

April 9, 2014

CALL TO ORDER:

A Regular Meeting of the Borough Council convened in the Borough Hall at 7:30 p.m. with Mayor Stemberger presiding.

FLAG SALUTE AND INVOCATION:

Invocation was given by Mayor Stemberger, followed by the pledge of allegiance.

Mayor Stemberger noted that PURSUANT TO THE OPEN PUBLIC MEETING ACT, ADEQUATE NOTICE OF THIS MEETING, AS REQUIRED BY SAID ACT, HAS BEEN PROVIDED BY CONTACTING EACH COUNCIL MEMBER, POSTING SCHEDULED MEETING ON THE MUNICIPAL BUILDING BULLETIN BOARD, EMAILED TO the *ELMER TIMES* and *TODAY'S SUNBEAM* AND FILED WITH THE BOROUGH CLERK ON JANUARY 1, 2014.

ROLL CALL:

Councilpersons Schneider, Davis, Nolan, Schalick Williams, Zee and Mayor Joseph P. Stemberger answered to the roll call. Absent – None.

APPROVAL OF MINUTES:

Motion Davis, seconded Zee to approve minutes from Council Meeting of March 12, 2014 and that the reading of the minutes be dispensed with. Motion carried.

COMMITTEE REPORTS:

Committee reports were made at this time: , Public Safety, Water/Street Lights and Trash/Recycling/Parks & Playgrounds..

Chairman Mike Zumpino, Triad Associates, spoke to Council regarding grants for Water Site Remediation, Water Tower Painting and any other available grants. The cost would be \$300.00 a month to keep the Borough advised on any grants that become available.

OPEN TO THE PUBLIC:

.Motion Nolan, seconded Davis to open the public portion of the meeting. Motion carried.

No comment was made by the public.

CLOSED TO THE PUBLIC:

Motion Davis, seconded Nolan to close the public portion of the meeting. Motion carried

OLD BUSINESS:

The following ordinance was presented for adoption:

ADOPTING ORDINANCE NO. 2014-8

**AN ORDINANCE ADOPTING A CODE
OF ORDINANCES OF THE BOROUGH OF ELMER
IN THE COUNTY OF SALEM, NEW JERSEY**

WHEREAS, the Borough Council of the Borough of Elmer in the County of Salem, New Jersey, has caused its ordinances of a general and permanent nature to be amended and supplemented and to be compiled and revised and embodied in a codification known as "The Code of the Borough of Elmer, 2014."

NOW, THEREFORE, BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF ELMER IN THE COUNTY OF SALEM, NEW JERSEY, AS FOLLOWS:

Section 1. The ordinances of the Borough of Elmer in the County of Salem, New Jersey, of a general and permanent nature, as codified, Chapters 1 to 25, which were prepared, codified and published by Coded Systems LLC, 608 Highway 71, Spring Lake Heights, New Jersey, are hereby ordained as "The Code of the Borough of Elmer, 2014."

Section 2. All of the provisions of "The Code of the Borough of Elmer, 2014" shall be in force and in effect on and after the effective date of this ordinance.

Section 3. All ordinances or parts of ordinances of a general and permanent nature adopted and in force on December 31, 2013, which are inconsistent with the ordinances in "The Code of the Borough of Elmer, 2014" are hereby repealed to the extent of such inconsistency as of the effective date of this ordinance.

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

- a. Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this ordinance;
- b. Any prosecution, action, suit or other proceeding pending or any judgment rendered on or prior to the effective date of this ordinance;
- c. Any right or franchise conferred by the Council;
- d. Any right, right-of-way or easement acquired or established in any street, road, highway or other public place within the Borough;
- e. Any ordinance of the Borough providing for laying out, opening, altering, widening, relocating, straightening, accepting or vacating of any street, road or highway within the Borough;
- f. Any ordinance or resolution of the Borough promising or guaranteeing the payment of money by or for the Borough or authorizing the issuing of bonds or other evidence of the Borough's indebtedness, or any contract or obligation assumed by the Borough;
- g. The annual budget appropriation ordinances or resolutions, and all ordinances and resolutions appropriating or transferring funds;
- h. The administrative ordinances or resolutions of the Borough Council not in conflict or inconsistent with the provisions of this Code;
- i. Any ordinance or resolution of the Borough Council fixing compensation or salaries of the Borough officials and employees or the pay and compensation of positions and clerical employments which are not provided for in this Code and which are not in conflict or inconsistent therewith;
- j. Any ordinance or resolution of the Borough Council creating employments, positions or offices and fixing duties therefor which are not provided for in this Code and which are not in conflict or inconsistent therewith;
- k. Concerning the Traffic Chapter, any other provision of this ordinance to the contrary notwithstanding, the repeal provided for in Section 3 of this ordinance shall not become effective with respect to any ordinance regulating traffic or parking on the public streets or highways of the Borough;
- l. Any ordinances adopted by the Board of Health of the Borough of Elmer;
- m. Any ordinances of the Borough Council adopted upon final passage after the 31st day of December, 2013.

Section 5. The ordinances of the Borough have been substantially revised, edited, amended, supplemented and rearranged to establish the "Code of the Borough of Elmer, 2014." The effects of the proposed changes contained in the Code are listed below:

CHAPTER 1

GENERAL PROVISIONS

Section 1-1, Short Title, provides the official title of the Code. Section 1-2, Definitions, includes definitions for use with the entire Code or when drafting future ordinances of the Borough. Section 1-3, Construction, provides rules of construction and interpretation of general terms throughout this Code as well as for all ordinances adopted by the Borough of Elmer. Section 1-4, Divisions of the Code, provides for organization of the Code.

Section 1-5, General Penalty, contains the penalty provisions as provided by N.J.S.A. 40:49-5. The general penalty clause is applicable to the entire Code or any ordinance adopted by the Borough Council. Subsection 1-5.1, Maximum Penalty, provides a maximum penalty amount not to exceed two thousand (\$2,000.00) dollars and/or imprisonment for a term not to exceed ninety (90) days and/or a period of community service not to exceed ninety (90) days.

Subsection 1-5.2, Minimum Penalty, is new and states that the Borough Council may establish a minimum penalty not to exceed one hundred (\$100.00) dollars for any particular Code provisions or ordinance. Subsection 1-5.4, Additional Fine for Repeat Offenders, provides that additional fines may be imposed on any person who is convicted of the same violation within one year of the date of the previous conviction. Subsection 1-5.5, Default of Payment of Fine, provides that any person who defaults on payment of a fine may be imprisoned in the County Jail or be required to perform community service. Subsection 1-5.6 contains penalties for violations of housing or zoning codes and provides that if the Borough Council chooses to impose a fine greater than one thousand two hundred fifty (\$1,250.00) dollars, the Borough Council shall provide a thirty (30) day period to abate the condition. Subsection 1-5.7, Separate Violations, provides that when established by ordinance, each and every day a violation exists shall constitute a separate offense.

