OFFICIALS

OF THE

BOROUGH OF WALDWICK

Borough Hall

63 Franklin Turnpike

Waldwick, New Jersey 07463

Telephone: 201-652-5300

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2014

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THOMAS A. GIORDANO
Mayor

Charles Farricker	President of the Council
Gregor Bjork	Councilman
Andrew Brennecke	Councilman
Anthony Celeste	Councilman
Frank Palladino	Councilman
Donald Sciolaro	Councilman
Borough Attorney CRAIG BOSSONG	**Chief Financial Officer** MARY ANN VIVIANI
Borough Administrator GARY KRATZ	**Tax Assessor** ANGELA MATTIACE
Municipal Clerk PAULA M. JAEGGE	

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APPENDIX

WALDWICK CODE

Preamble

An ordinance adopting a revision and codification of the ordinances of the Borough of Waldwick , in the County of Bergen and State of New Jersey, providing for the repeal of certain ordinances not included therein and the saving from the repeal of certain other ordinances not included therein.

Whereas, the Mayor and Council of the Borough of Waldwick, in the County of Bergen, and State of New Jersey, have heretofore determined that it is in the public interest to undertake the codification and revision of the general ordinances of the Borough of Waldwick; and

Whereas, pursuant to said determination, the borough has caused its ordinances of a general and permanent nature to be compiled and revised and the same embodied in a revision and codification known as the "Code of the Borough of Waldwick, in the county of Bergen and State of New Jersey; and

Whereas, pursuant to N.J.S.A. 40:49-4, the governing body of a municipality may provide for the revision and codification of its ordinances; and

Whereas, the enactment of this ordinance providing for the codification of the ordinances of a general and permanent nature will promote the general welfare of
the Borough of Waldwick and its citizens;

Now, therefore, be in ordained by the Mayor and Council of the Borough of Waldwick, in the County of Bergen and State of New Jersey, as follows:

ARTICLE 1

Adoption of Code

1-1. Adoption of Code.

Pursuant to N.J.S.A. 40:49-4. the ordinances of the Borough of Waldwick of a general and permanent nature, adopted by the Mayor and Borough Council of the Borough of Waldwick, as, revised, codified, and consolidated into titles, chapters and sections by the Borough Clerk and consisting of Chapters 1 through 99, together with an Appendix, are hereby approved, adopted, ordained and enacted as "The Code of the Borough of Waldwick, in the County of Bergen and the State of New Jersey."

1-2. Code supersedes prior ordinances.

This ordinance shall supersede all other general and permanent ordinances passed by the Mayor and Borough Council of the Borough of Waldwick prior to the enactment of this Code, except such ordinances as are expressly saved from repeal or continued in force and effect as shall hereafter be set forth by reference.

1-3. When effective.

All provisions of the Code of the Borough of Waldwick, in the County of Bergen and State of New Jersey shall be in full force and effect on and after the effective date of this ordinance.

1-4. Repeal of ordinances not contained in or inconsistent with provisions of Code.

All ordinances of a general and permanent nature, adopted by the Mayor and Borough Council of the Borough of Waldwick in force on the date of the adoption of this ordinance and not contained in the Code of the Borough of Waldwick, in the County of Bergen and the State of New Jersey, or which are inconsistent with any provisions contained in such Code, are hereby repealed as of the effective date of this adopting ordinance, except as hereafter provided.

1-5. Ordinances saved from repeal; matters not affected by repeal

The adoption of this Code and the repeal of ordinances provided for in 1-4 of this ordinance shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal:

A. Any right or liability established, accrued or incurred under any legislative provisions of the Borough of Waldwick prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability.

B. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision of the Borough of Waldwick, or any penalty, punishment or forfeiture which may result therefrom.

C. Any prosecution, indictment, action suit or other proceeding pending or any judgment rendered prior to the effective date of this date of this ordinance brought
pursuant to any legislative provision of the Borough of Waldwick.

D. Any franchise, license, right, easement or privilege heretofore granted or conferred by

E. Any ordinance of the Borough of Waldwick providing for the laying out , opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place within the Borough of Waldwick or any portion thereof.

F. Any ordinance or resolution of the Borough of Waldwick appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the Borough of Waldwick or other instruments or evidence of the borough's indebtedness.

G. Ordinances authorizing the purchase, sale, lease or transfer of property or any lawful contract or obligation.

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

I. The dedication of property or approval of preliminary or final subdivision plats.

J. Any ordinance of the Mayor and Borough Council adopted on final passage after November 25, 1969.

1-6. Changes in previously adopted ordinances.

In compiling and preparing the ordinances of the Borough of Waldwick for adoption and revision as part of the Code of the Borough of Waldwick, in the County of Bergen and State of New Jersey pursuant to N.J.S.A. 40:49-4, certain grammatical changes and other minor changes were made in one (1) or more of said ordinances. It is the intention of the Mayor and Borough Council of the Borough of Waldwick that all such changes be adopted as part of the Code of the Borough of Waldwick, in the county of Bergen and State of New Jersey, as if the ordinances so changed had been previously formally amended to read as such.

1-7. Copy of Code on file.

A copy of the Code of the Borough of Waldwick, in the County of Bergen and State of New Jersey in loose-leaf form has been filed in the office of the Borough Clerk of the Borough of Waldwick and shall remain there for the use and examination of the public until final action is taken on this ordinance; and if this ordinance shall be adopted, such copy shall be certified to by the Clerk of the Borough of Waldwick by impressing thereon the Seal of the Borough of Waldwick, as provided by law and such certified copy shall remain on file in the office of the Borough Clerk, to be made available to persons desiring to examine the same during all times while the said Code is in effect.

1-8. Amendments to Code.

Any and all additions, amendments or supplements to the Code of the Borough of Waldwick, in the County of Bergen and State of New Jersey, when passed and adopted in such form as to indicate the intention of the Mayor and Borough Council to be a part thereof, shall be deemed to be incorporated in such Code, so that reference to "The Code of the Borough of Waldwick, in the County of Bergen and State of New Jersey" shall be understood and intended to include such additions and amendments. Whenever such additions, amendments or supplements to the Code of the Borough of Waldwick, in the County of Bergen and State of New Jersey shall be adopted, they shall thereafter be printed and, as provided hereunder, inserted in the loose-leaf book containing the said Code, as amendments and supplements thereto.

1-9. Code book to be kept up-to-date.

It shall be the duty of the Borough Clerk or someone authorized and directed by the Borough Clerk to keep up-to-date the certified copy of the book containing the Code of the Borough of Waldwick, in the County of Bergen and State of New Jersey, required to be filled in the office of the Borough Clerk for the use of the public. All changes in said codes and all ordinances adopted by the Mayor and Council subsequent to the 25th day of November, 1969, which shall be specifically adopted as a part of the Code, shall, when finally adopted, be included therein by reference until such changes or new ordinances are printed as supplements to said Code book, at which time such supplements shall be inserted therein.

1-10. Sale of Code book; supplements provided.

Copies of the Code book containing the Code of the Borough of Waldwick, in the County of Bergen and State of New Jersey may be purchased from the Borough Clerk of the Borough of Waldwick upon the payment of a fee to be set by resolution of the Mayor and Council, who may also arrange, by resolution, for procedures for the periodic supplementation thereof.

1-11. Publication, filing.

The Borough Clerk of the Borough of Waldwick, pursuant to law, shall cause to be published in the manner required, a copy of this adopting ordinance in a newspaper of general circulation in the Borough of Waldwick. Sufficient copies of the Code of the Borough of Waldwick, in the County of Bergen and State of New Jersey shall be maintained in the office of the Borough Clerk for inspection by the public at all times during regular office hours. The enactment and application of this adopting ordinance, coupled with availability of copies of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the code for all purposes.

1-12. Severability of Code provisions.

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

1-13. Severability of ordinance provisions.

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

1-14. Altering or tampering with Code; penalties for violation.

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, any part or portion thereof, or to alter or tamper with such Code in any manner whatsoever, which will cause the law of the Borough of Waldwick to be misrepresented thereby. Anyone violating this section of this ordinance shall be subject, upon conviction, to a fine of not more than five hundred dollars ($500.) or imprisonment for not more than ninety (90) days, or both, in the discretion of the Magistrate imposing the same.

1-14.1. Penalties for violation. (Amended 2-28-06 by Ord. No. 2-06; 12-12-06 by Ord. No. 24-06)

Where no specific penalty is provided therefore, the violation of any such provision of this Code or of any other ordinance or resolution of the Borough or of any rule, regulation or order promulgated pursuant to such Code or other Borough ordinance shall be punished by one or more of the following:

A. Imprisonment in the County jail for any term not exceeding ninety (90) days; or

B. By a fine not more than two thousand dollars ($2,000.)

C. By a period of community service not exceeding ninety (90) days

D. Each day a violation exists in the following chapters shall be deemed and taken to be a separate and distinct offense:

Chapter 54 Housing Standards
Chapter 59 Littering
Chapter 75 Sewer Use
Chapter 80 Soil Removal
Chapter 82 Street and Sidewalk Uses
Chapter 83 Street Construction Specifications
Chapter 97 Zoning

E. For each and every violation of the provisions of chapter 97 entitled zoning, the owner, contractor or other persons interested as General Agent, architect, building contractor, owner or tenant or any other persons who commit, take part or assist in any violation of this chapter shall be held for the fines and penalties listed in sections A through C above at the discretion of the court.

1-15. Effective date of this ordinance.

This ordinance shall take effect immediately after final approval and publication according to law.

BOROUGH ADMINISTRATOR

Chapter 2

BOROUGH ADMINISTRATOR

2-1. Creation of office.

2-2. Nomination and appointment; term.

2-3. Filling of vacancies.

2-4. Absence or disability.

2-5. Removal.

2-6. Qualifications and requirements.

2-7. General duties and responsibilities.

2-8. Specific duties.

2-9. Salary.

2-10. Conflict of interest.

2-11. Limitation of powers.

2-12. Severability.

2-13. When effective.

[HISTORY: Adopted by the Mayor and Council of the Borough of Waldwick 6-10-86 as Ord. No. 14-86 Amendments noted where applicable.]

BE IT ORDAINED by the Mayor and Council of the Borough of Waldwick, in the County of Bergen and State of New Jersey, as follows:

2-1. Creation of office.

The office of the Borough Administrator is hereby created for the Borough of Waldwick, Bergen County, New Jersey, pursuant to the provisions of this ordinance.

2-2. Nomination and appointment; term.

The Borough Administrator shall be nominated by the Mayor and appointed with the advise and consent of the Council. And the term of office of the Borough Administrator shall be at the pleasure of the Mayor and Council.

2-3. Filling of vacancies.

Any vacancy in said office shall be filled by appointment of the Mayor and Council.

2-4. Absence or disability.

During the absence or disability of the duly appointed Borough Administrator, the Mayor and Council of the Borough of Waldwick may by resolution, appoint an officer or regular employee of the municipality to perform such duties of the Borough Administrator. Such absence or disability shall be limited to three (3) months after which time such absence or disability may be deemed a vacancy. All absences other than for approved sick days, shall be without pay unless otherwise agreed by resolution of the Mayor and Council.

2-5. Removal.

The Borough Administrator may be removed by a two-thirds vote of the Mayor and Council of the Borough of Waldwick. The resolution of removal shall become effective three (3) months after its adoption by the Mayor and Council. The Mayor and Council may provide that the resolution shall have immediate effect; provided, however, that the Mayor and Council cause to be paid to the Administrator forthwith any unpaid balance of his salary and his salary for the next three (3) calendar months following adoption of this resolution.

2-6. Qualifications and requirements.

A. The Borough Administrator shall be appointed on the basis of his executive and administrative abilities and qualifications with special regard to education, training and experience in governmental affairs.

B. The Borough Administrator need not be a resident of the borough at the time of his appointment, but may thereafter reside outside the borough only with the approval of the Mayor and Council.

2-7. General duties and responsibilities.

The Borough Administrator shall be the chief administrative officer of the Borough of Waldwick, and he shall be responsible to the Mayor and Council as a whole for the proper and efficient administration of the business affairs of the Borough. The duties

and responsibilities shall relate to the general management of all Borough business, excepting therefrom those duties and responsibilities conferred upon other Borough officials by State statute and other applicable laws, rules and regulations promulgated by the State and County agencies, decisional law or ordinance of the Borough of Waldwick.

2-8. Specific duties.

The Borough Administrator shall perform all of the following described duties and such other duties as shall be assigned to him from time to time by resolution of the Mayor and Council.

A. The Borough Administrator shall supervise and direct business activities of all Borough departments, including the direction of central purchasing and recommend to the Mayor and Council the employment and replacement of personnel as may be required in said department.

B. He shall serve as personnel officer of the Borough. In that capacity the Borough Administrator shall recommend personnel to the Mayor and Council for employment by the Borough. The Borough Administrator shall recommend to the Mayor and Council the discharge of any employee. He may discipline or suspend any employee under his direct supervision pursuant to applicable civil service procedure. No person shall be disciplined, suspended, or recommend to be discharged, without just cause. Any employee disciplined or suspended by the Borough Administrator shall have the right to appeal such action to the Mayor and Council.

C. He shall prepare and submit to the Mayor and Council before the close of the fiscal year, or on such alternate date as the Mayor and Council shall determine, a proposed budget for the next fiscal year, and an explanatory budget message. In preparing the proposed budget, the Borough Administrator shall obtain from the head of each department, agency, board or officer, estimates of revenues and expenditures and other supporting data as he requests. The Borough Administrator shall review such estimates and may revise them before submitting the proposed budget to the Mayor and Council.

D. He shall be responsible for the administration of the budget after its adoption by the Mayor and Council and the implementation of the work programs contained in the

budget.

E. He shall execute and enforce the laws of the State of New Jersey and ordinances and resolutions of the Borough of Waldwick as the Mayor and Council may prescribe.

F. He shall attend all meetings of the Mayor and Council and their committees, boards or bodies as directed, with a right to take part in the discussion, and he shall receive notice of all regular and special meetings of the Mayor and Council.

G. He shall prepare the regular and workshop agendas for each meeting of the Mayor and Council and shall supply facts pertinent thereto and deliver same to the Mayor and Council at least three (3) days prior to the date of the meeting.

H. He shall keep the Mayor and Council informed as to the conduct of Borough affairs, submit periodic reports, either in writing or orally, on the condition of the Borough finances and such other reports, either in writing or orally, as the Mayor and Council shall request, and shall make such recommendations to the Mayor and Council as he deems necessary and advisable for the welfare of the Borough.

I. He shall submit to the Mayor and Council, as soon as possible after the close of the fiscal year, a complete written report on the administrative activities of the Borough for the proceeding year.

J. He shall see that the provisions of all franchises, leases, contracts, permits, licenses and privileges granted by the Borough or to the Borough are complied with.

K. He may recommend the employment of experts and consultants to perform work and render advise in connection with the operation of the dedicated utilities or work projects in the Borough subject to final approval by the Mayor and Council.

L. He shall attend to the letting of contracts, in due form of law and supervise the performance and faithful execution of the same, except insofar as such duties are expressly imposed upon some other Borough officer or official by statute or ordinance or resolution.

M. He shall see that all money owed to the Borough is promptly paid, and that the proper proceedings are taken for the security and collection of all of the Borough's claims.

N. He shall be the purchasing officer of the Borough, and he shall purchase in accordance with the provisions of the governing statutes and sound purchasing practices, all supplies and equipment for various agencies, boards, departments and other offices of the Borough. The Mayor and Council may, at various times by resolution, describe the amount above which the purchases exceeding said amount must receive prior approval of the Committee Chairman or the Council. All purchases shall be in accord with the state statutes. The Mayor and Council may also set by resolution the amount above which all purchases will require three (3) or more competitive price quotations. He shall keep an account of all purchases and shall from time to time when directed by the Mayor and Council, make a full written report thereof. He shall also issue rules and regulations governing the requisition and purchase of all municipal supplies and equipment, consistent with the provisions of this ordinance.

O. He shall review and recommend all bills and vouchers for payment prior to final approval by the Mayor and Council.

P. All complaints regarding services or personnel of the Borough shall be referred to the office of the Borough Administrator. He shall investigate and dispose of such complaints and shall keep a written record of such complaints and the action taken in response thereof, and shall provide a copy thereof to the Mayor and Council.

Q. He shall maintain a continuing review and analysis of the budget operations, work programs and cost of municipal services.

R. He shall, at the request of the Mayor and Council, assess the duties and responsibilities of any elected or appointed official and any department of the Borough, submitting his report relating thereto to the Mayor and Council for such further actions as the Mayor and Council may deem advisable.

S. He shall keep the Mayor and Council informed as to the federal aid projects and state aid projects and any other aid programs for which the Borough of Waldwick may qualify.

T. He shall analyze the cash needs of the Borough and recommend to the Mayor and Council the prudent investment of Borough funds as temporarily may be in excess of the amounts needed to meet Borough obligations.

U. He shall supervise and continually review the Borough's insurance program and make periodic reports thereof to the Mayor and Council.

V. He shall perform such duties as may be assigned to him from time to time by the Mayor & Council.

2-9. Salary.

The Borough Administrator shall receive as salary, such sums as may be fixed and adopted by the Mayor and Council in the annual Salary Ordinance of the Borough.

2-10. Conflict of interest.

The Borough Administrator shall devote full time to the interests of the Borough.

2-11. Limitation of powers.

Nothing in this ordinance shall derogate from or authorize the Borough Administrator to exercise the power and duties of the elected and appointed officials of the Borough.

2-12. Severability.

If any article, section, subsection or sentence, clause or phrase of the ordinance shall be held to be invalid for any reason, such decision shall not affect the remaining portions of this ordinance.

2-13. When effective.

This ordinance shall take effect after final passage and publication as required by law.

Chapter 4

BOROUGH OFFICIALS; APPOINTMENT AND TERM OF OFFICE

4-1. Borough Attorney.

4-2. Borough Auditor.

4-3. Borough Engineer.

4-4. Borough Prosecutor.

4-5. Public Defender.

4-6. When effective.

[HISTORY: Adopted by the Mayor and Council of the Borough of Waldwick 4-8-97 as Ord. No. 10-97.]

BE IT ORDAINED by the Mayor and Council of the Borough of Waldwick in the County of Bergen and State of New Jersey as follows:

4-1. Borough Attorney

The Borough Attorney shall be appointed by the Mayor, with the advice and consent of the Council, for a term of one (1) year, and until his successor shall have qualified. He shall be an attorney at law of New Jersey, but need not be a resident of the Borough. In lieu of appointment of an individual attorney, the Mayor may, with the advice and consent of the Council, appoint a firm of attorneys, all principals of which shall be attorneys at law of New Jersey. The Borough Attorney shall not receive a fixed salary, but shall be compensated as may be agreed upon and authorized by the Council, plus such fees and charges as shall be deemed reasonable.

A. Powers and duties.

The Borough Attorney shall have such powers and perform such duties as are provided for the office of the Borough Attorney by general law or ordinance of the Borough. The Borough Attorney shall represent the Borough in judicial and administrative proceedings in which the Borough or any of its offices or agencies may be a party or have an interest. The Borough Attorney shall give legal counsel and advice

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4-2. Borough Auditor

The Borough Auditor shall be appointed by the Mayor with the advice and consent of the Council for a term of one (1) year and until a successor shall have qualified. The Borough Auditor shall be a registered municipal accountant of New Jersey, but need not be a resident of the Borough. In lieu of appointment of an individual auditor, the Mayor may, with the advice and consent of the Council, appoint a firm of auditors, all principals of which shall be qualified under the laws of New Jersey to prepare the annual municipal audit. The Borough Auditor shall not receive a fixed salary, but shall be compensated as may be agreed upon and authorized by the Council, plus such fees and charges as shall be deemed reasonable.

A. Powers and duties.

The Borough Auditor shall be an independent contractor and perform such duties as are required of the office of the Borough Auditor by general law. The Borough Auditor shall be responsible for performing an annual audit as required and in accordance with the Local Fiscal Affairs Law of the State of New Jersey.

4-3. Borough Engineer

The Borough Engineer shall be appointed by the Mayor with the advice and consent of the Council for a term of one (1) year and until a successor shall have qualified. The Borough Engineer shall be a licensed professional engineer of New Jersey, but need not be a resident of the Borough. In lieu of appointment of an individual engineer, the Mayor may, with the advice and consent of the Council, appoint a firm of engineers, all principals of which shall be licensed professional engineers of New Jersey. The Borough Engineer shall not receive a fixed salary, but shall be compensated as may be agreed upon and authorized by the Council, plus such fees and charges as shall be deemed reasonable.

A. Powers and duties.

The Borough Engineer shall have such powers and perform such duties as are provided for by the office of the Borough Engineer by general law or ordinance of the Borough. The Borough Engineer shall give engineering advice when required by the Mayor and Council, and requested by the Planning Board and the Zoning Board of Adjustment and shall, in general, serve as the engineering advisor to the Mayor and Council, and if requested by the Planning Board and the Zoning Board of Adjustment on all matters requiring such advice.

4-4. Borough Prosecutor

The Borough Prosecutor shall be appointed by the Mayor with the advice and consent of the Council for a term of one (1) year. The Borough Prosecutor shall be an attorney at law of New Jersey, but need not be a resident of the Borough. The Borough Prosecutor shall be compensated as may be agreed upon and authorized by the Council, plus such fees and charges as shall be deemed reasonable.

A. Powers and duties.

The Borough Prosecutor shall represent the State of New Jersey and the Borough in any proceedings before the Waldwick Municipal Court. The Borough Attorney shall represent the Borough of Waldwick on any appeals from the Waldwick Municipal Court where violations of Borough ordinances are the subject matter of the appeal.

4-5. Public Defender

A. Appointment, term and compensation.

The Mayor shall appoint the Public Defender with the advice and consent of the Borough Council. The term of office of the Public Defender shall be for one (1) year, or for a part of a year commencing on their appointment and terminating at the reorganizational meeting of the Council in January of each year. The compensation for the Public Defender shall be established in the appointment resolution considered by the Council.

B. Qualifications and duties.

The Public Defender shall be an attorney at law of the State of New Jersey admitted to practice in this state for a period of no less than one (1) year. The duties of the public defender shall be to defend all cases within the jurisdiction of the court brought against indigent defendants in the municipal court of the Borough, whenever such defendants are entitled to such representation by law or whenever such representation is deemed necessary or desirable in the interest of justice and in the discretion of the Judge of the municipal court. In every instance the public defender shall be assigned to each case by order of the court.

C. Disqualifications.

In the event that the public defender is disqualified, or otherwise unavailable to act, in a particular case, he shall report the disqualification to the judge of the municipal court, who shall select a substituted Public Defender from among those qualified attorneys practicing law in the Borough of Waldwick. This substitute shall serve for that single case, and be compensated at a rate proportionate to the annual compensation of the public defender. The cost of such substitution shall be charged against the annual operating budget for the

municipal court.

4-6. When effective.

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

Chapter 4A

CHIEF FINANCIAL OFFICER

4A-1. Creation of Office
4A-2. Nomination and Appointment; term
4A-3. Filling of Vacancies
4A-4. Removal
4A-5. Qualifications and Requirements
4A-6. Duties and Responsibilities
4A-7. Salary
4A-8. When effective

HISTORY: Adopted by the Mayor and Council of the Borough of Waldwick 2-14-89 as ord. No. 2-89.

BE IT ORDAINED by the Mayor and Council of the Borough of Waldwick in the County of Bergen, State of New Jersey as follows:

4A-1 - Creation of Office

The Office of Chief Financial Officer is hereby created for the Borough of Waldwick, Bergen County, New Jersey, pursuant to the provisions of this ordinance.

4A-2 - Nomination and Appointment; Term

The Chief Financial Officer shall be nominated by the Mayor and appointed with the advise and consent of the Council and the term of office of the Chief Financial Officer shall be in accordance with state law (NJSA 40A:9-140.8).

4A-3 - Filling of Vacancies

Any vacancy in said office shall be filled by appointment of the Mayor and Council.

4A-4 - Removal

The Chief Financial Officer may be removed in accordance with provisions of State Civil Service Law.

4A-5 - Qualifications and Requirements

a) The Chief Financial Officer shall be appointed on the basis of their executive and financial administrative abilities and qualifications and must be certified as a municipal finance officer in accordance with State statutes.
b) The Chief Financial Officer shall be required to renew the State certification every two years in order to retain the title.

4A-6 - Duties and Responsibilities

The Chief Financial Officer of the Borough of Waldwick shall be responsible to the Mayor and Council as a whole for the proper and efficient administration of the financial affairs of the Borough. The duties and responsibilities relate to general management of all Borough finances, accepting therefrom those duties and responsibilities conferred upon other Borough officials by State statutes, other applicable laws, rules and regulations promulgated by the State and County agencies, decisional law or ordinance of the Borough of Waldwick.

4A-7 - Salary

The Chief Financial Officer shall receive a salary in such sums as may be fixed and adopted by the Mayor and Council in the annual salary ordinance of the borough. In the salary ordinance for the year 1989, salary shall be as defined in said ordinance for the position of Treasurer and hereafter shall be defined specifically for the position of Chief Financial Officer.

4A-8 - Effective date

Effective date for this ordinance shall take effect after final passage and publication as required by law.

CHAPTER 5

CIVIL SERVICE PROCEDURES

5-1. Adoption of Schedules by reference.

5-2. Filing of Schedules with Borough Clerk.

5-3. Inconsistent ordinances repealed.

5-4. When effective.

[HISTORY: Adopted by the Mayor and Council of the Borough of Waldwick 7-12-56 as Ord. No. 5-56]

BE IT ORDAINED by the Mayor and Council of the Borough of Waldwick, in the County of Bergen and State of New Jersey, as follows:

5-1. Adoption of Schedules by reference.

The schedules as described herein be and they hereby made a part of this ordinance.

Editor's Note: Adoption of provisions of civil service act of the State of New Jersey approved by electors at referendum on 11-2-54
Editor's Note: Schedules referred to herein were set forth in the preamble and read as follows:
Schedule 1. Complete list of employees by departments, together with their dates of last permanent employment, their present status, salary, title and divisional classifications; their permanent comparable civil service titles and their proposed status, title and divisional classification.
Schedule 3. Containing an alphabetical list of titles for the said municipality in the classified service with the divisional classification; an alphabetical list of titles for the said municipality in the unclassified service, with the statutory or other provision placing the position in the unclassified service ; class specifications for positions in the classified service.
Schedule 5. Containing recommended rules for the installation and administration of civil service in and for the Borough of Waldwick.

5-2. Filing of Schedules with Borough Clerk.

The aforementioned Schedules be filed with the Clerk of the Borough of Waldwick coincident with the passage of this ordinance.

5-3. Inconsistent ordinances repealed.

All ordinances or parts of ordinances inconsistent herewith be and the same are hereby repealed.

5-4. When Effective.

This ordinance shall take effect immediately upon final passage and publication as provided by law.

CHAPTER 6

CLAIMS, PAYMENT OF

6-1. Processing procedures.

6-2. Disbursements.

[HISTORY: Adopted by the Mayor and Council of the Borough of Waldwick 3-13-62 as Ord. No. 2-62.]

BE IT ORDAINED by the Mayor and Council of the Borough of Waldwick, in the County of Bergen and State of New Jersey, as follows:

6-1. Processing procedures.

All claims for the payment of moneys by the Borough of Waldwick not otherwise provided for by separate ordinance shall be approved or disapproved in the following manner only:

A. All claims shall be submitted to the Mayor and Council on vouchers to be obtained by claimants from the Borough Clerk.

B. Every such voucher shall set forth the amount of the claim and the nature of the services rendered or the supplies or materials supplied by the claimant, shall be signed by the claimant and filed with the Borough Clerk.

C. Every such voucher, after filing with the Borough Clerk, shall be certified by the head of the Borough department for which the services were rendered or to which the materials or supplies were delivered.

D. Every such voucher, over $500, after certification by the head of the Borough department, shall be signed by the chairman of the committee charged with the operation of such Borough department. **(Amended 9-28-99 by Ord. No. 13-99).**

E. Every such voucher, over $500, shall thereafter be submitted to the Chairperson of the Borough Finance Committee and in their absence the next ranking member of the Finance Committee for consideration and signature, and if approved shall be considered and signed thereafter by the Mayor. **(Amended 9-28-99 by Ord. No. 13-99; 2-28-06 by Ord. No. 3-06).**

F. Payment of each such voucher certified and approved as above shall be authorized only upon the adoption of a resolution of the Mayor and Council authorizing and directing payment of such voucher.

G. Any claim not approved as hereinabove provided shall be deemed to be disapproved.

6-2. Disbursements.

All disbursements of moneys in payment of claims certified and approved as hereinabove provided shall be made in the following manner only:

A. By check or draft prepared by the Borough Clerk and signed by the Mayor, Clerk and Collector-Treasurer of the Borough; or in the absence of any of them, by the person or persons duly qualified and acting in the capacity of Mayor, Clerk or Collector-Treasurer and authorized by law to perform the duties of such Mayor, Clerk or Collector-Treasurer.

CHAPTER 7

COURT, MUNICIPAL

7-1. Establishment.

7-2. Compensation.

7-3. Application for Representation by Public Defender.

7-4. When effective.

(HISTORY: Adopted by the Mayor and Council of the Borough of Waldwick 12-10-48 as Ord. No. 3-48.)

GENERAL REFERENCES

Salaries and compensation - See Ch. 23.

BE IT ORDAINED by the Mayor and Council of the Borough of Waldwick, in the County of Bergen and State of New Jersey, as follows:

7-1. Establishment.

There is hereby established in and for the Borough of Waldwick a Municipal Court to be known as the “Municipal Court of the Borough of Waldwick”, pursuant to Chapter 264, laws of 1948, as supplemented and amended.

7-2. Compensation.

The judge of said Court shall be compensated by an annual salary, which shall be fixed by ordinance adopted by the governing body of the municipality, and shall be in lieu of any and all other fees.

7-3. Application for Representation by Public Defender. (Added 4-12-94 by Ord. No. 5-94; Amended 2-24-98 by Ord. No. 4-98)

The Municipal Court Judge shall approve all applications for appointment, on a per case basis, of a municipal public defender to represent indigent persons as required by law.

Those persons applying for representation by the municipal public defender shall pay an application fee of $200 at the time of presentation of an application for the public defender. The Municipal Court Judge may, however, in his discretion, waive any required application fee in whole or in part if the Judge determines, in his discretion, that the application fee represents an unreasonable burden on the person seeking representation.

7-4. When effective.

This ordinance shall take effect when passed and published as required by law.

DRUG ABUSE COUNCIL

CHAPTER 9

DRUG ABUSE COUNCIL

9-1. Council created; title.

9-2. Purposes and functions.

9-3. Membership.

9-4. Compensation; Council expenses.

9-5. Repealer.

9-6. Severability.

9-7. When effective.

[HISTORY: Adopted by the Mayor and Council of the Borough of Waldwick 7-10-73 ads Ord. No. 11-73. Amendments noted where applicable).

BE IT ORDAINED by the Mayor and Council of the Borough of Waldwick, in the County of Bergen and State of New Jersey, as follows:

9-1. Council created; title.

A Council shall be created within the office of the Mayor which shall be known as the "Drug Abuse Council of the Borough of Waldwick."

9-2. Purposes and functions.

The purposes and functions of the Council shall include but not be limited to the following:

A. Study problems of drug abuse within the Borough of Waldwick.

B. Create and/or participate in educational programs concerning drug abuse for youth, parents, citizens groups and clergy of the Borough of Waldwick, including the establishment of or participation in a therapeutic dialogue program.

C. Advise the Mayor and Council on the implementation and enforcement of various drug abuse programs.

D. Prompt public and widespread dissemination of all the latest information and knowledge concerning the causes of drug abuse and their elimination, and the positive prevention of drug abuse.

9-3. Membership.

The membership of the Drug Abuse Council shall consist of at least seven (7) members, who shall be appointed by the Mayor with the advice and consent of the Borough Council. Each of the seven (7) members of the Drug Abuse Council who is appointed shall serve for a term of one (1) year.

9-4. Compensation; Council expenses.

Each member of the Council shall serve without salary. However, each member shall be reimbursed for necessary out-of-pocket expenses upon proper submission of a voucher where authorized by the Mayor and Council and within the appropriations provided the Council in the Borough budget. Further, the purposes described in 9-2 of this ordinance shall also be financed upon proper submission of vouchers where authorized by the Mayor and Council within the appropriations provided in the Borough budget.

9-5. Repealer.

All ordinances or parts of ordinances in conflict or in contradiction with this ordinance are hereby repealed to the extent of such conflict or contradiction.

9-6. Severability.

If any part of this ordinance is found to be invalid for any reason, such invalidity shall not affect the balance of the ordinance.

9-7. When effective.

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

Chapter 10

ENVIRONMENTAL COMMISSION

10-1. Establishment

10-2. Membership; term.

10-3. Powers

10-4. Expenses of Commission

10-5. Records; annual report

10-6. Severability

10-7. When effective

(HISTORY: Adopted by the Mayor and Council of the Borough of Waldwick 4-14-92 as Ord. No. 4-92)

BE IT ORDAINED by the Mayor and Council of the Borough of Waldwick, in the County of Bergen and State of New Jersey as follows:

10-1. Establishment.

Pursuant to N.J.S.A. 40:56A-1 et seq. and amendments and supplements thereof, there is hereby established in the Borough of Waldwick an Environmental Commission, to be known as the "Waldwick Environmental Commission".

10-2. Membership; term.

The Environmental Commission shall consist of not less than five (5) nor more than seven (7) members, to be appointed by the Mayor. The Mayor shall designate one (1) of the members to serve as Chairman and presiding officer. One (1) member shall be a member of the Waldwick Planning Board, and one (1) member shall be a member of the

Borough of Waldwick's Board of Adjustment, and all members shall be residents of the Borough. The term of office of the first Commissioners shall be as provided by law, and all subsequent appointments of members, except to fill vacancies, shall be for terms of three (3) years as provided by law. Members of said Commission shall serve without compensation.

10-3. Powers.

The Environmental Commission shall have power to study and make recommendations concerning open space and such other powers as provided by law.

10-4. Expenses of Commission.

The Borough Council may appropriate funds for the expenses incurred by the Environmental Commission.

10-5. Records; annual report.

The Environmental Commission shall keep records of its meetings and activities and shall make an annual report to the Borough Council.

10-6. Severability.

If any article, section, subsection or sentence, clause or phrase of the ordinance shall be held to be invalid for any reason, such decision shall not affect the remaining portions of this ordinance.

10-7. When effective.

This ordinance shall take effect after final passage and publication as required by law.

CHAPTER 11

FEES AND BONDS, WAIVERS OF

11-1. Waiver of fees authorized.

11-2. Waiver of posting of bonds authorized.

11-3. Power to waive fees and bonds upon application.

11-4. Inconsistent ordinances repealed.

11-5. When Effective.

[HISTORY: Adopted by the Mayor and Council of the Borough of Waldwick 5-10-54 as Ord. No. 6-54)

BE IT ORDAINED by the Mayor and Council of the Borough of Waldwick, in the County of Bergen and State of New Jersey, as follows:

11-1. Waiver of fees authorized.

The Mayor and Council at any regular or special meeting shall have the right to waive all fees to be collected by any Borough official or board under any ordinances of the Borough of Waldwick, in accordance with 11-3 of this ordinance.

11-2. Waiver of posting of bonds authorized.

The Mayor and Council at any regular or special meeting shall have the right to waive the posting of any bonds under any ordinances of the Borough of Waldwick, in accordance with 11-3 of this ordinance.

11-3. Power to waive fees and bonds upon application.

The Mayor and Council shall have the power to waive the collection of all fees by any public official or board, or the posting of any bonds under any ordinances of the Borough of Waldwick, upon application being made to it by any charitable, religious, veterans' or eleemosynary organization.

11-4. Inconsistent ordinances repealed.

All ordinances or parts of ordinances inconsistent herewith be and the same are hereby repealed.

11-5. When effective.

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

Chapter 12

FIRE DEPARTMENT

12-1. Title of ordinance; short title; definition.

12-2. Establishment and composition of Department; appointment of Public Safety Committee.

12-3. Company: composition, selection of officers and members.

12-4. Membership: Qualifications, applications, classification, certificates and badges.

12-5. Fire police.

12-6. Authority to adopt bylaws.

12-7. Restrictions on use of Department property.

12-8. Mutual assistance.

12-9. Insurance and compensation protection.

12-10. Severability

[HISTORY: Adopted by the Mayor and Council of the Borough of Waldwick 10-14-69 as Ord. No. 10-69; amended in its entirety 5-28-02 by Ord. No. 10-02. Amendments noted where applicable.

BE IT ORDAINED by the Mayor and Council of the Borough of Waldwick, in the County of Bergen and State of New Jersey, that Chapter 12 of the Code of the Borough of Waldwick shall be amended in its entirety to read as follows:

12-1. Title of ordinance; short title; definition.

A. This ordinance shall be entitled, "An ordinance to establish, maintain, regulate and control the Volunteer Fire Department of the Borough of Waldwick, in the County of Bergen, and State of New Jersey."

B. Short title. This ordinance shall be known as the " Waldwick Volunteer Fire Department Ordinance."

12-2. Establishment and composition of Department; appointment of Public Safety Committee.

A. The Waldwick Volunteer Fire Department shall consist of one (1) or more companies, as the Mayor and Council of the Borough shall approve by resolution.

B. The Public Safety Committee as established by the by-laws of the Mayor and Council of the Borough of Waldwick, shall have the following duties and powers:

(1) The Chairman of Public Safety shall be the administrative head of the Fire Department, as established by this ordinance, subject to the ultimate control of the Mayor and Council.
(2) The Vice Chairman of Public Safety shall act only in the case of the absence of the Chairman of Public Safety.

12-3. Company: composition, selection of officers and members. (Amended 8-27-02 by Ord. No. 15-02)

A. The company shall consist of as many officers and members of all categories as the Waldwick Volunteer Fire Department shall from time to time deem necessary, subject to the approval of the Mayor and Council of the Borough.

B. The officers of the company shall be selected as set forth in the by-laws of the Waldwick Volunteer Fire Department.

C. The term of the officers of the company shall be as set forth in the by-laws of the Waldwick Fire Department.

D. Upon certification by the Department that a member has been elected, the Secretary shall submit in writing the name of such officer-elect to the Mayor and Council for their approval. Should the Mayor and Council disapprove of the seating of such office-elect, the election of such officer-elect shall be set aside and the Department shall conduct new nomination and election meetings with fifteen (15) days of the receipt of written disapproval.

E. The ranks of the line officers of the Waldwick Volunteer Fire Department shall be as follows:

1. Chief
2. First Assistant Chief
3. Second Assistant Chief
4. First Captain
5. Second Captain
6. (2) First Lieutenant
7. (2) Second Lieutenant

F. The ranks of the company officers of the Waldwick Fire Department shall be as follows:

1. President
2. Vice-President
3. Secretary
4. Treasurer
5. (3) Department Trustees
6. (9) Sickness & Distress Trustees

12-4. Membership: qualifications, applications, classification, certificates and badges.

A. The Volunteer Fire Department of the Borough of Waldwick shall consist of as many firemen as may from time to time be confirmed by the Mayor and Borough Council; and no person shall be considered a member of such Fire Department or entitled to any privileges as such unless his name has been submitted to and approved by the Mayor and Council.

B. General requirements. Persons who seek to be members of the Waldwick Volunteer Fire Department shall have the following qualifications at the time of their application:

(1) A member shall be a legal resident of the United States of America.

(2) Be a resident of the Borough of Waldwick or a nonresident who is employed in the Borough of Waldwick and has been so employed for at least sixty (60) days prior to the date of application; provided, however, that the sixty day requirement will not apply to active members of other fire departments who transfer to the Waldwick Fire Department.

(3) Be not less than eighteen (18) years of age unless the applicant meets the criteria as established by the Fire Department by-laws for junior membership.

(4) Be in good health and of sound mind and body, to be evidenced by a certificate to that effect duly attested to by a licensed physician of the State of New Jersey.

C. Procedure of application for membership.

The application procedure for membership, shall be as contained in the by-laws of the Waldwick Volunteer Fire Department.

D. Classification of members.

The classification of members shall be as set for the in the by-laws of the Waldwick Fire Department.

12-5. Fire police.

The Fire Department shall contain a fire police unit wherein certain members of the Fire Department, as appointed by the Chief and approved by the Mayor and Council, shall be authorized to maintain law and order at fires emergencies and special events to which they may be detailed, and be further designated by the Mayor and Council as special fire police, as provided by the New Jersey Statutes.

12-6. Authority to adopt bylaws.

The members of the Fire Department shall have the authority to formulate their bylaws subject to the approval of the Mayor and Council. Subsequent amendments to these by-laws shall also have the approval of the Mayor and Council.

12-7. Restrictions on use of Department property.

No person or persons shall enter the Department quarters or headquarters, handle any Department property, equipment or apparatus, unless authorized to do so or accompanied by or having the special permission of an officer or authorized member of the Department, except that members of the governing body shall have authority to inspect Fire Department equipment.

12-8. Mutual assistance.

The Chief of the Waldwick Volunteer Fire Department and the officers thereof are hereby authorized to extend aid and assistance to neighboring communities on request for fire protection or emergency services, or to establish a mutual aid system in accordance with the laws of the State of New Jersey.

12-9. Insurance and Compensation Protection.

A. Insurance.

(1) In order to provide adequate compensation for injury for members of the Fire Department, the Mayor and Council of the Borough of Waldwick shall provide employer's liability insurance coverage in accordance with State Statute.

(2) The Mayor and Council of the Borough of Waldwick shall provide adequate liability insurance covering the operation of all Department vehicles and its authorized drivers, and shall also provide liability coverage for the use and maintenance of buildings and equipment owned or used by the Department.

B. Compensation other than insurance and liability

(1) The Mayor and Council may provide compensation for the faithful performance of duties of various Line and Company Officers as contained within the salary ordinance and resolution of the Borough.

(2) The Mayor and Council shall also provide suitable compensation to members of the Department for loss of clothing and other personal effects suffered in the process of fire fighting, emergencies and services. Personnel with a fire, drill and extra duty percentage for the year: at or above sixty percent (60%) shall receive $500; those with a percentage falling at forty percent (40%) to under sixty percent (60%) shall receive $400; those with a percentage falling at twenty six percent (26%) to under forty percent (40%) shall receive $250; those with a percentage falling at ten percent (10%) to under twenty-six percent (26%) shall receive $200; and those less than ten percent (10%) shall receive zero. The year shall consist of a twelve month period commencing on November 1st and running through October 31st of the subsequent year. **(Amended 10-25-11 by Ord. No. 14-11)**

The total allocation from the Borough of Waldwick for this purpose shall not exceed $22,500. annually. The funds are to be distributed according to highest percentage until they are exhausted. **(Amended 10-25-05 by Ord. No. 12-05)**

12-10. Severability.

If any article, section, subsection or sentence, clause or phrase of the ordinance shall be held to be invalid for any reason, such decision shall not affect the remaining portions of this ordinance.

BE IT FURTHER ORDAINED that this Ordinance shall take effect upon passage and publication as required by law.

Chapter 14

HEALTH, BOARD OF

14-1. Establishment

14-2. Composition; term of office.

14-3. Rules and regulations authorized; election of President.

14-4. Authority to make appointments.

14-5. Indebtedness limited to appropriation.

14-6. Repeal of prior ordinance.

14-7. When effective.

[HISTORY: Adopted by the Mayor and Council of the Borough of Waldwick 10-8-68 as Ord. No. 6-68; amended 8-14-12 by Ord. No. 12-12.]

GENERAL REFERENCES
Waivers of fees and bonds - see ch. 11.

BE IT ORDAINED by the Mayor and Council of the Borough of Waldwick, in the County of Bergen and State of New Jersey, as follows:

14-1. Establishment.

There shall be in and for the Borough of Waldwick a Board of Health, in accordance with the provisions of the Act of the Legislature of New Jersey, entitled " Title 26:3, Local Boards of Health, of the Revised Statutes of New Jersey, and the several supplements thereto and acts amendatory thereof."

14-2. Composition; terms of office.

The said Board of Health shall consist of seven (7) members and two (2) alternate members. A minimum of two (2) shall be appointed each year and shall hold said office for the term of three (3) years, except in the case of vacancies which shall be filled for the unexpired term. The terms of the alternate members shall be for two (2) years, except the terms of the alternate members first appointed shall be two years for Alternate No. 1 and one year for Alternate No. 2, so that the term of not more than one alternate member shall expire in any one year. A vacancy occurring otherwise than by expiration of term shall be filled by the appointing authority for the unexpired term only. All members of said Board hereafter appointed shall be appointed by the Mayor, subject to confirmation by the Council, and shall hold said office for the term of three (3) years, except in the case of vacancies, which shall be filled for the unexpired term.
(Amended 4-23-02 by Ord. No. 4-02; 8-14-12 by Ord. No. 12-12)

14-3. Rules and regulations authorized; election of President.

Said Board of Health shall adopt rules and regulations for its own government and shall elect a President from among its own members.

14-4. Authority to make appointments.

Said Board of Health shall appoint a Registrar of Vital Statistics and Clerk, and may also appoint such officers or assistants as said Board of Health may deem necessary; all appointees of said Board of Health shall be governed by the rules of said Board, and they may be removed for cause by said Board.

14-5. Indebtedness limited to appropriation.

The said Board of Health shall not contract any debt or debts of any kind beyond the amount of the appropriation made for its use by this Council.

14-6. Repeal of prior ordinance.

This ordinance repeals Ordinance No. 2-19, entitled "Board of Health," adopted by the Mayor and Council of the Borough of Waldwick, November 19, 1919.

14-7. When effective.

This ordinance shall become effective immediately upon passage and publication as required by law.

INDEMNIFICATION AND DEFENSE OF MUNICIPAL OFFICIALS

CHAPTER 16

INDEMNIFICATION AND DEFENSE
OF MUNICIPAL OFFICIALS

16.1 Definitions

16.2 Civil Actions

16.3 Criminal Actions

16.4 Limitations

16.5 Methods to provide for defense

16.6 Additional provisions

16.7 When effective

(HISTORY: Adopted by the Mayor and Council of the Borough of Waldwick 12-22-92 as Ord. No. 16-92)

16.1 Definitions. (Amended 3-25-08 by Ord. No. 5-08)

MUNICIPAL OFFICIAL - A present or former municipal employee, appointee, official, elected official or member of the various boards, agencies, commissions of the Borough of Waldwick and members of WALVAC.

16.2 Civil Actions.

A. The Borough of Waldwick is hereby authorized to provide for the necessary means for the defense of any action or legal proceeding brought against its municipal officials and to indemnify such municipal officials to the extent hereinafter set forth and shall save harmless and protect such persons from any financial loss resulting from litigation.

B. The Borough of Waldwick is authorized to indemnify a municipal official for exemplary or punitive damages if the governing body determines that the acts committed by the official upon which the damages are based did not constitute actual fraud, actual malice, willful misconduct or an intentional wrong.

C. The obligation of the Borough of Waldwick to defend and indemnify its officials shall be limited to actions or legal proceedings arising out of and directly related to the lawful performance of the municipal official's duties, and shall be limited to those circumstances under which the Borough itself would be liable for the acts of its municipal officials under the doctrine of respondeat superior.

16.3 Criminal Actions.

A. The Borough of Waldwick is authorized to provide for the defense of a criminal action brought against a municipal official, provided that such a defense is authorized by statute, municipal ordinance or by resolution and provided further that the criminal action was not instituted as a result of a complaint on behalf of the Borough. A defense shall only be provided for criminal charges arising out of and directly related to the lawful performance of the municipal official's duties.

B. The Borough of Waldwick shall reimburse a municipal officer the reasonable costs of defending a criminal action arising out of or directly related to the lawful performance of the duties of the municipal official, provided that:

1. It is authorized by State statute, municipal ordinance or by resolution, and provided that the criminal proceedings have been dismissed or result in a final disposition in favor of the municipal official.

2. The Mayor and Council determines that there is no good cause to dismiss the municipal official because of the incident or related incidents forming the basis of the criminal proceedings.

16-4. Limitations.

The Mayor and Council shall not provide indemnification or the defense of any claim or action if:

A. The act or omission complained of was not within the scope of the municipal official's employment or authority.

B. The act or omission complained of was because of actual fraud, willful misconduct or actual malice.

C. The defense of the action or proceeding would create a conflict of interest between the Borough and the official involved.

D. There exist policies of insurance , either obtained by the Borough or by another by virtue of which the municipal official is entitled to a defense of the action in question from the insurer.

E. The municipal official has failed to deliver to the Mayor and Council, within fifteen (15) days of the time he or she is served with any summons, complaints, process, notice, demand or pleading, the original or copy of such document or thereafter fails to cooperate with the Borough in the defense or the matter.

F. The official fails to request the defense of any action.

G. The action was brought by the Borough.

16-5. Methods to provide for defense.

If the Mayor and Council determines to provide a defense as authorized in this chapter, it may do so by:

A. Using the services of the Borough Attorney;

B. Hiring an attorney of its choice and paying the same directly, or

C. Reimbursing the municipal official for reasonable attorney's fees expended or obligated to be expended by such official in the defense of the act.

16-6. Additional provisions.

In addition to the provisions hereof, all officials of the Borough shall be entitled to indemnification as provided in all applicable State legislation.

16-7. When effective.

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

Chapter 17

LICENSES AND PERMITS, GENERALLY

17-1. Approval or denial of a license or permit

17-2. Suspension or revocation of license or permit

17-3. Repealer

17-4. Severability

17-5. When effective

(HISTORY: Adopted by the Mayor and Council of the Borough of Waldwick 12-10-91 as Ord. No. 15-91)

BE IT ORDAINED by the Mayor and Council of the Borough of Waldwick, in the County of Bergen and State of New Jersey, as follows:

17-1. Approval or denial of a license or permit.

(a) Where the approval of any Borough officer or State officer is required prior to the issuance of any license or permit, such approval must be presented to the Licensing Official before any license or permit is issued.

(b) No license or permit shall be approved by any Borough officer or issued by the Licensing Official (1) if it appears that the conduct of the activity for which a license or welfare of the public, or any regulation, law or ordinance applicable to such activity, and (2) unless the applicant, if he is the owner thereof, pays any delinquent property taxes or assessments on the property wherein the business or activity for which the license or permit is sought or wherein the business or activity is to be conducted.

17-2. Suspension or revocation of license or permit.

(a) Any license or permit issued by the Borough may be suspended or revoked by the Administrator or Council for any of the following causes:

1. Fraud, misrepresentation or incorrect statement contained in the application or made in carrying on the licensed or permitted activity;

2. Conviction of any crime or misdemeanor where the conviction relates adversely to the activity authorized by the Borough;

3. Conducting such activity in such manner as to constitute a breach of the peace, or a menace to the health, safety or welfare of the public, or a disturbance of the peace or comfort of residents of the Borough; upon recommendation of the appropriate official;

4. Expiration or cancellation of any required bond or insurance;

5. Actions unauthorized or beyond the scope of the license or permit granted;

6. Violation of any regulation or provision of these Revised Ordinances applicable to the activity for which the license or permit has been granted, or any regulation or law of the state so applicable;

7. Failure to continuously comply with all conditions required as precedent to the approval of the license or permit; or

8. Failure of the licensee or permittee, if he is the owner of the property upon which the licensed business or activity is conducted, to pay the taxes due on the property for at least three consecutive quarters, provided that upon payment of the delinquent taxes or assessment, the license or permit shall be restored.

(b) The suspension or revocation of any license or permit shall not preclude the imposition of a penalty for violation of any ordinance of the Borough.

17-3. Repealer.

All ordinances of the Borough of Waldwick which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

17-4. Severability.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this ordinance.

17-5. When effective.

This ordinance shall take effect immediately upon final passage, approval and publication as required by law.

OFFICE OF GRANTS ADMINISTRATION

Chapter 18

OFFICE OF GRANTS ADMINISTRATION

18-1. Establishment.

18-2. Duties.

18-3. Compensation.

18-4. When effective.

(HISTORY: Adopted by the Mayor and Council of the Borough of Waldwick 5-11-04 as Ord. No. 12-4)

BE IT ORDAINED by the Mayor and Council of the Borough of Waldwick that there shall be established a new department within the Borough entitled the Office of Grants Administration; and,

BE IT FURTHER ORDAINED that this new department shall be codified into the Code of the Borough of Waldwick under Chapter 18 entitled "Office of Grants Administration" as follows:

18-1. Establishment.

There is hereby established in and for the Borough of Waldwick a Grants Administration Department to be known as the Office of Grants Administration, who shall be headed by the Grants Administrator.

18-2. Duties.

It shall be the general duties of the Grants Administrator to:

a. Research and make application to the Federal, State, County and other non-profit philanthropic agencies for funding for projects being considered by the Mayor and Council.
b. Prepare all required reporting documents necessary to receive funding on a timely basis.
c. Maintain all records as required by the various agencies.

18-3. Compensation.

The compensation of the employee of the Office of Grants Administration shall be fixed by ordinance adopted by the governing body of the municipality and they shall report to the Borough Administrator.

18-4. When effective.

This ordinance shall take effect upon adoption and publication as required by law.

Chapter 19

WALDWICK ENVIRONMENTAL IMPACT STATEMENT

19-1. Title and Short Title

19-2. Purpose

19-3. When Required

19-4. Submission Format

19-5. Content

19-6. Disposition by the Board

19-7. Planning Board Review; Conditions

19-8. Fees

19-9. When Effective

(**HISTORY: Adopted by the Mayor and Council of the Borough of Waldwick 9-24-91 as Ord. No. 10-91)**

BE IT ORDAINED by the Mayor and Council of the Borough of Waldwick, in the County of Bergen and State of New Jersey, as follows:

19-1. Title and Short Title

An ordinance to require the submission of a comprehensive written and graphic statement regarding the impact of certain applications for development upon the environment and the municipal infra-structure of the Borough of Waldwick. This chapter shall be known as "The Waldwick Borough Environmental Impact Statement (E.I.S.) Ordinance".

19-2. Purpose

The purpose of requiring an environmental impact statement is to permit the Planning Board to assess the impact of a proposed project upon the environment, particularly with respect to land, water, air, solid waste, aquatic and terrestrial wildlife, social and economic life and aesthetics.

19-3. When Required

a. An environmental impact statement is hereby required to be submitted for all applications for preliminary major subdivisions and all preliminary major site plans involving any new building and for soil removal permits.

b. An environmental impact statement as required herein, shall also be submitted for all public or quasi-public projects unless they are exempt from the requirements of local law by supervening State, or Federal law.

19-4. Submission Format

When an environmental impact statement is required, the applicant shall retain one or more competent professionals to perform the necessary work. All applicable material on file in the Borough pertinent to local conditions shall be consulted. Any additional material pertinent to evaluation of regional impacts shall also be considered. Furthermore, as much original research as necessary shall be conducted to develop the environmental impact statement. All environmental impact statements shall consist of written and graphic materials which clearly present the information required by this ordinance.

19-5. Content

The environmental impact statement (E.I.S.) shall include the following:

a. Project Description. The purpose and scope of the proposed project shall be indicated. The E.I.S. shall enumerate the benefits to the public which will result from the proposed project and describe the suitability of the site for the intended use. A description of the proposed project shall be presented to indicate the extent to which the site must be altered, the kinds of facilities to be constructed and the uses intended. The resident population, working population and visitor population shall be estimated. The compatibility or incompatibility of the proposed project shall be described in relation to the following:

1. Borough Master Plan
2. Master Plan of adjacent municipalities within 200 feet of the proposed development
3. Bergen County Master Plan
4. Regional and State planning guides
5. Other pertinent planning documents

b. Site Description and Inventory. The E.I.S. shall provide a description of environmental conditions on the site which shall include the following items:

1. Types of soils. Each soil type located on the site and percolation data.

2. Geology. The geologic formations and features associated with the site.

3. Vegetation. The existing vegetation on the site showing the location of major vegetative

groupings such as woodlands, open fields and wetlands.

4. Wildlife. The identification and description of any unique habitats of endangered or protected species.

5. Subsurface Water. The subsurface water conditions on the site both in terms of depth to ground water and water supply capabilities. The location, of all existing water wells on the site and within 500 feet of the site shall be indicated.

6. Distinctive scenic and/or historic surfaces. A map describing those portions of the site that can be considered to have distinctive scenic and/or historic qualities.

7. Existing development features. Any existing features on the site that are not considered to be part of the natural environment. This may include, but not necessarily be limited to: roads, housing units, accessory structures, utility lines, etc.

8. Miscellaneous. The Planning Board may require an analysis of existing air quality and noise levels as prescribed by the New Jersey State Department of Environmental Protection.

c. Environmental Performance Controls. The E.I.S. shall describe what measures will be employed during the planning, construction and operation phases which will minimize or eliminate negative impacts that could result from the proposed project. Of specific interest are:

1. Drainage plans which shall include soil erosion and sedimentation controls.

2. Sewage disposal techniques.

3. Water supply and water conservation proposals.

4. Energy conservation measures.

5. Noise reduction techniques.

d. Impact. Discuss both the negative and positive impacts during and after construction. Indicate those negative impacts that are unavoidable. The specific concerns that shall be considered include the following:

1. Soil erosion and sedimentation resulting from surface run-off.

2. Flooding and flood plain disruption.

3. Degradation of surface water quality.

4. Ground water pollution.

5. Reduction of ground water capabilities.

6. Sewage disposal.

7. Solid waste disposal.

8. Vegetation destruction.

9. Disruption of wildlife habitats of endangered and protected species.

10. Destruction of scenic and historic features.

11. Air quality degradation.

12. Noise levels.

13. Energy utilization.

e. Facilities impact. The E.I.S. shall contain a statement by the relevant authorities as to the adequacy of the existing facilities available to serve the proposed development dependent upon such facilities, including the adequacy of existing public water facilities, recreational facilities and sewage facilities. Should such facilities be determined to be inadequate to serve the proposed development, the applicant shall indicate remedies, proposed by the applicant.

f. Licenses, Permits and Other Approvals, Required by Law. The applicant shall list all known license, permits and other forms of approval required by law for the development and operation of the proposed project. The list shall include approvals required by the Borough, as well as agencies of the County, State and Federal governments. Where approvals have been granted, copies of said approvals shall be attached to the E.I.S. Where approvals are pending, a note shall be made to that effect.

g. Documentation. All publications, file reports, manuscripts or other written sources of information which were consulted and employed in compilation of the E.I.S. shall be listed. A list of all agencies and individuals from whom pertinent information was obtained orally or by letter shall be listed separately.

19-6. Disposition by the Board.

The Planning Board shall review the information furnished in the environmental impact statement in the context of the overall design of the proposed development and the

relationship of the proposed development to the environment. The information is to be used solely to help insure that the proposed development will cause no reasonably avoidable damage to any environmental resource.

19-7. Planning Board Review; Conditions.

In reviewing an E.I.S., the Planning Board shall take into consideration the effect of the proposed project upon all aspects of the environment, including but not limited to sewage disposal, water quality, water supply, preservation of trees and vegetation, protection of watercourses, protection of air resources, protection of aquifers, protection of public lands and their uses and ecosystems and the creation of any nuisance factors, the Planning Board may submit such statement to such other governmental bodies and to such consultants as it may deem appropriate. The Planning Board shall reject the proposed project on an environmental basis only if it determines that the proposed project will result in appreciable harm to the natural environment, or will place an excessive demand upon the total resources available for such project and for any future projects, or will result in reasonably avoidable damage to any environmental resource.

19-8. Fees.

See Chapter 48-19.8.

19-9. When effective.

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

POLICE DEPARTMENT

Chapter 20

Police Department

20-1. Establishment; membership.
20-2. Designation of the Appropriate Authority.
20-3. Chief of Police; powers and duties.
20-4. Appointment of police officers.
20-5. Qualifications.
20-6. Probationary period.
20-7. Complaint against employee; hearing.
20-8. Oath of office.
20-9. Powers and duties.
20-10. Compensation.

(HISTORY: Adopted by the Mayor and Council of the Borough of Waldwick 4-11-67 as Ord. No. 5-67; amended in its entirety 2-25-97 as Ord. No. 3-97)

20-1 Establishment; membership. (**Amended 3-9-04 by Ord. No. 4-04; 2-5-05 by Ord. No. 2-05)**

A. There is hereby established in and for the Borough of Waldwick a Police Department which shall consist of the following twenty (20) positions. There shall be one (1) Chief of Police, one (1) Lieutenant, five (5) Sergeants, and thirteen (13) Police Officers. In addition, there may be a one to one relationship of police officers who are in training to take the positions of existing police officer(s) who have given notice of a specific retirement date which is not greater than six months from the date the replacement officer is hired. Once a police officer of any rank has elected to take their retirement and to accept any of the benefits including, but not limited to, terminal leave, accumulated sick time, vacation time or personal days, then and in that event, they cannot change their mind and seek to return to active duty nor can they withdraw their application for retirement.

B. The Borough Council may from time to time, appoint public safety telecommunicators, school crossing guards, matrons and traffic directors as deemed necessary.

C. Appointment of the Police Department shall be made by the Mayor and confirmed by majority vote of the Council in compliance with civil service and the laws of New Jersey. Promotion within the Police Department shall be made by the same procedure. Special officers shall be appointed annually in accordance with New Jersey law or such other manner as is deemed necessary and proper.

20-2 Designation of the Appropriate Authority. (Amended 2-25-03 by Ord. No. 5-03)

A. The Borough Administrator shall be designated as the appropriate authority as provided in N.J.S.A. 40A:14-118. The Administrator shall be responsible for the overall performance of the Police Department, and shall promulgate rules and regulations for the governing of the Police Department and the discipline of its members.

B. The Chief of Police shall review the rules and regulations on an ongoing basis and may recommend changes or updated provisions to the Appropriate Authority.

C. All officers and employees of the Waldwick Police Department shall comply with the rules and regulations adopted for the government of the Department and with the orders of their superior officers not inconsistent therewith, as well as all policies and procedures established by the Department, the Bergen County Prosecutor and the Attorney General of New Jersey.

20-3 Chief of Police; powers and duties. (Amended 2-25-03 by Ord. No. 5-03; 3-9-04 by Ord. 4-04)

The Chief of Police shall be the head of the Police Department and shall be directly responsible to the Appropriate Authority for its efficiency and day-to-day operations. Pursuant to policies established by the Borough Council, the Chief of Police shall:

A. Administer and enforce rules and regulations of the Police Department and any special emergency directive for the disposition and discipline of department members.

B. Have, exercise and discharge the functions, powers and duties of the Police Department.

C. Prescribe the duties and assignments of all members and officers.

D. Delegate such authority as may be deemed necessary for the efficient operation of the Police Department to be exercised under the Chief's direction and control.

E. Report at least monthly to the Appropriate Authority in such form as shall be prescribed by the Appropriate Authority on the operation of the Police Department during the preceding month and make such other reports as may be requested by the Appropriate Authority.

20-4 Appointment of police officers.

All members of the Waldwick Police Department shall be appointed by the Borough Council in accordance with the laws pertaining to, and rules promulgated by 40A:14-118 et seq, the New Jersey Department of Personnel; N.J.S.A 11A-1 et seq., NJAC 4A:1-1 et seq. and the terms of this chapter. Wherever N.J.S.A. 40A:14-118 et seq. is in variance with any provision of New Jersey Department of Personnel Law, Administrative Code, Rules or Regulations the latter shall be controlling.

20-5 Qualifications.

A. No Person shall be appointed a member of the Waldwick Police Department unless he/she possesses the requisite qualifications prescribed by the applicable statutes of New Jersey relating to age, residence and other qualifications and eligibility requirements.

B. Each candidate for appointment to the Police Department must satisfactorily pass such physical, psychological and psychiatric examinations as may be required before physicians, psychologists or psychiatrists designated by the Mayor and Council. Such examinations shall be designed to determine, according to accepted medical and psychological standards, the candidates fitness and ability to perform the duties of a police officer without danger or impediment to the health, safety and welfare of the candidate, fellow officers and the public at large and the candidate's eligibility for inclusion in the Police and Firemen's Retirement System.

C. In accordance with N.J.S.A. 40A:14-123.1A and ordinance 1-95 of the code of the Borough of Waldwick all duly qualified applicants for appointment to the Police Department shall be classified in the categories set forth below and appointed members in the order and manner specified below:

(1) Residents of the Borough of Waldwick

(2) Other residents of Bergen County

(3) Other resident of the State of New Jersey

(4) All other qualified applicants

D. Residency status in Sub-section C above is determined as of the “Closing Date” of the application acceptance period by the New Jersey Division of Personnel pursuant to N.J.A.C. 4A:4-2.11(b).

20-6 Probationary period.

In order to better evaluate the aptitude, ability, quality and competence of recruits each person hereafter appointed to the Police Department and pursuant to N.J.A.C. 4A:4-5.2(d) shall first serve a probationary period commencing from the date of their employment to a date one (1) year following completion of the Basic Police Training Class and receipt of a certification from the Police Training Commission pursuant to N.J.S.A. 52:17B-66 et seq., which period must be completed to the satisfaction of the Chief of Police and the Mayor and Council before such appointees are eligible for appointment as permanent members of the Police Department.

Each member who is to be appointed as a permanent member of the department must possess a Police Training Commission certification as a Police Officer. The holder of any probationary appointment may be dismissed from office by the Mayor and Council at any time during such period of probation, pursuant to N.J.A.C. 4A:2-2.1; 4A:2-4.1 & 4A:4-5.2(d).

20-7 Complaint against employee; hearing

Disciplinary action shall be taken against members of the Police Department in accordance with the Borough's rules and regulations adopted by resolution pursuant to 20-2 & N.J.A.C. 4A:2-2.1 et seq. No permanent employee of the Police Department, sworn or civilian, shall be removed from office or employment therein except after just cause, and then only after a written complaint of the charge(s) of the cause(s) shall have been preferred against such officer or employee, signed by the person or persons making same and filed with the Appointing Authority. Notwithstanding any provision of this ordinance, no person shall be removed from office or employment except as prescribed by the applicable rules and regulations of the Department of Personnel pursuant to N.J.A.C. 4A:2-2.1 et seq.

20-8 Oath of office.

Before entering upon the duties and within five (5) days after appointment, each officer of the department shall take and subscribe an oath or affirmation to faithfully and impartially discharge the duties of his/her appointment as a member of the Police Department and in accordance with the statutes of the State of New Jersey relating to the oath to be taken.

20-9 Powers and duties.

The powers and duties of the officers and employees of the Police Department shall be prescribed by the laws of this state, the ordinances and resolutions of the Borough of Waldwick, and such rules and regulations as may now or hereafter be adopted for the government and discipline of the Department. All officers of the department shall have the authority to serve and execute all process issued by the Municipal Judge of the Borough and all other New Jersey Courts of competent jurisdiction in accordance with the laws of New Jersey.

20-10 Compensation.

The compensation of the Chief of Police and all other officers of the Police Department shall be determined by the Borough Council by ordinance. Such compensation shall be pursuant to contract in such amount or amounts shall be negotiated between the individuals involved or their representatives and the Borough Council or its representatives and approved as part of the Borough budget.

The salaries and compensation of all other employees of the Police Department shall be determined by the Borough Council by ordinance.

Chapter 22

RECREATION, SUPERINTENDENT OF

22-1. Establishment.

22-2. Appointment by Mayor.

22-3. Duties.

22-4. Compensation.

22-5. Repealer.

22-6. When effective.

[HISTORY: Adopted by the Mayor and Council of the Borough of Waldwick 4-26-56 as Ord. No. 1-56.]

GENERAL REFERENCES:

Civil Service procedures - See Ch. 5
Payment of claims - See Ch. 6
Municipal swimming pool - See Ch. 87

BE IT ORDAINED by the Mayor and Council of the Borough of Waldwick, in the County of Bergen and State of New Jersey, as follows:

22-1. Establishment.

There be and is hereby created the office of Superintendent of Recreation in and for the Borough of Waldwick.

22-2. Appointment by Mayor.

The appointment of such Superintendent of Recreation shall be made by the Mayor with the advice and consent of the Borough Council and in accordance with the Revised Statutes of the State of New Jersey.

22-3. Duties.

It shall be the duty of the Superintendent of Recreation:

A. To take charge of the development, organization and administration of a broad program of recreational activities and facilities for the Borough.

B. To conduct studies to determine community recreation needs.

C. To direct the acquisition and design the construction, operation and proper maintenance of recreation facilities.

D. To make recommendations to the Mayor and Borough Council concerning recreational facilities in the Borough.

22-4. Compensation.

The salary to be paid said Superintendent of Recreation shall be in accordance with a resolution passed by the Mayor and Borough Council of the Borough of Waldwick, or in accordance with the annual Salary Ordinance.

22-5. Repealer.

The provisions of any ordinance or code of the Borough of Waldwick inconsistent herewith are hereby repealed.

22-6. When effective.

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

RECYCLING DEPARTMENT

CHAPTER 23

RECYCLING DEPARTMENT

23-1. Establishment

23-2. Compensation

23-3. When Effective

(HISTORY: Adopted by the Mayor and Council of the Borough of Waldwick 6-26-90 as Ord. No. 8-90.)

BE IT ORDAINED by the Mayor and Council of the Borough of Waldwick, in the County of Bergen and State of New Jersey, as follows:

23-1. Establishment

There is hereby established in and for the Borough of Waldwick a Recycling Department to be known as the Office of Recycling.

23-2. Compensation

The compensation of the employees of the Office of Recycling shall be fixed by ordinance adopted by the governing body of the municipality and they shall report to the Recycling Coordinator.

23-3. When Effective

This ordinance shall take effect when passed and published as required by law.

CHAPTER 27

WALVAC LEASE AGREEMENT

27-1. Findings.

27-2. Authorization and purpose of lease agreement; rights.

27-3. Continuation of services by Walvac.

27-4. Consideration for lease.

27-5. Term; renewal; termination.

27-6. Annual report.

27-7. Enforcement of conditions.

27-8. When effective.

[HISTORY: Adopted by the Mayor and Council of the Borough of Waldwick 2-13-79 as Ord. No. 2-79. Amendments noted where applicable.]

BE IT ORDAINED by the Mayor and Council of the Borough of Waldwick, in the County of Bergen and State of New Jersey, as follows:

27-1. Findings.

It is hereby determined that:

A. The first-floor area of the building erected by the Borough of Waldwick on land owned by it which is commonly known or designated as " 20 Whites Lane " is suitable for the purposes authorized by this ordinance and is not otherwise needed for public use, dedicated or restricted pursuant to law.

B Waldwick Volunteer Ambulance Corps, Inc., sometimes known or referred to as " Walvac " is a nonprofit corporation organized and existing pursuant to Title 15 of the Revised Statutes of New Jersey which, pursuant to the purposes of such incorporation, provides first-aid, rescue and emergency services without charge for the benefit of all residents of the Borough of Waldwick, thereby contributing significantly to promoting the health, safety and general welfare of the community.

27-2. Authorization and purpose of lease agreement; rights.

In accordance with N.J.S.A. 40A:12-14 and 12-15 and subject to the terms and conditions hereinafter set forth, the Mayor and Clerk of the Borough of Waldwick are hereby authorized to execute on behalf of the Borough a lease agreement with Waldwick Volunteer Ambulance Corps, Inc., as lessee, covering the first-floor area of the building owned by the Borough and commonly known as " 20 Whites Lane," Waldwick, New Jersey, and to be used as a headquarters for Waldwick Volunteer Ambulance Corps, Inc., and for the purpose of garaging ambulances and rescue vehicles owned by it. The rights of the lessee shall be nonexclusive as to common areas designated and used as access for the remainder of the building.

27-3. Continuation of services by Walvac.

The lease hereby authorized shall contain a provision whereby Waldwick Volunteer Ambulance Corps, Inc., agrees and undertakes to continue to provide emergency first-aid, ambulance and rescue services available to all of the residents of Waldwick.

27-4. Consideration for lease.

The consideration for the lease hereby authorized shall be the benefits to the Borough and its residents of providing for the protection and promotion of the health, safety and general welfare of the community.

27-5. Term; renewal, termination. (Amended 3-25-08 by Ord. No. 5-08)

The initial term of the lease hereby authorized shall expire December 31, 2008, but shall be renewable at the option of the parties for twenty-four (24) additional periods of one (1) calendar year each. The Borough shall have the right to terminate the leasehold upon sixty (60) days' notice to the lessee when, in the opinion of the Mayor and Council, such termination is in the best interest of the Borough and its residents.

27-6. Annual report.

In December of each year during which the agreement hereby authorized is effective, Waldwick Volunteer Ambulance Corps, Inc., shall submit to the Mayor and Council of the Borough a written report setting out the use to which the leasehold was put during that year; the activities of Waldwick Volunteer Ambulance Corp., Inc., undertaken in furtherance of the public purpose for which the leasehold is granted; the approximate value or cost, if any, of such activities in furtherance of such purpose; and an affirmation of the continued tax-exempt status of Waldwick Volunteer Ambulance Corps., Inc., as a nonprofit corporation pursuant to both state and federal law.

27-7. Enforcement of conditions.

The Borough Council of Waldwick shall be responsible for enforcement on behalf of the Borough of the conditions of the agreement executed pursuant hereto.

27-8. When effective.

This ordinance shall become effective upon final passage and publication as required by law.

CHAPTER 28

ALARMS

28-1. Purpose
28-2. Definitions
28-3. Alarm Devices
28-4. Local Alarms
28-5. Dial Alarms
28-6. False Alarms
28-7. Installation on Subscriber's Premises
28-8. Liability of the Borough Limited
28-9. Notices
28-10. Penalties
28-11. Severability
28-12. Repeal of Inconsistent Ordinances
28-13. Effective Date

(HISTORY: Adopted by the Mayor and Council of the Borough of Waldwick 6-14-88 as Ord. No. 12-88.)

28-1 Purpose

WHEREAS, it is in the best interest of the community of the Borough of Waldwick to provide standards and regulations relative to the operation of alarms; and,

WHEREAS, the Borough of Waldwick has provided and intends to continue to provide manpower for the operation of an alarm console device at Police Headquarters;

WHEREAS, it is in the best interest of the Borough of Waldwick to levy charges therefore as hereinafter set out for the purpose of recompensing the Borough of Waldwick for its expenses incurred in the operation of such alarm console.

28-2 Definitions

As used herein the following words and phrases shall be defined as hereinafter indicated:

ALARM CONSOLE shall mean the console or control panel of devices emitting a visual or audio response, or both, and located at Police Headquarters.

ALARM DEVICE shall mean any type of alarm system activating the alarm console.

DIAL ALARM shall mean a type of alarm using telephone lines and transmitting a pre-recorded alarm message directly to Police Headquarters.

LOCAL ALARM shall mean any alarm or device which, when activated, produces a signal, but which is not connected to the alarm console.

PERSON shall be deemed to include any natural person, partnership, corporation or any other legal entity.

SUBSCRIBER shall mean any person owning or possessing an alarm device as defined in this ordinance.

FALSE ALARM shall mean any alarm activated by inadvertence, negligence, the unintentional act of someone other than an intruder, or the malfunction of the alarm equipment, but shall not include alarm activated by a malfunction of the alarm console.

DESIGNATED REPRESENTATIVE shall mean any member of the Police Department of the Borough of Waldwick.

28-3 Alarm Devices

(a) Any person may have an alarm device connected to the alarm console located at Police Headquarters upon payment of the fees prescribed herein and compliance with all other applicable provisions hereof.
(b) See Chapter 48:28-3(b)
(c) Completed applications shall be forwarded by the Borough Clerk to the Police Department, with a copy thereof to the company employed by the Borough, to maintain the Borough's alarm console.
(d) See Chapter 48:28-3(d)

(I) The first such annual charge for connection of an alarm device shall be prorated as of the date such connection is effected, except that subscribers connected to the alarm console prior to the effective date of this ordinance shall pay such charge prorated as of the effective date of this ordinance with payment to be made within 30 days following receipt of written notice of the amount of such charge.
(II) Thereafter, the annual charge shall be payable during the month of January of each year, in advance, for each year or part thereof during which an alarm device is connected to the alarm console.

(e) If any subscriber shall fail to pay any charge due pursuant to the provisions hereof within 30 days or notified by mail that such charges are due, the Borough may disconnect such person's alarm device from the alarm console, and such alarm device shall not be reconnected unless and until any and all charges due have been paid, together with a new connection charge in the amount prescribed by paragraph (b) above.
(f) Any alarm device shall be disconnected from the alarm console upon request of the subscriber, provided that no such disconnection shall entitle the subscriber to a refund of any portion of the annual charge payable for the year during which such disconnection occurs.
(g) Any alarm device connected to the alarm console shall be compatible with the alarm console and function properly in conjunction with the alarm console.

(h) Any alarm device connected to the alarm console shall be equipped with a reversing relay which will enable the alarm console to differentiate between any activated alarm, an equipment malfunction, and a normal inactivated condition, and any malfunction of any alarm device which improperly indicates an activated condition on the alarm console shall constitute a false alarm.
(i) Any alarm device connected to the alarm console shall be equipped with an entry time delay such that the owner or occupant of the premises in which the alarm device is located may enter the premises and have an opportunity to disconnect the alarm device without activating same.

28-4 Local Alarms

(a) The owner or operator of any local alarm shall register same with the Borough Clerk prior to installation, except that, persons owning or operating local alarms prior to the effective date of this ordinance shall register same within 30 days after the effective date of this ordinance. Thereafter, local alarms shall be registered annually during the month of January for each year or part thereof during which the local alarm is in operation.
(b) Registration shall be on a form to be provided by the Borough Clerk and shall include the names, addresses and telephone numbers of persons having access to the premises and capable of deactivating the local alarm.
(c) See Chapter 48:28-4(c)
(d) No person shall cause or permit any local alarm to emit any sound for a period in excess of 15 minutes, and any such emission for a period in excess of 15 minutes shall, in addition to subjecting such person to the penalties prescribed in Section 10 hereof, constitute a false alarm.

All local alarms installed after adoption of this ordinance shall be equipped with a time relay device which limits the sounding of alarms to 15 minutes or less.
(e) The owner or operator of any local alarm shall provide the Police Department with the name, address, and telephone number of at least two persons who will be available at all times, from whom the Police Department may obtain a key for the purpose of deactivating the alarm, or who will be able to enter the premises for such purpose.

28-5 Dial Alarms

(a) No person shall operate a dial alarm without first registering same with the Borough Clerk, except that persons operating dial alarms prior to the effective date of this ordinance shall register same within 30 days following the effective date of this ordinance. Thereafter, each dial alarm shall be registered annually during the month of January for each year or part thereof during which the dial alarm is in operation.
(b) Dial alarms shall be registered on a form to be provided by the Borough Clerk, and the Borough shall forward a copy of each such registration to the Police Department.
(c) See Chapter 48:28-5(c)

(d) No dial alarm shall be initially registered until a satisfactory test thereof has been conducted by the Chief of Police or his designated representative.
(e) No person shall operate a dial alarm which does not conform to the requirements set forth below. In addition to any penalty imposed pursuant to Section 10 hereof, any message transmitted by a dial alarm not in conformance with the requirements set forth below shall constitute a false alarm.

(I) Dial alarms shall be coded so as to dial a specific number to be furnished by the Chief of Police, and no dial alarm shall be coded to dial the number of the general police switchboard of the Borough of Waldwick.
(II) Dial alarms shall be coded to conform to a message prescribed by the Chief of Police.
(III) The total length of any message shall not exceed fifteen (15) seconds.
(IV) A message from a disk alarm shall not be transmitted to Police Headquarters more than three times per activation of the dial alarm device.
(V) All dial alarm devices shall be capable of disconnection to enable the owner to call the Police Switchboard to indicate that a false alarm has occurred.

28-6 False Alarms

(a) The Police Department of the Borough of Waldwick shall record the date and location of each false alarm.
(b) For the first and second false alarm that shall occur within any calendar year, a warning shall be issued by the Chief of Police or his designated representative to the person owning or operating the alarm that caused the false alarm.
(c) See Chapter 48:28-6(c)

28-7 Installation on Subscribers Premises

Nothing contained herein shall be constructed to require a subscriber to contact with the alarm company which the Borough has designated or may hereafter designate to service the alarm console, provided that any alarm device installed shall comply with the requirements hereinabove set forth. The subscriber shall retain the right to have the alarm company of his choice install and service the alarm system on the subscriber's premises, with the costs of said installation and service, in any event, to be borne exclusively by the subscriber.

28-8 Liability of the Borough Limited

(a) The Borough shall not be liable for any defects in operation of its alarm console or any automatic dial alarm devices, or for any failure or neglect to respond appropriately upon receipt of any person in connection with the installation and operation of equipment, or the relaying of such signals and messages, and, in the event that the Borough finds it necessary to disconnect any alarm for any reason, the Borough shall incur no liability by such action.

(b) The connection of a subscriber's alarm device to the alarm console in Police Headquarters does not constitute acceptance by the Borough of any liability to maintain any equipment.
(c) If the location of Police Headquarters should be changed at any time, the Borough shall not be responsible for any expenses incurred by the subscriber as a result thereof.
(d) The Borough shall assume no liability or responsibility to correct defects in any equipment maintained by New Jersey Bell Telephone Company or in any equipment installed on the subscriber's premises.

28-9 Notices

(a) The Borough Clerk shall forthwith, following the effective date of this ordinance, mail a copy of this ordinance, together with a notice that the annual service charge is due, to all subscribers who have had alarm devices connected to the alarm console prior to the effective date of this ordinance.
(b) Copies of the ordinance shall be provided to all persons making application for a connection of an alarm device or registering a dial alarm or local alarm.
(c) The Borough Clerk shall record all charges paid pursuant to this ordinance and shall mail notices to persons who are more than 30 days in default of payment of any such charges.

28-10 Penalties

See Chapter 1:14.1.

28-11 Severability

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

28-12 Repeal of Inconsistent Ordinances

All ordinances or parts thereof inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

28-13 Effective Date

This ordinance shall take effect immediately upon passage and publication as provided by law.

Chapter 29

ALCOHOLIC BEVERAGES

ARTICLE I
General Regulations

29-1. Purpose of ordinance.

29-2. Mayor & Council to authorize licenses; report to State Commissioner.

29-3. Applications for licenses.

29-4. Limitation on number of licenses.

29-5. License fees.

29-6. Plenary retail consumption licenses: conditions of issuance.

29-7. Plenary retail distribution licenses: conditions of issuance.

29-8. License terms; payment of fees in advance.

29-9. Licenses: transferability, transfer fee

29-10. Suspensions and revocations.

29-11. Interior light requirements.

29-12. Hours of operation restricted.

29-13. Admittance of minors.

29-14. Sale restrictions.

29-15. Serving restrictions.

29-16. Distance restrictions.

29-17. Violations and penalties for unlawful procurement.

29-18. Violations and penalties.

29-19. Effective date.

ARTICLE II
Consumption and Possession in Public; Open Containers

29-20. Prohibited acts.

29-21. Exception for special events.

29-22. Violations and penalties.

29-23. Severability.

29-24. When effective.

ARTICLE III
Consumption by Persons Under the Legal Age

29-25. Consumption by persons under the legal age.

29-26. Penalties.

29-27. Severability.

29-28. Repealer.

(HISTORY: Adopted by the Mayor and Council of the Borough of Waldwick: Article I, 9-7-34 as Ord. No. 2-34; Article II, 4-27-76 as Ord. No. 7-76; Article III, 12-12-00 as Ord. No. 23-00. Amendments noted where applicable.)

GENERAL REFERENCES

Waiver of fees – See Ch. 11
Amusement devices – See Ch. 30
Exhibitions and entertainments – See Ch. 47
Fire Prevention Code – See Ch. 51
Maintenance of sidewalk and gutter area – See Ch. 76
Snow and ice removal – See Ch. 79
Street and sidewalk uses – See Ch. 82
Water conservation – See Ch. 93
Water supply – See Ch. 94
Noxious weeds – See Ch. 95
Zoning regulations – See Ch. 97
Zoning variances and exceptions – See Ch. 97

BE IT ORDAINED by the Mayor and Council of the Borough of Waldwick, in the County of Bergen and State of New Jersey, as follows:

ARTICLE I
General Regulations
(Adopted 9-7-34 as Ord. No. 2-34)

29-1. Purpose of ordinance.

This ordinance is for the purpose of regulating the sale, distribution and consumption of alcoholic beverages in the Borough of Waldwick, in the County of Bergen, in accordance with the provisions of the Act of Legislature entitled "An Act Concerning Alcoholic Beverages," being Chapter 436 of the Laws of 1933, its supplements and amendments, and in accordance with the rules and regulations issued or to be promulgated by the State Commissioner of Alcoholic Beverage Control applicable thereto.

29-2. Mayor and Council to authorize licenses, report to State Commissioner

The Mayor and Council of the Borough of Waldwick shall constitute the authority for the administration of issuance of licenses under this ordinance of all such licenses to said State Commissioner of Alcoholic Beverage Control.

29-3. Applications for licenses.

No license shall be issued except after written application presented by the proposed license, upon forms approved by the governing body, and after conformity with publication of notice or otherwise, as required by said act and this ordinance.

29-4. Limitation on number of licenses. (Added 10-5-45 by Ord. No. 1-45).

Not more than three (3) plenary retail consumption licenses and not more than one (1) plenary distribution license shall be issued and outstanding in the Borough of Waldwick at the same time, but this shall not prevent the renewal of licenses presently outstanding or the transfer of such license and the renewal of licenses so transferred.

29-5. License fees. (See Chapter 48:29-5)

29-6. Plenary retail consumption licenses: conditions of issuance

The holder of a plenary retail consumption license shall be entitled, subject to rules and regulations, to sell for consumption on the licensed premises any alcoholic beverage by the glass or other open receptacles and also to sell all alcoholic beverages in original containers for consumption off the licensed premises. Such licenses shall not permit the sale of alcoholic beverages in or upon any premises in which a grocery, delicatessen, drugstore or other mercantile business is carried on, except the keeping of a hotel or restaurant or the sale of cigars and cigarettes at retail as an accommodation to patrons or the retail sale of nonalcoholic beverages as accessory beverages to alcoholic beverages.

29-7. Plenary retail distribution licenses; conditions of issuance.

The holder of a plenary retail distribution license shall be entitled, subject to rules and regulations, to sell any alcoholic beverage for consumption off the licensed premises, but only in original containers

29-8. License terms; payment of fees in advance.

All licenses shall be for a term of one (l) year from the first day of July in each year, and all fees shall be paid in advance upon presentation of the application.

29-9. Licenses: transferability, transfer fee (Amended 12-30-86 by Ord. No. 23-86)

Licenses shall not be transferable. A separate license shall be required for each specific place of business, and each license shall be effectual only for the licensed premises mentioned therein; provided, however, that upon an application for a transfer in the same manner as for an original application and upon publication of intention to transfer in the same manner as the case of an original application, the governing body may issue a transfer of such license to a different place of business by endorsing such permission upon such license and upon payment of a fee in accordance with N.J.S.A. 13:2-7.15 et seq.

29-10. Suspensions and revocations.

Any license issued under this ordinance may be suspended or revoked for violation of any of the provisions of this ordinance or any of the provisions of said act or said statutes heretofore mentioned or of any of the regulations and rules prescribed by the State Commissioner of Alcoholic Beverage Control. Proceedings for suspension or revocation shall be in accordance with the provisions of said act by service of a five-day notice of charges preferred against the licensee, as provided in said act, and affording a reasonable opportunity for a hearing, and such suspension or revocation shall carry the penalties and prohibitions provided for in said act.

29-11. Interior light requirements.

All premises in which said alcoholic beverages shall be sold or otherwise dispensed shall have reasonable access of light from the public highway, and such premises shall be deemed to have reasonable access of light when a normal-sized adult can, on inspection from the exterior, view the interior of said licensed premises.

29-12. Hours of operation restricted. (Amended 4-18-41 by Ord. No. 1-41)

A. No licensee shall sell, serve or deliver or allow, permit or suffer the sale, service or delivery of any alcoholic beverage or allow the consumption of any alcoholic beverage on the licensed premises on New Year's Day when it is a weekday between the hours of 5:00 a.m. and 7:00 a.m.; on New Year's Day when it is a Sunday between the hours of 5:00 a.m. and 11:00 a.m.; on other weekdays between the hours of 2:00 a.m. and 11:00 a.m.; on other Sundays between the hours of 2:00 a.m. and 11:00 a.m. (**Amended 3-13-84 by Ord. No. 3-84)**

B. The hours specified herein shall be deemed and construed to refer to the prevailing time. **(Amended 11-28-78 by Ord. No. 19-78)**

29-13. Admittance of minors.

No minor shall be allowed in any room in which any bar is located, unless accompanied by a parent.

29-14. Sale restrictions. (Repealed 2-26-74 by Ord. No. 3-74)

29-15. Serving restrictions.

No person shall be served in any back room or side room which is not open to the use of the public generally, except that in hotels guests may be served in their rooms or in private or public dining rooms.

29-16. Distance restrictions.

No license shall be issued for the sale of alcoholic beverages within two hundred (200) feet of any church or public school or private schoolhouse not conducted for pecuniary profit, except to manufacturers, wholesalers, hotels, clubs and fraternal organizations which own or are actually in possession of the licensed premises at the time of effectiveness of the aforesaid act; provided, however, that this prohibition may be waived at the issuance or renewal of such license, by the duly authorized governing body or authority of such school or church, and such waiver shall be effective until the date of the next renewal of said license, and provided also that this prohibition shall not apply to the renewal of any license where no such school or church was located within said prohibited distance of said licensed premises at the time of issuance of said license, or as otherwise excepted by the provisions of said act.

29-17. Violations and penalties for unlawful procurement.

Any person, except an officer or other person authorized by and acting pursuant to instruction from such officer, so doing in the course of and for the purpose of enforcing said act, who shall knowingly purchase, receive or procure any illicit beverage, on conviction thereof, shall be subject to a fine of not less than ten dollars ($10.) and not more than one hundred dollars ($100.) or

imprisonment for not less than two (2) days and not more than ten (10) days, or by both such fine and imprisonment, in the discretion of the court.

29-18. Violations and penalties.

Any person who shall knowingly violate any of the other provisions of this ordinance and said act shall, upon conviction, be subject to a fine of not less than fifty dollars ($50) and not more than two hundred fifty dollars ($250.) or imprisonment for not less than ten (10) days and not more than ninety (90) days, or by both such fine and imprisonment, in the discretion of the court.

29-19. Effective date.

This ordinance shall take effect on July 1, 1934, after publication in the manner required by law.

ARTICLE II

Consumption and Possession in Public; Open Containers (Adopted 4-27-76 as Ord. No. 7-76)

29-20. Prohibited acts.

A. No person shall consume any alcoholic beverages within the limits of the Borough of Waldwick nor have in his possession any opened alcoholic beverage container with unconsumed alcoholic beverage therein:

(1) While in or on a public street, lane, roadway, avenue, sidewalk, public parking place, park, playground, recreation area, school grounds or any other public or quasi-public place open to the public or in any public conveyance.
(2) While in a private motor vehicle while the same is in motion or parked in any public street, lane or public parking lot, or other public or quasi-public place.
(3) While upon any private property not his own without the express permission of the owner or other person having authority to grant such permission.

B. No person within the limits of the Borough of Waldwick shall discard alcoholic beverage containers upon any public street, lane, roadway, avenue, sidewalk, public parking lot or place, park, playground, recreation area, school grounds or any other public or quasi-public place open to the public or in any public conveyance or upon any private property not his own without the express permission of the owner.

29-21. Exception for special events.

Notwithstanding the provisions of Section 29-20, the Mayor and Council of the Borough of Waldwick may, by resolution, issue a permit for the possession or consumption of alcoholic beverages in any designated park or other public or quasi-public place under its jurisdiction at the designated time or times in connection with a special event which shall have been authorized by the Mayor and Council, except that with respect to school grounds, the Board of Education shall have authority as to the issuance of any such permit for a special event.

29-22. Violations and penalties.

Any person who shall violate the provisions of this ordinance shall, upon conviction, be punished by a fine of not more than five hundred ($500.) dollars or be imprisoned for not more than ninety (90) days, or both.

29-23. Severability.

The invalidity of any section, clause, sentence or provision of this ordinance shall not affect the validity of any part of this ordinance which can be given effect without such invalid part or parts.

29-24. When effective.

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

ARTICLE III
Consumption by Persons Under the Legal Age
(Adopted 12-12-00 as Ord. No. 23-00)

29-25. Consumption by persons under the legal age.

1. No person shall offer or serve any alcoholic beverage to a person under legal age in any public or quasi-public place within the Borough of Waldwick. No person who has ownership or control of any premises, whether public or quasi-public, or supervision of any event, shall permit, suffer or allow the consumption of an alcoholic beverage by a person under legal age in or upon any such premises or at any such event with the Borough of Waldwick.
2. It is unlawful for any person under the legal age to consume alcohol, to, without legal authority, knowingly possess or knowingly consume an alcoholic beverage on private property.
3. The prohibition contained in this Section (2) shall not prohibit an underaged person from consuming or possessing an alcoholic

beverage in connection with a religious observance, ceremony or rite or consuming or possessing an alcoholic beverage in the presence of and with the permission of a parent, guardian or relative who has attained the legal age to purchase and consume alcoholic beverages.

4. As used in this section, “guardian” means a person who has qualified as a guardian of the underaged person pursuant to testamentary or court appointment. “Relative” means the underaged persons’ grandparent, aunt or uncle, sibling, or any other person related by blood or affinity.
5. Nothing contained in this Article III shall prohibit possession of alcoholic beverages by any such underaged person while actually engaged in the performance of employment by a person who is licensed under Title 33 of the revised statutes of the State of New Jersey, or while actively engaged in the preparation of food while enrolled in a culinary arts or hotel management program at a County vocational school or post secondary educational institution; however, nothing in this section shall be construed to preclude the imposition of a penalty under this section, R.S.33:1-81, or any other section of law against a person who is convicted of unlawful alcoholic beverage activity on or at premises licensed for the sale of alcoholic beverages.

29-26. Penalties.

1. Any violation of Article III shall be punished by a fine of $250.00 for a first offense and $350.00 for any subsequent offense.
2. In addition to the fine authorized for this offense, the court may suspend or postpone for six months the driving privilege of the Defendant. Upon the conviction of any person, any suspension or postponement of that person’s driver’s license, the court shall forward a report to the Division of Motor Vehicles stating the first and last day of the suspension or postponement imposed by the court pursuant to this section. If a person at the time of the imposition of a sentence is less than seventeen (17) years of age, the period of license postponement, including a suspension or postponement of the privilege of operating a motorized bicycle, shall commence on the day the sentence is imposed and shall run for a period of six (6) months after the person reaches the age of seventeen (17) years.
3. If a person at the time of the imposition of a sentence has a valid driver’s license issued by the State, the court shall immediately collect the license and forward it to the Division along with the report. If for any reason the license cannot be collected, the court shall include in the report the complete name, address, date of birth, eye color, and sex of the person, as well as the first and last date of the license suspension period imposed by the court.
4. The court shall inform the person orally and in writing that if the person is convicted of operating a motor vehicle during the period of license suspension or postponement, the person shall be subject

to the penalties set forth in R.S. 39:3-40. A person shall be required to acknowledge receipt of the written notice in writing. Failure to receive a written notice or failure to acknowledge in writing the receipt of a written notice shall not be a defense to a subsequent charge of a violation of R.S. 39:3-40.

5. If the person convicted under such an ordinance is not a New Jersey resident, the court shall suspend or postpone, as appropriate, the non-resident driving privilege of the person based on the age of the person and submit to the Division the required report. The court shall not collect the license of a non-resident convicted under this section. Upon receipt of a report by the court, the Division shall notify the appropriate officials in the licensing jurisdiction of the suspension or postponement.

29-27. Severability.

If any section, subsection, paragraph or subparagraph of this Ordinance is declared invalid for any reason by any court with proper jurisdiction, then such section, subsection, paragraph or subparagraph, shall be deemed severable and such invalidation shall not affect the remaining portion of the Ordinance.

29-28. Repealer.

All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

Chapter 30

AMUSEMENT DEVICES

30-1. Licenses required; denial to certain convicted persons.

30-2. Definitions.

30-3. Licenses: issuance to proprietor, term, fee.

30-4. Application for licenses.

30-5. Issuance and display of licenses; license data.

30-6. Transferability.

30-7. Location and limitation on number.

30-8. Use for gambling; violation and penalty.

30-9. Rules and regulations.

30-10. Distance restriction.

30-11. Purpose of ordinance.

30-12. Violations and penalties.

30-13. Severability.

30-14. Inconsistent ordinances repealed.

30-15. When effective.

(HISTORY: Adopted by the Mayor and Council of the Borough of Waldwick 8-24-51 as Ord. No. 10-51, amended 11-28-89 as Ord. No. 22-89.)

BE IT ORDAINED by the Mayor and Council of the Borough of Waldwick, in the County of Bergen and State of New Jersey, as follows:

30-1. Licenses required; denial to certain convicted persons.

On and after the effective date of this ordinance, all automatic amusement games of the type commonly known and designated as bagatelle, baseball or pin amusement games or similar machines or devices operated, maintained or used in any public or quasi-public place or in any building, store or other place wherein the public is invited or wherein the public may enter, and particularly, but not by way of limitation, all coin-operated automatic amusement or skill devices of the type commonly known as bagatelle games, baseball games or pin amusement games or similar machines or devices operated, maintained or used as aforesaid, shall be licensed by the Mayor and Council of the Borough of Waldwick and shall not be placed, operated, maintained or used within the municipal limits of the said Borough of Waldwick without first having obtained a license for that purpose; provided, however, that no license shall be issued to any person who shall have been convicted of a crime or of a violation of any ordinance involving gambling, and provided further that if a license has been issued and the person to whom it has been issued shall thereafter be convicted of a crime or a violation of any ordinance involving gambling, said license shall immediately be revoked by the Mayor and Council of the Borough of Waldwick.

30-2. Definitions.

PERSON - As used in this ordinance, shall mean any individual, firm, member of firm, partnership, corporation, or any officers, director or stockholder of said corporation.

AUTOMATIC AMUSEMENT GAMES - A machine or device, automatic or coin operated, whether mechanical, electrical or electronic, which shall be ready for play by insertion of a coin or may otherwise be operated by the public for a charge for use as a game, entertainment or amusement, including pinball machines, electronic games, bowling machines, mechanical game machine, skee-ball machines, or any device which utilizes a video tube to reproduce symbolic figures and lines to be representative of real games or activities, the object of playing of which is to achieve a score. Excluded from this definition are music vending machines commonly known as “juke boxes”.

AMUSEMENT MACHINE ARCADE - A group of more than three amusement games or amusement machines in the same place, location or premises the operation of such games by the public constitutes the principal use of the premises.

30-3. Licenses: (See Chapter 48:30-3)

30-4. Application for licenses. (Amended 11-28-89 by Ord. No. 22-89)

A. Separate application for each machine shall be filed on a form to be furnished by the Borough Clerk, which form shall show the following information:

1. The name, date of birth, home address and the home telephone number and the business telephone number of the applicant and each of its stockholders, officers, directors and each partner, member or principal.
2. The name and address of the registered agent of the applicant or person upon whom service of process is authorized to be made.
3. The name, date and place of birth, home address and telephone number of the manager or other agent of the applicant who shall be in charge of or conduct the business of the applicant within the Borough of Waldwick.
4. With respect to each person whose name is listed on the license application a statement as to whether or not said person has ever been convicted of a crime or violation of any ordinance involving gambling.
5. A sketch detailing the precise location and type of each machine or device to be operated under the license applied for must be attached to the application for said license.
6. If the applicant is a corporation, a corporate resolution in proper form authorizing the execution of the license application on behalf of the corporation shall be attached.
7. The serial number for each machine being licensed.
8. A certification, under oath, made by the applicant, that the information contained in the application and all attachments thereto is complete, accurate and truthful to be best of his knowledge and belief.

B. The Borough Clerk shall refer the application to the Police Department, Fire Sub-Code Official and Health Officer.

1. Each of the aforementioned shall make, or cause to be made an investigation of the facts stated in the application and an inspection of the premises in which the automatic amusement game is to be located. They shall review said application to insure that all State laws and Borough ordinances are complied with. They shall attach to the application their report thereon in writing, which shall also state their approval or their disapproval with the reason therefor.
2. Upon receipt of said application and the aforementioned reports, the Council shall either approve or disapprove the issuance of a license to the applicant.
3. No license shall be approved by the Council or issued by the Borough Clerk if it appears that the premises in which the automatic amusement game is to be placed does not comply with the applicable requirements of the laws of New Jersey and with the building, zoning and fire prevention ordinances of the Borough of Waldwick.

30-5. Issuance and display of license; license data.

No device or machine as specified in this ordinance shall be placed, operated, maintained or used until the license issued by the Borough Clerk of the Borough of Waldwick shall be affixed thereto in a conspicuous place so that the same shall be easily and quickly identified. Said license shall on its face, disclose the manufacturer's serial number, the name and post office address of the licensee and shall disclose the amount of money required to operate said machine or device and shall briefly state that the machine or device to which the same is affixed is licensed for operation by the Mayor and Council of the Borough of Waldwick.

30-6. Transferability.

A. The holder of a license shall be permitted to transfer the license within the calendar year for which it is issued to any other like machine operated in the same premises in place of the machine from which the license is transferred; the licensee, however, to immediately notify the Mayor and Council of the Borough of Waldwick of such purpose and to communicate to them the manufacturer's serial number and the type of machine.
B. Upon proper application having been made, the Mayor and Council may, in their discretion, transfer a license from one premises to another.

30-7. Location and limitation on number. (Amended 11-28-89 by Ord. No. 22-89.)

A. No more than three (3) machines or devices of the type or types herein mentioned shall be permitted to be used or operated in any one (1) place, location or premises. The use of three (3) machines provided herein shall be limited to ancillary or accessory use only within a building or premises used for a commercial use permitted in the VC-1 Village Center District Zone, C-1 Village Commercial District Zone, C-2 Turnpike Commercial District and I Limited Manufacturing-Industrial Zone.
B. An Amusement Machine Arcade shall be permitted to be located only in those areas specifically designated “I” Limited Manufacturing-Industrial Zone. An Amusement Machine Arcade shall not be permitted in any other zone even though such zone might permit those uses permitted in the “I” Limited Manufacturing-Industrial Zone. An Amusement Machine Arcade shall only be permitted if it meets the requirements of Chapter 30; Chapter 97; and the conditions enumerated in Section 97-72.3.

30-8. Use for gambling; violation and penalty.

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

30-9. Rules and Regulations.

A. Readily visible sign shall be installed indicating that the use of machines or devices by persons under sixteen (16) years of age shall not be permitted during normal school hours. The use of machines or devices during this time by persons under sixteen (16) years of age shall cause the license to be revoked. The time period shall be 8:30 a.m. to 3:00 p.m., Monday through Friday, except days on which the Waldwick Board of Education has closed schools within its jurisdiction and during the months of July and August. It shall be the responsibility of the licensee to insure compliance of this section.

B. The licensee shall at all times, maintain good order and shall not permit any disturbance, congestion or loitering upon the licensed premises.
C. No coin-operated amusement devices shall be operated in a manner which will enable it to be heard outside of the premises.
D. No games of chance, gaming, gambling, playing for money among contestants or any other such practices shall be permitted upon the licensed premises.
E. The licensee shall not permit the use or distribution of any controlled dangerous substance (as defined by the New Jersey Controlled Dangerous Substance Act) on the premises.
F. No walls or enclosures shall be permitted between machines.

30-10. Distance restriction.

No machine or device licensed under this ordinance shall be used, placed, maintained or operated in any premises within two hundred (200) feet of any school or church.

30-11. Purpose of ordinance. (Amended 10-11-83 by Ord. No. 21-83).

This ordinance is enacted for the purpose of the regulation and control of automatic amusement or skill games of the type commonly known and designated as “video”, “bagatelle”, “baseball”, or “pin amusement games” or similar machines or devices. Amusement machines are known to attract large numbers of people. The numerical limitation established by this ordinance minimizes the levels of noise, congestion and traffic thereby preventing overcrowding of buildings, ensuring safety from fire and preserving the social and economic well-being of the Borough’s commercial area.

30-12. Violations and penalties.

See Chapter 1:14.1.

30-13. Severability.

If, for any reason, any section or provision of this ordinance shall be questioned in any court and shall be held to be unconstitutional or invalid, the same shall not be held to affect any other section or provision of this ordinance.

3006 11-26-91

30-14. Inconsistent ordinance repealed.

All ordinances and parts of ordinances inconsistent with the provisions of this ordinance be and the same are hereby repealed.

30-15. When effective.

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

Chapter 32

ANIMALS

32-1. Definitions (Cats)

32-2. Provisions

32-3. Licensing Requirements

32-4. Definitions (Dogs)

32-5. License and registration required

32-6. License and registration fees (See Chapter 48:42-3)

32-7. Late Fees (See Chapter 48:42-3.1)

32-8. Disposition of fees collected

32-9. Canvass of dogs in the Borough

32-10. Required control of dogs

32-11. Impounding of dogs at large

32-12. Destruction of certain dogs in lieu of seizure

32-13. Administration and enforcement

32-14. Purpose (Pet Waste)

32-15. Definitions

32-16. Requirement for disposal

32-17. Exemptions

32-18. Enforcement

32-19. Responsibility for care of impounded animals

32-20. Violations and Penalty

32-21. Severability

32-22. Effective date

(HISTORY: Adopted by the Mayor and Council of the Borough of Waldwick 3-2211 as Ord. No. 5-11)

BE IT ORDAINED, by the Mayor and Council of the Borough of Waldwick that the following Chapters 37, 42 and 68 of the Code of the Borough of Waldwick are hereby combined into a new Chapter 32 entitled “Animals” and shall read as follows:

Article 1

Cats

32-1. Definitions.

CAT: Any member of the domestic feline species; male, female or altered.

CAT OF LICENSING AGE: Any cat which has attained the age of seven months, or which possesses a set of permanent teeth.

ANIMAL: For the purpose of this ordinance, animal shall mean dog or cat.

ANIMAL CONTROL AUTHORITY: Any person or agency designated or certified by the State of New Jersey to enforce the provisions of this ordinance.

OWNER: When applied to the proprietorship of a cat shall include every person having a right or property (or custody) in such cat and every person who has such cat in his/her keeping, or who harbors or maintains a cat or knowingly permits a cat to remain on or about any premises occupied by that person.

CATTERY: Shall mean any room or group of rooms, cage, or exhibition pen, not part of a kennel, wherein cats for sale are kept or displayed.

PERSON: Any individual, corporation, partnership, organization, or institution, commonly recognized by law as a unit.

LICENSING AUTHORITY: The agency or department of the Borough of Waldwick or any designated representative thereof charged with administering the issuance and/or revocation of permits and licenses under the provisions of this ordinance.

NEUTERED: Rendered permanently incapable of reproduction as certified by a licensed veterinarian.

32-2. Provisions.

(a) Vaccination and License Requirements:
No person shall own, keep, harbor, or maintain any cat over seven months of age within the Borough of Waldwick unless such cat is vaccinated and licensed. The provisions of this section do not apply to cats held in a cattery, or those held by a state or federal licensed research facility, or a veterinary establishment where cats are received or kept for diagnostic, medical, surgical, or other treatments, or licensed animal shelters, pounds, kennels, or pet shops.

(b) Vaccination: All cats shall be 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, except as provided for in Section (d).

(c) Vaccination Certificate: A certificate of vaccination shall be issued to the owner of each animal vaccinated on a form recommended by the State.

(d) Exemptions: 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.

32-3. Licensing Requirements.

(a) Cats Must Have License Number Displayed: Any person who shall own, keep, or harbor a cat of licensing age shall annually apply for and procure from the clerk of the municipality, or other official designated by the governing body thereof to license cats in the municipality in which he/she resides, a license and official registration tag with license number, or a registration sleeve for each cat so owned, kept, or harbored, and shall place upon such cat a collar, or other device with the license number securely fastened or displayed thereto. Acceptable methods of displaying license number shall include, but are not limited to, break-away or elastic collars. License tags or sleeves are not transferable.

(b) Time for Applying for License: The owner of any newly acquired cat of licensing age, or of any cat which attains licensing age, shall make application for license tag or sleeve for such cat within ten days after such acquisition or age attainment. This requirement will not apply to a non-resident keeping a cat within the Borough of Waldwick for no longer than 90 days.

(c) Cats Brought Into Borough of Waldwick: Any person who shall bring, or cause to be brought into the Borough of Waldwick any cat licensed in another state for the current year, and bearing registration tag or sleeve, and shall keep the same or permit the same to be kept with the Borough of Waldwick for a period of more than 90 days, shall immediately apply for a license and registration tag or sleeve for each such cat.

Any person who shall bring or cause to be brought into the Borough of Waldwick any unlicensed cat, and shall keep same or permit same to be kept within the Borough of Waldwick for a period of more than ten days, shall immediately apply for a license and registration tag or sleeve for each such cat.

(d) Application, Contents, Preservation of Information: The application shall state the breed, sex, age, color, and markings of the cat for which license and registration are sought, and whether it is of a long or shorthaired variety; also the name, street and post office address of the owner, and the person who shall keep or harbor such cat. The information on said application and the registration number issued for the cat shall be preserved for a period of three years by the clerk or other local official designated to license cats in the municipality.

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

(f) Evidence of Inoculation with Rabies Vaccine or Certification of Exemption: Requirement for License: No Municipal Clerk or other official designated by the governing body of any municipality to license cats therein shall grant any such license and official registration tag or sleeve for any cat, unless the owner thereof provides evidence that the cat to be licensed and registered has been inoculated with a rabies vaccine of a type approved by and administered in accordance with the recommendations of the United States Department of Agriculture and the United States Department of Human Services, or has been certified exempt as provided by Section II of this ordinance. The rabies inoculation shall be administered by a duly licensed veterinarian, or by such other veterinarian permitted by law to do the same.

(g) License Fee Schedule: (See Chapter 48:37-3(g)

(h) Fees, Renewals, Expiration Date of License: License from another municipality shall be accepted. The person applying for the license and registration tag and/or sleeve shall pay the fee fixed or authorized. The fee for the renewal of license and registration tag or sleeve shall be the same as for the original, and said license, registration tag or sleeve and renewal thereof shall expire on January 1st in the following year.

Only one license and registration tag or sleeve shall be required in the licensing year for any cat in the Borough of Waldwick. Any valid New Jersey license tag or sleeve issued by a New Jersey municipality shall be accepted by this municipality as evidence of compliance.

(i) Loss of License: If a license tag or sleeve has been misplaced or lost, the Borough Clerk may issue a duplicate license and/or registration sleeve for that particular cat at no charge.

(j) Proof of Licensing: Proof of licensing shall be produced by any person owning, keeping, maintaining or harboring a cat, upon the request of any health official, police officer, animal control officer, or other authorized person.

(k) Interfering with Persons Performing Duties Under This Ordinance: No person shall hinder, molest, or interfere with anyone authorized or empowered to perform any duty under this ordinance.

(l) Disposition of Fees Collected: License fees and other moneys collected or received under the provisions of this ordinance, shall be forwarded to the treasurer of the municipality, and shall be placed in the current fund account.

Article 2

Dogs

32-4. Definitions.

DOG - Shall mean any dog, bitch or spayed bitch.

DOG OF LICENSING AGE - Shall mean any dog which has attained the age of seven (7) months, or which possesses a set of permanent teeth.

VICIOUS DOG - Shall mean any dog, as defined in this section, which attacks and bites, or attempts to attack and bite, persons or dogs or other animals, without being incited to do so, or which has shown such savagery, fierceness or ferocity as to indicate that it is a threat to the safety of persons.

OWNER - When applied to the proprietorship of a dog, shall mean and include every person having a right of propriety of such dog, and every person who has such dog or other animal in his keeping or under his control. A person shall be deemed to have a dog or other animal in his keeping whenever the ownership or custody of any dog or other animal is in an unemancipated infant or other member of his household.

AT LARGE - Shall mean off the property of the owner and not on a leash.

POUND - Shall mean an establishment for the confinement of dogs seized under the provisions of this ordinance, State statutes or otherwise.

BOROUGH - Shall mean the Borough of Waldwick, County of Bergen and State of New Jersey.

32-5. License and registration required.

Any person who shall own, keep or harbor a dog of licensing age shall, within ten (10) days after the acquisition thereof and annually thereafter in the month of January, apply for and procure from the Borough 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. Such application shall state the breed, sex, age, color and markings of the dog for which license and registration are sought and whether it is of long or short-haired variety; also, the name, street and post office address of the owner and the person who shall keep or harbor such dog.

32-6. License and registration fees. (See Chapter 48:42-3)

32-7. Late Fees (See Chapter 48:42-3.1)

32-8. Disposition of fees collected.

The disposition of license fees and registration fees collected hereunder shall be in accordance with N.J.S.A. 4:19-15.11.

32-9. Canvass of dogs in the Borough.

The Board of Health of the Borough shall annually cause a canvass to be made of all dogs owned, kept or harbored within the Borough and shall report, on or before May 1 of each year, to the Borough Clerk and to the State Department of Health, the result thereof, setting forth in separate columns the names and addresses of persons owning, keeping or harboring unlicensed dogs and the number of unlicensed dogs owned, kept or harbored by each of said persons, together with a complete description of each of said unlicensed dogs.

32-10. Required control of dogs

A. It shall be unlawful for any person owning, keeping harboring or having the custody and possession of any dog, whether registered or not, to permit such dog to be at large within the Borough unless securely confined in a vehicle and under the direct and immediate close supervision of a person capable of controlling such dog. The provisions of this section shall not be applicable to the canine unit of the Borough's Police force or to the canine units of other governmental agencies called by the Waldwick Police Department as part of mutual aid.

B. No person owning, harboring, keeping or in charge of any dog shall cause, suffer or allow such dog to soil, defile, defecate on or commit any nuisance on any common thoroughfare, sidewalk, passageway, bypath, play area, park or any place where people congregate or walk or upon any public property whatsoever or upon any private property without the permission of the owner of said property. The restriction in this section shall not apply to that portion of the street lying between the curblines, which shall be used to curb such dog under the following conditions:

(1) The person who so curbs such dog shall immediately remove all feces deposited by such dog by any sanitary method approved by the local Health Authority.

(2) The feces removed from the aforementioned designated area shall be disposed of by the person owning, harboring, keeping or in charge of any dog curbed in accordance with the provisions of this ordinance, in a sanitary manner approved by the local Health Authority.

32-11. Impounding of dogs at large.

Any dog found at large within the Borough shall be taken into custody and impounded, or caused to be taken into custody and impounded by the Board of Health, or any person authorized by it and acting on its behalf.

If any dog so seized wears a collar or harness having inscribed thereon or attached thereto the name and address of any person, or a registration tag of the owner, or the person keeping or harboring said dog is known, the Board of Health, or any person authorized by it and acting on its behalf, shall forthwith serve on the person whose address is given on the collar, or the owner or persons keeping or harboring said dog, if known, a notice in writing stating that the dog has been seized and that it will be liable to be disposed of or destroyed if not claimed within seven (7) days after the service of the notice.

The notice under this section 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 known place of abode, or at the address given on the collar, or by forwarding it by post in a prepaid letter addressed to that person at his usual or last known place of abode or to the address given on the collar.

When any dog so seized has been detained for seven (7) days after notice, where notice can be given, as set forth above, or has been detained for seven (7) days after seizure, when no notice has been given as set forth above, and if the owner or person keeping or harboring said dog has not claimed said dog and paid all expenses incurred by reason of its detention, including maintenance, and if the dog be unlicensed at the time of the seizure and the owner or person keeping or harboring said dog has not produced a license and registration tag for said dog, the Board of Health, or any person authorized by it in that behalf, may cause the dog to be destroyed in a manner causing as little pain as possible.

32-12. Destruction of certain dogs in lieu of seizure.

Any vicious dog found at large or any dog which shows definite signs of having been infected with rabies may be destroyed immediately by any police officer, Health Officer or other person authorized by and acting on behalf of the Board of Health.

32-13. Administration and enforcement.

A. The Board of Health of the Borough shall be responsible for all dogs impounded or taken into custody under the provisions of this ordinance or State statutes and shall designate the place where such dogs are to be impounded or held in custody.

B. Except for the issuance of dog licenses, which, shall be done by the Borough Clerk, this ordinance shall be enforced by the Board of Health of the Borough. However, nothing herein shall be deemed to prohibit any Police Officer of the Borough from enforcing any provisions hereof.

Article 3

Pet Waste

32-14 Purpose.

An ordinance to establish requirements for the proper disposal of pet solid waste in the Borough of Waldwick, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

32-15 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.

IMMEDIATE – shall mean that the pet solid waste is removed at once, without delay.

OWNER/KEEPER – any person who shall possess, maintain, house or harbor any pet or otherwise have custody of any pet, whether or not the owner of such pet.

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

PET – a domesticated animal (other than a disability assistance animal) kept for amusement or companionship.

PET SOLID WASTE – waste matter expelled from the bowels of the pet; excrement

PROPER DISPOSAL – placement in a designated waste receptacle, or other suitable container, and discarded in a refuse container which is regularly emptied by the municipality or some other refuse collector; or disposal into a system designed to convey domestic sewage for proper treatment and disposal.

32-16 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

32-17 Exemptions.

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

32-18 Enforcement.

The provisions of this Article shall be enforced by the Police Department and Health Official of the Borough of Waldwick.

Article 4

General Provisions

32-19 Responsibility for care of impounded Animals

A. The Animal Control Officer of the Borough shall be responsible for all dogs and other animals impounded and taken into custody under the terms of this ordinance and statutes incorporated herein, as amended and supplemented. The Animal Control Officer and/or Municipal Health Officer of the Borough shall designate the place where such dogs and animals are to be impounded or held in custody subject to the approval of the Mayor and Council.

B. Subject to the terms of this ordinance and statutes incorporated herein, an owner may obtain the release of their animal impounded due to emergency calls upon payment of a recovery fee which is set forth in the contract between the Borough and the Animal Control Officer, which is on file with the Borough Clerk. Payment of the above charge is to be made directly to the Animal Control Officer and shall be in addition to any other costs incurred for care and kenneling of the animal. No owner of any impounded animal shall be permitted to claim it unless a license or registration tag can be produced if required under this Chapter. The hours for emergency calls are set forth in the contract between the Borough and Animal Control Officer on file with the Borough Clerk.

32-19 Violations and Penalty.

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to the penalty provisions found in Chapter 1-14.1 of this code.

32-20 Severability.

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

32-21 Effective date.

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

CLEAN UP COST RECOVERY

Chapter 38

CLEAN UP COST RECOVERY

38-1. Definitions.

38-2. Purpose.

38-3. Reimbursement for expendable items.

38-4. Reimbursement for services.

38-5. Time limit for payment of required reimbursement.

38-6. Hearing upon reasonableness of assessment.

38-7. Liabilities for attorney's fees and collections costs.

38-8. Violations and penalties.

(HISTORY: Adopted by the Mayor and Council of the Borough of Waldwick on 6-14-94 as Ord. No. 15-94)

BE IT ORDAINED by the Mayor and Council of the Borough of Waldwick as follows:

38-1. Definitions.

DISCHARGE - Any intentional or unintentional action or omission resulting in the releasing, spilling, leaking, pumping, pouring, emitting, emptying or dumping of hazardous substances, sewage, or sewage sludge into the waters, air, land public or private, within the municipal boundaries of the Borough of Waldwick or outside the Borough when damage may result to the waters, air, or land inside the Borough.

EXPENDABLE ITEMS - Any items used to extinguish or prevent any fire or stop, contain or otherwise mitigate a discharge or any items used to provide for the immediate and/or temporary care of persons affected by such event which cannot be reused or replenished without cost after that particular incident. These “expendable items” include but are not limited to, fire-fighting foam, chemical extinguishing agents and absorbent materials, sand, recovery drums and any protective equipment and clothing to include but not be restricted to chemical protective suits, chemical protective gloves and goggles. Also items necessary to provide for the immediate and/or short term care of persons affected by the incident to include but not be restricted to emergency medical supplies and equipment, foodstuffs and any other items owned or requested by the Borough of Waldwick, the Waldwick Police Department, the Waldwick Fire Department, and Waldwick Office of Emergency Management or their employees, officers, agents and/or officials.

HAZARDOUS SUBSTANCE - Any material, solid, liquid or gas, listed as such under the N.F.P.A. Guide of Hazardous Materials, the Department of Transportation Guide Book, the list of hazardous substances adopted by the Federal Environmental Protection Agency (EPA), pursuant to Section 311 of the Federal Water Pollution Control Act Amendment of 1972, as amended by the Clean Water Act of 1977 (33 USC 1251, et seq.), the list of toxic pollutants designated by Congress or the EPA, pursuant to Section 307 of the Federal Water Pollution Control Act, and all elements and compounds as set forth in N.J.S.A. 58:10-23.11b as amended, and in this chapter, except that sewage and

sewage sludge shall be considered “Hazardous Substances” for the purpose of this article.

PERSON - Any individual, public or private corporation, company, association, society, firm, partnership or joint stock company.

VEHICLE - Any motorized equipment, registered or unregistered, including but not limited to, a passenger car, motorcycle, truck, tractor-trailer, construction equipment, farm machinery, watercraft, aircraft and trains.

VESSEL - Any container, drum, box, cylinder, or tank used to hold, contain, carry or store any hazardous substances whether or not said container was manufactured for the containment of hazardous substances.

38-2. Purpose.

A. It is the policy of the Borough of Waldwick that reimbursement for, or the replacement of, any and all equipment, supplies, or monies utilized, expended, lost, destroyed or otherwise rendered unusable by the Borough of Waldwick, without regard to ownership, for the purpose of mitigating, controlling, or containing any discharge or where the potential thereof exists or the prevention of the same is necessary or for the protection of the public health, safety or welfare of the residents of the Borough of Waldwick.

B. It is also the policy of the Borough of Waldwick that reimbursement for the expenses incurred by the township for the wages (regular and overtime) and

applicable benefit costs paid to and on behalf of its employees, agents or servants as a result of an incident involving a discharge be provided.

C. Any person who shall cause, be responsible for or otherwise create the discharge, shall reimburse the Borough of Waldwick for all expendable items, and associated costs as listed in Sec. 2. (A) and Sec. 2. (B) used by the Borough or any of its employees, agents, servants, officers or officials in stopping, containing, controlling or mitigating any discharge. Such reimbursement shall occur in accordance with the provisions of this Chapter 38.

38-3. Reimbursement for expendable items.

Any person who shall cause a discharge to occur or create the potential for the occurrence of a discharge shall make reimbursement to the Borough for any fees incurred by the Borough and for all expendable items used in connection with the mitigation, control, containment or prevention of the discharge.

38-4. Reimbursement for services.

Any person responsible for the occurrence of a discharge or for creating the potential thereof shall reimburse the Borough of Waldwick for services rendered by any recovery company, towing company, hazardous materials response unit or any technical assistance called for by the Borough to handle such incident. In the event of a vehicle having been responsible for an incident, such vehicle may be impounded until such time as it has been deemed safe to proceed by the Incident Commander or Officer in Charge in consultation with Borough emergency services officials and until such time as arrangements have been made to reimburse the Borough and the towing company for expenses incurred pursuant to the terms of this chapter of the Code of the Borough of Waldwick.

38-5. Time limit for payment of required reimbursement.

The person or entity responsible for any discharge or for creating the potential thereof shall reimburse the Borough the full cost of expendable items used to extinguish such fire or stop, contain, control or otherwise mitigate such discharge and any associated costs as listed in Sec. 2(A), Sec. 2(B) and Sec. 4 within thirty (30) days after receipt of a statement from the Borough of Waldwick setting forth the amount of reimbursement required.

38-6. Hearing upon reasonableness of assessment.

Upon receipt of an assessment for expendable items and associated costs as set forth in Sec. 5 the person assessed may, within ten (10) days of receipt of such assessment, make a request for a hearing before the Borough of Waldwick Council; said hearing to be solely and exclusively upon the issue of the reasonableness of the amount assessed.

38-7. Liabilities for attorney's fees and collection costs.

The person responsible for the discharge shall be liable for all reasonable attorney's fees and costs incurred in the collection of costs as listed in Sec. 2(A), Sec. 2(B) and Sec. 4 of this chapter #38, in the event the assessment remains unpaid thirty (30) days after receipt of said assessment.

38-8. Violations and penalties.

A. Any person responsible for any discharge of hazardous materials who fails to reimburse the Borough of Waldwick within the time set forth in this chapter shall be subject to a fine of not less than fifty ($50) dollars nor more than five hundred ($500) dollars per day or to imprisonment for a period of not more than six (6) months, or both.

3804 6-14-94

Chapter 39

CONSTRUCTION CODES, UNIFORM

39-1. Enforcing agency.

39-2. Fees.

39-3. Fire limits.

39-4. Repealer

39-5. Severability

39-6. Filing; retention as public record.

39-7. When effective.

(HISTORY: Adopted by the Mayor and Council of the Borough of Waldwick 12-28-76 as Ord. No. 22-76. Amendments noted where applicable.)

GENERAL REFERENCES

Fire Prevention Code-See Ch. 51.
Subdivision of land - See Ch. 86.
Zoning - See Ch. 97.

BE IT ORDAINED by the Mayor and Council of the Borough of Waldwick, in the County of Bergen and State of New Jersey, as follows:

39-1. Enforcing agency.

A. There is hereby established in the Borough of Waldwick a State Uniform Construction Code enforcing agency to be known as the "Department of Building Inspection", 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. All personnel shall be appointed or assigned to the Department of Building Inspection by the Mayor and Council pursuant to law.

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 (1) 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 each such position.

C. The public shall have the right to do business with the enforcing agency at one (1) official location, except for emergencies and unforeseen or unavoidable circumstances.

39-2. Fees. (See Chapter 48:39-2)

39-3. Fire limits.

A. The following fire limits are established pursuant to N.J.A.C. 5:23, as shown on the Zoning Map of the Borough of Waldwick: All commercial and industrial zones shall be designated as being within the fire limits.

B. The Construction Official shall prepare and submit to the Mayor and Council, biannually, a report reevaluating the delineation of the fire limits. This report shall indicate the recommendations of the Construction Official, the Building Subcode Official and the Fire Subcode Official regarding those areas which should be designated as within fire limits, with the reasons therefor.

39-4. Repealer

Any ordinance inconsistent herewith shall be and the same is hereby repealed to the extent of said inconsistency.

39-5. Severability.

Should any section or provision of this ordinance be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part so decided to be unconstitutional.

39-6. Filing; retention as public record.

Upon passage and publication as prescribed by law, this ordinance shall be filed and recorded with the Bureau of Housing Inspection, New Jersey Department of Community Affairs, and retained on file as a public record in the offices of the Borough Clerk and Building Inspector and Department of Building Inspection.

39-7. When effective.

This ordinance shall take effect immediately upon adoption and publication as provided by law.

3902 12-28-76

3903 4-6-89

Chapter 44

EMINENT DOMAIN

Chapter 44

44-1. Findings of the Mayor and Council

44-2. Eminent Domain

44-3. When Effective

(HISTORY: Adopted by the Mayor and Council of the Borough of Waldwick on 11-22-05 as Ord. No. 13-05).

44-1. Findings of the Mayor and Council.

WHEREAS, on June 23, 2005, the Supreme Court of the United States decided the case of Kelo v. City of New London in which a majority of the Court determined, among other things, that the "public purpose provision of the United States Constitution should be broadly interpreted to effectuate legislative judgments as to what particular needs justify the use of the power of eminent domain; and,

WHEREAS, the result in Kelo was a plurality decision, reflecting the Court's deep division on the question presented, namely whether private residential real property may be the subject of eminent domain in order to satisfy a public purpose such as a planned development; and,

WHEREAS, the result of the Kelo decision was that, where there existed a comprehensive plan of development that is deemed to satisfy the public purpose provision of the Constitution, even though the "motivation" for the plan might be economic development, municipalities could use the eminent domain power to achieve the desired end as long as all parties' legal rights were established in the process; and,

WHEREAS, the Kelo majority opinion specifically emphasized that nothing in the decision should preclude a state from placing further restrictions on the takings power; and,

WHEREAS, one of the issues faced by the Court was the appropriate line between public and private use; and,

WHEREAS, under the settled law of the State of New Jersey, the limitless sovereign power of the State may be employed to take real property as may be required for public safety, necessity, convenience or welfare so long as just compensation is paid the owner, but it is for the legislative branch of government to determine what constitutes a public use as to limit that broad power, with the result that the power is to be used in a reasonable non-arbitrary manner, and not greater than necessary to effectuate the public use; and

WHEREAS, the Borough of Waldwick believes that one of the primary purposes of government is to protect the rights of owner-occupied residential real properties within the Borough against governmental takings that do not have as their goal, either (a) the transfer of private property to public ownership for the creation of, for example, a road, hospital or military base or (b) the transfer of private property to private owners for the specific purpose of making the same available for public use (e.g. railroad, public utility or stadium).

44-2. Eminent Domain.

BE IT ORDAINED, by the Mayor and Council of the Borough of Waldwick, County of Bergen, and the State of New Jersey, that the Borough shall not employ the power of eminent domain so as to deprive owner-occupiers of residential real properties of such ownership rights in the absence of a specified purpose (a) to transfer the property to public ownership for the creation of a public use including, but not limited to a road, hospital, military base, sewer, water line, sidewalk, right-of-way, flood control, park, open space, erosion control mechanism and the like, or (b) to transfer the property to private owners for the specific purpose of making the same available for public use.

44-3. When Effective.

No ordinance or any item or part thereof shall take effect without the Mayor's approval under N.J.S.A. 40A:60-5(d), unless the Mayor fails to return the Ordinance to the Council as prescribed above or unless, the Borough Council upon consideration of the Ordinance following its return, shall by vote of two-thirds of all of the members of the Borough Council resolve to underwrite the veto. This ordinance shall take effect immediately upon final passage and publication as required by law or from the date of the assuming of the position defined herein whichever is later.

Chapter 47
EXHIBITIONS AND ENTERTAINMENTS

47-1. Permits required.

47-2. Fees.

47-3. Use of fees.

47-4. Violations and penalties.

47-5. When effective.

(HISTORY: Adopted by the Mayor and Council of the Borough of Waldwick 6-12-24 as Ord. No. 1-24.)

BE IT ORDAINED by the Mayor and Council of the Borough of Waldwick, in the County of Bergen and State of New Jersey, as follows:

47-1. Permits required.

No performance, show or entertainment commonly called a cabaret, concert hall performance, carnival, dancing exhibition or other similar show or performance or entertainment shall be given or held in any public place in the Borough of Waldwick, or in any place to which the public shall be invited or solicited to attend, without permit therefor first had and obtained from the Borough Council of the Borough of Waldwick.

47-2. Fees. (See Chapter 48:47-2)

47-3. Use of fees.

All moneys derived from such license fee shall be for revenue.

47-4. Violations and penalties.

See Chapter 1:14.1.

47-5. When effective.

This ordinance shall take effect after publication as provided by law.

Chapter 48

FEES

48-1. General Provisions
48-28. Alarms
48-29. Alcoholic Beverages
48-30. Amusement Devices
48-37. Cats
48-39. Construction Codes, Uniform
48-42. Dogs
48-47. Exhibitions and Entertainments
48-51. Fire Prevention
48-56. Junk Shops and Junkyards
48-56A. Land Use Procedures
48-61A. Motor Vehicles, Abandoned and Unclaimed Storage Fee Regulations
48-62A. Outdoor Displays and Sales
48-63. Park and Ride Lots
48-64. Parks
48-66. Peddling, Soliciting, Etc.
48-69. Publications, Distribution of
48-70. Public Transportation
48-75. Sewer Use
48-77. Site Plan Review
48-80. Soil Removal
48-82. Street and Sidewalk Uses
48-84. Street Excavations
48-86. Subdivision of Land
48-87. Swimming Pool, Municipal
48-88. Swimming Pools, Private
48-91. Vehicles and Traffic
a. . Video and Movie Filming
48-94. Water Supply
48-96. Yard/Garage Sales
48-97. Zoning

(HISTORY: Adopted by the Mayor and Council of the Borough of Waldwick 4-23-91 as Ord. 4-91.)

WHEREAS, the Mayor and Council wish to centralize all fees into one chapter of the Code of the Borough of Waldwick,

BE IT ORDAINED by the Mayor and Council of the Borough of Waldwick that there is hereby established a new Chapter 48 in the Code of the Borough of Waldwick entitled "Fees".

48:1-10.1 Fee Schedule for Photocopying & Other Fees. **(Added 8-20-96 by Ord. No. 14-96; Amended 6-11-02 by Ord. No. 11-02; 7-27-04 by Ord. No. 21-04; Amended 5-26-09 by Ord. 10-09; 8-25-09 by Ord. No. 11-09; 4-27-10 by Ord. No. 8-10; 11-9-10 by Ord. 19-10)**

Documents picked up in person:
Duplication of government record….5 cents per letter size page
Duplication of government record….7 cents per legal size page

Additional fees:
Mailing of documents…….actual postage cost plus $.25
Faxing of one to three pages……. …… $5.00
Faxing of additional pages over three…….$1.00/page
Copies of photographs……..$5.00/photo
Copies of video tapes……... ...$25.00/tape
Mailing of photographs……..actual postage cost plus $.25
Mailing of video tapes……....actual postage cost plus $.25
Copy of Zoning Code Book & Map……..$25.00
Copy of Zoning Map……...$4.00
Duplicate Tax Bills……..$3.00
Duplicate Tax Sale Certificate……..……$100.00**(Added 9-25-01 by Ord. No. 11- 01)**
Affidavit of Redemption…….$100.00
Notary Fees: Residents……no charge
Non-Residents……..$2.50 (Administering an oath/affirmation; Executing a jurat; Taking proof of a deed (proof of execution); Taking an acknowledgment)

48:1-10-2. Reimbursement Rates **(Added 4-8-03 by Ord. No. 9-03)**

Reimbursement rates for use of Borough vehicles and equipment in relation to off-duty employment, insurance and damage claims:

a. Sweeper…….$85.00/hour
b. Pick Up Truck……$35.00/hour
c. Loader……$85.00/hour
d. Dump Truck……..……... $55.00/hour
e. Police Car……..$25.00/hour

48:1-10-3. Escrow for Off-Duty and Outside Employment by Police Officers **(Added 3-23-04 by Ord. No. 8-04; Amended 10-25-11 by Ord. No. 14-11)**

The fees paid by the private persons or entities for off-duty police officers shall be paid in advance and to the Police Officer Off-Duty Escrow Fund, administered jointly by the Chief of Police and the Chief Financial Officer.

1. No off-duty services shall be provided on behalf of any private person or entity until an advance escrow is deposited with the Chief of Police. In the event of an emergency circumstance as solely determined by the Chief of Police advance deposit may be waived provided that all costs for hours worked are paid within five (5) business days of the request for services.
2. Off-Duty services shall be provided to non-profit and other governmental entities without advance deposit provided that payment shall be made within thirty days of being invoiced for services.
3. The initial deposit into the escrow fund for each private person or entity shall be estimated on the basis of number of hours needed times the overtime rate for the most senior patrol officer. Additionally costs for fringe benefits, administrative fees and costs for a patrol car will be added to that amount.
4. On completion of the services, the private person or entity, non-profit and other governmental entity for which the off-duty patrol officer services are provided, shall be given with an itemization of disbursements from the escrow account which will include the actual overtime rate paid to each officer the fringe benefit costs of that officer while on duty. There shall also be assessed a charge for the use of the vehicle in accordance with Chapter 48:1-10-2 and an administrative fee of six percent will be levied on the personnel costs (salary and fringe benefits). If there is any balance remaining in the escrow account it shall be returned to the posting entity in accordance with Borough payment policy without interest.

