prohibited.
§ 190-3. Use of litter receptacles.
§ 190-4. Illegal dumping.
§ 190-5. Storage of household waste.
§ 190-6. Storage of tires.
§ 190-7. Storage of vehicles.
§ 190-8. Inoperable vehicles.
§ 190-9. Vehicles to be covered.
§ 190-10. Construction sites.
§ 190-11. Responsibilities of owners and occupants.
§ 190-12. Violations and penalties.

[HISTORY: Adopted by the Board of Commissioners of the City of Bordentown 8-8-88 as Ord. No. 1988-10. Amendments noted where applicable.]

GENERAL REFERENCES

Garbage, rubbish and refuse — See Ch. 174.
Parks and recreation — See Ch. 206.

§ 190-1. Definitions.

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

LITTER — Any used or unconsumed substance or waste material which has been discarded, whether made of aluminum, glass, plastic, rubber, paper or other natural or synthetic material, or any combination thereof, including but not limited to any bottle, jar or can or any top, cap or detachable tab of any bottle, jar or can, any unlighted cigarette, cigar, match or any flaming or glowing material or any garbage, trash, refuse, debris, rubbish, grass clippings or other lawn or garden waste, newspaper, magazines, glass, metal, plastic or paper containers or other packaging or construction material, but does not include the waste of the primary processes of mining or other extraction processes, logging, sawmilling, farming or manufacturing.

LITTER RECEPTACLE — A container suitable for the depositing of litter.

§ 190-2. Littering prohibited.

It shall be unlawful for any person to throw, drop, discard or otherwise place litter of any nature upon any public or private property, other than a litter receptacle.

§ 190-3. Use of litter receptacles.

Litter receptacles and their servicing are required at the following public places which exist in the municipality, including sidewalks used by pedestrians in active retail commercially zoned areas, such that at a minimum there shall be no single linear one-fourth (¼) mile without a receptacle; buildings held out for use by the public, including schools, government buildings and railroad and bus stations; parks; drive-in restaurants; all street vendor locations; self-service refreshment areas; construction sites; gasoline service station islands; shopping centers; parking lots; campgrounds and trailer parks; marinas, boat moorage and fueling stations; boat launching areas; public and private piers operated for public use; beaches and bathing areas; and at special events to which the public is invited, including sporting events, parades, carnivals, circuses and festivals. The proprietors of these places or the sponsors of these events shall be

responsible for providing and servicing the receptacles such that adequate containerization is available.

§ 190-4. Illegal dumping.

It shall be unlawful for any person to discard or dump along any street or road, on or off any right-of-way, any household or commercial solid waste, rubbish, refuse, junk, vehicle or vehicle parts, rubber tires, appliances or furniture, or on private property, except by written consent of the owner of said property, in any place not specifically designated for the purpose of solid waste storage or disposal.

§ 190-5. Storage of household waste.

It shall be unlawful for any residential property owner to store or permit storage of any bulky household waste, including household appliances, furniture and mattresses, in areas zoned residential, except in a fully enclosed structure or during days designated for the collection of bulky items.

§ 190-6. Storage of tires.

It shall be unlawful for any residential property owner to store or permit the storage of tires in areas zoned residential, except in a fully enclosed structure or on days designated for the collection of tires.

§ 190-7. Storage of vehicles.

It shall be unlawful for any residential property owner to park or permit the parking of any vehicle on his or her residential lawn.

§ 190-8. Inoperable vehicles.

It shall be unlawful for any person to keep or permit the keeping on streets, vacant lots and residential lawns, except in a fully enclosed structure, any motor vehicle, trailer or semitrailer which:

A. Is missing tires, wheels, engine or any essential parts.

B. Displays extensive body damage or deterioration.

C. Does not display a current, valid state license.

D. Is wrecked, disassembled or partially disassembled.

§ 190-9. Vehicles to be covered.

A. It shall be unlawful for any vehicle to be driven, moved, stopped or parked on any highway unless such a vehicle is constructed or loaded to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom.

B. Any person operating a vehicle from which any glass or objects have fallen or escaped, which could cause an obstruction, damage a vehicle or otherwise endanger travelers or public property, shall immediately cause the public property to be cleaned of all glass or objects and shall pay the costs thereof.

§ 190-10. Construction sites.

A. It shall be unlawful for any owner, agent or contractor in charge of a construction or demolition site to permit the accumulation of litter before, during or after completion of any construction or demolition project.

B. It shall be the duty of the owner, agent or contractor in charge of a construction site to furnish containers adequate to accommodate flyable or nonflyable debris or trash at areas convenient to construction areas and to maintain and empty the receptacles in such a manner and with such a frequency as to prevent spillage of refuse.

§ 190-11. Responsibilities of owners and occupants.

It shall be the duty of the owner, lessee, tenant, occupant or person in charge of any structure to keep and cause to be kept the sidewalk and curb abutting the building or structure free from obstruction or

nuisances of every kind and to keep sidewalks, areaways, backyards, courts and alleys free from litter and other offensive material. No person shall sweep into or deposit in any gutter, street, catch basin or other public place any accumulation of litter from any public or private sidewalk or driveway. Every person who owns or occupies property shall keep the sidewalk in front of his or her premises free of litter. All sweepings shall be collected and properly containerized for disposal.

§ 190-12. Violations and penalties.

Any person who violates, aids a violation or aids, abets or assists in the violation of any provision of this chapter or who owns a building from which a violation of this chapter has occurred or who shall fail to comply with any provisions of this chapter shall, upon conviction thereof, for each and every violation, be punishable as provided in Chapter 1, General Provisions, Article I, Violations and Penalties.

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Chapter 195

MOSQUITO AND WEST NILE VIRUS CONTROL

§ 195-1. Intent and purpose.

§ 195-2. Swimming pool maintenance.

§ 195-3. Proper storage of tires.

§ 195-4. Enforcement; violations and penalties.

[HISTORY: Adopted by the Board of Commissioners of the City of Bordentown 9-24-2001 by Ord. No. 2001-12. Amendments noted where applicable.]

GENERAL REFERENCES

Property maintenance — See Ch. 216.

§ 195-1. Intent and purpose.

A. The provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the public health and general welfare of persons in the City of Bordentown.

B. The intent also is to prevent the spread of diseases from mosquito transmission by preventing the presence of mosquito larvae in pool water that is not maintained and water that accumulates in tires.

§ 195-2. Swimming pool maintenance.

A. Pools shall be properly maintained to prevent the existence or presence of any water in which mosquito larvae may mature and grow or exist.

B. Any pool cover must be maintained in a way to prevent the collection of stagnant rainwater.

§ 195-3. Proper storage of tires.

A. Tires shall be stored in a totally enclosed structure or covered to prevent the existence or presence of any water in which mosquito larvae may mature and grow or exist. If stored outside, they must be stored up off the ground and covered so as not to allow standing water.

B. Any tires that cannot be used shall be considered waste material and must be disposed of in a proper and lawful manner which prevents the collection of stagnant rainwater in said tires.

§ 195-4. Enforcement; violations and penalties.

A. There shall be fines fixed at an amount of $50, first offense; $100, second offense; and $150 third and subsequent offenses.

B. Each and every day in which a violation of any provision of this chapter exists shall constitute a separate violation.

C. It shall be the responsibility of the Municipal Code Enforcement Officer and/or the Burlington County Health Department to enforce this chapter.

Chapter 198

NEWSPAPER VENDING BOXES

§ 198-1. Definitions.

§ 198-2. Compliance required.

§ 198-3. Location of vending boxes.

§ 198-4. Installation and construction of vending boxes.

§ 198-5. Violations and penalties.

[HISTORY: Adopted by the Board of Commissioners of the City of Bordentown 3-27-89 as Ord. No. 1989-6. Amendments noted where applicable.]

§ 198-1. Definitions.

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

NEWSPAPER — Any newspaper of general circulation, any newspaper duly entered or registered with the United States Postal Service in accordance with federal statute or regulation and any newspaper filed or recorded with any recording office as provided by law or any publication containing news, editorial or advertising content and which is intended to be disseminated to the general public either with or without charge from a vending box.

PERSON — Any person, firm, partnership, association, corporation, company or organization of any kind that is the owner or publisher of any newspaper or who dispenses, distributes or disseminates any newspaper.

PUBLIC PROPERTY — Any street, alley, avenue, boulevard, court, highway or road and the legal right-of-way thereof, including but not limited to the cartway or traffic lanes, curb, sidewalks, whether paved or unpaved, and any grass plots or other grounds found within the legal right-of-way of a street. The term shall also include any shopping centers, parking lots, parks, playgrounds, public buildings and similar areas that are opened for the use of the public.

VENDING BOX — Any box, receptacle or machine from which newspapers are intended to be dispensed, distributed or disseminated to the general public, either with or without charge or the payment of any contribution or subscription.

§ 198-2. Compliance required.

It shall be unlawful for any person to dispense, distribute or disseminate any newspaper by means of vending boxes located in, on or upon any public property located within the City of Bordentown, except in conformity with the provisions of this chapter.

§ 198-3. Location of vending boxes.

It shall be unlawful for any person to dispense, distribute or disseminate any newspaper within the City of Bordentown from any vending box which is located in, on or upon the public property and which is:

A. Installed, constructed or located within fifty (50) feet of any intersection or within any zone in which the parking, stopping or standing of motor vehicles is prohibited at all times by ordinance of the City of Bordentown.[1]

B. Chained, locked, bolted or affixed to any street sign, traffic control, lamppost, tree, waste receptacle or other device located in, on or upon the public property.

[1] Editor's Note: See Ch. 258, Vehicles and Traffic.

§ 198-4. Installation and construction of vending boxes.

No person shall install or construct any vending box for the sale or distribution of newspapers in the City of Bordentown which is located in, on or upon the public property, unless the vending box is installed and constructed in such a manner as to be securely fastened to its own concrete foundation not less than three (3) inches in depth and to be free from movement or tipping.

§ 198-5. Violations and penalties.

Any person who shall violate any provision of this chapter shall, upon conviction thereof, be sentenced in accordance with Chapter 1, General Provisions, Article I, Violations and Penalties. Each continuing day of violation of this chapter shall constitute a separate offense.

Chapter 201

NOISE

§ 201-1. Noise prohibited.

§ 201-2. Examples of loud or unnecessary noise.

§ 201-3. Exceptions.

§ 201-4. Sound trucks.

§ 201-5. Violations and penalties.

[HISTORY: Adopted by the Board of Commissioners of the City of Bordentown 8-13-2007 by Ord. No. 2007-11. Amendments noted where applicable.]

§ 201-1. Noise prohibited.

It shall be unlawful for a person to make, continue or cause to be made or continued any loud, unnecessary or unusual noise or any noise which does or is likely to annoy, disturb, injure or endanger the comfort, repose, health, peace or safety of others.

§ 201-2. Examples of loud or unnecessary noise.

A. The following acts are hereby declared to be examples of loud, disturbing and unnecessary noise in violation of this chapter:

(1) Radios; televisions; sound systems. The playing, use or operation of any radio receiving set, television, musical instrument, phonograph, compact disc player or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of neighboring inhabitants or with unreasonably loud volume than

that which is necessary for convenient hearing for persons who are in the room, vehicle or area in which the machine or device is operated and who are voluntary listeners. The operation of such a set, instrument, phonograph, machine or device between the hours of 10:00 p.m. and 7:00 a.m., so that it is clearly audible at a distance of 100 feet from the building, structure or vehicle in which it is located, shall be prima facie evidence of a violation of this chapter.

(2) Yelling; shouting. Yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of 10:00 p.m. and 7:00 a.m., or at any time or place, which is unreasonable under the circumstances or annoys or disturbs the quiet, comfort or repose of persons in any office, dwelling or other type of residence or of any persons in the vicinity.

(3) Animals; birds. The keeping of animals or birds which, by causing frequent or long-continued noise, disturbs the comfort or repose of any person in the vicinity; but nothing herein contained is intended to apply to:

(a) A dog pound or kennel licensed to operate in accordance with the law; or

(b) Animals that are part of a standard farm operation.

(4) Horns. The sounding of a horn or warning device on an automobile, motorcycle, bus or other vehicle, except when required by law, or when necessary to give timely warning of the approach of the vehicle, or as a warning of impending danger to persons driving other vehicles or to persons on the street. No person shall sound a horn or warning device on an automobile, motorcycle, bus or other vehicle which emits an unreasonably loud or harsh sound, or for an unnecessary or unreasonable period of time.

(5) Exhaust. The discharge into the open air of the exhaust of a steam engine, stationary internal combustion engine motor vehicle, including motorcycles, or other machinery or equipment, except through a muffler or other device which will effectively prevent unreasonably loud or explosive noises.

(6) Defect in vehicle or load. The use of an automobile, motorcycle or vehicle so out of repair or so loaded that it creates unreasonably loud and unnecessary grating, grinding, rattling or other noise.

B. The above enumeration is intended to give typical illustrations of prohibited noise and shall not be construed as exclusive.

§ 201-3. Exceptions.

Nothing herein contained shall be construed to apply to:

A. The use of bells, chimes or sound amplifiers by churches engaged in church activities.

B. Activities of municipal departments in the performance of their duties, drills or public demonstrations.

C. Activities in public parks, playgrounds or public buildings under permission or authority of municipal officials.

D. The playing by a band or orchestra in a hall or building or in the open air, where duly authorized.

E. Noise generated or associated with standard farm operations.

§ 201-4. Sound trucks.

Sound trucks may be operated in accordance with the following regulations upon the issuance of a permit for each occasion and each location:

A. Sound trucks shall not be operated in residential zones in the City before 7:00 a.m. and after 9:00 p.m.

B. Sound trucks shall not be operated in commercial zones in the City before 7:00 a.m. and after 7:00 p.m.

§ 201-5. Violations and penalties.

Any person, firm, corporation or other entity convicted of a violation of this chapter or any section thereof shall be punished by a fine of not less than $100 nor more than $1,250 per violation or a term of imprisonment not to exceed 90 days, in the discretion of the sentencing court.

Chapter 202

NUISANCES

§ 202-1. Adoption of standards by reference.

§ 202-2. Title; public nuisances.

§ 202-3. Copies on file.

§ 202-4. Violations and penalties.

[HISTORY: Adopted by the Board of Commissioners of the City of Bordentown 8-11-2003 by Ord. No. 2003-11. Amendments noted where applicable.]

§ 202-1. Adoption of standards by reference.

Pursuant to the authority of Chapter 188 of the Laws of the State of New Jersey of 1950 (N.J.S.A. 26:3-69.1 et seq., as amended and supplemented), there is hereby adopted by the City of Bordentown the entire Health and Sanitation Code known and constituted as the "Public Health Nuisance Code of New Jersey (1953)," approved by the New Jersey State Department of Health on September 16, 1953, in booklet form and contained therein with the provisions thereof to be controlling within the entire City limits for the purpose of defining, governing, and prohibiting certain matters, things, conditions or acts which are therein declared to be a nuisance; prohibiting certain noises and sounds; requiring the proper heating of apartments; prohibiting lease or rental of certain buildings; prohibiting spitting in or upon public buildings; conveyances or sidewalks; authorizing the inspection of premises by an enforcing official; providing for removal or abatement of certain nuisances and recovery of expenses incurred by the Board of Health in removing or abating such nuisances; and prescribing penalties and imprisonment for violations.

§ 202-2. Title; public nuisances. [Amended 8-13-2007 by Ord. No. 2007-12]

A. The said code established and adopted by this chapter is described and commonly known as the "Public Health Nuisance Code of New Jersey (1953)." It also will include the following public nuisances which are unlawful acts.

B. Public nuisances.

(1) Unlawful acts. It shall be unlawful, and shall be a public nuisance, for any person:

(a) To make any indecent exposure or exhibition of any kind in or upon any street, road, highway, place, alley or lane, public or private, in the City; or

(b) To expose to public view, within the aforesaid City, his or her genitals, pubic hair, buttocks, perineum, anal region or pubic hair region; or

(c) To engage, within the aforesaid City, in any practice having a tendency to annoy persons passing on the streets or sidewalks, while sitting or standing on porches or lawns or yards facing the streets or sidewalks, by the making of indecent gestures or acts; or

(d) To engage, within the aforesaid City, in any practice, while passing on the streets or sidewalks, having a tendency to annoy persons sitting or standing on porches or lawns or yards facing the streets or sidewalks, by the making of indecent gestures or acts; or

(e) To make any indecent exposure of his or her private parts or engage in any lewd or indecent act or behavior; or

(f) To urinate or defecate in public places or streets, or on the lawns or yards of private homes and residences, or in the public view; or

(g) To point, position, locate or have any bright stationary or temporary light directed into a person's house during evening or night hours which negatively impacts the inhabitants of the structure; or

(h) To bring, consume or possess an open container of alcoholic beverages or wine in any public place within the City other than those public places covered by an alcoholic beverage consumption license issued pursuant to Title 33 of the New Jersey Statutes or where consumption of malt alcohol or wine is permitted by N.J.S.A. 2A:170-25.21; or

(i) To set off or discharge any revolver, rifle, shotgun, pistol, gun, cannon, weapon or firearm of any description using cartridges or gunpowder for ammunition, provided that nothing contained herein shall be construed to extend to any police officer in the line of duty; or

(j) To possess, discharge, set off, fire or light any roman candle, carbide cannon, dynamite cap, rocket, firecracker or other fireworks within the City; or

(k) To revel, quarrel, fight, brawl or otherwise engage in any disorderly conduct so as to disturb the public peace and quiet; or

(l) To sleep in any parked vehicle in any location in the City; or

(m) To interfere or annoy the comfort or general well-being of the inhabitants of this City; or

(n) To make, cause or suffer or permit to be made or caused upon any premises owned, occupied or controlled by him or it, or upon any public street, alley or thoroughfare in this municipality, any unnecessary noises or sounds by means of the human voice, or by any other

means or methods which are physically annoying to persons, or which are so harsh, or so prolonged or unnatural, or unusual in their use, time and place as to occasion physical discomfort, or which are injurious to the lives, health, peace and comfort of the inhabitants of this municipality.

§ 202-3. Copies on file.

Three copies of said Public Health Nuisance Code of New Jersey (1953) have been placed on file in the office of the City Clerk upon the introduction of the chapter and will remain on file there for use and examination by the public.

§ 202-4. Violations and penalties.

Any person who violates or neglects to comply with any provision of this chapter or code established herein or notice issued pursuant thereto shall, upon conviction thereof, be liable to a penalty of not less than $5 nor more than $500 for each violation. When a person, upon conviction, with the financial ability refuses or neglects to pay the amount of the penalty and all costs and charges incident thereto rendered against him or her, as the case may be, the court having jurisdiction over the matter may cause a commitment to the county jail for a period not exceeding 90 days. In case a person shall have been twice convicted within the space of six months for the violation of the same offense and due proof of such fact is made, the court having jurisdiction over the matter may cause the imprisonment of such person in the county jail, with or without hard labor, for a period not exceeding the lesser of one day for each dollar of the penalty or 90 days.

Chapter 206

PARKS AND RECREATION

§ 206-1. Title.

§ 206-2. Definitions.

§ 206-3. Personal conduct.

§ 206-4. Prohibited activities.

§ 206-5. Hours of operation.

§ 206-6. Availability of park facilities.

§ 206-7. Permits.

§ 206-8. Enforcement.

§ 206-9. Violations by minors.

§ 206-10. Notice of violation to parent or guardian of minor.

§ 206-11. Presumption of knowledge of parent or guardian of violation by minor.

§ 206-12. Violations and penalties.

[HISTORY: Adopted by the Board of Commissioners of the City of Bordentown 9-22-2008 by Ord. No. 2008-16.[1] Other amendments noted where applicable.]

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1. Editor's Note: This ordinance also repealed former Ch. 206, Parks and Recreation, adopted 7-12-1976 by Ord. No. 1976-10, as amended.

GENERAL REFERENCES

Parks and Recreation Commission — See Ch. 64.
Alcoholic beverages — See Ch. 100.
Boats — See Ch. 116.
Curfew — See Ch. 142.
Dogs and other animals — See Ch. 148.
Drug-Free Zone Map — See Ch. 152.
Garbage — See Ch. 174.
Littering — See Ch. 190.
Mosquito and West Nile Virus control — See Ch. 195.
Noise — See Ch. 201.
Nuisances — See Ch. 202.
Peace and good order — See Ch. 210.
Skateboarding — See Ch. 233.
Vehicles and traffic — See Ch. 258.

§ 206-1. Title.

This chapter shall be known as the "City of Bordentown Parks and Recreation Ordinance."

§ 206-2. Definitions.

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

CHIEF OF POLICE — The Chief of Police of the City of Bordentown or his designee. When a vacancy occurs in the position of Chief of Police, the term shall also include the highest ranking uniformed police officer in the City.

PUBLIC PARKS, GROUNDS, RECREATIONAL SITES, PLAYGROUNDS, PICNIC AREAS, BEACHES AND PARKING LOTS — Includes all lands and premises to which the City of Bordentown has title, ownership, possession, occupancy or control of the same by deed, lease, judgment or order of court, dedication, sufferance, grant of possession, authorization or permission for use or other similar vesting of title of ownership, possession, occupancy or control.

PUBLIC SCHOOLS, SCHOOL GROUNDS AND SCHOOL PLAYGROUNDS — Includes all lands and premises within the City of Bordentown in and to which the Bordentown

Regional Board of Education shall have title, ownership, possession, occupancy or control.

VEHICLE — Any motorized vehicle, motorcycle, minibike, moped, go-cart, snowmobile or other similar power-driven vehicles or equipment.

§ 206-3. Personal conduct.

While in a public park, all persons shall conduct themselves in a proper and orderly manner; and, in particular, all persons shall obey the following regulations:

A. All areas and facilities shall be available on a first-come, first-served basis unless the City has authorized the use of such facilities or areas for specific designated times by written permission as provided for herein. City officials shall have the authority to regulate activities and use of facilities in such areas to prevent congestion and to secure maximum use for the comfort and enjoyment of all. Visitors shall comply with any directives given for this purpose. The use of any facility shall be reasonable and in lengths of time in relation to the number of persons desiring to use such facilities. No person shall arbitrarily or unreasonably exclude or prevent other persons from using such facilities.

B. No person shall utilize any facility or area of a park or recreational area for other than the designated use of said facility or area. Participating in or abetting the playing of any games involving thrown or otherwise propelled objects, such as balls, stones, arrows, horseshoes, quoits or model airplanes, shall be in those areas set apart for such forms of recreation. The playing of rough or potentially injurious games, such as football, baseball, lacrosse and hockey, shall be allowed only on the fields, courts or areas specifically provided for these uses. Roller-skating and skateboarding, if allowed, shall be confined to those areas specifically designed for such activities.

C. General regulations. All persons shall:

(1) Properly maintain all picnic areas by placing all trash, refuse, garbage and debris in designated disposal receptacles where provided. If no trash receptacles are available, or if available but full, then trash shall be carried away from the park area by the picnicker, to be properly disposed of elsewhere.

(2) Maintain all rest rooms and washrooms in a neat and sanitary condition.

(3) Swim, bathe or wade only in public bodies of water specifically designated for such activities. No person shall use any waters customarily designated for the purpose of swimming when such activities are prohibited by the City.

(4) Obey all regulations where fishing is permitted.

(5) Appear at any park in only proper clothing, and no person shall dress or undress in any place, vehicle or structure except those structures provided and designated by posted notice for such purpose.

(6) Be responsible for preventing the entry of dogs or other domestic animals into areas clearly marked "Domestic Animals Prohibited in This Area." In areas where they are permitted, all pets and animals shall be restrained at all times on adequate leashes not greater than six feet in length. Dogs shall not be permitted to run at large. The riding of horses shall be on designated bridle trails where permitted. Horses shall be thoroughly broken and ridden with due care and shall not be allowed to graze or go unattended; nor shall horses be hitched to any rock, tree or shrub. Where domestic animals are permitted, proper cleanup shall be completed by the responsible person.

(7) Boat only in those waters and at such times as are designated for such purposes by the City. Any person

navigating, directing or handling any boat shall do so in a manner so as to not unjustifiably or unnecessarily annoy, frighten or endanger the occupant of any other boat.

(8) Ride all bicycles with all reasonable regard to the safety of others. Bicycling shall be confined to areas so designated for such activity. Bicycles shall be parked in bicycle racks or other areas when such facilities are provided.

(9) Operate, drive and park vehicles only on roads and parking areas so designated by the City and only during the times set forth by said City. Vehicles shall be driven in accordance with posted directions or at the direction of any authorized attendant who may be present.

§ 206-4. Prohibited activities.

A. No person in a public park or recreation area shall:

(1) Create a danger or a breach of peace.

(2) Create any disturbance or annoyance to the comfort and repose of any person.

(3) Obstruct the free passage of pedestrians, bicycles, baby carriages and strollers or vehicles.

(4) Obstruct, molest or interfere with any person therein or thereon by making or uttering of loud or offensive or profane or indecent language or audible and annoying, offensive, disgusting, insulting or sexually suggestive remarks, comments or phrases or words to or concerning such person or any passing person or any person in whose hearing the same are made.

(5) Willfully mark, deface, disfigure, injure, tamper with, displace or remove any buildings, bridges, tables, fences, benches, fireplaces, grills, paving or

paving materials, water lines, public utilities or parts of appurtenances thereof, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts or other boundary markers or other structures, facilities, park property or appurtenances whatever, either real or personal.

(6) Construct or erect any building or structure of whatever kind, whether permanent or temporary, or run or string any public service utility into, upon, under or across such lands, except by special written permit issued hereunder.

(7) Dig or remove any soil, rock, sand, stones, wood or wood materials or make any excavation by tool, equipment, blasting or other means except with written authorization of the City.

(8) Damage, cut, carve, transplant or remove any tree or plant or injure the bark, pick flowers or seeds of any plants or tree, dig in or otherwise disturb grass areas or in any other way injure the plant life.

(9) Climb any tree or walk, stand or sit on monuments, planters, fountains, railings, fences or upon any other property not designated or customarily used for such purposes.

(10) Tie or hitch any animal to any tree or plant.

(11) Hunt, molest, harm, frighten, kill, trap, pursue, chase, tease, shoot or throw missiles at any animal, wildlife, reptile or bird; nor shall any person remove or have in his/her possession the young of any wild animals or the eggs or nest or young of any reptile or bird. Exception to the foregoing shall be made in case of self-defense against poisonous snakes.

(12) Throw, discharge or otherwise place or cause to be placed in any body of water, storm sewer or drain flowing into such water, any substance, matter or

thing, liquid or solid, which will or may result in the pollution of said waters.

(13) Dump, deposit or leave trash, dirt, bottles, broken glass, refuse, garbage, debris or other waste materials.

(14) Solicit moneys or contributions for any purpose, whether public or private, unless written permission is granted by the City.

(15) Build, attempt to build or start a fire except in such areas and facilities and under such regulations as may be designated and set forth by the City. No person shall drop, throw or otherwise scatter lighted matches, burning cigarettes, cigars, tobacco paper or any other flammable material within a park or on any highways, roads or streets abutting or contiguous thereto.

(16) Leave a picnic fire unattended nor leave a picnic area before any fire is completely extinguished.

(17) Have in his/her possession, or set or otherwise cause to explode, discharge or burn, any firecrackers, torpedo rockets or other fireworks and explosives, or discharge or throw said explosives into any such areas from lands or highways adjacent thereto. This prohibition includes any substance, compound, mixture or article that in conjunction with any other substance or compound would be dangerous in terms of flammability and explosion. Upon proper application the City may grant permits for conducting properly supervised firework displays in designated park areas.

(18) Carry or possess a knife, slingshot or other dangerous weapon, firearms of any description or air rifles, spring guns, bows and arrows, slings or any other form of weapons dangerous to human safety and wildlife, or any kind of trapping device.

Instruments that can be loaded with and fire blank cartridges may be permitted upon application and approval of a special permit in accordance with the standards and regulations set forth herein. Shooting into park areas from beyond park boundaries is forbidden.

(19) Bring alcoholic beverages, possess or drink same at any time in a public park.

(20) Gamble or participate in or abet any game of chance except when such game of chance is authorized by permit of the City.

(21) Paste, glue, tack, nail or otherwise post any sign, placard, advertisement or inscription whatever; nor shall any person erect or cause to be erected any sign whatever on any public lands or highways or roads adjacent to a park.

(22) Disturb or interfere unreasonably with any person or party occupying any area or participating in any activity under the authority of a valid permit.

(23) Expose or offer for sale any article or object, or station or place any stand, cart or vehicle for the transportation, sale or display of any article or object. Exception is hereby made to this subsection in connection with any regularly licensed concessionaire acting by and under the authority and regulation of the City.

(24) Sleep or protractedly lounge on the seats, benches or other areas of a park or engage in loud, boisterous, threatening, abusive, insulting or indecent language, or engage in any disorderly conduct or behavior tending to breach the public peace and welfare.

(25) Fish in any area where bathing is permitted.

(26) Leave a bicycle lying on the ground or pavement or set against trees or in any other place or position

where other persons may trip over or be injured by it.

(27) Go onto the ice except in such areas designated as skating ponds and provided a safety signal is displayed.

(28) Fail to produce and exhibit any permit from the City he/she claims to have upon request of any City official who shall desire to inspect the same for the purpose of enforcing compliance with any ordinance or rule.

(29) Occupy any seat or bench or enter into or loiter or remain in any pavilion or any other park structure or section thereof which may be reserved or designated by the City for the use of a specific group.

(30) Frequent any waters or places designated for the purposes of swimming or bathing, or congregate thereat, except between such hours of the day as shall be designated by the City for such purposes.

(31) Picnic or lunch in a place other than those places designated for that purpose. Attendants shall have the authority to regulate this activity in such areas when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all. Visitors shall comply with any regulations to achieve this end.

(32) Cause or permit the vehicle he/she is operating to stand outside of designated parking spaces, except for a reasonable time to receive or discharge passengers or equipment. No motor vehicle shall be parked in said park areas from 1/2 hour after sunset until sunrise, except as otherwise permitted.

(33) Drive, park or stand any vehicle except upon avenues, streets, road or alleys constructed and provided for the same and except further vehicles

and equipment owned by the City of Bordentown or authorized by the Board of Commissioners or emergency vehicles and equipment.

(34) Violate any rule or regulation duly passed by resolution of the Board of Commissioners to further implement this chapter upon such resolution being duly published in the official newspaper of the City of Bordentown.

(35) Bring, carry, possess or discard any bottle, jar, drinking utensil, vessel or container or similar object made of glass.

§ 206-5. Hours of operation.

A. The public parks of the City of Bordentown shall operate between the hours of 6:00 a.m. and 9:00 p.m. during the months of April through October and from 6:00 a.m. to 6:00 p.m. during the remaining months of the calendar year. In addition, special application may be made to the appropriate personnel to extend the hours, said hours to be extended by permit.

B. Any person present on the public parks or recreation areas before opening time and after closing time shall be deemed to be in violation of this section.

§ 206-6. Availability of park facilities.

A. Except for unusual and unforeseen emergencies, all parks shall be open to the public every day of the year during the hours designated by the City. Any area or facility may be declared closed to the public by the City at any time and for any interval of time, either temporarily or at regular and stated intervals (daily or otherwise).

§ 206-7. Permits.

Permits for special events or use of particular areas or facilities of a park or recreational area shall be granted by the City after submission and review of an application in accordance with the following standards and regulations:

A. The application shall contain the following information:

(1) The name and address of the applicant.

(2) The name and address of the person, persons, corporation, association or organization; the name and address of the president and secretary of said organization and relationship of applicant to said organization.

(3) The date and time for which the permit is desired.

(4) The park or portion thereof for which such permit is desired.

(5) The activity to be undertaken or reason for the application.

(6) The number of persons anticipated to participate.

(7) Any other information which the City shall find reasonably necessary to make a fair determination as to whether a permit should be issued.

B. Standards for issuance of a use permit by the City. Standards may include the following findings:

(1) That the proposed activity or use of the park or recreational area will not unreasonably interfere with or detract from the general public enjoyment of the park.

(2) That the proposed activity and use will not unreasonably interfere with or detract from the promotion and maintenance of public health, welfare, safety and recreation.

(3) That the proposed activity or uses that are reasonably anticipated will not induce or tend to induce violence, crime or disorderly conduct.

(4) That the proposed activity will not entail extraordinary or burdensome expense or police operation by the City.

(5) That any fees assessed participants or requests for contributions will be solely for the purpose of offsetting or equaling the organization's reasonable expectation of expenses to be incurred.

(6) That the facilities desired have not been reserved for another use at the date and time requested in the application.

C. Conditions of issuance. All permits issued shall be on the condition that:

(1) The permittee shall be bound by all park rules and regulations and all applicable ordinances fully as though the same were inserted in the permit.

(2) The person, persons or organization to whom the permit is issued shall be liable for all loss, damage or injury sustained by any person whatever by reason of negligence of the person, persons or organization to whom such permit shall have been issued. The City shall have the right to require that prior to the issuance of a permit or commencement of the activity, the applicant submit evidence of liability insurance covering injuries to members of the general public arising out of such permitted activities, in such amounts as may be from time to time determined by the City.

(3) The permittee shall maintain the park, recreational area or facilities by removing all trash or debris and restoring the area or facilities to a condition equal to or better than its condition prior to the granting of

the permit. In the event that special or extraordinary maintenance is required or additional costs are incurred for a proposed use or activity, such costs shall be borne by the applicant.

(4) No structures shall be erected or placed, no utilities installed, run or extended and no alteration of a natural or man-made feature, facility or object shall be allowed unless so authorized in the permit issued by the City and, when so authorized, in accordance with its requirements for such use and alterations.

(5) No permit shall be valid except for the facilities, area and time expressly set forth therein.

(6) The permittee will obey any other reasonable requirement, condition or restriction which the City authorizes.

(7) Fees may be charged for a permit and the City may require a cash deposit or bond in reasonable amount to ensure performance of the terms and conditions of the permit, which deposit shall be refundable after deducting the cost of necessary expenses incurred by the City in restoring the leased area to the condition the same was in at the time the permit was issued, reasonable wear and tear excepted.

D. Submission of applications. Applications for permits shall be submitted to the City or its duly authorized representatives. If a permit is denied, the applicant shall be given written notice setting forth the reasons therefor.

E. Denial of permit. If a permit is denied by the City's authorized representative, the applicant shall have the right to appeal said decision to the Board of Commissioners by serving written notice thereof on the City Clerk within five days from receipt of notice of denial. A copy of said notice shall also be served on the City's authorized representatives which denied the permit within the same time, and said representative shall immediately

forward the application and the reasons for its refusal to the Board of Commissioners, which shall consider the application under the standards set forth in this section. The Board of Commissioners shall consider such appeal at its next regular meeting or prior thereto at a special meeting, which appeal shall be considered on the record without public hearing. In any event, the Board of Commissioners shall affirm, reverse or modify the decision to deny the permit within 30 days from the filing of notice of appeal, in default whereof the appeal shall be considered denied. Written notice of the decision of the Board of Commissioners upon any appeal shall be given to the applicant within 10 days thereof.

F. Revocation of permit. The City's authorized representative shall have the authority to revoke a permit if the applicant or any person acting in his behalf shall violate any of the provisions of this chapter or any rule or regulation of the City or any of the restrictions, terms or conditions under which the-permit was issued. In the event of such revocation, the applicant shall have the right to appeal to the Board of Commissioners in the same manner and on the same terms set forth above.

§ 206-8. Enforcement.

The City or its duly authorized representatives, including the custodians, supervisors and assistants appointed by the City, or any police officer, shall be responsible for the enforcement of this chapter and shall have authority to eject from any park or recreation area any person or persons acting in violation thereof and shall also have the authority to seize and confiscate any property, thing or device which is being used in a park or recreational area in violation thereof.

§ 206-9. Violations by minors.

No parent or guardian of a minor under the age of 18 years shall knowingly permit, allow or suffer such minor to do any act

prohibited by this chapter or any rule or regulation duly passed by resolution of the Board of Commissioners to further implement this chapter.

§ 206-10. Notice of violation to parent or guardian of minor.

Whenever any minor under the age of 18 years is charged with a violation of this chapter, his parent or guardian shall be notified of such charge by the Chief of Police.

§ 206-11. Presumption of knowledge of parent or guardian of violation by minor.

If at any time within 45 days following the giving of notice as provided in § 206-10 hereof, the minor to whom said notice related or applied is again charged with a violation of this chapter, it shall be reputably presumed that the minor committed such subsequent violation with the knowledge, allowance, permission or sufferance of the parent or guardian of the minor, and said parents or guardian shall thereupon be charged with a violation of this chapter by the person making the charge against the minor or by the Chief of Police.

§ 206-12. Violations and penalties.

A. Violations. Any person who shall violate any rules, regulations or bylaws duly adopted by the City may be deemed and adjudged a disorderly person by any court of competent jurisdiction, as provided by law.

B. Penalties. Any person violating any of the provisions hereof, or any rule, regulation or bylaws of the City shall, upon conviction, be subject to a penalty, either imprisonment for not more than 90 days or a fine not exceeding $1,000 or both, in the discretion of the court, and the court may also order the replacement, repair or

restoration of any property damaged by such person in a park or recreational area.

Chapter 210

PEACE AND GOOD ORDER

§ 210-1. Prohibited acts.

[HISTORY: Adopted by the Board of Commissioners of the City of Bordentown 4-5-1960. Amendments noted where applicable.

GENERAL REFERENCES

Alcoholic beverages — See Ch. 100.
Bowling alleys and billiard rooms — See Ch. 120.
Curfew — See Ch. 142.
Littering — See Ch. 190.
Parks and recreation — See Ch. 206.
Property maintenance — See Ch. 216.

§ 210-1. Prohibited acts.[1]

No person shall, within the limits of the City of Bordentown:

A. Be disorderly in any public omnibus, street, highway, thoroughfare or on any public sidewalk or in any store, restaurant or other public or quasi-public place or conveyance to the annoyance of any person or, being upon any public street, park or other public or quasi-public place, be in such a disorderly state as to be unable to conduct himself with due care for his safety or the safety of other persons. [Amended 8-11-2008 by Ord. No. 2008-11]

B. Appear on any street, road, avenue, park or other public place in a state of nudity or make any indecent exposure

[1] Editor's Note: Former Paragraphs 2, 3, 4, 5, 6, 7, 10, 11, 12, 13, 14, 16, 17, 18, 24 and 26 of this section, which prohibited various actions, were deleted 12-24-1990 by Ord. No. 1990-5.

of his or her person or commit or do any lewd or indecent act or behave in a lewd or indecent manner.

C. Disrobe in any automobile, truck or vehicle while the same is upon any parking place, street, road, avenue, park or other public place.

D. Cause or permit to be omitted any vile, offensive, obnoxious or nauseating odor.

E. Hinder or obstruct any city officer or employee or the officer or employee of any agency, department, board, commission, authority or other instrumentality of this municipality in the performance of his duties or willfully refuse or neglect to assist such officer or employee when lawfully called upon by him so to do in the execution of any process or in the suppression of any breach of the peace or disorderly conduct or in case of escape or when such officer or employee is resisted in the discharge of his duty or resist or oppose any officer or person authorized by law in serving or attempting to serve any writ, bill or order to process or when making any arrest.

F. Hinder, prevent or deter in any manner or by any device whatever any fireman or other person from rendering lawful assistance in abating or quelling a fire or hinder or interfere with any fireman going to or returning from any fire or place from which a fire alarm proceeds or hinder or obstruct any fire engine, hook and ladder truck, hose cart or other fire apparatus going to or from any place which a fire alarm proceeds or where any building or property may be burning.

G. Hinder, obstruct, prevent or deter in any manner or by any device whatever any ambulance or emergency squad member or other person from rendering lawful assistance at any accident, disaster or other emergency or any ambulance or emergency squad equipment, while going to or from or attending at an accident, disaster or other emergency.

H. Willfully and maliciously ring or sound or cause to be rung or sounded any bell, siren or other alarm of any fire, ambulance or emergency company or squad and thereby or by any other

(Cont'd on page 21003)

means, give or cause to be given a false alarm or fire or emergency.

I. Enter upon or trespass upon the land or property of any person without lawful permission so to do.

J. Pretend to use or have any skill in physiognomy, palmistry or like crafty science or pretend to tell destinies or fortunes for pay or other reward.

K. Remove, interfere with or disturb any lantern, warning signal, obstruction or barricade lawfully placed in or across any public street or alley by the public authority, its contractors, agents, servants or employees.[2]

§ 210-2. Definitions and word usage.

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

PERSON — Wherever appropriate in connection with the context, includes corporation, partnership, association and individual and shall include the plural.

B. The masculine pronouns shall include the feminine.

§ 210-3. Disposition of fines.

All fines imposed and collected under and by virtue of this chapter shall be paid into the treasury of the city.

§ 210-4. Violations and penalties.[3]

Violation of any provision of this chapter shall, upon conviction thereof, be punishable as provided in Chapter 1, General Provisions, Article I, Violations and Penalties.

[2] Editor's Note: Former Paragraph 1 of Section II, which immediately followed this section and prohibited all indecent or disorderly conduct or breach of peace not herein specifically mentioned, was deleted at time of adoption of Code; see Ch. 1, General Provisions, Art. II.

[3] Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. II.

Chapter 213

PEDDLING AND SOLICITING

ARTICLE I
Licenses and Fees; Regulations

§ 213-1. Definitions.

§ 213-2. Purposes.

§ 213-3. Unlawful to sell without a license.

§ 213-4. Exemption from license fees.

§ 213-5. Application for license.

§ 213-6. Granting of license; fees for proceeding.

§ 213-7. License in possession.

§ 213-8. Fee schedule; term of license.

§ 213-9. Regulations to be observed.

§ 213-10. Revocation and suspension of license.

§ 213-11. Violations and penalties.

ARTICLE II
Solicitation of Motorists by Charitable Organizations

§ 213-12. Purpose.

§ 213-13. Restrictions.

§ 213-14. Permitted motorist solicitations; criteria.

§ 213-15. Violations and penalties.

[HISTORY: Adopted by the Board of Commissioners of the City of Bordentown as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Newspaper vending boxes — See Ch. 198.
Vehicles and traffic — See Ch. 258.

ARTICLE I
Licenses and Fees; Regulations
[Adopted 12-11-1995 by Ord. No. 1995-19]

§ 213-1. Definitions.

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

NON-PROFIT-MAKING VENDOR — A person who, sells goods, the proceeds of which are devoted exclusively to the purpose of a philanthropic, charitable or religious society on whose behalf he acts as agent, with or without pay, but excluding those individuals or organizations soliciting for funds or other things of value.

PEDDLER — A person, commonly referred to either as a "transient merchant," "itinerant vendor," "route salesman," "peddler," "hawker" or other such person, who goes from place to place by traveling on the streets or from house to house and carries with him foodstuffs, goods, wares and merchandise for the purpose of selling and delivering them to consumers or who, without carrying merchandise, sells or proposes to sell services of any kind, including but not limited to painting, landscaping, subscriptions and photography.

PERSON — An individual, firm, partnership, corporation, voluntary association, incorporated association and principal or agent thereof.

SOLICITOR — A person selling the articles or services described above in the definition of "peddler" by sample or taking orders for future delivery, with or without accepting an advance payment for the goods and regardless of whether the solicitation be made by mail, telephone or personal contact. The provisions of this article shall apply to the person who comes in personal contact with the buyer through the delivery of the goods or the acceptance of any moneys in payment therefor.

§ 213-2. Purposes.

The purposes of this article are to monitor transient businessmen, to prevent dishonest business practices, to prevent the use of soliciting and canvassing to gain access to homes for criminal purposes and to maintain quiet and privacy for the residents of the City of Bordentown. The provisions of this article shall not apply to city-wide events sponsored by local businesses or religious organizations, such as, and including, but not limited to, the annual street fair and Cranberry Festival.

§ 213-3. Unlawful to sell without a license.

It shall be unlawful for any person to sell or dispose of, or to offer to sell or dispose of, any foodstuffs, goods, wares or merchandise within the City of Bordentown without first obtaining a license and having paid the license and/or other fees hereinafter prescribed.

§ 213-4. Exemption from license fees.

The license fees shall not apply to any person who conducts a sale pursuant to state or court order, nor to any person who is an exempt member of a volunteer fire department or other lawfully organized nonprofit organization, as defined by New Jersey public laws. Said persons and/or organizations must comply with all requirements of § 213-5, as may be applicable.

§ 213-5. Application for license.

A. Any person desiring a license shall file with the Chief of Police an application form, accompanied by the appropriate fee, as specified in § 213-8, which application shall contain the following:

(1) The name of the applicant.

(2) The applicant's age and date of birth.

(3) The applicant's social security number.

(4) The applicant's height and weight.

(5) Two photographs of the applicant which shall be approximately 2½ inches by 2½ inches in size showing the head and shoulders of the applicant, in a clear and distinguishing manner.

(6) The applicant's permanent home residence.

(7) The place or places of residence of the applicant for the preceding three years.

(8) The name and address of the persons from which goods making up the stock were or are to be purchased.

(9) Three business references.

(10) The length of time for which the license is desired.

(11) A description of the nature of the business and the goods, services or wares to be sold and sufficient information to determine whether or not the business he is to transact is interstate or intrastate.

(12) A statement as to whether or not the applicant has been convicted of a crime, misdemeanor or disorderly conduct offense, where and when so convicted, the nature of the offense and the penalty.

(13) The make, model, year, color and license plate number of the vehicle used by the applicant during the period of solicitations within the City of

Bordentown, and the number of his driver's license and the state of issuance.

(14) Whether the applicant has provided a certificate of authority to collect taxes from the State Division of Taxation.

(15) Copies of declaration pages of all insurance maintained by the applicant related to its business and business vehicle.

B. In the event the applicant is an organization or person referred to in § 213-4, the Commissioners may waive one or more of the referenced information requirements at their sole discretion.

C. Applicants applying for a license to operate as a vendors at the municipal boat ramp area shall so state on the application.

§ 213-6. Granting of license; fees for proceeding.

Following the filing of the application and the payment of the appropriate fee, as required under § 213-8 of this article, the Chief of Police shall verify the information. The Chief, based on the applicant's criminal background, may, in his discretion, require the applicant to have his fingerprints taken, to be compared with those on file with the Federal Bureau of Investigation and the State Bureau of Identification, and, based on his findings, shall either signify his approval or rejection of the application to the Board of Commissioners of the City of Bordentown, who shall act upon the same as soon as the necessary investigation and recommendations by said Chief of Police have been made. Upon approval of the application and payment of the fees, the license shall be issued by the Clerk of the City of Bordentown who shall keep the necessary records pertaining thereto. For all license classes, the license shall not authorize any person, except the person named in said license, to engage in the business specified. Said license shall not be transferable from the person to whom issued to any other person. A separate license must be obtained by a licensed

peddler or solicitor for every agent or employee working for him. The Board of Commissioners has full discretion as to whether or not to issue a license and can limit the amount of licenses issued as it sees fit and can revoke a license upon reasonable cause. The Commissioners' decision as to the issuance of a license shall be final.

§ 213-7. License in possession.

Every person holding a license under this article shall be required to carry the license on his person while engaged in the business licensed. He must produce the license at the request of any person solicited, a police officer or other official of the City of Bordentown. To every person granted a license, the Clerk of the City of Bordentown shall issue a license certificate which shall display a photograph of the applicant, the number of the license and the dates for which it is issued.

§ 213-8. Fee schedule; term of license.

License and processing fees shall be as follows:

A. A fee of $50 shall be paid for the processing of each license application and shall apply to each individual who makes application for said license, except in the case of a license application to operate as a food vendor at the municipal boat ramp area, in which case the application fee shall be $500. Said processing fee shall include the cost of fingerprinting, the issuance of the license and the license issued therefor.

B. Nonprofit peddlers as set forth in § 213-4 shall not be required to pay a license fee.

C. Nonprofit vendors as set forth in § 213-4 shall not be required to pay any license fee.

D. The license shall be valid for a period of five business days, except in the case of a license to provide food vending services at the municipal boat ramp area, in

which case the license shall be valid for the time in which that area is open for public use as set forth in Chapter 116 of the Bordentown City Code. All licenses, other than those issued for the municipal boat ramp area, can be renewed without the need for reapplication upon payment of the stated fee, or upon written request, in the case of a nonprofit peddler or vendor. An applicant can receive up to 10 renewals without the need for reapplication. Boat ramp licenses must be reapplied for, in accord with this section, on an annual basis.

E. Unsuccessful applicants who are denied licenses shall have the fee returned.

§ 213-9. Regulations to be observed.

A. All persons to whom a license shall be issued hereunder shall observe the following regulations, and, for any violation thereof, the license shall be immediately revoked by the Chief of Police.

B. No person shall solicit or canvass at any residence without first securing written permission to do so from the individual homeowner on forms provided by the City of Bordentown.

C. No person covered by this article shall sell or attempt to sell in accordance with the terms of this article before 9:00 a.m. or after 5:00 p.m., prevailing time, except in the case of the municipal boat ramp area, in which case vendors shall be allowed to operate during the hours the ramp is open. The aforesaid time limitations shall not apply to persons who are expressly invited into homes by the occupants thereof.

D. No person shall hawk or sell wares within a distance of 100 feet of the nearest public building or commercial establishment. Nothing herein shall be read to proscribe the lawful activity of a vendor in the municipal boat ramp area.

E. No noisemaking device of any kind shall be used to attract attention.

F. No vehicle shall be parked upon any public street for the purpose of displaying or selling wares or merchandise, unless specifically approved by the city. Nothing herein shall be read to proscribe the lawful activity of a vendor in the municipal boat ramp area.

G. All persons covered by this article shall leave their names, addresses and telephone numbers with the home owner so that orders made may be canceled within a reasonable period of time.

H. All persons covered by this article shall be courteous to all persons with whom they shall meet, shall not annoy any of the inhabitants of the City of Bordentown and shall conduct himself or herself in a lawful manner at all times.

§ 213-10. Revocation and suspension of license.

A license may be revoked by the Board of Commissioners of the City of Bordentown by reason of the violation of the terms of the license, the violation of any municipal ordinance, state or federal statute or falsification in applying for a license. The licensed person shall be granted a hearing by the Board of Commissioners upon his request. A license may be suspended for not more than three weeks by the Chief of Police without a hearing. No fees shall be returned for any unexpired period of a license, whether revoked or not.

§ 213-11. Violations and penalties.

Any person violating any of the terms or provisions of this article or conducting the business of peddler, solicitor or non-profit-making vendor in this city without a license to do so shall, upon conviction thereof by the Municipal Court Judge of the City of Bordentown, be subject to a fine not exceeding $500 and/or by imprisonment in the County Jail for a term not

exceeding 90 days, and/or up to 100 hours' community service, in the discretion of the Municipal Court Judge.

ARTICLE II
Solicitation of Motorists by Charitable Organizations
[Adopted 3-23-1998 by Ord. No. 1998-4]

§ 213-12. Purpose.

The purpose of this article is to provide regulations governing solicitation of motorists in the roadway of a highway, other than interstate highways or toll roads, within the City of Bordentown.

§ 213-13. Restrictions.

No person shall stand in the roadway of a highway to stop, impede, hinder or delay the progress of a vehicle for the purpose of soliciting the purchase of goods, merchandise or tickets, or for the purpose of soliciting contributions for any cause, and the only question of law and fact in determining guilt under this section shall be whether goods, merchandise or tickets were tendered or offered for sale, or whether a contribution was solicited.

§ 213-14. Permitted motorist solicitations; criteria.

A. The Commissioners of the City of Bordentown may, by ordinance, authorize charitable organizations as defined in Section 3 of P.L. 1994, c. 16 (N.J.S.A. 45:17A-20) to solicit contributions in the roadway of a highway, other than interstate highways or toll roads maintained pursuant to P.L.1962, c.10 (N.J.S.A. 27:12C-1 et seq.), P.L. 1991, c. 252 (N.J.S.A. 27:25A-1 et seq.), P.L. 1952, c. 16 (N.J.S.A. 27:12B-1 et seq.) or P.L. 1948, c. 454 (N.J.S.A. 27:23-1 et seq.), subject to regulations promulgated pursuant to the "Administrative Procedure

Act," P.L. 1968, c. 410 (N.J.S.A. 52:14B-1 et seq.) by the Department of Transportation.

B. The City of Bordentown shall not authorize charitable organizations to solicit on any county highway or intersection of a county highway without the approval of the Board of Chosen Freeholders. The City of Bordentown shall not authorize charitable organizations to solicit on any state highway or intersection without the approval of the Commissioner of Transportation. The Board of Chosen Freeholders and the Commissioner of Transportation shall not unreasonably withhold approval.

C. The Commissioner of Transportation may, by regulation, designate any highway or sections of any highway as a location wherein the standing of any person or the parking of any vehicle for the purpose of soliciting the purchase of goods, merchandise or tickets, or for the purpose of soliciting contributions for any cause, is deemed hazardous or inimical to the proper flow of traffic and shall be prohibited. Each highway or section thereof so designated shall be clearly marked by appropriate signs which shall be erected and maintained by the authority having the responsibility for the maintenance of such highway, upon receipt by such authority of written notice from the director of the adoption of such regulation. No person shall stand in, and no operator shall allow a vehicle to stand in, any section of a highway so designated and marked so as to stop, impede, hinder or delay the progress of a vehicle for the purpose of soliciting the purchase of goods, merchandise or tickets, or for the purpose of soliciting contributions for any cause, and the only question of law and fact in determining guilt under this section shall be whether goods, merchandise or tickets were tendered or offered for sale, or whether a contribution was solicited.

D. The determination of whether a solicitation is being done in a lawful fashion where it has first received approval of the county or state, as the case may be, shall be within

the sole discretion of the City of Bordentown, and the city reserves the right to control, direct or modify such solicitations in order to ensure the safety of solicitors, pedestrians and motorists.

§ 213-15. Violations and penalties.

Any person found guilty of violating any of the provisions of this article shall pay, upon conviction, a penalty not to exceed $100.

Chapter 216

PROPERTY MAINTENANCE

§ 216-1. Adoption of standards by reference.

§ 216-2. Amendments to standards.

§ 216-3. Owner's and occupant's liability.

[HISTORY: Adopted by the Board of Commissioners of the City of Bordentown 9-14-1981 by Ord. No. 1981-8; amended in its entirety 9-22-2003 by Ord. No. 2003-12. Amendments noted where applicable.]

GENERAL REFERENCES

Change in ownership or occupancy of buildings — See Ch. 124.
Unsafe buildings — See Ch. 130.
Firesafety — See Ch. 162.
Flood damage prevention — See Ch. 166.
Garbage, rubbish and refuse — See Ch. 174.
Historic preservation — See Ch. 180.
Littering — See Ch. 190.

§ 216-1. Adoption of standards by reference.

A certain document, three copies of which are on file in the office of the City Clerk of the City of Bordentown at City Hall, Bordentown, Burlington County, New Jersey, being marked and designated as the current edition of the International Property Maintenance Code, as published by Building Officials and Code Administrators International, Inc. (BOCA), be and the same is hereby adopted as the Property Maintenance Code of the City of Bordentown, in the County of Burlington and State of New Jersey, for the control of buildings and structures as herein provided, and each and all of the regulations of the Basic Property Maintenance Code are hereby referred to, adopted and made a part hereof as if fully set out in this chapter.

§ 216-2. Amendments to standards.

The following amendments and supplements are herewith made to the current edition of the International Property Maintenance Code hereinabove mentioned and hereby adopted:

A. The title shall be amended as follows:

Title: These regulations shall be known as the "Property Maintenance Code of the City of Bordentown," hereinafter referred to as the "Property Maintenance Code."

B. The penalties shall be amended as follows:

Penalty: Any person, firm or corporation who shall violate any provision of this code shall, upon conviction thereof, be punished as provided in Chapter 1, General Provisions, Article I, Violations and Penalties, each day that a violation continues after due notice has been served, in accordance with the terms and provisions hereof; shall be deemed a separate offense.

§ 216-3. Owner's and occupant's liability.

A. Definitions. For purposes of this section, the following terms shall have the following meanings:

OCCUPANT — Any person living or sleeping in a building or having possession of a space within a building or any part thereof.

OPERATOR — Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

OWNER — Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the

executor or administrator of the estate of such person if ordered to take possession of real property by a court.

B. Owner's liability. Owners and operators shall have all the duties and responsibilities prescribed in this Code and the Property Maintenance Code of the City of Bordentown, and no owner or operator shall be relieved from any such duty and responsibility nor be entitled to defend against any charge or violation thereof by reason of the fact that the occupant is also responsible therefor and in violation thereof.

C. Occupant's liability. Occupants shall have all the duties and responsibilities prescribed in this Code and the Property Maintenance Code of the City of Bordentown, and the occupant shall not be relieved from any such duty and responsibility nor he entitled to defend against any charge or violation thereof by reason of the fact that the owner or operator is also responsible therefor and in violation thereof.

D. Contract not to alter responsibilities. Unless expressly provided to the contrary in this Code, the respective obligations and responsibilities of the owner and operator on one hand, and the occupant on the other, shall not be altered or affected by an agreement or contract by and between any of the aforesaid or between them and the other parties.

Chapter 220

PROPERTY, NUMBERING OF

§ 220-1. Numbering system established.

§ 220-2. Assignment of numbers; corrections.

§ 220-3. Placement and size of numbers.

§ 220-4. Index of assigned numbers.

§ 220-5. Application for determination of assigned numbers; compliance required.

§ 220-6. Appeals.

§ 220-7. Violations and penalties.

[HISTORY: Adopted by the Board of Commissioners of the City of Bordentown 2-5-57. Section 220-7 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. II. Other amendments noted where applicable.]

GENERAL REFERENCES

Change in ownership or occupancy of buildings — See Ch. 124.
Fire safety — See Ch. 162.

§ 220-1. Numbering system established.

A system is hereby established with respect to the assigning and allotting of official street numbers to properties fronting upon the various streets within the City of Bordentown.

§ 220-2. Assignment of numbers; corrections.

Said street numbers shall be assigned and allotted to the owners of said properties by the City Engineer or such other person as may be designated from time to time by resolution of the Commissioners of the City of Bordentown. Each lot shall be numbered uniformly, with the odd numbers on one side of the street and the even numbers on the other. Said Engineer or such other person as may be designated shall also have the power and the duty of correcting any errors with respect to assignment or allotment of street numbers as and when they are discovered.

§ 220-3. Placement and size of numbers.

It shall be the duty of the owner or occupant of every property, dwelling, house, store or other improvement to place or cause to be placed a proper number which shall be of such size and material and placed in such a substantial manner that the same will be conspicuous and visible from the street, road, avenue, lane or way upon which it fronts or from which access is to be had. The numbers shall be of a height of not less than three (3) inches.

§ 220-4. Index of assigned numbers.

There shall be on file with the Clerk of the City of Bordentown an index list of all numbers assigned to the various dwellings, stores or other improvements. It shall be the duty of the owner or owners, occupant or occupants of any dwelling, store or other improvement to make application to the Clerk of the city to determine the number assigned.

§ 220-5. Application for determination of assigned numbers; compliance required.

The owner or owners, occupant or occupants of any dwelling, store or other improvement hereinafter erected or completed shall, within thirty (30) days after its erection or completion, apply to the Clerk of the City of Bordentown for an assigned number and shall comply with the terms of this chapter.

§ 220-6. Appeals.

In the event that any person shall feel aggrieved by the assignment or allotment, such person shall have the right to appeal to the Commissioners of the City of Bordentown in writing or in person at any of its meetings, whereupon a hearing shall be granted upon said appeal, and the Commissioners shall thereupon proceed to finally determine the matter.

§ 220-7. Violations and penalties.[1]

If any owner or occupant of any dwelling, store or other improvement now or hereafter erected in the City of Bordentown shall fail to number or cause to be numbered the dwelling, store or other improvement owned or occupied by him in conformity with the provisions of this chapter, he shall be liable to the payment of a penalty of twenty-five dollars ($25.).

[1] Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. II.

Chapter 228

RETAIL FOOD ESTABLISHMENTS

§ 228-1. Adoption of code by reference.

§ 228-2. Title of code.

§ 228-3. Copies of code to be available.

§ 228-4. Violations and penalties.

[HISTORY: Adopted by the Board of Commissioners of the City of Bordentown 5-17-66 as Ord. No. 1966-7. Section 228-4 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. II. Other amendments noted where applicable.]

GENERAL REFERENCES

Alcoholic beverages — See Ch. 100.
Bowling alleys and billiard rooms — See Ch. 120.

§ 228-1. Adoption of code by reference.

A code regulating retail food establishments and fixing penalties for violations is hereby established pursuant to N.J.S.A. 26:3-69.1 to 26:3-69.6. A copy of said code is annexed hereto and made a part hereof without the inclusion of the text thereof herein.

§ 228-2. Title of code.

The code established and adopted by this chapter and commonly known as the "Retail Food Establishment Code of New Jersey (1965)."

§ 228-3. Copies of code to be available.

Three (3) copies of said Retail Food Establishment Code of New Jersey (1965) have been placed on file in the office of the Clerk of the City of Bordentown upon the introduction of this chapter and will remain on file there until final action is taken on this chapter for the use and examination of the public.

§ 228-4. Violations and penalties.[1]

Any person who violates any provision of or order promulgated under this chapter or code established herein shall, upon conviction thereof, be liable to a penalty of not less than five dollars ($5.) nor more than five hundred dollars ($500.) for each violation. Each day a particular violation continues shall constitute a separate offense.

[1] Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. II.

Chapter 229

SEWERS

ARTICLE I
Sewer Connections

§ 229-1. Sanitary sewer use required.

§ 229-2. Connection required; time limitations.

§ 229-3. Failure to connect; action by City; recovery of costs.

§ 229-4. Regulation by Bordentown Sewerage Authority.

[HISTORY: Adopted by the Board of Commissioners of the City of Bordentown as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Sewerage Authority — See Ch. 74.
Sewer Rebate Program — See Ch. 78.
Stormwater management — See Ch. 237.

ARTICLE I
Sewer Connections
[Adopted 3-9-1998 by Ord. No. 1998-3]

§ 229-1. Sanitary sewer use required.

It shall be unlawful for any owner or occupant of any dwelling or other building now or hereinafter constructed, which is located upon any street in which a sanitary sewer is now or hereinafter constructed, to discharge wastewater, or to cause, permit or allow wastewater to be discharged, from said dwelling or other building into the soil or into any other place

other than the sanitary sewer in the street upon which the said dwelling or other building is located.

§ 229-2. Connection required; time limitations.

A. The owner of any dwelling or other building now or hereinafter constructed from which any wastewater can be discharged or which has been certified for occupancy, and which is located upon any street in which a sanitary sewer is now or hereinafter constructed, shall cause such necessary piping to be installed and such connection with the sanitary sewer to be made, in order to provide a method of discharging all wastewater from the dwelling or other building directly into the sanitary sewer.

B. The connection of such building or other dwelling with the sanitary sewer shall be made either:

(1) Prior to the issuance of a certificate of occupancy, in the event that the dwelling or other building is hereinafter constructed upon any street in which a sanitary sewer then exists;

(2) Within 60 days after the completion of the sanitary sewer, in the event that the sanitary sewer is hereinafter constructed in the street upon which a dwelling or other such building than exists; or

(3) Within 60 days of the effective date of this article, for dwellings or other buildings now constructed upon any street in which a sanitary sewer now exists.

§ 229-3. Failure to connect; action by City; recovery of costs.

If the owner of any property shall fail to make the installation of piping and the connection of the dwelling or other building to the sanitary sewer as is required by this article within the time required herein, the City may proceed to

make such installation or connection or cause the same to be made pursuant to N.J.S.A. 40:48-3 and may, thereafter, either recover the costs from the owner in an action at law, or impose a charge for such costs pursuant to N.J.S.A. 40A:26A-10 and assess such costs as a first lien on the property pursuant to N.J.S.A. 40A:26A-12, or take such other enforcement action as may be granted to the City by law.

§ 229-4. Regulation by Bordentown Sewerage Authority.

Connections to sewers and the use thereof shall be subject to such regulations as may be promulgated by the Bordentown Sewerage Authority.

Chapter 230

SHADE TREES; SHADE TREE COMMITTEE

§ 230-1. Purpose.

§ 230-2. First Committee; subsequent Committee; terms.

§ 230-3. Organization.

§ 230-4. Vacancies.

§ 230-5. Powers.

§ 230-6. Cost; annual budget.

§ 230-7. Planting and removal of trees.

§ 230-8. Public improvements affecting trees; consent of committee.

§ 230-9. Annual budget.

§ 230-10. Violations and penalties; replacement assessment; public utilities.

§ 230-11. No liability for death or injury.

[HISTORY: Adopted by the Board of Commissioners of the City of Bordentown 3-13-1995 as Ord. No. 1995-6. Amendments noted where applicable.]

GENERAL REFERENCES

Parks and recreation — See Ch. 206.
Streets and sidewalks — See Ch. 240.

§ 230-1. Purpose.

The Shade Tree Committee shall be constituted pursuant to N.J.S.A. 40:64-1 et seq. and shall advise and assist the Board of

Commissioners and Clerk of the City of Bordentown with respect to the relocation, planting, care, culture, trimming and development of shade trees in the city. It shall develop and recommend to the Board a suitable shade tree program and Master Plan for the city and shall have the authority to promulgate rules and regulations, subject to the review and approval of the City Commissioners, as necessary, for the operation of the Committee.

§ 230-2. First Committee; subsequent Committee; terms.

The first Shade Tree Committee members shall consist of seven (7) members who shall be appointed by the Board of Commissioners within sixty (60) days after the ordinance providing for the Committee shall become effective, and their terms of office shall commence upon the day of their appointment and be for the respective periods of one (1), two (2), three (3), four (4) and five (5) years, beginning on January 1 next succeeding such appointment. The terms of two (2) members shall be for five (5) years and two (2) members shall be appointed for four (4) years. The term of each appointee shall be designated in his appointment. All subsequent appointments, except to fill vacancies, shall be for the full terms of five (5) years, to take effect on January 1.

§ 230-3. Organization.

The Committee shall organize within thirty (30) days after the appointment of its total membership for the remainder of the then calender year and thereafter annually by the election of one of its members as Chairman. It shall choose its own officers, make its own rules and regulations and keep a record of its proceedings. A majority of the members shall be a quorum for the transaction of business. The Committee shall have the functions and powers set forth in N.J.S.A. 40:64-1 et seq. except where inconsistent with this chapter, in which case the chapter controls. The Board of Commissioners shall provide the Shade Tree Committee with a secretary to record the minutes of

meetings and assist in ministerial and administrative functions. The salary of the secretary shall be fixed by the governing body of the municipality.

§ 230-4. Vacancies.

Any vacancy occurring by reason of the death, resignation or removal of any Shade Tree Committee member shall be filled for the unexpired term by appointment of the Board of Commissioners.

§ 230-5. Powers.

A Shade Tree Committee organized under this chapter shall study, investigate, develop, administer and update as necessary a Shade Tree Master Plan for the regulation, planting, care and repair of shade and ornamental trees and shrubbery and curbing and sidewalk as may be necessitated by the regulation, planting and care of said trees and shrubs now located, or which may hereafter be planted in any public highway, park or parkway, including the planting, trimming, spraying, care and protection thereof. Such Master Plan shall be presented annually to the Board of Commissioners and, upon its acceptance and approval by the Board, shall constitute the official Shade Tree Master Plan for the city. Said Master Plan shall be adhered to by the Shade Tree Committee, the city, its agents and employees and shall be followed in the exercise of the following functions:

A. To regulate and control the use of the ground surrounding shade trees, ornamental trees and shrubbery so far as may be necessary for their proper growth, care and protection.

B. To move or require the removal of any tree, or part thereof, dangerous to public safety.

C. To care for and control such parks and parkways, encourage arboriculture and recommend the alteration, amendment and repeal, in the manner prescribed for the

passage of ordinances by the governing body of the municipality, any and all ordinances necessary or proper for carrying out the provisions hereof.

D. To remove and repair sidewalk and curbing as may be necessitated by the regulation, location, planting, care, removal, treatment or root removal of any trees and shrubs, be they either in the public way or on private property adjacent to the public way.

E. To administer treatment to or remove any tree situate upon private property which is believed to harbor a disease or insects readily communicable to neighboring healthy trees in the care of the municipality and enter upon private property for that purpose, with the consent of the owner thereof, provided that the suspected condition is first confirmed by certificate issued by or on behalf of the Department of Agriculture.

§ 230-6. Cost; annual budget.

Except as hereinafter provided, the cost of all trees planted by the Shade Tree Committee, the cost of planting the same, the cost of any posts and boxes or guards used for the protection thereof and the cost of the removal of any tree or part thereof dangerous to public safety shall be borne by the city, which shall review and approve an annual budget submitted by the Shade Tree Committee for such purpose.

§ 230-7. Planting and removal of trees.

A. No species other than those recommended by the Shade Tree Committee may be planted as street trees, i.e., trees, shrubs and bushes lying between property lines on either side of all streets, avenues or other public ways within the city, without approval of the Shade Tree Committee.

(1) The spacing of street trees will be in accordance with the Shade Tree Master Plan.

(2) Distance from curb and sidewalks will be in accordance with the Shade Tree Master Plan.

(3) Distance from street corners and fireplugs will be in accordance with the Shade Tree Master Plan.

B. Bordentown City, in accordance with the approved Shade Tree Committee Master Plan, shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all public streets, alleys, easements, avenues, land, squares and public grounds as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds. Further, the city, in accord with the Shade Tree Committee Master Plan, may remove or order to be removed any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, waterlines or other public improvements or is affected with any injurious fungus, insect or other pest.

C. It shall be unlawful as a normal practice for any person, firm or city department to top any street tree, park tree or other tree on public property. "Topping" is defined as the severe cutting back of limbs to stubs larger than three (3) inches in diameter within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this provision by the city upon the recommendation of the Shade Tree Committee. In such case, either the city or an independent contractor retained by the city shall conduct this work.

D. Every owner of any tree overhanging any public street or right-of-way within Bordentown City shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear

space of twelve (12) feet above the roadway and eight (8) feet above the walkway. Said owners shall remove all dead, diseased or dangerous trees or broken or decayed limbs which constitute a menace to the safety of the public. Bordentown City shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a streetlight or interferes with visibility of any traffic control device or sign if, after notice to the property owner and an opportunity to respond, the owner takes no action. In such case, the cost of such work shall be chargeable to the owner of the tree or shrub and, if unpaid, shall become a lien on the property.

E. Bordentown City shall have the right to cause the removal of any dead or diseased trees on private property within the city when such trees constitute a hazard to life and property or harbor insects or disease which constitute a potential threat to other trees within the city. The Shade Tree Committee will notify, in writing by certified mail, the owners of such trees. Removal shall be done by said owners at their own expense within sixty (60) days after the date of service of notice. In the event of failure of the owners to comply with such provisions, the city shall have the authority to remove these trees and charge the cost of removal on the owner's property tax notice.

F. All stumps of street trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

G. Every owner of every tree or shrub which, by its close proximity to the public way, may cause the public sidewalk to shift, crack, heave or otherwise fall into disrepair shall be responsible, at his or her own expense, for the repair of same. The Shade Tree Committee will notify, in writing by certified mail, the owners of such trees or shrubs, sixty (60) days prior to having the work performed. The city shall have the authority to require the owner to effectuate such repair or to undertake the

repairs and charge the cost on the owner's property tax notice.

H. It shall be unlawful for any person to prevent, delay or interfere with the Shade Tree Committee, the City or any of its agents while engaging in and about the planting, cultivating, mulching, pruning, spraying or removing of any street trees, park trees or trees on private grounds as authorized in this chapter.

I. The City Commissioners shall have the right to review the conduct, acts and decisions of the Shade Tree Committee. Any person may appeal from any ruling or order of the Shade Tree Committee to the Board of Commissioners who shall hear the matter and make a final decision.

J. It is acknowledged that the Bordentown Sewerage Authority has jurisdiction over sewer lines within the City and that, pursuant to Bordentown Sewerage Authority regulation, the lateral line from the curb to a residence is the homeowners' responsibility for maintenance and repair. It shall be the homeowners' obligation to insure that the sewer lateral shall be maintained in appropriate condition, i.e., that is in good repair and that all joints are tight such that tree roots shall not penetrate into the sewer pipe. Any defective sewer laterals which have been damaged by tree roots or otherwise shall be repaired at the owner's obligation and expense. **[Added 11-26-2001 by Ord. No. 2001-15]**

§ 230-8. Public improvements affecting trees; consent of committee.

No statute giving any person or state, county or municipal board, body or official the power or authority to lay any sidewalk along or to open, construct, curb or pave any street, or to do any similar act, shall be construed to permit or authorize any interference with or injury to a street tree without the written consent of the Shade Tree Committee. In all cases, the

Shade Tree Committee shall reasonably cooperate with such person, board, body or official for the general public good.

§ 230-9. Annual budget.

A. During the month of December in each year, the Shade Tree Committee shall certify to the Board of Commissioners the estimated sum necessary for the proper conduct of the work specified herein for the ensuing fiscal year, which shall include the sums estimated to be expended for such of the following items as it is anticipated expenditure will be made for:

(1) Expenses of Committee members in discharging official duties, including expenses incident to attendance at professional meetings.

(2) Purchase of trees and shrubbery.

