

AGENDA
COUNCIL REORGANIZATION MEETING
315 WESTFIELD AVE., CLARK, NJ 07066
JANUARY 3, 2012 - 7:00 PM

Township Clerk, Edith L. Merkel acting as Council President Pro Tem opens the Reorganization meeting

ROLL CALL:

Councilwoman Albanese _____	Councilman Mazarella _____
Councilman Barr _____	Councilman O'Connor _____
Councilman Kazanowski _____	Councilman Toal _____
	Councilwoman Whiting _____

PLEASE STAND FOR THE PLEDGE OF ALLEGIANCE TO THE FLAG

Color Guard: Clark Cub Scout Pack 145 directed by Cub Master Scott McCabe

INVOCATION: Father Zbigniew Kukielka from Saint John the Apostle Church

OPEN PUBLIC MEETING STATEMENT:

This meeting is in compliance with the Open Public Meetings Act as adequate notice of this meeting has been provided by mailing the Annual Schedule of meetings to the Star Ledger, Union County Local Source, and NJTODAY.NET, by posting such Annual Meeting Schedule on the bulletin board in Town Hall reserved for such announcements and the filing of said Notice with the Township Clerk of Clark. Formal action may be taken at this meeting.

First Order of Business - Election of Council President

Election of the Council Vice-President

Suspend the Regular Order of Business

Installation of New Police Officers: Miguel J. Acabou, Brian C. Pereira, Joshua Disano and Omer Olmeda

Promotions to Detective: Police Officers George Marmarou and Antonio Manata

Appointment to the position of Public Safety Telecommunicator Trainee: Michael P. Pollock

Resume the Regular Order of Business

Mayor's Appointments (Confirmation of Council by Resolution required)

1. **Library Board of Trustees**

Natalie Belverio	Regular Member	1/3/12 – 12/31/16
Joan Szymonifka	Regular Member	1/3/12 – 12/31/16
Councilwoman Angel Albanese	Mayor's Alternate	1/3/12 – 12/31/12

Mayor's Appointments (Without confirmation of Council)

Emergency Management Coordinator: Jerry Fewkes 1/3/12 – 12/31/14

Local Emergency Planning Committee:

Michael Nenortas	Deputy EM Coordinator
Alan Scherb	Police Captain, Officer-In-Charge
Sal Bonaccorso	Mayor/Public Information Officer
John Laezza	Business Administrator
Thomas McDonald	Fire Chief
Laurie Sheldon	Emerg. Med. Coordinator (Emerg. Squad)
Michael Hajkowski	Emerg. Squad Captain
Sheila Whiting	Council Liaison
John DeSimone	Director Public Safety
Nancy Raymond	Health Officer
Joseph Bonaccorso	Director Public Works
Richard O'Connor	Township Engineer
Joseph Triarsi	Township Attorney
Dr. A. Kowalenko/Dr. T. Kowalenko	Township Doctors
Richard Hedinger	Communications Officer
Carol Lukac	News Media Officer
Phyllis Cupo	Director Senior Citizens
Kenneth Knops	Superintendent, Clark Public Schools
Robert Sarnecki	Dir. of Security, Clark Public Schools
Kurien Chaluparampil	L'Oreal USA
Dr. B. Orange (Veterinarian)	Lexington Animal Hospital
Scott McCabe	Clark Public Works/Fire Dept.
Tim Wierzbinski	Clark Fire Dept.
Chris Matthews	Clark Fire Dept.

Union County Community Development Revenue Sharing Committee (Public Improvements)

Councilwoman Angel Albanese	Regular Member	1 year term	1/3/12 – 12/31/12
Councilwoman Sheila Whiting	Alternate	1 year term	1/3/12 – 12/31/12

Union County Utilities Authority Solid Waste Advisory Board

Councilman Brian Toal	1 year term	1/3/12 – 12/31/12
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Traffic Advisory Board 1 year term 1/3/12 – 12/31/12

Captain Scherb
Mayor Bonaccorso
Business Administrator, John Laezza
Township Engineer, Richard O'Connor
Councilman Alvin Barr, Chairman, Public Safety Committee
Councilwoman Sheila Whiting
Traffic Bureau Sergeant
Superintendent Clark Public Schools

Planning Board

Michael Kurzawski	Class IV Member	4 year term	1/3/12 – 12/31/15
Mayor Sal Bonaccorso	Class I Member	1 year term	1/3/12 – 12/31/12
John Laezza	Class II Member	1 year term	1/3/12 – 12/31/12

Environmental Commission

Judy Brougham	Regular Member	3 year term	1/3/12 – 12/31/14
Joseph Seebode	Regular Member	3 year term	1/3/12 – 12/31/14
William Hoepfel	Regular Member	3 year term	1/3/12 – 12/31/14

CITIZEN HEARING ON THE AGENDA:

Each person addressing the Council shall first give his/her name and address to the Clerk. All remarks shall be addressed to the Council as a body and shall not exceed 10 minutes in duration.

Council's Appointments (Resolutions)

2.	Registrar of Vital Statistics	Nancy Raymond	3 year term	1/3/12 – 12/31/14
	Deputy Registrar	Laura Caliguire	3 year term	1/3/12 – 12/31/14
	Alternate	Theresa Mazzarella	3 year term	1/3/12 – 12/31/14
	Alternate	Patricia Korley	3 year term	1/3/12 – 12/31/14
3.	<u>Insurance Fund Commissioners (JIF)</u>			
	John Laezza	Commissioner	1 year term	1/3/12 – 12/31/12
	Councilman Alvin Barr	Alternate	1 year term	1/3/12 – 12/31/12
4.	<u>Union County Community Development Revenue Sharing Committee</u>			Social Services
	Councilman Brian Toal	Regular Member	1 year term	1/3/12 – 12/31/12
	Councilman Alvin Barr	Alternate	1 year term	1/3/12 – 12/31/12
5.	<u>Planning Board</u>			
	Councilman Frank Mazzarella	Class III Member	1 year term	1/3/12 – 12/31/12
	Tim Nugent	Alternate I Member	2 year term	1/3/12 – 12/31/13
6.	<u>Zoning Board of Adjustment</u>			
	Ed Ruth	Alternate I	2 year term	1/3/12 – 12/31/13
7.	<u>Environmental Commission</u>			
	Ellen Tiller Mulligan	Alternate I Member	2 year term	1/3/12 – 12/31/13
8.	<u>Municipal Pool Utility - Council Liaisons</u>			
	Councilwoman Sheila Whiting, Chairwoman		1 year term	1/3/12 – 12/31/12
	Councilman Brian Toal, Vice Chairman		1 year term	1/3/12 – 12/31/12
9.	<u>Pool Advisory Board</u>			
	Toni Bilella	Regular Member	1 year term	1/3/12 – 12/31/12
	Christine Thornton	Regular Member	1 year term	1/3/12 – 12/31/12
	Phyllis Cupo	Regular Member	2 year term	1/3/12 – 12/31/13
	Maria Rose Breien	Regular Member	2 year term	1/3/12 – 12/31/13
	Karen DeMarco	Regular Member	3 year term	1/3/12 – 12/31/14
	Kathy Prestinari	Alternate I Member	2 year term	1/3/12 – 12/31/13

INTRODUCTION OF PROPOSED ORDINANCES:

10. AN ORDINANCE ADOPTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE TOWNSHIP OF CLARK, COUNTY OF UNION, STATE OF NEW JERSEY; PROVIDING FOR THE MAINTENANCE OF SAID CODE; REPEALING AND SAVING FROM REPEAL CERTAIN ORDINANCES NOT INCLUDED THEREIN; ESTABLISHING A PENALTY FOR ALTERING OR TAMPERING WITH THE CODE; AND MAKING CERTAIN CHANGES IN PREVIOUSLY ADOPTED ORDINANCES

11. CAPITAL ORDINANCE OF THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, NEW JERSEY AUTHORIZING THE ACQUISITION OF A 16 AMBULATORY/2 WHEELCHAIR MINI-BUS AND ANY ANCILLARY COSTS RELATED THERETO AND APPROPRIATING THE SUM OF \$75,000 AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM CAPITAL SURPLUS OF THE TOWNSHIP OF CLARK

Public Hearing January 17th

CONSENT AGENDA RESOLUTIONS:

12. Entering into a Cash Management Plan for the Township for 2012
13. Adopting the Temporary Municipal Budget
14. Adopting the Temporary Sewer Utility Budget
15. Adopting the Temporary Swim Pool Utility Budget
16. Authorizing Petty Cash Funds for Business Administrator, Police Officer-In-Charge and Pool Director
17. Establishing the rate of interest to be charged on delinquent taxes
18. Authorizing funds of the Township and checks drawn upon the payroll and agency accounts be subject to withdrawal by any two of the following: Mayor, Business Administrator, Chief Financial Officer
19. Designating the Union County LocalSource, NJTODAY.NET and Star Ledger as the official Newspapers for the Township
20. Authorizing the Administration and/or Township Clerk to advertise for upcoming Bids for all necessary government operations including capital projects and swim pool requirements for the year 2012
21. Designating Business Administrator John Laezza as the Public Agency Compliance Officer (P.A.C.O.)
22. Establishing and approving professional fees or charges assessed for Municipal Land Use in connection with Township Boards' review of application for development, preparation of documents and inspection of developments and improvements under construction
23. Authorizing the Township to purchase materials, supplies and equipment under State Contract

COUNCIL PRESIDENT ANNOUNCES THE COUNCIL COMMITTEES FOR 2012

FINANCE COMMITTEE

Patrick O'Connor, Chairman
Angel Albanese
Frank Mazzarella

LEGISLATIVE COMMITTEE

Patrick O'Connor, Chairman
Frank Mazzarella
Brian Toal

PARKS & RECREATION

Sheila Whiting, Chairwoman
Patrick O'Connor
Angel Albanese

PUBLIC WORKS

Frank Mazzarella, Chairman
Richard Kazanowski
Brian Toal

PUBLIC SAFETY

Alvin Barr, Chairman
Richard Kazanowski
Frank Mazzarella

COUNCIL LIAISON

Board of Education
Angel Albanese

Emergency Squad
Patrick O'Connor

Recreation
Sheila Whiting

Fire Department
Alvin Barr

Police Department
Frank Mazzarella

Emergency Management
Sheila Whiting

Senior Citizens
Alvin Barr

Public Works
Frank Mazzarella

Public Library
Angel Albanese

Environmental Commission
Brian Toal

PUBLIC COMMENTS

Each person addressing the Council shall first give his/her name and address to the Clerk. All remarks shall be addressed to the Council as a body and shall not exceed 10 minutes in duration.

MAYOR'S STATE OF THE TOWNSHIP ADDRESS

COUNCIL AND PROFESSIONAL REMARKS

BENEDICTION: Father Zbigniew Kukielka from Saint John the Apostle Church

ADJOURNMENT

/

TOWNSHIP OF CLARK
Resolution _____
January 3, 2012

Motion _____ Second _____

WHEREAS Mayor Sal Bonaccorso has appointed the following individuals as Members of the Library Board of Trustees.

Natalie Belverio	01/3/12 – 12/31/16
Joan Szymonifka	01/3/12 – 12/31/16
Angel Albanese (Mayor's Alternate)	01/3/12 – 12/31/12

WHEREAS these appointments require the advice and consent of the Council.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey that it hereby confirms the appointments of Natalie Belverio, Joan Szymonifka, and Angel Albanese as Members of the Library Board of Trustees whose terms commence this 3rd day of January 2012.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

SHEILA WHITING
Council President

Res12/ApptLibraryBdofTrustees

	Aye	Nay	Abstain	Absent
Albanese	_____	_____	_____	_____
Barr	_____	_____	_____	_____
Kazanowski	_____	_____	_____	_____
Mazzarella	_____	_____	_____	_____
O'Connor	_____	_____	_____	_____
Toal	_____	_____	_____	_____
Whiting	_____	_____	_____	_____

TOWNSHIP OF CLARK
Resolution _____
January 3, 2012

2

Motion _____ Second _____

BE IT RESOLVED by the Governing Body of the Township of Clark that it does hereby re-appoint Nancy Raymond as Registrar of Vital Statistics along with Laura Caliguire as Deputy; Theresa Mazzarella and Patricia Korley as Alternates for the Township effective this 3rd day of January 2012 for a term of three (3) years, pursuant and subject to the provisions of N.J.S.A. 26:8-11 et seq.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

SHEILA WHITING
Council President

Res12/1-3Registrar	Aye	Nay	Abstain	Absent
Albanese	_____	_____	_____	_____
Barr	_____	_____	_____	_____
Kazanowski	_____	_____	_____	_____
Mazzarella	_____	_____	_____	_____
O'Connor	_____	_____	_____	_____
Toal	_____	_____	_____	_____
Whiting	_____	_____	_____	_____

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TOWNSHIP OF CLARK

Resolution _____

January 3, 2012

Motion _____ Second _____

WHEREAS the Township of Clark is a member of the Municipal Excess Liability Joint Insurance Fund and the New Jersey Municipal Self Insurers Joint Insurance Fund requires the appointment of Fund Commissioners to represent the Township.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey that the following appointments are hereby effective January 3, 2012 and concluding December 31, 2012.

FUND COMMISSIONER

John Laezza

ALTERNATE

Councilman Alvin Barr

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

SHEILA WHITING
Council President

Res12/ ApptsInsFundCommJIF

	Aye	Nay	Abstain	Absent
Albanese	_____	_____	_____	_____
Barr	_____	_____	_____	_____
Kazanowski	_____	_____	_____	_____
Mazzarella	_____	_____	_____	_____
O'Connor	_____	_____	_____	_____
Toal	_____	_____	_____	_____
Whiting	_____	_____	_____	_____

4

TOWNSHIP OF CLARK

Resolution _____

January 3, 2012

Motion _____ Second _____

BE IT RESOLVED by the Governing Body of the Township of Clark that the following individuals are hereby appointed to the Union County Community Development Revenue Sharing Committee effective January 3, 2012

Regular Member (Social Services)

Term

Councilman Brian Toal
116 Dorset Drive
Clark, New Jersey 07066

01/03/12 – 12/31/12

Alternate Member

Councilman Alvin Barr
42 Malvern Drive
Clark, New Jersey 07066

01/03/12 – 12/31/12

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

SHEILA WHITING
Council President

Res12/UCCommDevelopRevSharingComm

Aye Nay Abstain Absent

Albanese	_____
Barr	_____
Kazanowski	_____
Mazzarella	_____
O'Connor	_____
Toal	_____
Whiting	_____

5

TOWNSHIP OF CLARK
Resolution _____
January 3, 2012

Motion _____ Second _____

BE IT RESOLVED by the Governing Body of the Township of Clark that the following individuals are hereby re-appointed to the Planning Board effective January 3, 2012.

CLASS III MEMBER

Councilman Frank Mazarella 01/03/12 – 12/31/12
(Council's Representative to Board)

ALTERNATE I (2 year term)

Tim Nugent 01/03/12 – 12/31/13
16 Tudor Drive
Clark, New Jersey 07066

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

SHEILA WHITING
Council President

Res12/ApptPlanningBoard

Aye Nay Abstain Absent

Albanese	_____
Barr	_____
Kazanowski	_____
Mazarella	_____
O'Connor	_____
Toal	_____
Whiting	_____

6

TOWNSHIP OF CLARK
Resolution _____
January 3, 2012

Motion _____ Second _____

BE IT RESOLVED by the Governing Body of the Township of Clark that the following individual is hereby re-appointed as an Alternate I Member of the Board of Adjustment.

Alternate I (2 year term)

Ed Ruth
8 Brentwood Road
Clark, New Jersey 07066

01/03/12 – 12/31/13

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

SHEILA WHITING
Council President

Res12/ApptZoningBdofAdj

	Aye	Nay	Abstain	Absent
Albanese	_____	_____	_____	_____
Barr	_____	_____	_____	_____
Kazanowski	_____	_____	_____	_____
Mazzarella	_____	_____	_____	_____
O'Connor	_____	_____	_____	_____
Toal	_____	_____	_____	_____
Whiting	_____	_____	_____	_____

7

TOWNSHIP OF CLARK
Resolution _____
January 3, 2012

Motion _____ Second _____

BE IT RESOLVED by the Governing Body of the Township of Clark that the following individual is hereby re-appointed as an Alternate I Member of the Environmental Commission.

Name & Address

Term

Alternate I

Ellen Tiller Mulligan
46 Wendell Place
Clark, New Jersey 07066

01/03/12 – 12/31/13

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

SHEILA WHITING
Council President

Res12/ApptEnvironmentalComm

Aye Nay Abstain Absent

Albanese	_____
Barr	_____
Kazanowski	_____
Mazzarella	_____
O'Connor	_____
Toal	_____
Whiting	_____

8

TOWNSHIP OF CLARK
Resolution _____
January 3, 2012

Motion _____ Second _____

BE IT RESOLVED by the Township Council as the Municipal Pool Utility does hereby appoint the following Chairperson and Vice-Chairperson to serve a term of one year until the next ensuing organization meeting and election of successor(s).

CHAIRWOMAN: Councilwoman Sheila Whiting
VICE-CHAIRMAN: Councilman Brian Toal

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

SHEILA WHITING
Council President

Res12/ApptPoolChairViceChair

	Aye	Nay	Abstain	Absent
Albanese	_____	_____	_____	_____
Barr	_____	_____	_____	_____
Kazanowski	_____	_____	_____	_____
Mazzarella	_____	_____	_____	_____
O'Connor	_____	_____	_____	_____
Toal	_____	_____	_____	_____
Whiting	_____	_____	_____	_____

TOWNSHIP OF CLARK
Resolution _____
January 3, 2012

9

Motion _____ Second _____

BE IT RESOLVED by the Township Council as the Municipal Pool Utility that the following individuals are hereby appointed as Members of the Clark Community Pool Advisory Board effective January 3, 2012.

Regular Members:

Term

Toni Bilella	23 Whittier Road	01/3/12 – 12/21/12 (1 year)
Christine Thornton	55 Cornell Drive	01/3/12 – 12/31/12 (1 year)
Phyllis Cupo	101 Briarwood Path	01/3/12 – 12/31/13 (2 year)
Maria Rose Breien	17 Schuyler Drive	01/3/12 – 12/31/13 (2 year)
Karen DeMarco	38 Post Road	01/3/12 – 12/31/14 (3 year)

Alternate I:

Kathy Prestinari	190 Dorset Drive	01/3/12 – 12/31/13 (2 year)
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ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

SHEILA WHITING
Council President

Res12/ApptsPoolAdvisoryBd

	Aye	Nay	Abstain	Absent
Albanese	_____	_____	_____	_____
Barr	_____	_____	_____	_____
Kazanowski	_____	_____	_____	_____
Mazzarella	_____	_____	_____	_____
O'Connor	_____	_____	_____	_____
Toal	_____	_____	_____	_____
Whiting	_____	_____	_____	_____

INTRO

10

TOWNSHIP OF CLARK

Ordinance No. _____

Adopted _____

Introduced: January 3, 2012 Public Hearing: January 17, 2012

Motion: _____ Motion: _____

Seconded: _____ Seconded: _____

PROPOSED CODE ADOPTION ORDINANCE
for the
CODE OF THE TOWNSHIP OF CLARK, NEW JERSEY

GENERAL CODE
781 Elmgrove Road
Rochester, New York 14624
(585) 328-1810 or 800 836-8834
FAX (585) 328-8189

AN ORDINANCE ADOPTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE TOWNSHIP OF CLARK, COUNTY OF UNION, STATE OF NEW JERSEY; PROVIDING FOR THE MAINTENANCE OF SAID CODE; REPEALING AND SAVING FROM REPEAL CERTAIN ORDINANCES NOT INCLUDED THEREIN; ESTABLISHING A PENALTY FOR ALTERING OR TAMPERING WITH THE CODE; AND MAKING CERTAIN CHANGES IN PREVIOUSLY ADOPTED ORDINANCES

Be it ordained and enacted by the Township Council of the Township of Clark, County of Union, State of New Jersey, as follows:

§ 1-1. Adoption of Code.

Pursuant to N.J.S.A. 40:49-4, the ordinances of the Township of Clark of a general and permanent nature adopted by the Township Council of the Township of Clark, as revised, codified and consolidated into chapters and sections by General Code, and consisting of Chapters 1 through 357, together with an Appendix, are hereby approved, adopted, ordained and enacted as the "Code of the Township of Clark," hereinafter known and referred to as the "Code."

§ 1-2. Code supersedes prior ordinances.

This ordinance and the Code shall supersede all other general and permanent ordinances enacted prior to the enactment of this Code, except such ordinances as are hereinafter expressly saved from repeal or continued in force.

§ 1-3. When effective.

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

§ 1-4. Copy of Code on file.

A copy of the Code in loose-leaf form has been filed in the office of the Township Clerk and shall remain there for 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 to by the Clerk of the Township of Clark by impressing thereon the Seal of the Township, as provided by law, and such certified copy shall remain on file in the office of the Clerk of the Township, to be made available to persons desiring to examine the same during all times while said Code is in effect.

§ 1-5. Amendments to Code.

Any and all additions, amendments or supplements to the Code, when passed and adopted in such form as to indicate the intent of the governing body to make them a part thereof, shall be deemed to be incorporated into such Code so that reference to the "Code of the Township of Clark" shall be understood and intended to include such additions and amendments. Whenever such additions, amendments or supplements to the Code shall be adopted, they shall thereafter be

printed and, as provided hereunder, inserted in the loose-leaf book containing said Code as amendments and supplements thereto.

§ 1-6. Publication; filing.

The Clerk of the Township of Clark, pursuant to law, shall cause this Adopting Ordinance to be published, in the manner required, in a newspaper of general circulation in the Township. Sufficient copies of the Code shall be maintained in the office of the 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.

§ 1-7. Code book to be kept up-to-date.

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

§ 1-8. Sale of Code book.

Copies of the Code, or any chapter or portion of it, may be purchased from the Clerk, or an authorized agent of the Clerk, upon the payment of a fee authorized by the Township. The Clerk shall also arrange for procedures for the periodic supplementation of the Code.

§ 1-9. Altering or tampering with Code; penalties for violation.

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, any part or portion of the Code or to alter or tamper with such Code in any manner whatsoever which will cause the law of the Township of Clark to be misrepresented thereby. Anyone violating this section or any part of this ordinance shall be subject, upon conviction, to one or more of the following: a fine of not more than \$2,000, imprisonment for not more than 90 days or a period of community service not exceeding 90 days, in the discretion of the Judge imposing the same.

§ 1-10. Severability of Code provisions.

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

§ 1-11. Severability of ordinance provisions.

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

§ 1-12. Repealer.

All ordinances or parts of ordinances of a general and permanent nature adopted and in force on the date of the adoption of this ordinance and not contained in the Code are hereby repealed as of the effective date of this Adopting Ordinance, except as hereinafter provided.

§ 1-13. Ordinances saved from repeal.

The adoption of this Code and the repeal of ordinances provided for in § 1-12 of this ordinance shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal:

- A. Any ordinance adopted subsequent to October 20, 2011.
- B. Any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability.
- C. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision or any penalty, punishment or forfeiture which may result therefrom.
- D. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered, prior to the effective date of this ordinance, brought pursuant to any legislative provision.
- E. Any franchise, license, right, easement or privilege heretofore granted or conferred.
- F. Any ordinance providing for the laying out, opening, altering, widening, relocating, straightening, establishing of grade, changing of name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place or any portion thereof.
- G. Any ordinance or resolution appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond or other instruments or evidence of the Township's indebtedness.
- H. Ordinances authorizing the purchase, sale, lease or transfer of property or any lawful contract, agreement or obligation.
- I. The levy or imposition of taxes, assessments or charges or the approval of the municipal budget.

- J. The dedication of property or approval of preliminary or final subdivision plats.
- K. All currently effective ordinances pertaining to the rate and manner of payment of salaries and compensation of officers and employees.
- L. Any ordinance adopting or amending the Zoning Map.
- M. Any ordinance relating to or establishing a pension plan or pension fund for municipal employees.
- N. The agreement and ordinance of conveyance entered into on October 2, 1951, as updated in 1995, providing for the Township's conveyance of its interest in the Rahway Valley Joint Meeting to the Rahway Valley Sewerage Authority.

