

ORDINANCE NO. 3-2012

AN ORDINANCE ADOPTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE CITY OF NORTHFIELD, COUNTY OF ATLANTIC, 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 City Council of the City of Northfield, County of Atlantic, State of New Jersey, as follows:

§ 1-1. Adoption of Code.

Pursuant to N.J.S.A. 40:49-4, the ordinances of the City of Northfield of a general and permanent nature adopted by the City Council of the City of Northfield, as revised, codified and consolidated into chapters and sections by General Code, and consisting of Chapters 1 through 363, together with an Appendix, are hereby approved, adopted, ordained and enacted as the "Code of the City of Northfield," hereinafter known and referred to as the "Code."

§ 1-2. Code supersedes prior ordinances.

This ordinance and the Code shall supersede all 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 City 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 City of Northfield by impressing

thereon the Seal of the City, as provided by law, and such certified copy shall remain on file in the office of the Clerk of the City, 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 City of Northfield" 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 City of Northfield, pursuant to law, shall this Adopting Ordinance to be published, in the manner required, in a newspaper of general circulation in the City. 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 City. 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 City of Northfield 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 or 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. Repeal of ordinances.

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 saved from repeal.

§ 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 12/31/2011.
- 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 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 City'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 legislation relating to or establishing a pension plan or pension fund for municipal employees.

§ 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 City 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. 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. General penalty.

Unless any provision of this Code or state statute provides for a different penalty, violations of any provision of this Code shall be punishable by 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 to exceed 90 days, in the discretion of the judge imposing same. Each day a violation continues shall be considered a separate offense.

Mary Canesi, RMC
Municipal Clerk

Vince Mazzeo
Mayor

The above Ordinance was introduced and passed on its first reading at a regular meeting of the Council of the City of Northfield, New Jersey held on March 27, 2012, and was taken up for a second reading, public hearing and final passage at a meeting of said Council held April 24, 2012, in Council Chambers, City Hall, Northfield, New Jersey.

FIRST READING:	March 27, 2012
PUBLICATION:	March 31, 2012
SECOND READING:	April 24, 2012
PUBLICATION:	April 28, 2012

Roll Call

Aye: Brown, Dewees, O'Neill, Perri, Polistina, Vain, Carew

Nay:

Abstain:

Absent:

Northfield Code Adoption Schedule A

Nomenclature Changes

Throughout the Code, references to “Zoning Board of Adjustment” are changed to “Planning Board” or deleted, as appropriate.

Chapter 18, Court

Article I, Establishment

1. Section 18-1 is revised as follows: “A Municipal Court for the City of Northfield, New Jersey, is established as of January 1, 1949, pursuant to the provisions of N.J.S.A. 2B:12-1 et seq. ~~Chapter 264 of the Laws of 1948~~ and the amendments thereof and supplements thereto.”
2. Section 18-6 is revised as follows: “Said Municipal Court and the Judge thereof shall have and exercise all the functions, powers, duties and jurisdictions conferred by the provisions of N.J.S.A. 2B:12-1 et seq. ~~Chapter 264 of the Laws of 1948~~, as amended and supplemented, or by any other law.”

Chapter 33, Length of Service Awards Program

Section 33-3D is revised as follows: “The annual contribution can be increased by the City of Northfield at its discretion at any time in the future. The increase may be any amount the governing body of the City of Northfield deems appropriate up to the State of New Jersey maximum, ~~which is presently \$1,125 per qualifying volunteer.~~ This alteration may be done without requiring an additional public referendum.”

Chapter 43, Officers and Employees

Article II, Deputy City Clerk

Section 43-6 is added to read as follows:

§ 43-6. Powers and duties.

The Deputy City Clerk shall have all the powers and perform all the duties of the City Clerk during such times and for such specific periods as the City Clerk shall be absent, disabled, or when delegated by the City Clerk to exercise such powers and perform such duties. The Deputy City Clerk shall also perform such functions and duties as may be assigned to him by the City Clerk or the Council.

Article IV, Chief Financial Officer

1. Section 43-10 is revised as follows: "The position of Chief Financial Officer is hereby created pursuant to N.J.S.A. 40A:9-140.1, ~~as amended by P.L. 1988, c. 110.~~"
2. Section 43-11 is revised as follows: "The qualifications for the Chief Financial Officer shall be as set forth within N.J.S.A. 40A:9-140.1 et seq., ~~as amended by P.L. 1988, c. 110.~~"

Article V, Assistant City Engineer

Section 43-16 is added to read as follows:

§ 43-16. Duties.

The Assistant City Engineer shall perform the duties of the Engineer in the absence of or at the direction of the latter and shall also have such other functions, powers and duties as may be prescribed by the Council.

Article VI, Public Works Manager

Article VI is revised to read as follows:

ARTICLE VI **Public Works Manager**

§ 43-17. Position created; appointment.

The position of Public Works Manager for the City of Northfield is hereby created, which position may be filled, from time to time, by appointment of the governing body of the City of Northfield as deemed necessary. The appointment shall be consistent with the provisions of N.J.S.A. 40A:9-154.6b.

§ 43-18. Duties.

The Public Works Manager shall supervise the care and maintenance of streets, roads, avenues, public buildings, public places and motor vehicles within the municipality.

§ 43-19. Road Supervisor.

The Public Works Manager may be the same individual appointed by the governing body to serve as Road Supervisor.

§ 43-20. Compensation.

The compensation of the Public Works Manager shall be fixed annually by the governing body within the Salary Ordinance, which shall be maintained on file in the office of the Municipal Clerk.

§ 43-21. Tenure.

The Public Works Manager may achieve tenure in accordance with the provisions of N.J.S.A. 40A:9-154.6, but only if the governing body of the City of Northfield shall hereafter pass an ordinance authorizing tenure for such office.

Article VIII, Municipal Tax Assessor

1. Section 43-31 is revised as follows: "In accordance with N.J.S.A. 40A:9-146, the position of Municipal Tax Assessor is established within the City of Northfield, ~~the position to become effective and to commence as of November 1, 1980.~~"
2. Section 43-32 is revised as follows: "The term of office of the Municipal Tax Assessor shall be in accordance with N.J.S.A. 40A:9-148, and the Municipal Tax Assessor, as appointed, shall hold office for a term of four years from the first day of July next following his appointment, ~~that is, for a term of four years commencing July 1, 1981.~~"

Article IX, City Administrator

Section 43-40E is revised as follows: "Nothing in this section shall derogate from or authorize the City Administrator to exercise the powers and duties of the elected and appointed officers of the City, ~~including statutory rights under N.J.S.A. 40:46-7.~~"

Chapter 49, Parks and Recreation Department

Section 49-2 is revised to read as follows: "The head of the Department shall be the Councilperson charged with the responsibility for parks and recreational activities, and the Department shall consist of said Councilperson and an advisory committee of 11 members consisting of eight permanent members and three alternates, who shall act in an advisory capacity to the head of the Department and shall be designated as the "Parks and Recreation Committee." Members shall be residents of the City of Northfield. Of the eight permanent appointments, one member shall be a member of the City Council."

