

**Code
of the
Township of Verona**

COUNTY OF ESSEX

NEW JERSEY

SERIAL NO.

GENERAL CODE
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PREFACE

The recording of local law is an aspect of community history; as the community develops and changes, review and revision of old laws and consideration of new laws, in the light of current trends, must keep pace. The orderly collection of these records is an important step in this ever-continuing process. Legislation must be available and logically arranged for convenient use and must be kept up to date.

Contents of Code

The various chapters of the Code contain all currently effective legislation of a general and permanent nature, including revisions or amendments. The Disposition List contains a listing of legislation and its placement in the Code or the reason for its exclusion, and indicates the most recent legislation reviewed for inclusion in the Code. The Appendix is reserved for certain forms of local legislation that are not general and permanent in nature but are of significance to the community or conduct of government.

Reserved Chapters

Unassigned chapter numbers do not appear in the Table of Contents but are available for assignment to new subject matter in a way that maintains the Code structure.

Numbering of Sections

A numbering system is applied to all sections. The first number indicates the chapter number and the second number indicates the location of the section within that chapter.

Histories

Histories indicate the specific legislative source from which the content was derived, including the enactment number, if pertinent, and the date of adoption. Legislative histories may be found at the chapter, article, section and/or subsection level, as appropriate.

Acknowledgment

The assistance of the community officials is gratefully acknowledged by the editor. The codification of legislation reflects an appreciation of the needs of a progressive and expanding community. It is the profound conviction of General Code that this publication will contribute significantly to the efficient administration of local government.

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GENERAL PROVISIONS

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ARTICLE II **General Penalty**

§ 1-15. Penalty for violations of Code.

[HISTORY: Adopted by the Township Council of the Township of Verona as indicated in article histories. Amendments noted where applicable.]

ARTICLE I **Adoption of Code**

[An ordinance adopting the Code of the Township of Verona and making certain substantive changes to existing ordinances of the Township is presently proposed before the Township Council. Upon final adoption, it will be included here as Article I of this chapter.]

§ 1-1. through § 1-14. (Reserved)

ARTICLE II **General Penalty**

[Adopted during codification (upon enactment, adoption information will be inserted here)]

§ 1-15. Penalty for violations of Code.

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

- A. Maximum penalty. For violation of any provisions of this chapter, any other chapter of this Code or any other ordinance of the Township, the maximum penalty, upon conviction, shall be one or more of the following: imprisonment in the county jail or in any place provided by the municipality for the detention of prisoners, for any term not exceeding 90 days; or by a fine not exceeding \$2,000; or by a period of community service not exceeding 90 days.
- B. A minimum penalty not exceeding \$100 shall apply for any and all violations of any section of the Code of the Township of Verona.
- C. The violation of any ordinance or section of the Code pertaining to the unlawful disposal of solid waste shall be subject to a minimum penalty not exceeding \$2,500 or a maximum penalty not exceeding \$10,000.

- D. The court shall have the power to impose any fine, term of imprisonment, or period of community service not less than the minimum and not exceeding the maximum set forth in this section upon any person convicted of violating any section of the within Code or ordinances of the Township of Verona.
- E. Any person convicted of violating an ordinance and/or a section of this Code within one year of the date of a previous violation of the same ordinance and/or a section of this Code and who was fined for the previous violation shall be sentenced by the court to an additional fine as a repeat offender. The additional fine imposed by the court upon a person for a repeated offense shall not be less than the minimum or exceed the maximum fine established in this section, but shall be calculated separately from the fine imposed for the violation of the ordinance and/or section of this Code.
- F. The Township of Verona may waive the additional fine by ordinance or resolution for a repeated violation of any ordinance and/or section of the Code. Any person convicted of the violation of any ordinance and/or section of the Code in the discretion of the court and in default of the payment of any fine imposed therefor shall be imprisoned in the county jail or place of detention provided by the municipality, for any term not exceeding 90 days, or be required to perform community service for a period not exceeding 90 days.
- G. In the event the court wishes to impose a fine in an amount greater than \$1,250 upon an owner of real property for violations of housing or zoning codes of the Township, then and in that event a thirty-day grace period shall be provided to said owner in order to cure or abate the violative condition, and said owner shall also be afforded an opportunity for a hearing before a court of competent jurisdiction for an independent determination concerning said violation. Subsequent to the expiration of the thirty-day period, a fine greater than \$1,250 may be imposed if a court has not determined otherwise or, upon reinspection of the property, the court determines that the abatement has not been substantially completed.
- H. Separate violations. Except as otherwise provided, each and every day in which a violation of any provision of this Code or any other ordinance of the Township exists shall constitute a separate violation.
- I. The maximum penalty stated in this section is not intended to be an appropriate penalty for every violation. Any lesser penalty, including a nominal penalty or no penalty at all, may be appropriate for a particular case or a particular violation.

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[HISTORY: Adopted by the Township Council of the Township of Verona 2-5-2018 by
Ord. No. 2018-05. Amendments noted where applicable.]

ARTICLE I

Purpose; Title; Definitions

§ 5-1. Declaration of purpose; short title.

- A. The Township Council adopts this chapter as an administrative code for the organization and administration of the government of the Township, pursuant to Council-Manager Plan of the Optional Municipal Charter Law, Laws of 1950, Chapter 210, as amended (N.J.S.A. 40:69A-1 et seq.).
- B. This chapter shall be known and may be cited as the "Administrative Code of Verona."

§ 5-2. Definitions.

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

CHAIR — The person in charge of a meeting.

CHARTER — The provisions of the Optional Municipal Charter Law applicable to that form of government provided therein known as "Council-Manager Plan."

CLERK — The Township Clerk duly appointed pursuant to N.J.S.A. 40:69A-89, the Charter or any ordinance or resolution; or a deputy or assistant duly acting in place of the Township Clerk.

COUNCIL — The Township Council, the governing body, of the Township of Verona.

DEPARTMENT — A unit of the municipal government established or designated by this chapter as a department.

DIRECTOR — The head of a department established by this Code.

GENERAL LAW — Any law or provision of law, not inconsistent with the Optional Municipal Charter Law, heretofore or hereafter enacted, which is by its terms applicable or

available to all municipalities and the following additional laws whether or not such additional laws are so applicable or available to all municipalities: legislation relating to taxation, local courts, education, health, public authorities serving more than one municipality and municipalities in unsound financial condition.

MANAGER — A Manager or Acting Manager duly appointed by the Council pursuant to N.J.S.A. 40:69A-89 or the Charter, or a qualified administrative officer appointed or designated pursuant to N.J.S.A. 40:69A-94 and performing the duties of the Manager thereunder.

§ 5-3. Structure.

The Township government shall consist of the Council, Manager and such appointed officers and employees as are provided by this chapter or otherwise authorized pursuant to law. It shall be organized within departments, offices, boards and agencies as hereinafter established or provided in this chapter.

§ 5-4. Seal.

The Township Seal, as adopted and in use upon the effective date of this chapter, shall continue to be the legal Seal of the Township.

§ 5-5. through § 5-10. (Reserved)

ARTICLE II Township Council

§ 5-11. General powers.

- A. All powers of the municipality and the determination of all matters of policy shall be vested in the Council except as otherwise provide by law.
- B. Pursuant to N.J.S.A. 26:3-1 et seq., Township Council shall be the duly constituted Board of Health. **[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

§ 5-12. Compensation.

- A. The compensation of each member of the Council shall be \$2,069 per annum, to be paid as all other salaries are paid.
- B. The Township Manager, by reason of his/her additional duties, shall receive an additional \$2,893 annually, to be paid as all other salaries are paid.

§ 5-13. Vacancies in elective offices.

Vacancies in any elective office of the Township shall be filled in accordance with state statutes.

§ 5-14. Township Manager; Deputy Township Manager.

- A. At 12:00 noon on the first day of July following each election of Council, the Council shall assemble at the Municipal Building of the Township, organize and elect one of the Councilpersons as Township Manager. The Township Manager shall be chosen by ballot by majority vote of all members of the Council. If the members shall be unable, within five ballots, to be taken within two days of the organization meeting, to elect a Township Manager, then the member who in the last election for members of the Council received the greatest number of votes shall be the Township Manager. Should such person decline to accept the office, then the person receiving the next highest vote shall be the Township Manager, and so on until the office is filled.
- B. At the same time as a Township Manager is elected, the Council shall elect one of its members as Deputy Township Manager. The Deputy Township Manager shall serve in place of the Township Manager in the event of the temporary absence or disability of the Township Manager.
- C. The Township Manager and the Deputy Township Manager shall serve a term of two years beginning on the first day of July following each election of Council.
- D. Vacancies in the Office of Township Manager or Deputy Township Manager shall be filled by the Council for the remainder of the unexpired term.

§ 5-15. Meetings.

- A. Regular meetings.
 - (1) The Council shall meet regularly on the first and third Mondays of each month at 7:00 p.m., except that the Council may, by resolution, cancel one or more meetings in addition to those meetings listed as canceled in the Official Annual Notice of Meetings.
 - (2) In the event the first or third Monday is a legal holiday, the meeting scheduled for that date shall either be canceled or rescheduled.
 - (3) Regular meetings of the Council shall be held in accord with the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., as the same may hereafter be amended.
- B. Special meetings.
 - (1) The Township Manager, at any time, and upon written request of a majority of the Councilpersons, shall call a special meeting of the Council. The request and call for such special meeting shall specify the purpose of the meeting, and no other business shall be considered at any special meeting than that specified.

- (2) Any call for a special meeting shall be filed with the Township Clerk, and upon filing he/she shall serve notice of same on each Councilperson and officers and department directors required to attend meetings of the Council, at least 48 hours prior to the time the meeting is held. Upon the filing of any call for a special meeting, the Township Clerk shall forthwith give notice thereof by telephone, facsimile or e-mail to each Councilperson at such place as the latter shall have previously designated for that purpose and pursuant to N.J.S.A. 10:4-8.
 - (3) Special meetings shall be conducted in accord with the Open Public Meetings Act.
 - (4) The Township may provide electronic notices pursuant to N.J.S.A. 10:4-9.1.
- C. Adjourned meetings. A meeting adjourned to a fixed time shall be considered a continuation of the preceding meeting, and the business of the Council shall be resumed where it was left at the last adjournment.
- D. Location of meetings. All regular meetings shall be held in the Municipal Building of the Township unless otherwise decided by the Council. Attendance by public and Township personnel:
- (1) All regular and special meetings of the Council shall be open to the public.
 - (2) The Township Manager, Township Attorney, Township Clerk and such other Township officers or employees as required by the Township Manager shall be required to attend regular or special meetings of the Council.

§ 5-16. Annual organization.

On the first day of July following each election of Council, the Council shall organize and elect one of their members as Township Manager and adopt such resolutions as may be required.

§ 5-17. Informal conference meetings.

Subject to the provisions of the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., the Council may meet at any time in informal conference for the consideration of any Township business.

§ 5-18. Legislation procedures.

- A. Preparation of ordinances and resolutions. Ordinances and resolutions shall be prepared for the consideration of the Council by the Township Attorney upon written request of a majority of the Council or of the Township Manager.
- B. Prior review by administrative staff. All ordinances and Township contractual authorizations, before presentation to the Council, shall have been approved as to form and legality by the Township Attorney or his/her authorized representative and shall have been examined as to administrative considerations by the Township Manager or his/her authorized representative whenever administrative responsibilities may be

affected thereby. The Township Manager shall submit to the Council a written memorandum concerning the administrative aspects of each such ordinance and contractual authorization unless he/she shall advise the Council that no administrative problems are involved. Each administrative memorandum may include the specific comments and recommendations of the Director concerned with the subject of the memorandum.

C. Introduction for passage or approval.

- (1) Ordinances, resolutions and other matters or subjects requiring action by the Council shall be introduced and sponsored by a member of the Council, except that the Township Manager or Township Attorney may present ordinances, resolutions and other matters or subjects to the Council and any Councilperson may assume sponsorship thereof by moving that such ordinances, resolutions, matters or subjects be adopted; otherwise, they shall not be considered.
- (2) Resolutions, unless laid over by a majority vote of the Council, may be acted upon the day of introduction or presentation.
- (3) Ordinances and resolutions shall be called up for action on motion of a member of the Council.

D. Ordinances and resolutions. Resolutions determined to be routine and which do not require discussion shall be included under a single section of the order of business known as the "consent agenda." Such resolutions may be adopted upon motion and approval thereof by vote of a majority of the Council.

E. Adoption of ordinances. No ordinance may be adopted without the affirmative vote of a majority of all the members of the Council or such greater number of affirmative votes as the Charter may require.

F. Advertisement of ordinances. After introduction, all ordinances shall be advertised by the Township Clerk in accordance with the applicable provisions of law for public hearing at the next succeeding regular meeting of the Council unless otherwise directed by the affirmative vote of the majority of all members of the Council. After adoption, all ordinances shall be advertised by the Township Clerk in accordance with the applicable provisions of law therefor.

§ 5-19. Agenda.

- A. An agenda shall be prepared by the Township Clerk for each regular meeting of the Council.
- B. The regular agenda for each regular meeting of the Council shall include only such matters of routine Council business and/or items which have been presented or delivered to the Township Clerk by a Councilperson not later than 3:00 p.m. on the Wednesday preceding the meeting.
- C. The Township Clerk shall cause a copy of the final Council agendas to be delivered electronically to each Councilperson, the Township Manager and the Township Attorney and shall be posted and advertised in accordance with the law.

- D. All items on the Council agenda must be delivered to each Councilperson at the same time that the agendas are delivered.
- E. Each agenda may have no more than one addendum, which must be delivered electronically to each Councilperson and Township Manager along with the appropriate backup by 12:00 noon on the day of the meeting, with the exception of emergency matters, which can be added to the agenda at the meeting with the approval of the majority of the Council present.
- F. Any Councilperson shall have the right to present any new matter under "new business" with the exception of ordinances and resolutions which must be in accordance with above.

§ 5-20. Call to order.

The Township Manager or, in his/her absence, the Deputy Township Manager shall call each meeting to order. In the absence of both the Township Manager and the Deputy Township Manager, the Township Clerk shall call the meeting to order, and those present shall select a President Pro Tempore who shall preside during the absence of the Township Manager. The Township Manager or the Deputy Township Manager shall assume the Chair as soon as he/she is in attendance at any meeting which may have been called to order in his/her absence, and the President Pro Tempore shall thereupon relinquish the Chair.

§ 5-21. Roll call; quorum.

- A. Before proceeding with the business of the Council, the Township Clerk shall call the roll of members in alphabetical order with the presiding officer called last, and the names of those present and absent shall be entered in the minutes.
- B. A majority of all the members of the Council shall constitute a quorum. If a quorum is not present 1/2 hour after the appointed time for any meeting, those present may adjourn the meeting.

§ 5-22. Manner of addressing Council. [Amended 1-27-2020 by Ord. No. 2020-02]

- A. The order of business at each regular public meeting of the Council shall be as follows:
 - (1) Roll call.
 - (2) Report of the Township Manager.
 - (3) Report of the Township Manager.
 - (4) Council comments.
 - (5) Hearing upon adoption or amendment of proposed ordinances on second reading.
 - (6) Proposed ordinances.
 - (7) Public comment on agenda items.

- (8) Consent agenda.
 - (a) Approval of previous minutes.
 - (b) Consent resolutions.
 - (c) Licenses and permits.
 - (9) New/unfinished business.
 - (10) Public comment (general).
 - (11) Executive session (if necessary).
 - (12) Adjournment.
- B. Special meetings, workshop meetings, pre-meeting conferences, planning meetings and informal conference meetings shall be discussion meetings of the Council and shall not be guided by the order of business set forth in this section.

§ 5-23. Voting.

- A. The vote upon every ordinance shall be taken by roll call, and the yeas and nays shall be entered on the minutes. The minutes of each meeting shall be signed by the Township Clerk and the Township Manager, Deputy Township Manager, or President Pro Tempore presiding at such meeting.
- B. When the roll is called upon any question, each Councilperson shall audibly announce his/her vote, and the silence of a Councilperson shall constitute an affirmative vote unless he/she states that he/she abstains.
- C. A Councilperson does not have the right to explain his/her vote during voting (this would represent "debate," which is not permitted during voting).

§ 5-24. Preparation and reading of minutes.

The Township Clerk shall, so far as practicable, prepare and distribute to the Council the minutes of each meeting promptly after the meeting. The minutes of any meeting may be approved without reading whenever they have been distributed at least 24 hours prior to the time of approval.

§ 5-25. Committees.

There shall be no standing committees of the Council other than the Committee of the Whole. The rules of the Council shall govern the meetings of the Committee of the Whole so far as applicable. Special committees for legislative purposes may be appointed by the Township Manager pursuant to motion or resolution. No special committee shall proceed to the consideration of any matter referred to it unless a majority of the members of the committee shall be present. No special committee shall report at the same meeting in which the matter is referred to it except by unanimous consent of the Council.

§ 5-26. Appointments by Council.

With respect to appointments to be made by the Council, any member of the Council may nominate as many candidates as there are offices to be filled. The Council will consider such nominations in the Committee of the Whole, which will report to a regular meeting of the Council. Where there is a single office to be filled, the sense of the Council on the appointment shall be taken as to each nominee, and the nominee receiving a majority shall be deemed appointed. Where there is more than one office to be filled, such as on a board, commission or authority, the same procedure shall be followed with respect to each office separately until the total number of appointments to be made has been completed. In the discretion of the Chair, a group of nominations may be considered at once where there is no apparent division in the Council as to the nominees included in the group. Appointments may be made by the affirmative vote of a majority of those present and voting.

§ 5-27. Rules of debate.

- A. The Township Manager or other presiding officer may move, second and debate from the Chair and shall not be deprived of any right to vote or of any other rights, powers or duties of a Councilperson by virtue of presiding over the meeting.
- B. A member of the Council shall be entitled to the floor only upon recognition by the presiding officer. Once a member has been recognized and taken the floor, he/she shall not be interrupted for any reason other than a call to order; and in such case, the presiding officer shall rule promptly on the point of order and the speaker shall be allowed to proceed if he/she is in order.
- C. The Councilperson who has made a motion shall be entitled to the privilege of closing debate.
- D. A motion to reconsider may be made by a Councilperson on the prevailing side, and such motion may be made only at the same meeting or at an adjournment thereof as which the action was taken.
- E. A motion to adjourn shall always be in order and shall be decided without debate.

§ 5-28. Manner of addressing Council.

- A. Persons other than Council persons may be permitted to address the Council in the proper order of business. A person present may, upon recognition by the presiding officer, be heard either upon ordinances upon second reading or at the time of public comment and at such other times as the Council may, by majority vote of those present, specifically permit. All remarks or questions shall be directed to the presiding officer. No person shall address any remark or question to any specific Councilperson, nor shall any person be permitted to address the presiding officer while a motion is pending. A Councilperson may, through the presiding officer, respond to any communication or address received pursuant to this section. **[Amended 1-28-2019 by Ord. No. 2019-04]**
- B. Except upon consent of the Council, by the majority vote of those present, each person addressing the Council pursuant to this section shall be required to limit his/her remarks to four minutes during the time for public comment and shall at no time engage in any

personally offensive or abusive remarks. On a hearing on ordinances on the second reading, each person addressing the Council shall be required to limit their remarks to four minutes a person on the issue and shall at no time engage in any personally offensive or abusive remarks. The presiding officer shall call any speaker to order who violates any provision of this section.

§ 5-29. Decorum.

- A. Any person who shall disturb the peace of the Council, make impertinent or slanderous remarks or conduct himself in a boisterous manner while addressing the Council shall be forthwith barred by the presiding officer from further audience before the Council, except that if the speaker shall submit to proper order under these rules, permission for him/her to continue may be granted by a majority vote of the Council.
- B. The Chief of Police shall, upon request of the presiding officer, designate a member of the Police Department to serve as Sergeant at Arms at Council meetings. He shall carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum at such meeting.

§ 5-30. Filings.

All reports to the Council and all resolutions shall be filed with the Township Clerk and entered in the minutes of the Council.

§ 5-31. Form of minutes.

- A. The Township Clerk shall record the minutes of every meeting of the Council, and the minutes shall contain only the formal actions of the Council by motion, resolution or ordinance except as otherwise authorized by this section.
- B. With the consent of Council, a Councilperson may have the privilege of including in the minutes a written abstract not exceeding 100 words of any statement he/she may make before the Council.
- C. In the discretion of the Township Clerk, other matters relating to the business or actions of the Council may be included in the minutes to the extent necessary to clarify the purpose or context of any recorded formal action.
- D. The text of ordinances need not be included in the minutes, but the signed official copies thereof shall be bound and preserved as public record in the Office of the Township Clerk.

§ 5-32. Robert's Rules of Order.

Except as may be provided in the Charter, questions of order, methods of organization and the conduct of business of the Council shall be governed by Robert's Rules of Order in all cases to which they are applicable and in which they are not inconsistent with the rules of procedure hereinafter set forth in this chapter.

§ 5-33. Suspension of rules of procedure.

Any of the rules of procedure of the Council may be suspended by unanimous consent of the Councilpersons present, except as otherwise provided by the Charter.

§ 5-34. through § 5-40. (Reserved)

ARTICLE III
Township Clerk

§ 5-41. Township Clerk; office of the Township Clerk.

- A. There shall be an office of the Township Clerk, consisting of the Township Clerk and such other personnel as deemed necessary by said Township Clerk and the Council. The Township Clerk shall have the authority to employ other personnel with the advice and consent of the Council. The Township Clerk shall be appointed by the Council in accordance with the provisions and set forth in N.J.S.A. 40A:9-133 et seq. The Township Clerk shall receive compensation as determined and adopted by ordinance of the Council in accordance with law. Other personnel in the office of the Township Clerk shall receive compensation as determined and adopted by ordinance of the Council or in accordance with the respective Collective Bargaining Agreement.
- B. Clerk of Council. The Township Clerk shall serve as Clerk of the Council. In the absence of the Township Clerk, the Council shall appoint a Clerk Pro Tempore. He/She shall keep a journal of the proceedings of the Council and shall engross all ordinances and all resolutions of a permanent character in the books to be provided for that purpose. After each ordinance he/she shall also engross and certify the proof of publication thereof, as required by law. Each ordinance and resolution so engrossed shall be signed by of the Township Clerk, who shall attest that it was duly adopted upon a date stated, pursuant to law. When so signed, the engrossed copy shall be deemed to be a public record of the ordinance or resolution. Any omission by the Township Clerk to engross, sign or certify as herein required shall not impair or affect the validity of any ordinance which has been duly adopted. The Township Clerk shall periodically bind, compile or codify all the ordinances and resolutions, or true copies thereof, which then remain in force and effect. He/She shall also properly index the record books, compilation or codification of ordinances or resolutions.
- C. Custodian of records. The Township Clerk shall have custody of and shall safely keep all the records, books and documents of the Township except such as shall be committed by Charter or ordinance to any other office or except such as shall be transferred to any other office by resolution of the Council. He/She shall, upon request and upon the payment of fees prescribed therefor by resolution of the Council, furnish a certified copy of any such paper in his/her custody, under the Corporate Seal of the Township.
- D. Corporate Seal. The Township Clerk shall cause the Corporate Seal of the Township to be affixed to any instruments and writings when authorized to do so by any ordinance or resolution of the Council or when necessary to exemplify any document on record in his/her office or to certify any act or paper which from the records of his/her office

shall appear to have been a public act of the Township or a public document. He/She shall not affix said Seal or permit it to be affixed to any instrument or writing or other paper, except as herein provided, unless required to do so by law or ordinance.

E. Insurance, surety bonds and contracts. The Township Clerk shall be the depository and custodian of:

- (1) All official surety bonds furnished by or on account of any Township office or officer or employee.
- (2) All insurance policies upon or with respect to risks insured for the benefit of the Township or to protect it against any claim, demand or liability whatsoever.
- (3) All formal contracts for work, labor, services, supplies, equipment and materials to which the Township may be a party.
- (4) All leases of property owned by the Township.
- (5) All performance bonds running to the Township as obligee and any other form of security given by any contractor, subdivision developer or other persons on account of work done or to be done in or for the Township.

F. Administration of certain laws and ordinances; other duties. In addition to such other functions, powers and duties as may be prescribed by the Charter and ordinances, the Township Clerk shall:

- (1) Perform all the functions required of Township Clerks by the general election laws set forth in Title 19 of the Revised Statutes of New Jersey, as amended and supplemented, and in any other law or ordinance, and receive the fees prescribed therefor.
- (2) Issue such licenses as may be authorized by the Township Council pursuant to the state's Alcoholic Beverage Law (N.J.S.A. 33:1-1 et seq.), as amended and supplemented, and the Township's ordinances.
- (3) Perform such functions as are vested in the Township Clerk by state law and ordinance relating to bingo and raffles licensing.
- (4) Have and perform such other and additional functions, powers and duties as may be prescribed by law or ordinance.

§ 5-42. through § 5-50. (Reserved)

ARTICLE IV
Township Manager

§ 5-51. Appointment; qualifications; residency.

The Township Manager shall be chosen by the Council solely on the basis of his/her executive and administrative qualifications with special reference to his/her actual experience in or his knowledge of accepted practice in respect to the duties of his/her office. At the time

of his/her appointment, he/she need not be a resident of the Township, but during his/her tenure of office he/she may reside outside the Township only with the approval of Council.

§ 5-52. Removal.

The Township Manager shall serve the Council and shall be subject to removal as provided by the Charter. A resolution of removal shall not be in order unless and until the Township Manager shall have been given written notice of the intention to offer it at least 10 days prior thereto. At least 30 days before such removal shall become effective, the Council shall, by a majority vote of its members, adopt a preliminary resolution stating the reasons for the removal. The Township Manager may reply, in writing, and may request a public hearing, which shall be held not less than 20 days nor more than 30 days after the filing of such request. After such public hearing, if one is requested, and after full consideration, the Council, by majority vote of its members, may adopt a final resolution of removal. By the preliminary resolution, the Council may suspend the Township Manager from duty, but shall in any case cause to be paid him/her forthwith any unpaid balance of his/her salary and his/her salary for the next three calendar months following adoption of the preliminary resolution.

§ 5-53. Acting Manager.

The Township Manager may designate a qualified administrative officer of the Township to perform his/her duties during his/her temporary absence or disability. In the event of his/her failure to make such designation, the Council may, by resolution, appoint an officer of the Township to perform the duties of the Township Manager during such absence or disability until he/she shall return or his/her disability shall cease.

§ 5-54. Powers and duties.

The Township Manager shall:

- A. Be the chief executive and administrative official of the Township government.
- B. Execute all ordinances of the Township.
- C. Appoint and remove a Deputy Township Manager, all department heads and all other officers, subordinates and assistants for whose selection or removal no other method is provided by the Charter, except that he/she may authorize the head of a department to appoint and remove subordinates in such department; and report all appointments or removals at the next meeting thereafter of the Council.
- D. Subject to the Charter, direct and supervise the various departments through the department heads or otherwise.
- E. Attend all meetings of the Council with the right to take part in the discussions, but without the right to vote.
- F. Investigate at any time the affairs of any officer or department of the Township government.

- G. Negotiate contracts for the Township subject to the approval of the Council, make recommendations concerning the nature and location of Township improvements and execute public improvements as determined by the Council.
- H. Supervise the investments and invested funds of the Township or in possession of the Township in a fiduciary capacity except as otherwise provided by law, and keep such investments and invested funds safely invested pursuant to law.
- I. Examine, review and approve all expenditures and financial commitments of the Township government, and no such expenditure or commitment shall be authorized without such approval.
- J. Study the operation, efficiency and control of departments, functions and activities supported by Township funds, and make recommendations to the Council from time to time for the improvement thereof as need appears.
- K. See that all terms and conditions imposed in favor of the Township or its inhabitants in any statute, contract or public utility franchise are faithfully kept and performed, and upon knowledge of any violation thereof, call it to the attention of the Council.
- L. Recommend to the Council for adoption such measures as he/she may deem necessary or expedient, keep the Council advised of the financial condition of the municipality, make reports to the Council as requested by it, and at least once a year make an annual report of the administration of the Township government for the benefit of the Council and the public.
- M. Perform such other duties as may be required of the Township Manager by the Charter or any ordinance or resolution of the Council.

§ 5-55. Compensation.

The compensation to be paid to the Township Manager shall be set by ordinance.

§ 5-56. Authority to appoint and remove department heads.

The Township Manager shall appoint and may remove department heads created pursuant to N.J.S.A. 40:69A-90. Whenever he/she deems it necessary or desirable, the Township Manager may appoint an officer or employee of a department to serve temporarily as acting head of a department. The Manager may designate himself as acting head of one or more departments, without additional compensation.

§ 5-57. Delegation of administrative duties.

The Township Manager may, in his/her discretion, allocate, assign or delegate functions or powers to a department head for more efficient administration of the Township government; provided, that any such delegation, allocation or assignment shall not relieve the Township Manager of any of his/her responsibilities under the Charter or this code nor shall it be inconsistent with any express requirement of the Charter or this code. Any such delegation shall be in writing and shall be promptly reported to the Council and recorded in its minutes.

§ 5-58. Township property, insurance and bonds.

- A. The Township Manager shall have custody, management and control of all Township property which is not otherwise allocated or assigned to a department by this Code.
- B. The Township Manager, with the approval of the Council, shall arrange for such insurance and suretyship coverage as may be required by the Township to protect it against risks of loss from whatever cause. All insurance policies and official surety bonds shall be filed for safekeeping with the Township Clerk.

§ 5-59. through § 5-60. (Reserved)

ARTICLE V
Township Officers

§ 5-61. Office of Township Attorney.

- A. There shall be an Office of Township Attorney, the head of which shall be the Township Attorney. The Council shall appoint a Township Attorney to serve at its pleasure under such form of retainer agreement as the Council may approve. He shall serve as legal advisor to the Council and the Township Manager; represent the Township government in litigation; draft ordinances and resolutions upon request of the majority of Council or the Township Manager; and provide such other professional legal services as the majority of the Council may from time to time request. The Township Attorney shall be contracted as a Professional Service pursuant to Local Public Contracts Law and shall not be considered an employee of the Township.
- B. He/she may perform all of the following duties or may designate such duties to outside counsel:
 - (1) Serve as legal advisor to the Council, Township Manager, department heads and all boards, commissions and agencies of the Township, with the exception of the Planning Board, Board of Adjustment, Rent Control Board and Library Board of Trustees, on all matters of Township business.
 - (2) Attend meetings of the Council, including regular, special and conference meetings.
 - (3) Examine and approve as to form and sufficiency all performance bonds, insurance certificates and maintenance bonds submitted by developers in connection with the developments receiving subdivision consideration by the Planning Board.
 - (4) Draft and approve as to form and sufficiency all resolutions and ordinances.
 - (5) Represent the Township and its officers and employees in all litigation wherein the Township is named a party defendant or the officers and employees are named parties defendant as the result of performing their duties as an officer or employee of the Township, with the exception of litigation wherein the Township or its officers or employees are named defendants and the defense of the action is

the obligation of an insurance company under a policy wherein the Township is designated an insured. In addition, the Township Attorney shall represent the Township in all litigation where in the Township is the plaintiff in an action duly authorized by a majority of the Council.

- (6) Represent the Township in matters tried in the Municipal Court involving violation of the ordinances of the Township and in matters where, in the discretion of the Judge of said Court or the Chief of Police, the services of a prosecutor are required.
 - (7) Be responsible for all matters pertaining to tax liens and the foreclosure of same by action in the Superior Court of New Jersey.
 - (8) Delegate to the legal assistants such duties and responsibilities as he/she may direct to efficiently maintain full-time legal service for the Township.
 - (9) Perform other duties as may be assigned by the Township Manager or the majority of the Township Council.
- C. Power to compromise. The Township Attorney may, with the approval of the Township Manager and the majority of the Council, be empowered to compromise, settle or adjust any rights, claims, demands or causes of action in favor of or against the Township.
- D. Special counsel. The Township Attorney is authorized, within the available appropriations, to employ additional counsel to assist him/her in performing the services required of the Township Attorney.
- E. Qualifications of Township Attorney. A person appointed to this office must be a licensed attorney at law of the State of New Jersey who has, prior to the date of his/her appointment, been engaged in the practice of law in the State of New Jersey for a period of five years.
- F. Records. Upon the expiration of his/her term of office or his/her resignation or removal therefrom, he/she shall forthwith surrender to the several Township officers charged with custody therefor all deeds, leases, conveyances, obligations, bonds, contracts, agreements, maps, reports or other papers in his/her hands belonging to the Township and shall deliver to his/her successor in office all legal papers, documents and other papers relating to business of the Township together with a written consent of substitution of his/her successor in all actions then pending and undetermined in which the Township is a party.

§ 5-62. Office of Township Prosecutor.

- A. The Council shall appoint a Township Prosecutor to serve in accordance with the duties and responsibilities set forth in N.J.S.A. 2B:25-1 et seq. Candidates for the Office of Township Prosecutor shall be recommended to the Council by the Township Attorney. The Township Prosecutor shall be compensated as provided by ordinance.
- B. A municipal prosecutor shall be an attorney at law of this state in good standing and shall serve for a term of one year from the date of his/her appointment.

§ 5-63. Counsel to the Rent Control Board.

- A. There is hereby established the Office of Counsel to the Rent Leveling Board of the Township of Verona.
- B. The Council shall appoint Special Counsel to the Rent Control Board to serve at its pleasure under such form of retainer agreement as the Council may approve. Candidates for the Office of Special Counsel to the Rent Leveling Board shall be recommended to the Township Council by the Township Attorney.
- C. The duties and responsibilities of the Board Counsel shall be:
 - (1) The Board Counsel shall advise the Rent Leveling Board on interpretation of all aspects of Chapter 402, Rent Control.
 - (2) The Board Counsel shall advise the Rent Control Board in order to ensure that a full, fair and balanced record of the rent leveling hearings shall be made and that all competent evidence shall be presented and tested as to its relevancy, competency, materiality and creditability, so that the Council and any appellate tribunal will have the benefit of a fully developed record of the proceedings.
 - (3) The Board Counsel shall attend all meetings of the Rent Counsel Board, as required by said Board.