§ 1-14. Changes in previously adopted ordinances.

- A. 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 minor changes were made in one or more of said ordinances. It is the intention of the Township 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.
- B. Nomenclature.
 - (1) The following nomenclature changes have been made throughout the Code:
 - (a) All references to "State Department of Health" have been changed to "State Department of Health and Senior Services."
 - (b) All references to "Magistrate" have been changed to "Judge."
 - (c) All references to "Fire Official," "Fire Marshal" and "Fire Code Official" have been changed to "Fire Official/Fire Marshal/Fire Code Official."
 - (d) All references to "Construction Official" have been changed to "Construction Code Official."
 - (2) Throughout Chapter 80, all references to "Code Officer" and "Code Official" have been changed to "Construction Code Official."
 - (3) Throughout Chapter 185, all references to "Department of Administration, Health and Welfare" have been changed to "Department of Administration and Health."
- C. In addition, the changes, amendments or revisions as set forth in Schedule A attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this ordinance. (Chapter and section number references are to the ordinances as they have been renumbered and appear in the Code.)

§ 1-15. Continuation of existing ordinances.

The provisions of the former 2002 Revised General Ordinances of the Township of Clark which are not inconsistent with prior ordinances in effect at the time of adoption of the Code of the Township of Clark shall be construed as a continuation thereof, rather than as new enactments.

§ 1-16. Reference to chapters and sections.

All references in the Code of the Township of Clark to chapters or sections are to chapters or sections of the Code of the Township of Clark. Such references to chapters shall be construed to refer to all the sections within the chapters to which such references are made.

**Township of Clark
Code Adoption Ordinance**

**Schedule A
Specific Revisions at Time of Adoption of Code**

Penalties Revisions.

Throughout the Code, the following sections are added (or amended) to provide that violations of the applicable chapter/article shall be punishable as provided in Chapter 1, Article III, General Penalty:

- § 76-4
- § 76-6
- § 76-12
- § 80-8
- § 80-34
- § 80-41
- § 117-10A(1)
- § 166-8
- § 188-5
- § 189-12
- § 203-16
- § 223-6
- § 240-9
- § 248-32
- § 255-4
- § 255-9D
- § 302-39
- § 306-11
- § 306-35
- § 316-8
- § 333-10
- § 338-4

- § 338-22
- § 347-3C
- § 347-6
- § 347-20
- § 347-59
- § 357-9A

Chapter 1, General Provisions.

Article II, Definitions; Construction; Seal.

- A. In § 1-17, the original definition of "Revised General Ordinances" is deleted.
- B. Section 1-18 is revised to read as indicated:

§ 1-18. Construction.

- A. *For the purpose of this ~~Revision~~ Code and in the interpretation and application of all other ordinances heretofore or hereafter adopted, words and phrases shall be given their generally accepted meaning.*
- B. *The present tense includes the past and future tenses, and the future the present.*
- B. *The masculine gender includes the feminine and neuter.*
- D. *The singular number includes the plural, and the plural the singular.*
- E. *"And" may include "or," and "or" may include "and."*
- F. *"Shall" is mandatory, and "may" is permissive.*
- G. *The time within which an act is to be done shall be computed by excluding the first and including the last day, and if the last day be a Sunday, a legal holiday or a day on which the offices of the Township are closed, that day shall be excluded.*
- H. *"Writing" and "written" shall include printing, typewriting and any other mode of communication using paper or similar material which is in general use, as well as legible handwriting.*
- I. *Whenever a specific time is used in this ~~Revision~~ Code, it shall mean the prevailing and established time in effect in the State of New Jersey during any day in any year.*
- J. *Any citation of a statute, law or ordinance contained in this Code shall be deemed to refer to such statute, law or ordinance as amended, whether or not such designation is included in the citation.*
- K. *Technical words and phrases, and words and phrases having a special or*

accepted meaning in the law, shall be construed in accordance with such technical or special and accepted meaning.

L. ~~"Chapter" shall mean one of the major divisions of the Revision identified by a Roman numeral and divided by subject matter.~~

M. ~~"Section" shall mean a major subdivision of a chapter.~~

N. ~~"Subsection" shall mean a subdivision of a section identified by a decimal point.~~

O. ~~"Paragraph" shall mean a subdivision under a subsection, identified by an alphabetical letter or Arabic number.~~

L. Titles of chapters, sections, subsections and paragraphs are for reference only and are not a substantive part of this Revision Code.

Article III, General Penalty.

- A. Section 1-21A is revised to read as indicated: "A fine not exceeding \$1,250 \$2,000."
- B. Section 1-29 is added to read as follows: "An owner fined in an amount greater than \$1,250 for violations of housing or zoning codes shall be given a thirty-day period in which he or she shall be afforded the opportunity to cure or abate the condition and shall also be afforded an opportunity for a hearing before a court of competent jurisdiction for an independent determination concerning the violation. Subsequent to the expiration of the thirty-day period, a fine greater than \$1,250 may be imposed if a court has not determined otherwise or, upon reinspection of the property, it is determined that the abatement has not been substantially completed."

Chapter 3, Administration of Government.

- A. Section 3-8 is revised to read as indicated: "Pursuant to the provisions of N.J.S.A. ~~40:69A-76~~ 40:69A-34.2, which provides for the division of the municipality into wards and districts and for the readjustment of ward boundary lines, and of N.J.S.A. ~~19:4-5~~ 19:4-10 et seq., which provides for the readjustment of boundaries of election districts to accommodate population changes..."
- A-1. Section 3-22C is amended by deleting the Rent Monitoring Board in Subsection C(5).
- B. The following changes are made to § 3-24:
- (1) Subsection D(1) is revised to read as indicated:
- (1) *Organization. The Division of Health shall be headed by the ~~Business Administrator~~ Health Officer, who shall serve as head of the Division ~~without additional compensation~~. The Division of Health shall be organized into the following two Bureaus:*
- (a) *Division Bureau of Health.*
- (b) *Bureau of Central Purchasing System.*

(b) Bureau of Central Purchasing System.

- (2) Subsection D(2)(a)[5] is revised to read as indicated: “Employ and ~~supervise~~ a licensed Health Officer as authorized by state statutes and by Township ordinance and ~~supervise the duties of such Health Officer.~~”
- (3) Subsection D(2)(b)[2][c] is revised to read as indicated: “The local Registrar of Vital Statistics shall process requests for certified copies and certifications of vital records, including but not limited to ~~of records of~~ births, deaths, marriages, and domestic partnerships, civil unions and amendments filed in this office. The fee for certified copies or certifications of said records shall be \$15 per copy as set forth in § 145-7A. The fees for processing an amendment to a vital record ~~amended~~ copies of said records shall be \$25 per copy as set forth in § 145-7B.”
- (4) The first sentence of Subsection E(2)(f) is revised to read as indicated: “Where purchases in excess of \$1,000 15% of the current bid threshold are made without competitive bidding, the Business Administrator shall...”
- (5) Subsection F(1) is revised to read as indicated: “Created. There is hereby created the position of Affirmative Action Officer in the Department of Administration and Health and Welfare.”

C. The following changes are made to § 3-25B:

- (1) The title of Subsection B is amended to read as follows: “Division of Finance.”
- (2) Subsection B(1) is amended to read as follows: “The Director of the Division of Finance shall be the Chief Financial Officer and Township Treasurer. The Chief Financial Officer shall be certified in accordance with N.J.S.A. 40A:9-140.1 et seq. The Township Treasurer shall also be the certifying and approval officer for the approval and payment of claims pursuant to N.J.S.A. 40A:5-17.”
- (3) The introductory paragraph of Subsection B(2) is amended by changing “Treasurer” to “Director.”
- (4) Subsection B(2)(t)[1] is revised to read as indicated: “The use of a signature stamp or any other facsimile of the signature of any Township official, officer and/or director on any instrument disbursing Township funds is hereby ~~strictly prohibited~~ authorized.”
- (5) Subsection B(2)(t)[3] is revised to read as indicated: “All checks disbursed as part of the central payroll system required to be maintained by the ~~Township Treasurer as~~ Chief Financial Officer for wage and salary

payments shall be specifically exempted from the requirements of this subsection.”

D. Section 3-26C(1) is amended by adding “N.J.S.A. 54:4-23” after the words “General Tax Act.”

E. The following changes are made to § 3-28:

- (1) Subsection A(2)(a) is amended to read as follows: “Office of Fire Code Enforcement, Division of Fire Prevention and Protection.”
- (2) Subsection B is added to read as follows: “Office of Fire Code Enforcement, Division of Fire Prevention and Protection. There will be within the Township of Clark, Department of Public Safety, an Office of Fire Code Enforcement, Division of Fire Prevention and Protection, the head of which shall be known as the "Fire Official/Fire Marshal/Fire Code Official." Said Official shall report any and all operations of the Fire Code Enforcement Office to the Mayor, Business Administrator and Township Council.”

F. The following changes are made to § 3-29:

- (1) Subsection F(3) is amended by changing “18 years of age” to “21 years of age.”
- (2) Subsection I(2)(g) is revised to read as indicated: “Attend ~~all~~ local, county and state conferences, seminars, lectures, etc., as pertains to juvenile youth activities.”
- (3) In the first sentence of Subsection N(12), “unless in fresh pursuit of any person” is changed to “except when in fresh pursuit of any person.”

G. The following changes are made to § 3-30:

- (1) Subsection B is amended to read as follows:
 - B. *Organization. The Clark Fire Department shall consist of the following officers, in order of chain of command/rank:*
 - (1) *Chief.*
 - (2) *Assistant Chief.*
 - (3) *Deputy Chief/Fire Official/Fire Marshal/Fire Code Official.*
 - (4) *Deputy Chiefs (3).*
 - (5) *First Captain.*
 - (6) *Second Captain.*
 - (7) *First Lieutenant.*

(8) *Second Lieutenant.*

(9) *Members as may be appointed hereinafter.*

- (2) The second sentence of Subsection G(1) is revised to read as indicated:
"The biennial election is to be held during the month of December of every other year, ~~commencing with December 1967.~~"
- (3) Original Sec. 2-18.8b, Paragraph 6, pertaining to the duty of the Fire Chief to make inspections, is deleted.
- (4) Subsection J is added to read as follows:

J: Deputy Chief/Fire Official/Fire Marshal/Fire Code Official. The duties and responsibilities of the Deputy Chief/Fire Official/Fire Marshal/Fire Code Official are defined in Chapter 161, Article VIII, Enforcement of Uniform Fire Safety Act.

- (1) *The Fire Official/Fire Marshal/Fire Code Official shall have command authority to the rank of Deputy Chief at any fire or emergency calls in the Township of Clark and Union County prior to the arrival of the Chief or Assistant Chief of the Clark Fire Department.*
- (2) *The Deputy Chief/Fire Official/Fire Marshal/Fire Code Official shall appoint fire inspectors and other employees as may be deemed appropriate.*
- (3) *All vehicles and equipment used for fire prevention shall be under the control of the Fire Official/Fire Marshal/Fire Code Official.*
- (5) Subsection K(2) is added to read as follows:
- (2) *In a situation where more than one Deputy Chief is at an emergency, then the first Deputy Chief to arrive shall assume overall command in the absence of, or until the arrival of, a higher ranking officer.*
- (6) Subsection L is amended to read as follows: "Captains: duties and responsibilities. The Captains shall be designated and be responsible for all equipment and records pertaining to such equipment of the Fire Department at all locations of the Fire Department, inclusive of the maintenance of such equipment."
- (7) Subsection O is amended to read as follows:
- O. Pension to surviving spouse or minor children.*

(1) *The governing body of any municipality served by a volunteer fire company or first aid or rescue squad shall, by resolution, determine the eligibility for a survivor's pension of the widow or children or parent of any volunteer firefighter, first aid worker, rescue squad worker, or emergency medical technician who has died as the result of injuries sustained in the course of performance of duties as a member of the volunteer fire company or first aid or rescue squad on or after January 1, 2000. A governing body may determine that the widow or children or parent of a volunteer is eligible for a survivor's pension whenever a volunteer dies while responding to, preparing for or returning from an emergency while under orders from a competent authority. When the municipal governing body determines that a widow or children or parent are eligible for a survivor's pension, a certified copy of the resolution shall be filed by the Municipal Clerk with the State Treasurer within 10 days of adoption, and the state shall provide for payment of the survivor's pension, starting in the first calendar year next following the year of death of the volunteer or the year next following the year in which P.L. 2002, c. 134, is enacted, whichever is later.*

(2) *Definitions. As used in this subsection, the following terms shall have the meanings indicated:*

CHILD — A deceased firefighter's, emergency medical technician's, or first aid or rescue squad worker's unmarried child:

- (a) Under the age of 18;*
- (b) Eighteen years of age or older and enrolled in a secondary school;*
- (c) Under the age of 24 and enrolled in a degree program in an institution of higher education for at least 12 credit hours in each semester; or*
- (d) Of any age who, at the time of the firefighter's, technician's or worker's death, is disabled because of mental retardation or physical incapacity, is unable to do any substantial, gainful work because of the impairment, and the impairment has lasted or can be expected to last for a continuous period of not less than 12 months, as affirmed by a medical professional.*

FIRST AID OR RESCUE SQUAD — Any duly incorporated first aid and emergency or volunteer ambulance or rescue squad association providing volunteer public first aid,

ambulance or rescue services within the municipality.

PARENT — The parent of a firefighter, emergency medical technician, or first aid or rescue squad worker who was receiving at least 1/2 of his or her support from the firefighter, technician or worker in the twelve-month period immediately preceding the firefighter's, technician's or worker's death. The dependency of such a parent will be considered terminated by marriage of the parent subsequent to the death of the member.

WIDOW — Shall also include "widower."

- (3) *Amount. A survivor's pension granted under Section 1 of P.L. 1957, c. 168 (N.J.S.A. 43:12-28.1), shall be for the sum of \$15,000 annually and shall be paid to the widow during her widowhood, or to the child or children of such firefighter, emergency medical technician, or first aid or rescue squad worker if he leaves no surviving widow, or to such child or children after the death of such widow; \$10,000 annually and shall be paid to the child or children of such firefighter, emergency medical technician, or first aid or rescue squad worker if the surviving widow remarries; or \$5,000 annually and shall be paid to the parent or parents of such firefighter, emergency medical technician, or first aid or rescue squad worker if he leaves no surviving widow or child. As used in this subsection, the terms "widow" and "widowhood" shall also include "widower" and "widowerhood," respectively.*
- (4) *Manner of payment. With regard to any pension granted by a municipality pursuant to Section 1 of P.L. 1957, c. 168 (N.J.S.A. 43:12-28.1), prior to the effective date of P.L. 2002, c. 134, the governing body shall make provision in its budget for the payment of any such pension, and the same shall be paid in the same manner as municipal employees are paid.*

H. The following changes are made to § 3-32:

- (1) Subsection A(3)(d) is added to read as follows: "Division of Public Roads."
- (2) In Subsection C(1), "Director" is changed to "Director of the Department of Public Works and Engineering."
- (3) The following changes are made to Subsection D:
 - (a) In the introductory paragraph, "Director" is changed to "Director of the Department of Public Works and Engineering."

- (b) Subsection D(1) is revised to read as indicated: "Assistants. The Director of ~~the Division of Shade Trees~~ the Department of Public Works and Engineering shall have the authority to appoint five residents of the Township to the Division to assist the Director in the carrying out of the Division business. Such appointees shall serve at the pleasure of the Director without compensation."
- (4) Subsection F is revised to read as indicated: "Personnel of the Divisions of Buildings and Grounds, Shade Trees and Public Roads. The Director of the Department of Public Works and Engineering shall assume jurisdiction over all the personnel within the Divisions of Buildings and Grounds, Shade Trees and Public Roads and shall assume the authority to exercise full and exclusive control over all the functions of the Divisions."
- I. Section 3-42C is revised to read as indicated: "Under no circumstances shall the fee imposed by the Judge of the Municipal Court be in excess of ~~\$200~~ the amount set forth in § 145-6B."

Chapter 16, Boards, Committees and Commissions.

Article I, Municipal Pool Utility Committee.

- A. In § 16-6, the second sentence is amended to change "N.J.S.A. 10-4.1" to "N.J.S.A. 10:4-6," and the last sentence is revised to read as indicated: "Notice shall also be given to the public at least 48 hours prior to the time the meeting is called to be held."
- B. Section 16-14 is revised to read as indicated: "The Assistant Director shall be paid an annual compensation in the amount of ~~\$2,500~~ as shall be provided by ordinance of the governing body for the services referred above and shall provide the foregoing services commencing January 1 and concluding December 31 of each year."

Chapter 39, Length of Service Awards Program.

Original Sec. 2-53.2e, Approval by voters required, is deleted.

Chapter 48, Personnel Policies.

Article III, Eligibility for Defined Contribution Retirement Program.

Section 48-6D is revised to read as indicated: "Director of Senior ~~Citizens~~ Citizen Affairs."

Chapter 66, Affordable Housing.

- A. In § 66-2, the definition of "deficient housing unit" is revised to read as indicated: "A housing unit with health and safety code violations that require the repair or replacement of a major system. A major system includes ~~weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including~~

septic systems), lead paint abatement and/or load bearing structural systems components of a building as provided in the definition of "major system" below."

- B. In §§ 66-8, 66-9A and 66-11A, "N.J.A.C. 5:80-26.1" is changed to "N.J.A.C. 5:80-26.1 et seq."

Chapter 70, Alarm Systems.

- A. The last sentence in § 70-7F is revised to read as indicated: "If the owner fails to do so within 30 days of the receipt of such notice, he/she shall then be ~~liable to pay the Township a penalty in the amount of \$50~~ punishable as provided in § 70-14."
- B. Section 70-14 is revised to read as indicated: "In addition to the penalty provided in Chapter 1, General Provisions, Article III, General Penalty, any license, permit or registration may be suspended or revoked for violation of any of the provisions of this chapter relating thereto, if for other good cause, after notice and hearing, if requested, in accordance with the provisions of ~~§ 1-19~~ Chapter 11, Article I."

Chapter 76, Alcoholic Beverages.

Article III, Licensing.

Section 76-9D is amended to read as follows:

- D. *License fees; maximum number. The annual license fees for licenses for the sale and distribution of alcoholic beverages in the Township shall be as follows:*

<i>Class of License</i>	<i>Annual License Fees</i>	<i>Number</i>
<i>Plenary retail consumption</i>	\$2,500	10
<i>Plenary retail distribution</i>	\$1,728	2
<i>Club</i>	\$188	6

Article V, Consumption by Minors on Private Property.

- A. In § 76-20, "New Jersey Statute 40:48-1" is changed to "N.J.S.A. 40:48-1.2."
- B. In § 76-22B, "N.J.S.A. 40:48-1" is changed to "N.J.S.A. 40:48-1.2."
- C. Section 76-24 is added to read as follows: "Underage persons reporting the need for medical assistance shall be exempt from prosecution according to N.J.S.A. 40:48-1.2a."

Chapter 80, Amusements.

Article II, Automatic Amusement Devices.

In § 80-9, the original definition of "amusement center" is deleted.

Chapter 84, Animals.

A. Section 84-2 is amended as follows:

- (1) Subsection B(1)(a) is revised to read as indicated: "A general description of the dog or cat sought to be licensed, including breed, sex, age, color and marking, and whether such dog or cat is of a longhaired or shorthaired variety and whether such dog has been surgically debarked or silenced."
- (2) Subsection E(1) is revised to read as indicated: "The person applying for a license shall pay the fee of ~~\$7~~ in Subsection E(3) below in addition to the state fees and a \$1 fee for an annual or replacement dog tag for each dog. The same fees shall be charged for annual renewal of each license."
- (3) Subsection E(3) is amended to read as follows:

(3) Schedule of license fees for cats and dogs.

<i>Type of License</i>	<i>License Fee</i>	<i>License with Late Fee</i>	<i>Senior Discount (over 65)</i>	<i>Senior Discount with Late Fee</i>
<i>Neutered/spayed dog</i>	\$16.50	\$21.50	\$11	\$16
<i>Nonneutered/nonspayed dog</i>	\$20.25	\$25.50	\$14.30	\$19.30
<i>Neutered/spayed cat</i>	\$15	\$20	\$9.60	\$14.60
<i>Nonneutered/nonspayed cat</i>	\$17.50	\$22.50	\$10.70	\$15.70

- (4) Subsection G is revised to read as indicated: "Exceptions. The provisions of this section shall not apply to any dog licensed under § 84-3. Dogs used as guides for blind persons and commonly known as "Seeing Eye" dogs, dogs used to assist handicapped persons and commonly known as "service dogs" and dogs used to assist deaf persons and commonly known as "hearing ear" dogs shall be licensed in the same manner as other dogs, except that the owner or keeper shall not be required to pay any fee."
- (5) Subsection I is revised to read as indicated: "Required rabies vaccination. All dogs and cats kept in the Township are required to be vaccinated against rabies by a licensed veterinarian, every three years. Proof of such inoculation shall be presented upon application for a new dog or cat license, or application for renewal of a dog or cat license. Proof of rabies

~~inoculation shall be presented upon application for a dog and/or cat license.~~ The rabies vaccination must be valid through October 31 of the licensing year.”

- B. Section 84-3 is amended as follows:
- (1) Subsection E is revised to read as indicated: “Disturbing the peace. No person shall own, keep, harbor or maintain any dog which, ~~habitually barks or cries so as to disturb others~~ by frequent, habitual or prolonged continued noise, defined as unsolicited response lasting 10 minutes or more, shall annoy or disturb the peace, comfort or repose of any person in the neighborhood or of any person passing upon the streets or highways.”
 - (2) Subsection G is revised to read as indicated: “Leashing of dogs. No person owning, keeping or harboring any dog shall suffer or permit it to be upon the public streets or in any of the public places of the Township unless such dog is accompanied by a person over the age of 10 years and is securely confined and controlled by a harness or an adequate leash not more than six feet long.”
 - (3) Subsection J is revised to read as indicated: “Penned dogs, cats and other animals. Dogs, cats and other animals which are penned outside of the home shall be adequately housed in a shelter which provides protection from the weather, is kept in a clean and sanitary condition and is of appropriate size for the size of the animal. Adequate food necessary to maintain the good health of the animal and water which is clean, in sufficient quantity to sustain the animal and not frozen shall be provided for the animal.”
- C. Section 84-4 is revised to read as indicated: “The Animal Control Officer or a designee of the Township shall perform the annual canvass of animals, to be made by an annual mailing, concerning all dogs and cats owned, kept or harbored within the limits of the Township and shall report to ~~the Clerk,~~ the Township Board of Health and to the State Department of Health and Senior Services...”
- D. Section 84-7B(1) is revised to read as indicated: “Except as provided in N.J.S.A. 4:19-15.19, any person who violates any provisions of this chapter, upon conviction thereof, shall ~~pay a fine of \$100 at the discretion of the Municipal Judge~~ be punishable as provided in Chapter 1, Article III, General Penalty, with a minimum fine of \$50 for each and every offense.”
- E. In § 84-12, “\$100” is changed to “\$200.”
- F. Section 84-16C is revised to read as indicated: “The registration tag fee for each dog ~~and cat~~ shall be forwarded within 30 days after collection by the Health Department to the State Department of Health and Senior Services.”

- G. Section 84-28 is amended to read as follows: "The fee for a potentially dangerous dog license and each annual renewal thereof shall be \$500."

Chapter 95, Body Art.

- A. Section 95-1 is revised to read as indicated: "~~Governing body of the Township of Clark hereby adopts by reference all of t~~ The provisions of Chapter VIII of the New Jersey State Sanitary Code (N.J.A.C. 8:27-1 et seq.), entitled "Body Art Procedures," as the same are fully described therein shall be enforced in the Township of Clark."
- B. Section 95-2 is amended to read as follows:

§ 95-2. Fees.

The following fees shall be charged in connection with any application made pursuant to § 95-1:

- A. *Plan review: \$250.*
- B. *License: \$500.*
- C. *Licensing of temporary establishment: \$1,000 per event per vendor.*
- C. In § 95-3C, "Subsection B" is changed to "Subsections A and B."

