

**Township of Upper Deerfield
Code Adoption Ordinance**

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

Chapter 1, General Provisions.

Article II, General Penalty.

This article is added to read as follows:

*ARTICLE II
General Penalty*

§ 1-15. General penalty for Code violations.

If a chapter or article of the Code does not contain a penalty, then the following penalty provisions shall apply:

- A. Maximum penalty. For violation of any provisions of this chapter, any other chapter of this Code or any other ordinance of the Township, the maximum penalty, upon conviction, shall be one or more of the following: imprisonment in the county jail or in any place provided by the municipality for the detention of prisoners, for any term not exceeding 90 days; or by a fine not exceeding \$2,000; or by a period of community service not exceeding 90 days.*
- B. A minimum penalty not exceeding \$100 shall apply for any and all violations of any section of the Code of the Township of Upper Deerfield.*
- C. The violation of any ordinance or section of the Code pertaining to the unlawful disposal of solid waste shall be subject to a minimum penalty not exceeding \$2,500 or a maximum penalty not exceeding \$10,000.*
- D. The court shall have the power to impose any fine, term of imprisonment, or period of community service not less than the minimum and not exceeding the maximum set forth in this section upon any person convicted of violating any section of the within Code or ordinances of the Township of Upper Deerfield.*
- E. Any person convicted of violating an ordinance and/or a section of this Code within one year of the date of a previous violation of the same ordinance and/or section of this Code, and who was fined for the previous violation, shall be sentenced by the court to an additional fine as a repeat offender. The additional fine imposed by the court upon a person for a repeated offense shall not be less than the minimum or exceed the maximum fine established in this section but shall be calculated separately from the fine imposed for the violation of the ordinance and/or section of*

this Code.

- F. The Township of Upper Deerfield may waive the additional fine by ordinance or resolution for a repeated violation of any ordinance and/or section of the Code. Any person convicted of the violation of any ordinance and/or section of the Code, in the discretion of the court and in default of the payment of any fine imposed therefor, shall be imprisoned in the county jail or place of detention provided by the municipality for any term not exceeding 90 days or be required to perform community service for a period not exceeding 90 days.*
- G. In the event the court wishes to impose a fine in an amount greater than \$1,250 upon an owner of real property for violations of housing or zoning codes of the Township, then and in that event a thirty-day grace period shall be provided to said owner in order to cure or abate the violative condition, and said owner shall also be afforded an opportunity for a hearing before a court of competent jurisdiction for an independent determination concerning said 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, the court determines that the abatement has not been substantially completed.*
- H. Separate violations. Except as otherwise provided, each and every day in which a violation of any provision of this Code or any other ordinance of the Township exists shall constitute a separate violation.*
- I. The maximum penalty stated in this section is not intended to be an appropriate penalty for every violation. Any lesser penalty, including a nominal penalty or no penalty at all, may be appropriate for a particular case or a particular violation.*

Chapter 7, Claims Approval.

- A. Section 7-2 is amended to change “Clerk” to “Chief Finance Officer or Township Administrator.”
- B. Section 7-3 is amended to change “Chairman of the Committee responsible for the placing of the order” to “the Finance Committee.”

Chapter 12, Court, Municipal.

Article I, Establishment; Municipal Court Judge.

References to “Clerk of the Municipal Court” are revised to “Municipal Court Administrator.”

Chapter 18, Criminal History Background Check.

This chapter is amended in its entirety to read as follows:

§ 18-1. Authority to request background check; cost.

- A. *The Township Administrator and Township Clerk are hereby authorized to request a criminal history background check of any person, in accordance with N.J.S.A. 40:48-1.4, for any official governmental purpose, including, but not limited to, employment, licensing, volunteers involved with minors, volunteer fire and rescue applicants and the procurement of services. The person submitting to a criminal history record background check shall submit to being fingerprinted in accordance with applicable state and federal law, rules and regulations. The Township Administrator and Township Clerk are authorized to exchange fingerprint data with and receive criminal history record information from the State Bureau of Identification in the Division of State Police and the Federal Bureau of Investigation. Any person who has submitted to a criminal background check, upon request, shall be able to receive the results of the check.*
- B. *The municipality, in its discretion, may charge any person submitting to a criminal background check the actual cost paid to outside agencies for obtaining the criminal history.*

§ 18-2. Disqualification from service for certain crimes and offenses.