§ 5-64. Office of Public Defender.

- A. There is hereby created the Office of Municipal Public Defender pursuant to the authority and requirements of N.J.S.A. 2B:24-1 et seq.
- B. The Municipal Public Defender shall be an attorney at law of the State of New Jersey in good standing and shall serve for a term of one year from the date of appointment and may continue to serve in office pending reappointment or appointment of a successor. The term of the Municipal Public Defender initially appointed shall terminate on December 31 of the year in which the Municipal Public Defender is first appointed. The Municipal Public Defender shall be appointed by the Council.
- C. The Municipal Public Defender may be removed from office in accord with the provisions of N.J.S.A. 2B:24-4.
- D. The Municipal Public Defender shall receive compensation, either on an hourly, per diem, annual or other basis as the municipality may provide. The compensation of a Municipal Public Defender for services rendered pursuant to the provisions of N.J.S.A. 2B:24-1 et seq. shall be in lieu of any and all other compensation by the municipality. The ordinance setting compensation shall set forth any additional compensation to be paid for interlocutory appeals in the Superior Court.
- E. In the event of a vacancy in the Office of Municipal Public Defender or in the event that the Municipal Public Defender is temporarily unavailable or in the event a finding of conflict of interest precludes a Municipal Public Defender from representing an indigent defendant, the Municipal Court shall appoint a qualified attorney to represent the indigent defendant. The attorney so appointed shall be paid at the same rate as has been established for payment to the Municipal Public Defender.

- F. Eligibility for services of the Municipal Public Defender shall be determined by the Municipal Court on the basis of need of defendant as provided in N.J.S.A. 2B:24-9 et seq.
- G. The Township shall have a lien on any property to which the indigent defendant shall have an interest or acquire an interest for an amount equal to the reasonable value of the services rendered to the defendant pursuant to this chapter as calculated at the same rate as the office of Public Defender bills clients at that time.
- H. The Township Attorney is hereby authorized to file a notice setting forth services rendered to an indigent defendant and the reasonable value thereof with the Clerk of the Superior Court. To effectuate such a lien for the municipality, the Township Attorney shall file a notice setting forth services rendered to the defendant and the reasonable value thereof with the Clerk of the Superior Court. The filing of the notice with the Clerk of the Superior Court shall constitute a lien on property for a period of 10 years from the date of filing, unless discharged sooner, and, except for such time limitations, shall have the force and effect of a judgment. Within 10 days of the filing of the notice, the Township Attorney shall send by certified mail, or serve personally, a copy of the notice with a statement of the date of the filing to or upon the defendant at the defendant's last known address. If the Township Attorney shall fail to give notice, the lien is void.
- I. Application fee. Any person applying for representation by the Municipal Public Defender or court-approved counsel shall pay to the Township an application fee as set forth in Chapter A565, Fees, said fee to be fixed by the Municipal Court Judge, all pursuant to the regulations set forth in N.J.S.A. 2B:24-17.

§ 5-65. Township Auditor; appointment; compensation; duties.

The Council shall appoint a registered municipal accountant of the state as a Professional Service Contract under Local Public Contracts Law to perform the annual audit required by law, pursuant to such form of retainer agreement as the Council may approve. The term of the Township Auditor shall be for one calendar year.

§ 5-66. Township Engineer; appointment; compensation; duties.

There is hereby created the Office of Township Engineer. The Township Engineer shall be appointed by the Township Manager pursuant to the provisions of N.J.S.A. 40:69A-95. The Township Engineer shall be contracted as a Professional Service pursuant to Local Public Contracts Law and shall not be considered an employee of the Township. The Township Engineer shall perform such duties as are required by law.

§ 5-67. Township Planner; appointment; compensation; duties.

The Township Manager shall appoint a professional planner licensed in the state as a Professional Service Contract under Local Public Contracts Law. The term of the Township Planner shall be for one calendar year. The Township Planner shall:

- A. Exercise initiative and professional judgment in providing the community with guidance in planning the growth within the framework of a Comprehensive Plan.
- B. Prepare and maintain an Official Zoning Map of the Township as may be directed by the Planning Board.
- C. Prepare reports for Planning Board meetings.
- D. Attend meetings of the Planning Board and meetings of the Council and other boards or agencies as may be required for the proper planning of the community.
- E. Investigate and prepare reports on subdivision applications and all other assignments as requested by the Planning Board.
- F. Assist in updating the existing planning and zoning ordinances of the Township.
- G. Keep current and up-to-date, by revisions, the Master Plan of the Township so that it reflects the needs and wishes of the Township consistent with the good and welfare of the community.
- H. Perform other duties as may be assigned by the Township Manager.

§ 5-68. through § 5-70. (Reserved)**ARTICLE VI****Organization of Township Government****§ 5-71. Administrative departments established; Manager as chief executive officer.**

The Township Manager shall be the chief executive officer of the Township. The following administrative departments and divisions are hereby established pursuant to N.J.S.A. 40:69A-90:

- A. Department of Administration and Economic Development.
 - (1) Office of Information Technology.
 - (2) Fire Prevention Bureau.
 - (3) Division of Buildings and Grounds.
- B. Department of Building and Inspections.
- C. Department of Community Services.
 - (1) Division of Health and Welfare.

- (2) Division of Recreation.
- D. Department of Finance. [**Amended 9-9-2019 by Ord. No. 2019-23**]
- E. Department of Public Works.
 - (1) Division of Operations.
 - (2) Division of Water and Sewer.
 - (3) Division of Engineering.
- F. Office of the Tax Assessor.
- G. Fire Department.
- H. Police Department.
- I. Municipal Court.

§ 5-72. through § 5-80. (Reserved)

ARTICLE VII

Department of Administration and Economic Development

§ 5-81. Establishment; general organization.

- A. There shall be a Department of Administration, the head of which shall be the Director of Administration and Economic Development. The Department of Administration shall consist of the:
 - (1) Office of Information Technology.
 - (2) Fire Prevention Bureau.
 - (3) Division of Buildings and Grounds.
- B. In addition to supervising the various divisions of the Department, the Director shall supervise the economic development within the Township, including the retention, attraction, promotion, and development of business in the Township.

§ 5-82. Office of Information Technologies: functions; responsibilities; duties.

- A. The head of the Office of Information Technology shall be the Communications Specialist, who shall be appointed by the Township Manager.
- B. The Office of Information Technology shall direct, manage, support all information technology, software, hardware and communication systems throughout the Township, including, but not limited to, the procurement and development of new projects and equipment and any other duties as may be assigned by the Township Manager.

§ 5-83. Division of Buildings and Grounds: functions; responsibilities; duties.

- A. The Division of Buildings and Grounds shall be directed by the Supervisor of Buildings and Grounds, who shall be appointed by the Township Manager. The compensation of the Supervisor of Buildings and Grounds shall be adopted by ordinance of the Council upon recommendation of the Township Manager.
- B. Under the direction of the Supervisor of Buildings and Grounds, the Division shall maintain all public buildings coming under the jurisdiction of the Division, exclusive of those facilities contained within §§ 5-122 and 5-123.

§ 5-84. Fire Prevention Bureau.

There shall be a Fire Prevention Bureau as provided in Chapter 262, Fire Prevention. The head of the Fire Prevention Bureau shall be the Fire Official.

§ 5-85. through § 5-90. (Reserved)**ARTICLE VIII****Department of Building and Inspections.****§ 5-91. Establishment; general organization; functions; responsibilities; duties.**

- A. There shall be a Department of Building and Inspections, the head of which shall be shall be the Construction Official, who shall be appointed by the Township Manager. The compensation of the Construction Official shall be adopted by ordinance of the Council upon recommendation of the Township Manager.
- B. Powers and duties of Construction Official. The Construction Official shall have, exercise and discharge the functions, powers and duties of a Construction Official as provided by the Uniform Construction Code and the Code of the Township of Verona or any other duties as may be assigned by the Township Manager.

§ 5-92. through § 5-100. (Reserved)**ARTICLE IX****Department of Community Services****§ 5-101. Establishment; general organization.**

- A. Creation; Director. There shall be a Department of Community Services, the head of which shall be the Director, appointed by the Township Manager. The compensation of the Director of Community Services shall be adopted by ordinance of the Council upon recommendation of the Township Manager.
- B. In addition to supervising the various divisions of the Department, the Director shall:

- (1) Supervise the collection, accounting and distribution of funds associated with the Verona Children's Fund.
 - (2) Oversee the coordination of Senior and Social Services, including medical and senior transportation.
 - (3) Oversee the coordination of Animal Control services.
- C. The Department of Community Services shall be organized into two divisions:
- (1) Division of Health.
 - (2) Division of Recreation.

§ 5-102. Division of Health and Welfare: functions; responsibilities; duties.

- A. The head of the Division of Health shall be the Director of Health and Welfare, who shall be the Director of Community Services, appointed by the Township Manager.
- B. The Health Officer, appointed by the governing body pursuant to the provisions of this section, shall be either:
- (1) An employee of the Township who shall receive such compensation as adopted by ordinance of the Council upon recommendation of the Township Manager; or
 - (2) An employee of a public entity with which the Township has entered into a shared services agreement for the providing of the services of a Health Officer and Registered Environmental Health Specialists.
- C. The Division of Health shall:
- (1) Administer general laws and Township ordinances conferring functions, powers and duties upon a board or department of health or a local health officer.
 - (2) Enforce laws and ordinances providing for the prevention and control of disease, and conduct-related inspections.
 - (3) Administer general laws and ordinances relating to vital statistics.
 - (4) Administer public health nursing services and health educational programs as authorized by the Public Health Practice Standards of Performance for Local Boards of Health in New Jersey.
 - (5) Operate public health clinics as authorized by ordinances and general law.
 - (6) Perform other duties as may be assigned by the Township Council or Township Manager.

§ 5-103. Office of Vital Statistics: functions; responsibilities; duties.

- A. The Registrar of Vital Statistics shall be appointed by the Township Manager.

- B. The Registrar of Vital Statistics shall appoint a Deputy Registrar of Vital Statistics with approval of the Township Manager.
- C. Vital statistics fees. The Division of Health and Welfare shall charge fees as provided in Chapter A565, Fees, for corrections to birth certificates; marriage license applications; certified birth certificates; certified marriage certificates; civil union applications; certified civil union certificates; domestic partnership applications; certified domestic partnership certificates; certified death certificates; and burial permits.
- D. Marriage and civil union ceremony fee. Any municipal official performing marriages, civil union or domestic partnership ceremonies shall collect a fee as provided in Chapter A565, Fees, for performing marriages and civil union ceremonies. Said fee shall be deposited into the Current Fund.

§ 5-104. Division of Recreation: functions; responsibilities; duties.

- A. The head of the Division of Recreation shall be the Director of Recreation, who shall be the Director of Community Services, appointed by the Township Manager.
- B. The Division of Recreation shall:
 - (1) Evaluate present recreational facilities, including the Community Center, and make specific recommendations for the acquisition of or the improvement of facilities for recreation.
 - (2) Coordinate the use of recreational facilities, including the Community Center, with the Board of Education and other civic organizations within the Township.
 - (3) Plan, organize and conduct a public relations program.
 - (4) Supervise the collection of and accounting for all special funds received by the Division.
 - (5) Plan, organize, supervise and conduct a year-round program of wholesome recreational activities in the Township as directed.

§ 5-105. through § 5-110. (Reserved)

ARTICLE X

Department of Finance

[Amended 9-9-2019 by Ord. No. 2019-23]

§ 5-111. Establishment; general organization.

- A. Creation; Director. There shall be a Department of Finance, which shall be directed by the Chief Financial Officer, as defined in N.J.S.A. 40A:9-140.1 et seq., and who shall be appointed by the Township Manager. The compensation of the Chief Financial Officer shall be adopted by ordinance of the Council upon recommendation of the

Township Manager. The Chief Financial Officer shall also be designated the Township Treasurer. The Chief Financial Officer shall:

- (1) Exercise effective control over the financial resources of the Township.
 - (2) Coordinate and synthesize financial and management data so as to interpret the composite financial results of operations to the Township Manager and Council.
 - (3) Advise on developing, coordinating and carrying out financial policies, procedures and plans.
 - (4) Review, analyze, evaluate and report upon program accomplishments in financial terms, as may be required or requested by the Township Manager.
 - (5) Advise and assist the Council, Township Manager and other management officials by supplying financial management advice required to make management decisions and to establish organizational goals and objectives.
 - (6) Have custody of the funds of the Township and pay and disburse therefrom upon proper vouchers and warrants, as otherwise provided by the Charter and this Code.
 - (7) Maintain and operate a central payroll covering all employees paid from Township appropriations, and including review and approval of each payroll by the Manager.
 - (8) Have custody of bank records of deposits and withdrawals of Township funds and reconcile bank statements of Township accounts.
- B. The Chief Financial Officer shall be assisted by the Tax Collector who shall be appointed by the Township Manager for the term as prescribed by law. The compensation of the Tax Collector shall be adopted by ordinance of the Council upon recommendation of the Township Manager. The Chief Financial Officer, if certified, may be appointed to serve as Tax Collector.
- C. The Chief Financial Officer may be assisted by a Deputy Treasurer who shall be appointed by the Township Manager. The compensation of the Deputy Treasurer shall be adopted by ordinance of the Council upon recommendation of the Township Manager. The Tax Collector may be appointed to serve as the Deputy Treasurer.

§ 5-112. Functions; responsibilities; duties.

The Department shall:

- A. Administer and maintain employee benefits, including, but not limited to, pensions, health benefits and various employee entitlements.
- B. Prepare, install and maintain or supervise a uniform system of accounts and accounting procedures for all departments and other agencies of local government supported in whole or in part by Township appropriations.
- C. Furnish estimates of revenues and expenditures as required for the preparation of the Township annual budgets for operating and capital purposes.

- D. Maintain the general accounts, books and records of the Township and properly record therein all financial transactions of the Township and make such reports thereof as are required by law or as may be requested by the Township Manager or Council.
- E. Install and maintain an encumbrance system of budget operation to ensure that all expenditures and commitments will be confined within the limits of available appropriations.
- F. Provide for a proper preaudit of each claim and demand upon the Township government prior to payment.
- G. Maintain and follow such other practices and procedures as the Township Manager may require for the proper administration of Township affairs, including clear, concise and accurate reports of the financial condition of the Township government at least monthly.
- H. Have custody of investments and invested funds of the Township or in possession of the Township in a fiduciary capacity, except as otherwise provided by law, and keep such funds safely invested under the supervision and approval of the Township Manager.
- I. Have the safekeeping of all bonds and notes of the Township and the receipt and delivery of all Township bonds and notes for transfer, registration or exchange.
- J. Operate and control a central mail facility for the receipt, delivery, dispatch and distribution of Township mail and the shipping and receiving of merchandise for the Township government.
- K. Have, perform and exercise all of the functions, powers and duties provided by law relating to Township Tax Collectors.
- L. Receive and collect all taxes levied and assessed by the Township and all money due from any source to the Township or to any department, board, office or agency thereof, except as may be otherwise ordered by the Township Manager.
- M. Enforce the payment of delinquent taxes by such means as are provided by law as soon as the same become delinquent, and serve as Municipal Collector of Assessments and as Municipal Tax Search Officer.
- N. Deposit to the credit of the Township in an authorized public depository, to the credit of the proper account, all receipts and collections of the Division.
- O. Shall receive and collect rates and charges for water supplied from the water distribution system of the Township, as prescribed by ordinance or contract.
- P. Shall render periodic statements of account to each consumer or owner of premises liable therefor, based upon meter readings or as otherwise authorized by ordinance, but the failure of the Department to render or deliver a statement shall not release or abate any such water rate or charge.

§ 5-113. through § 5-120. (Reserved)

ARTICLE XI

Department of Public Works**§ 5-121. Establishment; general organization; functions; responsibilities; duties.**

- A. There shall be a Department of Public Works, which shall be directed by the Superintendent of Public Works, appointed by the Township Manager. The compensation of the Superintendent of Public Works shall be adopted by ordinance of the Council upon recommendation of the Township Manager.
- B. The Superintendent of Public Works shall serve without additional compensation to supervise any of the divisions of the Department of Public Works.
- C. The Department of Public Works shall be organized into three divisions:
 - (1) Division of Operations.
 - (2) Division of Water and Sewers.
 - (3) Division of Engineering.

§ 5-122. Division of Operations; functions; responsibilities; duties.

- A. The Division of Operations shall be directed by the Supervisor of Public Works who shall be the Superintendent of Public Works, appointed by the Township Manager.
- B. Under the direction of the Supervisor of Public Works, the Division shall be responsible for the maintenance of public facilities coming under the jurisdiction of the Department of Public Works, exclusive of those facilities contained within §§ 5-83 and 5-123, which shall include, but not be limited to, the following.
 - (1) Maintenance and/or repair of Township roads, sidewalks, curbs.
 - (2) Maintenance and/or repair of the Township drainage system, including inlets, manholes, detention basins, culverts, brooks and streams.
 - (3) Snow/ice removal on Township roads.
 - (4) Maintenance and/or installation of Township street signs, regulatory traffic signs/painting/stripping, traffic control signals or other related signs or devices within the Township's jurisdiction.
 - (5) Manage, administer, operate, maintain and make minor extensions of the water distribution mains, hydrants, valves and all other related structures, facilities and appurtenances of the water works operated by the Township for supplying its customers within and, if necessary, outside the limits of the Township.
 - (6) Shall maintain sanitary sewer mains and other related structures, facilities and all appurtenances forming a part of the sewer collection system of the Township.
 - (7) Maintain the Township fleet of vehicles, including specialized equipment/machinery, etc.

- (8) Responsible for the licensing, registration and inspections of all vehicles as required by law.
- (9) Manage the Township residential recycling, solid, vegetative waste collection.
- (10) Construct, maintain, repair or alter park and playground equipment, apparatus, properties, buildings, grounds, shade trees and other items assigned to the Division's jurisdiction in accordance with the ordinances of the Township as directed.
- (11) Any other duties as may be assigned by the Director of Public Works or the Township Manager.

§ 5-123. Division of Water and Sewers: functions; responsibilities; duties.

- A. The Division of Water and Sewer shall be directed by the Supervising Sewage Plant Operator. The compensation of the Supervising Sewage Plant Operator shall be adopted by ordinance of the Council upon recommendation of the Township Manager.
- B. Under the direction of the Supervising Sewage Plant Operator, the Division shall manage, administer, operate, maintain and make minor extensions of the water storage facilities and all other related structures, facilities and appurtenances of the water treatment works operated by the Township. In addition, the Division shall maintain and operate sewer-pumping stations and other related structures, facilities and all appurtenances forming a part of the wastewater treatment system of the Township. The Division shall be responsible for the maintenance and operation of the water pollution control facility and all other related structures, facilities and appurtenances.

§ 5-124. Division of Engineering: functions; responsibilities; duties.

- A. The Division of Engineering shall be directed by the Engineering Manager, who shall be appointed by the Township Manager. The compensation of the Engineering Manager shall be adopted by ordinance of the Council upon recommendation of the Township Manager.
- B. The Engineering Manager shall work in consultation with the Township Engineer.
- C. The Division of Engineering shall:
 - (1) Prepare plans and specifications for public works and improvements and supervise and inspect all work done thereunder.
 - (2) Provide and maintain maps, plans and specifications, surveys and other records as may be required on public property works and facilities owned or operated by the Township, and assist the Department of Assessments to maintain the Tax Map on a current basis.
 - (3) Issue such certificates as may be required by the Township Engineer in accordance with general law and ordinances of the Township.

- (4) Examine and reject or approve all vouchers submitted for work performed by contractors in accordance with public works contracts entered into by the Township.
- (5) Inspect and reject or approve the installation of improvements required pursuant to law as a condition of approval of real estate subdivisions.
- (6) Coordinate the activities of consulting engineers who may be retained by the Township in connection with the contractual responsibilities of the consulting engineer.
- (7) Maintain and index as-built plans of all Township utility construction.
- (8) Supervise the inspection and testing of all construction work performed in connection with the expansion of the water and sewer utilities.
- (9) Assist the Township Attorney to obtain easements from property owners as may be required in connection with the water and sewer expansion program and, further, in connection with the County or Township road-widening program.
- (10) Perform other duties as may be assigned by the Township Manager.

§ 5-125. through § 5-130. (Reserved)

ARTICLE XII

Office of the Tax Assessor

§ 5-131. Office of the Tax Assessor: functions; responsibilities; duties.

Office of the Tax Assessor. Within the Department of Finance there shall be a Division of Assessments, the head of which shall be the Tax Assessor.

- A. The Tax Assessor shall be appointed by the Council for a term prescribed by law. The compensation of the Tax Assessor shall be adopted by ordinance of the Council upon recommendation of the Township Manager.
- B. He/she shall perform and discharge all functions, powers and duties prescribed for Tax Assessors in Title 54 of the New Jersey Statutes Annotated.
- C. Under the administration and direction of the Chief Financial Officer, the Division shall provide assistance to other departments and the public in matters relating to assessments, and information on real property in the Township.

§ 5-132. through § 5-140. (Reserved)

ARTICLE XIII
Fire Department

§ 5-141. Fire Department.

There shall be a Fire Department as provided in Chapter 35, Fire Department.

§ 5-142. through § 5-150. (Reserved)

ARTICLE XIV
Police Department

§ 5-151. Police Department.

There shall be a Police Department as provided in Chapter 87, Police Department.

§ 5-152. through § 5-160. (Reserved)

ARTICLE XV
Municipal Court

§ 5-161. Municipal court.

There shall be a Municipal Court as provided in Chapter 24, Court, Municipal.

§ 5-162. through § 5-170. (Reserved)

ARTICLE XVI
Local Emergency Management Council

§ 5-171. Local Emergency Management Council; Coordinator and Deputy Coordinator.

- A. There shall be a Local Emergency Management Council composed of 15 members appointed by the Township Manager. Each member shall hold office at the will and pleasure of the Township Manager. In addition, the Township Manager shall appoint a Municipal Emergency Management Coordinator from among the residents of the Township who shall serve for a term of three years. The Municipal Emergency Management Coordinator shall be a member and shall serve as Chairman of the Local Emergency Management Council.
- B. The Local Emergency Management Council shall assist the Township in establishing the various local volunteer agencies needed to meet the requirements of all local emergency management activities in accordance with rules and regulations established by the Governor pursuant to general law. The Local Emergency Management Council is authorized, within limits of appropriation, to establish an adequate organization to

assist in supervising and coordinating the emergency management activities of the Township.

- C. The Municipal Emergency Management Coordinator shall be responsible for the planning, activating, coordinating and the conduct of the emergency management operations within the Township.
- D. Municipal Emergency Management Coordinator shall appoint a Deputy Municipal Emergency Management Coordinator with the approval of the Township Manager. Whenever possible, such Deputy shall be appointed from among the salaried officers or employees of the Township. Additional Deputies and support staff may be appointed as needed with the approval of the Township Manager. Deputy Municipal Emergency Management Coordinators need not be residents of the Township.
- E. The Emergency Management Coordinator, deputies and support staff may be paid an annual stipend established by ordinance.
- F. In the absence of the Coordinator, the next Deputy Coordinator in line shall, as determined by the Coordinator, assume the duties and responsibilities of the Coordinator.

Chapter 12

CLAIMS

§ 12-1. Certifying and Approval Officer designation.

§ 12-2. Powers and duties of Certifying and Approval Officer.

§ 12-3. Billing procedure.

§ 12-4. Certification of goods and services received.

§ 12-5. Approval procedure.

§ 12-6. Disapproval procedure.

§ 12-7. Method of payment.

[HISTORY: Adopted by the Township Council of the Township of Verona 10-24-1988 by Ord. No. 25-88 (Ch. 10 of the 1981 Code). Amendments noted where applicable.]

§ 12-1. Certifying and Approval Officer designation.

The Township Manager is hereby designated as Certifying and Approval Officer for claims payable by the Township.

§ 12-2. Powers and duties of Certifying and Approval Officer.

The duties of the Certifying and Approval Officer shall include:

- A. Certifying that the goods or services represented by a bill or demand for payment have been received by the municipality or determining that such bill or claim carries the certification of some officer or duly designated employee of the municipality having knowledge of the fact that such goods or services were received by the municipality.
- B. Ascertaining the existence of proper and sufficient appropriations for payments to be made.
- C. Determining that there is legal authority for a payment, evidenced by action of the municipal officer or agent in respect to the goods or services ordered and the incurring of the expense therefor.

§ 12-3. Billing procedure.

Any person who makes a claim for payment from the Township of Verona shall first present a detailed bill of items or demand, on forms to be provided by the Township, specifying particularly how the bill or demand is made up and containing the certification of the party claiming payment that such bill or demand is correct.

§ 12-4. Certification of goods and services received.

It shall be the duty of the Township Treasurer to require that the signature of the officer or employee who has been designated by the Township Manager to certify that the goods or services have been received appears on every claim.

§ 12-5. Approval procedure.

Claims shall then be presented to the Township Manager, who, if satisfied that the claims are proper, shall approve the same. Approval by the Township Manager, certified by him to the governing body, shall be deemed to be final approval. After approval of a claim, the Township Manager shall file the claim with the Township Treasurer.

§ 12-6. Disapproval procedure.

If the Township Manager determines that a claim should not be approved, the Township Manager may reject a claim which has been presented to him, stating the reasons for such disapproval. Any disapproved claims shall be referred back to the Township Treasurer with such instructions as the Township Manager may give at the time of disapproval.

§ 12-7. Method of payment.

After the Township Treasurer receives back approved claims, the Township Treasurer shall retain them and shall forthwith prepare the necessary checks for payment thereof, which checks shall be signed by the Township Clerk and thereafter countersigned by the Township Treasurer. After checks are prepared for the payment of claims, the Township Treasurer shall record them in proper books of account and thereafter mail or otherwise distribute the checks to the claimants.

Chapter 18

COMMISSIONS, COMMITTEES AND BOARDS

ARTICLE I Shade Tree Commission

- § 18-1. Creation; composition.
- § 18-2. Appointments; terms; vacancies.
- § 18-3. Annual reorganization.
- § 18-4. Powers and duties.
- § 18-5. Statutory authority for actions and appointments.

ARTICLE II Environmental Commission

- § 18-6. Establishment; purpose.
- § 18-7. Membership; compensation; terms; alternate members.
- § 18-8. Powers.
- § 18-9. Records and annual report.
- § 18-10. Appropriation of funds.
- § 18-11. Studies and recommendations.

ARTICLE III Municipal Alliance Committee

- § 18-12. Establishment.
- § 18-13. Powers and duties.
- § 18-14. Membership; appointment; terms.
- § 18-15. Organization, officers.
- § 18-16. Meetings.

- § 18-17. Municipal Alliance Coordinator; appointment; terms.

ARTICLE IV Green Team

- § 18-18. Establishment.
- § 18-19. Purpose.
- § 18-20. Membership; term of office.
- § 18-21. Meetings.

ARTICLE V Parks and Recreation Advisory Committee

- § 18-22. Establishment.
- § 18-23. Membership; appointment; terms.
- § 18-24. Duties and responsibilities.
- § 18-25. Organization; officers.
- § 18-26. Meetings.

ARTICLE VI Neighborhood Traffic and Safety Committee

- § 18-27. Establishment.
- § 18-28. Membership; appointment; terms.
- § 18-29. Duties and responsibilities.
- § 18-30. Organization; officers.
- § 18-31. Meetings.

[HISTORY: Adopted by the Township Council of the Township of Verona as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Shade Tree Commission

[Adopted 6-7-1955 (Ch. 44 of the 1981 Code); amended in its entirety 8-7-2017 by Ord. No. 2017-19]

§ 18-1. Creation; composition.

Pursuant to provisions of N.J.S.A. 40:64-1, there is hereby created a Shade Tree Commission of and for the Township of Verona, which shall consist of five regular members and two alternate members who shall be residents of the Township of Verona and shall serve without compensation, except as hereinafter provided.

§ 18-2. Appointments; terms; vacancies.

- A. The members of the Shade Tree Commission shall be appointed by the Township Manager of the Township of Verona and each shall be appointed for a full five-year term to take effect January 1.
- B. The term of each alternate member shall be five years commencing on January 1 of the year of appointment; provided, however, that in the event two alternate members are appointed the initial term of "Alternate No. 2" shall be four years and the initial term of "Alternate No. 1" shall be five years. The terms of the first alternate members appointed pursuant to this section shall commence on the day of their appointment and shall expire on the fourth or fifth December 31 next ensuing after the date of their appointments, as the case may be. An alternate member may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member.
- C. Any vacancy occurring by reason of the death, resignation or removal of any Commissioner shall be filled for the unexpired term.

§ 18-3. Annual reorganization.

The Commission shall organize within 30 days after the appointment of its members and thereafter annually by the election of one of its members as chairperson and the appointment of a secretary who may or may not be a member of the Shade Tree Commission.

§ 18-4. Powers and duties.

The Commission shall be vested with such powers and shall be charged with such duties as is or may hereinafter be provided by law.

§ 18-5. Statutory authority for actions and appointments.

All actions heretofore performed by the Shade Tree Commission and the appointments of the present members of the Shade Tree Commission are hereby preserved pursuant to N.J.S.A. 40:64-7.

ARTICLE II

Environmental Commission**[Adopted 8-3-1992 as part of Ord. No. 9-92 (Ch. 16 of the 1981 Code)]****§ 18-6. Establishment; purpose.**

Pursuant to N.J.S.A. 40:56A-1 et seq., there is hereby established an Environmental Commission in the Township of Verona for the protection, development or use of natural resources, including water resources, within the territorial limits of the Township.

§ 18-7. Membership; compensation; terms; alternate members.

- A. The Environmental Commission shall consist of seven members appointed by the Township Manager, one of whom shall be a member of the Township Planning Board and all of whom shall be residents of the Township of Verona. The members shall serve without compensation except as herein provided. The Township Manager shall designate one of the members to serve as Chairman and presiding officer of the Commission. Members shall serve for terms of three years or until a successor is appointed and qualified, except that of the first members appointed, the terms of three members shall expire on June 30, 1993, the terms of three members shall expire June 30, 1994, and the term of one member shall expire June 30, 1995.
- B. The Township Manager or the governing body may remove any member of the Commission for cause on written charges served upon the member and after a hearing thereon at which the member shall be entitled to be heard in person or by counsel.
- C. A vacancy on the Commission which occurs otherwise than by expiration of a term shall be filled for the unexpired term in the same manner as the original appointment.
- D. The governing body may appoint not more than two alternate members to be designated as "Alternate No. 1" and "Alternate No. 2." The terms of the alternate members shall be for two years, except that the terms of the alternate members first appointed shall be two years for Alternate No. 1 and one year for Alternate No. 2. A vacancy which occurs otherwise than by expiration of a term shall be filled by the governing body for the unexpired term only.
- E. An alternate member, after public hearing, if one is requested, may be removed by the governing body for cause.
- F. An alternate member may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote first.
- G. No member or alternate member shall be permitted to act on any matter in which he or she, either directly or indirectly, has any personal or financial interest.

§ 18-8. Powers.

- A. The Environmental Commission shall have power to conduct research into the use and possible use of the open land areas of the municipality and may coordinate the activities of unofficial bodies organized for similar purposes, and may advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which in its judgment it deems necessary for its purposes.
- B. The Commission shall keep an index of all open areas, publicly or privately owned, including open marshlands, swamps and other wetlands, in order to obtain information on the proper use of such areas and may from time to time recommend to the Township Planning Board or to the Township Council plans and programs for inclusion in the Master Plan and the development and use of such areas.
- C. The Environmental Commission may, subject to the approval of the governing body, acquire property, both real and personal, in the name of the Township by gift, purchase, grant, bequest, devise or lease for any of its purposes and shall administer the same for such purposes subject to the terms of the conveyance or gift. Such an acquisition may be to acquire the fee or any lessor interest, development right, easement (including conservation easement), covenant or other contractual right (including a conveyance on conditions or with limitations or reversions), as may be necessary to acquire, maintain, improve, protect, limit the future use of or otherwise conserve and properly utilize open spaces and other land and water areas in the Township.

§ 18-9. Records and annual report. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

The Environmental Commission shall keep records of its meetings and activities and shall make an annual report to the governing body.

§ 18-10. Appropriation of funds.

The Township governing body may appropriate funds for the expenses incurred by the Environmental Commission. The Commission may appoint such clerks and employees as it may from time to time require and as shall be within the limits of funds appropriated to it.

§ 18-11. Studies and recommendations.

The Environmental Commission shall have power to study and make recommendations concerning open space preservation, water resources management, air pollution control, solid waste management, noise control, soil and landscape protection, environmental appearance, marine resources and protection of flora and fauna.

ARTICLE III

Municipal Alliance Committee
[Adopted 8-15-2016 by Ord. No. 21-16]**§ 18-12. Establishment.**

N.J.S.A. 26:2BB-9 permits the governing body of each municipality to appoint a Municipal Alliance Committee to, in consultation with the Local Advisory Committee on Alcoholism and Drug Abuse, identify alcoholism and drug prevention, education and community needs. Therefore, the governing body of the Township of Verona, County of Essex, and State of New Jersey, does hereby establish the Verona Municipal Alliance Committee.

§ 18-13. Powers and duties.

The Municipal Alliance Committee shall identify alcoholism and drug prevention, education and community needs and implement the Alliance programs formulated pursuant to N.J.S.A. 26:2BB-8.

§ 18-14. Membership; appointment; terms.

