

ORDINANCE NO. 2014-8

ADOPTING ORDINANCE

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF
ROCKLEIGH, COUNTY OF BERGEN, STATE OF NEW JERSEY ADOPTING A
CODE CONTAINING THE CODIFIED ORDINANCES OF THE
BOROUGH OF ROCKLEIGH**

WHEREAS, the Borough Council of the Borough of Rockleigh in the County of Bergen, New Jersey, has caused its ordinances of a general and permanent nature to be amended and supplemented and to be compiled and revised and embodied in a Code and codification known as the "Rockleigh Borough Code, 2014."

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Rockleigh, in the County of Bergen and State of New Jersey, and it is hereby enacted and ordained by the authority of same as follows:

Section 1.

The ordinances of the Borough of Rockleigh in the County of Bergen, New Jersey, of a general and permanent nature, as codified, Chapters I to XXXVI, are hereby ordained as the "Rockleigh Borough Code, 2014."

Section 2.

All of the provisions of the "Rockleigh Borough Code, 2014" shall be in force and in effect on and after the effective date of this ordinance.

Section 3.

All ordinances or parts of ordinances of a general and permanent nature adopted and in force on May 5, 2014, which are inconsistent with the ordinances in the "Rockleigh Borough Code, 2014" are hereby repealed to the extent of such inconsistency as of the effective date of this ordinance.

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

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The repeal provided for in Section 3 of this ordinance shall not affect:

- a. Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this ordinance;
- b. Any prosecution, action, suit or other proceeding pending or any judgment rendered on or prior to the effective date of this ordinance;
- c. Any right or franchise conferred by the Council;
- d. Any right, right-of-way or easement acquired or established in any street, road, highway or other public place within the Borough;
- e. Any ordinance of the Borough providing for laying out, opening, altering, widening, relocating, straightening, accepting or vacating of any street, road or highway within the Borough;
- f. Any ordinance or resolution of the Borough promising or guaranteeing the payment of money by or for the Borough or authorizing the issuing of bonds or other evidence of the Borough's indebtedness, or any contract or obligation assumed by the Borough;
- g. The annual budget appropriation ordinances or resolutions, and all ordinances and resolutions appropriating or transferring funds;
- h. The administrative ordinances or resolutions of the Council not in conflict or inconsistent with the provisions of this Code;
- i. Any ordinance or resolution of the Council fixing compensation or salaries of the Borough officials and employees or the pay and compensation of positions and clerical employments which are not provided for in this Code and which are not in conflict or inconsistent therewith;
- j. Any ordinance or resolution of the Council creating employments, positions or offices and fixing duties therefor which are not provided for in this Code and which are not in conflict or inconsistent therewith;
- k. Concerning the Traffic Chapter, any other provision of this ordinance to the contrary notwithstanding, the repeal provided for in Section 3 of this ordinance shall not become effective with respect to any ordinance regulating traffic or parking on the public streets or highways of the Borough;
- l. Any ordinances adopted by the Board of Health of the Borough of Rockleigh;

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m. Any ordinances of the Borough Council adopted upon final passage after the 5th day of May, 2014.

Section 5.

The effects of the proposed changes contained in the Code are listed below and the Code includes the following chapters:

CHAPTER I GENERAL PROVISIONS

Section 1-1, Short Title, provides the official title of the Code. Section 1-2, Definitions, provides definitions. Section 1-3, Construction, provides the rules for use of tense, gender and time. Section 1-4, Divisions of the Code, provides the major divisions of the Code.

Section 1-5, General Penalty, contains the penalty provisions as provided by N.J.S.A. 40:49-5. The general penalty clause is applicable to the entire Code or any other ordinance adopted by the Borough Council. Subsection 1-5.1 eliminates the need to restate the maximum penalty clause each time a new regulatory ordinance is adopted. Subsection 1-5.2, Minimum Penalty, permits the Borough Council to establish a minimum penalty which may be a fine that does not exceed one hundred (\$100.00) dollars.

