

April 9, 2013 - REGULAR SESSION

President Hyser called the meeting to order at 7:00 pm and read the Open Public Meetings Statement:

Almighty God who holds the fate of Man and Nation, we most humbly beseech thee to bless these deliberations, and these thy servants, that they may act with wisdom and understanding for the good of our community and thy greater glory. Amen.

C. Flag Salute

The notice requirements provided for in the “Open Public Meetings Act” have been satisfied. Notice of this meeting was properly given in a notice which was transmitted to the Times of Trenton and the Trentonian, filed with the Clerk of the Township of Ewing and posted in the Ewing Township Municipal Complex, all on the 2<sup>nd</sup> day of January, 2013

THE PUBLIC WILL HAVE AN OPPORTUNITY TO ADDRESS THE COUNCIL DURING THE “STATEMENTS AND COMMENTS FROM MEMBERS OF THE PUBLIC” SEGMENT OF THE MEETING. MEMBERS OF THE PUBLIC ARE REQUESTED TO SIGN IN ON SHEET PROVIDED IN THE FRONT OF THE ROOM. ALL QUESTIONS AND COMMENTS FROM THE PUBLIC WILL BE DIRECTED TO THE COUNCIL PRESIDENT, WHEN ADDRESSING THE COUNCIL, PLEASE GIVE YOUR NAME AND YOUR ADDRESS. ANY MEMBER OF THE PUBLIC CAN LEAVE THEIR QUESTION AND CONTACT INFORMATION WITH THE CLERK REGARDING MATTERS THAT NEED RESPONSE BY ADMINISTRATION.

ROLL CALL

- |                               |                              |
|-------------------------------|------------------------------|
| ▪ Mr. Baxter – Present        | Jim McManimon, Administrator |
| ▪ Ms. Keyes-Maloney - Present | Joanna Brewster, CFO         |
| ▪ Mr. Schroth - Present       | Maeve Cannon, Attorney       |
| ▪ Ms. Wollert - Present       | Kim Macellaro, Clerk         |
| ▪ President Hyser -Present    |                              |

STATEMENTS AND COMMENTS FROM MEMBERS OF THE PUBLIC FOR ITEMS NOT ON THE AGENDA

Judith Peoples (295 West Upper Ferry Road) stated that there is a continuing issue of a lack of communication between the Council and members of the Ewing public. The public has no means to access clear, summarized, easily available information regarding the pending budget now before Council. She cited three examples: 1) Cable television in Ewing is limited to school information and/or other entertainment. It does not provide information on more vital issues, as is the case in other municipalities. 2) Monday’s edition of the Times of Trenton gave the Township’s website a relatively poor rating. 3) The Agenda for tonight’s meeting was not available on the website as late as this afternoon. Ms. Peoples said she will continue to deliver this message about this lack of communication.

Mildred Russell (119 King Avenue) thanked the Council and the Administration, on behalf of her association, for what they did regarding the recent re-zoning ordinance. She then asked if a copy of the budget is available for the public. President Hyser replied that copies of the budget had been available online, at the public library, at Hollowbrook Community Center and in the Clerk’s Office. Ms. Russell then spoke about the association writing to their state representatives to bring the “overcrowding” bill to the floor of the State Legislature; hoping a State law will help with the enforcement of the Township’s ordinance on this issue.

Ms. Russell then discussed a letter sent to the Construction Official regarding a vacant lot on Upland Avenue. This lot has become a dumping ground. The owner is not being responsible – no one is cleaning it up. It needs to be cleaned up as it has been like this for 4

to 5 years. President Hyser mentioned the vacant building ordinance that's on tonight's agenda. Ms. Russell then asked if the Chief of Police will continue to attend Council meetings. President Hyser responded that it is hoped that the Officer-in-Charge or his representative will come to the meetings on a quarterly basis. Ms. Russell then asked if the public will have an opportunity to question him. President Hyser stated no. Ms. Russell asked to whom should we address any questions. The Administrator responded that he preferred any questions for the Officer-in-Charge come through him. He and the Mayor meet with the Officer-in-Charge daily.

Don Apai (2181 Pennington Road) asked if the Township has heard anything from the state regarding the property tax rebates. The Administrator responded not yet. Mr. Apai stated he was on the Township's website and the Committee assignments are not updated. He is a member of the Rent Control Board and missed a meeting because he was not listed – no one knew to call him. President Hyser responded by suggesting to Mr. McManimon that there should be a meeting with the IT department regarding the website.

### CONSENT AGENDA

The Clerk read the Consent Agenda: (Resolution #13R-70/1)

1. Authorization for the Chief Financial Officer to pay Township bills in the amount of \$276,292.20.

Mr. Baxter then moved the Resolution, seconded by Mr. Schroth. There were no questions from Council or the public. President Hyser asked for roll call.

#### ROLL CALL

Mr. Schroth	YES
Mr. Baxter	YES
Ms. Keyes-Maloney	YES
Ms. Wollert	YES
President Hyser	YES

### CY2013 TOWNSHIP BUDGET

1. The Clerk read (Resolution #13R-70.1) A RESOLUTION TO READ BUDGET BY TITLE AT PUBLIC HEARING

Ms. Cannon detailed how the requirements stated in N.J.S.A. 40A: 4-8 have been satisfied. The budget can be read by title at the public hearing.

Ms. Wollert then moved the Resolution, seconded by Mr. Baxter. President Hyser asked for roll call.

#### ROLL CALL

Mr. Baxter	YES
Ms. Wollert	YES
Ms. Keyes-Maloney	YES
Mr. Schroth	YES
President Hyser	YES

2. The Clerk read PUBLIC HEARING ON THE INTRODUCED CY2013 BUDGET

President Hyser reiterated what she stated last night. Council is not voting on the budget tonight. The Township is still waiting to hear from the State if any amendments to the budget are required. This meeting was advertised so the public meeting will be tonight. At the next Council meeting, Council will either adopt the

introduced budget or it will amend the budget and hold the first reading on an amended budget.

Mr. Baxter moved to open the public hearing on the introduced CY2013 budget, seconded by Mr. Schroth. It was agreed by a unanimous voice vote.

Don Apai (2181 Pennington Road) stated it is time to compromise and increase the budgets for the three fire companies in the township. Their budget has been \$190,000 for years; it would cost the Township more to have a paid fire department than the volunteer based fire companies the Township has now. President Hyser responded that \$190,000 is allocated to each fire company. The CFO found a way to capitalize some equipment that used to be charged to the firehouse directly so now each company has more money to work with within that \$190,000.

Mr. Prykanowski (16 Thurston Avenue) echoed Mr. Apai's sentiments that the Township should consider increasing the fire companies' budget. Mr. Prykanowski wanted to know why an item in the Recreation Trust showed a \$107,000 shortfall. Ms. Brewster explained that when the Township converted to a calendar year format in 2011, it became apparent in 2012 that some revenues for programs were not collected by the end of the year. New rules were instituted – all programs to be paid for prior to taking place. Revenues and expenditures are in the same year and that fund is self-sufficient. Mr. Prykanowski then asked how can a 99.9% tax collection rate be justified when historically the Township collection rate is 94% to 98% given that the Construction Official stated there are 285 vacant homes. Ms. Brewster replied that the collection rate is actually 99.87% - for some reason the budget program rounds it up to 99.9%. It is 99.87% because of the accelerated tax sale – all of our taxes are sold with the exception of those that are in bankruptcy or that the Township acquires. The Township has a very good collection rate because of the accelerated tax sale held.