- A. The Municipal Alliance Committee shall consist of 15 members, including the following:
- (1) Township Manager or the Manager's designee in the absence of the Manager;
 - (2) A member of the governing body to be appointed by it;
 - (3) The Superintendent of Schools or the Superintendent's designee in the absence of the Superintendent;
 - (4) The Chief of Police or the Chief's designee in the absence of the Chief;
 - (5) The Municipal Alliance Coordinator;
 - (6) Municipal Alliance Co-Coordinator (if applicable);
 - (7) Nine to 10 public members.
- B. The term of the Township Manager, Superintendent of Schools and Chief of Police shall correspond to their respective tenure or if the member is the respective official's designee in the absence of the respective official, the designee shall serve at the pleasure of the official during the official's tenure. The term of the governing body member shall be for one year or terminate at the completion of their respective terms of office, whichever occurs first. The term of the Municipal Alliance Coordinator or Municipal Alliance Co-Coordinator shall correspond to the respective tenure. Public members shall be appointed by the Township Council and shall serve for terms of three years, except that the term of the members first appointed pursuant to this section shall be distributed evenly over the first three years after their appointments so that the term of not more than four public members shall expire in any one year.

- C. Any vacancy occurring by reason of the death, resignation or removal for cause of any public member shall be filled by the Township Council for the unexpired term of such member.

§ 18-15. Organization, officers.

- A. The Municipal Alliance Committee shall elect a Chairman, Vice Chairman and Secretary at its organizational meeting.
- B. The Secretary shall keep minutes of all the meetings of the Committee, which minutes and copies of official correspondence of the Committee shall be kept on file in the office of the Township Clerk.

§ 18-16. Meetings.

- A. The Municipal Alliance Committee shall hold regular meetings at least quarterly. **[Amended 2-5-2018 by Ord. No. 2018-07]**
- B. Special meetings may be called by the Chairman pursuant to the rules of the Open Public Meetings Act.
- C. The Committee may make and amend rules and regulations concerning the conduct of its meetings.

§ 18-17. Municipal Alliance Coordinator; appointment; terms.

- A. The Municipal Alliance Coordinator shall be appointed by the Township Manager.
- B. If deemed necessary, the Township Manager may appoint a Municipal Alliance Co-Coordinator to split the responsibilities of the Coordinator.
- C. The Municipal Alliance Coordinator and the Municipal Alliance Co-Coordinator shall serve for terms of one year, commencing on July 1 of the year of appointment and ending on June 30 of the subsequent year or until a successor has been appointed and qualified. There shall be no limit on the number of terms a Coordinator or Co-Coordinator may serve if he or she remains interested and qualified.
- D. The salary for the positions of Municipal Alliance Coordinator and Municipal Alliance Co-Coordinator shall be paid in accordance with the terms and Salaries and Compensation Ordinance passed pursuant to N.J.S.A. 40A:9-165. The salary of the positions shall not exceed the amount permitted by the Governor's Council on Alcoholism and Drug Abuse.

ARTICLE IV

Green Team**[Adopted 2-21-2017 by Ord. No. 2017-03]****§ 18-18. Establishment.**

There is hereby established a Sustainable Jersey Green Team in the Township of Verona as an advisory committee for the purposes set forth in this chapter.

§ 18-19. Purpose.

The General purposes for the Green Team shall include, but not be limited to:

- A. Managing Verona's participation in the Sustainable Jersey program;
- B. Encouraging the Township residents and employees to pursue sustainable practices where possible and implement the Township's environmental goals;
- C. Work with the existing groups within the Township whose actions effect environmental issues so as to eliminate duplication and ensure that important tasks are covered;
- D. Coordinate input for the Sustainable Verona web page;
- E. Provide suggestions for further research and actions;
- F. Provide advice and suggestions to the Planning Board, the Board of Adjustment, the Environmental Commission, Historic Preservation Commission and the Shade Tree Commission to ensure that environmental issues are considered in their deliberations and actions;
- G. Manage and organize various ad hoc environmental groups within the Township;
- H. Solicit and evaluate environmental ideas and suggestions from the community;
- I. Promote the causes of sustainability within the Township.

§ 18-20. Membership; term of office.

- A. The Green Team shall consist of 15 members, including the following:
 - (1) Township Manager or the Manager's designee in the absence of the Manager;
 - (2) A member of the governing body to be appointed by it;
 - (3) A member of the Environmental Commission to be appointed by it;
 - (4) A member of the Shade Tree Commission to be appointed by it;
 - (5) Three full-time salaried employees of the Township;
 - (6) Eight public members who shall be residents of the Township.
- B. The term of the Township Manager, the full-time employees of the Township shall correspond to their respective tenure or if the member is the respective official's

designee in the absence of the respective official, the designee shall serve at the pleasure of the official during the official's tenure. The term of the governing body member, the member of the Environmental Commission and the member of the Shade Tree Commission shall be for one year or terminate at the completion of their respective terms of office, whichever occurs first. The Public members shall be appointed by the Township Council and shall serve for terms of one year commencing on July 1 and terminating on June 30.

- C. The Township Council shall designate one of the members to serve as Chairman of the Green Team.
- D. With the exception of the salaried employees of the Township, the members shall serve without compensation.

§ 18-21. Meetings.

- A. The Green Team shall meet at the discretion of the Chairman at least once per calendar quarter.

ARTICLE V

Parks and Recreation Advisory Committee [Adopted 1-22-2018 by Ord. No. 2018-01]

§ 18-22. Establishment.

There is hereby created the Parks and Recreation Advisory Committee of the Township.

§ 18-23. Membership; appointment; terms.

- A. The Parks and Recreation Advisory Committee shall consist of nine members, including the following:
 - (1) Township Manager or the Manager's designee in the absence of the Manager;
 - (2) A member of the Council to be appointed by it;
 - (3) The Director of Community Services;
 - (4) Six public members.
- B. The term of the Township Manager and the Director of Community Services shall correspond to their respective tenure or if the member is the respective official's designee in the absence of the respective official, the designee shall serve at the pleasure of the official during the official's tenure. The term of the Council member shall be for one year or terminate at the completion of their respective terms of office, whichever occurs first. Public members shall be appointed by the Council and shall serve for terms of three years, except that the term of the members first appointed pursuant to this section shall be distributed evenly over the first three years after their

appointments so that the term of not more than two public members shall expire in any one year.

- C. Any vacancy occurring by reason of the death, resignation or removal for cause of any public member shall be filled by the Council for the unexpired term of such member.

§ 18-24. Duties and responsibilities.

- A. The Parks and Recreation Advisory Committee is hereby charged with the following duties and responsibilities:

- (1) To recommend the establishment of new programs.
- (2) To recommend rules for the use of facilities.
- (3) To recommend user fee structures for facilities and the application of proceeds.
- (4) To determine needs and recommend uses of present public properties for recreational purposes.
- (5) To determine needs and recommend uses of facilities and equipment.
- (6) To monitor recreational facilities.
- (7) To determine needs and recommend uses for new and expanded facilities and equipment.
- (8) To determine and recommend appropriate means to publicize all community recreation programs.
- (9) To suggest community recreation programs.
- (10) To recommend marking of walk paths and open areas and to publicize them.
- (11) To determine conservation desires of residents and to recommend implementing procedures.
- (12) Review the budget and capital improvement plans for the Township community pool and surrounding property.
- (13) Review and make recommendations regarding community pool ordinances, resolutions and rules and regulations.
- (14) To develop and update a long-range Master Plan for recreation.

§ 18-25. Organization; officers.

- A. The Parks and Recreation Advisory Committee shall be chaired by the Director of Community Services.
- B. The Chair, or his/her designee, shall keep minutes of all the meetings of the Committee, which minutes and copies of official correspondence of the Committee shall be kept on file in the office of the Township Clerk.

§ 18-26. Meetings.

The Parks and Recreation Advisory Committee shall hold regular meetings at least quarterly. Special meetings may be called by the Chairman pursuant to the rules of the Open Public Meetings Act. The Committee may make and amend rules and regulations concerning the conduct of its meetings.

ARTICLE VI**Neighborhood Traffic and Safety Committee
[Adopted 5-21-2018 by Ord. No. 2018-16]****§ 18-27. Establishment.**

There is hereby created the Neighborhood Traffic and Safety Committee of the Township

§ 18-28. Membership; appointment; terms.

- A. The Neighborhood Traffic and Safety Committee shall consist of 11 members, including the following:
 - (1) Township Manager or the Manager's designee in the absence of the Manager;
 - (2) A member of the Council to be appointed by it;
 - (3) The Chief of Police or a Captain of Police in the absence of the Chief;
 - (4) The Superintendent of Schools or the Superintendent's designee in the absence of the Superintendent;
 - (5) Seven public members.
- B. The term of the Township Manager, the Superintendent of Schools and the Chief of Police shall correspond to their respective tenure or if the member is the respective official's designee in the absence of the respective official, the designee shall serve at the pleasure of the official during the official's tenure. The term of the Council member shall be for one year or terminate at the completion of their respective terms of office, whichever occurs first. Public members shall be appointed by the Council and shall serve for terms of two years, except that the term of the members first appointed pursuant to this section shall be distributed evenly over the first two years after their appointments so that the term of not more than four public members shall expire in any one year.
- C. Any vacancy occurring by reason of the death, resignation or removal for cause of any public member shall be filled by the Council for the unexpired term of such member.

§ 18-29. Duties and responsibilities.

The Neighborhood Traffic and Safety Committee is hereby charged with the following duties and responsibilities:

- A. Work together with residents, elected and appointed officials to study, propose solutions and plan for the implementation of approved traffic calming and pedestrian safety measure.
- B. May review and make recommendation to the Zoning Board of Adjustments and the Planning Board on site plans and subdivisions that are submitted to the Boards.
- C. May propose, review and make recommendations on ordinances related to public safety.
- D. To provide the Council and the Manager periodic reports and recommendations and advise on traffic safety questions/problems and the adequacy of all Township policies and procedures relating to safety.

§ 18-30. Organization; officers.

- A. The Committee shall elect a Chairperson and Secretary annually at its first organizational meeting. The Secretary may be a member of the Committee or a municipal employee appointed by the Manager.
- B. The Secretary shall keep minutes of all the meetings of the Committee, which minutes and copies of official correspondence of the Committee shall be kept on file in the office of the Township Clerk.

§ 18-31. Meetings.

The Committee shall organize within 30 days after the first appointment of its members and then within the first 30 days each calendar year thereafter. The Committee shall hold regular meetings at least quarterly. Special meetings may be called by the Chairperson. The Committee may make and amend rules and regulations concerning the conduct of its meetings.

Chapter 24

COURT, MUNICIPAL

§ 24-1. Court established.

§ 24-2. Name.

§ 24-3. Seal.

§ 24-4. Judges; appointment; term.

§ 24-5. Temporary Acting Judge.

§ 24-6. Compensation of judges.

§ 24-7. Compensation for additional court sessions for driving-while-intoxicated matters.

§ 24-8. Jurisdiction; powers and duties.

§ 24-9. Court administrator; appointment; term.

§ 24-10. Sessions.

[HISTORY: Adopted by the Township Council of the Township of Verona 1-27-2020 by Ord. No. 2020-01. Amendments noted where applicable.]

§ 24-1. Court established.

The Municipal Court is hereby created and established pursuant to N.J.S.A. 2B:12-1 et seq. and by Rule 7:1 et seq. The Municipal Court shall be presided over by the Judge of the Municipal Court.

§ 24-2. Name.

The name of the Municipal Court shall be the "Municipal Court of the Township of Verona in the County of Essex."

§ 24-3. Seal.

The Municipal Court shall have an Official Seal which shall bear the impress of the name of the Court.

§ 24-4. Judges; appointment; term.

There shall be one Judge of the Municipal Court who shall be appointed by the Township Council for a term of three years from the date of their appointment and until their successors are appointed and qualified.

§ 24-5. Temporary Acting Judge.

In the event that the Judge of the Municipal Court is unable to perform his/her duties, due to either illness, absence, or physical and/or mental disability, the Court Administrator shall select a Municipal Court Judge from a list established by the Assignment Judge to serve as a Temporary Acting Judge of the Municipal Court during the period of incapacity of the Judge.

§ 24-6. Compensation of judges.

- A. The Judge of the Municipal Court shall receive compensation as determined and adopted by ordinance of the Township Council upon recommendation of the Township Manager. The salary shall be paid in the same manner as the salaries of other municipal officers are paid and shall be in lieu of all fees, costs and any other allowances whatsoever.
- B. The compensation of an acting judge, assigned in accordance with § 24-4, shall be at the rate of \$300 per session.

§ 24-7. Compensation for additional court sessions for driving-while-intoxicated matters.

- A. The Judge and Prosecutor who are assigned to an additional Court session for the handling of driving-while-intoxicated matters shall receive compensation for the additional Court session from funds to be paid out of the Alcohol Education and Rehabilitation Fund of the State of New Jersey:
 - (1) Judge: \$300.
 - (2) Prosecutor: \$250.
- B. All requests for disbursement of Alcohol Education and Rehabilitation Fund monies shall be approved by the Assignment Judge.

§ 24-8. Jurisdiction; powers and duties.

The Municipal Court and the Municipal Judges thereof shall have, possess, and exercise all the functions, powers, duties and jurisdiction which are or may be conferred by general law and the applicable rules of the Supreme Court of New Jersey.

§ 24-9. Court administrator; appointment; term.

There shall be a Municipal Court Administrator who shall be appointed by the Township Manager. They shall perform such functions and duties as shall be prescribed by law, the rules applicable to Municipal Courts of the State of New Jersey and by the Judge of the Municipal Court (N.J.S.A. 2B:12-10).

§ 24-10. Sessions.

The Municipal Court shall be held in the Municipal Building. The Municipal Judges shall sit at such times as the business of the Court may require, subject to the rules of the New Jersey Supreme Court applicable to municipal courts.

Chapter 28

DEFENSE AND INDEMNIFICATION

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| § 28-1. Intent; definitions. | § 28-7. Control of litigation. |
| § 28-2. Civil actions. | § 28-8. Exceptions. |
| § 28-3. Criminal actions. | § 28-9. Time of payment. |
| § 28-4. Required notification to Township. | § 28-10. Severability. |
| § 28-5. Defense (including payment of attorneys' fees). | § 28-11. When effective. |
| § 28-6. Indemnification. | § 28-12. Repealer. |
| | § 28-13. Effective date; effect on prior actions. |

[HISTORY: Adopted by the Township Council of the Township of Verona 12-16-2019 by Ord. No. 2019-35. Amendments noted where applicable.]

§ 28-1. Intent; definitions.

- A. It is the intent and purpose of this chapter to provide for the defense and indemnification of actions against municipal officials and employees as described herein.
- B. Definitions. For the purposes of this chapter, the following terms shall be defined as described herein.

MUNICIPAL OFFICIAL/EMPLOYEE — Any present or former officer, official or employee of the Township, whether or not compensated, whether full-time or part-time, whether appointed, elected or hired as an employee to perform any act or service, including every member of the Township Council, Zoning Board of Adjustment, Verona Police Department, Verona Rescue Squad, Historical Preservation Commission, Municipal Alliance Committee, Planning Board, Shade Tree Commission, Board of Trustees of the Free Public Library of the Township of Verona, staff of the Verona Public Library, and other individuals serving on the various boards, agencies and commissions of the Township and volunteers serving the Township and any person appointed to fill a vacancy in any position.

VOLUNTEER — An individual who performs hours of service for the Township or any of the various boards, agencies and commissions of the Township referenced in the definition of "municipal official/employee" above for civic, charitable, or humanitarian reasons, without promise, expectation or receipt of compensation for services rendered (other than reimbursement for actual expenses incurred) is considered to be a volunteer during such working hours.

- C. The terms of this chapter and the definition of "municipal official/employee" and "volunteer" are to be construed liberally in order to effectuate the purposes of this chapter except that the term shall not mean (1) any person who is not a natural person; or (2) any independent contractor; or (3) any person who as a condition of his or her

appointment or contract is required to indemnify and defend the Township and/or secure insurance.

§ 28-2. Civil actions.

- A. To the extent set forth in N.J.S.A. 59:10-4, the Township is authorized to provide for the legal defense of civil actions brought against a municipal official/employee or volunteer arising from an act or omission falling within the scope of, or incidental to, his or her employment or official Township duties. For purposes of this section, the Township's duty to defend shall extend to any complaint, counterclaim, cross-claim or cross-complaint of a noncriminal nature brought against such municipal official/employee or volunteer, except as set forth in § 28-8 below. If the municipal official/employee files a counterclaim or cross-claim in the legal proceedings, the Township shall not be obligated to reimburse for any attorney fees or court costs attributable to such counterclaim or cross-claim.
- B. Except as set forth in § 28-8 below, the Township shall indemnify such municipal official/employee or volunteer to the extent permissible by law and shall save harmless and protect such municipal official/employee or volunteer from settlements and judgments arising from the aforesaid civil actions.
- C. The Township may also indemnify an municipal official/employee or volunteer for exemplary or punitive damages resulting from the municipal official/employee or volunteer's civil violation of state or federal law, if, in the opinion of the Township Council as set forth in a resolution the acts committed by the municipal official/employee or volunteer and upon which damages are based did not constitute "actual fraud," "actual malice," "willful misconduct" or an "intentional wrong" within the meaning of N.J.S.A. 59:10-4.

§ 28-3. Criminal actions.

- A. The Township shall not defray the cost of defending any criminal action against any municipal official/employee or volunteer except as may be determined by the Township in its sole discretion and only as authorized by state statute or by other municipal ordinance or by specific resolution of the Township Council.
- B. In those circumstances, the responsibility for defraying the cost of defending such municipal official/employee or volunteer shall be applicable only in circumstances when such criminal action shall have been dismissed or result in a final disposition in favor of the municipal official/employee or volunteer.
- C. Should the Township Council determine that there is good cause to dismiss the municipal official/employee or volunteer for reasons arising out of the incident(s) giving rise to the criminal action, the Township shall not reimburse the municipal official/employee or volunteer for legal defense and costs in defending the suit, even though criminal proceedings against the municipal official/employee or volunteer may have been dismissed or the municipal official/employee or volunteer found not guilty.

§ 28-4. Required notification to Township.

The municipal official/employee or volunteer shall not be entitled to indemnification or reimbursement pursuant to this chapter unless the municipal official/employee or volunteer makes written request that the Township do so and delivers to the Township Manager the original or a copy any summons, complaint, process, notice, demand or pleading served upon the municipal official/employee or volunteer within 20 calendar days of the time such municipal official/employee or volunteer is served therewith (unless such time period is expanded or enlarged as otherwise determined by the Township Council by resolution). Service of any summons, complaint, process, notice, demand or pleading upon the municipal official/employee or volunteer at Township offices shall be considered delivery of a copy to the Township so long as the Township is provided a duplicate copy thereof.

§ 28-5. Defense (including payment of attorneys' fees).

- A. If the Township Council determines to provide a defense as authorized by this chapter, then:
- (1) Insurance.
 - (a) If legal counsel is available to defend the legal action through insurance, the municipal official/employee or volunteer shall be obliged to be represented by such counsel.
 - (b) "Insurance" shall mean coverage afforded by insurance policies of every kind, whether the premiums are paid by the Township, the municipal official/employee or volunteer or someone on their behalf.
 - (2) Whenever legal counsel is not available through insurance, the Township Council, in their sole discretion, may:
 - (a) Engage the services of the Township Attorney, an attorney for any board or committee of the Township, or hire another attorney of the Township's choice to defend the action. If the Township selects an attorney, the municipal official/employee or volunteer shall be obligated to be represented by that attorney; or
 - (b) Allow the municipal official/employee or volunteer to select an attorney of his or her choosing and thereafter reimburse the municipal official/employee or volunteer for reasonable fees and costs charged by such attorney in connection with the defense of the action.
- B. A resolution shall be adopted appointing counsel for the defense and determining counsel fees. Unless otherwise determined by insurance, the hourly rate shall not exceed the then rate paid to the Township Attorney without a written resolution of the Township Council. The Township shall in no event be responsible for the cost of attorneys' fees incurred by anyone unless the Township shall agree, in writing, to the terms of the representation.
- C. Nothing in this chapter shall preclude the Township and/or Township Attorney from demanding and reviewing periodically any costs and attorneys fees in connection with

the defense of the municipal official/employee or volunteer. In the event a dispute over attorneys fees arises, the Township reserves the right to submit the dispute to the Fee Arbitration Committee under the rules of the New Jersey courts or pursue any other course of legal action.

§ 28-6. Indemnification.

- A. In any case where the Township is required to provide a defense under this chapter, the Township shall, in addition to the costs of defense as set forth above, pay or reimburse the municipal official/employee or volunteer for the following:
 - (1) Any bona fide settlement agreement entered into by the Township on behalf of the municipal official/employee or volunteer; provided, however, if the legal proceeding is terminated by an agreement among or between the parties, then the Township shall not be obligated to reimburse the municipal official/employee or volunteer unless the Township approves the settlement agreement; and/or
 - (2) Any judgment entered against the municipal official/employee or volunteer.
- B. In addition, in any case where the Township would be required to provide a defense under this chapter, except for the fact that such defense is provided for by insurance (as defined above), the Township shall provide indemnification as aforesaid, but only to the extent that liability exists which is not covered by said insurance and not excepted by terms of § 28-8.
- C. The amount the Township is obliged to reimburse the municipal official/employee or volunteer shall be reduced by the net amount of any money received by the municipal official/employee or volunteer in any counteraction against the person or persons bringing the action against him or her (that is, any recovery less attorneys' fees, disbursements and court costs) and shall also be reduced by the net amount of any Insurance proceeds payable to the municipal official/employee or volunteer (that is, any recovery less attorneys' fees, disbursements and court costs).

§ 28-7. Control of litigation.

- A. Whenever the Township provides for the defense of any action set forth herein, the Township may, as a condition of such defense, assume exclusive control over the representation of the municipal official/employee or volunteer defended and such municipal official/employee or volunteer shall cooperate fully with the Township; provided, however, that such municipal official/employee or volunteer may at any time at such municipal official/employee or volunteer's option take control over representation by waiving all rights to indemnification and all rights to payment for costs of defense.
- B. The refusal of the municipal official/employee or volunteer to cooperate with the Township shall terminate the Township's obligation to reimburse the municipal official/employee or volunteer.

§ 28-8. Exceptions.

The Township shall not be obligated to provide any defense or reimbursement where the Township Council determines in their opinion that:

- A. The act or omission was not within the scope or incidental to the duties of the municipal official/employee or volunteer's employment or authority; or
- B. The act or omission was the result of "actual fraud," "actual malice," "willful misconduct" or an "intentional wrong" within the meaning of N.J.S.A. 59:10-4; or
- C. The legal proceeding involves a question concerning the election laws; or
- D. The legal proceeding is instigated or brought by the Township against the municipal official/employee or volunteer; provided, however, if any such legal proceeding shall be dismissed or finally determined in favor of the municipal official/employee or volunteer, then the municipal official/employee or volunteer shall be reimbursed for the expense of the defense providing (1) the municipal official/employee or volunteer proves that the act or omission was within the scope or incidental to the duties of employment or authority and (2) in the opinion of the Township Council of the Township, the act or omission did not constitute "actual fraud," "actual malice," "willful misconduct" or an "intentional wrong" within the meaning of N.J.S.A. 59:10-4; or
- E. The action is a criminal proceeding except as otherwise set forth in § 28-3; or
- F. The defense of the action or proceeding would constitute a conflict of interest between the Township and the municipal official/employee or volunteer; or
- G. The defense of the action or proceeding is covered by insurance except as set forth in § 28-6B or 28-6C; or
- H. Unless otherwise determined by the Township Council, the municipal official/employee or volunteer has failed to provide to the Township Administrator within 20 calendar days after the time the public official is served with any summons, complaint, process, notice, demand or pleading, the original or a copy thereof; or
- I. The municipal official/employee or volunteer has failed to fully cooperate with the defense; or
- J. The act or omission is in violation of the New Jersey Local Government Ethics Law, N.J.S.A. 40A:9-22.1 et seq., or any ethics code adopted pursuant to the statute.

§ 28-9. Time of payment.

- A. The obligation of the Township to reimburse a municipal official/employee or volunteer for expenses shall arise upon final determination of the legal proceedings.
- B. Notwithstanding the provisions of Subsection A, the Township in its discretion may reimburse a municipal official/employee or volunteer for all or a portion of defense expenses incurred prior to the settlement or final trial or appellate decision in the underlying case so long as in making such payment the Township reserves its right to seek restitution from the municipal official/employee or volunteer of the amount so

paid if additional facts are revealed during discovery and/or determined at trial proving that the municipal official/employee or volunteer engaged in conduct constituting an exclusion under § 28-8.

§ 28-10. Severability.

Any article, section or subsection of this chapter is declared for any reason to be unconstitutional or invalid by a court of confident jurisdiction, such provision(s) shall be deemed severed from the remainder of the chapter and shall not affect the enforceability of the remainder of the chapter.

§ 28-11. When effective.

This chapter shall take effect immediately upon final passage and publication as required by law. The obligations as described herein requiring the Township to provide a defense and indemnify certain public officials shall be retroactive to the extent that any pending claims, complaints, pleadings against public officials as defined herein shall be covered under this chapter, and the Township shall immediately assume the defense and provide indemnification.

§ 28-12. Repealer.

Any and all ordinances or parts thereof inconsistent with the provisions of this chapter are hereby repealed to such extent as they are so in conflict or inconsistent; provided, however, that the adoption of this chapter shall not prevent or bar the continuance or institution of any proceedings for offenses heretofore committed in violation of any existing ordinance of the Township.

§ 28-13. Effective date; effect on prior actions.

This chapter shall take effect upon final passage and publication according to law. Any legal proceeding which may be covered by this chapter which has not been reduced to a final judgment as of the date of passage shall be covered by the terms of this chapter.

Chapter 35

FIRE DEPARTMENT

ARTICLE I

Establishment; Composition; Procedures

- § 35-1. Composition.**
- § 35-2. Election and resignation of members.**
- § 35-3. Retirement.**
- § 35-4. Composition and jurisdiction of Board of Fire Officers.**
- § 35-5. Adoption of bylaws by Board of Fire Officers.**
- § 35-6. Keeping of records by Board of Fire Officers.**
- § 35-7. Establishment of Department officers.**
- § 35-8. Election, terms and qualifications of Department officers.**
- § 35-9. Election of company officers.**
- § 35-10. Composition of companies.**
- § 35-11. Company transfers.**
- § 35-12. Company duties upon outbreak of fire.**
- § 35-13. Supervision of Department.**
- § 35-14. Commanding officer at fire in absence of superiors.**

§ 35-15. Report by Fire Chief.

§ 35-16. Emergency powers.

§ 35-17. Trespassing in fire house or on equipment.

§ 35-18. Suspension and expulsion of members.

§ 35-19. Rules and regulations.

ARTICLE II

Length of Service Awards Program

§ 35-20. Program created.

§ 35-21. Deferred income account.

§ 35-22. Credit system.

§ 35-23. Maximum annual contribution.

§ 35-24. Credit for prior years.

§ 35-25. Amount to be budgeted.

§ 35-26. Approval at general election; when effective.

ARTICLE III

Mutual Assistance Agreement

§ 35-27. Ratification and approval.

[HISTORY: Adopted by the Township Council of the Township of Verona as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Establishment; Composition; Procedures

[Adopted 2-1-1988 as part of Ord. No. 22-87 (Ch. 20, Art. I, of the 1981 Code)]

§ 35-1. Composition. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

The Fire Department shall consist of a Fire Chief and Assistant Fire Chief and as many firefighters as shall be approved and who shall not be less than 18 years of age.

§ 35-2. Election and resignation of members.

- A. The names of all persons elected to membership in the two companies and proposed as members of the Fire Department shall be presented through the Board of Fire Officers, in writing, signed by the Captain and Secretary of the company in which they are so elected, to be approved by the Board of Fire Officers.
- B. All resignations from the Department shall take the same course as elections and propositions to membership as above provided for.

§ 35-3. Retirement.

Any member of the Fire Department who has arrived at the age of 50 years may be retired from service by the Board of Fire Officers.

§ 35-4. Composition and jurisdiction of Board of Fire Officers.

The Chief and Assistant Chief of the Fire Department, together with the Captain and Lieutenant of each company, shall constitute a Board of Fire Officers, who shall meet monthly or more frequently for the transaction of all business of the Department. Such Board shall have entire and absolute control over and management of the Department and its government when such Department is not upon active duty, subject the approval of the Township Manager to which approval the acts of the Board of Fire Officers shall only be subject as herein particularly and specifically provided.

§ 35-5. Adoption of bylaws by Board of Fire Officers.

The Board of Fire Officers is hereby authorized, empowered and required from time to time to adopt a code of bylaws and rules for the control management and government of the Fire Department and for the regulating of the proceedings and business of the Board, which code or codes of bylaws and rules after adoption by the Board and after approval by the members of the Fire Department shall become effective upon approval by the Township Manager.

§ 35-6. Keeping of records by Board of Fire Officers.

The Board of Fire Officers is required to devise forms or methods of keeping records and shall see that records are kept of all alarms of fire, fire losses, methods of extinguishment, drills, hose, apparatus, minor equipment, condition of hydrants and the inspection of apparatus by the starting of motors.

§ 35-7. Establishment of Department officers.

The officers of the Fire Department shall be as follows: Chief, Assistant Chief, Treasurer and Secretary and such other officers as the Fire Department may seem necessary and approved by the Council.

§ 35-8. Election, terms and qualifications of Department officers.

The Chief, Assistant Chief, Secretary and Treasurer shall be elected by the members of the Fire Department and shall hold office for two years. No member of the Fire Department shall be eligible for these posts who is not habitually available in the Township at all times, and who has not been a member of the Department for at least two years.

§ 35-9. Election of company officers.

Each of the companies of the Fire Department shall and may choose from their own number a Captain, Lieutenant, Secretary and Treasurer in such manner and at such times or time as the Board of Fire Officers may in its rules and bylaws for the government of the Department provide and prescribe.

§ 35-10. Composition of companies.

- A. Number and strength of companies. The firefighters shall be divided into two companies, each to consist of that number of firefighters deemed necessary and sufficient by the Township Manager for the adequate protection of the citizens of Verona, of which no less than 10 must be actually present within the Township during daylight hours. Whenever less than 10 members of the company are employed within the Township or are actually present within the Township during daylight hours, then a sufficient number of men shall be forthwith dropped from membership so that by the election of new members employed within the Township or actually present within the Township during daylight hours, the minimum of 10 may be complied with.
- B. In order to comply with this section, men shall be dropped from this Department on the basis of seniority. The last man in will be the first man out unless he shall be employed within the limits of the Township or he is actually present within the Township during daylight hours.

§ 35-11. Company transfers.

Any member desiring to transfer his membership from one company to another shall present to the Board of Fire Officers a certificate, in writing, signed by the Captains and Secretaries of both companies, showing the consent of each company to the transfer. Upon receipt of such certificate, the Board of Fire Officers shall permit or deny such transfer, its decision being final and conclusive.

§ 35-12. Company duties upon outbreak of fire.

It shall be the duty of the fire companies, so often as any fire shall break out, to repair immediately upon the alarm thereof to their respective fire houses and to convey their apparatus to the place where the fire shall happen unless otherwise directed by the Chief or other officer who may be in charge and, upon such direction, they shall return their apparatus, well washed and cleaned, to their several places of deposit.

§ 35-13. Supervision of Department.

The Chief of the Fire Department shall have the general supervision of the Department when it is not in actual duty at a fire, which supervision shall be subject to and not in connection with such rules and bylaws for the government and management of the Department as may from time to time be adopted by the Board of Fire Officers as herein provided. In all cases of fire the Chief or, in his absence, an Assistant shall have full power and absolute control and command.

§ 35-14. Commanding officer at fire in absence of superiors.

Should the Fire Chief and the Assistant Chief be absent from a fire, the person having charge of the apparatus first arriving at the fire shall assume the duties of the Chief until the arrival of his superior officer.

§ 35-15. Report by Fire Chief.

It shall be the duty of the Fire Chief to report annually to the Manager of the Township on the condition of the various pieces of apparatus and appurtenances; the number of hydrants and the condition of same; the number of fires during the year, their location and cause, and the date of same and loss occasioned thereby; the number of members in each company and the total number of active members in the Department; and resignations and expulsions passed upon by the Board of Fire Officers.

§ 35-16. Emergency powers.

The Chief of the Fire Department and his assistants or officers in command at any fire, without limiting such police authority, as hereby clothed with full and complete police authority and are hereby authorized and directed to require and secure the removal of any and all obstructions from in front of and around fire hydrants. For such purposes, they are hereby authorized to call upon the heads of the municipal departments for aid and assistance in securing such removal of obstructions.

§ 35-17. Trespassing in fire house or on equipment.

No person shall be allowed to enter any firehouse or handle any apparatus or implements belonging to the Fire Department unless accompanied by an active member of the Department.

§ 35-18. Suspension and expulsion of members.

- A. Any officer or member of the Fire Department or any company or companies of the Fire Department who shall refuse or voluntarily neglect to obey or execute any orders from the officer in charge of any fire, or who shall violate or willfully neglect or refuse to be controlled, governed or managed by any of the rules and bylaws of the Board of Fire Officers that may be adopted from time to time as herein provided, shall be subject to suspension or expulsion from the Department by the Board of Fire Officers in such

manner and upon such hearing or trial as may be prescribed or provided by the bylaws and rules of the Board of Fire Officers. The suspension or expulsion of any officer or member or company or companies of the Department shall be subject to the approval of the Township Manager.

- B. The expelled or suspended member shall have the right to appear before the Board of Fire Officers and state cause, if any, why such penalty should not be confirmed, and in case of the nonappearance or in case his appeal is not sustained, the Chief shall report his name to the Manager of the Township as expelled or suspended, as the case may be, and such expulsion or suspension is subject to the final approval of the Council.
- C. All charges for offenses or neglect of duty or insubordination while on duty at a fire that may be preferred against any company, officer or member of the Department shall be tried and determined by the Board of Fire Officers, as approved by the Township Manager; subject, however, to an appeal from such decision to the Council, who shall either approve or disapprove the action of the Board of Fire Officers or refer the same back for retrial.

