

**TOWN
OF
HACKETTSTOWN**

**Warren County
New Jersey**

CHARTER AND GENERAL CODE ORDINANCE

Adopted by the Town Council

Updated through December 31, 2024

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- 1-2. General Rules of Construction.
- 1-3. Definitions.
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- 1-7. Effect of Repeal of Certain Ordinances.
- 1-8. Penalty.
- 1-9. Severability: Effect of Partial Invalidity.

1-1. What Constitutes "Code"; Designation.

The ordinances embraced in this and the following chapters constitute and shall be known as the "Code of the Town of Hackettstown, New Jersey, 2002, and may be so cited, or may be cited as the "Code of Hackettstown".

1-2. General Rules of Construction.

In the construction of the Code of Hackettstown and of all other ordinances of the Town, words and phrases shall be read and construed with their context, and shall, unless inconsistent with the manifest intent of the Common Council or unless another or different meaning is expressly indicated, be given their generally accepted meaning, according to the approved usage of the language. Technical words and phrases, and words and phrases having a special or accepted meaning in the law, shall be construed in accordance with such technical or special and accepted meaning.

1-3. Definitions.

Unless otherwise expressly provided, or unless there is something in the subject or context repugnant to such construction, or unless inconsistent with the manifest intent of the Common Council, the following words and phrases when used in the Code of Hackettstown, or in any other ordinances of the Town, shall have the meaning herewith given:

AND, OR. "And" may be construed as meaning "or", and "Or" as "and", if the sense requires it.

COMMON COUNCIL - See Town Council.

COUNTY means the County of Warren.

COUNTY JAIL means the County Jail of the County of Warren.

GENDER. Words importing the masculine gender shall apply to females as well as to males, and to firms, associations, bodies corporate, and other artificial persons.

GOVERNING BODY means the Town Council or Common Council of the Town of Hackettstown, or such other duly authorized legislative body as shall be charged with governing the Town.

MONTH means a calendar month.

MUNICIPALITY means the Town of Hackettstown.

NUMBER. Words used in the singular number include the plural, and words used in the plural include the singular number.

OFFICER or OFFICIAL and the title of an officer or official or of an official body shall be construed as if the words "of the Town of Hackettstown" followed it.

OR. See "And".

OWNER includes sole owner and any part owner, joint owner, tenant in common, tenant in partnership, joint tenant, or tenant by the entirety, of the whole or of a part of a building or land and personal property.

PERSON includes corporations, companies, societies, firms, partnerships, associations, organizations and any other group or entity acting as a unit, as well as an individual.

PERSONAL PROPERTY includes goods and chattels, rights and credits, monies and effects, evidence of debt, choses in action and all written instruments by which any right to, interest in, lien or encumbrance upon, property or any debt or financial obligation is created, acknowledged, evidenced, transferred, discharged or defeated, in whole or in part, and every thing, except real property as herein-defined, which may be the subject of ownership.

PROPERTY includes real and personal property.

PUBLIC GROUND, PUBLIC SQUARE or PUBLIC PLACE severally means any and every public ground, public square and public park or other public place within the Town which is within the jurisdiction and control of the Town, is or may be in general use by all citizens and in which all have an equal right of passage and repassage at will.

REAL PROPERTY includes lands, tenements and hereditaments, all rights thereto and interests therein.

REVISED ORDINANCES means the Code of the Town of Hackettstown, 2002.

REVISED STATUTES means the Revised Statutes of New Jersey.

SIDEWALK means any portion of a street or highway between the curb line or the lateral line of a shoulder, or, if none, the lateral line of the roadway, and the adjacent property line, intended for the use of pedestrians.

STATE means the State of New Jersey.

STREET includes highways, roads, avenues, boulevards, court, public lanes, alleys, sidewalks, foot paths and all other public highways for vehicular or pedestrian travel.

TENANT or OCCUPANT applied to a building or land shall include any person who occupies the whole or part of such building or land, whether alone or with others.

TOWN means the Town of Hackettstown in the County of Warren.

TOWN COUNCIL means the Town Council or Common Council of the Town of Hackettstown.

WEEK means seven (7) days.

WRITING. Except as to signatures, "writing" and "written" include printing and any other mode of representing words, letters and figures.

YEAR means a calendar year.

1-4. "Code" Construed as Continuation of Heretofore Existing Ordinances.

The provisions of the Code not inconsistent with prior ordinances in effect at the adoption of the Code shall be construed as a continuation thereof, rather than as new enactments.

1-5. Reference to Chapters, Articles and Sections.

All references in the Code to chapters, articles or sections are to chapters, articles or sections of the Code. Such reference to chapters or articles shall be construed to refer to all the sections within the chapters or articles to which such references are made.

1-6. Indexes, Section Headings, Source References and Notes not Part of Code.

In the construction of the Code or any part thereof, no index of any chapter or part thereof, no indication of a source by parenthetical material after a section, no note, no footnote, and no section heading shall be deemed to be part of the Code.

1-7. Effect of Repeal of Certain Ordinances.

Whenever an ordinance that repeals an earlier ordinance or part thereof is itself repealed, such repeal shall not revive the former ordinance or part thereof, unless specific provision is made therefor.

1-8. Penalty.

Whenever no specific penalty is provided in the Code or in any other ordinance of the Town for the punishment of an act which is prohibited or which is declared to be unlawful or an offense or for the non-performance of an act which is required to be done, the violation of any such provision shall be punished by a fine not exceeding One Thousand (\$1,000.00) Dollars, or by imprisonment in the County Jail for a term not exceeding ninety (90) days, or both; provided, however, that when the maximum penalty fixed by the applicable state statute is less than any penalty fixed by the Code, then

the limitations of such state statute shall be applicable. Each day any violation of the Code or of any ordinance of the Town shall continue shall constitute a separate offense and be punishable as such.

1-9. Severability: Effect of Partial Invalidity.

If any section, article or chapter of the Code or of any other ordinance of the Town or any part thereof, or the application thereof to any person or circumstances shall be declared to be invalid or inoperative by any court of competent jurisdiction, such chapter, article or section, to the extent that it is not invalid or inoperative, shall not be affected hereby and shall be endorsed and effectuated. No such determination shall invalidate the remaining chapters, articles or sections.

CHAPTER 2. ADMINISTRATIVE CODE INDEX

ARTICLE 1. TOWN COUNCIL

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- 2-2. Committee Structure.
- 2-3. Order of Business.
- 2-4. Agenda.
- 2-5. Presiding Officer.
- 2-6. Quorum.
- 2-7. Reading of Minutes.
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- 2-16. Duties.
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2-35. Transitional Provisions.

ARTICLE 6. TOWN HISTORIAN

2-40. Town Historian, Appointment

ARTICLE 1. TOWN COUNCIL

2-1. Meetings.

2-1. Meetings.

(A) Regular Meetings.

The Town Council shall meet annually for organization within the first seven (7) days of January, the date to be established by resolution of the Town Council during the preceding month. The Council shall meet regularly thereafter on the second and fourth Thursdays of each month at 7:30p.m., except that the Council may, by resolution, dispense with one or more of the meetings otherwise scheduled for the months of July and August. When the time for any regular meeting of the Council falls on a legal holiday, such a meeting shall be held at the same hour on the day succeeding said holiday which is not a legal holiday or the Council may by resolution, dispense with the meeting.

(12-29-11)

(B) Special Meetings.

The Mayor may at any time, and shall upon written request of any four (4) Councilmen, call a special meeting. The request and call for such a special meeting shall specify the purpose of the meeting, and no business shall be transacted at any special meeting other than that specified. The call for a special meeting shall be filed with the Town Clerk and served upon each Councilman as hereinafter provided at least twenty-four (24) hours prior to the time for which the meeting is called. The Mayor may determine whether an emergency exists affecting the health or safety of the people, which requires consideration by the Council, within a shorter period of time, and upon such determination by the Mayor, the call may be filed with the Town Clerk at any time not less than three (3) hours prior to the time set for the meeting. Upon the filing of any call for a special meeting, the Town Council shall immediately give notice by telephone or telegraph to each Councilman at such place as each shall have previously designated for that purpose and shall also serve or cause to be served a written copy of the call upon each Councilman by delivery of a copy to him personally or by leaving a copy at his usual place of abode. Upon written waiver of notice executed by all the members of the Council, a special meeting may be held without prior notice, notwithstanding the above provisions of this section.

(C) Public Attendance.

All regular and special meetings of the Council shall be open to the general public.

2-2. Committee Structure.

(A) Standing Committees.

The standing committees of the Council which shall be appointed by the Mayor annually at the Organization Meeting shall be as follows:

Fire

Sanitation

Police

Welfare

Lighting

Recreation

Printing, License and Franchise

Public Works

Ordinance and Municipal Affairs

Finance

(B) Ad Hoc Committees.

The Mayor may appoint additional Council Committees from time to time.

2-3. Order of Business.

The business of the Council at regular meeting and so far as applicable at special meetings shall be considered and disposed of in the following order:

1. Quorum - Roll Call.
2. Approval of Minutes of Previous Meeting.
3. Advertised Hearings.
 - (a) Ordinances.
 - (b) Recording of results of advertised bids.
4. Open Discussion by Citizens.
5. Petitions and Communications.

6. General Information to Citizens.
7. Pending Business.
 - (a) Adoption of ordinances.
 - (b) Adoption of resolutions (when required).
 - (c) Award of bids.
8. Committee Reports.
9. New Business.

Reports, resolutions and introduction of proposed ordinances.
10. Miscellaneous.
11. Approval of Bills and Claims.
12. Adjournment.

2-4. Agenda.

An agenda for each public meeting of the Council shall be prepared by the Town Clerk not later than 12:00 Noon on the Monday preceding each meeting of the Council. Such agenda shall consist of the matters to come before the Council. The agenda is for the information of the Council and is not necessarily to be complete or in full detail. The Council may, at its discretion, add or delete any item to or from the agenda. The Town Clerk shall organize the agenda according to the same classification and order as prescribed by the above for the Council's Order of Business. The Clerk shall cause a copy of the agenda for each meeting to be delivered to the Mayor, each Councilman, and to each Department Head, not less than twenty- four (24) hours prior to the date and time of the meeting. The Clerk shall also post a copy of the agenda on the bulletin board of the Municipal Building. (12-29-11)

2-5. Presiding Officer.

The Mayor shall preside at all meetings of the Town Council at which the Mayor is present. In the absence of the Mayor, the Acting Mayor, or in the absence of the Acting Mayor, the alternate Acting Mayor shall call the Council to order. Upon the arrival of the Mayor, the Acting Mayor or alternate Acting Mayor shall immediately relinquish the Chair.

2-6. Quorum.

Four (4) Councilmen shall constitute a quorum at any regular or special meeting of the Council (whether or not the Mayor is present), but a lesser number than a quorum may adjourn a meeting, and if no member is present one-half hour after the appointed time for any meeting, the Town Clerk shall adjourn the meeting.

2-7. Reading of the Minutes.

The minutes of the previous meeting of the Council may be approved without reading if the Town Clerk has previously furnished each Councilman with a copy thereof.

2-8. Recording of Minutes.

The minutes of the public meeting of the Council shall record the official actions taken by the Council.

2-9. Addressing the Council.

Taxpayers or residents of the Town, or their legal representatives may address the Council during the period of Open Discussion by Citizens on any matter over which the Council has jurisdiction. Any persons desiring to address the Council shall first seek to be recognized by the presiding officer, and such persons, upon recognition, shall give their name and address. Unless additional time is granted by the Council, each person shall limit their statement to three (3) minutes. A member of the public may make more than one comment at a public meeting; however a member of the public may not repeat or restate a prior comment during a subsequent comment. All remarks shall be addressed to the presiding officer. (2-28-13)

2-10. Decorum.

(A) By Council Members.

While the Council is in session, the members shall preserve order and decorum, and the members shall neither by conversation or otherwise delay, or interrupt the proceedings or the peace of the Council or interrupt any member while speaking.

(B) By Persons.

Any person making personal, impertinent or slanderous remarks or who shall become boisterous while addressing the Council shall be barred by the presiding officer from further

attendance at that meeting of the Council, unless permission to continue be granted by a majority vote of the Council.

(C) Enforcement.

The Chief of Police or such member or members of the Police Department as the Chief may designate, shall be Sergeant at Arms at the Council meetings when requested by the Mayor. The Sergeant at Arms shall carry out all instructions and orders given by the presiding officer for the purpose of maintaining order and decorum at the Council meetings.

2-11. Appropriations.

(A) Before the Council shall consider or pass any resolution authorizing the entering into of any contract calling for the expenditure of public funds, it shall first ascertain that there are available sufficient legally-appropriated funds for that purpose.

(B) The Treasurer shall certify in writing to the Council the availability or lack thereof of adequate funds for each contract, which is pending approval by the Council. Said certification shall designate specifically the line item appropriations of the Official Budget adopted pursuant to the Local Budget Law to which the contract will be properly charged, taking care that the same funds shall not be certified as available for more than one (1) pending contract.

(C) No resolution or ordinance authorizing the entering into of any contract pursuant to N.J.S.A. 40A:11, or any other law for the expenditure of public funds to a vendor, contractor, or other entrepreneur shall be enacted unless it shall recite that such a certificate showing availability of funds has been provided. The resolution shall specify the exact line item appropriation or ordinance which shall be charged.

(D) The certificate of availability of funds shall be attached to the original copy of the resolution or ordinance and kept in the file of the Town Clerk.

(E) Before certifying to the legality of any such resolution or ordinance, the Town Attorney shall satisfy himself that the proper Certificate of Availability has been provided showing funds to be available.

(F) The Town Clerk and Treasurer shall endeavor to see that adequate procedures such as encumbrance systems, either formal or informal, exist so as to avoid violation of N.J.S.A. 40A:4-57, with respect to contracts or purchases made other than by resolution or ordinance.

ARTICLE 2. TOWN CLERK/ADMINISTRATOR (4-26-93)

2-15. Appointment.

A. A Town Clerk shall be appointed by the Council for a three-year term, subject to the tenure provisions of R.S. 40A:9-133.1. The Clerk shall receive such annual compensation as shall be provided in the salary ordinance.

B. A Town Administrator shall be appointed by the Mayor with the advice and consent of the Council. Only the Town Clerk may be appointed the Town Administrator. The term of office of the Town Administrator shall be at the pleasure of the Council. The Administrator shall receive such annual compensation as shall be provided in the salary ordinance.

2-16. Duties of Town Clerk/Administrator

Subject to the general direction and supervision of the Mayor the Clerk/Administrator shall perform the following duties:

A. (1) Act as secretary of the Town and custodian of the Town seal and of all minutes, books, deeds, bonds, contracts, and archival records of the Town. The Town Council may, however, provide by ordinance that any other specific officer shall have custody of any specific other class of record.

(2) Act as secretary to the Mayor and Common Council, prepare meeting agendas at the discretion of the Mayor, be present at all meetings of the Mayor and Common Council, keep a journal of the proceedings of every meeting, retain the original copies of all ordinances.

(3) Serve as the chief administrative officer in all elections held in the Town, subject to the requirements of Title 19 of the Revised Statutes.

(4) Serve as chief registrar of voters in the Town, subject to the requirements of Title 19 of the Revised Statutes.

(5) Serve as the administrative officer responsible for the acceptance of applications for licenses and permits and the issuance of licenses and permits, except where statute or ordinance has delegated that responsibility to some other Town officer.

(6) Serve as coordinator and records manager responsible for implementing local archives and records retention programs as mandated pursuant to Title 47 of the Revised Statutes.

(7) Perform such other duties as are now or hereafter imposed by statute, regulation or by municipal ordinance or regulation.

(8) Assist the Mayor in the direction and supervision of the administration of the departments of the Town Government, except as otherwise provided by general law,

(9) Assist the Mayor in providing for the organization of the work of the departments.

(10) Review, analyze and forecast trends in Town services and finance, and report and recommend thereon to the Mayor.

(11) Assist the Mayor in the preparation of an annual current expense budget and a capital budget for consideration by the Council and redeemed long-range capital improvement programs. Alert Department heads concerning submission of proposals for departmental appropriations.

(12) Approve all vouchers for payment subject to audit control. Approving any purchase order in excess of \$500.00 prior to any order being made. Coordinate the purchasing of supplies, services and such other materials and equipment as directed by the Mayor. Certify the receipt of the same and attend to the submission of proper vouchers for payment and review all disbursement therefor.

(13) Attend all meeting of the Council, whether regular, special or conference, unless excused by the Mayor and Common Council, and attend such committee meetings as required by the Committee Chairman thereof.

(14) Serve as Clerk of the Council and its committees.

(15) Be the depository and custodian of all official surety bonds furnished by or on account of any Town officer or employee, all insurance policies upon or, with respect to risks insured for the benefit of the Town to protect it against any claims or liability whatsoever, and all formal contracts for work, labor, services, supplies, equipment and material to which the Town may be a party.

(16) Be custodian of all leases of property owned by the Town.

(17) Be the depository and custodian of all performance bonds or any other form of security given by any contractor or subdivision developer or other persons on account of work done in or for the Town.

(18) Issue such licenses as may be authorized by the Council pursuant to the State Alcohol Beverage Control Laws and Town ordinances.

(19) Issue certificates as to liability for assessments for municipal improvement.

(20) Be responsible for the coordination of intra-departmental operations, and manage the daily operation of Town Hall by coordinating and supervising the clerical staff.

(21) He shall keep the Mayor and Council currently informed on all matters assigned to him or otherwise within his jurisdiction.

(22) He shall act as a liaison and be responsible for continually improving recommendations between the various Town personnel, departments, agencies, boards and the Mayor and Council.

(23) He shall review daily any complaints concerning the functions and obligations of the Town and he shall have a permanent record of all complaints and the disposition made.

(24) He shall make any recommendations, which he may believe will increase the efficiency of the operation of the Town.

(25) Make recommendations to the Mayor and Council concerning budgets, purchasing procedures, administrative procedures, personnel and other matters with the purpose of improving the efficiency, economy and effectiveness of the Town government.

(26) Act as liaison between the Town and County, State and federal agencies, with respect to application for funds and/or services needed or required by the Town.

(27) To be responsible for the maintenance of sound personnel policies and administrative practice and to study and make recommendations in respect to the personnel, organization and policies of the Town and any of its departments, after consultation with the Mayor and with department heads.

(28) In daily operations - implement the Mayor and Common Council's policies as they are manifested in the daily operations and activities of the Town by correspondence, review of minutes and personal contact.

(29) Inform the governing body and the residents of the Town on all matters relating to the activities and operations of the municipal government.

(30) Edit and compile public information for distribution by the Mayor and Common Council.

(31) Advise the Mayor and Common Council on all background matters to assist it with the establishment of policy.

(32) Prepare and present to the governing body reports that may be required from time to time on municipal affairs.

(33) At the specific direction of the Mayor or Council, the Clerk Administrator shall have the power to investigate, examine or inquire into the affairs or operation of any department, division, bureau, office, board or agency of the municipal government and to report thereon to the Mayor and Common Council.

(34) Determine that all terms and conditions imposed in favor of the municipality or its inhabitants in any statute, public utility franchise or other contract, regulation or ordinance are faithfully kept and performed and, upon knowledge of any violation thereof, apprise the Mayor and Common Council.

(35) Perform any additional functions, powers or duties as may be prescribed by the Mayor and Council.

B. The duties of the Town Clerk/Administrator shall be such that they shall not infringe or derogate upon the powers, rights and duties of the elective officials of the Town, other Town officers designated by statute or by ordinance. The Town Clerk/Administrator shall be responsible to the Mayor and Common Council for the proper and efficient administration of the Town's affairs.

2-17. Deputy Town Clerk.

A Deputy Town Clerk shall be appointed by the Mayor with the approval of the Council for a term of one (1) year. The Deputy Town Clerk shall receive such annual compensation as shall be provided in the salary ordinance. The Deputy Town Clerk shall assist the Clerk/Administrator in the performance of their duties and shall serve as Town Clerk/Administrator in the absence of the Town Clerk/Administrator.

ARTICLE 3. DEPARTMENTS

2-25. Department of Administration and Finance.

There shall be a Department of Administration and Finance, the head of which shall be the Town Clerk who shall serve without additional compensation.

The Department of Administration and Finance shall include the following offices and staff:

Town Treasurer

Tax Collector

Assessor

(A) Town Treasurer

The Town Treasurer shall be appointed by the Mayor with the approval of the Council for a term of three (3) years and shall receive such compensation as shall be provided for in the salary ordinance. In addition to duties specified by New Jersey Statutes, the Town Treasurer shall perform the following duties:

1. Upon the advice and approval of the Finance Chairman of the Council, invest all monies of the Town not required for the current operations or deposit same in interest-bearing accounts.

2. Make disbursements of Town funds on warrants by an individual warrant check for each bill, claim, wage and salary payment approved by the Town Clerk. Every warrant shall be made payable to the order of the person entitled to receive same and shall specify the purpose for which it is drawn and the account or appropriation for which it is chargeable. Each warrant check shall bear the signature of the Mayor, Town Clerk and Town Treasurer.

3. Keep a full and systematic account of all cash receipts and disbursements.

4. Report annually and at such time as the Council or Town Clerk may require on the coverage, expiration date and premium of each surety bond and contract of insurance.

5. Report annually and at such time as the Council or Town Clerk may require, a summary of outstanding leases, the rental requirement of each and respective expiration dates.

6. At least once a month, furnish the Council and Town Clerk with a statement of all monies received and expended by the Treasurer, subsequent to their last report.

7. During the first sixty (60) days of each year, make a full report to the Mayor, Council and Town Clerk of all of their receipts and expenditures, and whenever required, present to the Mayor, Council and Town Clerk for examination and audit, all books, papers and vouchers pertaining to their office.

8. Prepare for each regular meeting of the Council a certified list of all bills, claims and vouchers which have been approved for payment by the Town Clerk since the last preceding list was compiled.

9. Maintain the Town's central accounting records and a uniform system of accounts for all departments in the Town Government to facilitate the production of records as to the cost of performance of each functional program or activity, measured in such units as may be prescribed by the Town Clerk.

10. Pre-audit all bills, claims and demands against the Town including payrolls for which each department head shall be required to certify that the material, supplies or equipment have been received or the services rendered.

11. Obtain, at least once a month, reports of all receipts from each department of the Town.

12. Maintain a central payroll and payroll distribution system.

13. Determine that sufficient uncommitted balances are available within each appropriation to provide funds for the payment of all supplies and services requested.

14. Keep books and records of account to show the amount committed against, unpaid obligations and unencumbered balance thereof.

(B) Tax Collector.

The Tax Collector shall be appointed by the Mayor with the consent of the Council for a term of four (4) years, subject to tenure provisions of New Jersey statutes, and shall receive such compensation as shall be provided for in the salary ordinance. In addition to duties specified by New Jersey statutes, the Tax Collector shall perform the following duties:

1. Make or cause to be made and certify searches for municipal tax liens on real property in the Town, and collect for the use of the Town the fee required pursuant to law for any such search.

2. Deposit within 48 hours of receipt to the credit of the Town, all monies received in one or more depositories designated by the Council, maintain a full and complete record of accounts of all sums collected and received according to such procedures and such systems as may be prescribed or approved by the auditor of the Town's accounts, and make such periodic reports on the accounting of the funds of the Town in their custody or control as the Mayor or the Town Council may require.

3. The Tax Collector is directed to charge \$100.00 for a duplicate tax sale certificate.

4. The Tax Collector is directed to charge \$5.00 for the first duplicate tax bill requested in any tax year and \$25.00 for the second duplicate tax bill requested in any tax year.

5. The Collector is directed to charge \$600.00 per year for the providing by electronic means weekly updated of the status of tax payments on the tax rolls of the Town of Hackettstown.

6. The Tax Collector is directed to charge a fee of \$25.00 for the cost of mailings related to tax sales in lieu of advertising for up to two mailings. (5-24-18)

7. The Tax Collector is directed to charge a fee of \$50.00 for each redemption statement requested by a lienholder in excess of two redemption statements in a single year. (5-24-18)

(C) Assessor and Deputy Assessor.

A tax assessor, and if deemed to be necessary a deputy tax assessor, shall be appointed by the Mayor with the advice and consent of the Council for a term of four (4) years from the first day of July next following said appointment, subject to tenure provisions of New Jersey statutes. The tax assessor and deputy tax assessor shall have such qualifications as may be required by law and shall perform such duties as may be required by law. (12-29-93)

(D) Chief Financial Officer.

The Chief Financial Officer shall be the Town Treasurer who shall serve without additional compensation. The duties of the Chief Financial Officer shall be set forth under N.J.S.A. 52:27BB-26 et seq. (P.L. 1947, C.151)

(E) Qualified Purchasing Agent.

The Qualified Purchasing Agent shall be appointed by the Mayor with the advice and consent of the Council, subject to the provisions of the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. The Purchasing Agent shall have, on behalf of the Town Council of the Town of Hackettstown, the authority, responsibility and accountability for the purchasing activity pursuant to Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.); to prepare public advertising for and to receive bids and requests for proposals for the provision of performance of goods, services and construction contracts; to award contracts pursuant to New Jersey law in accordance with the regulations, forms and procedures promulgated by state regulatory agencies; and conduct any activities as may be necessary or appropriate to the purchasing function of the Town of Hackettstown. (7-11-13)

2-26. Department of Law: Town Attorney.

(A) Appointment.

There shall be a Department of Law, the head of which shall be the Town Attorney. The Town Attorney shall be an Attorney at Law of the State of New Jersey and be appointed by the Mayor with the consent of the Council for a term concurrent with the term of the Mayor making the appointment.

(B) Duties:

The Town Attorney, in addition to such other functions, powers and duties as may be otherwise delegated to him by the Charter and ordinances to be adopted, shall perform the following:

1. Be the legal advisor to the Town Government and the Attorney of record in all proceedings where the Town or any department officer or employee thereof shall be a party by virtue of the official relationship.

2. Advise the Mayor, Council, Town Clerk and other committees, boards, commissions and other bodies established by statute, this code or other ordinances as part of the municipal organization, on any and all legal matters relating to the Town Government, provided that legal action shall not be instituted by the committee, board, commission or any other bodies without prior approval of the Council.

3. Attend all meetings of the Council, either regular or special, and all conferences of the Council as requested.

4. Prepare and supervise the preparation and approve all ordinances and resolutions as may be required of the Attorney.

5. Prepare and supervise the preparation of all contracts, deeds and documents required by the Council and administrative offices of the Town. The Attorney shall conduct such correspondence in connection therewith as may be necessary to advance such matters or as may be requested of him by Council.

(C) Compensation.

The Town Attorney shall receive such compensation as prescribed by ordinance or the reasonable value of services agreed upon between the Attorney and the Council.

2-27. Department of Public Works. (1995)

(A) Town Engineer: Appointment.

There shall be a Department of Public Works, the head of which shall be the Superintendent of Public Works. The Superintendent of Public Works shall be appointed by the Mayor with the approval of Council.

(B) Superintendent of Public Works: Powers and Duties Generally.

The Superintendent of Public Works shall be responsible for the proper and efficient control of all Public Works functions of the Town Government, and shall provide technical advice and assistance to all other departments of the Town Government as needed. The Superintendent of Public Works shall when necessary may, with the approval of the Town Council and within the limits of available appropriations, consult with the Town Engineer for specific projects and purposes as the

Superintendent of Public Works may deem necessary for the proper administration of the functions of the department. The Superintendent of Public Works shall perform the following:

1. Perform administrative and supervisory duties in planning and organizing the installation, maintenance and repair of various public work facilities.
2. Supervise all construction and maintenance work pertaining to Public Works.
3. Provide for and supervise the maintenance of all public buildings and grounds.
4. Plan, administer and control such Public Works services as required on Town streets and roads.
5. Supervise the performance of Public Works contracts.
6. Prepare and maintain maps, plans and specifications, surveys and operating records with respect to public property, work and facilities owned or operated by the Town Government.
7. Issue such certificates, which may be necessary and approve all bills with respect to work performed under his supervision.
8. Perform such duties and make such reports as may be required by the Council or the Town Clerk.
9. Supervise all Department Employees.
10. Examples of some of the duties to be performed include:
 - (a) Supervises the care and maintenance of streets, roads, avenues, public buildings, public places and motor vehicles.
 - (b) Executes plans for the effective utilization of available funds, personnel, equipment, materials and supplies.
 - (c) Prepares department budget and maintains balances each year.
 - (d) Is responsible for all department purchases.
 - (e) Initiate standards for all equipment and materials used.
 - (f) Draws up specifications for all departments' biddings.
 - (g) Keeps up to date with changes which would affect department operations and purchase procedures.

(h) Maintains a working acquaintance throughout the state with contracting, engineering, and manufacturing representatives as well as state agencies.

(i) Develops suitable work programs for the varied functions of the department.

(j) Gives suitable assignments and instructions to individuals and groups and supervises their work.

(k) Makes recommendations to superiors concerning disciplinary measures, promotions and appointment of employees under his supervision.

(l) Supervises employees engaged in the work involved in the construction, maintenance and repair of streets.

(m) Makes investigations of complaints and takes proper action to see that needed repairs are made with a minimum delay.

(n) Supervises the work involved in sweeping and shoveling accumulations into containers and onto trucks; in loading, unloading and applying sand and street repair materials where needed; in cutting brush and mowing grass; and in emptying refuse containers, loading refuse and disposal of the refuse.

(o) Inspects and checks work in progress or completed to see that proper procedures are followed.

(p) Prepares suitable reports; obtains, stores, safeguards and supervises the proper use of needed equipment, materials and supplies and keeps needed records and files.

(q) May draw up plans and specifications for work performed by private contractor; follows through on public work projects undertaken by private contractors to see that such work is completed properly and that contractor complies with terms of contract.

(r) In conjunction with the Municipal Engineer, plans, designs and recommends to governing body new and improved public work facilities to meet the future needs of the community; may supervise the billing of water and sewer services.

(C) Supervisor Streets: Appointment.

The Supervisor Streets shall assist the Superintendent of Public Works in the performance of their duties and shall serve as superintendent in the absence of the Town Clerk. The Supervisor Streets shall be appointed by the Mayor with the advice and consent of the council.

(D) Town Engineer: Appointment. Power and Duties.

1. The Town Engineer shall be a graduate of an accredited college or school of engineering and shall be licensed to practice as a professional engineer in this State. The Town Engineer shall be appointed by the Mayor with the approval of the Council for a term concurrent with the term of the Mayor making the appointment.

2. The Town Engineer shall provide technical and engineering advice and assistance to the Mayor and Common Council and all departments of the Town Government as needed and within the limits of available appropriations.

(E) Town Planner: Appointment

1. The Town Planner shall be a graduate of an accredited college and shall be certified as a professional planner in this State. The Town Planner shall be appointed by the Mayor with the approval of the Council for a one year term.

2. The Town Planner shall provide planing advise and assistance to the Mayor and Common Council and all departments of the Town Government as needed and within the limits of available appropriations.

(F) Divisions.

There shall be the following divisions in the Department of Public Works:

1. Division of Engineering.
2. Division of Maintenance and Construction.
3. Division of Building Inspection.
4. Division of Recycling.

(G) Duties of Divisions.

1. The head of the Division of Engineering shall be the Town Engineer and shall perform the following:

- (a) Supervise and provide office and field engineering and planning services

required by the Department.

(b) Prepare plans and specifications, make surveys and maps, maintain the Town Tax Map on a current basis, and perform and design drafting work as required.

(c) Maintain departmental records and cost analysis subject to the approval of the Department Head and the Town Clerk.

2. The Division of Maintenance and Construction shall perform the following:

(a) Maintain the Town streets and roads in a clean and safe condition for travel, and provide such Public Works services as may be required in connection therewith.

(b) Operate, maintain, clean and repair all municipal buildings, including the library and community center other than the firehouses. The operation, maintenance, cleaning and repair of the firehouses will be by mutual agreement between the Town and fire companies.

(c) Control the use of all Town equipment, maintenance buildings, and storage areas used by the Department.

(d) Maintain and cultivate Town grounds.

(e) Perform capital improvement, maintenance and construction projects.

3. The head of the Division of Building Inspection shall be Construction Official. The Inspector shall be appointed by the Mayor with the consent of the Council for a term concurrent with the term of the Mayor making the appointment. The Construction Official shall administer the provisions of the Building Code and Zoning Ordinance and such other provisions of law or ordinances as may vest functions, powers or duties in a Building Inspector, Building Official or Zoning Officer.

4. The head of the Division of Recycling shall be the recycling coordinator. The recycling coordinator shall administer all recycling programs within the Town of Hackettstown.

2-28. Police Department.

Section 2-28: Police Department.

A. Department Continued; Adoption of Police Manual.

The Police Department of the Town of Hackettstown is hereby continued and revised as is hereinafter set forth in accordance with N.J.S.A. 40a:14-118 et seq. and N.J.S.A. 11:1-1 et seq.

and the New Jersey Administrative Code, Title 4, Civil Service Rules. There is also established, created and adopted hereby a Police Manual, which will be on file in the office of the Town Clerk and the Chief of Police.

B. Authority of Mayor and Council; Town Clerk/Administrator.

1. The Mayor with the consent of Council is hereby appointed and designated as the appointing authority in accordance with New Jersey Department of Personnel rules and procedures.

2. The Town Clerk/Administrator is hereby appointed and designated as appropriate authority, pursuant to and in accordance with N.J.S.A.40A:14-118, to discharge such powers and duties as therein authorized. **(REPEALED BY ORD 2015-5, 4-23-15)**

C. Organization.

The Police Department shall be organized in the following manner:

(a) Mayor – The Mayor is hereby vested with administrative oversight of the Police Department.

(b) The Department shall consist of one (1) Chief of Police, a maximum of one (1) Lieutenant, a maximum of six (6) Sergeants, a maximum of twenty-two (22) Police Officers, counting the Chief, Lieutenants and Sergeants and special Police Officers as the Town of Hackettstown may consider necessary for the welfare and protection of the persons and property in the Town of Hackettstown.

D. Chief of Police.

(a) The Chief of Police shall be the highest superior officer of the Police Department and directly responsible to the Mayor. He shall administer the Department consistent with state law, this chapter and the Police Manual of the Town of Hackettstown. The Police Chief shall organize the Department so that it consists of two primary Bureaus: Patrol and Detective.

(b) The Chief of Police shall organize the Department consistent with the chain of command and operational frame work as set forth in this chapter and the Police Manual of the Town of Hackettstown.

(c) The Chief of Police is required to immediately implement and carry out the

following objectives:

- (1) Organization, reorganization or revision of the Department to accomplish its objectives.
- (2) Development of long-range and short-range plans for effective police operations.
- (3) Formulating, periodically reviewing and evaluating policies and procedures.
- (4) Coordinating the activities of Department units.
- (5) Coordinating the affairs of the Department with those of other law enforcement agencies.
- (6) Providing advice and counsel to the Police Committee on matters pertaining to the Department.

(d) The Chief, as the highest superior officer of the Department, shall, without fail, strictly adhere to all requirements of this chapter, the Police Manual of the Town of Hackettstown, New Jersey Department of Personnel Regulations and the Personnel Policies and Procedures Manual of the Town of Hackettstown when not in conflict with the Collective Bargaining Agreement between the Town and the PBA so as to demonstrate the level of leadership as is envisioned by this chapter and the Police Manual. In conjunction therewith and as is required in the Police Manual, the Chief shall make monthly reports to the Police Committee through the Chairman of the Police Committee, of all transactions of the Department, all steps taken to implement this chapter and the Police Manual and the objectives as set forth above and hold staff meetings in accordance with the provisions of the Police Manual.

E. Lieutenants.

A Lieutenant will work in conjunction with the Chief of the Town of Hackettstown Police Department. The Lieutenants shall, without fail, strictly adhere to all the requirements of this chapter, the Police Manual of the Town of Hackettstown, New Jersey Department of Personnel Regulations and the

Personnel Policies and Procedures Manual of the Town of Hackettstown, when not in conflict with the Collective Bargaining Agreement between the Town and the PBA.

F. Sergeants.

The Sergeants shall work directly with the Lieutenants and in conjunction with the Chief and Lieutenant of the Town of Hackettstown Police Department. The Sergeants shall, without fail, strictly adhere to all the requirements of this chapter, the Police Manual of the Town of Hackettstown, New Jersey Department of Personnel Regulations and the Personnel Policies and Procedures Manual of the Town of Hackettstown, when not in conflict with the Collective Bargaining Agreement between the Town and the PBA.

G. Police Officers.

Police officers will be responsible to carry out all of those duties as included in this chapter, the Police Manual of the Town of Hackettstown, New Jersey Department of Personnel regulations and the Personnel Policies and Procedures Manual of the Town of Hackettstown when not in conflict with the Collective Bargaining Agreement between the Town and the PBA.

H. Appointments and Salaries.

The members of the Police Department shall be appointed and designated by the Mayor with the consent of the Common Council of the Town of Hackettstown and shall receive such salaries as may from time to time be provided by Ordinance and in accordance with Department of Personnel regulations.

I. Qualifications of Members of Police Department.

The qualification for appointment to the Police Department shall be as set forth in the Rules and Regulations of the New Jersey Department of Personnel.

J. Probationary Service Required; Permanent Appointment.

(a) All members of the Hackettstown Police Department shall serve a probationary period of twelve (12) months pursuant to N.J.A.C. 4A-5.2(d) prior to permanent appointment as a police officer, in order to determine whether they can satisfactorily perform the duties of a police officer.

(b) It shall be the responsibility of the Chief of Police to submit to the Mayor and the

Police Committee a separate written report on each probationary Police Officer, such report to contain a recommendation from the Chief of Police regarding the retention of the candidate's service at the conclusion of the probationary period, setting forth therein his observations and findings leading to such recommendation.

(c) Upon receipt of the aforesaid written report submitted by the Chief of Police, it shall be the responsibility of the Chairman of the Police Committee to forward such report to the Mayor and Common Council after first affixing in his endorsement thereon and his own observations and findings during the probationary period of the subject candidate and containing therein a statement as to whether or not he concurs with the original recommendation.

(d) Upon successful completion of the probationary period, the date of appointment from the eligible list shall be recorded as the date of regular appointment.

K. Police Department Manual.

The detailed rules and instructions for the members of the Hackettstown Police Department are those contained in the Manual of the Police Department of the Town of Hackettstown, Warren County, New Jersey as established by the Mayor and Common Council of the Town of Hackettstown and approved by the appropriate authority, which are adopted and approved. The rules and regulations contained therein may be changed, eliminated or added to, with the approval of the appropriate authority in accordance with N.J.S.A. 40A:14-118, from time to time, as needed.

L. Promotions.

All promotions shall be in accordance with New Jersey Department of Personnel rules and regulations.

M. Discipline of Members of Department.

Major disciplinary action including removal, disciplinary demotion, and suspension or fine for more than five (5) working days shall be in accordance with New Jersey Department of Personnel regulations.

O. Layoff Actions.

The Mayor and Common Council of the Town of Hackettstown may decrease the number of members of, or employees in, the Police Department, or of any grade or rank thereof, in the Town, for economy, efficiency or other related reasons, in accordance with civil service law.

2-28A. Contracted Off-Duty Employment (2001)

A. Purpose. For the convenience of those persons and entities which utilize the services of off-duty law enforcement officer of the Town of Hackettstown Police Department and to authorize the outside employment of Town Police while off-duty, the Town hereby establishes a policy regarding the use of said officers.

1. Members of the Police Department shall be permitted to accept police related employment for private employers or school districts only during off-duty hours and at such times as will not interfere with the efficient performance of regularly scheduled or emergency duties for the Town.

2. Any person or entity wishing to employ off-duty police shall first obtain the approval of the Chief of Police or his designee, which approval shall be granted if in the opinion of the Chief, such employment would not be inconsistent with the efficient functioning and good regulation of the Police Department, and would not unreasonably endanger or threaten the safety of the officer or officers who are to perform the work.

3. The request for service shall be in writing and shall include the number of police officers required and the total estimated hours the officers are required.

4. Prior to any officer beginning the off duty employment, the person or entity requesting the officer shall deposit with the Town Chief Financial Officer an amount equal to 120% of the hourly rate for the officer, administrative expense and vehicle use. Payment to all officers will be made out of these funds and will be returned upon the conclusion of the off duty employment.

B. Requests for Services.

1. All requests to the Town of Hackettstown for the services of off-duty law enforcement officers in the Hackettstown Police Department shall be forwarded to the Chief of Police or his designee, for assignment at least two (2) work days before such services are required, except for emergency situations involving a utility company.

2. Any law enforcement officers, when so employed, shall be treated as an employee of the Town provided however, that wages earned from outside employment shall not be applied toward the pension benefits of law enforcement officers so employed, nor shall hours worked for outside employment be considered in any way compensable as overtime.

C. Rates of Compensation; Administrative Fee; Payment for Services

1. Rates of compensation for contracting the services of off-duty law enforcement officers shall be established from time to time by the Mayor and Common Council, as reflected in paragraph 5 below.

2. An additional fee is hereby established to cover administrative costs, overhead and out-of-pocket expenses of the Town of Hackettstown. The amount of said fee shall be as reflected in paragraph 5 below.

3. Payment to off-duty law enforcement officers for outside employment shall be made through the Town's payroll process.

4. Payment for a patrol vehicle utilized during off-duty law enforcement services will be in an amount as shown in paragraph 5 below.

5. The following charges are hereby established:

<u>Description</u>	<u>Amount</u>
Hourly rate of compensation for contracting the services of any off-duty member of the Town of Hackettstown Police Department, as calculated from the current year Salary Resolution of the Town.	\$55.00 Per Hour
<u>Description</u> Additional fee to cover administrative costs, overhead and out-of-pocket expenses of the Town of Hackettstown for each hour worked by each Officer.	<u>Amount</u> \$6.00 Per Hour Worked by each Officer.
Payment for a patrol vehicle utilized during Off-duty law enforcement services: Per eight (8) hour shift:	\$40.00

In excess of initial eight (8) hours, per hour: \$10.00

Officers required to work special events approved under Chapter 8, Article 2A shall be paid as though they are on duty. This section shall not be applicable to special events.

6. In the event any municipal contributions are legally required for pension, social security, medicare, workers' compensation, disability or other cost, the contracting company shall pay the Town's required contribution.

2-29. Department Heads in General.

(A) Duties.

The head of each department subject to the Charter and ordinances of the Town and subject to the approval of the Town Council, shall by regulation establish the following:

1. The internal operation of the department by supervising the work of the department and the assignment of function, power and duties of subordinate officers and employees within the department.

2. Submit to the Town Clerk annually, a recommended current expense and capital budget for the department.

3. At least once a month, file reports of all receipts with the Town Treasurer.

4. Report at least annually to the Mayor, in such form as may be approved, on the work of the department of the preceding year.

(B) Subordinate Employees.

Each Department Head shall have the power, except as herein otherwise specifically provided, to appoint, suspend or remove subordinate officers and employees within the department subject to the approval of the Mayor.

Any such subordinate officer or employee may also be removed by resolution of the Council subject to the laws of the State of New Jersey.

(C) Records and Papers.

Upon the expiration of their term of office or their removal or resignation therefrom, each officer and employee shall forthwith surrender to their superior, all papers, records, maps and properties of the Town then in their custody or possession.

2-30. Fire Department.

(A) Establishment.

There shall be a Fire Department of the Town of Hackettstown to consist of the Vigilant Hook and Ladder Co., No. 1, and the Cataract Hose Company, No. 1, and such other volunteer fire companies as may be deemed necessary by the Fire Department and approved by the Mayor and Common Council.

(B) Duties.

The Fire Department on a 24-hour per day service shall provide comprehensive fire fighting services.

(C) Ownership and Use of Vehicles, Equipment and Buildings.

All vehicles, apparatus and equipment purchased by the Town of Hackettstown shall be owned by the Town of Hackettstown but may be utilized by the volunteer members of the fire companies. The buildings presently owned by the Town of Hackettstown located on Moore Street and on Miller Street which are utilized for Fire Department purposes shall be leased to the Hackettstown Fire Department and such shall be under the control and supervision of the Town of Hackettstown.

(D) Rules and Regulations.

The rules and regulations of the Department shall be the by-laws of each fire company, which shall become a part of this section.

(E) Appointment of Officers; Terms of Office.

The Mayor shall appoint officers, said appointments to be made on January 1st of each year as recommended by the Department. Such individuals shall hold office for one (1) year or until their successors have been duly appointed and qualified.

(F) Qualifications for Membership. (8-10-23)

The following qualifications shall be necessary for appointment as a fireman, but no active fireman now in good standing shall be debarred from further active membership. Each applicant shall be:

1. A Citizen of the United States;
2. A resident of the Town or residing within 1.5 miles of the Town border;
3. Not less than eighteen (18) years of age
4. Of good health and physical fitness to perform as fireman; and
5. Of good moral character

(G) Immediate Response to Fire.

It shall be the duty of said companies, if any fire breaks out, to proceed immediately to their respective firehouses and to convey their apparatus to the fire, unless otherwise authorized by the officer present, and to remain under their officer's direction until released.

(H) Quarterly Reports.

It shall be the duty of the Chief to report quarterly to the Mayor and Council the condition of all fire-fighting apparatus and appurtenances, the number and date of all fires during the month, probable cause, and the number of active fireman in each company, and to make at that time such recommendations as will in their opinion make for the efficiency and betterment of the department.

ARTICLE 4. NON-DEPARTMENTAL BOARDS,
COMMISSIONS, OFFICERS AND THEIR STAFFS

2-30. Non-departmental Boards, Commissions.

The following non-departmental Boards, Commissions, Officers and their staffs are continued as heretofore established:

1. Board of Health.
2. Environmental Commission.
3. Economic and Industrial Development Commission.
4. Municipal Court.
5. Municipal Utilities Authority.
6. Parking Authority.
7. Planning Board.
8. Recreation Commission.
9. Shade Tree Commission.
10. Zoning Board of Adjustment.
11. Hackettstown Construction Enforcing Agency.
12. Design Committee.

ARTICLE 5. TRANSITIONAL PROVISIONS

2-35. Transitional Provisions.

All persons holding office, positions or employment in the Town Government under a title of office which is continued by this Administrative Code, and whose term of office or appointment shall not have expired as of June 19, 1972, shall continue in their respective offices, positions and employments, and with the same term, tenure and compensation as heretofore. (6-19-72)

ARTICLE 6. TOWN HISTORIAN

2-40. Town Historian, Appointment

The governing body shall appoint a Town historian to serve as the local historian under N.J.S.A. 40:10A-4. The historian shall serve without compensation and the term of appointment shall be at the pleasure of the Town Council.

CHAPTER 3. AUTHORITIES, NON-DEPARTMENTAL

BOARDS AND COMMISSIONS

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ARTICLE 1. BOARD OF HEALTH

(Note: For State Statutes regulating local Board of Health, See N. J. S. A. 26:3-3)

3-1. Composition.

The Board of Health of the Town shall be composed of five (5) members, all of whom shall be residents of the Town. (3-1-43 sl)

3-2. Appointment: Term.

The members of the Board shall be appointed by the Mayor and confirmed by the Common Council, and forthwith on the adoption of this Article, one (1) member shall be appointed for a term of five (5) years; one (1) member shall be appointed for a term of four (4) years; one (1) member shall be appointed for a term of three (3) years; one (1) member shall be appointed for a term of two (2) years; and one (1) member shall be appointed for a term of one (1) year; and annually thereafter one (1) member shall be appointed for a term of five (5) years. Each member so appointed shall hold office for the term designated aforesaid, from January 1st of the year of their appointment.

ARTICLE 2. ENVIRONMENTAL COMMISSION

3-5. Establishment.

Pursuant to the provisions of R. S. 40:56A-1, an Environmental Commission for the protection, development or use of natural resources, including the water resources located within the Town is hereby established.

3-6. Name; Members.

The commission shall be known as the Hackettstown Environmental Commission, and shall consist of five (5) members, appointed by the Mayor, one (1) of whom shall be a member of the Planning Board, and all of whom shall be residents of the municipality. The members shall serve without compensation.

The Town Engineer and the Town Attorney shall act as advisory members of the commission without the right to vote.

The Mayor shall designate one (1) of the members to serve as chairman of the commission.

3-7. Appointment; Terms.

The terms of office of the first commissioners shall be for one (1), two (2), or three (3) years, to be designated by the Mayor in making the appointments so that the terms of approximately one-third (1/3) of the members will expire each year, and their successors shall be appointed for terms of three (3) years and until the appointment and qualification of their successors.

3-8. Duties; Powers.

The commission appointed under this Article shall research into the use and possible use of the open land areas of the municipality and shall coordinate the activities of unofficial bodies organized for similar purposes and may advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which in its judgment it deems necessary for its purposes. It shall keep an index of all open areas, publicly or privately owned, including open marshlands, swamps and other wetlands, in order to obtain information of the proper use of such areas, and shall from time to time recommend to the Planning

Board plans and programs for inclusion in a municipal Master Plan and the development of use of such areas.

The commission may, subject to the approval of the Mayor and the Common Council, acquire real and personal property in the manner provided by R.S. 40:56A-3.

3-9. Records and Reports.

The commission shall keep records of its meetings and activities and shall make an annual report to the Mayor and Common Council. (4-12-71)

ARTICLE 3. INDUSTRIAL COMMISSION

3-15. Establishment.

There is hereby established a commission to be known as the Hackettstown Industrial Commission. The Commission shall have all the powers vested in Industrial Commissions as set forth in NJSA 40:55B.

3-16. General Powers.

To effectuate its purposes, any commission created under this chapter shall have the following powers:

- (a) To sue and be sued.
- (b) To adopt and use an official seal.
- (c) To adopt suitable by-laws for the management of its affairs.
- (d) To determine the qualifications and duties of its employees, and to fix, subject to the foregoing provisions hereof, their compensation.
- (e) To enter into contracts.

3-17. Purpose and Duties.

The Commission shall collect information on opportunities for industrial business in the Town of Hackettstown. The Commission shall prepare and distribute pamphlets explaining opportunities in the Town and outlining Town regulations affecting businesses. The Commission shall perform the following duties and such other duties as are assigned to it by ordinance:

- (a) To inquire into, survey and publicize the extent, advantages and utility of vacant lands and properties in the Town, whether municipally owned or otherwise.
- (b) To classify such vacant land and properties according to their adaptability for the location thereon of various types of industrial enterprises.
- (c) To study and analyze the various industries of the nation and, to the extent it deems necessary for its purposes, the industries of other nations, with a view to ascertaining the

opportunities for the industrial expansion of the Town. In this connection the reports, records, statistics, compenda and similar documents of existing federal, state, county, municipal and other governmental and public agencies, as well as of responsible private institutions, boards, agencies and similar bodies interested in the compilation of the information relating to industry, shall be resorted to, wherever possible, in order to avoid unnecessary original research and gathering of source material.

(d) To advertise the industrial advantages and opportunities of the Town and the availability of real estate within the Town for industrial development and to encourage and accomplish such industrial development.

(e) To solicit businesses or industry to purchase or lease vacant lands and property of or within the Town.

(f) To solicit the several industries to purchase or lease the vacant lands and property of or in the Town.

(g) To accomplish the sale or lease of the Town's vacant lands to industries whose settlement thereon is best calculated, in the judgment of the commission, to advance the interests of the Town and of its citizens and inhabitants.

(h) To acquire title to vacant land owned by the municipality for the purpose of resale or lease to industries whose presence within the Town will benefit in the judgment of the commission, its citizens and inhabitants.

3-18. Members, Appointments and Qualifications.

The Commission shall consist of seven (7) members including the Chairman, who shall be appointed by the governing body. Each member shall be, for the last five years preceding his appointment, a citizen of the United States and a qualified voter of the State of New Jersey. One member shall be appointed for one year, one member for two years, one member for three years, two members for four years and two members for five years. At the expiration of each of the above terms, the new member of members shall be appointed for a term of five years. Vacancies in the membership of any commission member, occurring for whatever cause, shall be promptly filled by appointment by the governing body for the unexpired term thereof. Members shall serve for their respective terms and

until their successors are appointed and qualify. No more than four members shall be from the same political party. A member of the governing body shall not be appointed as a member of the commission.

There shall be appointed upon said commission, unless local conditions shall otherwise require, one representative of industry or commerce; a representative of labor; a representative of the clearinghouse of banks of said municipality; a representative of the chamber of commerce; a representative of the service clubs of such municipality; a representative of the legal profession; and a representative of a recognized real estate dealers' association.

No member, officer or employee of any commission shall be interested directly or indirectly in any contracts for work or materials used by the commission, or in any sales, leases or agreements in connection with lands, buildings or other property owned or controlled by it, or in any fees or compensation of any kind paid to any broker, architect, engineer, merchant or other person doing business with the commission or in any other transaction of or with the commission, or the benefits or profits thereof.

Each member and officer of the commission shall, before assuming office, take and subscribe an oath that he will faithfully and impartially discharge the duties of his office.

The members of the commission shall choose annually from among its members a chairman or president, and such other officers as it may deem necessary. The mayor of the municipality served by the commission shall be ex officio a member thereof, but he shall not have voting privileges.

A majority of the members shall constitute a quorum of the board.

The members and officers may be required to furnish bonds to the commission, to secure the faithful discharge of their duties, in form, amount and with such surety as may from time to time be required by resolution of the governing body of the municipality served by the commission.

3-19. Expenses.

Members of the Commission shall receive no pay for their time, but they shall be reimbursed for any expenses authorized by the chairperson of the Commission.

3-20. Employees.

Insofar as may be practicable, the employees and assistants required by the commission shall be recruited from the public officers and employees of the Town. The town attorney shall be the counsel to the commission; the town engineer shall be the engineer of the commission; and the several departments of the town government shall be available to the commission for the purposes of the commission's business. Town employees serving the commission shall do so without compensation other than their regular compensation as employees of the Town. The commission shall, from time to time, make known to the mayor, its wants in the nature of services by employees of the Town, and the mayor shall designate which of the Town's employees, if any, shall render such services.

To the extent that the commission shall deem it necessary to carry on its functions, and to the extent that it shall consider the services of existing employees of the Town insufficient for its purposes, it may employ such additional employees or services and at such compensation as may be approved by resolution of the governing body of the Town. Its requirements in this direction shall be submitted from time to time in writing to such governing body.

The civil service laws, rules and regulations of the State, applicable to the Town shall govern the appointment of employees of the commission. Such laws, rules and regulations shall not be deemed to prevent the use of services of existing employees, without extra compensation therefor, nor shall the use of such services operate to enlarge the civil service rights or the status of the Town employee rendering the same.

The commission shall have and maintain a suitable office, where its maps, plans, documents, records and accounts shall be kept, subject to public inspection during reasonable business hours of the commission. If practicable, existing office facilities of the Town served by the commission shall be used without charge by the Town, and the office and similar equipment of the Town shall, wherever possible, be used by and be made available for the use of the commission, without charge.

3-21. General.

(a) The creation of this commission shall not be deemed to limit in any manner the Town's right to deal with its vacant lands, or to sell or lease the same, independently of such commission, as heretofore, but the powers conferred upon the commission by statute and ordinance shall be in

addition to any rights or powers now possessed by this Town with reference to its vacant lands or other properties.

(b) In the event the governing body should see fit to dissolve this commission by appropriate ordinance, all records of the commission shall be turned over to the governing body and unexpended funds appropriated for the use of such commission after the payment of all debts and obligations accruing to the date of the dissolution of the commission, shall revert to the general funds of the Town.

(c) The commission shall have any and other powers, restrictions and limitations as set forth in NJSA 40:55B.

ARTICLE 4. MUNICIPAL COURT

(Note: For State Statutes governing municipal courts, municipal judges and municipal court clerks, see R. S. 2A:8-1, et seq.)

3-25. Court Established.

A municipal court for the Town is established as of January 1, 1949, pursuant to the provisions of Chapter 264 of the Laws of 1948, as amended and supplemented. (12-27-48 sl)

3-26. Name.

The name of the municipal court shall be the "Municipal Court of the Town of Hackettstown."

3-27. Seal.

The municipal court shall have a seal, which shall bear the impress of the name of the court.

3-28. Judge, Appointment, Term, Compensation.

There shall be a municipal judge of the said municipal court who shall be appointed by the Mayor with the advice and consent of the Council, and who shall serve for a term of three (3) years from the date of their appointment and until their successor is appointed and qualified. Annual compensation shall be fixed and determined by ordinance adopted by the Common Council.

3-29. Powers.

The said municipal court and the municipal judge thereof shall have, possess and exercise all the functions, powers, duties and jurisdiction conferred by the provisions of Chapter 264 of the Laws of 1948, as amended and supplemented, or by any other law. (12-27-48 s6)

3-30. Prosecutor and Public Defender; Application Fee

(a) There shall be a municipal prosecutor and a municipal public defender who shall be appointed by the Common Council with the advice and consent of the Council, who shall serve for a term of one (1) year from the date of their appointment and until their successor is appointed and qualified. Annual compensation shall be fixed and determined by ordinance adopted by the Common Council.

(b) Any person applying for representation by the municipal public defender must pay an application fee of \$200.00.

ARTICLE 5. MUNICIPAL UTILITIES AUTHORITY

3-35. Establishment.

Pursuant to the provisions of the Municipal Utilities Authorities Law (P. L. 1957, C. 183) of New Jersey, particularly Section 4 thereof, there is hereby created a municipal authority as a body corporate and politic under the name and title of "The Town of Hackettstown Municipal Utilities Authority."

3-36. Powers.

The Municipal Utilities Authority shall have and exercise all of the powers and perform all of the duties provided for by said Municipal Utilities Authorities Law, and any other statutes heretofore and hereafter enacted and applicable thereto.

3-37. Compensation of Members.

Members of the Town of Hackettstown Municipal Utilities Authority may receive compensation for their services as members of the Authority, within the limitations hereby stated, that no member shall receive in excess of Five Hundred (\$500.00) Dollars per annum. (2-15-65)

ARTICLE 6. PARKING AUTHORITY

3-45. Establishment; Name.

A body corporate and politic be and is hereby created pursuant to and in conformity with Revised Statutes 40:11A-4 to be known as the "Parking Authority of the Town of Hackettstown". (9-30-57 s1)

3-46. Composition; Appointment; Term.

Said "Parking Authority of the Town of Hackettstown" shall consist of five (5) persons as commissioners of the Authority, which said persons shall be appointed by the Mayor with the advice and consent of the Common Council. The commissioners who are first appointed shall be designated to serve for the terms of one (1), two (2), three (3), four (4), and five (5) years, respectively, from the date of their appointments, but thereafter commissioners shall be appointed as aforesaid for the term of five (5) years, except that all vacancies shall be filled for the unexpired term. (9-30-57 s2)

3-47. Eminent Domain; Powers Limited.

No real property shall be acquired by the power of eminent domain without the consent of the Governing Body. (9-30-57 s3)

3-48. Bonds.

The Authority shall have the power to issue bonds from time to time in its discretion for any of its corporate purposes. Neither the commissioners of the Authority, nor any person executing the bonds, shall be liable personally on the bonds by reason of the issuance thereof. The bonds and other obligations of the Authority (and such bonds and obligations shall so state on their face) shall not be a debt of the State nor of the Town and neither the State nor the Town shall be liable thereon, nor in any event shall such bonds or obligations be payable out of any funds or properties other than those of said Authority. The Bonds shall not constitute an indebtedness within the meaning of any debt limitations or restrictions. Bonds of the Authority are declared to be issued for an essential public and government purpose and to be public instrumentalities, and together with interest thereon and income therefrom, shall be exempt from taxes. In order to secure the payment of such bonds or obligations, the Authority, in addition to its other powers, shall have power to pledge all or any part of its gross or net rents, fees or revenues to which its right then exists or may thereafter come into existence. (9-30-57 s4)

3-49. Statutory Powers.

The commissioners of such Parking Authority shall exercise all the powers and authority granted and be subject to all the provisions of Chapter 11A of Title 40 of the Revised Statutes and such other statutes now or hereafter enacted, applicable to said Parking Authority. (9-30-57 s5)

ARTICLE 7.

(Reserved)

ARTICLE 8. RECREATION COMMISSION

(Note: For State Statutes regulating recreating commissions, see R.S. 40:12-1, et seq.)

3-65. Establishment; Members; Terms.

A Recreation Commission is hereby established pursuant to the Revised Statutes 40:12-1, et seq. The Mayor may appoint not less than three (3), nor more than seven (7) persons as commissioners who shall be citizens and residents or non-resident property owners of the Town serving without pay for such terms as required by Revised Statutes 40:12-1. Vacancies in such Commission occurring otherwise than by expiration of term shall be filled by the Mayor for the unexpired term. (5-10-18)

3-66. Election of Chairman; by-laws.

The Commission shall elect a chairman and such other officers as may be necessary and shall have the power to adopt by-laws and Rules and regulations for the proper conduct of public recreation for the Town. (12-11-44 s2)

3-67. Powers.

The Recreation Commission shall have full control over and provide, conduct and supervise public playgrounds, playfields, indoor recreation centers and other recreation areas and facilities owned or controlled by the Town. It shall have the power to conduct any form of recreation or cultural activity that will employ the leisure time of the people in a constructive and wholesome manner. It may conduct such activities on properties under its own control, on public properties with the consent of the authorities thereof, and on private properties with the consent of the owners. (12-11-44 s3)

3-68. Appointment of Superintendent.

The Recreation Commission shall have the power to appoint or delegate someone to act as Superintendent who is trained and properly qualified for the work, and such other personnel as the Commission deems proper. (12-11-44 s4) The Commission may also appoint a Recreation Director for a term not to exceed three years who in the absence of a Superintendent shall be in charge of the day to day operations of the Recreation Commission activities.

3-69. Finances; Budget; Gifts.

Annually, the Recreation Commission shall submit a budget to the Common Council for its approval. The Commission may also solicit or receive any gifts or bequests of money or other personal property or any donation to be applied, principal or income, for either temporary or permanent use for playgrounds or other recreational purposes. (12-11-44 s5)

3-70. Annual Reports and Other Reports to Council.

The Recreation Commission shall make an annual report to the Common Council and such other reports as from time to time may be requested. (12-11-44 s5)

ARTICLE 9. SHADE TREE COMMISSION (Deleted 2003)

ARTICLE 10. EMERGENCY MANAGEMENT COUNCIL

3-90. Purpose.

A. It is the intent and purpose of this chapter to establish an emergency management council that will ensure the safe and efficient utilization of all the Town's facilities in the event of an emergency.

B. The Emergency Management Council will be the coordinating agency for all activity in connection with emergency management.

B. This chapter will not relieve any Town Department of the responsibilities or authority given to it under local ordinance, nor will it adversely affect the work of any volunteer agency organized for relief in disaster.

3-91. Definitions.

The following definitions shall apply in the interpretation of this Article:

Coordinator – The Coordinator of the Hackettstown Office of Emergency Management, appointed as prescribed in this chapter.

Disaster – An unusual incident resulting from natural or unnatural causes which endangers the health, safety or resources of the residents of this Town and which is or may become too large in scope or unusual in type to be handled in its entirety by regular Town operating services.

Emergency – Includes “disaster” and “war emergency” as defined in this section.

Emergency Management Forces – The employees, equipment and Town facilities of all departments, boards, institutions and commissions; and, in addition, it shall include all volunteer personnel, equipment and facilities contributed by or obtained from volunteer persons or agencies.

Emergency Management Volunteer – Any person duly registered, identified and appointed by the Coordinator of the Office of Emergency Management and assigned to participate in the emergency management activity.

Local Disaster Emergency – Includes any disaster, or the imminence thereof, resulting from natural or unnatural causes other than enemy attack and limited to the extent that action by the Governor under the New Jersey Emergency Management Disaster Control Act is not required.

Volunteer – Contributing a service, equipment or facilities to the emergency management organization without remuneration.

War Emergency – Includes any disaster occurring anywhere within the Town as the result of enemy attack or the imminent danger thereof.

3-92. Organization and Appointments.

A. Mayor shall appoint not more than fifteen (15) members to an Emergency Management Council. Members shall hold office at the will and pleasure of the Mayor. The Emergency Management Coordinator shall be a member and shall serve as Chairman of the Emergency Management Council. The Emergency Management Council shall assist the Town in supervising and coordinating the emergency management activities of the Town.

B. The Mayor shall appoint an Emergency Management Coordinator for a term of three (3) years who shall be a person well versed and trained in planning operations involving the activities of many different agencies which will operate to protect the public health, safety and welfare in the event of danger from emergencies as defined in this Article.

C. The Coordinator is hereby authorized and directed to create an organization for emergency management utilizing to the fullest extent the existing agencies within this Town. The Coordinator, as executive head of the Hackettstown Office of Emergency Management, shall be responsible for its organization, administration and operations.

D. The organization shall consist of the following:

(1) An Office of Emergency Management will be designated by the Mayor. The Mayor shall appoint an executive head of the Office of Emergency Management who shall be known as the “Coordinator of the Office of Emergency Management” and such assistants and other employees as are deemed necessary for the proper functioning of the organization. On some occasions, the Coordinator may be referred to as the “Director, Office of Emergency Management.”

(2) The employees, equipment and facilities of all Town departments, boards, institutions, authorities and commissions will participate in emergency management activity when requested.

(3) Volunteer persons and agencies offering service to and accepted by the Town.

E. The Coordinator shall designate and appoint, with the approval of the Mayor, a Deputy Coordinator to assume the emergency duties of the Coordinator in the event of his absence or inability

to act, the intent being that there will always and at all times be a coordinator in charge of emergency management operations.

3-93. Powers and Duties of Coordinator.

A. The Coordinator of the Office of Emergency Management shall be responsible to the Mayor in regard to all phases of the emergency management activity. Under the supervision of the Mayor he shall be responsible for the planning, activation, coordination and operation of the emergency management activity in the Town. Under the supervision of the Mayor he shall maintain liaison with the county, state and federal authorities and the authorities of other nearby political subdivisions as to ensure the most effective operation of the emergency management plan. His duties shall include but not be limited to the following:

(1) Personnel. Coordinating the recruitment of volunteer personnel and agencies to augment the personnel and facilities of the Town for emergency management purposes. The Coordinator may require emergency services of any Town officer or employees. If regular forces are determined to be inadequate, the Coordinator may require the services of such other personnel as he can obtain that are available, including citizen volunteers. All duly authorized persons rendering emergency services shall be entitled to the privileges and immunities as are provided by state law, the ordinances for regular Town employees and other registered and identified emergency management workers.

(2) The Coordinator may obtain vital supplies, equipment and other properties found lacking and needed for the protection of health, life and property of the people, and bind the Town for the fair value thereof.

(3) Negotiating and concluding agreements with owners or persons in control of building or other property for the use of such buildings or other property for emergency management purposes.

(4) The Coordinator will cause to be prepared the Basic Plan herein referred to as the "Hackettstown Emergency Management Basic Plan."

(5) Development and coordination of plans for the immediate use of all the facilities, equipment, manpower and other resources of the Town for the purpose of minimizing or preventing

damage to persons and property; and protecting and restoring to usefulness the governmental services and public utilities necessary for the public health, safety and welfare.

(6) Through public information programs, educating civilian population as to actions necessary and required for the protection of their persons and property in case of emergency as defined herein, either impending or present.

(7) Conducting public practice alerts to ensure the efficient operation of the emergency management forces and to familiarize residents with regulations, procedures and operations.

(8) The Coordinator, with the approval of the Mayor, shall order emergency management forces to the aid of other communities when required only in accordance with the statutes of the state, and he may request the state, county (or a political subdivision of the state) to send aid to the Town of Hackettstown in case of disaster when conditions in the Town are beyond the control of the local emergency management organization and/or resources.

(9) Assuming such authority and conducting such activity as the Mayor may direct to promote and execute the Emergency Management Plan.

(10) The Coordinator shall be the Chairman of the Emergency Management Council.

B. The Coordinator may exercise the emergency power and authority necessary to fulfill his general powers and duties as defined in this Article. The judgment of the Coordinator shall be the sole criteria necessary to invoke emergency powers indicated in this Article, and other appropriate authorities. Nothing in this Article shall be construed as abridging or curtailing the powers of the Mayor and Council.

3-94. Basic Plan.

A. A comprehensive Emergency Management Basic Plan shall be maintained by the Coordinator. In the preparation of this plan as it pertains to Town organization, it is the intent that the services, equipment, facilities and personnel of all existing departments and agencies, including volunteer fire companies and first aid squads (said department agencies and companies hereinafter referred to as departments), shall be utilized to the fullest extent to protect the peace, health and safety of citizens. When approved, it shall be the duty of all municipal departments to perform the functions assigned by the plan and to maintain their portion of the plan in a current state of readiness

at all times The Basic Plan shall be considered supplementary to this Article and have the effect of law wherever a disaster, as defined in this ordinance, has been proclaimed. The plan shall be compatible with county and state plans.

B. The Coordinator shall prescribe in the Basic Plan those positions within the disaster organization, in addition to his own, for which lines of succession are necessary.

C. Each department head and/or annex deputy assigned responsibility in the Basic Plan shall be responsible for carrying out all duties and functions assigned therein. Duties will include the organization and training of assigned Town employees and volunteers. Each department head and/or annex deputy shall formulate a team operation plan for his service which, when approved, shall be an annex to and apart of the Basic Plan.

D. When a required competency or skill for a disaster function is not available within the Town government, the Coordinator is authorized to seek assistance from persons outside of government. The assignment of duties, when of a supervisory nature, shall also grant authority for the persons outside of government. The assignment of duties, when of a supervisory nature, shall also grant authority for the persons so assigned to carry out such duties prior to, during and after the occurrence of a disaster. Such services from persons outside of government may be accepted by the Town on a volunteer basis. Such citizens shall be enrolled as emergency management volunteers in cooperation with the heads of departments affected.

3-95. Violations and Penalties.

A. It shall be unlawful for any person to violate any of the provisions of this Article or plans issued pursuant to the authority contained herein, or to willfully obstruct, hinder or delay any member of the emergency management organization as herein defined in the enforcement of the provisions of this Article or any regulation or plan issued thereunder.

B. Any person, firm or corporation violating any provisions of this ordinance, or any rule or regulation promulgated thereunder, upon conviction thereof, shall be punished by a fine of not more than one thousand dollars (\$1,000.) and costs of prosecution or imprisonment in the Warren County Jail for a period of not more than ninety (90) days, or both such fine and imprisonment, in the discretion of the court.

ARTICLE 11. Telecommunications Advisory Committee (1998)

3-100. Establishment, Name.

A committee named "Telecommunications Advisory Committee" shall be established in the Town of Hackettstown to provide guidance and support to the Mayor and Common Council in matters related to telecommunications policy in general and Television Cable Franchises in specific.

3-101. Membership.

The Telecommunications Advisory Committee will consist of the following nine (9) members:

- (1) All members of the Common Council's Printing, License, and Franchise Committee.
- (2) A representative of the Library Commission.
- (3) A representative of the Hackettstown Public School System.
- (4) Four members of the public at large.

The chair of the Common Council's Printing License and Franchise Committee will serve as the chair of the Telecommunications Advisory Committee.

3-102. Appointment, Terms.

Members of the Common Council's Printing, License, and Franchise Committee will serve on the Committee during the time that they are on the Common Council committee. Representatives of the Library Commission and the Hackettstown Public School System shall serve at the pleasure of their respective appointing boards.

Members of the public at large shall be appointed by the Mayor with the advise and consent of the Common Council. The first members appointed to the Committee will be appointed with terms of one (1), two (2), three (3) years. Thereafter, all appointments of members shall be for three year terms. All vacancies shall be filled for the unexpired terms.

All public members shall serve without remuneration.

3-103. Duties, Powers.

(1) It shall be the responsibility of the Telecommunications Advisory to seek public comment on telecommunications matters. The meetings shall include review of all correspondence received by the Committee or the New Jersey Board of Public Utilities related to telecommunication franchises granted by the Town.

- (2) Negotiate on behalf of the Town initial agreements for telecommunication franchises.

The recommendations of the Committee will then be forwarded to the Mayor and Common Council for revision and action as appropriate.

(3) Provide recommendations to the Mayor and Common Council appropriate actions related to telecommunications activities. These can include, but are not limited to recommendations on public access channels, broadcast of town activities and meetings, use of equipment provided through telecommunications franchise agreements, and actions for the mayor and Common Council as appropriate.

(4) Assure that any obligations within franchise agreements are accomplished or that notifications are sent as appropriate if actions are not completed per franchise agreements.

3-104. Records, Reports.

The Telecommunications Advisory Committee shall provide an annual report to the Mayor and Common Council by January 30th of the following year. Ad hoc reports shall be provided as appropriate to the Common Council's Printing, License and Franchise Committee for their use. Other reports shall be provided to the Mayor and Common Council as from time to time may be requested.

ARTICLE 12. Hackettstown Youth Council

3-110. Establishment, Name.

A committee named "Hackettstown Youth Council" shall be established in the Town of Hackettstown to promote governmental and community service among young people. The committee is to also provide guidance and support to the Mayor and Common Council in matters related to the Town's youth.

3-111. Membership.

The Hackettstown Youth Council shall consist of the following twelve members:

- (1) Four students from St. Mary's School
- (2) Four students from the Hackettstown Middle School
- (3) Four students from the Hackettstown High School

The representatives from each school shall be selected by each school, shall be appointed by the Mayor with the advice and consent of the Common Council and shall serve for one-year terms.

The Youth Council shall elect annually from its members, a president, vice-president and secretary.

3-112. Advisors.

Each school shall designate a staff member as an advisor to supervise their four youth council representatives. One staff advisor shall act as the coordinator of the youth council on an annual basis. The coordinator in year one shall be the St. Mary's advisor, year two shall be the Hackettstown Middle School advisor and year three shall be the Hackettstown High School Advisor. Thereafter, the coordinator position shall rotate between the schools in the same order.

3-113. Meetings.

The frequency and times of meetings shall be established by the Youth Council.

3-114. Duties, Powers.

(1) It shall be the responsibility of the Hackettstown Youth Council to meet on a regular basis to discuss issues of concern to the Youth Council.

(2) The Hackettstown Youth Council shall designate members to act as liaisons with the following Town departments, organizations or committees:

- a. Recreation Commission
- b. Hackettstown Board of Education
- c. Town Council Fire Committee
- d. Town Council Police Committee
- e. Town Council First Aid and Rescue Squad Liaison Committee
- f. Town Council Public Works Committee
- g. Town Council Ordinance and Municipal Affairs Committee
- h. Environmental Commission
- i. Planning Board
- j. Mayor's Office
- k. Zoning Board of Adjustment
- l. Emergency Management Council

Youth Council members will be encouraged to attend meetings of the above organizations to gather information and to report back to the Youth Council.

(3) The Hackettstown Youth Council will meet quarterly with the Town Council Community Development Committee to share ideas and advice on issues of concern and implementation of ideas of the Youth Council.

(4) The Youth Council shall submit to the Mayor and Common Council in December and May of each year a written report summarizing their activities.

CHAPTER 4. ADMINISTRATION OF POLICE DEPARTMENT

Section

- 4-1. Establishment.
- 4-2. Powers and Duties.
- 4-3. Members.
- 4-4. Police Committee and Line of Authority.
- 4-5. Appointments.
- 4-6. Creation of Offices and Positions.
- 4-7. Line of Authority.
- 4-8. Authority and Responsibility of Chief of Police.
- 4-9. Adoption of Rules and Regulations.
- 4-10. Power to Amend or repeal Ordinance or Rules and Regulations.
- 4-11. Designation of Appropriate Authority.
- 4-12. Removal from Office.
- 4-13. Suspension of Officers Charged With Offense.
- 4-14. Procedures Upon Charges Being Preferred.
- 4-15. Committees and Investigations.
- 4-16. Applicability of Other State Laws.

4-1. Establishment.

A Police Department is hereby established pursuant to N.J.S.A. 40A:14-118 in and for the Town of Hackettstown under the name of the Police Department of the Town of Hackettstown.

4-2. Powers and Duties.

The powers and duties of the officers and members of the Police Department shall be as prescribed by the laws of this State, the ordinances and resolutions of the Town and such rules and regulations as may now or hereafter be adopted for the government and discipline of the Department.

4-3. Members.

The Police Department of the Town of Hackettstown shall consist of a Chief of Police, who shall be deemed to hold the highest ranking office in the Department, such superior officers of lesser rank, patrolmen, detectives and other employees as shall from time to time be deemed necessary by the Mayor and Town Council to properly preserve peace and good order within the Town of Hackettstown.

4-4. Police Committee and Line of Authority.

Three (3) members of the Town Council shall be appointed by the Mayor to constitute the Police Committee. The Police Committee shall recommend policy to the Mayor and advise the Mayor in his administration of the Police Department. The Committee and individual members of the governing body shall act in all matters relating to the police function through the Mayor as Chief Executive of the Town government.

4-5. Appointments.

The Mayor with the advice and consent of Council shall appoint the Chief of Police, which is deemed to be the highest ranking position in the Police Department of the Town of Hackettstown, In addition, the Mayor may appoint persons to fill such other offices and positions as set forth in the next section as shall in his discretion see fit and deem necessary from time to time with the advice and consent of Council. The annual compensation for the positions shall be as provided in the salary ordinance or as provided in any applicable collective bargaining agreement.

4-6. Creation of Offices and Positions.

The Police Department shall consist of the following offices and positions, which are hereby created:

- A. Chief of Police
- B. Lieutenant
- C. Sergeant
- D. Patrolman
- E. Special Police Officer
- F. Other Employees

4-7. Line of Authority.

Unless otherwise directed by the Chief of Police, command shall be by virtue of rank. Rank in the Hackettstown Police Department shall descend in the following order:

- A. Chief of Police
- B. Lieutenant
- C. Sergeant
- D. Patrolmen

When officers are of the same grade, they shall rank according to their seniority determined by time in rank. When two or more officers are appointed to the same grade on the same day, each shall rank according to their examination score position, which determined the order of their appointment to that grade.

4-8. Authority and Responsibility of Chief of Police.

The Chief of Police shall be the head of the police force and the Chief shall be the final departmental authority in all matters of policy, operations, and discipline, and shall be directly responsible to the Mayor for the efficiency and routine day-to-day operations thereof and shall pursuant to policies established by the Mayor:

- A. Administer and enforce rules and regulations and special emergency directives for the disposition and discipline of the force and its officers and personnel.
- B. Have, exercise, and discharge the functions, powers and duties of the force.
- C. Prescribe the duties and assignments of all subordinates and other personnel.
- D. Delegate such authority as the Chief may deem necessary for the efficient operation of the force to be exercised under the Chief's direction and supervision.

E. Report at least monthly to the Mayor in such form as may be prescribed by the Mayor on the operation of the force during the preceding month and make such other reports as may be requested by the Mayor.

4-9. Adoption of Rules and Regulations.

The present rules and regulations of the Department dated August 13, 1979 are hereby continued in force subject to the changes set forth therein.

The Mayor may hereafter amend, repeal, adopt and promulgate rules and regulations for the government of the Police force and the discipline of its members which shall be placed on file with the Chief of Police and Town Clerk. Subject to the laws of the State, ordinances of the Town, and the instruction of the Mayor, the Chief of Police shall administer and enforce the written manual of rules and regulations for the organization, control, disposition, conduct and discipline of the Police Department.

4-10. Power to Amend or Repeal Ordinance or Rules and Regulations.

The Mayor and Common Council of the Town shall at all times have full power and authority in its sole discretion to repeal, amend or supplement this ordinance and the Mayor shall have full power and authority to amend, supplement and repeal rules and regulations which are now or hereafter adopted by the Mayor pursuant hereto.

4-11. Designation of Appropriate Authority.

Pursuant to R.S. 40A:14-118 the "appropriate authority" is hereby designated as the Mayor.

4-12. Removal from Office.

Except as otherwise provided by law, no permanent member or officer of the Police Department or Force shall be removed from his office, employment or position for political reasons or for any cause other than incapacity, misconduct, or disobedience of rules and regulations established for the government of the Police Department and Force, nor shall such member or officer be suspended, removed, fined or reduced in rank from or in office, employment, or position therein, except for just cause as hereinbefore provided and then only upon a written complaint setting forth the charge or charges against such member or officer. Said complaint shall be filed in the office of Chief of Police and a copy shall be served upon the member or officer so charged, with notice of a designated hearing thereon by the Mayor and Common Council which shall be not less than 10 nor more than 30 days

from date of service of complaint. A failure to comply with said provisions as to the service of the complaint shall require a dismissal of the complaint.

4-13. Suspension of Officers Charged with Offense.