Mayor Steinmann made a clarification regarding the discussion about the firehouses' budget. The Township is paying more bills, such as maintenance, for the firehouses. Payment is coming out of our general fund. The firehouses have \$190,000 for day-to-day items. \$190,000 is well within reason – the firehouses will be able to survive.

There were no additional comments from the public. Ms. Wollert moved to close the public hearing, seconded by Mr. Baxter. It was agreed by a unanimous voice vote.

#### **ORDINANCE(S) FOR FIRST READING AND INTRODUCTION**

1. The Clerk read (**Ordinance #13-15**) AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, TO AMEND CHAPTER 187 FIRE PREVENTION, ARTICLE I UNIFORM FIRE SAFETY CODE § 181-7 ADOPTION TO ELIMINATE THE PROVISION PERMITTING THE WEST TRENTON FIRE HOUSE ENFORCEMENT RESPONSIBILITY TO BE TRANSFERRED TO THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS.

Ms. Keyes-Maloney moved the Ordinance, seconded by Mr. Schroth. There were no questions from Council or the public. President Hyser asked for roll call.

#### **ROLL CALL**

Mr. Schroth	YES
Ms. Keyes-Maloney	YES
Mr. Baxter	YES
Ms. Wollert	YES
President Hyser	YES

2. **The Clerk read (Ordinance #13-16) AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, TO AMEND CHAPTER 161 DWELLINGS, UNFIT OF THE CODE OF THE TOWNSHIP OF EWING TO ADD A NEW SECTION ESTABLISHING PROVISIONS GOVERNING THE MAINTENANCE OF VACANT AND ABANDONED PROPERTIES AND LEVYING A REGISTRATION FEE ON OWNERS OF VACANT AND ABANDONED PROPERTIES**

**Mr. Baxter then moved the Ordinance, seconded by Ms. Wollert.**

**President Hyser stated there was a lengthy discussion last night. Council requested tweaks to the language which the Attorney has provided.**

**Ms. Cannon stated the ordinance was requested by Administration and the Construction Office to deal with vacant properties in the Township. There are many such ordinances throughout the state as a result of the foreclosure crisis. It is a means of allowing the construction office to track and to monitor these vacant properties. Ms. Cannon mentioned that she tweaked the definition of “vacant” in response to questions from Council. The ordinance is an attempt to balance truly vacant properties with those where the owner is just in Florida for the winter, is marketing the home, or is convalescing somewhere. The intent of the ordinance is to deal mainly with vacant properties held by banks or holding companies; are not occupied and fall into disrepair. It is a burden on the neighborhood and usually come to our attention via complaints by neighbors. The ordinance requires these property owners to register, consent to exterior inspections, provide a 24/7 contact person, post contact information on their property, secure property against unauthorized entry, provide for the maintenance of the lawn and exterior, stop delivery of mail and circulars, shut off electricity and water. There is a registration fee. The fee schedule is: \$250 for the first year, \$500 the second year, \$1,000 per year up to five years and thereafter \$5,000 per year. It is an attempt to incent these banks to move these properties and not just to let them sit. There are penalties for failure to register and failure to comply with the act. Nothing in this ordinance interferes with other ordinances regarding maintenance of properties in the Township. Council did not have any questions or comments regarding the revised definition of “vacant” provided by the Attorney.**

**Mildred Russell (119 King Avenue) stated this ordinance does not help with owners who own their house and pay their taxes but do not maintain their property. She referenced the Upland Avenue lot. President Hyser responded that it covers bank and individually owned vacant property. Ms. Russell inquired about vacant lots. President Hyser responded vacant lots are covered. Ms. Russell next asked about a timeframe for implementation. The Administrator responded it goes into effect after the Mayor signs it – the second reading should be April 23. Notices could be sent in May. Ms. Russell then asked who in the Township is responsible if the owners do not comply with the ordinance. The Administrator explained the process the Township would follow. It could be a two-year process if the bank/owner does not do anything with the property as it takes two years for the owners of a tax lien to foreclose. Ms. Russell asked if private citizens could clean up the lot. Mr. McManimon said he would not advise it. Ms. Russell asked if Township sanitation workers could do it. The Administrator replied the Township is not permitted on private property – have to hire a contractor. This is the advice of counsel.**

**Ron Prykanowski (16 Thurston Ave.) asked how is registration going to be enforced - if a bank does not register does it become a lien against the property. The Administrator responded yes. Mr. Prykanowski then asked what happens if a bank sells to a third party. Ms. Cannon responded the property owner is still the bank and the bank is still responsible even if the party they hire is not doing their job. Mr. Prykanowski then reiterated – registration fees would become liens against the property. The Administrator responded yes.**

Councilman Schroth reminded the public the ordinance provided for penalties as well.

There were no further questions from the public. President Hyser asked for roll call.

**ROLL CALL**

Ms. Wollert	YES
Mr. Baxter	YES
Ms. Keyes-Maloney	YES
Mr. Schroth	YES
President Hyser	YES

3. The Clerk read (Ordinance 13-17) **ORDINANCE REAPPROPRIATING \$640,000 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSES IN ORDER TO PROVIDE FOR VARIOUS IMPROVEMENTS AND ACQUISITIONS IN AND FOR THE TOWNSHIP OF EWING, COUNTY OF MERCER, IN THE STATE OF NEW JERSEY AND TO AMEND BOND ORDINANCE #2012-13, FINALLY ADOPTED MAY 29, 2012, IN ORDER TO AMEND THE USEFUL LIVES.**

Ms. Keyes-Maloney moved the Ordinance, seconded by Mr. Baxter. There were no questions from Council or the public. President Hyser asked for a roll call.

**ROLL CALL**

Mr. Baxter	YES
Ms. Keyes-Maloney	YES
Mr. Schroth	YES
Ms. Wollert	YES
President Hyser	YES

**ORDINANCES FOR SECOND READING, PUBLIC HEARING AND FINAL ADOPTION**

1. The Clerk read (Ordinance #13-13) **ORDINANCE OF THE TOWNSHIP OF EWING, IN THE COUNTY OF MERCER, AMENDING THE LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF EWING PERTAINING TO SIGN REGULATIONS**

*“Interpretive Statement”*

*This ordinance will amend Chapter 215, Article II, Section 215-8 of the Township Code, entitled “Definitions”, and to amend Chapter 215, Article II, Section 215-37 entitled “Sign Requirements”, and to amend Chapter 215, Article II, Section 215-35 entitled “Conditional Use Requirements.”*

**WHEREAS**, the Mayor and Council of the Township of Ewing wish to adopt the new definitions for signage; and

**WHEREAS**, the Mayor and Council of the Township of Ewing wish to protect the established character of Ewing Township and prohibit excess and unsightly signage.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Township of Ewing, County of Mercer, State of New Jersey, that the following ordinances shall be amended as follows:

### ***215-8 Definitions***

#### **ADVERTISING STRUCTURE**

Means a structure of any kind or character erected, used, or maintained for outdoor advertising purposes, upon which any poster, bill, printing, painting or other advertisement of any kind whatsoever may be placed, including statuary, for advertising purposes. "Advertising structure" does not include:

- (a) Official notices issued by any court or public body or officer;
- (b) Notices posted by any public officer in performance of a public duty or by any person in giving legal notice;
- (c) Directional, warning or information structures required by or authorized by law or by federal, state or county authority.
- (d) A structure erected near a city or county boundary, which contains the name of such city or county and the names of, or any other information regarding, civic, fraternal or religious organizations located therein.

