

**TOWNSHIP OF VERONA  
COUNTY OF ESSEX, STATE OF NEW JERSEY**

**ORDINANCE NO. 2020-XX**

**AN ORDINANCE ADOPTING A REVISION AND CODIFICATION OF THE  
ORDINANCES OF THE TOWNSHIP OF VERONA, COUNTY OF ESSEX,  
STATE OF NEW JERSEY**

**BE IT ORDAINED AND ENACTED BY THE TOWNSHIP COUNCIL OF THE  
TOWNSHIP OF VERONA, COUNTY OF ESSEX, NEW JERSEY, AS FOLLOWS:**

**§ 1-1. CODE ADOPTED; EXISTING ORDINANCES CONTINUED.**

Pursuant to *N.J.S.A. 40:49-4*, the ordinances of the Township of Verona of a general and permanent nature adopted by the Township Council of the Township of Verona, as revised and codified and consisting of Chapters 1 through 519, together with two Appendixes, are hereby approved, adopted, ordained and enacted as the Code of the Township of Verona, hereinafter referred to as the "Code." The provisions of the Code, insofar as they are substantively the same as those of the ordinances in force immediately prior to the enactment of the Code by this ordinance, are intended as a continuation of such ordinances and not as new enactments. This ordinance and the Code adopted hereby shall supersede and replace the 1981 Code of the Township of Verona, as amended and supplemented.

**§ 1-2. CODE ON FILE; ADDITIONS AND AMENDMENTS.**

**A.** A copy of the Code has been filed in the office of the Municipal Clerk and shall remain there for use and examination by the public until final action is taken on this ordinance. Following adoption of this ordinance, such copy shall be certified to by the Municipal Clerk of the Township of Verona by impressing thereon the Seal of the Township, as provided by law, and such certified copy shall remain on file in the office of the Municipal Clerk, to be made available to persons desiring to examine the same during all times while said Code is in effect.

**B.** Additions or amendments to the Code, when adopted in such form as to indicate the intent of the Township Council to make them a part thereof, shall be deemed to be incorporated into such Code so that reference to the "Code of the Township of Verona" shall be understood and intended to include such additions and amendments.

**§ 1-3. NOTICE; PUBLICATION.**

The Municipal Clerk of the Township of Verona shall cause notice of the passage of this ordinance to be given in the manner required by law. The notice of passage of this ordinance coupled with filing of the Code in the office of the Municipal Clerk as provided in § 1-2 shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

**§ 1-4. SEVERABILITY.**

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

**§ 1-5. REPEALER.**

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

**§ 1-6. ORDINANCES SAVED FROM REPEAL.**

The adoption of this Code and the repeal of ordinances provided for in § 1-5 of this ordinance shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal:

- A. Any ordinance adopted subsequent to April 27, 2020.
- B. Any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability.
- C. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision or any penalty, punishment or forfeiture which may result therefrom.
- D. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this ordinance, brought pursuant to any legislative provision.
- E. Any franchise, license, right, easement or privilege heretofore granted or conferred.
- F. Any ordinance providing for the laying out, opening, altering, widening, relocating, straightening, establishing of grade, changing of name, improvement,

acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place or any portion thereof.

G. Any ordinance or resolution appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond or other instruments or evidence of the Township's indebtedness.

H. Ordinances authorizing the purchase, sale, lease or transfer of property or any lawful contract, agreement or obligation.

I. The levy or imposition of taxes, assessments or charges or the approval of the municipal budget.

J. The dedication of property or approval of preliminary or final subdivision plats.

K. All currently effective ordinances pertaining to the rate and manner of payment of salaries and compensation of officers and employees.

L. Any ordinance adopting or amending the Zoning Map.

M. Any ordinance relating to or establishing a pension plan or pension fund for municipal employees.

#### **§ 1-7. CHANGES IN PREVIOUSLY ADOPTED ORDINANCES.**

A. In preparing the revision and codification of the Township's ordinances pursuant to *N.J.S.A. 40:49-4*, certain minor grammatical and nonsubstantive changes were made in one or more of said ordinances. It is the intention of the Township Council that all such changes be adopted as part of the Code as if the ordinances so changed had been formally amended to read as such.

B. In addition, the changes, amendments or revisions as set forth in Schedule A attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this ordinance. (Chapter and section number references are to the ordinances as they have been renumbered and appear in the Code.)

C. Nomenclature changes. Throughout the Code, the following titles have been updated as follows:

- (1) Borough. The 1981 Code was published when Verona was still a Borough. Over the years, as Code pages have been supplemented, references to "Borough" have been updated to "Township." References to

“Borough” are updated to “Township.” In addition, references to the  
“Township of the Borough of Verona” are changed to “Township of  
Verona.”

(2) Map Filing Law. The Map Filing Law, *N.J.S.A. 46:23-9.9 et seq.* (L.  
1960, c. 141) was repealed by L. 2011, c. 217. References are updated to  
refer to *N.J.S.A. 46:26B-1 et seq.*

(3) Division of Motor Vehicles. References to the “Division of Motor  
Vehicles” are updated to the “Motor Vehicle Commission.”

(4) Chapter 35 is amended to change instances of "firemen" to  
"firefighters."

(5) Chapter 145 is amended to change instances of "pound" to  
"shelter" and instances of "Dog Warden" to "Animal Control Officer."

(6) Chapter 402 is amended to delete references to the Property  
Maintenance Department.

(7) All references to "Mayor and Council" are amended to read  
"Township Council."

(8) All references to "Mayor" are amended to read "Township  
Manager."

(9) All references to "Board of Chosen Freeholders" are amended to  
read as "Board of County Commissioners."

#### **§ 1-8. TITLES AND HEADINGS; EDITOR'S NOTES.**

**A.** Chapter and article titles, headings and titles of sections and other  
divisions of the Code are inserted in the Code and may be inserted in supplements  
to the Code for the convenience of persons using the Code and are not part of the  
legislation.

