

**ORDINANCE #2001-9**

**AN ORDINANCE ADOPTING A REVISION AND CODIFICATION OF THE  
ORDINANCES OF  
THE TOWNSHIP OF UNION IN THE  
COUNTY OF HUNTERDON, NEW JERSEY**

WHEREAS, the Township Committee of the Township of Union in the County of Hunterdon, New Jersey, has caused its ordinances of a general and permanent nature to be compiled and revised and embodied in a revision and codification known as "The Revised General Ordinances of the Township of Union, 2001."

NOW, THEREFORE, BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UNION IN THE COUNTY OF HUNTERDON, NEW JERSEY, AS FOLLOWS:

**Section 1.** The ordinances of the Township of Union in the County of Hunterdon, New Jersey, of a general and permanent nature, as codified, Chapters 1 to 29 and Chapter 30 Land Use, which is contained in a separate volume, are hereby ordained as "The Revised General Ordinances of the Township of Union, 2001."

**Section 2.** All of the provisions of "The Revised General Ordinances of the Township of Union, 2001," shall be in force and effect on and after the effective date of this ordinance.

**Section 3.** All ordinances of a general and permanent nature, adopted by the Township Committee and in force on 20th day of July, 2000, and not contained in "The Revised General Ordinances of the Township of Union, 2001," are hereby repealed from and after the effective date of this ordinance, except as hereinafter provided in Section 4.

**Section 4.** The repeal provided for in Section 3 of this ordinance shall not affect:

- 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 Township Committee;
- d. Any right, right-of-way or easement acquired or established in any street, road, highway or other public place within the Township;
- e. Any ordinance of the Township providing for laying out, opening, altering, widening, relocation, straightening, accepting or vacating of any street, road or highway within the Township;
- f. Any ordinance or resolution of the Township promising or guaranteeing the payment of money by or for the Township or authorizing the issuing of bonds or other evidence of the Township's indebtedness, or any contract or obligation assumed by the Township;
- g. The annual budget appropriation ordinance or resolutions, and all ordinances and resolutions appropriating or transferring funds;

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- h. The administrative ordinances or resolutions of the Township Committee not in conflict or inconsistent with the provisions of the Revised General Ordinances;
- i. Any ordinance or resolution of the Township Committee fixing compensation or salaries of the Township officials and employees or the pay and compensation of positions and clerical employments which are not provided for in the Revised General Ordinances and which are not in conflict or inconsistent therewith;
- j. Any ordinance or resolution of the Township Committee creating employments, positions or offices and fixing duties therefore which are not provided for in the Revised General Ordinances 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 until the Traffic Chapter of the Revised General Ordinances is finally approved by the Commissioner of the New Jersey Department of Transportation, and said Chapter shall not take effect until finally approved by the Director as aforesaid;
- l. The ordinances contained in the separate book entitled Chapter 30, Land Use, as adopted by Ordinance No. 85-9, as further supplemented and amended;
- m. All ordinances adopted by the Board of Health of the Township of Union;
- n. Any ordinances of the Township Committee adopted upon final passage after July 20, 2000.

**Section 5.** The ordinances of the Township of Union have been substantially revised, edited, amended, supplemented and rearranged to establish the "Revised General Ordinances of the Township of Union, 2001." The effects of proposed changes contained in the Revision are listed below:

This volume contains Chapter 1 to 29. Chapter 30 is printed in a separate volume entitled Land Use. Throughout the Code penalty provisions have been revised to refer to Chapter 1 Section 1-5 where applicable, and references to a particular duty of a municipal employee have been revised to refer to the proper Township official.

### **CHAPTER 1: General Provisions.**

Chapter 1 is new and provides Section 1-1, Short Title, establishing the title of the Code; Section 1-2 provides general definitions and Section 1-3, Rules of Construction, which are intended to provide uniform construction and interpretation of general terms used throughout the revision, as well as for all other ordinances of the Township of Union. Section 1-3 also provides an explanation of the "divisions" of a chapter.

Section 1-4, Severability, provides that if any portion of the Code shall be declared unconstitutional, invalid or inoperative, the remainder of the Code or portion of the Code that is not unconstitutional or invalid shall remain in full force and effect.

Section 1-5, General Penalty, is new and establishes a penalty which conforms to the most recent amendments to Statutes and which is applicable to the entire Code or any other ordinance of the Township of Union, unless otherwise provided in the specific section. In Subsection 1-5.1, a maximum penalty of one or more of the following: a fine not exceeding one thousand

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(\$1,000.00) dollars, and/or imprisonment for a term not to exceed ninety (90) days and/or, a period of community service not to exceed ninety (90) days is established to conform to State Statutes. 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, is new and states that the Township Committee may establish a minimum penalty not to exceed one hundred (\$100.00) dollars for any particular Code provisions or ordinance.