Chapter 99, Building Design.

Section 99-2 is revised to read as indicated: "The purpose of this chapter shall be to provide rules, regulations and standards to guide the erection, construction, alteration or enlargement of any building or structure in any residential zone and the erection, construction, alteration and enlargement of residential dwellings in zones other than residential in the Township, so as not to be ~~alike like~~ or substantially ~~alike like~~ any neighboring building, in order to promote the public health, safety, convenience and the general welfare of the Township, and to conserve the value and character of the property and encourage the most appropriate use of land throughout the Township."

Chapter 108, Buildings, Unfit.

- A. Section 108-16 is revised to read as indicated: "In addition to the rights of appeal provided in ~~Subsections 15-15.10 and 15-15.14~~ § 108-10D, any person..."
- B. Section 108-17 is added to read as follows: "Nothing in this chapter shall be construed to impair or limit in any way the power of the Township to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise, nor is anything in this chapter intended to limit the authority of the enforcing agency or Construction Code Official under the State

Uniform Construction Code Act, N.J.S.A. 52:27D-119 et seq., or any rules or regulations adopted thereunder.”

Chapter 114, Certificate of Continued Occupancy.

Section 114-3 is revised to read as indicated:

§ 114-3. Inspection fees.

The fees to be charged in connection with the foregoing inspections are as follows:

- A. *For one-family residential inspections: ~~\$50~~ \$75.*
- B. *Per unit for each unit in a multiple dwelling: ~~\$25~~ \$75.*
- C. *For commercial or industrial inspections: ~~\$100.~~*
 - (1) Up to five offices: \$200.*
 - (2) Each additional office, per office: \$75.*

Chapter 117, Clothing Donation Bins.

- A. In § 117-2, the defined term “nonprofit-making vendor” is changed to “nonprofit entity.”
- B. The second sentence in § 117-7B is revised to read as indicated: “A license hereunder may be issued for a location only in such zones in which such use is a permitted use by state statute.”
- C. Section 117-9 is amended to read as follows: “The Police Department and/or Construction Code Official shall receive and investigate and enforce any complaints regarding the licensee, location of any bin, or any other complaint with respect to the violation of this chapter. Whenever it appears that a licensee has engaged in, or is engaging in, any act or practice in violation of this chapter, the licensee who placed the bin shall be issued a warning, stating that the violation must be rectified or a hearing requested within 45 days; otherwise, the Township Council shall adopt a resolution terminating the license, in which case the bin will be seized or removed at the expense of the licensee who placed the bin, and any clothing or other donations collected will be disposed of as refuse. In addition to any other means used to notify the person who placed the bin, such warning shall be affixed to the exterior of the bin itself.”

Chapter 122, Construction Codes, Uniform.

- A. Section 122-2 is amended as follows:

- (1) Subsection A(4)(b) is revised to read as indicated: "Over 90 square feet: \$28 per \$1,000 cost of construction."
 - (2) Subsection A(5)(b) is revised to read as indicated: "Certificate -- change of use: ~~\$175~~ \$200."
 - (3) Subsection A(14) is revised to read as indicated:
 - (14) *Zoning permit: ~~\$100~~.*
 - (a) *Nonresidential: \$100.*
 - (b) *Residential: \$25.*
 - (4) Subsection A(18)(a) is revised to read as indicated: "After-hour inspections: \$150 for each subcode."
 - (5) Subsection D(3) is revised to read as indicated: "Central control station: \$150."
 - (6) Subsection D(10)(b) is revised to read as indicated: "Over ~~2,001~~ 2,000 gallons: \$115."
 - (7) Subsection D(11)(b) is revised to read as indicated: "Over ~~2,001~~ 2,000 gallons: \$115."
- B. The first sentence in § 122-4A is revised to read as indicated: "In order to provide for the training, certification and technical support programs required by the State Uniform Construction Code Act and the regulations, the enforcing agency shall collect, in addition to the fees specified in this chapter, a surcharge, ~~fee of \$0.0014~~ as determined by the State of New Jersey, for new construction, per cubic foot of volume."

Chapter 126, Contractor Registration.

- A. Section 126-1 is amended to read as follows:

§ 126-1. Registration required.

Every person engaged in the following shall be required to register the name of such person with the Construction Code Official:

- A. *The nonresidential business of constructing, erecting, altering, repairing, restoring, reroofing, re-siding; moving or demolishing the whole or any part of buildings or structures; or*

B. The construction and installation of curbs, drainage, driveways and sidewalks within the right-of-way of the Township of Clark.

- B. Section 126-7A is revised to read as indicated: "If any person registered under the provisions of this chapter shall fail, in the execution of any work, to comply with the applicable ordinances and regulations of the Township relevant to the construction, erection, alteration, repair, restoration, re-siding, reroofing, moving or demolition of any building, structure, swimming pool, sign or billboard, or part thereof, or ~~who~~ if any person registered under the provisions of this chapter consistently engages in unsatisfactory work, ~~who~~ attempts to defraud or not fulfill obligations of contracts or ~~who~~ does not remedy unsatisfactory work, whether by mistakes or unwitting errors made by himself/herself or those in his/her employ, or should the Construction Code Official..."

Chapter 145, Fees.

Article I, Municipal Services.

- A. Section 145-2 is amended to read as follows:

§ 145-2. Office of Township Clerk.

- A. *Copies of documents: \$0.05 per letter-size page or smaller; \$0.07 per legal-size page.*
- B. *Zoning Map: actual cost.*
- C. *Tax Map, per sheet: actual cost.*

- B. Section 145-3 is amended to read as follows:

§ 145-3. Police Department.

- A. *Firearms:*

- (1) *Application for firearms ID card (in addition to all state and federal fees and requirements): \$25.*
- (2) *Application for permit to carry handgun, each (in addition to all state and federal fees and requirements): \$25.*

- B. *Escort service, per round trip: \$25.*

- C. *Fingerprints: \$10.*

- D. *Alarms: See § 70-5D and E.*

- E. *Charges for outside police details undertaken by police.*

- (1) *All traffic work not paid by the Township of Clark shall be at the rate of \$50 per hour, with the rate increasing to \$75 per hour after eight hours, minimum of four hours, plus a fifteen-percent administrative fee and \$10 per day for use of the Township police vehicle.*

(2) *Indoor/outdoor details.*

(a) *Traffic work for Township vendors and all other indoor/outdoor details not requiring traffic control will be \$40 per hour, plus a fifteen-percent administrative fee.*

(b) *Detail minimums:*

[1] *Funeral homes: 2 hours.*

[2] *Board of Education: 3 hours.*

[3] *All others: 4 hours.*

(c) *Contractors/employers must provide at least one hour's notice in advance to cancel a detail. Officers shall be entitled to the minimum payment should this notice not be provided.*

C. Original Sec. 10-2, Pool Registration Fee, is deleted.

Article II, Senior Citizen Exemption.

Section 145-5 is revised to read as indicated: "Senior citizens (persons 65 years of age and older) shall only be required to pay 50% of the fees identified in the Code. This exemption shall not, however, apply to any late fees or penalties, nor shall this exemption apply to the Board of Health fees or the Uniform Construction Code fees (Chapter 122, Construction Codes, Uniform)."

Article III, Public Defender Fee.

Section 145-6B is added to read as follows: "Under no circumstances shall the fee imposed by the Judge of the Municipal Court be in excess of \$200."

Article IV, Vital Statistics Records.

Article IV of Chapter 145 is adopted to read as follows:

ARTICLE IV
Vital Statistics Records

§ 145-7. *Copies, certifications and amendments.*

A. *The fee for certified copies or certifications of a vital statistics record shall be \$15 per copy.*

B. *The fee for processing an amendment to a vital statistics record shall be \$25.*

Chapter 149, Firearms and Explosives.

Chapter 149 is amended in its entirety to read as follows:

§ 149-1. *Discharge of firearms restricted.*

The discharge of any firearms, bow and arrow, crossbow, slingshot, air gun, spring gun, gas gun or any other device which impels a projectile through the use

of force is prohibited in the Township of Clark.

§ 149-2. Exceptions.

The provisions of this chapter shall not apply to:

- A. *Any duly appointed law officer in the course of his or her official duty.*
- B. *The use of firearms when necessary for the preservation of human life.*
- C. *The use of firearms when hunting in conformity with the applicable laws and regulations of the State of New Jersey.*
- D. *Use of a firearm on a licensed pistol, rifle or firearm range and under the supervision of the Police Department.*

§ 149-3. Violations and penalties.

Any person, firm or corporation violating any of the provisions of this chapter shall, upon conviction, be subject to the penalties in N.J.S.A. 23:4-16.

Chapter 161, Fire Prevention.

Article I, State Fire Prevention Code.

The following changes are made to § 161-1:

- A. Subsection B(1) is amended to read as follows: "Designation. An area may be designated by the Fire Official/Fire Marshal/Fire Code Official to provide access to any public or private structure for efficient and effective use of fire apparatus. The minimum width of a fire lane shall be 18 feet. The words "fire lane" and "fire zone" shall be interchangeable. The Fire Official/Fire Marshal/Fire Code Official may allow a lesser width."
- B. Subsection C(3) is amended to read as follows: "Penalty. Any person violating the provisions of this Subsection C shall, upon conviction thereof, be liable to a minimum penalty of \$1,000 per occurrence and up to \$5,000 maximum per occurrence."
- C. Subsection D is amended to read as follows: "Fire protection maintenance. The penalty for unauthorized reduction of fire-protection or -detection system services shall be a minimum of \$1,000 per occurrence and up to \$5,000 maximum per occurrence."

Article II, BOCA Basic Fire Prevention Code.

Chapter 161, Article II, is amended in its entirety to read as follows:

ARTICLE II
BOCA Basic Fire Prevention Code

§ 161-2. Amendments.

The BOCA Basic Fire Prevention Code is amended and supplemented as follows:

- A. *BOCA/1984, Appendix B, Section 12, Blocking Fire Hydrants and Fire Department Connections. Appendix B, Section 12, is amended to provide as follows:*

It shall be unlawful to obscure from view, damage, deface, obstruct or restrict access to any fire hydrant or any Fire Department connection for the pressurization of fire-suppression systems, including fire hydrants and Fire Department connections that are located on public or private streets, access lanes or on private property.

Any vehicle blocking a fire hydrant or Fire Department connection shall be subject to being towed, at the owner's expense, to remove the obstruction.

The penalty for each violation of this Subsection A shall be not less than \$100 nor more than \$200.

- B. *BOCA/1984, Appendix B, Sections 13 and 15, and BOCA NBC, Section 1715.0, Fire Yard Hydrants/Installation Requirements and Fire Department Connection Marking. Appendix B, Sections 13 and 15, and NBC, Section 1715.0, are amended to provide as follows:*

The owners of all new and existing private occupancies and uses involving high fire or life hazards which have driveways extending more than 75 feet from a public or private street or have buildings or structures which are located more than 75 feet from a public or private street or which require quantities of water beyond the capabilities of the public water distribution system shall provide properly placed yard fire hydrants.

Such yard fire hydrants shall be capable of supplying fire flows as required by the Fire Official/Fire Marshal/Fire Code Official and shall be connected to a water system in a grid fashion, not dead-ended, and in accordance with acceptable engineering practices. The Fire Official/Fire Marshal/Fire Code Official shall designate and approve the number and location of such yard fire hydrants to be installed.

Such yard fire hydrants shall not be placed into or removed from service unless and until approved by the Fire Official/Fire Marshal/Fire Code Official and shall be maintained in proper working condition at all times by the owner of the property.

The penalty for the unauthorized shutdown or installation of a yard fire hydrant shall be a minimum of \$1,000 per occurrence and up to \$5,000 maximum per occurrence.

The requirements shall apply to all privately installed and owned fire hydrants and all Fire Department connections, including all Fire Department sprinkler and standpipe connections within the Township.

In front of all fire hydrants, public and private, and Fire Department sprinkler and standpipe connections shall be a rectangular prohibited parking area, extending 10 feet on either side of the hydrant or Fire Department connection and extending out from the hydrant or connection into the roadway a distance of 10 feet. The outline of this prohibited parking area shall be outlined by three-inch yellow lines, with three-

inch yellow lines painted diagonally striped inside the no parking area. Signs mounted on seven-foot posts, or on building walls mounted seven feet from the ground, shall be placed along the side of the marking or above the fire hydrant or Fire Department connection for private property to indicate the restricted parking areas in snow conditions. These signs shall be 18 inches high by 12 inches wide, with red letters on a white background, and shall read "No Parking Fire Zone."

- C. *Hazardous materials. The provisions shall cover the spilling, leaking, dumping or discharging into the atmosphere of hazardous materials or substances, as defined by the New Jersey Department of Environmental Protection's (DEP) Hazardous Materials and Waste Index (Index).*

It shall be the responsibility of the property owner, upon discovery, to immediately notify the Fire Department of all hazardous material or substances and waste spills, leaks, dumping or discharges into the atmosphere, whether on public or private property. Cleanup efforts shall be diligently pursued to abate all conditions. The property owner shall also be responsible for complying with the requirements of NJUFC, Section 5:18-2.9, B and C. Editor's Note: See now N.J.A.C. 5:70-1.1 et seq.

In addition to the hazardous materials identified in the Index, all combustible, flammable, corrosive, radioactive and oxidizing materials, as well as poisonous gases and substances, etiological agents, potentially explosive chemicals, or highly reactive or toxic materials, shall be considered hazardous materials.

The failure to report immediately after discovery a hazardous material or waste spill, discharge or dumping to the Fire Official/Fire Marshal/Fire Code Official shall subject the violator to a minimum fine of \$1,000 per occurrence and a maximum fine of \$5,000 per occurrence.

A fire inspection report shall be filed with the Uniform Fire Code Enforcing Agency annually by any business, industrial or residential property owner, except owner-occupied one- or two-family dwellings, located in the Township where there exists or should exist a sprinkler or smoke-detection or -extinguishing system on the property. A fire inspection report shall also be required whenever there is a sale of any such property or a new certificate of occupancy is to be issued. In the case of property where there is a smoke-detection-type system, the fire inspection report may be completed and filed by the owner. However, in the case of property where there is a sprinkler or extinguishing system in existence or required, the fire inspection report must be completed and filed by an independent testing company. Such reports shall be filed annually, no later than December 31 of each year.

Article III, Smoke Detectors.

Section 161-4 is amended to read as follows:

§ 161-4. Installation requirements.

Smoke detectors shall be installed in a manner and location approved by the Fire Official/Fire Marshal/Fire Code Official and in compliance with the applicable sections of NFPA No. 74, Standard for the Installation, Maintenance, and Use of

Household Fire Warning Equipment, and the New Jersey Uniform Construction Code and the New Jersey Fire Code.

Article IV, Outdoor Fires.

Chapter 161, Article IV, is amended in its entirety to read as follows:

**ARTICLE IV
Outdoor Fires**

§ 161-6. Prohibited acts.

Outdoor fires within the Township are prohibited on private or public properties and will be ordered extinguished by the Fire Official/Fire Marshal/Fire Code Official.

Article V, Fire Control Measures.

- A. Original Sec. 19-6.16, Sale of defective fire extinguishers, is deleted.
- B. Section 161-22 is added to read as follows:

§ 161-22. Fire hydrant clearance.

A. No person shall maintain, within eight feet of a fire hydrant, flowers, hedges or trees. All persons (absent of physical inability to perform the duty) owning public or private property contiguous to a fire hydrant shall remove all snow within an area of three feet in all directions of such hydrant within the twenty-four-hour period that snow ceases to fall.

B. The Clark Division of Fire Prevention and Protection shall be the enforcing agency of this section.

- C. Section 161-23 is added to read as follows:

§ 161-23. Fire flow requirements.

- A. Residential development:

<i>Residential Development</i>	<i>Fire Flow Requirement (at 20 psi residual) (gpm)</i>
<i>One- and two-family dwellings (> 100 feet between houses)</i>	750
<i>One- and two-family dwellings (31 to 100 feet between houses)</i>	750
<i>One- and two-family dwellings (11 to 31 feet between houses)</i>	1,000
<i>One- and two-family dwellings (< 11 feet between houses)</i>	1,500

<i>Multifamily house (maximum 4 dwelling units, including townhouses)</i>	1,500
<i>Multifamily house (> 4 dwelling units, including townhouses)</i>	1,500
<i>Apartment building (including condominiums)</i>	1,500

B. *Nonresidential development. The following are provided as general categories, and each development will be required to get a letter from the Municipal Fire Subcode Official as to its specific requirement:*

<i>Fire Flow Requirement (at 20 psi residual)</i>	
<i>Nonresidential Development</i>	<i>(gpm)</i>
<i>Light industrial/commercial</i>	1,750
<i>Medium industrial/commercial</i>	2,500
<i>Heavy industrial/commercial</i>	3,000

Article VI, Key Boxes.

The first sentence of § 161-26A is amended to read as follows: "When a building within the Township of Clark is protected by an automatic fire alarm system or sprinkler system and/or access to or within a building, or an area within that building, is unduly difficult because of secured openings, and where immediate access is necessary for lifesaving or fire-fighting purposes, a key box system shall be installed by the owner at a location approved by the Township of Clark Fire Official/Fire Marshal/Fire Code Official."

Article VIII, Enforcement of Uniform Fire Safety Act.

Chapter 161, Article VIII, is amended in its entirety to read as follows:

ARTICLE VIII **Enforcement of Uniform Fire Safety Act**

§ 161-35. Office of Fire Code Enforcement, Division of Fire Prevention and Protection.

There will be within the Township of Clark, Department of Public Safety, an Office of Fire Code Enforcement, Division of Fire Prevention and Protection, the head of which shall be known as the "Fire Official/Fire Marshal/Fire Code Official." Said Official shall report any and all operations of the Fire Code Enforcement Office to the Mayor, Business Administrator and Township Council. Any fire inspectors employed by the Fire Code Enforcement Office shall report directly to the Fire Official/Fire Marshal/Fire Code Official. All vehicles and equipment used by the Office shall be under the control of the Fire Official/Fire Marshal/Fire Code Official, subject to the final approval of the office of the Mayor and/or his designee.

§ 161-36. Local enforcement authorized.

Pursuant to Section 11 of the Uniform Fire Safety Act (P.L. 1983, c. 383, N.J.S.A.

52:27D-192 et seq.), the Uniform Fire Safety Code (N.J.A.C. 5:70-1 et seq.) established by the State of New Jersey shall be enforced in the Township of Clark, County of Union, State of New Jersey.

§ 161-37. Local enforcing agency.

The local enforcing agency of this article shall be the Office of Fire Code Enforcement, Division of Fire Prevention and Protection.

§ 161-38. Authority of local enforcing agency.

- A. Within the established boundaries of the Township of Clark, County of Union, State of New Jersey, the local enforcing agency shall enforce the Uniform Fire Code in all buildings, structures and premises other than owner-occupied buildings of less than three dwelling units used exclusively for dwelling purposes and buildings, structures and premises owned or operated by interstate agencies or the state.
- B. The local enforcing agency shall faithfully comply with all the pertinent requirements of the Uniform Fire Safety Act and the Uniform Fire Code.

§ 161-39. Organization of Division of Fire Prevention and Protection.

- A. The Division of Fire Prevention and Protection shall be under the supervision and control of the Fire Official/Fire Marshal/Fire Code Official.
- B. The Division of Fire Prevention and Protection shall have at least one paid Fire Official/Fire Marshal/Fire Code Official and such paid inspectors and other employees as may be necessary to properly enforce the Uniform Fire Code.

§ 161-40. Fire Official/Fire Marshal/Fire Code Official.

- A. The Fire Official/Fire Marshal/Fire Code Official shall be appointed by the Mayor with the confirmation of Council and shall serve in accord with the provisions of this article. Once having been so appointed, he shall serve without term so long as he shall continue to discharge the duties of his office efficiently and diligently and shall maintain the qualifications for the position as the same are established presently and may be hereafter established from time to time.
- B. The Fire Official/Fire Marshal/Fire Code Official, once having been appointed, shall report to the Mayor, Township Administrator, and Department of Community Affairs of the State of New Jersey, Division of Fire Safety, for any and all operations of the Code Enforcement Department and the operations of the Division. Inspections, budget and vehicle assignment shall be within his discretion.
- C. The Fire Official/Fire Marshal/Fire Code Official shall have the authority, subject to budgetary appropriations and the prior approval of Mayor and Council, to appoint such inspectors and other employees as may be deemed

appropriate for such compensation as may be approved by the governing body of the Township of Clark.

- D. *The Fire Official/Fire Marshal/Fire Code Official shall have command authority to the rank of Deputy Chief at any fire or emergency calls in the Township of Clark and Union County prior to the arrival of the Assistant Chief or Chief of the Clark Fire Department. During any fire or emergency calls, the Fire Official/Fire Marshal/Fire Code Official/Deputy Chief will pass command to the Assistant Chief or Chief of the Clark Fire Department only. The Fire Official/Fire Marshal/Fire Code Official/Deputy Chief will report to the Assistant Chief or the Chief of the Clark Fire Department only during the duration of any such emergency or fire call.*
- E. *Qualifications. As a condition of appointment and continuance in office, the Fire Official/Fire Marshal/Fire Code Official shall be certified with the State of New Jersey Department of Community Affairs, Division of Fire Safety, as a Fire Official/Fire Marshal/Fire Code Official. The Fire Official/Fire Marshal/Fire Code Official must have successfully completed Fire Fighter 1 and 2, Incident Management Level 1 and Level 2, and must have served as an active member of the Clark Fire Department and served a term of Assistant Chief, Deputy Chief and Chief of the Department. It is important that the individual be a resident of the Township of Clark.*
- F. *Removal. The Fire Official/Fire Marshal/Fire Code Official, inspectors and other employees of the agency shall be subject to removal by the Mayor and Council for just cause. Before removal from office, all persons shall be afforded an opportunity to be heard by the Mayor and Council or a hearing officer designated by same.*

§ 161-41. Application fees for permits.

The application fees for the permits listed in N.J.A.C. 5:70-2.7 shall be as specified in the Uniform Fire Code.

§ 161-42. Appeals.

Pursuant to Sections 15 and 17 of the Uniform Fire Safety Act, N.J.S.A. 52:27D-206 and 52:27D-208, any person aggrieved by any order of the local enforcing agency shall have the right to appeal to the Construction Board of Appeals of Union County.

§ 161-43. Additional inspections and fees required:

In addition to the inspection and fees required pursuant to the Uniform Fire Safety Act and the regulations of the Department of Community Affairs, such additional inspections and fees as set forth in § 161-46 shall be required. Occupancies not classified as life-hazard uses by the Act shall be required to pay an annual registration fee as set forth in § 161-47. They will be inspected on an annual schedule.

§ 161-44. Permits.