**B.** Editor's notes indicating sources of sections, giving other information or  
referring to the statutes or to other parts of the Code are inserted in the Code and  
may be inserted in supplements to the Code for the convenience of persons using  
the Code and are not part of the legislation.

#### **§ 1-9. ALTERING OR TAMPERING WITH CODE; VIOLATIONS AND PENALTIES.**

It shall be unlawful for anyone to change, alter or tamper with the Code in any manner which  
will cause the laws of the Township of Verona to be misrepresented thereby. Anyone violating

this section shall be subject, upon conviction, to one or more of the following penalties: a fine of not more than \$2,000, imprisonment for not more than 90 days or a period of community service not exceeding 90 days, in the discretion of the Judge imposing the same.

**§ 1-10. WHEN EFFECTIVE.**

This ordinance shall take effect immediately upon final passage and publication as provided by law.

ATTEST:

JENNIFER KIERNAN  
MUNICIPAL CLERK

**NOTICE**

**I HEREBY CERTIFY THAT THE AFOREMENTIONED ORDINANCE WAS PUBLISHED IN XXX, A NEWSPAPER PUBLISHED IN THE COUNTY OF ESSEX AND CIRCULATED IN THE TOWNSHIP OF VERONA, IN THE ISSUE OF XXX AND XXX.**

JENNIFER KIERNAN  
MUNICIPAL CLERK

**INTRODUCTION:  
PUBLIC HEARING:  
EFFECTIVE DATE:**



**Township of Verona**

**Code Adoption 2020**

**Schedule A**

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

**Penalties.**

The following sections are amended to delete specific penalties and instead provide the penalty below: §§ 139-22, 145-27, 145-32, 171-3, 244-6, 248-3, 300-7, 313-5, 339-4, 346-4, 370-5, 375-3, 407-4, 440-7, 455-7, 460-51, 472-17, 493-15, 519-54:

*Any person who violates any of the provisions of this chapter shall, upon conviction thereof, be subject to the penalties set forth in Chapter 1, Article II, General Penalty, of the Township Code.*

*Any person who violates any of the provisions of this article shall, upon conviction thereof, be subject to the penalties set forth in Chapter 1, Article II, General Penalty, of the Township Code.*

**Chapter 5, Administration of Government.**

Section 5-11B is added:

*B. Pursuant to N.J.S.A. 26:3-1 et seq., Township Council shall be the duly constituted Board of Health.*

**Chapter 18, Commissions, Committees and Boards.**

**Article II, Environmental Commission.**

Sections 18-9 and 18-10 are amended to delete "Township" preceding "governing body."

**Chapter 35, Fire Department.**

**Article I, Establishment; Composition; Procedures.**

Section 35-1 is amended to insert "Fire" before two instances of "Chief" and to delete the reference to the Township Council.

**Chapter 55, Land Use Procedures.**

A Section 55-1A is amended to change "Mayor" to "Township Manager or Manager's designee."

B Section 55-1D(2) is amended to change "Mayor" to "Township Council."

C Section 55-1 is amended to add Subsection E:

*If the Planning Board lacks a quorum because any of its regular or alternate members is prohibited by N.J.S.A. 40:55D-23 or 40:55D-23.1 from acting on a matter due to the member's personal or financial interests therein, regular members of the Board of Adjustment shall be called upon to serve, for that matter only, as temporary members of the Planning Board in order of seniority of continuous service to the Board of Adjustment until there are the minimum number of members necessary to constitute a quorum to act upon the matter without any personal or financial interest therein, whether direct or indirect. If a choice has to be made between regular members of equal seniority, the Chair of the Board of Adjustment shall make the choice.*

D. Section 55-2A is amended as follows:

*The term of the member composing Class I shall correspond with his official tenure or if the member is the Township Manager's designee in the absence of the Manager, the*

designee shall serve at the pleasure of the Manager during the Manager's official tenure. .

..

- E. Section 55-12 is amended to add Subsection E:

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

- F. Section 55-29F is amended to change "Director of the Division of State and Regional Planning in the Department of Community Affairs" to "State Planning Commission."

### **Chapter 128, Alarm Systems.**

- A. Original § 53-1, Legislative findings, is repealed.
- B. Section 128-3 is amended, in part, as follows: "... notify the Police Department in writing and on such registration forms ~~available at the police headquarters that may be required by the Chief of Police~~. Such notice shall state the name, address and telephone number of the owner or operator of ~~the alarm device~~, the location of the device and the name, address..."
- C. Original § 53-5, Direct alarms, is repealed.
- D. Section 128-4, Dial alarms, is amended to read:

All dial alarms shall conform to the following regulations:

- A. Dial alarms shall be coded to select a special number assigned by the Police Department.
- B. All components of such equipment shall be maintained by the owner or operator in good repair.
- C. In addition to the registration requirements of this chapter, the owner or operator of a dial alarm device shall pay an annual fee to the Township of Verona in the amount of \$12 to offset the cost of the special telephone line or lines required by dial alarm devices. Such annual fee shall be payable on the first day of June for each calendar year. Fees for the installation of a dial alarm device during the calendar year shall be prorated.
- D. In the event that a person who owns or operates a dial alarm device fails to comply with this section, the Chief of Police, or his designee, shall issue a written notice to such person stating the reasons why such device does not comply with this section and demanding compliance with this section. Failure of such person to comply with the notice and demand within 10 days of the mailing of such written notice shall be deemed a violation of this chapter. Noncompliance for each day after such ten-day period shall be considered a separate violation of this chapter.

### **Chapter 133, Alcoholic Beverages.**

Section 133-11A is amended to change 19 to 21.

### **Chapter 139, Amusements.**

Former § 57-11G, Smoking, is repealed.