#### **ANIMATED SIGNAGE**

Means a sign or part of a sign which changes physical position by any movement or rotation but not including rotating panels which are integrated within an outdoor general advertising device

#### **ANCILLARY SIGN**

Means a wall or shingle sign, whose purpose is to supplement the principal identification signage of an office of business use, and which is smaller in area and secondary in location to such principal signage.

#### **AWNING SIGN**

Means any sign or message that is mounted, painted or otherwise attached to an awning or other exterior window or door covering that is permitted by this chapter.

#### **BANNER**

Means a rectangular-shaped fabric sign not permanently attached to a structure; a temporary bracket or device may support the banner.

#### **BILLBOARD**

See "off-premises sign."

#### **CONSTRUCTION SITE**

Means the location of a building or site improvement project for which a building or other development permit has been issued and involving at least 100 square feet of floor area or 200 square feet of site area.

#### **DECORATIVE BANNER**

Means a banner used for decorative purposes only and not intended or used to identify or draw attention to any business, product or service.

#### **DIRECTORY-OF-OCCUPANTS SIGN**

Means a sign or plate listing the tenants or occupants of a building or buildings and which may indicate their respective professions or business activities.

#### **ELECTRIC SIGNAGE / DIGITAL DISPLAY**

Means signage the display messages electronically.

#### ENTRY FACADE

Means a facade which contains or incorporates within its borders the primary public entry. The entry facade area is that portion of the structure corresponding to an individual activity or occupant situated therein and shall be measured horizontally and vertically to the limits of the activity. In case of freestanding circular or multifaceted structures containing one individual activity or occupant, horizontal distance shall be limited to 1/4 of the building perimeter measured along the outside of the foundation wall at grade.

#### FACADE

Means the total wall surface, including door and window area, of a building's principal face.

#### FLASHING SIGN

Means an illuminated sign in which the artificial light is intermittent or is not maintained in a stationary position or constant intensity.

#### FREESTANDING SIGN

Means a self-supporting sign that is not attached to any building, wall or fence, but is in a fixed position and location.

#### FUEL PUMP CANOPY SIGN

Means any sign attached to, painted upon or erected against the facade of a gas station fuel pump canopy structure.

#### GARAGE SALE

Means the occasional sale of unwanted personal and household goods, usually held outdoors and usually at the residence of the sellers.

#### GROUND SIGN / MONUMENT SIGN

Means a sign which generally has its entire bottom in contact with or in close proximity to the ground. Such a sign must be mounted on a base or post and panel consisting of materials such brick, stone, textured coatings or wood. Building Permit required.

#### ILLUMINATED SIGN

A sign lighted by an exterior or interior artificial light source.

#### INTERNALLY ILLUMINATED SIGN

Any sign whose sole source of artificial illumination is contained within the display portion of the sign, including neon-type signs and internally and back-lit signs.

#### INFLATABLE SIGN

Any inflated display used on a permanent or temporary basis to advertise a product or event.

#### INTERIOR SIGN

Means signs located on the interior of a building or property and which are visible from the exterior of said building or property.

#### NEON SIGN

Means any sign made up of illuminated tubing.

#### NONCONFORMING SIGN

Means any sign existing on the effective date of this article, or amendment thereto, which is rendered nonconforming because it does not conform to all the standards and regulations of said article.

#### OFF-PREMISES SIGN

Means a sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

#### PORTABLE SIGN

Means a sign which is designed to be moved from place to place or which is not permanently fixed to the premises.

#### PROJECTING SIGN

Means a sign that is attached to the wall of a building (other than the transom of a doorway or display window) and projecting more than (10) ten inches.

#### PYLON SIGN

Means a sign, also known as a freestanding sign, are signs erected on a pole or pylon independent of any building or other structure.

#### REAL ESTATE SIGN

Means a sign which is used to advertise any real property for sale, lease or rental purpose, and located either on or off the site.

#### RESIDENCE DESIGNATION SIGN

Means a sign or nameplate indicating the name and/or address of the occupants of a residential property.

#### RESTAURANT MENU BOARD

Means portable temporary sign, or chalk blackboard, used to present or describe the current menu or special offering.

#### ROOF SIGN

Means a sign erected above or on the roof of a building, any part of which extends more than six inches above the facade of a building.

#### SEARCHLIGHT DISPLAY

Means any use of lighting intended to attract the general public by the waving or moving of light beams.

#### SHINGLE SIGN

Means a two-sided sign attached to a building or structure and located perpendicular to the facade of said building or structure.

#### SIDEWALK SALE SIGN

Means any temporary freestanding portable sign, often described as a sandwich board or A-frame sign, and located on the sidewalk or sidewalk area adjacent to a public roadway or storefront.

#### SIGN

Means any visual display, flag or banner used to identify or draw attention to any use, building, organization, business, product, individual or service, and placed so that it is visible from any area open to the public.

#### TEMPORARY SIGN

Means any sign or advertising display designed or intended to be displayed for a short period of time and used to draw the attention of the public to any use, building, product, individual or service. For the purposes of this chapter, any temporary freestanding portable sign shall be displayed only during the hours of operation of the use or building to which the advertising applies.

#### TOP HAMPER SIGN

Means a sign attached to the transom of a doorway or display window of a building.

#### VENDING MACHINE SIGN

Means any sign display or other graphic attached to or integrated with a coin-operated machine dispensing food, beverages, reading material or other products.

#### WALL SIGN

Means any sign attached to, painted upon or erected against the wall or facade of a building or structure.

#### WINDOW AND DOOR SIGN

Means a sign maintained in or painted upon a window or door which is clearly visible to the general public from any area open to the public.

***Amend 215-37. Sign requirements.***

A. General provisions. All signs within the Township shall be erected, constructed or maintained in accordance with the provisions of this section. No existing sign shall be enlarged, rebuilt, structurally altered or relocated except in accordance with the provisions of this chapter. The issuance of a permit shall not relieve the owner or lessee of the premises from the duty of maintaining safely any such structures. No sign of any description shall be installed, erected, constructed or maintained in such manner as to obstruct any fire escape or any window or door, nor shall any sign be attached in any manner to a fire escape. Every sign constructed or maintained shall be plainly marked with the name of the person, firm or corporation erecting or maintaining such sign. Signs not expressly permitted are prohibited. **[Amended by Ord. No. 1991-22]**

(1) Purpose - The purpose of this article is to:

- A. Promote safety along streets and highways in the Township by providing adequate, readable signage that coincides with land use objectives with particular focus on pedestrian safety through traffic calming.
- B. Reduce distractions and obstructions from signs which would adversely affect traffic safety and to alleviate hazards caused by signs projecting over or encroaching upon public rights of ways.
- C. Discourage excessive visual clutter and competition in signage while ensuring the signs adequately perform their primary function of orientation and the identification of uses and activities to the public.
- D. Preserve and/or enhance local character and Township visual design objectives by requiring signage which is:
  - (1) Compatible with its particular surroundings;
  - (2) Expressive of the identity of the user and the community; and,
  - (3) Appropriately sized for its context and location.
- E. Develop a fair and workable review and permitting procedure for certain signs by the zoning official.