48:1-10.4 Fee Schedule for Use of the Second Floor of the Ambulance Corps Building (**Added 3-27-07 by Ord. No. 4-07; amended 7-24-07 by Ord. No. 9-07)**

There shall be charged a $150 usage fee for each day the second floor meeting area of the Ambulance Corps building is reserved. This usage fee shall be non-refundable and shall be in addition to the $100 per event security and cleaning deposit. This deposit will be refunded to the applicant upon verification that the room has been left clean and no damage to the facility has occurred. Neither the usage fee nor security deposit shall be charged to non-profit organizations based in the Borough of Waldwick for utilization of the meeting area or for members of the Waldwick Fire Department or Waldwick Ambulance Corps.

48:28-4 (c) An annual registration fee for local alarms in the sum of $30.00 shall be paid at the time of initial registration and at the time of each subsequent annual registration. **Added 9-25-01 by Ord. No. 11-01; Amended 4-27-10 by Ord. No. 8-10**

48:28-5 (c) An annual charge of $25.00 for each dial alarm shall be paid to the Borough Clerk at the time of registration, for each year or part thereof during which a dial alarm shall be in operation, provided that for the first year of registration the annual fee be pro-rated as of the date of registration, except that with respect to dial alarms in operation prior to the effective date of this ordinance, such pro-rating shall be as of the effective date of this ordinance.

48:28-6 (c) For each such false alarm(s) after the second such false alarm in any calendar year, the following fees shall be paid to the Borough within (15) days of notice that such fee is due: (1) for the first false alarms a fee of $30.00; (2) for the second false alarm a fee of $55.00; (3) for the third false alarm a fee of $80.00; (4) for the fourth and each subsequent false alarm a fee at $105.00.

Alcoholic Beverages, License Fees.

48:29-5 License fees**. (Amended 8-8-43 by Ord. No. 1-43; 5-14-63 by Ord. No. 5-63; 2-26-74 by Ord. No. 2-74; 12-26-78 by Ord. No. 26-78; 2-10-81 by Ord. No. 3-81; 11-23-82 by Ord. No. 19-82; 12-23-83 by Ord. No. 25-83; 12-26-84 by Ord. No. 25-84; 12-30-86 by Ord. No. 23-86; 12-27-88 by Ord. No. 26-88, 12-26-90 by Ord. 18-90; 9-25-01 by Ord. No. 11-01; 6-22-04 by Ord. No. 16-04; 4-27-10 by Ord. No. 8-10)**

The annual fees for alcoholic beverage licenses shall be as follows:

A. Plenary retail consumption license: two thousand four hundred dollars ($2,500).

B. Plenary retail distribution license: one thousand six hundred eighty ($1,780).

C. Club license: one hundred fifty dollars ($160).

Amusement Devices, Licenses.

48:30-3. Licenses: issuance to proprietor, term, fee **(Amended 10-11-83 by Ord. No. 21-83; 4-27-10 by Ord. No. 8-10)**

The license for the placing, operation maintenance or use of such amusement devices or machines mentioned aforesaid shall be issued to and in the name of the proprietor of the premises where the machine is to be installed, for the calendar year, commencing January 1, and expiring December 31 at 12 midnight, and the fee for the issuance of a license shall be three hundred fifty dollars ($350) for the first machine and seventy-five dollars ($75) for each additional machine for said calendar year or any part thereof.

Cats, Licenses.

48:37-3(g) License Fee Schedule. **(Amended 3-27-07 by Ord. No. 4-07; 4-27-10 by Ord. No. 8-10)**

A license shall be issued after payment of a fee of fifteen dollars ($15.00) for each cat. This amended fee shall become effective for the 2011 license year.

Construction Code, Uniform.

48:39-2 Fees **(Amended 12-26-78 by Ord. No. 22-78, 12-26-90 by Ord. 18-90; 4-26-94 by Ord. No. 10-94; 12-22-98 by Ord. No. 25-98; 9-25-01 by Ord. No. 11-01; 6-11-02 by Ord. No. 11-02; 8-13-02 by Ord. No. 14-02; 3-22-05 by Ord. No. 4-05; 3-27-07 by Ord. No. 4-07; 4-27-10 by Ord. No. 8-10)**

A. The fee for a construction permit shall be the sum of the subcode fees listed in Subsection A(1) through (3) hereof and shall be paid before the permit is issued.

The building subcode fee shall be:

(a) For new construction: four cents ($0.04) per cubic foot of building or structure volume for all use groups as defined in the Uniform Construction Code of the State of New Jersey except for the use defined below.

For new construction of a building or structure primarily used for the storage of goods, wares or merchandise, non-separated except for an area not to exceed 15% to be dedicated as accessory thereto the fee shall be: **(Amended 2-23-99 by Ord. No. 2-99)**

From 1 cu. ft. to 500,000 cu. ft. - three cents ($0.03) per cu. ft.
From 500,001 cu. ft. to 1,000,000 cu. ft. - two cents ($0.02) per cu. ft.
Over 1,000,000 cu. ft. - one cent ($0.01) per cu. ft.

(b) For renovation, alteration and repairs; twenty dollars ($20.00) per one thousand dollars ($1,000.00) of the estimated cost of the work.

(c) For additions: four cents ($0.04) per cubic foot of building or structure volume for the added portion.

1. Minimum Fee for Additions:

Additions less than 120 square feet of floor area	$150.00
121 square feet of floor area and greater	$300.00
Accessory building	$100.00

(d) The minimum fee to be charged on the building subcode application shall be sixty dollars ($60.)

(e) Fill/abandoned tanks in place, 1,000 gallons or less: sixty dollars ($60.)

(f) Fill/abandoned tanks in place, more than a thousand gallons: seventy-five dollars ($75.)

(2) The plumbing subcode fee shall be:

(a) The fees for installation or replacement under the plumbing subcode shall be as follows: **(Amended 9-25-01 by Ord. No. 11-01; 3-22-05 by Ord. No. 4-05; 3-27-07 by Ord. No. 4- 07; 4-27-10 by Ord. No. 8-10)**

Fixture	Fee
Water Closet	$20.00
Urinal/Bidet	20.00
Bath Tub	20.00
Lavatory	20.00
Shower	20.00
Floor Drain	20.00
Sink	20.00
Dishwasher	20.00
Drinking Fountain	20.00
Washing Machine	20.00
Hose Bibb	20.00
Water Heater	50.00
Fuel Oil Piping	50.00
Gas Piping	50.00
Steam Boiler	65.00
Hot Water Boiler	65.00
Sewer Pump	75.00
Interceptor/Separator	75.00
Backflow Preventer	20.00
Grease trap	100.00
Sewer Connection	65.00
Water Service Connection	65.00
Stacks	20.00
Minimum Plumbing Fee	60.00

(3) Electrical subcode fees.

(a) The fees for installation or replacement under the electrical subcode shall be as follows:

Items	Fees
Lighting Fixtures	$2.50 each
Receptacles	2.50 each
Switches	2.50 each
Detectors	2.50 each
Light Poles	2.50 each

Items	Fees
Motors – Fract. HP	$2.50 each
Emergency & Exit Lights	2.50 each
Communication Points	2.50 each
Alarm Devices/F.A.C. Panel	2.50 each
Minimum for the above	50.00

Pool Permit with UW lights	$150.00
(Includes Trench and two (2) Bonding Inspections)	
Storable Pool/Spa/Hot Tub	90.00
KW Elec. Range/Receptacles	20.00
KW Oven/Surface Unit	20.00
KW Elec. Water Heater	20.00
KW Elec. Dryer/Receptacle	20.00
KW Dishwasher	20.00
HP Garbage Disposal	20.00
KW Central A/C Unit	40.00
HP/DW Space Heater/Air Handle	40.00
KW Baseboard Heat	20.00
HP Motors 1/+ HP	35.00
KW Transformer Generator	20.00
AMP Service	
100 – 149	100.00
150 – 200	120.00
201 – 300	150.00
300 and up	250.00
Solar	60.00
AMP Motor Control Center	50.00
KW Elec. Sign/Outline Light	75.00
Minimum Electric Subcode Fee	60.00

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(4) **(Amended 11-23-82 by Ord. No. 19-82; 12-27-88 by Ord. No. 26-88; 4-26-94 by Ord. No. 10-94; 6-11-02 by Ord. No. 11-02; 4-27-10 by Ord. No. 8-10)** The fees for fire subcode permits shall be as follows:

(a) Installation of oil or gas burners: fifty-five dollars ($55.)

(b) Installation of wood burners or fireplaces: fifty-five dollars ($55.)

(c) Installation of fuel tanks: one hundred fifty dollars ($150.)

(d) Installation of L.P.G. storage tank: two hundred and fifty dollars ($250.)

(e) Installation of Smoke/Heat detectors/Sprinkler Heads

from 1 to 20 smoke/heat detectors/sprinkler heads.....$ 75.00
from 21 to 100 smoke/heat detectors/sprinkler heads.....150.00
from 101 to 200 smoke/heat detectors/sprinkler heads....300.00
from 201 to 400 smoke/heat detectors/sprinkler heads....750.00
401 and over of smoke/heat/fire heads.....…….1,500.00

(f) Installation of commercial kitchen exhaust system: one hundred ten dollars ($110.)

(g) Standpipes: two hundred fifty dollars ($250.)

(h) Suppression Systems: one hundred fifty dollars ($150.)

(i) The minimum fee for fire subcode shall be sixty dollars ($60.)**(Amended 9-25-01 by Ord. No. 11-01; 4-27-10 by Ord. No. 8-10)**

(5) The fee for plan review shall be twenty percent (20%) of the amount to be charged for the construction permit and shall be paid before the plans are reviewed. The amount paid for this fee shall be credited toward the amount of the fee to be charged for the construction permit.

(6) The fee for a permit for the demolition of a building or structure shall be seventy five dollars ($75.) for accessory buildings under four hundred (400) square feet; three hundred dollars ($300.) for one or two family dwellings or farm buildings; and six hundred dollars ($600.) for all others. **(Amended 11-23-82 by Ord. No. 19-82; 12-30-86 by Ord. No. 23-86; 4-26-94 by Ord. No. 10-94; 4-27-10 by Ord. No. 8-10)**

(7) The fee for a permit for the removal of a building or structure from one lot to another or to a new location on the same lot shall be twenty dollars ($20.) per one thousand dollars ($1,000.) of the sum of the estimated costs for moving, for new foundations and for placement in a completed condition in the new location, provided that the minimum fee shall be sixty dollars ($60.). **(Amended 12-30-86 by Ord. No. 23-86; 4-26-94 by Ord. No. 10-94; 4-27-10 by Ord. No. 8-10)**

(8) The fee for a permit to construct a sign shall be a flat fee of thirty dollars ($30.) plus one dollar ($1.) per square foot of the surface area of the sign. In the case of a double-faced sign, the area of the surface of only one (1) side shall be used for purposes of the fee computation. **(Amended 4-26-94 by Ord. No. 10-94; 12-12-00 by Ord. 20-00; 4-27-10 by Ord. No. 8-10)**

The fee for a real estate or lease sign unless exempted by Chapter 97-61:6(4) is fifty dollars ($50). **(Amended 3-22-05 by Ord. No. 4-05; 4-27-10 by Ord. No. 8-10)**

Permitted temporary signs are exempt from fee.

(9) The fee for construction or installation of a swimming pool on a one or two family residential lot shall be seventy five dollars ($75.) for an aboveground pool; or one hundred seventy five dollars ($175.) for an inground pool. The fee for construction or installation of all other swimming pools shall be one hundred fifty dollars ($150.) **(Amended 4-26-94 by Ord. No. 10-94; 4-27-10 by Ord. No. 8-10)**

(10) Certificates of occupancy.

(a) The fee for a certificate of continued occupancy shall be fifty dollars ($50.) for one and two family residential structures and seventy five dollars ($75.) for all other structures.

1. Reinspection Fee - $15.00 (sidewalks excluded)

(b) A temporary certificate of occupancy may be issued for a period of three (3) months and extended for an additional three (3) months upon payment of a new certificate of occupancy fee.

(c) The fee for a certificate of occupancy granted pursuant to a change of use shall be ninety dollars ($90.)

(d) The fee for a multiple certificate of occupancy shall be fifty dollars ($50.); in addition, each tenant shall be required to apply for a certificate of continued use. **(Amended 11-23-82 by Ord. No. 19-82; 4-27-10 by Ord No 8-10).**

(e) The fee for a certificate of occupancy for new construction shall be eighty dollars ($80.) for one or two family and multi family residential structures and one hundred seventy-five dollars ($175) for all other structures. **(Amended 12-30-86 by Ord. No. 23- 86; 4-26-94 by Ord. No. 10-94; 3-22-05 by Ord. No. 4-05; 4-27-10 by Ord. No. 8-10).**

(11) The fee for a permit for installation of an elevator shall be two hundred ($200.00). **(Amended 12-27-88 by Ord. No. 26-88; 4-27-10 by Ord. No. 8-10)**

(12) The fee for inspection of an elevator shall be one hundred fifty dollars ($150.00). **(Amended 12-27-88 by Ord. No. 26-88.)**

B. The Construction official shall, with the advice of the subcode officials, prepare and submit to the Mayor and Council, biannually, a report recommending a fee schedule based on the operating expenses of the agency and any other expenses of the municipality fairly attributable to the enforcement of the State Uniform Construction Code Act.

C. Surcharge fee. **(Amended 8-13-02 by Ord. No. 14-02; 7-22-03 by Ord. No. 14-03)**

(1) In order to provide for the training certification and technical support programs required by the Uniform Construction Code Act and its regulations, the enforcing agency shall collect, in addition to the fees specified above, a surcharge fee equal to that promulgated under Chapter 23 Section 5.23-4.19(b) of the New Jersey Administrative Code. Said surcharge fee shall be remitted to the Bureau of Housing Inspection, Department of Community Affairs, on a quarterly basis for the fiscal quarters ending September 30, December 31, March 31 and June 30,and not later than one (1) month next succeeding the end of the quarter for which it is due.

(2) The enforcing agency shall report to the Bureau of Housing Inspection, annually, at the end of each fiscal year and not later than July 31, the total amount of the surcharge fee collected in the fiscal year.

D. Waiver of Construction Permit Fees with Regard to Barrier Free Accessibility **(Added 12-22-98 by Ord. No. 25-98)**

No disabled person, or a parent or sibling of a disabled person as defined in N.J.S.A. 52:27D-126e shall be required to pay any municipal fee or charge in order to secure a construction permit for any construction, reconstruction or improvement undertaken solely to promote accessibility to his or her own living unit.

Dogs

48:42-3. License and registration fees. **(Amended 9-9-75) by Ord. No. 17-75; 2-24-81 by Ord. No. 6-81; 11-23-82 by Ord. No. 19-82; 9-13-83 by Ord. No. 17-83; 12-27-88 by Ord. No. 26-88; 3-27-07 by Ord. No. 4-07; 4-27-10 by Ord. No. 8-10)**

The persons applying for the license shall pay a fee of thirteen dollars and eighty cents ($13.80) for each license and an additional one dollar and twenty cents ($1.20) for the registration tag of each dog. An additional fee of three dollars ($3.00) shall be charged on all licenses issued for any dog of licensing age which has not had its reproductive capacity permanently altered through sterilization in accordance with P.L 1983, c. 172. 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. This amended fee shall become effective for the 2011 license year.

48:42-3.1. Late Fees **(Amended 2-13-90 by Ord. 1-90; 4-27-10 by Ord. No. 8-10)**

There shall be a charge of ten dollars ($10.00) per dog for any person applying for a license after May 1, 2010. In subsequent years, the late fee shall be assessed per dog after February 1st. This late fee shall be in addition to any fee levied by the Municipal Court.

Exhibitions & Entertainments

48:47-2 Fees.

The fee for such permit shall be twenty five dollars ($25.) for each performance, exhibition or show.

48:51-8. Additional required inspections and fees. **(Amended 5-26-92 by Ord. 8-92, 10-28-97 by Ord. No. 22-97)**

Additional fees are not required for "Life Hazard Use Structures" which are regulated by the Uniform Fire Safety Act. In addition to the inspections and fees required pursuant to the Act and regulations of the Department of Community Affairs, the following inspections and fees shall be required:

Use Group Fee

Assembly.....$125.00

Business: Group B

Gross floor area of the building or part of the building used for business

a. Up to 4,000 sq. ft. .....$ 50.00
b. 4,001 to 8,000 sq. ft.... 75.00
c. 8,00l to 11,999 sq. ft... 100.00
d. 12,000 to 17,999 sq. ft.. 125.00
e. 18,000 sq. ft. and up.... 175.00

Factory and Industrial.....175.00

Mercantile:

a. Up to 4,000 sq. ft.....$ 50.00
b. 4,001 to 8,000 sq. ft.... …75.00
c. 8,00l to 11,999 sq. ft... .100.00
d. Mercantile establishments in excess of 12,000 sq. ft. are regulated by the Life Hazard Use fees payable to the State of New Jersey.

Residential (Multi-Family):

a. 3 to 10 units.....$ 75.00
b. 11 to 20 units..... 100.00
c. 21 to 30 units..... 125.00
d. 31 or more units.....175.00

Storage Buildings.....$ 150.00

Buildings owned by the Board of Education and operated solely for Board of Education services, municipal libraries and buildings owned by the Borough of Waldwick are exempt from the fees imposed by this section.

Occupants of non-residential units shall be responsible for the payment of the above mentioned fees. Owners of the buildings will be responsible for the fees required for inspections for utility areas, storage areas, common areas and other areas occupied by the Owner. Unoccupied or unrented space fees shall be paid by the Owner of the building.

48:51-9 The following fees shall be charged for each inspection made:

A. Blasting, maximum fifty (50) pounds of dynamite, one hundred (100) blasting caps: one hundred dollars ($100).
B. Gasoline pump installation, each installation of an electric pump: fifty dollars ($50.)
C. Tents: thirty-five dollars ($35.).

Junk Shops and Junkyards.

48:56-7. The license fee hereunder is hereby fixed at one hundred dollars ($100.) per annum, payable yearly in advance.

48:54-17. Registration of Tenancy

The fee for filing a Certificate of Registration of Tenancy shall be thirty ($30.) dollars. (Added 3-23-93 by Ord. No. 3-93)

48:56A-27. Land Use Procedures (**Amended 4-23-96 by Ord. No. 5-96)**

A. In addition to the application fees called for in Chapter 48 of the Code of the Borough of Waldwick, an applicant shall be responsible to reimburse the Municipality or a Municipal Agency for all expenses and fees incurred by the Municipality or Municipal Agency for the services of professional personnel required to process an application for development.

B. No plats or site plans shall be signed or approved, nor shall any zoning permits, building permits, certificates of occupancy, resolutions of approval, or other types of permits be issued with respect to any application until an applicant has deposited with the Chief Financial Officer an amount which the applicant and the Municipality or Municipal Agency agree is sufficient to satisfy the estimated expenses and fees incurred by the Municipality or the Municipal Agency to pay professional personnel for professional services. No bill for professional services shall be paid from said deposit unless approved by the Municipality or Municipal Agency. If the amount deposited by an applicant exceeds the actual cost of professional services, as approved by the Municipality or Municipal Agency, the applicant shall be entitled to a return of the excess, together with such interest as allowed pursuant to N.J.S.A. 40:55D-53.1. If the actual cost of professional services exceeds the amount deposited, the applicant shall immediately pay such additional amount as is required to pay all actual costs of professional services.

C. The term "professional personnel" or "professional services" as used herein shall include the services of a duly licensed engineer, surveyor, planner, attorney, realtor, appraiser, architects, landscape architects, noise engineers and traffic engineers or other expert who would provide professional services to insure an application meets performance standards set forth in the ordinance and other experts whose testimony is in an area in which the applicant has presented expert testimony.

D. Any application for development as defined by this ordinance., or any other ordinance of the Borough of Waldwick or any law of the State of New Jersey shall be deemed "incomplete" if adequate escrows are not placed on deposit with the Municipality in accordance with the provisions of this ordinance. The escrows as required by this ordinance shall be replenished by the applicant upon reasonable notice of the Municipality for any additional escrows and the applicants obligation to maintain adequate escrows shall continue throughout the course of an application for a development through the point of occupancy of that development or portion thereof contained within that application.

E. No professional personnel submitting charges to the Municipality or Municipal Agency for any of the services referred to in paragraph one of this ordinance shall charge for any of the services contemplated by that paragraph at any higher rate or in any different manner than would normally be charged the Municipality or Municipal Agency for similar work as ascertained by the professional's contract of employment with the Municipality or by resolution or by provisions of the Municipal Escrow Ordinance. Payment of any bill rendered by a professional to the Municipality with respect to any service for which the professional is entitled reimbursement under this ordinance shall in no way be contingent upon receipt of reimbursement from an applicant. The professional is responsible to alert the Municipality of potential deficits occurring within a particular escrow account so that the Municipality may have adequate time to collect the potential shortage in the account.

F. Deposits received pursuant to Section 1 of this ordinance shall be deposited in a fund or depository approved for such deposits by the State, in an account bearing interest at the minimum rate currently paid by the institution or depository on time or savings deposit. All deposits received pursuant to this ordinance shall be held and administered in accordance with the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. and in particular, N.J.S.A. 40:55D-53.2, including all rights of appeal and the appeal procedure that is provided under N.J.S.A. 40:55D-53.4 within that statute. The Municipality shall notify the applicant in writing of the name and address of the institution or depository in which the deposit is made and the amount of the deposit. The Municipality shall not be required to refund an amount of interest paid on a deposit which does not exceed $100 for the year. If the amount of interest exceeds $100 that entire amount shall belong to the applicant and shall be refunded to him by the Municipality annually or at the time the deposit is repaid or applied to the purpose for which it was deposited, as the case may be; except that the Municipality may retain for administrative expenses a sum equivalent to no more than 33-1/3% of the entire amount, which shall be in lieu of all other administrative and custodial expenses.

G. Escrow deposits required for applications:

a. Minor Site Plan - For development applications where the square footage of the building(s) is not greater than 3,000 square feet.

Engineering escrow.....$ 750
Legal escrow.....……..... 400
Planner escrow.....…… 500

2. Major Site Plan – For development applications where the square footage of the building(s) is in excess of 3,000 square feet.

Engineering escrow……$ 3,500
Legal escrow…… 1,750
Planner escrow…… 1,750

c. Minor Subdivision - For development of less than five lots
Engineering escrow…….....$ 1,000
Legal escrow.....……..... 500
Planner escrow.....……..... 500

d. Major Subdivision - For development of more than five lots
Engineering escrow.....….$4,000
Legal escrow.....…….. 1,250
Planner escrow..... …..2,000

e. Use Variance **(Amended 9-25-01 by Ord. No. 11-01)**
Engineering escrow….....$ 750
Legal escrow.....……..... 400

f. Hardship Variance**(Added 9-25-01 by Ord. No. 11-01)**
Legal Escrow……..…$325

Motor Vehicles, Abandoned and Unclaimed Storage Fee Regulations

48:61A.1 Maximum Fees.

All fees to be paid to an operator engaged by the Borough of Waldwick for the storage of abandoned and unclaimed motor vehicles shall not exceed the following:

(A) a maximum of three dollars ($3.) per day for the first thirty (30) days of storage per vehicles; and

(B) a maximum of two dollars ($2.) per day for the thirty-first (31) day of storage and any day thereafter; and

(C) a maximum of four hundred dollars ($400.) per vehicle stored regardless of the duration of the storage.

Outdoor Displays and Sales

48:62A-3 Application fee for outdoor displays or sales - $30.
(Added 2-22-94 by Ord. No. 2-94; Amended 4-27-10 by Ord. No. 8-10)

48:62A-9 The receptacle owner shall pay an annual fee of $25. per receptacle for the receptacle at each property location. (**Added 11-14-06 by Ord. No. 22-06)**

Park & Ride

63-3. A. **(Amended 12-23-83 by Ord. No. 25-83; 12-30-86 by Ord. No.23-86; 6-8-93 by Ord. 13-93; 9-25-01 by Ord. No. 11-01; 6-22-04 by Ord. No. 16-04; 3-27-07 by Ord. No. 4-07)** Fees. Waldwick park and ride permits, valid for three (3), six (6) or twelve (12) consecutive calendar months, shall be available at the office of the Borough Clerk upon application therefor and payment of a nonrefundable fee as follows:

(1) Permit for six (6) calendar months: one hundred fifty dollars ($150.)
(2) Permit for twelve (12) calendar months: two hundred fifty dollars ($250.).
(3) Permit for three (3) calendar months: eighty dollars ($80.).
  a. The three month permit issued only during the months of May and June shall be nonrenewable.
(4) Administrative fee for lost or stolen permits: twenty-five dollars ($25.).

B. Limited availability. The number of permits issued may be limited based upon the number of parking spaces available at the Waldwick Park and Ride Lot.

C. Issuance. Permits valid for one (1) calendar month may be issued on or after the 21st day of the proceeding calendar month. Six-month permits may be issued on or after the 11th day of the calendar month preceding the first month of effectiveness. Twelve month permits may be issued on or after the calendar month preceding the first month of effectiveness.

D. Renewals. Within two (2) months prior to the expiration thereof, the holder of a six or twelve month permit may obtain a permit valid for an additional six (6) or twelve (12) consecutive months upon surrender of such currently valid permit and payment of the appropriate fee; provided, however, that renewal of such permits within the last calendar month of effectiveness shall be subject to availability limitations in accordance with Sec. 63-3B above.

E. Transferability. A permit shall be transferable and its use shall not be restricted to a particular vehicle or vehicles.

Parks

48:64-4.1 Tennis tags and fees **(Added 12-26-78 by Ord. No. 24-78; amended 11-23-82 by Ord. No. 19-82; 12-27-88 by Ord. No.26-88; 3-27-07 by Ord. No. 4-07; 4-27-10 by Ord. No. 8-10)**

Each person entering upon or using one (1) of the tennis courts within any borough park shall be required to display a tag or permit. Each resident of the borough shall be entitled to purchase a nontransferable tennis tag or permit valid for one (1) calendar year, the fee for which shall be twenty dollars ($20.).

48:64-4.2 Summer Recreation Program (Added 4-14-09 by Ord. No. 6-09)

Each child registered for the Waldwick Summer Recreation Program will be charged a $20 fee. This fee is payable at the time of registration and is nonrefundable.

Peddling, Soliciting & Canvassing

48:66-11. License and processing fees. **(Amended 11-23-82 by Ord. No. 19-82; 12-30-86 by Ord. No. 23-86; 9-10-96 by Ord. No. 15-96; 9-25-01 by Ord. No. 11-01; 4-27-10 by Ord. No. 8-10)**

a. Except for a charity as defined in section 66-1 each applicant for a certificate of registration issued pursuant to Chapter 66 shall pay to the Borough Clerk a fee in the amount of one hundred ($100.) dollars per five (5) persons registered.
b. A charity shall pay a total fee in the amount of twenty-five ($25.) dollars for the first five (5) persons registered and an additional total fee of twenty five ($25.) dollars for registering more than five (5) persons.

Publications, Distribution of

48:69.2 Licenses required for distributing advertising matter; fee.

No person shall distribute or place, or cause to be distributed or placed, into or upon the lawns or grounds of any house, or upon the doorstep, porch or plaza thereof, or in the doorway, any circular, card or pamphlet designed primarily for advertising sales of merchandise, goods or wares, unless said person shall first obtain a license therefor from the Borough Clerk and pay therefor to the Borough Clerk the sum of one dollar ($1.) for each one hundred (100) of said circulars, cards or pamphlets distributed.

Public Transportation

48:70-9. Fee **(Amended 12-3-86 by Ord. No. 23-86; 4-27-10 by Ord. No. 8-10)**

The fee for issuing of municipal consent for the operation of a taxicab, in the Borough of Waldwick, shall be one hundred twenty five dollars (125.) annually.

70-17. Fee **(Amended 12-30-86 by Ord. No. 23-86; 6-11-02 by Ord. No. 11-02)**

The fee for issuing of municipal consent for the operation of an autocab (limousine) in the Borough of Waldwick shall be seventy five dollars ($75.) annually.

Sewer Use

75-17. Classes of permits **(Amended 9-25-01 by Ord. No. 11-01; 6-22-04 by Ord. No. 16-04; 3- 27-07 by Ord. No. 4-07; 4-27-10 by Ord. No. 8-10)**

A. The permit and inspection fee for a building-sewer lateral serving one dwelling unit or business in an amount of one thousand seven hundred dollars ($1,700.) shall be paid to the Borough Clerk at the time the application is filed. Each additional dwelling unit or business to be serviced from this sewer lateral shall be assessed a fee of one thousand seven hundred dollars ($1,700) per each dwelling unit or business. The permit application shall be supplemented by such necessary plans and specifications as shall be required by the Borough Engineer. All applications approved by the Waldwick Planning Board and Waldwick Board of Adjustment prior to the passage date of this ordinance shall be charged under the previous rate structure in effect.

48:75-27. Fees for Annual Inspections of Sewer Interceptors. **(Added 11-24-92 by Ord. No. 15-92)**

The annual inspection fee for sewer interceptors shall be fifty dollars ($50.).

48: 75-30. Maintenance of public sewer and building sewer. (Amended 8-9-77 by Ord. No. 16-77)

A. Maintenance of the public sewer and the building sewer lateral shall be performed by the borough. Maintenance of all other facilities connected to the public sewer, including the building sewer and drain, shall be the responsibility of the property owner.

B. In the event that the borough is called upon and provides emergency service, such as removing a blockage and it shall be determined that the cause of such condition was not within the public sewer or building sewer lateral, the property owner or person requesting such services shall reimburse the borough for the costs of labor and equipment at the rate of one hundred fifty dollars ($150.) for the first hour or any part thereof and seventy five dollars ($75.) per hour thereafter for work on a sewer more than four (4) inches in diameter. The borough shall have the right to have reasonable assurance of such reimbursement before undertaking any work which may be the responsibility of others, and nothing herein shall be construed as
C. imposing any obligation whatsoever on the borough to undertake or perform services on facilities which are not the responsibility of the borough to maintain. (Amended 12-30-86 by Ord. No. 23-86).

Site Plan Review

48:77-13. Fees and deposits. (**Amended 4-23-96 by Ord. No. 5-96; 3-22-05 by Ord. No. 4-05)**

A. Application fee. An application submitted to the Planning Board for site plan review and approval in accordance herewith shall be accompanied by an application fee to cover costs incurred by the Planning Board for engineering review and report and other costs in connection with said application. The application fee shall be calculated at the rate of two hundred dollars ($200.) for each acre of land in the proposed development, with a minimum application fee of two hundred dollars ($200.)

B. Change of Use permit - $50.00 **(Added 9-14-93 by Ord. No. 20- 93)**

Chapter 48:80-7 Soil Removal Fees **(Amended 7-22-97 by Ord. No. 16-97; 9-25-01 by Ord. No. 11-01; 3-22-05 by Ord. No. 4-05)**

A. Soil Application fees:

(1) Ministerial soil application fee: twenty dollars ($20.)
(2) Major soil application fee: one hundred dollars ($100).
(3) Soil application fee will not be refundable whether the permit is issued or denied or withdrawn.

B. Soil-Moving fee:

(1) The soil-moving fee will be charged at ten cents ($0.10) per cubic yard of fill or excavation, whichever is greater.
(2) Exemption. All utility companies, federal, state and local authorities, including the Board of Education and charitable organizations, and further, any movement of soil amounting in the aggregate up to ten (10) cubic yards of soil in a twelve-month consecutive period shall be exempt from the requirement of the soil application fee and soil movement fee and the posting of escrow.
(3) Escrow. The applicant will be required to post at the time of ministerial permit application an escrow of $ 150. to cover the costs associated with the review of the application by the Borough Engineer. For a major permit application this engineering escrow shall be $500 and the legal escrow shall be $100, posted at the time of the application. If the project requires additional funds to cover the review the applicant will be required to post sufficient balances to cover these additional costs.

Street & Sidewalk Uses

48:82-4. Deposit or bond required. (**Amended 12-27-88 by Ord. No. 26-88; 4-27-10 by Ord. No. 8-10)**

Prior to the issuance of a permit under Chapter 82, the applicant shall:

A. Deposit with the Borough Clerk the sum of four hundred dollars ($400.) in cash, or may file with said Clerk a corporate surety bond in the amount of four hundred dollars ($400.) in form satisfactory to the Borough, guaranteeing that any and all such damage resulting to the streets, curbs or sidewalks by reason of the use for which the permit was granted shall be repaired in a manner satisfactory to the Borough. Such cash or bond shall be held by said clerk during the term of the permit and until any and all such damages resulting to the streets, curbs or sidewalks by reason of the use for which the permit was granted have been repaired in a manner satisfactory to the Borough.

B. Where the applicant intends to make application for more than one (1) but less than ten (10) permits in any one (1) calendar year, the applicant may file with the Borough Clerk a corporate surety bond in the amount of one thousand dollars ($1,000.) in form satisfactory to the Borough, guaranteeing that any and all such damages resulting to the streets, curbs or sidewalks by reason of the use for which the permits were granted shall be repaired in a manner satisfactory to the Borough. Such bond shall continue in full force and effect during the term of the permits and until any and all such damages resulting to the streets, curbs or sidewalks by reason of the use for which the permits were granted have been repaired in a manner satisfactory to the Borough.

48:82-8 Permit fee **(Amended 12-27-88 by Ord. No. 26-88; 4-27-10 by Ord. No. 8-10)**

The fee for issuance of each permit shall be seventy five dollars ($75.) payable by the applicant upon the issuance of the permit.

Street Excavations

48:84-2. Application fees **(Amended 11-23-82 by Ord. No. 19-82; 3-27-07 by Ord. No. 4-07; 4-27-10 by Ord. No. 8-10)**

Applications for road opening permits shall be submitted to the Borough Clerk and shall be accompanied by payment of the application fee. The amount of the application fee shall be calculated at the rate of forty dollars ($40.) for each square yard of road surface to be excavated or disturbed, but in no case shall the application fee be less than the minimum application fee of two thousand one hundred dollars ($2,100.)

48:84-4. Certificate of completion. **(Amended 3-27-07 by Ord. No. 4-07)**

The Superintendent of Public Works shall so certify when a permit holder has completed restoration of the permanent pavement in accordance with the specifications of the Borough of Waldwick. Such certificate shall also contain a statement of the action, if any required to be taken by the borough by reason of the failure of the permit holder to comply with any of the provisions of this chapter together with all costs and expenses incurred by the borough in connection therewith. No such certification shall be made until at least one hundred eighty days after all of the work has been completed. Upon receipt of such certification, the permit holder shall be entitled to a refund of one thousand five hundred dollars ($1,500.) of the application fee paid; provided, however, that any costs or expenses incurred by the borough as set forth in said certificate shall be deducted from any refund which might otherwise be due.

Subdivision of Land

48:86-10. Schedule of fees and deposits. **(Amended 3-24-55 by Ord.No. 3-55; 10-24-72 by Ord. No. 20-72; 2-10-81 by Ord. No. 4-81; 12-27-88 by Ord. No. 26-88; 4-23-96 by Ord. No. 5-96)**

The following fees and/or deposits shall be paid by the subdivider to the Borough Clerk.

A. Minor subdivisions. A fee of two hundred dollars ($200.) per lot, payable at the time of filing application and sketch plat for approval of a minor subdivision. In the event such proposed subdivision is thereafter classified as a major subdivision, said fee may be applied to other fees payable as hereinafter provided.

B. Sketch plat, major subdivision. A fee of twenty-five dollars ($25.) per lot with a minimum fee of one hundred dollars ($100.). Fee payable upon filing application and submission of sketch plat.

C. Preliminary plat, major subdivision. A fee of three hundred dollars ($300.) plus fifty dollars ($50.) per lot, payable at the time of submission of the preliminary plat, to be applied to the cost of engineering review and other expenses incurred by the Planning Board.

D. Final plat, major subdivision. A fee of three hundred dollars ($300.) payable upon filing application for approval of a final plat.

E. Street construction; engineering costs. If tentative or final approval of any plat is conditioned upon improvements to an existing public street or construction of a new street, the subdivider shall be required to pay to the Borough Engineer fees as set forth in Standard Specifications and Regulations Concerning Construction Work in Public Streets, as adopted and amended by the Mayor and Council of the Borough of Waldwick and copies of which are on file in the office of the Borough Clerk. Payment of such fees shall be a prerequisite to approval or acceptance of the work. **(Amended 5-25-82 by Ord. No. 11-82).**

Swimming Pool, Municipal

48:87-7. Fees for permits and tags to use pool. **(Amended 5-9-67 by Ord. No. 6-67; 4-14-70 by Ord. No. 1-70; 5-25-76 by Ord. No. 8-76; 12-26-78 by Ord. No. 25-78; 2-24-81 by Ord. No.5-81; 4-27-82 by Ord. No. 6-82; 12-27-88 by Ord. No. 26-88; 4-12-94 by Ord. No. 6-94; 4-11-95 by Ord. No. 3-95; 5-28-96 by Ord. No. 11-96; 5-25-99 by Ord. No. 8-99; 8-10-99 by Ord. No. 11-99, 5-23-00 by Ord. No. 10-00; 9-25-01 by Ord. No 11-01; 3-22-05 by Ord. No. 4-05; 3-27-07 by Ord. 4-07; 2-24-09 by Ord. No. 4-09; 3-23-10 by Ord. No. 7-10; 4-10-12 by Ord. No. 7-12)**

Each person entering or using the pool or pool enclosures shall be required to display a tag or permit, the fees for which are hereby affixed as follows:

A. Residents of the Borough of Waldwick and Midland Park eighteen (18) years of age or older, but less than sixty-two (62) years old shall be entitled to purchase a non-transferable seasonal tag for the sum of $55.00 if renewed prior to the pool opening Memorial Day weekend. Once the pool has opened the fee shall be $65.

B. Residents of the Borough of Waldwick and Midland Park ages four (4) but under the age of eighteen (18) shall be entitled to purchase a non-transferable seasonal tag for the sum of $50.00 if renewed prior to the pool opening Memorial Day weekend. Once the pool has opened the fee shall be $60.

C. Residents of the Borough of Waldwick and Midland Park over the age of sixty two (62) shall be entitled to purchase a non-transferable seasonal tag for the sum of $45.00 if renewed prior to the pool opening Memorial Day weekend. Once the pool has opened the fee shall be $55.

D. Guests. Guests over the age of eighteen (18) years may obtain a guest permit, which shall be issued for the sum of $10.00 per day per guest, provided that such guest is in the company of a holder of a seasonal tag.

E. Guests. Guests under the age of eighteen (18) years may obtain a guest permit, which shall be issued for the sum of $8.00 per day per guest, provided that such guest is in the company of a holder of a seasonal tag.

F. New or Replacement Badge Fee. All patrons of the pool are required to maintain their previous year's badge. That badge, upon payment of the required fee, will be validated for the current year's use. New or replacement badges will be issued upon the payment of $5.00 per badge with a maximum family charge of $10.00. These fees will be in addition to any annual charges.

G. Swimming Lessons. Each two week session fee shall be $30.00 for each student with a family maximum of $75.00 for that session.

H. Members of the Waldwick Volunteer Fire Department and WALVAC and their immediate families defined as spouse and unmarried children who reside in the home, are hereby exempt from annual pool permit fees. **(Added 5-23-00 by Ord. 10-00)**

I. The fee for all other non-resident pool seasonal tags shall be as follows: **(Added 9-25-01 by Ord. No. 11-01; Amended 3-27-07 by Ord. No. 4-07; 4-22-08 by Ord. No. 8-08; 2-24-09 by Ord. No. 4-09; 4-10-12 by Ord. No. 7-12)**

Children age four (4) but under the age of eighteen (18) - $125
Adults eighteen (18) or older - $150.00
Children under the age of four (4) shall be free.

Swimming Pools, Private

48:88-3. Applications for construction permits; permit fee; approval of plans and specifications.

Application for the construction and installation of a private swimming pool shall be made to the Building Inspector by the owner of the property or by the contractor who will construct said pool.

The application shall be accompanied by duplicate sets of plans, specifications and plot plans of the property. The plot plans shall show the accurate location of the proposed pool on the property, together with any proposed accessory structures. The plot plan shall also show the location, height and type of all existing fencing or walls on the boundary lines of the property, together with the type and height of such fencing or enclosure as may be required by Chapter 88-11 of this ordinance. A fee of thirty dollars ($30.) shall be paid to the Borough of Waldwick for such private swimming pool permit.
Such permit fees shall be exclusive of the permit fee required for erection of any accessory structure to be used in connection with such pools. No permit for a private swimming pool shall be issued by the Building Inspector until the plans, specifications and plot plan have been approved by the Health Officer and Borough Engineer of the Borough of Waldwick, and such approval has been properly certified on the plans. Such approval must be directly obtained from the Health Officer by the applicant.

Vehicles & Traffic

48:91-12.2 Parking meter fees. **(Amended 12-27-05 by Ord. No. 14-05)**

A. Parking meter spaces shall be delineated in parking meter zones as herein established, and parking meters shall be installed adjacent to such parking meter spaces. Each parking meter shall be set to indicate, upon deposit of a twenty-five cent ($.25) coin of the United States of America, lawful parking for a period of consecutive hours from the time of such deposit as follows:

(1) Two (2) coins (fifty cents ($.50): two hours

(2) Four (4) coins (one dollar ($1.00): four (4) hours

(3) Six (6) coins (one dollar and fifty cents ($1.50): six (6) hours

(4) Eight (8) coins (two dollars ($2.00.): twelve (12) hours

Video and Movie Filming **(Added 11-26-02 by Ord. No. 18-02; 4-27-10 by Ord. No. 8-10)**

48-92 Fees

In addition to reimbursing the Borough for the Borough's expenses as set forth in Chapter 92 Video and Movie Filming, Section 92-3E, the applicant shall pay the following fees:

1. Basic filming permit: one hundred dollars ($100.) Where an applicant requests a waiver of the provision of Section 92-4C requiring expedited processing of the permit application, the basic filming permit fee shall be one hundred fifty dollars ($150.)

2. Daily filming fee payable in addition to the basic filming permit: five hundred dollars ($500.) per day. No daily filming fee shall be required for non-profit applicants filming for educational purposes.

3. Daily filming fee payable for Major Motion Picture: one thousand five hundred dollars ($1,500.) per day.

Water Supply

48:94-5 Meters **(Amended 4-27-10 by Ord. No. 8-10)**

H. Upon request of a customer, the Department will make a test of the accuracy of the meter. If it is found to register more than one hundred three percent (103%) of the water passed or less than ninety-seven percent (97%) of full capacity, there shall be no charge for removing, repairing and resetting the meter. If, however, a request for a test is made more often than once a year and the meter is found to be accurate within the above-stated limit, a charge of forty dollars ($40.) shall be made for the removal, testing and resetting. The Water Department shall have the right to make periodical tests of any or all meters at no cost to the customer.

48:94-7. Fees for service connection. **(Amended 9-13-77 by Ord. No. 17-77; 12-23-80 by Ord. No. 15-80; 12-30-86 by Ord. No. 23-86; 1-24-89 by Ord. No. 1-89; 12-26-95 by Ord. No. 17-95; 2-24-98 by Ord. No. 5-98; 9-25-01 by Ord. No. 11-01; 2-25-03 by Ord. No. 5-03; 6-22-04 by Ord. No. 16-04; 3-27-07 by Ord. No. 4-07; 4-27-10 by Ord. No. 8-10; 5-28-13 by Ord. No. 8-13)**

Fees for service connection shall be as follows:

Application for tapping permit, connection to be made at applicant's expense serving one dwelling unit or business in an amount of one thousand seven hundred dollars ($1,700) shall be paid at the time the application is filed. Each additional dwelling unit or business to be serviced from this water supply connection shall be assessed a fee of one thousand seven hundred dollars ($1,700.) per each dwelling unit or business.

Application fee for service to property outside the borough limits $3,000

All applications approved by the Waldwick Planning Board and Waldwick Board of Adjustment prior to the passage date of this ordinance shall be charged under the previous rate structure in effect.

Water meter installation 5/8 inch - $280.

Water meter installation 1 inch - $390.

Water meter installed New Construction - $250.

No show for appointment with Water Department - $20.

Charge for:	Amount
Turn-on charge	$ 50.
Service call in accordance with Chapter 94-4L For the first hour or any part thereof and seventy-five ($75.) Per hour thereafter for work on water issues	$ 150.
Charge for returned check	$ 20.

48:94-8. Metered rates**. (Amended 2-24-76 by Ord. No. 2-76; 9-13-77 by Ord. No. 17-77; 12-23-80 by Ord. No. 15-80; 9-22-81 by Ord. No. 14-81; 12-3-85 by Ord. No. 20-85; 12-30-86 by Ord. No. 23-86; 1-24-89 by Ord. No. 1-89; 2-24-98 by Ord. No. 5-98; 9-25-01 by Ord. No. 11-01; 9-23-03 by Ord. No. 15-03; 3-27-07 by Ord. No. 4-07; 10-13-09 by Ord. No. 16-09; 9-25-12 by Ord. No. 16-12; 08-27-13 by Ord. No. 12-13)**

A. Quarterly charges for water supplied through a metered service line connection shall be at the following rates effective as of October 1, 2009:

   (1) Minimum charges for up to one thousand five hundred (1,500) gallons shall be twenty-nine dollars ($29).
   (2) Radio read Meter opt-out charge shall be twenty-five dollars ($25) effective as of August 27, 2013.

B. Additional charges for water supplied above; the minimum shall be at the following rates:

(1) From one thousand five hundred (1,500) gallons up to thirty thousand (30,000) gallons; five dollars and thirty-five cents ($5.35) per one thousand (1,000) gallons.

(2) From thirty thousand (30,000) gallons up to sixty-five thousand (65,000) gallons; five dollars and ninety-eight ($5.98) per one thousand (1,000) gallons.

(3) More than sixty-five thousand (65,000) gallons; six dollars and ninety-six cents ($6.96) per one thousand (1,000) gallons.

48:94-10 Fees: construction**. (Amended 12-23-80 by Ord. No. 15-80; 12-30-86 by Ord. No. 23-86; 1-24-89 by Ord. No. 1-89; 2-24-98 by Ord. 5-98)**

Construction fee shall be as follows:

Charge For Amount

Application fee and water tap 1 inch or less, including installation to curb box up to 50 feet from main……...……...$2500.

Meter rental per month….……..$ 25.

48:94-11. Water rates: construction **(Amended 9-13-77 by Ord. No. 17-77; 12-23-80 by Ord. No. 15-80; 2-24-98 by Ord. No. 5-98; 4-27-10 by Ord. No. 8-10)**

Quarterly charges for unmetered water supplied to construction projects shall be as follows:

Charge for	Amount
Industrial construction	$225.
Large private construction	$240.
Individual home construction	$ 130.

48:94-13. Fees and rates: fire service
Fees and rates for fire service shall be as follows:

A. In addition to charges in accordance with Chapter 94-8 for water supplied, the fee for filling swimming pool from a fire hydrant: one hundred fifty dollars ($150.)

B. Annual charge for sprinkler system or other fire prevention device on private property: one-hundred-thirty dollars ($130.)

C. Fire service connections.

(1) Annual charge to the Borough of Waldwick for each fire service connection, per hydrant: seventy-six dollars ($76.); or

(2) Annual minimum charge to the Borough of Waldwick for all fire service connections commencing January 1, 1977: twenty-five thousand dollars ($25,000.)

Yard/Garage Sales **(Added 11-23-93 by Ord. No. 26-93)**
48:96-3. The permit fee shall be five dollars ($5.).

Zoning

48:97-58 Outdoor café permit fee. **(Added 8-22-00 by Ord. No. 12-00; 4-27-10 by Ord. No. 8-10)**

The fee for an outdoor café permit shall be seventy-five ($75.) dollars per season and there shall be no proration of the fee for any shorter period of time for which a license is obtained.

48:97-59 The fee for an inspection under Section 97-59A(1) of the Zoning Code shall be twenty-five ($25.00) dollars. **(Added 7-22-97 by Ord. No. 15-97)**

48:97-81. Review and hearings.

Every application for a site plan review or a hearing before the Board of Adjustment shall be accompanied by a check payable to the Borough of Waldwick for the following amounts:

A**. (Amended 12-26-84 by Ord. No. 25-84; 12-27-88 by Ord. No. 26-88)**

Conditional use (97-94, Special Use Permits):

Five hundred dollars ($500.)

B. **(Amended 12-26-84 by Ord. No. 25-84; 12-27-88 by Ord. No. 26-88; 3-22-05 by Ord. No. 4-05)**
Variances (N..J.S.A. 40:55D-70):

1. Hear and decide appeals: fifty dollars ($50.)
2. Interpretations of the map or ordinance: forty-five dollars ($45.)
3. Hardship variance:
   a) One and two family residences: sixty dollars ($60.)
   b) All others: two hundred twenty five dollars ($225.)

4. Use variance:
   a) One and two family residences: three hundred fifty dollars ($350.)
   b) All others: six hundred dollars ($600.)

C. Building permit in bed of map street (N.J.S.A. 40:55D-76a.1 and 40:55D-34). The fee for an application to build in the bed of a map street, drainage right-of-way, park or playground shall be fifty dollars ($50.) **(Amended 12-26-84 by Ord. No. 25-84**

D. Building permit for structure not related to a street (N.J.S.A. 40:55D-76a.2). The fee for an application to build a building or structure not related to a street, in accordance with N.J.S.A. 40:55D-35 and 55D-36, shall be fifty dollars ($50.). **(Amended 12-26-84 by Ord. No. 25-84).**

E. Combined review and hearing. Whenever an application for development shall include more than one (1) request for action, the total accumulated fees for each separate action shall be charged.

F. Application decision.

1. Notice in official newspaper. A brief notice of the decision reached on any application shall be published in the official newspaper of the Borough of Waldwick. A fee of twenty five dollars ($25.) separate from the application fee shall be collected at the time of the filing of the application (N.J.S.A. 40:55D-10i).

2. Copy of application. A copy of each application decision can be obtained at the Borough Clerk's office for a fee of one dollar ($1.) for each copy. (N.J.S.A.40:55D-10h).

G. In addition to the fees set forth above, the applicant shall be responsible to post, as a deposit, fees for professional and expert services required in the manner set forth in Chapter 56A-27 of the Land Use Procedures Ordinance of the Borough of Waldwick. **(Added 7-23-85 by Ord. No. 12-85)**

48:97-83. Appeals to the governing body. (N.J.S.A. 40:55D-17)

The fee to review the record on an appeal shall be as follows:

A. One and two family residences: fifty dollars ($50.)

B. All others: one hundred fifty dollars ($150.)

48:97-87. Zoning permits.

The fee to review for zoning compliance, the construction of a garden type utility shed and similar structure that is one hundred square feet, or less in area is forty dollars ($40.). **(Added 8-9-00 by Ord. No. 13-00; Amended 3-22-05 by Ord. No. 4-05)**

The fee to review for zoning compliance a fence six feet or less in height that is not a barrier surrounding a public or private swimming pool is forty dollars ($40.). **(Added 8-9-00 by Ord. No. 13-00)**

97-92.1 Certificate of compliance**. (Added 2-10-87 by Ord. No. 1-87; Amended 9-25-01 by Ord. No. 11-01; 4-27-10 by Ord. No. 8-10)**

D. Fees. The following fees shall be charged for the issuance of a certificate of compliance:

1. Apartments in multifamily dwellings: fifty dollars ($50.) each unit;

2. One and two family dwellings: fifty dollars ($50.) each unit.

3. Non-Residential dwellings: seventy-five dollars ($75.) for each tenancy

4. Re-inspection fee excluding sidewalks: fifteen dollars ($15.)

I. Smoke detectors in one and two family dwellings and remote water meters. No certificate of occupancy or certificate of continuing occupancy shall be issued for any dwelling, including one or two family dwellings, unless smoke detectors are installed in such dwelling in accordance with Chapter 51 of the Code of the Borough of Waldwick or a remote water meter has been installed in accordance with Chapter 94, entitled "Water Supply," of the Borough of Waldwick Code or a deposit of thirty- five dollars ($35.), effective January 1, 2002, is made to the Borough for installation of the remote water meter. The homeowner or occupant shall also sign a form provided by the Borough, acknowledging that they will permit the Borough official access to the dwelling for installation of the remote water meter.

97-94.7 Installation of Radio Read Meters **(Added 3-22-05 by Ord. No. 4-05)**

Installation of a radio read meter as a replacement on an existing five-eighths inch meter - thirty five dollars ($35.) This fee shall be waived for individual property owners who are eligible for the New Jersey Pharmaceutical Assistance to the Aged and Disabled Program.

Chapter 49

FIREARMS AND EXPLOSIVE DEVICES

49-1. Discharging firearms prohibited; exceptions.

49-2. Discharging spring-loaded devices.

49-3. Discharging explosive devices; permission required.

49-4. Violations and penalties.

49-5. Repealer.

49-6. When effective.

(HISTORY: Adopted by the Mayor and Council of the Borough of Waldwick 12-8-59 as Ord. No. 8-59.)

BE IT ORDAINED by the Mayor and Council of the Borough of Waldwick, in the County of Bergen and State of New Jersey, as follows:

49-1. Discharging firearms prohibited; exceptions.

No person, firm, corporation or association shall, within the limits of the Borough of Waldwick, fire or discharge or permit to be fired or discharged any gun, pistol, revolver, rifle, cannon or firearm of any description, whether loaded with blank or full charge. This section shall not apply to any military exercises nor to members of a Police Department in the course of duty or while participating in practice or exercises in connection with police duties, nor shall this section apply to persons who shall fire or discharge a firearm at a firing range while such range is under the supervision of a member of the Police Department of the Borough of Waldwick. This section shall also not apply to persons who lawfully possess or carry a firearm while using such firearm for purposes of protection of life or property.

49-2. Discharging spring-loaded devices.

No person, firm, corporation or association shall, within the limits of the Borough of Waldwick, fire or discharge or permit to be fired or discharged any gun, pistol, revolver, rifle, cannon or implement or apparatus of any kind which uses as a propelling force a spring or air and which is capable of ejecting a missile with sufficient force to injure the person.

49-3. Discharging explosive devices; permission required.

No person, firm, corporation or association shall, within the limits of the Borough of Waldwick, fire or discharge or permit to be fired or discharged any rocket, implement, apparatus or contrivance loaded with explosive or combustible material unless permission to do so shall first be had and obtained from the Mayor and Council. This section shall not apply to be explosion of dynamite or other similar material used for blasting purposes in connection with construction work, or to the proper use of signal flares and railroad track torpedoes.

49-4. Violations and penalties.

See Chapter 1:14.1.

49-5. Repealer.

An ordinance entitled "An Ordinance to Regulate the Use of Firearms, Fireworks and Explosives," passed and approved March 10, 1936, and all other ordinances inconsistent herewith, are hereby repealed.

49-6. When effective.

This ordinance shall take effect when passed and published as required by law.

FIRE PREVENTION CODE

Chapter 51

FIRE PREVENTION CODE

51-1. Local enforcement.

51-2. Agency designation.

51-3. Duties of enforcing agency.

51-4. Life-hazard uses.

51-5. Organization of agency.

51-6. Membership.

51-7. Board of Appeals.

51-8. Additional required annual inspection fees.

51-9. Other inspection fees.

51-10. Responsibility for inspection and fee collection.

51-11. Smoke and carbon monoxide detectors required for sale, rental or lease of certain dwelling units.

51-12. Maintenance of smoke detectors.

51-13. Key vaults.

51-14. Purpose

51-15. Violations and Penalties.

(HISTORY: Adopted by the Mayor and Council of the Borough of Waldwick 8-27-85 as Ord. No. 15-85.* Amendments noted where applicable.)

GENERAL REFERENCES:
Uniform construction codes - See Ch. 39.

BE IT ORDAINED by the Mayor and Council of the Borough of Waldwick, in the County of Bergen and State of New Jersey as follows:

- **Editor's Note: This ordinance also provided for the repeal of former Ch. 51, Fire Prevention Code, adopted 12-26-78 as Ord. No. 23-78, as amended.**

51-1. Local enforcement.

Pursuant to Section 11 of the Uniform Fire Safety Act (P.L. 1983, c. 383), the New Jersey Uniform Fire Code shall be locally enforced in the Borough of Waldwick.

51-2. Agency designation. (Amended 6-11-02 by Ord. No. 12-02)

The local enforcing agency shall be the Bureau of Fire Prevention in the Waldwick Fire Department. Members of the Bureau of Fire Prevention shall be appointed annually by the Mayor and Council of the Borough of Waldwick

51-3. Duties of enforcing agency.

The local enforcement agency, the Bureau of Fire Prevention, shall enforce the Uniform Fire Safety Act and the codes and regulations adopted under it in all buildings, structures and premises within the established boundaries of the Borough of Waldwick, other than those structures which are owner occupied one-and two-family dwellings. The Bureau of Fire Prevention shall faithfully comply with the requirements of the Uniform Fire Safety Act and the Uniform Fire Code.

51-4. Life-hazard uses.

The Bureau of Fire Prevention established by Ch. 51-2 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 Community Affairs.

51-5. Organization of agency.

The Bureau of Fire Prevention established by Ch. 51-2 of this ordinance shall be part of the Waldwick Fire Department and shall be under the direct supervision and control of the Waldwick Fire Official.

51-5A. Personnel. (Added 7-9-96 by Ord. No. 13-96; Amended 6-11-02 by Ord. No. 12-02, Amended 12-28-04 by Ord. No. 29-04)

The Waldwick Fire Prevention Bureau shall consists of a Fire Official, and other personnel as determined by resolution of the Mayor and Council.

A seniority list shall be maintained by the Fire Official of available certified inspectors for open positions on the Bureau.

51-5B. Qualifications for Membership.

Each applicant for membership shall have the following qualifications at the time of his application:

1. Must possess a current and valid Fire Inspector's Certificate issued by the New Jersey Department of Community Affairs.

2. Must possess a valid New Jersey Driver's License

3. Priority shall be given to members of the Waldwick Fire Department.

51-5C. Probationary Period.

Each applicant must successfully complete one (1) year of service of assigned duties and inspections.

51-5D. Duties.

Senior Inspectors:

Conduct inspections of all Life Hazard Use occupancies.
All occupancies containing cooking suppression systems.

Secretary Inspector:

Perform inspections as needed.
Maintain all financial records of all income and expenses.

Inspectors:

Conduct inspections of all non-Life Hazard Uses.

All members will participate in Fire Prevention programs and other duties as assigned.

51-6. Membership.

A. Appointment of Fire Official. The Bureau of Fire Prevention shall be under the direct supervision of a Fire Official who shall be appointed by the Mayor and Council. The appointment shall be pursuant to Title II, Civil Service, of the New Jersey Revised Statutes.

B. Term of office. The Fire Official shall be appointed for a term in accordance with Title II, Civil Service, of the New Jersey Revised Statutes.

C. Inspectors and employees. Such Inspectors and other employees as may be necessary for the local enforcing agency to properly carry out its responsibilities shall be appointed by the Mayor and Council pursuant to Title II, Civil Service, of the New Jersey Revised Statutes.

D. Removal from office. Inspectors and other employees of the enforcing agency shall be subject to removal by the Mayor and Council for inefficiency or misconduct. Each Inspector or employee to be so removed shall be afforded an opportunity to be heard by the appointing authority or a designated hearing officer.

51-7. Board of Appeals.

Pursuant to Section 15 and 17 of the Uniform Fire Safety Act, any person aggrieved by any order of the Bureau of Fire Prevention shall have the right to appeal to the Construction Board of Appeals of the County of Bergen.

51-8. Additional required annual inspection fees (See Ch. 48:51-8).

51-9. Other inspection fees. (See Ch. 48:51-9).

51-10. Responsibility for inspection and fee collection.

The Bureau of Fire Prevention shall be responsible for carrying out all inspections and collecting all permit and inspection fees established by the Uniform Fire Code.

51-11. Smoke and carbon monoxide detectors required for sale, rental or lease of certain dwelling units (Added 2-10-87 by Ord. No. 1-87; Amended 2-25-03 by Ord. No. 6-03).

A. Smoke and carbon monoxide detectors shall be installed in each dwelling unit as defined in N.J.A.C. 5:70-2.3 and N.J.A.C. 5:70-4.19 upon the sale, rental, transfer or lease of any dwelling unit in the Borough of Waldwick.

B. Each dwelling unit sold, rented, leased or transferred shall have a minimum of one (1) smoke detector on each level and one (1) carbon monoxide detector in the vicinity of the sleeping areas. A floor area separated by three (3) or more risers from another floor area shall be considered a separate level. Where a basement exists, a smoke detector shall be installed on the basement ceiling.

C. Smoke detectors shall not be required in an unoccupied attic. In order to achieve compliance with this act, smoke detectors used are those approved by the Underwriter's Laboratories or Factory Mutual Research Corp.

D. Alarm signals from the smoke and carbon monoxide detectors shall be clearly audible in all rooms on the level on which the smoke detector is installed when all intervening doors are closed.

E. Smoke and carbon monoxide detectors shall be powered by either battery or electricity. The installation of the smoke detectors shall be governed by the applicable sections of National Fire Protection Association (NFPA) Standard No. 72E or 74. The installation of the carbon monoxide detectors shall be governed by the applicable sections of the National Fire Protection (NFPA) Standard No. 720.

51-13. Key Vaults. (Added 4-11-95 by Ord. No. 7-95)

A. The Fire Official, together with the Fire Chief, shall require a key vault to be installed in an accessible location where immediate access is necessary to verify the existence of a fire or other emergency in those buildings equipped with or required to be equipped with, fire detection and/or fire suppression systems or equipment, and not normally occupied twenty-four (24) hours. The purpose of the key vault is to allow the Fire Department to gain immediate access to the building in emergency situations without the need for forcible entry. The type of key vault is to be approved by the fire department, and the installation of this equipment will be at the building owner's expense and shall be installed by no later than December 31, 1995.

B. Key vaults may be surface-mounted or flush-mounted in an easily accessible location and the fire department shall maintain possession of the only keys. In the event locks are changed in any of the above mentioned areas, the Fire Department shall be notified immediately by the owner/occupant so key substitution may be done.

51-14 Purpose (Added 4-27-10 as Ord. No. 12-10)

The purpose of this Ordinance is to mandate the exterior identification of all structures within the Borough of Waldwick that utilize lightweight wood, wood truss, steel truss, composite truss, laminated wood, wood "I" beams, or any other pre-manufactured lumber as a method to construct, renovate, or alter any section of an individual structure or dwelling unit. The pre incident identification of these buildings will provide fire suppression crews with critical strategic and tactical information to be utilized during firefighting operations and significantly enhance the safety of fire suppression personnel operating at emergency incidents. This Ordinance shall apply to all structures consisting of truss or pre-manufactured building components not currently regulated for identification within the 'Current" New Jersey Edition of the Uniform Construction Code and International Fire Code.

51-14.1 Definitions:

<u>ENGINEERED LUMBER</u>-- prefabricated I-joists, truss joists, truss rafters, and laminated beams and studs or any other materials that may fit within this category.

<u>REFLECTIVE SYMBOL</u>---An emblem made of reflective material, in the shape and form as described by the Uniform Construction Code (U.C.C.), The Uniform Fire Code
(U.F.C) and the International Fire Code New Jersey Addition (I.F.C.) with the mentioned modifications in order to maintain continuity throughout the state identifying a structure as containing engineered lumber.

<u>STRUCTURE</u>—A combination of materials to form a construction for occupancy, use or ornamentation, whether installed on, above or below the surface of a parcel of land.

All definitions in the "Current" U.C.C., The U.F.C. and the I.F.C. shall be the same for this ordinance.

51-14.2 LOCATION & APPLICATION

The Borough Construction Official or Designee shall determine if a structure contains engineered lumber. All structures containing engineered lumber must have a reflective symbol Affixed to the following locations: Primary Location will be the electrical meter, in the event the electrical meter is inside the structure the Secondary Location will be the area of the gas meter plainly visible, in the event the gas meter is inside the building the Third and Final Location will be the garage door. The reflective symbol shall be applied by the Construction Official / Fire Official or Designee and shall be a condition of the issuance of a Certificate of Occupancy in new construction and the Certificate of Acceptance in other than new construction.

51-14.3 SYMBOL DESIGN AND AVAILABILITY

The REFLECTIVE SYMBOL shall an emblem made of reflective material, in the shape and form as described by the U.C.C. dimensions shall be 5" x 2.5" this shape and design shall be used in order to maintain continuity through out the state identifying a structure as containing engineered lumber. This REFLECTIVE SYMBOL will be supplied by the Borough at no expense to the owner.

51-14.4 SERVABILITY

This chapter shall apply to all structures, whether residential, commercial or otherwise, including structures existing at the time of the effective date of this ordinance, existing structures shall be posted according to these guidelines with the owner's consent.

***51-14.5* ENFORCEMENT RESPONSIBILITY**

This section shall be enforced by the Construction Official and the Fire Official of the Borough of WALDWICK.

***51-14.*6 MAINTENANCE**

It is the responsibility of the homeowner to assure the integrity of the REFLECTIVE SYMBOL. In the event it is removed, damaged or fades over time it shall be the owner's responsibility to contact the Building Department to have a new REFLECTIVE SYMBOL installed.

***51-14.*7 VIOLATION**

Any person violating this section of the Fire Prevention Code by refusing to use the reflective symbol or by Removing or tampering with the reflective symbol shall be subject to a fine in an amount of $250.00 per violation. Each day that a violation continues shall be deemed to be a separate and distinct offense.

51-15. Violations and Penalties. (Added 9-25-01 by Ord. No. 11-01)

See Chapter 1:14.1

Chapter 51A

FIRE ZONES

51A-1. Authorization to establish.

51A-2. Obstruction and parking prohibited.

51A-3. Zones to be marked.

51A-4. Violations and penalties; removal of vehicle.

(HISTORY: Adopted by the Mayor and Council of the Borough of Waldwick 9-27-83 as Ord. No. 19-83. Amendments noted where applicable.)

BE IT ORDAINED by the Mayor and Council of the Borough of Waldwick, in the County of Bergen and State of New Jersey, as follows:

51A-1. Authorization to establish.

The Fire Chief and the Bureau of Fire Prevention of the Fire Department of the Borough of Waldwick are hereby authorized to establish fire zones within the Borough of Waldwick, subject to the approval of the Planning Board, and shall establish rules and regulations with respect to the location, area and all other requirements pertaining to the same.

51A-2. Obstruction and parking prohibited.

All fire zones in existence or hereafter designated and marked shall be kept free from all obstructions. Parking of vehicles in fire zones or access thereto is prohibited.

51A-3. Zones to be marked.

All fire zones shall be designated, marked and maintained by the owners of the premises in accordance with the rules and regulations established therefor by the Fire Chief and the Bureau of Fire Prevention of the Fire Department of the Borough of Waldwick.

51A-4. Violations and penalties; removal of vehicle.

A. See Chapter 1:14.1.

B. In addition to other remedies, any unoccupied vehicle parked or standing in violation of this ordinance shall be deemed a nuisance and detrimental to the health, safety and welfare of the residents of the Borough of Waldwick, and any peace officer may provide for the removal of such vehicle, and the owner shall pay the reasonable cost of the removal and storage which may result from such removal before regaining possession of the vehicle.

Chapter 52

FLOODPLAINS

52-1. Policy
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(HISTORY: Adopted by the Mayor and Council of the Borough of Waldwick 2-27-79 as Ord. No. 3-79. Amendments noted where applicable.)

GENERAL REFERENCES

Uniform Construction Codes - See Ch. 39.
Land Use Procedures - See Ch. 56A.
Site Plan Review - See Ch. 77.
Subdivision of Land - See Ch. 86.

BE IT ORDAINED by the Mayor and Council of the Borough of Waldwick, in the County of Bergen and State of New Jersey, as follows:

52-1. Policy (Amended 3-24-87 by Ord. No. 5-87).

It is hereby found that certain areas of the Borough of Waldwick are subject to periodic flooding from the Ho-Ho-Kus Brook, Saddle River and tributary streams, that such flooding damages and endangers life and public and private property and facilities, that this condition is aggravated by developments and encroachments in the flood hazard areas and that the most appropriate method of alleviating such conditions is through the regulation of such developments and encroachments. It is therefore determined that the special and paramount public interest in the flood hazard areas justifies the regulation of property located therein as provided in this chapter, which is an exercise of the police power of the municipality for the protection of the persons and property of its inhabitants and for the preservation of public health, safety and general welfare and in furtherance of the requirements of the Federal Insurance Administration. These flood losses are caused by the cumulative affect of obstructions in the areas of special flood hazard which increase flood heights and velocities and, when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

52-2. Purpose. (Amended 3-24-87 by Ord. No. 5-87).

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

A. To protect human life and health.

B. To minimize the expenditure of public money for costly flood control projects.

C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.

D. To minimize prolonged business interruptions.

E. To minimize damage to public facilities and utilities, such as water and gas mains; electric, telephone and sewer lines; and streets and bridges, located in areas of special flood hazard.

F. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood-blight areas.

G. To ensure that potential buyers are notified that property is in an area of special flood hazard.

H. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

I. To control the alteration of natural protective barriers, which held accommodate or channel floodwaters.

J. To control filling, grading, dredging and other development which may increase flood damage; and,

K. To prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

52-3. Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meanings they have in common usage and to give this chapter its most reasonable application. As used in this chapter, the following terms shall have the meanings indicated:

APPEAL - A request for a review of the Building Inspector's interpretation of any provision of this chapter or a request for a variance.

AREA OF SHALLOW FLOODING - A designated AO Zone on the Flood Insurance Rate Map (FIRM), where the base flood depths range from one (1) to three (3) feet, a clearly defined channel does not exist, the path of flooding is unpredictable and indeterminate and velocity flow may be evident. **(Amended 1-26-88 by Ord. No. 2-88).**

AREA OF SPECIAL FLOOD HAZARD - The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year **(Added 1-26-88 by Ord. No. 2-88).**

BASE FLOOD - The flood having a one-percent chance of being equaled or exceeded in any given year.

BASEMENT - Any area of the building having its floor subgrade (below ground level) on all sides. **(Added 3-24-87 by Ord. No. 5-87).**

BOROUGH - The Borough of Waldwick

BREAKAWAY WALL - A wall that is not part of the structural support of the building and is intended, through its design and construction, to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system. **(Added 3-24-87 by Ord. No. 5-87).**

DEVELOPMENT - Means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials located within the area of special flood hazard. **(Amended 7-25-95 by Ord. No. 11-95).**

ELEVATED BUILDING - A nonbasement building which is built, in the case of a building in a coastal high hazard, to have the top of the elevated floor or, in the case of a building in a coastal high-hazard area, to have the bottom of the lowest horizontal structural member of the elevated floor elevated above the ground level by means of piling, columns (posts and piers) or shear walls parallel to the flow of the water and which is adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In an area of special flood hazard, “elevated building” also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters. In areas of coastal high hazard, “elevated building” also includes a building otherwise meeting the definition of “elevated building,” even though the lower area is enclosed by means of breakaway walls. **(Added 3-24-87 by Ord. No. 5-87).**

FLOOD OR FLOODING - A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of land or tidal waters and/or the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD INSURANCE RATE MAP (FIRM) - The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY - The official report provided in which the Federal Insurance Administration has provided flood profiles, as well as the flood boundary - Floodway Maps and the water surface elevation of the base flood. **(Amended 1-26-88 by Ord. No. 2-88).**

FLOODPLAIN MANAGEMENT REGULATIONS - Means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such State or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction. **(Added 7-25-95 by Ord. No. 11-95).**

FLOODPLAIN VARIANCE - A grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

FLOODWAY - The channel of a river of 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 two-tenths (0.2) of a foot. **(Added 3-24-87 by Ord. No. 5-87).**

HABITABLE FLOOR - (Repealed 3-24-87 by Ord. No. 5-87).

HISTORIC STRUCTURE - Means any structure that is:

a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the 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 preliminary 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. **(Added 7-25-95 by Ord. No. 11-95).**

LOWEST FLOOR - The lowest floor of the lowest enclosed area, including basement. 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 nonelevation design requirements. **(Added 3-24-87 by Ord. No. 5-87)**

MANUFACTURED HOME - A structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term "manufactured home" includes park trailers, travel trailers and other similar vehicles placed on a sight for greater than one hundred eighty (180) consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers and other similar vehicles. **(Added 1-26-88 by Ord. No. 2-88).**

MANUFACTURED HOME PARK OR MANUFACTURED HOME SUBDIVISION - A parcel (or contiguous parcels) of land divided into two (2) or more manufactured-home lots for rent or sale. **(Added 1-26-88 by Ord. No. 2-88).**

NEW CONSTRUCTION - Structures for which the start of construction commenced on or after the effective date of this chapter.

RECREATIONAL VEHICLE - Means a vehicle which is (I) built on a single chassis; (ii) 400 square feet or less when measured at the longest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. **(Added 7-25-95 by Ord. No. 11-95).**

START OF CONSTRUCTION - For other than new construction or substantial improvements under the Coastal Barriers Resources Act (P.L. 97-348), includes substantial improvement and means the date the building permit was issued, provided that the actual start of construction, repair, reconstruction, rehabilitation addition, placement or other improvement was within one hundred eighty (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 a 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 on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. 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 effects the external dimensions of the building. **(Amended 7-25-95 by Ord. No. 11-95).**

STRUCTURE - A walled and roofed building or a gas or liquid storage tank that is principally above ground.

SUBSTANTIAL DAMAGE - Means 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 (50%) of the market value of the structure before the damage occurred. **(Added 7-25-95 by Ord. No. 11-95).**

SUBSTANTIAL IMPROVEMENTS - Means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

1. 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
2. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure". **(Amended 7-25-95 by Ord. No. 11-95).**

VARIANCE - A grant of relief from the requirements of this ordinance, which permits construction in a manner that would otherwise be prohibited by this ordinance. **(Added 3-24-87 by Ord. No. 5-87).**

52-4. Applicable areas. (Amended 3-24-87 by Ord. No. 5-87; 1-26-88 by Ord. No. 2-88; 7-25-95 by Ord. No. 11-95; 12-8-98 by Ord. 23-98; 7-12-05 by Ord. No. 9-05).

The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled the "Flood Insurance Study or Bergen County, New Jersey", with accompanying Flood Insurance Rate Map, panels 69 and 88 of 332 dated September 20, 2005 together with amendments thereto, are hereby adopted by reference and declared to be a part of this ordinance. Copies of said report and maps are on file in the office of the Borough Clerk and the Building Inspector.

52-5. Development standards.

A. In all areas of special flood hazards, the following standards shall apply:

1. Anchoring.

a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of structure.
b. All manufactured homes shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces. **(Added 1-26-88 by Ord. No. 2-88).**

2. Construction materials. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

3. Construction methods. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

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

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

6. Waste disposal systems. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

7. Subdivision.

   a. All subdivision proposals shall be consistent with the need to minimize flood damage.

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

   c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

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

8. In all areas of special flood hazard in which base flood elevation data have been provided and no floodway has been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than two-tenths (0.2) of a foot, at any point. **(Amended 3-24-87 by Ord. No. 5-87).**

9. Electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. **(Added 3-24-87 by Ord. No. 5-87).**

10. **(Added 3-24-87 by Ord. No. 5-87)** Enclosure openings. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to

flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

a. A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.
b. The bottom of all openings shall be no higher than one (1) foot above grade.
c. Openings may be equipped with screens, louvers or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

B. In all areas of special flood hazard where base flood elevation data have been established in accordance with 52-4, the following standards shall also apply:

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

a. Be floodproofed so that below the base flood level the structure is watertight, with walls substantially impermeable to the passage of water.
b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this subsection. Such certification shall be provided to the official as set forth in 52-9. **(Amended 1-26-88 by Ord. No. 2-88)**

C. Manufactured home requirements. **(Added 1-26-88 by Ord. No. 2-88)**

1. Manufactured homes shall be anchored in accordance with 52-5A(1) of the Code of the Borough of Waldwick.
2. All manufactured homes to be placed or substantially improved within the area of special flood hazard shall be elevated on a permanent foundation such that the top of the lowest floor is at or above the base flood elevation.

D. **(Added 3-24-87 by Ord. No. 5-87; amended 1-26-88 by Ord. No. 2-88)** Floodways. Located within areas of special flood hazard established in 52-4 of the Code of the Borough of Waldwick are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions apply:

1. Prohibit encroachments, including fill, new construction, substantial improvements and other development, unless a technical evaluation demonstrates that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
2. If 52-5D is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of 52-5, Development Standards.
3. In all areas of special flood hazard in which base flood elevation data has been provided and no floodway has been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation and the base flood more than two-tenths (0.2) of a foot at any point.

52-6. Establishment of development permit. (Amended 3-24-87 by Ord. No. 5-87)

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in 52-4. Application for a development permit shall be made on forms furnished by the Building Inspector and may include but not be limited to plans, in duplicate, drawn to scale, showing the nature, locations, dimensions and elevations of the area in question; existing or proposed structures; fill; storage of materials; drainage facilities; and the location of the foregoing.

52-7. Application for development permit.

Application for a development permit shall be made on forms furnished by the Building Inspector and may include, but not be limited to plans in duplicate drawn to scale showing the nature, location, dimension and elevations of the area in question; existing or proposed structures, fill, storage of materials and drainage facilities; and the location of the foregoing. Each application shall specifically include the following:

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

B. Elevation in relation to mean sea level to which any structure has been floodproofed.
C. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in 52-5B(2).
D. Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.

52-8. Administration.

The Borough Building Inspector is hereby designated and authorized to administer and implement this chapter. In connection therewith, the Building Inspector shall:

A. Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazard.
B. Review all development permits to determine that the requirements of this chapter have been satisfied and that all necessary permits have been obtained from federal, state or other governmental agencies from which prior approval is required.
C. If any proposed development would result in alteration or relocation of a watercourse, notify adjacent communities and the New Jersey Department of Environmental Protection prior to any alteration or relocation of a watercourse and submit evidence of such notifications to the Federal Insurance Administration and require that maintenance is provided within the altered or relocated portion of the watercourse so that the flood-carrying capacity is not diminished. **(Amended 3-24-87 by Ord. No. 5-87).**
D. Grant or deny permit applications in accordance with the provisions of this chapter.
E. When base flood elevation data has not been provided in accordance with 52-4, entitled “Applicable areas”, the Borough

Building Inspector shall obtain, review and reasonably utilize any base flood elevation data available from a federal, state or other source in order to administer 52-5B of the Code of the Borough of Waldwick. **(Added 3-24-87 by Ord. No. 5-87)**

F. Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in section 52-10, entitled "Appeals", of the Code of the Borough of Waldwick. **(Added 1-26-88 by Ord. No. 2-88)**
G. Review all development permits to determine if the proposed development is located in the floodway, assure that the encroachment provisions of 52-5D are met. **(Added 1-26-88 by Ord. No. 2-88)**

52-9. Records.

The Building Inspector shall maintain for public inspection records pursuant to the provisions of this chapter and shall:

A. Obtain and record the actual elevation. In relation to mean sea level, of the lowest floor, including the basement, of all new or substantially improved structures and whether or not the structure contains a basement. **(Amended 3-24-87 by Ord. No. 5-87)**
B. For all new or substantially improved floodproofed structures, verify and record the actual elevation in relation to mean sea level and maintain the floodproofing certifications required in this chapter.

52-10. Appeals.

A. The Planning Board of the Borough of Waldwick is hereby designated to hear and decide requests for floodplain variances and appeals where it is alleged that there is an error in any requirement, decision or determination made by the Building Inspector in the enforcement of this chapter. Such appeals or requests shall be made in accordance with procedural rules

and regulations established by the Planning Board. Fees and deposits shall be the same as established for site plan review in accordance with 77-13 of the Code of the Borough of Waldwick, provided that the Planning Board may waive all or a portion of the fee established in connection herewith if the request or appeal is made in conjunction with site plan or subdivision review.

B. Those aggrieved by the decision of the Planning Board, or any taxpayer, may appeal such decision to the Superior Court Law Division, as provided in the New Jersey Court Rule 4:69-6. **(Added 3-24-87 by Ord. No. 5-87)**

52-11. Variances.

A. Generally, floodplain variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided that the items in 52-12A(1) through (11) of the Code of the Borough of Waldwick have been fully considered. As the lot size increases beyond the one-half (1/2) acre, the technical justification required for issuing the variance increases. **(Amended 3-24-87 by Ord. No. 5-87)**

B. Floodplain variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

C. Floodplain variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

D. Floodplain variances shall only be issued upon a determination that the floodplain variance is the minimum necessary, considering the flood hazard, to afford relief.

E. Floodplain variances shall only be issued upon all of the following:

1. A showing of good and sufficient cause.
2. A determination that failure to grant the floodplain variance would result in exceptional hardship to the applicant.
3. A determination that the granting of a floodplain variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.

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

52-12. Considerations for variance requests.

A. In passing upon a floodplain variance request, the Planning Board shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter and the following:

1. The danger that materials may be swept onto other lands to the injury of others.
2. The danger to life and property due to flooding or erosion damage.
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
4. The importance of the services provided by the proposed facility to the community.
5. The necessity to the facility of a waterfront location, where applicable.
6. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.
7. The compatibility of the proposed use with existing and anticipated development.
8. The relationship of the proposed use to the Comprehensive Plan and floodplain management program of that area.
9. The safety of access to the property in times of flood for ordinary and emergency vehicles.
10. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters, and
11. 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.

B. Upon consideration of these factors and the purposes of this chapter, the Planning Board may attach such condition to the grant of a floodplain variance as it deems necessary or appropriate.

53-13. Compliance with other provisions and other restrictions. (Amended 3-24-87 by Ord. No. 5-87)

A. The requirements of the chapter shall be deemed to be in addition to and not in lieu of any other Borough ordinance, as well as laws and regulations of other governmental agencies having jurisdiction thereof. Where the provisions hereof appear to overlap or to be in conflict with any other restrictions, whichever imposes the more stringent restrictions shall prevail.
B. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

52-14. Violations and penalties. (Amended 3-24-87 by Ord. No. 5-87)

No structure or land shall hereafter be constructed, located, 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 misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than five hundred dollars ($500.) or be imprisoned for not more than ninety (90) days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Borough of Waldwick from taking such other lawful action as is necessary to prevent or remedy any violations.

52-15. Repealer.

Ordinance No. 10-74 adopted by the Mayor and Council of the Borough of Waldwick on July 15, 1974 is hereby repealed.

52-16. When effective.

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

52-17. Interpretation. (Added 3-24-87 by Ord. No. 5-87)

In the interpretation and application of this ordinance, all provisions shall be:

a. Considered as minimum requirements.
b. Liberally construed in favor of the governing body.
c. Deemed neither to limit nor repeal any other powers granted under state statutes.

52-18. Warning and disclaimer of liability. (Added 3-24-87 by Ord. No. 5-87)

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the area of special flood hazards or that uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the Borough of Waldwick, any officer or employee thereof or the Federal Insurance Administration for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

Chapter 53

FOOD AND DRINK ESTABLISHMENTS

53-1. Business hours restricted.

53-2. Construction of provisions.

53-3. Violations and penalties.

53-4. Severability.

53-5. Repealer.

53-6. When effective.

(HISTORY: Adopted by the Mayor and Council of the Borough of Waldwick 3-25-75 as Ord. No. 5-75. Amendments noted where applicable.)

BE IT ORDAINED by the Mayor and Council of the Borough of Waldwick, in the County of Bergen and State of New Jersey, as follows:

53-1. Business hours restricted.

Every person, owner or operator of any establishment which shall serve food or beverages, or both, and/or alcoholic beverages shall be closed to the public, and business with the public therein shall be and is hereby prohibited between the hours of 3:00 a.m. and 5:00 a.m., except as set forth herein.

53-2. Construction of provisions.

Notwithstanding Chapter 53-1 herein, this ordinance is not intended to modify or repeal those provisions of Chapter 29-12 of Chapter 29 of the Borough Code entitled "Alcoholic Beverages."

53-3. Violations and penalties.

See Chapter 1:14.1.

53-4. Severability.

The invalidity of any section or provisions of this ordinance shall not invalidate other sections or provisions hereof.

53-5. Repealer.

All ordinances or parts of ordinances inconsistent herewith, except as provided herein, be and the same are hereby repealed.

53-6. When effective.

This ordinance shall take effect immediately upon final passage and publication as provided by law.

GAMES OF CHANCE

Chapter 53A

GAMES OF CHANCE

53A-1. Games of chance permitted on Sunday.

53A-2. When effective.

(HISTORY: Adopted by the Mayor and Council of the Borough of Waldwick 7-13-76 as Ord. No. 12-76. Amendments noted where applicable.)

GENERAL REFERENCES:

Amusement devices - See Ch. 30.
Exhibitions and entertainments - See Ch. 47.

BE IT ORDAINED by the Mayor and Council of the Borough of Waldwick, in the County of Bergen and State of New Jersey, as follows:

53A-1. Games of chance permitted on Sunday.

Upon the effective date of this ordinance and thereafter, it shall be lawful, within the confines of the Borough of Waldwick, Bergen County, New Jersey, to conduct on the first day of the week, commonly known and designated as “Sunday,” those games of chance authorized and permitted under N.J.S.A. 5:8-1 et seq. and the rules and regulations of the Legalized Games of Chance Control Commission of the State of New Jersey.

53A-2. When effective.

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

Chapter 54

HOUSING STANDARDS

54-1. Adoption of Property Maintenance Code.
54-2. Additions, Insertions and Changes.
54-3. Enforcement Officials.
54-4. Registration of Tenancy.
54-5. Date of Effect.
54-6. Registration and Maintenance of Vacant/Abandoned Properties.

(HISTORY: Adopted by the Mayor and Council of the Borough of Waldwick 10-9-73 as Ord. No. 15-73; repealed sections 1-16 3-11-97 by Ord. No. 4-97; Amended in its entirety on May 26, 2009 by Ord. No. 9-09; 3-25-14 by Ord No. 8-14)

BE IT ORDAINED by the Mayor and Council of the Borough of Waldwick, in the County of Bergen, and State of New Jersey as follows:

54-1. Adoption of Property Maintenance Code

That a certain document, three (3) copies of which are on file in the office of the Borough Clerk of the Borough of Waldwick, being marked and designated as “The International Property Maintenance Code 2006, and as subsequently amended be and is hereby adopted as the Property Maintenance Code of the Borough of Waldwick, in the State of New Jersey; for the control of buildings and structures as herein provided; and each referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

54-2. Additions, Insertions and Changes.

That the International Property Maintenance Code is amended and revised in the following respects:

Section 101.1 Insert: Borough of Waldwick

Section 103.5 Insert: Chapter 48 of the Code of the Borough of Waldwick

Section 302.4 The first sentence is amended to read as follows: All premises and exterior property shall be maintained free from weeds or plant growth in accordance with Chapter 95 of the Code of the Borough of Waldwick.

Section 304.14 Insert: April 15 to October 15

Section 602.3 Insert: Insert October 1 to May 1

Section 602.4 Insert: October 1 to May 1

54-3. Enforcement Officials.

Code Enforcement officials empowered to be the enforcing agents of the Borough of this ordinance shall be the Health Officer/Sanitarium, Fire Inspector, Code Enforcement Official, and all subcode officials of the Construction Department of the Borough of Waldwick.

54-4. Registration of Tenancy

That the Borough Clerk shall certify to the adoption of this ordinance, and cause the same to be published as required by law; and this ordinance shall take effect and be in force from and after its approval as required by law.

1. Landlord Defined.

The term "landlord", as used in this ordinance, shall mean the person or persons who own or purport to own, or exercise control of any building in which there is rented or offered for rent housing space for living or dwelling purposes under either a written or oral lease, provided that this definition shall not include owner-occupied two dwelling unit premises.

2. Certificate of registration; filing; contents.

A. Every landlord shall, within 30 days following the effective date of this Ordinance, or at the time of the creation of the first tenancy in any newly constructed or reconstructed building, file with the Borough Clerk of the Borough of Waldwick in the case of a one-dwelling unit rental or a two-dwelling unit non-owner occupied premises, or with the Bureau of Housing Inspection in the Department of Community Affairs in the case of a multiple dwelling as defined in section 3 or the "Hotel and Multiple Dwelling Law" (N.J.S.A. 55:13a-3), a certificate of registration on forms prescribed by the Commissioner of the Department of Community Affairs, which shall contain the following information:

1. The name and address of the record owner or owners of the premises and the record owner or owners of the rental business if not the same persons. In the case of a partnership the names of all general partners shall be provided;

2. If the record owner is a corporation, the name and address of the registered agent and corporate officers of said corporation;

3. If the address of any record owner is not located in the County in which the premises are located, the name and address of a person who resides in the county in which the premises are located and is authorized to accept notices from a tenant and to issue receipts therefor and to accept service of process on behalf of the record owner;

4. The name and address of the managing agent of the premises, if any;

5. The name and address, including the dwelling unit, apartment or room number of the superintendent, janitor, custodian or other individual employed by the record owner or managing agent to provide regular maintenance service, if any;

6. The name, address and telephone number of an individual representative of the record owner or managing agent who may be reached or contacted at any time in the event of an emergency affecting the premises or any unit or dwelling space therein, including such emergencies as the failure of any essential service or system, and who has the authority to make emergency decisions concerning the building and any repair thereto or expenditure in connection therewith;

7. The name and address of every holder or a recorded mortgage on the premises;

8. If fuel oil is used to heat the building and the landlord furnishes the heat in the building, the name and address of the fuel oil dealer servicing the building and the grade of fuel oil used.

9. The names of all tenants occupying each dwelling unit.

10. Subleasing and/or receiving of rent by any tenant of a dwelling unit from another person living in the unit not named on the registration is prohibited.

B. The landlord shall file with the Borough Clerk of the Borough of Waldwick a copy of the Certificate of Registration form and any other documents that Landlord files with the Bureau of Housing Inspection.

C. The Certificate of Registration must be filed annually, on or before April 1 of each year or whenever a tenancy changes. Multiple registrations required in a calendar unit due to change of tenancy, there shall be no fee for the amended registrations. In the event that the building is sold and there is a registered unit(s), the new owners shall be required to register the unit(s) as set forth herein above. The fee for registration shall be set forth in Chapter 48 of the Municipal Code of the Borough of Waldwick. The provisions of the ordinance shall be enforced by the Public Officer designated in Chapter 54 of the Municipal Code of the Borough of Waldwick.

54-5. Date of Effect.

That the Borough Clerk shall certify to the adoption of this ordinance, and cause the same to be published as required by law; and this ordinance shall take effect and be in force from and after its approval as required by law.

5-26-09

54-6. REGISTRATION AND MAINTENANCE OF VACANT/ABANDONED PROPERTIES

54-6.1 Definitions.

OWNER - Any title holder, any agent of the title holder having authority to act with respect to a vacant property, any foreclosing entity subject to the provisions of C.46:10B-51 (P.L. 2008 c. 127, Sec. 17 as amended by P.L. 2009, c. 296), or any other entity determined by the Borough of Waldwick to have authority to act with respect to the property.

VACANT PROPERTY - any building used or to be used as a residence which is not legally occupied or at which substantially all lawful construction operations or residential occupancy has ceased, and which is in such condition that it cannot legally be reoccupied without repair or rehabilitation, including but not limited to any property meeting the definition of abandoned property in N.J.S.A. 55:19-80, provided, however, that any property where all building systems are in working order, where the building and grounds are maintained in good order, or where the building is in habitable condition, and where the building is being actively marketed by its owner for sale or rental, shall not be deemed a vacant property for purposes of this ordinance.

54-6.2 Registration Requirements.

Effective May 1, 2014, the Owner of any vacant property as defined herein shall, within thirty (30) calendar days after the building becomes vacant property or within thirty (30) calendar days after assuming ownership of the vacant property, whichever is later; or within ten (10) calendar days of receipt of notice by the municipality, file a registration statement for such vacant property with the Property Maintenance Officer on forms provided by the Borough for such purposes. Failure to receive notice from the municipality shall not constitute grounds for failing to register the property.

a. Each party having a separate block and lot number as designated in official records of the municipality shall be registered separately.

b. The registration statement shall include the name, street address, telephone number, and email address (if applicable) of a person twenty-one (21) years or older, designated by the Owner or Owners as the authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement proceeding on behalf of such Owner or Owners in connection with the enforcement of any applicable code: and the name, street address, telephone number, and email address (if applicable) of the firm and the actual name(s) of the firms individual principal(s) responsible for maintaining the property shall be available by telephone or in person on a twenty-for (24) hour per day, seven-day (7) per week basis. The two entities may be the same or different persons. Both entities shown on the statement must maintain offices in the State of New Jersey or reside within the State of New Jersey.

c. The registration shall remain valid for one year from the date of registration except for the initial registration time which shall be pro-rated through December 31. The Owner shall be required to renew the registration annually as long as the building remains a vacant property and shall pay registration or renewal fee in the amount prescribed in Section 54-6.5 of this ordinance, for each vacant property registered.

d. The annual renewal shall be completed by January 1st each year. The initial registration fee shall be pro-rated for registration statements received less than ten (10) months prior to that date, but not the escrow fee.

e. The Owner shall notify the Property Maintenance Officer within thirty (30) calendar days of any change in the registration information by filing an amended registration statement on a form provided by the Property Maintenance Officer for such purpose.

f. The registration statement shall be deemed *prima facie* proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the Borough against the Owner or Owners of the building.

54-6.3 Access to Vacant Properties.

The Owner of any vacant property registered under this Article shall provide access to the Borough to conduct exterior and interior inspections of the building to determine compliance with municipal codes, upon reasonable notice to the property owner or the designated agent. Such inspections shall be carried out on weekdays during the hours of 9:00 a.m. through 4:00 p.m. or such other time as may be mutually agreed upon between the Owner and the Borough.

54-6.4 Responsible Owner or Agent.

a. An Owner who meets the requirements of the Article with respect to the location of his or her residence or workplace in the State of New Jersey may designate him or herself as agent or as the individual responsible for maintaining the property.

b. By designating an authorized agent under the provisions of this section, the Owner consents to receive any and all notices of code violations concerning the registered vacant property and all process in any court proceeding or administrative enforcement proceeding brought to enforce code provisions concerning the registered building by service of the notice or process on the authorized agent. Any Owner who has designated an authorized agent under the provisions of this section shall be deemed to consent to the continuation of the agent's designation for the purposes of this section until the Owner notifies the Borough of Waldwick by regular and certified mail, any and all notices of code violations and all process in an administrative proceeding brought to enforce code provisions concerning the building.

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54-6.5 Fee Schedule.

The initial registration fee for each building shall be one hundred dollars ($100.00). The fee for each subsequent year renewal shall be one hundred dollars ($100.00). In addition to such registration fee, the Owner shall post an escrow for each and every property according to the annual fee schedule below. Said escrow shall be used for any costs expended by the Borough in maintaining, abating, correcting any nuisance, property maintenance violation, or securing the premises from unauthorized entry and any other item that the Borough deems appropriate for the public's health, safety and welfare.

Vacant Property Escrow Schedule

Initial Registration	$ 500.00 (year of registration)
First Renewal	$1,500.00 (2nd calendar year)
Second Renewal	$3,000.00 (3rd calendar year)
Subsequent Renewal	$5,000.00 (4th or more calendar years)

The initial escrow shall be deposited at the time of registration, and all subsequent years shall be posted by January 31 of the following year. If at any point the escrow shall become deficient, the Owner shall replenish the escrow account according to year since initial registration. Any unused escrow amount, shall be refunded to the Owner at the time the premises becomes occupied and not subject to the requirements of this Ordinance.

54-6.6 Requirements of Owners of Vacant Property.

The Owner of any building that has become vacant property, and any person maintaining or operating or collecting rent for any such building that has become vacant shall, within thirty (30) days thereof:

1. Enclose and secure the building against unauthorized entry as provided in the applicable provisions of the Borough Code, or as set forth in the rules and regulations supplementing those codes until the building is again legally occupied or demolished or until repair or rehabilitation of the building is complete; and
2. Ensure that the exterior grounds of the structure, including yards, fences, swimming pools, sidewalks, walkways, right-of-ways, alleys, retaining walls, attached or unattached accessory structures and driveways, are well-maintained and free from trash, debris, loose litter, and grass and weed growth; and

54-6.7 Rights of the Borough

a. If the Owner is in violation of any terms and conditions of this Ordinance, the Borough shall send notice to the Owner, via certified and regular mail, as identified on the registration, that such violation must be remedied within thirty (30) days. If such violation is not remedied within thirty (30) days of such notice, the Borough shall cause a summons to be issued.

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b. In addition to such summons, the Borough shall have the right to expend public funds in order to abate the nuisance, correct or remedy the violation, or secure the premises against unauthorized entry, and such costs shall be paid from the escrow established pursuant to Section 54-6.5.

c. If the amount of escrow posted shall be insufficient to reimburse the municipality for such costs, then notice shall be given to the Owner, and any unpaid costs after thirty (30) days shall become a lien upon the property.

d. For the purposes of obnoxious weeds or growth, the cutting of the grass, or removal of snow and ice, the notice provided to the Owner pursuant to Section 'a' above, shall include such notice that unless the Owner shall object, a regular schedule shall be established between the Contractor and the Borough to trim said obnoxious weeds or growth, to cut the grass, or remove the snow and ice on the property. Said regular schedule of work shall be no more than twice a month.

54-6.8 Violations.

a. Any person who violates any provision of this Article or of the rules and regulations issued hereunder shall be fined not less than $100.00 and not more than $2,000.00 for each offense. Every day that a violation continues shall constitute a separate and distinct offense. Fines assessed under this chapter shall be recoverable from the owner and shall be a lien on the property; and

b. For purposes of this section, failure to file a registration statement within thirty (30) calendar days after a building becomes vacant property or within thirty (30) calendar days after assuming ownership of a vacant property, whichever is later, or within ten (10) calendar days of receipt of notice by the municipality, and failure to provide correct information on the registration statement, or failure to comply with the provisions of such provisions contained herein shall be deemed to be violations of this ordinance.

Chapter 55

HUNTING & TRAPPING

55-1. Prohibition.
55-2. Violations and penalties.
55-3. Repealer.
55-4. When effective.

(HISTORY: Adopted by the Mayor and Council of the Borough of Waldwick 2-28-67 as Ord. No. 4-67.)

BE IT ORDAINED by the Mayor and Council of the Borough of Waldwick, in the County of Bergen and State of New Jersey, as follows:

55-1. Prohibition.

No person shall, within the boundaries of the Borough of Waldwick, hunt or trap wildlife at any time.

55-2. Violations and penalties.

See Chapter 1:14.1.

55-3. Repealer.

Ordinance No. 15-53, entitled "An Ordinance Relating to the Prohibition of Hunting Within the Boundaries of the Borough of Waldwick", and all other ordinances inconsistent with the provisions of this ordinance, are hereby repealed.

55-4. When effective.

This ordinance shall become effective immediately upon passage and publication as required by law.

Chapter 56

JUNK SHOPS AND JUNKYARDS

56-1. Licenses required.

56-2. Definitions

56-3. Applications for licenses.

56-4. Inspection of premises; written reports by Building Inspector and Fire Chief

56-5. Holding of application for hearing by Council.

56-6. Approval or disapproval by Council.

56-7. License fee.

56-8. Denial of license to certain persons; bond required.

56-9. Violations and penalties.

56-10. Inconsistent ordinances repealed.

56-11. When effective.

(HISTORY: Adopted by the Mayor and Council of the Borough of Waldwick 8-6-37 as Ord. No. 4-37.)

GENERAL REFERENCES:

Waiver of fees - See Ch. 11
Fire Department regulations - See Ch. 12
Fire Prevention Code - See Ch. 51
Littering - See Ch. 59
Peddling, soliciting and canvassing - See Ch. 66.
Distribution of publications - See Ch. 69
Maintenance of sidewalk and gutter area - See Ch. 76
Snow and ice removal - See Ch. 79
Street and sidewalk uses - See Ch. 82
Vehicle and traffic regulations - See Ch. 91
Water conservation - See Ch. 93
Water supply - See Ch. 94
Noxious weeds - See Ch. 95
Zoning - See Ch. 97

BE IT ORDAINED by the Mayor and Council of the Borough of Waldwick, in the County of Bergen and State of New Jersey, as follows:

56-1. Licenses required.

It shall be hereafter unlawful for any person, firm, association, partnership or corporation to operate or maintain a junk shop or junkyard, or to deal in junk at any place within the limits of the Borough of Waldwick, in any manner contrary to the provisions of this ordinance and without first having obtained a license for such purpose, as hereinafter provided.

56-2. Definitions.

For the purpose of this ordinance, the following definitions are hereby established.

JUNK - Any waste material or discarded material or old iron or other metal or substance, glass, paper, machine parts, accessories, discarded machinery or discarded machines, in whole or in part, and any material commonly and generally known as “junk”, in the ordinary meaning of the word, acquired and/or collected.

JUNKYARD - Any lot of land within the Borough of Waldwick on which “junk” is placed, collected, stored or kept.

JUNK SHOP - Any building within the Borough of Waldwick in which “junk” is stored.

JUNK DEALER - Any person, firm, association, partnership or corporation who buys or otherwise acquires “junk” for commercial purposes within the limits of the Borough of Waldwick, and/or who collects and stores “junk” therein.

56-3. Applications for licenses.

Any person, firm, association, partnership or corporation desiring to obtain a license as herein required shall:

A. Make application in writing to the Borough Clerk, setting forth the name, address and the premises at which it is proposed to establish a junk shop or junkyard, including a full description of such premises and whether the

applicant owns the premises or leases them, together with the deed or lease thereon, together with a description of the building and the classes of materials which it is proposed to store therein.

B. Such application shall be accompanied by cash in a sum equaling the whole annual license fee, which shall be returned by the Borough Clerk in the event the license is refused.

C. The applicant shall file a copy of said application with the Building Inspector and the Chief of the Borough Fire Department.

56-4. Inspection of premises; written reports by Building Inspector and Fire Chief

Upon receiving the copies of said application, the Building Inspector and the Chief of the Borough Fire Department shall make an inspection of the premises sought to be licensed, and within ten (10) days after receipt of said application, shall make written report of the circumstances thereof to the Borough Clerk. Said report shall state, among other things, the conclusion of such official as to whether the storing of junk at or in the proposed premises would constitute a hazardous condition.

56-5. Holding of application for hearing by Council.

If the Building Inspector, the Chief of the Borough Fire Department, or both, shall determine that the operation of a junkyard or junk shop at the premises proposed would constitute a hazard, or the Borough Clerk shall find the application irregular, the Borough Clerk shall not issue a license but shall report his refusal to do so to the Mayor and Council and notify the applicant, who upon said notification may apply for a hearing on such application before the Mayor and Council. If there is no objection to the issuance of the license, the Borough Clerk shall issue it as hereafter provided.

56-6. Approval or disapproval by Council.

At such hearing the Mayor and Council shall have evidence of the facts, and within thirty (30) days after such hearing shall determine whether to sustain the Clerk's refusal to issue a license or whether to reverse it. If reversed, the Clerk shall issue said license, subject to the other provisions hereof.

56-7. License fee. (See Chapter 48:56-7).

56-8. Denial of license to certain persons; bond required.

No license shall be issued to any person not a citizen of the United States nor to any person convicted of the crime of larceny or receiving stolen goods, or other crime involving moral turpitude, nor to any person owing a tax or fee to the Borough of Waldwick, nor for any lot or building owing tax to the Borough of Waldwick, and no license shall be issued until the applicant has posted a bond with the Borough Clerk, with good surety and in the sum of one thousand dollars ($1,000.), conditioned upon the faithful compliance with all the regulations herein and the lawful conduct of said business, and conditioned further upon a guarantee to make daily report to the Police Department of the Borough of Waldwick as to purchases made, from whom, and with such further information as the chief officer of the Police Department shall require.

56-9. Violations and penalties.

Any person, firm, association, partnership or corporation violating any of the provisions hereof shall, upon conviction before any authority, be punished by a fine of not more than fifty dollars ($50.), by imprisonment in the county jail for not more than thirty (30) days, or by both such fine and imprisonment.

56-10. Inconsistent ordinances repealed.

All ordinances and parts of ordinances inconsistent with the provisions hereof are hereby repealed.

56-11. When effective.

This ordinance shall take effect when passed and published as required by law.

5604 4-23-91

LAND USE PROCEDURES

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(HISTORY: Adopted by the Mayor and Council of the Borough of Waldwick 12-28-76 as Ord. No. 21-76. Amendments noted where applicable).

General Reference
Floodplains-Ch.52
Site plan review-Ch.77
Subdivision of land-Ch. 86
Zoning-Ch. 97

BE IT ORDAINED by the Mayor & Council of the Borough of Waldwick, in the County of Bergen, State of New Jersey as follows:

ARTICLE 1
Planning Board

56A-1. Establishment; composition

There is hereby established pursuant to C.291.P.L. 1975, in the Borough of Waldwick a Planning Board of nine (9) members consisting of the following four (4) classes. All members and alternate members of the Planning Board, except for Class II members set forth below, shall be municipal residents. **(Added 8-22-00 by Ord. No. 14-00)**

A. Class I: Mayor or the Mayor's designee in the absence of the Mayor.
B. Class II: one (1) of the officials of the Borough of Waldwick other than a member of the governing body, to be appointed by the Mayor.
C. Class III: a member of the governing body, to be appointed by it.
D. Class IV: six (6) other citizens of the Borough of Waldwick, to be appointed by the Mayor. The members of Class IV shall hold no other municipal office, except that one (1) member may be a member of the Zoning Board of Adjustment and one (1) may be a member of the Board of Education.

56A-2. Terms.

The term of the member composing Class I shall correspond with his official tenure or if the member is the Mayor's designee in the absence of the Mayor, the designee shall serve at the pleasure of the Mayor during the Mayor's tenure. The terms of the members composing Class II and Class III shall be for one (1) year or terminate at the completion of their respective terms of office, whichever occurs first. The term of a Class IV member who is also a member of the Board of Adjustment or the Board of Education shall terminate whenever he is no longer a member of such other body or at the completion of his Class IV term, whichever occurs first. The terms of all Class IV members first appointed pursuant to this ordinance shall be so determined that to the greatest practicable extent the expiration of such term shall be evenly distributed over the first four (4) years after their appointment, as determined by resolution of the governing body; provided, however, that no term of any member shall exceed four (4) years and further provided that nothing herein shall affect the term of any present member of the Planning Board, all of whom shall continue in office until the completion of the term which they were appointed. Thereafter, all Class IV members shall be appointed for terms of four (4) years except as otherwise herein provided. All terms shall run from January 1 of the year in which the appointment was made.

If a vacancy of any class shall occur, otherwise than by expiration of the term, a vacancy shall be filled by appointment as provided in this Chapter. **(Amended 8-22-00 by Ord. No. 14-00)**

56A-3. Vacancies (Amended 8-22-00 by Ord. No. 14-00)

Alternate Members.

(A) The Planning Board, in addition to its nine (9) regular members, shall also consist of two alternate members. The alternate members shall be appointed by the Mayor. Said alternate shall be appointed for Class IV members and shall meet the qualifications of IV membership. The terms of the alternate members shall be for two (2) years, except that the terms of the alternate members shall be such that the term of not more than one alternate member shall expire in any one year.

Alternate members of any class may participate in all matters before the Planning Board but may not vote, except in absence or disqualification of a regular member. Participation of alternate members shall not be deemed an increase in the size of the Planning Board or change in the quorum requirements. A vote of the Planning Board shall not be delayed in order that a regular member may vote in place of an alternate member. Should there be a choice as to which alternate member is to vote, Alternate No. 1 shall vote.

56A-4. Removal.

Any member of the Planning Board other than the Class I member may be removed by the governing body for cause. Any member so removed shall be entitled to a public hearing if requested by said member.

56A-5. Organization.

The Planning Board shall elect a Chairman and Vice Chairman from the members of Class IV and select a Secretary, who may be either a member of the Planning Board or a municipal employee designated by it. An alternate member shall not serve as chairman or vice-chairman of the Planning Board. **(Amended 8-22-00 by Ord. No. 14-00)**

56A-6. Attorney.

There is hereby created the office of Planning Board Attorney. The Planning Board may annually appoint and fix the compensation of or agree upon the rate of compensation of the Planning Board Attorney, who shall be an attorney other than the Municipal Attorney.

56A-7. Experts and staff.

The Planning Board may also employ or contract for the services of experts and other staff and services, as it may deem necessary. The Board shall not, however, exceed, exclusive of gifts or grants, the amount appropriated by the governing body for its use.

56A-8. Powers and duties generally.

The Board shall adopt such rules and regulations as may be necessary to carry into effect the provisions and purposes of this ordinance. In the issuance of subpoenas, administration of oaths and taking of testimony, the provisions of the County and Municipal Investigations Law of 1953 (N.J.S.A. 2A:67A-1 et seq.) shall apply. It shall also have the following powers and duties:

A. To make and adopt and, from time to time, amend a Master Plan for the physical development of the Borough of Waldwick, including any areas outside its boundaries which in the Board's judgment bear essential relation to the Planning Board of the Borough of Waldwick, in accordance with the provisions of N.J.S.A. 40:55D-28.

B. To administer the provisions of the Land Subdivision Ordinance and Site Plan Review Ordinance of the municipality in accordance with the provisions of said ordinances and the Municipal Land Use Law, c. 291, P.L. 1975 (N.J.S.A. 40:55D-1 et seq.)

C. To approve conditional use applications in accordance with the provisions of the Zoning Ordinance pursuant to N.J.S.A. 40:55D-67.

D. To participate in the preparation and review of programs or plans required by State or federal law or regulations.

E. To assemble data on a continuing basis as part of a continuous planning process.

F. Pursuant to N.J.S.A. 40:55D-47, to waive notice on public hearing for applications for development if said application conforms to the definition of "minor subdivision" as defined in N.J.S.A. 40:55D-5.

G. To consider and make report to the governing body within thirty-five (35) days after referral as to any proposed development regulation submitted to it pursuant to the provisions of N.J.S.A.40:55D-26a.

H. To consider and make report to the governing body relative to the adoption of any Official Map or any amendment thereto, pursuant to the provisions of N.J.S.A. 40:55D-26a.

I. Whenever the proposed development requires approval pursuant to this act of a subdivision, site plan or conditional use (but not a variance pursuant to N.J.S.A. 40:55D-70(d), the Planning Board shall have the power to grant, to the same extent and subject to the same restrictions as the Board of Adjustment, variances, pursuant to N.J.S.A. 40:55D-70. Whenever relief is requested pursuant to this subsection, notice of a hearing on the application for development shall include a reference to the request for a variance or direction for issuance of a permit, as the case may be. The developer may elect to submit a separate application requesting approval of the variance or direction of the issuance of a permit and a subsequent application for any required approval of a subdivision, site plan or conditional use. The separate approval of the

variance or direction of the issuance of a permit shall be conditioned upon grant of all required subsequent approvals by the Planning Board. No such subsequent approval shall be granted unless the approval can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of the zone plan and Zoning Ordinance*. **(Amended 2-12-85 by Ord. No. 2-85).**

J. To perform such other advisory duties as are assigned to it by ordinance or resolution of the governing body for the aid and assistance of the governing body or other agencies or officials, pursuant to N.J.S.A. 40:55D-26b.

56A-9. Time limits.

(A) Minor subdivisions. Minor subdivision approvals shall be granted or denied within forty-five (45) days of the date of submission of a complete application to the Planning Board or within such further time as may be consented to by the applicant. Approval of a minor subdivision shall expire one hundred ninety (190) days from the date of Planning Board approval unless within such period a plat in conformity with such approval and the provisions of the Map Filing Law or a deed clearly describing the approved minor subdivision is filed by the developer with the County recording officer, the Municipal Engineer and the Municipal Tax Assessor. Any such plat or deed must be signed by the Chairman and Secretary of the Planning Board before it will be accepted for filing by the County recording officer.

(B) Preliminary approval of major subdivisions. Upon submission of a complete application for a subdivision of ten (10) or fewer lots, the Planning Board shall grant or deny preliminary approval within forty-five (45) days of the date of such submission or within such further time as may be consented to by the developer. Upon submission of a complete application for a subdivision of more than ten (10) lots, the Planning Board shall grant or deny preliminary approval within ninety-five (95) days of the date of such submission or within such further time as may be consented to by the developer. Otherwise, the Planning Board shall be deemed to have granted preliminary approval for the subdivision.

C. Ancillary powers. Whenever the Planning Board is called upon to exercise its ancillary powers before the granting of a variance as set forth in Article I, section 56A-8I, of this ordinance, the Planning Board shall grant or deny approval of the application within ninety-five (95) days after submission by the developer of a complete application or within such further time as may be consented to by the applicant. Failure of the Planning Board to act within the period prescribed shall constitute approval of the application and a certificate of the administrative officer as to the failure of the Planning Board to act shall be issued on request of the applicant.

Editor's Note: See Ch. 97, Zoning

D. Final approval.

1. Application for final subdivision approval shall be granted or denied within forty-five (45) days of submission of a complete application or within such further time as may be consented to by the applicant.
2. Final approval of a major subdivision shall expire ninety (90) days from the date of signing of the plat unless within such period the plat shall have been duly filed by the developer with the County recording officer. The Planning Board may, for good cause shown, extend the period for recording for an additional period not to exceed one hundred ninety (190) days from the date of signing of the plat.

56A-10. Procedure for filing applications.

Applications for development within the jurisdiction of the Planning Board pursuant to the provisions of c.291, P.L. 1975, shall be filed with the Borough Clerk. The applicant shall file, at least fourteen (14) days before the date of the monthly meeting of the Board, nine (9) copies of a sketch plat, nine (9) copies of an application for minor subdivision approval, nine (9) copies of an application for major subdivision approval or nine (9) copies of an application for site plan review, conditional use approval or planned development. At the time of filing the application, but in no event less than ten (10) days prior to the date set for hearing, the applicant shall also file all plot plans, maps or other papers required by virtue of any provision of this ordinance or any rule of the Planning Board. The applicant shall obtain all necessary forms from the Borough Clerk. The Borough Clerk shall inform the applicant of the steps to be taken to initiate applications and of the regular meeting dates of the Board.

56A-11. Citizens' Advisory Committee.

The Mayor may appoint one (1) or more persons as a Citizens' Advisory Committee to assist or collaborate with the Planning Board in its duties, but such person or persons shall have no power to vote or take other action required of the Board. Such person or persons shall serve at the pleasure of the Mayor.

ARTICLE II
Zoning Board of Adjustment

56A-12. Establishment; composition.

(A) A Zoning Board of Adjustment is hereby established pursuant to N.J.S.A. 40:55D-69 et seq., consisting of seven (7) residents of the Borough of Waldwick appointed by the Mayor, subject to confirmation by the Council, to serve for terms of four (4) years from January 1 of the year of their appointment. The terms of the members first appointed shall be so determined that to the greatest practicable extent the expiration of such terms shall be distributed evenly over the first four (4) years after their appointment, provided that the initial term of no member shall exceed four (4) years. Thereafter, the term of each member shall be for four (4) years. Nothing in this ordinance shall, however, be construed to affect the terms of any present members of the Zoning Board of Adjustment, all of whom shall continue in office until the completion of the terms for which they were appointed.

(B) No member or alternate member of the Zoning Board of Adjustment may hold any elective office or position under the municipality. This shall not be deemed to prohibit appointed officials of the municipality or elected officials of another corporate entity such as the Board of Education from serving as a member or alternate member. **(Amended 8-22-00 by Ord. No. 14-00)**

(C) A vacancy occurring otherwise than by expiration of term shall be filled for the unexpired term only, in the manner hereinabove set forth for appointment of members of the Zoning Board of Adjustment.

(A) All members and alternate members shall be municipal residents. **(Added 8-22-00 by Ord. No. 14-00)**

56A-12.1. Alternate members. (Added 1-25-83 by Ord. No. 1-83)

A. The Zoning Board of Adjustment, in addition to its seven (7) regular members, shall also consist of two (2) alternate members. The alternate members shall be appointed by the Mayor and Council in the same manner as the Mayor and Council appoints regular members.

B. The terms of office of the alternate members shall be for two years. The initial appointment shall be made so that the term of not more than one alternate member shall expire in any one year. **(Amended 8-22-00 by Ord. No. 14-00)**

C. Alternate members may participate in all matters but may not vote, except in absence or disqualification of a regular member. Participation of alternate members shall not be deemed an increase in the size of the Zoning Board of Adjustment. A vote of the Zoning Board of Adjustment shall not be delayed in order that a regular member may vote in place of an alternate member. Should there be a choice as to which alternate member is to vote, Alternate No. 1 shall vote. **(Amended 8-22-00 by Ord. No. 14-00)**

56A-13. Officers.

The Board of Adjustment shall elect a Chairman and Vice Chairman from its regular members and shall also select a Secretary, who may or may not be a Board member or municipal employee. **(Amended 8-22-00 by Ord. No. 14-00)**

56A-14. Attorney.

There is hereby created the office of Attorney to the Zoning Board of Adjustment. The Zoning Board of Adjustment may annually appoint and fix the compensation of or agree upon the rate of compensation of the Zoning Board of Adjustment Attorney, who shall be an attorney other than the Borough Attorney.

56A-15. Experts and staff.

The Zoning Board of Adjustment may also employ or contract for and fix the compensation of such experts and other staff and services as it may deem necessary. The Board shall not authorize expenditures which exceed, exclusive of gifts or grants, the amount appropriated by the governing body for its use.

56A-16. Rules and regulations.

The Board shall adopt such rules and regulations as may be necessary to carry into effect the provisions and purposes of this ordinance. In the issuance of subpoenas, administration of oaths and taking of testimony, the provisions of the County and Municipal Investigations Law of 1953 (N.J.S.A. 2A:67A-1 et seq.) shall apply.

56A-17. Powers.

(A) The powers of the Zoning Board of Adjustment shall be in accordance with N.J.S.A. 40:55D-69 et seq. and amendments and supplements thereto and with the provisions of this ordinance.

(B) It is further the intent of this ordinance to confer upon the Zoning Board of Adjustment as full and complete powers as may be lawfully conferred upon such Board, including, but not by way of limitation, the authority, in connection with any case, action or proceeding before the Board, to interpret and construe the provisions of this ordinance or any term, clause, sentence or word hereof and the Zoning Map, in accordance with the general rules of construction applicable to legislative enactments.

(C) The Board may, in appropriate cases and subject to appropriate conditions and safeguards, grant variances from the terms of this ordinance in accordance with the general or specific rules contained herein and with the general rules hereby laid down that equity shall be done in cases where the strict construction of the provisions of this ordinance would work undue hardship. The powers and duties of the Board having been delegated to and imposed upon it by statute, the Board shall, in all cases, follow the provisions applicable to it in said c. 291, P.L. 1975, or subsequent statutes in such case made and provided, and it shall, from time to time, furnish to any person requesting the same a copy of its rules and information as to how appeals or applications may properly be filed with the Board for its decision thereon.

56A-18. Appeals and applications.

(A) Applications for building permits shall be made to the Building Inspector, who shall approve or deny such applications. Appeals to the Board of Adjustment may be taken by any interested party. Each appeal shall be taken within twenty (20) days, as prescribed by the statute, by filing a notice of appeal with the officer from whom the appeal was taken, together with ten (10) copies of said notice with the Secretary of the Board of Adjustment. Said notice of appeal shall specify the grounds for said appeal. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. **(Amended 8-22-00 by Ord. No. 14-00)**

(B) A developer may file an application for development with the Board of Adjustment for action under any of its powers without prior application to the Building Inspector. All applications addressed to the original jurisdiction of the Board of Adjustment without prior application for a building permit from the Building Inspector shall be filed with the Secretary of the Board of Adjustment. Three (3) copies of the application shall be filed. At the time of filing the appeal or application, but in no event less than ten (10) days prior to the date set for hearing, the applicant shall also file all plot plans, maps or other papers required by virtue of any provision of this ordinance or any rule of the Board of Adjustment. The applicant shall obtain all necessary forms from the Secretary of the Zoning Board of Adjustment. The Secretary of the Board shall inform the applicant of the steps to be taken to initiate proceedings and of the regular meeting dates of the Board.

(C) An appeal stays all proceedings in furtherance of the action in respect of which the decision appealed from was made, unless the officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such cases, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Superior Court of New Jersey on application and notice to the officer from which the appeal is taken and on due cause shown. **(Amended 8-22-00 by Ord. No. 14-00)**

56A-19. Power to reverse or modify decisions.

In exercising the above-mentioned power, the Board of Adjustment may, in conformity with the provisions of c. 291, P.L. 1975, or amendments thereto or subsequent statutes applying, reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination appealed from and make such other requirement, decision or determination as ought to be made, and to that end have all the powers of the administrative officer from whom the appeal was taken.

56A-20. Expiration of variance.

Any variance from the terms of this ordinance hereafter granted by the Board of Adjustment permitting the erection or alteration of any structure or structures or permitting a specified use of any premises shall expire by limitation unless such construction or alteration shall have been actually commenced on each and every structure permitted by said variance, or unless such permitted use has actually been commenced, within one (1) year from the date of publication of the notice of the judgment or determination of the Board of Adjustment; except, however, that the running of the period of limitation herein provided shall be tolled from the date of filing an appeal from the decision of the Board of Adjustment to the governing body or to a court of competent jurisdiction until the termination in any manner of such appeal or proceeding.

56A-21. Powers granted by law.

A. The Board of Adjustment shall have such powers as are granted by law to:

1. Hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision or refusal made by an administrative official or agency based on or made in the enforcement of the Zoning Ordinance.

2. Hear and decide requests for interpretation of the Zoning Map or Zoning Ordinance, or for decisions upon other special questions upon which such Board is authorized by the Zoning Ordinance to pass.

3. Appeal due to hardship. **(Amended 2-12-85 by Ord. No. 2-85)**

a. Where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions or physical features unique affecting a specific piece of property, or by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon, the strict application of any regulation in the Zoning Ordinance of Waldwick* would result in peculiar and exceptional practical difficulties to, exceptional and undue hardship upon the developer of such property, grant, upon an application or an appeal relating to such property, a variance from such strict application of such regulation so as to relieve such difficulties or hardship.

b. Where, in an application or appeal relating to a specific piece of property, the purposes of the Municipal Land Use Law would be advanced by a deviation from the Zoning Ordinance requirements and the benefits of the deviation would substantially outweigh any detriment, grant a variance to allow departure from regulations in the Zoning Ordinance of the Borough of Waldwick; provided, however, that the fact that a proposed use is an inherently beneficial use shall not be dispositive of a decision on a variance under this subsection and provided, that no variance from those departures enumerated in N.J.S.A. 40:55D-70d shall be granted under this subsection, and provided further that the proposed development does not require approval by the Planning Board of a subdivision, site plan or conditional use in conjunction with which the Planning Board has the power to review a request for a variance pursuant to Section 56A-81 of this Ordinance. **(Amended 8-22-00 by Ord. No. 14-00)**

4. In particular cases and for special reasons, grant a variance to allow departure from the Zoning Ordinance of the Borough of Waldwick to permit a use or principal structure in a district restricted against such use or principal structure; an expansion of a nonconforming use; deviation from a specification or standard pertaining solely to a conditional use; an increase in the permitted floor area ratio as defined by N.J.S.A. 40:55D-4; an increase in the permitted density, as defined by N.J.S.A. 40:55D-4, except that with respect to an application for a variance from the density requirements for a detached one or two-dwelling unit building on an isolated undersized lot, or on a lot resulting from a minor subdivision, such application shall be made pursuant to section 56A-21A(3); or a height of a principal structure which exceeds by ten (10) feet or ten percent (10%) the maximum height permitted in the district for a principal structure. A variance under this subsection shall be granted only by affirmative vote of at least five (5) members of the full authorized membership of the Board. **(Amended 2-12-85 by Ord. No. 2-85; 8-22-00 by Ord. No. 14-00).**

B. No variance or other relief may be granted under the provisions of this section including a variance or other relief involving an inherently beneficial use, without showing that such variance or other relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and Zoning Ordinance. Any application under any subsection of this section may be referred to any appropriate person or agency, including the Planning Board, for its report, provided that such reference shall not extend the period of time within which the Zoning Board of Adjustment shall act. **(Amended 8-22-00 by Ord. No. 14-00)**

56A-22. Additional powers.

A. The Zoning Board of Adjustment shall, in addition to the powers specified in section 56A-21 of this Article, have power given by law to:

1. Direct issuance of a permit pursuant to N.J.S.A. 40:55D-34 for a building or structure in the bed of a mapped street or public drainageway, flood control basin or public area reserved on the Official Map.
2. Direct issuance of a permit pursuant to N.J.S.A. 40:55D-36 for a building or structure not related to a street.

B. Pursuant to N.J.S.A. 40:55D-76b, the Board of Adjustment shall have the power to grant, to the same extent and subject to the same restrictions as the Planning Board, subdivision or site plan approval pursuant to Article 6 of Chapter 291, P.L. 1975, or conditional use approval pursuant to N.J.S.A. 40:55D-67, whenever the Board is reviewing an application for approval of a use variance pursuant to Article II, section 56A-21A(4), of this ordinance.

56A-23. Time limit for decision. (Amended 2-12-85 by Ord. No. 2-85)

The Board of Adjustment shall render its decision not later than one hundred twenty (120) days after the date an appeal is taken from the decision of an administrative officer, or one hundred twenty (120) days after the submission of a complete application (as defined in section 56A-43) for development to the Board, pursuant to the provisions of N.J.S.A. 40:55D-72b. Failure of the Board to render a decision within such one hundred twenty (120) day period or within such further time as may be consented to by the applicant shall constitute a decision favorable to the applicant.

ARTICLE III
Provisions Applicable to Both Planning Board and Zoning Board of Adjustment

56A-24. Conflicts of interest.

No member of the Planning Board or Zoning Board of Adjustment shall act on any matter in which he has either directly or indirectly any personal or financial interest. Whenever any such member shall disqualify himself from acting on a particular matter, he shall not continue to sit with the Board on the hearing of such matter nor participate in any discussion or decision relating thereto.

56A-25. Meetings.

A. Meetings of both the Planning Board and Zoning Board of Adjustment shall be scheduled no less often than once a month, and any meeting so scheduled shall be held as scheduled unless canceled for lack of applications for development to process.

B. Special meetings may be provided for at the call of the Chairman or on the request of any two (2) Board members, which meetings shall be held on notice to the Board's members and the public in accordance with all applicable legal requirements.

C. No action shall be taken at any meeting without a quorum being present.

D. All actions shall be taken by majority vote of a quorum, except as otherwise required by any provision of c. 291, P.L. 1975.

E. All regular meetings and all special meetings shall be open to the public. Notice of all such meetings shall be given in accordance with the requirements of the Open Public Meetings Law c. 231, P.L. 1975.

56A-26. Minutes.

Minutes of every regular or special meeting shall be kept and shall include the names of the persons appearing and addressing the Board and of the persons appearing by attorney; the action taken by the Board; and the findings, if any, made by it and reasons therefor. The minutes shall thereafter be made available for public inspection during normal business hours at the office of the Borough Clerk. Any interested party shall have the right to compel production of the minutes for use as evidence in any legal proceeding concerning the subject matter of such minutes. Such interested party may be charged a fee for reproduction of the minutes for his use as provided for in the rules of the Board or, if no rules govern, pursuant to N.J.S.A. 47:1A-2.

56A-27. Fees. (See Chapter 48:56A-27)

56A-28. Hearings.

A. Rules. The Planning Board and Zoning Board of Adjustment shall make rules governing the conduct of hearings before such bodies, which rules shall not be inconsistent with the provisions of N.J.S.A. 40:55D-1 et seq. or of this ordinance.

B. Oaths. The officer presiding at the hearing or such person as he may designate shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of evidence, including witnesses and documents presented by the parties, and the provisions of the County and Municipal Investigations Law, c. 38, P.L. 1953 (N.J.S.A. 2A:67A-1 et seq.), shall apply.

C. Testimony. The testimony of all witnesses relating to an application for development shall be taken under oath or affirmation by the presiding officer and the right of cross examination shall be permitted to all interested parties through their attorneys, if represented, or directly, if not represented, subject to the discretion of the presiding officer and to reasonable limitations as to time and number of witnesses.

D. Evidence. Technical rules of evidence shall not be applicable to the hearing, but the Board may exclude irrelevant, immaterial or unduly repetitious evidence.

E. Records. Each Board shall provide for the verbatim recording of the proceedings by either stenographic or mechanical or electronic means. The Board shall furnish a transcript or duplicate recording in lieu thereof on request to any interested party at his expense.

F. On appeals to the governing body pursuant to N.J.S.A. 40:55D-17, the appealing party shall bear the cost of providing transcripts of the record before the Board of Adjustment to the governing body.

56A-29. Notice requirements for hearings. (Amended 8-22-00 by Ord. No. 14-00)

Whenever notice is required under N.J.S.A. 40:55D-12 of the Municipal Land Use Law of the State of New Jersey, such notice shall be provided by the applicant. The notice shall comply with the requirements of the New Jersey Municipal Land Use Law. In addition, an applicant shall provide notice for the following:

A. Conventional site plan review pursuant to N.J.S.A. 40:55D-46;
B. Minor subdivision approval pursuant to N.J.S.A. 40:55D-47;
C. Final approval pursuant to N.J.S.A. 40:D-50;
D. Details from determination of administrative officer pursuant to N.J.S.A. 40:55D-70(a);
E. Requests for interpretation pursuant to N.J.S.A. 40:55D-70(b);
F. An application involving the exercise of the ancillary powers of the Planning Board pursuant to N.J.S.A. 40:55D-60 or the Zoning Board of Adjustment pursuant to N.J.S.A. 40:55D-76.

56A-30. List of property owners furnished. (Amended 8-22-00 by Ord. No. 14-00)

Pursuant to the provisions of N.J.S.A. 40:55D-12c, the Assessor of the Borough of Waldwick designated as the administrative officer under this Ordinance, shall, within seven (7) days after receipt of a written request therefor, and upon receipt of payment of a fee of ten dollars ($10.), make and certify a list from the current tax duplicate of names and addresses of owners to whom the applicant is required to give notice pursuant to Article III, section 56A-29B of this Ordinance. In addition, the Assessor shall include on the list the names, addresses and positions of those utilities or cable television companies who, not less than seven (7) days prior to the date on which the applicant requested a list, have registered to receive notice pursuant to subsection h pursuant to the provisions of N.J.S.A. 40:55D-12h. The applicant shall be entitled to rely upon the information contained in such list, and failure to give notice to any owner or to any public utility, television company, cable or local utility not on the list shall not invalidate any hearing or proceeding. The Assessor shall not be required to furnish names and addresses of those to whom the applicant must give notice pursuant to N.J.S.A. 40:55D-12 d, e, f or g.

56A-31. Decisions. (Amended 2-12-85 by Ord. No. 2-85)

A. The municipal agency shall include findings of fact and conclusions based thereon in each decision on any application for development and shall reduce the decision to writing. The municipal agency shall provide the findings and conclusions through:

1. A resolution adopted at a meeting held within the time period provided in the act for action by a municipal agency on the application for development; or
2. A memorializing resolution adopted at a meeting held not later than forty- five (45) days after the date of the meeting at which the municipal agency voted to grant or deny approval. Only the members of the municipal agency who voted for the action taken may vote on the memorializing resolution, and the vote of a majority of such members present at the meeting at which the resolution is presented for adoption shall be sufficient to adopt the resolution. If only one member who voted for the action attends the meeting at which the resolution is presented for adoption, the resolution may be adopted upon vote of that member. The failure of a motion to approve an application shall be memorialized by resolution, as provided above, with those members voting against the motion for approval being the members eligible to vote on the memorializing resolution. The vote of any such resolution shall be deemed to be a memorialization of the action of the municipal agency and not to be an action of the municipal agency;

however, the date of the adoption of the resolution shall constitute the date of the decision for purposes of the mailing, filing and publications required by N.J.S.A. 40:55D-10. If the municipal agency fails to adopt a resolution or memorializing resolution as hereinabove specified, any interested party may apply to the Superior Court in a summary manner for an order compelling the municipal agency to reduce its findings and conclusions to writing within a stated time, and the cost of the application, including attorney's fees, shall be assessed against the municipality. **(Amended 8-22-00 by Ord. No. 14-00)**

56A-32. Publication of decisions.

A brief notice of every final decision shall be published in the official newspaper of the Borough of Waldwick. Such publication shall be arranged by the Secretary to the Planning Board or Zoning Board of Adjustment, as the case may be. Said notice shall be sent to the official newspaper for publication within ten (10) days of the date of any such decision.

56A-33. Payment of taxes.

Pursuant to the provisions of N.J.S.A. 40:55D-39 and 40:55D-65, every application for development submitted to the Planning Board or to the Zoning Board of Adjustment shall be accompanied by proof that no taxes or assessments for local improvements are due or delinquent on the property which is the subject of such application; or, if it is shown that taxes or assessments are delinquent on said property, any approvals or other relief granted by either Board shall be conditioned upon either the prompt payment of such taxes or assessments or the making or adequate provision for the payment thereof in such manner that the municipality will be adequately protected.

ARTICLE IV
Appeals

56A-34. Appeals to Zoning Board of Adjustment. (Amended 2-12-85 by Ord. No. 2-85)

An appeal to the Zoning Board of Adjustment may be taken by any interested party affected by a decision of the administrative officer of the Borough of Waldwick based on or made in the enforcement of the Zoning Ordinance or Official Map. Such appeal shall be taken within twenty (20) days by filing a notice of appeal in the manner set forth in Article II, section 56A-18A, of this ordinance, and in accordance with the provisions of Article 9 of the Municipal Land Use Law of 1975.

56A-35. Appeals from Zoning Board of Adjustment to governing body. (Amended 2-12-85 by Ord. No. 2-85)

Any interested party, in accordance with N.J.S.A. 40:55D-17, may appeal to the governing body any final decision of a Board of Adjustment approving an application for a use variance pursuant to N.J.S.A. 40:55D-70d. Such appeal shall be made within ten (10) days of the date of publication of such final decision. The appeal to the governing body shall be made by serving the Municipal Clerk in person or by certified mail with a notice of appeal specifying the grounds thereof and the name and address of the appellant, and name and address of attorney, if represented. Such appeal shall be decided by the governing body only upon the record established before the Planning Board or Board of Adjustment.

ARTICLE V
Miscellaneous Provisions

56A-36. Definitions.

(A) Whenever a term is used in this ordinance which is defined in C.291, P.L. 1975, as amended, such term is intended to have the meaning set forth in the definition of such term found in said Statute, unless a contrary intention is clearly expressed from the context of Chapters 56, 77, 86 and 97 of the Municipal Code of the Borough of Waldwick.

(B) Whenever in Chapters 56, 77, 86 and 97 of the municipal code of the Borough of Waldwick, the term Planning Board is used in a manner which under C. 291, P.L. 1975 as amended grants the Planning Board the privilege of exercising the powers of the Zoning Board, the term Zoning Board shall be interchangeable with the term Planning Board. Whenever the term Zoning Board is used in the above listed Chapters in a manner which under C.291, P.L. 1975 as amended grants the Zoning Board the privilege of exercising the powers of the Planning Board, the term Planning Board shall be interchangeable with the term Zoning Board. (Amended 3-23-93 by Ord. No. 3-93)

56A-37. Repealer.

All sections of the Land Subdivision Ordinance, Zoning Ordinance, Site Plan Review Ordinance and any other ordinance of the Borough of Waldwick which contains provisions contrary to the provisions of this ordinance shall be and are hereby, to the extent of such inconsistency, repealed.

56A-38. Provisions continued.

Pursuant to the provisions of c. 291, P.L. 1975, Section 81, the substantive provisions of the existing Land Subdivision Ordinance and Zoning Ordinance of the Borough of Waldwick and the development regulations set forth therein shall continue in full force and effect and shall be read in pari materia with this ordinance.

56A-39. Pending applications.

All applications for development filed prior to the effective date of this ordinance may be continued, but any appeals arising out of decisions made on any such application shall be governed by the provisions of Article IV of this ordinance.