Chapter 61, Police Department

1. Section 61-3 is revised to change "Division" to "Department."
2. Section 61-5 is revised as follows:
 - A. The Police Department shall be officered by a Chief. ~~Upon recommendation from the Mayor, as the head of the Police Department and upon resolution of the Council, as many Captains, Lieutenants and Sergeants as may be required for the protection of the City and the efficient operation of the Police Department may be appointed.~~
 - B. Number of positions. The Police Department shall consist of the following positions: [(1) through (7) unchanged]

Chapter 85, Alarm Systems

Section 85-5 is revised as follows: “Any person, entity, firm, corporation or other group that is found guilty of violating any of the provisions of this chapter by the municipal court of the City of Northfield shall be subject to a fine as set forth in Chapter 1, General Provisions, § 1-15 ~~of not less than \$100 nor more than \$1,000 for each violation~~. In addition to any adjudication by the court, the Chief of Police may suspend or revoke any alarm permit held by any permittee under the authority of § 85-3H of this chapter, regarding revocation or suspension of permits, and in accordance with the rules and regulations promulgated hereunder, and cause any alarms for which said permit is revoked to be disconnected from the police alarm system.”

Chapter 91, Alcoholic Beverages

1. Section 91-6B is revised to change “N.J.S.A. 33:1-1 to 33:1-96” to “N.J.S.A. 33:1-1 et seq.”
2. Section 91-7B is revised as follows: “A violation of this chapter by any person other than a licensee shall, upon conviction thereof, be punishable by a fine as set forth in Chapter 1, General Provisions, § 1-15, ~~not exceeding \$500 or by imprisonment not exceeding 90 days, or by both such fine and imprisonment, in the discretion of the court.~~”

Chapter 97, Animals

Article I, Regulation of Dogs and Cats

1. Section 97-8A is revised to change “State Department of Health” to “State Department of Health and Senior Services.”
2. Section 97-12 is revised to read as follows: “Except as provided in N.J.S.A. 4:19-15.19, violations of this article shall be subject to a penalty as set forth in Chapter 1, General Provisions, § 1-15.”

Article II, Animals and Fowl

Section 97-19 is revised to read as follows: “The penalty for violation of any provision of this article shall be as set forth in Chapter 1, General Provisions, § 1-15.”

Article III, Domesticated Pets

1. Sections 97-21 and 97-22 are revised to read as follows:

§ 97-21. Curbing of dogs and cats.

Every person, whether he or she is the owner or custodian of the dog or cat, shall, when the dog or cat is on the public streets or sidewalks, or a pedestrian bike path, curb said dog or cat so as not to injure or damage any garden, flower garden, land, plant, tree, shrubbery, grass, grounds or other

property of any person and under no circumstance shall allow any dog or cat to defecate or urinate upon any lawn, shrubbery, sidewalk, common thoroughfare, passageway, bypath, play area, park or any other place where people congregate or walk or upon any public property whatsoever or upon any private property without the express permission of the owner of said property.

§ 97-22. Removal of feces.

Any person owning, keeping, harboring, maintaining or in charge of any dog or cat which soils, defiles, defecates on or commits any nuisance on any common thoroughfare, sidewalk, passageway, bypath, play area or any place where people congregate or walk or upon any public property whatsoever or upon any private property without the express permission of the owner of said property shall immediately remove all feces deposited by such dog or cat by the use of any sanitary method and shall dispose of such feces in a sanitary manner.

2. Section 97-23 is revised to read as follows: "The penalty for violation of any provision of this article shall be as set forth in Chapter 1, General Provisions, § 1-15."

Chapter 117, Burning, Outdoor

Section 117-2 is revised to read as follows: "The penalty for violation of any provision of this chapter shall be as set forth in Chapter 1, General Provisions, § 1-15."

Chapter 140, Curfew

Section 140-3 is added to read as follows:

§ 140-3. School hours.

It shall be unlawful for a juvenile of any age under 18 years within the discretion of the municipality to be in any public place during the hours when the juvenile is required to be in attendance at either a public or nonpublic school unless the juvenile is accompanied by a parent or guardian or is carrying written permission from the juvenile's educational authority allowing the juvenile to be in a public place.

Chapter 148, Drug-Free School Zones

1. Section 148-3 is revised to change “Municipal Attorney” to “City Solicitor.”
2. Section 148-5B is revised as follows: Except as is otherwise expressly noted on the face of the approved and adopted map, all of the property depicted on the map approved and adopted herein as school property was owned by or leased to a school or school board and was being used for school purposes as of April 15, July 9, 1987, that being the effective date of P.L. 1987 1989, c. 101 (N.J.S.A. 2C:35-7).”

Chapter 160, Fire Control

Section 160-18 is added as follows:

§ 160-18. Violations and penalties.

The penalty for violation of any provision of this chapter shall be as set forth in Chapter 1, General Provisions, § 1-15.

Chapter 171, Fire Prevention

Article I, Smoke Detectors

Section 171-7 is revised to read as follows: “The penalty for violation of any provision of this article shall be as set forth in Chapter 1, General Provisions, § 1-15.”

Article II, Uniform Fire Code Enforcement

1. Section 171-16D is revised to change “N.J.A.C. 5:18A-3.3a.25” to “N.J.A.C. 5:71-3.3(a)25.”
2. Section 171-22 is revised as follows: “Nothing contained within this article is intended to permit any activity or any use not otherwise authorized or permitted pursuant to the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) and Chapter 215, Land Use and Development, of the Code Land Use Act or zoning ordinances of the City of Northfield.”

Chapter 181, Fire Zones

Section 181-4 is added as follows:

§ 181-4. Maps depicting fire zones.

The Council of the City of Northfield may adopt from time to time maps depicting fire zones, which maps are on file in the Clerk’s office.

Chapter 188, Flood Damage Prevention

Section 188-11 is revised as follows: “No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this chapter and all other applicable regulations. Violations of the provisions of this chapter by failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with conditions, shall constitute a misdemeanor. The penalty for violation of any provision of this article shall be as set forth in Chapter 1, General Provisions, § 1-15. ~~Any person violating this chapter or failing to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$100.~~ In addition, upon conviction, any person violating this chapter or failing to comply with any of its requirements shall pay to the municipality all costs and expenses involved or incurred in the case. Nothing herein contained shall prevent the City of Northfield from taking such other lawful action as is necessary to prevent or to remedy any violation.”

Chapter 215, Land Use and Development

1. The following statutory references have been updated:

Section	Former Reference	Updated Reference
§ 215-5, Definitions:		
Certificate of nonconformance	N.J.S.A. 40:55-48	N.J.S.A. 40:55D-48
City Engineer	N.J.S.A. 40:87-15	N.J.S.A. 40A:9-140
City Surveyor	N.J.S.A. 46:23-9.2 N.J.S.A. 40:50-9	N.J.S.A. 46:23-9.9 et seq. Reference deleted
CAFRA permit; environmental impact report	N.J.A.C. 7:7D-1.0 et seq.	N.J.A.C. 7:7-1.1 et seq.
Community shelter for victims of domestic violence	N.J.S.A. 30:40-1-14	N.J.S.A. 30:14-1 et seq.
Environmental impact report	N.J.S.A. 13:10 et seq.	N.J.S.A. 13:19-1 et seq.
Erosion and sediment control plan	N.J.S.A. 40:55-120	N.J.S.A. 40:55D-120
Funeral home	N.J.S.A. 27:23-1 et seq.	N.J.S.A. 45:7-47 et seq.
Uniform construction code	N.J.S.A. 40A:12-27	N.J.S.A. 52:27D-119 et seq.
§ 215-8C(8)	N.J.S.A. 2A:11-15	N.J.S.A. 2B:7-4
§ 215-45C(1)(c)[14]	1960 Explosive Act (N.J.S.A. 21:1A-1-27)	1960 Explosives Act (N.J.S.A. 21:1A-128 et seq.)
§ 215-68B(1)(a)	N.J.S.A. 46:23, Map Filing Law	N.J.S.A. 46:23-9.9 et seq.
§ 215-105	N.J.S.A. 46:23-9.N	N.J.S.A. 46:23-9.9 et seq.