(2) Grandfathering - Any sign that is permanently affixed to a structure, window sign, and/or site prior to the adoption of the revisions to 215-37 on April 9, 2013, that do not meet the requirements of 215-37. Such signs do not include temporary signs, promotional signs, informational, flags, banners, pennants, signs which have not received approval and may be illegal. No sign is protected upon sale of property, transfer of ownership, and/or change in occupancy in which Chapter 215-37 applies. Variances will be entertained in accordance with the provisions of the Municipal Land Use Law.

B. Traffic safety. No signs shall be erected in the Township that would:

- (1) Obstruct the sight distance at an intersection along a public right-of-way.
- (2) Would tend by its location, color, shape, message or nature to be confused with or obstruct the view of traffic signs or traffic signals by motorists or pedestrians.
- (3) Use admonitions such as "Stop," "Go," "Slow," "Danger," etc., which might be confused with traffic directional signs.
- (4) No sign other than official traffic control devices or street signs shall be erected within, or encroach upon, the right-of-way lines of any street unless specifically authorized by other ordinances or regulations of the Township.
- (5) All signs must be located (10') ten feet outside of the curblineline or edge of pavement and must not block the sidewalk.

C. Fire, safety, light and air. No sign shall be erected or constructed that will violate any of the Township regulations as to health, required light, safety or air, as defined in the Building Code of the Township.

D. Design and Maintenance.

(1) Materials

- (a) Permanent signs must be constructed of durable materials, such as wood, plastic or metal, professionally lettered with applied, incised, painted, printed or molded lettering.

(b) Temporary signs must be constructed of materials sufficiently durable to survive, in good condition, the intended period of display. Such materials may include framed fabrics or laminates in addition to those materials suitable for permanent signs. Temporary signs must be professionally lettered and decorated or created from materials having a professional appearance.

(c) Banners must be constructed of fabric, plastic or laminates sufficiently durable to withstand wind and weather without tearing, fraying or otherwise becoming unsightly in appearance.

(2) Landscaping

(a) Ground signs shall be appropriately landscaped at the base of such signs. Appropriate landscaping is defined as flowers, shrubs, ground cover and landscape techniques used in the following manner:

(1) To enhance the sign design.

(2) To conceal sign supports or light fixtures.

(3) To shield sign illumination from adjacent properties and roadways.

(b) Evergreen plant materials of sufficient size when installed shall be required for all landscaping serving concealment and/or shielding purposes. Plant selection shall be based on screening ability, adequate hardiness and freedom from such problems as winter leaf desiccation and seasonal insect infestation.

(3) Maintenance- Whenever a sign becomes structurally unsafe or endangers the safety of the building or endangers the public safety, the Construction Official shall order that such sign be made safe or removed. Such order shall be complied with within 10 days of the receipt thereof by the person, firm or corporation owning or using the sign, or the owner of the building or premises on which the unsafe sign is affixed or erected. Failure to obey such orders shall be a violation of this chapter.

E. Shielding of signs. Any sign within 100 feet of any residential zoning district which is illuminated shall be shielded in such a manner as to prevent rays of light from being cast on nearby properties or the traveling public.

F. Mechanical contrivances. No sign shall contain flashers, animators or mechanical movements or contrivances of any kind, excepting clock and temperature-stating devices.

G. Illumination. **[Amended by Ord. No. 1991-22]**

(1) Illumination devices, such as, but not limited to, floor or spot lights, shall be so placed and so shielded as to prevent the rays of illumination thereof from being cast into neighboring properties and approaching vehicles. Buildings or structures may not be outlined by tubing or strings of lights for advertising purposes, except that all buildings shall be permitted strings of lights (moving or fixed) displays between November 15 and January 15 of each year.

(2) Illumination of all signs in outdoor areas shall be restricted to indirect panel lighting or small floodlights directed onto the sign. Outdoor illumination of premises shall be by lights which are shielded in such a manner as to eliminate the annoyance of any glare or the creation of a condition hazardous to traffic on the public streets, and the lighting shall not interfere with the comfort or privacy of occupants of other lands in the vicinity.

(3) External ground lighting of signs must not exceed 1/2 foot candle at a distance of two feet from the illumination source.

(4) Light emission from internally illuminated signs shall not exceed one foot candle at a distance of two feet from any sign surface.

(5) Digital Display

(a) Illumination is concentrated on the surface of the sign and is located so as to avoid glare or reflection onto any portion of an adjacent street or highway, the path of oncoming vehicles or any adjacent premises.

(b) Under no circumstances may any type of display contain a message or display that appears to flash, undulate, pulse, move, or portray explosions, fireworks, flashes of light, or blinking lights or otherwise appears to move toward or away from the viewer, expand or contract, bounce, rotate, spin, twist or make other comparable movements.

(c) The display or message on a digital display, of any type, may change no more frequently than once per hour, with a transition period of one second or less.

(d) The display or message must otherwise comply with subsection (g) and the digital display must have installed an ambient light monitor which shall continuously monitor and automatically adjust the brightness level of the display based on ambient light conditions consistent with terms of this Ordinance.

(e) Maximum brightness levels for digital display other than Section 215-35 (9), shall not exceed .2 (two tenths) foot-candles over ambient light levels measured within 150 feet of the sign. Certification must be provided to the Township demonstrating that the sign has been preset to automatically adjust the brightness to these levels or lower. Re-inspection and recalibration shall be annually required by the Township, in its reasonable discretion, at the permittee's expense to ensure that the specified brightness levels are maintained at all times.

H. Signs over pedestrian walks. No portion of any sign shall be located within or suspended over a pedestrian walk, public or private without a ten-foot clearance.

I. Size and Placement.

(1) The area of a permitted sign shall be determined by multiplying the greatest horizontal dimension by the greatest vertical dimension including spaces between open-type letters and figures, including the background structure or other decoration or addition which is an integral part of the sign. Sign supports shall be excluded in determining the area of a sign. Only one side of a double-faced sign structure shall be used in computing total sign area.

(2) Wall signs shall not project more than four inches from the building facade or 12 inches if internally illuminated.

(3) No projecting sign shall extend into a vehicular public way or be less than eight feet above a pedestrian way.

(4) No sign, together with any supporting framework, shall extend to a height above the maximum building height allowed in that zone.

(5) Signs should not cover building architectural details, such as but not limited to arches, sills, moldings, cornices and transom windows.

(6) No wall or window sign shall be located above the first floor level of a multistory structure.

(7) Structures on corner lots may place a maximum of two ancillary wall signs on each wall with road frontage, provided that the allowable exterior signage for that zone is not exceeded.

J. Historical site or monument. No permanent sign shall be permitted within 100 feet of the property line of any historical site or monument.

K. Setback from residential district. When signs are located along the district boundary line of any residential district, they shall be set back not less than 50 feet from such residential district boundary line. **[Amended by Ord. No. 1989-30]**

L. Movable signs. No sign or device in the nature of an advertisement or announcement so constructed as to be movable or which shall be placed on a standard sitting upon the ground shall be placed or permitted to remain on any part of any street, sidewalk, parkway, curb or other public place.