56A-40. Title.

This ordinance shall be known and may be cited as the "Land Use Procedures Ordinance of the Borough of Waldwick."

56A-41. Filing of copies.

Immediately upon adoption of this ordinance, the Borough Clerk shall file a copy of this ordinance with the County Planning Board as required by law. The Clerk shall also file with said County Planning Board copies of all other ordinances of the Borough of Waldwick relating to land use.

56A-42. Effective date.

This ordinance shall take effect on January 1, 1977.

56A-43. Completed applications; time limits. (Added 2-12-85 by Ord. No. 2-85)

E. An application for development shall be complete for purposes of commencing the applicable time period for action by a municipal agency when so certified by the municipal agency or its authorized committee or designee. In the event that the agency, committee or designee does not certify the application to be complete within forty-five (45) days of the date of its submission, the application shall be deemed complete upon the expiration of the forty-five (45) day period for purposes of commencing the applicable time period unless:

1. The application lacks information indicated on a checklist adopted by ordinance and provided to the applicant.

2. The municipal agency or its authorized committee or designee has notified the applicant, in writing, of the deficiencies in the application within forty-five (45) days of submission of the application. The applicant may request that one (1) or more of the submission requirements be waived, in which event the agency or its authorized committee shall grant or deny the request within forty-five (45) days.

B. Nothing herein shall be construed as diminishing the applicant's obligation to prove in the application process that he is entitled to approval on the application.

F. The municipal agency may subsequently require correction of any information not specified in the ordinance or any revisions in the accompanying documents, as are reasonably necessary to make an informed decision as to whether the requirements necessary for approval of the application for development have been met. The application shall not be deemed incomplete for lack of any such additional information or any revisions in the accompanying documents so required by the municipal agency.

56A-44. Checklists for development applications. (Added 2-12-85 by Ord. No. 2-85)

A. The following checklists for land use development are hereby adopted by reference:

(1) Checklist for site plan approval
(2) Checklist for subdivision approval
(3) Checklist for variance approval
(4) Checklist for conditional use approval

B. One (1) set of each of these checklists shall be kept on file in the office of the Borough Clerk with the date of their adoption by ordinance listed thereon. The checklists shall be distributed by the Secretary of the Zoning Board of Adjustment and Secretary of the Planning Board for use in accordance with 56A-43.

56A-45. Environmental Impact Statement

In accordance with the requirements of Chapter 19 of the Municipal Code, an environmental impact statement shall be submitted on all applications for preliminary major site plan approval, preliminary major subdivision approval and for soil permit applications.

56A-46. Recycling Plan Element

All development proposals for the construction of 50 or more units of single-family residential housing or 25 or more units of multi-family residential housing or any commercial or industrial development proposal utilizing 1,000 square feet or more of land shall include a recycling plan element which incorporates the requirements of the recycling ordinance of the Borough of Waldwick. Such development proposals shall provide for the collection, disposition and recycling of recyclable materials designated in the recycling ordinance of the Borough.

ARTICLE VI
Development Fees

56A-47. Purpose (**Added 7-22-97 by Ord. No. 18-97, Amended 11-25-08 By Ord. No. 16-08)**)

a) In Holmdel Builder's Association v. Holmdel Township, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985 (the Act), N.J.S.A. 52:27d-301 et seq., and the State Constitution, subject to the Council on Affordable Housing's adoption of rules.

b) Pursuant to P.L. 2008, c. 46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), COAH is authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that are under the jurisdiction of the Council or court of competent jurisdiction and have a COAH-approved spending plan may retain fees collected from non-residential development.

c) This ordinance establishes standards for the collection, maintenance, and expenditure of development fees pursuant to COAH's regulations and in accordance with P.L. 2008, c.46, Sections 8 and 32-38. Fees collected pursuant to this ordinance shall be used for the sole purpose of providing low and moderate-income housing. This ordinance shall be interpreted within the framework of COAH's rules on development fees, codified at N.J.A.C. 5:97-8.

3. Basic requirements.

a) This ordinance shall not be effective until approved by COAH pursuant to N.J.A.C. 5:96-5.1.

b) The Borough of Waldwick shall not spend development fees until COAH has approved a plan for spending such fees in conformance with N.J.A.C. 5:97-8.10 and N.J.A.C. 5:96-5.3.

56A-48. Definitions.

The following terms, as used in this ordinance, shall have the following meanings:

AFFORDABLE HOUSING DEVELOPMENT means a development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable development.

COAH or the **"Council"** means the New Jersey Council on Affordable Housing established under the Act which has primary jurisdiction for the administration of housing obligations in accordance with sound regional planning consideration in the State.

DEVELOPMENT FEE means money paid by a developer for the improvement of property as permitted in N.J.A.C. 5:97-8.3.

DEVELOPER means the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

EQUALIZED ASSESSED VALUE means the assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with sections 1, 5, and 6 of P.L. 1973, c. 123 (C. 54:1-35a through C. 54:1-35c).

GREEN BUILDING STRATEGIES means those strategies that minimize the impact of development on the environment, and enhance the health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.

56A-49. Residential Development Fees

a) Imposed fees

i. Within all zoning districts, residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of one and a half percent of the equalized assessed value for residential development provided no increased density is permitted.

ii. When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5) (known as a "d" variance) has been permitted, developers may be required to pay a development fee of six percent of the equalized assessed value for each additional unit that may be realized. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.

Example: If an approval allows four units to be constructed on a site that was zoned for two units, the fees could equal one percent of the equalized assessed value on the first two units, and the specified higher percentage up to six percent of the equalized assessed value for the two additional units, provided zoning on the site has not changed during the two-year period preceding the filing of such a variance application.

b) Eligible exactions, ineligible exactions and exemptions for residential development

i. Affordable housing developments and developments where the developer has made a payment in lieu of on-site construction of affordable units shall be exempt from development fees.

ii. Developments that have received preliminary or final site plan approval prior to the adoption of a municipal development fee ordinance shall be exempt from development fees, unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose. The fee percentage shall be vested on the date that the building permit is issued.

iii. Development fees shall be imposed and collected when an existing structure undergoes a change to a more intense use, is demolished and replaced, or is expanded, if the expansion is not otherwise exempt from the development fee requirement. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.

iv. Developers of all residential housing demolished and replaced as a result of a natural disaster or fire, shall be exempt from paying a development fee.

56A-50. Non-residential Development Fees

a) Imposed fees

i. Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to two and one half (2.5) percent of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.

ii. Non-residential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to two and one half (2.5) percent of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.

iii .Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fees of two and a half percent (2.5%) shall be calculated on the difference between the equalized assessed value of the newly improved structure, i.e. land and improvement, at the time final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the non-residential development fee shall be zero.

b) Eligible exactions, ineligible exactions and exemptions for non-residential development

i. The non-residential portion of a mixed-use inclusionary or market rate development shall be subject to the two and a half (2.5%) percent development fee, unless otherwise exempted below.

ii. The 2.5 percent fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.

iii. Non-residential developments shall be exempt from the payment of non-residential development fees in accordance with the exemptions required pursuant to P.L. 2008, c. 46, as specified in the Form N-RDF “State of New Jersey Non-Residential Development Certification/Exemption Form”. Any exemption claimed by a developer shall be substantiated by that developer.

iv. A developer of a non-residential development exempted from the non-residential development fee pursuant to P.L.2008, c.46 shall be subject to it at such time the basis for the exemption no longer applies, and shall make the payment of the non-residential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the non-residential development, whichever is later.

v. If a property which was exempted from the collection of a non-residential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid non-residential development fees under these circumstances may be enforceable by the Borough of Waldwick as a lien against the real property of the owner.

56A-51 Collection Procedures.

a) Upon the granting of a preliminary, final or other applicable approval for a development, the applicable approving authority shall direct its staff to notify the construction official responsible for the issuance of a building permit.

b) For non-residential developments only, the developer shall also be provided with a copy of Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" to be completed as per the instructions provided. The Developer of a non-residential development shall complete Form N-RDF as per the instructions provided. The construction official shall verify the information submitted by the non-residential developer as per the instructions provided in the Form N-RDF. The Tax Assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.

c) The construction official responsible for the issuance of a building permit shall notify the local Tax Assessor of the issuance of the first building permit for a development which is subject to a development fee.

d) Within 90 days of receipt of that notice, the municipal Tax Assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.

e) The construction official responsible for the issuance of a final certificate of occupancy notifies the local assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.

f) Within 10 business days of a request for the scheduling of a final inspection, the municipal assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development, calculate the development fee; and thereafter notify the developer of the amount of the fee.

g) Should the Borough of Waldwick fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in subsection b. of section 37 of P.L. 2008, c.46 (C.40:55D-8.6).

h) Fifty percent of the development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at building permit and that determined at issuance of certificate of occupancy.

56A-52 Appeal of Development Fees.

1) A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest bearing escrow account by the Borough of Waldwick. Appeals from a determination of the Board may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

2) A developer may challenge non-residential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest bearing escrow account by the Borough of Waldwick. Appeals from a determination of the Director may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

56A-53 Affordable Housing Trust Fund

a) There is hereby created a separate, interest-bearing housing trust fund to be maintained by the Chief Financial Officer for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls.

b) The following additional funds shall be deposited in the Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:

1. payments in lieu of on-site construction of affordable units;
2. developer contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible;
3. rental income from municipally operated units;
4. repayments from affordable housing program loans;
5. recapture funds;
6. proceeds from the sale of affordable units; and
7. any other funds collected in connection with the Borough of Waldwick's affordable housing program.

c) Within seven days from the opening of the trust fund account, the Borough of Waldwick shall provide COAH with written authorization, in the form of a three-party escrow agreement between the municipality, in the official bank of the Borough, and COAH to permit COAH to direct the disbursement of the funds as provided for in N.J.A.C. 5:97-8.13(b).

56A-54 Use of Funds.

a) The expenditure of all funds shall conform to a spending plan approved by COAH. Funds deposited in the housing trust fund may be used for any activity approved by COAH to address the Borough of Waldwick's fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls, rehabilitation, new construction of affordable housing units and related costs, accessory apartment, market to affordable, or regional housing partnership programs, conversion of existing non-residential buildings to create new affordable units, green building strategies designed to be cost saving and in accordance with accepted national or state standards, purchase of land for affordable housing, improvement of land to be used for affordable housing, extensions or improvements of roads and infrastructure to affordable housing sites, financial assistance designed to increase affordability, administration necessary for implementation of the Housing Element and Fair Share Plan, or any other activity as permitted pursuant to N.J.A.C. 5:97-8.7 through 8.9 and specified in the approved spending plan.

b) Funds shall not be expended to reimburse Borough of Waldwick for past housing activities.

c) At least 30 percent of all development fees collected and interest earned shall be used to provide affordability assistance to low and moderate income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30 percent or

less of median income by region.

i. Affordability assistance programs may include down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowners association or condominium fees and special assessments, and assistance with emergency repairs.

ii. Affordability assistance to households earning 30 percent or less of median income may include buying down the cost of low or moderate income units in the municipal Fair Share Plan to make them affordable to households earning 30 percent or less of median income. The use of development fees in this manner shall entitle the Borough of Waldwick to bonus credits pursuant to N.J.A.C. 5:97-3.7.

iii. Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.

d) The Borough of Waldwick may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.A.C. 5:96-18.

e) No more than 20 percent of all revenues collected from development fees may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than 20 percent of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with COAH's monitoring requirements. Legal or other fees related to litigation opposing affordable housing sites or objecting to the Council's regulations and/or action are not eligible uses of the affordable housing trust fund.

56A-55 Monitoring.

a) The Borough of Waldwick shall complete and return to COAH all monitoring forms included in monitoring requirements related to the collection of development fees from residential and non-residential developers, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, barrier free escrow funds, rental income, repayments from affordable housing program loans, and any other funds collected in connection with the Borough of Waldwick's housing program, as well as to the expenditure of revenues and implementation of the plan certified by COAH. All monitoring reports shall be completed on forms

designed by COAH.

56A-56 Ongoing Collection of Fees.

a) The ability for the Borough of Waldwick to impose, collect and expend development fees shall expire with its substantive certification unless the Borough of Waldwick has filed an adopted Housing Element and Fair Share Plan with COAH, has petitioned for substantive certification, and has received COAH's approval of its development fee ordinance. If the Borough of Waldwick fails to renew its ability to impose and collect development fees prior to the expiration of substantive certification, it may be subject to forfeiture of any or all funds remaining within its municipal trust fund. Any funds so forfeited shall be deposited into the "New Jersey Affordable Housing Trust Fund" established pursuant to section 20 of P.L. 1985, c. 222 (C.52:27D-320). The Borough of Waldwick shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its substantive certification or judgment of compliance, nor shall the Borough of Waldwick retroactively impose a development fee on such a development. The Borough of Waldwick shall not expend development fees after the expiration of its substantive certification or judgment of compliance.

56A-57 When Effective.

This ordinance shall take effect upon passage and publication as required by law and upon receiving approval of the Council on Affordable Housing

Chapter 58

LIBRARY

58-1. Purpose

58-2. Return of materials upon notification; time limit

58-3. Damage to or destruction of materials

58-4. Compliance with library procedures required

58-5. Furnishing of false information

58-6. Conditions for filing of complaint in Court

58-7. Violations and penalties

58-8. When effective

(HISTORY: Adopted by the Mayor and Council of the Borough of Waldwick December 26, 1990 as Ord. No. 19-90)

BE IT ORDAINED by the Mayor and Council of the Borough of Waldwick, in the County of Bergen and State of New Jersey, as follows:

58-1. Purpose

The purpose of this chapter is to provide for the enforcement of the following rules and regulations adopted by the Borough Council of the Borough of Waldwick by establishing penalties and procedures for the adjudication of any alleged violations of the rules and regulations in the Municipal Court of said Borough.

58-2. Return of materials upon notification; time limit

No person shall detain or fail to return any book, periodical, pamphlet, artistic reproduction, phonograph recording, audio-visual material or any other article borrowed from the Waldwick Library or a member Library of the Bergen County Cooperative System (hereinafter referred to as member Library) that is borrowed under a Waldwick Library card after thirty (30) days have elapsed from the date of posting by certified mail, return receipt requested, of a notice demanding return thereof, addressed to said person at the last address furnished.

58-3. Damage to or destruction of materials

No person shall cut, tear, deface, disfigure, damage or destroy any book, periodical, pamphlet, artistic reproduction, phonograph recording, audio-visual material or other article or any part thereof which is borrowed from, owned by or is in the custody of such member Library.

58-4. Compliance with Library procedures required

No person shall remove any book, periodical, pamphlet, artistic reproduction, phonograph recording, audio-visual material or any other item or article from a member Library building without complying with the rules and regulations and procedures of the Library for borrowing such items or articles.

58-5. Furnishing of false information

No person with intent to defraud shall register or furnish a false name or address or use any card other than the one issued to said person for the purpose of borrowing any book or other article from said Library.

58-6. Conditions for filing of complaint in Court

The Library Director is authorized to file a complaint in the Municipal Court under the following conditions:

A. A certified letter, return receipt requested, shall be sent by the Library administration as a final notice after twelve (12) weeks have elapsed since the original due date, informing the borrower that unless the material borrowed is returned and/or any fines paid within thirty (30) days a summons will be issued under the provisions of this chapter.

B. In the case of a minor, the letter of complaint shall be directed to the parents or guardians of the minor involved.

58-7. Violations and penalties

Any person who violates or refuses to comply with the regulations and provisions of this chapter shall, upon conviction thereof, be subject to a fine not to exceed the sum of five hundred dollars ($500.) or be imprisoned in the county jail for a term not to exceed ninety (90) days, or both, in the discretion of the Judge before whom such conviction is obtained.

58-8. When effective

This ordinance shall take effect upon passage and publication in accordance with State law.

Chapter 59

LITTERING

59-1. Title.
59-2. Definitions.
59-3. Littering prohibited.
59-4. Use of receptacles.
59-5. Duty to remove litter.
59-6. Violations and penalties.
59-7. Interpretation of provisions.
59-8. Severability.

(HISTORY: Adopted by the Mayor and Council of the Borough of Waldwick 2-12-80 as Ord. No. 1-80. Amendments noted where applicable.)

GENERAL REFERENCES:

Alcoholic beverages containers - See Ch. 29
Distribution of publications - See Ch. 69
Maintenance of sidewalks and gutters - See Ch. 76

BE IT ORDAINED by the Mayor and Council of the Borough of Waldwick, in the County of Bergen and State of New Jersey as follows:

59-1. Title

This ordinance may be referred to or cited as the “Antilitter Ordinance of the Borough of Waldwick”.

59-2. Definitions.

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

LITTER - Includes garbage, refuse, rubbish, trash, waste or abandoned materials of any kind. The term “litter” shall not be deemed to include any such matter which has been properly placed in a suitable receptacle used for the purpose of containing the same temporarily pending disposal by means of regularly scheduled services provided by a scavenger contractor.

Editor’s Note: This ordinance also repealed Ord. No. 11-58, adopted 10-7-58, which comprised former Ch. 59, Littering.

59-3. Littering prohibited. (Amended 5-24-88 by Ord. No. 9-88).

A. No person shall place, throw or discard litter or debris on any land, public or private, within the Borough of Waldwick.
B. The discarding or dumping of any household or commercial solid waste in any place not specifically designated for the purpose of solid waste storage or disposal is prohibited.
C. The parking of vehicles on residential lawns is prohibited.
D. The accumulation of debris on or around construction sites, or its storage in such a manner that it is likely to be removed by natural forces onto adjacent property is prohibited.
E. Any person sweeping into or depositing in any gutter, street, catch basin or other public place, any accumulation of litter from any public or private sidewalk or driveway is hereby prohibited.
F. Every person who owns or occupies property shall keep the sidewalk in front of his or her premises free of litter and all sweepings shall be collected and properly containerized for disposal when regularly scheduled by the Borough.

59-4. Use of receptacles (Amended 5/24/88 by Ord. No. 9-88).

A. Any person placing litter in an outdoor receptacle whether on public land or private property, shall do so in such a manner as to prevent it from being released or scattered by the elements.
B. Litter receptacles and their servicing shall be required at the following public places which exist in the municipality:

1. Sidewalks used by pedestrians in active retail commercially zoned areas such that at a minimum there shall be no single linear quarter mile without a receptacle.
2. Buildings held out for use by the public including schools, government buildings, railroad and bus stations.
3. Parks.
4. Drive-in restaurants.
5. All street vendor locations.
6. Self-service refreshment areas.
7. Construction sites.
8. Gasoline service station islands.
9. Shopping centers.
10. Parking lots.
11. Campgrounds and trailer parks.
12. Marinas, boat moorings and fueling stations, boat launching areas, public and private piers operated for public use.
13. Beaches and bathing areas.
14. At special events to which the public is invited, including sporting events, parades, carnivals, circuses and festivals.

C. The proprietors of these places or the sponsors of these events shall be responsible for providing and servicing the receptacles such that adequate containerization is available.

D. Open or overflowing commercial, industrial or residential waste disposal bins is prohibited.

E. 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 Borough of Waldwick. (**Added 11-24-09 by Ord. No. 23-09)**

59-5. Duty to remove litter (Amended 5-24-88 by Ord. No. 9-88).

A. The owner or occupant of any private land or building and the person in control of any business operation shall be responsible to maintain the exterior of such premises and public sidewalks immediately adjacent thereof free of litter at all times.

59-6. Violations and penalties.

See Chapter 1:14.1.

59-7. Interpretation of provisions.

This ordinance is in addition to and not in derogation of any other ordinances pertaining to any matter regulated herein.

59-8. Severability.

If any clause, provision or part of this ordinance or the application thereof to any person or circumstances shall, for any reason, be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance.

59-9. Enforcement. (Added 12-28-04 by Ord. No. 25-04)

This ordinance shall be enforced by the Police Department and/or other Municipal Officials of the Borough of Waldwick.

Chapter 61

MAP, OFFICIAL

61-1. Adoption by reference.

61-2. Streets not included on adopted schedule expressly exempted from Official Map.

61-3. Reservations for future park-school sites and playgrounds.

61-4. Purpose of Official Map.

61-5. When effective.

(HISTORY: Adopted by the Mayor and Council of the Borough of Waldwick 7-14-55 as Ord. No. 9-55).

BE IT ORDAINED by the Mayor and Council of the Borough of Waldwick, in the County of Bergen and State of New Jersey as follows:

61-1. Adoption by reference.

The Mayor and Borough Council of the Borough of Waldwick hereby adopt as the Official Map of the Borough of Waldwick, in accordance with the Revised Statutes of the State of New Jersey, Title 40:55-1.32, that portion of the Assessment Atlas of 1945, as corrected by Fraleigh and Schwanewede, Borough Engineers, as of October 1, 1954, that is set forth in detail in an annexed schedule attached hereto and marked “Schedule A”.*

61-2. Streets not included on adopted schedule expressly exempted from Official Map.

All streets not included in the attached schedule, marked “Schedule A”, as shown on the aforementioned Tax Atlas, are expressly exempted from the Official Map hereby adopted.

Editor’s Note: A copy of Schedule A is available for examination in the Borough offices.

61-3. Reservations for future park-school sites and playgrounds.

A. The following enumerated parcels of property, listed in accordance with block and lot numbers as shown on the Assessment Atlas of 1945, as revised by Fraleigh and Schwanewede, Borough Engineers, as of October 1, 1954, are hereby expressly reserved for present and future park-school sites and playgrounds:

1. Lots 7 and 8 of Block 136.
2. Lots 36B, 37, 38 and 39A of Block 128.
3. Parts of Lots 4A, 4D, 6A and 6B of Block 136.

B. The parts to be set aside, being all of the properties above mentioned, which lie north of a line drawn parallel to Wyckoff Avenue and one hundred twenty-five (125) feet north of the north line of Wyckoff Avenue.

1. All of Block 58.
2. All of Block 31.
3. All of Block 57.
4. All of Block 56.
5. Lots 1 to 8 inclusive of Block 55.
6. Lots 1 to 36 inclusive of Block 32.
7. Lots 33 to 65 inclusive of Block 33.
8. Lots 34 to 59 inclusive of Block 34.

61-4. Purpose of Official Map.

The purpose of adopting the Official Map is for the express purpose of conserving and promoting public health, safety, morals and the general welfare of the residents of the Borough of Waldwick.

61-5. When effective.

This ordinance shall take effect when passed and published as required by law.

Chapter 61A

MOTOR VEHICLES, ABANDONED AND UNCLAIMED STORAGE FEE REGULATIONS

61A-1. Maximum Fees
61A-2. Fine
61A-3. Effective Date

(HISTORY: Adopted by the Mayor and Council of the Borough of Waldwick 4-25-89 as Ord. No. 8-89.)

WHEREAS, municipalities are faced with exorbitant storage fees for storage of abandoned and unclaimed motor vehicles; and

WHEREAS, storage fees have been permitted to accumulate far in excess of the value of any of these vehicles; and

WHEREAS, it is necessary to set reasonable limitations on these storage fees for the important public purpose of sustaining local fiscal soundness;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Waldwick as follows:

61A-1. Maximum Fees. See Chapter 48:61A.1

61A-2. Fine.

See Chapter 1:14:1.

61A-3. Effective Date.

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

Chapter 62

NOISE CONTROL

62-1. General prohibition.

62-2. Specific prohibitions.

62-3. Exceptions.

62-4. Severability.

62-5. Violations and penalties.

62-6. When effective.

(HISTORY: Adopted by the Mayor and Council of the Borough of Waldwick 11-24-87 as Ord. No. 20-87. Amendments noted where applicable.)

GENERAL REFERENCES:

Dogs - See Ch. 42
Peddling, soliciting and canvassing - See Ch. 66

62-1. General prohibition.

A. The making, creating or permitting of any unreasonably loud, disturbing or unnecessary noise in the Borough of Waldwick is hereby prohibited.
B. The making, creating or permitting of any noise of such character, intensity or duration as to be detrimental to the life, health or welfare of any individual or which either steadily or intermittently annoys, disturbs, injures or endangers the comfort, repose, peace or safety of any individual is hereby prohibited.

62-2. Specific prohibitions.

A. Unless exempted under the provisions of this chapter, no person shall cause to be made, directly or indirectly, any loud noise which disturbs, injures or endangers the health, comfort, safety or welfare of others within the Borough of Waldwick.
B. The following specific acts are declared to be loud, disturbing and unnecessary noises in violation of this chapter, but said enumerations are intended to be typical only and shall not be deemed to be exclusive:

    1. The sounding of any horn or signaling device on any automobile, motorcycle, bus, truck or other vehicle on any street, road or public place (except as warning pursuant to the provisions of N.J.S.A. 39:3-69); the sounding of any whistle or other device operated by engine exhaust; the use of any such signaling device when traffic is for any reason held up.

2. The use of radio or television receiving sets, musical instruments, phonographs or any other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or, at any time, with volume louder than is necessary for convenient hearing of the person or persons who are in the room or vehicle in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such device between the hours of 9:00 p.m. and 7:00 a.m. in such manner as to be plainly audible at a distance of fifty (50) feet from the building, structure or vehicle in which it is located or, in the case of such instruments operated in the open at a distance of fifty (50) feet from the instrument, shall be prima facie evidence of a violation of this section.

3. The use of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purposes of commercial advertising.

4. The keeping of any animal or bird which, by causing frequent or long-continued noise, shall disturb the comfort or repose of persons residing in the vicinity.

5. The discharge into the open air of the exhaust of any internal-combustion engine, except through an adequate muffler or other device which will effectively prevent loud or explosive noises therefrom. (See N.J.S.A. 39:3-70 for State law regarding muffler requirements on motor vehicles.) This includes, by way of example and not by way of limitation, internal-combustion engines powering motor vehicles.

6. The creation of a loud and excessive noise in connection with loading and unloading any vehicle or the opening or destruction of bales, boxes, crates and containers.

7. The erection (including excavating), demolition, alteration or repair of any building other than between the hours of 9:00 p.m. and 7:00 a.m., except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the Building Inspector, which permit may be granted for a period of three (3) days or less while the emergency continues.

8. The use of any blower, fan or pump engine or motor in connection therewith, including, by way of example and not by way of limitation, air-conditioning systems, compression devices and pool filter systems, if such use creates loud, penetrating or continuous noises that disturb the comfort or repose of persons residing in the vicinity.

9. The creation of any excessive noise adjacent to any school, institution of learning, house of worship or judicial court while the same are in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institution, or which disturbs or unduly annoys patients in the hospital, provided that conspicuous signs are displayed on the adjacent streets indicating that the same is a school, hospital, church or court street.

10. The shouting and crying of peddlers, hawkers and vendors in and among the public streets.

11. The use of any drum, bell, horn, loudspeaker or other instrument or device for the purpose of attracting attention to any performance, show or sale or display of merchandise by any creation of noise or sound.

12. The use of mechanical loudspeakers or amplifiers on vehicles or aircraft.

13. Lawn mowers, chain saws, and other equipment powered by internal-combustion engines, between the hours 9:00 p.m. and 7:00 a.m. Monday through Friday, and between the hours of 9:00 p.m. and 8:30 a.m. weekends and holidays. **(Amended 8-22-00 by Ord. No. 15-00)**

14. The prolonged and continual operation of a burglar alarm in a manner that disturbs the peace, quiet and comfort of neighboring inhabitants.

62-3. Exceptions.

The prohibitions contained in this chapter shall not apply to:

A. Persons who are engaged in the performance of any public or governmental function, such as the sounding of a church or school bell or a police, fire, ambulance, air raid or like disaster warning, alert or alarm, whether such alarm is for an actual emergency purpose or for practice or drilling purposes.
B. Military or civic parades, celebrations or other public gatherings for which a permit has been issued by the Mayor and Council.
C. Persons who are engaged in any activity specifically permitted or required by any ordinance, resolution, statute or governmental regulations.
D. Persons employed by public utility companies engaged in emergency repair services; provided, however, that such noise shall not exceed levels reasonably necessary to accomplish such work.

62-4. Severability.

The provisions of this chapter shall be severable, and if any of the provisions hereof shall be held to be unconstitutional, the decision of the court respecting such provision or provisions shall not affect the validity of any other provisions which can be given effect without such invalid provision or provisions.

62-5. Violations and penalties.

See Chapter 1:14.1.

62-6. When effective.

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

Chapter 62A

OUTDOOR DISPLAYS AND SALES

62A-1. Permit Required

62A-2. Application Procedure

62A-3. Application Fee

62A-4. Permit Term

62A-5. Merchant Days

62A-6. Enforcement and Penalties

62A-7. Purpose

62A-8. Definitions

62A-9. Permit and Fees

62A-10. Receptacle Size; Number and Identification

62A-11. Receptacle Location

62A-12. Maintenance

62A-13. Enforcement and Penalties

(HISTORY: Adopted by the Mayor and Council of the Borough of Waldwick 2-22-94 as Ord. No. 2-94; amended 11-14-06 by Ord. No. 22-06)

BE IT ORDAINED by the Mayor and Council of the Borough of Waldwick, County of Bergen in the State of New Jersey as follows:

ARTICLE I
Outdoor Displays and Sales

62A-1. Permit Required.

On application to the Borough Council, the Borough Council may by resolution, permit the outdoor display and/or sale of merchandise on sidewalks and adjoining areas subject to the conditions contained herein. Following the adoption of the enabling resolution, permits shall be issued by the Borough Clerk.

62A-2. Application Procedure.

The applicant shall provide a sketch drawing showing the area to be used for outdoor display or sale. This area shall not be an off-street parking place nor shall it be obstructive to easy ingress and egress from the building or create a fire hazard. Outdoor displays or sales shall abut the principal building and shall leave a minimum of four feet of unimpeded sidewalk as measured from the curb for pedestrian traffic. Merchandise shall be securely and adequately placed so that it will not endanger passersby, or be stored indoors as to create a safety or fire hazard.

The applicant shall also certify to the following as part of the application package:

A. No food or food stuffs be displayed or offered for sale unless approved and permitted by the Board of Health.

B. The outdoor display and sale be restricted to areas zoned for business and be in accord with all zoning regulations pertaining thereto.

C. All participating displayers or sellers shall own or lease permanent premises where the outdoor display or sale will be conducted.

D. The permit would not adversely affect the public welfare.

E. No additional signage for the outdoor display merchandised.

62A-3. Application Fee.

The application will require a fee as per Chapter 48 of the Code.

62A-4. Permit Term.

The permit shall be good for one year and shall run from April 1st through March 31st. If, during the course of the permit, the area used for outdoor display is expanded, a new application and permit shall be required for the balance of the term.

62A-5. Merchant Days.

The provisions of this chapter shall not apply to Borough Council sanctioned Merchant's Days.

62A-6. Enforcement and Penalties.

Enforcement of the provisions of this chapter shall be under the jurisdiction of the Zoning Code Official and the Police Department. Penalties for non-compliance are contained in Chapter 1-14-1.

ARTICLE II
Clothing Receptacles

62A-7 Purpose:

An ordinance to regulate the location and quantity of clothing receptacles in and around the Borough of Waldwick, so as to protect the public safety and welfare and to prescribe penalties for failure to comply.

62A-8 Definitions:

For the purpose of this ordinance, the following terms shall have the meanings indicated in the text of this Chapter:

Commercial Complex – Any configuration of four or more retail establishments

Receptacle – A container that is used for the collection of used clothing.

62A-9 Permit and fees: (Amended 5-27-08 by Ord. No. 9-08)

a. No person, firm, partnership, corporation, or other entity, whether for profit or not-for-profit, shall place or cause to be placed a Receptacle within the Borough of Waldwick without first obtaining a permit, enclosing a sketch of the location with the permit application, and paying the annual fee as required in Chapter 48-62A-9. In no event shall a Receptacle be placed on residential property or in a residential district. Receptacles may not be placed within 100 yards of any place that stores large amounts of, or sell, fuel or other flammable liquids or gases as pursuant to N.J.S.A. (40.48-2.60 et seq.).
b. The application for a permit to place a Receptacle within the Borough of Waldwick shall be made in writing to the Zoning Officer and signed by the applicant. The application shall set forth:

(1) The name, address, and telephone number of the applicant;
(2) The location sketch of where the Receptacle is to be placed;
(3) The name, address, and telephone number of the owner of the property where the Receptacle is to be placed, with a written authorization from the owner for the placement of the Receptacle;

(4) The written authorization from the owner of the property shall state that the owner is jointly liable for any and all violations of this ordinance by the person or entity placing the Receptacle on the property.

(5) The manner in which the clothing donation collected via the bin would be used, sold, or dispersed and the method by which the proceeds of collected donations would be allocated or spent.

62A-10 Receptacle size; number and identification: (Amended 5-27-08 by Ord. 9-08)

a. No more than three Receptacles shall be located within any Commercial Complex.
b. Each Receptacle shall not exceed five feet in depth, eight in width, and six feet in height.
c. Each Receptacle shall have an identifying logo, name, or wording for the use or nature of the same.
d. The Receptacle shall be located in a clearly visible and well-lighted area to permit inspection and enforcement.
e. The permit number and its date of expiration along with the name, address and telephone number of the registered person that owns the bin shall be clearly and conspicuously displayed on the exterior of the clothing receptacle.
f. A statement, consistent with the information provided on your permit/renewal application, indicating the manner in which the clothing donation collected via the bin would be used, sold or dispersed, and the method by which the proceeds of collected donations would be allocated or spent shall be clearly and conspicuously displayed on the exterior of the clothing receptacle.

62A-11 Receptacle Location:

a. The Receptacle shall be located in such a manner that it will not be necessary to park in a driveway or on an access drive for parking stalls while depositing used clothing.
b. The Receptacle shall not be placed in any parking spaces, roadways, sidewalks and/or walkways or in any buffer areas and shall be no closer than three feet to any property line
c. The areas adjacent to the Receptacle shall be kept clear of all boxes and debris.
d. The Receptacle shall be permitted in side and rear yards, but not within front yard.
e. The Receptacle shall not be located in a parking stall designated to meet the parking requirements of the on-site uses.

62A-12 Maintenance:

The Receptacles shall be maintained in a clean, sanitary condition, painted and in good working order. Each Receptacle shall be emptied regularly at least once each month.

62A-13 Enforcement and Penalties: (Amended 5-27-08 by Ord. 9-08)

This ordinance shall be enforced by the Zoning Officer of the Borough of Waldwick. Penalties for non-compliance are contained in Chapter 1-14-1.

a. The owner of the clothing Receptacle and the property owner shall be liable for violating any of the foregoing conditions.
b. No summons for a violation of this section shall be issued unless the owner of the clothing Receptacle and the property owner have been given 48 hours to correct the violation, and has failed to correct the violation within that 48-hour time period. The 48 hour time period shall be exclusive of Saturdays, Sundays, and holidays. For the purpose of this section, every 48-hour period, exclusive of Saturdays, Sundays, and holidays is a separate offense for which an additional summons shall be issued.
c. The issuance of three (3) notices of violation and three (3) convictions within a 12-month period shall result in a revocation of the special permit for a period of 12 months commencing on the date of the issuance of the summons for the third offense. Notice of the revocation of the permit shall be sent to the owner of the Receptacle and the property owner, notifying them that the Receptacle must be removed within five (5) days of the notice of revocation. In the event the Receptacle is not removed within five (5) days of the date of notice of revocation, a summons shall be issued to the property owner for violation of this section and the municipality shall remove the clothing Receptacle from the site. The municipality shall store said clothing Receptacle for thirty days and if unclaimed by the owner, the Borough shall have the right to remove any articles from the Receptacle and scrap the container. All proceeds from the sale of articles and scrap value of the container shall reside with the Borough.
d. This ordinance shall supplement N.J.S.A. 40:48-2.60 et seq. and the Borough of Waldwick specifically reserves the right to enforce any and all provisions in their statutes not explicitly covered as written and subsequently amended.

Chapter 63

PARK AND RIDE LOTS

63-1. Location

63-2. Parking by permit only during certain hours

63-3. Permit requirements

63-4. Restrictions

63-5. Adoption of additional regulations

63-6. Severability

63-7. Violations and penalties

63-8. When effective

(HISTORY: Adopted by the Mayor and Council of the Borough of Waldwick 8-8-78 as Ord. No. 14-78. Amendments noted where applicable.

BE IT ORDAINED by the Mayor and Council of the Borough of Waldwick, in the County of Bergen and State of New Jersey, as follows:

63-1. Location.

The improved parking facility operated and maintained by the Borough of Waldwick on lands leased by the Borough from the State of New Jersey and situate north of West Prospect Street between the westerly side of Hewson Avenue and the Conrail Railroad tracks is hereinafter designated or referred to as the "Waldwick Park and Ride Lot."

63-2. Parking by permit only during certain hours.

During the hours between 6:00 a.m. and 6:00 p.m. (prevailing time) daily, except Saturdays, Sundays and national holidays, parking in the Waldwick Park and Ride Lot shall be restricted to passenger vehicles with an unexpired Waldwick park and ride permit displayed from the dashboard, sun visor or otherwise in such a way that the expiration date thereof shall be plainly visible through the windshield from the center front of said vehicle.

63-3. Permit requirements. (See Chapter 48:63-3).

63-4. Restrictions.

A. Head-in parking. All vehicles in the Waldwick Park and Ride Lot shall be parked within a delineated parking space head in, that is, with the front of the vehicle toward curbs or stops and the rear toward driving lanes.

B. Registered vehicles only. Vehicles which do not have currently valid registration tags affixed thereto shall not be parked in the Waldwick Park and Ride Lot at any time.

C. Removal of unauthorized vehicles. In addition to penalties for violations as herein provided, any vehicle left parked or unattended in the Waldwick Park and Ride Lot contrary to the provisions of this ordinance may be removed, and it shall be the obligation of the owner of such vehicle to pay reasonable costs for the removal and for any storage which may result from such removal before he shall be entitled to recover possession of such vehicle.

63-5. Adoption of additional regulations.

The Mayor and Council of the Borough of Waldwick may by ordinance adopt and amend rules not inconsistent herewith for the purpose of protecting and promoting the public welfare by encouraging the most efficient use of the

Waldwick Park and Ride Lot as a commuter parking facility in accordance with the provisions and intent of the agreement dated September 6, 1977, by and between the Borough of Waldwick and State of New Jersey. Upon adoption, such regulations shall be posted conspicuously at the point or points of vehicular access to the lot.

63-6. Severability.

If any clause, provision or part of this ordinance or the application thereof to any person or circumstance shall, for any reason, be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance.

63-7. Violations and penalties.

See Chapter 1:14.1.

63-8. When effective.

This ordinance shall take effect immediately upon passage and publication as required by law with the exception that 63-2 shall not become effective until October 1, 1978.

Chapter 64

PARKS

64-1. Definitions.

64-2. Prohibited activities.

64-3. Additional rules authorized.

64-4. Permits for special events.

64-1.1. Tennis tags and fees.

64-5. Violations and penalties.

64-6. Interpretation of provisions; repealer.

64-7. Severability.

64-8. When effective.

(HISTORY: Adopted by the Mayor and Council of the Borough of Waldwick 7-27-76 as Ord. No. 14-76. Amendments noted where applicable.)

BE IT ORDAINED by the Mayor and Council of the Borough of Waldwick, in the County of Bergen and State of New Jersey as follows:

64-1. Definitions.

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the following meaning:

BOROUGH - The Borough of Waldwick

PARK - A park, reservation, playground, recreation center or any other area in the Borough owned or used by the Borough and devoted to active or passive recreation.

PERSON - Any person, firm, partnership, association, corporation, company or organization of any kind.

VEHICLE - Any wheeled conveyance, whether motor powered, animal drawn or self-propelled. The term “vehicle” shall include any trailer in tow of any size, kind or description. Exceptions are hereby made for baby carriages and vehicles in the service of any Borough parks.

64-2. Prohibited activities.

No person in any public park shall:

A. Willfully mark, deface, disfigure, injure, tamper with, displace or remove any building, bridges, tables, benches, railings, paving or paving materials, water lines or other public utilities or parts or appurtenances thereof, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts or other boundary markers, or other structures, equipment, facilities or park property or appurtenances whatsoever, either real or personal.

B. Dig or remove any sand, earth, rock, stone, tree, shrub, plant, flowers, grass, timber or log, whether standing or cut, or any other material; or make any excavation by tool, equipment, blasting or other means or agency; or attach or cause to be attached any rope, wire or other device to any tree, plant or building.

C. Construct or erect any building or structure of whatever kind, whether permanent or temporary in character; or run or string any public service utility into, upon or across such lands, except upon special written permit issued hereunder.

D. Throw, discharge or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, bay or other body of water in or adjacent to any park or any tributary, stream, storm sewer or drain flowing into such waters, any substance, matter or thing, liquid or solid, which will or may result in the pollution of said waters.

E. Have brought in or dump, deposit or leave any bottles, broken glass, ashes, papers, boxes, cans, dirt, rubbish, waste, garbage or refuse or other trash. No such refuse or trash shall be placed in any waters in or contiguous to any park, or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided. Where receptacles are not so 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.

F. Fail to observe and obey all traffic laws, including signs indicating speed, direction, caution, stopping, parking or no parking, and all other signs posted for proper control and to safeguard life and property.

G. Park and leave a motor vehicle overnight in any area of the park.

H. Park a motor vehicle on park property unless the operator or owner thereof shall use or is making use of the recreation facilities of such park during the time that the said motor vehicle is parked in said park.

I. Ride a minibike or motorized bike in or on any park or recreational facility.

J. Swim in any waters or waterways located thereon, except at the municipal pool.

K. Except for the existing pistol range, bring or have in his possession or set off or otherwise cause to explode, discharge or burn any firecracker, torpedo, rocket or other fireworks or explosives of flammable material, or discharge them or throw them into any such area from land or highways adjacent thereto. This prohibition includes any substance, compound, mixture or article that, in conjunction with any other substance or compound would be dangerous from any of the foregoing standpoints.

L. Bring in or operate any boat, raft or other watercraft, whether motor powered or not, upon any waters in the park, except at such times, in such places and under such conditions as may be approved by the Mayor and Council.

M. Enter upon ice, except such ice designated.

N. Due to the size of the soccer field at Veterans Park, play is restricted to persons under the age of twelve (12). (Added 8-10-99 by Ord. No. 11-99)

O. There shall be no commercial activity occurring within a public park without the prior authorization of the Mayor and Council of the Borough of Waldwick memorialized at a public meeting of the Governing Body. Said authorization shall require but not be limited to the requirement of a license to be issued by the Borough Clerk and proof of valid general liability insurance naming the Borough as an addition insured. The amount of insurance shall be dependent upon the activities to be conducted. **(Added 8-28-12 by Ord. No. 13-12)**

P. There shall be a complete prohibition on smoking within the property boundaries of any park in the Borough of Waldwick. **(Added 12-27-12 by Ord. No. 17-12)**

64-3. Additional rules authorized.

Q. The Mayor and Council is hereby authorized to adopt any additional rules and regulations with respect to the park facilities of the Borough, including but not limited to the establishment of opening and closing hours, which shall be posted at the entrance to the park so that same will be easily noticeable by the public, and with respect to the conduct of the public in any such parks, provided that such rules and regulations are not inconsistent or in conflict with the provisions herein set forth.

R. With respect to school grounds which the Borough uses as a park, as defined herein, the Mayor and Council may rely upon those rules and regulations adopted or to be adopted by the Board of Education as the latter may deem appropriate.

64-4. Permits for special events. (Amended 8-22-00 by Ord. No. 15-00)

A. Whenever a person desires to use a park or a certain area of the park for period of one (1) day or any part thereof, that person shall make application to the Borough Clerk for a permit for the special event, which includes but is not limited to a performance, show or entertainment. The Borough Clerk shall have the authority to grant said permit provided that the following conditions are met:

1. The name and address of the applicant.
2. The name and address of the person, persons, corporation or association sponsoring the activity, if any.
3. The day and hours for which the permit is desired.
4. The portion of the park area for which such a permit is desired.
5. A description of and purpose for the special event.
6. An estimate of the anticipated attendance.
7. The anticipated charges or fees to members or persons attending.
8. Any other information which the Mayor and Council shall find reasonably necessary for a fair determination as to whether a permit should be issued hereunder.

B. Standards for issuance of a use permit by the Borough Clerk or the Mayor & Council shall include the following findings:

1. That the proposed activity or use of the park will not unreasonably interfere with or detract from the general public enjoyment of the park by others.
2. That the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation.
3. That the proposed activity or uses that are reasonably anticipated will not include violence, crime or disorderly conduct.
4. That the proposed activity will not entail additional expense to the Borough or impose a burden upon its Police Department.
5. That the facilities desired have not been reserved for other use at the date and hour requested in the application.
6. That the proposed activity or use will be supervised by or be under the immediate direction and control of responsible residents of the Borough.

C. Within twenty-one (21) days after the receipt of an application, the Mayor and Council shall apprise an applicant, in writing, as to whether or not the permit has been granted and, if so granted, any reasonable conditions that may be imposed by the Mayor and Council. If the Mayor and Council refuses to issue a permit, it shall state the reasons for such denial.

D. A permittee shall be bound by all park rules and regulations, any conditions set forth in the permit and all applicable ordinances as though the same were inserted in said permit.

E. The person or persons to whom the permit is issued shall be liable for all loss, damage or injury sustained by any person whatever by reason of negligence of the person or persons to whom such permit shall have been issued. Such approval shall be further conditioned upon an agreement by the applicant to indemnify the Borough in the event that any damage or destruction is caused by the permittee or any members of such organization or as a result of such applicant's use, unless specifically waived, in writing, by the Mayor and Council.

F. The Mayor and Council shall have the authority to revoke a permit upon a finding of violation of any conditions set forth in the permit, any rule or regulation or any provision herein contained or any other applicable ordinance, or upon good cause shown.

G. Notwithstanding the above, with respect to school grounds which the Borough uses as a park, as defined herein, the Mayor and Council may rely upon those rules and regulations adopted by the Board of Education as the latter may deem appropriate concerning permits for special events.

64-4.1 Tennis tags and fees (See Chapter 48:64-4.1)

64-4.2 Summer Recreation Program (See Chapter 48:64-4.2) (Added April 14-09 by Ord. No. 6-09)

64-5. Violations and penalties. (See Chapter 1:14.1.)

64-6. Interpretation of provisions; repealer.

This ordinance is in addition to and not in derogation of any other ordinance involving or affecting any of the subject matters contained in the within ordinance, except that all ordinances or parts of ordinances, including Chapter 47 of the Waldwick Code entitled "Exhibitions and Entertainments", inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistencies.

64-7. Severability.

The invalidity of any section, clause, sentence or provision of this ordinance shall not affect the validity of any part of this ordinance which can be given effect without such invalid part or parts.

64-8. When effective.

This ordinance shall take effect upon passage and publication as provided by law.

Chapter 65

PEACE AND ORDER

65.1 Disturbance of the peace.

65.2 Violations and penalties.

65.3 Effective date.

(HISTORY: Adopted by the Mayor and Council of the Borough of Waldwick 12-12-00 as Ord. No. 21-00)

BE IT ORDAINED by the Mayor and Council of the Borough of Waldwick, in the County of Bergen and State of New Jersey, as follows:

Chapter 65-1: Disturbance of the Peace.

1. It shall be unlawful for any person within the confines of the Borough of Waldwick to violate the public order and decorum or to create a disturbance of the public tranquility by any act or conduct inciting to violence or tending to provoke or excite others to break the peace, or by an act which, by causing consternation and alarm, disturbs the peace and quiet of the community.

2. For a violation of this chapter, it shall not be necessary for the actual commotion or disturbance to occur; rather, it is sufficient if the conduct is likely to annoy members of the public, arouse the anger of members of the public or disturb the peace.

3. Acts which shall be considered as disturbing the peace include but are not limited to disorderly or boisterous conduct, use of abusive or indecent language in public, engaging in lewd or indecent behavior, and creating any loud disturbing noise which injures or endangers the comfort, repose, peace or safety of any individual.

Chapter 65-2. Violations and Penalties.

See Chapter 1:14.1 of the Waldwick Municipal Code.

Chapter 65-3. Effective Date.

This ordinance shall take effect upon passage and publication as provided by law.

Chapter 66

PEDDLING, SOLICITING AND CANVASSING

66-1. Definitions.

66-2. Certificate of Registration.

66-3. Application for Certificate of Registration.

66-4. Expiration or Revocation of Certificate.

66-5. Notice to Solicitors.

66-6. Duty of Solicitors.

66-7. Prohibited Conduct.

66-8. Exemptions.

66-9. Time of Peddling, Soliciting and Canvassing.

66-10. Penalty.

66-11. Fees.

(HISTORY: Adopted by the Mayor and Council of the Borough of Waldwick 11-5-58 as Ord. No. 12-58; deleted in its entirety as revised 9-10-96 as Ord. No. 15-96)

BE IT ORDAINED by the Mayor and Council of the Borough of Waldwick that the Municipal Code of the Borough of Waldwick is amended as follows:

66-1. Definitions. For the purpose of this section, the following words as used herein shall be considered to have the meaning herein ascribed thereto:

CHARITY shall mean persons or organizations recognized or eligible for recognition as a religious, charitable, educational or scientific organization under 501(c)(3) or 501(c)(4) of the Internal Revenue Code.

PEDDLING, SOLICITING and CANVASSING shall mean and include any one (1) or more of the following activities undertaken by traveling from location to location in the Borough of Waldwick:

A. Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, services, of any kind, character or description whatever, for any kind of consideration whatever; or

B. Seeking to obtain prospective customers for application or purchase of insurance of any type, kind or publication; or

C. Seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication; or

D. Seeking to obtain gifts or contributions of money, clothing or any other valuable thing for the support or benefit of any charitable or nonprofit association, organization, corporation, or project; or going from house to house, or from place to place, including, but not limited to residential or business premises and public buildings, traveling by foot, motor vehicle or any other type of conveyance, for the purpose of soliciting funds, circulating a petition or distributing information in connection with a political campaign or a charitable or religious organization or society, or engaging in any of the foregoing activities from a stationary location on any street or any public place.

E. Requesting information on the background, occupation, economic status, social status, religious status, political status, attitudes, viewpoints, occupants of a residence, telephone number, address, furnishings, or the like of another person for the purpose of compiling such information as raw data or refined data into a document, record book, or directory to be sold, or to be used wholly or in part for a commercial purpose, provided that the term soliciting shall not apply to the following:

1. Any news gathering activity for a bona fide new medium.

2. Any solicitation of information for a telephone directory or similar book.

REGISTERED SOLICITOR shall mean and include any person who has obtained a valid certificate of registration as hereinafter provided, which certificate is in the possession of the solicitor on his or her person while engaged in soliciting.

RESIDENCE shall mean and include every separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure.

66-2. Certificate of Registration. Unless otherwise exempted pursuant to subsection 66-8, every person desiring to engage in soliciting as herein defined from persons in residences within this municipality is hereby required to make written application for a certificate of registration as hereinafter provided. Such certificate shall be carried by the solicitor.

66-3. Application for Certificate of Registration.

A. Application for a certificate of registration shall be made upon a form provided by the Borough. The applicant shall truthfully state in full the following information under oath:

1. The applicant's full name and date of birth;
2. The applicant's permanent address and business address;
3. Physical description of the applicant, including height, weight, eye color, hair color, and other distinguishing characteristics;
4. Name and address of the person, firm or corporation or association whom the applicant is employed by or represents; and the length of time of such employment or representation;
5. Description sufficient for identification of the subject matter of the soliciting in which the applicant will engage;
6. Period of time for which the certificate is applied;
7. The date, or approximate date, of the latest previous application for certificate under this section, if any;
8. Whether a certificate of registration issued to the applicant under this section has ever been revoked;

9. Whether the applicant has even been convicted of a violation of a felony under the laws of the State or any other State or Federal law of the United States;
10. Name of the most recent community where the applicant has solicited;
11. Signature of applicant;
12. Social security or tax identification number of applicant;
13. A statement to the effect that if a permit is granted it will not be used or represented in any way as an endorsement by the Borough or by any department or officer thereof.
14. A description of any vehicle to be used and its license plate number;
15. If a charity, then the following shall also be provided:

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a) The name and address of each organization of which all or part of the money collected will be used for charitable purposes;
b) If there is no organization or fund, the manner in which the money collected will be utilized for charitable purposes;
c) Proof that a charitable applicant has a currently effective registration with the State of New Jersey as required by law;
d) The amount, stated as a percentage of total purchase price, that will be given to the organization or fund;
e) The non-tax exempt status of the organization or fund, if the organization or fund for which the money or funds are being solicited does not have a charitable tax exemption under both Federal and State law;
f) The percentage of the total purchase price which may be deducted as a charitable contribution under Federal law.

B. Each applicant for a certificate of registration shall file the application

together with a fee as provided for in the Fee Ordinance, Chapter 48 of the Municipal Code with the Borough Clerk at least thirty (30) days prior to the date for which soliciting will commence. The application shall be reviewed by the Borough Clerk and Chief of Police to determine compliance with this Chapter.

C. No certificate of registration shall be issued to any person who has been convicted of the commission of a felony of the laws of New Jersey or any other State or Federal law of the United States, within five (5) years of the date of the application; nor to any person who has been convicted of a violation of any of the provisions of this section; nor to any person whose certificate of registration issued hereunder has previously been revoked as herein provided.

D. Following a determination that the application is complete, the Borough Clerk shall present the application to the Mayor and Council at its next regularly scheduled meeting. If all provisions of this section have been satisfied, the Mayor and Council shall issue the requested certificate of registration. The Borough Clerk shall keep an accurate record of every application received and acted upon together with all other information and data pertaining thereto and all certificates of registration issued under the provisions of this section, and of the denial of applications. Applications for certificates shall be numbered in consecutive order as filed, and every certificate issued, and any renewal thereof, shall be identified with the duplicate number of the application upon which it was issued.

66-4. Expiration or Revocation of Certificate.

A. A certificate of registration shall expire thirty (30) days from the date of

issuance. The certificate of registration shall state the expiration date thereof.

B . Any certificate of registration issued hereunder shall be revoked by the Chief of Police if the holder of the certificate is convicted of a violation of any of the provisions of this section, or has made a false material statement in the application, or otherwise becomes disqualified for the issuance of a certificate of registration under the terms of this section. Immediately upon such revocation, written notice thereof shall be given by the Chief of Police to the holder of the certificate in person or by certified United States mail addressed to his or her residence address set forth in the application.

Immediately upon the giving of such notice the certificate of registration shall become null and void.

66-5. Notice to Solicitors. Notice of the determination by the occupant of giving invitation to solicitors, or the refusal of invitation to solicitors, to any residence, indicating the determination by the occupant, containing the applicable words, as follows:

A. A weatherproof sign not less than three (3”) inches by four (4”) inches in size, shall be exhibited upon or near the main entrance door to the residence, indicating the determination by the occupant, containing the applicable words, as follows:

“Only Solicitors Registered in Waldwick Invited” or “No Solicitors Invited.”

B. The letters shall be at least one-third (1/3”) inch in height.

C. Such card so exhibited shall constitute sufficient notice to any solicitor of the determination by the occupant of the residence of the information contained thereon.

66-6. Duty of Solicitors. It shall be the duty of every solicitor upon going into any premises in the municipality upon which a residence as herein defined is located, to:

A. Examine the notice provided for in this section, if any is attached, and be governed by the statement contained on any notice.

B. If the notice states "Only Solicitors Registered in Waldwick Invited", then the solicitor not possessing a valid certificate of registration as herein provided shall immediately and peacefully depart from the premises,
and if the notice states "No Solicitors Invited," then the solicitor, whether registered or not, shall immediately and peacefully depart from the premises.

C. Any solicitor who has gone onto the premises of any residence or gained entrance to any residence, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant.

D. Exhibit his certificate of registration to the occupant.

E. Request the occupant to read the certificate of registration.

F. Inform the occupant in clear language of the nature and purpose of the solicitation and whether the solicitor is representing a private person or organization.

66-7. Prohibited Conduct. Any person, whether a holder of a license issued pursuant to this Chapter or one who is exempt therefrom pursuant to Section 66-8 shall not commit any of the following acts:

A. Enter upon any premises and ring the door bell upon or near any door, or create any sound in any other manner calculated to attract the attention of the occupant of such residence, for the purpose of securing an audience with the occupant thereof and engage in soliciting as
herein defined, in defiance of the notice exhibited at the residence in accordance with the provisions of sub-section 66-6 of this section.

B. Falsely represent, directly or by implication, that the information is being solicited on behalf of a governmental organization.

66-8. Exemptions. The following shall be exempt from obtaining a Certificate of Registration:

A. Candidates for elective office which must comply with any Federal or State election contribution expenditure report shall be exempt from the requirements of subsection 66-2 of this section without action by the Mayor and Council.

B. Any veteran of the United States Armed Forces, or any exempt fireman, possessing a license issued in conformity with N.J.S.A. 45:24-9 et seq.; provided, however, that such person exhibits such license to and obtains an identification badge from the Police Department, which shall be provided without charge.

C. Any public utility employee, where said public utility is subject to regulation by the State Board of Public Utility Commissioners; provided, however, that such employee shall display the identification badge or card issued by the employer.

D. 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 of persons who had previously ordered the same or were entitled to receive the same by reason of a prior agreement.

66-9. Time of Peddling, Soliciting and Canvassing. A person who seeks to conduct soliciting for purposes set forth under Section 66-1D is requested to engage in such soliciting in the Borough of Waldwick only after 9:00 a.m. and before 9:00 p.m., and shall not enter or attempt to enter the land of any resident of the Borough of Waldwick where such resident has posted a notice prohibiting such entry. All other persons wishing to solicit within the Borough of Waldwick shall only engage in soliciting after 9:00 a.m. and before the hour of darkness, and only on Monday through Saturday, expect that there shall be no soliciting on a state or national holiday.

66-10. Penalty. Any person violating any of the provisions of this section shall, upon conviction thereof, be subject to a fine of not more than one thousand

($1,000.00) dollars for each offense and shall forfeit the right to solicit in Waldwick for the longer of one (1) year or the length of any sentences imposed by a court of competent jurisdiction for any violation hereof or for a conviction of any offense based on fact which would constitute a violation hereof.

66-11. Fees. (See Chapter 48:66-11).

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Chapter 67

PESTICIDES & FERTILIZERS

67-1. Definitions.

67-2. Hours of Application.

67-3. Pesticide Use and/or Application.

67-4. Safety Equipment.

67-5. Notification of Ornamental Applications.

67-6. Purpose.

67-7. Basis and Background.

67-8. Definitions.

67-9. Prohibited Conduct.

67-10. Phosphorus Fertilizer Application.

67-11. Enforcement, Violations and Penalties.

67-12. Severability.

67-13. When Effective.

(HISTORY: Adopted by the Mayor and Council of the Borough of Waldwick 12-23-03 as Ord. No. 18-03; Amended 11-24-09 as Ord. No. 22-09)

BE IT ORDAINED by the Mayor and Council of the Borough of Waldwick as follows:

Article I

Pesticides

67-1. Definitions.

ACTIVE INGREDIENT(S)-Any ingredient(s) which will prevent, destroy, repel, control or mitigate pests or which will act as a plant and/or fungi regulator, defoliant or desiccant.

AGRICULTURAL COMMODITY- Any plant or part thereof or animal or animal product produced by a person, including but not limited to farmers, ranchers, vineyardists, plant propagators, Christmas tree growers, aquaculturists, floriculturists, orchadists, foresters or other comparable persons, primarily for sale.

BRAND or BRAND NAME or TRADE NAME–The characteristic designation by words, symbols, name, number or trademark of a specific particular pesticide or formulation thereof under which the pesticide is distributed, sold, offered for sale, handled, stored, used or transported in the State of New Jersey.

CUSTOMER-Any person who hires a commercial pesticide applicator business to perform an ornamental, turf or structural pest control application utilizing hydraulic spraying equipment, airblast sprayers or aerial application equipment on property owned or controlled by him. For the purposes of this definition, the term “customer” shall include any person who makes such application on property owned or controlled by him.

GROUND LEVEL SPRAYING-Spraying done from a height less than two feet above the ground and in a downward direction.

NON-TARGET SITE-Any location that is not a target site.

ORNAMENTAL-Trees, shrubs and other plantings in and around habitations generally, but not necessarily located in urban and suburban areas, including residences, parks, streets, retail outlets, industrial and institutional buildings.

PERSON-Includes corporations, companies, associations, societies, firms, partnerships and joint-stock companies, as well as individuals, and shall also include all political subdivisions of this state or any agencies or instrumentalities thereof.

PEST-Any insect, rodent, nematode, fungus, weed or any other form of terrestrial or aquatic plant or animal life or virus, bacteria or other microorganism (except viruses, bacteria or other microorganisms on or in living human beings or animals) which is injurious to health or the environment.

PESTICIDE-Includes any substance or mixture of substances labeled, designed or intended for use in preventing, destroying, repelling or mitigating any pest or any substance or mixture of substances labeled, designed or intended for use as a defoliant, desiccant or plant regulator, provided that the term “pesticide” shall not include any substance or mixture of substances which the EPA does not consider to be a pesticide.

PESTICIDE APPLICATOR-Any person who uses, applies, supervises or holds himself out for hire to apply pesticides in the State of New Jersey.

STRUCTURE-Buildings, foundations, sheds and other man-made structures that may be treated with pesticides for the prevention, control and/or destruction of pests.

SUBTERRANEAN APPLICATION-The placement of any pesticide:

A. Under or adjacent to structures by trenching; or
B. Under slabs or under or within six inches of foundation walls by rodding; or
C. Within the interior voids of foundation walls.

TARGET SITE-A specific location, including but not limited to any crop, commodity, object, delineated field or area or structure or part thereof, that is intended to be treated by a pesticide so that any pests therein or thereon are controlled. This term does not include any similar site which was not a part of the original agreement between the contracting parties even if such site is included on the label or labeling of the pesticide.

USE-Any act of handling or release of a pesticide or exposure of man, animal, plant or property or the environment to a pesticide through the acts which include but are not limited to:

A. Applying a pesticide, including mixing and loading and any required supervisory action in or near the area of application.
B. Handling, transporting or storing a pesticide or pesticide container.
C. Disposal actions for a pesticide and/or containers or equipment associated with the pesticides.

67-2. Hours of Application.

A. Application of pesticides shall not be permitted between the hours of 9:00 p.m. and 7:00 a.m. on weekdays and 9:00 p.m. and 8:30 a.m. on Saturdays. Pesticide application is prohibited on Sundays.

67-3. Pesticide Use and/or Application.

A. No person shall mix, apply or use a pesticide unless a readable copy of the registered label for the pesticide which is being mixed or applied is available at the application or mixing site.
B. No person shall make an application of pesticide to a target site in such a manner or under such conditions that drift or other movement of the pesticide unreasonably infringes on a non-target site.
C. No person shall directly apply any pesticide to a non-target site or apply pesticides in a manner that causes damage to non-target sites.
D. No person shall add water to any pesticide handling, storage or application equipment via a hose, pump or other equipment unless such hose, pump or other equipment is fitted with an effective valve or device to prevent backflow of pesticides or liquids containing pesticides in water supply systems, streams, lakes, other sources of water or other areas, except that such backflow devices or valves are not required when the hose, pump or other equipment is not allowed to contact or fall below the level of the liquid in the handling, storage or application equipment to which water is being added and no other possible means of establishing a back siphon or backflow exists.

67-4. Safety Equipment.

A. All persons having employees who use, apply, transport or otherwise handle any pesticide shall make available to such employees any necessary and appropriate safety equipment in good working order and shall provide training to such employees in the proper operation of such safety equipment.

67-5. Notification of Ornamental Applications.

A. No person shall cause or allow an outdoor ornamental pest control application utilizing hydraulic spraying equipment, airblast sprayers or aerial application equipment on property owned or controlled by them unless the following procedures have been implemented:

(1) The customer shall provide written notice at least 48 hours to the proposed application, to all residents and tenants of property adjacent to or contiguous with the customer's property, including property across a street, such notice to contain the following information:
[a] A general statement of the purpose of the notification.
[b] The proposed application date(s) and contingency date(s).
[c] The location of the application (address and Block & Lot Number).
[d] The name, address, phone number and registration number of the pesticide applicator associated with the application.
[e] The brand name and active ingredient(s) of the pesticide(s) to be used.
[f] The New Jersey Poison Information and Education System telephone number for emergencies and the New Jersey Department of Health for routine health questions.
[g] A statement advising residents to remove toys, food, cooking equipment and clothing from the area and to protect all pets and persons.

(2) The customer shall keep a record or file of the notice provided for up to six months from the pesticide application date.

(3) The customer shall post signs around the treated property at the start of the application and for at least 48 hours following the application or longer if required according to re-entry precautions given on the pesticide label. The signs shall be provided by the commercial pesticide applicator and conform to the following requirements:

[a] The signs shall bear the words "Warning: Pesticide Treated Area" or their equivalent printed in ½ inch letters or greater.
[b] The signs shall also contain a minimum two-inch diameter circular illustration, in standard international signage, depicting an adult and a child walking a dog on a leash. The illustration shall depict by means of a diagonal line across the circle that this action is prohibited.
[c] The signs shall be placed in such a manner that they are clearly legible from all streets fronting the treated property and along any borders of the treated property not bounded by fences, shrubbery, structures or other obstacles of passage.

B. The provisions of this section shall not apply to:

[1] Any pesticide application which is made for the purpose of producing an agricultural commodity or to any person required to supply advance notification pursuant to the provisions of N.J.A.C. 7:30-10.9, as amended and/or supplemented.

[2] Any pesticide application made using pesticide products available from retail stores selling home and garden products and which are dispensed from containers no greater than two pounds or one quart in capacity. (Note: Application of products purchased at a retail store and then diluted to a quantity greater than two pounds or one quart, such as by mixing with water in a larger container or connecting to a garden hose, are subject to the notification requirements of this section)

[3] Any pesticide application made inside a structure.

[4] Any pesticide application involving application of granular pesticides or pesticide/fertilizer combinations to lawns or gardens or to ground level spraying of lawns or gardens, providing:

(a) Such applications are done in accordance with manufacturer's instructions.
(b) The pesticide application is done in a manner that prevents spreading of the pesticide to the air or areas other than the target lawn or garden.
(c) That signs are posted around the property as described in Section 13(5) of this chapter.

[5] Any pesticide application involving subterranean applications or injection into trees, shrubs or structures.

ARTICLE II

Fertilizers

67-6. Purpose.

An ordinance to regulate the outdoor application of fertilizer so as to reduce the overall amount of excess nutrients entering waterways, thereby helping to protect and improve surface water quality. This ordinance does not apply to fertilizer application on commercial farms.

67-7. Basis and Background.

Elevated levels of nutrients, particularly phosphorus, in surface waterbodies can result in excessive and accelerated growth of algae and aquatic plants (eutrophication). Excessive plant growth can result in diurnal variations and extremes in dissolved oxygen and pH, which, in turn, can be detrimental to aquatic life. As algae and plant materials die off, the decay process creates a further demand on dissolved oxygen levels. The presence of excessive plant matter can also restrict use of the affected water for recreation and water supply.

While healthy vegetated areas are protective of water quality by stabilizing soil and filtering precipitation, when fertilizers are applied to the land surface improperly or in excess of the needs of target vegetation, nutrients can be transported by means of stormwater to nearby waterways, contributing to the problematic growth of excessive aquatic vegetation. Most soils in New Jersey contain sufficient amounts of phosphorus to support adequate root growth for established turf. Over time, it is necessary to replenish available phosphorus, but generally not at the levels commonly applied. Other target vegetation, such as vegetable gardens and agricultural/horticultural plantings, will have a greater need for phosphorus application, as will the repair or establishment of new lawns or cover vegetation. A soils test and fertilizer application recommendation geared to the soil and planting type is the best means to determine the amount of nutrients to apply. Timing and placement of fertilizer application is also critical to avoid transport of nutrients to waterways through stormwater runoff. Fertilizer applied immediately prior to a runoff-producing rainfall, outside the growing season or to impervious surfaces is most likely to be carried away by means of runoff without accomplishing the desired objective of supporting target vegetation growth. Therefore, the management of the type, amount and techniques for fertilizer application is necessary as one tool to protect water resources.

This ordinance does not apply to application of fertilizer on commercial farms, but improper application of fertilizer on farms would be problematic as well. Stewardship on the part of commercial farmers is needed to address this potential source of excess nutrient load to waterbodies. Commercial farmers are expected to implement best management practices in accordance with conservation management plans or resource conservation plans developed for the farm by the Natural Resource Conservation Service and approved by the Soil Conservation District Board.

67-8. 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 not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

BUFFER - the land area, 25 feet in width, adjacent to any waterbody.

COMMERCIAL FARM - a farm management unit producing agricultural or horticultural products worth $2,500 or more annually.

FERTILIZER - means a fertilizer material, mixed fertilizer or any other substance containing one or more recognized plant nutrients, which is used for its plant nutrient content, which is designed for use or claimed to have value in promoting plant growth, and which is sold, offered for sale, or intended for sale.

IMPERVIOUS SURFACE - a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water. This term shall be used to include any highway, street, sidewalk, parking lot, driveway, or other material that prevents infiltration of water into the soil.

PERSON - any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

PHOSPHORUS FERTILIZER - any fertilizer that contains phosphorus, expressed as P_2O_5, with a guaranteed analysis of greater than zero; except that it shall not be considered to include animal (including human) or vegetable manures, agricultural liming materials, or wood ashes that have not been amended to increase their nutrient content.

SOILS TEST - a technical analysis of soil conducted by an accredited soil testing laboratory following the protocol for such a test established by Rutgers Cooperative Research and Extension.

WATERBODY - a surface water feature, such as a lake, river, stream, creek, pond, lagoon, bay or estuary.

67-9 Prohibited Conduct.

No person may do any of the following:

a) Apply fertilizer when a runoff producing rainfall is occurring or predicted and/or when soils are saturated and a potential for fertilizer movement off-site exists.

b) Apply fertilizer to an impervious surface. Fertilizer inadvertently applied to an impervious surface must be swept or blown back into the target surface or returned to either its original or another appropriate container for reuse.

c) Apply fertilizer within the buffer of any waterbody.

d) Apply fertilizer more than 15 days prior to the start of or at any time after the end of the recognized growing season **of Zones 5b and 6a (northwestern New Jersey) - March 15 to October 31.**

67-10 Phosphorus Fertilizer Application.

No person may do the following:

a) Apply phosphorus fertilizer in outdoor areas except as demonstrated to be needed for the specific soils and target vegetation in accordance with a soils test and the associated annual fertilizer recommendation issued by Rutgers Cooperative Research and Extension.

b) Exceptions

1. Application of phosphorus fertilizer needed for:

a. establishing vegetation for the first time, such as after land disturbance, provided the application is in accordance with the requirements established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq. and implementing rules,

b. re-established or repairing a turf area.

2. Application of phosphorus fertilizer that delivers liquid or granular fertilizer under the soils surface, directly to the feeder roots.

3. Application of phosphorus fertilizer to residential container plantings, flowerbeds, or vegetable gardens.

67-11 Enforcement: Violations and Penalties

a. The Waldwick Police Department and the Property Maintenance Official shall be the enforcing agents of these provisions.

b. Any person who shall violate any of the provisions of this chapter shall, upon conviction, be punished in accordance with the provisions of Chapter 1:14.1.

67-12 Severability.

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

67-13 When Effective.

a. This ordinance shall take effect after publication as provided by law.

Chapter 69

PUBLICATIONS, DISTRIBUTION OF

69-1. Littering public places

69-2. Licenses required for distributing advertising matter; fee

69-3. Attaching advertising matter to trees or structures

69-4. Violations and penalties

69-5. When effective

(HISTORY: Adopted by the Mayor and Council of the Borough of Waldwick 7-6-34 as Ord. No. 1-34.)

BE IT ORDAINED by the Mayor and Council of the Borough of Waldwick, in the County of Bergen and State of New Jersey as follows:

69-1. Littering public places.

No person shall strew about or cause to be strewn about any street or public place, any newspaper, paper, periodical, book, magazine, circular, card or pamphlet.

69-2. Licenses required for distributing advertising matter; fee. (See Chapter 48:69-2).

69-3. Attaching advertising matter to trees or structures.

No person shall attach or cause to be attached to any tree, telegraph pole, sign, billboard, post or fence, any circular, card or pamphlet designed primarily for advertising sales of merchandise, goods or wares.

69-4. Violations and penalties.

See Chapter 1:14.1.

69-5. When effective.

This ordinance shall take effect when passed and published as required by law.

Chapter 70

PUBLIC TRANSPORTATION

ARTICLE I
Taxicabs

70-1. Definitions.
70-2. Required consent.
70-3. Insurance required.
70-4. Blanket insurance or bond.
70-5. Power of attorney.
70-6. Certificate of compliance.
70-7. Operation in multiple municipalities.
70-8. Revocation of consent.
70-9. Fee.

ARTICLE II
Limousines

70-10. Definitions.
70-11. Required consent.
70-12. Insurance required.
70-13. Power of attorney.
70-14. Certificate of compliance.
70-15. Operation in multiple municipalities.
70-16. Penalty and Revocation of consent.
70-17. Fee.

(HISTORY: Adopted by the Mayor and Council of the Borough of Waldwick 10-8-85 as Ord. No. 17-85*. Amendments noted where applicable.)

GENERAL REFERENCES:
Waivers of fees and bonds - See Ch. 11
Vehicles and traffic - See Ch. 91

BE IT ORDAINED by the Mayor and Council of the Borough of Waldwick, in the County of Bergen and State of New Jersey as follows:

***Editor's Note: This ordinance also provided for the repeal of former Ch. 70, Public Transportation, adopted as follows: Art. I 8-2-23; Art. II, 8-2-23 as Ord. No. 3-23 as amended.**

ARTICLE I
Taxicabs

70-1. Definitions.

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

TAXICAB - Includes any automobile or motor car, commonly called “taxi” engaged in the business of carrying passengers for hire which is held out, announced or advertised to operate or run, or which is operated or run over any of the streets of the Borough of Waldwick, and particularly accepts and discharges such persons as may offer themselves for transportation from points or places to points or places within or without the Borough of Waldwick.

70-2. Required consent.

Any taxicab company whose principal place of business is in the Borough of Waldwick shall be required to obtain the consent of the Mayor and Council in order to operate any taxicab along any street in the Borough of Waldwick.

70-3. Insurance required.

A. No such consent shall become effective until the owner of the taxicab shall have filed with the Clerk of the Borough of Waldwick an insurance policy of a company duly licensed to transact business under the insurance laws of the State of New Jersey, conditioned for the payment of a sum not less than ten thousand dollars ($10,000) to satisfy all claims for damages, by reason of bodily injury to or the death of any one (1) person, resulting from an accident, and a sum of not less than twenty thousand dollars ($20,000) to satisfy all claims for damages, by reason of the bodily injuries to or the death of all persons, on account of any such accident, by reason of the ownership, operation, maintenance or use of such taxicab upon any public street; and conditioned for the payment of a sum not less than five thousand dollars ($5,000) to satisfy any claim for damages to property of any one (1) person resulting from an accident, and a sum not less than five thousand dollars ($5,000) to satisfy all claims for damages to property of all persons on account of any such accident, by reason of the ownership, operation, maintenance or use of such taxicab upon any public street.

B. The consent shall become effective and operation hereunder shall be permitted only so long as the insurance policy shall remain in force to the full and collectible amounts as aforesaid.

C. The insurance policy shall provide for the payment of any final judgment recovered by any person or account of the ownership, maintenance or use of the taxicab, or any fault in respect thereto, and shall be for the benefit of every person suffering loss, damage or injury as aforesaid.

70-4. Blanket insurance or bond.

If such owner operates more than one (1) taxicab, he may file with the Clerk at the Borough Hall of Waldwick, in lieu of the policy required by section 70-3 of this Article, a bond or insurance policy of a company duly licensed to transact business under the insurance laws of New Jersey, in the sum of fifty thousand dollars ($50,000), which shall be a blanket insurance covering all cabs operated by such owner, which shall provide for the payment of any final judgment recovered by any person or account of the ownership, maintenance and use of any such taxicab or any fault in respect thereto, and shall be for the benefit of every person suffering loss, damage or injury as aforesaid.

70-5. Power of attorney.

The owner of the taxicab shall execute and deliver to the Clerk of the Borough of Waldwick concurrently with the filing of an insurance policy or insurance bond a power of attorney, whereby the owner shall appoint the Chief Fiscal Officer of the Borough of Waldwick, his true and lawful attorney for the purposes of acknowledging service of any process out of a court of competent jurisdiction to be served against the insured by virtue of the indemnity granted under the insurance policy or bond filed.

70-6. Certificate of compliance.

The Clerk of the Borough of Waldwick, upon receipt of the required insurance policy or bond and payment of the fee required by this Article, shall issue a certificate in duplicate showing that the owner of the taxicab has complied with the terms and provisions of this Article. The certificate shall recite the name of the insurance company, the number and date of expiration of the policy or bond, a description of the taxicab insured hereunder and the registration number of the same. The duplicate certificate shall be filed with the Department of Motor Vehicles before any such car is licensed as a taxicab. The original certificate shall be posted in a conspicuous place within the taxicab.

70-7. Operation in multiple municipalities.

Where a taxicab operates in more than one (1) municipality, the insurance policy or bond required by section 70-3 and 70-4 of this Article shall be filed with the Borough Clerk of the municipality in which the owner has his principal place of business.

70-8. Revocation of consent.

A consent granted under this Article may be revoked by the Mayor and Council after notice and hearing, whenever it shall appear that the person to whom the consent was granted has failed to furnish or keep in force the insurance policy or bond and power of attorney required by this Article, or to comply with any terms or conditions imposed by the Mayor and Council, or any law of the State of New

70-9. Fee (See Chapter 48:70-9).

ARTICLE II
Autocabs

70-10. Definitions. (Amended 6-11-02 by Ord. No. 12-02)

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

AUTOCAB – means a limousine.

LIMOUSINE – means and includes any automobile or motor car, used in the business of carrying passengers for hire, provides prearranged passenger transportation at a premium fare on a dedicated, nonscheduled, charter basis that is not conducted on a regular route and with a seating capacity in no event of more than 14 passengers, not including the driver, provided, that such a vehicle shall not have a seating capacity in excess of four passengers, not including the driver, beyond the maximum passenger seating capacity of the vehicle, not including the driver, at the time of manufacture. Nothing in this Article contained shall be construed to include taxicabs, hotel buses, or buses employed solely in transporting school children or teachers or autobuses, which are subject to the jurisdiction of the Department of Transportation, or interstate autobuses required by federal or State law or regulations of the Department of Transportation to carry insurance against loss from liability imposed by law on account of bodily injury or death.

LIMOUSINE OR LIVERY SERVICE – means and includes the business of carrying passengers for hire by limousines.

PERSON – means and includes any individual, co-partnership, association, corporation or joint stock company their lessees, trustees or receivers appointed by any court whatsoever.

STREET- means and includes any street, avenue, park, parkway, highway or other public place.

70-11. Required consent.

Any autocab company whose principal place of business is in the Borough of Waldwick shall be required to obtain the consent of the Mayor and Council in order to operate any autocab along any street in the Borough of Waldwick.

70-12. Insurance required. (Amended 6-11-02 by Ord. No. 12-02)

A. No limousine shall be operated wholly or partly along any street in the Borough of Waldwick until the owner of the limousine shall have filed, with the Borough Clerk of Waldwick, an insurance policy of a company duly licensed to transact business under the insurance laws of the State of New Jersey, in the sum of one million five hundred thousand dollars ($1,500,000) against loss by reason of the liability imposed by law upon every limousine owner, for damages on account of bodily injury or death suffered by any person as the result of an accident occurring by reason of the ownership, maintenance or use of the limousine upon any public street. Such operation shall be permitted as long as the insurance policy shall remain in force to the full and collectible amount of $1,500,000.

B. The insurance policy shall provide for the payment of any final judgment recovered by any person on account of the ownership, maintenance and use of such limousine or any fault in respect thereto, and shall be for the benefit of every person suffering loss, damage, or injury as aforesaid.

70-13. Power of attorney. (Amended 6-11-02 by Ord. No. 12-02)

The owner of the limousine shall execute and deliver to the Division of Motor Vehicles concurrently with the filing of a policy, referred to in 70:13, a power of attorney, wherein and whereby the owner shall appoint the Director of the Division of Motor Vehicles his true and lawful attorney for the purpose of acknowledging service of any process out of a court of competent jurisdiction to be served against the insured by virtue of the indemnity granted under the insurance policy filed.

70-14. Certificate of compliance. (Amended 6-11-02 by Ord. No. 12-02)

A. The Clerk of the Borough of Waldwick, upon the filing of the required insurance policy and the payment of a fee which shall not exceed fifty dollars ($50.), shall issue a in duplicate a license to operate showing that the owner of the limousine has complied with the terms and provisions of this Article.

B. The license shall recite the name of the insurance company, the number and date of expiration of the policy, a description of every limousine insured hereunder and the registration number of the same.

C. The duplicate license shall be filed with the Division of Motor Vehicles before any such car is registered as a limousine.

C. The original license shall be retained within the limousine and shall be available for inspection by any police officer in the State. In lieu of the recital of insurance information required on the license pursuant to this section, the owner of a limousine may affix to the original license retained within the limousine a notarized letter from an insurance company containing the same insurance coverage, and which shall also be available for inspection by any police officer in the State. A copy of the notarized letter shall constitute proof to the Director of Motor Vehicles, that the applicant has complied with the insurance provisions of this section.

70-15. Operation in multiple municipalities. (Amended 6-11-02 by Ord. No. 12-02)

Where a limousine service operates in more than one (1) municipality, the insurance policy required by Chapter 70-12 of this Article shall be filed with the Clerk of the municipality in which the owner has his principal place of business.

70-16. Penalty and Revocation of consent. (Amended 6-11-02 by Ord. No. 12- 02)

A. No person shall operate a limousine service in any street in this State without a license to operate issued by a municipality in which the owner has his principal place of business and without otherwise complying with the provisions of this article.

B. A consent granted under this Article may be revoked by the Mayor and Council after notice and hearing, whenever it shall appear that the person to whom the consent was granted has failed to furnish or keep in force the insurance policy and power of attorney required by this Article, or to comply with any terms or conditions imposed by the Mayor and Council or any law of the State of New Jersey.

70-17. Fee. (See Chapter 48:70-17).

Chapter 71

RECYCLING

71-1. Definitions

71-2. **Municipal Recycling Coordinator**

71-3. Separation required

71-4. Newspapers

71-5. Aluminum, bi-metal and glass food and beverage containers

71-6. Yard waste

71-7. Collection by authorized collectors only

71-8. Additional methods of disposal

71-8.1 Commercial, Industrial Recycling

71-9. Regulations

71-10. Enforcement

71.11. Exemption

71-12. Effective date for mandatory recycling

71-13. Violations and penalties

71-14. When Effective

(HISTORY: Adopted by the Mayor and Council of the Borough of Waldwick 2-23-88 as Ord. 5-88. Amended 7-25-89 by Ord. 17-89; Amended in its entirety April 14, 2009 by Ord. No. 5-09).

71-1. Definitions

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

CONSTRUCTION AND DEMOLITION DEBRIS - Source separated non-putrescible recyclable material generated from the construction, alteration, repair, maintenance and/or demolition of structures within the Borough of Waldwick. This material shall include concrete, bricks, block, ferrous and non-ferrous scrap, asphalt, asphalt shingles, recyclable wood scrap, and any and all other material generated from the construction, alteration, repair, maintenance and/or demolition of a structure or structures within the Borough of Waldwick. (Added 9-14-93 by Ord. No. 19-93)

CORRUGATED PAPER - Structural material shaped in parallel furrows and ridges for rigidity, used to make packing and shipping containers.

FERROUS SCRAP - All metal scrap containing steel and or cast iron.
(Added 9-14-93 by Ord. No. 19-93)

FOOD & BEVERAGE CONTAINERS - All bi-metal cans or cans consisting entirely of aluminum used in the storage of food and beverages. All bottles and jars made entirely of glass, or plastic and used in the storage of food and beverages (Amended 9-24-91 by Ord. No. 10-91).

HIGH GRADE OFFICE PAPER - White typing and ledger paper, white note pad paper, copier paper, carbonless computer printout paper, manila tab cards and file folders.

MIXED PAPER - Source separated mixture of all types of paper including, but not limited to, corrugated, high grade paper, newspaper, magazines, telephone directories, wrapping paper, box board, books, grocery bags, and junk mail (Added 9-14-93 by Ord. No. 19-93).

RECYCLABLE MATERIALS - Food and beverage containers, used newspaper and yard waste, corrugated paper, high grade office paper, all as defined herein.

REGULATIONS - Includes such rules, implementation dates, schedules of times and such other requirements promulgated by the Mayor and Council as may be necessary to carry out the purposes and objectives of this chapter.

SOLID WASTE - Includes all garbage and rubbish normally placed at the curb by the residents, business occupants and public institutions of the Borough of Waldwick for regular municipal collection.

USED NEWSPAPER - Newspaper and magazine paper of the type commonly referred to as "newsprint" and distributed at stated intervals, usually daily or weekly, having printed thereon news and opinions and containing advertisements and other matters of public interest. Expressly excluded, however, are all other paper products of any nature whatsoever.

WHITE GOODS - Used appliances such as refrigerators, washers, dryers, and stoves (Added 9-14-93 by Ord. No. 19-93).

YARD WASTE - Includes leaves and brush, but specifically excluded are any limbs, branches or twigs.

71-2. Municipal Recycling Coordinator

The Mayor and Council shall appoint a Municipal Recycling Coordinator. This individual shall have sufficient educational background, employment experience and training to enable him/her to perform his/her duties in such a manner as to ensure the Borough's compliance with the requirements of N.J.S.A. 13:1E-99 et seq., the provisions of the county recycling plan and the municipal recycling ordinance passed pursuant to N.J.S.A. 13:1E-99 et seq.

The Coordinator shall maintain and report recycling tonnage, as required by N.J.S.A. 13:1E99.16e. The report shall contain the same information as is required for an application for a Recycling Tonnage Grant, codified at N.J.A.C. 7:26-15.5. The Coordinator shall be responsible for all aspects of the municipal recycling program.

71-3. Separation required

All persons, except those physically disabled who are owners, lessees or occupants of residences and condominiums, including garden apartments, shall separate the following items from all other solid waste produced:

a) used newspapers
b) aluminum, bi-metal, and glass food and beverage containers
c) ferrous scrap
d) white goods
e) yard waste
f) corrugated cardboard

These items shall be separately bundled or placed in containers for recycling in strict conformity with this chapter and all applicable regulations. It is specifically prohibited for any such person to dispose of any recyclable material(s) in the same container as solid waste or other types of recycled material(s). (Amended 9-14-93 by Ord. No. 19-93).

71-4. Newspapers

Used newspapers shall be separated from other solid waste and shall be tied or otherwise secured in bundles not to exceed thirty (30) pounds in weight or twelve (12) inches in height and shall not be contained in plastic bags. Such bundles shall be placed at curbside for pickup in accordance with the schedule of collection as promulgated from time to time by the Borough Council.

71-5. Aluminum, bi-metal, and glass food and beverages containers

Aluminum, bi-metal, and glass food and beverage containers of food and beverages shall be separated from other solid waste and shall be recycled by depositing same at designated Borough recycling centers and/or by placing said recyclables at curbside for pick-up and collection by the Borough or its authorized agent, provided that such a program is available. All recycling of aluminum, bi-metal and glass food and beverage containers shall be carried out in strict conformity with the following regulations:

A. Recyclable containers placed at curbside for collection by the Borough of Waldwick or its authorized agent shall be placed in permanent, non-disposable and reusable receptacles.

71-6. Yard waste

Yard waste shall be separated from other solid waste and shall be recycled in any of the following manners:

A. By composting on the property of the owner, occupant or lessee;

B. By depositing the same at designated Borough recycling centers; and/or

C. By placing said yard waste at curbside for pickup, collection and recycling by the Borough or its authorized agent. Beginning in the spring, according to a route schedule, all brush/branch material along with grass clippings will be collected at the same time. Leaves can be mixed with grass and must be put out the night before pickup in a trashcan, plastic bag, or recyclable lawn bags. All brush and branches MUST be put in garbage cans placed curbside the night before pick up. A maximum of 4 containers/ garbage cans will be picked up per collection day. The Borough will not pick up brush and branch material left on the ground. Residents will be responsible to remove it from the curb and put into containers for collection the following week.

D. Beginning in the fall, sweeping, raking, blowing or otherwise placing leaves at the curb or along the street is only allowed seven days prior to the date scheduled and announced for in the leaf collection schedule, and shall not be placed closer than 10 feet from any storm drain inlet. Garbage, branches, shrubs or lawn debris of any sort will not be picked up as part of the leaf program. Placement of such yard waste and leaves at the curb or along the street at any other time or in any other manner is a violation of this ordinance. If such placement of yard waste occurs, the party responsible for placement of the yard waste must remove the yard waste from the street or said party shall be deemed in violation of this ordinance. The resident may ONLY put leaves in paper lawn bags to be collected by the Borough during the leaf bag collection program in addition to participating in the leaf collection program at the curb.

71-7. Collection by authorized collectors only

A. From the time of placement at the curb for pickup, collection and recycling, recyclables shall be and become the property of the Borough of Waldwick or its authorized agent. It shall be a violation of this chapter for any person unauthorized by the Borough of Waldwick to collect or pick up or cause to be collected or picked up any such recyclables.

B. Recyclable materials shall not be included with solid waste for pickup at curbside by the scavenger hired by the Borough of Waldwick to pick up solid waste.

C. Any and such collection in violation hereof shall constitute a separate and distinct offense punishable as hereinafter provided.

71-8. Additional methods of disposal

While the Borough of Waldwick endorses and authorizes the use of its recycling facility for the depositing of recyclable materials, any owner, occupant or lessee of the Borough may deposit recyclable materials at any other authorized recycling center which will accept such materials or may donate or sell recyclable materials to any person, partnership or corporation, whether operating for profit or not for profit. Said person, partnership or corporation may not, however, under any circumstances pick up said recyclable materials from the curbside or from designated Borough recycling centers.

71-8.1. Commercial, Industrial Recycling

All owners of commercial or industrial properties in the Borough are hereby required, or cause their tenant & lessee, to recycle the following items:

a) used newspaper
b) aluminum, bi-metal, and glass food and beverage containers
c) high grade office paper
d) corrugated cardboard
e) ferrous scrap
f) white goods
g) mixed paper
h) construction and demolition debris
i) used motor oil

These property owners and/or their tenants and lessee shall be required to contract with a private recycler or utilize a Borough recycling depot if the item is accepted at said depot. Copies of the contract shall be provided to the Borough upon demand. All recycling efforts shall be reported annually to the Recycling Coordinator. The report shall state what material is being recycled, the weight of the material, and the market used. The report shall be submitted within thirty (30) days of the close of the calendar year. (Amended 9-14-93 by Ord. No. 19-93)

71-9. Regulations

A. The Mayor and Council is hereby authorized to establish and promulgate additional regulations as to proper recycling procedures and as to the manner, days and times for the collection of recyclable materials in accordance with the terms hereof.

B. Notification of pickup. Under emergency conditions the time and place for pickup as otherwise prescribed by this chapter may be varied by resolution of the Mayor and Council of the Borough of Waldwick with notice to the residents given in the official newspaper of the Borough of Waldwick or, where necessary, by radio, television or any other means of communication.

71-10. Enforcement (amended 6-6-90 by Ord. No. 8-90)

The Department of Police, Department of Health and Personnel, Municipal Recycling Coordinator, and the employees of the Recycling Department of the Borough of Waldwick are hereby authorized and directed to enforce this chapter.

71-11. Exemption

Persons occupying commercial and institutional premises may apply to the Mayor and Council for exemption from the municipal source separation requirements.

Such persons must obtain the services of a materials recovery facility to separate from the waste generated at the premises, all recyclable materials designated in the district recycling plan found in solid waste generated at the generator's premises. Provision of these services shall be documented in writing through contract or correspondence with the materials recovery facility providing the service and the documentation shall be submitted to the municipal recycling coordinator.

The generator shall annually provide written documentation to the municipality of the total number of tons recycled. Alternately, the generator may arrange, in writing, for the provision of this documentation directly from the materials recovery facility to the municipality.

The generator shall maintain the original letter of exemption or a copy on the premises for referral by authorized enforcement officers or the municipal recycling coordinator.

71-12. Effective date for mandatory recycling

Effective immediately, upon adoption and publication as required by State law.

71-13. Violations and penalties

See Chapter 1:14-1.

71-14. When Effective

This ordinance shall take effect on passage and publication as required by law.

Chapter 73

RIPARIAN ZONES

73-1. Definitions.

73-2. Intent and Authority.

73-3. Riparian Zone Protection.

73-4. Exceptions.

73-5. Adjustments.

73-6. Permits-By-Rule.

73-7. Enforcement.

73-8. Conflicts.

73-9. Severability.

(HISTORY: Adopted by the Mayor and Council of the Borough of Waldwick 9-8-09 as Ord. No. 13-09)

BE IT ORDAINED by the Mayor and Council of the Borough of Waldwick, County of Bergen and State of New Jersey as follows:

73-1. Definitions

ACID PRODUCING SOILS: means soils that contain geologic deposits of iron sulfide minerals (pyrite and marcasite) which, when exposed to oxygen from the air or from surface waters, oxidize to produce sulfuric acid. Acid producing soils, upon excavation, generally have a pH of 4.0 or lower. After exposure to oxygen, these soils generally have a pH of 3.0 or lower. Information regarding the location of acid producing soils in New Jersey can be obtained from local Soil Conservation District offices.

APPLICANT: means a person, corporation, government body or other legal entity applying to the Planning Board, Board of Adjustment or the Construction Office proposing to engage in an activity that is regulated by the provisions of this ordinance, and that would be located in whole or in part within a regulated Riparian Zone.

CATEGORY ONE WATERS OR C1 WATERS: shall have the meaning ascribed to this term by the Surface Water Quality Standards, N.J.A.C. 7:9B, for purposes of implementing the antidegradation policies set forth in those standards, for protection from measurable changes in water quality characteristics because of their clarity, color, scenic setting, and other characteristics of aesthetic value, exceptional ecological significance, exceptional recreational significance, exceptional water supply significance, or exceptional fisheries resources.

INTERMITTENT STREAM: means a surface water body with definite bed and banks in which there is not a permanent flow of water and shown on the New Jersey Department of Environmental Protection Geographic Information System (GIS) hydrography coverages or, in the case of a Special Water Resource Protection Area (SWRPA) pursuant to the Stormwater Management rules at N.J.A.C. 7:8-5.5(h), C1 waters as shown on the USGS quadrangle map or in the County Soil Surveys.

LAKE, POND, OR RESERVOIR: means any surface water body shown on the New Jersey Department of Environmental Protection Geographic Information System (GIS) hydrography coverages or, in the case of a Special Water Resource Protection Area (SWRPA) pursuant to the Stormwater Management rules at N.J.A.C. 7:8-5.5(h), C1 waters as shown on the USGS quadrangle map or in the County Soil Surveys; that is an impoundment, whether naturally occurring or created in whole or in part by the building of structures for the retention of surface water. This excludes sedimentation control and stormwater retention/detention basins and ponds designed for treatment of wastewater.

PERENNIAL STREAM: means a surface water body that flows continuously throughout the year in most years and shown on the New Jersey Department of Environmental Protection Geographic Information System (GIS) hydrography coverages or, in the case of a Special Water Resource Protection Area (SWRPA) pursuant to the Stormwater Management rules at N.J.A.C. 7:8-5.5(h), C1 waters as shown on the USGS quadrangle map or in the County Soil Surveys.

RIPARIAN ZONE: means the land and vegetation within and directly adjacent to all surface water bodies including, but not limited to lakes, ponds, reservoirs, perennial and intermittent streams, up to and including their point of origin, such as seeps and springs, as shown on the New Jersey Department of Environmental Protection's GIS hydrography coverages or, in the case of a Special Water Resource Protection Area (SWRPA) pursuant to the Stormwater Management rules at N.J.A.C. 7:8-5.5(h), C1 waters as shown on the USGS quadrangle map or in the County Soil Surveys. There is no riparian zone along the Atlantic Ocean nor along any manmade lagoon or oceanfront barrier island, spit or peninsula.

SPECIAL WATER RESOURCE PROTECTION AREA OR SWRPA: means a 300 foot area provided on each side of a surface water body designated as a C1 water or tributary to a C1 water that is a perennial stream, intermittent stream, lake, pond, or reservoir, as defined herein and shown on the USGS quadrangle map or in the County Soil Surveys within the associated HUC 14 drainage, pursuant to the Stormwater Management rules at N.J.A.C. 7:8-5.5(h).

SURFACE WATER BODY(IES): means any perennial stream, intermittent stream, lake, pond, or reservoir, as defined herein. In addition, any regulated water under the Flood Hazard Area Control Act rules at N.J.A.C. 7:13-2.2, or State open waters identified in a Letter of Interpretation issued under the Freshwater Wetlands Protection Act Rules at N.J.A.C. 7:7A-3 by the New Jersey Department of Environmental Protection Division of Land Use Regulation shall also be considered surface water bodies.

THREATENED OR ENDANGERED SPECIES: means a species identified pursuant to the Endangered and Nongame Species Conservation Act, N.J.S.A. 23:2A-1 et seq., the Endangered Species Act of 1973, 16 U.S.C. §§1531 et seq. or the Endangered Plant Species List, N.J.A.C. 7:5C-5.1, and any subsequent amendments thereto.

TROUT MAINTENANCE WATER: means a section of water designated as trout maintenance in the New Jersey Department of Environmental Protection’s Surface Water Quality Standards at N.J.A.C. 7:9B.

TROUT PRODUCTION WATER: means a section of water identified as trout production in the New Jersey Department of Environmental Protection's Surface Water Quality Standards at N.J.A.C. 7:9B.

73-2. Intent and Authority

It is the intent of this Article to provide compliance with N.J.A.C. 7:15-5.25(g)3 which requires municipalities to adopt an ordinance that prevents new disturbance for projects or activities in riparian zones. Authority is provided or limited as follows:

A. Compliance with the riparian zone requirements of this Article does not constitute compliance with the riparian zone or buffer requirements imposed under any other Federal, State or local statute, regulation or ordinance.

B. Use powers given to the Borough of Waldwick under the provisions of the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1 *et seq*., which authorizes each municipality to plan and regulate land use in order to protect public health, safety, and welfare through the protection and maintenance of native vegetation in riparian areas. The Borough of Waldwick is also empowered to adopt and implement this ordinance under provisions provided by the following legislative authorities of the State of New Jersey:

1. Water Pollution Control Act, N.J.S.A. 58:10A-1 *et seq.*
2. Water Quality Planning Act, N.J.S.A. 58:11A-1 *et seq.*
3. Spill Compensation and Control Act, N.J.S.A. 58:10-23 *et seq.*
4. Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 *et seq.*
5. Flood Hazard Area Control Act, N.J.S.A. 58:16A-50 *et seq.*

73-3. Riparian Zone Protection

Riparian zones adjacent to all surface water bodies as described below in this paragraph shall be protected from avoidable disturbance:

A. The riparian zone shall be 300 feet wide along both sides of any Category One water (C1 water), and all upstream tributaries situated within the same HUC 14 watershed.

B The riparian zone shall be 150 feet wide along both sides of the following waters not identified in A. above:

(1) Any trout production water and all upstream waters (including tributaries);

(2) Any trout maintenance water and all upstream waters (including tributaries) within one linear mile as measured along the length of the regulated water;

(3) Any segment of a water flowing through an area that contains documented habitat for a threatened or endangered species of plant or animal, which is critically dependent on the regulated water for survival, and all upstream waters (including tributaries) within one linear mile as measured along the length of the regulated water; and

(4) Any segment of a water flowing through an area that contains acid producing soils; and

C. For all other surface water bodies, a riparian zone of 50 feet wide shall be maintained along both sides of the water.

The portion of the riparian zone that lies outside of a surface water body is measured landward from the top of bank. If a discernible bank is not present along a surface water body, the portion of the riparian zone outside the surface water body is measured landward as follows:

(1) Along a linear fluvial or tidal water, such as a stream or swale, the riparian zone is measured landward of the feature's centerline;

(2) Along a non-linear fluvial water, such as a lake or pond, the riparian zone is measured landward of the normal water surface limit; and

(3) Along an amorphously-shaped feature such as a wetland complex, through which water flows but which lacks a discernible channel, the riparian zone is measured landward of the feature's centerline.

The applicant or designated representative shall be responsible for the initial determination of the presence of a riparian zone on a site, and for identifying the area on any plan submitted to the Borough of Waldwick in conjunction with an application for a construction permit, subdivision, land development, or other improvement that requires plan submissions or permits. This initial determination shall be subject to review and approval by the municipal engineer, governing body, or its appointed representative, and, where required, by the New Jersey Department of Environmental Protection.

73-04. Exceptions

A. The following disturbances are Excepted:

(1) Redevelopment within the limits of existing impervious surfaces; and

(2) New disturbance in the riparian zone necessary to protect public health, safety or welfare; to provide an environmental benefit; to prevent extraordinary hardship on the property owner peculiar to the property; or to prevent extraordinary hardship, provided the hardship was not created by the property owner, that would not permit a minimum economically viable use of the property based upon reasonable investment.

B. An Exception to any of the disturbances listed in A.(1) above shall be granted by the Municipal Engineer upon proof by virtue of submission of appropriate maps and drawings, that the proposed redevelopment is within the limits of impervious surfaces that existed at the time of passage of this ordinance and shall be in conformance with the Stormwater Management Rules, N.J.A.C. 7:8, and the Flood Hazard Area Control Act Rules, N.J.A.C. 7:13.

C. For all riparian zones an Exception to any of the disturbances listed in A.(2) above shall be granted by the Zoning Board of Adjustment upon proof by virtue of submission of appropriate maps, drawings, reports and testimony, that the disturbance protects public health, safety or welfare; provides an environmental benefit; prevents extraordinary hardship on the property owner peculiar to the property; or prevents extraordinary hardship, provided the hardship was not created by the property owner, that would not permit a minimum economically viable use of the property based upon reasonable investment.

D. Appeals of a determination by the Municipal Engineer made in accordance with B. above may be made to the Planning Board. The party contesting the determination or decision shall have the burden of proof in case of any such appeal.

73-05. Adjustments

Adjustments to the riparian zones established by this article are allowed to the extent they comply with the Stormwater Management Rules (N.J.A.C. 7:8), the Flood Hazard Area Control Act Rules (N.J.A.C. 7:13), and the Highlands Water Protection and Planning Act Rules (N.J.A.C. 7:38), and shall be subject to review and approval by the New Jersey Department of Environmental Protection, unless exempt.

73-06. Permits-By-Rule

The Flood Hazard Area Control Act Rules (N.J.A.C. 7:13), Subchapter 7. PERMITS-BY-RULE, establishes permits-by-rule for certain regulated activities. This Article hereby adopts by reference said Subchapter as it exists at the time of passage of this ordinance and as it may change from time to time, as a means of allowing regulated activities in the riparian zone without any other permits or approvals. In addition, any permit-by-rule provision that requires notification to the New Jersey Department of Environmental Protection shall also be copied to the Waldwick Municipal Engineer.

73-07. Enforcement

A prompt investigation shall be made by the appropriate personnel of the Borough of Waldwick of any person or entity believed to be in violation hereof. If, upon inspection, a condition which is in violation of this Ordinance is discovered, a civil action in the Special Part of the Superior Court, or in the Superior Court, if the primary relief sought is injunctive or if penalties may exceed the jurisdictional limit of the Special Civil Part, by the filing and serving of appropriate process. Nothing in this Ordinance shall be construed to preclude the right of the Borough of Waldwick pursuant to N.J.S.A 26:3A2-25, to initiate legal proceedings hereunder in Municipal Court. The violation of any section or subsection of this Ordinance shall constitute a separate and distinct offense independent of the violation of any other section or subsection, or of any order issued pursuant to this Ordinance. Each day a violation continues shall be considered a separate offense.

The enforcement agent for the Borough of Waldwick shall be the Construction Code Official.

73-08 Conflicts.

All ordinances, parts of ordinances, or other local requirements that are inconsistent or in conflict with this ordinance are hereby repealed to the extent of such inconsistencies and the provisions of this ordinance apply.

73-09 Severability.

1. Interpretation: This Ordinance shall be so construed as not to conflict with any provision of New Jersey or Federal law.
2. Notwithstanding that any provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, all remaining provisions of the Ordinance shall continue to be of full force and effect.
3. The provisions of this Ordinance shall be cumulative with, and not in substitution for, all other applicable zoning, planning and land use regulations.

Chapter 75

SEWER USE

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(HISTORY: Adopted by the Mayor and Council of the Borough of Waldwick 6-10-69 as Ord. No. 5-69. Amendments noted where applicable.)

GENERAL REFERENCES:

Uniform Construction Code - See Ch. 39
Street Excavations - See Ch. 84
Subdivision of Land - See Ch. 86
Water Conservation - See Ch. 93
Water Supply - See Ch. 94
Zoning - See Ch. 97

BE IT ORDAINED by the Mayor and Council of the Borough of Waldwick, in the County of Bergen and State of New Jersey, as follows:

ARTICLE I
Intent

75-1. Intent.

These rules and regulations are established:

A. To require use of public sewers.

B. To prohibit the discharge of sewage and waste into the sewerage system in excess of its carrying capacity.

C. To prohibit or regulate the discharge of sewage, industrial wastes or other wastes which may cause maintenance and/or operating difficulties of the sewers or other structures and equipment appurtenant to the sewerage system.

D. To require the treatment before introduction to the sewerage system of such wastes as may otherwise impair the strength and/or the durability of structures appurtenant to the system by direct or indirect chemical action or which may adversely affect normal treatment processes at sewage treatment plants.

E. To establish the characteristics of the sewage and industrial wastes that are prohibited from discharge into the public sewers.

F. To establish the design standards, materials and methods of construction for connecting to the public sewer.

G. To establish the fees for permit application and connection to the public sewer.

ARTICLE II
Definitions

75-2. Terms defined.

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

AUTHORITY - Shall mean the Northwest Bergen County Sewer Authority or its duly authorized representative or agent.

BIOCHEMICAL OXYGEN DEMAND - Shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees centigrade, expressed in parts per million by weight.

BOROUGH - Shall mean the Borough of Waldwick, New Jersey.

BOROUGH ENGINEER - Shall mean a registered professional engineer licensed in the State of New Jersey and employed by the Borough of Waldwick or its authorized representative.

BUILDING DRAIN - Shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) peripheral feet outside the inner face of the building wall.

BUILDING SEWER - Shall mean the extension from the building drain to the building sewer lateral or other place of disposal.

BUILDING SEWER LATERAL - Shall mean that part of the sewerage system extending between the public sewer and the curbline.

FOOD ESTABLISHMENT - Shall mean an establishment which prepares hot food for consumption. (**Added 3-23-93 by Ord. 4-93)**

GARBAGE - Shall mean solid wastes from the preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

GREASE INTERCEPTOR - A device designed and installed so as to separate and retain harmful, hazardous or undesirable matter from normal wastes while permitting normal sewage or liquid wastes to discharge into the sewerage system by gravity. The interceptor shall automatically or semi-automatically remove and store grease from the sewer. The interceptor shall include a flow control device to regulate the flow into the interceptor. This flow control device must eliminate all siphonage. All removed grease is to be disposed of by the owner or operator of the establishment. (**Amended 3-23-93 by Ord. 4-93).**

INDUSTRIAL WASTES - Shall mean the liquid wastes from industrial processes as distinct from sanitary sewage.

TRAP - Shall mean a receptacle designed and constructed to intercept or separate and prevent the passage of oil, grease, sand or similar materials into the drainage system to which it is directly or indirectly connected.

NATURAL OUTLET - Shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

PERSON - Shall mean any individual, firm, company, association, society, corporation or group.

pH - Shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

PLUMBING INSPECTOR - Shall mean a person licensed and authorized to inspect plumbing pursuant to the provisions of NJS 26:1A-38 to 44 and NJS 26:3-20 and in the employment of or as agent of the Waldwick Board of Health.

PROPERLY SHREDDED GARBAGE - Shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch in any dimension.

PUBLIC SEWER - Shall mean a sewer in which all owners of abutting properties have equal rights, and which is controlled by public authority.

SAND INTERCEPTOR - Shall mean an interceptor designed primarily for sand.

SANITARY SEWAGE (domestic or home sewage) -Shall mean wash water, water-carried animal waste, culinary wastes and liquid wastes containing human excreta and other matter, flowing in or from a building drainage system or sewer originating in a dwelling, business building, factory or institution.

SANITARY SEWER - Shall mean a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted

SEWAGE - Shall mean a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm waters as may be inadvertently present.

SEWERAGE SYSTEM - Shall mean a system of sewers and appurtenances for the collection, transportation and pumping of sewage and industrial wastes.

SEWAGE TREATMENT PLANT - Shall mean any arrangement of devices and structures used for treating sewage.

SEWER - Shall mean a pipe or enclosed conduit for carrying sewage.

SHALL - is mandatory; **MAY** is permissive.

STORM SEWER or STORM DRAIN - Shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.

SUSPENDED SOLIDS - Shall mean solids that either float on the surface, or are in suspension in water, sewage, or other liquids; and which are removable by laboratory filtering.

WASTE - Shall mean sanitary sewage, garbage, properly shredded garbage and industrial waste, as defined in this section.

WATERCOURSE - Shall mean a channel in which a flow of water occurs, either continuously or intermittently.

ARTICLE III
Use of Public Sewers Required

75-3. Unlawful deposit.

It shall be unlawful for any person to place, deposit in an unsanitary manner upon public or private property within the Borough of Waldwick, or in any area under the jurisdiction of said Borough, any human or animal excrement, garbage or other objectionable waste.

75-4. Unlawful discharge.

It shall be unlawful to discharge to any natural outlet within the Borough of Waldwick, or in any area under the jurisdiction of said Borough, any sanitary sewage, industrial wastes or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance, or in accordance with the Sanitary Code of the Waldwick Board of Health.

75-5. Toilet facilities, connection with public sewer, required.

The owner of every house, building or property used for human occupancy, employment, recreation or other purpose, situated within the Borough and abutting on any street, alley or right-of-way, or located in the rear of other properties so abutting and having access to such street in which there is now located or may in the future be located a public sanitary sewer of the Borough, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance and the requirements of the Waldwick Board of Health, within six (6) months after the date of completion of the sanitary sewer system, and after official notification from the Borough of Waldwick.

75-6. Private sewage-disposal systems to be abandoned.

As public sewers become available to property presently being served by a private sewage-disposal system, a direct connection shall be made to the public sewer pursuant to the terms of this Article and any septic tanks, cesspools and/or similar private sewage-disposal systems shall be abandoned and disconnected from all pipes discharging or receiving sewage. Abandoned septic tanks, cesspools and/or similar private sewage-disposal systems may be used for disposal of subsurface and/or surface water from sump pumps and house leaders.

ARTICLE IV
Use of the Public Sewers

75-7. Types of water discharge prohibited.

No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, cooling water or unpolluted industrial process waters to any sanitary sewer.

75-8. Unpolluted drainage permitted.

Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm drains or storm sewers, or to a natural outlet approved by the Borough Engineer. Where this may not be feasible, the deactivated individual disposal system may be used for this purpose, upon approval of the Waldwick Board of Health. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the Borough Engineer, and the Waldwick Board of Health, to a storm drain or natural outlet.

75-9. Types of waste prohibited.

No person shall discharge or cause to be discharged to any public sewer:

A. Gasoline, benzene, naptha, fuel oil, lubricating oils and greases, inflammable or explosive liquids, solid or gases, paint and lacquers, or other combustible materials.

B. Improperly shredded garbage.

C. Abrasives, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure.

D. Solid or viscous substances which are capable of causing obstructions in sewers, or interference with the proper functioning of the treatment processes.

E. Wastes containing viable pathogenic bacteria other than those normal to domestic sewage.

F. All wastes containing corrosive matters or toxic or poisonous substances, or chemicals in sufficient quantity to injure or interfere with the sewage-treatment process, or create any hazard to sewers, structures, equipment or personnel of the sewage works.

G. Any noxious or malodorous solids, liquids or gases, which either singly or by interaction with other substances are capable of creating a public nuisance or hazard to life or preventing entry into sewers for their maintenance and repair.

H. Any radioactive materials or isotopes without obtaining a special permit from the Waldwick Board of Health.

I. All waters, wastes or deleterious substances which shall be excluded

from discharge to intercepting or trunk sewers of the Northwest Bergen County Sewer Authority as defined by existing or future regulations of the Authority, and existing or future agreements between the Borough and the Authority.

75-10. Additional waters and wastes prohibited.

Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

A. Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit (150 F.).

B. Any water or wastes which may contain more than one hundred (100) parts per million by weight of fat, oil or grease.

C. Any water wastes having a pH lower than five point five (5.5) or higher than nine point five (9.5), or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.

D. Any water or wastes having a five-day Biochemical Oxygen Demand greater than three hundred fifty (350) parts per million by weight.

E. Any water or wastes containing more than three hundred fifty (350) parts per million by weight of suspended solids.

F. Any waters, wastes or deleterious substances which require pretreatment or dilution before introduction to intercepting or trunk sewers of the Northwest Bergen County Sewer Authority as defined by existing or future regulations of the Authority and existing or future agreements between the Borough and the Authority.

75-11. Restrictions on waste material specified.

The admission into the public sewers of any water or wastes having (a) a five-day Biochemical Oxygen Demand greater than three hundred fifty (350) parts per million by weight, or (b) containing more than three hundred fifty (350) parts per million by weight of suspended solids, or (c) containing any quantity of substances having the characteristics described in section 75-10, or (d) having an average daily flow greater than two percent (2%) of the average daily sewage flow of the Borough, shall be subject to the review and approval of the Borough. Where necessary in the opinion of the Borough, the owner shall provide at his expense,

such preliminary treatment as may be necessary to (a) reduce the Biochemical

Oxygen Demand to three hundred fifty (350) parts per million and the suspended solids to three hundred fifty (350) parts per million by weight, or (b) reduce objectionable characteristics or constituents to within the acceptable limits provided for in section 75-10, or (c) control the quantities and rates of discharge of such waters or wastes. Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Borough of Waldwick, the Waldwick Board of Health and of the Department of Health of the State of New Jersey, and no construction of such facilities shall be commenced until said approvals area obtained in writing.

75-12. Owner responsible for maintenance.

Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously by satisfactory and effective operation, and facilities for sampling shall be installed by the owner at his own expense.

75-13. Control manhole.

When required by the Borough, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, available for inspection, and shall be constructed under the supervision of the Borough Engineer, in accordance with plans approved by the Borough. The manhole shall be maintained by him so as to be safe and accessible at all times.

75-14. Measurements, tests, analyses.

A. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in sections 75-9, 75-10 and 75-11 hereof shall be determined in accordance with the latest edition of “Standard Methods for the Examination of Water and Waste Water,” published by the American Public Health Association, Inc., a copy of which is hereby adopted, is annexed hereto and made a part hereof and incorporated herein as fully as if set forth at length.

B. Two (2) copies of said “Standard Methods for the Examination of Water and Waste Water” have been placed on file in the office of the Borough Clerk of the Borough of Waldwick upon the introduction of this ordinance and will remain on file there until final action is taken on this ordinance, for the use and examination of the public. Upon adoption of this ordinance, said copies shall remain on file in said office so long as said ordinance is in effect, and in addition, two (2) copies shall be placed on file and remain on file in the office of the Board of Health of the Borough of Waldwick so long as said ordinance is in effect, for the use and examination of the public.

C. All such measurements, tests and analyses of the characteristics of waters and

wastes shall be determined at the control manhole provided for in section 75-13 hereof, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

75-15. Special agreements with industries.

No statement contained in this Article shall be construed as prohibiting any special agreement or arrangement between the Borough, the Board of Health and any person whereby an industrial waste system, either before or after pretreatment, provided that there is no impairment of the functioning of the sewerage system or any sewerage-treatment plan by reason of the admission of such wastes, and no extra costs are incurred by the Borough without recompense by the person.

ARTICLE V
Sump Pumps

75-15.1 Intent and Purpose

The implementation of this section will aid the Borough by limiting and reducing the inflow of additional water into the sanitary sewer systems. By prohibiting the discharge of water from any roof, surface ground, sump pump, swimming pool, other natural precipitation, and other sources of inflow into the Borough's sanitary sewer system, the Borough is seeking to reduce costs as well as protect against other damaging affects. The Borough's sanitary sewer system will and has on occasions in the past been overloaded and flooded thereby creating the potential to cause significant damage or threat to individual's property as well as the system. Further, all water that enters the system must be treated at the sewage treatment plant. Therefore, by reducing and eliminating this inflow of "clean water" into the sanitary sewer system and the subsequent unnecessary treatment, the expenses to the Borough and the citizens will be reduced and will assist in protecting the health, safety and welfare of the residents of the Borough.

75-15.2 Violation

A. **Prohibited Discharges.** No person or entity shall discharge or cause to be discharged any stormwater, groundwater, roof runoff, yard drainage, yard fountain, swimming pool, pond, overflow, or any other substance other than sanitary sewage into the sanitary sewer collection system. No person, business or other entity shall discharge or cause to be discharged any hazardous substances into any public sewers.

B. **Amnesty Period for Disconnection.**

1. On or before December 31, 2011, any person, business, or other entity who shall have a connection described above and who shall voluntarily report said connection to the Borough, so that said illicit connection shall be remedied, shall have any and all permit, connection and inspection fees waived by the Borough. This waiver of fees applies only to Borough fees, and does not include the actual cost of remediation.

2. After December 31, 2011, any person, business, or other entity who shall have a connection described above, any shall fail to voluntarily report such connection by December 31, 2011, shall be liable for all permit fees, inspection fees, and connection fees as required by the Borough, to remedy the illicit connection.

C. **Manner of Disconnection.**

1. Any property owner, tenant, landlord, or other person with a property interest who shall have a connection in violation of this Ordinance, or not obtained a waiver pursuant to Section 75:15.7, shall immediately remove such connection and correct such situation. If not removed or corrected within one hundred and twenty (120) calendar days after receiving a Notice of Violation which has been personally delivered or delivered via certified mail, the Borough shall impose a Surcharge in the amount provided for in Section 75:15.4.

2. All disconnections of said illicit connections shall be accomplished by a complete and permanent method and performed in a competent manner and approved and inspected by the Borough Building Inspector, any Borough sub-code inspector, Borough Fire Code official and/or Borough Engineer. Any disconnection, plugging, capping, re-routing, altering, or modifying must be done in accordance with all applicable state and municipal building codes.

3.Upon issuance of the Surcharge pursuant to Section 75:15.4, if the property owner, tenant, landlord, or other person with a property interest remedies the illicit connection, said property owner, tenant, landlord, or other person with a property interest shall call the Borough's Building Department for an inspection of the connection by the Borough's Building Inspector, a Borough sub-code inspector, Borough Fire Code official or Borough Engineer, and upon certification that the illicit connection has been remedied, the Surcharge shall be lifted, beginning the month following the inspection and certification. If, however, on a subsequent and periodic inspection for which a property was subject to the Surcharge, the illicit connection exists, the Surcharge amount as provided for in Section 75:15.4 shall be calculated from the previous inspection date.

75-15.3. Inspections.

The Building Inspector, Borough Engineer, Borough Fire Code official and/or a Borough sub-code inspector, as long as they display the proper credentials and identification, shall be permitted to request entrance to any property for the purpose of inspecting, observing, testing and sampling to confirm that there is no sump pump or other prohibited discharge into the sanitary sewer system in accordance with this Chapter.

Any owner, tenant, landlord, or other person with a property interest who shall refuse entrance to the Building Inspector, Borough Engineer, Borough Fire Code official or Borough sub-code inspector, shall immediately become subject to the monthly Surcharge noted in Section 75:15.4 of this Ordinance. Said property shall remain subject to the monthly Surcharge until such time as an inspection is permitted to ensure compliance by the Borough of all terms of this Chapter.

75-15.4. Surcharge

A. A surcharge of fifty dollars ($50.) per month is hereby imposed upon every sewer utility bill to property owners, tenants, landlords, or other persons with a property interest for the following conditions:

   1. not in compliance with this Ordinance
   2. refusal of property inspection.

B. If the Surcharge is not paid and received by the Borough of Waldwick, a lien shall be imposed upon the property as per N.J.S.A. 40:14B-42.

C. Said Surcharge shall remain on the property and sewer utility bill until such time as the Borough Building Inspector or Borough Engineer certifies that the property owner, tenant, landlord, or other person with a property interest is in full compliance with this Ordinance.

75-15.5 Appeal of Surcharge

Any property owner who shall be assessed a Surcharge pursuant to this Ordinance shall have a right to appeal to the Municipal Court for the purposes of proving compliance with this Ordinance.

75-16.6. Municipal Assistance

The Borough shall assist and provide guidance to any property owner, tenant, landlord, or other person with a property interest in remedying the situation as it involves a matter of public concern to the resident's health, safety and welfare of the community in remedying the illicit connection. Except as specifically set forth in this Ordinance, all costs associated to comply with this Ordinance shall be borne by the property owner, tenant, landlord, or other person with a property interest.

75-15.7. Waiver

Any person, business, or other entity, who shall by inspection or voluntary reporting is determined to be in violation of any section of this Ordinance, shall be permitted to file for a waiver of the Surcharge requirement of Section 75:15.4, if they can prove that they have exhausted all possible remedial measures. Remedial measures include but are not limited to, the installation of a dry-well, the connection to a storm sewer, and/or use of one's own property for discharge of the water so long as such discharge does not adversely affect any neighboring property owner. Upon certification of the Building Inspector and/or Borough Engineer, the person, business, or other entity shall be granted such waiver, but only for such time as to when a remedy becomes available. If such remedy is made available by the Borough, the Borough shall notify the person, business, or other entity, that they shall comply with this Ordinance within one hundred twenty (120) days of receiving said notice. Failure to comply will result in the imposition of a Surcharge as per Section 75:15.4.

ARTICLE VI
Building Sewers, Building-Sewer Laterals and Connections

75-16. Written permit required.

No person shall uncover, make any connections with or opening into, use, alter or disturb any building-sewer lateral or any public sewer or appurtenance thereof without first obtaining a written permit from the Waldwick Board of Health.

75-17. Classes of permits. (See Chapter 48:75-17).

75-18. Costs to be borne by owner.

All costs and expenses incident to the installation and connection of the building sewer and building-sewer lateral shall be borne by the owner. The owner shall indemnify the Borough from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

75-19. Separate sewer required for each building. (Amended 5-12-70 by Ord. No. 3-70).

A separate and independent building sewer shall be provided for every building, except that where one building stands at the rear of another on an interior lot and the Land Subdivision Ordinance prohibits dividing said lot to create a separate lot for each such building, the building sewer may be extended to the rear building and the whole considered as one (1) building sewer.

75-20. Old building sewers for new buildings.

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the local Board of Health, to meet all requirements of this ordinance.

75-21. Specifications for construction of building sewer.

The diameter of the building sewer shall not be less than four (4) inches, and the diameter of the building-sewer lateral shall not be less than six (6) inches. The slope of such pipes shall not be less than three-sixteenths (3/16) inch per foot. Where necessary, in the opinion of the Borough Engineer, if the above sizes and slope are not adequate, he shall have the right to require a larger diameter pipe or an increased slope that is adequate. Under special circumstances, lesser slopes that will provide a minimum velocity of two (2) feet per second will be permitted upon approval of the Borough Engineer.

75-22. Grade, alignment, elevation of building sewer.

Whenever possible, the building sewer shall be brought to the new building at an elevation below the basement floor. Building sewers for existing buildings shall be brought to the building at an elevation not exceeding that of the existing building drain. If the building sewer is brought to the existing building at a lower elevation than the existing building drain, suitable fittings and cleanouts shall be installed subject to inspection and approval of the Waldwick Board of Health. No building sewer shall be laid parallel to and within three (3) feet of any bearing wall, which might thereby be weakened, except under special circumstances, and only with the approval of the Borough Engineer. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings, and shall be subject to the approval of the Waldwick Board of Health.

75-23. Gravity flow preferred; artificial means.

In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer.

75-24. Materials required for building sewers.

Building sewers and building-sewer laterals shall be one of the following:

A. Asbestos cement nonpressure sewer pipe including fittings conforming to ASTM Designation C428-59T, of a class of 2400 or as required by the Mayor and Council, or authorized representative. Rubber sealing gaskets shall conform to the requirements of ASTM D-1869, latest issues, and consist of a vulcanized rubber compound as specified by the manufacturer.

B. Cast iron pipe with lead joints shall be used (a) where the building sewer is exposed to damage by tree roots if so directed by the Plumbing Inspector, and (b) in filled or unstable ground, except that nonmetallic pipe may be accepted if laid on a suitable concrete bed, cradle or bedding, as approved by the Borough Engineer.

75-25. Specifications for joints and connections.

All joints and connections shall be made gastight and watertight, as follows:

A. Joints in asbestos-cement pipe shall be formed of a sleeve-type coupling and rubber rings or gaskets, and shall be made in accordance with the standards and specifications which are current at the time of passage of this ordinance or, as may be approved, subsequently by the borough.

B. Joints in cast-iron soil pipe shall be firmly packed with oakum or hemp and filled with molten lead, Federal Specification QQ-L-156; not less than one (1) inch deep after caulking. Lead shall be run in one (1) pouring and caulked tight. No paint, varnish or other coatings shall be applied to the jointing material until after the joint has been tested and approved.

75-26. Interceptors (Amended 11-24-92 by Ord. No. 15-92)

A. Interceptors are required to be installed in each facility, business or commercial establishment generating liquid waste containing grease, oil, flammable waste, sand, solids, and other ingredients which in the opinion of the Health Officer, Building or Plumbing Code Official are harmful to the building drainage system, or public sewer or sewerage treatment plant or process. All food establishments, and laundromats are specifically mandated to have interceptors. Dry cleaning establishments shall be required to install interceptors except for those dry cleaning establishments which use only biodegradable soaps and provide the Borough Clerk with a certification to that effect on or before January 1 and July 1 of each year. Residential premises are exempt from installing interceptors. (Added 3-23-93 by Ord. 3-93).

B. Design - The type and size of each interceptor shall be in compliance with the Uniform Construction Code regulation N.J.A.C. 5:23 et seq. as amended. The appropriate construction permit shall be obtained before the installation of any device pursuant to and in accordance with this section.

C. Accessibility - Each interceptor shall be so installed that it is readily accessible for inspection by the appropriate municipal department responsible for the enforcement of this section of the Ordinance.

D. Maintenance - Interceptors shall be maintained in an efficient operating condition by periodic removal of accumulated grease, scum, oil or other floating substance and solids deposited in the interceptor. In any event, periodic removal shall be no less often than every six months and a written record must be kept of each and every such maintenance procedure.

75-27. Enforcement and Mandatory Inspections of Interceptors. (Amended 11-24-92 by Ord. No. 15-92)

A. The plumbing inspector and the Board of Health of the Borough are hereby designated to administer the provisions of this section and are hereinafter referred to as the "enforcement officers".

B. An inspection shall be made of each premises required to have an interceptor on a quarterly basis by the enforcement officers. This inspection shall review the operation and maintenance records required to be kept by the owner in addition to inspecting that the unit is operational. There shall be an annual fee established under Chapter 48 for this inspection payable to the Borough Clerk at the beginning of each calendar year. (see Chapter 48:75-27). **(Amended 3-23-93 by Ord. No. 4-93).**

75-28. Building sewer to conform to construction requirements.

Before any portion of the building drain outside of the house is connected to the building sewer, the owner shall prove to the satisfaction of the Plumbing Inspector that the building drain is clean and conforms in every respect to the requirements of the Waldwick Board of Health. Before any portion of the building sewer is connected to the building sewer lateral, the Plumbing Inspector shall be satisfied that the building sewer is in good order and conforms in every respect to the requirements for construction thereof.

75-29. Permit required for installation and connection to public sewer.

Where there is no existing building sewer or building sewer lateral available that connects to a public sewer, the property owner shall, prior to issuance of a certificate of occupancy, apply to the Borough Clerk for a permit for the installation of a building sewer lateral and/or building sewer for connection to the public sewer.

75-30. Maintenance of public sewer and building sewer. (See Ch. 48:75-30)

75-31. Proof of competency; surety bond.

The building sewer laterals may not be installed or the public street disturbed therefor by any person or concern who is not a responsible contractor. Such contractor shall provide the Borough of Waldwick with satisfactory evidence of his capacity to perform the work and first file an individual surety bond in the penal sum of two thousand dollars ($2,000.), payable to the Borough of Waldwick, in such form and under such conditions as shall be approved by the Borough Attorney for the faithful compliance with this and all other borough ordinances pertaining to the work.

75-32. Connection of building sewer lateral to public sewer; Y-branch.

The connection of the building sewer lateral into the public sewer shall be made at the Y branch, if it is available at a suitable location. If the public sewer is twelve (12) inches or less in diameter and no properly located Y-branch is available, the owner shall, at his expense, install a Y-branch in the public sewer at the location specified by the Borough Engineer. Where the public sewer is greater than twelve (12) inches in diameter, and no properly located Y branch is available, the owner shall at his own expense have a neat hole cut into the public sewer to receive the building-sewer lateral with entry in the downstream direction at an angle of about forty-five degrees. A forty-five degree ell may be used to make such connection, with the spigot end cut so as not to extend past the inner surface of the public

sewer. The invert of the building sewer lateral at the point of connection shall be at the same or at a higher elevation than the invert of the public sewer. A smooth, neat joint shall be made, and the connection made secure and watertight by encasement

in concrete. Special fittings may be used for the connection only when approved by the Borough Engineer.

75-33. Specifications for laying of sewer pipe.

Each sewer pipe shall be laid so as to have a continuous bearing on the bedding material, true to line and grade and in such manner as to form a close concentric joint with the adjoining pipe and to prevent sudden offsets of the flow line. As the work progresses, the interior of the pipe shall be cleared of all dirt and superfluous materials of every description. A suitable swab or drag shall be kept in the pipe and pulled forward past each joint immediately after the joining has been completed. Trenches shall be kept free from water and pipe shall not be laid when the condition of the trench or the weather is unsuitable for such work. At times, when work is not in progress, open ends of pipe and fittings shall be securely and satisfactorily closed so that no trench water, earth or other substance will enter the pipe or fittings.

75-34. Specifications for excavations; backfill; compaction.

A. Excavation for building sewers and building sewer laterals shall follow lines parallel to and equidistance from the location of the pipe center line. Trenches shall be excavated to the depths and widths required to accommodate the construction of the sewers. Excavation shall not be carried below the approved grade. Any excavation made below grade for any reason shall be backfilled with the granular material specified hereinafter. Excavation and trenches in rock shall extend to a depth of five (5) inches below the outside bottom of the pipe barrel, and brought to required elevation with granular bedding material consisting of pea gravel or broken stone graded as required by the Borough Engineer.

B.Excavation and trenches in earth shall extend to a depth of four (4) inches below the outside bottom of the pipe barrel, and brought to required elevation with the above specified granular bedding material. Where unsatisfactory foundation material is found in earth trenches, such material shall be removed to the extent directed by the Borough Engineer. In backfilling trenches, loose fine earth free of frozen clods, stones larger than two inches in greatest dimension, and debris shall be used to a depth of two (2) feet over the top of the pipe. The backfill material shall be carefully tamped under the pipe haunches, on the sides and above the pipe in layers not more than six (6) inches deep before compaction. The remainder of the trench shall contain not

more than twenty percent (20%) stone by volume and no one stone shall be more than six (6) inches in greatest dimension. This material shall be thoroughly tamped on layers not to exceed ten (10) inches in thickness after

compaction. Backfilling and compaction up to two (2) feet over the pipe shall be done by hand.

C. Compaction of each layer of backfill shall be to a density at least equal to that of the surrounding earth and to a degree which will prevent settlement of restored or proposed future pavement. The surface shall be mounded over and left in a uniform and neat condition satisfactory to the Borough Engineer.

D. Excavated materials shall be piled in compact heaps, so placed as to cause the least possible inconvenience to the public. Extreme care shall be taken to prevent any dirt, stones or other undesirable material from entering the public sewer system through the building sewer during these operations.

75-35. Safety precautions.

A. Blasting operations for excavation will be subject to the approval of the Borough Engineer, and shall conform to the requirements of all laws, ordinances and regulations having jurisdiction over such work.

B. Trenches shall be protected by such sheeting, shoring, bracing and the like as may be required to perform the excavations, for safety including the protection of persons, structures, utilities, etc., and to conform to existing laws. All sheeting, shoring and bracing shall be removed after the completion of backfill to the extent directed by the Borough Engineer.

C. All excavations for building sewers and building sewer laterals shall be adequately graded with barricades and lights so as to protect the public from hazard. Sidewalks and other public property disturbed in the course of installing building sewers shall be backfilled within forty-eight (48) hours from the beginning of excavation. Streets, parkways and other public property disturbed in the course of installing building-sewer laterals shall be backfilled within such reasonable period of time as may be determined by the Borough Engineer in each particular case.

75-36. Dry house connection; inspection.

Dry house connection installations may be permitted subject to the following steps to be taken by the property owner:

A. Application shall be made to the Waldwick Board of Health for the dry house connection.

B. Both ends of the dry house connection shall be provided for expandable blocks.

C. Prior to backfilling any trenches or covering any sewer pipes, the applicant for the building-sewer permit shall notify the Plumbing Inspector when the dry-

house-connection sewer is ready for inspection.

75-37. Approval of Plumbing Inspector.

Upon official notice requiring connection with the public sanitary sewer, in accordance with the local ordinance of the Board of Health, Borough of Waldwick, final connection of the dry house connection with the building sewer lateral shall be made, and the following steps shall be taken:

A. Application shall be made to the Plumbing Inspector for a house connection permit as listed below:

B. Prior to the final connection of the dry house connection with the house drain at one end and the house sewer laterals at the other end, the expandable plugs heretofore installed shall be removed and the entire length of the dry house connection shall be completely flushed and cleaned in the presence of the Plumbing Inspector.

C. Reasonable notice of the date and time when such flushing will be performed shall be given to the Plumbing Inspector and no flushing shall be done except in the presence of the Plumbing Inspector.

D. After completion of final connection with the house drain at one end and the house sewer lateral at the other end, both connections shall be inspected and approved by the Plumbing Inspector.

75-38. Supervision by Borough representative.

The connection to the public sewers shall be made under the supervision of a duly qualified representative of the Borough of Waldwick.

75-39. Sewers and laterals subject to tests.

Building sewers and building-sewer laterals shall be subject to all tests set forth by the Board of Health, Borough of Waldwick.

75-40. Discharge of wastes prohibited during construction.

No person shall discharge or cause to be discharged any waters or wastes through any building sewer during construction of the building sewer without written approval of the Board of Health, Borough of Waldwick.

75-41. Plan of Borough Engineer placed on file.

Prior to final approval and acceptance of a building sewer lateral by the Borough, a plan showing the location, depths, elevations or other information as determined by the Borough Engineer shall be furnished and placed on file at the Waldwick Board

of Health's office by the applicant.

75-42. Restoration of pavements.

All sidewalk and roadway pavements and curbs directly or indirectly affected, disturbed or injured in connection with the construction of building sewers or building-sewer laterals shall be restored in accordance with Borough standards to a condition at least equal to that which existed prior to the start of the installation work. Pavements and curbs so restored shall be of the same type as that existing and shall match and line up with existing adjacent construction to the satisfaction of the Borough Engineer or his representative.

ARTICLE VII
Protection from Damage

75-43. Penalty for damaging or tampering with system.

No unauthorized person shall maliciously, willfully or negligently, break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the Waldwick sewerage system. Any person violating this provision shall be subject to immediate arrest, and upon conviction shall be subject to the penalties hereinafter set forth under Article VIII hereof.