Whenever any police officer is charged under the law of this state, another state, or the United States, with an offense, said police officer may be suspended from performing their duties with pay until the case against said officers is disposed of at trial, until the complaint is dismissed, or until the prosecution is terminated; provided, however, that if a grand jury returns an indictment against said officer or said officer is charged with an offense which is a high misdemeanor or which involves moral turpitude or dishonesty, said officer may be suspended from their duties without pay, until the case is disposed of at trial, until the complaint is dismissed, or until the prosecution is terminated. If a suspended police officer is found not guilty at trial, or if the charges are dismissed, or if the prosecution is terminated, said officer shall be reinstated in their position, and shall be entitled to recover all pay withheld during the period of suspension, subject to any disciplinary proceedings or administrative action. If any police officer is suspended with pay and is found guilty of any of the charges brought against them, said police officer shall reimburse the Town for all pay received by him or her during the period of their suspension.

4-14. Procedures Upon Charges Being Proffered.

The procedures set forth in R. S. 40A:14-147 et seq., or as hereafter amended, shall be followed in the disciplinary proceedings referred to herein.

4-15. Committees and Investigations.

Nothing herein contained shall prevent the appointment by the Mayor and Common Council of committees or commissions to conduct investigations of the operation of the Police Force or the performance of any officer or member thereof or to infringe on or limit the power of the Mayor to act to provide for the health, safety or welfare of the Town in an emergency situation through special emergency directives.

4-16. Applicability of Other State Laws.

This Chapter and the powers conferred herein are subject to Civil Service regulations, the New Jersey Employer-Employee Relations Act, and such other laws as are applicable.

CHAPTER 5. ALCOHOLIC BEVERAGES

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Section

- 5-1. Adoption.
- 5-2. Controlling Statutes and Regulations.
- 5-3. Issuing Authority.
- 5-4. Sales Unlawful Without License.
- 5-5. Licenses and License Fees.
- 5-6. Certain Licenses Prohibited.
- 5-7. Limitation on Number of Licenses.
- 5-8. Hours of Sale.
- 5-9. Service in Back Rooms Prohibited.
- 5-10. Sales to Minors, etc., Prohibited.
- 5-11. Purchase by or for Minors Prohibited.
- 5-12. Sale and Purchase of Illicit Beverages Prohibited.
- 5-13. Penalties.

5-1. Adoption.

This Chapter is adopted in accordance with Title 33 of the Revised Statutes. (R.S. 33:11, et seq.)

5-2. Controlling Statutes and Regulations.

All applications for licenses under this Chapter, and all licenses issued thereunder and proceedings in connection therewith, shall be subject to the provisions of the aforesaid Title 33 and the said rules and regulations issued and promulgated by the Director of the Division of Alcoholic Beverages Control applicable thereto, and shall be subject to any other statutes of New Jersey or of the United States now existing or hereafter enacted affecting the subject of this Chapter.

5-3. Issuing Authority.

The Common Council, being the Governing Body of the Town, shall constitute the authority for the issuance and administration of all licenses under this Chapter and shall make such reports to the Director of the Division of Alcoholic Beverage Control as may be required by statute or the rules and regulations promulgated by said Director.

5-4. Sales Unlawful Without License.

It shall be unlawful to sell or distribute alcoholic beverage in the Town without a license previously applied for any and duly granted, pursuant to the provisions of said Title 33. (4-10-61)

5-5. Licenses and Licenses Fees. (5-24-18)

(a) The fees for a Plenary Retail Consumption License shall be the sum of one thousand three hundred seventy-three dollars (\$1,373.00).

(b) The fee for a Plenary Retail Distribution License shall be the sum of eight hundred fifty-two dollars (\$852.00).

(c) The fee for a Club License shall be one hundred fifty (\$150.00) dollars.

5-6. Certain License Prohibited.

The Town shall not issue any Seasonal Retail Consumption License or any Limited Distribution License. (4-10-61)

5-7. Limitation on Number of Licenses.

The number of licenses shall be limited as follows:

(a) Plenary Retail Consumption Licenses shall be limited to five (5).

(b) Plenary Retail Distribution Licenses shall be limited to one (1).

(c) Club Licenses may be granted from time to time on application, provided the Town Council is satisfied that said licensed club is a bona fide organization.

Plenary Retail Distribution Licenses shall not be issued to permit the sale of alcoholic beverages in or upon any premises in which any other mercantile business is carried on except that the holder of such a license may sell nonalcoholic beverages as accessory beverages, tobacco, and such items accessory to the preparing and serving of beverages as cherries, olives, onions, pretzels, corn curls, nuts, potato chips, cheese bits and other similar items. (4-10-61)

5-8. Hours of Sale.

(a) New Year's Day. No licensee shall sell, service, deliver or allow, permit or suffer the sale, service or delivery of any alcoholic beverage, or permit consumption of alcoholic beverages on his licensed premises on New Year's Day when it is a weekday between the hours of 3:00 a.m. and 7:00 a.m.

No licensee shall sell, serve, deliver or allow, permit or suffer the sale, service or delivery of any alcoholic beverage, or permit consumption of alcoholic beverages on the licensed premises on New Year's Day when it is a Sunday between the hours of 3:00 a.m. and 12:00 noon.

(b) No licensee shall sell, serve, deliver or allow, permit or suffer the sale, service or delivery of any alcoholic beverage, or permit consumption of alcoholic beverages on the licensed premises on all Mondays, Tuesdays, Wednesdays, Thursdays, Fridays and Saturdays between the hours of 2:30 a.m. and 7:00 a.m., and on all other Sundays between the hours of 2:30 a.m. and 12:00 noon.

(c) The above-mentioned hours shall be construed to mean Eastern Standard Time or Eastern Daylight-Savings Time during such period when each may be in effect.

5-9. Service in Back Rooms Prohibited.

The sale of alcoholic beverages to persons in any back room or side room which is not open to general public use is prohibited except that in hotels guests may be served in their rooms or in private or public dining rooms, and provided further that this prohibition shall not apply to Club Licenses. (4-10-61)

5-10. Sales to Minors, etc. Prohibited.

No licensee shall sell, serve, deliver or allow, permit or suffer the sale, service or delivery of any alcoholic beverage directly or indirectly for any person under the age of twenty-one (21) years, or to any

person actually or apparently intoxicated, or to any mentally defective person or habitual drunkards; nor shall any license allow, permit, or suffer the consumption of alcoholic beverages by any such person upon the licensed premises.

5-11. Purchase by or for Minors Prohibited.

(a) It shall be unlawful for any person under the age of twenty-one (21) years, to purchase, attempt to purchase, or induce another to purchase for him any alcoholic beverage.

(b) It shall be unlawful for any person to purchase or attempt to purchase alcoholic beverages for a person under the age of twenty-one (21) years, and it shall likewise be unlawful for any person to induce or attempt to induce any licensee or any employee of a licensee to sell, serve or deliver alcoholic beverages to a person under the age of twenty-one (21) years.

(c) It shall be unlawful for any person under the age of twenty-one (21) years to misrepresent or misstate his age for the purpose of inducing any licensee or any employee of a licensee to sell, serve or deliver any alcoholic beverage to him.

5-12. Sale and Purchase of Illicit Beverages Prohibited.

(a) It shall be unlawful for any person, excepting an officer or other person authorized by and acting pursuant to the instructions of such officer, so doing in the course of and for the purpose of enforcing the provisions of R.S. 33:1-1, et seq., the rules and regulations of the Director of the Division of Alcoholic Beverage Control or this ordinance, to knowingly purchase, receive or procure any illicit alcoholic beverage.

(b) It shall be unlawful for any person to knowingly possess, have custody of, order for sale or sell any illicit alcoholic beverage. (4-10-61)

5-13. Penalties.

Any person who shall violate any provisions of this Chapter shall, upon conviction thereof, be punished by a fine not exceeding Five Hundred (\$500.00) Dollars, or by imprisonment in the County Jail for a term not exceeding ninety (90) days, or both. (4-10-61)

CHAPTER 5A. Cannabis.(11/8/21)

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Section

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5A-1. Cannabis Establishment Licenses.

The purpose of this section is to establish the requirements for a duly licensed Cannabis Establishment operating within the Town. The provisions of this section are subject to the enabling authority of the State of New Jersey and are subject to compliance with all statutes and/or regulations adopted by the State of New Jersey or its instrumentalities. If any provisions of this Section are inconsistent with the statutes and/or regulations of the State of New Jersey, the State statute and/or regulation shall govern.

5A-2. Definitions.

For the purpose of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

"Cannabis Cultivator" means any licensed person or entity that grows, cultivates, or produces cannabis in this State, and sells, and may transport, this cannabis to other cannabis cultivators, or usable cannabis to cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers. This person or entity shall hold a Class 1 Cannabis Cultivator license.

"Cannabis Establishment" means a cannabis cultivator, a cannabis distributor, a cannabis manufacturer, a cannabis wholesaler, cannabis retailer, or a cannabis delivery service.

"Cannabis Manufacturer" means any licensed person or entity that processes cannabis items in this State by purchasing or otherwise obtaining usable cannabis, manufacturing, preparing, and packaging cannabis items, and selling, and optionally transporting, these items to other cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers. This person or entity shall hold a Class 2 Cannabis Manufacturer license.

"Cannabis Retailer" means any licensed person or entity that purchases or otherwise obtains usable cannabis from cannabis cultivators and cannabis items from cannabis manufacturers or cannabis wholesalers, and sells these to consumers from a retail store, and may use a cannabis delivery service or a certified cannabis handler for the off- premises delivery of cannabis items and related supplies to consumers. Cannabis retailer shall also accept consumer purchases to be fulfilled from its retail store that are presented by a cannabis delivery service which will be delivered by the cannabis delivery service to that consumer. This person or entity shall hold a Class 5 Cannabis Retailer license.

5A-3. Cannabis Establishment License Fees.

The annual license fee for the Cannabis Establishments in the Town shall be as follows: Class of License Annual License Fee:

1. Class 1 Cannabis Cultivator: \$1,000.00
2. Class 2 Cannabis Manufacturer. \$1000.00
3. Class 5 Cannabis Retailer \$1,000.00.

5A-4. License Conditions.

In order to be granted a business license for the operation of any Cannabis Establishment the following conditions must be satisfied:

- a. Completion of all forms, checklists, and other submissions as may be required by the Town Clerk's Office;
- b. Payment of all applicable local fees, including inspection and licensing fees;
- c. Demonstration that all applicable State licenses have been obtained;
- d. Passage of all applicable State and local inspections required to be completed prior to the beginning of operations and/or renewal of any State and/or local license;
- e. Emergency contact information to be utilized by police, fire, and EMT personnel in the event of an on-site emergency;
- f. Submission of a full copy of the Application for State Licensure, via hard copy or digitally, with pages prominently marked "CONFIDENTIAL" as appropriate for purposes of compliance with New Jersey's Open Public Records Act (NOTE: pages not marked as confidential will be disclosed in response to an applicable OPRA request); and
- g. Submission of application fee of One Thousand Dollars (\$1,000.00).
- h. Licenses fees shall renew annually on July 1, and all licenses shall expire June 30 regardless of the date the license was first obtained. It is the obligation of license holders to obtain license renewal forms from the Town Clerk and submit completed forms to the Town Clerk not less than forty-five (45) days prior to expiration of the current license.
- i. All cannabis licenses shall be non-transferable.

5A-5. Town Council Approval of Applications.

Whenever the Cannabis Regulatory Commission established by N.J.S.A. 24:61-24 (the "Commission") forwards to the Town any application for initial licensing or renewal of an existing license for any cannabis establishment, distributor, or delivery service, or for a cannabis consumption area pursuant to N.J.S.A. 24:61-21, or otherwise solicits the position of the Town on any matter related to cannabis-related activities within the Town, or upon the request of an applicant for or holder of such license, the Town Council shall determine whether the application complies with the Town's restrictions on the number of cannabis establishments, distributors, or delivery services, and on their location, manner, or times of operation, and promptly inform the Commission, applicant for or holder of a license whether the application complies with same and whether it either approves or denies each application or other request for Town authorization forwarded to it. Notwithstanding the forgoing, nothing herein shall prohibit any elected or appointed official or employee from expressing their opinions or views on cannabis-related matters in their personal or individual official capacity, or endorsing an applicant for or holder of a license issued by the Commission, provided that such official shall not represent that their opinions or views are those of the Town unless based on a duly adopted ordinance or resolution of the Town, or other action of a majority of the governing body.

5A-6. Coordination of Safety and Security Measures.

Any applicant for a cannabis cultivation or cannabis manufacturing facility shall coordinate with the Chief of Police, or his or her designee, regarding the measures to be taken to ensure the security of the facility and the safety of the public and facility employees. Such measures may include, but are not limited to, facility access controls, surveillance systems, and site lighting consistent with the requirements of State law.

5A-7. Inspections.

Subject to the requirements and limitations of State law, the Town shall have the reasonable right to inspect the premises of any approved dispensary, cannabis cultivation or cannabis manufacturing facility during its regular hours of operation to ensure compliance with local ordinances and regulations.

5A-8. Operational Requirements.

A Cannabis Establishment issued a permit or license by the State of New Jersey and operating in the Town under this Chapter shall at all times comply with the following operational requirements:

- a. A Cannabis Establishment shall comply with the zoning code, the building code, and the property maintenance code at all times.
- b. The Cannabis Establishment must hold at all times a valid license or permit issued by the State of New Jersey to undertake cannabis cultivation and manufacturing activities at the permitted property. A State issued license is valid only for the location identified on the license and until the expiration date printed on the license and cannot be transferred to another location in the Town without a new application. The State issued license shall be prominently displayed inside the permitted premises in a location where it can be easily viewed by law enforcement and administrative authorities.
- c. Cultivation and manufacturing operations shall be conducted solely within the permitted premises on the permitted property. No cultivation or manufacturing facility shall be permitted to operate from a moveable, mobile or transitory location, except for the permitted and transportation of cannabis and cannabis products to and from the facility pursuant to the terms of the State license or permit.
- d. No person under the age of 18 shall be permitted to enter into the permitted premises without a parent or legal guardian.
- e. A cannabis cultivation or manufacturing facility shall at all times maintain a security system that meets State law requirements, and shall also include:
 1. Security surveillance cameras installed to monitor all entrances along with the interior and exterior of the permitted premises;
 2. Burglary alarm systems which are professionally monitored and operated 24 hours a day, 7 days a week;
 3. All security recordings and documentation shall be preserved for at least 30 days and made available to law enforcement upon request for inspection.
- f. All cannabis in whatever form stored at the permitted premises shall be kept in a secure manner and shall not be visible from outside the permitted premises, nor shall it be grown, processed, exchanged, displayed or dispensed outside the permitted premises.

- g. The amount of cannabis on the permitted property and under the control of the permit holder, owner or operator of the facility shall not exceed the amount permitted by the State license.
- h. Cannabis offered for sale and distribution must be packaged and labeled in accordance with State law.
- i. No pictures, photographs, drawings, or other depictions of cannabis or cannabis paraphernalia shall appear on the outside of any permitted premises nor be visible outside of the permitted premises on the permitted property.
- j. The words "marijuana," "cannabis" and any other words used or intended to convey the presence or availability of marijuana shall not appear on the outside of the permitted premises nor be visible outside of the permitted premises on the permitted property.
- k. Sales to the public, public consumption, or use of cannabis, alcohol, cannabis or other controlled substances on the permitted premises is prohibited.
- l. The facility's operation and design shall minimize any impact to adjacent uses, including the control of any odor such that no odor is detectable beyond the permitted property. No facility shall be operated in a manner creating noise, dust, vibration, glare, fumes, or odors beyond the boundaries of the property on which the facility is operated; or creating any other nuisance that hinders the public health, safety and welfare of the residents of the Town of Hackettstown.
- m. No person operating or employed by a cannabis cultivation or manufacturing facility shall provide or otherwise make available cannabis to any person who is not legally authorized to possess same under state law.
- n. All necessary building, electrical, plumbing and mechanical permits must be obtained for any part of the permitted premises in which electrical, wiring, lighting or watering devices that support the cultivation, growing, harvesting or testing of cannabis are located.
- o. The owner and operator of a cannabis cultivation or manufacturing facility shall use lawful methods in controlling and disposing of waste or by-products from any activities allowed under the State license or permit.
- p. Cannabis may be transported within the Town under this ordinance by a company licensed to do so by the State, and to effectuate its purpose, only:
 - 1. In a manner consistent with all applicable State laws and rules, as amended;
 - 2. In a secure manner designed to prevent the loss of the cannabis.
- q. Using vehicles that do not have exterior markings including the words "marijuana," "cannabis," or any similar or slang words; pictures or other renderings of the cannabis plant; advertisements for cannabis or for its sale, transfer, cultivation, delivery, transportation or manufacture; or any other word, phrase or symbol indicating or tending to indicate that the vehicle is transporting cannabis.
- r. No vehicle may be used for the ongoing or continuous storage of cannabis, but may only be used incidental to, and in furtherance of, the transportation of cannabis and cannabis products.

5A-9. Cannabis Establishment Sales Tax.

- a. A tax is hereby imposed upon all persons engaged in the business of selling cannabis as a Cannabis Cultivator, Cannabis Manufacturer, or Cannabis Retailer in the Town, at the rate of two percent (2%) of the gross receipts from such sales made in the course of that business. Retailers may reimburse themselves for their tax liability hereunder by separately stating the tax as an additional charge, which charge may be stated in combination, in a single amount, with any State tax that retailers are required to collect.
- b. The imposition of the tax imposed by this Section is in accordance with the provisions of State law and is in addition to any and all other taxes and charges.
- c. The tax imposed by this Section, and all civil penalties that may be assessed as an incident thereto, shall be remitted to, collected by and enforced by the Town Chief Financial Officer, who shall have the full power to administer and enforce the provisions of this Section.
- d. The failure to timely collect or remit all taxes due pursuant to this Section is a violation of this Code and may be subject to the penalties hereunder.

5A-10. Tax Liability.

Every Cannabis Establishment required to collect a sales tax imposed by ordinance pursuant to this Chapter shall be personally liable for the tax imposed, collected, or required to be collected under this Chapter. Any Cannabis Establishment shall have the same right with respect to collecting the sales tax from another cannabis establishment or the consumer as if the sales tax was a part of the sale and payable at the same time, or with respect to non-payment of the sales tax by the Cannabis Establishment or consumer, as if the sales tax was a part of the purchase price of the cannabis or cannabis item, or equivalent value of the transfer of the cannabis or cannabis item, and payable at the same time; provided, however, that the Chief Financial Officer of the Town shall be joined as a party in any action or proceeding brought to collect the sales tax.

5A-11. Collection of Taxes and Lien.

All revenues collected from a sales tax imposed by this Chapter shall be remitted to the Chief Financial Officer in the manner prescribed herein. The Chief Financial Officer shall collect and administer any sales tax imposed by this chapter. The Town may enforce the payment of delinquent taxes imposed by this Chapter in the same manner as provided for municipal real property taxes. In the event that the sales tax imposed by this Chapter is not paid as and when due by a Cannabis Establishment, the unpaid balance, and any interest accruing thereon, shall be a lien on the parcel of real property comprising the Cannabis Establishment's premises in the same manner as all other unpaid municipal taxes, fees, or other charges. The lien shall be superior and paramount to the interest in the parcel of any owner, lessee, tenant, mortgagee, or other person, except the lien of municipal taxes, and shall be on a parity with and deemed equal to the municipal lien on the parcel for unpaid property taxes due and owing in the same year. The Town shall file in the office of its tax collector a statement showing the amount and due date of the unpaid balance and identifying the lot and block number of the parcel of real property that comprises the delinquent cannabis establishment's premises. The lien shall be enforced as a municipal lien in the same manner as all other municipal liens are enforced.

5A-12. Administration of Transfer Tax.

The Chief Financial Officer is charged with the administration and enforcement of the provisions of this Chapter, and is empowered to prescribe, adopt, promulgate and enforce rules and regulations relating to any matter pertaining to the administration and enforcement of this chapter, including provisions for the reexamination and corrections of declarations and returns, and of payments alleged or found to be incorrect, or as to which an overpayment is claimed or found to have occurred, and to prescribe forms necessary for the administration of this chapter. Should a Cannabis Establishment fail or refuse to provide adequate information to the chief financial officer to determine the amount of tax due, the chief financial officer may use information provided to the Chief Financial Officer from other sources (i.e., the Commission or Department of Treasury) to determine the amount of tax liability.

- a. It shall be the duty of the Chief Financial Officer to collect and receive the taxes, fines, and penalties imposed by this chapter. It shall also be the duty of the Chief Financial Officer to keep a record showing the date of such receipt. The Chief Financial Officer is authorized to enter into agreements with the State of New Jersey to obtain information to facilitate administration of the tax. The Chief Financial Officer is authorized to issue a ruling upon written request of a taxpayer or upon its own volition.
- b. The Chief Financial Officer is hereby authorized to examine the books, papers and records of any taxpayer to verify the accuracy of any declaration or return, or if no declaration or return was filed, to ascertain the tax due. Every taxpayer is hereby directed and required to give to the Chief Financial Officer, or to any agent designated by him/her, the means, facilities and opportunity for such examinations and investigations, as are hereby authorized.

5A-13. Recordkeeping.

Taxpayers liable for the sales tax are required to keep such records as will enable the filing of true and accurate returns or the tax and such records shall be preserved for a period of not less than three (3) years from the filing date or due date, whichever is later, in order to enable the Chief Financial Officer or any agent designated by him to verify the correctness of the declarations or returns filed. If records are not available in the municipality to support the returns which were filed or which should have been filed, the taxpayer will be required to make them available to the Chief Financial Officer either by producing them at a location in the municipality or by paying for the expenses incurred by the Chief Financial Officer or his agent in traveling to the place where the records are regularly kept.

5A-14. Returns.

All Cannabis Establishments operating in the Town are required to file a sales tax return with the Chief Financial Officer to report their sales during each calendar quarter and the amount of tax in accordance with the provisions of this chapter. Returns shall be filed and payments of tax imposed for the preceding calendar quarter shall be made on or before the last day of April, July, October, and January, respectively. A taxpayer who has overpaid the sales tax, or who believes it is not liable for the tax, may file a written request on an amended tax return with the Chief Financial Officer for a refund or a credit of the tax. For amounts paid as a result of a notice asserting or informing a taxpayer of an underpayment, a written request for a refund shall be filed with the Chief Financial Officer within two (2) years of the date of the payment.

5A-15. Confidentiality.

The returns filed by taxpayers, and the records and files of the Chief Financial Officer respecting the administration of the sales tax, shall be considered confidential and privileged and neither the Town nor any employee or agent engaged in the administration thereof or charged with the custody of any such records or files, nor any former officer or employee, nor any person who may have secured information therefrom, shall divulge, disclose, use for their own personal advantage, or examine for any reason other than a reason necessitated by the performance of official duties any information obtained from the said records or files or from any examination or inspection of the premises or property of any person. Neither the Chief Financial Officer nor any employee engaged in such administration or charged with the custody of any such records or files shall be required to produce any of them for the inspection of any person or for use in any action or proceeding except when the records or files or the facts shown thereby are directly involved in an action or proceeding under the provisions of the State Uniform Tax Procedure Law or of the tax law affected, or where the determination of the action or proceeding will affect the validity or amount of the claim of the Town under the tax provisions of this Chapter.

5A-16. Audit and Assessment.

The Chief Financial Officer may initiate an audit by means of an audit notice. If, as a result of an examination conducted by the Chief Financial Officer, a return has not been filed by a taxpayer or a return is found to be incorrect and sales taxes are owed, the Chief Financial Officer is authorized to assess and collect any tax due. If no return has been filed and tax is found to be due, the tax actually due may be assessed and collected with or without the formality of obtaining a return from the taxpayer. Deficiency assessments (i.e., where a taxpayer has filed a return but is found to owe additional tax) shall include taxes for up to three (3) years to the date when the deficiency is assessed. Where no return was filed, there shall be no limit to the period of assessment.

Upon proposing an assessment, the Chief Financial Officer shall send the taxpayer an interim notice by certified mail, return receipt requested, which advises the taxpayer of additional taxes that are due. Should the taxpayer wish to dispute the assessment administratively by requesting a hearing with the Chief Financial Officer, it must do so within thirty (30) days of the date of such interim notice. If, after the Chief Financial Officer sends an interim notice, a taxpayer fails to timely request a hearing with the Chief Financial Officer or requests a hearing and after conducting a hearing, the chief financial officer determines that the taxes are due, the Chief Financial officer shall send the taxpayer by certified mail, return receipt requested, a final notice. Should the taxpayer wish to dispute the assessment set forth in the final notice, he or she must initiate an appeal in the New Jersey Tax Court within ninety (90) days after the mailing of any final notice regarding a decision, order, finding, assessment, or action hereunder.

5A-17. Time Limitations.

The following periods of limitations shall apply to suits for collection of taxes: When a return has been filed but no tax paid, any suit brought to recover the tax due and unpaid shall be filed within two (2) years after the return was due or filed, whichever is later. Where no return was filed or a fraudulent return was filed, there shall be no limits to file suit for the collection of taxes. Where, before the expiration of the time prescribed in this section for the filing a lawsuit against the taxpayer, both the Chief Financial Officer and the taxpayer have consented in writing to its extension after such time, the suit may be filed at any time prior to the expiration of the period agreed upon. The period so agreed upon may be extended by subsequent agreements in writing made before the expiration of the period previously agreed upon.

5A-18. Hearings.

Any person who receives an interim notice from the Chief Financial Officer may within thirty (30) days after the date of an interim notice, request a hearing with the Chief Financial Officer. Any person who fails to request a chief financial officer's hearing in a timely manner waives the right to administratively contest any element of the assessment. The Chief Financial Officer shall accept payments of disputed tax amounts under protest pending appeals; however, any request for refund of such monies must be filed in accordance with this section.

5A-19. Appeals.

Any aggrieved taxpayer may, within ninety (90) days after the mailing of any final notice regarding a decision, order, finding, assessment, or action hereunder, or publication of any rule, regulation or policy of the Chief Financial Officer, appeal to the Tax Court pursuant to the jurisdiction granted by N.J.S.A. 2B:13-2a(3) to review actions or regulations of municipal officials by filing a complaint in accordance with the New Jersey Court Rule 8:3-1. The appeal provided by this section shall be the exclusive remedy available to any taxpayer for review of a final decision of the Chief Financial Officer in respect to a determination of liability for the tax imposed by this chapter.

5A-20. Penalties.

Violations of the provisions and requirements set forth or referenced herein may be enforced in any manner the Town deems appropriate, including but not limited to bringing an appropriate ordinance enforcement action. When an ordinance enforcement action is brought, the General Penalty provisions of Town Code (§1-8), as amended from time to time, shall apply. In addition to any other remedies, the Town may institute proceedings for injunction, mandamus, abatement or other appropriate remedies to prevent, enjoin, abate or remove any violations of this Chapter. The rights and remedies provided herein are civil in nature. The imposition of a fine shall not exempt the violator from compliance with the provisions of this Chapter.

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6-1. Definitions.

"Dog" shall mean any dog, bitch or spayed bitch.

"Dog Licensing Age" shall mean any dog which has attained the age of seven (7) months, or which possesses a set of permanent teeth.

"Kennel" shall mean any establishment wherein or whereon the business of boarding, breeding or selling of dogs is carried on, except a pet shop.

"Owner" when applied to the proprietorship of a dog shall include every person having a right of property in such dog and every person who has such dog in his keeping or under his control for a period of ten (10) days or longer.

"Pet Shop" shall mean any room or rooms, store or stores, cage or exhibition pen, not part of a kennel, wherein dogs for sale are kept or displayed.

"Pound" shall mean an establishment for the confinement of dogs whether seized under the provisions of this Chapter or any other law or delivered thereto by the Owner.

"Shelter" shall mean any establishment created or maintained for the purpose of housing, feeding or caring for any animal pending the animal's sale, or adoption.

"Veterinarian" shall mean the Town Veterinarian or any other duly-qualified veterinarian.

6-2. License and Tag.

(a) Any person who shall own, keep or harbor a dog of licensing age shall, in the month of January of each year, apply for and procure from the Town Clerk a license and official metal registration tag for each such dog so owned, kept or harbored, and shall place upon each such dog a collar or harness with the registration tag securely fastened thereto.

(b) The owner of any newly-acquired dog of licensing age or of any dog which attains licensing age, shall make application for license and registration tag for such dog within ten (10) days after such acquisition or age attainment. (6-26-61)

6-3. Fees. (1996)

(a) The person applying for the license and registration tag shall pay a fee of \$4.80 plus such other fee as shall be fixed by statute for the licensing and registration of each dog; and said licenses, registration tags and renewals thereof shall expire on the last day of February of each year. (5-24-18)

(b) A person applying for the license and registration tag for the current year after February 28th of the current year shall be required to pay an additional five (\$5.00) dollars per month or any portion of a month late charge provided such person has failed to obtain a license as required by law on this article. (5-24-18)

(c) Dogs used as guides for blind persons and commonly known as "seeing eye dogs shall be licensed and registered as other dogs hereinabove provided for, except that the owner or keeper of such dog shall not be required to pay any fee therefor.

(d) License forms and uniform official metal registration tags designed by the State Department of Health shall be furnished by the Town Clerk. (6-26-61)

6-4. Dogs Licensed in Other States.

(a) Any person who shall bring or cause to be brought into the Town any dog licensed in another state for the current year and bearing a registration tag, and shall keep the same or permit the same to be kept within the Town for a period more than ninety (90) days shall immediately apply for a license and registration tag for each such dog. (6-26-61)

(b) Any person who shall bring or cause to be brought into the Town any unlicensed dog and shall keep the same or permit the same to be kept within the Town for a period of more than 10 days shall immediately apply for a license and registration tag for each such dog. (6-26-61)

6-5. Removing and Attaching Tags.

No person except an officer in performance of his duties shall remove a registration tag from the collar of any dog without the consent of the owners, nor shall any person attach a registration tag to a dog for which it was not issued. (6-26-61)

6-6. License for Pet Shops, Kennels, Shelters or Pounds.

(a) Any person who keeps or operates or proposes to establish a kennel, a pet shop, a shelter or a pound, shall apply to the Town Clerk for a license entitling such person, firm or corporation to keep or operate such establishments.

(b) The application shall describe the premises where the establishment is located or is proposed to be located, the purpose or purposes for which it is to be maintained, and shall be accompanied by the written approval of the Chief of Police, the Chief of the Fire Department, Building

Inspector, and Health Officer showing compliance with the State and Town rules and regulations governing location of and sanitation of each such establishment.

(c) All licenses issued under this section shall expire on the last day of January of each year, and shall be subject to revocation by the Town Council on recommendation of the State of Health or the Town Board of Health for any failure to comply with the rules and regulations of the State Department of Health or the Town governing the same after the owners has been afforded a hearing.

(d) Any person holding a license under this section shall not be required to secure individual licenses for dogs owned by such licensee and kept at such establishments.

(e) Any license issued under this section shall not be transferable to another owner or different premises. (6-26-61)

6-7. Fees.

The annual license fee for a kennel providing:

Accommodations for 10 or less dogs shall be	\$20.00
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Accommodations for more than 10 dogs shall be	\$50.00
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The annual license fee for a pet show shall be	\$20.00
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No fee shall be charged for shelter or pound.

6-8. Impounding Dogs.

The Mayor may appoint at such times for such terms as may, from time to time, deem expedient, a dog warden and such assistants as may be required, whose duty it shall be to take dogs into custody and impound or cause to be taken into custody and impounded and thereafter destroyed or disposed of as provided in this section:

(a) Any dog off the premises of the owner or of the person keeping or harboring said dog, which said dog warden or his assistants or assistant have reason to believe is a stray dog;

(b) Any dog off the premises of the owner or of the person keeping or harboring said dog without a current registration tag on his collar;

(c) Any female dog in season off the premises of the owner or of the person keeping or harboring such dog;

(d) Any dog which the owner, person harboring or keeping wishes to dispose of and to which renounces ownership, custody and control in writing.

If any dog seized, as provided by sub-paragraphs (a), (b) and (c) hereof wears a collar or harness to which is attached a registration tag or the owner is otherwise known, the dog warden shall forthwith serve on said owner a notice, in writing, stating that the dog has been seized and will be liable to be disposed of or destroyed if not claimed within seven (7) days after the service of notice. Such notice may be served either by delivering it to the person on whom it is to be served or by leaving it at the person's usual or last know place of abode as determined by the registration tag or other readily available information.

When any dog seized in accordance with sub-section (a), (b) or (c) hereof has been detained for seven (7) days after notice, when such notice can be given as above set forth, or has been detained for seven (7) days after seizure, when no notice has been given as above set forth, and if the owner has not claimed said dog and paid all expenses incurred by reason of its detention, including maintenance not exceeding fifty (\$.50) cents per day, and if the dog be unlicensed at the time of the seizure and the owner has not produced a license and registration tag for said dog, the dog warden may cause the dog to be destroyed in a manner causing as little pain as possible.

When any dog be delivered to the dog warden under sub-section (d) hereof, no notice to the owner shall be required, unless the person delivering the said dog is someone other than the owner, in which event the foregoing procedure shall be followed: If the person delivering the said dog is the owner, the dog warden may forthwith destroy the dog in a manner causing as little pain as possible. All costs for destroying the dog shall be at the expense of the owner or harbinger of said dog. (6-26-61)

6-9. Canvass of Dogs.

The Chief of Police of the Town shall cause a canvass to be made of all dogs owned or harbored within the Town at such times and intervals as required by State law. The Chief of Police shall report the results including the names of all persons owning or harboring such animals in the manner provided by law.

6-10. Control of Dogs.

(a) No person shall suffer any dog, licensed or unlicensed, to run at large upon any of the streets or public places of the Town or upon the property of any other person.

(b) No person owning, harboring, keeping, walking or in charge of any dog shall cause, suffer, permit or allow such dog to soil, defile, defecate on, or commit any nuisance on any common thoroughfare, street, sidewalk, passageway, road, bypath, play area, park or any place where people congregate or walk in this Town, or upon any public property whatsoever, or upon any private property without the permission of the owner of the private property in the last instance. If any such person shall permit such dog to soil, defile, defecate on, or commit any nuisance on the areas aforesaid, he or she shall immediately remove all feces and droppings deposited by such dog, which removal shall be in a sanitary manner by shovel, container, disposal bag, etc. and said feces and droppings shall be removed by said person from the aforesaid designated areas and disposed of by said person in a sanitary manner.

(c) No person shall permit any dog, whether leashed or unleashed, licensed or unlicensed, to be in, upon, along any of the following walkways leading through residential areas to school grounds;

1. Walkway between Arthur Terrace and Mitchell Road.
2. Walkway between Jay Court and Victor Court.
3. Walkway between Arthur Terrace and the High School property located on Warren Street.
4. Walkway between Seymour Terrace and Shelley Drive.
5. Walkway between the High School property and Hatchery Road.

6-11. Interference with Officers.

No person shall hinder, interfere with or molest any person appointed as dog warden and any assistant employed by him or any officer of the Town or other duly authorized agent in the performance of any duty enjoined by this Chapter. (6-26-61)

6-12. Vicious Dogs.

No vicious dog, whether registered or not, shall be permitted by the owner or person harboring the same to be in or upon any public street or public place in the Town of Hackettstown at any time, or to trespass upon the property of any person in the Town. Upon violation hereof, said dog may be taken into custody and impounded and thereafter destroyed and disposed of in the manner provided by law. (6-26-61)

6-13. Bites of Dogs, Cats and Other Animals.

(a) Every person who owns, keeps or harbors a dog, cat or other animal which has bitten or is alleged to have bitten any person shall, upon notice of such bite or alleged bite given by any enforcement officer of the Town, confine the animal to a room or premises away from the public and shall cause to be brought and delivered as hereinafter provided the said dog, cat or other animal, to a veterinarian within twenty-four (24) hours after service upon such owner, keeper or harborer, of a written notice from the Health Officer of the Town, or his duly authorized representative, requiring such owner, keeper or harborer to bring and deliver such dog, cat or other animal to a veterinarian for a rabies quarantine examination.

(b) Such dog, cat or other animal shall be quarantined for a period of ten (10) days and shall not be disposed of or permitted to leave the premises of the owner, keeper or harborer during the said ten-day period, without the written approval of the Town Veterinarian.

(c) The dog warden of the Town, upon the request of the owner, keeper or harborer of any dog, cat or other animal which has bitten or is alleged to have bitten anyone, shall transport and deliver such dog, cat or other animal to a veterinarian; provided, however, that if the dog warden is requested to transport and deliver the same to a veterinarian other than the Town Veterinarian, then the owner, keeper or harborer shall cause said other veterinarian to issue a report within four (4) days to the Town Veterinarian, which report shall contain a full statement respecting the health of said dog, cat or other animal.

All costs for examination of said dog, cat or other animal shall be at the expense of the owner or harborer of said animal.

6-14. Penalties.

(a) Any person who violates or fails or refuses to comply with Section 2, 3, 4, 5, 6, 7, 10(b), 10(c) or 11 of this Chapter, shall be liable to a penalty of not more than One Hundred Dollars (\$100.00) for each offense. Each day of violation shall be considered a separate offense. (10-24-19)

(b) Any person who violates or fails or refuses to comply with Section 10(a) of this Chapter, shall be liable for a penalty of One Hundred Dollars (\$100.00) for the first offense; Two Hundred Fifty Dollars (\$250.00) for the second offense; and Five Hundred Dollars (\$500.00) for the third or subsequent offenses; or by imprisonment in the County Jail for a term not exceeding ninety (90) days, or both. Each day of the violation shall be considered a separate offense. (10-24-19)

(c) Any person who shall violate the provisions of Section 12 or 13 of this Chapter shall, upon conviction thereof, be punished by a fine not exceeding Five Hundred Dollars (\$500.00), or by imprisonment in the County Jail for a term not exceeding ninety (90) days, or both. (10-24-19)

6-15. Exceptions.

No licensing provision of this Chapter shall be construed to apply to any establishment wherein or whereon dogs are received or kept for diagnostic, medical, surgical or other treatment, owned by and operated under the immediate supervision of a graduate veterinarian licensed in the State of New Jersey. (6-26-61)

CHAPTER 6A. CATS

6A-1. Definitions.

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

Abandoned Cat - A cat of any age which shall be left unattended and at large for a period of seventy-two (72) hours or more.

Cat - Any animal of the feline species, male or female or altered.

Keeper - Any person having custody or control over a cat or permitting a cat to remain on the premises under his control.

Kennel - Any establishment wherein or whereon the business of boarding, breeding or selling of cats is carried on, except a pet shop.

Neutered - Rendered permanently incapable of reproduction as certified by a licensed veterinarian.

Owner - Every person having a right of property in such cat, and every person keeping or harboring such cat or feeding such cat for more than forty-eight (48) hours.

Person - An individual, firm, partnership, corporation or association of persons.

Pet shop - Any room or rooms, store or stores, cage or exhibition pen, not part of a kennel, wherein cats for sale are kept or displayed.

Pound - An establishment for the confinement of cats taken into custody by the Animal Warden.

Public Nuisance - A cat that damages either public or private property or harms the lawful users or occupants thereof.

Shelter - Any establishment created or maintained for the purpose of housing, feeding or caring for any animal pending the animal's sale or adoption.

Stray Cat - A cat having no known owner or custodian or known place of care or shelter.

6A-2. Enforcement.

The Town Clerk is hereby designated as the official charged with the enforcement of the provisions of this ordinance.

6A-3. License and Vaccination Required.

No person shall own, keep or harbor any cat over four (4) months of age within the Town of Hackettstown unless such cat has been licensed and vaccinated against rabies by a licensed veterinarian in accordance with the latest "Compendium of Animal Rabies Vaccines and Recommendations for Immunization" published by the National Association of State Public Health Veterinarians. The provisions of this section do not apply to a veterinary establishment where cats are received or kept for diagnostic, medical, surgical and other treatments.

Any cat may be exempted from the requirements of such vaccination for a specified period of time by the local board of health, upon presentation of a veterinarian's certificate stating that because of an infirmity or other physical condition, or regimen of therapy, the inoculation of such cat shall be deemed inadvisable.

6A-4. License and Application.

(a) Written application for a cat license shall be made to the Town and shall include the name and address of the owner and the name, breed, color, age and sex of the cat. The applicant shall pay the prescribed licensing fee and provide proof of current rabies vaccination.

(b) The licensing period shall be for one (1) year. Licenses shall be renewed by January 31st of each year. Application for a license must be made within thirty (30) days after obtaining a cat over four (4) months of age. New residents must apply for a license within ninety (90) days of establishing residence. All other cats must be licensed upon or prior to the cat reaching four (4) months of age.

(c) The applicant must supply proof at the time of application that the cat's inoculation period under the requirements of section 6A-3 does not expire prior to November 1st of the license year.

6A-5. License Fee. (5-24-18)

A license shall be issued after payment of a fee of nine (\$9.00) dollars for each unneutered cat and six (\$6.00) dollars for each neutered cat. A late charge of five (\$5.00) dollars per month or any portion of a month shall be charged for any license issued after the last day of February.

6A-6. License Tags; Replacement Fee.

(a) Upon acceptance of the license application and fee, the Town shall issue a durable license tag, including an identifying number, the year of issuance, the municipality and the state. The license tag shall be attached to the collar of the cat so as to assist in the identification of a lost cat.

(b) In case a license tag is lost or destroyed, a duplicate will be issued by the Clerk upon presentation of a receipt showing the payment of the license fee for the current year and the payment of a fee of one dollar (\$1.00) for such duplicate.

(c) License tags shall not be transferable from one cat to another and no refunds shall be made should any owner leave the Town before expiration of the license period.

(d) The provisions of this section shall not be intended to apply to cats whose owners are nonresidents temporarily within the Town.

6A-7. Care and Control.

Any person who owns, keeps or harbors any cat located within the Town of Hackettstown or permits a cat to enter the corporate limits of the Town of Hackettstown shall exercise sufficient and proper care and control over such animal at all times so as to prevent the animal from becoming a public nuisance or otherwise violating this ordinance.

6A-8. Responsibility of Owner.

No person owning, keeping or harboring any cat shall permit it to soil, defile or commit any nuisance on any place where people congregate or walk or upon any public property whatsoever. This provision shall apply to all privately owned property in the Town except the property of the owner or keeper of the cat and the property owned or controlled by persons who have invited or permitted the owner or keeper of a cat to bring such cat upon the premises.

6A-9. Nuisances.

No person owning or keeping a cat shall permit such cat to become a public nuisance as defined herein.

6A-10. Abandonment.

No person shall abandon any cat of any age or permit a cat to become a stray.

6A-11. Female Cats.

Every female cat in heat shall be confined in a building or secure enclosure in such a manner that such female cat cannot come into contact with another cat except for planned breeding.

6A-12. Impounding Cats.

The Mayor may appoint at such times and for such terms as may, from time to time, seem expedient, an animal warden and such assistants as may be required, whose duty it shall be to take cats into custody and impound or cause to be taken into custody and impounded and thereafter destroyed or disposed of as provided in this section:

- (a) Any cats off the premises of the owner or of the person keeping or harboring said cat, which said animal warden or his assistants or assistant have reason to believe is a stray cat;
- (b) Any cat off the premises of the owner or of the person keeping or harboring said cat without a current registration tag on his collar;
- (c) Any female cat in season off the premises of the owner or of the person keeping or harboring such cat;
- (d) Any cat which the owner, person harboring or keeping wishes to dispose of and to which he renounces ownership, custody and control in writing.

If any cat seized, as provided by sub-paragraphs (a), (b) and (c) hereof wears a collar or harness to which is attached a registration tag or the owner is otherwise known, the animal warden shall forthwith serve on said owner a notice, in writing, stating that the cat has been seized and will be liable to be disposed of or destroyed if not claimed within seven (7) days after the service of notice. Such notice may be served either by delivering it to the person on whom it is to be served or by leaving it at that person's usual or last known place of abode as determined by the registration tag or other readily available information.

When any cat seized in accordance with sub-section (a), (b) or (c) hereof has been detained for seven (7) days after notice, when such notice can be given as above set forth, or has been detained for seven (7) days after seizure, when no notice has been given as above set forth, and if the owner has not claimed said cat and paid all expenses incurred by reason of its detention, including maintenance not exceeding fifty cents (\$.50) per day, and if the cat be unlicensed at the time of the seizure and the

owner has not provided a license and registration tag for said cat, the animal warden may cause the cat to be destroyed in a manner causing as little pain as possible.

When any cat be delivered to the animal warden under sub-section (d) hereof, no notice to the owner shall be required, unless the person delivering the said cat is someone other than the owner, in which event the foregoing procedure shall be followed: If the person delivering the said cat is the owner, the animal warden may forthwith destroy the cat in a manner causing as little pain as possible. All costs for destroying the cat shall be at the expense of the owner or harbinger of said cat.

6A-13. Limit on Number of Cats Kept.

No more than five (5) cats shall be kept, maintained or harbored for more than ninety (90) days in any residential housing unit or on its grounds. This provision shall not apply to cats which have been owned prior to the effective date of this chapter.

6A-14. License for Pet Shops, Kennels, Shelters or Pounds.

(a) Any person who keeps or operates or proposes to establish a kennel, a pet shop, a shelter or a pound, shall apply to the Town Clerk for a license entitling such person, firm or corporation to keep or operate such establishments.

(b) The application shall describe the premises where the establishment is located or is proposed to be located, the purpose or purposes for which it is to be maintained, and shall be accompanied by the written approval of the Chief of Police, the Chief of the Fire Department, Building Inspector, and Health Officer showing compliance with the State and Town rules and regulations governing location of and sanitation of each such establishment.

(c) All licenses issued under this section shall expire on the last day of January of each year, and shall be subject to revocation by the Town Council on recommendation of the State Department of Health or the Town Board of Health for any failure to comply with the rules and regulations of the State Department of Health or the Town governing the same after the owner has been afforded a hearing.

(d) Any person holding a license under this section shall not be required to secure individual licenses for cats owned by such licensee and kept at such establishments.

(e) Any license issued under this section shall not be transferable to another owner or different premises.

6A-15. Fees.

The annual license fee for a kennel providing:

Accommodations for 10 or less cats shall be	\$20.00
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Accommodations for more than 10 cats shall be	\$50.00
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The annual license fee for a pet shop shall be	\$20.00
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No fee shall be charged for shelter or pound.

6A-16. Penalties.

(a) Any person who violates or who fails to or refuses to comply with the provisions with this chapter shall be liable to a penalty for not more than \$100.00 for each offense.

(b) Each and every day in which a violation of any provision of this chapter exists shall constitute a separate violation.

CHAPTER 6B. PET WASTE

6B-20. Definitions.

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

a. Immediate - shall mean that the pet solid waste is removed at once, without delay.

b. 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.

c. Person - any individual, corporation, company, partnership, firm, association or political subdivision of the State subject to municipal jurisdiction.

d. Pet - a domesticated animal (other than a disability assistance animal) kept for amusement or companionship.

e. Pet Solid Waste - waste matter expelled from the bowels of the pet; excrement

f. 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.

6B - 21. 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.

6B -22. Exemptions.

Any owner or keeper who requires the use of a disability assistance animal shall be exempt from the provisions of the section while such animal is being used for that purpose.

6B -23. Enforcement.

The provisions of this chapter shall be enforced by the Town of Hackettstown.

6B -24. Violations and Penalty.

Any person(s) who is found to be in violation of the provisions of this chapter shall be subject to a fine not to exceed \$1,000.00.

CHAPTER 6C ANIMAL WELFARE (3-19-17)

Chapter 6C-1. Definitions

Animal - shall mean any dog or cat.

Cat - Any animal of the feline species, male or female or altered.

Dog - shall mean any dog, bitch or spayed bitch.

6C-2. Chaining or Tethering of Animals.

Animals shall not be chained, tied, fastened or otherwise tethered to dog houses, trees, stakes, poles, fences, walls, or any other stationary object outdoors as a means of confinement for more than six (6) hours during a twenty-four (24) hour period. The tether or chain must be at least fifteen (15) feet in length and positioned to prevent tangling and hanging; animals must be able to move freely when chained or tethered. Animals must be equipped with properly fitted harness or buckle type collar. Shelter, water, and food shall be accessible to the animal while chained, tied, fastened, or tethered.

6C-3. Extreme Weather.

In extreme weather, below 32 degrees and above 90 degrees, animals shall not be left outside for more than fifteen (15) minutes during a three (3) hour period.

6C-4. Violations.

- a. Any person who violates or fails or refuses to comply with this Chapter, shall be liable to a penalty of not more than One Hundred Dollars (\$100.00) for the first offense, Two Hundred Fifty Dollars (\$250.00) for a second offense, Five Hundred Dollars (\$500.00) for a third offense, and for any subsequent offense One Thousand Dollars (\$1000.00), not more than ninety (90) days in jail, and not more than ninety (90) days of community service. Each day of violation shall be considered a separate offense.
- b. The provisions of this Chapter may be enforced by the Animal Control Officer and the Hackettstown Police Department.

CHAPTER 7. BUILDING REGULATIONS

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ARTICLE 1. UNIFORM CONSTRUCTION CODE

7-1. Establishment of Enforcing Agency.

(a) There is hereby established in the Town of Hackettstown a State Uniform Construction Code enforcing agency to be known as the "Hackettstown Construction Enforcing Agency" consisting of a construction official, building subcode official, plumbing subcode official, electrical subcode official, fire protection subcode official, and such other subcode officials for such additional subcodes as the Commissioner of the Department of Community Affairs, State of New Jersey, shall hereafter adopt as part of the State Uniform Construction Code. The construction official shall be the chief administrator of the enforcing agency.

(b) Each official position created in Subsection (a) hereof shall be filled by a person qualified for such position pursuant to P. L. 1975 C. 217, as amended and N.J.A.C. 5:23, provided that in lieu of any particular subcode official, an on-site inspection agency may be retained by contract pursuant to N.J.A.C. 5:23. More than one such official position may be held by the same person, provided that such person is qualified pursuant to P. L. 1975, C. 217, and N.J.A.C. 5:23 to hold such position.

(c) The public shall have the right to do business with the enforcing agency at one office location except for emergencies and unforeseen or unavoidable circumstances.

7-2. Fees. (5-24-18)

(a) The following schedule of fees is hereby established for various activities within the Town of Hackettstown:

FEE SCHEDULE (5-24-18)

1A. NEW STRUCTURE FEES:

- I. Use Groups B, H, I-1, I-2, I-3,
M, E, R-1, R-2, R-3, R-4, U
A-1, A-2, A-3, A-4, F-1, F-2, S-1, S-2
- Volume _____ cu. Ft. x .035 = \$ _____
of bldg. (Volume Fee)
- II. Commercial Farm Buildings
- Volume _____ cu. Ft. x .015 = \$ _____
of bldg. (Volume Fee)
Maximum fee not to exceed \$1,145.00

1B. RENOVATIONS, ALTERATIONS, REPAIR & MINOR WORK FEES: (The applicant shall submit cost data by architect or engineer of record, a recognized estimating firm, or by contractor bid. The construction department will review the construction cost for acceptability.)

- A. Estimated Cost up to and including \$100,000.00 plus \$35.00 per \$1,000 = \$ _____
- B. Portion of cost \$100,001.00 to and including \$200,000.00 plus \$25.00 per \$1,000 = \$ _____
- C. Portion of cost above \$200,001.00 \$20.00 per \$1,000 = \$ _____
- SUM ABOVE ITEMS \$ _____

D. For combination of renovation and addition: The sum of the fees are computed separately as renovations and additions, and added to a total sum.

2. PLUMBING FEES:

Total number of fixtures*: _____ x \$18.00 ea. = \$ _____

*Fixtures to include all fixtures, pieces of equipment or appliances connected to the plumbing system and for each appliance connect to the plumbing or plumbing system, except as indicated below:

Total number of special devices**: _____ x \$85.00 ea. = \$ _____

**Special devices include grease traps, oil separators, refrigeration units, utility service connections, backflow preventers, steam boilers, hot water boilers (excluding those for domestic water heating), active solar systems, sewer pumps, interceptors and fuel oil piping.

3. ELECTRICAL FEES:

Fixtures and devices to be counted for these items include outlets, wall switches, fluorescent fixtures, convenience receptacles or similar fixtures, and motors or devices of one hp or one kw or less.

- A. Electrical fixtures and devices - First 50: fee is \$50.00 = \$ _____
B. Increments of 25 additional fixtures and devices _____ x \$22.00 each = \$ _____

C through F: For the purpose of calculating the following electrical fees, all motors except these 705 in plug-in appliances shall be counted including control equipment, generators, transformers and all heating.

C. Each motor or electrical device greater than or equal to 50 hp; and for transformers and generators greater than 1 kw and less than or equal to 45kw, for each utility load management device. _____ x 20.00 ea.

D. Each motor or electrical device greater than 10 hp and less than or equal to 50 hp for each service panel, service entrance or sub panel less than or equal to 200 amperes; and for all transformers and generators greater than 10 kw and less than or equal to 45 kw; and for each utility load management device. _____ x \$70.00 ea.

E. Each motor or electrical device greater than 50 hp and less than or equal to 100 hp for each service panel, service entrance or sub panel greater than 200 amperes and less than or equal to 1,000 amperes; and for transformers and generators greater than 45 kw and less than or equal to 112.5 kw. _____ x \$140.00 ea.

F. Each motor or electrical device greater than 100 hp; for each service panel, service entrance or sub panel greater than 1,000 amperes; and for transformers and generators greater than 45 kw and less than or equal to 112.5 kw. _____ x \$580.00 ea.

For the purpose of computing these fees, all motors except those in plug-in appliances shall be counted, including control equipment, generators, transformers and all heating, cooking or other devices consuming or generating electrical current.

4. ASBESTOS ABATEMENT FEE:

The fee for asbestos abatement permit shall be \$70.00 plus a Certificate of Occupancy Fee on asbestos at the rate of \$14.00. Total fee shall be \$84.00.

5. ELEVATOR INSPECTION FEE:

Current Fees pursuant to N.J.A.C. 5:23-4.3(C)6 and 7 and N.J.A.C. 5:23-12.6(a), (b) and (c).

6. STANDARD FEE:

Number of standpipes _____ x \$289.00 = \$ _____

7. FIRE PROTECTION & HAZARDOUS EQUIPMENT FEE:

Fire protection and other hazardous equipment, sprinklers, standpipes, detectors (smoke and heat), pre-engineered suppression systems, incinerators and crematoriums:

A. Sprinkler heads or detectors:

- 1-20 heads or detectors = \$100.00
- 21- 100 heads or detectors = \$169.00
- 101-200 heads or detectors = \$307.00
- 201-400 heads or detectors = \$766.00
- 401-1,000 heads or detectors = \$1,054.00
- 706 Over 1,000 heads or detectors = \$1,341.00

B. Smoke detectors:

- 1-12 detectors = \$65.00
- Each additional 25 detectors = \$30.00

C. Independent pre-engineered systems:

Number of systems x \$150.00 = \$ _____

D. Gas or oil fired appliance, which is not connected to the plumbing system:

Number of appliances x \$70.00 = \$ _____

E. Kitchen exhaust system:

Number of systems x \$80.00 = \$ _____

F. Incinerators:

Number of incinerators x \$500.00 = \$ _____

G. Crematoriums:

Number of crematoriums x \$500.00 = \$ _____

8. DEMOLITION OR REMOVAL PERMIT (If needed)

For a structure less than 5,000 sq. ft. in area and less than 30 feet in height, for one or for one or two-family residences (R*3), and for structures on farms, including commercial farm buildings: \$90.00. For a structure greater than 5,000 square feet in area and all others, the fee shall be \$300.00.

9. ANNUAL INSPECTIONS/PERMITS

Annual permits issued in accordance with N.J.A.C. 5:23-2.14(c):

- A. One to 25 workers: \$500 per worker
- B. Over 25 workers: \$200 per worker
- C. Training fee in accordance with N.J.A.C. 5:23-4.18(a)(5): \$140 per subcode

Annual review for commercial backflow prevention device certificate: \$60.00 per device.

10. WAIVER OF INSPECTION FEES

All construction permit fees, including State of New Jersey training surcharge fee, for any work requiring construction permit shall be waived for the following buildings/properties.

- A. Buildings owned and operated by the Town of Hackettstown, Warren County, State of New Jersey, or the federal government;
- B. Buildings owned and operated by the Town of Hackettstown Board of Education. In accordance with N.J.A.C. 5:23-3.11A(b)2, buildings owned and operated by the Town of Hackettstown Board of Education are subject to payment of the plan review fees as required in Section 12 of this Ordinance.

11. CERTIFICATE OF OCCUPANCY FEES

- A. The fee for a certificate of occupancy for new construction shall be \$125.00 or ten percent (10%) of the permit fees, whichever is greater. (11-8-18)
- B. The fee for a certificate of occupancy granted pursuant to a change of use group shall be \$125.00. (11-8-18)
- C. The fee for a certificate of occupancy issued under N.J.A.C. 5:23-2.23(c) shall be \$125.00. (11-8-18)
- D. The fee for a continued certificate of occupancy shall be \$550.00. (5-24-18)
- E. The fee for a change of use shall be \$350.00. (5-24-18)
- F. There is no fee for a certificate of approval. (5-24-18)
- G. The fee for a temporary certificate of occupancy shall be \$60.00 for the issuance and/or any renewal of any temporary certificate of occupancy. (5-24-18)
- H. The fee for a change of ownership on a certificate shall be \$100.00. (5-24-18)

12. PLAN REVIEW

The fee for plan review shall be twenty-five percent (25%) of the amount to be charged for the construction permit, and shall be credited toward the amount of the fee to be charged for the construction permit. Plan review fees are not refundable.

13. VARIATION APPLICATIONS

The fee for an application for a variation in accordance with N.J.A.C. 5:23-2.10 shall be:

- A. Class I Structure \$748.00
- B. Class II and III Structure \$151.00

Resubmission of Applications for Variation shall be:

- A. Class I Structure \$289.00
- B. Class II and III Structure \$ 82.00

14. LEAD HAZARD ABATEMENT WORK

The fee for Lead Hazard Abatement work shall be \$176.00
The fee for a Lead Abatement Clearance Certificate shall be \$35.00

15. CROSS CONNECTIONS/BACK FLOW PREVENTERS

For cross connections and backflow preventers that are subject to testing requiring reinspection annually, the fee for the review of the third party report shall be \$70.00 for each device report.

16. POOLS AND FENCES

- A. Above ground pool building fees \$150.00
- B. Inground pool fees \$22.00 per \$1,000.00

17. TENTS (in excess of 900 square feet)

\$150.00

18. SPECIAL INSPECTIONS

Any subcode inspection which is requested for times other than during the regular schedule of the Town Inspectors shall be at the rate of \$250.00 for each inspection.

19. MINIMUM FEES

Minimum fee for construction permit, in part or in total shall be \$70.00. In the case of a discontinuance of a building permit, the fees are nonrefundable.

20. CHANGE OF CONTRACTOR

The fee for the processing of change of contractor forms shall be the minimum fee per subcode.

21. STATE PERMIT AND CERTIFICATION FEES

The fees for State permit and certificate fees, as set forth by the State of New Jersey, are as follows:

- A. New Structures: volume of structure x \$0.019
- B. Alterations including asbestos abatement: \$0.96 per \$1,000.00
- C. Current fees pursuant to N.J.A.C. 5:5:23-4.19: NO STATE OR CO FEE FOR TANK REMOVAL OR DEMOLITION
- D. Volume shall be computed in accordance with N.J.A.C. 5:23-2.28.

ARTICLE 2. EXTERIOR DESIGN REGULATIONS

7-10. Building Permits Limited.

Except as provided herein, not more than one (1) Building Permit shall hereafter be issued for any dwelling to be erected in a housing development consisting of two or more houses, if it is substantially alike in exterior design and appearance with any neighboring dwelling situated on the same or opposite sides of the street within one hundred fifty (150') feet of a dwelling then in existence or for which a Building Permit has been issued or is pending. The distance herein-specified shall be construed to mean the distance between the street property lines of the respective properties. (1-22-69)

7-11. Definition of "Substantially Different".

Houses within such specified distance from each other to be deemed "substantially different from each other must differ in at least four (4) of the following six (6) respects:

1. The relative location of a garage, if attached, if any, or any such structural appurtenance with respect to the residential unit itself.
2. The relative location, size or type of windows and doors.
3. The height of the residential unit. The height, for the purposes of this Article, shall mean the vertical distance from the finished grade level to the uppermost point of the roof surface.
4. The type or pitch of roof.
5. The type or design of the siding material of the front and at least one (1) other face or elevation of the residential unit.
6. The type or design of the roofing material, or the color or pattern thereof.

7-12. Number of Basic Houses.

In addition to the requirements specified in 7-11, there shall be not less than three (3) separate basic house designs in every housing development consisting of eight (8) or more houses, and not less than five (5) basic house designs where there are fifteen (15) or more houses.

7-13. Design Committee.

To insure conformity with the provisions of this Article, a committee consisting of three (3) members shall be appointed annually by the Mayor of the Town and shall be known as the Design Committee. One (1) member shall be a member of the Town Planning Board of Class IV Membership; one (1) member shall be a member of the Zoning Board of Adjustment; and one (1) member shall be a citizen of the Town holding no other public office, either elected or appointed. The Building Inspector shall sit with the Committee for consultation, but shall have no vote. The Committee shall have the duty of reviewing plans for proposed residential construction within the Town in relation to the design standards imposed herein. Said Committee shall hold a regular meeting at least once each month.

No building permit shall hereafter be issued for more than one (1) dwelling in any housing development until a scaled drawing of the proposed structure showing the location of the house on each lot with respect to all lot lines, the complete floor plan or plans showing all necessary dimensions and elevations of all sides of each proposed dwelling and indicating all exterior materials as to type, design and color, and all necessary exterior dimensions, has been submitted to the Design Committee and approved with respect to the provisions of this Article. In event of any subsequent desired change in basic design or location of any dwelling in such a development, a revised drawing indicating all required dimensions and view shall be approved by said Committee. Said Committee shall hold meetings when applications before the Board require a meeting.

7-14. Violations.

Any owner or lessee, or other person or persons, who permits, takes part or assists in any violation of any provisions of this Article shall, upon conviction, for each and every violation thereof, and for each and every day that such violation thereof continues, be subject to a fine of not more than One Thousand (\$1,000.00) Dollars, or be subject to imprisonment in the Municipal or County Jail for a period not exceeding ninety (90) days, or both, in the discretion of the Judge before whom such conviction shall be had. (10-22-62)

ARTICLE 3. PROPERTY MAINTENANCE CODE

7-20. Adoption of Property Maintenance Code.

There is hereby adopted by the Town for the purpose of establishing rules and regulations governing the condition and maintenance of all structures and dwellings, establishing minimum standards governing supplied utilities and facilities and other physical things and conditions essential to insure that structures are safe, sanitary and fit for occupation and use, establishing minimum standards governing the condition of dwellings offered for rent, fixing certain responsibilities and duties of owners and occupants of structures, and fixing penalties for violation, that certain property maintenance code known as "The Basic Property Maintenance Code, First Edition, 1978", as published by Building Officials and Code Administrators (BOCA) International, Inc., and the whole thereof, save such portions as are hereinafter deleted, modified or amended, of which not less than three (3) copies have been and now are filed in the office of the Clerk of the Town and the same are hereby adopted and incorporated as fully as if set out at length herein. The Code shall remain on file with the Clerk of the Town and may be examined by the public.

7-21. Amendments Made to the Property Maintenance Code.

A. Section PM-100.1 is amended to read as follows:

PM-100.1 Title: These regulations shall be known as the Property Maintenance Code of the Town of Hackettstown, hereinafter referred to as the property maintenance code or "this code".

B. Section PM-103.1 is amended to read as follows:

PM-103.1 Officer. It shall be the duty and responsibility of the code official to enforce the provisions of this code as herein provided. The code official is hereby designated as the Construction Official of the Town of Hackettstown. The code official in enforcing the code shall use the guidelines set forth in Appendix B of the Code.

C. Section PM-104.3 is amended by the addition of the following paragraph:

In the case of routine or regular inspections, the code official will notify the owner of the premises by mailing notice of such by regular mail to the address shown on the tax duplicate of the Town. Failure of the owner to receive such notice shall not prevent entry by the code official. In the

event of an emergency, the code official shall notify the owner by telephone prior to entry. Failure of the code official to so notify shall not prevent entry by the official.

D. Section PM-105 is amended to read as follows:

Section PM-105.0 Building Unfit for Human Habitation.

Section PM-105.1 Officer Designated. The Construction Official is hereby designated as the public official to exercise the powers prescribed by the section.

Section PM-105.2 Petition and Hearing. Whenever a petition is filed with the said public officer by a public authority of the Town or by at least five (5) residents charging that any building is unfit for human habitation or occupancy or use, or whenever it appears to the public officer (on his own motion) that any dwelling is unfit for human habitation or occupancy or use, the said public officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest in such building, a complaint stating the charges in that respect and containing a notice that a hearing will be held before the public officer (or his designated agent) at a place therein fixed not less than ten (10) days nor more than thirty (30) days after serving of said complaint; that the owner and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint; and that the rules of evidence prevailing in the courts shall not be controlling in hearing before the public officer.

Section PM-105.3 Issuance of Order to Repair or Remove. If, after such notice and hearing, the public officer determines that the building under consideration is unfit for human habitation or occupancy or use, he shall state in writing his finding of fact in support of such determination and shall issue and cause to be served upon the owner thereof and parties in interest an order:

(a) Requiring that repair, alteration or improvement of said building to be made by the owner, within a reasonable time, which time shall be set forth in the order or at the option of the owner to vacate or have the said building vacated and closed within the time set forth in the order, and

(b) If the building is in such condition as to make it dangerous to the health and safety of persons on or near the premises, and the owner fails to repair, alter or improve the said building

within the time specified in the order, then the owner shall be required to remove or demolish said building within a reasonable time as specified in said order of removal.

Section PM-105.4 Violations. If the owner fails to comply with an order to repair, alter or improve or, at the option of the owner, to vacate and close the building, the public officer may cause such building to be repaired, altered or improved, or to be vacated and closed; the public officer may cause to be posted on the main entrance of any building so closed, a placard with the following words, "This building is unfit for human habitation or occupancy or use; the use or occupation of this building is prohibited and unlawful".

If the owner fails to comply with an order to remove or demolish the building, the public officer may cause such building to be removed or demolished or may contract for the removal or demolition thereof after advertisement for and receipt of bids therefor.

Section PM-105.5 Cost of Removal. The amount of the cost of the filing of legal papers, expert witnesses' fees, search fees and advertising charges incurred in the course of any proceedings taken under this act determined in favor of the Town, and such costs of such repairs, alterations, or improvements, or vacating the closing or removal or demolition, if any, realized from the sale of materials derived from such building or from any contract for removal or demolition thereof, shall be a municipal lien against the real property upon which such cost was incurred. If the building is removed or demolished by the public officer, he shall sell the materials of such building. There shall be credited against the cost of the removal or demolition thereof the proceeds of any sale of such materials or any sum derived from any contract for the removal or demolition of the building. If there are no such credits, or if the sum total of such costs exceeds the total of such credits, a detailed statement of the aforesaid costs and the amount so due shall be filed with the municipal Tax Assessor or other custodian of the records of tax liens, and a copy thereof shall be forthwith forwarded to the owner by registered mail. If the total of the credits exceed such costs, the balance remaining shall be deposited in the Superior Court by the public officer, shall be secured in such manner as may be directed by such Court and shall be disbursed according to the order or judgment of the Court to the persons found to be entitled thereto by Final Order of Judgment of such Court; provided, however, that nothing in this section shall be construed to limit or impair in any way the power of the Town to

define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise. Any owner or party in interest may, within sixty (60) days from the date of the filing of the Lien Certificate proceed in a summary manner in the Superior Court to contest the reasonableness of the amount or the accuracy of the costs set forth in the Municipal Lien Certificate.

Section PM-105.6 Conditions for Determination. The public officer may determine that a building is unfit for human habitation, occupancy or use if he finds that conditions exist in such building which are dangerous to the health or safety of the occupants of such building, the occupants of neighboring buildings, or to the residents of the Town of Hackettstown. Such conditions may include the following (without limiting the generality of the foregoing): Defects therein increasing the hazards of fire, accidents or other calamities; lack of adequate ventilation, light or sanitary facilities; dilapidation, disrepair, structural defects; uncleanliness.

The Property Maintenance Code of the Town of Hackettstown as herein adopted shall be used as a guide in determining the fitness of a building for human habitation, occupancy or use.

Section PM-105.7 Procedure. Process and procedure for the administration of this Article shall be governed by New Jersey Revised Statutes 40:48-2.3 to 40:48-2.12, and any amendments that may be made thereto.

Section PM-105.8 Powers of Public Officer. The public officer (Construction Official) is hereby designated and shall have the right to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this Article, including the following powers in addition to the others herein granted:

(a) To investigate the building conditions in order to determine which buildings therein are unfit for human habitation or occupancy or use.

(b) To administer oaths, affirmations, examine witnesses and receive evidence.

(c) To enter upon premises for the purpose of making examinations provided that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession.

(d) To appoint and fix the duties of such officers, agents and employees as deemed necessary to carry out the purposes of this Article.

(e) To delegate any of his functions and powers under the Article to such officers and agents as he may designate.

E. Section PM-106.1 is amended to read as follows:

Section PM-106.1 Notice to Owner or to Person Responsible. Whenever the code official determines that there has been a violation of this code or has reasonable grounds to believe that a violation has occurred, he shall give notice to the owner or to the person or persons responsible therefor in the manner prescribed below.

F. Section PM-106.3.1 is deleted.

G. Section PM-107.1 is deleted.

H. Section PM-107.2 is deleted.

I. Section PM-107.3 is deleted.

J. Section PM-109.2 is amended to read as follows:

Section PM-109.2 Penalty. Any person, firm or corporation who shall violate any provision of this code shall, upon conviction thereof, be subject to a fine of not more than Five Hundred (\$500.00) Dollars, or imprisonment not to exceed ninety (90) days, or both, at the discretion of the court. 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.

K. Section PM-109.3 is amended to read as follows:

Section PM-109.3 Prosecution. In case any violation order is not promptly complied with, the code official shall file a complaint in the municipal court to exact the penalty provided in Section PM-10.9.2.

L. Section PM-110,2.1 is amended to provide that the chief executive may appoint two (2) alternate members rather than one (1) alternate as provided in this section.

M. Section PM-110.0 is amended by the addition of Section PM-110.4 to read as follows:

Section PM-110.4 Meetings. The Board shall hold meetings on a regular basis at such times as determined annually by the Board, and such special meetings as may be required.

N. Section PM-111.1 is deleted.

O. Section PM-111.2 is deleted.

- P. Section PM-111.3 is deleted.
- Q. Section PM-111.4 is deleted.
- R. Section PM-111.5 is deleted.
- S. Section PM-111.6 is deleted.
- T. Section PM-112.0 is added to read as follows:

Section PM-112.0 Reinspection. Upon written notification by the owner of condemned premises that necessary repairs have been made, the code official shall reinspect the said premises within seventy-two (72) hours for the purpose of reopening said premises.

- U. Section PM-201.0 "Extermination" is amended by the addition of the following sentence:

Any extermination measures shall be carried out in a safe manner as approved by the code official and in accordance with state regulations.

- V. Section PM-301.3 is amended to read as follows:

Section PM-301.3 Loading Areas. All loading areas, automobile service stations and drive-in food establishments shall be paved with appropriate surfacing material, as approved by the code official, to prevent erosion, and shall be free from dirt and other litter and kept in good repair. Where lighted for nighttime use, lights shall not be permitted to cast directly upon dwellings nearby.

- W. Section PM-301.6 is amended to read as follows:

Section PM-301.6 Noxious Weeds. All areas shall be kept free from weeds or plant growth which are noxious or detrimental to the public health and welfare as determined by the code official or Health Officer of the Town of Hackettstown.

- X. Section PM-303.8 is amended to read as follows:

Section PM-303.8 Stairs, Porches and Railings. Stairs and other exit facilities shall be adequate for safe ingress and egress.

- Y. Section PM-401.2 is amended by the addition of the following provision:

A skylight may be substituted for a window where it has the required area, is readily openable for ventilation, and is sufficiently transparent so as to allow unobstructed sunlight and view of the outside, as determined by the code official.

Z. Section PM-404.5 is amended so as to provide that minimum ceiling height is seven (7') feet, rather than seven and one-third (7 1/3') feet.

AA. Section PM-801.4 is amended by the deletion of the words "or an incinerator unit".

BB. The Property Maintenance Code is amended by the additions of Article 9 to read as follows:

Article 9. Minimum Standards for Commercial, Business, Industrial or Non-Residential Buildings and Premises.

P. M. - 900.0 General. No person shall occupy or let to another for occupancy any building or occupancy unit for use for non-residential or other than dwelling purposes which does not comply with the following requirements.

(a) The premises, both interior and exterior shall be kept and maintained free of litter (including without limiting the generality of the foregoing, discarded, windblown, deposited or dropped or strewn paper, wrappings, cardboard, bottles, cans, boxes and broken glass), free of all foreign materials defacing any surface thereof, free of any nuisances or hazards as the same are defined in this Article, and free of unsanitary conditions; it being hereby required that any of the foregoing shall be promptly removed and abated.

(b) The exterior of the premises shall be kept and maintained so that the appearance thereof shall reflect a level of maintenance in keeping with the standards of the neighborhood or such higher standards as may be adopted by the Town of Hackettstown and such that the appearance thereof shall not constitute a blighting effect upon neighboring properties, nor an element leading to a progressive deterioration and downgrading of neighboring properties with an accompanying diminution of property values including the following:

(1) There shall not be stored or used at a location visible from the street, sidewalks or other public areas, or exposed to public view any equipment and/or materials relating to commercial or industrial uses unless permitted under the zoning ordinance for the premises.

(2) The landscaping of premises shall be kept and maintained in an orderly state with lawns and bushes trimmed and free from becoming overgrown, littered and unsightly where such would constitute a blighting effect, depreciating adjoining and nearby property. Open areas shall be

graded to eliminate holes, depressions, gullies, mounds, accumulators of debris or other unsightly or unsafe conditions. Walkways and driveways shall be maintained unobstructed and free of holes, depressions and gullies.

(3) All permanent signs and billboards exposed to public view permitted by the building code and zoning ordinance or other regulations or as a lawful non-conforming use shall be kept and maintained in good repair. Any sign or billboard which has weathered excessively or faded or the paint on which has excessively peeled or cracked shall, with its supporting members, be removed forthwith or put into a state of good repair. All nonoperative or broken electrical signs shall be repaired or shall with their supporting members, be removed forthwith.

(4) All windows exposed to public view shall be kept and maintained clean and free of marks and foreign substances. Except when necessary in the course of changing displays, no storage of materials, stock or inventory shall be permitted in window display areas ordinarily exposed to public view unless such areas are first screened by drapes, venetian blinds or other means of making the windows translucent. All screening of interiors shall be maintained in a clean and attractive manner and in a good state of repair.

(5) All store fronts and the exteriors of all buildings shall be kept and maintained in good repair and painted where required or otherwise provided with protective treatment sufficient to prevent deterioration and shall not constitute a safety hazard or nuisance. In the event repairs to a store front become necessary, such repairs shall be made in harmony with the original design with the same materials, or materials or appearance similar to those used in the construction of the store front in such a manner as permanently to repair the damaged area or areas.

(6) Any awning or marquee and its accompanying structural members which extend over any street, sidewalk or other portion of the premises shall be kept and maintained in good repair and shall be so maintained as not to constitute a nuisance or hazard. In the event any such awning or marquee is not properly maintained in accordance with the foregoing, it shall, together with its supporting members, be removed forthwith. In the event any such awning or marquee is made of cloth, plastic, or of similar materials, said materials where exposed to public view, shall be maintained in good condition and shall not show evidence of excessive weathering, discoloration, ripping, tearing,

or other deterioration. Nothing herein shall be construed to authorize any encroachment of an awning, marquee, or its accompanying structural members on streets, sidewalks, or other parts of the public domain.

(7) No temporary painting scaffold or other temporary equipment used for construction, repair or maintenance shall be permitted to remain in place after completion of work or beyond a period of three (3) months after erection or placement thereof without permission of the public officer.

(c) The exterior of every building, structure or appurtenance thereto, shall be maintained in good repair and all exterior surfaces thereof shall be kept and maintained free from broken glass, loose shingles or siding, crumbling masonry, excessively peeling paint or other condition reflective of deterioration or inadequate maintenance to the end that the property itself may be preserved, safety and fire hazards eliminated, and adjoining properties and the neighborhood protected from blighting influence.

(d) Any means of access to the roof of any building shall be kept and maintained in good and safe condition and repair, and the public officer may, upon determining that access to the roof or the means of any such access has become dangerous to life or limb by reason of the condition of the roof, lack of railings, inadequate parapets, loose materials or other conditions creating a hazard, may direct the owner or operator of the premises to lock or otherwise bar access to the roof provided, however, that the public officer shall first have determined that such action will not block necessary fire escape routes or access by the fire department in case of emergency.

(e) Floors shall be kept and maintained in a structurally sound condition, capable of safely bearing imposed loads and shall be maintained at all times in a condition so as to be free of hazards.

(f) Bathroom and water closet compartment floors shall be surfaced with water resistant material and shall be kept and maintained in a dry, clean and sanitary condition at all times.

(g) Supporting structural members shall be kept and maintained structurally sound, free from deterioration and capable of safely bearing imposed loads.

(h) Storage bins, rooms and areas shall be kept and maintained free of accumulated garbage and rubbish unless:

(1) Such rubbish is stored in watertight receptacles of metal or other material approved by the enforcing officer and provided with tight-fitting covers.

(2) Such rubbish is stored in non-leaking receptacles of metal or other material approved by the enforcing officer.

(3) Such storage bins, rooms and areas are of smooth, easily cleanable construction and are kept in a sanitary condition.

(4) Such storage areas, if located outside of a building and exposed to public view, are shielded by a method approved by the public officer and constructed in compliance with the applicable provisions of the Building Code of the Town of Hackettstown.

7-22. Exceptions for Emergencies and Demolitions. (6-14-18)

In the case of extreme emergencies where there is a present danger to persons or property because the condition of a structure or building as a result of fire, explosion or other like cause, the Mayor, upon recommendation from the Construction Official or the Town Engineer, shall have the power to order the demolition of the structure or building and order the issuance of a demolition permit by the Construction Official at the Mayor's own discretion without Town Council approval, so long as the Mayor is satisfied that a bona fide emergency exists and that the structure to be demolished has been disconnected from all utility services as required by regulation and that no hazards exist within the building which would render it dangerous to demolish.

If the Town incurs any costs in the removal, demolition, or destruction of a building, structure, or wall under this section of the Code, the Town shall assess the cost as a municipal lien against the premises on which the building, wall, or structure was located.

ARTICLE 4. ESTABLISHMENT OF FIRE LIMITS

7-25. Fire Limits Established.

Pursuant to Section 5:23-4.7 of the Uniform Construction Code and Section 301.1 et seq. of the Building Subcode, the following areas shall be incorporated within the Fire Limit Zone: All property fronting on Main Street between Stiger Street on the West and the easterly intersection of Route 46 (Mill Street) and Route 182 (Mountain Avenue) on the East, together with Block 75, Lot 19.

7-26. Building Restrictions.

All buildings and structures and all additions to existing buildings and structures, erected within the boundaries of the fire limits shall conform to the restrictions and requirements of Section 302.0 of the Building Subcode.

ARTICLE 5-HOUSE NUMBERS

Numbering of Buildings.

7-29. Numbering System. There is hereby established a numbering system for buildings in the town in accordance with the maps so numbered and on file in the office of the Town Clerk.

7-30. New Numbers.

It is hereby declared unlawful to use any new number on any building unless it is a number designated for use on maps for that particular location of any building.

7-31. Consistency with Numbering System.

Any person now the owner of any interest in a building or who may hereafter acquire any such interest is hereby charged with the obligation to change any number or numbers now in use on any such building if inconsistent with the numbering system hereby established as contained on such maps. Such obligation shall continue as long as such ownership interest continues to exist; and it is hereby declared unlawful to use any number inconsistent with the system and maps if such use is continued for a period of 60 days following the notification as hereafter described.

7-32. Compliance.

It shall be the duty of the property owner to know on which lot the subject building to be numbered is located and he shall use the appropriate number thereof. In case of conflict as to the proper number to be assigned to any building the tax assessor shall determine the number of such building and this decision shall be final. The mailed notice shall include an acknowledgment card to be returned to the tax assessor's office by the owner as his acknowledgment and notice of compliance with this section.