M. Sign removal. Signs advertising a use no longer in existence or a product no longer available shall be removed within 30 days of such occurrence. Any nonconforming sign advertising a specific use shall be removed upon a change of that use, tenant or occupant, and any replacement sign shall comply with all provisions of this chapter. **[Amended by Ord. No. 1991-22]**

N. Administration, filing procedures and permits. **[Amended by Ord. No. 1991-22]**

(1) Administration. The Construction Official shall only issue a permit for the erection or construction of a sign which meets the requirements of this section. Any aggrieved person may appeal the decision of the Construction Official by filing such appeal with the Board of Adjustment on forms provided therefor.

(2) Filing procedures. Application for permits to erect, hang or place a sign shall be submitted on forms obtainable from the Construction Official. Each application shall be accompanied by plans showing the area of the sign; size and character; method of illumination, if any; the exact location proposed for such sign; and, in the case of a projecting sign, the proposed method of fastening such sign to the building structure; the vertical distance between such sign and the finished grade, and the horizontal distance between such sign and the curb and also between such sign and the right-of-way line.

(3) Additional information. Each applicant shall, upon the request of the Construction Official, submit any additional information deemed necessary by the Construction Official.

(4) Administration and Enforcement. If the Zoning Officer shall find that any of these sign regulations are being violated, he/she shall notify in writing the person responsible for such violation indicating the nature of the violation and ordering the action necessary

to correct it within a time period of not less than 24 hours and not more than 30 days. This action may include removal or alteration of illegal signs or discontinuance of any illegal work being done or other action to ensure compliance with these regulations.

(a) Illegal signs erected upon public property may be removed by the Zoning Officer or designee without prior notice. It shall be unlawful to erect, maintain or display a new sign or an addition to an existing sign without first obtaining a permit from the Zoning Officer, based upon an application in writing, except as specifically set forth herein.

(b) Rules for existing signs. All existing signs must comply with all provisions of this article, except as follows:

(i) All signs erected prior to the enactment of this article which are not in conformity with the provisions thereof shall be deemed nonconforming signs and may continue in use, provided that the sign is not allowed to become dilapidated or unsafe and complies with the provisions concerning sign maintenance. Additionally, any such sign shall not be enlarged. On the change of ownership or use, however, the message or lettering on said nonconforming sign may be changed to reflect the new owner or use, provided that to do so shall not increase the nonconformity of the sign or replace the sign itself.

(ii) Notwithstanding the provisions set forth herein above, the following signs shall be removed within 30 days of the effective date of this article and replacement signage shall comply with all provisions of this section:

(a) Signs advertising a discontinued use or project no longer available.

(b) Signs not maintained in a safe, sound and good condition.

(c) Signs that have suffered damage or are in disrepair so that they require reconstruction or extensive repair.

(c) Prior to the display of any temporary sign, a notice must be filed with the Zoning Officer indicating the purpose and location, showing the text, identifying the first and last day of intended display and the cumulative total of temporary sign display days for that business, for the calendar year, as of the end of the requested display period. Copies of the notification form are available from the Township Clerk at no charge.

(d) Fees. Fees shall be as follows:

(i) All signs requiring zoning permits: \$25.

(ii) All signs requiring building permits: pay applicable fee.

(e) Appeals, interpretations and variances. The provisions of this article shall be subject to the jurisdiction of the Planning Board and Zoning Board of Adjustment pursuant to N.J.S.A. 40:55D-60 and 40:55D-70.

O. Prohibited Signs - Unless specifically permitted by the approving authority or this article, the following signs are prohibited:

(1) Signs not accessory to the business or use conducted on the property.

(2) Mechanically moving signs, neon signs, flashing signs and animated signs of any kind and signs containing reflective elements.

(3) A sign that, in the opinion of the Zoning Officer, is of such a design or location that it would interfere with, compete for attention with or might be mistaken for a traffic signal, sign or device. This includes arrow devices and the word "stop".

(4) A sign that is located within the triangular area bounded by the intersection of two edges of pavement and a line connecting points on such edges of pavement and 30 feet distance from their intersection, or is so located that it would obstruct any driveway sight lines.

(5) Banners, spinners, pennants, streamers and other moving objects, and inflatable signs used for advertising purposes, whether containing a message or not.

(6) Search light displays unless authorized by a temporary sign permit as part of a grand opening promotion or special event.

(7) Signs internally lit with noted exception;

(i) Signs may be internally illuminated provided it is limited to the lettering of the message itself.

(ii) Not sign may exceed 2-foot candles

(8) Signs erected within, over, or in the right-of-way of any public street.

(9) Signs using fluorescent-type paint.

- (10) Signs placed in or on vehicles, trailers, or similar contrivances other than those painted-on or affixed to the body of said vehicle, trailer or similar contrivance as part of its typical body structure.
- (11) New freestanding or “pylon” signage.
- (12) Window signage other than those expressly permitted.
- (13) Sandwich board or A-frame signs located in the public ROW.
- (14) Any sign not specifically permitted by this article.

P. Signs permitted in all areas. The following signs **may** be erected, constructed, placed and maintained without a permit from the Construction Official. **[Amended by Ord. No. 1991-22]**

(1) Signs located within the interior of a structure or property which do not attract the attention of the public from a public view including right-of-way and/or an adjoining properties, permitted without restriction.

(2) Real estate sign. Real estate signs advertising the prospective sale or rental of the property on which they are located shall not be illuminated, shall be removed within 15 days of the rental transaction or date of closing of sale, and shall be restricted in size and number as follows:

(a) Residential properties shall not display more than one sign, six square feet in area, except that a corner lot or through lot may display one such sign on each street frontage. Freestanding signs shall not exceed four feet in height.

(b) Nonresidential properties shall not display more than one sign, 16 square feet in area, except that a corner lot or through lot may display one such sign on each street frontage. Notice to the Construction Office must be provided.

(c) Off-site Real estate signs are permitted provided that;

(i) Limited to 1 sign per property unless a corner property whereby two (2) will be permitted.

(ii) Limited to (4) four square feet whether commercial or residential.

(iii) May not be displayed until Noon on Friday and may extend to noon the immediate following Monday (3) Agricultural signs. Any incidental sign advertising the sale of farm products grown or produced on the premises in any zoning district wherein an agricultural use is permitted, provided that such sign shall not exceed 12 square feet in area and shall be at least 100 feet from the nearest intersection of a street, road or highway, and at least five feet from the nearest property line. Such sign shall not be illuminated.

(4) Construction site signs. Any temporary construction site sign erected on the site during the period of construction to announce the name of the project, owner or developer, contractor, architect, landscape architect or engineer. Such signs shall not be illuminated and shall not exceed twelve (12) square feet in area and shall be removed promptly upon completion of the work.

(5) Tradesmen and mechanics. Temporary sign of mechanics, painters and other artisans, provided such sign shall be erected only on the property where such active work is being performed, does not exceed six square feet and shall be removed promptly upon completion of the work ten (10) days after issuance of the CA.

(6) Warning and trespassing signs. Customary warning, trespassing and posted signs, or sign indicating the private nature of a driveway or property, provided the size of the sign does not exceed three square feet.

(7) On-site directional signs. Customary and required directional signs in parking areas and similar situations, provided they do not each exceed four square feet in area. Such signs shall be placed on site and shall not exceed 30 inches in height above grade.

