

**THE TOWNSHIP OF EWING
COUNTY OF MERCER, NEW JERSEY**

ORDINANCE NO. 23-07

1st Reading 4-11-23 Date to Mayor _____
 2nd Reading & Public Hearing _____ Date Returned _____
 Date Adopted: _____ Date Resubmitted to Council _____
 _____ Approved as to Form of Legality
 Effective Date: _____ Township Attorney _____

AN ORDINANCE FOR THE CALENDAR YEAR 2023 TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

First Reading

MEMBER	AYE	NAY	ABS	NV	RES	SEC
Baxter	X					X
Keyes-Maloney	X				X	
Schroth	X					
Steward	X					
Wollert	X					

Second Reading

MEMBER	AYE	NAY	ABS	NV	RES	SEC
Baxter						
Keyes-Maloney						
Schroth						
Steward						
Wollert						

By _____ Date _____ Accepted _____ Rejected _____
 Mayor

Reconsidered
 By Council _____ Override Vote YEA _____ NAY _____

 President of the Council

 Municipal Clerk

TOWNSHIP OF EWING
ORDINANCE NO. 23-07

AN ORDINANCE FOR THE CALENDAR YEAR 2023 TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township of the Ewing in the County of Mercer finds it advisable and necessary to increase its CY 2023 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Council hereby determines that a 3.5 % increase in the budget for said year, amounting to \$433,967.49 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Township Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget, shall be retained as an exception to final appropriations in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Council of the township of Ewing in the County of Mercer, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2022 budget year, the final appropriations of the Township of Ewing shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$1,518,886.21, and that the CY 2023 municipal budget for the Township of Ewing be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

STATEMENT

This Ordinance permits an increase in the Municipal Budget to 3.5% over the previous year's final in cap appropriations and to establish a CAP bank in accordance with law.

**TOWNSHIP OF EWING
COUNTY OF MERCER, NEW JERSEY**

ORDINANCE NO. 23-08

1st Reading 4-11-23 Date to Mayor _____
 2nd Reading & Public Hearing _____ Date Returned _____
 Date Adopted: _____ Date Resubmitted to Council _____
 _____ Approved as to Form of Legality
 Effective Date: _____ Township Attorney _____

AN ORDINANCE AMENDING CHAPTER 325, STREETS AND SIDEWALKS, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, TO ADD ARTICLE VI, CONSTRUCTION OR REPAIR OF SIDEWALKS.

First Reading

MEMBER	AYE	NAY	ABSENT	ABSTAIN	MOVE	SECOND
Baxter	X					
Keyes-Maloney	X					
Schroth	X				X	
Steward	X					X
Wollert	X					

Second Reading

MEMBER	AYE	NAY	ABSENT	ABSTAIN	MOVE	SECOND
Baxter						
Keyes-Maloney						
Schroth						
Steward						
Wollert						

By _____ Date _____ Accepted _____ Rejected _____
 Mayor

Reconsidered
 By Council _____ Override Vote YEA _____ NAY _____

 President of the Council

 Municipal Clerk

TOWNSHIP OF EWING
COUNTY OF MERCER, NEW JERSEY

ORDINANCE NO. 23-08

AN ORDINANCE AMENDING CHAPTER 325, STREETS AND SIDEWALKS, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, TO ADD ARTICLE VI, CONSTRUCTION OR REPAIR OF SIDEWALKS.

WHEREAS, Township of Ewing (the “Township”) is charged with establishing and maintaining safe passage and safe conditions within the Township; and

WHEREAS, the Township previously amended Chapter 325, Streets and Sidewalks, and inadvertently removed reference to construction and repair of sidewalks; and

WHEREAS, construction officials have reviewed the current Chapter 325, Streets and Sidewalks, and have recommended amendments to the ordinance regarding construction and repair of sidewalks; and

WHEREAS, the Township and its Construction Office has an obligation to oversee the construction, maintenance, and repair of sidewalks for the good of residents; and

WHEREAS, the Township accepts the recommendation of the Township's Construction Office and wishes to reinstate the prior ordinance language regarding construction and repair of sidewalks.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Township of Ewing, County of Mercer that the Code of the Township of Ewing be amended as follows:

Section 1 Chapter 325, STREETS AND SIDEWALKS, Article VI, CONSTRUCTION OR REPAIR OF SIDEWALKS, is hereby added as follows:

§ 325-24 Construction or repair of sidewalks.

A. Maintenance and repair of sidewalks. All sidewalks within the Township shall be maintained in good repair and non-dangerous condition. It shall be the joint and several responsibility of the property owner and occupant(s) to maintain the sidewalks in good repair and non-dangerous condition as defined herein.

(1) Good repair period a sidewalk is in good repair if it is one that does not have:

(a) Any surface crumbling;

(b) Cracks wider than one (1) inch;

(c) Holes, pits or other spaces in which an average person could trip and fall; or

(d) Any other defects which could cause a hazard to persons walking thereon.