2. Original Section 1.1, Title, is deleted.
3. The definition of “adult bookstore” in § 215-5 is revised to read as follows:
ADULT BOOKSTORE -- An establishment having as a substantial or significant portion of its stock-in-trade books, magazines and other periodicals which are

distinguished or characterized by their emphasis on matter depicting, describing or relating to specified anatomical areas or specified sexual activities (as defined below) or an establishment with a segment or section devoted to the sale or display of such material.

4. The definition of “mentally ill person” in § 215-5 is revised as follows:

MENTALLY ILL PERSON – A person who is afflicted with a mental illness ~~disease~~ as defined in N.J.S.A. 30:4-27.2 ~~30:4-23~~ to such an extent that the person so afflicted requires care and treatment for his own welfare, or the welfare of others, or of the community, but shall not include a person who has been committed after having been found not guilty of a criminal charge or unfit to be tried on a criminal charge by reason of insanity.

5. In § 215-5, “municipality agency” is changed to “municipal agency.”

6. The following definitions are added to § 215-5:

SPECIFIED ANATOMICAL AREAS:

- A. Less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola.
- B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES:

- A. Human genitals in a state of sexual stimulation or arousal.
- B. Acts of human masturbation, sexual intercourse or sodomy.
- C. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

7. Section 215-6A(1)(a) is revised as follows: “Class I: the Mayor, or the Mayor’s designee in the absence of the Mayor.”
8. Section 215-6B(1) is revised as follows: “The term of the member composing Class I shall correspond to 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. The terms of the members composing Class II and Class III shall be for one year or terminate at the completion of their respective terms of office, whichever occurs first.”
9. Section 215-6B(4) is revised as follows: “The terms of alternate members shall be two years, except that the terms of the alternate members shall be such that the term of not more than two alternate members ~~one alternate member~~ shall expire in any one year; provided, however, that in no instance shall the terms of the alternate members first appointed exceed two years. A vacancy occurring otherwise than by expiration of term shall be filled by the appointing authority for the unexpired term only.”

10. Section 215-6G is revised to change “City Attorney” to “City Solicitor.”
11. Section 215-6I(13) is revised as follows: “The City Council may, by ordinance, provide for the reference of any matters or class of matters to the Planning Board before final action thereon by a municipal body or municipal officer having final authority thereon. ~~except for any matter under the jurisdiction of the Board of Adjustment, Such reference shall not extend the time for action by the referring body, whether or not the Planning Board has submitted its report. Whenever the~~ Planning Board shall have made a recommendation regarding a matter authorized by ordinance to another municipal body, such recommendation may be rejected only by a majority of the full membership of such other body.”
12. Original Section 3.8 of the 1986 Zoning Ordinance, Conflict with other laws; repealer, is deleted.
13. Section 215-13 is revised as follows: “For any and every violation of the provisions of this chapter, the applicant, subdivider, developer, owner, general agent or contractor of a building or premises where such violation has been committed or shall exist, and the lessee or tenant of an entire building or entire premises where such violations have been committed or shall exist, and the owner, general agent, contractor, lessee or tenant of any part of a building or premises in which part such violation has been committed or shall exist, and the general agent, architect, building contractor or any other person who commits, takes part or assists in such violation or who maintains any building or premises in which any such violation shall exist, shall, ~~for each and every day that such violation shall exist, shall~~ for each and every day that such violation continues, be subject to one or more of the following: a fine of not more than \$2,000, imprisonment \$1,000 or be imprisoned for a term not exceeding 90 days, or a period of community service not to exceed 90 days, both, except that failure to remove political signs after three days shall be in accordance with § 215-114F(17) of this chapter.”
14. Section 215-13D is revised as follows: “If the developer or agent of the developer shall, after notification by certified mail from the City Engineer to cease the construction of improvements, cease the use of certain construction methods and procedures, or cease the use of or lack of use of site maintenance methods and procedures which may result in hazards to life, health or property, continue to carry on the activities specifically included in the cessation order(s) from the City Engineer, then any such developer or agent of such developer shall be subject to the penalties in Subsection A of this § 215-13, a fine not to exceed \$500 or to imprisonment for not more than 90 days. Each and every day that a developer or agent of a developer operates in violation of this chapter after issuance of a cessation order by the City Engineer shall be considered a separate and specific violation.”
15. Original Section 3.11 of the 1986 Zoning Ordinance, Validity of ordinance, is deleted.

16. Sections 215-64B(1), (6), 215-65B(1)(b), 215-64B(4) are revised to delete the phrase: "dated September 1984."
17. Section 215-71A(4), D and H are revised to change "City Attorney" to "City Solicitor."
18. Section 215-72A is revised to change "City Attorney" to "City Solicitor."
19. Section 215-80 is revised to change "City Attorney" to "City Solicitor."
20. Section 215-80A is revised as follows: "All improvements shall be installed in complete accordance with the standards of this chapter, with other particular specifications approved by the municipal agency and City Engineer and with all other applicable City, county, state and federal regulations, including the New Jersey Residential Site Improvement Standards (N.J.A.C. 5:21) and New Jersey Stormwater Best Management Practices Manual."
21. Section 215-83D(2) is revised to change "City Attorney" to "City Solicitor."
22. Section 215-113 is revised to delete references to the TH Zone.
23. Section 215-113C(3) is revised as follows: "Any sign attached flat against the surface of a building shall be constructed of durable material and attached securely to the building with nonrusting metal hardware. When a sign is to be installed on a masonry building, holes shall be drilled in the masonry, and proper nonrusting hardware of the expansion type shall be used. The use of wood or fiber plugs is prohibited. ~~Freestanding signs shall be set securely in the ground or concrete so that the sign will be capable of withstanding high winds. No other bracing or guy wire shall be permitted.~~"
24. Original Section 8.34C(4), which duplicates the provisions now found in § 215-113C(3), is deleted.
25. Section 215-113D is revised as follows: "Maintenance. If the Construction Official shall find that any sign is unsafe, insecure or in need of repair, or is not maintained in proper painted condition, the Construction Official shall give written notice to the permittee thereof. If the permittee fails to repair or remove it within 10 days after such notice, such sign may be removed in order to comply, by the Construction Official at the expense of the permittee or owner of property on which it is located. ~~The Construction Official may cause any sign or other advertising structure which it is located.~~ The Construction Official may cause any sign or other advertising structure which is an immediate peril to persons or property to be removed summarily at the expense of the permit holder or owner of the premises upon which the sign is located and without notice to said persons. The owner of any sign or other advertising structure in the City borough shall have the same painted at least once every two years in all its parts, including the supports of said sign. Any

part consisting of rustless metal and so manufactured as not to require painting need not be painted; except that if once painted, the same shall be maintained as other painted signs.”