ARTICLE VIII
Powers and Authority

75-44. Right of entry.

The Borough Engineer or his representative, the Plumbing Inspector, and duly authorized employees of the borough, the Northwest Bergen County Sewer Authority or the Waldwick Board of Health, or their representatives, bearing proper credentials and identification, shall be permitted to enter upon all properties for the purposes of inspection, observation, measurement, sampling and testing, in accordance with the provisions of this ordinance.

ARTICLE IX
Penalties

75-45. Notice of violation.

Any person found to be violating any provision of this ordinance, except Ch. 75-43 which requires immediate arrest, shall be served by the borough with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all such violations.

75-46. Penalty.

See Chapter 1:14.1.

ARTICLE X
Validity

75-47. Repeal of inconsistent ordinances.

All ordinances or parts or ordinances in conflict herewith are hereby repealed.

75-48. Severability.

The invalidity of any section, clause, sentence or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

ARTICLE XI
Ordinance in Force

75-49. When effective.

This ordinance shall be in full force and effect from and after its passage, approval, recording and publication as provided by law.

7524 5-11-11

Chapter 75A

SHOPPING CARTS

75A-1. Definitions.

75A-2. Name of owner to be on carts.

75A-3. Removal from premises prohibited.

75A-4. Responsibility of owner.

75A-5. Borough to remove abandoned carts.

75A-6. Notice to owner; redemption.

75A-7. Notice of sale if carts not redeemed.

75A-8. Disposition if not sold.

75A-9. Disposition of proceeds of sale.

75A-10. Penalties for violation.

75A-11. Validity.

75A-12. When effective.

(HISTORY: Adopted by the Mayor and Council of the Borough of Waldwick 6-23-70 as Ord. No. 6-70. Amendments noted where applicable.)

GENERAL REFERENCES:

Littering - See Ch. 59.
Obstructing sidewalks generally - See Ch. 82, section 82-1.

BE IT ORDAINED by the Mayor and Council of the Borough of Waldwick, in the County of Bergen and State of New Jersey as follows:

75A-1. Definitions.

As used herein:

STREET - Means any “street”, avenue, road, alley, lane, highway and parking lot, and includes the land between the street lines, whether improved or unimproved, and may comprise pavements, shoulders, gutters, sidewalks, parking areas and other places within the street lines, and places used by the general public.

PERSON - Shall include a natural “person”, corporation, partnership or association.

SHOPPING CART or CART - Means a “cart” of the type commonly provided by retail stores and/or supermarkets and used for the convenience of patrons.

OWNER - Means the person who has possession, custody or control of shopping carts which are made available for the use of patrons in connection with the operation of a retail business.

BOROUGH - Means the Borough of Waldwick.

75A-2. Names of owner to be on carts.

The owner or owners of shopping carts used in connection with any retail business and intended for use by patrons shall clearly designate on each cart the name of such owner or owners.

75A-3. Removal from premises prohibited.

It shall be unlawful for any person to remove a shopping cart from the premises of a retail establishment.

75A-4. Responsibility of owner.

It shall be unlawful for any owner or owners to leave any such cart or permit any such cart to be left unattended or abandoned on any street or public place within the Borough of Waldwick. Any owner who shall directly or indirectly permit or suffer his customers to take said carts off the business premises of said owner shall be responsible if such carts are abandoned or left unattended on a public street or public place, or on private property without the expressed consent of the owner or tenant thereof.

75A-5. Borough to remove abandoned carts.

The Borough shall remove or cause to be removed any cart found abandoned or left unattended on any street and shall take the same to Borough property where it shall be held until redeemed, sold or otherwise disposed of as hereinafter provided.

75A-6. Notice to owner; redemption.

Whenever the Borough shall take any cart containing the owner's identification, a notice shall be sent by ordinary mail to such owner advising that the cart is held by the Borough and may be redeemed upon payment of five dollars ($5.) to the Borough at anytime prior to the sale, dismantling or destruction thereof as hereinafter provided.

No cart shall be delivered to a person seeking to redeem the same unless such person shall furnish satisfactory evidence of ownership or right to possession.

75A-7. Notice of sale if carts not redeemed.

When any cart remains in the custody of the Borough for a period of fifteen (15) days after removal and with respect to which no person has presented to the Borough proof establishing to its satisfaction such person's ownership or right to possession, the Borough shall give public notice in its official newspaper that, at a specified place and time, not less than five (5) days after such notice is published, such cart will be sold at public auction for not less than five dollars ($5.) plus the costs of advertising the sale. If after such notice of sale is given, any person desires to redeem any cart prior to the sale such person shall pay to the Borough for redemption the sum of five dollars ($5.) plus the costs of advertising the sale. A general description of the cart to be sold shall be sufficient. Said sale shall be conducted by the Business Administrator or by such person as the Common Council shall designate.

75A-8. Disposition if not sold.

If said cart is not sold at public auction, the Borough may offer it again for sale or may dismantle, destroy or otherwise dispose of such cart. Any disposition of such cart made pursuant to this ordinance shall be without any liability of the Borough to the owner of such cart or other person lawfully entitled thereto or having an interest therein.

75A-9. Disposition of proceeds of sale.

Upon a redemption or sale of a cart, the proceeds shall be deposited in the general funds of the Borough.

75A-10. Penalties for violation.

See Chapter 1:14.1.

75A-11. Validity.

The invalidity of any section, clause, sentence or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

75A-12. When effective.

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

Chapter 76

SIDEWALK AND GUTTER AREA, MAINTENANCE OF

76-1. Premises - Owner to Maintain Sidewalks and Curbs.

76-2. Line and Grade of Sidewalks and Curbs.

76-3. Construction specifications.

76-4. Removal of Sidewalk.

76-5. Enforcement.

76-6. Penalty for Non-Compliance.

76-7. When effective.

(HISTORY: Adopted by the Mayor and Council of the Borough of Waldwick 3-6-36 as Ord. No. 1-36. Amended 9-14-93 by Ord. No. 18-93; 9-24-96 by Ord. 17-96; 2-22-00 by Ord. No. 2-00; 2-13-01 by Ord. No. 3-01)

BE IT ORDAINED by the Mayor and Council of the Borough of Waldwick, in the County of Bergen and State of New Jersey, as follows:

76-1. Premises - Owner to Maintain Sidewalks and Curbs.

The owner of any premises in the Borough of Waldwick abutting a sidewalk or curb shall, at the owner's cost and expense, keep and maintain such sidewalk or curb in good condition and state of repair so as to not permit the same to become unfit or unsafe to walk upon. In the event that such sidewalk or curb or any part thereof becomes unsafe or unfit to walk upon, the abutting owner at his own cost and expense, shall with reasonable diligence, reconstruct or repair, as the facts may require, such sidewalk or curb or that part thereof which requires reconstruction or repair. **(Amended 2-13-01 by Ord. No. 3-01)**

It shall further be the responsibility of the abutting property owner to maintain the area between the curb and sidewalk. This responsibility extends to all grass, flowering plants, weeds, and trees. Planting of any trees or bushes in the area between the curb and sidewalk is prohibited.

76-2. Line and Grade of Sidewalks and Curbs.

All new sidewalks and curbs constructed by an abutting owner shall be constructed in accordance with the line and grade established by the Borough Engineer. All old and

existing sidewalks reconstructed or repaired by an abutting owner shall be reconstructed or repaired in accordance with the existing line and grade in the area.

76-3. Construction Specifications.

All curbs and sidewalks shall be constructed in accordance with the following regulations:

A. Curbs shall be constructed of poured concrete or of material of equal or greater quality. Construction shall be in accordance with the New Jersey Department of Transportation and Standard Specifications for Road and Bridge construction as amended. **(Amended 9-24-96 by Ord. No. 17-96).**

B. Sidewalks shall be forty-eight (48) inches in width; located at least six (6) inches away from any property line in order to accommodate the installation of monuments; and shall be contiguous with existing sidewalks on adjacent properties.

C. At intersections, sidewalks and curbs shall be constructed with ramps designed to comply with the Americans with Disabilities Act.

76-4. Removal of Sidewalk.

Any existing sidewalk may be replaced in accordance with the requirements of this Chapter. An existing sidewalk, however, may not be permanently removed without the approval of the Planning Board of the Borough of Waldwick. The request shall be made in writing setting forth the reasons for removal of the sidewalk. The Planning Board shall schedule a hearing. The applicant shall notify the owners of the properties abutting the portion of the sidewalk that connects to the sidewalk for which removal is requested. The notice shall be in writing and served ten days prior to the hearing in accordance with the Planning Board's hearing notice requirements. The Planning Board shall review the request, giving consideration to the need for a sidewalk to maintain and promote pedestrian safety, public welfare and the character of the neighborhood.

76-5. Enforcement. (Amended 2-13-01 by Ord. No. 3-01)

The Mayor and Council, by resolution, shall establish a policy of inspection of sidewalks to detect a need for repair. The Construction Code Official or its designees is empowered to enforce all provisions of this chapter. This shall include the authority to issue summonses for violations of the provisions of this chapter. The summonses shall be returnable in the Waldwick Municipal Court.

It is the Borough's intention to enforce this ordinance in accordance with the following schedule. In the first year after adoption the Borough's enforcement will concentrate on

the arterial streets named in the Borough's Master Plan, which are East Prospect Street, State Highway 17 and all County roads. In subsequent years the enforcement will concentrate by election district starting with district one. Each year the next highest number district will be done until all sidewalks in all districts comply with this ordinance. At that time, enforcement will concentrate again with arterial streets and cycle through the districts.

7602 2-13-01

76-6 SIDEWALK AND GUTTER AREA, MAINTENANCE OF 76-7

76-6. Penalty for Non-Compliance

See Chapter 1:14.1

76-7. When effective.

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

7603 2-22-00

Chapter 77

SITE PLAN REVIEW

77-1. Short title.
77-2. Site Plan Approval Required.
77-3. Site Plan Approval Not Required.
77-4. Waiver of requirements.
77-5. Compliance with other laws and ordinances.
77-6. Guaranties.
77-7. Referral to other agencies.
77-8. Approval duration.
77-9. Temporary certificate of occupancy.
77-10. Compliance with conditions.
77-11. Revocation of permit.
77-12. Procedures for review.
77-13. Fees and deposits.
77-14. Improvements required.
77-15. Contents of site plan.
77-16. Performance standards.
77-17. Design standards.
77-18. Multi Family Recycling Area.
77-19. Scope and Purpose.
77-20. Definitions.
77-21. General Standards.
77-22. Stormwater Management Requirements for Major Development.
77-23. Calculation of Stormwater Runoff and Groundwater Recharge.
77-24. Standards for Structural Stormwater Management Measures.
77-25. Sources for Technical Guidance.
77-26. Safety Standards for Stormwater Management Basins.
77-27. Requirements for a Site Development Stormwater Plan
77-28. Maintenance and Repair.
77-29. Penalties.
77-30. Enforcement.
77-31. Effective Date.
77-32. Severability.

(HISTORY: Adopted by the Mayor and Council of the Borough of Waldwick 1-25-77 as Section I of Ord. 1-77. Amended 9-12-06 by Ord. No. 21-06).

Be it ordained by the Mayor and Council of the Borough of Waldwick, in the County of Bergen and State of New Jersey, as follows:

77-1. Short title - Purpose and construction of provisions. (Amended 7-6-93 by Ord. No. 14-93)

A. This chapter shall be known as the "Site Plan Ordinances of the Borough of Waldwick".

B. The purpose of this ordinance is to guide and encourage the appropriate development of all land in the Borough of Waldwick in a manner which will promote public health, safety, morals and general welfare. The provisions hereof shall be construed liberally to effect such purpose. Whenever a term is used in this Ordinance which is defined in the Zoning Ordinance or Land Subdivision Ordinance of the Borough of Waldwick, such term is intended to have the same meaning as is set forth in said ordinances, unless a contrary intention is clearly indicated from the context of this ordinance.

77-2. Site plan approval required. (Amended 7-6-93 by Ord. No. 14-93)

Except as provided in Section 77-3 and Section 77-4 below, no person shall construct a new building, add to an existing building or make any alteration to any building or part thereof, or permit or participate in a change in occupancy of an existing building or part thereof, or alter, increase or reduce parking facilities or vehicular or pedestrian ways or areas or landscaping, or make any other change in the layout, design or plan of any premises, not shall any building permit or certificate of occupancy therefor be issued until a site plan therefor shall first have been approved by the Planning Board, or, where applicable, the Board of Adjustment.

77-3. Site plan approval not required (Amended 4-8-97 by Ord. No. 9-97)

A. Site plan approval shall not be required for construction or alteration of a detached lawful single one-family or two-family dwelling unit or any lawful accessory use thereto, provided that the same are not part of an attached housing, multiple-dwelling, planned unit development or development involving the construction of more than one single family or more than one two-family dwelling unit.

B. Site plan approval shall not be required for any interior construction or interior alteration of any building provided that it:

7741 Does not involve the construction of a new building or the extension of an existing building, or an increase in the total square footage of the building.

7742 Does not require additional parking.

7743 Does not affect existing parking facilities, vehicular or pedestrian circulation, drainage, relationship of buildings to each other, buffering, landscaping, or lighting.

77-4. Waiver of requirements. (Amended 7-6-93 by Ord. No. 14-93)

The Planning Board may waive some or all of the procedural requirements for site plan approval required for a change of occupancy, by expressly making specific findings that the proposed change of occupancy;

A. Does not involve the construction of a new building or the extension of an existing building;

B. Does not require additional parking;

C. Does not affect existing parking facilities, vehicular or pedestrian circulation, drainage, relationship of buildings to each other, buffering, landscaping, or lighting.

77-5. Compliance with other laws and ordinances.

Any proposed structure or development shall comply with all of the ordinances of the Borough of Waldwick as well as the applicable laws and regulations of any other governmental agencies having jurisdiction thereof. Site plan approval of the Planning Board under the provisions of this ordinance shall not be deemed to be a waiver of the requirements of any other ordinances, laws or regulations.

77-6. Guaranties.

As a condition of final site plan approval, the Planning Board may require, in accordance with Section 41 of the Municipal Land Use Law (N.J.S.A. 40:55D-53), the furnishing of guaranties for the purpose of ensuring the installation and maintenance of improvements upon which such approval is conditioned.

77-7. Referral to other agencies.

In addition to any referral required by law, the Planning Board may refer site plan proposals to other local, county, state, federal, private or semipublic agencies for review and advice in their particular fields of expertise.

77-8. Approval duration.

Unless a building permit or certificate of occupancy is obtained within twenty-four (24) months of the date of final site plan approval, said approval shall become void.

77-9. Temporary certificate of occupancy.

The Planning Board may authorize the issuance of a temporary certificate of occupancy, for not to exceed a maximum of one hundred eighty (180) days, if, in its opinion, the delay in meeting the requirements of site plan approval is in the best interest of the community, or the delay was caused by factors beyond the control of the developer, or if the delay will impose a severe hardship on the developer. Authorization of the issuance of a temporary certificate of occupancy may be conditioned upon the furnishing of guaranties in accordance with 77-6 above.

77-10. Compliance with conditions.

Prior to the issuance of a permanent certificate of occupancy or the release of any guaranties furnished by the developer, the developer shall certify that the development has been completed in strict accordance with the approved site plan; or, in lieu of certification in such form, when conditions have been encountered during actual construction which have necessitated minor deviation from the site plan as approved, and which deviations do not substantially alter the character of the development and are not of the type which would require approval of an amended site plan, the developer shall furnish an as-built plan.

77-11. Revocation of permit.

In the event of failure to comply or to continue compliance with any condition of site plan approval, the Building Inspector shall revoke the building permit or certificate of occupancy, as the case may be, and seek to enjoin the violation or shall take such steps looking to the enforcement of any condition as may be lawful.

77-12. Procedures for review.

The procedures for site plan review concerning the application, notices, conduct of hearings, decisions, appeals, etc. shall be as set forth in the Municipal Land Use

Law of the State of New Jersey as supplemented by the Land Use Procedures Ordinance of the Borough of Waldwick and rules and regulations of the Waldwick Planning Board adopted in accordance therewith.

77-13. Fees and deposits. (See Chapter 48:56A-27). (Amended 4-23-96 by Ord. 5-96)

77-14. Improvements required.

As a condition to approving a site plan, the Planning Board may require construction or installation of improvements as are reasonably calculated to promote the purposes of this ordinance in accordance with the performance and design standards set forth herein and with due regard to the interest of the public as well as the rights of the developer. In accordance with the provisions of Section 30 of the Municipal Land Use Law (N.J.S.A. 40:55D-42), the Planning Board may require a developer to pay a pro rata share of the cost of providing reasonable and necessary off-tract street improvements and water and drainage facilities and easements therefor, which improvements are necessitated by the proposed development.

77-15. Contents of site plan.

The site plan shall be prepared with a scale of not less than one (1) inch equals fifty (50) feet and shall show or have annexed thereto the following:

A. A key map showing the entire site development and its relationship to the surrounding area.

B. The name of the development, tax lot and block numbers for the site as well as adjacent properties, date, North arrow and scale.

C. The name and address of the applicant and the owner, and the name, address and title of the person preparing the plan, maps and accompanying data.

D. The zone district in which the site is located, including zone boundary lines within two hundred (200) feet of the site

E. The existing property lines and building setback lines; all existing and proposed buildings and structures and their uses, with an indication of whether the existing structures will be retained or removed; and fences or other buffer areas with proposed landscaping details.

F. All existing and proposed streets or roads within or abutting the proposed site development with the right-of-way widths clearly indicated and the distance to the nearest street intersection.

G. Topography showing existing and propose contours at five-foot intervals for slopes averaging five percent (5%) or greater and at two foot intervals for land of lesser slope. A reference bench mark shall be clearly designated.

H. All existing and proposed curbs, sidewalks, driveways, parking areas and loading areas on the site in question and within one hundred (100) feet of said site when they relate directly to the proposed development. The total number and size of parking spaces shall be noted as well as specifications for surfacing materials.

I. All existing and proposed signs and their size, nature of construction and location; and all existing and proposed exterior lighting, including size, nature of construction, location, height, area and direction of
illumination and lumen power.

J. The location, size and type of all existing and proposed rights-of-way, easements, street encumbrance lines and other encumbrances which may affect the site in question, and the location and description of any lands to be dedicated for public use.

K. Any contiguous lots owned by the applicant or in which the applicant has a direct or indirect interest.

L. All existing physical features, including streams, watercourses, existing trees greater than four (4) inches in caliper measured six (6) feet above the ground level, and significant soil conditions such as swamp or rock.

M. Details of all existing and proposed sanitary sewerage facilities, storm drain systems and other utilities above or below the ground.

N. Any other information as may be necessary to determine compliance with the provisions of all applicable ordinances.

O. An appropriate place for approval signature of the Chairman of the Waldwick Planning Board.

P. A written description of the proposed use of the building(s), including the number of employees or members of nonresidential buildings; the proposed number of shifts to be

worked and the maximum number of employees on each shift; the anticipated demands on municipal services; the expected truck and tractor trailer traffic; emission of noise, odors, glare and air and water pollution; safety hazards; and anticipated expansion plans incorporated in the building design. Such data shall be sufficient to establish conformity with industrial performance standards as set forth in the Zoning Ordinance.

77-16. Performance standards.

In reviewing any site plan, the Planning Board shall consider the following:

A. Pedestrian and vehicular traffic movement within and adjacent to the site, with particular emphasis on the provision and layout of parking areas; off-street loading and unloading; and movement of people, goods, and vehicles from access roads within the site and between buildings and vehicles.

B. The Planning Board shall ensure that all parking spaces are usable and are safely and conveniently arranged. Access to the site from adjacent roads shall be designed so as to interfere as little as possible with traffic flow on these roads and to permit vehicles a rapid and safe ingress and egress to and from the site.

C. The design and layout of buildings and parking areas shall be reviewed so as to provide an aesthetically pleasing design and efficient arrangement. Particular attention shall be given to safety and fire protection impact on surrounding development and contiguous and adjacent buildings and lands.

D. Adequate lighting shall be provided to ensure safe movement of persons and vehicles and for security purposes. Lighting standards shall be a type approved by the Planning Board. Directional lights shall be arranged so as to minimize glare and reflection on adjacent properties.

E. Buffering shall be located around the perimeter of the site to minimize headlight glare from vehicles, noise, light from structures and the movement of people and vehicles, and to shield activities from adjacent properties when necessary. Buffering may consist of fencing, evergreens, shrubs, bushes, deciduous trees or combinations thereof to achieve the stated objectives.

F. Landscaping shall be provided as part of the overall site plan design and integrated into building arrangements, topography and parking and buffering requirements. Landscaping shall include trees, bushes, shrubs, ground cover, perennials, annuals, plants, sculpture, art and the use of building and paving material in an imaginative

manner.

G. Signs shall be designed so as to be aesthetically pleasing and harmonious with other signs on the site, and located so as to achieve their purposes without constituting hazards to vehicles and pedestrians.

H. Storm drainage, sanitary waste disposal, water supply and garbage disposal shall be reviewed and considered. Particular emphasis shall be given to the adequacy of existing systems and the need for improvements, both on-site and off-site, to adequately carry runoff and sewage and to maintain an adequate supply of water at sufficient pressure.

I. Garbage disposal shall be reviewed to ensure frequent collection, vermin and rodent protection, and aesthetic considerations. All systems shall meet municipal specifications as to installation and construction.

J. Environmental elements relating to soil erosion, preservation of trees, protection of watercourses and resources, noise, topography, soil and animal life shall be reviewed, and the design of the plan shall minimize any adverse impact on these elements.

77-17. Design standards.

A. The requirements contained in the Zoning Ordinance as they relate to circulation, parking, performance standards, location of structures, setbacks, yards, bulk, height and coverage shall apply to site plan approval.

B. The design criteria established in the Land Subdivision Ordinance shall apply, where appropriate, to site plan approval.

77-18. Multifamily Recycling Area. (Added 3-22-94 by Ord. No. 4-94)

There shall be included in any new multifamily housing development that requires subdivision or site plan approval an indoor or outdoor recycling area for the collection and storage of residential-generated recyclable materials. The dimensions of the recycling area shall be sufficient to accommodate recycling bins or containers which are of adequate size and number, and which are consistent with anticipated usage and with current methods of collection in the area in which the project is located. The dimensions of the recycling area and the bins or containers shall be determined in consultation with the municipal recycling coordinator, and shall be consistent with the

district recycling plan adopted pursuant to section 3 of P.L. 1987, c. 102 (N.J.S.A. 13:1E-99.13) and any applicable requirements of the municipal master plan, adopted pursuant to section 26 of P.L. 1987, c. 102.

A. As used in this ordinance:

"Multifamily housing development" means a building containing three or more dwelling units occupied or intended to be occupied by persons living independently of each other, or a group of such buildings;

"Recycling area" means space allocated for collection and storage of source separated recyclable materials.

B. The recycling area shall be conveniently located for the residential disposition of source separated recyclable materials, preferably near, but clearly separated from, a refuse dumpster.

C. The recycling area shall be well lit, and shall be safely and easily accessible by recycling personnel and vehicles. Collection vehicles shall be able to access the recycling area without interference from parked cars or other obstacles. Reasonable measures shall be taken to protect the recycling area, and the bins or containers placed therein, against theft of recyclable materials, bins or containers.

D. The recycling area or the bins or containers placed therein shall be designed so as to provide protection against adverse environmental conditions which might render the collected materials unmarketable. Any bins or containers which are used for the collection of recyclable paper or cardboard, and which are located in an outdoor recycling area, shall be equipped with a lid, or otherwise covered, so as to keep the paper or cardboard dry.

E. Signs clearly identifying the recycling area and the materials accepted therein shall be posted adjacent to all points or access to the recycling area. Individual bins or containers shall be equipped with signs indicating the materials to be placed therein.

F. Landscaping and/or fencing shall be provided around any outdoor recycling area and shall be developed in an aesthetically pleasing manner.

G. All provisions of this ordinance are severable. If, for any reason, the provision of this ordinance is held to be invalid, the validity of the remainder of the ordinance shall not be affected.

77 –19: Scope and Purpose

A. Policy Statement

Flood control, groundwater recharge, and pollutant reduction through nonstructural or low impact techniques shall be explored before relying on structural BMPs. Structural BMPs should be integrated with nonstructural stormwater management strategies and proper maintenance plans. Nonstructural strategies include both environmentally sensitive site design and source controls that prevent pollutants from being placed on the site or from being exposed to stormwater. Source control plans should be developed based upon physical site conditions and the origin, nature, and the anticipated quantity or amount of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for water quality, quantity, and groundwater recharge.

B. Purpose

It is the purpose of this ordinance to establish minimum stormwater management requirements and controls for “major development,” as defined in Section 77-20.

C. Applicability

1. This ordinance shall be applicable to all site plans and subdivisions for the following major developments that require preliminary or final site plan or subdivision review:

a. Non-residential major developments; and

7741 Aspects of residential major developments that are not pre-empted by the Residential Site Improvement Standards at N.J.A.C. 5:21.

2. This ordinance shall also be applicable to all major developments undertaken by the Borough of Waldwick.

D. Compatibility with Other Permit and Ordinance Requirements

Development approvals issued for subdivisions and site plans pursuant to this ordinance are to be considered an integral part of development approvals under the subdivision and site plan review process and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. This ordinance is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

77-20: Definitions

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application. The definitions below are the same as or based on the corresponding definitions in the Stormwater Management Rules at N.J.A.C. 7:8-1.2.

"Agricultural Development" means land uses normally associated with the production of food, fiber and livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacturing of agriculturally related products.

"Compaction" means the increase in soil bulk density.

"Core" means a pedestrian-oriented area of commercial and civic uses serving the surrounding municipality, generally including housing and access to public transportation.

"Department" means the New Jersey Department of Environmental Protection.

"Designated Center" means a State Development and Redevelopment Plan Center as designated by the State Planning Commission such as urban, regional, town, village, or hamlet.

"Design engineer" means a person professionally qualified and duly licensed in New Jersey to perform engineering services that may include, but not necessarily be limited to, development of project requirements, creation and

development of project design and preparation of drawings and specifications.

“Development” means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or structure, any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, by any person, for which permission is required under the Municipal Land Use Law , N.J.S.A. 40:55D-1 et seq. In the case of development of agricultural lands, development means: any activity that requires a State permit; any activity reviewed by the County Agricultural Board (CAB) and the State Agricultural Development Committee (SADC), and municipal review of any activity not exempted by the Right to Farm Act , N.J.S.A 4:1C-1 et seq.

“Drainage area” means a geographic area within which stormwater, sediments, or dissolved materials drain to a particular receiving waterbody or to a particular point along a receiving waterbody.

“Environmentally critical areas” means an area or feature which is of significant environmental value, including but not limited to: stream corridors; natural heritage priority sites; habitat of endangered or threatened species; large areas of contiguous open space or upland forest; steep slopes; and well head protection and groundwater recharge areas. Habitats of endangered or threatened species are identified using the Department’s Landscape Project as approved by the Department’s Endangered and Nongame Species Program.

“Empowerment Neighborhood” means a neighborhood designated by the Urban Coordinating Council “in consultation and conjunction with” the New Jersey Redevelopment Authority pursuant to N.J.S.A 55:19-69.

“Erosion” means the detachment and movement of soil or rock fragments by water, wind, ice or gravity.

“Impervious surface” means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

“Infiltration” is the process by which water seeps into the soil from precipitation.

“Major development” means any “development” that provides for ultimately disturbing one or more acres of land. Disturbance for the purpose of this rule is the placement of impervious surface or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation.

“Municipality” means any city, borough, town, township, or village.

“Node” means an area designated by the State Planning Commission concentrating facilities and activities,which are not organized in a compact form.

“Nutrient” means a chemical element or compound, such as nitrogen or phosphorus, which is essential to and promotes the development of organisms.

“Person” means any individual, corporation, company, partnership, firm, association, Borough of Waldwick or political subdivision of this State subject to municipal jurisdiction pursuant to the Municipal Land Use Law , N.J.S.A. 40:55D-1 et seq.

“Pollutant” means any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, refuse, oil, grease, sewage sludge, munitions, chemical wastes, biological materials, medical wastes, radioactive substance (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.), thermal waste, wrecked or discarded equipment,

rock, sand, cellar dirt, industrial, municipal, agricultural, and construction waste or runoff, or other residue discharged directly or indirectly to the land, ground waters or surface waters of the State, or to a domestic treatment works. “Pollutant” includes both hazardous and nonhazardous pollutants.

“Recharge” means the amount of water from precipitation that infiltrates into the ground and is not evapotranspired.

“Review Agency” means an agency designated by the County Board of Chosen Freeholders to review municipal stormwater management plans and implementing ordinance(s). The review agency may either be:

A county planning agency; or

A county water resource association created under N.J.S.A 58:16A-55.5, if the ordinance or resolution delegates authority to approve, conditionally approve, or disapprove municipal stormwater management plans and implementing ordinances.

“Sediment” means solid material, mineral or organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water or gravity as a product of erosion.

“Site” means the lot or lots upon which a major development is to occur or has occurred.

“Soil” means all unconsolidated mineral and organic material of any origin.

“Solid and Floatable Materials” means sediment, debris, trash and other floating, suspended, or settleable solids.

“Source Materials” means any material(s) or machinery, located at an industrial facility, that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.

“State Development and Redevelopment Plan Metropolitan Planning Area (PA1)” means an area delineated on the State Plan Policy Map and adopted by the State Planning Commission that is intended to be the focus for much of the state’s future redevelopment and revitalization efforts.

“State Plan Policy Map” is defined as the geographic application of the State Development and Redevelopment Plan’s goals and statewide policies, and the official map of these goals and policies.

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

“Stormwater runoff” means water flow on the surface of the ground or in storm sewers, resulting from precipitation.

“Stormwater management basin” means an excavation or embankment and related areas designed to retain stormwater runoff. A stormwater management basin may either be normally dry (that is, a detention basin or infiltration basin), retain water in a permanent pool (a retention basin), or be planted mainly with wetland vegetation (most constructed stormwater wetlands).

“Stormwater management measure” means any structural or nonstructural strategy, practice, technology, process, program, or other method intended to control or reduce stormwater runoff and associated pollutants, or to induce or control the infiltration or groundwater recharge of stormwater or to eliminate illicit or illegal non-stormwater discharges into stormwater conveyances.

"Tidal Flood Hazard Area" means a flood hazard area, which may be influenced by stormwater runoff from inland areas, but which is primarily caused by the Atlantic Ocean.

"Urban Coordinating Council Empowerment Neighborhood" means a neighborhood given priority access to State resources through the New Jersey Redevelopment Authority.

"Urban Enterprise Zones" means a zone designated by the New Jersey Enterprise Zone Authority pursuant to the New Jersey Urban Enterprise Zones Act, N.J.S.A. 52:27H-60 et. seq.

"Urban Redevelopment Area" is defined as previously developed portions of areas:

(1) Delineated on the State Plan Policy Map (SPPM) as the Metropolitan Planning Area (PA1), Designated Centers, Cores or Nodes;

(2) Designated as CAFRA Centers, Cores or Nodes;

(3) Designated as Urban Enterprise Zones; and

(4) Designated as Urban Coordinating Council Empowerment Neighborhoods.

"Waters of the State" means the ocean and its estuaries, all springs, streams, wetlands, 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.

"Wetlands" or "wetland" means an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

77-21: General Standards

A. Design and Performance Standards for Stormwater Management Measures

1. Stormwater management measures for major development shall be developed to meet the erosion control, groundwater recharge, stormwater runoff quantity, and stormwater runoff quality standards in Section 77-22. To the maximum extent practicable, these standards shall be met by incorporating nonstructural stormwater management strategies into the design. If these strategies alone are not sufficient to meet these standards, structural stormwater management measures necessary to meet these standards shall be incorporated into the design.

7741 The standards in this ordinance apply only to new major development and are intended to minimize the impact of stormwater runoff on water quality and water quantity in receiving water bodies and maintain groundwater recharge. The standards do not apply to new major development to the extent that alternative design and performance standards are applicable under a regional stormwater management plan or Water Quality Management Plan adopted in accordance with Department rules.

77-22: **Stormwater Management Requirements for Major Development**

A. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with Section 77-28.

A. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department' Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlnebergi* (bog turtle).

C. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements of Sections 77-22F and 77-22G:

1. The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;

2. The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and

3. The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is made of permeable material.

D. A waiver from strict compliance from the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements of Sections 77-22F and 77-22G may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:

1. The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;

2. The applicant demonstrates through an alternatives analysis, that through the use of nonstructural and structural stormwater management strategies and measures, the option selected complies with the requirements of Sections 77-22F and 77-22G to the maximum extent practicable;

3. The applicant demonstrates that, in order to meet the requirements of Sections 77-22F and 77-22G, existing structures currently in use, such as homes and buildings, would need to be condemned; and

7741 The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under D.3 above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of Sections 77-22F and 77-22G that were not achievable on-site.

E. Nonstructural Stormwater Management Strategies

1. To the maximum extent practicable, the standards in Sections 77-22F and 77-22G shall be met by incorporating nonstructural stormwater management strategies set forth at Section 77-22E to the design. The applicant shall identify the nonstructural measures incorporated into the design of the project. If the applicant contends that it is not feasible for engineering, environmental, or safety reasons to incorporate any nonstructural stormwater management strategies identified in Paragraph 4.E.2 below into the design of a particular project, the applicant shall identify the strategy considered and provide a basis for the contention.

2. Nonstructural stormwater management strategies incorporated into site design shall:

a. Protect areas that provide water quality benefits or areas particularly susceptible to erosion and sediment loss;

b. Minimize impervious surfaces and break up or disconnect the flow of runoff over impervious surfaces;

c. Maximize the protection of natural drainage features and vegetation;

d. Minimize the decrease in the "time of concentration" from pre-construction to post construction. "Time of concentration" is defined as the time it takes for runoff to travel from the hydraulically most distant point of the watershed to the point of interest within a watershed;

e. Minimize land disturbance including clearing and grading;

f. Minimize soil compaction;

g. Provide low-maintenance landscaping that encourages retention and planting of native vegetation and minimizes the use of lawns, fertilizers and pesticides;

h. Provide vegetated open-channel conveyance systems discharging into and through stable vegetated areas;

i. Provide other source controls to prevent or minimize the use or exposure of pollutants at the site, in order to prevent or minimize the release of those pollutants into stormwater runoff. Such source controls include, but are not limited to:

(1) Site design features that help to prevent accumulation of trash and debris in drainage systems, including features that satisfy Section 77-22E.3 below;

(2) Site design features that help to prevent discharge of trash and debris from drainage systems;

(3) Site design features that help to prevent and/or contain spills or other harmful accumulations of pollutants at industrial or commercial developments; and

7742 When establishing vegetation after land disturbance, applying fertilizer in accordance with the requirements established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules.

3. Site design features identified under Section 77-22E.2.i(2) above shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For exemptions to this standard see Section 77-22E.3.c below.

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

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

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

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

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

c. This standard does not apply:

(1) Where the review agency determines that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;

(2) Where flows from the water quality design storm as specified in Section 77-22G.1 are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:

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

(b) A bar screen having a bar spacing of 0.5 inches.

(3) Where flows are conveyed through a trash rack that has parallel bars with one-inch (1”) spacing between the bars, to the elevation of the water quality design storm as specified in Section 77-22G.1; or

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

4. Any land area used as a nonstructural stormwater management measure to meet the performance standards in Sections 77-22F and 77-22G shall be dedicated to a government agency, subjected to a conservation restriction filed with the Bergen County Clerk’s office, or subject to an approved equivalent restriction that ensures that measure or an equivalent stormwater management measure approved by the reviewing agency is maintained in perpetuity.

5. Guidance for nonstructural stormwater management strategies is available in the New Jersey Stormwater Best Management Practices Manual. The BMP Manual may be obtained from the address identified in Section 77-25A, or found on the Department's website at www.njstormwater.org.

F. Erosion Control, Groundwater Recharge and Runoff Quantity Standards

1. This subsection contains minimum design and performance standards to control erosion, encourage and control infiltration and groundwater recharge, and control stormwater runoff quantity impacts of major development.

a. The minimum design and performance standards for erosion control are those established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq. and implementing rules.

b. The minimum design and performance standards for groundwater recharge are as follows:

7743 The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at Section 77-23, either:

(a) Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100 percent of the average annual pre-construction groundwater recharge volume for the site; or

(b) Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the 2-year storm is infiltrated.

(2) This groundwater recharge requirement does not apply to projects within the "urban redevelopment area," or to projects subject to (3) below.

(3) The following types of stormwater shall not be recharged:

(a) Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than "reportable quantities" as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department approved remedial action work plan or landfill closure plan and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and

(b) Industrial stormwater exposed to "source material."

(4)The design engineer shall assess the hydraulic impact on the groundwater table and design the site so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high water table so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems and other subsurface structures in the vicinity or downgradient of the groundwater recharge area.

(a) In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at Section 77-23, complete one of the following:

(1) Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the two, 10, and 100-year storm events do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;

(2) Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the

pre-construction condition, in the peak runoff rates of stormwater leaving the site for the two, 10, and 100-year storm events and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;

(3) Design stormwater management measures so that the post-construction peak runoff rates for the 2, 10 and 100 year storm events are 50, 75 and 80 percent, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed. The percentages shall not be applied to post-construction stormwater runoff into tidal flood hazard areas if the increased volume of stormwater runoff will not increase flood damages below the point of discharge; or

(4) In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with (1), (2) and (3) above shall only be applied if the increased volume of stormwater runoff could increase flood damages below the point of discharge.

7744 Any application for a new “agricultural development” that meets the definition of major development at Section 77-20 shall be submitted to the appropriate Soil Conservation District for review and approval in accordance with the requirements of this section and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control.

G. Stormwater Runoff Quality Standards

1. Stormwater management measures shall be designed to reduce the post-construction load of total suspended solids (TSS) in stormwater runoff by 80 percent of the anticipated load from the developed site, expressed as an annual average. Stormwater management measures shall only be required for water quality control if an additional 1/4 acre of impervious surface is being proposed on a development site. The requirement to reduce TSS does not apply to any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the New Jersey Pollution Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDES permit from this requirement. The water quality design storm is 1.25 inches of rainfall in two hours. Water quality calculations shall take into account the distribution of rain from the water quality design storm, as reflected in Table 1. The calculation of the volume of runoff may take into account the implementation of non-structural and structural stormwater management measures.

Table 1: Water Quality Design Storm Distribution

Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)
0	0.0000	65	0.8917
5	0.0083	70	0.9917
10	0.0166	75	1.0500
15	0.0250	80	1.0840

20	0.0500	85	1.1170
25	0.0750	90	1.1500
30	0.1000	95	1.1750
35	0.1330	100	1.2000
40	0.1660	105	1.2250
45	0.2000	110	1.2334
50	0.2583	115	1.2417
55	0.3583	120	1.2500
60	0.6250		

2. For purposes of TSS reduction calculations, Table 2 below presents the presumed removal rates for certain BMPs designed in accordance with the New Jersey Stormwater Best Management Practices Manual. The BMP Manual may be obtained from the address identified in Section 77-25, or found on the Department's website at www.njstormwater.org. The BMP Manual and other sources of technical guidance are listed in Section 77-25. TSS reduction shall be calculated based on the removal rates for the BMPs in Table 2 below. Alternative removal rates and methods of calculating removal rates may be used if the design engineer provides documentation demonstrating the capability of these alternative rates and methods to the review agency. A copy of any approved alternative rate or method of

calculating the removal rate shall be provided to the Department at the following address: Division of Watershed Management, New Jersey Department of Environmental Protection, PO Box 418 Trenton, New Jersey, 08625-0418.

3. If more than one BMP in series is necessary to achieve the required 80 percent TSS reduction for a site, the applicant shall utilize the following formula to calculate TSS reduction:

$$R = A + B - (A \times B)/100$$

Where

R = total TSS percent load removal from application of both BMPs, and

A = the TSS percent removal rate applicable to the first BMP

B = the TSS percent removal rate applicable to the second BMP

Table 2: TSS Removal Rates for BMPs	
Best Management Practice	TSS Percent Removal Rate
Bioretention Systems	90
Constructed Stormwater Wetland	90
Extended Detention Basin	40-60
Infiltration Structure	80
Manufactured Treatment Device	See Section 6.C
Sand Filter	80
Vegetative Filter Strip	60-80
Wet Pond	50-90

4. If there is more than one onsite drainage area, the 80 percent TSS removal rate shall apply to each drainage area, unless the runoff from the subareas converge on site in which case the removal rate can be demonstrated through a calculation using a weighted average.

5. Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include nonstructural strategies and structural measures that optimize nutrient removal while still

achieving the performance standards in Sections 77-22F and 77-22G.

6. Additional information and examples of stormwater quality BMPs are contained in the New Jersey Stormwater Best Management Practices Manual, which may be obtained from the address identified in Section 77-25.

7. In accordance with the definition of FW1 at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as FW1.

8. Special water resource protection areas shall be established along all waters designated Category One at N.J.A.C. 7:9B, and perennial or intermittent streams that drain into or upstream of the Category One waters as shown on the USGS Quadrangle Maps or in the County Soil Surveys, within the associated HUC14 drainage area. These areas shall be established for the protection of water quality, aesthetic value, exceptional ecological significance, exceptional recreational significance, exceptional water supply significance, and exceptional fisheries significance of those established Category One waters. These areas shall be designated and protected as follows:

a. The applicant shall preserve and maintain a special water resource protection area in accordance with one of the following:

(1) A 300-foot special water resource protection area shall be provided on each side of the waterway, measured perpendicular to the waterway from the top of the bank outwards or from the centerline of the waterway where the bank is not defined, consisting of existing vegetation or vegetation allowed to follow natural succession is provided. (2) Encroachment within the designated special water resource protection area under Subsection (1) above shall only be allowed where previous development or disturbance has occurred (for example, active agricultural use, parking area or maintained lawn area). The encroachment shall only be

allowed where applicant demonstrates that the functional value and overall condition of the special water resource protection area will be maintained to the maximum extent practicable. In no case shall the remaining special water resource protection area be reduced to less than 150 feet as measured perpendicular to the top of bank of the waterway or centerline of the waterway where the bank is undefined. All encroachments proposed under this subparagraph shall be subject to review and approval by the Department.

b. All stormwater shall be discharged outside of and flow through the special water resource protection area and shall comply with the Standard for Off-Site Stability in the "Standards For Soil Erosion and Sediment Control in New Jersey," established under the Soil Erosion and Sediment Control Act , N.J.S.A. 4:24-39 et seq.

c If stormwater discharged outside of and flowing through the special water resource protection area cannot comply with the Standard For Off-Site Stability in the "Standards for Soil Erosion and Sediment Control in New Jersey," established under the Soil Erosion and Sediment Control Act , N.J.S.A. 4:24-39 et seq., then the stabilization measures in accordance with the requirements of the above standards may be placed within the special water resource protection area, provided that:

(1) Stabilization measures shall not be placed within 150 feet of the Category One waterway;

(2) Stormwater associated with discharges allowed by this section shall achieve a 95 percent TSS post-construction removal rate;

(3) Temperature shall be addressed to ensure no impact on the receiving waterway;

(4) The encroachment shall only be allowed where the applicant demonstrates that the functional value and overall condition of the special water resource protection area will be maintained to the maximum extent practicable;

(5) A conceptual project design meeting shall be held with the appropriate Department staff and Soil Conservation District staff to identify necessary stabilization measures; and

(6) All encroachments proposed under this section shall be subject to review and approval by the Department.

d. A stream corridor protection plan may be developed by a regional stormwater management planning committee as an element of a regional stormwater management plan, or by a municipality through an adopted municipal stormwater management plan. If a stream corridor protection plan for a waterway subject to Section77-22G.8 has been approved by the Department of Environmental Protection, then the provisions of the plan shall be the applicable special water resource protection area requirements for that waterway. A stream corridor protection plan for a waterway subject to Section 77-22G.8 shall maintain or enhance the current functional value and overall condition of the special water resource protection area as defined in Section 77-22G.8.a.(1) above. In no case shall a stream corridor protection plan allow the reduction of the Special Water Resource Protection Area to less than 150 feet as measured perpendicular to the waterway subject to this subsection.

e. Paragraph 77-22G.8 does not apply to the construction of one individual single family dwelling that is not part of a larger development on a lot receiving preliminary or final subdivision approval on or before February 2, 2004, provided that the construction begins on or before February 2, 2009.

77-23: Calculation of Stormwater Runoff and Groundwater Recharge

A. Stormwater runoff shall be calculated in accordance with the following:

1. The design engineer shall calculate runoff using one of the following methods:

a. The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in the NRCS National Engineering Handbook Section 4 – Hydrology and Technical Release 55 – Urban Hydrology for Small Watersheds or superceding document; or

b. The Rational Method for peak flow and the Modified Rational Method for hydrograph computations.

2. For the purpose of calculating runoff coefficients and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term "runoff coefficient" applies to both the NRCS methodology at Section 5.A.1.a and the Rational and Modified Rational Methods at Section 5.A.1.b. A runoff coefficient or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover have existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).

3. In computing pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce pre-construction stormwater runoff rates and volumes.

4. In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS

Technical Release 55 – Urban Hydrology for Small Watersheds and other methods may be employed.

5. If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.

B. Groundwater recharge may be calculated in accordance with the following:

1. The New Jersey Geological Survey Report GSR-32 A Method for Evaluating Ground-Water Recharge Areas in New Jersey, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the New Jersey Stormwater Best Management Practices Manual; at http://www.state.nj.us/dep/njgs/; or at New Jersey Geological Survey, 29 Arctic Parkway, P.O. Box 427 Trenton, New Jersey 08625-0427; (609) 984-6587.

77-24: Standards for Structural Stormwater Management Measures

7742 Standards for structural stormwater management measures are as follows:

1. Structural stormwater management measures shall be designed to take into account the existing site conditions, including, for example, environmentally critical areas, wetlands; flood-prone areas; slopes; depth to seasonal high water table; soil type, permeability and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone).

2. Structural stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure as appropriate, and shall have parallel bars with one-inch (1”) spacing between the bars to the elevation of the water quality design storm. For elevations higher than the

water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one-third (1/3) the width of the diameter of the orifice or one-third (1/3) the width of the weir, with a minimum spacing between bars of one-inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of Section 77-26.

3. Structural stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement.

4. At the intake to the outlet from the stormwater management basin, the orifice size shall be a minimum of two and one-half inches in diameter.

5. Stormwater management basins shall be designed to meet the minimum safety standards for stormwater management basins at Section 77-26.

7743 Where tailwater will affect the hydraulic performance of a stormwater management measure, the design engineer shall include such effects in the measure's design.

7744 Stormwater management measure guidelines are available in the New Jersey Stormwater Best Management Practices Manual. Other stormwater management measures may be utilized provided the design engineer demonstrates that the proposed measure and its design will accomplish the required water quantity, groundwater recharge and water quality design and performance standards established by Section 77-22 of this ordinance.

C. Manufactured treatment devices may be used to meet the requirements of Section 77-22G of this ordinance, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department.

77-25: Sources for Technical Guidance

A. Technical guidance for stormwater management measures can be found in the documents listed at 1 and 2 below, which are available from Maps and Publications, New Jersey Department of Environmental Protection, 428 East State Street, P.O. Box 420, Trenton, New Jersey, 08625; telephone (609) 777-1038.

1. Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended. Information is provided on stormwater management measures such as: bioretention systems, constructed stormwater wetlands, dry wells, extended detention basins, infiltration structures, manufactured treatment devices, pervious paving, sand filters, vegetative filter strips, and wet ponds.

2. The New Jersey Department of Environmental Protection Stormwater Management Facilities Maintenance Manual, as amended.

B. Additional technical guidance for stormwater management measures can be obtained from the following:

1. The "Standards for Soil Erosion and Sediment Control in New Jersey" promulgated by the State Soil Conservation Committee and incorporated into N.J.A.C. 2:90. Copies of these standards may be obtained by contacting the State Soil Conservation Committee or any of the Soil Conservation Districts listed in N.J.A.C. 2:90-1.3(a)4. The location, address, and telephone number of each Soil Conservation District may be obtained from the State Soil Conservation Committee, P.O. Box 330, Trenton, New Jersey 08625; (609) 292-5540;

2. The Rutgers Cooperative Extension Service, 732-932-9306; and

3. The Bergen County Soil Conservation District, 700 Kinderkamack Road, Suite 106, Oradell, NJ 07649; (201) 261-4407.

77-26: Safety Standards for Stormwater Management Basins

A. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management basins. This section applies to any new stormwater management basin.

B. Requirements for Trash Racks, Overflow Grates and Escape Provisions

1. A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the stormwater management basin to ensure proper functioning of the basin outlets in accordance with the following:

a. The trash rack shall have parallel bars, with no greater than six inch spacing between the bars.

b. The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure.

c.The average velocity of flow through a clean trash rack is not to exceed 2.5 feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack.

d. The trash rack shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 lbs/ft sq.

2. An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:

a. The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.

b. The overflow grate spacing shall be no less than two inches across the smallest dimension.

c. The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 lbs./ft sq.

3. For purposes of this paragraph 3, escape provisions means the permanent installation of ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management basins. Stormwater management basins shall include escape provisions as follows:

a. If a stormwater management basin has an outlet structure, escape provisions shall be incorporated in or on the structure. With the prior approval of the reviewing agency identified in Section 77-26C a free-standing outlet structure may be exempted from this requirement.

b. Safety ledges shall be constructed on the slopes of all new stormwater management basins having a permanent pool of water deeper than two and one-half feet. Such safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately two and one-half feet below the permanent water surface, and the second step shall be located one to one and one-half feet above the permanent water surface. See Section 77-26D for an illustration of safety ledges in a stormwater management basin.

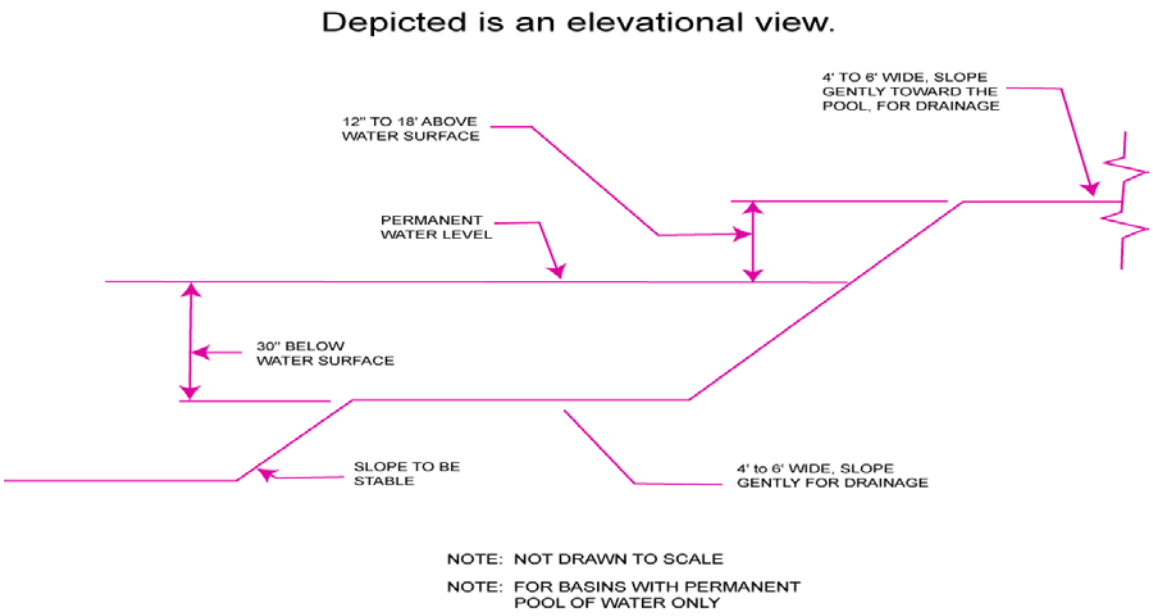
c. In new stormwater management basins, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than 3 horizontal to 1 vertical.

C. Variance or Exemption from Safety Standards

1. A variance or exemption from the safety standards for stormwater management basins may be granted only upon a written finding by

the appropriate reviewing agency (municipality, county or Department) that the variance or exemption will not constitute a threat to public safety.

D. Illustration of Safety Ledges in a New Stormwater Management Basin



77-27: Requirements for a Site Development Stormwater Plan

A. Submission of Site Development Stormwater Plan

1. Whenever an applicant seeks municipal approval of a development subject to this ordinance, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at Section 77-27C below as part of the submission of the applicant's application for subdivision or site plan approval.

2. The applicant shall demonstrate that the project meets the standards set forth in this ordinance.

3. The applicant shall submit 20 copies of the materials listed in the checklist for site development stormwater plans in accordance with Section 77-27C of this ordinance.

B. Site Development Stormwater Plan Approval

The applicant's Site Development project shall be reviewed as a part of the subdivision or site plan review process by the municipal board or official from which municipal approval is sought. That municipal board or official shall consult the engineer retained by the Planning and/or Zoning Board (as appropriate) to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this ordinance.

C. Checklist Requirements

The following information shall be required:

1. Topographic Base Map

The reviewing engineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic base map of the site be submitted which extends a minimum of 200 feet beyond the limits of the proposed development, at a scale of 1"=200' or greater, showing 2-foot contour intervals. The map as appropriate may indicate the following: existing surface water drainage, shorelines, steep slopes,

soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category One waters, wetlands and flood plains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing man-made structures, roads, bearing and distances of property lines, and significant natural and manmade features not otherwise shown.

2. Environmental Site Analysis

A written and graphic description of the natural and man-made features of the site and its environs. This description should include a discussion of soil conditions, slopes, wetlands, waterways and vegetation on the site. Particular attention should be given to unique, unusual, or environmentally sensitive features and to those that provide particular opportunities or constraints for development.

3. Project Description and Site Plan(s)

A map (or maps) at the scale of the topographical base map indicating the location of existing and proposed buildings, roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high ground water elevations. A written description of the site plan and justification of proposed changes in natural conditions may also be provided.

4. Land Use Planning and Source Control Plan

This plan shall provide a demonstration of how the goals and standards of Sections 77-21 through 77-24 are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

5. Stormwater Management Facilities Map

The following information, illustrated on a map of the same scale as the topographic base map, shall be included:

a. Total area to be paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.

b. Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of

detention and emergency spillway provisions with maximum discharge capacity of each spillway.

6. Calculations

a. Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in Section 77-22 of this ordinance.

b. When the proposed stormwater management control measures (e.g., infiltration basins) depends on the hydrologic properties of soils, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.

7. Maintenance and Repair Plan

The design and planning of the stormwater management facility shall meet the maintenance requirements of Section 77-28.

8. Waiver from Submission Requirements

The municipal official or board reviewing an application under this ordinance may, in consultation with the municipal engineer, waive submission of any of the requirements in Sections 77-27C.1 through 77-27C.6 of this ordinance when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

77-28: Maintenance and Repair

A. Applicability

1. Projects subject to review as in Section 77-19C of this ordinance shall comply with the requirements of Sections 77-28B and 77-28C.

B. General Maintenance

1. The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.

2. The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). Maintenance guidelines for stormwater management measures are available in the New Jersey Stormwater Best Management Practices Manual. If the maintenance plan identifies a person other than the developer (for example, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's agreement to assume this responsibility, or of the developer's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.

3. Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project.

7750 If the person responsible for maintenance identified under Section 77-28B.2 above is not a public agency, the maintenance plan and any future revisions based on Section 77-28B.7 below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.

5. Preventative and corrective maintenance shall be performed to maintain the function of the stormwater management measure, including repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of nonvegetated linings.

6. The person responsible for maintenance identified under Section 77-28B.2 above shall maintain a detailed log of all preventative and

corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders.

7. The person responsible for maintenance identified under Section 77-28B.2 above shall evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed.

8. The person responsible for maintenance identified under Section 77-28B.2 above shall retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by Sections 77-28B.6 and 77-28B.7 above.

9. The requirements of Sections 77-28B.3 and 77-28B.4 do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency.

7741 In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or County may immediately proceed to do so and shall bill the cost thereof to the responsible person.

B. Nothing in this section shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53.

77-29: Penalties

See Chapter 1:14-1

77-30: Enforcement

A. It shall be the duty of the Zoning Officer of the Borough of Waldwick to administer and enforce sections 1-18 of this chapter. In no case shall a permit be granted for the construction or alteration of any building where the proposed construction, alteration or use would be in violation of any provision of this ordinance. It shall be the duty of the Zoning Officer to cause any new buildings, plans or premises to be inspected or examined and to order in writing to the owner that any condition be remedied, which is found to exist in violation of any provisions of this Ordinance. He shall have the right to enter any building or premises during the daytime in the course of his duties.

B. It shall be the duty of the Borough Engineer to administer and enforce sections 19-28 of this chapter.

a. In case any building or structure is or is intended to be erected, constructed or reconstructed, altered or converted, or any building or structure is or is intended to be used in violation of or contrary to the provisions of this Ordinance, the Borough Attorney shall, after authorization by the Governing Body and in addition to other remedies set forth in the statutes of the State of New Jersey and in this Ordinance, institute an action to enjoin, or any other appropriate action or proceeding to prevent such erection, construction, reconstruction, alteration, conversion or use.

77-31: Effective Date

This ordinance shall take effect immediately upon the approval by the county review agency, or sixty (60) days from the receipt of the ordinance by the county review agency if the county review agency should fail to act.

77-32: Severability

If the provisions of any section, subsection, paragraph, subdivision, or clause of this ordinance shall be judged invalid by a court of competent jurisdiction, such

order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this ordinance.

Chapter 79

SNOW AND ICE REMOVAL

79-1. Removal from sidewalks required.

79-2. Depositing snow or ice on streets.

79-3. Noncompliance procedure.

79-4. Definitions.

79-5. Violations and penalties.

79-6. Repealer.

79-7. When effective.

(HISTORY: Adopted by the Mayor and Council of the Borough of Waldwick 12-28-65 as Ord. No. 9-65.)

BE IT ORDAINED by the Mayor and Council of the Borough of Waldwick, in the County of Bergen and State of New Jersey, as follows:

79-1. Removal from sidewalks required. (Amended 8-16-94 by Ord. No. 16-94)

The owner or occupant of premises abutting or bordering upon any street in the Borough of Waldwick shall remove all snow and ice from the sidewalks of any such street within twenty-four (24) hours after the same shall cease to fall or to be formed thereon, or in the case of ice which may be so frozen to the sidewalks as to make removal impractical, shall cause the same to be thoroughly covered with sand or ashes within the same period. All sidewalks must be shoveled for the full width of the sidewalk and driveway apron. Any sidewalk terminating at a corner must be shoveled to the point where the paved surface of the street meets the sidewalk.

79-2. Depositing snow or ice on streets. (Amended 8-16-94 by Ord. No. 16-94)

No person, including the owner or occupant of any premises abutting on any street, shall throw, place or deposit any snow or ice into or upon any street in the Borough except such as falls upon or is formed upon that portion of the property so abutting said street lying within the sidewalk lines thereof. No person shall

throw, place or deposit snow or ice into or upon the property of another person without the property owner's express permission. It is the intent purpose of this section to prohibit all persons from throwing, casting, placing or depositing snow and ice which accumulated within the private property belonging to said persons, upon the sidewalks or streets of the Borough, or upon other real property without the owner's permission.

79-3. Noncompliance procedure. (Amended 8-16-94 by Ord. No. 16-94; 4-27-10 by Ord. No. 9-10)

In any case in which snow or ice is not removed from any sidewalk as required in Sections 79-1, or whereby snow or ice is deposited, thrown or placed upon any sidewalk or street in violation of Section 79-2 above, then the Police Department will issue a summons twenty four (24) hours after the snow has ceased falling to the owner or occupant of the property in violation. Each day that the owner or occupant of the premises is in violation of Chapter 79 shall be considered a separate violation.

Should the Police Department, Fire Department, or the Board of Health deem that the location of snow and ice on any sidewalk or street represents an immediate danger to the public health safety and welfare, then such snow and ice may be removed by and under the direction of the Superintendent of Public Works. All reasonable efforts shall be made to notify the owner or occupant of the condition and the need to remedy such hazard. The cost thereof shall be certified by the Superintendent of Public Works to the governing body, which shall examine such certificate of cost, and if it finds said certificate to be correct, shall cause such costs to be charged against the real estate abutting upon such sidewalks. The amount so charged shall thereupon become a lien and tax upon said real estate and be added to and become a part of the taxes next to be levied and assessed thereon, and enforced and collected, with interest, by the same officers and in the same manner as other taxes. The imposition and collection of any penalty imposed by the provisions of Section 79-5 hereof shall not constitute any bar to the right of the Borough to collect such assessment of costs as certified for the removal of said snow or ice in the manner herein authorized.

79-4. Definitions.

OWNER - Shall mean any person, firm, partnership or corporation vested with legal title, and shall include the spouse of a record owner. Where the legal title is vested in two (2) or more persons, firms or corporations, jointly or in common, any of such persons, firms or corporations shall be deemed to be an "owner".

OCCUPANT - Shall mean any person, firm, partnership or corporation other than an "owner", as hereinabove defined, regularly occupying such premises, whether such occupancy be by written or oral lease or otherwise.

79-5. Violations and penalties.

See Chapter 1:14.1.

79-6. Repealer.

This ordinance specifically repeals so much of Ord. No. 1-36, "An Ordinance Requiring the Owner or Owners, Tenant or Tenants of Lands Abutting or Bordering Upon Sidewalks and Gutters of Public Streets, Avenues and Highways in the Borough of Waldwick to Remove All Grass, Weeds, Ice, Snow and Other Impediments Therefrom", as pertains to the removal of ice and snow and in addition repeals an ordinance entitled "Borough of Waldwick Snow Removal Ordinance," Ord. No. 1-60, adopted February 28, 1961.

79-7. When effective.

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

Chapter 80

SOIL MOVEMENT

80-1. Purpose.

80-2. Definitions.

80-3. Soil-moving permit required.

80-4. Soil-moving permit applications.

80-5. Ministerial soil-moving permit applications.

80-6. Major soil-moving permit applications.

80-7. Fees.

80-8. Performance Bond.

80-9. Form of Permit; Contents; Expiration.

80-10. Unlawful Acts.

80-11. Movement and storage of topsoil.

80-12. Excavating below final grades restricted.

80-13. Final Grades.

80-14. Inspections.

80-15. Violations and Penalties.

(HISTORY: Adopted by the Mayor and Council of the Borough of Waldwick 7-22-97 as Ord. No. 16-97. Amendments noted where applicable.)

BE IT ORDAINED by the Mayor and Council of the Borough of Waldwick, in the County of Bergen and State of New Jersey as follows:

80-1 Purpose

The purpose of this chapter shall be to prevent the unregulated and uncontrolled relocation, filling, excavation and removal of soil by developers and excavators which may result in conditions detrimental to the public safety, health and general welfare substantially hampering and deterring the efforts of the Borough to effectuate the general purpose of Municipal planning. The continuation of the unregulated and uncontrolled relocation, filling, excavation and removal of soil and filling with unsuitable material may cause serious and irreparable damage to the public welfare by reason of consequent soil erosion by water and wind; inadequate and improper surface water drainage; decrease in or destruction of the fertility of soil; water drainage; removal of lateral support of abutting streets, lands and premises; creation of dust storms and mosquito breeding places; creation of dangerous depressions or pits; deterioration of property values; rendering of lands unfit or unsuitable to their most appropriate uses; and creation of other factors and elements hampering and deterring the coordinated, adjusted and harmonious physical development of the Borough.

80-2 Definitions

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

DEVELOPER - Any person who, either directly or through an agent or independent contractor, engages or intends to engage in land subdivision or in the construction of two (2) or more dwelling houses, business or industrial buildings in any subdivision for the purpose of sale to or occupancy by another person or persons.

EXCAVATOR - Any person who moves soil.

LOT - Any parcel of land or portion thereof, the boundary lines of which can be ascertained by reference to the maps and records, of the Borough Tax Assessor

MAJOR SOIL PERMIT - Any soil permit other than ministerial for the moving of soil within any period of twelve (12) consecutive months.

MINISTERIAL PERMIT - A permit for the moving of soil, as required by Chapter 80-5, between ten (10) and two hundred (200) cubic yards of soil within any period of twelve (12) consecutive months. If two (2) or more applications in any twelve-consecutive-month period require the movement of soil in excess of two hundred (200) cubic yards in the aggregate, said application shall be classified as a major soil-moving application and shall be required to comply with Chapter 80-6 of this chapter. **(Amended 11-14-00 by Ord. No. 19-00)**

MOVE - To dig; excavate, remove; deposit; place; fill; grade; regrade; level or otherwise alter or change the location of contour; or transport; or supply. This term shall not be construed to include plowing, spading, cultivating, harrowing or discing of soil or any other operation usually and ordinarily associated with the tilling of soil for agricultural or horticultural purposes, landscaping and gardening by homeowners or agents of homeowners, provided that it does not substantially alter existing drainage patterns.

OWNER - Any person seized in fee simple of any lot or having such other interest or estate therein as will permit exercise of effective possession thereof or dominion thereover.

SOIL - Any earth, sand, clay, loam, gravel, humus, rock or dirt, without regard to the presence or absence therein of organic matter, including any synthetic substance used as a substitute or in conjunction with soil.

SUITABLE FILL - The Borough Engineer shall determine whether the fill is suitable or unsuitable to the particular location. Suitable materials shall include but not be limited to materials such as earth, clay, gravel, stone, dirt, etc.

TOPSOIL - Soil that, in its natural state, constitutes the top layer of earth, and is composed of two percent (2%) or more, by weight, of organic matter and has the ability to support vegetation.

UNSUITABLE FILL - The Borough Engineer shall determine whether the fill is suitable or unsuitable to the particular location. The unsuitable materials are materials such as peat moss, organic material, vegetation, leaves, tree stumps, wood chips, sawdust, chemical waste, tires, wooden logs, etc.

80-3. Soil-moving permit required.

No developer and no excavator shall move or cause, allow, permit or suffer to be moved more than ten (10) cubic yards of soil in or upon any lot in the Borough in a twelve (12) consecutive month period unless and until a soil-moving permit therefor shall first have been issued in accordance with the provisions of this chapter. Permits shall not be required for plowing, spading, cultivating, harrowing or discing of soil or any other operation usually and ordinarily associated with the tilling of soil for agricultural or horticultural purposes, landscaping and gardening by homeowners or agents of homeowners, provided that it does not substantially alter existing drainage patterns.

80-4. Soil-moving permit applications.

All applications for soil-moving permits shall be made through the office of the Zoning Officer.

80-5. Ministerial soil-moving permit applications.

The procedure for applying for and issuance of a ministerial soil-moving permit shall be as follows:

A. Applications for ministerial soil permits shall be filed with the Borough Engineer and shall be accompanied by the fee prescribed in section 7 of this chapter.

(1) Applications shall be made in triplicate on forms prescribed by the Borough and supplied by the Borough Engineer. In addition to any other requirements which the Borough, acting through the Borough Engineer, may require on data pertinent to the application, the application shall show the following:

(a) The identity and location of the applicant
(b) The lot and block number of the lot or lots involved.
(c) The identity and location of the owner of the lands.
(d) The purpose or reason for the moving of the soil.
(e) The estimated quantity in cubic yards of soil to be moved.
(f) A statement as to how the moving of the soil will affect all trees with a diameter of six (6) inches or more.
(g) The proposed date of completion of the work.
(h) A certification as to the source of the fill material. At the discretion of the Borough Engineer the applicant can be required to have said fill tested to assure that it does not contain hazardous waste substance as regulated by the State of New Jersey.

(2) The Borough Engineer shall require the applicant to submit an existing topographical map and a proposed grading and drainage plan and notification by certified mail to the abutting property owners about the soil-moving operation if the Borough Engineer deems it necessary due to the existence of substantial drainage or erosion of soil problems and to protect the health, safety and welfare of the people and property.

B. The Borough Engineer, upon receipt of the application, shall make a field investigation and shall issue the permit or deny it, giving his reasons for denial. The Borough Engineer will forward a copy of the permit to the Building Department and one (1) to the applicant and shall retain one (1) copy on file. The Borough Engineer shall classify any ministerial soil application as a major soil application if he finds the application will present unusual drainage or erosion of soil problems or adversely affect the development of the abutting lot or lots.

80-6. Major soil-moving permit applications.

The procedure for applying for the issuance of a major soil-moving permit shall be as follows:

A. On forms prescribed and supplied by the Planning Board, the applicant shall set forth, in duplicate, to the Planning Board, with a carbon copy to the Borough Engineer and Building Department:

(1) The identity and location of the applicant.
(2) The description of the lands in question, including lot and block number of the lot or lots involved.
(3) The name and address of the owner of the lands.
(4) The purpose or reason for moving the soil and whether it will be done in connection with a proposed subdivision; if so, the date of filing the application for subdivision.
(5) A detailed statement of the method or process to be employed for the excavation and the proposed time period for removal.
(6) The kind and quantity in cubic yards of the soil to be removed.
(7) In case of removal or replacement of soil, the place to which the soil is to be removed, and the place and quantity of soil to be removed in fill and excavation and the transportation route to be used in the Borough.
(8) The proposed date of the completion of the work.
(9) A certificate that he has placed or caused to be placed stakes at each corner of the lot or lots from which soil is to be removed and further, that he has placed or caused to be placed grade stakes at the existing elevation points designated on the topographical map pursuant to the provisions of this chapter, clearly marked to indicate the soil cuts or fill.
(10) A statement as to how the moving of the soil will affect all trees with a diameter of six (6) inches or more.
(11) A certification as to the source of the fill material. At the discretion of the Borough Engineer the applicant can be required to have said fill tested to assure that it does not contain hazardous waste substance as regulated by the State of New Jersey.

B. Signatures. Said application shall bear the signature of the applicant and the endorsement of the owner or owners of said lands signifying approval of the application, consent to the applicant to perform the proposed work and consent to the Borough, in the event of failure of the applicant to do so, to cause the proposed work to be completed or otherwise terminated in keeping with the purposes and objectives of this chapter.

C. Topographical map. Accompanying the application shall be eight (8) prints of a topographical map of the lot upon which the proposed soil-moving operations are to be conducted and of all surrounding lands within one hundred (100) feet of the perimeter of said lot, but not beyond the far side of an abutting street right-of-way, prepared and certified by a licensed professional engineer or land surveyor of the State of New Jersey, on a scale of not less than one (1) inch to one hundred (100) feet, and referred to United States Coast and Geodetic Survey data, showing, both as to the lot and as to all of said surrounding lands:

(1) The dimensions of the lot, including distance and bearings and the lot and block number of the lot and of each lot in the surrounding lands as shown on a tax assessment map of the Borough.

(2) The existing elevations of all lands on a one-hundred-foot grid layout.

(3) The existing elevations of all buildings, structures, streets, streams, bodies of water and watercourses, natural or artificial.

(4) All existing surface and subsurface water drainage conditions and provisions therefor.

(5) All wooded areas and all trees having a diameter of six (6) inches or more at the base.

(6) The limits of the area or areas within the lot or lots in question within which the soil-moving operations are to be conducted, and the existing elevations of said limits at intervals of not more than one hundred (100) feet.

(7) The proposed final elevations at each point where existing elevations shown on said map are to be changed as a result of completion of the proposed work.

(8) Proposed slopes and lateral supports at the limits of the area upon completion of the soil-moving operations.

(9) Proposed provisions and facilities for surface water drainage and, where applicable, channels of any streams, bodies of water and watercourses, natural or artificial, including detailed cross sections showing proposed channel widths, bank slopes, grade and method of erosion control.

(10) Accurate cross sections showing the locations and quantities in cubic yards of soil to be moved.

(11) All proposed elevations in enclosed rectangular boxes; and all e existing elevations to be indicated without any kind of enclosure.

(12) Such other pertinent data as the Planning Board may, by resolution require.

(13) All easements and restrictions of record which may affect the subject lot or lots.

(14) If said moving application is in conjunction with a site plan or subdivision plan, the developer shall submit a complete site plan or preliminary subdivision plan according to the appropriate subdivision ordinance.

D. Inspection of site.

(1) The Borough Engineer shall make an inspection of the site from which soil is to be moved and shall make such engineering studies as may be required to determine the effect of the removal of soil from the location as it relates to:

(a) Soil erosion by water and wind.
(b) Surface and subsurface water drainage.
(c) Soil fertility.
(d) Lateral support of abutting streets and lands.
(e) Public health and safety.
(f) Such other factors as may bear upon or relate to the coordinated, adjusted and harmonious physical development of the Borough.

(2) The Borough Engineer shall also inspect the aforesaid site to determine whether stakes have been placed on each corner thereof and whether grade stakes have been placed at the existing points designated on the topographical map pursuant to the provisions of Subsection C hereof.

E. Hearing. The Planning Board shall, within sixty (60) days after receipt of the application, fix a date for a hearing for the purpose of considering the application and shall give to the applicant, either personally or by certified mail, notice of the time and place of said hearing. The applicant shall, at least five (5) days prior to the date appointed for said hearing, serve written notice, either in person or by registered mail, upon such persons as are shown on the municipal tax records to be the owners of such lots within two hundred (200) feet of the property in question. The applicant shall at the hearing present to the Planning Board satisfactory proof in affidavit form of the service of said notices.

F. Factors to be considered in determining application. In considering the application, the Planning Board shall be guided by the general purpose of municipal planning and shall take into consideration the following factors:

(1) Soil erosion by water and wind.
(2) Surface and subsurface water drainage.
(3) Soil fertility and soil-bearing capacity.
(4) Lateral support of abutting streets and lands.
(5) Public health and safety.
(6) Land value and uses.
(7) Such other factors as may bear upon or relate to the coordinated, adjusted and harmonious development of the Borough.
(8) Proposed complete site or preliminary subdivision plan.

G. Decision. The Planning Board shall review and consider the application which must be complete, including all of the requirements of the provisions of this chapter and the material factors brought up at the public hearing and the reports of other reviewing authorities of the Borough, and shall either grant or deny the issuance of said soil permit. If the Planning Board denies the permit, the reason for the denial shall be stated. The Planning Board also can issue a permit with stipulations and conditions. The Planning Board shall act within sixty (60) days of the filing of the a complete application. The Planning Board shall act only upon the filing and receipt of a complete application to either deny or grant the permit within said sixty (60) days and the failure by the Planning Board to act upon the application within said period shall be considered an automatic approval of the issuance of said permit unless the Planning Board extends the time limit for a period not to exceed an additional sixty (60) days.

H. Appeal. In the event of refusal, the applicant may, not later than thirty (30) days after the date of such refusal, appeal to the Borough Council. The Borough Council may by a majority vote of the members present sustain or by a two-thirds (2/3) vote of its entire membership overrule the Planning Board recommendations.

I. When an application is considered by the Zoning Board of Adjustment, then all powers granted to the Planning Board with regard to the receipt, review and determination of applications for major soil removal permits under this chapter are hereby granted and conferred upon the Board of Adjustment in full. **(Amended 11-14-00 by Ord. No. 19-00)**

80-7 Fees. **(See Ch. 48:80-7)**

80-8 Performance Bond.

A. In the event that the Planning board recommends approval of the soil removal permit application, the Secretary of the Planning Board shall forthwith give notice to the applicant of the action of the Planning Board, and further, the amount of the performance bond required as hereinafter set forth in this section. In the event that the applicant fails to post the required performance bond within sixty (60) days of this notice, then the recommendation of the Planning Board shall be automatically rescinded.

B. No soil permit shall be issued unless the applicant therefor shall have posted with the borough a performance bond in form and with surety acceptable to the Borough in such amount as the Planning Board shall determine, conditioned upon full and faithful performance by the principal within the time specified in the application of all the proposed work in accordance with the provisions of this chapter and of the soil-moving permit issued pursuant hereto.

C. The amount of said bond shall be determined at the rate of not less than ten

cents ($0.10) per cubic yard and not in excess of fifty cents ($0.50) per cubic yard of the amount of soil to be moved; provided , however, that in no event shall said bond be less that the principal amount of two thousand dollars ($2,000). The Planning Board may request additional bonds for improvements shown on the soil-moving application or plan, such as but not limited to the following: retaining walls, planting, drainage erosion, control damages to haul route, etc. In ascertaining the rate upon which to compute the amount of the bond, the Planning Board shall take into consideration such factors as may bear upon the facility with which the proposed work may be performed, including but not limited to the type and character of soil, the extent of the area over which the soil-moving operations are to be conducted, the extent and depth of the various cuts and fills, the extent to which the area of operations is wooded, the proximity of the proposed operations to streets, buildings, structures, natural or artificial streams or watercourses and general drainage conditions.

D. Before the holder of any soil removal permit shall proceed before the Planning Board with any application for any amendment or alteration of the terms and conditions of any outstanding soil removal permit, there shall be submitted to the Planning Board the written consent of the surety on said bond approving said application for amendment or alteration and consenting to extension of the bond coverage thereto.

E. Applications for the release of any bonds posted in accordance with the terms of this chapter or the resolutions of the Planning Board shall be accompanied by an affidavit stating that the soil-moving operation has been completed in accordance with the application and all plans, maps, and other date filed therewith and in accordance with all resolutions and conditions therein adopted by the Planning Board. Said affidavit shall be executed by a licensed professional or civil engineer or land surveyor of the State of New Jersey.

80-9 Form of Permit; Contents; Expiration.

A. The soil removal permit shall be in such form as may be prescribed by the Planning Board. It shall be signed by the Secretary and the Chairman of the Planning Board, and it shall contain any special conditions set forth in the recommendation.

B. The soil removal permit shall be dated as of the date it is actually issued, and the term of said permit shall not exceed one (1) year.

C. All permits shall automatically expire on the termination date unless application for renewal has been made and approved, in writing, extending such permit.

80-10 Unlawful Acts.

No person to whom a soil removal permit has been issued shall:

A. Conduct or maintain on the premises any sand, gravel or similar kind or pit, any sand or gravel washing or screening machinery or equipment, any business or industry not permitted in the district in which said premises are located, or any endeavor or enterprise other that the grading or regrading of said premises in accordance with the provisions of said permit and, where applicable, the necessary disposal of soil incidental to said grading or regrading.

B. Conduct or maintain any soil-moving operations without having first made adequate provisions by means of road oil or otherwise for the laying of dust incidental to the use of vehicles, machinery and equipment on the lands described in the soil permit.

C. Neglect to dispose of on or before the completion date stated in the application any partially or wholly excavated boulders or other incombustible debris resulting from the soil-moving operations by burial or removal and any partially or wholly excavated stumps, felled or uprooted trees or other combustible debris resulting from the soil-moving operations must be removed from the site.

D. Conduct any soil-moving operations beyond the expiration date as set forth in the soil removal permit or extended expiration date as may duly be granted by the Planning Board.

80-11 Movement and storage of topsoil.

A. Whenever any developer or excavator shall move topsoil in or upon any lot, provision shall be made for the storage of said topsoil within the boundary lines of said lot.

B. Except as hereinafter provided, all of the topsoil so stored shall be uniformly replaced over the entire area or surface of the lot on or before the completion date set forth in the soil permit so that the final grade or grades of said replaced topsoil shall be in accordance with the proposed final grades shown on the topographical map.

C. No developer or excavator shall remove to any point beyond the boundary lines of the lot any topsoil whatsoever unless and until topsoil not inferior in quality to that to be removed shall first have been replaced uniformly to a depth of not less than six (6) inches, measured from the proposed final grades as shown on the topographical map, over the entire surface or area of the lot, excepting only such portions thereof as shall be or shall have become, since

the date of filing of said topographical map, permanently covered by a building or structure, street pavement, curb, sidewalk, driveway or the paved area or by

any body of water or waterway. In no event shall the developer or excavator remove from the lot more topsoil than that comprising the surplus or excess remaining after the replacement of the topsoil as aforesaid.

80-12 Excavating below final grades restricted.

No developer or excavator shall, at any time in the course of the work, dig or excavate more the six (6) inches below the proposed final grades as shown on the topographical map unless:

A. The soil removal permit specifies otherwise and the performance bond, hereinbefore referred to, makes specific provisions for replacement on or before the completion date set forth in the soil removal permit of soil of sufficient quantity and kind to restore the final grades to those shown on the topographical map; and

B. After issuance of the soil removal permit, the developer or excavator, before digging or excavating below said minimum level, shall apply to the Planning Board and be granted an amendment of the application and topographical map then in effect, which amendment may be granted upon such terms as the Planning Board may deem necessary to assure adherence to the purpose and objectives of this chapter.

80-13 Final Grades.

No developer or excavator shall deposit soil upon, fill in or raise the grade of any lot without first making provision for:

A. The use in said work of soil or such other materials as will not result in deviation from the proposed final grades or the uniformity thereof by reason of abnormal shrinkage or settlement.

B. The collection and storage upon the lot of the original topsoil to the end that said topsoil shall not be buried beneath soil other material of inferior quality and the uniform replacement of the topsoil so stored over the entire area or surface of the fill soil or other material so that the final grade or grades of said replaced topsoil shall be in accordance with the proposed final grades shown on the topographical map. In the event that such provision is not practicable, provision shall be made for the uniform placement over the entire area or surface of the fill soil or other material, excepting only such portions thereof as shall be or shall have become permanently covered by a building or structure, street pavement, curb, sidewalk, driveway or other paved area or by any body of water or waterway, of a layer of topsoil not inferior in quality to that of the original topsoil, to a depth of not less than six (6) inches measured from the proposed final grades as shown on the topographical map.

80-14 Inspections.

For the purpose of administering and enforcing this chapter, any member of the Planning Board or duly authorized agent of the Building Department of the Borough or the Borough Engineer shall have the right to enter into and upon any lands in or upon which soil-moving operations are being conducted, to examine and inspect such lands.

80-15 Violations and Penalties.

See chapter 1:14.1

STORM DRAINS

Chapter 81

STORM DRAINS

81-1. Purpose

81-2. Definitions

81-3. Prohibited Conduct

81-4. Exceptions to Prohibition

81-5. Enforcement

81-6. Penalties

81-7. Severability

(HISTORY: Adopted by the Mayor and Council of the Borough of Waldwick 12-28-04 as Ord. No. 27-04.)

BE IT ORDAINED by the Mayor and Council of the Borough of Waldwick, in the County of Bergen and State of New Jersey, as follows:

81-1. Purpose.

An ordinance to prohibit illicit connections and the spilling, dumping or disposal of materials other than stormwater to the municipal separate storm sewer system(s)(MS4) operated by the Borough of Waldwick, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

81-2. 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 not inconsistent with the context, words used in the present tense include the future, words used in the plural number. The word “shall” is always mandatory and not merely directory. The definitions below are the same as or based on corresponding definitions in the New Jersey Discharge Elimination System (NJPDES) rules at N.J.A.C. 7:14A-1.2.

DOMESTIC SEWAGE – waste and wastewater from humans or household operations.

ILLICIT CONNECTION – any physical or 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 Borough of Waldwick, 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 separate storm sewer system.

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))

MUNICIPAL SEPARATE STORM 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 Borough of Waldwick or other public body, and is designed and used for collecting and conveying stormwater.

NJPDES PERMIT – a permit issued by the New Jersey Department of Environmental Protection to implement the New Jersey Pollutant Discharge Elimination System (NJPDES) rules at N.J.A.C. 7:14A

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 algaecides, or biocides to control fouling of equipment such as heat exchangers, and/or corrosion inhibitors.

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

PROCESS WASTEWATER- any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct or waste product. Process wastewater includes, but is not limited to, leachate and cooling water other than non-contact cooling water.

STORMWATER – water resulting from precipitation (including rain and snow) that runs off of 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.

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 Borough of Waldwick or other public body, and is designed and used for collecting and conveying stormwater.

81-3. Prohibited Conduct (Amended 11-24-09 by Ord. No. 23-09)

No person shall discharge, spill, dump, dispose of materials other than stormwater to the municipal separate storm sewer system operated by the Borough of Waldwick. 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.

Additionally no person shall discharge or cause to be discharged through an illicit connection to the municipal separate storm sewer operated by the Borough of Waldwick any domestic sewage, non –contact cooling water, process wastewater, or other industrial waste (other than stormwater).

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

1. Already meets the design standard below to control passage of solid and floatable materials; or
2. Is retrofitted or replaced to meet the standard in Chapter 77-22E3 prior to the completion of the project.

Section 81-4. Exceptions to Prohibition

a. Water line flushing and discharges from potable water sources

b. Uncontaminated ground water (e.g., infiltration, crawl space or basement
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, 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 following their use for their intended purposes; and

- Equipment used in application of salt and de-icing materials immediately following salt and de-icing material applications. Prior to 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 or other enclosed machinery.

81-5. Enforcement:

The Police Department and/or Municipal Officials of the Borough of Waldwick shall enforce this ordinance.

81-6. Penalties:

See Chapter 1:14.1.

81-7. Severability:

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

Chapter 82

STREET AND SIDEWALK USES

82-1. Obstructing sidewalks, curbs and gutters; exception for garbage and refuse collections.

82-2. Permits required to drive over curb or sidewalk and to store materials on street, curb or sidewalk.

82-3. Applications for permits; agreement.

82-4. Deposit or bond required.

82-5. Storage of materials.

82-6. Repairs to be made.

82-7. Revocation of permit.

82-8. Permit fee.

82-9. Violations and penalties.

82-10. Repeal of prior ordinance.

82-11. When effective.

(HISTORY: Adopted by the Mayor and Council of the Borough of Waldwick 5-23-61 as Ord. No. 9-61; 2-13-01 by Ord. No. 3-01)

BE IT ORDAINED by the Mayor and Council of the Borough of Waldwick, in the County of Bergen and State of New Jersey, as follows:

82-1. Obstructing sidewalks, curbs and gutters; exception for garbage and refuse collections. (Amended 2-22-94 by Ord. No. 2-94; 2-13-01 by Ord. No. 3-01)

It shall be unlawful to put or place or keep any obstructions in any of the gutters or on any of the curbs or sidewalks of any street of the Borough of Waldwick, or to put or place or keep any glass, ashes, cans, bags, boxes, garbage or refuse materials on any of the streets, curbs or sidewalks of the Borough; but nothing herein contained shall be deemed to make it unlawful for any resident of the Borough to put or place on the street in front of the property or premises occupied by him a can, box or other container containing household garbage and/or refuse, on the night before the regularly scheduled day for the collection of garbage and refuse in his section of the Borough. These containers shall be removed from the curb no later than the end of the day of the regularly scheduled day for the collection of garbage and refuse in their section of the Borough. Outdoor display of goods and sales authorized under Chapter 62A are excluded under this section.

82-2. Permits required to drive over curb or sidewalk and to store materials on street, curb or sidewalk.

It shall be unlawful to drive any vehicle on or over any curb or sidewalk of any street of the Borough, except on a driveway provided for that purpose, or to put, place or keep any building or other materials on any street, curb or sidewalk of the Borough, without first obtaining a permit in writing for that purpose from the Borough Clerk.

82-3. Applications for permits; agreement (Amended 1-28-92 by Ord. 1-92)

The permit required by this ordinance shall be issued by the Borough Clerk on application, in writing, signed by the person, firm or corporation seeking permission to drive any vehicle on or over any curb or sidewalk of any street in the borough or seeking permission to put, place or keep any building or other materials on any street, curb or sidewalk in the borough. The application shall state the type of, time when and place where such material is to be stored, or shall state which curb or sidewalk is to be crossed, and shall contain an agreement on the part of the applicant to repair any and all damage to streets, sidewalks or curbs as may result from such storage, crossing or driving for which the permit is granted. Permits may be renewed once in a given year.

82-4. Deposit or bond required. (See Chapter 48:82-4).

82-5. Storage of materials. (Amended 1-28-92 by Ord. 1-92)

All building or other materials stored on any street, curb or sidewalk under any such permit shall be placed in a compact pile adjoining the curb and shall not extend more than six (6) feet from said curb into the street, and shall be properly guarded by red lights at night and shall be so piled so as not to interfere with the flow of water in the gutters. There shall be no storage of any materials on the street from December 1st through March 15th.

82-6. Repairs to be made.

The applicant shall, within one (1) month of the causing of any such damage, cause the same to be repaired in a manner satisfactory to the borough.

82-7. Revocation of permit.

The Mayor and Council shall have the right to revoke any permit when in their judgment it shall be for the best interests of the public so to do.

82-8. Permit fee. (See Chapter 48:82-8).

82-9. Violations and penalties.

See Chapter 1:14.1.

82-10. Repeal of prior ordinance.

This ordinance repeals Ord. No. 14-53, entitled "An Ordinance Relating to and Regulating the Use of Streets in the Borough of Waldwick".

82-11. When effective.

This ordinance shall become effective immediately upon passage and publication as required by law.

8203 11-26-91

Chapter 83

STREET CONSTRUCTION SPECIFICATIONS

83-1. Compliance with standard specifications required; adoption by resolution.

83-2. Changes in standard specifications authorized.

83-3. Filing of public copy in Clerk's office.

83-4. Violations and penalties.

83-5. Inconsistent ordinances repealed.

83-6. When effective.

(HISTORY: Adopted by the Mayor and Council of the Borough of Waldwick 10-19-53 as Ord. No. 13-53.

BE IT ORDAINED by the Mayor and Council of the Borough of Waldwick, in the County of Bergen and State of New Jersey, as follows:

83-1. Compliance with standard specifications required; adoption by resolution.

All streets, roads, curbs, sidewalks, water mains and drains for use by the public within the Borough of Waldwick shall be built, laid and/or constructed in accordance with the "Standard Specifications and Regulations Concerning Construction Work in Public Streets", adopted or to be adopted by resolution of the Mayor and Council of the Borough of Waldwick and in force at the time such work is commenced or undertaken.

83-2. Changes in standard specifications authorized.

The Mayor and Council of the Borough of Waldwick shall have the right from time to time to change, alter and amend such specifications and regulations by resolution of such body, and such specifications and regulations as changed, altered and amended by resolution shall have the same force and effect and be governed by the terms of this ordinance as if they were set forth at length herein at the time of the adoption hereof.

83-3. Filing of public copy in Clerk's office.

A copy of the "Standard Specifications and Regulations Concerning Construction Work in Public Streets" in force shall be kept on file at the Borough Clerk's office for examination, inspection and use during the regular hours of business by persons interested therein.

83-4. Violations and penalties.

See Chapter 1:14.l.

83-5. Inconsistent ordinances repealed.

Any ordinance or parts of ordinances inconsistent with this ordinance are hereby repealed.

83-6. When effective.

This ordinance shall become effective immediately upon passage and publication as required by law.

Chapter 84

STREET EXCAVATIONS

84-1. Permit required to excavate in streets

84-2. Application fees

84-3. Procedures

84-4. Certificate of completion

84-5. Exceptions and special requirements

84-6. Additional regulations

84-7. Violations and penalties

(HISTORY: Adopted by the Mayor and Council of the Borough of Waldwick 12-26-72 as Ord. No. 24-72. Amendments noted where applicable).

BE IT ORDAINED by the Mayor and Council of the Borough of Waldwick, in the County of Bergen and State of New Jersey, as follows:

84-1. Permit required to excavate in streets.

No person, firm, corporation or agency shall excavate, dig or disturb the surface of any public street in the Borough of Waldwick for the purpose of laying, removing, reconstructing, repairing, extending or examining any pipes, conduits or other facilities, or for any other purpose whatsoever, without first obtaining a road permit as hereinafter provided.

84-2. Application fees. (See Chapter 48:84-2).

84-3. Procedures.

A. The holder of a road opening permit shall notify the Superintendent of Public Works and the Police Department of the Borough of Waldwick at least twenty- four (24) hours prior to commencement of excavation in any public street.

B. Before removing any part thereof, pavement shall be cut with a proper cutting tool.

C. The width of any excavation shall be no more than required for the work to be done.

D. All work shall proceed and all reasonable steps shall be taken to minimize any disruption of traffic flow.

E. All trenches shall be backfilled as soon as possible and in accordance with standard specifications of the Borough of Waldwick and a minimum of eighteen-inch stone dust shall be maintained until final repairs or restoration is completed. Temporary repairs shall be made only at such times as designated by the Superintendent of Public Works.

F. Permanent pavement shall be restored in accordance with the standard specifications of the Borough of Waldwick and at such times as shall be designated by the Superintendent of Public Works.

G. Upon failure of any permit holder to comply with the conditions hereof, the Borough of Waldwick may undertake to do whatever may be necessary to protect the interests of the Borough and the safety of its residents. Any cost or expense incurred by the Borough by reason of the failure of any permit holder to comply with the provisions hereof shall be certified by the Superintendent of Public Works and charged to the permit holder or deducted from the amount which might otherwise be refunded in accordance with section 84-4 below.

84-4. Certificate of completion.

The Superintendent of Public Works shall so certify when a permit holder has completed restoration of the permanent pavement in accordance with the specifications of the Borough of Waldwick. Such certificate shall also contain a statement of the action, if any, required to be taken by the Borough by reason of the failure of the permit holder to comply with any of the provisions of this chapter together with all costs and expenses incurred by the Borough in connection therewith. No such certification shall be made until at least ninety (90) days after all of the work has been completed. Upon receipt of such certification, the permit holder shall be entitled to a refund of one-half (1/2) of the application fee paid; provided, however, that any costs or expenses incurred by the Borough as set forth in said certificate shall be deducted from any refund which might otherwise be due.

84-5. Exceptions and special requirements.

The provisions of this ordinance shall not apply to:

A. The opening or excavation of a County road for which a permit has been obtained from the County of Bergen.
B. The openings or excavations made by a public utility corporation subject to regulation by the Board of Public Utility Commissioners and which has the right to lay, construct, install, maintain and operate its works or facilities or any of them in any public road or street of the Borough, which are to be made for the purpose of laying, relaying, constructing, reconstructing, installing, maintaining, operating or repairing any such works or facilities, if such public utility corporation

shall, prior to the doing of any such work, have filed with the Borough Clerk its bond running to the Borough of Waldwick in the sum of one thousand dollars ($1,000.), conditioned for the temporary and permanent restoration of any road, street or pavement thereof which may be opened or excavated by such utility, its employees or contractors, without undue delay, to as good condition as the same was at the time of the opening thereof, and to the satisfaction of the Superintendent of Public Works; which bond shall further provide that the obligation thereof shall be a continuing obligation to the full amount thereof for each opening of any road or pavement. Such utility corporation shall, except in cases of emergency, give at least twenty-four (24) hours' notice to the Superintendent of Public Works of its intention to open or excavate, which notice shall describe with reasonable certainty the road or street and section thereof so to be opened and excavated and the purpose of such opening or excavation

and the probable length of time before the same will be restored to its previous condition. In the case of emergency openings, a similar notice shall be given to the Superintendent of Public Works as soon as practicable after such opening is made. The utility corporation so opening or excavating any such road or street for the purposes aforesaid, or causing the same to be done by its employees or contractors, shall, without undue delay, temporarily and permanently restore such road or street and the surface thereof to as good condition as the same was at the time of such opening, to the satisfaction of the Superintendent of Public Works, and in case of its failure so to do the work may be done by the Borough under the direction of the Superintendent of Public Works at the expense of such utility corporation.

84-6. Additional regulations.

The provisions of this chapter shall not be deemed a waiver of any other conditions or regulations in connection with the construction or extension of water service facilities when the same is not done by the Borough of Waldwick.

84-7. Violations and penalties.

See Chapter 1:14.l

8403 11-26-91

Chapter 86

SUBDIVISION OF LAND*

ARTICLE I
Title; Administrative Agency

86-1. Short title.

86-2. Interpretation; administration.

86-3. Administrative agency.

ARTICLE II
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86-5. Sketch plats of minor subdivisions.

86-6. Sketch plats of major subdivisions.

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86-8. Improvements or guaranties required prior to final approval; proof of nondelinquency of taxes for local improvements.

86-9. Final plats of major subdivisions.

86-10. Schedule of fees and deposits.

86-11. Attendance by applicant at Board meeting.

ARTICLE IV

86-12. Sketch plats for minor subdivisions.

86-13. Sketch plats for major subdivisions.

86-14. Preliminary plats.

86-15. Final plats.

***Editor's Note: The provisions of this chapter were readopted 1-25-77 by Ord. No. 2-77, pursuant to the Municipal Land Use Law (c 291, P.L. 1975) and c.115, P.L. 1976. Ord. No. 2-77 also provided that in the event of a conflict between any provisions of this chapter**

and any provisions of the Land Use Procedures Ordinance, adopted 12-28-76 as Ord. No. 21-76, the provisions of the Land Use Procedures Ordinance shall control.

8601 1-25-77

ARTICLE V
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ARTICLE VI
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ARTICLE VIII
Validity

86-38. Severability.

ARTICLE IX
Administration

86-39. Application of provisions; variances.

86-40. Withholding of building permits and certificates of occupancy.

86-41. Petition for variance.

86-42. Repealer.

(HISTORY: Adopted by the Mayor and Council of the Borough of Waldwick 7-12-54 as Ord. No. 11-54. Amendments noted where applicable.)

BE IT ORDAINED by the Mayor and Council of the Borough of Waldwick, in the County of Bergen and State of New Jersey, as follows:

ARTICLE I
Title; Administrative Agency

86-1. Short title.

This ordinance shall be known as the "Land Subdivision Ordinance" of the Borough of Waldwick.

86-2. Interpretation; administration.

In their interpretation and application the provisions of this ordinance shall be held to be the requirements adopted for the promotion of public health, safety convenience and general welfare. It shall be administered to insure the orderly

growth and development, the conservation, protection and adequate provision for circulation, utilities and services, and with a view to conserving the value of property and encouraging the appropriate use of land throughout the Borough of Waldwick.

86-3. Administrative agency.

The provisions of this ordinance shall be administered by the Waldwick Planning Board with R.S. 40:55-1.14 (Section 14 of Chapter 433 of the Laws of 1953), as amended and supplemented.

86-4. Definitions.

For the purpose of this ordinance, certain terms are herewith defined:

DRAINAGE RIGHT-OF-WAY - The lands required for the installation of storm-water sewers or drainage ditches, or required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage in accordance with Chapter 1 of Title 58 of the Revised Statutes.

FINAL PLAT - The final map of all or a portion of the “subdivision” which is presented to the Planning Board for final approval in accordance with these regulations, and which, if approved, shall be filed with the Clerk of the County of Bergen for recording in accordance with law.

LOT - A parcel or portion of land separated from other parcels or portions by description as on a subdivision or record-of-survey map or by metes and bounds for purposes of sale, lease or separate use. **(Amended 3-24-55 by Ord. No. 3-55).**

MAJOR SUBDIVISION - All “subdivisions” not classified as “minor subdivisions”.

MASTER PLAN - A composite of the mapped and written proposals recommending the physical development of the Borough, heretofore adopted or as the same may hereafter be amended or supplemented.

MINOR SUBDIVISION - Any “subdivision” containing not more than five (5) “lots”

fronting on an existing “street” or present right-of-way, not involving any new “street” or the extension of municipal facilities and not adversely affecting the development of the remainder of the parcel or adjoining property and not in conflict with any provision or portion of the Master Plan, Official Map*, Zoning Ordinance* or this ordinance; provided, however, if a subdivision meets all of these required tests except that it will breach the minimum zoning requirements for lot size or dimensions, such subdivision may be classified as a “minor subdivision”. **(Amended 2-23-71 by Ord. No. 3-71).**

OFFICIAL MAP - A map adopted in accordance with the Official Map and Building Permit Act, Chapter 434 of the Laws of 1953 (R.S. 40:55-1.30 et seq.), or any prior act authorizing such adoption. Such a map shall be deemed to be conclusive with respect to the location and width of the “streets,” public parks and playgrounds and “drainage right-of-way” shown thereon.

OWNER - Any individual, firm, association, syndicate, copartnership or corporation having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this ordinance.

*Editor’s Note: Included as Ch. 61, Map, Official.
Editor’s Note: Included as Ch. 97, Zoning.

PERFORMANCE GUARANTY - Any security which may be accepted in lieu of a requirement that certain improvements be made before the Planning Board or other approving body approves a “plat,” including performance bonds, escrow agreements and other similar collateral or surety agreements.

PLAT - Means the map of a “subdivision”.

PRELIMINARY PLAT - The preliminary map indicating the proposed layout of the “subdivision” which is submitted to the Borough Clerk for Planning Board consideration and tentative approval and meeting the requirements of Article IV of this ordinance.

SKETCH PLAT - The sketch map of a “subdivision” of sufficient accuracy to be used for the purpose of discussion outlined in sections 86-5 and/or 86-6 and meeting the requirements of Article IV of this ordinance.

STREET - Any street, avenue, boulevard, road, land parkway, viaduct, crescent,

alley or other way which is an existing State, County or municipal roadway, or a street or way shown upon a “plat” heretofore approved pursuant to law or approved by official action, or a street or way on a “plat” duly filed and recorded in the office of the Clerk of the County of Bergen prior to the appointment of a Planning Board and the grant to such Board of the power to review “plats”, and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, sidewalks, parking areas and other areas within the street lines or present right-of-way.

SUBDIVIDER - Any individual, firm, association, syndicate, copartnership, corporation, trust or any other legal entity commencing proceedings under this ordinance to effect a “subdivision” of land thereunder for himself or another.

SUBDIVISION - The division of a “lot”, tract or parcel of land into two (2) or more “lots”, sites or other divisions of land for the purpose, whether immediate or future, of sale or building development; except that the following divisions shall not be considered “subdivisions”, provided, however, that no new “streets” or roads are involved; divisions of land for agricultural purposes where the resulting parcels are three (3) acres or larger in size, divisions of property by testamentary or intestate provisions, or division of property by court order. “Subdivisions” also include resubdivisions, and where appropriate to the context, relates to the process of subdividing or to the lands or territory divided.

SUBDIVISION COMMITTEE - A committee of at least three (3) Planning Board members appointed by the Chairman of the Board for the purpose of classifying “subdivisions” in accordance with the provisions of this ordinance, and such other duties relating to the land “subdivision” which may be conferred on this Committee by the Board.

ARTICLE III
Procedures

86-5. Sketch plats of minor subdivisions.

A. **(Amended 3-24-55 by Ord. No. 3-55)**. Any subdivider within the Borough of Waldwick requesting approval of a minor subdivision shall, prior to subdividing or resubdividing land, as defined in this ordinance, submit to the Borough Clerk at least two (2) weeks prior to the regular meeting of the Board, a sketch plat and copy, together with four (4) completed application forms, of the proposed minor subdivision. At the time of filing, the subdivider shall pay to the Borough Clerk fees as required in section 86-10. If classified and approved as a minor subdivision by unanimous action of the Subdivision Committee, a notation to that effect will be made on the sketch plat. The

Chairman of the Subdivision Committee shall than forward one (1) copy of the sketch plat to the County Planning Board pursuant to R.S. 40:27-7 and no further action shall be taken by the Planning Board before a report is submitted on said division by the County Planning Board or before the expiration of the twenty-day waiting period, whichever comes first. If the County Planning Board disapproves a minor subdivision pursuant to R.S. 40:27-12, its action shall be noted on the plat, and two (2) copies of the reasons for disapproval shall be returned with the plat within twenty (20) days and the Borough Planning Board shall not grant final approval of the minor subdivision plat until the reasons for disapproval have been remedied. After the sketch plat has been approved by the Planning Board, the Chairman of the Planning Board and the Borough Clerk shall affix their signatures and return to the subdivider within ten (10) days thereafter. No further Planning Board action is required. Before the Borough Clerk returns any approved sketch plat to the subdivider, the fees required in section 86-10 shall be paid to the Clerk by the subdivider, and the Clerk shall have provided to him by the subdivider original and seven (7) copies of the plat from which he will furnish one (1) copy to each of the following:

1. Borough Clerk
2. Borough Engineer
3. Building Inspector
4. Tax Assessor
5. Secretary of Planning Board
6. County Planning Board
7. Board of Health

B. Either a deed description or plat map drawn in compliance with Chapter 358 of the Laws of 1953 shall be filed by the subdivider with the Clerk of the County of Bergen. If the plat is classified as a major subdivision, a notation to that effect shall be made on the plat, which will be returned to the subdivider for compliance with the procedure in sections 86-6 and/or 86-7 of this Article.

86-6. Sketch plats of major subdivisions.

A sketch plat of all major subdivisions may be submitted for preliminary discussion before the preliminary plat is prepared. This step is recommended by the Planning Board. As its name indicates, the sketch plat is designed to enable the Planning Board and the applicant to discuss principles involved before the applicant has gone to the expense of completing detailed engineering drawings. The Planning Board will act on such plat, and if satisfactory, give sketch plat

approval. This approval will not be binding and will be subject to change, but will enable the applicant to proceed on a reasonable, sound basis. It should be emphasized that sketch plat approval does not carry the authority to proceed with the construction.

86-7. Preliminary plats of major subdivisions.

A. At least six (6) blue lines or blueprints of the preliminary plat, together with four (4) completed applications forms, for tentative approval, shall be submitted to the Borough Clerk two (2) weeks prior to the regular Planning Board meeting at which consideration is desired. At the time of filing, the subdivider shall pay to the Borough Clerk fees as required in section 86-10. The Borough Clerk shall immediately notify the Secretary of the Planning Board upon receipt of a preliminary plat.

B. The Secretary of the Board shall notify the subdivider at least two (2) weeks in advance of the time and place of the hearing, and the subdivider shall notify by mail at least five (5) days prior to the hearing all property owners within two hundred (200) feet of the extreme limits of the subdivision as their names appear on the Borough tax record. Said notice shall state the time and place of hearing, a brief description of the subdivision and that a copy of said subdivision has been filed with the Borough Clerk for public inspection. The subdivider shall cause notice of the hearing to be published in the official newspaper of general circulation in the municipality at least ten (10) days prior to the hearing.

C. Copies of the preliminary plat shall be forwarded by the Secretary of the Planning Board prior to the hearing to the following persons:

1. Secretary of County Planning Board.
2. Borough Engineer.
3. Secretary of Board of Health.
4. Such other municipal, County or State officials as directed by the Planning Board.

D. The Planning Board shall act on the preliminary plat within ninety (90) days

after submission to the Borough Clerk, but in no case before the expiration of the twenty (20) day period within which t he County Planning Board may submit a report on the said subdivision, unless such a report is received sooner. In all cases the recommendations of the County Board shall be given careful consideration in the final decision of the local Planning Board. If the County Planning Board disapproves a subdivision pursuant to R.S. 40:27-12, its action shall be noted on the plat, and two (2) copies of the reasons for disapproval shall be returned with the plat. If either the Planning Board or County Planning Board disapproves a plat, the reasons for disapproval shall be remedied prior to further consideration. The person submitting a plat shall be notified of the action of the Planning Board within ninety (90) days of its submission. If approval is required by any other officer or public body, the same procedure as applies to submission to and approval by the County Planning Board shall apply. **(Amended 3-24-55 by Ord. No. 3-55).**

E. If the Planning Board acts favorably on a preliminary plat, the Chairman of the Planning Board shall affix his signature to the plat with a notation that it has received tentative approval and return to the subdivider for compliance with final approval requirements.

F. Tentative approval shall confer upon the applicant the following rights for a three-year period from the date of the approval:

1. That the general terms and conditions under which the tentative approval was granted will not be changed.
2. That the said applicant may submit on or before the expiration date the whole or part or parts of said plat for final approval.

86-8 Improvements or guaranties required prior to final approval, proof of nondelinquency of taxes for local improvements. (Amended 9-11-73 by Ord. No. 17-73)

A. Before consideration of a final subdivision plat, the subdivider will have installed the improvements required by this ordinance or the Planning Board shall require the posting of an adequate performance guaranty, of which ten (10) percent shall be cash unless waived by the Planning Board, to assure the installation of the required improvements. **(Amended 3-23-93 by Ord. No. 3- 93).**

B. No building permits shall be issued until final approval by the Planning Board.

C. As a condition for local Planning Board approval of any subdivision within the municipality, the applicant for such subdivision must submit proof that no taxes or assessments are due or delinquent on property for which any such sub-division application is made.

86-9. Final plats of major subdivisions.

A. The final plat shall be submitted to the Borough Clerk for forwarding to the Planning Board for final approval within three (3) years of the date of tentative approval and at least five (5) days prior to the date of a regular Planning Board meeting. The Borough Clerk shall immediately notify the Secretary of the Planning Board upon receipt of a final plat and the Planning Board shall act upon the final plat within forty-five (45) days after the date of submission for final approval to the Borough Clerk. At the time the final plat is submitted, the subdivider shall pay to the Clerk those fees as required in Chapter 86-10. **(Amended 3-24-55 by Ord. No. 3-55)**

B. The original tracing, one (1) translucent tracing cloth copy, two (2) cloth prints, six (6) black-on-white prints and five (5) copies of the application form for final approval shall be forwarded to the Secretary of the Planning Board at least five (5) days prior to the date of the regular Planning Board meeting. Unless the preliminary plat is approved without changes, the final plat shall have incorporated all changes or modifications required by the Planning Board.

C. The final plat shall be accompanied by a statement by the Borough Engineer that he is in receipt of a map showing all utilities in exact location and elevation, identifying those portions already installed and those to be installed, and that the subdivider has complied with one (1) or more of the following:

1. All improvements have been installed in accordance with the requirements of these regulations.

2. A performance guaranty has been posted with the Borough Clerk in sufficient amount as determined by the Borough Engineer to assure the completion of all required improvements.

3. A contract shall be entered into between the developer or subdivider and the Borough of Waldwick. Said contract shall detail specifically all items of public improvements to be performed, the amount of bonds to be furnished and all other items as agreed and stipulated between the developer and sub-divider and the Planning Board of the Borough of Waldwick. Said contract shall be prepared by the Borough Attorney. **(Added 3-24-55 by Ord. No. 3-55)**

D. Any plat which requires County Planning Board approval pursuant to R.S. 40:27-12 shall be forwarded to the County Planning Board for its action prior to final approval by the Planning Board.

E. If the Planning Board approves the final plat, a notation to that effect shall be made on each plat and it shall be signed by the Chairman and Secretary of

the Planning Board.

F. Failure of the Planning Board to act within the allotted time or a mutually agreed upon extension shall be deemed to be favorable approval, and the Borough Clerk shall issue a certificate to that effect.

G. If the said applicant shall be aggrieved by the action of the Planning Board, appeal in writing to the Borough Council may be taken within ten (10) days after the date of the action of the Planning Board is made to the applicant. A hearing hereon shall be had on notice to all parties interested, who shall be afforded an opportunity to be heard. After such hearing, the Borough Council may affirm or reverse the action of the Planning Board by a recorded vote of a majority of the members thereof. The findings and reasons for the disposition of the appeal shall be stated on the record of the Borough Council and the applying party shall be given a copy. **(Amended 3-24-55 by Ord. No. 3-55).**

H. Upon final approval, copies of the final plat shall be filed by the Planning Board with the following:

(1) Borough Clerk
(2) Borough Engineer
(3) Building Inspector
(4) Tax Assessor
(5) County Planning Board
(6) Board of Health

I. The final plat, after final approval by the Planning Board, shall be filed by the subdivider with the Clerk of the County of Bergen within ninety (90) days from the date of such approval. If any final plat is not filed within this period, the approval shall expire.

J. No plat shall be accepted for filing by the Clerk of the County of Bergen unless it has been duly approved by the Waldwick Planning Board and signed by its Chairman. If the Borough Council reverses the Planning Board, the plat shall be signed as directed by the Mayor and Borough Council.

86-10. Schedule of fees and deposits. (See Chapter 48:56A-27). (Amended 5-23-96 by Ord. No. 5-96)

86-11. Attendance by applicant at Board meeting. (Amended 7-12-56 by

Ord. No. 4-56).

A. Any individual, firm, association, syndicate, copartnership, corporation or trust or any other legal entity having filed an application for any subdivision shall appear in person or by its duly qualified agent at any meeting of the Planning Board where any action is to be taken on such application for subdivision.

B. The Executive Secretary of the Planning Board shall send a notice to any individual, firm, association, syndicate, copartnership, corporation or trust or any other legal entity which has filed an application for any subdivision, at least five (5) days prior to any meeting of the Planning Board at which any action on such application for subdivision is to be taken.

ARTICLE IV
Plat Details

86-12. Sketch plats for minor subdivisions.

The sketch plat shall be based on tax map information or some other similarly accurate base, at a scale (not less than fifty (50) feet to the inch) to enable the entire tract to be shown on one (1) sheet, and shall show or include the following information:

A. The location of that portion which is to be subdivided in relation to the entire tract.

B. All existing structures and wooded areas on the plat.

C. The name of the owner of all adjoining property as disclosed by the most recent tax records.

D. The tax map sheet, block and lot numbers.

E. Name and address of land surveyor or engineer who prepared the plat.

86-13. Sketch plats for major subdivisions.

The sketch plat shall be based on tax map information or some other similarly accurate base, at a scale (not less than one hundred (100) feet to the inch) to enable the entire tract to be shown on one (1) sheet, and shall show or include the following information:

A. The location of that portion which is to be subdivided in relation to the entire tract.

B. All existing structures within the portion to be subdivided and within two

hundred (200) feet thereof.

C. The name of the owners and of all adjoining property owners as disclosed by the most recent tax records.

D. The tax map sheet, block and lot numbers.

86-14. Preliminary plats.

The plat shall be designed in compliance with the provisions of Article VI of this ordinance and shall show or be accompanied by the following information:

A. Scale. The plat plan shall be drawn accurately to scale. The minimum scale shall be not less than one hundred (100) feet to the inch.

B. Data. The tract name, tax map sheet, block and lot number, date, reference meridian, graphic scale and the following names and addresses:

1. Name and address of record owner or owners.
2. Name and address of the subdivider.
3. Name and address of person who prepared the map.

C. Acreage. Acreage of tract to be subdivided to the nearest tenth of an acre.

D. Contours and profiles. Contours to be shown at two-foot intervals for the entire property, based on mean sea level (U.S.G.S.) and not on assumed datum, together with sufficient additional data on elevations at low points and along watercourses. In areas where surface slopes exceed eight percent (8%) contours at five-foot intervals may be acceptable for the preliminary plat. Contours shall be provided to determine the general slope and natural drainage of the land and the high and low points and tentative cross sections and centerline profiles for all proposed new streets.

E. Property lines. The location of existing and proposed property lines, streets, buildings, railroads, bridges, culverts, drainpipes, physical features such as watercourses, brooks, drains, dry runs, springs, water holes, poorly drained or swampy areas and rock outcrops on the tract or on adjacent land, and also outlines of wooded areas.

F. Utilities. Plans of proposed utility layouts (sewers, storm drains, water, gas and electricity), showing feasible connections to existing or any proposed utility system. When an individual water supply or sewerage disposal system is proposed, the plan for such system must be approved by the appropriate local, County or State agency. When a public sewer disposal system is not available, the developer shall have percolation tests or test holes for every one thousand (1,000) square feet and submit the results with the preliminary

plat. Any subdivision or part thereof which does not meet the established requirements shall not be approved. Any remedy proposed to overcome such a situation shall first be approved by the appropriate local, County or State health agency.

G. Deed restrictions. A copy of any existing or proposed protective covenants or deed restrictions applying to the land being subdivided shall be submitted with the preliminary plat.

H. Development plan. A map indicating the use of the lots within the subdivision.

I. Lot areas. A map showing individual lot areas, including:

1. Total lot area.
2. Area that may be measured in accordance with the Zoning Ordinance.*

*Editor's Note: Included as Ch. 97, Zoning.

86-15. Final plats.

The final plat shall be drawn in ink on tracing cloth at a scale of not less than one (1) inch equals one hundred (100) feet and in compliance with all the provisions of Chapter 358 of the Laws of 1953 (R.S. 46:23-9.l et seq.). The final plat shall show or be accompanied by the following:

A. Data. Date, name and location of the subdivision, name of the owner and the subdivider; graphic scale and reference meridian.

B. Property lines. Tract boundary lines, right-of-way lines of streets, street names, easements and other rights-of-way; land to be reserved or dedicated to public use, all lot lines and other site lines; with accurate dimensions, bearings or deflections, angles, and radii, arcs and central angles of all curves.

C. Use of land. The purpose of any easement or land reserved or dedicated to public use shall be designated, and the proposed use of sites other than residential shall be noted.

D. Block and lot numbers. Each block shall be numbered in conformance with

the Tax Map of the Borough of Waldwick, and the lots within each block shall be numbered as approved by the Assessment Authority or Borough Engineer of the Borough of Waldwick.

E. Setback lines. Minimum building setback line on all lots and other sites.

F. Monuments. Location and description of all monuments.

G. Adjoining property ownership. Names and addresses of owners of adjoining land.

H. Engineer's certification. Certification by engineer or surveyor as to accuracy of details of plat.

I. Owner's certification. Certification that the applicant is agent or owner of the land or that the owner has given consent under an option agreement.

J. Certification of other approvals. When approval of a plat is required by any officer or body of such a municipality, County or State, approval shall be certified on the plat.

K. Street profiles. Cross sections and profiles of streets, approved by the Borough Engineer, shall be required to accompany the final plat.

L. Grading plan. Grading plan showing existing and final contours at two-foot intervals for the entire property, based on mean sea level (U.S.G.S.) and not on assumed datum, together with sufficient additional data on elevations at low points and along watercourses. In areas where surface slopes exceed eight percent (8%), contours at five-foot intervals may be acceptable.

M. Water and sewer profiles. Plans and profiles of storm and sanitary sewers and water mains.

ARTICLE V
Improvements

86-16. General provisions.

A. Inspection. All of the following listed improvements shall be subject to inspection and approval by the Borough Engineer, who shall be notified by the developer at lest seventy-two (72) hours prior to the start of construction. No underground installation shall be covered until inspected and approved. A deposit to cover the cost of inspection shall be filed as required in section 86-10 prior to the start of construction.

B. Installation or performance guaranty.

(1) No final plat shall be approved by the Planning Board until the completion of all such required improvements has been certified to the Planning Board by the Borough Engineer, unless the subdivision owner shall have filed with the Borough a performance guaranty sufficient in amount to cover the cost of all such improvements or uncompleted portions thereof as estimated by the Borough Engineer, and assuring the installation of such incomplete improvements on or before an agreed date.
(2) The performance guaranty shall be approved by the Borough Attorney as to form, sufficiency and execution. Such performance guaranty shall run for a period to be fixed by the Planning Board, but in no case for a term of more than three (3) years. However, with the consent of the owner and the surety, if there be one, the Borough Council may, by resolution, extend the term of such performance guaranty for an additional period not to exceed three (3) years. The amount of the performance guaranty may be reduced by the Borough Council, by resolution, when portions of the required improvements have been installed.
(3) If the required improvements have not been installed in accordance with the performance guaranty, the obligor and surety shall be liable thereon to the Borough for the reasonable cost of the improvements not installed, and upon receipt of the proceeds thereof the Borough shall install such improvements.

C. Maintenance bond. On completion of the improvements, the subdivider is to file with the Borough Clerk a maintenance bond, valid for a period of at least three (3) years, issued by a corporation surety in an amount to be established by the Borough Engineer, to indemnify the Borough against any loss occasioned by defective workmanship or materials used in construction of said work.

86-17. Required improvements for all major subdivisions. (Amended 3-24-55 by Ord. No. 3-55)

Prior to the granting of final approval of all major subdivisions within the Borough of Waldwick, the subdivider shall have installed or shall have furnished performance guaranties for the ultimate installation of the following:

A. Pavement. The subdivider shall construct a thirty-foot pavement as provided by the resolution of the Mayor and Council approved on June 22, 1953.*

B. Water. The subdivider shall make a supply of municipal water available to each lot within the subdivision. The subdivider shall provide for the installation and maintenance and operation of fire hydrants in locations approved by the Borough. Mains shall be laid according to the Water Department Ordinance** and specifications.

C. Drainage. Adequate provision shall be made for water mains, culverts, storm sewers and sanitary sewers, and all such installations shall be properly connected with an approved system and shall be adequate to handle all

present and probable future development in accordance with municipal regulations.

D. Shade trees.

(1) The subdivider shall provide street trees in the street right-of-way between curbs and sidewalks, the same not closer than fifty (50) feet from trunk to trunk, but at least two (2) such shade trees to be located within the frontage of each lot hereafter platted. The type of trees shall be recommended from the following:

white oak	Norway maple
black oak	sugar maple
scarlet oak	sweet gum
pin oak	sour gum
red oak	ginkgo

(2) Small or large-leaf lindens, poplar, elm, ash, soft maple or sycamore trees are not recommended.

E. Streetlighting. The subdivider shall provide streetlighting facilities unless waived by the Planning Board, and the standards for such lighting shall be approved by the Planning Board.

F. Topsoil protection. No topsoil shall be used as spoil. Topsoil moved during the course of construction shall be redistributed so as to provide at least six (6) inches of cover to all areas of the subdivision and shall be stabilized by seeding or planting.

G. Sidewalks. The subdivider shall construct a four-foot concrete sidewalk on both sides of the street as provided by the resolution of the Mayor and Council approved on June 22, 1953, provided, however, that where the lots within the subdivision have an average width of one hundred seventy-five (175) feet or greater and a minimum area of forty thousand two hundred fifty (40,250) square feet, the subdivider need not provide sidewalks unless needed to provide access to schools or to continue a walk on an existing street.

*Editor's Note: These specifications authorized by Ch. 83, Street Construction Specifications. A copy of the specifications is available for examination in the Borough offices.
**Editor's Note: Included as Ch. 94, Water Supply.

H. Curbs. The subdivider shall construct concrete curbs on each side of the required pavement strip. Said curbs shall meet the specifications as provided by the resolution of the Mayor and Council approved on June 22, 1953.

ARTICLE VI
General Provisions

86-18. Master Plan.

All subdivisions shall conform whenever possible to the proposals and conditions of the Master Plan where adopted.

86-19. Streets.

All streets shall conform in widths, directions and alignments with the Official Map and Master Plan, and shall connect with streets shown thereon with the minimum of jogs and sharp angles, and no streets shall in any case have a width of less than fifty (50) feet, unless a lesser width is authorized by the Planning Board, and the entire street width shall be graded.

86-20. Reserve strips.

No subdivision showing reserve strips controlling access to street shall be approved.

86-21. Street grades.

No street grade shall be less than one-half of one percent (1/2 of 1%) nor greater than nine percent (9%), except in special instances where the topography of the land to be subdivided is such as to make it impossible to otherwise develop such land.

86-22. Monuments.

To be of the size and shape required by Section 4 of Chapter 358 of the Laws of 1953, and shall be placed in accordance with said statute.

86-23. Acute-angle intersections.

Street intersections shall be as nearly at right angles as is possible and in no case shall be less than sixty degrees (60). The block corners at intersections shall be rounded at the property line with a curve radius of not less than twenty-five (25) feet.

86-24. Street jogs.

Street jogs with center-line offsets of less than one hundred twenty-five (125) feet shall be prohibited.

86-25. Reverse curves.

A tangent at least one hundred (100) feet long shall be introduced between reverse curves on all streets.

86-26. Dead-end streets. (Amended 3-24-55 by Ord. No. 3-55)

Dead-end streets should not exceed nine hundred (900) feet in length. There should be a turnaround roadway with a minimum outside radius of fifty (50) feet at the closed end.

86-27. Street names.

No name applied to any street shall duplicate or so nearly resemble the name of any existing street within the Borough as to cause confusion. In the case of a direct extension of an existing street, the same name shall be used unless the Board shall otherwise direct.

86-28. Block length.

No block should exceed one thousand (1,000) feet in length.

86-29. Suitability. (Amended 3-24-55 by Ord. No. 3-55)

Where there is a question as to the suitability of a lot or lots for their intended use due to factors such as rock formations, flood conditions or similar circumstances, the Planning Board may, after adequate investigation, withhold approval of such lots.

86-30. Lots.

A. Area. Lot dimensions and area shall not be less than the requirements of the Zoning Ordinance* and Lot Size Ordinance**.

B. Lines. Insofar as is practical, side lot lines shall be at right angles to straight streets and radial to curved streets.

C. Street width. Each lot must front upon an approved street at least fifty (50) feet in width.

Editor's Note: Included as Ch. 97, Zoning.
Editor's Note: Superseded 8-8-57 by Ord. No. 14-57, which is included as Ch. 97, Zoning.

86-31. Sale or conveyance of land in unapproved subdivision.

No owner or agent of the owner shall sell, transfer or convey any lot or parcel of land which forms part of a subdivision by reference to, exhibition of or by use of a plan, chart or plat before the same has been approved and filed of record in the manner prescribed herein. The description of such lot or parcel by metes and bounds in the instrument of sale, transfer or conveyance shall not exempt the transaction from the provisions of this ordinance.

86-32. Revision of plat after approval.

No changes, erasures, modifications or revisions shall be made in any plat after approval has been given by the Planning Board and endorsed in writing thereon, unless said plat is first resubmitted to the Planning Board for approval.

86-33. Business and industrial subdivisions. (Amended 3-24-55 by Ord. No. 3-55.

Where land is to be subdivided and used for a use permitted in a business or industrial zone, the subdivider shall meet the requirements of section 86-17A through H.

86-34. Water Policy Commission approval.

Evidence must be furnished by subdivider that State Water Policy Commission has given its approval on any structures or work to be done on any stream under its jurisdiction.

86-35. Easement agreements.

Easement agreements shall be submitted to the Board covering all surface or subsurface structures for storm or sanitary sewers and other utilities through adjacent lands and off-site roads or other highways.

86-36. Specifications and standards.

All construction on, in or under streets which it is proposed to dedicate to the Borough offices who may be appointed for that purpose, and shall be in accordance with Borough specifications and standards.

86-36A. Multifamily Recycling Area. (Added 3-22-94 as Ord. No. 4-94)

There shall be included in any new multifamily housing development that requires subdivision or site plan approval an indoor or outdoor recycling area for the collection and storage of residential-generated recyclable materials. The dimensions of the recycling area shall be sufficient to accommodate recycling bins or containers which are of adequate size and number, and which are

consistent with anticipated usage and with current methods of collection in the area in which

the project is located. The dimensions of the recycling area and the bins or containers shall be determined in consultation with the municipal recycling coordinator, and shall be consistent with the district recycling plan adopted pursuant to section 3 of P.L. 1987, c. 102 (N.J.S.A. 13:1E-99.13) and any applicable requirements of the municipal master plan, adopted pursuant to section 26 of P.L. 1987, c. 102.

A. As used in this ordinance:
"Multifamily housing development" means a building containing three or more dwelling units occupied or intended to be occupied by persons living independently of each other, or a group of such buildings;

"Recycling area" means space allocated for collection and storage of source separated recyclable materials.

B. The recycling area shall be conveniently located for the residential disposition of source separated recyclable materials, preferably near, but clearly separated from, a refuse dumpster.

C. The recycling area shall be well lit, and shall be safely and easily accessible by recycling personnel and vehicles. Collection vehicles shall be able to access the recycling area without interference from parked cars or other obstacles. Reasonable measures shall be taken to protect the recycling area, and the bins or containers placed therein, against theft of recyclable materials, bins or containers.

D. The recycling area or the bins or containers placed therein shall be designed so as to provide protection against adverse environmental conditions which might render the collected materials unmarketable. Any bins or containers which are used for the collection of recyclable paper or cardboard, and which are located in an outdoor recycling area, shall be equipped with a lid, or otherwise covered, so as to keep the paper or cardboard dry.

E. Signs clearly identifying the recycling area and the materials accepted therein shall be posted adjacent to all points or access to the recycling area. Individual bins or containers shall be equipped with signs indicating the materials to be placed therein.

F. Landscaping and/or fencing shall be provided around any outdoor recycling area and shall be developed in an aesthetically pleasing manner.

G. All provisions of this ordinance are severable. If, for any reason, the provision of this ordinance is held to be invalid, the validity of the remainder of the ordinance shall not be affected.

8619 3-22-94

ARTICLE VII
Enforcement

86-37. Violations and penalties; civil actions.

A. If, before final approval has been obtained, any person transfers or sells or agrees to sell, as owner or agent, any land which forms a part of a subdivision on which, by ordinance, the Planning Board is required to act, such person shall be subject to a fine not to exceed two hundred dollars ($200.) or to imprisonment for not more than thirty (30) days, and each parcel, plot or lot so disposed of shall be deemed a separate violation.

B. In addition to the foregoing, if the streets in the subdivisions are not such that a structure on said land in the subdivision would meet requirements for a building permit under Section 3 of the Official Map and Building Permit Act (1953), the municipality may institute and maintain a civil action:

(1) For injunctive relief.

(2) To set aside and invalidate any conveyance made pursuant to such contract or sale if a certificate of compliance has not been issued in accordance with Section 24 of Chapter 433 of the Laws of 1953, but only if the municipality has a Planning Board or a committee thereof with power to act and which:

(a) Meets regularly on a monthly or more frequent basis, and

(b) Whose governing body has adopted standards and procedures in accordance with Section 20 of Chapter 433 of the Laws of 1953.

ARTICLE VIII
Validity

86-38. Severability.

If any Article, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this ordinance.

ARTICLE IX
Administration

86-39. Application or provisions; variances.

These rules, regulations and standards shall be considered the minimum requirements for the protection of the public health, safety and welfare of the citizens of the Borough of Waldwick. Any action taken by the Planning Board under the terms of this ordinance shall give primary consideration to the above mentioned matters and to the welfare of the entire community.

However, if the subdivider or his agent can clearly demonstrate that because of peculiar conditions pertaining to his land the literal enforcement of one (1) or more of these regulations is impracticable or will exact undue hardship, the Planning Board may permit such variance or variances as may be reasonable and within the general purpose and intent of the rules, regulations and standards established by this ordinance. In making its findings, as required hereinbelow, the Planning Board shall take into account the nature of the proposed use or the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. No variance shall be granted unless the Planning Board finds that:

A. There are special circumstances or conditions affecting said property such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of his land.

B. The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant.

C. The granting of the variance will not be detrimental to the public welfare or injurious to property in the area in which said property is situated.

86-40. Withholding of business permits and certificates of occupancy.

A. Wherever connections to public water supply mains or to a public sewer system are not available on any lot shown on an approved plat, no building permit for any structure involving or intending to involve human occupancy shall be issued unless and until the Board of Health has certified that proper sanitary facilities can be constructed and maintained, and further that no certificate of occupancy indicating conformity with zoning and other municipal ordinances shall be issued except where actual connections to a public water main or public sanitary sewer are installed and ready for use, until the local Board of Health has certified that the individual sewage disposal system or private source of water supply has been constructed in a proper manner, is adequate in capacity for the purpose and is ready for service. A penalty for

failure to conform should be provided.

B. Supervision required. The Planning Board or the Board of Health, either or both, shall require that before acceptance of the final plat or final site plan for any major subdivision, the applicant and his assigns agree in writing to furnish at his own expense acceptable qualified supervision to insure completion of the project in accordance with the plans in respect to all facilities, grading elevations, house locations, location and installation of individual sewage disposal facilities as location construction and elevations and any private sources of water supply, or that said owner or his agents agree to pay on the basis of a monthly bill the cost of supervision by an engineer or other qualified person approved by the Planning Board and the Board of Health and not in the employ of the said owner.

C. The Planning Board reserves the right to require the construction of sanitary sewers, manholes and house connections even though at the time it may not be feasible to connect to any trunk sewers, in which case individual sewage disposal facilities conforming to the requirements of the Board of Health shall also be installed.

D. Conformity with site plan. Wherever a site plan is filed with the Planning Board prior to approval of a final plat, the applicant, for himself and his assigns, must agree in writing to follow that plan in all details unless all bodies or agencies who has approved the original plan will approve in writing an amended plan.

86-41. Petition for variance.

A petition for any such variance shall be submitted in writing by the subdivider at the time when the preliminary plat is filed for the consideration of the Planning Board. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner. A subdivision involving a variance shall not be approved by the Planning Board before the expiration of the twenty day period, within which time the Board of Adjustment shall submit a report on said subdivision as required in section 86-7D to the Mayor and Council. If the Mayor and Council disapproved the variance, the reasons for disapproval shall be remedied prior to further consideration.

86-42.

All ordinances or part of ordinances other than the Zoning Ordinance* of the Borough of Waldwick, which are inconsistent with the provisions of this ordinance, are hereby repealed to the extent of such inconsistency.

Editor's Note: Included as Ch. 97, Zoning.

8622	1-25-77

Chapter 87

SWIMMING POOL, MUNICIPAL

87-1. Establishment of positions.

87-2. Duties of the Certified Pool Operator.

87-3. Duties of the Head Lifeguard and Lifeguards.

87-4. Rules and regulations of the Municipal Pool.

87-5. Times of operation.

87-6. License required to sell merchandise on municipal grounds around pool.

87-7. Fees for permits and tags to use pool.

87-8. Bathing in Borough Lake.

87-9. Violations and penalties.

(HISTORY: Adopted by the Mayor and Council of the Borough of Waldwick 6-4-37 as Ord. No. 3-37; amended in its entirety 5-25-99 by Ord. No. 8-99)

BE IT ORDAINED by the Mayor and Council of the Borough of Waldwick, in the County of Bergen and State of New Jersey, as follows:

87-1. Establishment of Positions.

The following positions are hereby established:

A. Certified Pool Operator (CPO). The Certified Pool Operator is required to hold all titles and licenses required by the State of New Jersey.
B. Head Lifeguard.
C. Lifeguards. Both the head lifeguard and all other lifeguards are required to be certified as lifeguards by the American Red Cross. They are also to be qualified in CPR, and First Aid, and hold all other certificates required by the State of New Jersey or other applicable laws.

87-2. Duties of the Certified Pool Operator

The duties of the Certified Pool Operator are as follows:

A. Direct the operation and maintenance of the pool and its grounds and facilities, reporting directly to the Borough Administrator and the Mayor and Council of the Borough of Waldwick.
B. The CPO will be responsible for scheduling and maintaining timesheets for the entire lifeguarding operation and its related activities in such a way that there is always an appropriate number on staff to safely control and supervise the number of swimmers in the water, check for, and sell badges, and allow for breaks for the guards to rest and have a meal period. The CPO will be responsible for all disciplinary problems with the pool personnel, and report major problems directly to the Borough Administrator.
C. Twice a season, (mid season and the last week of the pool season), the CPO will evaluate all pool personnel's performances and his/her findings shall be communicated directly to the people involved. An end of the year report with all of the pool's personnel evaluation will be forwarded to the Mayor and Council.
D. The CPO will formulate training plans for assigned employees, conduct training and staff meetings as required to broaden employee skills.
E. The CPO will be responsible for the operation of the pool and ensuring that the water quality is within State code standards. When the CPO is not on duty, he/she will assign an individual to carry out these tests. This person shall be either the head lifeguard and/or any other management personnel.
F. All needed repairs of the filters, piping, or any other work piece of equipment belonging to the facility will be reported to the Superintendent of Public Works of the Borough of Waldwick so he may schedule the appropriate repairs.
G. The CPO will be responsible for ordering all the necessary chemicals and supplies needed to maintain the pool facility through vendors normally utilized by the Borough of Waldwick. This includes the pool bathrooms, filter house, and guard house.
H. The CPO will be required to assign personnel to sell pool badges daily, collect fees, account for all transactions, and make deposits within 48 hours into the appropriate Borough of Waldwick bank accounts. Daily receipts will be reconciled to badges sold.
I. The CPO will also coordinate all extra activities such as the weekly crafts, annual water carnival, and demonstrations by various Borough and other civic organizations.
J. The CPO at season's end will prepare the budgetary report needs for the next season to insure proper levels of staffing, equipment and chemicals.

87-3. Duties of the Head Lifeguard and Lifeguards.

The duties of the head lifeguard and the lifeguards are as follows:

A. The position of Head Lifeguard in this section will perform all the duties of the lifeguards, as well as performing the duties of the Certified Pool Operator (CPO) during his/her absence.