Subsection 1-5.4, Additional Fine for Repeat Offenders, provides that additional fines may be imposed on any person who is convicted of the same violation within one (1) year of the date of conviction of the previous violation. Subsection 1-5.5, Default of Payment of Fine, provides that any person who defaults on payment of a fine may be imprisoned in the County Jail or be required to perform community service.

Subsection 1-5.6 contains penalties for violations of housing or zoning codes and provides that if the Borough wishes to impose a fine greater than one thousand two hundred fifty (\$1,250.00) dollars for violations of a housing or zoning code, a thirty (30) day period shall be allowed for the owner to cure or abate this condition.

Subsection 1-5.7, Separate Violations, provides that when provided by ordinance, each and every day a violation exists shall constitute a separate violation. Subsection 1-5.8, Applicability, states that the Judge of the Municipal Court has the discretion to assign the penalty for a particular violation.

Throughout the Code many of the penalty provisions have been revised or inserted to refer to Section 1-5, General Penalty, wherever appropriate.

Section 1-6, Severability, provides that if any section of the Code is declared unconstitutional, the remaining sections of the Code shall remain in full force and effect.

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Section 1-7, Continuation of Prior Ordinances, provides that the provisions of the Code shall be considered as a continuation of the existing ordinances and not as new enactments.

Section 1-8, Maintenance of Code, provides that the Municipal Clerk shall maintain a copy of the Code and that the Code shall be received in all courts of this State as evidence of the ordinances of the Borough. Section 1-9, Additions and Amendments to the Code, provides that ordinances when adopted shall be considered a part of the Code and the ordinances shall be printed and provided as supplements to the Code. Section 1-10, Supplementation, provides that the Borough Council may arrange for the procedures for the supplementation of the Code.

Section 1-11, Altering or Tampering with the Code, prohibits altering or tampering with the Code.

CHAPTER II ADMINISTRATION

The Administrative Chapter has been organized into articles as follows: ***Revised at Adoption 11/3/14**

Article I	Mayor and Borough Council
Article II	Officers and Employees
Article III	Departments of the Local Government
Article IV	Boards, Committees and Commissions
Article V	Municipal Court
Article VI	Administrative Policies and Procedures
Article VII	Contracts and Agreements
Article VIII	Administrative Fees and Charges
Article IX	Personnel Policies
Article X	Political Contributions, Contracts

This chapter contains the ordinances of the Borough and statutory provisions and requirements to reflect the Borough form of government.

Article I, Mayor and Borough Council, provides for the organization of the Governing Body, rules of the Council, vacancies, qualifications, meetings, powers of the Mayor and Council, ordinances and President of the Council, as provided under the New Jersey State Statutes.

Article II, Officers and Employees, contains the statutory and municipal requirements for certain employees and appointments of the Borough, including the Municipal Clerk, Deputy Municipal Clerk, Administrator, Chief Financial Officer, Treasurer, Tax Assessor, Tax Collector, Borough Attorney, Borough Engineer, Purchasing Agent, Borough Historian, Emergency Management Coordinator and the Auditor.

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Article III, Departments of the Local Governments, contains the continuation of the Volunteer Fire Department.

Article IV, Boards, Committees and Commissions, contains the continuation of the Board of Education, Board of Health, Park Commission and Wildlife Management Commission. The Rockleigh Sewerage Authority, Planning Board and Historic Preservation Commission are continued and referenced herein.

Article V, Municipal Court, established the interlocal agreement with the Borough of Northvale for municipal court services.

Article VI, Administrative Policies and Procedures, provides the adopted policies concerning approval of claims, approval of applications to require payment of taxes and assessments and fire insurance liens. Section 2-58 continues the Hotel and Motel Room Occupancy Tax as established by Borough Ordinance No. 2008-4 and provides the penalty for violations.

Article VII, Contracts and Agreements, provides the agreement for interlocal regional police communications network and reference has been inserted to the police services and resources agreement with the Borough of Northvale.

Article VIII, Administrative Fees and Charges, contains fees for municipal services.

Article IX, Personnel Policies, contains the adoption of the Personnel Policies and Procedures Manual dated May 1, 2013.

Article X, Political Contributions, Contracts, provides the policy on public contracts and political contributions.