26. Section 215-113E(2) is revised as follows: “Where illuminated signs are permitted, illumination may be provided by floodlights, spotlights, ordinary incandescent bulbs, fluorescent tubes, or mercury vapor lamps. ~~Neon lights are specifically prohibited.~~ Neon lights are specifically prohibited except within the C-B Community Business, the O-P Office Professional Business and the R-C Office Professional Business and the R-C Regional Commercial Zones. However, no neon sign shall be permitted to be placed within any window of any structure within any such zone if such window shall face or front upon an immediately adjacent residential zone (R-1, R-1A, R-2, R-3, R-SC, AH), even if separated from the residential district by a street, road or highway. Regardless of the type of illumination employed, all illuminated signs shall be properly shielded and so located as to prevent glare or blinding effects upon motor vehicle traffic and so as not to cause a nuisance to residents of the area.”
27. Section 215-116C is revised to change “subdivision” to “major development.”
28. Section 215-117G(10) is revised to change “City Attorney” to “City Solicitor.”
29. Figure 9 in § 215-118G is revised to add the following in the entry for “Vertical curves”: “Shall be designed in accordance with AASHTO's Police on Geometric Design of Highways and street standards.” The entry for “Maximum superelevation not required” is revised to change the title to “Maximum superelevation,” delete the 6% requirement for arterial highways, and add the following requirement for all street classifications: “Shall be designed in accordance with AASHTO's Police on Geometric Design of Highways and street standards.”
30. “Schedule of District Regulations” and “Schedule of Regulations” is changed to “Schedule of Area, Yard and Building Requirements” throughout this chapter.
31. Section 215-149A(4) and (5) are revised as follows:
 - (4) Maintenance of the Zoning Map and schedule. Authenticated copies of the Zoning Map and schedule shall be maintained in the office of the City Clerk and Zoning Officer and shall be made available for public reference. Copies of all or a part of the official Zoning Map may be reproduced for public distribution. One authenticated copy shall be forwarded to the Atlantic County Planning Board in accordance with § 215-16 and N.J.S.A. 40:55D-16. However, the copy of the official Zoning Map maintained in the office of the City Clerk shall be the final authority as to the current status of zoning districts in the City of Northfield.
 - (5) Revisions to the Zoning Map ~~and schedule~~.
 - (a) When, in accordance with the provisions of § 215-14 of this chapter and N.J.S.A. 40:55D-1 et seq., revisions are made in district boundaries or other matters portrayed on the Zoning Map ~~and~~

~~changes or revisions are made to the schedule~~, such changes will not become effective until the Zoning Map ~~or schedule~~ has been amended in accordance with law. Revisions of the Zoning Map ~~and schedule~~ shall include an entry bearing the date of adoption, the ordinance number and the name and address of the person or firm responsible for preparing the map for the Zoning Map ~~or schedule~~ change.

(b) No changes of any nature shall be made to the Zoning Map ~~or schedule~~ except in conformity with the above procedure. Any unauthorized changes to the Zoning Map ~~or schedule~~ contents by any person or persons shall be considered a violation of this chapter.

32. Section 215-150A is revised to change “R-1, Public Service Use, Block 69, Lots 1 and 4 only” to “PSU, Public Service Use, Lots 1.01 and 4 only.”

33. Section 215-155J(1)(a) is revised as follows: “The plan shall provide for an area, of not less than 225 acres of C-C zoned land as delineated on the current Zoning Map ~~zone map adopted June 24, 1986~~, to be developed as a single entity according to the overall plan.”

34. Section 215-156A(8) is revised as follows: “Administrative ~~Administration~~ offices only associated with the following SICs to be permitted in the NB District: . . .”

35. Section 215-162 is revised to read as follows:

§ 215-162. PSU Public Service Use.

The following regulations apply to the PSU District:

A. Permitted uses:

(1) Building and structures owned by county or local government entities.

B. Permitted accessory uses:

(1) Garages utilized in conjunction with a permitted use.

(2) Maintenance and storage buildings.

(3) Signs, subject to the provisions of § 215-113.

(4) Fences and hedges, subject to the provisions of § 215-95.

C. Conditional uses:

(1) Public utilities.

D. Standards and regulations: as specified in the Schedule of Yard, Area and Building Requirements.

36. The definition of “silviculture” in § 215-164 is revised as follows: “SILVICULTURE – The management of any wooded tract of land to ensure its continued survival and welfare, whether for

commercial or noncommercial purpose, pursuant to a plan approved by the New Jersey Bureau of Forestry.”

37. The Schedule of Yard, Area and Building Requirements is revised as follows:
- a. The entry for the TH District is deleted.
 - b. The entry for the R-4 District is revised to add the following accessory building and height requirements:
 - i. Accessory building side yard: 10 feet
 - ii. Accessory building rear yard: 10 feet
 - iii. Height, stories: 2
 - iv. Height, feet: 30
 - c. The principal building yard depth requirement for “both sides” in the C-B District is changed from 25 to 30.
 - d. The principal building yard depth requirement for “both sides” in the O-PB District is changed from 15 to 30.
 - e. The principal building yard depth requirement for “both sides” in the O-P District is changed from 20 to 30.
 - f. Footnote 7 is revised to change “Lot 1” to “Lot 1.01.”

Chapter 220, Licensed Occupations

1. This chapter is revised to change references to the Zoning Ordinance to “Chapter 215, Land Use and Development.”
2. Section 220-4 is revised as follows: “It shall be the duty of the Municipal Tax Collector, ~~Inspection Department, in the case of contractors’ licenses,~~ and any police officer of the City of Northfield to examine all places of business and all persons of the City of Northfield to determine if this chapter has been complied with and to enforce the provisions of this chapter against any person found to be violating the same. Further, it shall be the duty of every police officer of the City of Northfield to require any person seen peddling, soliciting, canvassing or distributing, and who is not known by such officer to be duly licensed, to produce his peddler’s, solicitor’s, canvasser’s or distributor’s license, as the case may be, and to enforce the provisions of this chapter against any person found to be violating the same.”
3. Section 220-5 is revised as follows: “In addition to provisions for revocation, the Municipal Tax Collector, the Secretary of the Inspection Department, the Chief of Police, any police officer of the City of Northfield, any taxpayer or resident of the City or any other individual may make a complaint in the Municipal Court of the City of Northfield for any violation of this chapter or any article, section, subsection or provision thereof. The penalty for violation of any provision of this chapter shall be as set forth in Chapter 1, General Provisions, § 1-15. ~~Upon conviction in such case, for each and every violation, there shall be levied a fine, not to exceed \$500 or~~

~~imprisonment for a term not exceeding 90 days in the county jail or any place provided by the municipality for detention of prisoners, or both, in the sole discretion of the Municipal Judge. Each day that a violation is permitted to exist shall constitute a separate offense under this chapter."~~