(3) Purchase of necessary equipment and materials and the cost of services for the prudent promotion of the work.

B. The governing body shall annually appropriate such sum as it may deem necessary for said purposes.

§ 230-10. Violations and penalties; replacement assessment; public utilities.

A. Violations and penalties; enforcement; copy of ordinance as evidence.

(1) Any person violating this chapter, in addition to being liable for any costs the City may incur in accordance with the provisions herein which may be properly chargeable to that person, shall be fined up to $500 for a first violation, with a fine of up to $1,000 for any second or subsequent violation, and/or up to 90 days' community service and/or 30 days in jail. The Municipal Court of Bordentown City shall have jurisdiction in actions for the

violation of such ordinances as the Committee shall enact.

(2) The ordinances shall be enforced by a designee of the Shade Tree Committee of the City who shall be employed by the City Public Works Department, which designee shall issue summonses in the form of ordinance Shade Tree Committee violations.

(3) A copy of any ordinance of the Shade Tree Committee certified to under the hand of the City Clerk shall be received in any court of this state as full and legal proof of the existence of the ordinance and that all requirements of law in relation to ordaining, publishing and making of the same, so as to make it legal and binding, shall have been complied with, unless the contrary be shown.

B. In addition to the penalties authorized by Subsection A of this section, the Committee may require a person who removes or otherwise destroys a tree in violation of a municipal ordinance to pay a replacement assessment to the municipality. The replacement assessment shall be the value of the tree as determined by the appraisal of a trained forester or certified tree expert retained by the Shade Tree Committee for that purpose. In lieu of an appraisal, the Shade Tree Committee may adopt a formula and schedule based upon the number of square inches contained in a cross section of the trunk of the tree multiplied by a predetermined value per square inch, not to exceed $27 per square inch. The square inch cross section shall be calculated from the diameter at breast height and, if there is a multiple-stem tree, then each trunk shall be measured and an average shall be determined for the tree. For the purposes of this section, "diameter at breast height" shall mean the diameter of the tree taken at a point 4½ feet above ground level. The Shade Tree Committee shall modify the value of the tree based upon its species, variety, location and its condition at the time of removal or destruction. This replacement assessment shall also include the city's costs incurred in

stump removal, sidewalk repair or replacement, and any other related expenses.

C. Any public utility or cable television company that clears, moves, cuts or destroys any trees, shrubs or plants for the purpose of erecting, installing, moving, removing, altering or maintaining any structures or fixtures necessary for the supply of electric light, heat or power, communication or cable television services upon any lands in which it has acquired an easement or right-of-way shall not be subject to any penalty imposed by the Committee pursuant to Subsection A or B of this section. However, this subsection shall not exempt any public utility or cable television company from any penalty or replacement assessment imposed for negligent or excessive actions.

§ 230-11. No liability for death or injury.

Nothing in this chapter contained shall be construed to make the Shade Tree Committee or any member thereof responsible for the death or injury of any person or for an injury to any property or highway tree or shrub.

Chapter 233

SKATEBOARDING

§ 233-1. Locations where skateboarding is prohibited.

§ 233-2. Other prohibited activities.

§ 233-3. Violations and penalties.

[HISTORY: Adopted by the Board of Commissioners of the City of Bordentown 11-28-2005 by Ord. No. 2005-20. Amendments noted where applicable.]

GENERAL REFERENCES

Vehicles and traffic — See Ch. 258.

§ 233-1. Locations where skateboarding is prohibited.

No person shall operate or cause to be operated a skateboard on streets, roadways, curbs, sidewalks adjacent to streets and roadways, and public or quasi-public areas, including but not limited to walkways, sidewalks, driveways, promenades and plazas on private property adjacent to the streets and roadways described below:

Name of Street	Side(s)	Location
Farnsworth Avenue	Both	From Park Street to Burlington Street
Walnut Street	Both	From Prince Street to Farnsworth Avenue
Crosswicks Street	Both	From Farnsworth Avenue to Second Street

§ 233-2. Other prohibited activities.

A. No person shall operate or cause to be operated a skateboard in a reckless or hazardous fashion or in a manner creating interference with pedestrian or motor vehicle traffic.

B. No person operating a skateboard shall hold onto a motor vehicle or bicycle while such motor vehicle or bicycle is in motion.

§ 233-3. Violations and penalties. [Amended 3-13-2006 by Ord. No. 2006-7]

A. Any person violating any of the provisions of this chapter shall, upon conviction hereof, be subject to a fine not to exceed $1,000 or imprisonment for a term not to exceed 90 days, or both, at the discretion of the court having jurisdiction in this matter. The court shall have the discretion to impose a term of community service in lieu of imprisonment. Each day that a violation continues shall be deemed a separate offense.

B. If at any time within 45 days following, a minor is again charged with a violation of this chapter, it shall be rebuttably presumed that the minor committed such subsequent violation with the knowledge, allowance, permission or sufferance of the parent or guardian of such minor, and said parent or guardian shall thereupon be charged with a violation of this chapter by the person making the charge against the minor or by the Chief of Police of the City of Bordentown or his designee.

Chapter 236

STORAGE AND TRASH CONTAINERS, TEMPORARY

§ 236-1. Temporary storage and trash containers on public property.

§ 236-2. Temporary storage and trash containers on private property.

§ 236-3. Permit required; fees.

§ 236-4. Application for extension.

§ 236-5. Persons responsible.

§ 236-6. Violations and penalties.

[HISTORY: Adopted by the Board of Commissioners of the City of Bordentown 5-12-2008 by Ord. No. 2008-09. Amendments noted where applicable.]

GENERAL REFERENCES

Garbage and bulk trash collection, recycling and enforcement — See Ch. 174.
Noise — See Ch. 201.
Nuisances — See Ch. 202.
Property maintenance — See Ch. 216.
Subdivision of land and site plan approval — See Ch. 244.
Zoning — See Ch. 300.

§ 236-1. Temporary storage and trash containers on public property.

No bulk storage container, trash dumpster, roll-off container, storage device, pod or similar container shall be placed or maintained by any private party in or on any City property, street or right-of-way except in compliance with the provisions of this chapter.

§ 236-2. Temporary storage and trash containers on private property.

No bulk storage container, trash dumpster, roll-off container, storage device, pod or similar container shall be placed or maintained on any private property unless it complies with one or more of the following provisions:

A. Such containers may be placed or maintained on a driveway or other suitably paved area for purposes of packing or unpacking goods and materials of the owner or occupant of the property in preparation for or subsequent to moving into or out of the property for a period of not more than 21 consecutive days.

B. Such containers may be placed or maintained on a driveway or other suitably paved area for purposes of storing the goods and materials of the owner or occupant of the property when necessary during renovation or rehabilitation of the structure located on the premises in which the goods or materials would otherwise be located during the period of renovation or rehabilitation and up to 14 days prior to commencement and 14 days subsequent to completion of the work but in no event more than a total of 120 days.

C. Exceptions to these requirements may be granted by the Director of Public Safety and Affairs in accordance with the provisions of § 236-4 and where particular circumstances warrant modification of these requirements.

§ 236-3. Permit required; fees.

Prior to the placement of any dumpster, roll-off container, pod, storage container or similar container in or on any City property, street or right-of-way, or on any private property (which dumpster, roll-off container, pod, storage container or similar container is not part of a container covered by a duly approved site plan), the owner of the property using the container or person contracting for the use of such container

shall apply for and receive a permit from the City pursuant to the provisions and standards set forth herein.

A. Application for the permit shall be made to the office of the City Clerk on a form provided by the City. The application shall require, among other things, the full name, address, and other contact information for both the owner of the container, the person contracting for the use of the container where such person is other than the owner of the property for which the container is to be used and the owner of the property with which the use of the container is associated. The application shall be accompanied by a permit fee of $25.

B. Any container to be placed on a street or right-of-way shall be placed on the street in a legal parking space, not designated for use as a handicap parking space, as designated by the City, and shall be equipped with appropriate reflectors or other safety markings so that the container will not constitute a hazard to traffic. The Bordentown City Police Department, in the exercise of its discretion, may direct that additional markings, their location or nature shall be supplemented or altered if the Police determine such actions are necessary for the protection of the motoring public.

C. The owner of the property associated with the use of the container or the contractor arranging use of the container shall provide the City with satisfactory proof of liability insurance covering any claims or losses for property damage or personal injury resulting from or occasioned by the placement of the container in an amount not less than $250,000.

D. Any permit issued for placement of a container on a street, right-of-way or other public property shall be valid for a period of 30 days, and a sticker or notice shall be prominently displayed on the property associated with the use of the container indicating the commencement and expiration date of the permit.

E. Any container placed on private property shall be placed on a suitable base to assure stability. If, in the opinion of the Bordentown City Police Department, the location is sufficiently near to a public vehicular or pedestrian path, the permit may require suitable safety markings as set forth in Subsection B, above.

F. Any permit issued for placement of a container on private property shall be valid for a period of 120 days and a sticker or notice shall be prominently displayed on the property associated with the use of the container indicating the commencement and expiration date of the permit.

G. Upon a showing of continued need for the container (such as during the course of major construction projects), permits may be renewed up to three times for like periods upon application for renewal and payment of a renewal fee of $5.

§ 236-4. Application for extension.

A person applying for a permit under this chapter may apply for an additional extension of time to keep the storage or trash container in place as set forth in this section.

A. Applications for extensions beyond those specified in this chapter shall be made to the City Clerk on a form to be provided by the City. The application shall contain full identifying information regarding the container, permit number, time it has been at the site and reason for use. The application shall contain a narrative statement of the reasons necessary for additional time. The application shall be accompanied by a fee of $5.

B. The application shall be reviewed and a determination made as to whether an additional extension should be granted, and the duration of that extension, within 10 business days of the filing of a complete application. In considering the application, the City shall consider:

(1) The length of time the container has been in place;

(2) The reason for the container and the reasonableness of the time allotted under this chapter for completion of that purpose in light of all attendant circumstances;

(3) The location of the container with respect to blocking or interfering with the efficient parking or passage of traffic, visual impact, nature of the neighborhood and similar issues;

(4) Whether noise, litter or similar quality of life problems have been associated with the use of the container;

(5) Whether the delay in completing the work or project for which the container is necessary is beyond the reasonable control of the user of the container;

(6) The additional time reasonably necessary to complete the work or project; and

(7) Such other factors as may be deemed reasonable and appropriate under the circumstances.

C. Decisions to extend or delay extensions of time or to otherwise modify the requirements as set forth herein shall be at the sole and exclusive discretion of the Director of Public Safety and Affairs.

§ 236-5. Persons responsible.

The person contracting for the use of the container and the owner of the property associated with its use shall be jointly responsible for compliance with the provisions of this chapter. Copies of the penalty provisions of this chapter shall be appended to the permit and shall be mailed with a copy of the permit to the owner of the container, the property owner and any other interested party.

§ 236-6. Violations and penalties.

Violations of this chapter or any conditions of a permit issued pursuant to this chapter shall be subject to a fine of not less than $100 or more than $250. Each day or portion thereof that a violation continues shall be considered a separate violation. Any storage container, storage device, pod, trash dumpster, roll-off container or similar container placed or maintained on City property, streets or rights-of-way or left in such a location after expiration of the permit for more than 10 days after the mailing of written notice to the owner of the container, the person contracting for the use of the container and the owner of the affected property may be removed by the City at the owner's expense for removal and storage of the container. Notices to remove pursuant to this section shall be sent by certified mail, return receipt requested, or by personal delivery. Such charge for removal and storage of the container shall be in addition to any fines that may otherwise be imposed pursuant to this section.

Chapter 237

STORMWATER MANAGEMENT

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Disposal, Pet Waste, Wildlife Feeding, Yard Waste and Illicit Connections

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§ 237-50. Boundary interpretation; appeals procedures; inspections; conflicts; severability.

§ 237-51. Enforcement.

[HISTORY: Adopted by the Board of Commissioners of the City of Bordentown as indicated in part histories. Amendments noted where applicable.]

GENERAL REFERENCES

Flood damage prevention — See Ch. 166.
Littering — See Ch. 190.
Subdivision of land — See Ch. 244.
Water — See Ch. 264.
Zoning — See Ch. 300.

Part 1
Disposal, Pet Waste, Wildlife Feeding, Yard Waste and Illicit Connections
[Adopted 9-26-2005 by Ord. No. 2005-18]

ARTICLE I
Improper Disposal of Waste

§ 237-1. Purpose.

An article to prohibit the spilling, dumping, or disposal of materials other than stormwater to the municipal separate storm sewer system (MS4) operated by the City of Bordentown so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

§ 237-2. Definitions.

For the purpose of this article, 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.

> MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) — A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that is owned or operated by the City of Bordentown and is designed and used for collecting and conveying stormwater.
>
> PERSON — Any individual, corporation, company, partnership, firm, association, or political subdivision of this state subject to municipal jurisdiction.

STORMWATER — 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.

§ 237-3. Prohibited conduct.

The spilling, dumping, or disposal of materials, other than stormwater, to the municipal separate storm sewer system operated by the City of Bordentown is prohibited. The spilling, dumping, or disposal of materials other than stormwater in such a manner as to cause the discharge of pollutants to the municipal separate storm sewer system is also prohibited.

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§ 237-4. Exceptions to prohibition.

The following activities are exempt from the prohibitions in § 237-3:

A. Waterline flushing and discharges from potable water sources;

B. Uncontaminated groundwater (e.g., infiltration, crawl space or basement sump pumps, foundation or footing drains, rising groundwaters);

C. Air-conditioning condensation (excluding contact and noncontact cooling water);

D. Irrigation water (including landscape and lawn watering runoff);

E. Flows from springs, riparian habitats and wetlands, water reservoir discharges and diverted stream flows;

F. Residential car washing water, and residential swimming pool discharges;

G. Sidewalk, driveway and street wash water;

H. Flows from fire-fighting activities;

I. Flows from rinsing of the following equipment with clean water:

(1) Beach maintenance equipment immediately following its use for its intended purposes;

(2) Equipment used in the application of salt and deicing materials immediately following salt and deicing material applications. Prior to rinsing with clean water, all residual salt and deicing materials must be removed from equipment and vehicles to the maximum extent practicable using dry cleaning methods (e.g., shoveling and sweeping). Recovered materials are to be returned to storage for reuse or properly discarded; and

(3) Rinsing of equipment, as noted in the above situation is limited to exterior, undercarriage, and

exposed parts and does not apply to engines or other enclosed machinery.

ARTICLE II
Pet Waste

§ 237-5. Purposes.

An article to establish requirements for the proper disposal of pet solid waste in the City of Bordentown so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

§ 237-6. Definitions.

For the purpose of this article, 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.

IMMEDIATE — Shall mean that the pet solid waste is removed at once, without delay.

OWNER/KEEPER — Any person who shall possess, maintain, house or harbor any pet or otherwise have custody of any pet, whether or not the owner of such pet.

PERSON — Any individual, corporation, company, partnership, firm, association, or political subdivision of this state subject to municipal jurisdiction.

PET — A domesticated animal (other than a disability assistance animal) kept for amusement or companionship.

PET SOLID WASTE — Waste matter expelled from the bowels of the pet; excrement.

PROPER DISPOSAL — Placement in a designated waste receptacle, or other suitable container, and discarded in a refuse container which is regularly emptied by the municipality or some other refuse collector; or disposal into a system designed to convey domestic sewage for proper treatment and disposal.

§ 237-7. Requirement for disposal.

All pet owners and keepers are required to immediately and properly dispose of their pet's solid waste deposited on any property, public or private, not owned or possessed by that person.

§ 237-8. Exemptions.

Any owner or keeper who requires the use of a disability assistance animal shall be exempt from the provisions of this section while such animal is being used for that purpose.

ARTICLE III
Wildlife Feeding

§ 237-9. Purpose.

An article to prohibit the feeding of unconfined wildlife in any public park or on any other property owned or operated by the City of Bordentown, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

§ 237-10. Definitions.

For the purpose of this article, 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.

FEED — To give, place, expose, deposit, distribute or scatter any edible material with the intention of feeding, attracting or enticing wildlife. Feeding does not include baiting in the legal taking of fish and/or game.

PERSON — Any individual, corporation, company, partnership, firm, association, or political subdivision of this state subject to municipal jurisdiction.

WILDLIFE — All animals that are neither human nor domesticated.

§ 237-11. Prohibited conduct.

No person shall feed, in any public park or on any other property owned or operated by the City of Bordentown, any wildlife, excluding confined wildlife (for example, wildlife confined in zoos, parks or rehabilitation centers, or unconfined wildlife at environmental education centers); provided, however, that this article does not prohibit the feeding of feral cats as part of an approved trap, neuter, release program.

ARTICLE IV
Yard Waste Collection Program

§ 237-12. Purpose.

An article to establish a yard waste collection and disposal program in the City of Bordentown, so as to protect public health, safely and welfare, and to prescribe penalties for the failure to comply.

§ 237-13. Definitions.

For the purpose of this article, 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.

CONTAINERIZED — The placement of yard waste in a trash can, bucket, bag or other vessel, such as to prevent the yard waste from spilling or blowing out into the street and coming into contact with stormwater.

PERSON — Any individual, corporation, company, partnership, firm, association, or political subdivision of this state subject to municipal jurisdiction.

STREET — Any street, avenue, boulevard, road, parkway, viaduct, drive, or other way, which is an existing state, county, or municipal roadway, and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas, and other areas within the street lines.

YARD WASTE — Leaves and grass clippings.

§ 237-14. Yard waste collection.

Sweeping, raking, blowing or otherwise placing yard waste that is not containerized at the curb or along the street is only allowed during the seven days prior to a scheduled and announced collection, and shall not be placed closer than 10 feet from any storm drain inlet. Placement of such yard waste at the curb or along the street at any other time or in any other manner is a violation of this article. If such placement of yard waste occurs, the party responsible for placement of the yard

waste must remove the yard waste from the street or said party shall be deemed in violation of this article.

ARTICLE V
Illicit Connection

§ 237-15. Purpose.

An article to prohibit illicit connections to the municipal separate storm sewer system(s) operated by the City of Bordentown, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

§ 237-16. Definitions.

For the purpose of this article, 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. The definitions below are the same as or based on corresponding definitions in the New Jersey Pollutant Discharge Elimination System (NJPDES) rules at N.J.A.C. 7:14A-1.2.

DOMESTIC SEWAGE — Waste and wastewater from humans or household operations.

ILLICIT CONNECTION — Any physical or nonphysical connection that discharges domestic sewage, noncontact cooling water, process wastewater, or other industrial waste (other than stormwater) to the municipal separate storm sewer system operated by the City of Bordentown, unless that discharge is authorized under a NJPDES permit other than the Tier A Municipal Stormwater General Permit (NJPDES Permit Number NJ0141852).

Nonphysical connections may include, but are not limited to, leaks, flows, or overflows into the municipal separate storm sewer system.

INDUSTRIAL WASTE — Nondomestic waste, including but not limited to those pollutants regulated under Section 307(a), (b), or (c) of the Federal Clean Water Act [33 U.S.C. § 1317(a), (b), or (c)].

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) — A conveyance or system of basins, curbs, gutters, ditches, man-made channels, or storm drains) that is owned or operated by the City of Bordentown or other public body, and is designed and used for collecting and conveying stormwater.

NJPDES PERMIT — A permit issued by the New Jersey Department of Environmental Protection to implement the New Jersey Pollutant Discharge Elimination System (NJPDES) rules at N.J.A.C. 7:14A.

NONCONTACT COOLING WATER — Water used to reduce temperature for the purpose of cooling. Such waters do not come into direct contact with any raw material, intermediate product (other than heat) or finished product. Noncontact cooling water may, however, contain algaecides, or biocides to control fouling of equipment such as heat exchangers, and/or corrosion inhibitors.

PERSON — Any individual, corporation, company, partnership, firm, association, or political subdivision of this state subject to municipal jurisdiction.

PROCESS WASTEWATER — Any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product, or waste product. Process wastewater includes, but is not limited to, leachate and cooling water other than noncontact cooling water.

STORMWATER — 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.

§ 237-17. Prohibited conduct.

No person shall discharge or cause to be discharged through an illicit connection to the municipal separate storm sewer system operated by the City of Bordentown any domestic sewage, noncontact cooling water, process wastewater, or other industrial waste (other than stormwater).

ARTICLE VI
Enforcement and Penalties

§ 237-18. Enforcement.

This part shall be enforced by the Police Department and/or other municipal officials of the City of Bordentown.

§ 237-19. Violations and penalties.

Any person(s) who is found to be in violation of the provisions of this part shall be subject to a fine not to exceed $1,000.

Part 2
Major Development
[Adopted 3-27-2006 by Ord. No. 2006-11]

ARTICLE VII
Regulations for Major Development

§ 237-20. Scope and purpose.

A. Policy statement. Flood control, groundwater recharge, and pollutant reduction through nonstructural or low-impact techniques shall be explored before relying on structural BMPs. Structural BMPs should be integrated

(Cont'd on page 23713)

with nonstructural stormwater management strategies and proper maintenance plans. Nonstructural strategies include both environmentally sensitive site design and source controls that prevent pollutants from being placed on the site or from being exposed to stormwater. Source control plans should be developed based upon physical site conditions and the origin, nature, and the anticipated quantity or amount of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for water quality, quantity, and groundwater recharge.

B. Purpose. It is the purpose of this part to establish minimum stormwater management requirements and controls for major development, as defined in § 237-21.

C. Applicability.

(1) This part shall be applicable to all site plans and subdivisions for the following major developments that require preliminary or final site plan or subdivision review:

(a) Nonresidential major developments; and

(b) Aspects of residential major developments that are not preempted by the Residential Site Improvement Standards at N.J.A.C. 5:21.

(2) This part shall also be applicable to all major developments undertaken by the City of Bordentown.

D. Compatibility with other permit and ordinance requirements. Development approvals issued for subdivisions and site plans pursuant to this part are to be considered an integral part of development approvals under the subdivision and site plan review process and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and application, the

provisions of this part shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. This part is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this part imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

§ 237-21. Definitions.

Unless specifically defined below, words or phrases used in this part shall be interpreted so as to give them the meaning they have in common usage and to give this part its most reasonable application. The definitions below are the same as or based on the corresponding definitions in the Stormwater Management Rules at N.J.A.C. 7:8-1.2:

CAFRA CENTERS, CORES OR NODES — Those areas within boundaries accepted by the Department pursuant to N.J.A.C. 7:8E-5B.

CAFRA PLANNING MAP — The geographic depiction of the boundaries for coastal planning areas, CAFRA centers, CAFRA cores and CAFRA nodes pursuant to N.J.A.C. 7:7E-58.3.

COMPACTION — The increase in soil bulk density.

CORE — A pedestrian-oriented area of commercial and civic uses serving the surrounding municipality, generally including housing and access to public transportation.

COUNTY REVIEW AGENCY — An agency designated by the County Board of Chosen Freeholders to review municipal stormwater management plans and implementing ordinance(s). The county review agency may either be a county planning agency, or a county

water resource association created under N.J.S.A 58:16A55.5, if the ordinance or resolution delegates authority to approve, conditionally approve, or disapprove municipal stormwater management plans and implementing ordinances.

DEPARTMENT — The New Jersey Department of Environmental Protection.

DESIGNATED CENTER — A state development and redevelopment plan center as designated by the State Planning Commission such as urban, regional, town, village, or hamlet.

DESIGN ENGINEER — A person professionally qualified and duly licensed in New Jersey to perform engineering services that may include, but not necessarily be limited to, development of project requirements, creation and development of project design and preparation of drawings and specifications.

DEVELOPMENT — The division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or structure, any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, by any person, for which permission is required under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. In the case of development of agricultural lands, "development" means any activity that requires a state permit, any activity reviewed by the County Agricultural Board (CAB) and the State Agricultural Development Committee (SADC), and municipal review of any activity not exempted by the Right to Farm Act, N.J.S.A. 4.1C-1 et seq.

DRAINAGE AREA — A geographic area within which stormwater, sediments, or dissolved materials drain to a particular receiving waterbody or to a particular point along a receiving waterbody.

EMPOWERMENT NEIGHBORHOOD — A neighborhood designated by the Urban Coordinating Council in consultation and conjunction with the New Jersey Redevelopment Authority pursuant to N.J.S.A. 55.19-69.

ENVIRONMENTALLY CRITICAL AREAS — An area or feature which is of significant environmental value, including but not limited to: stream corridors; natural heritage priority sites; habitat of endangered or threatened species; large areas of contiguous open space or upland forest; steep slopes; and wellhead protection and groundwater recharge areas. Habitats of endangered or threatened species are identified using the Department's Landscape Project as approved by the Department's Endangered and Nongame Species Program.

EROSION — The detachment and movement of soil or rock fragments by water, wind, ice or gravity.

IMPERVIOUS SURFACE — A surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

INFILTRATION — The process by which water seeps into the soil from precipitation.

MAJOR DEVELOPMENT — Any development that provides for ultimately disturbing one or more acres of land. "Disturbance," for the purpose of this rule, is the placement of impervious surface or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation.

MUNICIPALITY — Any city, borough, town, township, or village.

NODE — An area designated by the State Planning Commission concentrating facilities and activities which are not organized in a compact form.

NUTRIENT — A chemical element or compound, such as nitrogen or phosphorus, which is essential to and promotes the development of organisms.

PERSON — Any individual, corporation, company, partnership, firm, association, the City of Bordentown, or political subdivision of this state subject to municipal jurisdiction pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

POLLUTANT — Any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, refuse, oil, grease, sewage sludge, munitions, chemical wastes, biological materials, medical wastes, radioactive substance [except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.)] thermal waste, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal, agricultural, and construction waste or runoff, or other residue discharged directly or indirectly to the land, groundwaters or surface waters of the state, or to a domestic treatment works. Pollutant includes both hazardous and nonhazardous pollutants.

RECHARGE — The amount of water from precipitation that infiltrates into the ground and is not evapotranspired.

SEDIMENT — Solid material, mineral or organic, that is in suspension, is being transported or has been moved from its site of origin by air, water or gravity as a product of erosion.

SITE — The lot or lots upon which a major development is to occur or has occurred.

SOIL — All unconsolidated mineral and organic material of any origin.

STATE DEVELOPMENT AND REDEVELOPMENT PLAN METROPOLITAN PLANNING AREA (PA1) — An area delineated on the State Plan Policy Map and adopted by the State Planning Commission that is

intended to be the focus for much of the state's future redevelopment and revitalization efforts.

STATE PLAN POLICY MAP — The geographic application of the state development and redevelopment plan's goals and state-wide policies, and the official map of these goals and policies.

STORMWATER — Water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, or is captured by separate storm sewers or other sewage or drainage facilities, or conveyed by snow-removal equipment.

STORMWATER MANAGEMENT BASIN — An excavation or embankment and related areas designed to retain stormwater runoff. A stormwater management basin may either be normally dry (that is, a detention basin or infiltration basin), retain water in a permanent pool (a retention basin), or be planted mainly with wetland vegetation (most constructed stormwater wetlands).

STORMWATER MANAGEMENT MEASURE — Any structural or nonstructural strategy, practice, technology, process, program, or other method intended to control or reduce stormwater runoff and associated pollutants, or to induce or control the infiltration or groundwater recharge of stormwater or to eliminate illicit or illegal nonstormwater discharges into stormwater conveyances.

STORMWATER RUNOFF — Water flow on the surface of the ground or in storm sewers, resulting from precipitation.

TIDAL FLOOD HAZARD AREA — A flood hazard area, which may be influenced by stormwater runoff from inland areas, but which is primarily caused by the Atlantic Ocean.

URBAN COORDINATING COUNCIL EMPOWERMENT NEIGHBORHOOD — A

neighborhood given priority access to state resources through the New Jersey Redevelopment Authority.

URBAN ENTERPRISE ZONES — A zone designated by the New Jersey Enterprise Zone Authority pursuant to the New Jersey Urban Enterprise Zones Act, N.J.S.A. 52:27H-60 et seq.

URBAN REDEVELOPMENT AREA — Previously developed portions of areas:

A. Delineated on the State Plan Policy Map (SPPM) as the Metropolitan Planning Area (PA1), designated centers, cores or nodes;

B. Designated as CAFRA centers, cores or nodes;

C. Designated as Urban Enterprise Zones; and

D. Designated as Urban Coordinating Council Empowerment Neighborhoods.

WATERS OF THE STATE — The ocean and its estuaries, all springs, streams, wetlands, and bodies of surface water or groundwater, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

WETLANDS or WETLAND — An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as "hydrophytic vegetation."

§ 237-22. Design and performance standards for stormwater management measures.

A. Stormwater management measures for major development shall be developed to meet the erosion control, groundwater recharge, stormwater runoff quantity, and stormwater runoff quality standards in

§ 237-23. To the maximum extent practicable, these standards shall be met by incorporating nonstructural stormwater management strategies into the design. If these strategies alone are not sufficient to meet these standards, structural stormwater management measures necessary to meet these standards shall be incorporated into the design.

B. The standards in this part apply only to new major development and are intended to minimize the impact of stormwater runoff on water quality and water quantity in receiving water bodies and maintain groundwater recharge. The standards do not apply to new major development to the extent that alternative design and performance standards are applicable under a regional stormwater management plan or water quality management plan adopted in accordance with Department rules.

§ 237-23. Stormwater management requirements for major development.

A. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with § 237-29.

B. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department's Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150, particularly Helonias bullata (swamp pink), Clenmys muhlnebergi (bog turtle) and/or Clezmnys insculpta (wood turtle).

C. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements of Subsections F and G:

(1) The construction of an underground utility line, provided that the disturbed areas are revegetated upon completion;

(2) The construction of an aboveground utility line, provided that existing conditions are maintained to the maximum extent practicable; and

(3) The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is made of permeable material.

D. A waiver from strict compliance from the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements of Subsections F and G may be obtained for the enlargement of an existing public roadway or railroad, or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:

(1) The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;

(2) The applicant demonstrates through an alternatives analysis, that through the use of nonstructural and structural stormwater management strategies and measures, the option selected complies with the requirements of Subsections F and G to the maximum extent practicable;

(3) The applicant demonstrates that, in order to meet the requirements of Subsections F and G, existing structures currently in use, such as homes and buildings, would need to be condemned; and

(4) The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under Subsection D(3) above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the

requirements of Subsections F and G that were not achievable on site.

E. Nonstructural stormwater management strategies.

(1) To the maximum extent practicable, the standards in Subsections F and G shall be met by incorporating nonstructural stormwater management strategies set forth at Subsection F into the design. The applicant shall identify the nonstructural measures incorporated into the design of the project, if the applicant contends that it is not feasible for engineering, environmental, or safety reasons to incorporate any nonstructural stormwater management measures identified in Subsection E(2) below into the design of a particular project, the applicant shall identify the strategy considered and provide a basis for the contention.

(2) Nonstructural stormwater management strategies incorporated into site design shall:

(a) Protect areas (such as floodplains, wetlands and streams) that provide water quality benefits or areas particularly susceptible to erosion and sediment loss.

(b) Minimize impervious surfaces and break up or disconnect the flow of runoff over impervious surfaces.

(c) Maximize the protection of natural drainage features and vegetation.

(d) Minimize the decrease in the time of concentration from preconstruction to postconstruction. "Time of concentration" is defined as the time it takes for runoff to travel from the hydraulically most distant point of the watershed to the point of interest within a watershed.

(e) Minimize land disturbance including clearing and grading.

(f) Minimize soil compaction.

(g) Provide low-maintenance landscaping that encourages retention and planting of native vegetation and minimizes the use of lawns, fertilizers and pesticides.

(h) Provide vegetated open-channel conveyance systems discharging into and through stable vegetated areas.

(i) Provide other source controls to prevent or minimize the use or exposure of pollutants at the site, in order to prevent or minimize the release of those pollutants into stormwater runoff. Such source controls include, but are not limited to:

[1] Site design features that help to prevent accumulation of trash and debris in drainage systems, including features that satisfy Subsection E(3) below;

[2] Site design features that help to prevent discharge of trash and debris from drainage systems;

[3] Site design features that help to prevent and/or contain spills or other harmful accumulations of pollutants at industrial or commercial developments; and

[4] When establishing vegetation after land disturbance, applying fertilizer in accordance with the requirements established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules.

(3) Site design features identified under Subsection E(2)(i)[2] above shall comply with the following

standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this subsection, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Subsection E(3)(c) below.

(a) 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:

[1] 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

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

[3] 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.

(b) 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 square inches, or be no greater than two inches across the smallest dimension.

(c) This standard does not apply:

[1] Where the review agency determines that this standard cause inadequate hydraulic performance that could practicably be overcome by using additional or larger drain inlets that meet these standards;

[2] Where flows from the water quality design storm as specified in Subsection G(1) 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:

[a] A rectangular space $4^{5}/_{8}$ inches long and $1^{1}/_{2}$ inches wide (this option does not apply for outfall netting facilities); or

[b] A bar screen having a bar spacing of 0.5 inches.

[3] Where flows are conveyed through a trash rack that has parallel bars with one-inch spacing between the bars, to the elevation of the water quality design storm as specified in Subsection G(1); or

[4] 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.

(4) Any land area used as a nonstructural stormwater management measure to meet the performance standards in Subsections F and G shall be dedicated to a government agency, subjected to a conservation restriction filed with the appropriate County Clerk's office, or subject to an approved equivalent restriction that ensures that measure or an equivalent stormwater management measure approved by the reviewing agency is maintained in perpetuity.

(5) Guidance for nonstructural stormwater management strategies is available in the New Jersey Stormwater Best Management Practices Manual. The BMP Manual may be obtained from the address identified in § 237-26, or found on the Department's website at www.njstormwater.org.

F. Erosion control, groundwater recharge and runoff quantity standards.

(1) This subsection contains minimum design and performance standards to control erosion, encourage and control infiltration and groundwater recharge, and control stormwater runoff quantity impacts of major development.

(a) The minimum design and performance standards for erosion control are those established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules.

(b) The minimum design and performance standards for groundwater recharge are as follows:

[1] The design engineer shall, using the assumptions and factors for stormwater

runoff and groundwater recharge calculations at § 237-24 either:

[a] Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100% of the average annual preconstruction groundwater recharge volume for the site; or

[b] Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from preconstruction to postconstruction for the two-year storm is infiltrated.

[2] This groundwater recharge requirement does not apply to projects within the urban redevelopment area or to projects subject to Subsection F(1)(b)[3] below.

[3] The following types of stormwater shall not be recharged:

[a] Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied; areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than reportable quantities as defined by the United States Environmental Protection Agency (EPA) at 40 CAR 302.4; areas where recharge would be inconsistent with Department-approved remedial action work plan or landfill closure plan; and areas with high risks for spills of toxic materials, such as gas

stations and vehicle maintenance facilities; and

[b] Industrial stormwater exposed to source material. "Source material" means any material(s) or machinery, located at an industrial facility, that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; byproducts; industrial machinery and fuels; and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.

[4] The design engineer shall assess the hydraulic impact on the groundwater table and design the site so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high water table so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems and other subsurface structures in the vicinity or downgradient of the groundwater recharge area.

[a] In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff

calculations at § 237-24, complete one of the following:

[i] Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, postconstruction runoff hydrographs for the two- , ten- , and one-hundred-year storm events do not exceed, at any point in time, the preconstruction runoff hydrographs for the same storm events;

[ii] Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the preconstruction condition, in the peak runoff rates of stormwater leaving the site for the two- , ten- , and one-hundred-year storm events and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;

[iii] Design stormwater management measures so that the postconstruction peak runoff rates for the two- , ten- and one-hundred-year storm events are 50%, 75% and 80%, respectively, of the preconstruction peak runoff rates. The percentages apply only

to the postconstruction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed. The percentages shall not be applied to postconstruction stormwater runoff into tidal flood hazard areas if the increased volume of stormwater runoff will not increase flood damages below the point of discharge; or

[iv] In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with Subsection F(1)(b)[4][a][i],[ii] and [iii] above shall only be applied if the increased volume of stormwater runoff could increase flood damages below the point of discharge.

(2) Any application for a new agricultural development that meets the definition of major development at § 237-21 shall be submitted to the appropriate Soil Conservation District for review and approval in accordance with the requirements of this section and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For the purposes of this section, "agricultural development" means land uses normally associated with the production of food, fiber and livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacturing of agriculturally related products.

G. Stormwater runoff quality standards.

(1) Stormwater management measures shall be designed to reduce the postconstruction load of total suspended solids (TSS) in stormwater runoff by 80% of the anticipated load from the developed site, expressed as an annual average. Stormwater management measures shall only be required for water quality control if an additional 1/4 acre of impervious surface is being proposed on a development site. The requirement to reduce TSS does not apply to any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the New Jersey Pollution Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDES permit from this requirement. The water quality design storm is 1.25 inches of rainfall in two hours. Water quality calculations shall take into account the distribution of rain from the water quality design storm, as reflected in Table 1. The calculation of the volume of runoff may take into account the implementation of nonstructural and structural stormwater management measures.

Table 1: Water Quality Design Storm Distribution

Time (minutes)	Cumulative Rainfall (inches)	Time (minutes)	Cumulative Rainfall (inches)
0	0.0000	65	0.8917
5	0.0083	70	0.9917
10	0.0166	75	1.0500
15	0.0250	80	1.0840
20	0.0500	85	1.1170
25	0.0750	90	1.1500
30	0.1000	95	1.1750

Time (minutes)	Cumulative Rainfall (inches)	Time (minutes)	Cumulative Rainfall (inches)
35	0.1330	100	1.2000
40	0.1660	105	1.2250
45	0.2000	110	1.2334
50	0.2583	115	1.2417
55	0.3583	120	1.2500
60	0.6250		

(2) For purposes of TSS reduction calculations, Table 2 below presents the presumed removal rates for certain BMPs designed in accordance with the New Jersey Stormwater Best Management Practices Manual. The BMP Manual may be obtained from the address identified in § 237-26 or found on the Department's website at www.njstormwater.org. The BMP Manual, and other sources of technical guidance are listed in § 237-26. TSS reduction shall be calculated based on the removal rates for the BMPs in Table 2 below. Alternative removal rates and methods of calculating removal rates may be used if the design engineer provides documentation demonstrating the capability of these alternative rates and methods to the review agency. A copy of any approved alternative rate or method of calculating the removal rate shall be provided to the Department at the following address: Division of Watershed Management, New Jersey Department of Environmental Protection, PO Box 418, Trenton, New Jersey, 08625-0418.

(3) If more than one BMP in series is necessary to achieve the required 80% TSS reduction for a site, the applicant shall utilize the following formula to calculate TSS reduction:

$R = A + B - (AXB)/100$

Where

R = Total TSS percent load removal from application of both BMPs

A = The TSS percent removal rate applicable to the first BMP

B = The TSS percent removal rate applicable to the second BMP

Table 2: TSS Removal Rates for BMPs

Best Management Practice	TSS Percent Removal Rate
Bioretention systems	90
Constructed stormwater wetland	90
Extended detention basin	40-60
Infiltration structure	80
Manufactured treatment device	See § 237-25C
Sand filter	80
Vegetative filter strip	60-80
Wet pond	50-90

(4) If there is more than one on-site drainage area, the 80% TSS removal rate shall apply to each drainage area, unless the runoff from the subareas converge on site in which case the removal rate can be demonstrated through a calculation using a weighted average.

(5) Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the postconstruction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include nonstructural strategies and structural measures

that optimize nutrient removal while still achieving the performance standards in Subsection F and G.

(6) Additional information and examples are contained in the New Jersey Stormwater Best Management Practices Manual, which may be obtained from the address identified in § 237-26.

(7) In accordance with the definition of "FW1" at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as FW1.

(8) Special water resource protection areas shall be established along all waters designated Category One at N.J.A.C. 7:9B, and perennial or intermittent streams that drain into or upstream of the Category One waters as shown on the USGS Quadrangle Maps or in the County Soil Surveys, within the associated HUC14 drainage area. These areas shall be established for the protection of water quality, aesthetic value, exceptional ecological significance, exceptional recreational significance, exceptional water supply significance, and exceptional fisheries significance of those established Category One waters. These areas shall be designated and protected as follows:

(a) The applicant shall preserve and maintain a special water resource protection area in accordance with one of the following:

[1] A three-hundred-foot special water resource protection area shall be provided on each side of the waterway, measured perpendicular to the waterway from the top of the bank outwards or from the centerline of the waterway where the bank is not defined, consisting of existing vegetation or vegetation allowed to follow natural succession is provided.

[2] Encroachment within the designated special water resource protection area under Subsection G(8)(a)[1] above shall only be allowed where previous development or disturbance has occurred (for example, active agricultural use, parking area or maintained lawn area). The encroachment shall only be allowed where applicant demonstrates that the functional value and overall condition of the special water resource protection area will be maintained to the maximum extent practicable. In no case shall the remaining special water resource protection area be reduced to less than 150 feet as measured perpendicular to the top of bank of the waterway or centerline of the waterway where the bank is undefined. All encroachments proposed under this subsection shall be subject to review and approval by the Department.

(b) All stormwater shall be discharged outside of and flow through the special water resource protection area and shall comply with the Standard for Off-site Stability in the "Standards For Soil Erosion and Sediment Control in New Jersey," established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq.

(c) If stormwater discharged outside of and flowing through the special water resource protection area cannot comply with the Standard For Off-Site Stability in the "Standards for Soil Erosion and Sediment Control in New Jersey," established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq., then the stabilization measures in accordance with the requirements of the above standards

may be placed within the special water resource protection area, provided that:

[1] Stabilization measures shall not be placed within 150 feet of the Category One waterway;

[2] Stormwater associated with discharges allowed by this section shall achieve a 95% TSS postconstruction removal rate;

[3] Temperature shall be addressed to ensure no impact on the receiving waterway;

[4] The encroachment shall only be allowed where the applicant demonstrates that the functional value and overall condition of the special water resource protection area will be maintained to the maximum extent practicable;

[5] A conceptual project design meeting shall be held with the appropriate Department staff and Soil Conservation District staff to identify necessary stabilization measures; and

[6] All encroachments proposed under this section shall be subject to review and approval by the Department.

(d) A stream corridor protection plan may be developed by a regional stormwater management planning committee as an element of a regional stormwater management plan, or by a municipality through an adopted municipal stormwater management plan. If a stream corridor protection plan for a waterway subject to Subsection G(8) has been approved by the Department of Environmental Protection, then the provisions of the plan shall be the applicable special water resource protection area requirements for that waterway. A stream

corridor protection plan for a waterway subject to Subsection G(8) shall maintain or enhance the current functional value and overall condition of the special water resource protection area as defined in Subsection G(8)(a)[1] above. In no case shall a stream corridor protection plan allow the reduction of the special water resource protection area to less than 150 feet as measured perpendicular to the waterway subject to this subsection.

(e) Subsection G(8) does not apply to the construction of one individual single-family dwelling that is not part of a larger development on a lot receiving preliminary or final subdivision approval on or before February 2, 2004, provided that the construction begins on or before February 2, 2009.

§ 237-24. Calculation of stormwater runoff and groundwater recharge.

A. Stormwater runoff shall be calculated in accordance with the following:

(1) The design engineer shall calculate runoff using one of the following methods:

(a) The USDA Natural Resources Conservation Service (MRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in the NRCS National Engineering Handbook Section 4 – Hydrology and Technical Release 55 – Urban Hydrology for Small Watersheds; or

(b) The Rational Method for peak flow and the Modified Rational Method for hydrograph computations.

(2) For the purpose of calculating runoff coefficients and groundwater recharge, there is a presumption that the preconstruction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term "runoff coefficient" applies to both the NRCS methodology at Subsection A(1)(a) and the Rational and Modified Rational Methods at Subsection A(1)(b). A runoff coefficient or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover have existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).

(3) In computing preconstruction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce preconstruction stormwater runoff rates and volumes.

(4) In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the

NRCS Technical Release 55 – Urban Hydrology for Small Watersheds and other methods may be employed.

(5) If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwaters in the design of structural stormwater management measures.

B. Groundwater recharge may be calculated in accordance with the following: The New Jersey Geological Survey Report GSR-32 A Method for Evaluating Ground-Water Recharge Areas in New Jersey, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the New Jersey Stormwater Best Management Practices Manual at http://www.state.nj.us/dep/njgs/; or at New Jersey Geological Survey, 29 Arctic Parkway, P.O. Box 427 Trenton, New Jersey 08625-0427; (609) 984-6587.

§ 237-25. Standards for structural stormwater management measures.

A. Standards for structural stormwater management measures are as follows.

(1) Structural stormwater management measures shall be designed to take into account the existing site conditions, including, for example, environmentally critical areas; wetlands; flood-prone areas; slopes; depth to seasonal high water table; soil type, permeability and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone).

(2) Structural stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the

intake to the outlet structure as appropriate, and shall have parallel bars with one-inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than 1/3 the width of the diameter of the orifice or 1/3 the width of the weir, with a minimum spacing between bars of one inch and a maximum spacing between bans of six inches. In addition, the design of trash racks must comply with the requirements of § 237-27B.

(3) Structural stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement.

(4) At the intake to the outlet from the stormwater management basin, the orifice size shall be a minimum of 2 1/2 inches in diameter.

(5) Stormwater management basins shall be designed to meet the minimum safety standards for stormwater management basins at § 237-27.

B. Stormwater management measure guidelines are available in the New Jersey Stormwater Best Management Practices Manual. Other stormwater management measures may be utilized, provided the design engineer demonstrates that the proposed measure and its design will accomplish the required water quantity, groundwater recharge and water quality design and performance standards established by § 237-23 of this part.

C. Manufactured treatment devices may be used to meet the requirements of § 237-23 of this part, provided the pollutant removal rates are verified by the New Jersey

corporation for Advanced Technology and certified by the Department.

§ 237-26. Sources for technical guidance.

A. Technical guidance for stormwater management measures can be found in the documents listed at Subsection A(1) and (2) below, which are available from Maps and Publications, New Jersey Department of Environmental Protection, 428 East State Street, P.O. Box 420, Trenton, New Jersey, 08625; telephone (609) 777-1038.

(1) Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended. Information is provided on stormwater management measures such as: bioretention systems, constructed stormwater wetlands, dry wells, extended detention basins, infiltration structures, manufactured treatment devices, pervious paving, sand filters, vegetative filter strips, and wet ponds.

(2) The New Jersey Department of Environmental Protection Stormwater Management Facilities Maintenance Manual, as amended.

B. Additional technical guidance for stormwater management measures can be obtained from the following:

(1) The "Standards for Soil Erosion and Sediment Control in New Jersey" promulgated by the State Soil Conservation Committee and incorporated into N.J.A.C. 2:90. Copies of these standards may be obtained by contacting the State Soil Conservation Committee or any of the Soil Conservation Districts listed in N.J.A.C. 2:90-1.3(a)4. The location, address, and telephone number of each Soil Conservation District may be obtained from the State Soil

Conservation Committee, P.O. Box 330, Trenton, New Jersey 08625; (609) 292-5540.

(2) The Rutgers Cooperative Extension Service; 732-932-9306.

(3) The Soil Conservation Districts listed in N.J.A.C. 2:90-1.3(a)4. The location, address, and telephone number of each Soil Conservation District may be obtained from the State Soil Conservation Committee, P.O. Box 330, Trenton, New Jersey, 08625; (609) 292-5540.

§ 237-27. Safety standards for stormwater management basins.

A. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management basins. This section applies to any new stormwater management basin.

B. Requirements for trash racks, overflow grates and escape provisions.

(1) A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the stormwater management basin to ensure proper functioning of the basin outlets in accordance with the following:

(a) The trash rack shall have parallel bars, with no greater than six-inch spacing between the bars.

(b) The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure.

(c) The average velocity of flow through a clean trash rack is not to exceed 2.5 feet per second under the full range of stage and discharge.

Velocity is to be computed on the basis of the net area of opening through the rack.

(d) The trash rack shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 pounds per square foot.

(2) An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:

(a) The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.

(b) The overflow grate spacing shall be no less than two inches across the smallest dimension.

(c) The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 pounds per square foot.

(3) For purposes of this Subsection B(3), "escape provisions" means the permanent installation of ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management basins. Stormwater management basins shall include escape provisions as follows:

(a) If a stormwater management basin has an outlet structure, escape provisions shall be incorporated in or on the structure. With the prior approval of the reviewing agency identified in § 237-28C, a freestanding outlet structure may be exempted from this requirement.

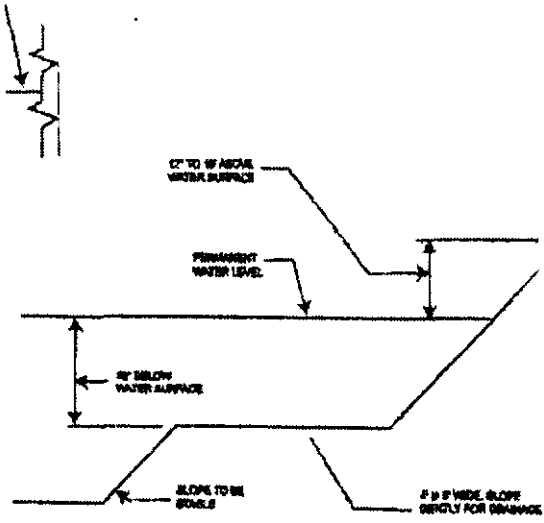
(b) Safety ledges shall be constructed on the slopes of all new stormwater management basins having a permanent pool of water deeper than 2½ feet. Such safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately 2½ feet below the permanent water surface, and the second step shall be located one to 1½ feet above the permanent water surface. See § 237-27D for an illustration of safety ledges in a stormwater management basin.

(c) In new stormwater management basins, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than three horizontal to one vertical.

C. Variance or exemption from safety standards. A variance or exemption from the safety standards for stormwater management basins may be granted only upon a written finding by the appropriate reviewing agency (municipality, county or Department) that the variance or exemption will not constitute a threat to public safety.

D. Illustration of safety ledges in a new stormwater management basin.

Depicted is an elevational view



NOTE: NOT DRAWN TO SCALE
NOTE: FOR BASINS WITH PERMANENT POOL OF WATER ONLY

§ 237-28. Requirements for site development stormwater plan.

A. Submission of site development stormwater plan.

(1) Whenever an applicant seeks municipal approval of a development subject to this part, the applicant shall submit all of the required components of the checklist for the site development stormwater plan at Subsection C below as part of the submission of the applicant's application for subdivision or site plan approval.

(2) The applicant shall demonstrate that the project meets the standards set forth in this part.

(3) The applicant shall submit four copies (i.e., Planning Board Chairman, Environmental Commission Chairman, Planning Board Secretary,

and Planning Board Engineer) of the materials listed in the checklist for site development stormwater plans in accordance with Subsection C of this part.

B. Site development stormwater plan approval. The applicant's site development project shall be reviewed as a part of the subdivision or site plan review process by the municipal board or official from which municipal approval is sought. That municipal board or official shall consult the engineer retained by the Planning and/or Zoning Board (as appropriate) to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this part.

C. Checklist requirements. The following information shall be required:

(1) Topographic base map. The reviewing engineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic base map of the site be submitted which extends a minimum of 200 feet beyond the limits of the proposed development, at a scale of one inch equals 200 feet or greater, showing two-foot contour intervals. The map, as appropriate, may indicate the following: existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category One waters, wetlands and floodplains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing man-made structures, roads, bearing and distances of property lines, landscape project mapping, and significant natural and man-made features not otherwise shown.

(2) Environmental site analysis. A written and graphic description of the natural and man-made features of

the site and its environs. This description should include a discussion of soil conditions, slopes, wetlands, floodplains, waterways and vegetation on the site. Particular attention should be given to unique, unusual, or environmentally sensitive features and to those that provide particular opportunities or constraints for development.

(3) Project description and site plan(s). A map (or maps) at the scale of the topographical base map indicating the location of existing and proposed buildings, roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high groundwater elevations. A written description of the site plan and justification of proposed changes in natural conditions may also be provided.

(4) Land use planning and source control plan. This plan shall provide a demonstration of how the goals and standards of § 237-22 through 237-25 are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

(5) Stormwater management facilities map. The following information, illustrated on a map of the same scale as the topographic base map, shall be included:

(a) Total area to be paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the

proposed plan to control and dispose of stormwater.

(b) Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.

(6) Calculations.

(a) Comprehensive hydrologic and hydraulic design calculations for the predevelopment and postdevelopment conditions for the design storms specified in § 237-23 of this part.

(b) When the proposed stormwater management control measures (e.g., infiltration basins) depends on the hydrologic properties of soils, then a soils report shall be submitted. The soils report shall be based on on-site boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.

(7) Maintenance and repair plan. The design and planning of the stormwater management facility shall meet the maintenance requirements of § 237-29.

(8) Waiver from submission requirements. The municipal official or board reviewing an application under this part may, in consultation with the Municipal Engineer, waive submission of any of the requirements in Subsection C(1) through (6) of this part when it can be demonstrated that the information requested is impossible to obtain or it

would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

§ 237-29. Maintenance and repair.

A. Applicability. Projects subject to review as in § 237-30C of this part shall comply with the requirements of Subsections B and C.

B. General maintenance.

(1) The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.

(2) The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). Maintenance guidelines for stormwater management measures are available in the New Jersey Stormwater Best Management Practices Manual. If the maintenance plan identifies a person other than the developer (for example, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's agreement to assume this responsibility, or of the developer's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.

(3) Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project.

(4) If the person responsible for maintenance identified under Subsection B(3) above is not a public agency, the maintenance plan and any future revisions based on Subsection B(7) below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.

(5) Preventative and corrective maintenance shall be performed to maintain the function of the stormwater management measure, including repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of nonvegetatoid linings.

(6) The person responsible for maintenance identified under Subsection B(2) above shall maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders.

(7) The person responsible for maintenance identified under Subsection B(2) above shall evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed.

(8) The person responsible for maintenance identified under Subsection B(2) above shall retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by subsection B(6) and (7) above.

(9) The requirements of Subsection B(3) and (4) do not apply to stormwater management facilities that are

dedicated to and accepted by the municipality or another governmental agency.

(10) In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have 14 days to effect maintenance and repair of the facility in a manner that is approved by the Municipal Engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or county may immediately, proceed to do so and shall bill the cost thereof to the responsible person.

B. Nothing in this section shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53.

§ 237-30. Violations and penalties.

Any person who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this part shall be subject to the following penalties: $1,000 fine for each offense.

§ 237-31. When effective.

This part shall take effect immediately upon the approval by the county review agency, or 60 days from the receipt of the part by the county review agency if the county review agency should fail to act.

§ 237-32. Severability.

If the provisions of any section, subsection, paragraph, subdivision, or clause of this part shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this part.

Part 3
Fertilizers
[Adopted 9-24-2007 by Ord. No. 2007-18]

ARTICLE VIII
Fertilizer Application

§ 237-33. Purpose.

This Part 3 is to regulate the outdoor application of fertilizer so as to reduce the overall amount of excess nutrients entering waterways, thereby helping to protect and improve surface water quality. This Part 3 does not apply to fertilizer application on commercial farms.

§ 237-34. Basis and background.

A. Elevated levels of nutrients, particularly phosphorus, in surface waterbodies can result in excessive and accelerated growth of algae and aquatic plants (eutrophication). Excessive plant growth can result in diurnal variations and extremes in dissolved oxygen and pH, which, in turn, can be detrimental to aquatic life. As algae and plant materials die off, the decay process creates a further demand on dissolved oxygen levels. The presence of excessive plant matter can also restrict use of the affected water for recreation and water supply.

B. While healthy vegetated areas are protective of water quality by stabilizing soil and filtering precipitation,

when fertilizers are applied to the land surface improperly or in excess of the needs of target vegetation, nutrients can be transported by means of stormwater to nearby waterways, contributing to the problematic growth of excessive aquatic vegetation. Most soils in New Jersey contain sufficient amounts of phosphorus to support adequate root growth for established turf. Over time, it is necessary to replenish available phosphorus, but generally not at the levels commonly applied. Other target vegetation, such as vegetable gardens and agricultural/horticultural plantings, will have a greater need for phosphorus application, as will the repair or establishment of new lawns or cover vegetation. A soils test and fertilizer application recommendation geared to the soil and planting type is the best means to determine the amount of nutrients to apply. Timing and placement of fertilizer application are also critical to avoid transport of nutrients to waterways through stormwater runoff. Fertilizer applied immediately prior to a runoff-producing rainfall, outside the growing season or to impervious surfaces is most likely to be carried away by means of runoff without accomplishing the desired objective of supporting target vegetation growth. Therefore, the management of the type, amount and techniques for fertilizer application is necessary as one tool to protect water resources.

C. This Part 3 does not apply to application of fertilizer on commercial farms, but improper application of fertilizer on farms would be problematic as well. Stewardship on the part of commercial farmers is needed to address this potential source of excess nutrient load to waterbodies. Commercial farmers are expected to implement best management practices in accordance with conservation management plans or resource conservation plans developed for the farm by the Natural Resource Conservation Service and approved by the Soil Conservation District Board.

§ 237-35. Definitions.

For the purpose of this Part 3, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Part 3 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.

BUFFER — The land area, 25 feet in width, adjacent to any waterbody.

COMMERCIAL FARM — A farm management unit producing agricultural or horticultural products worth $2,500 or more annually.

FERTILIZER — A fertilizer material, mixed fertilizer or any other substance containing one or more recognized plant nutrients, which is used for its plant nutrient content, which is designed for use or claimed to have value in promoting plant growth, and which is sold, offered for sale, or intended for sale.

IMPERVIOUS SURFACE — A surface that has been covered with a layer of material so that it is highly resistant to infiltration by water. This term shall be used to include any highway, street, sidewalk, parking lot, driveway, or other material that prevents infiltration of water into the soil.

PERSON — Any individual, corporation, company, partnership, firm, association, or political subdivision of this state subject to municipal jurisdiction.

PHOSPHORUS FERTILIZER — Any fertilizer that contains phosphorus, expressed as P_2O_5 with a guaranteed analysis of greater than zero; except that it shall not be considered to include animal (including human) or vegetable manures, agricultural liming

materials, or wood ashes that have not been amended to increase their nutrient content.

SOILS TEST — A technical analysis of soil conducted by an accredited soil-testing laboratory following the protocol for such a test established by Rutgers Cooperative Research and Extension.

WATERBODY — A surface water feature, such as a lake, river, stream, creek, pond, lagoon, bay or estuary.

§ 237-36. Prohibited conduct.

No person may do any of the following:

A. Apply fertilizer when a runoff producing rainfall is occurring or predicted and/or when soils are saturated and a potential for fertilizer movement off site exists.

B. Apply fertilizer to an impervious surface. Fertilizer inadvertently applied to an impervious surface must be swept or blown back into the target surface or returned to either its original or another appropriate container for reuse.

C. Apply fertilizer within the buffer of any waterbody.

D. Apply fertilizer more than 15 days prior to the start of or at any time after the end of the recognized growing season (March 1 to November 15).

§ 237-37. Phosphorus fertilizer application.

A. No person may apply phosphorus fertilizer in outdoor areas except as demonstrated to be needed for the specific soils and target vegetation in accordance with a soils test and the associated annual fertilizer recommendation issued by Rutgers Cooperative Research and Extension.

B. Exceptions.

(1) Application of phosphorus fertilizer needed for:

(a) Establishing vegetation for the first time, such as after land disturbance, provided the application is in accordance with the requirements established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules;

(b) Reestablishing or repairing a turf area.

(2) Application of phosphorus fertilizer that delivers liquid or granular fertilizer under the soils surface, directly to the feeder roots.

(3) Application of phosphorus fertilizer to residential container plantings, flowerbeds, or vegetable gardens.

§ 237-38. Enforcement.

This Part 3 shall be enforced by the Police Department of the City of Bordentown.

§ 237-39. Violations and penalties.

Any person found to be in violation of the provisions of this Part 3 shall be subject to a fine not to exceed $1,000.

Part 4
Conservation Zones
[Adopted 9-24-2007 by Ord. No. 2007-19]

ARTICLE IX
Riparian Buffer Conservation Zones

§ 237-40. Intent and purpose.

A. The governing body of the City of Bordentown finds that riparian lands adjacent to streams, lakes, or other surface water bodies that are adequately vegetated provide an important environmental protection and water resource management benefit. It is necessary to protect and maintain the beneficial character of riparian areas by implementing specifications for the establishment, protection, and maintenance of vegetation along the surface water bodies within the jurisdiction of the City of Bordentown, consistent with the interest of landowners in making reasonable economic use of parcels of land that include such designated areas. The purpose of this Part 4 is to designate Riparian Buffer Conservation Zones, and to provide for land use regulation therein in order to protect the streams, lakes, and other surface water bodies of the City of Bordentown; to protect the water quality of watercourses, reservoirs, lakes, and other significant water resources within the City of Bordentown; to protect the riparian and aquatic ecosystems of the City of Bordentown; to provide for the environmentally sound use of the land resources of the City of Bordentown, and to complement existing state, regional, county, and municipal stream corridor protection and management regulations and initiatives.

B. The specific purposes and intent of this Part 4 are to:

(1) Restore and maintain the chemical, physical, and biological integrity of the water resources of the City of Bordentown;

(2) Prevent excessive nutrients, sediment, and organic matter, as well as biocides and other pollutants, from reaching surface waters by optimizing opportunities for filtration, deposition, absorption, adsorption, plant uptake, biodegradation, and denitrification, which occur when stormwater runoff is conveyed through vegetated buffers as stable, distributed sheet flow prior to reaching receiving waters;

(3) Provide for shading of the aquatic environment so as to moderate temperatures, retain more dissolved oxygen, and support a healthy assemblage of aquatic flora and fauna;

(4) Provide for the availability of natural organic matter (fallen leaves and twigs) and large woody debris (fallen trees and limbs) that provide food and habitat for small bottom-dwelling organisms (insects, amphibians, crustaceans, and small fish), which are essential to maintain the food chain;

(5) Increase streambank stability and maintain natural fluvial geomorphology of the stream system, thereby reducing streambank erosion and sedimentation and protecting habitat for aquatic organisms;

(6) Maintain base flows in streams and moisture in wetlands;

(7) Control downstream flooding; and

(8) Conserve the natural features important to land and water resources, e.g., headwater areas, groundwater recharge zones, floodways, floodplains, springs, streams, wetlands, woodlands, and prime wildlife habitats.

§ 237-41. Statutory authority.

The municipality of the City of Bordentown is empowered to regulate land uses under the provisions of the New Jersey

Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., which authorizes each municipality to plan and regulate land use in order to protect public health, safety and welfare by protecting and maintaining native vegetation in riparian areas. The City of Bordentown is also empowered to adopt and implement this Part 4 under provisions provided by the following legislative authorities of the State of New Jersey:

A. Water Pollution Control Act, N.J.S.A. 58:10A et seq.

B. Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq.

C. Spill Compensation and Control Act, N.J.S.A. 58:10-23 et seq.

D. Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq.

E. Flood Hazard Area Control Act, N.J.S.A. 58:16A-50 et seq.

§ 237-42. Definitions.

As used in this Part 4, the following terms shall have the meanings indicated:

ADMINISTRATIVE AUTHORITY — The Planning Board or Board of Adjustment or Construction Office with all of the powers delegated, assigned, or assumed by them according to statute or ordinance.

APPLICANT — A person applying to the Planning Board, Board of Adjustment or the Construction Office proposing to engage in an activity that is regulated by the provisions of this Part 4, and that would be located in whole or in part within a regulated riparian buffer conservation zone.

CATEGORY ONE (C1) WATERS — The meaning ascribed to this term by the Surface Water Quality Standards at N.J.A.C. 7:9B-1.15, which have been identified for protection from degradation in water

quality characteristics because of their clarity, color, scenic setting, and other characteristics of aesthetic value, exceptional ecological significance, exceptional recreational significance, exceptional water supply significance, or exceptional fisheries resources.

CATEGORY TWO WATERS — Those waters not designated as outstanding natural resource waters or Category One in the Surface Water Quality Standards at N.J.A.C. 7:9B-1.15 for purposes of implementing the antidegradation policies set forth at N.J.A.C. 7:9B-1.5(d).

FLOODWAY — The meaning ascribed to this term by the Flood Hazard Area Control Act (N.J.S.A. 58:16A-50 et seq.) and regulations promulgated thereunder published at N.J.A.C. 7.13 et seq., and any supplementary or successor legislation and regulations from time to time enacted or promulgated.

INTERMITTENT STREAM — Surface water drainage channels with definite bed and banks in which there is not a permanent flow of water. Streams shown as a dashed line on either the USGS topographic quadrangle maps or the USDA County Soil Survey Maps of the most recent edition that includes hydrography are included as intermittent streams.

LAKE, POND or RESERVOIR — Any impoundment, whether naturally occurring or created in whole or in part by the building of structures for the retention of surface water, excluding sedimentation control and stormwater retention/detention basins and ponds designed for treatment of wastewater.

PERENNIAL STREAM — A stream that flows continuously throughout the year in most years. These streams usually appear as a blue line on USGS topographic quadrangle maps or on USDA County Soil Survey Maps.

RIPARIAN BUFFER CONSERVATION ZONE (RBCZ) — An area of land or water within or adjacent to

a surface water body within the municipality and designated on the Riparian Buffer Conservation Zone Map promulgated by the City of Bordentown in accordance with § 237-43 of this Part 4.

RIPARIAN BUFFER CONSERVATION ZONE MANAGEMENT PLAN — A plan approved by the Engineer of the City of Bordentown. The plan shall be prepared by a landscape architect, professional engineer or other qualified professional, and shall evaluate the effects of any proposed activity/uses on any RBCZ. The plan shall identify existing conditions, all proposed activities, and all proposed management techniques, including any measures necessary to offset disturbances to any affected RBCZ.

SURFACE WATER BODY — Any perennial stream, intermittent stream, lake, pond, or reservoir, as defined herein. In addition, any state open waters identified in a letter of interpretation issued by the New Jersey Department of Environmental Protection Land Use Regulation Program shall also be considered surface water bodies.

§ 237-43. Establishment.

A. Riparian buffer conservation zones (RBCZs) shall be delineated as follows:

(1) In the case of Category One (C1) waters, the RBCZ shall equal the special water resource protection area, and shall be measured as defined at N.J.A.C. 7:8-5.5(h). Special water resource protection areas are established along all waters designated as "C1" at N.J.A.C. 7:9B and perennial or intermittent streams that drain into or upstream of the C1 waters as shown on the USGS quadrangle map or in the County Soil Surveys within the associated HUC 14 drainage.

(2) For areas adjacent to surface water bodies designated Category Two waters for trout

production (FW2-TP), the RBCZ shall be measured from the defined edge of the intermittent or perennial stream, or center line if the bank is not defined, and from the defined edge of a lake, pond or reservoir at bank-full flow or level, and shall extend 150 feet horizontally outward from the perpendicular. Where steep slopes (in excess of 10% are located within the designated widths, the RBCZ shall be extended to include the entire distance of this sloped area.

(3) For areas adjacent to other surface water bodies, the RBCZ shall be measured from the top of the bank of an intermittent or perennial stream, or center line if the bank is not defined, and from the defined edge of a lake, pond or reservoir at bank-full flow or level, and shall extend 75 feet horizontally outward from the perpendicular. Where steep slopes (in excess of 15% are located within the designated widths, the RBCZ shall be extended to include the entire distance of this sloped area to a maximum of 300 feet.

(4) For areas adjacent to surface water bodies for which the floodway has been delineated, the RBCZ shall cover the entire floodway area, or the area described in § 237-43A(1) or (2), whichever area has the greatest extent. Floodway delineations shall be based upon the state's adopted floodway delineations. However, requests for alterations to the adopted delineations can be provided to the New Jersey Department of Environmental Protection for consideration if site-specific information is available.

B. An RBCZ is an overlay to the existing zoning districts. The provisions of the underlying district shall remain in full force except where the provisions of the RBCZ differ from the provisions of the underlying district, in which case the provision that is more restrictive shall apply. These provisions apply to land disturbances resulting

from or related to any activity or use requiring application for any of the following permits or approvals:

(1) Building permit;

(2) Zoning variance;

(3) Special exception;

(4) Conditional use;

(5) Subdivision/land development approval.

C. A map of the RBCZs of the entire municipality of the City of Bordentown, including all land and water areas within its boundaries, which designates surface water bodies, is included as part of this Part 4, and is appended as Figure 1 of 1.[1] Maps of the municipality on which these designations have been overlain shall be on file and maintained by the offices of the Clerk of the City of Bordentown. This map conforms to all applicable laws, rules and regulations applicable to the creation, modification and promulgation of zoning maps.

D. It shall be the duty of the Engineer of the City of Bordentown, every second year after the adoption of this Part 4, to propose modifications to the map delineating riparian buffer conservation zones required by any naturally occurring or permitted change in the location of a defining feature of a surface water body occurring after the initial adoption of the RBCZ map, to record all modifications to the RBCZ map required by decisions or appeals under § 237-50, and by changes made by the New Jersey Department of Environmental Protection in surface water classifications or floodway delineations. Floodway delineations shall be based upon the state's adopted floodway delineations. However requests for alterations to the adopted delineations can be provided to the Department for consideration if site-specific information is available.

[1] **Editor's Note: The RBCZ map is on file and available for review at the City offices.**

E. The applicant or designated representative shall be responsible for the initial determination of the presence of an RBCZ on a site, and for identifying the area on any plan submitted to the City of Bordentown in conjunction with an application for a construction permit, subdivision, land development, or other improvement that requires plan submissions or permits. This initial determination shall be subject to review and approval by the Municipal Engineer, governing body, or its appointed representative, and, where required, by the New Jersey Department of Environmental Protection.

F. The municipal Master Plan provides the legal basis for zoning and land use regulation at the local level. The technical foundation for local RBCZs in this municipality should be incorporated into the Master Plan. A technical report on the need for riparian buffer conservation zones in the City of Bordentown may be adopted as part of the Master Plan [N.J.S.A. 40:55D-28b(11)]. The technical report should include the following information: a statement setting forth the rationale and need to protect RBCZs; and reference to the methods used to designate and delineate RBCZs.

§ 237-44. Uses permitted.

A. For Category One (C1) RBCZs, permitted uses are governed by N.J.A.C. 7:8-5.5(h), unless otherwise exempt. If exempt from N.J.A.C. 7:8-5.5(h), the uses shall be governed by this Part 4 as if the RBCZ was not a Category One (C1) RBCZ.

B. Any other RBCZ area shall remain in a natural condition or, if in a disturbed condition, including agricultural activities, at the time of adoption of this Part 4 may be restored to a natural condition. There shall be no clearing or cutting of trees and brush, except for removal of dead vegetation and pruning for reasons of public safety or for the replacement of invasive species with indigenous species. There shall be no OK altering of

watercourses, dumping of trash, soil, dirt, fill, vegetative or other debris, regrading or construction. The following uses are permitted either by right or after review and approval by the municipality in RBCZs. No new construction, development, use, activity, encroachment, or structure shall take place in an RBCZ, except as specifically authorized in this section. The following uses shall be permitted within an RBCZ:

(1) Open space uses that are primarily passive in character shall be permitted by right to extend into an RBCZ, provided near-stream vegetation is preserved. These uses do not require approval by the Zoning Enforcement Officer or compliance with an approved RBCZ management plan. Such uses include wildlife sanctuaries, nature preserves, forest preserves, fishing areas, game farms, fish hatcheries and fishing reserves, operated for the protection and propagation of wildlife, but excluding structures. Such uses also include passive recreation areas of public and private parklands, including unpaved hiking, bicycle and bridle trails, provided that said trails have been stabilized with pervious materials.

(2) Fences, for which a permit has been issued by the Construction Code Office, to the extent required by applicable law, rule or regulation.

(3) Crossings by farm vehicles and livestock, recreational trails, roads, railroads, stormwater lines, sanitary sewer lines, water lines and public utility transmission lines, provided that the land disturbance is the minimum required to accomplish the permitted use, subject to approval by the Zoning Enforcement Officer, provided that any applicable state permits are acquired, and provided that any disturbance is offset by buffer improvements in compliance with an approved RBCZ management plan and that the area of the crossing is stabilized against significant erosion due to its use as a crossing.

(4) Streambank stabilization or riparian reforestation, which conforms to the guidelines of an approved RBCZ management plan, or wetlands mitigation projects that have been approved by the Department of Environmental Protection, subject to approval by the Zoning Enforcement Officer and subject to compliance with an approved RBCZ management plan.

§ 237-45. Performance standards.

A. All encroachments proposed into Category One (C1) RBCZs shall comply with the requirements at N.J.A.C. 7:8-5.5(h) and shall be subject to review and approval by the New Jersey Department of Environmental Protection, unless exempt. If exempt, the encroachment shall be subject to the provisions of § 237-45B below.

B. For all other RBCZs, the following conditions shall apply:

(1) All new major and minor subdivisions and site plans shall be designed to provide sufficient areas outside of the RBCZ to accommodate primary structures, any normal accessory uses appurtenant thereto, as well as all planned lawn areas.