7-33. Duty of Owner to Procure Proper Numbers.

Whenever any house, building or structure shall be erected or located in this town after the establishment of the numbering system in accordance with the maps described in order to preserve the continuity and uniformity of numbers of the houses, building and structures, it shall be the duty of the owner to procure the correct number as designated from the office of the tax assessor for the property and to immediately fasten the number so assigned upon the buildings as provided by this section. No building permit shall be issued for any house, building or structure until the owner has

procured from the office of the tax assessor the official number of the house, building or structure. Final approval of any structure erected, repaired, altered or modified after August 1, 1990 shall be withheld by the building inspector until permanent and proper numbers have been affixed to such structure.

7-34. Regulations Governing Numbers.

The numbers shall be a minimum of 3 inches in height, clearly visible from the street, and located in a prominent place. House numbers shall be procured and affixed at the homeowner's expense.

7-35. Penalty.

The owner or occupant of any building who fails to comply with the provisions of this article within three months after notice of the number assigned to the building shall, upon conviction thereof, be punished by a fine not exceeding \$500.00, or by imprisonment not exceeding 90 days or both.

7-36. Enforcement. The enforcing agency shall be the Construction Official of the Town of Hackettstown.

ARTICLE 6. RENTAL PROPERTY REGULATIONS AND LICENSING OF LANDLORDS

7-39. PURPOSE.

The purpose of this Article is to insure the health, safety and welfare of all tenants residing in rental properties as well as all other residents and visitors to the Town of Hackettstown.

7-40. DEFINITIONS.

“Apartment” shall mean and include that portion of a dwelling unit rented or offered for rent, for living and dwelling purposes, to one individual or family unit together with all privileges, services, furnishings, furniture, equipment, facilities and improvements connected with the use or occupancy of such portion of the property.

“Available for Rent to Tenant” shall mean fit for habitation as defined by the Statutes of the State of New Jersey, codes and Ordinances of the Town of Hackettstown.

“Dwelling” shall mean and include any building or structure rented or offered for rent to one or more tenants or family units.

“Occupants of Rental Units” or “Tenants” shall mean those persons who have leased the unit

from the owner regardless of the type of tenancy under which they occupy the unit.

“Owner” shall mean any person who owns any legally cognizable interest in any apartment complex including but not limited to outright ownership, ownership through a partnership, corporation or limited liability company.

“Maintenance” or “Property Maintenance” shall mean the cleanliness and proper working order and upkeep of all areas and facilities of the complex used by the tenants and the public.

“Rental Property” shall mean any structure or building which contains one or more individual residential rental units other than owner occupied structures or buildings.

“Individual condominium units” shall be treated as separate and individual rental properties.

“Rental Unit” shall mean and include that portion of a dwelling, building or structure rented or offered for rent, for living and dwelling purposes to individuals or family units.

“Reside” shall mean to live or dwell permanently or continuously for ten or more days; to occupy a place as one’s domicile.

“Owner Occupied” shall mean the primary residential living unit of the owner.

7-41. LICENSE REQUIRED. (7-13-23)

- A. It shall be unlawful for any person, firm, corporation, partnership, or other entity to offer residential property for rent, lease, or let any residential property to any person or persons without first registering with the Landlord Registration Office and obtaining a license from the Town of Hackettstown as provided in this chapter.
- B. The owner of a rental unit or units shall maintain liability insurance for negligent acts and omissions in an amount of no less than \$500,000 for combined property damage and bodily injury to or death of one or more persons in any on accident or occurrence.
- C. The owner of a multifamily home or residence which is four or fewer units, one of which is owner occupied, shall maintain liability insurance for negligent acts and omissions in an amount of no less than \$300,000 for combined property damage and bodily injury to or death of one or more persons in any one accident or occurrence.

7-42. RENTAL PROPERTY LICENSE REGISTRATION. (7-13-23)

- A. An Owner who seeks to rent, lease, or let a residential property within the Town of Hackettstown shall apply and register, on an annual basis, for a license. To obtain the license, an Owner shall submit the Landlord’s Rental Property Registration Statement, Certificate of Liability Insurance, and the required registration and licensing fee with the

Landlord Registration Office no later than May 1st of every year.

- B. The Landlord's Rental Property Registration Statement shall include, at minimum, the following information:
1. The address of the rental property;
 2. The number of dwelling units in the rental building;
 3. The name, address, phone number, and emergency contact information of the rental property owners of record; and
 4. A floor plan of the rental property or unit, which shall depict the number, dimensions, and location of each room in the unit. No space shall be used for sleeping purposes which has not been so designated as a sleeping area on the sketch provided by the property owner, which shall remain on file with the Landlord Registration Office.
- C. The Certificate of Liability Insurance shall provide evidence of compliance with the insurance coverage requirements of this chapter.

7-43. LICENSE FEE. (7-13-23)

The annual registration and license fee shall be \$25.00 per unit, except the annual registration and license fee for apartment complexes with more than ten (10) rental units shall be \$12.50 per unit. The annual registration and license fee shall be due no later than May 1st of each year.

In the event the ownership of the property is transferred during the license period, or a new rental unit is established, the new owner shall apply for a license within twenty (20) calendar days of the transfer or establishment of new unit. The fee shall not be prorated but shall be \$25.00 for the balance of the license term.

7-44. REVOCATION OF LICENSE. (7-13-23)

In the event conviction(s) for violations of this or any other Town ordinance, statute or regulation concerning rental property in the Town of Hackettstown are received by a licensee of rental property, the Mayor and Common Council may revoke the license after notice is given and an opportunity for a hearing is had. A license shall not be revoked until five days prior notice of the grounds therefore is served on the licensee and a reasonable opportunity is given to the licensee to be heard thereon.

7-45. EXCEPTIONS (7-13-23)

The provisions of this Article shall not apply to Not For Profit Housing Corporations or rental property restricted to senior housing or housing for the developmentally disabled.

7-46. ISSUANCE OF LICENSE; APPLICATION OF STANDARDS (7-13-23)

Following submission of the Landlord's Rental Property Registration Statement, Certificate of Liability Insurance, and registration and licensing fee, the Landlord Registration Office shall review the documents and make a determination on the issuance of the license. Such license shall be granted so long as the documents as well as the rental unit is found to be in compliance with local, state, and federal laws, regulations, ordinances, and codes. No owner shall offer any rental unit for rent to any person or persons without first obtaining a license for that rental unit from the Town of Hackettstown.

7-47. OCCUPANCY. (7-13-23)

- A. No person shall occupy any rental unit, nor shall the owner permit occupancy of any rental unit unless the unit is registered in accordance with this Ordinance.
- B. In every dwelling unit, every room occupied or intended to be occupied for sleeping purposes by one person shall have a minimum useable floor area of 70 square feet and every room occupied or intended to be occupied for sleeping purposes by more than one person shall have a useable floor area of at least 50 square feet for each person. Under no circumstances shall more than two persons occupy one room for sleeping purposes. Kitchens, nonhabitable spaces, and interior public areas such as hallways, and all portions of living and dining rooms shall not be used for sleeping purposes. The owner shall post the maximum number of occupants in a conspicuous area within the rental unit. It shall be unlawful for any person, including the owner, agent or tenant, to allow a greater number of persons than the posted maximum number of occupants to reside in the rental unit or allow a greater number of persons to use or occupy a room for sleeping purposes that does not meet the requirements of the Section.
- C. Only the maximum number of tenants as set forth in the landlord registration statement may reside in the registered premises. It shall be unlawful and a violation of this Ordinance for individuals to occupy the premises in excess of the maximum permitted. This provision may be enforced against the landlord and tenant and/or other person residing in the premises.
- D. No rental property or unit shall be conducted or maintained in a manner to constitute a nuisance.
- E. Owners are required to enter into a written lease with the persons renting each unit. In every written lease for each rental unit, the Landlord shall include the following: i. A statement setting forth the maximum number of residents permitted in the unit and the location of designated and permitted sleeping areas.
- F. Owners shall be held fully liable to the Town for relocation costs incurred due to the displacement of any tenants pursuant to N.J.S.A. 20: 4-4-1.

7-48. VIOLATIONS AND PENALTIES. (7-13-23)

Violations of this Article shall be issued by the Code Enforcement Officer in writing subject to the following fines:

- (a) First Violation: \$500.00
- (b) Second Violation: \$2,500
- (c) Third Violation: \$5,000

In addition to the fine set forth above, the Court may impose imprisonment for a term not exceeding ninety (90) days, or a period of community service not exceeding ninety (90) days, or both. It shall be deemed a separate and distinct violation, subject to the penalty provisions of this Ordinance, for each and every day that such violation continues and for each and every rental property and/or rental unit for which the violation continues.

7.49. LANDLORD REGISTRATION WITH TOWN CLERK (7-13-23)

In addition to the requirements set forth in this chapter, and pursuant to N.J.S.A. 46:8-28, every Owner shall file with the Town Clerk a Certificate of Registration on the form prescribed by the Commission of Community Affairs.

ARTICLE 7. ABANDONED AND FORECLOSED PROPERTY REGISTRATION AND MAINTENANCE (10-13-22)

7-71. DEFINITIONS

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

VACANT AND ABANDONED REAL PROPERTY - As defined in accordance with N.J.S.A. 40:48-2.12s3(b)(8), shall mean property that is not legally occupied by a mortgagor or tenant, which is in such condition that it cannot be legally reoccupied because of the presence or finding of at least two of the following:

- (a) overgrown or neglected vegetation;
- (b) the accumulation of newspapers, circulars, flyers, or mail on the property;
- (c) disconnected gas, electric, or water utility services to the property;
- (d) the accumulation of hazardous, noxious, or unhealthy substances or materials on the property;
- (e) the accumulation of junk, litter, trash, or debris on the property;
- (f) the absence of window treatments such as blinds, curtains, or shutters;
- (g) the absence of furnishings and personal items;
- (h) statements of neighbors, delivery persons, or government employees indicating that the property is vacant and abandoned;
- (i) windows or entrances to the property that are boarded up or closed off, or multiple window panes that are damaged, broken, and unrepaired;
- (j) doors to the property that are smashed through, broken off, unhinged, or continuously unlocked;
- (k) a risk to the health, safety, or welfare of the public or any adjoining or adjacent property owners due to acts of vandalism, loitering, criminal conduct, or the physical destruction or deterioration of the property;

- (l) an uncorrected violation of a municipal building, housing, or similar code during the preceding year, or an order by municipal authorities declaring the property to be unfit for occupancy and to remain vacant and unoccupied;
- (m) the mortgagee or other authorized party has secured or winterized the property due to the property being deemed vacant and unprotected or in danger of freezing;
- (n) a written statement issued by a mortgagor expressing the clear intent of all mortgagors to abandon the property; or
- (o) any other reasonable indicia of abandonment.

APPLICABLE CODES - means to include, but not be limited to, the Town of Hackettstown Code of Ordinances ("Town Code") and the New Jersey Building Code.

CREDITOR - As defined in accordance with N.J.S.A. 40:48-2.12s2(d), means state-chartered bank, savings bank, savings and loan association or credit union, any person required to be licensed under the provisions of the "New Jersey Residential Mortgage Lending Act," sections 1 through 39 of P.L.2009, c.53 (N.J.S.A.17:11C-51 through 17:11C-89), and any entity acting on behalf of the creditor named in the debt obligation including, but not limited to, servicers. For purposes of this section, a "creditor" shall not include the State, a political subdivision of the State, or a State, county, or local government entity, or their agent or assignee, such as the servicer.

ENFORCEMENT OFFICER - means any law enforcement officer, building official, zoning inspector, code enforcement officer, fire inspector or building inspector, or other person authorized by the Town to enforce the applicable code(s).

FORECLOSURE - means the legal process by which a mortgagee terminates a mortgagor's interest in real property either to obtain legal and equitable title to the real property pledged as security for a debt or to force a sale of said property to satisfy a debt. For purposes of this article, this process begins upon the service of a summons and complaint on the mortgagor or any interested party. For purposes of this article, the process is not concluded until the property is sold to a bona fide purchaser not related to the mortgagee in an arm's length transaction whether by Sheriff's sale, private sale following a Sheriff's sale, or private sale following the vesting of title in the mortgagee pursuant to a judgment.

MORTGAGEE - means the creditor, including but not limited to, lenders in a mortgage agreement; any agent, servant, or employee of the creditor; any successor in interest; or any assignee of the creditor's rights, interests, or obligations under the mortgage agreement, excluding governmental entities as assignee or owner.

PROPERTY MANAGEMENT COMPANY - means a local property manager, property maintenance company or similar entity responsible for the maintenance of abandoned real property.

VACANT - means any building or structure that is not legally occupied.

7-72. APPLICABILITY

These sections shall be considered cumulative and not superseding or subject to any other law or provision for same, but rather be an additional remedy available to the Town of Hackettstown above and beyond any other State, county or local provisions for same.

7-73. ESTABLISHMENT OF A REGISTRY

The Town of Hackettstown or its designee shall supplement the vacant and abandoned property registry established by Section 7-82 with the information required by this Article.

§7-73A. REGISTRATION OF PROPERTY

- a) Any creditor who holds a mortgage or equity lien on real property located within the Town shall perform an inspection of the property to determine vacancy or occupancy, upon the commencement of foreclosure as evidenced by a foreclosure filing. The creditor shall, within ten (10) days of the inspection, register the property with the Town Code Enforcement Official, or its designee, on forms or website access provided by the Town, and indicate whether the property is vacant or occupied. A separate registration is required for each property, whether it is found to be vacant or occupied.
- b) If the property is occupied but remains in foreclosure, it shall be inspected by the creditor or his designee monthly until (1) the mortgagor or other party remedies the foreclosure, or (2) it is found to be vacant or shows evidence of vacancy at which time it is deemed abandoned, and the mortgagee shall, within ten (10) days of that inspection, update the property registration to a vacancy status on forms provided by the Town.
- c) Registration pursuant to this Section shall contain the name of the creditor and the servicing entity, if any, the direct mailing address of the mortgagee and the servicing entity, a direct contact name and telephone number for both parties, facsimile number and e-mail address for both parties, the folio or tax number, and the name and twenty-four (24) hour contact telephone number of the property management company responsible for the security and maintenance of the property.
- d) A non-refundable annual registration fee in the amount of \$500.00 per property, shall accompany the registration form or website registration. On each anniversary date of the initial registration, the creditor shall submit a renewal registration and fee as follows: (1) \$500 per property annually for any property that is required to be registered because a summons and complaint in an action to foreclose was filed by the creditor; and (2) an additional \$2,000 per property annually if the property is vacant or abandoned pursuant to the definition in the ordinance when the summons and complaint in an action to foreclose is filed, or becomes vacant and abandoned pursuant to the definition in the ordinance at any time thereafter while the property is in foreclosure.
- e) If the property is not registered, or the registration fee is not paid within thirty (30) days of when the registration or renewal is required pursuant to this section, a late fee equivalent to ten percent (10%) of the annual registration fee shall be charged for every thirty-day period (30), or portion thereof, that the property is not registered and shall be due and payable with the registration.
- f) All registration fees must be paid directly from the creditor, Mortgagee, Servicer, or Trustee. Third Party Registration fees are not allowed without the consent of the Town and/or its authorized designee.
- g) This section shall also apply to properties that have been the subject of a foreclosure sale where the title was transferred to the beneficiary of a mortgage involved in the foreclosure and any properties transferred under a deed in lieu of foreclosure/sale.
- h) Properties subject to this section shall remain under the annual registration requirement, and the inspection, security and maintenance standards of this section as long as they remain in foreclosure.
- i) Any person or legal entity that has registered a property under this section must report any change of information contained in the registration within ten (10) days of the change.
- j) Failure of the creditor to properly register or to modify the registration form from time to time to reflect a change of circumstances as required by this Article is a violation of the Article and shall be subject to enforcement.
- k) Pursuant to any administrative or judicial finding and determination that any property is in violation of this Article, the Town may take the necessary action to ensure compliance with and place a lien on the property for the cost of the work performed to benefit the property and bring it into compliance.

- l) Registration of foreclosure property does not alleviate the creditor from obtaining all required licenses, permits and inspections required by applicable code or State statutes.
- m) If the mortgage and/or servicing on a property is sold or transferred, the new creditor is subject to all the terms of this Article. Within ten (10) days of the transfer, the new creditor shall register the property or update the existing registration. The previous mortgagee(s) will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that creditor's involvement with the registrable property.
- n) If the creditor sells or transfers the registrable property in a non-arm's length transaction to a related entity or person, the transferee is subject to all the terms of this Article. Within ten (10) days of the transfer, the transferee shall register the property or update the existing registration. Any and all previous unpaid fees, fines, and penalties, regardless of who the mortgagee was at the time registration was required, including but not limited to unregistered periods during the Foreclosure process, are the responsibility of the transferee and are due and payable with the updated registration. The previous creditor will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that creditor's involvement with the registrable property.

7-74. MAINTENANCE REQUIREMENTS

- a) Properties subject to this Article shall be kept free of weeds, overgrown brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspapers, circulars, flyers, notices, except those required by federal, State, or local law discarded personal items including, but not limited to, furniture, clothing, large and small appliances, printed material or any other items that give the appearance that the property is abandoned.
- b) Properties subject to this Article shall be maintained free of graffiti or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior structure.
- c) Front, side, and rear yards, including landscaping, shall be maintained in accordance with the applicable code(s) at the time registration was required.
- d) Yard maintenance shall include, but not be limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod designed specifically for residential installation. Acceptable maintenance of yards and/or landscape shall not include weeds, gravel, broken concrete, asphalt or similar material.
- e) Maintenance shall include, but not be limited to, watering, irrigation, cutting and mowing of required ground cover or landscape and removal of all trimmings.
- f) Pools and spas shall be maintained so the water remains free and clear of pollutants and debris and shall comply with the regulations set forth in the applicable code(s).
- g) Failure of the mortgagee and/or owner to properly maintain the property may result in a violation of the applicable Code(s) and issuance of a citation or Notice of Violation in accordance with: this Article; Article 8 of Chapter 7 ("Rehabilitation of Abandoned Property"); Article 1 of Chapter 11 "Removal of Debris, Plant Growth, Etc."; and Article 7 of Chapter 12 ("Sidewalk Care and Maintenance") of the Town Code. Pursuant to a finding and determination by the Town's Code Enforcement Officer or a Court of competent jurisdiction, the Town may take the necessary action to ensure compliance with this section.
- h) In addition to the above, the property is required to be maintained in accordance with the applicable Code(s).

7-74A. SECURITY REQUIREMENTS

- a) Properties subject to this Article shall be maintained in a secure manner so as not to be accessible to unauthorized persons.
- b) A "secure manner" shall include, but not be limited to, the closure and locking of windows, doors, gates, and other openings of such size that may allow a child to access the interior of the property or structure. Broken windows, doors, gates, and other openings of such size that may

allow a child to access the interior of the property or structure must be repaired. Broken windows shall be secured by reglazing of the window.

- c) If a mortgage on a property is in default, and the property has become vacant or abandoned, a property manager shall be designated by the mortgagee to perform the work necessary to bring the property into compliance with the applicable code(s), and the property manager must perform regular inspections to verify compliance with the requirements of this Article, and any other applicable laws.

7-75. PUBLIC NUISANCE

All vacant and abandoned real property is hereby declared to be a public nuisance, the abatement of which pursuant to the police power is hereby declared to be necessary for the health, welfare, and safety of the residents of the Town.

7-76. VIOLATIONS AND PENALTIES

Any person who shall violate the provisions of this Article shall be cited and fined by one or more of the following: imprisonment in the county jail, or in any place provided by the municipality for the detention of prisoners, for any term not exceeding 90 days; or by a fine not less than \$500.00 or exceeding \$1,250.00; or by a period of community service not exceeding 90 days.

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

7-76A. INSPECTIONS FOR VIOLATIONS

Adherence to this Chapter does not relieve any person, legal entity or agent from any other obligations set forth in any applicable Code(s), which may apply to the property. Upon sale or transfer of title to the property, the owner shall be responsible for all violations of the applicable Code(s).

7-77. ADDITIONAL AUTHORITY

- a) If the Enforcement Officer has reason to believe that a property subject to the provisions of this Chapter is posing a serious threat to the public health safety and welfare, the Code Enforcement Officer may temporarily secure the property at the expense of the mortgagee and/or owner, and may bring the violations before a Court of competent jurisdiction as soon as possible to address the conditions of the property.
- b) The Code Enforcement Officer shall have the authority to require the mortgagee and/or owner of record of any property affected by this section, to implement additional maintenance and/or security measure including, but not limited to, securing any and all doors, windows or other openings, employment of an on-site security guard, or other measures as may be reasonably required to help prevent further decline of the property.
- c) If there is a finding that the condition of the property is posing a serious threat to the public health, safety and welfare, then the Code Enforcement Officer may direct the Town to abate the violations and charge the mortgagee with the cost of the abatement.
- d) If the mortgagee does not reimburse the Town for the cost of temporarily securing the property, or of any abatement directed by the code enforcement board or special magistrate, within thirty (30) days of the Town sending the mortgagee the invoice, then the Town may lien the property with such cost, along with an administrative fee of \$500.00 to recover the administrative personnel services.

7-78. OPPOSING, OBSTRUCTING ENFORCEMENT OFFICER; PENALTY

Whoever opposes, obstructs or resists any enforcement officer or any person authorized by the Code Enforcement Office in the discharge of duties as provided in this chapter shall be punishable as provided in the applicable Code(s) or a Court of competent jurisdiction.

7-79. IMMUNITY OF ENFORCEMENT OFFICER

Any enforcement officer or any person authorized by the Town to enforce the Sections here within shall be immune from prosecution, civil or criminal, for reasonable, good faith entry upon real property while in the discharge of duties imposed by this Article.

ARTICLE 8 REHABILITATION OF ABANDONED PROPERTY (2-23-17)

7-81. ABANDONED PROPERTY CRITERIA

A. Except as provided in N.J.S.A. 55:19-83, any property that has not been legally occupied for a period of six (6) months in the Town of Hackettstown and which meets any one (1) of the following additional criteria may be deemed to be abandoned property upon a determination by the Mayor, or Mayor's designee, that:

- (1) The property is in need of rehabilitation in the reasonable judgment of the Mayor, or Mayor's designee, and no rehabilitation has taken place during that same six-month period; or
- (2) Construction was initiated on the property and was discontinued prior to completion, leaving the building unsuitable for occupancy, and no construction has taken place for at least six (6) months as of the date of a determination by the Mayor, or Mayor's designee, pursuant to this section; or
- (3) At least one (1) installment of property tax remains unpaid and delinquent on that property as of the date of a determination by the mayor pursuant to this section; or
- (4) The property has been determined to be a nuisance by the mayor in accordance with N.J.S.A. 55:19-82 or for one (1) or more of the following reasons:
 - a. The property has been found to be unfit for human habitation, occupancy or use pursuant to N.J.S.A. 40:48-2.3;
 - b. The condition and vacancy of the property materially increases the risk of fire to the property and adjacent properties;
 - c. The property is subject to unauthorized entry leading to potential health and safety hazards; the owner has failed to take reasonable and necessary measures to secure the property; or the municipality has secured the property in order to prevent such hazards after the owner has failed to do so;
 - d. The presence of vermin or the accumulation of debris, uncut vegetation or physical deterioration of the structure or grounds have created potential health and safety hazards and the owner has failed to take reasonable and

necessary measures to remove the hazards; or

- e. The dilapidated appearance or other condition of the property materially affects the welfare, including the economic welfare, of the residents of the area in close proximity to the property, and the owner has failed to take reasonable and necessary measures to remedy the conditions.
- B. A property which contains both residential and nonresidential space may be considered abandoned pursuant to the Abandoned Properties Rehabilitation Act, N.J.S.A. 55:19-78 et seq., so long as two-thirds (2/3) or more of the total net square footage of the building was previously legally occupied as residential space and none of the residential space has been legally occupied for at least six (6) months at the time of the determination of abandonment by the Mayor, or Mayor's designee.

7-82. ESTABLISHMENT OF ABANDONED PROPERTY LIST

- A. The Mayor, or Mayor's designee, shall identify abandoned property within the Town of Hackettstown for the purpose of establishing an abandoned property list. The abandoned property list shall include, for each abandoned property identified, the tax block and lot number, the name of the owner of record, if known, and the street address of the lot. The Mayor, or Mayor's designee, may add properties to the abandoned property list at any time, and may delete properties at any time when he or she finds that the property no longer meets the definition of an abandoned property.
- B. An abandoned property shall not be included on the abandoned property list if rehabilitation is being performed in a timely manner, as evidenced by building permits issued and diligent pursuit of rehabilitation work authorized by those permits. A property on which an entity other than the Town of Hackettstown has purchased or taken assignment from the Town of a tax sale certificate which has been placed on the abandoned property list may be removed if the owner of the certificate pays all municipal taxes and liens due on the property within thirty (30) days after the property is placed on the list; provided, however, that if the owner of the certificate fails to initiate foreclosure proceedings within six (6) months after the property was first placed on the list, the property shall be restored to the abandoned property list in accordance with the provisions of N.J.S.A. 55:19-103.
- C. The Mayor, or Mayor's designee, shall establish the abandoned property list and any additions or deletions thereto by authorizing the publication of the list in the official newspaper of the Town of Hackettstown, which publication shall constitute public

notice, and, within ten (10) days after publication, shall send a notice, by certified mail, return receipt requested, and by regular mail, to the owner of record of every property included on the list. The published and mailed notices shall identify property determined to be abandoned setting forth the owner of record, if known, the tax lot and block number and street address. The Mayor, or Mayor's designee, in consultation with the tax collector, shall also send out a notice by regular mail to any mortgagee, servicing organization, or property tax processing organization that receives a duplicate copy of the tax bill pursuant to N.J.S.A. 54:4-64(d). When the owner of record is not known for a particular property and cannot be ascertained by the exercise of reasonable diligence by the tax collector, notice shall not be mailed but instead shall be posted on the property in the manner as provided in N.J.S.A. 40:48-2.7. The mailed notice shall indicate the factual basis for the Mayor's, or Mayor's designee, finding that the property is abandoned property as that term is defined herein and in N.J.S.A. 55:19-54, and shall specify the information relied upon in making such finding. In all cases a copy of the mailed or posted notice shall also be filed by the Mayor, or Mayor's designee, in the office of the Warren County Clerk. This filing shall have the same force and effect as a formal notice under N.J.S.A. 2A:15-6. The notice shall be captioned with the name of the Town of Hackettstown as "plaintiff and the name of the property owner as "defendant," as though an action had been commenced by the town against the owner.

- D. An owner or lien holder may challenge the inclusion of his property on the abandoned property list by appealing that determination to the Mayor, or Mayor's designee, within thirty (30) days of the owner's receipt of the certified notice or forty (40) days from the date upon which the notice was sent. An owner whose identity was not known to the Mayor, or Mayor's designee, shall have forty (40) days from the date upon which notice was published or posted, whichever is later, to challenge the inclusion of a property on the abandoned property list. For good cause shown, the Mayor, or Mayor's designee, shall accept a late filing of an appeal. Within thirty (30) days of receipt of a request for an appeal of the findings contained in the notice, the Mayor, or Mayor's designee, shall schedule a hearing for redetermination of the matter. Any property included on the list shall be presumed to be abandoned property unless the owner, through the submission of an affidavit or certification asserting that the property, can demonstrate that the property was erroneously included on the list. The affidavit or certification shall be accompanied by supporting documentation such as, but not limited to, photographs, repair invoices, bills and construction contracts. The sole ground for appeal shall be that the property in question is not abandoned property as that term is defined herein and in N.J.S .A. 55:19-54. The Mayor, or Mayor's designee, shall decide any timely filed appeal within ten (10) days of the hearing on the appeal and shall promptly, by certified mail, return receipt requested, and by regular mail, notify the property owner of the decision and the reasons therefore.

- E. The property owner may challenge an adverse determination of an appeal with the Mayor or Mayor's designee, pursuant to subsection (d) of this section, by instituting , in accordance with the New Jersey Court Rules, a summary trial proceeding in the Superior Court, Warren County. Such action shall be instituted within twenty (20) days of the date of the decision mailed by the Mayor or Mayor's designee. The sole ground for appeal and new hearing before the Superior Court shall be that the property in question is not an abandoned property as that term is defined in N.J.S.A. 55:19-54. The failure to institute an action of appeal on a timely basis shall constitute a jurisdictional bar to challenging the adverse determination, except that, for good cause shown, the court may extend the deadline for instituting the action.
- F. The Mayor, or Mayor's designee, shall promptly remove any property from the abandoned property list that has been determined by him or on appeal not to be abandoned and may, in his discretion, remove properties from said list whenever he deems such removal appropriate under the circumstances.
- G. The abandoned property list shall become effective, and the Town of Hackettstown shall have the right to pursue any legal remedy with respect to properties on the list, at any time after at least one (1) property has been placed on the list and following the expiration of the period for appeal with respect to that first property or upon the denial of an appeal brought by the property owner of that first property.

7-83. INTERESTED PARTIES MAY REQUEST ADDITIONS TO THE ABANDONED PROPERTY LIST.

- A. Any interested party may submit a written request to the Mayor, or Mayor's designee, asserting that any property within the Town of Hackettstown should be included on the abandoned property list. The written request must specify the street address and block and lot number of the property to be included, and the grounds for its inclusion. Within thirty (30) days of receipt of any such request, the Mayor, or Mayor's designee, shall provide a written response to the party, either indicating that the property will be added to the list or, if not, the reasons for not adding the property. For the purposes of this section, the term "interested parties" shall include any resident of the Town of Hackettstown, any owner or operator of a business within the Town of Hackettstown or any organization representing the interests of residents, business owners or otherwise engaged in furthering the revitalization and improvement of the neighborhood in which the property is located.

- B. Any interested party may participate in a redetermination hearing regarding the inclusion of a property on the abandoned property list. Upon written request by any interested party, the Mayor, or Mayor's designee, shall provide that party with at least twenty (20) days' notice of any such hearing. The party shall provide the Mayor, or Mayor's designee, with notice at least ten (10) days before the hearing of its intention to participate, and the nature of the testimony or other information that it proposes to submit at the hearing.

7-84. VEHICLES ON ABANDONED PROPERTIES.

- A. No person shall park a motor vehicle for longer than two (2) hours on any day (including Sundays and public holidays) upon any of the abandoned properties listed on the Hackettstown abandoned properties list or parts thereof.
- B. No person shall park a motor vehicle at any time on any of the abandoned properties listed on the abandoned properties list or parts thereof between the hours of 1:00 a.m. and 5:00 a.m.
- C. Any motor vehicle found parked upon any abandoned property listed on the Hackettstown abandoned properties list or parts thereof in violation of any municipal ordinance or statute of the State of New Jersey may be removed by the Town of Hackettstown at the expense of the owner thereof and shall be held impounded by the Town of Hackettstown or at its direction until such expense has been paid by such owner.
- D. Violations of this article shall be punishable, upon conviction, by one (1) or more of the following in the discretion of the court: a fine of not to exceed one thousand dollars (\$1,000.00); imprisonment for a period of not to exceed ninety (90) days; a period of community service of not to exceed ninety (90) days.

7-85. REMOVAL OF PROPERTY FROM ABANDONED PROPERTIES LIST.

- A. An owner may request removal of their property from the abandoned properties list prior to sale of the tax sale certificate by paying all taxes and town liens due, including interest and penalties and:
 - 1. By posting cash or a bond equal to the cost of remediating all conditions because of which the property has been determined to be abandoned pursuant to N.J.S.A. 55:19-55 and by posting cash or a bond to cover the cost of any environmental cleanup

required on the property, evidenced by a certification by a licensed engineer retained by the owner and reviewed and approved by the Mayor, or Mayor's designee, stating that the cash or bond adequately covers the cost of the cleanup; or

2. By demonstrating to the satisfaction of both the Mayor and Town Council that the conditions rendering the property abandoned have been remediated in full; provided, however, that where the Mayor, or Mayor's designee, finds that the owner is actively engaged in remediating the conditions because of which the property was determined to be abandoned, as evidenced by significant rehabilitation activity on the property, the Mayor, or Mayor's designee, may grant an extension of time of not more than one hundred twenty (120) days for the owner to complete all work, during which time no further proceedings will be taken against the owner or the property.

- B. If the owner has posted cash or a bond in order to have a property removed from the abandoned property list and the conditions because of which the property was determined to be abandoned have not been fully remediated within one (1) year of the date of posting the cash or bond, or, in the case of a property which requires remediation of any known, suspected, or threatened release of contamination, if the owner has failed to enter into a memorandum of agreement with the New Jersey Department of Environmental Protection or an administrative consent order, as the case may be, or if an agreement or order is in effect but the owner has failed to perform the remediation in conformance with the agreement or order, then the cash or bond shall be forfeited to the Town which shall use the cash or bond and any interest which has accrued thereon for the purpose of demolishing or rehabilitating the property or performing the environmental remediation. Any funds remaining after the property has been demolished, rehabilitated or cleaned up shall be returned to the owner.

7-86. SALE OF RESTRICTED TAX LIENS.

- A. Notwithstanding the provisions of N.J.S.A. 54:5-19, or the provisions of any other law to the contrary, if a property is included on the abandoned property list and the property taxes or other Town liens due on the property are delinquent for six (6) or more quarters as of the date of expiration of the right to appeal the property's inclusion on the list, or, if an appeal has been filed, as of the date that all opportunities for appeal of inclusion on the list have been exhausted, then the tax lien on the property may be sold in accordance with the procedures of the "Tax Sale Law," N.J.S.A. 54:5-1 et seq., on or after the ninetieth day following the expiration of that time of appeal or final determination on an appeal.

- B. The Town of Hackettstown may, at its option, require that the sale of the tax sale certificate or any subsequent assignment or transfer of a tax sale certificate held by the Town be subject to the express condition that the purchaser or assignee shall be obliged to perform and conclude any rehabilitation or repairs necessary to remove the property from the abandoned property list pursuant to N.J.S.A. 55:19-55 and to post a bond in favor of the Town to guarantee the rehabilitation or repair of the property. The mayor may waive a requirement to post a bond imposed by the Town for any purchaser, assignee or transferee of a tax sale certificate that provides documentation acceptable to the mayor that the purchaser, assignee or transferee is a qualified rehabilitation entity as defined in N.J.S.A. 55:19-80. The cost of rehabilitation and repairs and the cost of the bond shall be added to the amount required to be paid by the owner for redemption of the property. The purchaser, assignee or transferee of the tax sale certificate who is required to rehabilitate and repair the property shall be required to file the appropriate affidavits with the tax collector, pursuant to N.J.S.A. 54:5-62, representing the amounts of monies expended periodically toward the rehabilitation or repair of the property. A purchaser, assignee or transferee shall be entitled to interest on the amounts expended, as set forth in the affidavits, at the delinquent rate of interest for delinquencies in excess of one thousand five hundred dollars (\$1,500.00) in effect for the time period when the amounts were expended, pursuant to N.J.S.A. 54:4-67. The tax sale certificate purchaser, assignee or transferee, with the authority of the Town of Hackettstown, shall be permitted to enter in and upon the property for the purposes of appraising the costs of rehabilitation and repair and to perform all other acts required to guarantee the completion of the rehabilitation or repair of the property. No rehabilitation or repair work shall be commenced, however, until proof of adequate liability insurance and an indemnification agreement, holding the Town of Hackettstown harmless, has been filed with the Mayor, or Mayor's designee.
- C. If the Town of Hackettstown acquires the tax sale certificate for a property on the abandoned property list, then, upon ten (10) days' written notice to the property owner and any mortgagee as of the date of the filing of the notice pursuant to N.J.S.A. 55:19-55, the Town shall be permitted to enter upon the property and remediate any conditions that caused the property to be included on the abandoned property list. No remediation shall be commenced, however, if within that ten-day period the owner or mortgagee shall have notified the Town in writing that the owner or mortgagee has elected to perform the remediation itself. When the owner or mortgagee elects to perform the remediation itself, it shall be required to post bond in favor of the Town of Hackettstown in order to ensure performance. The amount and conditions of the bond shall be determined by the Mayor, or Mayor's designee.

- D. The cost of remediation incurred by the Town of Hackettstown, as so certified by the entity incurring the cost upon completion of the remediation, shall constitute a lien upon the property first in time and right to any other lien, whether the other lien was filed prior to, or after the filing of any lien by the Town, except for Town taxes, liens and assessments and any lien imposed pursuant to the "Spill Compensation and Control Act," N.J.S.A. 58:10-23.11 et seq., together with any interest thereon. The certification of cost shall be filed and recorded as a lien by the entity incurring the cost with the Warren County Clerk.
- E. The clearance, development, redevelopment, or repair of property being maintained as an abandoned property pursuant to this article shall be considered a public purpose and public use, for which the power of eminent domain may be lawfully exercised.

7-87. SPECIAL TAX SALE AND CRITERIA FOR BIDDERS.

- A. The Town of Hackettstown may hold special tax sales with respect to those properties eligible for tax sale pursuant to N.J.S.A. 54:5-19 which are also on the abandoned property list.
- B. Mayor, or Mayor's designee, with the advice and consent of the Town Council, shall establish criteria for eligibility to bid on properties at the sale, which may include, but need not be limited to:
 - 1. Documentation of the bidder's ability to rehabilitate or otherwise reuse the property consistent with Town's plans and regulations; commitments by the bidder to rehabilitate or otherwise reuse the property, consistent with Town's plans and regulations;
 - 2. Commitments by the bidder to take action to foreclose on the tax lien by a date certain; and
 - 3. Such other criteria as the Mayor, with the advice and consent of the Town Council, may determine are necessary to ensure that the properties to be sold will be rehabilitated or otherwise reused in a manner consistent with the public interest.
- C. The Mayor, with the advice and consent of the Town Council, may establish minimum bid requirements for a special tax sale that are less than the full amount of the taxes, interest and penalties due, to help ensure that the properties will be rehabilitated or otherwise utilized in a manner consistent with the public interest.

- D. The Mayor, with the advice and consent of the Town Council, may combine properties in said special tax sale into bid packages, and require that bidders place a single bid on each package, rejecting any and all bids on individual properties that are submitted.
- E. The Mayor, with the advice and consent of the Town Council, may sell said properties subject to provision that, if the purchaser fails to carry out any commitment that has been set forth as a condition of sale or misrepresents any material qualification that has been established as a condition of eligibility to bid pursuant thereto, then the properties and any interest thereto acquired by the purchaser shall revert to the Town, and any amount paid by the purchaser at the special tax sale shall be forfeit to the Town.
- F. In the event there are two (2) or more qualified bidders for any property or bid package in a special tax sale, the Town may designate the unsuccessful qualified bidder whose bid was closest to the successful bid, as an eligible purchaser. In the event that the selected purchaser of that property or bid package fails to meet any of the conditions of sale established by the Town pursuant and their interest in the property or properties reverts to the Town, the Town may subsequently designate the entity previously designated as an eligible purchaser as the winning bidder for the property or properties, and assign the tax sale certificate to that entity on the basis of that entity's bid at the special tax sale, subject to the terms and conditions of the special tax sale.
- G. The Town of Hackettstown shall provide notice of a special tax sale pursuant to N.J.S.A. 54:5-26. The notice shall include any special terms of sale established by the Town pursuant to this section. Nothing shall prohibit the Town from holding a special tax sale on the same day as a standard or accelerated tax sale.

7-88. EXPEDITED ACTION TO FORECLOSE RIGHT OF REDEMPTION.

- A. When a person or entity other than the Town of Hackettstown acquires a tax sale certificate for a property on the abandoned property list at tax sale, the purchaser may institute an action to foreclose the right of redemption at any time after the expiration of just six (6) months following the date of the sale of the tax sale certificate.
- B. When the Town of Hackettstown is the purchaser at tax sale of any property on the abandoned property list pursuant to N.J.S.A. 54:5-34, an action to foreclose the right of redemption may be instituted in accordance with the provisions of subsection b of N.J.S.A. 54:5-77.

- C. After the foreclosure action is instituted, the right to redeem shall exist and continue to exist until barred by the judgment of the Superior Court; provided, however, that no redemption shall be permitted except where the owner:
 - 1. Posts cash or a bond equal to the cost of remediating the conditions because of which the property was determined to be abandoned pursuant to N.J.S.A. 55:19-56, as determined by the court; or
 - 2. Demonstrates to the court that the conditions because of which the property was determined to be abandoned have been remedied in full.

7-89. ABANDONED PROPERTY STATUS DURING EXPEDITED FORECLOSURE.

- A. If an entity other than the Town of Hackettstown has purchased or taken assignment from the Town of a tax sale certificate on a property that has not been legally occupied for a period of six (6) months, that property shall not be added to the abandoned property list under the following limited circumstances:
 - 1. The owner of the certificate has continued to pay all Town taxes and liens on the property in the tax year when due; and
 - 2. The owner of the certificate takes action to initiate foreclosure proceedings within six (6) months after the property is eligible for foreclosure pursuant to either subsection a or subsection b of N.J.S.A. 54:5-86, as appropriate, and diligently pursues foreclosure proceedings in a timely fashion thereafter.
- B. A property used on a seasonal basis shall be deemed abandoned only if it meets any two (2) of the additional criteria set forth in N.J.S.A. 55:19-81.
- C. A determination that a property is abandoned property under the provisions of this article and N.J.S.A. 55: 19-78 et seq. shall not constitute a finding that the use of the property has been abandoned for purposes of municipal zoning or land use regulation.
- D. Upon the request of a purchaser or assignee of a tax sale certificate seeking to bar the right of redemption on an abandoned property pursuant to Subsection b of N.J.S.A. 54:5-86, the Mayor, or Mayor's designee or the tax collector shall, in a timely fashion, provide the requester with a certification that the property fulfills the definition of an "abandoned property" according to the criteria established in N.J.S.A. 55:19-81 and N.J.S.A. 55:19-82.

7-90. MAINTENANCE BY CREDITOR OF PROPERTIES IN FORECLOSURE.

- A. Creditors who have filed a summons and complaint in an action for foreclosure shall care for, maintain, secure, and provide for the upkeep of the exterior of vacant and abandoned residential properties in the Town of Hackettstown. Out-of-state creditors shall appoint an in-state representative or agent to act for the foreclosing creditor.
- B. The code enforcement official appointed by the Town of Hackettstown responsible for the administration of any property maintenance or public nuisance, or his designee, shall issue notices pursuant to the requirements set forth in this section.
- C. All creditors, whether in state or out of state, and who have filed a summons and complaint in an action for foreclosure, shall be responsible to care for, maintain, secure and provide for the upkeep of the exterior of vacant and abandoned properties located in the Town of Hackettstown.
- D. The code enforcement officer of the Town of Hackettstown, or his designee, shall issue a notice to the creditor filing the summons and complaint in an action to foreclose when he determines that the creditor has violated this section by failing to provide for the care, maintenance, security, and upkeep of the exterior of the property.

The notice issued by the code enforcement officer, or his designee, shall require the creditor, in the form of an individual or entity, to correct the violation within not less than thirty (30) days of receipt of the notice. If the violation presents an imminent danger threat to public health and safety, the notice shall require the creditor, in the form of an individual or entity, to correct the violation within ten (10) days.

The notice issued by the code enforcement officer, or his designee, shall also include a specific description of the conditions that gave rise to the violation and inform the creditor that the municipality may impose penalties allowed for the violations of municipal ordinances pursuant to R.S. 40:49-5.

- E. Notices to out-of-state creditors shall comply with the notice requirements outlined in subsection (d) of this section, and order the creditor to provide the full name and contact information of the in-state representative or agent of the creditor. This information shall be

provided in the notice required to be provided pursuant to paragraph (1) of Subsection a. of Section 17 of P.L. 2008, c.127 (C.46:10B-51).

F. As follows:

1. The issuance of a notice under this section shall constitute proof that a property is "vacant and abandoned" for the purposes P.L. 2012, c.70 (C.2A:50-73).
2. For the purposes of this section, "vacant and abandoned" residential property means residential real estate with respect to which the mortgagee proves, by clear and convincing evidence, that the mortgaged real estate is vacant and abandoned, or where a notice of violation has been issued pursuant to P.L. 2014, c.35, (C.40:48- 2.12s).
3. Where a notice of violation has not been issued pursuant to this section, real property shall be deemed "vacant and abandoned" if the court finds that the mortgaged property is not occupied by a mortgagor or tenant as evidenced by a lease Agreement entered into prior to the service of a notice of intention to commence foreclosure according to section 4 of the "Fair Foreclosure Act," P.L. 1995, C.244 (C.2A:50-56), and at least two (2) of the following conditions exist:
 - a. Overgrown or neglected vegetation;
 - b. The accumulation of newspapers, circulars, flyers or mail on the property;
 - c. Disconnected gas, electric, or water utility services to the property;
 - d. The accumulation of hazardous, noxious, or unhealthy substances or materials on the property;
 - e. The accumulation of junk , litter, trash or debris on the property;
 - f. The absence of window treatments such as blinds, curtains or shutters;
 - g. The absence of furnishings and personal items;
 - h. Statements of neighbors, delivery persons, or government employees indicating that the residence is vacant and abandoned;
 - i. Windows or entrances to the property that are boarded up or closed off or multiple window panes that are damaged, broken and unrepaired;
 - j. Doors to the property that are smashed through, broken off, unhinged, or continuously unlocked;
 - k. A risk to the health, safety or welfare of the public, or any adjoining or adjacent property owners, exists due to acts of vandalism, loitering, criminal conduct, or the physical destruction or deterioration of the property;
 - l. An uncorrected violation of a municipal building, housing, or similar code during the preceding year, or an order by municipal authorities declaring the property to be unfit for occupancy and to remain vacant and unoccupied;
 - m. The mortgagee or other authorized party has secured or winterized the property due to the property being deemed vacant and unprotected or in danger of freezing;
 - n. A written statement issued by a mortgagee expressing the clear intent of all mortgagors to abandon the property; and
 - o. Any other reasonable indicia of abandonment.

- G. Penalty for failure to correct violation of duty to care, maintain, secure, or upkeep exterior of property; commencement of fines. Any creditor subject to this section that is found by the Town of Hackettstown Municipal Court, or any court of competent jurisdiction, to be in violation of the requirement to correct a care, maintenance, security, or exterior upkeep violation cited in a notice issued pursuant to Section (d) of this section shall be subject to a fine of one thousand five hundred dollars (\$1,500.00) for each day of the violation.

Any fines imposed under this section shall commence thirty-one (31) days following receipt of the notice. If the violation presents an imminent risk to public health and safety, any fines imposed under this section shall commence eleven (11) days following receipt of the notice.

- H. Penalty for failure of out-of-state creditor to appoint in-state representative or agent. An out-of-state creditor subject to this section found by the Town of Hackettstown Municipal Court, or any court of competent jurisdiction, to be in violation of the requirement to appoint an in-state representative or agent shall be subject to a fine of two thousand five hundred dollars (\$2,500.00) for each day of the violation.

Any fines imposed on an out-of-state creditor for the failure to appoint an in-state representative or agent shall commence on the day after the ten-day period set forth in paragraph (1) of subsection a. of section 17 of P.L. 2008, c.127 (C.46:10B-51) for providing notice to the municipal clerk that a summons and complaint in an action for foreclosure on a mortgage has been served.

7-91. SUMMARY ACTION FOR CONTROL AND POSSESSION OF ABANDONED PROPERTY.

- A. A summary action or other action to transfer possession and control of abandoned property in need of rehabilitation to the Town of Hackettstown may be brought by the Town in the Superior Court, Warren County. If the court shall find that the property is abandoned and that the owner or party in interest has failed to submit and initiate a rehabilitation plan, then the court may authorize the Town to take possession and control of the property and to develop its own rehabilitation plan for the property.
- B. Where the Town has been granted possession and control, the Town may commence and maintain those further proceedings for the conservation, protection or disposal of the property, or any part thereof, that are required to rehabilitate the property, recoup the cost and expenses of rehabilitation, and for the sale of the property; provided, however, that the court shall not direct the sale of the property if the owner applies to

the court for reinstatement of control and possession of the property as permitted by N.J.S.A. 55:19-92.

- C. Failure by the owner, mortgage holder or lien holder to submit a plan for rehabilitation to the Town, obtain appropriate construction permits or, in the alternative, submit formal applications for funding the cost of rehabilitation to local, state or federal agencies providing such funding within the initial six-month period, shall be deemed clear evidence that the owner has failed to take any action to further the rehabilitation of the property.
- D. An owner may defend against a complaint filed pursuant to N.J.S.A. 55:19-84 by submitting a plan for the rehabilitation and reuse of the property, which is the subject of the complaint and by posting a bond equal to one hundred twenty-five (125) percent of the amount determined by the Mayor or the court to be the projected cost of rehabilitation.
- E. Any plan submitted by an owner to defend against a complaint shall be submitted within sixty (60) days after the complaint has been filed, unless the court provides the owner with an extension of time for good cause shown. A plan submitted by an owner pursuant to this section shall include, but not be limited to:
 - 1. A detailed financial feasibility analysis, including documentation of the economic feasibility of the proposed reuse, including operating budgets or resale prices, or both, as appropriate;
 - 2. A budget for the rehabilitation of the property, including sources and uses of funds, based on the terms and conditions of realistically available financing, including grants and loans;
 - 3. A timetable for the completion of rehabilitation and reuse of the property, including milestones for performance of major steps leading to and encompassing the rehabilitation and reuse of the property; and
 - 4. Documentation of the qualifications of the individuals and firms that will be engaged to carry out the planning, design, financial packaging, construction, and marketing or rental of the property.
- F. Where the court approves the rehabilitation plan of the owner or other party in interest, then it may appoint the Mayor, or Mayor's designee, to act as monitor of compliance and progress. If the owner fails to carry out any step in the approved plan, then the town may apply to the court to have the posted bond forfeited, to transfer possession of the building to the town to complete the rehabilitation plan, and to grant authorization to use the bond proceeds for the rehabilitation. The owner or other party in interest shall provide bi-monthly reports to the Mayor, or Mayor's designee, on its activities and progress toward rehabilitation and reuse of the property.

- G. If an owner is unsuccessful in defending against a complaint filed pursuant to N.J.S.A. 55:19-84, the mortgage holder or lien holder may seek to be designated in possession of the property by submitting a plan and posting a bond meeting the same conditions as set forth in N.J.S.A. 55:19-87. Their plan must be submitted within sixty (60) days following the court's rejection of the owner's plan, unless the court provides the mortgage holder or lien holder with an extension of time for good cause shown. If the court approves any such mortgage holder or lien holder's plan, it shall designate that party to be in possession of the property for purposes of ensuring its rehabilitation.
- H. The mortgage holder or lien holder, as the case may be, shall provide bi-monthly reports to the court and the Mayor, or Mayor's designee, on its activities and progress toward rehabilitation and reuse of the property. If the mortgage holder or lien holder fails to carry out any material step in the approved plan, then the Mayor, or Mayor's designee, shall notify the court, which may order the posted bond forfeit, grant the Town possession of the property, and authorize the town to use the proceeds of the bond for rehabilitation of the property.
- I. Any sums incurred or advanced for the purpose of rehabilitating the property by a mortgage holder or lien holder granted possession of a property, including court costs and reasonable attorney's fees, may be added to the unpaid balance due to that mortgage holder or lien holder, with interest calculated at the same rate set forth in the note or security agreement; or, in the case of a tax lien holder, at the statutory interest rate for subsequent liens.
- J. If no mortgage holder or lien holder meets the conditions of N.J.S.A. 55:19-88, then the Town may submit a plan to the court which conforms with the provisions of N.J.S.A. 55:19-87. Such plan shall designate whether the town or a qualified rehabilitation entity shall undertake the rehabilitation plan in accordance with the provisions of N.J.S.A. 55:19-90.

7-92. TOWN REHABILITATION OR DESIGNATION OF QUALIFIED REHABILITATION ENTITY.

- A. The Mayor, with the advice and consent of the Town Council, may designate a qualified rehabilitation entity for the purpose of exercising the Town's rights, where that designation will further the rehabilitation and reuse of the property consistent with town's plans and objectives.

- B. Regardless of whether the Town exercises its rights directly or the mayor designates a qualified rehabilitation entity pursuant to this section, while in possession of a property, the Town shall maintain, safeguard, and maintain insurance on the property. Notwithstanding the Town's possession of the property, the owner of the property shall not be relieved of any civil or criminal liability or any duty imposed by reason of acts or omissions of the owner.
- C. The court may approve the borrowing of funds by the Town of Hackettstown to rehabilitate the property and may grant a lien or security interests with priority over all other liens or mortgages other than municipal liens. Prior to granting this lien priority, the court must find as follows:
1. The Town sought to obtain the necessary financing from the senior lien holder, which declined to provide such financing on reasonable terms;
 2. The Town sought to obtain a voluntary subordination from the senior lien holder, which refused to provide such subordination; and
 3. Lien priority is necessary in order to induce another lender to provide financing on reasonable terms. No lien authorized by the court shall take effect unless recorded with the clerk of Warren County.
- D. Where the Town has designated a qualified rehabilitation entity to act on its behalf, the qualified rehabilitation entity shall provide bi-monthly reports to the Mayor, or Mayor's designee, on its activities and progress toward rehabilitation and reuse of the property. The Town or qualified rehabilitation entity, as the case may be, shall provide such reports to the court as the court determines to be necessary. If the court finds that the Town or its designee have failed to take diligent action toward rehabilitation of the property within one (1) year from the grant of possession, then the court may request the Town to designate another qualified rehabilitation entity to exercise its rights, or if the Town fails to do so, may terminate the order of possession and return possession and control of the property to its owner.
- E. The Town of Hackettstown shall file a notice of completion with the court, and shall also serve a copy on the owner and any mortgage holder or lien holder, at such time as the Town has determined that no more than six (6) months remain to the anticipated date on which rehabilitation will be complete. This notice shall include an affidavit of the Mayor, or Mayor's designee, attesting that the rehabilitation is anticipated to be completed within six (6) months, and a statement setting forth the actions as it plans to undertake consistent with the plan.

7-93. PETITION FOR REINSTATEMENT OF CONTROL AND POSSESSION BY OWNER.

- A. An owner may petition for reinstatement of the owner's control and possession of the property at any time after one (1) year from the court's removal of possession, but no later than thirty (30) days after the Town of Hackettstown has filed a notice of completion with the court or, in the event the notice of completion is filed within less than one (1) year of the grant of possession, within thirty (30) days after the Town has filed said notice.
- B. The court may allow additional time for good cause if that additional time does not materially delay completion of the rehabilitation, place undue hardship on the Town or affect any of the terms or conditions under which the Town has applied for or received financing for the rehabilitation of the property.
- C. If the owner fails to petition for the reinstatement of control and possession of the property within thirty (30) days after the Town has filed a notice of completion or, in any event, within two (2) years after the initial grant of possession, or if the owner fails to meet any conditions that may be set by the court in granting a reinstatement petition, the court may grant the Town title or authorize the Town to sell the property, subject to the provisions of N.J.S.A. 55:19-96.

7-94. PROCEDURE FOR TOWN TO PLACE LIENS, OBTAIN TITLE AND SELL PROPERTY.

- A. The Mayor, or Mayor's designee, with the approval of the court, may place a lien on the property to cover any costs of the Town in connection with any proceeding under N.J.S.A. 55:19-78 et seq. incurred prior to the grant by the court of an order of possession, which may include costs incurred to stabilize or secure the property to ensure that it can be rehabilitated in a cost-effective manner. Any such lien shall be considered a Town lien for the purposes of N.J.S.A. 54:5-9, with the rights and status of a town lien pursuant thereto.
- B. Where the Town seeks to gain title to the property, it shall purchase the property for fair market value on such terms as the court shall approve, and may place the proceeds of sale in escrow with the court.
- C. The court may authorize the Town of Hackettstown to sell the building free and clear of liens, claims and encumbrances, in which event all such liens, claims and encumbrances shall be transferred to the proceeds of sale with the same priority as existed prior to resale in accordance with the provisions of this section, except that municipal liens shall be paid at

settlement. The proceeds of the purchase of the property shall be distributed as set forth in N.J.S.A. 55:19-97.

- D. Upon approval by the court, the Town shall sell the property on such terms and at such price as the court shall approve, and may place the proceeds of sale in escrow with the court. The court shall order a distribution of the proceeds of sale after paying court costs in the order of priority set forth in N.J.S.A. 55:19-97.
- E. With the exception of the holding of special tax sales pursuant to N.J.S.A. 55:19-101, the remedies available under N.J.S.A. 55:19-78 et seq. shall be available to the Town with respect to any abandoned property, whether or not the town has established an abandoned property list and whether or not the property at issue has been included on any such list.

ARTICLE 9. LEAD BASED PAINT INSPECTION (7-11-24)

7-101. Definitions

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the following meaning:

Lead Abatement - Measures designed to permanently eliminate lead-based paint hazards in accordance with standards established by the Commissioner of Community Affairs in compliance with standards promulgated by the appropriate federal agencies.

Dust Wipe Sampling - A sample collected by wiping a representative surface and tested in accordance with a method approved by the United States Department of Housing and Urban Development

Lead Evaluation Contractor - A person certified by the New Jersey Department of Community Affairs to perform lead inspection and risk assessment work pursuant to N.J.A.C. 5:171.1 et seq.

Lead-based Paint Hazard - Any condition that causes exposure to lead from lead-contaminated dust or soil or lead-contaminated paint that is deteriorated or present in surfaces that would result in adverse human health effects.

Visual Assessment - A visual examination for deteriorated paint or visible surface dust, debris, or residue.

Tenant turnover - The time at which all existing occupants vacate a dwelling unit and all new tenants move into the dwelling unit.

7-102. Inspections

- A. A lead evaluation contractor retained by the Town shall inspect every single-family, two-family, or multiple rental dwelling located in the Town of Hackettstown for lead-based paint hazards through visual assessment and dust wipe sampling in accordance with N.J.S.A. 52:27D-437.1 et seq. every three years or at tenant turnover.

- B. In lieu of having the dwelling inspected by the Town's lead evaluator, a dwelling owner or landlord may directly hire a private lead evaluation contractor who is certified to provide lead paint inspection services by the Department of Community Affairs to perform the lead-based paint inspection in accordance with N.J.S.A. 52:27D-437.1 et seq.
- C. In accordance with N.J.S.A. 52:27D-437.16(c), a dwelling unit in a single-family, two-family, or multiple rental dwelling shall not be subject to inspection and evaluation the presence of lead-based paint hazards if the unit:
 - 1. Has been certified to be free of lead-based paint;
 - 2. Was constructed during or after 1978;
 - 3. Is in a multiple dwelling that has been registered with the Department of Community Affairs as a multiple dwelling for at least ten (10) years, either under the current or a previous owner, and has no outstanding lead violations from the most recent cyclical inspection performed on the multiple dwelling under the "Hotel and Multiple Dwelling Law," P.L.1967, c.76 (C.55:13A-1 et seq.);
 - 4. A single-family or two-family seasonal rental dwelling which is rented for less than six months duration each year by tenants that do not have consecutive lease renewals; or
 - 5. Has a valid lead-safe certification.
- D. The owner, landlord, and/or agent of every single-family, two-family, or multiple rental dwelling unit offered for rental shall be required to obtain an inspection of the unit for lead-based paint hazards every three years, or at tenant turnover, whichever is earlier.
- E. If lead-based paint hazards are identified, then the owner, landlord, and/or agent of the dwelling shall remediate the lead-based paint hazard using lead abatement or lead-based control methods in accordance with N.J.S.A. 52:27D-437.16(d). Upon the remediation of the lead-based paint hazard, the Town's lead evaluation contractor shall conduct an additional inspection of the unit to certify that the hazard no longer exists.
- F. If no lead-based paint hazards are identified, then the Town's lead evaluator shall certify the dwelling as lead-safe on a form prescribed by the Department of Community Affairs, which shall be valid for two years.
- G. Pursuant to N.J.S.A. 52:27D-437.16(e), unless not required to have had an inspection by a lead evaluation contractor or permanent local agency pursuant to §7-102C of this Chapter, property owners shall:
 - 1. Provide evidence of valid lead-safe certification and the most recent tenant turnover at the time of the cyclical inspection carried out under the Hotel and Multiple Dwelling Law, N.J.S.A. 5S:13A-1 et seq.;
 - 2. Provide evidence of a valid lead-safe certification obtained pursuant to this Section to new tenants of the property at the time of tenant turnover unless not required to have had an inspection by a lead evaluation contractor or permanent local agency pursuant to §64- 2C of this chapter.
 - 3. Maintain records of lead-safe certification, which shall include name(s) of the unit tenant(s), if inspection was conducted during a period of tenancy.

7-103. Fees. The fees for a lead-based paint inspection shall be as follows: (7-11-24)

- A. The fee for visual assessment and dust wipe sampling is \$295.00 per unit and performed by LEW Environmental Services.

- B. XRF Lead Inspection: \$150.00 per unit (added to the Dust Wiping Sampling). Performed LEW Environmental Services. XRF Inspection is available to the requesting party as an add-on to the Dust wipe sampling. An XRF inspection will allow a dwelling unit to be certified lead-based paint free and become exempt from the regulation in the future. A Lead-Free Certificate will only be issued if no lead-based paint is found.
- C. The fee for the filing of a lead-safe certification or lead-free certification shall be \$25.00.
- D. In a common interest community, any inspection fee charged shall be the responsibility of the unit owner and not the homeowners' association, unless the association is the owner of the unit.
- E. In accordance with N.J.S.A. 52:27D-437.16(h), an additional fee of \$20.00 per dwelling unit inspected by the Town's lead inspector or the owner's private lead inspector shall be assessed for the purposes of the Lead Hazard Control Assistance Act (N.J.S.A. 52:27D-437.1 et seq.) unless the unit owner demonstrates that the Department of Community Affairs has already assessed an additional inspection fee of \$20.00. The fees collected pursuant to this subsection shall be deposited into the Lead Hazard Control Assistance Fund.
- F. Re-inspection/clearance - \$295.00 per unit.

7-104. Violations and Penalties

Penalties for violation of this chapter shall be as follows:

- A. If a property owner has failed to conduct the required inspection or initiate any remediation as required by N.J.S.A. 52:27D-437.1 et seq. the owner shall have 30 days to cure the violation.
- B. If a property owner fails to cure the violation after 30 days; the property owner shall be subject to a penalty not to exceed \$1,000 per week until the required inspection has been conducted or remediation efforts have been initiated.

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ARTICLE 1. CIRCULAR DISTRIBUTION

8-1. Unlawful to Distribute Except in Accordance with Law.

No person shall distribute or in any manner circulate, or cause, suffer or permit the distribution or circulation of printed or other matter commonly known as hand bills (hereinafter referred to as circulars) in or along any public street, place, sidewalk, dwelling, store or building, or the porch, vestibule, or other entrance thereto, or in any automobile or conveyance in the Town except in accordance with the provisions hereof. (7-12-38 sl)

8-2. Manner of Distribution.

Circulars may be distributed by handing them to persons over the age of fourteen years, upon the premises wherein it is intended that such delivery shall be made, or by placing them under the door of the premises, or otherwise in such manner as to prevent the circulars from being strewn or littered on the premises or streets. (7-12-38 s2)

8-3. Placing Circulars on or in Automobiles Prohibited.

Circulars shall not be placed in automobiles parked along the streets in the Town, nor shall they be attached thereto in any manner without the consent of the owner or occupant thereof and under no circumstances shall circulars be placed in or attached to any automobile or other conveyance which is unoccupied at the time of such delivery or distribution. (7-12-38 s3)

8-4. Newspapers and Other Articles Excepted.

This Article shall not apply to the delivery of newspapers, political circulars, election campaign material, or articles which shall have been ordered or purchased by the recipient thereof and shall not affect the delivery of mails or any other governmental function.

8-5. License Required: License Fee; Term; Non-Transferable; Possession of License.

No person shall distribute circulars without first having obtained a license from the Town Clerk to do so. The license when issued shall not become effective until at least twenty-four (24) hours after the application is received and the Town Clerk shall advise the Police Department of the issuance of the license and the time when the distribution of circulars will be made. The license shall be issued by the Town Clerk on application of any person, to said person, on payment of a license fee of thirty (\$30.00) Dollars (1996), which shall be transmitted by said Clerk to the Town Treasurer. The license shall be

valid for a period of forty-eight (48) consecutive hours, to be specified thereon and shall not be transferable. The license shall be carried on the person on the license and exhibited whenever he is called upon to do so.

8-6. Purpose.

The purpose of this Article is to regulate and prevent the careless distribution of the articles enumerated in Section 8-1 hereof, and thereby reduce the governmental costs of street cleaning in the Town. (7-12-38 s7)

8-7. Violations.

Any person who shall violate any provision of this Article shall, upon conviction thereof, be punished by a fine not exceeding Five Hundred (\$500.00) Dollars, or by imprisonment in the County Jail for a term not exceeding ninety (90) days, or both.

ARTICLE 2. ENTERTAINMENT, SHOWS, CIRCUSES, MOTION PICTURE THEATRES, ETC.

8-15. License Required.

No person shall carry on or conduct the business of traveling or other shows, circuses, plays, dances, exhibitions, concerts, theatrical performances or street parades in connection therewith, theatres, show houses, opera houses, concert halls, motion picture theatres, dance halls, pool or billiard parlors, exhibition grounds or other places of public amusement without having first obtained a license from the Town Clerk to do so. (6-19-22 s1)

8-16. Issuance of License by Town Clerk.

The Town Clerk is hereby authorized to issue any such license upon the payment by the applicant of the proper fee therefore as hereinafter provided. (6-19-22 s2)

8-17. Term; Non-Transferable.

Every license shall remain in force and be valid only for the time therein-expressed and shall not be transferable. (6-19-22s3)

8-18. License Exhibited.

Any person to whom such license is granted as herein-provided is hereby required to exhibit such license whenever called upon to do so. (6-19-22 s4)

8-19. License Fees.

The license fees under this Article shall be as follows:

(a) Circuses, traveling or other shows, including street parades in connection therewith, or other street parades: Fifty (\$50.00) Dollars per day.

b) Plays, exhibition, concerts, theatrical performances, exhibition grounds, or other public amusements: Twenty-five (\$25.00) Dollars per day.

(c) Theatres, motion picture houses, opera houses or concert halls: Two Hundred (\$200.00) Dollars per year.

(d) Dance halls or skating rinks: One Hundred (100.00) Dollars per year.

(e) Pool and billiard rooms: One hundred (\$100.00) Dollars per year. (1996)

(f) Bowling Lanes: Fifteen (\$15.00) Dollars per year for each alley. (1997)

(g) All of such fees are payable on application, and must be paid before license is issued or delivered.

(h) No license shall be deemed necessary for any person operating any of the above enumerated places for non-profit, the proceeds of which are devoted exclusively to the purpose of philanthropic, charitable or religious societies, on whose behalf they act as an agent without pay.

8-20. Violations.

Any person who shall violate any provision of this Article shall, upon conviction thereof, be punished by a fine not exceeding Five Hundred (\$500.00) Dollars, or by imprisonment in the County Jail for a term not exceeding ninety (90) days, or both.

ARTICLE 2A. SPECIAL EVENTS (1995)

8-21. Definitions.

(a) Municipal Costs - Any and all expenses incurred by the Town of Hackettstown for a licensed special event including operating expenses, salary and wages, benefits and any other expenses of any department.

(b) Special event All shows, carnivals, circuses, festivals, fairs, flea markets, outdoor plays, outdoor dances, outdoor concerts or outdoor theatrical events, parades, sporting events not directly involved in interscholastic sports or not directly sponsored by the Hackettstown Recreation Commission. Special events also include any event requiring the temporary or permanent closure of any Town streets or sidewalks or any event impacting on the public health, safety or welfare of the Town of Hackettstown or its residents. Excluded are any funerals, memorials, memorial parades, graduations or Town sponsored functions. Also excluded are any events conducted inside any permanent structure and which do not impact on Town services.

(c) Flea Market - A sale of items of tangible personal property wherein on one (1) location there are multiple vendors who have paid a fee for the privilege of occupying the space allotted to each such vendor for the purpose of displaying and selling items of tangible personal- property.

8-22. License Required,

No person, corporation or organization shall carry on or conduct a special event without having first obtained a license from the Mayor and Common Council.

8-23. Issuance of License.

(a) Application - All applicants shall submit an application to the Town Clerk for consideration by the Mayor and Common Council at least 60 days prior to the special event. The application shall include the following information:

1. Date, times and location including zone of special event.
2. Name, address and phone number of applicant, property owner and emergency contact.
3. Detailed description of special event, including activities planned, estimated number of persons attending, etc.
4. Description of security.
5. Description of sanitary provision.

6. Description of health, fire and rescue squad provisions.
7. Traffic and parking control.
8. Evidence of insurance.
9. Alcohol or food permits required, if any.
10. Lighting.
11. Description of any proposed open flame cooking facilities or proposed use of any pressurized flammable or combustible gases.
12. Any and all other information necessary for the Mayor and common Council to properly evaluate the application.

(b) The Construction Official, Chief of Police, Fire Chief, Chief of the Hackettstown First Aid and Rescue Squad and Superintendent of the Department of Public Works shall all review the application and provide their comments and estimated cost of the Town services required prior to the consideration of the application by the Mayor and Common Council.

8-24. License Fee. The license fee under this Article shall be \$50.00 per special event and shall be due at the time of application. The Mayor and Common Council may vote to waive the fee where the special event is being operated for a non-profit organization whose exclusive purpose is devoted exclusively for eleemosynary, philanthropic, charitable or religious purposes.

8-24A. Reimbursement Agreement. (5-24-18)

1. The approval of any license application in which it is the opinion of the Mayor and Common Council that the special event will require the Town to incur municipal costs shall be conditioned upon the execution by the applicant of an agreement providing that the applicant will pay for all municipal costs incurred for the special event.

2. The applicant shall deposit with the Town 100% of the estimated municipal costs, including costs for all Town employees, staff or police officers anticipated to work at the special event, required to be reimbursed to the Town by the applicant prior to the issuance of the license by the Clerk. The applicant shall pay the balance owed, if any, for municipal costs within 10 days of the issuance of a bill from the Town. Any excess funds will be refunded to the applicant.

3. The Mayor and Common Council may in their sole discretion vote to waive all or some of the required reimbursement for special events sponsored by charitable or nonprofit organizations.

4. All Town employees, staff or police officers required to work a special event shall be paid their on duty rate.

8-24B. Flea Markets; License Required.

No person, firm or corporation may conduct a flea market other than a bona fide charitable, eleemosynary, educational or cultural organization organized not for profit and being able to establish that it is such type of nonprofit organization, subject, however, to the following requirements:

(a) Each organization authorized to conduct a flea market in accordance with this section shall obtain a special events license in accordance with this article.

(b) Flea Markets shall be limited to two (2) consecutive calendar days, and shall be conducted only between the hours of 9:00 a.m. and 5:00 p.m. There will be a maximum of two (2) rain dates allowed. No organization will be granted more than two (2) licenses for a flea market in any calendar year.

8-24C. Violations.

Any person who shall violate any provision of this Article shall, upon conviction, thereof, be punished by a fine not exceeding One Thousand (\$1,000.00) Dollars, or by imprisonment in the County Jail for a term not exceeding ninety (90) days, or both. Each day any violation of this Article shall continue shall constitute a separate offense and be punishable as such. The institution of any fine or penalty shall not relieve any applicant of the obligation to pay any municipal costs related to the special event.

ARTICLE 3. PEDDLERS AND SOLICITORS

8-25. Permit and License Required.

It shall be unlawful for any person to engage in the business of peddler, solicitor, or itinerant merchants as defined in Section 8-26 of this Article within the Town without first obtaining a license therefor as provided herein.

8-26. Definitions.

(a) Person: The word "person" as used shall include the singular and plural and shall mean and include any person, firm or corporation, association, club, partnership, society or any other organization.

(b) Peddler: A "peddler" is any person who goes from place to place by traveling on the streets and roads or from house to house carrying, conveying or transporting goods, wares, or merchandise for the purpose of selling and delivering them to customers. The word "peddler" shall include the words "hawker" and "huckster".

(c) Solicitor or Canvasser: A "Solicitor" is any person who goes from place to place by traveling on the streets or roads or from house to house taking or attempting to take orders for the sale of goods, wares and merchandise, or personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not such person has, carries or exposes for sale a sample of the object to be sold and whether or not they are collecting advance payments on such sales. The word "solicitor" shall include the word "canvasser", provided, however, that this definition shall not include wholesalers calling on retail merchants.

(d) Merchandising: "Merchandising" shall include all goods, wares, food, fruit, vegetables, farm products, magazines, periodicals, and all kinds of articles of personal property for domestic use; and orders or contracts for a service, home improvement or alterations shall be considered merchandise within the terms of this Article.

8-27. Exceptions from License.

The requirements of this Article shall not apply to the following:

(a) Any person honorably discharged from the military service of the United States possessing a peddler's license issued in conformity with N.J.S.A. 45:24-9.

(b) Any person who is an exempt fireman of a volunteer Fire Department as defined by N.J.S.A. 45:24-9, possessing a license in conformity with said law.

(c) Any person engaged in the delivery of goods, wares or merchandise or other articles or things in the regular course of business, to the premises or persons who had previously ordered the same or were entitled to receive the same by reasons of a prior agreement.

(d) Any school, charitable, political or civic organization, benevolent society, service club, or organization not for profit which is located in, or has a substantial membership from the Town of Hackettstown, and carrying identification assigned by the organization the canvasser represents shall be excepted from the provisions of this Article.

8-28. Application for License.

Every applicant for a license under this Article shall file with the Chief of Police a sworn written application containing the following information:

(a) Name and description of the applicant.

(b) Permanent home address and full local address of the applicant.

(c) A brief statement of the nature of the business and a description of the merchandise or service to be sold.

(d) If employed, the name and address of the employer, together with credentials establishing the exact relationship.

(e) The length of time for which the license is desired.

(f) If a vehicle is to be used, a description of such vehicle and its license number.

(g) The place where the goods or property to be sold or offered for sale or manufactured or produced, where such goods or property are located at the time such application is filed, and the proposed method of delivery.

(h) A photograph of the applicant taken within (60) days immediately prior to the date of application, which photograph shall clearly show the head and shoulders of the applicant and shall measure 2" x 2".

(i) Two (2) business references located in the County of Warren, State of New Jersey; or in lieu thereof, such other available evidence of the character and business responsibility of the applicant as will enable an investigator to properly evaluate such character and responsibility.

(j) A statement as to whether the applicant has been convicted of any crime, misdemeanor, or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefor.

8-29. Fees. (5-24-18)

(a) Registration Fee: At the time the application is filed, a fee of fifty (\$50.00) dollars shall be paid to the Town Clerk to cover the cost of processing the application and investigating the facts stated therein.

(b) License Fee: The license fee which shall be charged by the Town Clerk for the issuance of a license hereunder shall be one hundred (\$100.00) dollars per day, two hundred (\$200.00) dollars per week, two hundred fifty (\$250.00) dollars per month, and three hundred (\$300.00) dollars per year.

8-30. Investigation and Issuance of License.

When the aforesaid application is properly filled out and signed by the applicant, the original and duplicate thereof are filed with the Chief of Police, who shall make or cause to be made, such investigation of the applicant's business responsibility and moral character as deemed necessary for the protection of the public good. The duplicate shall be kept on file in the Police Department upon completion of the investigation.

(a) If, as a result of such investigation, the applicant's character or business responsibility is found to be unsatisfactory, the Chief of Police shall endorse on such application his disapproval and the reasons therefor, and shall notify the applicant that the application is disapproved, and that no license shall be issued. Any determination by the Chief of Police that an application is unsatisfactory shall be based on one or more of the following findings with respect to the applicant:

- (1) Conviction of a crime involving turpitude.
- (2) Prior violation of a peddling or soliciting ordinance.
- (3) Previous fraudulent acts or conduct.
- (4) Record of breaches of soliciting contracts.
- (5) Evidence of bad character.
- (6) The background investigation shall include a determination of whether a person has a criminal record by cross referencing that person's name and fingerprints with those on file with the Federal Bureau of Investigation and/or the New Jersey State Bureau of Identification within the New Jersey State Police. All costs related to securing the fingerprint check will be at the applicant's cost. If fingerprint checks are not available except to the individual whose background is being checked then the individual will secure the fingerprint check at their cost.

In the absence of any such findings, the Chief of Police shall find the applicant "satisfactory."

(b) If, as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the Chief of Police shall issue the license to the applicant. Such license shall contain the signature of the issuing officer and shall show the name, address, and photograph of the licensee, the class of license issued, the kinds of goods or services to be sold thereunder, the date of issue, the length of time the license shall be operative, and the license number and other identifying description of any vehicle used in peddling or soliciting activity licensed.

8-31. Duties of Licensee.

Every holder of a peddler's license or solicitor's license issued under the authority of R.S. 45:24-9 shall be required to display such license with them while engaged in the business or activity licensed within the corporate limits of the Town of Hackettstown. The licensee shall produce such license at the request of any official of said Town or of any resident of said Town with whom they wish to conduct their said business or activity. Every such licensee shall restrict their selling activity within the Town of Hackettstown to the hours of between 9:00 a.m. and 5:00 p.m. prevailing time on Mondays through Fridays, shall notify the Police Officer on duty at least once in every week in which they plan to conduct said activity, and before commencing their selling or soliciting activity. Such notification shall include a statement of the general area of the Town in which the licensee intends to conduct said activity, and a schedule of dates and times when said activity shall be conducted. The licensee shall notify the Police Officers on duty of any change in area or time solicitation, should such changes be made during the week.

8-32. Prohibited Practices.

No licensee shall allow any other person to use the license issued hereunder, and the use of such license by any person other than the licensee shall constitute grounds for revocation of the license.

8-33. Enforcement.

It shall be the duty of any Police Officer of the Town to enforce the provisions of this Article and require any person seen peddling or soliciting who is not known by such officer to be duly licensed, to produce their peddler's or solicitor's license.

8-34. Records.

The Chief of Police shall maintain a record of all licenses issued under the provision of this Article and shall record therein all convictions for violations of this Article and other pertinent circumstances and incidents.

8-35. Revocation of License.

(a) Licenses issued under the provisions of this Article may be revoked by the Council of the Town after notice and hearing for any of the following causes:

1. Fraud: misrepresentation or false statement contained in the application for license.
2. Fraud: misrepresentation or false statement by the licensee in the course of conducting the business licensed.
3. Any violation of this Article.
4. Conviction of any crime involving moral turpitude.
5. Conducting the business licensed in an unlawful manner or in such a manner as to constitute a breach of the peace or a menace to the health, safety or general welfare of the public.

(b) Notice of the hearing for revocation of a license shall be given in writing. Such notice shall set forth the specific grounds of complaint and the time and place of hearing, and shall be sent by registered mail to the licensee at their last known address at least five (5) days prior to the date set for hearing.

(c) In the event the Chief of Police shall determine that there has been a violation of any of items 1 through 5 of Paragraph (a) above, then and in that case the Chief shall immediately notify the Town Council of said violation and shall order the licensee to suspend further operation until a hearing in accordance with the provisions of this Article.

8-36. Appeal.

Any person aggrieved by the action of the Chief of Police or of the Town Clerk in the denial of a license as provided in Section 8-30 of this Article, shall have the right to appeal to the Town Council.

Such appeal shall be taken by filing with the Council within fourteen (14) days after the notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal. The Town Council shall set a time and place for hearing on such appeal, and notice of such hearing shall be given to the applicant in the same manner as provided in Section 8-35 of this Article for notice of hearing on revocation. The decision of the Town Council on such appeal shall be final and conclusive.

8-37. Expiration and Renewal of License.

No license issued under the provision of this Article shall extend past one (1) year from the date that the license was issued. Any such license may be renewed, upon payment of a fee of \$10.00 and upon the submission of a new application in conformity with the requirements of Section 8-28 of this Article or, in lieu thereof, a sworn statement in writing setting forth all changes in the information contained in the application for the expired license which are necessary to bring said application completely up to date. Such new application or statement in lieu thereof shall be subject to the provisions and standards set forth in Section 8-28 of this Article.

8-38. Penalty for Violation.

Any person violating any of the provisions of this Article shall, upon conviction thereof, be subject to a fine not to exceed Five Hundred (\$500.00) Dollars, or to imprisonment not to exceed ninety (90) days, or both. (12-13-71)

ARTICLE 4. COIN OPERATED AMUSEMENT DEVICES

8-45. Definitions.