## **Chapter 140, Vehicles and Traffic.**

- A. Section 140-65 is amended, in part, as follows: "~~... or any other place designated by the Chief of Police for impoundment, subject to redemption by the owner upon payment of \$50, for towing charges, and a storage fee of \$10, for each day or portion thereof during which it remains in said garage or other place~~ the towing and storage fees included in Chapter A565, Fees."
- B. Section 140-69 is amended, in part, as follows: "~~The parking meter rates in the Township will be established at \$0.25~~ are set forth in Chapter A565, Fees, per hour up to a maximum of two or four hours as designated by the Township Manager."
- C. Section 140-70A is amended to read: "The fees for parking permits are set forth in Chapter A565, Fees."

## **Chapter 145, Animals.**

### **Article I, Keeping of Animals.**

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

#### **§ 145-1. Keeping of animals restricted.**

*No rabbits, goats, guinea pigs, pigeons, chickens, ducks, geese or other fowl shall be kept within the Township.*

#### **§ 145-2. Running at large.**

*Animals described in § 145-1 shall under no circumstances be allowed to run at large.*

#### **§ 145-3. Violations and penalties.**

*Any person who violates any of the provisions of this article shall, upon conviction thereof, be subject to the penalties set forth in Chapter 1, Article II, General Penalty, of the Township Code.*

### **Article II, Dogs.**

- A. In § 145-9:

- (1) The following definition is added:

*CERTIFIED ANIMAL CONTROL OFFICER – As defined in N.J.S.A. 4:19-15.1.*

- (2) The definition of "pound" is repealed.

- (3) The definition of "shelter" is amended to delete "without charge" from the end thereof.

- B. Original § 68-2, Annual canvass by Chief of Police, is repealed.

- C. Section 145-7 is amended to read:

#### **§ 145-7. Exemption for guides dogs and service dogs.**

*Dogs used as guides dogs or service dogs (as defined in N.J.S.A. 10:5-5) shall be licensed and registered as other dogs as hereinabove provided for, except that the owner or keeper of such dog shall not be required to pay any fee therefor. A dog temporarily placed in a foster home as part of a formalized training to be a guide dog or service dog shall not be required to be licensed and registered while the dog remains in the foster home for such training.*

- D. Sections 145-12 and 145-13 are amended to change "*the Board of Health of the borough*" to "*the Township.*"

- E. Section 145-20 is amended to change "dog" to "animal."
- F. Original § 68-22, Destruction of vicious and rabid dogs; keeping of records, is repealed.

#### **Chapter 150, Zoning.**

- A. Section 150-3.1 is amended to add the following zoning districts:
  - R-CMO Residential Conditional Mixed Office*
  - TC-R Town Center Redevelopment*
  - ETC-R Extended Town Center Redevelopment*
- B. Section 150-14.1 is amended to delete “and the Township of Verona Air Pollution Control Code.” from the end of the sentence.
- C. Section 150-14.3 is amended as follows:
  - (1) The statutory reference "N.J.A.C. 5:10-19.11 (Hotel and Multiple Dwelling)," is updated to read as "N.J.A.C. 5:10-19.1 (Hotels) and 5:10-19.2 (Multiple Dwellings)."
  - (2) The statutory reference "N.J.A.C. 5:23-4 (Enforcement)" is updated to read as "N.J.A.C. 5:23-4.1 et seq. (Enforcing Agencies, Duties; Powers; Procedures)."
- D. Section 150-16.6C is amended as follows:

The statutory reference "N.J.S.A. 2A:51-1, et seq." is updated to read as "N.J.S.A. 2a:58-10 et seq."
- E. Section 150-17.20D is amended to change “Town Center zone (TC)” to read as “Town Center Redevelopment (TC) zone.”
- F. Section 150-18.4A(4) is amended to change “R-3” to read as “R-70.”
- G. Section 150-17.21C is amended to change “Extended Town Center (ETC) zone” to read as “Extended Town Center Redevelopment (ETC-R) zone.”
- H. Section 150-22.7J is amended to read:

Properties designated as landmarks shall be set forth in § 150-22.13 of this chapter and shall be so noted on the Township Zoning Map. The Township Tax Assessor, Tax Collector, Construction Code Official, Township Engineer and Zoning Officer shall identify such properties as an “historic landmark” on public records of such properties.

#### **Chapter 190, Construction Codes, Uniform.**

- A. Section 190-4 is amended to read:

Appeals from decisions of the enforcing agency may be taken by the owner of the building or site in question, or his authorized agent, to the Essex County Construction Board of Appeals.
- B. Original § 64-6, Biannual report of Construction Official, and § 64-8, Fire limits established; biannual fire limit report, are repealed.

#### **Chapter 253, Fire Insurance Claims.**

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

##### **§ 253-1. Definitions.**

*The following terms shall have the following meanings:*

COMMISSIONER – *The State Commissioner of Insurance.*

LIEN – *Any lawful lien, including liens for taxes, special assessments, municipal charges, demolition and clearance costs and interest thereon arising by operation of law against real property in favor of the Township.*

PUBLIC OFFICER – *The Tax Collector of the Township of Verona.*

REAL PROPERTY – *Improved property upon which there is erected any residential, commercial or industrial building or other structure.*

SPECIAL LIEN – *A lien upon fire insurance proceeds created pursuant to this chapter and N.J.S.A. 17:36-8 et seq.*

**§ 253-2. Payment of claims; special lien.**

*No insurance company shall pay to or on behalf of any insured or other claimant any claim in excess of \$2,500 for fire damage to or upon any real property located within the Township of Verona, pursuant to any fire insurance policy issued or renewed after the effective date of this chapter, until such time as all taxes and assessments and all other municipal liens or charges due and payable shall have been paid either by the owner of such real property or by the insurance company concerned. Except as otherwise herein set forth, the claim of the Township of Verona shall constitute a special lien against the proceeds of any such fire insurance policy and shall, as to such proceeds, be prior to all other liens and claims except the claim of any mortgagee of record named in such policy to the extent provided by law.*

**§ 253-3. Effect of provisions on other liens.**

*The provisions of this chapter shall not be deemed to or construed to alter, impair or affect the right of the Township of Verona to acquire or enforce any other municipal lien against property as may otherwise be provided by law but shall be in addition to any other such provision.*