B. The lifeguards will receive their assignments under the direction of the CPO and/or Head Lifeguard. The main duties of the lifeguard staff will be to maintain constant vigilance over bathers in the bathing area.
C. They will enforce all rules of the Waldwick Pool facility, and dispense punishment, or in the opinion of the Pool Manager, expel the individual from the facility grounds.
D. All guards are required to wear their uniforms supplied by the Borough when reporting for their duty each day.
E. Guards will be assigned other duties as required by the CPO or Head Lifeguard which will be performed daily. These assignments are: Cleaning of the bathrooms, empty garbage receptacles and pick up trash on the grounds, clean pool deck, baby pool and main pool, sell badges, lower all umbrellas at the day's end, put out sprinkler to deter geese from landing in the water, and any other duty that the CPO or Head Lifeguard deems necessary to be completed.

87-4. Rules and Regulations of the Municipal Pool.

A. All users of the facility and its equipment will be required to purchase a badge or daily pass to gain entrance. Individuals will be allowed to pick up children without purchasing a pass. Only Waldwick residents and their guests will be allowed with the exception of those limited number of out of town residents that are allowed to join. Residents of other communities may be able to utilize the pool on an annual basis upon the approval of the Mayor and Council at a fee to be determined by resolution.
B. No swimming will take place without a lifeguard being on duty.
C. No shorts will be allowed to be worn when in the water.
D. "Swimmies" will be allowed only with the direct supervision of the parent or an adult.
E. Profanity, rough housing or any other unacceptable behavior will not be tolerated. In the judgment of the Pool Manager, Head Lifeguard, said individuals will be expelled from the pool grounds. In any event of a serious act of an individual, the Mayor and Council of the Borough of Waldwick may revoke his/her pool badge for the remainder of the pool season.
F. Running will not be allowed on any surfaces around the pool grounds.
G. Badges will be presented upon entering the facility, or at any time when requested by Pool facility personnel.
H. Inflatable or any type of water toys will not be allowed in the main pool.
I. Infants must wear diapers at all times. Waterproof diapers or rubber pants are required.
J. Goggles may be worn, but masks will not be allowed.
K. Pool hours are 12 noon until 8 p.m. Monday through Friday, and on weekends the hours will be 10 a.m. until 8 p.m.
L. If at any time the Pool Manager or his/her assistant deem it unsafe due to weather conditions, etc., for bathers to swim, they will order the pool closed to all individuals.
M. No pets allowed.
N. There shall be a complete prohibition on smoking within the property boundaries of the Waldwick Municipal Pool. **(Added 12-27-12 by Ord. No. 17-12)**

87-5. Times of operation.

The municipal swimming pool and enclosure shall be opened during the periods of the year and during such hours of the day as the Mayor and Council shall, by resolution prescribe, and no person shall enter the pool or pool enclosure except during such times.

87-6. License required to sell merchandise on municipal grounds around pool.

No person, firm or corporation shall sell or maintain a place for the sale of any article of food, clothing, or liquid refreshment on the municipal grounds surrounding the municipal swimming pool unless licensed so to do so by the Mayor and Council.

87-7. Fees for permits and tags to use pool. (See Chapter 48:87-4).

87-8. Bathing in Borough Lake.

The use of White's Pond for bathing is hereby prohibited.

87-9. Violations and penalties.

See Chapter 1:14.1.

Chapter 88

SWIMMING POOLS, PRIVATE

88-1. Definitions.

88-2. Permits required to construct.

88-3. Applications for construction permits; permit fee; approval of plans and specifications.

88-4. (Reserved)

88-5. (Reserved)

88-6. Notice of denial of permit.

88-7. Design, construction and maintenance requirements.

88-8. Connections with potable water supply.

88-9. Draining requirements.

88-10. Distance restrictions.

88-11. Fencing.

88-12. Artificial lighting.

88-13. Water quality.

88-14. Abatement of health nuisances; suspension of license.

88-15. Hearings upon denial of permit or license.

88-16. Violations and penalties.

88-17. Severability.

88-18. Repeal of prior ordinance.

88-19. When effective.

(HISTORY: Adopted by the Mayor and Council of the Borough of Waldwick 7-28-64 as Ord. No. 11-64. Amendments noted where applicable.

GENERAL REFERENCES

Waiver of fees - See Ch. 11.
Street and sidewalk uses - See Ch. 82.
Street excavations - See Ch. 84.
Vehicle weight limits - See Ch. 91, Vehicles & Traffic
Water conservation - See Ch. 93.
Water supply - See Ch. 94.
Zoning - See Ch. 97.

BE IT ORDAINED by the Mayor and Council of the Borough of Waldwick, in the County of Bergen and State of New Jersey as follows:

88-1. Definitions.

For the purpose of this ordinance, the words and phrases listed below shall be defined as follows:

ARTIFICIAL POOL - Any pool composed of entirely artificial construction.

PARTLY ARTIFICIAL POOLS - Any pool formed from a natural body of water which has either so limited a flow of such an inadequate size that the quantity or quality of the water must be maintained by artificial means.

PERMANENT POOL - Any private swimming pool designed to remain as an installation for more than one (1) year.

PRIVATE SWIMMING POOL - Any pool designed and maintained for swimming or wading purposes and used as an accessory to a residence by the persons living therein and their guests. Unless otherwise qualified, the term “private swimming pool” shall be construed as including both artificial and partly artificial permanent pools, but shall not be deemed to include temporary private pools.

TEMPORARY PRIVATE POOL - Any private swimming pool not intended or designed as a permanent pool.

88-2. Permits required to construct.

It shall be unlawful to construct or install within the Borough of Waldwick a private swimming pool, as herein defined, without first having obtained a permit therefor in the manner hereinafter prescribed.

88-3. Applications for construction permits, permit fee; approval of plans and specifications. (See Chapter 48:88-3).

88-4. (Reserved)

88-5. (Reserved)

88-6. Notice of denial of permit. (Amended 8-24-76 by Ord. No. 17-76).

Persons denied a permit to construct or install a private swimming pool or temporary private pool, as herein defined, shall be notified in writing by the Building Inspector. Such notification shall specify the reason for such action and the remedial action necessary to obtain approval for the issuance of such permit or license.

88-7. Design, construction and maintenance requirements.

The structural design of all private swimming pools and the materials used or to be used in the construction of such pools shall be of such character and quality as to secure adequately the safety of persons working thereon during the course of construction or installation and to secure adequately the safety and protect the health of persons using such facilities for the uses and purposes for which they were designed and intended. All materials used in the construction of private swimming pools shall be waterproof and easily cleaned. Uncovered sand or earth bottoms in such pools shall not be permitted. All such pools shall be maintained in such condition as to prevent water in such pools from seeping through the walls or floor into the ground. Water from such pools shall not be permitted to overflow onto adjacent properties. The immediate area surrounding such pools shall be sloped away from the pools so that surface water will drain away from such pools.

88-8. Connections with potable water supply.

There shall be no physical connection between a potable public or private water supply system and such private swimming pools or temporary private pools at a point below the maximum water line of the pool or to a recirculating or heating system for such pools.

88-9. Draining requirements.

All private swimming pools shall be provided with one (1) drainage outlet not in excess of three (3) inches in diameter, extending from the pool to either a brook,

storm sewer or lawn-sprinkling system on the premises on which said private swimming pool is located. The discharge of water from such pools into a brook or storm sewer shall be permitted only following approval by the proper state, county and/or municipal officials, as the case requires. Approval of an application shall only be given if it is feasible to discharge water from a pool into an accessible brook or storm sewer or to use such water for purposes of lawn sprinkling on said premises. Approval shall not be given to discharge such water at the curb or upon the surface of any street. 8803

8-24-76

88-10. Distance restrictions.

No private swimming pool hereafter constructed or installed shall be created nearer to a street property line or nearer to a side or rear property line than as provided for accessory buildings in Chapter 97-13 of t he Zoning Ordinance* of the Borough of Waldwick, as amended or hereafter amended. All private swimming pools shall be considered as structures in the determination of yard sizes or lot coverage. Anything to the contrary notwithstanding, no private swimming pool shall be located within twenty (20) feet of any individual sewerage disposal system or part thereof.

88-11. Fencing. (Amended 9-12-72 by Ord. No. 15-72)

All private swimming pools or temporary private pools within the Borough of Waldwick which are twenty-four (24) inches or greater in height shall be enclosed by a substantial fence the height of which shall be not less than four (4) feet nor more than six (6) feet in height above the established grade; provided, however, that no fence more than four (4) feet in height above the established grade shall be located within eight (8) feet of any property line. Such fencing shall be so constructed as to prevent, within reason, any person from gaining access beneath or through said fence, and shall have similarly substantial gates or doors with facilities for locking said gates or doors at all times when the pool is unguarded, unattended or not in actual use. The provisions of this section relating to fencing or pool facilities shall not, however, be applicable where a private swimming pool or temporary private pool is located more than three hundred (300) feet from the front property line, and where there is present on the side and rear lot lines walls or fencing the height of which shall be not less than the maximum height permitted for fences under the relevant sections of the Zoning Ordinance**, and which shall be so constructed as to prevent, within reason, any person from gaining access beneath or through said fencing.

88-12. Artificial lighting.

No artificial lighting shall be maintained or operated in connection with private swimming pools or temporary private pools in such a manner as to be a nuisance or an annoyance to neighboring properties.

88-13. Water quality.

The physical, chemical and bacterial qualities of the water in any private swimming pool or temporary private pool shall at all times comply with the latest recommendations made therefor by the New Jersey State Department of Health or the Board of Health of the Borough of Waldwick.

* Editor's Note: Included as Ch. 97, Zoning.
** Editor's Note: See Ch. 97, Zoning.

88-14. Abatement of health nuisances; suspension of license.

Any nuisance or hazard to health or safety which may exist or develop in, in consequence of or in connection with any such swimming pool or temporary private pool shall be abated and removed by the owner or occupant of the premises on which the pool is located within ten (10) days of receipt of notice from the Building Inspector or Board of Health of the Borough of Waldwick, as the case may be. The license of any person to maintain, operate or use a private swimming pool or temporary private pool may be suspended at any time when, in the opinion of the Building Inspector or the Board of Health, as the case may be, or the authorized agent of either, such action is deemed necessary to abate a present or threatened menace to public health or safety. Notice of such suspension, in writing, shall be served upon the owner or occupant of the premises on which the offending facility is located. Service shall be deemed to have been made when delivery of such notice in writing is made in person to such owner or occupant as appears upon the tax records of the Borough of Waldwick, and if no service can be so made, then by posting such notice of suspension in a prominent place at the site of the offending facility. Such notice shall include the reason for such action and the remedial action deemed necessary to be taken before the suspension may be lifted.

88-15. Hearings upon denial of permit or license.

Persons who have been denied permits to construct or install a private swimming pool or temporary private pool, or who have had licenses to maintain, operate or use such facilities denied or suspended, shall, at such person's option, be afforded a hearing before the Board of Adjustment at a time appointed by such Board. The Board shall, after due consideration, render a written decision confirming or rescinding the denial or suspension, and shall furnish the appellant with a copy thereof.

88-16. Violations and penalties.

See Chapter 1:14.l.

88-17. Severability.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this ordinance.

88-18. Repeal of prior ordinance.

This ordinance expressly repeals and rescinds an ordinance entitled "An Ordinance to Regulate the Construction, Installation, Maintenance, and Operation of Private Swimming Pools and Other Such Facilities in the Borough of Waldwick," enacted on or about April 12, 1960, and identified as Ord. No. 3-60.

88-19. When effective.

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

8806 11-26-91

Chapter 89

TOWING AND STORAGE REGULATIONS

89-1. Definitions

89-2. Application for placement on emergency duty list

89-3. Requirements of approval

89-4. Emergency duty calls

89-5. Charges for towing and related services

89-6. Cleanup incidental to towing services

89-7. Service performed on behalf of vehicle owners

89-8. Powers and duties of the Chief of Police

89-9. Suspension and removal for non-compliance

89-10. Violations and penalties

89-11. Indemnification

89-12. Fee Schedule for removal and storage of vehicles

89-13. Proof of insurance required

89-14. Severability

89-15. When effective

(HISTORY: Adopted by the Mayor and Council of the Borough of Waldwick 4-28-92 as Ord. No. 5-92; amended in its entirety 4-22-08 by Ord. No. 7-08)

BE IT ORDAINED by the Mayor and Council of the Borough of Waldwick there is hereby established a Chapter 89 entitled "Towing and Storage Regulations.

89-1. Definitions.

TOWING: The moving or removing from public or private property or from a storage facility at the request of an agent of the Borough of Waldwick a motor vehicle that is damaged as a result of an accident or otherwise disabled, recovered after being stolen, or is parked illegally or otherwise without authorization, or the immobilization of or preparation for moving or removing of such motor vehicle, for which a service charge is made, either directly or indirectly.

EMERGENCY DUTY CALL LIST: An annual list kept by the Borough of Waldwick containing the names of towing operators who have been approved pursuant to this ordinance.

OWNER: A person, firm, partnership or corporation who owns and/or operates a vehicle on the roads and highways within the Borough of Waldwick, which vehicle by reason of being abandoned or disabled on the public roadways of the Borough of Waldwick requires towing services.

TOWING OPERATOR: A person, firm, partnership or corporation engaged in the business of providing towing and storage services for vehicle towed.

WRECKER: A vehicle driven by mechanical power and employed for the purpose of towing, transporting, conveying or removing any and all kinds of vehicles or parts of vehicles which are unable to be operated under their own power.

NON-CONSENTUAL TOWING: The towing of a motor vehicle from private or public property without the consent of the owner or operator of the vehicle.

DECOUPLING FEE: A charge by a towing company for releasing a motor vehicle to its owner or operator when the vehicle has been, or is about to be, hooked or lifted by a tower, but prior to the vehicle actually having been moved or removed from the property or roadway location.

DISABLED VEHICLE: A vehicle which has been abandoned, impounded or rendered inoperable as a result of a mechanical failure or involvement in an accident. A vehicle, the location of which constitutes a hazard to the motoring public shall be deemed disabled for the purposes of this ordinance.

8902 4-22-08

IMPOUNDMENT: The act of storing and confining a vehicle upon an order from the Police Department at either the towing operator's storage area or at the borough facility as a result of abandonment, involvement in an accident or suspected criminal activity, or disabled as defined above.

PRIVATE PARKING LOT: Any parking lot or area owned by a private entity that provides parking spaces for a fee or requires the permission of the owner, lessee or agent before a person may park at that location. A private parking lot includes vehicle parking spaces in an apartment complex and condominium association.

89-2. Application for placement on emergency duty list. (Amended 2-23-10 by Ord. No. 4-10)

Towing operators who seek to provide wrecking, towing, storage and emergency road service within the Borough of Waldwick to motor vehicle owners at the request of the Police Department shall submit an application to be approved by the Chief of Police upon forms prepared and provided by the Chief of Police. Upon approval, the towing operator will be placed on the annual emergency duty call list to be maintained at the Police Department, in order of the date and time the application is received. The emergency duty call list shall expire on May 31st of each year. Any towing operator on the prior year's list will have to file a new application to be approved for placement on the new emergency duty call list.

The application shall include as a minimum the following information:
1. Name of the firm;
2. Owner(s) of firm;
3. Address of primary place of business;
4. Corporate mailing address;
5. Telephone numbers of firm and owner(s) of firm;
6. Listing of all vehicles to be used;
7. Proof of heavy-duty wrecker availability;
8. Proof of insurance;
9. Certificate of occupancy from municipality where operation is located;
10. Responsible party for records maintenance;
11. Listing of all drivers;
12. Payment of $300.00 licensing fee;

89-3. Requirements of approval.

The Chief of Police shall approve an application when he finds that the following requirements have been met by the applicant:

A) The insurance policies required herein have been obtained by the towing operator

B) The towing operator's wrecker(s) have been properly licensed and conform to state motor vehicle laws. All wreckers must display New Jersey commercial license plates.

C) The towing operator's company name, address and telephone number are permanently displayed on both sides of the wrecker.

D) The requirements of this ordinance and all other laws, statutes and ordinances have been satisfied.

E) Application fee having been paid. (Amended 11-9-10 by Ord. No. 19-10)

F) Any person, firm, corporation or partnership operating a towing and storage business shall conform to a legally approved zoning and/or site plan and shall comply fully with all of the local community's zoning, land use and property maintenance codes. Towing operators may conduct business and store vehicles outside the boundaries of the borough, but at no time be further than 2.5 miles from the Waldwick Public Safety complex.

G) Towing operators shall maintain a storage yard with sufficient capacity for the safe storage of all vehicles towed. The yard shall have a continuous fence and lockable gate of suitable material not less than six feet in height. All vehicles towed shall be secured within the locked storage yard when no employees are present. The storage yard shall be lighted from dusk to dawn. The business office shall remain open to the public at least five days a week between the hours of 8 a.m. and 6 p.m., excluding holidays, and the towing company shall provide reasonable accommodations for after-hours release of stored vehicles and shall not charge any additional fees for release of vehicles after normal business hours or weekends.

H) All towing operators' trucks must be equipped with either two-way radio and/or mobile telephone communications equipment with their principal place of business to ensure the proper availability of services and equipment on behalf of the borough and motorists.

I) All towing operators' trucks shall be equipped with brooms, shovels and any other street sweeping equipment for the purpose of clearing debris off the roadways.

J) All towing operators must guarantee the availability of all services to the borough seven days a week, 24 hours a day. In this respect, a towing operator shall immediately respond to any type of towing emergency road service or storage call with the appropriate vehicle and/or equipment within 20 minutes after receipt of the telephone notification from the police department. Unless heavy or unusual traffic conditions or inclement weather within the borough prevents a towing operator from arriving at the scene within 20 minutes, failure to respond within the time frame may cause cancellation of that tow and the appointment of another towing operator to complete the service.

K) The towing operator shall accept either cash, money order, a check issued by an insurance company, a valid debit card or a valid major credit card for all services rendered unless the towing operator had a bona fide reason to believe the credit/debit card is not valid.

L) Upon request, prior to providing any towing services, a driver of a tow truck shall provide the person whose vehicle is to be towed a written schedule of fees.

M) When a valid request is made by the owner or operator of a vehicle that is about to be hooked or lifted but not actually been moved or removed from a property or roadway, the tow operator shall decouple the vehicle in lieu of towing upon payment of the appropriate decoupling fee.

N) All other requirements appended to the application for approval have been satisfied.

89-4. Emergency duty calls.

Emergency duty calls to approved towing operators will be based upon establishing of a towing operator list for services to be performed within the Borough of Waldwick. The Chief of Police is hereby authorized to establish and maintain a system to assign towing operators on the emergency duty call list to respond to disabled vehicles and impoundments within the Borough of Waldwick. The towers shall be placed on towing operator list in order of the date and time the application was received.

89-5. Charges for towing and related services.

The towing operator's charges for towing and related services provided pursuant to this ordinance shall not exceed the maximum charges set forth on the fee schedule for removal and storage of vehicles set forth herein.

89-6. Cleanup incidental to towing services.

The towing operator shall at the time of removing any motor vehicle in response to a Police request, remove from the public or private roads or highways all vehicle debris or material in the area surrounding the vehicle, except for any debris or material which may be hazardous, such as oil, gasoline, kerosene, or other petroleum or chemical products. Such cleanup shall be performed by the towing operator without charge to the Borough of Waldwick or the vehicle owner. Failure to provide these services satisfactorily may be cause for suspension or removal from the approved towing operator list as provided by this ordinance.

89-7. Service performed on behalf of vehicle owners.

The towing operator shall, if called by the Borough of Waldwick, charge vehicle owners for service which it renders, in no instance shall the towing operator look to the Borough of Waldwick for payment of services performed pursuant to this ordinance.

89-8. Powers and duties of the Chief of Police.

The Chief shall have the right at all times to inspect all wreckers and storage facilities providing services. Should the Chief at any time determine that the equipment or storage facilities being used do not comply with the requirements of this ordinance, he/she shall have the power and authority to direct the immediate correction or repair of the same within a specified period of time. The Chief of Police is also hereby authorized and empowered to establish and publish from time to time such additional rules and regulations, not inconsistent herewith, as may be reasonable and necessary in carrying out the provisions of this ordinance.

89-9. Suspension and removal for non-compliance.

The Chief of Police shall have the power to suspend a towing operator from the emergency duty call list for a period of 30 days for failing to comply with any section of this ordinance. A subsequent violation by the towing operator will result in the towing operator's permanent removal from the emergency duty call list.

The Chief of Police shall investigate all complaints made by property owners for losses to their vehicles, complaints for excessive charges, and incomplete clean up pursuant to Article 6. An appeal of a removal by the Chief of Police may be filed with the Borough Administrator within 10 calendar days of the Chief's decision. Upon the filing of an appeal a hearing shall be held by the Waldwick Borough Council within 30 calendar days after the receipt of the appeal. The Waldwick Borough Council shall render its determination within 20 calendar days of the conclusion of final hearing date and its determination as rendered shall be final and conclusive.

89-10. Violations and penalties.

Any person who shall violate the provisions of this ordinance shall upon conviction thereof, be liable for penalties prescribed in Chapter 1 of the Code of the Borough of Waldwick.

89-11. Indemnification.

The towing operator hereby agrees to hold harmless and indemnify the Borough of Waldwick from any and all obligations, expenses and/or damages arising out of any claims which may hereafter be asserted against the Borough of Waldwick by anyone for loss or damages to personal property, for personal injury, or for any other damages in connection with the rendering of services pursuant to this ordinance.

89-12. Fee schedule for removal and storage of vehicles. (Amended 2-25-03 by Ord. No. 5-03; 2-23-10 by Ord. No. 4-10)

Towing-storage fee schedule.

A. Fees for towing and storage of private passenger vehicles, damaged in an accident, disabled, impounded by the police or recovered after being stolen, may not exceed the fees established by the New Jersey Department of Insurance pursuant to N.J.S.A. 17:33B-47.

B. The following is a fee schedule for basic automobile, motorcycles, motorized bikes, towing services and heavy duty recovery.

1. Basic towing service anywhere within the Borough of Waldwick or to storage yard (two axle vehicle) under 8,000 lbs.

a. Wheel Lift Rate:	$100.00
b. Flatbed Rate:	$100.00
c. Additional axles:	$35.00 each
d. Wheel Lift Mileage fee:	$4.00 per mile

2. Outside the Borough of Waldwick municipal boundaries, per mile, within the State of New Jersey.

a. Flatbed Mileage Fee:	$4.00 per mile

3. Basic towing service within the Borough of Waldwick or to storage yard (two-axle vehicle) 8,001-16,000 lbs.

a. Towing Rate:	$250.00
b. Additional axles:	$35.00 each
c. Motorcycle Rate:	$100.00

4. Heavy Duty Towing within the Borough of Waldwick or to storage yard (over 16,001 lbs.)

a. Rate per hour with a one hour minimum:	$325.00
b. Driveshaft removal:	$ 45.00
c. Brake release	$ 45.00

5. Air Cushion device in heavy-duty recovery

Hourly rate:	$550.00

C. The following is a fee schedule for storage services of all types of vehicles:

1. Inside building, storage facility (Per calendar day):

a. Under 10,000 lbs.:	$45.00 per day
b. Each Additional axle:	$20.00 ea per day

2. Outside secured storage facility (Per calendar day):
   a. Under 10.000 lbs.: $35.00
   b. Additional axle: $20.00 each per day
   c. Over 10,000 lbs.: $75.00 per day
   d. Tandem Axle Truck: $100.00 per day
   e. Tractor-Trailer Combo: $140.00 per day

D. Emergency Road Service:

1. Emergency road service includes jump starts, bringing up to two gallons of fuel, tire change: $60.00
2. Vehicle Lockouts: $75.00
3. If a tow results, there will be no charge for road service, except cost of fuel if placed in the vehicle's tank.

E. Rates for vehicle recovery and winching:

1. Light Duty:
   a. Winching (car does not roll or has flat tires): $75.00
   b. Off-road Recovery or Up-righting Vehicle: $150.00 per hour
2. Medium Duty
   a. Winching/Off-Road Recovery un-righting: $250.00 per hour
3. Heavy Duty
   a. Winching/Off-Road Recovery or un-righting: $425.00 per hour

F. Additional Services

1. Axle/driveshaft removal: $45.00
2. Hookup Air: $25.00
3. Crash Wrap (if windows are broken or will not close):
   a. Per side window $25.00
   b. Front/Rear Window: $40.00
4. Administration fee: $35.00
   including but not limited to faxes, going over car with insurance adjustors. photographs, inventory reports, etc.
5. Yard Charge (when applicable): $55.00

6. Waiting Time: $100.00 per hour

to be charged in fifteen minute increments with a fifteen minute minimum, beginning after the first 15 minutes onscene.

7. Clean-up Fees
   a. Cleanup of Debris: $35.00
   b. Speedy Dry: $30.00 first bag
   c. Each additional bag: $12.00
8. Extra Personnel: $75.00 per hour per man
9. Level 3 Recovery Supervisor: $90.00 per hour
10. Decoupling fee: $50.00
11. If tower is called by police and arrive on scene and owner refuses service or no service is required, there is a $50.00 fee for the tow truck responding.

G. Heavy Vehicle Recovery (Over 16,000 lbs.)

1. To provide heavy vehicle recovery, the Borough of Waldwick requires that the licensee have on scene a recovery supervisor with Level 3 certification from the Towing and Recovery Association of America (TRAA) or another nationally recognized certification.
2. To perform heavy vehicle recovery under this chapter the licensee must:
   a. Visually document the recovery scene through photos or videotape.
   b. Prepare a written report of all procedures employed, actions taken, equipment used and manpower requirements to complete the recovery process in the safest manner and provide & copy to the vehicle owner with the statement of services.
   c. Prepare an itemized billing invoice for all services rendered.
   d. If the licensee finds it necessary, due to the nature of the recovery to contract additional recovery service to supplement its equipment and manpower recovery, the contracted service providers must work under the supervision of the licensee, The licensee may not subcontract the entire recovery. In the event that a heavy-duty operator is unable to handle the recovery then the next heavy-duty wrecker on the rotating list shall be called.
   e. There is a 3% annual cost of living increase on all fees listed herein.

H. Waldwick Borough Owned Vehicles

a. Any service provided to Waldwick Borough owned/leased vehicles shall be ½ of the above listed rates.

89-13. Proof of insurance required.

No towing operator shall be called by the Police Department unless the towing operator has submitted proof to the Chief of Police that the towing operator is insured by a regular service station or garage liability insurance policy with the following policy limits:

A) Liability for personal injury to one person in any one occurrence, $1,000,000

B) Total liability for all personal injuries sustained in any one occurrence $1,000,000

C) Liability for property damage arising in any one occurrence, $1,000,000

D) Liability for damage to property of others while in the care, custody, and control of the towing operator and for loss or damage by fire or theft of property of others while in the care, custody or control of the towing operator for each item of property, $250,000.

Said insurance policy shall be endorsed to include the Borough of Waldwick as a named insured and shall include a standard severability of interest clause. Any additional cost for said insurance shall be paid by the towing operator. Said insurance policy shall provide that the same cannot be canceled or materially changed without ten (10) days prior written notice to the Borough.

89-14. Severability.

If any article, section, subsection or sentence, clause or phrase of the ordinance shall be held to be invalid for any reason, such decision shall not affect the remaining portions of this ordinance.

89-15. When effective.

This ordinance will take effect after final passage and publication as required by law.

VEHICLES AND TRAFFIC

Chapter 91

VEHICLES AND TRAFFIC

91-1. Definitions
91-2. Authorization for the Closing of Any Street
91-3. Tow-Away
91-4. Penalties
91-5. Effect of Ordinance
91-6. Repeal
91-7. Traffic Controls for Street and Highway Construction and Maintenance Operations for Municipal Roads
91-8. Parking
91-9. Parking Prohibited During State of Emergency
91-10. Temporary Parking Prohibition for Snow Plowing and Removal
91-11. Stopping or Standing Prohibited During Certain Hours on Certain Streets
91-12. Parking Time Limited on Certain Streets
91-13. Residential Permit Parking
91-14. Parking Prohibited at all Times on Certain Streets
91-15. Parking Prohibited During Certain Hours on Certain Streets
91-16. Metered Parking
91-17. Parking of Certain Trucks, Vehicles and Trailers Prohibited
91-18. Routes for Trucks Over Four Tons
91-19. Vehicles Over Designated Weight Excluded from Certain Streets
91-20. One-Way Streets
91-21. Through Streets
91-22. Stop Intersections
91-23. Multi-Way Stop Intersections
91-24. Yield Intersections
91-25. Turn Prohibitions
91-26. No Turn on Red
91-27. Loading Zones
91-28. Bus Stops
91-29. Taxi Stands
91-30. Lane Use Reservations
91-31. Speed Limits
91-32. Mid-Block Crosswalks
91-33. No Passing Zones
91-34. Handicapped Parking
91-35. Control for the Movement and the Parking of Traffic on Public and Private Property

(HISTORY: Adopted by the Mayor and Council of the Borough of Waldwick on 11-30-07 by Ord. No. 12-07. Amended Ordinance 8-09 adopted on 5-26-09. Amended Ordinance 24-09 adopted on 12-22-09. Amended Ordinance 11-10 adopted on 4-27-10)

BE IT ORDAINED by the Mayor and Council of the Borough of Waldwick that Chapter 91 of the Code of the Borough of Waldwick entitled “Vehicles and Traffic” is hereby amended in its entirety to read as follows:

91-1 DEFINITIONS

Words and Phrases

Whenever any words and phrases are used in this Chapter, the meaning respectively ascribed to them in Subtitle I of Title 39 of the Revised Statutes of New Jersey shall be deemed to apply to such words and phases used herein. The following words or phrases shall have the respective meanings ascribed herein:

PARKING METER: A mechanical device located upon a public street or sidewalk in a place designated by ordinance as a parking meter zone as hereinafter defined, which device shall record a certain number of hours or minutes by the use of a clock mechanism determining the period of time for which parking privileges may be extended to the person depositing a coin therein.

PARKING METER SPACE: Any space within a parking meter zone, adjacent to a parking meter, which is duly designated for the parking of a single vehicle by lines painted or otherwise durably marked on the curb or on the surface of the street or lot adjacent to or adjoining the parking meters.

PARKING METER ZONE: An area designated by ordinance within which vehicles may be temporarily parked and allowed to remain for the period of time indicated on the meter.

Official Standard Time

Whenever certain hours are named in the Chapter, they shall mean either Eastern Standard Time or Eastern Daylight Savings Time as may be in current use.

91-2 AUTHORIZATION FOR THE CLOSING OF ANY STREET

a. The Mayor or in his/her absence, disability or inability to act, the Council President or, in his/her absence, disability or inability to act, the highest ranking police official is hereby authorized to provide by regulation for the closing of any street or portion thereof to motor vehicle traffic on any day or days during specified hours on any day or days whenever he/she finds that such closing is necessary for the preservation of the public safety, health or welfare.

b. Any regulations promulgated by the Mayor, Council President or his/her designee and in accordance with Section "a" above, shall provide for the posting of proper warning signs of such closing on any street or portion thereof during the time the same is closed in pursuance thereof.

c. Any regulation adopted that mandates the closing of any street for a period greater than 48 consecutive hours shall not become effective unless and until it has been

submitted to and approved by the Commissioner of the Department of Transportation.

91-3 TOW-AWAY

Any vehicle parked in violation of this Chapter, which creates a nuisance and a menace to the public safety and the proper regulation of traffic may be towed. The owner shall bear the reasonable costs of removal and storage, which may result in such removal before regaining possession of the vehicle.

91-4 PENALTIES

Unless another penalty are 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 penalties outlined in Chapter 1-14.1

91-5 EFFECT OF ORDINANCE

If any part or parts of this ordinance are, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

91-6 REPEAL

All former traffic ordinances contained within Chapter 91 of the Code of the Borough of Waldwick are hereby repealed, and all ordinances or parts of ordinances in conflict with or inconsistent with the provisions of this ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this ordinance.

91-7 TRAFFIC CONTROLS FOR STREET AND HIGHWAY CONSTRUCTION AND MAINTENANCE OPERATIONS FOR MUNICIPAL ROADS

The Council hereby finds and declares that problems of traffic control occur when traffic must be moved through or around street construction, maintenance operations, and utility work, above and below ground, which requires blocking the roadway and obstructing the normal flow of traffic; and that such obstructions are or can become dangerous when not properly controlled. In order to better promote the public health, safety, peace and welfare, it is necessary to establish controls and regulation directed to the safe and expeditious movement of traffic through construction and maintenance zones and to provide safety for the work force performing these operations.

The Borough of Waldwick does hereby adopt the current Manual on Uniform Traffic Control Devices, hereinafter known as M.U.T.C.D., as supplemented and amended, as it controls and regulates construction operations of utility work, which obstructs the normal flow of traffic. Any person, contractor or utility that fails to comply with the provisions of M.U.T.C.D. while performing such work is in violation of this Section.

91-7 TRAFFIC CONTROLS FOR STREET AND HIGHWAY CONSTRUCTION AND MAINTENANCE OPERATIONS FOR MUNICIPAL ROADS

PRE-CONSTRUCTION MEETING

It shall be the responsibility of the person, contractor, or in the case of a public utility as required under the public utility agreement, wishing to conduct work on, under or above the roadway to contact the Traffic Bureau of the Waldwick Police Department in order to arrange a pre-construction meeting to submit plans for the safe movement of traffic during such period of construction of work. Any person, contractor or utility who fails to comply with this section prior to the start of such work or whose plans are not approved by the Traffic Bureau of the Waldwick Police Department is in violation of this section.

EMERGENCY CONTACT TELEPHONE NUMBERS

The person, contractor, or utility shall provide the Traffic Bureau of the Waldwick Police Department with at least two (2) emergency contact phone numbers to be called in case of emergency problems at the construction or maintenance site prior to the start of any work. If for any reason emergency contact cannot be reached, or if the emergency contact person does not respond to the call from the Police Department to correct a hazardous condition, the Borough may respond to correct such hazardous conditions. The reasonable costs for such emergency services by the Borough shall be charged to the person, contractor or utility.

HOURS

Except in the case of an emergency, there shall be no construction, maintenance operations or utility work on any roadway in the Borough before the hour of 9:00 a.m. or after 4:00 p.m. Road closing and/or traffic detours shall not be permitted unless approved by the Traffic Bureau of the Waldwick Police Department.

ROAD CLOSING

Road closing and/or traffic detours shall not be permitted unless approved by the Waldwick Police Department.

TRAFFIC DIRECTORS

A traffic director shall be posted at all construction or maintenance sites when determined by the Traffic Bureau of the Waldwick Police Department that they are necessary to provide for the safe and expeditious movement of traffic.

STOP WORK

In order to abate any nuisance and/or safety hazard, the Traffic Bureau of the Waldwick Police Department shall have the authority to order (i) work stop; (ii) the removal of equipment, vehicles and materials stored within the street right of way; (iii) the back filling of open excavations and/or other related work.

SITE PREPARATION

No vehicles or equipment are to be placed in the roadway or sidewalk area until all

construction signs, lights, devices and pavement markings are installed.

VIOLATIONS AND PENALTIES

See Chapter 1-14.1.

91-8 PARKING

Regulations not Exclusive

The provisions of this Chapter imposing a time limit on parking shall not relieve any person of the duty to observe other, more restrictive provisions prohibiting or limiting the stopping or standing or parking of vehicles as set forth in N.J.S.A. 39:4-138, any other New Jersey Statute or as hereinafter provided.

91-9 PARKING PROHIBITED DURING STATE OF EMERGENCY

a. Upon the declaration of an emergency, there shall be no parking upon streets or sections of streets where temporary EMERGENCY NO PARKING signs are displayed. The chief of police or in his/her absence, the ranking police officer is authorized to declare an emergency and to direct the posting of EMERGENCY NO PARKING signs when weather conditions, accidents, road construction, fire or public celebrations dictate or require avoidance of hazards or other conditions which interfere with the free flow of traffic. Notification that EMERGENCY NO PARKING signs are being or will be posted shall be given to the operator or owner of any vehicle, which has been parked prior to the posting of the signs.

b. The effectiveness of this subsection is contingent upon the signs being erected as required by law.

91-10 TEMPORARY PARKING PROHIBITION FOR SNOW PLOWING AND REMOVAL

a. Whenever snow has fallen and the accumulation is such that it covers the streets or highways, an emergency shall exist and no vehicle shall be parked on any street or highway within the borough. The above parking prohibitions shall remain in effect after the snow has ceased until the streets have been plowed sufficiently and to the extent that parking will not interfere with the normal flow of traffic.

b. Any unoccupied vehicle parked or standing in violation shall be deemed a nuisance and a menace to the safe and proper regulation of traffic and any police officer may provide for the removal of such vehicle. The owner shall pay the reasonable costs of the removal and storage, which may result from such removal before regaining possession of the vehicle.

91-11 STOPPING OR STANDING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS.

Reserved

91-12 PARKING TIME LIMITED ON CERTAIN STREETS

91-12 PARKING TIME LIMITED ON CERTAIN STREETS

No person shall park a vehicle for longer than the time limit between the hours listed on any day (except Saturdays, Sundays and public holidays) upon any of the streets or parts of streets described (**Amended Ord 8-09**).

Name of Street	Sides	Time Limit	Hours	Location
Dora Avenue	Both	2 Hours	8am to Noon	From Ridge St. to New Jersey State Highway # 17
East Prospect Street	South	2 Hours	8am to Noon	From a point 100 feet east of Nordham Street to a point100 feet west of Ridge Street
East Prospect Street	South	2 Hours	8am to Noon	From a point 50 feet east of Ridge Street extending 180 feet east therefrom
East Prospect Street	North	2 Hours	8 am to Noon	From New Jersey State Highway # 17 to Sheridan Avenue (CR 7)
Frederick Street	North	2 Hours	8am to Noon	Between Franklin Turnpike (CR#507) and Harrison Avenue.
Frederick Street	North	2 Hours	8am to Noon	From Harrison Avenue to Hewson Avenue.
Harrison Avenue	West	2 Hours	8am to Noon	From a point 400 feet north of Wyckoff Avenue (CR# 502) to Frederick Street
Harrison Avenue	East	2 Hours	8am to Noon	From a point 400 feet north of Wyckoff Avenue (CR#502) to West Prospect Street
Hewson Avenue	West	2 Hours	8am to Noon	From a point 100 feet north of the northerly curb line of West Prospect Street to a point 100 feet north therefrom.
Hewson Avenue	West	2 Hours	8am to Noon	From a point 355 feet north of Walter Nightengale Place to a point 100 feet north therefrom.
Howard Place	Both	2 Hours	8am to Noon	Entire Length
Hudson Avenue	Both	2 Hours	8am to Noon	Easterly curb line of Donald Place to New Jersey State Highway # 17.
Ridge Street	East	2 Hours	8am to Noon	From E. Prospect Street to Donald Place
Ridge Street	West	2 Hours	8am to Noon	From Hudson Avenue to Donald Place.
Wagner Street	South	2 Hours	8am to Noon	From a point 74 feet west of the intersection of Maple Avenue 101 feet west therefrom
Wagner Street	South	2 Hours	8am to Noon	From a point 150 feet west of the intersection of Maple Avenue 175 feet west therefrom
Wanamaker Avenue	West	2 Hours	8am to Noon	From a point 150 feet north of West Prospect Street to Vernon Court.
West Prospect Street	South	30 Minutes	8am to Noon	From a point 100 feet west of Franklin turnpike to Harrison Avenue

Name of Street	Sides	Time Limit	Hours	Location
West Prospect Street	South	2 Hours	8am to Noon	From Layfayette St to Harrison Ave

91-12 (B) (Added 05-27-14 by Ord No. 14-14)

No person shall park a vehicle for longer than the time limit between the hours listed on any day upon any of the streets or parts of streets described below:

Name of Street	Sides	Time Limit	Location
East Prospect Street	South	15 Minutes	Two spaces In front of 18 East Prospect Street directly west of the designated Handicapped space

91-13 Residential Permit Parking (Added Ord. 8-09, Amended 07-23-13 by Ord. No. 10-13)

No person shall park a vehicle on streets or parts of streets as described within the following sections unless an appropriate and current parking permit as issued by the Borough of Waldwick is displayed on said vehicle for those streets or parts of streets as described or listed within the following sections.

Name of Street	Sides	Hours	Days	Location
Bohnert Place	Both	8am to Noon	Mon- Fri	Entire Length
Cleveland Avenue	Both	8am to Noon	Mon- Fri	From West Prospect Street to a point 150 feet South of Wyckoff Avenue (CR#502)
Conklin Avenue	Both	8am to Noon	Mon- Fri	Entire length
Dora Avenue	Both	8am to Noon	Mon- Fri	From Hudson Avenue to New Jersey State Highway # 17.
East Prospect Street	North	8am to Noon	Mon- Fri	Between Hudson Avenue and Sheridan Avenue (CR#7)
Frederick Street	North	8am to Noon	Mon- Fri	From Harrison Avenue to Hewson Avenue.
Gateway Court	North (WB)	8am to 4pm	Mon-Fri	From Crescent Ave intersection to a point 400’ east therefrom
Gateway Court	South (EB)	8am to 4pm	Mon-Fri	Entire Length of Street
Grove Street	Both	8am to Noon	Mon- Fri	From Sheridan Avenue (CR# 7) to New Jersey State Highway # 17.
Harrison Avenue	East	8am to Noon	Mon- Fri	From West Prospect Street to Hewson Avenue
Harrison Avenue	West	8am to Noon	Mon- Fri	From Frederick Street to Hewson Avenue
Hewson Avenue	West	8am to Noon	Mon- Fri	From a point 100 feet north of the northerly curb line of West Prospect Street to a point 100 feet north therefrom.
Hewson Avenue	West	8am to Noon	Mon- Fri	From a point 355 feet north of Walter Nightengale Place to a point 100 feet north therefrom

91-14 PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS

Name of Street	Sides	Hours	Days	Location
Hudson Avenue	Both	8am to Noon	Mon- Fri	From East Prospect Street to Waldwick Avenue
Lafayette Place	Both	8am to Noon	Mon- Fri	Entire Length
Manhattan Avenue	Both	8am to Noon	Mon- Fri	From Hudson Avenue to New Jersey State Highway # 17
Maple Avenue	East	8am to Noon	Mon- Fri	From Wyckoff Avenue (CR#502) to Wagner Street
Maple Avenue	West	8am to Noon	Mon- Fri	From Wyckoff Avenue (CR#502) to West Prospect Street
Smith Street	Both	8am to Noon	Mon- Fri	From West Prospect Street to Bohnert Place
Wagner Street	Both	8am to Noon	Mon- Fri	From Cleveland Avenue to Wanamaker Avenue
Wagner Street	North	8am to Noon	Mon- Fri	From Maple Avenue to Cleveland Avenue
Walter Nightengale Place	Both	8am to Noon	Mon- Fri	From Hewson Avenue to Harrison Avenue
Walter Nightengale Place	South	8am to Noon	Mon- Fri	From Franklin Turnpike (CR# 507 to Harrison Avenue.
Wanamaker Avenue	West	8am to Noon	Mon- Fri	From a point 150 feet north of West Prospect Street to Vernon Court.
Wanamaker Avenue	East	8am to Noon	Mon- Fri	From a point 150 feet north of West Prospect Street to Wyckoff Avenue (CR# 502).
West Prospect Street	South	8am to Noon	Mon- Fri	From Maple Ave to Wanamaker Ave
West Prospect Street	South	8am to Noon	Mon- Fri	From a point 200 feet west of Wanamaker Ave to Van Ct.
Zazzetti Street	Both	8am to Noon	Mon- Fri	Entire Length

91-14 PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS

a. No person shall park a vehicle at any time upon any streets or parts thereof described (**Amended Ord. 8-09; 8-10-10 by Ord. 16-10**).

Name of Street	Sides	Location
Bergen Avenue	South	From Franklin Turnpike (CR# 507) extending 200 ft. east therefrom.
Cleveland Avenue	East	From W. Prospect Street extending 100 feet south therefrom
Crescent Avenue (CR# 81)	Both	Entire length
Demarest Place	Both	Entire length
Dow Avenue	West	Entire length
East Prospect Street	North	From NJ State Highway #17 to Franklin Turnpike (CR# 507).

91-14 PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS

Name of Street	Sides	Location
East Prospect Street	South	From the westerly curb line of Sheridan Avenue (CR# 7) extending 150 ft. easterly thereof.
East Prospect Street	South	From a point 210 ft. east of Stanley Place to a point 100ft. east of Nordham Street.
East Prospect Street	South	From NJ State Highway #17 to a point 230 ft east of Ridge Street.
East Prospect Street	South	From a point 100 ft. west of Ridge Street to a point 50 ft east of Ridge Street
Franklin Turnpike (CR# 502/507	Both	Entire Length
Grove Street	South	From Franklin Turnpike (CR# 507) extending 230 ft. east therefrom.
Harrison Avenue	Both	From Wyckoff Avenue (CR# 502) extending 400 ft. North therefrom
Hewson Avenue	East	Entire length
Hewson Avenue	West	From the northwest comer of W.Prospect Street extending 100 feet north therefrom
Hewson Avenue	West	From a point 165 feet north of Walter Nightengale Place extending 190 feet north to a point 355 feet north of Walter Nightengale Pl.
Hewson Avenue	West	From a point 200 feet north of the northwest comer of W.Prospect Street to Frederick Street.
Hewson Avenue	West	From a point 455 feet north of Walter Nightengale Place to Harrison Avenue.
Hopper Avenue	Both	Entire Length
Industrial Park	Both	Entire Length
John Dow Avenue	West	Entire length
Lafayette Place	South—West	Entire length
Lincoln Place	North	From Franklin Turnpike (CR# 507) extending 125 feet east therefrom.
Lincoln Place	South	From Franklin Turnpike (CR# 507) extending 200 feet east therefrom
Mackay Avenue	Both	From Franklin Turnpike (CR# 507) to Summit Avenue
Maple Avenue	East	From Wyckoff Avenue (CR# 502) extending 100 feet north therefrom
Monroe Street	Both	Entire length
North Street	North	Entire length
Ridge Street	West	From East Prospect Street to Hudson Avenue
Sheridan Avenue (CR# 7)	Both	Entire length
Stanley Place	East	Entire length
Tamaron Drive	Both	a. No parking allowed in the cul-de-sac at the extreme north end of Tamaron Drive to a point 100 feet south.

Name of Street	Sides	Location
Waldwick Avenue	South	From Franklin Turnpike (CR# 507) extending 200 feet east therefrom.
Walter Hammond Place	East	From Wyckoff Avenue (CR# 502) extending 400 feet north therefrom.
Walter Hammond Place	West	Entire Length
Wanamaker Avenue	West	From Wyckoff Avenue (CR# 502) to Vernon Court.
Wanamaker Avenue	West	From W. Prospect Street to a point 150' south therefrom
West Prospect Street	North	From Franklin Turnpike (CR# 507) to Hewson Avenue.
West Prospect Street	North	From Maple Avenue to Lakeview Drive
West Prospect Street	South	From Crescent Avenue (CR# 81) extending 100 feet east therefrom.
West Prospect Street	South	From Van Court to a point 260 feet west of Hopper Avenue
West Prospect Street	South	From Oak Pl. extending 140 feet east therefrom.
West Prospect Street	South	From Wanamaker Avenue extending 300 feet west therefrom.
West Prospect Street	South	From Franklin Tpke. (CR# 507) extending west to a point 100 feet therefrom.
West Saddle River Road	East	From East Prospect Street extending 180 feet south therefrom.
West Saddle River Road	West	From East Prospect Street extending 80 ft. South therefrom.
Whites Lane	East	From Wyckoff Avenue (CR# 502) to Van Dan Place
Wyckoff Avenue (CR# 502)	Both	Entire Length

b. No vehicle bearing other than passenger registration plates, except for a duly authorized law enforcement vehicle, or emergency vehicle of the State of New Jersey or its political subdivisions, whose registered or actual gross vehicle weight is under six (6) tons shall be parked on any street in the Borough of Waldwick between the hours of 2:00 a.m. and 6:00 a.m.

91-15 PARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS

No person shall park a vehicle between the hours specified any day (except Saturday, Sunday and public holidays) upon any of the streets or parts of streets described.

Name of Street	Side	Hours	Location
Ridge Street	Both	8am to 4pm	From Summit Avenue to East Prospect Street.
Summit Avenue	South	8am to 4pm	From Ridge Street extending 125ft east therefrom.

91-16 METERED PARKING

a. The areas adjacent to curb lines and within the following described streets or portions of streets are hereby designated as parking meter zones. No person

shall park a vehicle in a parking meter zone except parallel with the curb and fully within a delineated parking meter space. Between the hours listed (except Saturday, Sunday and public holidays), no person shall park a vehicle within a parking meter zone without depositing the appropriate coin(s) in the parking meter adjacent thereto nor allow a vehicle to remain parked when such meter indicates illegal parking.

b. The parking meter fees shall be as set forth on Chapter 48:91-12.2.

c. No unauthorized person shall open, deface, tamper with, destroy, or impair the usefulness of any parking meter installed in accordance herewith.

Name of Street	Side	Location	Hours
Frederick Street	South	From Harrison Avenue to Hewson Avenue	5:00am - 5:00pm
Hewson Avenue	West	From a point 165 feet north of Walter Nightengale Place to Frederick Street	5:00am - 5:00pm
Maple Avenue	East	From West Prospect Street to Wagner Street	5:00am - 5:00pm
Wagner Street	South	From Maple Avenue to Cleveland Avenue	5:00am - 5:00pm

91-17 PARKING OF CERTAIN TRUCKS, VEHICLES, AND TRAILERS PROHIBITED

Reserved

91-18 ROUTES FOR TRUCKS OVER FOUR TONS

Pursuant to N.J. S.A 40:67-16. 1, the streets or parts of streets as described are hereby designated as route for vehicles over four (4) tons but less than the gross weight listed below. All trucks having total combined registered gross weight of vehicle plus load in excess of four (4) tons shall be excluded from all streets except from those streets listed which form a part of the system of truck routes. Vehicles will be permitted on all streets for the purpose of the pick up and delivery of materials.

Name of Street	Location
Hopper Avenue	Entire length
West Prospect Street	From Franklin Tpke. (CR# 507) to Hewson Ave.

91-19 VEHICLES OVER DESIGNATED WEIGHT EXCLUDED FROM CERTAIN STREETS

Reserved

91-20 ONE-WAY STREETS

The following described streets or parts of streets are hereby designated as One-Way Streets in the direction indicated. Parking on these streets will be permitted on the sides indicated below.

91-21 THROUGH STREETS

Name of Street	Direction	Limits	Parking Permitted
Cleveland Ave.	Southbound	Entire Length	Both sides
E. Prospect St.	West bound	From Sheridan Ave. to New Jersey State Highway 17	Both sides
John Dow Ave.	South bound	Entire Length	East side only
Lafayette Place	West bound	Entire Length	North - East side only
Maple Avenue	North bound	Entire Length	Both sides
Stanley Place	North bound	From E. Prospect St. for a distance of 300 feet.	Both sides
W. Prospect St.	West bound	From Maple to Zazzetti St.	South side

91-21 THROUGH STREETS

Pursuant to the provisions of N.J.S.A. 39:4-140, the streets or parts of streets described are hereby designated as Through Streets. Stop signs shall be installed on the near-right side of each street intersecting the Through Street except where Yield signs are provided for in the designation. **Amended Ord.24-09 and 11-10**

Name of Street	Limits
Cambra Road	Entire Length
Centre St.	Between E.Prospect St. and Summit Ave.
Cleveland Ave.	Entire Length
Crescent Ave. (CR# 7)	Entire Length
E.Prospect St.	Between Franklin Tpke. (CR# 507) and New Jersey State Highway 17
Franklin Tpke. (CR# 502 and 502/507	Entire Length
Gerard Dr.	Entire Length
Harrison Ave.	Between W. Prospect St. and Hewson
Hewson St.	Entire Length
Hickory Lane	Entire Length
Hopper Ave.	Between West Prospect Street and Allendale corporate line.
Hudson Ave.	Between E. Prospect St. and Bergen Ave.
John Dow Ave.	Entire Length
Leonard Dr.	Entire Length
Lindbergh Parkway	(a) Between Lakeview Drive and Crescent Avenue (CR# 7)
	(b) Between Crescent Avenue (CR# 7 and Longview Drive
Lockwood Drive	Between Sycamore Drive and Crescent Avenue
Longview Drive	From Pineview Drive to Van Dyke Rd.
Lotus Lane	Entire Length
Lyon Road	Entire Length
Maple Ave.	Entire Length

91-22 STOP INTERSECTIONS

Name of Street	Limits
Monroe St.	Entire Length
Moore Ave.	Between Summit Ave and Centre St.
Nordham St.	Entire Length
Ridge St.	Between E. Prospect St. and Summit Ave.
Sheridan Ave. (CR# 7)	Entire Length
Summit Ave.	Between Moore Ave. and Nordham St.
Sycamore Drive	Entire Length
Wanamaker Ave.	Between W. Prospect St. & Wyckoff Ave. (CR# 502)
W. Prospect St.	a. Between Maple Avenue and Crescent Avenue (CR# 81)
	b. Between Hopper Avenue and Crescent Avenue (CR#81)
	c. Extending from Franklin Tpke (CR#507 west to terminus
W.Saddle River Rd.	Entire Length
Wyckoff Ave. (CR#502)	Entire Length

91-22 STOP INTERSECTIONS

Pursuant to the provisions of N.J.S.A. 39:4-140, the intersections described are hereby designated as Stop Intersections. Stop signs shall be installed as provided therein (**Amended Ord. 8-09, Ord. 19-09 and 11-10**).

Intersection	Stop Sign On
Birch Lane & Van Dyke Road	Birch Lane
Campbell St. & Stuart St.	Campbell St.
Central Ave. & Bergen Ave.	Central Ave.
Central Ave. & Grove St.	Central Ave.
Central Ave. & Lincoln Pl.	Central Ave.
Central Ave. & Waldwick Ave.	Central Ave.
Centre St. & Nordham Rd	Centre St.
Centre St. & Highwood Ave.	Highwood Ave.
Cortland St. & Bergen Ave.	Cortland St.
Cortland St. & Highwood Ave.	Cortland St.
Cortland St. & Lincoln Pl.	Cortland St.
Douglass St. & E. Prospect St.	Douglass St.
Douglass St. & Campbell St.	Campbell St.
Durante Rd. & Gibb Ct.	Gibb Ct.
Durante Rd. & King St.	King St.
Garibaldi Pl. & Grand Ave.	Garibaldi Ave.
Garibaldi Pl. & Mackay Ave.	Garibaldi Ave.
Howard Pl & Hudson Ave.	Howard Pl.

Intersection	Stop Sign On
Hemlock St. & Evergreen St.	Hemlock St.
Hudson Street & Bergen Ave	Bergen Ave.
Hudson Street & E. Prospect St.	Hudson St.
Hudson Street & Ridge St.	Hudson St.
Irving Pl. & Pennington Ave.	Irving Pl.
Lakeview Drive & Yvonne Street	Lakeview Drive
Lindbergh Parkway & Lakeview Drive	Lindbergh Parkway
Lockwood Dr. & Gibb Ct.	Gibb Ct.
Longview Dr. & Pineview Dr.	Longview Dr.
MacKay Ave. & Summit Ave.	Summit Ave.
Mary Lane & Longview Dr.	Mary Lane
Pine Street & Pennington Avenue	Pine Street
Summit Ave. & Moore Ave.	Summit Ave.
Summit Ave & Ridge St.	Ridge St.
Summit Ave & Centre St.	Centre St
Warren Place & Waldmere Place	Warren Place
Van Dyke Road & Waldmere Place	Waldmere Place
Zazzetti St. & Bohnert PI.	Zazzetti St.

91-23 MULTI-WAY STOP INTERSECTIONS

Pursuant to the provisions of N.J.S.A. 39:4-140, the intersections described are hereby designated as Multi-Way Stop Intersections. Stop signs shall be installed as provided therein.

Intersection	Stop Sign On
West Prospect St. and Hopper Ave.	All approaches

91-24 YIELD INTERSECTIONS - Reserved

91-25 TURN PROHIBITIONS

No person shall make a right or left turn at any location listed and only in the manner described.

Intersection	Turn Prohibited	Movement Prohibited
Wyckoff Ave. (CR# 502) & exit driveway at 22 Franklin Tpk (CR# 502/507)	Left	Southbound from driveway to eastbound Wyckoff Ave. (CR# 502)
Wyckoff Ave. (CR# 502) & driveway at 64 Crescent Ave (CR# 81)	Left	Westbound from Wyckoff Ave (CR# 502) to southbound into driveway.

Intersection	Turn Prohibited	Movement Prohibited
Wyckoff Ave. (CR# 502) & driveway at 64 Crescent Ave. (CR# 81)	Left	Northbound from northern driveway to westbound Wyckoff Ave (CR# 502)
Wyckoff Avenue (CR# 502) & driveway at 72 Crescent Avenue (CR# 81)	Left	East bound Wyckoff Avenue (CR# 502) to northbound driveway
Wyckoff Ave. (CR# 502) & Lee Ct.	Left	From west bound Wyckoff Ave (CR# 502) to south bound Lee Ct. between the hours of 7:45am-8:15am & 2:30pm - 3:30pm
Wyckoff Avenue (CR# 502) & driveway at 72 Crescent Avenue (CR# 81)	Left	South bound from driveway to east bound Wyckoff Avenue (CR# 502).
Grove Street & driveway at 71 Franklin Turnpike (CR# 507)	Right	Northbound from driveway to east bound Grove Street
140 Franklin Turnpike (CR# 507) & Franklin Turnpike (CR# 507)	Left	Eastbound from southern driveway at 140 Franklin Turnpike to north bound Franklin Turnpike (CR# 507)
140 Franklin Turnpike (CR# 507) & Franklin Turnpike (CR# 507)	Left	North bound Franklin Turnpike (CR# 507) into southern most driveway at 140 Franklin Turnpike.

91-26 NO TURN ON RED

No person shall make a right turn on the red signal at any location listed:

Intersection	Approach	Times
East Prospect Street & Franklin Turnpike (CR# 507)	All	7:30am to 4:00pm Monday through Friday
Wyckoff Avenue (CR# 502)& Franklin Turnpike (CR#502/507)	East on Wyckoff Avenue (CR# 502)	7:30am to 4:00pm Monday through Friday
Wyckoff Avenue (CR# 502& Franklin Turnpike (CR# 502/507)	South on Franklin Turnpike (CR# 502/507)	All
Wyckoff Avenue (CR# 502) & Crescent Avenue (CR# 81)	All	All

91-27 LOADING ZONES (Amended 07-23-13 by Ord. 10-13; 04-22-14 by Ord. 9-14)

The locations described are hereby designated as Loading Zones. No person shall park a vehicle in said location during the times indicated other than for the loading or unloading of goods, materials, and passengers in conformance with the rules established by the entity on which said loading zone borders.

Street	Time	Sides	Location
Frederick Street	ALL	South (EB)	From a point 120 feet west of Franklin Turnpike (CR#507) to a point 35 feet east of Harrison Avenue.
Gateway Court	8am – 4pm, Mon- Fri	North (WB)	From a point 400 feet east of Crescent Avenue to the east terminus of Gateway Court.
Summit Avenue	During	North	From a point 434 feet west of the Traphagen

91-27 LOADING ZONES (Amended 07-23-13 by Ord. 10-13; 04-22-14 by Ord. 9-14)

School Hours	(WB)	School driveway, including the entire length of Traphagen School Property.

91-28 BUS STOPS

91-28 BUS STOPS

The locations described are hereby designated as Bus Stops. No vehicle other than an omnibus, picking up or discharging passengers, shall be permitted to occupy said location between the hours indicated.

Street	Location
E.Prospect St. South side	a. From a point 70 ft. east of Franklin Tpke (CR# 507) to 170 ft. east of the east curb line of Franklin Tpke (CR# 507).
Franklin Tpke (CR# 502/507) Northbound on the easterly side.	a. Between Rosencrantz Lane and Wyckoff Ave. (CR# 502) (mid-block), beginning 550 ft. South of the southerly curb line of Rosencrantz Ave. and extending 135 ft. Southerly therefrom. b. East Prospect St. (far side), beginning at the southerly curb line of Lincoln Pl. and extending105 ft. southerly therefrom. c. Lincoln Place (near side), beginning at the southerly curb line of Lincoln Pl. And extending 105 ft. southerly therefrom. d. North St. (near side) (prolongation), beginning at the prolongation of the southerly curb line of North St. and extending 105 ft. southerly therefrom. e. MacKay Ave. (near side), beginning at the southerly curb line of MacKay Ave. and extending 105 ft. southerly therefrom.
Franklin Tpke. (CR# 507) (southbound on the westerly side.	a. MacKay Ave. (far side) (prolongation), beginning at the prolongation of the southerly curb line of MacKay Ave. and extending 100 ft. southerly therefrom. b. Park Ave. (far side) (prolongation), beginning at the prolongation of the southerly curb line of Park Ave. And extending 100 ft. southerly therefrom. c. Waldwick Ave. (near side) (prolongation), beginning at the prolongation of the northerly curb line of Waldwick Ave. and extending 100 ft. northerly therefrom. d. Frederick St. (far side), beginning at the southerly curb line of Frederick St. and extending 100 ft. southerly therefrom. e. Wyckoff Ave. (CR# 502) (far side), beginning at the southerly curb line of Wyckoff Ave. (CR# 502) and extending 100 ft. southerly therefrom.
Wyckoff Ave. (CR#502) eastbound on the southerly side	a. Dante Place (near side), beginning at the westerly curb line of Dante Pl. and extending 105 ft. westerly therefrom. b. Leonard Dr. (far side), beginning at the easterly curb line of Leonard Dr. and extending 100 ft. easterly therefrom. c. Wilson Terrace (near side), beginning at the westerly curb line of Wilson Terrace and extending 105 ft. westerly therefrom. d. Lee Ct. (far side), beginning at the easterly curbline of Lee Ct. And extending 100 ft. easterly therfrom. e. Salrit Ave. (far side), beginning at the easterly curb line of Salrit Ave. and extending 100 ft. easterly therefrom. f. Whites Lane (near side), beginning at the westerly curb line of Whites Lane and extending 105 ft. westerly therefrom. g. Walter Hammond Pl. (near side) (prolongation), beginning at the prolongation of Walter Hammond Pl. and extending 105 ft. westerly therefrom.
Wyckoff Avenue, (CR# 502) westbound on the northerly side	a. Walter Hammond Pl. (far side), beginning at the westerly curb line of Walter Hammond Pl. and extending 100 ft. westerly therefrom. b. Maple Avenue (far side), beginning at the westerly curb line of Maple Ave. And extending 100 ft. westerly therefrom. c. Monroe St. (near side) (prolongation), beginning at the prolongation of the easterly curb line of Monroe St. and extending 105 ft. easterly therefrom. d. Lee Ct. (near side) (prolongation) , beginning at the prolongation of the easterly

Street	Location
	curb line of Lee Ct. and extending 105 ft. easterly therefrom.
	e. Birch Lane (near side), beginning at the easterly curb line of Birch Lane and extending 105 ft. easterly therefrom.
	f. Between Glenair Ave. And Tamaron Dr. (mid-block), beginning 450 ft. west of the westerly curb line of Glenair Ave. and extending 135 ft. westerly therefrom

91-29 U-Turns (Amended 07-23-13 by Ord. 10-13)

No vehicle shall be turned so as to proceed in the opposite direction along the following roadways as described.

Road	Hours	Direction	Location
Gateway Court	8am – 4pm, Mon-Fri	South (EB)	From Crescent Avenue to a distance of 950 feet east therefrom.

The regulations adopted under this ordinance shall become effective upon the installation of proper markings and signage as outlined in the Manual on Uniform Traffic Control Devices and as provided by law.

91-30 LANE USE RESERVATIONS.

The lane locations described are designated as Lane Use Reservations and traffic shall move as indicated.

Intersection	Movement
Cleveland Ave & Wyckoff Ave. (CR# 502)	a. South bound left lane of Cleveland Avenue reserved for left turn only.
	b. South bound right lane of Cleveland Avenue reserved for right turn only.
East Prospect Street & Franklin Turnpike (CR# 507)	a. West bound left lane of east Prospect Street Reserved for left turn only
	b. West bound right lane of East Prospect Street reserved for straight ahead and right turn only.
John Dow Avenue & Crescent Avenue (CR# 81)	a. South bound left lane of John Dow Avenue reserved for left turn only.
	b. South bound right lane of John Dow Avenue reserved for right turn only.
Monroe Street & Wyckoff Avenue (CR# 502)	a. West bound left lane on Wyckoff Avenue (CR# 502) reserved for left turn only.
	b. West bound right lane on Wyckoff Avenue (CR# 502) reserved for straight ahead and right turn only.
	c. East bound left lane on Wyckoff Avenue (CR# 502) reserved for left turn only.
	d. East bound right lane on Wyckoff Avenue (CR# 502) reserved for straight ahead and right turn only.
West Prospect Street & Franklin Turnpike (CR# 507)	a. East bound left, lane of West Prospect Street reserved for left turn only.
	b. Eastbound right lane of West Prospect Street reserved for straight ahead and right turn only.
Wyckoff Avenue (CR# 502) & Crescent Avenue (CR# 81)	a. West bound left lane of Wyckoff Avenue (CR# 502) reserved for left turn only.
	b. West bound right lane of Wyckoff Avenue (CR# 502) reserved

91-31 SPEED LIMITS.

	for straight ahead and right turn only. c. East bound right lane of Wyckoff Avenue (CR# 502) reserved for right turn only. d. East bound center lane of Wyckoff Avenue (CR# 502) reserved for straight ahead traffic only. e. East bound left lane of Wyckoff Avenue (CR# 502) reserved for left turn only. f. North bound right lane of Crescent Avenue (CR# 81) reserved for right turn only. g. North bound center lane of Crescent Avenue (CR# 81) reserved for straight ahead traffic only h. North bound left lane of Crescent Avenue (CR# 81) reserved for left turn only. i. South bound left lane of Crescent Avenue (CR# 81) reserved for left turn only. j. South bound right lane of Crescent Avenue (CR# 81) reserved for straight ahead and right turn only.
Wyckoff Avenue (CR# 502)& Franklin Turnpike (CR# 507)	a. Eastbound left lane on Wyckoff Ave. (CR# 502) shall be for left turns and straight ahead traffic only. b. Eastbound right lane on Wyckoff Ave. (CR# 502) shall be for right turn only.
Wyckoff Avenue (CR# 502) & western entrance to Waldwick Jr./Sr. High School	a. East bound left lane on Wyckoff Avenue (CR# 502) reserved for left turn only b. East bound right lane on Wyckoff Avenue (CR# 502) reserved for straight ahead traffic only.

91-31 SPEED LIMITS.

a. The speed limit for traffic along the following roads are established as follows:

Road	Location	Direction	Speed
Monroe Street	Entire Length	Both	35mph
Wyckoff Avenue ((CR# 502)	a. from the westerly Waldwick Borough line to the center of Maple Avenue.	Both	40mph
	b. from the center of Maple Avenue to Franklin Turnpike (CR# 502/507)	Both	30mph

b. The speed limit for traffic along the following roads, under the following conditions, are established as follows.

Wyckoff Avenue (CR# 502)	From a point approximately 100 feet east of Lee Court to the intersection of Salrit Avenue	Both	Except for 25 miles per hour when passing through the school zone during recess when children are clearly visible from the roadway or while children are going to or leaving school during opening or closing hours.	40 miles per hour

91-32 MID-BLOCK CROSSWALKS

A. The following locations are hereby established as mid-block crosswalks (**Amended Ord. 4-12)**:

Name of Street	Location
Walter Hammond Pl.	225 north of the northern curb line of Wyckoff Avenue and extending to a point 10 feet north there from

91-33 NO PASSING ZONES- Reserved

91-34 HANDICAPPED PARKING

A. Handicapped parking on street.

a. Handicapped Parking on Streets for Private Residences

In accordance with the provisions of N.J.S.A. 39:4-197.6 and N.J.S.A. 39:4-197.7, the following on street locations, are designated as handicapped parking spaces. Such spaces are for use by persons who have been issued special identification cards or plates or placards by the Division of Motor Vehicles, or a temporary placard issued by the Chief of Police. No other person shall be permitted to park in these spaces (**Amended Ord. 8-13)**

Street	Number Of Spaces	Block Number	Lot Number	Location	Permit #
Grove Street	1	76	26	On the north side in front of 5 Grove Street	P249874
Lincoln Place	1	75	15	On the south side In front of 12 Lincoln Place	P173486
Lincoln Place	1	15	1	On the south side in front of 46 Lincoln Place	P133849
Lincoln Place	1	74	40	On the north side In front of 7 Lincoln Place	P941010 P571482
Summit Avenue	1	54	3	On the south side in front of 172 Summit Avenue	P1153756

b. Handicapped parking in municipal parking lots.

In accordance with the provisions of N.J.S.A. 39:4-197.7 and N.J.S.A. 39:4-204 et seq., the following off street Municipal Parking Lots and property shall provide designated Handicapped parking spaces as set forth in this Section. Each parking space shall be appropriately identified for handicapped parking only. Such spaces are for use by persons who have been issued special identification cards, plates or placards by the Division of Motor Vehicles, or a temporary placard issued by the Chief of Police. No other person shall be permitted to park in these spaces (**Amended Ord. 8-09 and Ord. 11-10**).

Property Number of Spaces

91-34 HANDICAPPED PARKING

Property	Number of Spaces
Administration Building	1
Fire Company #2	2
Municipal Pool Lot, Hopper Ave.	2
Public Safety Complex	3
Waldwick Dept. of Public Works, Industrial Park	1
Veteran's Park, Yvonne St.	2

The Waldwick Board of Education has filed a written consent with the Borough of Waldwick that the provisions of Subtitle One of Title 39 of the revised statutes of New Jersey to be made applicable to the semi-public roads, streets, driveways, and parking lots at the Waldwick High School, Waldwick Middle School, Traphagen Elementary School and Crescent Elementary School located in the Borough of Waldwick in the following locations. **(Amended Ord. 14-13)**

Property	Block Number	Lot Number	Number of Spaces
155 Summit Avenue	77	1	4
155 Wyckoff Avenue	136	7	6
165 Crescent Avenue	153	1	3

c. Handicapped parking on private property open to the public and to which the public is invited.

The following properties have parking areas which are open to the public or to which the public is invited and which contain special parking spaces for the use of persons who have been issued a placard or wheelchair symbol license plate pursuant to N.J.S.A 40:48-2.46 et seq. by the Division of Motor Vehicles or a temporary placard by the Chief of Police. No other person shall be permitted to park in these spaces (**Amended Ord. 8-09**).

Property	Block Number	Lot Number	Number of Spaces
71 Crescent Ave. (CR# 81)	136	1.01	3
72 Crescent Ave. (CR# 81)	163	10	5
7 East Prospect Street	17	62.01	2
27-31 East Prospect Street	19	40&36	1
4 Franklin Tpke. (CR# 502/507)	110	3	2
9 Franklin Turnpike (CR# 502/507)	18.01	14	1
10 Franklin Turnpike (CR# 502/507)	110	2.01	2
40 Franklin Tpke. (CR# 507)	108	9	2
26-32 Franklin Tpke. (CR# 507)	109.01	6	1
27 Franklin Tpke. (CR# 507)	18.01	10	1
35 Franklin Tpke. (CR# 507)	18.01	8	1
45 Franklin Tpke. (CR# 507)	18.01	4	1
53 Franklin Tpke. (CR# 507)	17	61.01	1
60 Franklin Tpke. (CR# 507)	107	13	2

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Property	Block Number	Lot Number	Number of Spaces
71 Franklin Tpke. (CR# 507)	17	57.02	1
140 Franklin Tpke.(CR#507)	101	6.01	5
168 Franklin Tpke.(CR#507)	101	1.02	5
132-140 Hopper Avenue	154	35.01,36,46	8
145 Hopper Avenue	133	20	1
100 W. Prospect Street	128	37.02	2
11 Wyckoff Ave. (CR# 502)	109.01	6.03	2
19 Wyckoff Ave. (CR# 502)	109.02	6.04	2
220 Wyckoff Ave. (CR# 502)	135	1	1

d. Handicapped Parking on Municipal Parks

Reserved

e. Handicapped Parking on Postal Properties

Reserved

f. Signs, Pavement Markings, Installation and Maintenance.

The owners of the premises refereed to in Subsections 91-2.13 C & D, shall provide and install signs and pavement markings for each parking space reserved for use by Handicapped Persons, which signing and markings shall be in accordance with the Manual on Uniform Traffic Control Devices. The costs of procurement and installation of the signs and pavement markings shall be the responsibility of the owner of said property. The owner shall, subsequent to
initial procurement and installation, maintain such signs and pavement markings in good condition at no cost or expense to the Borough. The owner shall be responsible for the repair and restoration or replacement of same.

91-35 CONTROL FOR THE MOVEMENT AND THE PARKING OF TRAFFIC ON PUBLIC AND PRIVATE PROPERTY

a. Regulation for the movement and the parking of traffic on municipal property. (Amended 11-10)

In accordance with the provisions of N.J.S.A. 39:4-197 and 39:5A-1, the following Municipal Property shall have the movement of traffic controlled by the type of regulation indicated. No person shall operate, or park a vehicle in violation of the regulations indicated:

Property	Block Number	Lot Number	Regulation
Administration Building	17	62.02	a. All vehicles must park in designated areas and between the painted lines, as indicated by site plan.

91-35 CONTROL FOR THE MOVEMENT AND THE PARKING OF TRAFFIC ON PUBLIC AND PRIVATE PROPERTY

TRAFFIC ORDINANCE			b. All vehicles must stop at the intersection of the driveway exit and Franklin Tpke. (CR# 507), as indicated by site plan. c. The driveway exit on the easterly side of the building is to be a one-way in the eastbound direction, as indicated by site plan.
Fire Department Building, Company #2, and Ambulance Corps Bldg. Wyckoff Ave. (CR# 502)	119	1.05	a. Parking along the east side of the building and in designated spaces on the south side of the building shall be reserved for vehicles of members of the Waldwick Fire Department only as indicated by site plan. b. Parking in designated spaces along the west and northeast sides of the building shall be reserved for vehicles of members of the Waldwick Ambulance Corps only, as indicated by site plan.
Public Safety Complex	17	62.01	a. All vehicles must park in the designated area and between the painted lines, as indicated by site plan. b. Parking along the east side of the building shall be reserved for vehicles of the members of the Waldwick Fire Department only, as indicated by site plan. c. The driveway along the west side of the building shall be designated as a One Way south, as indicated by site plan. d. All vehicles must stop at the intersection of the driveway exit and East Prospect Street, as indicated by site plan.
Veteran's Park	148	1	a. All vehicles must park in designated areas and between the painted lines, as indicated by site plan. b. All vehicles must stop at the intersection of the driveway exit and Yvonne Street.
Waldwick Dept. of Public Works, 19 Industrial Park	154	42	a. All vehicles must park in designated areas and between the painted lines as indicated by site plan. b. The northern most driveway shall be designated as an entrance only as indicated by site plan. c. The southern most driveway shall be designated as an exit only as indicated by site plan. d. The traffic movement shall be in one direction around the building as indicated by site plan.

b. Regulation for the movement and the parking of traffic on private property open to the public and to which the public is invited.

In accordance with the provisions of N.J.S.A 40:48-2.46 and N.J.S.A. 39:4-197, the following private property that is open to the public and to which the public is invited, the movement of traffic shall be controlled by the type of regulations indicated. No person shall operate or park a vehicle in violation of the following regulations **(Amended Ord. 8-09)**

91-35 CONTROL FOR THE MOVEMENT AND THE PARKING OF TRAFFIC ON PUBLIC AND PRIVATE PROPERTY

Property	Block Number	Lot Number	Regulation
64 Crescent Ave (CR# 81)	162.01	1	a. No person shall make a left turn from the driveway intersecting Wyckoff Avenue (CR# 502) as indicated by site plan. b. No person shall make a left turn from the northern most driveway intersecting Crescent Ave (CR# 81) as indicated by site plan.
71 Crescent Ave (CR# 81)	136	1.01	a. All vehicles must park in designated areas and between the painted lines as indicated by site plan. b. The driveway intersecting Wyckoff Avenue (CR# 502) shall be designated a one-way in the southerly direction as indicated by site plan. c. There shall be no left turns from the eastern driveway on to Wyckoff Avenue (CR# 502) as indicated by site plan.
72 Crescent Ave (CR# 81)	163	10	a. All vehicles must park in designated areas and between the painted lines as indicated by site plan. b. No person shall make a left turn from the driveway intersecting Wyckoff Avenue (CR# 502) as indicated by site plan.

Property	Block Number	Lot Number	Regulation
4 Franklin Tpke. (CR# 502/507)	110	3	a. All vehicles must park in designated areas and between the painted lines as indicated by site plan. b. The southern most driveway shall be designated as an entrance only as indicated by site plan. c. The northern most driveway shall be designated as an exit only as indicated by site plan.
9 Franklin Tpke (CR# 502/507).	18.01	14	a. All vehicles must park in designated areas and between the painted lines as indicated by site plan.
10 Franklin Tpke. (CR# 502/507)	110	2.01	a. All vehicles must park in designated areas and between the painted lines as indicated by site plan. b. The northern most driveway shall be designated as an Entrance Only as indicated by site plan. c. The southern most driveway shall be designated as an Exit Only as indicated by site plan d. All traffic exiting from the lower parking area must stop as indicated by site plan.
20 Franklin Tpke. (CR# 502/507)	110	1.02	a. All vehicles must park in designated areas and between the painted lines as indicated by site plan.
25 Franklin Tpke. (CR# 502/507)	18.01	11	a. All vehicles must park in designated areas and between the painted lines as indicated by site plan b. The southern most driveway intersecting Franklin Turnpike (CR502/507) shall be designated an Entrance Only as indicated by site plan. c. The northern most driveway intersecting Franklin Turnpike (CR502/507) shall be designated an Exit Only/ as indicated by site plan.
26-32 Franklin Tpke. (CR#502/507)	109.01	11	a. All vehicles must park in designated areas and between the painted lines as indicated by site plan. b. The driveway intersecting Franklin Turnpike (CR502/507) shall be designated as an Entrance Only as indicated by site plan.

91-35 CONTROL FOR THE MOVEMENT AND THE PARKING OF TRAFFIC ON PUBLIC AND PRIVATE PROPERTY

Property	Block Number	Lot Number	Regulation
			c. The southern most driveway intersecting Wyckoff Avenue (CR#502) shall be designated as an Exit Only as indicated by site plan. d. No person shall make a left turn from the southerly most driveway intersecting Wyckoff Avenue on to Wyckoff Avenue as indicated by site plan. e. The westerly most driveway shall be designated as an Entrance Only
27 Franklin Tpke (CR#502/507)	18.01	10	a. All vehicles must park in designated areas and between the painted lines. b. No vehicles shall be permitted to make a left turn from the northern most driveway.
45 Franklin Turnpike (CR#507)	18.01	4	a. The southern most driveway intersecting Franklin Turnpike (CR#507) shall be designated as an Entrance Only. b. The northern most driveway intersecting Franklin Turnpike (CR#507) shall be designated as an Exit Only c. All vehicles must park in designated areas and between the painted lines.
53 Franklin Tpke (CR#507)	17	61.01	a. All vehicles must park in designated areas and between the painted lines. b. The southern driveway intersecting Franklin Turnpike (CR#507) shall be designated as an Entrance Only c. The northern driveway intersecting Franklin Turnpike (CR#507) shall be designated as an Exit Only.
60 Franklin Tpke (CR#507)	107	13	a. All vehicles must park in designated areas and between the painted lines.
67 Franklin Tpke (CR#507)	17	60.01	a. All vehicles must park in designated areas and between the painted lines. b. The southern most driveway intersecting Franklin Turnpike (CR#507) shall be designated an Entrance Only. c. The northern most driveway intersecting Franklin Turnpike (CR#507) shall be designated an Exit Only.
71 Franklin Tpke (CR#507)	17	57.02	a. All vehicles must park in designated areas and between the painted lines. b. No person shall make a right turn from the driveway intersecting Grove Street.
140 Franklin Tpke (CR#507)	101	6.01	a. All vehicles must park in designated areas and between the painted lines. b. No vehicles are permitted to make a left turn from the southern most driveway on to Franklin Turnpike (CR#507)
168 Franklin Tpke (CR#507)	101	1.02	a. All vehicles must park in designated areas and between the painted lines. b. The southern most driveway shall be designated a One Way. c. All vehicles must stop at the intersection of the above mentioned roadway.
7 E. Prospect St.	17	62.01	a. All vehicles must park in designated areas and between the painted lines. b. The eastern most driveway shall be designated as an Entrance Only.

91-35 CONTROL FOR THE MOVEMENT AND THE PARKING OF TRAFFIC ON PUBLIC AND PRIVATE PROPERTY

Property	Block Number	Lot Number	Regulation
			c. The western most driveway shall be designated as an Exit Only.
27-31 East Prospect St.	19	40&36	a. All vehicles must park in designated areas and between the painted lines. b. The western most driveway shall be designated as an Entrance Only. c. The eastern most driveway shall be designated as an Exit Only.
132-140 Hopper Ave.	154	35.01, 36, 46	a. All vehicles must park in designated areas and between the painted lines as indicated by site plan. b. All vehicles must stop at the exits that intersect with Hopper Avenue. c. All vehicles must stop at the exit that intersects Industrial Way. d. No left turn shall be permitted from the center driveway on to Hopper Avenue as indicated on the site plan.
145 Hopper Ave	133	20	a. All vehicles must park in designated areas and between the painted lines.
4 North St	103	1	a. All vehicles must park in designated areas and between the painted lines. b. Traffic along the northern parking lot shall be designated a One-way north bound in the westerly direction.
11 Wyckoff Ave. (CR# 502)	109.01	6.03	a. All vehicles must park in designated areas and between the painted lines. b. The northern parking area shall be designated as a one-way in the westerly direction. c. The western most driveway intersecting Wyckoff Avenue (CR# 502) shall be designated as an exit only. d. The eastern most driveway intersecting Wyckoff Avenue (CR# 502) shall be designated as an entrance only.
19 Wyckoff Ave. (CR# 502)	109.01	6.03	a. All vehicles must park in designated areas and between the painted lines.
20 Wyckoff Ave 11 (CR# 502)	110	8	a. All vehicles must park in designated areas and between the painted lines.
220 Wyckoff Ave (CR# 502	135	1	a. All vehicles must park in designated areas and between the painted lines. b. No person shall make a left turn from the driveway intersecting Wyckoff Avenue (CR# 502.

c. Regulation for the movement and the parking of traffic on all other private property (Amended Ord. 8-09; 04-22-14 by Ord. 9-14)

In accordance with the provisions of N.J.S.A. 39:5A- I, the regulations of subtitle 1 of Title 39 are hereby made applicable to the properties listed below. The Waldwick Board of Education has filed a written consent with the Borough of Waldwick that the provisions of Subtitle One of Title 39 of the revised statutes of New Jersey to be made applicable to the semi-public roads, streets, driveways, and parking lots at the Waldwick High School, Waldwick Middle School, Traphagen Elementary School and Crescent Elementary School located in the Borough of Waldwick, County of Bergen, and Chapter 91 which amends the following sections

91-35 CONTROL FOR THE MOVEMENT AND THE PARKING OF TRAFFIC ON PUBLIC AND PRIVATE PROPERTY

Property	Block Number	Lot Number	Regulation
155 Summit Avenue	77	1	a. All vehicles must park in designated areas and between the painted lines as indicated by the site plan. b. All vehicles must stop at the exit lane that intersects Summit Avenue as indicated on the site plan. c. All traffic shall flow in one direction as indicated on the site plan. d. No left turn from the driveway onto Summit Avenue between the hours of 7:45am - 8:15am & 2:30pm - 3:30pm.
155Wyckoff Avenue	136	7	a. All vehicles must park in designated areas and between the painted lines. b. The western most driveway intersecting Wyckoff Ave shall be designated as an Exit only. c. The driveway immediately adjacent to the above mentioned driveway shall be designated as an Entrance only. d. No vehicles shall be permitted to make a left turn from the western most exit intersecting Wyckoff Ave between the hours of 7:45am - 8:15am & 2:30pm - 3:30pm. e. All vehicles must stop before entering Wyckoff Ave. f. The exit lane leading from the east side parking area to W.Prospect St shall be designated a One-Way northbound. g. All vehicles must stop before entering W.Prospect St at the exit lane.
165 Crescent Avenue	153	1	a. All vehicles must park in designated areas and between the painted lines as indicated by the site plan. b. All vehicles must stop before entering Crescent Avenue at the northern most driveway as indicated on the site plan. c. All traffic shall flow in one direction along the northern and southern driveways as indicated on the site plan.

d. Regulation for the Movement and the Parking of Traffic on Municipal Park Property (Amended Ord. 8-09).

1. <u>General Parking:</u>

A. In all parking areas where white lines are provided for vehicular parking, all vehicles shall park between the white lines.

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B. No person shall park any vehicle along the east or west side of Park Drive in Area "A" as indicated on the site plan.

Name of Street	Sides	Hours	Location
All Roads and Lots	All	All	As indicated on the site plan

2. 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 have been issued the Handicapped Parking Permit by the Motor Vehicle Commission.

3. Speed Limits:

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:

Name of Roadway	M.P.H.	Limits
Park Drive	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.

4 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.

5. Loading Zones:

Reserved

6. Mid-Block Crosswalks:

The following locations shall be established as Mid-Block Crosswalks:

Name of Street	Location
Park Drive	As indicated on the site plan

7. Authorized Vehicles Only:

The following streets or parts of streets shall be designated as use for authorized vehicles only. No vehicle other than an authorized vehicle shall enter upon the below

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roadway.

Name of Street	Limits
Service Road Lot “A”	As indicated on the site plan
Service Road Lot “D”	As indicated on the site plan
Service Road Lot “F”	As indicated on the site plan

That all signs, posts, or other necessary materials be installed and paid for by the applicant. All signing shall conform to the current Manual 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 is 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 as provided by the current violations schedule.

Effect of Ordinance

If any part of this Ordinance is for any reason held to be invalid, such decision shall not effect the validity of the remaining portion of the Ordinance.

e. Regulation for the Movement and the Parking of Traffic on United States Post Office Property.

Reserved

f. Signs, Pavement Markings, Installation and Maintenance

The owners of the premises referred to in subsection 91-6.1 and B and C shall provide and install signs and pavement markings as required, which signage and markings shall be in accordance with the Manual on Uniform Traffic Control Devices. The cost of procurement and installation of the signs and pavement markings shall be the responsibility of the owner of said property. The owner shall subsequently, to the initial procurement and installation, maintain such signs and pavement markings in good condition at no cost or expense to the Municipality. The owner shall be responsible for the repair and restoration or replacement of same.

Section 2. This ordinance shall take effect upon passage and publication as required by State law and upon approval of the County of Bergen and the State of New Jersey Department of Transportation.

Chapter 92

VIDEO AND MOVIE FILMING

92-1. Definitions.

92-2. Permits.

92-3. Rules and Regulations.

92-4. Denial, Appeal and Waivers.

92-5. Fees.

92-6. Violations and Penalties.

92-7. Exemptions.

(HISTORY: Adopted by the Mayor and Council of the Borough of Waldwick 11-26-02 as Ord. No. 18-02).

BE IT ORDAINED by the Mayor and Council of the Borough of Waldwick, in the County of Bergen and State of New Jersey as follows:

92-1. Definitions.

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

FILMING – shall mean “to film” which shall include the taking of still video or motion pictures, either on film, videotape or similar recording medium intended for viewing on television or in the movies or in theaters or for institutional use. Filming includes all preparation and rehearsals, and assembly and dismantling of all equipment and structures, including but not limited to scaffolding, lighting backdrops, tools, food service, and the loading and unloading of vehicles containing the equipment, structures and food.

MAJOR MOTION PICTURE – shall mean any film for which the budget is at least five million dollars (5,000,000).

NEWS STORIES – shall mean the reporting or summarizing of information concerning something that has either recently taken place or of current events of general interest and includes such features commonly known as newscasts, news bulletins and news anthology programs.

PUBLIC LANDS – shall mean any and every public street, highway, sidewalk or square, public park or playground or other public place within the jurisdiction and control of the Borough of Waldwick.

RESIDENTIAL ZONES – shall mean as established by Chapter 97 of the Code of the Borough of Waldwick.

92-2. Permits.

A. No person shall film or permit filming within the Borough of Waldwick without first obtaining a permit therefore, which permit shall set forth the approved location of such filming and the approved duration of such filming by specific reference to date or dates.

B. Permits shall be obtained in the office of the Borough Clerk during normal business hours. The form of the application shall be approved by the Mayor and Council.

C. One (1) permit shall be required for each location.

D. One (1) permit shall be sufficient to authorize filming on three (3) consecutive days and in no event shall filming by any applicant exceed a total of six (6) days in any calendar year regardless of the number of permits utilized without a waiver pursuant to Section 92-4C.

E. If a permit is issued and, due to inclement weather or other good cause, filming does not in fact take place on the dates specified, the Borough Clerk may, at the request of the applicant, and upon receipt of a written certification from the applicant that filming did not in fact take place on the dates specified, issue a new permit for filming on other dates subject to full compliance with all other provisions of this section. No additional fee shall be paid for this permit.

F. No permits will be issued by the Borough Clerk unless applied for fourteen (14) days prior to the requested filming date; provided, however, that the Borough Administrator, or in the absence of the Borough Administrator, the Mayor may waive all or part of the fourteen (14) day period pursuant to Section 92-4C.

92-3. Rules and Regulations.

A. No permit shall be issued for filming at a particular location in the Borough of Waldwick which would result in filming at said location on more than four (4) days during any one (1) calendar year unless a waiver is granted pursuant to Section 92-4C.

B. No permit shall be issued for filming upon Public Lands within the Borough of Waldwick unless the applicant provides proof of insurance coverage as required by this section at least forty-eight (48) hours before the filming date requested.

1. Provides proof of insurance coverage for bodily injury in the amount of $5,000,000 combined single limit and for property damage in the amount of $5,000,000 combined single limit.
2. Additional requirements as follows:

(a) Certified copies of all insurance policies required or certificates thereof satisfactory to the Borough of Waldwick shall be furnished at the time the permit is issued. Each such policy or certificate shall contain a provision that it is not subject to change or cancellation unless thirty (30) days prior written notice shall have been given to the Borough of Waldwick by the applicant's insurer.

(b) The applicant agrees in writing that it will defend, indemnify and hold harmless the Borough of Waldwick, its officers, agents and employees from any and all liability, suits, actions, and demands and all damages, costs or fees (including reasonable attorney's fees and loss of business claims) on account of injuries to persons or property, including accidental death, arising out of or in connection with the filming, or by reason of the filming.

(c) Insurance purchased and maintained by the applicant pursuant to this Chapter shall designate the Borough of Waldwick, its officers, officials, agents, employees and consultants as additional insured.

(d) Except as modified by the Borough of Waldwick in writing, the insurance requirements herein shall also apply to subcontractors and to the subcontractors, and the applicant will be responsible for supervision of the filing of certified copies of the insurance policies and/or insurance certificates prior to any subcontractor commencing work on the project.

3. In the event that the applicant provides evidence of insurance valid for a period of time less than the period during which the applicant is required to maintain insurance, the applicant shall be obligated to renew its insurance policies as necessary and to provide new evidence of insurance in order that the Borough of Waldwick is continuously in possession of evidence of the applicant's insurance in accordance with the foregoing provisions.

C. Applicant shall post a bond or cash deposit in the amount of $500.00 to guarantee and secure the Borough against any damage to person or property and to guarantee clean-up and restoration of the areas in which the filming takes place or other areas which may be damaged or destroyed because of the activities of the filming. If no claim is made upon the bond or cash deposit, the bond or cash deposit shall be returned to the applicant within thirty (30) days of the completion of the filming.

D. The holder of a permit shall take all reasonable steps to minimize interference with the free passage of pedestrian and traffic over Public Lands and shall comply with all lawful directives issued by the Waldwick Police and Fire Department with respect thereto.

E. The holder of the permit shall reimburse the Borough of Waldwick for the costs incurred in the use during filming of employees and equipment of the Borough of Waldwick, including but not limited to police officers, fire personnel and members of the Department of Public Works, and police, fire and sanitation vehicles. The reimbursement fees, which shall be paid to the Borough Clerk, are as set forth in Chapter 48, Article 92 entitled "Fees" of the Waldwick Municipal Code. The Borough reserves the right to require adequate police presence on-site in situations where the proposed production may impede the proper flow of traffic, the cost of police coverage to be borne by the holder of the permit as a cost of production. Where existing electrical power lines are to be utilized by the production, an on-site licensed electrician may be similarly required if the production company does not have a licensed electrician on staff.

F. The holder of a permit shall conduct filming in such a manner as to minimize the inconvenience or discomfort to adjoining property owners and occupants attributable to such filming and shall, to the extent practicable, abate noise. The holder of the permit shall not allow any lights used in connection with the filming to shine directly into any windows upon any other property without the express written consent from the owner or occupant. The holder of the permit 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.

G. 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.

H. In Residential Zones, filming shall be permitted only Monday through Friday between the hours of 7:00 a.m. and 9:00 p.m.

I. The holder of the permit shall notify the Fire Official forty-eight (48) hours before filming takes place and permit the Fire Official or his designee to inspect the site and the equipment to be used. The holder of the permit shall comply with all fire safety instructions issued by the Fire Official or his designee.

J. The holder of the permit shall procure from the Assessor's Office, a list of property owners within 200' of their proposed location. These property owners shall be notified by certified mail, return receipt requested, at least fourteen (14) days before filming takes place of the date and location of the filming and inform the owners that objection may be filed with the Borough Clerk, said objections to form a part of the applicant's application, and be considered in the review of same. Proof of service of notice shall be submitted to the Borough Clerk within two (2) days prior to the requested filming date.

K. Vehicles used in connection with the filming, including vehicles of personnel associated with such filming, shall be parked off the public right of way to the maximum extent permitted. Vehicles should not be parked so as to encroach upon private property without the express written consent from the owner or occupant thereof. Vehicles parked in the public right of way shall comply with all applicable parking and traffic regulations. Vehicles parked or located in violation hereof may be towed by the Borough of Waldwick, and the cost thereof shall be reimbursed to the Borough by the holder of the permit.

92-4. Denial, Appeal and Waivers.

A. The Borough Clerk is empowered to approve individual applications for permits that comply with this Ordinance. The Borough Clerk may refuse to issue a permit whenever it is determined, on the basis of objective facts, after a review of the application and a report thereon by the Police Department and by other Borough agencies involved with the proposed filming site, that filing at the location and or time set forth in the application that the filming would violate any law or ordinance or would unreasonably interfere with the public's use of Public Lands, unreasonably interfere with the use of adjoining property, unreasonably impede the free flow of vehicular or pedestrian traffic or otherwise endanger the public's health or welfare.

B. Any person aggrieved by a decision of the Borough Clerk denying or revoking a permit or a person requesting relief may appeal to the Borough Administrator. This appeal shall be received within ten (10) days of the decision of the Borough Clerk, and shall be in writing and shall set forth the reasons for the appeal. The Borough Administrator shall then have ten (10) days to make a decision which shall be in writing.

C. The Borough Administrator or in the absence of the Borough Administrator, the Mayor may authorize a waiver of any of the requirements or limitations of this Chapter and may authorize filming other than during the hours herein described or may extend the duration of a permit beyond three (3) days or may permit filming by an applicant on more than six (6) days during any one (1) calendar year or more than four (4) days in one (1) calendar year at a particular location in a Residential Zone, or may waive all or part of the fourteen (14) day period set forth in Section 92-2F whenever it determines that strict compliance with such limitation will pose an unreasonable burden upon the applicant and that such a permit may be issued without endangering the public's health, safety and welfare.

D. Any person aggrieved by a decision of the Borough Administrator or Mayor pursuant to Sections 92-2F and 92-4C or the Borough Administrator's decision pursuant to this Section 92-4B may appeal to the Council. A written notice of appeal setting forth the reasons for the appeal shall be filed with the Council. An appeal from the decision of the Borough Administrator or Mayor pursuant to Sections 92-2F and 92-4C or the Borough Administrator's decision pursuant to this Section 92-4B shall be filed within ten (10) days of the Borough Administrator's or Mayor's decision. The Council shall set the matter down for a hearing within thirty (30) days of the day on which the notice of appeal was filed. The decision of the Council shall be in written form.

92-5. Fees.

The fees, which shall be paid to the Borough Clerk in advance of the filming and issuance of the permit, are as set forth in Chapter 48, Article 92 entitled "Fees" of the Waldwick Municipal Code.

92-6. Violations and Penalties.

See Chapter 1:14-1 of the Waldwick Municipal Code.

92-7. Exemptions.

The provision of this section shall not apply to the filming of News Stories by authorized press personnel within the Borough. In addition, filming by the Borough of Waldwick Police Department, Fire Department or Ambulance Corps for training purposes shall be exempt, as well as filming by Waldwick Productions, Inc. and video clubs or video classes of the Waldwick Public Schools, provided, however, that such filming shall comply with the provisions of Section 92-3D, F, G. H and K of this Chapter.

To the extent practical, advance notification of filming shall be furnished to the Borough Clerk. Such filming shall comply with all lawful directives issued by the Waldwick Police and Fire Departments.

Chapter 93

WATER CONSERVATION

93-1. Purpose of ordinance.

93-2. Definitions.

93-3. Compliance with rules and regulations required; wasting or permitting waste of water.

93-4. Corrections required upon notice; noncompliance procedure.

93-5. Violations and penalties; shutoff of water authorized.

93-6. Repeal of prior ordinance.

93-7. When effective.

(HISTORY: Adopted by the Mayor and Council of the Borough of Waldwick 8-24-65 as Ord. No. 4-65).

GENERAL REFERENCES:

Water service excavations - See Ch. 84, Street Excavations, Article II
Water systems in subdivisions - See Ch. 86, Subdivision of Land
Private swimming pools - See Ch. 88
Water supply - See Ch. 94

BE IT ORDAINED by the Mayor and Council of the Borough of Waldwick, in the County of Bergen and State of New Jersey, as follows:

93-1. Purpose of ordinance.

The purpose of this ordinance is to limit, restrict and regulate the use of water by customers of the Borough of Waldwick Water Department during periods of emergency caused by drought, lack of proper pumping equipment, storage or other facilities or by acts of God or of public enemies, and to prevent the waste thereof at all times.

93-2. Definitions.

PERSON - As used in this ordinance, shall mean any natural person, individual, firm, corporation, partnership, association or other legal entity.

WATER - As used in this ordinance, shall mean that water obtained, delivered and supplied to any “person” by the Borough of Waldwick Water Department.

EMERGENCY - As used in this ordinance, shall mean that period of time publicly declared by the Mayor and Council of the Borough of Waldwick to be an emergency period of “water” shortage or potential “water” shortage because of drought, lack of proper pumping equipment, storage or other facilities or because of acts of God or of public enemies. The Mayor and Council of the Borough of Waldwick are hereby authorized to declare that an “emergency” exists.

93-3. Compliance with rules and regulations required; wasting or permitting waste of water.

It shall be unlawful for any person to use any water during any emergency period except in accordance with the rules and regulations promulgated by the Mayor and Council of the Borough of Waldwick after the publication thereof in the official newspaper designated as such for the Borough of Waldwick. It shall be unlawful for any person intentionally to waste water at any time or to maintain any plumbing fixture or other device which is in need of repair and is discharging water unnecessarily any wastefully.

93-4. Corrections required upon notice; noncompliance procedure.

If any person shall violate the provisions contained in the second sentence of Ch. 93-3 of this ordinance, he shall be served by the Borough of Waldwick Water Department with a written notice stating the nature of the violation and providing a reasonable time limit (not less than ten (10) days) for the satisfactory correction thereof. If any person so served with such notice shall, within the period of time stated in such notice or any lawfully issued extension thereof, fail to permanently cease all such violations, he shall be subject to all the penalties hereinafter provided.

93-5. Violations and penalties; shutoff of water authorized.

Any person who shall violate any provision of this ordinance shall be guilty of a violation thereof and upon conviction thereof shall be fined in an amount not exceeding two hundred dollars ($200.) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense. In addition, if any person, whether he be an inhabitant of the Borough of Waldwick or an inhabitant of any other municipality, who is supplied water by the Borough of Waldwick Water Department, shall violate any provisions of this ordinance, the Borough of Waldwick Water Department shall have the right, and it is hereby empowered, to cut off the supply of water to the premises and meter upon and from which said violation shall have taken place, for such period or periods of time as shall be deemed necessary to secure compliance with all the terms of this ordinance.

93-6. Repeal of prior ordinance.

This ordinance expressly repeals Borough of Waldwick Ord. No. 10-57, entitled “An Ordinance Empowering the Mayor and Council to Regulate and Ban the Use of Water for Certain Purposes During Periods of Acute Shortage Thereof in the Borough of Waldwick, and Providing Penalties for the Violation of Such Regulations and Bans,” enacted on June 27, 1957.

93-7. When effective.

This ordinance shall take effect upon adoption and publication as required by law.

9303 8-24-65

Chapter 94

WATER SUPPLY

94-1. Definitions.

94-2. Water Agent: appointment; term of office.

94-3. Service connection in general.

94-4. Service.

94-5. Meters.

94-6. Billing.

94-7. Fees for service connection.

94-8. Metered rates.

94-9. Service connections: construction.

94-10. Fees: construction.

94-11. Water-rates: construction.

94-12. Fire service.

94-13. Fees and rates: fire service.

94-14. Extensions.

94-15. Local improvements.

94-16. Special conditions.

94-17. Violations and penalties.

(HISTORY: Adopted by the Mayor and Council of the Borough of Waldwick 2-5-37 as Ord. No. 1-37. Amended in its entirety 12-26-72 by Ord. No. 25-72; 9-25-12 by Ord. No. 15-12)

BE IT ORDAINED by the Mayor and Council of the Borough of Waldwick, in the County of Bergen and State of New Jersey as follows:

Section 1: Chapter 94 of the Code of the Borough of Waldwick is hereby amended in its entirety to read as follows:

94-1. Definitions.

For the purpose of this ordinance, the terms used herein are defined as follows:

SERVICE LINE CONNECTION - A line used to supply a single unit or dwelling.

MAIN - A line used to supply water to more than a single unit or dwelling.

94-2. Water Agent: appointment; term of office.

The Chief Financial Officer of the Borough shall be the water agent.

94-3. Service connection in general.

A. Application procedure.

(1) All applications for the use of water or for a service connection shall be on forms to be provided at the office of the Department and made by the owner of the premises or by his duly authorized agent, the fee for which shall be payable in advance. Tapping connection is to be made by the applicant and inspected by the Water Department prior to backfilling. Failure to call for the inspection as required in section 94-3B may require the applicant to reopen the excavation at their expense for the inspection to be made.

(2) Two (2) or more dwelling units, or non-residential establishments shall not be supplied from a single service line without the capability of the Borough being able to shut off the water at a curb stop for each individual unit or establishment If more than one unit or establishment is to be serviced by one service line connection to the main the Borough will require the owner of the property to supply a certification from a licensed engineer that the diameter of the service line is adequate to supply the intended use.

(3) If it is found that two or more dwelling units or non-residential establishments are supplied from one single service line and the Borough cannot effectuate a shut off to one without impacting others, the property owner will be required to come into compliance with section 94-3A(2) at anytime a certificate of occupancy or certificate of continued occupancy is issued.

B. Installation.

(1) No person or persons, firm or firms, corporation or corporations, shall connect into the water supply and distribution facilities of the Borough of Waldwick except after having made application in accordance with the provisions of section 94-3A of this ordinance. No person, other than a duly authorized agent of the Waldwick Water Department, is permitted to turn water on or off at the curb stop.

(2) No connection of the service line shall be made with the distribution system, nor shall any alteration, addition or extension be made in or to any service line nor any device for drawing water be attached thereto, except in the manner approved by the Department. The completed line shall remain open until inspected and approved by the Water Department. At least twenty-four (24) hour's notice should be given the Water Department for the purpose of inspecting and approving the work.

(3) Installation of the service line from the curb stop, or repair work thereon, shall be performed by a licensed plumber at the expense of the applicant. All service connection pipe shall be installed at least four (4) feet below the surface and three (3) feet from any sewer or gas facility.

(4) A building connection must be supplied by the owner and shall be in copper tubing not lighter than Class "K" and in proper condition to withstand at any time the pressure put upon the main when all waterways are closed and not in use.

(5) The owner shall be responsible for the maintenance of the service line from the curb to the meter or interior of the building, and shall keep the same in good repair and protected from damage due to frost or other causes. All leaks in the service line shall be reported promptly to the Water Department and repaired by the owner. The owner shall be liable for water escaping from such leaks at a charge to be estimated by the Water Department based upon the estimated quantity of water escaping. If repairs are not so made, the Water Department may shut off the water and may refuse to turn it on again until the line is put in serviceable condition.

(6) The Department shall not permit any cross connections between private water supplies and the Waldwick public water system.

94-4. Service.

A. The Borough Council may by resolution, whenever in its judgment necessity shall exist, restrict the use of water to certain hours, days or areas of the Borough and upon the passing of such resolution and notice thereof, it shall be unlawful to use any water in such areas for the restricted purposes except during such periods. In the event of any emergency, the power to restrict the use of water may be exercised by the Mayor subject to confirmation at the next regular meeting of the Borough Council.
B. Water service may be discontinued upon such notice as shall be reasonable or practicable for any of the following reasons:

    1. For the use of water for any properties or purposes other than those permitted in this ordinance or described in the application.
    2. For the willful waste of water through improper, defective or imperfect pipes, fixtures or otherwise.
    3. For failure to maintain, in good order, connections, service lines or fixtures owned by the consumer.
    4. For molesting or tampering with any service pipe, meter, curb stop or seal, or any other appliance of the Water Department.
    5. Refusal of access at reasonable hours for purposes of inspecting or installing, reading, maintaining fixtures, pipes and meters.
    6. For nonpayment of bills, rents, charges or fees or for penalties imposed or for any other reason causing or tending to cause a loss to the Water Department.
    7. For misrepresentation in the application for water service respecting the property to be served or the fixtures to be supplied or the use to be made of the water.
    8. At the discretion of the Water Department when the premises become vacant.

C. Service shall be renewed under a proper application after payment of a turn-on charge when the conditions under which service was discontinued are corrected, and upon the payment of all charges owed to the Department.
D. The Water Department shall have the right to shut off water service without notice, in the case of technical defects or for other unavoidable causes or for the purpose of making necessary repairs, connections or other alterations to the water distribution system.
E. Neither the Water Department nor the Borough of Waldwick shall be held liable for any damage which may be claimed due to the failure of any restriction of the water supplied or from low or high pressure or damage due

to water quality.

F. When requested by the owner or his agent, the Water Department shall discontinue service to a property either temporarily or permanently. A turn-on charge shall be levied when service is restored but in no event shall water be turned on until all water charges have been paid.
G. When turning on the water supply as requested and the house or property is vacant, the Water Department shall not be required to accomplish the same unless in the presence of the occupant or owner. If such is found to be the case, the water will be left shut off at the curb stop. The Water Department's responsibility ends at the curb stop and the Water Department will in no case be liable for damages occasioned by water running from open or faulty fixtures or from broken or damaged pipes beyond the Water Department's curb stop.
H. Where connections are abandoned the property owner of the premises or applicant shall pay for having the same shut off and plugged at the curb stop or corporation stop or at the option of the Water Department before a new connection will be installed to said premises.
I. All repairs from the main to and including the curb stop shall be made by and at the expense of the Department, unless such repair is due to the action of the property owner or his agent, servant or employee, in which case it will be made at the expense of the property owner.
J. All pipes, meters and fixtures shall be subject at reasonable hours to inspection by employees of the Department, property identified. No water fixture shall be considered cut off until it is disconnected so that it cannot be used again or until sealed in a manner satisfactory to the Department.
K. If a service call is requested by a property owner or his agent during other than normal working hours a charge shall be leveled against the property owner for the service call, except where the Department finds that there is an actual defect in facilities maintained by the Water Department resulting in a condition requiring immediate attention.
L. No property owner or user shall use or consume more than one million three hundred thousand (1,300,000) gallons of water from the Waldwick public water supply system during any monthly period unless the Borough Council shall consent to such additional consumption by a resolution after determining that such use will not adversely affect the public welfare by impairing the continuance of adequate water supply, pressure, maintenance, etc. Such consent, if given, may be revoked at any time when, in the opinion of the Borough Council, it is necessary to do so to protect the public welfare.

94-5. Meters.

A. All permanent connections hereinafter made shall be metered, except connections used exclusively for fire-protection purposes, and the use of water without a meter makes the property owner liable for an amount of water consumed as estimated by the Department in addition to any penalties imposed under this ordinance.
B. The Department shall furnish each customer supplied with water on a measured scale with an up to one-inch meter and with the appropriate couplings and shall keep the same in repair. If the meter is misused or damaged by frost, hot water or external causes, the expense of repair must be borne by the customer. If larger than a one-inch meter is required, the applicant will furnish the larger meter at their own cost. The meter is to meet Water Department specification. The Water Department reserves the right to inspect and test these meters for accuracy and working order, the cost of such measurement to be borne by customer. If repairs are necessary, they must be made within thirty (30) days by the customer. **(Amended 5-28-13 by Ord. No. 8-13)**
C. The location provided by a property owner for a water meter shall be as near as possible to the point of entrance of the service and shall be reasonably accessible for reading and maintenance purposes and shall be such as to offer adequate protection against damage to the meter. All meters shall be installed in the cellars of buildings, and if no cellars are under said building, then an accessible location on the first floor. Stop and drain valves shall be provided by the property owner on each side of and directly adjacent to the meter yoke. No fixture of any kind from which water might be drawn shall be placed on the street side of the meter. The meter shall not be installed unless the location and facilities provided for said meter meet the approval of the Department.
D. All current customers shall be required to have a radio read metering device. The type and location of any such device shall meet the approval of the Water Department before being installed and the property owner is subject to the fees contained in Chapter 48:94-7 for the installation of said device.
E. New customers are required to have a radio read metering device. The type and location of any such device shall meet the approval of the Water Department before being installed and the property owner is subject to the fees contained in Chapter 48:94-7 for the installation of said device.
F. No person, except an employee of the Department, shall connect, disconnect, repair, adjust or tamper in any way with a water meter.

G. Failure of a meter to register properly shall be reported immediately in writing to the Water Department. Charges for water during the period of failure shall be computed on the basis of an average consumption over a reasonable period prior to the failure.

H. Upon request of a customer, the Department will make a test of the accuracy of the meter. If it is found to register more than one hundred three percent (103%) of the water passed or less than ninety-seven percent (97%) of full capacity, there shall be no charge for removing, repairing and resetting the meter. If, however, a request for a test is made more often than once a year and the meter is found to be accurate within the above-stated limit, a charge of forty dollars ($ 40.) shall be made for the removal, testing and resetting. The Water Department shall have the right to make periodical tests of any or all meters at no cost to the customer.
I. Upon the request of a customer to discontinue service and have the account established with a new customer, the Water Department shall determine whether a radio read meter has been installed, and a new service account shall not be opened until a radio read meter device is installed.
J. A customer may opt out of having a radio read meter installed on their property provided **(Amended 08-27-13 by Ord. No. 12-13)**:
   1. That the structure has a meter that is able to be read from the exterior of that structure; and
   2. That the Borough Water Department has a written request from the customer acknowledging that by opting out of having the radio read meter installed that they accept that they will be charged the prevailing opt-out fee as determined by Borough ordinance.

94-6. Billing.

A. Bills for service and water shall be rendered quarterly.
B. Estimated bills rendered under this clause shall indicate the fact that the same are estimated. The Water Agent may also use this procedure of billing on alternative quarters as may be determined by the Water Agent.
C. Property owners shall be held responsible for all charges accruing for water service until written notice has been given to the Water Agent to discontinue the service.
D. If a bill remains unpaid for a period of over sixty (60) days after mailing or presentation, notice shall be served on or mailed to the customer that unless the bill is paid within seven (7) days from the date of such notice the water supply shall be discontinued. When the water is turned off under such conditions, it shall remain off until the amount owing is paid in full, or until arrangements for payment, satisfactory to the Water Agent, have been made.
E. The owner or owners of any store, house, building, buildings or premises

shall be and are liable for the payment of the water supply, service charges and interest charges. The failure to pay for such water supply, service charge and interest charge shall constitute and become a lien upon such store, house, building, buildings or premises until such charges have been paid and satisfied.

F. All complaints with regard to the service furnished or the reading of the meters or of the bills rendered shall be made to the Water Agent, in writing.

94-7. Fees for service connection. (See Chapter 48:94-7)

94-8. Metered rates. (See Chapter 48:94-8)

94-9. Service connections: construction.

A. Application for water to be used for building construction or other special purposes, except on a lot or premises already supplied with water by meter, shall be made by the property owner or his authorized agent on blanks furnished for that purpose.
B. Water will be furnished for construction purposes, and charges shall be made at the option of the Water Department on a flat rate or a metered rate basis.

94-10. Fees: construction. (See Chapter 48:94-10)

94-11. Water-rates: construction (See Chapter 48:94-11)

94-12. Fire service.

A. No person, unless authorized by the Department, shall take water from any public fire hydrant or hose plug except for fire purposes or for the use of the Fire Department, and no public fire hydrant shall be used for sprinkling the streets, flushing sewers or gutters or for any other purpose than fire purposes without a permit from the Department.
B. Upon application to the Department, authorization may be secured for the purpose of filling a swimming pool from a fire hydrant, the fee for which shall be payable in advance.
C. No person, firm or corporation shall fill in around any fire hydrant, allow any accumulation around the same or in any other manner interfere with the proper and immediate access to the same for fire protection purposes.
D. The Chief or Chiefs of the fire company and their assistant officers are authorized to use the public fire hydrants for the purpose of extinguishing fires and also with due care after notice to the Water Dept., to a reasonable

extent to use water for the purpose of drills and tests, and washing fire equipment, but all such uses shall be under the supervision and direction of the Chief or Chiefs or their assistant officers and in no event shall an inexperienced or incompetent person be permitted to manipulate or control in any way any fire hydrant.

94-13. Fees and rates: fire service. (See Chapter 48:94-13)

94-14. Extensions.

A. All extensions to the mains of the Borough of Waldwick are to be made in accordance with the site plan approved by either the Waldwick Planning Board or Waldwick Board of Adjustment. The developer will be required to extend the mains, install the service connections, curb boxes and lateral connections and any other appurtenances to their development at their cost.
B. The Water Supervisor shall approve the type, size and location of all mains, hydrants, booster stations, pressure tanks, service lines, curb stops, curb boxes and valves.
C. The entire extension is subject to inspection and approval by the Water Dept. and is to be tested under the Water Dept.'s supervision before back filling.
D. Prior to any acceptance, it shall be necessary for the applicant extending said water system as herein provided, to submit to the Water Dept. a detailed map indicating the location of the extended facilities including all surface controls as well as depth of subsurface lines and controls by acceptable engineering detailed drawings.
E. When within streets or public property such extensions meet with the approval of the Water Department and are accepted by the Borough Council, the ownership thereof shall be transferred to the Borough of Waldwick.

94-15. Local improvements.

Nothing in the above ordinance shall preclude improvements, repair or extensions of the public water system to be assessed in whole or part as local improvements in accordance with the applicable state statutes.

94-16. Special conditions.

When not contrary to the public interests and when, owing to special conditions or by reason of other extraordinary and exceptional situation, strict application of the provisions of this ordinance shall result in peculiar and exceptional difficulties or exceptional and undue hardship, the Borough Council may by resolution grant a variance from such strict application so as to relieve such

difficulties or hardship.

94-17. Violations and penalties.

A. See Chapter 1:14.1.
B. If any section, term or provision of this ordinance shall be adjudged invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining terms and provisions thereof.
C. Where two (2) or more customers are supplied through a single service line, any violation of the rules of the Water Department with reference to either or any of said customers, as the case may be, shall be deemed a violation as to all, and the Water Department shall take such action as could be taken if it were used by a single customer.

Chapter 95

WEEDS, NOXIOUS

95-1. Brush weeds and debris deemed nuisance.

95-2. Causing or permitting brush weeds or debris to collect.

95-3. Removal of brush weeds or debris required upon notice.

95-4. Noncompliance procedure; collection of costs incurred by Borough.

95-5. Violations and penalties.

95-6. Costs to be additional to penalties.

95-7. When effective.

(HISTORY: Adopted by the Mayor and Council of the Borough of Waldwick October 25, 1994 as Ord. No. 24-94)

BE IT ORDAINED by the Mayor and Council of the Borough of Waldwick, in the County of Bergen and State of New Jersey, as follows:

95-1. Noxious growths deemed nuisance.

The growth, existence or presence of brush weeds or debris injurious to the public health or presenting a fire hazard on any plot of land, lot, street, highway, right-of-way or any other public or private place is hereby determined to be a nuisance and detrimental to public health, safety and welfare.

For the purposes of this chapter, the terms "brush weeds and debris" shall include ragweed, poison ivy and other noxious weeds, dead and dying trees, stumps, roots, obnoxious growths, filth, garbage and trash.

95-2. Causing or permitting brush weeds or debris to collect.

No owner, tenant or occupant of any plot of land, lot, street, highway, right-of-way or any other public or private place shall cause, allow or permit brush weeds or debris injurious to the public health or presenting a fire hazard to grow, collect or exist thereon.

95-3. Removal of brush weeds or debris required upon notice.

It shall be the duty of such owner, tenant or occupant of any such plot of land, lot, street, highway, right-of-way or any other public or private place in the Borough of Waldwick to remove, destroy or cause to be removed and destroyed all such brush, weeds and debris injurious to the public health, within ten (10) days after receiving notice to do so from either the Zoning Officer, Health Officer, Fire Inspector or Building Inspector of the Borough of Waldwick. Notice may be effected by personal service or by leaving a copy of the notice at the owner, tenant, or occupant's address with a member of the family above the age of fourteen (14) years; or by certified mail, return receipt requested, directed, in case of any owner, to the address of such owner as the same appears on the last tax duplicate of the Borough of Waldwick, and, in the case of a tenant or occupant, to the address of the lands in question. If the certified mail is not claimed, notice shall be sent by regular mail.

95-4. Noncompliance procedure; collection of costs incurred by Borough.

Should the owner, tenant or occupant upon whom such notice is served fail, neglect or refuse to remove and destroy, or cause to be removed or destroyed, such brush, weeds or debris injurious to the public health, safety and welfare, within ten (10) days after the service of such notice, the Borough of Waldwick may cause such brush, weeds or debris to be removed or otherwise destroyed, and the actual cost of such removal shall be certified by the Borough Administrator to the Mayor and Council, who shall examine such certificate and, if the same be found to be correct, shall cause the same to be charged against the lands from which such brush, weeds or debris shall have been removed, and the amount so charged shall forthwith become and be a lien on the property on which such brush, weeds or debris were located, and shall be added to and form a part of the taxes next to be assessed on said lot or tract of land and shall be collected and enforced by the same officers and in the same manner as taxes.

95-5. Violations and penalties.

Any owner, tenant or occupant who shall neglect to remove or otherwise destroy such brush, weeds or debris injurious to the public health as directed by this ordinance, or who shall fail, neglect or refuse to comply with the provisions of any notice herein provided for, of who shall resist or obstruct the Borough of Waldwick or its servants, agents and/or employees in the removal or destruction of the brush, weeds or debris injurious to the public health, upon conviction thereof, shall be subject to a fine not exceeding five hundred dollars ($500.) or be imprisoned for a term not exceeding ninety (90) days, or both, for each and every offense, and each day upon which a violation of this ordinance continues shall constitute a separate offense.

95-6. Costs to be additional to penalties.

The imposition and collection of the fine imposed by this ordinance shall not constitute any bar to the right of the Borough of Waldwick to collect the costs of removing or otherwise destroying such brush, weeds or debris injurious to the public health in the manner herein authorized.

95-7. When effective.

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

9503 10-25-94

WILDLIFE FEEDING

Chapter 95B

WILDLIFE FEEDING

95B-01. Purpose.

95B-02. Definitions.

95B-03. Prohibited Conduct.

95B-04. Enforcement.

95B-05. Violations and Penalties.

95B-06. Severability.

95B-07. Effective date.

(HISTORY: Adopted by the Mayor and Council of the Borough of Waldwick 7-27-04 as Ord. No. 19-04)

95B-01. Purpose.

An ordinance to prohibit the feeding of unconfined wildlife in any public park or on any other property owned or operated by the Borough of Waldwick, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

95B-02. 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.

FEED – to give, place, expose, deposit, distribute or scatter any edible material with the intention of feeding, attracting or enticing wildlife. Feeding does not include baiting in the legal taking of fish and/or game.

PERSON - any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

WILDLIFE – all animals that are neither human nor domesticated.

95B-03. Prohibited Conduct.

No person shall feed, in any public park or on any other property owned or operated by the Borough of Waldwick, any wildlife, excluding confined wildlife (for example, wildlife confined in zoos, parks or rehabilitation centers, or unconfined wildlife at environmental education centers).

95B-04. Enforcement.

a. This ordinance shall be enforced by the Police Department and Health Official of the Borough of Waldwick.
b. Any person found to be in violation of this ordinance shall be ordered to cease the feeding immediately.

95B-05. Violations and Penalties.

Any person who is guilty of feeding wildlife on public property, in the Borough of Waldwick shall be punished by a fine of ten dollars ($10.) and two hours of community service for the first offense, and twenty-five dollars ($25.) and five hours of community service for the second and subsequent offenses.

95B-06. Severability.

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

95B-07. Effective date.

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Chapter 96

YARD/GARAGE SALES

96-1. Definitions

96-2. Permit Required

96-3. Fees

96-4. Issuance of permits; display

96-5. Hours of sale

96-6. Signs

96-7. Enforcement; violations and penalties

(HISTORY: Adopted by the Mayor and Council of the Borough of Waldwick 11-23-93 as Ord. No. 26-93)

BE IT ORDAINED by the Mayor and Council of the Borough of Waldwick, in the County of Bergen and State of New Jersey as follows:

96-1. Definitions.

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

GOODS - Includes any goods, warehouse merchandise or any other property capable of being the object of a sale regulated hereunder.

PERSON - Any corporation, business entity or an individual and members of his or her household.

YARD/GARAGE SALE - Includes all sales entitled "yard sale", "garage sale", "lawn sale", "rummage sale", "flea market sale" or any similar casual sale of tangible personal property which is advertised by any means whereby the public at large is or can be made aware of such sale.

96-2. Permit Required.

No person shall conduct a yard/garage sale in the Borough of Waldwick without first filing with the Office of the Borough Clerk the information hereinafter specified and obtaining from said office a permit which shall be known as a "yard/garage sale permit."

96-3. Fees.

Fees shall be indicated in Chapter 48 under section 48:96-3.

96-4. Issuance of permits; display.

A. The permit shall be issued to any one (1) address two (2) times only within any twelve-month period and no such permit shall be issued for more than three (3) consecutive calendar days. Non-profit charitable, religious or civic organizations may be allowed more than three (3) days with the approval of the Mayor and Council.

B. Each permit issued under the provisions of this section shall be prominently displayed on the premises upon which the yard/garage sale is conducted throughout the entire period of the licensed sale.

96-5. Hours of Sale.

All yard/garage sales shall be conducted between the hours of 9:00 a.m. and 5:00 p.m.

96-6. Signs.

A. Four (4) temporary signs shall be permitted to be posted for the period of the sale, forty-eight (48) hours prior to the sale and twenty-four (24) hours thereafter. Planning Board approval will not be needed.

B. No sign shall be posted, located or displayed on a right-of-way, street or alley without obtaining the consent of the abutting private property owner, if any, prior to the posting, locating or displaying of the sign. No sign shall be located, posted or displayed on private property without the consent of the private property owner.

C. The signs shall have a space allotted thereon upon which the person holding the sale shall place the name and address of the person running the sale; and the permit number. No sign shall be posted, located or displayed without this information.

96-7. Enforcement; violations and penalties.

A. The provisions of this section shall be enforced by the Police Department of the Borough of Waldwick. It shall be their duty to investigate any violation of this Chapter. If a violation is found to exist, they shall prosecute a complaint before the local Municipal Court pursuant to the provisions of this Chapter.

B. Any permit issued under this Chapter may be revoked or suspended without a public hearing by the Chief of Police and/or Construction Official when, in his opinion, it is reasonably necessary to do so for the public safety of this community.

C. The penalty for this violation shall be a fine of not less than fifteen dollars ($15.) and not more than two hundred dollars **(**$200.).

Chapter 97

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Title; Purpose; Scope

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97-2. **Purpose**
97-3. **Scope**

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97-130.4. When effective.

Note: This ordinance supersedes former Ch. 56A, Land Use Procedures as adopted by the Mayor and Council of the Borough of Waldwick 12-28-76 as Ord. No. 21-76; former Ch. 86 Subdivision of Land as adopted by the Mayor and Council of the Borough of Waldwick 7-12-54 as Ord. No. 11-54 and readopted 1-25-77 by Ord. No. 2-77; former Ch. 77 Site Plan Review as adopted by the Mayor and Council of the Borough of Waldwick 1-25-77 as Section I of Ord. 1-77, and amended 9-12-06 by Ord. No. 21-06; former Ch. 80 Soil Movement as adopted by the Mayor and Council of the Borough of Waldwick 7-22-97 as Ord. No. 16-97; former Ch. 97, Zoning, adopted 4-17-35 as Ord. No. 1-35, amended in its entirety 8-8-57 by Ord. No. 14-57, and readopted by the Mayor and Council of the Borough of Waldwick 6-27-78 as Ord. No. 10-78, amended in its entirety on 2-14-12 by Ord. No. 1-12.

97-1. Title.
97-3. Scope.

BE IT ORDAINED by the Mayor & Council of the Borough of Waldwick, in the County of Bergen, State of New Jersey as follows:

ARTICLE I
Title, Purpose and Scope

97-1. Title.

This ordinance shall be known as the "Zoning, Land Use and Development Code" of the Borough of Waldwick.

97-2. Purpose.

The purpose of this ordinance is to establish a pattern for the use of the land based upon a Comprehensive Development Plan for the Borough of Waldwick. The provisions of this ordinance shall be held as minimum requirements enacted in order to promote and to protect the public health, safety, morals, comfort, convenience and general welfare of the inhabitants of the Borough of Waldwick. This ordinance is intended to regulate the use of land within zoning districts; promote orderly development; regulate the intensity of use and the location of buildings; establish standards of development; provide adequate provision for circulation, utilities and services; provide adequate light and air; prevent overcrowding of land; limit congestion in the streets; secure safety from fire and floods and against other hazards; prevent the unregulated and uncontrolled relocation, filling, excavation and removal of soil by developers and excavators which may result in unsuitable soil conditions that may cause unsafe conditions resulting from soil erosion, and inadequate and improper surface water drainage; prohibit incompatible uses and regulate the alteration of existing buildings, with a view to conserving the value of property and encouraging the most appropriate use of land throughout the Borough of Waldwick.

Where this ordinance imposes a greater restriction than is imposed or required by any other provisions of law or by any other rules or regulations or resolutions, the provisions of this ordinance shall control.

97-3. Scope.

The scope of this chapter as it relates to other laws, ordinances, regulations, rules or other restrictions are as follows:

A. This chapter is not intended to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances, except those repealed expressly or by necessary implication hereby, or to affect any private restrictions placed upon property by covenant, deed or other private agreement unless repugnant hereto.

97-3. Scope.
97-3. Scope.

B. Where this chapter imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or coverage by above-grade structures or improvements or requires greater lot area or longer yards or other open spaces than are imposed or required by such rules, regulations or permits or by such private restrictions, the provisions of this chapter shall control.

97-4. Establishment; composition
97-6. Vacancies (Amended 8-22-00 by Ord. No. 14-00)

ARTICLE II
Planning Board

97-4. Establishment; composition

There is hereby established pursuant to C.291.P.L. 1975, in the Borough of Waldwick a Planning Board of nine (9) members consisting of the following four (4) classes. All members and alternate members of the Planning Board, except for Class II members set forth below, shall be municipal residents. **(Added 8-22-00 by Ord. No. 14-00)**

A. Class I: Mayor or the Mayor's designee in the absence of the Mayor.

B. Class II: one (1) of the officials of the Borough of Waldwick other than a member of the governing body, to be appointed by the Mayor.

C. Class III: a member of the governing body, to be appointed by it.

D. Class IV: six (6) other citizens of the Borough of Waldwick, to be appointed by the Mayor. The members of Class IV shall hold no other municipal office, except that one (1) member may be a member of the Zoning Board of Adjustment and one (1) may be a member of the Board of Education.

97-5. Terms.

The term of the member composing Class I shall correspond with his/her official tenure or if the member is the Mayor's designee in the absence of the Mayor, the designee shall serve at the pleasure of the Mayor during the Mayor's tenure. The terms of the members composing Class II and Class III shall be for one (1) year or terminate at the completion of their respective terms of office, whichever occurs first. The term of a Class IV member who is also a member of the Board of Adjustment or the Board of Education shall terminate whenever he/she is no longer a member of such other body or at the completion of his/her Class IV term, whichever occurs first. The terms of all Class IV members first appointed pursuant to this ordinance shall be so determined that to the greatest practicable extent the expiration of such term shall be evenly distributed over the first four (4) years after their appointment, as determined by resolution of the governing body; provided, however, that no term of any member shall exceed four (4) years and further provided that nothing herein shall affect the term of any present member of the Planning Board, all of whom shall continue in office until the completion of the term which they were appointed. Thereafter, all Class IV members shall be appointed for terms of four (4) years except as otherwise herein provided. All terms shall run from January 1 of the year in which the appointment was made. If a vacancy of any class shall occur, otherwise than by expiration of the term, a vacancy shall be filled by appointment as provided in this Article. **(Amended 8-22-00 by Ord. No. 14-00)**

97-6. Vacancies (Amended 8-22-00 by Ord. No. 14-00)
97-11. Powers and duties generally.

97-6. Vacancies (Amended 8-22-00 by Ord. No. 14-00)

Alternate Members.

(A) The Planning Board, in addition to its nine (9) regular members, shall also consist of two alternate members. The alternate members shall be appointed by the Mayor. Said alternate shall be appointed for Class IV members and shall meet the qualifications of IV membership. The terms of the alternate members shall be for two (2) years, except that the terms of the alternate members shall be such that the term of not more than one alternate member shall expire in any one year.

Alternate members of any class may participate in all matters before the Planning Board but may not vote, except in absence or disqualification of a regular member. Participation of alternate members shall not be deemed an increase in the size of the Planning Board or change in the quorum requirements. A vote of the Planning Board shall not be delayed in order that a regular member may vote in place of an alternate member. Should there be a choice as to which alternate member is to vote, Alternate No. 1 shall vote.

97-7. Removal.

Any member of the Planning Board other than the Class I member may be removed by the governing body for cause. Any member so removed shall be entitled to a public hearing if requested by said member.

97-8. Organization.

The Planning Board shall elect a Chairman and Vice Chairman from the members of Class IV and select a Secretary, who may be either a member of the Planning Board or a municipal employee designated by it. An alternate member shall not serve as chairman or vice-chairman of the Planning Board. **(Amended 8-22-00 by Ord. No. 14-00)**

97-9. Attorney.

There is hereby created the office of Planning Board Attorney. The Planning Board may annually appoint and fix the compensation of or agree upon the rate of compensation of the Planning Board Attorney, who shall be an attorney other than the Municipal Attorney.

97-10. Experts and staff.

The Planning Board may also employ or contract for the services of experts and other staff and services, as it may deem necessary. The Board shall not, however, exceed, exclusive of gifts or grants, the amount appropriated by the governing body for its use.

97-11. Powers and duties generally.

97-11. Powers and duties generally.

The Board shall adopt such rules and regulations as may be necessary to carry into effect the provisions and purposes of this ordinance. In the issuance of subpoenas, administration of oaths and taking of testimony, the provisions of the County and Municipal Investigations Law of 1953 (N.J.S.A. 2A:67A-1 et seq.) shall apply. It shall also have the following powers and duties:

A. To make and adopt and, from time to time, amend a Master Plan for the physical development of the Borough of Waldwick, including any areas outside its boundaries which in the Board's judgment bear essential relation to the Planning Board of the Borough of Waldwick, in accordance with the provisions of N.J.S.A. 40:55D-28.

B. To administer the provisions of the Zoning, Land Use and Development Code of the municipality in accordance with the provisions of said ordinance and the Municipal Land Use Law, c. 291, P.L. 1975 (N.J.S.A. 40:55D-1 et seq.)

C. To approve conditional use applications in accordance with the provisions of the Zoning, Land Use and Development Code pursuant to N.J.S.A. 40:55D-67.

D. To exercise its power on the capital improvement program pursuant to article 4 of the New Jersey Municipal Land Use Law.

E. To participate in the preparation and review of programs or plans required by State or federal law or regulations.

F. To assemble data on a continuing basis as part of a continuous planning process.

G. Pursuant to N.J.S.A. 40:55D-47, to waive notice on public hearing for applications for development if said application conforms to the definition of "minor subdivision" as defined in N.J.S.A. 40:55D-5.

H. To consider and make report to the governing body within thirty-five (35) days after referral as to any proposed development regulation submitted to it pursuant to the provisions of N.J.S.A.40:55D-26a.

I. To consider and make report to the governing body relative to the adoption of any Official Map or any amendment thereto, pursuant to the provisions of N.J.S.A. 40:55D-26a.

J. Whenever the proposed development requires approval pursuant to this act of a subdivision, site plan or conditional use (but not a variance pursuant to N.J.S.A. 40:55D-70(d), the Planning Board shall have the power to grant, to the same extent and subject to the same restrictions as the Board of Adjustment,

97-12. Time limits.

variances, pursuant to N.J.S.A. 40:55D-70. Whenever relief is requested pursuant to this subsection, notice of a hearing on the application for development shall include a reference to the request for a variance or direction for issuance of a permit, as the case may be. The developer may elect to submit a separate application requesting approval of the variance or direction of the issuance of a permit and a subsequent application for any required approval of a subdivision, site plan or conditional use. The separate approval of the variance or direction of the issuance of a permit shall be conditioned upon grant of all required subsequent approvals by the Planning Board. No such subsequent approval shall be granted unless the approval can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of the zone plan and Land Use and Development Code **(Amended 2-12-85 by Ord. No. 2-85).**

K. To perform such other advisory duties as are assigned to it by ordinance or resolution of the governing body for the aid and assistance of the governing body or other agencies or officials, pursuant to N.J.S.A. 40:55D-26b.

97-12. Time limits.

A. Minor subdivisions. Minor subdivision approvals shall be granted or denied within forty-five (45) days of the date of submission of a complete application to the Planning Board or within such further time as may be consented to by the applicant. Approval of a minor subdivision shall expire one hundred ninety (190) days from the date of Planning Board approval unless within such period a plat in conformity with such approval and the provisions of the Map Filing Law or a deed clearly describing the approved minor subdivision is filed by the developer with the County recording officer, the Municipal Engineer and the Municipal Tax Assessor. Any such plat or deed must be signed by the Chairman and Secretary of the Planning Board before it will be accepted for filing by the County recording officer.

B. Preliminary approval of major subdivisions. Upon submission of a complete application for a subdivision of ten (10) or fewer lots, the Planning Board shall grant or deny preliminary approval within forty-five (45) days of the date of such submission or within such further time as may be consented to by the developer. Upon submission of a complete application for a subdivision of more than ten (10) lots, the Planning Board shall grant or deny preliminary approval within ninety-five (95) days of the date of such submission or within such further time as may be consented to by the developer. Otherwise, the Planning Board shall be deemed to have granted preliminary approval for the subdivision.