(2) Portions of lots within the RBCZ must be permanently restricted by deed or conservation easement held by the City of Bordentown, its agent, or another public or private land conservation organization which has the ability to provide adequate protection to prevent adverse impacts within the RBCZ. A complete copy of the recorded conservation restriction that clearly identifies the deed book and pages where it has been recorded in the office of the clerk of the applicable county or the registrar of deeds and mortgages of the applicable county must be submitted to the municipality. The applicant shall not commence with the project or activity prior to making this submittal and receiving

actual approval of the plan modification and receipt of any applicable permits from the Department of Environmental Protection. The recorded conservation restriction shall be in the form approved by the municipality and shall run with the land and be binding upon the property owner and the successors in interest in the property or in any part thereof. The conservation restriction may include language reserving the right to make de minimus changes to accommodate necessary regulatory approvals upon the written consent of the municipality, provided such changes are otherwise consistent with this chapter. The recorded conservation restriction shall, at a minimum, include:

(a) A written narrative of the authorized regulated activity, date of issuance, and date of expiration, and the conservation restriction that, in addition, includes all of the prohibitions set forth at N.J.S.A. 13:8B-2b(1) through (7);

(b) Survey plans for the property as a whole and, where applicable, for any additional properties subject to the conservation restrictions. Such survey plans shall be submitted on the surveyor's letterhead, signed and sealed by the surveyor, and shall include metes and bounds descriptions of the property, the site, and the areas subject to the conservation restriction in New Jersey State Plane Coordinates, North American Datum 1983, and shall depict the boundaries of the site and all areas subject to the conservation restriction as marked with flags or stakes on site. All such survey plans shall be submitted on paper and in digital CAD or GIS file on a media and format defined by the municipality. The flags or stakes shall be numbered and identified on the survey plan; and

(c) A copy or copies of deeds for the property as a whole that indicate the deed book and pages where it has been recorded in the office of the clerk of the applicable county or the registrar of deeds and mortgages of the applicable county.

(3) Any lands proposed for development which include all or a portion of an RBCZ shall as a condition of any major subdivision or major site plan approval, provide for the vegetation or revegetation of any portions of the RBCZ which are not vegetated at the time of the application or which were disturbed by prior land uses, including for agricultural use. Said vegetation plan shall utilize native and noninvasive tree and plant species to the maximum extent practicable in accordance with an approved riparian buffer conservation zone management plan, described in § 237-49.

(4) For building lots which exist as of the date of adoption of this Part 4, but for which a building permit or a preliminary site plan approval has not been obtained or is no longer valid, the required minimum front, side, and rear setbacks may extend into the RBCZ, provided that a deed restriction and/or conservation easement is applied which prohibits clearing or construction in the RBCZ.

(5) All stormwater shall be discharged outside of but may flow through an RBCZ and shall comply with the Standard for Off-Site Stability in the "Standards for Soil Erosion and Sediment Control in New Jersey," established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq. (See N.J.A.C. 2:90-1.3.)

(6) If stormwater discharged outside of and flowing through an RBCZ cannot comply with the Standard for Off-Site Stability cited in § 237-45B(5) then the stabilization measures in accordance with the

requirements of the above standards may be placed within the RBCZ, provided that:

(a) Stabilization measures shall not be placed closer than 50 feet to the top of the bank at bank-full flow or level of affected surface water bodies;

(b) The encroachment shall only be allowed where the applicant demonstrates that the functional value and overall conditions of the RBCZ will be maintained to the maximum extent practicable;

(c) A conceptual project design meeting shall be held with the appropriate municipal staff and Soil Conservation District staff to identify necessary stabilization measures; and

(d) All encroachments proposed under this section shall be subject to review and approval by the administrative authority.

§ 237-46. Nonconforming structures and uses.

Nonconforming structures and uses of land within the RBCZ are subject to the following requirements:

A. Legally existing but nonconforming structures or uses may be continued.

B. Any proposed enlargement or expansion of the building footprint within a Category One (C1) RBCZ shall comply with the standards in N.J.A.C. 7:8-5.5(h).

C. For all other RBCZs:

(1) Encroachment within the RBCZ shall only be allowed where previous development or disturbance has occurred. Existing impervious cover shall not be increased within the RBCZ as a result of encroachments where previous development or disturbances have occurred.

(2) Discontinued nonconforming uses may be resumed any time within one year from such discontinuance but not thereafter when showing clear indications of abandonment. No change or resumption shall be permitted that is more detrimental to the RBCZ, as measured against the intent and purpose under § 237-40, than the existing or former nonconforming use. This one-year time frame shall not apply to agricultural uses that are following prescribed best management practices for crop rotation. However, resumption of agricultural uses must be strictly confined to the extent of disturbance existing at the time of adoption of this Part 4.

§ 237-47. Uses prohibited.

A. Any use within a Category One (C1) RBCZ shall comply with the standards in N.J.A.C. 7:8-5.5(h).

B. For other RBCZs, any use or activity not specifically authorized in § 237-44 or § 237-46 shall be prohibited within the RBCZ. By way of example, the following activities and facilities are prohibited:

(1) Removal or clear-cutting of trees and other vegetation or soil disturbance such as grading, except for selective vegetation removal for the purpose of stream or riparian area stabilization or restoration projects that require vegetation removal or grading prior to implementation.

(2) Storage of any hazardous or noxious materials.

(3) Use of fertilizers, pesticides, herbicides, and/or other chemicals in excess of prescribed industry standards or the recommendations of the Soil Conservation District.

(4) Roads or driveways, except where permitted in compliance with § 237-44.

(5) Motor or wheeled vehicle traffic in any area, except as permitted by this Part 4.

(6) Parking lots.

(7) Any type of permanent structure, except structures needed for a use permitted by § 237-44.

(8) New subsurface sewage disposal areas. The expansion and replacement of existing subsurface sewage disposal areas for existing uses is permitted.

(9) Residential grounds or lawns, except as otherwise permitted pursuant to this Part 4.

§ 237-48. Exceptions.

A. For Category One (C1) RBCZs, requests for exemptions that fall under the purview of the Stormwater Management Rules must be authorized by the New Jersey Department of Environmental Protection, as per N.J.A.C. 7:8-5.5(h)1.ii.

B. For other RBCZs, hardship variances may be granted by the Zoning Board of Adjustment in cases of a preexisting lot (existing at the time of adoption of this Part 4) when there is insufficient room outside the RBCZ for uses permitted by the underlying zoning and there is no other reasonable or prudent alternative to placement in the RBCZ, including obtaining variances from setback or other requirements that would allow conformance with the RBCZ requirements, and provided the following demonstrations are made:

(1) An applicant shall be deemed to have established the existence of an extreme economic hardship, if the subject property is not capable of yielding a reasonable economic return if its present use is continued or if it is developed in accordance with provisions of this Part 4 and that this inability to yield a reasonable economic return results from

unique economic circumstances peculiar to the subject property which:

(a) Do not apply to or affect other property in the immediate vicinity;

(b) Relate to or arise out of the characteristics of the subject property because of the particular physical surroundings, shape or topographical conditions of the property involved, rather than the personal situations of the applicant; and are not the result of any action or inaction by the applicant or the owner or his predecessors in title.

(2) The necessity of acquiring additional land to locate development outside the RBCZ shall not be considered an economic hardship unless the applicant can demonstrate that there is no adjacent land that is reasonably available or could be obtained, utilized, expanded or managed in order to fulfill the basic purpose of the proposed activity.

(3) An applicant shall be deemed to have established compelling public need if the applicant demonstrates, based on specific facts, that one of the following applies:

(a) The proposed project will serve an essential public health or safety need;

(b) The proposed use is required to serve an existing public health or safety need; or

(c) There is no alternative available to meet the established public health or safety need.

(4) A variance can only be granted if it is shown that the activity is in conformance with all applicable local, state, and federal regulations, and that the exception granted is the minimum relief necessary to relieve the hardship.

C. If the above demonstrations are made, then the encroachment of impervious surfaces (structures or pavement) otherwise permitted by the underlying zoning is permitted to the extent of 750 square feet total. Said encroachment is not permitted closer than 100 feet to the top of the bank at bank-full flow or level of Category Two waters for trout production (FW2-TP), or closer than 50 feet to the top of the bank at bank-full flow or level of other surface water bodies.

D. If such an exception is granted, the applicant shall rehabilitate an environmentally degraded RBCZ area within or adjacent to the same site, and at least equivalent in size to the RBCZ reduction permitted, or, if not possible, rehabilitate or expand an RBCZ area at least equivalent in size within a nearby site and, if available, within the same watershed. Rehabilitation shall include reforestation, stream bank stabilization and removal of debris, in accordance with an RBCZ management plan, as described in § 237-49 below.

§ 237-49. Riparian buffer conservation zone management plan.

A. Within any RBCZ, no construction, development, use, activity, or encroachment shall be permitted unless the effects of such development are accompanied by preparation, approval, and implementation of a riparian buffer conservation zone management plan.

B. The landowner, applicant, or developer shall submit to the Municipal Clerk, or its appointed representative, a riparian buffer conservation zone management plan prepared by an environmental professional, professional engineer or other qualified professional which fully evaluates the effects of any proposed uses on the RBCZ. The riparian buffer conservation zone management plan shall identify the existing conditions, including:

(1) Existing vegetation;

(2) Field-delineated surface water bodies;

(3) Field-delineated wetlands;

(4) The one-hundred-year floodplain;

(5) Flood hazard areas, including floodway and flood fringe areas, as delineated by the New Jersey Department of Environmental Protection;

(6) Soil classifications as found on soil surveys;

(7) Existing subdrainage areas of site with HUC-14 (Hydrologic Unit Code) designations;

(8) Slopes in each subdrainage area segmented into sections of slopes less than or equal to 15%, above 15% but less than 20%, and greater than 20%.

C. The proposed plan shall describe all proposed uses/activities, and fully evaluate the effects of all proposed uses/activities in an RBCZ, and all proposed management techniques, including proposed vegetation and any other measures necessary to offset disturbances to the RBCZ. A discussion of activities proposed as well as management techniques proposed to offset disturbances and/or enhance the site to improve the RBCZ's ability to function effectively as an RBCZ shall also be included with the RBCZ management plan submittal to the City of Bordentown.

D. The plan shall be reviewed and must be approved by the Engineer of the City of Bordentown, in consultation with the Environmental Commission, as part of the subdivision and land development process.

E. The riparian buffer conservation zone management plan must include management provisions in narrative and/or graphic form specifying:

(1) The manner in which the area within the RBCZ will be owned and by whom it will be managed and maintained.

(2) The conservation and/or land management techniques and practices that will be used to conserve and protect the RBCZ, as applicable.

(3) The professional and personnel resources that are expected to be necessary, in order to maintain and manage the RBCZ.

(4) A revegetation plan, if applicable, that includes: three layers of vegetation, including herbaceous plants that serve as ground cover, understory shrubs, and trees that when fully mature will form an overhead canopy. Vegetation selected must be native, noninvasive species, and consistent with the soil, slope and moisture conditions of the site. The revegetation plan shall be prepared by a qualified environmental professional, landscape architect, or professional engineer and shall be subject to the approval of the Municipal Engineer, in consultation with the Environmental Commission. Dominant vegetation in the riparian buffer conservation zone management plan shall consist of plant species that are suited to the stream buffer environment. The Engineer of the City of Bordentown may require species suitability to be verified by qualified experts from the Soil Conservation District, Natural Resources Conservation Service, New Jersey Department of Environmental Protection, US Fish and Wildlife Service and/or state or federal forest agencies.

F. A riparian buffer conservation zone management plan is not required where the RBCZ is not being disturbed and conservation easements/deed restrictions are applied to ensure there will be no future clearing or disturbance of the RBCZ.

G. Performance of the riparian buffer conservation zone management plan shall be guaranteed a minimum of two years by a surety, such as a bond, cash or letter of credit, which shall be provided to the City of Bordentown prior

to the City of Bordentown issuing any permits or approving any uses relating to the applicable use or activity.

§ 237-50. Boundary interpretation; appeals procedures; inspections; conflicts; severability.

A. When a landowner or applicant disputes the boundaries of an RBCZ, or the defined bank-full flow or level, the landowner or applicant shall submit evidence to the City of Bordentown that describes the RBCZ, presents the landowner or applicant's proposed RBCZ delineation, and presents all justification for the proposed boundary change. For Category One (C1) RBCZs, the landowner or applicant must first obtain approval from the New Jersey Department of Environmental Protection. A decision from the Department must be included with the evidence submitted for municipal review.

B. Within 45 days of a complete submission of Subsection A above, the Engineer of the City of Bordentown, or appointed representative, shall evaluate all material submitted and shall make a written determination, a copy of which shall be submitted to the City of Bordentown and the landowner or applicant. Failure to act within the forty-five-day period shall not be interpreted to be an approval of the proposed boundary change.

C. Any party aggrieved by any such determination or other decision or determination under Subsection B may appeal to the City of Bordentown under the provisions of this Part 4. The party contesting the location of the RBCZ boundary shall have the burden of proof in case of any such appeal.

D. Any party aggrieved by any determination or decision of the City of Bordentown under this Part 4 may appeal to the Planning Board of the City of Bordentown. The party

contesting the determination or decision shall have the burden of proof in case of any such appeal.

E. Inspections.

(1) Lands within or adjacent to an identified RBCZ shall be inspected by the City of Bordentown when:

(a) A subdivision or land development plan is submitted;

(b) A building permit is requested;

(c) A change or resumption of a nonconforming use is proposed;

(d) A discontinued nonconforming use is resumed more than a year later, as described in § 237-46.

(2) The RBCZ may also be inspected periodically by representatives from the City of Bordentown if excessive or potentially problematic erosion is present, other problems are discovered, or at any time when the presence of an unauthorized activity or structure is brought to the attention of municipal officials or when the downstream surface waters are indicating reduction in quality.

F. Conflicts. All other ordinances, parts of ordinances, or other local requirements that are inconsistent or in conflict with this Part 4 are hereby superseded to the extent of any inconsistency or conflict, and the provisions of this Part 4 apply.

G. Severability.

(1) Interpretation. This Part 4 shall be so construed as not to conflict with any provision of New Jersey or federal law.

(2) Notwithstanding that any provision of this Part 4 is held to be invalid or unconstitutional by a court of competent jurisdiction, all remaining provisions of this Part 4 shall continue to be of full force and effect.

(3) The provisions of this Part 4 shall be cumulative with, and not in substitution for, all other applicable zoning, planning and land use regulations.

§ 237-51. Enforcement.

A prompt investigation shall be made, by the appropriate personnel of the City of Bordentown, of any person or entity believed to be in violation hereof. If, upon inspection, a condition which is in violation of this Part 4 is discovered, a civil action in the Special Civil Part of the Superior Court, or in the Superior Court if the primary relief sought is injunctive or if penalties may exceed the jurisdictional limit of the Special Civil Part, may be initiated by the filing and serving of appropriate process. Nothing in this Part 4 shall be construed to preclude the right of the City of Bordentown, pursuant to N.J.S.A. 26:3A2-25, to initiate legal proceedings hereunder in Municipal Court. The violation of any section or subsection of this Part 4 shall constitute a separate and distinct offense independent of the violation of any other section or subsection, or of any order issued pursuant to this Part 4. Each day a violation continues shall be considered a separate offense.

Chapter 240

STREETS AND SIDEWALKS

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§ 240-25. Refusal of permit to defaulting applicant.

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§ 240-27. Enforcement; violations and penalties.

ARTICLE II
Sidewalks and Curbs

§ 240-28. Use and maintenance.

§ 240-29. Violations and penalties.

[HISTORY: Adopted by the Board of Commissioners of the City of Bordentown as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Escrow — See Ch. 35.
Subdivision of land and site plan approval — See Ch. 244.
Water — See Ch. 264.
Zoning — See Ch. 300.

ARTICLE I
Street Openings
[Adopted 5-27-1975 by Ord. No. 1975-8]

§ 240-1. Title.

This article shall be known as the "City of Bordentown Street Opening Ordinance."

§ 240-2. Definitions.

For the purpose of this article and unless the context clearly indicates otherwise, the following words and terms and their

(Cont'd on page 24003)

variations as to form, tense or number shall be construed to have the meanings given herein:

CITY — The City of Bordentown.

CLERK — The City Clerk of the City of Bordentown.

DEPARTMENT — The Department of Public Works of the City of Bordentown.

EMERGENCY — A water main or supply line break, gas main leak or supply line break or a sanitary sewer force main or lateral break, or any similar situation which may impair the public health, safety or welfare or reasonably result in damage to any public or private property.

EXCAVATE — Open, tear-up, dig-up, bore, tunnel or drive under or in any way impair the surface or subsurface of any street.

EXCAVATION — The resultant condition of a street after it has been excavated and prior to any refilling or restoration of such condition.

EXTENSIVE OPENING — An excavation for any purpose of a street of one hundred (100) feet or more of street length or where connecting later openings are made at average intervals of less than one hundred (100) feet along the street length or an opening which disturbs twenty percent (20%) or more of the street pavement area.

PERMIT — The authorization required by this Article to excavate a street and issued by the Clerk.

PERSON — Any natural person, municipal or private corporation, company, firm, partnership, including any public utility company and any governmental body, agency, division, bureau, authority, board or commission, whether federal, state, county, regional, school or municipal, except the City of Bordentown.

SMALL OPENING — Any excavation for any purpose of a street which is not an extensive opening.

SPECIFICATIONS — The New Jersey State Department of Transportation 1961 Standard Specifications for Road and

Bridge Construction with all present and subsequently adopted amendments and supplements thereto, except as supplemented in this Article.

STREET — Every public street, avenue, road, alley or publicly owned property in the City of Bordentown, and including the full right-of-way or width, breadth or outbounds of the same.

SUPERINTENDENT — The Superintendent of Public Works of the City of Bordentown or his designated representative.

WORK — The activities undertaken to excavate a street and performed in connection therewith.

§ 240-3. Adoption of specifications.

The New Jersey State Department of Transportation 1961 Standard Specifications for Road and Bridge Construction with all present and subsequently adopted amendments and supplements thereto, except as supplemented in this Article, shall govern all of the work performed under a city street opening permit.

§ 240-4. Permit required.

No person shall, for any purpose, excavate within the limits of the right-of-way of any city street in the city without first obtaining a street opening permit from the Clerk.

§ 240-5. No permit required for certain work; necessary information.

Whenever a street opening is made at the request of the city or as a result of notice by the city to any person making or causing the same to be made that a repaving or overlay of a street is intended to be performed by the city at a specified future date, no permit shall be required, and no permit change shall be made by the city; however, any such opening as shall result in major construction work and installation of utilities or facilities by the person performing the same

shall require such person to furnish to the city, without charge, copies of plans, profiles, drawings and related documents showing and depicting such utilities and facilities as the same have been actually installed and built as a result of such street opening, the same to be supplied within ten (10) days of the completion of such installation of the same, and, upon failure to so furnish the same to the city, no other or further permits shall be issued at anytime to the person making or causing such opening to be made until such person complies with the requirements of this section.

§ 240-6. Situations when permits shall not be issued.

No permit shall be issued for:

A. Any street which has been constructed or reconstructed within the five-year period immediately preceding the date such permit is requested, such time period to be calculated from the date of completion of said construction or reconstruction, except in the event of an emergency.

B. Any street which has been overlaid within the three-year period immediately preceding the date such permit is requested, such time period to be calculated from the date of the completion of said overlay work, except in the event of an emergency.

C. Any street which the Department may, in its discretion, in the case of streets which carry exceptionally heavy volumes of traffic, forbid any excavation, except in the event of an emergency.

D. Any work by an applicant that has failed to supply plans, profiles, drawings and related documents to the city pursuant to § 240-5 of this Article or that is then in violation of any provision of this Article, or any other ordinance of the city.

§ 240-7. Traffic control.

No street shall be closed to traffic without the prior written consent of the Superintendent. In the event that a street is closed, uniformed police will be requested to act as traffic directors, and the proper

traffic control devices shall be erected and maintained in accordance with the standards described in the Manual on Uniformed Traffic Control Devices, 1971 Edition, and all present and subsequent amendments and supplements thereto.

§ 240-8. Permit application procedure and requirements.

Application for a permit shall be made in writing on forms to be prescribed by the Department and filed at least two (2) weeks prior to the proposed commencement of any work. No work shall commence prior to the date set forth in the issued permit, and the same shall be issued and be governed by the following provisions:

A. Plans, profiles and other details necessary to accurately depict the work to be performed shall be submitted before the permit is granted for examination and review by the Department.

B. In an emergency, the two-week filing period may be waived by the Superintendent, and the permit may be issued within such shorter time as the Superintendent deems appropriate. If circumstances warrant, an oral application may be made and a temporary permit may be issued until such time as a formal application is filed and acted upon. In any event where a permit is granted upon oral application, a written application on the prescribed forms must be made within forty-eight (48) hours after grant of the oral application.

C. When the excavation is less than twenty-five (25) feet long or less than six (6) feet deep, the Superintendent may waive the requirement for the submission of plans.

D. Prior to the issuance of a permit, copies of the application therefor shall be referred to the Superintendent who shall note within five (5) working days any objections of the city to the issuance of a permit or any conditions to be imposed on the application. All objections and all conditions shall be satisfied prior to issuance of the permit or shall be imposed upon the permit as conditions of the issuance of the same, as appropriate.

E. The applicant must be the contractor, either corporate, company, firm, partnership or individual, who will be actually

engaged in the performance of the street opening work under the permit and who will be directly responsible for the protection of the work, for the adherence of the work to the specifications and for the safety of the public. The application shall be made for and on the behalf of the owner or person for whom the work is being performed and shall be countersigned by such owner or person.

F. Permits shall not be issued directly to private owners or developers without specific written approval of the Superintendent.

G. The owner shall agree, as a condition of the issuance of a permit, that any utilities, facilities and their appurtenances to be installed within the city right-of-way pursuant to the permit shall be promptly relocated at the owner's expense whenever required by the Department to accommodate the installation of city facilities or utilities. Such agreement shall be in writing and contained on the face of the application form and permit.

H. The permit is subject to revocation by the Superintendent for any violation of the conditions imposed upon the permit as conditions of the issuance of the same, the violation of any provision of this Article or any other ordinance of the city relating to the work being performed or the activities of the person performing the same or of the owner or other person for whom such work is being performed, notice of revocation to be given orally to the person performing the work and to be followed-up in writing by the Superintendent within twenty-four (24) hours by mailing same to the person to whom the permit was issued or by personal service of same to such person or such person's representative.

§ 240-9. Commencement and completion of work.

Any work under an issue permit must be commenced within a three-month period from the date of issue or the permit shall automatically become void at the expiration of such period. No permits will be issued for extensive openings between December 1 through March 1 of any year without written approval of the

Superintendent. No excavation will be permitted after 12:00 noon of a Friday of each week or the day immediately prior to a holiday. All openings will be paved by 4:00 p.m. of a Friday of each week. Work commenced under a permit shall be continued without interruptions during normal daytime working hours until completed.

§ 240-10. Notification prior to commencement of work.

The applicant shall notify the Department twenty-four (24) hours in advance of the actual commencement of any work under a permit.

§ 240-11. Safety measures.

The applicant shall keep the excavation properly guarded for the protection of the public and city both day and night and shall have lights, barriers and adequate safety measures and devices as described in the Manual on Uniform Traffic Control Devices and placed thereat and maintained throughout the performance of the work and shall interfere as little as possible with traffic along the city street, and no greater part of any street shall be opened than shall be set forth in the permit.

§ 240-12. Insurance; indemnification of city.

The applicant shall present evidence, satisfactory to the Department, of insurance sufficient to indemnify and save harmless the city, its agents and servants against and from all suits, actions, claims, costs and public liability of every kind and any description from all damages, whether resulting from negligence or otherwise in performance of work, or from any phase of operations performed under the permit. Said insurance shall provide limits of not less than three hundred thousand dollars ($300,000.) of liability coverage per person and five hundred thousand dollars ($500,000.) per accident or occurrence.

§ 240-13. Security escrow deposit or bond; application fee.

The Department shall not issue a permit unless the applicant has deposited with it, as security for faithful performance of the work for which the permit is issued, an escrow deposit of money in cash or by a certified check made payable to the Treasurer of the City of Bordentown or, where the required amount exceeds two thousand five hundred dollars ($2,500.), filed with it a bond with surety or a self-insurance certificate satisfactory to the Department, the amount of the security escrow deposit, bond or self-insurance certificate to be based upon the escrow deposits section as contained in the Schedule of Fees and Deposits hereinafter set forth.[1] The applicant shall also pay, by separate payment, a nonrefundable application fee as set forth in said schedule.

§ 240-14. Refund of security deposit.

Upon satisfactory completion of all work permitted or required under the permit for extensive openings, the Department will refund eighty percent (80%) of the security deposit where the same has been made by cash or a certified check and will retain the remaining twenty percent (20%) thereof as security for maintenance of said work for a period not to exceed one (1) year. All bonds and certificates of insurance shall contain a provision that the same shall remain in full force and effect for a period not to exceed one (1) year and after the last work under any permit has been completed and accepted by the city, and, upon satisfactory completion of all work permitted or required under the permit for small openings, the Department will refund the full amount of the security deposit within forty-five (45) days of satisfactory completion of all work permitted or required under the permit.

§ 240-15. Inspection; order to correct, comply or stop work.

The Department shall periodically inspect, by its employees or representatives, all excavations and the repair and resurfacing thereof for the purpose of determining compliance with specifications and any

[1] Editor's Note: The Schedule of Fees and Deposits is on file and available at the City Clerk's office.

conditions imposed on the issuance of the permit, and the Department may, upon the recommendation of its inspector, order:

A. A temporary stop to any street opening.

B. The applicant perform or correct specified work in accordance with the directions of the Department.

C. A stop to any work and revoke the issued permit, in which event the Department shall complete, or cause to be completed, the work and declare the applicant's cash deposit forfeit or notify the applicant's surety of an intent to file a claim on the bond, as may be appropriate.

D. Correction of any work by the applicant by notice to do so, and after notification to the applicant and the failure, refusal or neglect of the applicant to make such correction as indicated, order and declare the applicant's cash deposit forfeit or notify the applicant's surety of an intent to file a claim upon the bond.

E. Any other action deemed reasonable under the circumstances for the protection of the interests of the city and the public safety, health and welfare or protection of property.

§ 240-16. Coverage and relocation of utilities.

All utilities, except reconstruction of those presently existing and in place, shall be constructed with a minimum of four (4) feet of cover to provide protection for such utilities in the event that future city street reconstruction, repair or modifications necessitate excavation, undercutting or installation of utilities and facilities in the area where the utility is located. This location will in no way relieve the utility owner of the responsibility of relocating said utility at said utility owner's expense in the event of conflict at any time with future construction, reconstruction or modification of city-related utilities and facilities.

§ 240-17. Technical provisions.

For all excavation, the following technical provisions shall govern the performance of the work:

A. The paved roadway surfaces shall be cut vertically with a sharp tool on a straight line before excavating.

B. The material excavated from the trench opening shall not be replaced as backfill unless specifically permitted by the Superintendent.

C. Clean, porous, granular fill without clay content shall be used as backfill and be furnished from outside sources. Backfill material shall be deposited in layers and compacted in such a manner and by such methods as to achieve ninety-five-percent standard proctor density throughout the entire backfill. The thickness of each layer shall be dependent upon the type of compactor employed, and at no time shall the thickness of the layer exceed two (2) feet.

D. The uncompleted length of road opening allowed under a permit at any one (1) time shall not exceed fifty (50) linear feet.

E. In newly constructed, reconstructed or overlaid asphalt pavements, the opening shall be cut back six (6) inches beyond the perimeter of the trench opening and a tack coat applied to all joints before placing the base course.

F. Where existing manholes are located in the shoulder areas, a minimum of two (2) inches of asphalt FABC-1, Mix No. 5, shall be placed eight (8) feet on both sides of the manhole casting on four (4) inches of quarry-processed stone. The width of the FABC-1, Mix No. 5, shall vary to the dimensions of the existing shoulder.

§ 240-18. Openings disturbing twenty percent or more of pavement.

For all openings which disturb twenty percent (20%) or more of any portion of the paved street area, the following requirements shall apply:

A. The determination of whether an opening disturbs twenty percent (20%) or more of the paved roadway will be made by the Superintendent after the roadway has been disturbed, and his sole determination shall control as to such matter.

B. The trench backfill shall be compacted to a level seven (7) inches below the top of the adjacent paved surface.

C. A base consisting of seven (7) inches compacted depth of bituminous stabilized base, stone mix, Mix No. 1, shall be constructed level with the existing pavement.

D. After proper settlement, where any portion of the street that was disturbed equaled or exceeded twenty percent (20%) of the paved street area, the entire width of paved roadway surface shall be overlaid with a one-and-one-half-inch minimum thickness FABC-1, Mix No. 5, pavement applied to the entire length of the disturbed area and rolled in place to obtain a smooth pavement surface.

§ 240-19. Openings in old asphalt pavement.

For openings in old asphalt pavements, the following requirements shall apply:

A. The trench backfill shall be compacted to a level eight (8) inches below the level of the adjacent paved surface.

B. A two-inch compacted depth of bituminous cold patch material shall then be constructed on a pavement base consisting of six (6) inches compacted depth of bituminous stabilized base, stone mix, Mix No. 1.

C. The trench surface shall be maintained to the pavement level by adding bituminous cold patch material until proper settlement is obtained.

D. After proper settlement, the two-inch cold patch shall be removed and replaced with FABC-1, Mix No. 5.

E. All joints between new and existing pavements shall be sealed with a tack coat.

§ 240-20. Openings in newly constructed, reconstructed or overlaid streets.

For openings in newly constructed, reconstructed or overlaid streets, the following shall apply:

A. The openings shall be cut back six (6) inches beyond the perimeter of the trench opening.

B. The surface course shall be two (2) inches compacted depth of FABC-1, Mix No. 5.

C. Clean, porous, granular fill without clay shall be furnished from outside sources.

D. Backfill material shall be deposited in six-inch layers and thoroughly compacted to a level eight (8) inches below the level of the adjacent paved surfaces.

E. All joints between the new and existing pavements shall be sealed with a tack coat.

F. Where the overlay is over concrete pavement, § 240-21 shall apply, except for the surface course, which shall be as provided for in this section.

§ 240-21. Openings in concrete pavement surfaces.

For all openings in concrete pavement surfaces, the following shall apply:

A. The trench backfill shall be compacted to a level two (2) inches below the top of the adjacent paved surface.

B. A two-inch compacted depth of temporary bituminous cold patch material shall then be placed, compacted level with the existing pavement, and maintained by the permittee to pavement level by adding additional cold patch for a period of thirty (30) days or more until final settlement has occurred.

C. After final settlement, a pavement course of four-thousand-pound air-entrained concrete eight (8) inches in depth shall be constructed level with the existing pavement surfaces.

§ 240-22. Openings in shoulder areas.

Where openings are made in shoulder areas, the following shall apply:

A. The entire shoulder width shall be replaced with a minimum of six (6) inches of quarry-processed stone Type 5, Class A, and subject to a bituminous surface treatment.

B. The bituminous surface treatment shall consist of an application of prime coat at the rate of twenty-five hundredths (0.25) to forty-five hundredths (0.45) gallon per square yard.

C. A sand cover of fifteen (15) pounds per square yard and a seal coat at the rate of two-tenths (0.2) to three-tenths (0.3) gallon per square yard.

D. Upon application of the seal coat, a cover material of Standard Size No. 8 broken stone shall be applied at the rate of twenty-five (25) pounds per square yard and rolled with an eight- to ten-ton roller.

§ 240-23. Openings in roadside areas.

All openings in roadside areas shall be restored in accordance with the following:

A. Excavations shall be backfilled and leveled with clean granular material to within four (4) inches of the adjacent grade.

B. After proper settlement, four (4) inches of topsoil shall be placed and the area fertilized and seeded.

C. Mulching shall also be placed when directed by the Superintendent.

D. Should proper growth not be achieved, the area will be reseeded as necessary.

§ 240-24. Review fee.

Whenever the Superintendent determines that the plans or drawings of any applicant require review by the City Engineer, the applicant shall deposit in escrow with the Clerk a sum of money to defray the cost of professional engineering services so utilized by the City, the amount of such deposit to be determined by the Superintendent, and payment of such costs shall be paid by the Clerk therefrom as the same are incurred and billed to the City, and any balance or deposit following such payment shall be refunded to the applicant.

§ 240-25. Refusal of permit to defaulting applicant.

If the applicant for a permit shall be in default in the performance of work pursuant to any previously issued permit or the payment of any sum or security or the posting of any bond or of any provision of this article with reference to such previously issued permit, such failure shall be good and sufficient cause for the City to refuse issuance of a permit to such applicant.

§ 240-26. Application fees and security deposits.

The application fee to be paid and the escrow deposit to be made by an applicant, and as required by this article, shall be in accordance with the schedule annexed hereto and entitled the "Schedule of Fees and Deposits."[1]

§ 240-27. Enforcement violations and penalties. [Amended 12-29-1990 by Ord. No. 1990-5]

The Superintendent is hereby appointed the person entrusted with the enforcement of this article by his orders, Municipal Court complaint, chancery or other court suit for injunctive

[1] Editor's Note: The Schedule of Fees and Deposits is on file and available at the City Clerk's office.

relief or damages, none of which remedies shall be exclusive but may be pursued concurrently, and the violation of any term, condition or provision of this article shall be considered a separate and distinct violation hereof, and the continuance and existence of such violation or violations shall be considered to be a separate and distinct violation for each separate day that such violation continues and exists, and for each of which violations the person committing the same shall be subject to a penalty as set forth in Chapter 1, General Provisions, Article I, Violations and Penalties.

ARTICLE II
Sidewalks and Curbs
[Adopted 4-12-2004 by Ord. No. 2004-9]

§ 240-28. Use and maintenance.

The use and maintenance of sidewalks and curbs shall be in accordance with this section.

A. The use of sidewalks shall be restricted to pedestrians, and may be used by same while pulling or pushing baby coaches, carriages, prams, strollers or children's wagons or two-wheeled privately owned shopping carts.

B. The use of sidewalks by vehicles, motorbikes, mopeds, bicycles, skateboards or any other similar devices, except sidewalk bicycles or tricycles, or the parking or standing of boats, trailers, campers or motor vehicles upon same is prohibited.

C. The dropping, throwing, dumping or discarding of bottles, cans, cigarettes or cigars or the butts thereof, litter, refuse, debris or other similar objects upon any sidewalk, or the spitting of any tobacco, saliva, phlegm or viscid mucus thereon is prohibited.

D. No person shall crack, chip, displace or damage any sidewalk or curb, whether they be constructed of concrete, brick or slate, unless in the process of repairing or replacing same, and shall not obstruct the free and

unobstructed use of same by pedestrians, except that garbage or refuse cans, containers, bags, boxes or other debris to be picked up by a garbage and refuse collection vehicle may be placed on the sidewalk at the curb or curbline prior to dusk preceding a regularly scheduled garbage collection day, and emptied cans or containers shall be removed within a reasonably convenient time or prior to 6:00 p.m., whichever occurs first following emptying and pickup of same by a garbage and refuse collection vehicle.

E. Any settling or depression of a sidewalk or curb, sidewalk or curb block or slab, or the raising or elevation of same, any excoriation, disintegration, crumbling or any caving-in thereof or similar condition or damage, irrespective of the cause of any such conditions or damages, shall be corrected by the owner of the lands and premises which said sidewalk or curb abuts, by either the proper permanent repair or the replacement of such sidewalk or curb, within 30 days of the occurrence or apparent existence of such conditions or damage. Any such condition or damage present or existing on the effective date of this article shall be so repaired or replaced within 30 days of the effective date hereof.

F. All curb and sidewalk replacement, construction and improvements shall be subject to review by the City and shall comply with the Residential Site Improvement (RSI) Standards contained in the New Jersey Administrative Code, N.J.A.C. 5:21-1 et seq., including but not limited to those site improvement standards and details dealing with roadways, handicapped ramps, concrete curbing and concrete sidewalk, depressed concrete curb and driveway apron, and, where allowed, brick or slate sidewalks. A copy of the RSI. Standards and details shall be available for review at the municipal offices at City Hall. City residents shall notify the City Public Works Department at least 10 days prior to initiating any such repair or replacement.

G. In the event that the owners of the land and premises abutting a sidewalk, which is in need of repair or replacement, do not undertake such repair or replacement in a timely manner, and the City, in its full discretion, deems it in the best interests of the City to repair same for the protection of the City, its residents and those traveling the sidewalks, the City of Bordentown may undertake said repair and replacement, at its expense, with charges thereafter being assessed to said owners. In the event the City so elects, the affected owner(s) shall be notified by the City at least 15 days prior to undertaking such action.

H. Residents may be allowed, at the full discretion of the City of Bordentown, to change sidewalk material from concrete to brick or slate, depending on the location of the sidewalk and its current condition. Such a change must he approved by the City, and the City shall be notified of a resident's intention to initiate such a change, in accordance with the procedures set forth in Subsection F above.

I. In the event that some portion of a sidewalk is heaved or otherwise damaged by a tree or tree roots within the jurisdiction of the Shade Tree Committee, it shall be the Shade Tree Committee's responsibility, pursuant to § 230-1 et seq. of the City Code, to appropriately repair and/or replace only that part of said sidewalk so damaged, as necessary, and charges shall not be assessed to the abutting owners.

§ 240-29. Violations and penalties.

Except as where otherwise provided by law or state statute, the violation of any term or condition of this Article II shall be considered a separate and distinct violation hereof, and the continuance and existence of such violation or violations shall be considered to be a separate and distinct violation for each separate day that such violation continues and exists, and for each of which violation the person committing the same shall be

subject to a penalty as set forth in Chapter 1, General Provisions, Article I, Violations and Penalties.

Chapter 244

SUBDIVISION OF LAND AND SITE PLAN APPROVAL

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[HISTORY: Adopted by the Board of Commissioners of the City of Bordentown 1-31-1977 by Ord. No. 1977-1. Amendments noted where applicable.]

GENERAL REFERENCES

Escrow — See Ch. 35.
Land use procedures — See Ch. 51.
Change in ownership or occupancy of buildings — See Ch. 124.
Flood damage prevention — See Ch. 166.
Historic preservation — See Ch. 180.
Numbering of property — See Ch. 220.
Streets and sidewalks — See Ch. 240.
Water — See Ch. 264.
Zoning — See Ch. 300.

ARTICLE I
General Provisions

§ 244-1. Title.

This chapter may be cited and referred to as the "Land Subdivision and Site Plan Ordinance of the City of Bordentown of 1977."

§ 244-2. Statutory authority.

This chapter is enacted pursuant to the authority granted by Chapter 291, Laws of 1975, commonly cited and referred to as the "Municipal Land Use Law" (N.J.S.A. 40:55D-1 et seq.).

§ 244-3. Purpose.

The purpose of this chapter is to provide rules, regulations and standards to guide land subdivision and site planning in the City of Bordentown in a manner which will promote the public health, safety, morals and general welfare. It shall be administered to ensure an orderly growth and development which will not conflict with the development and general welfare of neighboring municipalities, the county and the state as a whole and to ensure adequate and suitable

(Cont'd on page 24405)

streets, water supply, drainage, shade trees, sewerage facilities and other necessary utilities, public area and open space, protection from flooding and conservation of soils and to promote desirable visual environment through creative development techniques and good civic design and arrangements.

§ 244-4. Definitions and word usage.

A. For the purposes of this chapter, unless the context clearly indicates a different meaning, the following definitions shall apply:

ADVERSE EFFECT — Conditions or situations creating, imposing, aggravating or leading to impractical, unsafe or unsatisfactory conditions on a subdivider's property or any adjacent property, such as inadequate drainage facilities; insufficient street width; unsuitable street grades; unsuitable street location to accommodate prospective traffic or coordinate and compose a convenient traffic system; locating lots in a manner not adaptable for the intended purpose without danger to health or peril from flood, fire, erosion or other menace; providing for lots of insufficient size; and neither providing nor making future allowance for other facilities required by this chapter; or otherwise in derogation of the Master Plan.

AGRICULTURAL PURPOSES — For purposes of exempting a division of land from the provisions of this chapter, land that will be used solely for growing and harvesting of crops, including nursery stock and sod, and/or the raising and breeding of animals and on which no structure other than a fence or a building to contain livestock or for storage will be erected, or a building suitable for human habitation, provided that such building will be located on a lot of at least ten (10) acres.

APPLICANT — Any owner, or authorized representative having written consent from the legal owners, submitting an application for review and approval for land subdivision or site plan approval in accordance with this chapter, and also sometimes referred to as a "developer."

APPLICATION — The application form and all accompanying documents required by this chapter for approval of a subdivision plat or a site plan.

BOARD — The Planning Board of the City of Bordentown, Burlington County, New Jersey.

CARTWAY — The hard or paved surface portion of a street customarily used by vehicles in the regular course of travel. Where there are curbs, the "cartway" is that portion between the curbs.

CIRCULATION — Systems, structures and physical improvements for the movement of people, goods, water, air, sewage or power by such means as streets, highways, railways, waterways, towers, airways, pipes and conduits; and the handling of people and goods by such means as terminals, stations, warehouses and other storage buildings or transshipment points.

CLERK — The City Clerk of the City of Bordentown.

DAYS — Calendar days.

DRAINAGE — The removal of surface water or groundwater from land by drains, grading or other means and includes control of runoff to minimize erosion and sedimentation during and after construction or development and means necessary for water supply preservation or prevention or alleviation of flooding.

EASEMENT — A use or burden imposed on real estate by deed or other legal means to permit the use of land by the public, a corporation or particular persons for specified uses.

EROSION — The detachment and movement of soil or rock fragments by water, wind, ice and gravity.

FINAL APPROVAL — The official action of the Planning Board taken on a preliminary approved major subdivision or site plan after all conditions, engineering plans and other requirements have been completed or fulfilled and the required improvements have been installed or guaranties properly posted for their completion or approval conditioned upon the posting of such guaranties.

INTERESTED PARTY — Any person, whether residing within or without the city, whose right to use, acquire or enjoy property is or may be affected by any action taken under this chapter or whose rights to use, acquire or enjoy property under this chapter or under any law of this state or of the United States have been denied, violated or infringed by an action or a failure to act under this chapter.

LOT — A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

MAINTENANCE GUARANTY — Any security, other than cash, which may be accepted by the city for the maintenance of any improvements required by this chapter.

MAJOR SUBDIVISION — Any subdivision not classified as a minor subdivision.

MASTER PLAN — A composite of one (1) or more written or graphic proposals for the development of the city adopted pursuant to N.J.S.A. 40:55D-28.

MINOR SUBDIVISION — A subdivision of land that does not involve the creation of more than three (3) lots, including the remaining portion of the tract, but not including any land offered to the city for road-widening purposes; any new street; or the extension of any off-tract improvement, provided that the proposed subdivision does not create a condition which directly or indirectly adversely affects the development of either the remainder of the tract or nearby property.

OFFICIAL MAP — A map adopted in accordance with the Official Map and Building Permit Act, N.J.S.A. 40:55-1.30 et seq.,[1] only to the extent that it is consistent with N.J.S.A. 40:55D-32 et seq. and to the extent that it has not been supplanted by an official map adopted pursuant to N.J.S.A. 40:55D-32 et seq. Such a map shall be deemed conclusive with respect to the location and width of streets, drainage rights-of-way and flood control basins and the location and extent of

[1] Editor's Note: The Official Map and Building Permit Act, N.J.S.A. 40:55-1.30 et seq., was repealed by Chapter 291 of the Laws of 1975. See now N.J.S.A. 40:55D-1 et seq.

public parks, playgrounds and scenic and historic sites shown thereon.

OFF-SITE — Located outside the lot lines of the lot in question but within the property (of which the lot is a part) which is the subject of a subdivision application or contiguous portion of a street or right-of-way.

OFF-TRACT — Not located on the property which is the subject of a subdivision or site plan application nor on a contiguous portion of a street or right-of-way.

ON-SITE — Located on the lot in question.

ON-TRACT — Located on the property which is the subject of a subdivision or site plan application or on a contiguous portion of a street or right-of-way.

OPEN SPACE — Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space, provided that such areas may be improved with only those buildings, structures, streets and off-street parking and other improvements that are designed to be incidental to the natural openness of the land.

PARTY IMMEDIATELY CONCERNED — For purposes of notice, any applicant for subdivision or for site plan approval, the owners of the subject property and all owners of property and government agencies entitled to notice thereof.

PERFORMANCE GUARANTY — Any security, which may be accepted by the city, including performance bonds, with a responsible surety authorized to do business in the State of New Jersey, or escrow agreements secured by cash, certified check or cashier's check to guarantee the completion of the required improvements before the Planning Board approves the final plat, provided that no more than ten percent (10%) of the total performance guaranty may be required in cash. A responsible surety shall not include a surety against whom there are proceedings pending in this state to revoke its license to act as such surety.

PLANNING BOARD — The Planning Board of the City of Bordentown.

PLAT — A map or maps of a subdivision or site plan. Included are:

(1) PRELIMINARY PLAT — The preliminary map indicating the proposed layout of the subdivision or site plan which is submitted to the Board Secretary for Planning Board consideration and tentative approval and meeting the requirements of this chapter.

(2) FINAL PLAT — The final map of all or a portion of the subdivision which is presented to the Planning Board for final approval in accordance with the regulations of this chapter, and which, if approved, shall be filed with the County Clerk's office.

PRELIMINARY APPROVAL — The conferral of certain rights pursuant to this chapter after specific elements of a subdivision or site plan have been agreed upon by the Planning Board and the applicant.

PUBLIC AREAS:

(1) Public parks, playgrounds, trails, paths and other recreational areas.

(2) Other public open spaces.

(3) Scenic and historic sites.

(4) Sites for schools and other public buildings and structures.

PUBLIC DRAINAGEWAY — The land reserved or dedicated for the installation of stormwater sewers or drainage ditches, or required along a natural stream or watercourse for preserving the channel and providing for the flow of water to safeguard the public against flood damage, sedimentation and erosion.

PUBLIC OPEN SPACE — An open space area conveyed or otherwise dedicated to the city, a city agency, Board of Education, state or county agency or other public body for recreational or conservational uses.

RESUBDIVISION — The further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law or the alteration of any streets or the establishment of any new streets within any subdivision previously made and approved or recorded according to law, but does not include conveyances so as to combine existing lots by deed or other instrument.

SECRETARY — The Secretary of the Planning Board of the City of Bordentown.

SEDIMENTATION — The deposition of soil that has been transported from its site of origin by water. ice, wind, gravity or other natural means as a product of erosion.

SITE PLAN — A plan for development. not involving a subdivision, of one (1) or more lots on which is shown the existing and proposed conditions of the lot, including but not necessarily limited to topography, vegetation, drainage, floodplains, marshes and waterways; the location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping, structures and signs, lighting, screening devices; and any other information that may be reasonably required in order to make an informed determination by the Planning Board. It shall also include any modification of a previously approved site plan.

STREET — Any street, avenue, boulevard. road, parkway, viaduct, drive or other way which is an existing state, county or city roadway or which is shown upon a plat heretofore approved pursuant to law or which is approved by official action as provided by this chapter or which is shown on a plat duly filed and recorded in the office of the County Clerk prior to the appointment of the Planning Board and the grant to such Board of the power to review plats; and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders. gutters, curbs, sidewalks, parking areas and other areas within the street lines. For the purposes of this chapter. "streets" shall be classified to conform to the Burlington County Master Plan as follows:

(1) ARTERIAL STREET — A street used primarily for fast or large volumes of traffic.

(2) COLLECTOR STREET — A street used to carry traffic from the minor streets to the primary streets and designed to have considerable continuity and traffic capacity.

(3) MINOR STREET — Those streets other than the arterial or collector streets which need be entered only for stopping at a destination on that street and which need not be used for general circulation or through traffic.

(4) CUL-DE-SAC — A short, dead-end, minor street terminating in a circular or other turnaround area.

(5) MARGINAL ACCESS STREET — Streets located parallel and adjacent to arterial streets and highways which are designed to provide access to abutting properties without interrupting highway traffic except at recognized intersections and access points.

SUBDIVISION:

(1) The division of a lot, tract or parcel of land into two (2) or more lots, tracts, parcels or other divisions of land for sale or development. The following shall not be considered "subdivisions" within the meaning of this chapter if no new streets are created:

(a) Divisions of land found by the Planning Board or subdivision committee thereof appointed by the Chairman to be for agricultural purposes where all resulting parcels are five (5) acres or larger in size.

(b) Divisions of property by testamentary or intestate provisions.

(c) Divisions of property upon court order.

(d) Conveyances so as to combine existing lots by deed or other instrument, provided that such deed or other instrument recites the intention to consolidate such lots and such deed or other instrument is promptly

and duly recorded with the Burlington County Clerk as the Recorder of Deeds.

(2) Also include the term "resubdivision."

VARIANCE — Permission to depart from the literal requirements of Chapter 300, Zoning.

B. The use of the word "shall" in this chapter indicates a mandatory requirement, and the use of the word "may" indicates a permissive action.

C. Any word or term not defined herein shall be used in accordance with a meaning utilized in the Municipal Land Use Law,[2] where given, or, where not given, a meaning of standard usage, unless the context clearly otherwise indicates.

D. The use of masculine pronouns is for convenience only and shall include reference to both genders.

ARTICLE II
Minor Subdivisions

§ 244-5. Application requirements.

A. An applicant desiring to proceed with a minor subdivision shall file with the Clerk at least two (2) weeks prior to the date of a regular meeting of the Board the following documents:

(1) Six (6) completed copies of the city minor subdivision application form.

(2) Four (4) copies of any protective covenants, deed restrictions or easements, either presently affecting the property or proposed in the subdivision, such as a conservation, easement or reservation or dedication of lands, drainage or utility right-of-way or a sight triangle.

(3) Four (4) copies of any deed(s) for any lands offered to the city.

[2] Editor's Note: See N.J.S.A. 40:55D-1 et seq.

(4) Twelve (12) copies of the plat of the proposed minor subdivision. A reproducible copy shall be submitted upon approval.

(5) Twelve (12) copies of a key map.

(6) A certification from the City Tax Collector that no taxes or assessments for local improvements are due or delinquent on the property for which the subdivision application is made.

B. The applicant shall have the right, before submitting a formal application hereunder, to request and obtain an informal conference before the Planning Board as provided in § 244-49 hereof.

§ 244-6. Payment of application fee.

The applicant shall submit to the Clerk, at the time of submission of an application for a minor subdivision, payment of the fee provided in § 244-50.

§ 244-7. Plat requirements.

A. A minor subdivision plat shall be clearly and legibly drawn at an accurate scale of not less than one (1) inch equals one hundred (100) feet and shall be based on an actual survey certified by a land surveyor licensed in the State of New Jersey. The plat shall conform to the size and other requirements of N.J.S.A. 46:23-9.9 et seq. (Map Filing Law), as amended and supplemented. The plat shall show the following information:

(1) All lots being subdivided together with the boundary and acreage of the entire original tract and the number of new lots being created. The area of each lot shall be shown correct to within one (1) square foot.

(2) All existing and proposed property lines within and immediately adjoining the tract and all lot lines to be eliminated. All lot lines shall be shown correct to one-hundredth (0.01) of a foot in length and one (1) second in

angular measurement. Minimum front, side and rear building setback lines on each proposed lot and the remaining lot shall be shown.

(3) All existing buildings and structures and their use(s), wooded areas, rock outcrops and isolated trees with a diameter of six (6) inches or more measured four and one-half (4½) feet above ground level. All streams, lakes, drainage rights-of-way and streets within the limits of the tract(s) being subdivided, including the location, width and direction of flow of all streams, brooks, drainage structures and drainage rights-of-way, shall be shown. Any existing features to be removed or relocated shall be indicated. Flood hazard area lines and wetlands and swamps within the tract shall be shown. A general drainage system shall be shown.

(4) The shortest distance from any existing building(s) to any proposed and existing lot line.

(5) The existing and proposed rights-of-way of all easements and all streets within and adjoining the premises, with dimensions, together with existing driveways, street names and the purpose for any easement. Sight triangles shall be shown.

(6) The name of the owner and all adjoining property owners as disclosed by most recent city tax records.

(7) The Tax Map sheet, block and lot number for the tract and all adjacent lots; written and graphic scales; North arrow; and space for the subdivision application number; the name of the city; the name of the subdivision; and the date of preparation and most recent revision.

(8) Zoning district(s), and, if the property lies in more than one (1) zoning district, the plat shall indicate all the zoning district lines.

(9) The name, address, phone number and signature of the owner, subdivider and person preparing the plat.

(10) When on-lot water and/or on-lot sewage disposal is proposed, the plat shall be accompanied by the results of percolation test(s). The percolation test(s) shall be made in accordance with the requirements of the Realty Improvement Sewerage and Facilities Act (1954), N.J.S.A. 58:11-23 et seq., and in accordance with the regulations of the City Board of Health or Health Officer. The test(s) shall be performed at the applicant's expense and upon forty-eight (48) hours' notice to the City Engineer and Board of Health or Health Officer. Each lot proposed shall show the location of the proposed individual water supply and sewage disposal system. Upon submission of all percolation data to the Planning Board, the Board may authorize the City Engineer to conduct comprehensive tests to verify the percolation tests performed by the applicant's engineer. The applicant shall pay the actual costs of such verification tests by the City Engineer as set forth in § 244-50.

(11) Location and description of all monuments.

(12) Such other information or data as may be required by the Planning Board in order to determine that the details of the subdivision are in accord with the standards of applicable ordinances.

B. The Planning Board may waive any of the details required by this section if it determines that the subdivision conforms to the standards of good planning, will have no deleterious effect on neighboring properties and provides adequate data to assure protection of the health, safety and welfare of the residents of the city.

C. The plat shall be certified as to the accuracy of the engineering details by an engineer licensed in New Jersey, bearing his signature, seal, license and address.

§ 244-8. Key map.

A. A key map shall contain the North arrow and show the entire subdivision and its relation to surrounding areas, at a scale of not less than two thousand (2,000) feet to the inch. The key map shall be presented on sheet(s) not greater than thirty by forty-two (30 x 42) inches or less than eight and one-half by thirteen (8½ x 13) inches. The key map shall show not less than the following information:

(1) The location and relationship of the proposed subdivision in reference to the nearest major arterial streets closest to the proposed subdivision. This information shall be obtained from the Tax Maps.

(2) The location of all streams within five hundred (500) feet of the tract or proposed subdivision.

B. The key map shall be certified as to the accuracy of the details by an engineer or surveyor licensed in New Jersey, bearing his signature, seal, license and address.

C. The key map may be set forth on the plat.

§ 244-9. Submission of application to city; reports.

Upon receipt of an application for a minor subdivision, together with the required supporting documents and payment of the prescribed fee, the Clerk shall forthwith submit it to the Secretary, who shall submit one (1) copy of the application and supporting documentation each to the Planning Board Subdivision Committee, the City Engineer and to the Attorney for the Planning Board for a report thereon to the Planning Board. These reports shall be submitted to the Planning Board at least two (2) days prior to the meeting of the Planning Board at which the application will be considered. These reports shall comment on the completeness of the application in conformity with this chapter, whether or not the application meets the standards of a minor subdivision and whether or not the application is in compliance with all requirements of applicable laws and ordinances. The Engineer shall also advise as to the likelihood of off-tract improvements being required and, if such shall be the case, shall advise the City Commission which shall then

act pursuant to § 244-42. The Secretary shall also set down the application on the agenda of the Planning Board meeting next following fourteen (14) days from the date of submission of the complete application and shall advise the applicant of such date. In the event that the Secretary determines that a literal compliance with the time requirements of this section will cause the application to be considered by the Planning Board not within forty-five (45) days of the submission of the application, the Secretary shall so advise the Planning Board at its next meeting and the Planning Board shall schedule a special meeting for consideration of the application within the forty-five-day period.

§ 244-10. Submission of application to County Planning Board.

Not later than seven (7) days after submission of the application for a minor subdivision to the Clerk, the applicant, where required pursuant to N.J.S.A. 40:27-6.3, shall submit a copy of the application and all supporting documentation to the Burlington County Planning Board for review and approval. The applicant shall then promptly certify to the Secretary that such submission has been properly made.

§ 244-11. Action by Planning Board; approval of application.

A. At the meeting of the Planning Board at which the application is to be considered, the Planning Board shall first determine that the application conforms to the definition of a "minor subdivision" as set forth in § 244-4A. If it is determined that the application does not so conform, the Planning Board shall deny the application; however, such denial shall not be deemed to preclude a subsequent application for a major subdivision involving the same tract.

B. If it is determined that the application does conform to the definition of a "minor subdivision" but is incomplete in the submission of required documentation, as set forth in §§ 244-5 through 244-8, inclusive, the Planning Board shall immediately notify the applicant of the incompleteness, which shall not be deemed to preclude a subsequent complete resubmission, upon payment of the prescribed fee.

C. If it is determined that the application does conform to the definition of a "minor subdivision" and is complete, the Planning Board shall waive notice and public hearing for the application.

D. Minor subdivision approval shall be granted or denied within forty-five (45) days of the date of submission of a complete application to the Secretary of the Planning Board or within such further time as may be consented to in writing by the applicant. Failure of the Planning Board to act within the period prescribed shall constitute minor subdivision approval, and a certificate of the Secretary of the Planning Board as to the failure of the Planning Board to act shall be issued on request of the applicant; and it shall be sufficient in lieu of the written endorsement or other evidence of approval herein required and may be so accepted by the Burlington County Clerk for purposes of filing subdivision plats.

E. Whenever review or approval of the application by the Burlington County Planning Board is required by N.J.S.A. 40:27-6.3, the Planning Board shall condition any approval that it grants upon timely receipt of a favorable report on the application by the County Planning Board or approval by the County Planning Board by its failure to report thereon within the required time period.

F. Whenever the Planning Board shall grant approval subject to conditions, a notation shall be made on the plat or deed indicating that: "The approval of this subdivision is subject to conditions as set forth in the minutes of the Planning Board."

G. Approval of a minor subdivision shall expire one hundred ninety (190) days from the date of city approval unless within such period a plat in conformity with such approval and the provisions of the Map Filing Law, N.J.S.A. 46:23-9.9 et seq., or a deed clearly describing the approved minor subdivision is filed by the applicant with the County Clerk, the City Engineer, the City Construction Official and the City Board of Tax Assessors. Any such plat or deed accepted for such filing shall have been signed by the Chairman and the Secretary of the Planning Board.

H. The zoning requirements and general terms and conditions, whether conditional or otherwise, upon which minor subdivision approval was granted shall not be changed for a period of two (2) years after the date of minor subdivision approval, provided that the approved minor subdivision shall have been duly recorded as provided in this section.

I. Prior to the commencement of any construction, final detailed engineering plans shall be submitted to and approved by the City Engineer. The applicant shall deposit with the City Clerk such fee for engineering review as is provided in § 244-50.

J. No building permit shall be issued for excavation or construction in any area approved for subdivision until such plat or deed has been filed.

§ 244-12. Inspections; prior deposit required.

Before granting approval of an application for a minor subdivision, the Planning Board shall require the applicant to deposit with the city the inspection fees provided in § 244-50 to compensate the City Engineer for performing an inspection of the sidewalk, curb, street and storm drainage improvements and other appropriate improvements. After approval and after the applicant has initiated construction thereof, the City Engineer shall make the inspections and submit written reports with respect to the results of such inspections to both the Secretary of the Planning Board, the City Construction Official and the applicant. Additionally, the City Engineer shall advise the Secretary and the applicant of his inspection fees. Thereafter the inspection fees shall be paid from the deposit. If the applicant should decide to permanently discontinue work on the subdivision in question before its completion, he may make written application to the Planning Board for the refund of the unencumbered portion of the deposit. Submission of this application shall constitute a waiver of all rights which may have accrued to him with respect to the subdivision covered by that application.

ARTICLE III
Major Subdivisions

§ 244-13. Application requirements.

A. An applicant desiring to proceed with a major subdivision shall file with the Clerk, at least two (2) weeks prior to the date of a regular meeting of the Board, the following documents:

(1) Six (6) completed copies of the city major subdivision application form.

(2) Four (4) copies of any protective covenants, deed restrictions or easements, either presently affecting the property or proposed, in the subdivision, such as a conservation, easement or reservation or dedication of lands, drainage or utility right-of-way or a sight triangle.

(3) Four (4) copies of any deed(s) for any lands offered to the city.

(4) Twelve (12) copies of the preliminary plat of the proposed major subdivision. A reproducible copy shall be submitted upon preliminary approval.

(5) Twelve (12) copies of a key map.

(6) A certification from the City Tax Collector that no taxes or assessments for local improvements are due or delinquent on the property for which the subdivision application is made.

(7) A certification from the State Department of Environmental Protection, pursuant to N.J.S.A. 58:11-23 et seq., if applicable.

(8) Four (4) copies of the environmental impact report if required by § 244-47.

B. The applicant shall have the right, before submitting a formal application hereunder, to request and obtain an informal conference before the Planning Board as provided in § 244-49.

§ 244-14. Payment of application fee.

The applicant shall submit to the Clerk, at the time of submission of an application for a major subdivision, payment of the fee provided in § 244-50.

§ 244-15. Preliminary plat requirements.

A. The plat shall be in tentative form for discussion purposes for preliminary approval. The plat shall be clearly and legibly drawn at an accurate scale of not less than one (1) inch equals one hundred (100) feet and shall be based on an actual survey certified by a land surveyor licensed in the State of New Jersey. The plat shall be presented on sheets not greater than thirty by forty-two (30 x 42) inches or less than eight and one-half by thirteen (8½ x 13) inches. The plat shall show the following information:

(1) A title containing the name of the subdivision; the name of the city; Tax Map sheet, block and lot number; date of preparation and most recent revision; meridian North arrow; written and graphic scales; the names, addresses, phone numbers and signatures of the owner, subdivider and person(s) who prepared the plat(s), including the seal of the latter; the names of all property owners within two hundred (200) feet of the extreme limits of the subdivision; and a space for the subdivision application number.

(2) The acreage of the original tract being subdivided measured to the nearest tenth of an acre and the number of new lots created, each lot measured with dimensions noted and each lot labeled to the nearest square foot.

(3) A map showing existing elevations and contour lines over the entire area of the proposed subdivision, together with watercourses and an indication of the final disposal of the surface waters. All elevations shall be related to a bench mark noted on the plan.

(4) The locations and dimensions of existing and proposed railroad rights-of-way, bridges and natural features such as soil types, wooded areas, lakes, rock outcroppings and

views within the subdivision and the location of individual trees outside the wooded areas having a diameter of six (6) inches or more as measured four and one-half (4½) feet above ground level. The proposed location of shade trees to be provided by the subdivider shall also be shown. Soil types shown shall be based on United States Soil Conservation Service categories.

(5) All existing and proposed watercourses, including lakes, ponds and marsh areas, accompanied by the following information or data:

(a) When a running stream is proposed for alteration, improvement or relocation or when a structure or fill is proposed over, under, in or along such a running stream, evidence of approval, required alterations, lack of jurisdiction or denial of the improvement by the New Jersey Division of Water Policy and Supply and/or United States Army Corps of Engineers.

(b) Cross sections and profiles of watercourses at an appropriate scale showing the extent of floodway fringe area, top of bank, normal water level and bottom elevations at the following locations:

[1] All watercourses within or adjacent to the subdivision and at any point where a watercourse crosses a boundary of the subdivision.

[2] At fifty-foot intervals for a distance of three hundred (300) feet upstream and downstream of any proposed culvert or bridge within the subdivision.

[3] At fifty-foot intervals up to three hundred (300) feet upstream and downstream of any proposed culvert or bridge and any point of juncture of two (2) or more watercourses within and/or within one thousand (1,000) feet of the subdivision.

[4] At a maximum of three-hundred-foot intervals, but no less than two (2) locations, along each watercourse which runs through or adjacent to the subdivision.

[5] When ditches, streams, brooks or watercourses are to be altered, improved or relocated, the method of stabilizing slopes and measures to control erosion and siltation during construction as well as typical ditch sections and profiles shall be shown on the plan or accompany it.

(c) The total acreage in the drainage basin of any watercourse running through or adjacent to a subdivision in the area upstream of the subdivision.

(d) The total acreage in the drainage basin to the nearest downstream drainage structure and the acreage in that portion of the subdivision which drains to the structure.

(e) The location and extent of all existing or proposed drainage and conservation easements and flood hazard area lines.

(f) The location, extent and water level elevation of all existing or proposed lakes or ponds within or adjacent to the subdivision.

(g) Plans and computations for any storm drainage systems, including the following:

[1] All existing or proposed storm sewer lines within or adjacent to the subdivision, showing size, profile and slope of the lines; direction of flow; and the location of each catch basin, inlet, manhole, culvert and head wall.

[2] The location and extent of any proposed dry wells, groundwater recharge basins, retention basins, detention basins, flood control devices, sedimentation basins and other water conservation devices.

(6) The names, locations and dimensions (cartway and right-of-way widths) of all existing streets within a distance of two hundred (200) feet of the boundaries of the subdivision and showing existing driveways and any connections from proposed streets, sidewalks and bike routes in the subdivision to any adjoining street(s), sidewalk(s) or bike route(s) and what off-site extensions, if any, will be made to nearby arterial and collector streets as those streets are shown on the adopted Master Plan. Plans, profiles, tentative grades and details of all proposed streets and of the existing streets abutting the subdivision based on the vertical datum specified by the City Engineer, together with full information as to the disposal of surface drainage and including plans of curbing, sidewalks, storm drains and drainage structures, shall be shown. At intersections, the sight triangles, radii of curblines and street sign locations shall be clearly indicated.

(7) The names, locations, right-of-way widths and purpose(s) of existing and proposed easements and other rights-of-way in the subdivision and the location and description of all monuments.

(8) All proposed lot lines, including existing lot lines to remain and those to be eliminated, and all setback lines required by Chapter 300, Zoning, with the dimensions thereof. Any lot(s) to be reserved or dedicated to public use shall be identified. Each block shall be numbered and the lots within each block shall be numbered consecutively in a clockwise manner, beginning with number one (1), after consultation with the City Engineer.

(9) Locations of all existing structures and their use(s) in the tract and within two hundred (200) feet thereof, showing existing and proposed front, rear and side yard setback distances, structures of potential historic significance and an indication of all existing structures and uses to be retained and those to be removed. Tentative plans of proposed improvements and utility layouts (sanitary sewers, storm sewers, erosion control, stormwater control, excavation, water mains, gas, telephone, electricity, etc.) showing location, size, slope, pumping stations and other

details as well as feasible connections to any existing or proposed utility systems. If private utilities are proposed, they shall fully comply with all city, county and state regulations. If service will be provided by an existing utility company, a letter from that company shall be submitted stating that service will be available before occupancy of any proposed structures.

(10) Zoning district(s) and, if the property lies in more than one (1) zoning district, the plat shall indicate the zoning district lines.

(11) When on-lot water and/or on-lot sewage disposal is proposed, the plat shall be accompanied by the results of percolation test(s) made in accordance with the requirements set forth in § 244-7A(10). Upon submission of all percolation data, to the Planning Board, the Board may authorize the City Engineer to conduct comprehensive tests to verify the percolation tests performed by the applicant's engineer. The applicant shall pay the actual costs of such verification tests by the City Engineer as set forth in § 244-50.

(12) Such other information or data as may be required by the Planning Board in order to determine that the details of the subdivision are in accord with the standards of the applicable ordinances.

B. The Planning Board may waive any of the details required by this section if it determines that the subdivision conforms to the standards of good planning, will have no deleterious effect on neighboring properties and provides adequate data to assure protection of the health, safety and welfare of the residents of the city.

C. The preliminary plat shall be certified as to the accuracy of the engineering details by an engineer licensed in New Jersey, bearing his signature, seal, license and address.

§ 244-16. Key map.

The key map shall comply with the requirements of a minor subdivision key map, as set forth in § 244-8 of this chapter, as the same shall apply to a major subdivision.

§ 244-17. Submission of application to city; reports.

Upon receipt of an application for a major subdivision, together with the required supporting documents and payment of the prescribed fee, the Clerk shall forthwith submit to the Secretary who shall submit one (1) copy of the application and supporting documentation each to the City Engineer and to the Attorney for the Planning Board for a report thereon to the Planning Board. These reports shall be submitted to the Planning Board at least two (2) days prior to the meeting of the Planning Board at which the application will be considered. These reports shall comment on the completeness of the application in conformity with this chapter and whether the application is in compliance with all requirements of applicable laws and ordinances. The Engineer shall also advise as to the likelihood of off-tract improvements being required and, if such shall be the case, shall advise the City Commission which shall then act pursuant to § 244-42. The Secretary shall also set down the application on the agenda of the Planning Board meeting next following fourteen (14) days from the date of submission of the complete application and shall advise the applicant of such date. In the event that the Secretary determines that a literal compliance with the time requirements of this section, in the case of a major subdivision of ten (10) or fewer lots, will cause the application to be considered by the Planning Board not within forty-five (45) days of the submission of the application, the Secretary shall so advise the Planning Board at its next meeting, and the Planning Board shall schedule a special meeting for consideration of the application within the forty-five-day period.

§ 244-18. Submission of application to County Planning Board.

The applicant, where required, pursuant to N.J.S.A. 40:27-6.3, shall comply with the provisions of § 244-10 of this chapter, as the same shall apply to a major subdivision.

§ 244-19. Public notice of hearing on application.

The applicant shall give notice of the application at least ten (10) days prior to the date of the hearing on the application. Public notice shall be accomplished in accordance with § 51-30 of Chapter 51, Land Use Procedures.

§ 244-20. Initial Planning Board action.

A. At the meeting of the Planning Board at which the application is to be first considered, the Planning Board shall first determine that the application is complete in accordance with §§ 244-13 through 244-16, inclusive. If it is determined that the application is incomplete, the Planning Board shall immediately notify the applicant of the incompleteness, which shall not be deemed to preclude a subsequent complete resubmission upon payment of the prescribed fee.

B. If it is determined that the application is complete:

(1) If the application is for a subdivision of ten (10) or fewer lots, the Planning Board shall grant or deny preliminary approval within forty-five (45) days of the date of submission of the complete application or within such further time as may be consented to in writing by the applicant.

(2) If the application is for a subdivision of more than ten (10) lots, the Planning Board shall grant or deny preliminary approval within ninety-five (95) days of the date of submission of the complete application or within such further time as may be consented to in writing by the applicant.

C. Failure of the Planning Board to act within the period prescribed shall constitute major subdivision preliminary approval.

D. The applicant shall not proceed with installation of the required improvements until a performance guaranty is posted therefor, and no building permits shall be issued unless the required improvements have been completed and accepted or a performance guaranty posted therefor.

§ 244-21. Effect of preliminary approval.

A. Preliminary approval of a major subdivision shall, except as provided in Subsection B, confer upon the applicant the following rights for a three-year period from the date of the preliminary approval:

(1) The general terms and conditions on which preliminary approval was granted shall not be changed, including but not limited to use requirements; layout and design standards for streets, curbs and sidewalks; lot size; yard dimensions and off-tract improvements; except that nothing herein shall be construed to prevent the city from modifying by ordinance such general terms and conditions of preliminary approval as relate to public health and safety.

(2) The applicant may submit for final approval on or before the expiration date of preliminary approval the whole or a section or sections of the preliminary subdivision plat.

(3) The applicant may apply for and the Planning Board may grant extensions on such preliminary approval for additional periods of at least one (1) year but not to exceed a total extension of two (2) years, provided that if the design standards have been revised by ordinance, such revised standards may govern.

B. In the case of an application involving an area of fifty (50) acres or more, the Planning Board may grant the rights referred to in Subsection A(1), (2) and (3) above for such period of time, longer than three (3) years, as shall be determined by the Planning Board to be reasonable taking into consideration the number of dwelling units and nonresidential floor area permissible under preliminary approval, economic conditions and the comprehensiveness of the development. The applicant may apply for thereafter and the Planning Board may thereafter grant an extension to preliminary approval for such additional period of time as shall be determined by the Planning Board to be reasonable taking into consideration the number of dwelling units and nonresidential floor area permissible under preliminary approval, the potential number of dwelling units and nonresidential floor area of the section or

sections awaiting final approval, economic conditions and the comprehensiveness of the development, provided that, if the design standards have been revised, such revised standards may govern.

C. Prior to the commencement of any construction, final detailed engineering plans shall be submitted to and approved by the City Engineer. The applicant shall deposit with the City Clerk such fee for engineering review as is provided in § 244-50.

§ 244-22. Final approval of application.

A. The Planning Board shall grant final approval if the detailed drawings, specifications and estimates of the application for final approval conform to the standards established by § 244-23 of this chapter, the conditions of preliminary approval and the standards prescribed by the Map Filing Law, N.J.S.A. 46:23-9.9 et seq.

B. Final approval shall be granted or denied within forty-five (45) days after submission of a complete application to the Secretary or within such further time as may be consented to by the applicant. Failure of the Planning Board to act within the period prescribed shall constitute final approval, and a certificate of the Secretary as to the failure of the Planning Board to act shall be issued on request of the applicant, and it shall be sufficient in lieu of the written endorsement or other evidence of approval herein required and shall be so accepted by the County Clerk for purposes of filing subdivision plats.

C. Whenever review or approval of the application by the County Planning Board is required by N.J.S.A. 40:27-6.3, the City Planning Board shall condition any approval that it grants upon timely receipt of a favorable report on the application by the County Planning Board or approval by the County Planning Board by its failure to report thereon within the required time period.

D. Whenever the Planning Board shall grant approval subject to conditions, a notation shall be made on the plat indicating that: "The approval of this subdivision is subject to conditions as set forth in the minutes of the Planning Board."