**§ 253-4. Taxes and liens to be paid prior to claim.**

*Any insurance company issuing fire insurance policies in the Township of Verona is authorized and required, prior to the payment of any such claim for fire damage in excess of \$2,500 to any claimant for loss to real property therein, to pay to the municipality the amount of the liens for taxes, assessments or charges appearing on an official certificate of search pursuant to N.J.S.A. 54:5-12 as may be certified to the insurance company and the insured owner of the real property concerned by the public officer, such certificate of search to be without cost, fee or charge and to be provided to both the insurance company and the insured owner of the real property upon the written request of either within not more than five business days after receipt of such request; provided, however, that if an appeal is taken on the amount of any lien or charge, other than an appeal on the assessed valuation of real property pursuant to N.J.S.A. 54:3-21, the insurance company shall withhold 75% of the full amount of the lien or charge being contested pending termination of all proceedings, at which time such moneys, together with interest accruing thereon at prevailing lawful rates for savings accounts, shall be disbursed in accordance with the final order or judgment of the court.*

**§ 253-5. Maintenance of certificate of search.**

*The public officer shall maintain and update any certificate of search issued pursuant to this chapter, which certificate shall also be made available upon request on the terms and in the manner provided in § 253-4 hereof.*

**Chapter 287, Garage Sales and Flea Markets.**

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

**§ 287-1. Definitions.**

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

*FLEA MARKET SALE – All sales of tangible personal property which are advertised by any means whereby the public at large is or can be made aware of said sales and which are sponsored by a homeowner and do not take place on the premises of said homeowner.*

*GARAGE SALE – All sales entitled "garage sale," "lawn sale," "attic sale," "rummage sale" or any similar casual sale of tangible personal property which is advertised by any means whereby the public at large is or can be made aware of said sale and which is sponsored by a homeowner and takes place on the premises of said homeowner.*

*GOODS – Any goods, warehouse merchandise or other property capable of being the object of a sale regulated hereunder.*

*PERSON – Individuals, partnerships, voluntary associations and corporations.*

*WEEKEND – Friday, Saturday and Sunday.*

**§ 287-2. Licenses and fees.**

*A. It shall be unlawful for any person to conduct a garage sale or flea market sale in the Township of Verona without first applying for a license with the Municipal Clerk. Each license so issued must be properly displayed on the premises upon which the garage or flea market sale is conducted. Unless such sale is held within two months of the date of the license, such license shall expire by limitation; provided, however, that each garage or flea market sale is limited to a period of two consecutive weekends. Each owner-applicant may apply for said license not more than twice each calendar year, and no location shall receive more than two licenses for an open-air flea market per calendar year. Charitable, religious and other nonprofit organizations may conduct a maximum of 12 flea markets per year, provided that sufficient off-street parking is available.*

*B. Annually, the Township shall allow one town-wide garage sale to be held the last two weekends in April. Participants in this town-wide garage sale are exempt from the license requirements and fees as set forth in Subsections A and C. All other requirements as set forth in this chapter apply to participation in the town-wide garage sale.*

*C. The fee for all garage sale licenses shall be as provided in Chapter A565, Fees.*

*D. The fee for all flea market licenses shall be as provided in Chapter A565, Fees, per day. This sum shall be paid by the organizer of said flea market.*

*E. In cases where charitable or religious or civic organizations have applied for licenses, the Township is empowered to waive said license fee. If the fee is under \$50, the Township Clerk may waive the fee.*

**§ 287-3. Health and sanitary regulations; bond required.**

*All applicants subject to the provisions of this chapter shall be required to prudently operate and conduct said activities so as to minimize noise, debris, dust, etc. Said applicants shall be required to have available and use containers for the storage of garbage, rubbish and refuse accumulating on said premises. Said applicants are required to clean or have cleaned all areas upon which their activity has been conducted or areas affected thereby. In the event the activity is held on Township property, it shall be required to post a cash bond in the amount of \$1,000 or sufficient security acceptable to the Township Attorney in lieu thereof for the purpose of assuring the faithful cleanup operations as hereinabove set forth. The applicant applying for said license or the persons in actual control of the activity or the agent thereof shall be responsible for cleaning up the above-referenced area between the closing hour of the first day of operation and the opening hour of the next day and within 24 hours after termination of the activity, and failure to do so will result in a notice of violation and/or cause an automatic forfeiture of the bond placed on deposit or any part thereof necessary to enable the Township to effectuate a prompt cleanup.*

**§ 287-4. Hours of sale.**

*All garage and flea market sales shall be conducted between the hours of 9:00 a.m. and 6:00 p.m. only.*

**§ 287-5. Signs.**

*A. All persons are prohibited from erecting signs which would be in violation of Chapter 150, Zoning, of the Township of Verona.*

*B. All signs that are erected in accordance with Chapter 150, Zoning, of the Township of Verona shall be removed within 24 hours after the completion of the sale.*

*C. No person shall affix by tacking, pasting or otherwise mounting upon utility poles, light standards or right-of-way or trees a sign that is used in conjunction with the sale.*

**§ 287-6. Enforcement.**

*This chapter shall be enforced by the Municipal Clerk.*

**§ 287-7. Violations and penalties.**

*Any person who violates any provision of this chapter shall, upon conviction, be liable to the*

*penalties stated in Chapter 1, Article II, General Penalty, of the Township Code.*

**Chapter 300, Hazardous Substances.**

- A. Section 300-4A is amended to update the statutory reference "Emergency Planning and Community Right-to-Know Act of 1986" to read as "Worker and Community Right to Know Act (N.J.S.A. 34:5A-1 et seq.)."
- B. Section 300-5 is amended to remove the fee amounts and instead state: "... as provided in Chapter A565, Fees."