Permits, classified as follows, shall be required for the uses set forth:

A. *Type 1 permits:*

- (1) *Bonfires;*
- (2) *The use of a torch or flame-producing device to remove paint from, or seal membrane roofs on, any building or structure;*
- (3) *Tents and temporary tension membrane structures without appurtenances, such as platforms and special electrical equipment, which exceed 900 square feet or 30 feet in any dimension (excluding canopies), whether single or made up of multiple smaller units when used for purposes which would constitute a life-hazard use if found in a building;*
- (4) *Individual portable kiosks or displays, when erected in a covered mall for a period of less than 90 days, and when not covered by a Type 2 permit;*
- (5) *The use of any open flame or flame-producing device, in connection with any public gathering, for purposes of entertainment, amusement or recreation;*
- (6) *Welding or cutting operations, except where the welding or cutting is performed in areas approved for welding by the Fire Official/Fire Marshal/Fire Code Official and is registered as a Type B life-hazard use;*
- (7) *The possession or use of explosives or blasting agents, other than model rocketry engines regulated under N.J.A.C. 12:194;*
- (8) *Helistops;*
- (9) *The occasional use in any building of a multipurpose room, with a maximum permitted occupancy of 100 or more, for amusement, entertainment or mercantile-type purposes;*
- (10) *The storage or handling of Class I flammable liquids in closed containers of aggregate amounts of more than 10 gallons, but not more than 660 gallons, inside a building or more than 60 gallons, but not more than 660 gallons, outside a building; or*
- (11) *The storage or handling of Class II or III(A) combustible liquids in closed containers of aggregate amounts of more than 25 gallons, but not more than 660 gallons, inside a building or more than 60 gallons, but not more than 660 gallons, outside a building.*

B. *Type 2 permits:*

- (1). *Bowling lane resurfacing and bowling pin refinishing involving the use and application of flammable liquids or materials;*

- (2) *Fumigation or thermal insecticide fogging;*
- (3) *Carnivals and circuses employing mobile enclosed structures used for human occupancy; or*
- (4) *The use of a covered mall in any of the following manners:*
 - (a) *Concession equipment or the like in more than 25% of the common area of the mall;*
 - (b) *Placing or constructing temporary kiosks, display booths, concession equipment or the like in more than 25% of the common area of the mall;*
 - (c) *Temporarily using the mall as a place of assembly;*
 - (d) *Using open flame or flame devices;*
 - (e) *Displaying liquid- or gas-fuel-powered equipment; or*
 - (f) *Using liquefied petroleum gas, liquefied natural gas, and compressed flammable gas in containers exceeding a five-pound capacity.*

C. *Type 3 permits:*

- (1) *Industrial processing ovens or furnaces operating at approximately atmospheric pressures and temperatures not exceeding 1,400° F., which are heated with oil or gas fuel or which contain flammable vapors from the product being processed;*
- (2) *Wrecking yards, junkyards, outdoor used tire storage, waste-material-handling plants, and outside storage of forest products not otherwise classified; or*
- (3) *The storage or discharging of fireworks.*

D. *Type 4 permits:*

- (1) *Storage or use at normal temperature and pressure of more than 2,000 cubic feet of flammable compressed gas or 6,000 cubic feet of nonflammable compressed gas;*
- (2) *The production or sale of cryogenic liquids; the storage or use of more than 10 gallons of liquid oxygen, flammable cryogenic liquids or cryogenic oxidizers; or the storage of more than 500 gallons of nonflammable, nontoxic cryogenic liquids;*
- (3) *The storage, handling, and processing of flammable, combustible, and unstable liquids in closed containers and portable tanks in aggregate amounts of more than 660 gallons;*
- (4) *The storage or handling of (except medicines, beverages, foodstuffs, cosmetics, and other common consumer items, when packaged*

according to commonly accepted practices):

- (a) More than 55 gallons of corrosive liquids;*
 - (b) More than 500 pounds of oxidizing materials;*
 - (c) More than 10 pounds of organic peroxides;*
 - (d) More than 500 pounds of nitromethane;*
 - (e) More than 1,000 pounds of ammonium nitrate;*
 - (f) More than one microcurie of radium not contained in a sealed source;*
 - (g) More than one millicurie of radium or other radiation material in a sealed source or sources;*
 - (h) Any amount of radioactive material for which a specific license from the Nuclear Regulatory Commission is required; or*
 - (i) More than 10 pounds of flammable solids;*
- (5) The melting, casting, heat treating, machining or grinding of more than 10 pounds of magnesium per working day; or*
- (6) Heliports.*

E. Type 5 permits:

- (1) Airports.*

§ 161-45. Compliance with zoning regulations required; payment of fees.

Permits shall only be issued for uses expressly designed as permitted uses under the zoning ordinances of the Township and upon the payment of the fees therefor.

§ 161-46. Required inspections.

In addition to the inspections provided pursuant to the Uniform Fire Code and regulations issued by the New Jersey Department of Community Affairs, additional inspections shall be required as follows:

A. Inspection classifications:

(1) Class I:

- (a) All schools.*
- (b) All churches.*
- (c) All buildings.*

(2) Class II:

- (a) All business-use buildings less than 10,000 square feet.*

- (b) *All eating establishments with a maximum occupancy load of less than 50 persons.*
 - (c) *All mercantile uses of less than 12,000 square feet.*
 - (d) *All factory uses of less than 2,500 feet.*
 - (e) *All storage uses of less than 2,500 feet.*
- (3) *Class III:*
- (a) *All mixed-use buildings under 10,000 square feet.*
 - (b) *All business uses of more than 10,000 square feet but less than 20,000 square feet.*
 - (c) *All factory uses of more than 2,500 square feet but less than 20,000 square feet.*
 - (d) *All storage uses of more than 2,500 square feet but less than 20,000 square feet.*
 - (e) *All multiple dwellings containing from three to 25 units.*
- (4) *Class IV:*
- (a) *All mixed-use buildings over 10,000 square feet.*
 - (b) *All business uses exceeding 20,000 square feet.*
 - (c) *All storage uses exceeding 20,000 square feet.*
 - (d) *All factory uses exceeding 20,000 square feet.*
- (5) *Class V: all multiple dwellings containing 26 units or more.*
- B. *Time for inspections. All inspections shall be performed periodically to determine compliance with the provisions of the Uniform Fire Safety Code and this chapter, but no less frequently than as set forth below:*
- (1) *Class I through Class V: once every 12 months.*

§ 161-47. Fees.

The permit and inspection fees established by the Uniform Fire Safety Code and this chapter shall be as set forth below. The failure to pay any required firesafety inspection fee within 30 days following notice from the Township of such failure to pay shall result in the assessment of a fee twice that initially assessed. Following the expiration of the thirty-day period, the Township Council may, by resolution, approve the amount of the fees, whereupon the same shall become a lien against the property, collectible as provided by law. A copy of the resolution approving the fees shall be certified by the Township Clerk and filed with the Tax Collector of the Township, who shall be responsible for the collection thereof, and a copy of the resolution shall be sent by certified mail to the owner.

A. Inspection fees:

<i>Class I</i>	<i>n/c</i>
<i>Class II, per commercial/office/business suite</i>	<i>\$75</i>
<i>Class III, per commercial/office/business suite</i>	<i>\$150</i>
<i>Class IV, per commercial/office/business suite</i>	<i>\$250</i>
<i>Class V, for each individual dwelling unit located on the premises</i>	<i>\$10</i>
<i>Smoke detectors, for each unit, for all new homes, condominiums, townhouses and apartments</i>	<i>\$50</i>
<i>Inspection, residential, change of ownership</i>	<i>\$50</i>
<i>Industrial tank inspections</i>	<i>\$250</i>
<i>Failure to pay inspection fee following thirty-day notice</i>	<i>Double the above-listed fee</i>

B. Inspection and issuance of permits: \$75.**C. Permit fees:**

<i>Type I</i>	<i>\$75</i>
<i>Type II</i>	<i>\$200</i>
<i>Type III</i>	<i>\$350</i>
<i>Type IV</i>	<i>\$500</i>

D. Copies of documents:

- (1) Fire report: \$10.*
- (2) Photos: \$5 each.*

E. All nonprofit organizations must take out a permit, but will not be required to pay a fee.**§ 161-48. Fire watch.****A. Determination.**

- (1) A "fire watch" is defined as a temporary measure intended to insure continuous and systematic surveillance of a building or portion thereof by one or more qualified individuals for the purpose of identifying and controlling fire hazards, detecting early signs of an unwanted fire, raising an alarm of fire and notifying the Fire Department.*
- (2) A fire watch may be determined and ordered by the Fire Official/Fire Marshal/Fire Code Official, provided the following circumstances and criteria have been complied with:*
 - (a) Fire-protection systems are out of service while the building is occupied;*
 - (b) A fire watch is requested by the building owner, tenant or lessee;*

- (c) *Work assemblages or events as defined and public and private events where 100 people are in attendance;*
 - (d) *Where the same is requested by the Clark Police Department due to overcrowding or similar hazards;*
 - (e) *Circumstances where investigations are required by the Fire Code due to fire, fire alarms, hazards or evacuations; and*
 - (f) *During building demolition and construction as required by the Fire Official/Fire Marshal/Fire Code Official.*
- (3) *A fire watch may include the maintaining of fire lanes, means of ingress, overcrowding and occupancy loads during any building, demolition and reconstruction, as needed, to be determined by the Fire Official/Fire Marshal/Fire Code Official. A fire watch will be ordered in public and privately owned buildings within the Township of Clark and paid for by the building owner, tenant, lessee or, in the event, organization or in any place of assembly or any place where people congregate as defined in the Fire Code. Any qualified individuals used for the purposes of a fire watch shall report directly to the Fire Official/Fire Marshal/Fire Code Official within the Office of Fire Code Enforcement of the Township of Clark, who will report to the administration of the Township of Clark.*

B. *Schedule of fees. All fire watch services not incurred and paid by the Township of Clark shall be at the rate of \$50 per hour, with the rate increasing to \$75 per hour after eight hours. There shall be a minimum payment of four hours, plus a fifteen-percent administration fee, and \$10 per day for the use of the Township Office of Fire Code Enforcement vehicle.*

§ 161-49. Life-hazard uses.

The Division of Fire Prevention and Protection established by § 161-37 of this article shall carry out the periodic inspections of life-hazard uses required by the Uniform Fire Code on behalf of the Commission of the New Jersey Department of Community Affairs.

§ 161-50. Non-life-hazard uses.

- A. *In addition to the registrations and permits required by the Uniform Fire Code, all other uses subject to Uniform Fire Code inspections shall register with the Division of Fire Prevention and Protection. These uses shall be inspected once per year, and an annual registration and inspection fee as per § 161-47, as amended, shall be paid.*
- B. *Uses requiring registration with the state as life-hazard uses shall not be required to register or pay fees pursuant to this article.*
- C. *Vacant buildings that create a fire hazard shall be charged and inspected*

according to the schedule as set forth herein.

D. Signs.

(1) *The following signs will be ordered to be displayed on buildings, ordered by the Fire Official/Fire Marshal/Fire Code Official.*

(a) *Truss signs, floor or roof: \$45.*

(b) *Vacant building signs: \$100.*

(c) *Sprinkler connection signs: \$75.*

(2) *The Fire Official/Fire Marshal/Fire Code Official may raise the cost/amount as needed. The fee will be paid by the building owner or tenant.*

Chapter 166, Flood Damage Control.

A. Section 166-7B is revised to read as indicated: "The above documents are hereby adopted and declared to be a part of this chapter. The Flood Insurance Study and maps are on file in the Building Department at 430 Westfield Ave, Clark, NJ 07066."

B. In the second sentence of § 166-12, "Construction Code Official" is changed to "Construction Code Official/Engineer."

Chapter 170, Food Establishments.

Article I, Food Establishments and Food and Beverage Vending Machines.

A. Section 170-2 is amended to read as follows: "The provisions of N.J.A.C. 8:24-1.1 et seq., "Sanitation in Retail Food Establishments and Food and Beverage Vending Machines," shall be enforced in the Township of Clark."

B. Section 170-3 is amended to read as follows: "Three copies of the provisions of N.J.A.C. 8:24-1.1 et seq. have been placed on file in the offices of the Township Clerk and Bureau of Health for the use and examination of the public."

C. Section 170-4B(1)(b) is amended by changing "\$50" to "\$100."

D. Section 170-7 is amended to read as follows:

§ 170-7. Food and beverage vending machine licensing.

A. *Distribution permit and location license required.*

(1) *No distributor shall engage in the operation of a food and beverage vending machine business for profit without having obtained a distribution permit to do so from the Bureau of Health or without complying with all the provisions of N.J.A.C. 8:24-1.1 et seq.*

- (2) *No person, other than a distributor, shall maintain or permit the maintenance of any food or beverage vending machine without having obtained a location license for each machine from the Bureau of Health or without complying with the provisions of N.J.A.C. 8:24-1.1 et seq.*
- (3) *All food and beverage vending machines shall be subject to inspection by the Bureau of Health.*
- B. *Applications. Applications for permits or licenses shall be made to the Bureau of Health in accordance with the provisions of N.J.A.C. 8:24-1.1 et seq. and shall be accompanied by the appropriate fee.*
- C. *Fees; terms; transfers.*
 - (1) *Fees.*
 - (a) *The fees for permits and licenses required by this article shall be \$25 per food and beverage vending machine.*
 - (b) *Fees shall not be prorated.*
 - (2) *Expiration.*
 - (a) *All permits and licenses issued after November 8, 2000, shall expire on December 31 of the licensing year.*
 - (b) *All retail food establishment licenses, including mobile vendors and vending machines, shall be renewed annually no later than February 1 of the licensing year. A late fee of \$100 per month shall be added to the existing license fee after February 1.*

Chapter 175, Games of Chance.

Article II, Casino Nights.

Section 175-3D is revised to read as indicated: "Those who are operating these games must follow the rules for each of the games referred to in Subsection B above, as set forth in N.J.A.C. ~~19:47-1, 2 and 5~~ 19:47K-1.1 et seq., 19:47K-2.1 et seq. and 19:47K-5.1 et seq."

Article III, Fees.

The last sentence in § 175-5 is revised to read as indicated: "Said fees shall be ~~in addition~~ equivalent to those fees due the State of New Jersey pursuant to state law."

Chapter 185, Hazardous Materials Cleanup.

A. The following changes are made to § 185-1:

- (1) The defined term "collecting agency" is changed to "collection agency."

- (2) In the definition of "hazardous substance," "N.J.A.C. 7:26-1, 4, 7-13A, 16, 16A, 17" is changed to "N.J.A.C. 7:26G-1.1 et seq."
- B. In the second sentence of § 185-9C, "the Penalty Enforcement Law (N.J.S.A. 2A:58-1 et seq.)" is changed to "N.J.S.A. 2A:58-10 et seq., the Penalty Enforcement Law of 1999."

Chapter 188, Hotels, Motels and Motor Courts.

- A. Section 188-1 is revised to read as indicated: "No person shall own, operate or maintain a hotel, motel, motor court, motor lodge or any other establishment, by whatsoever name designated, for the accommodation and lodging of transients without first having obtained a license therefor from the Business Administrator of the Township, as hereinafter provided."
- B. Section 188-3A is revised to read as indicated: "Per unit: \$50 \$75."
- C. Section 188-4 is revised to read as indicated: "All motor court licenses issued under the provisions of this chapter shall be for a period of one year, commencing ~~July~~ January 1 and expiring on ~~June 30~~ December 31, and shall be renewable annually on ~~July~~ January 1 of each year."

Chapter 189, Housing Standards.

Article I, Enforcement of State Housing Code.

- A. The original definition of "Board of Health" is deleted.
- B. In § 189-2A, "N.J.S.A. 49-5.1 et seq." is changed to "N.J.S.A. 40:49-5.1 et seq."

Chapter 195, Land Use and Development.

- A. Section 195-1A(1) is revised to read as indicated: "Class I: the Mayor of the Township or the Mayor's designee in the absence of the Mayor."
- B. The first sentence of § 195-2A(1) is revised to read as indicated: "The term of the Class I member shall correspond with his/her official tenure, or if the member is the Mayor's designee in the absence of the Mayor, the designee shall serve at the pleasure of the Mayor during the Mayor's official tenure."
- C. Section 195-25C is amended to read as follows:
- C. *No action shall be taken at any meeting without a quorum being present.*
- (1) *If the Planning Board lacks a quorum because any of its regular or alternate members are prohibited by N.J.S.A. 40:55D-23 or 40:55D-23.1 from acting on a matter due to the member's personal or financial interests therein, regular members of the Board of Adjustment shall be*

called upon to serve, for that matter only, as temporary members of the Planning Board in order of seniority of continuous service to the Board of Adjustment until there are the minimum number of members necessary to constitute a quorum to act upon the matter without any personal or financial interest therein, whether direct or indirect. If a choice has to be made between regular members of equal seniority, the Chair of the Board of Adjustment shall make the choice.

- (2) *If the Board of Adjustment lacks a quorum because any of its regular or alternate members are prohibited by N.J.S.A. 40:55D-69 from acting on a matter due to the member's personal or financial interest therein, Class IV members of the Planning Board shall be called upon to serve, for that matter only, as temporary members of the Board of Adjustment. The Class IV members of the Planning Board shall be called upon to serve in order of seniority of continuous service to the Planning Board until there are the minimum number of members necessary to constitute a quorum to act upon the matter without any personal or financial interest therein, whether direct or indirect. If a choice has to be made between Class IV members of equal seniority, the Chair of the Planning Board shall make the choice.*

- D. Section 195-27F is amended to read as follows: "Special meetings. Whenever an applicant to the Planning Board or the Zoning Board of Adjustment shall request the conduct of a special meeting by the Board in order to expedite review of its application, the applicant shall be required to post, in addition to those fees and escrows provided elsewhere, a sum to be determined by the Secretary of the appropriate Board, sufficient in amount so as to defray the cost of such a special meeting, which sum shall include, but not be limited to, anticipated attorneys' fees; secretarial fees; administrative fees, to be charged by the Township for providing facilities and security; and such other fees which shall be deemed necessary, reasonable and appropriate. The sum shall be posted by the applicant with the Secretary of the appropriate Board, simultaneous with the request for the special meeting, and shall be held in an escrow account in the office of the Township Treasurer until all charges in connection with the special meeting have been paid in full, with any balances remaining to be remitted to the applicant. Fees shall be as set forth in § 195-51."
- E. Section 195-28E(1) is amended to read as follows: "Each applicant, prior to the application being ruled complete pursuant to the provisions of the Municipal Land Use Act, shall submit the sum(s) as set forth in § 195-51B to be held in escrow in accordance with the provisions hereof."
- F. Original Sec. 31-3.6g, Rate of professional charges, is deleted.
- G. Section 195-40G is added to read as follows: "The Construction Code Official, at his/her discretion, may require an engineering review for any building permit. In such a case, the applicant is required to pay an engineering review fee of \$100."

H. Section 195-51 is amended to read as follows:

§ 195-51. Fees established.

A. The following fees are hereby established:

<i>Category of Fees</i>	<i>Fees</i>
<i>Subdivision</i>	
<i>Minor residential</i>	\$180
<i>Minor nonresidential</i>	\$180
<i>Major preliminary</i>	\$330
<i>Major final</i>	\$200
<i>Site plan</i>	
<i>Minor (residential)</i>	\$200
<i>Minor (nonresidential)</i>	\$300
<i>Major (residential) (preliminary)</i>	\$300
<i>Major (residential) (final)</i>	\$150
<i>Major (nonresidential) (preliminary)</i>	\$300
<i>Major (nonresidential) (final)</i>	\$150
<i>Appeals</i>	
<i>One- and two-family residential</i>	\$150
<i>Other residential</i>	\$200
<i>Nonresidential</i>	\$200
<i>Interpretations variance</i>	
<i>Bulk variances (one- and two-family residential)</i>	\$175
<i>Bulk variances (other residential)</i>	\$150
<i>Bulk variances (nonresidential)</i>	\$200
<i>Use variance (one- and two-family residential)</i>	\$300
<i>Use variance (other residential)</i>	\$350
<i>Use variance (nonresidential)</i>	\$400
<i>Conditional</i>	
<i>Conditional use (one- and two-family residential)</i>	\$250
<i>Conditional use (other residential)</i>	\$300

<i>Conditional use (nonresidential)</i>	\$350
<i>Waiver</i>	
<i>Floodplain (one- and two-family residential)</i>	\$200
<i>Floodplain (multifamily or nonresidential)</i>	\$300
<i>Fence (residential)</i>	\$150
<i>Fence (nonresidential)</i>	\$200
<i>Sign (residential)</i>	\$250
<i>Sign (nonresidential)</i>	\$300
<i>Parking (one- and two-family residential)</i>	\$100
<i>Parking (other residential)</i>	\$135
<i>Parking (nonresidential)</i>	\$150
<i>Meetings</i>	
<i>Special (all)</i>	\$1,500
<i>Additional fees</i>	
<i>Attorneys' fees (per hour)</i>	\$125
<i>Secretarial fees (per hour)</i>	\$20
<i>Administrative fees (per meeting)</i>	\$200
<i>Copy of Master Plan</i>	<i>Actual cost or OPRA fees</i>
<i>Certified list of property owners within 200 feet</i>	<i>\$0.25 per name or \$10, whichever is greater</i>
<i>Copy of land use ordinances</i>	<i>Actual cost or OPRA fees</i>
<i>Zoning Maps</i>	<i>Actual cost or OPRA fees</i>
<i>Tax Map, per sheet</i>	<i>Actual cost or OPRA fees</i>
<i>Copy of Ordinance Book</i>	<i>Actual cost or OPRA fees</i>
<i>Zoning permit fee</i>	\$100
<i>Zoning permit exemption</i>	\$250
<i>Application package</i>	\$20
<i>Land development application — floodplain review fee</i>	
<i>Residential</i>	\$100
<i>Nonresidential</i>	\$250

B. Escrow accounts.

<i>Application Type</i>	<i>Minimum Escrow</i>
<i>Minor subdivision</i>	\$500
<i>Major subdivision, per lot or unit</i>	\$100

<i>Minimum escrow</i>	\$1,000
<i>Site plans</i>	
<i>Commercial/industrial development application not involving structures</i>	
<i>1 to 3 lots and/or units</i>	\$3,500
<i>Over 3 lots and/or units</i>	\$5,000
<i>Commercial/industrial development application involving structures (total floor plan)</i>	
<i>1 to 1,249 square feet</i>	\$500
<i>1,250 to 2,499 square feet</i>	\$1,000
<i>2,500 to 20,000 square feet</i>	\$2,000
<i>Over 20,000 square feet</i>	\$5,000
<i>Use variance</i>	\$1,500

C. *Rate of professional charges.*

(1) *Limit on charges; payment.*

(a) *No professional personnel submitting charges to the Township for any of the services referred to in § 195-28 shall charge for any services at a higher rate or in a different manner than would normally be charged the Township for similar work, as determined by the professional personnel's contract of employment with the Township or by provisions of the Township's Salary Ordinance. Editor's Note: The Salary Ordinance is on file in the Township offices.*

(b) *Payment of any bill rendered by professional personnel to the Township in respect to any service for which the Township is entitled to reimbursement under § 195-28 shall in no way be contingent upon receipt of reimbursement to an applicant, nor shall any payment to professional personnel be delayed pending reimbursement from an applicant.*

(2) *The Township may charge for the services of any Township employee rendering expert advice for the benefit of an applicant when the employee is required to attend special meetings, as defined herein, during nonbusiness hours, as well as services rendered beyond the scope of the employee's regularly defined duties.*

I. The following changes are made to § 195-54:

- (1) The definition of "drainage right-of-way" is amended by deleting the words "in accordance with Chapter 1 of Title 58 of N.J.S.A" from the end thereof.
- (2) The definition of "minor site plan" is added to read as follows: "A development plan of one or more lots which proposes the expansion of an existing facility within the scope of development specifically permitted as

a minor site plan, does not involve planned development of any new street or extension of any off-tract improvement which is to be prorated pursuant to N.J.S.A. 40:55D-42, and contains the information reasonably required in order to make an informed determination as to whether the requirements established by ordinance for approval of a minor site plan have been met. The portion of a site proposed for development as a minor site plan shall be limited to a change not exceeding 10% of the overall site area of the lots and blocks being developed.”

- (3) The original definition of “subdivision or site plan committee” is deleted.
- J. Original Sec. 32-9.2, Referral to Subdivision Committee, is deleted.
- K. The first sentence of § 195-60 is revised to read as indicated: “If the ~~Subdivision Committee shall classify the~~ subdivision is classified as a minor subdivision and ~~finds no cause is found~~ for review by the entire Board or for unfavorable action upon the subdivision, such ~~finding~~ shall be reported to the Board ~~by the Chairperson of the Committee.~~”
- L. Original Sec. 32-10.1b, Referral to Subdivision Committee; public hearing, is deleted.
- M. Section 195-64A(1) is revised to read as indicated: “An applicant for the subdivision of land shall submit to the Secretary of the Board an application, on the appropriate form provided by the Board, and appropriate copies of a final plat of the proposed subdivision. The number and type of copies of the application form and map shall be as specified in the application form, as prepared, approved and from time to time revised by the Planning Board. ~~The applicant, before filing, may request an informal meeting with the Subdivision Committee or the Board to ascertain any detailed conditions which may have changed since the approval of the preliminary plat.~~”
- N. Original Sec. 32-10.2b, Referral to subdivision committee; consideration by Board, is deleted.
- O. The last sentence in § 195-79U is revised to read as indicated: “Drainage calculations shall be submitted to show stormwater detention in conformance with Subchapter 7, Stormwater Management (N.J.A.C. 5:21-7.1 et seq.), of the Residential Site Improvement Standards, ~~N.J. Administrative Code, Title 5, Chapter 24~~ N.J.A.C. 5:21-1.1 et seq., and the adequacy of proposed storm drainage facilities and security against flooding.”
- P. The following changes are made to § 195-82:
- (1) The second sentence of the introductory paragraph is revised to read as indicated: “Improvements for residential uses shall conform to the

Residential Site Improvements Standards (RSIS), N.J. Admin. Code Title
~~5 Chapter 24~~ N.J.A.C. 5:21-1.1 et seq.