Subsection 1-5.3, Additional Fine for Repeat Offenders, is new and provides an additional fine for a person who is convicted of committing the same violation within one year of the date of the previous conviction.

Subsection 1-5.4, Default of Payment of Fine, is new and requires that any person who is in default of payment of any fine may be imprisoned or may be required to perform community service.

Subsection 1-5.5, Separate Violations, provides a daily penalty for continued violations.

Subsection 1-5.6, Application, states that the maximum penalty is not intended as an appropriate penalty for each violation and also states that any lesser penalty may be appropriate for a particular violation. Many sections in the Code have been revised to refer to the General Penalty Clause, Section 1-5. Section 1-6 provides that the provisions of the Code shall be considered as a continuation of the existing ordinances.

Subsection 1-7.1 is new and provides for the preparation of supplements to the Code.

Subsection 1-7.2 is new and requires that the Township Clerk be responsible to keep the Code up-to-date by supplements to the Code.

Subsection 1-7.3 is new and provides for the sale of the Code book.

Subsection 1-7.4 is new and provides penalties for altering or tampering with the Code.

### **CHAPTER 2: Administration.**

Chapter 2 contains the administrative ordinances of the Township of Union. To aid in organization, this chapter has been divided into Articles as follows:

- ARTICLE I: Mayor and Township Committee.
- ARTICLE II: Reserved.
- ARTICLE III: Office of the Municipal Clerk.
- ARTICLE IV: Department of the Municipal Government.
- ARTICLE V: Municipal Offices and Employees.
- ARTICLE VI: Establishment of the Municipal Court.
- ARTICLE VII: Boards, Committees, Commissions.
- ARTICLE VIII: Administrative Policies and Procedures.

In Article I: Section 2-1, Township Committee, contains provisions concerning legislative power, organization and powers of the Mayor.

Section 2-2, Meetings of the Township Committee, contains the provisions for meetings of the Township Committee including regular, special and organizational meetings; rules of order; executive sessions; quorum; roll call votes, ordinances and ordinance book.

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In Article III: Section 2-5, Municipal Clerk, contains new provisions providing for the appointment, term, qualifications and duties of the Municipal Clerk. In Subsection 2-5.9 the provisions for the Deputy Municipal Clerk are codified.

In Article IV: Section 2-14 codifies the establishment of the Fire Department.

In Article V: This Article codifies the establishment of the Chief Financial Officers, the Zoning Officer and the Animal Control Officers.

In Article VI: This Article codifies the ordinances establishing the Municipal Court and the Municipal Public Defender and the duties thereof.

Article VII, Boards, Committees and Commissions, codifies the establishment of the Recreation Committee, the Environmental Commission and the Historic Preservation Committee.

Article VIII, Administrative Procedures and Policies, contains the procedure for payment of claims, the fee for duplicate tax bills, the policy requiring proof of payment of taxes prior to issuance of certain licenses; the procedure for filing a notice of claims against the Township, the codification of the Open Space, Conservation and Farmland Preservation Trust Fund and the agreement for mutual police protections.

### **CHAPTER 3: Police Regulations.**

This chapter contains the regulations concerning litter and illegal dumping, abandoned motor vehicles; parking vehicles on lawns prohibited; removal of grass, weeds, brush and debris; prohibiting the sale of obscene material; games of chance on Sundays and juvenile curfew.

Subsection 3-3.1 has been revised to provide for enforcement by the Code Enforcement Officer and/or the Zoning Officer.

### **CHAPTER 4: General Licensing.**

This chapter includes the Township's licensing regulations concerning peddling and soliciting, retail food establishment, junk dealers and junkyards and the operation of motor-driven vehicles on public and private property.

### **CHAPTER 5: Animal Control.**

This chapter contains definitions, dog licensing and inoculation; control of dogs; canvass of dogs and license for pet shops, kennels, shelters and pounds.

### **CHAPTER 6: Alcoholic Beverage Control.**

This chapter contains the alcoholic beverage control licensing provisions including the issuance and regulation of licenses, suspension or revocation of licenses for violations and the regulations governing persons under the legal age. This chapter was prepared in the format recommended by the State of New Jersey Division of Alcoholic Beverage Control.

Section 6-5, Regulations Governing Persons Under the Legal Age, is new and prohibits purchase and consumption by persons under the legal age and provides a penalty for violations thereof.

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### **CHAPTER 7: Traffic.**

This chapter contains the traffic ordinances of the Township revised in accordance with the model of organization that has been recommended by the State of New Jersey Department of Transportation. This chapter may not be enforced until approval is obtained from the Commissioner of the New Jersey State Department of Transportation.

Revised street regulations are included as they have been recommended by the Department of Transportation.