Section 1-6, Severability, provides that should any part or parts of the Code be declared invalid or unconstitutional, the remaining subsections, sections and chapters shall remain in full force and effect.

Sections 1-7 and Section 1-8 provide that newly-adopted ordinances shall be prepared as supplements to the Code and the Borough Clerk shall keep the Code current.

Section 1-9, Altering or Tampering with Code, states that it is unlawful for any person to tamper with or change the Code.

CHAPTER 2 ADMINISTRATION

The Administration Chapter has been organized into eight articles as follows:

Article I	Mayor and Council
Article II	Officers and Employees
Article III	Departments
Article IV	Municipal Court
Article V	Boards, Committees and Commissions
Article VI	Administrative Policies and Procedures
Article VII	Fees Established for Municipal Services
Article VIII	Retirement Programs

This chapter contains the ordinances of the Borough and statutory provisions and requirements to reflect the Borough form of government.

Article I, Mayor and Council, provides for the organization of the Governing Body, vacancies, qualifications for appointment to elected offices, rules of the Council, meetings, powers of the Mayor, and President of the Council as provided under the New Jersey State Statutes.

Article II, Officers and Employees, contains the statutory and municipal requirements for certain employees of the Borough including the Municipal Clerk, Deputy Municipal Clerk, Chief Financial Officer, Tax Assessor, Tax Collector, Borough Attorney, Borough Engineer, the Emergency Management Coordinator, General Maintenance and several deputy positions.

Article III, Department, codifies Borough Ordinance No. 2011-10 regarding the establishment and composition of the Police Department.

Article IV, Municipal Court, establishes the Borough's inclusion in the Mid-Salem County Municipal Court and establishes the fee for indigent defendants. The application fee for representation by a Public Defender has been revised from fifty (\$50.00) dollars to two hundred (\$200.00) dollars in subsection 2-35.2.

Article V, Boards, Committees and Commissions, includes the Board of Health and the Park Commission.

Article VI, Administrative Policies and Procedures, contains the payment of salaries, payroll account, procedure for payment of claims to the Borough, purchasing procedures, requirement for payment of tax liens on fire damaged properties, and the use of public buildings and facilities.

Article VII, Fees Established for Municipal Services, contains fees and charges for copies of public records in compliance with N.J.S.A. 47:1A-5b and establishes the fee for weddings and civil ceremonies.

Article VIII, Retirement Programs, contains the provisions of the Defined Contribution Retirement Program.

CHAPTER 3 POLICE REGULATIONS

Section 3-1, contains provisions regarding alcoholic beverages including the prohibition of sales within the Borough and possession or consumption in public places.

Section 3-3, prohibits the use of cigarette vending machines.

Section 3-4, Mini-bikes and Unlicensed Motor Vehicles, regulates the use of certain vehicles on public and private property.

Section 3-6, Drug-Free School Zones, provides for the mapping and submission of maps for areas designated as drug-free school zones.

Section 3-7, Drunk-Driving-Free School Zones, provides for the mapping and submission of maps for areas designated as drunk-driving-free zones.

Section 3-8, Distribution of Written Communications and Handbills, regulates the distribution of printed materials on private property.

Section 3-9, Litter, includes litter regulations.

Section 3-10, Beekeeping, prohibits the keeping of bees in the Borough.

Section 3-11, Bicycles, contains provisions for the use of bicycles on public streets.

Section 3-12, Curfew for Minors, provides for a curfew for persons under the age of 17 years.

Section 3-14, Sunday Sports, regulates certain sporting events on Sundays.

Section 3-15, Nuisances; Annoyance to Persons, contains provisions for conduct which causes injury or inconvenience to another of their reasonable rights of persons and property.

Section 3-16, Weeds, Brush and Debris, contains regulations for the keeping of properties free of brush and debris.

Section 3-17, Obstruction of Fire Hydrants, prohibits the placement of snow or other materials near or obstructing fire hydrants.

Section 3-18, Peace and Good Order, includes false alarms and obstruction of fire apparatus, interference with Borough officials and officers, the keeping of certain animals, and certain public nuisances.

Section 3-19, Running of Waste Water into Streets, prohibits the running of water onto streets.

Section 3-20, General Parking Restrictions, regulates the use and parking on public streets within the Borough.

Section 3-21, Abandoned Vehicles, provides for the notice and removal of certain abandoned vehicles in the Borough.

Section 3-22, Skateboards, prohibits the use of skateboards in certain public areas.

CHAPTER 4 GENERAL LICENSING AND BUSINESS REGULATIONS

This chapter contains the regulation and licensing procedures of certain activities including commercial amusement devices, bingo and raffles, charitable solicitations on roadways, towing and storage of vehicles, parades, circuses, junk yards, trailers and trailer camps.

Section 4-8, Shows and Circuses, has been revised to include the definition of carnivals, circuses and traveling shows and has revised the range for a license with a minimum fee of fifteen (\$15.00) dollars to a maximum fee of one hundred (\$100.00) dollars.

CHAPTER 5 ANIMAL CONTROL

Chapter 5 regulates the keeping of and licensing of dogs, cats and domestic animals in the Borough. Additional regulations include the feeding of migratory waterfowl and the keeping of other animals such as horses, cows, sheep, swine and chickens.

CHAPTER 6 RESERVED

CHAPTER 7 TRAFFIC

The Borough traffic ordinances have been codified and include regulations for parking, vehicles over a certain weight excluded from certain streets, no passing zones and handicapped parking.

This chapter has been prepared in the format recommended by the New Jersey Department of Transportation. Pursuant to legislation December 4, 2008, municipalities are responsible for certification of traffic ordinances (chapters). Approval by the New Jersey Department of Transportation (NJDOT) is limited to specific ordinances relating to State roadways and commercial vehicles as noted in N.J.S.A. 39:4-8 and N.J.S.A. 39:4-197.

Section 7-1, Definitions, is new and provides for definitions and the official time standard for enforcement of the chapter.

Section 7-2, Authorization for the Closing of Any Street, is new and contains the provisions for the closing of streets for public safety, health or welfare; contains the authority to close streets; and contains penalties for violations.

Section 7-3, Tow-Away Zone, is new and provides for the removal of vehicles parked in violation of the chapter.

Section 7-4, Penalties, provides for a penalty where no other specific penalty is stated by ordinance or statute.

Section 7-5, Effect of Chapter, provides that should any part or parts of the chapter be invalidated, that the remaining provisions of the chapter are not affected.