Directional signs shall not contain a commercial message. **[Amended 3-12-2002 by Ord. No. 02-07]**

(8) Advertisement and Informational signs of Public Interest. Political, advertisement or informational signs of a public or semipublic nature.. All signs must be ground signs.

Such signs shall only be used for the following purposes:

(a) The name or location of a town, village, hospital, community center, public or private school, YMCA, YWCA, church, synagogue or other place of worship. Not more than one ground sign of fifteen (15) square feet in size shall be placed on each property, unless such property fronts on more than one street, in which case one such sign may be erected on each street frontage. Temporary signage devoted to special events on-site may be permitted for no more than thirty (30) days.

(b) The name or place of meeting of an official or civic body such as a chamber of

commerce, board of trade, or service club. Not more than one ground sign of fifteen (15) square feet in size shall be placed on each property unless such property fronts on more than one street, in which case one such sign may be erected on each street frontage.

(c) An event of public interest such as elections; church or public meeting; local county and state fair; volunteer fire department fair; special events of service clubs and nonprofit organizations; and other similar community activities and campaigns. Signs shall not exceed eight (8) square feet and must be located (10') ten feet from the curb or edge of the roadway. Such signs shall be removed by the person, organization or property owner within seven (7) days of the date specified for the event.

(9) Private event signs. Limited to (4) four events per year. Special non-sale events, business uses, such as grand openings, may be permitted to display flags and banners and similar attention-getting devices of a temporary nature not otherwise permitted by these regulations, provided such devices are not displayed for longer than 30 days, are not located off-premises, and a permit for same is obtained from the Construction Official.

(10) A single ground sign for public and semipublic facilities, such as schools, churches, hospitals, libraries and public recreational facilities. Such a sign shall not exceed 20 square feet in area or six feet in height.

(11) A single ground sign at one entry location of multifamily residential developments in excess of 50 units. Such sign shall not exceed five feet in height nor 20 square feet in area. Multifamily residential developments in excess of 100 units may have one such sign at each vehicular access point.

(12) Commercial Window Signage - No permit required, unless noted. However the following applies:

(a) A regulated window sign is one that includes any writing (letters, Words, or numerals), is located on or within four (4) feet of the window and is plainly visible from the exterior of the building.

(b) A maximum sign area of 20% of the aggregate window area or 20 square feet whichever is less, per each section of (40) forty linear feet of street frontage, but no more than (2) two fronts, is allowed for each window area inclusive of all sign types unless otherwise noted. Provided that:

(i) Sections of window sign allowances are not permitted to be combined.

(ii) Signs may not be closer than (4) four feet from one another

(iii) Inclusive within the window sign allowance is the following;

1) Permanent Window Signs: The sign(s) may be permanently affixed to the window, such as gold leaf and decal application; or hung, mounted or displayed a minimum of one (1) inch away from the glass within the interior of the building. Additionally;

a) One (1) per forty (40) linear feet of façade frontage then sign may be replicated but not to exceed maximum square foot allowance per sign.

b) All permanent signs are allowed to be indirectly illuminated, with the light source concealed from public view or decorative fixture.

c) Limited to the name and logo of the establishment, or items associated with the operation of the business and/or goods for sale.

d) Window signs are permitted on second story and above provided that such space is occupied by different tenant/business than the ground floor tenant.

(d) Informational Signs - No permit required, unless noted, however the following applies:

(i) For posting of days and hours of operation, building or tenant address, phone numbers, accepted credit cards:

(iii) Must be located on, or adjacent to, the entrance door.

(e) Open/Closed Sign: a maximum of two (2) square feet is allowed, and may be illuminated, including exposed neon and led, but non-flashing.

(f) Temporary Window Signs - Includes: Promotional/Sales Signs; Community Event Posters; Help Wanted/Now Hiring Signs; Real Estate/Rent/Leasing Signs; Political Election Signs; Holiday Signs (patriotic or religious).

- (i) Signs are allowed to be displayed for a maximum of thirty (30) days (exception: Rent/Leasing Sign).
  - (ii) In the lower right corner of the sign, the date of first day of display MUST be shown.
  - (iii) Temporary signs may not be illuminated.
  - (iv) Signs should not be taped to the glass and should not be placed crossing over window mullions and should be tastefully arranged and organized.
  - (v) Signs shall not be placed to block out the window area.
  - (vi) Temporary signs are limited to a total of (6) six additional square feet.
- (13) Signs are permitted on awnings, valances, canopies and/or any other similar structure. Additionally, vertical and horizontal projecting signs and top hamper signs are permitted. However, such signs are calculated toward the façade sign based upon lettering blocked by a rectangle around the lettering and/or logo aggregated together.
- (14) Sandwich and A-frame signs are permitted provided that;
- (a) They are professionally constructed;
  - (b) Are located on private property, do not block any portion of a designated pedestrian passageway, are not located in a parking area;
  - (c) Limited to daily specials and special sales;
  - (d) Are limited to (1) per business.

Q. Signs which require permits. Except for those signs listed in §**215-37P** and for those signs permitted in residential districts, no sign shall be erected, constructed, placed or structurally altered without a permit from the Construction Official. [**Amended by Ord. No. 1989-30; Ord. No. 1991-22**]

- (1) Signs in residential districts. Only the following types of signs shall be permitted in residential districts:
- (a) Signs specified in § **215-37P**.
  - (b) Nameplate and identification sign. A sign indicating the name or address of the occupant or home occupation may be permitted, provided that the sign shall be no larger than two square feet and affixed to the structure.
  - (c) Number of signs. Unless otherwise specified herein, not more than one such sign shall be placed on any property unless that property fronts on more than one street, in which event not more than one sign may be erected on each street frontage.
- (2) Signs in B-N Districts.
- (a) Signs specified in § **215-37P**.
  - (b) Signs specified in residential districts.
  - (c) Number of signs. Unless otherwise specified herein, not more than one facade sign shall be permitted for each commercial use on any property unless the property fronts on more than one street, in which event not more than one facade sign may be erected for each commercial use on each street frontage.
  - (d) Facade signs. A facade sign is one which is located on or attached to the principal facade of said use on each street frontage. Such sign shall not project more than one foot beyond the building and shall not exceed an area equal to either 15% of the front wall area, including window and door areas, or 40 square feet, whichever is smaller. Such sign shall not be closer than 10 feet from the ground level of said sign and further shall not have a vertical dimension in excess of three feet.
  - (e) Ground Sign - A ground sign of the same area and lighting, but not exceeding five feet in height, may be permitted. The area of such sign shall not exceed (twenty (20) square feet and may only be illuminated by shielded external lighting..
  - (f) Window Signage
- (3) Signs in B-H Districts.
- (a) Signs specified in § **215-37P**.
  - (b) Signs specified in residential districts.
  - (c) Number of signs. Unless otherwise specified herein, not more than one facade sign shall be permitted for each commercial use on any property unless the property fronts on more than one street, in which event not more than one facade sign may be erected for each commercial use on each street frontage.
  - (d) Facade signs. A facade sign is one which is located on or attached to the

principal facade of the use on each street frontage. Such sign shall not project more than two feet beyond the building and shall not exceed an area equal to either 20% of the front wall area, including window and door areas, or 100 square feet, whichever is smaller. Such sign shall not be closer than 10 feet from the ground level of said sign and further shall not have a vertical dimension in excess of five feet.