- (2) In Subsection E, "N.J.S.A. 46:23-11(q)" is changed to "N.J.S.A. 46:23-11(r)."
- Q. The first sentence of § 195-86A is revised to read as indicated: "The subdivision plat, plot plans or site plan shall conform to design standards that will encourage good development patterns within the Township."
- R. In § 195-102B(3) and (4), "N.J.S.A. 40:55D-8.4" is added after "P.L. 2008, c. 46."
- S. The following changes are made to § 195-111:
- (1) In the definitions of "apartment house" and "dwelling, multiple-group," "multiple-family" is changed to "multifamily."
 - (2) The definition of "Construction Code Official" is revised to read as indicated: "The official ~~formerly known as the Building Inspector~~, who administers the ~~Construction Code~~ construction codes of the Township adopted pursuant to under the requirements of the New Jersey Uniform Construction Code Act, N.J.S.A. 52:27D-119 et seq."
 - (3) The definition of "family" is amended to read as follows: "One or more persons occupying a dwelling unit as a single nonprofit housekeeping unit, who are living together as a bona fide, stable and committed living unit, being a traditional family unit or the functional equivalent thereof, exhibiting the generic character of a traditional family."
 - (4) The definition of "farm stands" is added to read as follows:

FARM STANDS — Farm stands shall only be permitted where:

 - A. *The products sold are in their natural state.*
 - B. *The stands are located on a farm.*
 - C. *The place of sale or storage of any such products, whether of a permanent or temporary nature, shall not be closer than 100 feet to any side or rear lot line.*
 - D. *The sale of any such products shall not have a deleterious effect on adjoining properties by reason of nuisance or health hazard or other factors as specified in this Part 3.*
 - E. *The sale of any such products shall also require that a suitable amount of off-street parking and loading space be required as provided in this Part 3.*

- (5) The definition of "health club" is added to read as follows: "An establishment that provides facilities for any personal improvements, such as aerobic exercises, running and jogging, exercise equipment, game courts, swimming facilities and saunas, showers, massage rooms and lockers, or similar activities."
- (6) In the definition of "hotel," the word "NOTE" is deleted.
- (7) The definition of "lot line, side" is amended to read as follows: "Any lot line, other than a front or rear lot line. For corner lots, whichever of the two lot lines separating the lot from the intersecting streets is the greater in length shall be deemed to be a side street line."
- (8) The definition of "plot plan" is revised to read as indicated: "A plan submitted for ~~site plan~~ review which shows the location of a building or buildings, driveways, parking areas, provisions for drainage, lighting and landscaping and whatever other information may be required ~~by the Planning Board to make its determination as to the appropriateness of the site design for the proposed use.~~"
- (9) The definition of "shed" is revised to read as indicated: "An accessory structure not attached to the principal building and utilized for storage, with a maximum floor area of 200 square feet and a maximum height of 12 feet. Only one shed shall be allowed per lot."
- (10) The original definition of "use permit" is deleted.
- T. In § 195-112, "15 classes of land use districts" is changed to "20 classes of land use districts."
- U. Section 195-113 is amended to read as follows: "The location and boundaries of districts established herein are shown on the current Zoning Map, as amended, which map accompanies and is declared to be part of this Part 3. The Zoning Map is on file in the office of the Township Clerk and is hereby incorporated in and made a part of this Part 3 as though appended thereto."
- V. Section 195-116C(7) is amended to read as follows: "Massage, bodywork and somatic therapy establishments."
- W. Section 195-122B(1) is amended by adding the following entry to the table:

300 to 600	45
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- X. The following changes are made to § 195-128:
 - (1) Subsection B(2) is revised to read as indicated: "Nursing ~~and care~~ homes."

- (2) In Subsections C(4)(a), C(5)(a), D(3)(e), and D(4)(a) and (c), "multiple-family" is changed to "multifamily."
- Y. In § 195-129A, "multiple-family" is changed to "multifamily."
- Z. Section 195-141A(1) is added to read as follows: "All single-family detached homes shall contain a garage."
- AA. The following changes are made to § 195-142:
- (1) In the table in Subsection A, "Commercial recreation facilities, such as bowling alleys" is changed to "Commercial recreation facilities, such as bowling alleys and health clubs," and "Dwelling, townhouse and multiple-family" is changed to "Dwelling, townhouse and multifamily."
- (2) Subsection C is added to read as follows: "Should a proposed use not have a matching parking requirement listed herein, the applicant shall provide a parking analysis based on accepted industry standards, such as the Institute of Traffic Engineers or other published standard satisfactory to the Zoning Officer."
- BB. In § 195-146E(2), "1988 Edition" is changed to "current edition."
- CC. The following changes are made to § 195-181:
- (1) Subsection A is amended to read as follows:
- A. *All site plans, plot plans and subdivision plats shall conform to design standards that will encourage desirable development patterns within the Township.*
- (1) *Where either or both an Official Map or Master Plan have been adopted, the plot, site and subdivision plans shall conform to the proposals and conditions shown thereon.*
- (2) *The streets, drainage rights-of-way, school sites, public parks and playgrounds and other municipal facilities shown on an adopted Master Plan or Official Map shall be considered in the review of plot, site and subdivision plans.*
- (3) *Where no Master Plan or Official Map exists, or makes no provisions therefor, streets and drainage rights-of-way shall be shown on the final plat in accordance with N.J.S.A. 40:55D-38 and shall be such as to lend themselves to the harmonious development of the Township and the enhancement of the public welfare.*

(2) Subsection B is amended to read as follows:

B. Within the criteria established by and subject to the review and approval of the reviewing agency, all design of a plot, site or subdivision plan is the responsibility of the developer, and he shall be responsible for and bear the entire cost of any and all investigations, tests, reports, surveys, samples, calculations, environmental assessments, designs, researches or any other activity necessary to the completion of the design.

(1) The standards set forth in this article shall be taken to be the minimum necessary to meet its purposes as set forth elsewhere herein.

(2) The responsibility of the reviewing agency shall be to see that these minimum standards are followed and, in those cases not covered by these standards, sufficient precautions are taken to assure that the eventual design is conducive to the implementation of the purposes of this Part 4 and the Township Master Plan.

(3) The reviewing agency may employ professionals in various disciplines to advise and assist it in its determinations.

(4) Any decisions of the reviewing agency regarding the suitability or sufficiency of any design proposal, taken upon advice of its professionals and subject to the provisions of this Part 4, shall be deemed conclusive.

DD. The following changes are made to § 195-182:

(1) Subsection A is amended to read as follows: "The following standards and guidelines contained herein shall apply to all development applications submitted for approval containing proposed new buildings and structures or alterations or modifications to existing structures."

(2) Subsection C is amended to read as follows:

C. These residential design standards and guidelines are intended to assist in the review of specific proposals:

(1) Residential design should create the appearance of individuality of housing units and avoid the appearance of a large, undifferentiated project.

(2) Dwelling units should have adequate interior living space, using low-maintenance, high-quality and aesthetically attractive materials.

- (3) *Easy access to outdoor space and parking from all residential units should be provided.*
- (4) *The design should provide a safe, well-lighted residential environment, free of through traffic and congestion.*

(3) Subsection E is amended to read as follows:

E. The commercial office and industrial design standards contained below are intended to assist in the review of specific proposals:

- (1) *Exterior materials may include brick, stone, anodized aluminum and baked enamel metal panels, precast concrete and similar materials, with appropriate texture and trim to prevent large, undifferentiated facade of the same material.*
- (2) *All roof planes or caps meeting the exterior facade shall have overhangs or appropriate cornice and trim details.*
- (3) *All major entrances to buildings shall be properly identified with architectural elements, such as recessed entranceways, projected overhangs and porticos.*
- (4) *Flat roof canopies on metal pipe columns shall not be used on commercial buildings.*
- (5) *Window and door openings shall include appropriate trim and either recesses or overhangs to promote a harmonious variety of light and shade on the facade of the building.*
- (6) *Buildings and structures used for functional purposes, such as warehouses, indoor sports facilities and manufacturing facilities, shall include appropriate landscaping adjacent to boundary facades in the public view.*

BE. The following changes are made to § 195-185:

- (1) Subsection C is amended to read as follows: "No slopes shall be constructed which exceed a slope of one foot vertical per three feet horizontal. The minimum slope shall be 1%."
- (2) Subsection G(4) is amended to read as follows: "The maximum grade for lawns within five feet of a building shall be 5%. The maximum slope within 10 feet of a property line shall be 5%. No lawn areas shall exceed 30% in slope. Further, when there exists a vertical grade differential that exceeds two feet between first-floor elevations of structures on adjacent

properties, the reviews may require the use of retaining walls, terracing or other features to minimize the impact, visual and otherwise, on the adjoining property.”

- FF. The first sentence of § 195-187 is revised to read as indicated: “Curbing shall be constructed on both sides of all streets shown on all major and minor subdivisions and shall be required for all plot and site plans in accordance with municipal standards.”
- GG. The following changes are made to § 195-192:
- (1) Subsection A is amended to read as follows: “All parking areas for five or more motor vehicles shall be illuminated with approved exterior lighting standards, with a minimum of 1/2 horizontal footcandle's average lighting level at the surface of the lot. Freestanding lighting standards or poles shall not exceed the height of adjacent buildings served by the parking lot or a maximum of 20 feet.”
 - (2) Subsection C is added to read as follows: “Lighting levels and uniformity standards shall be per the Illuminating Engineers Society (IES).”
- HH. The first sentence of § 195-194 is revised to read as indicated: “Monuments shall be of a size and shape required by N.J.S.A. 46:23-9.11, ~~and N.J.A.C. 13:40-5.1,~~ and amendments and supplements thereto, and the New Jersey State Board of Professional Engineers and Land Surveyors and shall be placed in accordance with the ~~statute and Administrative Code.~~”
- II. Section 195-210K is added to read as follows: “Swimming pool construction shall require the submission of a grading plan documenting compliance with § 195-185G, Lot grading.”

Chapter 199, Library Property.

Chapter 199 is amended in its entirety to read as follows:

§ 199-1. Definitions.

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

BORROW — The receipt of library materials from the public library of Clark by means of charging the same to a library card pursuant to procedures as established by the library requiring the return of said library property within a specified period of time.

LIBRARY — The public library of Clark, established and funded by the Township of Clark pursuant to the statutes of the State of New Jersey.

LIBRARY MATERIALS — Any book, written materials or audiovisual materials provided by the library for borrowing, including materials provided via

interlibrary loan or reciprocal borrowing.

§ 199-2. Failure to return book or article.

No person shall detain or fail to return any book or article borrowed from the public library of the Township of Clark after 30 days have elapsed from the date of posting by certified mail, return receipt requested, and regular mail, of a notice demanding the return thereof, addressed to such person at the address furnished to the library.

§ 199-3. Damage prohibited.

No person shall cut, tear, deface, disfigure, damage or destroy any book, article, library equipment, furniture, facility or any part thereof which is owned by or in the custody of the public library of the Township.

§ 199-4. Fraudulent borrowing.

No person shall register under or furnish a false name or address or use any card or indicia, other than the one issued to such person, for the purpose of borrowing any book or any article or material from the library.

§ 199-5. Library cards to minors.

No library card or indicia will be issued to a minor under the age of 18 years of age by the free public library of the Township unless the application therefor is signed by a parent or legal guardian. Such signature shall indicate the parent or guardian will be responsible for books or any other library articles borrowed by the minor.

§ 199-6. Enforcement.

The provisions of this chapter shall be enforced by the Library Director of the public library of Clark or such person as may, from time to time, be designated by the Board of Trustees of the library.

§ 199-7. Separate violations.

- A. *Any violation of §§ 199-2, 199-3, 199-4 or 199-5 of this chapter shall constitute a separate violation as to each item or library material or property damaged, removed without authorization or not timely returned to the library.*
- B. *Every thirty-day period that elapses after receipt of the initial certified or regular mail notification and the materials are not returned shall constitute a separate violation.*

§ 199-8. Violations and penalties.

Any person violating any of the provisions of this chapter shall, upon conviction thereof, be liable to the penalty stated in Chapter 1, Article III, General Penalty.

Chapter 203, Licensing.

Section 203-5 is amended as follows:

- A. The lead-in paragraph is revised to read as indicated: "Any person seeking a license as a peddler or solicitor shall submit an application therefor to the Chief of Police or his designee, containing the following information shall be required of for each applicant."
- B. Subsection L is revised to read as indicated: "A two-inch by two-inch photograph of the applicant, for use on the license. ~~A photograph may be taken by the Clark Police Department at the request of the applicant for a fee of \$10.~~"

Chapter 223, Noise.

Section 223-3E is revised to read as indicated: "Birds, dogs or other animals: the keeping, harboring or maintaining of any bird, dog or other animal which, by frequent, habitual or long prolonged continued noise, defined as an unsolicited response lasting 10 minutes or more, shall annoy or disturb the peace, comfort or repose of any person in the neighborhood or of any persons passing upon the streets or highways."

Chapter 236, Parades.

In § 236-1, the definition of "parade" is revised to read as indicated: "Any march, ceremony, show, exhibition, assembly, pageant or procession of any kind or any similar display in or upon any street, park or other public place in the Township."

Chapter 240, Parks and Recreation Areas.

Article I, Park Hours.

Section 240-3 is amended to read as follows:

§ 240-3. Enforcement; violations and penalties.

- A. *This article shall be enforced by the Police Department of the Township of Clark.*
- B. *Any person violating this article shall be subject to the penalties in Chapter I, Article III, General Penalty.*

Article II, Use of Facilities.

A. The following changes are made to § 240-4:

- (1) The definition of "Brewer Recreation Facility" is revised to read as indicated:

***BREWER SCHOOL RECREATION FACILITY** – Any portion of the building and structure known as the "~~Brewer School~~ Recreation Center," located at 430 Westfield Avenue, Clark, New Jersey, and the adjoining land, which includes the athletic fields and tennis courts.*

- (2) The definition of "rent" is revised to read as indicated:

RENT – The fee paid to the Township of Clark for the use of the Brewer School Recreation Center or any part thereof.

- (3) The definition of "user" is revised to read as indicated:

USER – Any person, organization, corporation or other entity granted the use of the Brewer School Recreation Center pursuant to this article.

- B. The following changes are made to § 240-5:

- (1) In Subsection A, "Business Administrator" is changed to "Recreation Director."
(2) The following sentence is added to the end of Subsection B: "The renter is responsible for cleanup during the event and after the event is complete."

- C. The following changes are made to § 240-6:

- (1) The last sentence in Subsection A is revised to read as indicated: "Such fee shall be in an amount calculated to offset the cost received paid by the Township for safety, public works, insurance charges and like the like."
(2) Subsection B is added to read as follows:

B. The following fees shall apply to the uses specified:

- (1) *Gym: \$500 per day.*
(2) *Cafeteria: \$200 per day.*
(3) *Tennis courts: \$100 per day.*
(4) *Fields: \$200 per day.*
(5) *Room 2: \$100 per day.*

- D. The following changes are made to § 240-7:

- (1) In the lead-in paragraph, "Brewer School facilities" is changed to "Brewer Recreation Center."
(2) In Subsection B, "Arthur L. Johnson Regional High School" is changed to "Arthur L. Johnson High School."

E. The following changes are made to § 240-8:

- (1) In Subsection A, "Brewer School facilities" is changed to "Brewer Recreation Center."
- (2) In Subsections B and C, "Brewer School" is changed to "Brewer Recreation Center."

Article III, Use of Athletic Fields.

In § 240-13, "Township Business Administrator" is changed to "Recreation Director."

Chapter 244, Peace and Good Order.

Article I, Disorderly Conduct.

Section 244-1 is amended to read as follows: "The acts described in this article shall be considered disorderly conduct."

Chapter 248, Peddling and Soliciting.

Article I, Peddlers, Solicitors and Transient Merchants.

A. The following changes are made to § 248-1:

- (1) The definition of "merchandise" is revised to read as indicated: "~~Food, fruit, vegetables, farm products,~~ Magazines, periodicals, all kinds of articles of personal property for domestic use and orders or contracts for home improvements or alterations."
- (2) The original definition of "nonprofit-making vendor" is deleted.
- (3) In the definition of "transient merchant," the second sentence is revised to read as indicated: "*Transient merchant" also includes a mobile food vendor, as defined in Chapter 170, Article I, and any person who, as a private enterprise, schedules, organizes or promotes any entertainment, concerts, athletic events, contests or competitions or beauty pageants to be held on a nonregular basis and which require the payment of a fee for entry or admission, wherein such event is to take place within the confines of the Township; provided, however, that no such person shall be classified as a transient merchant if he/she is sponsored by any bona fide civic, fraternal, educational or religious organization having a local chapter in the Township.*

B. Section 248-2 is revised to read as indicated: "No person shall engage in business or operate as a hawker or peddler, canvasser, solicitor, transient merchant or noncommercial solicitor without having first obtained a license from the ~~Chief of Police~~ Township Clerk in compliance with the provisions of Chapter 203 and without being in compliance with all other terms and provisions of this article."

- C. Section 248-3B is revised to read as indicated: "~~Peddlers and solicitors~~ License processing fee, per year: \$15."
- D. Section 248-4B is added to read as follows:
- B. *Any person seeking a license as a peddler or solicitor shall submit an application therefor to the Chief of Police or his designee. The following information shall be required of each applicant:*
- (1) *Full name of applicant.*
 - (2) *Specific address for the last three years.*
 - (3) *Age, date of birth and physical description.*
 - (4) *Social security number; home telephone number.*
 - (5) *Driver's license number; marital status.*
 - (6) *Employer's name, address and telephone number.*
 - (7) *Product, merchandise or services to be sold or the purpose for which the application is made.*
 - (8) *Vehicle or vehicles to be used: make, model, registration number and owner's name, address and telephone number; name, address and policy number of insurance company.*
 - (9) *Arrest/conviction record.*
 - (10) *The date of issuance and expiration date of the license.*
 - (11) *Signature of the Township Clerk as issuing officer.*
 - (12) *A two-inch by two-inch photograph of the applicant, for use on the license.*
 - (13) *A request for a criminal history record information (SB1212) shall be forwarded to the New Jersey State Police, State Bureau of Identification, for each applicant. The applicant shall pay the fee for this search in the amount of the fee charged by the New Jersey State Police by money order.*
 - (14) *Any other appropriate information which the Township Council may, by resolution, require.*
- E. Original Secs. 4-2.11, Fruits, vegetables and farm products, 4-2.12, Seafood, meats, poultry or dairy products, and 4-2.13, Waste material regulations, are deleted.
- F. Section 248-16 is amended to read as follows:

§ 248-16. Inspection of vehicles.

- A. *Before a licensee uses a vehicle or mode of transportation in furtherance of his/her permitted food business, the licensee shall submit such vehicle to the Township Health Officer for inspection and approval relative to compliance with this article and shall, whenever requested during the term of the license, submit his/her vehicle for reasonable reinspection for such purpose.*
- B. *No vehicle or mode of transportation used or employed by peddlers of ice cream, foods, beverages, confections and other related commodities shall be used by any licensee unless it has been approved for use by the Health Officer. The written approval shall remain in and upon the vehicle at all times and shall be shown by the operator to any member of the Township Police Department, any official of the Township or any member of the public upon request.*

Chapter 255, Property Maintenance.

Article III, Property Maintenance Code.

- A. Section 255-11A is revised to read as indicated: "Adoption. The current BOCA National Property Maintenance Code, ~~1993~~, is hereby adopted."
- B. The following changes are made to § 255-12:
 - (1) The first sentence of Subsection A is revised to read as indicated: "The current BOCA National Property Maintenance Code, ~~1993~~, adopted and established herein, is further..."
 - (2) The first sentence of Subsection B is revised to read as indicated: "The current BOCA Property Maintenance Code, ~~1993~~, adopted and established herein, is further..."
- C. Section 255-13 is revised to read as indicated: "Three copies of the current BOCA National Property Maintenance Code have been placed on file in the office of the ~~Township Clerk and in the Office of the~~ Construction Code Official for use and examination of by the public."

Chapter 260, Records, Public Access to.

Original Sec. 2-55.2, Fees, is deleted.

Chapter 279, Sewers.

- A. In the first sentence of § 279-5, "Authority" is changed to "Authority and/or the Township Engineer."
- B. Throughout § 279-6, "Authority" is changed to "Authority and/or the Township Engineer."

- C. In the first sentence of § 279-8, "Authority" is changed to "Authority and/or the Township Engineer."
- D. Section 279-10 is revised to read as indicated "The Authority, its supervising engineer and any other duly authorized employees of the Authority and/or the Township of Clark bearing proper credentials and identification shall, subject to law, be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this article. The Township, Authority or its representatives shall have no authority to inquire into any processes, including metallurgical, chemical, oil, refining, ceramic, paper or other industries, beyond that point having a direct bearing on the kind and source of discharge to the sewers of waterways or facilities for waste treatment."
- E. Section 279-11 is revised to read as indicated: "While performing the necessary work on private properties referred to in § 279-10, the Township, supervising engineer of the Authority, or duly authorized employees of the Authority or Township shall observe all safety rules applicable to the premises established by the owner, and the owner shall be held harmless for injury or death to any Township or Authority employees, and the Township and Authority shall indemnify the owner against loss or damage to its property by any Township or Authority employees and against liability claims and demands for personal injury or property damage asserted against the owner and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the owner to maintain safe conditions."
- F. Section 279-13A is amended to read as follows: "Acceptable wastes. No industrial liquid waste shall be discharged into the sanitary sewer system of the Township unless it is amenable to secondary or biological treatment processes. No toxic materials or wastes containing explosive or flammable substances which would be detrimental to the collection system, including pumping stations and all treatment plant facilities and equipment, or treatment processes shall be permitted to be discharged into the collection system."
- G. Section 279-13D is revised to read as indicated: "Determination of volume. The volume of sewage and/or industrial waste from each industrial establishment may be determined by meters paid for and installed and maintained by the owner, actual water meter records and/or private well meter records combined with Township water records or from estimates or measurements made by the Rahway Valley Sewerage Authority and/or the Township Engineer or designees."
- H. Section 279-14 is amended to read as follows: "Rates and charges shall be as established in Chapter 284, Sewer User Fees."

- I. Original Secs. 24-2.4, Prohibited wastes, 24-2.5, Preliminary treatment, 24-2.6, Control manholes and meters, 24-2.7, Domestic sewage, and 24-2.8, Payments, are deleted.

Chapter 284, Sewer User Fees.

- A. In the table in § 284-5A, under the column titled "Exceeds 400,000 GPY," "\$6,725" is changed to "\$6,225."
- B. In § 284-5F(3), "\$6,725" is changed to "\$6,225."

Chapter 290, Skateboards, Sleds and Scooters.

Section 290-3B is added to read as follows: "No person shall use, operate or ride upon any human-powered locomotion device within, nor on, any private property owned by another person."

Chapter 294, Smoking.

Article I, Smoking on School Property.

- A. Section 294-3 is revised to read as indicated: "Such signage and posting required by ~~N.J.S.A. 26:3B-1 et seq.~~ the New Jersey Smoke-Free Air Act, N.J.S.A. 26:3D-55 et seq., in order to implement the provisions of the aforesaid section shall be installed as required by law and pursuant to the provisions of ~~N.J.S.A. 26:3B-1 et seq.~~ N.J.S.A. 26:3D-55 et seq. at all appropriate places, including entrances to all properties referenced herein."
- B. In § 294-5, "N.J.S.A. 26:3D-20 et seq." is changed to "the New Jersey Smoke-Free Air Act, N.J.S.A. 26:3D-55 et seq."