E. The applicant shall submit to the Clerk, at the time of submission of the application for final approval of a major subdivision, payment of such fee as established in § 244-50.

§ 244-23. Standards for final plat approval.

The final plat, titled as such, shall be submitted in the form of one (1) linen or Mylar, two (2) cloth and nine (9) black-on-white paper prints on sheets of uniform size of one (1) of four (4) standard sizes [namely, thirty by forty-two (30 x 42) inches, twenty-four by thirty-six (24 x 36) inches, fifteen by twenty-one (15 x 21) inches or eight and one-half by thirteen (8½ x 13) inches], provided that when more than one (1) sheet is required, an index sheet of the same dimensions shall be filed showing the entire subdivision on one (1) sheet, and each separate sheet shall show references to the adjoining sheets, at a scale of not less than one (1) inch equals two hundred (200) feet, and in compliance with the provisions of N.J.S.A. 46:23-9.9 et seq. (Map Filing Law), as amended. The final plat shall show the same information required for preliminary approval, in addition to the following:

A. Tract boundary lines, streets, sight triangles, easements and other rights-of-way, street names, land reserved or dedicated to public use, all lot lines and other site lines with accurate dimensions, bearing or deflection angles and radii, arcs and center angles of all curves shall all be based on an actual survey by a land surveyor licensed to practice in the State of New Jersey. All dimensions, both linear and angular, of the exterior boundaries of the subdivision shall be balanced and closed within a limit of error of one (1) to ten thousand (10,000) and of all lot lines to within one (1) to twenty thousand (20,000). All dimensions, angles and bearings given on the map must be referred to at least one (1) permanent monument, which shall be indicated on the map.

B. Block and lot numbers in accordance with established standards and in conformity with the City Tax Map as approved by the City Engineer.

C. Cross sections, profiles and established grades of all streets as approved by the City Engineer.

D. Plans and profiles of all storm and sanitary sewers and water mains as approved by the City Engineer.

E. Monuments shall be the size and shape required by N.J.S.A. 46:23-9.11, as amended, and shall be placed in accordance with said statute and indicated on the final plat, with at least one (1) corner of the subdivision tied to a U.S.G.C. benchmark(s) with data on the plat as to how the bearings were determined. All lot corners shall be marked with a metal alloy pin of permanent character.

F. Any changes between the information set forth in the preliminary plat and that which has actually been effected.

§ 244-24. Effect of final approval of major subdivision.

A. The zoning requirements applicable to the preliminary approval first granted and all other rights conferred upon the developer pursuant to § 244-21 of this chapter, whether conditionally or otherwise, shall not be changed for a period of two (2) years after the date of final approval, provided that the rights conferred by this section shall expire if the plat has not been duly recorded within the time provided in § 244-25 of this chapter. If the applicant has followed the standards prescribed for final approval and has duly recorded the plat as required in § 244-25 of this chapter, the Planning Board may extend such period of protection for extensions of one (1) year, but not to exceed three (3) extensions. Notwithstanding any other provisions of this chapter, the granting of final approval terminates the time period of preliminary approval pursuant to § 244-25 of this chapter for the section granted final approval.

B. In the case of a subdivision for one hundred fifty (150) acres or more, the Planning Board may grant the rights referred to in Subsection A of this section for such period of time, longer than two (2) years, as shall be determined by the Planning Board to be reasonable taking into consideration the number of dwelling units and nonresidential floor area permissible under final approval, economic conditions and the comprehensiveness of the development. The developer may apply for

thereafter, and the Planning Board may thereafter grant, an extension of final approval for such additional period of time as shall be determined by the Planning Board to be reasonable taking into consideration the number of dwelling units and nonresidential floor area permissible under final approval, the number of dwelling units and nonresidential floor area remaining to be developed, economic conditions and the comprehensiveness of the development.

§ 244-25. Recording of final approval.

Final approval of a major subdivision shall expire ninety-five (95) days from the date of signing of the plat unless within such period the plat shall have been duly filed by the developer with the County Clerk. The Planning Board may for good cause shown extend the period for recording for an additional period not to exceed one hundred ninety (190) days from the date of signing of the plat.

§ 244-26. Selling of land prior to approval; suit by city.

A. If, before final subdivision approval has been granted, any person transfers or sells or agrees to transfer or sell, except pursuant to an agreement expressly conditioned on final subdivision approval, as owner or agent, any land which forms a part of a subdivision for which the city approval is required by this chapter, such person shall be liable, in addition to any statutory penalty, for suit by the city:

(1) For injunctive relief; and

(2) To set aside and invalidate any conveyance made pursuant to such a contract of sale if a certificate of compliance has not been issued in accordance with § 244-45.

B. In any such action, the transferee, purchaser or grantee shall be entitled to the statutory lien, upon the portion of the land, from which the subdivision was made, that remains in the possession of the developer or his assigns or successors, to secure the return of any deposits made or purchase price paid and also a reasonable search fee, survey expense and title

closing expense, if any. Any such action must be brought within two years after the date of the recording of the instrument of transfer, sale or conveyance of said land or within six years, if unrecorded.

§ 244-27. Inspections; prior deposit required.

Before granting preliminary approval of an application for a major subdivision, the Planning Board shall require the applicant to deposit with the City the inspection fees provided in § 244-50 to compensate the City Engineer in performing an inspection of the sidewalk, curb, street and storm drainage improvements and other appropriate improvements. After approval and after the applicant has initiated construction thereof, the City Engineer shall make the inspections and submit written reports with respect to the results of such inspections to both the Secretary of the Planning Board and the applicant. Additionally, the City Engineer shall advise the Secretary and the applicant of his inspection fees. Thereafter the inspection fees shall be paid from the deposit. If the applicant should decide to permanently discontinue work on the subdivision in question before its completion, he may make written application to the Planning Board for the refund of the unencumbered portion of the deposit. Submission of this application shall constitute a waiver of all rights which may have accrued to him with respect to the subdivision covered by that application.

ARTICLE IV
Site Plan Approval

§ 244-28. Application requirements.

A. An applicant desiring to proceed with a site plan approval shall file with the Clerk, at least two weeks prior to the date of a regular meeting of the Board, the following documents:

(1) Six completed copies of the City site plan application form.

(2) Four copies of any protective covenants, deed restrictions or easements presently affecting the property.

(3) Twelve copies of the preliminary plat of the proposed site plan. A reproducible copy shall be submitted upon preliminary approval.

(4) Twelve copies of a key map.

(5) A certification from the City Tax Collector that no taxes or assessments for local improvements are due or delinquent on the property for which the site plan application is made.

(6) A certification from the State Department of Environmental Protection, pursuant to NJ.S.A. 58:11-23 et seq., if applicable.

(7) Four copies of the environmental impact report if required by § 244-47.

B. The applicant shall have the right, before submitting a formal application hereunder, to request and obtain an informal conference before the Planning Board as provided in § 244A9 hereof.

C. The Planning Board may waive any of the requirements of this section in the event of an application for site plan approval by a nonprofit or religious corporation or association.

D. Site plan exemptions. Site plan approval shall not be required for any of the following: **[Added 11-8-2004 by Ord. No. 2004-25]**

(1) Detached single-family dwellings, including accessory uses permitted as of right under applicable zoning districts, but this shall not limit the requirements for submission and approval of

subdivision plats otherwise required by City ordinances.

(2) A proposed development not involving a change in use and not affecting existing circulation, drainage, building arrangements, landscaping, buffering, lighting and other considerations of site plan review.

(3) Normal maintenance or replacements such as a new roof, painting, new siding (except within historic preservation districts) or similar activity.

§ 244-29. Payment of application fee.

The applicant shall submit to the Clerk, at the time of submission of an application for site plan approval, payment of the fee provided in § 244-50.

§ 244-30. Preliminary plat requirements.

A. The plat shall be in tentative form for discussion purposes for preliminary approval. The plat shall be clearly and legibly drawn at an accurate scale of not less than one inch equals 100 feet and shall be based on an actual survey

(Cont'd on page 24435)

certified by a land surveyor licensed in the State of New Jersey. The plat shall be presented on sheets not greater than thirty by forty-two (30 x 42) inches or less than eight and one-half by thirteen (8½ x 13) inches. The plat shall show on one (1) or several drawings, as convenience and clarity may require, the following information:

(1) A title containing the name of the site plan; the name of the city; Tax Map sheet, block and lot number; date of preparation and most recent revision; meridian North arrow; written and graphic scales; the names, addresses, phone numbers and signatures of the owner, the applicant and the person(s) who prepared the plat(s), including the seal of the latter; the names of all property owners bounding on the extreme limits of the property; and a space for the site plan application number.

(2) The acreage of the tract for which site plan approval is sought.

(3) A map showing existing and proposed elevations and contour lines over the entire area of the tract proposed for site plan approval, together with watercourses and an indication of the final disposal of surface waters.

(4) Other significant natural features, including soil types, rock outcropping, wooded areas and the location of individual trees outside the wooded areas having a diameter of six (6) inches or more as measured four and one-half (4½) feet above ground level. The proposed location of shade trees to be provided shall also be shown. Soil types shown shall be based on United States Soil Conservation Service categories.

(5) All existing and proposed watercourses, including lakes, ponds and marsh areas, accompanied by the following information or data:

(a) When a running stream is proposed for alteration, improvement or relocation or when a structure or fill is proposed over, under, in or along such a running stream, evidence of approval, required alterations, lack of jurisdiction or denial of the

improvement by the New Jersey Division of Water Policy and Supply and/or United States Army Corps of Engineers.

(b) Cross sections and profiles of watercourses at an appropriate scale showing the extent of floodway fringe area, top of bank, normal water level and bottom elevations at the following locations:

[1] All watercourses within or adjacent to the tract and at any point where a watercourse crosses a boundary of the subdivision.

[2] At fifty-foot intervals for a distance of three hundred (300) feet upstream and downstream of any proposed culvert or bridge within the tract.

[3] At fifty-foot intervals up to three hundred (300) feet upstream and downstream of any proposed culvert or bridge and any point of juncture of two (2) or more watercourses within and/or within one thousand (1,000) feet of the tract.

[4] At a maximum of three-hundred-foot intervals, but no less than two (2) locations, along each watercourse which runs through or adjacent to the tract.

[5] When ditches, streams, brooks or watercourses are to be altered, improved or relocated, the method of stabilizing slopes and measures to control erosion and siltation during construction as well as typical ditch sections and profiles shall be shown on the plan or accompany it.

(c) The total acreage in the drainage basin of any watercourse running through or adjacent to a tract in the area upstream of the subdivision.

(d) The total acreage in the drainage basin to the nearest downstream drainage structure and the acreage in that portion of the tract which drains to the structure.

(e) The location and extent of all existing or proposed drainage and conservation easements and flood hazard area lines.

(f) The location, extent and water level elevation of all existing or proposed lakes or ponds within or adjacent to the tract.

(g) Plans and computations for any storm drainage systems, including the following:

[1] All existing or proposed storm sewer lines within or adjacent to the tract, showing size, profile and slope of the lines; direction of flow; and the location of each catch basin, inlet, manhole, culvert and head wall.

[2] The location and extent of any proposed dry wells, groundwater recharge basins, retention basins, detention basins, flood control devices, sedimentation basins and other water conservation devices.

(6) All proposed streets, including street profiles, showing width of roadway location and location of sidewalks and location and size of utility lines, storm drains, drainage structures, bicycle paths, curbs and interior walkways, according to the standards and specifications of all city ordinances and applicable regulations.

(7) The names, locations, right-of-way widths and purpose(s) of existing and proposed easements and other rights-of-way and the location and description of all monuments.

(8) The size, shape, location, dimensions and setbacks of buildings and the distance of buildings on the site from surrounding properties; an indication of all structures and uses as existing and to be removed and structures of potential historical significance; the location and height of fences, retaining walls and railings; the location, height, size and design of exterior lights and advertising features, including the area and direction of illumination of exterior lights and their power and time of illumination.

(9) Sanitary sewer and water facilities and connections. If private utilities are proposed, they shall fully comply with all city, county and state regulations. If service will be provided by an existing utility company, a letter from that company shall be submitted stating that service will be available before occupancy of the approved structures.

(10) The location of electric, telephone, gas and other utilities.

(11) Screening and landscaping plan, including location, height and types of plantings and screening, conforming with applicable city ordinances.

(12) Zoning district(s) and, if the property lies in more than one (1) zoning district, the plat shall indicate the zoning district lines.

(13) When on-lot water and/or on-lot sewage disposal is proposed, the plat shall be accompanied by the results of percolation test(s) made in accordance with the requirements set forth in § 244-7A(3). Upon submission of all percolation data, to the Planning Board, the Board may authorize the City Engineer to conduct comprehensive tests to verify the percolation tests performed by the applicant's engineer. The applicant shall pay the actual costs of such verification tests by the City Engineer, as set forth in § 244-50.

(14) The location, layout and dimensions of parking and loading areas to be paved; all parking spaces, driveways and access points to public streets; and a typical pavement section.

(15) Plans for on-site storage and disposition of solid waste.

(16) Such other information or data as may be required by the Planning Board in order to determine that the details of the site plan are in accord with the standards of applicable ordinances and that the building or use will not be detrimental to the public interest.

B. The Planning Board may waive any of the details required by this section if it determines that the site plan conforms to the standards of good planning, will have no deleterious effect on

neighboring properties and provides adequate data to assure protection of the health, safety and welfare of the residents of the city.

C. The preliminary plat shall be certified as to the accuracy of engineering details by an engineer licensed in New Jersey, bearing his signature, seal, license and address, and, as to architectural design, if done by an architect, by such architect licensed in New Jersey, bearing his signature, seal, license and address.

§ 244-31. Key map.

The key map shall show the entire project and its relation to the surrounding areas, roads and watercourses.

§ 244-32. Submission of application to city; reports.

Upon receipt of an application for a site plan approval, together with the required supporting documents and payment of the prescribed fee, the Clerk shall forthwith submit to the Secretary who shall submit one (1) copy of the application and supporting documentation each to the City Engineer and to the Attorney for the Planning Board for a report thereon to the Planning Board. These reports shall be submitted to the Planning Board at least two (2) days prior to the meeting of the Planning Board at which the application will be considered. These reports shall comment on the completeness of the application in conformity with this chapter and whether the application is in compliance with all requirements of applicable laws and ordinances. The Engineer shall also advise as to the likelihood of off-tract improvements being required and, if such shall be the case, shall advise the City Commission which shall then act pursuant to § 244-42. The Secretary shall also set down the application on the agenda of the Planning Board meeting next following fourteen (14) days from the date of submission of the complete application and shall advise the applicant of such date. In the event that the Secretary determines that a literal compliance with the time requirements of this section, in the case of a site plan of ten (10) or fewer acres, will cause the application to be considered by the Planning Board not within the forty-five (45) days of the submission of the application, the

Secretary shall so advise the Planning Board at its next meeting, and the Planning Board shall schedule a special meeting for consideration of the application within the forty-five-day period.

§ 244-33. Submission of application to County Planning Board.

The applicant, where required pursuant to N.J.S.A. 40:27-6.6, shall comply with the provisions of § 244-10, as the same shall apply to a site plan.

§ 244-34. Initial Planning Board action.

A. At the meeting of the Planning Board at which the application is to be first considered, the Planning Board shall first determine that the application is complete in accordance with §§ 244-28 through 244-31, inclusive. If it is determined that the application is incomplete, the Planning Board shall immediately notify the applicant of the incompleteness and reject the application, which shall not be deemed to preclude a subsequent complete resubmission.

B. If it is determined that the application is complete:

(1) If the application is for approval of a site plan of ten (10) acres of land or less, the Planning Board shall grant or deny preliminary approval within forty-five (45) days of the date of submission of the complete application or within such further time as may be consented to in writing by the applicant.

(2) If the application is for approval of a site plan of more than ten (10) acres of land, the Planning Board shall grant or deny preliminary approval within ninety-five (95) days of the date of submission of the complete application or within such further time as may be consented to in writing by the applicant.

C. Failure of the Planning Board to act within the period prescribed shall constitute site plan preliminary approval.

D. Whenever the Planning Board shall grant approval subject to conditions, a notation shall be made on the plat indicating that: "The approval of this site plan is subject to conditions as set forth in the minutes of the Planning Board."

E. The applicant shall not proceed with installation of the required improvements until a performance guaranty is posted therefor, and no building permits shall be issued unless the required improvements have been completed and accepted or a performance guaranty posted therefor.

§ 244-35. Effect of preliminary approval.

Preliminary approval of a site plan shall have the same effect upon the applicant as enumerated in § 244-21, as the same shall apply to a site plan, provided that the engineering review fee shall be as set forth in § 244-50.

§ 244-36. Final approval of site plan.

A. The Planning Board shall grant final approval if the detailed drawings, specifications and estimates of the application for final approval conform to the standards established by § 244-37 of this chapter and the conditions of preliminary approval.

B. Final approval shall be granted or denied within forty-five (45) days after submission of a complete application to the Secretary or within such further time as may be consented to in writing by the applicant. Failure of the Planning Board to act within the period prescribed shall constitute final approval, and a certificate of the Secretary as to the failure of the Planning Board to act shall be issued on request of the applicant, and it shall be sufficient in lieu of the written endorsement or other evidence of approval herein required.

C. Whenever review or approval of the application by the County Planning Board is required by N.J.S.A. 40:27-6.6, the City Planning Board shall condition any approval that it grants upon timely receipt of a favorable report on the application by the County Planning Board or approval by the County

Planning Board by its failure to report thereon within the required time period.

D. Whenever the Planning Board shall grant approval subject to conditions, a notation shall be made on the plat indicating that: "The approval of this site plan is subject to conditions as set forth in the minutes of the Planning Board."

E. The applicant shall submit to the Clerk, at the submission of the application for final approval of a site plan, payment of such fee as established in § 244-50.

§ 244-37. Standards for final plat of approved site plan.

The final plat, titled as such, shall be submitted in the form of one (1) linen or Mylar, two (2) cloth and nine (9) black-on-white paper prints on sheets of uniform size of one (1) of four (4) standard sizes [namely, thirty by forty-two (30 x 42) inches, twenty-four by thirty-six (24 x 36) inches, fifteen by twenty-one (15 x 21) inches or eight and one-half by thirteen (8½ x 13) inches], provided that when more than one (1) sheet is required, an index sheet of the same dimensions shall be filed showing the entire site plan on one (1) sheet, and each separate sheet shall show references to the adjoining sheets, at a scale of not less than one (1) inch equals two hundred (200) feet. The final plat shall show the same information required for preliminary approval in addition to the following:

A. Plans and profiles of all storm and sanitary sewers and water mains as approved by the City Engineer.

B. Cross section, profiles and grades of all streets as approved by the City Engineer.

C. Any changes between the information set forth in the preliminary plat and that which has actually been effected.

§ 244-38. Effect of final approval of site plans.

A. The zoning requirements applicable to the preliminary approval first granted, and all other rights conferred upon the applicant pursuant to § 244-35 of this chapter, whether conditionally or otherwise, shall not be changed for a period of

two (2) years after the date of final approval. If the applicant has followed the standards prescribed for final approval, the Planning Board may extend such period of protection for extensions of one (1) year, but not to exceed three (3) extensions. Notwithstanding any other provisions of this chapter, the granting of final approval terminates the time period of preliminary approval pursuant to § 244-35 of this Article.

B. In the case of a site plan for one hundred fifty (150) acres or more, the Planning Board may grant the rights referred to in Subsection A above for such period of time, longer than two (2) years, as shall be determined by the Planning Board to be reasonable taking into consideration the number of dwelling units and nonresidential floor area permissable under final approval, economic conditions and the comprehensiveness of the development. The applicant may apply for thereafter and the Planning Board may thereafter grant an extension of final approval for such additional period of time as shall be determined by the Planning Board to be reasonable taking into consideration the number of dwelling units and nonresidential floor area permissable under final approval, the number of dwelling units and nonresidential floor area remaining to be developed, economic conditions and the comprehensiveness of the development.

§ 244-39. Inspections; prior deposit required.

Before granting preliminary approval of an application for a site plan, the Planning Board shall require the applicant to deposit with the city the inspection fees provided in § 244-50 to compensate the City Engineer in performing an inspection of the sidewalk, curb, street and storm drainage improvements and other appropriate improvements. After approval and after the applicant has initiated construction thereof, the City Engineer shall make the inspections and submit written reports with respect to the results of such inspections to both the Secretary of the Planning Board and the applicant. Additionally, the City Engineer shall advise the Secretary and the applicant of his inspection fees. Thereafter the inspection fees shall be paid from the deposit. If the applicant should decide to permanently

discontinue work on the site plan in question before its completion, he may make written application to the Planning Board for the refund of the unencumbered portion of the deposit. Submission of this application shall constitute a waiver of all rights which may have accrued to him with respect to the site plan covered by that application.

ARTICLE V
Standards Applicable to All Subdivisions and Site Plans

§ 244-40. Conditional approvals.

A. In the event that development proposed by an application for subdivision or site plan requires an approval by a governmental agency other than the Planning Board, the Planning Board shall, in appropriate instances, condition its approval upon the subsequent approval of such governmental agency, provided that the city shall make a decision on any application for development within the time period provided in this chapter or within an extension of such period as has been agreed to by the applicant, unless the Planning Board is prevented or relieved from so acting by the operation of law.

B. In the event that a developer submits an application for subdivision or site plan proposing a development that is barred or prevented, directly or indirectly, by a legal action instituted by any state agency, political subdivision or other party to protect the public health and welfare or by a directive or order issued by any state agency, political subdivision or court of competent jurisdiction to protect the public health and welfare, the Planning Board shall process such application in accordance with this chapter and other applicable regulations, and, if such application complies with this chapter and such regulations, the Planning Board shall approve such application conditioned on removal of such legal barrier to development.

§ 244-41. Suspension of period of approval during legal action.

In the event that, during the period of approval heretofore or hereafter granted to an application for subdivision or site plan, the developer is barred or prevented, directly or indirectly, from proceeding with the development otherwise permitted under such approval by a legal action instituted by any state agency, political subdivision or other party to protect the public health and welfare or by a directive or order issued by any state agency, political subdivision or court of competent jurisdiction to protect the public health or welfare and the developer is otherwise ready, willing and able to proceed with said development, the running of the period of approval under this chapter shall be suspended for the period of time said legal action is pending or such directive or order is in effect.

§ 244-42. Contributions for off-tract water, sewer, drainage and street improvements.

A developer, as a condition for approval of a subdivision or site plan, shall pay his pro rata share of the cost of providing only reasonable and necessary street improvements and water, sewerage and drainage facilities, and easements therefor, located outside the property limits of the subdivision or tract for which site plan approval is requested but necessitated or required by construction or improvements within such subdivision or tract. The City Commission shall determine the reasonableness of and necessity for such improvements and shall also determine such pro rata share as follows:

A. The total cost thereof shall be estimated by the City Engineer.

B. The City Commission shall next consider the circulation plan and utility service plan elements of the Master Plan and shall ascertain:

   (1) The benefit accruing to the proposed subdivision or site plan by the improvements and/or facilities; and

   (2) The benefit accruing to lands outside of the property limits of the subdivision or tract.

C. The City Commission shall determine said pro rata share by establishing a ratio between the benefit accruing to the proposed subdivision or site plan and the total benefit accruing

by reasons of the improvements and/or the facilities and applying it to the total cost.

D. The final cost of the completed improvements and/or facilities shall be ascertained by the City Engineer who shall advise the City Commission and the developer of the final cost. The estimated pro rata share shall be modified by the actual final cost and appropriate adjustments made.

E. The standards established to determine such pro rata share shall not be altered subsequent to preliminary approval to apply to such subdivision or site plan.

F. Where a developer pays the amount determined as his pro rata share under protest, he shall institute legal action within one (1) year of such payment in order to preserve the right to a judicial determination as to the fairness and reasonableness of such amount.

G. Such payment shall be made by a deposit of cash and the developer shall agree to make additional payment upon determination of the actual cost, if there be any. Such payment shall be made within thirty (30) days of the determination by the City Commission of the pro rata share.

H. The developer and the City Commission may enter into an agreement providing for payment of the full cost of the required off-tract improvements by the developer with a provision for future reimbursement for an agreed time as the improvements shall be utilized by others.

I. The City Commission shall act within the applicable period for approval of the application by the Planning Board, and the determination of City Commission shall be binding upon the Planning Board.

§ 244-43. Reservation or public areas.

A. If the Master Plan or the Official Map provides for the reservation of designated streets, public drainageways, flood control basins or public areas within the proposed development, before approving a subdivision or site plan, the Planning Board may further require that such streets, ways, basins or

areas be shown on the plat in locations and sizes suitable to their intended uses. The Planning Board may reserve the location and extent of such streets, ways, basins or areas shown on the plat for a period of one (1) year after the approval of the final plat or within such further time as may be agreed to by the developer. Unless during such period or extension thereof the city shall have entered into a contract to purchase or institute condemnation proceedings according to law for the fee or a lesser interest in the land comprising such streets, ways, basins or areas, the developer shall not be bound by such reservations shown on the plat and may proceed to use such land for private use in accordance with applicable development regulations. The provisions of this section shall not apply to streets and roads, flood control basins or public drainageways necessitated by the subdivision or site plan and required for final approval.

B. The developer shall be entitled to just compensation for actual loss found to be caused by such temporary reservation and deprivation of use. In such instance, unless a lesser amount has previously been mutually agreed upon, just compensation shall be deemed to be the fair market value of an option to purchase the land reserved for the period of reservation, provided that determination of such fair market value shall include, but not be limited to, consideration of the real property taxes apportioned to the land reserved and prorated for the period of reservation. The developer shall be compensated for the reasonable increased cost of legal, engineering or other professional services incurred in connection with obtaining subdivision or site plan approval, as the case may be, caused by the reservation.

C. In the event that the developer claims an entitlement to such just compensation, he shall present a claim therefor to the Planning Board within thirty (30) days after the Planning Board shall have made such reservation. The Planning Board shall then advise the City Commission of the claim and recommend a just compensation figure. The City Commission shall meet with the developer in an attempt to agree upon said figure and the method of payment. In the event that there is no such agreement, the City Commission shall set forth its

position in a resolution, and the developer shall then be entitled to institute legal action for a judicial determination as to the amount of just compensation and/or the method of payment. In the event of agreement on said figure and the method of payment, the City Commission shall adopt a resolution memorializing the agreement and implementing payment and shall submit a copy of such resolution to the developer and the Secretary.

§ 244-44. Exceptions; simultaneous review.

A. The Planning Board, when acting upon applications for preliminary or minor subdivision approval, shall have the power to grant such exceptions from the requirements for subdivision approval as may be reasonable and within the general purpose and intent of these provisions for subdivision review, if the literal enforcement of one (1) or more provisions is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question.

B. The Planning Board shall have the power to review and approve or deny conditional uses or site plans simultaneously with review for subdivision approval without the developer being required to make further application to the Planning Board or the Planning Board being required to hold further hearings. The longest time period for action by the Planning Board, whether it be for subdivision, conditional use or site plan approval, shall apply. Whenever approval of a conditional use is requested by the developer pursuant to this section notice of the hearing on the plat shall include reference to the request for such conditional use.

§ 244-45. Certificates showing approval; fee.

A. The prospective purchaser, prospective mortgagee or any other person interested in any land which forms part of a subdivision or which formed part of such a subdivision on or before August 1, 1973, may apply in writing to the Secretary for the issuance of a certificate certifying whether or not such subdivision has been approved by the Planning Board. Such

application shall contain a diagram showing the location and dimension of the land to be covered by the certificate and the name of the owner thereof.

B. The Secretary shall make and issue such certificate within fifteen (15) days after the receipt of such written application and the fees therefor. The Secretary shall keep a duplicate copy of each certificate, consecutively numbered, including a statement of the fee charged, in a binder as a permanent record of his office.

C. Each such certificate shall be designated a "certificate as to approval of subdivision of land" and shall certify:

(1) Whether there exists in said city a duly established Planning Board and whether there is an ordinance controlling subdivision of land adopted under the authority of the Municipal Land Use Law.[3]

(2) Whether the subdivision, as it relates to the land shown in said application, has been approved by the Planning Board and, if so, the date of such approval and any extensions and terms thereof.

D. The Secretary shall be entitled to demand and receive for such certificate issued by him the fees established by N.J.S.A. 54:5-14 and 54:5-15. The fees so collected by the Secretary shall be paid by him to the city.

§ 244-46. Guaranties required; completion of improvements; release.

A. Before recording of final subdivision plats or as a condition of final site plan approval or as a condition to the issuance of a zoning permit, the Planning Board may require and the City Commission shall accept in accordance with the standards adopted by this chapter for the purpose of assuring the installation and maintenance of on-tract improvements:

(1) The furnishing of a performance guaranty in favor of the city in an amount equaling one hundred twenty percent

[3] Editor's Note: See N.J.S.A. 40:55D-1 et seq.

(120%) of the cost as estimated by the City Engineer of installation for improvements it may deem necessary or appropriate, including streets, grading, pavement, gutters, curbs, sidewalks, streetlighting, shade trees, surveyor's monuments (as shown on the final map and required by the Map Filing Law, N.J.S.A. 46:23-9.9 et seq.), water mains, culverts, storm sewers, sanitary sewers or other means of sewage disposal, drainage structures, erosion control and sedimentation control devices and public improvements of open space and, in the case of site plans only, other on-site improvements and landscaping.

(2) Provision for a maintenance guaranty to be posted with the City Commission for a period of two (2) years after final acceptance of the improvement, in an amount equaling fifteen percent (15%) of the cost of the improvement. In the event that other governmental agencies or public utilities automatically will own the utilities to be installed or the improvements are covered by a performance or maintenance guaranty to another governmental agency, no performance or maintenance guaranty, as the case may be, shall be required by the city for such utilities or improvements.

B. The amount of any performance guaranty may be reduced by the City Commission, by resolution, when portions of the improvements have been certified by the City Engineer to have been completed. The time allowed for installation of the improvements for which the performance guaranty has been provided may be extended by said body by resolution.

C. If the required improvements are not completed or corrected in accordance with the performance guaranty, the obligor and surety, if any, shall be liable thereon to the city for the reasonable cost of the improvements not completed or corrected, and the city may, either prior to or after the receipt of the proceeds thereof, complete such improvements.

D. When all of the required improvements have been completed, the obligor shall notify the City Commission in writing, by certified mail addressed in care of the City Clerk, of the

completion of said improvements and shall send a copy thereof to the City Engineer. Thereupon the City Engineer shall inspect all of the improvements and shall file a detailed report, in writing, with the City Commission, indicating either approval, partial approval or rejection of the improvements with a statement of reasons for any rejection. If partial approval is indicated, the cost of the improvements rejected shall be set forth.

E. The City Commission shall either approve, partially approve or reject the improvements on the basis of the report of the City Engineer and shall notify the obligor in writing, by certified mail, of the contents of said report and the action of said City Commission with relation thereto not later than sixty-five (65) days after receipt of the notice from the obligor of the completion of the improvements. Where partial approval is granted, the obligor shall be released from all liability pursuant to its performance guaranty, except for that portion adequately sufficient to secure provision of the improvements not yet approved. Failure of the City Commission to send or provide such notification to the obligor within sixty-five (65) days shall be deemed to constitute approval of the improvements, and the obligor and surety, if any, shall be released from all liability pursuant to such performance guaranty.

F. If any portion of the required improvements are rejected, the Planning Board may require the obligor to complete such improvements, and, upon completion, the same procedure of notification, as set forth in this section, shall be followed.

G. Nothing herein, however, shall be construed to limit the right of the obligor to contest by legal proceedings any determination of the City Commission or the City Engineer.

H. The obligor shall reimburse the city for all reasonable inspection fees paid to the City Engineer for the foregoing inspection of improvements.

§ 244-47. Environmental impact report.

A. An environmental impact report shall accompany all preliminary plats of major subdivisions of eleven (11) or more lots or greater than ten (10) acres, whichever may apply, and site plan applications for tracts of greater than ten (10) acres shall provide the information needed to evaluate the effects of a proposed development upon the environment and shall include data and be distributed, reviewed and passed upon as follows:

(1) A description of the subdivision or site plan which shall specify what is to be done and how it is to be done, during construction and operation, as well as a recital of alternative plans deemed practicable to achieve the objective.

(2) When the City of Bordentown has completed a Natural Resources Index (NRI), as provided by N.J.S.A. 40:56A-2, the applicant may use data from the NRI relevant to the subdivision or site plan, including maps and text.

(3) An inventory of existing environmental conditions at the project site and in the immediate surrounding region, which shall describe air quality; water quality; water supply; hydrology; geology; soils and properties thereof, including capabilities and limitations; sewerage systems; topography; slope; vegetation; wildlife; habitat; aquatic organisms; noise characteristics and levels; demography; and land use, aesthetics and history. Air and water quality shall be described with reference to standards promulgated by the Department of Environmental Protection of the State of New Jersey, and soils shall be described with reference to criteria contained in the Burlington County Soil Conservation District Standards and Specifications.

(4) An assessment of the probable impact of the development upon all items set forth in Subsection A(3) above. All assessments made of the probable impact of the subdivision or site plan shall be closely coordinated and in harmony with the City of Bordentown NRI when it is completed. As a direct result of the investigations made under the environmental impact report, a listing shall be

provided which shall be all inclusive stipulating the licenses, permits and approvals needed to be furnished by state, county or municipal law. The status of these permits and approvals shall also be included. During the preparation of the impact report, the applicant shall contact all concerned federal, state, county or other municipal agencies or officials adjacent thereto or affected by the proposed development. The report shall include as a result thereof the conclusions and comments of all concerned governmental officials and agencies. All apropos correspondence between the applicant and these officials and agencies shall be included in the report.

(5) A listing and evaluation of adverse environmental impacts which cannot be avoided, with particular emphasis upon air or water pollution, increase in noise, damage to natural resources, displacement of people and businesses, displacement of existing farms, increase in sedimentation and siltation and relevent increases in municipal services. Off-site impact shall also be set forth and evaluated.

(6) A description of steps to be taken to minimize adverse environmental impacts during construction and operation, both at the site and in the surrounding region, such description to be accompanied by necessary maps, schedules and other explanatory data as may be needed to clarify and explain the action to be taken. The developer or its consultants in overall charge of the environmental impact report shall include therein all steps that the applicant or developer must undertake to successfully implement the report. Recommended steps must include a positive statement affirming the developer's intent to undertake this work by using terms "shall be," "must," etc.

(7) A statement concerning any irreversible and irretrievable commitment of resources which would be involved in the proposed subdivision or site plan which might avoid some or all of the adverse environmental effects, including a no-action alternative.

B. The Secretary shall submit the environmental impact report to the City of Bordentown Environmental Commission for review and report thereon to the Planning Board. This report shall be submitted to the Planning Board at least two (2) days prior to the meeting of the Planning Board at which the application will be considered. Upon completion of all reviews and public hearing, the Planning Board shall either approve or disapprove the environmental impact report as a part of its underlying function with respect to subdivision or site plan review. In reaching a decision, the Planning Board shall take into consideration the effect of applicant's proposed subdivision or site plan upon all aspects of the environment as outlined above as well as the sufficiency of the applicant's proposals for dealing with any immediate or projected adverse environmental effects.

C. Notwithstanding the foregoing, the Planning Board and Environmental Commission may, at the request of an applicant, waive the requirement for an environmental impact report if sufficient evidence is submitted to support a conclusion that the proposed development will have a slight or negligible environmental impact. Portions of such requirements may likewise be waived upon a finding that the complete report need not be prepared in order to evaluate adequately the environmental impact of a particular project.

D. An environmental impact report as required herein shall also be submitted for all public or quasi-public projects unless such are exempt from the requirements of local law by supervening county, state or federal law and unless waived in accordance with Subsection C.

§ 244-48. Filing of subdivision plats.

No subdivision plat shall be submitted for filing to the County Clerk until it has been approved by the Planning Board as indicated on the instrument by the signature of the Chairman and Secretary of the Planning Board or a certificate has been issued pursuant to §§ 244-11, 244-22B, C and D and 244-45. The signatures of the Chairman and Secretary of the Planning Board shall not be affixed until the developer has posted the guaranties required pursuant to § 244-46. If

the County Clerk records any plat without such approval, such recording shall be deemed null and void, and, upon request of the City, the plat shall be expunged from the official records, pursuant to statute.

§ 244-49. Development Review Committee. [Added 11-8-2004 by Ord. No. 2004-25[1]]

A. Prior to being heard by the Board, all applications, whether for preliminary, final, general development plan, conditional use, minor site plan, site plan waiver request, subdivision or change of use approval, shall be presented to the Development Review Committee for review. This Committee shall also review, on an as-requested basis, development concepts and provide assistance on matters related to development as may be requested by City staff.

B. Conduct of the Development Review Committee meeting.

(1) The Development Review Committee meeting is a working session between the Committee and the applicant. The meeting is used to provide the applicant with a comprehensive review of his or her application, to provide insight as to the deficiencies of the plan and to offer suggestions and recommendations for the improvement of said plan, to analyze the application to help in determining completeness and to comment on the acceptability of the proposed plan. It is not a public hearing and need not be advertised. It is not a formal review, and no minutes will be kept nor action taken. The meeting shall he chaired by the Board Chairman or a designee thereof.

(2) Attendance by the applicant and/or his representatives is mandatory.

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[1] **Editor's Note: This ordinance also repealed former § 244-49, Informal conference prior to submission of plans.**

(3) The members of the Development Review Committee will review the development application for conformance with applicable development regulations and standards, determine the appropriateness of the proposed development to the site in question and review with the applicant reports submitted by the Planning Board's professionals related to the proposed development.

C. Generally, no application shall be forwarded to the Planning Board until and unless outstanding issues, other than those for which a variance or design waiver is requested, are resolved.

§ 244-50. Fees. [Amended 11-13-1995 by Ord. No. 1995-18]

The applicant, when required by provisions of this chapter, shall pay to the Clerk fees in accordance with Chapter 37, Fees and Licenses.

ARTICLE VI
Design Standards
[Added 11-8-2004 by Ord. No. 2004-25[2]]

§ 244-51. General regulations

A. No development shall take place within the City, nor shall any land be cleared or altered, nor shall any watercourse be diverted or its channel or floodplain dredged or filled, nor shall any parking areas, accessory or otherwise, or accessways thereto be constructed, installed or enlarged, nor shall any building permit, certificate of occupancy, zoning permit or other required permit be issued with respect to any such structure, land or parking area except in accordance with an approval of

[2] Editor's Note: This ordinance also repealed former Art. VI, Design Standards, as amended, and former Art. VII, Recycling Areas in Multifamily Housing Developments, added 11-8-1993 by Ord. No. 1993-19.

such development by the Planning Board pursuant to the design standards as outlined in Article VI Design Standards), unless exempted in accordance with § 244-28D (Site plan exemptions).

B. Except as specifically modified herein, the Residential Site Improvement Standards (RSIS) adopted by the State of New Jersey under N.J.A.C. 5:21-1 et seq. are hereby adopted as the site improvement standards for residential and nonresidential development in the City.

C. Deviations from the performance and design standards of Article VI which are not the subject matter of the New Jersey Residential Site Improvement Standards (RSIS) shall be considered as exceptions within the meaning of N.J.S.A. 40:55D-51.

D. All improvements shall be installed in required locations to enable future connections with approved systems or contemplated systems and shall be adequate to handle all present and probable future development.

§ 244-52. Performance standards for all uses.

A. Air quality. No use governed by federal or state air quality regulations shall emit into the air heat, odor, vibrations, noise or any other pollutant which exceeds the most stringent requirements of the applicable federal or state regulations.

B. Emissions. In all districts, no use, activity, operation or device shall be established, modified, constructed or used without having first obtained valid permits and certificates from the Bureau of Air Pollution Control, NJDEP pursuant to N.J.A.C. 7:27-8. Specifically, no use, activity, operation or device shall be established, modified or constructed without a valid "permit to construct." No use, activity, operation or device shall be operated, occupied or used without a valid "certificate to operate control apparatus or equipment." Proof of compliance with this requirement shall be the

submission of duplicate copies of the permit to construct and certificate to operate.

(1) Toxic matter. Emissions of chemicals, gases, components or elements listed as being toxic matter by the American Conference of Governmental Hygienists, New Jersey Department of Labor or the United States Environmental Protection Agency shall not exceed the threshold level. Proof of compliance shall require the submission of copies of certificates or permits from the New Jersey Department of Environmental Protection approving the concentrations, level or loading proposed by the applicant.

C. Drainage. No stormwater or natural drainage which originates on the property or water generated by the activity (e.g., air conditioners, swimming pools, etc.) shall be diverted across property lines unless transported in an approved or existing drainage system.

D. Electronic equipment. All electric or electronic devices are subject to the provisions of federal and state laws and regulations, including 42 U.S.C. 263b, et seq., "An Act for the Protection of Public Health and Safety from the Dangers of Electronic Product Radiation," and the applicable regulations and guidelines promulgated by the Secretary of the Department of Health and Human Services. Electronic products shall be so limited and controlled so that no measurable energy can be recorded at any point beyond the property lines. The applicant, upon request, shall produce certified data wherein measurements made in accordance with the procedures and standards established by the United States Department of Health and Human Services adequately demonstrate compliance with the minimum standards required by law. All other forms of electromagnetic radiation lying between 100 KHz and 10 GHz shall be restricted to the technical limits established in the Federal Communication Commission's Rules and Regulations. Additionally, electric or electronic

equipment shall be shielded so there is no interference with any radio or television reception at the lot line (or beyond the operator's dwelling unit in the case of multifamily dwellings) as the result of the operation of the equipment.

E. Glare. No use shall produce a strong, dazzling light or reflection of a strong dazzling light or glare beyond its lot lines. Exterior lighting shall be shielded, buffered and directed so that glare, direct light or reflection will not become a nuisance to adjoining properties, adjoining units, adjoining districts or streets.

F. Heat. No use shall produce heat perceptible beyond its lot lines. Further, no use shall be permitted which could cause the temperature to rise or fall in any body of water, except that this provision shall not apply to any sewage treatment plant which has received approval by the State Department of Environmental Protection.

G. Noise. Noise levels shall be designated and operated in accordance with local regulations and those rules established by the New Jersey Department of Environmental Protection as they may be adopted and amended.

(1) Noise level restrictions. Noises shall not exceed 55 dba in residential districts and 65 dba in all other districts measured on or beyond the neighboring use, lot line or district boundaries.

(2) Noises such as alarms, sirens, emergency warning devices, motor vehicles, clock bells or church bells are excluded from the above limitations.

H. Odor. Odors shall not be discernible at the lot line or beyond.

I. Ventilation. No use shall obstruct the natural ventilation of adjacent uses nor contaminate the air with excessive heat or odor. Further, no air conditioners or exhaust fans shall be permitted to discharge exhausted air unless set hack from all property lines at least 10 feet or equipped with baffles to deflect the discharged air away from the

adjacent use. Air conditioners and vents on rooftops shall be screened from view.

J. Vibration. Vibration levels shall not exceed a particle velocity of 0.05 inches per second in any district. During the hours of 9:00 p.m. to 7:00 a.m., said velocity shall not exceed 0.02 inches per second in residential districts.

K. Visibility. At the intersection of roadways or at any point of entry onto a public roadway, no structure or planting which obscures vision above a height of 2½ feet above grade shall be permitted within a clear sight triangle.

L. Storage. All outdoor storage facilities for fuel, raw materials and products stored outdoors shall be enclosed by an approved safety fence and suitable landscaping to screen such areas from public view and must comply with § 244-61 (Landscaping and buffering).

M. Waste. No materials, wastes or other substances shall be stored or maintained upon a lot in such a manner that natural runoff from such areas on a site with an approved stormwater drainage plan can impair the existing water quality of a stream, watercourse or aquifer more than the primary use intended for the lot.

§ 244-53. Blocks, lots and monumentation.

A. Blocks. Block length and width or acreage within bounding roads shall be such as to accommodate the size of lot required in the area by the Zoning Ordinance[3] and provide for convenient access, circulation control and safety of street traffic.

B. Lots.

(1) Lot dimensions and areas shall not be less than the requirements of Chapter 300.

[3] Editor's Note: See Ch. 300, Zoning.

(2) Insofar as is practical, side lot lines shall be at right angles to straight streets and radial to curved streets.

(3) Each lot shall abut a street. Where extra width has been, or will be, dedicated for widening of existing streets, yard requirements shall be measured from the dedicated right-of-way.

(4) Where there is a question as to the suitability of a lot or lots for their intended use due to factors such as soil conditions, rock formations, flood conditions or similar circumstances, the approving authority may, after adequate investigation, withhold approval of such lots or require remedial action before approval.

C. Monumentation. Concrete monuments and property corner markers are to be placed in accordance with the New Jersey Map Filing Law (N.J.S.A 46:23-9.9 et seq.).

§ 244-54. Grading.

A. Grading specifications.

(1) Improved surfaces, including driveways, shall have a minimum grade of 1% and a maximum grade of 10% and be so constructed as to divert stormwater runoff away from any structure serviced by the improved surface. Pedestrian walks shall have a minimum grade of 2%. Road and parking lot grades along curblines and in concrete swales may be reduced to 0.5%.

(2) The grade away from foundation wall shall fall a minimum of six inches within the first 10 feet, except where restricted by lot lines, where the fall shall be a minimum of six inches regardless of the horizontal distance available.

(3) Minimum lawn grades shall be not less than 2%.

(4) Permanent benchmarks shall be set for all major subdivisions and for site plans exceeding two acres in size. Concrete monuments or other similar permanent structure shall be used.

(5) Minimum swale grades shall be not less than 2%. Embankment grades shall not exceed a 3:1 slope.

(6) Embankments in residential developments greater than three feet in height shall not exceed a 5:1 slope.

(7) Existing grades shall not be changed within five feet of the boundary with an adjacent property.

(8) Where drainage swales are located on residential lots, they shall be placed as close to the property lines as practical. Easements are to be provided where swales receive runoff from more than the adjacent properties.

(9) Fencing in drainage-swale easements shall maintain a three-inch clearance between the bottom of the fence and the ground.

(10) Residential lawns shall provide an area behind the house with a maximum grade of 5% for the lesser of 25 feet or the depth of the required front yard. The remainder of the lot shall not have grades exceeding 10%, except where embankments are necessary to preserve existing wooded areas.

(11) Retaining walls greater than three feet in height, or walls supporting vehicle loads, shall only be allowed when the design has been approved by the reviewing agency engineer. Where walls cross property lines, a maintenance easement/agreement shall be established between the various properties. Any fencing installed to mitigate a falling hazard shall be constructed with concrete footings.

B. Grading plan required.

(1) A grading plan, prepared and sealed by a licensed professional engineer, shall be submitted for all

proposed development requiring site plan and/or subdivision review; further providing said plan shall also be required in conjunction with residential in-fill construction on established lots and for the installation of pools, accessory structures or other improvements thereon resulting in a disturbance of greater than 750 square feet.

(2) Prior to the issuance of a construction permit for the type of development as set forth above, a grading plan is first to be approved by the Planning Board Engineer or the City Engineer, as the case may be.

(3) Prior to the issuance of a certificate of occupancy, a record final grading plan, satisfying the requirements of § 244-54 and demonstrating conformance with the originally approved grading plan, is first to be approved by the Planning Board Engineer or City Engineer, as the case may be.

(4) Absent unusual conditions, site plans resulting in no increase in impervious surface coverage or change to existing drainage patterns shall be exempt from submission of grading plans as required by this section.

(5) The grading plan shall be of sufficient detail to demonstrate positive stormwater runoff without adverse impact to surrounding property. The plan shall provide, at a minimum, the following details:

(a) Existing and proposed grades. For major subdivisions and major site plans, grades shall be based on the 1929 NGVD Datum.

(b) Contours should extend a sufficient distance beyond property lines or the site of the work to demonstrate runoff patterns and the relation to adjacent topographical features.

(c) Contours are to be clearly shown and labeled and shall be at one- or two-foot intervals, as

appropriate. The scale of the drawing shall not be less than one inch to 50 feet.

(d) Property lines and dimensions.

(e) Location, dimensions, setbacks and first floor elevations of principal and accessory structures on site and adjacent to the site.

(f) Existing and proposed drainage facilities.

(g) Existing and proposed spot elevations at all property corners, building corners, adjoining roadways and intermediate elevations and/or off-site spot elevations as may be necessary to determine the proposed drainage pattern.

(h) Adequate provisions to minimize erosion during construction.

§ 244-55. Utilities.

A. Water supply.

(1) All water distribution systems shall be designed and installed in accordance with the current rules, regulations and requirements of the City of Bordentown Water Utility, the New Jersey Department of Environmental Protection (NJDEP) and, for residential development, the New Jersey Residential Site Improvement Standards (RSIS) as set forth under N.J.A.C. 5:21-5. The system is to be designed to ensure the provision of adequate pressure and volume of water necessary to provide for the maximum daily demand, plus fire suppression, as determined by the City of Bordentown Water Utility.

(2) Hydrant locations are to comply with RSIS standards and with the requirement of the fire official having jurisdiction. Valves are to be located so that no more than one hydrant is affected by

shutting off any one section and that no more than three valves are necessary to shut off any one section.

B. Sanitary sewer system.

(1) Sanitary sewer systems shall be designed and installed in accordance with NJDEP regulations, Bordentown Sewage Authority standards and regulations, and the New Jersey Residential Site Improvement Standards (RSIS) as set forth under 5:21-6.

(2) Documentation that service can be provided shall be obtained from the Bordentown Sewage Authority and submitted to the Planning Board.

C. Underground wiring. All electric, telephone, television and other communication service facilities, both main and service lines, shall be installed below grade as set forth under Subsection 5:21-4.12 of the New Jersey Residential Site Improvement Standards, the specifications of which are extended to nonresidential development.

§ 244-56. Stormwater collection and management.

A. Except as supplemented below, stormwater collection and management shall be designed in accordance with the standards set forth in the New Jersey Residential Site Improvements Standards (RSIS) N.J.A.C 5:21-7 et seq., for both residential and nonresidential development. Any requests for "de mininius exceptions" or waivers from RSIS requirements shall be placed in writing.

B. Runoff standards.

(1) For runoff computation purposes, in the postdevelopment condition all nonresidential lawn areas, including open space areas, commercial developments, etc., are to be assumed to have grass

cover in fair condition (grass cover 50% to 75%), unless otherwise approved.

(2) Computations for proposed conditions shall not assume a wood or brush condition, unless portions of the property are deed restricted to remain in a natural condition.

(3) Calculations should be provided showing the derivation of runoff coefficients or curve numbers, time of concentrations, flows to each inlet and flows through the conveyance system.

(4) Where excessive gutter flows are expected, calculations should demonstrate that the spread of flow will not exceed six feet for the ten-year design storm.

(5) No land in the City shall be developed so that:

(a) The drainage of adjacent areas is adversely affected.

(b) Soil erosion during and after development is increased over what naturally occurs there.

(c) The natural drainage pattern of the area is significantly altered.

(d) Soil absorption and groundwater recharge capacity of the area is decreased below what occurs under existing conditions.

(e) Wetland areas located within the subject property and in immediately adjacent properties are deprived of their water supply provided by surface runoff.

C. Pipelines.

(1) Class III reinforced concrete pipe may be used, provided that a minimum of two feet of cover is maintained. Otherwise, Class IV or Class V reinforced concrete pipe shall be used.

(2) Corrugated metal pipe is prohibited.

(3) Corrugated polyethylene pipe (and other similar material) is prohibited in the roadway right-of-way for nonresidential developments and discouraged in residential developments. Said piping is acceptable in off-road areas.

(4) The "normal" manning roughness coefficient established under N.J.A.C. 5:21-7 shall be used for design.

(5) Pipelines shall be no closer than 10 feet to existing or proposed trees and shall be shown on landscaping plan.

(6) Crowns shall be matched across structures.

D. Inlets, manholes and cutlets.

(1) Drainage structures shall be in accordance with N.J.A.C. 5:21-7.

(2) Manhole frames and covers are to provide for a thirty-inch clear-opening at the cover in order to allow easier access under confined space entry requirements. Campbell Foundry pattern number 1012B or approved equal shall be used. .

(3) Bicycle-safe frame and grates shall conform with Campbell Foundry pattern numbers 1218, 3405 or 3424, or approved equal.

(4) the grate shall be set two inches below the normal gutter grade, except along collector or higher order streets with no parking. The surface of the paving adjacent to the inlets shall be constructed to blend into the lowered gutter grade at the inlet in such a manner that a sudden dropoff or dip at the inlet will not be created.

(5) Curb inlets shall not be placed on the radius section of the curb.

(6) Inlets shall be installed at all intersections so as to minimize gutter flows across the intersection. Storm drains crossing a corner shall not encroach on adjacent property.

(7) Concrete headwalls or flared end sections shall be provided at all pipe discharges and shall be equipped with toe walls to prevent undercutting of the structure, unless otherwise approved.

(8) The minimum "median stone diameter d50" for riprap aprons, scour holes and channels shall be six inches, unless otherwise approved.

(9) Scour holes shall not be used near residential developments.

E. Grass swales.

(1) Grassed swales shall have a minimum two-percent grade.

(2) Maximum velocities in grass swales shall not exceed the erosive velocity for the soils present at the site.

(3) Swales in residential developments shall be located as close as practical to the property lines.

(4) An easement shall be provided for a swale conveying drainage from more than the immediately adjacent lots.

F. Sump pumps.

(1) Sump pumps in developments shall be connected to a common header pipe located behind the curbline to carry water by gravity from below all basement floors to storm drains or as approved by the City or Planning Board Engineer, as the case may be. A sump pump may only be used to supplement the underdrain system around the structure. No sump pumps shall be connected to a sanitary sewer system.

(2) The header pipe shall be at least six inches in diameter. The size shall be increased no less than 10% in cross-section areas for each 1,000 feet of longitudinal drain.

(3) Cleanouts shall be provided at all changes in line or grade; however, the distance between cleanouts shall not exceed 450 feet. In no case shall cleanouts be permitted in sanitary manholes. Cleanouts are to be located under an approved cover or vault. One cleanout with a screw-type cap shall also be provided in each basement floor in line with the pipe connecting the perimeter house underdrain to the underdrain in the street.

(4) The system shall be separated no less than five feet vertically and two feet laterally from the sanitary sewer.

(5) The system may be constructed of PVC, HDPE or DIP material.

(6) The applicant may seek waiver of this requirement based on the nature of the development, size and location of lots or the relationship of the basement floor to the estimated seasonal high groundwater table. In the latter instance, sufficient soil tests shall be made to verify the estimated seasonal high groundwater table.

G. Underdrains.

(1) Where warranted to dewater the subgrade of roadways, basins or other facilities, underdrains are to be installed and connected to au approved drainage structure.

(2) Underdrains shall consist of perforated pipe installed in a stone envelope. A filter fabric compatible with the soil condition shall be installed.

(3) The end of an underdrain system shall be equipped with a cleanout. A separate cover or vault shall

house the cleanout. Said cover or vault shall be designed to prevent traffic loads from impacting the riser pipe.

H. Stormwater management systems (general).

(1) Detention basins are preferred over retention (infiltration) basins or ponds. If the latter are proposed, justification shall be provided.

(2) Basins are to be provided on lots dedicated to said use and are not to be installed on lots having thereon the following types of residential units:

(a) Single-family detached.

(b) Single-family attached – duplex.

(c) Single-family attached – townhouse.

(3) Multiple basins within a development are discouraged and shall be justified based on physical constraints.

(4) Basins near residential uses or that are readily visible to the public shall be aesthetically designed. Side slopes of 4:1 or flatter shall be provided where practical.

(5) Basin side slopes of 10:1 or flatter may be located within an open space area intended to be dedicated to public use, provided the system is designed for this area to be dry within 24 hours after a rain event.

(6) In order to aid in the evaluation of unforeseen changes in the contributing drainage shed, the plans shall include a tabulation of basin design parameters which shall provide runoff coefficients; impervious coverage; drainage shed areas; influent and effluent flow rates, water levels and storage volumes for the critical storm events; and any other pertinent information that may impact future design.

(7) Adequate dimensions and grade information for the basins shall be provided to allow for proper construction.

(8) A seed mixture appropriate for the wet conditions, soil types and maintenance schedule should be specified.

(9) A maintenance schedule shall be provided for all systems.

(10) Privately maintained basins will not be maintained by the City; however, an easement shall be provided to allow the City to enter, inspect and maintain the basins in an emergency situation, with the costs being charged to the owner.

(11) All basins, regardless of ownership, shall have a dedicated access from a public right-of-way. The access should include a stabilized surface suitable for the passage of maintenance and inspection equipment and vehicles. This may be waived when adjacent to a public roadway.

(12) Soil borings driven at least four feet below the basin bottom are to be provided with the application for approval. At least two borings shall be provided, plus one additional boring for each 20,000 square feet of surface area above the first 20,000 square feet.

I. Detention basins.

(1) The bottom of all detention basins shall be graded at a minimum two-percent slope, unless underdrains or a low flow channel is provided.

(2) Reinforced concrete low flow channels shall have grades of 1% or greater. Channel material shall provide a hard and stable surface for maintenance equipment but shall allow infiltration and vegetative growth through the channel in order to enhance the water quality aspect of the basin.

(3) A two-foot separation should be provided between the basin bottom and the estimated seasonal high groundwater table.

(4) Low, suitable fencing and landscaping shall be provided between the basin and residential lots.

(5) A low flow channel shall also be provided when part of the contributing piping system intercepts groundwater.

(6) For commercial developments, a gas/oil separator shall be provided prior to discharge of stormwater into the detention basin.

(7) All detention basins are to be landscaped as required by § 244-61G.

J. Retention (infiltration) system.

(1) Calculations demonstrating that the basin will dewater within 18 hours after the end of the rainfall event shall be provided.

(2) Infiltration rates shall be based on either field percolation tests or laboratory permeability tests performed on undisturbed soil samples.

(3) A three-foot separation should be provided between the basin bottom and the estimated seasonal high groundwater table.

(4) Split rail fencing with wire mesh shall be provided for the full perimeter.

(5) The maintenance schedule shall require scarifying and reseeding of the soils on a regular basis (not to exceed five years) or when infiltration rates decrease such that the system retains water for 48 hours.

(6) Retention basin bottoms shall be kept clean of leaves at all times.

(7) Postconstruction percolation or permeability test will be required at retention basins to verify that the design infiltration rates have been obtained.

(8) At no time after final basin grading and permanent stabilization should any equipment be allowed to operate within retention basins which could smear or compact the soils leading to a reduction in the percolation rate. This includes mowing and the annual removal of accumulated silt. This does not pertain to the reestablishment of the basin bottom every five years.

K. Underground systems.

(1) Underground infiltration systems shall only be permitted where the City or Planning Board Engineer, as the case may be, determines the use of aboveground stormwater management systems is impracticable.

(2) A means to identify if the system is functioning properly shall be included in the design.

(3) Means to access the system for inspection and cleaning shall be provided.

(4) Calculations demonstrating that the system will dewater within 18 hours after the end of the rainfall event shall be provided.

(5) Infiltration rates shall be based on either field percolation tests or laboratory permeability tests performed on undisturbed soil samples.

(6) A three-foot separation should be provided between the basin bottom and the estimated seasonal high groundwater table.

L. Lakes, ponds and retention basins.

(1) Wet ponds, lakes, etc., used for stormwater management shall have a normal water depth of at

least six feet in order to minimize the frequency of eutrophication.

(2) Split rail fencing with wire mesh shall be provided for the full perimeter unless the slope of the embankment and underwater safety ledges obviate the need for such fencing.

(3) A program to monitor the condition of the system shall be developed.

(4) Sediment calculations/modeling should be performed to estimate rate of siltation in order to establish a long-range maintenance program.

(5) A maintenance fund should be established for the homeowners' association based on estimated cost of the maintenance and monitoring program.

(6) If the system currently exists, laboratory tests should be performed to establish base conditions.

(7) Water depths should be established for use by emergency personnel and to allow monitoring of sedimentation of the lake.

M. Outlet structures.

(1) Trash racks are to be provided for orifices less than 12 inches in diameter in systems maintained by the public or by a homeowners' association. Screens may be required for larger openings if deemed necessary for public safety.

(2) Trash racks and screens shall consist of noncorrosive material with stainless steel hardware. The bottom of the racks shall be fastened to a concrete slab, and hinges shall be provided for cleaning purposes. The bars shall be vertical to allow for raking of debris from the top of the structure.

(3) All exposed concrete shall have a rubbed or brushed finish.

(4) All outlet structures readily visible to the public shall have wing walls and shall be located within the embankment area, unless otherwise approved by the engineer.

(5) There shall be a minimum 0.1 foot fall across the structure from the invert of the lowest inlet to the invert of the outlet.

(6) Outlet structures are to discharge to public systems or through easements on privately held land.

N. Emergency spillways.

(1) Emergency spillways shall not direct water toward private property.

(2) Grassed spillways are to be used when practical.

(3) The outlet structure may perform the function of an emergency spillway, provided that the top grate, discharge pipe and receiving system can pass the full one-hundred-year storm event while meeting the criteria of N.J.A.C. 5:21-7.

(4) A reduction in the required freeboard may be considered for small basins servicing drainage areas less than 10 acres.

O. Water quality.

(1) The applicant shall demonstrate compliance with New Jersey Department of Environmental Protection water quality standards.

(2) The standards of the New Jersey Department of Environmental Protection Stormwater and Non-Point Source Pollution Control, Best Management Practice Manual shall be incorporated into the design.

P. Stormwater reports.

(1) All reports are to be signed and sealed by a professional engineer.

(2) The reports are to contain a table of contents, a narrative, a summary of the findings and the calculations supporting the findings. The pages of the report shall be consecutively numbered. All calculations arc to be appropriately labeled. Calculations are to be thorough and shall show the derivation of the various design components.

(3) Drainage area maps and soil maps are to be provided.

(4) Pipe routing calculations are to be presented in a tabular format.

§ 244-57. Street design and alleyways.

A. The arrangement of any new streets shall be such as to provide for the appropriate extension of existing streets shown on the Official Map or Circulation Element of the Master Plan.

B. Each residential street shall be classified and designed in accordance with the standards set forth in the New Jersey Residential Site Improvement Standards (RSIS) N.J.A.C. 5:21-4 et seq.

C. Nonresidential streets proposed within the HC (Highway Commercial) and CI (Commercial Industrial) Zones shall be designed so as to provide for the following: a minimum right-of-way of 60 feet, a minimum cartway width of 36 feet, with curbing provided on each side. No parking lanes are to be provided. Pavement specifications for said roadways include: a two-inch bituminous surface course, Mix I-5, a five-inch bituminous stabilized base course, Mix I-2, over a six inch dense graded aggregate subbase.

D. At the option of the applicant, the pavement thickness may be determined by the certified results of soil testing and analysis conducted by the applicant to determine the bearing strength of the subgrade soil, together with the

projected use of the street or highway with an adequate margin to cover all contingencies and extraordinary conditions. Where such tests are conducted, the pavement design shall be reviewed and approved by the Planning Board Engineer or City Engineer, as the case may be. The calculations should assume a twenty-year life for the pavement and account for construction traffic during the period when no surface course has been provided.

E. Development that adjoins or includes existing streets that do not conform to width as shown on the Official Map or the right-of-way or cartway widths required herein shall have additional width dedicated along either one or both sides of said road. If the development is along one side only, 1/2 of the required extra width shall be dedicated.

F. No street shall have a name which will duplicate or so nearly duplicate as to be confused with the names of existing streets. The continuation of an existing street shall have the same name.

G. Vertical curves and sight distances shall be based on an estimated design speed of the roadway where it is likely the speeds will frequently exceed the posted limit.

H. Dedicated sight triangles shall be provided at all intersections. The apex shall be set a minimum of 20 feet behind the curb or edge of pavement of the uncontrolled street. The length shall be based on NJDOT Figure 6-B (dated November 18, 1994) standards as follows:

Design Speed (mph)	**Length (feet)**
30	380
35	480
40	580
45	700
50	840
55	1,000

I. The area of the sight triangle shall be kept clear of all obstruction to sight from an elevation of 30 inches above the roadway to 10 feet above the roadway.

J. Stabilized shoulders are required on roadways with less than a twenty-four-foot cartway.

K. Except where otherwise required by the New Jersey Residential Site Improvement Standards in N.J.A.C 5:21-4, concrete sidewalks and curbs shall be installed on both sides of all streets.

L. Curbing shall conform to the RSIS requirements. Curbing shall also be installed whenever the separation from the edge of roadway to sidewalk is less than six feet.

M. Sidewalk standards.

(1) All sidewalks shall be a minimum of five feet wide and four inches thick except at driveway crossings where they shall be six inches thick.

(2) Where sidewalks would be within 24 inches of the face of the curb, they should be installed adjacent to the curb and widened to six feet.

N. Curb and sidewalk; contribution in lieu of construction.

(1) If a waiver is granted from the requirement to install curbs and/or sidewalks by the Planning Board or by the City Engineer, as the case may be, the applicant shall pay an amount (on a per-linear-foot basis) equal to the costs of installing the required sidewalks and/or curbs to the Sidewalk/Curb Trust Fund.

(2) The amount of the contribution shall be calculated by the Planning Board Engineer or City Engineer as the case may be.

(3) Funds shall be utilized for the installation of sidewalks in such locations as deemed most

beneficial to the residents of Bordentown City by the Board of Commissioners.

(4) The payment in lieu of the construction of sidewalks and/or curbs shall be paid at final approval.

O. Alleyways. Alleyways shall have a minimum width of 10 feet, a minimum illumination level of 0.5 footcandles and satisfy all public safety concerns as may be identified by the City of Bordentown Police Department.

§ 244-58. Off-street parking regulations.

A. General provisions.

(1) Performance. All sites within the City which are subject to the provisions of the Code of Bordentown City shall provide adequate parking improvements, including but not limited to accessways, driveways, drive aisles, loading areas, parking bays and pedestrian walkways to ensure the safe and efficient circulation of vehicles and pedestrians both on and off site.

(2) Parking location. All required off-street parking and loading facilities shall be located on the same lot or premises as the use served. No parking facility shall be permitted as a primary use on a lot.

(3) Fire lane provision. The provisions of N.J.S.A. 39:5A-1 et seq. shall apply.

(4) Parking for the disabled. The provisions of N.J.A.C. 17:19A-4.4 and the Americans with Disabilities Act shall apply to all parking areas.

(5) Combined parking requirements. Where a permitted use of land contains more than one parking use category, the parking requirement shall be the sum of the individual uses computed separately in accordance with this article. The reviewing board may permit the use of shared parking areas by

individual users up to a maximum of 20% of the total parking requirement for land uses of complementary peak parking need.

B. Parking schedule.

(1) Varying from the requirements of this parking schedule shall require the grant of a variance as provided for under 40:55D-70c of the Municipal Land Use Law (MLUL).

(2) The following parking schedule shall be used to calculate the required number of off-street parking spaces per use. Unless otherwise noted, the calculations shall be based upon the gross square footage of the floor area of the use. Where the calculation results in a fraction of a space, the required number of parking spaces shall be rounded up to the nearest whole number.

Uses	**Number of Required Spaces**
Commercial uses	
All retail and service establishments except those specified below	1 per 250 square feet of retail and service floor area, plus 1 per employee
Furniture stores, contractor's equipment, farm equipment and feed sales, boat and marine, mobile home, motor vehicle, and monument, burial vault and casket sales	1 per 400 square feet of enclosed retail and service floor area, plus 1 per 3,000 square feet of outside sales area, plus 1 per employee
Motor vehicle filling station	1 per fuel pump, plus 1 per employee, plus stacking area for a minimum of 6 per island
Motor vehicle service station	4 per service bay or lift, plus 1 per employee

Uses	Number of Required Spaces
Barbers and beauticians	2 per chair, plus 1 employee
Car wash	10 per washing lane entering and 4 exiting for stacking, plus 1 per employee
Mortuary	1 per 4 seats, plus 1 per vehicle maintained on the premises, plus 1 per employee
Bowling alleys, billiard parlors, table tennis, pinball machines, or similar amusement enterprises	4 per alley or table, 1 per machine, plus 1 per employee
Arena, stadiums, auditoriums, theaters, roller rinks, ice rinks, and dance halls	1 per seat with fixed seats, otherwise 1 per 4 persons based on maximum design capacity
Business, professional, and financial offices	1 per 200 square feet of floor area
Medical and dental offices, clinics	5 per physician
Eating and drinking establishments	1 per 4 persons, based on maximum design capacity
Hotels, motels, and tourist homes	1 per room, plus 1 per 4 persons for restaurants and meeting rooms, based on maximum design capacity, plus 1 per employee

Uses	Number of Required Spaces
Industrial uses	
All industrial uses except those specified below	1 per employee, plus 10% or 3.3 per 1,000 square feet of gross floor area, whichever is greater
Auto wrecking, junk and scrap establishments	1 per employee, plus 1 per 400 square feet of enclosed retail and service floor area, plus 1 per 3,000 square feet of outside sales area
Freight and trucking terminals, moving and storage, parcel delivery and express transfer stations, wholesale distribution and warehouses	1 per employee, plus 1 per vehicle maintained on the premises
Public and quasi-public uses	
Ambulance, taxi, and limousine service	1 per vehicle maintained on the premises
Bus passenger station	1 per employee, plus 1 per 100 square feet of waiting room
Child day-care center	1 per employee, plus 1 per 5 children
Churches and other places of worship	1 per 4 seats, based on maximum capacity of the nave
Clubs, lodges, fraternal organizations, community centers	1 per 3 persons, based on maximum capacity
Commercial cemeteries	25 plus, 1 per employee

Uses	Number of Required Spaces
Hospitals, nursing homes, convalescent centers	1 for each 2 beds, plus 1 per doctor, plus 1 for each 2 employees
Public libraries, museums, art galleries	1 per 800 square feet
Schools	
Elementary, nursery, kindergarten	1 per employee, plus 10%
Secondary	10 per classroom, but not less than 2 per employee
Institutions of higher education	1 per 200 square feet
Residential	As per RSIS Table 4.4

C. Design standards. The following regulations shall apply to all nonresidential off-street parking areas, unless the Planning Board, after considering testimony and evidence submitted or presented by the applicant, waives strict compliance therefrom.

(1) Parking space dimensions. The following minimum dimensions for parking spaces shall apply:

(a) Commercial, office, industrial and government uses: 10 feet wide by 18 feet deep with a clear two-feet overhang.

(b) Parallel spaces for any use: nine feet by 22 feet wide.

Parking Angle (degrees)	One-Way Aisle Width (feet)	Two-Row/Two-Way Aisle Width (feet)
0 (parallel)	12	18
45	15	20

Parking Angle (degrees)	One-Way Aisle Width (feet)	Two-Row/Two-Way Aisle Width (feet)
60	18	20
75	20	22
90	22	24

(2) Ingress and egress to parking areas. Access to parking areas from public streets shall be limited to one per street frontage up to a maximum of two per site, with the following exceptions:

(a) Two entrance drives on one public street shall be permitted for lots or premises with frontage in excess of 300 feet, up to a maximum of three per site.

(b) Gasoline service stations shall be permitted two entrance drives on one public street, up to a maximum of three per site, provided that the center lines of the two entrance drives on one street frontage are not less than 60 feet apart.

(3) Internal collector. An internal collector drive shall be provided for all parking areas in excess of 250 spaces. No parking space shall have direct ingress and egress to an internal collector drive. The intersection of any internal collector drive and drive aisle shall be at 90°, unless, because of unusual topography or lot geometry, a right angle would impede the efficient circulation of vehicles, but in no case shall the intersection be less than 60°.

(4) Entrance drives. Off-street parking areas shall be designed to eliminate the maneuvering of vehicles within entrance drives. The length of entrance drive free of maneuvering shall conform to the following schedule (measured from the right-of-way line):

Total Number of Parking Spaces	Length of Maneuver Free Driveway (feet)
Less than 39	20
40 to 99	40
100 to 250	60
Greater than 250	60, plus 20 feet for each additional 500 parking spaces or part thereof

(5) Entrance drive intersections. The intersection of any entrance drive and a public street shall be located as to permit the safe how of vehicles to and from the lot or premises in a manner safe and shall conform to the following minimum distances:

Intersection	Minimum Distance (feet)
Entrance drive to entrance drives, less than 150 feet frontage (measured from center lines)	60
Entrance drive to entrance drive, greater than 150 feet frontage (measured from center lines)	100
Entrance drive to intersecting right-of-way, less than 150 feet frontage (measured from center line to rights-of-way)	35
Entrance drive to intersecting rights-of-way, greater than 150 frontage (measured from center line to rights-of-way)	75

(6) Pavement.

(a) All parking areas (except single-family detached and two-family residential) are to be

paved with either an asphalt or concrete surface. Materials shall meet the standards of New Jersey Department of Transportation Standard Specifications for Road and Bridge Design.

(b) Soils information is to be provided to determine if there are any unusual subgrade conditions that would warrant an other than standard design.

(c) Parking areas to be used exclusively for automobile traffic, except for infrequent small-truck deliveries, shall be constructed of one-and-one-half-inch bituminous concrete surface course, Mix I-5, three-inch bituminous stabilized base course, Mix I-2, and four inches of dense graded aggregate.