Chapter II Appendix 1, Procedures and Rules of Order, revised Section 7 to state that the Mayor and Borough Council meeting shall be held on the first Monday of each month and that special meetings shall be scheduled on an as needed basis.

CHAPTER III POLICE REGULATIONS

Chapter III contains regulations for littering, dumping of debris, abandoned vehicles, firearms and hunting, possession and consumption of alcoholic beverages on private property by underage persons, prohibition on the consumption of alcoholic beverages in public places, vehicle operation in parklands and on Green Acres property and hoofed animals: prohibited areas.

Section 3-2, Dumping of Debris, revised penalty to refer to the General Penalty in Section 1-5.

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Section 3-5, Possession and Consumption of Alcoholic Beverages on Private Property by Underage Persons, revised to reflect the statutory penalties under N.J.S.A. 40:48-1.2.

Section 3-6, Prohibiting the Consumption of Alcoholic Beverages in Public Places, is new and provides the prohibition and a certificate of exemption from the Governing Body for a specific event or activity.

CHAPTER IV LICENSING AND BUSINESS REGULATIONS

Chapter IV includes peddlers and solicitors, licensing of commercial television, movies and still filming, emergency alarm systems and towing and storage of vehicles.

Section 4-1, Peddlers and Solicitors, revised the penalty to refer to the General Penalty in Section 1-5.

Section 4-3, Emergency Alarm Systems, revised to refer to the police department which provides police services to the Borough and revised penalty to refer to the General Penalty in Section 1-5.

CHAPTER V ANIMAL CONTROL

Chapter V contains the licensing and control of dogs and cats, regulations for kennels, pet shops and shelters, enforcement and administration, and the wildlife management program.

Section 5-6, Enforcing Officers, revised to refer to the Animal Control Officer and agreement for animal control services.

CHAPTER VI ALCOHOLIC BEVERAGE CONTROL

This chapter has been constructed according to the format recommended by the State of New Jersey Division of Alcoholic Beverage Control. New text material has been included as recommended by the Division of Alcoholic Beverage Control. New provisions include Section 6-2 Definitions, Section 6-3 Licenses, with the exception of subsections 6-3.4 and 6-3.5, subsection 6-4.4, 6-4.5 and 6-4.6 pertaining to closing provision, prohibited sales and sales to persons under the legal age, Section 6-5 Suspension or Revocation of Licenses, and Section 6-6 Persons Under the Legal Age.

CHAPTER VII TRAFFIC

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The Borough's traffic ordinances have been codified for submission to the New Jersey Department of Transportation, where applicable.

CHAPTER VIII RESERVED

CHAPTER IX BUILDING AND CONSTRUCTION

Chapter IX includes the State Uniform Construction Code, construction fees and inspections, retrofitting of existing storm drain inlets and refuse containers and dumpsters.

Subsection 9-1.3, Fees, paragraph a11(d) revised to correct a discrepancy in the fee description.

CHAPTER X PROPERTY MAINTENANCE

Chapter X contains the property maintenance standards applicable to residential, commercial, business and industrial dwellings or structures and includes vacant parcels of land.

CHAPTER XI FIRE PREVENTION AND PROTECTION

Chapter XI includes the local enforcement of the Uniform Fire Safety Code, carbon monoxide detectors, fire zones, key lock boxes, fire alarms, penalty for violations, and fire control measures and regulations.

Subsection 11-1.5, Organization, revised to state that the local enforcing agency is under the supervision of the Fire Official and that the Fire Official shall report annually to the Mayor and Council.

Subsection 11-1.9, Smoke Detectors is added new. Subsection 11-1.10, Certificate of Compliance is added new. Subsection 11-1.11, Penalties is added new. Subsection 11-1.12, Carbon Monoxide Detectors is added new.

Section 11-2, Fires Zones is added new.

Section 11-4, Fire Alarms is added new.

Section 11-5, Standard Maximum Penalty is added new.