§ 35-19. Rules and regulations.

The Board of Fire Officers shall, from time to time, make and establish such rules and regulations, not inconsistent with the laws of this state, this Code or other ordinances of the Township for the government and control of the members of the Fire Department as may be deemed expedient and proper by the Township Manager with a view to making the Fire Department and all officers and members thereof efficient, vigilant, prompt and useful to the Township. All such rules and regulations shall be in writing and shall be filed with the Township Clerk and the Chief of Fire Department. A written or printed copy of such rules shall be delivered to each member of the Fire Department, and a copy shall be posted in the headquarters of the Fire Department. Such delivery and posting shall constitute notice of the adoption and effectiveness of such rules to those persons subject thereto. It shall be unlawful for any person subject to such rules to disobey or fail to comply with such rules.

ARTICLE II

Length of Service Awards Program

[Adopted 8-30-1999 by Ord. No. 10-99 (Ch. 20, Art. II, of the 1981 Code)]

§ 35-20. Program created.

A length of service awards program (LOSAP) is hereby created in accordance with Chapter 388 of the Laws of 1997, being N.J.S.A. 40A:14-183 et seq., to reward members of the Volunteer Fire Department for their loyal, diligent and devoted services to the residents of the Township of Verona.

§ 35-21. Deferred income account.

The LOSAP shall provide for fixed annual contributions to a deferred income account for each volunteer member who meets the criteria set forth below; that such contributions shall be established by the Township Manager and Council of the Township of Verona pursuant to

P.L. 1997, c. 388; and that such plan shall be administered in accordance with the laws of the State of New Jersey, the United States Internal Revenue Code, and this article.

§ 35-22. Credit system.

The LOSAP shall provide for annual contributions to each eligible member in accordance with the following credit system:

- A. Credits based upon years of service. An active volunteer member shall receive one credit for each year of active emergency service in the Verona Volunteer Fire Department, inclusive of prior year service as permitted by this article.
- B. Credits based upon Fire Department point system. An active volunteer member shall receive one credit for each qualifying year earned by such member. A qualifying year shall be defined as a calendar year during which such member has been awarded at least 100 points pursuant to the following point system:
 - (1) Fire Department point system.
 - (a) Fire Department responses (must have a minimum of 30% to apply). Points are credited based on the member's percent attendance at Fire Department responses to which the volunteer firefighters have been dispatched in a calendar year. **[Amended 11-19-2018 by Ord. No. 2018-33]**
 - [1] One point per percentage point.
 - (b) Drills (36 points maximum, 14 points minimum). Points are credited for participation in fire company, Department, mutual aid and special drills.
 - [1] Two points per authorized drill.
 - (c) Training (30 points maximum). Points are credited for certified firematic training courses upon receipt of certification of completion.
 - [1] Ten points per authorized course where attendance required is less than 20 hours.
 - [2] Twenty points per authorized course where attendance required is 20 hours but less than 40 hours.
 - [3] Thirty points per authorized course where attendance required is 50 hours and greater.
 - (d) Holder of an elected specified position (50 points maximum). Points are credited for completion of a one-year term in an elected position. Only one position can be credited per year.
 - [1] Department Chief: 50 points.
 - [2] Assistant Chief: 50 points.
 - [3] Captain: 30 points.
 - [4] Lieutenant: 30 points.

- [5] Ex-Chiefs: 10 points.
- [6] Apparatus mechanics: 10 points.
- [7] Drill instructors: 15 points.
- (e) Meetings (36 points maximum, 14 points minimum). Points will be credited for attendance at regular and special Department and fire company meetings.
 - [1] Two points per meeting.
- (f) Miscellaneous officials and appointees (20 points maximum). Points will be credited for completion of a one-year term in an elected or appointed position, five points each.
 - [1] Secretary, Department and company: five points.
 - [2] Treasurer, Department and company: five points.
 - [3] Officers, relief association: five points.
 - [4] Officers, insurance association: five points.
 - [5] Representatives, relief association: five points.
 - [6] Officers, exempt association: five points.
 - [7] Representatives, exempt association: five points.
 - [8] Safety officers: five points.
 - [9] Exempt fireman status: five points.
 - [10] North Jersey Volunteer Fire Association delegates and alternates: one point per meeting attended.
- (g) Miscellaneous activities (25 points maximum). Points will be credited for participation in the following activities which are deemed official Fire Department activities by the Board of Fire Officers:
 - [1] Fire prevention activities: two points per occurrence.
 - [2] Fund-raising activities: two points per occurrence.
 - [3] Firematic competition: two points per occurrence.¹
 - [4] Parades: two points per occurrence.
 - [5] Attendance at outside firematic association activities: two points per occurrence.²

1. Editor's Note: Former Subsection B(1)(g)[4], Committee meetings, which immediately followed this subsection, was repealed 11-19-2018 by Ord. No. 2018-33.

2. Editor's Note: Former Subsection B(1)(g)[7], Public relations activities, which immediately followed this subsection, was repealed 11-19-2018 by Ord. No. 2018-33.

- C. Contributions based on total credits. An eligible member shall be awarded an annual contribution based upon the following schedule:

Total Credits	Percentage of Maximum Contribution
40 and over	100%
30 to 39	80%
20 to 29	60%
11 to 19	40%
6 to 10	20%
1 to 5	10%

§ 35-23. Maximum annual contribution.

The proposed maximum annual contribution for an active volunteer member shall be \$1,150 per year.

§ 35-24. Credit for prior years.

The LOSAP shall authorize the crediting of prior years service up to a maximum of 10 years.

§ 35-25. Amount to be budgeted.

The estimated total amount to be budgeted for the program is \$17,500.

§ 35-26. Approval at general election; when effective.

This article shall not take effect unless it is approved by the voters as a public question at the next general election as provided by New Jersey state statute and, if approved, shall become effective January 1, 2000.³

ARTICLE III

Mutual Assistance Agreement

[Adopted 12-17-2001 by Ord. No. 14-2001 (Ch. 32 of the 1981 Code)]

§ 35-27. Ratification and approval.

The following mutual assistance agreement for supplemental fire assistance among all the municipal corporations in the County of Essex be and it hereby is ratified and approved, and the Township Manager and Township Clerk be and they hereby are authorized and directed

³ Editor's Note: This Ord. No. 10-99 was approved at the general election held November 2, 1999.

to execute said agreement and cause certified copies of this article, upon its adoption, to be distributed to the other municipalities in Essex County.⁴

4. Editor's Note: The text of said agreement is on file in the Township offices.

Chapter 55

LAND USE PROCEDURES

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- § 55-2. Terms.**
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ARTICLE III **Provisions Applicable to Both Planning Board and Zoning Board of Adjustment**

- § 55-24. Conflicts of interest.**
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- § 55-34. Appeals to governing body.**

ARTICLE V **Escrows**

- § 55-35. When required.**
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- § 55-40. Miscellaneous.**

ARTICLE VI **Miscellaneous Provisions**

- § 55-41. Definitions.**
- § 55-42. Repealer.**
- § 55-43. Provisions continued.**

§ 55-44. Pending applications.

§ 55-46. Filing of copies.

§ 55-45. Title.

[HISTORY: Adopted by the Township Council of the Township of Verona 2-1-1988 as part of Ord. No. 22-87 (Ch. 30 of the 1981 Code). Amendments noted where applicable.]

ARTICLE I Planning Board

§ 55-1. Establishment and composition.

There is hereby established, pursuant to P.L. 1975, c. 291,¹ in the Township of Verona a Planning Board of nine members consisting of the following four classes:

- A. Class I: the Township Manager or Manager's designee. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
- B. Class II: one of the officials of the municipality, other than a member of the governing body, to be appointed by the Township Manager, provided that if there is an Environmental Commission, the member of the Environmental Commission who is also a member of the Planning Board as required by N.J.S.A. 40:56A-1 shall be deemed to be the Class II Planning Board member if there is both a member of the Zoning Board of Adjustment and a member of the Board of Education among the Class IV members.
- C. Class III: a member of the governing body to be appointed by it.
- D. Class IV:
 - (1) Six other citizens of the municipality to be appointed by the Council. The members of Class IV shall hold no other municipal office, position or employment, except that one member may be a member of the Zoning Board of Adjustment or Historic Preservation Commission and one may be a member of the Board of Education. If an Environmental Commission is established by the Council, then a member of the Environmental Commission who is also a member of the Planning Board as required by N.J.S.A. 40:56A-1 shall be a Class IV Planning Board member unless there be among the Class IV members of the Planning Board both a member of the Zoning Board of Adjustment or Historic Preservation Commission and a member of the Board of Education, in which case the member of the Environmental Commission shall be deemed to be the Class II member of the Planning Board. For the purpose of this section, membership on a municipal board or commission whose function is advisory in nature, and the establishment of which is discretionary and not required by statute, shall not be considered the holding of municipal office.
 - (2) In addition to the aforesaid members of Class IV, there shall be two alternate members in Class IV. They shall be designated by the Township Council as "Alternate No. 1" and "Alternate No. 2," and they shall serve in rotation during the absence or disqualification of any regular member or members of Class IV.

1. Editor's Note: See N.J.S.A. 40:55D-1 et seq.

Alternate members shall be appointed by the same appointing authority as regular members of that class and shall meet all of the same qualifications. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

- 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. **[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

§ 55-2. Terms.

- A. 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. The terms of the members composing Class II and Class III shall be for one year or terminate at the completion of their respective terms of office, whichever occurs first, except for a Class II member who is also a member of the Environmental Commission. The term of a Class II or a Class IV member who is also a member of the Environmental Commission shall be for three years or terminate at the completion of his term of office as a member of the Environmental Commission, whichever shall first occur. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
- B. The term of a Class IV member who is also a member of the Board of Adjustment or the Board of Education shall terminate whenever he is no longer a member of such other body or at the completion of his Class IV term, whichever occurs first.
- C. The terms of all Class IV members first appointed pursuant to this chapter shall be so determined that, to the greatest practicable extent, the expiration of such terms shall be evenly distributed over the first four years after their appointment as determined by resolution of the governing body; provided, however, that no term of any member shall exceed four years, and further provided that nothing herein shall affect the term of any present member of the Planning Board, all of whom shall continue in office until the completion of the term for which they were appointed. Thereafter all Class IV members shall be appointed for terms of four years except as otherwise herein provided. All terms shall run from July 1 of the year in which the appointment was made.
- D. The initial terms of the alternate members of Class IV shall be one and two years, respectively. Thereafter, alternate members of Class IV shall serve for terms of two years.

§ 55-3. Vacancies.

If a vacancy of any class shall occur otherwise than by expiration of term, it shall be filled by appointment as above provided for the unexpired term.

§ 55-4. Organization.

The Planning Board shall annually elect a Chairman and Vice Chairman from the members of Class IV and select a Secretary who may be either a member of the Planning Board or a municipal employee designated by it. The Planning Board shall organize and elect officers at the first meeting following July 1 of each year.

§ 55-5. Attorney.

There is hereby created the office of Planning Board Attorney. The Planning Board may annually appoint, fix the compensation of or agree upon the rate of compensation of the Planning Board Attorney who shall be an attorney other than the Municipal Attorney.

§ 55-6. Experts and staff.

The Planning Board may also employ or contract for the services of experts and other staff and services as it may deem necessary. The Board shall not, however, exceed, exclusive of gifts or grants, the amount appropriated by the governing body for its use.

§ 55-7. Powers and duties generally.

The Planning Board is authorized to adopt bylaws governing its procedural operation. It shall also have the following powers and duties:

- A. To make and adopt and from time to time amend a Master Plan for the physical development of the Township, including any areas outside its boundaries which, in the Board's judgment, bear essential relation to the planning of the Township, in accordance with the provisions of N.J.S.A. 40:55D-28.
- B. To administer the provisions of Chapter 466, Subdivision of Land, and Chapter 430, Site Plan Review, of the Township in accordance with the provisions of said ordinances and the Municipal Land Use Law of 1975, N.J.S.A. 40:55D-1 et seq.
- C. To participate in the preparation and review of programs or plans required by state or federal law or regulations.
- D. To assemble data on a continuing basis as part of a continuous planning process.
- E. To annually prepare a program of municipal capital improvement projects projected over a term of six years, and amendments thereto, and to recommend the same to the governing body.
- F. To consider and make report to the governing body within 35 days after referral as to any proposed development regulation submitted to it pursuant to the provisions of N.J.S.A. 40:55D-26a, and also pass upon other matters specifically referred to the

Planning Board by the Township Council, pursuant to the provisions of N.J.S.A. 40:55D-26b.

G. Application review.

- (1) When reviewing applications for approval of subdivision plats, site plans or conditional uses, to grant to the same extent and subject to same restrictions as the Zoning Board of Adjustment:
 - (a) Variances pursuant to Subsection 57c of Chapter 291 of the Laws of New Jersey 1975² from lot area, lot dimensional setback and yard requirements, provided that such relief from lot area requirements shall not be granted for more than one lot.
 - (b) Direction pursuant to Section 25 of said act³ for issuance of permit for a building or structure in the bed of a mapped street or public drainageway, flood control basin or public area reserved pursuant to Section 23 of said act.⁴
 - (c) Direction pursuant to Section 27 of said act⁵ for issuance of a permit for a building or structure not related to a street.
- (2) Whenever relief is requested pursuant to this subsection, notice of a hearing on the application for development shall include reference to the request for a variance or direction for issuance of a permit, as the case may be.

H. To perform such other advisory duties as are assigned to it by ordinance or resolution of the governing body for the aid and assistance of the governing body or other agencies or officers.

§ 55-8. Time limits for decisions.

- A. Minor subdivisions. Minor subdivision approvals shall be granted or denied within 45 days of the date of submission of a complete application to the Planning Board or within such further time as may be consented to by the applicant. Approval of a minor subdivision shall expire 190 days from the date of Planning Board approval unless within such period a plat in conformity with such approval and the provisions of the Map Filing Law,⁶ or a deed clearly describing the approved minor subdivision, is filed by the developer with the county recording officer, the Municipal Engineer and the Municipal Tax Assessor. Any such plat or deed must be signed by the Chairman and Secretary of the Planning Board before it will be accepted for filing by the county recording officer.

2. Editor's Note: See N.J.S.A. 40:55D-70c.

3. Editor's Note: See N.J.S.A. 40:55D-34.

4. Editor's Note: See N.J.S.A. 40:55D-32.

5. Editor's Note: See N.J.S.A. 40:55D-36.

6. Editor's Note: See N.J.S.A. 46:23-9.3 et seq.

- B. Preliminary approval of major subdivisions. Upon submission of a complete application for a subdivision of 10 or fewer lots, the Planning Board shall grant or deny preliminary approval within 45 days of the date of such submission or within such further time as may be consented to by the developer. Upon submission of a complete application for a subdivision of more than 10 lots, the Planning Board shall grant or deny preliminary approval within 95 days of the date of such submission or within such further time as may be consented to by the developer. Otherwise, the Planning Board shall be deemed to have granted preliminary approval for the subdivision.
- C. Ancillary powers. Whenever the Planning Board is called upon to exercise its ancillary powers before the granting of a variance as set forth in § 55-7G of this chapter, the Planning Board shall grant or deny approval of the application within 95 days after submission by the developer of a complete application or within such further time as may be consented to by the applicant. Failure of the Planning Board to act within the period prescribed shall constitute approval of the application, and a certificate of the administrative officer as to the failure of the Planning Board to act shall be issued on request of the applicant.
- D. Final approval.
- (1) Application for final subdivision approval shall be granted or denied within 45 days of submission of a complete application or within such further time as may be consented to by the applicant.
 - (2) Final approval of a major subdivision shall expire 95 days from the date of signing of the plat unless within such period the plat shall have been duly filed by the developer with the county recording officer. The Planning Board may, for good causes shown, extend the period for recording for an additional period not to exceed 190 days from the date of signing of the plat.

§ 55-9. Procedure for filing applications.

Applications for development within the jurisdiction of the Planning Board pursuant to the provisions of P.L. 1975, c. 291,⁷ shall be filed with the Secretary of the Planning Board. The applicant shall file at least 14 days before the date of the monthly meeting of the Board three copies of a sketch plat; three copies of applications for minor subdivision approval; three copies of an application for major subdivision approval; or three copies of an application for site plan review, conditional use approval or planned development. At the time of filing the application but in no event less than 10 days prior to the date set for hearing, the applicant shall also file all plot, plans, maps or other papers required by virtue of any provision of this chapter or any rule of the Planning Board. The applicant shall obtain all necessary forms from the Secretary of the Planning Board. The Secretary of the Board shall inform the applicant of the steps to be taken to initiate applications and of the regular meeting dates of the Board.

7. Editor's Note: See N.J.S.A. 40:55D-1 et seq.

§ 55-10. Submission of application to Environmental Commission. [Amended 8-3-1992 by Ord. No. 9-92]

Whenever the Environmental Commission, established under Chapter 18, Article II, Environmental Commission, hereof, has prepared and submitted to the Planning Board and the Board of Adjustment an index of the natural resources of the municipality, the Planning Board or the Board of Adjustment shall make available to the Environmental Commission an informational copy of every application for development submitted to either Board. Failure of the Planning Board or Board of Adjustment to make such informational copy available to the Environmental Commission shall not invalidate any hearing or proceeding.

§ 55-11. Rules and regulations.

The Board shall adopt such rules and regulations as may be necessary to carry into effect the provisions and purposes of this chapter. In the issuance of subpoenas, administration of oaths and taking of testimony, the provisions of the County and Municipal Investigations Law of 1953 (N.J.S.A. 2A:67A-1 et seq.) shall apply.

ARTICLE II

Zoning Board of Adjustment

§ 55-12. Establishment and composition.

- A. A Zoning Board of Adjustment is hereby established pursuant to N.J.S.A. 40:55D-69 et seq. consisting of seven residents of the Township of Verona appointed by the governing body to serve for terms of four years from July 1 of the year of their appointment. The terms of the members first appointed shall be so determined that to the greatest practicable extent the expiration of such terms shall be distributed evenly over the first four years after their appointment, provided that the initial term of no member shall exceed four years. Thereafter, the term of each member shall be for four years. Nothing in this chapter shall, however, be construed to affect the term of any present member of the Zoning Board of Adjustment, all of whom shall continue in office until the completion of the term for which they were appointed.
- B. No member of the Zoning Board of Adjustment may hold any elective office or position under the municipality.
- C. A vacancy occurring otherwise than by expiration of term shall be filled for the unexpired term only.
- D. In addition to the aforesaid membership, the governing body may appoint two alternate members. They shall be designated as "Alternate No. 1" and "Alternate No. 2" by the governing body. The term of each alternate member first appointed shall be until July 1, 1988, and July 1, 1989, respectively. Thereafter, the term of each alternate shall be for a period of two years.
- 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. **[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

§ 55-13. Officers.

The Board of Adjustment shall elect a Chairman and Vice Chairman from its members and shall also select a Secretary who may be either a Board member or another municipal employee.

§ 55-14. Attorney.

There is hereby created the office of Attorney to the Zoning Board of Adjustment. The Zoning Board of Adjustment may annually appoint, fix the compensation of or agree upon the rate of compensation of the Zoning Board of Adjustment Attorney, who shall be an attorney other than the Municipal Attorney.

§ 55-15. Experts and staff.

The Zoning Board of Adjustment may also employ or contract for and fix the compensation of such experts and other staff and services as it may deem necessary. The Board shall not authorize expenditures which exceed, exclusive of gifts or grants, the amount appropriated by the governing body for its use.

§ 55-16. Rules and regulations.

The Board shall adopt such rules and regulations as may be necessary to carry into effect the provisions and purposes of this chapter. In this issuance of subpoenas, administration of oaths and taking of testimony, the provisions of the County and Municipal Investigations Law of 1953 (N.J.S.A. 2A:67A-1 et seq.) shall apply.

§ 55-17. Powers generally.

- A. The powers of the Zoning Board of Adjustment shall be in accordance with N.J.S.A. 40:55D-69 et seq. and amendments and supplements thereto and with the provisions of this chapter.
- B. It is further the intent of this chapter to confer upon the Zoning Board of Adjustment as full and complete powers as may lawfully be conferred upon such Board, including, not by way of limitation, the authority in connection with any case, action or proceeding before the Board to interpret and construe the provisions of this chapter, or any term,

clause, sentence or word hereof and the Zoning Map, in accordance with the general rules of construction applicable to legislative enactments.

- C. The Board may, in appropriate cases and subject to appropriate conditions and safeguards, grant variances from the terms of this chapter in accordance with the general or specific rules contained herein and with the general rules hereby laid down that equity shall be done in cases where the strict construction of the provisions of this chapter would work undue hardship. The powers and duties of the Board having been delegated to and imposed upon it by statute, the Board shall in all cases follow the provisions applicable to it in said P.L. 1975, c. 291,⁸ or subsequent statutes in such case made and provided, and it shall from time to time furnish to any person requesting the same a copy of its rules and information as to how appeals or applications may properly be filed with the Board for its decision thereon.

§ 55-18. Appeals and applications.

- A. Appeals to the Board of Adjustment may be taken by any person aggrieved or by an officer, department, board or bureau of the municipality affected by any decision of the administrative officer. Each appeal shall be taken within the 20 days prescribed by the statute by filing a notice of appeal with the officer from whom the appeal was taken, together with three copies of said notice, with the Secretary of the Board of Adjustment. Said notice of appeal shall specify the grounds for said appeal. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.
- B. An appeal stays all proceedings in furtherance of the action in respect of which the decision appealed from was made unless the officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal shall have been filed with him that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril of life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by the Superior Court of New Jersey on an application or notice to the officer from whom the appeal is taken and on due cause shown.

§ 55-19. Power to reverse or modify decisions.

In exercising the abovementioned power, the Board of Adjustment may, in conformity with the provisions of P.L. 1975, c. 291,⁹ or amendments thereto or subsequent statutes applying, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and make such other requirement, decision or determination as ought to be made and to that end have all the powers of the administrative officer from whom the appeal was taken.

8. Editor's Note: See N.J.S.A. 40:55D-1 et seq.

9. Editor's Note: See N.J.S.A. 40:55D-1 et seq.

§ 55-20. Expiration of variance.

Any variance from the terms of this chapter hereafter granted by the Board of Adjustment permitting the erection or alteration of any structure or structures or permitting a specified use of any premises shall expire by limitation unless such construction or alteration shall have been actually commenced on each and every structure permitted by said variance or unless such permitted use has actually been commenced within nine months from the date of entry of the judgment or determination of the Board of Adjustment; except, however, that the running of the period of limitation herein provided shall be tolled from the date of filing an appeal from the decision of the Board of Adjustment to the governing body or to a court of competent jurisdiction until the termination in any manner of such appeal or proceeding.

§ 55-21. Power granted by law.

The Board of Adjustment shall have such powers as are granted by law to:

- A. To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision or refusal made by an administrative officer based on or made in the enforcement of Chapter 150, Zoning.
- B. To hear and decide requests for interpretation of the Zoning Map or Ordinance or for decisions upon other special questions upon which the Board is authorized to pass in accordance with this chapter or in accordance with the Municipal Land Use Law.¹⁰
- C. To grant variances pursuant to N.J.S.A. 40:55D-70, as amended.

§ 55-22. Additional powers.

The Zoning Board of Adjustment shall, in addition to the powers specified in § 55-21, have power given by law to:

- A. Direct issuance of a permit pursuant to N.J.S.A. 40:55D-34 for a building or structure in the bed of a mapped street or public drainageway, flood control basin or public area reserved on the Official Map.
- B. Direct issuance of a permit pursuant to N.J.S.A. 40:55D-36 for a building or structure not related to a street.
- C. Grant to the same extent and subject to the same restrictions as the Planning Board, subdivision or site plan approval pursuant to Article 6 of P.L. 1975, c. 291,¹¹ or conditional use approval pursuant to N.J.S.A. 40:55D-67 whenever the Board is reviewing an application for approval of a use variance pursuant to § 55-21C of this chapter.

10. Editor's Note: See N.J.S.A. 40:55D-1 et seq.

11. Editor's Note: See N.J.S.A. 40:55D-37 et seq.

§ 55-23. Time limit for decision.

- A. The Board of Adjustment shall render its decision not later than 120 days after the date an appeal is taken from the decision of an administrative officer or after the date of the submission of a complete application for development to the Board pursuant to the provisions of N.J.S.A. 40:55D-70b.
- B. Failure of the Board to render a decision within such one-hundred-twenty-day period or within such further time as may be consented to by the applicant shall constitute a decision favorable to the applicant.

ARTICLE III**Provisions Applicable to Both Planning Board and Zoning Board of Adjustment****§ 55-24. Conflicts of interest.**

No member of the Planning Board or Zoning Board of Adjustment shall act on any matter in which he has, either directly or indirectly, any personal or financial interest. Whenever any such member shall disqualify himself from acting on a particular matter, he shall not continue to sit with the Board on the hearing of such matter nor shall he participate in any discussion or decision relating thereto.

§ 55-25. Meetings.

- A. Meetings of both the Planning Board and the Zoning Board of Adjustment shall be scheduled no less than once a month, and any meeting so scheduled shall be held as scheduled unless canceled for lack of applications for development to process.
- B. Special meetings may be provided for at the call of the Chairman or on request of any two Board members, which shall be held on notice to its members and the public in accordance with all applicable legal requirements.
- C. No action shall be taken at any meeting without a quorum being present.
- D. All actions shall be taken by majority vote of a quorum except as otherwise required by any provision of Chapter 291 of the Laws of New Jersey 1975.¹²
- E. All regular meetings and all special meetings shall be open to the public. Notice of all such meetings shall be given in accordance with the requirements of the Open Public Meetings Law, Chapter 231 of the Laws of New Jersey 1975.¹³ An executive session for the purposes of discussion and studying any matters to come before either Board shall not be deemed a regular or special meeting in accordance with the provisions of N.J.S.A. 40:55D-9.

12. Editor's Note: See N.J.S.A. 40:55D-1 et seq.

13. Editor's Note: See N.J.S.A. 10:4-6 et seq.

§ 55-26. Minutes.

Minutes of every regular or special meeting shall be kept and shall include the names of the persons appearing and addressing the Board and of the persons appearing by attorney, the action taken by the Board, the findings, if any, made by it and reasons therefor. The minutes shall thereafter be made available for public inspection during normal business hours at the office of the Municipal Clerk. Any interested party shall have the right to compel production of the minutes for use as evidence in any legal proceeding concerning the subject matter of such minutes. Such interested party may be charged a fee for reproduction of the minutes for his use as provided for in the rules of the Board.

§ 55-27. Fees; refund of application fees. [Amended 5-19-2003 by Ord. No. 3-2003]

- A. Fees for applications to the Planning Board or Zoning Board of Adjustment or for services to be rendered by the administrative staff of such Boards shall be as established by Chapter A565, Fees, of the Verona Code.
- B. If an applicant withdraws an application before the Planning Board or the Zoning Board of Adjustment prior to the commencement of the hearing before such Board, then, upon the written request of the applicant, the Township shall refund 80% of the application fee paid to the Township less the Township's administrative costs. A request for a refund of application fees shall be made not later than 30 days after the withdrawal of the application.

§ 55-28. Hearings.

- A. Rules. The Planning Board and Zoning Board of Adjustment may make rules governing the conduct of hearings before such bodies, which rules shall not be inconsistent with the provisions of N.J.S.A. 40:55D-1 et seq. or of this chapter.
- B. Oaths. The officer presiding at the hearing of such person as he may designate shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant evidence, including witnesses and documents presented by the parties, and the provisions of the County and Municipal Investigations Law, P.L. 1953, c. 1938 (N.J.S.A. 2A:67A-1 et seq.), shall apply.
- C. Testimony. The testimony of all witnesses relating to an application for development shall be taken under oath or affirmation by the presiding officer, and the right of cross examination shall be permitted to all interested parties through their attorneys, if represented, or directly, if not represented, subject to the discretion of the presiding officer and to reasonable limitations as to time and number of witnesses.
- D. Evidence. Technical rules of evidence shall not be applicable to the hearing, but the Board may exclude irrelevant, immaterial or unduly repetitious evidence.
- E. Records. Each Board shall provide for the verbatim recording of the proceedings by either stenographic, mechanical or electronic means. The Board shall furnish a transcript or duplicate recording in lieu thereof on request to any interested party at his expense.

§ 55-29. Notice requirements for hearing.

Whenever a hearing is required on an application for development pursuant to N.J.S.A. 40:55D-1 et seq., the applicant shall give notice thereof as follows:

- A. Public notice shall be given by publication in the official newspaper of the municipality at least 10 days prior to the date of the hearing.
- B. Notice to owners.
 - (1) Notice shall be given to the owners of all real property, as shown on the current tax duplicate or duplicates, located within 200 feet in all directions of the property which is the subject of such hearing and whether located within or without the municipality in which the applicant's land is located. Such notice shall be given by:
 - (a) Serving a copy thereof on the owner as shown on said current tax duplicate or his agent in charge of the property.
 - (b) Mailing a copy thereof by certified mail to the property owner at his address as shown on said current tax duplicate. A return receipt is not required.
 - (2) Notice to a partnership owner may be made by service upon any partner. Notice to a corporate owner may be made by service upon its president, a vice president, secretary or other person authorized by appointment or by law to accept service on behalf of the corporation.
- C. Notice of all hearings on applications for development involving property located within 200 feet of an adjoining municipality shall be given by personal service or certified mail to the Clerk of such municipality, which notice shall be in addition to the notice required to be given pursuant to Subsection B above to the owners of lands in such adjoining municipality which are located within 200 feet of the subject premises.
- D. Notice shall be given by personal service or certified mail to the County Planning Board of a hearing on an application for development of property adjacent to an existing county road or proposed road shown on the Official County Map or on the County Master Plan, adjoining other county land or situate within 200 feet of a municipal boundary.
- E. Notice shall be given by personal service or certified mail to the Commissioner of Transportation of a hearing on an application for development of property adjacent to a state highway.
- F. Notice shall be given by personal service or certified mail to the State Planning Commission of a hearing on an application for development of property which exceeds 150 acres or 500 dwelling units. Such notice shall include a copy of any maps or document required to be on file with the Municipal Clerk pursuant to Section 6b of Chapter 291 of the Laws of New Jersey 1975.¹⁴ **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

14. Editor's Note: See N.J.S.A. 40:55D-10b.

- G. All notices hereinabove specified in this section shall be given at least 10 days prior to the date fixed for hearing, and the applicant shall file an affidavit of proof of service with the Board holding for the hearing on the application for development.
- H. Any notice made by certified mail as hereinabove required shall be deemed to complete upon mailing in accordance with the provisions of N.J.S.A. 40:55D-14.
- I. Form of notice. All notices required to be given pursuant to the terms of this chapter shall state the date, time and place of the hearing, the nature of the matters to be considered and identification of the property proposed for development by street address, if any, or by reference to lot and block numbers as shown on the current tax duplicate in the Municipal Tax Assessor's office and the location and times at which any maps and documents for which approval is sought are available as required by law.

§ 55-30. List of property owners.

Pursuant to the provisions of N.J.S.A. 40:55D-12c, the administrative officer of the municipality, the Tax Collector, shall, within seven days after receipt of a request therefor and upon receipt of payment of the fee provided for in Chapter A565, Fees, make and certify a list from the current tax duplicate of names and addresses of owners to whom the applicant is required to give notice pursuant to § 55-29B of this chapter.

§ 55-31. Form of decisions; copies.

- A. Each decision on any application for development shall be set forth in writing as a resolution of the Board which shall include findings of fact and legal conclusions based thereon.
- B. A copy of the decision shall be mailed by the Board within 10 days of the date of decision to the applicant or, if represented, then to his attorney, without separate charge. A copy of the decision shall also be mailed to all persons who have requested it and who have paid the fee prescribed by the Board for such service. A copy of the decision shall also be filed in the office of the Municipal Clerk, who shall make a copy of such filed decision available to any interested party upon payment of a fee calculated in the same manner as those established for copies of other public documents in the municipality.

§ 55-32. Publication of decision.

A brief of every final decision shall be published in the official newspaper of the municipality. Such publication shall be arranged by the Secretary of the Planning Board or Zoning Board of Adjustment, as the case may be, without separate charge to the applicant. Said notice shall be sent to the official newspaper for publication within 10 days of the date of any such decision.

§ 55-33. Payment of taxes.

Pursuant to the provisions of N.J.S.A. 40:55D-39 and 40:55D-65, every application for development submitted to the Planning Board or the Zoning Board of Adjustment shall be accompanied by proof that no taxes or assessments for local improvements are due or delinquent on the property which is the subject of such application, or, if it is shown that taxes or assessments are delinquent on said property, any approvals or other relief granted by either Board shall be conditioned upon either the prompt payment of such taxes or assessments or the making of adequate provision for the payment thereof in such manner that the municipality will be adequately protected.

ARTICLE IV**Appeals**

[Added 6-15-1992 by Ord. No. 4-92]

§ 55-34. Appeals to governing body.

Any interested party may appeal to the governing body any final decision of the Board of Adjustment approving an application for development pursuant to N.J.S.A. 40:55D-70d. Such appeal shall be made and heard in accordance with all of the provisions of N.J.S.A. 40:55D-17.

ARTICLE V**Escrows**

[Added 12-18-1995 by Ord. No. 29-5]

§ 55-35. When required.