Section 7-7, Construction Zone; Traffic Controls for Street and Highway Construction and Maintenance Operation and Adoption of the Manual on Uniform Traffic Control Devices for Streets and Highways, provides for the controls and procedures for construction zones within the Borough.

Section 7-9, Parking Prohibited During State of Emergency, is new and establishes a minimum penalty of one hundred fifty (\$150.00) dollars for violations of this section.

CHAPTER 8 RESERVED

CHAPTER 9 RESERVED

CHAPTER 10 PROPERTY MAINTENANCE

Section 10-1, Property Maintenance Code, adopts by reference the International Property Maintenance Code, 2003, and provides for an inspection and reinspection fee of \$50.00 and a failed reinspection fee of \$30.00.

Section 10-2, Public Health Nuisances, regulates nuisances including pollution, smoke, gases, ragweed, standing water, the accumulation of garbage, refuse or animal matter, conditions harboring rodents, the accumulation of brush, weeds, construction or demolition debris and noise.

Section 10-3, Maintenance of Brush and Grass, provides standards for the maintenance of brush and grass on both commercial and residential properties.

CHAPTER 11 BUILDING AND HOUSING

Section 11-1, Uniform Construction Code, provides for enforcement of the Uniform Construction Code by the State Department of Community Affairs.

Section 11-2, Housing Standards, provides housing standards and establishes the application and fees for a certificate of occupancy.

Section 11-4, Smoke Detectors, requires the installation and standards for smoke detectors in certain buildings.

Section 11-5, Landlord Registration, requires the registration of rental units, hotel and motel rooms and boarding houses.

CHAPTER 12 FIRE PREVENTION AND PROTECTION

This chapter provides for local enforcement of the Uniform Fire Code, establishes the enforcing agency, and inspection and fees for non-life hazard uses.

Subsection 12-1.7, Non-Life Hazard Uses, includes revisions to the annual fees for registration and inspection in the Business Use Group as follows: B/1-\$25; B/2-\$35; B/3-\$60; and B/4-\$110.

CHAPTER 13 SOLID WASTE MANAGEMENT

This chapter establishes recycling and source separation requirements for recycling and solid waste on residential and commercial properties and includes requirements for construction and demolition plans.

CHAPTER 14 WATER

Chapter 14 contains regulations for water from the Elmer Borough Water Department and includes use, fees, connections, disconnections, permits, delinquent fees and water emergencies.

CHAPTER 15 RESERVED**CHAPTER 16 PARKS AND RECREATION AREAS**

This chapter contains regulations for the use of parks and public places in the Borough.

CHAPTER 17 CABLE TELEVISION

Chapter 17 contains the cable franchise agreement with Comcast as adopted by Ordinance No. 2012-10.

CHAPTER 18 ENVIRONMENTAL PROTECTION

This chapter establishes reimbursement costs to the Borough for the cost of clean-up of discharged hazardous substances.

CHAPTER 19 RESERVED**CHAPTER 20 STREETS AND SIDEWALKS**

Chapter 20 contains the numbering of buildings, street and sidewalk opening permits, and street encroachments.

CHAPTER 21 RESERVED**CHAPTER 22 RESERVED**

CHAPTER 23 STORMWATER CONTROL

Chapter 23 contains stormwater management requirements and controls.

CHAPTER 24 FLOOD DAMAGE PREVENTION

This chapter contains regulations to minimize flood conditions in areas of special flood hazard.

CHAPTER 25 LAND DEVELOPMENT

This chapter contains the Borough's land use regulations including provisions applicable to the Land Use Board, zoning, subdivision and site plan review. This chapter has been revised to reflect the term Land Use Board as adopted by Ordinance No. 2002-1. Statutory revisions have been incorporated to insure the Borough's regulations comply with N.J.S.A. 40:55D-1 et seq. The term Building Inspector has been revised to Construction Official throughout the chapter as appropriate.

Article I, Title; Purpose; Definitions, includes the chapter's short title, purpose and definitions applicable throughout the chapter.

Article II, Development Procedures, contains provisions for the establishment of the Land Use Board, application procedures, review of applications, appeals, notice requirements, hearings, decisions, application fees and escrow fees.

Subsection 2-5.9, Appeals to the Borough Council, has been revised to reflect N.J.S.A. 40:55D-17, which requires that only certain application decisions may be appealed to the Borough Council.

Article III, Zoning, contains specific district regulations.

Subsection 25-19-9, Apartment Houses/Conversions, paragraph a. has been revised to reflect that the minimum gross floor area required for a conversion is 3,000 square feet, changed from 2,000 square feet. The maximum number of units, which may be obtained from a conversion, is three (3) units, revised from four (4) units. Paragraph a, 8. Has been revised from requiring "Complete plans" to requiring "a proper site plan application."

Subsection 25-21.1, Enforcement; Permits; Fees, has been revised to require Borough officers to submit fees for applications to the Borough Treasurer within 24 hours of receipt.

Subsection 25-21.2, Penalties, has been revised to refer to the General Penalty found in Chapter 1, Section 1-5.

Article IV, Site Plan Review, contains application, review procedures and design standards for site plans.

Article V, Land Subdivision, includes provisions for the submission, review and requirements of an application for land subdivision.

Subsection 25-37.2, Streets and Roads, has been revised at paragraph d, 5. To delete the year "1961" when referring to the New Jersey State Highway Department Standard Specifications.

Article VI, General Provisions, contains provisions applicable to the chapter including a repealer for inconsistent ordinances and a severability clause.

Section 6. A copy of "The Code of the Borough of Elmer, 2014" has been filed in the office of the Municipal Clerk of the Borough of Elmer and shall remain there for the use and examination of the public

until final action is taken on this ordinance; and if this ordinance shall be adopted, such copy shall be certified by the Municipal Clerk in the Borough of Elmer by impressing thereon the seal of the Borough of Elmer, as provided by law, and such certified copy shall remain on file in the office of the Municipal Clerk of the Borough of Elmer to be made available to persons desiring to examine the same during all times while the Code is in effect.

Section 7. Amendments to the Code. Any and all additions, amendments and supplements to the Code when passed and adopted in such form as to indicate the intent of the Borough Council to make them a part thereof shall be deemed to be incorporated into such Code so that reference to "The Code of the Borough of Elmer, 2014" shall be understood and intended to include such additions and amendments. Whenever such additions, amendments and supplements to the Code shall be adopted, they shall thereafter be printed and, as provided hereunder, inserted in the book containing the Code as amended and supplemented thereto.

Section 8. It shall be the duty of the Municipal Clerk or someone authorized and directed by the Clerk to keep up-to-date the certified copy of the book containing "The Code of the Borough of Elmer, 2014," required to be filed in his or her office for the use of the public. All changes in the Code and all ordinances adopted subsequent to the effective date of this codification shall be adopted specifically as part of the Code and shall when finally adopted be included therein by reference until such changes or new ordinances are printed as supplements to the Code, at which time such supplements shall be inserted therein.