(d) Parking areas subject to heavy loadings from trucks or other heavy vehicles shall be constructed of a one-and-one-half-inch bituminous surface course, Mix I-5, five-and-zero-tenths inch bituminous stabilized base course, Mix I-2, and six inches of dense graded aggregate.

(e) Loading areas for trucks shall be constructed of either the truck pavement standard mentioned above or of a six-inch thick pad of Class B, portland cement concrete reinforced with No. 5 bars at 12 inches on center each way.

(f) Alternate pavement designs may be approved by the City Engineer.

(7) Landscaping, loading areas. All loading areas shall be landscaped and screened sufficiently to obscure the view of the loading platform or other loading facility from any public street, residential use or zone and the front yards of adjacent commercial or industrial use. Such screening may consist of

fencing or walls and shall be in conformance with the landscaping requirements of § 244-61.

(8) Landscaping, parking areas. Parking areas shall be landscaped in accordance with § 244-61.

(9) Lighting, parking areas. All parking and loading facilities shall be lighted in accordance with the lighting provisions in § 244-60.

(10) Loading area requirements. Every commercial and industrial use, or combination thereof, containing at least 5,000 gross square feet of floor area shall provide and permanently maintain adequate space for the standing, loading and unloading of material or merchandise. The loading area shall be so designated on the site plan and shall not be used or any other purpose. The minimum dimensions of the loading area shall not be less than 12 feet wide by 35 feet deep with a height clearance of 14 feet. One such loading area shall be required for each 20,000 gross square feet of floor area or part thereof. No off-street loading and maneuvering areas will be located in any front yard or require any part of a street. No loading area shall be located in any required buffer or screen.

(11) Trash enclosures. All parking areas shall make adequate provision for the location of trash receptacles and their enclosures and the disposal of trash generated by on-site uses in a manner that does not impede the free flow of vehicular traffic on or off site. Adequate provision shall be made for the turning movements of trash pickup vehicles. See § 244-63 for additional trash enclosure requirements.

(12) Bicycle parking requirements. In addition to the required facilities for passenger automobiles, facilities for the secure and convenient parking of bicycles shall be provided. The number of such bicycle spaces shall not be less than 10% of the first

50 required automobile parking spaces as specified in § 244-58B(2) (Parking schedule), plus 2% of any amount thereafter. Bicycle parking facilities shall be of such a type and quantity so as to encourage and facilitate the use of a bicycle as a means of transportation by the employees, customers and residents of the land or building.

(a) Bicycle parking design principles.

[1] Location. Outdoor bicycle parking facilities shall be located in convenient locations close to building entrances or pedestrian walkways leading to building entrances.

[2] Parking facilities. Parking facilities shall provide for padlock, chain or cable attachment and shall allow for both wheels and the frame of a bicycle to be secured with a standard six-foot cable or chain. Devices such as lockers or those that support the bicycle by its frame or handlebars shall be used rather than slotted concrete slab or vertical bar-type racks or other devices that support the bicycle by a wheel and could cause damage to the wheel rims.

§ 244-59. Driveways (residential).

A. Driveways in residential developments shall be constructed of a two-inch FABC Mix 1-5 surface course on a six-inch quarry blend stone base or four-inch thick NJDOT class B concrete course with No. 9 reinforcement wire or equivalent on a stabilized subbase or six-inch thick NJDOT Class B concrete on a stabilized subbase. All driveway aprons and adjacent sidewalk areas shall be concrete.

B. Driveways shall be of sufficient length and width to accommodate the parking requirements of the New Jersey Residential Site Improvement Standards.

C. Only one driveway and curb cut shall be permitted per single-family dwelling with said driveway being set hack at least three feet from any side or rear property line.

D. Shared driveways between two lots are to be used where practical on collector and arterial roads. Cross easements shall be provided.

E. Parking shall not be permitted between the building line and the street right-of-way, except within an improved driveway parallel to a side or rear property line.

F. On corner lots, driveways shall be installed on the lowest order street and be no closer than 40 feet to the intersection of the right-of-way lines.

§ 244-60. Lighting.

A. General requirements.

(1) All exterior lights shall be designed, located, installed and directed to prevent objectionable light and glare across property lines and above a ninety-degree horizontal plane.

(2) Shielding and/or cutoff optics shall be required in all installations.

(3) All lighting shall be shielded to prevent glare for drivers or pedestrians, light trespass beyond the property line and light above the ninety-degree horizontal plane.

(4) Luminaires shall be provided with hoods to prevent uplighting.

(5) No lighting shall shine directly or reflect into windows or onto streets and driveways in such a manner as to interfere with driver vision.

(6) Pedestrian-scale bollard-type lighting may be placed along walks and at building entrances.

(7) Underground wiring required.

(a) All electric, telephone, television, cable, optical and other similar utilities, both main and service lines servicing new developments, shall be provided by underground wiring within easements or dedicated public rights-of-way, installed in accordance with the prevailing standards and practices of the utility or other companies providing such services.

(b) Lots that abut existing easements or public rights-of-way, where overhead electric or telephone distribution supply lines and service connections have heretofore been installed, may be supplied with electric and telephone service from those overhead lines, but the service connections from the utilities' overhead lines shall be installed underground.

(8) Standards for illumination.

(a) The minimum level of lighting along any portion of walkway not part of a parking lot shall be not less than 0.5 footcandles. The maximum level of lighting along any portion of walkway not part of a parking lot shall be not greater than one footcandle.

(b) The maximum mounting height of exterior lighting shall conform to the following schedule:

Building Height (feet)	**Maximum Fixture Mounting Height (feet)**
Up to 24	16
25 or greater	25

B. Streetlighting.

(1) Streetlighting shall be installed at no cost to the municipality by a developer in locations approved by the Planning Board or City Engineer, as the case may be. For residential subdivisions, streetlighting shall be installed, prior to the issuance of any certificate of occupancy, along all roadways necessary to ensure at least one route of illuminated access for any occupied structure.

(2) Operating expenses for residential subdivision lighting shall be assumed by the City when 50% of the section is occupied.

(3) Luminaire mounting height shall not exceed 25 feet above grade.

(4) Pole-mounted street luminaires shall be installed on one side of the street at three-hundred-foot intervals unless the presence of vertical and/or horizontal curves or factors relating to specific types of development necessitate a closer interval. In residential subdivisions, the poles shall be placed, to the greatest extent possible, in line with shared property boundaries. Deviations from the spacing interval shall be approved by the Planning Board or City Engineer, as the case may be.

(5) On residential streets, 70 watt high pressure sodium (HPS) luminaires shall be provided with at least one 100 watt high pressure sodium (HPS) luminaire being provided at each street intersection. On minor collector and major collector streets, 100 watt high pressure sodium (HPS) luminaires shall be provided along the street with 150 watt high pressure sodium (HPS) luminaires being provided at intersections.

C. Parking area lighting.

(1) Sufficient illumination shall be provided for all off-street-parking, loading and pedestrian areas so as to enable the safe movement of persons, vehicles, and provide for security.

(2) The minimum level of lighting in any portion of a parking lot shall be not less than 0.25 footcandles. The average horizontal illumination level of lighting within the parking lot shall be not less than 1/2 footcandle nor greater than two footcandles. The maximum level of lighting in any portion of the parking lot shall be not greater than three footcandles, except directly under light fixtures where a maximum of five footcandles is permitted.

(3) The minimum level of lighting at any ingress or egress portion of a parking lot shall be not less than one footcandle.

(4) Poles installed within parking areas shall be aluminum with a brushed finish and shall be identical in color to poles located along the road that abuts the parking area.

D. Lighting in the Local Commercial (LC) Zone. Street luminaires and poles installed within the LC Zone shall be of an ornamental variety and be the same as substantially the same as, or compatible with existing ornamental street luminaires and poles within one block on either side of the parcel being improved.

§ 244-61. Landscaping and buffering.

A. Definitions. As used in this section, the following terms shall have the meanings indicated:

CALIPER — The diameter of a tree trunk measured in inches, six inches above ground level for trees up to four inches in diameter and measured 12 inches above ground level for trees over four inches in diameter.

DIAMETER AT BREAST HEIGHT — The caliper at four feet above ground level.

DOUBLE-STACKED — An arrangement of parking stalls where two rows of spaces immediately abut each

other and ingress/egress occurs on the exterior side of each two-space pair.

TEXTURE — The exterior finish of a surface, ranging from smooth to coarse.

B. Landscape plan. A landscape plan prepared by a certified landscape architect, planner, architect or engineer shall be submitted with each site plan and major subdivision application. The plan shall identify existing and proposed trees, shrubs and ground covers; existing landscaping to be removed; natural features such as rock outcroppings; and other landscaping elements. The plan shall show where they are or will be located and planting and/or construction details. Where existing plantings are to be retained, the application shall include the plan's proposed methods of protecting them during construction. The landscape plan shall also address landscape maintenance requirements. Every applicant for subdivision or site plan approval shall comply with the minimum landscape standards as outlined in § 244-61.

C. Site protection and general planting requirements.

(1) Landscaping shall be provided as part of site plan and subdivision design. It shall be conceived in a total pattern throughout the site, integrating the various elements of site design, preserving and enhancing the particular identity of the site and creating a pleasing site character.

(2) Landscaping may include plant materials such as trees, shrubs, ground covers, perennials and annuals and other materials such as rocks, water, sculpture, art, walls, fences, paving materials, lighting for aesthetics and street furniture.

(3) Landscaping shall be planned in such a way that the site requires as little use of potable water as possible to ensure the survival of the plants. Water conservation is a critical purpose of this section.

(4) Topsoil preservation. Topsoil moved during the course of construction shall be redistributed on all regraded surfaces so as to provide at least four inches of even cover to all disturbed areas of the development and shall be stabilized by seeding or planting.

(5) Removal of debris. All stumps and other tree parts, litter, brush, weeds, excess or scrap building materials or other debris shall be removed from the site. No tree stumps or portions of tree trunks or limbs shall be buried anywhere in the development. All dead or dying trees, standing or fallen, shall be removed from the site. If trees and limbs are reduced to chips, they may be used as mulch in landscaped areas, subject to approval by the City Engineer or Planning Board Engineer, as the case may be.

(6) Foundation plantings shall be required along all building elevations.

(7) Protection of existing plantings. Maximum effort should be made to save fine specimens, including those trees with a diameter at breast height of five inches or more. No material or temporary soil deposits shall be placed within four feet of shrubs or 10 feet of trees designated on the landscape plan to be retained. Protective barriers or tree wells shall be installed around each plant and/or group of plants that are to remain on the site. Barriers shall not be supported by the plants they are protecting, but shall be self-supporting. They shall be a minimum of four feet high and constructed of a durable material that will last until construction is completed. Snow fences and silt fences are examples of acceptable barriers.

(8) Slope plantings. Landscaping of all cuts and fills and/or terraces shall be sufficient to prevent erosion, and all roadway slopes steeper than one foot

vertically to three feet horizontally shall be planted with ground cover appropriate for the purpose and for soil conditions, water availability and environment.

(9) Additional landscaping. In residential developments, besides the screening and street trees required, additional plantings or landscaping elements may be required throughout the subdivision where necessary for climate control, privacy or other reasons in accordance with the landscape plan approved by the Planning Board. In nonresidential developments, all areas of the site not occupied by buildings and required improvements shall be landscaped by the planting of grass or other ground cover, shrubs and trees as part of the landscape plan approved by the Planning Board.

(10) Planting specification. Deciduous trees shall be at least 2½ inches caliper at planting and should be balled and burlapped. Size of evergreens should be six feet tall and shrubs two feet tall at planting but may be allowed to vary depending on setting and type of shrub. Only nursery-grown plant materials shall be acceptable, and trees, shrubs and ground covers shall be planted in conformance with American Association of Nurserymen standards. Dead and dying plants shall be replaced by the developer during the following planting season.

(11) Plant species. The plant species selected should be hardy for conditions where proposed and appropriate in terms of function and size and be of a type requiring the least amount of watering for survival.

(12) Maintenance. Landscaped areas shall be maintained and kept free of all debris, rubbish, weeds and tall grass.

(13) No buildings, structures, storage of materials or parking shall be permitted within any buffer area.

D. Shade trees.

(1) Location. Applicants shall provide shade trees on both sides of all streets. The trees shall be planted at a minimum of one tree per each 25 feet of frontage unless otherwise approved by the Planning Board. In locations where healthy and mature shade trees currently exist, the requirements for new trees may be waived or modified. Tree location, landscape design and spacing shall be included as part of the landscape plan approved by the Board.

(2) Tree type. Tree type may vary depending on overall effect desired, but as a general rule, trees on a street shall be of more than one variety to avoid problems associated with monoculture. No species other than those recommended by the Shade Tree Committee may be planted as street trees, but said species shall be tolerant of road salts.

(3) Planting specifications. All shade trees shall have a caliper of at least 3 1/2 inches and be nursery grown, of substantially uniform size and shape, and have straight trunks. Trees shall be properly planted and staked if conditions warrant and provision made by the applicant for regular watering and maintenance until they are established. Dead and dying trees shall be replaced by the applicant during the next planting season.

(4) Trees shall be planted in groupings of similar variety. Trees of similar form, height and character shall be used along a roadway to promote uniformity and allow for smooth visual transition between species.

E. Buffering.

(1) Function and materials. Buffering shall provide a year-round visual and auditory screen from a

development tract to adjacent properties and vice-versa in order to minimize adverse impacts. It may consist of existing natural vegetation or be created using evergreens, landscaped berms, rocks or boulders, or combinations thereof, to achieve the same objectives.

(2) When required. Every development shall provide sufficient buffering when topographical or other barriers do not provide reasonable screening and when the Planning Board determines that there is a need to shield neighboring properties from any adverse external effects of a development or to shield the development from negative impacts of adjacent uses such as streets or railroads. In high-density developments, when building design and siting do not provide privacy, the Planning Board may require landscaping, fences or walls to screen dwelling units for privacy. Buffers shall be measured from side and rear property lines, excluding driveways.

(3) Amount required

(a) Where residential and nonresidential uses or zones abut, a buffer strip of 25 feet shall be required. With the written approval of the adjoining property owner and recording of an appropriate landscape easement, satisfaction of the aforementioned buffer requirement may be achieved by the installation of plant materials on each adjoining property contiguous to the property line being buffered.

(b) Garbage collection and utility areas are to be screened around their perimeters by buffer strips a minimum of five feet wide and comprised of evergreen trees and shrubs.

(4) Design. Arrangements of plantings in buffers shall provide maximum protection to adjacent properties and avoid damage to existing plant material.

Permitted arrangements include planting in parallel, serpentine or broken rows. If planted berms are used, the minimum side slope shall be 2:1.

(5) Plant specifications. Plant materials shall be sufficiently large and planted in such a fashion that a year-round screen at least eight feet in height shall be produced within three growing seasons. All plantings shall be installed according to American Association of Nurserymen standards.

F. Parking area landscaping standards.

(1) Parking areas shall be suitably landscaped to minimize noise, glare and other nuisance characteristics as well as to improve the environment of the site and surrounding area. Parking areas providing for more than 60 motor vehicle spaces shall be divided into modular parking bays having approximately the same number of stalls and of not greater than 60 spaces each. A single row or line of spaces within a bay shall be not more than 10 spaces in length.

(2) Parking lots exposed to view shall have a minimum planted buffer of four feet in width on all perimeter areas abutting lot lines or street rights-of-way. This buffer shall include a continuous visual screen which is five feet in height at the time of planting and is 50% evergreen plant material or deciduous material which is demonstratively effective for screening purposes. The height of any required screen, hedge or wall shall decrease where driveways approach sidewalks or walkways in order to provide adequate visibility of pedestrians from motor vehicles, and shall not interfere with clear sight triangle requirements.

(3) Interior landscaping. In all parking lots of 10 or more spaces, at least 5% of the interior parking area shall be landscaped and at least two trees for each

10 spaces shall be installed within landscaped islands. Parking lots of fewer than 10 spaces may not require interior landscaping if the Planning Board determines that there is adequate perimeter landscaping. Planting required within the parking lot is exclusive of other planting requirements, such as for shade trees planted along the street.

(4) Curbed islands with a minimum radius of three feet shall be located at the end of each parking row and at an interval of every 10 spaces. These islands should contain one shade tree, minimum three inches in caliper and 14 feet to 16 feet in height, and shrubs not exceeding 24 inches in height.

(5) Where parking lots include parking stalls in a double-stacked arrangement, two rows of stalls that abut each other shall include a landscaped buffer between them along the entire length of the rows and having a minimum width of four feet. Such a buffer shall include one shade tree, minimum three inches in caliper and 14 feet to 16 feet height, for every 20 feet of length.

(6) Parking lot layout shall take into consideration pedestrian circulation. Pedestrian crosswalks shall be provided where necessary and appropriate, shall be distinguished by textured paving and shall be integrated into the wider network of pedestrian walkways. Pavement textures shall be required on pedestrian accessways.

(7) Location. Parking area landscaping should be located in protected areas such as along walkways, in center islands, at the ends of bays or between parking stalls arid must be protected by a curb or similar abutment. All landscaping in parking areas and on the street frontage shall be placed so that it will not obstruct sight distance.

(8) Plant type shall be a mixture of hardy flowering and/or decorative evergreen and deciduous trees.

The evergreens should be used along the perimeter of the lot for screening and the deciduous trees for shade within the lot. The area between trees shall be mulched, planted with shrubs or ground cover or covered with paving material. Any area that will be under the overhang of vehicles shall be mulched or covered with paving material.

G. Stormwater detention area landscaping. The following landscape reforestation standards shall be used:

(1) This landscape treatment is appropriate for detention basins and areas that are not highly visible or are adjacent to areas of woodlands or wetlands.

(2) The area shall be graded creatively to blend into the surrounding landscape and imitate a natural depression with an irregular edge. This shall include gentle berming. Linear, geometrical basins are unacceptable.

(3) The quantity of trees to be planted on the interior of the basins shall be equal to the number of trees that would be necessary to cover the entire area, based upon a twenty-foot by twenty-foot grid to the high water line or outflow elevation. Forty percent of the trees shall be of at least two-and-five-tenths-inch caliper in size. The remaining 60% shall be six-foot-to-eight-foot high whips.

(4) The trees shall be planted in groves and spaced five feet to 15 feet on center.

(5) The ground plane shall be seeded with a naturalization, wildflower and/or meadow grass mix.

H. Pedestrian spaces.

(1) Pedestrian and bicycle access shall be provided from public roadways, parking lots and adjacent land uses where appropriate.

(2) Pedestrian bridges over streams, ravines or drainage swales are encouraged and shall be required when necessary to make connections in pedestrian systems.

§ 244-62. Open space and recreation.

A. Dedicated open space, to the greatest extent practicable, should be contiguous.

B. Developments in the Highway Commercial (HC) and Commercial Industrial (CI) Zones should provide outdoor amenities for employees, examples of which include benches, tables and landscaped green areas.

C. Residential subdivisions of eight or more lots shall provide at least 10% dedicated open space, of which 50% must be usable land to provide for active and/or passive recreation as found to be appropriate by the Planning Board based on existing and/or anticipated resident need and demand.

D. Recreation facilities. As a minimum requirement, no less than 50% of all recreation improvements shall be installed prior to the issuance of a certificate of occupancy for more than 75% of the total number of approved dwelling units.

Dwelling Units	Tot Lot	Multi purpose Field	Tennis Court	Basketball Court
8-25	1			
26-50	1	1		
50+	1	1	1	1

E. Payment in lieu of facilities. When allowed by the approving authority, a cash contribution may be made in lieu of providing recreational equipment, otherwise the fee per dwelling unit as required by ordinance as may be amended from time to time is to be posted. This

contribution does not reduce the requirement for open space. The contribution shall be made to an open space trust fund maintained by the City specifically for the periodic purchase, lease, acquisition and/or maintenance of active recreation lands and improvements for the use of City residents. Said contribution shall be paid as follows: 1/2 at the time of final approval and the balance per unit at the time of each building permit, in addition to the regular building permit fees. The land required to be used for active recreation shall thereafter be used for passive recreation unless the City elects to construct active recreation facilities thereon at City expense.

§ 244-63. Solid waste management and recycling.

A. Nonresidential solid waste management and recycling.

(1) All nonresidential development shall provide for the collection, storage and disposition of solid waste and recyclables.

(2) Outdoor solid waste enclosures shall meet the following minimum construction and design standards:

(a) All outdoor enclosures shall be no more than six feet in height, be of masonry construction and have an exterior appearance that is compatible with that of the principal structure on the lot on which the enclosure is situated.

(b) The enclosure shall be oriented so that the opening does not face the front of the property.

(c) A side entry feature to the enclosure shall be provided.

(d) Gates to the enclosure shall be constructed of solid welded steel panels.

(e) The enclosure shall be screened from view of streets or adjacent properties and be large

enough to accommodate both solid waste and recyclables.

(f) A year-round buffer shall be provided through the provision of evergreen trees and shrubs.

(g) Enclosures are to be situated on a concrete pad consisting of either Class A or Class 13 concrete having a minimum thickness of six inches. This pad should extend outward two feet from the enclosure to allow for easier rolling on and off of containers.

B. Recycling areas in multifamily housing developments.

(1) Definitions. As used in this section, the following terms shall have the meanings indicated:

MULTIFAMILY HOUSING DEVELOPMENT — A building containing three or more dwelling units occupied or intended to be occupied by persons living independently of each other or two groups of such buildings.

RECYCLING AREA — Space allocated for collection and storage of source-separated recyclable materials.

C. Any multifamily housing development that requires subdivision or site plan approval shall include an indoor or outdoor recycling area for the collection and storage of residentially generated recyclable materials. The size and dimensions of the recycling area shall be sufficient to accommodate recycling bins or containers which are of adequate size and number and which are consistent with anticipated usage as well as current methods of collection in the area in which the project is located. The dimensions of the recycling area and the bins or containers shall be determined in consultation with the municipal recycling coordinator and shall be consistent with the district recycling plan adopted pursuant to Section 3 of P.L. 1987, c. 102 (N.J.S.A. 13:1E-99.13), and

any applicable requirements of the Municipal Master Plan adopted pursuant to Section 26 of P.L. 1987, c. 102.

D. Location. The recycling area shall be conveniently located for the residential disposition of source-separated recyclable materials.

E. Safety and accessibility. The recycling area shall be well lit and shall be safely and easily accessible by recycling personnel and vehicles. Collection vehicles shall be able to access the recycling area without interference from parked cars or other obstacles. Reasonable measures shall be taken to protect the recycling area and the bins or containers placed therein against theft of recyclable materials, bins or containers.

F. Protection from the environment. The recycling area or the bins or containers placed therein shall be designed so as to provide protection against adverse environmental conditions which might render the collected materials unmarketable. Any bins or containers which are used for the collection of recyclable paper or cardboard and which are located in an outdoor recycling area shall be equipped with a lid, or otherwise covered, so as to keep the paper or cardboard dry.

G. Signs. Signs clearly identifying the recycling area and the materials accepted therein shall be posted adjacent to all points of access to the recycling area. Individual bins or containers shall be equipped with signs indicating the materials to be placed inside each.

H. Buffering. A year-round buffer consisting of evergreen trees and shrubs shall be provided around outdoor recycling areas.

§ 244-64. Preservation of natural or man-made assets.

Wherever possible, subdivision and/or site plan applicants shall preserve trees, groves, waterways, scenic points, historic spots and other community assets and landmarks.

§ 244-65. Wetlands, stream encroachment, environmental constraints and considerations.

A. Environmental elements relating to the prevention of soil erosion, preservation of trees, protection of watercourses, noise, air quality, topography, soil and animal life shall be reviewed, and the design of the plan shall minimize any adverse impact on these elements.

B. Environmental impact. No application for development shall be approved unless it has been affirmatively determined by the Planning Board, after an environmental appraisal, that the proposed project:

(1) Will not result in a significant adverse impact on the environment.

(2) Has been conceived and designed in such a manner that it will not significantly impair natural processes.

(3) Will not place a disproportionate or excessive demand upon the total resources available to the project site and to the impact area.

C. All applications for development and uses of land in wetlands shall be subject to and permitted only in compliance with the provisions of the New Jersey Freshwater Wetlands Protection Act (N.J.S.A. 13:9B-1 et seq.) and the regulations adopted thereunder (N.J.A.C. 7:7A-1 et seq.) Any provisions in this article referring to wetlands regulations shall be construed to mean the provisions of the New Jersey Freshwater Wetlands Protection Act and the regulations adopted pursuant thereto.

D. All applications for development shall show the limits of wetlands, wetland buffer area, stream encroachment limits and other environmental constraints. In the case of subdivisions, this shall be included on the plan of lots, recorded in the deeds, and a point-of-sale disclosure provided to all prospective buyers of individual lots.

§ 244-66. Steep slopes.

A. General provisions.

(1) A Steep Slope Conservation Overlay shall be deemed to exist in any area where slopes exceed 15%.

(2) No area within the Steep Slope Conservation Overlay shall hereafter be used without full compliance with the terms of this article and other applicable regulations. The Steep Slope Conservation Overlay shall be deemed to be an overlay on any zoning district(s) now or hereafter enacted to regulate the use of land in the City.

(3) The Steep Slope Conservation Overlay shall have no effect on the permitted uses in the underlying zoning district, except where said uses are intended to be located within the boundaries of the Steep Slope Conservation Overlay, as defined herein, and said uses are in conflict with the permitted uses set forth in this article.

(4) In those areas of the City where the Steep Slope Conservation Overlay applies, the requirements of the Steep Slope Conservation Overlay, to the extent they are more restrictive, shall supersede the requirements of the underlying zoning district.

(5) Any area of the Steep Slope Conservation Overlay that falls within the subject lot or lots shall be interpolated and shown on the site plan required through shading of such area or areas.

(6) Should the Steep Slope Conservation Overlay boundaries be revised, to exclude previously included lands, as a result of legislative or administrative actions or judicial decision, the zoning requirements applicable to the area in question shall revert to the requirements of the underlying zoning district(s) without consideration of this section.

(7) For any parcel or any part thereof on which the Steep Slope Conservation Overlay is applicable: should the underlying zoning classification be changed as a result of legislative administrative actions or judicial decision, such change classification shall have no effect on the boundaries of the Steep Slope Conservation Overlay, unless an amendment to said boundaries was included as part of the proceedings from which the subsequent change originated.

(8) It is not intended by this section to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this section imposes greater restrictions, the provisions of this section shall prevail.

(9) The granting of a zoning permit or approval of a subdivision or land development plan within or near the Steep Slope Conservation Overlay shall not constitute a representation, guarantee or warranty of any kind by the City, or by any official or employee thereof, of the practicability or safety of the proposed use and shall create no liability upon the City, its officials or employees. This section does not imply that areas outside the Steep Slope Conservation Overlay boundaries or land uses permitted within said Steep Slope Conservation Overlay will always be totally free from the adverse affects of erosion.

B. Designation and interpretation of district boundaries.

(1) The Steep Slope Conservation Overlay consists of two areas which are delineated and defined as follows:

(a) Prohibitive slope. Prohibitive slopes are those of 25% or greater slope (e.g., sloping 25 feet or more vertical over a distance of 100 feet) contour intervals of two feet each such that, in

aggregate, they delineate a slope of at least 25%.

(b) Precautionary slope. Precautionary slopes are those 15% to 25% slope (e.g., sloping 15 to 25 feet vertical over a distance of 100 feet horizontal). Slopes shall be deemed precautionary when there are four adjacent contour intervals of two feet each such that, in aggregate, they delineate a slope between 15% and 25%.

(2) Steep slopes shall be determined by either aerial photogrammetric methods or by field survey. The contour interval shall be set forth at no more than two feet per interval on slopes less than 25% and may be set forth at five feet per interval on slopes over 25%. On properties containing no slopes greater than 10%, U.S.C.S. 7.5 minute quadrangles may be used as the source of such information, subject to the approval of the Zoning Officer at the recommendation of the City Engineer.

(3) Where an interpretation is needed as to the exact location of the boundaries of the overlay in relation to a given parcel, the initial determination shall be made by the City Engineer. Any party seeking such a determination may submit a topographic survey of the property and any other pertinent documentation in consideration. The City Engineer shall make a written report of the results of his initial determination, a copy of which shall be provided to the governing body.

C. Uses permitted by right.

(1) In any part of the Steep Slope Conservation Overlay, grading shall be minimized, and no grading shall be undertaken within any area of the Steep Slope Conservation Overlay except where approved in conjunction with a use permitted under the terms of this section.

(2) The following are the only uses permitted as of right. In areas of prohibitive slope, such uses also shall be in compliance with the base zoning district and shall not involve the erection of buildings, construction of streets, installation of sewage disposal systems or permanent removal of top soil unless replaced by approved engineered structures.

(a) Parks and outdoor recreation uses.

(b) Yard areas of a building within the Steep Slope Conservation Overlay.

(c) The minimum possible grading for a driveway accessing a single-family dwelling or other building when it can be demonstrated that no other routing which avoids prohibitive slopes is feasible or economically reasonable.

(d) The minimum possible installation of public or private transmission lines such as power, phone, gas, water, sewer or storm sewer lines when it can be demonstrated that no other routing which avoids prohibitive slopes is practicable or economically reasonable.

(e) Within any lot, the maximum extent of areas classified prohibitive slopes that may be permanently disturbed for installation of site improvements shall be limited to 20% of the prohibitive slope area or 10% of the lot area, whichever is the lesser, subject to the approval of the Zoning Officer on the recommendation of the City Engineer. On any lot, the total amount of impervious surface that may be installed within areas of prohibitive slope shall not exceed 20% of the total impervious areas permitted according to the provisions of the underlying zoning district.

(3) The following are the only uses permitted by right in areas of precautionary slope, provided they are also

in compliance with base zoning district and all other provisions of this section:

(a) All uses permitted in areas of prohibitive slopes.

(b) Tree farming forestry and other agricultural uses when conducted in conformity with conservation practices, including minimum tillage methods.

(c) Access roads for the passage of emergency vehicles in the event of fire or accident.

(d) Accessory uses (except swimming pools) necessary for the operation and maintenance of the above permitted uses.

(e) Within any lot, the maximum extent of areas classified as precautionary slopes that may be permanently disturbed for the installation of site improvements shall be limited to 40% of the precautionary slope areas, or 20% of the lot area, whichever is the lesser, subject to the approval of the Zoning Officer on the recommendation of the City Engineer. On any lot, the total amount of impervious surface that may be installed within areas of precautionary slope shall not exceed 40% of the total impervious area permitted according to the provision of the underlying zoning district.

D. Conditional uses.

(1) Any of the following are permitted within the Steep Slope Conservation Overlay, subject to the conditions set forth herein:

(a) Any structure permitted by right or conditional use according to the terms of the underlying base zoning district.

(b) Any road necessary to provide primary access to a use permitted by this section, when no

practical alternative exists in an area of lesser slope.

(c) In areas of prohibitive slopes these activities shall not be approved by the granting of a conditional use unless the applicant demonstrates that there is no alternative which could avoid encroachment into the areas of prohibitive slope.

(2) The conditional uses indicated shall be subject to the conditions set forth as follows:

(a) Disturbance to particularly sensitive features of the site shall be minimized; special emphasis in planning for the site should be given to the protection of:

[1] The areas of steepest slope, especially those approaching or exceeding 25%.

[2] Soils with seasonal high water table.

[3] Underlying geology which comprises, or contributes to, major groundwater resources.

(b) Disturbance shall be minimized where the length or area of steep slopes both on the site and on adjacent lands within 200 feet of the site is extensive.

(c) The proposed development, any impervious ground cover and the resultant disturbance to the land and existing vegetative cover will not cause runoff and/or related environmental problems off the site.

(d) Removal of or disturbance for existing vegetation on the site shall be minimized. The proposed impacts on existing vegetation shall be evaluated in terms of the potentially detrimental effect on slope stability, transportation and recharge of stormwater

aesthetic, and traditional characteristics of the landscape, and existing drainage patterns. The Board may require mitigation measures as it deems appropriate.

(e) The design, construction procedures and sediment and erosion control measures are such that there is no risk of damage or impairment to adjacent slopes, neighboring properties or down slope watercourses as a result of the proposed activities.

(f) Important visual qualities of the site shall, to the maximum extent feasible, be retained; in addition to vegetation, these may include hilltops, rock outcroppings and the natural terrain and contours of the site.

(g) Innovative, imaginative building techniques that are well-suited to slope conditions shall be encouraged consistent with other applicable codes and regulations.

(h) The equilibrium of the slope, as characterized by the existing inter-relationships among soil, water and vegetation, shall be disturbed as little as possible.

(i) Finished slopes of all cuts and fills shall not exceed 33% unless the applicant can demonstrate that steeper slopes can be stabilized and maintained adequately to the satisfaction of the City.

(j) Exposed cut slopes within or below prohibitive slopes shall be minimized so that engineered retaining walls or other structures are utilized to the greatest extent practicable to maintain the stability of the disturbed slopes and reduce the risk of harm because of erosion and potential slope failure resulting in mud slides.

§ 244-67. Appearance of buildings.

A. Within any residential district, no building with a permitted professional home office or home occupation shall be constructed or altered so as to be inharmonious with the residential character of the adjacent residential areas.

B. All new housing may be oriented on the lot so either the major axis or the minor axis of the house is parallel to the street line. In all eases, however, the facade facing the street line must be designed to compliment the street. Architectural articulation using such elements as windows, doors and/or porches is required. Blank facades facing the street line will not be permitted.

C. The governing body hereby finds that uniformity in the exterior design and appearance of dwellings erected in the same residential neighborhood tends to adversely affect the desirability of the immediate and neighboring areas for residential purposes and impairs existing residential property in such areas, tends to impair the value of both improved and unimproved real property in such areas and tends to deprive the municipality of tax revenue and destroys a proper balance between the taxable value of real property in such areas and the cost of municipal services provided therefor. It is the purpose of this section to prevent these and other harmful effects of uniformity in design and appearance of dwellings erected in any housing development in the same residential neighborhood and thus to promote and protect the general welfare of the community.

(1) Not more than one construction permit shall be issued for any particular single-family detached dwelling unit design in any housing development consisting of two or more detached dwellings when the houses are substantially alike in exterior design and appearance, unless such similar houses either are separated by a distance of at least 200 feet or are situated on individual lots which are themselves

separated at all points by a distance of at least 100 feet, whichever distance will provide the least separation between houses.

(2) Houses within such specified distance from each other shall be considered uniform in exterior design and appearance if they have any one of the following characteristics:

(a) The same basic dimensions and floor plans are used without substantial differentiation of one or more exterior elevations.

(b) The height and design of the roofs are without substantial change in design and appearance.

(c) The size and type of windows and doors in the front elevation are without substantial differentiation.

(3) In addition, there shall be not less than one basic house design and two different exterior elevations in every housing development consisting of eight or less houses; not less than two basic house designs and four different exterior elevations in every housing development consisting of nine to 15 houses; not less than three basic house designs and six different exterior elevations in every housing development consisting of 16 houses to 50 houses; not less than four basic house designs and seven different exterior elevations in every housing development consisting of 51 houses to 77 houses; and not less than four basic designs and eight different elevations in every housing development consisting of 78 houses or more houses.

(4) To ensure conformity with the provisions of this chapter, no construction permit shall hereafter be issued for more than one dwelling in any housing development until the builder shall post or cause to be posted, on each specific lot on the map of the subdivision on file with the Construction Official,

the type and model of each house for which a construction permit has been or is being issued.

(5) The provisions, requirements and standards heretofore set forth shall not be considered met where there is an attempt to make minor changes or deviations from building plans and location surveys, which changes show an obvious intent to circumvent the purpose of this section.

(6) Building elevations and floor plans for each required house design must be submitted for review by the Planning Division at final subdivision. Where an applicant has no immediate plans for construction, these building elevations and floor plans must be submitted for review by the Planning Division prior to the issuance of a building permit.

Chapter 250

TAXICABS

§ 250-1. Definitions.

§ 250-2. License required.

§ 250-3. Taxicab driver's license.

§ 250-4. Taxicab owner's license.

§ 250-5. Application for license.

§ 250-6. Expiration date of licenses.

§ 250-7. Number of outstanding licenses permitted.

§ 250-8. Revocation or suspension of licenses.

§ 250-9. Cruising prohibited.

§ 250-10. Parking restrictions.

§ 250-11. Child passenger restraint system.

§ 250-12. Fares and flat rates.

§ 250-13. Violations and penalties.

[HISTORY: Adopted by the Board of Commissioners of the City of Bordentown 12-11-1989 as Ord. No. 1989-12.[1] Amendments noted where applicable.]

GENERAL REFERENCES

Vehicles and traffic — See Ch. 258.

[1] Editor's Note: This ordinance also repealed former Ch. 250, Taxicabs, adopted 5-25-1948, as amended.

§ 250-1. Definitions.

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

APPLICANT — Any person, as defined in this chapter, who has applied for any license described in this chapter.

CITY — The City of Bordentown in the County of Burlington, New Jersey.

CRUISE or CRUISING — The practice of driving about the streets of the city with a taxicab so as to solicit passengers or to bring the presence of the taxicab to the attention of prospective passengers. Any taxicab operating upon the streets of the city for any purpose other than while transporting a passenger, going to a definite destination by the most direct route in response to a call for a taxicab by a prospective passenger, returning by the most direct route to the place where the taxicab is principally garaged or kept in the normal course of business after discharging a passenger or going to or from said garage or principal place of business to the driver's home by the most direct route shall be prima facie evidence of "cruising."

DRIVER — Any person who operates or drives a taxicab within the city.

OPERATE, OPERATING or OPERATION — The transportation of one (1) or more passengers for hire in any taxicab along any of the streets of the city. The terms shall include accepting a passenger for transportation or hire within the city or from a point within the city to a point outside of the city. The terms shall not be defined to include discharging a passenger transported for hire from a Point outside of the city to a point within the city or the operation of a taxicab on through service in the city without pickup or discharge of passengers within the city. "Operation" of a taxicab as described herein shall be deemed operation by both the owner and the driver of the taxicab. The transportation

of any person other than the owner or driver in any motor vehicle bearing the designation or words "taxicab," "taxi" or "cab" shall be prima facie evidence of "operation."

OWNER — Any person in whose name title to any taxicab is registered with the New Jersey Department of Motor Vehicles or who is the lessee of such vehicle.

PERSON — Any individual, corporation, company, partnership, firm or association, as well as any individual who owns ten percent (10%) or more of the shares or interest in any corporation, company, partnership, firm or association.

TAXICAB — Any motor vehicle engaged in the business of carrying passengers for hire, which is held out, announced or advertised to operate, or which is operated, over any of the streets within the city and which accepts passengers for transportation from points or places within or without the city.

§ 250-2. License required.

No person shall operate any taxicab within the city unless both the taxicab and the driver thereof are licensed pursuant to the provisions of this chapter.

§ 250-3. Taxicab driver's license.

A. There is hereby established a license known as a "taxicab driver's license."

B. No person shall operate any taxicab within the city unless the person has obtained and is the valid holder of a taxicab driver's license issued by the City Clerk pursuant to this chapter.

C. An application for the issuance or renewal of a taxicab driver's license shall be made to the Board of

Commissioners on forms adopted by the Board and obtained from the City Clerk.

D. No license shall be issued to any applicant unless the applicant is of the age of twenty-one (21) years or older and has otherwise satisfied the requirements of this chapter.

E. No license shall be issued to any applicant unless the applicant has proved, to the satisfaction of the Board of Commissioners, upon the advice of the Chief of Police, that the applicant is in good health, has good eyesight, is not addicted to the use of intoxicating liquors, narcotic drugs or controlled dangerous substances, is a good citizen of the United States of America, is of good character and has not been convicted of an indictable offense, driving under the influence of alcohol or narcotic drugs, refusal to take a breath test or distribution, possession or use of any controlled dangerous substance or has not been convicted of five (5) or more moving violations or has not had his or her driving privileges suspended or revoked in this state or in any other state within ten (10) years of the date of the application and that the applicant is in the possession of a valid New Jersey driver's license. In addition, the applicant must not have been convicted of any other disorderly persons offense or petty disorderly persons offense involving danger to the person or offenses against property or of reckless driving or leaving the scene of an accident, within ten (10) years of the date of application.

F. Each applicant for a taxicab driver's license shall file with his application two (2) full-face photographs, each one and one-half by two ($1^1/_2$ x 2) inches in size, clearly depicting the facial features of the applicant. The photographs shall become and remain the property of the city and shall be retained with the application form. In the event that a taxicab driver's license is issued, one (1) of the photographs shall be permanently affixed to the license card in the space provided thereon.

G. Each applicant for a taxicab driver's license shall, at the time of filing his application, be fingerprinted at such place and by such agency as the Chief of Police shall direct, and a copy of said fingerprints shall be forwarded by the Chief of Police to the New Jersey State Police with a request for a report of the applicant criminal record which, when received, shall become a permanent part of the application.

H. The annual fee for each taxicab driver's license or for each renewal thereof shall be twenty-five dollars ($25.) per year for each year or portion of a year for which the license is issued or renewed. Such fees shall not be prorated. In the event that an application is denied, twenty dollars ($20.) of said application fee shall be retained by the city for processing the application, and five dollars ($5.) shall be returned to the applicant.

I. Each applicant that is granted a taxicab driver's license shall be issued a license card in a form approved by the Board of Commissioners and signed by the Mayor and City Clerk. Such license shall at all times be in the possession of the driver while operating the taxicab. The license card shall remain the permanent property of the city and, upon expiration, suspension or surrender, shall be returned within five (5) calendar days of such date to the City Clerk.

§ 250-4. Taxicab owner's license.

A. There is hereby established a license known as a "taxicab owner's license."

B. No person shall operate or allow to be operated any taxicab within the city unless a valid taxicab owner's license has been issued to the owner of the taxicab for the taxicab in question.

C. A taxicab owner's license shall entitle the taxicab which is described in the taxicab owner's license to be operated

in the city as a taxicab, engaged in the business of carrying passengers for hire.

D. A taxicab owner's license shall only be valid for the particular taxicab described in the license and shall not be transferable to any other taxicab.

E. A person who is the holder of a taxicab owner's license may not operate the taxicab, within the meaning of this chapter, unless he is also a holder of a taxicab driver's license issued pursuant to this chapter.

F. All applications for the issuance or renewal of a taxicab owner's license shall be made to the Board of Commissioners on forms adopted by the Board and obtained from the City Clerk.

G. No license shall be issued to any applicant unless the applicant has proved to the satisfaction of the Board of Commissioners, upon the advice of the Chief of Police, that the applicant has never been convicted of an indictable offense or of distribution, possession or use of any controlled dangerous substance or of any other disorderly persons offense or petty disorderly persons offense involving danger to the person or offenses against property, which other disorderly persons or petty disorderly persons offense was committed within ten (10) years of the date of application.

H. Each applicant for a taxicab owner's license shall, at the time of filing his application, be fingerprinted at such place and by such agency as the Chief of Police shall direct, and a copy of said fingerprints shall be forwarded by the Chief of Police to the New Jersey State Police with a request for a report of the applicant's criminal record which, when received, shall become a permanent part of the application.

I. All information which is required to be provided by an applicant with respect to an application for a taxicab owner's license shall also be provided with respect to any individual who owns ten percent (10%) or more of the

shares or interest of any applicant that is a corporation, company, partnership, firm or association.

J. The annual fee for each taxicabs owner's license issued or renewed by the city shall be fifty dollars ($50.) for each year or portion of a year for which the license is issued or renewed. The license fee shall not be prorated. In the event that an application for a taxicab owner's license is denied, forty dollars ($40.) of the license fee shall be retained by the city for the cost of investigation, and ten dollars ($10.) shall be returned to the applicant.

K. No taxicab owner's license shall be issued unless there is filed with the City Clerk an insurance policy of a company duly licensed to transact business under the insurance laws of the State of New Jersey conditioned for the payment of a sum of not less than one hundred thousand dollars ($100,000.) to satisfy all claims for damages by reason of bodily injury or death of any one (1) person resulting from an accident and the sum of not less than one hundred thousand dollars ($100,000.) to satisfy all claims by reason of bodily injuries to, or the death of, all persons on account of any such accident by reason of the ownership, operation, maintenance or use of such taxicab upon the public streets, and conditioned for the payment of a sum of not less than one hundred thousand dollars ($100,000.) to satisfy all claims for damages to the property of all persons on account of any such accident by reason of the ownership, operation, maintenance or use of such taxicab upon the public streets. **[Amended 8-10-1992 by Ord. No. 1992-4]**

L. Each applicant granted a taxicab owner's license shall be issued a special license plate, hereinafter referred to as a "city tag," which shall be kept clearly legible and visible and which shall be displayed on the rear exterior portion of the taxicab directly above or below the license plate issued by the State of New Jersey. The city tag shall at all times remain the property of the city and shall be returned to the City Clerk within five (5) days of the

expiration of the taxicab owner's license or any renewal thereof.

§ 250-5. Application for license.

A. Each applicant for a license shall supply the information requested on the application form in full and shall verify the correctness and truthfulness thereof by oath or affirmation.

B. All application fees shall be paid to the City Clerk at the time that the application is made. No application shall be acted upon by the city unless the application is completed in full and all fees are paid.

§ 250-6. Expiration date of licenses.

Any license issued pursuant to this chapter shall expire at 12:00 midnight of the 31st day of December of the year in which the license was issued unless the license is suspended or revoked prior to that date.

§ 250-7. Number of outstanding licenses permitted.

A. The number of taxicab driver's licenses which shall be permitted to be outstanding at any one (1) time shall be forty (40).

B. The number of taxicab owner's licenses which shall be permitted to be outstanding at any one (1) time shall be eight (8).

§ 250-8. Revocation or suspension of licenses.

The Board of Commissioners may, after notice and hearing, revoke or suspend any license issued pursuant to this chapter in the event that the licensee:

A. Fails to satisfy or to continue to satisfy any of the requirements of this chapter for obtaining a license.

B. Has made any false statements or has provided any false, erroneous or untrue information with respect to the application for the license.

C. Has failed to comply with the terms of this chapter.

D. Has failed to provide reasonably prompt, safe or adequate taxicab service.

E. For holders of any taxicab driver's license, has been involved in two (2) or more motor vehicle accidents while operating a taxicab which has caused personal injuries to any person, excluding the licensee, in the event that the accidents were caused by the negligent operation of the taxicab by the licensee.

§ 250-9. Cruising prohibited.

No person shall cruise on the streets of the city with any taxicab at any time.

§ 250-10. Parking restrictions.

A. No person shall park any taxicab on any public street within the city, except:

(1) In such places as the city may designate for the parking of taxicabs.

(2) With respect to the immediate pickup or discharge of a passenger in the city.

B. The city shall not be obligated to provide a designated parking place for each taxicab licensed pursuant to this chapter.

§ 250-11. Child passenger restraint system. [Added 3-8-1993 by Ord. No. 1993-7[2]]

A. No taxicab license shall be issued to or renewed for any taxicab unless and until proof shall have been given that such taxicab has adequately provided for the safety of children under the age of five (5) years old, who are passengers in said taxicab operated by them. Proof of the following must be supplied:

(1) Children eighteen (18) months of age or younger who are passengers in said taxicab shall be placed and properly secured in a federally approved child restraint seat.

(2) Children over the age of eighteen (18) months but under the age of five (5) years must be placed and adequately secured in a carseat, if riding in the front seat of a taxicab, or in a lap and/or lap or shoulder harness seatbelt, if riding in the rear seat of a taxicab.

B. Every person operating a taxicab who is transporting a child under the age of five (5) years old on roadways, streets or highways of the City of Bordentown shall be responsible for the protection of the child by properly using a child passenger restraint system that complies with federal vehicle safety standards and all safety standards promulgated by any agency having jurisdiction.

C. Proof shall consist of a written policy or posted notice at the base of operation and in all taxicabs, conspicuous to drivers, setting forth that, prior to the operation of the taxicab, children eighteen (18) months of age or younger who are passengers in a taxicab shall be placed in federally approved child restraint seat and children over the age of eighteen (18) months but under the age of five (5) years must be placed in a car seat, if riding in the

[2] **Editor's Note: Former § 250-11, Fares and flat rates, and § 250-12, Violations and penalties, were redesignated as §§ 250-12 and 250-13 at the request of the city.**

front seat of the taxicab, or in a lap and/or lap and shoulder harness seatbelt, if riding in the rear of the taxicab. A licensee must at all times keep and maintain in vehicles or at the base of operation a total number of federally approved car seats equal to fifty percent (50%) of the number of licensed taxicabs in its fleet, which shall at all times be available for use by its drivers. If a request is made for a taxicab by telephone, the dispatcher shall inquire about the presence and age of children who will be making the ride and inform the caller of the policy set forth in this section. He or she will dispatch only a taxicab with a car seat if there is a child eighteen (18) months or younger. Drivers who stop for a fare must comply with this subsection. If a car seat is required and the particular driver does not have one, he or she must pass up the fare.

D. Holders of city taxicab owner's licenses shall have thirty (30) days from the effective date of this section to comply with its provisions.

E. Penalties for violation of these rules shall be as follows: a fine of one hundred dollars ($100.) to five hundred dollars ($500.) and/or suspension or revocation of the taxicab license.

§ 250-12. Fares and flat rates.

A. The maximum fare to be charged for taxicab service for any taxicab licensed pursuant to the provisions of this chapter shall be as follows:

(1) Two dollars ($2.) for the first mile or part thereof.

(2) Forty cents ($0.40) for each subsequent one-fifth (1/5) mile or part thereof.

B. Nothing in this chapter shall prohibit any licensee from establishing flat rates for service between designated points as long as such flat rates do not exceed the mileage rates established by this chapter.

§ 250-13. Violations and penalties.

Any person who violates any provision of this chapter shall, upon conviction thereof, be sentenced in accordance with an Ordinance Providing for Penalties for Violations of Ordinances within the City of Bordentown, adopted on the eighth day of August 1988, as Ordinance No. 1988-11.[3]

[3] **Editor's Note: See Ch. 1, General Provisions, Art. I.**

Chapter 258

VEHICLES AND TRAFFIC

§ 258-1. Definitions; time standard.

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§ 258-31. Speed limits.

§ 258-32. Mid-block crosswalks.

§ 258-33. No-passing zones.

§ 258-34. Handicapped parking.

§ 258-35. Control for the movement and the parking of traffic on public and private property.

[HISTORY: Adopted by the Board of Commissioners of the City of Bordentown 4-12-2004 by Ord. No. 2004-8.[1] Amendments noted where applicable.]

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1. **Editor's Note: This ordinance was approved by the Burlington County Board of Chosen Freeholders on 4-14-2004 and by the New Jersey State Department of Transportation on 6-9-2004.**

GENERAL REFERENCES

Police Department — See Ch. 66.
Streets and sidewalks — See Ch. 240.
Taxicabs — See Ch. 250.
Towing of vehicles — See Ch. 259.

§ 258-1. Definitions; time standard.

A. Words and phrases. Whenever any words and phrases are used in this chapter, the meaning respectively ascribed to them in Subtitle 1 of Title 39 of the Revised Statutes of the State of New Jersey shall be deemed to apply to such words and phrases used herein.

B. Official time standard. Whenever certain hours are named in this chapter, they shall mean either Eastern standard time or Eastern daylight saving time as may be in current use.

§ 258-2. Authorization for the closing of any street.

A. The Chief of Police of this municipality 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 whenever lie finds that such closing is necessary for the preservation of the public safety, health or welfare.

B. Any regulations promulgated by the Chief of Police, and in accordance with Subsection A above, shall provide for the posting of proper warning signs of such closing on any street or portion thereof during the time the same is closed in pursuance thereof.

C. Any violation of this regulation promulgated thereunder shall be punished by a fine not to exceed $50.

D. Any regulation adopted that mandates the closing of any street for a period greater than 48 consecutive hours shall not become effective unless and until it has been submitted

to and approved by the Commissioner of the Department of Transportation.

§ 258-3. Tow-away.

Any vehicle parked in violation of this chapter shall be deemed a nuisance and a menace to the safe and proper regulation of traffic, and any police officer may provide for the removal of such vehicle. The owner shall bear the reasonable costs of removal and storage which may result from such removal before regaining possession of the vehicle.

§ 258-4. Violations and penalties.

Unless another penalty is expressly provided by New Jersey statute, every person convicted of a violation of a provision of this chapter or any supplement thereto shall be liable to a penalty of not more than $50 or imprisonment for a term not exceeding 15 days, or both.

§ 258-5. Effect of chapter.

If any part or parts of this chapter are, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this chapter.

§ 258-6. Repealer.

All former traffic ordinances of the City of Bordentown except Ord. Nos. 2002-18, 2003-10, 2003-13, 2003-14, 2004-03, 2004-05, 2004-06 and 2004-07[2] are hereby repealed, and all ordinances or parts of ordinances in conflict with or inconsistent with the provisions of this chapter are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or

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2. Editor's Note: The provisions of these ordinances have been incorporated into the text of this chapter.

committed in violation of any ordinance hereby repealed prior to the taking effect of this chapter.

§ 258-7. Traffic controls for street and highway construction and maintenance operations for municipal roads.

Adoption of the Manual on Uniform Traffic Control Devices for Streets and Highways. The City Commission finds and declares that problems of traffic control occur when traffic must be moved through or around street construction, maintenance operations and utility work, above or below the ground, which requires blocking the street and obstructing the normal flow of traffic, and that such obstructions are or can become dangerous when not properly controlled. In order to better promote the public health, safety, peace and welfare, it is necessary to establish controls and regulations directed to the safe and expeditious movement of traffic through and around construction and maintenance zones and to provide safety for the work forces performing these operations. The City of Bordentown, in the County of Burlington, State of New Jersey, does hereby adopt the current Manual on Uniform Control Devices for Streets and Highways, hereafter known as the "MUTCD," except as hereby supplemented and amended, as it controls and regulates whenever construction, maintenance operations or utility work obstructs the normal flow of traffic. Any person, contractor or utility that fails to comply with the provisions of the MUTCD while performing such work is in violation of this section.

A. Preconstruction meeting. It shall be the responsibility of the person, contractor, or in the case of a public utility as required under the public utility agreement, Section 16:25-9.2, wishing to conduct work on, under or above the street to contact the Police Department of the City of Bordentown in order to arrange a preconstruction meeting and submit plans for the safe movement of traffic during such period of construction or work. Any person, contractor or utility who fails to comply with this section prior to the

start of such work, or whose plans are not approved by the Police Department of the City of Bordentown, is in violation of this section.

B. Emergency contact telephone numbers. The person, contractor or utility shall provide at least two emergency contact telephone numbers to be called in case of emergency problems at the construction or maintenance site prior to the start of any work. If, for any reason, emergency contact be made, or if the emergency contact person does not respond to a call from the Police Department to correct such hazardous condition, the City of Bordentown may respond to correct the hazardous condition(s). The reasonable fees for such emergency services by the City of Bordentown shall be charged to the person, contractor or utility responsible for the condition.

C. Hours. There shall be no construction, maintenance, operations or utility work on any roadway in the City before the hour of 9:00 a.m. or after 4:00 p.m. The officer in charge of the City Police Department may adjust this time limit to permit work prior to 9:00 a.m. or after 4:00 p.m. If the officer in charge determines that the construction or maintenance operations prior to 9:00 a.m. or after 4:00 p.m. would substantially delay traffic or cause a safety or health hazard, the work shall then be permitted only between 9:00 a.m. or after 4:00 p.m.

D. Road closing. Road closing and/or traffic detours shall not be permitted unless approved by the City Police Department.

E. Traffic directors. Traffic directors shall be posted at all construction or maintenance sites when determined by the City Police Department that same are necessary to provide for the safe and expeditious movement of traffic.

F. Stop work. The City Police Department shall have the authority to stop work, including the removal of equipment and vehicles, stored material within the street right-of-way, backfilling of open excavations and/or related

work, in order to abate any nuisance and/or safety hazard or for any violation of this section.

G. Site preparation. It is to be expressly understood that no materials, vehicles or equipment are to be placed in the roadway or sidewalk or until all construction, signs, light devices and pavement markings are installed.

H. Violations and penalties. Any person, contractor or utility who commits a violation of this section shall, upon conviction thereof for a first offense, pay a fine of not less than $100 nor more than $500 and/or be imprisoned in the county jail for a term not exceeding 90 days. For a second offense, upon conviction thereof, the offender shall pay a fine of not less than $250 and/or be imprisoned in the county jail for a term not exceeding 90 days. A separate offense shall be deemed committed on each day during or on which violation occurs or continues.

§ 258-8. Parking.

Regulations not exclusive. The provisions of this chapter imposing a time limit on parking shall not relieve any person of the duty to observe other, more restrictive provisions prohibiting or limiting the stopping or standing or parking of vehicles as set forth in N.J.S.A. 39:4-138, any other New Jersey Statute or as hereinafter provided.

§ 258-9. Parking prohibited during state of emergency.

A. Upon the declaration of an emergency, there shall be no parking upon the streets where temporary EMERGENCY NO PARKING signs are displayed. The Chief of Police or, in his absence, the ranking police officer is authorized to declare an emergency and to direct the posting of EMERGENCY NO PARKING signs when weather conditions, accidents, road construction, fire or public celebrations dictate or require avoidance of hazards or other conditions which interfere with the free flow of

traffic. Notification that EMERGENCY NO PARKING signs are being or will be posted shall be given to the operator or owner of any vehicle which has been parked prior to the posting of the signs.

B. The effectiveness of this section is contingent upon the signs being erected as required by law.

§ 258-10. Temporary parking prohibition for snow plowing and removal.

A. Removal.

(1) Whenever snow has fallen and the accumulation is such that it covers the streets and highways, an emergency shall exist and no vehicle shall be parked on the streets or highways or portions thereof indicated.

(2) The above parking prohibitions shall remain in effect after the snow has ceased until the streets have been plowed sufficiently and to the extent that parking will not interfere with the normal flow of traffic.

(3) Any unoccupied vehicle parked or standing in violation shall be deemed a nuisance and a menace to the safe and proper regulation of traffic, and any police officer may provide for the removal of such vehicle. The owner shall pay the reasonable costs of the removal and storage which may result from such removal before regaining possession of the vehicle.

Name of Street	Side	Location
Burlington Street	Both	Entire length
Crosswicks Street	Both	Entire length
Elizabeth Street	Both	Entire length
Farnsworth Avenue	Both	From Park Street to Burlington Street

Name of Street	Side	Location
Mary Street	Both	Entire length
McKnights Avenue	Both	Entire length
Park Street	Both	Entire length
Thompson Street	Both	Entire length

§ 258-11. Stopping or standing prohibited during certain hours on certain streets.

No person shall stop or stand a vehicle at any time in a designated bus stop as described in § 258-28.

§ 258-12. Parking time limited on certain streets.

No person shall park a vehicle for longer than the time limit between the hours listed on any day (except Sundays and public holidays) upon any of the streets or parts of streets described.

Name of Street	Sides	Time Limit/ Hours	Location
Crosswicks Street	Both	2 hours/8:00 a.m. to 6:00 p.m.	Between Farnsworth Avenue and 270 feet east thereof
Farnsworth Avenue	Both	2 hours/8:00 a.m. to 6:00 p.m.	Railroad Avenue and Burlington Streets
Walnut Street	North	10 min./8:00 a.m. to 6:00 p.m.	From a point 180 feet west of Farnsworth Avenue to a point 250 feet west of Farnsworth Avenue

A. Any person parking a motor vehicle in excess of the time allotted shall be liable to a fine of $20.

§ 258-13. Parking prohibited for street cleaning. [Amended 9-13-2004 by Ord. No. 2004-21; 2-14-2005 by Ord. No. 2005-3; 7-13-2009 by Ord. No. 2009-07; 10-26-2009 by Ord. No. 2009-16]

A. No person shall cause or permit to be parked any motor vehicle upon any street between the specified hours and days described.

Name of Street	Side	Days	Hours	Location
Ann Street	North	Tuesday	1:00 p.m. to 3:00 p.m.	Entire length
Ann Street	South	Thursday	1:00 p.m. to 3:00 p.m.	Entire length
Bank Street	North	Friday	11:00 a.m. to 12:00 Noon	Entire length
Bank Street	South	Wednesday	11:00 a.m. to 12:00 Noon	Entire length
Borden Street	East	Tuesday	10:00 a.m. to 11:00 a.m.	Entire length
Brooks Avenue	East	Tuesday	8:00 a.m. to 10:00 a.m.	Entire length
Brooks Avenue	West	Thursday	8:00 a.m. to 10:00 a.m.	Entire length
Burlington Street	North	Friday	7:30 to 9:30 a.m.	Entire length
Burlington Street	South	Wednesday	7:30 to 9:30 a.m.	Entire length
Carpenter Street	East	Tuesday	10:00 a.m. to 11:00 a.m.	Entire length
Church Court	Both	Monday	7:30 to 9:30 a.m.	Entire length
Courtland Street	Both	Wednesday and Friday	11:00 a.m. to 12:00 Noon	Entire length
Crosswicks Street	North	Wednesday	7:30 to 9:30 a.m.	Entire length
Crosswicks Street	South	Friday	7:30 to 9:30 a.m.	Entire length

Name of Street	Side	Days	Hours	Location
East Chestnut Street	North	Friday	10:00 a.m. to 11:00 a.m.	Entire length
East Chestnut Street	South	Wednesday	10:00 a.m. to 11:00 a.m.	Entire length
East Church Street	Both	Monday	7:30 to 9:30 a.m.	Entire length
Elizabeth Street	North	Wednesday	1:00 p.m. to 3:00 p.m.	Entire length
Elizabeth Street	South	Friday	1:00 p.m. to 3:00 p.m.	Entire length
Farnsworth Avenue	Both	Monday, Wednesday and Friday	7:30 to 8:30 a.m.	Between Burlington Street and Park Street
Farnsworth Avenue	East	Wednesday	10:00 a.m. to 11:00 a.m.	Between Mill Street and East Burlington Street
Farnsworth Avenue	East	Wednesday	11:00 a.m. to 12:00 Noon	Between Park Street and Courtland Street
Farnsworth Avenue	West	Friday	11:00 a.m. to 12:00 Noon	Between Park Street and Courtland Street
Farnsworth Avenue	West	Friday	10:00 a.m. to 11:00 a.m.	Between Mill Street and West Burlington Street
Hankins Alley	Both	Monday	7:30 to 9:30 a.m.	Entire length
Hopkinson Street	West	Tuesday	10:00 a.m. to 11:00 a.m.	Entire length
Landon Drive	East	Friday	1:00 p.m. to 2:00 p.m.	Entire length
Landon Drive	West	Wednesday	1:00 p.m. to 2:00 p.m.	Entire length
Lafayette Street	East	Thursday	1:00 p.m. to 3:00 p.m.	Entire length
Lafayette Street	West	Tuesday	1:00 p.m. to 3:00 p.m.	Entire length
Leyden Avenue	East	Friday	10:00 a.m. to 11:00 a.m.	Entire length
Leyden Avenue	West	Wednesday	10:00 a.m. to 11:00 a.m.	Entire length
Lot C (Hill Top Park)		Wednesday	11:00 a.m. to 12:00 Noon	
Lucas Drive	East	Wednesday	1:00 p.m. to 2:00 p.m.	Entire length

Name of Street	Side	Days	Hours	Location
Lucas Drive	West	Friday	1:00 p.m. to 2:00 p.m.	Entire length
McKnight Avenue	Both	Wednesday	11:00 a.m. to 12:00 Noon	Entire length
Mary Street	North	Thursday	1:00 p.m. to 3:00 p.m.	Entire length
Mary Street	South	Tuesday	1:00 p.m. to 3:00 p.m.	Entire length
Mill Street	Both	Wednesday	7:30 to 9:30 a.m.	Entire length
Myrtle Avenue	East	Wednesday	10:00 a.m. to 11:00 a.m.	Entire length
Myrtle Avenue	West	Friday	10:00 a.m. to 11:00 a.m.	Entire length
Oliver Street	East	Thursday	8:00 a.m. to 10:00 a.m.	Entire length
Oliver Street	West	Tuesday	8:00 a.m. to 10:00 a.m.	Entire length
Park Street	North	Friday	7:30 to 9:30 a.m.	Entire length
Park Street	South	Wednesday	7:30 to 9:30 a.m.	Entire length
Pine Street	East	Thursday	1:00 p.m. to 3:00 p.m.	Entire length
Pine Street	West	Tuesday	1:00 p.m. to 3:00 p.m.	Entire length
Prince Street	East	Friday	7:30 to 9:30 a.m.	Between West Chestnut Street and Park Street
Prince Street	East	Wednesday	11:00 a.m. to 12:00 Noon	Between Park Street and Courtland Street
Prince Street	West	Friday	11:00 a.m. to 12:00 Noon	Between Park Street and Courtland Street
Prince Street	West	Wednesday	7:30 to 9:30 a.m.	Between West Chestnut Street and Park Street
Railroad Avenue	Both	Monday	7:30 to 9:30 a.m.	Between Farnsworth Avenue and Prince Street
Reeder Avenue	East	Friday	10:00 a.m. to 11:00 a.m.	Entire length
Reeder Avenue	West	Wednesday	10:00 a.m. to 11:00 a.m.	Entire length

Name of Street	Side	Days	Hours	Location
Second Street	East	Wednesday	11:00 a.m. to 12:00 Noon	Entire length
Second Street	West	Friday	11:00 a.m. to 12:00 Noon	Entire length
Spring Street	East	Tuesday	1:00 p.m. to 3:00 p.m.	Entire length
Spring Street	West	Thursday	1:00 p.m. to 3:00 p.m.	Entire length
North Third Street	East	Friday	11:00 a.m. to 12:00 Noon	Starting at the intersection of North Third Street and Bank Street to a point 400 feet south
North Third Street	West	Wednesday	11:00 a.m. to 12:00 Noon	Starting at the intersection of North Third Street and Bank Street to a point 400 feet south
South Third Street	East	Thursday	1:00 p.m. to 3:00 p.m.	Between Mary Street and Railroad Avenue
South Third Street	West	Tuesday	1:00 p.m. to 3:00 p.m.	Between Mary Street and Railroad Avenue
Thompson Street	Both	Friday	11:00 a.m. to 12:00 Noon	Entire length
Union Street	South	Wednesday	10:00 a.m. to 11:00 a.m.	Entire length
Union Street	North	Friday	10:00 a.m. to 11:00 a.m.	Entire length
Vernon Street	North	Tuesday	1:00 p.m. to 3:00 p.m.	Entire length
Vernon Street	South	Thursday	1:00 p.m. to 3:00 p.m.	Entire length
Walnut Street	Both	Tuesday	8:00 a.m. to 10:00 a.m.	Between Prince Street and Willow Street
Walnut Street	North	Wednesday	7:30 to 9:30 a.m.	From Farnsworth Avenue to Prince Street
Walnut Street	South	Friday	7:30 to 9:30 a.m.	From Prince Street to Farnsworth Avenue

Name of Street	Side	Days	Hours	Location
West Chestnut Street	North	Friday	10:00 a.m. to 11:00 a.m.	Entire length
West Chestnut Street	South	Wednesday	10:00 a.m. to 11:00 a.m.	Entire length
West Church Street	North	Monday	7:30 a.m. to 9:30 a.m.	Entire length
West Street	South	Thursday	10:00 a.m. to 11:00 a.m.	Entire length
Willow Street	East	Tuesday	8:00 a.m. to 10:00 a.m.	Entire length
Willow Street	West	Thursday	8:00 a.m. to 10:00 a.m.	Entire length

B. Street sweeper service shall commence on May 1 of each year and run until the last day of November each calendar year. During the last two weeks of April, the Police Department will issue warnings to persons parking in violation of the above time frames. From May to December, any person parking a motor vehicle between the times set forth in this section shall be liable to a fine of $17.

§ 258-14. Parking prohibited at all times on certain streets. [Amended 12-11-2006 by Ord. No. 2006-26; 5-14-2007 by Ord. No. 2007-6; 7-13-2009 by Ord. No. 2009-07]

No person shall park a vehicle at any time upon any streets or parts thereof described.

Name of Street	Side	Location
Anderson Avenue	North and south	Entire length
Borden Street	West	Entire length
Carpenter Street	West	Entire length
Church Court	North and south	Entire length

Name of Street	Side	Location
Cooper Alley	East and west	Entire length
Courtland Street	North and south	Entire length
Crosswicks Street	South	The entire front of Clara Barton School from the school driveway west for a distance of 244 feet (except for loading/unloading school bus passengers); during school hours
Crosswicks Street	North	The entire front of MacFarland Junior High School from the driveway west for a distance of 111 feet (except for loading/unloading school bus passengers); during school hours
East Burlington Street	North	Entire length
East Chestnut Street	North	From the boundary of Chestnut Village Apartments identified on the Tax Map of Bordentown City as Block 404, Lot 22, to a point 230 feet westerly thereof
East Chestnut Street	South	From the intersection of Farnsworth Avenue to a point 210 feet west of the boundary of Chestnut Village Apartments identified on the Tax Map of Bordentown City as Block 403, Lot 13

Name of Street	Side	Location
East Church Street	South	Entire length
Federal Street	North and south	Between Farnsworth Avenue and Water Street
Hankins Alley	West	Between parking area and East Church Street
Hopkinson Street	East	Entire length
Lafayette Street	West	Between Elizabeth Street and Crosswicks Street
Lucas Drive	East	That portion of Lucas Drive beginning approximately 478 feet north of Landon Drive and thereafter extending for approximately 376 feet in a northerly direction and which is contiguous to an inset parking area
Lucas Drive	West	That portion of Lucas Drive beginning approximately 500 feet north of Landon Drive and thereafter extending for approximately 226 feet in a northerly direction and which is contiguous to an inset parking area
McKnights Avenue	North	Entire length
Miles Avenue	North and south	Entire length
North Third Street	East	That portion of North Third Street beginning from East Park Street extending for approximately 430 feet in a northerly direction

Name of Street	Side	Location
Pine Street	Both	Between Mary Street and Elizabeth Street
Railroad Avenue	North	Between Second Street and Third Street starting at a point 135 feet east of Second Street and continuing easterly to the intersection of Third Street
Railroad Avenue	South	Between Farnsworth Avenue and Prince Street
Railroad Avenue	South	Between Second Street and Third Street
Reeder Avenue	East	Entire length
Second Street	Both	Either side of those portions which pass over the tracks of the Pennsylvania Railroad
Second Street	East	Entire length
Second Street	West	Starting at a point 133 feet from the southwest corner of Second Street at its intersection with Crosswicks Street running north to a distance of 93 feet
Third Street	East and west	Between Railroad Avenue and Park Street
Thompson Street	North	Entire length
Vernon Street	North	Entire length
Walnut Street	North	Between Prince Street and Willow Street
West Chestnut Street	North	Between Willow Street and Oliver Street

Name of Street	Side	Location
West Chestnut Street	South	Between Farnsworth Avenue and Willow Street
West Church Street	North	Starting at point 151 feet from west of Farnsworth Avenue running west 35 feet to a distance of 186 feet
West Church Street	South	Entire length
West Street	North	Entire length
West Union Street	North	From Prince Street to Farnsworth Avenue
West Union Street	South	Between Prince Street and Oliver Street

§ 258-15. Parking prohibited during certain hours on certain streets.

No person shall park a vehicle between the hours specified any day (except Sundays and public holidays) upon any of the streets or parts of streets described.

Name of Street	Sides	Hours	Location
Crosswicks Street	Both	2 hours/ 8:00 a.m. to 6:00 p.m.	Between Farnsworth Avenue and 270 feet fast thereof
Farnsworth Avenue	Both	2 hours/ 8:00 a.m. to 6:00 p.m.	Between Railroad Avenue and Burlington Streets
Walnut Street	North	10 Min./ 8:00 a.m. to 6:00 p.m.	From a point 180 feet west of Farnsworth Avenue to a point 250 feet west of Farnsworth Avenue

§ 258-16. Parking by permit during certain hours on certain days on certain streets.

No person shall park a vehicle on streets or parts of streets as described within the following sections unless an appropriate and current parking permit as issued by the City of Bordentown is displayed on said vehicle for those streets or parts of streets as described or listed within the following sections.

Section	Street	Location	Hours	Days
		(Reserved)		

§ 258-17. Parking of certain trucks, vehicles and trailers prohibited.