C. Ancillary powers. Whenever the Planning Board is called upon to exercise its ancillary powers before the granting of a variance as set forth in Section 97-11 of this ordinance, the Planning Board shall grant or deny approval of the application within one hundred and twenty (120) days after submission by the developer of a complete application or within such further time as may be consented to by the applicant. Failure of the Planning Board to act within the period prescribed shall

constitute approval of the application and a certificate of the administrative officer as to the failure of the Planning Board to act shall be issued on request of the applicant.

D. Final approval.

1. Application for final subdivision approval shall be granted or denied within forty-five (45) days of submission of a complete application or within such further time as may be consented to by the applicant.

2. Final approval of a major subdivision shall expire ninety-five (95) days from the date of signing of the plat unless within such period the plat shall have been duly filed by the developer with the County recording officer. The Planning Board may, for good cause shown, extend the period for recording for an additional period not to exceed one hundred ninety (190) days from the date of signing of the plat.

97-13. Procedure for filing applications.

Applications for development within the jurisdiction of the Planning Board pursuant to the provisions of c.291, P.L. 1975, shall be filed with the Borough Clerk. The applicant shall file, at least fourteen (14) days before the date of the monthly meeting of the Board, nine (9) copies of a sketch plat, nine (9) copies of an application for minor subdivision approval, nine (9) copies of an application for major subdivision approval or nine (9) copies of an application for site plan review, conditional use approval or planned development. At the time of filing the application, but in no event less than ten (10) days prior to the date set for hearing, the applicant shall also file all plot plans, maps or other papers required by virtue of any provision of this ordinance or any rule of the Planning Board. The applicant shall obtain all necessary forms from the Borough Clerk. The Borough Clerk shall inform the applicant of the steps to be taken to initiate applications and of the regular meeting dates of the Board.

97-14. Citizens' Advisory Committee.

The Mayor may appoint one (1) or more persons as a Citizens' Advisory Committee to assist or collaborate with the Planning Board in its duties, but such person or persons shall have no power to vote or take other action required of the Board. Such person or persons shall serve at the pleasure of the Mayor.

97-15. Establishment; composition.
97-16. Alternate members. (Added 1-25-83 by Ord. No. 1-83)

ARTICLE III
Zoning Board of Adjustment

97-15. Establishment; composition.

A. A Zoning Board of Adjustment is hereby established pursuant to N.J.S.A. 40:55D-69 et seq., consisting of seven (7) residents of the Borough of Waldwick appointed by the Mayor, subject to confirmation by the Council, to serve for terms of four (4) years from January 1 of the year of their appointment. The terms of the members first appointed shall be so determined that to the greatest practicable extent the expiration of such terms shall be distributed evenly over the first four (4) years after their appointment, provided that the initial term of no member shall exceed four (4) years. Thereafter, the term of each member shall be for four (4) years. Nothing in this ordinance shall, however, be construed to affect the terms of any present members of the Zoning Board of Adjustment, all of whom shall continue in office until the completion of the terms for which they were appointed.

B. No member or alternate member of the Zoning Board of Adjustment may hold any elective office or position under the municipality. This shall not be deemed to prohibit appointed officials of the municipality or elected officials of another corporate entity such as the Board of Education from serving as a member or alternate member. **(Amended 8-22-00 by Ord. No. 14-00)**

C. A vacancy occurring otherwise than by expiration of term shall be filled for the unexpired term only, in the manner hereinabove set forth for appointment of members of the Zoning Board of Adjustment.

D. All members and alternate members shall be municipal residents. **(Added 8-22-00 by Ord. No. 14-00)**

97-16. Alternate members. (Added 1-25-83 by Ord. No. 1-83)

A. The Zoning Board of Adjustment, in addition to its seven (7) regular members, shall also consist of two (2) alternate members. The alternate members shall be appointed by the Mayor and Council in the same manner as the Mayor and Council appoints regular members.

B. The terms of office of the alternate members shall be for two years. The initial appointment shall be made so that the term of not more than one alternate member shall expire in any one year. **(Amended 8-22-00 by Ord. No. 14-00)**

C. Alternate members may participate in all matters but may not vote, except in absence or disqualification of a regular member. Participation of alternate members shall not be deemed an increase in the size of the Zoning Board of

Adjustment. A vote of the Zoning Board of Adjustment shall not be delayed in order that a regular member may vote in place of an alternate member. Should there be a choice as to which alternate member is to vote, Alternate No. 1 shall vote. **(Amended 8-22-00 by Ord. No. 14-00)**

97-17. Officers.

The Board of Adjustment shall elect a Chairman and Vice Chairman from its regular members and shall also select a Secretary, who may or may not be a Board member or municipal employee. **(Amended 8-22-00 by Ord. No. 14-00)**

97-18. Attorney.

There is hereby created the office of Attorney to the Zoning Board of Adjustment. The Zoning Board of Adjustment may annually appoint and fix the compensation of or agree upon the rate of compensation of the Zoning Board of Adjustment Attorney, who shall be an attorney other than the Borough Attorney.

97-19. Experts and staff.

The Zoning Board of Adjustment may also employ or contract for and fix the compensation of such experts and other staff and services as it may deem necessary. The Board shall not authorize expenditures which exceed, exclusive of gifts or grants, the amount appropriated by the governing body for its use.

97-20. Rules and regulations.

The Board shall adopt such rules and regulations as may be necessary to carry into effect the provisions and purposes of this ordinance. In the issuance of subpoenas, administration of oaths and taking of testimony, the provisions of the County and Municipal Investigations Law of 1953 (N.J.S.A. 2A:67A-1 et seq.) shall apply.

97-21. Powers.

A. The powers of the Zoning Board of Adjustment shall be in accordance with N.J.S.A. 40:55D-69 et seq. and amendments and supplements thereto and with the provisions of this ordinance.

B. It is further the intent of this ordinance to confer upon the Zoning Board of Adjustment as full and complete powers as may be lawfully conferred upon such Board, including, but not by way of limitation, the authority, in connection with any case, action or proceeding before the Board, to interpret and construe the provisions of this ordinance or any term, clause, sentence or word hereof and the Zoning Map, in accordance with the general rules of construction applicable to legislative enactments.

97-22. Appeals and applications.

C. The Board may, in appropriate cases and subject to appropriate conditions and safeguards, grant variances from the terms of this ordinance in accordance with the general or specific rules contained herein and with the general rules hereby laid down that equity shall be done in cases where the strict construction of the provisions of this ordinance would work undue hardship. The powers and duties of the Board having been delegated to and imposed upon it by statute, the Board shall, in all cases, follow the provisions applicable to it in said c. 291, P.L. 1975, or subsequent statutes in such case made and provided, and it shall, from time to time, furnish to any person requesting the same a copy of its rules and information as to how appeals or applications may properly be filed with the Board for its decision thereon.

97-22. Appeals and applications.

A. Applications for building permits shall be made to the Building Inspector, who shall approve or deny such applications. Appeals to the Board of Adjustment may be taken by any interested party. Each appeal shall be taken within twenty (20) days, as prescribed by the statute, by filing a notice of appeal with the officer from whom the appeal was taken, together with ten (10) copies of said notice with the Secretary of the Board of Adjustment. Said notice of appeal shall specify the grounds for said appeal. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. **(Amended 8-22-00 by Ord. No. 14-00)**

B. A developer may file an application for development with the Board of Adjustment for action under any of its powers without prior application to the Building Inspector. All applications addressed to the original jurisdiction of the Board of Adjustment without prior application for a building permit from the Building Inspector shall be filed with the Secretary of the Board of Adjustment. Three (3) copies of the application shall be filed. At the time of filing the appeal or application, but in no event less than ten (10) days prior to the date set for hearing, the applicant shall also file all plot plans, maps or other papers required by virtue of any provision of this ordinance or any rule of the Board of Adjustment. The applicant shall obtain all necessary forms from the Secretary of the Zoning Board of Adjustment. The Secretary of the Board shall inform the applicant of the steps to be taken to initiate proceedings and of the regular meeting dates of the Board.

C. An appeal stays all proceedings in furtherance of the action in respect of which the decision appealed from was made, unless the officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal shall have been filed with him/her that by reason of facts

stated in the certificate a stay would, in his/her opinion, cause imminent peril to life or property. In such cases, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Superior Court of New Jersey on application and notice to the officer from which the appeal is taken and on due cause shown. **(Amended 8-22-00 by Ord. No. 14-00)**

97-23. Power to reverse or modify decisions.

In exercising the above-mentioned power, the Board of Adjustment may, in conformity with the provisions of c. 291, P.L. 1975, or amendments thereto or subsequent statutes applying, reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination appealed from and make such other requirement, decision or determination as ought to be made, and to that end have all the powers of the administrative officer from whom the appeal was taken.

97-24. Expiration of variance.

Any variance from the terms of this ordinance hereafter granted by the Board of Adjustment permitting the erection or alteration of any structure or structures or permitting a specified use of any premises shall expire by limitation unless such construction or alteration shall have been actually commenced on each and every structure permitted by said variance, or unless such permitted use has actually been commenced, within one (1) year from the date of publication of the notice of the judgment or determination of the Board of Adjustment; except, however, that the running of the period of limitation herein provided shall be tolled from the date of filing an appeal from the decision of the Board of Adjustment to the governing body or to a court of competent jurisdiction until the termination in any manner of such appeal or proceeding.

97-25. Powers granted by law.

A. The Board of Adjustment shall have such powers as are granted by law to:

1. Hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision or refusal made by an administrative official or agency based on or made in the enforcement of the Zoning, Land Use and Development Code.

2. Hear and decide requests for interpretation of the Zoning Map or Zoning, Land Use and Development Code, or for decisions upon other special questions upon which such Board is authorized by the Land Use and Development Code to pass.

97-25. Powers granted by law.

3. Appeal due to hardship. **(Amended 2-12-85 by Ord. No. 2-85)**

a. Where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions or physical features unique affecting a specific piece of property, or by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon, the strict application of any regulation in the Zoning, Land Use and Development Code of Waldwick would result in peculiar and exceptional practical difficulties to, exceptional and undue hardship upon the developer of such property, grant, upon an application or an appeal relating to such property, a variance from such strict application of such regulation so as to relieve such difficulties or hardship.

b. Where, in an application or appeal relating to a specific piece of property, the purposes of the Municipal Land Use Law would be advanced by a deviation from the Land Use and Development Code requirements and the benefits of the deviation would substantially outweigh any detriment, grant a variance to allow departure from regulations in the Zoning, Land Use and Development Code of the Borough of Waldwick; provided, however, that the fact that a proposed use is an inherently beneficial use shall not be dispositive of a decision on a variance under this subsection and provided, that no variance from those departures enumerated in N.J.S.A. 40:55D-70d shall be granted under this subsection, and provided further that the proposed development does not require approval by the Planning Board of a subdivision, site plan or conditional use in conjunction with which the Planning Board has the power to review a request for a variance pursuant to Section 97-11 of this Ordinance. **(Amended 8-22-00 by Ord. No. 14-00)**

4. In particular cases and for special reasons, grant a variance to allow departure from the Zoning, Land Use and Development Code of the Borough of Waldwick to permit a use or principal structure in a district restricted against such use or principal structure; an expansion of a nonconforming use; deviation from a specification or standard pertaining solely to a conditional use; an increase in the permitted floor area ratio as defined by N.J.S.A. 40:55D-4; an increase in the permitted density, as defined by N.J.S.A. 40:55D-4, except that with respect to an application for a variance from the density requirements for a detached one or two-dwelling unit building on an isolated undersized lot, or on a lot resulting from a minor subdivision, such application shall be made pursuant to section97-25A(3); or a height of a principal structure which exceeds by ten (10) feet or ten percent (10%) the maximum height permitted in the district for a principal structure at least five (5) members of the full authorized membership of the Board. **(Amended 2-12-85 by Ord. No. 2-85; 8-22-00 by Ord. No. 14-00).**

B. No variance or other relief may be granted under the provisions of this section including a variance or other relief involving an inherently beneficial use, without showing that such variance or other relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and Zoning, Land Use and Development Code. Any application under any subsection of this section may be referred to any appropriate person or agency, including the Planning Board, for its report, provided that such reference shall not extend the period of time within which the Zoning Board of Adjustment shall act. **(Amended 8-22-00 by Ord. No. 14-00)**

97-26. Additional powers.

A. The Zoning Board of Adjustment shall, in addition to the powers specified in section 97-21 of this Article, have power given by law to:

1. Direct issuance of a permit pursuant to N.J.S.A. 40:55D-34 for a building or structure in the bed of a mapped street or public drainageway, flood control basin or public area reserved on the Official Map.
2. Direct issuance of a permit pursuant to N.J.S.A. 40:55D-36 for a building or structure not related to a street.

B. Pursuant to N.J.S.A. 40:55D-76b, the Board of Adjustment shall have the power to grant, to the same extent and subject to the same restrictions as the Planning Board, subdivision or site plan approval pursuant to Article 6 of Chapter 291, P.L. 1975, or conditional use approval pursuant to N.J.S.A. 40:55D-67, whenever the Board is reviewing an application for approval of a use variance pursuant to Section 97-25A(4), of this ordinance.

97-27. Time limit for decision.

The Board of Adjustment shall render its decision not later than one hundred twenty (120) days after the date an appeal is taken from the decision of an administrative officer, or one hundred twenty (120) days after the submission of a complete application (as defined in section 97-47) for development to the Board, pursuant to the provisions of N.J.S.A. 40:55D-72b. Failure of the Board to render a decision within such one hundred twenty (120) day period or within such further time as may be consented to by the applicant shall constitute a decision favorable to the applicant. (Amended 2-12-85 by Ord. No. 2-85)

97-28. Conflicts of interest.
97-31. Fees.

ARTICLE IV
Provisions Applicable to Both Planning Board and Zoning Board of Adjustment

97-28. Conflicts of interest.

No member of the Planning Board or Zoning Board of Adjustment shall act on any matter in which he/she has either directly or indirectly any personal or financial interest. Whenever any such member shall disqualify himself from acting on a particular matter, he/she shall not continue to sit with the Board on the hearing of such matter nor participate in any discussion or decision relating thereto.

97-29. Meetings.

A. The Planning Board and the Zoning Board of Adjustment each shall schedule meetings no less often than once a month, and any meeting so scheduled shall be held as scheduled unless canceled for lack of applications for development to process.

B. Special meetings may be provided for at the call of the Chairman or on the request of any two (2) Board members, which meetings shall be held on notice to the Board's members and the public in accordance with all applicable legal requirements.

C. No action shall be taken at any meeting without a quorum being present.

D. All actions shall be taken by majority vote of a quorum, except as otherwise required by any provision of c. 291, P.L. 1975.

E. All regular meetings and all special meetings shall be open to the public. Notice of all such meetings shall be given in accordance with the requirements of the Open Public Meetings Law c. 231, P.L. 1975.

97-30. Minutes.

Minutes of every regular or special meeting shall be kept and shall include the names of the persons appearing and addressing the Board and of the persons appearing by attorney; the action taken by the Board; and the findings, if any, made by it and reasons therefor. The minutes shall thereafter be made available for public inspection during normal business hours at the office of the Borough Clerk. Any interested party shall have the right to compel production of the minutes for use as evidence in any legal proceeding concerning the subject matter of such minutes. Such interested party may be charged a fee for reproduction of the minutes for his/her use as provided for in the rules of the Board or, if no rules govern, pursuant to N.J.S.A. 47:1A-2.

97-31. Fees.
97-33. Notice requirements for hearings. (Amended 8-22-00 by Ord. No. 14-00)

97-31. Fees.

(See Chapter 48:56A-27 of the Code of the Borough of Waldwick)

97-32. Hearings.

A. Rules. The Planning Board and Zoning Board of Adjustment shall make rules governing the conduct of hearings before such bodies, which rules shall not be inconsistent with the provisions of N.J.S.A. 40:55D-1 et seq. or of this ordinance.

B. Oaths. The officer presiding at the hearing or such person as he/she may designated shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of evidence, including witnesses and documents presented by the parties, and the provisions of the County and Municipal Investigations Law, c. 38, P.L. 1953 (N.J.S.A. 2A:67A-1 et seq.), shall apply.

C. Testimony. The testimony of all witnesses relating to an application for development shall be taken under oath or affirmation by the presiding officer and the right of cross examination shall be permitted to all interested parties through their attorneys, if represented, or directly, if not represented, subject to the discretion of the presiding officer and to reasonable limitations as to time and number of witnesses.

D. Evidence. Technical rules of evidence shall not be applicable to the hearing, but the Board may exclude irrelevant, immaterial or unduly repetitious evidence.

E. Records. Each Board shall provide for the verbatim recording of the proceedings by either stenographic or mechanical or electronic means. The Board shall furnish a transcript or duplicate recording in lieu thereof on request to any interested party at his/her expense.

F. On appeals to the governing body pursuant to N.J.S.A. 40:55D-17, the appealing party shall bear the cost of providing transcripts of the record before the Board of Adjustment to the governing body.

97-33. Notice requirements for hearings. (Amended 8-22-00 by Ord. No. 14-00)

Whenever notice is required under N.J.S.A. 40:55D-12 of the Municipal Land Use Law of the State of New Jersey, such notice shall be provided by the applicant. The notice shall comply with the requirements of the New Jersey Municipal Land Use Law. In addition, an applicant shall provide notice for the following:

A. Conventional site plan review pursuant to N.J.S.A. 40:55D-46;

B. Minor subdivision approval pursuant to N.J.S.A. 40:55D-47, unless waived by the Board per Section 97-11G;

C. Final approval pursuant to N.J.S.A. 40:D-50;

D. Details from determination of administrative officer pursuant to N.J.S.A. 40:55D-70(a);

E. An application involving the exercise of the ancillary powers of the Planning Board pursuant to N.J.S.A. 40:55D-60 or the Zoning Board of Adjustment pursuant to N.J.S.A. 40:55D-76.

97-34. List of property owners furnished.

Pursuant to the provisions of N.J.S.A. 40:55D-12c, the Assessor of the Borough of Waldwick designated as the administrative officer under this Ordinance, shall, within seven (7) days after receipt of a written request therefor, and upon receipt of payment of a fee of ten dollars ($10.), make and certify a list from the current tax duplicate of names and addresses of owners to whom the applicant is required to give notice pursuant to Article IV, Section 97-33 of this Ordinance. In addition, the Assessor shall include on the list the names, addresses and positions of those utilities or cable television companies who, not less than seven (7) days prior to the date on which the applicant requested a list, have registered to receive notice pursuant to subsection h pursuant to the provisions of N.J.S.A. 40:55D-12h. The applicant shall be entitled to rely upon the information contained in such list, and failure to give notice to any owner or to any public utility, television company, cable or local utility not on the list shall not invalidate any hearing or proceeding. The Assessor shall not be required to furnish names and addresses of those to whom the applicant must give notice pursuant to N.J.S.A. 40:55D-12 d, e, f or g. (Amended 8-22-00 by Ord. No. 14-00)

97-35. Decisions.

A. The municipal agency shall include findings of fact and conclusions based thereon in each decision on any application for development and shall reduce the decision to writing. The municipal agency shall provide the findings and conclusions through:

1. A resolution adopted at a meeting held within the time period provided in the act for action by a municipal agency on the application for development; or

2. A memorializing resolution adopted at a meeting held not later than forty-five (45) days after the date of the meeting at which the municipal agency voted to grant or deny approval. Only the members of the municipal agency who voted for the action taken may vote on the memorializing resolution, and the vote of a majority of such members present at the meeting at which the resolution is presented for adoption shall be sufficient to adopt the resolution. If only one

member who voted for the action attends the meeting at which the resolution is presented for adoption, the resolution may be adopted upon vote of that member. The failure of a motion to approve an application shall be memorialized by resolution, as provided above, with those members voting against the motion for approval being the members eligible to vote on the memorializing resolution. The vote of any such resolution shall be deemed to be a memorialization of the action of the municipal agency and not to be an action of the municipal agency; however, the date of the adoption of the resolution shall constitute the date of the decision for purposes of the mailing, filing and publications required by N.J.S.A. 40:55D-10. If the municipal agency fails to adopt a resolution or memorializing resolution as hereinabove specified, any interested party may apply to the Superior Court in a summary manner for an order compelling the municipal agency to reduce its findings and conclusions to writing within a stated time, and the cost of the application, including attorney's fees, shall be assessed against the municipality.**(Amended 8-22-00 by Ord. No. 14-00)**

97-36. Publication of decisions.

A brief notice of every final decision shall be published in the official newspaper of the Borough of Waldwick. Such publication shall be arranged by the Secretary to the Planning Board or Zoning Board of Adjustment, as the case may be. Said notice shall be sent to the official newspaper for publication within ten (10) days of the date of any such decision.

97-37. Payment of taxes.

Pursuant to the provisions of N.J.S.A. 40:55D-39 and 40:55D-65, every application for development submitted to the Planning Board or to the Zoning Board of Adjustment shall be accompanied by proof that no taxes or assessments for local improvements are due or delinquent on the property which is the subject of such application; or, if it is shown that taxes or assessments are delinquent on said property, any approvals or other relief granted by either Board shall be conditioned upon either the prompt payment of such taxes or assessments or the making or adequate provision for the payment thereof in such manner that the municipality will be adequately protected.

97-38. Appeals to Zoning Board of Adjustment.
97-39. Appeals from Zoning Board of Adjustment to Governing Body.

ARTICLE V
Appeals

97-38. Appeals to Zoning Board of Adjustment.

An appeal to the Zoning Board of Adjustment may be taken by any interested party affected by a decision of the administrative officer of the Borough of Waldwick based on or made in the enforcement of the Land Use and Development Code or Official Map. Such appeal shall be taken within twenty (20) days by filing a notice of appeal in the manner set forth in Article III, section97-22A, of this ordinance, and in accordance with the provisions of Article 9 of the Municipal Land Use Law of 1975. (Amended 2-12-85 by Ord. No. 2-85)

97-39. Appeals from Zoning Board of Adjustment to Governing Body.

See Section 97-128.9.

97-40. Definitions.
97-47. Completed applications; time limits. (Added 2-12-85 by Ord. No. 2-85)

ARTICLE VI
Miscellaneous Provisions

97-40. Definitions.

A. Whenever a term is used in this ordinance which is defined in C.291, P.L. 1975, as amended, such term is intended to have the meaning set forth in the definition of such term found in said Statute, unless a contrary intention is clearly expressed from the context of Chapter 97 of the Borough of Waldwick Land Use and Development Code.

B. Whenever in Chapter 97 of the municipal code of the Borough of Waldwick, the term Planning Board is used in a manner which under C. 291, P.L. 1975 as amended grants the Planning Board the privilege of exercising the powers of the Zoning Board, the term Zoning Board shall be interchangeable with the term Planning Board. Whenever the term Zoning Board is used in the above listed Chapter in a manner which under C.291, P.L. 1975 as amended grants the Zoning Board the privilege of exercising the powers of the Planning Board, the term Planning Board shall be interchangeable with the term Zoning Board. (Amended 3-23-93 by Ord. No. 3-93)

97-41. Reserved.

97-42. Provisions continued.

Pursuant to the provisions of c. 291, P.L. 1975, Section 81, the substantive provisions of the existing Land Use and Development Code of the Borough of Waldwick and the development regulations set forth therein shall continue in full force and effect and shall be read in pari materia with this ordinance.

97-43. Pending applications.

All applications for development filed prior to the effective date of this ordinance may be continued, but any appeals arising out of decisions made on any such application shall be governed by the provisions of Article V of this ordinance.

97-44. Reserved.

97-45. Filing of copies.

Immediately upon adoption of this ordinance, the Borough Clerk shall file a copy of this ordinance with the County Planning Board as required by law. The Clerk shall also file with said County Planning Board copies of all other ordinances of the Borough of Waldwick relating to land use.

97-46. Reserved.
97-48. Checklists for development applications.

97-46. Reserved.

97-47. Completed applications; time limits. (Added 2-12-85 by Ord. No. 2-85)

A. An application for development shall be complete for purposes of commencing the applicable time period for action by a municipal agency when so certified by the municipal agency or its authorized committee or designee. In the event that the agency, committee or designee does not certify the application to be complete within forty-five (45) days of the date of its submission, the application shall be deemed complete upon the expiration of the forty-five (45) day period for purposes of commencing the applicable time period unless:

1. The application lacks information indicated on a checklist adopted by ordinance and provided to the applicant.

2. The municipal agency or its authorized committee or designee has notified the applicant, in writing, of the deficiencies in the application within forty-five (45) days of submission of the application. The applicant may request that one (1) or more of the submission requirements be waived, in which event the agency or its authorized committee shall grant or deny the request within forty-five (45) days.

B. Nothing herein shall be construed as diminishing the applicant's obligation to prove in the application process that he/she is entitled to approval on the application.

C. The municipal agency may subsequently require correction of any information not specified in the ordinance or any revisions in the accompanying documents, as are reasonably necessary to make an informed decision as to whether the requirements necessary for approval of the application for development have been met. The application shall not be deemed incomplete for lack of any such additional information or any revisions in the accompanying documents so required by the municipal agency.

97-48. Checklists for development applications.

A. The following checklists for land use development are hereby adopted by reference:

(1) Checklist for site plan approval
(2) Checklist for subdivision approval
(3) Checklist for variance approval
(4) Checklist for conditional use approval

B. One (1) set of each of these checklists shall be kept on file in the office of the Borough Clerk with the date of their adoption by ordinance listed thereon. The checklists shall be distributed by the Secretary of the Zoning Board of

Adjustment and Secretary of the Planning Board for use in accordance with 97-48. (Added 2-12-85 by Ord. No. 2-85)

97-49. Environmental Impact Statement

In accordance with the requirements of Chapter 19 of the Municipal Code, an environmental impact statement shall be submitted on all applications for preliminary major site plan approval, preliminary major subdivision approval and for soil permit applications.

97-50. Recycling Plan Element

All development proposals for the construction of 50 or more units of single-family residential housing or 25 or more units of multi-family residential housing or any commercial or industrial development proposal utilizing 1,000 square feet or more of land shall include a recycling plan element which incorporates the requirements of the recycling ordinance of the Borough of Waldwick. Such development proposals shall provide for the collection, disposition and recycling of recyclable materials designated in the recycling ordinance of the Borough.

ARTICLE VII

Development Fees

97-51. Purpose

a) In Holmdel Builder's Association v. Holmdel Township, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985 (the Act), N.J.S.A. 52:27d-301 et seq., and the State Constitution, subject to the Council on Affordable Housing's adoption of rules.

b) Pursuant to P.L. 2008, c. 46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), COAH is authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that are under the jurisdiction of the Council or court of competent jurisdiction and have a COAH-approved spending plan may retain fees collected from non-residential development.

c) This ordinance establishes standards for the collection, maintenance, and expenditure of development fees pursuant to COAH's regulations and in accordance with P.L. 2008, c.46, Sections 8 and 32-38. Fees collected pursuant to this ordinance shall be used for the sole purpose of providing low and moderate-income housing. This ordinance shall be interpreted within the framework of COAH's rules on development fees, codified at N.J.A.C. 5:97-8.

3. Basic requirements.

a) This ordinance shall not be effective until approved by COAH pursuant to N.J.A.C. 5:96-5.1.

b) The Borough of Waldwick shall not spend development fees until COAH has approved a plan for spending such fees in conformance with N.J.A.C. 5:97-8.10 and N.J.A.C. 5:96-5.3.

97-52. Definitions.

The following terms, as used in this article, shall have the following meanings:

AFFORDABLE HOUSING DEVELOPMENT means a development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable development.

97-53. Residential Development Fees

COAH or the **"Council"** means the New Jersey Council on Affordable Housing established under the Act which has primary jurisdiction for the administration of housing obligations in accordance with sound regional planning consideration in the State.

DEVELOPMENT FEE means money paid by a developer for the improvement of property as permitted in N.J.A.C. 5:97-8.3.

DEVELOPER means the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

EQUALIZED ASSESSED VALUE means the assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with sections 1, 5, and 6 of P.L. 1973, c. 123 (C. 54:1-35a through C. 54:1-35c).

GREEN BUILDING STRATEGIES means those strategies that minimize the impact of development on the environment, and enhance the health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.

97-53. Residential Development Fees

a) Imposed fees

i. Within all zoning districts, residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of one and a half percent of the equalized assessed value for residential development provided no increased density is permitted.

ii. When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5) (known as a "d" variance) has been permitted, developers may be required to pay a development fee of six percent of the equalized assessed value for each additional unit that may be realized. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.

<u>Example:</u> If an approval allows four units to be constructed on a site that was zoned for two units, the fees could equal one

97-54. Non-residential Development Fees

percent of the equalized assessed value on the first two units, and the specified higher percentage up to six percent of the equalized assessed value for the two additional units, provided zoning on the site has not changed during the two-year period preceding the filing of such a variance application.

b) Eligible exactions, ineligible exactions and exemptions for residential development

i. Affordable housing developments and developments where the developer has made a payment in lieu of on-site construction of affordable units shall be exempt from development fees.

ii. Developments that have received preliminary or final site plan approval prior to the adoption of a municipal development fee ordinance shall be exempt from development fees, unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose. The fee percentage shall be vested on the date that the building permit is issued.

iii. Development fees shall be imposed and collected when an existing structure undergoes a change to a more intense use, is demolished and replaced, or is expanded, if the expansion is not otherwise exempt from the development fee requirement. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.

iv. Developers of all residential housing demolished and replaced as a result of a natural disaster or fire, shall be exempt from paying a development fee.

97-54. Non-residential Development Fees

a) Imposed fees

i. Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to two and one half (2.5) percent of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.

ii. Non-residential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to two and one half (2.5) percent of the increase in

97-55. Collection Procedures.

equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.

iii . Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fees of two and a half percent (2.5%) shall be calculated on the difference between the equalized assessed value of the newly improved structure, i.e. land and improvement, at the time final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the non-residential development fee shall be zero.

b) Eligible exactions, ineligible exactions and exemptions for non-residential development

i. The non-residential portion of a mixed-use inclusionary or market rate development shall be subject to the two and a half (2.5%)
ii. The 2.5 percent fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.

iii. Non-residential developments shall be exempt from the payment of non-residential development fees in accordance with the exemptions required pursuant to P.L. 2008, c. 46, as specified in the Form N-RDF “State of New Jersey Non-Residential Development Certification/Exemption Form”. Any exemption claimed by a developer shall be substantiated by that developer.

iv. A developer of a non-residential development exempted from the non-residential development fee pursuant to P.L.2008, c.46 shall be subject to it at such time the basis for the exemption no longer applies, and shall make the payment of the non-residential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the non-residential development, whichever is later.
v. If a property which was exempted from the collection of a non-residential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid non-residential development fees under these circumstances may be enforceable by the Borough of Waldwick as a lien against the real property of the owner.

97-55. Collection Procedures.
97-56. Appeal of Development Fees.

97-55. Collection Procedures.

a) Upon the granting of a preliminary, final or other applicable approval for a development, the applicable approving authority shall direct its staff to notify the construction official responsible for the issuance of a building permit.

b) For non-residential developments only, the developer shall also be provided with a copy of Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" to be completed as per the instructions provided. The Developer of a non-residential development shall complete Form N-RDF as per the instructions provided. The construction official shall verify the information submitted by the non-residential developer as per the instructions provided in the Form N-RDF. The Tax Assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.

c) The construction official responsible for the issuance of a building permit shall notify the local Tax Assessor of the issuance of the first building permit for a development which is subject to a development fee.

d) Within 90 days of receipt of that notice, the municipal Tax Assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.

e) The construction official responsible for the issuance of a final certificate of occupancy notifies the local assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.

f) Within 10 business days of a request for the scheduling of a final inspection, the municipal assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development, calculate the development fee; and thereafter notify the developer of the amount of the fee.

g) Should the Borough of Waldwick fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in subsection b. of section 37 of P.L. 2008, c.46 (C.40:55D-8.6).

h) Fifty percent of the development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at building permit and that determined at issuance of certificate of occupancy.

97-56. Appeal of Development Fees.

1) A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest bearing escrow account by the Borough of Waldwick. Appeals from a determination of the Board may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

2) A developer may challenge non-residential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest bearing escrow account by the Borough of Waldwick. Appeals from a determination of the Director may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

97-57. Affordable Housing Trust Fund

a) There is hereby created a separate, interest-bearing housing trust fund to be maintained by the Chief Financial Officer for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls.

b) The following additional funds shall be deposited in the Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:

1. payments in lieu of on-site construction of affordable units;
2. developer contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible;
3. rental income from municipally operated units;
4. repayments from affordable housing program loans;
5. recapture funds;
6. proceeds from the sale of affordable units; and
7. any other funds collected in connection with the Borough of Waldwick's affordable housing program.

97-58. Use of Funds.

c) Within seven days from the opening of the trust fund account, the Borough of Waldwick shall provide COAH with written authorization, in the form of a three-party escrow agreement between the municipality, in the official bank of the Borough, and COAH to permit COAH to direct the disbursement of the funds as provided for in N.J.A.C. 5:97-8.13(b).

97-58. Use of Funds.

a) The expenditure of all funds shall conform to a spending plan approved by COAH. Funds deposited in the housing trust fund may be used for any activity approved by COAH to address the Borough of Waldwick's fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls, rehabilitation, new construction of affordable housing units and related costs, accessory apartment, market to affordable, or regional housing partnership programs, conversion of existing non-residential buildings to create new affordable units, green building strategies designed to be cost saving and in accordance with accepted national or state standards, purchase of land for affordable housing, improvement of land to be used for affordable housing, extensions or improvements of roads and infrastructure to affordable housing sites, financial assistance designed to increase affordability, administration necessary for implementation of the Housing Element and Fair Share Plan, or any other activity as permitted pursuant to N.J.A.C. 5:97-8.7 through 8.9 and specified in the approved spending plan.

b) Funds shall not be expended to reimburse Borough of Waldwick for past housing activities.

c) At least 30 percent of all development fees collected and interest earned shall be used to provide affordability assistance to low and moderate income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30 percent or less of median income by region.

i. Affordability assistance programs may include down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowners association or condominium fees and special assessments, and assistance with emergency repairs.

ii. Affordability assistance to households earning 30 percent or less of median income may include buying down the cost of

low or moderate income units in the municipal Fair Share Plan to make them affordable to households earning 30 percent or less of median income. The use of development fees in this manner shall entitle the Borough of Waldwick to bonus credits pursuant to N.J.A.C. 5:97-3.7.

iii. Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.

d) The Borough of Waldwick may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.A.C. 5:96-18.

e) No more than 20 percent of all revenues collected from development fees may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than 20 percent of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with COAH's monitoring requirements. Legal or other fees related to litigation opposing affordable housing sites or objecting to the Council's regulations and/or action are not eligible uses of the affordable housing trust fund.

97-59. Monitoring.

a) The Borough of Waldwick shall complete and return to COAH all monitoring forms included in monitoring requirements related to the collection of development fees from residential and non-residential developers, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, barrier free escrow funds, rental income, repayments from affordable housing program loans, and any other funds collected in connection with the Borough of Waldwick's housing program, as well as to the expenditure of revenues and implementation of the plan certified by COAH. All monitoring reports shall be completed on forms designed by COAH.

97-60. Ongoing Collection of Fees.

a) The ability for the Borough of Waldwick to impose, collect and expend development fees shall expire with its substantive certification unless the Borough of Waldwick has filed an adopted Housing Element and

97-61. When Effective.

Fair Share Plan with COAH, has petitioned for substantive certification, and has received COAH's approval of its development fee ordinance. If the Borough of Waldwick fails to renew its ability to impose and collect development fees prior to the expiration of substantive certification, it may be subject to forfeiture of any or all funds remaining within its municipal trust fund. Any funds so forfeited shall be deposited into the "New Jersey Affordable Housing Trust Fund" established pursuant to section 20 of P.L. 1985, c. 222 (C.52:27D-320). The Borough of Waldwick shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its substantive certification or judgment of compliance, nor shall the Borough of Waldwick retroactively impose a development fee on such a development. The Borough of Waldwick shall not expend development fees after the expiration of its substantive certification or judgment of compliance.

97-61. When Effective.

This ordinance shall take effect upon passage and publication as required by law and upon receiving approval of the Council on Affordable Housing.

ARTICLE VIII
Subdivision of Land

97-62. Administrative Agency

The provisions of Article VIII shall be administered by the Waldwick Planning Board with R.S. 40:55-1.14 (Section 14 of Chapter 433 of the Laws of 1953), as amended and supplemented.

97-63. Words and Phrases

97-63.1. Definitions.

For the purpose of this article, certain terms are herewith defined:

DRAINAGE RIGHT-OF-WAY - The lands required for the installation of storm-water sewers or drainage ditches, or required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage in accordance with Chapter 1 of Title 58 of the Revised Statutes.

FINAL PLAT - The final map of all or a portion of the "subdivision" which is presented to the Planning Board for final approval in accordance with these regulations, and which, if approved, shall be filed with the Clerk of the County of Bergen for recording in accordance with law.

LOT - A parcel or portion of land separated from other parcels or portions by description as on a subdivision or record-of-survey map or by metes and bounds for purposes of sale, lease or separate use. **(Amended 3-24-55 by Ord. No. 3-55).**

MAJOR SUBDIVISION - All "subdivisions" not classified as "minor subdivisions."

MASTER PLAN - A composite of the mapped and written proposals recommending the physical development of the Borough, heretofore adopted or as the same may hereafter be amended or supplemented.

MINOR SUBDIVISION – Means a subdivision of land for the creation of no more than three lots; provided that such subdivision does not involve (1) a planned development, (2) any new street or (3) the extension of any off-tract improvement, the cost of which is to be prorated pursuant to N.J.S.A. 40:55D-42.

OFFICIAL MAP – Means a map adopted by ordinance pursuant to N.J.S.A. 40:55D-32 to 36. Such a map shall be deemed to be conclusive with respect to

97-63.1. Definitions.

the location and width of the “streets,” public parks and playgrounds and “drainage right-of-way” shown thereon.

OWNER - Any individual, firm, association, syndicate, copartnership or corporation having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this ordinance.

PERFORMANCE GUARANTY - Any security which may be accepted in lieu of a requirement that certain improvements be made before the Planning Board or other approving body approves a “plat,” including performance bonds, escrow agreements and other similar collateral or surety agreements.

PLAT - Means the map of a “subdivision”.

PRELIMINARY PLAT - The preliminary map indicating the proposed layout of the “subdivision” which is submitted to the Borough Clerk for Planning Board consideration and tentative approval and meeting the requirements of Section 97-65 of this ordinance.

SKETCH PLAT - The sketch map of a “subdivision” of sufficient accuracy to be used for the purpose of discussion outlined in sections 97-64.1 and/or 97-64.2 and meeting the requirements of Article VIII of this ordinance.

STREET - Any street, avenue, boulevard, road, land parkway, viaduct, crescent, alley or other way which is an existing State, County or municipal roadway, or a street or way shown upon a “plat” heretofore approved pursuant to law or approved by official action, or a street or way on a “plat” duly filed and recorded in the office of the Clerk of the County of Bergen prior to the appointment of a Planning Board and the grant to such Board of the power to review “plats”, and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, sidewalks, parking areas and other areas within the street lines or present right-of-way.

SUBDIVIDER - Any individual, firm, association, syndicate, copartnership, corporation, trust or any other legal entity commencing proceedings under this ordinance to effect a “subdivision” of land thereunder for himself or another.

SUBDIVISION - The division of a “lot”, tract or parcel of land into two (2) or more “lots”, sites or other divisions of land for the purpose, whether immediate or future, of sale or building development; except that the following divisions shall not be considered “subdivisions”, provided, however, that no new “streets” or roads are involved; divisions of land for agricultural purposes where the resulting parcels are five (5) acres or larger in size; divisions of property by testamentary or intestate provisions, division of property by court order, including but not limited to judgments of foreclosure; consolidation of existing lots by deed or other recorded instrument; and the conveyance of one or more

adjoining lots, tracts or parcels of land, owned by the same person or persons and all of which are found and certified by the administrative officer to conform to the requirements of the municipal development regulations and are shown and designated as separate lots, tracts or parcels on the tax map or atlas of the municipality. The term "subdivision" shall also include the term "resubdivision", and where appropriate to the context, relates to the process of subdividing or to the lands or territory divided.

SUBDIVISION COMMITTEE - A committee of at least three (3) Planning Board members appointed by the Chairman of the Board for the purpose of classifying "subdivisions" in accordance with the provisions of this ordinance, and such other duties relating to the land "subdivision" which may be conferred on this Committee by the Board.

97-64. Procedures

97-64.1. Concept plans for minor and major subdivisions.

A. Any applicant may be placed on the agenda of a regular meeting of the Planning Board for discussion on an informally prepared plat. The purpose will be to review concepts to assist the applicant in the preparation of subsequent plans. Other than classification, no decisions will be made, no hearings held, and no formal action taken on an informal plat.

B. The developer shall file with the administrative officer at least fourteen (14) days prior to the meeting of the Planning Board, fourteen (14) copies of the informal plat, a narrative description of the proposal by the developer, and the applicable fee and escrow amounts. In accordance with the Municipal Land Use Law, the fee charged for informal review shall be credited toward the fee for preliminary review at the time of preliminary submission.

C. The Planning Board shall hear the application at a public meeting and, if appropriate, shall determine whether the application is to be classified as a major or minor development and shall render such additional advice as to the approvals or variances required as a part of the review process. Discussion on the substantive aspects of the application shall not be binding on either the applicant or the approving authority.

97-64.2. Preliminary plats of major subdivisions.

All applications for preliminary major subdivision approval shall comply with the requirements of the relevant checklists for development applications and the regulations of Article 6 of New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-37 through 58.

97-64.3. Improvements or guaranties required prior to final approval, proof of nondelinquency of taxes for local improvements.
(Amended 9-11-73 by Ord. No. 17-73)

A. Before consideration of a final subdivision plat, the subdivider will have installed the improvements required by this ordinance or the Planning Board shall require the posting of an adequate performance guaranty, of which ten (10) percent shall be cash unless waived by the Planning Board, to assure the installation of the required improvements. **(Amended 3-23-93 by Ord. No. 3-93).**

B. No building permits shall be issued until final approval by the Planning Board.

C. As a condition for local Planning Board approval of any subdivision within the municipality, the applicant for such subdivision must submit proof that no taxes or assessments are due or delinquent on property for which any such sub-division application is made.

97-64.4. Final plats of major subdivisions.

A. All applications for final major subdivision approval shall comply with the requirements of the relevant checklists for development applications and the regulations of Article 6 of New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-37 through 58.

B. The final plat shall be accompanied by a statement by the Borough Engineer that he is in receipt of a map showing all utilities in exact location and elevation, identifying those portions already installed and those to be installed, and that the subdivider has complied with one (1) or more of the following:

1. All improvements have been installed in accordance with the requirements of these regulations.

2. A performance guaranty has been posted with the Borough Clerk in sufficient amount as determined by the Borough Engineer to assure the completion of all required improvements.

3. A contract shall be entered into between the developer or subdivider and the Borough of Waldwick. Said contract shall detail specifically all items of public improvements to be performed, the amount of bonds to be furnished and all other items as agreed and stipulated between the developer and sub-divider and the Planning Board of the Borough of Waldwick. Said contract shall be prepared by the Planning Board Attorney and reviewed and signed off by the Borough Attorney. **(Added 3-24-55 by Ord. No. 3-55)**

97-64.5. Schedule of fees and deposits.
97-65.3. Preliminary subdivision plats.

97-64.5. Schedule of fees and deposits.
See Chapter 48:56A-27). (Amended 5-23-96 by Ord. No. 5-96)

97-65. Plat Details

97-65.1. Concept plan for minor subdivisions.

The sketch plat for concept plan review shall be based on tax map information or some other similarly accurate base, at a scale (not less than fifty (50) feet to the inch) to enable the entire tract to be shown on one (1) sheet, and shall show or include the following information:

A. The location of that portion which is to be subdivided in relation to the entire tract.

B. All existing structures and wooded areas on the plat.

C. The name of the owner of all adjoining property as disclosed by the most recent tax records.

D. The tax map sheet, block and lot numbers.

E. Name, license number, signature, seal and address of the land surveyor or engineer who prepared the plat.

97-65.2. Concept plan for major subdivisions.

The sketch plat for concept plan review shall be based on tax map information or some other similarly accurate base, at a scale (not less than one hundred (100) feet to the inch) to enable the entire tract to be shown on one (1) sheet, and shall show or include the following information:

A. The location of that portion which is to be subdivided in relation to the entire tract.

B. All existing structures within the portion to be subdivided and within two hundred (200) feet thereof.

C. The name of the owners and of all adjoining property owners as disclosed by the most recent tax records.

D. The tax map sheet, block and lot numbers.

97-65.3. Preliminary subdivision plats.

The plat shall be designed in compliance with the provisions of Section 97-67 of this ordinance and shall show or be accompanied by the following information:

97-65.3. Preliminary subdivision plats.

A. Scale. The plat plan shall be drawn accurately to scale. The minimum scale shall be not less than one hundred (100) feet to the inch.

B. Data. The tract name, tax map sheet, block and lot number, date, reference meridian, graphic scale and the following names and addresses:

1. Name and address of record owner or owners.
2. Name and address of the subdivider.
3. Name and address of person who prepared the map.

C. Acreage. Acreage of tract to be subdivided to the nearest tenth of an acre.

D. Contours and profiles. Contours to be shown at two-foot intervals for the entire property, based on mean sea level (U.S.G.S.) and not on assumed datum, together with sufficient additional data on elevations at low points and along watercourses. In areas where surface slopes exceed eight percent (8%) contours at five-foot intervals may be acceptable for the preliminary plat. Contours shall be provided to determine the general slope and natural drainage of the land and the high and low points and tentative cross sections and centerline profiles for all proposed new streets.

E. Property lines. The location of existing and proposed property lines, streets, buildings, railroads, bridges, culverts, drainpipes, physical features such as watercourses, brooks, drains, dry runs, springs, water holes, poorly drained or swampy areas and rock outcrops on the tract or on adjacent land, and also outlines of wooded areas.

F. Utilities. Plans of proposed utility layouts (sewers, storm drains, water, gas and electricity), showing feasible connections to existing or any proposed utility system. When an individual water supply or sewerage disposal system is proposed, the plan for such system must be approved by the appropriate local, County or State agency. When a public sewer disposal system is not available, the developer shall have percolation tests or test holes for every one thousand (1,000) square feet and submit the results with the preliminary plat. Any subdivision or part thereof which does not meet the established requirements shall not be approved. Any remedy proposed to overcome such a situation shall first be approved by the appropriate local, County or State health agency.

G. Deed restrictions. A copy of any existing or proposed protective covenants or deed restrictions applying to the land being subdivided shall be submitted with the preliminary plat.

H. Development plan. A map indicating the use of the lots within the subdivision.

97-65.4. Final subdivision plats.

I. Lot areas. A map showing individual lot areas, including:

1. Total lot area.
2. Area that may be measured in accordance with Article XI, Zoning.

97-65.4. Final subdivision plats.

The final subdivision plat shall be drafted at a scale of not less than one (1) inch equals one hundred (100) feet and in compliance with all the provisions of Article 6 of New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-37 through 58. The final plat shall show or be accompanied by the following:

A. Data. Date, name and location of the subdivision, name of the owner and the subdivider; graphic scale and reference meridian.

B. Property lines. Tract boundary lines, right-of-way lines of streets, street names, easements and other rights-of-way; land to be reserved or dedicated to public use, all lot lines and other site lines; with accurate dimensions, bearings or deflections, angles, and radii, arcs and central angles of all curves.

C. Use of land. The purpose of any easement or land reserved or dedicated to public use shall be designated, and the proposed use of sites other than residential shall be noted.

D. Block and lot numbers. Each block shall be numbered in conformance with the Tax Map of the Borough of Waldwick, and the lots within each block shall be numbered as approved by the Assessment Authority or Borough Engineer of the Borough of Waldwick.

E. Setback lines. Minimum building setback line on all lots and other sites indicating the resulting building envelope.

F. Monuments. Location and description of all monuments.

G. Adjoining property ownership. Names and addresses of owners of adjoining land.

H. Engineer’s certification. Certification by engineer or surveyor as to accuracy of details of plat.

I. Owner’s certification. Certification that the applicant is agent or owner of the land or that the owner has given consent under an option agreement.

J. Certification of other approvals. When approval of a plat is required by any officer or body of such a municipality, County or State, approval shall be certified on the plat.

K. Street profiles. Cross sections and profiles of streets, approved by the Borough Engineer, shall be required to accompany the final plat.

L. Grading plan. Grading plan showing existing and final contours at two-foot intervals for the entire property, based on mean sea level (U.S.G.S.) and not on assumed datum, together with sufficient additional data on elevations at low points and along watercourses. In areas where surface slopes exceed eight percent (8%), contours at five-foot intervals may be acceptable.

M. Water and sewer profiles. Plans and profiles of storm and sanitary sewers and water mains.

97-66. Improvements

97-66.1. General provisions.

A. Inspection. All of the following listed improvements shall be subject to inspection and approval by the Borough Engineer, who shall be notified by the developer at least seventy-two (72) hours prior to the start of construction. No underground installation shall be covered until inspected and approved. A deposit to cover the cost of inspection shall be filed as required in section 97-64.6 prior to the start of construction.

B. Installation or performance guaranty.

(1) No final plat shall be approved by the Planning Board until the completion of all such required improvements has been certified to the Planning Board by the Borough Engineer, unless the subdivision owner shall have filed with the Borough a performance guaranty sufficient in amount to cover the cost of all such improvements or uncompleted portions thereof, not to exceed one-hundred twenty percent (120%) of the cost of improvements as certified by the Borough Engineer, and assuring the installation of such incomplete improvements on or before an agreed date.
(2) The performance guaranty shall be approved by the Borough Attorney as to form, sufficiency and execution. Such performance guaranty shall run for a period to be fixed by the Planning Board, but in no case for a term of more than two (2) years. However, with the consent of the owner and the surety, if there be one, the Borough Council may, by resolution, extend the term of such performance guaranty for an additional period not to exceed two (2) years. The amount of the performance guaranty may be reduced by the Borough Council, by resolution, when portions of the required improvements have been installed.
(3) If the required improvements have not been installed in accordance with the performance guaranty, the obligor and surety shall be liable thereon to the Borough for the reasonable cost of the improvements not installed, and upon receipt of the proceeds thereof the Borough shall install such improvements.

C. Maintenance bond. On completion of the improvements, the subdivider is to file with the Borough Clerk a maintenance bond, valid for a period of two (2) years, issued by a corporation surety in an amount to be established by the Borough Engineer, to indemnify the Borough against any loss occasioned by defective workmanship or materials used in construction of said work.

97-66.2. Required improvements for all major subdivisions.
(Amended 3-24-55 by Ord. No. 3-55**)**

Prior to the granting of final approval of all major subdivisions within the Borough of Waldwick, the subdivider shall have installed or shall have furnished performance guaranties for the ultimate installation of the following:

A. Pavement. The subdivider shall construct streets and pavement per the regulations of the Residential Site Improvement Standards (RSIS).

B. Water. The subdivider shall make a supply of municipal water available to each lot within the subdivision. The subdivider shall provide for the installation and maintenance and operation of fire hydrants in locations approved by the Borough. Mains shall be laid according to Chapter 94, Water Supply and all specifications of the New Jersey Residential Site Improvement Standards (RSIS).

C. Drainage. Adequate provision shall be made for water mains, culverts, storm sewers and sanitary sewers, and all such installations shall be properly connected with an approved system and shall be adequate to handle all present and probable future development in accordance with municipal regulations. All stormwater drainage shall meet the requirements of the State of New Jersey Stormwater Management Rules (N.J.A.C. 7:8) and the New Jersey Residential Site Improvement Standards (RSIS).

D. Shade trees.

(1) The subdivider shall provide street trees a minimum of three (3) feet from the sidewalk, the same not closer than fifty (50) feet from trunk to trunk, but at least two (2) such shade trees to be located within the frontage of each lot hereafter platted. The type of trees shall be recommended from the following:

white oak	sweet gum
black oak	sour gum
scarlet oak	honey locust
pin oak	London plane
red oak	

(2) Small or large-leaf lindens, poplar, elm, ash, soft maple or sycamore trees are not recommended.

E. Streetlighting. The subdivider shall provide streetlighting facilities at its expense, including the costs of poles, fixtures and other improvements, unless waived by the Planning Board, and the standards for such lighting shall be approved by the Planning Board.

F. Topsoil protection. No topsoil shall be used as spoil. Topsoil moved during the course of construction shall be redistributed so as to provide at least six (6) inches of cover to all areas of the subdivision and shall be stabilized by seeding or planting.

G. Sidewalks. The subdivider shall construct all sidewalks to meet the regulations of the New Jersey Residential Site Improvement Standards (RSIS).

H. Curbs. The subdivider shall construct concrete curbs on each side of the required pavement strip. Said curbs shall meet the specifications of the New Jersey Residential Site Improvement Standards (RSIS).

97-67. General Provisions

97-67.1. Master Plan.

All subdivisions shall conform whenever possible to the proposals and conditions of the Master Plan where adopted.

97-67.2. Streets.

All streets shall conform in widths, directions and alignments with the Official Map and Master Plan, and shall connect with streets shown thereon with the minimum of jogs and sharp angles. All streets shall comply with the requirements of the New Jersey Residential Site Improvement Standards (RSIS).

97-67.3. Reserve strips.

No subdivision showing reserve strips controlling access to street shall be approved.

97-67.4. Street grades.

All street grades shall comply with the requirements of the New Jersey Residential Site Improvement Standards (RSIS).

97-67.5. Monuments.

To be of the size and shape required by Section 4 of Chapter 358 of the Laws of 1953, and shall be placed in accordance with said statute.

97-67.6. Acute-angle intersections.
97-67.13. Lots.

97-67.6. Acute-angle intersections.

Street intersections shall be as nearly at right angles as is possible. All street intersections shall comply with the requirements of the New Jersey Residential Site Improvement Standards (RSIS).

97-67.7. Street jogs.

Street jogs with center-line offsets of less than one hundred twenty-five (125) feet shall be prohibited.

97-67.8. Reverse curves.

All reverse curves shall comply with the requirements of the New Jersey Residential Site Improvement Standards (RSIS).

97-67.9. Dead-end streets. (Amended 3-24-55 by Ord. No. 3-55)

Dead-end streets should not exceed nine hundred (900) feet in length. There should be a turnaround roadway with a minimum outside radius of fifty (50) feet at the closed end.

97-67.10. Street names.

No name applied to any street shall duplicate or so nearly resemble the name of any existing street within the Borough as to cause confusion. In the case of a direct extension of an existing street, the same name shall be used unless the Board shall otherwise direct. The Borough shall have the right of first refusal for any proposed street name.

97-67.11. Block length.

No block should exceed one thousand (1,000) feet in length.

97-67.12. Suitability. (Amended 3-24-55 by Ord. No. 3-55)

Where there is a question as to the suitability of a lot or lots for their intended use due to factors such as rock formations, flood conditions or similar circumstances, the Planning Board may, after adequate investigation, withhold approval of such lots.

97-67.13. Lots.

A. Area. Lot dimensions and area shall not be less than the minimum lot size and area requirements of Chapter 97, the Borough of Waldwick Zoning, Land Use and Development Code.

B. Lines. Insofar as is practical, side lot lines shall be at right angles to straight streets and radial to curved streets.

C. Street width. Each lot must front upon an approved street designed to the specifications of the New Jersey Residential Site Improvements Standards (RSIS).

97-67.14. Sale or conveyance of land in unapproved subdivision.

No owner or agent of the owner shall sell, transfer or convey any lot or parcel of land which forms part of a subdivision by reference to, exhibition of or by use of a plan, chart or plat before the same has been approved and filed of record in the manner prescribed herein. The description of such lot or parcel by metes and bounds in the instrument of sale, transfer or conveyance shall not exempt the transaction from the provisions of this ordinance.

97-67.15. Revision of plat after approval.

No changes, erasures, modifications or revisions shall be made in any plat after approval has been given by the Planning Board and endorsed in writing thereon, unless said plat is first resubmitted to the Planning Board for approval.

97-67.16. Business and industrial subdivisions. (Amended 3-24-55 by Ord. No. 3-55.

Where land is to be subdivided and used for a use permitted in a business or industrial zone, the subdivider shall meet the requirements of section 97-66.2.A through H.

97-67.17. Department of Environmental Protection approval.

Evidence must be furnished by subdivider that the New Jersey Department of Environmental Protection has given its approval on any structures or work to be done on any stream under its jurisdiction.

97-67.18. Easement agreements.

Easement agreements shall be submitted to the Board covering all surface or subsurface structures for storm or sanitary sewers and other utilities through adjacent lands and off-site roads or other highways.

97-67.19. Specifications and standards.

All construction on, in or under streets which it is proposed to dedicate to the Borough offices who may be appointed for that purpose, and shall be in accordance with Borough specifications and standards.

97-67.20. Multifamily Recycling Area.
Added 3-22-94 as Ord. No. 4-94)

There shall be included in any new multifamily housing development that requires subdivision approval an indoor or outdoor recycling area for the collection and storage of residential-generated recyclable materials. The dimensions of the recycling area shall be sufficient to accommodate recycling bins or containers which are of adequate size and number, and which are consistent with anticipated usage and with current methods of collection in the area in which the project is located. The dimensions of the recycling area and the bins or containers shall be determined in consultation with the municipal recycling coordinator, and shall be consistent with the district recycling plan adopted pursuant to section 3 of P.L. 1987, c. 102 (N.J.S.A. 13:1E-99.13) and any applicable requirements of the municipal master plan, adopted pursuant to section 26 of P.L. 1987, c. 102.

A. As used in this article:

1. "Multifamily housing development" means a building containing three or more dwelling units occupied or intended to be occupied by persons living independently of each other, or a group of such buildings;

2. "Recycling area" means space allocated for collection and storage of source separated recyclable materials.

B. The recycling area shall be conveniently located for the residential disposition of source separated recyclable materials, preferably near, but clearly separated from, a refuse dumpster.

C. The recycling area shall be well lit, and shall be safely and easily accessible by recycling personnel and vehicles. Collection vehicles shall be able to access the recycling area without interference from parked cars or other obstacles. Reasonable measures shall be taken to protect the recycling area, and the bins or containers placed therein, against theft of recyclable materials, bins or containers.

D. The recycling area or the bins or containers placed therein shall be designed so as to provide protection against adverse environmental conditions which might render the collected materials unmarketable. Any bins or containers which are used for the collection of recyclable paper or cardboard, and which are located in an outdoor recycling area, shall be equipped with a lid, or otherwise covered, so as to keep the paper or cardboard dry.

E. Signs clearly identifying the recycling area and the materials accepted therein shall be posted adjacent to all points or access to the recycling area.

Individual bins or containers shall be equipped with signs indicating the materials to be placed therein.

F. Landscaping and/or fencing shall be provided around any outdoor recycling area.

97-68. Enforcement

97-68.1. Violations and penalties; civil actions.

A. If, before final approval has been obtained, any person transfers or sells or agrees to sell, as owner or agent, any land which forms a part of a subdivision on which, by ordinance, the Planning Board is required to act, such person shall be subject to a fine not to exceed two hundred dollars ($200.) or to imprisonment for not more than thirty (30) days, and each parcel, plot or lot so disposed of shall be deemed a separate violation.

B. In addition to the foregoing, if the streets in the subdivisions are not such that a structure on said land in the subdivision would meet requirements for a building permit under Section 3 of the Official Map and Building Permit Act (1953), the municipality may institute and maintain a civil action:

(1) For injunctive relief.

(2) To set aside and invalidate any conveyance made pursuant to such contract or sale if a certificate of compliance has not been issued in accordance with Section 24 of Chapter 433 of the Laws of 1953, but only if the municipality has a Planning Board or a committee thereof with power to act and which:

(a) Meets regularly on a monthly or more frequent basis, and

(b) Whose governing body has adopted standards and procedures in accordance with Section 20 of Chapter 433 of the Laws of 1953.

97-69. Administration

97-69.1. Application or provisions; variances.

These rules, regulations and standards shall be considered the minimum requirements for the protection of the public health, safety and welfare of the citizens of the Borough of Waldwick. Any action taken by the Planning Board under the terms of this ordinance shall give primary consideration to the above mentioned matters and to the welfare of the entire community. However, if the subdivider or his/her agent can clearly demonstrate that by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or by reason of an extraordinary and

97-69.2. Withholding of business permits and certificates of occupancy.

exceptional situation uniquely affecting a specific piece of property, the strict application would result in peculiar and exceptional practical difficulties to, or exceptional undue hardship upon the developer of such property; and where in an application or appeal relating to a specific piece of property the purposes of this act would be advanced by deviation from the land use and development code requirements and the benefits of the deviation would substantially outweigh any detriment, the Planning Board may permit such variance or variances as may be reasonable and within the general purpose and intent of the rules, regulations and standards established by this ordinance. In making its findings, as required hereinbelow, the Planning Board shall take into account the nature of the proposed use or the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. No variance shall be granted unless the Planning Board finds that:

A. There are special circumstances or conditions affecting said property such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of his/her land.

B. The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant.

C. The granting of the variance will not be detrimental to the public welfare and quality of life or injurious to property in the area in which said property is situated.

97-69.2. Withholding of business permits and certificates of occupancy.

A. Wherever connections to public water supply mains and to a public sewer system are not available on any lot shown on an approved plat, no building permit for any structure involving or intending to involve human occupancy shall be issued unless and until the Board of Health has certified that proper sanitary facilities can be constructed and maintained, and further that no certificate of occupancy indicating conformity with the Land Use and Development Code and other municipal ordinances shall be issued except where actual connections to a public water main and public sanitary sewer are installed and ready for use, until the local Board of Health has certified that the individual sewage disposal system and private source of water supply has been constructed in a proper manner, is adequate in capacity for the purpose and is ready for service. A penalty for failure to conform should be provided.

B. Supervision required. The Planning Board or the Board of Health, either or both, shall require that before acceptance of the final plat or final site plan for any major subdivision, the applicant and his/her assigns agree in writing to furnish at his/her own expense acceptable qualified supervision to insure completion of the project in accordance with the plans in respect to all

97-69.2. Withholding of business permits and certificates of occupancy.

facilities, grading elevations, house locations, location and installation of individual sewage disposal facilities as location construction and elevations and any private sources of water supply, or that said owner or his/her agents agree to pay on the basis of a monthly bill the cost of supervision by an engineer or other qualified person approved by the Planning Board and the Board of Health and not in the employ of the said owner.

C. The Planning Board reserves the right to require the construction of sanitary sewers, manholes and house connections even though at the time it may not be feasible to connect to any trunk sewers, in which case individual sewage disposal facilities conforming to the requirements of the Board of Health shall also be installed.

D. Conformity with site plan. Wherever a site plan is filed with the Planning Board prior to approval of a final plat, the applicant, for himself and his/her assigns, must agree in writing to follow that plan in all details unless all bodies or agencies who has approved the original plan will approve in writing an amended plan.

97-70. Site plan approval required. (Amended 7-6-93 by Ord. No. 14-93)
97-73. Compliance with other laws and ordinances.

ARTICLE IX
Site Plan Review

97-70. Site plan approval required. (Amended 7-6-93 by Ord. No. 14-93)

Except as provided in Section 97-71 and Section 97-72 below, no person shall construct a new building, add to an existing building or make any alteration to any building or part thereof, or permit or participate in a change in occupancy of an existing building or part thereof, or alter, increase or reduce parking facilities or vehicular or pedestrian ways or areas or landscaping, or make any other change in the layout, design or plan of any premises, not shall any building permit or certificate of occupancy therefor be issued until a site plan therefor shall first have been approved by the Planning Board, or, where applicable, the Board of Adjustment.

97-71. Site plan approval not required (Amended 4-8-97 by Ord. No. 9-97)

A. Site plan approval shall not be required for construction or alteration of a detached lawful single one-family or two-family dwelling unit or any lawful accessory use thereto, provided that the same are not part of an attached housing, multiple-dwelling, planned unit development or development involving the construction of more than one single family or more than one two-family dwelling unit.

B. Site plan approval shall not be required for any interior construction or interior alteration of any building provided that it:

1. Does not involve the construction of a new building or the extension of an existing building, or an increase in the total square footage of the building.
2. Does not require additional parking.
3. Does not affect existing parking facilities, vehicular or pedestrian circulation, drainage, relationship of buildings to each other, buffering, landscaping, or lighting.

97-72. Waiver of requirements. (Amended 7-6-93 by Ord. No. 14-93)

The Planning Board may waive some or all of the procedural requirements for site plan approval required for a change of occupancy, by expressly making specific findings that the proposed change of occupancy;

A. Does not involve the construction of a new building or the extension of an existing building;
B. Does not require additional parking;

97-73. Compliance with other laws and ordinances.
97-78. Compliance with conditions.

C. Does not affect existing parking facilities, vehicular or pedestrian circulation, drainage, relationship of buildings to each other, buffering, landscaping, or lighting.

97-73. Compliance with other laws and ordinances.

Any proposed structure or development shall comply with all of the ordinances of the Borough of Waldwick as well as the applicable laws and regulations of any other governmental agencies having jurisdiction thereof. Site plan approval of the Planning Board under the provisions of this section shall not be deemed to be a waiver of the requirements of any other ordinances, laws or regulations.

97-74. Guaranties.

As a condition of final site plan approval, the Planning Board may require, in accordance with Section 41 of the Municipal Land Use Law (N.J.S.A. 40:55D-53), the furnishing of guaranties for the purpose of ensuring the installation and maintenance of improvements upon which such approval is conditioned. A contract may be entered into between the developer and the Borough of Waldwick. Said contract shall detail specifically all items of public improvements to be performed, the amount of bonds to be furnished and all other items as agreed and stipulated between the developer and the Planning Board of the Borough of Waldwick. Said contract shall be prepared by the Planning Board Attorney and reviewed and signed off by the Borough Attorney.

97-75. Referral to other agencies.

In addition to any referral required by law, the Planning Board may refer site plan proposals to other local, county, state, federal, private or semipublic agencies for review and advice in their particular fields of expertise.

97-76. Approval duration.

Unless a building permit is obtained within twenty-four (24) months of the date of final site plan approval, said approval shall become void.

97-77. Temporary certificate of occupancy.

The Planning Board may recommend the issuance of a temporary certificate of occupancy, for a period not to exceed a maximum of one hundred eighty (180) days, if, in its opinion, the delay in meeting the requirements of site plan approval is in the best interest of the community, or the delay was caused by factors beyond the control of the developer, or if the delay will impose a severe hardship on the developer. Authorization of the issuance of a temporary certificate of occupancy may be conditioned upon the furnishing of guaranties in accordance with section 97-74 above.

97-78. Compliance with conditions.
97-83. Contents of site plan.

97-78. Compliance with conditions.

Prior to the issuance of a permanent certificate of occupancy or the release of any guaranties furnished by the developer, the developer shall certify that the development has been completed in strict accordance with the approved site plan; or, in lieu of certification in such form, when conditions have been encountered during actual construction which have necessitated minor deviation from the site plan as approved, and which deviations do not substantially alter the character of the development and are not of the type which would require approval of an amended site plan, the developer shall furnish an as-built plan.

97-79. Revocation of permit.

In the event of failure to comply or to continue compliance with any condition of site plan approval, the Building Inspector shall revoke the building permit or certificate of occupancy, as the case may be, and seek to enjoin the violation or shall take such steps looking to the enforcement of any condition as may be lawful.

97-80. Procedures for review.

The procedures for site plan review concerning the application, notices, conduct of hearings, decisions, appeals, etc. shall be as set forth in the Municipal Land Use Law of the State of New Jersey as supplemented by the Land Use and Development Code of the Borough of Waldwick and rules and regulations of the Waldwick Planning Board adopted in accordance therewith.

97-81. Fees and deposits. (See Chapter 48:56A-27)

97-82. Improvements required.

As a condition to approving a site plan, the Planning Board may require construction or installation of improvements as are reasonably calculated to promote the purposes of this ordinance in accordance with the performance and design standards set forth herein and with due regard to the interest of the public as well as the rights of the developer. In accordance with the provisions of Section 30 of the Municipal Land Use Law (N.J.S.A. 40:55D-42), the Planning Board may require a developer to pay a pro rata share of the cost of providing reasonable and necessary off-tract street improvements and water and drainage facilities and easements therefore, which improvements are necessitated by the proposed development.

97-83. Contents of site plan.

The site plan shall be prepared with a scale of not less than one (1) inch equals fifty (50) feet and shall show or have annexed thereto the following:

97-83. Contents of site plan.
97-83. Contents of site plan.

A. A key map showing the entire site development and its relationship to the surrounding area.

B. The name of the development, tax lot and block numbers for the site as well as adjacent properties, date, north arrow and scale.

C. The name and address of the applicant and the owner, and the name, address, title, license number and seal of the person preparing the plan, maps and accompanying data.

D. The zone district in which the site is located, including zone boundary lines within two hundred (200) feet of the site

E. The existing property lines and building setback lines; all existing and proposed buildings and structures and their uses, with an indication of whether the existing structures will be retained or removed; and fences or other buffer areas with proposed landscaping details.

F. All existing and proposed streets or roads within or abutting the proposed site development with the right-of-way widths clearly indicated and the distance to the nearest street intersection.

G. Topography showing existing and propose contours at five-foot intervals for slopes averaging five percent (5%) or greater and at two foot intervals for land of lesser slope. A reference bench mark shall be clearly designated.

H. All existing and proposed curbs, sidewalks, driveways, parking areas and loading areas on the site in question and within one hundred (100) feet of said site when they relate directly to the proposed development. The total number and size of parking spaces shall be noted as well as specifications for surfacing materials.

I. All existing and proposed signs and their size, nature of construction and location; and all existing and proposed exterior lighting, including size, nature of construction, location, height, area and direction of illumination and lumen power.

J. The location, size and type of all existing and proposed rights-of-way, easements, street encumbrance lines and other encumbrances which may affect the site in question, and the location and description of any lands to be dedicated for public use.

K. Any contiguous lots owned by the applicant or in which the applicant has a direct or indirect interest.

L. All existing physical features, including streams, watercourses, existing trees greater than four (4) inches in caliper measured six (6) feet above the ground level, and significant soil conditions such as swamp or rock.

M. Details of all existing and proposed sanitary sewerage facilities, storm drain systems, and public gas, electric, water, and other utilities above or below the ground, including but not limited to storage tanks, wells, and septic systems.

N. Any other information as may be necessary to determine compliance with the provisions of all applicable ordinances.

O. An appropriate place for approval signature of the Chairman of the Waldwick Planning Board and other necessary signatures of Borough officials.

P. A written description of the proposed use of the building(s), including the number of employees or members of nonresidential buildings; the proposed number of shifts to be worked and the maximum number of employees on each shift; the anticipated demands on municipal services; the expected truck and tractor trailer traffic; emission of noise, odors, glare and air and water pollution; safety hazards; and anticipated expansion plans incorporated in the building design. Such data shall be sufficient to establish conformity with industrial performance standards as set forth in the Land Use and Development Code.

97-84. Building Elevation.

A. Any applicant for site plan approval in which the construction of principal and/or accessory structure(s) are proposed shall submit a building elevation prepared by a New Jersey licensed architect at a scale no greater than 1/8 inch equals one foot. Said elevation shall be provided for all four sides of the proposed structure(s). The applicant may also provide a rendering of the proposed structure(s) or by request of the Planning Board.

97-85. Performance standards.

In reviewing any site plan, the Planning Board shall consider the following:

A. Pedestrian and vehicular traffic movement within and adjacent to the site, with particular emphasis on the provision and layout of parking areas; off-street loading and unloading; and movement of people, goods, and vehicles from access roads within the site and between buildings and vehicles.

B. The Planning Board shall ensure that all parking spaces are usable and are safely and conveniently arranged. Access to the site from adjacent roads shall be designed so as to interfere as little as possible with traffic flow on these roads and to permit vehicles a rapid and safe ingress and egress to and from the site.

97-86. Design standards.

C. The design and layout of buildings and parking areas shall be reviewed so as to provide an aesthetically pleasing design and efficient arrangement. Particular attention shall be given to safety and fire protection impact on surrounding development and contiguous and adjacent buildings and lands.

D. Adequate lighting shall be provided to ensure safe movement of persons and vehicles and for security purposes. Lighting standards shall be a type approved by the Planning Board. Directional lights shall be arranged so as to minimize glare and reflection on adjacent properties.

E. Buffering shall be located around the perimeter of the site to minimize headlight glare from vehicles, noise, light from structures and the movement of people and vehicles, and to shield activities from adjacent properties when necessary. Buffering may consist of fencing, evergreens, shrubs, bushes, deciduous trees or combinations thereof to achieve the stated objectives.

F. Landscaping shall be provided as part of the overall site plan design and integrated into building arrangements, topography and parking and buffering requirements. Landscaping shall include trees, bushes, shrubs, ground cover, perennials, annuals, plants, sculpture, art and the use of building and paving material in an imaginative manner.

G. Signs shall be designed so as to be aesthetically pleasing and harmonious with other signs on the site, and located so as to achieve their purposes without constituting hazards to vehicles and pedestrians.

H. Storm drainage, sanitary waste disposal, water supply and garbage disposal shall be reviewed and considered. Particular emphasis shall be given to the adequacy of existing systems and the need for improvements, both on-site and off-site, to adequately carry runoff and sewage and to maintain an adequate supply of water at sufficient pressure.

I. Garbage disposal shall be reviewed to ensure frequent collection, vermin and rodent protection, and aesthetic considerations. All systems shall meet municipal specifications as to installation and construction.

J. Environmental elements relating to soil erosion, preservation of trees, protection of watercourses and resources, noise, topography, soil and animal life shall be reviewed, and the design of the plan shall minimize any adverse impact on these elements.

97-86. Design standards.

A. The requirements contained in the Land Use and Development Code as they relate to circulation, parking, performance standards, location of structures, setbacks, yards, bulk, height and coverage shall apply to site plan approval.

B. The design criteria established in Article VIII, Subdivision of Land, shall apply, where appropriate, to site plan approval.

97-87. Multifamily Recycling Area.
(Added 3-22-94 by Ord. No. 4-94)

There shall be included in any new multifamily housing development that requires site plan approval an indoor or outdoor recycling area for the collection and storage of residential-generated recyclable materials. This area shall comply with the regulations in Section 97-67.20.

97-88. Scope and Purpose

A. Policy Statement

Flood control, groundwater recharge, and pollutant reduction through nonstructural or low impact techniques shall be explored before relying on structural best management practices (BMPs). Structural BMPs should be integrated with nonstructural stormwater management strategies and proper maintenance plans. Nonstructural strategies include both environmentally sensitive site design and source controls that prevent pollutants from being placed on the site or from being exposed to stormwater. Source control plans should be developed based upon physical site conditions and the origin, nature, and the anticipated quantity or amount of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for water quality, quantity, and groundwater recharge.

B. Purpose

It is the purpose of this ordinance to establish minimum stormwater management requirements and controls for “major development,” as defined in Section 97-89.

C. Applicability

1. This ordinance shall be applicable to all site plans and subdivisions for the following major developments that require preliminary or final site plan or subdivision review:

a. Non-residential major developments; and aspects of residential major developments that are not pre-empted by the Residential Site Improvement Standards at N.J.A.C. 5:21.

2. This ordinance shall also be applicable to all major developments undertaken by the Borough of Waldwick.

D. Compatibility with Other Permit and Ordinance Requirements

Development approvals issued for subdivisions and site plans pursuant to this ordinance are to be considered an integral part of development approvals under

97-89. Definitions

the subdivision and site plan review process and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. This ordinance is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

97-89. Definitions

A. Unless specifically defined below, words or phrases used in this article shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application. The definitions below are the same as or based on the corresponding definitions in the Stormwater Management Rules at N.J.A.C. 7:8-1.2.

"Agricultural Development" means land uses normally associated with the production of food, fiber and livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacturing of agriculturally related products.

"Compaction" means the increase in soil bulk density.

"Core" means a pedestrian-oriented area of commercial and civic uses serving the surrounding municipality, generally including housing and access to public transportation.

"Designated Center" means a State Development and Redevelopment Plan Center as designated by the State Planning Commission such as urban, regional, town, village, or hamlet.

"Design engineer" means a person professionally qualified and duly licensed in New Jersey to perform engineering services that may include, but not necessarily be limited to, development of project requirements, creation and development of project design and preparation of drawings and specifications.

"Development" means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or structure, any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, by any person, for which permission is required under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. In the case of development of agricultural lands, development means: any activity that requires a State permit; any activity reviewed by the County Agricultural Board (CAB) and the State Agricultural Development Committee (SADC),

97-89. Definitions

and municipal review of any activity not exempted by the Right to Farm Act , N.J.S.A 4:1C-1 et seq.

"Drainage area" means a geographic area within which stormwater, sediments, or dissolved materials drain to a particular receiving waterbody or to a particular point along a receiving waterbody.

"Environmentally critical areas" means an area or feature which is of significant environmental value, including but not limited to: stream corridors; natural heritage priority sites; habitat of endangered or threatened species; large areas of contiguous open space or upland forest; steep slopes; and well head protection and groundwater recharge areas. Habitats of endangered or threatened species are identified using the Department's Landscape Project as approved by the Department's Endangered and Nongame Species Program.

"Empowerment Neighborhood" means a neighborhood designated by the Urban Coordinating Council "in consultation and conjunction with" the New Jersey Redevelopment Authority pursuant to N.J.S.A 55:19-69.

"Erosion" means the detachment and movement of soil or rock fragments by water, wind, ice or gravity.

"Impervious surface" means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

"Infiltration" is the process by which water seeps into the soil from precipitation.

"Major development" means any "development" that provides for ultimately disturbing one or more acres of land. Disturbance for the purpose of this rule is the placement of impervious surface or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation.

"Municipality" means any city, borough, town, township, or village.

"Node" means an area designated by the State Planning Commission concentrating facilities and activities, which are not organized in a compact form.

"Nutrient" means a chemical element or compound, such as nitrogen or phosphorus, which is essential to and promotes the development of organisms.

"Person" means any individual, corporation, company, partnership, firm, association, Borough of Waldwick or political subdivision of this State subject to municipal jurisdiction pursuant to the Municipal Land Use Law , N.J.S.A. 40:55D-1 et seq.

"Pollutant" means any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, refuse, oil, grease, sewage sludge, munitions, chemical wastes, biological materials, medical wastes, radioactive substance (except those regulated under the Atomic

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Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.), thermal waste, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal, agricultural, and construction waste or runoff, or other residue discharged directly or indirectly to the land, ground waters or surface waters of the State, or to a domestic treatment works. “Pollutant” includes both hazardous and nonhazardous pollutants.

“Recharge” means the amount of water from precipitation that infiltrates into the ground and is not evapotranspired.

“Review Agency” means an agency designated by the County Board of Chosen Freeholders to review municipal stormwater management plans and implementing ordinance(s). The review agency may either be:

A county planning agency; or

A county water resource association created under N.J.S.A 58:16A-55.5, if the ordinance or resolution delegates authority to approve, conditionally approve, or disapprove municipal stormwater management plans and implementing ordinances.

“Sediment” means solid material, mineral or organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water or gravity as a product of erosion.

“Site” means the lot or lots upon which a major development is to occur or has occurred.

“Soil” means all unconsolidated mineral and organic material of any origin.

“Solid and Floatable Materials” means sediment, debris, trash and other floating, suspended, or settleable solids.

“Source Materials” means any material(s) or machinery, located at an industrial facility, that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.

“State Development and Redevelopment Plan Metropolitan Planning Area (PA1)” means an area delineated on the State Plan Policy Map and adopted by the State Planning Commission that is intended to be the focus for much of the state’s future redevelopment and revitalization efforts.

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"State Plan Policy Map" is defined as the geographic application of the State Development and Redevelopment Plan's goals and statewide policies, and the official map of these goals and policies.

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

"Stormwater runoff" means water flow on the surface of the ground or in storm sewers, resulting from precipitation.

"Stormwater management basin" means an excavation or embankment and related areas designed to retain stormwater runoff. A stormwater management basin may either be normally dry (that is, a detention basin or infiltration basin), retain water in a permanent pool (a retention basin), or be planted mainly with wetland vegetation (most constructed stormwater wetlands).

"Stormwater management measure" means any structural or nonstructural strategy, practice, technology, process, program, or other method intended to control or reduce stormwater runoff and associated pollutants, or to induce or control the infiltration or groundwater recharge of stormwater or to eliminate illicit or illegal non-stormwater discharges into stormwater conveyances.

"Tidal Flood Hazard Area" means a flood hazard area, which may be influenced by stormwater runoff from inland areas, but which is primarily caused by the Atlantic Ocean.

"Urban Coordinating Council Empowerment Neighborhood" means a neighborhood given priority access to State resources through the New Jersey Redevelopment Authority.

"Urban Enterprise Zones" means a zone designated by the New Jersey Enterprise Zone Authority pursuant to the New Jersey Urban Enterprise Zones Act, N.J.S.A. 52:27H-60 et. seq.

"Urban Redevelopment Area" is defined as previously developed portions of areas:

1. Delineated on the State Plan Policy Map (SPPM) as the Metropolitan Planning Area (PA1), Designated Centers, Cores or Nodes;
2. Designated as CAFRA Centers, Cores or Nodes;
3. Designated as Urban Enterprise Zones; and
4. Designated as Urban Coordinating Council Empowerment Neighborhoods.

"Waters of the State" means the ocean and its estuaries, all springs, streams, wetlands, 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.

"Wetlands" or "wetland" means an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

97-90. General Standards

A. Design and Performance Standards for Stormwater Management Measures

1. Stormwater management measures for major development shall be developed to meet the erosion control, groundwater recharge, stormwater runoff quantity, and stormwater runoff quality standards in Section 97-91. To the maximum extent practicable, these standards shall be met by incorporating nonstructural stormwater management strategies into the design. If these strategies alone are not sufficient to meet these standards, structural stormwater management measures necessary to meet these standards shall be incorporated into the design.

The standards in this ordinance apply only to new major development and are intended to minimize the impact of stormwater runoff on water quality and water quantity in receiving water bodies and maintain groundwater recharge. The standards do not apply to new major development to the extent that alternative design and performance standards are applicable under a regional stormwater management plan or Water Quality Management Plan adopted in accordance with Department rules.

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A. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with Section 97-97.

B. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department' Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlnebergi* (bog turtle).

C. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements of Sections 97-91F and 97-91G:

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1. The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;

2. The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and

3. The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is made of permeable material.

D. A waiver from strict compliance from the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements of Sections 97-91F and 97-91.G may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:

1. The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;

2. The applicant demonstrates through an alternatives analysis, that through the use of nonstructural and structural stormwater management strategies and measures, the option selected complies with the requirements of Sections 97-91F and 97-91G to the maximum extent practicable;

3. The applicant demonstrates that, in order to meet the requirements of Sections 97-91F and 97-91G, existing structures currently in use, such as homes and buildings, would need to be condemned; and

4. The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under D.3 above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of Sections 97-91F and 97-91G that were not achievable on-site.

E. Nonstructural Stormwater Management Strategies

1. To the maximum extent practicable, the standards in Sections 97-91F and 97-91G shall be met by incorporating nonstructural stormwater management strategies set forth at Section 97-91E to the design. The applicant shall identify the nonstructural measures incorporated into the design of the project. If the applicant contends that it is not feasible for engineering, environmental, or safety reasons to incorporate any nonstructural stormwater management strategies identified in 97-91E.2 below into the design of a particular project, the applicant shall identify the strategy considered and provide a basis for the contention.

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2. Nonstructural stormwater management strategies incorporated into site design shall:

    a. Protect areas that provide water quality benefits or areas particularly susceptible to erosion and sediment loss;

    b. Minimize impervious surfaces and break up or disconnect the flow of runoff over impervious surfaces;

    c. Maximize the protection of natural drainage features and vegetation;

    d. Minimize the decrease in the "time of concentration" from pre-construction to post construction. "Time of concentration" is defined as the time it takes for runoff to travel from the hydraulically most distant point of the watershed to the point of interest within a watershed;

    e. Minimize land disturbance including clearing and grading;

    f. Minimize soil compaction;

    g. Provide low-maintenance landscaping that encourages retention and planting of native vegetation and minimizes the use of lawns, fertilizers and pesticides;

    h. Provide vegetated open-channel conveyance systems discharging into and through stable vegetated areas;

    i. Provide other source controls to prevent or minimize the use or exposure of pollutants at the site, in order to prevent or minimize the release of those pollutants into stormwater runoff. Such source controls include, but are not limited to:

        (1) Site design features that help to prevent accumulation of trash and debris in drainage systems, including features that satisfy Section 97-91E.3 below;

        (2) Site design features that help to prevent discharge of trash and debris from drainage systems;

        (3) Site design features that help to prevent and/or contain spills or other harmful accumulations of pollutants at industrial or commercial developments; and

        (4) When establishing vegetation after land disturbance, applying fertilizer in accordance with the requirements established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules.

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3. Site design features identified under Section 97-91E.2.i(2) above shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For exemptions to this standard see Section 97-91E.3.c below.

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

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

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

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

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

   c. This standard does not apply:

      (1) Where the review agency determines that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;

      (2) Where flows from the water quality design storm as specified in Section 97-91G.1 are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood)

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that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:

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

(b) A bar screen having a bar spacing of 0.5 inches.

(3) Where flows are conveyed through a trash rack that has parallel bars with one-inch (1") spacing between the bars, to the elevation of the water quality design storm as specified in Section 97-91G.1; or

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

4. Any land area used as a nonstructural stormwater management measure to meet the performance standards in Sections 97-91F and 97-91G shall be dedicated to a government agency, subjected to a conservation restriction filed with the Bergen County Clerk's office, or subject to an approved equivalent restriction that ensures that measure or an equivalent stormwater management measure approved by the reviewing agency is maintained in perpetuity.

5. Guidance for nonstructural stormwater management strategies is available in the New Jersey Stormwater Best Management Practices Manual. The BMP Manual may be obtained from the address identified in Section 97-94A, or found on the Department's website at www.njstormwater.org.

F. Erosion Control, Groundwater Recharge and Runoff Quantity Standards

1. This subsection contains minimum design and performance standards to control erosion, encourage and control infiltration and groundwater recharge, and control stormwater runoff quantity impacts of major development.

a. The minimum design and performance standards for erosion control are those established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq. and implementing rules.

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b. The minimum design and performance standards for groundwater recharge are as follows:

c. The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at Section 97-92, either:

(a) Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100 percent of the average annual pre-construction groundwater recharge volume for the site; or

(b) Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the 2-year storm is infiltrated.

2. This groundwater recharge requirement does not apply to projects within the “urban redevelopment area,” or to projects subject to (3) below.

3. The following types of stormwater shall not be recharged:

a. Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than “reportable quantities” as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department approved remedial action work plan or landfill closure plan and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and

b. Industrial stormwater exposed to “source material.”

4. The design engineer shall assess the hydraulic impact on the groundwater table and design the site so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high water table so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems and other subsurface structures in the vicinity or downgradient of the groundwater recharge area.

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a. In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at Section 97-92, complete one of the following:

(1) Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the two, 10, and 100-year storm events do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;

(2) Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the two, 10, and 100-year storm events and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;

(3) Design stormwater management measures so that the post-construction peak runoff rates for the 2, 10 and 100 year storm events are 50, 75 and 80 percent, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed. The percentages shall not be applied to post-construction stormwater runoff into tidal flood hazard areas if the increased volume of stormwater runoff will not increase flood damages below the point of discharge; or

(4) In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with (1), (2) and (3) above shall only be applied if the increased volume of stormwater runoff could increase flood damages below the point of discharge.

(5) Any application for a new “agricultural development” that meets the definition of major development at Section 97-89 shall be submitted to the appropriate Soil Conservation District for review and approval in

97-91. Stormwater Management Requirements for Major Development

accordance with the requirements of this section and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control.

G. Stormwater Runoff Quality Standards

1. Stormwater management measures shall be designed to reduce the post-construction load of total suspended solids (TSS) in stormwater runoff by 80 percent of the anticipated load from the developed site, expressed as an annual average. Stormwater management measures shall only be required for water quality control if an additional 1/4 acre of impervious surface is being proposed on a development site. The requirement to reduce TSS does not apply to any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the New Jersey Pollution Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDES permit from this requirement. The water quality design storm is 1.25 inches of rainfall in two hours. Water quality calculations shall take into account the distribution of rain from the water quality design storm, as reflected in Table 1. The calculation of the volume of runoff may take into account the implementation of non-structural and structural stormwater management measures.

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Table 1: Water Quality Design Storm Distribution

Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)
0	0.0000	65	0.8917
5	0.0083	70	0.9917
10	0.0166	75	1.0500
15	0.0250	80	1.0840
20	0.0500	85	1.1170
25	0.0750	90	1.1500
30	0.1000	95	1.1750
35	0.1330	100	1.2000
40	0.1660	105	1.2250
45	0.2000	110	1.2334
50	0.2583	115	1.2417
55	0.3583	120	1.2500
60	0.6250		

2. For purposes of TSS reduction calculations, Table 2 below presents the presumed removal rates for certain BMPs designed in accordance with the New Jersey Stormwater Best Management Practices Manual. The BMP Manual may be obtained from the address identified in Section 97-94, or found on the Department's website at www.njstormwater.org. The BMP Manual and other sources of technical guidance are listed in 97-94. TSS reduction shall be calculated based on the removal rates for the BMPs in Table 2 below. Alternative removal rates and methods of calculating removal rates may be used if the design engineer provides documentation demonstrating the capability of these alternative rates and methods to the review agency. A copy of any approved alternative rate or method of calculating the removal rate shall be provided to the Department at the following address: Division of Watershed Management, New Jersey Department of Environmental Protection, PO Box 418 Trenton, New Jersey, 08625-0418.

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3. If more than one BMP in series is necessary to achieve the required 80 percent TSS reduction for a site, the applicant shall utilize the following formula to calculate TSS reduction:

$$R = A + B – (AXB)/100$$

Where

R = total TSS percent load removal from application of both BMPs, and

A = the TSS percent removal rate applicable to the first BMP

B = the TSS percent removal rate applicable to the second BMP

Table 2: TSS Removal Rates for BMPs

Best Management Practice	TSS Percent Removal Rate
Bioretention Systems	90
Constructed Stormwater Wetland	90
Extended Detention Basin	40-60
Infiltration Structure	80
Manufactured Treatment Device	See Section 6.C
Sand Filter	80
Vegetative Filter Strip	60-80
Wet Pond	50-90

4. If there is more than one onsite drainage area, the 80 percent TSS removal rate shall apply to each drainage area, unless the runoff from the subareas converge on site in which case the removal rate can be demonstrated through a calculation using a weighted average.

5. Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site

97-91. Stormwater Management Requirements for Major Development

shall include nonstructural strategies and structural measures that optimize nutrient removal while still achieving the performance standards in Sections 97-91.F and 97-91G.

6. Additional information and examples of stormwater quality BMPs are contained in the New Jersey Stormwater Best Management Practices Manual, which may be obtained from the address identified in Section 97-94.

7. In accordance with the definition of FW1 at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as FW1.

8. Special water resource protection areas shall be established along all waters designated Category One at N.J.A.C. 7:9B, and perennial or intermittent streams that drain into or upstream of the Category One waters as shown on the USGS Quadrangle Maps or in the County Soil Surveys, within the associated HUC14 drainage area. These areas shall be established for the protection of water quality, aesthetic value, exceptional ecological significance, exceptional recreational significance, exceptional water supply significance, and exceptional fisheries significance of those established Category One waters. These areas shall be designated and protected as follows:

    a. The applicant shall preserve and maintain a special water resource protection area in accordance with one of the following:

        (1) A 300-foot special water resource protection area shall be provided on each side of the waterway, measured perpendicular to the waterway from the top of the bank outwards or from the centerline of the waterway where the bank is not defined, consisting of existing vegetation or vegetation allowed to follow natural succession is provided. (2) Encroachment within the designated special water resource protection area under Subsection (1) above shall only be allowed where previous development or disturbance has occurred (for example, active agricultural use, parking area or maintained lawn area). The encroachment shall only be allowed where applicant demonstrates that the functional value and overall condition of the special water resource protection area will be maintained to the maximum extent practicable. In no case shall the remaining special water resource protection area be reduced to less than 150 feet as measured perpendicular to the top of bank of the waterway or centerline of the waterway where the bank is

97-91. Stormwater Management Requirements for Major Development

undefined. All encroachments proposed under this subparagraph shall be subject to review and approval by the Department.

b. All stormwater shall be discharged outside of and flow through the special water resource protection area and shall comply with the Standard for Off-Site Stability in the "Standards For Soil Erosion and Sediment Control in New Jersey," established under the Soil Erosion and Sediment Control Act , N.J.S.A. 4:24-39 et seq.

c. If stormwater discharged outside of and flowing through the special water resource protection area cannot comply with the Standard For Off-Site Stability in the "Standards for Soil Erosion and Sediment Control in New Jersey," established under the Soil Erosion and Sediment Control Act , N.J.S.A. 4:24-39 et seq., then the stabilization measures in accordance with the requirements of the above standards may be placed within the special water resource protection area, provided that:

(1) Stabilization measures shall not be placed within 150 feet of the Category One waterway;

(2) Stormwater associated with discharges allowed by this section shall achieve a 95 percent TSS post-construction removal rate;

(3) Temperature shall be addressed to ensure no impact on the receiving waterway;

(4) The encroachment shall only be allowed where the applicant demonstrates that the functional value and overall condition of the special water resource protection area will be maintained to the maximum extent practicable;

(5) A conceptual project design meeting shall be held with the appropriate Department staff and Soil Conservation District staff to identify necessary stabilization measures; and

(6) All encroachments proposed under this section shall be subject to review and approval by the Department.

d. A stream corridor protection plan may be developed by a regional stormwater management planning committee as an element of a regional stormwater management plan, or by a municipality through an adopted municipal stormwater management plan. If a stream corridor protection plan for a waterway subject to Section 97-91G.8 has been approved by

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the Department of Environmental Protection, then the provisions of the plan shall be the applicable special water resource protection area requirements for that waterway. A stream corridor protection plan for a waterway subject to Section 97-91G.8 shall maintain or enhance the current functional value and overall condition of the special water resource protection area as defined in Section 97-91G.8.a(1) above. In no case shall a stream corridor protection plan allow the reduction of the Special Water Resource Protection Area to less than 150 feet as measured perpendicular to the waterway subject to this subsection.

e. Section 97-91G.8 does not apply to the construction of one individual single family dwelling that is not part of a larger development on a lot receiving preliminary or final subdivision approval on or before February 2, 2004, provided that the construction begins on or before February 2, 2009.

97-92. Calculation of Stormwater Runoff and Groundwater Recharge

A. Stormwater runoff shall be calculated in accordance with the following:

1. The design engineer shall calculate runoff using one of the following methods:

   a. The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in the NRCS National Engineering Handbook Section 4 – Hydrology and Technical Release 55 – Urban Hydrology for Small Watersheds or superceding document; or

   b. The Rational Method for peak flow and the Modified Rational Method for hydrograph computations.

2. For the purpose of calculating runoff coefficients and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term “runoff coefficient” applies to both the NRCS methodology at Section 5.A.1.a and the Rational and Modified Rational Methods at Section 5.A.1.b. A runoff coefficient or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover have existed on the site during the five years immediately prior to the time of application, the

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land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).

3. In computing pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce pre-construction stormwater runoff rates and volumes.

4. In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS Technical Release 55 – Urban Hydrology for Small Watersheds and other methods may be employed.

5. If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.

B. Groundwater recharge may be calculated in accordance with the following:

1. The New Jersey Geological Survey Report GSR-32 A Method for Evaluating Ground-Water Recharge Areas in New Jersey, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the New Jersey Stormwater Best Management Practices Manual; at http://www.state.nj.us/dep/njgs/; or at New Jersey Geological Survey, 29 Arctic Parkway, P.O. Box 427 Trenton, New Jersey 08625-0427; (609) 984-6587.

97-93. Standards for Structural Stormwater Management Measures

A. Standards for structural stormwater management measures are as follows:

1. Structural stormwater management measures shall be designed to take into account the existing site conditions, including, for example, environmentally critical areas, wetlands; flood-prone areas; slopes; depth to seasonal high water table; soil type, permeability and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone).

97.94. Sources for Technical Guidance

2. Structural stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure as appropriate, and shall have parallel bars with one-inch (1”) spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one-third (1/3) the width of the diameter of the orifice or one-third (1/3) the width of the weir, with a minimum spacing between bars of one-inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of Section 97-95.

3. Structural stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement.

4. At the intake to the outlet from the stormwater management basin, the orifice size shall be a minimum of two and one-half inches in diameter.

5. Stormwater management basins shall be designed to meet the minimum safety standards for stormwater management basins at Section 97-95.

6. Where tailwater will affect the hydraulic performance of a stormwater management measure, the design engineer shall include such effects in the measure’s design.

B. Stormwater management measure guidelines are available in the New Jersey Stormwater Best Management Practices Manual. Other stormwater management measures may be utilized provided the design engineer demonstrates that the proposed measure and its design will accomplish the required water quantity, groundwater recharge and water quality design and performance standards established by Section 97-91 of this ordinance.

C. Manufactured treatment devices may be used to meet the requirements of Section 97-91G of this ordinance, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department.

97.94. Sources for Technical Guidance

A. Technical guidance for stormwater management measures can be found in the documents listed at 1 and 2 below, which are available from Maps and Publications, New Jersey Department of Environmental Protection, 428

97.95. Safety Standards for Stormwater Management Basins

East State Street, P.O. Box 420, Trenton, New Jersey, 08625; telephone (609) 777-1038.

1. Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended. Information is provided on stormwater management measures such as: bioretention systems, constructed stormwater wetlands, dry wells, extended detention basins, infiltration structures, manufactured treatment devices, pervious paving, sand filters, vegetative filter strips, and wet ponds.

2. The New Jersey Department of Environmental Protection Stormwater Management Facilities Maintenance Manual, as amended.

B. Additional technical guidance for stormwater management measures can be obtained from the following:

1. The "Standards for Soil Erosion and Sediment Control in New Jersey" promulgated by the State Soil Conservation Committee and incorporated into N.J.A.C. 2:90. Copies of these standards may be obtained by contacting the State Soil Conservation Committee or any of the Soil Conservation Districts listed in N.J.A.C. 2:90-1.3(a)4. The location, address, and telephone number of each Soil Conservation District may be obtained from the State Soil Conservation Committee, P.O. Box 330, Trenton, New Jersey 08625; (609) 292-5540;

2. The Rutgers Cooperative Extension Service, 732-932-9306; and

3. The Bergen County Soil Conservation District, 700 Kinderkamack Road, Suite 106, Oradell, NJ 07649; (201) 261-4407.

97.95. Safety Standards for Stormwater Management Basins

A. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management basins. This section applies to any new stormwater management basin.

B. Requirements for Trash Racks, Overflow Grates and Escape Provisions

1. A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the stormwater management basin to ensure proper functioning of the basin outlets in accordance with the following:

97.95. Safety Standards for Stormwater Management Basins

a. The trash rack shall have parallel bars, with no greater than six inch spacing between the bars.

b. The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure.

c. The average velocity of flow through a clean trash rack is not to exceed 2.5 feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack.

d. The trash rack shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 lbs/ft sq.

2. An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:

a. The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.

b. The overflow grate spacing shall be no less than two inches across the smallest dimension.

c. The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 lbs./ft sq.

3. For purposes of this paragraph 3, escape provisions means the permanent installation of ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management basins. Stormwater management basins shall include escape provisions as follows:

a. If a stormwater management basin has an outlet structure, escape provisions shall be incorporated in or on the structure. With the prior approval of the reviewing agency identified in Section 97-95C a free-standing outlet structure may be exempted from this requirement.

b. Safety ledges shall be constructed on the slopes of all new stormwater management basins having a permanent pool of water deeper than two and one-half feet. Such safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately two and one-half feet below the permanent water surface, and the second step shall be located one to one and one-half feet above the permanent water surface. See Section 97-95D for an illustration of safety ledges in a stormwater management basin.

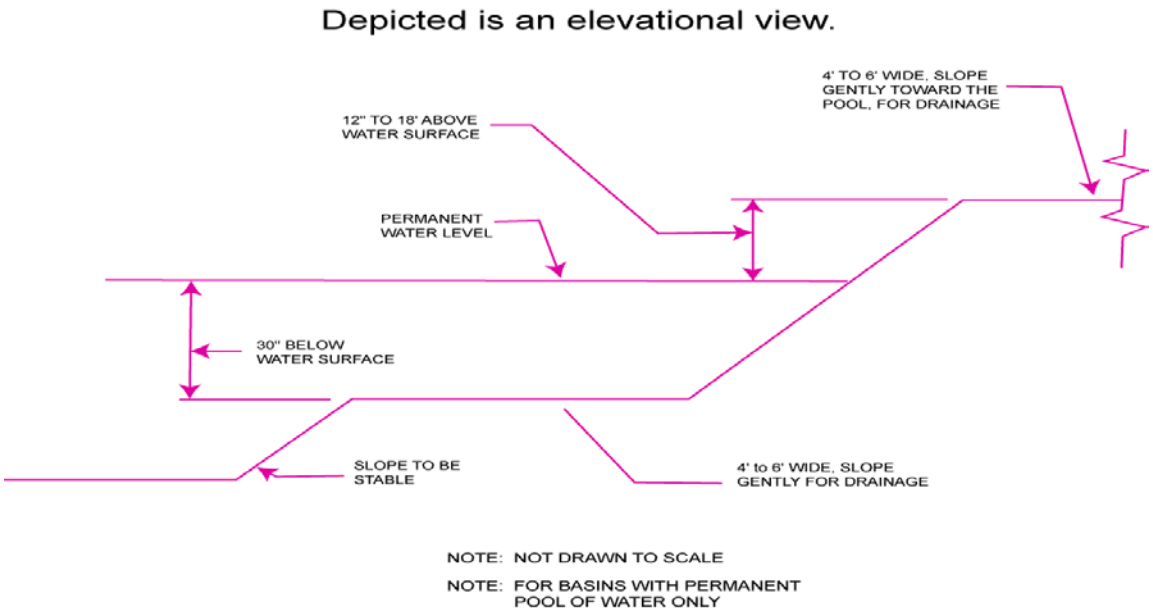
97-96. Requirements for a Site Development Stormwater Plan

c. In new stormwater management basins, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than 3 horizontal to 1 vertical.

C. Variance or Exemption from Safety Standards

1. A variance or exemption from the safety standards for stormwater management basins may be granted only upon a written finding by the appropriate reviewing agency (municipality, county or Department) that the variance or exemption will not constitute a threat to public safety.

D. Illustration of Safety Ledges in a New Stormwater Management Basin



97-96. Requirements for a Site Development Stormwater Plan

A. Submission of Site Development Stormwater Plan

1. Whenever an applicant seeks municipal approval of a development subject to this ordinance, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at Section 97-96C below as part of the submission of the applicant's application for subdivision or site plan approval.

2. The applicant shall demonstrate that the project meets the standards set forth in this ordinance.

3. The applicant shall submit 20 copies of the materials listed in the checklist for site development stormwater plans in accordance with Section 97-96C of this ordinance.

97-96. Requirements for a Site Development Stormwater Plan

B. Site Development Stormwater Plan Approval

The applicant's Site Development project shall be reviewed as a part of the subdivision or site plan review process by the municipal board or official from which municipal approval is sought. That municipal board or official shall consult the engineer retained by the Planning and/or Zoning Board (as appropriate) to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this ordinance.

C. Checklist Requirements

The following information shall be required:

1. Topographic Base Map

The reviewing engineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic base map of the site be submitted which extends a minimum of 200 feet beyond the limits of the proposed development, at a scale of 1"=200' or greater, showing 2-foot contour intervals. The map as appropriate may indicate the following: existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category One waters, wetlands and flood plains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing man-made structures, roads, bearing and distances of property lines, and significant natural and manmade features not otherwise shown.

2. Environmental Site Analysis

A written and graphic description of the natural and man-made features of the site and its environs. This description should include a discussion of soil conditions, slopes, wetlands, waterways and vegetation on the site. Particular attention should be given to unique, unusual, or environmentally sensitive features and to those that provide particular opportunities or constraints for development.

3. Project Description and Site Plan(s)

A map (or maps) at the scale of the topographical base map indicating the location of existing and proposed buildings, roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations occur in the natural terrain and cover, including lawns and other landscaping, and seasonal

97-96. Requirements for a Site Development Stormwater Plan

high ground water elevations. A written description of the site plan and justification of proposed changes in natural conditions may also be provided.

4. Land Use Planning and Source Control Plan

   This plan shall provide a demonstration of how the goals and standards of Sections 97-90 through 97-93 are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

5. Stormwater Management Facilities Map

   The following information, illustrated on a map of the same scale as the topographic base map, shall be included:

   a. Total area to be paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.

   b. Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.

6. Calculations

   a. Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in Section 97-91 of this ordinance.

   b. When the proposed stormwater management control measures (e.g., infiltration basins) depends on the hydrologic properties of soils, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.

7. Maintenance and Repair Plan

97-97. Maintenance and Repair

The design and planning of the stormwater management facility shall meet the maintenance requirements of Section 97-97.

8. Waiver from Submission Requirements

The municipal official or board reviewing an application under this ordinance may, in consultation with the municipal engineer, waive submission of any of the requirements in Sections 97-96C.1 through 97-96C.6 of this ordinance when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

97-97. Maintenance and Repair

A. Applicability

1. Projects subject to review as in Section 97-88C of this ordinance shall comply with the requirements of Sections 97-97B and 97-97C.

B. General Maintenance

1. The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.

2. The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). Maintenance guidelines for stormwater management measures are available in the New Jersey Stormwater Best Management Practices Manual. If the maintenance plan identifies a person other than the developer (for example, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's agreement to assume this responsibility, or of the developer's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.

3. Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project.

97-97. Maintenance and Repair

4. If the person responsible for maintenance identified under Section 97-97B.2 above is not a public agency, the maintenance plan and any future revisions based on Section 97-97B.7 below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.

5. Preventative and corrective maintenance shall be performed to maintain the function of the stormwater management measure, including repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of nonvegetated linings.

6. The person responsible for maintenance identified under Section 97-97B.2 above shall maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders.

7. The person responsible for maintenance identified under Section 97-97B.2 above shall evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed.

8. The person responsible for maintenance identified under Section 97-97B.2 above shall retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by Sections 97-97B.6 and 97-97.B7 above.

9. The requirements of Sections 97-97B.3and 97-97B.4 do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency.

10. In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his/her designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or County may

immediately proceed to do so and shall bill the cost thereof to the responsible person.

C. Nothing in this section shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53.

97-98. Penalties

See Chapter 1:14-1 of the Code of the Borough of Waldwick.

97-99. Enforcement

A. It shall be the duty of the Zoning Officer of the Borough of Waldwick to administer and enforce sections 97-70 through 97-82 and section 97-87. In no case shall a permit be granted for the construction or alteration of any building where the proposed construction, alteration or use would be in violation of any provision of this ordinance. It shall be the duty of the Zoning Officer to cause any new buildings, plans or premises to be inspected or examined and to order in writing to the owner that any condition be remedied, which is found to exist in violation of any provisions of this Ordinance. He shall have the right to enter any building or premises during the daytime in the course of his/her duties.

B. It shall be the duty of the Borough Engineer to administer and enforce sections 97-83 through 97-86 and sections 97-88 through 97-97.

a. In case any building or structure is or is intended to be erected, constructed or reconstructed, altered or converted, or any building or structure is or is intended to be used in violation of or contrary to the provisions of this Ordinance, the Borough Attorney shall, after authorization by the Governing Body and in addition to other remedies set forth in the statutes of the State of New Jersey and in this Ordinance, institute an action to enjoin, or any other appropriate action or proceeding to prevent such erection, construction, reconstruction, alteration, conversion or use.

97-100. Reserved.
97-101. Reserved.

97-102. Definitions

ARTICLE X
Soil Movement

97-102. Definitions

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

DEVELOPER - Any person who, either directly or through an agent or independent contractor, engages or intends to engage in land subdivision or in the construction of two (2) or more dwelling houses, business or industrial buildings in any subdivision for the purpose of sale to or occupancy by another person or persons.

EXCAVATOR - Any person who moves soil.

LOT - Any parcel of land or portion thereof, the boundary lines of which can be ascertained by reference to the maps and records, of the Borough Tax Assessor

MAJOR SOIL PERMIT - Any soil permit other than ministerial for the moving of soil within any period of twelve (12) consecutive months.

MINISTERIAL PERMIT - A permit for the moving of soil, as required by Section 97-105, between ten (10) and two hundred (200) cubic yards of soil within any period of twelve (12) consecutive months. If two (2) or more applications in any twelve-consecutive-month period require the movement of soil in excess of two hundred (200) cubic yards in the aggregate, said application shall be classified as a major soil-moving application and shall be required to comply with Section 97-106 of this chapter. **(Amended 11-14-00 by Ord. No. 19-00)**

MOVE - To dig; excavate, remove; deposit; place; fill; grade; regrade; level or otherwise alter or change the location of contour; or transport; or supply. This term shall not be construed to include plowing, spading, cultivating, harrowing or discing of soil or any other operation usually and ordinarily associated with the tilling of soil for agricultural or horticultural purposes, landscaping and gardening by homeowners or agents of homeowners, provided that it does not substantially alter existing drainage patterns.

OWNER - Any person seized in fee simple of any lot or having such other interest or estate therein as will permit exercise of effective possession thereof or dominion thereover.

SOIL - Any earth, sand, clay, loam, gravel, humus, rock or dirt, without regard to the presence or absence therein of organic matter, including any synthetic substance used as a substitute or in conjunction with soil.

SUITABLE FILL - The Borough Engineer shall determine whether the fill is suitable or unsuitable to the particular location. Suitable materials shall include but not be limited to materials such as earth, clay, gravel, stone, dirt, etc.

97-103. Soil-moving permit required.
97-105. Ministerial soil-moving permit applications.

TOPSOIL - Soil that, in its natural state, constitutes the top layer of earth, and is composed of two percent (2%) or more, by weight, of organic matter and has the ability to support vegetation.

UNSUITABLE FILL - The Borough Engineer shall determine whether the fill is suitable or unsuitable to the particular location. The unsuitable materials are materials such as peat moss, organic material, vegetation, leaves, tree stumps, wood chips, sawdust, chemical waste, tires, wooden logs, etc.

97-103. Soil-moving permit required.

No developer and no excavator shall move or cause, allow, permit or suffer to be moved more than ten (10) cubic yards of soil in or upon any lot in the Borough in a twelve (12) consecutive month period unless and until a soil-moving permit therefor shall first have been issued in accordance with the provisions of this article. Permits shall not be required for plowing, spading, cultivating, harrowing or discing of soil or any other operation usually and ordinarily associated with the tilling of soil for agricultural or horticultural purposes, landscaping and gardening by homeowners or agents of homeowners, provided that it does not substantially alter existing drainage patterns.

97-104. Soil-moving permit applications.

All applications for soil-moving permits shall be made through the office of the Zoning Officer.

97-105. Ministerial soil-moving permit applications.

The procedure for applying for and issuance of a ministerial soil-moving permit shall be as follows:

A. Applications for ministerial soil permits shall be filed with the Borough Engineer and shall be accompanied by the fee prescribed in Section 97-107.

(1) Applications shall be made in triplicate on forms prescribed by the Borough and supplied by the Borough Engineer. In addition to any other requirements which the Borough, acting through the Borough Engineer, may require on data pertinent to the application, the application shall show the following:

1.1. The identity and location of the applicant
1.2. The lot and block number of the lot or lots involved.
1.3. The identity and location of the owner of the lands.
1.4. The purpose or reason for the moving of the soil.
1.5. The estimated quantity in cubic yards of soil to be moved.
1.6. A statement as to how the moving of the soil will affect all trees with a diameter of six (6) inches or more.

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1.7. The proposed date of completion of the work.

1.8. A certification as to the source of the fill material. At the discretion of the Borough Engineer the applicant can be required to have said fill tested to assure that it does not contain hazardous waste substance as regulated by the State of New Jersey.

(2) The Borough Engineer shall require the applicant to submit an existing topographical map and a proposed grading and drainage plan and notification by certified mail to the abutting property owners about the soil-moving operation if the Borough Engineer deems it necessary due to the existence of substantial drainage or erosion of soil problems and to protect the health, safety and welfare of the people and property.

B. The Borough Engineer, upon receipt of the application, shall make a field investigation and shall issue the permit or deny it, giving his/her reasons for denial. The Borough Engineer will forward a copy of the permit to the Building Department and one (1) to the applicant and shall retain one (1) copy on file. The Borough Engineer shall classify any ministerial soil application as a major soil application if he/she finds the application will present unusual drainage or erosion of soil problems or adversely affect the development of the abutting lot or lots.

97-106. Major soil-moving permit applications.

The procedure for applying for the issuance of a major soil-moving permit shall be as follows:

A. On forms prescribed and supplied by the Planning Board, the applicant shall set forth, in duplicate, to the Planning Board, with a carbon copy to the Borough Engineer and Building Department:

1) The identity and location of the applicant.
2) The description of the lands in question, including lot and block number of the lot or lots involved.
3) The name and address of the owner of the lands.
4) The purpose or reason for moving the soil and whether it will be done in connection with a proposed subdivision; if so, the date of filing the application for subdivision.
5) A detailed statement of the method or process to be employed for the excavation and the proposed time period for removal.
6) The kind and quantity in cubic yards of the soil to be removed.
7) In case of removal or replacement of soil, the place to which the soil is to be removed, and the place and quantity of soil to be removed in fill and excavation and the transportation route to be used in the Borough.
8) The proposed date of the completion of the work.
9) A certificate that he/she has placed or caused to be placed stakes at each corner of the lot or lots from which soil is to be removed and further, that he/she has placed or caused to be placed grade stakes at

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the existing elevation points designated on the topographical map pursuant to the provisions of this article, clearly marked to indicate the soil cuts or fill.

10) A statement as to how the moving of the soil will affect all trees with a diameter of six (6) inches or more.
11) A certification as to the source of the fill material. At the discretion of the Borough Engineer the applicant can be required to have said fill tested to assure that it does not contain hazardous waste substance as regulated by the State of New Jersey.

B. Signatures. Said application shall bear the signature of the applicant and the endorsement of the owner or owners of said lands signifying approval of the application, consent to the applicant to perform the proposed work and consent to the Borough, in the event of failure of the applicant to do so, to cause the proposed work to be completed or otherwise terminated in keeping with the purposes and objectives of this article.

C. Topographical map. Accompanying the application shall be eight (8) prints of a topographical map of the lot upon which the proposed soil-moving operations are to be conducted and of all surrounding lands within one hundred (100) feet of the perimeter of said lot, but not beyond the far side of an abutting street right-of-way, prepared and certified by a licensed professional engineer or land surveyor of the State of New Jersey, on a scale of not less than one (1) inch to one hundred (100) feet, and referred to United States Coast and Geodetic Survey data, showing, both as to the lot and as to all of said surrounding lands:

1) The dimensions of the lot, including distance and bearings and the lot and block number of the lot and of each lot in the surrounding lands as shown on a tax assessment map of the Borough.
2) The existing elevations of all lands on a one-hundred-foot grid layout.
3) The existing elevations of all buildings, structures, streets, streams, bodies of water and watercourses, natural or artificial.
4) All existing surface and subsurface water drainage conditions and provisions therefor.
5) All wooded areas and all trees having a diameter of six (6) inches or more at the base.
6) The limits of the area or areas within the lot or lots in question within which the soil-moving operations are to be conducted, and the existing elevations of said limits at intervals of not more than one hundred (100) feet.
7) The proposed final elevations at each point where existing elevations shown on said map are to be changed as a result of completion of the proposed work.
8) Proposed slopes and lateral supports at the limits of the area upon completion of the soil-moving operations.

97-106. Major soil-moving permit applications.

9) Proposed provisions and facilities for surface water drainage and, where applicable, channels of any streams, bodies of water and watercourses, natural or artificial, including detailed cross sections showing proposed channel widths, bank slopes, grade and method of erosion control.
10) Accurate cross sections showing the locations and quantities in cubic yards of soil to be moved.
11) All proposed elevations in enclosed rectangular boxes; and all existing elevations to be indicated without any kind of enclosure.
12) Such other pertinent data as the Planning Board may, by resolution require.
13) All easements and restrictions of record which may affect the subject lot or lots.
14) If said moving application is in conjunction with a site plan or subdivision plan, the developer shall submit a complete site plan or preliminary subdivision plan according to this ordinance.

D. Inspection of site.

(1) The Borough Engineer shall make an inspection of the site from which soil is to be moved and shall make such engineering studies as may be required to determine the effect of the removal of soil from the location as it relates to:

(a) Soil erosion by water and wind.
(b) Surface and subsurface water drainage.
(c) Soil fertility.
(d) Lateral support of abutting streets and lands.
(e) Public health and safety.
(f) Such other factors as may bear upon or relate to the coordinated, adjusted and harmonious physical development of the Borough.

(2) The Borough Engineer shall also inspect the aforesaid site to determine whether stakes have been placed on each corner thereof and whether grade stakes have been placed at the existing points designated on the topographical map pursuant to the provisions of 97-106C hereof.

E. Hearing. The Planning Board shall, within sixty (60) days after receipt of the application, fix a date for a hearing for the purpose of considering the application and shall give to the applicant, either personally or by certified mail, notice of the time and place of said hearing. The applicant shall, at least five (5) days prior to the date appointed for said hearing, serve written notice, either in person or by registered mail, upon such persons as are shown on the municipal tax records to be the owners of such lots within two hundred (200) feet of the property in question. The applicant shall at the hearing present to the Planning Board satisfactory proof in affidavit form of

the service of said notices.

F. Factors to be considered in determining application. In considering the application, the Planning Board shall be guided by the general purpose of municipal planning and shall take into consideration the following factors:

1) Soil erosion by water and wind.
2) Surface and subsurface water drainage.
3) Soil fertility and soil-bearing capacity.
4) Lateral support of abutting streets and lands.
5) Public health and safety.
6) Land value and uses.
7) Such other factors as may bear upon or relate to the coordinated, adjusted and harmonious development of the Borough.
8) Proposed complete site or preliminary subdivision plan.

G. Decision. The Planning Board shall review and consider the application which must be complete, including all of the requirements of the provisions of this article and the material factors brought up at the public hearing and the reports of other reviewing authorities of the Borough, and shall either grant or deny the issuance of said soil permit. If the Planning Board denies the permit, the reason for the denial shall be stated. The Planning Board also can issue a permit with stipulations and conditions. The Planning Board shall act within sixty (60) days of the filing of a complete application. The Planning Board shall act only upon the filing and receipt of a complete application to either deny or grant the permit within said sixty (60) days and the failure by the Planning Board to act upon the application within said period shall be considered an automatic approval of the issuance of said permit unless the Planning Board extends the time limit for a period not to exceed an additional sixty (60) days.

H. Appeal. In the event of refusal, the applicant may, not later than thirty (30) days after the date of such refusal, appeal to the Borough Council. The Borough Council may by a majority vote of the members present sustain or by a two-thirds (2/3) vote of its entire membership overrule the Planning Board recommendations.

I. When an application is considered by the Zoning Board of Adjustment, then all powers granted to the Planning Board with regard to the receipt, review and determination of applications for major soil removal permits under this article are hereby granted and conferred upon the Board of Adjustment in full. **(Amended 11-14-00 by Ord. No. 19-00)**

97-107. Fees. (See Ch. 48:80-7)

97-108. Performance Bond.

97-109. Form of Permit; Contents; Expiration.

A. In the event that the Planning board recommends approval of the soil removal permit application, the Secretary of the Planning Board shall forthwith give notice to the applicant of the action of the Planning Board, and further, the amount of the performance bond required as hereinafter set forth in this section. In the event that the applicant fails to post the required performance bond within sixty (60) days of this notice, then the recommendation of the Planning Board shall be automatically rescinded.

B. No soil permit shall be issued unless the applicant therefore shall have posted with the borough a performance bond in form and with surety acceptable to the Borough in such amount as the Planning Board shall determine, conditioned upon full and faithful performance by the principal within the time specified in the application of all the proposed work in accordance with the provisions of this article and of the soil-moving permit issued pursuant hereto.

C. The amount of said bond shall be determined at the rate of not less than ten cents ($0.10) per cubic yard and not in excess of fifty cents ($0.50) per cubic yard of the amount of soil to be moved; provided, however, that in no event shall said bond be less that the principal amount of two thousand dollars ($2,000). The Planning Board may request additional bonds for improvements shown on the soil-moving application or plan, such as but not limited to the following: retaining walls, planting, drainage erosion, control damages to haul route, etc. In ascertaining the rate upon which to compute the amount of the bond, the Planning Board shall take into consideration such factors as may bear upon the facility with which the proposed work may be performed, including but not limited to the type and character of soil, the extent of the area over which the soil-moving operations are to be conducted, the extent and depth of the various cuts and fills, the extent to which the area of operations is wooded, the proximity of the proposed operations to streets, buildings, structures, natural or artificial streams or watercourses and general drainage conditions.

D. Before the holder of any soil removal permit shall proceed before the Planning Board with any application for any amendment or alteration of the terms and conditions of any outstanding soil removal permit, there shall be submitted to the Planning Board the written consent of the surety on said bond approving said application for amendment or alteration and consenting to extension of the bond coverage thereto.

E. Applications for the release of any bonds posted in accordance with the terms of this article or the resolutions of the Planning Board shall be accompanied by an affidavit stating that the soil-moving operation has been completed in accordance with the application and all plans, maps, and other date filed therewith and in accordance with all resolutions and conditions therein adopted by the Planning Board. Said affidavit shall be executed by a licensed professional or civil engineer or land surveyor of the State of New

Jersey.

97-109. Form of Permit; Contents; Expiration.

A. The soil removal permit shall be in such form as may be prescribed by the Planning Board. It shall be signed by the Secretary and the Chairman of the Planning Board, and it shall contain any special conditions set forth in the recommendation.

B. The soil removal permit shall be dated as of the date it is actually issued, and the term of said permit shall not exceed one (1) year.

C. All permits shall automatically expire on the termination date unless application for renewal has been made and approved, in writing, extending such permit.

97-110. Unlawful Acts.

No person to whom a soil removal permit has been issued shall:

A. Conduct or maintain on the premises any sand, gravel or similar kind or pit, any sand or gravel washing or screening machinery or equipment, any business or industry not permitted in the district in which said premises are located, or any endeavor or enterprise other that the grading or regrading of said premises in accordance with the provisions of said permit and, where applicable, the necessary disposal of soil incidental to said grading or regrading.

B. Conduct or maintain any soil-moving operations without having first made adequate provisions by means of road oil or otherwise for the laying of dust incidental to the use of vehicles, machinery and equipment on the lands described in the soil permit.

C. Neglect to dispose of on or before the completion date stated in the application any partially or wholly excavated boulders or other incombustible debris resulting from the soil-moving operations by burial or removal and any partially or wholly excavated stumps, felled or uprooted trees or other combustible debris resulting from the soil-moving operations must be removed from the site.

D. Conduct any soil-moving operations beyond the expiration date as set forth in the soil removal permit or extended expiration date as may duly be granted by the Planning Board.

97-111. Movement and storage of topsoil.

A. Whenever any developer or excavator shall move topsoil in or upon any lot, provision shall be made for the storage of said topsoil within the boundary lines of said lot.

B. Except as hereinafter provided, all of the topsoil so stored shall be uniformly replaced over the entire area or surface of the lot on or before the completion date set forth in the soil permit so that the final grade or grades of said replaced topsoil shall be in accordance with the proposed final grades shown on the topographical map.

C. No developer or excavator shall remove to any point beyond the boundary lines of the lot any topsoil whatsoever unless and until topsoil not inferior in quality to that to be removed shall first have been replaced uniformly to a depth of not less than six (6) inches, measured from the proposed final grades as shown on the topographical map, over the entire surface or area of the lot, excepting only such portions thereof as shall be or shall have become, since the date of filing of said topographical map, permanently covered by a building or structure, street pavement, curb, sidewalk, driveway or the paved area or by any body of water or waterway. In no event shall the developer or excavator remove from the lot more topsoil than that comprising the surplus or excess remaining after the replacement of the topsoil as aforesaid.

97-112. Excavating below final grades restricted.

No developer or excavator shall, at any time in the course of the work, dig or excavate more the six (6) inches below the proposed final grades as shown on the topographical map unless:

A. The soil removal permit specifies otherwise and the performance bond, hereinbefore referred to, makes specific provisions for replacement on or before the completion date set forth in the soil removal permit of soil of sufficient quantity and kind to restore the final grades to those shown on the topographical map; and

B. After issuance of the soil removal permit, the developer or excavator, before digging or excavating below said minimum level, shall apply to the Planning Board and be granted an amendment of the application and topographical map then in effect, which amendment may be granted upon such terms as the Planning Board may deem necessary to assure adherence to the purpose and objectives of this article.

97-113. Final Grades.

No developer or excavator shall deposit soil upon, fill in or raise the grade of any lot without first making provision for:

A. The use in said work of soil or such other materials as will not result in deviation from the proposed final grades or the uniformity thereof by reason of abnormal shrinkage or settlement.

97-114. Inspections.
97-115. Violations and Penalties.

B. The collection and storage upon the lot of the original topsoil to the end that said topsoil shall not be buried beneath soil other material of inferior quality and the uniform replacement of the topsoil so stored over the entire area or surface of the fill soil or other material so that the final grade or grades of said replaced topsoil shall be in accordance with the proposed final grades shown on the topographical map. In the event that such provision is not practicable, provision shall be made for the uniform placement over the entire area or surface of the fill soil or other material, excepting only such portions thereof as shall be or shall have become permanently covered by a building or structure, street pavement, curb, sidewalk, driveway or other paved area or by any body of water or waterway, of a layer of topsoil not inferior in quality to that of the original topsoil, to a depth of not less than six (6) inches measured from the proposed final grades as shown on the topographical map.

97-114. Inspections.

For the purpose of administering and enforcing this article, any member of the Planning Board or duly authorized agent of the Building Department of the Borough or the Borough Engineer shall have the right to enter into and upon any lands in or upon which soil-moving operations are being conducted, to examine and inspect such lands.

97-115. Violations and Penalties.

See chapter 1:14.1of the Code of the Borough of Waldwick.

97-116. Prohibited uses.
97-117.1. Zoning districts established.

ARTICLE XI
Zoning

97-116. Prohibited uses.

Article XI of the Borough of Waldwick Zoning, Land Use and Development Code shall be viewed as permissive. In no instance after the adoption of this article shall any use be permitted in the Borough which is not listed as a permitted, accessory or conditional use as specified herein. Any uses not permitted or specified shall be prohibited. All permitted uses shall not be noxious or injurious to adjacent properties by reason of the production or emission of smoke, refuse matter, odor, gas fumes, noise, vibration or unsightly conditions.

A. Uses specifically prohibited. Uses prohibited in all districts include but are not limited to the following:

1. Trailer or tourist camps.
2. Any unenclosed business, such as used car lots, unless an accessory use.
3. Restaurants which sell or permit the consumption of food or beverages on any portion of their premises not within a fully enclosed building. This prohibition shall not apply to a restaurant that has obtained an outdoor café permit from the Borough of Waldwick. **(Amended 8-22-00 by Ord. No. 12-00)**
4. Junkyards.
5. Automated Car Washes **(Amended 05-27-14 by Ord. No. 12-14)**
6. Auction establishments.
7. Storage trailers and movable enclosures whether on wheels or otherwise.
8. Roller skating rinks.
9. Any unattended vending machines.
10. Tattoo parlors.

97-117. Zoning Districts and Zoning Map

97-117.1. Zoning districts established.

For the purpose of this ordinance, the Borough of Waldwick is hereby divided into the classes of districts listed below:

Symbol	Name
R-1	Single-Family Residential District
R-2	Single-Family Residential District
R-3	Village Residential District

R-4	Senior Citizen Residential District	
C-1	Village Commercial District	05-27-14
C-2	Turnpike Commercial District	
C-3	Neighborhood Commercial District	
I	Limited Manufacturing-Industrial District	
VC-2	Village Center District	
VC-3	Village Center District	
AH	Affordable Housing District	
AH-1	Affordable Housing District (**Added 5-13-97 by Ord. No. 11-97)**	
CAH	Commercial Affordable Housing District	

97-117.2. Zoning Map and Schedule
Amended 11-26-96 by Ord. No. 22-96; 9-27-05 by Ord. No. 11-05)

The boundaries of these districts are hereby established as shown on the map entitled "Zoning Map-Borough of Waldwick" dated June, 2002. The Schedule of Requirements (Schedule A, B and C) summarizing the required condition for each district above, is hereby made a part of this ordinance. Copy of said map indicating the latest amendments shall be kept up to date in the office of the Building Department/Construction Official and Borough Clerk for the use and benefit of the public.

97-117.3. Interpretation of boundaries.

In determining the boundaries of districts shown on the Zoning Map, the following rules shall apply:

A. Unless otherwise shown, the district boundaries shall be construed to coincide with the center lines of streets, highways, waterways, railroad rights-of-way or such lines extended.
B. Where such boundaries are indicated as approximately following lot or property lines as they exist at the time of enactment of this ordinance or any district change, such lines shall be construed to be the boundaries unless otherwise indicated by dimensions on the Zoning Map.

97-117.4. Division of lots in single ownership.

Where a district boundary line divides a lot, other than by following a stream or street, which lot is in single ownership at the time of adoption of this ordinance or any district change, any use permitted in either district may be extended not more than twenty percent (20%) of the existing zone penetration into said lot, or one hundred (100) feet into the adjacent district, or to the boundary line of the divided lot, whichever is the lesser. A use permitted in the district so extended shall thereafter be a permitted use in the extended area. A property owner, however, shall be permitted only one (1) election, after which the lot use shall be governed by the regulations of the district to which the portion of the lot shall have been annexed by such extension.

97-117.5. Vacation of streets or other public ways.

Where a vacated street is bounded on either side by different districts, the former center line of the vacated right-of-way shall be considered the district's boundary line.

97-117.6. Effect of establishment of districts.

A. No building shall be erected, moved, altered, converted, rebuilt or enlarged, nor shall any land or building be used, reduced, designed or arranged to be used, for any purpose or in any manner except in conformity with all regulations, requirements and restrictions specified in this ordinance for the district in which such building or land is located.

B. No permit for the erection of any building or structure shall be issued unless the lot abuts an improved street in accordance with N.J.S.A. 40:55D-35.

C. No lot shall be formed from part of a lot already occupied by a building unless such building, all yards and open spaces connected therewith and the remaining lot comply with all requirements prescribed by this ordinance for the district in which said lot is located. No permit shall be issued for the erection of a building on any new lot thus created unless such building and lot comply with all the provisions of this ordinance.

D. No yard or open space required in connection with any building or use shall be considered as providing a required open space for any other building on the same or any other lot.

97-118. Definitions and Word Usage

97-118.1. Incorporation of statutory definitions by reference.

97-118.2. Word usage.
97.118.3. Definitions.

For the purpose of this ordinance, all terms or words defined in N.J.S.A. 40:55D-1 et seq. are made part of this ordinance unless a contrary intention is clearly expressed herein.

97-118.2. Word usage.

Unless otherwise expressly stated, the following terms shall, for the purpose of this article, have the meanings herein indicated. Words used in the present tense include the future; the singular number includes the plural and the plural, the singular; the word “person” includes a corporation as well as an individual; the word “lot” includes the word “plot”; the word “building” includes the word "structures"; the word "dwelling" includes the word "residence". The term "occupied" or "used" as applied to any building shall be construed as though followed by the words "or intended, arranged, constructed, altered, converted, rented, leased or designed to be occupied or used." The word "shall" is mandatory and not discretionary.

97.118.3. Definitions.

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

ACCESSORY-A building, structure, or use clearly incidental or subordinate to, and customarily in connection with, the principal building or use on the same lot.

AFFORDABLE-A sales price or rent within the means of a low or moderate income household as defined by the New Jersey Council on Affordable Housing.

ALTERATION-As applied to a building, structure or use, a change or rearrangement in the structure's parts or in the existing facilities, or an enlargement, whether by extension of a side or by an increase in height or by a move from one location or position to another.

AMUSEMENT MACHINE - Any device, game or contrivance for which payment is made for the privilege of playing or operating the device, including, but not limited to video games, computer games, electronic games, pin ball machines, air hockey, foosball, redemption games (game of skill that rewards the user with prize tickets), merchandiser games (game of skill where merchandise is won by playing the game), interactive player participation games, and simulation games.

AMUSEMENT MACHINE ARCADE - A business or establishment wherein a portion of the gross floor area of the premises is devoted to amusement machines, billiard or pool tables, whether or not said amusement machines constitute the principal or accessory use of the premises for the purpose of being played, operated or used by the patrons on a prepaid basis or for money or tokens deposited in the amusement machine.

ANIMAL HOSPITALS - Any fixed or mobile establishment, or premises wherein or whereon the practice of veterinary medicine or any part thereof is conducted, which

97.118.3. Definitions.

such profession is licensed and regulated under N.J.A.C. 13:44-1 et seq. **(Added 05-27-14 by Ord. No. 12-14)**

APARTMENT-A room or suite of connecting rooms, with private bath and kitchen facilities, for occupancy as a single dwelling unit by one (1) family in a building having three (3) or more such dwelling units in a larger building.

ARTERIAL STREET – A higher order regional level street designed for greater vehicle speeds and traffic volumes than collector streets. Arterial streets connect and distribute traffic to collector and neighborhood streets.

ATTIC – The space between the ceiling beams of the top story and the roof rafters.

AUTOMATED CAR WASHES - any structure or facility utilized for the purpose of washing or cleaning the exterior or interior of any automobile, truck, or other motorized vehicle by a method other than employee hand washing. This shall include but not be limited to washing or cleaning via mechanical brushes, brushless or touchless facilities, conveyor systems, or self-service bay washes. **(Added 05-27-14 by Ord. No. 12-14)**

AVERAGE FINISHED GRADE – The final elevation of the average ground level adjoining a building at all exterior walls after development.

AVERAGE FINISHED GRADE PLANE – A reference plane representing the average finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than 6 feet from the building, between the building and a point 6 feet from the building.

BASEMENT-The portion of a building that is partly or completely below grade plane. A "basement" shall be considered as a story above grade plane where the finished surface of the floor above the basement is more than six (6) feet above grade plane, for more than fifty percent (50%) of the total perimeter or more than twelve (12) feet above the finished ground level at any point.

BERM - A mound of earth.

BOARDER/LODGER - A person who pays rent in return for exclusive possession of a portion of a home or structure. **(Added 3-23-93 by Ord. No. 3-93)**

BOARDINGHOUSE-A house where lodging or meals, can be had for pay.

BUFFER STRIP-A continuous planting strip of trees and/or shrubs not less than six (6) feet in height densely planted so as to restrict a clear view beyond said strip.

97.118.3. Definitions.

BUILDING, COMMUNITY-A public building for the civic, social, educational, cultural and/or recreational activities of a neighborhood, apartment project or community not operated primarily for monetary gain.
BUILDING COVERAGE-The ratio of horizontal area by which a principal building or structure occupies the land to total lot area (as measured at the grade line around the foundation, using outside dimensions). Building coverage shall include porches, decks, balconies and cantilevered parts of a building at any level.

BUILDING HEIGHT-The vertical distance measured from the elevation of the proposed average finished grade plane to the highest point of the building exclusive of chimneys and similar structures as identified in 97-122.1.

BUILDING LINE-A line formed by the vertical projection to the ground of the exterior surface of the building on any side. In cases of a cantilevered section of a building, or sun parlors and covered porches, whether enclosed or unenclosed and not including the steps, the vertical projection will coincide with the surface nearest the lot lines. All yard requirements are measured to the "building line."

BUILDING, PRINCIPAL-A building within which is conducted the major or principal use of the lot on which said building is situated.