Section 9. The Municipal Clerk of the Borough of Elmer, pursuant to law, shall cause to be published in the manner required a copy of this adopting ordinance in a newspaper of general circulation in the Borough of Elmer. Sufficient copies of "The Code of the Borough of Elmer, 2014" shall be maintained in the office of the Municipal 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.

Section 10. Each section of "The Code of the Borough of Elmer, 2014," and every part of each section is an independent section or part of a section and the holding of any section or part thereof deemed 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.

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

Motion Davis, seconded Zee to open the public hearing. Motion carried.

Motion Davis, seconded Zee to close the public hearing. Motion carried.

Motion Zee, seconded Nolan to adopt Ordinance No. 2014-8.

Roll Call: Ayes: Schneider, Davis, Nolan, Schalick, Williams and Zee. Nays – None. Motion carried.

The following ordinance was presented for adoption:

ORDINANCE NO. 2014-9

**AN ORDINANCE CREATING A NEW CHAPTER OF THE CODE OF THE BOROUGH OF
ELMER, ENTITLED "WILDLIFE FEEDING"**

WHEREAS, the Mayor and Council of the Borough of Elmer deem it in the best interest of the Borough to establish a new Chapter of the Code of the Borough of Elmer, entitled “Wildlife Feeding”; and

WHEREAS, the Mayor and Council of the Borough of Elmer find that the unregulated feeding of wildlife on public or private property is an important public concern and is necessary to implement the requirements of the New Jersey Department of Environmental Protection Clean Communities Program; and

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Elmer, in the County of Salem and State of New Jersey, and it is hereby enacted and ordained by the authority of same as follows:

CHAPTER "XX"

WILDLIFE FEEDING

xx-1 Purpose. An ordinance to prohibit the feeding of unconfined wildlife in any public park or on any other property owned or operated by the Borough of Elmer, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

xx-2 Definitions. For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

- a. Feed - to give, place, expose, deposit, distribute or scatter any edible material with the intention of feeding, attracting or enticing wildlife. Feeding does not include baiting in the legal taking of fish and/or game.
- b. Person - any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- c. Wildlife - all animals that are neither human nor domesticated.

xx-3 Prohibited Conduct.

- a. No person shall feed, in any public park or on any other property owned or operated by the Borough of Elmer, any wildlife, excluding confined wildlife (for example, wildlife confined in zoos, parks or rehabilitation centers, or unconfined wildlife at environmental education centers).

xx-4 Enforcement.

The provisions of this ordinance shall be enforced by the Code Enforcement Officer or the Police Department of the Borough of Elmer.

xx.5 Violations and penalties.

- A. Any person violating this Chapter shall, upon conviction thereof, be punishable by one or more of the following: by a period of community service not exceeding 90 days; and/or by a fine of not less than \$25.00 or more than \$2,000.00, at the discretion of the Judge.
- B. Any person who is convicted of violating the provisions of this Chapter within one year of the date of previous violation of the same Chapter 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 for a repeated offense shall not be less than the minimum or exceed the maximum fine fixed for a violation of this Chapter, but shall be calculated separately from the fine imposed for the original violation of this Chapter. Whenever such person shall have been officially notified or by service of a Summons in a prosecution, or in any other official manner, that said person is committing a violation, each day's continuance of such violation after such notification shall constitute a separate offense, punishable by a like fine or penalty.

Section 2.

Repealer.

All prior Ordinances or parts of Ordinances inconsistent with this Ordinance be and the same are hereby repealed to the extent of such inconsistencies.

Section 3.

Severability.

Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

When effective.

This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

Motion Davis, seconded Zee to open the public hearing. Motion carried.

Motion Davis, seconded Nolan to close the public hearing. Motion carried.

Motion Davis, seconded Zee to adopt Ordinance No. 2014-9.

Roll Call: Ayes: Schneider, Davis, Nolan, Schalick, Williams and Zee. Nays – None. Motion carried.

The following ordinance was presented for adoption:

ORDINANCE NO. 2014-10

AN ORDINANCE CREATING A NEW CHAPTER OF THE CODE OF THE BOROUGH OF ELMER, ENTITLED "ILLICIT CONNECTIONS"

WHEREAS, the Mayor and Council of the Borough of Elmer have determined that it is in the best interest of the Borough to establish a new Chapter of the Code of the Borough of Elmer entitled "Illicit Connections"; and

WHEREAS, the Mayor and Council of the Borough of Elmer find that the illicit connections to the municipal storm sewer system is an important public concern and is necessary to implement the requirements of the New Jersey Department of Environmental Protection Clean Communities Program;

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Elmer, in the County of Salem and State of New Jersey, and it is hereby enacted and ordained by the authority of same as follows:

CHAPTER "XX"

ILLICIT CONNECTIONS

xx-1 Purpose:

An ordinance to prohibit illicit connections to the municipal separate storm sewer system(s) operated by the Borough of Elmer, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

xx-2. Definitions:

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The definitions below are the same as or based on corresponding definitions in the New Jersey Pollutant Discharge Elimination System (NJPDES) rules at N.J.A.C. 7:14A-1.2.

- a. Domestic sewage - waste and wastewater from humans or household operations.
- b. Illicit connection – any physical or non-physical connection that discharges domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater) to the municipal separate storm sewer system operated by the [insert name of municipality], unless that discharge is authorized under a NJPDES permit other than the Tier A Municipal Stormwater General Permit (NJPDES Permit Number NJ0141852). Non-physical connections may include, but are not limited to, leaks, flows, or overflows into the municipal separate storm sewer system.
- c. Industrial waste - non-domestic waste, including, but not limited to, those pollutants regulated under Section 307(a), (b), or (c) of the Federal Clean Water Act (33 U.S.C. §1317(a), (b), or (c)).
- d. Municipal separate storm sewer system (MS4)– a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by [insert name of municipality] or other public body, and is designed and used for collecting and conveying stormwater. **NOTE:** In municipalities with combined sewer systems, add the following: “MS4s do not include combined sewer systems, which are sewer systems that are designed to carry sanitary sewage at all times and to collect and transport stormwater from streets and other sources.”
- e. NJPDES permit – a permit issued by the New Jersey Department of Environmental Protection to implement the New Jersey Pollutant Discharge Elimination System (NJPDES) Rules at N.J.A.C. 7:14A.
- f. Non-contact cooling water - water used to reduce temperature for the purpose of cooling. Such waters do not come into direct contact with any raw material, intermediate product (other than heat) or finished product. Non-contact cooling water may however contain algacides, or biocides to control fouling of equipment such as heat exchangers, and/or corrosion inhibitors. Tier A Stormwater Guidance 75

- g. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- h. Process wastewater - any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product. Process wastewater is not limited to, leachate and cooling water other than non-contact cooling water.
- i. Stormwater – water resulting from precipitation (including rain and snow) that runs off the land’s surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

xx-3. Prohibited Conduct:

No person shall discharge or cause to be discharged through an illicit connection to the municipal separate storm sewer system operated by the Borough of Elmer any domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater).

xx-4. Enforcement:

The provisions of this ordinance shall be enforced by the Code Enforcement Officer or the Police Department of the Borough of Elmer.

xx.5 Violations and penalties.