- A. Escrow for professional review. In addition to application fees required by this chapter, an applicant for development for approval of a subdivision, site plan, planned development, conditional use, zoning variance, rezoning or other form of development application authorized or required by ordinance or statute shall be required to establish an escrow account with the Township for the purpose of paying and/or defraying the Township's costs and expenses for professional services in connection with the review of an application for development. Professional services contemplated under this section shall include, but shall not be limited to, the following: Township Engineer or consulting engineer, Construction Code Official, Board Attorney, professional planners, consultants, advisors to the Planning Board or the Zoning Board of Adjustment or any other professional or other expert hired or engaged by the Planning Board or the Board of Adjustment to aid and assist such Board in reviewing, evaluating and acting upon a development application when an application is of a nature beyond the scope of the expertise of the professionals normally utilized by the Township.
- B. Escrow for inspection of improvements. In addition to the escrow account required under Subsection A above, an applicant for development shall be required to establish an escrow account with the Township to cover fees and costs payable to the Township for municipal engineering inspections of such improvements which the Planning Board or the Board of Adjustment may deem necessary or appropriate, including streets;

grading; pavement; gutters; curbs; sidewalks; streetlighting; shade trees; surveyor's monuments, as shown on the final map and required by the Map Filing Law, N.J.S.A. 46:23-9.9 et seq.; water mains; culverts; storm sewers; sanitary sewers; or other means of sewage disposal, drainage structures, erosion control and sedimentation control devices, public improvements of open space and, in the case of site plans only, other on-site improvements and landscaping. An applicant shall execute an agreement with the Township, on a form to be provided by the Township and approved by the Township Attorney, whereby the applicant shall become obligated to pay for fees and costs of municipal engineering inspections.

- C. Exception. The Board having jurisdiction over a development application shall have the right, by resolution, to waive escrows required by this article in connection with any development application.

§ 55-36. Amount of escrow.

- A. The initial amount of the escrow account required under § 55-35A for professional review services shall be as set forth in Chapter A565, , Fees.
- B. The amount of the escrow account to be established under § 55-35B for inspection of improvements shall be the greater of \$500 or 5% of the cost of the improvements referred to in § 55-35B above, which cost shall be determined by the Township Engineer pursuant to N.J.S.A. 40:55D-53.4.

§ 55-37. Disposition of funds in escrow.

- A. Escrow deposits shall be placed in an escrow account by the Township Chief Financial Officer and shall be maintained in accordance with the provisions of N.J.S.A. 40:55D-53.1.
- B. The Township Chief Financial Officer shall make all payments to professionals for services rendered to the Township and/or Board having jurisdiction for review of applications for development, review and preparation of documents, inspection of improvements or other purposes under the provisions of N.J.S.A. 40:55D-1 et seq.
- C. Fees or charges payable from escrows shall be based upon a schedule established by resolution of the Township governing body and shall be subject to the limits provided in N.J.S.A. 40:55D-53.2.
- D. Payments charged against an escrow account shall be pursuant to vouchers submitted by the professionals to the Township Chief Financial Officer on a form provided by the Chief Financial Officer and in a manner consistent with the provisions of N.J.S.A. 40:55D-53.2. Vouchers shall be submitted on a monthly basis. If services have been provided by a Township employee, the Township employee shall prepare and submit to the Chief Financial Officer a statement containing the same information as required on a voucher. Statements shall be submitted on a monthly basis. Informational copies of all vouchers or statements submitted to the Chief Financial Officer shall be sent simultaneously to the applicant.

- E. If an escrow account established under this article contains insufficient funds to enable the Township or the board having jurisdiction over the application to perform required application reviews or improvement inspections, the Township Chief Financial Officer shall provide the applicant with a notice of the insufficient escrow or deposit balance. In order for work to continue on the development or the application, the applicant shall, within a reasonable time period, post a deposit to the account in an amount to be agreed upon by the Township or the Board having jurisdiction over the application.
- F. In the case of escrows for professional review, at such time as the Board having jurisdiction over an application has granted final approval and has signed the subdivision plat or site plan, or, in the case of escrows for inspection of improvements, at such time as improvements have been approved in accordance with N.J.S.A. 40:55D-53, the applicant, the professional whose services have been utilized in connection with the application and the Township Chief Financial Officer shall follow the closeout procedures with respect to the escrow account as provided in N.J.S.A. 40:55D-53.2.

§ 55-38. Failure to deposit escrow.

- A. Except as permitted under § 55-35C hereof, no application for development shall be considered complete until the initial escrow required under § 55-35A of this article has been deposited with the Township.
- B. Subject to the provisions of N.J.S.A. 40:55D-53.2:
 - (1) No application shall be given final approval until such time as the applicant has deposited all escrow funds required under this article.
 - (2) No permits for construction shall be issued until an escrow account has been established to cover municipal engineering inspections and until the applicant has executed an agreement with the Township in accordance with § 55-35B hereof.
 - (3) If an applicant fails to pay any amounts due under this article, the Township shall have the right to deny the issuance of any construction permits, stop construction or withhold the issuance of a certificate of occupancy until such time as all amounts due under this article have been paid to the Township.

§ 55-39. Fees and charges to be a lien.

All fees and charges for professional services and inspection services payable to the Township under this article shall draw the same interest from the time they become due and payable as taxes upon real estate in the Township and shall be a lien upon the premises for which a development application has been made. The Township shall have the same remedies for the collection thereof, with interest, costs and penalties, as it has by law for the collection of taxes upon real estate.

§ 55-40. Miscellaneous.

- A. If the final total square footage (of a building or buildings in a development application) is unknown, escrows and fees payable therefrom shall be based upon the maximum floor area permitted in the zoning district for which such application is made.
- B. For site plans involving expansion, additions and modifications or a change of use of an existing building, escrows and fees payable therefrom shall be calculated on square footage area of the expansion, addition, modification or change of use only.
- C. Applications involving site improvements only and no expansion, addition, modification or change of use shall be required to deposit only the minimum escrow established under this article.

ARTICLE VI**Miscellaneous Provisions****§ 55-41. Definitions.**

Whenever a term is used in this chapter which is defined in Chapter 291 of the Laws of New Jersey 1975,¹⁵ such term is intended to have the meaning set forth in the definition of such term found in said statute unless a contrary intention is clearly expressed from the context of this chapter.

§ 55-42. Repealer.

All sections of the Land Subdivision Ordinance, Zoning Ordinance, Site Plan Review Ordinance or any other ordinance of the Township of Verona which contains provisions contrary to the provisions of this chapter shall be and are hereby, to the extent of such inconsistency, repealed.

§ 55-43. Provisions continued.

Pursuant to the provisions of Chapter 291 of the Laws of New Jersey 1975, Section 81, the substantive provisions of the existing Land Subdivision Ordinance, Zoning Ordinance and Site Plan Review Ordinance¹⁶ of the Township of Verona and the development regulations set forth therein shall continue in full force and effect for a period of six months from the effective date of said act or until the Township exercises the authority delegated by said ordinance to regulate development, whichever occurs first.

§ 55-44. Pending applications.

All applications for development filed prior to the effective date of this chapter may be continued.

15. Editor's Note: See N.J.S.A. 40:55D-1 et seq.

16. Editor's Note: See Ch. 466, Subdivision of Land, Chapter 150, Zoning, and Chapter 430, Site Plan Review, respectively.

§ 55-45. Title.

This chapter shall be known and may be cited as the "Land Use Procedures Ordinance of the Township of Verona."

§ 55-46. Filing of copies.

Copy to be filed with County Planning Board. Immediately upon adoption of this chapter, the Municipal Clerk shall file a copy of this chapter with the County Planning Board as required by law. The Clerk shall also file with said County Planning Board copies of all other ordinances of the municipality relating to land use, such as the Subdivision, Zoning and Site Plan Review Ordinances.

Chapter 69

OPEN SPACE, RECREATION AND FARMLAND AND HISTORIC PRESERVATION TRUST FUND

ARTICLE I

Municipal Open Space, Recreation and Farmland and Historic Preservation Trust Fund

- § 69-1. Establishment.
- § 69-2. Funding of the Trust Fund.
- § 69-3. Sale of property.
- § 69-4. through § 69-10. (Reserved)

ARTICLE II

Open Space Trust Fund Advisory Committee

- § 69-11. Open Space Committee.
- § 69-12. Membership.
- § 69-13. Terms of office.
- § 69-14. Powers and duties.

[HISTORY: Adopted by the Township Council of the Township of Verona 12-16-2019 by Ord. No. 2019-36. Amendments noted where applicable.]

ARTICLE I

Municipal Open Space, Recreation and Farmland and Historic Preservation Trust Fund

§ 69-1. Establishment.

- A. There is hereby established a reserve in the General Capital Fund, which shall be known and designated as the "Municipal Open Space, Recreation and Farmland and Historic Preservation Trust Fund." A special bank account shall be opened and maintained for this purpose. The Council is authorized, by majority vote, to make the acquisition of lands or acquisition of property or easements within the Township in accordance with this chapter. The governing body shall determine the amount of funds that it will make available for each acquisition after conducting at least one public hearing thereon in accordance with N.J.S.A. 40:12-15.7a(2). Funds from the Municipal Open Space, Recreation and Farmland and Historic Preservation Trust may be utilized to acquire by gift, purchase, or by eminent domain proceedings, easements, vacant land, as well as land which has improvements thereon at the time of acquisition, where the principal purpose of the acquisition is for any and all of the following purposes or any combination thereof:

- (1) Acquisition of lands for recreation and conservation purposes;
- (2) Development of lands acquired for recreation and conservation purposes;
- (3) Maintenance of lands acquired for recreation and conservation purposes;
- (4) Historic preservation of historic properties, structures, facilities, sites, areas or objects and the acquisition of such properties, structures, facilities, sites, areas or objects for historic preservation purposes; or

- (5) Payment of debt service on indebtedness issued or incurred by the Township for any of the purposes set forth in Subsections A(1) through (4) above.
- B. The funds from the account may also be used to acquire land which has improvements on it at the time of acquisition; provided, that the principal purpose of the acquisition is to preserve open space. In the event that the governing body shall find it appropriate to apportion the cost of acquisition between open space and improvement, it may do so and charge the Open Space Trust Fund for the approximate value that the governing body deems relative to open space and the Township's capital account for the value that it determines attributable to improvements.

§ 69-2. Funding of the Trust Fund.

Beginning in 2020, a special tax rate shall be added to the total Township tax rate in the amount of \$0.02 per \$100 of the assessed valuation of all real property within the Township. The Fund shall also be permitted to accept donations and testamentary bequests. The Open Space, Recreation and Farmland and Historic Preservation Trust Fund created by this article shall be administered in accordance with applicable statutory provisions, including, without limitation, N.J.S.A. 40:12-15.1 et seq.

§ 69-3. Sale of property.

No real property or interest therein acquired with funds from the Trust Fund shall be sold, conveyed, leased or otherwise alienated, unless it is needed for another public purpose or otherwise further the purposes of the Trust. If such a sale, lease or conveyance is made, the Township shall do so in accordance with N.J.S.A. 40:12-15.9.

§ 69-4. through § 69-10. (Reserved)

ARTICLE II

Open Space Trust Fund Advisory Committee

§ 69-11. Open Space Committee.

There is hereby established an Open Space Trust Fund Advisory Committee which shall consist of nine members whose terms and powers are hereinafter set forth.

§ 69-12. Membership.

- A. The Open Space Trust Fund Advisory Committee shall be comprised of the following persons:
- (1) Township Manager;
 - (2) Two members of the Township Council appointed by the Council;
 - (3) Six residents of the Township to be appointed by the Council;

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- (4) The Director of the Community Services and the Chief Financial Officer shall serve as ex officio members of the Committee and shall have no vote on the Committee.
- B. The residents appointed by the Council shall hold no other municipal office, position or employment in the Township.

§ 69-13. Terms of office.

The term of the Township Manager, the Director of Community Services and the Chief Financial Officer shall correspond to their respective tenure. The term of the Council members shall be for one year beginning on July 1 or terminate at the completion of their respective terms of office, whichever occurs first. Public members shall be appointed by the Council and shall serve for terms of three years beginning on July 1, except that, the term of the members first appointed pursuant to this section shall be distributed evenly over the first three years after their appointments so that the term of not more than two public members shall expire in any one year.

§ 69-14. Powers and duties.

- A. The powers and duties of the Open Space Trust Committee shall be limited to those enumerated herein. The Open Space Trust Committee shall serve in an advisory capacity to the Township Council.
- B. The Open Space Trust Committee shall prepare a report recommending the parcels of land which may be acquired in fee and/or those parcels of land from which the Township should acquire development rights only. The Committee shall also develop and maintain an updated plan outlining the Committee's recommendations for the acquisition, development and maintenance of lands for recreation and conservation purposes and the historic preservation of historic properties, structures, facilities, sites, areas or objections. The Committee shall submit to the Township Council the properties which it recommends that the Township acquire. The Township Council shall review the properties submitted and make a determination as to which properties, if any, are to be acquired.
- C. After reviewing the properties referred to herein, the Township Council may proceed to acquire, by gift, purchase or by eminent domain proceedings, pursuant to N.J.S.A. 20:3-1 et seq., the identified parcels or parcels recommended by the Council within the financial constraints established by the Township Council.
- D. The Open Space Trust Committee shall hold public meetings, which public meetings shall be held in accordance with the Open Public Meetings Act (N.J.S.A. 10:4-6 et seq.), and the Committee shall give appropriate notification of said meetings.
- E. The Township Manager if appointed as a member of the Committee or the senior most Councilmember on the Committee shall serve as Chairperson of the Open Space Trust Fund Advisory Committee, and the Open Space Trust Fund Advisory Committee shall select from among the six citizen members a Vice Chairman to serve as a presiding officer in the absence of the Chairman. The Township Clerk shall serve as the

Secretary to the Committee whose function shall be to maintain minutes of the Committee's meeting and record of the proceedings of the Committee.

Chapter 79

PERSONNEL BENEFITS, COMPENSATION AND REGULATIONS

ARTICLE I

Establishment of Personnel Policies

§ 79-1. Establishment.

§ 79-2. Applicability.

§ 79-3. through § 79-10. (Reserved)

§ 79-20. Holidays, observed.

§ 79-21. Vacation leave.

§ 79-22. Sick leave.

§ 79-23. Personal time.

§ 79-24. Special leave.

§ 79-25. Donated leave program.

§ 79-26. through § 79-30. (Reserved)

ARTICLE II

Benefits and Compensation

§ 79-11. Grade, pay scales and benefits.

§ 79-12. Salaries.

§ 79-13. Longevity compensation.

§ 79-14. Health insurance benefits.

**§ 79-15. Prescription drug insurance
benefits.**

§ 79-16. Dental insurance benefits.

§ 79-17. Waiver of insurance coverage.

**§ 79-18. Medical benefits after
retirement.**

§ 79-19. Hours of work.

ARTICLE III

General Regulations

§ 79-31. Grievance procedure.

§ 79-32. Resignation.

§ 79-33. Prohibited political activity.

§ 79-34. Personnel records.

§ 79-35. Outside employment.

§ 79-36. Departmental regulations.

§ 79-37. Acceptance of gifts.

**§ 79-38. Direct deposit of Township
employee compensation.**

**[HISTORY: Adopted by the Township Council of the Township of Verona 12-16-2019
by Ord. No. 2019-37. Amendments noted where applicable.]**

ARTICLE I

Establishment of Personnel Policies

§ 79-1. Establishment.

Unless as otherwise prescribed by collective bargaining agreement or individual employment agreement to which the Township is a party of, all personnel policies contained herein shall apply to all employees and shall exclude all elected officials and noncompensated appointed members of various boards, commissions, and committees.

- A. It is the intent of this chapter to establish personnel policies, practices, and regulations, which are consistent with sound business principles and provide incentives to encourage maximum efficiency, to the end that the administration of the Township's personnel program will be accomplished in a manner equitable to the employees

without handicapping or curtailing the responsible administrative officers. The personnel practices and procedures described herein shall apply to all employees.

- B. Within the framework of the foregoing general policy, the following principles are hereby declared as establishing the personnel policies of the Township:
- (1) Employment with the Township shall be based on merit and fitness, free of personal and political considerations.
 - (2) Just and equitable incentives and conditions of employment shall be established and maintained to promote efficiency and economy in the operation of the municipal government.
 - (3) Positions having similar duties and responsibilities shall be classified and compensated for on a uniform basis.
 - (4) Every effort shall be made to stimulate high morale by fair administration of this chapter and by every consideration of the rights and interests of employees, consistent with the best interests of the public and the Township.
 - (5) Continuity of employment covered by this chapter shall be subject to good behavior, the satisfactory performance of work, necessity for the performance of work and the availability of funds.
 - (6) It is the policy of the Township to offer employment and fair treatment to all its employees.
- C. Based on the established policy guidance set forth in this chapter, the Township Manager shall be authorized to promulgate rules and regulations to administer the Township's personnel system. The Township Manager shall also be authorized to establish a personnel policy manual to assist with the administration of the personnel system.

§ 79-2. Applicability.

- A. Full-time employees. All employees who are regularly scheduled to work 35 hours per week and are compensated either by annual salary or on an hourly basis, including employees who are appointed by interim, provisional, regular, temporary and unclassified appointment types.
- B. Part-time employees. Employees who work less than the full-time work schedule, but who are regularly scheduled to work less than average of 28 hours per week annually, including employees who are appointed by interim, provisional, regular, temporary and unclassified appointment types.
- C. Per-diem employees. Employees who work less than the full-time work schedule, whose work hours may vary from week to week depending on the employer's need, including employees who are appointed by interim, provisional, regular, and unclassified appointment types.
- D. Temporary employees. Employees who are hired for an emergency or in a temporary position if it is required for a period not more than six months in any twelve-month

period. This category shall include seasonal employees who are hired for a position, which required or is likely to require the service of incumbents during particular season or during the time of peak workload.

E. Managerial, executive, and confidential employees.

- (1) The following shall be and are hereby classified as confidential personnel who are not members of a collective bargaining unit:
 - (a) Chief Financial Officer.
 - (b) Chief of Police.
 - (c) Confidential Secretary to the Township Manager.
 - (d) Construction Code Official.
 - (e) Deputy Municipal Treasurer.
 - (f) Director of Administration and Economic Development.
 - (g) Director of Community Services.
 - (h) Engineering Manager.
 - (i) Fire Official.
 - (j) Judge of the Municipal Court.
 - (k) Municipal Court Administrator.
 - (l) Municipal Prosecutor.
 - (m) Superintendent of Public Works.
 - (n) Supervising Sewage Plant Operator.
 - (o) Supervisor of Buildings and Grounds.
 - (p) Tax Assessor.
 - (q) Tax Collector.
 - (r) Township Clerk.
 - (s) Township Manager.
- (2) Managerial, executive, and confidential employees shall be subject to removal from employment in accordance with applicable New Jersey law.

§ 79-3. through § 79-10. (Reserved)

ARTICLE II

Benefits and Compensation**§ 79-11. Grade, pay scales and benefits.**

A. Compensation plan.

- (1) Managerial, executive, and confidential employees. The Township Council upon recommendation of the Township Manager, where applicable, shall have the sole and exclusive right to establish the level of compensation to be paid to those managerial, executive, and confidential employees whose titles are listed (above) in § 79-2E. The Township Council shall have the sole and exclusive right to establish the level of compensation to be paid to the Township Clerk and the Township Manager.
- (2) The salary, compensation, and benefits to be paid to members of the following unions shall be as set forth in the applicable current collective bargaining agreements approved by resolution of the Council:
 - (a) Office and Professional Employees International Union (OPEIU), Local 153
 - (b) New Jersey Policemen's Benevolent Association (NJ PBA), Local 72

§ 79-12. Salaries.

- A. With the exception of the Township Manager and the Township Clerk, the Township Council shall establish, by ordinance, the salaries of all employees upon recommendation of the Township Manager.
- B. Return to position after separation from service.
 - (1) Any employee who has left the Township service to enter the active service of the Armed Services of the United States and who is subsequently reinstated to a position previously held by him shall be entitled to receive compensation at the rate to which he/she would have been entitled had his/her service with the Township not been interrupted by service in the armed forces.
- C. No newly hired employees shall receive any adjustment to salary until January 1 following the completion of one full year of service.

§ 79-13. Longevity compensation.

- A. Establishment; effective date. All full-time employees hired by the Township prior to January 1, 1996, shall be paid longevity pay in addition to salary compensation and retainers, for meritorious, long, and faithful service.
- B. Specific policies.
 - (1) Longevity payments shall be due and payable on quarterly basis by March 31, June 30, September 30 and December 31 of each year. Such quarterly payments

shall be based on the annual salary paid to eligible employees who have completed the full period of years of service herein designated:

- (a) After five years: 2%.
 - (b) After 10 years: 4%.
 - (c) After 15 years: 6%.
 - (d) After 20 years: 8%.
 - (e) After 25 years: 10%.
- (2) Employees receiving longevity payments as of December 31, 2015, shall not be eligible for any further increase to longevity payments above the then current total monetary amount paid to the employee for calendar year 2015, and the total longevity payment shall freeze but that frozen amount shall continue to be paid, at a minimum, on a quarterly basis. Employees not entitled to longevity payments on December 31, 2015, shall not be entitled to receive longevity payments. Furthermore, represented employees receiving longevity that are promoted or appointed on or after January 1, 2016, to a position not covered by a recognized bargaining unit shall not be eligible for longevity payments regardless of their date of hire.
- (a) No employee hired after January 1, 1996, shall be entitled to receive longevity.
 - (b) Each month shall be considered 1/12 of a year for longevity payment purposes.
 - (c) Longevity payments shall be excluded in computing overtime compensation. Longevity payments shall become part of an employee's base pay for pension purposes only.
 - (d) Longevity payments shall be paid notwithstanding the maximum salary or compensation provided by ordinance for any employee.
 - (e) Any authorized leave, with or without pay, shall be credited to an employee of the Township in computing this period of service. Terminal leave and disciplinary leave is excluded.
 - (f) Longevity payments are offered to employees to reward continuous Township service. If an employee terminates employment and is reemployed with the Township, no longevity payments shall be paid upon reemployment.
 - (g) A retiring employee on terminal leave shall receive longevity payments up to and including the last day of terminal leave. The longevity payments received by a retiring employee who retires prior to April 1 shall be based on the salary received by the employee in the calendar year prior to retirement. For those employees retiring after April 1, the longevity payments shall be based on salary received during the year of retirement.

- (h) The longevity provisions of this section shall not apply to those employees of the Township who have made independent contractual arrangements with the Township pertaining to their compensation.

§ 79-14. Health insurance benefits.

- A. The Township shall provide health insurance benefits to all full-time employees beginning the 60th day after the first day of employment with the Township as provided for in this section.
- B. Full-time employees hired prior to October 29, 2018, shall be provided a hospitalization and major medical insurance plan equal to or better than the Direct 10 plan offered by the New Jersey State Health Benefits Plan as may be amended by the State Health Benefits Commission.
- C. Employees hired on or after October 29, 2018, shall be provided an EPO 15/25 hospitalization and major medical insurance plan. Employees may opt to select any higher cost health insurance plan offered by the Township, however the employee must pay through payroll deduction the difference in the Township's cost of the plan as compared to the EPO 15/25 Health Insurance Plan.
- D. Upon the death of an active or retired full-time employee who is covered by the Township's health insurance benefits, the decedent's eligible spouse and/or eligible dependents coverage shall continue for a period of 18 months at no cost to the surviving spouse or dependents. After the completion of the 18 months, the surviving spouse and/or eligible dependents may elect to continue medical coverage at his/her own expense at the Township group rates under COBRA.

§ 79-15. Prescription drug insurance benefits.

- A. The Township shall provide prescription drug insurance benefits to all full-time employees beginning the 60th day after the first day of employment with the Township as provided in this section.
- B. Full-time employees shall be provided prescription drug insurance benefits equal to or better than the plan offered to the Township's employees who are members of OPEIU Local 153.
- C. Upon the death of an active or retired full-time employee who is covered by the Township's prescription drug insurance benefits, the decedent's eligible spouse and/or eligible dependents coverage shall continue for a period of 18 months at no cost to the surviving spouse or dependents. After the completion of the 18 months, the surviving spouse and/or eligible dependents may elect to continue prescription drug coverage at his/her own expense at the Township group rates under COBRA.

§ 79-16. Dental insurance benefits.

- A. The Township shall provide dental insurance benefits to all full-time employees beginning the 60th day after the first day of employment with the Township as provided in this section.
- B. Full-time employees shall be provided dental insurance benefits equal to or better than the plan offered to the Township's employees who are members of OPEIU Local 153.
- C. Upon the death of an active or retired full-time employee who is covered by the Township's dental insurance benefits, the decedent's eligible spouse and/or eligible dependents coverage shall continue for a period of 18 months at no cost to the surviving spouse or dependents. After the completion of the 18 months, the surviving spouse and/or eligible dependents may elect to continue dental coverage at his/her own expense at the Township group rates under COBRA.

§ 79-17. Waiver of insurance coverage.

- A. Active employees eligible for health insurance and/or prescription drug insurance coverage who maintain health insurance and/or prescription drug insurance coverage privately or through a spouse/eligible dependent shall be eligible for an annual waiver payment. Please note that if the employee is in the Township policy, and the alternate coverage is also provided by the Township, the employee shall not be eligible to receive a waiver payment. An employee may waive all employer-provided health benefits or a select benefit; for example, an employee may elect to waive health insurance or prescription drug insurance coverage. No payment shall be made for the waiver of dental insurance by an employee.
- B. Waivers shall be equal to the lesser of 25% of the amount saved by the Township as a result of the waiver or \$5,000. The waiver shall be paid to the employee, at a minimum, quarterly.

§ 79-18. Medical benefits after retirement.

- A. Active full-time employees hired after December 31, 1995, shall not be eligible for health, prescription drug or dental insurance coverage after retirement from the Township.
- B. Active full-time employees hired prior to January 1, 1996, who "bought in" to health, prescription drug and dental insurance coverage while actively employed shall continue to receive health and prescription drug after retirement for themselves and eligible spouse.

§ 79-19. Hours of work.

The official workweek of the Township is a five-day, thirty-five-hour workweek. The Township Manager shall establish the specific hours of work for each department.

§ 79-20. Holidays, observed.**A. Holidays (effective January 1, 2019).**

- (1) The official holidays with pay, which are observed by the Township, are as follows:
 - (a) New Year's Day.
 - (b) President's Day.
 - (c) Good Friday.
 - (d) Memorial Day.
 - (e) Independence Day.
 - (f) Labor Day.
 - (g) Columbus Day.
 - (h) Veteran's Day.
 - (i) Thanksgiving Day.
 - (j) The day after Thanksgiving.
 - (k) Christmas Eve.
 - (l) Christmas Day.
- (2) If a holiday falls on a Saturday, the preceding Friday shall be observed. If a holiday falls on a Sunday, it shall be observed on the following Monday.
- (3) In the event that an official holiday occurs while an employee is on sick leave, he/she shall not have such holiday counted as a sick day.
- (4) In the event that an official holiday occurs during an employee's vacation leave, he/she shall not have such holiday counted as a day of his/her vacation leave, but he/she shall be entitled to a substitute day of vacation leave.
- (5) Full-time employees hired prior to January 1, 2019, shall receive two floating days off at the start of each year to be used at the discretion of the employee, under the same restrictions as personal days. These days shall be in lieu of Lincoln's Birthday and the General Election Day.

§ 79-21. Vacation leave.

- A. General vacation allowance.** All full-time employees shall be granted vacation leave each calendar year.
- (1) Employees hired full-time in an unrepresented position prior to December 1, 2015, shall receive 27 vacation days annually.

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- (2) Employees hired full-time in a represented position prior to December 1, 2015, who are promoted to an unrepresented position after December 1, 2015, shall continue to receive the vacation days allotted to them as a represented employee to a maximum of 25 days.
 - (3) Employees hired full-time by the Township on or after December 1, 2015, in an unrepresented position shall follow the following schedule:
 - (a) New employees shall only receive one working day for the initial month of employment if they begin work on the first through the 8th day of the calendar month, and 1/2 working day if they begin on the 9th through the 23rd day of the month.
 - (b) After the initial month of employment and up to the end of the first calendar year, employees shall receive one working day for each month of service.
 - (c) Thereafter, they shall receive 15 vacation days for the first full calendar year and an additional one vacation day for each successive year of employment to a maximum of 25 days.
- B. All part-time employees shall be granted vacation leave on a prorated basis.
- C. General condition applicable to vacation leaves. The following general conditions shall apply to vacation leaves:
 - (1) Accumulation of vacation leave beyond that earned in a twelve-month period shall be permitted only with the consent of the department head and written approval of the Township Manager.
 - (2) Under no conditions, however, shall an employee be permitted to accumulate more than two years of accrued vacation leave.
 - (3) Accrued vacation leave for employees with greater than one year of service shall be compensated for when the employee becomes separated, either voluntarily or involuntarily, from the Township service unless the employee terminates service without giving two weeks' notice to his/her department head or Township Manager, as applicable.
 - (4) Any employee who is laid off, retires or separates from the service of the Township for any reason shall be compensated in time for the value of his/her accumulated and unused vacation time on a prorated monthly basis standing to his/her credit at the time of his separation from service. In case of an employee's death in service, monetary payment shall be made to his/her beneficiaries or estate.
 - (5) Time on paid sick leave and all other time paid for but not actually working shall be considered as days worked for the purposes of computing vacation eligibility and accrual. Such time (nonproductive) shall count toward weekly overtime calculations.

- (6) Any official holiday occurring during an employee's vacation leave period shall not be counted as a day of vacation leave, but shall entitle the employee to a substitute day of vacation leave.

§ 79-22. Sick leave.

Sick leave shall be as follows:

A. Sick leave allowance.

- (1) Full-time employees shall be entitled to paid sick leave as follows:
- (a) New employees shall only receive one working day for the initial month of employment if they begin work on the first through the 8th day of the calendar month, and 1/2 working day if they begin on the 9th through the 23rd day of the month.
 - (b) After the initial month of employment and up to the end of the first calendar year, employees shall be credited with one working day for each month of service.
 - (c) Thereafter, at the beginning of each calendar year in anticipation of continued employment, employees shall be credited with 15 calendar days.
- (2) Part-time employees shall be entitled to paid sick leave as follows:
- (a) New employees shall only receive one working day for the initial month of employment if they begin work on the first through the 8th day of the calendar month, and 1/2 working day if they begin on the 9th through the 23rd day of the month.
 - (b) After the initial month of employment and up to the end of the first calendar year, employees shall be credited with one working day for each month of service.
 - (c) Thereafter, at the beginning of each calendar year in anticipation of continued employment, employees shall be credited with 15 calendar days.
 - (d) All days shall be prorated based off the number of hours worked per week.
- (3) Effective October 29, 2018, per-diem employees shall be entitled to paid sick leave as follows:
- (a) For every 30 hours worked, the employee shall accrue one hour of earned sick leave,
 - (b) The employee shall be permitted to accrue up to 40 hours of earned sick leave. Unused sick leave may be carried forward from one benefit year to the next for a maximum of 40 hours of earned sick leave. Employees shall not be entitled to compensation for sick leave accumulated at termination, resignation, or retirement.

- (c) Earned sick leave shall begin to accrue on October 29, 2018, for any employee who is hired and commences employment prior to October 29, 2018, and said employee shall be eligible to use the earned sick leave beginning on the 120th calendar day after the employee commences employment.
 - (d) Earned sick leave shall begin to accrue upon the date that employment commences and the employee shall be eligible to use the earned sick leave beginning on the 120th calendar day after the employee commences employment.
 - (e) The employee may subsequently use earned sick leave as soon as it is accrued.
 - (f) If a per-diem employee is terminated, laid off, furloughed, or otherwise separated from employment with the Township, any unused accrued earned sick leave shall be reinstated upon the rehiring or reinstatement of the employee to the Township, within six months of termination, being laid off or furloughed, or separation, and prior employment with the Township shall be counted towards meeting the eligibility requirements set forth in this section.
- (4) Paid sick days shall not accrue during a leave of absence without pay or suspension but shall continue to accrue during a voluntary furlough or furlough extension leave.
 - (5) Sick leave credits shall not accrue after an employee has resigned or retired although his or her name is being retained on the payroll until exhaustion of vacation or other compensatory leave.
 - (6) An employee who exhausts all paid sick days in any one year shall not be credited with additional paid sick leave until the beginning of the next calendar year.
 - (7) Unused sick leave shall accumulate from year to year without limit, whether or not it was accrued prior to an intergovernmental transfer in accordance with N.J.A.C. 4A:4-7.1A; provided, however, that in the case of an intergovernmental transfer, the sick leave police officer who has waived all accumulated sick leave, shall accrue from the effective date of the transfer.
 - (8) Pursuant to New Jersey Civil Service Rules, sick leave may be used by employees who are unable to work because of:
 - (a) Personal illness or injury (see N.J.A.C. 4A:6-1.21B for federal family and medical leave);
 - (b) Exposure to contagious disease (see N.J.A.C. 4A:6-1.21B for federal family and medical leave);
 - (c) Care, for a reasonable period of time, of a seriously ill member of the employee's immediate family (see N.J.A.C. 4A:1-1.3 for definition of "immediate family," see N.J.A.C. 4A:6-1.21A for family leave under state law and see N.J.A.C. 4A:6-1.21B for federal family and medical leave); or

- (d) Death in the employee's immediate family, for a reasonable period of time.
 - (e) A disability for absences related to the acquisition or use of an aid for the disability when the aid is necessary to function on the job. In such cases, reasonable proof may be required by the Township Manager.
- (9) Pursuant to the New Jersey Earned Sick Leave Law (N.J.S.A. 34:11D-1), sick leave may be used by employees who are unable to work because of:
- (a) Time needed for diagnosis, care, or treatment of, or recovery from, an employee's mental or physical illness, injury or other adverse health condition, or for preventive medical care for the employee;
 - (b) Time needed for the employee to aid or care for a family member of the employee during diagnosis, care, or treatment of, or recovery from, the family member's mental or physical illness, injury or other adverse health condition, or during preventive medical care for the family member;
 - (c) Absence necessary due to circumstances resulting from the employee, or a family member of the employee, being a victim of domestic or sexual violence, if the leave is to allow the employee to obtain for the employee or the family member medical attention needed to recover from physical or psychological injury or disability caused by domestic or sexual violence; services from a designated domestic violence agency or other victim services organization; psychological or other counseling; relocation; or legal services, including obtaining a restraining order or preparing for, or participating in, any civil or criminal legal proceeding related to the domestic or sexual violence;
 - (d) Time during which the employee is not able to work because of a closure of the employee's workplace, or the school or place of care of a child of the employee, by order of a public official due to an epidemic or other public health emergency, or because of the issuance by a public health authority of a determination that the presence in the community of the employee, or a member of the employee's family in need of care by the employee, would jeopardize the health of others; or
 - (e) Time needed by the employee in connection with a child of the employee to attend a school-related conference, meeting, function or other event requested or required by a school administrator, teacher, or other professional staff member responsible for the child's education, or to attend a meeting regarding care provided to the child in connection with the child's health conditions or disability.
- B. Sick leave must be utilized and runs concurrently with family/medical leave entitlement under the New Jersey Family Leave Act and/or the Federal Family Medical Leave Act.
- C. General conditions.
- (1) The Township has the right to request sick time verification whenever it deems it necessary to do so. However, this shall not be done in an unduly offensive or obtrusive manner.