4. Section 220-6 is revised as follows: ~~"All other ordinances and parts of ordinances inconsistent herewith and in conflict with the provisions of this chapter are hereby repealed. However, The~~ statement of a license fee for any business in this chapter shall not be deemed to permit such type of business in the City of Northfield or if it is excluded either specifically or by interpretation in Chapter 215, Land Use and Development, of the Code or any other ordinance of the City of Northfield."
5. Section 220-9 is revised as follows: ~~"Every person, with the exception of builders or contractors,~~ required to procure a license under the provisions of this chapter shall submit an application for such license to the City Clerk of the City of Northfield at the City Hall, Northfield, New Jersey, which application shall be accompanied by the full amount of the fees chargeable for the license applied for. ~~Builders or contractors shall submit an application and the appropriate fees for a contractor's license to the secretary of the Inspection Department at the City Hall, Northfield, New Jersey."~~
6. The lead-in paragraph to § 220-10 is revised as follows: ~~"All applications for licenses with the exception of contractors' licenses shall be made to or through the Mercantile Tax Collector, upon forms provided by him. Applications for contractors' licenses shall be made to or through the Secretary of the Inspection Department, upon forms provided by him. The following information shall be provided upon the application form: . . ."~~
7. Section 220-12B(6) is revised to read as follows:
 - (6) Amount of bond.
 - (a) The amount of the bond may be increased to an amount not in excess of \$10,000 and decreased to an amount not below \$2,000, at the discretion of the Mercantile Tax Collector, if, based upon the information supplied by the licensee, it appears to the Mercantile Tax Collector that the bond in the increased or reduced amount will be necessary to satisfy the purposes as set forth herein.
 - (b) In the event that the Mercantile Tax Collector determines that the bond, within the discretionary limit of \$10,000, will not be sufficient to satisfy the requirements of this chapter due to the nature of the business of the licensee, the matter shall be submitted to the City Council of the City of Northfield with a ten-day notice to the licensee, and a determination shall be made by the City Council

as to the amount of bond which shall be posted. The determination of City Council shall be final.

8. Section 220-17A is to change "Alarm system" to "Alarm system installer." The entry for "Building or contractor" is revised to read "Builder."
9. Section 220-17B is revised to delete the column listing fees effective June 1, 1984 through March 31, 1990.
10. Section 220-20 is revised as follows: "Upon filing of the application with the requisite fee and upon written request of the Mercantile Tax Collector or City Clerk, ~~or Secretary of the Inspection Department, in the case of contractors' licenses~~, the Chief of Police shall ascertain if the applicant has any criminal record and shall report, in writing, affirmatively or negatively thereon within 14 days after said request is made, indicating in the report his recommendation on the granting of the license and giving the reasons therefor."
11. Section 220-21 is revised as follows:
 - A. After filing of the application and the requisite fee with the Mercantile Tax Collector ~~or Secretary of the Inspection Department, in the case of contractors' licenses~~, the City Clerk ~~or the Inspection Department, in the case of contractors' licenses~~, shall undertake to make any investigation necessary and shall indicate, in writing, approval or disapproval of a license application within 30 days after the application is filed with the City Clerk ~~or the Secretary of the Inspection Department~~.
 - B. If approved, the license shall be issued forthwith in the name of the City Clerk ~~or the Secretary of the Inspection Department, in the case of contractors' licenses~~. If disapproved, the Mercantile Tax Collector or City Clerk ~~or Secretary of the Inspection Department~~ shall forthwith notify the applicant and the City Council, in writing, of the disapproval and the reason therefor, and the applicant shall have 10 days after receipt of the notice of disapproval to appeal from the decision of the Mercantile Tax Collector ~~or the Inspection Department~~. After due hearing and notice, together with an opportunity to be heard, the City Council of the City of Northfield can affirm or reverse the decision of the Mercantile Tax Collector ~~or the Inspection Department~~. The decision of the City Council shall be final.
12. Section 220-25 is revised as follows: "A duplicate license may be issued by the City Clerk ~~or the Secretary of the Inspection Department, in the case of contractors' licenses~~, to replace any license previously issued, which license has been lost, stolen, defaced or destroyed, without any willful conduct on the part of the licensee, upon the filing by the licensee of an affidavit sworn before a

notary public of the State of New Jersey attesting to such fact and upon payment to the City Clerk (Municipal Tax Collector ~~or Secretary of the Inspection Department~~) of a sum of \$10.”

13. Section 220-28A(2) is revised as follows: “Permit access to the licensed premises at all reasonable times by the Mercantile Tax Collector, City Clerk, Building Department or accredited agents, assistants or representatives of the City, including but not limited to the Police Department, in the enforcement of the laws of this City and this state, ~~to have access to licensed premises at all reasonable times.~~”
14. Section 220-31 is revised as follows: “A notice of hearing for revocation of a license shall be given in writing by the City Clerk ~~or Secretary of the Inspection Department, in the case of contractors' licenses,~~ setting forth specifically the grounds of the complaint and the time and place of the hearing. This shall be served by mailing a copy to the licensee at his last known address by certified mail, return receipt requested, at least five days prior to the date set for the hearing.”
15. Section 220-37F is revised as follows: “There shall be no distribution of handbills at any private residence within the City of Northfield earlier than the hour of 9:30 ~~9:00~~ a.m. nor later than 6:00 ~~7:30~~ p.m.”
16. Section 220-43 is revised to change “Health Department” to “Atlantic County Board of Health.”
17. Former § 76-45, When effective; when operative, is repealed.

Chapter 225, Littering

Article I, General Regulations

1. A definition of “litter receptacle” is added to § 225-1 as follows:
LITTER RECEPTACLE – A container suitable for the depositing of litter.
2. The definition of “litter” in § 225-1 is revised as follows:
LITTER – Any used or unconsumed substance or waste material which has been discarded, whether made of aluminum, glass, plastic, rubber, paper or other natural or synthetic material or any combination thereof, including but not limited to any bottle, jar or can or any top, cap or detachable tab of any bottle, jar or can, any unlighted cigarette, cigar, match or any flaming or glowing material or any garbage, trash, refuse, debris, rubbish, grass clippings or other lawn or garden waste, newspaper, magazine, glass, metal, plastic or paper containers or other packaging or construction material, but shall not include the waste of the primary processes of mining or other extraction processes, logging, sawmilling, farming (five acres or more) or manufacturing. ~~Litter shall not be thrown, deposited or be permitted to collect~~

~~or remain in any place, public or private, where it may affect the health, welfare or safety of the public or render streets or private places unsightly.~~

3. Section 225-5 is added as follows:

§ 225-5. Littering prohibited.

Litter shall not be thrown, deposited or be permitted to collect or remain in any place, public or private, where it may affect the health, welfare or safety of the public or render streets or private places unsightly.

4. Section 225-7B is revised to read as follows: "All leaves and grass shall be disposed of in accordance with Chapter 315, Solid Waste, Article I, § 315-6."
5. Section 225-9A is revised to change "Police Inspector" to "Zoning Officer."
6. Section 225-10 is revised to read as follows: "The penalty for violation of any provision of this article shall be as set forth in Chapter 1, General Provisions, § 1-15."

Article II, Food for Animals in Rights-of-Way

Section 225-13 is revised to read as follows: "The penalty for violation of any provision of this article shall be as set forth in Chapter 1, General Provisions, § 1-15. Each placement of food or foodstuffs on or upon a public right-of-way shall constitute a violation of this article."

Chapter 233, Noise

Article I, Sound Trucks

Section 233-2 is revised to read as follows: "The penalty for violation of any provision of this article shall be as set forth in Chapter 1, General Provisions, § 1-15."

Article II, Unusual Noises Between Certain Hours

Section 233-6 is revised to read as follows: "The penalty for violation of any provision of this article shall be as set forth in Chapter 1, General Provisions, § 1-15."