- A. Any person violating this Chapter shall, upon conviction thereof, be punishable by one or more of the following: by a period of community service not exceeding 90 days; and/or by a fine of not less than \$25.00 or more than \$2,000.00, at the discretion of the Judge.
- B. Any person who is convicted of violating the provisions of this Chapter within one year of the date of previous violation of the same Chapter 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 for a repeated offense shall not be less than the minimum or exceed the maximum fine fixed for a violation of this Chapter, but shall be calculated separately from the fine imposed for the original violation of this Chapter. Whenever such person shall have been officially notified or by service of a Summons in a prosecution, or in any other official manner, that said person is committing a violation, each day’s continuance of such violation after such notification shall constitute a separate offense, punishable by a like fine or penalty.

Section 2.

Repealer.

All prior Ordinances or parts of Ordinances inconsistent with this Ordinance be and the same are hereby repealed to the extent of such inconsistencies.

Section 3.

Severability.

Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

When effective.

This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

Motion Davis, seconded Zee to open the public hearing. Motion carried.

Motion Williams, seconded Davis to close the public hearing. Motion carried.

Motion Davis, seconded Zee to adopt Ordinance No. 2014-10.

Roll Call: Ayes: Schneider, Davis, Nolan, Schalick, Williams and Zee. Nays – None. Motion carried.

The following ordinance was presented for adoption:

ORDINANCE NO. 2014-11

AN ORDINANCE CREATING A NEW CHAPTER OF THE CODE OF THE BOROUGH OF ELMER, ENTITLED “DISPOSAL OF PET WASTE”

WHEREAS, the Mayor and Council of the Borough of Elmer deem it in the best interest of the Borough to establish a new Chapter of the Code of the Borough of Elmer, entitled “Disposal of Pet Waste”; and

WHEREAS, the Mayor and Council of the Borough of Elmer find that the establishment of requirements relating to the proper of disposal of pet solid waste is an important public concern and is necessary to implement the requirements of the New Jersey Department of Environmental Protection Clean Communities Program;

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Elmer, in the County of Salem and State of New Jersey, as follows:

CHAPTER "XX"

DISPOSAL OF PET WASTE

xx.1 Purpose. The Borough of Elmer finds that the establishment of requirements for the proper disposal of pet solid waste is an important public concern to protect public health, safety and welfare of its residents.

xx.2 Definitions. For the purposes of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent, with the context, words used in the present tense include the future, words in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not directory.

IMMEDIATE - shall mean that the pet solid waste is removed at once, without delay.

OWNER/KEEPER – any person who shall possess, maintain, house or harbor any pet or otherwise have the custody of any pet, whether or not the owner of such pet.

PERSON – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

PET – a domesticated animal (other than a disability assistance animal) kept for amusement or companionship.

PET SOLID WASTE – waste matter expelled from the bowels of the pet; excrement.

PROPER DISPOSAL – placement in a designated waste receptacle, or other suitable container, and discarded in a refuse container which is regularly emptied by the municipality or some other refuse collector; or disposal into a system designed to convey domestic sewage for proper treatment and disposal.

xx.3 Defecation on public or private property. No person owning or in discharge owing or in charge of a pet shall cause or allow such pet to soil, defile, defecate on or commit any nuisance on any common thoroughfare, sidewalk, passageway, bypath, play area, park or any place where people congregate or walk, or upon any public property whatsoever, or upon private property without the permission of the owner of said property.

xx.4 Removal of pet solid waste. Any person owning or in charge of any pet which soils, defiles, defecates on or commits any nuisance on any common thoroughfare, sidewalk, passageway, bypath, play area, park or any place where people congregate or walk, or upon any public property whatsoever, or upon any private property without the permission of the owner of said property shall immediately remove all pet solid waste deposited by any such pet by any sanitary method approved by the local health authority.

xx.5 Sanitary disposal of pet solid waste. Sanitary methods for removing all pet solid waste approved by the local health authority are mechanical devices such as pooch scoops, small shovels, etc. All pet solid waste removed by the person owning, harboring, keeping or in charge of any such pet shall be disposed of in a sealed, nonabsorbent, leakproof container.

xx.6 Exemptions. Any owner or keeper who requires the use of a disability assistance animal shall be exempt from any provisions of this Chapter while such animal is being used for that purpose.

xx.7 Enforcement. The provisions of this ordinance shall be enforced by the Code Enforcement Officer or the Police Department of the Borough of Elmer.

xx.8 Violations and penalties.

- A. Any person violating this Chapter shall, upon conviction thereof, be punishable by one or more of the following: by a period of community service not exceeding 90 days; and/or by a fine of not less than \$25.00 or more than \$2,000.00, at the discretion of the Judge.
- B. Any person who is convicted of violating the provisions of this Chapter within one year of the date of previous violation of the same Chapter 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 for a repeated offense shall not be less than the minimum or exceed the maximum fine fixed for a violation of this Chapter, but shall be calculated separately from the fine imposed for the original violation of this Chapter. Whenever such person shall have been officially notified or by service of a Summons in a prosecution, or in any other official manner, that said person is committing a violation, each day's continuance of such violation after such notification shall constitute a separate offense, punishable by a like fine or penalty.

Section 2.

Repealer.

All prior Ordinances or parts of Ordinances inconsistent with this Ordinance be and the same are hereby repealed to the extent of such inconsistencies.

Section 3.**Severability.**

Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

When effective.

This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

Motion Nolan, seconded Zee to open the public hearing. Motion carried.

Motion Davis, seconded Zee to close the public hearing. Motion carried.

Motion Davis, seconded Nolan to adopt Ordinance No. 2014-11.

Roll Call: Ayes: Schneider, Davis, Nolan, Schalick, Williams and Zee. Nays – None. Motion carried.