(2) Dangerous condition. Sidewalk is in dangerous condition if it has:

(a) Any surface crumbling;

(b) Cracks wider than one inch;

(c) Holes, pits or other spaces in which an average person could trip and fall; or

(d) Uneven adjacent surfaces, commonly known as “rising” or “shifting”, in excess of one (1) inch; or

- (e) Any other defects which could cause a hazard to persons walking thereon.
- B. Duty to repair. It shall be the joint and several duty of the property owner and occupant(s) to repair or replace any sidewalk which is in a dangerous condition or not in good repair.
- C. Failure to repair. Should any property owner and/or occupant fail to repair or replace any sidewalk which is dangerous or not in good repair, the Director of Public Works, or designee, may order the property owner and/or occupant to repair or replace the sidewalk. If the property owner and/or occupant fails to repair or replace the sidewalk within 30 days of receiving written notice to do so, the Township may repair or replace the sidewalk and assess the costs to the owner's tax bill.
- D. Notice to repair.
- (1) The Director of Public Works, or designee, shall notify each property owner and occupant of property with sidewalks needing repair, either by certified mail or personal service, that the sidewalk must be repaired. The notice shall contain a description of the property affected sufficient to identify it, description of the repairs required, and a statement that, unless the owner completes the repairs within 30 days after service of this notice, the Township will complete the repairs at the expense of the owner, and a lien will be placed upon the property. The cost incurred by the Township for such repairs shall be certified by the Director of Public Works to the Tax Collector, who shall examine such certificate and cause the cost as certified be charged against the lands abutting or bordering such sidewalk. The amount so charged shall forthwith become a lien on such lands, and shall be added to and become a form a part of the taxes then next to be assessed and levied upon such lands, and shall be collected and enforced according to law. Any owner against whom any assessment shall be made by reason of this article may pay said assessment forthwith or may pay the same, at his/her/their option, in five equal annual installments, each installment to bear interest at the rate of 8% per annum. Each installment shall fall due annually at the same time the assessment for local taxes upon real estate falls due and shall be collected by the Tax Collector upon notice sent out by the Collector for a local real estate taxes. The first installment shall be payable on the first day of February next after the work upon the property has been completed and the report of the cost thereof reported and certified as provided herein.
- (2) If the owner is unknown or for any reason service cannot be made by certified mail, the notice shall be published in a newspaper at least once, not less than 30 days before the repairs are made.
- E. No duty on Township of Ewing. nothing herein shall be construed to create a duty for the Township to inspect, fix, repair or otherwise maintain any sidewalk
- F. Permit required. No person shall construct, reconstruct or substantially repair any sidewalk, curb or gutter on any public street of the Township of Ewing without obtaining a permit from the Superintendent of Roads. The work shall be done in strict conformity with the Township specifications and grades and line of the Township Engineer for curbs and sidewalks.
- G. Fee required. The fees for permits granted under the provisions of this section shall be as set forth in Chapter 172, Fees.
- H. Separate permits.
- (1) A separate permit for the performance of any work under the provisions of this section shall be issued for each law, tract or parcel of land in front of or along which such work is to be done; provided, however, that where two (2) or more lots, tracts or parcels of land actually adjoin and are owned by the same persons, a single

permit may be issued to embrace the same (covering not more than 100 lineal feet for each permit).

(2) A separate permit shall be required for the performance of work under the provisions of this section for each opening or driveway when all the land owned by the applicant shall extend more than 100 lineal feet.

(3) This section shall not apply to any construction in connection with a major subdivision.

Section 2 Severability. Should any section, clause, sentence, phrase or provision of this article be declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this article.

Section 3 Repealer. All prior ordinances or parts of the same inconsistent with any provisions of this article are hereby repealed to the extent of such inconsistency.

Section 4 Effective Date. This ordinance shall take effect upon final adoption and publication in accordance with law.

**THE TOWNSHIP OF EWING
COUNTY OF MERCER, NEW JERSEY**

ORDINANCE NO. 23-09

1st Reading 4-11-23 Date to Mayor _____
 2nd Reading & Public Hearing _____ Date Returned _____
 Date Adopted: _____ Date Resubmitted to Council _____
 _____ Approved as to Form of Legality
 Effective Date: _____ Township Attorney _____

AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, CHAPTER 421 ANIMAL SLAUGHTERING AND PROCESSING FACILITIES, SECTIONS 1, 15 and 16.

First Reading

MEMBER	AYE	NAY	ABSENT	ABSTAIN	MOVE	SECOND
Baxter	X					X
Keyes-Maloney	X				X	
Schroth	X					
Steward	X					
Wollert	X					

Second Reading

MEMBER	AYE	NAY	ABSENT	ABSTAIN	MOVE	SECOND
Baxter						
Keyes-Maloney						
Schroth						
Steward						
Wollert						

By _____ Date _____ Accepted _____ Rejected _____
 Mayor

Reconsidered By Council _____ Override Vote YEA _____ NAY _____

 President of the Council

 Municipal Clerk

THE TOWNSHIP OF EWING
COUNTY OF MERCER, NEW JERSEY

ORDINANCE NO. 23-09

AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, CHAPTER 421 ANIMAL SLAUGHTERING AND PROCESSING FACILITIES, SECTIONS 1, 15 and 16.