CARPORT-An attached or detached accessory building designed for the storage of motor vehicles and constructed primarily as an open building with only a roof and the necessary supporting columns, the area between the columns not to exceed five hundred (500) square feet.

CELLAR-A story partly or completely underground having more than one-half (1/2) of its clear height below the average finished grade at the perimeter of the building.

CERTIFICATE OF COMPLIANCE – A document certifying that a general inspection of the visible parts of a building has been made, and that there are no apparent violations of regulations. See 97-128.5.

CERTIFICATE OF OCCUPANCY- A certificate issued by the Building/Construction Official upon the completion of construction, alteration or change in occupancy of a building. The certificate shall acknowledge compliance with all the requirements of this ordinance, such appeals thereto granted by the Board of Adjustment and/or all other applicable requirements.

CLUSTER DEVELOPMENT - A development design technique that concentrates subdivided building lots or buildings within a portion of a development tract such that remaining land area can be utilized for open space or the preservation of environmentally sensitive features.

COLLECTOR STREET – A street designed to collect and distribute traffic from lower order local streets to higher order arterial streets.

97.118.3. Definitions.

CONDITIONAL USE - Authorization of the Planning Board, issued in accordance with Section 97-124 of this ordinance, which is required as a condition precedent to the commencement of a use for the erection, construction, reconstruction, alteration, conversion or installation of a structure or building for the conditional use as so designated in this ordinance.

CORNER LOT - a lot which has a frontage contiguous to more than one (1) street or other public open space through which there is a permanent access to the lot. (**Added 4-23-96 by Ord. No. 6-96)**

COURT- An open, unoccupied space, other than a yard on the same lot with a building or group of buildings and which is bounded on two (2) or more sides by such building or buildings.

DAY CARE, CHILD - Any facility which is maintained for the care, development or supervision of six (6) or more children who attend the facility for less than twenty-four (24) hours a day, and which is licensed as a child care center by the Department of Human Services. This term shall not include any of those facilities or uses which are not included within the definition of "child care center" contained in the "Child Care Center Licensing Act" (N.J.S.A. 30:5B-1 to 15).

DAY CARE, ADULT – A facility providing care for the elderly in a protective setting for part of a 24-hour day.

DELICATESSEN - See restaurant, take-out.

DENSITY - The ratio of residential dwelling units to total lot area.

DECK - An accessory structure supported by pillars or posts, which is either freestanding or attached to a principal structure and does not include a permanent roof.

DECK, NON-CONFORMING - An existing or proposed deck located on an undersized lot that, if constructed, deviates from the rear yard setback requirements of the Land Use and Development Code of the Borough of Waldwick as regulated per 97-123.11.

DISTRICT- Any part of the territory of the Borough of Waldwick defined on the Zoning Map within which certain uniform regulations and requirements of this ordinance apply. (See Section 97-117 through 97-117.6)

DWELLING- A building or portion thereof which is designed or used exclusively as a living quarters for one (1) or more families.

97.118.3. Definitions.

DWELLING, DUPLEX- A two-family dwelling with one (1) dwelling unit attached and located beside the other and separated therefrom by a party or common wall, whether or not that wall is a fire wall.

DWELLING, MULTIFAMILY- A detached building containing three (3) or more dwelling units and occupied or designed for occupancy by three (3) or more families living independently of each other, each with its own sleeping, cooking and sanitary facilities.

DWELLING, ROW OR ATTACHED- A series of attached single-family dwellings with two (2) common or party walls separating it from adjacent units on both sides, or one (1) party wall in the case of a building at the end of a group of attached buildings.

DWELLING, SINGLE-FAMILY- A detached building and dwelling unit designed for or intended to be occupied exclusively for residence purposes by one (1) family, individual or individuals living together as a family unit.

DWELLING, TWO-FAMILY- A detached building containing only two (2) dwelling units; each building intended for residential occupancy by two (2) families, each with its own separate sleeping, cooking and sanitary facilities.

DWELLING UNIT- A building or entirely self-contained portion thereof having cooking, sleeping and sanitary facilities and providing complete housekeeping facilities for only one (1) family individual or individuals living together as a family unit. A house trailer, camper, a boarding or rooming house, assisted living home, fraternity or sorority house, hotel, inn, lodging, nursing or other similar home or other similar structure shall not be deemed to constitute a "dwelling unit."

EFFICIENCY UNITS- A dwelling unit in an apartment house consisting of one (1) large room with bath and cooking facilities separated from such room by a permanent wall or folding or sliding doors.

FAMILY UNIT- A group of individuals not necessarily related by blood, marriage, adoption or guardianship living together in a dwelling unit as a single housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, federation or like organizations, or any group of individuals who are in a group living arrangement as a result of criminal offenses. The number of individuals constituting a family unit shall be consistent with the standards of the building, fire, housing and health codes of the Borough of Waldwick.

FAMILY DAY CARE HOME- Any private residence approved by the Division of Youth and Family Services or an organization with which the Division contracts for family day care in which child care services are regularly provided to no less than three and no more than five children for no less than 15 hours per week. A Family Day Care Home shall comply with the requirements of the "Family Day Care

97.118.3. Definitions.

Provider Registration Act." N.J.S.A. 30:58-16 et seq. (Added 3-23-93 by Ord. No. 3-93).

FENCE- An artificially constructed, freestanding barrier of solid or open design, consisting of wood, manufactured material, or combination of materials erected for the enclosure of yard areas.

FLAG LOT - A lot that does not have a continuous width from the street to the building set back line at least equal to the minimum street frontage required. For purposes of this definition, the portion of the lot abutting an improved street shall not be declared to be a private road or private street so as to defeat the intent and purpose of this chapter. (**Added 4-23-96 by Ord. No. 6-96)**

FLOOR AREA RATIO - The ratio of gross floor area to total lot area.

GARAGE, COMMERCIAL- A building used for the parking of trucks and other motor vehicles used for delivery or other commercial purposes.

GARAGE, PRIVATE- A building or part thereof used as an accessory to the main building, which provides for the storage of motor vehicles and in which no occupation, business or service for profit is carried on.

GARAGE, LICENSED PUBLIC REPAIR- A building or part thereof, other than a private garage, used for the sale, lease, maintenance, servicing, repair, washing, painting, or storage of motor vehicles and automotive accessories, including fuels and lubricants, for profit.

GASOLINE STATION - See Service Station, Automotive.

GROSS FLOOR AREA- The sum of the gross horizontal areas of all floors of the building on the lot measured from the exterior faces of the exterior walls or from the center line of the party walls separating two (2) buildings, excluding, however, attic and basement floors, open porches, breeze-ways and garages.

HEIGHT – See Building Height

HOME OCCUPATION- An accessory use of business or service character located in a residence, such as a professional occupation, subject to 97-123.14.

HOMEOWNER'S ASSOCIATION-An incorporated, non-profit organization operating under recorded land agreements through which:

A. Each resident lot owner and each tenant is automatically a member.

B. Each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property.

97.118.3. Definitions.

HORIZONTAL AXIS WIND TURBINE – a wind energy conservation system (WECS) in which turbine rotor blades are secured on a horizontal axis. HAWT are designed for tower mounted installation.

HOTEL - A facility offering transient overnight lodging accommodations to the general public and which may include additional facilities and services, such as restaurants, meeting rooms, entertainment, personal services, and recreational facilities.

IMPROVED LOT COVERAGE- That percentage of the plot or lot area which is improved and covered with any principal or accessory building, use, structure, or other improvement, including but not limited to parking lots, patios, driveways, sidewalks, swimming pools, concrete pavers, pervious pavers, and other paving. Improved lot coverage shall include porches, decks, balconies and cantilevered parts of a building at any level.

IMPROVEMENT - A permanent building or structure that becomes part of, or is affixed to a lot, parcel or principal or accessory building or structure.

INCLUSIONARY DEVELOPMENT-A residential housing development in which a percentage of the housing units is provided for a reasonable income range of low and moderate income households. The term may also mean housing developments comprised completely of low and moderate income units.

INDOOR COMMERCIAL RECREATION FACILITY - A privately owned commercial establishment designed and equipped for the conduct of leisure activities and other recreational activities wholly within an enclosed building. Examples of such uses include but are not limited to indoor play areas, training studios for martial arts, gymnastics, and dance.

INSTITUTIONAL USES-Nonprofit institutions limited to churches, public and private schools, libraries and other governmental uses.

JUNKYARD or SALVAGE YARD-Any area and/or structure used or intended to be used for the selling, buying, storing or trading of used or discarded metal, glass, paper, cordage, wood, rags, plastic, brush or any used or disabled fixtures, vehicles, boats or equipment of any kind. The premises on which the deposit or storage of any used, wrecked or otherwise disabled vehicles, boats or other parts occurs for a period of one (1) month or more shall be deemed to be a "junk-yard".

KENNEL-A commercial establishment where domesticated animals, dogs and/or cats, are bred or boarded for an overnight time period.

LIVABLE FLOOR AREA-The floor area within a residential structure to be used for habitation, excluding cellars, attics, utility (heating and cooling) rooms, garages and open porches, and in multifamily housing, excluding common hallways.

97.118.3. Definitions.

LOADING SPACE-An off-street space or berth, on the same lot with a building or group of buildings, for the temporary parking of a commercial vehicle while loading or unloading material.

LOT AREA-The area contained in the lot lines of a lot, expressed in terms of square feet or acres. Any portion of a lot included in a street right-of-way shall not be included in calculating "lot area".
LOT, CORNER-See Corner Lot.

LOT DEPTH-The average horizontal distance between the front and rear lot lines as measured from the midpoint of the front lot line, at right angles or radially to the street line, to the rear lot line.

LOT FRONTAGE-A lotline or portion thereof which is coexistent with a street line. In the case of a street of undefined width, the lot line shall be assumed to be parallel with the center line of the street at a distance twenty-five (25) feet therefrom. In the case of corner lots the smaller of the two (2) lotlines co-existing with street lines shall be considered as the frontage.

LOT, INTERIOR-A lot other than a corner lot.

LOT LINE-Any line forming a portion of the exterior boundary of a lot according to maps and plots of record filed with the county recorder.

LOT WIDTH-The horizontal distance between the side lotlines measured at right angles to its lot depth at a point which constitutes the rear line of the required front yard space.

LOW INCOME HOUSING-Housing subject to affordability controls and defined as affordable according to the United States Department of Housing and Urban Development or other recognized standards for home ownership and rental, and occupied or reserved for occupancy by households with a gross household income equal to 50 percent or less of the median gross household income for households of the same size within the housing region in which the housing is located.

MANUFACTURING-Any process whereby the nature, size or shape of articles or raw materials are changed or where articles are assembled or packaged.

MIXED-USE DEVELOPMENT – A building or buildings that includes one or more dwelling units above one or more non-residential uses on the ground floor.

MODERATE INCOME HOUSING-Housing subject to affordability controls and defined as affordable according to the United States Department of Housing and Urban Development or other recognized standards for home ownership and rental, and occupied or reserved for occupancy by households with a gross household income equal to or more than 50 percent but less than 80 percent of the median

97.118.3. Definitions.

gross household income for households of the same size within the housing region in which the housing is located.

MOTEL-A building or group of buildings providing guest rooms, where each unit has direct access to a parking space for use by that unit's occupant, a public lobby, one (1) or more public dining rooms and efficiency units, where the total number of such efficiency units does not exceed twenty percent (20%) of the total number of guest rooms. It may contain the following uses incidental to its operation: meeting rooms, swimming pools, cabanas, cocktail lounges and sales of newspapers, periodicals, souvenirs, cigars and cigarettes.

NATURAL GRADE – The elevation of the ground level in its natural state, before construction, filling, or excavation.

NUISANCE-Any practice which annoys, disturbs or interferes with one in the possession and enjoyment of his/her property, rendering its use or operation physically uncomfortable, e.g., excessive noise, noxious odors, electronic radiation, vibrations, smoke discharge, glare, improper drainage, etc.

NURSERY-A place where trees, shrubs, vines and other ornamental horticultural products are grown and where incidental retail sales are made.

NURSERY SCHOOL-A privately operated establishment where four (4) or more children under six (6) years of age are kept during the daytime while parents or guardians are at work or otherwise engaged.

NURSING, REST OR CONVALESCENT HOME-A licensed health facility where persons are housed and furnished with meals and continued nursing care, in return for compensation, under the general supervision of a licensed physician or registered nurse; or a structure designed and used for the housing and care of persons afflicted by illness or infirmity, before or following hospitalization, especially the care of elderly, infirm or handicapped persons, in which surgical facilities are not provided. A home for the sheltered care of adult persons as defined by N.J.S.A. 30:11A-1 shall not be considered a “nursing, rest or convalescent home,” nor shall it be permitted under this ordinance.

OCCUPANCY-The specific purpose for which land or a building is used, designed or maintained. A dwelling unit shall be construed to be occupied if one (1) or more persons or a family customarily reside in said dwelling unit overnight.

OPEN SPACE - The ratio of area unimproved with man-made buildings, structures, uses, and paving to total lot area.

OUTDOOR CAFÉ-Shall mean a designated outdoor area that is located on the property of an existing restaurant or on the public sidewalk or the right of way immediately adjacent to the property of an existing restaurant where food and beverages that are normally offered to the public for consumption inside the

97.118.3. Definitions.

restaurant are offered and served to the public for consumption in the designated outdoor area.

PARKING SPACE-An off-street space available for the parking of a motor vehicle, either within a structure or in the open, exclusive of driveways or access drives. Private driveways for one- and two-family dwellings may be considered off-street parking areas, provided that no portion of such private driveway is within the street right-of-way line and no home occupation is conducted upon the lot. A non-residential parking space must have a means of ingress and egress and tandem parking is not considered a valid parking space for any non-residential use.

PATIO – The yard area adjacent to a principal structure covered by brick, concrete or other material that is not covered by a permanent roof.

PERMITTED USES-Any use of land or buildings as permitted by this ordinance.

PERSON-Includes any individual, firm, corporation, association, partnership, business entity or organization of any kind or nature.

PET DAY CARE- A commercial establishment where domesticated animals, dogs and/or cats, are kept for a limited time period in which no overnight boarding occurs.

PET GROOMING- A commercial establishment providing services for domesticated animals, dogs and/or cats that may include bathing, cleaning, clipping and grooming. No animals are boarded overnight.

PLANNED RESIDENTIAL DEVELOPMENT-A minimum contiguous land development project comprehensively planned as a single entity via a unitary site plan which contains one (1) or more residential housing types designed in accordance with Section 97-123.6 so as to provide ample useable open space in proportion to the number of residents, which is laid out in a manner that preserves significant natural features. **(Added 3-26-85 by Ord. No. 3-85)**

PROFESSIONAL OFFICE-The offices of a dentist, physician, attorney, clergyman, accountant, consultant, engineer, architect, insurance or real estate agent or other similar professionals. Where such office is part of a structure in which said professionals reside, the restrictions as outlined under “home occupation” shall apply.

RECREATIONAL VEHICLES-A portable structure or wheelbased structure built on a chassis, which is either self-propelled or designed to be transported by traction, which is intended by its manufacturer to be used as a temporary dwelling for travel, camping or vacation purposes. “Recreational vehicles” shall include camping trailers, motorized homes, travel trailers and boat and snowmobile trailers, which are defined as follows:

97.118.3. Definitions.

A. **CAMPING TRAILER**-A type of trailer that is designed and constructed with collapsible walls. The walls are collapsed while the recreational vehicle is being towed and are raised or unfolded when the vehicle becomes temporary living quarters and is not being moved.

B. **MOTORIZED HOME**-A portable dwelling designed and constructed as an integral part of a self-propelled vehicle.

C. **TRAVEL TRAILER**-A wheelbased vehicled built on a chassis designed to be hauled by traction.

D. **BOAT AND SNOWMOBILE TRAILERS**-A wheelbased vehicle on a chassis designed to be hauled by traction, which is specifically designed for transporting items including but not limited to boats, snowmobiles, "ATVs", motorcycle dirtbikes, off-road vehicles and other conveyances not intended for on-road use.

RESTAURANT – An establishment where the principal use is the preparation and sale of food to be served and consumed by patrons seated within the establishment.

RESTAURANT, DRIVE-IN - An establishment where the principal use is the preparation and sale of food, and drinks, for consumption primarily outside the confines of the principal building, or in an automobile parked upon the premises. In addition thereto, indoor or outdoor seating may be provided for the patrons within or adjacent to the principal building.

RESTAURANT, DRIVE-THROUGH – See Restaurant, Take-Out

RESTAURANT, TAKE-OUT – An establishment where the principal use is the preparation and sale of food and drinks, to patrons for consumption primarily outside the confines of the principal building, and where ordering and pickup of food may also take place from an automobile drive-through. In addition thereto, indoor or outdoor seating may be provided for the patrons within or adjacent to the principal building.

RIGHT-OF-WAY - The extent of the area occupied or intended to be occupied for street purposes including the paved cartway, curbs, shoulders, sidewalks, and areas for the placement of public utilities.

SATELLITE DISH ANTENNA - Any apparatus which is designed for the purpose of receiving telephone, radio, microwave, satellite or similar signals, with the exception of conventional television antennas. **(Added 8-9-83 by Ord. No. 15-83)**

SCREENING - A visual barrier of plant materials as described in the definition of "buffer strip," or appropriate fencing or other material which may be agreed to by the Planning Board.

97.118.3. Definitions.

SENIOR CITIZEN PROJECT - A residential building or group of buildings, together with accessory structures and uses, having more than three (3) dwelling units, designed for and intended to be occupied by persons who are fifty-five (55) years of age or older, in a private communal setting, except:

A. A spouse, brother or sister of a person fifty five (55) years of age or older and residing with such person.

B. An adult whose presence is essential for the physical care or economic support of a person fifty five (55) years of age or older.

SENIOR COMMUNITY CENTER – A facility intended to provide recreational, social, educational and cultural activities for adults fifty-five years of age or older.

SERVICE STATION, AUTOMOTIVE - Land and building designed and used for the sale of fuel, lubricants and automotive accessories, which provides maintenance and minor repairs for motor vehicles, but not including body repairs and under no circumstances including storage of inoperable or wrecked vehicles. (See Section 97-124.2).

SETBACK LINE- A line drawn parallel to a street line or lot line and drawn through the point of a building nearest to the street or lot line. The term "required setback" means a line that is established as a minimum distance from a street line or lot line and within which a building or part of a building, patio, deck or pool is not permitted to extend towards the street or lot line in order to provide the required yard. Setback lines shall be measured to the nearest portion of any building on the premises. **(Amended 3-23-93 by Ord. No. 3-93)**

SHOPPING CENTER - One (1) or more buildings or parts thereof to be occupied and used by more than one (1) enterprise for the conduct of business as an integrated, comprehensively planned and managed area.

SIGN - Please see definitions included in Section 97-123.9 of this chapter.

SNACK SHOP - An establishment similar to a restaurant, but limited to the extent that no food is cooked on the premises other than heating by a microwave oven, warming oven, or device that does not require fire suppression or exhaust per the New Jersey Building Code. Additionally, no drive-through windows exist on the premises, and seating for customers does not exceed twelve (12).

SWIMMING POOL, PORTABLE - Portable pools shall not be subject to the requirements of Section 97-123.10 and are those pools which are not otherwise permanently installed; do not require water filtration, circulation and purification; do not exceed two (2) feet of water depth; do not exceed a water surface area of one hundred twenty (120) square feet; and do not require braces or supports.

97.118.3. Definitions.

SWIMMING POOL, PRIVATE - An accessory structure in or above the ground, associated with a residential dwelling unit or units and located on an individual residential lot, which is permanently established and maintained upon the premises for the residents and the guests of their household.

SWIMMING POOL, PUBLIC or PRIVATE CLUB - Include either outdoor or indoor pools which are artificially constructed to provide recreational facilities for swimming, bathing or wading.

TANDEM PARKING - A non-residential parking space in which automobiles are stacked one behind another, so that one automobile must be moved for full access and egress.

TAVERN - An establishment where the principal use of the building is for the sale and onsite consumption of alcoholic beverages, which may also offer use of certain amusement machine devices, and a limited menu of prepared food items to be consumed by patrons seated within the establishment.

TEMPORARY STORAGE UNIT - Any container, storage unit or portable structure (commonly known as PODS) designed to be used on a temporary basis and without a foundation for the purpose of storing tangible property and not for occupancy by persons.

TOWING SERVICE - A use permitted only as part of any approved automobile service station (Section 97-124.2), which moves disabled vehicles. No towing equipment shall be parked or stored outside overnight.

TOWNHOUSE - An attached single-family dwelling unit in a line of three (3) or more connected dwellings, each separated by a fire wall and having direct access to a private fenced-in outdoor living space in addition to either private garages or common carports and auxiliary open areas. Each single-family unit may have one (1) or two (2) stories, but nothing in this definition shall be construed to allow one (1) dwelling unit over the other.

TRAILER, CONSTRUCTION - A temporary structure utilized on a construction site as a field office or for the storage of materials to be removed upon completion of a construction project.

TRAILER, TRAVEL - Any vehicles designed, equipped or used for sleeping or living or eating and designed to be moved from place to place on wheels and to be propelled on its own power or propelled by another vehicle.

TRAILER, EQUIPMENT – Any vehicle designed to be moved from place to place on wheels and to be propelled on its own power or propelled by another vehicle, whose purpose is primarily for storage of equipment, materials or machinery.

TURNING AREA - The area necessary in a parking lot for maneuvering vehicles into and out of parking stalls and, in other areas, the space provided for vehicles to turn around.

USE - The specific purpose for which land or a building is designed, arranged or intended or for which it is or may be occupied or maintained.

USE, ACCESSORY - A use which is customarily associated with and subordinate to the principal use of the lot or a building and which is located on the same lot therewith.

USED CAR LOT - Any place out of doors where two (2) or more used motor vehicles are displayed, or offered for sale or lease.

VERTICAL AXIS WIND TURBINE (VAWT)- a wind energy conservation system (WECS), also known as an "egg beater" style wind turbine, that produces energy from a vertical axis. VAWT are capable of being secured as a tower or roof mounted installation.

WIND ENERGY CONSERVATION SYSTEM - a horizontal axis wind turbine (HAWT) or vertical axis wind turbine (VAWT) that converts wind energy into electricity through use of a wind turbine generator and includes such elements as a wind turbine generator hub, blade or rotor, tower and transformer.

YARD, FRONT - An open, unoccupied space extending across the full width of the lot and lying between the street line and building setback line. The depth of the "front yard" shall be measured horizontally at right angles from the street line, or radially on a curved street, to the building line.

YARD, REAR - An open, unoccupied space extending the full width of the lot between the main building and the rear lot line. The depth of the "rear yard" shall be measured horizontally from the nearest part of the main building toward the nearest point of the rear lot line.

YARD, SIDE - An open, unoccupied space extending from the front yard to the rear yard between the main building and each side lot line. The width of the required "side yard" shall be measured horizontally at right angles from the nearest point on the side lot line toward the nearest part of the main building.

97-119. District Regulations

97-119.1. R-1 Single-Family Residential District.

Within the R-1 Single-Family Residential District the following standards shall apply:

97-119.2. R-2 Single-Family Residential District.

A. Permitted uses.

1. Single-family detached dwellings.
2. Cluster development (see Section 97-123.2).
3. Agricultural uses other than the rearing or maintenance of farm animals or fowl (see Section 97-121.3).
4. Nursery.
5. Public parks, playgrounds, pools and recreation sites.
6. Public buildings essential to the health, safety and welfare of the community.

B. Permitted accessory uses, buildings and structures.

1. Private garages.
2. Fences and walls (see Section 97-123.3).
3. Greenhouses, tool sheds and customary accessory buildings to farms and nurseries.
4. Private swimming pools (see Section 97-123.10).
5. Off-street parking for a residence (see Section 97-123.7).
6. Signs (see Section 97-123.9).
7. Home occupations (see Section 97-123.14)
8. Other customary accessory uses, buildings and structures which are clearly incidental to the principal use and building.

C. Area and bulk requirements: as specified in Section 97-117.2 and contained in the zoning schedule located at the end of this chapter.

D. Conditional uses. The following uses are subject to the conditions contained in Section 97-124 of this ordinance:

1. Churches and places of worship and religious instruction.
2. Private preschools and public and private schools.
3. Public utilities.

97-119.2. R-2 Single-Family Residential District.

Within the R-2 Single-Family Residential District the following standards shall apply:

A. Permitted uses: the same uses as permitted in the R-1 District, Section 97-119.1.A, except that cluster development shall not be permitted in the R-2 District.
B. Permitted accessory uses, buildings and structures: the same accessory uses, buildings and structures as permitted in the R-1 District, Section 97-119.1.B.
C. Area and bulk requirements: as specified in Section 97-117.2 and contained in the zoning schedule located at the end of this chapter.

D. Conditional uses. The following are subject to the conditions contained in Section 97-124 of this ordinance:

1. Churches and places of worship and religious instruction.
2. Private preschools and public and private schools.
3. Public utilities.

97-119.3. R-3 Village Residential District.

Within the R-3 Village Residential District the following standards shall apply:

A. Permitted uses.**(Amended 7-8-86 by Ord. # 16-86; 7-14-87 by Ord. #10-87).**

1. Single-family detached dwellings.
2. Two-family dwellings with a minimum lot size of ten thousand (10,000) square feet.
3. Public buildings, public parks, public schools and public recreation sites.
4. Professional offices.
5. Assisted living residences and hospitals.

B. Permitted accessory uses, buildings and structures.

1. Private garages.
2. Private swimming pools (see Section 97-123.10).
3. Off-street parking (see Section 97-123.7).
4. Signs (see Section 97-123.9).
5. Fences and walls (see Section 97-123.3).
6. Home occupations (see Section 97-123.14).
7. Other customary accessory uses, buildings and structures which are clearly incidental to the principal use and building.

C. Area and bulk requirements: as specified in Section 97-117.2 and contained in the zoning schedule located at the end of this chapter.

D. Conditional uses. The following are subject to the conditions contained in Section 97-124 of this ordinance:

1. Churches and places of worship and religious instruction.
2. Philanthropic, charitable and eleemosynary uses.
3. Private preschools and private schools. **(Amended 7-8-86 by Ord. No. 16-86).**
4. Public utilities.

97-119.4. Reserved.

97-119.5. R-4 Senior Citizen Residential District.

Within the R-4 Senior Citizen Residential District the following standards shall apply:

A. Permitted uses.

1. Single-family detached dwellings.
2. Senior citizen projects at a density not to exceed ten (10) dwelling units for each acre of land within the site.
3. Public parks, playgrounds and recreation sites.
4. Private clubs and recreation facilities.
5. Public buildings essential to the health, safety and welfare of the community.

B. Permitted accessory uses, buildings and structures: the same accessory uses, buildings and structures as permitted in the R-3 District, Section 97-119.3B.

C. Area and bulk requirements: as specified in Section 97-117.2 and contained in the zoning schedule located at the end of this chapter.

D. Conditional uses. The following uses are subject to the conditions contained in Section 97-124 of this ordinance:

1. The same conditional uses as permitted in the R-2 District (Section 97-119.2D).

E. Additional requirements: as specified in Section 97-123.5.

97-119.6. Reserved.

97-119.7. VC-2 Village Center District (Added 3-26-85 by Ord. No. 3-85)

Within the VC-2 Village Center District the following standards shall apply:

A. Permitted uses:

1. The same uses as permitted in the R-3 Village Residential District, Section 97-119.3A.
2. Planned residential development (in accordance with Section 97-123.6)

B. Permitted accessory uses, buildings and structures:

1. The same accessory uses, buildings and structures permitted in the R-3 District, Section 97-119.3B.

C. Area and bulk requirements: as specified in Section 97-117.2 and contained in the zoning schedule located at the end of this chapter.

D. Conditional uses. The following uses are subject to the conditions contained in Section 97-124 of this ordinance:

1. The same conditional uses permitted in the R-3 District, Section 97-119.3D.
2. Mixed-use developments.

E. Additional requirements:

1. Non-residential uses shall comply with Section 97-119.9E.

97-119.8. VC-3 Village Center District (Added 3-26-85 by Ord. No. 3-85)

Within the VC-3 Village Center District the following standards shall apply:

A. Permitted uses:

1. The same uses as permitted in the C-1 Village Commercial District, Section 97-119.9A.
2. Planned residential development (in accordance with Section 97-123.6).

B. Permitted accessory uses, buildings, and structures:

1. Fences and walls (see Section 97-123.3).
2. Off-street parking (see Section 97-123.7).
3. Private garages.
4. Private swimming pools (see Section 97-123.10).
5. Signs (see Section 97-123.9).
6. Other customary accessory uses, buildings, and structures which are clearly incidental to the principal use and building.

C. Area and bulk requirements: as specified in Section 97-117.2 and contained in the zoning schedule at the end of this chapter.

D. Conditional uses. The following uses are subject to the conditions contained in Section 97-124 of this ordinance:

1. Churches and places of worship and religious instruction.
2. Restaurants and taverns, except for drive-in and drive-through restaurants.
3. Private preschools and public and private schools.
4. Public utilities.
5. Mixed-use developments.

E. Additional requirements:

1. Non-residential uses shall comply with Section 97-119.9E.

97-119.9. C-1 Village Commercial District.

2. Planned residential uses shall comply with Section 97-123.6.

97-119.9. C-1 Village Commercial District.

Within the C-1 Village Commercial District the following standards shall apply:

A. Permitted uses.

1. Retail trade stores.
   a. General merchandise, food, apparel, and accessories.
   b. Furniture, home furnishings and appliances.
   c. Liquor.
   d. Hardware and paint.
   e. Variety stores, drugstores, florists and other retail trade stores but not including fuel oil.
2. Service uses.
   a. Business services.
   b. Repair services other than automotive.
   c. Professional services.
   d. Printing and news services.
3. Business and professional offices.
4. Personal services:
   a. Barber.
   b. Hairdresser.
   c. Tailors and dressmakers.
   d. Nail salon.
   e. Licensed massage therapy.
   f. Tanning salon.
5. Laundry and dry cleaning, including self-service but not commercial laundries.
6. Assembly halls, theaters, bowling alleys, tennis courts, racquet ball courts, health/fitness centers, gymnasiums, and similar recreational uses, provided that their activities occur entirely within an enclosed building. **(Amended 3-23-93 by Ord. No. 3-93)**
7. Governmental buildings and uses other than storage yards for the maintenance and service of equipment.
8. Public transit stations and terminals.
9. Shopping centers.
10. Parking lots or structures for private passenger vehicles.
11. Schools for art, music and dance.
12. Nonprofit clubs, lodges, social and fraternal organizations.
13. Child day care centers

B. Permitted accessory uses, buildings and structures.

1. Fences and walls. (see Section 97-123.3)
2. Off-street parking (see Section 97-123.7)

97-119.10. C-2 Turnpike Commercial District.

3. Signs (see Section 97-123.9)
4. Other customary accessory uses, buildings, and structures which are clearly incidental to the principal use and building

C. Area and bulk requirements: as specified in Section 97-117.2 and contained in the zoning schedule located at the end of this chapter.

D. Conditional uses. The following are subject to the conditions contained in Section 97-124 of this ordinance:

1. Automotive service stations.
2. Churches and places of worship and religious instruction.
3. Restaurants and taverns.
4. Private preschools and public and private schools.
5. Public utilities.
6. Funeral parlors. **(Added 7-14-87 by Ord. No. 10-87)**
7. Mixed-use developments.
8. Animal Hospitals. **(Added 05-27-14 by Ord. No. 12-14)**

E. Additional requirements. **(Amended 5-9-06 by Ord. No. 13-06)**

1. Buffer strip. Where the property line of a non-residential lot abuts a residential zone or a residential land use, a strip of land at least ten (10) feet in width adjacent to the abutting zone line or property line shall be kept free of any building, structure, use, development or improvement, except sidewalks and landscaped improvements are permitted. Landscaped improvements shall be densely planted as a buffer strip as defined in this ordinance. Additional screening shall be provided in conjunction with Section 97-123.7C(11).

97-119.10. C-2 Turnpike Commercial District.

Within the C-2 Turnpike Commercial District the following standards shall apply:

A. Permitted uses.

1. The same uses as permitted in the C-1 District, Section 97-119.9A
2. Commercial uses such as:
   a. Auto parts and supplies.
   b. Plumbing, heating, electrical and building supplies.
   c. Landscape and nursery.
3. Wholesale trade establishments, except that outdoor storage of stock, supplies, medium and heavy duty trucks, industrial machinery, or raw materials is not permitted.

97-119.11. C-3 Neighborhood Commercial District.

B. Permitted accessory uses, buildings, and structures: the same accessory uses, buildings, and structures as permitted in the C-1 District, Section 97-119.9B.

C. Area and bulk requirements: as specified in Section 97-117.2 and contained in the zoning schedule located at the end of this chapter.

D. Conditional uses. The following are subject to the conditions contained in Section 97-124 of this ordinance:

1. The same conditional uses as permitted in the C-1 District, Section 97-119.9D.
2. Banks and financial institutions.

E. Additional requirements: as specified in the C-1 District, Section 97-119.9E.

97-119.11. C-3 Neighborhood Commercial District.

Within the C-3 Neighborhood Commercial District the following standards shall apply:

A. Permitted uses.

1. General merchandise, food, apparel, and accessories.
2. Variety stores, drugstores, florists and other retail trade stores but not including fuel oil.
3. Business, medical, and professional offices
4. Personal services such as:
    a. Barber.
    b. Hairdresser.
    c. Tailors and dressmakers.
    d. Nail Salon.
    e. Licensed massage therapy.
    f. Tanning salon
5. Child day care centers.

B. Permitted accessory uses, buildings, and structures. The same accessory uses, buildings and structures permitted in the C-1 District, Section 97-119.9B.

C. Area and bulk requirements: as specified in Section 97-117.2 and contained in the zoning schedule located at the end of this chapter.

D. Conditional uses. The following are subject to the conditions contained in Section 97-124 of this ordinance:

1. The same conditional uses as permitted in the C-1 District, Section 97-119.9D.

97-119.12. I Limited Manufacturing-Industrial District.

2. Banks and financial institutions.

E. Additional requirements: as specified in the C-1 District, Section 97-119.9E.

97-119.12. I Limited Manufacturing-Industrial District.

Within the I Limited Manufacturing-Industrial District the following standards shall apply:

A. Permitted uses.

1. Uses of a light manufacturing nature.

   a. Manufacturing of light machinery, and fabrication of metal, paper and wood products, provided that all manufacturing and fabrication activities are contained within enclosed structures

   b. Fabrication of plastic products of a low or moderate hazard classification as set forth in the Building Code, provided that all fabrication activities are contained within enclosed structures.
   c. Food and associated industries comprised of baking, bottling, processing or manufacturing, provided that all activities are contained within enclosed structures
   d. Scientific or research laboratories comprising any of the following: biological, chemical, dental, electronic, pharmaceutical and general research.

2. Storage buildings, warehouses and wholesale distribution centers, provided that such activities are conducted entirely within an enclosed structure or are conducted in open yard areas which are screened from view of adjacent lots or roads.
3. Office buildings for executive or administrative purposes.
4. Government buildings and government uses, by a Municipal, County, State or Federal Agency or authority. **(Amended 3-23-93 by Ord. #3-93).**
5. Lumber or building material yards and fuel dealers' and contractors' storage yards, where such storage is not visible at the street line.
6. Automotive repair, excluding auto body work.
7. Facilities used for assembly halls, theaters, bowling alleys, tennis courts, racquet ball courts, health/fitness centers, gymnasiums and similar recreational uses provided that their activities are carried on entirely within the enclosed building. **(Amended 3-23-93 by Ord. No. 3-93.)**
8. Child day care centers.

B. Permitted accessory uses:
   1. Accessory uses as permitted in the C-l District, Section 97-119.9B.

97-119.12. I Limited Manufacturing-Industrial District.

2. Food vending machines and snack shops where food is consumed by patrons of facilities permitted per 97-119.12A.2 and 97-119.12A.7.

C. Area and bulk requirements. As specified in Section 97-117.2 and contained in the zoning schedule located at the end of this chapter.

D. Conditional uses. The following uses are subject to the conditions in Section 97-124 of this ordinance:
1. Animal hospitals and kennels.
2. Public utilities.

E. Other requirements for industrial uses.

1. Buffering and landscaping. Where the property line of an industrial lot abuts or is across the street from a residential use or residential zone, a fifty-foot (50) wide strip of land in the yard area nearest to the abutting property line or zone line shall be kept free from any building, development or improvement, except for landscaping which shall include a buffer strip or fence as defined in this ordinance.

2. Storage and waste disposal.

a. No highly flammable or explosive liquids, solids or gases shall be stored in bulk above ground. Their location and construction shall comply with the safety standards of the Fire Prevention Bureau.

b. All outdoor storage facilities for raw materials and products shall be clearly incidental to and necessary to support the principal permitted use and building on the property and shall be enclosed by a fence no higher than eight (8) feet and adequate to conceal the facilities from the adjacent properties.

c. No materials or wastes shall be deposited upon a lot in such a form or manner that may be transferred off the lot by natural causes or force.

d. All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise attractive to rodents or insects shall be stored outdoors only in closed containers.

F. Performance requirements for industrial uses. If the performance characteristics of any proposed industrial use are questionable, a building permit may be withheld until the applicant for such a use shall, at the request of the Planning Board, furnish the following:

97-119.13. AH Affordable Housing District and CAH Commercial Affordable Housing. (Amended 3-13-90 by Ord. No. 2-90)

1. A report, in accordance with performance standards covered in Section 97-85 and Section 97-123.8, prepared by competent technical experts showing that at no time will such use cause or result in any:

   a. Dissemination of dust, smoke, smog, observable gas, fumes or odors or other atmosphere pollution, glare, heat, noise, radiation or vibration beyond the boundaries of the lot on which it is located.

   b. Hazard of fire or explosion or other physical hazard to any adjacent building or to any plant growth on any land adjacent to the site of the use.

   c. Hauling of materials, goods or products to or from the site of the use in a volume or manner materially incongruous with the normal traffic on the streets in the neighborhood.

   d. Dissemination or discharge of thermal energy, chemicals, waste or other matter, except stormwater runoff directly or indirectly into a stream, pond or any natural body of water.

2. A site plan with a detailed description of the proposed industrial process and its products accompanied by approval from the Sewer Authority.

3. Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system so that control will be maintained if the primary system should fail.

4. All industrial uses must stay within the tolerance set forth in the performance standards set forth in Section 97-123 of this ordinance, and the user shall furnish proof of this when asked to do so by the appropriate authorities.

97-119.13. AH Affordable Housing District and CAH Commercial Affordable Housing. (Amended 3-13-90 by Ord. No. 2-90)

Within the AH Affordable Housing District the following standards shall apply:

A. **Permitted uses in an AH Zone.** A building may be erected or used and a lot may be used or occupied for townhouse and multi-family residential dwelling units.

B. **Permitted accessory uses in an AH Zone.** Permitted accessory uses in an AH zone are off street parking, recreation facilities, fences, signs, and other customary

accessory uses and buildings which are clearly incidental to the principle use and building.

C. **Permitted Uses in a CAH Zone.** A building shall be used and property developed for all uses permitted in a "AH" zone.

1. Alternatively, a building may be used and property developed for all uses permitted in a "C-1" zone, provided that there is compliance with the additional requirements established for development in a CAH Commercial Affordable Housing District.

D. Additional requirements for development in an AH Affordable Housing District.

1. Inclusionary development set aside. An affordable housing set aside shall be applied to all dwelling units in a development in the AH District in accordance with all current regulations of the New Jersey Council on Affordable Housing (COAH). All development shall also be subject to 97-120, Affordable Housing Controls of the Borough of Waldwick Land Use and Development Code.

97-119.14. AH-1 Affordable Housing District. (Added 5-13-97 by Ord. No. 11-97)

A. All the provisions applicable to the AH Affordable Housing District as set forth in Section 97-119.13 of the Municipal Code shall apply to the AH-1 Affordable Housing District.

B. All other definitions which were set forth in the Borough of Waldwick Land Use and Development Code including Section 97-118.3 entitled “Definitions and Word Usage” shall apply to the AH-1 Affordable Housing District created by this Ordinance and are incorporated by reference herein. **(Added 5-13-97 by Ord. No. 11-97)**

97-120. Affordable Housing Controls

1. Affordable Housing Obligation

(a) This Ordinance is intended to assure that low- and moderate-income units ("affordable units") are created with controls on affordability over time and that low- and moderate-income households shall occupy these units. This Ordinance shall apply except where inconsistent with applicable law.

(b) The Borough of Waldwick Planning Board has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. The Fair Share Plan has been endorsed by the governing body. The Fair Share Plan describes the ways Borough of Waldwick shall address its fair share for low- and moderate-income

97-120. Affordable Housing Controls

housing as determined by the Council on Affordable Housing (COAH) and documented in the Housing Element.

(c) This Ordinance implements and incorporates the Fair Share Plan and addresses the requirements of N.J.A.C. 5:97, as may be amended and supplemented.

(d) The Borough of Waldwick shall file monitoring reports with COAH in accordance with N.J.A.C. 5:96, tracking the status of the implementation of the Housing Element and Fair Share Plan. Any plan evaluation report of the Housing Element and Fair Share Plan and monitoring prepared by COAH in accordance with N.J.A.C. 5:96 shall be available to the public at the Borough of Waldwick Administration Building, Municipal Clerk's Office, 63 Franklin Turnpike, Waldwick, New Jersey 07463, or from COAH at 101 South Broad Street, Trenton, New Jersey and on COAH's website, www.nj.gov/dca/affiliates/coah.

2. Definitions

(a) The following terms when used in this Ordinance shall have the meanings given in this Section:

"Accessory apartment" means a self-contained residential dwelling unit with a kitchen, sanitary facilities, sleeping quarters and a private entrance, which is created within an existing home, or through the conversion of an existing accessory structure on the same site, or by an addition to an existing home or accessory building, or by the construction of a new accessory structure on the same site.

"Act" means the Fair Housing Act of 1985, P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 et seq.)

"Adaptable" means constructed in compliance with the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.

"Administrative agent" means the entity responsible for the administration of affordable units in accordance with this ordinance, N.J.A.C. 5:96, N.J.A.C. 5:97 and N.J.A.C. 5:80-26.1 et seq.

"Affirmative marketing" means a regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.15.

"Affordability average" means the average percentage of median income at which restricted units in an affordable housing development are affordable to low- and moderate-income households.

"Affordable" means, a sales price or rent within the means of a low- or moderate-income household as defined in N.J.A.C. 5:97-9; in the case of an ownership unit, that the sales price for the unit conforms to the standards set

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forth in N.J.A.C. 5:80-26.6, as may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.12, as may be amended and supplemented.

“Affordable development” means a housing development all or a portion of which consists of restricted units.

“Affordable housing development” means a development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable development.

“Affordable housing program(s)” means any mechanism in a municipal Fair Share Plan prepared or implemented to address a municipality’s fair share obligation.

“Affordable unit” means a housing unit proposed or created pursuant to the Act, credited pursuant to N.J.A.C. 5:97-4, and/or funded through an affordable housing trust fund.

“Agency” means the New Jersey Housing and Mortgage Finance Agency established by P.L. 1983, c. 530 (N.J.S.A. 55:14K-1, et seq.).

“Age-restricted unit” means a housing unit designed to meet the needs of, and exclusively for, the residents of an age-restricted segment of the population such that: 1) all the residents of the development where the unit is situated are 62 years or older; or 2) at least 80 percent of the units are occupied by one person that is 55 years or older; or 3) the development has been designated by the Secretary of the U.S. Department of Housing and Urban Development as “housing for older persons” as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

“Assisted living residence” means a facility licensed by the New Jersey Department of Health and Senior Services to provide apartment-style housing and congregate dining and to assure that assisted living services are available when needed for four or more adult persons unrelated to the proprietor and that offers units containing, at a minimum, one unfurnished room, a private bathroom, a kitchenette and a lockable door on the unit entrance.

“Certified household” means a household that has been certified by an Administrative Agent as a low-income household or moderate-income household.

“COAH” means the Council on Affordable Housing, which is in, but not of, the Department of Community Affairs of the State of New Jersey, that was established under the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.).

“DCA” means the State of New Jersey Department of Community Affairs.

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“Deficient housing unit” means a housing unit with health and safety code violations that require the repair or replacement of a major system. A major system includes weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and/or load bearing structural systems.

“Developer” means any person, partnership, association, company or corporation that is the legal or beneficial owner or owners of a lot or any land proposed to be included in a proposed development including the holder of an option to contract or purchase, or other person having an enforceable proprietary interest in such land.

“Development” means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any use or change in the use of any building or other structure, or of any mining, excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to N.J.S.A. 40:55D-1 et seq.

“Inclusionary development” means a development containing both affordable units and market rate units. This term includes, but is not necessarily limited to: new construction, the conversion of a non-residential structure to residential and the creation of new affordable units through the reconstruction of a vacant residential structure.

“Low-income household” means a household with a total gross annual household income equal to 50 percent or less of the median household income.

“Low-income unit” means a restricted unit that is affordable to a low-income household.

“Major system” means the primary structural, mechanical, plumbing, electrical, fire protection, or occupant service components of a building which include but are not limited to, weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement or load bearing structural systems.

“Market-rate units” means housing not restricted to low- and moderate-income households that may sell or rent at any price.

“Median income” means the median income by household size for the applicable county, as adopted annually by COAH.

“Moderate-income household” means a household with a total gross annual household income in excess of 50 percent but less than 80 percent of the median household income.

“Moderate-income unit” means a restricted unit that is affordable to a moderate-income household.

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"Non-exempt sale" means any sale or transfer of ownership other than the transfer of ownership between husband and wife; the transfer of ownership between former spouses ordered as a result of a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executor's deed to a class A beneficiary and the transfer of ownership by court order.

"Random selection process" means a process by which currently income-eligible households are selected for placement in affordable housing units such that no preference is given to one applicant over another except for purposes of matching household income and size with an appropriately priced and sized affordable unit (e.g., by lottery).

"Regional asset limit" means the maximum housing value in each housing region affordable to a four-person household with an income at 80 percent of the regional median as defined by COAH's adopted Regional Income Limits published annually by COAH.

"Rehabilitation" means the repair, renovation, alteration or reconstruction of any building or structure, pursuant to the Rehabilitation Subcode, N.J.A.C. 5:23-6.

"Rent" means the gross monthly cost of a rental unit to the tenant, including the rent paid to the landlord, as well as an allowance for tenant-paid utilities computed in accordance with allowances published by DCA for its Section 8 program. In assisted living residences, rent does not include charges for food and services.

"Restricted unit" means a dwelling unit, whether a rental unit or ownership unit, that is subject to the affordability controls of N.J.A.C. 5:80-26.1, as may be amended and supplemented, but does not include a market-rate unit financed under UHORP or MONI.

"UHAC" means the Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26.1 et seq.

"Very low-income household" means a household with a total gross annual household income equal to 30 percent or less of the median household income.

"Very low-income unit" means a restricted unit that is affordable to a very low-income household.

"Weatherization" means building insulation (for attic, exterior walls and crawl space), siding to improve energy efficiency, replacement storm windows, replacement storm doors, replacement windows and replacement doors, and is considered a major system for rehabilitation.

3. Affordable Housing Programs

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The Borough of Waldwick has determined that it will use the following mechanisms to satisfy its affordable housing obligations:

(a) A Rehabilitation program.

1. The Borough of Waldwick's rehabilitation program shall be designed to renovate deficient housing units occupied by low- and moderate-income households such that, after rehabilitation, these units will comply with the New Jersey State Housing Code pursuant to N.J.A.C. 5:28.

2. Both owner occupied and renter occupied units shall be eligible for rehabilitation funds.

3. All rehabilitated units shall remain affordable to low- and moderate-income households for a period of 10 years (the control period). For owner occupied units the control period will be enforced with a lien and for renter occupied units the control period will be enforced with a deed restriction.

4. The Borough of Waldwick shall dedicate a minimum of $10,000 for each unit to be rehabilitated through this program, reflecting the minimum hard cost of rehabilitation for each unit.

5. The Borough of Waldwick shall adopt a resolution committing to fund any shortfall in the rehabilitation programs for the Borough of Waldwick.

6. The Borough of Waldwick shall designate, subject to the approval of COAH, one or more Administrative Agents to administer the rehabilitation program in accordance with N.J.A.C. 5:96 and N.J.A.C. 5:97. The Administrative Agent(s) shall provide a rehabilitation manual for the owner occupancy rehabilitation program and a rehabilitation manual for the rental occupancy rehabilitation program to be adopted by resolution of the governing body and subject to approval of COAH. Both rehabilitation manuals shall be available for public inspection in the Office of the Municipal Clerk and in the office(s) of the Administrative Agent(s).

7. Units in a rehabilitation program shall be exempt from N.J.A.C. 5:97-9 and Uniform Housing Affordability Controls (UHAC), but shall be administered in accordance with the following:

   i. If a unit is vacant, upon initial rental subsequent to rehabilitation, or if a renter-occupied unit is re-rented prior to the end of controls on affordability, the deed restriction shall require the unit to be rented to a low- or moderate-income household at an affordable rent and affirmatively marketed pursuant to N.J.A.C. 5:97-9 and UHAC.

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ii. If a unit is renter-occupied, upon completion of the rehabilitation, the maximum rate of rent shall be the lesser of the current rent or the maximum permitted rent pursuant to N.J.A.C. 5:97-9 and UHAC.

iii. Rents in rehabilitated units may increase annually based on the standards in N.J.A.C. 5:97-9.

iv. Applicant and/or tenant households shall be certified as income-eligible in accordance with N.J.A.C. 5:97-9 and UHAC, except that households in owner occupied units shall be exempt from the regional asset limit.

(b) A Supportive and Special Needs Housing Unit program.

1. All supportive and special needs housing units shall meet the following conditions:

i. Supportive and special needs housing units shall be permitted in the VC-2 Village Center District, the VC-3 Village Center District and the C-1 Village Commercial District. Supportive and special needs housing includes, but is not limited to: residential health care facilities as licensed and/or regulated by DCA or the New Jersey Department of Health and Senior Services if the facility is located with, and operated by, a licensed health care facility; group homes for people with developmental disabilities and mental illness as licensed and/or regulated by the New Jersey Department of Human Services; permanent supportive housing; and supportive shared living housing. Long term health care facilities including nursing homes, and Class A, B, C, D, and E boarding homes do not qualify as supportive and special needs housing.

ii. Supportive and special needs housing shall comply with all applicable statutes and regulations of the State of New Jersey in addition to all building codes.

iii. The following provisions shall apply to permanent supportive housing, group homes, residential health care facilities and supportive shared living housing:

1. The unit of credit shall be the unit for permanent and supportive housing, but shall be the bedroom for group homes, residential health care facilities and supportive shared living housing.

2. Housing that is age-restricted shall be included with the maximum number of units that may be age-restricted pursuant to N.J.A.C. 5:97-3.8.

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3. Units/occupancy shall not be restricted to youth under 18 years of age.

4. All sites shall meet the site suitability criteria set forth in N.J.A.C. 5:97-3.13.

5. The municipality or developer/sponsor shall have site control or the ability to control the site(s).

iv. The bedrooms and/or units shall comply with N.J.A.C. 5:97-9 and UHAC with the following exceptions:

1. Affirmative marketing (N.J.A.C. 5:80-26.15); however, group homes, residential health care facilities, permanent supportive housing and supportive shared living housing shall be affirmatively marketed to individuals with special needs in accordance with a plan approved by the Council's Executive Director;

2. Affordability average and bedroom distribution (N.J.A.C. 5:80 -26.3); and

3. With the exception of units established with capital funding through a 20-year operating contract with the Department of Human Services, Division of Developmental Disabilities, group homes, residential health care facilities, supportive shared living housing and permanent supportive housing shall have the appropriate controls on affordability in accordance with N.J.A.C. 5:97-9.

v. The following documentation shall be submitted prior to marketing the completed units or facility:

1. An affirmative marketing plan in accordance with section iv. above; and

2. If applicable, proof that the supportive and/or special needs housing is regulated by the New Jersey Department of Health and Senior Services, the New Jersey Department of Human Services or another State agency in accordance with the requirements of this section, which includes validation of the number of bedrooms or units in which low- or moderate-income occupants reside.

vi. Municipal building permit fees shall be waived in all cases involving permanent supportive housing, group homes, residential health care facilities and supportive shared living housing development under this section.

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(c) A Market to Affordable program.

1. A market to affordable program is established to permit the purchase or subsidization of units through a written agreement with the property owner and sold or rented to low- and moderate-income households. Subject to the provisions of 2iii below, the market to affordable programs may produce both low- and moderate-income units (the program may be limited to only low- or only moderate-income units as per the Fair Share Plan).

2. The following provisions shall apply to market to affordable programs:

   i. At the time they are offered for sale or rental, eligible units may be new, pre-owned or vacant.

   ii. The units shall be certified to be in sound condition as a result of an inspection performed by a licensed building inspector.

   iii. The municipality will provide a minimum of $25,000 per unit to subsidize each moderate-income unit and/or $30,000 per unit to subsidize the each low-income unit, with additional subsidy depending on the market prices or rents in a municipality.

   iv. The maximum number of creditable market to affordable units shall be equal to no more than 10 for sale units and 10 rental units or a combined total of 10 percent of the fair share obligation, whichever is greater. (Additional units may be approved by COAH if the municipality demonstrates the successful completion of its initial market to affordable program.)

3. The units shall comply with N.J.A.C. 5:97-9 and UHAC with the following exceptions:

   i. Bedroom distribution (N.J.A.C. 5:80-26.3(b) and (c));

   ii. Low/moderate income split (N.J.A.C. 5:80-26.3(a)); and

   iii. Affordability average (N.J.A.C. 5:80-26.3(d) and (e)); however:

      A. The maximum rent for a moderate-income unit shall be affordable to households earning no more than 60 percent of median income and the maximum rent for a low-income unit shall be affordable to households earning no more than 44 percent of median income; and

      B. The maximum sales price for a moderate-income unit shall be affordable to households earning no more than 70

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percent of median income and the maximum sales price for a low-income unit shall be affordable to households earning no more than 40 percent of median income.

4. New Construction

The following general guidelines apply to all newly constructed developments that contain low-and moderate-income housing units, including any currently unanticipated future developments that will provide low- and moderate-income housing units.

(a) Low/Moderate Income Split and Bedroom Distribution of Affordable Housing Units:

1. The fair share obligation shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low income unit.

2. In each affordable development, at least 50 percent of the restricted units within each bedroom distribution shall be low-income units.

3. Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:

   i. The combined number of efficiency and one-bedroom units shall be no greater than 20 percent of the total low- and moderate-income units;

   ii. At least 30 percent of all low- and moderate-income units shall be two bedroom units;

   iii. At least 20 percent of all low- and moderate-income units shall be three bedroom units; and

   iv. The remaining units may be allocated among two and three bedroom units at the discretion of the developer.

4. Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the inclusionary development. The standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.

(b) Accessibility Requirements:

1. The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the

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technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14.

2. All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have the following features:

   i. An adaptable toilet and bathing facility on the first floor;

   ii. An adaptable kitchen on the first floor;

   iii. An interior accessible route of travel on the first floor;

   iv. An interior accessible route of travel shall not be required between stories within an individual unit;

   v. An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and

   vi. An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq.) and the Barrier Free Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14, or evidence that the Borough of Waldwick has collected funds from the developer sufficient to make 10 percent of the adaptable entrances in the development accessible:

      A. Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.

      B. To this end, the builder of restricted units shall deposit funds within the Borough of Waldwick's affordable housing trust fund sufficient to install accessible entrances in 10 percent of the affordable units that have been constructed with adaptable entrances.

      C. The funds deposited under paragraph B. above shall be used by the Borough of Waldwick for the sole purpose of making the adaptable entrance of any affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.

      D. The developer of the restricted units shall submit a design plan and cost estimate for the conversion from adaptable to accessible entrances to the Construction Official of the Borough of Waldwick.

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E. Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14, and that the cost estimate of such conversion is reasonable, payment shall be made to the Borough of Waldwick's affordable housing trust fund in care of the Municipal Treasurer who shall ensure that the funds are deposited into the affordable housing trust fund and appropriately earmarked.

F. Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is site impracticable to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14.

(c) Maximum Rents and Sales Prices

1. In establishing rents and sales prices of affordable housing units, the administrative agent shall follow the procedures set forth in UHAC and in COAH, utilizing the regional income limits established by COAH.

2. The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60 percent of median income, and the average rent for restricted low- and moderate-income units shall be affordable to households earning no more than 52 percent of median income.

3. The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units.

   i. At least 10 percent of all low- and moderate-income rental units shall be affordable to households earning no more than 30 percent of median income.

4. The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70 percent of median income, and each affordable development must achieve an affordability average of 55 percent for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different prices for each bedroom type, and low-income ownership units must be available for at least two different prices for each bedroom type.

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5. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units other than assisted living facilities, the following standards shall be used:

   i. A studio shall be affordable to a one-person household;

   ii. A one-bedroom unit shall be affordable to a one and one-half person household;

   iii. A two-bedroom unit shall be affordable to a three-person household;

   iv. A three-bedroom unit shall be affordable to a four and one-half person household; and

   v. A four-bedroom unit shall be affordable to a six-person household.

6. In determining the initial rents for compliance with the affordability average requirements for restricted units in assisted living facilities, the following standards shall be used:

   i. A studio shall be affordable to a one-person household;

   ii. A one-bedroom unit shall be affordable to a one and one-half person household; and

   iii. A two-bedroom unit shall be affordable to a two-person household or to two one-person households.

7. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95 percent of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28 percent of the eligible monthly income of the appropriate size household as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.

8. The initial rent for a restricted rental unit shall be calculated so as not to exceed 30 percent of the eligible monthly income of the appropriate household size as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.

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9. The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the administrative agent be lower than the last recorded purchase price.

10. The rent of low- and moderate-income units may be increased annually based on the percentage increase in the Housing Consumer Price Index for the United States. This increase shall not exceed nine percent in any one year. Rents for units constructed pursuant to low- income housing tax credit regulations shall be indexed pursuant to the regulations governing low- income housing tax credits.

11. Utilities**.** Tenant-paid utilities that are included in the utility allowance shall be so stated in the lease and shall be consistent with the utility allowance approved by DCA for its Section 8 program.

5. Affirmative Marketing Requirements

(a) Borough of Waldwick shall adopt by resolution an Affirmative Marketing Plan, subject to approval of COAH, compliant with N.J.A.C. 5:80-26.15, as may be amended and supplemented.

(b) The affirmative marketing plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The affirmative marketing plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward COAH Housing Region 2 and covers the period of deed restriction.

(c) The affirmative marketing plan shall provide a regional preference for all households that live and/or work in COAH Housing Region 2 comprised of Bergen, Hudson, Passaic and Sussex Counties.

(d) The Administrative Agent designated by the Borough of Waldwick shall assure the affirmative marketing of all affordable units consistent with the Affirmative Marketing Plan for the municipality.

(e) In implementing the affirmative marketing plan, the Administrative Agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.

(f) The affirmative marketing process for available affordable units shall begin at least four months prior to the expected date of occupancy.

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(g) The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner, unless otherwise determined or agreed to by Borough of Waldwick.

6. Occupancy Standards

(a) In referring certified households to specific restricted units, to the extent feasible, and without causing an undue delay in occupying the unit, the Administrative Agent shall strive to:

1. Provide an occupant for each bedroom;

2. Provide children of different sex with separate bedrooms; and

3. Prevent more than two persons from occupying a single bedroom.

(b) Additional provisions related to occupancy standards (if any) shall be provided in the municipal Operating Manual.

7. Control Periods for Restricted Ownership Units and Enforcement Mechanisms

(a) Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.5, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the requirements of this Ordinance until the Borough of Waldwick elects to release the unit from such requirements however, and prior to such an election, a restricted ownership unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented, for at least 30 years.

(b) The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.

(c) Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the administrative agent shall determine the restricted price for the unit and shall also determine the non-restricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value.

(d) At the time of the first sale of the unit, the purchaser shall execute and deliver to the Administrative Agent a recapture note obligating the purchaser (as well as the purchaser's heirs, successors and assigns) to repay, upon the first non-exempt sale after the unit's release from the requirements of this Ordinance, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.

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(e) The affordability controls set forth in this Ordinance shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.

(f) A restricted ownership unit shall be required to obtain a Continuing Certificate of Occupancy or a certified statement from the Construction Official stating that the unit meets all code standards upon the first transfer of title that follows the expiration of the applicable minimum control period provided under N.J.A.C. 5:80-26.5(a), as may be amended and supplemented.

8. Price Restrictions for Restricted Ownership Units, Homeowner Association Fees and Resale Prices

Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, including:

(a) The initial purchase price for a restricted ownership unit shall be approved by the Administrative Agent.

(b) The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.

(c) The method used to determine the condominium association fee amounts and special assessments shall be indistinguishable between the low- and moderate-income unit owners and the market unit owners.

(d) The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom.

9. Buyer Income Eligibility

(a) Buyer income eligibility for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to 50 percent of median income and moderate-income ownership units shall be reserved for households with a gross household income less than 80 percent of median income.

(b) The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance

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and condominium or homeowner association fees, as applicable) does not exceed 33 percent of the household's certified monthly income.

10. Limitations on indebtedness secured by ownership unit; subordination

(a) Prior to incurring any indebtedness to be secured by a restricted ownership unit, the administrative agent shall determine in writing that the proposed indebtedness complies with the provisions of this section.

(b) With the exception of original purchase money mortgages, during a control period neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95 percent of the maximum allowable resale price of that unit, as such price is determined by the administrative agent in accordance with N.J.A.C. 5:80-26.6(b).

11. Control Periods for Restricted Rental Units

(a) Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.11, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this Ordinance until the Borough of Waldwick elects to release the unit from such requirements pursuant to action taken in compliance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, and prior to such an election, a restricted rental unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented, for at least 30 years.

(b) Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or seller with the records office of the County of Bergen. A copy of the filed document shall be provided to the Administrative Agent within 30 days of the receipt of a Certificate of Occupancy.

(c) A restricted rental unit shall remain subject to the affordability controls of this Ordinance, despite the occurrence of any of the following events:

1. Sublease or assignment of the lease of the unit;

2. Sale or other voluntary transfer of the ownership of the unit; or

3. The entry and enforcement of any judgment of foreclosure.

12. Price Restrictions for Rental Units; Leases

(a) A written lease shall be required for all restricted rental units, except for units in an assisted living residence, and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease.

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A copy of the current lease for each restricted rental unit shall be provided to the Administrative Agent.

(b) No additional fees or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.

(c) Application fees (including the charge for any credit check) shall not exceed five percent of the monthly rent of the applicable restricted unit and shall be payable to the Administrative Agent to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.

Section 13. Tenant Income Eligibility

(a) Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.13, as may be amended and supplemented, and shall be determined as follows:

1. Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30 percent of median income.

2. Low-income rental units shall be reserved for households with a gross household income less than or equal to 50 percent of median income.

3. Moderate-income rental units shall be reserved for households with a gross household income less than 80 percent of median income.

(b) The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35 percent (40 percent for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:

1. The household currently pays more than 35 percent (40 percent for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;

2. The household has consistently paid more than 35 percent (40 percent for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;

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3. The household is currently in substandard or overcrowded living conditions;

4. The household documents the existence of assets with which the household proposes to supplement the rent payments; or

5. The household documents proposed third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.

(c) The applicant shall file documentation sufficient to establish the existence of the circumstances in (b)1 through 5 above with the Administrative Agent, who shall counsel the household on budgeting.

14. Administration

(a) The position of Municipal Housing Liaison (MHL) for Borough of Waldwick is established by this ordinance. The Borough of Waldwick Mayor and Council shall make the actual appointment of the MHL by means of a resolution.

1. The MHL must be either a full-time or part-time employee of Borough of Waldwick.

2. The person appointed as the MHL must be reported to COAH for approval.

3. The MHL must meet all COAH requirements for qualifications, including initial and periodic training.

4. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for the Borough of Waldwick, including the following responsibilities which may not be contracted out to the Administrative Agent:

   i. Serving as the municipality's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents and interested households;

   ii. The implementation of the Affirmative Marketing Plan and affordability controls.

   iii. When applicable, supervising any contracting Administrative Agent.

   iv. Monitoring the status of all restricted units in the Borough of Waldwick's Fair Share Plan;

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v. Compiling, verifying and submitting annual reports as required by COAH;

vi. Coordinating meetings with affordable housing providers and Administrative Agents, as applicable; and

vii. Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing as offered or approved by COAH.

(b) The Borough of Waldwick shall designate by resolution of the Borough of Waldwick Mayor and Council, subject to the approval of COAH, one or more Administrative Agents to administer newly constructed affordable units in accordance with N.J.A.C. 5:96, N.J.A.C. 5:97 and UHAC.

(c) An Operating Manual shall be provided by the Administrative Agent(s) to be adopted by resolution of the governing body and subject to approval of COAH. The Operating Manuals shall be available for public inspection in the Office of the Municipal Clerk and in the office(s) of the Administrative Agent(s).

(d) The Administrative Agent shall perform the duties and responsibilities of an administrative agent as are set forth in UHAC and which are described in full detail in the Operating Manual, including those set forth in N.J.A.C. 5:80-26.14, 16 and 18 thereof, which includes:

1. Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by COAH;

2. Affirmative Marketing;

3. Household Certification;

4. Affordability Controls;

5. Records retention;

6. Resale and re-rental;

7. Processing requests from unit owners; and

8. Enforcement, though the ultimate responsibility for retaining controls on the units rests with the municipality.

9. The Administrative Agent shall have authority to take all actions necessary and appropriate to carry out its responsibilities, hereunder.

15. Enforcement of Affordable Housing Regulations

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(a) Upon the occurrence of a breach of any of the regulations governing the affordable unit by an Owner, Developer or Tenant the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, municipal fines, a requirement for household recertification, acceleration of all sums due under a mortgage, recoupment of any funds from a sale in the violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.

(b) After providing written notice of a violation to an Owner, Developer or Tenant of a low- or moderate-income unit and advising the Owner, Developer or Tenant of the penalties for such violations, the municipality may take the following action against the Owner, Developer or Tenant for any violation that remains uncured for a period of 60 days after service of the written notice:

1. The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation, or violations, of the regulations governing the affordable housing unit. If the Owner, Developer or Tenant is found by the court to have violated any provision of the regulations governing affordable housing units the Owner, Developer or Tenant shall be subject to one or more of the following penalties, at the discretion of the court:

    i. A fine of not more than $500.00 or imprisonment for a period not to exceed 90 days, or both. Each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not as a continuing offense;

    ii. In the case of an Owner who has rented his/her or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Borough of Waldwick Affordable Housing Trust Fund of the gross amount of rent illegally collected;

    iii. In the case of an Owner who has rented his/her or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the court.

2. The municipality may file a court action in the Superior Court seeking a judgment, which would result in the termination of the Owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any judgment shall be enforceable as if the same were a judgment of default of the First Purchase Money Mortgage and shall constitute a lien against the low- and moderate-income unit.

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(c) Such judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the low- and moderate-income unit of the violating Owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any First Purchase Money Mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating Owner shall have the right to possession terminated as well as the title conveyed pursuant to the Sheriff's sale.

(d) The proceeds of the Sheriff's sale shall first be applied to satisfy the First Purchase Money Mortgage lien and any prior liens upon the low- and moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating Owner shall be personally responsible for and to the extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in escrow by the municipality for the Owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the Owner shall make a claim with the municipality for such. Failure of the Owner to claim such balance within the two-year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the Owner or forfeited to the municipality.

(e) Foreclosure by the municipality due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The Owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.

(f) If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the First Purchase Money Mortgage and any prior liens, the municipality may acquire title to the low- and moderate-income unit by satisfying the First Purchase Money Mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the First Purchase Money Mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the low- and moderate-income unit could

have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.

(g) Failure of the low- and moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the Owner to accept an offer to purchase from any qualified purchaser which may be referred to the Owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- and moderate-income unit as permitted by the regulations governing affordable housing units.

(h) The Owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the Owner.

16. Appeals

Appeals from all decisions of an Administrative Agent designated pursuant to this Ordinance shall be filed in writing with the Executive Director of COAH.

97-121. General Provisions

97-121.1. Applicability.

Each of the provisions of this section shall apply to all zone districts unless otherwise stated.

97-121.2. Accessory buildings, structures, utility sheds and uses.

A. Accessory buildings, structures, emergency generators, or uses as part of principal buildings. Any building, structure, emergency generator, or use, or any part of a building, structure, or use attached to a principal building, whether temporary or permanent, shall adhere to the yard requirement for the principal building. **(Amended 05-27-14 by Ord. 13-14)**
B. Construction after principal building. No accessory building, structure or use may be built on any lot on which there is no principal building or structure.
C. Distance from adjacent buildings. No portion of an accessory building, structure, or use (except for utility sheds as regulated by 97-121.2.I) shall be closer to an adjacent building on the same lot than ten (10) feet or the height of said accessory building, whichever is greater.
D. Distance from property lines. No accessory building, structure, emergency generator, or use (except for utility sheds as regulated by 97-121.2.I) shall be located within the front yard. Accessory buildings, structures, emergency generators, or uses shall comply with the minimum distance from the side and

97-121.3. Agricultural uses.

rear property lines as contained in the schedule. **(Amended 05-27-14 by Ord. 13-14)**

E. Height. No accessory building, structure, or use (except for utility sheds as regulated by 97-121.2.I) shall exceed one (1) story or the height contained in the schedule for the district in which it is located, except for accessory buildings, structures, or uses constructed in connection with agricultural uses.
F. Area of accessory buildings, structures or uses. The total ground floor area of all accessory buildings, structures, or uses shall not exceed the ground floor area of the principal building and may not occupy more than twenty-five percent (25%) of the required rear yard, whichever is smaller. Agricultural and horticultural buildings, structures or uses may be excluded from these requirements.
G. Corner and Flag lots. Accessory buildings, structures, emergency generators, or uses on corner and flag lots may not be erected nearer to the street than the front yard required on the adjacent lot. **(Amended 05-27-14 by Ord. 13-14)**
H. Dwellings prohibited. No accessory building, structure, or use shall be used as a dwelling.
I. Utility sheds. A utility shed shall be exempt from the provision of Section 97-121.2C, D and E, provided that it is located on a lot whose principal building is a residence; and it is located no closer than ten (10) feet to any adjacent building; and it is located in the rear yard at a minimum three-foot setback from the rear lot line and interior side line. No utility shed shall be greater than ten (10) feet in height, or larger than one hundred forty-four (144) square feet. (**Added 6-10-86 by Ord. No. 15-86).**
J. Except during the course of an emergency, emergency generators shall only be utilized or tested between 9:00 am and 8:00 pm any day of the week. **(Added 05-27-14 by Ord. 13-14)**

97-121.3. Agricultural uses.

A. Agricultural buildings, including customary accessory structures, shall be at least one hundred (100) feet from any property line.
B. Permitted agricultural uses shall be principally for the raising of field and garden crops, and for vineyards and orchard farming.
C. The raising and breeding of livestock shall be prohibited.
D. Agricultural uses on five (5) acres or more shall be permitted incidental farm animals, provided that they are housed and kept in a manner which will not constitute a public nuisance.

    1. The following ratios of animals per acre of land exclusive of the first acre shall be complied with:

        a. Cattle, horses and ponies: one to one (1:1)
        b. Swine, sheep and goats: five to one (5:1)
        c. Fowl: five to one (5:1)

    2. These regulations shall not apply to house pets.

E. Provided that the lot involved consists of two (2) acres or more, the keeping of one (1) horse for riding purposes is permitted. The keeping of one (1) additional horse for riding purposes is permitted for each one (1) acre in the lot involved over the minimum of two (2) acres.
F. The sale of farm produce grown and produced on the same property is permitted, provided that said property has an area of at least five (5) acres.

97-121.4. Appearance of buildings.

Within any residential district no building where a permitted professional office or home occupation is to be located shall be constructed or altered in a manner so that its exterior design and appearance are not compatible and harmonious with a normal exterior residential appearance.

97-121.5. Area or space required.

No lot, yard, parking area or other open space shall be so reduced in area or dimension as to make it less than the minimum required under this ordinance. No lot, yard or parking area or other open space which is already less than the minimum required under this ordinance shall be further reduced in area or dimension.

97-121.6. Building identification.

All principal buildings in all districts shall be clearly identified as to street numbers, in accordance with the Borough of Waldwick Street Numbering Ordinance, by means of a small unobstructed sign clearly visible and legible from the main abutting street. The Official Waldwick Street Numbering Map shall be used for selection of street numbers assigned by the Borough tax assessor. Street numbers shall be placed only on the side of a building for which the tax department has determined the street address.

97-121.7. Number of principal residential buildings per lot.

No lot shall have erected upon it more than one (1) principal residential building except in the case of multifamily dwelling projects as permitted by this ordinance.

97-121.8. Reserved.

97-121.9. Building permits pending.

Nothing herein contained shall require any change in plans, construction or designated use for which a building permit has heretofore been issued and the construction of which shall have been diligently pursued within the applicable period of time regulated by the State of New Jersey.

97-121.10. Building setback and yards.
97-121.14. Display of goods for sale. (Deleted on January 22, 1994 by Ord. No. 2-94)

97-121.10. Building setback and yards.

A. All front yards must face upon a public street or private street approved by the Planning Board or the Borough Council. On streets less than fifty (50) feet in width, the required front yard shall be increased by one-half (1/2) of the difference between the width of the street and fifty (50) feet. If a width greater than fifty (50) feet is shown on the adopted Master Plan or Official Map, the required front yard shall be increased by one-half (1/2) of the difference between the width of the street and said greater width. The provisions of this subsection shall not apply if an established setback of fifty (50) feet had been formed for a distance of five hundred (500) feet in either direction of the proposed lot.
B. Front, side and rear building locations within five (5) feet of the minimum setback requirements of this section shall be surveyed and certified by a licensed engineer or land surveyor. The survey may be performed at any time prior to the erection of a building above the foundation. A certified copy of the survey shall be presented to the Building Inspector when the foundation of the building is complete.
C. On corner lots the front yard shall be construed as the yard on which the main entrance to the dwelling faces and the rear yard shall be the yard opposite the front yard. If a building is located diagonally on a lot facing two (2) streets, the yard adjoining both streets, shall comply with the front yard requirement.

97-121.11. Conversion of dwellings.

The conversion of any existing dwelling to a business or industrial use shall comply with the district regulations of this ordinance and shall be subject to the review and approval of a site plan prior to the issuance of the building permit or certificate of occupancy.

97-121.12. Corner lots.

Where a lot is bounded by more than one (1) street the front yard setback shall be taken along the side on which the main entrance is located; the side yard setback shall not be less than seventy percent (70%) of the front yard requirement in the district or conform to the setback line established along the same side of the street within five hundred (500) feet, whichever is greater. On corner lots, the average lot depth measured from any abutting street shall not be less than one hundred twenty-five percent (125%) of the required minimum lot width.

97-121.13. Dangerous conditions; incongruous buildings.

No permit shall be granted for a building or use if the design or construction of the same is likely to involve exceptional risk of traffic congestion, public safety or hazard, nor shall a permit be issued for a building or use if the design or construction of same is so markedly incongruous with the character of the neighborhood as to materially affect the value of adjacent property.

97-121.14. Display of goods for sale. (Deleted on January 22, 1994 by Ord. No. 2-94)
97-121.18. Landfill.

97-121.14. Display of goods for sale. (Deleted on January 22, 1994 by Ord. No. 2-94)

97-121.15. Driveways

A. Residential driveways shall not exceed twenty (20) feet in width; except that circular driveways extending from a driveway of twenty (20) feet in width shall be no wider than eleven (11) feet. The minimum setback to a property line shall be three (3) feet.
B. No driveway shall provide access to a lot located in another district, which lot is used for any use prohibited in the district in which such driveway is located.

97-121.16. Existing uses.

Except as specified in Section 97-125 of this ordinance, any use, building, sign or structure existing at the time of the enactment of this ordinance may be continued, even though such use, building, sign or structure may not conform with the provisions of this ordinance for the district in which it is located.

97-121.17. Groundwater supplies.

A. Distance restriction for structures near supplies. No building or structure shall be erected in any zone district of the Borough of Waldwick within fifty (50) feet of any well, infiltration gallery, spring or similar source of groundwater now or hereafter developed for a public water supply system.
B. Special requirements for sanitary sewer construction near supplies. No sewer or line carrying sanitary or industrial waste located within one hundred (100) feet of any well, infiltration gallery, spring or other similar source of groundwater now or hereafter developed for a public water supply system may be installed in any zone district in the Borough of Waldwick unless the same shall be of steel-reinforced concrete, cast iron or other similar material, properly protected and of completely watertight construction and other constructed in accordance with the Rules and Regulations for the Preparation and Submission of Plans for Public Water Supply Systems and Water Treatment Plants now or hereafter issued by the New Jersey State Department of Health.
C. District restriction for sanitary sewer manholes and connections. No manholes or connections on a sanitary sewer system shall be permitted within one hundred (100) feet of any well now or hereafter developed for a public water supply system in any zone district in the Borough of Waldwick.
D. Public water systems. “Public water system” is defined as a system comprising structures which, operating alone or with other structures, result in the derivation, conveyance, transmission or distribution of water for potable or domestic purposes to consumers in twenty (20) or more dwellings or properties.

97-121.18. Landfill.
97-121.23. Natural features preserved.

97-121.18. Landfill.

All lots being filled shall be filled with topsoil and/or clean fill to allow complete surface draining of the lot into local storm sewer systems. No construction shall be permitted which creates or aggravates water stagnation or a drainage problem.

97-121.19. Landscaping.

All properties shall be suitably landscaped, except for areas covered by buildings or surfaced as parking or service areas. All landscaping shall be properly maintained throughout the life of any use on any lot.

97-121.20. Land use.

The control and regulation of the uses of buildings and structures as herein provided shall equally apply to the nature and extent of the use of the land.

97-121.21. Lighting and sound systems.

The provisions of this section shall apply to all principal and accessory uses or activities permitted within a residential district or within two hundred (200) feet of a residential district boundary line.

A. Any outdoor lighting shall be adequately shielded and directed away from the adjoining properties.
B. Any public address system or loud speaker device which can be heard beyond the property line is specifically prohibited.

97-121.22. Lot width.

The minimum lot width as set forth in the schedule shall be measured in the following manner:

A. Irregularly shaped lots. In the case of irregularly shaped lots, the minimum lot width specified in the schedule may be measured at the building line, provided that in no case shall the lot frontage measured at the street right-of-way line be less than fifty percent (50%) of the minimum lot width requirement or fifty (50) feet, whichever is the greater.
B. Frontage along curves. Lot frontage shall be measured along the street right-of-way line at a public street. The measurement of lot frontage along curves shall be taken in a straight line between the two (2) side lot lines, along the chord, and not measured along the arc of the curve.

97-121.23. Natural features preserved.

No structure shall be built within fifty (50) feet of the bed of a stream. No building shall be constructed on land subject to periodic overflow or on land which has an

average water table within two (2) feet of the ground surface. No person shall strip, excavate or otherwise remove topsoil for sale or other use other than on the premises from which taken, except in accordance with the construction or alteration of a building on such premises and excavating or grading incidental thereto or except as hereinafter specified. Existing natural features such as trees, brooks, drainage channels and views shall be retained. Whenever such features interfere with the proposed use of such property a retention of the maximum amount of such features consistent with the use of the property shall be required wherever possible at the discretion of the Planning Board. Natural waterways are not to be altered.

97-121.24. Outdoor storage.

A. No outdoor storage of materials, or storage of vehicles, trailers or other such equipment shall be permitted in the front yard in any zone. This should not be considered to prohibit the use of a designated commercial parking area within a front yard for customer and employee parking.
B. No article or material shall be kept, stored or displayed outside the confines of a building unless the same is so screened by fences, walls or plantings so that it cannot be visible from the public street or adjoining property.
C. Outdoor storage of materials, vehicles, trailers or other such equipment shall be limited to items associated with the principal use of a property.
D. In all nonresidential zones, outdoor storage is only permitted in rear yard, as herein regulated. No articles, equipment, vehicles, supplies or materials shall be kept, stored or displayed outside the confines of any building unless and until the same are screened by special planting or fencing, as approved by the Planning Board, and maintained in good condition, so that they shall not be visible from any adjacent property or public street. Any fence required to screen the outdoor storage of flammable material otherwise permitted by this ordinance shall not be closer than twenty (20) feet to any property line on the lot upon which it is erected.

97-121.25. Temporary storage units.

A. No person shall place upon their property or upon any premises in the Borough a temporary storage unit, unless the owner of the premises has previously obtained a temporary storage unit permit from the Borough Zoning Official.
B. Application for such temporary storage unit shall be in writing and shall be presented to the Zoning Official and state the following:
    1. Name and address of the owner of the property;
    2. Name and address of the applicant;
    3. If the applicant is different from the owner, an affidavit from the owner that the applicant has permission to request such permit;
    4. Description of the temporary storage unit
        a. Size;
        b. Borough Zone in which temporary storage unit is to be located; and

5. An executed statement indicating that the applicant understands and agrees that this storage unit is temporary in nature and the applicant has read the ordinance regulating the same.

C. The cost for such temporary storage unit permit shall be twenty dollars ($20) and submitted to the Zoning Official with the application. Any extension requested pursuant to Subsection 7 below shall be an additional ten dollars ($10) which shall be submitted with the extension request.

D. The temporary storage unit shall be placed in a location as directed by the Zoning Official and preference shall be given to locating the temporary storage unit in the rear yard.

E. The application shall be reviewed by the Zoning Official who shall review the application for completeness and issue said permit within seven (7) business days of filing.

F. The temporary storage unit shall be temporary in nature and unless approved by the Planning Board, no temporary storage unit shall be placed or remain on the same premises more than one hundred and twenty (120) days, cumulatively, within a twelve (12) month period. The start date of the time period shall be the date delivery, as shown on the delivery ticket, which must be supplied to the Zoning Official upon request.

G. The temporary storage unit permit shall be granted for an initial period of no more than sixty (60) days, however, two thirty (30) day extensions of the permit may be granted, but in no case shall more than two (2) extensions be granted unless otherwise approved by the Planning Board. After expiration of the initial time period as well as the two (2) extensions, if additional time is still required, the applicant may submit such an application to the Planning Board for consideration. Such application must be submitted to the Planning Board within fourteen (14) days of the expiration of the second extension so as to have the matter heard prior to or as close as possible to the expiration of the maximum one hundred and twenty (120) day period as set forth in Subsection 6 above.

H. No more than one (1) temporary storage unit shall be placed upon any single lot at any one (1) time, and the temporary storage unit shall not exceed sixteen (16) feet in length.

I. If upon expiration of the permit period, the temporary storage unit has not been removed and remains on the premises, the Zoning Official shall notify the applicant and the property owner that they have five (5) days to correct such violation. Said notification shall be sent via regular and certified mail and if the violation is not remedied, a summons shall be issued.

97-121.26. Refuse storage.

The storage of refuse outside a structure shall be in tightly closed containers located no closer than ten (10) feet to the property line or the setback prescribed for accessory buildings in that district whichever is greater. All areas providing for the outside storage of refuse shall be screened so that it is not visible from the public street or adjoining property.

97-121.27. Trucks; parking in residential districts. (Amended 2-28-84 by Ord. No. 2-84)

Not more than one (1) truck or commercial vehicle owned or used by a resident shall be parked or stored outside overnight in any residential zone; provided, however, that no truck which is licensed by a state for a gross weight of such vehicle and load exceeding eight thousand (8,000) pounds shall be parked or stored overnight in any residential zone. In addition, the washing and maintenance of commercial vehicles is prohibited on residential property.

97-121.28. Visibility.

On any corner lot in any residential zone, no structure, (except for fences conforming to the requirements of Section 97-123.3) planting or shrubbery over thirty (30) inches in height above the level of the pavement of the roadway, except deciduous trees, shall be erected or maintained within twenty-five (25) feet of the intersection formed by the projections of the two (2) street side lines at the corner so as to interfere with traffic visibility across the corner. All trees adjoining street side lines in all zones shall have their branches trimmed at all times to ensure unobstructed vision eight (8) feet above street pavement level. This section of this ordinance shall be enforced by the Police Department of the Borough of Waldwick. **(Amended 10-14-97 by Ord. No. 20-97).**

97-122. Exceptions and Modifications

97-122.1. Exceptions to height limits.

No part of a building or structure may exceed the building height limits defined elsewhere in these ordinances with the following exceptions and clarifications:

1) Housings or roof structures, including but not limited to, elevators, stairways, tanks, ventilating fans, air-conditioning equipment required to operate and maintain a building, fire walls or parapet walls, skylights, towers, chimneys, cupolas, smoke stacks, monuments, water tanks, silos or similar structures may be erected above the height limits permitted by this ordinance provided that they are adequately screened or decorative in nature, but in no case more than twenty-five percent (25%) more than the maximum height permitted in the district.

2) Spires and steeples on building for the exclusive use of non-profit and religious institutions may be approved through the site plan process but in no case more than 50% the maximum building height limits in that district.

3) Roof mounted flagpoles on a building may not exceed twenty-five percent (25%) of the building height limits for any district.

4) Antennas for broadcast reception, amateur radio, and similar uses shall be located to minimize visual impact on the neighborhood. In no case shall any part of the structure or antennas mounted thereon be closer than ten feet from any property line. Any antenna must comply with any regulations of the Federal Communications Commission, the Federal Aviation Authority and must comply with any other applicable federal or state statues or regulations.

97-122.2. Exceptions to area requirements.

A. Contiguous lots. Whenever title to two (2) or more contiguous lots is held by the same owner, regardless of whether or not each of said lots have been approved as portions of a major subdivision or acquired by separate conveyance or by other operation of law, and one (1) or more of said individual lots should, by reason of exceptional narrowness, shallowness, topographical conditions, substandard area or yard space, not conform with the minimum lot area and dimensional requirements of the zone in which it is located, the contiguous lots of said owner, for the purpose of this ordinance, shall be considered as a single lot, and the provisions of this ordinance shall hold.

B. Deficient because of dedication. Whenever land has been dedicated to the Borough by a lot owner to meet the minimum street width requirements of this chapter or to implement the Official Map (Chapter 61 of the Borough of Waldwick Municipal Code) or Master Plan of the Borough, the Building Inspector shall issue building and occupancy permits for the lot whose depth and/or areas are rendered substandard in area only because of such dedication and where the owner has no other adjacent land to provide the minimum requirements.

97-122.3. Reserved. (Exceptions to corner lot requirements, was repealed 3-36-85 by Ord. No. 3-85)

97-122.4. Exceptions to frontage requirements.

For residential lots not fronting on a public road:

A. Where an existing single-family use is set back a greater distance than the minimum lot depth required for that district and has access from a public street by means of a private lane, the required frontage on a public road may be reduced to not less than fifty (50) feet, if such reduction will not adversely affect the development of the remaining undeveloped land, and as long as any such frontage reduction shall be measured at the street line and the side lines perpendicular to such frontage so that the lot area created is reasonably suited for the construction and used as a private lane and possible development of a Borough road.

B. The remainder of the lot, exclusive of the private lane, shall meet all requirements of the schedule for the district in which it is located.

C. In the event that an additional lot be located and developed on such private lane and said private lane becomes the access road for the additional lot, the owner of the private lane shall, at his/her own expense, pave and improve and dedicate to the Borough said private lane in accordance with all Borough standards regulating street construction and the provisions of Article VIII, Subdivision of Land. Furthermore, such road improvements shall be made prior to the issuance of a building permit for the additional dwelling.

97-122.5. Exceptions to front and side yards.

Uses may be located closer to the street right-of-way than required in the schedule but only where the pattern of existing buildings within three hundred (300) feet on either side of the lot on the same side of the street is established at a closer distance. Such new buildings may then be built no closer to the street line than the average setbacks of these existing buildings but no closer than the adjoining buildings. Undersized lots where Section 97-122.2 is not applicable may be permitted a reduction in the side yard requirements in proportion to the width of the undersized lot related to the minimum requirements of this ordinance; however, in no case shall any side yard be less than five (5) feet.

97-122.6. Exceptions to frontage on curves.

Where roads or streets are curved, the measurement of lot width may be met at the building setback line, but in no case may the lot frontage at the street line be less than one-half (1/2) of the required lot width or fifty (50) feet, whichever is the greater.

97-122.7. Exceptions in application or site plan regulations.

The Planning Board, when acting upon applications for preliminary or minor subdivision approval or preliminary site plan approval, shall have the power to grant such exceptions from requirements for subdivision or site plan approval as may be reasonable and within the general purpose and intent of the provisions for subdivision and/or site plan revision and approval of an ordinance adopted pursuant to this ordinance, if the literal enforcement of one (1) or more provisions of the ordinance is impractical or will exact undue hardship because of peculiar conditions pertaining to the land in question.

97-123. Special Regulations

97-123.1. Boats; trailers; disabled vehicles.

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Except as provided below, in the Borough of Waldwick the outside storage or parking and use of a boat, recreational vehicle, trailer (box trailer or utility trailer) or disabled vehicle by any person or persons is hereby prohibited in all districts.

A. Parking and storage of boats and recreational vehicles. The outside parking and storing of boats and recreational vehicles in any zone shall be permitted subject to the following restrictions and regulations:

    1. All recreational vehicles, boats or boat trailers shall be stored in the side or rear yard only. No recreational vehicle, boat or boat trailer shall be parked or stored in the front yard of a lot or in front of the front yard building line.
    2. Any recreational vehicle, boat or boat trailer parked in the side or rear yard of a lot shall meet the requirements and regulations applicable to accessory buildings.
    3. Any recreational vehicle, boat or boat trailer parked or stored in a side or rear yard and not in an enclosed garage shall be screened from view of any adjoining street or property. Such screening shall not exceed six (6) feet and shall consist of a wall, dense shrubbery, fence or other attractive material. Such screening may be waived if topographic or other physical conditions would render the screening ineffective.
    4. The area devoted to the storage of boats or recreational vehicles shall not exceed five percent (5%) of the lot area or four hundred (400) square feet, whichever is the lesser.
    5. The area in which any recreational vehicle, boat or boat trailer is to be parked or stored shall not preempt any off-street parking space required to be provided by any provision of this ordinance.
    6. At no time shall a stored recreational vehicle be occupied or used for working, living, sleeping or storage purposes.

B. Use of temporary storage trailers in connection with site construction. The use of temporary storage trailers in any zone in connection with a temporary construction field office shall be permitted subject to the following restrictions and regulations:

    1. Such trailers shall be located on the lot on which construction is progressing and shall not be located within twenty-five (25) feet of the boundary line of any abutting residential lot.
    2. Such trailers shall be used only as field offices and not for any dwelling use whatsoever.
    3. Such trailers shall not be moved onto a construction site until a date on or after which construction actually commences and shall be removed from such site on or before the completion of construction.

    4. A permit for the location and use of such trailer shall be obtained from the Zoning Officer. Such a permit shall be renewed every six (6) months.

C. Disabled and nonregistered vehicles. Disabled and/or nonregistered vehicles may not be stored longer than seventy-two (72) hours in any zone except in an enclosed garage unless the same are awaiting repair at a licensed public garage or unless the same are new vehicles being stored or displayed at a licensed motor vehicle dealership. For the purpose of this ordinance, the term “disabled” shall refer to a motor vehicle which is in such a state of disrepair that it cannot readily be made operable and conforming to all requirements of the New Jersey Division of Motor Vehicles.

97-123.2. Cluster development.

97-123.2. Cluster development.

Cluster development shall be permitted subject to Planning Board site plan approval in the districts permitting such use subject to the following regulations. Nothing contained herein shall be construed to require the Planning Board to approve any subdivision employing cluster development standards if said subdivision is in conflict with any provision of the Waldwick Master Plan or if said subdivision will in any way result in a land use pattern that will adversely affect that portion of the Borough in which it lies.

A. Area and bulk requirements. Within the R-1 Single-Family Residential District cluster development proposals shall be subject to the following regulations:

    1. The number of proposed dwelling units in such cluster developments shall be no greater than if proposed as a conventional subdivision.
    2. One-third (1/3) of the total tract area must be devoted to open space and for public uses which area shall be subtracted from the total tract area before streets and lots are delineated.
    3. The minimum tract area for which cluster development standards may be applied for shall not be less than five (5) acres.
    4. Fifty percent (50%) of the lots may be ten thousand (10,000) square feet in area but in no case shall the average lot size be less than twelve thousand (12,000) square feet. **(Amended 3-26-85 by Ord. No. 3-85)**
    5. The minimum lot width shall be seventy-five (75) feet.
    6. All buildings shall comply with the minimum required yard areas for principal and accessory buildings.

B. Open space. Lands to be devoted to public purpose and accepted by the Borough shall be deeded to the Borough of Waldwick. Land to be used as common open space by all homeowners and tenants shall be deeded to a duly created homeowners' association. Lands reserved as open space shall be subject to the following regulations:

    1. No area to be deeded to the Borough or reserved as open space under terms of this ordinance shall be less than one (1) acre unless said area is to be joined to an existing parcel of Borough land or unless a smaller area is shown on the Master Plan or Official Map of the Borough.
    2. The area deeded to the Borough or reserved as open space under the terms of this ordinance shall be used only for one (1) or more of the following purposes:

        a. Undeveloped public open space.
        b. Recreational facilities.
        c. Public schools and school grounds.
        d. Public uses designated for the property in question on the Master Plan.

97-123.2. Cluster development.

3. The area to be deeded to the Borough or reserved as open space under the terms of this section shall be at a location and of a shape as required by the Planning Board, provided that:

    a. Said area shall adequately accommodate one (1) or more of the permitted uses listed above and shall complement the existing and contemplated future surrounding development.
    b. Said area shall be adaptable to the above permitted uses without undue public expenditure that might be required by reason of adverse topography, adverse drainage or slope conditions or inadequate accessibility.

C. Homeowners' association.

1. The dedication of open space land, streets or other land in common ownership of the homeowners' association shall be absolute, perpetual and not subject to reversion for possible future use or further development. Membership in a homeowners' association by all property owners shall be mandatory, such required membership and the responsibilities upon the members shall be in writing between the homeowners' association and the individual in the form of a covenant, each member agreeing to their liability for their pro rata share of the association's costs and providing that the Borough shall be a part beneficiary to such covenant entitled to enforce its provisions. Such association shall be responsible for liability insurance, local taxes, maintenance of land deeded to them and any facilities that may be erected on this land. The property owners in the approved homeowners' association shall pay their pro rata share of the cost for providing liability insurance, local taxes, and maintenance of such deeded open land and recreation facilities upon it. The assessment levied by the association may become a lien on the private properties in the development. The duly created homeowners' association shall be allowed to adjust the assessment to meet changing needs, and any deeded land may be sold, donated or in any other way conveyed to the Borough for a public purpose only, i.e., schools, parks, municipal facilities and other public uses.
2. The homeowners' association, initially created by the developer, shall clearly describe in its bylaws the rights and obligations of any homeowner in the cluster development, along with the covenants and model deeds, the articles of incorporation of the association and any other information that the Borough and its attorney may deem necessary for the protection of all parties concerned prior to the granting of final approval by the Planning Board.
3. The developer shall assume all responsibility for the homeowners' association until a majority of the dwelling sites are sold at which time the homeowners' association shall be automatically established. Provisions shall be made to ensure that control of the homeowners' association

97-123.3. Fences and walls.

shall be transferred to the individual homeowners in the development at such time as the lot owners, on the basis of one (1) vote per lot, shall represent two-thirds (2/3) of the total number of votes.

4. Prior to site plan approval the developer shall file with Borough Council a performance bond to ensure the proper installation of all recreation and park improvements shown on the site plan and a maintenance bond to ensure the proper maintenance of all common lands until the homeowners' association has been established. The amount and period of said bond shall be determined by the Planning Board and the form, sufficiency, manner of execution and security shall be approved by the Borough Attorney and Borough Council.
5. In the event that the organization established to own and maintain common open space shall, at any time after establishment of the cluster development, fail to maintain the common open space in reasonable order and condition in accordance with the plan, the Borough may serve notice, hold hearings and enter upon said common open space in order to maintain the same, and the cost of such maintenance by the Borough shall be assessed proportionately against the properties within the cluster development that have a right of enjoyment of the common open space and shall become a tax lien on said properties.
6. In the event that the organization established to own and maintain stormwater management facilities shall, at any time after establishment of the cluster development, fail to maintain the stormwater management facilities in reasonable order and condition in accordance with the plan, the Borough may serve notice, hold hearings and enter upon said stormwater management facilities in order to maintain the same, and the cost of such maintenance by the Borough shall be assessed proportionately against the properties within the cluster development and shall become a tax lien on said properties.

97-123.3. Fences and walls.

A. In any district on any corner lot, no fence, wall, sign, structure or other obstruction of vision shall be erected or maintained in any front yard. Shrubbery, trees, bushes and other natural growth is allowed except where the height of same obstructs visibility at a corner as regulated by Section 97-121.28.

B. On any lot, except as provided in Subsection A, in any residential district, no fence of a solid type of either wooden or masonry construction, less than seventy-five percent (75%) open, shall be more than thirty (30) inches high in the required front yard area, and any fence seventy-five percent (75%) or more open may be four (4) feet high in the front yard. In the side and rear yards, any type of fence is permissible up to six (6) feet in height. Plantings used as screening/fencing in driveway areas must not create an obstruction to a clear view.

97-123.4. Outdoor Cafes (Added 8-22-00 by Ord. No. 12-00)

C. No fence around residential property shall be erected of barbed wire, topped with metal spikes or constructed of any material or in any manner which may be dangerous to persons or animals.

D. Every fence shall be maintained in a safe, sound, upright condition and in accordance with the approved plan on file with the Building Inspector.

E. All fences must be erected within the property lines, with the finished side facing the street or adjoining property, and no fences shall be erected so as to encroach upon a public right-of-way.

F. The foregoing restrictions shall not be applied so as to prevent the erection of an open wire fence not exceeding eight (8) feet in height above ground level anywhere within public park, public playground or public school properties. These restrictions shall not be applied so as to restrict the erection of a wall for the purpose of retaining space, provided that such wall does not exceed such height to be measured from the ground level of the highest adjacent grade.

G. On any corner lot fences may be erected under the following conditions:
(Added Oct. 14, 1997 by Ord. No. 20-97)

1. When a corner lot's rear yard abuts the rear yard of another corner lot a six foot high fence may be erected along the sideline adjacent to the right-of-way. The fence shall have a front yard setback equal to one and one half times the required front yard setback for that particular zone. The fence may be extended to the rear property line.

2. When a corner lot's rear yard abuts a yard line other than a rear yard line of the adjacent property a four foot high fence of any permitted type construction may be erected. The fence shall have a front yard setback equal to one and one half times the required front yard setback for that particular zone. The fence may be extended to the rear property line.

H. Fences on top of retaining walls, berms, or other features. No fence constructed on a retaining wall, berm, or other man-made feature shall exceed a height of six (6) feet above the natural grade.

I. Fences on above-ground swimming pools shall not exceed four (4) feet in height.

97-123.4. Outdoor Cafes (Added 8-22-00 by Ord. No. 12-00)

An outdoor café shall be permitted as an accessory use to a restaurant located in the VC-2 Village Center District, VC-3 Village Center District, C-1 Village Commercial District, C-2 Turnpike Commercial District, C-3 Neighborhood Commercial District subject to the standards and conditions set forth below:

97-123.4. Outdoor Cafes (Added 8-22-00 by Ord. No. 12-00)

A. Outdoor Café Permit. Any person, firm, corporation or organization (hereinafter referred to as the applicant) shall first apply for and obtain from the Construction Code Official an outdoor café permit. In connection with the outdoor café permit application signed by the applicant on a form prepared by the Borough of Waldwick, which shall include the following information:

1. A description of the proposed design and location of the outdoor café and all temporary structures, equipment, furniture, and apparatus to be used in connection with its operation, including tables, chairs, planters, awnings, umbrellas, lighting and electrical outlets, if any, and the type and amount of plant material to be used in the planters;
2. A statement of seating capacity of the proposed outdoor café and the existing eating establishment actually operated by the applicant in the adjacent building. All outdoor seating is subject to the Borough parking requirements within 97-123.7.
3. The number of feet and location of unobstructed space permitting free passage of pedestrian traffic around or through each outdoor café. There shall be a minimum of four (4) feet of unobstructed paved surface of the sidewalk available for pedestrian traffic. The applicant shall submit a diagram showing the area to be utilized and the location of the table and chairs.
4. The location of all fire hydrants, parking meters, utility poles, benches, handicap ramps or any other fixtures permanently located on the sidewalk abutting the restaurant or within ten (10) feet thereof on either side or any side;
5. That the location of the outdoor café shall be directly abutting the restaurant to which the outdoor café is accessory. Any doors leading from the restaurant shall not be obstructed in any manner.
6. The name, residence address and telephone number of each individual, owner, partner or if a domestic corporation, the names, residence addresses and telephone numbers of the directors and officers owning a ten percent (10%) or greater interest in the corporation and the chief operating executive of the corporation and if a non-domestic corporation, the name, residence address and telephone number of the managing office for service of process within the State of New Jersey and a copy of the qualification of said non-domestic corporation to conduct business in the State of New Jersey.

    a. A copy of the trade, corporate, business or fictitious name upon which the applicant intends to do business pursuant to this Ordinance.
    b. The address of the place where the applicant intends to operate an outdoor café.

97-123.4. Outdoor Cafes (Added 8-22-00 by Ord. No. 12-00)

7. The name and address of the person owning the premises, if other than the applicant, and the consent of the owner of the premises to the application.

B. Action on Application and Appeal. The Construction Code Official will review the application for completeness and compliance with the terms of this Ordinance. The Construction Code Official will act on the application within seven (7) business days of its receipt. If the permit application meets the standards of this Ordinance, the permit shall be granted. The applicant or any interested party may appeal the grant or denial of the permit application to the Zoning Board of Adjustment within twenty (20) days by filing a notice of appeal in accordance with Section 97-38 of this chapter.

C. Rules and Specifications. An outdoor café authorized and operating pursuant to this Section shall comply with all of the following rules and regulations and such others as may be adopted from time to time by resolution or ordinance of the governing body of the Borough of Waldwick:

1. The café shall be operated and maintained in accordance with the finally approved permit.
2. No furniture, apparatus, decoration or appurtenance used in connection with the operation of the outdoor café shall be located in such a way as to impede the safe and speedy ingress and egress to or from any building or structure. Tables and chairs shall be placed adjacent to the building on the premises.
3. The cleanliness of the outdoor café area is the responsibility of the restaurant. The area utilized for the café shall be kept clean and free of litter. Trash receptacles shall be provided. Litter shall not be permitted on adjoining sidewalks or property. Sidewalks must be swept daily and debris placed in appropriate containers and not in the street or gutter. Sidewalks shall be washed as necessary.
4. Noise shall be kept at such a level as to comply with all provisions of the Borough ordinances relating to noise. In addition, there shall not be any public address systems, loudspeakers, sound systems, radios, or any other type of exterior sound system.
5. Outdoor cafes shall be permitted to operate from 7:00 a.m. to 10:00 p.m. from April 1st through March 31st of each calendar year. The license shall be valid for one (1) season each calendar year. The application fee shall be paid annually. **(Amended 5-28-13 by Ord. No. 8-13)**
6. Within one (1) hour after the closing of the outdoor café, the operator shall have all furniture, apparatus, decoration and appurtenances and any other items used in connection with the operation of such outdoor café removed from the outdoor café area. All such materials shall be stored in a safe and secure interior location in such a way as to not interfere with speedy ingress to the premises after hours by emergency service personnel.

97-123.4. Outdoor Cafes (Added 8-22-00 by Ord. No. 12-00)

7. The outdoor café shall be actually operated and maintained by the same person who operates and maintains the restaurant of which the café is a part and extension thereof.
8. All food preparation shall be in the regular kitchen area of the restaurant and such food preparation shall not be permitted within the outdoor café area.
9. All outdoor furniture used in the café operation shall be of quality construction and durable for continued outdoor use.
10. All necessary amendments to liquor license applications with regard to the description of the area of the licensed premises shall be made and approval for such obtained prior to the operation of an outdoor café which is a part of a premises for which a liquor license has been previously issued. The provisions of Chapter 29 shall not apply to the area covered by the outdoor café permit.
11. There shall be no additional signage on the premises.
12. The Borough retains the right to temporarily suspend an outdoor café license to allow for construction activity, utility repairs, special events or for any reasons deemed appropriate.
13. No condiments, or other food or beverage shall be stored outside.
14. The placement of the outdoor café shall not reduce the parking available or violate any land use development approval.
15. The area containing the tables and chairs should be, if reasonably practicable, separated from the pedestrian passageway. This should be accomplished by planters, fence, or other decorative devices. The divider shall not be a permanent structure and shall be removed at the expiration of an outdoor café permit.

D. Outdoor café permit fee. The fee for an outdoor café permit shall be as set forth in Chapter 48.

E. Consent to Inspection. Acceptance of the outdoor café permit by the applicant shall operate as a consent to the Board of Health, Fire, Police and Building officials of the Borough to inspect the outdoor café for continued compliance with the terms and conditions of this ordinance and any federal, state, county or local law, ordinance or regulation affecting the same.

F. Enforcement. The Borough Clerk shall be responsible for licensing and the collection of fees. This section shall be enforced by the Construction Code Official, the Police Department, the Board of Health, as to the sanitary code, Superintendent of Public Works as to trash, litter and recycling regulations, the Borough's Fire Safety Official, the Borough Construction Official or any other Borough Official as designated by the Mayor and Council.

G. Notice of violation; Failure to Comply. Upon a determination of an officer or employee of the Borough of Waldwick charged with the responsibility for enforcing the provisions of this Section that a permitee has violated one (1) or more of such provisions, such officer or employee shall give written notice

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to the permitee to correct such violation within twenty-four (24) hours of the receipt of such notice by the licensee. In the event that the licensee fails or refuses to correct such violation within such period, the permitee's outdoor café license shall thereupon and automatically be revoked.

1. Upon the revocation of such license, the licensee, upon written request, shall be entitled to a hearing before the governing body of the Borough of Waldwick within fourteen (14) days of the date of its request. The governing body may, in its sole discretion, restore such license as a result of the information presented to it at the hearing.

2. In addition to revocation of the outdoor café license, any violation of this Ordinance may be prosecuted in the Waldwick Municipal Court. Any person convicted of a violation of any of the provisions of this section shall be subject to a fine not to exceed five hundred dollars ($500). Each violation of a provision of this section and each day that a violation continues, shall constitute a separate offense.

97-123.5. Standards for senior citizen housing.

All senior citizen projects shall comply with the following standards:

A. Area, density and lot coverage.

1. Area. No senior citizen housing project shall be permitted on a lot having an area of less than fifteen (15) acres. **(Amended 2-28-84 by Ord. No. 2-84)**
2. Density. There shall be no more than ten (10) dwelling units for each acre of land within the site.
3. Lot coverage. No more than fifty percent (50%) of the total lot area shall be used for structures, vehicular driveways and parking area with a minimum of fifty percent (50%) of the total area left with existing natural features and/or landscape plantings and pedestrian site improvements.

B. Site plan review and approval.

1. Necessity. No building or occupancy permit shall be issued for any senior citizen project until the site plan has been reviewed and approved by the Planning Board.
2. Application. Application for site plan approval of a senior citizen project shall be submitted to the Waldwick Planning Board in accordance with the Municipal Land Use Law of the State of New Jersey, Article IX, Site Plan Review, and the procedures established in accordance therewith.
3. Site plan details. In addition to the requirements of Section 97-83 of this chapter, the applications for review and approval of a site

97-123.5. Standards for senior citizen housing.

plan for a senior citizen housing project shall include the following:

a. Plot plan or plans showing the location and use of each proposed building and/or accessory uses and structures, the gross floor area of all buildings, driveways and private roads, pedestrian site improvements, area and arrangements for parking, drainage systems, utilities, landscaping, exterior lighting, screening, fire hydrants and other safety devices or equipment.
b. General floor plan and unit floor plan for each type of dwelling unit.
c. General elevations.
d. Outline specifications providing a brief description of construction materials, finishes and equipment.
e. Schedule showing minimum requirements together with details of the proposal relating to area, density, lot coverage and off-street parking.
f. Proposed rules, restrictions, covenants, etc., if cooperative or condominium ownership is planned.
g. Land uses of adjoining lands within five hundred (500) feet from each boundary of the proposed site/
h. Such other data as may be necessary or appropriate to ascertain compliance with minimum standards and required conditions and to judge the effectiveness of the design and the character of the proposed project and to consider properly such things as its relationship to a surrounding area, anticipated traffic and public health, safety and welfare.

4. Additional information. Prior to approving or disapproving the site plan, the Planning Board shall have the right to require the applicant to furnish additional information, documents, deeds, agreements and other items which it considers relevant and material to its consideration of the proposed site plan or as may be necessary to give proper assurance and guarantee to the Borough of Waldwick that the said senior citizen project will be developed, constructed and maintained in the manner, form and within the limitations set forth in the application, plans, specifications, conditions and regulations governing said senior citizen project, and as may be required for the protection of the health, welfare and safety of the citizens of the Borough of Waldwick, and the Planning Board may require such other documents or information as it may deem necessary to show proper compliance by said applicant for a senior citizen project with all standards, regulations and provisions of the municipal ordinances of the Borough of Waldwick, or such of them as the

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Planning Board may determine to be applicable to the specific senior citizen project in question.

5. Swimming Pools within senior citizen housing projects. See Section 97-123.10C.

C. Required conditions. The Planning Board shall not approve a site plan for the development of a senior citizen project which does not give reasonable assurance that such project will comply with the following required conditions:

1. Access. Access to each dwelling unit shall be not more than fifty (50) feet from a driveway, private road or parking area which is available to be used by emergency or other service vehicles.
2. Clustering. No more than four (4) grade level dwelling units shall be constructed within a cluster or building group utilizing common or party walls. A second floor shall be permitted, the area of which shall not exceed twenty-five (25%) of the building or cluster and may constitute not more than one (1) additional dwelling unit. Each grade level dwelling unit shall have more than one (1) exit to provide ingress and egress from two (2) different sides of the building.
3. Completion schedules. General scheduling shall be provided for the construction, installation and completion of structures and site improvements included within the plan. No site plan shall be approved which includes structures or other improvements not to be completed within three (3) years after initial commencement of construction.
4. Design and construction. The design of all buildings and recreational facilities shall be consistent with the overall intent and purpose of such project and the reasonably anticipated needs and desires of its residents for privacy and participation in community and social activities. All dwelling units shall be provided with an adequate heating system with a design capacity to maintain a temperature of eighty degrees Fahrenheit (80 F) in all bathrooms and seventy degrees Fahrenheit (70 F) in all other habitable areas when the outside temperature is zero degrees Fahrenheit (0 F). Each dwelling unit shall have bath facilities. The size of the bathroom and arrangement of the facilities shall be designed to meet the needs of older persons and have a floor finish with nonslip characteristics and an imperviousness to water. All plumbing fixtures, accessories and treatment shall be selected for and provide design features that contribute to the safety, convenience and aid of older persons. Shower stalls shall include a built-in seat or bench or sufficient space for a bath stool.
5. Driveways or private roads. Within a senior citizen project there shall be provided a system of drives or private roads of a

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functional design adequate to meet reasonably anticipated traffic needs and give safe and convenient vehicular access to all dwelling units and other facilities. Any such drive or private road intended to serve more than one (1) dwelling unit shall have a minimum width of twenty-four (24) feet, except that a driveway which is less than fifty (50) feet in length and which is intended for the sole purpose of providing access to one (1) designated parking area shall have a minimum width of sixteen (16) feet. All such drives or private roads shall have suitable indications of any parking restrictions provided herein and shall conform to the following minimum specifications for construction:

a. The roadway shall consist of a four-inch macadam base course, a two-inch modified penetration intermediate course and a one and one half inch bituminous concrete surface course Type FABC-1 Mix No. 5.
b. The roadway shall conform to New Jersey State Highway Department Standard Specifications. A standard six-by-nine-by-twenty-inch concrete curb shall be constructed on both sides of the roadway and shall also conform to the New Jersey State Highway Department Standard Specifications.

6. Fire hydrants. Fire hydrants and other fire safety protection equipment shall be installed and maintained in accordance with the specification of the Waldwick Fire Prevention Bureau.
7. Height. No building shall exceed a maximum of two and one-half (2-1/2) stories or thirty-five (35) feet in height, whichever is the lesser.
8. Landscaping. All existing prominent natural features, such as large rock outcrops, large trees, tree groves, ponds, streams, glens and wildlife and plant conservation areas, shall be preserved, maintained or enhanced wherever possible. Such natural features shall be considered to be a desired asset and an integral part of the site. Landscape plantings and shade trees shall be shown for the areas around and between all buildings, around the perimeter and/or within parking service areas and along driveways or private roads. Pedestrian site improvements, such as sidewalks, paths, benches and statuary, shall be provided for the use and enjoyment of the residents. All landscaping details shall be an integral part of the site plan.
9. Lighting. Lighting shall be provided to illuminate all driveways, private roads, sidewalks, walkways and parking areas during the hours of darkness. The intensity of such illumination and the arrangement of all fixtures shall be such as to minimize the effect of any beam or glare on adjoining properties or dwelling windows.

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10. Parking. Parking as required by the New Jersey Residential Site Improvements Standards shall be provided in designated parking areas. Parking shall not be permitted along any drive or private road having a width of less than thirty (30) feet and which is intended to be used to serve more than one (1) dwelling unit. All parking areas shall be constructed so as to provide a smooth and safe driving surface, properly drained with suitable concrete curb protection. All parking spaces within any parking area shall be clearly marked to show the parking arrangement within said parking area.
11. Pedestrian site improvements. Due consideration shall be given in planning walks, ramps and driveways to minimize any danger of tripping, slipping or stumbling. Gradients of walks shall not exceed ten percent (10%), and handrails shall be required where appropriate. Outdoor areas available to residents shall be designed to permit older persons to move about with minimum effort or danger.
12. Screening. All parking or service areas shall be effectively screened on any side which faces a public street or adjoining property by a fence, wall or hedge at least five (5) feet in height, approved by the Planning Board and maintained in good condition.
13. Setbacks.
    a. No structure shall be located within forty (40) feet of any property line or State, County or municipal road, and no driveway, private road or parking area shall be located closer than forty (40) feet to any adjoining property. Buildings shall be located to conform to the following minimum open space requirements between such building and any vehicular driveway, parking areas or other structures.

        1. Front of building space: twenty-five (25) feet.
        2. Side of building space: eight (8) feet.
        3. Rear of building space: twenty-five (25) feet, except that parking areas may be located in said required rear of building space, but not less than ten (10) feet from said building.

    b. No portion of the open space required around any building for the purpose of complying herewith shall be included as part of the open space similarly required for another building.
    c. In applying the minimum setback and open space requirements as set forth herein, distances shall be measured on a horizontal plane to the closest part of any structure. Building overhangs, protrusions and

97-123.6. Standards for planned residential development. (Added 3-26-85 by Ord. No. 3-85).

attachments, whether at or above grade level and whether temporary or permanent, shall be deemed to be part of the structure for purposes of determining the minimum setback or open space requirements.

14. Unit size. All rooms of a dwelling unit shall be one (1) level, except that a split-level design shall be considered as one (1) level. Each unit shall contain one (1) or two (2) bedrooms. One-bedroom dwelling units shall have a minimum floor area of not less than seven hundred twenty (720) square feet, and two-bedroom dwelling units shall have not less than eight hundred (800) square feet.
15. Utilities. All utility lines, pipes and wires shall be placed underground.

D. Approval with conditions. The Planning Board may attach such conditions for any site plan approval for a senior citizen project as it shall deem necessary to protect the safety, health and welfare of the citizens of the Borough of Waldwick and future occupants of such project and to assure delivery of proper water supply, disposal of sewage and solid wastes, drainage, policing of the project, assurance of right of ingress and egress by the police, health, fire, inspecting officials and other officials of the Borough of Waldwick and guarantee of maintenance of facilities to be used by the residents of the said senior citizen project, and should said senior citizen project be organized as a cooperative or condominium, the Planning Board may require such covenants and agreements to be filed by the applicant prior to the issuance of a certificate of occupancy as may be necessary for the protection of the occupants of said project and the citizens of the Borough of Waldwick and guaranteeing compliance by the project and the cooperative or condominium with the rules, regulations, plans, specifications and conditions established by the Planning Board pertaining to said project.

97-123.6. Standards for planned residential development. (Added 3-26-85 by Ord. No. 3-85).

All planned residential development projects shall be developed in accordance with an approved comprehensive site plan (see Article IX, Site Plan Review) that complies with the following standards:

A. Area, density, lot coverage and size:

1. Area. A planned residential project shall have a minimum lot size of thirty thousand (30,000) square feet and a maximum lot size of five (5) acres.
2. Density. There shall be no more than one (1) dwelling unit for each three thousand six hundred thirty (3,630) square feet of land within the site.

97-123.6. Standards for planned residential development. (Added 3-26-85 by Ord. No. 3-85).

3. Lot coverage. Not more than thirty-five percent (35%) of the lot area shall be occupied by buildings.
4. Lot width. The minimum lot width and frontage shall be one hundred fifty (150) feet.
5. Lot depth. The minimum lot depth shall be one hundred fifty (150) feet.

B. Purpose of planned residential development project. The intent of the planned residential development regulations is to permit greater flexibility and consequently, more creative and imaginative design for the development of residential uses than generally possible under conventional zoning regulations. It is further intended to promote more economical and efficient use of the land while providing a harmonious variety of housing choices, a higher level of urban amenities and preservation of natural scenic qualities of open spaces. It is the responsibility of the applicant to provide documentation and demonstrate compliance with the objectives herein stated.

C. Access to planned residential development project. Access to a planned residential development project containing twenty (20) or more dwelling units shall be directly onto an arterial or collector street as shown in the Master Plan.

D. Yard requirements.

1. Street and property line setback. Every principal building shall have a minimum setback of one and five-tenths (1.5) times the highest portion of wall or building facade which faces the public street or property line. The wall height shall be the vertical distance measured from the lowest perimeter finished grade of the building wall to the highest point of the wall or roof peak adjacent to the property line. In any event, no principal building setback shall be less than the following:

    a. Front. Every principal building shall have a minimum front yard setback of at least thirty-five (35) feet from all public streets, but not less than the average prevailing setback that exists for two hundred (200) feet on either side, whichever is greater.
    b. Side. Every principal building shall have a minimum side yard setback of at least twenty (20) feet on one (1) side and a combined side yards setback for both sides of not less than fifty (50) feet.
    c. Rear. Every principal building shall have a minimum rear yard setback of at least thirty-five (35) feet.
2. Interior setback. Every building shall have a minimum setback of ten (10) feet from all interior roads and parking areas.
3. Buffer strip. There shall be a buffer strip along the entire perimeter of the property exclusive of the front yard, of at least ten (10) feet in width measured inward from the property line and suitably landscaped with grass and/or ground cover, shrubs and trees. Said buffer strip is included in the setback requirement.
4. Courtyards. Courtyards bounded on three (3) or more sides by the wings of the same building or by the walls of separate buildings shall

97-123.6. Standards for planned residential development. (Added 3-26-85 by Ord. No. 3-85).

have a minimum court width of two (2) feet for each foot of height of the tallest building.

5. Accessory buildings. No accessory building shall be located in the front yard. All accessory buildings shall not be located closer than ten (10) feet to any property line, except for pools which require twenty (20) feet.
6. Distance between buildings. The total minimum distance between buildings shall be the sum of the two (2) abutting yard requirements. The following yard areas shall be the minimum distances as measured horizontally in feet and shall be measured away from the front, side and rear of each building or group of attached townhouses. When the ends of buildings are opposite, or generally opposite, no building as measured radially from any corner shall be closer to another building than forty (40) feet where vehicular access is required between the buildings. The closest radial distance between the buildings may be reduced to not less than twenty (20) feet, provided that one (1) or more of the following conditions exist: the facing walls overlap no more than fifty percent (50%); the acute angle formed by the intersection of projected lines of each sidewall is greater than forty-five degrees (45); and if the height of the building is no greater than one (1) story.

    a. Front: twenty-five (25) feet.
    b. Side: twenty (20) feet.
    c. Rear: thirty (30) feet.

E. Bulk requirements.

1. Open space. At least thirty-five percent (35%) of the tract area, exclusive of roads, shall either be left in its natural state, appropriately landscaped or grassed, not to be occupied by driveways, parking areas or buildings.
2. Building height. No principal building shall be more than two and one-half (2-1/2) stories and not in excess of thirty-five (35) feet in height. No accessory building shall be more than one (1) story and not in excess of twenty (20) feet in height.
3. Building length. No building shall exceed two hundred (200) feet in length. A row of townhouses shall be considered as one (1) building.

F. Construction requirements.

1. The design layout of buildings shall provide, where possible, that the front of one (1) building does not face the back of another building or accessory building.
2. Each building shall contain a minimum of two (2) means of egress to the ground.
3. Each dwelling unit shall contain complete kitchen facilities, toilet, bathing and sleeping facilities, as well as living space and shall have a minimum livable floor area in accordance with the following:

97-123.6. Standards for planned residential development. (Added 3-26-85 by Ord. No. 3-85).

a. Studio apartment: five hundred (500) square feet.
b. One bedroom unit: seven hundred (700) square feet.
c. Each additional bedroom: two hundred (200) square feet is required.

4. There shall be no dwelling unit below the first floor nor above the second story of any such structure.
5. There shall be no more than sixteen (16) bedrooms per acre. A studio apartment shall be considered a one-bedroom apartment.
6. There shall be no more than ten (10) dwelling units in each garden-type apartment building or group of duplexes.
7. Each dwelling unit shall contain central utilities, heating and storage space.

G. Storage areas. Required storage areas shall be centrally provided in garden and attached rental-type housing construction and individually provided within each dwelling for townhouse, duplex or other condominium-type construction.

1. In addition to any room closets contained inside individual dwelling units, there shall be provided for each dwelling unit a minimum of three hundred (300) cubic feet of storage area in convenient, centrally located place in the basement or ground floor where personal belongings and effects of occupants may be separately stored and secured from those of other occupants without constituting a fire or health hazard.
2. There shall be a common storage area in each building for strollers, bicycles and similar types of frequently used equipment of at least fifty (50) cubic feet per dwelling unit.

H. Circulation and parking.

1. Off-street parking. Parking shall be provided in conformance with the New Jersey Residential Site Improvement Standards. A total of twenty-five percent (25%) of all required parking spaces shall be in garages. Garages may be located within the principal building or separated as an accessory structure.
2. Parking areas shall be located in the side or rear yards no less than ten (10) feet from a property line.
3. Means of traffic ingress and egress to all parking areas shall be in accordance with Section 97-123.7. For one-way traffic movements, driveway entrance-exit width shall not be less than fifteen (15) feet. For two-way traffic movements, driveway's width shall not be less than twenty-five (25) feet with a minimum two-foot wide concrete median separating opposing traffic lanes.

I. Landscaping and screening.

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1. All housing developments shall be provided with liberal and functional professional landscaping schemes. The developer shall furnish along with the plans and specifications required under this ordinance, landscaping plans drawn by a licensed landscape designer, which shall include plans for lighting the grounds, roads, drives, walks, parking areas and building entrances to the development as well as the plantings and other landscaping intended for the development.
2. Screening or buffers, consisting of planting strips and fences, shall be required around outdoor utility and around other similar areas, along property lines of adjacent property and around all parking areas, in order to shield apartment occupants and adjoining properties from such unsightly, disturbing or light-glaring areas. Clothes-drying areas shall not be permitted out-of-doors. Refuse disposal areas shall be completely enclosed.

J. Utilities and facilities.

1. Garbage and refuse storage and collection areas shall be provided with each apartment project in the appropriate numbers and locations to serve the convenience of the residents; such areas shall be screened from view but in suitable locations to permit the use of dumpsters which shall be required.
2. Coin-operated laundry washing and drying machines shall be located in the basement of garden apartment buildings.
3. All utilities shall be located underground.
4. Pedestrian sidewalks shall also be provided in other suitable locations, including entrances and exits wherever normal pedestrian traffic will occur and in order to handle the pedestrian traffic which the development will create.

K. Signs.

1. Housing developments may have one (1) unlighted sign for advertising purposes with a gross area of not more than sixty-five (65) square feet. Such signs shall be of a temporary nature and may be located in the required front yard space, provided that such sign shall be no closer than twenty (20) feet to any street right-of-way line. Such sign may be erected during the construction period, but shall be permitted to remain for a period of one (1) year from date of occupancy of the first unit. A permanent project identification sign, architecturally consistent with the design of the dwelling unit may be erected, provided that such sign does not exceed twenty (20) square feet and which may bear only the name of the project, the street address and the presence or lack of vacant units.
2. No other signs, other than pedestrian and vehicular directional signs, shall be visible from the premises.

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97-123.7. Off-street parking and loading.

All off-street parking and loading areas shall be subject to the approval of the Planning Board to ensure their adequacy, relation to traffic safety and protection of adjacent properties.

A. Residential and agricultural off-street parking.

(1a) Quantity. Provision shall be made for off-street parking spaces for all residential development subject to the New Jersey Residential Site Improvement Standards (RSIS). For detached dwellings, at least one residential parking space shall be in an enclosed garage, for each dwelling unit hereinafter erected. Those residential dwelling units without an enclosed garage prior to the effective date shall be considered legal, non-conforming structures. **(Amended 7-22-97 by Ord. No. 15-97)**

(1b) For mixed-use developments, the residential portion of the development shall require two spaces per dwelling unit.

(1c) Non-residential uses permitted in residential zones or the non-residential portion of a mixed-use development shall provide the number of parking spaces required by the specific use prescribed in the parking schedule in Subsection B(1). The effective date shall be October 14, 1983.

(1d) Any residential structure which had an enclosed garage prior to the effective date but after the effective date no longer has an enclosed garage, shall be deemed a legal, non-conforming structure if all of the following conditions are met: (i) on or before December 31, 1997, the residential lot is inspected by the zoning officer and Building Department; (ii) the inspection reveals that the residential lot has at least three usable off-street parking spaces; (iii) the payment of the appropriate fee as set forth in Chapter 48; (iv) the width of the driveway does not exceed twenty (20') feet; (v) conversion of the enclosed garage so that it cannot be used for off-street parking occurred prior to June 1, 1997; (vi) a letter is issued by the zoning officer of the Borough of Waldwick that there is compliance with Section 97-59A(1b) (i-v).

(2) Driveway. Off-street parking areas shall be so designed as to permit all vehicles to turn around on the site onto streets in order to prevent any vehicles backing out onto a public street from the site, designated as arterial or collector streets on the Master Plan. Refer to Section 97-121.15 for additional standards.

(3) Surface materials. All parking areas, passageways and driveways shall be entirely surfaced with a properly designed durable, all-weather pavement either bituminous concrete or Portland cement concrete or of

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pavers. Driveways in excess of one hundred (100') feet in length with grades not exceeding four percent (4%) may, in lieu of the foregoing requirements, be constructed of shale, stone or other materials as approved by the Borough Engineer.

(4) Grades. Driveway grades shall not exceed fifteen percent (15%) at any point along the driveway's entire length. In addition, the driveway grade shall not exceed eight percent (8%) for a distance of eight (8) feet from the curbline and a vertical curve provided between said eight-percent grade and any increasing grade.

(5) Side slopes. The side slopes of driveways shall be topsoil, seeded, fertilized and mulched to prevent erosion. If banks exceed a grade of thirty percent (30%), crown vetch or some other stabilizing material shall be planted or a retaining wall constructed based upon recommendations of the Borough Engineer.

(6) Farmer's roadside stands. Any permit approved for the erection of a farmer's roadside stand shall hereinafter provide for parking and maneuvering space at least ten (10) feet back from the existing or, when applicable, future right-of-way line of a public street. Such roadside business establishments shall provide at least two (2) off-street parking spaces in addition to what may be required for the operator of the stand. Under no circumstances shall the parking areas and driveway be so designed as to permit vehicles to back out onto a public street.

B. Non-residential off-street parking.

(1) **(Amended 7-14-87 by Ord. No. 10-87)** For all new buildings or uses or additions to existing buildings or uses in the non-residential zones and for non-residential buildings and uses in the residential zones, there shall be provided the number of off-street parking spaces required by the specific use in accordance with the following schedule:

Parking Schedule

Uses	**Required Parking Spaces**
Assembly halls, dance halls, community buildings, social clubs and institutions	1 for every 200 square feet of floor area
Automobile Service stations	2 for each gasoline service pump and 2 for each garage service bay
Banks	1 for every 200 square feet of floor area
Bowling alleys	4 for each alley
Churches, auditoriums and theaters	1 for every 4 seating spaces including school auditoriums
Dwelling units within mixed-use developments	2 per dwelling unit

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Uses	**Required Parking Spaces (Cont.)**
Funeral homes and mortuaries	1 for every 4 seating spaces at maximum capacity
Furniture and appliance stores, motor vehicle sales, wholesale stores, building material stores and similar hard good sales	1 for each 300 square feet of floor area plus 1 for every 2 employees on the maximum shift
Health Club/Fitness Center	1 space per 200 square feet of floor area
Home occupations	1 for every 150 square feet of floor area utilized for said business
Hospitals, nursing homes, assisted living and medical institutions	1 for every 200 square feet of floor area
Hotels and motels	1 for each sleeping room

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Indoor commercial recreation facility	1 space per 500 square feet of floor area, plus 1 space per each employee on the maximum shift
Industrial uses	1 for each 400 square feet of floor area
Kennel	1 space for each 600 square feet of floor area
Laundromats	1 space for every 3 washing machine
Medical and dental clinics or offices	1 per every 200 square feet of floor area, plus 1 space for every 2 employees, but not less than 1 space for every 200 square feet of floor area
Offices: general and professional	1 for every 200 square feet of floor area
Parks and other outdoor recreation sites	5 for each acre up to 50 acres and 1 for each acre above 50 acres
Physical therapy clinic	1 space per every 200 square feet of floor area
Private preschools and private schools	Elementary schools: one (1) for each staff member or employee, plus one (1) for each twenty (20) pupils All other schools: one (1) for each staff member or employee, plus one (1) for each five (5) pupils, plus adequate space for buses and delivery vehicles. The Planning Board shall determine if adequate space for buses and delivery vehicles is provided. Further, the Planning Board may increase parking requirements, if such considerations as the unavailability of bus services, the distance from centers of population, or a relatively high percentage of pupils driving their own cars, make such increased requirements desirable.
Public/Private Swimming Pools and Swim Clubs	1 per each 75 square feet of water surface area, plus one space for every 200 square feet of office square footage
Public Utilities	1 space per vehicle required to service the facility
Restaurants: taverns, eating and drinking places, and snack shops	1 for every 4 seats (including maximum outdoor seating) and 1 for every two employees on the maximum shift
Restaurants: drive-in/take-out and fast food	1 for each 4 seats (including maximum outdoor seating) and 1 for each 150 square feet of floor area if no

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	seats
Retail store and service establishments	1 for each 200 square feet of floor area
Supermarkets and self-service food stores	1 for each 200 square feet of floor area
Warehouses and storage	1 for each 400 square feet of floor area

(2) In using the above table for calculating required parking spaces if the number derived comes out to be a fraction of a parking space, the required number shall be rounded off to the next highest whole number.

(3) Any building containing more than one (1) use shall meet the combined parking space requirements for all uses in the building. Any change in use within a building shall be required to meet the minimum parking requirements for the new use.

(4) If it can be clearly demonstrated that because of the peculiar nature of any use all of the required parking is not necessary, the Planning Board may permit a reduction in the amount of parking area to be paved; provided, however, that the entire required parking area shall be shown in the site plan so that it will be available in the event that future conditions should so require it. For any parking spaces that are waived, the applicant shall be required to post a performance bond for two (2) years in the amount estimated by the Borough Engineer as the cost to construct the additionally required parking spaces.

(5) Parking for disabled persons compliant with the standards of the Americans with Disabilities Act (ADA). In any parking lot designed to accommodate the public, a minimum number of designated parking spaces accessible to disabled persons shall be required as follows For example in a 25 space parking lot, one handicap accessible space and 24 additional spaces are required.

Total Parking Spaces in Lot	**Required Number of Accessible Spaces**
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	2% of total
501 to 1,000	20, plus 1 for each 100 over 1,000

C. General requirements for nonresidential off-street parking. Unless otherwise provided in this ordinance, all nonresidential off-street parking and loading areas shall meet the following requirements:

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(1) Aisles.

(a) All parking areas shall be designed with service aisles from which cars directly enter or leave parking spaces to meet the following standards:

Type of Parking	Aisle Widths (feet)
Parallel	15
30-degree angle	20
45-degree angle	20
60-degree angle	22
90-degree angle	25

(b) In addition, there shall be a minimum distance between the ends of parallel parking spaces of six (6) feet when found necessary to provide convenient access.

(2) Curbing. Curbing shall be provided so that vehicles cannot drive onto required landscaped areas or street rights-of-way except at controlled entrance and exit points. Parking areas shall be enclosed by concrete or Belgian block curbing six (6) inches above the paved surface located at least five (5) feet from a property line, street right-of-way or nearest structural wall of a building. Within similar commercial districts, abutting lots may pave their adjacent parking lots up to the property line, provided that the proper access and circulation between the two (2) parking areas is provided and approved by the Planning Board. Upon recommendation of the Borough Engineer, the Planning Board may waive the curbing requirement where considered advisable in order to facilitate surface drainage.

(3) Drainage. All parking and loading areas shall be graded and equipped with adequate drainage facilities as approved by the Borough Engineer.

(4) Driveways.

a. The number of driveways provided from site directly to any one (1) municipal street shall be as follows:

Length of Site Frontage (feet)	Recommended Number of Driveways
100 or less	1
100 to 800	2
Over 800	Specified by Borough Engineer

b. No driveway to or from a parking area shall be located closer than one hundred (100) feet to the nearest right-of-way line of an

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intersecting street. However, any major use, such as a shopping center or industrial use, which in the opinion of the Planning Board will generate large traffic volumes shall not be located closer than two hundred (200) feet to the nearest right-of-way line of a street intersection.

c. The width of driveway entrances to and from a site shall be designed to adequately accommodate the volume and character of the vehicles anticipated to be attracted daily onto the site. Driveways serving large volumes of traffic shall be required to utilize high to maximum dimensions, while sites served by low traffic volumes shall be permitted to use low two minimum dimensions. For one-way traffic movements driveway entrance-exit widths shall be from twenty (20) feet to thirty (30) feet. For two-way traffic movements driveway widths shall range from twenty-five (25) feet up to forty-fix (46) feet.

d. Driveways used by vehicles in a one-way direction of travel shall not form any angle smaller than forty-five degrees (45º) with the public street, unless acceleration and deceleration lanes are provided. Driveways used for two-way traffic movements will intersect the public streets at an angle as near to ninety degrees (90º) as the site conditions will permit and in no case shall be less than sixty degrees (60º).

(5) Fire zones. Parking areas shall be so arranged as to provide adequate access to all buildings in case of fire or other emergencies. No parking shall be allowed within thirty (30) feet of the outer walls of the structure or within such other adequate distances as the Planning Board in consultation with the Borough Fire Officials may approve. The owner of the site shall post adequate signs and provide pavement marking, approved by the Planning Board, prohibiting parking in areas designated as fire zones.

(6) Interior traffic islands. All parking areas for thirty (30) or more vehicles shall contain grassed or landscaped island areas of at least eight (8) feet in width separating rows of proposed head-on parking spaces. Such interior traffic islands shall be spread throughout the parking area to control traffic movement in accordance with a site plan approved by the Planning Board. Interior traffic islands shall occupy a minimum of ten percent (10%) of the area, formed by the outer perimeter of the paved parking lot. Interior traffic islands shall be landscaped and contain shade trees as required under Subsection C(7).