(e) Ground Sign - A ground sign of the same area and lighting, but not exceeding six feet in height, may be permitted. The area of such sign shall not exceed thirty-two (32) square feet and may only be illuminated by shielded external lighting..

(4) Signs in PRO Districts:

(a) Signs specified in § **215-37P**.

(b) Number of signs. Unless otherwise specified herein, not more than one facade sign shall be permitted for each commercial use on any property unless the property fronts on more than one street, in which event not more than one facade sign may be erected for each commercial use on each street frontage.

(c) Wall mounted directory-of-occupants signs not exceeding five square feet in area are permitted for multiunit buildings and properties.

(d) Facade signs. A facade sign is one which is located on or attached to the principal facade of the use on each street frontage. Such sign shall not project more than six inches beyond the building and shall not exceed an area equal to either 10% of the front wall area, including window and door areas, or 30 square feet, whichever is smaller. Such sign shall not be closer than 10 feet from the ground level of the sign and further shall not have a vertical dimension in excess of two feet.

(e) Ground signs. Such sign shall not exceed a height of five feet measured from the ground level to the top of the structure. The area of such sign shall not exceed 32 square feet and may only be illuminated by shielded external lighting.

(5) Signs in OP Districts.

(a) Signs specified in § **215-37P**.

(b) Wall mounted directory-of-occupants signs not exceeding five square feet in area are permitted for multiunit buildings and properties.

(c) One architecturally harmonious ground sign for each street frontage, not to exceed 32 square feet, situated no closer to a public right-of-way than 25 feet, may be installed for each development. Each ground sign may be illuminated by shielded external lighting.

(6) Signs in IP-1, IP-2, IP-3 Districts.

(a) Signs specified in § **215-37P**.

(b) Signs specified in residential districts.

(c) Wall mounted directory-of-occupants signs not exceeding five square feet in area are permitted for multiunit buildings and properties.

(d) Number of signs. Unless otherwise specified herein, not more than one facade sign shall be permitted for each commercial use on any property unless the property fronts on more than one street, in which event not more than one facade sign may be erected for each commercial use on each street frontage.

(e) Facade signs. A facade sign is one which is located on or attached to the principal facade of said use on each street frontage. Such sign shall not exceed an area equal to either 10% of the front wall area, including window and door areas, or 40 square feet, whichever is smaller. Such sign shall not be closer than 10 feet from the ground level of said sign and further shall not have a vertical dimension in excess of three feet.

(f) Ground signs. Such sign shall not exceed a height of five feet measured from the ground level to the top of the structure. The area of such sign shall not exceed 32 square feet and may only be illuminated by shielded external lighting.

(7) Signs in C Districts.

(a) Signs specified in § **215-37P**.

(b) Signs specified in residential districts.

(c) Signs specified in OP Districts.

Add (9) Billboards Advertisements

- (a) Industrial Park 1 Zone (IP1)
  - (b) Must be located along Interstate 95
  - (c) Must meet provisions of the Outdoor Advertising regulations published at [N.J.A.C. 16:41C](#).
  - (d) Must be no less than 1,000' from any Advertisement Structure measured along the edge of pavement between points directly opposite the edge of the sign face nearest the pavement edge and shall apply only to billboards on the same side of the ROW
  - (e) Sign face may not exceed 675 square feet.
  - (f) No new billboard may be taller than 45' tall measured from average elevation of the adjacent roadway 500' upon approach of the front side of the advertisement structure.
  - (g) No billboard may present illicit or publicly offense language or displays
  - (h) Existing billboards may be permitted to switch over to digital display provided it is not contradictory to other provisions within 215-37 and that they stay within the existing area of the sign. Provided that;
    - i. Located along Interstate 95
    - ii. Illumination is concentrated on the surface of the billboard and is located so as to avoid glare or reflection onto any portion of an adjacent street or highway, the path of oncoming vehicles or any adjacent premises.
    - iii. Under no circumstances may any type of billboard contain a message or display that appears to flash, undulate, pulse, move, or portray explosions, fireworks, flashes of light, or blinking lights or otherwise appears to move toward or away from the viewer, expand or contract, bounce, rotate, spin, twist or make other comparable movements.
    - iv. The display or message on a digital billboard, of any type, may change no more frequently than once every eight seconds, with a transition period of one second or less.
    - v. The display or message must otherwise comply with subsection (g) and the digital billboard must have installed an ambient light monitor which shall continuously monitor and automatically adjust the brightness level of the display based on ambient light conditions consistent with terms of this Ordinance.
    - vi. Maximum brightness levels for digital billboards shall not exceed .3 (three tenths) foot-candles over ambient light levels measured within 250 feet of the sign. Certification must be provided to the Township demonstrating that the sign has been preset to automatically adjust the brightness to these levels or lower. Re-inspection and recalibration shall be annually required by the Township, in its reasonable discretion, at the permittee's expense to ensure that the specified brightness levels are maintained at all times. Billboards not located along Interstate 95 shall adhere to 215-37 G (5)(e).
1. The aforementioned recitals are incorporated herein as though fully set forth at length herein.
  2. If any part of this Ordinance shall be deemed invalid, such part shall be severed and the invalidity thereby shall not affect the remaining parts of this Ordinance.
  3. This ordinance shall take effect as provided by law.
  4. This Ordinance shall become effective after final adoption as prescribed by law.
  5. All ordinances or sections thereof in conflict with this ordinance are hereby repealed.

**Mr. Baxter made a motion to open the public hearing, seconded by Ms. Wollert. It was agreed by a unanimous voice vote. There were no questions from the public. Ms. Keyes-Maloney made a motion to close the public hearing, seconded by Mr. Baxter. It was agreed by a unanimous voice vote.**

**President Hyser thanked the Administration, the Township Planner, and the Chairs of both the Zoning and Planning Board for the time spent working on this and**

getting input from the other boards. She appreciated how comprehensive, and less ambiguous this ordinance is and how it brings us to current times regarding the new types of signage.

There were no further questions from Council. Ms. Keyes-Maloney moved the Ordinance, seconded by Ms. Wollert. President Hyser called for a roll call.

**ROLL CALL**

Ms. Wollert	YES
Ms. Keyes-Maloney	YES
Mr. Baxter	YES
Mr. Schroth	YES
President Hyser	YES

2. The Clerk read (Ordinance #13-14) **AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER, TO AMEND CHAPTER 151 DEEDS, PLOTTING OF, §151-1. PRESENTATION OF DEED OR TITLE; FEE AND CHAPTER 172. FEES, § 172-13 TO ELIMINATE THE REQUIREMENT THAT DEEDS BE PRESENTED TO THE TOWNSHIP ENGINEER AND REQUIRE THAT A SURVEY OF THE PROPERTY CONVEYED BE PRESENTED TO THE TAX ASSESSOR AND TO REMOVE THE DEED PLOTTING FEE FROM THE FEE SCHEDULE**

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Ewing, as follows:

§ 151-1. Presentation of survey of property deed ~~or title; fee.~~

Within 30 days of becoming the owner(s) of any lot(s) within the Township, the owner(s) shall present the survey of the property conveyed ~~deed or other evidence of title for each such lot~~ to the Township Tax Assessor ~~Engineer~~, so that the transfer and ownership of such lot may be duly recorded in for the official records of the Township. ~~The fee for the plotting and recording by the Township are as set forth in Chapter 172, Fees.~~

§ 172-13. Government records and documents.