The following ordinance was presented for adoption:

ORDINANCE NO. 2014-12

**AN ORDINANCE CREATING A NEW CHAPTER OF THE CODE OF THE
BOROUGH OF ELMER, ENTITLED “CONTAINERIZED YARD WASTE”**

WHEREAS, the Mayor and Council of the Borough of Elmer have determined that it is in the best interest of the Borough to establish a new Chapter of the Code of the Borough of Elmer entitled “Containerized Yard Waste”; and

WHEREAS, the Mayor and Council of the Borough of Elmer find that the proper handling of yard waste is an important public concern and is necessary to implement the requirements of the New Jersey Department of Environmental Protection Clean Communities Program;

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Elmer, in the County of Salem and State of New Jersey, and it is hereby enacted and ordained by the authority of same as follows:

CHAPTER "XX"

CONAINERIZED YARD WASTE

xx-1 Purpose:

An ordinance to establish requirements for the proper handling of yard waste in the Borough of Elmer, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

xx-2. Definitions:

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- a. Containerized – means the placement of yard waste in a trash can, bucket, bag or other vessel, such as to prevent the yard waste from spilling or blowing out into the street and coming into contact with stormwater.
- b. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- c. Street - means any street, avenue, boulevard, road, parkway, viaduct, drive, or other way, which is an existing State, county, or municipal roadway, and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas, and other areas within the street lines.
- d. Yard Waste – means leaves and grass clippings.

xx-3. Prohibited Conduct:

The owner or occupant of any property, or any employee or contractor of such owner or occupant engaged to provide lawn care or landscaping services, shall not sweep, rake, blow or otherwise place yard waste, unless the yard waste is containerized, in the street. If yard waste that is not containerized is placed in the street, the party responsible for placement of yard waste must remove the yard waste from the street or said party shall be deemed in violation of this ordinance.

xx-4. Enforcement:

The provisions of this ordinance shall be enforced by the Code Enforcement Officer or the Police Department of the Borough of Elmer.

xx.5 Violations and penalties.

- A. Any person violating this Chapter shall, upon conviction thereof, be punishable by one or more of the following: by a period of community service not exceeding 90 days; and/or by a fine of not less than \$25.00 or more than \$2,000.00, at the discretion of the Judge.
- B. Any person who is convicted of violating the provisions of this Chapter within one year of the date of previous violation of the same Chapter 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 for a repeated offense shall not be less than the minimum or exceed the maximum fine fixed for a violation of this Chapter, but shall be calculated separately from the fine imposed for the original violation of this Chapter. Whenever such person shall have been officially notified or by service of a Summons in a prosecution, or in any other official manner, that said person is committing a violation, each day's continuance of such violation after such notification shall constitute a separate offense, punishable by a like fine or penalty.

Section 2.

Repealer.

All prior Ordinances or parts of Ordinances inconsistent with this Ordinance be and the same are hereby repealed to the extent of such inconsistencies.

Section 3.

Severability.

Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

When effective.

This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

Motion Williams, seconded Schalick to open the public hearing. Motion carried.

Motion Davis, seconded Nolan to close the public hearing. Motion carried.

Motion Davis, seconded Williams to adopt Ordinance No. 2014-12.

Roll Call: Ayes: Schneider, Davis, Nolan, Schalick, Williams and Zee. Nays – None. Motion carried.

The following ordinance was presented for adoption:

ORDINANCE NO. 2014- 13

AN ORDINANCE CREATING A NEW CHAPTER OF THE CODE OF THE BOROUGH OF ELMER ENTITLED "LITTER CONTROL"

WHEREAS, the Mayor and Council of the Borough of Elmer deem it in the best interest of the Borough to establish a new Chapter of the Code of the Borough of Elmer, entitled “Litter Control”; and

WHEREAS, the Mayor and Council of the Borough of Elmer find that the reduction of litter on public or private property is an important public concern and is necessary to implement the requirements of the New Jersey Department of Environmental Protection Clean Communities Program;

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Elmer, in the County of Salem and State of New Jersey, and it is hereby enacted and ordained by the authority of same as follows:

CHAPTER "XX"

LITTER CONTROL

xx.1 Purpose. The Borough of Elmer finds that the reduction of litter is an important public concern to protect public health, safety and welfare and to implement the requirements of the New Jersey Department of Environmental Protection Clean Communities Program.

xx.2 Definitions. For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the

singular number include the plural number. The word “shall” is always mandatory and not merely directory.

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, newspapers, magazines, glass, metal, plastic or paper containers or other packaging or construction material, but does not include the waste of the primary processes of mining or other extraction processes, logging, sawmilling, farming or manufacturing.

LITTER RECEPTACLE – a container suitable for the depositing of litter.

PERSON – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

xx.3 Littering Unlawful.

- A. It shall be unlawful for any person to throw, drop, discard or otherwise place litter of any nature upon any public or private property other than in a litter receptacle.
- B. Whenever any litter is thrown or discarded or allowed to fall from a vehicle or boat in violation of this ordinance, the operator, owner, or both, of the motor vehicle or boat shall also be deemed to have violated this ordinance.

xx.4 Use of Receptacles. Litter receptacles and their servicing are required at the following public places which exist in the municipality, including: sidewalks used by pedestrians in active retail commercially zoned areas, such as that, at a minimum, there shall be no linear quarter mile without a receptacle; buildings held out for use by the public, including schools and government buildings; parks, drive-in restaurants; all street vendor locations; self-service refreshment areas; construction sites; gasoline service station islands; shopping centers; parking lots; and at special events to which the public is invited, including sporting events, parades, carnivals, circuses and festivals. The proprietors of these places or the sponsors of these events shall be responsible for providing and servicing the receptacles so that adequate containers are available.

xx.5 Unlawful dumping. It shall be unlawful for any person to discard or dump along any street or road, on or off any right-of-way, any household or commercial solid waste, rubbish, refuse, junk, vehicle parts, rubber tires, appliances, furniture, or private property, except by written consent of the owner of said property, in any place not specifically designated for the purpose of solid waste storage or disposal.

xx.6 Storage of household solid waste. It shall be unlawful for any property owner to store or permit the storage of any bulky household waste, including but not limited to household appliances, furniture and mattresses, except in a fully enclosed structure.

xx.7 Storage of tires. It shall be unlawful for any residential property owner to store or permit the storage of tires in areas zoned residential, except in a fully enclosed structure or on days designated for the collection of tires.

xx.8 Construction sites. It shall be unlawful for any owner, agent or contractor in charge of a construction or demolition site to permit the accumulation of litter before, during or after the completion of any construction or demolition project. It shall be the duty of the owner, agent or contractor in charge of the construction site to furnish containers adequate to accommodate flyable or non-flyable debris or trash at areas convenient to construction areas and to maintain and empty the receptacles in such a manner and with such a frequency as to prevent spillage or refuse.

xx.9 Enforcement. The provisions of this ordinance shall be enforced by the Code Enforcement Officer or the Police Department of the Borough of Elmer.

xx.10 Violations and penalties.