Article III, Unnecessary or Disturbing Noises

Section 233-9 is revised to read as follows: "The penalty for violation of any provision of this article shall be as set forth in Chapter 1, General Provisions, § 1-15."

Chapter 239, Obscenity

Chapter 239 is amended in its entirety to read as follows:

§ 239-1. Display of obscene material by retailer prohibited.

It is the intent of the governing body of the City of Northfield to make it a petty disorderly persons offense for a retailer to display or permit to be displayed at his business premises any obscene material, as defined in N.J.S.A. 2C:34-3, at a height of less than five feet or without a blinder or other covering placed or printed on the front of the material displayed. Public display of the obscene material shall constitute presumptive evidence that the retailer knowingly made or permitted the display.

§ 239-2. Definitions.

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

DISPLAY — To show or make visible.

KNOWINGLY —

- A. Having knowledge of the character and content of the material or film described herein; or
- B. Having failed to exercise reasonable inspection which would disclose its character and content.

OBSCENE MATERIAL — Any description, narrative account, display, depiction of a specified anatomical area or specified sexual activity contained in, or consisting of, a picture or other representation, publication, sound recording, live performance or film, which by means of posing, composition, format or animated sensual details emits sensuality with sufficient impact to concentrate prurient interest on the area or activity.

RETAILER — Any person who operates a store, newsstand, booth, concession or similar business with unimpeded access for persons under 18 years old, who is in the business of making sales of periodicals or other publications at retail containing pictures, drawings or photographs.

SHOW — Cause or allow to be seen.

SPECIFIED ANATOMICAL AREA —

- A. Less than completely and opaquely covered human genitals, pubic region, buttock or female breasts below a point immediately above the top of the areola; or
- B. Human male genitals in a discernibly turgid state, even if covered.

SPECIFIED SEXUAL ACTIVITY —

- A. Human genitals in a state of sexual stimulation or arousal; or
- B. Any act of human masturbation, sexual intercourse or deviate sexual intercourse; or
- C. Fondling or other erotic touching of covered or uncovered human genitals, pubic region, buttock or female breast.

§ 239-3. Violations and penalties.

The penalty for violation of any provision of this article shall be as set forth in Chapter 1,

General Provisions, § 1-15. Each separate obscene material which is displayed or permitted to be displayed in violation of this chapter shall constitute a separate offense under this chapter. Each separate display of obscene material in violation of this chapter, whether to different persons or the same persons, shall constitute a separate offense under this chapter.

§ 239-4. Interpretation and enforcement.

Notwithstanding any other section, clause or provision of this chapter to the contrary, the definitions of "obscene" and "obscenity," for all purposes of interpretation and enforcement of this chapter, shall be construed in accordance with and in no event more strictly than the criteria set forth in N.J.S.A. 2C:34-3 et seq., as the same shall be from time to time amended or supplemented, as well as in accordance with and not more strictly than judicial interpretations thereof pursuant to the Constitutions of the United States and of the State of New Jersey finally concluded in courts of jurisdiction sufficient to render decisions on constitutional questions having general application.

§ 239-5. Construction and severability.

Where necessary, this chapter shall be construed in a manner which will render it valid and constitutional. If for any reason any section or any part of a section or provision of this chapter shall be adjudged unconstitutional or invalid, said judgment shall not be held to affect any other sections or any other part of a section or provision of this chapter.

Chapter 244, Parental Responsibility

1. Section 244-2 is revised to read as follows: "It shall be unlawful for any parent knowingly or through inefficient control to assist, aid, abet, allow, permit, suffer or encourage a minor to commit a violation of the public peace, as defined herein, either by overt act, by failure to act or by lack of supervision and control over such minor. The term "knowingly" includes knowledge which a parent should reasonably be expected to have concerning the activities or conduct or whereabouts of a minor in that parent's legal custody. This section is intended to hold neglectful or careless parents up to a reasonable community standard of parental responsibility through an objective test. It shall, therefore, be no defense that a parent was completely indifferent to the activities or conduct or whereabouts of such minor."
2. Section 244-4 is revised to read as follows: "When a minor is charged with a violation of the public peace, as defined herein, and the Court makes an adjudication of delinquency, the Municipal Court Administrator or his designated agent shall forthwith serve written notice of said adjudication of delinquency upon the parents, together with a written warning, in a form approved by the City Solicitor, of the penalties and other provisions of this chapter with respect to the commission within one year of a second violation of the public peace by said minor. No penalties shall be sought against such parent(s) in the case of the first violation of the public peace by said minor. A record of such notification shall be kept by the Municipal Court Administrator."
3. Section 244-5 is revised to read as follows: "The penalty for violation of any provision of this chapter shall be as set forth in Chapter 1, General Provisions, § 1-15."

4. Sections 244-7 and 244-8 are added as follows:

§ 244-7. Severability.

- A. If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be unconstitutional, invalid, or unenforceable by a court of competent jurisdiction, such decision shall not affect the remaining portions of this chapter.
- B. Any ordinance inconsistent with the terms of this chapter is hereby repealed to the extent of such inconsistency.

§ 244-8. Repealer.

All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies, and should any section, clause, sentence or provision of any item in this chapter be declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this chapter.

Chapter 250, Parks

Article II, Birch Grove Park and First Street Playground Regulations

Section 250-8 is revised to read as follows: "The penalty for violation of any provision of this article shall be as set forth in Chapter 1, General Provisions, § 1-15."

Article III, Smoking Restrictions

1. Section 250-9E is revised to change the statutory reference from N.J.S.A. 2A:170-51 to N.J.S.A. 2C:33-13.1.
2. Section 250-15 is revised to read as follows: "The penalty for violation of any provision of this article shall be as set forth in Chapter 1, General Provisions, § 1-15."

Chapter 264, Precious Metals

Section 264-5 is revised to read as follows: "The penalty for violation of any provision of this chapter shall be as set forth in Chapter 1, General Provisions, § 1-15. Any person who is convicted of violating the provisions of this chapter within one year of the date of a previous violation and who was fined for the previous violation may be sentenced by the Court to an additional fine as a repeat offender. The additional fine imposed as a repeat offender shall not be less than the minimum or exceed the maximum fine provided herein, and same shall be calculated separately from the fine imposed for the violation of this chapter."

Chapter 268, Property Maintenance

Article I, Abandoned Appliances, Furniture and Junk

1. Section 268-1 is revised as follows: "The presence upon lands lying within the corporate limits of the City of Northfield of abandoned refrigerators, washing machines, old furniture, abandoned and cast-out junk of various sorts, unused machinery or equipment ~~brush, weeds, dead and dying trees, stumps, roots, obnoxious growths, filth, garbage, trash and debris~~ is hereby decreed to be a nuisance and to be detrimental to the public health, safety and general welfare and likely to present a fire hazard."
2. Section 268-2 is revised as follows: "The owner or tenant of lands lying within the corporate limits of the City of Northfield is hereby required to remove or cause to be removed any abandoned refrigerators, washing machines, old furniture, abandoned and cast-out junk of various sorts, unused machinery or equipment ~~brush, weeds, dead and dying trees, stumps, roots, obnoxious growth, filth, garbage, trash and debris~~ within 10 days after receipt by such owner or tenant of a written notice from the Building Inspector, the Chief of Police of the City of Northfield, the Zoning Officer or the County Health Officer."
3. Section 268-5 is revised to read as follows: "The penalty for violation of any provision of this article shall be as set forth in Chapter 1, General Provisions, § 1-15. Any such penalties shall be imposed in addition to the cost of removing the substances hereinbefore referred to upon the lands described in the notice given. For purposes of this article, each day on which such a condition exists after the expiration of the notice period shall be deemed or constitute a separate offense under this article, and separate complaints may be filed for each such offense."