(a) The term "coin-operated amusement device" as used herein means any amusement machine or device operated by means of the insertion of a coin, token or similar object for the purpose of amusement or skill and for the playing of which a fee is charged. The term does not include vending machines in which are not incorporated gaming or amusement features and does not include any coin-operated mechanical musical devices, such as juke boxes used solely for the purpose of listening to music.

(b) The term "proprietor" is hereby defined to be any person, firm, corporation, partnership, association or club who, as the owner, lessee, or operator, has under their or its control any establishment, place or premises in or at which a coin-operated amusement device or devices are placed or kept for use or play, or on exhibition for the purpose of use or play.

8-46. Licenses Required.

(a) No person, firm, corporation, or other entity shall engage in the business of proprietor of coin-operated amusement device or devices as the terms are herein defined in any store, shop, tavern, restaurant or other place of business within the Town of Hackettstown, without first having obtained a proprietor's license.

(b) No person, firm, corporation or other entity shall place or keep for use or play or on exhibition for the purpose of use or play in any store, shop, tavern, restaurant or other place of business a coin-operated amusement device for which a machine license shall not have been issued.

8-47. Proprietor's License.

The license fee for each proprietor shall be \$165.00 per year for each place of business at which a coin-operated amusement device or devices shall be set up for operation, leased or exhibited or otherwise provided for the purpose of operation by another unless there are less than three machines at such place of business in which case the annual fee shall be \$30.00 for each place of business. All proprietor's license fees shall be payable annually in advance, provided that where application is made after the expiration of any portion of any license year, a license may be issued for the remainder thereof upon payment of the full annual fee. In no case shall any portion of said license fee be refunded to the licensee. Proprietor's licenses shall expire on December 31st of the year for which said licenses were issued. In no event shall a proprietor's license be transferable.

8-48. Coin-operated Amusement Device License Fee.

The license fee for each coin-operated amusement device as herein defined shall be fifty-five (\$55.00) dollars per year for each device used or played or exhibited for use or play. All coin-operated amusement device license fees shall be payable annually in advance, provided that where applications made after the expiration of any portion of any license year, a license may be issued for the remainder thereof, upon payment of the full annual fee. Coin-operated amusement device licenses shall expire on December 31st of the year for which said licenses were issued.

8-49. Applications for Licenses.

(a) Application for a proprietor's license hereunder shall be filed in writing with the Municipal Clerk on a form to be provided by the Town of Hackettstown and shall specify:

1. The name and address of the applicant; and if a firm, corporation, partnership or association, the principal officers and owners of an interest in excess of 10% and their addresses.
2. The address and area of the premises where the licensed device or devices are to be operated together with the character of the business as carried on at such place.
3. The trade name and general description of the device or devices to be used, the name and address of the supplier or suppliers thereof, and the number of devices to be used which number shall be endorsed on the proprietor's license.
4. The proper license fee shall accompany each and every such application.
5. Such other information as shall be necessary to investigate and evaluate the standards specified in Section 8-50.

(b) Application for a coin-operated amusement device license hereunder shall be filed in writing with the Municipal Clerk on a form to be provided by the Town of Hackettstown and shall specify.

1. Name and address of proprietor and address of licensed premises of proprietor and proprietor's license number.
2. The name and address of the owner, lessor, lessee, bailee, lien-holder or any other person having a pecuniary or proprietary interest in the coin-operated amusement device.
3. In no event shall a license for a coin-operated amusement device be issued to other than a proprietor licensed hereunder.

8-50. Licensing Standards.

Upon receipt of an application for a license to be a proprietor, as herein defined, of any coin-operated amusement device, the Clerk shall notify the Mayor and Council of the Town of Hackettstown which shall make, or cause to be made, an investigation within 45 days of the time of said application. Such investigation shall include, but need not be limited to the following:

(a) The Building Inspector shall make or cause to be made, an inspection with regard to such licenses, of the premises at which the coin-operated amusement device is proposed to be located. Such inspection shall consider the preventing of nuisances, the control of the spread of disease, the protection of the public health and such other considerations as are consistent with the Regulations as set forth in Section 8-52 of this Article.

(b) The Building Inspector shall also make or cause to be made, such inspection as are relative to the construction and safety of the building or other structures proposed as the premises at which any coin-operated amusement device is to be located.

(c) The Chief of Police shall make or cause to be made such additional investigations as are required to ensure that the Regulations as set forth in Section 8-52 of this Article will be complied with by the applicant at the proposed location; to further ensure that the safety and welfare of the public will be protected and provided for by the applicant at the proposed location to further ensure that the safety and welfare of the public will be protected and provided for by the applicant at the proposed location; and, to investigate such other considerations as are consistent with the said Regulations.

(d) The Mayor and Council may make such further investigations of the applicant as they may deem necessary.

8-51. Increasing Number of Devices.

(a) In the event the proprietor licensed under the provisions of this Article desires, after the expiration of any portion of any license year, to increase the number of devices to be used or played, or exhibited for use or play in their establishment the proprietor shall file an amendment to their original application, filed pursuant to section 8-49 (a) hereof. The Municipal Clerk, shall issue an amendment to the license showing the number of devices licensed thereunder, upon payment of a filing fee of Twenty-five (\$25.00) Dollars to increase the number of devices and upon the issuance pursuant hereto of coin-operated amusement device licenses for each new coin-operated amusement device, and payment of the fee for each such new device.

8-52. Regulations.

(a) Premises used for the business of a proprietor of coin-operated amusement devices must be kept in a clean and sanitary condition and shall provide such toilet facilities as may be required by law. No refuse of any kind shall be permitted to accumulate on such premises; the said premises shall have suitable and convenient and sanitary receptacles for receiving waste and trash materials and other refuse; and, the said premises must be kept free from rats, mice and vermin. The floors or other surfaces around, beneath or adjacent to any coin-operated amusement device shall be kept in a clean and sanitary condition and in good order and repair.

(b) No coin-operated amusement devices, licensed, or not, shall be conducted, operated or installed as to amount to a nuisance in fact.

(c) No premises at which is located a coin-operated amusement device within the Town of Hackettstown shall be situated within 250 feet portal-to-portal, of a premises used as a church or school, whether such church or school shall be situated within or without the Town of Hackettstown.

(d) No coin-operated amusement device shall be placed at any location in the Town of Hackettstown where it will disturb the peace and quiet of persons outside the immediate premises within which the said device is located.

(e) No coin-operated amusement device shall be located in that part of the Town of Hackettstown within or without a building, so near a public thoroughfare or passageway as to disturb or otherwise interfere with the movement of pedestrians or motor vehicles.

(f) Premises used for the business of a proprietor of any coin-operated amusement device in the Town of Hackettstown must at all times, have safe and adequate lighting and the said operator or proprietor shall be responsible for the maintenance, repair and extension of said lighting.

(g) Nothing herein stated shall be construed to exempt any licensee hereunder from complying with the requirements of any other ordinance of the Town of Hackettstown.

(h) It shall be unlawful for any proprietor to allow the possession and or use of any intoxicating liquor by any person in the premises wherein coin operated amusement devices are set up for use, unless the proprietor is licensed to sell intoxicating liquor on the premises wherein the coin-operated amusement devices have been set up for operation.

(i) No place of business shall be established or operated except in accordance with a floor plan approved by the construction code official. The floor plan must show exits, layout of machines, tables, furniture, etc. and the construction official shall then determine a reasonable occupancy load in accordance with the Uniform Construction Code, and it shall be unlawful to allow occupancy in excess

of the occupancy load so determined. There shall be no less than twenty (20) square feet of gross floor space per machine.

8-53. Inspection.

(a) The Chief of Police shall inspect or cause to be inspected any place or building in which any such device is located; to inspect, investigate, and test such devices, as may be required, and is hereby authorized to seize and hold for such further disposition that is authorized by law, any such coinoperated amusement device found to be in violation of this Article.

(b) It shall be the duty of the Health Officer to make or cause to be made such inspections as may be necessary to insure compliance with the provisions of this Article for the protection of the public health.

8-54. Penalties.

Any person, firm, corporation, partnership, association or other entity convicted by the Municipal Court of the Town of Hackettstown for the violation of the provisions of this Article shall be subject to a fine of not more than \$200.00, or imprisonment in the County Jail for a term not to exceed ninety days, or both of the above. Each day that a violation of the provisions of this Article continues shall be considered to be a separate offense.

ARTICLE 5. TAXICABS

8-55. Definitions.

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

DRIVER: Any person who drives or will drive a regulated vehicle.

OPERATOR: Any corporation, partnership, sole proprietorship, association, or person in whose name any regulated vehicle is registered with the Department of Motor Vehicles and/or who operates or will operate any regulated vehicle.

REGULATED VEHICLE: Any vehicle engaged in the carrying of passengers for hire, including but not limited to taxicabs, limousines, vans, minivans, omnibuses and all similar vehicles, but not including those public conveyances regulated exclusively by state or federal law.

8-56. License required.

It shall be unlawful to hire out, operate, garage or park any regulated vehicle within the Town of Hackettstown unless said regulated vehicle and the driver thereof are licensed pursuant to this chapter.

8-57. Term of license.

All operator's and driver's licenses issued under this chapter shall be valid from the date of their issuance through the following May 1st. Renewed licenses shall be valid from May 1st through May 1st of the succeeding year unless suspended or revoked.

8-58. Fees. (5-24-18)

Operators shall be required to pay the following license fees:

- A. For each regulated vehicle: \$150.00 per vehicle.
- B. For each driver: \$75.00 per driver for initial license and renewal.
- C. Any license issued for any regulated vehicle may be transferred in accordance with this chapter upon payment of a fee of \$50.00

8-59. Issuance of Licenses, Transfers, Licensing of Substitute Vehicles.

A. The Town Clerk is hereby authorized to issue licenses for regulated vehicles, and drivers of regulated vehicles licenses and driver's licenses upon receiving notice of approval of the application(s) therefore from the Mayor and Common Council. Each regulated vehicle license shall set forth the dates said license will remain effective and the maximum number of passengers permitted in the vehicle. The maximum number will be determined by allowing one passenger in the front seat and two or three passengers in each additional row of seating depending upon the type of seating available. Each driver's license shall set forth the dates said license will remain effective and shall include a current and clear picture of the driver, the driver's full name, the operator's business name, and a brief description of the driver, including his or her age, height, complexion, color of hair and color of eyes. The maximum number of taxicab licenses outstanding at any time shall not exceed ten (10) vehicles.

B. Nothing contained in this section shall prevent the renewal of licenses in existence on the effective date of this section. For the purpose of this section, any license for a new license term which is issued to replace a license which expired on the last day of the license term immediately preceding the commencement of the new license term, or which is issued to replace a license which will expire on the last day of the license term immediately preceding the commencement of said new license term, shall be deemed to be a renewal of the expired or expiring license; provided, however, that said new license is of the same type as the expired or expiring license, is issued to the holder of the expired or expiring license and is issued pursuant to an application therefor which shall have been filed prior to the expiration of the expiring license. Licenses issued otherwise than herein provided shall be deemed to be new licenses.

C. Transfers; licensing of substitute vehicle.

1. No owner of any licensed taxicab or livery shall sell, lease, rent, assign, hire, transfer or in any other manner dispose of such taxicab or livery or any taxicab or livery business without notification to the Mayor and Common Council; and no owner of any licensed taxicab or livery shall sell, lease, rent, assign, hire, transfer or in any other manner dispose of any taxicab license without first obtaining proper transfer of the license.

2. In the event that any licensed owner shall acquire a vehicle during any license period which is intended to be used as a substitute for one previously licensed, the owner thereof shall immediately notify the Town Clerk, in writing, of such substitution and apply for a transfer of the

license from the previously licensed vehicle to the one to be substituted therefor. Subject to the provisions of this chapter and the payment of the transfer fee, the Town Clerk shall approve the transfer of such license.

3. During the period subsequent to such notification and prior to the approval or disapproval by the Mayor and Common Council of the transfer of the license to permit the operation of such substituted vehicle, the owner may operate such substituted vehicle or cause the same to be operated, subject to the other provisions of this chapter.

4. Nothing herein contained, however, shall be construed as authorizing any person who is not presently licensed as an owner to operate or permit the operation of any taxicab or livery owned by him, as herein defined, prior to the granting to him of an owner's license; nor does it authorize the operation by a licensed owner of any additional vehicle for which no owner's license has been granted, pending approval by the Mayor and Common Council.

8-60. Insurance and power of attorney requirements:

Operators, upon applying for a regulated vehicle license shall furnish proof of an insurance policy covering each regulated vehicle in accordance with N.J.S.A. 48:16-1 et seq., as amended and supplemented from time to time. However, minimum coverage requirements for each regulated vehicle are as follows: for taxicabs, at least \$500,000 per occurrence; for limousines and all other regulated vehicles, at least \$1,500,000 per occurrence. Operators must produce proof that the required insurance policy will be in effect as of May 1st and shall include a thirty (30) day cancellation clause. Each owner shall also execute and deliver to the Town Clerk the required power of attorney in accordance with N.J.S.A. 48:16-1 et seq., as amended and supplemented from time to time.

8-61. State inspection, parking and sign requirements.

A. Operators must provide proof that each regulated vehicle has been inspected by a state-operated mobil inspection facility when the facility is located within the Town of Hackettstown.

B. Operators must provide proof that each regulated vehicle has a garage or designated parking space located on private property where said vehicle will be stored when not in use. Written

approval from the owner or renter of said private property must be produced. No more than one regulated vehicle may be stored at any single residential property located within the Town of Hackettstown.

C. All regulated vehicles must have permanently affixed signs on the driver and passenger doors setting forth the operator's business name, regulated vehicle license number, the maximum number of passengers allowed by said license, and the business office telephone number. If the word "taxi" or "cab" does not appear in the owner's name then the word "taxi", "taxicab" or "cab" must also be painted on both sides. The letters and numbers on said signs must be at least three inches tall and two inches wide and must be clearly visible from a distance of 50 feet.

D. The schedule of fares to be charged shall be clearly and prominently displayed in each regulated vehicle. The schedule of fares shall also be provided with the annual application for a vehicle license.

8-62. Business office to be maintained; hours and days of operation.

All operators, upon applying for one or more regulated vehicle licenses, shall be required to maintain a business office in any zone permitted for such an office within the Town of Hackettstown. The address and telephone number of said office must be listed on all regulated vehicle locations. All operators of more than one regulated vehicle must remain open for service between the hours of 7:00A.M. and 1:00A.M. the following day and may offer continued operations during any other hours.

8-63. Photographs and fingerprints required; age requirement.

A. Each applicant for a regulated vehicle driver's license shall, upon making application therefore, furnish his or her existing driver's license for a record check and three recent photographs of passport size, one of which shall be retained by the Town Clerk, another which shall be affixed to the driver's license, and the third which shall be affixed to a card, suitably framed under any transparent covering such as plastic or other transparent non-breakable glass covering approved by the Police Department and displayed in a prominent place in the interior of the regulated vehicle being driven. Said card must also contain a brief description of the driver, including his or her age height, complexion, color of hair and color of eyes.

B. Each applicant for a license shall provide proof that he or she is at least 21 years of age and is either a citizen of the United States or has legal immigration status.

C. Each applicant shall supply an FBI fingerprint criminal history background check or, in the alternative, a National Crime Information Check dated within six (6) months of the beginning of the license term.

D. Each applicant must be able to understand, read and write the English language.

E. Each applicant must possess a satisfactory knowledge of traffic regulations and of the geography of the Town.

8-64. Maintenance of regulated vehicles.

Every regulated vehicle licensed pursuant to this chapter shall be properly maintained and equipped at all times in accordance with the manufacturer's recommendations and the standards and regulations of the New Jersey State Motor Vehicles and Traffic Regulation Act and shall further comply with the following additional requirements:

A. The interior shall be clean and sanitary, meaning that the upholstery and carpeting shall be reasonably free from debris, tears, holes, cuts and stains. Maintaining the regulated vehicle in a sanitary condition means keeping the regulated vehicle free from defects which could adversely affect the health of passengers, such as the presence of volatile fumes, spoiled food or garbage, blood stains or any other items which could affect the health of passengers of the driver.

B. All doors shall open easily and close firmly. This provision requires the immediate repair of doors which cannot be closed by the standard handle for said door (i.e., closing the door with a piece of rope or wire). Furthermore, the door must not be able to be opened without using the door handle, and all locks on the vehicle must operate such as to prohibit the opening of any door while the lock is engaged.

C. Seat belts shall be fully functional and available for the driver and all passengers. Town, damaged or missing seat belts must be immediately replaced.

D. The exterior shall be clean and free from rust and peeling paint, and all wheels shall be covered by hubcaps.

E. Dents shall not be larger than those that normally occur as a result of parking next to other vehicles, all dents larger than three inches must be repaired promptly. Dents shall be construed to cover damage on any portion of the regulated vehicle, including bumpers and any other exterior facets.

F. Each regulated vehicle in operation must be kept in proper operating condition at all times, including but not limited to a properly functioning muffler and emissions system, a clear and undamaged windshield and windows (no tinting of rear windows shall be permitted). The Police Department of the Town of Hackettstown can request an inspection or emissions test for any regulated vehicle if, in its sole discretion, cause exists to believe said regulated vehicle is not in compliance with the maintenance requirements set forth herein.

G. Upon application for a regulated vehicle license or upon application for renewal of a license, a member of the Hackettstown Police Department shall inspect each regulated vehicle for any violations of the requirements of this chapter. If any violations are found, the Police Department shall inform the Town Clerk that no license should be issued on the applicant's vehicle. Under such circumstances, the Police Department will inform the applicant what repairs need to be completed before issuance of a license can occur. In no way should the provisions of this chapter be interpreted as to prohibit an applicant from having a previously rejected vehicle re-inspected after the required repairs are completed. An applicant aggrieved by any provisions of this section has an immediate right of appeal to the Mayor and Common Council.

H. The operator of a taxicab shall not smoke a cigarette, cigar or pipe while the taxicab is occupied by passengers.

I. Beginning on January 1, 2012, any regulated vehicle not previously licensed as a taxicab must be painted taxicab yellow.

8-65. Record of trips.

The drivers of all regulated vehicles must keep a written record of each trip, including the date and exact time the trip commenced and ended and the number of passengers carried. Trip records must be maintained by the operator for at least one year and must be made available for inspection by the Police Department of the Town of Hackettstown or any other law enforcement agency upon request.

No person shall cruise on the streets of the Town at any time for the purpose of soliciting passengers.

8-66. Traffic regulations and limitation on solicitation.

A. All drivers will be held fully responsible for compliance with all traffic, parking and safety regulations on the road. In addition, all passengers will be required to enter and exit all regulated vehicles through the door or doors closest to the curb where said passengers are waiting for pick up or are being dropped off.

B. Regulated vehicles that are registered with the state as limousines shall not be allowed to solicit fares on the road and may only pick up passengers who have prearranged said limousine transportation by telephone.

8-67. Refusal to issue license; suspension or revocation.

The Mayor and Common Council may refuse to issue a license or suspend any license or revoke any license after notice and hearing if:

A. This chapter is violated in any particular.

B. The operator or driver has been convicted of a felony, misdemeanor, Disorderly persons or frequent or significant violations of Title 39 of the Revised Status of New Jersey.

C. The driver fails to render reasonably prompt and adequate service while driving a regulated vehicle, has contributed to injury to person or property, or for other good cause.

D. The regulated vehicle has become unsafe or unsanitary, or the policy of insurance provided for in Paragraph 8-60 of this chapter has been allowed to lapse and no substitute has been furnished prior to the effective date of said lapse.

E. The falsification of any information contained in the application for a license.

8-68.

This Section left blank intentionally.

8-69.

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8-70.

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8-71: Violations and Penalties. (5-10-18)

Except as required by N.J.S.A. 48:16-1 et seq., any operator and/or driver found to have violated the provisions of this chapter may have his or her license issued hereunder suspended or revoked by the Mayor and Common Council, and repeat offenders are subject to revocation of all their licenses issued hereunder. Furthermore, upon conviction of said violation by the Municipal Court, any operator and/or driver shall be subject to one or more of the following: a fine of not less than \$750.00 and not more than \$1,000.00, a term of imprisonment not exceeding 90 days or a period of community service not exceeding 90 days. Notwithstanding the above, upon conviction by the Municipal Court of a violation of Section 8-61, 8-64(A), 8-64(B), 8-64(C), 8- 64(F), 8-64(G), and 8-66(A), any operator and/or driver shall be subject to one or more of the following: a fine of not less than \$1,000.00 and not more than \$2,000.00, a term of imprisonment not exceeding 90 days or a period of community service not exceeding 90 days.

ARTICLE 6. TRAILER PARKS

8-75. License Required.

No person shall conduct or carry on the business of the operation of a trailer park, or work in, occupy, or directly or indirectly in any manner whatsoever, utilize any place or premises in which is conducted or carried on a trailer park, unless and until there shall be granted by the Common Council, in accordance with the terms of this Article, and shall be in force and effect, a license to conduct said trailer park for the place and premises at which the same shall be carried on. (12-12-55 sl)

8-76. Definition.

For the purpose of this Article, a "Trailer Park" shall mean: Any place where two (2) or more trailers may be parked for longer than three (3) hours, other than in a closed building. "Trailer" shall mean: Any vehicle used or constructed to be used as a conveyance upon public streets, whether self-propelled or otherwise, and so designed as to permit the occupancy thereof as a dwelling or sleeping place, and non self-propelled vehicles of any kind or character constructed or intended to be moved under fuel power. (12-12-55 s2)

8-77. Form of Application.

Said license shall be applied for by written application filed with the Town Clerk. Said application shall set forth the full name and address of the applicant, the particular kind or character of business to be carried on or conducted, vehicles parked, the location or place of the premises in or at which the same is to be carried on, the total area of the ground space thereof and a diagram of same. Said application shall also be accompanied by a deposit to cover the license fee for the current year in the amount hereinafter provided, which said license fee, after the beginning of the year, as to any said place, shall be proportionately prorated for the remainder of the year. (2-12-55s3)

8-78. Parking Trailer on Street.

It shall be unlawful for any person to park any trailer or camp car for any period exceeding two (2) hours on any street in the Town. (2-12-55 s4)

8-79. License Fee.

The license fee for a trailer park shall be four hundred fifty (\$450.00) dollars per annum, and the

sum of three (\$3.00) dollars per calendar week per trailer in a park. In the event a trailer is parked in a park for less than one (1) calendar week, the fee shall be two (\$2.00) dollars. Said license shall expire on December 31st of each year, and said fee is hereby expressly declared to be imposed for revenue. The said sum of four hundred fifty (\$450.00) dollars shall be payable in advance for each year. Each licensee shall maintain a camp register, and each month submit two (2) copies of the same so far as it pertains to the previous month, setting forth the license number of each trailer, serial number, body type and license number of each automobile, date of arrival, whether still at camp, and if out, the date of departure, and the age, name and last permanent address of the owner of each car and trailer and of each occupant thereof. A copy shall be delivered to the Town Clerk and a copy to the Tax Collector, together with payment to the Tax Collector of any and all fees due the Town as provided herein. No license shall be transferable without the permission and approval of the Common Council.

8-80. Water Supply Required.

The licensee shall provide an adequate supply of pure drinking water. Said water supply shall be obtained from faucets only, conveniently located in said park grounds, and no dipping vessels or common cups shall be permitted. (12-22-55s6)

8-81. Sanitary Facilities Required.

The licensee shall provide adequate sanitary facilities which shall include one (1) men's toilet and one (1) women's toilet for each ten (10) dependent trailers. Adequate cesspools or septic tank systems shall be provided for use in connection with said sanitary facilities. The licensee shall comply with all regulations of the Board of Health. A dependent trailer means one without its own toilet fixtures. (12-12-55 s7)

8-82. Dumping of Waste Prohibited.

There shall be no dumping of waste material on the ground. Same must go into garbage and ash cans provided by the licensee, which shall be properly disposed of by said licensee. Such receptacles shall be maintained in a clean and sanitary condition at all times.

8-83. Deposit of Waste on Ground from Sinks, Baths, etc., Prohibited.

It shall be unlawful to permit any waste water or matter from sinks, baths, cesspools, septic tanks or other plumbing fixtures, or means of disposal in camp cars and or trailers to be deposited upon the

surface of the ground, and all such fixtures and devices, when in use, must be connected to the park disposal system or the drainage therefrom must be disposed of in a manner satisfactory to the Board of Health. (12-12-55 s9)

8-84. Lighting.

The licensee shall provide adequate illumination in the park grounds and toilets. Such lights shall be illuminated from one-half hour after sunset to one-half hour before sunrise. (12-12-55 s10)

8-85. Area Requirements.

Every park ground hereafter established shall provide for a minimum of 2,000 square feet of space per trailer or camp car. Camp cars and or trailers shall be arranged abutting or facing on a driveway or clear unoccupied space not less than 20 feet in width, which space shall have unobstructed access to a public street or alley. (12-12-55 s11)

8-86. Drainage; Grading.

Every park ground hereafter established shall be located on a well-drained area and the premises of every such park ground or any existing park ground shall be properly graded and surfaced. (12-12-55 s12)

8-87. Distance from Side Lines; Living Hedge Required.

It is further provided that no license to conduct a trailer park or sleeping quarters intended to be provided as described in the application, shall be issued if any of the sleeping quarters or any of the outside sanitary conveniences to be provided are within twenty-five (25') feet of the property line of the park; and where the property line of the park shall adjoin other private property, there shall be a living hedge at least six (6') feet high.

8-88. Removing Wheels or Permanently Fixing Trailer to Ground Prohibited.

It shall be unlawful for the licensee operating said trailer park to remove or cause to have removed, or permit the removal of, the wheels of any trailer, or otherwise permanently fix it to the ground in a manner that would prevent the ready removal of said camp car or trailer without first obtaining a permit to do so from the Town Clerk. Any alteration of any camp car or trailer as set forth above shall be deemed as removing it from the requirements of this ordinance and converting it into a

dwelling, and it shall thereupon be subject to the requirements of the Zoning Ordinance or any building code now or hereafter in effect. (12-12-55 sl4)

8-89. Illegal Activity Prohibited.

No person shall permit any such licensed premises to be used for illegal purposes or suffer the violation thereon or therein of any penal law or of any ordinance of the Town. (12-12-55 sl5)

8-90. Premises to Comply With All Local Laws and Regulations.

Such licensed place or premises shall at all times comply with all proper police, health and fire regulations imposed by the Common Council or Board of Health. Said business and the place and premises where conducted shall be subject to examination and inspection at all reasonable times by the Common Council or a Committee thereof, and by the Fire and Health Authorities of the Town. (12-12-55 sl6)

8-91. Revocation of License.

In case of failure or refusal to comply with any of the terms or provisions of this Article, the Common Council may on notice and hearing refuse or revoke any license applied for or granted hereunder. (12-12-55 sl7)

8-92. Violations.

Any person who shall violate any provisions of this Article shall, upon conviction thereof, be punished by a fine not exceeding Five Hundred (\$500.00) Dollars, or by imprisonment in the County Jail for a term not exceeding ninety (90) days, or both. Each twenty-four (24) hour period of said violation shall be deemed to be a separate offense and punishable as aforesaid. (12-12-55 sl8)

ARTICLE 7. TRANSIENT MERCHANTS

8-100. License Required.

Any person who desires to engage in the merchandise business in this Town with intent to close out or discontinue such business within a period of six (6) months from date of such actual commencement, and occupies a room, building, tent, lot or other premises for the purpose of selling goods, wares and merchandise, shall be known as what is commonly called a "Transient Merchant" or

"Itinerant Vendor", and shall be required to first take out a license obtainable from the Town Clerk in the manner and upon the further conditions hereinafter set forth. (8-23-37 sl)

8-101. Deposit Required.

Every transient merchant or itinerant vendor, before receiving a license to conduct any business in this town, shall deposit two hundred twenty (\$220.00) dollars in cash with the Town Clerk, with a guarantee that such person will conduct such business in this Town for a longer period than six (6) months. In the event such merchant does stay for a long period than six (6) months, the said deposit shall be refunded to said licensee in full; otherwise, said deposit shall be considered forfeited and be retained by the Treasurer for the benefit of the Town.

8-102. Application Fee.

Application for such license shall be made to the Town Clerk, who is hereby authorized to grant such license under his hand and seal of said Town, which license shall state the name of the licensee, the place and character of business so licensed, and the date of issue. (8-23-37 s3)

8-103. Violations.

Any person who shall violate any provisions of this Article shall, upon conviction thereof, be punished by a fine not exceeding Five Hundred (\$500.00) Dollars, or by imprisonment in the County Jail for a term not exceeding ninety (90) days, or both. (8-23-37 s4)

ARTICLE 8. RETAIL FOOD ESTABLISHMENTS (Repealed 12-8-22)

Article 8. (Retail Food Establishments) of Chapter 8 (Business and Occupations) of the Town Code, Sections 8-110 through 8-114, is hereby repealed and shall be of no force and effect whatsoever.

ARTICLE 9. GOING OUT OF BUSINESS SALES

8-120. License, Inventory and Fees.

It shall be unlawful for any person to advertise or conduct any sale of goods, wares or merchandise at retail that is represented as a bankrupt, insolvent, assignees', adjusters', trustees', executors', administrators', receivers', wholesalers', jobbers', manufacturers', closing-out, liquidation, closing-stock, fire-or-water damage sale, or any other sale which is representation or advertisement, intended to lead the public to believe that the person conducting such sale is selling out or closing out the goods, wares or merchandise of any business for less than the current or going retail price thereof in the Town of Hackettstown, without first obtaining from the Town Clerk a license to so do, to be known as a "Closing-Out Sale License." The fee for such license shall be One Hundred (\$100.00) Dollars, provided that only one (1) such license shall be issued to any one (1) person within a twenty-four (24) month period, and no such license shall be issued for more than ninety (90) consecutive days.

8-121. Filing of Application.

Any person desiring to conduct a sale regulated by this Article shall make a written application to the Town Clerk setting forth and containing the following information:

- (a) The true names and addresses of the owners of the goods to be the object of the sale.
- (b) A description of the place where such sale is to be held.
- (c) The dates of the period of time in which the sale is to be conducted.
- (d) The means to be employed in advertising said sale, together with the proposed content of any advertisement.

8-122. Violations.

Any person, firm or corporation who shall violate any of the provisions of this Article shall, upon conviction, be punished by a fine not to exceed Five Hundred (\$500.00) Dollars, or by imprisonment in the County Jail for a period not to exceed ninety (90) days, or by both such fine and imprisonment. Each violation of any of the provisions of this Article and each day the same is violated shall be deemed and taken to be a separate distinct offense.

ARTICLE 10. ADULT ESTABLISHMENTS

8-123. Definitions.

(a) "Adult bookstore" means a bookstore having a preponderance of its publications, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined in this section.

(b) "Adult Establishment" means an adult bookstore, adult motion picture theater, adult mini motion picture theater, or a massage business as defined in this section.

(c) "Adult motion picture theater" means an enclosed building with a capacity of 50 or more persons used for presenting motion pictures, a preponderance of which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, as defined in this section, for observation by patrons therein.

(d) "Adult mini motion picture theater" means an enclosed building with a capacity for less than 50 persons used for presenting motion pictures, a preponderance of which are distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined in this section, for observation by patrons therein.

(e) "Massage" means in the manipulation of body muscle or tissue by rubbing, stroking, kneading, or tapping, by hand or mechanical device.

(f) "Massage business" means any establishment or business wherein massage is practiced, including establishments commonly known as health clubs, physical culture studios, massage studios or massage parlors.

(g) "Sexually oriented devices" means without limitation any artificial or simulated specific anatomical area or other device or paraphernalia that is designed in whole or part for specified sexual activities.

(h) "Specified anatomical areas" means:

1. Less than completely and opaquely covered: (1) human genitals, pubic region, (2) buttock, or (3) female breast below a point immediately above the top of the areola, or
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(i) "Specified sexual activities" means:

1. Human genitals in a state of sexual stimulation or arousal.
2. Acts of human masturbation, sexual intercourse or sodomy; or

3. Fondling or other erotic touchings of human genitals, pubic regions, buttocks, or female breasts.

8-124. Restrictions as to Adult Establishments.

No building, premises, structure, or other facility that contains any adult establishment shall contain any other kind of adult establishment. No building, premises, structure, or other facility in which sexually oriented devices are sold, distributed, or exhibited, or contained shall contain any adult establishment.

8-125. Violations.

Any person, firm or corporation who shall violate any of the provisions of this Article shall, upon conviction, be punished by a fine not to exceed Five Hundred (\$500.00) Dollars, or by imprisonment in the County Jail for a period not to exceed ninety (90) days, or by both such fine and imprisonment. Each violation of any of the provisions of this Article and each day the same is violated shall be deemed and taken to be a separate and distinct offense.

ARTICLE 11. BINGO AND RAFFLES PERMITTED ON SUNDAY

8-126A. Bingo & Raffles Permitted on Sunday.

Bingo and raffle games may be conducted on the first day of the week, commonly known as Sunday, under any license issued pursuant to R.S.5:8-58 or R.S.5:8-31 in the Town of Hackettstown.

8-126B. Municipal Fee.

The fee charged by the Town for processing applications for conducting a raffle or bingo within the Town of Hackettstown shall be \$10.00 per application but in no case shall the fee be greater than the fee charged by the State of New Jersey on said application.

ARTICLE 12. PAWNBROKERS, JEWELERS AND DEALERS (9-22-16)

8-127. Purpose and Intent.

The purpose and intent of this chapter is to assist law enforcement officials and victims of crime in recovering stolen precious metals and other secondhand goods by requiring minimum identification, reporting, maintenance and distribution criteria for licensed dealers in these goods. No person shall use, exercise, or carry on the business, trade, or occupation of the buying, selling, or pawning of precious metals or other secondhand goods or operate without complying with the requirements of this chapter in the exact manner described herein.

8-128. Definitions.

ACCEPTABLE IDENTIFICATION - means a current valid New Jersey Driver's License or New Jersey Identification Card, a current valid photo driver's license issued by another US state, a valid United States Passport, or other verifiable US Government issued identification with address and photograph, which will be recorded on the receipt retained by the dealer and subsequently forwarded to the Hackettstown Police Department on request. All of the above listed identification procedures require the Dealer to capture/record evidence of the person's current address.

DEALER - means any person, partnership, limited liability company, corporation, or other entity who, either wholly or in part, engages in or operates any of the following trades or businesses: the buying for purposes of resale of precious metals, jewelry, or other secondhand goods as defined herein; pawnbrokers as defined herein; itinerant businesses as defined herein. For the purposes of this ordinance, transient buyers, as defined herein, are subject to the same licensing and reporting requirements as any other dealers.

ITINERANT BUSINESS - means a dealer who conducts business intermittently within the Town of Hackettstown or at varying locations.

MUNICIPAL CLERK - means the statutory officer whose duties are defined in N.J.S.A. 40A:9-133 and refer to the duly appointed Clerk of the Town.

PAWNBROKER - means any person, partnership, association or corporation: lending money on deposit or pledge of personal property, other than choses in action, securities, or printed evidences of

indebtedness; purchasing personal property on condition of selling it back at a stipulated price; or doing business as furniture storage warehousemen and lending money on goods, wares or merchandise pledged or deposited as collateral security.

PRECIOUS METALS - means gold, silver, platinum, palladium, and their alloys as defined in N.J.S.A. 51:5-1 et seq. and N.J.S.A. 51:6-1 et seq.

PUBLIC - means individuals and retail sellers, not to include wholesale transactions or transactions between other merchants.

REPORTABLE TRANSACTION - means every transaction conducted between a dealer and a member of the public in which precious metals, jewelry, or any other secondhand goods as defined herein are purchased or pawned.

SECONDHAND GOODS - means used goods such as antiques, gold, silver, platinum, or other precious metals, jewelry, coins, gemstones, gift cards, any tools, telephones, typewriters, word processors, GPS devices, computers, computer hardware and software, television sets, radios, record or stereo sets, electronic devices, musical instruments, sporting goods, automotive equipment, collectibles, game cartridges, DVDs, CDs, and other electronically recorded material, firearms, cameras and camera equipment, video equipment, watches, headphones, property maintenance equipment, generators, and other valuable articles. For the purposes of this ordinance, secondhand goods shall not include goods transacted in the following manner: i) judicial sales or sales by executors or administrators; ii) occasional or auction sales of household goods sold from private homes; iii) auctions of real estate; iv) the occasional sale, purchase, or exchange of coins or stamps by a person at his permanent residence or in any municipally owned building who is engaged in the hobby of collecting coins or stamps and who does not solicit the sale, purchase, or exchange of such coins or stamps to or from the general public by billboard, sign, handbill, newspaper, magazine, radio, television, or other form of printed or electronic advertising.

SELLER - means a member of the public who sells or pawns used goods such as precious metal, jewelry, or other secondhand goods to a dealer.

TRANSIENT BUYER - means a dealer, as defined herein, who has not been in a registered retail business continuously for at least six (6) months at any address in the Town of Hackettstown where the Dealer is required to register or who intends to close out or discontinue all retail business within six (6) months.

8-129. License Requirement for Dealers.

No person, partnership, limited liability company, corporation, or other entity shall engage in the business of buying, selling, or pawning of precious metals or other secondhand goods, as defined above, within the jurisdiction of the Town of Hackettstown, without having first obtained a license therefore from the Municipal Clerk, which license shall bear a number issued by the Municipal Clerk. The application for a license to the Municipal Clerk shall set forth the name, date of birth, and address of the dealer, whether or not he or she is a citizen of the United States, and whether or not he or she has ever been convicted of any crime(s), disorderly persons offense(s), or municipal ordinance violation(s), and the date(s) thereof. Advertising in any print or electronic media or by sign that any of those articles or secondhand goods referred to in §8-128 above are being bought in any location within the Town of Hackettstown shall constitute engaging in business as a dealer of secondhand goods for purposes of this chapter. No person, partnership, Limited Liability Company, corporation or other entity shall place or cause to be placed any advertisement for purchase of such articles or goods without stating in the advertising the license number issued to a person or entity by the Town of Hackettstown. In any print advertisement, the license number shall appear in type no smaller than eight point in the lower-right-hand corner of the advertisement. In any advertisement in electronic media, the license number shall be visually or audibly stated.

Failure to state or indicate the license number shall be a violation of this chapter and shall be subject to the penalties established in §8-136.

8-130. Application Process for Dealers; Approval or Denial.

- A. Upon receipt of an application completed pursuant to this chapter, the Municipal Clerk shall refer such application to the Chief of Police, who shall make an investigation of the prospective licensee, pursuant to this chapter for the purpose of determining the suitability of the applicant for licensing. The investigation shall include, but shall not be limited to the following:

- 1) The experience of the applicant in the business of purchase and sale of those articles or goods referred to in §8-128 above, although nothing in this section shall be construed to warrant denial of a license solely on the basis of lack of experience;
 - 2) The reputation of the applicant for fair dealing in the community, which shall be made among credible sources, which sources shall be disclosed to the applicant in the event of a denial of any license;
 - 3) Any criminal record of the applicant including any past convictions for any crime(s), disorderly persons offense(s), or municipal ordinance violation(s) within this or any other jurisdiction. The Chief of Police may, as part of the application process, require a fingerprint criminal background check through the Federal Bureau of Investigation, Criminal Justice Information Services Division, which may require an additional fee from the applicant.
 - 4) The type of operation contemplated to be conducted by the applicant, particularly whether the business is to be operated from a fixed location, whether it is to be conducted from a location primarily devoted to the purchase and sale of precious metal or other secondhand goods, and other factors bearing on whether the licensed business will be of a fixed and permanent nature. This section shall not be construed to require denial of any license solely on the grounds that the business is not from a fixed location or that the applicant is a transient buyer or itinerant business, however applicants who fall under the category of a transient buyer or itinerant business must state with specificity on the license application the business address where transaction records required by §8-132(C) of this chapter will be stored as well as the location where purchased goods will be retained during the mandatory inspection period required under §8-133(A).
- B. The Chief of Police shall complete any investigation pursuant to this chapter within thirty (30) days of the submission of the application to the Municipal Clerk, fully completed by the applicant. If a criminal record check has been requested within the thirty-day period and has not been received by the Chief of Police within that period, the Chief of Police may, if all other factors are satisfactory, recommend a conditional issuance of the license subject to the finding regarding criminal record.
- C. The Chief of Police shall, upon completion of the investigation, recommend "grant" or "denial" of the license to the Municipal Clerk, who shall grant or deny the license. Any recommendation

of the Chief of Police shall be in writing and, in the case of a recommendation of denial, shall state fully and specifically the reasons for said recommendation. If the Municipal Clerk accepts the recommendation of the Chief of Police to deny any license, the applicant shall be notified in writing within ten (10) days of such denial and the Clerk shall forward to the applicant a statement of the reason or reasons for such denial.

- D. Grounds for recommending denial of license may include reliable information indicating that the applicant has in the past engaged in fraudulent or deceptive business practices in a business identical to or similar to a dealer in secondhand goods. A license may be denied if the investigation reveals a conviction of the applicant or any of its principal officers or employees of any crime(s), disorderly persons offense(s) in which deceit or misrepresentation is an element; or any conviction of any crime(s), disorderly persons offense involving theft or the receiving of stolen goods, regardless of whether the applicant was a principal, accessory before the fact, after the fact, or a co-conspirator; or any prior municipal ordinance violation(s) by the applicant or any of its principal officers or employees in this or any other jurisdiction. A license may be denied if the applicant fails to demonstrate an ability to satisfactorily comply with the reporting requirements specified in §8-132, the retention and inspection requirements of §8-133, or any other portion of this chapter. Upon receipt of the recommendation of the Chief of Police, the Municipal Clerk shall issue or deny the license accordingly, contingent upon the receipt of a bond as required by §8-134 of this chapter.
- E. Whenever any application for a permit is denied, the applicant shall be entitled to a hearing before a three-person panel appointed by the Chief of Police, at which time the applicant shall be permitted to introduce such evidence as may be deemed relevant to such denial. Any applicant exercising the right to appeal must file a written notice of appeal within ten (10) days of receiving written notice of denial of a license to act as a dealer of secondhand goods.
- F. No license shall be assignable by the dealer.

8-131. Appeals Panel.

- A. Composition: the Appeals Panel will be composed of officers at the discretion of the Chief of Police. Typically, the panel shall be led by the Investigations Commander and composed of the Patrol Lieutenant and one of the Patrol Sergeants.
- B. Appointment: the Appeals Panel for licensing shall be appointed by the Chief annually as part of the assignment of Functional Responsibilities. The members of the panel may be modified if assignments change or special conditions exist.
- C. Duties: (i) the Appeals Panel will receive and review all appeals of licensing; (ii) the Appeals panel shall contact the person appealing to arrange a hearing to be held within thirty days of receiving the letter of intent to appeal; (iii) the Appeals Panel will hear and view any evidence deemed relevant to the denial; (iv) the aggrieved must prove that the disqualifiers in §8-130(D) do not apply in order to justify an approval. Following a hearing, the panel will author a letter to the Chief of Police memorializing their recommendation. The letter shall cite the disqualifier(s) or conditions that led to the recommendation.
- D. Term of Service: the term of service for the Panel will be one year.

8-132. Identification of Seller; Recordkeeping Requirements for Dealers.

For every reportable transaction between a dealer and the public, the dealer shall be required to do as follows:

- A. Require of each person selling or pawning precious metals or other secondhand goods acceptable identification as defined above in §8-128.
- B. Require each seller to execute a "Declaration of Ownership," which shall contain the following certification: *"My signature confirms that I am the sole legal owner of and am legally authorized to sell the goods being sold. By signing below, I certify that I did not obtain and do not possess the identified goods through unlawful means. I am the full age of eighteen years and the identification presented is valid and correct."*

- C. Record and issue to each person selling or pawning such goods on a sequentially numbered receipt: (i) the name, address, and telephone number of the purchaser, including the clerk or employee of the licensee making the purchase; (ii) the name, address, date of birth, and telephone number of the seller or sellers; (iii) a photographed recording of the seller in a format acceptable to the Chief of Police, along with a physical description of the seller, including height and weight (approximate), hair color, eye color, facial hair, if any, etc.; (iv) a photographed recording of the seller's presented acceptable identification, as set forth in §8-128, in a format acceptable by the Chief of Police; (v) a photographed recording of all items sold in a format acceptable by the Chief of Police. When photographing, all items must be positioned in a manner that makes them readily and easily identifiable; (vi) the receipt number; (vii) a detailed, legible description of the item(s) and the manufacturer and model of the item(s) if known; in the case of jewelry, the descriptions must include style, length, color, design, and stones, if any; any identifying marks, including numbers, dates, sizes, shapes, initials, names, monograms, social security numbers engraved thereon, serial numbers, series numbers, or any other information, which sets apart the particular object from others of like kind; (viii) the price paid for the purchase or pawn of the item(s); (ix) if precious metals, the net weight in terms of pounds Troy, pennyweight (Troy) or kilograms/grams; fineness in terms of karats for gold, and sterling or coin for silver, in accordance with N.J.S.A. 5 I:5-1, N.J.S.A. 51:6-1 et seq.; and (x) the time and date of the transaction.
- D. The information outlined in subsection (C) above, must additionally be electronically documented through the use of an electronic database system authorized by the Chief of Police. Installation and training in this software will be made mandatory as of the effective date of this chapter and licensing will be conditional upon compliance with proper use of the system as described herein. These records shall be subject to the inspection of any authorized police officer or any sworn law enforcement officer acting in the performance of their duty as set forth in subsection (F) below. Through the use of applicably required computer equipment, and using the electronic format approved by the Chief of Police, every dealer shall enter all reportable transactions into the electronic database by the end of the close of business on the same date as the purchase or receipt of property for pawn or consignment. The information entered must contain all pertinent information outlined in subsection (C) above.

- E. In the event of a database failure, or dealer's computer equipment malfunction, all transaction information is required to be submitted on paper forms approved by the Chief of Police within twenty-four (24) hours from the date of purchase. In the event that paper forms are used, the dealer is responsible to enter all transaction information set forth in subsection (C) above into the database as soon as possible upon the dealer's equipment being repaired or replaced, or the database coming back into service. Failure by the dealer to properly maintain computer equipment in a reasonable fashion, or failure by the dealer to replace faulty computer equipment, may result in the dealer being cited for a violation of this chapter and subsequently being subject to the penalties for doing so, including revocation of the dealer's license as described in §8-133.
- F. It shall be the requisite duty of every dealer, and of every person in the dealer's employ, to admit to the premises during business hours any member of the police department to examine any database, book, ledger, or any other record on the premises relating to the reportable transactions of precious metals or other secondhand goods, as well as the articles purchased or received and, where necessary, relinquish custody of those articles as provided in §8-133. Itinerant businesses and transient buyers will be responsible for notifying the Chief of Police of the address where these records and articles will be stored.

8-133. Retention; Revocation; Other restrictions.

- A. All precious metals and secondhand goods purchased, received for pawn, or received for consignment as described above, are to be made available for inspection by the Chief of Police or designee thereof at the designated business address for a period of at least seven (7) calendar days from the date the transaction information is actually reported to the Chief of Police in the approved manner described above in §8-132, except for precious metals and jewelry, which must be maintained for at least ten (10) business days or for the statutory period provided in N.J.S.A. 2C:21-36(d). All precious metal or other secondhand goods subject to inspection must remain in the same condition as when purchased or received for pawn and shall not be sold, disposed of, changed, modified, or melted by the dealer until the retention period has expired. Itinerant businesses and transient buyers will be responsible for notifying the Chief of Police of the location where the purchased item(s) are being held.

- B. Upon probable cause that goods held by a dealer are stolen, and providing that the seller signed the mandatory statement required by §8-132(B) upon the sale of those goods, a law enforcement officer with jurisdiction should charge the seller with theft by deception under N.J.S.A. 2C:20-4 on behalf of the dealer, who shall be considered the "victim" of the offense for the purposes of N.J.S.A. 2C:43-3. The officer shall seize the goods, provide the dealer with a receipt, and issue a criminal complaint against the seller for theft by deception and any other criminal charges for which the officer has probable cause that the seller has committed. If convicted of theft by deception and if so found by an order of a court of valid jurisdiction, the seller will be responsible for providing restitution to the dealer under N.J.S.A. 2C:44-2 for the amount paid by the dealer to the seller for the stolen goods.
- C. In addition to all other reporting requirements, every dealer shall maintain for at least five years, a written record of all purchases of precious metals and other secondhand goods in the form prescribed in §8-132(C).
- D. No dealer shall purchase any item covered by this chapter from any person under the age of 18 or in the absence of providing prior notification of such purchase to the Chief of Police or business designee identifying the individual from whom such purchase is to be made and the item to be purchased.
- E. Suspension. The Chief of Police or a designee thereof is hereby empowered to temporarily suspend for cause any dealer's license and rights to operate there under. This penalty shall be in addition to any fines and penalties the dealer may incur pursuant to §8-136.
1. Grounds for suspension. The following shall constitute grounds for suspension: violation of any provisions of this chapter, including failure to comply with any training or fees associated with the electronic database software system in use by the Town of Hackettstown; violation of any other statute, regulation, or local ordinance; or any other illegal, improper, or fraudulent activity.
 2. Procedure for suspension. Upon determination that appropriate grounds exist and that a suspension is warranted, the Chief of Police or a designee thereof shall issue a written notice

of suspension of license to the offending dealer and to the Municipal Clerk, which shall set forth the grounds for the suspension and notify the dealer of his or her right to appeal pursuant to subsection (G). A temporary suspension shall issue immediately, pending the outcome of any appeal taken. Suspended dealers must immediately cease engaging in the business of purchasing for resale, receiving for pawn, and/or selling of precious metals and/or other secondhand goods in the Town of Hackettstown until reinstatement.

3. Reinstatement. Suspended dealers may be reinstated only when the grounds leading to the suspension have, in the determination of the Chief of Police or the Chief's designee, been cured, corrected, or appropriately rectified; or if reinstatement is deemed appropriate by the three-person panel appointed by the Chief of Police, upon the timely filing of an appeal as provided in subsection (G).

F. Revocation. A license issued under this chapter may be revoked by the Municipal Clerk upon written recommendation from the Chief of Police or the Chief's designee that the dealer is no longer qualified, capable or competent to comply with the requirements of this chapter. This penalty shall be in addition to any fines and penalties the dealer may incur under §8-136.

1. Grounds for revocation. The following shall constitute grounds for revocation: a third violation under this chapter; a second violation under this chapter less than one year after an earlier violation under this chapter; conviction for a criminal offense within this or any jurisdiction; or multiple violations of any other regulations or local ordinances within this or any jurisdiction.
2. Procedure for revocation. Upon a determination that appropriate grounds exist and that a revocation is warranted, the Chief of Police or the Chief's designee shall so report to the Municipal Clerk in writing. A temporary suspension will immediately and automatically issue, if one is not already in effect, pending the outcome of the charge. A three-person panel, appointed by the Chief of Police, shall review the stated grounds for revocation and the panel shall issue an appropriate disposition of suspension, revocation, or reinstatement. If the panel determines that revocation is the appropriate disposition, it shall set forth the grounds for the same in writing in the form of a notice of revocation, which shall be provided to the dealer.

The notice shall advise the dealer of the right to appeal. If the panel determines that suspension is the appropriate disposition, it shall provide the dealer with a notice of suspension that shall advise the dealer of the right to appeal. Following revocation, the dealer must relinquish his or her license and must immediately and indefinitely cease operating as a dealer of precious metals or other secondhand goods within the Town of Hackettstown.

G. Appeal. Any applicant wishing to appeal an issuance of a suspension or revocation shall be entitled to a hearing before a three-person panel, appointed by the Chief of Police, at which time the applicant shall be permitted to introduce such evidence as may be deemed relevant to such suspension or revocation. Any applicant exercising the right to appeal must file a written notice of appeal within ten (10) days of receiving written notice of revocation or suspension of license.

H. A dealer shall have the right to change the location of the licensed business within the Town of Hackettstown, provided that he or she notifies the Municipal Clerk, in writing, of the street address of said new location.

8-134. Bond.

Each dealer covered under this chapter shall deliver a bond to the Municipal Clerk executed by the applicant as principal and executed by a surety company authorized to do business under the laws of the State of New Jersey as surety. The bond shall be subject to review and approval by the Municipal Attorney, as defined in N.J.S.A. 40A:9-139, and shall be in the penal sum of \$10,000 conditioned for the due and proper observance of and compliance with the provisions and requirements of all ordinances of the municipality in force or which may be adopted respecting the conduct of this business and conditioned also that the bond shall be and remain for the benefit of any person or persons who shall have received judgment against the dealer licensed under this chapter, which damage shall be established by a judgment of a court of proper jurisdiction. Said bond shall contain the following language: "The obligation of this bond shall, in addition to the Town of Hackettstown, be and remain for the benefit of any person who shall obtain a judgment against obligor as a result of damage sustained in operation pursuant to any license granted under this chapter." Said bond shall be kept for a minimum of one year from the date of issuance of license and must be renewed annually along with the license.

8-135. Fees; Period of License Validity.

A nonrefundable fee for initial application and license for a pawnbroker or a dealer in precious metals or other secondhand goods, as covered under this chapter is \$300. The annual renewal fee for a license is \$250. Payments are to be made in the manner directed by the Municipal Clerk. A license is valid for a one-year period from the date of its issuance.

8-136. Violations and Penalties.

Violation of any provision of this chapter by any dealer shall, upon conviction thereof, be punished by a fine not in excess of the limitations of N.J.S.A. 40:49-5 or by a term of imprisonment or a period of community service not exceeding ninety (90) days in addition to a suspension or revocation of operating license as provided in §8-133(E) and §8-1 33(F) above. Each and every violation shall be considered a separate violation. Each violation shall result in an additional suspension period. Any person who is found guilty of violating the provisions of this chapter within one year of the date of a previous violation and who was fined for the previous violation may be sentenced by the court to an additional fine as a repeat offender and, in addition, may be subject to revocation proceedings as provided in §8-1 36(F). The additional fine imposed as a repeat offender shall not be less than the minimum or exceed the maximum fine provided herein, and same shall be calculated separately from the fine imposed for the violation of this chapter.

8-137. Time Limit for Conformance; Repealer; Severability.

- A. Any person, partnership, limited liability company, corporation, or other entity engaging in the business of a pawnbroker, or a dealer in precious metals or other secondhand goods shall conform to the provisions of this chapter within ninety (90) days following the effective date of this chapter.
- B. Nothing contained in this chapter is intended to replace any pre-existing statutory requirements governing pawnbrokers, as in N.J.S.A. 45:22-1 seq., the sale of precious metals as in N.J.S.A. 51:6A-1 et seq., the sale of secondhand jewelry as in N.J.S.A. 2C:21-36 et seq., or any other statutory provision regarding any subject matter discussed herein.
- C. If any section, subsection, sentence, clause, phrase, or portion of this chapter is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be

deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

ARTICLE 13 - NEWSRACKS

8-140. Policy Statement.

The unregulated placement of newsracks in public rights-of-way presents an inconvenience and danger to the safety and welfare of persons using such rights-of-way, including pedestrians, persons entering and leaving vehicles, whether automobiles, taxi cabs, private livery or omnibuses, and buildings, and persons performing essential utility, traffic control and emergency services. These unregulated newsracks are so located as to cause an inconvenience or danger to persons using public rights-of-way, are unsightly, and constitute a public nuisance. The provisions contained in this Article are in pursuance of, and for the purpose of securing and promoting the public health, morals and general welfare of persons in the Town of Hackettstown in their use of public rights-of-way.

8-141. Definitions.

(a) "Distributor" means the person responsible for placing and maintaining a newsrack in a public right-of-way.

(b) "Newsrack" means any self-service or coin-operated box, container, storage unit or other dispenser installed, used or maintained for the display and sale of newspapers or other news periodicals and commonly known as "honor boxes". The use of the singular herein shall include the plural.

(c) "Roadway" means that area between the sidewalks and the curb of any street, and where there is no sidewalk that area between the property lines adjacent thereto, whether open to vehicular travel or not, but improved, designed or ordinarily used for traffic.

(d) "Sidewalk" means any surface provided and intended for the exclusive use of pedestrians.

(e) "Street" means all that area dedicated to public use for street purposes and shall include, but not limited to, roadways, parkways, alleys, stairs and sidewalks.

8-142. Permit Required.

It shall be unlawful for any person, firm or corporation to erect, place, maintain or operate on any public street or sidewalk or in any other public way or place in the Town of Hackettstown any newsrack without first having obtained a permit from the Town Clerk specifying the exact location of such newsrack or newsracks. One (1) permit may be issued to include any number of newsracks and shall be signed by the applicant.

8-143. Application for Permit.

Application for such permit shall be made, in writing, to the Town Clerk and approved by the Department of Public Works, and shall contain the name and address of the applicant and the proposed specific location of said newsrack and shall be signed by the applicant.

8-144. Conditions for Permit.

(a) Permits may be issued for the installation of a newsrack or newsracks without prior inspection of the location, but the location permit for such newsrack or newsracks and the installation, use or maintenance thereof shall be conditioned upon observance of the provisions of this Article. A permit fee of ten dollars (\$10.00) for the first newsrack applied for and five dollars (\$5.00) for every additional newsrack permit contained in the same application.

8-145. Maintenance and Installation Standards.

Any newsrack which, in whole or in part, rests upon, in, or over any public sidewalk or parkway shall comply with the following standards:

(a) No newsrack shall exceed sixty inches (60") in height, twenty-four inches (24") in width or twenty inches (20") in thickness.

(b) No newsrack shall be used for advertising signs or publicity purposes other than that dealing with the display, sale or purchase of the newspaper sold therein.

(c) Each newsrack shall be equipped with a coin-return mechanism to permit a person using the machine to secure an immediate refund in the event that he is unable to receive the publication paid for. The coin-return mechanisms shall be maintained in good working order.

(d) Each newsrack shall have affixed to it in a readily visible place so as to be seen by anyone using the newsrack a notice setting forth the name and address of the distributor and the telephone number of a working telephone service to call to report a malfunction or to secure a refund in the event a malfunction of the coin-return mechanism or to give the notices provided for in this Ordinance.

(e) Each newsrack shall be maintained in a neat and clean condition and in good repair at all times. Specifically, but without limiting the generality of the foregoing, each newsrack shall be serviced and maintained so that:

(1) It is reasonably free of chipped, faded, peeling and cracked paint in the visible painted areas thereof.

(2) It is reasonably free of rust and corrosion in the visible unpainted metal areas thereon.

(3) The clear plastic or glass parts thereof, if any, through which the publications therein are viewed, are unbroken and reasonably free of cracks, dents, blemishes and discolorations.

(4) The paper and cardboard parts or inserts thereof, if any, are reasonable free of tears, peelings, or facing.

(5) The structural parts thereof are not broken or unduly misshapen.

(f) Each newsrack shall be used for its purpose of distributing newspapers and if for a period of fourteen (14) consecutive days current newspapers are not placed in the rack, then the newsrack shall be removed from the public sidewalk or roadway.

8-146. Regulations As to Location and Placement.

Each and every newsrack which in whole or in part rests upon, in, or over any public sidewalk or roadway shall be further regulated as follows:

(a) No newsrack shall be placed or maintained projecting onto, into, over, or resting wholly or partly upon, any portion of the roadway of a public street used for vehicular traffic.

(b) No newsrack shall be affixed or attached to any fixture or other property owned or maintained by the Town of Hackettstown, which property is not suitable for attachment. No newsrack shall be affixed or attached to any fixture upon, in, or over any public sidewalk or roadway unless:

(1) The attachment is rigid and secure and prevents the newsrack from swiveling, turning, or otherwise moving, while so attached.

(2) Such newsrack, as so attached, does not violate any other provision of this Article.

(c) No newsrack shall be placed, installed, used, or maintained:

(1) Within three feet (3') of any marked crosswalk;

(2) Within twelve feet (12') of the curb return of any unmarked crosswalk;

(3) Within fifteen feet (15') of any fire hydrant;

(4) Within five feet (5') of any fire or police call box, fire alarm, or other emergency communication device, including, but not limited to, public telephones;

(5) Within five feet (5') of any driveway, public or private;

(6) Within fifty feet (50') of any fire or police station;

(7) At any location whereby the sidewalk clearance space for the passage of pedestrians is reduced to five feet or less;

(8) Within one hundred feet (100') of any other newsrack on the same block which contains the same newspaper or new periodical;

(9) Within six feet (6') of any tree or public area improved by lawn, flowers, shrubs, or landscaping.

8-147. Violations and Penalties.

(a) Distributors

(1) If any distributor violates any provision of this Article, it shall be the duty of the Superintendent of the Department of Public Works to determine that such violation has occurred and, thereafter, notify the distributor to correct the violation within three (3) days. Such notification shall be in writing and served upon the distributor by certified mail, return receipt requested, and by regular mail. The notice shall also state that the distributor is entitled to a due process hearing, if requested, by the distributor within said three (3) days period,

(2) If a due process hearing is requested, in writing, by the distributor, a hearing will be held before the Department of Public Works Committee of the Council, which will determine whether such violation has occurred. At such hearing, the distributor shall have the right to examine the evidence upon which the Superintendent of the Department of Public Works acted, to cross examine any witnesses who may have appeared before it, and to offer any evidence which may tend to show that the subject newsrack does not violate any provision of this Article. The Department of Public Works Committee shall review the evidence, notify the distributor with respect thereto, and afford the distributor a reasonable opportunity to comply with such determination, but not in excess of fourteen (14) days. In addition, after the hearing of the Department of Public Works determines that any particular situation creates an unconstitutional restriction on freedom of the press, it may permit a newsrack in an area not specifically permitted by this Article.

(3) If said violation is not corrected within said time period, the Department of Public Works shall remove such newsrack and place it in storage in a secure place. The cost of the removal and storage shall be billed to the distributor and in the event of non-payment, a civil suit for money damages may be brought by the Town.

(4) If any distributor refuses to remove any newsrack, after notice, in writing, pursuant to this Article, he shall be deemed guilty of a violation and shall be subject to a fine not to exceed Five Hundred Dollars (\$500.00) or by imprisonment in the County Jail for term not to exceed ninety (90) days, or both.

Section 8-148. Final Policy Statement.

This Article, while regulating newsracks in public rights-of-way, is not to be construed as a sanction of them. The First Amendment to the Constitution of the United States and the Constitution of the State of New Jersey have been interpreted by the Courts as prohibiting the banning of newsracks. Therefore, nothing contained in this Article shall be construed as the Town's acquiescence in, the liability for, or assuming the risks of the placement of newsracks in the Town, whether they are in conformity with the provisions of this Article or not.

ARTICLE 14. TOWING AND STORAGE SERVICES

8-150. Rotating List of Towing Contractors Established.

There shall be established on January 1st of each year a rotating list of towing and storage contractors authorized to provide vehicle towing and storage services as required by the Town of Hackettstown. The Chief of Police shall be responsible for the administration of the rotating list. Nothing in these rules and regulations shall be construed so as to prevent any owner or operator from selecting his own towing service. The Police Department shall call the towing operators in a sequential rotation of between seven (7) days and twenty-eight (28) days on so that every towing operator is given an equal opportunity to provide towing service. The number of days on will be established by the Chief of Police in the schedule established January 1st of each year. The Department shall give each tower seven (7) days notice of their turn in the sequential rotation of between seven (7) days and twenty-eight (28) days on duty. Contractors may not subcontract with other towers to provide services hereunder.

8-151. Services Required.

A. Towing. Towing services shall be available and provided on a 365 days per year, seven-day-per-week, twenty-four-hour-per-day basis for the entire geographic area of the Town of Hackettstown. The contractors on the rotating list must be able to respond to any tow scene within twenty (20) minutes of the Town's request. A tow operator must immediately dispatch two trucks when requested by the Town or police department.

B. The contractor shall be responsible for the cleanup of debris in accordance with N.J.S.A. 39:4-56.8, with the exception of fuel oil, chemicals or hazardous waste materials.

C. Storage. Storage shall be provided for all vehicles towed until claimed by the vehicle owner or disposed of in accordance with applicable law. The contractor shall provide adequate land area sufficient to store vehicles. Each contractor is responsible for supplying a secure storage area. The location of the storage area must be within five (5) miles of the place of the Town Municipal Building. The contractor is responsible for the storage and security of all vehicles towed.

D. The Town of Hackettstown is not financially responsible for the paying of any towing or storage services, except towing of vehicles to Hackettstown police impound areas as requested by the Hackettstown Police Department.

8-152. Police Impounds.

Motor vehicles which are stolen, abandoned, involved in a crime, involved in fatal accidents or accidents which in the judgment of the police may become fatal shall be considered police impounds. Police impounds shall be towed to the designated police impound property.

8-153. Equipment Required.

A. All contractors on the rotating list shall provide and maintain the following minimum equipment:

- (1) One (1) flatbed tow/wrecker.
- (2) One (1) towing vehicle sufficient to tow vehicles over two (2) tons.
- (3) Communication equipment between vehicles and their dispatchers via two-way radio.
- (4) Tow vehicles shall have the name, address and telephone number of the contractor painted or permanently attached to both sides of the vehicle in compliance with state law.
- (5) All towing operator trucks shall be equipped with brooms and shovels for the purpose of clearing debris off roadways.

B. All equipment must meet applicable state standards and shall be subject to periodic inspection by the Police Department.

8-154. Eligibility for Rotating List.

A. In addition to meeting all other criteria of this ordinance and in order to be eligible for placement upon the rotating list of authorized towers, the contractor shall supply a certificate of liability insurance by a company licensed to do business in the State of New Jersey, certifying that the contractor maintains workers compensation and garage liability insurance of not less than one million dollars (\$1,000,000) combined single limit, garage keepers' liability of not less than one hundred thousand dollars (\$100,000) per vehicle, said garage keepers' legal liability insurance policy to further provide for fire, theft and explosion. All public liability insurance, including garage liability and garage keepers' legal liability coverage, shall name the Town of Hackettstown, its officers, agents and employees as additional insureds on the policy, shall hold them harmless, indemnify them from any and all claims filed against the Town arising out of any act or failure to act on behalf of the contractor and shall contain an endorsement providing thirty (30) days' notice to the Town in the event of any material changes of the policy or cancellation thereof. Those contractors meeting the eligibility requirements shall be

approved, added or deleted to the rotating list by the Chief of Police.

B. The Mayor and Common Council of the Town of Hackettstown may grant a waiver to any of the eligibility or equipment prerequisites which a provider of towing services is required to have, provided the tower makes an application to the Mayor and the Common Council and the Mayor and Common Council determines that the tower will provide an acceptable alternative to the requirement for which the waiver is sought.

C. The deletion of a tower from the approved list for failure to perform properly or to meet the basic requirements shall not occur without ten (10) days written notice to the operator and the opportunity for a hearing before the Chief of Police. The decision of the Chief of Police may be appealed to the Mayor and Common Council.

8-155. Maximum Rates and Charges for Towing and Storage.

All towers placed on the approved list shall submit their standard charges for towing services and storage fees. Said charges shall not exceed the following:

Basic Towing Service for Automobiles as defined above:

Days:	First Mile or less:	\$ 75.00
	Each Additional Mile (round trip)	\$ 2.00

Nights/Weekends:	First Mile or less:	\$ 85.00
	Each Additional Mile (round trip)	\$ 2.00

Motorcycle:

Days:	First Mile or less:	\$ 80.00
	Each Additional Mile (round trip)	\$ 2.00
Nights/Weekends:	First Mile or less:	\$ 90.00
	Each Additional Mile (round trip)	\$ 2.00

Trucks: (All hours)

Medium Duty:

Basic hookup and tow, First Mile or Less:	\$125.00
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Each Additional Mile (round trip): \$ 5.00

Heavy Duty:

Basic hookup and tow, First Mile or Less: \$300.00 per hour, Minimum 1 hour

Each Additional Mile (round trip): \$ 10.00

Special Services:

- A. Charge for \$100.00 per hour per tow truck for winching and/or other preparation prior to towing (to be billed in ¼ hour increments, minimum ½ hour).
- B. Charge \$75.00 per hour for additional labor (except tow truck driver, whose labor is included in the basic towing charge) (to be billed in ¼ hour increments, minimum ½ hour).
- C. Charge \$350.00 per hour for Medium/Heavy Duty recovery winching and/or other preparation prior to towing (to be billed in ¼ hour increments, minimum ½ hour).
- D. Road Service: Charge for basic road service as defined above: \$40.00 days and \$50.00 nights, plus cost of fuel provided, if applicable.
- E. Inclement Weather. The towing company may, at their discretion, charge an extra 20% of the total of the standard towing fee, during times of snow emergency, as described in section 12-45.
- F. Administrative charge. The towing company may, at its discretion, charge for post accident services, including but not limited to services such as physical inspection, telephone and/or fax calls, removal of personal items or paperwork. Requires itemized list of additional services provided. Billable at a rate of \$10.00 per 15 minute interval, excluding the first 15 minutes.
- G. Waiting Time. Additional time a tow operator spends at the scene other than the time required for the actual tow and/or recovery. Examples of waiting time may include but are not limited to EMS services which must be performed and/or police investigations. Waiting time shall be billed at a rate of \$10.00 per 15-minute interval, excluding the first 15 minutes.

Yard Tow: \$ 25.00

Storage Charges (per day for vehicles not claimed within 12 hours)

Outside secured storage

Passenger Vehicles	\$ 30.00
Medium/Heavy Trucks	\$ 70.00
Tractor/Trailer	\$140.00

Outside unsecured storage

Passenger Vehicles	\$ 25.00
Medium/Heavy Trucks	\$ 50.00
Tractor/Trailer	\$100.00

Inside secured Storage (as directed by police) \$ 40.00

8-156. Towing Information to be Supplied to Town.

A. The contractor shall provide to the Town in an application the following information concerning vehicles and employees prior to November 1st of each year:

- (1) The year, make, model, vehicle identification number, type of vehicle, registration number and proof of insurance.
- (2) The full name and address of all employees and license numbers.
- (3) The addresses where the contractor shall be regularly based, telephone numbers available on a twenty-four-hour-per-day basis, and the names of all operators, their addresses and the serial numbers of their New Jersey motor vehicle licenses.
- (4) Certification of approved emergency warning lights.

B. The contractor shall submit to the Hackettstown Police Department the following information on vehicles unclaimed over fifteen (15) days:

- (1) The year, make, model, color and vehicle identification number.
- (2) The owner's name and addresses.
- (3) A copy of a certified letter advising the owner of the vehicle's location and circumstances surrounding the same.
- (4) A photograph of the vehicle.

(5) The mileage of the vehicle.

C. The contractor shall provide the Town with records of all towed vehicles, storage and towing charges upon request.

8-157. Miscellaneous Rates and Charges.

A. The hours of 8:00 a.m. until 4:30 p.m. shall apply to the day rate on Monday through Friday, except New Jersey State holidays. The night, weekend and holiday rates shall other-wise apply.

B. The Town of Hackettstown shall assess an administrative fee of twenty dollars (\$20.00) per vehicle to recover costs of administering the towing and storage services for all vehicles coming under the purview of police impound. Such assessment shall be placed on each vehicle processed, plus an additional fee to include storage rates consistent with N.J.A.C. 11:3-38, et seq.

C. The contractor shall charge the motor vehicle owner/operator or insurance company directly for all services provided.

D. The contractor may charge an hourly rate for standby time incurred for winching, uprighting, excessive cleanup and other circumstances which fall outside the scope of basic towing service as defined in N.J.A.C. 11:3-38.

ARTICLE 15. COIN TOSSES

8-170. Coin Tosses Permitted

All charitable organizations as defined in N.J.S. 45:1 7A-20 who desire to solicit contributions in roadways situated in the Town of Hackettstown shall file an application for a permit with the Hackettstown Clerk/Administrator on a form supplied by the Clerk/Administrator specifying the following information:

- A. Name of applicant organization.
- B. Address of applicant organization.
- C. Telephone number of applicant organization.
- D. Contact person of applicant organization.
- E. Specific locations or locations of proposed charitable solicitation.
- F. Equipment and signage proposed to be used.
- G. Dates and times of proposed charitable solicitation.
- H. If said request pertains to a location or locations on any County highway, or intersection of a County highway, said application shall include a copy of an authorization from the Warren County Board of Chosen Freeholders to permit said charitable solicitation.
- I. If said request pertains to a location or locations on any State highway or intersection of a State highway, said application shall include a copy of an authorization from the Commissioner of Transportation of the State of New Jersey to permit said charitable solicitation.
- J. Identify the manner in which the motorist solicitation will be conducted and the procedures to be used to ensure the safety of the members of the public who will be traveling the roadways situated in the Town of Hackettstown.
- K. If said request is solely impacting local roads, said applicant shall include a written authorization from the Hackettstown Police Department.

8-171. Governing Body Approval Required.

Upon the filing of a complete application in accordance with the provisions of this Ordinance, the Hackettstown Clerk/Administrator shall present same to the Mayor and Common Council for its review and consideration, after which the Mayor and Common Council shall grant or deny the applicant's request. In the event the Mayor and Common Council grants the applicant's request, it shall

issue a permit to the applicant which shall be subject to the representations contained in the applicant's application and any conditions imposed by the Mayor and Common Council.

8-172. Safety Requirements.

- A. All those soliciting must wear safety vests in accordance with NJDOT standards.
- B. All solicitors' vehicles must be parked off-site.
- C. Blankets or other fabric shall be used as the collection device.
- D. Solicitors may not install traffic control devices.
- E. No solicitation activities are permitted within the right of way.
- F. In no event shall any charitable organization requesting authorization from the Town of Hackettstown for said charitable solicitation use any individual under the age of 18 years to perform any function or task associated with the said charitable solicitation in any roadway.

8-173. Signage.

- A. Temporary advertising signs are permitted.
- B. Signs may not exceed 16 square feet and must comply with the Manual Uniform on Traffic Control Devices.
- C. At least two warning signs shall be placed as follows:
 - 1. CHARITABLE SOLICITATION 500 FEET AHEAD; and
 - 2. A second sign identifying the name of the organization
- D. Signs shall not be permitted in the travel way or medians.
- E. All Signs must be removed nightly and at the end of the solicitation event.

8-174. Compliance with State Regulation.

Any charitable organization requesting authorization from the Town of Hackettstown for said charitable solicitation shall comply with all the terms and conditions of N.J.S. 39:4-60, as amended by P.L. 1997, Chapter 82, approved April 30, 1997.

ARTICLE 16. LIABILITY INSURANCE AND ANNUAL REGISTRATION
REQUIREMENTS FOR BUSINESSES (7-13-23)

8-175. Definitions

- (a) “Business” shall refer to any person, firm, corporation, partnership, or other entity that sells any goods, provides any services, solicits business, offers goods or services for sale or hire, acquires or uses any vehicle, machine, or device, or any premises in the Town of Hackettstown for business, trade, or occupational purposes. The term “Business” shall not include volunteer organizations or non-profit organizations.

8-176. License and Liability Insurance Required

- A. It shall be unlawful for any person, firm, corporation, partnership, or other entity to engage in any Business with the Town without first having obtained a license as hereinafter provided in this chapter.
- B. Any Business located in the Town of Hackettstown shall maintain liability insurance for negligent acts and omissions in an amount of no less than \$500,000 for combined property damage and bodily injury to or death of one or more persons in any one accident or occurrence.

8-177. Requirements for Issuance of License

Every applicant shall be at least 18 years of age and a citizen or legal resident of the United States. The applicant shall be the actual owner of the Business for which the license is sought.

8-178. Application for License

- (A) An owner of any Business located or situated in the Town shall apply, on an annual basis, for a Business license utilizing a form issued by the Town Clerk. The application form shall, at minimum, require the following:
 - 1. The name and address of the business, the contract information of an agent authorized to accept notice from the Town, to issue receipts for these notices, and to accept service of process on behalf of the Business; and
 - 2. The residence of the applicant; and
 - 3. The specific nature of the Business; and
 - 4. A copy of a current and valid certificate of insurance showing that the Business maintains liability insurance for negligent acts and omissions in the amount of not less than \$500,000 for combined property damage and bodily injury to or death of one or more persons in any one accident or occurrence.
 - 5. In the case of Retail Food Establishments, proof of County Board of Health license as well as proof of satisfactory inspection.
- (B) The term of the license shall be for a calendar year. Each license shall expire on December 31st of the year in which it was issued. The owner of a Business shall annually register with the Town Clerk on or before December 31st of each year or within thirty (30) days of opening the Business within the Town of Hackettstown.

8-179. Fee

There shall be an annual administrative fee in the amount of \$25.00.

8-180. Issuance of License; Application Review Standards

- (A) The license shall be issued by the Town Clerk following review and approval by the Town Clerk. The Town Council shall make the determination as to the issuance of licenses or refusal to issue same.
- (B) Prior to issuing a license, the Town Clerk shall examine the qualification of any applicant for a license or renewal thereof to determine if the said applicant would conduct business in a lawful manner and in accordance with the general laws and statutes of the State of New Jersey and Ordinances of the Town of Hackettstown.
- (C) In the event that the Town Clerk refuses to issue a license, an aggrieved applicant may appeal to the Town Council for the issuance of said license by notifying the Council in writing within five days of the date of denial of the license by the Town Clerk, requesting that said applicant be heard by the Council in regard to the issuance of said license. Upon receiving such notification from any aggrieved applicant, the Town Council shall schedule a date for a hearing within 20 days of the date of the request, at which time the applicant shall have the right to present evidence to the Town Council showing that he is entitled to said license. The Council shall consider all factors required under the terms of this chapter and issue its ruling within 15 days of the date of said hearing.

8-181. Exceptions (12-14-23)

- (A) The licensing required by this Chapter shall not apply to any person, firm, corporation, partnership, or other entity that currently holds or comes to hold a valid license issued by the State of New Jersey that exempts the particular Business from municipal licensing. Notwithstanding, nothing in this section shall exempt any Business from complying with Section 8-176(B) and paying the applicable fee set forth in Section 8-179 in accordance with N.J.S.A. 40A:10A-1 et seq.
- (B) No license shall be required for the mere delivery into the Town of any goods or property purchased or acquired in good faith at a regular place of business located outside the Town where no intent to avoid the requirements of this chapter can be shown.
- (C) No provision of this chapter shall be applied so as to impose any unlawful burden on interstate commerce or any activity of the federal or state government.

8-182. Display of License; Inspection

- (A) The license shall be posted in a conspicuous place at the premises where the Business activity is conducted.
- (B) All licensees shall permit inspection of the licensed premises at reasonable hours by authorized persons.

8-183 Revocation of License; Suspension Pending Hearing.

- (A) Any license issued pursuant to this chapter may be suspended or revoked by the Town Council for cause after notice and hearing or pending such hearing for the following reasons:
1. Fraud, misrepresentation, or false statements contained in the initial application or renewal.
 2. Conviction of the licensee of a crime or felony.
 3. Conducting the Business activity in an unlawful manner that violates this chapter, federal law, state law, any ordinance of the Town of Hackettstown or in any manner that may constitute a breach of the peace, menace to the public health, public safety, and public nuisance.
 4. Failure to comply with the provisions of this chapter.
- (B) Licenses shall not be revoked or suspended until a hearing is held by the Town Council. Written notice of the time and place of the hearing shall be served upon the licensee at least 10 days prior to said hearing. Notice shall be deemed sufficient if marked by certified mail to the address of the licensed premises shown on the most recent annual license application or if served personally upon anyone in charge of the licensed premises during normal business hours.
- (C) At the hearing, the Town Council shall allow the licensee the opportunity to answer and be heard, and the Council, after due consideration, may dismiss the complaint or suspend, revoke, or impose additional conditions or modify existing conditions of the license.
- (D) In the event that the Chief of Police determines that said licensee is violating this chapter and it would be detrimental to the health, safety, and welfare of the residents of the Town to permit the operation of the licensee's activity until notice of a formal hearing can be given said licensee, the Chief of Police may suspend said license until the next regularly scheduled meeting of the Town Council when the Council may act in accordance with this section.

8-184. Penalty

Violations of this Article shall be issued by the Code Enforcement Officer in writing. Any person who violates any of the provisions of this chapter shall, upon conviction thereof, be subject to a fine not less than \$500.00 nor more than \$5,000, by imprisonment for a term not to exceed 90 days, or any combination thereof. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

CHAPTER 9. DISORDERLY CONDUCT

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ARTICLE 1. DISORDERLY CONDUCT

9-1. Alcoholic Beverages.