A. No person shall park or leave standing any truck or vehicle having a registered gross vehicle weight rating (GVW) in excess of 10,000 pounds and/or having the capacity of accepting six wheels or more, including, but not limited to, any school bus, other type of bus, recreational vehicles, motor home or camper between the hours specified upon any street or parts of streets in the City of Bordentown, except on Farnsworth Avenue between Burlington Street and Railroad Avenue. In addition, no person shall park or leave standing in excess of 48 hours in the same location, or within 100 feet of the same location, any trailer, including, but not limited to, any boat trailer, camping trailer, car trailer, or any other device on wheels designed to be towed by a motor vehicle upon any street or parts of streets described. At no time will it be permitted to park any trailer on any street without the trailer being properly attached to the towing vehicle. **[Amended 1-8-2007 by Ord. No. 2006-28; 9-10-2007 by Ord. No. 2007-16]**

Name of Street	Sides	Hours	Location
Anderson Street	Both	All	Entire length
Ann Street	Both	All	Entire length

Name of Street	Sides	Hours	Location
Bank Street	Both	All	Entire length
Borden Street	Both	All	Entire length
Brooks Avenue	Both	All	Entire length
Carpenter Street	Both	All	Entire length
Church Court	Both	All	Entire length
Courtland Street	Both	All	Entire length
Crosswicks Street	Both	All	Entire length
East Burlington Street	Both	All	Entire length
East Chestnut Street	Both	All	Entire length
East Church Street	Both	All	Entire length
Elizabeth Street	Both	All	Entire length
Farnsworth Avenue	Both	All	Entire length
Federal Street	Both	All	Entire length
Hankins Alley	Both	All	Entire length
Hopkinson Street	Both	All	Entire length
Landon Drive	Both	All	Entire length
Lafayette Street	Both	All	Entire length
Leyden Avenue	Both	All	Entire length
Lucas Drive	Both	All	Entire length
McKnight Avenue	Both	All	Entire length
Mary Street	Both	All	Entire length
Miles Avenue	Both	All	Entire length
Mill Street	Both	All	Entire length
Myrtle Avenue	Both	All	Entire length
Oliver Street	Both	All	Entire length
Park Street	Both	All	Entire length
Pine Street	Both	All	Entire length

Name of Street	Sides	Hours	Location
Prince Street	Both	All	Entire length
Railroad Avenue	Both	All	Entire length
Reeder Avenue	Both	All	Entire length
Second Street	Both	All	Entire length
Spring	Both	All	Entire length
Third Street	Both	All	Entire length
Thompson Street	Both	All	Entire length
Union Street	Both	All	Entire length
Vernon Street	Both	All	Entire length
Walnut Street	Both	All	Entire length
Water Street	Both	All	Entire length
West Burlington Street	Both	All	Entire length
West Street	Both	All	Entire length
West Chestnut Street	Both	All	Entire length
West Church Street	Both	All	Entire length
Willow Street	Both	All	Entire length

B. Nothing herein shall prohibit the parking of a commercial vehicle in a residential zone or district for the purpose of installing or maintaining of public utility services or performing construction, repair or minor home improvement or demolition work actually in progress, or for the purpose of making pickups or deliveries in the regular course of business.

§ 258-18. Routes for trucks over four tons GVW.

Pursuant to N.J.S.A. 40:67-16.1, the streets or parts of streets as described are hereby designated as routes for vehicles over four tons. All trucks having a total combined gross vehicle

weight (GVW) or vehicle plus load in excess of four tons shall be excluded from all municipal streets, except from those municipal streets listed, and state highways and county roadways, which form a part of the system of truck routes. Vehicles will be permitted on all streets for the purpose of the pickup and delivery of materials.

Name of Street	Location
Farnsworth Avenue	Between Mill Street and West Park Street (CR No. 662)

§ 258-19. Vehicles over designated weight excluded from certain streets.

Vehicles over the registered gross weight are hereby excluded from the streets or parts of streets described except for the pickup and delivery of materials on such streets.

Name of Street	Location
	(Reserved)

§ 258-20. One-way streets. [Amended 7-13-2009 by Ord. No. 2009-07]

The following described streets or parts of streets are hereby designated as one-way streets in the direction indicated. Parking on theses streets will be permitted on the sides indicated below.

Name of Street	Direction	Limits	Parking Permitted
Anderson Avenue	West	Entire length	None
Borden Street	North	Entire length	Right
Carpenter Street	North	Entire length	Right
Church Court	West	Entire length	None

Name of Street	Direction	Limits	Parking Permitted
Cooper Alley	North	Entire length	None
Courtland Street	West	From Second Street to Farnsworth Avenue	None
East Church Street	East	From Farnsworth Avenue to Second Street	Left
Federal Street	West	From Farnsworth Avenue to Prince Street	None
Hankins Alley	North	Entire length	Right
Hopkinson Street	South	Entire length	Right
Mary Street	East	Entire length	Both
McKnight Avenue	East	Entire length	Right
Miles Avenue	West	Entire length	None
Railroad Avenue	East	From Second Street to Third Street	None
Railroad Avenue	West	From Farnsworth Avenue to Prince Avenue	None
Spring Street	North	From Crosswicks Street to Elizabeth Street	Both
Third Street	North	From Railroad Avenue to Park Street	None
Thompson Street	East	Entire length	Right

Name of Street	Direction	Limits	Parking Permitted
West Chestnut Street	East	From Willow Street to Farnsworth Avenue	Left
West Street	East	Entire length	Right
Willow Street	South	From West Burlington Street to West Chestnut Street	Both
West Union Street	West	From Farnsworth Avenue to Prince Avenue	Left
West Union Street	West	From Prince Avenue to Oliver Street	Right

§ 258-21. Through streets.

Pursuant to the provisions of N.J.S.A. 39:4-140, the streets or parts of streets described are hereby designated as through streets. Stop signs shall be installed on the near-right side of each street intersecting the through street except where yield signs are provided for in the designation.

Name of Street	Limits
East Burlington Street	From Crosswicks Street (CR No. 528) to Farnsworth Avenue
East Chestnut Street	Between Farnsworth Avenue and Butts Avenue
Elizabeth Street	From Spring Street to City of Bordentown corporate line Township of Bordentown corporate line.
Farnsworth Avenue	a. From Mill Street to West Park Street (CR No. 662)

Name of Street	Limits
	b. From West Park Street (CR No. 662) to northerly terminus
Mary Street	From Second Street to eastern terminus
Oliver Street	From West Burlington Street (CR No. 662) to West Chestnut Street
Second Street	a. From Crosswicks Street to West Park Street (CR No. 662)
	b. From West Park Street (CR No. 662) to northerly terminus
West Chestnut Street	Between Farnsworth Avenue and Oliver Street
Willow Street	From West Chestnut Street to West Burlington Street (CR No. 662)

§ 258-22. Stop intersections.

Pursuant to the provisions of N.J.S.A. 39:4-140, the intersections described are hereby designated as stop intersections. Stop signs shall be installed as provided therein.

Intersection	Stop Sign on
Borden Street and West Street	Borden Street
Cooper Alley and West Union Street	Cooper Alley
Courtland Street and Prince Street	Courtland Street
Federal Street and Willow Street	Federal Street
Hankins Alley and East Church Street	Hankins Alley
Landon Drive and Lucas Drive	Landon Drive
Thompson Street and Third Street	Thompson Street
Vernon Street and Lafayette Street	Vernon Street

Intersection	Stop Sign on
Vernon Street and Pine Street (East)	Vernon Street
West Street and Hopkinson Street	West Street
West Union Street and Prince Street	West Union Street

§ 258-23. Multiway stop intersections.

Pursuant to the provisions of N.J.S.A. 39:4-140, the intersections herein described are designated as multiway stop intersections. Stop signs shall be installed as provided herein.

Intersection	Stop Signs on
Spring Street and Elizabeth Street	All approaches

§ 258-24. Yield intersections.

Pursuant to the provisions of N.J.S.A. 39:4-140, the intersections described are hereby designated as yield intersections. Yield signs shall be installed as provided therein.

Intersection	Yield Signs on
(Reserved)	

§ 258-25. Turn prohibitions.

No person shall make a turn at any location listed and only in the manner described.

Intersection	Turn Prohibited	Movement Prohibited
(Reserved)		

§ 258-26. No turn on red.

No person shall make a turn on the red signal at any location listed.

Intersection	Direction of Travel	Prohibited Turn on Red
(Reserved)		

§ 258-27. Loading zones.

The locations described are hereby designated as loading zones. No person shall park a vehicle in said location during the times indicated other than for the loading or unloading of goods and materials. Loading zones are established and maintained along the following streets or parts thereof:

Name of Street	Sides	Location
Farnsworth Avenue	Easterly	Distance extending 57 feet northerly from the northeast intersection of Miles Alley and Farnsworth Avenue
Farnsworth Avenue	Easterly	71.5 feet on the easterly side of Farnsworth Avenue extending northerly from a point 117 feet northerly from the northeast intersection of Church Street and Farnsworth Avenue
Farnsworth Avenue	Easterly	75 feet from the northeast intersection of Crosswicks Street and Farnsworth Avenue
Farnsworth Avenue	Westerly	101.5 feet extending northerly from a point 98 northerly from the northwest intersection of Church Street and Farnsworth Avenue
Farnsworth Avenue	Westerly	A zone consisting of 102 feet northerly from a point 146 feet northwardly from the northwest intersection of Walnut Street and Farnsworth Avenue

Name of Street	Sides	Location
Farnsworth Avenue	Westerly	46 feet extending southerly from a point 163 feet southerly from the southwest intersection of Walnut Street and Farnsworth Avenue
Farnsworth Avenue	Westerly	A zone consisting of 48 feet extending northerly from a point 62 feet northwardly from the northwest intersection of Burlington Street and Farnsworth Avenue

§ 258-28. Bus stops.

The locations described are hereby designated as bus stops. No vehicle other than an omnibus, picking up or discharging passengers, shall be permitted to occupy said location.

Street	Side	Location
	(Reserved)	

§ 258-29. Taxi stands.

The locations described are hereby designated as taxi stands. No vehicle other than a taxi shall be permitted to occupy said locations.

Street	Side	Location
Crosswicks Street	North	Beginning at a point at the easterly curbline of Farnsworth Avenue and extending 49 feet easterly thereof

§ 258-30. Lane use reservations.

The lane locations described are designated as lane use reservations and traffic shall move as indicated.

Intersection or Location	Movement
(Reserved)	

§ 258-31. Speed limits.

A. The speed limits for both directions of traffic along the streets or parts thereof described below and made a part of this chapter are hereby established at the rate of speed indicated.

B. Regulatory and warning signs shall be erected and maintained to effect the above designated speed limits.

Name of Street	Location	Speed Limit
	(Reserved)	

§ 258-32. Mid-block crosswalks.

The following locations are hereby designated as mid-block crosswalks:

Name of Street	Location
Farnsworth Avenue	From a point 290 feet south of the southerly curbline of Burlington Street to a point 10 feet southerly therefrom
Crosswicks Street	From a point 123 feet east of the easterly curbline of Hopkinson Street to a point 10 feet easterly therefrom

§ 258-33. No-passing zones.

No-passing zones are hereby established and shall be maintained upon the following streets or parts of thereof, as approved and authorized by the NJDOT, in accordance with various dated and numbered drawings and sketches as indicated. Other than by sketch or drawing, the appropriate streets and roadways are identified.

Name of Street	Sketch Number	Sketch Date	Approval Date
	(Reserved)		

§ 258-34. Handicapped parking.

A. Handicapped parking on streets. **[Amended 4-28-2008 by Ord. No. 2008-08]**

(1) The Bordentown City Police Department is designated as the department to receive and process handicapped parking permit applications. Applicants for a handicapped parking permit must provide the following information:

(a) Identity of the specific motor vehicle to which a permit may be issued;

(b) Proof of ownership and operation of said vehicle; and

(c) Residency of the individual requesting the permit.

(2) If the application is accepted, a permit shall be issued and shall bear the appropriate certification of authenticity. The recipient of the permit must display the permit prominently within the vehicle when it is parked so as to be seen from the middle of the street. An application fee of $10 shall be submitted with the application.

(3) In accordance with the provisions of N.J.S.A. 39:4-197, the following street locations are designated as handicapped parking spaces. Such spaces are for use by persons who have been issued special identification cards or plates or placards by the Division of Motor Vehicles or a temporary placard issued by the Chief of Police. No other person shall be permitted to park in these spaces.

Street	Number of Spaces	Location
Crosswicks Street	2	Along the south curbline from a point 140 feet east of the easterly curbline of Farnsworth Avenue to a point 40 feet easterly therefrom
Walnut Street	1	Along the north curbline from a point 103 feet east of the easterly curbline of Prince Street to a point 18 feet easterly therefrom
West Park Street	2	Along the south curbline from a point 36 feet west of the westerly curbline of Farnsworth Avenue to a point 22 feet westerly therefrom

B. Handicapped parking on streets for private residences. In accordance with the provisions of N.J.S.A. 39:4-197.6, the following on-street locations are designated as handicapped parking spaces in front of private residences occupied by handicapped persons. Such spaces are for use by persons who have been issued special identification cards or plates or placards by the Division of Motor

Vehicles or a temporary placard issued by the Chief of Police. No other person shall be permitted in these spaces.

Name of Street	Location
Crosswicks Street	62 (Matthews residence)
Crosswicks Street **[Repealed 4-12-2004 by Ord. No. 2004-12]**	
East Burlington Street **[Added 11-13-2006 by Ord. No. 2006-25; repealed 9-10-2007 by Ord. No. 2007-17]**	
East Burlington Street **[Repealed 1-24-2005 by Ord. No. 2005-2]**	
East Burlington Street **[Repealed 7-12-2004 by Ord. No. 2004-17]**	
East Burlington Street **[Added 1-23-2006 by Ord. No. 2006-2; repealed 7-10-2006 by Ord. No. 2006-18]**	
East Chestnut Street **[Added 10-23-2006 by Ord. No. 2006-24]**	200, Apt. 8-A (Tyler residence)
East Church Street	27 (Kierman residence)
Elizabeth Street	1 (Massari residence)
Elizabeth Street	54 (Waite residence)
Elizabeth Street **[Repealed 11-8-2004 by Ord. No. 2004-24]**	
Farnsworth Avenue **[Added 11-26-2007 by Ord. No. 2007-20]**	16 (Kellett residence)
Farnsworth Avenue **[Added 5-8-2006 by Ord. No. 2006-16; repealed 9-14-2009 by Ord. No. 2009-15]**	
Farnsworth Avenue **[Added 5-9-2005 by Ord. No. 2005-10; repealed 10-23-2006 by Ord. No. 2006-24]**	
Farnsworth Avenue **[Added 5-8-2006 by Ord. No. 2006-16; repealed 9-10-2007 by Ord. No. 2007-17]**	
Farnsworth Avenue	308 (Ballay residence)

Name of Street	Location
Mary Street **[Added 11-9-2009 by Ord. No. 2009-18]**	1, Apt. 5 (Pela residence)
Mary Street **[Repealed 9-14-2009 by Ord. No. 2009-15]**	
Mary Street **[Added 5-23-2005 by Ord. No. 2005-13; repealed 3-27-2006 by Ord. No. 2006-12]**	
Mary Street	20 (DiPietro residence)
Mary Street **[Added 9-26-2005 by Ord. No. 2005-17]**	23 (Mamolou residence)
Mary Street	24 (Prokopetz residence)
Mary Street **[Repealed 3-27-2006 by Ord. No. 2006-12]**	
Mary Street **[Added 5-9-2005 by Ord. No. 2005-10]**	47 (Havens residence)
Mary Street **[Added 4-9-2007 by Ord. No. 2007-5]**	48 (Brandt residence)
Mary Street	55 (DeAntonio residence)
Mary Street **[Added 9-26-2005 by Ord. No. 2005-17; repealed 4-9-2007 by Ord. No. 2007-5]**	
Mary Street **[Added 9-14-2009 by Ord. No. 2009-15; repealed 11-9-2009 by Ord. No. 2009-18]**	
Mary Street **[Added 9-26-2005 by Ord. No. 2005-17]**	92 (Lee residence)
Mary Street **[Repealed 4-9-2007 by Ord. No. 2007-5]**	
McKnights Avenue	4 (Bartolomei residence)
McKnights Avenue	27 (Brown residence)
Prince Street **[Added 11-8-2004 by Ord. No. 2004-24]**	101 (Gold residence)

Name of Street	Location
Prince Street **[Added 9-8-2008 by Ord. No. 2008-12]**	132 (Loretangeli residence)
Prince Street **[Added 9-26-2005 by Ord. No. 2005-17; repealed 9-8-2008 by Ord. No. 2008-12]**	
Prince Street	325 (Rutherford residence)
Prince Street **[Added 9-26-2005 by Ord. No. 2005-17]**	327 (Allen residence)
Prince Street **[Added 7-10-2006 by Ord. No. 2006-18]**	329 (Hensley residence)
Prince Street	337 (Dallas residence)
Prince Street **[Added 8-9-2004 by Ord. No. 2004-18; repealed 1-24-2005 by Ord. No. 2005-2]**	
Prince Street **[Repealed 9-11-2006 by Ord. No. 2006-21]**	
Prince Street **[Added 3-28-2005 by Ord. No. 2005-5; repealed 9-8-2008 by Ord. No. 2008-12]**	
Prince Street **[Amended 3-13-2006 by Ord. No. 2006-4]**	428 (Foster residence)
Prince Street **[Added 4-10-2006 by Ord. No. 2006-13; repealed 1-8-2007 by Ord. No. 2006-27]**	
Prince Street **[Repealed 11-8-2004 by Ord. No. 2004-24]**	
Second Street **[Added 4-9-2007 by Ord. No. 2007-5]**	129 (Danielski residence)
Second Street **[Repealed 4-9-2007 by Ord. No. 2007-5]**	
Second Street	135 (Peters residence)
Second Street **[Added 4-9-2007 by Ord. No. 2007-5]**	173 (Brown residence)

Name of Street	Location
Second Street **[Repealed 4-10-2006 by Ord. No. 2006-13]**	
Second Street **[Repealed 7-10-2006 by Ord. No. 2006-18]**	
Spring Street **[Repealed 7-10-2006 by Ord. No. 2006-18]**	
Spring Street	203 (Capriotti residence)
Spring Street **[Added 9-10-2007 by Ord. No. 2007-17]**	224 (Colabella residence)
Spring Street **[Repealed 9-11-2006 by Ord. No. 2006-21]**	
Spring Street **[Repealed 1-8-2006 by Ord. No. 2006-27]**	
Third Street **[Repealed 9-8-2008 by Ord. No. 2008-12]**	
Third Street **[Added 4-9-2007 by Ord. No. 2007-5]**	6 (McKee residence)
Thompson Street **[Added 7-10-2006 by Ord. No. 2006-18]**	20 (Johnson residence)
Thompson Street **[Added 12-12-2005 by Ord. No. 2005-21]**	22 (Brown residence)
Thompson Street **[Repealed 5-8-2006 by Ord. No. 2006-16]**	
Walnut Street **[Repealed 3-28-2005 by Ord. No. 2005-5]**	
Walnut Street	4D (Capriotti residence)
West Burlington Street **[Repealed 7-10-2006 by Ord. No. 2006-18]**	
West Burlington Street **[Added 9-11-2006 by Ord. No. 2006-21; repealed 9-14-2009 by Ord. No. 2009-15]**	

Name of Street	Location
West Park Street **[Added 11-26-2007 by Ord. No. 2007-20]**	6, Apt. 4 (Palmer residence)
West Street	36 (Smith residence)
Willow Street **[Added 3-13-2006 by Ord. No. 2006-4]**	424 (Graham residence)
Willow Street **[Added 9-8-2008 by Ord. No. 2008-12]**	446 (Carr residence)

C. Handicapped parking in municipal parking lots and Board of Education property. In accordance with the provisions of N.J.S.A. 39:4-197, the following off-street parking yards and Board of Education property are designated as handicapped parking areas. Such spaces are for use by persons who have been issued special identification cards, plates or placards by the Division of Motor Vehicles or a temporary placard issued by the Chief of Police. No other person shall be permitted to park in these areas.

Property	Number of Spaces	Location
Carslake Community Center	4	207 Crosswicks Street as indicated on site plan
Clara Barton School	2	100 Crosswicks Street as indicated on the plan

Property	Number of Spaces	Location
Municipal Parking Lot "A"	2	At City of Bordentown Tax Map Block 1005, Lot 7, on City property situated between Farnsworth Avenue and Second Street; bordered to the north by the property of the United New Jersey Railroad and Canal Company as indicated on site plan
Wm. MacFarland Jr. High School	2	87 Crosswicks Street as indicated on site plan

D. Handicapped parking on private property open to the public and to which the public is invited (retail business). In accordance with the provisions of N.J.S.A. 40:48-2.46, the following off-street parking yards are designated as handicapped parking areas. Such spaces are for use by persons who have been issued special identification cards, plates or placards by the Division of Motor Vehicles or a temporary placard issued by the Chief of Police. No other person shall be permitted to park in these spaces.

Property	Number of Spaces	Location
	(Reserved)	

E. Handicapped parking on all other private property. In accordance with the provisions of N.J.S.A. 39:5A-1, the following off-street parking locations are designated as handicapped parking. Such spaces are for use by persons who have been issued special identification cards, plates or

placards by the Division of Motor Vehicles or a temporary placard issued by the Chief of Police. No other person shall be permitted to park in these spaces.

Property	Number of Spaces	Location
7/11 Food Store	1	177 Crosswicks Road as indicated on site plan
Bordentown Family Medical Center	1	1 Third Street as indicated on site plan
Boyd's Pharmacy	1	118 Farnsworth Avenue as indicated on site plan
Clare Estates	11	201 Crosswicks Street as indicated on site plan
Divine Word Missionaries	1	101 East Park Street as indicated on site plan
Hilltop Exxon	1	251 Route US 130 South as indicated on site plan
Hope Hose Street Humane	1	150 West Burlington as indicated on site plan
Huber Moore Funeral Home	1	517 Farnsworth Avenue as indicated on site plan
Kings Gate	3	70 East Park Street as indicated on site plan
Meineke Muffler	1	850 Route US 206 South as indicated on site plan
Ocean Spray, Inc.	5	251 Elizabeth Street as indicated on site plan
Ocean Spray, Inc.	1	104 East Park Street as indicated on site plan
Peppler's Funeral Home	1	122 Crosswicks Street as indicated on site plan

Property	Number of Spaces	Location
Quick Chek Food Store	1	305 Route US 130 South as indicated on site plan
St. Mary's Church	7	45 Crosswicks Street as indicated on site plan
S.T.S. Tire North	1	254 Route US 130/206 as indicated on site plan
Union Baptist Street Church	3	364 West Burlington as indicated on site plan
Wachovia Bank	2	213 Route US 206 South as indicated on site plan

F. Handicapped parking on municipal parks. In accordance with the provisions of N.J.S.A. 39:5A-4, the following off-street parking locations are designated as handicapped parking. Such spaces are for use by persons who have been issued special identification cards, plates or placards by the Division of Motor Vehicles or a temporary placard issued by the Chief of Police. No other person shall be permitted to park in these spaces.

Property	Number of Spaces	Location
	(Reserved)	

G. Handicapped parking on postal properties. In accordance with 40 U.S.C. 318B and a written request from the Postmaster, the off-street locations are hereby designated as handicapped parking, pursuant to P.L. 1989 c. 201(1), effective June 1, 1990. Such spaces are for use by persons who have been issued special identification cards, plates or placards by the Division of Motor Vehicles or a temporary

placard issued by the Chief of Police. No other person shall be permitted to park in these spaces.

Property	Number of Spaces	Location
	(Reserved)	

H. Signs, pavement markings, installation and maintenance. The owners of the premises referred to § 258-34C and D shall provide and install signs and pavement markings for each parking space reserved for the use of handicapped persons, which signs and markings shall be in accordance with the Manual On Uniform Traffic Control Devices. The cost of procurement and installation of the signs and pavement markings shall be the responsibility of the owner of said property. The owner shall, subsequent to initial procurement and installation, maintain such signs and pavement markings in good condition at no cost or expense to the City of Bordentown. The owner shall be responsible for the repair and restoration of same.

§ 258-35. Control for the movement and the parking of traffic on public and private property.

A. Regulation for the movement and the parking of traffic on municipal property and Board of Education property. In accordance with the provisions N.J.S.A. 39:4-197, the following municipal and Board of Education property shall have the movement of traffic controlled by the type of regulation indicated. No person shall operate, or park a vehicle in violation of the regulations indicated.

Property	Regulation
	(Reserved)

B. Regulation for the movement and the parking of traffic on private property open to the public and to which the public is invited (retail business).

(1) In accordance with the provisions of N.J.S.A. 40:48-2.46, the following private property that is open to the public and to which the public is invited, the movement of traffic shall be controlled by the regulations listed herein. No person shall operate or park a vehicle in violation of the following regulations.

Property	**Regulation**
	(Reserved)

(2) The owners of the premises referred to in this section shall provide and install signs and pavement markings as required, which signage and markings shall be in accordance with the current Manual On Uniform Traffic Control Devices (MUTCD). The cost of signs and installations shall be the responsibility of the owner of said property. The owner shall, subsequent to the initial procurement and installation, maintain such signs and pavement markings in good condition at no cost or expense to the City of Bordentown.

(3) The penalty for a violation and conviction of this section shall be not less than $50 nor more than $1,000 and/or imprisonment in the county jail for a term not to exceed 90 days, or by a period of community service not to exceed 90 days.

C. Regulation for the movement and the parking of traffic on all other private property. In accordance with the provisions of N.J.S.A. 39:5A-1, the regulations of Subtitle 1, Title 39 of the Revised Statutes are hereby made applicable to the properties listed below.

Property	Regulation
7/11 Food Store 177 Crosswicks Road	General parking: All vehicles must park in designated areas and between the lines provided.
Bordentown Family Medical Center 1 Third Street	General parking: All vehicles must park in designated areas and between the lines provided.
Boyd's Pharmacy 118 Farnsworth Avenue	General parking: All vehicles must park in designated areas and between the lines provided.
Clare Estates 201 Crosswicks Street	General parking: All vehicles must park in designated areas and between the lines provided.
Divine Word Missionaries 101 East Park	General parking: All vehicles must park in designated areas and between the lines provided.
Hilltop Exxon 251 Route US 130 South	General parking: All vehicles must park in designated areas and between the lines provided.
Hope Hose Humane 150 West Burlington Street	General parking: All vehicles must park in designated areas and between the lines provided.
Huber Moore Funeral Home 517 Farnsworth Avenue	General parking: All vehicles must park in designated areas and between the lines provided.
Kings Gate 70 East Park Street	General parking: All vehicles must park in designated areas and between the lines provided.

Property	Regulation
Meineke Muffler 850 Route US 206 South	General parking: All vehicles must park in designated areas and between the lines provided.
Ocean Spray, Inc. 104 East Park Street	General parking: All vehicles must park in designated areas and between the lines provided.
Ocean Spray, Inc. 251 Elizabeth Street	General parking: All vehicles must park in designated areas and between the lines provided.
Peppler's Funeral Home 122 Crosswicks Street	General parking: All vehicles must park in designated areas and between the lines provided.
Quick Chek Food Store 305 Route US 130 South	General parking: All vehicles must park in designated areas and between the lines provided.
St. Mary's Church 45 Crosswicks Street	General parking: All vehicles must park in designated areas and between the lines provided.
S.T.S. Tire 254 Route US 130/206 North	General parking: All vehicles must park in designated areas and between the lines provided.
Union Baptist Church 364 West Burlington Street	General parking: All vehicles must park in designated areas and between the lines provided.
Wachovia Bank 213 Route US 206 South	General parking: All vehicles must park in designated areas and between the lines provided.

D. Regulation for the movement and the parking of traffic on municipal park property. In accordance with the provisions of N.J.S.A. 39:5A-4, the regulations of Subtitle 1, Title 39 of the Revised Statutes are hereby made applicable to the properties listed below.

Property	Regulation
	(Reserved)

E. Regulation for the movement and the parking of traffic on United States Post Office Property. In accordance with 40 U.S.C. Section 318B and a written request from the Postmaster, the off-street locations are hereby designated as handicapped parking, pursuant to P.L. 1989, c. 201(1), effective June 1, 1990.

Property	Regulation
	(Reserved)

F. Signs, pavement markings, installation and maintenance. The owners of the premises referred to in § 258-353B and C shall provide and install signs and pavement markings as required, which signage and markings shall be in accordance with the Manual On Uniform Traffic Control Devices. The cost for the procurement and installation of signs and pavement markings shall be the responsibility of the owner of said property. The owner shall, subsequent to initial procurement and installation, maintain such signs and pavement markings in good condition at no cost or expense to the City of Bordentown. The owner shall be responsible for the repair and restoration or replacement of same.

Chapter 259

TOWING OF VEHICLES

§ 259-1. Definitions and word usage.

§ 259-2. Contract required; liability of City; application.

§ 259-3. Requirements.

§ 259-4. Removal and storage of vehicles.

§ 259-5. Indemnity and insurance.

§ 259-6. Rate schedule; charges and fees.

[HISTORY: Adopted by the Board of Commissioners of the City of Bordentown 9-24-2001 by Ord. No. 2001-10. Amendments noted where applicable.]

GENERAL REFERENCES

Vehicles and traffic — See Ch. 258.

§ 259-1. Definitions and word usage.

A. For purposes of this chapter, the following terms, phrases and words shall have the meanings given, herein:

ABANDONED VEHICLE — A vehicle located on a public right-of-way not in operation and with no operator or owner visible and as defined in Title 39.

CITY — The City of Bordentown.

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

TOWER — A person engaged in the business or offering the services of a vehicle tower or towing service, whereby-

disabled motor vehicles are towed or otherwise removed from the places where they are disabled, impounded or abandoned by use of a tower or truck so designed for that purpose.

TOWING — Hoisting, lifting, removal, hauling and transportation of any type of vehicle of any size from the highways, streets and roads located in the City of Bordentown.

VEHICLE — Any motor vehicle of any type or size, including but not limited to passenger vehicles, trucks, trailers and other heavy vehicles and equipment.

WINCHING SERVICE — Any operation in which a vehicle is moved onto a roadway from a position off the roadway or any other operation in which substantial work is required to prepare a vehicle for normal towing.

B. When not consistent with the context, words used in the present tense include the future; words in plural number include the singular number; and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

C. Any term or word defined in the New Jersey Department of Insurance Rules and Regulations, N.J.A.C. 11:38.1 et seq., shall be applicable to this chapter.

§ 259-2. Contract required; liability of City; application.

A. Generally. The City Commission, at the beginning of each year, shall secure contracts with towers which must be used by the Police Department on a rotation basis for the lowing of vehicles as set forth in this chapter. Contracts are awarded by the City Commission only after the submission of an application as hereinafter set forth, together with a review and recommendation of the application by the Chief of Police. A nonrefundable application fee as established from time to time by resolution of the Board of Commissioners shall be paid to

the Municipal Treasurer at the time of the submission of the application and is considered a part thereof. Any tower receiving a contract shall be placed on the rotational list. In the event that the tower assigned to a particular rotation is unavailable, then the next tower on the list shall be called. Each contract shall be for a period of one year commencing January 1 of each year. Applications for the next contract period shall be received no later than October 1 of the current contract period. **[Amended 5-10-2004 by Ord. No. 2004-11]**

B. Application process. Any person interested in being placed on the aforementioned rotation list, by way of a contract award, shall submit an application on a form to be prepared by the Chief of Police or his or her designee, said form to contain at a minimum the information specified herein. The applicant shall provide, at a minimum, the following information: **[Amended 5-10-2004 by Ord. No. 2004-11]**

(1) List of required equipment and proof of ownership.

(2) Experience of applicant with references.

(3) Available personnel (employees).

(4) Proper business and trade licenses and license of vehicles.

(5) Proper proof that the tow trucks have the capability of communicating with dispatch 24 hours a day, seven days a week, either by cellular telephones, beepers, two-way radios or other comparable equipment.

(6) Storage location setting forth capacity, contractor responsible for safe storage area location, proof of ownership or lease of storage area.

(7) Insurance and proofs of coverage.

(8) List of stockholders.

(9) Noncollision affidavit.

(10) Affirmative action affidavit.

(11) Hold harmless agreement.

(12) Certification that the applicant is able to provide towing services anywhere in the City in accordance with the chapter response times.

(13) Certification that the applicant will be available for service on business premises 24 hours a day and will abide by the fees set forth in this chapter.

(14) Certification that the applicant shall consent to the appointment of the City's Director of Public Safely and Affairs as the applicant's true and lawful attorney for the purpose of acknowledging service out of any court of competent jurisdiction to be served against the applicant.

C. Review of application. The Chief of Police shall conduct a background check of the applicant and any employees to be utilized in the towing and storage operation. The background check is to determine if either the applicant or its employees have been convicted of a criminal offense or have had their drivers' licenses suspended or revoked within the past year. Conviction of a criminal offense or suspension of a driver's license within the past year shall be a cause for the disqualification from being awarded the contract. The Chief of Police or his designee shall conduct an inspection of the employees, vehicles, equipment and storage area proposed to be utilized by the applicant to verify the accuracy of the information contained in the application and to determine compliance with the applicable laws, regulations and standards of performance required by this chapter. The City shall, at the cost of the applicant, obtain a Better Business Service Bureau report and any other reports that the Chief of Police may deem necessary. After a thorough investigation, the Chief of Police shall recommend to the Director of Public Safety and Affairs

whether an applicant should be awarded the appropriate contract to provide towing services to the City of Bordentown in accordance with the terms and conditions of this chapter.

D. Independent contract. By submission of the fee and application, the tower agrees that all personnel and equipment used under the terms of the contract shall be and remain property of the tower, and in no event shall the property or any employee of the tower be represented or considered belonging to or employed by the City of Bordentown. The tower shall be operating under a contract and in no way or sense is an agent or employee of the City of Bordentown.

E. Hold harmless agreement; liability.

(1) The tower, by submission of the fee and application, agrees to assume the defense of and indemnify and hold harmless the City, its elected officials, boards, commissions, officers, employees and agents from all suits, actions, damages or claims to which the City may be subjected, of any kind or nature whatsoever, resulting from, caused by, arising out of or as a consequence of the provisions of providing the services required by this chapter. Prior to providing the towing services, the tower shall execute the appropriate contract containing the required hold harmless clause.

(2) The owner of the garage or the parking or storage location shall also agree to indemnify and hold harmless the City and its officers, employees and agents from any and all suits, actions, damages or claims arising out of the performance of the duties specified in this chapter.

(3) The City of Bordentown shall not be liable for any service whatsoever which may be rendered to motor vehicles, and the tower shall only seek payment from the driver and/or owner of such vehicles for compensation.

F. City Commission decision. The Chief of Police shall conduct the aforementioned review and investigation and render a report to the Director of Public Safety and Affairs recommending either approval or denial of the application within 21 days of the receipt of the application from the Director of Public Safety and Affairs, who shall immediately forward the review and recommendation to the City Commission. The City Commission shall take action with regard to the application and award or not award a contract within 14 days of the receipt of the report and recommendation of the Director of Public Safety and Affairs. The applicant or its representative shall be given notice of the date on which the City Commission shall consider the application and the award of the contract and shall be permitted to appear and be heard at said time. Written notice of the approval or denial of the application shall be provided to the applicant within seven days of the decision of the City Commission.

§ 259-3. Requirements.

The following general requirements shall apply to all towers and towing operations acting on behalf of the City of Bordentown:

A. Equipment. The tower shall have sufficient equipment, either owned or by subcontract, to tow any size vehicle utilizing the highways, streets and roads in the City of Bordentown. The minimum requirements are one thirty-ton capacity large wrecker, one medium-duty ten-ton capacity wrecker and two four-ton capacity small wreckers (flatbed or wheel lift optional). The specifications are as follows:

(1) Thirty-ton capacity wreckers.

(a) Air brakes.

(b) Minimum 1,000 x 20 tires with dual rear wheels.

(c) Air fittings for releasing air pressure lock and/or brakes on dump trucks and tractor trailers.

(d) All required ICC safety equipment must be carried.

(e) Portable safety lighting to be installed on rear of towed vehicle.

(f) Offside truck winching.

(2) Ten-ton capacity wreckers.

(a) Minimum 1,000 x 20 tires with dual wheels.

(b) Chassis requirements should be 10 tons gross weight.

(c) Steering wheel lock for towing vehicles from the rear.

(d) All ICC safety equipment must be carried.

(3) Four-ton capacity wreckers.

(a) Chassis requirements should be 10,000 pounds gross vehicle weight and dual rear tires.

(b) Steering wheel lock on each wrecker for towing vehicles from the rear.

(c) Tow sling type bar, rubber strap, to lift the car so that no part of metal touches car.

(d) Optional flatbed or wheel lift tow truck plus four-ton wrecker.

B. At the time of the submission of the application, the tower shall submit proof satisfactory to the City and the Police Department of ownership of the aforementioned vehicles. Adequate proof shall be proof of ownership by recorded title of the required number of vehicles necessary to meet the chapter requirements or executed lease/rental agreement for the equipment required extending six months beyond the length of the contract.

Failure to submit the aforementioned satisfactory proof shall result in the disqualification of the tower.

C. Employees.

(1) The tower shall have sufficient number of employees available to comply with the minimum operational requirements of this chapter. The tower shall indicate in his application the number of employees who will be on the day shift, the number assigned to the night shift, seven days a week.

(2) No person shall be employed by the tower unless the City has obtained a records check and has been approved by the Chief of Police.

(3) All drivers of the tower shall be over the age of 18 years and must have a valid, current New Jersey driver's license with no restrictions or conditional endorsements except condition requiring glasses and shall be in good health and of high moral character.

(4) The tower shall submit with the application to the City the names and addresses of all proposed drivers and employees who will be rendering service under this contract on behalf of the tower. This information will be kept current to the City by the tower.

(5) No driver shall perform services under this contract unless previously listed by the contractor to the City.

D. Availability; response time. The tower shall be available 24 hours a day, seven days a week for the use of the City at the direction of the authorized representatives of the Police Department as per the rotation requirements hereinafter set forth. During the rotation that the tower has exclusive rights to tow vehicles on behalf of the City of Bordentown, said tower shall be called or dispatched first by the Police Department. In the event said tower is unavailable with respect to a particular incident, then

the next tower shall be called or dispatched to the scene, the next tower to be as set forth on the rotation list established by the City Commission upon the recommendation of the Director of Public Safety and Affairs. The rotation list shall be as a result of the receipt and review of the approval of the aforementioned applications and the award of a contract with respect thereto. In the event that none of the towers set forth on the rotation list are available or are able to provide the appropriate services as requested by the City, or if an emergency exists, the City may request such services from any other available source. During adverse weather conditions, heavy traffic conditions or emergency conditions, the tower set forth on the rotation list shall give priority to requests from the City over any other request which may be received by the tower. Notwithstanding the establishment of a rotation list by the City Commission, no tower shall be called until the Chief of Police or his designee has ascertained that the following requirements have been met:

(1) The insurance policies, as required, have been procured and supplied.

(2) The vehicle to be used for towing has been properly licensed and inspected by the State of New Jersey and has the necessary stickers affixed. No vehicle shall be licensed as a wrecker which is using dealer license plates or which has failed inspection.

(3) The requirements of this chapter and all other laws, statutes and ordinances have been met.

E. Storage location. The vehicles must be towed to a location containing a minimum storage area of a least 10,000 square feet. The applicant shall submit as part of the application process proof that he owns or can lease the aforementioned minimum storage area. For the convenience of the public and for investigative purposes, the storage area must be located within a four-mile radius of police headquarters located on Farnsworth

Avenue in Bordentown, New Jersey. If the tower has an option to lease the required storage area, he shall submit with his application a copy of the option agreement, containing the legal description, together with a copy of the survey of the land. The lease shall extend to at least six months after the termination of the contract. The surveys as required herein shall have set forth thereon a certification by the surveyor to the City as to the square footage within the storage areas as surveyed. The storage area shall meet the following requirements:

(1) The land used for the storage of vehicles shall be zoned for such use and meet all applicable municipal codes. In addition, it shall be in an area reasonably accessible to the public so that stored automobiles may be claimed.

(2) No towed vehicle may be parked upon the public street and shall be stored by the tower within the storage area as hereinafter defined.

(3) The storage area must be accessible 24 hours per day by the police.

(4) The storage area shall accept all types of cars and trucks and be able to hold at least 75 vehicles of any type.

(5) The entire land area shall be enclosed by a fence of sturdy construction of at least six feet in height and shall be secured with lighting.

(6) All the land proposed to be utilized by the tower for storage shall be level and clear of all debris and must be clearly marked.

(7) The storage area shall be used for the storage of vehicles awaiting a claimant or an auction sale only. The land shall not be used for the storage of vehicles owned by the tower even if the tower purchases same at an auction held on the premises. Any vehicles purchased by the tower at an auction shall

be removed from the site of the auction within the time specified in the advertisement.

(8) The tower shall be responsible for each vehicle in his area until final disposition and removal, as ordered by the City. All vehicles, regardless of conditions, shall be stored singly and so arranged to permit inspection and subsequent removal. Adequate walkway inspection space shall be provided at all times.

F. Violations.

(1) If a tower is in violation of any of the terms of this chapter or the contract, the Chief of Police shall notify the City's Director of Public Safety and Affairs, and the Director of Public Safety and Affairs shall notify the tower in writing. If the violation is not corrected within 48 hours of the receipt of said written notice, the Director of Public Safety and Affairs, upon recommendation of the Chief of Police, shall revoke the contract. Adequate grounds for a revocation of the contract shall include but not be limited to a violation of the terms of this chapter, fraudulent or inaccurate application information, unsatisfactory service or the violation of the New Jersey Department of Insurance Rules and Regulations or any statute or regulation. The tower has the right to appeal to the City Commission within 10 days of the receipt of the Director of Public Safety and Affairs' written decision and shall receive a hearing within 30 days of the receipt of the notice. Upon conclusion of the hearing, the City Commission shall determine whether to affirm, reverse or modify the Director of Public Safety and Affairs' decision.

(2) Complaints of any kind relative to service, overcharging, theft of parts, damage to towed or stored vehicles, discourteous treatment and the like shall be referred to the Chief of Police for

investigation and recommendation to the Director of Public Safety and Affairs, if necessary. Such complaints may be cause for termination of the contract by the Director of Public Safety and Affairs.

G. Records, inspection; release of vehicle. The tower shall maintain records of all vehicles towed, stored and released by him pursuant to this chapter. Records shall be kept for a seven-year period. The tower shall maintain a record provided by the police of all property found anywhere in a towed vehicle, including trunk and glove compartment, if opened or key available, and the tower shall be responsible to safeguard and release the contents to the owner.

(1) Only the Chief of Police or his designee shall have access to any part of the storage area at any time of the day or night for inspection purposes, including both indoor and outdoor areas. Authorized representatives of the Police Department or the Director of Public Safety and Affairs or their designees shall have access to any of the records required to be kept by the tower.

(2) The tower shall not release vehicles towed under this contract without the claimant's first obtaining a release from the Police Department.

(3) The service, equipment and personnel are subject to periodic inspections and approval by the City. The City reserves the right to have a qualified person or agency make such inspections.

H. Disputes and adjustments.

(1) Any disputes over the interpretation of the contract, including the reasonableness of any fees assessed, shall be settled amicably, if possible, through negotiations between the tower, the Police Department and the Director of Public Safety and Affairs.

(2) In cases where the City has been at fault in wrongfully directing that a vehicle be towed, the tower may petition the City Commission for reimbursement of costs incurred in the towing and storage of said vehicle.

I. Standby service.

(1) In addition to the service requirements of this chapter, the tower shall be required to furnish extra towing equipment and service during storm periods, periods of snow emergencies, traffic emergencies, disasters, any acts of God and for any other reason when so designated by the Director of Public Safety and Affairs and/or Chief of Police, or their duly authorized representatives. During such periods, which are herein referred to as "standby service periods," the tower shall be required to furnish adequate equipment and service to be held ready to remove all types of vehicles.

(2) Standby service will begin when the Chief of Police or his authorized designee calls the tower initially and will end when he terminates the standby status by calling the tower.

(3) The City reserves the right, during any emergency, to designate temporary areas owned or leased by the City for the storage of disabled vehicles in said area at the direction of the Chief of Police or his designee.

§ 259-4. Removal and storage of vehicles.

A. Removal. Vehicles shall be removed as follows:

(1) Abandoned vehicles.

(a) Abandoned vehicles as defined in Title 39 of the New Jersey Revised Statutes shall be removed under the direction and supervision of the Police Department on a twenty-four-hour-a-day basis. All calls with respect thereto shall be

answered within 20 minutes from the time of notification under normal conditions seven days a week anywhere within the City limits, unless the Police Department determines it is not a threat to vehicle, traffic or persons, and could be removed during business hours. Abandoned vehicles shall be towed without charge to the City to the aforementioned required storage area and stored thereon for no longer than 90 days without any charges or liens accruing against the City. Abandoned vehicles remaining after 90 days may be removed from the secured area, provided that a junk title has been applied for pursuant to the provisions of Title 39, said application to be by the tower.

(b) The tower may be penalized $150 per day for each abandoned vehicle not removed and towed within a reasonable amount of time after notification by the Police Department and may be grounds for termination of the contract.

(c) The requirement to tow abandoned motor vehicles shall only apply to public rights-of-way, easements, avenue and places, including public parks and playgrounds, and all quasi-public areas. The owner of private property shall be responsible for the removal of any unattended or disabled vehicles in accordance with the provisions of N.J.S.A. 39:4-56.6 and shall employ a tower of his choice.

(d) The City retains the right to require that the abandoned vehicle shall be towed to municipal property and to retain any moneys realized from the sale of such vehicles. Otherwise, it shall be the responsibility of the tower to provide for the disposition of abandoned vehicles and the issuance of junk motor vehicle titles in accordance with the provisions of Title 39. The City Police Department shall assist in

providing any information needed for the proper disposition of such vehicles.

(2) Vehicles not abandoned.

(a) All vehicles involved in accidents, disablements, stolen vehicles, vehicles involved in suspected crimes and the like shall be towed and stored under the direction and supervision of the Police Department 24 hours a day, seven days a week. Vehicles shall be available for release between the hours of 9:00 a.m. to 5:00 p.m., Monday through Friday, and 9:00 a.m. to 12:00 noon, Saturdays and Sundays, except legal holidays. Sunday hours are optional. However, no storage charge for Sunday shall be assessed if a vehicle is picked up on Monday. The tower shall arrive at the scene of the accident within 20 minutes under normal conditions after police notification. Repeated late arrivals at the scene of accidents may result in the termination of the contract as otherwise provided in this chapter.

(b) In the event that the tower has been summoned by the City for purposes of towing a vehicle and the owner of the vehicle has also summoned his own tower and said tower arrives on the scene prior to the removal of the vehicle by the City tower, then the owner is entitled to remove his own vehicle at no cost or expense to the owner or to the City. There shall be no charge to the City for the tower appearing at the scene under said conditions.

(c) The tower shall, at no cost to the City, be responsible for the changing of patrol car tires when disabled and the towing of disabled police vehicles when required by the Police Department. The tower shall, without charge to the City, complete any inspections of motor

vehicles, including garage reports and fatal motor vehicle accidents, as determined by the Police Department.

B. Storage. The tower shall store the abandoned and nonabandoned vehicles in the storage area as required in this chapter. The vehicles shall be stored until claimed by the owner or until auctioned by the City in compliance with state law or as otherwise to be disposed of pursuant to state law. Vehicles to be removed shall be towed to the tower's storage area or to City property at the discretion of the City Police.

§ 259-5. Indemnity and insurance. [Amended 9-13-2004 by Ord. No. 2004-20]

A. The tower shall indemnify and hold harmless the City of Bordentown from any and all claims against the City of Bordentown arising out of the operation of any towing services, garage services, storage services or repair services under this chapter.

B. Insurance requirements.

(1) Workers' compensation and employers liability insurance. A tower shall procure and shall maintain workers' compensation insurance in accordance with statutory requirements for all of his/her employees to be engaged in work on the project; in case of any such work sublet, the contractor shall require the subcontractor similarly to provide workers' compensation insurance for all of the latter's employees to be engaged in such work unless such employees are covered by the protection afforded by the contractor's workers' compensation insurance.

(2) General liability insurance. The tower shall procure and maintain during the entire time it is performing services under Chapter 259 of the City Code general liability insurance of not less than $1,000,000 bodily injury and property damage in any one occurrence.

(3) Automobile liability insurance. The tower shall procure automobile liability insurance for claims arising from owned, hired and nonowned vehicles with limits of not less than $1,000,000 any one person; $2,000,000 any one accident for bodily injury; and $500,000 each accident for property damage, which insurance shall be maintained during the life of this contract.

(4) Garagekeepers liability insurance. The tower shall secure and maintain during the life of this contract garage keeper's liability in an amount not less than $60,000 per location.

(5) Public liability and property damage, contingent liability insurance. The tower shall also carry public liability and property damage, contingent liability insurance to indemnify the City of Bordentown and the public against any loss due to injuries, accidents or damages of any character whatsoever, where any such damage is the result of any act or omission of the tower, his agents or employees in or due to the execution of the work called for under the contract and this chapter. Such policies shall contain the provision that 30 days' notice of change or cancellation be given to the City by the insurance company. Public liability insurance limits shall be at least $500,000 per accident and be specifically endorsed to provide collision insurance for vehicles in tow. In addition, the tower shall have coverage for contractual liability and also name the City as an additional insured. All insurance required hereunder shall remain in full force and effect for the period of the contract.

(6) Certificate of insurance. Certificates of insurance showing that both the tower and the City of Bordentown are named as additional insured, in conformance with the above, shall be furnished to the Director of Public Safety and Affairs, subject to

approval of the City Solicitor, and filed with the City Clerk.

§ 259-6. Rate schedule; charges and fees. [Amended 5-24-2004 by Ord. No. 2004-15]

A. Generally.

(1) Towing and storing charges and fees shall be in accordance with the provisions of this chapter. Except as otherwise provided herein, the charge and fee for towing and storage of vehicles within the City of Bordentown shall be in accordance with the provisions of the rules and regulations of the New Jersey Department of Insurance. The City shall not be responsible for the collection or payment of any charges for the towing or storage of vehicles. The charges and fees and rates applicable to services performed pursuant to this chapter shall be posted in a conspicuous place visible to the public at the tower's storage area and shall be posted on each and every vehicle. The lower shall prepare a bill for charges pertaining to each vehicle and present the same to the claimant of a vehicle. The bill shall be itemized in detail as to the actual services rendered and shall contain a statement that the claimant may complain with respect thereto to the City. The City will not be responsible for charges due and owing from a claimant of a vehicle, nor will it assist the tower in collecting such charges. Vehicles impounded as a result of police investigations involving stolen vehicles or fatal accidents will not result in storage charges.

(2) In the event the City conducts an auction of unclaimed abandoned vehicles pursuant to Title 39, the tower's bill for towing and storage shall be an expense of possession and sale and shall be paid from the proceeds of such auction. Each vehicle auctioned shall be a separate item for purposes of

this subsection. The title fee for which the City must pay the State of New Jersey for title certificates shall be paid by the purchaser at the auction even if the tower is the purchaser and shall be in addition to the bid price of each vehicle. In the event the City determines to utilize the provisions of Title 39 with respect to unclaimed vehicles, the tower shall receive no compensation for its services.

(3) The fee for towing a vehicle shall include the service rendered from the scene where the vehicle is located to the storage area and from the storage area to the curbline of the property on which is located the storage area. There shall be no additional charge for towing a vehicle from the storage area to the curbline for the purpose of an owner of a vehicle towing the vehicle to a service station or other vehicle repair shop or the person's home or any location. The charge for towing includes any incidental and related costs such as connecting and reconnecting a transmission. There shall be no additional charges for any other services, including but not limited to waiting time, cleanup costs and additional labor when the towing services as defined herein are provided, except as otherwise provided herein. The tower may charge a fee for a vehicle lockout service, i.e., when a tower responds and opens a locked vehicle when the owner/operator has locked the keys in the vehicle or is otherwise unable to open the vehicle.

B. Charges and fees. The charges, fees and rates for vehicles to be towed and stored shall be as follows:

(1) Flatbed service.

(a) Automobiles and trucks under one ton: $85.

(b) Trucks, one ton to five tons: $125.

(c) Trucks, buses, tractor-trailers and heavy equipment over five tons: $200.

(d) Motorcycles, motor scooters and mopeds: $75.

(2) Winching service.

(a) Light winches, per unit, per hour: $75.

(b) Medium winches, per unit, per hour: $90.

(c) Heavy winches, per unit, per hour: $135.

(3) Towing service.

(a) Automobiles and trucks under 2.5 tons (including motorcycles, motor scooters and mopeds): $100.

(b) Trucks, 2.5 tons to five tons: $135.

(c) Trucks, buses, tractor-trailers and heavy equipment over five tons: $225.

(d) Mileage (except for road service): $1.75.

(4) Storage (per twenty-four-hour day).

(a) Automobiles and trucks under 2.5 tons (including motorcycles, motor scooters and mopeds): $25.

(b) Trucks, 2.5 tons to five tons: $50.

(c) Trucks, buses, tractor-trailers and heavy equipment over five tons: $100.

(5) Vehicle lockout service: $35 day: $45 evening, weekend and holiday.

(6) A service charge of $35 day, $45 evening, weekend and holiday may be charged for the following services: jump start, tire change, providing gasoline (cost of gas additional), pushing vehicle to side or roadway, unlocking vehicle.

C. Specialized equipment. In cases where the tower must hire laborers or rent or utilize specialized equipment not specified in this chapter, all reasonable charges therefor shall be paid by the owner of the vehicle, after the owner

of the vehicle or his agent has given his prior written consent thereto, except where said vehicle is deemed a hazard to health or safety, whereupon said vehicle will be removed by the direction of the Chief of Police or his designee, with the owner then being responsible for all personnel, equipment and labor costs. The necessity for specialized equipment shall be determined by the Chief of Police or his designee.

D. Unloading of goods. In the event that it is necessary to unload a vehicle which has been used for transportation of goods prior to or after towing, an agreement shall be reached between the tower and the owner of the vehicle or the owner's agent or representative as to the charge for said service. No written agreement is necessary in an emergency situation, and the Chief of Police or his designee shall determine when an emergency exists.

Chapter 264

WATER

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§ 264-23. through § 264-29. (Reserved)

§ 264-30. Tariff.

[HISTORY: Adopted by the Board of Commissioners of the City of Bordentown 8-27-1973 by Ord. No. 1973-4; amended in its entirety 6-12-2006 by Ord. No. 2006-17. Subsequent amendments noted where applicable.]

§ 264-1. Title.

This chapter shall be known as the "City of Bordentown Water Ordinance."

§ 264-2. Definitions.

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

APPLICANT, CUSTOMER or USER — Any person applying or contracting for water connections or for the use, products, or services of the water systems, or who uses said services of the water systems, or who is the owner or occupant or both of any real property which directly or indirectly has been connected to the water system or to which directly or indirectly has been furnished or supplied the use, products or services of the water system or water services, facilities or products.

BPU — The New Jersey Board of Public Utilities.

CITY — The City of Bordentown.

COMMISSIONERS — The Board of Commissioners of the City of Bordentown.

CONNECTION FEE — The connection or tapping fee authorized by the statute.

DEPARTMENT — The Bordentown City Water Department, established by the City as the department of the City to provide water service to the public and private uses within the service area.

METER — The water-measuring device connected to the service lateral for measuring the amount of water in gallons distributed from the main by way of the service line and service lateral to the user.

OCCUPANT — The person using a parcel of land and premises or living in the building thereon as a tenant, lessee or party in actual possession thereof, including the owner.

OWNER — The person holding legal title to lands and premises or any person legally authorized to exercise powers of or for an owner of property for purposes of its purchase, sale, use occupancy or maintenance.

PERSON — Any individual, firm, company, partnership, corporation, association, group or society, including the United States of America, the State of New Jersey, and agencies, districts, commissions and political subdivisions created by or pursuant to state law, and federal agencies, departments or instrumentalities thereof.

RULES AND REGULATIONS — The Rules and Regulations for Furnishing Water Service in the Service Area of the City of Bordentown, as adopted by the Commissioners.

SERVICE AREA — The geographical area of the City and Township of Bordentown for retail water sales and the Borough of Fieldsboro for bulk water sales.

SERVICE CHARGES — The rates, rentals, fees and charges imposed for the use of the City's water services.

SPECIFICATIONS — The detailed description of the size, quality, performance or terms of the particulars of the water system or of any water extension thereto, as adopted by the Commissioners.

STATUTE — The County and Municipal Water Supply Act, N.J.S.A. 40A:31-1 et seq.

TARIFF — The "Bordentown Water Department Tariff for Water Service, as approved by the City by ordinance.

WATER EXTENSION — The water mains, pumping or booster stations, water supply facilities, water storage facilities, water treatment facilities, service lines and other water appurtenances that are necessary to extend water service from the City's water system to the unit or units for which water service is requested.

WATER SYSTEM — The plants, structures and other real and personal property acquired, constructed or operated or to be acquired, constructed or operated by the City through the Department or by any person to whom the City has extended credit for this purpose or for the purposes of the City, including reservoirs, basins, dams, canals, aqueducts, standpipes, conduits, pipelines, mains, pumping stations, water distribution systems, compensating reservoirs, waterworks or sources of water supply, wells, purification or filtration plants or other plants and works, connections, rights of flowage or division, and other plants, structures, boats, conveyances, and other real and personal property, and rights therein, and appurtenances necessary or useful and convenient for the accumulation, supply or distribution of water.

§ 264-3. Water Department designated.

The City of Bordentown has determined that the public health, safety and welfare can best be assured by the acquisition, construction and operation of a water system by the City of Bordentown. There shall be in the City of Bordentown, a department known and designated as the "Bordentown Water Department," which shall have jurisdiction over the water system owned and operated by the City.

§ 264-4. Supervision of Department.

The Department shall be under the direction of the Commissioners, who shall have and exercise, in their discretion, the legislative and judicial powers over the affairs of the Department that are granted by the statute, this chapter and other applicable laws. The Commissioner of Public Works, Parks and Public Property shall have and exercise the executive and administrative powers over the affairs of the Department not specifically reserved by the Commissioners or entrusted to the Commissioners by operation of law.

§ 264-5. Promulgation of rules and regulations and specifications by Commissioners.

A. The Commissioners shall promulgate Rules and Regulations for Furnishing Water Service in the Service Area of the City of Bordentown which shall be adopted by resolution of the Commissioners and which shall become effective following publication of notice of such action in the official newspaper of the City. The rules and regulations so promulgated shall not be inconsistent with this chapter, the statute and the tariff. The rules and regulations shall have the same force and effect as if contained in this chapter.

B. The Commissioners shall, with the advice of the City Engineer, promulgate Specifications for the Water System in the Service Area of the City of Bordentown which shall be adopted by resolution of the Commissioners and which shall become effective following publication of notice of such action in the official newspaper of the City. The specifications so promulgated shall not be inconsistent with this chapter, the statute and the tariff. The specifications shall have the same force and effect as if contained in this chapter.

C. The Commissioners may grant relief to any person from the strict application of the terms of the rules and regulations and the specifications when, in its discretion

and judgment, special exceptions are justified or strict application would cause extreme hardship to any person or such relief would be in the best interest of the City.

§ 264-6. Compliance required for water service.

Water service shall not be furnished or continued to any applicant, customer or user unless such applicant, customer or user complies with all the provisions, terms and conditions of this chapter, the rules and regulations, the specifications and the tariff, together with any additions, amendments and supplements to the same which may hereafter be made.

§ 264-7. Water agreement.

The Department may require, in its discretion, the execution of a written water agreement with a user in a form prepared by the Department's Attorney, with the cost of preparing and recording to be charged to the user before any water service is approved and supplied.

§ 264-8. Water permit required prior to building permit.

Prior to the issuance of a building permit for any new building, facility or structure or a modification to an existing nonresidential building, facility or structure, a water permit for the building must be issued by the Department and a copy thereof shall be submitted by the owner with the application for the building permit.

§ 264-9. Certificate of approval required prior to water service.

Prior to water service being turned on for any building, a certificate of approval for the same must be issued by the Building Inspector or Zoning Officer of the municipality in which the building is located and shall be exhibited by the owner or occupant thereof upon request of the City Clerk of the

City or of an authorized representative of the Department, and a photocopy thereof, if requested, shall be supplied to the Department for filing.

§ 264-10. Meter required.

A meter shall be required for all water services that are subject to metered service charges or bulk water sales. A meter may be required by the Department in its discretion, in all other cases.

§ 264-11. Tampering with meters.

No person not a duly authorized representative, agent or employee of the Department shall tamper with, change the location of, disconnect, modify or remove any water meter, or the valve or any fitting connected therewith, without the prior permission of the Department.

§ 264-12. Tampering with water seals.

No person not a duly authorized representative, agent or employee of the Department shall break, open, remove, replace, modify or tamper with any water meter or hydrant seal, and there shall be established hereby a presumption that the seal upon any meter or hydrant was intact and unbroken upon installation or following servicing by the Department.

§ 264-13. Opening or closing of valves.

No person not a duly authorized representative, agent or employee of the Department or of the Bordentown Sewerage Authority shall open or close the stopcocks or valves in any of the water mains or any service lines at the curb stop except where the water service is turned off at the curb stop under emergency conditions by the owner, occupant or plumber due to water pipe breakage, leakage or freezing temperature and for the emergency repairs only by the user, owner or occupant, and

the same shall immediately be turned on by such person upon repair or correction of the emergency conditions.

§ 264-14. Consent required to take water from hydrants.

No person not a duly authorized representative, agent or employee of the Department shall take water from any public fire hydrant, except as may be authorized by the rules and regulations or by written consent of the Department.

§ 264-15. Connection fees, service charges and rates.

Connection fees, service charges and rates for water service shall be in accordance with the Department's tariff. Unpaid service charges and rates shall be a first lien upon the property benefited, and such liens shall be enforceable in the manner provided by the statute.

§ 264-16. Charge for work.

Where the Department performs any work or service that is the responsibility of the customer, a charge based on the materials and labor expended shall be made to the customer by the Department.

§ 264-17. Responsibility for payment of charges.

Service charges are the responsibility of the owner or occupant, or both of them, of any property that directly or indirectly is or has been connected with the water system. The owner of any such property is ultimately responsible for the payment of any service charges that are not paid by a tenant, regardless of any lease agreement to the contrary.

§ 264-18. Damage due to leaks and breaks.

The City and the Department shall not be liable for any damage, proximate or remote, which shall result from leaks, bursting pipes or from any other cause upon any lands and premises or in any building or structure receiving water service, and the customer shall pay for all water passing through the meter in cases where the Department has not been timely notified of any leaks or bursting pipes and has not had sufficient time to shut off the water service.

§ 264-19. Restriction of water service.

The City and the Department may restrict water service whenever it may determine such action to be necessary, and the Department, the Commissioners and the City shall not be liable under any circumstances for a deficiency or failure in water service for any cause whatsoever or the proximate or remote results, damages or effects thereof to any user, owner, occupant, customer or other person.

§ 264-20. Installation and inspection of new water extensions.

All proposed water extensions which will not be installed by the Department and which are intended to be connected to the water system of the City shall be designed in accordance with the rules and regulations and the specifications of the Department and shall be submitted to the Department for review and approval by the person proposing the same. The installation of water extensions shall be inspected by the Department during its construction to ensure compliance with the approved plans, drawings and specifications, and the cost of such review and inspection shall be borne by the applicant. An escrow deposit in an amount determined by the Department shall be deposited with the Department at the time of initial application to ensure timely payment of technical and professional review fees and inspection charges when the same are incurred.

§ 264-21. Dedication of water extensions to City.

The title to every water extension constructed within any existing public street or right-of-way in the service area of the City or in any private area for which an easement and right-of-way is conveyed to, and accepted by, the City, and which is connected to the water system of the City, shall inure to and shall become the sole and absolute property of the City upon the approval and acceptance of the completed installation by the City.

§ 264-22. Violations and penalties.

Violation of any provision of this chapter or of the rules and regulations shall, upon conviction thereof, be punishable as provided in Chapter 1, General Provisions, Article I, Violations and Penalties.

§ 264-23. through § 264-29. (Reserved)

§ 264-30. Tariff.

A. Schedule 1W: Water Connection Fees. **[Amended 8-13-2007 by Ord. No. 2007-15; 1-12-2009 by Ord. No. 2008-20; 8-10-2009 by Ord. No. 2009-10]**

(1) Fees by class.

(a) Class 1: Residential. Single-family, condominiums, townhouses, apartments, multifamily, duplex, age-restricted, trailers, mobile homes (per unit): $1,545.

(b) Class 2: Hotel or motel (per guest room): $772.50. This portion of the connection fee applies only to the number of units available for transient occupancy. The connection fee for the nonoccupancy portion of the building shall be based upon estimated usage from the

remainder of the building, including kitchens, restaurants, taverns, laundries, offices, convention or meeting rooms, sport or athletic facilities, common areas and restrooms, at the Class 3 per gallon per day rate.

(c) Class 3: Nonresidential.

[1] Daily and minimum fees.

[a] Per gallon per day: $8.50.

[b] Minimum connection fee (per unit): $1,545.

[2] A minimum water connection charge for nonresidential users shall be imposed in an amount equal to the residential connection fee regardless of whether the estimated water usage is less than the residential rate of usage.

(d) Class 4: Irrigation or lawn sprinklers:

Size (inches)	**Fee**
1 or less	$2,318
1 1/2	$3,864
2	$7,728
3	$24,730
4	$38,640

(e) Class 5: Fire service, public and private: no connection fee; annual service charges only.

(2) General requirements applicable to water connection fees.

(a) An applicant shall pay a water connection fee in full for each equivalent dwelling unit at the time that a water permit is requested, in an amount as established by the City's tariff in effect at the time that service is requested. All water connection fees shall be paid prior to the issuance of a construction permit for the premises.

(b) Connection fees for nonresidential users shall be based upon the City's calculation of estimated water usage multiplied by the rate per gallon per day contained in the tariff. A minimum water connection charge for nonresidential users shall be imposed, in an amount equal to the residential connection fee regardless of whether the estimated water usage is less than the residential rate of usage.

(c) The projected flow criteria contained in N.J.A.C. 7:14A-23.3, plus an additional 10% for consumptive water usage, shall be used to determine the estimated water consumption for nonresidential uses, whenever practicable. In the event that a type of use is not listed in N.J.A.C. 7:14A-23.3, the City shall use its best judgment in determining estimated water consumption. The City may adopt additions or exceptions to the flow projections contained in N.J.A.C. 7:14A-23.3 by resolution. For the purpose of this Subsection A, any reference to "seat" or "person" in N.J.A.C. 7:14A-23.3 or in any projected flow criteria adopted by the City shall be deemed to mean the maximum permitted occupancy established pursuant to the Uniform Construction Code and/or the Uniform Fire Code.

(d) In the event that an application is made for water service to a nonresidential building or

unit for which the types or sizes of the uses therein have not been determined by the applicant, or are subject to change in the future, a connection fee shall be assessed based upon the maximum potential estimated water consumption in the building or unit. The City, in its discretion, may enter into a deferred connection fee agreement under which an initial connection fee would be imposed only for those uses that are initially contemplated, and which would defer the payment of the balance of the connection fee until such time as a use for which the initial connection fee was paid is changed to a use that will generate additional water consumption. Any connection fee paid under a deferred connection the agreement shall be paid at the connection fee rate then prevailing at that time that payment is made.

(e) A nonresidential user shall be entitled to use the amount of water capacity, in gallons per day, that was obtained through the payment of connection fees, as well as such additional capacity actually used by its building or unit without having undergone a physical or operational change for which a building permit, site plan, subdivision, variance or other municipal approval was required. An application for additional capacity shall be made by any existing nonresidential user whenever there is an increase in the estimated, projected water consumption for the existing building or unit resulting from any physical or operational change for which a building permit, site plan, subdivision, variance or other municipal approval is required. A connection fee shall be charged to the user based upon the increase in estimated water consumption associated with the aforesaid physical or operational change.

(f) In the event that an application is made to reinstate water service to a residential structure that was previously abandoned or terminated when the prior structure was demolished or substantially totally destroyed, no additional connection fee shall be due, provided that the application for service is made within two years of the date of the prior termination of service.

(g) In the event that an application is made to reinstate water service to a nonresidential structure that was previously abandoned or terminated when the prior structure was demolished or substantially totally destroyed, no additional connection fee shall be due, provided that: 1) the application for service is made within two years of the date of the prior termination of service; and 2) there is no change in the estimated water usage of the building. In the event that condition 1) herein has been satisfied, but there will be an increase in the estimated water usage of the building, then the applicant shall pay a connection fee only on the amount of the increase in the estimated water usage.

B. Schedule 2W: Potable Water Service Charges. **[Amended 10-26-2009 by Ord. No. 2009-17]**

(1) Residential users within the City and Township of Bordentown:

(a) Rates:

[1] Fixed service charge, per meter.

Size of Meter (inches)	Service Charge per Quarter, per Meter
5/8	$19.05
3/4	$28.58
1	$47.63
1 1/2	$95.25
2	$152.40
3	$304.80
4	$476.25
6	$952.50
8	$1,524.00
10	$2,190.75

[2] Consumption charge for domestic use, per meter:

[a] One thousand gallons to 24,000 gallons per quarter: $2.53 per 1,000 gallons.

[b] Over 24,000 gallons per quarter: $2.53 per 1,000 gallons.

[3] Consumption charge for yard meters. All usage: $2.53 per 1,000 gallons.

(b) A residential user shall be billed one fixed service charge per meter, plus a consumption charge for each meter based on the amount of water usage through that meter, as determined by the meter reading.

(c) The fixed service charge and the consumption charge shall be billed in arrears.

(d) This portion of the service charge applies to the residential dwelling units only. In the event that nonresidential users are located within the building, the latter shall be individually metered and each shall be subject to the charges imposed for nonresidential users. In the event that the nonresidential users cannot be individually metered, then all service charges shall be billed at the nonresidential rate.

(2) Nonresidential users within the City and Township of Bordentown:

(a) Rates:

[1] Fixed service charge, per meter.

Size of Meter (inches)	**Service Charge per Quarter, per Meter**
5/8	$19.05
3/4	$28.58
1	$47.63
1 1/2	$95.25
2	$152.40
3	$304.80
4	$476.25
6	$952.50
8	$1,524.00
10	$2,190.75

[2] Consumption charge for domestic use, per meter:

[a] One thousand gallons to 24,000 gallons per quarter: $2.53 per 1,000 gallons.

[b] Over 24,000 gallons per quarter: $2.53 per 1,000 gallons.

[3] Consumption charge for yard meters, all usage: $2.53 per 1,000 gallons.

(b) A nonresidential user, including a hotel or motel, shall be billed one fixed service charge per meter, plus a consumption charge for each meter based on the amount of water usage through that meter, as determined by the meter reading.

(c) The fixed service charge and the consumption charge shall be billed in arrears.

(3) Bulk water sales to Fieldsboro, consumption charge: $2.40 per 1,000 gallons.

C. Schedule 3W: Fire Service Charges. **[Amended 10-26-2009 by Ord. No. 2009-17]**

(1) Rates per quarter.

Fire Hydrants (for each)	**Rate Per Quarter**
With 4-inch-diameter head not connected to a metered service line	$28.75
With 6-inch-diameter head not connected to a metered service line	$28.75

Fire Service Lines	Rate per Quarter
2-inch	$50.34
3-inch	$80.53
4-inch	$100.66
6-inch	$201.32
8-inch	$301.98
10-inch	$402.65

(2) Notwithstanding the above, no standby fee shall be charged to any:

(a) Residential customer served by a fire service line of two inches or less in diameter, provided that such service is metered. The customer shall be billed for any usage through the fire service in accordance with the consumption charge for domestic use as contained in Schedule 2W.

(b) Residential health-care facility certified pursuant to P.L. 1971, c. 136 (N.J.S.A. 26: 2H-1 et seq.), and rooming house or boardinghouse certified pursuant to P.L. 1979, c. 496 (N.J.S.A. 55:13B-1, et seq.) that are required to install private fire sprinkler systems. Such exemption shall not be granted until the appropriate state agency certifies to the City that the particular residential health-care facility or rooming house or boardinghouse meets the requirements of P.L. 1981, c. 154, and the regulations adopted pursuant thereto. The customer shall be billed for any usage through the fire service in accordance with the consumption charge for domestic use as contained in Schedule 2W.

D. Schedule 4W: Construction Water Service Charges. **[Amended 10-26-2009 by Ord. No. 2009-17]**

(1) Base charge: $115 per month, or part thereof.

(2) Consumption charge: $6.35 per 1,000 gallons.

(3) A deposit in accordance with the following schedule shall be paid in advance and retained until service is terminated:

Meter Size (inches)	**Deposit**
5/8 x 3/4	$550
1	$1,375
1 1/2	$2,750
2	$4,400

(4) The base charge shall be billed in advance and the consumption charge shall be billed in arrears. The minimum base charge shall be equal to the base charge for one quarter.

E. Schedule 5W: Application Review and Inspection Fees. **[Amended 10-26-2009 by Ord. No. 2009-17]**

(1) W-1 application fee: $120 (nonrefundable).

(2) W-1 conceptual review fee: $20 per EDU (escrowed).

(a) EDU calculations:

Single-family home, townhouse, condo, apartment or mobile home: 1 EDU/ unit

Office space: (0.110 GPD x # of square feet) ÷ 175 gpd = # of EDUs

Warehouse space. (0.022 GPD x # of square feet) ÷ 175 gpd = # of EDUs

Other uses: (GPD as per N.J.A.C. 7:14A-23.3 x 1.10, or as otherwise established by the City) ÷ 175 gpd = # of EDU's

(3) W-3 additional escrow fees.

(a) Fees.

Type of Fee	**Amount Escrowed**
Filing fee	$60 (nonrefundable)
Six-inch water lines	$0.08 per foot
Lines in excess of 6 inches	$0.12 per foot
Supply, treatment, storage and/or pumping facilities	2% of City Engineer's estimated cost of construction
Inspection fees	6% of City Engineer's estimated cost of improvements, including mains, valves, tees, hydrants, supply, treatment, storage and/or pumping facilities and miscellaneous water appurtenances

(b) The amount which the City reimburses itself for the expenses of professional reviews and other services shall be the amount charged to the City for said reviews or services which shall be based on the hourly rate or other agreed rate then in effect with the person providing said service. In the event that the escrow account is depleted, the applicant shall post additional funds with the City in an amount to be set by the City.