- A. *A person may be disqualified from serving as an employee or volunteer of a Township-sponsored program involving minors or any Township organization if that person's criminal history background check reveals a record of conviction for any of the following crimes and offenses:*
 - (1) *In New Jersey, any crime or disorderly persons offense:*
 - (a) *Involving danger to the person, meaning those crimes and disorderly persons offenses set forth in N.J.S.A. 2C:11-1 et seq., N.J.S.A. 2C:12-1 et seq., N.J.S.A. 2C:13-1 et seq., N.J.S.A. 2C:14-1 et seq., and N.J.S.A. 2C:15-1 et seq.*
 - (b) *Against the family, children or incompetents, meaning those crimes and disorderly persons offenses set forth in N.J.S.A. 2C:33-1 et seq.*
 - (c) *Involving theft as set forth in Chapter 20 of Title 2C of the New Jersey Statutes.*
 - (d) *Involving any controlled dangerous substance or controlled substance analog as set forth in Chapter 35 of Title 35 of the New Jersey Statutes except paragraph (A) of subsection a. of N.J.S.A. 2C:35-10.*
 - (2) *In any other state or jurisdiction, conduct which, if committed in New Jersey, would constitute any of the crimes or disorderly persons offense described.*
- B. *If this criminal history background check may disqualify an employee or volunteer*

for any purpose, such person shall be provided an opportunity to challenge the accuracy of the information contained. The person shall be afforded a reasonable period of time to correct this record and provide an accurate record. Failure to do so within a reasonable period shall result in disqualification.

- C. *Appeal process. The Business Administrator shall be designated as the person for any appeal that is brought forth by any applicant for employment or volunteer position. The person shall have 30 days from the receipt of the notice of disqualification to petition the Administrator for a review.*
- D. *No person shall be disqualified from serving as an employee or volunteer on a basis of conviction disclosed in a criminal history background check if the person has affirmatively demonstrated to the Administrator clear and convincing evidence of the person's rehabilitation. The Administrator can consider the following factors:*
- (1) The nature and responsibility of the position which the convicted person would hold;*
 - (2) The nature and seriousness of the offense;*
 - (3) The circumstances under which the offense occurred;*
 - (4) The date of the offense;*
 - (5) The age of the person when the offense was committed;*
 - (6) Whether the offense was an isolated or repeated incident;*
 - (7) Any social conditions which may have contributed to the offense; and*
 - (8) Including, but not limited to, any evidence of rehabilitation, including good conduct, counseling or psychiatric treatment received.*

§ 18-3. Confidentiality.

Except as provided in this chapter, all background investigations and fingerprinting shall remain confidential and shall not be disclosed to anyone without the express written consent of the applicant.

Chapter 25, Environmental Commission.

Section 25-2A is amended to revise the last sentence to read: “*Successors shall be appointed for terms of three years and serve until the appointment and qualification of their successors.*”

Chapter 31, Historical Committee.

References to “Historical Commission” are revised to “Historical Committee” throughout the chapter.

Chapter 60, Payroll Procedures.

Former §§ 24-5 and 24-6 are deleted.

Chapter 93, Vehicles and Traffic.

Section 93-18.2B is amended to update the statutory penalties to read as follows:

“Any person not authorized to park in any space on public or private property appropriately marked for the vehicles of the physically handicapped shall be liable to a fine of \$250 for the first offense and, for subsequent offenses, a fine of at least \$250 and up to 90 days' community service on such terms and in such form as the court shall deem appropriate, or any combination thereof.”

Chapter 110, Alarm Systems and Devices.

Article II, Smoke-Sensitive Alarm Devices.

A. Section 110-6C is added to read:

Each structure, other than a seasonal rental unit, shall also be equipped with at least one portable fire extinguisher in conformance with rules and regulations promulgated by the Commissioner of Community Affairs pursuant to the "Administrative Procedure Act," P.L.1968, c. 410 (N.J.S.A. 52:14B-1 et seq.). For the purposes of this article, the following terms shall have the meanings indicated:

PORTABLE FIRE EXTINGUISHER – An operable portable device, carried and operated by hand, containing an extinguishing agent that can be expelled under pressure for the purpose of suppressing or extinguishing fire, and which is:

(1) Rated for residential use consisting of an ABC type;

(2) No larger than a ten-pound rated extinguisher; and

(3) Mounted within 10 feet of the kitchen area, unless otherwise permitted by the enforcing agency.

SEASONAL RENTAL UNIT – A dwelling unit rented for a term of not more than 125 consecutive days for residential purposes by a person having a permanent residence elsewhere, but shall not include use or rental of living quarters by migrant, temporary or seasonal workers in connection with any work or place where work is being performed.