Chapter 298, Soil Moving.

- A. In § 298-1, the definition of "minor soil permit" is revised to read as indicated: "A permit for the moving of less than 500 cubic yards of soil but more than 25 cubic yards of soil."
- B. The following changes are made to § 298-3:
- (1) The first sentence is revised to read as indicated: "An application for a soil moving or disturbance permit shall be made to the ~~Director of the Department of Public Works and Engineering~~ Engineer."
 - (2) The following sentence is added to the end of § 298-3: "All work shall conform to § 195-185, Clearing and grading."
- C. Section 298-6A is revised to read as indicated:
- A. *The fee for soil removal permits shall be as set forth below:*

- (1) *Minor soil moving permit: ~~\$25~~ \$250.*
- (2) *Major soil removing permit: ~~\$50~~ \$500, plus \$100 per 1,000 cubic yards or fraction thereof.*

Chapter 302, Solid Waste.

Article II, Recycling.

Original Sec. 22-2.1e, pertaining to the recycling of household batteries, is deleted.

Article III, Proof of Solid Waste Collection.

Section 302-19 is revised to read as indicated: "It is the purpose of this article to enhance the Township's compliance with the New Jersey Statewide Mandatory Source Separation and Recycling Act, P.L. 1987, c. 102 (N.J.S.A. 13:1E-99.11 et seq.), and the New Jersey Recycling Act of 1981, P.L. 1981, c. 278 (N.J.S.A. 13:1E-96), P.L. 1991, c. 170 (N.J.S.A. 40:66-1.1 et seq.), and to supplement the regulation of the disposal of solid waste within the Township by requiring that every responsible solid waste generator shall arrange to have regular collection and/or disposal of all solid waste generated on or about property owned, occupied or leased within the Township, and that written proof of collection be submitted upon request."

Article VI, Yard Waste.

In § 302-32, "Health Officer" is changed to "Department of Public Works."

Chapter 306, Stormwater Management.

- A. In § 306-2B, the definition of "*MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)*" is revised to read as indicated: "A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that is owned or operated by Clark Township or other public body and is designed and used for collecting and conveying stormwater. ~~NOTE: In municipalities with combined sewer systems, add the following: MS4s do not include combined sewer systems, which are sewer systems that are designed to carry sanitary sewage at all times and to collect and transport stormwater from streets and other sources.~~"
- B. Section 306-4E(3)(c)[2][a] is revised to read as indicated: "A rectangular space 4 5/8 inches long and 1 1/2 inches wide. (This option does not apply for outfall netting facilities.) ~~or New Jersey Stormwater BMP Manual.~~"
- C. In the second sentence of § 306-7B(1), "N.J.A.C. 2:90-1.3(a)4" is changed to "N.J.A.C. 2:90-1.3(a)3."

Chapter 310, Streets and Sidewalks.

Chapter 310 is amended in its entirety to read as follows:

Chapter 310

STREETS AND SIDEWALKS

ARTICLE I
Terminology

§ 310-1. Definitions.

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

CONCRETE CURBS AND GUTTERS — *A monolithic concrete structure of standard dimension.*

CONCRETE VERTICAL CURB — *A concrete curb, without monolithic gutter, also of standard dimension.*

CONSTRUCTION — *Includes demolition and removal, paving, repaving, curbing, recurbing, repairing, improving and altering.*

ESTABLISHED GRADE — *Both horizontal and vertical alignment prepared by the Township Engineer or by a professional engineer licensed to practice in this state and approved in writing by the Township Engineer.*

MUNICIPAL RIGHT-OF-WAY — *Any lands owned by the Township, including but not limited to easements and unimproved streets and sidewalks.*

PAVED SIDEWALKS or SIDEWALK PAVEMENT — *That portion of the sidewalk containing a hard surface of concrete, asphalt, pavers, or other material used for pedestrian traffic.*

SIDEWALK — *That portion of the dedicated street right-of-way between the existing or proposed curblin and the right-of-way line.*

STANDARD — *The specifications and drawings governing the same on file in the office of the Township Engineer.*

STREET — *That portion of the dedicated street right-of-way containing a hard surface of asphalt, concrete, pavers, or other material used for vehicular traffic.*

UNPAVED SIDEWALKS — *That portion of the sidewalk which does not contain a hard surface of concrete, asphalt, pavers, or other material.*

ARTICLE II
Permits

§ 310-2. Permit required.

- A. *Applications for permits under this chapter shall be made in writing to the Township Engineer on a form to be supplied by the Township and shall describe the location of the intended excavation, opening, tunnel or obstruction, the size and the purpose therefor, the time within which such work shall be completed, the person doing the actual excavating or*

obstructing work, the person for whom the work is being done and the person who will restore the permanent pavement when the same is not to be done by the applicant.

- B. *The application shall be accompanied by a diagram indicating the nature and extent of the excavation, opening, tunnel or obstruction. If during the course of the work any variation is required, the applicant shall file with the Township Engineer an amended diagram showing the manner in which the work is actually being done.*
- C. *A permit from the Township shall be required to be obtained in order to conduct any opening in, removal, replacement, repair or alteration of and obstruction or encroachment of or upon any and all of the following:*
 - (1) *Sidewalks;*
 - (2) *Streets; and*
 - (3) *Municipal rights-of-way.*
- D. *The permit shall be signed by the owner/occupant of the abutting property, as well as the agent(s) conducting any proposed construction (if different from the owner/occupant), and approved by the Township Engineer.*

§ 310-3. Public utilities.

- A. *Public utility corporations undertaking the performance of any work pursuant to the provisions of this chapter shall be required to obtain a permit in accord with the provisions hereof.*
- B. *Each public utility desiring to obtain permits pursuant to this chapter or perform any excavation within the municipal rights-of-way, or perform any tunneling thereunder, shall file each year with the Township Clerk a bond, which may be the bond of such corporation solely, in the sum of \$5,000, conditioned upon compliance with the applicable provisions of this chapter.*

§ 310-4. Failure to obtain permit.

- A. *Any person found to be engaged in any of the activities described in this chapter without first having obtained the appropriate permit shall be subject to a fine equal to the amount of the application fee for the permit which such person failed to obtain.*
- B. *Further, any person found to be engaged in any of the activities described in this chapter without first having obtained the appropriate permit shall be required to obtain the appropriate permit, being responsible for any associated fees, in addition to the fine described above.*

§ 310-5. Emergency excavations.

- A. *In case of emergency, any person may make an excavation in or open the surface of any public street, sidewalk or other public place without first having obtained a permit therefor, provided such person shall have first*

obtained oral emergency approval from the office of the Township Engineer. Such person shall make application for a permit within two business days after the occurrence of such emergency.

- B. For the purpose of this section, "emergency" shall mean a condition or circumstance which involves immediate danger to life or property, or both, or which involves a possibility of interruption or curtailment of any service furnished to the public by a public utility.*

§ 310-6. Exception for work by Township.

Nothing contained in this chapter shall be construed as requiring the issuance of a permit for the performance of any work done by the Township or under contract with the Township for the construction of sewers or street improvements.

§ 310-7. Time for commencement and completion of work.

The work on any construction under any permit shall be commenced and completed within one year of the date of the permit. Should work not commence within one year of the date of the permit, the permit shall be considered null and void. If a permittee wishes to proceed with the project after the one-year time period has expired, a new permit shall be required for work to proceed.

§ 310-8. Prohibited times of construction.

Except in the case of emergencies, no construction shall be permitted on Saturdays, Sundays, or national holidays. No construction shall be permitted prior to 9:00 a.m. or after 4:00 p.m.

§ 310-9. Fees and penalties.

- A. Permit application fees. The following application fees shall apply:*

- (1) Sidewalk and/or driveway removal, replacement, repair or alteration: \$125.*
- (2) Street opening: \$500.*
- (3) Municipal right-of-way opening: \$250.*
- (4) Obstruction/encroachment: \$100.*
- (5) Inspection fee (all permits): \$75.*
- (6) Reinspection fee: \$75.*

- B. Failure to comply with Township standards.*

- (1) All construction shall comply with the Township standards set forth in this chapter. In the event that any construction by the owner/occupant of the property, or his/her agent(s), fails to comply with Township standards, and, following notification by the Township Engineer, such owner/occupant, or his/her agent(s), has not made necessary corrections within the amount of time provided by the provisions set*

forth in this chapter, then the Township shall take measures to address the outstanding issues.

- (2) *The cost of such work shall be certified by the Engineer to the Township Council, who shall examine same and, if found correct, shall cause such cost to become a lien upon the abutting lands in front of which such work was done, to the same extent that assessments for local improvements become liens, and such cost shall be collected in the manner provided by law for the collection of such other assessments and shall bear interest at the same rate.*

C. Failure to complete/close out project.

- (1) *All construction shall be completed within the amount of time provided by the provisions set forth in this chapter. In the event that any construction by the owner/occupant of the property, or his/her agent(s), fails to complete construction and close out the project within the allotted time period, then the Township shall take measures to complete the construction and close the project.*
- (2) *The cost of such work shall be certified by the Engineer to the Township Council, who shall examine same and, if found correct, shall cause such cost to become a lien upon the abutting lands in front of which such work was done, to the same extent that assessments for local improvements become liens, and such cost shall be collected in the manner provided by law for the collection of such other assessments and shall bear interest at the same rate.*

D. Failure or refusal to remove obstructions, encroachments, snow or ice.

- (1) *Removal of obstructions, encroachments, snow or ice shall be completed within the amount of time provided by the provisions set forth in this chapter. In the event that the owner/occupant of the property refuses or fails to remove such obstructions, encroachments, snow or ice within the allotted time period, then the Township shall take measures to have them removed.*
- (2) *The cost of such removal shall be certified by the Engineer to the Township Council, who shall examine same and, if found correct, shall cause such cost to become a lien upon the abutting lands in front of which such removal was done, to the same extent that assessments for local improvements become liens, and such cost shall be collected in the manner provided by law for the collection of such other assessments and shall bear interest at the same rate.*

ARTICLE III
Excavations and Openings

§ 310-10. Construction standards.

- A. Materials.** *The material to be used for the construction of concrete curbs*

and gutters, vertical curbs, or sidewalk pavement shall be portland cement concrete. The material to be used for the construction of granite block curbs shall be Belgian block.

- B. Dimensions. Sidewalks shall not be less than four feet in width and not less than four inches in thickness, except where the sidewalks cross driveways, where the thickness shall not be less than six inches.*
- C. Grade. Curbs and sidewalk pavements shall be constructed substantially to established grade, but shall be connected to an adjoining sidewalk in such a manner as to afford a substantially continuous surface without an abrupt change of grade. The sidewalk shall have a cross-slope toward the curbline of 1/4 inch per foot of width and shall be raised from the top of the curb not more than 1/2 inch or less than 1/4 inch for each foot between the curb face and the near edge of the sidewalk.*
- D. Specifications. Curbs and sidewalk pavement shall be constructed in accordance with specifications governing same on file in the office of the Township Engineer.*
- E. Shade trees. Nothing in this section shall be construed to permit or authorize any interference with or injury to a shade tree located within the municipal right-of-way without specific approval of the Township Shade Tree Commission.*

§ 310-11. Manner and method of excavations.

- A. Responsibility of permittee. All openings in the pavement shall be made and all excavations shall be done or caused to be done by the permittee to whom the permit is issued.*
- B. Open trenches. All excavations shall be made in open trenches, except where otherwise permitted or directed by the Township Engineer. The sides of the excavation shall, when necessary, be supported by suitable sheeting and shoring, which shall be drawn as the work progresses, unless the Township Engineer shall order it left in place.*
- C. Notice of backfilling. The permittee shall give reasonable notice to the Township Engineer before backfilling is commenced.*
- D. Backfilling. All trenches shall be backfilled by depositing therein approved backfill material in layers of not more than six inches in depth. Each layer shall be thoroughly compacted by mechanical means, using a type satisfactory to and as required by the Township Engineer. The Township Engineer may permit layers in excess of six inches in depth if, in his/her opinion, the compaction device to be used will properly compact such thickness. Surplus material shall not be piled over filled openings so as to interfere with traffic.*
- E. Temporary pavement. After backfilling the excavation, the permittee shall install a temporary pavement of bituminous material over the opening and*

shall keep such temporary pavement to grade until it has been replaced by permanent pavement.

- F. *Excavated materials. All old paving materials shall be carefully kept and placed over the trench as near the street grade as practicable. Other surplus material and rubbish of every kind shall be properly removed by the permittee immediately.*

§ 310-12. Restoration of permanent pavement.

- A. *Manner of replacement. When final settlement has taken place, the permittee shall replace the temporary pavement with a permanent pavement, which shall be not less than 12 inches larger than the length and width of the opening. The pavement shall be of the same type as the original pavement unless otherwise authorized by the Township Engineer. Final settlement shall not be deemed to have taken place in less than a period of six months after the laying of the temporary pavement.*
- B. *Time for replacement; replacement by Township. The permittee may install the permanent pavement with his/her own forces or through a contractor whose experience, plant and equipment have been approved by the Township Engineer. If, after a period of 60 days after opening the pavement, the permittee fails to properly replace the temporary pavement, the Township may replace the pavement. For failure to properly replace temporary pavement, see § 310-9C(2).*

§ 310-13. Openings in concrete pavements or base.

Wherever an opening is made in a pavement which is of concrete or has a concrete base, the concrete pavement or concrete base shall be cut out eight inches wider on each side of the trench. A new concrete pavement or concrete foundation shall be made two inches thicker than the original concrete and shall be reinforced with No. 10 gauge wire fabric with six-inch by six-inch mesh. Wherever an opening is made in brick, sheet asphalt or bituminous concrete surface on a concrete base, the brick, sheet asphalt or bituminous concrete pavement shall be cut out three inches wider on each side of the enlarged concrete base.

§ 310-14. Excavations across entire width of streets.

If the excavation or opening is to extend across the entire width of a public street, no more than 1/2 of the road shall be opened at one time, and such half shall be backfilled before the other half is opened so as to permit the free flow of traffic.

§ 310-15. Tunnels under streets.

No tunneling under pavements shall be done without written authorization from the Township Engineer.

§ 310-16. Maintenance requirements.

The permittee shall perform and maintain the work in good condition for the

duration of construction, be responsible for the entire work and complete and keep every portion of the work, including the temporary pavement, in perfect order and repair during the entire period of maintenance. The maintenance period shall be the period of time from the opening to the time the permanent pavement is placed.

§ 310-17. Guarding and lighting of work area.

The permittee shall carefully and properly guard the excavations, all piles of excavated materials, any materials or equipment and any obstruction for which a permit is issued and mark the same with red lights at night. The permittee shall be liable for all damages caused by the performance of the work or the failure to guard, light or maintain the work area.

§ 310-18. Liability for damages.

Any damage to pavement, sidewalks, curbing or trees as a result of the negligence of the permittee, or his/her agents or employees, in connection with the excavation or opening shall be repaired or replaced by the permittee. If the permittee shall fail to make such repairs or cause such repairs to be made, the Township Engineer shall give the permittee written notice thereof specifying the damage to be repaired. If the permittee shall fail to make such repairs or cause such repairs to be made within 30 days after the receipt of such notice, the Township shall have the right to make such repairs. For failure to complete repairs, see § 310-9C.

§ 310-19. Indemnification of Township.

The applicant, in accepting a permit under this chapter, shall be deemed to have agreed to indemnify and save harmless the Township from and against any and all loss, costs or damages incurred by any reason of any damage to any property, injury to any person, or any loss of life resulting from his/her negligence or the negligence of his/her agents, servants, or employees in performing the work covered by the permit or in the use of the permit for an encroachment/obstruction or in maintaining such encroachment or obstruction.

**ARTICLE IV
Sidewalks and Curbs**

§ 310-20. Construction, alteration, repair and maintenance.

The construction and reconstruction, paving and repaving, curbing and recurbing, repairing, altering or improving and the maintaining of the sidewalks of public streets and highways of the Township shall be as prescribed by this chapter.

§ 310-21. Duties of property owners.

It shall hereafter be the duty of any property owner to construct, repair, alter or re-lay any curbing or sidewalk pavement in the sidewalk abutting such owner's land, pursuant to the provisions of this chapter.

§ 310-22. Notice to repair.

- A. *The Engineer, or his/her designee, whenever any sidewalk pavement or curb in the Township shall be loose, broken, removed or otherwise out of repair, or shall not conform to the provisions of this chapter, may require the owner of the abutting premises to repair same, by serving upon such owner a written notice to repair.*
- B. *The written notice shall contain a description of the property affected, as well as a description of the required repair or improvements. Such notice shall also state the time within which such repairs or improvements shall be required to be completed, but shall not be less than 30 days after the date of notification. It shall also be stated in the notice that should such repairs or improvements not be completed within the allotted time period, it is the intention of the Township to make such repairs or improvements or cause the same to be made. For failure to complete repairs, see § 310-9C.*

§ 310-23. Failure to repair; costs to become lien; additional remedies.

- A. *Failure of owner to repair; repair by Township. If the property owner receiving notice shall not comply with the requirements of such notice, the Engineer, upon filing due proof of service in the office of the Township Clerk, shall cause the required work to be done.*
- B. *Lien. The cost of such work shall be certified by the Engineer to the Township Council, who shall examine same and, if found correct, shall cause such cost to become a lien upon the abutting lands in front of which such work was done, to the same extent that assessments for local improvements become liens, and such cost shall be collected in the manner provided by law for the collection of such other assessments and shall bear interest at the same rate.*
- C. *Lien to be noted on lien searches. In all searches against any lands affected by any such improvement, it shall be the duty of the Township official making such search to set out the amount due and unpaid for such repairs or improvements, if such amount appears on record. If the amount of such cost shall not yet have been reported as herein provided for, it shall be the duty of such officer to set forth on the search, in brief, a reference to repairs or improvements and the fact that notice was given to the owner to repair.*
- D. *Additional liability of owner. In addition thereto, the Township may have an action to recover such amount against the owner of such lands in any court having competent jurisdiction thereof, and a certified copy of the certificate of lien shall, in such action, be prima facie evidence of the existence of the debt due from such owner to the Township.*

§ 310-24. Maintenance of unpaved areas.

The unpaved portion of the right-of-way shall be neatly and sufficiently covered and maintained with gravel, broken stones, grass or sodding by the owner of the

abutting lands. Between the curb and paved sidewalk, the unpaved portion of the sidewalk shall be graded to afford a substantially continuous surface with the curb and sidewalk.

ARTICLE V
Obstructions and Encroachments

§ 310-25. Permit required; exceptions.

- A. *No person shall erect, construct, place or maintain, or cause to be erected, constructed, placed or maintained, without first obtaining a permit therefor from the Township Engineer in accordance with § 310-2, any:*
- (1) Building or any appurtenance or fixture connected thereto;*
 - (2) Window, sign, showcase, show bill, step, porch, platform, cellar door or fence;*
 - (3) Wares, goods or merchandise; or*
 - (4) Other structure, obstruction or encroachment which shall encroach upon, extend over or obstruct any street, highway, sidewalk or other public place.*
- B. *Exception. Nothing in this section shall prohibit merchants from placing wares, goods or merchandise upon the sidewalk for the purpose of loading and unloading the same, provided that the free passage over such sidewalk is not obstructed, and provided that the same is removed without unreasonable delay.*

§ 310-26. Removal required; notice; failure to comply.

Any building, or appurtenance or fixture connected therewith, or any window, sign, showcase, show bill, step, porch, platform, cellar door, covering (except a cloth awning having an elevation of at least seven feet above the sidewalk), fence or any other structure, obstruction or encroachment of any kind which shall now or hereafter be erected or constructed or maintained or any goods, wares or merchandise placed or maintained contrary to the provisions of § 310-25 shall forthwith be removed by the person erecting, constructing or maintaining it, upon written notice from the Township Engineer to do so. In the event of the refusal or neglect of such person to remove such building or other obstruction or encroachment after such notice, the Township Engineer may remove it or cause it to be removed. For failure to remove, see § 310-9D.

§ 310-27. Violations.

- A. *Causing or maintaining an obstruction or encroachment upon or across a public right-of-way or other public property without having a permit therefor as required by § 310-25 shall be a violation of this chapter, regardless of the failure by the Township Engineer to issue a notice to remove same, and regardless of compliance with such a notice if given.*

- B. *Each day such obstruction or encroachment remains without benefit of permit shall be a separate violation.*

ARTICLE VI
Obstruction by Merchandise

§ 310-28. Obstruction prohibited.

No person shall obstruct the free and lawful passage of pedestrians and vehicles on the streets and sidewalks of the Township by placing thereon any goods, wares or merchandise or other articles of trade or sale or in any other manner whatsoever.

§ 310-29. Exceptions.

This article shall not apply:

- A. *Where the obstruction is caused by the loading or unloading of goods, wares or merchandise to and from vehicles in such a manner as to cause a minimum of obstructions, which is necessary and unavoidable.*
- B. *To receptacles for garbage, ashes or refuse lawfully placed on or in sidewalk areas for collection.*
- C. *Where a permit has been obtained from the Township Engineer in accordance with § 310-2.*

ARTICLE VII
Snow and Ice Removal

§ 310-30. Responsibilities of owners and occupants.

- A. *The owner or occupant of lands abutting or bordering upon sidewalks, public streets or public places in the Township is hereby required to remove all snow and ice from the traveled portion of the sidewalks within 24 hours after the snow ceases.*
- B. *In the case of ice which may be so frozen as to make removal impractical, the owner or occupant of lands abutting or bordering upon sidewalks, public streets or public places in the Township is hereby required to thoroughly cover such ice with sand, salt or cinders within 24 hours after the same shall fall or be formed thereon.*

§ 310-31. Deposit of snow or ice on street prohibited.

No person shall throw, place or deposit any snow or ice into or upon any street in the Township, it being the intent and purpose of this section to prohibit all persons from throwing, casting, placing or depositing snow and ice which accumulated within the private property belonging to such person or occupied by such person upon the sidewalks, streets, storm drains and/or fire hydrants of and within the Township.

§ 310-32. Failure to comply.

In case such snow or ice shall not be removed from such sidewalks or streets or shall be cast, deposited or placed upon such sidewalks or streets by the owner or other persons, as provided herein, the same shall be removed forthwith under the direction of the appropriate official of the Department of Public Works and Engineering. For failure or refusal to comply, see § 310-9D.

Chapter 316, Swimming Pools.

Section 316-7 is amended to read as follows: "Chapter IX, Public Recreational Bathing, of the New Jersey State Sanitary Code (N.J.A.C. 8:26-1.1 et seq.) and Chapter 4A, Public Swimming Pools and Places, of Title 26 of the New Jersey Statutes (N.J.S.A. 26:4A-4 et seq.) are hereby incorporated into this Chapter 316 in their entirety by reference."

Chapter 321, Taxation.

Article I, Hotel and Motel Occupancy Tax.

Chapter 321, Article I, is amended in its entirety to read as follows:

ARTICLE I

Hotel and Motel Occupancy Tax

§ 321-1. Establishment.

A tax (hereinafter "hotel tax"), at the rate and in the manner set forth in this article, is hereby imposed on charges of rent for every occupancy of a room or rooms in a hotel located in the Township and subject to taxation pursuant to Subsection (d) of N.J.S.A. 54:32B-3, the New Jersey State Sales Tax, as said statute may be amended from time to time.

§ 321-2. Definitions.

- A. The following terms, when used in this article, shall have the same meanings as those terms are defined in N.J.S.A. 54:32B-2, as said statute may be amended from time to time: "hotel," "occupancy," "occupant," "person," "room" and "vendor."*
- B. The phrases "person required to collect the rent" and "person required to collect the hotel tax," as used in this article, shall have the same meaning as the phrase "persons required to collect tax," as defined in N.J.S.A. 54:32B-2, as said statute may be amended from time to time.*

§ 321-3. Tax rate.

Beginning on the effective date of this article, the hotel tax shall be 3% on charges of rent for every occupancy.