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- (2) When, as a condition of his/her return to duty, the Township requires a second opinion for an employee who has been absent because of personal illness, said employee shall be examined, at the expense of the Township. Such examination shall establish whether the employee is capable of performing his/her normal duties and that his/her return will not jeopardize the health of other employees. Employees incapable of resuming normal work duties may be retired from employment or transferred to other duties at the discretion of the Township Manager.

D. Separation.

- (1) All employees and personnel of the Township of Verona who have been employed full time shall receive compensation for sick leave accumulated at retirement pursuant to the following schedule:
 - (a) Employees who were hired full-time by the Township prior to January 1, 1978, shall receive compensation for sick leave accrued up to a maximum of 225 days.
 - (b) Employees who were hired full-time by the Township between January 1, 1978, and May 20, 2010, shall receive compensation for sick leave accrued up to a maximum of 100 days.
 - (c) Employees who were hired full-time by the Township between May 21, 2010, and November 30, 2015, shall receive compensation for sick leave accrued up to a maximum 100 days or \$15,000, whichever is less.
 - (d) Employees who were hired full-time by the Township on or after December 1, 2015, shall not be entitled to compensation for sick leave accumulated at retirement.
- (2) No sick leave allowance will be paid in case of dismissal for cause or resignation for any other purpose than retirement.
- (3) Payment for compensated sick leave shall be made upon certification by the Chief Financial Officer that sufficient documentation of the amount of the accumulated sick leave has been provided, and that funds are available to pay for the amount of compensated absence due. Sufficient documentation shall include:
 - (a) A copy of, or reference to, the agreement authorizing compensation;
 - (b) Documentation of the amount of accumulated absence time; and
 - (c) The total value of the compensation due based on the agreement and accumulated absence time.
 - [1] Unless expressly stated otherwise by a duly negotiated and approved labor agreement, and/or individual employment agreement where payouts for accumulated absences are authorized:
 - [a] Payment for compensated absence based on absence time accumulated starting January 1, 2018, shall be calculated utilizing no more than the employee's base salary at the time in

which the absence was accumulated. The Chief Financial Officer shall ensure documentation of the employee's base salary at the time in which the absence time was accumulated; and

- [b] Absence time accumulated starting January 1, 2018, that is utilized during employment shall be utilized in the order of highest dollar value to lowest dollar value. The caps set forth in this section on the total number of sick days compensable and/or total dollar amount of sick leave compensable, compensable sick leave shall be exhausted before noncompensable sick leave is utilized.
- (4) With approval of the Township Manager, the Chief Financial Officer may begin to compensate employees with 20 years of service in a state pension retirement system for their accumulated absence accrued pursuant to this section, duly negotiated and approved labor agreement, and/or individual employment agreement where payouts for accumulated absences are authorized prior to retirement.
- E. Workers' compensation. During the period of occupational illness or accident where an employee receives compensation benefits under the Workmen's Compensation Act and returns those benefits to the Township in exchange for his/her normal paycheck, that sick leave time charged will be prorated for that portion which is not covered by the compensation benefits.

§ 79-23. Personal time.

- A. Full-time employees hired prior to January 1, 2019, receive four personal days off at the start of each year.
- B. Part-time employees shall be granted personal time on a prorated basis.
- C. Employees hired on or after January 1, 2019, shall be entitled to personal days as follows:
 - (1) Less than one year of continuous full-time employment: one personal day.
 - (2) One or more years of continuous full-time employment: three days.
- D. Personal days shall be used at the discretion of the employee, under the same contractual restrictions as vacation days. However personal days shall not carried over from year to year.

§ 79-24. Special leave.

- A. Maternity leave. Maternity leave shall be granted for a period of three months, exclusive of accumulated sick and vacation time, provided that the employee has worked for the Township for one year prior to commencement of such leave. Such requests shall be made, in writing, to the department head who shall forward same to the Township Manager for approval. Such leave shall be without pay, unless

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accumulated sick and vacation time is applied thereto. Time out on maternity leave qualifies as family and medical leave and will be counted against an employee's 12 week family/medical leave entitlement under the New Jersey Family Leave Act and the Federal Family and Medical Leave Act.

- B. Leave for personal reasons. A full-time employee may be granted leave without pay for a period not exceeding one month during a fiscal year for specific personal reasons or other reasons deemed in the best interest of the Township when recommended by the department head and approved by the Township Manager. Applications for leave without pay must be submitted in advance, in writing, to the employee's department head, showing the employee's reason for requesting such leave, and must contain a statement that he/she intends to return to the Township service. Employees shall continue to contribute their portion of health and medical benefits as if they were receiving their full salary.
- C. Leave for court appearance or jury duty. A full-time employee who is subpoenaed as a witness in a civil or criminal case not involving him or her in his/her capacity as a Township employee, or an employee who is called and serves on a jury, may be granted paid leave for that period of time in which he/she is officially involved with the court in such capacity.
- D. Leave due to death in immediate family. In the event of a death in his/her immediate family, each full-time employee may be granted, upon approval of said employee's department head, time off with pay, such time not to exceed four days. Upon recommendation of the department head and approval by the Township Manager, a reasonable extension beyond four days may be allowed where circumstances justify such action. The term "immediate family," as used in this subsection, includes the employee's father, mother, spouse, brother, sister, son, daughter, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandparents and grandchildren. Consideration for attendance at funerals for other than the immediate family may be granted upon recommendation by the department head and approval of the Township Manager.
- E. Training leave. Full-time employees may be granted skill or professional improvement leave with or without pay for specific courses of study relating to the work of the Township in which he is employed, or leave to attend conferences of professional and similar associations. Such leave may be granted with full or part pay upon recommendation of the employee's department head and approval by the Township Manager in an amount not exceeding one calendar month during any fiscal year.
- F. Military leave. The Township of Verona shall provide military leave to its eligible employees in accordance with all state and federal laws.
- G. Reporting absence. An employee who is to be absent from duty shall report the reason therefor to his/her supervisor prior to the start of his/her normal work shift, and, only in the case of an emergency, call-in shall be no later than two hours after the start of the work shift. All unauthorized and unreported absences shall be considered absence without leave, and deduction of pay shall be made for such period of absence. Absence without leave for three or more days or part thereof shall be grounds for immediate dismissal from the Township service.

- H. Leave pursuant to statutory provisions. In any case where the laws of this state provide for special leave not contemplated in this chapter, said laws shall control the amount of leave granted in such instances.

§ 79-25. Donated leave program.

- A. An employee shall be eligible to receive donated sick or vacation leave if the employee:
- (1) Has completed at least one year of continuous service to the Township;
 - (2) Has exhausted all accrued sick, vacation and administrative leave, all sick leave injury benefits, if any, and all compensatory time off;
 - (3) Has not, in the two-year period immediately preceding the employee's need for donated leave, been disciplined for chronic or excessive absenteeism, chronic or excessive lateness or abuse of leave; and
 - (4) Either:
 - (a) Suffers from a catastrophic health condition or injury;
 - (b) Is needed to provide care to a member of the employee's immediate family who is suffering from a catastrophic health condition or injury; or
 - (c) Requires absence from work due to the donation of an organ (which shall include, for example, the donation of bone marrow).
- B. For purposes of this section, a "catastrophic health condition or injury" shall be defined as follows:
- (1) With respect to an employee, a "catastrophic health condition or injury" is either:
 - (a) A life-threatening condition or combination of conditions; or
 - (b) A period of disability required by his or her mental or physical health or the health of the employee's fetus which requires the care of a physician who provides a medical verification of the need for the employee's absence from work for 60 or more work days.
 - (2) With respect to an employee's immediate family member, a "catastrophic health condition or injury" is either:
 - (a) A life-threatening condition or combination of conditions; or
 - (b) A period of disability required by his or her mental or physical health which requires the care of a physician who provides a medical verification of the need for the family member's care by the employee for 60 or more work days.
- C. An employee may request that the Township Manager approve his or her participation in the program, as a leave recipient or leave donor. The employee's supervisor may

make such a request on behalf of the employee for his or her participation in the program as a leave recipient.

- (1) The employee or supervisor requesting the employee's acceptance as a leave recipient shall submit to the appointing authority medical verification from a physician or other licensed health care provider concerning the nature and anticipated duration of the disability resulting from either the catastrophic health condition or injury, or the donation of an organ, as the case may be.
 - (2) When the Township Manager has approved an employee as a leave recipient, the appointing authority shall, with the employee's consent, post or circulate the employee's name along with those of other eligible employees in a conspicuous manner to encourage the donation of leave time, and shall provide notice to all negotiations representatives in that appointing authority.
 - (a) If the employee is unable to consent to this posting or circulation, the employee's family may consent on his or her behalf.
- D. A leave recipient must receive at least five sick days or vacation days or a combination thereof from one or more leave donors to participate in the donated leave program. A leave donor shall donate only whole sick days or whole vacation days and may not donate more than 30 such days to any one recipient.
- (1) A leave recipient shall receive no more than 260 sick days or vacation days, and shall not receive any such days on a retroactive basis.
 - (2) A leave donor shall have remaining at least 20 days of accrued sick leave if donating sick leave.
 - (3) A leave donor shall not revoke the leave donation.
 - (4) If a leave donor is not in the same department or autonomous agency as the leave recipient, appropriate arrangements shall be made between the affected appointing authorities to verify donor eligibility and adjust leave records. However, the posting requirement set forth in Subsection C(2) above is limited to the recipient's appointing authority.
- E. While using donated leave time, the leave recipient shall accrue sick leave and vacation leave and be entitled to retain such leave upon his or her return to work.
- (1) Any unused, donated leave shall be returned to the leave donors on a prorated basis upon the leave recipient's return to work, except that if the proration of leave days results in less than one day per donor to be returned, that leave time shall not be returned.
 - (2) Upon retirement, the leave recipient shall not be granted supplemental compensation on retirement for any unused sick days which he or she had received through the leave donation program.
- F. An employee shall be prohibited from threatening or coercing or attempting to threaten or coerce another employee for the purpose of interfering with rights involving donating, receiving or using donated leave time. Such prohibited acts shall include, but not be limited to, promising to confer or conferring a benefit such as an appointment or

promotion or making a threat to engage in, or engaging in, an act of retaliation against an employee.

- G. The use of contributed time shall run concurrently with approved FMLA and NJFLA benefits, if applicable.
- H. The Township Manager may suspend or terminate the donated leave program at any time upon 30 days' written notice of such suspension or termination to the Chairperson or designee, all affected employees, and labor negotiations representatives.
- I. This donated leave program shall become effective 30 days after approval of the program criteria by the Chairperson or his/her designee of the Civil Service Commission.¹

§ 79-26. through § 79-30. (Reserved)

**ARTICLE III
General Regulations**

§ 79-31. Grievance procedure.

The grievance procedure for those confidential employees not covered by a collective bargaining agreement shall be as follows:

- A. Step 1: presentation to department head. An employee who has a grievance and who is not part of a collective bargaining agreement may at the time the grievance occurs or within 10 working days of the occurrence notify his/her department head, in writing, of the grievance. Grievance not taken within 20 working days shall be conclusively deemed waived. The department head shall either conclude a mutually satisfactory solution to the grievance within 10 working days of the time the grievance was first submitted to him or her or, failing in that, prior to the end of that time, advise the employee of his/her inability to do so. When an employee is informed by his/her department head that he/she is unable to arrange a mutually satisfactory solution to the grievance, the employee must present such grievance to the Township Manager, in writing, within 20 days of the failure to resolve the grievance, in the manner set forth below in Step 2.
- B. Step 2: presentation to Manager. The employee shall prepare the grievance in writing. The grievance should be stated as completely and as clearly as possible. The grievance shall be transmitted immediately to the Township Manager with a copy presented to his/her department head. The department head shall report in writing the facts and events which led up to its presentation, including in his/her written report any verbal answer he/she may have previously given to the employee concerning this grievance. Within 10 working days after receipt of the written grievance, the department head must present it with the information required from him or her to the Township

1. Editor's Note: The Township's donated leave program was approved by the State of New Jersey Civil Service Commission Division of Agency Services on October 16, 2020.

Manager. The Township Manager, or the Township Attorney in the absence of the Township Manager, shall consider and formally act on the grievance.

- C. Employee's record. All papers and documents relating to a grievance and its disposition shall be placed in the employee's personnel file.

§ 79-32. Resignation.

- A. Written notice. Any employee who wishes to resign from the service in good standing shall give his/her department head at least two weeks' prior written notice of his/her resignation, unless the Township Manager requires a longer notice or agrees to a shorter notice. Said two weeks' notice shall be in addition to the employee's entitled accrued vacation and sick leave time. An employee failing to give at least two weeks' notice shall, in addition to other penalties, forfeit his/her accrued vacation time or any type of compensation in lieu of vacation. The department head shall indicate his/her approval or disapproval of the employee's resignation notification and forward it to the Township Manager, who may reject it or accept the resignation. No resignation shall become effective until it is recommended for approval by the employee's department head and approved by the Township Manager.
- B. Without notice. Any employee who does not submit his/her resignation in compliance with the provisions in this chapter, or whose resignation is not approved by the department head and the Township Manager, or who is absent from work for a period of three or more days without notifying his/her department head of the reason for his/her absence and of his/her intention to return to work, may be considered as having resigned without notice and not in good standing. Any employee who fails to return to his/her duties within three days after the expiration date of an unauthorized leave period without notifying his/her department head shall be considered as having resigned without notice and not in good standing, provided that the failure to give notice was not caused by unavoidable circumstances.
- C. An employee who leaves service without resignation in good standing as defined in this chapter shall have the fact entered in his/her personal record. If the situation warrants it, he/she may be deprived of the right to apply for reemployment to service at a future date and he/she may be denied the privilege of a satisfactory reference from the officials of the Township.

§ 79-33. Prohibited political activity.

- A. Prohibited activities; penalty for violation.
 - (1) Except as otherwise permitted by Subsection B of this section, employees shall not engage in any of the following political activities:
 - (a) Seek or accept nomination to any Township office other than Board of Education without first obtaining a leave of absence.
 - (b) Use one's official position to influence publicly in any way for or against any candidate for elective office in the Township government.

- (c) Circulate petitions or publicly campaign on behalf of any candidate for a Township office, or work at the polls in any municipal, primary or general election during working hours.
- (d) Solicit or receive any subscription or contribution for any Township political purpose or party during working hours.
- (2) Violation of any of the provisions of this subsection shall be deemed sufficient cause for dismissal from the Township service.

B. Limitations on scope of prohibited activities.

- (1) Nothing in Subsection A of this section shall be construed to prevent employees from becoming or continuing to be members of any political party, club, or organization; attending political meetings; expressing their views in private on political matters outside of working hours and off Township premises; and voting with complete freedom in any election.
- (2) Nothing in Subsection A of this section shall apply to officers, officials and employees classified hereof as exempt personnel.

§ 79-34. Personnel records.

The Township Manager shall maintain adequate personnel records for each employee of the Township. Such records should include, but not be limited to, the following: grievances; dates of appointments and promotions; job titles; salaries; commendations; disciplinary actions; leave of any type taken and accumulated; merit ratings and the like. Appropriate forms for reporting such information shall be developed by the Township Manager, and the order of filing such forms within a file shall be uniform.

§ 79-35. Outside employment.

Employees are permitted to accept permanent outside employment, provided that there is no possibility that such employment will interfere with an employee's performance or compromise an employee's position through a conflict of interest. Before accepting such permanent outside employment, an employee shall advise and obtain prior approval from his/her department head, in writing, of the place of such employment, hours of work and such other information as may be established by said department head.

§ 79-36. Departmental regulations.

Subject to the approval of the Township Manager, a department head may establish written regulations affecting the personnel and internal operations of his/her department; provided, however, that such departmental regulations shall not conflict with any of the provisions of this chapter, collective bargaining agreement and/or Township Employee Manual.

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§ 79-37. Acceptance of gifts.

- A. This section shall apply to all elected or appointed officials, employees, employees of any board, commission, department, division, committee or agency, whether paid or unpaid, full-time or part-time, whether created by the governing body of the Township of Verona or appointed by any of its officials or administrators.
- B. No person to whom this section is applicable shall, in the course of his or her employment or in connection with such work or employment, in any calendar year, accept, take or receive a gift or gifts or other thing of value from a Township vendor and/or a potential vendor, including meals and the like, of a total cumulative value in excess of \$25.
- C. The aforementioned prohibitions shall not apply to the acceptance or exchange of gifts between persons to whom this section is applicable.
- D. For the purposes of this section, a discount on the purchase of services or products which is extended to all municipal employees, with advanced written notice to the Administration, shall not be considered to be a gift, even if its cumulative discount exceeds \$25 in any given calendar year.
- E. For the purposes of this section, a campaign contribution and/or donation, in kind or otherwise, made to an official election or reelection campaign, committee and/or account of a municipal official or employee shall not constitute a gift.

§ 79-38. Direct deposit of Township employee compensation.

- A. All employees who receive compensation from the Township of Verona are mandated to have direct deposit of their compensation as of January 1, 2020, in accordance with N.J.S.A. 52:14-15f(b).
- B. Seasonal and temporary employees who are employed by the Township of Verona are exempt from the direct deposit mandate in accordance with N.J.S.A. 52:14-15f(b).

Chapter 87

POLICE DEPARTMENT

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[HISTORY: Adopted by the Township Council of the Township of Verona 5-21-2018 by Ord. No. 2018-17. Amendments noted where applicable.]

ARTICLE I
General Provisions

§ 87-1. Department established; composition.

- A. There is hereby created in and for the Township of Verona, in the County of Essex and State of New Jersey, a Police Department.
- B. The Police Department may consist of a Police Chief, two Police Captains, and a combined total of 27 Police Lieutenants, Police Sergeants and police officers. In addition, the Police Department may employ clerical personnel and other employees to assist its officers in preserving the peace and good order in the Township. Personnel shall be appointed from time to time by the Township Manager, within budgetary appropriations approved by the Council, as deemed necessary in order to maintain administrative efficiency within the Department.

§ 87-2. Purpose.

The Police Department shall preserve the public peace; protect life and property; detect, arrest and prosecute offenders of the laws of New Jersey and the ordinances of the Township of Verona; direct and control traffic; provide attendance and protection during emergencies; provide appearances in court; cooperate with all other law enforcement agencies; and provide training for the efficiency of its employees.

§ 87-3. Designation of Appropriate Authority; promulgation of rules and regulations.

- A. In accordance with N.J.S.A. 40A:14-118, the Township Manager is hereby designated as the Appropriate Authority and is hereby vested with the powers and duties of an Appropriate Authority as delegated by law.
- B. The Manager shall:
- (1) Be the Chief Executive Officer of the Police Department.
 - (2) Make, administer and enforce rules and regulations for the control, disposition and discipline of the Department, and of its officers and employees.
 - (3) Establish procedures for the hearing and determination of charges of violation of departmental rules and regulations by any member of the Police Department, provided that a member may be fined, reprimanded, removed, suspended or dismissed from the Department only on written charges made or preferred against him or her, after such charges have been examined, heard as described herein and according to such practice, procedure and manner as may be prescribed by rules and regulations of the Department and Civil Service.
 - (4) Appoint, subject to budgetary restrictions, such civilian employees and/or members to the Police Department as he/she deems necessary and appropriate, in his/her discretion and judgment, to maximize the efficiency of the Police Department. Said civilian employees and/or members shall perform any and all services as prescribed and specified by the Manager.
 - (5) Nothing herein contained in this section shall limit or prevent the Manager from exercising and/or carrying out the rights, powers and duties afforded in accordance with applicable state law, the Attorney General guidelines and directives and any other relevant law(s).
 - (6) Nothing herein contained shall prevent the appointment by the Council of committees or commissions to conduct investigations of the operation of the police force and the delegation to such committees or commissions of such powers of inquiry as the governing body deems necessary or to conduct such hearings or investigations as authorized by law.
 - (7) Nothing herein contained shall prevent the Appropriate Authority, or any executive or administrative officer charged with the general administrative responsibilities within the municipality, from examining at any time the operations of the police force or the performance of any officer or member thereof. In addition, nothing herein contained shall infringe on or limit the power or duty of the Appropriate Authority to act to provide for the health, safety and/or welfare of the municipality in an emergency situation through special emergency directives.

§ 87-4. through § 87-10. (Reserved)

ARTICLE II
Organization

§ 87-11. Table of organization.

The Township Manager shall organize the Police Department to include a Division of Operations to provide for patrol services and a Division of Administration to provide for community services, administrative services and support services.

§ 87-12. Police Chief.

- A. There is hereby created within the Police Department the position of Police Chief. The Police Chief shall be appointed in accordance with Title 11A, Civil Service, of the Revised Statutes of New Jersey by the Township Manager. The Police Chief shall be directly responsible to the Township Manager as the Appropriate Authority for the efficiency and routine day-to-day operations thereof, pursuant to policies established by the Appropriate Authority under N.J.S.A. 40A:14-118. The duties and powers of the Police Chief are vested in state statutes, rules and regulations and Township ordinances and include the following:
- (1) Administer and enforce rules and regulations and special emergency directives for the disposition and discipline of the force and its officers and personnel;
 - (2) Have, exercise, and discharge the functions, powers and duties of the force;
 - (3) Prescribe the duties and assignments of all subordinates and other personnel;
 - (4) Delegate such of his/her authority as he/she may deem necessary for the efficient operation of the force to be exercised under his/her direction and supervision; and
 - (5) Report at least monthly to the Township Manager in such form as shall be prescribed by such authority on the operation of the force during the preceding month, and make such other reports as may be requested by the Township Manager.
- B. The salary of the Police Chief shall be established in accordance with applicable New Jersey law. The salary of the Police Chief, who has been permanently appointed by the Civil Service Commission, shall be set at 5% greater than above the amount to be paid to a senior step Police Captain inclusive of maximum longevity as negotiated in the current collective bargaining agreement between the Township and PBA Local 72. The salary of the Police Chief, who has been provisionally appointed pending permanent appointment by the Civil Service Commission, shall be set at \$1 above the amount to be paid to a senior step Police Captain inclusive of maximum longevity as negotiated in the current collective bargaining agreement between the Township and PBA Local 72.

§ 87-13. Other offices, divisions and duties.

In addition to a Police Chief, the following offices are established within the Police Department. The duties of each office shall be as set forth herein and, in addition thereto,

shall include such duties as may be prescribed in the Police Department rules and regulations as may be promulgated by the Township Manager.

- A. Police Captains. The duties of Police Captain shall be to have direct supervisory control over the division to which such Police Captain has been assigned.
- B. Police Lieutenants. The duties of Police Lieutenant shall be the patrol squad leader and shall assist the Police Captain of the Division of Operations in planning and administering the activities and operations of the uniform divisions. As squad leader, he/she shall perform such other duties as may be directed by the Police Captain of the Division of Operations.
- C. Police Sergeants. The duties of Police Sergeant shall vary according to assignment:
 - (1) A Police Sergeant assigned to a patrol squad shall assist the squad leader in planning and administering the activities and operations of the uniform division and shall direct and supervise all activities of personnel assigned to his/her authority during his/her tour of duty.
 - (2) A Police Sergeant assigned to the Detective Bureau shall command and control the Detective Bureau and shall be responsible for the overall operations and activities of the Detective Bureau. He/she shall assist the Police Captain of the Division of Operations in planning and administering the activities and operations of the Detective Bureau.
- D. Police officers. The number of police officers in the Police Department shall be consistent with the total authorized personnel of the Police Department. The duties of police officers shall be as required by law and as may be prescribed in Police Department rules and regulations as may be promulgated by the Township Manager.

§ 87-14. through § 87-20. (Reserved)

**ARTICLE III
Outside Employment**

§ 87-21. Definitions.

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

EXTRA DUTY WORK — Any employment or assignment which the Police Department is not obligated or expected to provide, or does not normally provide as part of its regular plan of police service; performed by an officer of the Verona Police Department for a person or entity who has entered into a formal contract with the Township for the performance of such services and where such services are conditioned upon the actual or potential use of law enforcement powers by the Police Department employee.

REGULAR DUTY — Regularly scheduled shifts of police duty, overtime, special assignments, department-sanctioned schooling in lieu of regular duty, and court appearances arising out of an officer's employment with this department.

SECONDARY EMPLOYMENT — Any off-duty employment that will not require the use or potential use of law enforcement powers by the off-duty officer.

§ 87-22. Outside police employment generally.

- A. Secondary employment shall be regulated by the Department and may be considered for approval, provided the employment does not represent a conflict of interest and the employment and/or tasks do not reflect unfavorably on the integrity or professionalism of the police officer or the Police Department. Officers are prohibited from engaging in outside employment that has not been approved by the Police Chief. The Police Chief shall have the sole discretion to approve of the police-related outside employment of any member of the Department.
- B. The organization or contractor that hires an off-duty member of the Department shall pay a fee to the Township as established in the current collective bargaining agreement to which the Township and PBA Local 72 are parties.
- C. Extra-duty work opportunities shall be limited to the geographical boundaries of the Township, unless expressly authorized by the Police Chief. Any assignments outside of the Township that are approved by the Police Chief must conform to the same rules and regulations.
- D. The Police Captain of the Division of Administration or his/her designee shall function as the manager and point of contact for all extra-duty work assignments. The Police Captain of the Division of Administration or his/her designee shall be responsible for maintaining a daily list of all extra-duty work assignments scheduled in the Township.
- E. The Police Captain of the Division of Administration or his/her designee shall create and maintain a comprehensive file for each vendor that contracts with the Township for police services. Said file shall contain all relevant information and forms relating to extra-duty work assignments worked within two years from the then-current date.
- F. Prior to the commencement of extra-duty work police services, the individual or entity requesting police services will be required to submit payment to the Police Department (which shall be forwarded to the Township Finance Department for deposit in an escrow account) equaling a reasonable estimate of the cost of police services based upon the total number of man-hours requested. All such fees must be paid in full prior to the date on which the extra-duty work police services are scheduled to commence. In any instance where the number of hours required is unknown and cannot be reasonably estimated, or is anticipated to be in excess of 10 days, the person or entity requesting the services of an off-duty law enforcement officer shall deposit an amount sufficient to cover the rate of compensation and administrative fees as set forth herein for the equivalent of 10 days. Any unused portion of the deposit shall be returned or credited against the final amount owed.
- G. Prior to posting any request for services of off-duty law enforcement officers, the Police Captain of the Division of Administration or his/her designee shall verify that the balance deposited for the person or entity requesting services is sufficient to cover the compensation and fees for the number of hours specified in the request for services. The Police Captain of the Division of Administration, or his/her designee shall not post

a request for services from any person or entity unless all fees and compensation required in the manner described above have been deposited in the account. All payments must be remitted directly to the Township Finance Department for deposit. No officer shall be paid directly by any employer for requested services nor provide any such services for more hours than are specified in the request for services.

- H. The person or entity requesting such services shall be responsible for ensuring that sufficient funds remain in the account in order to avoid any interruption of services. The Police Captain of the Division of Administration, or his/her designee, shall notify the organization or contractor upon the expenditure of 50% of the escrow funds. At that time, a determination shall be made as to whether or not the balance is sufficient to pay for further services that may be required. In the event the remaining balance is insufficient, the organization or contractor shall, within 24 hours of notice of the deficiency, deposit funds in an amount sufficient to cover the additional services. Any funds remaining in the escrow account shall be refunded to the person, organization or contractor that posted said escrow funds within 60 days of receipt by the Police Captain of the Division of Administration, or his/her designee, of the refund request.
- I. In the event the funds in the account should become depleted or that the account falls below the designated level, services of off-duty law enforcement officers shall cease, and further requests for additional or future services shall not be honored or posted until additional funds have been deposited in the account in the manner prescribed above.
- J. Police Captain of the Division of Administration, or his/her designee, shall make a written report to the Appropriate Authority every 90 days regarding the status of each account and highlight each deficient account holder. Payments to police officers shall be on a biweekly basis with all appropriate deductions.
- K. Exemption. All public utility companies are exempt from the provisions set forth in this section requiring advance payment to the Trust Account; providing, however, that there are no amounts previously due that are outstanding for a period in excess of 15 days. Any such delinquent balances shall require advance payment of the amount outstanding prior to any officer engaging in any further off-duty assignments.
- L. Cancellation. In the event that the person or entity requesting the off-duty law enforcement officers fails to contact the Township at least four hours prior to the scheduled start time to cancel the job, or the officer works less than four hours and the job is completed, the officer is entitled to be paid for the minimum of four hours.
- M. Public emergency. The Appropriate Authority, the Police Chief or his or her designees shall have the authority to order any police officer engaged in off-duty assignments within the Township to respond to an emergency situation. The Appropriate Authority, Police Chief or his or her designees shall also have the right to order any off-duty assignment to be terminated whenever said assignment creates an unacceptable risk to the health, safety and welfare of the off-duty officer and/or the citizens of the Township.

§ 87-23. Assignment of officers.

- A. In order to be eligible to work extra-duty work, an officer must be certified by the Police Training Commission as a full-time law enforcement officer, must have completed his/her field-training program and cannot be on medical or other leave due to sickness, temporary disability or an on-duty injury. These requirements, with the exception of certification by the Police Training Commission, may be waived by the Police Chief.
- B. The Police Captain of the Division of Administration or his/her designee shall select officers who have expressed interest in a particular outside employment assignment based upon the previous number of extra-duty work hours worked in the then-current calendar year, and any other fair and reasonable considerations as determined by the Captain of Administration or Police Chief.
- C. In situations where two or more officers express interest in the same assignment and both officers have previously worked the same number of hours in the current quarter, the assignments shall be given to the officer with the greater seniority.

§ 87-24. Payment schedule.

- A. The hourly rate for extra-duty work to be paid by a private contractor for all members of PBA Local 72 shall be set forth in the current collective negotiating agreement between the Township and PBA Local 72 and codified in Chapter A565, Fees.
- B. The Township shall charge an administrative fee in addition to the per hour rate paid to the members of PBA Local 72 at the rate set forth in Chapter A565, Fees, for administrative overhead and necessary accounting purposes.
- C. The Township shall charge an administrative fee in addition to the per hour rate paid to the members of PBA Local 72 at the rate set forth in Chapter A565, Fees, for the use of a patrol vehicle.

§ 87-25. Administrative procedures and policies.

The Appropriate Authority or Police Chief may issue and implement such administrative policies and procedures, not inconsistent with this chapter, so as to implement the intent and purpose of this chapter.

§ 87-26. through § 87-30. (Reserved)**ARTICLE IV****Absences, Leaves and Vacations****§ 87-31. Investigation.**

When any member of the Department becomes sick, injured or otherwise disabled while off duty or becomes sick, injured or otherwise disabled to the extent necessitating his/her

removal from duty to his/her residence, physician's office or hospital, the Police Chief or, in his/her absence, the ranking officer on duty, may investigate or cause to be investigated the circumstances surrounding the mishap, disorder or accident resulting in the member's sickness, injury or disability in accordance with any and all appropriate guidelines of internal investigations. He/she may employ the assistance of a health care professional designated by the Township or of the member's attending physician in so doing.

§ 87-32. Disability salary.

In accordance with the provisions of N.J.S.A. 40A:14-137, leaves of absence with pay not exceeding one year shall be granted to members and officers of the Department and force who shall be injured, ill or disabled, from any cause, provided that the examining health care professional designated by the Township shall certify such injury, illness or disability.

§ 87-33. Medical certificate required.

- A. A member of the Department on sick leave shall not be permitted to return to duty unless he/she presents a written medical certificate authorizing him/her to return to duty.
- B. If the sick leave has been for less than three months, a written certificate from a health care professional designated by the Township or from the member's attending physician shall be considered as sufficient medical authorization for the return of the member to duty.
- C. If such leave was for three months or longer, a written certificate from the member's attending physician shall be presented, together with a corroborating written certificate from a health care professional designated by the Township. When the health care professional designated by the Township is also the member's attending physician, his/her certificate shall suffice.

§ 87-34. Application for leave.

- A. Maternity leave. Except as otherwise prescribed by the collective bargaining agreement, maternity leave shall be granted for a period of three months, exclusive of accumulated sick and vacation time, provided that the employee has worked for the Township for one year prior to commencement of such leave. Such requests shall be made, in writing, to the department head, who shall forward the same to the Township Manager for approval. Such leave shall be without pay unless accumulated sick and vacation time is applied thereto. Leave granted under this provision shall run concurrently with any family and medical leave to which the employee is entitled and will be counted against an employee's twelve-week family-medical leave entitlement under the New Jersey Family Leave Act¹ and the Federal Family and Medical Leave Act.