Article II, Brush, Trash and Debris

Section 268-8 is revised to read as follows: "The penalty for violation of any provision of this article shall be as set forth in Chapter 1, General Provisions, § 1-15. Any such penalty shall be in addition to the costs incurred in cutting and removing said brush, debris or other items. For the purposes of this article, each day in which said condition exists after the expiration of the notice shall be deemed or constitute a separate offense under this article, and separate complaints may be filed for each such offense."

Chapter 275, Rental Unit Registration

1. Section 275-3C is revised as follows: "Each rental unit, apartment and/or dwelling unit required to be registered shall be registered annually. The registration term shall commence January 1 of each year and such registration shall be valid until January 15 of the following year, at which time it shall expire and a new registration shall be required. ~~The initial registration for 1998 shall occur on or before January 15, 1998. For each calendar year thereafter, the rental unit, apartment and/or dwelling unit shall be registered on or before January 15.~~ Any lease which has been executed prior to the adoption of this chapter shall not be affected, but the rental unit, apartment and/or dwelling unit must, nevertheless, be registered and inspected in accordance with this chapter."

2. Former § 73-10, regarding the Four Seasons complex, is repealed.

Chapter 280, Rodent Control

Section 280-7 is revised to read as follows: "The penalty for violation of any provision of this chapter shall be as set forth in Chapter 1, General Provisions, § 1-15. Each failure of the person in control to apply continuous eradication measures as provided in § 280-3 of this chapter, after notice, shall be deemed to be a separate violation of this chapter and shall be so treated."

Chapter 288, Sewers

Part 2, Rents and Charges

Section 288-57B is revised as follows: "Sewer rents and charges based upon water consumption by commercial units and industrial units in excess of 75,000 gallons per year shall be due and payable on March 1 of each year ~~commencing March 1, 1976~~, for water consumed during the preceding calendar year."

Chapter 301, Smoke and Fumes

Chapter 301 is amended in its entirety to read as follows:

§ 301-1. Permitting escape of dense smoke or fumes.

It shall be unlawful for any owner, agent, manager, superintendent, lessee or occupant of any building or structure within the limits of the City of Northfield to permit the emission or escapement of dense smoke, gas, fumes or vapors, chemical or otherwise, no matter from what source derived, in such manner or in sufficient quantity to cause injury to health or damage to property, within the limits of the City of Northfield.

§ 301-2. Violations and penalties.

The penalty for violation of any provision of this chapter shall be as set forth in Chapter 1, General Provisions, § 1-15.

Chapter 308, Soil Removal

1. Section 308-13 is revised to read as follows: "The penalty for violation of any provision of this chapter shall be as set forth in Chapter 1, General Provisions, § 1-15. Such fines or penalties shall be collected as like fines are now collected by law. In addition to the foregoing, a permit shall be revoked upon the date of filing of complaint by the municipality. Nothing herein shall be construed to prevent the municipality from securing injunctive relief to restrain soil removal as described herein."

2. Section 308-14 is revised to read as follows: "Nothing in this chapter shall be deemed to modify or repeal any of the provisions of Chapter 215, Land Use and Development, of the Code of the City of Northfield."

Chapter 315, Solid Waste

Article I, Recycling

1. Section 315-3 is revised to read as follows:

§ 315-3. Mandatory separation program established.

There is hereby established a program for the mandatory separation of the following recyclable materials from the municipal solid waste stream by all persons within the City of Northfield, hereinafter referred to as the "municipality":

- A. Aluminum cans.
- B. Ferrous containers.
- C. Glass.
- D. Paper and cardboard.

2. Section 315-4 is revised to read as follows:

§ 315-4. Separation and placement of recyclables.

- A. The recyclable materials designated in § 315-3 of this article shall be put in a suitable container, separate from other solid waste, and placed at the curb or such other designated area for collection at such times and dates as may be hereinafter established in the municipality's recycling regulations. The container for recyclable materials shall be clearly labeled and placed at the curb or such other designated area for each collection.
- B. Paper, cans, glass and plastic may be placed in the same container without separating.
- C. Aluminum and glass containers shall be rinsed, with lids removed.
- D. Plastic containers shall be rinsed, lids removed and flattened.
- E. Cardboard shall be flattened.
- F. All persons within the municipality shall separate vegetative waste from other solid waste generated at their premises and, unless the vegetative wastes are stored or recycled for composting or mulching on the premises, place the vegetative waste at the curb or other designated area for collection at such times and dates and in the same manner established by this article.
- G. All grass, weeds, lawn clippings, leaves, and similar growths shall be placed in a container or bag so that they may be readily emptied.
- H. Hedge and shrubbery clippings, tree trimmings and garden refuse will be accepted only if securely tied in bundles not exceeding 36 inches in length and 24 inches in diameter. The total volume of such hedge or tree trimmings shall not exceed 12 such bundles in any one day's collection.

3. Section 315-11 is revised to read as follows: "The penalty for violation of any provision of this article shall be as set forth in Chapter 1, General Provisions, § 1-15."

Article II, Collection and Disposal

1. Section 315-15 is revised to read as follows:
§ 315-15. Violations and penalties; reward for assistance with conviction.
 - A. The penalty for violation of any provision of this article shall be as set forth in Chapter 1, General Provisions, § 1-15.
 - B. Any person assisting in the conviction of a violator of this article through the signing of a complaint, the giving of testimony in court or other significant assistance of the enforcement authorities thereof or who testifies in court in an action against an alleged violator of this article resulting in conviction shall receive a reward of \$250.
2. The following definitions are deleted from § 315-16: "aluminum cans"; "cardboard or corrugated paper"; "commercial establishments"; "ferrous containers"; "institutional establishments"; "paper"; "recyclable materials"; and "vegetative waste."
3. The definition of "hazardous waste" in § 315-16 is revised to change "N.J.S.A. 7:26-1.4" to "N.J.A.C. 7:26-1.4."
4. The definition of "medical waste" in § 315-16 is revised to change "N.J.S.A. 2A:170-25.17" to "N.J.S.A. 2C:36-6.1"; and to change "Department of Health" to "Department of Health and Senior Services."
5. Original § 72-7, Mandatory separation program established, is deleted.
6. Section 315-18 is revised to read as follows: "The recyclable materials designated in § 315-3 of this chapter, excluding paper and cardboard, shall be put in a suitable container, separate from other solid waste, and placed at the curb or such other designated area for collection at such times and dates as may be hereinafter established in the municipality's recycling regulations. The container for recyclable materials shall be clearly labeled and placed at the curb or such other designated area for each collection."
7. Original § 72-9, Separation of vegetative waste; placement for disposal, is deleted.
8. Section 315-20 is revised to delete former Subsection D, regarding yard waste, and Subsection G, regarding bundling of hedge and tree trimmings and garden waste.
9. Section 315-25 is revised to read as follows: "No scavenger or other person shall break into, untie, overturn, spill, scatter, rout through, pull apart or scavenge or otherwise unbundle any container, bundle or package of paper, solid waste or bulk item that has been placed out for

collection, nor shall any person remove anything from any authorized container of garbage, trash or other items set out for collection.”