A. Consumption by Minors.

No minor shall knowingly possess or consume any alcoholic beverage in any place or places of assembly or in any motor vehicle in or about the Town. Any person violating this section is a disorderly person and shall be punished by a fine of not more than Fifty (\$50.00) Dollars, or be imprisoned in the county jail for not more than thirty (30) days, or both. Nothing in this section shall apply to possession of alcoholic beverages by any person while actually engaged in the performance of employment pursuant to any employment permit issued by the Director of Alcoholic Beverage Control, or for a bona fide hotel or restaurant in accordance with the provisions of Section 33:1-26 of the Revised Statutes. (10-24-62 s34)

B. Presence of Children Under Age of 16 Where Sold.

No person owning, keeping or having the management or control of any public dance hall where alcoholic beverages are sold, or any tavern, whether licensed as such or not, or any agent or servant of such person, shall admit thereto or permit or suffer to be or remain therein any child under the age of 16 years unaccompanied by a parent, guardian or adult friend. (10-24-61 s27)

9-2. Billboards.

No person shall hereafter erect or maintain a billboard or other structure for advertising purposes within the Town of Hackettstown.

Nothing in this section shall be construed to prohibit any person from erecting or maintaining a billboard or other structure for the outdoor display of advertising matter on premises where the business advertised is carried on. (11-23-59 s1 and s3)

9-3. Deleted

9-4. Bad Checks - Intent to Defraud.

1. It shall be unlawful for any person, either for himself or as agent or representative of another person, or as an officer or agent of any corporation, or as a member of a partnership, with intent to defraud, to make, draw, utter or deliver any check, draft or order for the payment of money in a sum not in excess of One Hundred (\$100.00) Dollars upon any bank or other depository knowing at the time of so doing the maker, or drawer, has no funds or insufficient funds in, or credit with, such

bank or other depository for the payment in full of such instrument upon its presentation although no express representation is made in reference thereto.

2. The making, drawing, uttering or delivering of a check, draft or order as stated in the foregoing paragraph shall be prima facie evidence of intent to defraud, and the certificate of protest of nonpayment of same shall be presumptive evidence that there were no funds or insufficient funds in or credit with such bank or other depository, and that the person making, drawing, uttering or delivering the instrument knew that there were no funds or insufficient funds in or credit with such bank or other depository. (6-24-63)

9-5. Disturbing the Peace.

No person shall make, continue or cause to be made or continued any unnecessary or unusual sound which either annoys, injures or endangers the comfort, repose, health or safety of others, unless the making and continuing of the same be necessary for the protection or preservation of property or of the health, safety, life or limb of some person or persons. (10-24-61 s5)

No person shall be noisy or shall display disorderly conduct, disturb or interfere with the quiet or good order of any place of assembly, public or private, including schools, churches, libraries and reading rooms. (10-24-61 s6)9-6.

9-6. DELETED.

9-7. Gambling.

No person shall, in or about the Town, play for money or other valuable thing at cards, dice or other game with one or more dice or with any other instrument, engine or device in the nature of dice, having one or more figures or numbers, or at billiards, pool, tennis, bowls or shuffleboard, or A. B. C. or E. O. tables or other tables, or at faro bank or other bank of a like nature by whatever name known or with any slot machine or device in the nature of a slot machine or with any other instrument, engine, apparatus or device having one or more figures or numbers thereon. (10-24-61 s35)

9-8. Indecent Exposure.

No person shall intentionally appear on any street, avenue, road, highway or other public place in a state of nudity, or make any indecent exposure of his person, or commit or cause to be committed or participate in the commission of any lewd or indecent act or behavior. (10-24-61 s12)

9-9. Indecent Language.

No person shall utter loud and offensive or profane or indecent language in any public street or other public place, public conveyance or place to which the public is invited.

No person in any place, public or private, shall address or make audible any offensive remarks to or concerning any passing person; or obstruct, molest or interfere with any person lawfully therein.

No person who telephones another shall address to such person any lewd, lascivious, indecent or disgusting remarks.

No person shall repeatedly telephone another for the purpose of annoying or molesting such person. (10-24-61 s4)

9-10. Interference with Officials or Official Bodies.

No person shall interfere with, hinder, disturb or obstruct the proceedings, functions or deliberations of the Common Council, the Board of Health, or any other officials of the town; nor shall any person molest, obstruct, hinder or interfere with any officer of the town or any official engaged in the performance of his duty, or knowingly resist or oppose any person authorized by law to make arrests or to serve any writ, bill, order or process when the person so authorized is acting in the performance of his duty. (10-24-61 s7)

9-11. Junk and Refuse.

No person shall throw, drop, dump on or tow to, or otherwise place on open fields or other private property, without first obtaining the permission of the owner or person in possession of such property, any abandoned automobile, automobile parts, junk, paper, bottles, trash, garbage, refuse or debris of any nature. No person shall throw, drop or otherwise place any paper, bottles, trash, garbage, refuse or debris of any nature upon a highway or other public lands. (10-24-61 s22 and s23)

9-13. Obstruction of Streets.

No person shall unnecessarily obstruct any street, avenue, road, highway, alley or public place with any kind of vehicle or vehicles or with box or boxes, lumber, wood or any other thing; but the

provisions of this Section shall not prevent persons who are building from occupying, until notified by any Town Official to cease such occupancy, one-half of the street in front of the place where they are building, unless another person is building on the opposite side of the street, in which case neither shall occupy more than one-quarter of the street. No person who is building shall continue such occupancy of any street after notice from any Town Official or police officer to discontinue the same. (10-24-61 s20)

9-14. Use of Minibikes, Snowmobiles and Other Unlicensed Vehicles.

A. Operation on Public Property Prohibited.

It shall be unlawful for any person to operate any type of unlicensed motor-driven vehicle or conveyance including, but not necessarily limited to, two-wheeled motor vehicles known as minibicycles, trail bicycles, motor scooters and four-wheeled motor vehicles commonly known as go-carts, two-tracked sleds commonly known as snowmobiles, upon any public property in the Town of Hackettstown, New Jersey.

B. Definitions.

For the purpose of this Section, the terms used herein are defined as follows:

“Public Property”: All streets, sidewalks, easements or any other area dedicated or commonly used for vehicular or pedestrian traffic, and all parks, recreation areas, ball parks, bike trails, storage facilities, garage areas, Board of Education property and any and all other publicly-owned land and premises, whether State, County or Municipal.

C. Noise or Other Disturbances.

It shall be unlawful to operate on public or private property any unlicensed motor-driven vehicle, as defined in Paragraph A, in a manner so as to create loud, unnecessary or unusual noise so as to disturb or interfere with the peace and quiet of other persons.

D. It shall be unlawful to operate on public or private property any unlicensed motor-driven vehicle, as defined in Paragraph A, in a careless, reckless or negligent manner so as to endanger the safety of any person or the property of any person.

E. Responsibility of Parent or Guardian.

It shall be unlawful for the parent, guardian, or any person having the care, custody and control of any child under the age of seventeen (17) to permit such child to operate a motor-driven vehicle in violation of the terms of this Section.

9-15. Consumption of Alcoholic Beverages Prohibited in Public Places.

No person shall drink or consume any alcoholic beverages in or upon:

- (a) A public street, lane, roadway, avenue, sidewalk, public parking place, park, playground, recreation area, shopping center parking lot, shopping center mall or plaza.
- (b) A public conveyance.
- (c) A private motor vehicle while the same is in motion or parked in any public street, lane, public parking lot or public or quasi-public place.
- (d) Any private property not his or her own, without the express permission of the owner or other person with authority to grant such permission.

9-16. Possession of Alcoholic Beverages in Opened Containers Prohibited.

No person shall carry about in his hand or on his person, or while in any parked or moving vehicle any glass, tumbler or open bottle or can containing alcoholic beverages or beverages of which alcoholic beverages are a part, whether said glass, bottle or can is clearly exposed or contained in a bag or cover, in any of the places designated in Paragraphs (a), (b), (c), or (d) of Section 9-15 set forth above.

Notwithstanding the provisions of Sections 9-15 or 9-16, nothing herein shall be constituted to prohibit the consumption or possession of alcoholic beverages within the licensed premises of a Plenary Retail Consumption Liquor License.

9-17. Signs, Mutilation or Removal of Trespass Signs.

No person shall willfully or maliciously remove, deface or alter any notice posted pursuant to law and forbidding trespassing, with intent to destroy such notice. Any person violating this Section shall be punished by a fine of not more than Fifty (\$50.00) Dollars or by imprisonment for not more than thirty (30) days, or both. (10-24-61 s3l)

9-18. Throwing Objects, Placing Objects on Highway or Tracks, Depositing Household Trash in Street Trash Receptacles Prohibited.

No person shall cast, shoot or throw anything at or against or into any vehicle, railroad car, airplane or other facility of transportation, or shall place any stick, stone or other substance upon any railroad track with intent to injure any car passing thereon, or the passenger therein.

No person shall place or throw or suffer or permit the depositing of any stone, stick, glass, snow or ice or any hard, dangerous or offensive substance upon any street, avenue, road, highway or other public thoroughfare; nor shall any person throw any such object or substance at, upon or against any person, vehicle of transportation, building or other structure. (10-24-61 s18 and s19)

No person shall place, deposit or permit the depositing of household garbage or household trash in any street trash receptacle belonging to the Town of Hackettstown. (9-9-68)

9-19. False Alarms.

No person shall, by word, act or other means, willfully and maliciously give or cause to be given a false fire alarm, a false police alarm, or false alarm for medical treatment or first aid. (10-24-61 s28)

9-20. General.

All acts constituting lewd, immoral or indecent conduct, unlawful destruction of property, willful injuries to or unlawful interference with persons, hazards to the public health and breaches or disturbances of the peace not expressly hereinbefore-mentioned, are severally prohibited. (10-24-61 s33)

9-21. Violations.

Except as otherwise provided herein, any person violating any of the provisions of this Section shall, upon conviction thereof, be punished by a fine not exceeding Five Hundred (\$500.00) Dollars, or by imprisonment in the County Jail for a term not to exceed ninety (90) days, or both. (10-24-61 s40)

ARTICLE 2. CONDUCT IN PUBLIC PARKS AND RECREATION AREAS

9-25. Prohibited Conduct.

No person in a public park and recreation area shall:

- (1) Willfully mark, deface, disfigure, injure, tamper with or displace or remove any buildings, bridges, tables, benches, fireplaces, railing, pavings or paving materials, water lines or public utilities or parts or appurtenances thereof, signs, notices of placards, whether temporary or permanent, monuments, stakes, posts or other boundary markers or other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal.
- (2) Fail to cooperate in maintaining restrooms and washrooms designated for the opposite sex.
- (3) Dig, cut or remove any soil, rock, sand, stones, trees, shrubs or plants or other wood or materials, or make any excavation.
- (4) Construct or erect any building or structure of whatever kind, whether permanent or temporary, or run or string any public service utility into, upon or across such lands, except on special written permit issued hereunder.
- (5) Damage, cut, carve, transplant or remove any tree or plant or injure the bark, or pick flowers or seed of any tree, or plant, dig in or otherwise disturb grass areas, or in any other way injure the natural beauty or usefulness of any area.
- (6) Climb any tree or walk, stand or sit upon monuments, vases, planters, fountains, parking fences or upon any other property not designated or customarily used for such purposes.
- (7) Tie or hitch an animal to any tree or plant.
- (8) Hunt, molest, harm, frighten, kill, trap, pursue, chase, tease, shoot or throw missiles at any animal, wildlife, reptile or bird; nor shall he remove or have in his possession the young of any wild animal or the eggs or nest thereof.
- (9) Throw, discharge or otherwise place or cause to be placed in the waters of any swimming pool, fountain, pond, lake, stream or other body of water in or adjacent to any parks or any tributary stream, 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 water.
- (10) Deposit or discard any bottles, broken glass, ashes, paper, boxes, cans,

dirt, rubbish, waste, garbage, refuse or other trash except in the proper receptacle where these are provided. Where receptacles are not provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere. No household garbage shall be deposited in any receptacle.

(11) Unauthorized motor vehicles are prohibited in all public parks and recreation areas except from designated public roadways and parking areas. Motor vehicles are any motor propelled vehicles that include cars, trucks, go-carts, mopeds, motorcycles, dirt bikes, all terrain vehicles, motorized scooters, snowmobiles and any other apparatus that is motor propelled or has a helper motor.

(12) It shall not be unlawful for any public employee to operate motor vehicles in other areas for the purpose of maintaining, repairing, patrolling or doing work upon said lands for the public good or for health, safety or emergency management purpose.

(13) Park a vehicle in other than an established or designated parking area. Such established or designated area shall be in accordance with police directions and with the instruction of any attendant who may be present.

(14) Leave any type of vehicle standing or parked at night in established parking areas or elsewhere in the park areas.

(15) Swim, bathe or wade in any waters or waterways in or adjacent to any park, except in such waters and at such places as are provided therefore, and in compliance with such regulations as are herein set forth, or may be hereinafter adopted. Nor shall any person frequent any waters or places customarily designated for the purpose of swimming or bathing or congregate there at when such activities are prohibited by the Recreation Commission upon a finding that such use of the water would be dangerous or otherwise inadvisable.

(16) Erect, maintain, use or occupy on or in any beach or bathing area any tent, shelter or structure of any kind, unless there shall be an unobstructed view into said tent, shelter or structure from at least two (2) sides; nor shall any guy wire, rope or extension brace or support be connected or fastened from such structure to any other structure, stake, rock or other object outside thereof.

(17) Dress or undress on any beach or in any vehicle, toilet or other place, except in such bathing houses or structures as may be provided for that purpose.

(18) Carry or possess firearms of any description, air-rifles, spring guns, bow

and arrows, paintball guns, slings or any other form of weapons potentially inimical to wildlife and dangerous to human safety, or any instrument that can be loaded with and fire blank cartridges, or any kind of trapping device. Shooting into the park areas from beyond park boundaries is forbidden.

(19) Picnic or lunch or consume food or beverages in a place other than those designated for that purpose. Attendants shall have the authority to regulate activities 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 directions given to achieve this end.

(20) Set up tents, shacks or any other temporary shelter for the purpose of overnight camping, nor shall any person leave in a park after closing hours movable structure or special vehicle to be used or that could be used for such purpose, such as house-trailer, camp trailer, camp wagon or the like, except in those areas designated by the Recreation Commission for those purposes.

(21) Take part in or abet the playing of any games involving throwing or otherwise propelled objects, such as balls, stones, arrows, javelins, horseshoes, quoits, or model airplanes, except in those areas set apart for such forms of recreation. The playing of rough or comparatively dangerous games such as football, baseball and lacrosse is prohibited, except on the fields and courts or areas provided therefore. Rollerskating, rollerblading and skateboarding shall be confined to those areas specifically designated therefore.

(22) DELETED.

(23) Have in his possession, or cause to explode, discharge or burn, any firecrackers or other fireworks, explosives or other such inflammable devices substances or compounds. At the discretion of the Recreation Commission, permits may be given for conducting properly supervised fireworks in designated park areas.

(24) Be responsible for the entry of a dog or other domestic animal into areas clearly marked by the Recreation Commission by signs bearing the words, "Domestic Animals Prohibited in this Area". Nothing herein shall be construed as permitting the running of dogs at large. All dogs in those areas where such animals are permitted shall be restrained at all times on adequate leashes not greater than six (6) feet in length.

(25) 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 and designated by the Recreation

Commission for the use of the opposite sex. Exception is made for the children under six (6) years of age.

(26) Build or attempt to build a fire, except in such areas and under such regulations as may be designated by the Recreation Commission. No person shall drop, throw, or otherwise scatter lighted matches, burning cigarettes, cigars, tobacco paper or other inflammable materials within any park or on any highway, roads, or streets abutting or contiguous thereto. Smoking is prohibited at all Town recreational facilities.

(27) Enter any area posted as "Closed to the Public", nor shall any person use, or abet in the use of, any area in violation of posted notices. The mini-park on the corner of Main and Moore Street is closed to the public between the hours of 11:00 P.M. and 5:00 A.M., and no person shall occupy said park during those hours. All Town parks will be open from dawn to dusk, unless otherwise authorized by the Recreation Commission. Dawn to dusk is defined as that time from one-half hour after sunset until sunrise.

(28) Gamble or participate in or abet any game of chance, except in such areas and under such regulations as may be designated by the Recreation Commission.

(29) Fail to produce and exhibit any permit from the Recreation Commission he claims to have, upon request of any authorized person who shall desire to inspect the same for the purpose of enforcing compliance with any ordinance or rule.

(30) Disturb or interfere unreasonably with any person or party occupying any area or participating in any activity under the authority of a permit.

(31) Expose or offer for sale any article or thing; nor shall he station or place any stand, cart or vehicle for the transportation, sale or display of any such article or thing. Exception is hereby made as to any regularly licensed concessionaire acting by and under the authority and regulations of the Recreation Commission.

(32) Paste, glue, tack or otherwise place any sign, placard, advertisement or inscription whatsoever; nor shall any person erect or cause to be erected any sign whatsoever on any public lands or highways or roads adjacent to a park.

(33) Paintball is prohibited on all Town recreation properties.

(34) The feeding of unconfined wildlife in any public park or on any other property owned or operated by the Town of Hackettstown is prohibited, so as to protect public health safety, and welfare.

a. Definitions. For the purpose of this chapter, 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.

i. 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.

ii. Person - any individual, corporation, partnership, firm, association or political subdivision of this State subject to municipal jurisdiction.

iii. Wildlife - all animals that are neither human nor domesticated.

b. Prohibited Contact. No person shall feed, in any public park or on any other property owned or operated by the Town of Hackettstown, any wildlife, excluding confined wildlife (for example, wildlife confined in zoos, parks or rehabilitation centers, or unconfined wildlife at environmental education centers).

9-26. Motor Vehicle Parking.

No owner or driver shall cause or permit his vehicle to stand outside of designated parking spaces, except for a reasonable time to take up or discharge passengers or equipment. No motor vehicle shall be parked in a public park from one-half hour after sunset until sunrise, except as otherwise permitted.

9-27. Enforcement.

The Recreation Commission and park attendants shall, in connection with their duties imposed by law, diligently enforce the provisions of this Article. The Recreation Commission and any park attendant shall have the authority to eject from the park area any person or persons

acting in violation of this Article. The Recreation Commission and any park attendant shall have the authority to seize and confiscate any property, thing or device brought into a park, or used in violation of this Article. This Article shall also be enforced by the Police Department of the Town.

9-28. Penalties.

Any person who shall violate any of the provisions of this Article, or any rule or regulation promulgated pursuant hereto, shall, upon conviction, be required to replace, repair or restore any damaged park property and shall be punished by a fine not exceeding Five Hundred (\$500.00) Dollars, or by imprisonment in the County Jail for a term not exceeding ninety (90) days, or both.

ARTICLE 3. SALE OF OBSCENE MATERIAL

9-29. Sale of Obscene Material Prohibited.

No person, firm or corporation shall sell, offer for sale or display obscene material.

For the purpose of this Article, "obscene material, means any description, narrative account, display, or depiction of sexual activity or anatomical area contained in, or consisting of, a picture or other representation, publication, sound recording, live performance, or film which by means of posing, composition, format or animated sensual details: (a) Depicts or describes in a patently offensive way, ultimate sexual acts, normal or perverted, actual or simulated, masturbation, excretory functions, or lewd exhibition of the genitals, (b) Lacks serious literary, artistic, political, or scientific value, when taken as a whole, and (c) is a part of a work, which to the average person applying contemporary community standards, has a dominant theme taken as a whole, which appeals to the prurient interest.

9-30. Violations.

Any person, firm or corporation who shall violate any of the provisions of this Article shall, upon conviction, be punished by a fine not to exceed Five Hundred (\$500.00) Dollars, or by imprisonment in the County Jail for a period not to exceed ninety (90) days, or by both such fine and imprisonment. Each violation of any of the provisions of this Article and each day the same is violated shall be deemed and taken to be a separate and distinct offense.

9-30A. Display of Obscene Material.

(1) "Retailer", as used in this ordinance, means any person, association, partnership, corporation, or other entity, its servants, agents and employees who operate, maintain or manage a store, newsstand, booth, concession or similar business with unimpeded access for persons under 18 years old, who is in the business of making sales of any periodicals or other publications at retail containing pictures, drawings, photographs, videotape or film. "He" includes any natural person and, where relevant, a corporation or an unincorporated association, and its servants, agents or employees.

(2) "Obscene Material For Persons Under 18 Years of Age" means any obscene material as defined in N.J.S. 2C:34-3.

(3) "Knowingly" means:

(a) Having knowledge of the character and content of the material described herein;

or

(b) Having failed to exercise reasonable inspection which would disclose its character and content.

(4) A retailer is guilty of a petty disorderly persons offense if he knowingly displays or permits to be displayed at his business premises any obscene material, as defined in N.J.S. 2C:34-3 at a height of less than 5 feet or without a blinder or other covering placed or printed on the front of the material displayed.

(5) Public display of the obscene material, as defined herein, shall constitute presumptive evidence that the retailer knowingly made or permitted the display.

(6) Any retailer who violates Section (4) commits a petty disorderly persons offense and shall be subject to a fine not exceeding One Thousand Dollars (\$1,000.00), and imprisonment for a term not exceeding thirty (30) days.

ARTICLE 4. SKATEBOARDS AND OTHER DEVICES

9-40. Definitions.

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

Skateboard - A single platform which is mounted on wheels, having no mechanism or other device with which to steer or control the direction of movement thereof while being used, operated or ridden.

9-41. Use Prohibited in Public Places.

No person shall use, operate or ride upon any skateboard on any of the following public streets or public sidewalk adjoining the following streets: Washington Street, Main Street, High Street, Willow Grove Street, Mountain Avenue, Grand Avenue, Bells Lane, Little Street, East Avenue, and Franklin Street. In addition, no person shall use, operate or ride upon any skateboard on any public parking lot, within the Main Street mini-park, Hackettstown Community Pool property, or other municipal property within the Town of Hackettstown.

9-42. Penalties and Violations.

Any police officer who shall observe any person using, operating or riding upon a skateboard in violation of this chapter shall take possession of the skateboard and the same shall be subject to a fine not to exceed One Hundred (\$100.00) Dollars. (6-30-11)

ARTICLE 5. CURFEW

9-45. Article 5 - Curfew.

Definitions - for purposes of this Article, the following terms shall be defined to mean:

- (a) Juvenile - a individual who is under the age of eighteen (18) years;
- (b) Guardian - a person, other than a parent to whom legal custody of the juvenile has been given by court order or who is acting in the place of the parent or who is responsible for the care and welfare of the juvenile;
- (c) Public place - any place to which the public has access, including but no limited to a public street, road, thoroughfare, sidewalk, bridge, alley, plaza, park, recreation, athletic or shopping area, public transportation facility, vehicle used for public transportation, parking lot or any other public building, structures or area.

9-46. Curfew for Juveniles. It shall be unlawful for juveniles to be in any public place between the hours of 10:00 p.m. on October 29th and 6:00 a.m. on October 30th and between 10:00 p.m. on October 30th and 6:00 a.m. on October 31st unless accompanied by a parent or guardian. This prohibition does not apply if said juvenile is:

- (a) engaged in, or traveling to or from, a business or occupation which the laws of the State of New Jersey authorize a juvenile to perform;
- (b) engaged in an errand involving a medical emergency;
- (c) attending religious services, extracurricular school activities, activities sponsored by a religious or community organization or other cultural, educational or social events or is in direct transit to or from such events.

9-47. Obligation of Parent or Guardian.

It shall be unlawful for any parent or guardian to permit, suffer or allow any juvenile in his or her care to be in any public place between the hours of 10:00 p.m. on October 29th and 6:00 a.m. on October 30th and between 10:00 p.m. on October 30th and 6:00 a.m. on October 31st.

9-48. Penalties and Violations.

Any person found guilty of having violated Section 9-45 or Section 9-47 of this Article shall perform community service and may be subject to a fine of no more than One Thousand (\$1,000.00)

Dollars and if parents or guardians as well as a juvenile are found guilty of violating this Ordinance, the parents or guardians shall perform community service together with the juvenile. The period of community service will not exceed ninety (90) days.

ARTICLE 6. RESTRICTIONS ON CIGARETTE VENDING MACHINES (1997)

9-50. Restrictions on Tobacco Vending Machines and Tobacco Vending Machines Sales.

It shall be unlawful for a tobacco retailer to offer for sale or to sell any tobacco product through a vending machine in this municipality, except tobacco vending machines shall be permitted to operate only if the operation of the machine to vend tobacco products is possible only by the activation of an electronic switch or other device which is controlled by the tobacco retailer or his designated adult employee and only after the tobacco retailer or his adult employee has made the reasonable determination that the person wishing to use the tobacco vending machine is eighteen (18) years of age or older. The electronic switch or device shall operate in such a fashion that the vending machine shall remain in the "off" position until activated for each individual sale.

9-51. Removal of Tobacco Vending Machines.

All tobacco vending machines made unlawful by the terms of this Ordinance shall be removed within thirty (30) days from the effective date of this Ordinance.

9-52. Penalties.

(a) Any person violating any of the provisions of this Article shall, upon conviction thereof, pay a penalty of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each offense. Complaint shall be made in the municipal courts of the Town of Hackettstown.

(b) The Board of Health may suspend the Retail Food Establishment License of any person convicted of violation of this ordinance, for a period of not more than three (3) days, pursuant to the authority of the Board of Health to license and regulate food establishments as provided by N.J.S.A.

26:3-31(c).

ARTICLE 7. FEEDING OF BEARS PROHIBITED. (2000)

9-60. Feeding and Baiting.

It shall be unlawful to feed or bait bears in the Town of Hackettstown in any manner.

9-61. Fines.

Any person violating this ordinance shall be fined not less than \$100.00 nor more than \$1,000.00, and/or be subject to imprisonment in the Warren County Jail or community service for not more than ninety (90) days.

ARTICLE 8. NUISANCE PROHIBITED

9-70. 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.

9-71. Definition of Noise.

Without intending to limit the generality of subsection 9-70, the following acts are hereby declared to be examples of loud, disturbing, and unnecessary noise in violation of this section:

- a. *Radios; Televisions; Phonographs.* The playing, use or operation of any radio receiving set, television, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet and comfort of neighboring inhabitants or with louder volume than is necessary for convenient hearing for persons who are in the room, vehicle or chamber in which the machine or device is operated and who are voluntary listeners. The operation of such a set, instrument, phonograph, machine or device so that it is clearly audible at a distance of one hundred (100') feet from the building, structure, or vehicle in which it is located shall be prima facie evidence of a violation of this section.
- b. *Yelling; Shouting.* Yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of 11:00 P.M. and 7:00 a.m., or at any time or place, which annoys or disturbs the quiet, comfort or repose of persons in any office, dwelling, hotel, motel or other type of residence or of any persons in the vicinity.
- c. *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 dog pound or kennel licensed in accordance with Section 6-6 of these ordinances.
- d. *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 or 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.

9-72. Penalties.

Section 1-8 hereof, penalty shall apply.

ARTICLE 9. CAMPING

9-73. Definitions.

For the purpose of this Article, the terms used herein are defined as follows:

“Camp:” Doing any of the following for more than sixty (60) consecutive minutes or within three hundred (300) feet of any previous stopping point in a twenty-four (24) hour period: (a) Erecting a tent or other form of shelter for the purpose of sleeping; (b) Arranging bedding for the purpose of sleeping; or (c) Using a standing or parked vehicle for the purpose of sleeping.

“Campsite:” Any place where bedding, sleeping bags, other material used for bedding purposes, stove, fire, or Camping Materials are placed, established, or maintained for the purpose of maintaining a temporary place to live, whether or not such place incorporates the use of any tent, lean-to, shack, or any other structure, or any vehicle or part thereof.

“Camping Materials:” Include, but are not limited to, tents, huts, awnings, lean-tos, chairs, tarps, portable stoves, and/or other collections of personal property that are, or reasonably appear to be, arranged and/or used as accommodations to camp whether or not 24 hours have passed.

“Municipal Property”: All property, streets, sidewalks, easements, rights of way, or any other area dedicated or commonly used for vehicular or pedestrian traffic, and all parks, recreation areas, ball parks, bike trails, storage facilities, garage areas, or other land owned, leased, controlled, or managed by the Town of Hackettstown.

“Personal Property:” Any item that can reasonably be identified as belonging to an individual and that has apparent value or utility.

9-74. Sleeping on Sidewalks, Streets, Alleys, or Within Doorways Prohibited

- A. No person may sleep on public sidewalks, streets, or alleyways at any time as a matter of individual and public safety.
- B. No person may sleep in any pedestrian or vehicular entrance to public or private property abutting a public sidewalk.
- C. In addition to any other remedy provided by law, any person found in violation of this section may be immediately removed from the premises.

9-75. Camping Prohibited.

No person may camp or otherwise occupy a campsite in or upon any public street, sidewalk, or any other Municipal Property unless specifically authorized by (i) other section of this Code, (ii) resolution

of the Town Council, (iii) formal authorization by the Town Emergency Management Coordinator or Town Council in emergency circumstances, (iv) a special events license issued under Chapter 8, Article 2A of this Code. In authorizing an exemption from this provision, the Town may impose conditions, such as requiring the applicant to maintain adequate insurance coverage and execute an agreement to indemnify the Town for any liability, damage or expense incurred by the Town as a result of activities of the applicant. Any exemptions shall be limited in time and location.

9-76. Removal of Campsite on Municipal Property.

Upon discovery of a campsite on public streets, sidewalks, or other Municipal Property, the Town may remove the campsite and associated camping materials.

- A. Prior to removing the Campsite and / or Camping Materials, the Town shall post a notice at the Campsite, 24-hours in advance.
- B. At the time a 24-hour notice is posted pursuant to subsection A above, the Town shall inform a local agency delivering social services to unhoused individuals of the location of the Campsite and the intent to remove the Campsite.
- C. After the 24-hour notice period has passed, the Town, including its Police Department, is authorized to remove the Campsite and all Camping Materials and Personal Property related thereto and dispose and release them in compliance with Section 9-77 below.

9-77. Disposition and Release of Personal Property.

- A. Items having no apparent utility or monetary value and items in an unsanitary condition may be immediately discarded.
- B. Weapons, drug paraphernalia, items appearing to be stolen, and evidence of a crime may be retained as evidence by the Town Police Department until an alternate disposition is determined.
- C. All other Personal Property removed from a Campsite which is not retained, disposed of, or held as evidence (as provided above) shall be stored by the Police Department for a minimum of 30 days, during which time it shall be reasonably available for and released to an individual confirming ownership.

9-78. Other Camping Prohibited.

Camping is prohibited on or in all privately-owned property in the Town; provided, however, that Camping is permitted on such property with the permission and consent of the property owner and as otherwise permitted pursuant to a properly licensed Safe Parking Program Facility.

9-79. Enforcement; Violations; Mitigation and Penalties.

- A. This Article may be enforced by the Town Police Department and Zoning Officer.
- B. Upon conviction for a violation of this Article, in addition to any other factors deemed appropriate by the Court, the Court shall consider in mitigation whether or not the person

immediately removed all Personal Property and litter, including but not limited to bottles, cans, and garbage, from the Campsite after being informed they were in violation of the law.

- C. Upon conviction for a violation of this Article, if an individual demonstrates that after receiving the summons and before the hearing, they meaningfully engaged with private resources and/or service providers to address the reason(s) that led them to be in violation, the Court shall consider that information determining the appropriate penalty.
- D. Violation of this Article is punishable by a fine of not more than \$50. In the Court's discretion, alternative penalties intended to address the reason(s) the individual was in violation of this Chapter may be imposed. These alternative penalties may not include a term of imprisonment.

CHAPTER 10. FIRE PREVENTION

INDEX

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ARTICLE 1. ENFORCEMENT OF FIRE PREVENTION CODE
OF THE CODE OF THE TOWN OF HACKETTSTOWN (12-12-13)

Section One. LOCAL ENFORCEMENT

Pursuant to Section 11 of the Uniform Fire Safety Act (P.L. 1983, c.383, C.52:27D-192 et seq.) the New Jersey Uniform Fire Code (N.J.A.C. 5:70-1)shall be locally enforced in the Town of Hackettstown.

Section Two. AGENCY DESIGNATION

The local enforcing agency shall be the Township of Mount Olive through its Bureau of Fire Prevention which is hereby created therein. The Bureau of Fire Prevention shall hereinafter be known as the local enforcing agency.

Section Three. DUTIES

(A) Within the established boundaries of the Town of Hackettstown, the local enforcing agency shall enforce the Uniform Fire Code in all buildings, structures, and premises other than owner-occupied buildings of less than three dwelling units used exclusively for dwelling purposes and buildings, structures, and premises owned or operated by Interstate Agencies or the State.

(B) The local enforcing agency shall faithfully comply with all the pertinent requirements of the Uniform Fire Safety Act and the Uniform Fire Code.

Section Four. ORGANIZATION

(A) The Bureau of Fire Prevention designated by Section 2 of this ordinance shall be under the direct supervision and control of a duly appointed fire official who shall report to the Mayor and Council of the Township of Mount Olive hereinafter referred to as the "governing body").

(B) The Bureau of Fire Prevention shall have at least one paid fire official and such paid inspectors and other employees as may be necessary to properly enforce the Uniform Fire Code.

Section Five. APPOINTMENT, TERM OF OFFICE, REMOVAL

(A) Appointment of Fire Official. The chief administrative officer of the Bureau of Fire Prevention shall be a State-certified fire official appointed by the governing body.

(B) Appointment and Qualification of Inspectors and Other Employees. The governing body, upon the recommendation of the fire official, shall appoint inspectors and other employees of the enforcing agency. All life hazard use inspectors shall be certified by the State.

(C) Appointment of Legal Counsel. The governing body shall specifically appoint legal counsel to assist the agency in enforcing the Uniform Fire Code.

(D) Term of Office. The fire official shall serve for a term of three years. Any vacancy shall be filled for the unexpired term.

(E) Removal from Office. The fire official, inspectors and other employees of the agency shall be subject to removal by the governing body for just cause. Before removal from office, all persons shall be afforded an opportunity to be heard by the governing body or a hearing officer designated by the same.

Section Six. LIFE HAZARD USES

The Bureau of Fire Prevention designated by Section 2 of this ordinance shall carry out the periodic inspections of life hazard uses required by the Uniform Fire code on behalf of the Commissioner of the New Jersey Department of Community Affairs

Section Seven. NON-LIFE HAZARD USES

(A) In addition to the registrations and permits required by the Uniform Fire Code, all other uses subject to Uniform Fire Code inspections shall register with the Bureau of Fire Prevention. These uses shall be inspected once per year and shall pay an annual fee based on the fee schedule as set forth below:

a. All buildings and structures, other than those classified as Use Group R-3, which are not required to be registered as life-hazard uses must be registered with the Bureau of Fire Prevention and shall be subject to an annual registration fee of \$100.

b. All building uses or businesses, other than those classified as Use Group R-3, which are not required to be registered as life-hazard uses must be registered with the Bureau of Fire Prevention and shall be subject to an annual registration fee of \$100.

c. Exception. Buildings or structures that are occupied by a single building use or business that is owned and operated by the building's or structure's owner shall not be required to register the building use nor business in addition to the registration of the building or structure.

d. The application fee for a certificate of smoke detector compliance inspection as required by N.J.A.C. 5:70-2.3 is as follows:

- i. Initial inspection and issuance of a certificate of compliance: \$40.
- ii. Re-inspection required due to a failed inspection: \$15.

(B) Uses requiring registration with the State as life hazard uses shall not be required to register or pay fees pursuant to this section.

(C) Vacant buildings that create a fire hazard shall be charged and inspected according to the schedule above.

Section Eight. PERMITS

(A) The permit fees established by the Uniform Fire Code shall be amended as follows:

TYPE	FEE
Type 1	\$50.00
Type 2	\$150.00
Type 3	\$280.00
Type 4	\$425.00

Section Nine. TECHNICAL AMENDMENTS

"Reserved"

Section Ten. BOARD OF APPEALS

Pursuant to Section 15 and 17 of the Uniform Fire Safety Act, any person aggrieved by any action of the local enforcing agency shall have the right to appeal to the Construction Board of Appeals of the County of Warren.

Section Eleven. ENFORCEMENT, VIOLATIONS AND PENALTIES

Enforcement, violations and penalties shall be managed in conformity with the Uniform Fire Safety Act, the Uniform Fire code and all other laws of the State of New Jersey.

Section Twelve. REPEALS

The following code or portions thereof are hereby repealed:

Article I ("Enforcement of Fire Prevention Code of the Code of the Town of Hackettstown") of Chapter 10 ("Fire Prevention") of the Code of the Town of Hackettstown, Sections 10-1 through 10-18.

ARTICLE 2. FIRE ZONES ESTABLISHED (1999)

10-19. Establishment of Fire Zones.

There are hereby created in the Town of Hackettstown fire zones as set forth in Schedule XVI attached to and made part of this article.

10-20. Fire Lanes.

a. Designation: The Fire Official with the written approval of the Chief of the Hackettstown Fire Department and the Chief of the Hackettstown Police Department may require and designate public or private fire lanes as deemed necessary for the efficient and effective use of fire apparatus upon the approval of the Mayor and Common Council. In the case of fire lanes on private places open to the public, the Fire Official shall first give notice to said private property owner before erecting or causing to be erected any fire zone sign provided herein.

b. Obstruction: Designated fire lanes shall be maintained free of obstructions and vehicles at all times. They shall also be marked in a manner prescribed by the most recent edition of the "Manual on Uniform Traffic Control Devices for Streets and Highways."

10-21- Compliance with Orders.

A person shall not willfully fail or refuse to comply with any lawful order or direction of any fire official or interfere with the compliance attempts of the fire official or his designee.

10-22. Blocking of Fire Hydrants and Fire Department Connections.

It shall be unlawful to obscure from view, damage, deface, obscure, or restrict the access to any fire hydrant or fire department connection for the pressurization of fire suppression systems. Including in this Fire Hydrants, Fire Department Connections, are standpipe systems that are located on public or private streets, access lanes or on private property.

Snow removal from all fire hydrants, fire department connections and stand pipe systems that are located on public or private streets and access lanes or on private property within twenty-four (24) hours of the end of the said snow storm are also included in this section.

10-23. Parking Regulations.

Except in compliance with the directions of a police officer or posted traffic signal, no operator of a motor vehicle, moped, motorized bicycle, or bicycle shall stop stand or stand or park in any of the following places:

- a. Within ten (10) feet of a fire hydrant or fire department connection or stand pipe system.
- b. Each fire lane shall be clearly marked on the surface of the pavement "FIRE LANE NO PARKING" in yellow letters no less than twenty-four (24) inches high. This wording shall be located horizontally and between the perimeter lines and shall be repeated throughout the fire lane or fire zone.
- c. Each fire lane shall be clearly marked with a metal sign every fifty (50) feet with a minimum of two (2) signs. The metal signs shall be no less than eighteen (18) inches by twenty-four (24) inches with three (3) inch red letters, shall contain a white reflective background and shall read as follows:

FIRE LANE

NO PARKING

TOW AWAY ZONE

10-25. Maintenance of Fire Lane.

The owner of property where the fire lane is located shall be responsible to properly maintain any such markings, striping, curbing, and signage in the designated areas at all times. Defacing, tampering with, or damaging any such markings, striping, curbing, or signage or allowing them to deteriorate so as to reduce their effectiveness shall constitute a violation of this chapter.

10-25. Penalties.

Any persons who shall violate any of the provisions of this section or who fails to comply Herewith shall for each and every violation and non-compliance respectively upon conviction, be subject to a fine not in excess of \$1,000.00 or by imprisonment in the County jail for a term not exceeding ninety days and is subject to vehicular removal by the Hackettstown Police Department at the sole expense of the owner or operator therefore. Each day any violation of this ordinance shall continue shall be considered a separate offense and be punishable as such. All fines collected hereunder shall be payable to the Hackettstown Bureau of Fire Prevention.

ARTICLE 3. SMOKE DETECTORS AND CARBON MONOXIDE ALARMS

10-30. Existing Structures.

No owner of an existing single family, two family or multifamily dwelling, on or after the effective date of this Ordinance, shall sell a single family and two family dwelling unless and until one or more smoke detectors and carbon monoxide detectors (or other approved fire alarm system) are installed for each dwelling unit being so sold in accordance with all the requirements of the New Jersey Uniform Construction Code and the Uniform Fire Code.

10-31. Enforcement.

(a) The Fire Official of the Town of Hackettstown, or in his absence or unavailability, the Deputy Fire Marshall of the Town of Hackettstown, shall be responsible for the enforcement of the requirements of this Ordinance. Said Fire official or Deputy Fire Marshall, as the case may be, shall inspect and approve all smoke detectors and carbon monoxide and other fire alarm systems installed in accordance with the provisions of this Ordinance and the New Jersey Construction Code and Uniform Fire Code, including the approval of the location or locations selected for such installation.

(b) In order to inform prospective purchasers of residential properties within the Town of Hackettstown that no residential dwelling unit may be sold without first installing smoke detectors and carbon monoxide detectors or such other approved fire alarm system in accordance with the requirements of this Ordinance and the New Jersey Uniform Construction Code and Uniform Fire Code. The fee to be paid to the Town of Hackettstown for the inspection and certificate of approval shall be as follows:

1. Requests received more than 10 business days prior to the change of occupant: \$35.00.
2. Requests received 4 to 10 business days prior to the change of occupant: \$70.00.
3. Requests received fewer than 4 business days prior to the change of occupant: \$125.00.

(c) Whenever a smoke detector, carbon monoxide detector or other approved fire alarm system is required to be installed by this Ordinance, such requirement shall not be considered to have been complied with unless such smoke detector(s), carbon monoxide detector or other type of fire alarm system is installed in accordance with all the technical requirements and specifications of the New Jersey Uniform Construction Code (and the Building Code and Uniformed Fire Code adopted therein by reference) and has been inspected and approved by the Fire Official (or in his absence or unavailability, by the Deputy Fire Marshall).

(d) The owner(s) of the real estate upon which the structure in question is located shall be the party responsible for installation of smoke detectors, carbon monoxide detector or other fire alarm system in accordance with the requirements of this Ordinance.

(e) Any owner of the property upon which is constructed or located a structure required to have installed therein a fire detector, carbon monoxide detector or other fire alarm system, and who falls to do so in accordance with the requirements of this Ordinance, shall be liable to a fine of not more than \$500.00 or to imprisonment for not more than thirty (30) days, or to both such fine and imprisonment.

(f) The Fire Official, and in his absence or unavailability, the Deputy Fire Marshall, is hereby empowered, upon reasonable advance notice to the owner and/or the tenant or other party in possession, to come upon any premises and enter any structure which is required to comply with the requirements of this Ordinance in order to verify compliance with this Ordinance and the New Jersey Uniform Construction Code and Uniform Fire Code and to otherwise carry out the objectives and enforcement of this Ordinance.

(g) The Fire Official shall maintain a list of all properties in the Town of Hackettstown which have had smoke detectors, carbon monoxide detectors or other fire alarm systems installed in accordance with the requirements of this Ordinance and the New Jersey Uniform Construction Code and the Uniform Fire Code. This list shall be kept current as additional buildings within the Town are equipped with smoke detectors, carbon monoxide detectors and other fire alarm systems in accordance with this Ordinance.

ARTICLE 4. FIRE PITS AND CHIMINEAS (12-29-14)

Section 10-40. Fire Pits and Chimineas.

Fire pits, chimineas, outdoor fireplaces, and other similar devices are authorized within the Town boundaries subject to the restrictions set forth in this Chapter.

Section 10-41. Restrictions.

(a) Only firewood, wood pellets or coal may be burned in a fire pit, chiminea, outdoor fireplace, or other similar device within the Town. No trash or other wastes such as garbage, leaves, yard waste, brush, vines, evergreen needles, construction debris, rubbish, plastic materials, leather, furniture, or petroleum based materials may be used to fuel any fire in any such device.

(b) Kindling may be used to start a fire.

(c) No outdoor fire, whether in a fire pit, chiminea, or the like, may be left unattended.

Section 10-42. Enforcement.

(a) This Ordinance shall be administered by the Town Fire Department and Town Police Department.

(b) Anyone authorized to enforce this ordinance shall have the authority to immediately cause any person using a fire pit, chiminea, outdoor fireplace, or similar device within the Town boundaries to extinguish the same if the enforcement official believes that the use of the fire pit, outdoor fireplace, chiminea, or similar device is in violation of this ordinance.

Section 10-43. Penalties.

Any individual, person, firm, or corporation, violating any of provisions of this ordinance shall be liable to a fine no less than \$50.00 and no more than \$500.00.

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ARTICLE 1. REMOVAL OF DEBRIS, PLANT GROWTH, ETC., REQUIRED (10/10/24)

11-1. Removal of Debris, Plant Growth, Etc., Required.

Whenever it shall be deemed necessary for the preservation of the public health, safety and welfare, or to eliminate fire hazard, the Director of the Department of Public Works or a designee of the Director shall require any owner, tenant, occupant, managing agent, executor, administrator, or other similar person to remove or destroy brush, weeds (including ragweed), dead and dying trees, stumps, roots, obnoxious growth, filth, garbage, trash and debris within ten (10) days after receipt of notice to remove or destroy the same. The Director of the Department of Public Works or a designee of the Director shall also have the authority to require any owner, tenant, occupant, managing agent, executor, administrator, or other similar person to cut grass that is over eight (8") inches in height, within five (5) days after receipt of notice.

11-2. Notice.

The Director or his designee shall serve written notice upon any such person described in Section 11-1, describing the condition of the premises and demanding that the condition be abated within the applicable ten (10) or five (5) days of receipt of such notice. Notice shall be made by personal service, or by certified mail, return receipt required. In the event that personal service cannot be effected because the owner or agent is not a resident of the Town, or in the event that service by certified mail is unaccepted, then notice by regular mail shall be sent, and the Director aforementioned or his designee shall post said notice in a conspicuous place on the premises. Where grass has exceeded eight (8") inches in height, the Director aforementioned or his designee shall mail the notice both by certified mail, return receipt required, and by regular mail, and shall also post said notice in a conspicuous place on the premises.

11-3. Failure to Remove or Destroy after Notice.

When the owner, tenant or other such person set forth in Section 11-1 shall refuse or neglect to remove or destroy any such brush, weeds, dead or dying trees, stumps, roots,

obnoxious growth, filth, garbage, trash or debris, or to cut grass, within the applicable ten (10) or five (5) days after receipt of notice, he shall, upon conviction, be subject to a fine not exceeding Five Hundred (\$500.00) Dollars. The imposition and collection of a fine shall not bar the right of the Town to collect the cost of removal in the manner provided herein, or by summary action in a court of law.

11-4. Removal by Department of Public Works.

Where the owner, tenant or other person set forth in Section 11-1 above shall have refused and neglected to remove or destroy any such brush, weeds, dead or dying trees, stumps, roots, obnoxious growth, filth, garbage, trash or debris, or to cut grass, within the applicable ten (10) or five (5) days after receipt of notice to remove or destroy same, or upon the expiration of a posting of notice as provided in Section 11-2 above, the Director aforementioned or his designee shall cause same to be removed or destroyed at the expense of the owner, tenant, occupant, managing agent, executor, administrator or other similar person, as the case may be.

11-5. Cost of Removal or Destruction by Department of Public Works.

In all cases where brush, weeds, including ragweed, dead and dying trees, stumps, roots, obnoxious growth, filth, garbage, trash or debris are destroyed or removed, or grass is cut, from any lands under this Ordinance by or under the direction of the Director aforementioned or his designee, the same shall certify the cost thereof, including an assessment of an administrative fee for \$100.00, to the Town Council, which shall examine the certificate and, if found correct, shall cause the cost as shown thereon to be charged against said lands; the amount so charged shall forthwith become a lien upon said lands and shall be added to and become a part of the taxes next to be assessed and levied upon such lands, to bear interest at the same rate as taxes, and shall be collected and enforced by the same officers and in the same manner as taxes.

ARTICLE 2. CONNECTION WITH SEWER

11-10. Definitions.

As used in this Ordinance, unless a different meaning clearly appears from the context, the following words shall have the following meanings:

A. "Building" means any building or structure heretofore or hereafter constructed and designed or used for dwelling purposes either temporary or permanent, or other use or occupancy by persons.

B. "Sewer" means any sewer or main designated or used for collection or disposal of sanitary sewage and located in any public street or easement in the Town.

C. "Connection Date" when used with respect to a building constructed prior to the date of initial operation, as a part of any sanitary sewage treatment and disposal system in the Town owned or operated by the Town or the Town of Hackettstown Municipal Utilities Authority, of a sewer in the public street upon which said building is located or of a sewer in an easement adjacent to or passing through property upon which said building is located, means the ninetieth (90th) day next ensuing after said date of initial operation, and when used with respect to a building constructed after the date of initial operation, as part of any sanitary sewage treatment and disposal system owned or operated by the Town or said Authority, of a sewer in the public street upon which said building is located or of a sewer in an easement adjacent to or passing through the property upon which said building is located means the ninetieth (90th) day after the date of completion of construction, or the date of initial occupancy of said building, whichever of said dates shall be earlier in point of time.

11-11. Installation of Toilet.

The owner of any building located upon any public street in the Town in which a sewer is now constructed or shall be hereafter constructed shall, prior to the connection date with respect to said building, install a toilet in said building, unless a toilet is already installed therein, and connect such building and every toilet therein with said sewer.

11-12. Requirements and Specifications.

Every connection required by this ordinance shall be made with soil pipe of Extra Heavy Cast Iron, U.S.A. Specification A40.1-1935. Jointing shall be by push joint or leaded and well-caulked, extending from inside the building foundation to a sewer or to a point which is not less than five (5')

feet outside of said foundation, and connection therefrom to a sewer with soil pipe of Extra Heavy Cast Iron pipe with push joints. All soil pipes shall be not less than four (4") inches in diameter, and every connection required by this ordinance shall be made in a manner to discharge into said sewer all sanitary sewage originating in the building.

11-13. Failure to Make Connection.

If the owner of any property in the Town shall fail to make any connection or installation required by this ordinance within the time herein-required, the Town may proceed to make such connection or installation, or cause the same to be made, and charge and assess the cost thereof against such property pursuant to the authority of Section 40:63-54 of the Revised Statutes of New Jersey.

ARTICLE 3. PARKING OR ABANDONMENT OF MOTOR VEHICLES

11-20. Definitions.

Certain words in this Chapter are defined for the purpose thereof as follows:

1. "Motor Vehicle" is any self-propelled vehicle or part thereof, machine or part of machine of any nature whatsoever.
2. "Owner" is any person, firm or corporation owning, possessing, occupying or having custody of lands in the Town of Hackettstown.
3. "Parking" shall be deemed to include the parking, placement or storage of any "Motor Vehicle" as hereinabove-defined.
4. "Person", "Owner", "Possessor" or "Occupant" shall mean any individual person, group of persons, partnership, corporation, firm, association, or any other entity.

11-21. Unlawful Act.

A. It is hereby determined and declared that the abandonment, leaving or storing out-of-doors on public or private property of any motor vehicle not currently in use for transportation or not licensed for the current license year with a currently-dated inspection sticker, or any unused machinery, machine, appliance, equipment or parts thereof, is contrary and inimical to the public welfare in that such articles so placed, parked, stored or abandoned attract, or may attract, persons of tender years who, being so attracted, may play in or about such articles and be injured in so doing; and in that such articles so placed, abandoned or left out-of-doors exposed to the elements deteriorate, and in themselves are unsightly and are detrimental to and depreciate the value of properties where they are located.

B. No person shall abandon, leave, keep, store or suffer or permit the abandoning, leaving, keeping or storing of any motor vehicle not currently in use for transportation, or not licensed for the current license year, or any unused machinery, appliance, equipment or parts thereof out-of-doors upon any public or private land in the Town of Hackettstown, or between the right-of-way sidelines of any public thoroughfare therein, except by those businesses regularly engaged in the repair or sale of motor vehicles and only upon the private land of said businesses. Nothing herein-contained shall be deemed to prohibit the placing, keeping or storage of any such article in an enclosed garage.

C. No person shall abandon, leave, keep, store or suffer or permit the abandoning, leaving, keeping or storing of any motor vehicles that are in the process of being repaired, are unregistered or uninsured on any public throughfare except in the event of an emergency breakdown in which case the vehicle must be removed within two hours.

11-22. Violation.

Upon complaint of any resident or property-owner or employee of said Town, or upon the motion of the Building Inspector of the Town of Hackettstown or his designated agent, or the Hackettstown Police Department, the said Building Inspector or his designated agent or the Hackettstown Police Department shall make an investigation of the condition complained of, and if a violation of one (1) or more of the provisions of this Article is determined to exist on said land, the said Building Inspector or his designated agent or the Hackettstown Police Department shall notify the owner, in writing, either personally or by certified mail, return receipt requested, of the existence of such violation, and shall order that the said violation be removed, terminated or otherwise abated within ten (10) days after the service of such notice.

11-23. Failure to Comply.

Upon failure to comply with the written notice and order aforesaid, the Building Inspector or Police Department shall file a complaint in the Municipal Court of the Town of Hackettstown.

11-24. Penalties for Violations.

Any person who shall violate any provision of this Chapter shall, upon conviction thereof, be liable for a fine not to exceed Five Hundred (\$500.00) Dollars. The imposition of a penalty or penalties for any violation of this Article shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations within a reasonable time. If said violations are not corrected or remedied within a reasonable time, then each ten (10) days thereafter that the prohibited conditions are maintained shall constitute a separate offense hereunder. Such reasonable time shall be determined by the Municipal Judge.

11-25. Appeals for Relief.

Appeals for relief from the provisions of this Chapter shall be made to the Mayor and Council of the Town of Hackettstown, and relief granted by said body by the adoption of a formal resolution may

be upon the finding by said body that such relief is not and will not be detrimental to the public welfare and safety.

ARTICLE 4 – RECYCLING

11-40. Definitions

<u>Commingled:</u>	Means a combining of non-putrescible source-separate recyclable materials for the purpose of recycling;
<u>Commercial Use:</u>	Means an activity involving the sale of goods or services carried out for profit;
<u>Designated Recyclable Materials:</u>	Means those materials designated within the Warren County District Solid Waste Management Plan to be source separated for the purpose of recycling. These materials include: newspapers, aluminum cans and scrap, container glass, tin cans, corrugated paper, plastic beverage containers, high grade paper.
<u>Electronic Waste:</u>	Means a computer central processing unit and associated hardware including keyboards, modems, printers, scanners and fax machines; a cathode ray tube, a cathode ray tube devise, a flat panel display or similar video display devise with a screen that is greater than four (4) inches measured diagonally and that contains one or more circuit boards, including a television and cell phones.
<u>Hotel:</u>	Means any building, including but not limited to any related structure, accessory building, and land appurtenant thereto, and any part thereof, which contains ten (10) or more units of dwelling space or has sleeping facilities for twenty-five (25) or more persons and is kept, used, maintained, advertised as, or held out to be, a place where sleeping or dwelling accommodations are available to transient or permanent guests. This definition shall also mean and include any hotel, motor hotel, motel, or established guesthouse, which is commonly regarded as a hotel, motor hotel, motel, or established guesthouse, as the case may be, in the community in which it is located; provided that this definition shall not be construed to include any building or structure defined as a multiple dwelling in this act, registered as a multiple dwelling with the Commissioner of Community Affairs as hereinafter provided, and occupied or intended to be occupied as such nor shall this definition be construed to include a rooming house or a boarding house as defined in the "Rooming and Boarding House Act of 1979," P.L. 1979, c.496 (C.55:13B-1 et al) or, except as otherwise set forth in P.L. 1987, c.270 (C.55:13A-7.5, 55:13A-7.6, 55:13A-12.1, 55:13A-13.2), any retreat lodging facility, as defined in this section.
<u>Multi-Family Dwelling:</u>	Means any building or structure or complex of buildings in which three or more dwelling units are rented or leased or offered for rental or lease for residential purposes (see NJSA 13:1E-99.13a.) except hotels, motels, or other guest houses serving transient or seasonal guests as those terms are defined under Subsection (j) of Section 3 of the "Hotel and Multiple Dwelling Law" P.L. 1967, c. 76(C.55:13A-1 et seq.).
<u>Municipal Recycling Coordinator:</u>	Means the person or persons appointed by the Municipal governing body and who shall be authorized to enforce the provisions of this Ordinance, and any rules and regulations which may be promulgated hereunder.
<u>Municipal Solid</u>	Means all solid waste generated at residential, commercial

Waste (MSW)
Stream:

and institutional establishments within the boundaries of the Town of Hackettstown.

Recyclable
Materials:

Means those materials which would otherwise become solid waste, and which may be collected, separated, or processed and returned to the economic mainstream in the form of raw materials or products.

Source Separated
Recyclable
Materials:

Means recyclable materials which are separated at the point of generation by the generator thereof from solid waste for the purposes of recycling.

Source Separated:

Means the process by which recyclable materials are separated at the point of generation by the generator thereof from solid waste for the purposes of recycling.

11-41. Source Separation; Exemption from Source Separation Requirements

A. Mandatory source separation: It shall be mandatory for all persons who are owners, tenants, or occupants of residential and non-residential premises, which shall include but not be limited to retail and other commercial locations, as well as government, schools and other institutional locations within the Town of Hackettstown, to separate designated recyclable materials from all solid waste. Designated recyclable materials shall be deposited separate and apart from other solid waste generated by the owners, tenants, or occupants of such premises and shall be placed separately at the curb in a manner and on such days and times as may be established by the company designated by the owner tenant or occupant to pick up recyclable materials.

B. Exemptions: Pursuant to N.J.S.A. 13:1E-99.16(d), the governing body of a municipality may exempt persons occupying commercial or institutional premises within its municipal boundaries from the source separation requirements of the ordinance which requires persons generating municipal solid waste within its municipal boundaries to source separate from the municipal solid waste stream, the specified recyclable materials if those persons have otherwise provided for the recycling of all designated recyclable materials. To be eligible for an exemption pursuant to this Chapter, a commercial or institutional generator of solid waste shall file an application for exemption with the municipal recycling coordinator on forms to be provided for this purpose. The form shall include, at a minimum, the following information: The name of the commercial or institution entity; the street address location and

lot and block designation; the name, official title and phone number of the person making application on behalf of the commercial or institutional entity; the name, address, official contact person and telephone number of the facility which provides the service of recycling those designated recyclable materials, and a certification that the designated recyclable materials will be recycled, and that, at least on an annual basis, said recycling service provider shall provide written documentation to the municipal recycling coordinator of the total number of tons collected and recycled for each designated material.

11-42. Collection of Recyclable Materials

The collection of recyclable material shall be in the manner prescribed as follows:

A. All containers and brown paper bags containing recyclable materials shall be placed, prior to collection, between the curb and the sidewalk, or in the absence of curb and sidewalk, as near to the street as not to constitute a danger, where such receptacles shall be readily accessible to the collector without providing obstruction to pedestrians. The owner or occupant of the premises shall keep all receptacles clean and in safe handling condition. Receptacles or other items to be disposed of shall be placed as noted above anytime after 8:00P.M. of the day immediately preceding the day of collection, but no later than 7:00A.M. of the date of collection. After collection, any containers shall be removed from the curbside by no later than 8:00P.M. of the day of collection.

B. All receptacles or dumpsters shall be kept in a clean and safe manner.

C. The Town does not provide the curbside pick up of recycling. All residents and commercial establishments must arrange for the private pick up of all recyclables at their cost or arrange for the disposal of the recyclable materials at the Warren County Recycling Center.

11-43. Residential Dwelling Compliance Requirements.

A. The owners/occupants of single family and two-family dwellings shall be responsible for compliance with this Ordinance.

B. For multi-family units, the management or owner is responsible for setting up and maintaining the recycling system, including the designation of a building/complex

recycling coordinator who will oversee the recycling system which includes the collection of recyclable materials.

C. Violations and penalty notices will be directed to the owner, occupant, or management, in those instances where the violator is not easily identifiable. The management shall issue notification and collection rules to new tenants when they arrive and every six (6) months during their occupancy.

11-44. Commercial Establishment Compliance Requirements.

A. All commercial business or industrial facilities shall be required to comply with the provisions of this Ordinance.

B. The arrangement for collection of designated recyclables hereunder shall be the responsibility of the commercial, institutional or industrial property owner or their designee, unless the municipality provides for the collection of designated recyclable materials. All commercial, institutional or industrial properties which provide outdoor litter receptacles and disposal service for their contents shall also provide receptacles for designated recyclable materials, for those materials commonly deposited, in the location of the litter receptacle, and shall provide for separate recycling service for their contents.

C. Annually, every business, institution, or industrial facility shall report to the Municipal Recycling Coordinator the recycling activities undertaken at their premises, including the amount of recycled material, by material type, collected and recycled and the vendor or vendors providing recycling service. The forms to be used will be provided by the Municipal Recycling Coordinator.

D. All food service establishments, as defined in the Health Code, shall, in addition to compliance with all other recycling requirements, be required to recycle grease and/or cooking oil created in the processing of food or food products, and maintain such records as may be prescribed, for inspection by any Code Enforcement Office.

11-45. New Developments of Multi-Family Residential Units or Commercial, Institutional or Industrial Properties.

A. Any application to the Planning Board or Board of Adjustment of the Town of Hackettstown shall conform with the performance standards for recycling set forth in Section 509 F. of the Town Land Development Ordinances.

B. Prior to the issuance of a Certificate of Occupancy by the Town of Hackettstown, the owner of any new multi-family housing or commercial, institutional, or industrial development must supply a copy of a duly executed contract with a hauling company for the purposes of collection and recycling of source-separated recyclable materials, in those instances where the municipality does not otherwise provide this service.

11-46. Prohibition of the collection of Waste Mixed with Recyclable Materials.

A. It shall be unlawful for solid waste collectors to collect solid waste that is mixed with, or contains visible signs of, designated recyclable materials. It is also unlawful for solid waste collectors to remove for disposal those bags or containers of solid waste which visibly display a warning notice sticker or some other device indicating that the load of solid waste contains designated recyclable materials.

B. It shall be the responsibility of the resident or occupant to properly segregate the uncollected waste for proper disposal or recycling. Allowing such unseparated solid waste and recyclables to accumulate will be considered a violation of this article and the local sanitary code.

C. Once placed in the location identified by this Ordinance, or any rules or regulations promulgated pursuant to this Ordinance, no person, other than those authorized by the municipality, shall tamper with, collect, remove or otherwise handle designated recyclable materials.

11-47. Enforcement.

The Hackettstown Board of Health, the Recycling Coordinator and the Warren County Department of Health are hereby individually and severally empowered to enforce the provisions of this Ordinance. Any inspection may consist of sorting through containers and

opening of solid waste bags to detect, by sound or sight, the presence of any recyclable material.

11-48. Violations and Penalties.

Any person, corporation, occupant, or entity that violates or fails to comply with any provision of this Ordinance or any of the rules and regulations promulgated hereunder shall, upon conviction thereof be punishable by a fine not less than \$250.00, nor more than \$1,000.00. Each day for which a violation of this Ordinance occurs shall be considered a separate offense.

The Court before which any person is convicted of violating any Ordinance of a Municipality shall have the power to impose any fine, term of imprisonment, or period of community service not less than the minimum and not exceeding the maximum fixed in such Ordinance.

Fines levied and collected pursuant to the provisions of this Ordinance shall be immediately deposited into the Municipal Recycling Trust Fund. Moneys in the Municipal Recycling Trust Fund shall be used for the expenses of the municipal recycling program including enforcement and education.

ARTICLE 5. HAZARDOUS MATERIAL SPILLS

11-60. Definitions.

(a) Expendable Items - Any items used to contain any leak or spill involving any hazardous material, which cannot be reused or cannot be replenished without cost after that particular leak or spill. These include but are not restricted to fire-fighting foam, chemical extinguishing agents, absorbent material, sand, recovery drums and specialized protective equipment, to include but not be restricted to acid suits, acid gloves, goggles and protective clothing.

(b) Hazardous Material - Any material, solid or liquid listed as such under the National Fire Protection Association Guide of Hazardous Materials or Department of Transportation Guide Book.

(c) Vehicle - Any motorized equipment, registered or unregistered, including but not limited to passenger cars, motorcycles, trucks, tractor trailers, buses, construction equipment, farm machinery and trains.

(d) Vessel - Any container, drum, box, cylinder or tank used to hold, contain, carry or store any hazardous material.

11-61. Purpose.

(a) This chapter provides for the replacement or reimbursement of the specialized and sometimes nonreusable equipment required by state and federal regulations to be made available by the Town in case of leakage or spillage involving hazardous material.

(b) This chapter allows the Town of Hackettstown to obtain reimbursement for any expendable items used by the Town or any wages paid by the Town to stop any leak or control any spill of hazardous materials.

(c) This chapter also requires any owner of or person in possession of a hazardous material that has been spilled or leaked to notify the Town within one (1) hour of such time as the owner should have known of the spill or leak.

11-62. Reporting of Discharge.

(a) It shall be unlawful for the owner or other person in possession or control of any hazardous materials to fail to report any unauthorized discharge, spill, leak or any recognizable loss of toxic or hazardous materials from any storage facility, vehicle or vessel to the Town within one (1) hour of the time such owner or other person had sufficient evidence that he knew or should have known of said unauthorized discharge, spill, leak, loss of failure. A report to the Town shall not be deemed compliance with any reporting requirement of any other federal, state or local law.

(b) Failure of said owner or person in possession or control of any hazardous material to notify and report to the Hackettstown Police Department and the Hackettstown Fire Department shall be a violation of this chapter.

(c) A report to the Town shall not be deemed compliance with any other federal, state or local reporting requirement.

11-63. Responsibility for Reimbursement to the Town for Expendable Items and Cost of Labor.

Reimbursement to the Town for any expendable items or labor provided by the Town shall be made by the following parties:

(a) The owner or operator of any vehicle responsible for any discharge, leak or spill of hazardous material.

(b) The owner or person responsible for any vessel containing hazardous materials involved in any discharge, leak or spill on public or private property, whether stationary or in transit, whether accidental or through negligence.

(c) The owner or person responsible for any property from which any leak or spill of hazardous material emanates, whether accidental or through negligence.

(d) Any person responsible for any leak or spill of hazardous material on public or private property, whether accidental or through negligence.

11-64. Reimbursement for Services.

Any person or company responsible for any leak or spill involving a hazardous material must provide reimbursement for services rendered by any recovery company, trash disposal company, dumping fees, towing company or other technical assistance called for by the Town to handle such incident.

11-65. Time Limit for Payment.

Any person, owner or company responsible for any leak or spill of hazardous materials shall reimburse the Town for the full price of any expendable items and the cost of any labor paid for by the Town used to stop or contain such a leak or control such a spill within a period of forty-five (45) days after receipt of a bill for such items from the Town of Hackettstown.

11-66. Violations and Penalties.

Any person, owner or company responsible for any fire, leak or spill of hazardous materials who fails to reimburse the Town within the time set forth in this chapter shall be subject to a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) per day or to

imprisonment for a period of not to exceed ninety (90) days, or both. Each day of continued violation shall be considered as a separate offense.

ARTICLE 6 - LITTERING

11-70. Definitions.

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

a. Litter - any used or unconsumed substance or waste material which was 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, newspapers, 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, saw milling, farming or manufacturing.

b. Litter Receptacle - a container suitable for the depositing of litter.

c. Person - any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject municipal jurisdiction.

11-71. Prohibited acts and regulated activities.

1. It shall be unlawful for any person to throw, drop, discard, or otherwise place any litter of any nature upon public or private property other than in a litter receptacle, or having done so, to allow such litter to remain.

2. Whenever any litter is thrown or discarded or allowed to fall from a vehicle or boat in violation of this ordinance, the operator or owner, or both, of the motor vehicle or boat shall also be deemed to have violated this ordinance.

11-72. Open or Overflowing Waste Disposal Bins.

It is unlawful for any residential or commercial property owner to permit open or overflowing waste disposal bins on his or her property.

11-73. Construction Sites.

It is unlawful for any owner, agent, or contractor in charge of a construction or demolition site to permit the accumulation of litter before, or immediately following completion of any construction or demolition project. It is the duty of the owner, agent, or contractor in charge of a construction site to furnish containers adequate to accommodate flyable or non-flyable 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 or refuse

11-74. Commercial Establishments and Residences.

It is 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 and nuisances of every kind, and to keep sidewalks, areaways, backyards, courts and alleys free of litter.

11-75. Enforcement.

The provisions of this Article shall be enforced by the Town of Hackettstown.

11-76. Violations and Penalty.

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed \$1,000.00.

ARTICLE 7. SMOKING PROHIBITED AT ALL RECREATIONAL FACILITIES (1997)

11-80. Smoking Prohibited. (9-9-21)

It is unlawful for any person to smoke tobacco or cannabis at any recreational facility, sports field or recreational property owned, leased or operated by the Town of Hackettstown or by Hackettstown Recreation Commission.

11-81. Signs.

All places affected by this ordinance shall be identified by signs posted with letters at least one inch in height stating, "Smoking Prohibited" or with the international symbol for "Smoking Prohibited."

11-82. Violations and Penalties.

Any person violating this chapter shall be subject to a fine of not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00).

ARTICLE 8. PIERCING AND TATTOO PARLORS (Deleted 2003)

ARTICLE 9 - CONTAINERIZED YARD WASTE

11-90. Definitions.

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

a. Containerized - means 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 storm water.

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

c. Street - means 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.

d. Yard Waste - means leaves and grass clippings.

11-91. Prohibited Conduct.

The owner or occupant of any property, or any employee or contractor of such owner or occupant engaged to provide lawn care or landscaping services, shall not sweep, rake, blow or otherwise placed in the

street, the party responsible for placement of yard waste must remove the yard waste from the street or said party shall be deemed in violation of this ordinance.

11-92. Enforcement.

The provisions of this Article shall be enforced by the Town of Hackettstown.

11-93. Definitions.

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

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

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

c. 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.

11-94. Prohibited Conduct.

The spilling, dumping, or disposal of materials other than stormwater to the municipal separate storm sewer system operated by the Town of Hackettstown 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.

11-95. Exceptions to Prohibition.

a. Water line flushing and discharges from potable water sources.

- b. Uncontaminated ground water (e.g., infiltration, crawl space or basement sump pumps, foundation or footing drains, rising ground water)
- c. Air conditioning condensate (excluding contact and non-contact 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:
 - Beach maintenance equipment immediately following their use for their intended purposes; and
 - Equipment used in the application of salt and de-icing materials immediately following salt and de-icing material applications. Prior rinsing with clean water, all residual salt and de-icing 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.

Rinsing of equipment, as noted in the above situation is limited to exterior, undercarriage, and exposed parts and does not apply to engines other enclosed machinery.

11-96. Enforcement.

This ordinance shall be enforced by the Town of Hackettstown.

11-97. Penalties.

Any person(s) who continues to be in violations of the provisions of this ordinance, after being duly notified, shall be subject to a fine not to exceed \$ 1,000.00.

ARTICLE 11 - ILLICIT CONNECTIONS

11-100 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 article 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 based on corresponding definitions in the New Jersey Pollutant Discharge Elimination System (NJPDES) rules at N.J.A.C. 7:14A-1.2.

a. Domestic Sewage - waste and wastewater from humans or household operations

b. Illicit Connection - any physical or non-physical connection that discharges domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater) to the municipal separate storm sewer system operated by the Town of Hackettstown, unless that discharge is authorized under a NJPDES permit other than the Tier A Municipal Stormwater General permit (NJPDES permit number NJ0141852). Non-physical connections may include, but are not limited to, leaks, flows, or overflows into the municipal storm sewer system.

c. Industrial waste - non-domestic 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)).

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

e. NJDEP Permit - a permit issued by the New Jersey Department of Environmental Protection to implement the New Jersey Discharge Elimination System (NJPDES) rules at N.J.A.C. 7:14A.

f. Non-contact 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. Non-contact cooling water may however contain algacides, or biocides to control fouling of equipment such as heat exchangers, and/or corrosion inhibitors.

g. Person - An individual, corporation, company, partnership, firm, association or political subdivision of this State subject to municipal jurisdiction.

h. Process wastewater - any water that, during manufacturing or processing, comes into direct contact with or results from the production of use of any raw material, intermediate product, finished product, byproduct, or waste product. Process wastewater includes, but is not limited to, leachate and cooling water other than non-contact cooling water.

i. 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.

11-101. 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 Town of Hackettstown any domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than storm water)

11-102. Enforcement.

The provisions of this Article shall be enforced by the Town of Hackettstown.

11-103. Penalties.

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed \$1,000.00.

ARTICLE 12. REFUSE CONTAINERS.

11-110. Purpose.

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

11-111. Definitions.

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

- a. Municipal separate storm sewer system (MS4) – a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Town of Hackettstown or other public body, and is designed and used for collecting and conveying stormwater.
- b. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- c. Refuse container – any waste container that a person controls whether owned, leased, or operated, including dumpsters, trash cans, garbage pails, and plastic trash bags.
- d. Stormwater – means water resulting from precipitation (including rain and snow) that runs off the land’s surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.
- e. Waters of the State – means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

11-112. Prohibited Conduct.

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

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

11-113. Exceptions to Prohibition.

- a. Permitted temporary demolition containers
- b. Litter receptacles (other than dumpsters or other bulk containers)
- c. Individual homeowner trash and recycling containers
- d. Refuse containers at facilities authorized to discharge stormwater under a valid NJDEP permit

- e. Large bulky items (e.g., furniture, bound carpet and padding, white goods placed curbside for pickup)

11-114. Enforcement.

This ordinance shall be enforced by the Hackettstown Police Department.

11-115. Penalties.

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed \$1,000.00.

ARTICLE 13. MANDATORY REPLACEMENT OF LEAD SERVICE LINE (5-12-22)

11-13.1 Definitions:

For the purposes of this Chapter:

TOWN Shall mean the Town of Hackettstown.

CONTRACTOR Shall mean a licensed vendor that contracts with the Hackettstown Municipal Utilities Authority to replace lead service lines.

AUTHORITY Shall mean the Hackettstown Municipal Utilities Authority.

DWELLING Shall mean a building or structure or part thereof containing one or more dwelling units. This chapter shall also apply to buildings and structures that are not used for residential purposes.

DWELLING UNIT Shall mean any room or groups of rooms or any part thereof located within a building and forming a single habitable unit with facilities which are used or designed to be used for living, sleeping, cooking, eating or bathing.

LEAD SAFE Shall mean any condition that does not allow access or exposure to lead, in any form, to the extent that adverse human health effects are possible.

LEAD SERVICE LINE Shall mean the water line of lead or galvanized steel construction on private property that leads to the structure or building that is connected to the main Hackettstown Municipal Utilities Authority water line.

OCCUPANT Shall mean a person or persons occupying and/or living in the building or dwelling unit.

OWNER Shall mean any person who has legal title to any dwelling, with or without accompanying actual possession thereof; or, who has equitable title and is either in actual possession or collects rents therefrom; or, who is executor, executrix, trustee, guardian, or receiver of the estate of the owner, or as mortgagee or as vendee in possession either by virtue of a Court order or by agreement or voluntary surrender of the premises by the person holding the legal title, or as collector of rents has charge, care or control of any dwelling or rooming house.

11-13.2 Lead Service Lines Prohibited.

It is hereby established that the existence of lead service lines is prohibited in the Town of Hackettstown.

11-13.3. Exclusion from Requirement; Proof Required.

A property owner may be excluded from the Mandatory Replacement of its lead service line by providing the Authority, within 90 days of the effective date of this ordinance, with written proof from a licensed and certified plumber that it does not have a lead service line on its property and/or that the lead service line was previously removed and replaced. Alternatively, the property owner may schedule an inspection by an Authority representative to confirm the service line material is non-lead or non-galvanized.

11-13.4 Mandatory Replacement of Lead Service Line

1. The owner of any dwelling, building or structure serviced by a lead service line is required to replace the lead service line on their property. The replacement of the lead service line must be completed within 90 days of the effective date of this ordinance.

An extension of time may be granted where the owner can demonstrate, to the Hackettstown Municipal Utilities Authority, that a good faith effort has been made to comply with the ordinance.

2. The owner of the dwelling, building or structure shall replace their lead service line by any of the following methods:
 - a. Signing up for the Lead Service Line Replacement Program offered by the Hackettstown Municipal Utilities Authority and allowing contractors to access on their property to conduct the replacement. The Contractor will provide the owner with a Right of Entry form for completion. The Right of Entry form will provide the contractor with access to the property to verify the existence of a lead service line; or
 - b. Replacing the lead service line on their own and at their own expense. If an owner selects this option, then replacement must be completed within 90 days of effective date of this ordinance. An extension of time may be granted where the owner can demonstrate, to the Hackettstown Municipal Utilities Authority designee, that a good faith effort has been made to comply with the ordinance. An owner is required to provide the Hackettstown Municipal Utilities Authority with proof that the lead service line has been replaced. Proof must include at a minimum: a permit issued by the Town of Hackettstown to a licensed plumber authorized to do the work; an invoice from the contractor who completed the work; a copy of the estimate along with any report of the work completed, and an inspection report from the Town of Hackettstown or the Hackettstown Municipal Utilities Authority verifying the removal.

11-13.5 Authorization to Access Property

Notwithstanding Section 11-13.4, if an owner of the dwelling, building or structure does not sign up for the Lead Service Line Replacement Program or does not replace its lead service line within 90 days of the effective date of this ordinance (or within the time frame provided in an extension) or is inaccessible or otherwise denies access to the property to enable the replacement of the line, then the following procedure shall be followed:

1. The Hackettstown Municipal Utilities Authority shall secure entrance to the property from the owner or current occupant of the dwelling, building or structure, and the Authority shall incur no liability from the owner. The contractor will provide the owner with a Right of Entry form for completion. The Right of Entry form will provide the Contractor with access to the property to verify the existence of a lead service line and replace the lead service line. The Hackettstown Municipal Utilities Authority shall restore the property to its original condition, or as close as possible to its original condition; and

2. If access is granted by the occupant of the dwelling, building, or structure, then the occupant shall be held harmless, and no liability shall incur to the Hackettstown Municipal Utilities Authority or occupant due to the replacement of the lead service line by the Authority; and
3. If access is denied by the current occupant or owner, then the Hackettstown Municipal Utilities Authority shall commence procedures, including filing a Court action, to conduct the replacement of the lead service line.

11-13.6 Penalty

Violations of this Chapter by any person or corporation shall be punishable by a fine of at least \$250 but not exceeding \$1,000 or by imprisonment for a term not exceeding 90 days or by a period of community service not to exceed 90 days.

ARTICLE 14. PRIVATELY OWNED SALT STORAGE (12-24-23)

Section 11.14.1. Purpose

The purpose of this ordinance is to prevent stored salt and other solid de-icing materials from being exposed to stormwater.

This ordinance establishes requirements for the storage of salt and other solid de-icing materials on properties not owned or operated by the municipality (privately-owned), including residences, in the Town of Hackettstown to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

Section 11.14.2. Definitions

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When consistent 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.

DE-ICING MATERIALS

Means any granular or solid material such as melting salt or any other granular solid that assists in the melting of snow.

IMPERVIOUS SURFACE

Means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

STORM DRAIN INLET

Means the point of entry into the storm sewer system.

PERMANENT STRUCTURE

Means a permanent building or permanent structure that is anchored to a permanent foundation with an impermeable floor, and that is completely roofed and walled (new structures require a door or other means of sealing the access way from wind driven rainfall).

A fabric frame structure is a permanent structure if it meets the following specifications:

- A. Concrete blocks jersey barriers or other similar material shall be placed around the interior of the structure to protect the side walls during loading and unloading of de-icing materials;
- B. The design shall prevent stormwater run-on and run through, and the fabric cannot leak;
- C. The structure shall be erected on an impermeable slab;

- D. The structure cannot be open sided; and
- E. The structure shall have a roll up door or other means of sealing the access way from wind driven rainfall.

PERSON

Means any individual, corporation, company, partnership; firm, association, or political subdivision of this State subject to municipal jurisdiction.

RESIDENT

Means a person who resides on a residential property where de-icing material is stored.

11-14.3. De-icing Material Storage Requirements.