§ 87-35. through § 87-40. (Reserved)

1. Editor's Note: See N.J.S.A. 34:11B-1 et seq.

ARTICLE V

Special Law Enforcement Officers**§ 87-41. Creation of position.**

In accordance with the provisions of P.L. 1986, c. 2, of the New Jersey Statutes, N.J.S.A. 40A:14-146.8 et seq., there is hereby created the position of special law enforcement officers for the Township of Verona, Essex County, New Jersey. Each special officer appointed shall be subject to the requirements of this article and the additional requirements set forth in P.L. 1986, c. 2.

§ 87-42. Classification; powers and duties.

The classifications of the special law enforcement officers shall be based upon the duties to be performed by said officers and are established as follows:

- A. Class One. Officers of this class are authorized to perform routine traffic detail, spectator control and similar duties as may be assigned by the Police Chief or, in the absence of the Chief, another law enforcement officer in a supervisory capacity designated by the Chief to act in his/her stead. Said Class One officers are also authorized to issue summonses for disorderly persons and petty disorderly persons offenses, violations of municipal ordinances and violations of Title 39 of the New Jersey Statutes Annotated. The use of firearms by said Class One officers is strictly prohibited, and no Class One officer shall be assigned any duties which may require the carrying or use of a firearm.
- B. Class Two. Officers of this class are herewith authorized to exercise full powers and duties similar to those of a permanent, regularly appointed full-time police officer. They shall be assigned such powers and duties by the Police Chief or, in the absence the Chief, another law enforcement officer in a supervisory capacity designated by the Chief to act in his/her stead. The use of a firearm by an officer of this class may be authorized only after the officer has been fully certified as successfully completing training as prescribed by the Police Training Commission, established within the Department of Law and Public Safety of the State of New Jersey.

§ 87-43. Appointments; terms.

- A. Special law enforcement officers shall be appointed by the Township Manager for a term not to exceed one year. Special law enforcement officers so appointed shall not be members of the police force of the Township of Verona. Their powers and duties, as determined pursuant to the Special Law Enforcement Officers' Act, shall cease at the expiration of the term of which appointed. No person shall be appointed to serve as a special law enforcement officer in the Township of Verona during which time he/she is presently a special law enforcement officer in another local unit within the State of New Jersey, nor shall a regularly appointed full-time police officer of any local unit within the State of New Jersey be appointed as a special law enforcement officer in the Township of Verona. No public official with responsibility for setting law enforcement policy or exercising authority over the budget of the Township of Verona or

supervision of the Verona Police Department shall be appointed as a special law enforcement officer.

- B. Any person who at any time prior to his/her appointment had served as a duly qualified, fully trained, full-time officer in any municipality of this state and who was separated from that prior service in good standing shall be eligible to serve as a special law enforcement officer consistent with guidelines promulgated by the Commission. Training requirements set forth in this subsection may be waived by the Commission with regard to any person eligible to be appointed as a special law enforcement officer pursuant to the provisions of this subsection. No person may commence his/her duties as a special law enforcement officer unless he/she has successfully completed a training course approved by the Commission, and no special law enforcement officer may be issued a firearm unless he/she has successfully completed the basic firearms course approved by the Commission for permanent, regularly appointed police and semiannual requalification examinations.

§ 87-44. Compensation.

Said special law enforcement officers Class One shall not be compensated for the performance of their duties. Special law enforcement officers Class Two shall be compensated as indicated in the Township salary ranges ordinance for special law enforcement officers. The Township of Verona shall not be required to compensate a special law enforcement officer for time spent in training.

§ 87-45. Limitation on number of officers.

The number of special law enforcement officers employed by the Township of Verona shall be limited as follows:

- A. Class One: not more than 20 Class One Officers.
- B. Class Two: not more than 25% of the number of regular officers employed by the Township of Verona.

§ 87-46. Residency requirements.

Appointments to the position of special law enforcement officer with the Township of Verona shall be made with preference given to applicants as follows:

- A. Retired Verona police officer;
- B. Veterans residing in the Township of Verona;
- C. Non-veterans residing in the Township of Verona;
- D. Residents of the County of Essex;
- E. Other residents of counties contiguous to the County of Essex; and
- F. Other residents of the state.

§ 87-47. Qualifications.

- A. No person may be appointed a special officer unless the person:
- (1) Is a resident of the State of New Jersey during the term of appointment.
 - (2) Is able to read, write and speak the English language well and intelligently and has a high school diploma or equivalent.
 - (3) Is sound in body and of good health.
 - (4) Is of good moral character.
 - (5) Has not been convicted of any offense involving dishonesty or which would make him/her unfit to perform the duties of special officers.
 - (6) Has not been convicted of any crime of the first, second, third or fourth degree, as designated by the Criminal Code of New Jersey, that constituted an indictable offense or that involved moral turpitude or at the time of application is undergoing or awaiting court action of any kind in regard to such a crime.
 - (7) Has undergone the same psychological screening that is required of all full-time police officers of the Police Department.
 - (8) Is at least 21 at the time of appointment in the Department as evidenced by a certificate of birth.
- B. The Police Chief shall have the applicant fingerprinted as required by statute, conducted a background investigation of the applicant to determine the eligibility and qualifications of the applicant and reported these determinations, in writing, to the Township Manager.

§ 87-48. Training course; firearms.

- A. No special law enforcement officer may carry a firearm except while engaged in the actual performance of the officer's official duties and when specifically authorized by the Police Chief or, in the absence of the Police Chief, other chief law enforcement officer of the Township of Verona to carry a firearm, and provided that the officer has satisfactorily completed the basic firearms course required by the Police Training Commission for regular police officers and annual requalification examination as required for permanent, regularly appointed full-time officers of the Township of Verona.
- (1) A special law enforcement officer shall be deemed to be on duty only while he is performing the public functions on behalf of the Township of Verona and assigned by the Police Chief or in his/her absence, other chief law enforcement officer and when he is receiving compensation, if any, from the Township of Verona at the rates established by the Police Chief.
 - (2) Private security duties.
 - (a) A special law enforcement officer shall not be deemed to be on duty for purposes of the Special Law Enforcement Act while performing private

security duties for private employers which duties are not assigned by the Police Chief or, in his/her absence, other chief law enforcement officer of the Township of Verona or while receiving compensation for those duties from a private employer.

- (b) A special law enforcement officer may, however, be assigned by the Police Chief or, in his/her absence, other chief law enforcement officer to perform public safety functions for a private entity if the Police Chief or other chief law enforcement officer supervised the performance of the public safety functions. If the Police Chief or other chief law enforcement officer assigns the public safety duties and supervises the performance of those duties, then, notwithstanding that the Township of Verona is reimbursed for the cost of assigning a special law enforcement officer at a private entity, the special law enforcement officer shall be deemed to be on duty.

B. Ownership and supply of firearms.

- (1) Any firearm utilized by a special law enforcement officer shall be returned at the conclusion of the officer's workday to the officer-in-charge of police headquarters.
- (2) Any special law enforcement officer shall only use a firearm supplied by the Township of Verona.

C. No special law enforcement officer shall carry a firearm when off duty.

§ 87-49. Uniforms.

The uniform of special officers shall be determined by the Police Chief in accordance with any policy established by the Township Manager and shall be in compliance with N.J.S.A. 40A:14-146.12. Every special law enforcement officer's uniform shall include an insignia issued by the Police Training Commission which clearly indicates the officer's status as a special law enforcement officer and the type of certification issued pursuant to the Special Law Enforcement Act.²

§ 87-50. Supervision and direction.

- A. A special officer shall be under the supervision and direction of the Police Chief or, in the absence of the Police Chief, another superior officer designated by the Police Chief and shall perform his/her duties only in the Township of Verona, unless in fresh pursuit of any person pursuant to Chapter 156 of Title 2A of the New Jersey Statutes.
- B. The special officer shall comply with the rules and regulations applicable to the conduct and decorum of the permanent, regularly appointed police officers of the Police Department, as well as any rules and regulations applicable to the conduct and decorum of special officers.

² Editor's Note: See N.J.S.A. 40A:14-146.8 et seq.

§ 87-51. Hours of duty.

- A. The Police Chief may assign special officers of Class One and Class Two to perform authorized duties not to exceed 20 hours per week.
- B. Special police officers may be assigned without limit during periods of emergency.
- C. The Police Chief or, in his/her absence, other chief law enforcement officer may designate one special law enforcement officer to whom the limitations of hours set forth in this section shall not be applicable.

§ 87-52. Police-related employment; approval by Police Chief.

Special law enforcement officers shall not accept any police-related employment without the prior approval of the Police Chief. The Police Chief shall have the sole discretion to approve the police-related employment of any special law enforcement officer.

§ 87-53. Procedure for requesting assignment of special law enforcement officers; liability; insurance coverage.

Any organization or contractor that desires to hire special law enforcement officers shall submit the request in writing to the Police Chief on a form prescribed by the Police Chief. The organization or contractor shall hold the Township harmless from any and all claims that may arise as a result of the assignment of the special law enforcement officer to the organization or contractor. In addition, the organization or contractor shall submit with its application a certificate of insurance that shows evidence of not less than \$1,000,000 in both personal liability and comprehensive general liability insurance and \$300,000 in property damage coverage. A nonprofit, religious or charitable organization may submit a certificate of insurance in coverage amounts less than those set forth herein upon the organization's representation contained in its request that obtaining the required coverage would impose an undue hardship on the organization.

§ 87-54. Fees.

- A. The person, organization or contractor that hires a special law enforcement officer shall pay a fee to the Township as established in Chapter A565, Fees.
- B. The Township shall charge an administrative fee in addition to the per hour rate for special law enforcement officers at the rate set forth in Chapter A565, Fees, for administrative overhead and necessary accounting purposes.
- C. The Township shall charge an administrative fee in addition to the per hour rate for special law enforcement officers at the rate set forth in Chapter A565, Fees, for the use of a patrol vehicle.

§ 87-55. through § 87-60. (Reserved)

ARTICLE VI
School Crossing Guards

§ 87-61. Appointment; term; salary.

- A. The Township Manager shall appoint as many school crossing guards as he/she deems necessary. Such guards shall serve at the direction of the Police Chief.
- B. The salary of school crossing guards shall be fixed by ordinance. Uniforms shall be supplied to each guard.

§ 87-62. Qualifications.

No person shall be appointed as a school crossing guard unless the appointee has the following qualifications:

- A. He/she is at least 18 years of age.
- B. He/she is able to read, write and speak the English language well and intelligently.
- C. He/she is of good moral character and shall not have been convicted of any crime constituting an indictable offense or any crime or offense involving moral turpitude. Fingerprints shall be submitted to the Federal Bureau of Investigation and the New Jersey State Bureau of Investigation.
- D. Medical and physical examinations.
 - (1) He/she shall have passed a medical examination in order to qualify for appointment. Any medical or physical condition or defect which would prevent efficient performance of the duties of the position, cause the applicant to be a hazard to himself/herself or others or become aggravated as a result of performance of these duties will be cause for rejection.
 - (2) In the interest of safety and in the discretion of the Township Manager, said discretion to be exercised on the basis of the age or apparent physical condition of any crossing guard, such crossing guard may be required to undergo additional physical examinations from time to time to determine that he/she is able to efficiently perform the duties ordinarily assigned to crossing guards. Every crossing guard shall be required to undergo such physical examination upon attaining the age of 60 years and annually thereafter. An examination by the school guard's own personal physician is acceptable, provided that said physician certifies that the person is capable of performing the duties of a school crossing guard; otherwise, the examination will be performed by a health care professional designated by the Township, who will be compensated by the Township.

§ 87-63. Examination by health care professional designated by Township.

The health care professional designated by the Township shall carefully examine the educational, mental, moral and physical fitness of any person applying for appointment as a school crossing guard. The certificate signed by the health care professional designated by the

Township may be considered and taken by the Township Manager as sufficient evidence of the applicant's educational, mental, moral and physical fitness.

§ 87-64. Duties.

It shall be the duty of school crossing guards to maintain the orderly movement of vehicular traffic consistent with the safety of children attending school. The school crossing guards shall perform said duties during the following hours:

- A. Morning: commencing 30 minutes before the opening of the school session and ending 15 minutes after the commencement of the school session.
- B. Lunch period: 15 minutes before dismissal of school children for lunch until 15 minutes after dismissal, and 15 minutes before the commencement of the afternoon session until 15 minutes after the commencement of the said session.
- C. Afternoon: 15 minutes before the dismissal of school children until 30 minutes after the time of dismissal.

§ 87-65. Rules and regulations.

School crossing guards shall be governed by the rules and regulations provided for the guidance of the Department members insofar as they are applicable and consistent with the special duties prescribed for school crossing guards.

§ 87-66. through § 87-70. (Reserved)

**ARTICLE VII
Police Chaplains**

§ 87-71. Appointment.

The Township Manager may, if he/she deems it advisable, submit to the Council his/her recommendations for the appointment of a Chaplain or Chaplains of Police for a period not exceeding three years. A Chaplain shall receive no compensation.

§ 87-72. Duties; treatment.

Chaplain of Police shall visit the sick, injured and dying and administer to the spiritual welfare of the members of the Department. He/she shall be authorized to visit all department offices and to converse with any member of the department. A Chaplain shall be treated by members of the department with the courtesy and respect due to his/her calling.

§ 87-73. through § 87-80. (Reserved)

ARTICLE VIII
Drug-Free Zones

§ 87-81. Establishment of map.

- A. In accordance with and pursuant to the authority of N.J.S.A. 2C:35-7, "Map of School Property and Property Within 1,000 Feet Thereof and of Certain Public Facilities and Property Within 500 Feet Thereof" prepared by the Township Engineer, James M. Helb, P.E. and L.S., dated October 2, 2000, is hereby approved and adopted as an official finding and record of the location and areas within the Township of property which is used for school purposes and which is owned by or leased to any elementary or secondary school or the school board, and of the areas on or within 1,000 feet of such school property.
- B. In accordance with and pursuant to the authority of N.J.S.A. 2C:35-7.1, "Map of School Property and Property Within 1,000 Feet Thereof and of Certain Public Facilities and Property Within 500 Feet Thereof" prepared by the Township Engineer, James M. Helb, P.E. and L.S., dated October 2, 2000, is hereby approved and adopted as an official finding and record of the location and areas within the Township of property designated as a public housing facility, a public park or a public building, and of the areas on or within 500 feet of such public property.

§ 87-82. Official finding and record until amended.

- A. The "Map of School Property and Property Within 1,000 Feet Thereof and of Certain Public Facilities and Property Within 500 Feet Thereof" shall continue to constitute an official finding and record as to the location and boundaries of area on or within 1,000 feet of property owned or leased to any elementary or secondary school or school board which is used for school purposes until such time, if any, that this section shall be amended to reflect any additions or deletions with respect to the location and boundaries of school property and drug-free school zones.
- B. The "Map of School Property and Property Within 1,000 Feet Thereof and of Certain Public Facilities and Property Within 500 Feet Thereof" shall continue to constitute an official finding and record as to the location and boundaries of area on or within 500 feet of property comprised of a public housing facility, a public park or a public building until such time, if any, that this section shall be amended to reflect any additions or deletions with respect to the location and boundaries of the public property and drug-free public property zones.

§ 87-83. Notification of changes.

- A. The Township Board of Education, or the chief administrative officers in the case of any private or parochial school, is hereby directed and shall have the continuing obligation to promptly notify the Township Manager, Township Engineer, Police Chief and the Township Attorney of any changes or contemplated changes in the location and boundaries of any property owned by or leased to any elementary or secondary school or school board and used for school purposes.

- B. The "Map of School Property and Property Within 1,000 Feet Thereof and of Certain Public Facilities and Property Within 500 Feet Thereof" may be changed from time to time by the Township Council and each Director/Administrator of any public housing facility, public park or public building is hereby directed and shall have the continuing obligation to promptly notify the Township Manager, Township Engineer, Police Chief and the Township Attorney of any changes or contemplated changes in the location and boundaries of any public housing facility, public park and/or public building.

§ 87-84. Filing of map.

The Township Clerk is hereby directed to receive and to keep on file the original of the map approved and adopted by this section, and to provide at a reasonable cost a true copy thereof to any person, agency or court which may request such a copy, along with a certification that such copy is a true copy of the map approved and adopted herein and kept on file. It is hereby further directed that a true copy of such map and of this section shall be provided without cost to the County Clerk, the Sheriff of the County of Essex and to the Office of the Essex County Prosecutor.

§ 87-85. Additional matters.

The following additional matters are hereby determined, declared, recited and stated:

- A. It is understood that the map approved and adopted pursuant to this section was prepared and is intended to be used as evidence in prosecutions arising under the criminal laws of this state, and that pursuant to state law, such map shall constitute prima facie evidence of the following:
- (1) The location of elementary and secondary schools within the Township;
 - (2) The location of any and all public housing facilities, public parks or public buildings within the Township;
 - (3) The boundaries of the real property which is owned by or leased to such school or a school board and that such school property is and continues to be used for school purposes;
 - (4) The boundaries of the real property which is owned by or leased to any public housing facility, public park or public building within the Township and that such property is and continues to be used for public purposes;
 - (5) The location and boundaries of areas which are on or within 1,000 feet of such school property; and
 - (6) The location and boundaries of areas which are on or within 500 feet of such public property.
- B. All of the property depicted on the map approved and adopted herein as school property was owned by or leased to a school or school board and was being used for school purposes.

- C. All of the property depicted on the map approved and adopted herein as public property was owned by or leased to a public housing facility, public park or public buildings.
- D. Pursuant to the provisions of N.J.S.A. 2C:35-7, a prosecutor is not precluded from introducing or relying upon any other evidence or testimony to establish a violation of the offense defined in that statute, including use of a map or diagram other than the one approved and adopted herein. The failure of the map approved herein to depict the location and boundaries of any property which is, in fact, used for school purposes and which is owned by or leased to any elementary or secondary school or school board, whether the absence of such depiction is the result of inadvertent omission or the result of any changes in the location and boundaries of such property which have not yet been incorporated into a revised approved map, shall not be deemed to be an official finding and record that such property is not owned by or leased to a school or school board, or that such property is not used for school purposes.
- E. Pursuant to the provisions of N.J.S.A. 2C:35-7.1, a prosecutor is not precluded from introducing or relying upon any other evidence or testimony to establish a violation of the offense defined in that statute, including use of a map or diagram other than the one approved and adopted herein. The failure of the map approved herein to depict the location and boundaries of any property which is, in fact, used for public purposes, whether the absence of such depiction is the result of inadvertent omission or the result of any changes in the location and boundaries of such property which have not yet been incorporated into a revised approved map, shall not be deemed to be an official finding and record that such property is not owned by or leased to a public housing facility, public park or public building, or that such property is not used for public purposes.
- F. All of the requirements set forth in N.J.S.A. 2C:35-7, concerning the preparation, approval and adoption of a drug-free school zones map have been complied with.
- G. All of the requirements set forth in N.J.S.A. 2C:35-7.1, concerning the preparation, approval and adoption of a drug-free public property zones map have been complied with.

§ 87-86. through § 87-90. (Reserved)

ARTICLE IX

Private Outdoor Video Surveillance Camera Registry

§ 87-91. Community Sharecam registry established.

The ability of law enforcement officials to timely investigate criminal activity is essential to apprehending culpable criminals and ensuring public safety. Footage from private outdoor video surveillance cameras may provide useful information for law enforcement officials investigating incidents of criminal activity that occurred within the vicinity of these cameras. In order to facilitate law enforcement investigations into criminal activity and save valuable time and resources, the Township hereby establishes the Community Sharecam registry, which allows all owners of private outdoor video surveillance cameras in the Township to voluntarily register their cameras with the Verona Police Department.

§ 87-92. Registration requirements.

In accordance with N.J.S.A. 40:48-1.7b, the following information is required to be included in the Community Sharecam registry:

- A. The name of the person who owns the camera;
- B. The most recent contact information, including the street address and telephone number of the person who owns the camera;
- C. The street address of the residence or business where the camera is installed;
- D. The number of cameras located at the residence or business;
- E. The outdoor areas recorded by the camera;
- F. The means by which the camera's footage is saved or stored, and the duration of time for which the footage is saved or stored; and
- G. Any additional information the Verona Police Department deems necessary.

§ 87-93. Uses and access.

- A. Information stored in the Community Sharecam registry pursuant to this article shall be available for the exclusive use by law enforcement officials to investigate criminal activity within the vicinity of the camera's location. Information stored in the registry shall not be considered a public record pursuant to P.L.1963, c. 73 (N.J.S.A. 47:1A-1 et seq.), P.L.2001, c. 404 (N.J.S.A. 47:1A-5 et seq.), or common law concerning access to public records and shall not be discoverable as a public record by any person, entity, or governmental agency, except upon a subpoena issued by a grand jury or a court order in a criminal matter.
- B. A state, county, or municipal law enforcement agency may contact a person whose information appears in the Community Sharecam registry established pursuant to this article in order to request access to any camera's footage which may assist an investigation of criminal activity that occurred within the vicinity of the camera's location. A person who registers a camera with the Verona Police Department shall not be required to submit the camera's footage to a law enforcement agency, unless otherwise required by law.
- C. As used in this article, "private outdoor video surveillance camera" or "camera" means a device installed outside a residence or business, which, for security purposes, captures footage of an area outside the residence or business.

§ 87-94. No waiver.

Registration of a camera in the Community Sharecam registry does not constitute a waiver of any rights granted under the Constitution of the United States or the State of New Jersey.

PART II

GENERAL LEGISLATION

Chapter 128

ALARM SYSTEMS

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| <p>§ 128-1. Purpose.</p> <p>§ 128-2. Definitions.</p> <p>§ 128-3. Registration.</p> <p>§ 128-4. Dial alarms.</p> <p>§ 128-5. Local alarms.</p> | <p>§ 128-6. False alarms; penalties.</p> <p>§ 128-7. Indemnification of officers and employees.</p> <p>§ 128-8. When effective.</p> <p>§ 128-9. Violations and penalties.</p> |
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[HISTORY: Adopted by the Township Council of the Township of Verona 7-15-1985 by Ord. No. 13-85 (Ch. 53 of the 1981 Code). Amendments noted where applicable.]

§ 128-1. Purpose.¹

The purpose of this chapter is to establish regulations concerning the operation and maintenance of certain alarm devices and systems within the Township of Verona and to provide penalties for the violation of any of the provisions hereof.

§ 128-2. Definitions.

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

ALARM CONSOLE — The control panel or panels located in police headquarters for the purpose of receiving alarm signals and for giving alarm indications and locations.

ALARM DEVICE — Any type of alarm-actuating equipment which provides warning of intrusion, fire, smoke, burglary, flood or like peril, including a direct alarm, dial alarm or local alarm. For the purpose of this chapter, the term "alarm device" shall not include self-contained smoke detectors with an indoor audible alarm signal.

ALARM SYSTEM — The installation in one or more buildings of one or more alarm devices.

DIAL ALARM — That type of alarm device which employs an automatic dialing system which is precoded and connected to a telephone line in police headquarters.

DIRECT ALARM — An alarm device which has a direct line to an alarm console.

FALSE ALARM — The activation of an alarm where an emergency does not exist, or an alarm actuated by inadvertence, negligence or an unintentional or intentional act of someone other than an intruder, and shall include alarms caused by malfunctioning of the alarm, device alarm system or its related equipment. The term "false alarm" shall not include alarms created by malfunctioning of the Police Department alarm console or other Police Department equipment or activations caused by public utility interruptions where such

1. Editor's Note: Original § 53-1, Legislative findings, which immediately preceded this section, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

interruptions have been reported to the police or activations caused by a natural disaster or activations caused by testing or repair of an alarm system or device provided that the Police Department has been notified prior to the commencement of such tests of repairs or an activation which is immediately followed by a telephone call to the Police Department from the owner or operator of the device notifying the Police Department that the alarm signal is to be disregarded.

LOCAL ALARM — Any alarm device, other than a direct alarm or dial alarm, which when activated, produces an external emergency signal.

PERSON — Any natural person, partnership or corporation, limited partnership, association, business, club or organization.

§ 128-3. Registration. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Any person that owns, operates, maintains or has on his property any alarm device within the Township of Verona shall notify the Police Department, in writing, and on such registration forms 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 location of the device and the name, address and telephone number of at least two persons who can be reached in case of an emergency or malfunction in order that the device can be shut off or temporarily disconnected.²

§ 128-4. Dial alarms. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

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

2. Editor's Note: Original § 53-5, Direct alarms, which immediately followed this section, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

deemed a violation of this chapter. Noncompliance for each day after such ten-day period shall be considered a separate violation of this chapter.

§ 128-5. Local alarms.

All external audible alarms shall be registered with the Police Department in accordance with this chapter and shall be equipped with a timing device that will automatically silence the external audible alarm signal within 30 minutes after it is activated.

§ 128-6. False alarms; penalties.

The Police Department shall cause a record of all false alarms that occur in the Township. The owner or operator of an alarm device within the Township shall be subject to the following penalties for false alarms that occur during any calendar year:

- A. For the first and second false alarms, a written warning shall be issued to the owner or operator.
- B. For the third and fourth false alarms, there shall be imposed a fine of \$25 for each false alarm.
- C. For the fifth and subsequent false alarms, there shall be imposed a fine of \$50 for each such false alarm. In addition, in the case of false alarms involving direct alarms or dial alarms, the Police Department shall conduct an investigation as to the reasons for such continued false alarms and, upon a finding by the Police Department that there has been abuse or neglect in the operation or maintenance of any such alarm device and a failure to take reasonable action to remedy the cause of such false alarms, the Chief of Police, or his designee, may require that such alarm device be disconnected from police headquarters, either temporarily or permanently. No disconnection shall be made until after 10 days from the date the Police Department has given written notice to the owner or operator that the device will be disconnected. The owner or operator shall have the right to appeal the decision of the Police Department to the Township governing body. Notice of an appeal must be in writing and must be filed in the office of the Township Clerk not later than 10 days from the date notice of intended disconnection is given by the Police Department. If an appeal is filed as provided herein, the Township Council shall hold a public hearing on the matter and may affirm, reverse or modify the decision of the Police Department, and no disconnection shall be made until the appeal is decided by the Township Council.

§ 128-7. Indemnification of officers and employees.

As a condition prerequisite to the installation of a direct alarm on the Police Department alarm console or the connection of a dial alarm with Police Department headquarters, the owner or operator of such alarm device shall be required to agree, in writing, to indemnify and hold harmless the Township of Verona, its agents, servants and employees, including, but not limited to, members of the Verona Police Department, from any and all damages arising out of connection of such owner's or operator's equipment to Police Headquarters, including all damages arising out of or as a result of any forced entry by police personnel into unattended premises occurring during alarm response.

§ 128-8. When effective.

This chapter shall apply to alarm devices placed in service prior to or subsequent to the effective date hereof; provided, however, that owners or operators of existing alarm devices shall have 30 days from the effective date hereof to register such alarm devices with the Verona Police Department in accordance with this chapter and 120 days from the effective date hereof to equip alarm devices having an external audible alarm with an automatic silencing mechanism as required by this chapter.

§ 128-9. Violations and penalties.

This chapter shall be enforceable in the Municipal Court of the Township of Verona. Any person who is guilty of violating any provision of this chapter, other than a provision for which a specific penalty is indicated, shall be subject to a fine of not more than \$1,000.

Chapter 133

ALCOHOLIC BEVERAGES

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| § 133-1. Statutory authority; noncompliance unlawful. | § 133-11. Presence of and sale to minors. |
| § 133-2. Licenses: application procedures; issuance; conditions. | § 133-12. View of interior required. |
| § 133-3. Issuing authority. | § 133-13. Misstating or misrepresenting age. |
| § 133-4. Fees. | § 133-14. Purchase for or delivery to minors. |
| § 133-5. Limitation on number of licenses; renewals; transfers; intention. | § 133-15. Writing requirement for persons of questionable majority. |
| § 133-6. Suspension or revocation. | § 133-16. Official forms. |
| § 133-7. Primacy of zoning legislation. | § 133-17. Submission of forms to Clerk. |
| § 133-8. Hours and days of sale. | § 133-18. Violations and penalties. |
| § 133-9. Sale restrictions. | § 133-19. Possession and consumption by persons under legal age on private property. |
| § 133-10. Serving in private rooms. | |

[HISTORY: Adopted by the Township Council of the Township of Verona 8-20-1963 (Ch. 54 of the 1981 Code). Amendments noted where applicable.]

§ 133-1. Statutory authority; noncompliance unlawful.

- A. It shall be unlawful to sell or distribute alcoholic beverages in the Township otherwise than as provided in this chapter and an Act of the Legislature of the state entitled "An Act Concerning Alcoholic Beverages," P.L. 1933, c. 436, as amended and supplemented,¹ and the rules and regulations promulgated or to be promulgated by the State Commissioner of Alcoholic Beverage Control.²
- B. Applications for licenses under this chapter and all licenses issued hereunder and all proceedings in connection therewith shall be subjected to the provisions of such state law and such rules and regulations.

§ 133-2. Licenses: application procedures; issuance; conditions.

Whenever original application or renewal application shall be made for any alcoholic beverage license issuable by the Township Council, including, but not by way of limitation, plenary retail consumption license, seasonal retail consumption license, plenary retail distribution license, limited retail distribution license, club license or any other form of

1. Editor's Note: N.J.S.A. 33:1-1 et seq.

2. Editor's Note: N.J.S.A. 33:1-39.

license which may be provided for or issued by the Township Council, and before any such license shall be granted, the applicant, in addition to supplying all other information in the manner required by the state law and this chapter governing the subject, shall also:

- A. Furnish and file with the Police Department of the Township a full and adequate set of fingerprints of the applicant within three days from the time of the presentation of the application. Such fingerprinting shall be done by the Police Department.
- B. Furnish to the Chief of Police a photograph in triplicate of himself. Such photograph shall be of a size two inches by two inches and shall be satisfactory to the Chief of Police or other member in charge of the Police Department and shall have been taken within one year from the date when such photograph was submitted. The Police Department shall furnish the licensee with an identification card showing compliance with the provisions of this section which shall be on file on the premises of the licensee so that it can be submitted upon demand at any time during business hours. Such identification shall expire on June 30 of each year, at which time a new photograph shall be submitted as requested by the Police Committee of the Township.
- C. If the applicant be a corporation, then the requirements of Subsections A and B of this section shall apply to the officers of the corporation and those stockholders holding at least 25% of the stock thereof.
- D. Before the time set for consideration of the application, the Chief of Police or other person in charge of the Police Department shall report, in writing, to the Police Committee of the Township whether or not the requisite fingerprinting and photographing has been completed as herein provided and shall report any facts which may be pertinent to the granting or refusal of the application.
- E. Every licensee shall make full and complete answers under oath, in writing, on forms furnished by the Police Committee of the Township to all questions printed thereon as to the location, housing and situation of any premises licensed.
- F. Every licensee shall furnish to the Chief of Police of the Township a list of all employees, including, but not by way of limitation, agents, bartenders, cooks, chefs, porters, waiters, waitresses, entertainers, which employees shall submit to the taking by the Police Department of an impression of the thumb and fingerprints of both hands. At the time of taking such fingerprints, such employee shall furnish to the Police Department a photograph in triplicate of himself. Such photograph shall be of a size two inches by two inches, shall be satisfactory to the Police Committee and shall have been taken within one year from the date when the photograph was submitted, and the Police Committee shall then furnish the employee connected with or employed by such licensee an identification card showing compliance with the provisions of this section which shall be on file on the premises of the licensee so that it can be submitted upon demand at any time during business hours. Such identification shall expire on June 30 of each year, at which time new photographs shall be submitted if requested by the Police Committee. No licensee shall engage any employee connected with the business of such licensee unless such employee has conformed to the rules and regulations above set forth, and if any new employees are hired by the licensee, such new employees shall comply with such regulations before they shall be permitted to work in the licensed premises.

- G. Every licensee and every agent or employee of a licensee shall make full and complete answers under oath, in writing, on forms furnished by the Police Committee, to all questions printed thereon as to identity, character, antecedents and general experience of any such licensee, agent or employee.
- H. All applications shall be referred by the Township Council to the Police Committee which shall investigate the character and fitness of the applicant and the place for which a license is applied for, and such committee shall promptly report to the Township Council its findings and recommendations.

§ 133-3. Issuing authority.

The Township Council shall constitute the authority for the administration of the issuance of licenses pursuant to this chapter.

§ 133-4. Fees. [Amended 8-17-1981 by Ord. No. 6-81]

License fees for licenses authorized to be issued by this chapter shall be as provided for in Chapter A565, Fees, for the following:

- A. Plenary retail consumption.
- B. Plenary retail distribution.
- C. Limited retail distribution.

§ 133-5. Limitation on number of licenses; renewals; transfers; intention.

- A. No more than five plenary retail consumption licenses, six plenary retail distribution licenses and one limited retail distribution license shall be in effect in this Township at any one time, except as hereinafter provided. **[Amended 8-17-1981 by Ord. No. 6-81]**
- B. No new plenary retail consumption license shall be issued in the Township unless and until the total number of all such licenses existing in the Township is fewer than four plenary retail consumption licenses, and no new plenary retail distribution license shall be issued in the Township unless and until the total number of all such licenses existing in the Township is fewer than two plenary retail distribution licenses.
- C. For the purposes 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 which immediately preceded the commencement of such new license term or which is issued to replace a license which will expire on the last day of the license term which immediately precedes the commencement of the new license term shall be deemed to be a renewal of the expired or expiring license; provided, that such license is of the same class and type as the expired or expiring license, covers the same licensed premises, is issued to the holder of the expired or expiring license and is issued pursuant to an application therefor which shall have been filed with the proper Township official prior to the commencement of the new license term or not later than 30 days after the commencement thereof. Licenses issued otherwise than as above herein provided shall be deemed to be new licenses.