(4) W-4 applications. A nonrefundable application fee for each property shall be paid in accordance with the following schedule:

Diameter of Service Line (inches)	**Charge**
3/4	$100
1	$125
1 1/2	$200
2	$250

F. Schedule 6W: Miscellaneous Charges. **[Amended 10-26-2009 by Ord. No. 2009-17]**

(1) Water turn-on fee:

(a) Monday to Friday, 8:30 a.m. to 3:30 p.m.: $30.

(b) After 3:30 p.m. and on weekends: $60.

(c) Holidays: $90.

(2) Water turn-off fee: $30.

(3) Final bill charge: $15.

(4) New account charge: $15.

(5) Reprocessing charge: (for redepositing a customer check which has not been honored for payment): $35.

(6) Meter-testing charge: $35.

(7) Plant labor, material and equipment.

(a) Plant labor shall be charged at the hourly rate in effect at the time that labor is performed, plus 40% for fringe benefits and overhead.

(b) Materials, including water meters supplied, shall be charged at the cost of said materials to the City, plus 25% for overhead and handling.

(c) Equipment owned and provided by the City shall be charged at the latest rental rates published by the Associated Equipment Distributors, Chicago, Illinois or other reputable equipment rental guide.

(8) Second call on meter installation, repair or special read: $60.

(9) Interest. If any part of the amount due and payable in rents, rentals, connection fees or other charges remains unpaid for 30 days following the date for payment thereof, then, in accordance with N.J.S.A. 40A:31-12, interest upon the amount unpaid shall accrue at an interest rate determined in accordance with N.J.S.A. 40A:31-17.

Chapter 300

ZONING

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[HISTORY: Adopted by the Board of Commissioners of the City of Bordentown 7-11-1983 by Ord. No. 1983-12. Amendments noted where applicable.]

GENERAL REFERENCES

Land use procedures — See Ch. 51.
Alcoholic beverages — See Ch. 100.
Amusement devices and arcades — See Ch. 104.

Bowling alleys and billiard rooms — See Ch. 120.
Change in ownership or occupancy of buildings — See Ch. 124.
Uniform construction codes — See Ch. 138.
Flood damage prevention — See Ch. 166.
Historic preservation — See Ch. 180.

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Numbering of property — See Ch. 220.
Subdivision of land and site plan approval — See Ch. 244.
Water — See Ch. 264.

ARTICLE I
Miscellaneous Provisions

§ 300-1. Title.

This chapter shall be known and referred to as the "Zoning Ordinance" of the City of Bordentown, Burlington County, New Jersey.

§ 300-2. Purpose.

It is the purpose of the City of Bordentown in adopting this chapter to exercise the powers granted to the city by the Municipal Land Use Law[1] to promote the orderly growth of lands within the city, taking into consideration the character of each district and its peculiar suitability for particular uses, and to encourage the most appropriate use of land through the police power generally. It is further the purpose of the city in adopting this chapter to limit and restrict buildings and structures to specified districts and to regulate buildings and structures according to their type and nature and the extent of their use and to regulate the nature and extent of use of land for trade, industry, residence, open space or other purposes in order to avoid undue concentration of population and to conserve the value of property in order to protect the public health, safety and morals and promote the general welfare throughout the entire community.

§ 300-3. Scope.

It is not intended, by this chapter, to repeal, abrogate, annul or in any way to impair or interfere with existing provisions of other chapters or ordinances, except those specifically repealed by this chapter, or with private restrictions placed upon property by deed, covenant or other agreements. However, where this chapter imposes a greater restriction upon land, buildings or structures than that

[1] **Editor's Note: See N.J.S.A. 40:55D-1 et seq.**

imposed by existing provisions of chapters, contract or deed, the provisions of this chapter shall control. Where the provisions of this chapter are or become repugnant to state or federal law and such differences cannot be reconciled therewith, the provisions of such law shall govern.

§ 300-4. Applicability.

Unless otherwise expressly provided, the provisions of §§ 300-5 through 300-7 shall apply in all zone districts.

§ 300-5. Interpretation.

In the interpretation and application of this chapter, the provisions hereof shall be held to be minimum requirements. Where other chapters of the revised general ordinances of the municipality overlap or conflict with this chapter in jurisdiction and effect, the more restrictive provisions of such chapter shall take precedence.

§ 300-6. Compliance required.

No land may be used and no structure may be erected, raised, moved, extended, enlarged, altered or used for any purpose other than a purpose permitted herein for the zone district in which it is located, and all construction shall be in conformity with the regulations provided for the zone district in which such construction is located.

§ 300-7. Zoning Board of Adjustment.

The Zoning Board of Adjustment is established pursuant to N.J.S.A. 40:55D-69 et seq. as set forth in Chapter 51, Land Use Procedures, and shall have all the powers and duties provided for by statute. Application for development within the jurisdiction of the Zoning Board of Adjustment shall be filed in accordance with the provisions of Chapter 51, Land Use Procedures, state statutes and the rules, regulations and instructions of the Zoning Board of Adjustment.

§ 300-8. Definitions.

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

ACCESSORY STRUCTURE — A subordinate structure on the same lot with a principal structure. Where an "accessory structure" is attached to a principal structure in a substantial manner by a wall or roof, such "accessory structure" shall be considered part of the principal structure.

ACCESSORY USE — A use naturally and normally incident and subordinate to the principal use of a structure or lot and located on the same lot as the principal use to which it relates.

ADDITION — An extension or increase in floor area or height of a building or structure.

ALLEY — Any public or private way less than thirty (30) feet in width.

ALTERATION — A change or rearrangement in the structural parts, the means of egress or an enlargement, whether by extending on a side or by increasing in height of a building or structure, or to change the use of a structure or land or to move a structure from one location or position to another.

AMUSEMENT ARCADE — Any public or quasi-public place or premises wherein five (5) or more amusement machines or devices are maintained, kept, operated or installed, except the premises of any volunteer fire company whose amusement devices shall also be exempt from all licensing fees.[2]

APARTMENT — A building or structure, or portion thereof, designed or used as the residence or sleeping place by one (1) family or household.

AREA OF A SIGN — See § 300-104.

BASEMENT — A portion of the building partly underground but having less than one-half (½) its clear height below the average grade of the adjoining ground, plus at least one (1) means of egress directly to the exterior of the building.

[2] Editor's Note: For related provisions, see Ch. 104, Amusement Devices and Arcades.

BEDROOM — A room planned or used primarily for sleeping.

BLOCK — An area bounded by neighboring and intersecting streets or by such streets and streams or city boundary lines.

BOARDER — A person who is not related to the head of the household and who may or may not pay for the privilege of boarding.

BOARDINGHOUSE — Any dwelling in which people, either individuals or as families, are housed or lodged, for hire, with meals and which contains five (5) or fewer such rooms for hire.

BUFFER — A strip of land containing natural woodlands, earth mounds or other planted screening material and separating one kind of land use from another or separating a planned development from any other development.

BUILDING — A structure which is designed, built or occupied as a shelter; or roofed enclosure for persons, animals, property or shelter, located on foundations or other supports and used for residential, business, mercantile, storage, commercial, professional, industrial, institutional, assembly, educational or recreational purposes.

BUILDING AREA — The total area covered by a building at grade level, exclusive of terraces, steps and uncovered porches.

BUILDING HEIGHT — The vertical distance measured from the average elevation of the finished grade along the front of the building to the highest point of the roof for flat roofs; to the average height level (between the eaves and ridge) for gable and hipped roofs; and to the deckline for mansard roofs.

BUILDING LINE or BUILDING SETBACK LINE — A line established by this chapter within a lot defining the minimum distance between any structure, or portion thereof, to be erected or altered and an adjacent right-of-way, easement, street line or common open space.

BUILDING, MAIN OR PRINCIPAL — A building in which is conducted the main or principal use of the lot on which the building is located.

BUILDING PERMIT — A permit required prior to constructing, moving or altering any building or structure, issued in compliance with the New Jersey Uniform Construction Code Act[1] and this chapter.

CELLAR — A portion of the building partly underground, having 1/2 or more than 1/2 of its clear height below the average grade of the adjoining ground with or without at least one means of egress directly to the exterior of the building.

CERTIFICATE OF OCCUPANCY — That certificate issued by the Construction Official in accordance with the New Jersey Uniform Construction Code Act[2] and this chapter.

CLEAR SIGHT TRIANGLE — The triangle formed by the point of intersection of the right-of-way lines of two intersecting streets and the points on each of the intersecting right-of-way lines at a given distance from the point of intersection.

CLUSTER — Areas to be developed as a single entity according to a plan containing residential housing, commercial and or industrial units, which have a common or public open space as an appurtenance.

COAH — The New Jersey Council on Affordable Housing. **[Added 5-10-2004 by Ord. No. 2004-14]**

COMMERCIAL UNIT — Any commercial use under separate ownership or lease.

COMMERCIAL VEHICLES — Trucks, buses, sedan delivery vehicles, station wagons with advertising matter on the sides or any other commercially used vehicle except a passenger car with no advertising matter exposed to view.

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1 **Editor's Note: See N.J.S.A. 52:27D-119 et seq.**

2 **Editor's Note: See N.J.S.A. 52:27D-119 et seq.**

COMMON OPEN SPACE — A parcel or parcels of land or an area of water, or a combination of land and water, within the site designed and intended for the use or enjoyment of residents and owners of the development and/or community. Common open space may contain such complimentary structures and improvements as are necessary and appropriate for the benefit and enjoyment of residents and owners of the development, as permitted.

COMMON OR PARTY WALL — A vertical wall and/or horizontal separation forming a structural part of two buildings or of two separately owned and/or rented units in the same building.

COMMON OWNERSHIP — Ownership of two or more contiguous parcels of real property by the same person or persons.

COMMUNITY FACILITIES — Buildings, structures, recreational devices, service systems and other facilities generally available to and/or operated for the benefit of residents, including but not limited to swimming pools, tennis courts, building entries and passageways, roads, drainage systems, pedestrian and bicycle pathways, sewage treatment plants and other facilities (municipal buildings or schools).

CONDITIONAL USE — A use permitted in a particular zoning district only upon a showing that such use in a specified location will comply with the conditions and standards for the location or operation of such use, as contained in this chapter, and upon the issuance of an authorization therefor by the Planning Board, as outlined in Article XVI, Conditional Uses, of this chapter.

CONFORMING LOT — A parcel, plot or area of land abutting a public street complying with the minimum requirements of N.J.S.A. 40:55D-35, exclusive of any area within such public street, whose area is sufficient to provide the yard, space and setback requirements and

the minimum area requirement for the zone district in which it is located and complying with all other minimum requirements for said district, as required by this chapter.

CORNER LOT — A lot at the junction of, and having frontage on, two or more intersecting streets.

COURT — Any unbuilt space other than a yard.

DBH — The diameter of a tree trunk at breast height (typically three feet six inches above ground level).

DEVELOPMENT — The division of a parcel of land into two or more parcels; the construction. reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, or of any mining, excavation or landfill; and any use or change in the use of any building or other structure, or any extension of use of land, for which permission may be required.

DEVELOPMENT FEES — Money paid by an individual, person, partnership, association, company or corporation for the improvement of property as permitted in COAH's rules. **[Added 5-10-2004 by Ord. No. 2004-14]**

DEVELOPMENT SCHEDULE — A construction schedule and plan showing the year in which each portion of a development will be constructed.

DISTRICT — The part of the municipality to which certain uniform regulations of this chapter apply as a separate zone district.

DRAINAGE RIGHT-OF-WAY or EASEMENT — The lands required for the installation of stormwater sewers or drainage ditches or required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein to safeguard the public against

flood damage, in accordance with N.J.S.A. 58:1-1 to 58:1-34.[3]

DRIVE-IN RESTAURANT — A business involving the serving of food and drink outside the confines of the building or where patrons are served food and drink at counters, stools or bars outside the confines of the building or where food and drink is intended for immediate consumption outside the confines of the building or in automobiles.

DUPLEX RESIDENCE — A double house consisting of two separate dwelling units under one roof, each complete in itself, with closed partition between, with independent means of ingress and egress in front and rear, and with separate sewer, water and other utility services.

DWELLING or DWELLING UNIT — A building, or portion thereof, designed or used as the residence or sleeping place of one or more persons, including but not limited to one-family, two-family and multiple dwellings, condominiums, cooperatives, apartment hotels, boarding- and rooming houses, motel tourist cabins, trailers or trailer courts, tents and other types of movable buildings.

DWELLING UNITS, TYPES:

A. SINGLE-FAMILY DETACHED — A freestanding residential building which contains one dwelling unit and which has no common walls with other units.

B. SINGLE-FAMILY ATTACHED — A dwelling unit sharing a common wall with one or more single-family dwelling units.

   (1) DUPLEX (SEMIDETACHED) — A residential structure connected to a similar structure on

[3] Editor's Note: N.J.S.A. 58:1-1 to 1-34 was repealed by Chapter 262 of the Laws of 1981.

one side by a vertical or horizontal common wall or separation.

(2) TOWNHOUSE — A single dwelling unit in a structure containing five or more units sharing two vertical common walls, except that the end units have a single common wall.

C. GARDEN APARTMENT — A building containing a group of separate dwelling units so designed that not more than two apartments are served by a common entry.

EFFICIENCY — A residential dwelling unit without a separate bedroom and not exceeding 600 square feet in size.

EQUALIZED ASSESSED VALUE — The value of a property determined by the Municipal Tax Assessor through a process designed to ensure that all property in the municipality is assessed at the same assessment ratio or ratios required by law. Estimates at the time of building permit may be obtained utilizing estimates for construction cost. Final equalized assessed value will be determined at project completion by the Municipal Tax Assessor. **[Added 5-10-2004 by Ord. No. 2004-14]**

EVALUATION — A written statement, documented by maps and charts as appropriate, examining, discussing and evaluating the impacts of a particular aspect of a proposed development An evaluation in this context, shall include a comparison of the development and its impacts, as appropriate, to applicable standards set forth in this chapter. if no standards in this chapter are applicable to the particular aspect which is the subject of the evaluation, then to generally accepted standards.

FACADE — The total wall surface, including door and window areas, of a building's principal face. In the case of corner buildings which front on more than one street, only one face shall be used to calculate facade area.

(Cont'd on page 30017)

FAMILY — One (1) or more persons living as a single, non-profit housekeeping unit, including foster children as defined by law.

FAST-FOOD RESTAURANT — A public eating facility where patrons purchase food while within the physical premises of the restaurant, which is obtained by self-service or from an employee of the establishment over a counter, for consumption either within the establishment or away from the premises. Cafeterias constitute "fast-food restaurants" under this chapter.

FENCE — A structure of wood, metal, stone, masonary or other material and shall also include barriers formed by living vegetation.

FLAG LOT — A parcel, plot or area of land abutting a public street, complying with the minimum requirements of N.J.S.A. 40:55D-35, whose width at the street line and/or at the building setback line is less than that required by the zone district in which it is located and whose principal portion shall be to the rear of a conforming lot; such lot shall comply with the minimum requirements hereinafter set forth.

FLOOR AREA — The area of all floors computed by using the dimensions of the outside walls of each floor of a building. Only those areas having five (5) feet or more clear head room with completed floors, ceilings and partitions may be considered in computing "floor area," and at least one-half (½) of the included floor area shall have a minimum ceiling height of seven (7) feet six (6) inches. Cellars, porches, balconies, patios, terraces, breezeways, carports, verandas and garages are excluded, except that enclosed porches and patios which are heated and used year-round may be counted in computing the floor area, provided that the walls, ceilings, foundation, etc., are the same as required for the remaining structure.

FLOOR AREA RATIO — The sum of the area of all of the floors of the building or structures compared to the total area of the site.

FRONT LOT LINE — That property line of a lot coinciding with the right-of-way line of a street or other way, public or private, giving access to such lot.

GARAGE, MUNICIPAL — A building owned or operated or maintained by the City of Bordentown which is used primarily for the storage, repair, maintenance and major repair of motor vehicles owned, used or customarily maintained by the City of Bordentown and which may include such facilities designed for uses incidental thereto, including the provision of motor fuel for said vehicles. **[Added 4-27-87 by Ord. No. 1987-9]**

GARAGE, PRIVATE — A detached accessory building or portion of the principal building designed primarily for the storage of passenger vehicles and not more than one (1) commercial vehicle with a rated capacity not exceeding three-fourths (¾) ton.

GARAGE, PUBLIC — A building space, other than a private garage, which is primarily used for the storage, repair, retail, maintenance and major repair of motor vehicles and the retail sales of motor vehicles, in connection with a franchised dealership; and which may include such facilities designed or used for polishing, greasing, washing, spraying and otherwise servicing of such motor vehicles incidental thereto, other than service stations as hereinafter defined, the sale of motor fuel and the sale of previously registered motor vehicles, commonly referred to as "used cars." The sale of previously registered automobiles as a primary use shall be prohibited.

GASOLINE STATION — A retail place of business engaged primarily in the sale of motor fuels but also in supplying goods and services generally required in the operation and maintenance of automotive vehicles and the fulfilling of motorist needs. Major automotive repairs, painting and body and fender work are excluded. (See the definition of "service station, automotive.")

HABITABLE FLOOR AREA — See the definition of "floor area."

HABITABLE ROOM — Any room except those used for kitchen, bath or utility purposes.

HOME OCCUPATION and GARAGE SALES — Any use customarily conducted for profit entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof, provided that no article is sold or offered for sale, except such as may be produced by members of the immediate family residing in the dwelling, and provided further that no machinery or equipment is used which will cause electrical or other interference with radio and television reception in adjacent residences or cause offensive noise or vibration. By way of exception to the foregoing, any person may conduct not more than three (3) sales, commonly known as "garage, porch, attic, basement or lawn sales," on his or her premises in any one (1) calendar year. The sale shall generally be known as a "garage sale," which is defined as any public sale of used personal property in a residential area of the municipality, commencing not earlier than 10:00 a.m., terminating by sundown and extending no more than a two-day period. "Garage sales" shall offer only used items and personal property owned by the residents of the property where the sale is held. No new merchandise shall be offered for sale. No new merchandise from sources other than the home in question shall be brought in and offered for sale. Such activities as clinics, hospitals, barbershops, beauty parlors, tea rooms, tourist homes, animal hospitals, nursery schools and music or dancing schools other than for individual instruction shall not be deemed "home occupations" under the terms of this chapter.

HOMEOWNERS' ASSOCIATION — A duly incorporated organization composed of all owners of property in a development.

INSTITUTIONAL USE — A use by a public or nonprofit quasi-public or private institution for educational, religious, charitable. medical or civic purposes.

INTERSECTION — A point where two (2) or more streets meet and or cross.

JUNKYARD — The use of any lot for the storage, keeping or abandonment of junk, including scrap metal or other scrap material, or for the dismantling, demolition or abandonment of structures, automobiles or other vehicles, equipment and machinery or parts thereof. The term "junkyard" as defined above includes automobile wrecking yards.

KENNEL — A business devoted to the boarding, care or breeding of dogs and cats.

LEAST-COST HOUSING — That housing which may be produced at lowest price given compliance with New Jersey Uniform Construction Code Act[6] and other applicable regulations.

LIGHT INDUSTRY — The fabrication, processing or assembly of goods and material where the storage of bulk goods and materials, or such activities or materials create no major hazard from fire or explosion or produce no toxic or corrosive fumes, gas, smoke, odors, obnoxious dust or vapor, offensive noise or vibration, glare, flashes or objectionable effluent.

LOADING SPACE — An off-street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or material.

LOT — A parcel, plot or area of land, legally established, with precise boundaries determinable from a deed description or map filed in the office of the County Clerk.

LOT AREA — The total area included within the lot lines, but not including any portion used or intended for use as a street, or a street right-of-way.

LOT COVERAGE — That part or percentage of the lot covered by building area and impervious surfaces.

LOT DEPTH — The horizontal distance between the front and rear lot lines measured along the median between the two (2) side lot lines.

[6] Editor's Note: See N.J.S.A. 52:27D-119 et seq.

LOT WIDTH — The horizontal distance between the side lot lines measured along the street line.

MOBILE HOME — A single-family dwelling, having no permanent foundation, designed and constructed to be transported on its own wheels by traction to a site, capable of being relocated to another site, and not normally designed and constructed to comply with the requirements of the Building Code for a conventional structure. (See the definition of "trailer.")

MULTIPLE-FAMILY DWELLINGS — A building designed or used as a residence of three (3) or more dwelling units, garden apartments, condominiums and cooperatives; however, not exceeding two (2) stories in height.

NATURAL FEATURES — The earth itself, the water upon or under the surface of the earth, the air above the earth and plants, animals, fish, birds, insects and other living creatures growing upon or inhabiting the earth, the water or the air.

NATURAL MATERIALS — Materials found to exist naturally and/or have undergone minor modification, reduction or alloying by man, which can be reused (recycled) or are biodegradable. Such materials would include wood, stone, brick, rapid oxidizing metals such as iron, recyclable metals and minerals such as copper and glass and some alloys such as tin, bronze and brass. Plastics, polyvinyl chlorides, special polimers, aluminum, chromium, special steels and other exotic man-made or highly refined materials are specifically and generally excluded.

NONCONFORMING BUILDING OR USE — A building or structure or use lawfully existing at the time of enactment of this chapter, or subsequent amendments thereto, that does not conform to the regulations of this chapter for the zone in which it is located.

NONCONFORMING LOT — A lot or parcel which does not have the minimum width or contain the minimum lot area for the zone in which it is located.

NUISANCE — An offensive, annoying, unpleasant or obnoxious thing or practice, a cause or source of annoyance,

especially a continuing or repeating invasion or disturbance of another's rights, including the actual or potential emanation of any physical characteristics, activity or use across a property line, which can be perceived by or affect a human being of ordinary sensibility or the generation of an excessive or concentrated movement of people or things, such as but not limited to dust; smoke; fumes; odor; glare; flashes; vibration; shock waves; heat; electronic or atomic radiation; objectionable effluent; noise or congregation of people, especially at night; passenger traffic; transportation of things by truck, rail or other means; and invasion of nonabutting street frontage by parking.

OFFICE — A building or portion thereof used as the place of business of a person, corporation, firm or public agency for professional services and administrative and executive purposes, as distinguished from a shop or store.

OFF-PREMISES SIGN — A sign which advertises a business which is not conducted or a product which is not sold on the lot where the sign is located.

ONE-FAMILY DWELLING — A building containing one (1) dwelling unit only and not occupied or designed for occupancy by more than one (1) family.

OPEN SPACE — Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or received for public or private use.

OPEN SPACE ZONING — A permitted reduction in lot sizes and lot area requirements in major subdivisions in which the density requirement (dwelling units per acre) is maintained and where all resulting open land within said subdivision is deeded to the municipality for public purposes or reserved as permanent open space, i.e., cluster development.

OWNER — Any individual, firm, association, syndicate, copartnership or corporation having sufficient proprietary interest in the land to commence and maintain proceedings under this chapter.

PARKING AREA — An open area, other than a street or other public way, used for the parking of motor vehicles and

available for use as a service or privilege to guests, licensees, clients, customers, suppliers or residents. It shall include driveways and access drives located within the lot area.

PARKING SPACE — An area of not less than nine by eighteen (9 x 18) feet, either within a structure or garage or in the open and exclusive of driveways or other access drives for the parking of a motor vehicle.

PARTIAL DESTRUCTION — That destruction which is less than total destruction as determined by the Tax Assessor in levying taxes on said premises. That is to say, if the damaged improvement still has sufficient value so that it is assessed, the destruction is determined to be partial.

PATH — A cleared way for pedestrians and/or bicycles to travel which may or may not be paved.

PERMANENTLY AFFIXED — Any building or structure with foundation walls or footings that support the aboveground elements and which cannot easily or conveniently be removed therefrom.

PERSON — An individual, association, partnership, corporation or joint venture.

PLANNED DEVELOPMENT — Planned unit development, planned unit residential development, residential cluster, planned commercial development or planned industrial development, where an area of land, controlled by a landowner, to be developed as a single entity for one (1) or more uses and where standard lot bulk, height and area requirements are replaced with performance standards with impact evaluation proceedings.

PREMISES — A lot or parcel of ground, including any buildings or structures thereon.

PRINCIPAL STRUCTURE — A structure arranged, adapted or designed for the predominant or primary use for which a lot may be used.

PRINCIPAL USE — The primary or predominant use of the premises.

PROFESSIONAL OFFICE — The office of a member of a recognized profession, including doctors or physicians, dentists, optometrists, ministers, architects, professional engineers, lawyers, artists, authors, musicians and such other similar professional occupations which may be so designated by the Zoning Board upon finding by the Board that such occupation is truly professional in character by virtue of the need for special training or experience as a condition for the practice thereof and that the practice of such occupation shall not adversely affect the safety, comfort and enjoyment of property rights in any zone to a greater extent than for those professional activities listed herein. The issuance of a state or local license for regulation of any gainful occupation need not be deemed indicative of professional standing.

PROFESSIONAL USE — A building or portion thereof used as the place of business of a person, corporation, firm or public agency for professional services.

PUBLIC BUILDING — A building which is owned and/or used by a governmental agency.

PUBLIC OR INSTITUTIONAL USE — See the definition of "institutional use."

RIGHT-OF-WAY — The area between the outer boundaries of a public street or way, whether improved or unimproved, and whether acquired by deed or easement. The term "right-of-way" shall apply to planned future roadways or widenings when these are shown on adopted documents.

ROADSIDE STANDS — An open or covered structure of permanent or temporary construction which fronts on a public street located on land which is owned or leased by the operator for the purposes of direct-to-consumer commodity sales.

ROOMER — A person who is not related to the head of the household and who pays for the privilege of rooming.

ROOMING HOUSE — Any dwelling in which people, either as individuals or as families, are housed or lodged, for hire, and which contains five (5) or fewer such rooms for hire.

SERVICE STATION, AUTOMOTIVE — A retail place of business engaged primarily in the sale of motor fuels but also in supplying goods and services generally required in the operation and maintenance of automotive vehicles and the fulfilling of motorist needs. Major automotive repairs, painting and body and fender work are functions associated with a public garage and not with a service station.

SETBACK LINES — A line drawn parallel to a street line or lot line and drawn through the point of a building nearest to the street line or lot line.

SIGHT DISTANCE — The distance of clear sight required in the alignment of streets and roads.

SIGN — Any announcement, declaration, demonstration, billboard, display, illustration or insignia used to promote or advertise the interests of any person, group of persons, company, corporation, service or product when the same is placed, erected, attached, painted or printed; to advertise or promote the interest of the same, when placed out of doors in view of the general public, or placed where it may be viewed from the outside of any structure where placed.

SIGN, FREESTANDING — Any sign supported by uprights or braces placed upon or in the ground, and not attached to any building.

SIGN, OFF-PREMISES — A sign which advertises a business which is not conducted or a product which is not sold on the lot where the sign is located.

SINGLE-FAMILY RESIDENCE — A structure designed for occupancy by one (1) family. Not more than two (2) roomers or boarders may occupy such a structure.

SINGLE HOUSEKEEPING UNIT — A separate area containing separate sanitary facilities and/or cooking facilities.

SINGLE OWNERSHIP — Ownership by one (1) person, or ownership by two (2) or more persons jointly as joint tenants, as tenants by the entirety or as tenants in common of a separate lot not adjacent to land in the same ownership.

SITE PLAN — A plan of a lot or subdivision on which is shown topography location of all buildings, structures, roads, rights-of-way, boundaries, all essential dimensions and bearings and any other information deemed necessary by the Zoning Board and/or Planning Board in unusual or special cases. (See Chapter 244, Subdivision of Land and Site Plan Approval.)

STORE, RETAIL — A building or part thereof in which or from which merchandise or services are furnished directly to the public.

STORE, WHOLESALE DISPLAY — A building or part thereof where merchandise is displayed for sale and sold at wholesale.

STORY — That portion of a structure included between the surface of a floor and the surface of the next floor above it or, if there is no floor above it, then the space between the floor and the ceiling next above it.

STREET — Any public or private right-of-way commonly used by the public for motor vehicle movement and which is approved for purposes of issuing building permits. For the purpose of this chapter, "streets" shall be classified as follows:

A. ARTERIAL STREETS — Those which are used primarily for fast or heavy traffic.

B. COLLECTOR STREETS — Those which carry traffic from minor streets to the major system of arterial streets, including the principal entrance streets of a residential development and streets for circulation within such a development.

C. CULS-DE-SAC — Dead-end streets providing access to adjacent lots.

D. MARGINAL ACCESS STREETS — Streets which are parallel to and adjacent to arterial streets and highways and which provide access to abutting properties and protection from through traffic.

E. MINOR AND/OR LOCAL STREETS — Those which are used primarily for access to the abutting properties.

STREET LINE — The line which separates the publicly owned or controlled street right-of-way from the private property which abuts upon said street, as distinct from a sidewalk line, curbline or edge of pavement line.

STRUCTURE — Anything constructed or erected which requires permanent or temporary location on the ground or attachment to something having such location, excluding unroofed patios and agricultural fences five (5) feet in height and under.

TOURIST HOME — A residence in which, as an accessory use, a habitable room or habitable rooms are rented by the day or night to transients.

TOWNHOUSE — A self-contained independent dwelling unit attached by common wall between it and an adjacent unit or units extending from the basement to the roof and providing at least two (2) means of access to the outside.

TRAILER — A wheel-based vehicle that is designed to be transported by traction and which is used or may be used as a dwelling or for the transportation or storage of goods, materials, livestock or any object. For the purposes of this chapter, "trailers" shall be considered buildings and are intended to be regulated as such, where trailers are permitted. The regulations of this chapter that apply to trailers shall also apply to the following vehicles as herein defined below:

A. CAMPING VEHICLE.

B. TRAVEL TRAILER — A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses, and, when factory equipped for the road, it shall have a body width not exceeding eight (8) feet and a body length not exceeding thirty-two (32) feet.

C. PICKUP COACH — A structure designed primarily to be mounted on a pickup or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational and vacation uses.

D. MOTORIZED HOME — A portable dwelling designed and constructed as an integral part of a self-propelled vehicle.

E. MOBILE HOME.

F. MOVABLE HOME.

G. BOAT TRAILER — A trailer designed for the purpose of transporting a boat over land.

H. HORSE TRAILER — A trailer designed for the purpose of transporting horses or animals over land.

I. TENT TRAILER — A trailer with a built-in or attached tent designed and equipped to render it suitable for use as a temporary dwelling for travel, recreational and vacation uses.

TRAILER PARK OR COURT — A parcel of land in one (1) ownership on which there is located or intended to be located one (1) or more trailer coaches occupied for living purposes; a trailer camp. Trailer coaches on individual lots under separate ownership are not "trailer parks or courts."

TRUCKING TERMINAL — A premises which is used for the temporary parking of motor freight vehicles between trips and for the transfer of freight between trucks or between trucks and rail facilities for shipment elsewhere and where the storage of freight or cargo is only temporary, and which also may contain facilities for dispensing motor fuels.

USE — The specific purpose for which land or building is designed, arranged, intended or for which it is or may be occupied or maintained.

WAREHOUSE — A building used for the temporary storage of goods, materials or merchandise for later or subsequent distribution of delivery elsewhere for purposes of processing or sale.

YARDS:

A. FRONT YARD — An area unoccupied except by a use as hereinafter specifically permitted, extending across the full width of a lot and lying between the abutting

street line and the nearest part of the principal structure on the lot.

B. SIDE YARD — An area unoccupied except by a use as hereinafter specifically permitted, extending from the front yard to the rear yard of a lot and lying between the side lot line and the nearest part of the principal structure on the lot.

C. REAR YARD — An area unoccupied except by a use as hereinafter specifically permitted, extending across the full width of a lot and lying between the rear lot line and the nearest part of the existing or proposed principal structure on the lot. If there is no rear lot line, as in the case of a triangular shaped lot, or if there is doubt as to determination of rear yard measurement, the "rear yard" requirement of this chapter shall be construed as conforming, provided that there can be drawn entirely within the property a quadrilateral formed by the rear line of the existing or proposed principal building, the extension of the side lines of the principal building from the rear of the principal building and a line connecting said extended building side lines, which quadrilateral shall have an average depth measured from the rear of the building equal to at least the required minimum rear yard. In no event shall the principal building be located closer to a property line at any point other than the minimum side yard requirement.

ZONING PERMIT — A permit issued by the Zoning Officer in accordance with § 300-123 of this chapter.

ARTICLE II
General Regulations

§ 300-9. Nature and extent of uses.

The regulations and control of the nature and extent of uses of structures, as herein provided, shall apply equally to the nature and extent of the uses of land.

§ 300-10. Conformity with area regulations.

It shall be unlawful to locate, relocate, erect, construct or reconstruct, enlarge or structurally alter any building or structure except in conformity with the regulations of the district in which such building or structure is located.

§ 300-11. Conformity with use regulations.

It shall be unlawful to use any land or building for any purpose other than that permitted in the zone district in which such land or building is located.

§ 300-12. Sharing of yards and open space.

No yard or open space required in connection with any building or use shall be considered as providing a required open space for any other building on the same or any other lot.

§ 300-13. Encroachment on open space.

No open space, contiguous to any building, shall be encroached upon or reduced in any manner except in conformity with the yard, lot, lot area, building location, percent of lot coverage, off-street parking space and such other regulations designated elsewhere in this chapter for the zone district in which the building or space is located. In the event of any such unlawful encroachment or reduction of such open space, said building shall be deemed in violation of this chapter, and the certificate of occupancy for such building shall become null and void.

§ 300-14. One principal structure permitted for single-family dwellings.

No lot used for single-family detached dwelling purposes may contain more than one (1) principal structure.

§ 300-15. Dwellings in front or rear yards.

No dwelling shall be constructed or moved in front of or in the rear of a building on the same lot.

§ 300-16. Identification of buildings.[4]

All principal buildings in all districts shall be clearly identified as to building number, house number, street number or name by means of a small, unobstructed sign, clearly visible and readable from the main abutting street. Such sign shall be attached either to the outer most door or some portion of the outer most structure or affixed to a lamppost. Any sign or legend other than a building number, house number or street number shall comply with all requirements for signs, as herein set forth. The house number, street number, building number or name shall be assigned by the Construction Official upon the approval of the building plans.

§ 300-17. Appearance of buildings in residential districts.

Within any residential district, no building shall be constructed or altered in any manner so that its exterior design and appearance is not compatible and harmonious with the general atmosphere and character of the neighborhood. Typical commercial and storefront designs are prohibited.

§ 300-18. Prohibited uses.[5]

Any uses not specifically permitted in a zone district established by this chapter are hereby expressly prohibited from that district.

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4 Editor's Note: See also Ch. 220, Property, Numbering of.

5 Editor's Note: See also Art. XVIII, Prohibited and Restricted Uses, of this chapter.

§ 300-19. Building permits issued prior to this chapter.

Nothing contained in this chapter shall require any change in the plans, construction or designated use of a building complying with existing law, a permit for which shall have been issued and the construction of which shall have been started before the date of first publication of notice of a public hearing on this chapter.

§ 300-20. Accessory structures. [Amended 11-8-2004 by Ord. No. 2004-25]

A. Accessory buildings as part of principal buildings. Any accessory building attached to a principal building shall be considered part of the principal building, and the total structure shall adhere to the yard requirement for the principal building regardless of the technique of connecting the principal and accessory buildings.

B. Accessory buildings not to be constructed prior to principal building. No construction permit shall be issued for the construction of an accessory building prior to the issuance of a construction permit for the construction of the main building upon the same premises. If construction of the main building does not precede or coincide with the construction of the accessory building, the Construction Official shall revoke the construction permit for the accessory building until construction of the main building has proceeded substantially toward completion.

C. Distance between adjacent buildings. The minimum distance between an accessory building and any other building(s) on the same lot shall be as prescribed for the prevailing zoning district.

D. Height of accessory buildings. The height of accessory buildings shall be as prescribed for the prevailing zoning district.

E. Location. An accessory building may be erected in side and rear yard areas only and shall be set back from side and rear lot lines as prescribed for the prevailing zoning district, except that, if erected on a corner lot, the accessory building shall be set back from the side street to comply with the setback line applying to the principal building for that side street. Unless otherwise noted under requirements for the prevailing zoning district, accessory buildings shall meet the setback lines for the principal building.

F. Accessory buildings on corner lots. Accessory buildings on corner lots shall not be erected closer to the street line than the front yard required on the adjacent lot.

G. Location on lot with principal building required. An accessory building shall not be located on a lot unless a principal building is also located on that same lot.

H. Design. The design of any accessory building shall be compatible with the design of the principal structure to which it is ancillary.

§ 300-21. Sight obstructions.

In all residential districts, no fence, shrub or other item which is an obstruction to visibility, exclusive of trimmed trees or existing buildings, shall be erected, planted or maintained upon a corner lot within 10 feet of the right-of-way of any street intersection. Any existing obstruction, exclusive of trimmed trees or existing buildings of this character, which, within the foregoing limits, curtails the view of drivers of vehicles approaching the intersection, shall be removed by and at the expense of the owners of such corner lots within six months of the date of the passage of this chapter.

§ 300-22. Additional requirements for residential zones.

Notwithstanding anything to the contrary herein contained, the following shall constitute additional requirements in the R-1, R-2, R-3 and PLD Zones:

A. All corner lots shall have an area of at least 10% greater than the minimum lot size required for the particular zone and 10% greater frontage.

B. Wherever a residential subdivision or any part thereof borders on an industrial or commercial zone, the subdivision shall be designed so that no homes shall face the industrial or commercial zones, and each lot bordering on such zone shall be 50 feet deeper or 50 feet wider than required in the particular zone in order to provide a buffer strip, which shall be left in its natural state or suitably landscaped as required by the Planning Board.

C. Outdoor parking of trucks or other commercial vehicles is prohibited in all residential zones; provided, however, that where no garage facilities exist, one such vehicle having a gross weight of not more than 2½ tons and not larger than a three-fourths-ton pickup may be so parked. Trailers intended or used for dwelling space, offices, storage or any other residential, commercial or industrial purpose are also prohibited, except that nothing herein contained is intended to prohibit the use of trailers for transportation or as construction offices and for the storage of materials and supplies on a job site during the period of construction.

§ 300-23. Uses which create dangerous or objectionable conditions.

No use shall be permitted in any district which creates danger to life, limb or property or which emits any objectionable noise, smell, smoke, dust, gas, glare or effluent.

§ 300-24. Fences. [Amended 5-10-2004 by Ord. No. 2004-13]

All fences erected in the City of Bordentown shall be subject to the following requirements:

A. No fence, except a living fence, shall be erected in the City prior to the issuance of a fence permit by the City Zoning Officer. The fence permit may be forwarded to the City Engineer for review and comment if deemed necessary by the Zoning Officer. The application for a fence permit shall be presented on an approved form prepared by the Zoning Official and shall include the following:

   (1) The name of the property owner and the address of the property where the fence is to be erected.

   (2) The name and address of the person or company installing the fence.

   (3) A description with a pictorial elevation and a construction plan of the fence or wall.

   (4) A plot plan of the premises in question at a scale of not less than one inch equals 30 feet showing the location of the proposed fence, the location of all structures, including structures on adjacent properties within 10 feet of the proposed fence, and the distance the proposed fence will he from those structures.

B. No fence erected on or about a residential lot or parcel of land shall exceed six feet in height. Preconstructed fences must be installed as close to the ground as possible. The total height of the fence will not include any sight undulations of the ground, provided that 80% of the fence does not exceed the maximum height of six feet.

C. All fences erected in a front yard of any lot in a residential zone must be less than 50% solid or less than four feet in height.

D. No fence in any residential zone shall be constructed with barbed wire.

E. All fences shall be constructed with a face, or finished side, away from the property and the structural side toward the interior.

F. Fences which are painted shall be painted in only one color, harmonious with the surrounding area. Multicolored fences are prohibited.

G. Living fences or screening shall be planted no closer than three feet to the property line and shall be maintained in a neatly trimmed condition.

H. Fences shall be erected in a manner so as to permit the flow of natural drainage and shall not cause surface water to be blocked or dammed to create ponding.

I. Fences higher than six feet, such as those required around a tennis court, may be permitted in a residential zone by the Zoning Board of Adjustment. However, such a fence will be considered a structure requiring a building permit and shall meet minimum side and rear yard requirements for any accessory building.

J. Fences to be erected along or near a property line entirely within the boundaries of one property may he so installed without the written consent of the adjacent property owner. Applications for a permit to erect a fence on the property line such that portions of the fence will reside on both sides of the property line must be accompanied by the written approval of the adjacent property owner. Fences shall not be erected on, along or near the property line if, in the opinion of the Zoning Official, erection of the fence would preclude or significantly interfere with the adjacent property owner's ability to maintain his structure or would create a safety hazard.

(Cont'd on page 30035)

ARTICLE III
Zones and Zoning Map

§ 300-25. Zoning districts enumerated.

For the purpose of this chapter, the City if hereby divided into zone districts as follows:

Symbol	Name
R-1	Single-Family Residential
R-2	Single-Family Residential
R-3	Single-Family Residential
PLD	Planned Low-Density Residential
LC	Local Commercial
HC	Highway Commercial
CI	Commercial Industrial
L/M	Inclusionary **[Added 3-27-2006 by Ord. No. 2006-8]**

§ 300-26. Zoning Map.

The boundaries of these zone districts are hereby established as shown on a map entitled "Zoning Map of the City of Bordentown," dated July 11, 1983, prepared by Robert Erickson, Zoning Officer, which is hereby made a part of this chapter. The map is on file in the office of the City Clerk and is available for inspection, and copies thereof are available to interested members of the public.

§ 300-27. Interpretation of district boundaries.

Zone district boundary lines are intended to follow street center lines and/or lot or property lines as they existed on May 1, 1983, unless otherwise indicated by dimensions on the Zoning Map. The exact location of any disputed zone district boundary line shall be determined by the Board of Adjustment by application pursuant to N.J.S.A. 40:55D-70b.

ARTICLE IV
R-1 Single-Family Residential Zone

§ 300-28. Primary intended uses.

This zone is designed for single-family residence uses in accordance with the requirements hereinafter set forth:

A. Single-family detached dwellings.

§ 300-29. Permitted uses.

The following uses are also permitted:

A. In single-family detached dwellings:

(1) The office of professional persons, provided that such professional person resides on the premises. Not more than two persons, other than the resident of the premises, may be employed by such professional person, and not more than 1/2 of the floor area of one story of the dwelling unit shall be devoted to such use. No use permitted by this subsection shall result in any permitted professional use operating in this zone in other than a building strictly residential in appearance. Except for permitted signs, there shall be no physical evidence of said use visible from the exterior of the building so used; or

(2) Home occupation, provided that not more than 1/2 of the floor area of one story or the basement shall be devoted to such use, or, if conducted in an accessory building, the area of such use shall be limited to not more than 1/2 of the floor area of the principal structure. No merchandise or materials, either assembled or unassembled, shall be received into the residence or accessory structure for the purpose of merely storing and/or reselling. No machinery or equipment shall be used except machinery or

equipment which is usually found in the home and which will not cause electrical or other interference with radio and/or television reception. No use permitted by this subsection shall result in any

(Cont'd on page 30037)

use operating in this zone in other than a building strictly residential in appearance. Except for permitted signs, there shall be no physical evidence of said use visible from the exterior of the building so used.

B. Signs as permitted by Article XVII, Signs.

§ 300-30. Conditional uses.

The following uses shall be permitted as conditional uses subject to the conditions and procedures set forth in Article XVI, Conditional Uses:

A. All public or institutional uses.

B. Public utility uses.

§ 300-31. Accessory uses.

Accessory uses customarily incident to the above uses shall be permitted, provided that they do not include any activity commonly conducted for profit. Accessory uses specifically permitted are:

A. Commercial vehicles in accordance with the provisions of Article XIV, Promotional Vehicles and Commercial Telephone Listings in Residential Zones.

B. Business or commercial telephones in accordance with the provisions of Article XIV, Promotional Vehicles and Commercial Telephone Listings in Residential Zones.

§ 300-32. Area and bulk requirements; parking.

The following requirements shall be met in the R-1 Residential Zone.

A. Minimum lot area. The minimum lot area shall be at least twelve thousand (12,000) square feet and must be measured within one hundred fifty (150) feet of the front right-of-way line.

B. Minimum lot width. The minimum lot width at the street line shall be eighty (80) feet measured along the street line. Where a lot is on a curve at the end of a permanent cul-de-sac, the minimum lot width shall be forty-five (45) feet measured along the subtended chord of the arc at the street line, and the minimum lot width at the building setback line shall be fifty-five (55) feet. Lots fronting on such a curve shall be exempt from the depth provisions of Subsection A above.

C. Front yard. There shall be a front yard of not less than twenty-five (25) feet.

D. Side yards. There shall be two (2) side yards, totaling thirty (30) feet, provided that no side yard shall be less than twelve (12) feet.

E. Rear yard. There shall be a rear yard of not less than thirty (30) feet.

F. Height. The height of the principal structure shall not exceed thirty-five (35) feet or two and one-half (2½) stories, whichever is lesser.

G. Lot coverage. The maximum land area to be covered by all impervious surfaces shall not exceed forty percent (40%) of the total lot area.

H. Accessory structures. All accessory structures shall meet the following requirements:

(1) Height. The height of an accessory structure shall not exceed twenty-five (25) feet.

(2) Side yard. An accessory structure shall not be located closer than ten (10) feet to the side lot line.

(3) Rear yard. An accessory structure shall not be located closer than ten (10) feet to the rear yard line.

(4) All accessory structures are prohibited in front yard areas.

I. Parking. Parking shall be as required by Article XV, Off-Street Parking and Loading.

ARTICLE V
R-2 Single-Family Residential Zone

§ 300-33. Primary intended uses.

This zone is designed for single-family residence uses in accordance with the requirements hereinafter set forth:

A. Single-family detached dwellings.

§ 300-34. Permitted uses.

The following uses are also permitted:

A. In single-family detached dwellings:

(1) The office of professional persons, provided that such professional person resides on the premises. Not more than two (2) persons, other than the resident of the premises, may be employed by such professional person, and not more than one-half (½) of the floor area of one (1) story of the dwelling unit shall be devoted to such use. No use permitted by this subsection shall result in any permitted professional use operating in this zone in other than a building strictly residential in appearance. Except for permitted signs, there shall be no physical evidence of said use visible from the exterior of the building so used; or

(2) Home occupation, provided that not more than one-half (½) of the floor area of one (1) story or the basement shall be devoted to such use, or, if conducted in an accessory building, the area of such use shall be limited to not more than one-half (½) of the floor area of the principal structure. No merchandise or materials, either assembled or unassembled, shall be received into the residence or accessory structure for the purpose of merely storing and/or reselling. No machinery or equipment shall be used except machinery or equipment which is usually found in the home and which will not cause electrical or other interference with radio and/or television reception. No use permitted by this subsection shall result in any

use operating in this zone in other than a building strictly residential in appearance. Except for permitted signs, there shall be no physical evidence of said use visible from the exterior of the building so used.

B. Signs as permitted by Article XVII, Signs.

C. Municipal garages. **[Added 4-27-87 by Ord. No. 1987-9]**

§ 300-35. Conditional uses.

The following uses shall be permitted as conditional uses subject to the conditions and procedures set forth in Article XVI, Conditional Uses:

A. All public or institutional uses.

B. Public utility uses.

§ 300-36. Accessory uses.

Accessory uses customarily incident to the above uses shall be permitted, provided that they do not include any activity commonly conducted for profit. Accessory uses specifically permitted are:

A. Commercial vehicles in accordance with the provisions of Article XIV, Promotional Vehicles and Commercial Telephone Listings in Residential Zones.

B. Business or commercial telephones in accordance with the provisions of Article XIV, Promotional Vehicles and Commercial Telephone Listings in Residential Zones.

§ 300-37. Area and bulk requirements; parking.

The following requirements shall be met in the R-2 Residential Zone:

A. Minimum lot area. The minimum lot area shall be at least seven thousand five hundred (7,500) square feet.

B. Minimum lot width. The minimum lot width at the street line shall be sixty (60) feet measured along the street line. Where

a lot is on a curve at the end of a permanent cul-de-sac, the minimum lot width shall be forty-five (45) feet measured along the subtended chord of the arc at the street line, and the minimum lot width at the building setback line shall be sixty (60) feet. Lots fronting on such a curve shall be exempt from the depth provisions of Subsection A above.

C. Front yard. There shall be a front yard of not less than twenty-five (25) feet.

D. Side yards. There shall be two (2) side yards, totaling twenty (20) feet, provided that no side yard shall be less than eight (8) feet.

E. Rear yard. There shall be a rear yard of not less than twenty-five (25) feet.

F. Height. The height of the principal structure shall not exceed thirty-five (35) feet or two and one-half (2½) stories, whichever is lesser.

G. Lot coverage. The maximum land area to be covered by all impervious surfaces shall not exceed forty percent (40%) of the total lot area.

H. Accessory structures. All accessory structures shall meet the following requirements:

(1) Height. The height of an accessory structure shall not exceed twenty-five (25) feet.

(2) Side yard. An accessory structure shall not be located closer than ten (10) feet to the side lot line.

(3) Rear yard. An accessory structure shall not be located closer than ten (10) feet to the rear yard line.

(4) All accessory structures are prohibited in front yard areas.

I. Parking. Parking shall be as required by Article XV. Off-Street Parking and Loading.

ARTICLE VI
R-3 Single-Family Residential Zone

§ 300-38. Primary intended uses.

This zone is designed for single-family attached, single-family semidetached and single-family detached uses in accordance with the requirements hereinafter set forth:

A. Single-family detached dwellings.

B. Single-family semidetached dwellings of not more than two (2) units.

C. Single-family attached dwellings in buildings of not more than six (6) units.

§ 300-39. Permitted uses.

The following uses are also permitted:

A. In single-family detached dwellings:

(1) The office of professional persons, provided that such professional person resides on the premises. Not more than two (2) persons, other than the resident of the premises, may be employed by such professional person, and not more than one-half (½) of the floor area of one (1) story of the dwelling unit shall be devoted to such use. No use permitted by this subsection shall result in any permitted professional use operating in this zone in other than a building strictly residential in appearance. Except for permitted signs, there shall be no physical evidence of said use visible from the exterior of the building so used; or

(2) Home occupation, provided that not more than one-half (½) of the floor area of one (1) story or the basement shall be devoted to such use, or, if conducted in an accessory building, the area of such use shall be limited to not more than one-half (½) of the floor area of the principal structure. No merchandise or materials, either assembled or unassembled, shall be received into the residence or

accessory structure for the purpose of merely storing and/or reselling. No machinery or equipment shall be used except machinery or equipment which is usually found in the home and which will not cause electrical or other interference with radio and/or television reception. No use permitted by this subsection shall result in any use operating in this zone in other than a building strictly residential in appearance. Except for permitted signs, there shall be no physical evidence of said use visible from the exterior of the building so used.

B. Signs as permitted by Article XVII, Signs.

§ 300-40. Conditional uses.

The following uses shall be permitted as conditional uses subject to the conditions and procedures set forth in Article XVI, Conditional Uses:

A. All public or institutional uses.

B. Public utility uses.

§ 300-41. Accessory uses.

Accessory uses customarily incident to the above uses shall be permitted, provided that they do not include any activity commonly conducted for profit. Accessory uses specifically permitted are:

A. Commercial vehicles in accordance with the provisions of Article XIV, Promotional Vehicles and Commercial Telephone Listings in Residential Zones.

B. Business or commercial telephones in accordance with the provisions of Article XIV, Promotional Vehicles and Commercial Telephone Listings in Residential Zones.

§ 300-42. Area and bulk requirements.

A. The following general development standards shall be met in the R-3 Residential Zone:

(1) The building shall not exceed two and one-half (2½) stories or thirty-five (35) feet in height, whichever is lesser. The height shall be measured from ground level or finished grade to the highest point on the roofline.

(2) Land coverage. The maximum land area to be covered by all impervious surfaces shall not exceed fifty percent (50%) of the total lot area.

(3) The maximum overall tract density shall not exceed eight (8) units per acre.

B. Single-family detached, minimum standards. The following minimum standards for single-family detached dwellings shall be met in the R-3 Residential Zone:

(1) Minimum lot area. The minimum lot area shall be at least five thousand (5,000) square feet.

(2) Minimum lot width. The minimum lot width at the street line shall be fifty (50) feet measured along the street line.

(3) Front yard. There shall be a front yard of not less than twenty (20) feet.

(4) Side yards. There shall be two (2) side yards totaling sixteen (16) feet, provided that no side yard shall be less than four (4) feet.

(5) Rear yard. There shall be a rear yard of not less than twenty (20) feet.

C. Single-family semidetached, minimum standards. The following minimum standards for single-family semidetached dwellings shall be met in the R-3 Residential Zone:

(1) Minimum lot area. The minimum lot area shall be at least six thousand (6,000) square feet.

(2) Minimum lot width. The minimum lot width at the street line shall be fifty (50) feet, measured along the street line.

(3) Front yard. There shall be a front yard of not less than twenty (20) feet.

(4) Side yards. There shall be two (2) side yards totaling sixteen (16) feet, provided that no side yard shall be less than four (4) feet.

(5) Rear yard. There shall be a rear yard of not less than twenty (20) feet.

D. Single-family attached, minimum standards. The following minimum standards for single-family attached dwellings shall be met in the R-3 Residential Zone:

(1) Minimum lot area. The minimum lot area shall be at least three thousand (3,000) square feet.

(2) Minimum lot width. The minimum lot width at the street line shall be twenty (20) feet, measured along the street line.

(3) Front yard. There shall be a front yard of not less than twenty (20) feet.

(4) Side yards. There shall be a minimum side yard of not less than four (4) feet.

(5) Rear yard. There shall be a rear yard of not less than twenty (20) feet.

ARTICLE VII
PLD Planned Low-Density Residential Zone

§ 300-43. Primary intended uses.

This zone is designed for single-family attached, single-family detached and multifamily residence uses in a planned integrated balanced development in accordance with the requirements hereinafter set forth:

A. Townhouses.

B. Single-family detached dwellings.

§ 300-44. Permitted uses.

The following uses are also permitted:

A. In single-family detached dwellings:

(1) The office of professional persons, provided that such professional person resides on the premises. Not more than two (2) persons, other than the resident of the premises, may be employed by such professional person, and not more than one-half (½) of the floor area of one (1) story of the dwelling unit shall be devoted to such use. No use permitted by this subsection shall result in any permitted professional use operating in this zone in other than a building strictly residential in appearance. Except for permitted signs, there shall be no physical evidence of said use visible from the exterior of the building so used; or

(2) Home occupation, provided that not more than one-half (½) of the floor area of one (1) story or the basement shall be devoted to such use, or, if conducted in an accessory building, the area of such use shall be limited to not more than one-half (½) of the floor area of the principal structure. No merchandise or materials, either assembled or unassembled, shall be received into the residence or accessory structure for the purpose of merely storing and/or reselling. No machinery or equipment shall be used except machinery or equipment which is usually found in the home and which will not cause electrical or other interference with radio and/or television reception. No use permitted by this subsection shall result in any use operating in this zone in other than a building strictly residential in appearance. Except for permitted signs, there shall be no physical evidence of said use visible from the exterior of the building so used.

B. Signs as permitted by Article XVII, Signs.

§ 300-45. Conditional uses.

The following uses shall be permitted as conditional uses subject to the conditions and procedures set forth in Article XVI, Conditional Uses:

A. All public or institutional uses.

B. Public utility uses.

§ 300-46. Accessory uses.

Accessory uses customarily incident to the above uses shall be permitted, provided that they do not include any activity commonly conducted for profit. Accessory uses specifically permitted are:

A. Commercial vehicles in accordance with the provisions of Article XIV, Promotional Vehicles and Commercial Telephone Listings in Residential Zones.

B. Business or commercial telephones in accordance with the provisions of Article XIV, Promotional Vehicles and Commercial Telephone Listings in Residential Zones.

§ 300-47. Area and bulk requirements and other required conditions.

A. The following general development standards shall be met in the Planned Low-Density Residential Development Zone:

(1) The total minimum tract size shall be at least twenty-five (25) contiguous acres.

(2) The minimum tract area for open space shall be thirty-five percent (35%) of the total land area.

(3) All public utilities shall be installed in accordance with Chapter 244, Subdivision of Land and Site Plan Approval.

(4) The minimum tract width shall be three hundred (300) feet, and the minimum tract depth shall be five hundred (500) feet.

(5) The maximum building coverage shall be twenty percent (20%) of the total area of the tract.

(6) The minimum distance between multifamily buildings and other multifamily buildings or detached dwelling units shall be no less than fifty (50) feet, as measured to the closest point.

(7) The design layout of buildings shall provide, where possible, that the front of one (1) building does not face the back of another building or accessory building.

(8) The minimum distance of buildings from interior street or driveway shall be no less than thirty (30) feet.

(9) The minimum distance of any building from an on-site parking lot, garage or other accessory building shall be not less than twenty (20) feet.

(10) Buildings shall not exceed two (2) stories or thirty-five (35) feet in height, whichever is lesser. The height shall be measured from ground level or finished grade to the highest point on the roofline.

(11) The means of traffic ingress and egress shall comply with the standards for access to a major subdivision.

(12) The points of ingress and egress shall not be located within one hundred (100) feet of an existing intersection.

(13) Interior streets, roads, sidewalks and driveways shall comply with the improvement and design standards established in Chapter 244, Subdivision of Land and Site Plan Approval, and amendments thereto.

(14) All interior streets, roads and driveways shall contain curbs, gutters and sidewalks.

(15) Pedestrian sidewalks shall also be provided in other suitable locations wherever normal pedestrian traffic will occur and in order to handle the pedestrian traffic which the development will create.

(16) Buildings may be owned either in the conventional manner or as a condominium, provided that the two (2) types of ownership shall not coexist in any tract.

(17) Townhouses and garden apartment units shall not be permitted in the same building with each other.

(18) The maximum overall tract density, which excludes the area reserved for open space, shall not exceed two dwelling units per acre.

(19) In any planned low-density residential development, no one housing type shall exceed 50% of the housing units contemplated.

(20) Solar access.

B. Townhouses, minimum standards. The following minimum standards for townhouses shall be met in the PLD Planned Low-Density Residential Development Zone:

(1) No townhouse cluster shall contain more than four dwelling units, nor exceed 80 feet in length. Each townhouse unit shall have at least two entrances. Common entrances shall be prohibited.

(2) Each townhouse shall have two exterior exposures which are nonadjacent with at least three windows and one door in each such exposure. No area of any townhouse unit may be above or below any portion of any other adjacent townhouse unit.

(3) Each townhouse shall have private yards, contiguous to both exterior exposures. Each yard shall have a minimum width, equal to the width of the townhouse along the exposure the yard adjoins, and a minimum depth of 20 feet, measured perpendicular to such exposure.

(4) Townhouse rear yards may be fenced, provided that such fencing does not exceed three feet in height.

(5) The front yard of the tract to the building setback shall he 100 feet.

(6) The two side yards of the tract to the principal building setback shall be 75 feet each.

(7) The rear yard of the tract to the principal building setback shall be 75 feet.

(8) Each townhouse shall contain a minimum floor area of 800 square feet.

C. Single-family detached dwellings. minimum standards. The following minimum standards for single-family detached dwellings shall be met in the PLD Planned Low-Density Residential Development Zone:

(1) Each lot shall have a minimum area of 5,000 square feet.

(2) Each lot shall have a minimum of 50 feet of road frontage on a single road.

(3) Each lot shall have a minimum depth of 100 feet.

(4) Each lot shall have two side yards, a minimum of 10 feet each.

(5) Each lot shall have a minimum front yard of 40 feet.

(6) Each lot shall have a minimum rear yard of 30 feet.

(7) Each single-family detached dwelling shall contain a minimum floor area of 800 square feet.

(8) The principal structure shall cover a maximum of 25% of the total lot area.

(9) Usual and customary accessory structures may be constructed in the side and rear yard areas of a lot, provided they are not located within 10 feet of a lot boundary.

§ 300-48. (Reserved)[6]

[6] Editor's Note: Former § 300-48, Off-street parking, was repealed 11-8-2004 by Ord. No. 2004-25.

§ 300-49. Arable soil.

Arable soil shall not be removed from the tract during construction but shall be stored and redistributed on the site. Arable soil shall be regraded on site to a minimum depth of six inches. Such areas shall be stabilized by seeding or planting in accordance with the approved landscaping plan.

(Cont'd on page 30053)

§ 300-50. Architectural harmony.

Each structure within the development shall have a compatible architectural theme with the variations and designs to provide an attractiveness to the development which shall include consideration of landscaping techniques, building orientation to the site and to other structures, topography, natural features and individual dwelling unit design such as varying unit widths, staggering unit setbacks, providing different exterior materials, changing rooflines and roof designs, altering building heights and changing types of windows, shutters, doors, porches, colors and vertical or horizontal orientation of the facade, singularly or in combination for each dwelling unit.

§ 300-51. Areas considered open space.

A. Areas considered open space.

(1) Open space in satisfaction of this chapter shall consist of vacant ground and lands improved and having structures situated thereon as previously approved by the Board, which lands and buildings shall be available for parks or other recreational uses acceptable to the Planning Board, pursuant to this chapter, and in harmony with the uses of adjacent and nearby properties.[9]

(2) No more than fifty percent (50%) of any water areas such as lakes, ponds, streams, swamps or brooks shall be recognized in this computation, to assure compliance with the requirements for usable open space for all purposes and pursuits. In determining the area of any of the aforesaid, water area, floodplains and areas where the seasonal high water table reaches zero (0) feet shall be deemed to be included in such water area.

B. Areas not considered as open space. Open space land in satisfaction of this chapter shall not include yard areas, land area within the right-of-way of public or private streets, the land area between walkways, sidewalks and buildings wherein

[9] Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. II.

the principal use of such land is to provide for pedestrian traffic to and from buildings.[10]

§ 300-52. Location of open space.

Open space areas in a planned low-density residential development shall be located in accordance with the following standards:

A. Streams and their floodplains, natural wetland areas with slopes in excess of fifteen percent (15%) and any other environmentally sensitive areas in the tract shall be included in open space areas.

B. Any unique or unusually attractive feature of terrain or vegetation, such as scenic overlooks, level open areas suitable for playing fields, stands of large trees or areas of particular value as wildlife habitat, shall be included in open space.

C. Insofar as possible, consistent with Subsections A and B herein, open space shall be located so as to provide buffers between clusters of dwellings and between clusters of dwellings and the boundary of the tract.

D. No individual area devoted to open space shall be less than one (1) acre in area or less than fifty (50) feet in width, at its narrowest point; however, at least one-third (1/3) of the area shall be at least one hundred (100) feet in width.

§ 300-53. Maintenance and use of open space areas.

A. Natural areas. A minimum of twenty percent (20%) of the open space in a planned low-density residential development shall be designated and maintained as a natural area.

(1) Clearing of brush and dead timber shall be required where necessary to eliminate fire hazard.

(2) Clearing of obstructions or jams from streams or waterways shall be required where necessary to ensure

[10] Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. II.

unimpeded flow, provided that no channelization shall be permitted.

(3) Hiking or bicycling trails and bridle paths may be constructed and maintained.

(4) Tree stands and blinds may be constructed and maintained.

(5) Chemical agents may be used to control weed growth or algae bloom or for fish management in lakes and ponds.

(6) Natural areas shall otherwise be maintained and undisturbed in their natural state. No garbage or debris shall be permitted to accumulate except that leaves, grass and shrub clippings may be deposited in properly located and maintained compost heaps.

B. Use of natural areas. Use of natural areas shall be restricted to hunting, fishing, bird watching, hiking, cycling and boating and jogging.

C. Use of machinery and engines. No chemically powered engines shall be used in a natural area, except for the performance of functions designated in Subsection A herein.

D. Active recreation areas. A minimum of fifty percent (50%) of the open space in a planned low-density residential development shall be improved and maintained as an active recreation area.

E. Use of active recreation areas. Use of active recreation areas shall be limited to athletic fields and courts, golf courses, equipped playgrounds, swimming beaches and pools, picnic tables, fireplaces, boat docks or boathouses and the like.

F. Location. An area devoted to active recreation shall not be located within one hundred (100) feet of the tract boundary or the boundary of a planned low-density residential lot.

G. Landscaping. Active recreation areas shall be planted and landscaped so as to provide proper ground cover and neat appearance. Such plantings shall be maintained and trimmed so as to continue to provide proper ground cover and free use of the area for its intended purposes. No areas of bare dirt

shall be permitted except for properly maintained basepaths or infields on a baseball field, clay tennis courts, sand bathing beaches or the like.

H. Maintenance. All playing surfaces, fences and other improvements or equipment in active recreation areas shall be maintained in good repair.

§ 300-54. Special requirements.

Every structure or group of structures and uses and every designed plot area or cluster unit which has services, facilities or utilities in common, private usage and in common ownership or control by its occupants or which functions as an independent corporate property owner or agent of management shall be located upon and within a lot or plot of land which shall be fully dimensioned and designated as representing the area of responsibility and extent of such individual or group ownership or management, as may be established by ownership in full or partial fee or lease under deed covenant, lease contract or such other conditions of usage or occupancy legally established and recorded therefor. A description or plan of each such lot or plot shall be filed separately or as part of the descriptive maps of a PLD planned low-density residential development with the City Tax Assessor.

§ 300-55. Additional standards and conditions in approved developments.

In any approved development, as provided for in this section, the following standards shall apply in addition to all other standards contained in this chapter. In cases of conflict, provision of this section shall apply.

A. Water and sewer services. Water and sewer services shall be constructed in accordance with applicable regulations of the Public Utilities Commission and in accordance with all state, county and municipal regulations. In the event of conflict between the various codes and requirements of such entities, the most restrictive regulations shall govern.

(1) Central sewage disposal plant. Sewage disposal shall be by means of a central sewage disposal plant. Such disposal plant shall be in accordance with the requirements of the Department of Environmental Protection of the State of New Jersey and County and City Board of Health requirements, if any. Such disposal plant shall be constructed in accordance with the requirements of the Department of Environmental Protection, Department of Health, the County Sewer Authority and the City Board of Health and shall be subject to their regulation and approval.

(2) Central water system. Potable water shall be provided by means of a central water system. Such water system shall be in accordance with the requirements of the Department of Environmental Protection of the State of New Jersey and County and City Board of Health requirements, if any. Such central water system shall be constructed in accordance with the requirements of the Department of Environmental Protection, Department of Health, County Sewer Authority and of the City Board of Health and shall be subject to their regulations and approval.

(3) Approval of water and sewage systems. The proposed water and sewer system shall be approved by the City Board of Health before any building permit shall be issued, notwithstanding approval of any other agency, whether state or county, unless the Board of Health certifies that the approval of such other approving agency is sufficient in its opinion so that no further approval by the City Board is required.

(4) Fire hydrants. Fire hydrants shall be provided in such a manner so that no apartment building or townhouse cluster is further than sixty (60) feet from a hydrant from its furthest point, and fire hydrants shall be provided in such a manner as to provide protection in accordance with generally recognized standards in conjunction with all other structures. Such fire hydrants shall be serviced by a system to be determined in accordance with recommendations of the City Engineer, which shall at

least meet the minimum requirements of the fire underwriters for fire protection for the type of construction anticipated, taking into consideration location of various structures, topography and general layout and design. The recommendations of the City Engineer shall be made to the Planning Board.

B. Streets and blocks. Streets and blocks within the PLD development shall conform to the provisions of Chapter 244, Subdivision of Land and Site Plan Approval, and any amendments thereto.

C. Landscaping and screening.

(1) All PLD development shall be provided with liberal and functional landscaping schemes. Roads and pedestrian walks shall be provided with shade trees which are of minimum size, designated in DBH and character as designed by the city. Open space adjacent to buildings, malls between buildings to be utilized by residents, border strips along the side of pedestrian walks shall be graded and seeded to provide a thick stand of grass or trees and shrubs. Areas not used for buildings, terraces, drives and parking spaces shall be seeded and landscaped and shall be maintained in a stable and well kept condition. Screening or buffers, consisting of planting strips and fences, shall be required around any other similar area, along property lines, between different designated uses and around all parking areas in order to provide for shielding from unsightly, disturbing or light-glaring areas. Clothes drying areas shall not be permitted out of doors. Refuse disposal areas shall be completely enclosed.

(2) The developer shall furnish, along with the plans and specifications required under this chapter, landscaping plans drawn by a recognized landscaper, which shall include plans for lighting the grounds, roads, drives, walks, parking areas and building entrances as well as the plantings and other landscaping intended.

D. Refuse disposal. Sufficient refuse pickup areas shall be provided and shall be located for the occupants' convenience.

E. Outside lighting. Adequate lighting shall be provided to minimize hazards to pedestrians and motor vehicles along interior streets, roads and driveways, in parking areas, near exterior and interior entrances and along pedestrian walks.

§ 300-56. Dedication of open space; property owners' association.

Where open space is not dedicated to the city or other government entity, the applicant shall dedicate such area for the uses herein before set forth and shall establish a property owners' association which shall consist of all owners of lots in the planned low-density residential development and shall own and maintain the open space areas. The applicant shall submit, as a part of his subdivision application, a copy of such association's agreement or charter, including but not limited to the following information:

A. A scheme for creation of the organization.

B. When such organization will assume responsibility.

C. The duties of the organization.

D. The method by which the organization will be funded.

E. Provisions for enforcement of the discharge of duties by the organization.

F. The method by which open space shall be maintained in perpetuity.

§ 300-57. Offering of open space to city prior to disposal.

The property owners' association shall not be dissolved nor shall it dispose of any open space areas without first offering to dedicate it to the city.

§ 300-58. Authority of city to maintain open space upon failure of owners.

If the property owners' association fails to maintain the open space areas in accordance with the provisions of this chapter, the city may take over such maintenance under the following procedure:

A. The Zoning Officer shall serve the written notice upon all the property owners in the planned low-density residential development specifying all maintenance violations. The notice shall set a time, date and place for a hearing before him on such violations, which hearing shall be held not more than fifteen (15) days after the date of service.

B. At the hearing, the property owners shall have the right to contest the existence of maintenance violations and to show good cause why the time period to cure violations should be extended. Within ten (10) days of any such hearing, the Zoning Officer shall give to the owners his written findings on any such contentions and showings which may have been advanced.

C. The property owners' association shall have a time period of thirty-five (35) days after receipt of notice to cure all maintenance violations. The Zoning Officer may, for good cause shown, grant a reasonable extension of the time period, not to exceed a total of sixty-five (65) days.

D. If the property owners have not cured all violations within the specified time period, the municipality shall take over maintenance of the open space areas. The maintenance costs shall be assessed pro rata on the basis of assessed valuation against all lots in the planned residential development. This assessment shall become a lien and tax on them and be added to and be a part of the taxes to be levied and assessed thereon, and enforced and collected with interest by the same officers and in the same manner as other taxes.

E. One (1) year after municipal takeover, and each succeeding year thereafter, the property owners shall have the right to a hearing where they may show cause why the property owners' association should be permitted to resume maintenance of the open space areas. The Zoning Officer shall serve written notice

upon all the property owners in the planned residential development at least fifteen (15) days prior, which notice shall state the time, date, place and purpose of such hearing.

§ 300-59. Application requirements; approval procedure.

A. The applicant shall submit the application and other required plans and materials as though the application were for a major subdivision under the provisions of ordinances of the city and amendments thereto.[11]

B. In addition to the requirements of Subsection A hereof, the application, plans and materials shall set forth the following:

(1) The density and land use to be allocated to the various parts of the site to be developed.

(2) The use or uses of land and buildings and the height, dimensions, elevation and location of the buildings and other structures.

(3) The location, area and dimensions of individual dwelling units within each building.

(4) The location, area and dimension of private yards for townhouses.

(5) Distances between buildings and distances between buildings and rights-of-way, drives, parking areas or property lines.

(6) The provisions for off-street parking, including location of ingress and egress, the size and location of driveways, access aisles, parking spaces, pedestrian paths and lighting.

(7) Location of all areas on the subject property where the seasonal high water table reaches zero (0) feet.

(8) Landscaping plans in compliance with this chapter.

(9) The method of control of open space in compliance with § 300-56.

[11] Editor's Note: For related provisions, see Ch. 244, Subdivision of Land and Site Plan Approval.

C. The Planning Board shall review the application, together with the other required plans and materials, as hereinabove set forth, as though the application were for a major subdivision, holding a public hearing, ascertaining whether or not the applicant has complied with the provisions and requirements of this chapter and the applicable provisions and requirements of Chapter 244, Subdivision of Land and Site Plan Approval, and amendments thereto, and issuing preliminary and final approvals upon proof of compliance with said provisions and requirements.

§ 300-60. Limitation on maximum number of dwelling units per approval.

Preliminary approval may be granted on the complete proposed planned low-density residential development. However, final approvals shall be stayed. The maximum number of dwelling units granted final approval in the first section shall be limited to one hundred fifty (150) dwelling units. Thereafter, application for final approval of additional sections, not excluding one hundred (100) dwelling units, may be submitted upon filing of proof with the Planning Board that seventy-five percent (75%) of the dwelling units in each previous section granted final approval are rented or sold.