- A. Temporary outdoor storage of de-icing materials in accordance with the requirements below is allowed between October 15th and April 15th:

- 1. Loose materials shall be placed on a flat, impervious surface in a manner that prevents stormwater run-through;
- 2. Loose materials shall be placed at least 50 feet from surface water bodies, storm drain inlets, ditches and/or other stormwater conveyance channels;
- 3. Loose materials shall be maintained in a cone-shaped storage pile. If loading or unloading activities alter the cone-shape during daily activities, tracked materials shall be swept back into the storage pile, and the storage pile shall be reshaped into a cone after use;
- 4. Loose materials shall be covered as follows:
 - a. The cover shall be waterproof, impermeable, and flexible;
 - b. The cover shall extend to the base of the pile(s);
 - c. The cover shall be free from holes or tears;
 - d. The cover shall be secured and weighed down around the perimeter to prevent removal by wind; and
 - e. Weight shall be placed on the cover(s) in such a way that minimizes the potential of exposure as materials shift and runoff flows down to the base of the pile.
 - i. Sandbags lashed together with rope or cable and placed uniformly over the flexible cover, or poly-cord nets provide a suitable method. Items that can potentially hold water (e.g., old tires) shall not be used;

- 5. Containers must be sealed when not in use; and

- 6. The site shall be free of all de-icing materials between April 16th and October 14th.

B. De-icing materials shall be stored in a permanent structure if a suitable storage structure is available. For storage of loose de-icing materials in a permanent structure, such storage may be permanent, and thus not restricted to October 15th - April 15th.

- C. All such temporary and/or permanent structures must also comply with all other local ordinances, including building and zoning regulations.
- D. The property owner, or owner of the de-icing materials if different, shall designate a person(s) responsible for operations at the site where these materials are stored outdoors, and who shall document that weekly inspections are conducted to ensure that the conditions of this ordinance are met. Inspection records shall be kept on site and made available to the

municipality upon request.

1. Residents who operate businesses from their homes that utilize de-icing materials are required to perform weekly inspections.
2. Residents of single-family residential dwellings where no businesses are being operated are exempt from the weekly inspection requirements subject to compliance with the provisions in Section 4 of this ordinance.

Section 11.14.4 Exemptions

Residents may store de-icing materials outside in a solid-walled, closed container that prevents precipitation from entering and exiting the container, and which prevents the de-icing materials from leaking or spilling out. Under these circumstances, weekly inspections are not necessary, but repair or replacement of damaged or inadequate containers shall occur within 2 weeks.

If containerized (in bags or buckets) de-icing materials are stored within a permanent structure; they are not subject to the storage and inspection requirements in Section 3 above. Piles of de-icing materials are not exempt, even if stored in a permanent structure.

This ordinance does not apply to facilities where the stormwater discharges from de-icing material storage activities are regulated under another NJPDES permit.

Section 11.14.5 Enforcement

This ordinance shall be enforced by the Superintendent of the Department of Public Works and/or the Town Engineer of the Town of Hackettstown during the course of ordinary enforcement duties.

Section 11.14.6 Violations and Penalties

Any person(s) who is found to be in violation of the provisions of this ordinance shall have 72 hours to complete corrective action. Repeat violations and/or failure to complete corrective action shall result in fines not to exceed Two Thousand Dollars. After notification, each day of continuing violation of the terms of this section shall be deemed to be a separate and distinct offense hereunder.

CHAPTER 12. STREETS AND SIDEWALKS

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ARTICLE 1. BREAKING AND DIGGING IN STREETS,
CURBS AND SIDEWALKS (5/10/24)

12-1. Permit Required.

No person shall, for any purpose whatsoever:

(a) Make or cause to be made any street opening or any penetration, excavation or disturbance of the surface of any portion of any street or within the Town or unaccepted dedicated street; or

(b) Construct, alter or remove any curb, sidewalk, retaining wall, driveway, or drainage facility in or under any street within the Town or unaccepted dedicated street unless he first obtains a permit from the Director of the Department of Public Works *and/or Town Engineer*.

12-2. Application for Permit and Fee.

(a) Application for permit shall be made in triplicate on the application form provided by the Town for that purpose, and shall be filed with the Director of the Department of Public Works.

(b) Each copy of the application shall be signed by the Director of the Department of Public Works or Engineer upon approval of a permit. One (1) copy shall be retained in his file, one (1) copy shall be furnished to the applicant, and the third copy to the Town Engineer.

(c) Within five (5) working days after the receipt of the application, the Director of the Department of Public Works, Supervisor Street or Town Engineer or his designee shall inspect the premises, review the nature of the work to be done, and either approve or disapprove the application with reason. Work under the permit shall commence within seven (7) days of the issuance of the permit, except work under a permit issued to a public utility which shall commence within sixty (60) days of the issuance of the permit. If work is not commenced within that time, the permit shall automatically terminate unless extended in writing by the Director of the Department of Public Works and/or the Town Engineer. The applicant shall notify the Town at least forty-eight (48) hours prior to commencement.

(d) Application for a permit shall contain the following information:

(1) The application shall include the name of the individual, firm, partnership, corporation or utility company for whom the work is being performed. The application shall be signed by a duly authorized officer or agent of the company for whom the work is being performed.

(2) The name of the street where the opening is to be made and the street number, if any, of the abutting property.

(3) The Town of Hackettstown tax map block and lot number or street address of the property for the benefit of which the opening is to be made.

(4) The nature of the surface in which the opening is to be made.

(5) Character and purpose of the work proposed including the area and depth of the opening.

(6) Estimate of quantities and cost of the work and estimate of days to complete in half-day increments.

(7) Plan or sketch showing the location of the proposed work in relation to existing streets; existing facilities such as pavement, curbing, sidewalk, driveways, drainage facilities and utilities in the work area; and details of the proposed work including limits and depth of excavation, proposed facilities, and trench restoration details.

(8) Application fee and escrow deposit.

(9) Performance guaranty.

(10) Certificate of insurance.

(e) This article shall not apply to any municipal department. All sections of this Article except for Section 12-3 shall apply to the Hackettstown Municipal Utilities Authority. The Hackettstown Municipal Utilities Authority shall not be required to pay the deposit, bond or fees set forth in Section 12-3.

(f) Where the excavation is to be made in a heavily traveled street or where for any other reason it is deemed necessary by the Town to station a police officer near the excavation to direct traffic. The applicant shall also be charged amounts sufficient to compensate the police officer at the excavation, including overtime cost, if any.

12-3. Deposit Required: Bond and Fees Required.

(a) The following minimum deposits will be required for work performed under this Chapter. Said deposits shall be held by the Town for the period of one (1) year, unless otherwise provided by this Chapter:

<u>Type of Opening</u>	<u>Deposit or Bond Amount</u>
Pavement	100.00/sq. yd.
Road Shoulder	20.00/sq. yd.
Lawn Areas	15.00/sq. yd.
Curbing	60.00/linear foot
Sidewalk	75.00/sq. yd.

(b) The applicant may, in lieu of a cash deposit, submit a surety bond, which, upon approval by the Town Attorney in consultation with the Town Engineer as to sufficiency and form, shall have the same force and effect as a cash bond. Said bond shall, by its terms, provide for payment of any damages by or from the acts of the applicant or its agents, servants or subcontractors and shall save the Town of Hackettstown harmless from any suits at law or otherwise which may result from damages sustained by any persons or property as a result directly or indirectly of the work performed under the permit.

(c) Deposits and bonds shall be held by the Town for a period of one (1) year with the exception of deposits by single-family homeowners. At the discretion of the Town Engineer, deposits may be returned to single family homeowners upon completion of the project. However, said homeowners shall continue to be responsible for any repair and maintenance to said project for a period of one (1) year.

(d) There shall be a non-refundable review and inspection fee of three (3) percent of the deposit or bond amount established under paragraph A above. There shall be non-refundable review and inspection fee for projects limited to sidewalk and driveway apron replacement being performed at owner-occupied one or two family homes. An application is required and there shall be no exception from the fee if the project includes any street opening, pavement, road shoulder or curbing work.

(e) Public utility corporations of the State of New Jersey may file a corporate bond in the amount of ten thousand (\$10,000.00) dollars on a yearly basis in lieu of the cash deposit or surety bond. Inspection fees for utility companies shall be calculated on the basis of the full cash deposit required under Paragraph (a) above.

(f) The cost of all inspections made by the Director, Supervisor Streets, Town Engineer or his designated inspector shall be disbursed out of the deposit and the balance returned if any funds remain after the work is completed and approved.

(g) In the event the permittee fails to complete the improvement and properly replace the broken curb, sidewalk or pavement within ten (10) days of written notice, weather permitting the Town shall complete the work and deduct the cost of the work from the deposit. If said deposit is insufficient to cover the cost thereof, the applicant shall be held liable therefore.

12-4. Safety Requirements.

In the event the 3% inspection fee does not cover the cost of the Town's inspections, the permittee agrees to pay the additional costs of inspections. No additional permits will be issued to the permittee until all outstanding inspection fees or costs under paragraph (d) are paid.

(a) The permittee shall have the permit in possession at work site.

(b) The applicant shall properly guard the excavation by the erection of suitable barricades and also by displaying warning lights at night where needed and approved by the Town. The applicant shall in all cases provide reasonable safeguards by day and night to protect the traveling public. The applicant shall at all times maintain proper and sufficient drainage to prevent the accumulation of water upon the road to ensure and adequate and safe passage for the traveling public and, in this respect shall carry out, at its own expense, any orders of the Director, Supervisor Streets, Town Engineer or Police during the course of the work.

(c) The work shall be done in an efficient and workmanlike manner and in accordance with the plans and specifications, using proper tools, machinery, materials and manpower to effect a quality and expeditious job. Failure to perform in a manner satisfactory to the Town according to the standards set forth herein may result in revocation of the permit.

(d) Accident prevention. The permittee/contractor shall take all necessary precautions to ensure safety at all times with all construction-related activities. The U.S. Department of Labor, Occupational Safety and Health Administration (OSHA) Regulations, 29 CFR, shall be complied with at all times. The permittee's/contractor's attention is particularly directed to the requirements of the current Construction Safety Code promulgated by the New Jersey Department of Labor and Industry, Bureau of Engineering and Safety. Article 3.6 of the Construction Safety Code states the requirements regarding reporting of accidents involving injury, loss of life and property damage. Failure to comply with applicable safety standards will result in appropriate action by the Town to ensure that safety is maintained on the project.

(e) Maintenance and protection of traffic. The permittee/contractor shall be responsible for maintenance and protection of traffic during construction along or adjacent to the roadway. The current edition of the Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD), U.S. Department of Transportation (USDOT), and all amendments thereto, shall govern the maintenance and protection of traffic during construction. The Town may specify that the permittee/contractor prepare a traffic control plan to ensure the safe and expeditious movement of traffic through work zones. Applicants shall contact the Town Police Department for traffic control input and/or assistance at least 72 hours prior to the commencement of work.

(f) Commencement of work. Prior to the commencement of work, the permittee/contractor shall call the New Jersey One Call damage prevention system (1-800-272-1000) for the mark out of all underground utilities. At least 24 hours before the permittee/contractor plans to commence work under a street opening permit, the permittee/contractor shall advise the Director of the Department of Public Works and/or the Town Engineer that the work is to start. The permittee/contractor shall also contact the Town's Department of Public Works for the mark out of any Town-owned facilities.

(g) Supervision. The permittee/contractor shall have a qualified supervisor at the site of the opening work during all working hours.

(h) Inspection. The Town Engineer or DPW Supervisor shall be responsible for inspection of the work. All materials, including excavated materials, are subject to inspection and approval by the Town. Where the planned opening will be made through, adjacent to or near another existing public utility facility, the permittee/contractor

shall notify said utility company, whose representative shall be given access to the construction to observe and inspect that portion of the work involving said utility facility

(i) Protection of private property. Prior to starting work on the opening, it shall be the responsibility of the permittee/contractor to advise each nearby or adjacent property owner whose property will be temporarily inconvenienced or disturbed by the project when the work will be commenced and what effect the work will have on the owner's use of his property. The permittee/contractor will be solely responsible for any damage, inconvenience or disruption to nearby or adjacent properties, and will hold the Town harmless from any claims arising from the conduct of work. It will be the permittee's/contractor's obligation and responsibility to arrange for any rights of entry or easements needed. The permittee/contractor shall not store tools, machinery, materials, dirt or debris on private property. The permittee/contractor shall not use water, electricity, telephone or other private facilities without first obtaining permission from the property owner.

(j) Street closings. The permittee/contractor shall not close or obstruct any streets, sidewalks, alleys or passageways unless specifically authorized by the Town. Prior to the actual closing, the permittee/contractor shall also notify the Town Engineer and Fire Chief of the anticipated dates and duration of the closing. No material whatsoever shall be placed or stored in streets, alleys or passageways. The permittee/contractor shall conduct its operations so as to interfere as little as possible with the use ordinarily made of any roads, streets, driveways, alleys, sidewalk facilities, etc., near enough to the work to be affected thereby.

(k) Cleanliness. If dust, dirt, air pollution, poor housekeeping or detrimental material are allowed to exist, occur or continue as a result of the work to the point where the public is unduly inconvenienced or disturbed, in the opinion of the Town, the Town may stop the work until the condition is corrected. Streets are to be kept broom-cleaned on a daily basis. If dust persists, streets may be required to be hosed clean. The Town may direct the permittee/contractor to spread dust-inhibiting chemicals.

12-5. Manner of Operation.

(a) Aboveground utilities. All aboveground utility installations should be in accordance with the standards established by the New Jersey Department of Transportation for utility accommodation in Chapter 25 of the New Jersey Administrative Code. Utility companies shall contact the Town prior to poles being relocated or new poles installed to make sure that installations will not conflict with future road improvements.

(b) Removal of Existing Features. The existing pavement, blacktop or concrete shall be cut in a straight line or lines, prior to any subsurface excavation, which shall be confined to the area between the cuts. If pavement, curbing, sidewalk, or other surface construction becomes damaged, ragged or zig-zagged when it comes time to repave or replace the facility, the edges shall be cut or recut in a straight line or lines to the satisfaction of the Town, in general parallel with the lines of the excavated trenches and in a width sufficient to accommodate the entire excavation and to create a smooth finished appearance when the construction is completed.

(c) Curbs, Sidewalks, Driveways, etc. Where the opening involves cutting through existing curbs, sidewalks, driveways and any other surface structures, the permittee/contractor shall rebuild or replace such surface structures as closely as possible duplicating the original as to dimensions, grade, appearance and materials. Curbs, sidewalks, concrete aprons and other miscellaneous concrete structures shall be reconstructed with NJDOT Class "B" air-entrained concrete.

(d) Existing pipes, utilities, subsurface structures. Any existing subsurface pipes, utility lines, drains, foundations, abutments, inlets or other structures that may be disturbed, damaged, or removed during the necessary opening work are to be replaced, reconstructed or repaired under the direction of the Town and the appropriate officials of the utility company whose facility may be involved. Such replacement, reconstruction or repair shall be made using materials, methods and standards of workmanship as specified by the Town, or, in the case of a public utility facility, to the standards imposed by said utility. Caution and care shall be exercised by the permittee/contractor not to disturb such existing structures or facilities exposed by the opening and found to be in or adjacent to the opening.

(e) Tunneling. In cases where it becomes necessary to resort to tunneling operations to accomplish the opening work in a most practical way, then the backfill in such tunnel shall be rammed soil composed of a mixture by volume of one part cement to six parts of aggregate material such as sand or three-quarter-inch quarry blend stone. Tunneling shall be permitted only with the approval of the Town and when the need for tunneling is indicated on the application for permit. Jacking or drilling is not considered to be tunneling.

(f) Jacking and drilling. Jacking and drilling will be permitted when the need is indicated and when the applicant's engineer certifies that in his opinion other existing structures or utilities will not be disturbed or damaged thereby.

(g) Blasting. No blasting shall be allowed unless the Town is notified in advance. Blasting and the use of explosives shall be permitted, provided that all aspects of blasting and the use and storage of explosives shall, at all times, be in accordance with the provisions of the Explosives Act (N.J.S.A. 21:1A-128 et seq.).

(h) Surplus materials. The permittee/contractor shall remove all surplus or unusable fill, debris and other materials from the job site at his own expense. The area shall be cleaned up and restored at the end of the work, to the satisfaction of the Town. Machinery, vehicles and tools of the permittee/contractor shall be promptly removed from the job site when the work has been completed.

(i) Excavation.

(1) The trench shall be excavated along the lines designated on the approved plans and to a depth sufficient to provide cover over the mains of not less than four feet, except where greater or lesser depths of cover are shown on the detailed plans or are necessary due to the existence of utilities or to connect to existing lines. The trench shall be not less than one foot and no more than two feet wider at the bottom than the outside diameter of the pipe. Where the trench is excavated at any place below the proper grade, excepting at joints, it shall be refilled to grade with sand or loam and thoroughly compacted.

(2) No more than 100 feet of trench will be opened in advance of the utility installation, unless permitted by the Town Engineer. All open trenches shall be backfilled by the end of the workday.

(3) The material excavated shall be laid compactly on the side of the trench and kept trimmed up so that it will be of as little inconvenience as possible to the traveling public and to adjoining tenants. Where the streets are paved, the paving material shall be kept separate from the other materials excavated. All streets shall be kept open for travel unless otherwise approved by the Town.

(j) Sheeting and bracing.

(1) The permittee/contractor is solely responsible for the safety of the job site. The permittee/contractor shall furnish, put in place and maintain such sheeting and bracing, etc., as may be required to support the sides of the excavation and to prevent any movement of earth which could in any way diminish the width of the excavation below that necessary for proper construction.

(2) All trenching operations will comply with Occupational Safety and Health Administration (OSHA) regulations at 29 CFR 1926.1 et seq. Safety requirements and precautions for excavations will be implemented prior to that work being commenced.

(k) Temporary trench plating.

(1) All temporary trench plating shall be designed to carry all legal highway loads. The plating shall be properly supported and anchored to prevent all movement. All plating intended to be left in place overnight shall be recessed into the adjoining pavement so that the top surface of the plating is flush with the pavement.

(2) Construction signs will be installed on both approaches warning the motorists of the temporary plating and that it is slippery when wet.

(l) Backfilling.

(1) Backfilling for utility improvements in pavement areas and shoulders or within five feet of the edge of any proposed pavement will be with dense graded aggregate base placed in six-inch lifts. Each layer shall be compacted with flat-face mechanical tampers to 95% minimum dry density. If the pipe area is not to be paved, the dense graded aggregate will be filled to the finished pavement grade.

(2) The only methods of compacting the backfill material permitted shall be mechanical compaction in lifts as specified. Consolidation will not be acceptable as a method to achieve the soil densities specified.

(3) The Town may require or perform soil density checks at randomly chosen lifts. Density testing will be performed at the completion of the compaction effort. Compaction requirements will be strictly enforced. The cost for compaction testing shall be the responsibility of the permittee.

(m) Trench restoration.

(1) Bituminous concrete and bituminous surface treated pavements. In bituminous concrete and bituminous surface treated pavements, the trench area will be restored with an HMA19M64 four-inch bituminous concrete base course and a two-inch HMA 9.5M64 bituminous concrete surface course. In areas where the pavement is thicker than six inches, additional bituminous base shall be placed to the depth of the existing pavement. The bituminous concrete repair shall extend at least six inches outside the limits of the trench.

(2) Portland cement concrete pavements.

(i) In portland cement concrete pavements and in roads with portland cement concrete bases, the pavement shall be replaced with the same materials and in the same thickness. When the trench opening is within five feet of a transverse joint, the remaining section of the slab shall be removed and replaced.

(ii) Care shall be taken to protect expansion joint dowels. Dowels shall be straightened after concrete removal, if disturbed. The existing expansion joint material shall be replaced prior to placing new concrete.

(iii) Existing subgrade is to be brought back to proper grade and properly compacted. Any soft areas are to be removed and replaced with proper material.

(iv) If the slab removal ends prior to a joint, number five bars, 18 inches long, are to be drilled and grouted in the center of the slab. Bar spacing will be six inches from the slab edge and 12 inches between bars. The new slab reinforcing steel shall be number four bars, 12 inches on center longitudinally and number four bars, 24 inches on center transversely (minimum of two), set approximately three inches below the top of the finished slab.

(3) Repaving required. Milling and repaving shall be required when the opening in the pavement (continuous or separate) from mains and associated lateral connections spans a distance measured along the center line of the lesser of 200 feet or a distance of 60% of roadway center line as determined by the Town Engineer or DPW Supervisor. The width of the paving shall be half the width of the road if the work did not cross the center line and the full width of the road if the work

crossed the center line or the road width is 15 feet or less. The permittee/contractor shall provide adequate traffic control measures until the pavement has cooled.

(4) Restoration of private roadways and driveways. Repairs and restoration within a Town easement on private property shall be performed in accordance with the requirements of this chapter and is subject to review and approval by the Town Engineer.

(n) Unimproved shoulder areas.

(1) Trenches outside the pavement which are required to be backfilled with dense graded aggregate base material shall be brought up to the finished shoulder grade and uniformly compacted.

(2) Trenches not requiring dense graded aggregate may be backfilled with suitable material and properly compacted. The final four inches to six inches of the trench shall be backfilled with topsoil, compacted, seeded, fertilized and mulched.

(o) Temporary surfacing. Pending the actual repaving or reconstruction operations stated above, the permittee/contractor shall provide a temporary pavement or surface over the compacted refilled opening, of such material as shall be directed by the Town. The permittee shall maintain, refill and temporarily repave said surface from time to time as may be required by the Town until a permanent pavement has been constructed to provide a properly graded traveling surface.

(p) All improvements shall be constructed in accordance with the New Jersey Department of Transportation Standard Specifications for Road and Bridge Construction, as currently amended.

12-6. Insurance

(a) The permittee/contractor who will actually be performing the work shall continuously maintain insurance and other security for adequate protection of all his work from damage and shall protect the Town's property from damage, injury or loss arising in connection with the contract. The permittee/contractor shall completely indemnify the Town in regard to any such damage, injury or loss. The permittee/contractor shall take all necessary precautions for the safety of personnel on the work site and shall comply with all applicable provisions of federal, state and municipal safety laws and building codes to prevent accidents or injury to persons on, about or adjacent to the premises where the work is being performed. The permittee/contractor shall erect and properly maintain at all times, as required by the conditions and progress of the work, all necessary safeguards for the protection of workmen and the public. If it becomes necessary for the permittee/contractor, either as principal or by agent or employee, to enter upon the premises or property of the Town in order to construct, erect, inspect, make delivery, or remove property hereunder, the permittee/contractor hereby covenants and agrees to take, use, provide and make all proper, necessary and sufficient precautions, safeguards, and protection against the occurrence of happenings of any accidents, injuries, damages or hurt to any person or property during the progress of the work herein covered, and to be responsible for and to indemnify and hold harmless the Town from the payment of all sums of money by reason of all, or any, such accidents, injuries, damages, or hurt that may happen or occur upon or about such work.

(b) The permittee/contractor who will actually be performing the work shall procure and maintain:

(1) Workers' compensation and employer's liability insurance in conformance with all statutory requirements prescribed by law, which shall be maintained in force during the life of this permit by the permittee/contractor, covering all employees engaged in performance of this permit in accordance with the applicable statute.

(2) General liability insurance with limits of not less than \$1,000,000 for any one person and \$1,000,000 for any one accident for bodily injury and \$300,000 aggregate for property damage shall be maintained in force during the life of the permit by the permittee/contractor. The permittee/contractor shall procure and maintain an umbrella or excess policy with limits of not less than \$5,000,000 for any one person or any one accident for bodily injury unless a lesser limit is

approved by the Town. In the event more than one insured is named in the policy, a cross-liability endorsement shall be included which provides that the employees of each of the named insured are not excluded under the policy in respect to claims that are made against other named insured.

(3). Automobile liability insurance covering the permittee/contractor for claims arising from owned, hired and non-owned vehicles with limits of not less than \$1,000,000 for any one person and \$1,000,000 for any one accident for bodily injury and \$500,000 each accident for property damage shall be maintained in force during the life of this permit by the permittee/contractor.

(c) Lesser insurance coverages may be allowed for projects with moderate or medium liability exposure in accordance with the Town's insurance coverage guidelines. Major or high hazard projects undertaken may require higher limits and specific coverages as recommended by the Town's insurance agent.

(d) A thirty-day notice of cancellation provision shall be provided.

(e) Certificates of the required insurance as listed above shall be submitted with the Town of Hackettstown and the Town Engineer listed as additional insureds.

(f) Public utilities and municipalities may submit insurance certificates on an annual basis.

12-7. Certain Acts Unlawful.

(a) The permittee/contractor who will actually be performing the work shall continuously maintain insurance and other security for adequate protection of all his work from damage and shall protect the Town's property from damage, injury or loss arising in connection with the contract. The permittee/contractor shall completely indemnify the Town in regard to any such damage, injury or loss. The permittee/contractor shall take all necessary precautions for the safety of personnel on the work site and shall comply with all applicable provisions of federal, state and municipal safety laws and building codes to prevent accidents or injury to persons on, about or adjacent to the premises where the work is being performed. The permittee/contractor shall erect and properly maintain at all times, as required by the conditions and progress of the work, all necessary safeguards for the protection of workmen and the public. If it becomes necessary for the permittee/contractor, either as principal or by agent or employee, to enter upon the premises or property of the Town in order to construct, erect, inspect, make delivery, or remove property hereunder, the permittee/contractor hereby covenants and agrees to take, use, provide and make all proper, necessary and sufficient precautions, safeguards, and protection against the occurrence of happenings of any accidents, injuries, damages or hurt to any person or property during the progress of the work herein covered, and to be responsible for and to indemnify and hold harmless the Town from the payment of all sums of money by reason of all, or any, such accidents, injuries, damages, or hurt that may happen or occur upon or about such work.

(b) The permittee/contractor who will actually be performing the work shall procure and maintain:

(1) Workers' compensation and employer's liability insurance in conformance with all statutory requirements prescribed by law, which shall be maintained in force during the life of this permit by the permittee/contractor, covering all employees engaged in performance of this permit in accordance with the applicable statute.

(2) General liability insurance with limits of not less than \$1,000,000 for any one person and \$1,000,000 for any one accident for bodily injury and \$300,000 aggregate for property damage shall be maintained in force during the life of the permit by the permittee/contractor. The permittee/contractor shall procure and maintain an umbrella or excess policy with limits of not less than \$5,000,000 for any one person or any one accident for bodily injury unless a lesser limit is approved by the Town. In the event more than one insured is named in the policy, a cross-liability endorsement shall be included which provides that the employees of each of the named insured are not excluded under the policy in respect to claims that are made against other named insured.

(3). Automobile liability insurance covering the permittee/contractor for claims arising from owned, hired and non-owned vehicles with limits of not less than \$1,000,000 for any one person and \$1,000,000 for any one accident for bodily injury and \$500,000 each accident for property damage shall be maintained in force during the life of this permit by the permittee/contractor.

(c) Lesser insurance coverages may be allowed for projects with moderate or medium liability exposure in accordance with the Town's insurance coverage guidelines. Major or high hazard projects undertaken may require higher limits and specific coverages as recommended by the Town's insurance agent.

(d) A thirty-day notice of cancellation provision shall be provided.

(e) Certificates of the required insurance as listed above shall be submitted with the Town of Hackettstown and the Town Engineer listed as additional insureds.

(f) Public utilities and municipalities may submit insurance certificates on an annual basis.

12-7. Certain Acts Unlawful.

No person shall:

(a) Cause damage to any street by locking the wheels of any vehicle, attaching a drag or other mechanism to any vehicle;

(b) Use or operate any type of vehicle equipment utilizing any type of traction tread or wheel lugs likely to cause damage to the street;

(c) Obstruct the drainage along any street with dirt, fill, earth, rock, leaves or any other material, equipment or article, or by installing a pipe of inadequate size under a walkway, driveway, or along the street;

(d) Obstruct, interfere with, or divert the flow of water in or from any existing drainage facility carrying storm water or ground water under any street, or across private property;

(e) Do or cause to be done any act including the construction of buildings, private roads, grading, landscaping, or otherwise, which causes or results in restricting or exceeding the capacity of any drainage facility, or in the accumulation of dirt, silt, earth, rock or other materials upon any street or drainage facility, irrespective of the manner or distance by which said water, dirt, silt, earth, rock or other material shall travel before reaching said street or drainage facility;

(f) Place or store building material, supplies or equipment, construction shanties or tool sheds, earth, dirt, stones or any other materials or articles upon any street except while such street is under construction or repair and in connection therewith, and except in connections with work being done by any public utility company or corporation defined in R. S. 48:2-13.

(g) Obstruction of private driveways except where permitted by the engineer or supervisor.

12-8. Action by Town; Notice.

Immediately upon discovery or notification of any violations of this Chapter, the Director, Supervisor Streets or Engineer shall issue a written order to the owner or tenant, requiring compliance therewith within ten (10) days. If such person refuses or neglects to comply with the order of the engineer within the stated time limit, the supervisor shall proceed to have the violation corrected by having the required work accomplished. Where the Town Engineer deems it necessary for the protection of the public, or for proper installation of the permittee's facilities, he may also order a cessation of work by the permittee/contractor pending such action by the governing body, provided that such cessation order may in no event exceed eight days in duration. Except under emergency conditions, all work will be conducted between the hours of 7:00 a.m. and 7:00 p.m. or dusk, whichever comes first.

12-9. Certificate to Council; Costs as Lien.

If the work is done by the Street Supervisor, he shall certify the cost of the work to the Council. The Council shall examine the certificate of cost and if it finds the certificate to be correct, shall cause the cost as shown thereon to be charges against the property benefited. The amount so charged shall forthwith become a lien upon such property and shall be added to and become and form part of the taxes next to be assessed and levied upon such property benefited, the same to bear interest at the same rate as other taxes, and shall be collected and enforced by the same officers and in the same manner as taxes.

12-10. Violator Liable for Expenses of Town.

Any person who violates any provision of this article with resultant damage to or obstruction of any street, private driveway, curb, sidewalk, gutter, storm drain or culvert, shall be liable for all expenses incurred by the town in repairing said damage or removing said obstructions in additions to the penalty prescribed below.

12-11. Penalty.

Any person who violates any provisions of this Article shall, upon conviction thereof, be punished by a fine not exceeding One Thousand Dollars (\$1,000.00), or by imprisonment for a term not exceeding ninety (90) days, or both. Each day that a violation exists, occurs or continues shall constitute a separate offense for the purpose of imposing the penalties referred to above.

12-14. Unaccepted Streets.

Any openings to streets under construction shall be in conformance with an approved subdivision or stipulation with all the requirements of this chapter, except the bonding requirements.

12-15. Excavations in Newly Paved Streets

(a) Notice of pending paving; time restriction on excavations. When the Town shall improve or pave any street, the Superintendent of the Department of Public Works shall first give notice by delivering it personally or by posting notice on the premises and by regular mail to all persons owning property abutting on the street about to be paved or improved and to all public utilities and authorities operating in the Town, and all such persons, utilities and authorities shall make all connections, as well as any repairs thereto which would necessitate excavation of the street, within forty-five (45) days from the giving of such notice. The time shall be extended if permission is requested in writing and approved by the Superintendent of Public Works.

(b) Opening newly paved street: restrictions. No permit shall be issued by the Engineer or the Superintendent of the Department of Public Works to any person given notice under 12-123(a). hereof which would allow an excavation or opening in a paved or improved street surface less than five (5) years old unless the applicant can clearly demonstrate to the Mayor and Common Council that public health or safety requires that the proposed work be permitted or unless an emergency condition exists.

(c) Opening newly paved street: penalty charge. If by special permission of the Mayor and Council a permit is issued to open any paved or improved street surface less than five (5) years old, a penalty charge shall be made for the opening, except that the penalty shall be waived in the event the work is of an emergency nature. The penalty charge shall be equal to two percent (2%) of the cost of restoring the opening for each unelapsed month or fraction thereof for the five-year restriction period.

ARTICLE 2. BURNING LEAVES

12-20. Burning of Leaves, Rubbish, etc., in Streets Forbidden.

No person shall burn or cause to be burned any leaves, paper, rubbish or any other refuse or substance of any kind or nature whatsoever in any of the highways, streets, avenues or alleys in this Town. (2-11-24 sl)

12-21. Violations.

Any person who shall violate any provisions of this Article shall, upon conviction thereof, be punished by a fine not exceeding Ten (\$10.00) Dollars, or by imprisonment in the County Jail for a term not exceeding thirty (30) days, or both.

ARTICLE 3. CATCH BASINS

12-25. Interference with Catch Basin Prohibited.

No person shall throw or sweep, or cause to be thrown or swept, into any of the so-called "Catch Basins" on any of the streets or highways of this Town, anything or any refuse of any kind or nature whatsoever, or do any act, or in anywise interfere or do any act that may tend to interfere with said "Catch Basins", thereby preventing or intending to prevent, or which may prevent, the free unobstructed drainage thereof.

12-26. Violations.

Any person who shall violate any provisions of this Article shall, upon conviction thereof, be punished by a fine not exceeding Ten (\$10.00) Dollars, or by imprisonment in the County Jail for a term not exceeding thirty (30) days, or both.

ARTICLE 4. CONSTRUCTION, RECONSTRUCTION, PAVING, REPAVING,
CURBING, IMPROVING AND REPAIRING OF SIDEWALKS AND STREETS

(Note: For State Statute Regulating Sidewalks,
See R.S. 40:65-1, et seq.)

12-30. Improvements at Expense of Owner of Land in Front of Which Improvements Shall Be Made. (5/9/24)

Except for damage directly caused by an affirmative act the Town, its employees or its agents, the owner of any property abutting a sidewalk within the right of way, shall be responsible for the maintenance and repair of such sidewalk. An affirmative act of the Town, its employees or its agents does not include where growing tree roots lift or otherwise cause a declivity in a sidewalk, regardless of whether the tree causing the condition was planted by the Town, its employees or its agents. Any improvements such as construction, reconstruction, paving, repaving, curbing, recurbing, improving and repairing of sidewalks in this Town shall be made at the expense of the owner or owners of the land in front of which any such improvements as aforesaid shall be made. The Town shall not bear any civil liability for injuries caused by the failure of a property owner to properly maintain or repair an adjacent sidewalk; in the case of an injury caused by an unmaintained or unrepaired sidewalk, the adjacent property owner(s) shall be solely responsible and shall bear all liability for the same. (5-9-24)

12-31. Common Council to Prescribe Materials and Method.

(a) All sidewalks shall be at least four feet (4') wide.

(b) (i) All concrete sidewalks shall have a minimum thickness of 4". Where sidewalks are subjected to vehicular traffic, the minimum thickness of concrete shall be six (6") inches and the concrete shall be reinforced with a welded wire mesh. N.J.D.O.T. Class 'B' concrete shall be utilized in the construction of concrete sidewalks. The concrete sidewalks shall be placed on a properly prepared subgrade consisting of a minimum of four (4") inches of dense graded aggregate.

(ii) All construction shall be in accordance with the latest specifications of the New Jersey Department of Transportation.

(c) (i) Concrete paving stones may also be used in the Historic District only

provided they have a minimum thickness of two and three eighths (2 3/8") inches to provide a compressive strength of 8,000 pounds per square inch. The minimum thickness shall be three and one eighth (3 1/8") inches where sidewalks cross-driveways or are used in driveway applications.

(ii) Concrete paving stones must be constructed on a minimum of six inches (6") of dense graded aggregate in sidewalk areas and a minimum of eight (8") inches at driveways along with a minimum of one and a half (1 1/2") inches of bedding sand.

(iii) Edge restraints must be installed to prevent paving stones from separating at the edges.

(iv) Concrete paving stones must be tamped after placement in the bedding sand until uniformly level and free of movement.

(v) All joints in the paving stones shall be filled by sweeping in fine dry masonry sand.

(vi) The color and pattern of the concrete paving stones are subject to the review and approval of the Design Committee prior to construction.

(d) (i) Bluestone masonry units may be used in the Historic District only provided in that minimum 18" x 18" units, one and one half (1 1/2") inches thick are utilized and all materials are in compliance with ASTM C616-80, the standard specification for sandstone building stone.

(ii) The bluestone masonry units shall be placed on a properly prepared subgrade consisting of four (4") inches of dense graded aggregate and two (2") inches of crushed stone dust or bedding sand.

(iii) Bluestone masonry units shall be tamped after placement in the crushed stone dust or bedding sand until uniformly level and free of movement.

(iv) Edge restraints shall be installed to prevent the units from separating at the edges.

(v) masonry units shall be placed close to one another to minimize joint width. Joints in the bluestone masonry units shall be filled by sweeping in fine dry masonry

sand or crushed stone dust.

(e) All curbing shall be constructed of concrete eight (8") inches in width at the top and nine (9") inches in width at the bottom with a depth of twenty (20") inches. Construction methods shall be in accordance with the latest specifications of the New Jersey Department of Transportation and Addenda thereto.

(f) Any street paving replacement construction or reconstruction shall consist of six (6") inches dense graded aggregate, four (4") inches of bituminous stabilized base course, Mix I-2, and two (2") inches of bituminous concrete surface course, Mix I-5. Prior to the placement of the base and surface courses, the sub-base shall be thoroughly compacted and the edges of the existing pavement shall be clean cut and trimmed.

12-32. Improvements to Conform to Established Grade.

Where the grade of the street, road or highway, or of any of the sections thereof along which any such improvement is proposed to be made shall have been established by law or otherwise previous to the passage of this Article, the said improvement shall be made to conform as nearly as practicable to the grade so established. In every case, the expense of leveling and grading shall be paid by the Town, and the same approved before any of the improvements hereto are undertaken. (3-27-22 s3)

12-33. Improvements to Be Made by Town if Owner Neglects to Do So.

If the owner of any lands shall neglect, after notice given as herein provided, to make any improvements by this Article directed and required, it shall then be lawful for the Common Council to cause improvements to be made under the direction and supervision of the street commissioner, or to award one (1) or more contracts for making of such improvements (3-27-22 s4)

12-34. Notice of Improvements to Be Made by Town.

Before proceeding to make any such improvements or awarding any contracts for the making thereof, it shall be the duty of the Common Council to cause notice of such contemplated improvements to be given, according to the statute in such case made and provided, to the owner or owners of any land affected thereby. Such notice shall contain a

description of the property affected sufficiently definite in terms to identify the same as well as a description of the requirement improvements, and such notice shall also include a notice that unless said improvements shall be completed within thirty (30) days after the service thereof, it is the intention of the Town to make such improvements or cause the same to be done pursuant to this Article and Chapter 152 of the Laws of New Jersey for 1917, its supplements and amendments thereto. (3-27-22 s5)

12-35. Improvements Made by Town to Become Assessment Against Property.

When any of the improvements herein set forth shall be made by the municipality, a true and accurate account of the cost and expense thereof shall be kept and apportioned among the several properties improved, in proportion to the frontage of their respective lands, and a true statement of such cost, under oath, shall be forthwith filed by the officer of the municipality in charge of such improvement with the Clerk of the Common Council and the said Common Council shall examine the same and, if the same is properly made, shall confirm the same and file such report with the collector of taxes of the Town. The said collector of taxes shall record the said assessment in the same book as other assessments.

Every such assessment shall bear interest at eight (8%) percent per annum from the date of filing such report and until paid, and from the date of confirmation shall be a first and paramount lien upon the respective lands so improved, and shall be controlled and enforced in the same manner as provided by the statute in such case made and provided. (3-27-22 s6 and 7)

12-36. Incinerator Ash Paving Material Prohibited.

The use of incinerator ash or incinerator ash conglomerate as a paving material is prohibited on any road, street or other paved area within the Town of Hackettstown. (7-13-92)

ARTICLE 5. MOVING OF BUILDING OR OTHER OBJECTS
INTERFERING WITH OR OBSTRUCTING STREETS

12-40. Permission Required.

No person shall move any building or buildings or other objects which obstruct or interfere, or tend to obstruct or interfere with the traffic of said streets, or obstruct or interfere with any of the heat, power, light, telephone, telegraph or fire alarm wires or the use thereof, or which may break or otherwise mutilate any of the shade trees of this Town, without first having obtained permission from the Common Council or the Town Engineer, either of which shall have power to make such terms as may be necessary for the welfare of the Town. (3-24-24 sl)

12-41. All Work Under Supervision of Town Engineer.

Permission being granted, all such movings as aforesaid shall be at all times under the supervision of the Town Engineer.

12-42. Violations.

Any person who shall violate any provisions of this Article shall, upon conviction thereof, be punished by a fine not exceeding Five Hundred (\$500.00) Dollars, or by imprisonment in the County Jail for a term not exceeding ninety (90) days, or both. (3-24-24 s3)

ARTICLE 6. PARKING DURING SNOWSTORM, EMERGENCY

12-45. What Constitutes an Emergency.

When a snowstorm occurs, as hereinafter set forth, which constitutes a serious public hazard impairing transportation, the movement of food and fuel supplies, medical care, fire, health, police protection and other vital facilities of the Town, a State of Emergency shall be deemed to exist. A State of Emergency is hereby declared to exist within the municipal limits of the Town whenever there shall be a snowfall of three (3") inches or more, and such emergency shall be presumed to continue for a period of 72 hours after the cessation of said snowfall. (3-27-61 s1 and 2)

12-46. Parking Prohibited for 72 Hours or Until Street Cleared.

In order to afford the Town the opportunity to clear its streets and highways of snow and to open the same during the period of the emergency aforesaid, no vehicle, however propelled, except as herein-provided, shall be allowed to stand or park, whether attended or not, upon any street or highway of the Town, except for picking up or discharging passengers or for picking up or delivering essential merchandise or other commodities, provided, however, that such emergency shall be terminated as to any street or highway when the snow has been plowed therefrom for the full width of the pavement. (3-27-61 s3)

12-47. Emergency to Continue on All Streets Until Cleared.

Such emergency shall continue beyond the 72-hour period above-provided on those streets or highways of the Town from which the snow has not been removed, and no vehicle shall be allowed to stand or park, whether attended or not, on such street or highway until the snow shall have been cleared therefrom. (3-27-61 s4)

12-48. Impounding of Parked Vehicles; Removal Fee; Storage Fee.

Whenever a vehicle has been parked or left standing in violation of the provisions of this Article, the Chief of Police or any police officer so designated by the Chief may move or cause the removal of such vehicle to such place as may be designated by the Chief of Police for the impounding until the person owning said vehicle shall pay the reasonable cost of such removal and storage. (9-24-15)

12-49. Removal by Tow Truck Operators.

The removal of vehicles as referred to in the aforementioned Section 12-48 to a designated place of impounding shall be carried out only by town truck operators listed on the rotating list maintained by the Police Department.

12-50. Sale of Unclaimed Vehicles After Six Months.

After any vehicle removed as aforesaid has been in the possession of either the Police Department or the Town of Hackettstown for a period of six (6) months, and the owner or owners cannot be found or refuse to receive and remove such vehicle and pay the storage costs thereof, then the Chief of Police may proceed to sell such vehicle in accordance with the provisions of the Laws of the State of New Jersey. (3-27-61 s7)

12-51. Definition of Vehicle.

"Vehicle" as used herein is defined to mean every device in, upon, or by which a person or property is or may be transported upon a highway. (3-27-61 58)

12-52. Violations. (6-30-11)

Any person who shall violate any provision of this Article shall, upon conviction thereof, be punished by a fine not exceeding One Thousand (\$1,000.00) Dollars.

12-53. Parking Prohibited When Streets Are Snow Covered. (9-12-13)

(a) In addition to the parking prohibition set forth in sections 12-46 and 12-47 there shall be no parking of a vehicle on any portion of a public road, street or highway whenever snow has fallen and the accumulation is such that it covers the public road, street or highway. However, parking shall be permitted during such times on Main Street only, between Stiger Street and Warren Street. (2-27-14)

(b) Said parking prohibition shall remain in effect after the snow has ceased, and, until the streets, roads or highways have been plowed and/or sanded sufficiently, and to the extent that parking will not interfere with the free flow of traffic.

(c) As used in this section, the term "snow" shall mean any precipitation depositing any accumulation on the surface of the street, roads or highways, including snow, sleet, hail, ice or freezing rain so that the streets are covered with the same.

(d) As per this section, regulatory and/or warning signs in accordance with N.J.S.A. 39:4-198 shall be erected and maintained.

12-54. Emergency Closing of Streets. (11-14-94)

The Mayor is authorized to close any street or portion thereof to traffic at anytime where in the opinion of the Mayor the closing is necessary to preserve the public safety, health and welfare (Sec. N.J.S.A. 40:67-16.9). Appropriate temporary signs shall be posted advising the public of any emergency closure.

12-55. Penalty and Removal.

Any person who shall violate paragraphs 12-53 by parking on a snow route shall be punished by a fine not exceeding One Thousand (\$1,000.00) Dollars, or by imprisonment in the County Jail for a term not exceeding ninety (90) days or both.

In addition, a vehicle parked or left standing in violation of paragraph 12-53 shall be subject to the impounding, removal and storage provisions of paragraph 12-48 above.

ARTICLE 7. SIDEWALK CARE AND MAINTENANCE

12-60. Removal of Snow or Ice by Owner or Tenant.

The owner or tenant of lands abutting upon a public street of this Town shall and must remove, or cause to be removed, from the abutting sidewalks of said street all snow or ice within twelve (12) daylight hours after the same shall be formed or fall thereon. (3-27-22 sl)

12-61. Violations.

Any owner or tenant who shall violate the above Section 12-60 of this Article shall, upon conviction thereof, be punished by a fine not exceeding Fifty (\$50.00) Dollars, together with the costs of prosecution. (3-27-22 s2)

12-62. Removal by Street Commissioner.

In cases where the owner or tenant shall refuse or neglect to remove the same, in the manner and within the time provided in Section 12-60 hereof, the Common Council may, by or under the direction of the Street Commissioner or other officer, cause the same to be done. (3-27-22 s3)

12-63. Cost of Removal by Town a Lien on Property.

In all cases where snow or ice is removed from the sidewalks under this Article by or under the direction of such Street Commissioner or other officer, such officer shall certify the cost thereof to the Common Council, which shall examine the certificate and, if found correct, shall cause the cost shown thereon to be charged against the lands abutting or bordering such sidewalk. The amount so charged shall forthwith become a lien upon such land and shall be added to and become and form a part of the taxes next to be assessed and levied upon such lands, the same to bear interest at the same rate as taxes, and shall be collected and enforced by the collector of taxes and in the same manner as other taxes.

ARTICLE 8. USE AND OBSTRUCTION OF SIDEWALKS AND STREETS

12-70. Obstruction Forbidden.

No person shall obstruct in any manner whatsoever any of the sidewalks and streets of the Town. (5-22-22 sl)

12-71. Signs, Awnings, etc., Across Sidewalks and Streets Forbidden.

No person shall build, construct or maintain any overhead sign, awning, leaderpipe, clothesline or other obstruction in, over and across the sidewalks and streets of this Town without a permit from the Council.

No permit shall be issued for the construction or maintenance of any overhead sign across the sidewalks of the Town unless the bottom of said sign is at least ten (10') feet from the sidewalk. Full specifications as to location, height off sidewalk, method of attaching, and size of sign must be presented to the Council before any permit will be issued. (8-14-61)

12-72. Affixing Signs, Notices, Advertisements, etc., to Trees, Posts, etc., Forbidden.

No person shall place and maintain any stationary sign, post, pole, box or other obstruction on the sidewalks and streets of this Town. No person shall nail, post or cause to be affixed in any manner whatsoever to any tree, tree-box, post or poles in the streets of this Town (including the sidewalk width) any sign, notice, device or other advertisement or in any way disfigure the said trees, tree-boxes, posts or poles. (5-22-22 s3, s4)

12-73. Reasonable Business Use of Streets and Sidewalks Allowed.

Nothing in the above Sections shall apply to any person necessarily using said sidewalks and streets for the loading and unloading of merchandise or other material, in the usual course of business, trade or building; however, should any person or persons allow said obstructions to become a nuisance by an unreasonable use thereof, the street commissioner or other authority shall remove the same or cause it to be done, and the offending person shall be deemed an offender against the respective sections of this Article. (5-22-22 s5)

12-74. Rights, Grants, Franchises Given by Common Council.

This Article shall not apply or be taken to interfere with any rights, grants, privileges or franchises heretofore or hereafter given by said Common Council. (5-22-22 s7)

12-75. Removal of Obstruction by Police.

In addition to the penalties hereinafter-mentioned, it shall be the duty of the Police at all times to abate and remove any unlawful obstruction or nuisance in the above Sections of this Article set forth. (5-22-22 s9)

12-76. Violations.

Any person who shall violate any provisions of this Article shall, upon conviction thereof, be punished by a fine not exceeding One Hundred (\$100.00) Dollars, or by imprisonment in the County Jail for a term not exceeding ninety (90) days. (5-22-22 s10).

12-77. Casting of Snow or Ice.

No person or no owner, tenant or occupant of any premises abutting on any street shall throw, place or deposit snow or ice into or on any street, it being the intent and purpose of this provision to prohibit all persons from throwing, casting, placing or depositing snow and ice which accumulates within the private property belonging to that person on the sidewalks or streets of the Town.

ARTICLE 9. OWNER MAINTENANCE OF STREET INTERSECTIONS

12-80. Maintenance and Trimming of Brush, etc.

The owner or owners, tenant or tenants, of land lying within the limits of the Town of Hackettstown, shall keep all brush, hedges and other plant life growing within ten (10') feet of any roadway within the Town of Hackettstown, and within twenty-five (25') feet of the intersection of any two (2) roadways, cut to a height of not more than two and one-half (2½') feet above the adjacent ground elevation where it shall be necessary and expedient for the preservation of public safety.

12-81. Construction and Maintenance of Fences.

The owner or owners, tenant or tenants, of land lying within the limits of the Town of Hackettstown and forming a corner property, shall not construct or maintain any fences or other structures within a distance of twenty-five (25') feet of the point of intersection of the sidelines of each of the two (2) intersecting streets or roadways, which is more than two and one-half (2½') feet above the adjacent ground elevation where it shall be necessary and expedient for the preservation of public safety.

12-82. Hardship Variance.

In any case where a strict application of this Article would result in undue hardship, the Town Council, upon recommendation of the Chief of Police, may, by resolution, grant a variance from such strict application.

12-83. Violations.

Any owner or owners, tenant or tenants, now maintaining or hereafter maintaining any brush, hedges or other plant life, or any fence contrary to the provisions of this Article, and who shall not remove the same or cause the same to be reduced to the conditions provided in Sections 12-80 and 12-81 of this Article, shall, within ten (10) days after the receipt of written notice from the Police Department to do so, be guilty of a violation of this Article, and upon conviction thereof, shall be punished by a fine not exceeding twenty-five (\$25.00) Dollars. Each day that a violation is permitted to exist shall constitute a separate offense.

12-84. Notice of Violation.

The notices herein provided for shall be given by certified mail, return receipt requested, to the owner and tenant, if any, of the said lands, at the last known address of said owner and/or tenant as shown on the books of the Tax Collector of the Town.

12-85. Removal of Condition by Town.

In addition to the penalties herein provided for by Section 12-83 of this Article, where it appears that the owner or tenant of land and premises so notified as set forth in the preceding sections of this Article fails to comply with the provisions of said Order within ten (10) days from the service thereof, then the Chief of Police of the Town of Hackettstown shall notify the Town Engineer of the existence of such prohibited conditions and request that the same be removed. The Town Engineer, following the receipt of such notice shall cause the removal or correction of the prohibited conditions and the reasonable cost of same shall be charged against said lands; and the amount so charged shall forthwith become a lien upon such lands and shall be added to become and form a part of the taxes next to be assessed and levied upon such lands, the same to bear interest at the same rate as other taxes; and same shall be levied, collected and enforced by the same officers and in the same manner as other taxes.

ARTICLE 10. PLANTING, CONTROL, PROTECTION AND
REGULATION OF SHADE TREES

12-90. Definitions.

(a) The term "street" shall mean:

1. Any street accepted by the Town of Hackettstown as a public street.
2. Municipal Parks and Parkways.

(b) The term "tree" shall mean:

1. Trees and shrubs.

(c) "Person" shall mean every person, firm, association, partnership and corporation.

(d) The term "public utility company" shall refer to: public utility as defined in the Revised Statutes of the State of New Jersey (R.S. 48:2-13) and to the Hackettstown Municipal Utilities Authority.

(e) The term "plant construction" as applied to public utility companies shall mean poles, wires, cables, sub-surface conduits, pipes, manholes, and appurtenant facilities of such companies installed in a street.

12-91. Prohibited Conduct.

(a) No person shall do any of the following acts to any tree on a street, right of way, park, or other property owned or leased by the Town.

1. Cut, prune, climb with spikes, break, damage or remove or kill.
2. Cut, disturb or interfere in any way with any root.
3. Spray with any chemical.
4. Fasten any rope, wire, sign or other device. Nothing herein shall prevent any governmental agency from affixing in a manner approved by the Department of Public Works a public notice upon a tree in connection with administering governmental affairs. (Any work on existing fastenings will be done under the supervision of the Department of Public Works.)
5. Remove or damage any guard or device placed to protect any tree or shrub.

6. Conduct razing, removal or renovation of any structure if deemed by the Commission to be damaging to neighboring street trees.

7. Place or distribute chemicals, including, but not limited to salt, deleterious to tree health.

8. Maintain a stationary fire or device which emits fumes deleterious to tree health.

9. Remove soil, either for trenching or otherwise.

10. Plant any tree or shrub.

11. Place impervious material such as bituminous concrete around a tree if deemed by the Commission to be damaging to such tree.

12-92. Required Permits: Utility Operation Exceptions.

(a) The Mayor and Common Council may grant to Public Utility Companies a permit for:

1. Tree pruning for line clearance and

2. For the installation and the maintenance of sub-surface and above-ground plant construction if there is no interference with or endangerment to street trees.

(b) Public Utility Companies may, during periods of emergency without specific prior permit:

1. Install temporary attachments to trees and

2. Make emergency sub-surface repairs. Permits shall be obtained at the start of the next work day. A Public Utility Company which interferes with or endangers trees, or fails to obtain the necessary permit, shall be subject to penalties as set forth in Section 12-94 hereof.

(c) Each public utility company shall exercise reasonable diligence in the maintenance of its plant construction so as to avoid damage to trees under the jurisdiction of the Town.

12-93. Issuance of Permits.

(a) Requests for permits required by the provisions of this Article for the performance of work shall be directed to the Department of Public Works, Municipal Building, Town of Hackettstown, New Jersey.

12-94. Permits Granted to Property Owners.

(a) The Superintendent of the Department of Public Works may grant property owners permission to plant street shade trees under guidelines adopted by the Department.

12-95. Violations and Fines.

(a) Any person found guilty of violating any of the provisions of this Article shall upon conviction thereof be subject to a fine not exceeding two hundred dollars (\$200.00) for each offense. Each day any violation of this Article shall continue shall constitute a separate offense.

Article 11 - Tree Removal and Replacement

§12-96 Scope and Purpose.

An ordinance to establish requirements for tree removal and replacement in the Town of Hackettstown to reduce soil erosion and pollutant runoff, promote infiltration of rainwater into the soil, and protect the environment, public health, safety, and welfare.

§12-97 Definitions.

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this ordinance clearly demonstrates a different meaning. When consistent 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 use of the word "shall" means the requirement is always mandatory and not merely directory.

APPLICANT

Means any "person", as defined below, who applies for approval to remove trees regulated under this ordinance.

CRITICAL ROOT RADIUS (CRR)

Means the zone around the base of a tree where the majority of the root system is found. This zone is calculated by multiplying the diameter at breast height (DBH) in inches of the tree by 1.5 (Result expressed in Feet). For example: a tree with a 6" DBH would have a CRR = 6"x 1.5 = 9'.

DIAMETER AT BREAST HEIGHT (DBH)

Means the diameter of the trunk of a mature tree generally measured at a point four and a half feet above ground level from the uphill side of the tree. For species of trees where the main trunk divides below the 4 ½ foot height, the DBH shall be measured at the highest point before any division.

HAZARD TREE

Means a tree or limbs thereof that meet one or more of the criteria below. Trees that do not meet any of the criteria below and are proposed to be removed solely for development purposes are not hazard trees.

- A. Has an infectious disease or insect infestation;
- B. Is dead or dying;
- C. Obstructs the view of traffic signs or the free passage of pedestrians or vehicles, where pruning attempts have not been effective;
- D. Is causing obvious damage to structures (such as building foundations, sidewalks, etc.); or
- E. Is determined to be a threat to public health, safety, and/or welfare by a certified arborist or Licensed Tree Expert (LTE).

PERSON

Means any individual, resident, corporation, utility, company, partnership, firm, or association.

PLANTING STRIP

Means the part of a street right-of-way between the public right-of-way and the portion of the street reserved for vehicular traffic or between the abutting property line and the curb or traveled portion of the street, exclusive of any sidewalk..

RESIDENT

Means an individual who resides on the residential property or contractor hired by the individual who resides on the residential property where a tree(s) regulated by this ordinance is removed or proposed to be removed.

STREET TREE

Means a tree planted in the sidewalk, planting strip, and/or in the public right-of-way adjacent to (or specified distance from) the portion of the street reserved for vehicular traffic. This also includes trees planted in planting strips within the roadway right-of-way, i.e., islands, medians, pedestrian refuges.

TREE

Means a woody perennial plant, typically having a single stem or trunk growing to a considerable height and bearing lateral branches at some distance from the ground.

TREE CALIPER

Means the diameter of the trunk of a young tree, measured six (6) inches from the soil line. For young trees whose caliper exceeds four (4) inches, the measurement is taken twelve (12) inches above the soil line.

TREE REMOVAL

Means to kill or to cause irreparable damage that leads to the decline and/or death of a tree. This includes, but is not limited to, excessive pruning, application of substances that are toxic to the tree, over-mulching or improper mulching, and improper grading and/or soil compaction within the critical root radius around the base of the tree that leads to the decline and/or death of a tree. Removal does not include responsible pruning and maintenance of a tree, or the application of treatments intended to manage invasive species.

§12-98 Regulated Activities.**A. Application Process:**

1. Any person planning to remove a street tree, as defined as Tree removal, with DBH of 2.5" or more or any non-street tree with DBH of 6" or more on their property shall submit a Tree Removal Application to the Hackettstown Department of Public Works. No tree shall be removed until municipal officials have reviewed and approved the removal.
2. Applicants will be subject to an application fee per tree to be removed in accordance with the Tree Replacement Requirements Table below.
3. Applicants may be required to post an escrow deposit in the event that the Tree Removal Application and subsequent review requires the Town to engage a Licensed Tree Expert to review the requested trees to be removed. The escrow amount shall be determined at the time of the Application. Applicants shall be notified in writing at the time of application filing.

B. Tree Replacement Requirements

1. Any person who removes one or more street tree(s) with a DBH of 2.5" or more, unless exempt under Section 12-99, shall be subject to the requirements of the Tree Replacement Requirements Table below.
2. Any person who removes one or more tree(s), as defined as Tree removal, with a DBH of 6" or more per acre, unless otherwise detailed under Section 12-99, shall be subject to the requirements of the Tree Replacement Requirements Table.
3. The species type and diversity of replacement trees shall be in accordance with the list of native tree species published by the Native Plant Society of New Jersey (<http://www.npsnj.org/>).
4. Replacement tree(s) shall:
 - a. Be replaced in kind with a tree that has an equal or greater DBH than tree removed must meet the Tree Replacement Criteria in the table below;
 - b. Be planted within twelve (12) months of the date of removal of the original tree(s) or at an alternative date specified by the municipality;
 - c. Be monitored by the applicant for a period of two (2) years to ensure their survival and shall be replaced as needed within twelve (12) months; and
 - d. Shall not be planted in temporary containers or pots, as these do not count towards tree replacement requirements.

Tree Replacement Requirements Table:

Category	Tree Removed IDBH)	Tree Replacement Criteria (See Appendix A)	Application Fee
1	DBH of 2.5" (for street trees) or 6" (for non-street trees) to 12.99"	Replant 1 tree with a minimum tree caliper of 1.5" for each tree removed	<i>\$10.00/ Tree</i>
2	DBH of 13" to 22.99"	Replant 2 trees with minimum tree calipers of 1.5" for each tree removed	<i>\$20.00/ Tree</i>
3	DBH of 23" to 32.99"	Replant 3 trees with minimum tree calipers of 1.5" for each tree removed	<i>\$40.00/ Tree</i>
4	DBH of 33" or greater	Replant 4 trees with minimum tree calipers of 1.5" for each tree removed	<i>\$50.00/ Tree</i>

C. Replacement Alternatives:

1. If the municipality determines that some or all required replacement trees cannot be planted on the property where the tree removal activity occurred, then the applicant shall do one of the following:
 - a. Plant replacement trees in a separate area(s) approved by the municipality.
 - b. Pay a fee of \$150.00 per tree replacement planting not completed in accordance with the Tree Requirements Table above. This fee shall be placed into a fund dedicated to tree planting and continued maintenance of the trees.

§12-99. Exemptions.

All persons shall comply with the tree replacement standard outlined above, except in the cases detailed below. Proper justification shall be provided, in writing, to the municipality by all persons claiming an exemption. Exemptions shall be granted by the Hackettstown Town Department of Public Works upon review of the applications for tree removal.

- A. Residents who remove less than four (4) trees per acre that fall into category 1, 2, or 3 of the Tree Replacement Requirements Table within a five-year period.
- B. Tree farms in active operation, nurseries, fruit orchards, and garden centers;
- C. Properties used for the practice of silviculture under an approved forest stewardship or woodland management plan that is active and on file with the municipality;
- D. Any trees removed as part of a municipal or state decommissioning plan. This exemption only includes trees planted as part of the construction and predestined to be removed in the decommissioning plan.
- E. Any trees removed pursuant to a New Jersey Department of Environmental Protection (NJDEP) or U.S. Environmental Protection Agency (EPA) approved environmental clean-up, or NJDEP approved habitat enhancement plan;
- F. Approved game management practices, as recommended by the State of New Jersey Department of Environmental Protection, Division of Fish, Game and Wildlife;
- G. Hazard trees may be removed with no fee or replacement requirement.

§12-100. Enforcement.

This ordinance shall be enforced by the Department of Public Works of the Town of Hackettstown during the course of ordinary duties.

§12-101. Violations and Penalties.

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to be less than the amount required under Section 12-98.C.1.b above.

CHAPTER 13. TRAFFIC AND PARKING

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ARTICLE 1. DEFINITIONS

13-1. Words and Phrases Defined.

Whenever words and phrases are used in this Chapter, the meaning respectively ascribed to them in N.J.R.S. 39:1 shall be deemed to apply to such words and phrases used herein.

ARTICLE 2. PROHIBITED PARKING, TIME-LIMIT PARKING, METERED PARKING AND
METERED PARKING LOTS

13-5. Regulations Not Exclusive.

The provisions of this Article imposing a time limit on parking shall not relieve any person of the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles as set forth in N.J.R.S. 39:4-138, any other New Jersey Statute, or as hereinafter provided.

Section 13-6. Parking Restrictions on All Streets. (10-24-13)

(a) No unregistered vehicle shall be parked on any public street, highway or thoroughfare in the Town of Hackettstown at any time.

(b) No commercial vehicle shall be parked on any public street, highway or thoroughfare in the Town of Hackettstown between the hours of 11:00 p.m. and 6:00 a.m.

(c) No unattached trailer shall be parked on any public street, highway or thoroughfare in the Town of Hackettstown at any time. Notwithstanding the foregoing, unattached commercial trailers may be in the public streets and roadways between the hours of 6:00 a.m. and 11:00 p.m., provided that the trailer is being utilized in connection with ongoing work and is removed at the close of each work day. No trailer, whether attached to a vehicle or unattached, shall be parked on any public street, highway or thoroughfare in the Town of Hackettstown between the hours of 11:00 p.m. and 6:00 a.m. "Trailer" shall be defined as any vehicle with or without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle. (2-27-14)

13-7. Parking Prohibited at All Times on Certain Streets.

No person shall park a vehicle at any time upon any of the streets or parts thereof described in Schedule I attached hereto and made a part of this Ordinance.

13-8. Parking Prohibited During Certain Hours on Certain Streets.

No person shall park a vehicle between the hours specified in Schedule II of any day (except Sundays and public holidays) upon any of the streets described in Schedule II attached hereto and made a part of this Ordinance.

13-9. Parking Time Limited on Certain Streets.

No person shall park a vehicle for longer than the time shown on Schedule III at any time between the hours listed in Schedule III of any day (except Sundays and public holidays) upon any of the streets or parts of streets described in Schedule III attached hereto and made a part of this Ordinance.

13-10. Parking Time Limited in Certain Metered Parking Zones. (5-9-24)

No person shall park a vehicle beyond the legal parking time designated on the meter in the metered parking zones described in Schedule IV attached hereto and made a part of this ordinance. This metered parking is effective and permitted daily, except Sundays and holidays, 8:00 a.m. to 6:00 p.m. The installation of meters in the zones described in Schedule IV is subject to exceptions for Taxi Stands, Bus Stops and other places where parking is now prohibited or restricted.

The Mayor and Common Council are hereby authorized to set and adjust metered parking rates by Resolution from time to time either as an exercise of its own discretion or in consideration of a recommendation made by the Parking Authority.

13-11. Parking Time Limited in Public Parking Lots.

No person shall park a vehicle in the public parking lots described in Schedule V attached hereto and made a part of this Ordinance for more than three (3) hours, except where so indicated on the meter or by appropriate signs. Metered parking for more than three (3) hours is permitted daily from 3:00 a.m. to 5:00 a.m. in designated areas only upon deposit of appropriate coins in the meter. No person shall park any vehicle in the public parking lots between 3:00 a.m. and 5:00 a.m., except by written permit of the Parking Authority. This permit shall be displayed on the vehicle being parked. Permitted vehicles parked between 3:00 a.m. and 5:00 a.m. shall be parked only in those areas designated by sign.

13-12. Stopping or Standing Prohibited During Certain Hours on Certain Streets.

No person shall stop or stand a vehicle between the hours specified in Schedule XII on any day upon any of the streets or parts of streets discussed in said Schedule XII attached hereto and made a part of this Ordinance.

13-13. Annual and Monthly Parking Spaces.

No person shall park any vehicle in spaces designated by the Parking Authority as "Annual Reserved Parking Spaces" or "Monthly Reserved Parking Spaces" except by written permit of the Parking Authority after payment of an annual or monthly fee established by resolutions of the Parking Authority. Annual Reserved Parking space permits will expire on December 31st of each year and monthly reserved parking space permits will expire on the last day of each month. Parking in annual reserved parking spaces is permitted at any time, 24 hours per day, provided that the permit of the Parking Authority is displayed on the vehicle being parked. Parking in the monthly reserved parking spaces is permitted from 3:00 a.m. to 5:00 a.m. provided that the permit of the Hackettstown Parking Authority is displayed on the vehicle being parked.

13-14. Twenty-Four Hour Permit.

Upon obtaining a permit from the Parking Authority and payment of a fee of Five (\$5.00) Dollars for each 24-hour period of parking, a person may park a vehicle in excess of the usual limits for metered parking in the metered parking lots only in those parking spaces designated as 24 hour parking by resolution of the Parking Authority. The permit shall be displayed on the vehicle during the time it is parked in said space. No person shall park any vehicle in such 24 hour permit parking spaces for a period of time in excess of the time stated on the permit.

13-15. No Parking in Taxi Stands.

No person shall park a vehicle (other than a licensed taxicab having a permit from the Parking Authority) in any parking space in a parking lot operated by the Hackettstown Parking Authority, and designated as a taxi stand by the Parking Authority by appropriate signs indicating that the space is reserved for licensed taxicabs.

13-16. Parking Prohibited at High School Entrance Drive.

No person shall park a vehicle at any time along either side of the entrance driveway of Hackettstown High School from Warren Street up to the entrance of the Community Pool.

13-17. Parking Prohibited at Hackettstown Senior Center.

No person shall park a vehicle at anytime in the parking lot adjoining the Hackettstown Senior Center and Hackettstown Community Center located on Block 72, Lot 12 except in those areas designated by signs as parking areas. The areas where parking is permitted shall be for users of the Senior Center only. (3-14-94)

13-18. Penalties and Towing.

Any person parking in the annual or monthly parking spaces as established in Section 13-13 without displaying a valid permit or parking in a twenty four hour space as established in Section 13-14 shall be subject to the penalties set forth in Section 13-70 and any vehicle so illegally parked may be towed by the Hackettstown Parking Authority. All towing costs and storage fees shall be the responsibility of the vehicle owner.

13-19. Handicapped Parking.

No person shall park any vehicle spaces designated in Schedule XV as handicapped parking spaces unless the vehicle is displaying the special vehicle identification cards issued pursuant to N.J.S.A. 39:4-206.

13-19A. Tannery Field Parking and One Way Driveway.

A. No person shall park any vehicle within the Tannery Ice Skating/overflow Parking lot or the Parking and Access Easement area described in the Parking and Access Easement between the Town of Hackettstown and Centenary College recorded in Book 2039 Page 82 or in the 22 Parking spaces adjacent to Tannery Field located on the westerly side of Second Avenue between Moore Street and Grand Avenue unless they are a current participant, spectator or user of the Tannery Field or ice skating rink. No parking shall be permitted in the above described areas for any other purpose. Any vehicle so illegally parked may be towed by the Hackettstown Police Department. All towing and storage costs shall be the responsibility of the vehicle owner.

B. No person shall stop or stand a vehicle on the Tannery Field Access Driveway running from Grand Avenue along the former Third Avenue right-of-way to the former Moore Street right-of-way and along the former Moore Street right-of-way to Second Avenue.

C. The following driveway shall be designated as one way:

<u>Name of Driveway</u>	<u>Direction</u>	<u>Location</u>
Tannery Field Access Driveway (formerly paper st. known as 3 rd Ave)	Southerly	From Grand Ave. to the Tannery Access Driveway(formerly Moore; Currently College Property)

13-19B. Resident Permit Parking Program.

a. Rules and Regulations. The following rules and regulations shall apply to the Town of Hackettstown Resident Permit Parking Program:

- (1.) A resident parking permit of a design specified by the Chief of Police of the Town of Hackettstown will be issued to residents of Hackettstown who own a motor vehicle with a gross weight of no more than two and five-tenths (2.5) tons.
- (2.) Proof of residency of the owner of a vehicle must be presented when applying for a permit. The following is acceptable proof of residency: a copy of a valid New Jersey driver's license reflecting an address on a street upon which the permit parking restrictions are imposed in the Town of Hackettstown, and a copy of a valid New Jersey motor vehicle registration for which the permit is sought showing an address in the Town of Hackettstown. In the case of a vehicle claimed to be leased and used by a Hackettstown resident, a copy of a valid motor vehicle registration and a copy of the automobile lease shall be presented to the Police Department of the Town of Hackettstown in lieu of the New Jersey motor vehicle registration.
- (3.) The resident parking permit designed by the Chief of Police in paragraph (1) above shall be displayed as directed on the permit.
- (4.) Any owner or lessee of any residential property in the Town of Hackettstown, reflecting an address on a street upon which permit parking restrictions are imposed, which owner or lessee does not possess a valid New Jersey registration or New Jersey operators license, shall not receive a resident sticker, but shall be entitled to the two visitors permits provided for in Paragraph (6) below. To obtain the visitors permits, such owner or lessee shall present proof of deed, lease or letter of the property owner to the Police Department confirming said residency.
- (5.) There shall be no cost for the permits. A maximum of four(4)permits shall be issued for each property address.
- (6.) Two visitors permits shall be issued to each residential unit requesting them for use only by visitors to that residential unit. Visitors' permits are to be used while the visitors are actually visiting the household of the resident to which the permit is issued.
- (7.) Permits hereunder are not available to commercial, retail or institutional properties.

(8.) The sale of the use of the permits or visitors permits is prohibited.

b. Abuse of Permit

Any abuse in the use of a resident permit will result in its revocation in the following circumstances:

- (1.) If any such permit is used on any vehicle which is not registered under this ordinance.
- (2.) Willfully providing any false or inaccurate information for the purpose of obtaining a permit hereunder.

c. Term of Permits

Resident permits will expire annually. Any vehicle bearing an expired resident permit and parked on a street posted "Permit Parking Only" shall be subject to the same penalty as a vehicle parking on the street without a resident permit, as set forth in paragraph e hereinbelow.

d. Exceptions

The prohibitions set forth in paragraph g below shall not apply to the following:

- (1) Visitor's Vehicles – a vehicle displaying a current visitor-parking permit may park provided that the operator of the vehicle is a bona fide transient guest of a resident of the Town. The visitor's permit shall be displayed on the rearview mirror of the vehicle in such a manner as to be clearly visible by an officer enforcing parking regulations.
- (2) Contractor/Service and Delivery Vehicles – Contractor, service and delivery vehicles bearing the name and address of a commercial business may park adjacent to the residential premises where they are working without permit during the times they are rendering service within the Town.
- (3) Emergency and Utility Vehicles – Emergency vehicles, municipal vehicles gas, electric, telecommunication, and other similar vehicles may park within the Town during the times they are rendering service or repairs within the Town.
- (4) Health Care Providers – may park their vehicles within the Town during the times they are rendering assistance and/or health care service to residents of the Town. (Health care provider defined as nurse, home health aid, physical therapist, or any other medical professional.)
- (5) A visitors' permit will not be issued to anyone residing in any building exclusively used by student of a college.
- (6) Handicapped Parking – Any vehicle identified and registered for a handicapped driver by the New Jersey Motor Vehicle commission and displaying the required handicapped plates or placards.
- (7) Special Events – The Mayor and Common Council may in conjunction with a special events license issued under Chapter 8, Article A may grant up to a 24 hour district wide exception to the permit regulations.
- (8) Federal Holidays – Permit parking restrictions shall not be in effect on any federally designated holidays.

e. Violations and Penalties

- (1.) Any vehicle parked on a street posted "Permit Parking Only" without a valid resident or business permit shall be subject to a parking fine in the amount of seventy-five (\$75.00) dollars. (6-30-11)
- (2.) In the event of a violation of paragraph b hereinabove the offending person shall be subject to a fine in the amount of up to two hundred fifty (\$250.00) dollars for a first offense and up to five hundred (\$500.00) dollars for a second and/or subsequent offense thereafter.
- (3.) The Town Police Department may remove and impound any vehicles which are in violation of this article in accordance with the provisions of Section 8-15.

f. Enforcement

The Police Department of the Town of Hackettstown shall have the authority to issue Summonses for violation of this Ordinance; provided, however, that in the case of a Summons issued for misuse of a resident permit, such Summons shall be issued by the Municipal Court of the Town of Hackettstown.

Enforcement of this Ordinance shall be under the jurisdiction of either the Police Department of the Town of Hackettstown and/or the Chief of Police of the Town of Hackettstown.

g. Resident Parking Permit Required At All Times on Certain Streets

No person shall park a vehicle in an area not otherwise prohibited against parking without the required resident parking permit upon any of the following prescribed streets or parts thereof starting 6:00 a.m. Monday through 7:00 p.m. on Friday, starting the first Tuesday after Labor Day and ending the Friday prior to Memorial Day:

<u>Street</u>	<u>Side</u>	<u>Limits</u>
Moore Street	Both	Madison Street to Jefferson Street
Church Street	South	Madison Street to Jefferson Street
Plane Street	South	Monroe Street to First Avenue
Reese Avenue	South	First Avenue to Fifth Avenue
Monroe Street	Both	Grand Avenue to Center Street
Jefferson Street	Both	Grand Avenue to Moore Street
Jefferson Street	West	Plane Street to Center Street
Beatty Street	East	Grand Avenue to Moore Street
First Avenue	East	Plane Street to Eastern Terminus
First Avenue	West	Reese Avenue to Eastern Terminus
Fourth Avenue	Both	Entire Length

Section 13-19C. Temporary Parking Restrictions.

No person shall park a vehicle in any area designated with a temporary "no parking" sign, or a sign containing similar language, when the placement of such sign has been authorized by action of the Mayor and Council or by the Police Department. Persons who violate this Section shall be subject to the penalties set forth in Section 13-70.

ARTICLE 3. ADMINISTRATION OF METERED ZONES
AND METERED PARKING LOTS

13-20. Installation of Meters and Appropriate Signs in Metered Zones.

The Common Council shall cause parking meters to be installed and parking metered spaces to be designated, and shall indicate time limitations on the parking meters and by appropriate signs posted in proximity to meters in metered zones as designated in Schedule IV.

13-21. Marking Metered Spaces in Metered Zones.

The Common Council shall cause lines or markings to be painted or placed upon the curb, sidewalk, or upon the streets adjacent to each parking meter for the purpose of designating the parking spaces for which said meter is to be used. Each vehicle parked adjacent to any parking meter shall be parked within the lines or markings so placed. It shall be unlawful and a violation of this Article to park any vehicle across such line or marking, or to park such vehicle in such a position that the same shall not be entirely within the area so designated by such lines or markings.

13-22. Parking in Metered Spaces.

When a parking space in any zone designated in Schedule IV is parallel to the adjacent curb or sidewalk, any vehicle shall be parked so that the foremost part of such vehicle is nearest to the parking meter. When a parking space is diagonal to the curb or sidewalk, the vehicle shall be parked with the foremost part nearest the meter. Any vehicle parked in a metered parking lot shall be parked within the lines or markings provided. It is unlawful to park any vehicle across such lines or markings, or to park in such a position that the vehicle is not entirely within the area designated.

13-23. How Parking Meter and Space To Be Used; Parking Overtime.

When any vehicle is parked in any parking-metered space, either the established zone or parking lot, the operator of said vehicle shall, upon entering said parking space, immediately deposit or cause to be deposited a coin or coins of the United States as designated on said parking meter and in accordance with the time designated thereon. Failure to deposit such coin or coins shall constitute a breach of this Article. Upon deposit of such coin or coins, and placing of said meter in operation, the parking space may be lawfully occupied by such vehicle during the period of time which has been prescribed for the part of the lot in which parking space is located. If any vehicle shall remain parked in any such parking space beyond the parking time fixed for such parking space, the parking meter

shall, by its dial and pointer, indicate such illegal parking. In that event, such vehicle shall be considered as parked overtime and beyond the period of legal parking time in any such parking space where any such meter is located and shall be in violation of this Article and punished as set forth in this Article.

13-24. Unlawful to Park Where Meter Indicates Overtime.

It shall be unlawful and a violation of the provisions of this Article for any person to permit a vehicle to remain or to be placed in any parking space adjacent to any parking meter while said meter is displaying a signal indicating that the vehicle occupying such parking space has already been parked beyond the period of time prescribed for such parking space.

13-25. Use of Slugs Prohibited.

It is unlawful to deposit or cause to be deposited in any parking meter any slug, device or metallic substance or any other substitute for a United States coin.

13-26. Tampering with Meters.

It is unlawful for any person to deface, injure or tamper with, open or willfully break, destroy or impair the usefulness of any parking meter.

13-27. Rules for Use of Public Parking Lots.

No person shall place or throw, or permit the depositing of any paper, cardboard, trash, refuse, glass, bottles, cans or any other litter upon any parking lot owned or operated by the Parking Authority of the Town of Hackettstown.

No person shall deposit household trash or garbage in any of the trash receptacles attached to any parking lot meter located in the Town of Hackettstown.

No person shall drive a vehicle from High Street to Liberty Street or Liberty Street to High Street through the Central Parking Lot, except for the purpose of parking a vehicle in the lot.

No person shall park a truck over two (2) tons gross weight on any parking lot owned or operated by the Parking Authority of the Town of Hackettstown, except for the pick-up and delivery of material.

No person shall drive a vehicle from High Street to Sharp Street or Sharp Street to High Street through the Sharp Street Parking Lot, except for the purpose of parking a vehicle in the lot. (1-19-72)

13-28. Penalties - Metered Parking.

Any person in violation of this Article by virtue of permitting a vehicle to remain or to be placed in any parking adjacent to any parking meter while said meter is displaying a signal indicating that the vehicle occupying such parking space has parked beyond the period prescribed for such parking space shall be subject to a fine of \$20.00. Any other violations of this article shall be subject to the penalties set forth in Section 13-70. (12-12-13)

ARTICLE 4. LIMITING USE OF STREETS TO CERTAIN CLASS OF VEHICLE

13-35 Trucks over Four (4) Tons Registered Gross Weight Excluded from Certain Streets. Trucks over four (4) tons registered gross weight are excluded from the streets or parts of streets described in Schedule VI, except for the pick-up and delivery of material or the maintenance or installation of utilities thereon. Schedule VI is attached hereto and made a part of this Ordinance.

13-36 Trucks Over Ten (10) Tons Registered Gross Weight Excluded from Washington Street. Trucks over ten (10) tons registered weight are excluded from Washington Street except for pick-up and delivery of materials and the maintenance or installation of utilities thereon.