10. Section 315-26 is revised to read as follows:

§ 315-26. Maintenance of property and rights-of-way.

- A. No person shall sweep, throw, deposit or dump litter or any other type of waste, which includes grass, yard clippings and the like, in or on any property whether owned by that person, or in a public place or pond, lake or stream or other body of water within the City of Northfield.
- B. No person, including persons owning or occupying said property, shall sweep into or deposit in a gutter, road, right-of-way or other public place within the City of Northfield the accumulation of litter from a building or lot or from a public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter by keeping said property broom clean on a daily basis so as to keep it clear of debris, paper and other forms of litter and maintain a neat appearance to the sidewalk, including removal of weeds within pavers and sidewalk areas.
- C. It shall be unlawful to distribute, discard, dump, leave or in any manner whatsoever place any solid waste materials, refuse, trash, paper, garbage, bulk items, hazardous waste, ashes, medical waste, construction debris, recyclable material, junk, tires, vehicle or vehicle parts, appliances, furniture or any other matter or substance in or upon any public or private property; any vacant lot; or in or upon any portion of a street, road, bike path, sidewalk, alley or public right-of-way.

Chapter 322, Space Heaters

Section 322-5 is revised to read as follows: “The penalty for violation of any provision of this chapter shall be as set forth in Chapter 1, General Provisions, § 1-15.”

Chapter 330, Streets and Sidewalks

Article I. Sidewalk Construction and Repair

- 1. Section 330-2 is revised as follows: “The City Engineer shall prepare and present to the Council for its approval detailed specifications for the grading, paving, curbing and repairing of sidewalks in the City of Northfield, ~~which specifications shall be prepared under the direction of the Road Committee of the Council,~~ which specifications, when approved and adopted by Council, shall be and are hereby made the standard specifications for the grading, paving, curbing and repairing of sidewalks in the City of Northfield and shall so continue until amended or changed by the Council.”
- 2. Section 330-3 is revised as follows: “In case of the neglect or refusal of any such owner, after notice as provided by this article, to so grade, curb, pave and repair the sidewalk of the public highway in front of or adjoining his or her lot or lots of land, such sidewalk shall be graded,

curbed, paved and repaired, so as to conform to the requirements of the ordinances of the City of Northfield and this article, by the City of Northfield, under the direction and supervision of the ~~Road Committee and the City Engineer.~~"

3. Section 330-4 is revised as follows: "It shall be the duty of the City Engineer to prepare and present to Council, as soon as convenient after the passage of this article, a specification describing in detail the several kinds of materials and classes of work, with an approximate estimate of quantities of each kind of material and each class of work which will be required for the grading, paving, curbing and repairing of sidewalks ~~during the calendar year of 1927, under the direction of the Road Committee of the Council,~~ and thereafter to present a like specification and estimate of the materials to be furnished and work to be done during each ~~succeeding~~ calendar year, which said specifications shall be presented to and be approved by resolution of the Council in each case."
4. Section 330-7 is revised as follows: "In case the owner or trustee of any lot shall refuse or fail to comply with the notice prescribed in § 330-6 hereof within the time specified, the City Engineer shall cause such sidewalk to be improved or repaired, and for that purpose shall prepare an order upon the contractor for the time being for sidewalk construction and repairs, specifying the materials to be furnished and the work to be done, in conformity with this article and the specifications, using in his discretion such old materials as he may deem suitable and in conformity with the requirements of said specifications and this article; ~~provided, however, that such order shall not be executed until it shall have been approved by the Road Committee or a majority thereof,~~ which such order shall be prepared in triplicate, one copy thereof to be filed in the office of the City Engineer, one copy to be filed in the office of the City Clerk and the remaining copy to be delivered to the contractor, which shall constitute his warrant and authority for doing the work."
5. Section 330-9 is revised as follows: "The cost of such construction or repair of sidewalks shall be paid in the first instance from money particularly appropriated for sidewalks or from the proceeds of curbing and paving temporary notes or bonds issued to provide moneys for the purpose of such construction and repairs, upon the certificate of the City Engineer, ~~duly approved by the Road Committee or a majority thereof,~~ provided said curbing and paving temporary notes or bonds shall be retired and paid from the moneys collected from the assessments."

Article II, Excavations in Streets

1. Section 330-15A is revised as follows: "Emergency opening. In the event that an entity shall be required to open a street and/or roadway as a result of an emergency, said emergency opening shall be reviewed by the City Engineer, and if the City Engineer shall determine that no such emergency existed, then the entity so opening the street and/or roadway shall have a fine imposed upon such entity in the amount of \$2,500 for the first nonemergency opening, a fine of \$5,000 for

a second nonemergency opening, and a fine of \$10,000 for a third and any subsequent nonemergency openings.”

2. Section 300-24 is revised as follows: “Any person, firm or corporation violating any of the provisions of this article shall, upon conviction in the Municipal Court of the City of Northfield, be punished for each offense by one or more of the following: a fine not to exceed \$2,000, \$2,500 ~~or by~~ imprisonment for a term not exceeding 90 days in the county jail, or a period of community service not exceeding 90 days. The Municipal Judge before whom any person is convicted of a violation of this article shall have power to impose any fine or term of imprisonment, or both, not exceeding the maximum fixed in this article. Nothing in this section shall be construed to relieve an offender from the obligation to restore any street in accordance with the provisions of this article. The Court may hold the violator responsible for restitution to the City for any and all amounts expended by the City to restore any street left in an unrestored condition by any applicant.”

Chapter 338, Swimming Pools

1. Section 338-6 is revised as follows: “Nothing herein shall be deemed to alter, modify or repeal any additional requirements concerning the construction, maintenance or use of swimming pools or portable pools as provided in Chapter 215, Land Use and Development, the Building Code or any health regulations ~~the Zoning Ordinance, Building Code or Health Code~~ of the City of Northfield.”
2. Section 338-7 is revised to read as follows: “The penalty for violation of any provision of this chapter shall be as set forth in Chapter 1, General Provisions, § 1-15.”

Chapter 350, Towing

Section 350-4I is revised as follows: “The licensed towing operator agrees that no rates or fees for towing services, road service or any other service shall be charged in excess of the maximum rate and fees set forth hereafter by resolution by the City Council of the City of Northfield ~~and the Department of Insurance Regulations affecting private passenger automobiles (N.J.A.C. 11:3-38) that are damaged in accidents or are recovered after being stolen.~~ Nothing in this chapter shall limit the fees charged to persons to whom services are supplied outside the scope of § 350-3 of this chapter by any towing operator.”

Chapter 357, Vehicles, Abandoned

Section 357-5A is revised to read as follows: “The penalty for violation of any provision of this article shall be as set forth in Chapter 1, General Provisions, § 1-15.”

Chapter 363, Vehicles, Motor-Driven

Section 363-5 is revised to read as follows: "The penalty for violation of any provision of this article shall be as set forth in Chapter 1, General Provisions, § 1-15."

Chapter A376, Personnel Policies and Procedures Manual

1. This chapter is revised to change "City Attorney" to "City Solicitor" throughout.
2. This chapter is revised to change "Department of Health" to "Department of Health and Senior Services" throughout.
3. Section A376-108 is revised to change "Administrative Court Clerk" to "Court Administrator."