§ 300-61. Submission of proposed plan; fee.[12]

Ten (10) copies of the proposed planned low-density residential development project shall be submitted, at least three (3) weeks prior to the regular meeting of the Planning Board, to the Secretary of the Planning Board, and shall be accompanied by three (3) application forms, available from the City Clerk, and a filing fee shall accompany such application.

[12] Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. II.

ARTICLE VIII
LC Local Commercial Zone

§ 300-62. Primary intended uses.

This zone is designed to provide a central commercial district in the city providing for a variety of shops and retail stores of a nature that is confined within the structure in order to preserve the character of the existing city center in accordance with the requirements hereinafter set forth.

A. Retail stores, provided that there is no fabrication, manufacturing, converting, altering, finishing or assembly, except adult bookstores, theaters and arcades.

B. Service activities, such as but not limited to banks, barbershops, beauty salons, photographers studios, tailors, shoe repair, radio and television repairs, dry cleaners (except that no work is permitted on the premises), newspaper offices (except that no printing, typesetting or fabrication is permitted on the premises) and schools.

C. Business and governmental offices.

D. Restaurants and luncheonettes, but excluding drive-in establishments.

§ 300-63. Permitted uses.

The following uses are also permitted:

A. Single-family detached dwellings:

(1) The office of professional persons, provided that such professional person resides on the premises. Not more than two (2) persons, other than the resident of the premises, may be employed by such professional person, and not more than one-half (½) of the floor area of one (1) story of the dwelling unit shall be devoted to such use. No use permitted by this subsection shall result in any permitted professional use operating in this zone in other than a building strictly residential in appearance. Except for permitted signs, there shall be no physical evidence of

said use visible from the exterior of the building so used; or

(2) Home occupation provided that not more than one-half (½) of the floor area of one story or the basement shall be devoted to such use, or, if conducted in an accessory building, the area of such use shall be limited to not more than one-half (½) of the floor area of the principal structure. No merchandise or materials, either assembled or unassembled, shall be received into the residence or accessory structure for the purpose of merely storing and/or reselling. No machinery or equipment shall be used except machinery or equipment which is usually found in the home and which will not cause electrical or other interference with radio and/or television reception. No use permitted by this section shall result in any use operating in this zone in other than a building strictly residential in appearance. Except for permitted signs, there shall be no physical evidence of said use visible from the exterior of the building so used.

B. Apartments, in combination with a commercial use for not more than one (1) family.

C. Signs as permitted by Article XVII, Signs.

§ 300-64. Conditional uses.

The following uses shall be permitted as conditional uses subject to the conditions and procedures set forth in Article XVI, Conditional Uses:

A. Public utility uses.

§ 300-65. Accessory uses.

Accessory uses permitted in the LC Local Commercial Zone shall be as follows:

A. Garages for the storage of vehicles used in the conduct of the principal use.

§ 300-66. Area and bulk requirements; parking.

The following requirements shall be met in the LC Local Commercial Zone:

A. Minimum lot area. The minimum lot area shall be at least three thousand (3,000) square feet for a mixed-use (commercial and residential) and one thousand eight hundred (1,800) square feet for a commercial building.

B. Minimum lot width. The minimum lot width at the street line shall be thirty (30) feet measured along the street line.

C. Front yard. There shall be a front yard of not less than twenty (20) feet.

D. Side yards. There shall be two (2) side yards, totaling twenty (20) feet, provided that no side yard shall be less than five (5) feet for any commercial structure.

E. Rear yard. There shall be a rear yard of not less than twenty (20) feet.

F. Height. The height of the principal structure shall not exceed thirty-five (35) feet or two and one-half (2½) stories, whichever is lesser.

G. Lot coverage. The maximum land area to be covered by all impervious surfaces shall not exceed seventy percent (70%) of the area of each lot.

H. Any structure located in the zone which is classified as an R-1 use shall meet all of the requirements contained in the R-1 Zone, Article IV.

I. Accessory structures. All accessory structures shall meet the following requirements:

(1) Height. The height of an accessory structure shall not exceed twenty-five (25) feet.

(2) Side yard. An accessory structure shall not be located closer than five (5) feet to side lot line.

(3) Rear yard. An accessory structure shall not be located closer than ten (10) feet to the rear yard line.

(4) All accessory structures are prohibited in front yard areas.

J. Parking. Parking shall be as required by Article XV, Off-Street Parking and Loading.

ARTICLE IX
HC Highway Commercial Zone

§ 300-67. Primary intended uses.

This zone is designed for commercial uses normally requiring a larger area and generating a greater intensity of traffic and usage serving the needs of the immediate community and the larger regions in accordance with the requirements hereinafter set forth:

A. All primary intended uses permitted in the Local Commercial Zone.

B. Banks and business, professional, executive and governmental offices.

C. Music, dancing, art and photographic studios.

D. Funeral homes and mortuaries.

E. Hotels and motels.

F. Retail stores and service establishments.

G. Restaurants and eating and drinking places, including drive-in restaurants.

H. Indoor theaters, bowling alleys and health and recreation facilities.

I. Commercial printing plants and publishing houses.

J. Service stations and public garages.

K. Lumber and building material yards.

§ 300-68. Permitted uses.

The following uses are also permitted:

A. Designed shopping complex. A building or a group of abutting buildings designed to be utilized by more than one (1) permitted use where such building or group of abutting buildings is constructed at one (1) time. The area and yard requirements shall be applied to the one (1) building or group of abutting buildings as one (1) structure.

B. Signs as permitted by Article XVII, Signs.

§ 300-69. Conditional uses.

The following uses shall be permitted as conditional uses subject to the conditions and procedures set forth in Article XVI, Conditional Uses:

A. Public utility uses.

B. Dog kennels.

C. Adult bookstores, adult motion-picture theaters and adult mini-motion-picture theaters.

D. Amusement arcade.

§ 300-70. Accessory uses.

Accessory uses permitted in the HC Highway Commercial Zone shall be as follows:

A. Garages for the storage of vehicles used in the conduct of the principal use.

§ 300-71. Area and bulk requirements; parking; buffers.

The following requirements shall be met in the HC Highway Commercial Zone:

A. Minimum lot area. There shall be a minimum lot area of at least fifteen thousand (15,000) square feet.

B. Minimum lot width. There shall be a minimum lot width of one hundred (100) feet at the street line.

C. Front yard. There shall be a front yard of not less than twenty-five (25) feet.

D. Side yard. There shall be two (2) side yards, totaling twenty-five (25) feet, provided that no side yard is less than ten (10) feet.

E. Rear yard. There shall be a rear yard of not less than twenty-five (25) feet, except where a rear lot line abuts a residential district, whereupon the rear yard shall be fifty (50) feet.

F. Height. The height of the principal structure shall not exceed thirty-five (35) feet or two and one-half (2½) stories, whichever is lesser.

G. Minimum floor area. Every principal structure or separate permitted use shall have a minimum heated floor area of eight hundred (800) square feet.

H. Minimum residential floor area. Motel and hotel units shall have a minimum gross floor area of four hundred (400) square feet.

I. Service stations and public garages dispensing gasoline may have gasoline pumps and/or service islands closer to the street line than the building setback line but in no event closer than twenty-five (25) feet to the street line.

J. Floor area ratio. The maximum floor area ratio shall not exceed fifty percent (50%).

K. Parking. Parking shall be as required by Article XV, Off-Street Parking and Loading.

L. Buffers. In side and rear yard areas adjoining residential zones, buffering shall be required pursuant to Chapter 244, Subdivision of Land and Site Plan Approval.

ARTICLE X
CI Commercial Industrial Zone

§ 300-72. Primary intended uses.

This zone aims to encourage development of commercial facilities while providing safer access, parking areas which are less visually prominent, preservation of natural features and a sound relationship to the surrounding environment, also permitting that class of industrial use which has a limited or moderate impact on the environment and surrounding neighborhood uses. The following uses are permitted in accordance with the requirements hereinafter set forth:

A. All primary intended uses permitted in the Highway Commercial Zone.

B. Offices and office record storage.

C. Science or research laboratories.

D. Cinema, radio and television production.

§ 300-73. Permitted uses.

The following uses are also permitted:

A. The manufacture, compounding, assembly or treatment of articles of merchandise from the following previously prepared materials: bones, cellophane, canvas, cork, cloth, rope, cord, twine, plastics, natural and synthetic rubber, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plaster, metals, precious or semiprecious stones, shell, tobacco, textile, wood and yarns.

B. The manufacture, compounding, processing, packaging or treatment of such products as candy, drugs, pharmaceuticals and food products.

C. The manufacture of ceramic products, using only previously pulverized clay.

D. The manufacture of musical instruments, toys, novelties and metal stampings.

E. The manufacture and assembly of electrical or electronic devices, home commercial and industrial appliances and instruments, including the manufacture of assembly parts or assemblies.

F. Public utility uses.

G. Signs as permitted by Article XVII, Signs.

§ 300-74. Accessory uses.

Accessory uses permitted in the CI Commercial Industrial Zone shall be as follows:

A. Garages for storage of vehicles used in the conduct of the principal use.

B. Gatehouses and guardhouses necessary for security and traffic control.

§ 300-75. Area and bulk requirements; parking; buffers.

The following requirements shall be met in the CI Commercial Industrial Zone:

A. Minimum lot area. There shall be a minimum lot area of at least forty-three thousand five hundred sixty (43,560) square feet.

B. Minimum lot width. There shall be a minimum lot width of one hundred fifty (150) feet at the street line.

C. Minimum lot depth. There shall be a minimum lot depth of two hundred (200) feet.

D. Front yard. There shall be a front yard setback of not less than forty (40) feet.

E. Side yards. There shall be two (2) side yards, not less than twenty (20) feet each.

F. Rear yard. There shall be a rear yard of not less than fifty (50) feet.

G. Height. The height of the principal structure shall not exceed thirty-five (35) feet in height.

H. Floor area ratio. The maximum floor area ratio shall not exceed thirty percent (30%).

I. Number of principal uses. There shall be only one (1) principal use on each lot.

J. Parking as required by Article XV, Off-Street Parking and Loading.

K. Buffers. In side and rear yard areas adjoining residential zones, buffering shall be required pursuant to Chapter 244, Subdivision of Land and Site Plan Approval.

ARTICLE XI
Accessory Buildings and Structures; Additional Lot and Yard Requirements

§ 300-76. Accessory buildings and structures.

No accessory building or structure may be built or located upon any lot which there is no principal building or structure, and such structures shall comply with the following requirements:

A. Height. Accessory buildings or structures shall not exceed the height regulations of principal structures for the zone districts in which they are located.

B. Space from principal structure. Accessory buildings or structures in all zones shall be at least ten (10) feet from any principal structure situated on the same lot, unless an integral part thereof, and shall be at least six (6) feet from any accessory building/structure.

C. Corner lots. Accessory buildings or structures on corner lots may not be erected nearer to the street than the front yard required on the adjacent lot.

§ 300-77. Additional lot requirements.

A. Corner lots. Where a lot is bounded by more than one (1) street, the front yard or setback requirements shall be met on both abutting streets; provided, however, that platted lots existing on adoption of this chapter that are narrower at the building setback line than the minimum width required by this chapter can project as close to the side street as one-half (½) the setback requirement.

B. Traffic visibility across corner lots. On a corner lot, a fence or planting over thirty (30) inches in height, above the curb or edge of a roadway, which would obstruct vision for the purpose of traffic safety shall not be erected or maintained within a triangle formed by the point of intersection of the right-of-way lines of the intersecting streets and points on each of the intersecting right-of-way lines twenty-five (25) feet from the point of intersection.

C. Subdivision or resubdivision of lots. When a new lot or lots are formed from a parcel of land or where two (2) or more lots are combined into a single parcel of land, the separation or combination must be effected in such a manner as not to impair any of the provisions of this chapter.

§ 300-78. Additional yard requirements.

A. Every lot must provide front, rear and side yards as required for its zone. All front yards must face upon a public street or private street approved by the Planning Board or governing body. On streets less than forty (40) feet in right-of-way width, the required front yard shall be increased by one-half (½) the difference between the width of the street and forty (40) feet.

B. Front, side and rear building locations within five (5) feet of the minimum setback requirements of this chapter shall be surveyed and certified by a licensed engineer or land surveyor. The survey may be performed at any time prior to the erection of the building above the foundation. A certified copy of the survey shall be presented to the Construction Official when the foundation of the building is complete.

C. Where a building lot has frontage upon a street which, on the Master Plan or Official Map of the municipality is proposed for right-of-way widening, the required front yard setback shall be measured from such proposed future right-of-way line.

ARTICLE XII
Temporary Use Permits

§ 300-79. Authority to issue temporary use permits.

Recognizing, in certain instances, the necessity of certain temporary uses, the Board of Adjustment, after hearing, may authorize temporary use permits pursuant to the authority of N.J.S.A. 40:55D-70b.

§ 300-80. Time period of permits; extensions.

Such permits may be issued for a period not to exceed one (1) year and, on further application to the Board of Adjustment, may be extended, for good cause shown, for an additional period not to exceed one (1) year. Thereafter, such temporary use permit shall expire, and the use so permitted shall be abated. Any structures erected in connection therewith shall be removed. Where it deems appropriate, the Board of Adjustment may require such guaranties it deems sufficient to cause such abatement and/or removal.

§ 300-81. Temporary certificate of occupancy.

Where a building permit has been issued, a temporary certificate of occupancy for a dwelling house may be granted to a developer to permit such dwelling house to be used, temporarily, as a sales and management office for the sale of those homes within a subdivision, provided that all of the following requirements are met:

A. The house to be used as such office is built upon a lot approved as part of a subdivision that has been approved by the Planning Board.

B. The house is the same quality of construction as those homes to be sold within the subdivision.

C. No other business than that which is accessory to the management and the sale of lands owned by the developer shall be permitted.

D. The dwelling house shall meet all other requirements of the zone district in which it is located.

§ 300-82. Conditions for issuance.

A. Nonconforming uses. Where a building permit has been issued, the Board of Adjustment may grant a temporary use permit for a nonconforming use incidental to construction projects on the same premises such as the storage of building supplies and machinery and/or the assembly of building materials. For example, but not by way of limitation, such temporary use permit may be issued to permit the parking of a construction trailer on such a site.

B. Erection and maintenance of structures. The Board of Adjustment may grant a temporary use permit for the erection and maintenance of temporary structures or buildings for the conduct of permitted uses where such permitted uses have been interrupted by reason of fire or other casualty. Such temporary use permit shall expire at the time the necessary repair or reconstruction of the permanent structures or buildings has been accomplished or within one (1) year, whichever occurs first.

C. Temporary structures. The Board of Adjustment may grant temporary use permits for the location of temporary structures, in connection with permitted uses, on the site of such permitted use, which use is either existing or about to be established, upon the construction of a permanent structure. Such temporary structure shall provide facilities during construction of permanent facilities which are an addition to the permitted use or which will result in permanent facilities to house the permitted use. For example, but not by way of limitation, such temporary use permits may be issued to permit the parking of a trailer housing banking facilities, temporary office space, temporary classroom space and/or temporary warehouse space on such a site.

ARTICLE XIII
Nonconforming Uses

§ 300-83. Continuance of use.

Any lawful nonconforming use or structure which existed on July 1, 1983, may be continued, and any existing structure designed, arranged, intended or devoted to a nonconforming use may be structurally altered subject to the following regulations:

A. A nonconforming use shall not be enlarged unless the use is changed to a conforming use; provided, however, that where a building meets the use requirements of this chapter and is nonconforming because of height, area and/or yard regulations, said use may be enlarged, provided that the height, area or yard regulations are not further violated.

B. A nonconforming use changed to a conforming use shall not thereafter be changed back to a nonconforming use.

C. A nonconforming use in existence July 1, 1983, shall not be permitted to be changed to another nonconforming use.

D. In the event that there is a cessation of operation of any nonconforming use for a period of twelve (12) consecutive calendar months, the same shall be prima facie evidence of an abandonment of the use. Any subsequent exercise of such abandoned nonconforming use shall be deemed a violation of the terms of this chapter.

§ 300-84. Completion of existing use.

Nothing in this chapter shall require any change in plans, construction or designated use of a structure for which a building permit has been issued when construction has been diligently prosecuted within six (6) months following the date of such permit and completed within the term of such permit.

§ 300-85. Continuation and restoration of existing nonconforming uses.

Any nonconforming use or structure existing July 1, 1983, may be continued upon the lot or in the building so occupied, and any structure may be restored or repaired in the event of partial destruction thereof.

§ 300-86. Authorization of nonconforming uses not implied.

Nothing in this chapter shall be interpreted as implied authorization for or approval of the continuance of the use of a structure or premises in violation of zoning regulations in effect July 1, 1983.

§ 300-87. Uses deemed nonconforming due to reclassification of zones.

The foregoing provisions of this chapter shall also apply to structures, land or uses which hereafter become nonconforming due to any reclassification of zones under this chapter or any subsequent change in the regulations of this chapter.

ARTICLE XIV
Promotional Vehicles and Commercial Telephone Listings in Residential Zones

§ 300-88. Vehicles containing advertising matter.

A. Any vehicle containing advertising matter intended to promote an interest of any business or any commercial vehicle used in connection with any business or commercial activity shall not be parked, stored or maintained in any residential zone except in compliance with the following conditions:

(1) Not more than one (1) commercial vehicle per dwelling unit shall be kept on a lot.

(2) The vehicle shall not exceed eight thousand (8,000) pounds gross vehicle weight.

(3) The vehicle is used by a resident of the dwelling unit.

(4) The vehicle is not parked on the street.

B. This section shall apply to all vehicles which are customarily considered commercial vehicles, whether or not such vehicles shall carry a commercial registration.

§ 300-89. Commercial and business telephones in residential zones.

A. Commercial or business telephones shall not be listed and/or installed in any residential zone and telephones may not be used for business purposes in residential zones except in compliance with the following conditions:

(1) A commercial enterprise or business is conducted solely by telephone.

(2) The individuals conducting commercial enterprise or business shall be a resident of the dwelling unit.

(3) No sign shall be erected on the lot or displayed in the dwelling unit advertising commercial enterprise or business which is being conducted solely by phone, and the dwelling unit or structure shall not be altered in order to conduct such business or commercial enterprise and shall remain strictly residential in character.

B. The above conditions do not apply to such nonresidential uses specifically permitted in the zone.

ARTICLE XV
Off-Street Parking and Loading
[Amended 11-8-2004 by Ord. No. 2004-25]

§ 300-90. (Reserved)

§ 300-91. (Reserved)

§ 300-92. (Reserved)

§ 300-93. (Reserved)

§ 300-94. Parking and storage of recreational vehicles.

Recreational vehicles, including boats, boat trailers, snowmobiles and snowmobile trailers, as well as campers, tent campers, motor homes, trailers and travel trailers, may be parked in any zone, subject, however, to the following restrictions and regulations:

A. The area in which such recreational vehicles are parked shall be paved in accordance with the requirements of *§ 300-95 or 300-92A(11), whichever is applicable.*

B. Any recreation vehicle 32 feet or more in overall length, including all hitching devices and other projections extending beyond the confines of the vehicle or trailer on which it may be located, shall be parked or stored only within an enclosed garage, at all times.

C. All other recreational vehicles shall be parked or stored in the side or rear yard areas only and shall meet the requirements applicable to accessory buildings for the zone in which they are located, with respect setback requirements.

D. The area, exclusive of garage area, that may be used for storage of such recreational vehicles, in connection with single-family detached housing, shall not exceed 7% of the total lot area or 400 square feet, whichever is less.

E. Such recreational vehicles shall be screened from view either by fencing, not to exceed six feet in height, or with a vegetative screen. In the event that topographic

conditions or other physical conditions of the property provides adequate screening without the use of vegetation or fencing, in the opinion of the Construction/Zoning Official, no additional screening shall be required.

F. Off-street parking provided for and utilized by recreational vehicles shall be in addition to any other parking provisions required by this chapter.

§ 300-95. (Reserved)

ARTICLE XVI
Conditional Uses

§ 300-96. Procedure established.

These uses, as designated in the particular zone districts, may be established only in accordance with the following procedure and only after the following criteria are met.

§ 300-97. Application for conditional use.

Application for a conditional use shall be made to the Planning Board pursuant to the authority of N.J.S.A. 40:55D-67 (or to the Zoning Board of Adjustment, pursuant to the authority of N.J.S.A. 40:55D-76b). The application shall be made in accordance with the instructions of the Planning Board and shall be accompanied by a site plan prepared in accordance with the requirements of Chapter 244, Subdivision of Land and Site Plan Approval.

§ 300-98. Notice of hearing required.

The applicant shall give notice pursuant to the requirements of N.J.S.A. 40:55D-12, such notice setting forth the date, time and place of the hearing and the nature of the matter to be

considered, pursuant to the authority of N.J.S.A. 40:55D-11 only after such date of the hearing shall have been fixed, after a determination that the application is complete, in accordance with the procedures of said Planning Board.

§ 300-99. Issuance of permit.

The Board shall not order, direct or authorize the issuance of a permit for a conditional use unless it shall find that such use:

A. Is a use permitted in the zone district.

B. Meets all the required conditions for said zone district and, in addition thereto, complies with all of the conditions hereinafter set forth for the specific conditional use listed.

C. Meets the requirements set forth for the particular conditional use hereafter described.

§ 300-100. Public and institutional uses.

A. The lot shall contain an area of at least three acres. In the event that it can be demonstrated that the proposed project can meet all of the other criteria necessary for the issuance of a permit on a lot containing less than three acres in area, the Board may reduce the lot area requirement but in no event reduce it less than the minimum lot size for the zone district in which the property is located.

B. All buildings and structures erected on said site shall meet the yard and height requirements for the zone district in which they are located. In the event that it can be demonstrated that the proposed project can meet all of the other criteria necessary for the issuance of a permit on a lot, the Board may reduce the yard requirements when a reduction in lot area has been permitted but in no event reduce it less than the

minimum yard requirements for the zone district in which the property is located.

C. All buildings and structures to be erected on the tract shall be so designed and arranged in order to minimize the impact of the use on the established neighborhood scheme and shall be so designed as to harmonize, as far as possible, with the established architectural scheme of the neighborhood.

D. Adequate provisions shall be made to provide a suitable buffer to provide a barrier to light and sound between the use sought to be established and abutting properties.

E. Site plan approval shall be obtained in accordance with Chapter 244, Subdivision of Land and Site Plan Approval.

F. Adequate parking shall be provided in accordance with the parking provisions set forth in Article XV, Off-Street Parking and Loading.

G. Signs shall be permitted in accordance with the provisions of Article XVII, Signs, relating to highway commercial uses.

§ 300-101. Public utility uses.

A. The lot shall contain the minimum lot area required in accordance with the zone district in which the lot is located, except that the Board may, for good cause shown, reduce the lot area requirement.

B. All buildings shall be so designed as to conform to and harmonize with the general character of the area in which it is located and will not adversely effect the safe and comfortable enjoyment of properties in the zone.

C. All structures shall be designed so as to be as unobtrusive as feasible and to blend in with the surroundings on the site.

D. Adequate fencing must be provided in accordance with the recommendations of the Board in order to provide protection to the public.

E. Adequate parking shall be required, as determined by the Board when considering the proposed use.

F. Site plan approval shall be obtained in accordance with Chapter 244, Subdivision of Land and Site Plan Approval.

§ 300-102. Trucking terminals.

A. The lot shall contain a minimum of 10 acres in area.

B. The proposed lot shall be located within 500 feet of a state highway.

C. The proposed lot shall be located at least 1,000 feet from a residential zone boundary.

D. All buildings shall be located at least 200 feet from any property line.

E. Paved areas shall not exceed 10 times the ground floor area of all buildings.

F. The combined ground floor area of all buildings and paving areas shall not exceed 50% of the lot area.

G. Fencing shall not be required but when provided shall be in a location and of a type approved by the Board and shall not exceed 10 feet in height and shall not be located within 100 feet of a street right-of-way line.

H. A buffer consisting of dense evergreen shall be provided along the boundaries of all parking and loading areas to provide an adequate barrier to light and sound from all adjoining streets and properties.

I. Separate vehicular entrances and exits shall be provided. Entrances and exits shall be at least 100 feet apart and shall be at least 24 feet wide.

J. Site plan approval shall be obtained in accordance with Chapter 244, Subdivision of Land and Site Plan Approval.

K. Adequate parking shall be provided in accordance with the parking provisions set forth in Article XV, Off-Street Parking and Loading. However, truck and trailer parking shall be located at least 25 feet from side and rear property lines and at least 100 feet from a street right-of-way line. There shall be at least three truck or trailer parking spaces for each loading bay. Aisles between truck and trailer parking spaces shall be at least 60 feet in width, and there shall be at least two off-street parking spaces for each loading bay.

L. A truck terminal may include the following accessory uses: offices related to the principal use, dormitories providing temporary sleeping quarters for transient truckers, cafeterias serving trucking terminal employees and transient truckers, repairs and maintenance garages and refueling facilities for trucks and trailers otherwise using the trucking terminal.

M. Signs shall be permitted in accordance with the provisions of Article XVII, Signs, relating to highway commercial uses.

ARTICLE XVII
Signs
[Amended 11-26-1984 by Ord. No. 1984-17; 2-24-1986 by Ord. No. 1986-3; 11-8-2004 by Ord. No. 2004-25]

§ 300-103. Sign regulations.

A. Definitions. As used in this article, the following terms shall have the meanings indicated:

ATTACHED SIGN — Any sign erected, constructed or maintained on a building with the principal support of said sign being the building.

AWNING or CANOPY SIGN — Any sign located on or affixed to an awning or canopy.

FACADE — The face of a building that is considered to be the architectural front and usually given special architectural treatment. The facade does not include roof designs.

FASCIA — The edges of a gas station's canopy which face outward.

FUNCTIONAL SIGNS — Directional, information or public service signs, such as signs advertising locations of rest rooms, telephones or similar facilities of public convenience, including entry and exit signs from parking areas. Functional signs shall not include any name, business, logo or message other than the directional or informational material as above.

MONUMENT SIGN — A sign, the bottom of which or integral support structure thereof, is flush with the ground throughout the entirety of vertical dimension.

B. Permit requirements.

(1) A zoning permit must be obtained prior to the erection, installation, alteration or relocation of any sign, except those signs permitted under § 300-103D below.

(2) A building permit must be obtained prior to the erection, installation, alteration or relocation of any sign except as follows:

(a) Nonilluminated functional/direction signs.

(b) A change in the copy of an approved sign.

(3) A certificate of conformance must be obtained after erection, installation, alteration or relocation of any sign to confirm that the property and the sign

conform to and with the requirements of this § 300-103.

C. Regulations applicable to alt signs in all zoning districts.

(1) Computation of sign area. In administering this section, the area of any sign shall be computed as the total square foot content of the background upon which the lettering, illustration or display is presented, including in such background any decorative motif or moldings. If the lettering, illustration or display is not affixed to the background but is affixed directly to the wall of a building or other structure, the area of the sign shall be computed as the product of the largest horizontal distance and the largest vertical distance of the lettering, illustration or display. The supporting members of any sign, which are used exclusively for such purpose, shall not be included in the computation of the sign area. Signs having more than one display face may have the maximum area permitted on each face, provided that the faces are directly parallel to each other.

(2) No sign shall be erected anywhere within the City except in accordance with the requirements and regulations of this section.

(3) Any sign in existence at the time of the adoption of this section is entitled to remain so long as it is not moved, altered or replaced, in which event it shall conform to all the requirements of this section.

(4) All signs shall relate to a use or activity located on the same lot. Signs related to activities off premises are prohibited.

(5) No sign shall be placed in a position that will cause danger to traffic on a street or entering a street by obscuring the view of traffic on either street. In no case shall any sign, other than an official governmental sign or traffic control sign, be erected within

the right-of-way of any street unless specifically authorized by ordinance or regulations of the City.

(6) No private or commercial sign may be designed in such a way as to be potentially misunderstood as an official governmental sign.

(7) The repainting, relettering or repair of an existing sign shall not constitute a new sign, provided said repainting, relettering or repair does not necessitate the removal of the sign from its supporting structures.

(8) Flashing, blinking, twinkling, animated, moving or projected signs of any type or signs which present an illusion of movement are prohibited. This prohibition shall not apply to static time and temperature displays.

(9) Illuminated signs, where permitted, may be internally or externally illuminated so long as such illumination does not shine directly onto adjoining property or onto any street or highway.

(10) Signs attached to any part of a building shall not extend above the roofline.

(11) No sign may be erected within a clear sight triangle.

(12) No permanent sign may be erected using freestanding poles as its primary support.

D. Signs permitted in all districts without zoning permits.

(1) Temporary signs locating and advertising subdivisions of land and projects requiring site plan approval which have received final approval by the City, provided that no such sign shall exceed 24 square feet in area, exceed two in number, nor be located closer than 20 feet to any street line. Such sign permits shall be valid for a period of six months, and then such signs shall be removed, unless the permit is renewed. Such signs shall be removed, in the case of land subdivisions, when

either 75% of the lots created have been built upon or after 75% of the lots have been sold by the developer, which ever should occur first, and in the case of projects receiving site plan approval, upon the issuance of a certificate of occupancy.

(2) Traffic control signage necessary for the sak and efficient flow of vehicular and/or pedestrian traffic.

(3) Functional signs not exceeding three square feet in area nor three feet in height.

(4) Signs incident to the legal process such as legal notices, condemnation or quarantine signs.

(5) Temporary signs of artisans and contractors, provided said signage does not exceed an area of 12 square feet, does not exceed a height above grade of four feet and is removed within 24 hours of completion of work.

(6) Temporary signs announcing any educational, charitable, civic, religious, political or similar event for a consecutive period not to exceed 31 days before the event and seven days after the event. The size of all temporary signs shall not exceed 20 square feet in area and six feet in height. The number of temporary signs shall be limited to one sign per property and shall contain no commercial message or logo. Temporary signs shall be made of wood, plastic, or paper-based material and shall not be illuminated. The person or organization erecting the sign shall be responsible for taking the sign down within the allowed time limit.

(7) One temporary sign advertising hiring of employees which shall only be a plastic or wooden type sign, which shall not exceed eight square feet in area and shall not be installed within any local, county or state right-of-way. A temporary hiring sign shall be limited to a maximum time period of 30 calendar

days and for no more than four time periods during any one calendar year.

(8) Temporary real estate signs, provided said signage does not exceed an area of 12 square feet, does not exceed a height above grade of four feet and is removed within 24 hours of settlement or the execution of a lease.

E. Flagpoles. Flagpoles may be installed on a lot in any zone following the issuance of a zoning permit, provided they meet the following requirements.

(1) No more than one flagpole may be installed on any lot.

(2) The front and side yard setbacks applicable to flagpoles shall be 1/2 of the applicable minimum building front and side yard setback; provided, however, that no flagpole may be installed or erected in any required buffer area.

(3) The maximum height of flagpoles is the maximum height for buildings permitted in the zoning district in which the flagpole is erected.

F. Sign regulations applicable to specific zoning districts.

(1) Signs in residential zones. The following signs shall be permitted in the R-1, R-2, R-3 and PLD Zoning Districts and shall comply with the following regulations.

(a) One nameplate sign containing the name and/or address of the resident, which shall not exceed one square foot in area.

(b) Any residential subdivision shall be permitted to install one monument sign as an entry marker in accordance with the following:

[1] Signs shall be illuminated by external low level, ground-mounted spot lights.

[2] Sign may be no larger than 32 square feet.

[3] If the sign is to be installed by the developer, it must be shown on the final subdivision plat and located on a private lot or parcel or within the common areas owned and controlled by the homeowners' association applicable to the development.

[4] The homeowners' association shall be solely liable for all maintenance, repair, utility cost and insurance for such sign. The sign and all adjacent landscaping shall be kept in a well maintained state.

[5] The provisions applicable to such sign in the homeowners' association governing documents must be reviewed and approved by the City Solicitor.

[6] The homeowners' association documents must give the City the right and power but not the obligation to maintain the sign if the homeowners' association fails to maintain the same and to assess the owner of the lot on which the sign exists for the costs to complete such maintenance and repair.

[7] If the sign is installed upon the application of the homeowners' association, the applicant shall execute an agreement containing provisions similar to Subsections F(1)(b)[4] and [6] above as a condition of such approval. The form of agreement shall be approved by the City Solicitor.

[8] The sign must be located outside of all applicable clear sight triangles.

(c) One sign not exceeding two square feet in area advertising roomers or boarders.

(d) One sign advertising professional uses or home occupations, not exceeding one square foot in area.

(e) Professional uses in addition to the sign permitted in the front yard area may have one additional sign attached to the building in which the professional use is located not exceeding six square feet in area.

(2) Signs in Local Commercial (LC) Zones and historic districts. The following regulations shall govern the size and placement of signs in the Local Commercial Zone:

(a) Each commercial property may have one attached sign, to be either mounted flush against or attached in a perpendicular manner to a wall.

(b) Attached signs that are placed flush against a wall may not exceed 15% of that wall's surface area.

(c) Signs mounted perpendicular to a wall may not extend more than three feet from that wall and may not have an area greater than six square feet.

(d) The bottom of a sign mounted perpendicular to a wall shall be at least seven feet above the sidewalk.

(e) If a commercial use has a secondary entrance, one additional attached sign is permitted at that entrance, provided it is mounted flush against the wall and does not exceed four square feet in area.

(f) Window signs are permitted, providing said signs do not exceed 10% of the window area.

(g) Awning or canopy signs. Each commercial storefront may have one awning or canopy sign subject to the following conditions:

[1] Only one such sign is permitted per storefront, on the first floor only.

[2] Sign letters and characters shall be painted or sewn on. Maximum letter height shall be nine inches.

[3] Maximum lettering area shall not exceed 1/2 square foot for each linear foot of building frontage or 16 square feet, whichever is less. Inclusion of the premises' street address on the awning or canopy shall not be counted towards the maximum permitted sign area or number of signs.

[4] Awning or canopy signs attached to the same building must be the same shape, color and height, regardless of individual business ownership or tenancy in the building.

[5] Awning or canopy signs may not extend outward from a building's facade more than four feet and may not encroach into a public right-of-way unless said sign is at least seven feet above any sidewalk.

(3) Signs in Highway Commercial (HC) Zones and Commercial Industrial (CI) Zones. The following regulations shall govern the size and placement of signs in the Highway Commercial and Commercial Industrial Districts:

(a) Any business establishment may display one monument sign and one attached sign mounted flush to its facade. The maximum area of any monument sign shall be the lesser of 1/2 square foot per each lineal foot of front building elevation or 54 square feet, and may not have a

vertical dimension in excess of six feet above grade; the maximum area of any attached sign shall not exceed 15% of the area of the facade to which it is affixed.

(b) In the case of a shopping center or multiple occupant/tenant (MOT) commercial development, the development shall be permitted one monument sign per driveway, but not to exceed two and not exceeding 72 square feet in area and a height above grade of 10 feet. Each tenant shall be permitted to display one attached sign not to exceed 15% of the facade area attributable to each individual tenant use.

(c) No monument sign shall be erected closer than 10 feet to any property line.

(d) The height of any attached sign shall not exceed 10% of the height of the wall to which it is attached, except that such sign can be at least two feet in height. The maximum width of any attached sign shall not exceed 50% of the width of the wall to which it is attached or 12 feet in width, whichever is less.

(e) No attached sign shall extend farther than six inches from the face of the wall upon which it is attached. Where a sign extends more than three inches from the face of the wall, the bottom of such sign shall be at least eight feet above ground level. Any attached sign overhanging a public or private walkway shall not extend more than three inches from the face of the wall to which it is attached.

(4) Signs in automotive service stations and public garages. The following signs, in addition to the foregoing signs, shall be permitted in connection with an automotive service station or public garage, subject to the following regulations:

(a) A ground-mounted combination identification and price sign not exceeding a vertical dimension of eight feet nor an area of 64 square feet. Said sign shall be placed at least 10 feet from any property line.

(b) Where a canopy is provided over pump islands, the company logo may be placed on any two sides of the fascia. Each logo may not cover more than 10% of the fascia side to which it is affixed.

(c) Signs or lettering displayed over individual entrance doors or bays consisting of the words washing, lubrication, repairs or such other legend related to the functions performed in such location, provided that there shall be no more than one such sign over each entrance and the area of any such sign does not exceed six square feet.

(d) The customary lettering or other insignia such as company logo which are an integral part of any gasoline pump, together with any signs located thereon dealing with the product dispensed therefrom, a price indicator and any other sign which may be required by law.

(e) Other signs describing, locating and identifying other services or products dispensed, such as air, water and oil, provided that such signs shall not exceed one square foot in area.

(f) Nonilluminated credit card signs indicating those credit cards which are honored at such establishment, provided that no individual signs shall exceed two square feet in area.

§ 300-104. (Reserved)

§ 300-105. (Reserved)

§ 300-106. (Reserved)

§ 300-107. (Reserved)

§ 300-108. (Reserved)

§ 300-109. (Reserved)

§ 300-110. (Reserved)

§ 300-111. (Reserved)

§ 300-112. (Reserved)

§ 300-113. (Reserved)

ARTICLE XVIII
Prohibited and Restricted Uses[7]

§ 300-114. Specific prohibited uses established.

All uses not expressly permitted in this chapter shall be prohibited, and the following designated uses are specifically prohibited in all zone districts.

§ 300-115. Aircraft.

The landing, taking off, parking, storing or maintaining of any aircraft or airborne vehicle, except in connection with an airport, shall be prohibited.

§ 300-116. Junk vehicles.

The maintenance in any yard, area or open space of any nonregistered, inoperable, wrecked or junked automobile or vehicle, except as otherwise specifically permitted by any provision of this chapter, shall be prohibited.

§ 300-117. Commercial vehicles.

A. The parking, storing, keeping or maintaining of any commercial vehicle on any street or in the open on any premises in any residential zone district, unless the owner possesses a valid certificate for a preexisting nonconforming use, shall be prohibited.

B. The garaging of more than one commercial vehicle exceeding three-fourths-ton rated capacity in any residential zone district shall be prohibited. See § 300-22C.

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7 **Editor's Note: See also § 300-18, Prohibited uses.**

§ 300-118. Tourist cabins, mobile homes and other movable dwellings.

Tourist cabins, house trailers, tents and all other movable dwellings shall be prohibited and may not be occupied, erected or moved into any zone district, except as otherwise specifically permitted by any provision of this chapter.

§ 300-119. Trailers.

The parking, storing, keeping or maintaining of trailers, except as otherwise specifically permitted by any provision of this chapter, shall be prohibited.

ARTICLE XIX
Administration and Enforcement

§ 300-120. Building Official.

It shall be the duty of the Building Official of the City, as Zoning Officer, or his representative in his absence to administer and enforce this chapter in accordance with the provisions of the Building Code and of this chapter. In no case shall a permit be granted for the construction or alteration of any building where the proposed construction, alteration or use would be in violation of any provision of this chapter. It shall be the duty of the Building Official or his representative to cause any buildings, plans or premises to be inspected or examined and to order, in writing, to the owner or his

agent, that any condition be remedied which is found to exist in violation of any provisions of this chapter, and he shall have the right to enter any building or premises during the daytime in the course of his duties. A copy of any order given in writing to an owner or his agent that any condition be remedied shall be given to the Municipal Clerk.

§ 300-121. Application for building permit.

Every application for a building permit shall be accompanied by duplicate plans, drawn in ink, blue or black and white copies, showing the actual shape and dimensions of the lot to be built upon; the location, size and height of the structures to be erected; existing structures; the existing and proposed setback lines; and the existing or intended use of each structure or part thereof. The plan shall also show the number of dwelling units the building is designed to accommodate, the number and location of off-street parking spaces and off-street loading areas and such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this chapter. The application shall also be accompanied by proof of final approval by the Planning Board as required by Chapter 244, Subdivision of Land and Site Plan Approval. One (1) copy of such plans shall be returned to the owner when such plans have been approved by the Building Official, together with such permits as may be granted.

§ 300-122. Certificate of occupancy.

It shall be unlawful for an owner to use or permit the use of any building or part thereof hereafter erected, altered, converted or enlarged, wholly or in part, until a certificate of occupancy, applied for at the time of application for a building permit, shall have been issued by the Building Official. Such certificate shall show that such building or part of the building and the proposed uses thereof conform to the requirements of this chapter. It shall be the duty of the Building Official to issue a certificate of occupancy only when he is satisfied that the building, or part of the building, and the proposed use thereof so conforms.

§ 300-123. Zoning permit.

No land shall be used, no use shall be commenced and no structure shall be erected, constructed, reconstructed, altered or converted and no land, use or structure shall be changed from an existing use to a new use until a zoning permit is issued by the Zoning Officer stating that such use, structure or building conforms to and complies with the provisions of this chapter or that a variance has been granted from the appropriate provisions of this chapter by a board of competent jurisdiction.

§ 300-124. Records to be kept.

It shall be the duty of the Building Official to keep a record of all applications for building permits, a record of all permits issued and a record of all certificates of occupancy, together with a notation of all special conditions involved. He shall file and safely keep copies of all plans submitted, and the same shall form a part of the records of his office and shall be available for the use of the City Council and of other officials of the city.

§ 300-125. Temporary certificate of occupancy and zoning permit.

The Zoning Officer may issue a temporary zoning permit and the Building Official may issue a temporary certificate of occupancy for a use of land or a building which is related to the development of a permitted use of the property. In evaluating any application for such temporary permits, the building or structure in question must meet the minimum requirements as set forth in the New Jersey Uniform Construction Code Act[14] for the issuance of temporary certificates of occupancy and a bond shall be posted which is sufficient, in the judgment of said Zoning Officer and Building Official, that will guarantee the completion of the project. Such temporary permits shall be issued for a period not to exceed six (6) months and may be extended for an additional period not to exceed six (6) months.

[14] Editor's Note: See N.J.S.A. 52:27D-119 et seq.

§ 300-126. Monthly reports.

The Zoning Officer shall prepare a monthly report summarizing, for the period since his last report, all zoning permits issued, complaints of violations received and action taken by him with respect thereto. Such report shall be in a form and shall contain such information as the City Council may direct. A copy of such reports shall be made available to the Building Official and to the Tax Assessor.

§ 300-127. Fees. [Amended 12-24-1990 by Ord. No. 1990-5]

Fees shall be paid by the applicant to the City for the following, and the amount of each fee is available from the City Clerk:

A. For the issuance of a zoning permit.

B. For filing applications before the Zoning Board of Adjustment, pursuant to N.J.S.A. 40:55D-70.

C. For applications before the Zoning Board of Adjustment pursuant to N.J.S.A. 40:55D-76 in accordance with the appropriate fees as set forth in Chapter 244, Subdivision of Land and Site Plan Approval.

§ 300-128. Enforcement. [Readopted 9-27-2004 by Ord. No. 2004-23]

This chapter shall be enforced by the Zoning Officer. It shall be his primary duty to investigate violations of this chapter coming to his attention, serve notices to abate violations, sign complaints where justified and cooperate with other municipal officials in the prosecution of violators. The enumeration herein of the primary duties of the Zoning Officer shall not mean that other officials and employees shall be relieved of their obligation to enforce this chapter. The Zoning Officer or other municipal employees, authorized by the City Council, shall have the right to inspect any lot or building at reasonable times for the purpose of investigating possible violations of this chapter.

§ 300-129. Action instituted by Zoning Board of Adjustment Attorney. [Readopted 9-27-2004 by Ord. No. 2004-23]

In addition to actions commenced by the Zoning Officer in the enforcement of this chapter, in cases where any building or structure is, or is intended to be, erected, constructed, reconstructed, altered or converted, or any building or structure is, or is intended to be, used in violation of or contrary to the provisions of this chapter, the Attorney for the Zoning Board of Adjustment is hereby authorized, pursuant to directions of the City Council, to institute an action to enjoin the erection, construction, alteration, conversion or use of any such structure or building or the commencement of any use in violation of this chapter or to pursue any other appropriate action, proceedings or remedies available at law to prevent the commencement of or the continuation of such use.

§ 300-130. Persons subject to fine for violation. [Amended 12-29-1990 by Ord. No. 1990-5; readopted 9-27-2004 by Ord. No. 2004-23]

For any and every violation of the provisions of this chapter, the owner, contractor or other persons interested as general agent, architect, building contractor, tenant or any other person who commits, takes part in or assists in any violation of this chapter or who maintains any building or premises in which any violation of this chapter shall exist and who shall have refused to abate such violation within five days after written notice shall have been served upon him, either by certified mail or by personal service, shall, for each and every violation, be subject to a fine.

§ 300-131. Amendments. [Readopted 9-27-2004 by Ord. No. 2004-23]

This chapter may be amended in accordance with the provisions of the statutes of the State of New Jersey.

§ 300-132. Effect of Municipal Land Use Law. [Readopted 9-27-2004 by Ord. No. 2004-23]

This chapter shall be read in para materia with Chapter 51, Land Use Procedures, of this revision with the provisions of the Municipal Land Use Law, P.L. 1975, c. 291, N.J.S.A. 40:55D-1 et seq., to the end that all procedures, and to the extent possible, all substantive provisions of this chapter and Chapter 51 shall be in compliance with the provisions of the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

ARTICLE XX[1]
Mandatory Development Fees
[Adopted 5-10-2004 by Ord. No. 2004-14]

§ 300-133. Purpose.

In Holmdel Builder's Association v. Holmdel Township, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985, N.J.S.A. 52:27d-301 et seq., and the State Constitution subject to COAH's adoption of rules at N.J.A.C. 5:93-8, which pertain to the imposition, collection and expenditure of mandatory affordable housing development fees. The purpose of this article is to establish standards for imposing, collecting, maintaining and expending development fees pursuant to COAH's rules. Fees collected pursuant to this article shall be used for the sole purpose of providing low- and moderate-income housing. This article shall be interpreted within the framework of COAH's rules on development fees.

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[1] **Editor's Note: This article was originally adopted as §§ 300-128 through 300-134, which conflicted with existing Code section numbers. Ordinance No. 2004-23, adopted 9-27-2004, provided for the renumbering of the sections in this article as §§ 300-133 through 300-139.**

§ 300-134. Residential development fees. [Amended 7-11-2005 by Ord. No. 2005-15]

A. Within all residential zoning districts or residential development in nonresidential zoning districts, developers shall pay a development fee of 1% of the equalized assessed value for residential development, provided no increased density is permitted.

B. If a "d" variance is granted pursuant to N.J.S.A. 40:55D-70d(5), then the additional residential units realized (above what is permitted by right under the existing zoning) will incur a bonus development fee of 6% rather than the development fee of 1%. However, if the zoning on a site has changed during the two-year period preceding the filing of the "d" variance application, the density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the "d" variance application.

§ 300-135. Nonresidential development fees. [Amended 7-11-2005 by Ord. No. 2005-15]

A. Developers within all nonresidential zoning districts or nonresidential development in residential zoning districts shall pay a fee of 2% of the equalized assessed value for nonresidential development.

B. If a "d" variance is granted pursuant to N.J.S.A. 40:55D-70d(4), then the additional floor area realized (above what is permitted by right under the existing zoning) will incur a bonus development fee of 6% rather than the development fee of 2%. However, if the zoning on a site has changed during the two-year period preceding the filing of the "d" variance application, the base floor area for the purposes of calculating the bonus development fee shall be the highest floor area permitted by right during the two-year period preceding the filing of the "d" variance application.

§ 300-136. Eligible exaction, ineligible exaction and exemptions.

A. Developers of new residential units, developers of new nonresidential development or developers of expansions of nonresidential development shall pay development fees.

B. Developers of low- and moderate-income units shall be exempt from paying development fees.

C. Developers that have received preliminary or final approval prior to the effective date of this article shall be exempt from paying a development fee unless the developer seeks a substantial change in the approval.

D. Nonprofit developers shall be exempt from paying a development fee.

§ 300-137. Collection of fees.

Developers shall pay 50% of the calculated development fee to the City of Bordentown at the issuance of building permits. At the issuance of certificates of occupancy, the developer shall be responsible for paying the difference between the fee paid at the time of the issuance of the building permit and the total calculated development fee.

§ 300-138. Affordable housing trust fund.

A. There is hereby created an interest-bearing affordable housing trust fund in the Farmers and Mechanics Bank for the purpose of receiving development fees from residential and nonresidential developers. All development fees paid by developers pursuant to this article shall be deposited in this trust fund. No money shall be expended from the affordable housing trust fund unless the expenditure conforms to a spending plan approved by the New Jersey Superior Court (hereinafter

"Court") and/or COAH. **[Amended 9-27-2004 by Ord. No. 2004-23]**

B. If the Court or COAH determines that the City of Bordentown is not in conformance with COAH's rules on development fees, COAH is authorized to direct the manner in which all development fees collected pursuant to this article shall be expended. Such authorization is pursuant to this article, COAH's rules on development fees and the written authorization from the governing body to the Farmers and Mechanics Bank.

§ 300-139. Use of funds.

A. Money deposited in the affordable housing trust fund may be used for any activity approved by COAH for addressing the City of Bordentown's low- and moderate-income housing obligation. Such activities may include, but are not necessarily limited to, housing rehabilitation, new construction, regional contribution agreements (RCAs), the purchase of land for low- and moderate-income housing, extensions and/or improvements of roads and infrastructure to low- and moderate-income housing sites, assistance designed to render units more affordable to low- and moderate-income households and administrative costs necessary to implement the City of Bordentown's housing element. The expenditure of all money shall conform to a spending plan approved by the Court.

B. At least 30% of the revenues collected shall be devoted to render units more affordable unless the development fees are financing an RCA, rehabilitation program, a new construction project. Examples of affordability assistance for low- and moderate-income units include, but are not limited to, down payment and closing cost assistance, low-interest loans and rental assistance. **[Amended 9-27-2004 by Ord. No. 2004-23]**

C. No more than 20% of the revenues collected shall be expended on administrative costs necessary to develop, revise or implement the housing element and fair share plan. Examples of eligible administrative activities include, but are not limited to, personnel, consultant services, space costs, consumable supplies and rental or purchase of equipment directly associated with plan development or plan implementation.

§ 300-140. Expiration of article. [Added 9-27-2004 by Ord. No. 2004-23]

This article shall expire if the judgment of compliance expires prior to the City of Bordentown's filing an adopted housing element with the Court or COAH.

ARTICLE XXI
Inclusionary Zoning
[Added 3-27-2006 by Ord. No. 2006-8]

§ § 300-141. Rezoning of Block 902/Lot 20 and portion of Lot 23.

Block 902/Lot 20 and that portion of Lot 23 recently subdivided and to become a part of Lot 20 shall be rezoned from R-3 Residential to L/M Inclusionary Zoning.

§ 300-142. Rezoning of Block 1101/Lot 5.

Block 1101/Lot 5 shall be rezoned from R-3 Residential to L/M Inclusionary Zoning.

§ 300-143. Establishment of L/M Inclusionary Zoning District.

There shall be created a new zoning district entitled "L/M Inclusionary Zoning" which shall require the following.

A. All development shall include a 20% set aside for low- and moderate-income housing units as that term is defined by the council on Affordable Housing (COAH) pursuant to N.J.A.C. 5:94 et seq.

B. All development shall conform to the bulk and design standards of residential development in the R-3 Residential Zoning District.

ARTICLE XXII
Third Round Fair Share Plan
[Added 3-27-2006 by Ord. No. 2006-9]

§ 300-144. Intent.

This article of the City Code sets forth regulations regarding the low- and moderate-income housing units in the City consistent with the provisions known as the "Substantive Rules of the New Jersey Council on Affordable Housing for the period beginning December 20, 2004," N.J.A.C. 5:94 et seq., the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq., and the City's constitutional obligation to provide a fair share of affordable housing for low- and moderate-income households. These regulations are also intended to provide assurances that low- and moderate-income units (the "affordable units") are created with controls on affordability over time and that low- and moderate-income people occupy these units. These regulations shall apply except where inconsistent with applicable law.

§ 300-145. Proportion of low- and moderate-income units by sale, rental and number of bedrooms.

Except for affordable housing developments constructed pursuant to low-income tax credit regulations:

A. At least half of the for-sale affordable units within each affordable housing development shall be affordable to low-income households.

B. At least half of the rental affordable units within each affordable housing development shall be affordable to low-income households.

C. At least half of the affordable units in each bedroom distribution within each affordable housing development shall be affordable to low-income households.

§ 300-146. Bedroom distribution of affordable units.

A. Affordable housing developments which are not limited to age-restricted households shall be structured in conjunction with realistic market demands so that:

(1) The combination of efficiency and one-bedroom units is no greater than 20% of the total number of affordable units.

(2) At least 30% of all affordable units shall be two-bedroom units.

(3) At least 20% of all affordable units shall be three-bedroom units.

B. Affordable housing developments that are limited to age-restricted households shall at a minimum have a total number of bedrooms equal to the number of age-restricted affordable units within the affordable housing development. The standard may be met by creating all one-bedroom units or by creating a two-bedroom unit for each efficiency unit.

§ 300-147. Establishment of rents and prices of units as related to household size and number of units.

A. In conjunction with realistic market information the following shall be used to determine maximum rents and sales prices of the affordable units:

(1) Efficiency units shall be affordable to one-person households.

(2) A one-bedroom unit shall be affordable to a one-and-one-half person household.

(3) A two-bedroom unit shall be affordable to a three-person household.

(4) A three-bedroom unit shall be affordable to a four-and-one-half person household.

(5) A four-bedroom unit shall be affordable to a six-person household.

B. For assisted-living facilities the following standards shall be used:

(1) A studio shall be affordable to a one-person household.

(2) A one-bedroom unit shall be affordable to a one-and-one-half person household.

(3) A two-bedroom unit shall be affordable to a two-person household or to two, one-person households.

C. In referring certified households to specific restricted units, to the extent feasible, and without causing an undue delay in occupying the unit, the administrative agent shall strive to:

(1) Provide an occupant for each unit bedroom;

(2) Provide children of different sex with separate bedrooms; and

(3) Prevent more than two persons from occupying a single bedroom.

§ 300-148. Establishing median income by household size.

Median income by household size shall be established using a regional weighted average of the uncapped Section 8 income limits published by HUD computed as set forth in N.J.A.C. 5:94-7.2.

§ 300-149. Establishing average rents of affordable units.

A. The maximum rent of affordable units within each affordable housing development shall be affordable to households earning no more than 60% of median income. The average rent for low- and moderate-income units shall be affordable to households earning no more than 52% of median income. Restricted rental units shall establish at least one rent for each bedroom type for all low- and moderate-income units provided at least 10% of all low- and moderate-income units are affordable to households earning no more than 35% of median income.

B. Low- and moderate-income units shall utilize the same heating source as market units within an inclusionary development.

C. Gross rents including an allowance for utilities shall be established for the various size affordable units at a rate not to exceed 30% of the gross monthly income of the appropriate household size as set forth in § 300-147 above. The allowance for utilities shall be consistent with the utility allowance approved by NJDCA for use in its Section 8 Program.

D. No affordable rental units included in the COAH requirement shall be subject to a rent control ordinance which may be adopted or in place in the City of Bordentown during the time period in which affordable housing COAH controls are effective.

§ 300-150. Establishing average sales prices of affordable units.

A. The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70% of median income. Each affordable development must achieve an affordability average of 55% for restricted ownership units. Moderate-income ownership units must be available for at least three different prices for each

bedroom type and low-income ownership units must be available for at least two different prices for each bedroom type.

B. Low- and moderate-income units shall utilize the same heating source as market units within an inclusionary development.

C. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying costs of the unit, including principal and interest (based on a mortgage loan equal to 95% of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28% of the eligible monthly income of an appropriate household size as determined under N.J.A.C. 5:80-26.4; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3.

§ 300-151. Affordable housing units: condominium or homeowner association fees.

If an affordable housing unit is part of a condominium association or homeowners' association, the master deed shall reflect that the assessed affordable homeowners' fee be established at 100% of the market rate fee. This percentage assessment shall be recorded in the master deed.

§ 300-152. Reservation of units.

A. Low-income housing units shall be reserved for households with a gross household income equal to or less than 50% of the median income approved by COAH.

B. Moderate-income housing units shall be reserved for households with a gross household income in excess of 50% but less than 80% of the median income approved by COAH.

§ 300-153. Reoccupancy certificates.

Upon resale of an affordable unit, a certificate of reoccupancy shall be required in accordance with N.J.A.C. 5:80-26.10.

§ 300-154. Phasing of construction.

Final site plan or subdivision approval shall be contingent upon the affordable housing development meeting the following phasing schedule for low- and moderate-income units whether developed in one stage or in two or more stages.

Minimum Percentage of Low- and Moderate-Income Units Completed	Percentage of Market Housing Units Completed
0	25
10	25 + 1 unit
50	50
75	75
100	90

§ 300-155. Control period for affordable housing.

Any conveyance of a newly constructed low- or moderate-income sales unit shall contain the restrictive covenants and liens that are set forth in N.J.A.C. 5:80-26 et seq.

§ 300-156. Administration of affordable housing program.

A. Bordentown City is ultimately responsible for administering the affordable housing program, including affordability controls and the affirmative marketing plan in accordance with the regulations of the Council on Affordable Housing pursuant to N.J.A.C. 5:94 et seq. and the New Jersey Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26 et seq.

B. Bordentown City has delegated to the Housing Officer this responsibility for administering the affordable housing program, including administering and enforcing the affordability controls and the affirmative marketing plan of Bordentown City in accordance with the provisions of this article, the regulations of the Council on Affordable Housing pursuant to N.J.A.C. 5:94 et seq. and the New Jersey Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26 et seq. Bordentown City shall by resolution appoint the City Clerk as the Housing Officer.

C. Subject to Court or COAH approval, Bordentown City may contract with one or more administrative agents to administer some or all of the affordability controls and/or the affirmative marketing plan in accordance with this article, the regulations of the Council on Affordable Housing pursuant to N.J.A.C. 5:94 et seq. and the New Jersey Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26 et seq. If Bordentown City enters into such a contract, the Housing Officer shall supervise the contracting administrative agent(s) and shall serve as liaison to the contracting administrative agent(s).

D. The City of Bordentown intends to contract with an experienced affordable housing administrator to be the administrator of the sale and rental of all new affordable housing. The experienced affordable housing administrator will also oversee and administer income qualification of low- and moderate-income households; place income-eligible households in low- and moderate-income units upon initial occupancy; place income-eligible households in low- and moderate-income units as they become available during the period of affordability controls and enforce the terms of the required deed restrictions and mortgage loans. The experienced affordable housing administrator will specifically administer and implement:

(1) An administrative plan and program, and related monitoring and reporting requirements as outlined

in N.J.A.C. 5:80-26.15 et seq. and Chapter 300, Zoning, of the City of Bordentown.

(2) A plan for certifying and verifying the income of low- and moderate-income households as per N.J.A.C. 5:80-26.16.

(3) Procedures to assure that low- and moderate-income units are initially sold or rented to eligible households and are thereafter similarly resold and rerented during the period while there are affordability controls as per N.J.A.C. 5:80-26 et seq.

(4) The requirement that all newly constructed low- and moderate-income sales or rental units contain deed restrictions with appropriate mortgage liens as set forth in appendices in N.J.A.C. 5:80-26 et seq.

(5) The several sales/purchase options authorized under N.J.A.C. 5.80-26 et seq., except that the City retains the right to determine by resolution whether or not to prohibit, as authorized under N.J.A.C. 5:80-26 et seq., the exercise of the repayment option.

(6) The regulations determining whether installed capital improvements will authorize an increase in the maximum sales price; and which items of property may be included in the sales price as per N.J.A.C. 5:80-26.9.

E. The developers/owners of any inclusionary site shall be responsible for the experienced affordable housing administrator's administrative fee, affirmative marketing and advertising and such shall be a condition of Planning or Zoning Board approval.

F. Bordentown City reserves the right to replace the experienced affordable housing administrator with another municipal authority or other agency authorized by the court or COAH to carry out the administrative processes outlined above.

§ 300-157. Time period for controls.

A. Newly constructed low- and moderate-income rental units shall remain affordable to low-and moderate-income households for a period of 30 years.

B. Newly constructed low- and moderate-income for-sale units shall remain affordable to low- and moderate-income households for a period of 30 years.

C. Rehabilitated owner-occupied single-family housing units that are improved to code standard shall be subject to affordability controls for 10 years.

D. Rehabilitated renter-occupied housing units that are improved to code standard shall be subject to affordability controls for at least 10 years.

E. Housing units created through conversion of a nonresidential structure shall be considered a new housing unit and shall be subject to affordability controls for new housing units as designated in Subsections A and B above.

F. Affordability controls on accessory apartments shall be for a period of 30 years.

G. Affordability controls for units in alternative living arrangements shall be for a period of 30 years.

H. Affordability controls on buy-down units shall be for a period of 30 years.

§ 300-158. Selection of occupants of affordable units.

A. The administrative agent shall use a random selection process to select occupants of low- and moderate-income housing.

B. A waiting list of all eligible candidates will be maintained in accordance with the provisions contained in N.J.A.C. 5:80-26 et seq.

§ 300-159. Affirmative marketing plan.

A. In accordance with the regulations of COAH pursuant to N.J.A.C. 5:94 et seq. and the New Jersey Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26 et seq., Bordentown City adopted an affirmative marketing plan.

B. All affordable housing units shall be marketed in accordance with the provisions therein.

C. The City of Bordentown has a third round growth share obligation. This section shall apply to all developments that contain proposed low- and moderate-income units and any future developments that may occur.

D. In implementing the marketing program, the administrative agent shall undertake all of the following strategies:

(1) Publication of one advertisement in a newspaper of general circulation within the housing region.

(2) Broadcast of one advertisement by a radio or television station broadcasting throughout the housing region.

(3) At least one additional regional marketing strategy using one of the other sources listed below.

E. The affirmative marketing plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer or sponsor of affordable housing. The affirmative marketing plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward the COAH housing region in which the municipality is located and covers the period

of deed restriction. The City of Bordentown is in the housing region consisting of Burlington, Camden and Gloucester Counties. The affirmative marketing program is a continuing program and shall meet the following requirements:

(1) All newspaper articles, announcements and requests for applications for low- and moderate-income units shall appear in the following daily regional newspapers:

(a) The Burlington County Times.

(b) The Camden Courier Post.

(c) The Gloucester County Times.

(2) The primary marketing shall take the form of at least one press release sent to the above publication and a paid display advertisement in the above newspaper. Additional advertising and publicity shall be on an as-needed basis. The advertisement shall include a description of the:

(a) Location of the units;

(b) Direction to the units;

(c) Range of prices for the units;

(d) Size, as measured in bedrooms, of units;

(e) Maximum income permitted to qualify for the units;

(f) Location of applications;

(g) Business hours when interested households may obtain an application; and

(h) Application fees, if any.

(3) All newspaper articles, announcements and requests for applications for low- and moderate-income housing shall appear in the following

neighborhood-oriented weekly newspaper within the region: The Register News.

(4) The following regional cable television station shall be used: Educational Access Channel TV.

(5) The following is the location of applications, brochure(s), sign(s) and/or poster(s) used as part of the affirmative marketing program:

(a) Bordentown City Hall.

(b) Bordentown City Public Library.

(6) The following is a listing of community contact person(s) and/or organizations in Burlington, Camden and Gloucester Counties that will aid in the affirmative marketing program with particular emphasis on contracts that will reach out to groups that are least likely to apply for housing within the region:

(a) MEND.

(b) Habitat for Humanity.

(c) Burlington County Community Action Program.

(7) Quarterly flyers and applications.

(a) Quarterly flyers and applications shall be sent to each of the following agencies for publication in their journals and for circulation among their members:

[1] Burlington County Board of Realtors.

[2] Camden County Board of Realtors.

[3] Gloucester County Board of Realtors.

[4] Mercer County Board of Realtors.

(b) Applications shall be mailed to prospective applicants upon request.

(c) Additionally, quarterly informational circulars and applications shall be sent to the chief administrative employees of each of the following agencies in the counties of Burlington, Camden and Gloucester:

[1] Welfare or Social Service Board.

[2] Rental Assistance Office (local office of DCA).

[3] Office on Aging.

[4] Housing Agency or Authority.

[5] Library.

[6] Area Community Action Agencies.

(d) Also, quarterly informational circulars and applications shall be sent to the chief administrative employees of each of the following major employers:

[1] Ocean Spray.

[2] Bordentown Regional School District.

[3] Public Service Electric and Gas.

[4] The State of New Jersey.

(8) A random selection method to select occupants of low- and moderate-income housing will be used by the experienced affordable housing administrator in conformance with N.J.A.C. 5:80-26.16(1).

(a) An experienced affordable housing administrator will be selected to administer the program. The experienced affordable housing administrator has the responsibility to income qualify low- and moderate-income households; to place income-eligible households in low- and moderate-income units upon initial occupancy; to provide for the initial occupancy of low- and moderate-income units which income-qualified

households; to continue to qualify households, for reoccupancy of units as they become vacant during the period of affordability controls; to assist with outreach to low- and moderate-income households; and to enforce the terms of the deed restriction and mortgage loan as per N.J.A.C. 5:80-26.

(b) The City Clerk within the City of Bordentown is the designated housing officer to act as liaison to the experienced affordable housing administrator. The experienced affordable housing administrator shall provide counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualifications, rental lease requirements and landlord/tenant law.

(c) All developers of low- and moderate-income housing units shall be required to assist in the marketing of the affordable units in their respective developments.

(d) The marketing program shall commence at least 120 days before the issuance of either temporary or permanent certificates of occupancy. The marketing program shall continue until all low-income housing units are initially occupied and for as long as affordable units are deed restricted and occupancy or reoccupancy of units continues to be necessary.

(e) The experienced affordable housing administrator will comply with monitoring and reporting requirements as per N.J.A.C. 5:80-26.

APPENDIX

DISPOSITION LIST

Chapter DL

DISPOSITION LIST

§ DL-1. Disposition of legislation.

The following is a chronological listing of legislation of the City of Bordentown adopted since 01-01-2005, indicating its inclusion in the Code or the reason for its exclusion. [Enabling legislation which is not general and permanent in nature is considered to be non-Code material (NCM).] Consult municipal records for disposition of prior legislation.

§ DL-1. Disposition of legislation.

Ord. No.	Adoption Date	Subject	Disposition
2005-1		Model CAP	NCM
2005-2	1-24-2005	Vehicles and traffic amendment	Ch. 258
2005-3	2-14-2005	Vehicles and traffic amendment	Ch. 258
2005-4		Gift of Block 203, Lot 13	NCM
2005-5	3-28-2005	Vehicles and traffic amendment	Ch. 258
2005-6	3-28-2005	Drug-Free Zone Map	Ch. 152
2005-7		Acquisition of Block 801, Lot 6	NCM
2005-8		Bond	Not adopted
2005-9		Salaries	NCM

Ord. No.	Adoption Date	Subject	Disposition
2005-10	5-9-2005	Vehicles and traffic amendment	Ch. 258
2005-11		Fees and licenses amendment	Not adopted
2005-12	5-9-2005	Dogs amendment	Ch. 148, Art. I
2005-13	5-23-2005	Vehicles and traffic amendment	Ch. 258
2005-14		Bond	NCM
2005-15	7-11-2005	Zoning amendment	Ch. 300
2005-16		Bond	NCM
2005-17	9-26-2005	Vehicles and traffic amendment	Ch. 258
2005-18	9-26-2005	Stormwater management	Ch. 237, Part 1
2005-19		Allocating surplus funds	NCM
2005-20	11-28-2005	Skateboarding	Ch. 233
2005-21	12-12-2005	Vehicles and traffic amendment	Ch. 258
2006-1		Cap	NCM
2006-2	1-23-2006	Vehicles and traffic amendment	Ch. 258
2006-3	2-27-2006	Fees and licenses amendment	Ch. 37
2006-4	3-13-2006	Vehicles and traffic amendment	Ch. 258
2006-5		Bond	NCM
2006-6		Bond	NCM
2006-7	3-13-2006	Skateboarding amendment	Ch. 233
2006-8	3-27-2006	Zoning amendment	Ch. 300
2006-9	3-27-2006	Zoning amendment	Ch. 300

Ord. No.	Adoption Date	Subject	Disposition
2006-10		Bond	NCM
2006-11	3-27-2006	Stormwater management regulations for major development	Ch. 237, Part 2
2006-12	3-27-2006	Vehicles and traffic amendment	Ch. 258
2006-13	4-10-2006	Vehicles and traffic amendment	Ch. 258
2006-14		Acquisition of property	NCM
2006-15		Appropriation	NCM
2006-16	5-8-2006	Vehicles and traffic amendment	Ch. 258
2006-17	6-12-2006	Water amendment	Ch. 264
2006-18	7-10-2006	Vehicles and traffic amendment	Ch. 258
2006-19		Lease of certain property	NCM
2006-20		Salaries	NCM
2006-21	9-11-2006	Vehicles and traffic amendment	Ch. 258
2006-22			Not adopted
2006-23			Not adopted
2006-24	10-23-2006	Vehicles and traffic amendment	Ch. 258
2006-25	11-13-2006	Vehicles and traffic amendment	Ch. 258
2006-26	12-11-2006	Vehicles and traffic amendment	Ch. 258
2006-27	1-8-2007	Vehicles and traffic amendment	Ch. 258

Ord. No.	Adoption Date	Subject	Disposition
2006-28	1-8-2007	Vehicles and traffic amendment	Ch. 258
2007-1		Model CAP	NCM
2007-2		Acquisition of property	NCM
2007-3	2-26-2007	Election districts amendment	Ch. 27
2007-4		Lease of certain property	
2007-5	4-9-2007	Vehicles and traffic amendment	Ch. 258
2007-6	5-14-2007	Vehicles and traffic amendment	Ch. 258
2007-7		Gift of Block 801, Lots 1, 2 and 4	NCM
2007-8		Authorizing advertising for bids	NCM
2007-9		Appointing Municipal Tax Collector	NCM
2007-10		Salaries	NCM
2007-11	8-13-2007	Noise	Ch. 201
2007-12	8-13-2007	Nuisances amendment	Ch. 202
2007-13	8-13-2007	Fees and licenses amendment	Ch. 37
2007-14	8-13-2007	Dogs amendment; livestock, fowl and rabbits	Ch. 148, Arts. I and II
2007-15	8-13-2007	Water amendment	Ch. 264
2007-16	9-10-2007	Vehicles and traffic amendment	Ch. 258

Ord. No.	Adoption Date	Subject	Disposition
2007-17	9-10-2007	Vehicles and traffic amendment	Ch. 258
2007-18	9-24-2007	Stormwater management: fertilizers	Ch. 237, Part 3
2007-19	9-24-2007	Stormwater management: conservation zones	Ch. 237, Part 4
2007-20	11-26-2007	Vehicles and traffic amendment	Ch. 258
2008-01		Model cap; exceed index rate	NCM
2008-02		Issuance of general improvement bonds	NCM
2008-03	2-25-2008	Fees and licenses amendment	Ch. 37
2008-04	2-25-2008	Economic Development Advisory Committee	Ch. 25
2008-05			Not adopted
2008-06	2-25-2008	Outdoor displays and sales	Ch. 145
2008-07		Appointing Municipal Tax Collector	NCM
2008-08	4-28-2008	Fees and licenses amendment; vehicles and traffic amendment	Chs. 37; 258
2008-09	5-12-2008	Temporary storage and trash containers	Ch. 236
2008-10		Defined Contribution Retirement Program	NCM

Ord. No.	Adoption Date	Subject	Disposition
2008-11	8-11-2008	Peace and good order amendment	Ch. 210
2008-12	9-8-2008	Vehicles and traffic amendment	Ch. 258
2008-13		Salaries	NCM
2008-14	9-22-2008	Open meetings	Ch. 60, Art. I
2008-15	9-22-2008	Communications to Boards and Commissions	Ch. 60, Art. II
2008-16	9-22-2008	Parks and recreation	Ch. 206
2008-17			Not adopted
2008-18		Salaries	NCM
2008-19		Water improvements bond	NCM
2008-20	1-12-2009	Water amendment	Ch. 264
2009-01		Model CAP	NCM
2009-02	3-9-2009	Alcoholic beverages amendment	Ch. 100
2009-03		Bond	NCM
2009-04		Bond	NCM
2009-05		Property acceptance	NCM
2009-06	5-11-2009	Historic preservation amendment	Ch. 180
2009-07	7-13-2009	Vehicles and traffic amendment	Ch. 258
2009-08	7-13-2009	Boats amendment	Ch. 116
2009-09		Agreement with Verizon NJ Inc.	NCM
2009-10	8-10-2009	Water amendment	Ch. 264
2009-11		Salaries	NCM

Ord. No.	Adoption Date	Subject	Disposition
2009-12		Capital ordinance for water high service pump	NCM
2009-13	9-14-2009	Economic Development Advisory Committee amendment	Ch. 25
2009-14	9-14-2009	Police Department amendment	Ch. 66
2009-15	9-14-2009	Vehicles and traffic amendment	Ch. 258
2009-16	10-26-2009	Vehicles and traffic amendment	Ch. 258
2009-17	10-26-2009	Water amendment	Ch. 264
2009-18	11-9-2009	Vehicles and traffic amendment	Ch. 258