**Chapter 352, Obscene Material, Retail Display of.**

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

**§ 352-1. Purpose.**

*The purpose of this chapter is to regulate, within the confines of state and federal law, the public display by retailers of obscene materials, particularly where such materials are likely to be viewed by minors.*

**§ 352-2. Definitions.**

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

**OBSCENE MATERIAL** — *As defined in N.J.S.A. 2C:34-3, "obscene material" means any description, narrative account, display or depiction of a specified anatomical area or specified sexual activity contained in, or consisting of, a picture or other representation, publication, sound recording, live performance or film, which, by means of posing, composition, format or animated sensual details, emits sensuality with sufficient impact to concentrate prurient interest on the area or activity.*

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

**§ 352-3. Display prohibited; presumption.**

*A. It shall be a petty disorderly persons offense for a retailer to display or permit to be displayed at his/her business premises any obscene material as defined in N.J.S.A. 2C:34-3 at a height of less than five feet or without a blinder or other covering placed or printed on the front of the material displayed as required by N.J.S.A. 2C:34-3.2.*

*B. The public display of obscene material as prohibited in Subsection A on or at the premises of the retailer shall constitute presumptive evidence that the retailer knowingly made or permitted the display.*

**§ 352-4. Violations and penalties.**

*Where no other penalty is prescribed by law, any person who violates any provision of this chapter shall, upon conviction, be liable to the penalties stated in Chapter 1, Article II, General Penalty, of the Township Code.*

**Chapter 370, Park Rules and Regulations.**

Section 370-1B(1) to delete the phrase “nor shall any person be under the influence of intoxicating liquor in a park.”

**Chapter 390, Property Maintenance.**

Section 390-20A is amended as follows:

- A. *Procedure where violation discovered. Except as may otherwise be provided in this chapter, upon determining that premises are in violation of this chapter, ~~regulations or ordinances of the Board of Health or any other ordinances of the Township of the Township of Verona or the laws of the State of New Jersey, the~~ Public Officer shall cause a complaint to be filed in the Municipal Court, and a summons shall be issued thereon.*

**Chapter 402, Rent Control.**

Section 402-3C(7) is amended, in part, as follows: “(The fee for such inspection is ~~\$25~~ set forth in Chapter A565, Fees.)”

**Chapter 430, Site Plan Review.**

Former § 118-18, Fees, is repealed.

**Chapter 466, Subdivision of Land.**

A. Section 466-6F(3) is amended to change 45 days to 95 days.

B. Section 466-12 is amended to read:

**§ 466-12. Violations and penalties.**

- A. *If, before final subdivision approval has been granted, any person transfers or sells or agrees to transfer or sell, except pursuant to an agreement expressly conditioned on final subdivision approval, as owner or agent, any land which forms a part of a subdivision for which municipal approval is required by this chapter, such person shall be subject to a penalty not to exceed \$1,000, and each lot disposition so made may be deemed a separate violation.*
- B. *In addition to the foregoing, the Township may institute and maintain a civil action:*
- (1) *For injunctive relief; and*
- (2) *To set aside and invalidate any conveyance made pursuant to such a contract of sale if a certificate of compliance has not been issued in accordance with N.J.S.A. 40:55D-56.*
- C. *In any such action, the transferee, purchaser or grantee shall be entitled to a lien upon the portion of the land, from which the subdivision was made that remains in the possession of the developer or his assigns or successors, to secure the return of any deposits made or purchase price paid, and also, a reasonable search fee, survey expense and title closing expense, if any. Any such action must be brought within two years after the date of the recording of the instrument of transfer, sale or conveyance of said land or within six years, if unrecorded.*

## **Chapter 479. Taxicabs and Limousines.**

Chapter 479 is amended in its entirety to read as follows:

### *ARTICLE I*

#### ***Definitions***

##### **§ 479-1. Terms defined.**

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

*CHIEF OF POLICE – The Chief of Police of the Township of Verona.*

*CLERK – The Township Clerk of the Township of Verona.*

*LIVERY – Any automobile, limousine or motorcar, other than a bus or taxicab, which is engaged in the business of transporting passengers for hire, other than in the conduct of a funeral, and operates out of closed premises, and which is hired by charter or for a particular contract or by the day or hour or other fixed period, or charges a fare or price agreed upon in advance between the operator and the passenger.*

*TAXICAB – Any automobile or motorcar, other than a bus or livery or limousine, which is engaged in the business of transporting passengers for hire.*

### *ARTICLE II*

#### ***Powers of Township Clerk***

##### **§ 479-2. Enumeration of powers.**

*The Clerk shall have charge of and shall control the examination of applicants for licenses for taxicabs, liveries, limousines and drivers thereof; the licensing, regulation and inspection of taxicabs, limousines and liveries; the licensing of drivers; and the enforcement of all the provisions of this chapter. The Clerk shall have the power to approve, deny, suspend or revoke any taxicab, limousine or livery license or the licenses of drivers of taxicabs, limousines or liveries, for cause, as hereinafter provided. The powers conferred on the Municipal Clerk by this chapter shall be exercised under the control of the Manager.*

### *ARTICLE III*

#### ***Licensing of Vehicles***

##### **§ 479-3. License required.**

*No person shall hire out or keep or use for hire or pay, or cause to be kept or used for hire or pay, any taxicab, limousine or livery without first having obtained a license for that purpose from the Municipal Clerk. A separate license shall be required for each taxicab, limousine or livery.*

##### **§ 479-4. Application for license.**

*A. Each application for a taxicab, limousine or livery license shall be in writing and filed with the Municipal Clerk, in duplicate, on forms provided by the Police Department. The application shall contain:*

*(1) The name and address of the owner.*

*(2) The name and address of the lessee, if any.*

*(3) The business or trade name, if any, under which the owner or lessee will operate the taxicab, limousine or livery.*

*(4) The serial number, make, model, year and color of the taxicab, limousine or livery.*

*(5) The automobile registration number issued for said vehicle by the New Jersey Division of Motor Vehicles.*