§ 321-4. Effect on other taxes or fees.

The hotel tax shall be in addition to any other tax or fee imposed pursuant to federal, state or local law or regulation upon the occupancy of a hotel room located in the Township.

§ 321-5. Payment; vendor precluded from absorbing hotel tax; violations and penalties.

- A. *The hotel tax shall be paid by the occupant, and a vendor shall not assume or absorb any tax imposed herein.*
- B. *A vendor shall not in any manner advertise or hold out to any person or the public in general, in any manner, directly or indirectly, that the hotel tax will be assumed or absorbed by the vendor, that the hotel tax will not be separately charged and stated to the occupant, or that the hotel tax will be refunded to the occupant.*
- C. *Any vendor who violates this section shall, upon conviction thereof, be subject to the general penalty set forth in Chapter 1, Article III, of this Code.*
- D. *Each assumption or absorption by a vendor of the hotel tax shall be deemed a separate offense, and each representation or advertisement by a vendor for each day the representation or advertisement continues shall be deemed a separate offense.*

§ 321-6. Collection.

- A. *The hotel tax shall be collected on the Township's behalf by the person collecting the rent from the hotel occupant.*
- B. *Any person required to collect the rent from the hotel occupant shall have the same right in respect to collecting the tax from the occupant as if the tax were part of the rent and payable at the same time; provided, however, that the Township Chief Financial Officer shall be joined as a party in any action or proceeding brought to collect the hotel tax.*
- C. *Each person required to collect the rent from the hotel occupant shall be personally liable for the hotel tax imposed; collected or required to be collected as set forth in this article.*

§ 321-7. Forwarding hotel tax to Division of Taxation; making and filing return.

- A. *Every person required to collect the hotel tax shall, on or before the 28th day of each month, forward to the Director of the Division of Taxation in the New Jersey Department of the Treasury ("Director") the hotel tax collected in the preceding month and make and file a return for the preceding month with the Director.*
- B. *The return shall be filed on such form and contain such information as the Director shall prescribe as necessary. The Director may permit or require returns to be made covering other periods and upon any dates as the Director may specify. Additionally, the Director may require payments of tax liability at any intervals and based upon any classifications as the Director may designate.*

§ 321-8. Administration and distribution.

The hotel tax shall be administered and distributed solely in accordance with the requirements set forth at N.J.S.A. 40:48F-5, as said statute may be amended from time to time. Upon the Director's certification of the amount of revenues collected in the Township on a quarterly basis and upon the warrant to the New Jersey State Comptroller, the hotel tax is paid and distributed to the Township.

Chapter 333, Towing:

Section 333-8A is revised to read as indicated: "The authority for adoption of the following schedule of services and fees is found in N.J.S.A. 40:48-2.49, Operators engaged in removal of motor vehicles; regulation by municipalities."

Chapter 338, Trees.

Article V, Removal of Trees from Commercial Lots.

The last sentence of § 338-21 is revised to read as indicated: "Any replanting scheme that does not provide for the replanting of trees in an amount equal to the number of trees removed shall require payment to the Township Tree Fund, ~~established under Section 11-6,~~ by a commercial applicant in the amount of \$150 per unplanted tree."

Chapter 347, Vehicles and Traffic.

- A. Section 347-15 is revised to read as indicated: "Road closings and/or traffic detours shall not be permitted unless approved by the Clark Police Traffic Bureau or the supervisory officer on duty."
- B. In § 347-32, the entry designating a stop intersection and a yield intersection on Raritan Road is deleted.
- C. Section 347-33 is amended to read as follows:

§ 347-33. Stop intersections.

Pursuant to the provisions of N.J.S.A. 39:4-140, the intersections described are hereby designated as stop intersections. Stop signs shall be installed as provided herein:

<i>Intersection</i>	<i>Stop Sign on</i>
<i>Ayers Lane and Raritan Road</i>	<i>Ayers Lane</i>
<i>Benjamin Street and Westfield Avenue</i>	<i>Benjamin Street</i>
<i>Charlotte Drive and Fairview Road</i>	<i>Charlotte Drive</i>
<i>Colonial Drive and Ross Street</i>	<i>Colonial Drive</i>
<i>Cook Street and Prospect Street</i>	<i>Both</i>
<i>Delia Terrace and Ross Street</i>	<i>Delia Terrace</i>
<i>Durham Drive and Ross Street</i>	<i>Durham Drive</i>

<i>Evans Terrace and Meadow Road</i>	<i>Evans Terrace</i>
<i>Evans Terrace and Stonehenge Terrace</i>	<i>Evans Terrace</i>
<i>Exeter Road and Lincoln Boulevard</i>	<i>Exeter Road</i>
<i>Franklin Street and Broadway</i>	<i>Both</i>
<i>Fulton Street and Broadway</i>	<i>Both</i>
<i>Fulton Street and Prospect Street</i>	<i>Both</i>
<i>Georgian Drive and Ross Street</i>	<i>Georgian Drive</i>
<i>Gertrude Street and Kathryn Street</i>	<i>Gertrude Street</i>
<i>Gibson Boulevard and School Street</i>	<i>Both</i>
<i>Gloria Street and Lincoln Boulevard</i>	<i>Both</i>
<i>Grand Street and Broadway</i>	<i>Both</i>
<i>Halareb Drive and Meadow Road</i>	<i>Halareb Drive</i>
<i>Hall Drive and Stonehenge Terrace</i>	<i>Hall Drive</i>
<i>Halliday Street and Prospect Street</i>	<i>Both</i>
<i>Harding Avenue and Broadway</i>	<i>Harding Avenue</i>
<i>Harold Avenue and Franklin Street</i>	<i>Harold Avenue</i>
<i>Harrison Street and Kathryn Street</i>	<i>Harrison Street</i>
<i>Hart Street and Lincoln Boulevard</i>	<i>Both</i>
<i>Hilltop Avenue and Fairview Road</i>	<i>Hilltop Avenue</i>
<i>John Street and Broadway</i>	<i>Both</i>
<i>John Street and Prospect Street</i>	<i>Both</i>
<i>Joseph Street and Broadway</i>	<i>Both</i>
<i>Kennedy Drive and Brentwood Road</i>	<i>Kennedy Drive</i>
<i>Kincaid Place and Oak Ridge Road</i>	<i>Kincaid Place</i>
<i>King Street and Benjamin Street</i>	<i>Both</i>
<i>Lexington Boulevard and Emerald Place</i>	<i>Both</i>
<i>Lincoln Boulevard and Broadway</i>	<i>Lincoln Boulevard</i>
<i>Lionel Street and Lincoln Boulevard</i>	<i>Both</i>
<i>Loeser Avenue and Lincoln Boulevard</i>	<i>Loeser Avenue</i>
<i>Mountainview Road and Fairview Road</i>	<i>Mountainview Road</i>
<i>Nassau Street and Broadway</i>	<i>Both</i>
<i>Nassau Street and Prospect Street</i>	<i>Both</i>
<i>Oak Ridge Road/Raritan Road and Raritan Road</i>	<i>Westerly approach of Raritan Road facing eastbound traffic</i>
<i>Old Raritan Road and Featherbed Lane</i>	<i>Old Raritan Road</i>

<i>Oleander Way and Liberty Street</i>	<i>Oleander Way</i>
<i>Prospect Street and Broadway</i>	<i>Both</i>
<i>Reifel Street and New York Avenue</i>	<i>Reifel Street</i>
<i>Ridge Road and Fairview Road</i>	<i>Ridge Road</i>
<i>Riverside Drive and Westfield Avenue</i>	<i>Both</i>
<i>Schindler Road and Broadway</i>	<i>Schindler Road</i>
<i>School Street and Lexington Boulevard</i>	<i>School Street</i>
<i>Skylark Place and Ross Street</i>	<i>Skylark Place</i>
<i>Stonehenge Terrace and Meadow Road</i>	<i>Stonehenge Terrace</i>
<i>Sweetbriar Drive and Meadow Road</i>	<i>Sweetbriar Drive</i>
<i>Tanglewood Turn and Stonehenge Terrace</i>	<i>Tanglewood Turn</i>
<i>Washington Street and Kathryn Street</i>	<i>Washington Street</i>
<i>Woodland Road and Oak Ridge Road</i>	<i>Woodland Road</i>

D. Section 347-35 is amended by adding the following:

Intersection	Yield Sign on
Oak Ridge Road/Raritan Road and Raritan Road	Easterly approach of Raritan Road facing westbound traffic

E. In § 347-36A, the entry for "Lake Avenue" is revised to read as indicated:

From	Onto	Hours
Lake Avenue	Stonehenge Terrace/Sweetbriar Drive/Meadow Road	7:00 a.m. to 9:00 a.m., <u>Monday to Friday</u>

F. Section 347-55 is amended by adding the following:

Location	Number of Spaces
Clark Pool, Oak Ridge Road	13
Esposito Park	3

G. Section 347-56A is amended by adding the following:

Street	Address	Number of Spaces
Commerce Place	100 (Urgent Care)	10
Featherbed Lane	787 (Deutscher Club)	5
Lake Avenue	1040 (Rotondos)	2
Nursing home		4
Old Raritan Road	1170 (Kingdom Hall)	2

Raritan Road	1060 (A & P)	8
Raritan Road	1300 (Hyatt Hills)	5
Walnut Avenue	100	10

H. Section 347-57 is amended to read as follows:

§ 347-57. Parking on all other private property.

In accordance with the provisions of N.J.S.A. 39:5A-1, the following off-street parking locations are designated as handicapped parking. Such spaces are for use by persons who have been issued special identification cards, plates or placards by the Division of Motor Vehicles or a temporary placard issued by the Chief of Police. No other person shall be permitted to park in these spaces.

<i>Location</i>	<i>Number of Spaces</i>
<i>Cellar Avenue Apartments</i>	
<i>17 to 26 Cellar Avenue</i>	<i>2</i>
<i>1220 Cellar Avenue</i>	<i>1</i>
<i>1230 Cellar Avenue</i>	<i>2</i>
<i>Hillcrest Village</i>	
<i>70 Sweetbriar Drive</i>	<i>1</i>
<i>76 Sweetbriar Drive</i>	<i>2</i>
<i>80 Sweetbriar Drive</i>	<i>1</i>
<i>1178 Lake Avenue</i>	<i>2</i>
<i>Lexington Village Apartment Buildings</i>	
<i>190 Gibson Boulevard</i>	<i>1</i>
<i>197 Lexington Boulevard</i>	<i>2</i>
<i>205 Lexington Boulevard</i>	<i>3</i>
<i>217 Lexington Boulevard</i>	<i>1</i>
<i>219 Lexington Boulevard</i>	<i>1</i>
<i>221 Lexington Boulevard</i>	<i>1</i>
<i>223 Lexington Boulevard</i>	<i>3</i>
<i>227 Lexington Boulevard</i>	<i>1</i>
<i>Schools/Private</i>	
<i>St. Agnes</i>	<i>9</i>
<i>St. Johns</i>	<i>8</i>
<i>Winters Court</i>	<i>1</i>

- I. Section 347-62C is revised to read as indicated: "Former A & P, Frances Meritt Feedtown, Block 105, Lots 2, 3 and 25."
- J. Section 347-63 is added to read as follows:

§ 347-63. Fire zones:

The following are designated fire zone areas:

Location	Description
<i>A & P, Raritan Road</i>	<i>Entry and exit driveways leading to Raritan Road, designated curbing along storefront, and all turning aisles</i>
<i>ALJ High School, Westfield Avenue</i>	<i>Entry driveway from Westfield Avenue, all designated curbing surrounding school building, all turning aisles</i>
<i>Bally's, Raritan Road</i>	<i>Building frontage, rear of building along yellow curbing, all turning aisles, and building front</i>
<i>15, 17, 45, 49 Brant Avenue</i>	<i>All entry and exit driveways leading to Brant Avenue and designated curbing along buildings</i>
<i>Carl Kumpf School, Mildred Terrace</i>	<i>Designated curbing along the school front</i>
<i>Clark BBQ, 1419 Raritan Road</i>	<i>Entry driveway from Raritan Road</i>
<i>Clarkton Shopping Center, Raritan Road</i>	<i>All entry and exit driveways leading to Raritan Road</i>
<i>Crown Plaza</i>	<i>All posted, marked curbing, turning aisles, building front and rear designated areas</i>
<i>Friendly's, Raritan Road</i>	<i>Curbing along the storefront</i>
<i>Henly School, Raritan Road</i>	<i>Entry curbing from Shadow Drive and curbing along school front</i>
<i>Hyatt Hills Golf, Raritan Road</i>	<i>All designated yellow curbing within the parking area and building front</i>
<i>Molly McGuire's, Central Avenue</i>	<i>Building front and all turning aisles</i>
<i>719 Raritan Road</i>	<i>Entry and exit driveways leading to Raritan Road</i>
<i>Rite Aid, Central Avenue</i>	<i>All designated yellow curbing along building side</i>
<i>Target lot, 77 Central Avenue, Marshalls/Payless</i>	<i>Storefront curbing, all turning aisles, and rear of building exiting onto Central Avenue</i>
<i>133 Terminal Avenue</i>	<i>Entry and exit driveways leading to Terminal Avenue and all turning aisles</i>
<i>159 Terminal Avenue</i>	<i>Main entry and exit driveways leading to Terminal Avenue</i>

<i>Town Hall, 430 Westfield Avenue</i>	<i>All posted and marked areas along the Clark Recreation Center</i>
<i>Valley Road School</i>	<i>Exit driveway out to Valley Road, both sides</i>
<i>14 Walnut Avenue</i>	<i>Curbing along building front</i>
<i>67 Walnut Avenue</i>	<i>All marked curbing, turning aisles</i>
<i>100 Walnut Avenue</i>	<i>All building frontage, curbing, rear of building and turning aisles</i>
<i>Walter Drive</i>	<i>All curbing, both sides, from Raritan Road to Thomas Drive</i>
<i>Wendy's, Central Avenue</i>	<i>Marked store frontage along Central Avenue, all turning aisles</i>

K. The original section titled "Violations of provisions of chapter" is deleted.

CERTIFICATION

TOWNSHIP OF CLARK

Office of the Township Clerk

I, **Edith L. Merkel**, Township Clerk of the Township of Clark, New Jersey, hereby certify that the chapters contained in this volume are based upon the original legislation of a general and permanent nature of the Township Council of the Township of Clark, and that said legislation, as revised and codified, renumbered as to sections and rearranged into chapters, constitutes the Code of the Township of Clark, County of Union, State of New Jersey, as adopted by ordinance of the Township Council on _____, _____.

Given under my hand and the Seal of the Township of Clark, County of Union, State of New Jersey, this _____ day of _____, at the municipal offices of the Township of Clark.

s/Edith L. Merkel

Township Clerk

Effective Date:

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

SHEILA WHITING
Council President

SALVATORE BONACCORSO
Mayor

Ord12/1-3CodeAdoption

	Aye	Nay	Abstain	Absent
Albanese	_____	_____	_____	_____
Barr	_____	_____	_____	_____
Kazanowski	_____	_____	_____	_____
Mazzarella	_____	_____	_____	_____
O'Connor	_____	_____	_____	_____
Toal	_____	_____	_____	_____
Whiting	_____	_____	_____	_____

TOWNSHIP OF CLARK

Ordinance No. _____

Adopted _____

INTRO

11

Introduced: January 3, 2012 Public Hearing: January 17, 2012

Motion: _____ Motion: _____

Seconded: _____ Seconded: _____

CAPITAL ORDINANCE OF THE TOWNSHIP OF CLARK, IN THE COUNTY OF UNION, NEW JERSEY AUTHORIZING THE ACQUISITION OF A 16 AMBULATORY/2 WHEELCHAIR MINI-BUS AND ANY ANCILLARY COSTS RELATED THERETO AND APPROPRIATING THE SUM OF \$75,000 AND PROVIDING THAT SUCH SUM SO APPROPRIATED SHALL BE RAISED FROM CAPITAL SURPLUS OF THE TOWNSHIP OF CLARK

BE IT ORDAINED by the Township Council of the Township of Clark, in the County of Union, New Jersey, as follows:

Section 1. The Township of Clark, in the County of Union, New Jersey, (The Township) is hereby authorized to acquire a 16 Ambulatory/2 Wheelchair Mini-Bus and any ancillary costs related thereto.

Section 2. The sum of \$75,000 is hereby appropriated for the acquisition of a 16 Ambulatory/2 Wheelchair Mini-Bus and ancillary costs related thereto, as described in Section 1 hereof (hereinafter referred to as "capital purpose"). Said appropriation shall be funded from the Capital Surplus of the Township of Clark for the payment of the cost of said "capital purpose."

Section 3. Said purpose is a lawful capital purpose of the Township having a period of usefulness of at least five (5) years.

Section 4. The capital budget is hereby amended to conform with the provisions of this capital ordinance to the extent of any inconsistency therewith and the resolution promulgated by the Local Finance Board showing full detail of the amended capital budget and the capital program as approved by the Director, Division of Local Government Services.

Section 5. This Ordinance shall take effect at the time and in the manner provided by law.

CA 12

TOWNSHIP OF CLARK
Resolution _____
January 3, 2012

Motion _____ Second _____

BE IT RESOLVED the Township Council does hereby desire to enter into a Cash Management Plan for the Township of Clark pursuant to the provisions of N.J.S.A. 40A:5-14 in order to set forth the basis for deposits, investment of certain public funds, and the assurance that all public funds identified herein are deposited in interest or dividend bearing accounts. (Copy of Plan to be made part of the Resolution); and

BE IT FURTHER RESOLVED by the Township Council of the Township of Clark at a meeting held on January 3, 2012 that the Treasurer/Chief Financial Officer be and hereby is authorized to utilize as depositories any banking institution which can provide a Government Unit Deposit Protection Act Certificate issued by the State of New Jersey, Department of Banking.

THEREFORE, BE IT RESOLVED the designated officials authorized to make deposits and investments under the plan, are the Township Administrator, and the Township Treasurer/Chief Financial Officer.

THEREFORE, BE IT FURTHER RESOLVED the Township Council authorizes and directs the Treasurer/Chief Financial Officer and other officials to follow the Cash Management Plan as may be modified from time to time effective January 3, 2012 to December 31, 2012.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

SHEILA WHITING
Council President

Res 12/CashManagementPlan

	Aye	Nay	Abstain	Absent
Albanese	_____	_____	_____	_____
Barr	_____	_____	_____	_____
Kazanowski	_____	_____	_____	_____
Mazzarella	_____	_____	_____	_____
O'Connor	_____	_____	_____	_____
Toal	_____	_____	_____	_____
Whiting	_____	_____	_____	_____

CASH MANAGEMENT PLAN OF THE TOWNSHIP OF CLARK
IN THE COUNTY OF UNION, NEW JERSEY 2012

I. STATEMENT OF PURPOSE.

This Cash Management Plan (the "Plan") is prepared pursuant to the provisions of N.J.S.A 40A:5-14 in order to set forth the basis for the deposits ("Deposits") and investment ("Permitted Investments") of certain public funds of the Township, pending the use of such funds for the intended purposes. The Plan is intended to assure that all public funds identified herein are deposited in interest or dividend bearing accounts or otherwise invested in Permitted Investments hereinafter referred to. The intent of the Plan is to provide the decisions made with regard to the Deposits and the Permitted Investments will be done to insure the safety, the liquidity (regarding its availability for the intended purposes), and the maximum investment return within such limits. The Plan is intended to insure that any Deposit or Permitted Investment matures within the time period that approximates the prospective need for the funds deposited or invested so that there is not a risk to the market value of such Deposits or Permitted Investments.

II. CASH MANAGEMENT POLICY.

- A. Objectives: The priority of investing policies shall be, in order of Descending Importance, security, liquidity, and yield.

1. Security: The safety of principal is the foremost objective of the cash management plan. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. The objective is to mitigate credit risk and interest rate risk.

2. Credit Risk: Credit risk is the risk of loss due to failure of the security issuer or backer. Credit risk may be mitigated by:
 - (a) Limiting investments to the safest types of securities.
 - (b) Pre-qualifying the financial institutions, broker/dealers, intermediaries, and advisors with which an entity will do business.
 - (c) Diversifying the investment portfolio so that potential losses on individual securities will be minimized.

3. Interest Rate Risk: Interest rate risk is the risk that the market value of securities in the portfolio will fall due to changes in general interest rates. Interest rate risk may be mitigated by:
 - (a) Structuring the investment portfolio so that securities mature to meet cash requirements for ongoing operations, thereby avoiding the need to sell securities on the open market prior to maturity, and
 - (b) By investing operating funds primarily in shorter-term securities.

4. Liquidity: The investment portfolio must remain sufficiently liquid to meet all structuring the portfolio so that securities mature concurrent with

cash needs to meet anticipated demands (static liquidity). Furthermore, since all possible cash demands cannot be anticipated, the portfolio should consist largely of securities with active secondary or resale markets (dynamic liquidity).

5. Yield: The investment portfolio must be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the investment risk constraints and liquidity needs. Return on investment is of least importance compared to the safety and liquidity objective described above. The core of investments are limited to relatively low risk securities in anticipation of earning a fair return relative to the risk being assumed. The Chief Financial Officer shall carefully evaluate any investment offering above market yields. Securities shall not be sold prior to maturity with the following exceptions.

- (a) A declining credit security could be sold early to minimize the loss of principal.
- (b) A security swap would improve the quality, yield, or target duration in the portfolio.
- (c) Liquidity needs of the local unit require that the security be sold.

B. Standard of Care

- (1) Prudence

The standard of prudence to be used by investment officials shall be the "prudent person" standard and shall be applied in the context of managing an overall portfolio in accordance with the State Law and this policy. The Chief Financial Officer, acting in accordance with written procedures and this cash management plan and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviation from expectations are reported in a timely fashion and the liquidity and the sale of securities are carried out in accordance with the terms of the cash management plan and policy.

Investments shall be made with the judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

2. Ethics and Conflicts of Interest

The designated officials involved in the investment process shall not have personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions. Actions of individuals involved in administering the cash management plan shall be governed by the Local Government

Ethics Law. They shall disclose any personal financial/investment positions that could be related to the performance of the investment portfolio. The designated officials shall refrain from undertaking personal investment transactions with the same individual with whom business is conducted on behalf of the Township.

3. Delegation of Authority

Authority to manage the cash management plan is granted to the Chief Financial Officer pursuant to N.J.S.A. 40A:5-14. Responsibility for the operations of the cash management plan is hereby delegated to the Chief Financial Officer. No person may engage in an investment transaction except as provided under the terms of the policy and the written procedures established by the Chief Financial Officer. The Chief Financial Officer shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate officials.

III. IDENTIFICATION OF FUNDS AND ACCOUNTS TO BE COVERED BY THE PLAN

A. The Plan is intended to cover the deposit and/or investment of the following funds and accounts of the Township (and any other that may be needed during the plan period).

Current Fund

Dog License Fund

Capital Fund

Public Assistance Trust Funds

Insurance Trust Fund	Unemployment Insurance Trust Fund
Other Trust Fund	Community Development Trust Fund
Pool Utility Fund	Grant Trust Fund
	Housing Development Fund

And the following interest accounts:

Payroll Agency Account

**IV. DESIGNATION OF OFFICIALS OF THE TOWNSHIP AUTHORIZED TO
MAKE DEPOSITS AND INVESTMENTS UNDER THE PLAN**

The Township Administrator, the Chief Financial Officer, and the Township Treasurer (The "Designated Official") are hereby jointly or severally authorized and directed to deposit and/or invest the funds referred to in the Plan. Prior to making any such Deposits or any Permitted Investments, such officials of the Township are directed to supply to all depositories or any other parties with whom the Deposits or Permitted Investments are made a written copy of this Plan which shall be acknowledged in writing by such parties and a copy of such acknowledgment kept on file with such officials.