(7) Landscaping. All portions of the property not used for off-street parking shall be attractively landscaped with grass lawns, trees and shrubs as approved by the Planning Board. Off-street parking areas providing parking for twenty (20) or more vehicles shall be provided with shade trees of a type approved by the Borough Engineer. These shade trees shall be located in a planned manner with the parking lot area in a quantity equal to not less than one (1) shade tree for each two

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thousand (2,000) square feet of parking area or part thereof. Provisions shall be made for the protection of said trees from vehicles by curbing or other acceptable methods. The property owner shall be responsible for the maintenance of said shade trees and the replacement of any tree which dies.

(8) Lighting. All parking areas, passageways and driveways serving commercial, industrial and multifamily uses shall provide an average lighting level of two-tenths (0.2) horizontal footcandles of illumination during the hours between sunset and sunrise when the use is in operation. Adequate shielding shall be provided by commercial and industrial uses to protect adjacent residential zones from the glare from such illumination and from that of automobile headlights.

(9) Location of parking. Parking areas may be located in any yard space for commercial uses and in any yard but the front yard for other uses, but shall not be closer than five (5) feet to any street or property line.

(10) Pavement markings. All parking and loading spaces shall be appropriately marked with painted lines. Parking spaces shall be delineated by hairpin or double-line markings. Parking stalls delineated by hairpin markings shall be measured from the centerline of each side to determine width. Traffic flow indicators shall also be marked on the pavement as specified in the approved site plan. All pavement markings shall be adequately maintained.

(11) Screening. All off-street parking areas shall be effectively screened on any side which adjoins or faces any residential use or zone, by a fence, wall or landscaped buffer area. Commercial areas shall be required to be screened from a residential use or zone by a fence for the purpose of protecting the residential property from litter, debris, light and glare and other such nuisances that would disturb peaceful possession. A fence or wall six (6) feet in height, containing no advertising, shall be maintained in good condition by the owner and tenant of the property. Fencing used shall be of closed post picket solid fence containing no more than twenty-five percent (25%) open space. The Planning Board may substitute a hedge or other natural landscaping for the required fence or wall. The fence as required by this section may be waived by the Planning Board if, in the Board's judgment, because of topographic or other unusual conditions, said fence is not necessary to screen adjoining residential property. Where parking is located in the front yard, the Planning Board may require construction of a landscaped berm up to a height of five (5) feet with slopes at a ratio of not less than two to one (2:1).

(12) Setbacks. Off-street parking areas shall be separated from the street right-of-way or other property lines by a minimum setback of five (5) feet to prevent any part of a vehicle from overhanging street or property lines.

(13) Sight distance. Wherever possible, driveway exits onto public streets shall be so designed with regard to profile, grading and location to

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permit the following recommended sight distance measured in each direction at the edge of pavement along the public street.

Allowable Speed on Municipal Street (miles per hour)	**Required Sight Distance (feet)**
25	150
30	200
35	250
40	300
45	350
50	400

(14) Size. Each off-street parking space shall be measured not less than nine by eighteen (9 x 18) feet, exclusive of access drives and aisles, except that parallel curb parking spaces shall be ten by twenty-three (10 x 23) feet.

(15) Surface material. All parking areas, passageways and driveways shall be surfaced with a properly designed impervious durable concrete all-weather pavement either bituminous concrete or portland cement concrete.

D. Shared parking. Any owner or group of owners of a business building or buildings in a commercial district may jointly sponsor off-street parking facilities, provided that the area of the parking facility equals the total area required for each owner participating therein, that such jointly sponsored facilities comply with all other requirements of this ordinance and further provided that any participating use is no further from the parking area than three hundred (300) feet.

E. Off-street loading space.

1. Number of loading spaces. In all districts, for every building or use requiring the receipt or distribution in vehicles of materials or merchandise, there shall be provided, on the same property with such building or use, off-street loading spaces in relation to floor area as follows:

Floor area (square feet)	**Number of spaces**
Under 10,000	1
10,000 to 19,999	2
20,000 to 49,999	3
50,000 to 99,999	4
Each additional 100,000 or part thereof	1

2. Size of loading space. Each loading space shall be at least twelve (12) feet in width, by forty (40) feet in length and have a fourteen-foot clearance above the grade; provided, however, that the Planning Board

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may require additional length of up to fifty-five (55) feet depending upon the length of vehicles using said space.

3. Location. Off-street loading spaces shall be located in the side or rear yard only, but in no case in a side yard adjoining a street.
4. Whenever an off-street loading and unloading space shall be located next to a residential use or zone, the loading and unloading space shall be suitably screened and buffered in accordance with Subsection C(11).
5. Surface material. Off-street loading and unloading spaces shall be surfaced with a dustless, all-weather pavement, of either bituminous concrete or portland cement concrete, which shall be adequately drained and designed and clearly marked as loading spaces, all subject to the approval of the Borough Engineer.
6. Access. Access to loading spaces shall be provided directly from a public street or alley or from any right-of-way that will not interfere with public convenience and will permit orderly and safe movement of truck vehicles.
7. Loading spaces shall be provided in addition to off-street parking spaces and shall not be considered as supplying off-street parking space.

97-123.8. Performance standards.

As a condition of approval and the continuance of any use, occupancy of any structure and operation of any process or equipment, the applicant shall supply evidence, satisfactory to the Planning Board or to its designated representative, that the proposed use, structure, process or equipment will conform fully with all of the applicable performance standards. As evidence of compliance the Board may require certification of tests by appropriate government agencies or by recognized testing laboratories, any costs thereof to be borne by the applicant. The Planning Board may require that specific operating procedures or methods be followed or that specific types of equipment, machinery or devices be installed if the government agencies or testing laboratories examining the proposed operation shall determine that the use of such specific types of machinery, equipment, devices, procedures or methods are required in order to ensure compliance with the applicable performance standards. Permits and certificates required by other government agencies shall be submitted to the Planning Board as proof of compliance with applicable codes.

A. Preservation of natural features. No structure shall be built within any drainage or conservation easement or, in their absence, within one hundred (100) feet of the top of the bank of a stream. No building shall be constructed within the floodplain of any stream or on land subject to periodic overflow or on land which has an average water table within two (2) feet of the ground surface. No persons, firms or corporation shall strip, excavate or otherwise remove soil for sale or other use than on the premises from which it was taken, except in connection with the construction or alteration of a building on such premises and excavating or grading incidental thereto, or except as hereinafter specified or pursuant to the terms of Article X, Soil Movement. Existing natural features

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such as trees, brooks and drainage channels shall be retained. Whenever such features interfere with the proposed use of such property, a retention of the maximum amount of such features consistent with the use of the property shall be required wherever possible at the discretion of the Planning Board.

B. Noise.

1. Noise produced within any structure in any zone shall not be in excess of the standards set by the Department of Labor, Occupational Safety and Health Administration, Occupational Safety and Health Standards and applicable established federal standards.
2. Any noise produced on any premises in any zone shall not be in excess of 55 decibels from any property line, unless otherwise indicated in this ordinance, and shall comply with Chapter 62, the Borough Noise Ordinance.
3. If the noise is not smooth and continuous but is of an impulsive or periodic character, the decibel levels indicated above shall be reduced by fifteen percent (15%).

C. Air pollution. All standards and provisions of the New Jersey State Department of Environmental Protection Air Pollution Control Code, as amended or supplemented, shall be complied with.

1. Smoke. In any nonresidential zone, smoke shall not be emitted into the open air from any fuel-burning equipment in excess of the standards set by the New Jersey Department of Environmental Protection, New Jersey Air Pollution Control Code, Chapter 4, Control and Prohibition of Air Pollution by Smoke, as amended or supplemented.
2. Solid particles.

    a. In any zone there shall be no discharge of solid particles through a stack, duct or vent in excess of the standards set by the New Jersey Department of Environmental Protection, New Jersey Air Pollution Control Code, Chapter 7, Control and Prohibition of Solid Particles, as amended or supplemented.
    b. No open burning shall be permitted in any zone, except in compliance with the New Jersey State Department of Environmental Protection Air Pollution Control Code, Chapter 2, Control and Prohibition of Open Burning, as amended or supplemented.
    c. All incinerators shall be approved by the New Jersey Department of Environmental Protection and comply with all standards and provisions of the New Jersey Department of Environmental Protection, New Jersey Air Pollution Control Code, Chapter 11, Control and Prohibition of Air Pollution From Incinerators, as amended or supplemented.

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d. Any road, parking area, driveway, truck loading or unloading station or any other exterior area having a substantial movement of vehicles or equipment shall be paved or otherwise stabilized during construction sufficiently to minimize the generation of dust from the movement of such vehicles or equipment.

D. Odors. In any zone, odorous material shall not be emitted into the atmosphere in quantities sufficient to be detected without instruments or in excess of the standards and provisions set by the New Jersey Department of Environmental Protection, New Jersey Air Pollution Control Code, Chapter 6, Prohibition of Air Pollution, as amended or supplemented. Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system, so that control will be maintained. Table 1, Odor Thresholds in Air, in Part 1, Odor Thresholds for 53 Commercial Chemicals, of Research on Chemical Odors, copyrighted October, 1968, by the Manufacturing Chemists Association, Inc., Washington, D.C., shall be used as a guide in determining quantities of offensive odors.

E. Liquid waste.

1. No liquid waste shall be discharged, directly or indirectly, into any watercourse except as to conform to federal, state and local statutes, laws and rules and regulations, as amended or supplemented. If the applicant proposes to construct facilities for the treatment of waste, he/she shall supply:

    a. A statement by, or a permit to construct issued by, the New Jersey Department of Environmental Protection certifying that such proposed facilities are in compliance with applicable federal and state laws and regulations.
    b. Approval of the installation of such facilities by the Sewer Authority.

2. No liquid waste shall be discharged into any sewage collection and disposal system unless the appropriate administering officials shall first have investigated the character and volume of such waste and shall have certified that the system is adequate to receive the liquid waste. The applicant shall comply with any requirements of said officials including the pretreating of such wastes, the installation of processing methods, separation or screening of waste, control of pH and other methods of improving such wastes prior to discharge, as a condition of approval of such facilities.

F. Solid waste. All users in the Borough shall:

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1. Assume full responsibility for adequate and regular collection and removal of all refuse except if the municipality assumes the responsibility.
2. Comply with all applicable provisions of the New Jersey State Department of Environmental Protection Air Pollution Control Code, as amended or supplemented.
3. Comply with all provisions of the State Sanitary Code, Chapter 8, Refuse Disposal, and standards and provisions of the Borough of Waldwick Board of Health codes.
4. Permit no accumulation on the property of any waste, trash or garbage except in areas designated for temporary accumulation of such material prior to disposal. Any such areas shall be appropriately designed and adequately fenced and screened with suitable landscaping when required by the Planning Board.
5. Not engage in any sanitary landfill operation on the property except as permitted by other Borough codes and ordinances.

G. Radiation. All uses of materials, equipment or facilities which are or may be sources of radiation shall comply with all controls, standards and requirements of the Atomic Energy Act of 1954, as amended, and any codes, rules or regulations promulgated under such act, as well as the Radiation Protection Act, P.L. 1958, c. 116, as amended(See N.J.S.A. 26:2D-1 et seq.), whichever shall be more stringent, and also all provisions and standards of the Occupational Safety and Health Act of 1971 as applicable at any time, and as amended from time to time.

H. Fire and explosion hazards. If it appears that any proposed use, structure, process or resulting product or material may constitute a fire or explosion hazard, the Planning Board may require the applicant to supply proof:

1. Of approval of the use, structure, process or resulting product or material from the State Department of Labor and Industry indicating that adequate safeguards against fire and explosion have been taken or installed.
2. Of approval from the appropriate Borough Fire Prevention Officer that the applicant has complied with all applicable Borough fire prevention regulations.
3. That no activity shall be maintained on the premises which will produce heat or glare beyond any property line.
4. That no machinery or operation shall be permitted which shall cause perceptible earth-shaking vibration beyond the property line of the lot on which the use is located.

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No sign shall be constructed, erected, displayed, altered, relocated or reconstructed unless a permit shall have first been obtained from the Building Inspector.

A. Definitions

ABANDONED SIGN – A sign that no longer identifies or advertises a location, product, or activity conducted on the premises on which the sign is located.

ANIMATED SIGN – A sign employing actual motion or the illusion of motion. Animated signs can be activated by environmental factors such as wind or thermal changes, mechanically activated by motors, or electrically activated through flashing or patterned illusionary movement.

AWNING – An architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering of rigid or non rigid materials and/or fabric on a supporting framework that may be either permanent or retractable.

AWNING SIGN – A sign displayed on or attached flat against the surface or surfaces of an awning. See also: Wall or Fascia Sign.

BACKGROUND AREA OF SIGN – The entire area of a sign on which copy and/or graphics could be placed.

BACK-LIT AWNING – An awning whose covering material exhibits the characteristic of luminosity obtained by means of a source of illumination contained within its framework.

BANNER – A flexible substrate on which copy or graphics may be displayed.

BILLBOARD – A sign or portion of any structure upon which lettering or pictorial matter is displayed for advertising purposes, which directs attention to a business, commodity, service, entertainment or attraction sold, offered or existing elsewhere than upon the same lot where such sign is displayed or only incidentally upon such lot.

CANOPY (ATTACHED) – A multi-sided structure or architectural projection supported by attachment to a building on one or more sides and either cantilevered from such building or also supported by columns at additional points.

CANOPY (FREESTANDING) – A multi-sided structure supported by columns.

CANOPY SIGN – A sign affixed to the visible surface(s) of an attached or freestanding canopy. Canopy signs may not be internally or externally illuminated.

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CHANGEABLE SIGN – A sign with the capability of content change by means of manual or remote input. Includes the following types:

1. Manually Activated – Changeable sign whose message copy or content can be changed manually on a display surface.
2. Electrically Activated – Changeable sign, such as a light-emitting diode (LED) electronic message board or digital display, whose message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices; or it may be from an external light source designed to reflect off the changeable component display.

COPY – The graphic content or message of a sign.

COPY AREA OF SIGN – The actual area of the sign copy as applied to any background. Copy area on any individual background may be expressed as the sum of the geometrically computed area(s) encompassing separate individual letters, words, or graphic elements on that background.

DIRECTIONAL SIGN – Any sign that is designed and erected for the purpose of providing direction and/or orientation for pedestrian or vehicular traffic.

DOUBLE-FACED SIGN – A sign with two faces, commonly back to back.

EXTERIOR SIGN – Any sign placed outside a building.
FAÇADE – That portion of any exterior elevation of a building extending vertically from grade to the top of the parapet wall or eaves and horizontally across the entire width of the building elevation.

GROUND SIGN – Any sign supported by one (1) or two (2) uprights or braces upon the ground and not attached to any building shall be considered a ground sign.

ILLUMINATED SIGN - A sign characterized by the use of artificial light, either projecting through its surface(s) (Internally illuminated); or reflecting off its surface(s) (Externally Illuminated).

INTERIOR SIGN – Any sign placed within a building, but not including Window Signs as defined by this ordinance. Interior signs, with the exception of Window signs as defined, are not regulated by this ordinance.

MANSARD - A roof-like façade comparable to an exterior building wall.

OFF-PREMISE SIGN – A sign whose message content may not necessarily bear any relationship to the activities conducted on the premises on which it is located, or to the expression of commercial or non-commercial speech by the owner or bona fide user of the premises on which it is located.

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ON-PREMISE SIGN – A sign whose message content bears a direct relationship to the activities conducted on the premises on which it is located, or to the expression of any commercial or non-commercial speech by the owner or bona fide user of the premises on which it is located.

PARAPET – The extension of a building façade above the line of the structural roof.

POLE SIGN – Also known as Ground Sign – A sign principally supported by one or more columns, poles or braces placed in or upon the ground. Pole signs shall advertise only the permitted use, products or services conducted on the premises.

POLITICAL SIGN – A temporary sign intended to advance a political statement, cause, or candidate for office.

PROJECTING SIGN – A sign other than an Wall sign that is attached to or projects more than four (4) feet from a building face or wall or from a structure whose primary purpose is other than the support of a sign.

REVOLVING SIGN – A sign that revolves three hundred and sixty (360) degrees about an axis. See also: Animated sign.

ROOF LINE – The uppermost line of the roof of a building or, in the case of an extended façade or parapet, the uppermost point of said façade or parapet.

SANDWICH BOARD SIGN – An "A-frame" shaped sign that identifies or advertises a place of business and that consists of two sign boards that are hinged together at the top.

SIGN – Any device, visible structure or object for visual for visual communication that is used for the purpose of bringing the subject to the attention of others, but not including any flag or insignia of any public, civic, charitable or religious groups.

SIGN STRUCTURE – Any structure designed for the support of a sign.

TEMPORARY SIGN – A sign intended to display either commercial or non-commercial messages of a transitory or temporary nature. Portable signs or any sign not permanently embedded in the ground, or not permanently affixed to building or sign structure that is permanently embedded in the ground, are considered temporary signs.

TEMPORARY REAL ESTATE SIGN – A temporary sign advertising the sale, lease or rental of the property or premises upon which it is located.

UNDER CANOPY SIGN – A sign attached to the underside of a canopy or marquee.

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V SIGN – A sign containing two faces of equal size, positioned at an interior angle subtending less than one hundred seventy-nine degrees (179) at the point of juncture of the individual faces.

WALL OR FASCIA SIGN – A sign that is in any manner affixed to any exterior wall of a building or structure and that projects not more than eighteen (18) inches from the building or structure wall. Also includes signs affixed to architectural projections that project from a building provided the copy area of such signs remains on a parallel plane to the face of the building façade or to the face or faces of the architectural projection to which it is affixed. They shall advertise only the permitted use, products or services on the premises on which they are displayed.

WINDOW SIGN – A sign affixed to the surface of a window with its message intended to be visible to the exterior environment.

B. **GENERAL PROVISIONS.** The following regulations apply to all permitted signs.

1. Any sign hereafter erected or maintained shall conform to the provisions of this ordinance and the provisions of the Municipal Building Code and of any other ordinance or regulations of the municipality.

2. No sign shall be constructed, erected, displayed, altered, relocated or reconstructed unless a permit shall have first been obtained from the Building Inspector.

3. No sign other than an official traffic sign or similar sign shall be erected within the lines of any street or public way unless specifically authorized by other ordinances or regulations of the municipality or by specific authorization of the municipal authorities.

4. No sign or sign structure shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision, nor at any location where by its position, shape or color may interfere with or obstruct the view of or be confused with any authorized traffic sign, signal or device.

5. If a premise contains walls facing more than street or other property usages, the sign area(s) for each building wall will be computed separately for each building wall facing a different street. The sign area(s) thus calculated may then be applied to permitted signs placed on each separate wall.

6. Every sign permitted by this ordinance must be kept in good condition and repair. When any sign become insecure, in danger of falling, or is otherwise deemed unsafe by the Municipal Building Sub-Code Official responsible for the maintenance of public safety, or if any sign shall be unlawfully installed, erected, or maintained in violation of any of the provisions of this ordinance, the owner thereof or the person or firm using same shall, upon written notice by the Building Sub-Code Official forthwith in the case of immediate danger and in any case within not more than ten (10) days, make such sign conform to the provisions of this ordinance, or shall remove it. If within ten (10) days, the order is not

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complied with, the Building Sub-Code Official may remove or cause such sign to be removed at the expense of the owner and/or the user of the sign.

7. Any sign that no longer advertises or identifies a use conducted on the property on which said sign is erected must be removed within ten (10) days after written notification from the Municipal Building Sub-Code Official; and upon failure to comply with such notice, the Building Sub-Code Official is hereby authorized to cause removal of such sign, and any expense incident thereto shall be paid by the owner of the building, structure, or ground on which the sign is located.

8. Illumination.

a. No sign shall be illuminated except as provided herein.

b. All light shall be shielded to the greatest extent possible to minimize glare from the street or adjoining property. Light levels off site from sign lights shall be less than 0.1 footcandles.

c. Flashing signs, highly reflective glass or fluorescent paint and illuminated tubing outlining roofs, doors, windows or wall edges of a building are prohibited.

d. Any light box sign or lit awning is subject to the following limitations:

(i.) Only the letters and symbols may be illuminated

(ii.) An opaque background must set off the illuminated sections

(iii.) The letters, logos and symbols may take up a maximum of 40% of the sign area, leaving 60% opaque.

e. Any permitted sign may be illuminated 1/2 hour before and after closing. No sign within 150 feet of any residential zone shall be illuminated between the hours of 11:00 p.m. and 6:00 a.m. unless the business is open during these hours or permitted to operate signage by resolution of approval.

f. The Borough of Waldwick encourages illumination of signs from external sources, provided glare is minimized. Floodlights used for illumination of any sign, whether or not such floodlights are attached to or separate from the building, shall not project above the height of the highest elevation of the illuminated wall of the building. Wherever it is impractical to provide such a source of illumination, and only as specifically permitted by this chapter, internally illuminated signs may be permitted. Light sources from internally illuminated signs shall not be visible from outside the sign, and the light from the light source shall be diffused to eliminate hot spots. Light sources shall be protected from damage. Light levels at property lines shall be less than 0.1 footcandles.

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9. The area of a sign is to be calculated as follows:

a. Computation of area of individual signs. The area of a sign face shall be computed by measuring the total area of the space utilized for sign purposes including the spaces between all letters, figures, numbers, images or symbols. Where a sign frame and any material or color forming an integral part of the background of the sign display is used as a backdrop against the structure in which it is placed, sign area shall be measured to the extreme limits of the sign frame or backdrop. Sign area shall also include the ground structure or any decoration which is an integral part of the sign, but excluding supports.

b. Computation of area of multifaced signs. The sign area for any double faced sign shall be computed based on one face only, except in the case of a double faced sign with unequal sides, in which the area of the larger side shall be used to determine sign area.

10. Any sign legally existing at the time of the passage of this ordinance that does not conform in use, location, height, or size with the regulations of the zone in which such sign is located shall be considered a protected nonconforming use and may continue in such status until such time as it is either abandoned or removed by its owner.

C. **GENERAL PROHIBITIONS.**

The following types and uses of signs are prohibited in all districts for all temporary or permanent signs.

1. Any new sign erected in violation of any section of this chapter. Any sign not specifically permitted is hereby prohibited.
2. No flashing, moving, rotating or apparent motion signs or lights, including searchlights. Barber poles are permitted.

3. No signs with more than two (2) display faces are allowed.

4. No sign as permitted shall extend or project above the highest elevation of the wall to which it is attached, nor shall any sign be erected on or attached to the roof of a building.

5. No sign shall be painted on or affixed to water towers, storage tanks, smoke stacks or similar structures.

6. Signs emitting a sound, odor or visible matter such as smoke or vapor.

7. No sign erected shall contain audio equipment.

8. No billboard or billboard sign shall be permitted.

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9. Off-premises signs advertising an article or product not manufactured, assembled, processed, repaired, serviced or sold upon the premises are prohibited in all districts.

10. Projecting signs are prohibited other than as specified for On-Premises Signs Permitted in Non-Residential Zones

11. Pole signs, except as otherwise provided for in this chapter.

12. Exterior use of advertising devices such as banners, streamers, pennants, flags, and balloons, lights (whether flashing, flickering, blinking, or rotating), wind-operated devices and any other type of fluttering or flashing devices or emitting an unsteady or glaring light. This regulation should not be considered to restrict the erection of a non-advertising flag or flagpole on a lot occupied by a residential dwelling.

13. Signs placed or affixed to vehicles and/or trailers which are parked on a public right-of-way, public property or private property so as to be visible from a public right-of-way where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or nearby property. However, this is not in any way intended to prohibit signs placed on or affixed to vehicles and trailers, such as permanent lettering on motor vehicles, where the sign is incidental to the primary use of the vehicle or trailer.

14. Paper posters and painted signs applied directly to a tree, rock or natural feature of any kind or to a wall of a building, fence or pole or other support.

15. Signs painted or otherwise affixed on the inside or outside of automobile windows except for pricing information associated with the sale of new and used cars and only when such vehicles are located on the premises of an establishment which has been approved for such use.

16. Portable or movable signs, except temporary sandwich board signs as permitted by this chapter.

17. Neon signs of any kind, whether located on the exterior or interior of a wall or window if visible from the street upon which the premises fronts.

18. Signs erected or painted or composed of day-glow or phosphorescent or similar material.

19. Signs on parking lot light standards not relating to traffic control.

20. Signs within the public street right-of-way (other than public notices and temporary political signs and unless otherwise allowed in this chapter).

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21. Signs that are in such a state of disrepair as to constitute an immediate threat to the public health, welfare and safety.

22. Business signs for businesses which are discontinued for a period in excess of 30 days.

23. Signs or other advertising structures, as regulated by this chapter, erected at the intersection of any streets in such a manner as to obstruct free and clear vision, or at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of, cause optical illusion or be confused with any authorized traffic sign, signal or device, or which makes use of words, phrases, symbols, or characters in such manner as to interfere with, mislead or confuse traffic.

24. Any sign not in compliance with the Borough Building or Electrical Codes, as amended, as to design, structural members and connections.

25. Any sign located or displayed upon any sidewalk or street or area between the sidewalk and curb or projecting on or over a sidewalk or street except as provided in this chapter.

26. Hand-lettered interior window signs.

27. Exhibiting statements, words, pictures or images of an obscene or pornographic nature.

28. Signs attached to, projecting from or hanging underneath a building eave.

29. Any manually activated or electronically activated changeable copy sign (including a light-emitting diode (LED) electronic message center sign or digital display), used to temporarily display time and weather, and/or other information. Automotive service stations are permitted a manually activated changeable copy sign to display prices. Changeable copy signs within automotive service stations are limited to pricing, and shall not include copy pertaining to the business, occupation, or tenant advertised or identified.

D. PERMITS.

1. Unless specifically exempted, a permit must be obtained from the Building Sub-Code Official for the erection of all signs erected in the municipality. No new sign shall hereafter be erected, constructed except as herein provided and until after a permit, if required, has been issued by the Building Sub-Code Official. Exemptions from the necessity of securing a permit, however, shall not be construed to relieve the owner of the sign from responsibility for its erection and maintenance in a safe manner and in a manner in accord with all the other provisions of this ordinance.

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2. Before any permit is granted for the erection of a sign or sign structure requiring such permit, plans and specifications shall be filed with the Building Sub-Code Official. All sign permit applications shall include sign dimensions (height, size, sign area), colors, materials, illumination and required details of construction including loads, stresses, anchorage, and any other pertinent data. A scaled façade elevation plan that indicates the placement and location of signage shall be provided for all proposed wall signage or signage attached to a structure. A scaled site plan shall be submitted for all proposed pole and ground signage indicating sign location and setbacks from existing property lines and road right-of-way. The permit application shall be accompanied by the written consent of the owner or lessee of the premises upon which the sign is to be erected.

3. No sign shall be enlarged or relocated except in conformity to the provisions herein, nor until a proper permit, if required, has been secured. The changing of movable parts or components of an approved sign that is designed for such changes, or the changing of copy, display and/or graphic matter, or the content of any sign or sign structure shall not be deemed an alteration.

4. Permit fees to erect, alter, or relocate a sign shall be in accordance with the sign fee schedule contained within Chapter 48 of this code.

E. EXEMPT SIGNS

The following signs are exempt from the requirements of securing a permit:

1. Municipal, County or State traffic or directional signs located within the right-of-way of a public street.

2. A memorial sign or tablet, which indicates the name of the building and/or its date of erection, when cut into any masonry surface or when constructed of bronze or other incombustible materials.

3. Real estate offering signs, “for sale”, or “to let”, erected by the owner of the property, not to exceed two (2) square feet in area, which do not advertise an agent or agency.

4. Temporary Political Signs.

5. Garage and Yard Sale Signs shall be governed by Ordinance 96-6.

6. Public safety or public notice signs which are required by provision of the law or other ordinance.

7. Directional and informational signs for nonresidential uses, provided the area of such sign is not more than three square feet, and provided the number of such signs on site is limited to that which is reasonably necessary and appropriate for safety, circulation, information or other noncommercial purposes. Such directional or informational signs shall not contain advertising, logo, symbols, business identification or other nondirectional copy.

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8. Signs for official governmental or quasi-governmental business, including temporary signs or banners advertising public or quasi-public events that are posted or displayed with the permission of the governing body or its designee(s).

F. REGULATION BY ZONE

1. On-Premise Signs Permitted In All Zones

In addition to any signs designated as permissible in the General Provisions and/or in any other sections of this ordinance, the following signs and/or sign types are permitted in all zones:

A. Temporary Real Estate signs as defined herein, provided that the area of such signs shall not exceed the following limitations by zone:

i. Residential –
   a. One- and Two-family dwellings - six (6) square feet
   b. Other residential uses - ten (10) square feet
   c. No sign shall exceed a height of five (5) feet
ii. All other zones except Industrial – eight (8) square feet
iii. Industrial – eight (8) square feet

And further provided that not more than one (1) such sign shall be placed on property held in single and separate ownership unless such property fronts on more than one street, in which case one such sign shall be permitted on each separate street frontage. All such signs shall be permitted only during the time in which the property advertised is available for sale, lease or rental, and must be removed within 48 hours after execution of an agreement of sale, lease or rental. This includes the posting of such property as sold, leased or rented.

B. Trespassing signs, signs indicating the private nature of a road, driveway or premises, provided that the area of any such sign shall not exceed one (1) square foot.

C. Temporary signs erected in connection with the development or proposed development of the premises or property provided that the area of any such sign shall not exceed nine (9) square feet per each ten thousand (10,000) square feet of lot area in the subject development, or thirty two (32) square feet, whichever is smaller. Not more than one (1) such sign shall be placed on property held in single and separate ownership unless the property fronts on more than one (1) street, in which case one (1) such sign shall be permitted on each separate street frontage. Such signs shall be removed within ten (10) days after the development has been completed and/or the last structure occupied.

D. Temporary Political signs as defined herein provided that the area of any such signs shall not exceed six (6) square feet and that not more than two (2) such signs

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shall be displayed on any single privately owned premises or property, unless such premises or property fronts on more than one street in which case two (2) such signs shall be permitted on each separate street frontage. If used for the purpose of advertising political parties and/or candidates for election or issues subject to referendum, such signs shall be allowed for a period not to exceed forty-five (45) days prior to such election or referendum, and shall be removed within five (5) days following such election or referendum. If the person(s) responsible for the sign has not removed it within five (5) days the local municipal chairman of the political party affiliated with the sign shall be ordered to remove it. **(Amended 3-25-08 by Ord. No. 5-08)**

2. On-Premise Signs Permitted In Residential Zones

In all residential zones only the following signs shall be permitted, provided that no sign area limitation is exceeded:

A. Nameplate and professional signs. A professional sign or nameplate sign, indicating the name and/or address of the occupant, shall not be larger than one (1) square foot. If illuminated, the direct source of the light shall be shielded in such a manner that it is not visible from the street or any adjoining residential property, unless lit by porch light or lamppost light. A permitted home occupation may be included with the name of the occupant and occupation. Only one (1) sign per dwelling unit is permitted.

B. Temporary signs of contractors or artisans displayed during the period such contractors or artisans are performing work on the premises on which such signs are displayed, provided that the area of any such sign shall not exceed twelve (12) square feet. Such signs shall be limited to one (1) sign per contractor or artisan, and shall be removed immediately upon completion of the work of the contractor or artisan.

C. Subdivision identification signs, and/or signs identifying apartment or condominium complexes, provided that the area of any such sign shall not exceed sixty-four (64) square feet, and further provided that one (1) such sign shall be permitted for each separate street and/or separate building frontage occupied by the subdivision, apartment, or condominium complex and/or for each means of entrance to or exit from the subdivision, apartment or condominium complex.

D. Permitted on-premises signs for institutional uses within residential zones. One (1) sign identifying permitted institutions such as schools, colleges, churches, nursing, assisted living facilities or other institutions of a similar public or semipublic nature may erect and maintain ground signs provided that:

i. The height of such sign does not exceed 6 feet from grade to the highest point of the sign.
ii. The sign face does not exceed a height of three feet above the surrounding grade base of the sign

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iii. No sign shall be located no closer than 10 feet to any property line and 25 feet from any residential land use.

iv. The size of such signs is not in excess of sixteen (16) square feet.

v. If such signs are illuminated, the direct source of light shall be shielded in such a manner as not to be visible from the street or any adjoining residential property.

3. General Regulations – On-Premise Signs In Residential Zones

a. Animated, Changeable or Revolving signs are prohibited.
b. Billboard and Projecting signs are prohibited.
c. Setback – None of the signs permitted in the residential zones shall be erected within fifteen (15) feet of any street right-of-way line, provided that a nameplate sign not more than one (1) square foot in area as regulated above may be placed anywhere in the front yard.

4. On-Premises Signs Permitted in Non-Residential Zones

In non-residential zones only the following signs shall be permitted: Only one (1) wall or projecting sign per tenancy and either (1) ground sign for the property shall be permitted, except for uses in which this section dictates specific sign regulations per use. No sign shall be permitted which is not accessory to the business conducted on the property and then only if the following requirements are complied with:

A. All signs shall be limited to a maximum of four (4) colors (including black and white). Garish, fluorescent and day-glow colors are prohibited.

B. Ground signs. One (1) ground sign is permitted per parcel in the C-1, C-2 and C-3, C-AH, and I Zones, except for uses in which this section dictates specific sign regulations per use. Said signs shall be subject to the following conditions:

1. Said sign shall be located in the front yard no closer than (5) feet from the front property line and ten (10) feet from any other property line, except that no ground sign shall be less than 25 feet from a residential land use.

2. The area of said sign shall not exceed twenty-four (24) square feet.

3. The height of the sign structure, including its supporting members, shall not exceed six (6) feet.

4. The bottom of the sign display area shall not exceed three (3) feet above grade at the base of the sign.

5. The maximum width of the sign, including its supporting structure, shall not exceed six (6) feet.

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6. No ground sign shall be placed upon a lot so as to cause a visual hazard for vehicular traffic. When necessary the Building Sub-Code Official shall consult an opinion for the Chief of the Police Department.

7. A directory ground sign identifying two or more businesses located in a single office, mixed-use, industrial or other similarly utilized building is permitted and subject to the requirements of this section.

C. Wall signs are permitted for uses in all non-residential zones, except where the requirements of this section provide sign regulations for specific uses. One (1) wall shall be permitted for every parcel or lot fronting on a public street. For parcels or lots that front on more than one street, one (1) such sign shall be permitted for each separate street frontage. Wall signs shall be subject to the following conditions:

1. No sign shall extend further than ten (10) inches from the face of the building upon which it is attached. Where a sign extends more than three (3) inches from the face of a wall, the bottom of said sign shall not be closer than ten (10) feet to the ground level below said sign.
2. The maximum height of any sign shall not exceed six (6) feet or twenty five percent (25%) of the height of the wall of the establishment to which it is attached, whichever is the lesser.
3. The maximum width of any sign shall not exceed twenty (20) feet or ninety (90%) percent of the width of the wall of the establishment to which it is attached, whichever is the lesser.
4. The maximum area of any sign shall not exceed thirty-two (32) square feet. In those cases where a parcel or lot has more than one street frontage, the maximum sign area for additional permitted wall signage shall not exceed 24 square feet.
5. In the case of a shopping center, group of stores, multi-tenant building, or other business uses on a lot held in single and separate ownership, the provisions of this section relating to the total area of signs permitted on a premises shall apply with respect to each building, separate store, or facade of each individual leasing unit.
6. Each building or property may have one (1) additional wall sign for tenant(s) in a single or multi-tenant building located above an entrance that faces customer parking areas or pedestrian walkways not visible from either a public or private street. Said sign is not to exceed sixteen (16) square feet.
7. No wall signage is permitted above the first floor of any commercial building, except where permitted elsewhere in this chapter.

D. Projecting signs. Projecting signs are permitted for all uses in all non-residential zones, and limited to one (1) such sign per establishment. A business establishment shall not erect both a projecting sign and a wall sign. Projecting signs shall be subject to the following conditions:

1. Said sign shall project at right angles to the structure.

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2. The area of said sign shall not exceed eight (8) square feet.
3. The bottom of said sign shall not be closer than eight (8) feet to the sidewalk and shall not project more than four (4) feet from the structure.
4. All such signs from a series of stores should have the same area and proportional dimensions.

E. Automotive service station signs. In addition to signage permitted within this section, automotive service stations may display the following signs:

1. Directional signs or lettering displays on the building walls over individual entrance doors or bays consisting only of the words “washing”, “lubrication”, “repairs”, “mechanic on duty” or other words closely similar in importance, provided that there shall be no more than one (1) such sign over each bay or entrance, the letters thereof shall not exceed twelve (12) inches in height and that such letters shall be limited to a single line.

2. Customary lettering on, or other insignia which are a structural part of, a gasoline pump consisting only of the brand name of gasoline sold, lead warning signs, a price indicator and any other sign required by law and not exceeding a total of three (3) square feet on the pump.

3. Pole sign. One (1) pole sign is permitted for gasoline service stations and shall be subject to the following conditions:

i. Said sign shall be located in the front yard no closer than (15) feet from any property line.

ii. The area of said sign shall not exceed fifty (50) square feet inclusive of the gasoline service station price sign. Such sign shall not be separated from the gasoline price sign, but shall appear as a single integrated sign.

iii. The height of the sign structure, including its supporting members, shall not exceed sixteen (16) feet.

iv. The maximum width of the sign, including its supporting structure, shall not exceed six (6) feet.

v. No pole sign shall be placed upon a lot so as to cause a visual hazard for vehicular traffic. When necessary the Building Sub-Code Official shall consult an opinion for the Chief of the Police Department.

4. Automotive service station canopy signs.

i. A gasoline service station with a canopy shall be permitted two canopy signs in total.

ii. The canopy sign or signs shall collectively not exceed 20 square feet in

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area.

iii. The canopy sign shall be a flat sign permanently affixed to the vertical face of the canopy and shall not project above or below or from any side of the vertical face of the canopy.

iv. The canopy sign may be illuminated by internal and nonintermittent light sources.

v. A business logo, inclusive of striping or other symbols, may appear on this canopy sign as part of the allowable sign area. Any striped area of the canopy shall be counted towards the permissible area of the sign.

F. Shopping Center signs. In addition to signage permitted within this section, the following signs are permitted within shopping centers:

1. Pole sign. One (1) pole sign is permitted for shopping centers and shall be subject to the following conditions:

i. Said sign shall be located in the front yard no closer than (15) feet from any property line.

ii. The area of said sign shall not exceed fifty (50) square feet.

iii. The height of the sign structure, including its supporting members, shall not exceed sixteen (16) feet.

iv. The maximum width of the sign, including its supporting structure, shall not exceed six (6) feet.

v. No ground sign shall be placed upon a lot so as to cause a visual hazard for vehicular traffic. When necessary the Building Sub-Code Official shall consult an opinion for the Chief of the Police Department.

G. Freestanding office buildings, laboratories and other non-retail commercial buildings in excess of 6,500 square feet. In addition to signage permitted within this section, the following signs are permitted for said uses:

1. Identification signs.

i. One wall-mounted identification sign, with the copy limited to a company name and/or corporate logo, is permitted on said uses with frontage on one street. For establishments with frontage on two or more streets, a maximum of two identification signs are permitted.

ii. Identification signs shall be located no more than four feet below the parapet or uppermost roofline or facade of the building. Signs shall not

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project above the roofline or parapet of the building.

iii. The maximum size of each identification sign shall be one square foot for each 250 square feet of building space for the first 10,000 square feet of building space and one square foot for each 500 square feet of building space above 10,000 square feet, up to a maximum of 200 square feet. No identification sign shall exceed 200 square feet in size.

2. Ground sign or pole sign. Ground signs and pole signs are subject to the regulations within section 97-123.9.F.4.B and F.1, except office buildings, laboratories and similar non-retail commercial structures are permitted one ground sign or pole sign per street frontage.

H. Canopy signs.

1. Signs affixed or applied in an essentially flat plane to the face of a freestanding canopy or architectural projection provided that the sign area of any such sign, as defined herein, does not exceed an area equal to forty percent (40%) of the area of the face area of the canopy or architectural projection to which such sign is affixed or applied.

2. Graphic treatment in the form of striping or patterns shall be permitted on the face of any building or freestanding canopy, or architectural projection without restriction, and the area of any such graphic treatment shall not be calculated as a component of permitted copy area.

3. No canopy sign can be illuminated by either internal or external lighting.

4. No establishment shall contain both a wall sign and a canopy sign. No canopy shall be erected, and no canopy sign shall be permitted above the first floor of any building.

I. Awning signs

1. Signs affixed or applied to the face or side surfaces of an awning provided that the sign area, as defined herein, does not exceed 10 percent of the total façade area to which the awning is secured, or 24 square feet, whichever is lesser. For buildings and property containing more than one use or tenant, permitted awning sign area shall be determined by the façade area of the individual lease unit.

2. Graphic treatment and/or embellishment in the form of striping, patterns, or valances shall be permitted on the face or side surfaces of any awing or backlit awning without restriction, and the area of any such graphic treatment and/or embellishment shall not be calculated as a component of permitted sign area.

3. No awning shall be illuminated.

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4. No awning shall be erected above the first level of any building except on the upper floors of buildings in which a commercial tenant is present. Awnings attached to the same building shall be of the same shape, color and height. To the extent possible, awnings shall be of the same size.

5. No establishment shall contain both a wall sign and an awning sign, and no awning sign shall be permitted above the first level of any building.

J. Window Signs. Window advertising signs shall be prohibited in all non-residential districts, with the exception of permitted ground level retail and personal service business uses, supermarkets and restaurant establishments located in the VC-2, VC-3, C-1, C-2 and C-3 Zones, subject to the following conditions:

1. Information on such signs shall be limited to advertisements for special promotions, grand openings, temporary sales and other such similar nonpermanent sales promotions. An exception shall be granted for restaurants, which may post one permanent menu not larger than two square feet in size. In addition, an exception shall be granted for supermarkets which may permanent display signage in accordance with item 5 below.

2. The period such signs are permitted to be displayed shall be per the regulations of section 97-123.9.F.4.L.1 and section 97-123.9.F.4.L.4.

3. Such signs may be constructed of paper, cardboard or other such written, numerical, graphic or photographic material or information displayed in the window of such establishment.

4. Such signs shall be contained entirely within the ground level interior of the building in which the business is located.

5. Window signs shall not exceed 15% of the total area of the window to which they are affixed. All letters, numbers and symbols of window signage shall include lettering not more than 5 inches in height. Window and window signs shall not be more than 15% opaque.

6. Such signs shall be maintained in an orderly manner at all times.

K. Directory signs are permitted in all non-residential districts subject to the following conditions:

1. Directory signs for office or mixed use commercial buildings in the VC-2, VC-3, shall be limited to one wall-mounted directory sign not exceeding six square feet in size and no higher than 10 feet above surrounding grade in addition to permitted wall, awning and/or projecting signs.

2. For office, mixed-use, industrial and other similar uses in the C-1, C-2, C-3, C-AH and I Zone Districts, one (1) ground sign or one (1) wall directory sign is

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permitted. A wall directory sign is permitted in addition to permitted wall, awning and/or projecting signs. No more than one ground sign is permitted per parcel, development tract or lot. The following additional requirements are required for directory signs in the above listed zoning districts:

i. Directory ground signs are subject to the provisions for ground signs within item 2 of this section.

ii. Buildings containing less than 50,000 square feet and more than 10,000 square feet of gross floor area may have one wall directory sign containing a maximum of 20 square feet of sign area.

ii. Buildings containing less than 10,000 square feet of gross floor area may have one wall directory sign containing a maximum of 12 square feet of sign area.

L. Temporary signs. General Regulations for exterior temporary signs. Temporary signs are subject to the General Provisions section of Section 97-123.9, as well as the following requirements:

1. Except for those temporary signs whose time of display is specifically addressed elsewhere in this ordinance, no temporary sign shall be permitted to be displayed for a period in excess of thirty (30) days unless a longer span of display time is approved by the municipal Zoning Official.

2. Except for those temporary signs whose size is specifically addressed elsewhere in this ordinance, the size of any temporary sign shall not be in excess of the size permitted for any permanent sign of like configuration and/or type in a given zone. In the event existing permanent signage is present on a structure or parcel, temporary signage shall not exceed the size of any existing signage, unless the size of said temporary sign is dictated elsewhere in this ordinance.

3. No temporary sign shall be electrically energized or contain any electrical device.

4. Temporary signs advertising special events and/or promotions of a commercial or non-commercial nature, unless specifically addressed elsewhere in this ordinance, and provided that such signs shall be non-illuminated, shall be displayed during a time period of no more than ten (10) days prior to the special event and/or promotion, and shall be removed within twenty-four (24) hours following the special event and/or promotion. Not more than one (1) such sign shall be placed on any single premises or property unless such premises or property fronts on more than one street, in which case one (1) such sign shall be permitted on each separate street frontage.

5. Ground Signs – Forty percent (40%) of the area permitted for a permanently installed pole and ground sign as permitted within this section.

6. Building-mounted temporary signs – Ten percent (10%) of the building façade area on which such sign is mounted.

7. Sandwich Board Signs - One (1) sign not exceeding thirty-two (32) inches in width and thirty-six (36) inches in height may be permitted within the sidewalk or grass strip of a public right of way, subject to the following standards:

i. The sign is located in front of, and within twelve (12) feet of the main entrance to the establishment it advertises

ii. Placement of the sign allows a minimum of thirty-six (36) inches of unobstructed sidewalk clearance between it and any building or other obstruction

iii. The sign must be free-standing and shall not be affixed, chained, anchored, or otherwise secured to the ground or to any pole, parking meter, tree, tree grate, fire hydrant, railing, or other structure

iv. No materials such as papers, balloons, wind socks, etc., may be added to the sign to increase its height and/or width

v. The sign shall not contain foil, mirrors, bare metal or other reflective materials which could create hazardous conditions to motorist, bicyclist, or pedestrians

vi. The sign must be internally weighted so that it is stable and windproof

vii. The sign is placed within the public right of way only during the hours of the establishment's operation

viii. No sign shall be placed within a public parking space or such that it obstructs vehicle sight distance.

97-123.10. Swimming pools.

97-123.10. Swimming pools.

A. Permanent private pools. Permanent private residential swimming pools are permitted as an accessory structure subject to the following standards:

1. Pools may be located in side or rear yards only. No pool or wading pool shall be constructed or installed on any lot unless upon said lot shall be located a dwelling unit.
2. No edge of any pool shall be closer to any lot line than ten (10) feet.
3. In the case of a corner lot, a permanent private swimming pool shall not be constructed, erected, installed or maintained closer to the street line than the prevailing setback line on that street.
4. The pool may be lighted by underwater or exterior lights, or both, provided that all exterior lights are located so that the light is neither directed or reflected upon adjacent properties in such a manner as to be a nuisance or any annoyance to neighboring property. Underwater lighting shall be in compliance with the applicable National Electrical Code.
5. The pool shall be completely surrounded by fencing between four (4) feet and six (6) feet in height. All fences shall be constructed in conformance with required building codes.
6. No public amplifying system shall be used with a private residential swimming pool.
7. All accessory cabanas and pool houses shall be subject to Section 97-121.2 Accessory buildings, structures, and uses.
8. All pools shall be properly filtered to the specifications of the Construction Official.

B. Commercial; recreational pools. Swim clubs, commercial recreation associated with lakes and public swimming pools shall adhere to the following standards:

1. Said uses shall be located within a lot area of a minimum of five (5) acres. Within such area may also be located clubhouse, open space, terraces, pools, recreational uses, cabanas, etc. Where the pool is located in a tract in excess of five (5) acres in area in which other recreational facilities are provided, a specific allocation of the five-acre area does not have to be provided.
2. No edge of any pool or separate swimming tank shall be closer to any property line than one hundred fifty (150) feet.
3. Pools shall be enclosed with a fence or in lieu thereof located on a terrace or landscaped or surrounded by structures or any combination of the above or similar techniques in order to control access to the immediate pool area.
4. Pools shall be lighted both internally and externally but in no case shall any light be directed in a direct or indirect fashion upon any adjacent property. All freestanding pole standards used for exterior lighting shall not exceed twenty-five (25) feet in height and shall be no closer than

twenty-five (25) feet to the edge of any pool. All lighting shall be in compliance with the applicable National Electrical Code.

5. Pools shall be constructed below the surface of the ground except that nothing shall prohibit the pool areas from being terraced on side hill locations.
6. Pools shall be landscaped to effectively screen the view of the pool from neighboring properties.
7. All loudspeakers or public address systems shall be located in such recreation areas so that speakers are not directly aimed at any adjacent residential properties.
8. One (1) off-street parking space shall be provided for every thirty (75) square feet of water surface. Such parking facilities may be included with other parking areas associated with clubhouses, other recreational uses and similar uses as part of a total site plan.

C. Pools within senior citizen housing projects. Pools included as part of the overall development are permitted as a private accessory structure for the residents or guests and shall adhere to the following standards:

1. Pools shall be located in the side or rear yards only and within an area no less than four thousand (4,000) square feet that is devoted to the use of the pool.
2. No edge of any pool or separate swimming tank shall be closer to any building or property line than twenty (20) feet.
3. The total land devoted to the use of the pool shall be enclosed with a fence no less than six (6) feet in height nor more than ten (10) feet in height.
4. The pool shall be lighted both internally and externally, but in no case shall any light be directed in a direct or indirect fashion upon any dwelling or adjacent property. All lighting shall be in compliance with the applicable National Electrical Code.
6. All pools shall be constructed below the surface of the ground.
7. If any portion of the pool, part of the land devoted to the use of the pool, light pole standards or loudspeakers are located closer than one hundred (100) feet to any residential building located outside this property, adequate dense buffers of trees and shrubs shall be provided.

D. Maintenance. All pools referred to in the above section shall have all the area surrounding the pool made and kept neat and attractive so as to be in conformity with surrounding property, and no rubbish, debris or litter shall be permitted to remain or accumulate in or about the pool.

97-123.11. Nonconforming decks.
(Added 5-22-84 by Ord. No. 8-84; Amended 12-12-00 by Ord. No. 22-00)

97-123.12. Wireless Telecommunications Towers and Antennas (Added 8-12-97 by Ord. No. 19-97)

A. A rear deck may be constructed, erected or altered on any building lot, provided that the construction of the deck conforms to the requirements of the Land Use and Development Code of the Borough of Waldwick. The property owner or contractor shall apply to the Construction Code Official for, and obtain, a building permit prior to the construction of the deck.
B. A property owner must apply for a permit to the Construction Code Official. The permit may be issued only if the Construction Code Official determines that construction of the nonconforming rear deck complies with the conditions enumerated in Section 97-123.11C.
C. Conditions for construction of a nonconforming deck.

1. After the construction of the deck, the rear yard setback of the subject property shall not be less than twenty-five (25) feet, and the side yard setback shall not be less than 10 feet
2. The deck shall be constructed only at the rear of the dwelling.
3. The deck shall have a maximum size of two hundred seventy-five (275) square feet.
4. The deck shall be constructed of natural wood, pressure-treated lumber which is rot resistant, or simulated wood engineered plastics. The appearance of the deck shall conform to the aesthetics of the existing neighborhood, and the deck itself shall be constructed and maintained in conformance with the New Jersey Uniform Construction Code.
5. The maximum height of the platform portion of the deck shall not exceed six (6) feet from the grade at any point.
6. No permanent cover, of any type, shall be permitted over the deck.
7. The deck shall not protrude beyond either side of the dwelling to which it is attached.
8. The area of a rear deck shall be excluded from determining the applicable maximum percent of building coverage (**Added 7-14-87 by Ord. No. 10-87)**

97-123.12. Wireless Telecommunications Towers and Antennas (Added 8-12-97 by Ord. No. 19-97)

1. Purpose.

The purpose of this section is to establish general guidelines for the siting of wireless communications towers and antennas. The goals of this section is to: (1) protect residential areas and land uses from potential adverse impacts of towers and antennas; (2) encourage the location of towers in non-residential areas; (3) minimize the total number of towers throughout the community; (4) strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers; (5) encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal; (6) encourage users of towers and antennas to configure them in a way that minimizes the adverse

97-123.12. Wireless Telecommunications Towers and Antennas (Added 8-12-97 by Ord. No. 19-97)

visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques; (7) enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently; (8) consider the public health and safety of communication towers; and (9) avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures. In furtherance of these goals, the Borough of Waldwick shall give due consideration to the Borough of Waldwick's master plan, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

2. Definitions.

As used in this section, the following terms shall have the meanings set forth below:

(a) **"Alternative tower structure"** means man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

(b) **"Antenna"** means any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

(c) **"Backhaul network"** means the lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

(d) **"FAA"** means the Federal Aviation Administration.

(e) **"FCC"** means the Federal Communications Commission.

(f) **"Height"** means, when referring to a tower or other structure, the distance measured from the lowest finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

(g) **"Preexisting towers and preexisting antennas"** means any tower or antenna for which a building permit or conditional use permit has been properly issued prior to the effective date of this ordinance, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

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(h) **"Tower"** means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

3. Applicability.

(a) New Towers and Antennas. All new wireless telecommunications towers or antennas in the Borough of Waldwick shall be subject to these regulations, except as provided in Sections 3(b) through (d), inclusive.

(b) Amateur Radio Station Operators/Receive Only Antennas. This section shall not govern the installation of any antenna that is under seventy (70) feet in height, owned and operated by a federally licensed amateur radio operator exclusively for private noncommercial purposes. See Section 97-124.11 for regulations applicable to amateur radio.

(d) Preexisting Towers or Antennas. Preexisting towers and preexisting antennas shall not be required to meet the requirements of this section, other than the requirements of Sections 4(f) and 4(g), absent any enlargement or structural modification of the addition of any structures.

(e) AM Array, For purposes of implementing this section, an AM array, consisting of one or more tower units and supporting ground system which functions as one AM broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right.

4. General Requirements.

(a) Principal or Accessory Use. Antennas and towers may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.

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(b) Lot Size. For purposes of determining whether the installation of a tower or antenna complies with zone development regulations, including but not limited to setback requirements, lot-coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.

(c) Inventory of Existing Sites. Each applicant for an antenna and/or tower shall provide to the zoning officer an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of the Borough of Waldwick or within one mile of the border thereof, including specific information about the location, height, and design of each tower. The Zoning Officer may share such information with other applicants applying for administrative approvals or conditional use permits under this ordinance or other organizations seeking to locate antennas within the jurisdiction of the Borough of Waldwick, provided, however that the Zoning Officer is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

(d) Aesthetics. Towers and antennas shall meet the following requirements:

(1) Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
(2) At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
(3) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

(e) Lighting. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.

(f) State or Federal Requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and

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regulations are changed, then the owners of the towers and antennas governed by this ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

(g) Building Codes; Safety Standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the Borough of Waldwick concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said thirty (30) days shall constitute grounds for the removal of the tower or antenna at the owner's expense.

(h) Measurement. For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in the Borough of Waldwick irrespective of municipal and county jurisdictional boundaries.

(i) Not Essential Services. Towers and antennas shall be regulated and permitted pursuant to this ordinance section and shall not be regulated or permitted as essential services public utilities, or private utilities.

(j) Franchises. Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in the Borough of Waldwick have been obtained and shall file a copy of all required franchises with the Zoning Officer.

(k) Public Notice. For purposes of this ordinance, any conditional use request, variance request, or appeal of an administratively approved use or conditional use shall require public notice to all abutting property owners and all property owners of properties that are located within the corresponding separation distance listed in Section 7(b)(5)(ii), Table 2, in addition to any notice otherwise required by this Ordinance.

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(l) Signs. No signs shall be allowed on an antenna or tower.

(n) Buildings and Support Equipment. Buildings and support equipment associated with antennas or towers shall comply with the requirements of Section 8.

(o) Multiple Antenna/Tower Plan. The Borough of Waldwick encourages the users of towers and antennas to submit a single application for approval of multiple towers and/or antenna sites. Applications for approval of multiple sites shall be given priority in the review process.

(o) Height. The maximum height of a new tower shall be one hundred fifty (150) feet.

5. Permitted Uses.

(a) General. The uses listed in this section are deemed to be permitted uses and shall not require administrative approval or a conditional use permit.

(b) Permitted Uses. The following uses are specifically permitted:

(1) Antennas or towers located on property owned, leased, or otherwise controlled by the Borough of Waldwick provided a license or lease authorizing such antenna or tower has been approved by the Borough of Waldwick. However, the Borough may, as a condition of such lease, require site plan approval. The decision to extend such leases to an applicant shall be vested solely with the municipality, and shall not be governed by this ordinance.

6. Administratively Approved Uses.

(a) General. The following provisions shall govern the issuance of administrative approvals for towers and antennas.

(1) The Zoning Officer may administratively approve the uses listed in this Section.
(2) Each applicant for administrative approval shall apply to the Zoning Officer providing the information set forth in Sections 7(b) (1) and 7(b)(3) of this ordinance and a nonrefundable fee as established by resolution of the Governing Body to reimburse the Borough of Waldwick for the costs of reviewing the application.

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(3) The Zoning officer shall review the application for administrative approval and determine if the proposed use complies with sections 4, 7(b)(4) and 7(b)(5) of this ordinance.
(4) The Zoning Officer shall respond to each such application within sixty (60) days after receiving it by either approving or denying the application. If the Zoning Officer fails to respond to the applicant within said sixty (60) days, then the application shall be deemed to be approved.
(5) In connection with any such administrative approval, the Zoning officer may, in order to encourage shared use, administratively waive any zoning district setback requirements in Section 7 (b) (4) or separation distances between towers in Section 7 (b) (5) by up to fifty percent (50%).
(6) In connection with any such administrative approval, the Zoning Officer may, in order to encourage the use of monopoles, administratively allow the reconstruction of an existing tower to monopole construction.
(7) If an administrative approval is denied, the applicant shall file an application for a conditional use permit pursuant to Section 7 prior to filing any appeal that may be available under this Ordinance.

(b) <u>List of Administratively Approved Uses</u>. The following uses may be approved by the Zoning Officer after conducting an administrative review:

(1) Locating antennas on existing structures or towers consistent with the terms of subsections (a) and (b) below.

(a) Antennas on existing structures. Any antenna which is not attached to a tower may be approved by the Zoning Officer as an accessory use to any commercial, industrial, professional, institutional structure not located in a residential zone, provided:

(i) The antenna as measured from the lowest grade, does not extend more than the maximum building height for the zone wherein the structure is located;
(ii) The antenna complies with all applicable FCC and FAA regulations; and
(iii) The antenna complies with all applicable building codes.
(iv) The property is not located in a residential zone.

(b) Antennas on existing towers. If an antenna is attached to an existing tower in a non-residential zone collocating antennas

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may be approved by the Zoning Officer to minimize adverse visual impacts associated with the proliferation and clustering of towers, provided such collocation is accomplished in a manner consistent with the following:

(i) A tower which is modified or reconstructed to accommodate the collocation of an additional antenna shall be the existing tower.

(ii) Height

(a) An existing tower may be rebuilt to a taller height, not to exceed the maximum tower height established by this Ordinance.

(iii) On-site location.

(a) After the tower is rebuilt to accommodate collocation, only one tower may remain on the site.

7. Conditional Use Permits.

(a) General. The following provisions shall govern the issuance of conditional use permits for towers or antennas by the Planning Board:

(2) If the tower or antenna is not a permitted use under Section 5 of this ordinance or permitted to be approved administratively pursuant to Section 6 of this ordinance, then a conditional use permit shall be required for the construction of a tower or the placement of an antenna in all zoning districts.

(3) Applications for conditional use permits under this Section shall be subject to the procedures and requirements of Section 97-124 of this Ordinance, except as modified in this Section.

(4) In granting a conditional use permit, the Planning Board may impose conditions to the extent the Planning Board concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.

(5) Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.

(6) An applicant for a conditional use permit shall submit the information described in this Section and a non-refundable

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application fee and an escrow deposit as established by the Borough of Waldwick for the costs of reviewing the application.

(7) Locating a tower or antenna, including the placement of additional buildings or other supporting equipment used in connection with said tower or antenna are permitted as conditional uses only in the following zones: C-1, C-2, C-3, I.

(8) No towers or antennas shall be permitted as conditional uses in residential zone districts.

(b) Towers.

(1) Information required. In addition to any information required for applications for conditional use permits pursuant to Section 97-124 of this Ordinance, applicants for a conditional use permit for a tower shall submit the following information

(i) A scaled site plan clearly indicating the location, type and height of the proposed tower, on site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), Master Plan classification of the site and all properties within the applicable separation distances set forth in Section 7(b)(5), adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, parking, and other information deemed by the Zoning Officer to be necessary to assess compliance with this ordinance.

(ii) Legal description of the parent tract and leased parcel (if applicable).

(iii) The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties.

(iv) The separation distance from other towers described in the inventory of existing sites submitted pursuant to Section 4(c) shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.

(v) A landscape plan showing specific landscape materials.

(vi) Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.

(vii) A description of compliance with Sections 4(c), (d), (e), (f), (g), (j), (1), and (m), 7(b)(4), 7(b)(5) and all applicable federal, state or local laws.

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(viii) A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users.

(ix) Identification of the entities providing the backhaul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the municipality.

(x) A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.

(xi) A description of the feasible locations of future towers or antennas within the Borough of Waldwick based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.

(2) Factors Considered in Granting Conditional Use Permits for Towers. In addition to any standards for consideration of conditional use permit applications pursuant to Section 97-124 of this chapter, the Planning Board shall consider the following factors in determining whether to issue a conditional use permit, although the Planning Board may waive or reduce the burden on the applicant of one or more of these criteria if the Planning Board concludes that the goals of this ordinance are better served thereby:

(i) Height of the proposed tower;

(ii) Proximity of the tower to residential structures and residential district boundaries;

(iii) Nature of uses on adjacent and nearby properties;

(iv) Surrounding topography;

(v) Surrounding tree coverage and foliage;

(vi) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;

(vii) Proposed ingress and egress; and

(viii) Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, as discussed in Section 7(b)(3) of this ordinance.

(3) Availability of Suitable Existing Towers, Other Structures, or Alternative Technology. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Board that no existing tower,

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structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the Planning Board related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following (although nothing should be construed to infer that meeting one, some, or all of the following shall entitle the applicant to approval):

(i) No existing towers or structures are located within the geographic area which meet applicant's engineering requirements.
(ii) Existing towers or structures are not of sufficient height to meet applicant’s engineering requirements.
(iii) Existing towers or structures do not have sufficient structural strength to support applicants proposed antenna and related equipment.
(iv) The applicants proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
(v) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
(vi) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
(vii) The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable micro-cell network using multiple low-powered transmitters/receivers attached to a wire line system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

(4) Setbacks. The following setback requirements shall apply to all towers for which a conditional use permit is required; provided, however, that the Planning Board may reduce the

97-123.12. Wireless Telecommunications Towers and Antennas (Added 8-12-97 by Ord. No. 19-97)

standard setback requirements if the goals of this ordinance would be better served thereby:

(i) Towers must be set back a distance equal to at least seventy-five percent (75%) of the height of the tower from any adjoining lot line.
(ii) Guys and accessory buildings must satisfy the minimum zoning district setback requirements.
(iii) No tower shall exist within required buffer areas, if adjacent to residential zones and as prescribed under local ordinance.

(5) Separation. The following separation requirements shall apply to all towers and antennas for which a conditional use permit is required; provided, however, that the Planning Board may reduce the standard separation requirements if the goals of this ordinance would be better served thereby.

(i) Separation from off -site uses/designated areas.

(a) Tower separation shall be measured from the base of the tower to the lot line of the off-site uses and/or designated areas as specified in Table 1, except as otherwise provided in Table 1.

(b) Separation requirements for towers shall comply with the minimum standards established in Table 1.

Table 1:

Off-site Use/Designated Area	**Separation Distance**
Public parks, schools or house of worship(1)	200 feet or 300% height of tower whichever is greater
Vacant single-family residentially zoned land which is either platted or has preliminary subdivision plan approval which is not expired	200 feet or 300% height of tower whichever is greater
Off-site Use/Designated Area	**Separation Distance**
Vacant unplatted residentially zoned lands(2)	100 feet or 200% height of tower whichever is greater
Non-residentially zoned lands or non-residential uses	None; only setbacks apply

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(1) Including nursing homes and other similar uses wherein people are housed or receive care at least 8 hours per day.
(2) Includes any unplatted residential use properties without a valid preliminary subdivision plan or valid development plan approval and any multi-family residentially zoned land greater than duplex.

(ii) Separation distances between towers.

(a) Separation distances between towers shall be applicable for and measured between the proposed tower and preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower. The separation distances (listed in linear feet) shall be as shown in Table 2.

Table 2:

	Existing Tower – Types			
	Lattice	Guyed	Monopole 50 Ft. in Height	Monopole Less Than 30 Ft in Height
Lattice	5,000	5,000	1,500	1,000
Guyed	5,000	5,000	1,500	1,000
Monopole 50 Ft in Height	1,500	1,500	1,500	1,000
Monopole Less Than 30 Ft	1,000	1,000	1,000	1,000

(6) Security fencing. Towers shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anti-climbing device.

(7) Landscaping. The following requirements shall govern the landscaping surrounding towers for which conditional use permit is required.

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(i) Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences or planned residences. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the compound.

(ii) In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced.

(iii) Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large wooded lots, natural growth around the property perimeter may be sufficient buffer.

8. No Tower or alternative tower shall be constructed in any residential zone.

9. Buildings or other Equipment Storage.

(a) Antennas Mounted on Structures or Rooftops. The equipment cabinet or structure used in association with antennas shall comply with the following:

(1) The cabinet or structure shall not contain more than 100 square feet of gross floor area or be more than 10 feet in height. In addition, for buildings and structures which are less than forty (40) feet in height, the related unmanned equipment structure, shall be located on the ground and shall not be located on the roof of the structure.

(2) If the equipment structure is located on the roof of a building, the area of the equipment structure and other equipment and structures shall not occupy more than 10 percent of the roof area.

(3) Equipment storage buildings or cabinets shall comply with all applicable building codes.

(b) Antennas Mounted on Utility Poles Light Poles or Towers. The equipment cabinet or structure used in association with antennas shall be located in accordance with the following:

(1) In a front or side yard provided the cabinet or structure is no greater than 6 feet in height or 100 square feet of gross floor area and the cabinet/structure is located a minimum of 75 feet from all lot lines. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of at least 42-48 inches and a planted height of at least 36 inches.

97-123.13 Solar Energy Systems and Wind Energy Conversion Systems

(2) In a rear yard, provided the cabinet or structure is no greater than 8 feet in height or 120 square feet in gross floor area. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of eight (8) feet and a planted height of at least 48 inches.

(3) In all other instances, structures or cabinets shall be screened from view of all residential properties which abut or are directly across the street from the structure or cabinet by a solid fence 6 feet in height or an evergreen hedge with an ultimate height of eight (8) feet and a planted height of at least 72 inches.

(4) Emergency Generators shall be located below grade and suitably soundproofed so that noise volumes measured at all property lines do not exceed ambient levels. A nighttime restriction of 50 decibels measured at all lot lines shall be imposed.

10. Removal of Abandoned Antennas and Towers.

Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within ninety (90) days of receipt of notice from the Borough of Waldwick notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said ninety (90) days shall be grounds to remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

11. Existing Towers.

Rebuilding Damaged or Destroyed Nonconforming Towers or Antennas. Nonconforminq towers or antennas that are damaged or destroyed may not be rebuilt without having to first obtain administrative approval or a conditional use permit and without having to meet the separation requirements specified in Sections 7 (b) (4) and 7(b)(5). The type, height, and location of the tower on-site shall be of the same type and intensity as the original facility approval. Building permits to rebuild the facility shall comply with the then applicable building codes and shall be obtained within 180 days from the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires, the tower or antenna shall be deemed abandoned as specified in Section 9.

97-123.13 Solar Energy Systems and Wind Energy Conversion Systems

A. Purpose. The Borough of Waldwick intends to promote the utilization of solar

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energy systems and wind energy conversion systems (WECS) in order to maximize the utilization of a clean, safe and available energy source.

B. Solar energy systems.

1. Solar panels shall be permitted as an accessory rooftop installation in any zoning district. The solar panels shall not exceed a height of eight inches from the rooftop. In no event shall the placement of the solar panels result in a total height including building and panels than what is permitted in the zoning district which they are located for the principal building.

2. Solar panels shall be permitted as accessory ground arrays in accordance with the following:

(a) All ground arrays shall be set back a distance of 20 feet from all property lines in a residential zoning district, 25 feet from all property lines in a commercial zoning district, and 40 feet from all property lines in an industrial district.

(b) Ground arrays shall not be permitted in a front yard.

(c) Ground arrays shall be located so that any glare is directed away from an adjoining property.

(d) Ground arrays shall not exceed a height of 15 feet.

C. Wind energy conversion systems (WECS).

1. General Standards:

(a) A WECS (horizontal axis and vertical axis) shall be permitted in the R-1 and R-2 Single-Family Residential Districts, the R-3 Village Residential District, the R-4 Senior Citizen Residential District, the AH-1 Affordable Housing District, the C-AH Commercial Affordable Housing District, and the I Limited Manufacturing District.

(b) A horizontal axis wind turbine (HAWT) tower is permitted as an accessory use on the same lot as a principal use.

(c) A vertical axis wind turbine (VAWT) is permitted as an accessory rooftop installation or as permitted accessory tower on the same lot as a principal use.

(d) No more than one wind turbine shall be permitted per property, and it is prohibited to install both a rooftop vertical axis turbine and a ground level turbine tower on the same lot.

97-123.13 Solar Energy Systems and Wind Energy Conversion Systems

(e) A WECS is not permitted in any front yard.

2. Standards for horizontal axis wind turbines in residential districts

(a) Minimum lot size: 0.5 acres

(b) Maximum height: Ten feet above roof elevation of the principal structure, including the blades.

(c) Minimum Setbacks:

[1] Property line: A distance equal to 100% of the height of the structure including the blades.

[2] Principal structure: 20 feet

(d) Wind turbines shall have a nameplate capacity of 10 kilowatts or less.

3. Standards in nonresidential districts

(a) Minimum lot size: 0.5 acres

(b) Maximum height: Ten feet above roof elevation of the principal structure, including the blades.

(c) Minimum setbacks:

[1] Property line: A distance equal to 100% of the height of the structure including the blades.

[2] Principal structure: 20 feet

4. Standards for vertical axis wind turbines:

(a) Residential District Requirements.

(i) A maximum of one (1) VAWT is permitted per lot

(ii) Building mounted VAWTs shall not exceed 20% the maximum permitted height within the zoning district measured from the base attached to the structure to the highest point on the VAWT.

(iii) The maximum tower height for a VAWT tower shall not exceed fifty (50) feet measured from the base of the tower to the highest point on the VAWT.

97-123.13 Solar Energy Systems and Wind Energy Conversion Systems

(iv) A VAWT tower shall be setback from the property line a distance equal to 100% of the height of the structure as measured from the base to the highest point.

(v) A VAWT tower shall be set back a minimum 20 feet from the principal structure.

(vi) Every two (2) years the owner of the VAWT shall submit a structural report to the Building Department attesting to the structural integrity of the wind generator, tower and/or support system.

(b) Non-Residential District Requirements

(i) Building mounted VAWTs shall not exceed 20% the maximum permitted height within the zoning district measured from the base attached to the structure to the highest point on the VAWT.

(ii) The maximum tower height for a VAWT shall not exceed sixty (60) feet measured from the base of the tower to the highest point on the VAWT.

(iii) A VAWT tower shall be setback from the property line a distance equal to 100% of the height of the structure as measured from the base to the highest point.

(iv) A VAWT tower shall be set back a minimum 20 feet from the principal structure.

(v) Every two (2) years the owner of the VAWT shall submit a structural report to the Building Department attesting to the structural integrity of the wind generator, tower and/or support system.

(c) Electromagnetic Interference.

(i) As part of the required site plan submission, the applicant shall provide sufficient data and documentation from the manufacturer in order to establish that the installation will not cause electromagnetic interference to any abutting property.

(ii) If documentation is provided that indicates that the installation is causing electromagnetic interference to any abutting property, the installation shall be deemed a public nuisance which nuisance shall be corrected within ninety (90) days of receipt of a notice of violation. If the electromagnetic interference cannot be remedied, the installation shall be removed or relocated, as appropriate.

97-123.13 Solar Energy Systems and Wind Energy Conversion Systems

D. Additional Standards for Solar Energy Systems and Wind Energy Conversion Systems (horizontal axis turbines and vertical axis turbines)

1. Noise

(a) Between a residential use or residential zone sound levels of the WECS shall not exceed 55 decibels at a common property line or at the closest occupied structure of the neighboring lot or lots.

(b) In all other cases at a common property line sound levels of the WECS shall not exceed 55 decibels and shall comply with Chapter 62, the Borough Noise Ordinance.

2. Access to WECS.

(a) All ground-mounted electrical and control equipment shall be labeled or secured to prevent unauthorized access.

(b) The tower shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of eight feet above the ground.

(c) All moving parts of the WECS shall be a minimum height ten feet above the ground.

3. Electrical wires. All electrical wires associated with a WECS, other than wires necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and the grounding wires shall be located underground.

4. Wind turbines shall be designed with an automatic brake or other similar device to prevent overspeeding and excessive pressure on the tower structure.

5. Lighting. A wind tower and generator shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration, and is subject to Planning Board or Board of Adjustment approval as part of the site plan application.

6. Appearance, color, and finish. WECS shall be constructed of corrosive resistant material. WECS and solar energy panels shall be painted, finished or screened with landscaping or other materials to the extent reasonably possible to blend the facility into existing structures and natural surroundings in order to minimize potential visual impacts on the surrounding landscape.

7. Signs. WECS and solar energy systems shall not be used for displaying signage or advertising, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification.

97-123.13 Solar Energy Systems and Wind Energy Conversion Systems

8. Code compliance. A WECS shall comply with all applicable construction and electrical codes, and the National Electrical Code adopted by the New Jersey Department of Community Affairs.

9. Utility notification and interconnection. WECS that connect to the electric utility shall comply with the New Jersey's net metering and interconnection standards for Class I renewable energy systems.

10. Meteorological towers utilized to monitor the feasibility of a WECS shall be permitted under the same standards, permit requirements, restoration requirements, and permit procedures as a WECS.

E. Permit requirements.

1. Site plan approval. Site plan approval from the Planning Board or Board of Adjustment, as appropriate, shall be required for the installation of a WECS (horizontal axis turbine or vertical axis turbine) or a ground array solar energy system. The site plan application shall include the following:

(a) Property lines and physical dimensions of the property;

(b) Location, dimensions, and types of existing structures on the property;

(c) Location of the proposed WECS tower or ground array solar energy system;

(d) The right-of-way of any public road that is contiguous with the property;

(e) For WECS applications, the location of any overhead utility lines;

(f) WECS and ground array solar energy systems specifications, including manufacturer and model, rotor diameter, tower height;

(g) Stamped, engineered tower and tower foundation drawings for WECS;

(h) Noise levels of the proposed WECS at all property lines and at the closest neighboring inhabited dwelling.

2. A visual site distance analysis must be submitted, including photos of the subject property, that graphically simulates the appearance of any proposed WECS and indicating its view from at least five locations around and within one mile of the proposed tower.

F. Abandonment.

1. A WECS or solar energy system that is out of service for a continuous

97-123.14 Home Occupation

twelve-month period will be deemed to have been presumptively abandoned. The Zoning Officer may issue a notice of abandonment to the owner of a WECS or solar energy system that is deemed to have been abandoned. The owner shall have the right to respond to the notice of abandonment within 30 days from notice receipt date. The Zoning Officer shall withdraw the notice of abandonment and notify the owner that the notice has been withdrawn if the owner provides information that demonstrates the WECS or solar energy system has not been abandoned. In the event that the Zoning Officer, after investigation, determines that a WECS or solar energy system has been abandoned, the Zoning Officer may issue a notice of abandonment during the presumptive twelve-month period and the owner shall have the right to respond to the notice of abandonment.

2. If the WECS or solar energy system is determined to be abandoned, the owner of the WECS or solar energy system shall remove the facility at the owner's sole expense within six months of receipt of notice of abandonment. If the owner fails to remove the facility, the Zoning Officer may, at the option of the Mayor and Council, have the facility removed at the owner's expense, and impose a lien on the property.

G. Violations. It is unlawful for any person to construct, install, or operate a WECS or solar energy system that is not in compliance with this section or with any condition contained in a building permit issued pursuant to this section. Solar energy systems and WECS installed prior to the adoption of this section are exempt.

97-123.14 Home Occupation

A. Home occupations are permitted as an accessory use in all residential districts of the Borough of Waldwick

    a. Home occupation uses shall be conducted entirely within either the dwelling or an accessory building, but not both.
    b. No more than five hundred (500) square feet of the first floor area or the equivalent of twenty-five percent (25%) of the floor area of the building, whichever is smaller,
    c. Such an occupation shall be conducted solely by a resident occupant of the residential building, except that no more than one (1) person at a time who is not a resident of the building may be employed therein
    d. No sign shall be displayed exceeding a maximum of one (1) square foot on each side, that
    e. Parking shall be provided in accordance with commercial off-street parking spaces in addition to the residence needs.
    f. No occupational sounds are audible outside the building, that and that no machinery or equipment is used which will cause interference with radio and television reception in neighboring residences.

g. No display of products shall be visible from the street, and that no article is offered for sale on the premises shall be used for such purposes, so as not to change the residential character of the property
h. Board of Health, Fire Prevention Bureau and Environmental Commission approval and a Certificate of Occupancy shall be required for all "Home Occupations" and "Family Day Care Homes".
i. Anyone operating a Family Day Care Home shall file with the Borough Clerk a copy of the Certificate of Registration issued by the New Jersey Division of Youth and Family Services and shall submit a certification of the operator setting forth the operator's name, address and telephone number and the hours of operation.

97-123.15. Child Day Care

A. Child day care is permitted in all non-residential zones in the Borough of Waldwick, and subject to the following requirements:

1. Operation of a child day care facility shall be licensed by the Department of Human Services
2. Minimum lot size is 10,000 square feet.
3. Play area requirements:
    a. No play area shall be located anywhere but the rear yard.
    b. Play areas shall have a minimum fence height of 6 feet

97-123.16. Freestanding and Roof Mounted Flagpoles (Amended 05-27-14 by Ord. No. 13-14)

1. The maximum height of a freestanding flagpole shall be 20 feet, provided that flagpoles on roofs shall be no more than 25% the maximum permitted height in the district feet in which the structure is located.
2. One freestanding flagpole shall be permitted per lot.
3. All freestanding flagpoles shall be located no closer than 10 feet from a front, side or rear property line.
4. All flagpoles shall be equipped with either interior halyards or exterior halyards with vinyl snap covers.

97-124. Conditional Uses

97-124.1 Guiding principles.

Recognizing that certain uses, activities and structures are necessary to serve the needs and conveniences of the borough and, at the same time, recognizing that such uses may be or become harmful to the public health, safety and general welfare if located and operated without proper consideration being given to existing conditions and the character of the surrounding area, such uses are

97-124.2 Automotive service stations.

hereby designated as conditional uses . The procedures for application, public hearing and notice for special use permits are set forward under Section 97-128.7. The granting of a permit for conditional uses shall comply with the terms and conditions established by this section using the following stipulations and guiding principles:

A. Stipulations. The use for which application is being made is specifically authorized as a conditional use in the zoning district in which it is located. (See Section 97-119).
B. Principles. The design, arrangement and nature of the particular use is such that the public health, safety and welfare are protected and reasonable consideration is afforded to the following:

    1. The character of the neighborhood and zone.
    2. Conservation of property values and the proposal's impact upon the orderly development of adjacent properties in accordance with the zoning classification of such properties.
    3. Health and safety of residents or workers on adjacent property and in the surrounding neighborhood.
    4. Potential congestion of vehicular traffic or the creation of undue hazard.
    5. Principles and objectives of the ordinance and the Master Plan of the Borough.

C. Standards. In addition to the above stipulations and principles, such permitted conditional uses shall adhere to the minimum standards specified for the particular use in Section 97-124.2 through 97-124.13 (Amended 11-28-89 by Ord. No. 22-89).

97-124.2 Automotive service stations.

Automotive service stations may be permitted as a conditional use in all commercial zones, provided that the following standards and conditions are met:

A. Lot size. The lot or parcel of land so to be used shall have a street frontage of at least one hundred (100) feet and an average depth of at least one hundred twenty-five (125) feet.

B. Setbacks.

    1. Buildings. The walls of any building shall be set back at least fifty (50) feet from any residential zone boundary or existing residential property, at least twenty-five (25) feet from any adjoining property line and at least forty (40) feet from a street right-of-way line.
    2. Gasoline pumps. All fuel and oil pumps and other apparatus shall be located as to permit safe and convenient traffic circulation. Every gasoline or oil tank, pump or other device, appliance or apparatus shall

97-124.2 Automotive service stations.

be located at least forty (40) feet from a street right-of-way line or property line, and at least fifty (50) feet from a residential zone boundary or existing dwelling.

3. Paved areas. All paved areas within the property shall be at least five (5) feet from a property line, ten (10) feet from a street right-of-way line and twenty-five feet from a residential zone boundary or existing residential use and shall be bounded by concrete curbing at least six (6) inches above the surface.
4. Driveways. Entrance and exit driveways shall be at least thirty (30) feet in width with a three (3) foot radius at the curbline. There shall be a safety zone between driveways of at least thirty (30) feet, and the driveway shall be at least ten (10) feet from adjoining property lines. Driveways shall be at least one hundred (100) feet from an intersection of street lines. No more than two (2) driveways shall be permitted for each two hundred (200) feet of street frontage.

C. Location. The nearest boundary line of the lot or parcel of land to be used as an automobile service station shall be at least three hundred (300) feet from the boundary line of property which is used as, or upon which is erected, a public or private school playground, church or other place of worship, hospital, public building or place of public assembly, theater or other building or structure used or intended to be used for public entertainment, public playground or civic center, firehouse or fire station. The distance shall be measured in a straight line from the center line of streets forming the shortest route from a point opposite the nearest side boundary line of the public entrance to a point opposite the nearest boundary line of the service station or garage lot. No automobile service station shall be located within two thousand (2,000) feet of another service station or existing public garage.

D. Landscaping. A five-foot planted strip, suitably landscaped, shall be provided between curb cuts and along all property lines. All unpaved areas shall be attractively landscaped with grass lawns, trees and shrubs or other vegetation or material deemed suitable. All landscaping shall be suitably maintained.

E. Parking. Adequate parking for service vehicles and automobiles of employees and patrons shall be provided. Not more than three (3) patron parking spaces shall be provided for each service bay. Not more than six (6) motor vehicles may be located upon any automobile service station premises, outside of a closed or roofed building, for a period of time not to exceed forty-eight (48) hours and provided that said motor vehicles are awaiting repair by the owners thereof.

F. Prohibited uses.

1. No new or used automobile sales shall be conducted on the premises.
2. No major body work shall take place at automobile service stations.

97-124.3 Funeral parlors; churches; places of worship and religious instruction. (Amended 7-14-87 by Ord. No. 10-87)

3. No junked motor vehicle or part thereof or motor vehicle incapable of normal operation upon the highway shall be permitted on the premises of any service station. It shall be deemed prima facie evidence of violation of this ordinance if more than three (3) motor vehicles incapable of operation are located at any one time upon any premises not within a closed and roofed building.

G. Repairs. Any repairs of motor vehicles shall be performed in a fully enclosed building. No parts or partially dismantled motor vehicles may be stored out of doors.

H. Tanks and Drains:

1. Floor drains shall contain oil and grease traps and shall not be connected to any sanitary sewer system or storm drain.
2. All storage tanks shall be installed below ground level. Where the possibility of contamination of underground water resources exists, the applicant will be required to show that ample precautions against leakage and seepage have been taken.

97-124.3 Funeral parlors; churches; places of worship and religious instruction. (Amended 7-14-87 by Ord. No. 10-87)

Funeral parlors, Churches, places of worship, and religious instructional facilities may be permitted in any commercial zone as a conditional use and are subject to the following conditional use standards to allow use of a property for said land use:

A. Lot area. The minimum lot area shall be thirty thousand (30,000) square feet; the minimum lot width shall be two hundred (200) feet.

B. Setbacks. The minimum requirements for lot depth, front yard, rear yard, side yard, setbacks and building height shall conform to those established for the R-1 Single-Family Residential Zone. However, in no event shall the front or rear yards be less than the height of the building, nor shall side yards be less than one-half (1/2) the height of the building.

C. Parking. Off-street parking facilities shall be provided on the premises in the rear and side yards, but not in the front yard, in the ratio and manner prescribed in Section 97-123.7.

D. Driveways. The construction of driveway entrances shall conform to the requirements set forth in Section 97-123.7. Driveways must be at least ten (10) feet from any side lot lines and twenty-five (25) feet from the side line of residential property.

97-124.4. Restaurants and taverns.

E. Landscaping. The site plan shall clearly demonstrate that the location of buildings and parking and entrance drives shall have been so located as to minimize any detrimental effects upon adjacent property. It may require buffers of foliage if necessary to protect surrounding property from either light or noise generated in connection with the use of the property.

97-124.4. Restaurants and taverns.

Restaurants and taverns may be permitted as a conditional use in all commercial zones, provided that the following standards and conditions are met:

A. Lot size. The minimum lot or parcel of land so used shall be twenty-five thousand (25,000) square feet in area, with a minimum street frontage of at least one hundred (150) feet and an average depth of at least one hundred fifty (150) feet.
B. Setback. The walls of the building shall be located at least fifty (50) feet from an adjoining street right-of-way line, twenty-five (25) feet from a side property line and fifty (50) feet from a rear property line.
C. Building size. The ground floor area of the building shall be at least five hundred (500) square feet.
D. Parking. Off-street parking shall conform to the requirements contained in Section 97-123.7, and, in addition, the following conditions shall be met:

    1. Fencing, screening and buffers. Fencing and screening shall be provided along the side and rear property lines in accordance with the provisions of Section 97-123.7C(11). All applicants shall provide buffers as defined in the ordinance and per the requirements of 97-119.9E.
    2. Sidewalks. Sidewalks shall be raised and protected from vehicular traffic, at least five (5) feet in width, and shall be provided along the front and side building walls.
    3. Fire lanes. Appropriate fire lanes adjoining the building shall be maintained where required.
    4. Number of spaces. The ratio, location and quantity of parking spaces shall be in accordance with the Parking Schedule contained in section 97-123.7.

E. Driveways. The construction of entrance and exit driveways shall be in accordance with the provisions contained within Section 97-123.7. There shall be a safety zone of at least twenty-five (25) feet between driveway openings, and no entrance or exit shall be located within ten (10) feet of an adjoining property line.

F. Trash.

    1. Trash receptacles for customers shall be provided in the parking area conveniently located for all parking spaces. There shall be at least one (1) receptacle for each five (5) parking spaces, but in no event less than

97-124.5 Hospitals; nursing, assisted living facilities.

four (4) receptacles. Such receptacles shall be of appropriate design which will not detract from the general appearance of the site and shall be well secured to the ground surface.

2. An area shall be provided for the orderly and convenient deposit and pickup of trash. Said area shall be known as the "refuse storage" and shall be located in the rear yard, shall be enclosed on all four (4) sides and shall be designed to conform in appearance to the principal building. Said area shall be at least fifteen feet from an adjoining property line.

G. Fire. All restaurants and fast food establishments shall meet or exceed all applicable fire code regulations.

97-124.5 Hospitals; nursing, assisted living facilities.

Hospitals, nursing, assisted living facilities may be permitted as a conditional use in the R-1 Single-Family Residential District, provided that the following standards and conditions are complied with:

A. Lot size. The minimum lot area shall be forty thousand (40,000) square feet; the minimum lot width shall be two hundred (200) feet.
B. Setbacks. The structure or use shall conform to all the yard requirements set forth in the R-1 Single-Family Residential District. Under no conditions shall a principal structure be located closer to a property or street line than the height of the building.

C. Location. The lot or parcel upon which a hospital or hospital use is located shall have direct access to an arterial street designated on the Master Plan. The lot or parcel upon which a nursing, rest and convalescent home is located or said use is located shall have direct access to a street designated as either arterial or collector, as shown on the Master Plan. None of said uses shall have access provided to said site via a local residential street.
D. Parking. Off-street parking facilities shall be provided on the premises in the rear, but not in the front or side yard, in accordance with the ratio and locational requirements contained in Section 97-123.7. Hospitals shall be permitted to have emergency access and parking for access to the emergency room only, located within their front and/or side yard.
E. Driveways. Driveways shall be located in accordance with the regulations contained within Section 97-123.7and shall be at least twenty-five (25) feet from any adjoining property lines.
F. License. Hospitals, nursing homes and assisted living facilities shall possess and/or secure a license as prescribed under the New Jersey Hospital Licensing Act and shall conform to all regulations and standards prescribed by the Bureau of Community Institutions, State of New Jersey. A certificate of need shall be secured from the New Jersey Department of Health for the proposed use.
G. Signs. The erection and location of signs shall be in accordance with the provisions of Section 97-123.9.

H. Area impact. The hearing and review of said application shall disclose that the proposed use in the proposed location will not adversely affect the value of adjacent properties, that the design of any structures erected in connection with such use are in keeping with the general character of the residential area and that sufficient landscaping, including trees, shrubs and lawn, are provided to serve as a buffer between said use and the residential properties and to ensure an attractive appearance of the use.

97-124.6. Kennels.

Kennels may be permitted as a conditional use in the I Limited Manufacturing-Industrial District, provided that the following standards are complied with:

A. Lot size. The lot or parcel so to be used has an area of at least two (2) acres. Not more than ten (10) dogs or cats or combination thereof for each acre of lot area shall be kept at any time.
B. Setbacks. Building, structures, pens or other enclosures in which animals are kept shall be located at least one hundred (100) feet from a property line.
C. Outdoor runs or pens. Outdoor runs and pens shall be located within the rear yard and shall be screened from view of the adjoining properties by fencing and planting.
D. Animals outside. Dogs and cats shall be contained in buildings, pens or other enclosures at all times and shall be kept within the confines of a building between the hours of 9:00 p.m. and 8:00 a.m.
E. Sanitation. Any such kennels shall be approved by the Board of Health to ensure proper sanitation and compliance with applicable state and local health codes.

97-124.7. Philanthropic, charitable or eleemosynary uses.

Fraternal, social, civic, recreational, philanthropic, charitable or eleemosynary uses may be permitted as a conditional use in the R-3 Village Residential District, provided that the following standards and conditions are complied with:

A. Lot size. The lot or parcel so to be used shall have area and lot requirements in accordance with the district in which it is located.
B. Setbacks. All buildings shall comply with the setback requirements for the zone in which it is located. No building or structure shall be located closer to any property line than the height of said building.
C. Location. The property so proposed for this use shall have direct access to an arterial or collector street as defined within the Master Plan.
D. Parking. Off-street parking facilities shall be provided on the premises in the rear and side yards, but not in the front yard, in the ratio, location and quantity prescribed in Section 97-123.7.
E. Driveways. Driveways must be at least twenty-five (25) feet from any side or rear property lines.

F. Screening. Fencing and screening shall be provided alongside and rear property lines in accordance with Section 97-123.7C(11).
G. Area impact. The hearing and review of said application shall disclose that the proposed use in the proposed location will not adversely affect the value of adjacent properties, that the design of any structure erected in connection with such use are in keeping with the general character of the residential area, and that sufficient landscaping, including trees, shrubs and lawn, are provided to serve as a buffer between said use and residential properties and to ensure an attractive appearance for the use.

97-124.8. Private preschools and private schools. (Amended 7-8-86 by Ord. No. 16-86).

Private schools, but not trade schools, business schools, high schools or institutions of higher learning, may be permitted as a conditional use within residential and commercial districts as provided for in Section 97-119 of this ordinance:

A. Lot size. The minimum lot area for a nursery school shall be two (2) acres, plus one (1) additional acre for each one hundred (100) pupils. The minimum lot area for an elementary school shall be five (5) acres, plus one (1) additional acre for each one hundred (100) pupils. The minimum lot area for an intermediate school, high school or institution of higher learning shall be ten (10) acres, plus one (1) additional acre for each one hundred (100) pupils. No more than ten percent (10%) of the site shall be covered by a building.
B. Setbacks. The buildings proposed to be erected on the lot shall comply with the yard and height requirements set forth for the zone district in which they are located.
C. Driveways. No driveway shall open onto a public street or road within one hundred fifty (150) feet of an intersection of such street or road with another public street or road. In determining the suitability of proposed or existing driveways upon the site, the Planning Board shall consider such factors as grade and site distances, the number and pattern of driveways designed for ingress and egress points within the area, the volume of traffic which may be anticipated on the site and upon adjoining roads and the condition and width of the pavement of the adjoining roads.
D. Lighting. Illumination for night athletic activity shall be shielded from view from adjoining streets and residential areas.
E. Use statement. In addition to the use statement required in Article IX for site plan review, the applicant shall include a statement indicating the grade level of the pupils to be in the building or buildings, the planned pupil capacity of each building or buildings and the contemplated eventual enrollment of the school.
F. State certification. The curriculum of the proposed school shall be approved by the New Jersey Department of Education.
G. Screening. Fencing and screening shall be provided alongside and rear property lines in accordance with Section 97-123.7C(11)where outdoor athletic

fields or play spaces are proposed within one hundred (100) feet of a residential property line.

97-124.9. Family Day Care Homes (Added 3-23-93 by Ord. No. 3-93)

Family Day Care Homes shall be deemed to be a home occupation use and shall be subject to the same conditional use standards as all other home occupations in the particular zone in which the family day care home is located.

97-124.10. Public utilities.

Public utility uses intended to be regulated by this section apply to utility installations such as power-generating stations, electric substations, power transmission lines, radio or television signal towers, telephone exchanges and similar facilities, but shall not apply to telephone, gas, water, sewer, electric or community antenna television facility distribution lines and similar facilities intended to provide direct service to properties, may be permitted in any zone district by conditional use, provided that the following are complied with:

A. Lot size. The lot shall conform with the lot area requirements of the zone in which it is located.
B. Setbacks. All structures shall meet the yard and height requirements of the zone in which it is located.
C. Parking. Adequate provision shall be made for off-street parking in accordance with Section 97-123.7.
D. Appearance. Any such building, structure or use shall be designed and arranged so as not to detract from the appearance of the general neighborhood nor have a detrimental effect on the value of adjoining properties.
E. Location. The utility shall provide proof that the proposed installation in its specific location is necessary and essential for the efficiency of the public utility system or the satisfactory and convenient provision of service by the utility to the neighborhood or area in which the particular use is to be located, provided that the design of any building in connection with the facility conforms to the general character of the area and will in no way adversely affect the safety and comfortable enjoyment of property rights of the zone in which it is located, that adequate and attractive fences and other such safety devices will be provided and that sufficient landscaping including shrubs, trees and lawns are provided and will be periodically maintained.

97-124.11. Satellite dish antennas and Amateur Radio Antennas. (Added 8-9-83 by Ord. No. 15-83; amended 4-12-94 by Ord. No. 7-94)

The intent and purpose of this section is to establish a procedure and criteria to avoid the installation of amateur radio and satellite reception antennas in a manner that would create an aesthetically unpleasant or unsafe condition. There shall be

97-124.11. Satellite dish antennas and Amateur Radio Antennas. (Added 8-9-83 by Ord. No. 15-83; amended 4-12-94 by Ord. No. 7-94)

permitted in all zoning districts of the Borough, as a conditional use accessory to the principal building.

(1) Exemption of certain antennas from regulations. Pursuant to the 1996 ruling of the Federal Communications Commission (FCC), the following antennas are exempt from the provisions of this article:

(a) A transmission satellite dish no greater than one meter (39.37 inches) in diameter.

(b) A receive-only satellite dish greater than one meter (39.37 inches) and less than or equal to two meters (78.74 inches) in diameter and located in a nonresidential zone district.

(c) A transmission satellite dish no greater than two meters (78.74 inches) in diameter and located in a nonresidential zone district.

(2) Limited applicability of regulations involving certain antennas. Pursuant to the 1996 ruling of the Federal Communications Commission (FCC), the provisions of this article shall apply to the following antennas only to the extent such provisions do not impair the installation, maintenance or use of such antennas. The determination regarding such impairment shall be made by the Zoning Officer and may be appealed in accordance with the procedures of the Borough of Waldwick.

(a) Antennas designed to receive direct broadcast satellite service (DBS), including direct-to-home satellite service, and no greater than one meter (39.37 inches) in diameter.

(b) Antennas designed to receive video programming services via multipoint distribution services, including multichannel multipoint distribution services (MMDS), instructional television fixed services and local multipoint distribution services, and no greater than one meter (39.37 inches) in diameter or diagonal measurement, provided that, if such antennas are located on a mast, the mast is 12 feet or less in height.

(c) Antennas designed to receive television broadcast signals (TVBS), provided that, if such antennas are located on a mast, the mast is 12 feet or less in height.

(3) Freestanding satellite and amateur radio antennas.

(a) Freestanding antennas shall only be permitted in the rear yard.

(b) Freestanding antennas shall be effectively screened by a special

97-124.12. Supportive and special needs housing for the developmentally disabled and community shelters for victims of domestic violence. (Added 4-24-84 by Ord. No. 6-84)

planting screen or fence as determined by the reviewing authority to be necessary to minimize the view of the antenna from any adjacent property or public street.

(c) Freestanding antennas shall be set back a minimum of 35 feet from all lot lines.

(d) The height of an amateur radio freestanding antenna shall not exceed 60 feet above the ground at the base of the antenna

(e); The height of freestanding satellite dish antennas shall not exceed 15 feet above the ground.

(f) The diameter or diagonal dimension of freestanding satellite dish antennas shall not exceed one meter (39.37 inches) in any residential zone district or two meters (78.74 inches) in any nonresidential zone district.

(4) Roof-mounted antennas and satellite dishes.

(a) If mounted on the roof of the principal building, the antenna and supporting structures shall be set back from the building facade a distance equal to or greater than the height of such antenna and related structures above the elevation of the building where the antenna and related structures are mounted, or as required by the Construction Code, whichever is more restrictive. The antenna and supporting structures shall also be located so as to minimize the view of the same from any street, as determined by the Zoning Officer.

(b) The height of any roof-mounted antenna shall not exceed the height of the roof by more than 12 feet.

97-124.12. Supportive and special needs housing for the developmentally disabled and community shelters for victims of domestic violence. (Added 4-24-84 by Ord. No. 6-84)

A building or structure may be used, erected or converted for use as supportive and special needs housing for the developmentally disabled or a community shelter for victims of domestic violence (as defined by N.J.S.A. 40:55D-66.1), subject to the following conditional use requirements:

A. No building or structure shall be used, erected or converted for the use of community residences for the developmentally disabled or community shelter for victims of domestic violence unless said building or structure complies with the minimum

97-124.13. Amusement Machine Arcades (Amended 11-28-89 by Ord. No. 22-89).

requirements for fire safety, sanitary facilities, structural safety as established by the current edition of New Jersey Uniform Construction Code, and the requirements of the American's with Disabilities Act (ADA).

B. No building or structure shall be erected or converted for use of community residences for the developmentally disabled or community shelter for victims of domestic violence unless it complies with the minimum current requirements of the barrier-free design regulations as established by the State of New Jersey, Department of Community Affairs.
C. No community residence for the developmentally disabled or community shelter for victims of domestic violence shall be located within one thousand five hundred (1,500) feet of an existing community residence or shelter.
D. No community residence shall be considered for establishment within the municipality when the number of persons other than resident staff, resident at existing such community residences or community shelters within the municipality, exceeds fifty (50) persons or five-tenths (0.5) of the population of the municipality, whichever is greater.
E. Signs shall not be permitted on the premises.
F. Fencing and screening shall be provided along the side and rear property lines.
G. Any such building, structure, or use shall be designed and arranged so as not to detract from the appearance of the general neighborhood nor have a detrimental effect on the value of adjoining properties.
H. A set of building plans and specifications, along with a plot plan and statement setting forth the full particulars on the operation of the structure or use, shall be filed with the application.
I. Any application shall not adversely affect the health, safety and welfare of the residents of the district. Furthermore, the proposed use shall be in keeping with the general character of the residential area, and sufficient landscaping, including trees, shrubs and lawn, shall be provided to serve as a buffer.

97-124.13. Amusement Machine Arcades (Amended 11-28-89 by Ord. No. 22-89).

A. An amusement machine arcade shall be permitted to be located only in the "I" Limited Manufacturing-Industrial zoning district of the Borough of Waldwick and such amusement machine arcade shall be allowed in such "I" district only upon approval by the Planning Board under a conditional use procedure. An amusement machine arcade shall not be permitted in any other zone even though such zone might permit those uses permitted in the "I" Limited Manufacturing-Industrial Zone.

B. An applicant shall submit a site plan and an amusement machine arcade room layout in sufficient detail to allow such determination by the Planning Board.

C. The following specific requirements shall apply to the location, layout and operation of an amusement machine arcade:

1. A building within which an amusement machine arcade is the principal use or that portion of any building used as an amusement machine arcade shall be located at least two hundred (200) feet from any premises used as a public, parochial or private elementary, middle, junior high, high school, or premises

97-124.14. Banks

upon which is located a place of worship. A building within which an amusement machine arcade is the principal use or that portion of any building used as an amusement machine arcade shall be located at least eight hundred (800) feet from another building or portion of a building used as an amusement machine complex.

2. Adequate space shall be provided to reach a machine so as to allow its use without overcrowding. A minimum width between amusement machines of one and one-half feet shall be provided. The depth of the space in front of the machine shall be at least five (5) feet..
3. Off-street parking in addition to that otherwise required for the users on the premises shall be provided in the amount of one space per two amusement game machines or the minimum required off-street parking for a retail use in the "I" District, whichever is greater. Adequate parking shall be provided per the Americans with Disabilities Act (ADA).
4. Readily visible signs shall be installed, with their location, size and text, shown on the plans submitted to the Planning Board indicating the hours of operation and that persons under the age as specified in the licensing ordinance of Chapter 30 shall not be permitted during school hours to play such amusement game machine or amusement machine.
5. A building or portion thereof used as an amusement machine arcade shall comply with requirements for a non-residential building in an "I" Zoning District as specified in this ordinance.
6. To prevent obstruction of the public sidewalk and entry and exits to an amusement machine arcade, a special on-site area shall be set aside and designated for bicycle parking. Bicycle racks shall be provided at the rate of one bicycle space for every three amusement machines. Bicycle racks shall not be located in any required landscaped areas, walkways to buildings, driveways, required vehicular parking space nor shall such bicycle racks be spaced so as to obstruct any entrance or exit to any premises.
7. An amusement machine arcade shall be designed to minimize noise emanating beyond the boundaries of such building or room containing amusement game machines or amusement machines.
8. An amusement machine arcade shall at all times have at least one supervisory adult employee in attendance during operating hours. Between 3 p.m. and closing in addition to the supervisory adult employee, there shall be an additional adult employee to act as a security person whose sole responsibility is to maintain good order and compliance with all regulations.
9. An amusement machine arcade shall maintain an operating telephone or other device to alert police, fire and ambulance services in the event of an emergency.
10. At least two (2) bathroom facilities shall be provided for the exclusive use of the patrons. One bathroom facility shall be designated for use by members of the female sex and one for use by members of the male sex.
11. There shall be at least two (2) emergency exit doors.
12. All requirements of the Fire Underwriters Code and the Uniform Construction Code of the State of New Jersey shall be complied with.

97-124.14. Banks

A. Banks are permitted as a conditional use in the C-2 Turnpike Commercial District or C-3 Neighborhood Commercial District, provided that the following standards and conditions are met:

1. Minimum lot size shall be 18,000 square feet, and the minimum street frontage of such lot shall be 120 feet. If a bank is located on a corner lot, the minimum street frontage on each street shall be 120 feet.
2. No part of any building or structure shall be located within 100 feet of any residential use or residential zone district boundary line.
3. Minimum distance between driveways shall be 50 feet measured from the two closest driveway curbs.
4. Trash areas shall be fully enclosed and at least 15 feet from any property line.
5. Fencing, screening and buffers. Fencing and screening shall be provided along the side and rear property lines in accordance with the provisions of Section 97-123.7C(11). All applicants shall provide buffers as defined in the ordinance and per the requirements of 97-119.9E.
6. Stacking facilities to accommodate a queue of eight (8) vehicles shall be provided for each drive-through lane proposed in a drive-through bank. Each drive-through bank shall provide at least one (1) bypass lane to allow customers to exit the queue and depart the premises.

97-124.15. Mixed-Use Developments

A. Mixed-use developments shall be permitted as a conditional use in the VC-2 Village Center District, VC-3 Village Center District and the C-1 Village Commercial District, provided that the following standards and conditions are met:

1. Permitted uses on the ground floor of a mixed-use development shall include the following permitted uses in the C-1 District as listed in Section 97-119.9A1, 2, 3, 4 and 13: retail trade stores, service uses, business and professional offices, personal services and child day care centers.
2. One or more dwelling units shall be permitted on the upper floor(s) above any of the permitted ground floor uses in Section 97-124.15A1. Access to upper floor uses shall be provided by means of a separate entrance than provided for ground floor uses.
3. Minimum lot size shall be 10,000 square feet, and the minimum street frontage of such lot shall be 100 feet.
4. Trash areas shall be fully enclosed and at least 15 feet from any property line.
5. Fencing, screening and buffers. Fencing and screening shall be provided along the side and rear property lines in accordance with the

provisions of Section 97-123.7C(11). All applicants shall provide buffers as defined in the ordinance and per the requirements of 97-119.9E.

97-124.16. Animal Hospitals (Added 05-27-14 by Ord. No. 12-14)

A. Animal Hospitals are permitted as a condition use in the C-1 Village Commercial District, C-2 Turnpike Commercial District, C-3 Neighborhood Commercial District, or I - Industrial District, provided the following standards and conditions are met:

1. Minimum lot size shall be 25,000 square feet, and the minimum street frontage of such lot shall be 120 feet. If an animal hospital is located on a corner lot, the minimum street frontage on each street shall be 120 feet.
2. No part of any building or structure shall be located within 100 feet of any residential use or residential zone district boundary line.
3. Minimum distance between driveways shall be 50 feet measured from the two closest driveway curbs.
4. Trash areas shall be fully enclosed and at least 15 feet from any property line.
5. Fencing, screening and buffers. Fencing and screening shall be provided along the side and rear property lines in accordance with the provisions of Section 97-123.7C(11). All applicants shall provide buffers as defined in the ordinance and per the requirements of 97-119.9E.
6. Parking requirements shall comply with "Hospital" standards as stated in Section 97-123.7.
7. All such facilities must be licensed by and meet the requirements of any county, state or federal regulatory agency.
8. Sufficient space shall be provided indoors for all animals kept at the facility, and no animals shall be kept outside between 9:00pm and 8:00am.

97-125. Nonconforming Uses and Nonconforming Structures (Amended 12-12-00 by Ord. No. 22-00)

97-125.1. Continuance.

Except as otherwise provided in this section, the lawful use of land, structures or buildings existing at the date of the adoption of this ordinance may be continued, although such use, building or structure does not conform to the regulations specified by this ordinance for the zone in which such land, structure, or building is located.

97-125.2. Nonconforming lots.

No nonconforming lot shall be further reduced in size.

97-125.3. Extensions, enlargements and discontinuance of nonconforming uses.

A. No nonconforming use may be enlarged or expanded. In addition, a building or structure in which a nonconforming use is carried on may not be enlarged or expanded.

B. The abandonment or discontinuance of a nonconforming use shall result in its termination. A nonconforming use shall be considered abandoned when there occurs a cessation of any use or activity by an apparent act or failure to act on the part of the tenant or owners to reinstate such use within a period of one (1) year from the date of cessation or discontinuance.

C. The total destruction of a nonconforming use, or the total destruction of a building or structure in which a nonconforming use is carried on shall terminate the use.

97-125.4. Extensions, enlargements and discontinuance of nonconforming structures.

A. The total destruction of a nonconforming structure or building shall terminate the right to maintain the nonconforming structure or building.

B. No nonconforming building or structure shall be enlarged, extended or increased, except that in residential zones, a nonconforming single-family dwelling or a single family dwelling on a nonconforming lot may be enlarged, extended or increased if:

1. Said enlargement, extension or increase by itself conforms with all requirements of the zoning and site plan requirements of the Borough of Waldwick Land Use and Development Code and the dimensions and setback of said enlargement, extension or increase, when aggregated with the existing building, do not create or increase any yard, area, height, dimensional, bulk, parking or setback violation of Article XI, Zoning; and,

2. The area of said enlargement, extension or increase, when aggregated with the area of the existing building, does not exceed the maximum lot coverage standard permitted in that zone.

97-125.5. Certificate of Nonconformity.

A prospective purchaser, a prospective mortgagee or any other person interested in any land upon which a nonconforming use or structure exists may apply in writing for the issuance of a certificate certifying that the use or structure existed before the adoption of the ordinance which rendered the use or structure nonconforming. The application may be made to the zoning officer within one (1) year of the adoption of the ordinance which rendered the use or structure nonconforming or at any time to the Zoning Board of Adjustment.

97-125.6. Conversion to Permitted Use.

97-125.7. Lots appearing on filed maps.
97-127.5. Building permits.

No nonconforming use or structure shall, if once changed into a conforming use or structure, shall be changed back again into a nonconforming use or structure.

97-125.7. Lots appearing on filed maps.

Lots appearing on maps which have been approved for filing and which have been filed in the office of the Registrar of the County of Bergen since the effective date of the Land Subdivision Ordinance of the Borough of Waldwick are hereby exempted from the minimum lot and yard requirements as provided in this ordinance. The minimum area of all contiguous lots in single ownership shall be those shown on said filed maps.

97-125.8. Prevailing Lot Setbacks.

The minimum front and rear yard setback shall conform to the established set back of existing buildings within one hundred (100) feet of either side of said lot. If there are no existing buildings within one hundred (100) feet on either side of said lot, front and rear yard setbacks shall comply with the existing setback established in this ordinance. When the average lot width is less than as prescribed in the current zone district requirements, the side yard may be reduced by the percentage that the average lot width bears to the zone district requirements, but in no event shall a side yard be less than five (5) feet. Off-street parking requirements shall be complied with.

97-126. Relief and Supervision

97-126.1 Board of Adjustment.

All necessary elements permitted by the New Jersey Municipal Land Use Law regarding establishment, powers and function of the Board of Adjustment; conduct of hearings; notices; and appeals are thoroughly covered in Articles II through IV, (Section 97-4 through 97-37) of the Land Use and Development Ordinance of the Borough of Waldwick.

97-127. Fees

97-127.1. Review and hearings. (See Chapter 48:56A-27)(Amended 4-23-96 by Ord. No. 5-96)

97-127.2. Certified court reporter.

If an applicant desires a certified court reporter, the cost of taking testimony and transcribing it with a copy of the transcription available to the Borough shall be at the expense of the applicant who shall also arrange for reporter's attendance.

97-127.3. Appeals to the governing body. (N.J.S.A.40:55D-17) (See Chapter 48:97-83 of the Code of the Borough of Waldwick)

97-127.4. Signs. (See Chapter 48:97-84 of the Code of the Borough of Waldwick)
97-128.2. Building permit required; procedure for issuance.

97-127.4. Signs. (See Chapter 48:97-84 of the Code of the Borough of Waldwick)

97-127.5. Building permits.

A. Before any person shall commence to construct, erect, raise, alter or repair any building or structure, he/she shall first apply for and obtain from the Building Inspector a permit signed by him/her, and shall pay to the Building Inspector such fees as established by this ordinance.

97-127.6. Certificates of occupancy.

Before any person shall occupy a building or structure which has been constructed, he/she shall first apply for and obtain from the Building Inspector a certificate of occupancy and shall pay to the Building Inspector the fees as provided for in Chapter 39.

97-127.7. Zoning permits. (See Chapter 48:97-87 of the Code of the Borough of Waldwick)

97-127.8. Conditional use permits.

Following the review called for in Section 97-128.7 for conditional use applications and approval of the application by the Planning Board, the Building Inspector shall be notified of the Planning Board's review and findings, and, if approved, said Inspector shall be instructed to issue a conditional use permit. No additional fee will be required other than that specified in Section 97-127.1.

97-128. Administration and Enforcement

97-128.1. Zoning Administrator.

It shall be the duty of the Zoning Administrator of the Borough of Waldwick to administer and enforce this ordinance. The Borough Building Inspector may be appointed Zoning Administrator. In no case shall a permit be granted for the construction or alteration of any building where the proposed construction, alteration or use would be in violation of any provision of this ordinance. It shall be the duty of the Zoning Administrator to cause any new buildings, plans or premises to be inspected or examined and to order in writing to the owner that any condition be remedied which is found to exist in violation of any provisions of this ordinance. He shall have the right to enter any building or premises during the daytime in the course of his/her duties.

97-128.2. Building permit required; procedure for issuance.

No building in any district shall be erected, reconstructed, restored or structurally altered that is not in compliance with the New Jersey Uniform Construction Code (UCC), and that has not also been issued a building permit upon application to the Building Inspector. No building permit shall be issued unless the proposed construction or use is in full conformity with all the provisions of this ordinance. Any building permit issued in violation of the

97-128.2. Building permit required; procedure for issuance.

provisions of this ordinance shall be null and void and of no effect, without the necessity for any proceedings or revocation and nullification thereof, and any work undertaken or use established pursuant to any such permit shall be unlawful.

A. Submission. Every application for a building permit shall contain the following information and be accompanied by the required fee and a plot plan drawn to scale and signed by the person responsible for such drawing. All dimensions shown on these plans relating to the location and size of the lot to be built upon shall be based upon an actual survey of the lot by a licensed land surveyor in the State of New Jersey.

    1. The actual shape, dimensions, radii, angles and area of the lot on which the building is proposed to be erected or of the lot on which it is situated, if an existing building.
    2. The block and lot numbers as they appear on the latest tax records.
    3. The exact location, size and height of the buildings and accessory buildings existing and proposed, or alterations of existing buildings or accessory buildings on the same lot.
    4. The dimension of all yards in relation to the subject building and the distance between such buildings and any other existing building on the same lot.
    5. The existing and intended use of all buildings, existing or proposed, the use of land and the number of families or dwelling units the building is designed to accommodate.
    6. The number and location of off-street parking spaces and off-street loading areas, existing and proposed, designed to accommodate the use proposed on such lot.
    7. Such topographic or other information with regard to the building, the lot or neighboring lots as may be necessary to determine that the proposed construction will conform to the provisions of this ordinance.

B. Street access. No building permit shall be issued for the construction or alteration of any building upon a lot without access to a street or highway as stipulated in N.J.S.A. 40:55D-35 and 55D-36.
C. Site plan approval. No building permit shall be issued for any building to be constructed or altered where such building is subject to the site plan review and approval of the Planning Board except in conformity with the plans approved by the appropriate municipal agency.
D. Conditional use approval. No building permit shall be issued for a building to be used for any conditional use in any district where such use is allowed, except by approval of the Planning Board.
E. Subdivision approval. No building permit shall be issued for any new building located in a subdivision unless that subdivision is duly approved by the Planning Board in accordance with the provisions of Article VIII, Subdivision of Land.
F. Application. The building permit application and all supporting documents shall be made in triplicate. On the issuance of a building permit, the Building Inspector shall return one (1) copy of all filed documents to the applicant.
G. Time of approval. The Building Inspector shall, within twenty (20) days after the filing of a complete and properly prepared application, either issue or deny a building permit.

If a building permit is denied, the Building Inspector shall state in writing to the applicant the reasons for such denial.

H. Expiration of permit. Every building permit shall expire if the work authorized has not been commenced within twelve (12) months after the date of the issuance, or construction has not been completed within eighteen (18) months from such date of issuance.

I. Building to be staked out. The lot and the location of the building thereon shall be staked out on the grounds before construction is started.

J. Certified foundation survey. As soon as the foundation of a new building or alteration to an existing building is completed, and before the first story framing or wall construction is begun, there shall be filed with the Building Inspector a certified survey prepared by a licensed New Jersey land surveyor, showing the exact location of such foundation with respect to the street and other property lines on the lot.

97-128.3. Zoning permit requirements.
97-128.4. Certificate of occupancy required; procedure for issuance.

97-128.3. Zoning permit requirements.

Zoning permits shall be secured from the Zoning Administrator prior to the issuance of a building permit or construction, erection or alteration of any structure or part of a structure or sign or upon a change in the use of the land or a structure.

97-128.4. Certificate of occupancy required; procedure for issuance.

The occupancy and use of a building or part of a building hereafter erected, structurally altered or moved, the change in use of an existing building, the change in use of land or the change in use of a nonconforming use or building shall be unlawful until a certificate of occupancy shall have been applied for and shall have been issued by the Building Inspector.

A. Application requirements. Application for a certificate of occupancy shall be made for a new building, or an existing building which has been altered, on a form furnished by the Building Inspector. Such certificate shall show that the building or part of a building and the proposed use thereof conforms to the requirements of this ordinance. Such application shall be applied for when all construction is completed and a final inspection is desired certifying that the use and all improvements on the property meet the requirements of this and other applicable ordinances and codes of the Borough of Waldwick. It shall be the responsibility of the Building Inspector to notify all appropriate departments and agencies, including the Engineer and Sewer Authority, that an application has been made for a certificate of occupancy and that all final inspections should be made on the premises within five (5) days of notice and, where necessary, that they shall include their endorsement stipulating that all work has been complied with.
B. Variance information. Every certificate of occupancy in connection with which a variance has been granted shall contain a detailed statement of such variance and of any conditions to which the same is subject.
C. Time of approval. The Building Inspector shall, within ten (10) days after the filing of a complete and properly prepared application, either issue or deny a certificate of occupancy. If a certificate of occupancy is denied, the Building Inspector shall state in writing to the applicant the reasons for such denial.
D. Duration. A certificate of occupancy shall be deemed to authorize, and is required for, both initial and continued occupation and use of the building or land to which it applies.
E. More than one use in a building. In a building containing more than one (1) use a certificate of occupancy shall be required for each use. Upon the vacation of any building or use a new certificate of occupancy shall be required prior to reestablishment of a new use in such buildings.
F. Owner's request. Upon written request by the owner, the Building Inspector shall, after inspection, issue a certificate of occupancy for any building or use thereof or of land existing at the time of the adoption of this ordinance or of any applicable amendment thereto, certifying that such use, including the number of employees, and whether or not the use and/or building conforms to the provisions of this ordinance.
G. Violation and revocation. The Building Inspector shall serve notice upon the owner of the property of a violation of any of the provisions or requirements with respect to any

97-128.5. Certificate of compliance. (Added 2-10-87 by Ord. No. 1-87; Amended 2-25-03 by Ord. No. 6-03; 9-11-12 by Ord. No. 15-12)

building or use thereof or of land, as specified within this ordinance. The certificate of occupancy shall become null and void and the owner of the property shall be deemed to be in violation of this ordinance and subject to the penalties prescribed in Section 97-129. A new certificate of occupancy shall be required for any further use of such building or land.

H. Records. A record of all certificates of occupancy shall be kept in the office of the Building Inspector, and copies shall be furnished on request to any agency of the Borough or to any person having a proprietary or tenancy interest in the building or land affected.

I. Monthly reports. A monthly report of all certificates of occupancy issued shall be filed with the Tax Assessor.

97-128.5. Certificate of compliance. (Added 2-10-87 by Ord. No. 1-87; Amended 2-25-03 by Ord. No. 6-03; 9-11-12 by Ord. No. 15-12)

A certificate of compliance is a document certifying that a general inspection of the visible parts of the building has been made and that there are no apparent violations of regulations.

A. When required. A certificate of compliance shall be required in the following occurrences:

1. Change of occupancy of the building or premises.
2. Transfer of title to real property in the Borough of Waldwick containing a building or structure of any kind.

B. Exceptions. The following transactions are exempt from obtaining a certificate of compliance:

1. A transfer of title which confirms or corrects a deed previously recorded.
2. A title which is eligible to be recorded as an ancient deed pursuant to N.J.S.A. 46:16-7.
3. Transfer of title between husband and wife.

C. Application for certificate of compliance. The applicant shall apply for a certificate of compliance on the form provided by the Borough of Waldwick. A record of all certificates shall be kept on file at the office of the Construction Code Official, and copies shall be furnished upon request to any person having proprietary or tenancy interests in the building affected.

D. Fees. The following fees shall be charged for the issuance of a certificate of compliance: (See Chapter 48:97-92-1D of the Code of the Borough of Waldwick.)

E. Time limitations for approval. All certificates of compliance shall be issued or denied within ten (10) days of the filing of the application. A certificate of compliance shall be deemed valid for one (1) year from the date of issuance. If a certificate of compliance is denied, the Construction Official shall state the reasons for the denial.

97-128.5. Certificate of compliance. (Added 2-10-87 by Ord. No. 1-87; Amended 2-25-03 by Ord. No. 6-03; 9-11-12 by Ord. No. 15-12)
97-128.5. Certificate of compliance. (Added 2-10-87 by Ord. No. 1-87; Amended 2-25-03 by Ord. No. 6-03; 9-11-12 by Ord. No. 15-12)

An appeal of denial must be filed within ten (10) calendar days of receipt of the denial. Such appeal shall be filed with the Board of Adjustment if the basis of the denial involves violation or interpretation of Article XI, Zoning. If the basis of the denial involves a violation of the Uniform Construction Code the appeal shall be taken to the Bergen County Construction Board of Appeal. If the basis of the denial involves a violation of the Health Code the appeal shall be filed with the Board of Health. **(Added 3-23-93 by Ord. No. 3-93)**

F. Inspections. The applicant shall permit the building to be inspected by the following Borough officials: Construction Official, who will be responsible for the inspection and who can recommend further inspection by the construction sub-code officials, Tax Assessor, Water Department, and Board of Health. Refusal to permit one (1) or more inspections shall result in the denial of the application. In addition to determining that the premises is in compliance with the property maintenance, Land Use and Development Ordinance, and all other applicable Municipal ordinances and State laws. A certificate of compliance inspection shall include a determination of compliance with the following:

1. Installation of Smoke and Carbon Monoxide detectors in accordance with Chapter 51-11 of the code of the Borough of Waldwick.
2. Handrails shall exist for all stairways having three or more risers.
3. No sump pump connections are to be connected to the sanitary sewer piping.
4. All open construction permits are to be closed.
5. All newly installed (within ten years) items such as a furnace, hot water heater, roof, siding, finished basement and electrical or plumbing work have all received the necessary and required permits.
6. Sidewalks are in good repair in accordance with Chapter 76.
7. Garages converted to other uses without permit or Municipal approval (written proof required) shall be restored to a usable garage.
8. House numbers are to be visible from the street.
9. The required number of water laterals and/or curb stops servicing the structure as required by Chapter 94 of this Code.

G. Responsibility for obtaining certificates. The responsibility for obtaining a certificate of compliance rests with the current owner of the property. No owner shall permit the occurrence of any event requiring a certificate of compliance under this section unless the requisite certificate has been issued, nor shall a tenant or occupant occupy any premises unless the requisite certificate has first been issued. Owners, tenants and occupants shall be jointly and separately responsible for failure to obtain the requisite certificate and are subject to penalties under Section 97-129.1, entitled "Penalties". Transfer of title to real property may be permitted by the Construction Official provided the purchaser certifies in writing to the Construction Official that the purchaser shall correct all violations upon which the denial of the Certificate of Compliance was based in a reasonable time and further provided the purchaser and seller have established a reasonable escrow for the repair work. **(Amended 8-10-99 by Ord. No. 11-99).**

97-128.6. Procedure for issuance of temporary use permits.
97-128.7. Procedure for issuance of conditional use permits.

H. Notification. To assist in the enforcement of this section, a notice shall be included on all tax searches and added assessment searches prepared by the Tax Collector of the Borough of Waldwick, stating that a certificate of continuing occupancy is required for a change in use and occupancy, sale or the vacation of any building or portion thereof used for a residential purpose within the Borough of Waldwick; provided, however, that a failure to affix such notice shall not constitute a defense for the failure to obtain a certificate of continuing occupancy in violation of this section.

I. (See Chapter 48:97-92.1 of the Code of the Borough of Waldwick.)

97-128.6. Procedure for issuance of temporary use permits.

A. Eligibility. It is recognized that it may be in accordance with the purpose of this ordinance to permit temporary activities for a limited period of time, which activities may be prohibited by other provisions of this ordinance, if such uses are of such a nature and are so located that at the time of petition, they will:

(1) In no way exert a detrimental effect upon the uses of land and activities normally permitted in the zone.

(2) Contribute materially to the welfare of the Borough, particularly in a state of emergency, under conditions peculiar to the time and place involved.

B. Procedure. Then the Board of Adjustment may subject to all regulations of this ordinance specified, direct the Zoning Administrator to issue a permit for a period not to exceed six (6) months. Such a period may be extended no more than once for an additional period of six (6) months.

97-128.7. Procedure for issuance of conditional use permits.

The Planning Board, in reviewing conditional use applications shall use the guiding principles and standards set forth in Section 97-124 to determine that the proposed use will not be detrimental to the health, safety and general welfare of the Borough and is deemed necessary for its convenience.

A. Application for permits. Application for permit for any conditional use shall be made to the Planning Board by filing an application with the Zoning Administrator. Such application shall set forth and be accompanied by the following:

(1) A site plan, drawn in accordance with Article IX, which site plan shall, in addition, show the location, type or kind of structure and present use of all buildings within two hundred (200) feet of any boundary line of the lot.
(2) Where the applicant is a person other than the owner of the lot, the written consent of the owner or owners authorizing the filing of the application.

B. Planning Board review. The Planning Board shall evaluate the proposed conditional use and its relationship and conformity to the goals, objectives and policies established by the Master Plan. In making its recommendations, the Planning Board may suggest any revision to the site plan, landscaping plan or other plans as will, in its opinion, cause the proposed conditional use to be in substantial conformance with the Master Plan and its principles of land use and development. The findings, conclusions and recommendations of the Planning Board shall be included in the record.

C. Public hearing and notice. Within forty-five (45) days after the receipt of a complete application, the Planning Board shall schedule a public hearing on the application. At the time of the hearing the applicant shall present to the Planning Board:

(1) Certification of public notice in the local official newspaper of the time, date, location and purpose of the public hearing on the application at least ten (10) days prior to the hearing as required by law.
(2) Proof of service to all owners of record within two hundred (200) feet of the site of the application.

D. Planning Board actions. The Planning Board shall, within ninety-five (95) days of the date of a complete application, approve or deny such application. In approving any such application the Planning Board may impose any modifications or conditions it deems necessary to carry out the intent of this ordinance or to protect the health, safety or general welfare of the community. If an application is approved the Zoning Officer shall be instructed to issue a conditional use permit upon request of the applicant in accordance with the terms and conditions of the Planning Board's approval. The Planning Board may respectively deny any such application that complies with the minimum standards contained in Section 97-124 of this ordinance but would in its judgment be deemed detrimental to the health, safety and welfare of the Borough.

97-128.8. Interpretation.

In the application and interpretation of this ordinance, all provisions hereof shall be held to be minimum standards or requirements adopted for the promotion of the public health, safety, convenience and general welfare of the Borough. Whenever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive or that imposing the highest standards shall govern.

97-128.9. Appeal to governing body.

An appeal to the Borough Council from a decision of the Board of Adjustment approving an application for development pursuant to N.J.S.A. 40:55D-70d shall be made by serving the Borough Clerk, in person or by certified mail, a notice of

appeal specifying grounds in accordance with the provisions of N.J.S.A. 40:55D-17. Such appeal shall be made within ten (10) days of the date of publication of such final decision. Appellant shall within five (5) days of service of the notice of appeal arrange for copies of the transcript from the hearing below to be made. Notice of the meeting to review the record shall be given to the applicant and those entitled to notice, by personal service or certified mail, at least ten (10) days prior to the date of the meeting. The Borough Council shall conclude a review of the record not later than forty-five (45) days from the date of receipt of the transcript of the hearing unless the appellant consents in writing to an extension of such period.

97-128.10. Concurrent jurisdiction of Planning Board and Zoning Board of Adjustment.

In connection with powers exercisable hereunder, the designation "Zoning Board of Adjustment" shall be deemed to include "Planning Board" to the extent that the Planning Board has concurrent jurisdiction of power by virtue of N.J.S.A. 40:55D-60 or the Zoning, Land Use and Development Ordinance of the Borough of Waldwick, and the designation "Planning Board" shall be deemed to include "Zoning Board of Adjustment" to the extent that the Zoning Board of Adjustment has concurrent power or jurisdiction by virtue of N.J.S.A. 40:55D-76 or the Land Use and Development Ordinance of the Borough of Waldwick".

97-129. Violations and Penalties

97-129.1. Penalties.

See Chapter 1:14.1 of the Code of the Borough of Waldwick.

97-129.2. Action instituted by Borough Attorney.

In case any building or structure is or is intended to be erected, constructed or reconstructed, altered or converted, or any building or structure is or is intended to be used in violation or contrary to the provisions of this ordinance, the Borough Attorney shall, after authorization by the governing body and in addition to other remedies set forth in the statutes of the State of New Jersey and in this ordinance, institute an action to enjoin, or any other appropriate action or proceeding to prevent, such erection, construction, reconstruction, alteration, conversion or use.

97-130. Amendment Procedures; Severability; Repealer; When Effective

97-130.1. District changes; ordinance amendments.

The Borough Council may from time to time amend or change, by ordinance, the number, shape or area of the districts established on the Zoning Map and the regulations set forth in this ordinance in accordance with N.J.S.A. 40:55D-62.

97-130.2. Severability.
97-130.4. When effective.

97-130.2. Severability.

If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

97-130.3. Repealer.

Any and all other ordinances or parts thereof inconsistent with the provisions of this ordinance are hereby repealed to such extent as they are so deemed to be in conflict or inconsistent; provided, however, that the adoption of this ordinance shall not prevent or bar the continuance or institution of any proceedings for offenses heretofore committed in violation of any existing ordinance of the Borough of Waldwick.

97-130.4. When effective.

This ordinance shall take effect immediately upon passage and publication in the manner provided by law.

SCHEDULE A
ZONING REQUIREMENTS
AREA AND BULK REGULATIONS
BOROUGH OF WALDWICK, NEW JERSEY[1]

Minimum Lot Dimensions				Minimum Principal Building Setbacks				Minimum Accessory Building/Structure Setbacks[2]		Maximum Building Height				Maximum Percent of Improved Lot Coverage[3]	Maximum Floor Area Ratio	Minimum Required Buffer to Residential Use or Zone (feet)	
										Principal		Accessory					
Zone Districts	Area(square feet)	Width (feet)	Depth (feet)	Front Yard	Rear Yard	One Side Yard	Total Both Side Yards	Side	Rear	Stories	Feet	Stories	Feet			Side (feet)	Rear (feet)
R-1	15,000	100	150	50	50	10	35	10	15	2½	35	1	15	40	0.40	none	none
Cluster Development	5 acres/50% of lots may be 10,000 square feet	75	150	50	50	10	35	10	15	2½	35	1	15	35	0.35	none	none
R-2	7,500	75	100	25	35	10	25	10	10	2½	35	1	15	40	0.40	none	none
R-3	Single-family dwellings: 7,500 Two-family dwellings: 10,000	75	100	25	35	10	25	10	10	2½	35	1	15	40	0.40	none	none
R-4	15 acres	400	500	See Section 97-123.5C(13)						2½	35	1	20	45	0.60	10	10
C-1	none	none	None	15	10[4]	10[4]	20[4]	5	10	2½[6]	35[6]	1	20	85	0.75	See Section 97-119.9E	
C-2	5,000	50	100	50	10[4]	10[4]	20[4]	10	10	2½[6]	35[6]	1	20	85	0.75	See Section 97-119.9E	
C-3	7,500	75	100	15	10[4]	10[4]	25[4]	10	10	2	28	1	15	75	0.65	See Section 97-119.9E	
I	30,000	200	150	25	50[5]	40[5]	80[5]	20	20	3	42	1	25	35[7]	0.75	50[5]	50[5]
VC-2	Single-family dwellings: 7,500 Two-family dwellings: 10,000	75	100	25	35[4]	10[4]	20[4]	10	10	2½	35	1	15	70	0.45[8]	See Section 97-119.9E	
VC-3	none	none	None	15	10[4]	10[4]	20[4]	5	10	3	42	1	20	Commercial Uses:85 Residential Uses: 35	1.00	See Section 97-119.9E	

[1] Planned Residential Development standards are contained in Section 97-123.6
[2] Accessory buildings/structures are not permitted in a front yard
[3] Defined within 97-118.3.
[4] Non-residential uses bordering a residential use or a residential zone are subject to the buffer requirements present in 97-119.9E
[5] Non-residential uses in the I Zone bordering a residential use or a residential zone are subject to the buffer requirements present in 97-119.12E.1
[6] Amended 7-14-87 by Ord. 10-87
[7] Amended 2-28-84 by Ord. No. 2-84
[8] FAR standard applicable only to single-family and two-family dwellings

SCHEDULE B
ZONING REQUIREMENTS
AREA AND BULK REGULATIONS
AFFORDABLE HOUSING DISTRICT AH-1
BOROUGH OF WALDWICK, NEW JERSEY

a.	Minimum Lot Area	2 acres
b.	Maximum Density	7 dwelling units/acre
c.	Minimum Building Setbacks:	
	to front lot line	35 feet
	to side lot lines	35 feet
	to rear lot line	35 feet
d.	Minimum Distance Between Buildings:	
	front to front	50 feet
	back to back	50 feet
	front to back	50 feet
	front to side	50 feet
	side to side	50 feet
e.	Maximum Building Coverage	15%
f.	Maximum Impervious Coverage	40%
g.	Maximum Building Height	2½ stories, 35 feet
h.	Maximum Number of Units per Building	8
i.	Minimum Parking	2.5 spaces per unit, inclusive of one garage and one driveway space per dwelling
j.	Maximum Landscaped Buffer to Side/Rear Lot Lines	15 feet (in which may be located an emergency access drive)
k.	Minimum Internal Roadway Setback	20 feet
l.	Minimum Open Space	50 percent

SCHEDULE C
ZONING REQUIREMENTS
AREA AND BULK REGULATIONS
AFFORDABLE HOUSING DISTRICT
AND COMMERCIAL AFFORDABLE HOUSING DISTRICT
BOROUGH OF WALDWICK, NEW JERSEY

		A.H.	C.A.H.
a.	Minimum Lot Area	2 acres	2 acres
b.	Minimum Lot Width	75 feet	75 feet
c.	Minimum Lot Depth	200 feet	200 feet
d.	Minimum Building Setbacks:		
	to Front Lot Line	50 feet	15 feet
	to Side Lot Lines	50 feet	10 feet
	to Rear Lot Line	50 feet	10 feet
e.	Minimum Distance Between Buildings		
	Front to Front	50 feet	*
	Back to Back	50 feet	*
	Front to Back	50 feet	*
	Front to Side	30 feet	*
	Side to Side	20 feet	*
f.	Minimum Buffer Side/Rear Lot Lines	25 feet	*
g.	Minimum Internal Roadway Setback	20 feet	20 feet
h.	Minimum Open Space	40%	20%
i.	Minimum Parking Space	2 ps/du	1 ps/200 sq.ft. of office- 1 ps/200 sq.ft. of retail
j.	Maximum Density	8 dwellings per acre	*
k.	Maximum Building Coverage	25%	40%
l.	Maximum Impervious Coverage	60%	80%
m.	Maximum Building Length	200 feet	N/A
n.	Maximum Building Height	2 ½ stories/ 35 feet	2 ½ stories/ 35 feet
o.	Minimum Buffer to R Zone or Use	10 feet	20 feet

* Not applicable to CAH zone.