- A. Any person violating this Chapter shall, upon conviction thereof, be punishable by one or more of the following: by a period of community service not exceeding 90 days; and/or by a fine of not less than \$25.00 or more than \$2,000.00, at the discretion of the Judge.
- B. Any person who is convicted of violating the provisions of this Chapter within one year of the date of previous violation of the same Chapter 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 for a repeated offense shall not be less than the minimum or exceed the maximum fine fixed for a violation of this Chapter, but shall be calculated separately from the fine imposed for the original violation of this Chapter. Whenever such person shall have been officially notified or by service of a Summons in a prosecution, or in any other official manner, that said person is committing a violation, each day's continuance of such violation after such notification shall constitute a separate offense, punishable by a like fine or penalty.

Section 2.

Repealer.

All prior Ordinances or parts of Ordinances inconsistent with this Ordinance be and the same are hereby repealed to the extent of such inconsistencies.

Section 3.

Severability.

Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

When effective.

This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

Motion Nolan, seconded Zee to open the public hearing. Motion carried.

Motion Nolan, seconded Williams to close the public hearing. Motion carried.

Motion Schneider, seconded Nolan to adopt Ordinance No. 2014-13.

Roll Call: Ayes: Schneider, Davis, Nolan, Schalick, Williams and Zee. Nays – None. Motion carried.

The following ordinance was presented for adoption:

ORDINANCE NO. 2014-14

AN ORDINANCE CREATING A NEW CHAPTER OF THE CODE OF THE BOROUGH OF ELMER ENTITLED "IMPROPER DISPOSAL OF WASTE"

WHEREAS, the Mayor and Council of the Borough of Elmer have determined that it is in the best interest of the Borough to establish a new Chapter of the Code of the Borough of Elmer entitled “Improper Disposal of Waste”; and

WHEREAS, the Mayor and Council of the Borough of Elmer find that the improper disposal of materials in the municipal storm sewer system on public or private property is an important public concern and is necessary to implement the requirements of the New Jersey Department of Environmental Protection Clean Communities Program; and

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Elmer, in the County of Salem and State of New Jersey, and it is hereby enacted and ordained by the authority of same as follows:

CHAPTER "XX"

IMPROPER DISPOSAL OF WASTE

xx-1 Purpose:

An ordinance to prohibit the spilling, dumping, or disposal of materials other than stormwater to the municipal separate storm sewer system (MS4) operated by the Borough of Elmer, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

xx-2 Definitions:

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

a. Municipal separate storm sewer system (MS4)– a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Borough of Elmer or other public body, and is designed and used for collecting and conveying stormwater. **NOTE:** In municipalities with combined sewer systems, add the following: “MS4s do not include combined sewer systems, which are sewer systems that are designed to carry sanitary sewage at all times and to collect and transport stormwater from streets and other sources.”

b. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

c. Stormwater – water resulting from precipitation (including rain and snow) that runs off the land’s surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

xx-3 Prohibited Conduct:

The spilling, dumping, or disposal of materials other than stormwater to the municipal separate storm sewer system operated by the Borough of Elmer is prohibited. The spilling, dumping, or disposal of materials other than stormwater in such a manner as to cause the discharge of pollutants to the municipal separate storm sewer system is also prohibited.

xx-4. Exceptions to Prohibition:

- a. Water line flushing and discharges from potable water sources
- b. Uncontaminated ground water (e.g., infiltration, crawl space or basement sump pumps, foundation or footing drains, rising ground waters)
- c. Air conditioning condensate (excluding contact and non-contact cooling water)
- d. Irrigation water (including landscape and lawn watering runoff)
- e. Flows from springs, riparian habitats and wetlands, water reservoir discharges and diverted stream flows
- f. Residential car washing water, and residential swimming pool discharges
- g. Sidewalk, driveway and street wash water
- h. Flows from fire fighting activities
- i. Flows from rinsing of the following equipment with clean water:
 - Beach maintenance equipment immediately following their use for their intended purposes; and
 - Equipment used in the application of salt and de-icing materials immediately following salt and de-icing material applications. Prior to rinsing with clean water, all residual salt and de-icing materials must be removed from equipment and vehicles to the maximum extent practicable using dry cleaning methods (e.g., shoveling and sweeping). Recovered materials are to be returned to storage for reuse or properly discarded.

Rinsing of equipment, as noted in the above situation is limited to exterior, undercarriage, and exposed parts and does not apply to engines or other enclosed machinery.

xx-5. Enforcement:

The provisions of this ordinance shall be enforced by the Code Enforcement Officer or the Police Department of the Borough of Elmer.

xx.6 Violations and penalties.

- A. Any person violating this Chapter shall, upon conviction thereof, be punishable by one or more of the following: by a period of community service not exceeding 90 days; and/or by a fine of not less than \$25.00 or more than \$2,000.00, at the discretion of the Judge.
- B. Any person who is convicted of violating the provisions of this Chapter within one year of the date of previous violation of the same Chapter 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 for a repeated offense shall not be less than the minimum or exceed the maximum fine fixed for a violation of this Chapter, but shall be calculated separately from the fine imposed for the original violation of this Chapter. Whenever such person shall have been officially notified or by service of a Summons in a prosecution, or in any other official manner, that said person is committing a violation, each day's continuance of such violation after such notification shall constitute a separate offense, punishable by a like fine or penalty.

Section 2.**Repealer.**

All prior Ordinances or parts of Ordinances inconsistent with this Ordinance be and the same are hereby repealed to the extent of such inconsistencies.

Section 3.**Severability.**

Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

When effective.

This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

Motion Davis, seconded Williams to open the public hearing. Motion carried.

Motion Davis, seconded Nolan to close the public hearing. Motion carried.

Motion Davis, seconded Zee to adopt Ordinance No. 2014-14.

Roll Call: Ayes: Schneider, Davis, Nolan, Schalick, Williams and Zee. Nays – None. Motion carried.