V. DESIGNATION OF DEPOSITORIES

The following banks and financial institutions are hereby designated as official depositories for the Deposit of all public funds referred to in the Plan, including any certificates of Deposit which are not otherwise invested in Permitted Investments as

provided for in this Plan. The Chief Financial Officer may designate other institutions, during the period of this plan, as deemed necessary for successful accomplishment of the plan objectives:

New Jersey Cash Management Plan	TD Bank
Valley National Bank	Community Bank
Wells Fargo	Columbia Bank
Bank of America	Investors
MBIA Class Fund	Sovereign Bank
Provident Savings Bank	

Also, for purposes of investing, all institutions presenting a GUDPA certificate may be used. All such depositories shall acknowledge in writing receipt of this Plan by sending a copy of such acknowledgment to the Designated Officials referred to in Section IV above.

VI. DESIGNATION OF BROKERAGE FIRMS AND DEALERS WITH WHOM THE DESIGNATED OFFICIALS MAY DEAL.

The following brokerage firms and/or dealers and other institutions are hereby designated as firms with whom the Designated Officials of the Township referred to in this Plan may deal for purposes of buying and selling securities identified in the Plan as Permitted Investments or otherwise providing for Deposits. The Designated Officials of the Township referred to Section IV above may designate additional brokerage firms and/or dealers. All such brokerage firms and/or dealers shall acknowledge in writing receipts of this Plan by sending a copy of such acknowledgment to the Designated Officials referred to in Section IV above.

Summit Discount Brokerage

Fleet Securities

Commerce Capital Markets, Inc.

Columbia Savings Bank

VII. AUTHORIZED INVESTMENTS

- A. Except as otherwise specifically provided for herein, the Designated Official is hereby authorized to invest the public funds covered by this Plan, to the extent not otherwise held in Deposits, in the following Permitted Investments:
- (1) Bonds or other obligations of the United States of America or obligations guaranteed by the United States of America;
 - (2) Government money market mutual funds;
 - (3) Any obligation that a federal agency or a federal instrumentality has issued in accordance with an act of Congress, which security has a maturity date not greater than 397 days from the date of purchase, provided that such obligation bears a fixed rate of interest not dependent on any index or other external factor;
 - (4) Bonds or other obligations of the Local Unit or bonds or other obligations of school districts of which the Local Unit is a part of within which the school district is located;

- (5) Bonds or other obligations, having a maturity date not more than 397 days from the date of purchase, approved by the Division of Investment of the Department of the Treasury for investment by Local Units.
- (6) Local government investment pools;
- (7) Deposits with the State of New Jersey Cash Management Fund established pursuant to section 1 of P.L. 1977, c.281 (c.52:18A-90.4); or
- (8) Agreements for the repurchase of fully collateralized securities if:
 - (a) the underlying securities are permitted investments pursuant to paragraphs (1) and of this subsection a;
 - (b) the custody of collateral is transferred to a third party;
 - (c) the maturity of the agreement is not more than 30 days;
 - (d) the underlying securities are purchased through a public depository as defined in section 1 of P.L. 1970, c236 (C.17:9-4 1); and
 - (e) a master repurchase agreement providing for the custody and security of collateral is executed.

For purposed of the above language, the terms "government money market mutual fund" and "local government investment pool" shall have the following definitions:

Government Money Market Mutual Fund. An investment company or investment trust:

- (a) which is registered with the Securities and Exchange Commission under the "Investment Company Act of 1940", 15U.S.C. sec. 80a-1 et seq., and operated in accordance with 17 C.F.R. sec 270.2a-7.

- (b) the portfolio of which is limited to U.S. Government securities that meet the definition of any eligible security pursuant to 17C.F.R. sec 270.2a-7 and repurchase agreements that are collateralized by such U.S. Government securities; and

- (c) which has:
 - (i) attained the highest ranking or the highest letter and numerical rating of a nationally recognized statistical rating organization; or
 - (ii) retained an investment advisor registered or exempt from registration with the Securities and Exchange Commission pursuant to the "Investment Advisor Act of 1940", 15 U.S.C. sec 80b-1 et seq., with experience investing in U.S. Government management in excess of \$500 million.

Local Government Investment Pool

An investment pool:

- (a) which is managed in accordance with 17 C.F.R. sec. 270.2a-7;

- (b) which is rated in the highest category by a nationally recognized statistical rating organization;

- (c) which is limited to U.S. Government securities that meet the definition of an eligible security pursuant to 17 C.F.R. sec.270.2a-7

and repurchase agreements that are collateralized by such U.S. Government securities;

- (d) which is in compliance with rules adopted pursuant to the "Administrative Procedure Act", P.L. 1968, c410 (c.51:14B-1 et seq.) by the Local Finance Board of the Division of Local Government Services in the Department of Community Affairs, which rules shall provide for disclosure and reporting requirements, and other provisions deemed necessary by the board to provide for the safety, liquidity and yield of the investments;
- (e) which does not permit investments in instruments that: are subject to high price volatility with changing market conditions; cannot reasonably be expected, at the time of interest rate adjustment, to have a market value that approximates their par value; or utilize an index that does not support a stable net asset value; and
- (f) which purchases and redeems investments directly from the issuer, government money market mutual fund, or the State of New Jersey Cash Management Fund, or through the use of a national or State bank located within this State, or through a broker-dealer which, at the time of purchase or redemption, has been registered continuously for a period of at least two years pursuant to section 9 of P.L. 1967 c.9(C.49:3-56 and has at least \$25 million in capital stock (or equivalent capitalization if not a corporation), surplus reserves for contingencies and undivided profits, or through a securities dealer who makes primary markets in U.S. Government securities and reports daily to the Federal Reserve Bank of New York its position in and borrowing on such U.S. Government securities.

VIII. SAFEKEEPING CUSTODY PAYMENT AND ACKNOWLEDGMENT OF RECEIPT OF PLAN.

To the extent that any Deposit or Permitted Investment involves a document or security which is not physically held by the Township, then such instrument or security shall be covered by all custodial agreements with an independent third party, which shall be a bank or financial institution in the State of New Jersey. Such institution shall provide for the designation of such investments in the name of the Township to assure that there is not unauthorized use of the funds or the Permitted Investments or Deposits.

IX. REPORTING REQUIREMENTS:

On the first day of each month during which this Plan is in effect, the Designated Officials referred to in Section III hereof shall supply to the governing body of the Township a written report of any Deposits of Permitted Investments made pursuant to this Plan, which shall include, at a minimum, the following information:

- A. The name of any institution holding funds of the Township as a Deposit of a Permitted Investment.
- B. The amount of securities or Deposits purchased or sold during the immediately preceding month.
- C. The class or type of securities purchased or Deposits made.

- D. The book value of such Deposits or Permitted Investments.
- E. The earned income on such Deposits or Permitted Investments. To the extent that such amounts are actually earned at maturity, this report shall provide an accrual of such earnings during the immediately preceding month.
- F. The fees incurred to undertake such Deposits or Permitted Investments.
- G. The market value of all Deposits or Permitted Investments as of the end of the immediately preceding month.
- H. All other information which may be deemed reasonable from time to time by the governing body of the Township.

X. TERM OF PLAN

This Plan shall be in effect from January 3, 2012 to December 31, 2012. Attached to this Plan is a resolution of the Governing Body of the Township approving this Plan for such period of time. The Plan may be amended from time to time. To the extent that any amendment is adopted by the Council, the Designated Official is directed to supply copies of the amendments to all of the parties who otherwise have received the copy of the originally approved Plan, which amendment shall be acknowledged in writing in the same manner as the original Plan was so acknowledged.

CA 13

TOWNSHIP OF CLARK
Resolution _____
January 3, 2012

Motion _____ Second _____

WHEREAS the 2011 Municipal Budget totaled \$19,998,365.71; and

WHEREAS the Temporary Municipal Budget for 2012 cannot exceed 26.25% of the prior year's budget less Capital appropriations and Debt services; and

WHEREAS the total amount that may be introduced as a Temporary Budget for 2012 is \$4,743,925.78

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that the following line items are hereby adopted as the Temporary Budget for 2012 in the total amount of 4,712,900.00 exclusive of debt service.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

SHEILA WHITING
Council President

Res12/1-3 Budget Temporary	
	Aye Nay Abstain Absent
Albanese	_____
Barr	_____
Kazanowski	_____
Mazzarella	_____
O'Connor	_____
Toal	_____
Whiting	_____

CLARK TOWNSHIP				
TEMPORARY BUDGET - 2012				
Dept#	DEPARTMENT	SALARIES	OTHER	TOTAL
20-100	Administration	\$ 62,000.00	25,000.00	\$ 87,000.00
20-110	Mayor's Office	18,000.00	6,000.00	24,000.00
20-111	Municipal Council	12,000.00	10,000.00	22,000.00
20-120	Clerk	42,000.00	10,000.00	52,000.00
20-121	Clerk - Elections	-	10,000.00	10,000.00
20-130	Financial Administration	63,000.00	20,000.00	83,000.00
20-145	Revenue Administration	18,000.00	5,000.00	23,000.00
20-150	Tax Assessor	28,000.00	15,000.00	43,000.00
20-155	Legal Services	7,000.00	35,000.00	42,000.00
20-165	Engineering Services	-	45,000.00	45,000.00
21-180	Planning Board	2,000.00	6,000.00	8,000.00
21-185	Zoning Board of Adjustment	3,000.00	3,000.00	6,000.00
22-195	Code Enforcement	90,000.00	10,000.00	100,000.00
23-210	Ins & Bonding	-	300,000.00	300,000.00
23-220	Health Benefits	-	900,000.00	900,000.00
23-222	Life Insurance	-	6,000.00	6,000.00
23-223	Disability	-	12,000.00	12,000.00
25-240	Police	1,085,000.00	50,000.00	1,135,000.00
25-250	911	100,000.00	17,000.00	117,000.00
25-252	Emergency Management	2,000.00	2,000.00	4,000.00
25-265	Public Safety	1,000.00	-	1,000.00
25-266	Fire Bureau	15,000.00	24,000.00	39,000.00
25-267	Fire Hydrant	-	75,000.00	75,000.00
25-268	Fire Prevention	24,000.00	7,000.00	31,000.00
26-290	Streets and Roads	300,000.00	140,000.00	440,000.00
26-291	Traffic Lights	-	10,000.00	10,000.00
26-305	Grass	-	-	-
26-306	Leaves	-	20,000.00	20,000.00
26-307	Recycling	-	40,000.00	40,000.00
26-308	Cleanup	-	15,000.00	15,000.00
26-310	Building and Grounds	52,000.00	30,000.00	82,000.00
26-313	Shade Tree	-	7,000.00	7,000.00
26-325	Municipal Services Act	-	10,000.00	10,000.00
27-330	Public Health Services	25,000.00	5,000.00	30,000.00
27-331	Senior Citizens	20,000.00	4,000.00	24,000.00
27-365	Visiting Nurse	-	900.00	900.00
28-370	Recreation	45,000.00	10,000.00	55,000.00
29-390	Municipal Library	-	260,000.00	260,000.00
30-420	Celebration of Public Events	-	20,000.00	20,000.00
31-430	Utilities	-	115,000.00	115,000.00
31-435	Street Lighting	-	80,000.00	80,000.00
31-440	Utilities - Telephone	-	25,000.00	25,000.00
31-460	Utilities - Gasoline	-	65,000.00	65,000.00
32-465	Recycling Tax	-	-	-
36-472	Social Security - FICA	-	160,000.00	160,000.00
36-476	Unemployment Comp.	-	2,000.00	2,000.00
36-477	DCRP	-	-	-
42-102	Interlocal Svc-Bd of Ed	-	20,000.00	20,000.00
43-490	Municipal Court	60,000.00	7,000.00	67,000.00
		\$ 2,074,000.00	\$ 2,638,900.00	\$ 4,712,900.00
44-901	Capital Improvements	-	100,000.00	100,000.00
45-920	Bond Principal	-	1,030,000.00	1,030,000.00
45-925	BAN Principal	-	580,000.00	580,000.00
45-930	Bond Interest	-	351,211.00	351,211.00
45-935	Note Interest	-	92,455.00	92,455.00
46-871	Deferred Charges	-	-	-
		\$ -	\$ 2,153,666.00	\$ 2,153,666.00
		\$ 2,074,000.00	\$ 4,792,566.00	\$ 6,866,566.00

CA 14

TOWNSHIP OF CLARK
Resolution _____
January 3, 2012

Motion _____ Second _____

WHEREAS the Municipal Sewer Budget for 2011 totaled \$4,000,000.00; and

WHEREAS the Temporary Sewer Budget for 2012 cannot exceed 26.25% of the prior year's budget which is \$1,060,000.00.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that the following line item is hereby adopted as the Temporary Sewer Budget for 2012 in the total amount of \$400,000.00.

Salaries and Wages	\$200,000.00
Miscellaneous Other Expenses	\$200,000.00

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

SHEILA WHITING
Council President

Res12/BudgetTempSewerUtility

	Aye	Nay	Abstain	Absent
Albanese	_____	_____	_____	_____
Barr	_____	_____	_____	_____
Kazanowski	_____	_____	_____	_____
Mazzarella	_____	_____	_____	_____
O'Connor	_____	_____	_____	_____
Toal	_____	_____	_____	_____
Whiting	_____	_____	_____	_____

CA 15

TOWNSHIP OF CLARK
Resolution _____
January 3, 2012

Motion _____ Second _____

WHEREAS the Municipal Pool Budget for 2011 totaled \$315,000.00; and

WHEREAS the Temporary Pool Budget for 2012 cannot exceed 26.25% of the prior year's budget which is \$83,475.00.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey that the following line item is hereby adopted as the Temporary Pool Budget for 2012 in the total amount of \$80,000.00.

Miscellaneous Other Expenses \$80,000.00

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

SHEILA WHITING
Council President

Res12/BudgetTempPoolUtility

	Aye	Nay	Abstain	Absent
Albanese	_____	_____	_____	_____
Barr	_____	_____	_____	_____
Kazanowski	_____	_____	_____	_____
Mazzarella	_____	_____	_____	_____
O'Connor	_____	_____	_____	_____
Toal	_____	_____	_____	_____
Whiting	_____	_____	_____	_____

TOWNSHIP OF CLARK
Resolution _____
January 3, 2012

CA 16

Motion _____ Second _____

WHEREAS the Petty Cash balances of the Business Administrator, Police Officer-In-Charge and Pool Director were turned over as of 10:00 a.m., December 31, 2011 to the Treasurer's Office.

NOW, THEREFORE, BE IT RESOLVED there has been established a Petty Cash Fund for the Year 2012 and the Treasurer's Office is hereby authorized to issue checks to the following department heads:

Business Administrator	\$250.00
Police Officer-In-Charge	\$150.00
Pool Director	\$300.00

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

SHEILA WHITING
Council President

Res12/PettyCash

	Aye	Nay	Abstain	Absent
Albanese	_____	_____	_____	_____
Barr	_____	_____	_____	_____
Kazanowski	_____	_____	_____	_____
Mazzarella	_____	_____	_____	_____
O'Connor	_____	_____	_____	_____
Toal	_____	_____	_____	_____
Whiting	_____	_____	_____	_____

TOWNSHIP OF CLARK

Resolution _____

January 3, 2012

CA 17

Motion _____ Second _____

WHEREAS NJSA 54:4-67 permits the Governing Body of each municipality to fix the rate of interest to be charged for non-payment of taxes as provided by law; and

WHEREAS NJSA 54:4-67 has been amended to permit the fixing of said rate of 8% per annum on the first \$1,500.00 of the delinquency and 18% per annum on any amount in excess of \$1,500.00 and allows an additional penalty of 6% be collected against a delinquency in excess of \$10,000.00 on properties that fail to pay the delinquency prior to the end of the calendar year.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey as follows:

1. The Tax collector is hereby authorized and directed to charge 8% per annum on the first \$1,500.00 of taxes becoming delinquent after due date and 18% per annum on any amount of taxes in excess of \$1,500.00 be delinquent after due date and if a delinquency is in excess of \$10,000.00 and remains in arrears beyond December 31st, an additional penalty of 6% shall be charged against the delinquency subject to any abatement or discount for the late payment of taxes as provided by law.

2. Authorize Tax Collector to sell prior years delinquent taxes.

3. Effective January 3, 2012, there will be a ten (10) day grace period of quarterly tax payments made by cash, check or money order.

4. Any payments not made in accordance with paragraph two of this resolution shall be charged interest from the due date as set forth in paragraph one of this resolution.

5. This resolution shall be published in its entirety once in an official newspaper of the Township of Clark.

6. A certified copy of this resolution shall be provided by the Township Clerk to the Tax Collector, Township Attorney, and Township Auditor for the Township of Clark.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

SHEILA WHITING
Council President

Res12/RateInterestDelinquentTax

	Aye	Nay	Abstain	Absent
Albanese	_____	_____	_____	_____
Barr	_____	_____	_____	_____
Kazanowski	_____	_____	_____	_____
Mazzarella	_____	_____	_____	_____
O'Connor	_____	_____	_____	_____
Toal	_____	_____	_____	_____
Whiting	_____	_____	_____	_____

CA 18

TOWNSHIP OF CLARK

Resolution _____

January 3, 2012

Motion _____ Second _____

BE IT RESOLVED by the Governing Body of the Township of Clark that the funds of the Township of Clark be subject to withdrawal upon checks signed by any two of the following:

- Mayor
- Business Administrator
- Treasurer/Chief Financial Officer

BE IT FURTHER RESOLVED that checks drawn upon the payroll account and agency account shall require the signature of any two of the following:

- Mayor
- Business Administrator
- Treasurer/Chief Financial Officer

ATTEST:

APPROVED:

 EDITH L. MERKEL, RMC
 Township Clerk

 SHEILA WHITING
 Council President

Res12/ChecksSigned

	Aye	Nay	Abstain	Absent
Albanese	_____	_____	_____	_____
Barr	_____	_____	_____	_____
Kazanowski	_____	_____	_____	_____
Mazzarella	_____	_____	_____	_____
O'Connor	_____	_____	_____	_____
Toal	_____	_____	_____	_____
Whiting	_____	_____	_____	_____

CA 19

TOWNSHIP OF CLARK
Resolution _____
January 3, 2012

Motion _____ Second _____

BE IT RESOLVED by the Governing Body of the Township of Clark in the County of Union, State of New Jersey that the Union County Local Source, NJTODAY.NET and the Star Ledger be designated as the official newspapers of the Township of Clark for the Year 2012.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

SHEILA WHITING
Council President

Res12/Newspapers

Aye Nay Abstain Absent

Albanese	_____
Barr	_____
Kazanowski	_____
Mazzarella	_____
O'Connor	_____
Toal	_____
Whiting	_____

CA 20

TOWNSHIP OF CLARK
Resolution _____
January 3, 2012

Motion _____ Second _____

BE IT RESOLVED by the Governing Body of the Township of Clark that it does hereby authorize the Administration/Township Clerk to advertise for upcoming Bids for all necessary government operations including capital projects and swim pool requirements for the year 2012.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

SHEILA WHITING
Council President

Res12/AdvertiseBids

	Aye	Nay	Abstain	Absent
Albanese	_____	_____	_____	_____
Barr	_____	_____	_____	_____
Kazanowski	_____	_____	_____	_____
Mazzarella	_____	_____	_____	_____
O'Connor	_____	_____	_____	_____
Toal	_____	_____	_____	_____
Whiting	_____	_____	_____	_____

TOWNSHIP OF CLARK

Resolution _____

January 3, 2012

CA 21

Motion _____ Second _____

WHEREAS in accordance with N.J.A.C. 17:27-3.2 each public agency shall designate an individual to serve as its Public Agency Compliance Officer or P.A.C.O.; and

WHEREAS the P.A.C.O. is the liaison between the Division of Public Contracts Equal Employment Opportunity Compliance (the Division) and the Public Agency and is the Public Agency point of contact for all matters concerning implementation and administration of the statute; and

WHEREAS the P.A.C.O. is also responsible for administering contracting procedures pertaining to equal employment opportunity regarding both the Public Agency and the service providers; and

WHEREAS the service provider shall include but shall not be limited to goods and services vendors, professional service vendors and construction contractors; and

WHEREAS the P.A.C.O. must have the authority to recommend changes to effectively support the implementation of the statute and its regulations; and

WHEREAS each year, all Public Agencies are required to submit the name, title, address, telephone, number, fax and e-mail address of the P.A.C.O. designated by the Public Agency to the Division no later than January 10th of each year; and

WHEREAS it is the responsibility of the Public Agency to update the P.A.C.O. designation at any time during the year if any changes are made.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey that it hereby designates, John Laezza, Business Administrator as the Public Agency Compliance Officer, effective January 3, 2012 for a period of one year ending December 31, 2012; and

BE IT FURTHER RESOLVED that one certified copy of this resolution be filed with the Division of Public Contracts Equal Employment Opportunity Compliance.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

SHEILA WHITING
Council President

Res12/1-3 Appoint PACO

	Aye	Nay	Abstain	Absent
Albanese	_____	_____	_____	_____
Barr	_____	_____	_____	_____
Kazanowski	_____	_____	_____	_____
Mazzarella	_____	_____	_____	_____
O'Connor	_____	_____	_____	_____
Toal	_____	_____	_____	_____
Whiting	_____	_____	_____	_____

TOWNSHIP OF CLARK

Resolution _____

January 3, 2012

CA 22

Motion _____ Second _____

WHEREAS the Municipal Land Use Law and in particular N.J.S.A. 40:55D-53.2 authorizes the Township to offset the cost of professional fees incurred by it in connection with Township's or its administrative boards' review of applications for development, the preparation of documents and the inspection of developments and improvements under construction; and

WHEREAS the fees or charges to be assessed in connection therewith shall be based upon a schedule to be established.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark that in accordance with N.J.S.A. 40:55D-53.2 that the following 2012 fee schedule as the same may be periodically updated yearly, for in-house review of applications for development, review and preparation of documents, inspection of improvements or other charges authorized by the Municipal Land Use Law is hereby approved.

ESCROW FEE SCHEDULE (In-House)
Plan Review, Site Inspection & Testing Fees

<u>Title Category</u>	<u>Name</u>	<u>Salary</u>	<u>Work Hours</u>	<u>Hourly Rate</u>
Township Engineer	Richard O'Connor Grotto Engineering Associates, LLC	-0-	As needed	\$130.00
Engineering Tech	Richard O'Connor Grotto Engineering Associates, LLC	-0-	As needed	\$ 75.00
Planning Board Attorney	Michael Cresitello DiFrancesco, Bateman, Coley, Yospin, Kunzman, Davis & Lehrer, PC	-0-	As needed	\$150.00
Board of Adjustment Attorney	Howard Spialter	-0-	As needed	\$150.00

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

SHEILA WHITING
Council President

TOWNSHIP OF CLARK

Resolution _____

January 3, 2012

CA 23

Motion _____ Second _____

WHEREAS in the past, the Township of Clark has availed itself of the right to purchase materials, supplies and equipment under contracts for such materials, supplies and equipment entered into on behalf of the State of New Jersey by the Division of Purchase and Property in the Department of the Treasury pursuant to N.J.S.A. 40A:11-12; and

WHEREAS it is desirable from time-to-time to obtain materials, supplies and equipment under contracts for such materials, supplies and equipment entered into on behalf of the State by the said Division without the necessity of advertising for bids, or in the cases where no bids have been received; and

WHEREAS it is contemplated that it will be necessary or desirable to obtain materials, supplies and equipment under such contract or contracts entered into on behalf of the State of New Jersey by said Division during the year 2012.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Clark, County of Union, State of New Jersey, as follows:

1. That the purchases by the Township of Clark, through the several municipal departments shall be purchased under a contract or contracts for such materials, supplies or equipment entered into on behalf of the State of New Jersey by the Division of Purchase and Property in the Department of the Treasury, in those cases where it is desirable and in the best interest of the Township of Clark, and in those cases where bids have been sought by advertisement therefore and no bids are received.
2. That a copy of the Resolution be forwarded to the Municipal Administrator, all Department Heads of the Township of Clark, Township Auditor, and any other party of interest.

ATTEST:

APPROVED:

EDITH L. MERKEL, RMC
Township Clerk

SHEILA WHITING
Council President

Res12/StateContract

Aye Nay Abstain Absent

Albanese	_____
Barr	_____
Kazanowski	_____
Mazzarella	_____
O'Connor	_____
Toal	_____
Whiting	_____