B. Section 110-7C is amended to read:

An owner who sells, leases, rents or otherwise permits to be occupied for residential purposes any premises subject to the provisions of this article, when the premises does not comply with the requirements of this article, shall be subject to a fine of not more than \$500 in the case of a violation for an alarm device, or a fine of not more than \$100 in the case of a violation for a portable fire extinguisher, which may be collected and enforced by the local enforcing agency by summary proceedings pursuant to the Penalty Enforcement Law of 1999, P.L. 1999, c. 274 (N.J.S.A. 2A:58-10 et seq.).

Chapter 114, Alcoholic Beverages.

Article I, Consumption and Possession in Public.

Section 114-3 is added to provide the standard maximum penalty for an offense.

Chapter 125, Animals.

Article I, Animals at Large.

Former § 48-1B is deleted.

Article V, Animal Control Officer; Vicious Dogs.

- A. Section 48-19H(1) is amended to add an annual license fee of \$150 for vicious or potentially vicious dog special license.
- B. Section 125-19J is added to read:
“The owner of a potentially dangerous dog who is found by clear and convincing evidence to have violated this article or any rule or regulation adopted pursuant thereto or to have failed to comply with a court's order shall be subject to a fine of not more than \$1,000 per day of the violation, and each day's continuance of the violation shall constitute a separate and distinct violation. The Municipal Court shall have jurisdiction to enforce this section. The Animal Control Officer is authorized to seize and impound any potentially dangerous dog whose owner fails to comply with the provisions of this article, N.J.S.A. 4:19-17 et seq. or any rule or regulation adopted pursuant hereto or a court's order. The Municipal Court may order that the dog so seized and impounded be destroyed in an expeditious and humane manner.”

Chapter 143, Buildings, Unfit.

- A. Section 143-6B is amended to change “60 days” to “30 days.”
- B. Section 143-8 is amended to change “once each week for two successive weeks” to “once.”
- C. Section 143-11 is added to read:
If an actual and immediate danger to life is posed by the threatened collapse of any fire-damaged or other structurally unsafe building, the public officer may, after taking such measures as may be necessary to make such building temporarily safe, seek a judgment in summary proceedings for the demolition thereof.

- D. Section 143-12 is amended to increase the penalty to \$1,000 and add a statement that, if a 30-day notice has been sent to correct violations, the general penalty provisions set forth in Chapter 1, Art. II, General Penalty, shall apply.

Chapter 165, Construction Codes, Uniform.

Section 165-9 is amended to change “fees fixed in the Zoning Ordinance” to “fees fixed in § 303-9, Certificate of occupancy fee,”

Chapter 171, Curfew.

- A. Section 171-2A is added to read:
“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.”
- B. Section 171-5 is amended to delete provisions for imprisonment as a punishment.

Chapter 212, Fire Prevention.

Section 212-8 is amended to remove specific fees and provide that fees are tied to the amounts set by statute.

Chapter 218, Fire Zones.

Section 218-6 is amended to increase the fine to \$100 and remove a specific court costs' amount.

Chapter 234, Grass, Brush and Weeds.

- A. In § 234-2, “20 days” is amended to “10 days” and reference to the “Chief of Police” is deleted.
- B. Section 234-5 is amended to delete “Chief of the Police Department.”

Chapter 273, Numbering of Buildings and Lots.

Former § 71-11, Certification of occupancy, is deleted.

Chapter 303, Property Maintenance Code.

Section 303-11B, is amended to read: “The fee for a returned check is as set forth in Chapter 152, Checks, Returned.”

Chapter 310, Records, Public.

Article I, Government Records.

Section 310-2B is amended to add that fees for photocopies will be the same as set forth in N.J.S.A. 47:1A-5, as amended from time to time.

Article III, Vital Statistics.

Section 310-7 is amended to change “\$6” to \$10” and include the \$5 fee for noncertified copies.

Article IV, Municipal Court Discovery.

Section 310-9A is amended to add that fees for discovery will be the same as set forth in N.J.S.A. 47:1A-5, as amended from time to time.

Chapter 328, Sewer Use.

A. In § 328-45:

- (1) Subsection A is amended to read as follows:
 - A. *Reconnection to existing public sewer system for:*
 - (1) *Residential and commercial uses: \$100.*
 - (2) *Industrial users: minimum of \$300, plus \$20 for every DCU above 15.*
- (2) Former Subsection B, Extensions and expansions, is deleted.
- (3) A new Subsection C is added to read: “Tapping fees. A physical connection (tap) into the Township sewer system shall be based on time and materials if performed by the Township or a contractor retained by the Township. Alternatively, an owner may be allowed, with permission of the Superintendent of Sewer and Water, to tap into the sewer system subject to inspection by the Superintendent of Sewer and Water upon payment of an inspection fee.”
- (4) Former Subsection C is renumbered as Subsection D and amended to remove the fee amount and reference Ch. 152 of the Code.