CHAPTER XII RESERVED

CHAPTER XIII FLOOD DAMAGE PREVENTION

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Chapter XIII includes the flood hazard and flood damage prevention regulations applicable to the areas of special flood hazard. The Construction Official is designated to administer the provisions of this chapter.

CHAPTER XIV SOLID WASTE MANAGEMENT

Chapter XIV contains the mandatory recycling regulations.

References to the Director of Solid Waste have been deleted.

The Administrator has been designated as the Enforcement Officer of this chapter.

CHAPTER XV RESERVED

CHAPTER XVI STREETS AND SIDEWALKS

Chapter XVI contains excavations in public streets, street specifications, acceptance of streets and numbering of buildings.

Section 16-1, Excavations in Public Streets revised to delete reference to the Department of Public Works. Permits applications shall be made to the Borough Administrator through the Municipal Clerk. The Borough Engineer and Borough Administrator shall administer the technical aspects, supervision, and permit requirements of the excavations.

CHAPTER XVII PROTECTION OF TREES AND SHRUBS

Chapter XVII provides the tree conservation regulations adopted by the Borough.

Throughout Chapter XVII, reference to the Building Inspector has been revised to Construction Official.

CHAPTER XVIII ENVIRONMENTAL REGULATIONS

Chapter XVIII contains the reimbursement provisions for cleanup costs of hazardous materials. The penalty for failure to reimburse the Borough for the costs in a timely manner has been revised to refer to the General Penalty in Section 1-5.

CHAPTER XIX RESERVED

CHAPTER XX CABLE TELEVISION

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Chapter XX provides reference to Ordinance No. 06-03-02, adopted July 8, 2003, which granted consent for the operation of a cable television system within the Borough.

CHAPTER XXI ROCKLEIGH SEWERAGE AUTHORITY

Chapter XXI contains the creation of the Sewerage Authority in the Borough and provides membership, terms, compensation, officers, powers and duties

CHAPTER XXII STORMWATER CONTROL

Chapter XXII contains regulations and technical guidance required by the State for the management of stormwater.

The penalty for violation of the stormwater regulations has been revised to refer to the General Penalty in Section 1-5.

CHAPTER XXIII—XXIX RESERVED

CHAPTER XXX LAND USE PROCEDURES

Chapter XXX contains the establishment of the nine (9) member Planning Board and repealed reference to the Zoning Board of Adjustment, provides the Planning Board terms, vacancies, powers and duties, establishes requirements for applications, fees and escrow deposits, additional provisions applicable to the Planning Board, appeals, building permit time limit for applications, surveys, variance checklist and proof of payment of taxes and assessments required for applications for a subdivision, site plan, variance, planned development or any other application.

The education requirement for Board members required by N.J.S.A. 40:55D-23.3 and 23.4 has been added to this chapter.

The chapter has been revised to correct the filing timeline for applications and appeals to agree with the New Jersey State Statutes.

The chapter has been revised to correct the number of applications required for submission to the Planning Board.

The chapter has been revised to include the statutory powers granted by law for the Planning Board.

Reference to the Planning Board Secretary and the Borough Administrator are used interchangeably in this chapter.

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Completed checklist revised to include determination of completeness by the Planning Board Secretary, Borough Administrator, Planning Board Professional or designated person.

The list of property owners required for notification of applications shall be provided by the Municipal Clerk.

Chapter XXX Appendix contains the revised applications and checklists for: Variance, Site Plan, Subdivision, Historic Review, Signs and Soil Disturbance.

CHAPTER XXXI SITE PLAN REVIEW

Chapter XXXI contains site development activities specified, approving agency, submission of plan requirements, preliminary approval, final approval, inspection and completion of improvements, site plan details, design standards and required site improvements, fees, compliance with conditions of approval and building permit time limit for application.

This chapter has been revised to remove references to the Zoning Board of Adjustment.

The chapter has been revised to correct the number of applications required for submission to the Planning Board.

This chapter has been revised to refer to the subdivision application checklist and the zoning checklist set forth in the Appendix to Chapter XXX, Land Use Procedures.

This chapter has been revised to refer to the fees provided in Chapter XXX, Land Use Procedures.

Reference to the Building Inspector has been revised to the Construction Official.