*(6) The maximum number of persons it is to carry.*

*B. In the event that, after the filing of said application and before the expiration of the license issued thereunder, any change in circumstances shall occur with respect to any information submitted on the application, the applicant shall, no later than 10 days following the occurrence of such change, give written notice thereof to the Municipal Clerk, indicating the nature thereof and the manner in which the information set forth on the original application should be amended, modified or corrected to conform to such change in circumstances.*

**§ 479-5. Insurance.**

*No taxicab, limousine or livery shall be licensed until a policy of insurance shall have been filed with the Municipal Clerk in accordance with the provisions of N.J.S.A. 48:16-1 to 48:16-22, inclusive, as now or hereafter amended or supplemented. Such policy of insurance shall not be filed unless it is approved by the Township Attorney.*

**§ 479-6. Inspection before licensing; emergency equipment.**

*No taxicab, limousine or livery license shall be approved or issued until the vehicle has been thoroughly inspected and found to be in a clean and sanitary condition and mechanically safe for the transportation of passengers, to be evidenced by a current inspection sticker issued by the New Jersey Division of Motor Vehicles. Each vehicle shall also contain a first aid kit, fire extinguisher and some sort of equipment allowing for emergency contact.*

**§ 479-7. Identification on taxicabs; taximeters.**

*No taxicab license shall be approved or issued until the taxicab has been inspected in the manner provided in § 479-6 and is found to meet the following requirements:*

*A. There shall be displayed on the exterior of the two front doors of each taxicab the name or trade name of the owner. The height of the lettering shall be at least three inches. Each taxicab shall be equipped with a dome light on the roof of each vehicle, and said light shall be in working order. No taxicab shall bear a name, monogram, insignia or color scheme in conflict with the name, monogram, insignia or color scheme used by any other person licensed hereunder in such a manner as to mislead or deceive the public. Taxicabs operated by one owner must be identical in color.*

*B. The taximeter of every taxicab operating on a meter shall be in proper condition and accurate. The face of the taximeter shall be illuminated by suitable light after sundown. No taximeter shall be approved unless the case thereof is sealed and gears are enclosed. All taxicabs acquired after the effective date of this amendment must be equipped with a taximeter.*

**§ 479-8. Issuance of licenses; form.**

*Licenses for taxicabs, limousines and liveries shall be issued by the Municipal Clerk and shall be signed by him or her, in the name of the Township.*

**§ 479-9. Taxicab license cards and medallions.**

*Upon issuance of a taxicab license, the Municipal Clerk shall issue to the licensee a card containing the name of the owner, the license number of the vehicle, year of issue and the rates of fare as provided in § 479-27 hereof. The card shall be inserted in a card rack or frame provided by the owner and attached on the inside of the taxicab on the front dashboard. Each taxicab is also required to carry a medallion issued by the Police Department bearing the name of the Township, expiration date of license, and taxi medallion number to be affixed to the hood of each taxi vehicle. Medallions will be bolted to the vehicle by representatives of the Verona Police Department; however, the taxi owner is required to provide the necessary hole to mount the medallion. Once mounted on the vehicle, the medallion can only be removed by a representative of the Verona Police Department. Medallions are transferable only with the consent and approval of the Chief*



*of Police and Township Clerk and may only be transferred together with the taxi license. Medallions are issued for a period of one year concurrent with the taxi license required by § 479-3.*

**§ 479-10. Livery and limousine license cards.**

*Upon issuance of a livery or limousine license, the Municipal Clerk shall issue to the licensee a card containing the name of the owner or lessee, the license number of the vehicle and year of issue. The card shall remain in the livery or limousine for which issued. It shall be exhibited by the owner or lessee or driver thereof upon request.*

**§ 479-11. Duration of license.**

*All taxicab, limousine and livery licenses shall expire April 30 and must be renewed by May 1 next succeeding the date thereof, unless sooner suspended or revoked. Any application filed for renewal after May 15 will be subject to a renewal assessment per vehicle as provided in Chapter A565, Fees.*

**§ 479-12. Transfer of license restricted.**

*Each taxicab, limousine or livery license shall apply only to the person to whom granted and shall not be transferable to any other persons. With the approval of the Chief of Police, the holder of a taxicab, limousine or livery license applicable to a particular taxicab, limousine or livery may transfer the same to another taxicab, limousine or livery owned or leased by him or her upon payment of a transfer fee as set forth in Chapter A565, Fees.*

**§ 479-13. Number of taxicab, livery and limousine licenses.**

*A. The number of taxicab licenses and medallions outstanding shall not at any time exceed 45. The number of livery and limousine licenses outstanding shall not at any time exceed 50.*

*B. Nothing contained in this section shall prevent the renewal of licenses in existence on the effective date of this section. For the purpose of this section, any license for a new license term which is issued to replace a license which expired on the last day of the license term immediately preceding the commencement of the new license term, or which is issued to replace a license which will expire on the last day of the license term immediately preceding the commencement of said new license term, shall be deemed to be a renewal of the expired or expiring license; provided, however, that said new license is of the same type as the expired or expiring license, is issued to the holder of the expired or expiring license and is issued pursuant to an application therefor which shall have been filed prior to the expiration of the expiring license. Licenses issued otherwise than herein provided shall be deemed to be new licenses.*

**§ 479-14. License fees.**

*The license fee for each taxicab shall be as set forth in Chapter A565, Fees. The license fee for limousines and livery cars shall be as set forth in Chapter A565, Fees.*

**ARTICLE IV**

**Licensing of Drivers**

**§ 479-15. License required.**

*No taxicab, limousine or livery licensed under this chapter shall be operated on the streets of the Township except by a driver who shall have first obtained a license for that purpose from the Municipal Clerk.*

**§ 479-16. License application; qualifications of applicant.**

*All applications for drivers' licenses shall be in writing and shall be filed with the Municipal Clerk, in duplicate, on forms provided by the Police Department. No person shall be licensed as a driver under this chapter unless he or she:*

*A. Furnishes with his or her application three copies of a recent photograph of himself or herself, of a size not less than 1 3/4 inches in length and 1 1/4 inches in width, and the certificate of a reputable physician certifying that the applicant has been examined within the preceding 60 days and that he or she has no infirmity of body or mind which might render him or her unfit for the safe operation of a taxicab or livery.*