- B. Section 358-53 is amended by the addition of “Except as provided in § 328-6B,” to the beginning of the section.

Chapter 341, Solid Waste.

- A. Section 341-15B is amended to state that identification stickers are issued every two years, not annually.
- B. Section 341-24A is amended to raise the maximum fine to \$10,000 and the minimum to \$250.

Chapter 345, Stormwater Management.

- A. Section 345-8A(3) is amended to read “six copies.”
- B. Section 345-9D is amended to provide for penalties per the Code’s General Penalty in Ch. 1, Art. II.

Chapter 352, Streets and Sidewalks.

Article I, Street Excavations and Encroachments.

- A. The first sentence in § 352-3B is amended to read: “The permittee has the additional responsibility of submitting evidence of compliance with N.J.S.A. 48:2-73 et seq., providing for notice of such excavations for gas companies.”
- B. Section 352-10D is amended to read: “The permittee must provide proof of compliance with One Call Damage Prevention System and obtain clearance before beginning excavation.”

Chapter 360, Taxation.

Article I, Delinquent Taxes.

Section 360-1D is added to read:

“Pursuant to N.J.S.A. 40:52-1.2, as a condition of issuance or renewal of a license or permit, all delinquent property taxes or assessments on the property must be paid. The license or permit shall be revoked or suspended when any licensee, who is an owner of the property affected by the license or upon which the licensed business or activity is conducted, has failed to pay the taxes due on the property for at least three consecutive quarters or more. The license or permit shall be restored upon payment of taxes. The provisions of this section shall not apply to or include any alcoholic beverage license or permit issued pursuant to the New Jersey Alcoholic Beverage Control Act, N.J.S.A. 33:1-1 et seq.”

Chapter 366, Taxicabs.

The fees in §§ 366-2 and 366-11D are both increased to \$100 per year.

Chapter 396, Water Supply Systems.

- A. Section 396-32 is amended to remove the returned check fee and reference Chapter 152 of the Code, Checks, Returned.
- B. Section 396-38C is amended as follows: “Water meters and ~~readers~~ transmitters used by the Township to meter water usage shall be installed by the Township at cost to each user.”

Chapter 405, Zoning and Development.

- A. Fees in § 405-101A, C and D have been amended to read:

- A. *Proposed new use or structure:*

| <i>Use of Structure</i> | <i>Fee</i> |
|---|--|
| <i>Residential, single-family dwelling</i> | <i>\$50</i> |
| <i>Residential, multifamily, including conversions, per dwelling unit</i> | <i>\$50</i> |
| <i>Residential, apartment and townhouse projects, per unit</i> | <i>\$50; not to exceed \$150 per structure</i> |
| <i>Commercial, per use</i> | <i>\$75</i> |
| <i>Industrial, per use</i> | <i>\$100</i> |
| <i>Other, per structure or use</i> | <i>\$25</i> |

- B. (No change)

- C. *Alterations not involving additional lot coverage:*

| <i>Use of Structure</i> | <i>Fee</i> |
|-------------------------|-------------|
| <i>Residential</i> | <i>\$20</i> |
| <i>Commercial</i> | <i>\$30</i> |
| <i>Industrial</i> | <i>\$50</i> |
| <i>Other</i> | <i>\$20</i> |

- D. *Additions involving additional lot coverage:*

| <i>Use of Structure</i> | <i>Fee</i> |
|--|-------------|
| <i>Residential, single-family dwelling</i> | <i>\$25</i> |
| <i>Residential, multifamily</i> | <i>\$30</i> |
| <i>Residential, apartment or townhouse project (an individual dwelling unit in an apartment or townhouse project shall be considered a single-family dwelling)</i> | |

| | |
|---|------|
| <i>for purposes of this subsection)</i> | \$25 |
| <i>Commercial, per structure involved</i> | \$50 |
| <i>Industrial, per structure involved</i> | \$75 |
| <i>Other, per structure involved</i> | \$25 |

B. Fees in § 405-102 are amended to read:

Sign permit fees shall be as follows:

- A. *Temporary sign: \$20.*
- B. *Signs not exceeding 50 square feet in area: \$50.*
- C. *Signs exceeding 50 square feet in area: \$75.*

C. The fee in § 405-103A is increased to “\$50.”

D. Section 405-113A is amended to provide that fines for violations shall be in accordance with N.J.S.A. 40:49-5 and 40:55D-55.