ARTICLE 5. ONE-WAY STREETS

13-40. One-Way Streets Designated.

The streets or parts of streets described in Schedule VII attached hereto and made a part of this Ordinance are hereby designated as One-Way Streets in the direction indicated.

ARTICLE 6. THROUGH STREETS, STOP INTERSECTIONS AND YIELD INTERSECTIONS

13-45. Through Streets Designated.

Pursuant to the provisions of R.S. 39:4-140, the streets or parts of streets described in Schedule VIII attached hereto and made a part of this Ordinance are hereby designated as "Through Streets". Stop signs shall be installed on the near right side of each street intersecting the Through Streets, except where Yield Right-of-way signs are provided for in the designation.

13-46. Stop Intersections Designated.

Pursuant to the provisions of R.S. 39:4-140, the intersections described in Schedule IX attached hereto and made a part of this Ordinance are hereby designated as "Stop Intersections". Stop signs shall be installed as provided therein.

13-47. Yield Intersections Designated.

Pursuant to the provisions of R.S. 39:4-140, the intersections described in Schedule XIII attached hereto and made a part of this Ordinance are hereby designated "Yield Intersections". Yield Right-of-Way signs shall be installed as provided therein.

13-48. Four Way Stop Intersections.

Four way stop intersections established pursuant to the provisions of R.S. 39:4-140 are hereby designated in the following locations:

East Plane Street and Maple Avenue

ARTICLE 7. LOADING ZONES

13-50. Loading Zones Designated.

The locations described in Schedule X attached hereto and made a part of this Ordinance are hereby designated as "Loading Zones".

ARTICLE 8. TAXI STANDS

13-55. Taxi Stands Designated.

The locations described in Schedule XI attached hereto and made a part of this Ordinance are hereby designated as "Taxi Stands". These locations shall be designated as such by appropriate official signs placed and maintained by the Common Council.

ARTICLE 8A. BUS STOPS

13-56. Bus Stops Designated.

The locations described in Schedule XIV attached hereto and made a part of this Ordinance are hereby designated as "Bus Stops".

ARTICLE 9. PROHIBITED TURNS

13-60. U-Turns Prohibited.

It shall be unlawful and no vehicle shall be turned around so as to proceed in the opposite direction on Main Street from Mountain Avenue to Valentine Street (both inclusive), which shall be conspicuously marked with signs stating "No U-Turn".

ARTICLE 10. TRAFFIC SIGNS AND SIGNALS, MARKING OF CROSSWALKS,
PARKING SPACES, TRAFFIC LANES

13-65. Placement of Signs and Signals.

It shall be the duty of the Common Council to place and maintain, or cause to be placed and maintained, all official signs and signals which have been duly approved by the Commission of Transportation.

13-66. Marking of Crosswalks, Parking Spaces and Lanes for Traffic.

It shall be the duty of the Common Council to place and maintain, or cause to be placed or maintained, under the guidance of the Police Committee (which committee is authorized to establish and to designate and shall thereafter maintain), upon the surface of the roadway by appropriate devices, marks or lines, crosswalks (approximately equal in width to the adjacent sidewalks at all intersections) where, in its opinion, there is a particular danger to pedestrians crossing the roadway.

The Department of Public Works is also authorized and empowered to make lanes for traffic on street pavements, and to indicate parking spaces adjacent to the curbing, and all vehicles must be parked within the lines so designated.

13-67. Lane Use Reservation.

All traffic at the intersections described in Schedule XX shall move as indicated in Schedule XX. The Mayor and Common Council shall cause to be installed all signs and/or pavement markings required by the Manual on Uniform Traffic Control Devices.

13-68. Crosswalks.

In addition to the crosswalks designated by the Police Committee under Section 13-66, pedestrian crossings shall be installed and maintained at all four pedestrian crossings at the intersections described in Schedule XVIII.

ARTICLE 11. PENALTIES

13-70. Penalties.

Unless another penalty is expressly provided by New Jersey Statute, every person convicted of a violation of a provision of this Ordinance or any supplement thereto, shall be liable to a penalty of not more than One Thousand (\$1,000.00) Dollars, or imprisonment for a term not exceeding fifteen (15) days, or both. (6-30-11)

ARTICLE 12. SPEED LIMITS

13-80. Grand Avenue.

The speed limits for both directions of traffic along Grand Avenue be established as follows:

Zone 1: Thirty (30) miles per hour between the Mansfield Township line and Third Avenue.

Zone 2: Twenty-five (25) miles per hour between Third Avenue and Main Street (Route 46).

13-81. High Street.

The speed limit for both directions of traffic along High Street are established as follows:

Zone 1: Twenty-five (25) miles per hour from Main Street to Fourth Street.

Zone 2: Thirty-five (35) miles per hour from Fourth Street to the Hackettstown/Independence Township line.

13-82. Fifth Avenue and Reese Avenue. (9-12-13)

Zone 1: The speed limits for both directions of traffic along the entire length of Fifth Avenue and Reese Avenue are established as twenty-five (25) miles per hour.

Zone 2: Fifth Avenue School Zone Speed Limit: On Fifth Avenue, between Grand Avenue and Reese Avenue, the speed limit shall be twenty (20) miles per hour in both directions Mondays through Fridays, when school is in session, during the hours of 7:30 a.m. to 8:30 a.m., 12:00 p.m. to 1:00 p.m., and 2:30 p.m. to 3:30 p.m. During all other hours the speed limit shall be twenty-five (25) miles per hour.

13-83. Washington Street. (9-12-13)

Zone 1: The speed limit for both directions of traffic along the entire length of Washington Street is established as twenty-five (25) miles per hour.

Zone 2: School Zone Speed Limit: On Washington Street, between Church Street and Warren Street, the speed limit shall be twenty (20) miles per hour in both directions Mondays through Fridays, when school is in session, during the hours of 7:30 a.m. to 8:30 a.m., 12:00 p.m. to 1:00 p.m., and 2:30 p.m. to 3:30 p.m. During all other hours the speed limit shall be twenty-five (25) miles per hour.

13-84. Madison Street. (9-12-13)

Zone 1: The speed limit for both directions of traffic along the entire length of Madison Street is established as twenty-five (25) miles per hour.

Zone 2: School Zone Speed Limit: On Madison Street, between Church Street and Warren Street, the speed limit shall be twenty (20) miles per hour in both directions Mondays through Fridays, when school is in session, during the hours of 7:30 a.m. to 8:30 a.m., 12:00 p.m. to 1:00 p.m., and 2:30 p.m. to 3:30p.m. During all other hours the speed limit shall be twenty-five (25) miles per hour.

13-85. Warren Street. (9-12-13)

Zone 1: The speed limit for both directions of traffic along the entire length of Warren Street is established as twenty-five (25) miles per hour.

Zone 2: School Zone Speed Limit: On Warren Street, between Washington Street and the westerly terminus of Warren Street, the speed limit shall be twenty (20) miles per hour in both directions Mondays through Fridays, when school is in session, during the hours of 7:30a.m. to 8:30a.m., 12:00 p.m. to 1:00 p.m., and 2:30 p.m. to 3:30 p.m. During all other hours the speed limit shall be twenty-five (25) miles per hour.

ARTICLE 13 - NO PASSING ZONES

13-90. No Passing Zones.

The locations described in Schedule XVII attached hereto and made part of this ordinance are hereby designated as "No Passing Zones". The areas shall be painted and maintained with double yellow lines and shall be conspicuously marked with signs designating the area as a no passing zone.

ARTICLE 14 - TITLE 39 ENFORCEMENT – CENTENARY COLLEGE

The following regulations shall be enforceable within the Centenary College Bennett Smith Dormitory Parking Lot and Tannery Field Parking Lot and Driveways:

13-100. General Parking

- A. All vehicles must park in designated areas and between the lines provided.
- B. No person shall stop or stand a vehicle upon any of the streets or parts of streets described below, except in areas covered by other parking restrictions.

<u>Name of Street</u>	<u>Sides</u>	<u>Hours</u>	<u>Location</u>
All roads and Aisles	Both	All	As indicated on site plan

C. Handicapped Parking:

All stalls shall be 12 foot wide as shown on the attached site plan and signed with the R7-8 and R7-8P (Reserved Parking Sign and Penalty Plate), in the designated parking areas for persons who been issued the Handicapped Parking Permit by the Division of Motor Vehicles.

13-101. Through Streets:

The following streets or parts of streets 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.

<u>Name of Street</u>	<u>Limits</u>
Road "A"	Entire Length

13-102. One Way Streets

The following described streets or parts of streets are hereby designated as One-Way Streets in the direction indicated.

<u>Name of Street</u>	<u>Direction</u>	<u>Limits</u>
Road "A"	South	Between 2 nd Avenue and Aisle "A"

13-103. Speed Limit

- A. The speed limit for both directions of traffic in the parking lot(s) shall be 15 M.P.H.
- B. The speed limit for both directions of travel on the following roadways are:

<u>Name of Roadway</u>	<u>M.P.H.</u>	<u>Limits</u>
All roads and Aisles	15	Entire Length

- C. Regulatory and warning signs shall be erected and maintained to effect the above designated speed limits authorized by the Department of Transportation.

13-104. Tow Away Zones:

Any vehicle parked or standing as to obstruct or impede a normal flow of traffic block entrances or exit ways, loading zones, oil fills, any grassy area pedestrian walkway, or present in any way a safety or traffic hazard may be removed by towing the vehicle at the owners or operators expense.

That all signs, posts, or other necessary materials be installed and paid for by the applicant. All signing shall conform to the current Manuel on Uniform Traffic Control Devices, pursuant to N.J.S.A. 39:4-198 and N.J.S.A. 39:4-183.27.

Unless another penalty be expressly provided for by the New Jersey Statute, every person convicted of a violation of this ordinance or any supplement thereto shall be liable to a penalty of not more than (\$100.00) dollars or imprisonment for a term not exceeding fifteen (15) days or both.

ARTICLE 15 – ANGLED PARKING

13-110. Angled Parking Permitted

Angled parking only shall be permitted on the westerly side of Second Avenue from a point 86 feet south of Grand Avenue to a point 196 feet therefrom.

SCHEDULE I

In accordance with the provisions of Section 13-7, no person shall park a vehicle at any time upon any of the following-described streets:

<u>Name of Street</u>	<u>Sides</u>	<u>Location</u>
Beatty Street	West	Between Grand Avenue and Moore Street.
Beatty Street	Both	Between Stiger Street and Grand Avenue.
Center Street	North	From the westerly side of Main Street to a point 75 feet West.
Center Street	South	Entire length. (2-26-58)
Church Street	North	From the westerly side of Washington Street to the easterly side of Jefferson Street.
East Moore Street	North	Main Street to Sharp Street, and commencing 713 feet East of the intersection of the easterly side of Sharp Street with the northerly side of East Moore Street, and continuing in an easterly direction for 58 feet.
East Moore Street	South	Main Street to Maple Avenue.
First Avenue	West	Plane Street South to southerly terminus of First Avenue.
First Avenue	West	Plane Street to Center Street
Franklin Street	South	Between High Street and Sharp Street.
Grand Avenue	North	Washington Street curb line towards Madison, a distance of 150 feet.
Liberty Street	South	Crosswalk on the easterly side of Main Street to the westerly side of Franklin Street. (9-13-65)
Liberty Street	North	From intersection of Main Street and Liberty Street to a point 150 feet East.
Liberty Street and Cook Street		Northeasterly intersection of Liberty Street and Cook Street for 25 feet in both directions from corner of intersection; northeasterly curve of intersection of Liberty Street and Cook Street for a

		distance of 100 feet from driveway entrance of church parking lot. (10-24-60)
Little Street	Both	Entire length.
Miller Street	South	High Street to Lafayette Street. (6-19-72)
Mitchell Road	Both	Bells Lane to Arthur Terrace.
Park Avenue	East	Entire length.
Plane Street	North	Entire length. (2-26-58)
Plane Street	South	From westerly side of Main Street to a point 75 feet West.
Reese Avenue	North	Between First Avenue and Fifth Avenue.
Robins Court	South	Entire length.
Ruland Avenue	Both	Entire length.
Second Avenue	East	Entire Length.
Second Avenue	West	From the southerly curb line of Grand Avenue to a point 86 feet south therefrom.
Sharp Street	East	Beginning 150 feet from the corner of Sharp Street and Moore Street, and continuing 168 feet North (opposite the entrance of the Sharp Street Parking Authority Lot).
Sharp Street	West	East Moore Street to Franklin Street.
Stiger Street	South	Westerly curb line of Main Street to a point 83 1/2 feet West thereof.
Valentine Street	South	From westerly side of Main Street 150 feet West therefrom.
Valentine Street	North	Main Street to Beatty Street.
Victoria Lane	Both	From a point beginning on Route 182 to a terminus point 200 feet on the southerly side and 200 feet on the northerly side of Victoria Lane.
Victoria Lane	North	Westerly curbline State Route 182 west a distance of 425 feet.
Warren Street	South	From westerly side of Main Street to a point 100 feet West.
Water Street	West	From Route 46 to Mountain Avenue including West side of southerly stub of Water Street.
Water Street	Southeast	From Mountain Avenue to point where Water Street meets the southerly stub of Water Street.

Washington Street	East	From southerly side of Grand Avenue 150 feet South therefrom.
Washington Street	East	From Bells Lane to a point 350 feet North.
West Baldwin Street	East	Entire length.
Willow Grove Street	Both	Main Street to Franklin Street. (6-19-72)

SCHEDULE II

In accordance with the provisions of Section 13-8, no person shall park a vehicle between the hours specified upon any of the following-described streets or parts of streets:

<u>Name of Street</u>	<u>Sides</u>	<u>Hours</u>	<u>Location</u>
Center Street	North	3:00 p.m. 9:00 a.m.	Between Main Street and Washington Street.
First Avenue	East	9:00 a.m. to 7:00 p.m. Monday through Friday	Between Grand Avenue and Moore Street
Jefferson Street	East	at all times Monday through Friday	Between Center Street and Moore Street
Moore Street	North	at all times	Main Street to Washington Street
Moore Street	South	at all times except during fire calls when Fire Department Parking only is permitted	Main Street to Washington Street
Warren Street	North	9:00 a.m. and 3:00 p.m. on School days	Between Madison Street and the westerly terminus of Warren Street

SCHEDULE III

In accordance with the provisions of Section 13-9, no person shall park a vehicle for longer than the time limit shown upon any of the following described streets or parts of streets:

<u>Name of Street</u> <u>Sides</u>	<u>Hours</u>	<u>Location</u>	<u>Time Limit</u>	
Center Street	North	7:30 a.m. and 3:00 p.m. on School days	130 feet from the cross-walk on school days on the northerly side of Center Street to Madison Street.	10 minutes
Church Street	Both	8:00 a.m. and 6:00 p.m.	Between Main Street and Washington Street, except 60 feet in front of the Hackettstown Free Public Library, between Lot 10 and Lot 11, Block 16.	2 hours
Church Street	North	8:00 a.m. and 10:00 p.m.	60 feet in front of the Hackettstown Free Public Library, between Lot 10 and Lot 11, Block 16.	15 minutes
Crane Road (6-27-13)	South	At all times	Parking only permitted in three (3) designated parking stalls adjacent to mail facility.	10 minutes
Jefferson Street	West	At all times	Between Moore Street and Plane Street.	3 hours
Liberty Street	North	8:00 a.m. and 6:00 p.m.	Main Street to Franklin Street.	2 hours
Main Street	Both	8:00 a.m. and 6:00 p.m.	Between Mountain Avenue and Baldwin Street.	2 hours
Valentine Street	South	8:00 a.m. and 6:00 p.m.	Main Street to Madison Street.	2 hours
Warren Street	North	8:00 a.m. and 6:00 p.m.	From a point 50 feet from the westerly side of Main Street to a point 128 feet west	15 minutes
Warren Street	South	8:00 a.m. and 6:00 p.m.	Main Street to Washington Street	2 hours
Warren Street	North	8:00 a.m. and 6:00 p.m.	From a point 128 feet from the westerly side of Main Street to Washington Street	2 hours
Washington Street	East	At all times	From curb line of Moore Street, 107 feet North.	10 minutes

<u>Name of Street</u>	<u>Sides</u>	<u>Hours</u>	<u>Location</u>	<u>Time Limit</u>
Washington Street	Both	8:00 a.m. and 6:00 p.m.	Between Valentine Street and Grand Avenue except for 25 feet on east side from crosswalk on northerly side of Grand Avenue to a point 175 feet north.	2 hours
Washington Street	Both	8:00 a.m. and 6:00 p.m. Monday through Friday and 8:00 a.m. to 2:00 p.m. on Saturdays	25 feet from crosswalk on northerly side of Grand Avenue to a point 175 feet north.	15 minutes
Washington Street	West	7:30 a.m. to 3:00 p.m. on school days	From a point 45 feet from the northerly side of Center Street to West Plane Street	10 minutes
West Plane Street	South	7:30 a.m. to 3:00 p.m. on school days	From the easterly side of Madison Street to a point 75 feet east	10 minutes
West Plane Street	South	7:30 a.m. to 3:00 p.m. on school days	From the westerly side of Washington Street to a point 75 feet west	10 minutes

SCHEDULE IV

In accordance with the provisions of Section 13-10, no person shall park a vehicle beyond the legal parking time designated on the meter and by appropriate signs posted in proximity to the meter in the following-designated metered zones:

<u>Name of Street</u>	<u>Sides</u>	<u>Location</u>
Church Street	Both	25 feet from crosswalk on westerly side of Main Street to a point 50 feet West on the southerly side of Church Street to a point 95 feet West on the northerly side of Church Street.
Church Street	North	25 feet from crosswalk on westerly side of Main Street to a point 25 feet from the crosswalk on the easterly side of Washington Street excepting 165 feet in front of Lot 10 Block 76 on tax map of the town.
Church Street	South	25 feet from crosswalk on westerly side of Main Street to a point 25 feet from the crosswalk on the easterly side of Washington Street.
Liberty Street	North	25 feet from crosswalk on the easterly side of Main Street to a point 95 feet East.
Main Street	Both	Railroad crossing to a point 35 feet from the northerly curb of Center Street.
Valentine Street	South	25 feet from Main Street crosswalk to a point 100 feet West.
Washington Street	Both	Between Washington and Valentine, except for the area 25 feet from crosswalk on the northerly side of Grand Avenue on both sides of Washington Street to a point 175 feet north, to a point 25 feet from crosswalk on the southerly side of Valentine.
Washington Street	East	25 feet from crosswalk on southerly side of Grand Avenue to a point 77 feet South.
Washington Street	Both	25 feet from crosswalk on southerly side of Grand Avenue to a point 63 feet South.

It is expressly excluded from the above-mentioned metered zones those areas within 25 feet from a crosswalk or 35 feet from the curb line of an intersecting roadway.

SCHEDULE V

In accordance with the provisions of Section 13-11, no person shall park a vehicle beyond the legal parking time designated on the meter and by appropriate signs in the following-designated metered parking lots operated by the Hackettstown Parking Authority:

<u>Name of Parking Lot</u>	<u>Location</u>
Central Parking Lot	Between High Street and Liberty Street.
Main Street Parking Lot	East side of Main Street between Plane and Willow Grove Street.
Moore Street Parking Lot	Between West Moore Street and Church Street to Main Street.
Sharp Street Parking Lot	Between High Street and Sharp Street.

SCHEDULE VI

In accordance with the provisions of Section 13-35, trucks over four (4) tons registered gross weight are hereby excluded from the following-described streets or parts of streets:

<u>Name of Street</u>	<u>Location</u>
Baldwin Street	Entire length.
Bells Lane	Entire length.
Church Street	Entire Length.
Cindy Terrace	Entire length. (6-19-72)
Connie Terrace	Entire length. (6-19-72)
Cook Street	Entire Length
Second Avenue	Entire Length
East Avenue	Entire length.
Fifth Street	From High Street to Prospect Street.
Fourth Street	Entire Length.
Franklin Street	East Plane Street to Sharp Street.
Herbert Lane	Entire length.
Jefferson Street	Entire Length
Laurie Terrace	Entire length.
Lawrence Drive	Entire length.
Madison Street	Entire Length.
Miller Street	Entire length. (6-19-72)
Monroe Street	Entire Length.
Moore Street	Entire Length.
Oak Street	From High Street to Prospect Street.
Old Allamuchy Road	Entire Length
Prospect Street	Entire length.
Second Avenue	Entire Length.
Seventh Street	From High Street to Prospect Street.
Shelley Drive	Entire length.
Sixth Street	From High Street to Prospect Street.
Stiger Street	Main Street to First Street
Valley View Street	Entire length.
Victoria Lane	Entire length.
Warren Street	Entire Length.
Water Street	Entire length.

SCHEDULE VII

In accordance with the provisions of Section 13-40, the following described streets or parts of streets are hereby designated as One-Way Streets in the direction indicated:

<u>Name of Street</u>	<u>Direction</u>	<u>Location</u>
Church Street	Westerly	Entire length.
Cook Street	Westerly	From High Street to Liberty Street.
Crane Road	Easterly	Entire Length (6-27-13)
First Avenue	Southerly	From Valentine Street to Grand Avenue
Liberty Street	Southerly	From Cook Street to Franklin Street.
Plane Street	Easterly	From Jefferson Street to Main Street.
Warren Street	Westerly	From Main Street (State Route 46) to Washington Street.
Valentine Street	Westerly	From Beatty Street to Grand Avenue
Former Third Avenue (Tannery Field Access Driveway)	Southerly	From Grand Avenue to former Moore Street (Tannery Field Access Driveway)
Former Moore Street (Tannery Field Access Driveway)	Easterly	From former Third Avenue (Tannery Field Access Driveway) to Second Avenue
Moore Street	Westerly	From Second Avenue to First Avenue
Second Avenue	Northerly	From Moore Street to Grand Avenue
Municipal Lot 2	As directed by signage	All (9-26-13)
Municipal Lot 3	As directed by signage	All (9-26-13)

SCHEDULE VIII

In accordance with the provisions of Section 13-45 the following described streets or parts of streets 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 Right-of-Way signs are provided in the designations:

<u>Name of Street</u>	<u>Location</u>
Baldwin Street	Between Main Street and Prospect Street.
Countryside Drive	Between Baldwin Street and Old Allamuchy Road.
Franklin Street	Between High Street and Willow Grove Street.
Grand Avenue	Between Main Street and Hackettstown/Mansfield line.
Helms Mill Road	Entire Length (6-27-13)
High Street	Between Main Street and Hackettstown/Independence line.
Madison Street	Between Grand Avenue and Warren Street,
Moore Street	Between Madison Street and First Avenue.
Plane Street	Between Madison Street and First Avenue.
Prospect Street	Between Main Street and Countryside Drive.
Saxton Drive	Entire Length (6-27-13)
Valentine Street	Between Main Street and Beatty Street.
Valley View Avenue	Between First Street and northeasterly terminus.
Washington Street	Between Bells Lane and Grand Avenue.
West Prospect Street	Between Main Street and Charles Street.
West Valley View Avenue	Between Main Street and Charles Street.

SCHEDULE IX

In accordance with the provisions of Section 13-46, the following described intersections are hereby designated as "Stop Intersections":

<u>Stop Intersections, Name of Streets</u>	<u>Street upon which Stop Signs to be Installed</u>
Arthur Terrace and Mitchell Road (Northerly intersection)	Arthur Terrace
Arthur Terrace and Mitchell Road (Southerly intersection)	Mitchell Road
Ashley Avenue and Carol Drive and Hurley Drive	Ashley Avenue
Ashley Avenue and Cook Street	Cook Street
Baldwin Street and Harvey Street	Harvey Street
Bells Lane and Washington Street	Washington Street
Bells Lane and Washington Street	Bells Lane (stop for eastbound lane only)
Carol Drive and Miller Street	Carol Drive. Sign to be erected West of Block 56 Lot 13 to provide a stop for traffic traveling north on Carol Drive
Charles Street and Stiger Street	Charles Street
Christopher Street and Pine Street	Christopher Street
Church Street and Jefferson Street	Church Street
Cindy Terrace and Hurley Drive	Cindy Terrace
Connie Terrace and Hurley Drive	Connie Terrace
Cook Street and Lafayette Street	Cook Street
Countryside Drive and East Baldwin Street	Countryside Drive
Countryside Drive and Hamilton Drive	Countryside Drive
Deerfield Drive and College View (northern and southern ends)	Deerfield Drive
East Plane Street and Cook Street	East Plane Street
East Valley View and First Street	East Valley View
Fifth Avenue and Reese Avenue	Reese Avenue and Fifth Avenue
Fifth Street and Stiger Street	Stiger Street
First Avenue and Reese Avenue	Reese Avenue

Hamilton Drive and Fourth Street	Fourth Street
Hamilton Drive and Second Street	Second Street
Hamilton Drive and Third Street	Third Street
Northerly intersection of Hurley Drive and Carol Drive (Adjacent to HMUA Block 45 Lot 49)	Hurley Drive
Southerly intersection of Hurley Drive and Carol Drive (adjacent to Block 57 Lot 8)	Carol Drive
James Court and Mitchell Road	James Court
Jefferson Street and Center Street	Jefferson Street
Jefferson Street and Center Street	Center Street
Lafayette Street and Miller Street	Lafayette Street
Lawrence Drive and Herbert Lane	Herbert Lane
Lawrence Drive and Laurie Terrace	Laurie Terrace
Lawrence Drive and Mitchell Road	Mitchell Road
Lawrence Drive and Shelley Drive	Lawrence Drive
Liberty Street and Franklin Street	Franklin Street
Louis Lane and Carol Drive	Louis Lane
Louis Lane and Hurley Drive	Louis Lane
Madison Street and Warren Street	Madison Street
Miller Street and Park Avenue	Park Avenue
Mitchell Road and Shelly Drive	Shelly Drive
Mitchell Road and Seymour Terrace	Seymour Terrace
Mitchell Road and Victoria Lane	Victoria Lane
Monroe Street and Center Street	Monroe Street
Monroe Street and Church Street	Monroe Street
Moore Street - Lafayette Street and Maple Avenue	Maple Avenue (6-19-72)
Moore Street and Sharp Street	Sharp Street
Morgan Terrace and Hurley Drive	Morgan Terrace
Mountain View and Deerfield Drive	Mountain View

Patricia Lane and West Valley View	Patricia Lane
Patricia Lane and Canal Way	Patricia Lane
Plane Street and First Avenue	First Avenue
Plane Street and Maple Avenue	Maple Avenue
Prospect Street and Oak Street	Oak Street
Richard Drive and Carol Drive	Richard Drive
Richard Drive and Hurley Drive	Richard Drive
Second Avenue and Grand Avenue	Second Avenue
Second Avenue and Moore Street	Second Avenue
Seventh Street and Hamilton Drive	Seventh Street
Seymour Road and College View Drive	Seymour Road
Seymour Road and Deerfield Drive	Seymour Road
Sharp Street and Cook Street	Sharp Street
Sharp Street and Miller Street	Sharp Street
Vail Street and Baldwin Street	Baldwin Street
Valentine Street and Beatty Street	Beatty Street
Warren Street and High School Driveway	Warren Street. Sign to be erected to provide a stop for traffic travelling east on Warren Street
West Prospect Street and Charles Street	Charles Street
West Valley View and Canal Way	West Valley View
West Valley View and Charles Street	Charles Street
Pleasant View Road and Deerfield Drive	Pleasant View Road
Pleasant View Road and College View Drive	Pleasant View Road
Ruland Avenue and Cook Street	Ruland Avenue
Cook Street and Park Avenue	Cook Street
Stiger Street and Fourth Street	Stiger Street
Stiger Street and Sixth Street	Stiger Street
Musky Ridge Drive and Rolling Rapids Court	Rolling Rapids Court

Musky Ridge Drive and Saxton Drive

Saxton Drive

Musky Ridge Drive and Watch Hill Road

Watch Hill Road

Musky Ridge Drive and Watch Hill Road

Watch Hill Road

Scenic Court and Saxton Drive

Scenic Court

Brook Hollow Drive and Saxton Drive

Brook Hollow Drive

Saxton Drive and Rolling Rapids Court

Saxton Drive

Saxton Drive and Ayers Road

Ayers Road

SCHEDULE X

In accordance with the provisions of Section 13-50, the following described locations are hereby designated as "Loading Zones":

<u>Name of Street</u>	<u>Location</u>
Stiger Street	Southerly side, beginning 82-1/2 feet West of westerly curb line of Main Street and extending 82 feet in a westerly direction.

SCHEDULE XI

In accordance with the provisions of Section 13-55, the following described locations are hereby designated as "Taxi Stands":

<u>Name of Street</u>	<u>Location</u>
High Street	Beginning from a point 25 feet from the Main Street crosswalk, and continuing 50 feet in an easterly direction.

SCHEDULE XII

In accordance with the provisions of Section 13-12, no person shall stop or stand a vehicle between the hours specified upon any of the following described streets or parts of streets:

<u>Name of Street</u>	<u>Sides</u>	<u>Hours</u>	<u>Location</u>
Arthur Terrace	West	At all times	Mitchell Road westerly for a total of 730 feet.
Arthur Terrace	East	At all times	Beginning at a point located 175 feet west of the easterly intersection of Arthur Terrace and Mitchell Road running westerly 300 feet.
Arthur Terrace	East	At all times	Beginning at a point located 610 feet west of the easterly intersection of Arthur Terrace and Mitchell Road and running westerly 120 feet.
Arthur Terrace	East	Between 12:30PM and 3:30PM on school days	Beginning at the easterly intersection of Arthur Terrace and Mitchell Road and running south 175 feet.
Arthur Terrace	East	At All Times	Beginning at a point 175 Feet south of the easterly intersection of Arthur Terrace and Mitchell Road and running South 300 feet.
Arthur Terrace	East	Between 12:30PM and 3:30PM on school days	Beginning at a point 475 feet south of the easterly intersection of Arthur Terrace and Mitchell Road and running south 155 feet.
Arthur Terrace	East	At All Times	Beginning at a point 630 feet south of the easterly intersection of Arthur Terrace and Mitchell Road and running south 314 feet.
Arthur Terrace	East	Between 12:30PM and 3:30PM on school days	Beginning at a point 944 feet south of the easterly intersection of Arthur Terrace and Mitchell Road and running south 1,048 feet.
Arthur Terrace	West (side located closest to High School)	Between 7:30AM and 12:30PM on school days	Beginning at a point 944 feet west of the easterly intersection of Arthur Terrace and Mitchell Road and running south.
Arthur Terrace	West	At All Times	From Mitchell Road south for a distance of 944 feet
Bells Lane	South	At all times	Mountain Avenue to Washington Street.
Bells Lane	Both	At all times	Washington Street to Mitchell Road.
Cook Street	South	At all times	Liberty St. to High St.
East Avenue	Both	At all times	From the easterly curb line of Route 182 to a point 125 feet East therefrom.

East Plane Street	North	At all times	From the easterly curb line of Main Street (Route 46) to a point 240 feet east
East Plane Street	South	At all times	From the easterly curb line of Main Street (Route 46) to a point 180 feet east
East Stiger Street	Both	At all times	From the easterly curb line of Route 46 to a point 80 feet East therefrom.
Grand Avenue	North	At all times	Washington Street curblineline to driveway in rear of United Jersey Bank property, a distance of 185 feet.
Grand Avenue	South	At all times	Washington Street to Third Avenue.
Grand Avenue	North	At all times	Second Avenue to Third Avenue.
Grand Avenue	North	At all times	Third Ave. to Twp. of Mansfield Line.
Grand Avenue	South	At all times	Mountain View to Twp. of Mansfield Line.
Grand Avenue	South	At all times	Second Ave. to most easterly intersection of College View and Grand Avenue.
Grand Avenue	North	At all times	Second Avenue to Third Avenue
High Street	North	At all times	Main Street to Township of Independence Line.
High Street	South	At all times	Main Street (Route 46) to a point 120 feet west of the westerly curb line of Franklin Street
High Street	East	At all times	Beginning at the northerly curb line of County Route 517 Main Street (U.S. Route 46) and extends northerly to a point of 386 feet therefrom.
James Court	South	Between 7:30AM and 12:30PM on school days	From Mitchell Road to the southerly terminus of James Court.
James Court	North	Between 12:30PM and 3:30PM on school days	From Mitchell Road to the southerly terminus of Jame Court
Main Street	East	At All Times	Beginning at the northerly curb line of Moore Street to a point 90 feet north therefrom. (7-11-11)
Main Street	West	At All Times	Beginning at the northerly curb line of Moore Street to a point 124 feet north therefrom. (7-11-11)
Mitchell Road	Both	At all times	Bell's Lane to Arthur Terrace
Mitchell Road	West	Between 7:30AM and 12:30PM on school days	Beginning at a point located 289 feet south of the intersection with Victoria Lane and running South 896 feet.

Mitchell Road	East	Between 12:30PM and 3:30PM	Beginning at a point located 289 feet south of the intersection with Victoria Lane and running South 896 feet.
Moore Street	North	At all times	Washington Street to Second Avenue
Moore Street	Both	At all times	Second Avenue to the westerly terminus of Moore Street. The location is that portion of Moore Street to the south of the Tannery Softball Field.
Moore Street	South	At all times	From the westerly curb line of Jefferson Street to a point 65 Feet west
Plane Street	South	At all times	360 feet from westerly side of Jefferson Street to a point 117 feet from the easterly side of First Street. (9-14-92)
Seber Road	Both	At all times	Entire length
Sharp Street	East	At all times	East Moore to a point 158 feet north
Valentine	South	At all times	From the westerly curblin of Beatty Street to a point 450 feet west.
Warren Street	East	At all times	From the southerly curb line of Route 46 to a point 100 feet South therefrom.
Washington Street	East	At all times	From the northerly curblin of Moore Street to a point 65 feet North
Washington Street	West	At all times	From the northerly curblin of Plane Stree to a point 65 feet north
West Stiger Street West	North	At all times	From the westerly curb line of Main Street to a point 430 feet therefrom.
West Stiger Street	South	At all times	From the westerly curb line of Main Street to a point 905 feet West therefrom.
Willow Grove Street	East	At all times	From the northerly curb line of Route 46 to a point 125 feet North therefrom.
Willow Grove Street	West	At all times	From the northerly curb line of Route 46 to a point 100 feet North therefrom.

SCHEDULE XIII

In accordance with the provision of Section 13-47, the following described intersections are hereby designated as "Yield Right-of-Way Intersections":

Yield Right-of-Way Intersections
Names of Streets

Reese Avenue and Fifth Avenue

Street upon which Yield Right-of-Way Signs to be
Installed

Fifth Avenue

SCHEDULE XIV

In accordance with the provisions of Article 8A Bus Stops, the following described locations are hereby designated as Bus Stops:

<u>Name of Street</u>	<u>Location</u>
Cook Street	Along Cook Street westbound on the northerly side thereof at High Street beginning at the westerly curb line of High Street and extending 150 feet westerly therefrom.

SCHEDULE XV

In accordance with the provisions of Section 13-19, no person shall park a vehicle in the following areas unless the vehicle is displaying the vehicle identification cards issued pursuant to N.J.S.A. 39:4-206.

<u>Name of Street</u>	<u>Sides</u>	<u>Location</u>
Moore Street	South	Beginning at a point 00 feet east of the intersection of First Avenue and extending to a point 44 feet west thereof; thereby creating two handicapped spaces.
Moore Street	South	First parking space to the west of the Beatty Street intersection and first parking space to the east of the Beatty Street intersection.
Jefferson Street	West	First parking space to the north of the Church Street intersection and first parking space to the south of the Church Street intersection.
Warren Street	North	First parking space to the west of Main Street.
Warren Street	South	First parking space to the west of Main Street.
Washington Street	East	First two parking spaces to north of Grand Avenue.
Washington Street	West	First parking space to the north of Center Street being further described as beginning 25 feet from the crosswalk on the westerly side of Washington Street to a point 20 feet north on the westerly side of Washington Street.
Center Street	North	25 feet from crosswalk on the northerly side of Center Street to a point 105 feet west. A time limit of 20 minute parking is allowed in this area.
Center Street	South	168 ft. south of Washington St. for a length of 25 ft. (8/22/24)
Stiger Street	South	Beginning at a point 85 feet west of the westerly edge of the drive way serving the municipal building at 215 Stiger Street and extending to a point 20 feet west thereof.
Church Street	South	168 feet south of Washington Street for a length of 25 feet.

SCHEDULE XVI

In accordance with the provisions of Section 10-19, no person shall park or stand any motor vehicle, moped, motorized vehicle, motorized bicycle or bicycle in any of the following areas unless the vehicle is displaying vehicle identification cards pursuant to N.J.S.A. 39:4-206. if the owner cannot be located, the vehicle will be towed away at owner's expense.

1. Hackettstown Mall: Within fifty (50') feet of any side the main building located at Lot 9, Block 125.
2. Morris Canal Apartments: Within fifty (50') feet of the side of any of the building facing the circular entry drive at Lot 4, Block 31.
3. North End Apartments: Within fifty (50') feet of the side of any of the buildings facing the entry area at the front of the buildings located at Lot 6, Block 29.

SCHEDULE XVII

In accordance with the provisions of Section 13-90, the following area are hereby designated as "No Passing Zones".

<u>Name of Street</u>	<u>Location</u>
Franklin Street	Between High Street and Willow Grove Street
Grand Avenue	Between Main Street and Mansfield Township Line
Madison Street	Between Grand Avenue and Warren Street
Miller Street	Between High Street and Carol Drive
Miller Street	Between Lafayette Street and Carol Drive
Washington Street	Between Grand Avenue and Bells Lane
Warren Street	Between Washington Street and High School Driveway

SCHEDULE XVIII

In accordance with the provision of Section 13-68, the following intersections shall have pedestrian crosswalks installed at all four pedestrian crossings:

Name of Intersection

Main Street and Plane Street

Main Street and Center Street

Main Street and Valentine Street

Main Street and Church Street

Washington Street and Grand Avenue

Washington Street and Plane Street

Washington Street and Center Street

Madison Street and Plane Street

Madison Street and Center Street

Grand Avenue and Beatty Street

Grand Avenue and College View Drive

Grand Avenue and Robins Court

Grand Avenue and Fourth Avenue

Grand Avenue and Fifth Avenue

Grand Avenue and Third Avenue

Grand Avenue and Second Avenue

Grand Avenue and First Avenue

Grand Avenue and Jefferson Street

Grand Avenue and Monroe Street

Grand Avenue and Madison Street

Fifth Avenue and Hatchery Hill School

Washington Street and Moore Street

Washington Street and Church Street

Washington Street and Warren Street

Washington Street and Little Street

Washington Street and Bells Lane
Warren Street and High School Drive
Madison Street and Warren Street
Madison Street and Church Street
Madison Street and Moore Street
Jefferson Street and Moore Street
Jefferson Street and Church Street
Jefferson Street and Plane Street
Monroe Street and Moore Street
Monroe Street and Church Street
Monroe Street and West Plane Street
Beatty Street and Moore Street
Franklin Street and Sharp Street
Franklin Street and Lafayette Street
Lafayette Street and Cook Street
Sharp Street and East Moore Street
Sharp Street and Cook Street
Carol Drive at H.M.U.A.

The following are hereby designated as non-intersection crosswalks:

26 Arthur Terrace at the high school catwalk – 1

St. Mary's School entrance by Cook Street – 1

215 Stiger Street at Town Hall – 1

River Edge Park at Recreation Shop – 1

Midblock crosswalk on Stiger Street located two hundred twenty-five feet east of the easterly curb line of Beatty Street (12-29-11)

SCHEDULE XX

The lane locations described below are designated as Lane Use Reservations as provided in section 13-67 and traffic shall move as indicated.

Intersection

Movement

East Plane Street and Main Street
(Route 46)

- a. Westbound left lane of East Plane reserved for left turn only.
- b. Westbound right lane of East Plane reserved for right turn only.

Grand Avenue and former Third Avenue
(Tannery Field Access Driveway)

- a. Westbound left lane of Grand Avenue reserved for left turn only.
- b. Westbound right lane of Grand Avenue reserved for through traffic only.

CHAPTER 14. TRAILERS

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Section

- 14-1. Definition of Trailer.
- 14-2. Unlawful to Park Trailer Within Town Limits.
- 14-3. Emergency or Temporary Parking.
- 14-4. Parking of Unoccupied Trailers.
- 14-5. Rules Governing Parking.
- 14-6. Violations.
- 14-7. No Applicable to Trailer Parks.

14-1. Definition of Trailer:

A Trailer is hereby defined to be any vehicle used or intended to be used as a conveyance upon the public streets or highways or duly licensed as such, and shall include self-propelled and non self-propelled vehicles so designated, constructed and reconstructed or added to by means of accessories in such a manner as to permit the occupancy thereof as a temporary dwelling or sleeping place for one (1) or more persons and having no foundation other than wheels, jacks or skirting so arranged as to be integral with or portable by said trailer. (11-23-59 s1)

14-2. Unlawful to Park Trailers Within Town Limits.

It shall be unlawful within the limits of the Town for any person to park any trailer on any street, road, avenue or highway or other public place or tract of land owned by any person occupied or unoccupied, except as provided in this Chapter. (11-23-59 s2)

14-3. Emergency or Temporary Parking.

Emergency or temporary stopping or parking is permitted on any street, avenue, road or highway for a period of three (3) hours, but no trailer thus parked may be used as a dwelling place, abode or sleeping place. (11-23-59 s2b)

14-4. Parking of Unoccupied Trailers.

Unoccupied trailers may be parked in an accessory garage or in a rear yard, provided that no living quarters are maintained within such trailers while so parked, nor shall any permit be required or fee to be charged for parking. (11-23-59 s2c)

14-5. Rules Governing Parking.

It shall be unlawful to park any trailer in such a manner that it cannot be readily moved.

It shall be unlawful to park any trailer upon a permanent foundation.

No trailer or attached accessory may be parked closer than ten (10') feet from any sideline or twenty (20') feet from any rear boundary or twenty-five (25') feet from any public street or right-of-way. (11-23-59 s3)

14-6. Violations.

Any person who shall violate any provisions of this Chapter shall, upon conviction thereof, be punished by a fine not exceeding Five Hundred (\$500.00) Dollars, or by imprisonment in the County

Jail for a term not exceeding thirty (30) days, or both. Every day such violation exists shall constitute a separate offense and be punishable as such hereunder. (11-23-59 s4)

14-7. Not Applicable to Trailer Parks.

Nothing in this Chapter shall refer to trailers used, placed or parked in duly licensed Trailer Parks within the Town in accordance with the Trailer Park Article.

CHAPTER 16. ALARM DEVICES AND FALSE ALARMS

INDEX

Section

- 16-1. Purposes.
- 16-2. Scope.
- 16-3. Definitions.
- 16-4. Operation and Maintenance of Alarms.
- 16-5. Dial Alarms; Fees.
- 16-6. Deleted.
- 16-7. Deleted.
- 16-8. False Alarms.
- 16-9. Violations and Penalties.

16-1. Purposes:

The purpose of this chapter is to alleviate conditions which lead to an unnecessary drain on the manpower, time, space, facilities and finances of the Town of Hackettstown to the police and fire departments and deterioration of the quality of services to persons subscribing to alarm services. All alarms sent to the Town must be by dial alarm. An annunciator control panel shall not be provided by the Town.

16-2. Scope:

The provisions of this Chapter shall apply to any person, other than the Town, who operates, maintains or owns any alarm device designed to summon police, fire department or other municipal agency to any location in response to any type of alarm signal. Excluded from the provisions of this Chapter are interior sound, battery operated smoke alarms. The terms of this Chapter shall in no way prohibit alarm companies from providing services by private source to other offices within or without the Town so long as such activity is not connected to the alarm panel or telephone at the police headquarters.

16-3. Definitions.

(a) Annunciator Control Panel. That component installed in the console in police headquarters containing alarm indications and designations.

(b) Alarm System. The installment in one or more buildings of one or more alarm devices for the express purpose of giving visual or audible warning, or both, of an emergency such as burglary, intrusion, fire, smoke, flood or like perils.

(c) Alarm Device. Any type of alarm, actuating equipment, which provides warning of intrusion, fire, smoke, burglary, flood or like peril.

(d) False Alarm. The activation of an alarm system by causes other than those to which the alarm system was designed or intended to respond.

(e) Dial Alarm. An alarm device that employs an automatic dialing system with an automatic cutoff, precoded to connect with a telephone in police headquarters rather than to the control panel.

(f) Local Alarms. Any mechanism that constitutes, in whole or in part, an alarm system that may or may not be designed to activate the annunciator control panel in police headquarters or at

a private company at a location other than the property of the Town of Hackettstown. Local alarms also include any alarm device or alarm system that provides warning signals only at the property location.

16-4. Operation and Maintenance of Alarms.

(a) All components of alarm systems, alarm devices, dial alarms, and local alarms shall be maintained by the owners or users thereof in good repair. When evidence exists that there has been a failure by such owner or users to properly maintain the alarm devices, the police chief is authorized to demand that such devices be disconnected until such time as appropriate repairs and/or modifications are made.

(b) All local alarms shall be equipped with a time relay or battery to limit the sounding of alarms to thirty (30) minutes or less.

(c) All local alarms shall be registered with the Hackettstown Police Department. A local alarm shall be deemed registered when the occupant of the building in which it is installed shall have filed with the Hackettstown Police Department a registration form which shall include, among other data, the location of the device, the installer of the device, the type of device, provisions relating to false alarms and testing procedures, a list of the names and telephone numbers of the persons to be contacted in the event of alarm, the names of the persons or company maintaining the alarm system and any other information as may be required by the Hackettstown Police Department.

(d) No person shall maintain or operate any alarm except in conformance with this Chapter.

16-5. Dial Alarms; Fees.

(a) No dial alarm shall be permitted unless:

1. It shall first have been approved by the Chief of Police after proof has been submitted that said dial alarm has been approved by the Federal Communications Commission and the performance of a test alarm conducted by the applicant.

2. It shall first have been registered with the Police Department as hereinafter required.

3. The applicant consents to the inspection of the premises where the alarm is located during working hours or other mutually agreeable times.

4. The applicant maintains at Police Headquarters the names, telephone number and address of a relative, neighbor or other third party who can be contacted by the Police Department in case of an alarm.

(b) All dial alarms shall be coded to dial a special number of Hackettstown Police Headquarters when designated or provided by the Chief of Police.

(c) All dial alarms shall be capable of being disconnected by the owner or his designee to permit a call to the Police Department in the event that a false alarm occurs.

(d) The owner of each dial alarm system shall pay to the Town of Hackettstown an annual fee of twenty-five dollars (\$25.00) to cover the cost of registration and testing and to amortize the cost of the special telephone line or lines which may be required in Police Headquarters, along with ancillary tape devices necessitated by these systems and additional records that should be maintained.

(e) The owner of dial alarms shall be governed by the false alarm procedures and penalties set forth in this Chapter.

(f) If any person has a dial alarm in existence at the time of the passage of this chapter, he shall have sixty (60) days in which to program the equipment to comply with the terms of this Chapter.

(g) No dial alarm shall dial a telephone number other than the number designated for dial alarms as specified by the Chief of Police.

(h) The taped contents of any recorded message from a dial alarm must be intelligible and in a format approved by the Chief of Police. No such message shall be transmitted more than three (3) times to the Police Department as a result of a single stimulus of the mechanism,

(i) The sensory mechanism of dial alarms shall be adjusted so as to suppress false indications and not to be actuated by impulses due to, among other things, pressure changes in water pipes, short flashes of light, wind, noises, rattling or vibration of doors or windows or other forces unrelated to general alarms.

(j) All components of dial alarms shall be maintained by the owner or his designee in good repair. When evidence exists that there has been failure to comply with the operation requirements of this Chapter, the chief of Police is then authorized to demand that such device be disconnected until

such time as compliance with such requirements is reestablished, and any person violating the operation or registration requirements of this Chapter shall be subject to the penalties set forth herein.

(k) A dial alarm must provide an automatic line seizure feature in the event this line is busy with an incoming or outgoing call.

16-6. Deleted.

16-7. Deleted.

16-8. False Alarms. (6-30-11)

(a) False Electronic Transmissions; Fines

False fire alarms being transmitted either by telephone through an alarm company or through the alarm console at Warren County Dispatch, for whatever reason (e.g. mechanical failure, human error, etc.) shall be subject to a fine of not to exceed One Thousand (\$1,000.00) Dollars.

(b) Penalty for False Alarms; Any person or persons who shall cause a false fire alarm of fire shall be liable to a fine of not less than \$100.00 nor more than \$250.00 for each offense or imprisonment for not more than 30 days, or both.

16-9. Violations and Penalties.

(a) Any person convicted of a violation of this Chapter, shall, in addition to the revocation of the license or permit of any person, or any person found guilty of failure to comply with any rules or regulations duly promulgated pursuant thereto, such person may, after being found guilty of such violation, to be subject to a fine of not more than \$1,000.00.

(b) Said maximum fine of \$1,000.00 shall not apply in those instances in which the amount of the maximum penalty has hereinbefore been limited to a lesser amount by this Chapter. In the case of a continuing violation, the violator may be found guilty of as many separate offenses or counts as the number of days as he is proved to have continued in violation of this Chapter.

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SECTION 1 Chapter 17- FLOODPLAIN MANAGEMENT REGULATIONS

SECTION 101 Scope and Administration

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

101.2 Scope. These regulations, in combination with the flood provisions of the Uniform Construction Code and FHACA shall apply to all proposed development in flood hazard areas established in Section 102 of these regulations.

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

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

101.4 Coordination with Building Codes. Pursuant to the requirement established in N.J.A.C. 5:23, the Uniform Construction Code, that the Town of Hackettstown administer and enforce the State building codes, the Mayor and Council of the Town of Hackettstown does hereby acknowledge that the Uniform Construction Code contains certain provisions that apply to the design and construction of buildings and structures in flood hazard areas. Therefore, these regulations are intended to be administered and enforced in conjunction with the Uniform Construction Code.

101.5 Ordinary Building Maintenance and Minor Work. Improvements defined as ordinary building maintenance and minor work projects by the Uniform Construction Code including non-structural replacement-in-kind of windows, doors, cabinets, plumbing fixtures, decks, walls, partitions, new flooring materials, roofing, etc. shall be evaluated by the Floodplain Administrator through the floodplain development permit to ensure compliance with the Substantial Damage and Substantial Improvement Section 103.14 of this ordinance.

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

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

101.8 Violations and Penalties for Noncompliance. No structure or land shall hereafter be constructed, re-located to, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a violation under N.J.S.A. 40:49-5. Any person who violates this ordinance or fails to comply with any of its requirements shall be subject to one (1) or more of the following: a fine of not more than \$1250, imprisonment for a term not exceeding ninety (90) days or a period of community service not exceeding 90 days.

Each day in which a violation of an ordinance exists shall be considered to be a separate and distinct violation subject to the imposition of a separate penalty for each day of the violation as the Court may determine except that the owner will be afforded the opportunity to cure or abate the condition during a 30-day period and shall be afforded the opportunity for a hearing before the court for an independent determination concerning the violation. Subsequent to the expiration of the 30-day period, a fine

greater than \$1250 may be imposed if the court has not determined otherwise, or if upon reinspection of the property, it is determined that the abatement has not been substantially completed.

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

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

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

SECTION 102 Applicability

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

102.2 Establishment of Flood Hazard Areas. The Town of Hackettstown was accepted for participation in the National Flood Insurance Program on **September 1, 1983**.

The National Flood Insurance Program (NFIP) floodplain management regulations encourage that all Federal, State, and Local regulations that are more stringent than the minimum NFIP standards take precedence in permitting decisions. The FHACA requires that the effective Flood Insurance

Rate Map, most recent preliminary FEMA mapping and flood studies, and Department delineations be compared to determine the most restrictive mapping. The FHACA also regulates unstudied flood hazard areas in watersheds measuring 50 acres or greater in size and most riparian zones in New Jersey. Because of these higher standards, the regulated flood hazard area in New Jersey may be more expansive and more restrictive than the FEMA Special Flood Hazard Area. Maps and studies that establish flood hazard areas are on file at the office of the Town Zoning Officer, 215 W. Stiger Street, Hackettstown NJ.

The following sources identify flood hazard areas in this jurisdiction and must be considered when determining the Best Available Flood Hazard Data Area:

1) **Effective Flood Insurance Study.** Special Flood Hazard Areas (SFHAs) identified by the Federal Emergency Management Agency in a scientific and engineering report entitled **Flood Insurance Study (FIS), Warren County, New Jersey (All Jurisdictions) dated September 29, 2011** and the accompanying Flood Insurance Rate Maps (FIRM) identified in Table 102.2(1) whose effective date is **September 29, 2011**, are hereby adopted by reference.

Table 102.2(1)

Map Panel#	Effective Date	Suffix	Map Panel#	Effective Date	Suffix
34041C0165	9/29/2011	E	34041C0253	9/29/2011	E
34041C0168	9/29/2011	E	34041C0254	9/29/2011	E
34041C0251	9/29/2011	E	34041C0256	9/29/2011	E
34041C0252	9/29/2011	E			

2) **Federal Best Available Information.** The Town of Hackettstown shall utilize Federal flood information as listed in the table below that provides more detailed hazard information, higher flood elevations, larger flood hazard areas, and results in more restrictive regulations. This information may include but is not limited to preliminary flood elevation guidance from FEMA (such as Advisory Flood Hazard Area Maps, Work Maps or Preliminary FIS and FIRM). Additional Federal Best Available studies issued after the date of this ordinance must also be considered. These studies are listed on FEMA's Map Service Center. This information shall be used for floodplain regulation purposes only.

Table 102.2(2)

Map Panel #	Preliminary Date	Map Panel #	Preliminary Date
None at the time of this ordinance			

3) **Other Best Available Data.** The Town of Hackettstown shall utilize high water elevations from flood events, groundwater flooding areas, studies by federal or state agencies, or other information deemed appropriate by the -Town of Hackettstown. Other "best available information" may not be used which results in less restrictive flood elevations, design standards, or smaller flood hazard **areas** than the sources described in Section 102.2 (1) and (2), above. This information shall be used for floodplain regulation purposes only.

4) **State Regulated Flood Hazard Areas.** For State regulated waters, the NJ Department of Environmental Protection (NJDEP) identifies the flood hazard area as the land, and the space above that land, which lies below the "Flood Hazard Area Control Act Design Flood Elevation", as defined in Section 201, and as described in the New Jersey Flood Hazard Area Control Act at N.J.A.C. 7:13. A FHACA flood hazard area exists along every regulated water that has a drainage area of 50 acres or greater. Such area may extend beyond the boundaries of the Special Flood Hazard Areas (SFHAs) as identified by FEMA. The following is a list of New Jersey State studied waters in this community under the FHACA, and their respective map identification numbers.

Table 102.2(3) List of State Studied Waters

Name of Studied Water	File Name	Map Number
Hackettstown Brook	FFMR0009	HK-1
Trout Brook	FFMR0032	T-1
Trout Brook	FFMR0033	T-2
Musconetcong River	FFMR0052	MU-16
Musconetcong River	FFMR0053	MU-16
Musconetcong River	FFMR0054	MU-17
Musconetcong River	FFMR00SS	MU-18
Musconetcong River	FFMR0056	MU-19
Musconetcong River	FFMR0057	MU-20

102.3 Establishing the Local Design Flood Elevation (LDFE). The Local Design Flood Elevation (LDFE) is established in the flood hazard areas determined in Section 102.2, above, using the best available flood hazard data sources, and the Flood Hazard Area Control Act minimum Statewide elevation requirements for lowest floors in A, Coastal A, and V zones, ASCE 24 requirements for critical facilities as specified by the building code, plus additional freeboard as specified by this ordinance.

At a minimum, the Local Design Flood Elevation shall be as follows:

- 1) For a delineated watercourse, the elevation associated with the Best Available Flood Hazard Data Area determined in Section 102.2, above plus one foot or as described by N.J.A.C. 7:13 of freeboard; or
- 2) For any undelineated watercourse (where mapping or studies described in 102.2 (1)

and (2) above are not available) that has a contributory drainage area of 50 acres or more, the applicants must provide one of the following to determine the Local Design Flood Elevation:

- a. A copy of an unexpired NJDEP Flood Hazard Area Verification plus one foot of freeboard and any additional freeboard as required by ASCE 24; or
- b. A determination of the Flood Hazard Area Design Flood Elevation using Method 5 or Method 6 (as described in N.J.A.C. 7:13) plus one foot of freeboard and any additional freeboard as required by ASCE 24. Any determination using these methods must be sealed and submitted according to Section 105.2-3.

3) AO Zones - For Zone AO areas on the municipality's FIRM (or on preliminary flood elevation guidance from FEMA), the Local Design Flood Elevation is determined from the FIRM panel as the highest adjacent grade plus the depth number specified plus one foot of freeboard. If no depth number is specified, the Local Design Flood Elevation is three (3) feet above the highest adjacent grade.

4) Class IV Critical Facilities - For any proposed development of new and substantially improved Flood Design Class IV Critical Facilities, the Local Design Flood Elevation must be the higher of the 0.2% annual chance (500 year) flood elevation or the Flood Hazard Area Design Flood Elevation with an additional 2 feet of freeboard in accordance with ASCE 24.

5) Class III Critical Facilities - For proposed development of new and substantially improved Flood Design Class III Critical Facilities in coastal high hazard areas, the Local Design Flood Elevation must be the higher of the 0.2% annual chance (500 year) flood elevation or the Flood Hazard Area Design Flood Elevation with an additional 1 foot of freeboard in accordance with ASCE 24.

SECTION 103 Duties and Powers of the Floodplain Administrator

103.1 Floodplain Administrator Designation. The Zoning Officer is designated the Floodplain Administrator. The Floodplain Administrator shall have the authority to delegate performance of certain duties to other employees.

103.2 General. The Floodplain Administrator is authorized and directed to administer the provisions of these regulations. The Floodplain Administrator shall have the authority to render interpretations of these regulations consistent with the intent and purpose of these regulations and to establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be consistent with the intent and purpose of these regulations and the flood provisions of the building code and shall not have the effect of waiving specific requirements without the granting of a variance pursuant to Section 107 of these regulations.

103.3 Coordination. The Floodplain Administrator shall coordinate with the Construction Official to administer and enforce the flood provisions of the Uniform Construction Code.

103.4 Duties. The duties of the Floodplain Administrator shall include but are not limited to:

- (1) Review all permit applications to determine whether proposed development is located in flood hazard areas established in Section 102 of these regulations.
- (2) Require development in flood hazard areas to be reasonably safe from flooding and to be designed and constructed with methods, practices and materials that minimize flood

- damage.
- (3) Interpret flood hazard area boundaries and provide available flood elevation and flood hazard information.
 - (4) Determine whether additional flood hazard data shall be obtained or developed.
 - (5) Review required certifications and documentation specified by these regulations and the building code to determine that such certifications and documentations are complete.
 - (6) Establish, in coordination with the Construction Official, written procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Section 103.14 of these regulations.
 - (7) Coordinate with the Construction Official and others to identify and investigate damaged buildings located in flood hazard areas and inform owners of the requirement to obtain permits for repairs.
 - (8) Review requests submitted to the Construction Official seeking approval to modify the strict application of the flood load and flood resistant construction requirements of the Uniform Construction code to determine whether such requests require consideration as a variance pursuant to Section 107 of these regulations.
 - (9) Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps when the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available.
 - (10) Require applicants who propose alteration of a watercourse to notify adjacent jurisdictions and the NJDEP Bureau of Flood Engineering, and to submit copies of such notifications to the Federal Emergency Management Agency (FEMA).
 - (11) Inspect development in accordance with Section 106 of these regulations and inspect flood hazard areas to determine if development is undertaken without issuance of permits.
 - (12) Prepare comments and recommendations for consideration when applicants seek variances in accordance with Section 107 of these regulations.
 - (13) Cite violations in accordance with Section 108 of these regulations.
 - (14) Notify the Federal Emergency Management Agency when the corporate boundaries of the Town of Hackettstown have been modified.
 - (15) Permit Ordinary Maintenance and Minor Work in the regulated areas discussed in Section 102.2.

103.5 Use of Changed Technical Data. The Floodplain Administrator and the applicant shall not use changed flood hazard area boundaries or base flood elevations for proposed buildings or developments unless the Floodplain Administrator or applicant has applied for a Conditional Letter of Map Revision (CLOMR) to the Flood Insurance Rate Map (FIRM) revision and has received the approval of the Federal Emergency Management Agency. A revision of the effective FIRM does not remove the related feature(s) on a flood hazard area delineation that has been promulgated by the NJDEP. A separate application must be made to the State pursuant to N.J.A.C. 7:13 for revision of a flood hazard design flood elevation, flood hazard area limit, floodway limit, and/or other related feature.

103.6 Other Permits. It shall be the responsibility of the Floodplain Administrator to assure that approval of a proposed development shall not be given until proof that necessary permits have been granted by Federal or State agencies having jurisdiction over such development, including Section 404 of the Clean Water Act. In the event of conflicting permit requirements, the Floodplain Administrator

must ensure that the most restrictive floodplain management standards are reflected in permit approvals.

103.7 Determination of Local Design Flood Elevations. If design flood elevations are not specified, the Floodplain Administrator is authorized to require the applicant to:

- (1) Obtain, review, and reasonably utilize data available from a Federal, State, or other source, or
- (2) Determine the design flood elevation in accordance with accepted hydrologic and hydraulic engineering techniques. Such analyses shall be performed and sealed by a licensed professional engineer. Studies, analyses, and computations shall be submitted in sufficient detail to allow review and approval by the Floodplain Administrator. The accuracy of data submitted for such determination shall be the responsibility of the applicant.

It shall be the responsibility of the Floodplain Administrator to verify that the applicant's proposed Best Available Flood Hazard Data Area and the Local Design Flood Elevation in any development permit accurately applies the best available flood hazard data and methodologies for determining flood hazard areas and design elevations described in 102.2 and 102.3, respectively. This information shall be provided to the Construction Official and documented according to Section 103.15.

103.8 Requirement to submit new technical data. Base Flood Elevations may increase or decrease resulting from natural changes (e.g., erosion, accretion, channel migration, subsidence, uplift) or man-made physical changes (e.g., dredging, filling, excavation) affecting flooding conditions. As soon as practicable, but not later than six months after the date of a man-made change or when information about a natural change becomes available, the Floodplain Administrator shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data in accordance with Title 44 Code of Federal Regulations Section 65.3. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.

103.9 Activities in Riverine Flood Hazard Areas. In riverine flood hazard areas where design flood elevations are specified but floodways have not been designated, the Floodplain Administrator shall not permit any new construction, substantial improvement or other development, including the placement of fill, unless the applicant submits an engineering analysis prepared by a licensed professional engineer that demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachment, will not increase the design flood elevation more than 0.2 feet at any point within the community.

103.10 Floodway encroachment. Prior to issuing a permit for any floodway encroachment, including fill, new construction, substantial improvements and other development or land-disturbing activity, the Floodplain Administrator shall require submission of a certification prepared by a licensed professional engineer, along with supporting technical data, that demonstrates that such development will not cause any increase in the base flood level.

103.10.1 Floodway Revisions. A floodway encroachment that increases the level of the base flood is authorized if the applicant has applied for a Conditional Letter of Map Revision (CLOMR) to the Flood Insurance Rate Map (FIRM) and has received the approval of FEMA.

103.11 Watercourse Alteration. Prior to issuing a permit for any alteration or relocation of any watercourse, the Floodplain Administrator shall require the applicant to provide notification of the proposal to the appropriate authorities of an adjacent government jurisdictions, as well as the NJDEP Bureau of Flood Engineering and the Division of Land Resource Protection. A copy of the notification shall be maintained in the permit records and submitted to FEMA.

103.11.1 Engineering Analysis. The Floodplain Administrator shall require submission of an engineering analysis prepared by a licensed professional engineer, demonstrating that the flood-carrying capacity of the altered or relocated portion of the watercourse will be maintained, neither increased nor decreased. Such watercourses shall be maintained in a manner that preserves the channel's flood-carrying capacity.

103.12 Alterations in Coastal Areas. The excavation or alteration of sand dunes is governed by the New Jersey Coastal Zone Management (CZM) rules, N.J.A.C. 7:7. Prior to issuing a flood damage prevention permit for any alteration of sand dunes in coastal high hazard areas and Coastal A Zones, the Floodplain Administrator shall require that a New Jersey CZM permit be obtained and included in the flood damage prevention permit application. The applicant shall also provide documentation of any engineering analysis, prepared by a licensed professional engineer, that demonstrates that the proposed alteration will not increase the potential for flood damage.

103.13 Development in Riparian Zones All development in Riparian Zones as described in N.J.A.C. 7:13 is prohibited by this ordinance unless the applicant has received an individual or general permit or has complied with the requirements of a permit by rule or permit by certification from NJDEP Division of Land Resource Protection prior to application for a floodplain development permit and the project is compliant with all other Floodplain Development provisions of this ordinance. The width of the riparian zone can range between 50 and 300 feet and is determined by the attributes of the waterbody and designated in the New Jersey Surface Water Quality Standards N.J.A.C. 7:98. The portion of the riparian zone located outside of a regulated water is measured landward from the top of bank. Applicants can request a verification of the riparian zone limits or a permit applicability determination to determine State permit requirements under N.J.A.C. 7:13 from the NJDEP Division of Land Resource Protection.

103.14 Substantial Improvement and Substantial Damage Determinations. When buildings and structures are damaged due to any cause including but not limited to man-made, structural, electrical, mechanical, or natural hazard events, or are determined to be unsafe as described in N.J.A.C. 5:23; and for applications for building permits to improve buildings and structures, including

alterations, movement, repair, additions, rehabilitations, renovations, ordinary maintenance and minor work, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Construction Official, shall:

- (1) Estimate the market value, or require the applicant to obtain a professional appraisal prepared by a qualified independent appraiser, of the market value of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made.
- (2) Determine and include the costs of all ordinary maintenance and minor work, as discussed in Section 102.2, performed in the floodplain regulated by this ordinance in addition to the costs of those improvements regulated by the Construction Official in substantial damage and substantial improvement calculations.
- (3) Compare the cost to perform the improvement, the cost to repair the damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, where applicable, to the market value of the building or structure.
- (4) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage.
- (5) Notify the applicant in writing when it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the building code is required and notify the applicant when it is determined that work does not constitute substantial improvement or repair of substantial damage. The Floodplain Administrator shall also provide all letters documenting substantial damage and compliance with flood resistant construction requirements of the building code to the NJDEP Bureau of Flood Engineering.

103.15 Department Records. In addition to the requirements of the building code and these regulations, and regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of these regulations and the flood provisions of the Uniform Construction Code, including Flood Insurance Studies, Flood Insurance Rate Maps; documents from FEMA that amend or revise FIRMs; NJDEP delineations, records of issuance of permits and denial of permits; records of ordinary maintenance and minor work, determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required certifications and documentation specified by the Uniform Construction Code and these regulations including as-built Elevation Certificates; notifications to adjacent communities, FEMA, and the State

related to alterations of watercourses; assurance that the flood carrying capacity of altered waterways will be maintained; documentation related to variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to these regulations and the flood resistant provisions of the Uniform Construction Code. The Floodplain Administrator shall also record the required elevation, determination method, and base flood elevation source used to determine the Local Design Flood Elevation in the floodplain development permit.

103.16 Liability. The Floodplain Administrator and any employee charged with the enforcement of these regulations, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by these regulations or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of these regulations shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The Floodplain Administrator and any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of these regulations.

SECTION 104 Permits

104.1 Permits Required. Any person, owner or authorized agent who intends to conduct any development in a flood hazard area shall first make application to the Floodplain Administrator and shall obtain the required permit. Depending on the nature and extent of proposed development that includes a building or structure, the Floodplain Administrator may determine that a floodplain development permit or approval is required in addition to a building permit.

104.2 Application For Permit. The applicant shall file an application in writing on a form furnished by the Floodplain Administrator. Such application shall:

- (1) Identify and describe the development to be covered by the permit.
- (2) Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.
- (3) Indicate the use and occupancy for which the proposed development is intended.
- (4) Be accompanied by a site plan and construction documents as specified in Section of these regulations, grading and filling plans and other information deemed appropriate by the Floodplain Administrator.
- (5) State the valuation of the proposed work, including the valuation of ordinary maintenance and minor work.
- (6) Be signed by the applicant or the applicant's authorized agent.

104.3 Validity of Permit. The issuance of a permit under these regulations or the Uniform Construction Code shall not be construed to be a permit for, or approval of, any violation of this

appendix or any other ordinance of the jurisdiction. The issuance of a permit based on submitted documents and information shall not prevent the Floodplain Administrator from requiring the correction of errors. The Floodplain Administrator is authorized to prevent occupancy or use of a structure or site which is in violation of these regulations or other ordinances of this jurisdiction.

104.4 Expiration. A permit shall become invalid when the proposed development is not commenced within 180 days after its issuance, or when the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions shall be requested in writing and justifiable cause demonstrated. The Floodplain Administrator is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each.

104.5 Suspension or Revocation. The Floodplain Administrator is authorized to suspend or revoke a permit issued under these regulations wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or code of this jurisdiction.

SECTION 105 Site Plans And Construction Documents

105.1 Information for development in flood hazard areas. The site plan or construction documents for any development subject to the requirements of these regulations shall be drawn to scale and shall include, as applicable to the proposed development:

- (1) Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations when necessary for review of the proposed development. For buildings that are located in more than one flood hazard area, the elevation and provisions associated with the most restrictive flood hazard area shall apply.
- (2) Where base flood elevations or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with Section 105.2.
- (3) Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than 5 acres and base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with Section 105.2(3) of these regulations.
- (4) Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas and Coastal A zones, new buildings shall be located landward of the reach of mean high tide.
- (5) Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
- (6) Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose. The applicant shall provide an engineering certification confirming that the proposal meets the flood storage displacement limitations of N.J.A.C. 7:13.
- (7) Extent of any proposed alteration of sand dunes.
- (8) Existing and proposed alignment of any proposed alteration of a watercourse.
- (9) Floodproofing certifications, V Zone and Breakaway Wall Certifications, Operations and Maintenance Plans, Warning and Evacuation Plans and other documentation required pursuant to FEMA publications.

The Floodplain Administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by these regulations but that are not required to be

prepared by a registered design professional when it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance.

105.2 Information In Flood Hazard Areas Without Base Flood Elevations (Approximate Zone A)

Where flood hazard areas are delineated on the effective or preliminary FIRM and base flood elevation data have not been provided, the applicant shall consult with the Floodplain Administrator to determine whether to:

- (1) Use the Approximation Method (Method 5) described in N.J.A.C. 7:13 in conjunction with Appendix 1 of the FHACA to determine the required flood elevation.
- (2) Obtain, review, and reasonably utilize data available from a Federal, State or other source when those data are deemed acceptable to the Floodplain Administrator to reasonably reflect flooding conditions.
- (3) Determine the base flood elevation in accordance with accepted hydrologic and hydraulic engineering techniques according to Method 6 as described in N.J.A.C. 7:13. Such analyses shall be performed and sealed by a licensed professional engineer.

Studies, analyses, and computations shall be submitted in sufficient detail to allow review and approval by the Floodplain Administrator prior to floodplain development permit issuance. The accuracy of data submitted for such determination shall be the responsibility of the applicant. Where the data are to be used to support a Letter of Map Change (LOMC) from FEMA, the applicant shall be responsible for satisfying the submittal requirements and pay the processing fees.

105.3 Analyses and Certifications by A Licensed Professional Engineer. As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a licensed professional engineer for submission with the site plan and construction documents:

- (1) For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in Section 105.4 of these regulations and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.
- (2) For development activities proposed to be located in a riverine flood hazard area where base flood elevations are included in the FIS or FIRM but floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments will not increase the base flood elevation more than 0.2 feet at any point within the jurisdiction. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.
- (3) For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained, neither increasing nor decreasing the channel's flood-carrying capacity. The applicant shall submit the analysis to FEMA as specified in Section

105.4 of these regulations. The applicant shall notify the chief executive officer of all affected adjacent jurisdictions, the NJDEP's Bureau of Flood Engineering and the Division of Land Resource Protection; and shall provide documentation of such notifications.

- (4) For activities that propose to alter sand dunes in coastal high hazard areas (Zone V) and Coastal A Zones, an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage and documentation of the issuance of a New Jersey Coastal Zone Management permit under N.J.A.C. 7:7.
- (5) For analyses performed using Methods 5 and 6 (as described in N.J.A.C. 7:13) in flood hazard zones without base flood elevations (approximate A zones).

105.4 Submission of Additional Data. When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a Letter of Map Change (LOMC) from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

SECTION 106 Inspections

106.1 General. Development for which a permit is required shall be subject to inspection. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of these regulations or the building code. Inspections presuming to give authority to violate or cancel the provisions of these regulations or the building code or other ordinances shall not be valid.

106.2 Inspections of development. The Floodplain Administrator shall inspect all development in flood hazard areas authorized by issuance of permits under these regulations. The Floodplain Administrator shall inspect flood hazard areas from time to time to determine if development is undertaken without issuance of a permit.

106.3 Buildings and structures. The Construction Official shall make or cause to be made, inspections for buildings and structures in flood hazard areas authorized by permit in accordance with the Uniform Construction Code, N.J.A.C. 5:23.

- (1) **Lowest floor elevation.** Upon placement of the lowest floor, including the basement, and prior to further vertical construction, certification of the elevation required in Section 801.2 shall be submitted to the Construction Official on an Elevation Certificate.
- (2) **Lowest horizontal structural member.** In V zones and Coastal A zones, upon placement of the lowest floor, including the basement, and prior to further vertical construction, certification of the elevation required in Section 801.2 shall be submitted to the Construction Official on an Elevation Certificate.
- (3) **Installation of attendant utilities** (electrical, heating, ventilating, air-conditioning, and other service equipment) and sanitary facilities elevated as discussed in Section 801.2.
- (4) **Final inspection.** Prior to the final inspection, certification of the elevation required in Section 801.2 shall be submitted to the Construction Official on an Elevation Certificate.

106.4 Manufactured homes. The Floodplain Administrator shall inspect manufactured homes that

are installed or replaced in flood hazard areas to determine compliance with the requirements of these regulations and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted on an Elevation Certificate to the Floodplain Administrator prior to the final inspection.

SECTION 107 Variances

107.1 General. The Town of Hackettstown Land Use Board shall hear and decide requests for variances. The Town of Hackettstown Land Use Board shall base its determination on technical justifications submitted by applicants, the considerations for issuance in Section 107.5, the conditions of issuance set forth in Section 107.6, and the comments and recommendations of the Floodplain Administrator and, as applicable, the Construction Official. The Town of Hackettstown Land Use Board has the right to attach such conditions to variances as it deems necessary to further the purposes and objectives of these regulations.

107.2 Historic structures. A variance to the substantial improvement requirements of this ordinance is authorized provided that the repair or rehabilitation of a historic structure is completed according to N.J.A.C. 5:23-6.33, Section 1612 of the International Building Code and R322 of the International Residential Code, the repair or rehabilitation will not preclude the structure's continued designation as a historic structure, the structure meets the definition of the historic structure as described by this ordinance, and the variance is the minimum necessary to preserve the historic character and design of the structure.

107.3 Functionally dependent uses. A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use provided the variance is the minimum necessary to allow the construction or substantial improvement, and that all due consideration has been given to use of methods and materials that minimize flood damage during the base flood and create no additional threats to public safety.

107.4 Restrictions in floodways. A variance shall not be issued for any proposed development in a floodway when any increase in flood levels would result during the base flood discharge, as evidenced by the applicable analysis and certification required in Section 105.3(1) of these regulations.

107.5 Considerations. In reviewing requests for variances, all technical evaluations, all relevant factors; all other portions of these regulations, and the following shall be considered:

- (1) The danger that materials and debris may be swept onto other lands resulting in further injury or damage.
- (2) The danger to life and property due to flooding or erosion damage.
- (3) The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners.
- (4) The importance of the services provided by the proposed development to the community.
- (5) The availability of alternate locations for the proposed development that are not subject to flooding or erosion and the necessity of a waterfront location, where applicable.
- (6) The compatibility of the proposed development with existing and anticipated development.

- (7) The relationship of the proposed development to the comprehensive plan and floodplain management program for that area.
- (8) The safety of access to the property in times of flood for ordinary and emergency vehicles.
- (9) The expected heights, velocity; duration, rate of rise and debris and sediment transport of the floodwater and the effects of wave action, where applicable, expected at the site.
- (10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets, and bridges.

107.6 Conditions for issuance. Variances shall only be issued upon:

- (1) Submission by the applicant of a showing of good and sufficient cause that the unique characteristics of the size, configuration or topography of the site limit compliance with any provision of these regulations or renders the elevation standards of the building code inappropriate.
- (2) A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable.
- (3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
- (4) A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (5) Notification to the applicant in writing over the signature of the Floodplain Administrator that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and that such construction below the base flood level increases risks to life and property.

SECTION 108 Violations

108.1 Violations. Any development in any flood hazard area that is being performed without an issued permit or that is in conflict with an issued permit shall be deemed a violation. A building or structure without the documentation of elevation of the lowest floor, the lowest horizontal structural member if in a V or Coastal A Zone, other required design certifications, or other evidence of compliance required by the building code is presumed to be a violation until such time as that documentation is provided.

108.2 Authority. The Floodplain Administrator is authorized to serve notices of violation or stop work orders to owners of property involved, to the owner's agent, or to the person or persons doing the work for development that is not within the scope of the Uniform Construction Code, but is regulated by these regulations and that is determined to be a violation.

108.3 Unlawful continuance. Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by N.J.S.A. 40:49-5 as appropriate.

108.4 Review Period to Correct Violations. A 30-day period shall be given to the property owner as an opportunity to cure or abate the condition. The property owner shall also be afforded an

opportunity for a hearing before the court for an independent determination concerning the violation. Subsequent to the expiration of the 30-day period, a fine greater than \$1,250.00 may be imposed if a court has not determined otherwise or, upon reinspection of the property, it is determined that the abatement has not been substantially completed.

SECTION 201 Definitions

201.1 General. The following words and terms shall, for the purposes of these regulations, have the meanings shown herein. Other terms are defined in the Uniform Construction Code N.J.A.C. 5:23 and terms are defined where used in the International Residential Code and International Building Code (rather than in the definitions section). Where terms are not defined, such terms shall have ordinarily accepted meanings such as the context implies.

201.2 Definitions.

30 DAY PERIOD -The period of time prescribed by N.J.S.A. 40:49-5 in which a property owner is afforded the opportunity to correct zoning and solid waste disposal after a notice of violation pertaining to this ordinance has been issued.

100 YEAR FLOOD ELEVATION - Elevation of flooding having a 1% annual chance of being equaled or exceeded in a given year which is also referred to as the Base Flood Elevation.

500 YEAR FLOOD ELEVATION - Elevation of flooding having a 0.2% annual chance of being equaled or exceeded in a given year.

A ZONES - Areas of 'Special Flood Hazard in which the elevation of the surface water resulting from a flood that has a 1% annual chance of equaling or exceeding the Base Flood Elevation (BFE) in any given year shown on the Flood Insurance Rate Map (FIRM) zones A, AE, AH, A1-A30, AR, AR/A; AR/AE, AR/A1- A30, AR/AH, and AR/AO. When used in- reference to the development of a structure in this ordinance, A Zones are not inclusive of Coastal A Zones because of the higher building code requirements for Coastal A Zones.

AH ZONES- Areas subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are between one and three feet. Base Flood Elevations (BFEs) derived from detailed hydraulic analyses are shown in this zone.

AO ZONES - Areas subject to inundation by 1-percent-annual-chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet. .

ACCESSORY STRUCTURE - Accessory structures are also referred to as appurtenant structures. An accessory structure is a structure which is on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure. For example, a residential structure may have a detached garage or storage shed for garden tools as accessory structures. Other examples of accessory structures include gazebos, picnic pavilions, boathouses, small pole barns, storage sheds,

and similar buildings.

AGRICULTURAL STRUCTURE - A structure used solely for agricultural purposes in which the use is exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock. Communities must require that new construction or substantial improvements of agricultural structures be elevated or floodproofed to or above the Base Flood Elevation (BFE) as any other nonresidential building. Under some circumstances it may be appropriate to wet-floodproof certain types of agricultural structures when located in wide, expansive floodplains through issuance of a variance. This should only be done for structures used for temporary storage of equipment or crops or temporary shelter for livestock and only in circumstances where it can be demonstrated that agricultural structures can be designed in such a manner that results in minimal damage to the structure and its contents and will create no additional threats to public safety. New construction or substantial improvement of livestock confinement buildings, poultry houses, dairy operations, similar livestock operations and any structure that represents more than a minimal investment must meet the elevation or dry-floodproofing requirements of 44 CFR 60.3(c)(3).