*B. Is at least 18 years of age.*

*C. Is a holder of a New Jersey auto driver's license.*

*D. Is able to understand, read and write the English language.*

*E. Is possessed of a satisfactory knowledge of traffic regulations and of the geography of the Township.*

*F. Is of good character.*

*G. Is not addicted to the use of drugs or intoxicating liquors.*

*H. Is not an habitual violator of the Motor Vehicle Act.*

*I. Has not been convicted of an indictable offense or any criminal offense involving moral turpitude.*

*J. Pays all required fees required by this chapter.*

**§ 479-17. Credential check.**

*Before issuance of a driver's license, an applicant shall be subject to a name and credential check by the Police Department.*

**§ 479-18. Drivers' licenses.**

*Licenses issued to drivers shall be of one type. They shall permit the operation by the licensed driver of either a taxicab, limousine or livery.*

**§ 479-19. Issuance of license and card.**

*Upon approval of the application for license and payment of the license fee hereinafter provided, the Municipal Clerk shall issue a license in the name of the Township. The Municipal Clerk shall issue to the licensee an identification card. The card shall contain the name of the licensee, a straight-view photograph of the licensee and the Township license number of the licensee.*

**§ 479-20. Display of card.**

*While engaged as a taxicab driver, the licensee shall insert his or her license identification in a card rack or frame provided by the owners and attached on the back of the front seat in a place readily visible to a passenger. The driver of any taxicab shall be responsible for keeping his or her identification card in the taxicab operated by him or her at the time. While engaged as a livery or limousine driver, the licensee shall have his or her identification card in his or her possession and shall exhibit it upon request.*

**§ 479-21. Duration of license.**

*All drivers' licenses issued pursuant to this chapter shall expire May 1 next succeeding the date thereof; unless sooner suspended or revoked.*

**§ 479-22. License fee.**

*The fee for a driver's license shall be as set forth in Chapter A565, Fees.*

**ARTICLE V**

**Regulation of Vehicles and Drivers**

**§ 479-23. Sanitation and safety of vehicles; inspections.**

*Licensed taxicabs, limousines and liveries may be inspected and reinspected at any time for cleanliness, sanitary condition, mechanical safety for the transportation of passengers and general safety and fitness for public patronage. Such inspections shall be made and records thereof shall be kept by the Police Department.*

**§ 479-24. Inspection of taximeters.**

*Taximeters may be inspected at any time, in the manner provided in § 479-6, to determine whether they are in proper condition and accurate as provided in § 479-7B.*

**§ 479-25. Alteration of name, insignia or color of taxicab.**

*The name, monogram, insignia or color scheme of a licensed taxicab shall not be changed after the issuance of a license therefor so as to be in conflict with the name, monogram, insignia or color scheme used by any other licensee.*

**§ 479-26. Change of address of owners and drivers.**

*Any change of address of the owner of any taxicab, limousine or livery, or of any driver, occurring after the issuance of a license under this chapter shall be reported by said licensee to the Municipal Clerk, in writing, within three days after such change. The Municipal Clerk shall immediately report such change of address to the Chief of Police.*

**§ 479-27. Taxicab rates of fare.**

*The prices or fares that may be charged by the owner or driver of any taxicab for any trip originating within the Township shall not exceed the following rates:*

**Type Rate**

*For the first 1/2 mile or fraction thereof \$1.60*

*For each 1/8 of a mile thereafter \$0.30*

*For each 2 minutes' waiting time \$0.30*

*For each additional passenger per trip to same destination \$0.45*

*Maximum mileage charge for any trip within the Township \$10*

**§ 479-28. Record of taxicab passenger trips.**

*Every licensed taxicab driver shall record, in writing, the time and place each passenger is accepted and the time and place of discharge of the passenger. Such records shall be kept intact for one year from the date thereof. Such records shall be kept open for inspection at all times during the one-year period by a duly authorized representative of the Police Department.*

**§ 479-29. Cruising of taxicabs.**

*No driver of any licensed taxicab in soliciting employment shall so operate a taxicab as to interfere with or impede unnecessarily the movement of other vehicles or pedestrians. Employment may be solicited by driving through any public street or place at a rate of speed that will not interfere with or impede traffic. No passenger shall be solicited unless within six feet of a taxicab.*

**§ 479-30. Loading and discharge of taxicab passengers.**

*No taxicab passenger shall be accepted or discharged on a public street except at the curb.*

**§ 479-31. Parking and taxicab stand regulations.**

*No licensed taxicab may park in any public street or public place in the Township except in such place or places as may be designated by ordinance, resolution or regulation adopted in accordance with law. Only such taxicabs as are for hire may remain at designated taxicab stands while waiting for employment. After the first taxicab in line*

*leaves the stand, those behind shall move up. Any other taxicab seeking parking space in such stand shall approach it only from the rear thereof.*

**§ 479-32. Acceptance of passengers; collection of fares; shared rides.**

*The driver of any licensed taxicab shall have the authority to demand payment of legal fare in advance and may refuse employment unless such fare is so prepaid, but no driver of a taxicab shall otherwise refuse employment by an orderly person for transportation anywhere in the Township. No driver of a taxicab shall carry any person other than the first passenger employing him or her without the consent of the first passenger.*

**§ 479-33. Misleading passengers; direct routes.**

*No owner or driver of any licensed taxicab, limousine or livery shall induce any person to employ him or her by knowingly misinforming or misleading such person. No driver shall convey any passenger to any place or by any route other than the most direct route, unless otherwise directed by said passenger.*

**§ 479-34. Solicitation of passengers by liveries and limousines.**

*No owner or driver of any licensed livery or limousine may solicit patronage in any public street or public place in the Township.*