WHEREAS, the Township of Ewing (the "Township") is empowered to enact and amend ordinances for the general health and welfare of the municipality and its residents; and

WHEREAS, the Township is desirous of amending Chapter 421, Sections 1, 15, and 16 of the General Ordinances of the Township of Ewing due to public health concerns regarding slaughterhouses; and

WHEREAS, when red meat animals are slaughtered for consumption, the US Department of Agriculture must inspect the slaughterhouse(s) and additional requirements are imposed by the federal government; and

WHEREAS, the Township is desirous of eliminating the potential for the slaughtering of large animals within the Township due to public health concerns; and

WHEREAS, the Township Health Department recommends the proposed changes and has determined that said amendments are in the best interest of the Township and its residents; and

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Township of Ewing, County of Mercer that the Code of the Township of Ewing be amended as follows:

Section 1 Chapter 421, ANIMAL SLAUGHTERING AND PROCESSING FACILITIES, is hereby amended as follows:

§ 421-1 Definitions.

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

ANIMAL

Includes and only includes poultry; and rabbits, goats, and sheep that are raised for human consumption. The term shall not include any animals not explicitly identified, including but not limited to goats, sheep, cattle, swine and deer.

ANIMAL SLAUGHTERING AND PROCESSING FACILITY

A food establishment occupied or used for the slaughtering, dressing, or eviscerating of live poultry; and rabbits, goats, and sheep to be offered for wholesale or retail use, either for profit or not for profit, or any place wherein a similar operation is conducted, including all detached buildings or rooms under the control of the operator of such establishment and used in any capacity in connection with the operation of such establishment.

HEALTH OFFICER

The Health Officer of the Board of Health or any of ~~his~~ their duly authorized representatives.

NOTICE OF CLOSURE

A public notice posted by the Health Officer at the public entrance of a premises wherein an animal slaughtering and processing facility is operated and that results in the immediate closure of the establishment and the discontinuance of all operations, by order of the Health Officer, because of violations of applicable federal, state, and local regulations, orders, embargos, or quarantines.

OFFAL

Refuse, trash, wastes, and butchered animal parts, including those which are not considered edible.

PERSON IN CHARGE

The individual present at an animal slaughtering and processing facility who is responsible for the operation at the time of inspection.

POULTRY

Any domesticated bird (chickens, turkeys, ducks, geese, or guineas) and any migratory waterfowl, game bird, or squab, such as pheasant, partridge, quail, grouse, or guineas, that has been raised for human consumption. The term shall not include ratites.

PREMISES

The animal slaughtering and processing facility's building, its contents, and the contiguous land or property under the control of the licensee.

RATITE

A flightless bird such as an emu, ostrich, or rhea.

§ 421-15 Inspections; right of entry.

- A. The Health Officer may inspect all animal slaughtering and processing facilities as often as ~~he~~ the Health Officer deems necessary.
- B. The Health Officer, after proper identification, shall be permitted to enter, at any reasonable time, upon any private or public property within the Township where animal slaughtering and processing facilities are operated for the purpose of determining compliance with the provisions of this chapter. The licensee or person in charge of the animal slaughtering and processing facility location shall make provisions for the Health Officer to have access, either in company with an employee or otherwise, to all portions of the premises.

§ 421-16 Revocation of license; closure.

- A. The Health Officer or his designee may revoke and remove the license for or suspend operations of an animal slaughtering and processing facility at any time and summarily order the establishment closed when, in the opinion of the Health Officer or ~~his~~ their designee, such action is necessary to abate an existing or threatened menace to public health.
- B. The Health Officer or ~~his~~ their designee shall post a notice of closure at the public entrance of the establishment where it may be visible to the public. The notice of closure shall remain posted until removed by the Health Officer or ~~his~~ their designee. No person shall conceal or mutilate any notice of closure or remove it except by permission of the Health Officer.
- C. In summarily ordering an establishment closed, the Health Officer or ~~his~~ their designee may request assistance from public safety officers of the Township. Immediate closure shall be in addition to and shall supplement any other penalty or remedy that may be authorized by N.J.A.C. 8:24-1.1 et seq., or the Code of the Township, as the same may be from time to time amended and supplemented.
- D. A person whose license has been revoked shall close the establishment and request all patrons to vacate the premises.
- E. A person whose license has been revoked shall have the right to apply to the Township to reinstate that license pursuant to this code's appeal procedures.

Section 2 Severability. Should any section, clause, sentence, phrase or provision of this article be declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this article.

Section 3 Repealer. All prior ordinances or parts of the same inconsistent with any provisions of this article are hereby repealed to the extent of such inconsistency.

Section 4 Effective Date. This ordinance shall take effect upon final adoption and publication in accordance with law.