### **CHAPTER 8: Personnel.**

This chapter contains the ordinance establishing sexual harassment policies and disciplinary procedures.

### **CHAPTER 9: Public Parks and Recreational Areas.**

This chapter contains the regulations for the Township's parks, recreational area, water areas and provides for activities therein. Permit requirements for special events in parks are contained herein.

Section 9-4 provides for enforcement and Section 9-6 provides a penalty for violations.

### **CHAPTER 10: Building and Housing.**

This chapter includes the Uniform Construction Code Enforcing Agency, construction permit fees, demolition guarantee, excavation guarantee, fire limits and house numbering.

### **CHAPTER 11: Property Maintenance.**

This chapter contains maintenance standards for commercial and industrial buildings and property.

### **CHAPTER 12: Reserved.**

### **CHAPTER 13: Streets, Sidewalk and Driveways.**

This chapter contains regulations for excavations in public streets and sidewalks. The requirements for driveways and the prohibition for placing snow or ice in streets are included herein.

### **CHAPTER 14: Reserved.**

### **CHAPTER 15: Trailers and Trailer Parks.**

This chapter codifies the ordinances providing for the licensing and regulations of trailer parks.

### **CHAPTER 16: Solid Waste Management.**

This chapter contains regulations for recycling and the use of the municipal dumpster.

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### **CHAPTER 17: Water.**

This chapter contains the restrictions required during a water emergency.

### **CHAPTER 18: Reserved.**

### **CHAPTER 19: Flood Damage Prevention.**

This chapter codifies the flood protection regulations which are required by the Federal Flood Agencies.

### **CHAPTER 20: Regulations for Quarrying.**

This chapter codifies Ord. No. 87-6, which requires a license and provides regulations for quarrying.

### **CHAPTER 21: Cable Television.**

This chapter contains the Franchise Agreement with RCN of New Jersey, Inc.

### **CHAPTER 22—22: Reserved.**

### **CHAPTER 23: Affordable Housing.**

This chapter codifies the ordinances which provide for affordable housing and the Affordable Housing Board.

### **CHAPTER 24: Reserved.**

### **CHAPTER 30: Land Use. See separate volume.**

Throughout the Revision there has been reorganization and editing of the source ordinances which do not effect substantive changes but are intended to eliminate word duplications and overlapping and to effect uniformity of expression. In some cases provisions of the source ordinances have not been included in the Revision either because they have been repealed, either expressly or by implication, by later ordinances, are obsolete or no longer apply in the Township.

**Section 6.** A copy of the Revised General Ordinances of the Township of Union in the County of Hunterdon and State of New Jersey, has been filed in the office of the Township Clerk of the Township of Union 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 Township Clerk by impressing thereon the seal of the Township of Union, as provided by law, and such certified copy shall remain on file in the office of the Township Clerk of the Township of Union.

**Section 7.** Amendments to the Revision. Any and all additions, amendments and supplements to the Revision when passed and adopted in such form as to indicate the intent of the Township Committee to make them a part thereof shall be deemed to be incorporated therein so that reference to "The Revised General Ordinances of the Township of Union, 2001" shall be understood and intended to include such additions, amendments and supplements. Whenever such additions, amendments and supplements to the Revision shall be adopted, they shall

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thereafter be printed and (as provided, in this ordinance) and inserted in the book containing the Revised General Ordinances, as amended and supplemented.

**Section 8.** It shall be the duty of the Township Clerk or someone authorized and directed by the Clerk to keep up-to-date the certified copy of the book containing "The Revised General Ordinances of the Township of Union, 2001" required to be filed in his or her office for the use of the public. All changes in the Revision and all ordinances adopted subsequently to the effective date of this codification shall be adopted by reference as part of the Revision and shall when finally adopted be included therein.

**Section 9.** The Township Clerk of the Township of Union, pursuant to N.J.S.A. 40:49-4, shall cause to be published, in the manner required, a copy of this adopting ordinance in a newspaper of general circulation in the Township of Union. Sufficient copies of "The Revised General Ordinances of the Township of Union, 2001," shall be maintained in the office of the Township Clerk for inspection by the public at all times during regular office hours.

**Section 10.** As provided in Section 1-4 of "The Revised General Ordinances of the Township of Union, 2001," each section and every part of each section of the Revision 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 reason shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

**Section 11.** This ordinance shall take effect immediately upon final passage and publication thereof according to law.

Attest:

\_\_\_\_\_  
K. Judith Fabian, Clerk

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Rob Haynes, Mayor

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|-------------------------|----------|
| Date Introduced         | 11/07/01 |
| Date Published/Full     | 11/15/01 |
| Public Hearing/Adoption | 12/05/01 |
| Published Title         | 12/13/01 |