**§ 479-35. Lost or abandoned property in vehicles.**

*The driver of any licensed taxicab, limousine or livery, immediately after the termination of any hiring or employment, shall carefully search his or her taxicab or livery for any property lost or abandoned therein. Such property, unless sooner claimed or delivered to the owner, shall be reported, in writing, by the driver or by the owner of the taxicab, limousine or livery to the Police Department, giving particulars and a brief description of said property, within 24 hours after the finding of the same. All such property not claimed within said twenty-four-hour period shall be turned over by such driver or owner of a taxicab, limousine or livery to the Property Clerk of the Police Department.*

**§ 479-36. Private use of licensed vehicles.**

*Nothing contained in this chapter shall prohibit the use of a taxicab, limousine or livery for private purposes; provided, that there is no solicitation of patronage.*

**§ 479-37. Illegal or immoral conduct.**

*A. No licensed driver shall commit an act or acts which would disqualify him or her for a driver's license under Subsections G, H or I of § 479-16 (drug or liquor addiction, habitual violation of the Motor Vehicle Act, conviction of an indictable offense or conviction of any criminal offense involving moral turpitude) or shall permit a taxicab or livery driven by him or her to be used for any illegal or immoral purpose.*

*B. No owner of a licensed taxicab, limousine or livery shall permit the use of such taxicab, limousine or livery for illegal or immoral purposes.*

**ARTICLE VI**

***Suspension or Revocation of License***

**§ 479-38. Taxicabs.**

*The license of any taxicab issued pursuant to this chapter may be suspended or revoked by the Clerk for any of the following causes:*

*A. A violation of any provision of this chapter, a violation of any provision of any other ordinance of the Township of Verona or a violation of any of the laws of the State of New Jersey.*

*B. The falsification of any information contained in the application for a license.*

*C. Permitting or suffering any taxicab to be used for any illegal or immoral purpose or purposes.*

*D. If the vehicle is found to be unsafe or unfit for public patronage.*

*E. If inspection discloses that the taximeter is not in proper working condition or is operating inaccurately.*

**§ 479-39. Livery and limousine vehicles.**

*The license of any livery or limousine may be suspended or revoked by the Clerk for any of the following causes:*

*A. A violation of any provision of this chapter, a violation of any provision of any other ordinance of the Township of Verona or a violation of any of the laws of the State of New Jersey.*

*B. The falsification of any information contained in the application for a license.*

*C. Permitting or suffering any livery or limousine to be used for any illegal or immoral purpose or purposes.*

*D. If the vehicle is found to be unsafe or unfit for public patronage.*

**§ 479-40. Driver's license.**

*The license of any driver may be suspended or revoked by the Clerk for any of the following causes:*

*A. A violation of any of the provisions of this chapter, a violation of any provisions of any other ordinance of the Township of Verona or a violation of any of the laws of the State of New Jersey.*

*B. Falsification of any information contained in the application for a driver's license under this chapter.*

*C. Permitting or suffering a taxicab, limousine or livery operated by him or her to be used for any illegal or immoral purpose or purposes.*

**§ 479-41. Procedure.**

*A. No license issued pursuant to this chapter shall be revoked except after due notice and opportunity for a hearing. Pending such hearing, licenses may be suspended.*

*B. Whenever any license issued pursuant to this chapter has been suspended, it shall be forthwith surrendered to the Municipal Clerk and held by him or her until the expiration of the period of suspension; and whenever any license issued pursuant to this chapter shall be revoked, said license shall be forthwith surrendered to the Municipal Clerk, who shall cancel the same.*

**ARTICLE VII**

**Penalties**

**§ 479-42. Violations and penalties.**

*A. Any person who violates any provision of this chapter shall, upon conviction thereof, be liable to the penalties stated in Chapter 1, Article II, General Penalty, of the Township Code. Each day on which a violation of an ordinance exists shall be considered a separate and distinct violation and shall be subject to imposition of a separate penalty for each day of the violation as the Municipal Court Judge may determine.*

*B. The penalty provided for in this section shall be deemed in addition to the provisions for suspension and revocation of licenses set forth in § 479-38 to 479-41, both inclusive.*

**Chapter 519, Water and Sewers.**

Section 519-45a is amended as follows:

- A. *Extensions of the public sewer lines shall be by and at the expense of the person making the extension. He shall submit complete plans and specifications prepared by a qualified licensed professional engineer, of the extension that is contemplated, to the Township Engineer, along with an application for a sewer extension permit, the fee for which ~~shall be \$100~~ is included in Chapter A565, Fees, to be paid to the Township of Verona when the application is made.*

**Chapter A565, Fees.**

A. Fees related to the following are repealed:

Chapter 60, Automobile Sales

Chapter 88, Gasoline Stations, fee.

Chapter 139, Amusements: coin-operated music machines and coin-operated amusement devices.

Chapter 143, Vending Machines, Food and Beverage.

Chapter 479, Taxicabs and Limousines.

Taxicab owner's license fee, each, \$30

Fleet owner's license fee, minimum, \$175

Additional fee for each taxicab in excess of 6 authorized to engage in the taxicab business in the Township, \$50

Taxicab driver's license fee, each, \$15

Transfer of taxicab owner's license from one vehicle to another, \$7

Transfer of taxicab owner's license from one owner to another, \$15

Transfer of fleet owner's license from one vehicle to another, \$10

B. Chapter 140, Vehicles and Traffic. The following fees are added:

*§ 140-70A, Parking permits.*

*Quarterly: \$75*

*Semiannual: \$130*

*Annual: \$250*

*Chapter 300, Hazardous Substances.*

*Annual registration fee: \$30*

*SARA Title III documentation: \$5 per page*

C. Section A565-2, Police Department fees, is amended to change the fees for incident reports to \$0.05 per page for letter size and \$0.07 per page for legal size.

D. Section A565-3, Administrative and other fees.

E. Duplicate tax bill: \$3 is changed to: \$5 for the first duplicate copy and \$25 for each subsequent duplicate copy of the same tax bill in the same fiscal year.

F. The maximum fine and imprisonment term, as added by Ord. No. 16-15, is repealed.