The following ordinance was presented for adoption:

ORDINANCE NO. 2014-15

**AN ORDINANCE GRANTING RENEWED CONSENT AND
PERMISSION TO SOUTH JERSEY GAS COMPANY TO USE THE
PUBLIC STREETS TO FURNISH GAS FOR LIGHT, HEAT AND
POWER IN THE BOROUGH OF ELMER, COUNTY OF SALEM AND
STATE OF NEW JERSEY**

WHEREAS, South Jersey Gas Company, a corporation of the State of New Jersey, provides natural gas service to the Borough of Elmer pursuant to the municipal consent first granted to South Jersey Gas Company in that certain Ordinance passed on September 9, 1947; and

WHEREAS, South Jersey Gas Company now seeks, pursuant to N.J.S.A. 48:3-15, the consent of the Borough of Elmer to renew Section Number 2 of Ordinance adopted on September 9, 1947 applicable to the use of the streets in the Borough of Elmer by adopting the following Ordinance;

NOW, THEREFORE, BE IT ORDAINED by MAYOR AND BOROUGH COUNCIL of the Borough of Elmer, County of Salem and State of New Jersey as follows:

Section 1. That exclusive consent and permission is hereby renewed and granted to South Jersey Gas Company to lay and construct its pipes and mains and related appurtenances and facilities within the streets, alleys, squares and public places within the Borough of Elmer in the manner prescribed by N.J.S.A. 48:9-21, and subject to reasonable regulations imposed by ordinance or resolution with respect to the opening of streets and public places, subject to approval of such consent and permission by the Board of Public Utilities.

Section 2. This consent is granted for the entire geographical area of the Borough of Elmer and extend to the boundaries of the Borough of Elmer and shall remain in effect for a period of fifty (50) years from the date of final adoption of this Ordinance.

Section 3. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by any Court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

Section 4. This Ordinance shall take effect immediately upon posting, publication, final passage in the manner prescribed by law, and acceptance by South Jersey Gas Company.

Motion Davis, seconded Williams to open the public hearing. Motion carried.

Motion Davis, seconded Nolan to close the public hearing. Motion carried.

Motion Davis, seconded Zee to adopt Ordinance No. 2014-15.

Roll Call: Ayes: Schneider, Davis, Nolan, Schalick, Williams and Zee. Nays – None. Motion carried.

NEW BUSINESS:

The following resolutions were presented by the Clerk by title only:

RESOLUTION

Number 48-14

BOND ANTICIPATION NOTE # 36

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Elmer, County of Salem, and State of New Jersey, that the Mayor and Borough Chief Financial Officer be authorized to execute a Bond Anticipation Note, which Note shall be designated as Bond Anticipation Note No. 36 and that the monies be borrowed thereon from First National Bank of Elmer, Elmer, NJ, in the sum of Fifteen thousand dollars (\$15,000.00) and shall bear interest at the rate of .98 per cent per annum, which money shall be used to pay for the purchase of a four-wheel drive police vehicle. The said Note would be made payable within a period of one (1) year.

RESOLUTION

Number 49-14

BOND ANTICIPATION NOTE # 35

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Elmer, County of Salem, and State of New Jersey, that the Mayor and Borough Chief Financial Officer be authorized to execute a Bond Anticipation Note, which Note shall be designated as Bond Anticipation Note No. 35 and that the monies be borrowed thereon from First National Bank of Elmer, Elmer, NJ, in the sum of Thirty six thousand five hundred dollars (\$36,500.00) and shall bear interest at the rate of .98 per cent per annum, which money shall be used to pay for the of re-paving Penn Street. The said Note would be made payable within a period of one (1) year.

SELF-EXAMINATION OF BUDGET RESOLUTION

Number 50-14

WHEREAS, NJSA 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, NJAC 5:30-7 was adopted by the Local Finance Board on February 11, 1997, and

WHEREAS, pursuant to NJAC 5:30-7.2 through 7.5 the Borough of Elmer has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the local government meets the necessary conditions to participate in the program for the 2014 budget year.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Elmer that in accordance with NJAC 5:30-7.6a & b and based upon the Chief Financial Officer’s certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes
2. That the provisions relating to limitation on increases of appropriations pursuant to NJSA 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met (Complies with the CAP law)
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and NJAC 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate, and correctly stated,
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement, and content, the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of NJSA 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED, that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

RESOLUTION

Number 51-14

BUDGET READ BY TITLE ONLY

WHEREAS, NJSA40A:4-8 provides that the budget be read by title only at the time of the public hearing if a resolution is passed by not less than a majority of the full Governing Body, providing that at least one week prior to the date of hearing a complete copy of the approved budget as advertised has been posted in the Municipal Building and copies have been made available by the Clerk to persons requesting them; and

WHEREAS, these two conditions have been met;

NOW, THEREFORE, BE IT RESOLVED that the budget shall be read by title only.

Motion Davis, seconded Zee that resolutions 48-14 through 51-14 be adopted as read. Ayes – Schneider, Davis, Nolan, Schalick, Williams and Zee. Nays – None. Motion carried.

The following resolution was presented:

2014 BUDGET ADOPTION

Number 52-14

(See page 110 a in Minute Book)

Motion Zee, seconded Davis to open the public hearing for the 2014 Budget. Motion carried.

Motion Davis, seconded Nolan to close the public hearing. Motion carried.

Motion Zee, seconded Davis to adopt Resolution 52-14 for the 2014 Municipal Budget.

Roll Call: Ayes: Schneider, Davis, Nolan, Schalick, Williams and Zee. Nays – None. Motion carried.

Tax Collector report was presented for March 2014. Motion Zee, seconded Nolan that the report be received and filed. Motion carried.

Treasurer’s Reports for the month of March 2014 were presented and read.

Motion Williams, seconded Davis that the reports be received, filed and spread full upon the minutes. I state this Andrew M. Williams. Motion carried.

(Treasurer’s Reports – See Pages 111 a in Minute Book)

The following bills were presented and read: (See pages 111 b in Minute Book)

Moved Davis, seconded Zee that the bills be paid and charged to their respective accounts. Ayes – Schneider, Davis, Nolan, Schalick, Williams and Zee. Nays – None. Motion carried.

Clerk and Mayor’s mail for the month of April 2014, was presented and read.

Motion Davis, seconded Nolan that the correspondence be received and filed. Motion carried.

DISCUSSIONS/MOTIONS:

The following items were discussed by Mayor and Council:

- 1. Mosquito Control Consent.

Motion Davis, seconded Williams to allow Salem County Mosquito Control to spray when necessary in the Borough. Motion carried.

- 2. Server for the Borough Computers. (See page 111 c in Minute Book for quotes and reasons for approving server selected.)

The following resolution was presented:

RESOLUTION

Number 53-14

MSI CONTRACT

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Elmer that Municipal Software Inc., PO Box 1128, Marshalls Creek, PA 18335 be awarded contract for a Server for the computer system in the Borough Hall in the amount of \$5,670.00, for a server. This shall be charged to Technology: OE, Water: OE, Tax Collector: OE in the 2014 Budget.

Motion Zee, seconded Davis to adopt Resolution 53-14.

Roll Call: Ayes: Schneider, Davis, Nolan, Schalick, Williams and Zee. Nays – None. Motion carried.

ADJOURNMENT:

There being no further business, motion Zee, seconded Nolan that the meeting be adjourned. Motion carried.

April 9, 2014

Beverly S. Richards, Borough Clerk