CHAPTER XXXII LAND SUBDIVISION

Chapter XXXII contains the purpose for the regulations, the approving agency, definitions, procedures for submission of minor subdivision and major subdivision plats, plat details, improvements, design standards, violations and penalties, administration, soil erosion and sediment control and fees.

This chapter has been revised to remove references to the Zoning Board of Adjustment.

The definition of preliminary plat revised with respect to submission of the application to the Borough Administrator.

The definition of subdivision revised to delete reference to the Subdivision Committee.

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The chapter has been revised to correct the number of applications required for submission to the Planning Board.

Reference to the Building Inspector has been revised to the Construction Official.

This chapter has been revised to indicate that a copy of the plan/plat shall be prepared for the Planning Board Attorney.

This chapter has been revised to correct the filing time limits to agree with the New Jersey State Statutes.

This chapter has been revised to require the completed subdivision application and subdivision zoning checklist.

This chapter has been revised to refer to the fees provided in Chapter XXX, Land Use Procedures.

Reference to the Planning Board Secretary and the Borough Administrator are used interchangeably in this chapter.

CHAPTER XXXIII SOIL DISTURBANCE

Chapter XXXIII contains the purpose for the soil disturbance regulations, definitions, permit required, application procedures, inspection, proof of payment of taxes and assessments required for applications, fee schedule, and violations and penalties.

CHAPTER XXXIV ZONING

Chapter XXXIV contains the zoning ordinances of the Borough to establish the zones, boundaries, zoning map, classification of uses, general regulations, historic uses, flood control, nonconforming uses, shade trees, affordable housing, certificate of occupancy, communications towers, enforcement of the zone regulations and penalties for violations.

Reference to the Building Inspector has been revised to the Construction Official.

Section 34-2 establishes the eight (8) zones: A, B, C, T, H, HF, P and AH Zone.

Reference to the C Commercial Zone has been corrected to reflect the C Light Industrial Zone.

This chapter adopts the Zoning Map dated December 2013 as prepared by Neglia Engineering Associates.

Subsection 34-6.3, Uses Prohibited (in the A Zone), includes heliports, helistops and other aeronautical facilities and has been revised to include: (1) any use which is detrimental to the

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public, health, safety or general welfare of the residents of the Borough, (2) research facilities which use live animals in the conduct of research, (3) health and medical facilities that perform surgical procedures which prematurely terminate human pregnancy, unless private security at a level acceptable to the Borough is provided.

Subsection 34-8.3, Uses Prohibited (in the B Zone), includes any use which is detrimental to the public, health, safety or general welfare of the residents of the Borough and heliports, helistops and other aeronautical facilities and has been revised to include: (1) research facilities which use live animals in the conduct of research, (2) health and medical facilities that perform surgical procedures which prematurely terminate human pregnancy, unless private security at a level acceptable to the Borough is provided.

Subsection 34-11.2, Uses Prohibited (in the H Zone), includes heliports, helistops and other aeronautical facilities and health and medical facilities that perform surgical procedures which prematurely terminate human pregnancy, unless private security at a level acceptable to the Borough is provided and has been revised to include: (1) any use which is detrimental to the public, health, safety or general welfare of the residents of the Borough, (2) research facilities which use live animals in the conduct of research.

Subsection 34-14.2, Prohibited Uses (in the HF Zone), includes heliports, helistops and other aeronautical facilities and has been revised to include: (1) any use which is detrimental to the public, health, safety or general welfare of the residents of the Borough, (2) research facilities which use live animals in the conduct of research, (3) health and medical facilities that perform surgical procedures which prematurely terminate human pregnancy, unless private security at a level acceptable to the Borough is provided.

This chapter has been revised to remove references to the Zoning Board of Adjustment.

This chapter has been revised to remove references to the Shade Tree Committee.