AREA OF SHALLOW FLOODING - A designated Zone AO, AH, AR/AO or AR/AH (or VO) on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD - see SPECIAL FLOOD HAZARD AREA

ALTERATION OF A WATERCOURSE - A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

ASCE 7 - The standard for the Minimum Design Loads for Buildings and Other Structures, referenced by the building code and developed and published by the American Society of Civil Engineers, Reston, VA. which includes but is not limited to methodology and equations necessary for determining structural and flood-related design requirements and determining the design requirements for structures that may experience a combination of loads including those from natural hazards. Flood related equations include those for determining erosion, scour, lateral, vertical, hydrostatic, hydrodynamic, buoyancy, breaking wave, and debris impact.

ASCE 24 - The standard for Flood Resistant Design and Construction, referenced by the building code and developed and published by the American Society of Civil Engineers, Reston, VA. References to ASCE 24 shall mean ASCE 24-14 or the most recent version of ASCE 24 adopted in the UCC Code [N.J.A.C. 5:23].

BASE FLOOD ELEVATION (BFE)-The water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year, as shown on a published Flood Insurance Study (FIS), or preliminary flood elevation guidance from FEMA. May also be referred to as the "100-year flood elevation".

BASEMENT - Any area of the building having its floor subgrade (below ground level) on all sides.

BEST AVAILABLE FLOOD HAZARD DATA- The most recent available preliminary flood risk guidance FEMA has provided. The Best Available Flood Hazard Data may be depicted on but not limited to Advisory Flood Hazard Area Maps, Work Maps, or Preliminary FIS and FIRM.

BEST AVAILABLE FLOOD HAZARD DATA AREA-The areal mapped extent associated with the most recent available preliminary flood risk guidance FEMA has provided. The Best Available Flood Hazard Data may be depicted on but not limited to Advisory Flood Hazard Area Maps, Work Maps, or Preliminary FIS and FIRM.

BEST AVAILABLE FLOOD HAZARD DATA ELEVATION -The most recent available preliminary flood elevation guidance FEMA has provided. The Best Available Flood Hazard Data may be depicted on but not limited to Advisory Flood Hazard Area Maps, Work Maps, or Preliminary FIS and FIRM.

BREAKAWAY WALLS - Any type of wall subject to flooding that is not required to provide structural support to a building or other structure and that is designed and constructed such that, below the Local Design Flood Elevation, it will collapse under specific lateral loads such that (1) it allows the free passage of floodwaters, and (2) it does not damage the structure or supporting foundation system. Certification in the V Zone Certificate of the design, plans, and specifications by a licensed design professional that these walls are in accordance with accepted standards of practice is required as part of the permit application for new and substantially improved V Zone and Coastal A Zone structures. A completed certification must be submitted at permit application.

BUILDING - Per the FHACA, "Building" means a structure enclosed with exterior walls or fire walls, erected and framed of component structural parts, designed for the housing, shelter, enclosure, and support of individuals, animals, or property of any kind. A building may have a temporary or permanent foundation. A building that is intended for regular human occupation and/or residence is considered a habitable building.

CONDITIONAL LETTER OF MAP REVISION - A Conditional Letter of Map Revision (CLOMR) is FEMA's comment on a proposed project that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective. Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA). The letter does not revise an effective NFIP map, it indicates whether the project, if built as proposed, would be recognized by FEMA. FEMA charges a fee for processing a CLOMR to recover the costs associated with the review that is described in the Letter of Map Change (LOMC) process. Building

permits cannot be issued based on a CLOMR, because a CLOMR does not change the NFIP map.

CONDITIONAL LETTER OF MAP REVISION - FILL - A Conditional Letter of Map Revision - Fill (CLOMR-F) is FEMA's comment on a proposed project involving the placement of fill outside of the regulatory floodway that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA). The letter does not revise an effective NFIP map, it indicates whether the project, if built as proposed, would be recognized by FEMA. FEMA charges a fee for processing a CLOMR to recover the costs associated with the review that is described in the Letter of Map Change (LOMC) process. Building permits cannot be issued based on a CLOMR, because a CLOMR does not change the NFIP map.

CRITICAL BUILDING - Per the FHACA, "Critical Building" means that:

- a. It is essential to maintaining continuity of vital government operations and/or supporting emergency response, sheltering, and medical care functions before, during, and after a flood, such as a hospital, medical clinic; police station, fire station, emergency response center, or public shelter; or
- b. It serves large numbers of people who may be unable to leave the facility through their own efforts, thereby hindering or preventing safe evacuation of the building during a flood event, such as a school, college, dormitory, jail or detention facility, day care center, assisted living facility, or nursing home.

DEVELOPMENT - Any manmade change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of materials, mining, dredging, filling, grading, paving, excavations, drilling operations and other land-disturbing activities.

DRY FLOODPROOFING - A combination of measures that results in a non-residential structure, including the attendant utilities and equipment as described in the latest version of ASCE 24, being watertight with all elements substantially impermeable and with structural components having the capacity to resist flood loads.

ELEVATED BUILDING - A building that has no basement and that has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns. Solid perimeter foundations walls are not an acceptable means of elevating buildings in V and VE Zones.

ELEVATION CERTIFICATE - An administrative tool of the National Flood Insurance Program (NFIP) that can be used to provide elevation information, to determine the proper insurance premium rate, and to support an application for a Letter of Map Amendment (LOMA) or Letter of Map Revision based on fill (LOMR-F).

ENCROACHMENT - The placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

FEMA PUBLICATIONS - Any publication authored or referenced by FEMA related to building science, building safety, or floodplain management related to the National Flood Insurance Program. Publications shall include but are not limited to technical bulletins, desk references, and American Society of Civil Engineers Standards documents including ASCE 24.

FLOOD OR FLOODING -

- a. General and temporary condition of partial or complete inundation of normally dry land areas from:
 - 1. The overflow of inland or tidal waters.
 - 2. The unusual and rapid accumulation or runoff of surface waters from any source.
 - 3. Mudslides (I.e., mudflows) which are proximately caused by flooding as defined in (a) (2) of this definition and are akin to a river or liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition.

FLOOD HAZARD AREA DESIGN FLOOD ELEVATION- Per the FHACA, the peak water surface elevation that will occur in a water during the flood hazard area design flood. This elevation is determined via available flood mapping adopted by the State, flood mapping published by FEMA (including effective flood mapping dated on or after January 31, 1980, or any more recent advisory, preliminary, or pending flood mapping; whichever results in higher flood elevations, wider floodway limits, greater flow rates, or indicates a change from an A zone to a V zone or coastal A zone), approximation, or calculation pursuant to the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-3.1 - 3.6 and is typically higher than FEMA's base flood elevation. A water that has a drainage area measuring less than 50 acres does not possess, and is not assigned, a flood hazard area design flood elevation.

FLOOD INSURANCE RATE MAP (FIRM) - The official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS) - The official report in which the Federal Emergency Management Agency has provided flood profiles, as well as the Flood Insurance Rate Map(s) and the water surface elevation of the base flood.

FLOODPLAIN OR FLOOD PRONE AREA - Any land area susceptible to being inundated by water from

any source. See "Flood or flooding."

FLOODPLAIN MANAGEMENT REGULATIONS - Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance, and erosion control ordinance) and other applications of police power. The term describes such State or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

FLOODPROOFING - Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

FLOODPROOFING CERTIFICATE - Certification by a licensed design professional that the design and methods of construction for floodproofing a non-residential structure are in accordance with accepted standards of practice to a proposed height above the structure's lowest adjacent grade that meets or exceeds the Local Design Flood Elevation. A completed floodproofing certificate is required at permit application.

FLOODWAY - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 0.2 foot.

FREEBOARD - A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

FUNCTIONALLY DEPENDENT USE - A use that cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities necessary for the loading or unloading of cargo or passengers, and shipbuilding and ship repair facilities. The term does not include long-term storage or related manufacturing facilities.

HABITABLE BUILDING- Pursuant to the FHACA Rules (N.J.A.C. 7:13), means a building that is intended for regular human occupation and/or residence. Examples of a habitable building include a single-family home, duplex, multi-residence building, or critical building; a commercial building such as a retail store, restaurant, office building, or gymnasium; an accessory structure that is regularly occupied, such as . a garage, barn, or workshop; mobile and manufactured homes, and trailers intended for human residence, which are set on a foundation and/or connected to utilities, such as in a mobile home park (not including campers and recreational vehicles); and any other building that is regularly occupied, such as a house of worship, community center, or meeting hall, or animal shelter that includes regular human access and occupation. Examples of a non-habitable building include a bus stop shelter, utility building, storage shed, self-storage unit, construction trailer, or an individual

shelter for animals such as a doghouse or outdoor kennel. ·

HARDSHIP - As related to Section 107 of this ordinance, meaning the exceptional hardship that would result from a failure to grant the requested variance. The Mayor and Council requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

HIGHEST ADJACENT GRADE - The highest natural elevation of the ground surface prior to construction next to the proposed or existing walls of a structure.

HISTORIC STRUCTURE - Any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. Individually listed on a State inventory of historic places in States with historic preservation programs which have been approved by the -Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 1. By an approved State program as determined by the Secretary of the Interior; or
 2. Directly by the Secretary of the Interior in States without approved programs.

LAWFULLY EXISTING - Per the FHACA, means an existing fill, structure and/or use, which meets all Federal, State, and local laws, and which is not in violation of the FHACA because it was established:

- a. Prior to January 31, 1980; or
- b. On or after January 31, 1980, in accordance with the requirements of the FHACA as it existed at the time the fill, structure and/or use was established.

Note: Substantially damaged properties and substantially improved properties that have not been elevated are not considered "lawfully existing" for the purposes of the NFIP. This definition is included in this ordinance to clarify the applicability of any more stringent statewide floodplain management standards required under the FHACA.

LETTER OF MAP AMENDMENT - A Letter of Map Amendment (LOMA) is an official amendment, by letter, to an effective National Flood Insurance Program (NFIP) map that is requested through the Letter of Map Change (LOMC) process. A LOMA establishes a property's location in relation to the Special Flood Hazard Area (SFHA). LOMAs are usually issued because a property has been

inadvertently mapped as being in the floodplain but is actually on natural high ground above the base flood elevation. Because a LOMA officially amends the effective NFIP map, it is a public record that the community must maintain. Any LOMA should be noted on the community's master flood map and filed by panel number in an accessible location.

LETTER OF MAP CHANGE - The Letter of Map Change (LOMC) process is a service provided by FEMA for a fee that allows the public to request a change in flood zone designation in an Area of Special Flood Hazard on a Flood Insurance Rate Map (FIRM). Conditional Letters of Map Revision, Conditional Letters of Map. Revision - Fill, Letters of Map Revision, Letters of Map Revision-Fill, and Letters of Map Amendment are requested through the Letter of Map Change (LOMC) process.

LETTER OF MAP REVISION - A Letter of Map Revision (LOMR) is FEMA's modification-to an effective Flood Insurance Rate Map (FIRM). Letter of Map Revisions are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA). The LOMR officially revises the Flood Insurance Rate Map (FIRM) and sometimes the Flood Insurance Study (FIS) report, and when appropriate, includes a description of the modifications. The LOMR is generally accompanied by an annotated copy of the affected portions of the FIRM or FIS report. Because a LOMR officially revises the effective NFIP map, it is a public record that the community must maintain. Any LOMR should be noted on the community's master flood map and filed by panel number in an accessible location.

LETTER OF MAP REVISION - FILL -- A Letter of Map Revision Based on Fill (LOMR-F) is FEMA's modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway may be initiated through the Letter of Map Change (LOMC) Process. Because a LOMR-F officially revises the effective Flood Insurance Rate Map (FIRM) map, it is a public record that the community must maintain. Any LOMR-F should be noted on the community's master flood map and filed by panel number in an accessible location.

LICENSED DESIGN PROFESSIONAL - Licensed design professional shall refer to either a New Jersey Licensed Professional Engineer, licensed by the New Jersey State Board of Professional Engineers and Land Surveyors or a New Jersey Licensed Architect, licensed by the New Jersey State Board of Architects.

LICENSED PROFESSIONAL ENGINEER - A licensed professional engineer shall refer to individuals licensed by the New Jersey State Board of Professional Engineers and Land Surveyors.

LOCAL DESIGN FLOOD ELEVATION (LDFE) - The elevation reflective of the most recent available preliminary flood elevation guidance FEMA has provided as depicted on but not limited to Advisory Flood Hazard Area Maps, Work Maps, or Preliminary FIS and FIRM which is also inclusive of freeboard

specified by the New Jersey Flood Hazard Area Control Act and Uniform Construction Codes and any additional freeboard specified in a community's ordinance. In no circumstances shall a project's LDFE be lower than a permit-specified Flood Hazard Area Design Flood Elevation or a valid NJDEP Flood Hazard Area Verification Letter plus the freeboard as required in ASCE 24 and the effective FEMA Base Flood Elevation.

LOWEST ADJACENT GRADE - The lowest point of ground, patio, or sidewalk slab immediately next a structure, except in AO Zones where it is the natural grade elevation.

LOWEST FLOOR - In A Zones, the lowest floor is the top surface of the lowest floor of the lowest enclosed area (including basement). In V Zones and coastal A Zones, the bottom of the lowest horizontal structural member of a building is the lowest floor. An unfinished or flood resistant enclosure, usable solely for the parking of vehicles, building access or storage in an area other than a basement is not considered a building's lowest floor provided that such enclosure is not built so as to render the structure in violation of other applicable non-elevation design requirements of these regulations.

MANUFACTURED HOME - A structure that is transportable in one or more sections, eight (8) feet or more in width and greater than four hundred (400) square feet, built on a permanent chassis, designed for use with or without a permanent foundation when attached to the required utilities, and constructed to the Federal Manufactured Home Construction and Safety Standards and rules and regulations promulgated by the U.S. Department of Housing and Urban Development. The term also includes mobile homes, park trailers, travel trailers and similar transportable structures that are placed on a site for 180 consecutive days or longer.

MANUFACTURED HOME PARK OR SUBDIVISION - A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MARKET VALUE - The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in these regulations, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value shall be determined by one of the following methods (1) Actual Cash Value (replacement cost depreciated for age and quality of construction), (2) tax assessment value adjusted to approximate market value by a factor provided by the Property Appraiser, or (3) established by a qualified independent appraiser.

NEW CONSTRUCTION - Structures for which the start of construction commenced on or after the effective date of the first floodplain regulation adopted by a community; includes any subsequent improvements to such structures. New construction includes work determined to be a substantial improvement.

NON-RESIDENTIAL - Pursuant to ASCE 24, any building or structure or portion thereof that is not classified as residential.

ORDINARY MAINTENANCE AND MINOR WORK - This term refers to types of work excluded from construction permitting under N.J.A.C. 5:23 in the March 5, 2018 New Jersey Register. Some of these types of work must be considered in determinations of substantial improvement and substantial damage in regulated floodplains under 44 CFR 59.1. These types of work include but are not limited to replacements of roofing, siding, interior finishes, kitchen cabinets, plumbing fixtures and piping, HVAC and air conditioning equipment, exhaust fans, built in appliances, electrical wiring, etc. Improvements necessary to correct existing violations of State or local health, sanitation, or code enforcement officials which are the minimum necessary to assure safe living conditions and improvements of historic structures as discussed in 44 CFR 59.1 shall not be included in the determination of ordinary maintenance and minor work.

RECREATIONAL VEHICLE - A vehicle that is built on a single chassis; 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled or permanently towable by a light-duty truck, and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

RESIDENTIAL - Pursuant to the ASCE 24:

- a. Buildings and structures and portions thereof where people live or that are used for sleeping purposes on a transient or non-transient basis;
- b. Structures including but not limited to one- and two-family dwellings, townhouses, condominiums, multi-family dwellings, apartments, congregate residences, boarding houses, lodging houses, rooming houses, hotels, motels, apartment buildings, convents, monasteries, dormitories, fraternity houses, sorority houses, vacation time-share properties; and
- c. institutional facilities where people are cared for or live on a 24-hour basis in a supervised environment, including but not limited to board and care facilities, assisted living facilities, halfway houses, group homes, congregate care facilities, social rehabilitation facilities, alcohol and drug centers, convalescent facilities, hospitals, nursing homes, mental hospitals, detoxification facilities, prisons, jails, reformatories, detention centers, correctional centers, and prerelease centers.

SOLID WASTE DISPOSAL - "Solid Waste Disposal" shall mean the storage, treatment, utilization, processing or final disposition of solid waste as described in N.J.A.C. 7:26-1.6 or the storage of unsecured materials as described in N.J.A.C. 7:13-2.3 for a period of greater than 6 months as specified in N.J.A.C. 7:26 which have been discharged, deposited, injected, dumped, spilled, leaked, or placed into any land or water such that such solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

SPECIAL FLOOD HAZARD AREA- The greater of the following: (1) Land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year, shown on the FIRM as Zone V, VE, V1-3-, A, AO, A1-30, AE, A9'9, or AH; (2) Land and the space above that land, which lies below the peak water surface elevation of the flood hazard area design flood for a particular water, as determined using the methods set forth in the New Jersey Flood Hazard Area Control Act in N.J.A.C. 7:13; (3) Riparian Buffers as determined in the New Jersey Flood Hazard Area Control Act in N.J.A.C. 7:13. Also referred to as the AREA OF SPECIAL FLOOD HAZARD.

START OF CONSTRUCTION - The Start of Construction is as follows:

- a. For other than new construction or substantial improvements, under the Coastal Barrier Resources Act (CBRA), this is the date the building permit was issued, provided that the actual start of construction, repair, rehabilitation, addition, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a building on site, such as the pouring of a slab or footing, the installation of piles, the construction of columns or any work beyond the stage of excavation; or the placement of a manufactured (mobile) home on a foundation. For a substantial improvement, actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- b. For the purposes of determining whether proposed construction must meet new requirements when National Flood Insurance Program (NFIP) maps are issued or revised and Base Flood Elevation's (BFEs) increase or zones change, the Start of Construction includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. Such development must also be permitted and must meet new requirements when National Flood Insurance Program (NFIP) maps are issued or revised and Base Flood Elevation's (BFEs) increase or zones change.

For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

For determining if new construction and substantial improvements within the Coastal Barrier Resources System (CBRS) can obtain flood insurance, a different definition applies.

STRUCTURE - A walled and roofed building, a manufactured home, or a gas or liquid storage tank that is principally above ground.

SUBSTANTIAL DAMAGE - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT - Any reconstruction, rehabilitation, addition, or other improvement of a structure taking place, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- a. Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions; or
- b. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

UTILITY AND MISCELLANEOUS GROUP U BUILDINGS AND STRUCTURES - Buildings and structures of an accessory character and miscellaneous structures not classified in any special occupancy, as described in ASCE 24.

VARIANCE - A grant of relief from the requirements of this section which permits construction in a manner otherwise prohibited by this section where specific enforcement would result in unnecessary hardship.

VIOLATION - A development that is not fully compliant with these regulations or the flood provisions of the building code. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION - the height, in relation to the North American Vertical Datum (NAVD) of 1988, (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

WATERCOURSE. A river, creek, stream, channel, or other topographic feature in, on, through, or over which water flows at least periodically.

WET FLOODPROOFING - Floodproofing method that relies on the use of flood damage resistant materials and construction techniques in areas of a structure that are below the Local Design Flood Elevation by intentionally allowing them to flood. The application of wet floodproofing as a flood protection technique under the National Flood Insurance Program (NFIP) is limited to enclosures below elevated residential and non-residential structures and to accessory and agricultural structures that have been issued variances by the community.

SECTION 301 Subdivisions And Other Developments

301.1 General. Any subdivision proposal, including proposals for manufactured home parks and subdivisions, or other proposed new development in a flood hazard area shall be reviewed to assure that:

- (1) All such proposals are consistent with the need to minimize flood damage.
- (2) All public utilities and facilities, such as sewer, gas, electric and water systems are located and constructed to minimize or eliminate flood damage.
- (3) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwater around and away from structures.

301.2 Subdivision requirements. Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:

- (1) The flood hazard area, including floodways, coastal high hazard areas, and Coastal A Zones, and base flood elevations, appropriate, shall be delineated on tentative subdivision plats.
- (2) Residential building lots shall be provided with adequate buildable area outside the floodway.
- (3) The design criteria for utilities and facilities set forth in these regulations and appropriate codes shall be met.

SECTION 401 Site Improvement

401.1 Encroachment in floodways. Development, land disturbing activity, and encroachments in floodways shall not be authorized unless it has been demonstrated through hydrologic and hydraulic analyses required in accordance with Section 105.3(1) of these regulations, that the proposed encroachment will not result in any increase in the base flood level during occurrence of the base flood discharge. If Section 105.3(1) is satisfied, proposed elevation, addition, or reconstruction of a lawfully existing structure within a floodway shall also be in accordance with Section 801.2 of this ordinance and the floodway requirements of N.J.A.C. 7:13.

401.1.1 Prohibited in floodways. The following are prohibited activities:

- (1) The storage of unsecured materials is prohibited within a floodway pursuant to N.J.A.C. 7:13.
- (2) Fill and new structures are prohibited in floodways per N.J.A.C. 7:13.

401.2 Sewer facilities. All new and replaced sanitary sewer facilities, private sewage treatment plants (including all pumping stations and collector systems) and on-site waste disposal systems shall be designed in accordance with the New Jersey septic system regulations contained in N.J.A.C. 14A and N.J.A.C. 7:9A, the UCC Plumbing Subcode (N.J.A.C. 5:23) and Chapter 7, ASCE 24, to minimize or eliminate infiltration of floodwater into the facilities and discharge from the facilities into flood waters, or impairment of the facilities and systems.

401.3 Water facilities. All new and replacement water facilities shall be designed in accordance with the New Jersey Safe Drinking Water Act (N.J.A.C. 7:10) and the provisions of Chapter 7 ASCE 24, to minimize or eliminate infiltration of floodwater into the systems.

401.4 Storm drainage. Storm drainage shall be designed to convey the flow of surface waters to minimize or eliminate damage to persons or property.

401.5 Streets and sidewalks. Streets and sidewalks shall be designed to minimize potential for increasing or aggravating flood levels.

401.6 Limitations on placement of fill. Subject to the limitations of these regulations, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwater, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, when intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the UCC (N.J.A.C. 5:23). Proposed fill and encroachments in flood hazard areas shall comply with the flood storage displacement limitations of N.J.A.C. 7:13.

401.7 Hazardous Materials. The placement or storage of any containers holding hazardous substances in a flood hazard area is prohibited unless the provisions of N.J.A.C. 7:13 which cover the placement of hazardous substances and solid waste is met.

SECTION 501 Manufactured Homes

501.1 General. All manufactured homes installed in flood hazard areas shall be installed pursuant to the Nationally Preemptive Manufactured Home Construction and Safety Standards Program (24 CFR 3280).

501.2 Elevation. All new, relocated, and replacement manufactured homes to be placed or substantially improved in a flood hazard area shall be elevated such that the bottom of the frame is elevated to or above the elevation specified in Section 801.2.

501.3 Foundations. All new, relocated, and replacement manufactured homes, including substantial improvement of existing manufactured homes, shall be placed on foundations as specified by the manufacturer only if the manufacturer's installation instructions specify that the home has been designed for flood-resistant considerations and provides the conditions of applicability for velocities, depths, or wave action as required by 24 CFR Part 3285-302. The Floodplain Administrator is authorized to determine whether the design meets or exceeds the performance necessary based upon the proposed site location conditions as a precondition of issuing a flood damage prevention permit. If the Floodplain Administrator determines that the home's performance standards will not withstand the flood loads in the proposed location, the applicant must propose a design certified by a New Jersey licensed design professional and in accordance with 24 CFR 3285.301 (c) and (d) which conforms with

ASCE 24, the accepted standard of engineering practice for flood resistant design and construction.

501.4 Anchoring. All new, relocated, and replacement manufactured homes to be placed or substantially improved in a flood hazard area shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

501.5 Enclosures. Fully enclosed areas below elevated manufactured homes shall comply with the requirements of Section 801.2 and Section 501.3.

501.6 Protection of mechanical equipment and outside appliances. Mechanical equipment and outside appliances shall be elevated to or above the elevation of the bottom of the frame required in Section 801.2 of these regulations.

Exception. Where such equipment and appliances are designed and installed to prevent water from entering or accumulating within their components and the systems are constructed to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding up to the elevation required by Section 801.2, the systems and equipment shall be permitted to be located below that elevation. Electrical wiring systems shall be permitted below the design flood elevation provided they conform to the provisions of NFPA 70 (National Electric Code).

SECTION 601 Recreational Vehicles

601.1 Placement prohibited. The placement of recreational vehicles shall not be authorized in coastal high hazard areas and in floodways.

601.2 Temporary placement. Recreational vehicles in flood hazard areas shall be fully licensed and ready for highway use and shall be placed on a site for less than 180 consecutive days.

601.3 Permanent placement. Recreational vehicles that are not fully licensed and ready for highway use, or that are to be placed on a site for more than 180 consecutive days, shall meet the requirements of Section 801.2 for habitable buildings.

SECTION 701 Tanks

701.1 Tanks. Underground and above-ground tanks shall be designed; constructed, installed, and anchored in accordance with ASCE 24 and N.J.A.C. 7:13.

SECTION 801 Other Development And Building Work

801.1 General requirements for other development and building work. All development and building work, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in these regulations or the Uniform Construction Code (N.J.A.C. 5:23), shall:

- (1) Be located and constructed to minimize flood damage;
- (2) Meet the limitations of Section 105.3(1) of this ordinance when located in a regulated floodway;
- (3) Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic and hydrodynamic loads, including the effects of buoyancy, during the conditions of flooding up to the Local Design Flood Elevation determined according to Section 102.3;
- (4) Be constructed of flood damage-resistant materials as described in ASCE 24 Chapter 5;
- (5) Have mechanical, plumbing, and electrical systems above the Local Design Flood Elevation determined according to Section 102.3 or meet the requirements of ASCE 24 Chapter 7 which requires that attendant utilities are located above the Local Design Flood Elevation unless the attendant utilities and equipment are:
 - i. Specifically allowed below the Local Design Flood Elevation; and
 - ii. Designed, constructed, and installed to prevent floodwaters, including any backflow through the system from entering or accumulating within the components.
- (6) Not exceed the flood storage displacement" limitations in fluvial flood hazard areas in accordance with N.J.A.C. 7:13; and
- (7) Not exceed the impacts to frequency or depth of offsite flooding as. required by N.J.A.C. 7:13 in floodways.

801.2 Requirements For Habitable Buildings And Structures.

- (1) Construction and Elevation in A Zones not including Coastal A Zones.
 - a. No portion of a building is located within a V Zone.
 - b. No portion of a building is located within a Coastal A Zone, unless a licensed design professional certifies that the building's foundation is designed in accordance with ASCE 24, Chapter 4.
 - c. All new construction and substantial improvement of any habitable building (as defined in Section 201) located in flood hazard areas shall have the lowest floor, including basement, together with the attendant utilities (including all electrical, heating, ventilation, air-conditioning and other service equipment) and sanitary facilities, elevated to or above the Local Design Flood Elevation as determined in Section 102.3, be in conformance with ASCE Chapter 7, and be confirmed by an Elevation Certificate.
 - d. All new construction and substantial improvements of non-residential structures shall:
 - i. Have the lowest floor, including basement, together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated to or above the Local Design Flood Elevation as determined in Section 102.3, be in conformance with ASCE Chapter 7, and be confirmed by an Elevation Certificate; or
 - ii. Together with the attendant utility and sanitary facilities, be designed so that below the Local Design Flood Elevation, the structure:
 1. Meets the requirements of ASCE 24 Chapters 2 and 7; and
 2. Is constructed according to the design plans and specifications provided at permit application and signed by a licensed design professional, is certified by that individual in a Floodproofing Certificate, and is confirmed by an Elevation Certificate.
 - e. All new construction and substantial improvements with fully enclosed areas below the

lowest floor shall be used solely for parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding. Enclosures shall:

- iii. For habitable structures, be situated at or above the adjoining exterior grade along at least one entire exterior wall, in order to provide positive drainage of the enclosed area in accordance with N.J.A.C. 7:13; enclosures (including crawlspaces and basements) which are below grade on all sides are prohibited;
- iv. Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters unless the structure is non-residential and the requirements of 801.2.1(d)ii are met;
- v. Be constructed to meet the requirements of ASCE 24 Chapter 2;
- vi. Have openings documented on an Elevation Certificate; and
- vii. Have documentation that a deed restriction has been obtained for the lot if the enclosure is greater than six feet in height. This deed restriction shall be recorded in the Office of the County Clerk or the Registrar of Deeds and Mortgages in which the building is located, shall conform to the requirements in N.J.A.C.7:13, and shall be recorded within 90 days of receiving a Flood Hazard Area Control Act permit or prior to the start of any site disturbance (including pre-construction earth movement, removal of vegetation and structures, or construction of the project), whichever is sooner. Deed restrictions must explain and disclose that:
 - 1. The enclosure is likely to be inundated by floodwaters which may result in damage and/or inconvenience.
 - 2. The depth of flooding that the enclosure would experience to the Flood Hazard Area Design Flood Elevation;
 - 3. The deed restriction prohibits habitation of the enclosure and explains that converting the enclosure into a habitable area may subject the property owner to enforcement;

801.3 Garages and Accessory Storage Structures. Garages and accessory storage structures shall be designed and constructed in accordance with the Uniform Construction Code.

801.4 Fences. Fences in floodways that have the potential to block the passage of floodwater, such as stockade fences and wire mesh fences, shall meet the requirements of Section 105.3(1) of these regulations. Pursuant to N.J.A.C. 7:13, any fence located in a floodway shall have sufficiently large openings so as not to catch debris during a flood and thereby obstruct floodwaters, such as barbed-wire, split-rail, or strand fence. A fence with little or no open area, such as a chain link, lattice, or picket fence, does not meet this requirement. Foundations for fences greater than 6 feet in height must conform with the Uniform Construction Code. Fences for pool enclosures having openings not in conformance with this section but in conformance with the Uniform Construction Code to limit climbing require a variance as described in Section 107 of this ordinance.

801.5 Retaining Walls, Sidewalks, and Driveways. Retaining walls, sidewalks and driveways that involve placement of fill in floodways shall meet the requirements of Section 105.3(1) of these regulations and N.J.A.C. 7:13.

801.6 Swimming Pools. Swimming pools shall be designed and constructed in accordance with the Uniform Construction Code. Above-ground swimming pools and below-ground swimming pools that involve placement of fill in floodways shall also meet the requirements of Section 105.3(1) of these regulations. Above-ground swimming pools are prohibited in floodways by N.J.A.C. 7:13.

801.7 Roads and Watercourse Crossings.

- (1) For any railroad, roadway, or parking area proposed in a flood hazard area, the travel surface shall be constructed at least one foot above the Flood Hazard Area Design Elevation in accordance with N.J.A.C. 7:13.
- (2) Roads and watercourse crossings that encroach into regulated floodways or riverine waterways with base flood elevations where floodways have not been designated, including roads, bridges, culverts, low- water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, shall meet the requirements of Section 105.3(1) of these regulations.

SECTION 901 Temporary Structures And Temporary Storage

901.1 Temporary Structures. Temporary structures shall be erected for a period of less than 180 days. Temporary structures shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the base flood. Fully enclosed temporary structures shall have flood openings that are in accordance with ASCE 24 to allow for the automatic entry and exit of flood waters.

901.2 Temporary Storage. Temporary storage includes storage of goods and materials for a period of less than 180 days. Stored materials shall not include hazardous materials.

901.3 Floodway Encroachment. Temporary structures and temporary storage in floodways shall meet the requirements of Section 105.3(1) of these regulations.

SECTION 1001 Utility And Miscellaneous Group U

1001.1 Utility and Miscellaneous Group U. In accordance with Section 312 of the International Building Code, Utility and Miscellaneous Group U includes buildings and structures that are accessory in character and miscellaneous structures not classified in any specific occupancy in the Building Code, including, but not limited to, agricultural buildings, aircraft hangars (accessory to a one- or two-family residence), barns, carports, communication equipment structures (gross floor area less than 1,500 sq. ft.), fences more than 6 feet (1829 mm) high, grain silos (accessory to a residential occupancy), livestock shelters, private garages, retaining walls, sheds, stables, tanks and towers.

1001.2 Flood Loads. Utility and miscellaneous Group U buildings and structures, including substantial improvement of such buildings and structures, shall be anchored to prevent flotation, collapse or lateral movement resulting from flood loads, including the effects of buoyancy, during

conditions up to the Local Design Flood Elevation as determined in Section 102.3.

1001.3 Elevation. Utility and miscellaneous Group U buildings and structures, including substantial improvement of such buildings and structures, shall be elevated such that the lowest floor, including basement, is elevated to or above the Local Design Flood Elevation as determined in Section 102.3 and in accordance with ASCE 24. Utility lines shall be designed and elevated in accordance with N.J.A.C. 7:13.

1001.4 Enclosures Below Base Flood Elevation. Fully enclosed areas below the design flood elevation shall be constructed in accordance with Section 801.2 and with ASCE 24 for new construction and substantial improvements. Existing enclosures such as a basement or crawlspace having a floor that is below grade along all adjoining exterior walls shall be abandoned, filled-in, and/or otherwise modified to conform with the requirements of N.J.A.C. 7:13 when the project has been determined to be a substantial improvement by the Floodplain Administrator.

1001.5 Flood-damage Resistant Materials. Flood-damage-resistant materials shall be used below the Local Design Flood Elevation determined in Section 102.3.

1001.6 Protection of Mechanical, Plumbing, and Electrical Systems. Mechanical, plumbing, and electrical systems, equipment and components, heating, ventilation, air conditioning, plumbing fixtures, duct systems, and other service equipment, shall be elevated to or above the Local Design Flood Elevation determined in Section 102.3.

Exception: Electrical systems, equipment and components, and heating, ventilating, air conditioning, and plumbing appliances, plumbing fixtures, duct systems, and other service equipment shall be permitted to be located below the Local Design Flood Elevation provided that they are designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses; including the effects of buoyancy, during the occurrence of flooding to the Local Design Flood Elevation in compliance with the flood-resistant construction requirements of ASCE 24. Electrical wiring systems shall be permitted to be located below the Local Design Flood Elevation provided they conform to the provisions of NFPA 70 (National Electric Code).

CHAPTER 18
FIVE-YEAR TAX EXEMPTIONS
ARTICLE I

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ARTICLE 1. FIVE-YEAR TAX EXEMPTIONS

18-1. Definitions. The following words shall have the following meaning consistent with the provisions of N.J.S.A. 40A:21-3 (5-12-22):

a. "Abatement" means that portion of the assessed value of a property as it existed prior to construction, improvement or conversion of a building or structure thereon, which is exempted from taxation pursuant to this act.

b. "Area in need of rehabilitation" means a portion or all of a municipality which has been determined to be an area in need of rehabilitation or redevelopment pursuant to the "Local Redevelopment and Housing Law," P.L.1992, c. 79 (C.40A:12A-I et al.), a "blighted area" as determined pursuant to the "Blighted Areas Act," P.L.1949, c. 187 (C.40:55-21.1 et seq.), or which has been determined to be in need of rehabilitation pursuant to P.L.1975, c. 104 (C.54:4-3.72 et seq.), P.L.1977, c. 12 (C.54:4-3.95 et seq.), or P.L.1979, c. 233 (C.54:4-3.121 et al.).

c. "Assessor" means the officer of a taxing district charged with the duty of assessing real property for the purpose of general taxation.

d. "Commercial or industrial structure" means a structure or part thereof used for the manufacturing, processing or assembling of material or manufactured products, or for research, office, industrial, commercial, retail, recreational, hotel or motel facilities, or warehousing purposes, or for any combination thereof, which the governing body determines will tend to maintain or provide gainful employment within the municipality, assist in the economic development of the municipality, maintain or increase the tax base of the municipality and maintain or diversify and expand commerce within the municipality. It shall not include any structure or part thereof used or to be used by any business relocated from another qualifying municipality unless: the total square footage of the floor area of the structure or part thereof used or to be used by the business at the new site together with the total square footage of the land used or to be used by the business at the new site exceeds the total square footage of that utilized by the business at its current site of operations by at least 10%; and the property that the business is relocating to has been the subject of a remedial action plan costing in excess of \$250,000 performed pursuant to an administrative consent order entered into pursuant to authority vested in the Commissioner of Environmental Protection under P.L.1970, c.33 (C.13:1D-1 et al.), the "Water Pollution Control Act," P.L. 1977, c. 74 (C.58:10A-1 et seq.). the "Solid Waste

Management Act," P.L.1970, c. 39 (C.13:IE-1 et seq.), and the "Spill Compensation and Control Act," P.L.1976, c. 141 (C.58:10-23.11 et seq.).

e. "Completion" means substantially ready for the intended use for which a building or structure is constructed, improved or converted.

f. "Condominium" means a property created or recorded as a condominium pursuant to the "Condominium Act," P.L. I 969, c. 257 (C.46:8B-I et seq.).

g. "Construction" means the provision of a new dwelling, multiple dwelling or commercial or industrial structure, or the enlargement of the volume of an existing multiple dwelling or commercial or industrial structure by more than 30%, but shall not mean the conversion of an existing building or structure to another use.

h. "Conversion" or "conversion alteration" means the alteration or renovation of a nonresidential building or structure, or hotel, motel, motor hotel or guesthouse, in such manner as to convert the building or structure from its previous use to use as a dwelling or multiple dwelling.

i. "Cooperative" means a housing corporation or association, wherein the holder of a share or membership interest thereof is entitled to possess and occupy for dwelling purposes a house, apartment, or other unit of housing owned by the corporation or association, or to purchase a unit of housing owned by the corporation or association.

j. "Cost" means, when used with respect to abatements for dwellings or multiple dwellings, only the cost or fair market value of direct labor and materials used in improving a multiple dwelling, or of converting another building or structure to a multiple dwelling, or of constructing a dwelling, or of converting another building or structure to a dwelling, including any architectural, engineering, and contractor's fees associated therewith, as the owner of the property shall cause to be certified to the governing body by an independent and qualified architect, following the completion of the project.

k. "Dwelling" means a building or part of a building used, to be used or held for use as a home or residence, including accessory buildings located on the same premises, together with the land upon which such building or buildings are erected and which may be necessary for the fair enjoyment thereof, but shall not mean any building or part of a building, defined as a "multiple dwelling" pursuant to the "Hotel and Multiple Dwelling Law," P.L.1967, c. 76 (C.55:13A-1 et seq.). A dwelling shall include, as they are separately conveyed to individual owners, individual residences within a

cooperative, if purchased separately by the occupants thereof, and individual residences within a horizontal property regime or a condominium, but shall not include "general common elements" or "common elements" of such horizontal property regime or condominium as defined pursuant to the "Horizontal Property Act," P.L.1963, c. 168 C.46:8A-1 et seq.}, or the "Condominium Act," P.L.1969, c. 257 (C.46:8B-1 et seq.), or of a cooperative, if the residential units are owned separately.

l. "Exemption" means that portion of the assessor's full and true value of any improvement, conversion alteration, or construction not regarded as increasing the taxable value of a property pursuant to this act.

m. "Horizontal property regime" means a property submitted to a horizontal property regime pursuant to the "Horizontal Property Act," P.L.1963; c. 168 (C.46:8A- 1 et seq.).

n. "Improvement" means a modernization, rehabilitation, renovation, alteration or repair which produces a physical change in an existing building or structure that improves the safety, sanitation, decency or attractiveness of the building or structure as a place for human habitation or work, and which does not change its permitted use. In the case of a multiple dwelling, it includes only improvements which affect common areas or elements, or three or more dwelling units within the multiple dwelling. In the case of a multiple dwelling or commercial or industrial structure, it shall not include ordinary painting, repairs and replacement of maintenance items, or an enlargement of the volume of an existing structure by more than 30%. In no case shall it include the repair of fire or other damage to a property for which payment of a claim was received by any person from an insurance company at any time during the three year period immediately preceding the filing of an application pursuant to this act.

o. "Multiple dwelling" means a building or structure meeting the definition of multiple dwelling" set forth in the "Hotel and Multiple Dwelling Law," P.L.1967,c. 76 (C.55:13A-1 et seq.). and means for the purpose of improvement or construction the "general common elements" and "common elements" of a condominium, a cooperative, or a horizontal property regime.

p. "Project" means the construction, improvement or conversion of a structure in an area in need of rehabilitation that would qualify for an exemption, or an exemption and abatement, pursuant to P.L.1991, c. 441 (C.40A:21-1 et seq.).q. "Annual period" means a duration of time comprising 365 days, or 366 days when the included month of February has 29 days, that commences on the date

that an exemption or abatement for a project becomes effective pursuant to section 16 of P.L.1991. c.

441 (C.40A:21-16).18-2. General Procedures

a. All improvements, as defined above, shall be exempt from local real property taxes, if approved by the Tax Assessor after proper application has been made pursuant to L. 1991, c. 441. Application shall be made upon the forms prescribed by the Director of the Division of Taxation in the Department of the Treasury and shall be in compliance with any and all regulations adopted by the Commissioner of the Department of Community Affairs.

b. Applicants shall be encouraged to apply for tax exemption on improvements prior to the commencement of construction of the improvement or construction, provided that the applicant must file a proper application with the Tax Assessor within thirty (30) days, including Saturdays and Sundays, following the completion of the improvement in order to be eligible for tax exemption thereon. The Tax Assessor will simultaneously file with the Town Clerk/Business Administrator, and Planning Board Copies of the application.

c. Every property completed application for exemption of one or more improvements, which is filed within thirty (30) days including Saturdays and Sundays of the completion of the improvement, shall be approved and allowed by the Assessor to the degree that the application is consistent with the provisions of the adopting ordinance or the tax agreement, provided that the improvement, conversion or alteration for which the application is made qualifies as an improvement, a conversion, or alteration pursuant to the provisions of the Five Year Exemption and Abatement Law, L. 1991, c. 441 [N.J.S.A. 40A:21-1 et seq.] and the tax agreement, if any. The granting of an exemption or exemption, or tax agreement shall be recorded and made a permanent part of the official tax records of the Town, which records shall contain a notice of determination date thereof.

18-3. New Construction.

a. Applicants for tax exemption pursuant to this Chapter shall enter into a tax agreement pursuant to Section 18-5 and shall provide the Mayor and Common Council with an application setting forth: (5-12-2022)

1. A general description of the project for which exemption is sought;
2. A legal description of all real estate necessary for the project;
3. Plans, drawings, and other documents as may be required by the Mayor and Common Council to demonstrate the structure and design of the project;
4. A description of the number, classes, and types of employees to be employed at the project site within two years of completion of the project;
5. A statement of the reasons for seeking tax exemption on the project, and a description of the benefits to be realized by, the applicant if a tax agreement is granted-
6. Estimates of the cost of completing such project;
7. A statement showing (1) the real property taxes currently being assessed at the project site; (2) estimated tax payments that would be made annually by the applicant on the project during the period of the agreement; and (3) estimated tax payments that would be made by the applicant on the project during the first full year following the termination of the tax agreement;
8. A description of any lease agreements between the applicant and proposed users of the project, and a history and description of the user's business; and
9. Such other pertinent information as the Mayor and Common Council may require.
10. Copies of the application and accompanying information shall simultaneously be filed with the Tax Assessor, Town Clerk, Chief Financial officer, and Planning Board.

18-4. Determination of Value.

In determining the value of property, the Town shall regard up to the Assessor's full and true value of the improvements as not increasing the value of the property for a period of five years, notwithstanding that the value of the property to which the improvements are made is increased thereby. During this exemption period, the assessment on the property shall not be less than the assessment thereon existing immediately prior to the improvements, unless there is damage to the structure through action of the elements sufficient to warrant a reduction. Notwithstanding anything else herein contained in this ordinance to the contrary, it is specifically provided that any exemption for improvements shall be authorized on an individual basis as to review, evaluation and approval of such application by the governing body.

18-5. Tax Agreements.

Upon adoption of this ordinance, and upon its reaching its effective date as provided for in Section F (3) below, the Mayor and Common Council may enter into a written agreement with the applicant for the exemption of local real property taxes. The agreement shall provide for the applicant to pay to the municipality in lieu of full property tax payments an amount: annually to be computed by one, but in no case a combination of the following formulas:

1. Cost Basis: The agreement may provide for the applicant to pay to the municipality in lieu of full property tax payments an amount equal to 2% of the cost of the project. For the purposes of the agreement, "the cost of the project" means only the cost of fair market value of direct labor and all materials used in the construction, expansion, or rehabilitation of all buildings, structures and facilities at the project site, including the costs; if any, of land acquisition and land preparation, provision of access roads, utilities, drainage facilities and parking facilities, together with architectural, engineering, legal, surveying, testing, and contractors' fees associated with the project; which the applicant shall cause to be certified and verified to the governing body by an independent and qualified architect, following the completion of the project.

2. Gross Revenue Basis: The agreement may provide for the applicant to pay to the municipality in lieu of full property tax payments and amount annually equal to 15% of the annual gross revenues from the project. For purposes of the agreement, "annual gross revenues" means the total annual gross rental and other income payable to the owner from the project. If in any leasing, any real estate taxes or assessments on property included in the project, any premiums for fire or other insurance on or concerning property included in the project, of any operating or maintenance expenses ordinarily paid by the landlord, are to be paid by the tenant, then those payments shall be computed and deemed to be part of the rent and shall be included in the annual gross revenue. The tax agreement shall establish the method of computing the revenues and may establish a method of arbitration by which either the landlord or tenant may dispute the amount of payments so included in the annual gross revenue.

3. Tax Phase-In Basis: The agreement may provide for the applicant to pay to the municipality in lieu of full property tax payments an amount equal to a percentage of taxes otherwise due according to the following schedule:

- (a) In the first full year after completion; no payment in lieu of taxes otherwise due;
- (b) In the second tax year, an amount not less than 20% of taxes otherwise due;
- (c) In the third tax year, an amount not less than 40% of taxes otherwise due;
- (d) In the fourth tax year, an amount not less than 60% of taxes otherwise due; and
- (e) In the fifth tax year, an amount not less than 80% of taxes otherwise due.

18-6. Nonpayment of Taxes: Disqualification from Exemption.

No exemption shall be granted, or tax agreement entered into, pursuant to this ordinance or the statute authorizing this ordinance, with respect to any property for which property taxes are delinquent or remain unpaid, or for which penalties for nonpayment of taxes are due.

18-7. Duration.

a. All tax agreements entered into by the Town of Hackettstown pursuant to this ordinance shall be in effect for no more than five full tax years next following the date of completion of the project.

b. No applications for exemption shall be filed or approved that will take initial effect following the adoption of this ordinance unless readopted by the Mayor and Common Council.

CHAPTER 19

TOTALLY DISABLED VETERANS TAX EXEMPTIONS (12-8-22)

Index.

19.1 Totally Disabled Veterans and Surviving Spouse Tax Exemption.

Section 19-1 Totally Disabled Veterans and Surviving Spouse Tax Exemption

- a. The Town will allow for either a veteran, or surviving spouse of a veteran, to obtain municipal property tax relief upon proper claim pursuant to N.J.S.A. 54:4-30 et seq. An eligible veteran shall be defined as a member of the armed forces who was either honorably discharged or released under honorable circumstances from active service, in time of war, in any branch of the Armed Forces of the United States, who has been or shall be declared by the United States Department of Veterans Affairs, or its successor, to have a service connected disability and to be determined to be 100% permanently disabled.
- b. In order to qualify for the municipal tax exemption, the veteran or someone on his/her behalf, under oath, must file a written claim with the Tax Assessor's office. The Tax Assessor's office will supply the applicant with the appropriate paperwork and the applicant will be required to provide the Tax Assessor's office with the following information:
 1. Reason for exemption;
 2. A description of the property for which the exemption is claimed;
 3. A certificate of claimant's honorable discharge or release under honorable circumstances from active service, in time of war and a certificate/letter from the United States Department of Veterans Affairs, or its successors, certifying to a service connected disability;
 4. Any other documentation as required by statute at the time the application is made.
- c. In order for a surviving spouse of a veteran to qualify for the municipal tax exemption, the spouse, under oath, must file a written claim with the Tax Assessor's office. The Tax Assessor's office will supply the surviving spouse with the appropriate paperwork and the applicant will be required to provide the Tax Assessor's office with the following information:
 1. Proof to establish that the spouse is the owner of legal title to the premises on which the exemption is made;
 2. That the claimant occupies the dwelling house on said premises as the claimant's legal residence in the State of New Jersey;
 3. That the veteran has been declared by the United States Department of Veterans Affairs, or its successor, to have a service connected disability or that the veteran shall have been declared to have died in active service in time of war;
 4. That the veteran is or would have been entitled to the exemption at the time of death;
 5. The claimant is a resident of the State of New Jersey and has not remarried.

- d. In determining a grant of a municipal tax exemption under this section, the Town will pro-rate the exemption for the remainder of the year in which application is made and accepted by the Town. Additionally, pursuant to N.J.S.A. 54:4-3.32, the Town shall refund the veteran or surviving spouse all taxes previously paid for the year in which the application to the Town is made only, retroactive to the date the completed application was filed. There shall be no further retroactive refund granted, regardless of the disability date determination of the United States Department of Veterans Affairs, or its successor.

CHAPTER 20
FILMING (9-12-24)

SECTION 1 A Chapter of the Town Code entitled "Filming" is hereby added as follows:

Section 20-1. Definitions.

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

CREW - Actors, extras, crew and all other persons who will participate in the filming.

MAJOR MOTION PICTURE - Any film which is financed and/or distributed by a major motion picture studio, including but not limited to the following:

- A. Universal Pictures.
- B. Warner Brothers, including New Line Cinema, Castle Rock Cinema, Village Road Show and Bel-Aire.
- C. Paramount, including MTV Films and Nickelodeon Movie.
- D. 20th Century Fox, including Fox Searchlight.
- E. Sony/Columbia.
- F. Disney/Miramax.
- G. MGM
United Artists.
- H. Dreamworks.
- I. Any film for which the budget is at least \$5,000,000.
- J. Recurrent weekly television series programming.

FILMING - The taking of still or motion pictures, or any incidental activities in connection therewith, using film, videotape or similar recording equipment, for commercial or educational purposes, intended for viewing on television or in theaters or for institutional use or for advertising purposes, any portion of which activity occurs on public lands.

PUBLIC LANDS -- Any and every public street, highway, sidewalk or square, public park or playground or other public place within the Town which is within the jurisdiction and control of the Towns.

Section 20-2. Film Commission.

There shall be a three-member Film Commission established, consisting of the Mayor, Chief of Police, and one member of the Common Council appointed by the Mayor, or their designees, which is hereby authorized to issue permits or to direct the Clerk to issue permits for filming or performing incidental activities in connection therewith on public lands.

Section 20-3. Permit required; applications; information.

- A. No person, firm or corporation shall film or permit filming or any activity in connection therewith within the Town of Hackettstown on public land or which affects public land without first obtaining a permit therefor from the Town Film Commission, which permit shall set forth the location of such filming and the date or dates when filming shall take place.

- B. Applicants shall apply for a permit at least thirty (30) business days before filming commences. However, this thirty (30) day period may be lessened in the discretion of the Town Film Commission or its designee.
- C. If inclement weather prevents filming on the dates specified in the permit, the Town Film Commission may issue a new permit at no additional fee.
- D. Permit forms shall be obtained from the office of the Town Clerk during normal business hours. Applications for such permits shall be in a form approved by the Town Clerk and shall be accompanied by a permit fee as set forth in Section 20 - 7 hereof.
- E. With each permit, the applicant shall provide the following information:
- 1) The number of members of the filming crew.
 - 2) The estimated number and description of types of all vehicles to be used by the crew, including vehicles used for transportation.
 - 3) A description of arrangements for parking for crew and work vehicles.
 - 4) A description of sanitary arrangements to be made for crew and bystanders.
 - 5) A description of crowd control measures.
 - 6) A description of all location areas for filming or incidental activities.
 - 7) A description of cleanup methods to be used.
 - 8) A description of any special electrical requirements and the methods of satisfying those requirements, including all electrical permits required.
 - 9) Such information necessary to establish that the applicant can comply with the rules and regulations set forth in Section 20-4 hereof.
 - 10) Proof of insurance coverage as follows:

Commercial General Liability (CGL): Policy shall be on "occurrence" basis, including products and completed operations, property damage, bodily injury and personal & advertising injury with limits no less than **\$1,000,000** per occurrence,

\$3,000,000 aggregate. The policy shall include the following endorsement:

- ☐ Additional Insured - Town of Hackettstown shall be named as an additional insured on the policy.

Automobile Liability: Coverage should be Any Auto. If Contractor has no owned autos, then coverage should be for Hired and Non-Owned Vehicles with limit no less than **\$1,000,000** per accident for bodily injury and property damage. The policy shall include the following endorsement:

- ☐ Additional Insured-Town of Hackettstown shall be named as an additional insured on the policy.

Commercial Excess/Umbrella Liability Options: Occurrence Limit: \$4,000,000, Aggregate Limit: \$4,000,000. Policy to apply excess of the Commercial General Liability, Commercial Automobile Liability and Employers Liability Coverages.

Workers' Compensation insurance as required by the State of New Jersey, with Statutory Limits, and Employer's Liability Insurance with limit of no less than **\$1,000,000** per accident for bodily injury or disease.

Verification of Coverage. The Applicant shall furnish the Town of Hackettstown with certificates and endorsements of the applicable policy language effecting coverage.

- 11) An agreement in writing to indemnify and save harmless the Town of Hackettstown from any and all liability or damages from the use of such public lands for such filming.
- 12) Such other information as required by the Film Commission necessary to protect the health, safety and welfare of the residents of the Town..

Section 20-4. Bond Required.

Prior to the issuance of the permit, the applicant shall post a cash bond in the amount of \$2,500 to assure that the applicant has fully complied with all the terms and conditions of the permit and to reimburse the Town for property damage. The posting of the bond shall not be in lieu of providing liability insurance. The cash bond will be returned to the applicant, without interest, within 30 days after the applicant has notified the Town, in writing, that it has completed filming, unless the Town has unsatisfied claims against the applicant, in which case the Town will hold the bond, or a part thereof, until all claims against the applicant are satisfied.

Section 20-5. General Regulations.

- A. The holder of a permit shall take all reasonable steps to minimize interference with the free passage of pedestrians and traffic over public lands and shall comply with all lawful directives issued by the Town of Hackettstown Police Department with respect thereto.
- B. The holder of a permit shall conduct filming in such a manner so as to minimize the inconvenience or discomfort to adjoining property owners attributable to such filming and shall, to the extent practicable, abate noise and park vehicles associated with such filming off the public streets. The holder shall avoid any interference with previously scheduled activities upon public lands and limit to the extent possible any interference with normal public activity on such public lands.
- C. The holder of a permit shall provide written notice of the proposed dates and lands to be used for film production activities to all property owners and merchants within 200 feet of the filming location(s). Such written notice shall be given no less than three (3) days prior to the submission of a fully completed permit application. Said notice shall inform recipients of the proposed film production activities and simultaneously advise them that objections may be filed with the Clerk within three (3) business days of the notice. Any objections received shall be included as part of the application and considered in the review of same. Proof of service of written notice should be provided to the Clerk prior to the issuance of the permit.
- D. The holder of a permit shall take all reasonable steps to minimize the creation and spread of debris and rubbish during filming and shall be responsible for removing all equipment, debris and other rubbish from the filming location upon the completion of filming or the expiration of the permit, whichever comes first. If the Town Film Commission determines that the filming will produce excessive debris and other rubbish, the Town Film Commission may require the posting of a letter of credit, bond or other performance guaranty in addition to the bond required pursuant to Section 20-4 herein to cover possible costs incurred.

- E. Filming shall take place within the hours agreed upon by the Town Film Commission and the film company.
- F. Each film location shall have an off-duty Town of Hackettstown police officer, or a police officer approved by the Town of Hackettstown Police Chief, at the film location, the cost of which shall be paid by the film company, unless the Chief shall determine that no officer is necessary. The Town Film Commission, upon advice of the Town Police Chief, reserves the right to require more than one police officer be on-site during filming, the cost of which shall be paid by the applicant.

The applicant shall submit a **Request for Quasi Public Work** form which can be obtained in the office of the Clerk.

The cost of said police officer(s) shall be paid by the applicant. In the event that any type of pyrotechnics is part of the filming, the Town Film Commission may require the presence of a fire inspectors and/or fire apparatus, the cost of which shall be paid by the applicant.

- G. No public street in the Town may be closed without the express permission of the Mayor and Council in consultation with the Chief of Police. The applicant shall obtain the necessary permits for the closing and/or disruption of County and State roads and submit and necessary permits to the Town Film Commission or its designee.
- H. If any inspections such as fire, electrical, building or plumbing are required, the costs shall be paid by the film company. The Town Film Commission reserves the right, on a case-by-case basis, to require the approval of any Town Department or agency for activities which such Department or agency oversees or regulates.
- I. Copies of the approved permit shall be sent to the Town Police Department and Fire Department(s) and New Jersey Film Commission before filming takes place. The applicant shall permit the Fire Department(s) or other Town inspectors to inspect the site and the equipment to be used and shall comply with all safety instructions issued by the Fire Department(s) or other Town inspectors.

Section 20-6. Issuance of Permit.

- A. The Town Film Commission or its designee will authorize the issuance of a permit to the applicant if it determines, based on the information supplied, that the applicant can provide adequate measures for parking, sanitary facilities, crowd control and cleanup; that the applicant will comply with the rules and regulations set forth in Section 20 - 5 hereof; the applicant received all other necessary governmental approvals and that filming will not unduly interfere with the use and enjoyment of private property or the public facilities of the Town and will not endanger the public's health, safety and welfare.

B. The Town Film Commission may refuse to issue a permit whenever, in its sole judgment, based on the information submitted, it determines that:

- 1) Filming at the location and/or the time set forth in the application would violate any law or ordinance or would unreasonably interfere with the use and enjoyment of adjoining properties, unreasonably impede the free flow of vehicular or pedestrian traffic or otherwise endanger the public's health, safety or welfare.
- 2) The applicant has not established that it has provided adequate measures for parking, sanitary facilities, crowd control and cleanup or that the applicant has not received and submitted all other necessary government approvals.
- 3) The applicant has failed to establish that the filming would not unreasonably interfere with the use and enjoyment of adjoining properties; unreasonably impede the free flow of vehicular or pedestrian traffic; or otherwise endanger the public's health, safety or welfare.
- 4) The applicant has not shown that it can comply with the rules and regulations set forth in 20-4 hereof.

Section 20-7. Fees.

Filming permit (includes first day of filming and includes nonrefundable filing fee of \$100)	\$500.00
Every day thereafter	\$300.00 per day Plus additional bond as referenced in Section 20-4 and Section 20-5(C) herein

Section 20-8. Reimbursement of certain other costs.

In addition to any other fees or costs mentioned in this chapter, the applicant shall reimburse the Town for any lost revenue, such as parking meter revenue, repairs to public property, Town professionals' review of any aspect of permit processing or issues incidental to filming, if reasonably necessary or other revenues that the Town was prevented from earning or was caused to spend because of filming. When filming takes place in a public building under the Town's jurisdiction, the applicant may be required to pay the Town an additional fee for staffing the building during filming and/or for any lost revenue or repairs required to public property resulting from filming.

Section 20-9 Violations and penalties; enforcement.

- A. Any person violating this chapter or rules and regulations contained herein shall be subject to a fine not to exceed \$2,000 or imprisonment for a term not to exceed 90 days, or both. Each day on which a violation of the Ordinance occurs shall be considered a

separate and distinct violation subject to the imposition of a separate penalty.

- B. The Town Police Department are hereby designated as the enforcement agency responsible for the enforcement of this Ordinance. And, in addition to any fines imposed pursuant to Section 20-8(A), the Engineer or his designee, in consultation with the Town attorney may issue a Stop Work Order or revoke the Filming Permit until such violation is abated.

Section 20-10. Exceptions.

The provisions of this chapter shall not apply to the filming of news stories or filming with a crew of four or fewer members.

Section 20-11. Appeals.

Any person aggrieved by a decision of the Town Film Commission denying or revoking a permit may appeal to the Town Committee. A written notice of the appeal setting forth the reasons for the appeal shall be filed with the Town Clerk within ten (10) calendar days of the Town Film Commission's decision. The Town Committee shall set the matter down for a hearing within thirty (30) calendar days of the day on which the notice of appeal was filed.

INCORPORATION OF THE TOWN OF HACKETTSTOWN

The Town of Hackettstown was originally incorporated in 1853 by a Special Act of the Legislature (P.L. 1853, page 344). Subsequently, there were numerous amendments to the Charter which are no longer of interest except for the following acts changing the boundaries of the Town:

Boundary Alterations

Year

1857	To Alter, etc., With Mansfield Township	P. L. Page 256
1860	Part of Mansfield Set Off	P. L. Page 187
1872	To Alter, etc., With Mansfield Township	P. L. Page 373
1875	Part of Mansfield Set Off	P. L. Page 439

On September 23, 1970, an Act to provide a special charter for the Town of Hackettstown was adopted by the Legislature. This act was approved by the voters on November 3, 1970, and became effective at that time. The charter reads as follows:

1970 CHARTER

OF THE

TOWN OF HACKETTSTOWN

WARREN COUNTY, NEW JERSEY

AN ACT to provide a special charter for the Town of Hackettstown, in the County of Warren.

WHEREAS, the Mayor and Council of the Town of Hackettstown have prepared and recommended the enactment of a special charter for the Town of Hackettstown, in the County of Warren; and

WHEREAS, the Mayor and Council of the Town of Hackettstown have duly petitioned the Legislature for the enactment of a special charter pursuant to the provisions of Section I Chapter 199 of the Laws of 1948, as amended, and in accordance with the requirements of Article IV, Section VII, Paragraph 10 of the Constitution of 1947;

NOW THEREFORE, BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

ARTICLE 1

GENERAL PROVISIONS

1.1. Short Title.

This act shall be known and may be cited as the Hackettstown Charter (1970).

1.2. Definitions.

For the purposes of this act, unless otherwise required by the context:

(a) "Mayor" shall mean the chief executive officer of the Town of Hackettstown elected pursuant to the Charter.

(b) "Council" shall mean the Town Council of the Town of Hackettstown elected pursuant to the Charter.

(c) "Councilman" shall mean those members of the Council other than the Mayor.

(d) "Officers" shall mean any department head on the full or part-time payroll of the Town.

(e) "Employee" shall mean any person on full or part-time payroll of the Town other than an Officer.

(f) "Charter" shall mean this act and any amendment or supplement hereto, and any general law not inconsistent herewith which may be applicable to the Town.

(g) "Town" shall mean the Town of Hackettstown in the County of Warren.

(h) "General Law" shall be deemed to be any law not inconsistent with this act, heretofore or hereafter enacted, which is by its terms applicable or available to all municipalities, and the following additional laws, whether or not such additional laws are so applicable or available to all municipalities:

Laws relating to taxation, local courts, education, health, public authorities serving more than one municipality, and municipalities in unsound financial condition.

1.3. Powers Generally.

(a) In addition to such other powers as may be delegated by general law, and without limitation thereto, and notwithstanding the provisions of Chapter 123 through Chapter 141 of Title 40 of the New Jersey Revised Statutes (R. S. 40:123-1 through R. S. 40:141-1), the Town shall have full power to:

(1) Organize and regulate its internal affairs, establish, alter and abolish offices, positions and employments and to define the functions, powers and duties thereof and fix their term, tenure and compensation; and to effectuate these ends and purposes to adopt an Administrative Code not in conflict with the Charter and the general law;

(2) Adopt and enforce local police ordinances of all kinds and impose fines, penalties and sentences as provided by general law;

(3) Construct, acquire, operate or maintain any and all public improvements, projects or enterprises for any public purpose;

(4) Sue and be sued, to have a corporate seal, to contract to buy, sell, lease, hold and dispose of real and personal property, to appropriate and expend monies, and to adopt, amend and repeal such ordinances and resolutions as may be required for the good government thereof;

(5) Exercise powers of condemnation, borrowing and taxation in the manner provided by general law;

(6) Exercise all powers of local government in such manner as its governing body may determine.

1.4. Construction of Powers Generally.

The general grant of municipal powers contained in this Act is intended to confer the greatest power of local self-government consistent with the Constitution of this State. Any specific enumeration of municipal powers contained in this Act or in any general law shall not be construed in any way to limit the general grant of powers contained in this Act, and any such specifically enumerated municipal powers shall be construed as in addition and supplementary to the powers conferred in general terms by this Act.

1.5. Intergovernment Relations.

The Town may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more states, political subdivisions or agencies thereof, the United States of America or any agency thereof.

1.6. This Act is Controlling.

The provisions of Articles 1, 2, 3, 4 and 5 of this Act shall control, notwithstanding the provisions of Chapter 123 through Chapter 141 of Title 40 of the New Jersey Revised Statutes (R. S. 40:123-1 through R. S. 40:141-1).

ARTICLE 2

GOVERNING BODY

2.1. Mayor-Council Governmental Form.

(a) The Town shall be governed by an elected Mayor and Council who shall be chosen in the manner and for the terms hereinafter provided, and by such other officers and employees as may be duly appointed pursuant to this Charter, general law or ordinance.

(b) The Mayor and Council Members shall have been citizens, residents and registered voters of the Town for at least two (2) years immediately preceding their respective elections.

2.2. Council Membership.

The Town shall be governed by a governing body consisting of a six-member Council, elected at large, and the Mayor, elected at large.

2.3. Mayor, Council: Election, Term, Continuation in Office.

(a) The Mayor shall be elected at large by the voters of the Town at the general election to be held on the first Tuesday after the first Monday in November, or at such other times as may be provided by law for holding general elections, and shall serve for a term of three (3) years, beginning January 1st next following his election and until the election and qualification of his successor.

(b) Members of the Council shall be elected at large by the voters of the Town for a term of three (3) years, beginning January 1st next following their respective elections at the general election to be held on the first Tuesday after the first Monday in November, or at such other times as may be provided by law for holding general elections. Each Councilman shall serve until the election and qualification of his respective successor.

(c) On the date on which this Act shall become operative, the then Mayor and Council Members shall continue to hold office for the remainder of their unexpired terms until their successors shall have been elected in the regular municipal elections.

2.4. Vacancies.

Vacancies in any elective office shall be filled for the remainder of the unexpired term at the next general election occurring not less than sixty (60) days after the occurrence of the vacancy. The Council shall fill the vacancy temporarily by appointment to serve until the qualification of the person so elected.

ARTICLE 3

TOWN COUNCIL

3.1. Powers.

(a) The Council shall exercise the legislative power of the Town and shall have and exercise all other powers of local government not otherwise allocated by this Charter, except as may be otherwise provided by general law.

(b) The Council, in addition to such other powers and duties as may be conferred upon it by this Charter or otherwise by general law, may require any officer, in its discretion, to prepare and submit sworn statements regarding his official duties and the performance thereof, and otherwise to investigate the conduct of any department, office or agency of the municipal government.

3.2. Procedure and Legislation.

(a) The Council shall conduct a regular public meeting at least once a month at such time as the Council shall prescribe by rule. The Mayor may, and upon written request of four (4) Councilmen, shall call a special public meeting of the Council at any time. Notice of such special meeting shall be given as may be provided by ordinance.

(b) Four (4) Councilmen shall be required to make a quorum whether the Mayor is present or not.

(c) The Council shall organize at its first meeting after the first of the year and shall determine its own rules of procedure not inconsistent with this Charter or any other statute or ordinance.

(d) All ordinances shall be adopted and published in the manner provided by general law; provided, however, that any ordinance may incorporate by reference any standard technical regulations or code, official or unofficial, which need not be so published whenever ten (10) copies of said regulations or code have been placed on file in the office of the Town Clerk and in the office of the

body or department charged with the enforcement of said ordinance for the examination of the public so long as said ordinance is in effect.

(e) The Mayor shall not vote except to cast the deciding vote in case of a tie and shall not be counted as part of the governing body in determining, in accordance with any general law or bond law, whether or not a particular ordinance has been adopted by a certain percentage of the governing body, except in the case where he actually casts a vote in case of a tie.

ARTICLE 4

MAYOR

4.1. Powers and Duties.

(a) The executive power of the Town shall be vested in the Mayor, except as may be expressly delegated by ordinance.

(b) The Mayor shall enforce the Charter and ordinances of the Town and all general laws applicable thereto.

(c) The Mayor shall preside over meetings of the Council, but shall not vote, except in case of a tie to cast the deciding vote, and appoint committees of the Council.

(d) Ordinances adopted by the Council shall be submitted to the Mayor, and he shall, within ten (10) days after receiving any ordinance, either approve the ordinance by affixing his signature thereto or return it to the Council by delivering it to the Town Clerk, together with a statement setting forth his objections thereto or to any item or part thereof. No ordinances or any item or part thereof shall take effect without the Mayor's approval unless the Mayor fails to return an ordinance to the Council within ten (10) days after it has been presented to him, or unless Council, upon consideration thereof, on or after the third day following its return by the Mayor shall, by a vote of four (4) affirmative votes by four (4) Councilmen, resolve to override the Mayor's veto.

(e) The Mayor shall perform the following duties except as they may be expressly delegated by ordinance:

(1) Direct and supervise the administration of the departments of the Town Government, except as otherwise provided by general law or ordinance;

(2) Provide for the organization of the work of the departments, subject to the requirements of an administrative code as hereinbefore provided in this Charter to be adopted by the Town Council;

(3) Review the administration and operation of each of the departments and recommend to the Council from time to time such measures as he may deem necessary or desirable for the purpose of improving the efficiency and the economy of the Town Government;

(4) Review, analyze and forecast trends in Town services and finance, and report and recommend thereon to the Council;

(5) Prepare an annual current expense budget and an annual capital budget for consideration by the Council and recommend long range capital improvement programs;

(6) Enforce and execute the provisions of the Charter and all other laws, resolutions and ordinances;

(7) Perform such other functions and duties as may be prescribed by ordinance or resolution.

(f) The Mayor shall annually report to the Council and the public on the work of the previous year and on the condition and requirements of the Town Government and shall, from time to time, make such recommendations for action by the Council as he may deem necessary or advisable.

(g) The Mayor shall, with the advice and consent of the Council, make all appointments for which no other provision is made by this Charter or by general law.

(h) The Mayor shall have the power to remove all officers and employees, with cause, and with the advice and consent of the Council.

(i) No action taken by the Mayor pursuant to subsections (g) and (h) of Section 4.1. shall be taken in a manner inconsistent with the provisions of Title 11 of the New Jersey Statutes, where applicable.

(j) The Council shall designate at the organization meeting of the Council a member of the Council and an alternate (also a member of the Council) to act as Mayor whenever the Mayor shall be prevented, by absence from the municipality, disability or other cause, from attending to the duties of his office. During such time, the person so designated as the Mayor shall possess all the rights, powers and duties of the Mayor and shall have the voting power of the Mayor.

ARTICLE 5

ADMINISTRATION

5.1. Organization.

(a) All executive and administrative functions, powers and duties of the Town, except as otherwise expressly provided by the Charter, shall be allocated and assigned by ordinance among and within departments, boards, or other administrative agencies so far as practical according to major purpose. The head of each department shall be a single executive who shall be appointed by the Mayor with the approval of the Council. A department head may be removed by the Mayor, for cause, with the approval of the Mayor and Council, upon notice and an opportunity to be heard.

(b) All departments, boards or other administrative agencies shall keep, maintain and have available for examination by Council, all records, reports, publications, documents and papers pertaining to the operation and function of such departments, boards or administrative agencies and shall, upon request of Council, furnish such information as Council may, from time to time, direct.

(c) Department heads shall promulgate rules and regulations with respect to their departments and shall, with the approval of the Mayor, appoint employees within the respective departments and may remove such employees subject to the provisions of the general law and ordinances; provided, however, that Council may provide by ordinance for the appointment and removal of specific boards or commissions by the Mayor.

5.2. Budget.

(a) The Town budget shall be prepared by the Mayor. The Mayor shall require all department heads to submit requests for appropriations for the ensuing budget year, and to appear before the Mayor upon his request.

(b) The Mayor shall submit to the Council his recommended budget, together with such explanatory comment or statement as he may deem desirable. The budget shall be in such form as is required by law for municipal budgets and shall, in addition, have appended thereto, a detailed analysis of the various items of expenditure and revenue. The Council may add or delete, increase or reduce, any items in the budget by a vote of a majority of the Council.

(c) The Council shall, where practicable, provide for the maintenance of a system of work programs and periodic allotments for operation of the budget. It shall be the duty of the officer or

department administering any such program to develop and report appropriation unit costs of budgeted expenditures.

ARTICLE 6

TRANSITION

6.1. Schedule of Installation of Provisions of Act.

In the event of the adoption of this Act by a majority of the voters of the Town of Hackettstown, in the County of Warren, the first election shall take place on the first Tuesday after the first Monday in November, pursuant to the provisions of Section 2.4.

6.2. Corporate Status.

Upon the adoption of this Act by the voters in the manner hereinafter provided in Article 7, the inhabitants of the Town of Hackettstown, in the County of Warren, within the corporate limits as heretofore or hereafter established, shall be and remain a body politic and corporate, with perpetual succession. The corporate name shall be: THE TOWN OF HACKETTSTOWN. The Town shall be governed by the provision of this Act, and by such provisions of general law heretofore or hereinafter enacted, which are not inconsistent with the provisions of this Act.

6.3. Charter and Ordinances.

On the date on which this Act shall become operative, any Charter heretofore adopted by the Town shall be superseded. All ordinances and resolutions of the Town, to the extent that they are not inconsistent with this Act, shall remain in full force and effect.

6.4. Continuation of Offices, Employments and Agencies.

On the date on which this Act shall become operative, all persons holding offices or employment under the Town Government shall continue in their respective offices and employment for the remainder of their unexpired terms or under such tenure and employment rights as they may then have, subject to law; and all boards, bodies, agencies and instrumentalities of the Town shall also continue, and the members thereof shall also continue for the remainder of their unexpired terms.

6.5. Pending Proceedings.

All actions and proceedings of a legislative, executive or judicial character which are pending upon the operative date of this Act shall continue and the appropriate agency, officer or employee

under this Act shall be substituted for the agency, officer or employee theretofore exercising or discharging the function, power or duty involved in such action or proceeding.

ARTICLE 7

ADOPTION OF CHARTER BY VOTERS

7.1. Act Operative Only After Adoption By Voters.

This Act shall become operative only after it is adopted by vote of the legally qualified voters of the Town of Hackettstown, in the County of Warren.

7.2. Submission of Question of Adoption.

The question of the adoption of this Act shall be submitted to the vote of the legally qualified voters of the Town of Hackettstown, in the County of Warren, at the next general election held not less than forty (40) days after the passage of this Act.

7.3. Ballots.

(a) There shall be presented on each official ballot to be used at such election, the following: "If you favor the proposition printed below mark a cross (X) or plus or check (✓) in the square opposite the word "Yes". If you are opposed thereto make a cross (X) or plus (+) or check (✓) in the square opposite the word "No".

	Yes	"Shall 'An Act to provide a special Charter for the Town of Hackettstown in the County of Warren' be adopted?"
	No	

7.4. This Act shall take effect immediately but shall remain inoperative, except for the provisions of this Article 7, unless and until at such election a majority of all the votes cast both for and against the adoption of this Act shall be cast in favor of the adoption thereof.

ADOPTING ORDINANCE

AN ORDINANCE ADOPTING A REVISION AND CODIFICATION OF THE ORDINANCES OF THE TOWN OF HACKETTSTOWN, IN THE COUNTY OF WARREN, NEW JERSEY, PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN AND THE SAVING FROM REPEAL OF CERTAIN OTHER ORDINANCES NOT INCLUDED THEREIN, AND FOR OTHER PURPOSES RELATING THERETO AND CONNECTED THEREWITH.

WHEREAS, the Mayor and Common Council of the Town of Hackettstown, in the County of Warren, New Jersey (hereinafter referred to as the Common Council) has caused its ordinances of a general and permanent nature to be compiled and revised and the same embodied in a revision and codification thereof known as "Code of the Town of Hackettstown, New Jersey, 2002".

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF HACKETTSTOWN AS FOLLOWS:

Section 1. The ordinances of the Town of Hackettstown of a general and permanent nature, as codified in the following chapters, namely Chapters 1 to 18, both inclusive, are ordained as general ordinances and are adopted as "Code of the Town of Hackettstown, New Jersey, 2002".

Section 2. All of the provisions of the "Code of the Town of Hackettstown, New Jersey, 2002" shall be in force and effect on and after the effective date of this ordinance.

Section 3. All ordinances of a general and permanent nature adopted by the governing body of the Town of Hackettstown and in force on the 31st day of December 2001, and not contained in the "Code of the Town of Hackettstown, New Jersey, 2002", are hereby repealed from and after the effective date of this ordinance, except as hereinafter provided in Section 4.

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

1. Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this ordinance;
2. Any prosecution, action, suit or other proceeding pending on any judgment rendered on or prior to the effective date of this ordinance;
3. Any right or franchise conferred by the Common Council;
4. Any right, right-of-way or easement acquired, established or vacated in any street, road, highway, park or other public place within the Town of Hackettstown;
5. Any ordinance of the Town of Hackettstown providing for laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any street, road, highway, park or other public place within the Town or any portion thereof;

6. Any ordinance or resolution promising or guaranteeing the payment of money by or for the Town of Hackettstown or authorizing the issuing of bonds of the Town or other evidence of the Town's indebtedness or any contract of or obligation assumed by the Town;
7. The annual budget appropriation ordinances or resolutions and all ordinances and resolutions appropriating money or transferring funds;
8. The administrative ordinances or resolutions of the Common Council not in conflict or inconsistent with the provisions of this Code;
9. Any provision of an ordinance or resolution of the Common Council creating employment, positions or offices and fixing duties therefor which are not provided for in this Code and which are not in conflict or inconsistent therewith;
10. Any provision of an ordinance or resolution of the Common Council fixing the compensation or salaries of the Town officials and the employees or the pay and compensation of positions and clerical employment which are not provided for in this Code and which are not in conflict or inconsistent therewith;
11. An ordinance authorizing a contract between the Town and the Town of Hackettstown Municipal Utilities Authority providing for and relating to the sale and supplying of water and the treatment and disposal of sewage in the Town and providing for the payment of the cost and expense of such treatment and disposal;
12. An ordinance granting a franchise right and authority to Comcast Cable Company, to construct, maintain and operate video and television coaxial cables upon, along, over and under streets, alleys, bridges and other public places of the Town of Hackettstown;
13. All ordinances authorizing entering into an agreement with the Parking Authority of the Town of Hackettstown;
14. Any ordinance of the Common Council adopted on final passage after the 31st day of December 2001;
15. Any ordinance adopted by the Board of Health of the Town of Hackettstown, New Jersey;
16. Any ordinance adopted by the Shade Tree Commission of the Town of Hackettstown.

Section 5. A copy of the "Code of the Town of Hackettstown, New Jersey, 2002", has been filed in the office of the Town Clerk and shall remain there for the use and examination of the public until final action is taken on this ordinance.

Section 6. One (1) copy of the "Code of the Town of Hackettstown, New Jersey, 2002" shall be and remain on file in the office of the Town Clerk and be made available to persons desiring to examine same if this ordinance shall be adopted and while the same shall be in effect.

Section 7. The said "Code of the Town of Hackettstown, New Jersey, 2002" shall be published in book form under the seal of the Town of Hackettstown.

Section 8. The provisions of the Zoning Ordinance and Subdivision Ordinance of the Town of Hackettstown entitled "The Land Development Ordinance of the Town of Hackettstown", which is herein designated as Chapter 15 of the Code, does not contain new features and are not to be considered as new enactments, but are included herein for clarification and to provide easy access thereto. These ordinances are the same as originally approved by the Planning Board and the governing body.

Section 9. This ordinance shall take effect immediately upon passage and publication according to law.

I HEREBY CERTIFY that the foregoing is a true copy of an ordinance passed and approved on second and final reading by the Common Council of the Town of Hackettstown, in the County of Warren, New Jersey, at a regular meeting held on _____, 2002.

WILLIAM W. KUSTER, JR.
Town Clerk/Administrator