A. Copy of rules and regulations: \$5.

B. Maps.

(1) Taxi Zone Map: \$1.

(2) Election Map: \$5.

(3) Street Map: \$5.

(4) Zoning Map: \$5.

C. Municipal and other government records; copies: \$0.05 per page. At the end of two years from the date of adoption of this section, the fee for copies of municipal and other government records shall revert back to the following; up to 10 pages: \$0.75 per page, 11 to 20 pages: \$0.50 per page, and over 20 pages: \$0.25 per page, unless the Township Council readopts the fee provisions of this section.

[Amended 2-9-2005 by Ord. No. 05-09; 12-19-2006 by Ord. No. 06-38]

D. Municipal records, certification of (including Municipal Court): \$3.

E. Code of Township: \$60.

F. Duplication of audiotapes: \$5 per tape.

~~G. Plotting deed or other instrument of conveyance: \$20.~~

### STATEMENT

This Ordinance amends the Revised General Municipal Ordinances of the Township of Ewing to amend Chapter 151 Deeds, Plotting of § 151-1 Presentation of deed or title, fee and Chapter 172 Fees, §172-13 to eliminate the requirement that deeds be presented to the Township Engineer and require that a survey of the property conveyed be presented to the Tax Assessor and to remove the deed plotting fee from the fee schedule.

**Mr. Schroth made a motion to open the public hearing, seconded by Mr. Baxter. It was agreed by unanimous voice vote. There were no questions or comments from the public. Ms. Wollert made a motion to close the public hearing, seconded by Mr. Baxter. It was agreed by unanimous voice vote. There were no questions from Council. Ms. Wollert then moved the Ordinance, seconded by Mr. Baxter. President Hyser called for a roll call.**

### **ROLL CALL**

<b>Mr. Baxter</b>	<b>YES</b>
<b>Ms. Wollert</b>	<b>YES</b>
<b>Ms. Keyes-Maloney</b>	<b>YES</b>
<b>Mr. Schroth</b>	<b>YES</b>
<b>President Hyser</b>	<b>YES</b>

### NEW BUSINESS

- 1. The Clerk read (Resolution #13R-71) A RESOLUTION APPOINTING SUSAN BATE AS REGISTRAR OF VITAL STATISTICS**

**Ms. Keyes-Maloney then moved the Resolution, seconded by Mr. Schroth. There were no questions from Council or the public. President Hyser asked for a roll call.**

### **ROLL CALL**

<b>Mr. Schroth</b>	<b>YES</b>
<b>Ms. Keyes-Maloney</b>	<b>YES</b>
<b>Mr. Baxter</b>	<b>YES</b>
<b>Ms. Wollert</b>	<b>YES</b>
<b>President Hyser</b>	<b>YES</b>

- 2. The Clerk read (Resolution #13R-72) A RESOLUTION OF EMERGENCY TEMPORARY APPROPRIATION**

**Mr. Baxter then moved the Resolution, seconded by Mr. Schroth. There were no questions from Council or the public. President Hyser asked for a roll call.**

### **ROLL CALL**

Mr. Schroth	YES
Mr. Baxter	YES
Ms. Keyes-Maloney	YES
Ms. Wollert	YES
President Hyser	YES

3. The Clerk read (Resolution #13-73) A RESOLUTION AUTHORIZING EXECUTION OF A PUBLIC DONOR AGREEMENT WITH THE CYO OF MERCER COUNTY

Mr. Baxter moved the Resolution, seconded by Ms. Wollert.

President Hyser brought up the question from last night regarding the number of kids from Ewing Township enrolled in the program. The Administrator responded that he spoke with Mr. Mladenetz, the Executive Director of the CYO. 70 % of the kids are from Ewing Township. During the summer, when the Head Start program closes and the CYO takes those kids, 70-72% of the kids are from Ewing. The donor agreement matches – it is a wash. President Hyser asked what is the actual count of Ewing children. The Administrator responded – 51, and the rest come from the surrounding communities. President Hyser then asked if all meet an income requirement. Mr. McManimon answered yes. There were no further questions from Council. There were no questions from the public. President Hyser asked for a roll call.

ROLL CALL	Ms. Wollert	YES
	Mr. Baxter	YES
	Ms. Keyes-Maloney	YES
	Mr. Schroth	YES
	President Hyser	YES

4. The Clerk read (Resolution #13-74) A RESOLUTION AUTHORIZING THE DISPOSAL OF RADIO EQUIPMENT NOT NEEDED FOR PUBLIC PURPOSES

Ms. Keyes-Maloney then moved the Resolution, seconded by Mr. Schroth. There were no questions from Council or the public. President Hyser called for a roll call.

ROLL CALL	Mr. Schroth	YES
	Ms. Keyes-Maloney	YES
	Mr. Baxter	YES
	Ms. Wollert	YES
	President Hyser	YES

5. The Clerk read (Resolution #13-75) A RESOLUTION AUTHORIZING THEAWARD OF A NON-FAIR AND OPEN CONTRACT TO PENNONI ASSOCIATES INC. TO SERVE AS TOWNSHIP LICENSED SITE REMEDIATION PROFESSIONAL

Ms. Wollert then moved the Resolution, seconded by Mr. Baxter. There were no questions from Council.

Violet Patterson (3 Oregon Court) wanted to know what is a remediation professional. Attorney Cannon responded that a remediation professional is the

DEP's appointed professional that provide oversight of our monitoring of wells on two sites. There were no additional questions from the public. President Hyser asked for a roll call.

**ROLL CALL**

Mr. Baxter	YES
Ms. Wollert	YES
Ms. Keyes-Maloney	YES
Mr. Schroth	YES
President Hyser	YES

6. The Clerk read (**Resolution #13-76**) A RESOLUTION REJECTING ALL BIDS FOR SIX LAW ENFORCEMENT, FULL SIZE MOTOR VEHICLES, MARKED

Mr. Baxter then moved the Resolution, seconded by Ms. Keyes-Maloney. There were no questions from Council or the public. President Hyser asked for a roll call.

**ROLL CALL**

Ms. Keyes-Maloney	YES
Mr. Baxter	YES
Mr. Schroth	YES
Ms. Wollert	YES
President Hyser	YES

7. The Clerk read (**Resolution #13-77**) A RESOLUTION SUPPORTING PSE&G'S ENERGY STRONG PROGRAM

Ms. Wollert then moved the Resolution, seconded by Mr. Schroth. There were no questions from Council or the public. President Hyser called for a roll call.

**ROLL CALL**

Mr. Schroth	YES
Ms. Wollert	YES
Mr. Baxter	YES
Ms. Keyes-Maloney	YES
President Hyser	YES

**ADJOURNMENT**

There being no further business President Hyser called for a motion to adjourn. Ms. Wollert so moved, but then withdrew her motion as Mr. Baxter wished to speak. Mr. Baxter thanked Council for excusing him from the last meeting. He then thanked the public, the Council and the Mayor for kindnesses shown on the death of his father. There being no further business President Hyser called for a motion to adjourn. Mr. Baxter so moved, seconded by Ms. Wollert. The meeting was adjourned at 7:46 p.m.

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Hilary Hyser, President

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Kim Macellaro, Municipal Clerk