Subsection 34-27.1, Height Restrictions and Permissions, revised to include paragraph a.4. to read:

4. In the event a building face length exceeds twenty (20) feet in length, the length of the building face shall be divided by twenty (20) and the result reduced down to the next lowest whole number. This result shall constitute additional face points along said building face which shall be considered for definition purposes, additional corners. Such face points/additional corners shall be located equidistant from the two (2) corners along said building face. (Ord. No. 07-08)

Section 34-42, Mount Laurel Housing Requirements Applicability, paragraph a. has been revised to reflect that the obligation of an applicant shall be that existing at the time of application to the Construction Officer or to the Planning Board or when the number of employees increases.

Section 34-44.1, Definitions, pertaining to communication towers, has been revised to reflect that the public officer is the Construction Official.

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CHAPTER XXXV SIGNS

Chapter XXXV contains definitions, the requirement for a permit, application for a permit, issuance and exemption of permits, permitted signs, dimensions, nonconforming existing signs, prohibited signs, prohibits the placing of signs on streets, trees or poles, inspections, revocation of permits, unsafe and illegal signs, removal of signs, and violations and penalties.

Reference to the Building Inspector has been revised to the Construction Official.

CHAPTER XXXVI AFFORDABLE HOUSING

Chapter XXXVI contains the Council on Affordable Housing (COAH) requirements for the Borough's affordable housing obligations and includes affordable housing obligations, definitions, affordable housing programs, new construction, affirmative marketing requirements, occupancy standards, control period and price restrictions for restricted ownership and restricted rental units, buyer and tenant income eligibility, limitation on indebtedness by ownership unit, administration and enforcement and the Municipal Housing Liaison, as adopted by Borough ordinances.

Section 6.

A copy of the "Rockleigh Borough Code, 2014," in the County of Bergen and State of New Jersey, has been filed in the office of the Municipal Clerk of the Borough of Rockleigh and shall remain there for the use and examination by the public until final action is taken on this ordinance; and if this ordinance shall be adopted, such copy shall be certified by the Clerk of the Borough of Rockleigh by impressing thereon the seal of the Borough of Rockleigh, as provided by law, and such certified copy shall remain on file in the office of the Municipal Clerk of the Borough of Rockleigh to be made available to persons desiring to examine the same during all times while the Code is in effect.

Section 7.

Amendments to the Code. Any and all additions, amendments and supplements to the Code when passed and adopted in such form as to indicate the intent of the Borough Council to make them a part thereof shall be deemed to be incorporated into such Code so that reference to the "Rockleigh Borough Code, 2014" shall be understood and intended to include such additions and amendments. Whenever such additions, amendments and supplements to the Code shall be adopted, they shall thereafter be printed and, as provided hereunder, inserted in the book containing the Code as amended and supplemented thereto.

Section 8.

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It shall be the duty of the Municipal Clerk or someone authorized and directed by the Clerk to keep up-to-date the certified copy of the book containing the "Rockleigh Borough Code, 2014," required to be filed in his office for the use of the public. All changes in the Code and all ordinances adopted subsequent to the effective date of this codification shall be adopted specifically as part of the Code and shall when finally adopted be included therein by reference until such changes or new ordinances are printed as supplements to the Code, at which time such supplements shall be inserted therein.

Section 9.

The Municipal Clerk of the Borough of Rockleigh, 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 Rockleigh. Sufficient copies of the "Rockleigh Borough Code, 2014" shall be maintained in the office of the Municipal Clerk for inspection by the public at all times during regular office hours. The enactment and publication of this adopting ordinance coupled with availability of copies of the Code for inspection by the public shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

Section 10.

Copies of the book containing the "Rockleigh Borough Code, 2014" shall be available for purchase. The Borough Council may arrange the procedures for the periodic supplementation thereof.

Section 11.

Each section of the "Rockleigh Borough Code, 2014" and every part of each section is an independent section or part of a section and the holding of any section or part thereof deemed 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.

Section 12.

When effective. This ordinance shall take effect immediately upon final passage and publication in accordance with law.

/s/ ROBERT R. SCHAFFER

Mayor

/s/ MARCELLA GIAMPICCOLO, RMC

Borough Clerk

Introduced: October 6, 2014

Adopted: November 3, 2014 *With revision on page 4, Chapter II Article Listing

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Approved: November 3, 2014