- D. Nothing in this section shall prevent the renewal of licenses existing on the effective date hereof or the transfer of such licenses or the renewal of licenses so transferred.
- E. Nothing in this section shall prevent the issuance in the Township of a new license to a person who, having held a license of the same class in the municipality, surrendered his license or permitted it to expire because of his induction into or service in the Armed Forces of the United States; provided, however, that such ex-licensee shall have filed the application for a new license within one year from the completion of his active service in the armed forces.³

§ 133-6. Suspension or revocation.

Any license issued pursuant to this chapter may be suspended or revoked for violation of any of the provisions of this chapter or for violation of any of the provisions of N.J.S.A. 33:1-1 et seq. or of any of the rules and regulations promulgated by the State Commissioner of Alcoholic Beverage Control.

§ 133-7. Primacy of zoning legislation.

No license of any class shall be issued contrary to any Zoning Ordinance now existing or hereafter enacted in the Township.⁴

§ 133-8. Hours and days of sale. [Amended 5-7-1968; 12-4-1989 by Ord. No. 17-89]

- A. Subject to state regulation of retail package sales hours, no licensee shall directly or indirectly sell, serve, deliver or allow, permit or suffer the sale or delivery of any alcoholic beverage or allow the consumption of any alcoholic beverage on licensed premises except during the following specified hours on the days indicated:
 - (1) On all weekdays (Monday through Saturday), from 7:00 a.m. until 2:00 a.m. on the following day.
 - (2) On all Sundays, from 12:00 noon until 12:00 midnight, except as provided under Subsections A(3) and (4) hereof. **[Amended 12-21-1998 by Ord. No. 19-98]**
 - (3) On Christmas Eve (December 24), only if it is a Sunday, from 9:00 a.m. until 12:00 midnight.
 - (4) On New Year's Eve (December 31), if it is a weekday (Monday through Saturday), from 7:00 a.m. until 5:00 a.m. on the following day, and on New Year's Eve (December 31), if it is a Sunday, from 9:00 a.m. until 5:00 a.m. on the following day.
- B. A licensee shall be authorized to sell wine and malt alcoholic beverages in original bottle or can containers for consumption off the licensed premises on the same days

3. Editor's Note: Subsection 3.5(d) of the former 1963 Code, which immediately followed this subsection, and which concerned the gradual reduction of plenary retail distribution licenses, was repealed 8-17-1981 by Ord. No. 6-81.

4. Editor's Note: See Ch. 150, Zoning.

and during the same hours as is permitted for the sale of alcoholic beverages for consumption on the premises as set forth above.

- C. During the hours that sales of alcoholic beverages are not permitted, the entire licensed premises shall also be closed. This requirement shall not apply to hotels and restaurants as defined in N.J.S.A. 33:1-1 or to other establishments where the principal business is other than the sale of alcoholic beverages. Where in other establishments the principal business is the sale of alcoholic beverages, this requirement also shall not apply, provided that all alcoholic beverages are concealed from public view and are not exposed for public sale.

§ 133-9. Sale restrictions.

No licensee shall sell, serve or deliver nor allow, suffer or permit the sale, service or delivery of any alcoholic beverage, directly or indirectly, to any mentally defective person, habitual drunkard or intoxicated person nor permit such persons to congregate in or about the licensed premises.

§ 133-10. Serving in private rooms.

No person shall be served in any room which is not open to the use of the public generally, except that in hotels, guests may be served in their rooms or in private dining rooms.

§ 133-11. Presence of and sale to minors.

- A. It shall be unlawful for any person under the age of 21 to have, possess, carry, distribute, transport or consume any alcoholic beverage on any public street, highway, avenue, road or alley in the Township. **[Amended 8-17-1981 by Ord. No. 6-81; at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
- B. No minor shall be allowed in any room on the licensed premises in which a bar is located unless accompanied by his parent or guardian or an adult person.

§ 133-12. View of interior required.

All premises in which alcoholic beverages are sold or dispensed, excepting guest rooms and private dining rooms in hotels, shall be so arranged that a full view of the interior may be had from the public thoroughfare or from adjacent rooms to which the public is freely admitted. All such premises shall be lighted sufficiently so that a full view of the interior thereof may be had at all hours from the public thoroughfare or from adjacent rooms to which the public is freely admitted.

§ 133-13. Misstating or misrepresenting age. [Added 11-13-1978 by Ord. No. 14-78]

It shall be unlawful for a person to misrepresent or misstate his or her age or the age of any other person for the purpose of inducing any retail licensee to sell, serve or deliver any alcoholic beverage to a minor.

§ 133-14. Purchase for or delivery to minors. [Added 11-13-1978 by Ord. No. 14-78]

It shall be unlawful for a person to purchase any alcoholic beverage for or to deliver any alcoholic beverage to a minor.

§ 133-15. Writing requirement for persons of questionable majority. [Added 11-13-1978 by Ord. No. 14-78]

No holder of a license for the off-premise consumption of alcoholic beverage (this includes any of their agents, servants or employees) shall sell alcoholic beverages to a person whose majority is questionable unless such person, in writing, represents that he or she is of legal age to purchase or be served alcoholic beverages. The representation in writing shall be made at or prior to the time of sale. Such writing shall be signed by the person in the presence of the licensee and shall give such person's name, address, age, date of birth and, by signing the writing, a statement that he or she is making the representation as to his or her age to induce the licensee to make the sale. After the writing has been signed, the licensee shall require the person signing the representation to show proper identification as to his or her age, such as a birth certificate, valid driver's license, valid county identification card or other suitable evidence of age. The signed representation shall then be retained by the licensee. The procedure set forth above must be followed each time a person of questionable majority makes a purchase even though such person has made a previous purchase and has previously signed a statement representing his or her age. Each licensee shall post a sign in a prominent place setting forth the requirements of the writing as set forth above.

§ 133-16. Official forms. [Added 11-13-1978 by Ord. No. 14-78]

The writing requirement provided for in § 133-15 shall be on forms provided by the Township of Verona, which forms shall be substantially in accordance with the rules and regulations promulgated by the Director of the Division of Alcoholic Beverage Control.

§ 133-17. Submission of forms to Clerk. [Added 11-13-1978 by Ord. No. 14-78]

At the close of each calendar month, each licensee shall submit to the Clerk of the Township of Verona all signed representations obtained from persons of questionable majority in that month. If any licensee shall obtain no signed representations in any calendar month, a certification in writing and attesting to such fact shall be submitted to the Township Clerk within five days of the end of the month.

§ 133-18. Violations and penalties. [Added 11-13-1978 by Ord. No. 14-78]

Violations of this chapter shall be punished in accordance with Alcoholic Beverage Law, N.J.S.A. 33:1-1 et seq.

§ 133-19. Possession and consumption by persons under legal age on private property.
[Added 5-7-1984 by Ord. No. 9-84; amended 12-4-2000 by Ord. No. 8-2000]

- A. Definitions. As used in this section, the following terms shall have the meanings indicated:

ALCOHOLIC BEVERAGE — An alcoholic beverage as defined in the New Jersey Alcoholic Beverage Law, N.J.S.A. 33:1-1 et seq.

DIVISION — The New Jersey Division of Motor Vehicles.

GUARDIAN — A person who has qualified as a guardian of the underaged person pursuant to testamentary or court appointment.

PERSON UNDER THE LEGAL AGE — A person under the age of 21 years and includes the term "underaged person."

RELATIVE — The underaged person's grandparent, aunt or uncle, sibling or any other person related by blood or affinity.

- B. Prohibition against possession or consumption on private property. It shall be unlawful for any person under the legal age who, without legal authority, knowingly possesses or knowingly consumes an alcoholic beverage on private property.

- C. Exceptions.

- (1) Nothing herein shall prohibit a person under the legal age from consuming or possessing an alcoholic beverage in connection with a religious observance, ceremony or rite or from consuming or possessing an alcoholic beverage in the presence of and with the permission of a parent, guardian or relative who has attained the legal age to purchase and to consume alcoholic beverages.
- (2) Nothing herein shall prohibit possession of alcoholic beverages by any person under the legal age while such person is actually engaged in the performance of employment by a person who is licensed under N.J.S.A. 33:1-1 et seq., or while actively engaged in the preparation of food while enrolled in a culinary arts or hotel management program at a county vocational school or post-secondary educational institution, except that this section shall not be construed to preclude the imposition of a penalty under this section or pursuant to N.J.S.A. 33:1-81, or any other section of law against a person who is convicted of unlawful alcoholic beverage activity on or at premises licensed for the sale of alcoholic beverages.

- D. Penalties.

- (1) Upon the conviction of any person for a violation of this chapter, the court shall impose a fine of \$250 for a first offense and \$350 for any subsequent offense.
- (2) In addition, the court may suspend or postpone for six months the driving privilege of the defendant. Upon the conviction of any person and the suspension or postponement of that person's driver's license, the court shall forward a report to the Division stating the first and last day of the suspension or postponement period imposed by the court pursuant to this section.

- (a) If a person, at the time of the imposition of a sentence, is less than 17 years of age, the period of license postponement, including a suspension or postponement of the privilege of operating a motorized bicycle, shall commence on the day the sentence is imposed and shall run for a period of six months after the person reaches the age of 17 years.
- (b) If a person, at the time of the imposition of a sentence, has a valid driver's license issued by the State of New Jersey, the court shall immediately collect the license and forward same to the Division along with the report required hereunder. If for any reason the license cannot be collected, the court shall include in the report the complete name, address, date of birth, eye color and sex of the person, as well as the first and last date of the license suspension period imposed by the court.
- (c) The court shall inform the person orally and in writing that if such person is convicted of operating a motor vehicle during the period of license suspension or postponement, the person shall be subject to the penalties set forth in N.J.S.A. 39:3-40. A person shall be required to acknowledge receipt of the written notice in writing. Failure to receive a written notice or failure to acknowledge in writing the receipt of a written notice shall not be a defense to a subsequent charge of a violation of N.J.S.A. 39:3-40.
- (d) If a person convicted under this section is not a New Jersey resident, the court shall suspend or postpone, as appropriate, the nonresident driving privilege of the person based on the age of the person and submit the required report to the Division. The court shall not collect the license of a nonresident convicted under this section. Upon receipt of a report by the court, the Division shall give required notice to appropriate officials in the licensing jurisdiction of the suspension or postponement.

Chapter 139

AMUSEMENTS

ARTICLE I **Carnivals**

- § 139-1. Definitions.**
- § 139-2. License required.**
- § 139-3. Fees; exemptions.**
- § 139-4. Certificate of insurance.**

ARTICLE II **Motion Picture Theaters**

- § 139-5. License required.**
- § 139-6. Application procedure and requirements.**
- § 139-7. Issuance; display.**
- § 139-8. Duration.**
- § 139-9. Fees.**
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- § 139-11. Regulations.**

ARTICLE III **Poolrooms and Bowling Alleys**

- § 139-12. License required.**
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- § 139-14. Issuance or refusal.**
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- § 139-16. Duration; nontransferability.**
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- § 139-18. License restricted to designated place; display.**
- § 139-19. Minors.**
- § 139-20. Exemptions.**
- § 139-21. Hours.**

ARTICLE IV **Violations and Penalties**

- § 139-22. Violations and penalties.**

[HISTORY: Adopted by the Township Council of the Township of Verona as indicated in article histories. Amendments noted where applicable.]

ARTICLE I **Carnivals** **[Adopted 8-20-1963 (Ch. 57, Art. I, of the 1981 Code)]**

§ 139-1. Definitions.

For the purposes of this article, the following words shall have the meanings indicated:

CARNIVAL — A collection of shows, exhibitions, performances, games, tricks, juggling, sleight of hand, feats of uncommon dexterity, agility of body or exhibitions of a similar nature, any or all of which are grouped together and carried on in the open air or under temporary structures for a short period of time.

§ 139-2. License required.

No person shall conduct a carnival in the Township without first applying to the Township Council for a license to do so. Such license is to be issued by the Township Clerk.

§ 139-3. Fees; exemptions.

- A. The license fee for conducting such carnival shall be as provided for in Chapter A565, Fees, and such fee shall be imposed for revenue as well as regulation. **[Amended 8-17-1981 by Ord. No. 6-81]**
- B. The provisions of this section shall not apply to churches, religious corporations, fraternal organizations which have been in existence for more than five years prior to application for license or duly incorporated nonprofit corporations which have been in existence for more than five years prior to application for a license hereunder.

§ 139-4. Certificate of insurance. [Amended 8-17-1981 by Ord. No. 6-81]

Before such carnival shall operate in the Township, the person receiving a license for the operation of a carnival shall file with the Township Clerk a certificate of insurance in the sum of at least \$1,000,000 as evidence that the proposed licensee is able to meet any and all claims for damages incurred by reason of accidents or otherwise during the operation of such carnival, such certificate of insurance to be approved by the Township Council.

ARTICLE II**Motion Picture Theaters**

[Adopted 8-20-1963 (Ch. 57, Art. II, of the 1981 Code)]

§ 139-5. License required.

It shall be unlawful for any person to conduct, carry on or promote any motion picture theater without having first obtained a license therefor.

§ 139-6. Application procedure and requirements.

- A. All applications for licenses required by this article shall be made in writing to the Township Council on forms provided by the Township Clerk.
- B. The application shall set forth the name of the applicant (or, in the case of a corporation, the names of its four principal officers), the place where the business is to be carried on, a description of the building and an agreement to abide by all the terms of this article or of any amendments or supplements thereto.
- C. The applicant shall also present with his application a certificate of approval of the Building Inspector of the Township that the building or place wherein the licensed business is to be carried on complies with all the requirements of Chapter 150, Zoning, and Chapter 190, Construction Codes, Uniform, of the Township and all the laws of the state pertaining to such buildings or places.
- D. In addition thereto, the applicant shall also present with his application a certificate of approval of the Chief of the Fire Department showing that the building complies with all laws of the state and all local ordinances pertaining to fire or safety.

§ 139-7. Issuance; display.

Upon approval by resolution of the Township Council, the Township Clerk shall issue a license upon payment of the fee herein provided. Such license shall be prominently displayed in full public view in and about the premises licensed.

§ 139-8. Duration.

The license required by this article shall be valid for one year, from January 1 until December 31.

§ 139-9. Fees.

- A. The fee for the license required under the terms of this article shall be as provided for in Chapter A565, Fees for the following divisions: **[Amended 8-17-1981 by Ord. No. 6-81]**
- (1) Five hundred seats or less.
 - (2) Five hundred one to 1,000 seats.
 - (3) Over 1,000 seats.
- B. If the license is granted after July 1 of any year, the fee shall be 50% of the yearly fee herein designated.

§ 139-10. Revocation.

Any license issued under this article may be revoked by resolution of the Township Council by reason of the violation of the terms of the license, the violation of any municipal ordinance, state or federal statute, or falsification in applying for a license or for violating any of the conditions set forth in § 139-11. The licensed person must be granted a hearing by the Township Council upon his request.

§ 139-11. Regulations.

Every applicant for the license provided for herein shall be subject to the following conditions and, in accepting the license, shall agree to abide thereby:

- A. Such license shall not be transferable or assignable.
- B. The building in which the exhibition is conducted shall in all respects comply with the requirements of the laws of the state and the ordinances of the Township respecting such building.
- C. No person under the age of 14 years shall be allowed to enter the premises for the purpose of the viewing of a motion picture exhibition unless such person shall be accompanied by his parent or guardian or person standing in loco parentis.
- D. Fees for entrance shall be uniform for all persons.

- E. The licensee shall be responsible for any disorder, and any police officer or fireman may enter at any time such place for the purpose of inspection and to enforce obedience of the laws of the state and the ordinances of the Township.
- F. The Building Inspector shall have access at all times to such place of business.¹
- G. Sufficient personnel shall be hired to keep good order on the premises. In the event that it is necessary for any of the personnel hired by the licensee to have police power, then application shall be made to the Township Council for their appointment as special police in accordance with ordinances heretofore or hereafter adopted.

ARTICLE III

Poolrooms and Bowling Alleys

[Adopted 8-20-1963 (Ch. 57, Art. III, of the 1981 Code)]

§ 139-12. License required.

It shall be unlawful to maintain, operate or conduct in the Township any billiard room, poolroom or bowling alley without first presenting an application for and receiving a license to operate the respective business and paying the fee hereinafter prescribed for such license.

§ 139-13. Application procedure.

Each application for any license issuable under this article shall be made to the Township Clerk in writing and shall set forth the location and type of business sought to be licensed; the name, residence, age and occupation of the applicant; and the number of pool tables, billiard tables or bowling alleys the applicant desires to operate.

§ 139-14. Issuance or refusal.

All applications required by this article shall be accompanied by the appropriate license fee hereinafter named and shall be submitted to the Township Council, which, in its discretion, may grant or refuse such license, and upon the granting of any license, the Township Clerk shall issue such license to the licensee, and upon failure to issue any license, the license fee shall be promptly refunded to the applicant.

§ 139-15. Fees. [Amended 8-17-1981 by Ord. No. 6-81]

The fee for the license required under this article shall be as provided for in Chapter A565, Fees, and shall be paid for each pool or billiard table or bowling alley.

1. Editor's Note: Former Subsection G, Smoking, which immediately followed this subsection, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 139-16. Duration; nontransferability.

The license required under this article when issued shall run for one year from the date of its issuance and no longer and shall not be assigned or transferred.

§ 139-17. Revocation.

The Township Council shall have the right to revoke a license issued under this article upon proof that the room or store in which such pool or billiard tables or bowling alleys are operated is frequented by boisterous or disorderly persons or that any disorderly conduct or practices are permitted therein, and in case of such revocation, no part of the license fee paid shall be returned.

§ 139-18. License restricted to designated place; display.

Each license shall entitle the licensee to conduct the licensed business or game only at the place designated in the license and shall not be transferable either as to person or place. Each license shall be kept in a position in the licensed premises where it is readily observable and is prominently displayed.

§ 139-19. Minors.

No person under the age of 16 years shall be permitted to play pool or billiards in any of the licensed premises in the Township.

§ 139-20. Exemptions.

This article shall not apply to any church or fraternal order or other private non-profit-making association which operates or maintains any of the herein specified places or types of amusement or recreation solely for the use of its own members.

§ 139-21. Hours.

No person who shall have received a license for a billiard room, poolroom or bowling alley shall allow his billiard room or poolroom or bowling alley to be open on Sunday between the hours of 1:00 a.m. and 1:00 p.m. or on weekdays between the hours of 2:00 a.m. and 7:00 a.m.

ARTICLE IV

Violations and Penalties

[Adopted 8-17-1981 by Ord. No. 6-81 (Ch. 57, Art. VI, of the 1981 Code)]

§ 139-22. Violations and penalties. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

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.

Chapter 140

VEHICLES AND TRAFFIC

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VERONA CODE

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[HISTORY: Adopted by the Township Council of the Township of Verona 3-21-1988 by Ord. No. 2-88 (Ch. 140 of the 1981 Code). Amendments noted where applicable.]

**ARTICLE I
General Provisions**

§ 140-1. Definitions.

Whenever any words and phrases are used in this chapter, the meanings respectively ascribed to them in Subtitle 1 of Title 39 of the Revised Statutes of New Jersey shall be deemed to apply to such words and phrases used herein.

§ 140-2. Repealer.

Upon final approval according to law, all former traffic ordinances and resolutions of the Township of Verona are hereby repealed except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this chapter.

§ 140-3. Severability.

Each section of this chapter is an independent section. If any section of this chapter is held to be invalid, then such invalidity shall not affect the remaining sections of this chapter.

§ 140-4. Violations and penalties.

Unless another penalty is expressly provided by New Jersey Statute, every person convicted of a violation of a provision of this chapter or any supplement thereto shall be liable to a penalty of not more than \$50 or imprisonment for a term not exceeding 15 days, or both.

ARTICLE II

Parking, Stopping and Standing**§ 140-5. Regulations not exclusive.**

The provisions of this article imposing a time limit on parking shall not relieve any person of the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles as set forth in N.J.S.A. 39:4-138, any other New Jersey Statute or as hereinafter provided.

§ 140-6. Parking prohibited at all times on certain streets.

No person shall park a vehicle at any time upon any of the streets or parts thereof described in Schedule I (§ 140-35), attached to and made a part of this chapter.

§ 140-7. Night parking. [Amended 2-7-1994 by Ord. No. 1-94]

- A. No vehicle shall be parked on any street within the Township of Verona between the hours of 2:30 a.m. and 6:00 a.m. unless an overnight parking permit has been issued for such vehicle as provided hereunder.
- B. Overnight parking permits.
 - (1) Overnight parking permits shall be available to any person, provided that the following standards and conditions are met:
 - (a) The applicant for a permit occupies a one-family dwelling within the Township of Verona, and the property on which such one-family dwelling is located does not contain at least two on-site parking spaces (i.e., sufficient garage or driveway facilities to accommodate two or more vehicles);
 - (b) The applicant for a permit occupies a two-family dwelling within the Township of Verona, and the property on which such two-family dwelling is located does not contain at least two on-site parking spaces (i.e., sufficient garage or driveway facilities to accommodate two or more vehicles) for each dwelling unit; or
 - (c) The applicant occupies a dwelling unit within a multifamily dwelling (a building consisting of three or more dwelling units) within the Township of Verona, and the property on which such multifamily dwelling is located does not contain on-site parking for the applicant's vehicle.
 - (2) An applicant for a permit shall be the owner or lessee of the vehicle for which a permit is issued.
 - (3) Permits shall be issued only for passenger automobiles, as defined in N.J.S.A. 39:1-1, and shall not be issued for any recreational vehicles, as defined in Chapter 150, Zoning, Article II, or for any commercial vehicles or other types of vehicles.

- (4) Permits shall not be transferable from the applicant to any other person. However, permits may be transferred from one vehicle to another vehicle owned or leased by the same applicant upon the filing of a transfer application and the payment of a transfer application fee.
 - (5) Permits shall be prominently and permanently displayed on the rear driver side window of the vehicle for which a permit has been issued.
 - (6) All vehicles for which overnight parking permits have been issued shall be subject to all other parking regulations set forth in the Township of Verona Vehicle and Traffic Code and to all applicable state laws concerning parking.
 - (7) Vehicles for which an overnight parking permit has been issued shall not be authorized to park upon any of the following streets between the hours of 2:30 a.m. and 6:00 a.m.: Pompton Avenue (Route 23), Mt. Prospect Avenue, Bloomfield Avenue, Lakeside Avenue, Grove Avenue and Fairview Avenue.
 - (8) Applications for overnight parking permits and applications to transfer permits from one vehicle to another shall be filed in the office of the Township Clerk on forms to be provided by the Clerk's office. Fees for overnight parking permits and fees for transfer applications shall be as established under A565, Fees, of the Verona Code and shall be payable upon issuance or transfer of a permit.
- C. No parking will be permitted at public school parking sites between 10:30 p.m. and 6:00 a.m. unless specifically authorized by the Board of Education.
- D. No parking will be permitted at the 880 Bloomfield Avenue (Community Center) parking site or at the Verona Community Pool parking lots between 11:00 p.m. and 6:00 a.m. unless specifically authorized by the Township. **[Added 5-3-2010 by Ord. No. 4-10]**
- E. No parking will be permitted at any metered space in Municipal Lot No. 1 (off Park Place), and Municipal Lot No. 2 (off Grove Avenue), between 2:30 a.m. and 6:00 a.m. unless specifically authorized by the Township. **[Added 8-13-2012 by Ord. No. 4-12]**
- F. No parking will be permitted in municipal parking lots off of White Rock Road between the hours of 10:30 p.m. and 6:00 a.m. **[Added 9-2-2014 by Ord. No. 8-14]**

§ 140-8. Parking prohibited during certain hours on certain streets.

No person shall park a vehicle between the hours specified in Schedule II (§ 140-36) of any day except Sundays and holidays, unless otherwise indicated, upon any of the streets or parts of streets described in said Schedule II, attached to and made a part of this chapter.

§ 140-9. Stopping or standing prohibited on certain streets.

No person shall stop or stand a vehicle during the times specified in Schedule III (§ 140-37) of any day except Sundays and holidays, unless otherwise indicated, upon any of the streets or parts of streets described in said Schedule III, attached to and made a part of this chapter.

§ 140-10. Parking time limited on certain streets and public off-street parking areas. [Amended 8-5-1996 by Ord. No. 3-96]

No person shall park a vehicle for longer than the time limit shown in Schedule IV (§ 140-38) at any time between the hours listed in said Schedule IV of any day except Sundays and holidays, unless otherwise indicated, upon any of the streets or parts of streets or public off-street parking areas described in said Schedule IV, attached to and made a part of this chapter.

§ 140-11. Alternate side of street parking.

No person shall park a vehicle during the times specified in Schedule V (§ 140-39) of any day, unless otherwise indicated upon any of the streets or parts of streets described in said Schedule V, attached to and made a part of this chapter.

§ 140-12. Parking in fire areas.

- A. Pursuant to N.J.S.A. 40:48-2.46 and N.J.S.A. 40A:14-53, certain parking yards and parking places which are open to the public or to which the public is invited, located within the Township, more particularly described in Schedule VI (§ 140-40), shall be regulated in the manner specified in Schedule VI, attached to and made a part of this chapter.
- B. The Township is authorized to post the necessary signs or striping, indicating the regulations as described in this section. Appropriate signs or striping shall be provided in each public private parking area, the cost of which shall be borne by the owner of the property.

§ 140-12.1. Angle parking. [Added 2-21-1995 by Ord. No. 3-95]

No angle parking shall be permitted except upon the streets and at the locations designated in Schedule VIA (§ 140-40.1).

ARTICLE III

Exclusions

§ 140-13. Trucks over four tons excluded from certain streets.

Trucks over four tons' registered gross weight are hereby excluded from the streets or parts of streets described in Schedule VII (§ 140-41) except for the pickup and delivery of materials on such streets, said Schedule VII being attached to and made a part of this chapter.

§ 140-13.1. Vehicles over six tons excluded from certain streets. [Amended 11-5-1990 by Ord. No. 12-90; 9-3-1991 by Ord. No. 10-91]

Vehicles over six tons' registered gross weight limit are hereby excluded from the streets or parts of streets described in Schedule VIIA (§ 140-41.1), said Schedule VIIA being attached to and made a part of this chapter.

ARTICLE IV
One-Way Streets

§ 140-14. One-way streets designated.

The streets or parts of streets described in Schedule VIII (§ 140-42), attached to and made a part of this chapter, are hereby designated as one-way streets in the direction indicated.

ARTICLE V
Through Streets; Stop and Yield Intersection

§ 140-15. Through streets designated.

Pursuant to the provisions of N.J.S.A. 39:4-140, the streets or parts of streets described in Schedule IX (§ 140-43), attached to and made a part of this chapter, are hereby designated as through streets. Stop signs shall be installed on the near right side of each street intersecting the through street except where yield signs are provided for in the designations.

§ 140-16. Stop intersections designated.

Pursuant to the provisions of N.J.S.A. 39:4-140, the intersections described in Schedule X (§ 140-44), attached to and made a part of this chapter, are hereby designated as stop intersections. Stop signs shall be installed as provided therein.

§ 140-17. Yield intersections designated.

Pursuant to the provisions of N.J.S.A. 39:4-140, the intersections described in Schedule XI (§ 140-45), attached to and made a part of this chapter, are hereby designated as yield intersections. Yield right-of-way signs shall be installed as provided therein.

ARTICLE VI
Special Zones and Areas

§ 140-18. Loading zones designated.

The locations described in Schedule XII (§ 140-46), attached to and made a part of this chapter, are hereby designated as loading zones.

§ 140-18.1. Dropoff/pickup zones designated. [Added 8-16-2010 by Ord. No. 10-10]

The locations described in Schedule XIIA (§ 140-46.1), attached to and made a part of this chapter are hereby designated as dropoff/pickup zones.

§ 140-19. Taxi stands designated.

The locations described in Schedule XIII (§ 140-47), attached to and made a part of this chapter, are hereby designated as taxi stands.

§ 140-20. Bus stops designated.

The locations described in Schedule XIV (§ 140-48) attached to and made a part of this chapter, are hereby designated as bus stops.

§ 140-20.1. Restricted parking for use by handicapped persons. [Added 8-5-1996 by Ord. No. 3-96]

The locations described in Schedule XXIV (§ 140-57.1), attached to and made a part of this chapter, are hereby designated as restricted parking areas for use by handicapped persons pursuant to N.J.S.A. 39:4-197.5.

§ 140-20.2. Restricted parking for use by fire and rescue personnel. [Added 8-16-2010 by Ord. No. 10-10]

The locations described in Schedule XXV (§ 140-57.2), attached to and made a part of this chapter, are hereby designated parking areas for use by Verona firefighters and Rescue Squad members.

§ 140-20.3. Public parking spaces for charging of electric vehicles. [Added 12-16-2019 by Ord. No. 2019-38]

- A. Definitions. For purposes of this chapter, the following phrases and words shall have the meanings indicated:

ELECTRIC VEHICLE — A vehicle that operates, either partially or exclusively, on electrical energy from a charging station or other electric energy source that is stored in the vehicle's battery for propulsion purposes. "Electric vehicle" includes: a battery electric vehicle; a plug-in hybrid electric vehicle; a neighborhood electric vehicle; and electric scooters or electric motorcycles.

- B. Public parking spaces for charging of electric vehicles. The Township may designate parking spaces for use as electric vehicle charging stations. Use of said charging station spaces shall be limited and restricted as follows:

- (1) It shall be unlawful for any person to park or leave standing a vehicle in a stall or space in the designated space unless the vehicle is an electric vehicle and is connected for electric charging purposes;

- (2) Nonelectric vehicles are prohibited from parking in charging station spaces; and
 - (3) Electric vehicles are authorized to park in spaces designated as charging station spaces only during the time the vehicles are connected for electric charging purposes. When the vehicle is no longer charging, the owner or operator of said vehicle shall be required to remove the vehicle from the charging station space.
- C. Charging station fees. The fee to use parking spaces within the Township identified as charging station spaces shall be set forth in § A565-1, Schedule of fees, for when the electric vehicle is connected to the charging station.
- D. Designation of public spaces. The following locations shall be designated as charging station spaces:
 - (1) Two spaces located in the Civic Center Driveway (east side) on either side of the charging station.

ARTICLE VII

Turn Prohibitions and Lane Reservations

§ 140-21. U-turns.

No person shall make a U-turn on any of the streets or parts of streets described in Schedule XV (§ 140-49), attached to and made a part of this chapter.

§ 140-22. Turns at intersections.

No person shall make a turn of the kind designated (left, right, all) at any of the locations described in Schedule XVI (§ 140-50), attached to and made a part of this chapter.

§ 140-23. Prohibited right turns on red signal.

No person shall make a right turn when facing a steady red signal (stop indication) at any of the locations described in Schedule XVII (§ 140-51), attached to and made a part of this chapter, whenever official signs are present prohibiting such turn.

§ 140-24. Lane use reservations.

The lane locations described in Schedule XVIII (§ 140-52), attached to and made a part of this chapter, are designated as lane use reservations, and traffic shall move only as indicated.

ARTICLE VIII

Emergency No Parking
[Amended 4-21-2003 by Ord. No. 2-2003]**§ 140-25. Designation of snow emergency no-parking areas.**

- A. Whenever snow has fallen and the accumulation is such that it covers the street or highway, no vehicle shall be parked on either side of any of the streets or parts thereof described in Schedule XIX (§ 140-53) attached to and made a part of this chapter.
- B. The above parking prohibitions shall remain in effect after the snow has ceased until the streets have been plowed sufficiently and to the extent that parking will not interfere with the normal flow of traffic.

§ 140-26. No parking; declared emergencies.

- A. The Township Director of Public Safety or, in his absence, the ranking member of the Verona Police Department is hereby authorized to declare an emergency and to direct the posting of emergency no-parking signs when weather conditions, accidents, fires or public celebrations dictate or require the avoidance of hazards or other conditions which interfere with the free flow of traffic. Upon the declaration of an emergency, there shall be no parking upon streets or parts of streets where temporary emergency no-parking signs are displayed.
- B. In the event that the Sheriff of Essex County, or his designee, has declared a state of emergency during disaster conditions such as fires, floods, major accidents, terrorist attacks, storms or other events and conditions which may interfere with the free flow of traffic, there shall be no parking upon streets or sections of streets where "Emergency No Parking When Declared" signs are displayed as described in Schedule XIX (§ 140-53), attached to and made a part of this chapter.
- C. The Verona Police Department shall make a reasonable effort to give notification that emergency no-parking signs have been or will be posted or that an emergency has been declared to the operator or owner of any vehicle which has been parked prior to the posting of emergency no-parking signs or prior to the declaration of an emergency.

§ 140-27. Removal of vehicles.

Any unoccupied vehicle parked or standing in violation of this article shall be deemed a nuisance and a menace to the safe and proper regulation of traffic and any police officer may provide for the removal of such vehicle. The owner of such vehicle shall pay the reasonable costs of the removal and storage which may result from such removal before regaining possession of such vehicle.

§ 140-28. (Reserved)

ARTICLE IX

Speed Limits**§ 140-29. Limits established.**

The speed limit for both directions of traffic along the streets or parts thereof described in Schedule XX (§ 140-54), attached to and made a part of this chapter, is hereby established at the rate of speed indicated.

§ 140-30. Posting of signs.

Regulatory and warning signs shall be erected and maintained to effect the above-designated speed limits as authorized by the Department of Transportation.

ARTICLE X

Traffic Control Signals**§ 140-31. Traffic signals established.**

Traffic control signals shall be installed and operated at the intersection of those streets described in Schedule XXI (§ 140-55), attached to and made a part of this chapter.

§ 140-32. Installation of signals. [Amended 11-5-1990 by Ord. No. 12-90; 9-3-1991 by Ord. No. 10-91]

(Reserved)

ARTICLE XI

No-Passing Zones**§ 140-33. No-passing zones established.**

No-passing zones are hereby established and maintained along those streets or parts of streets described in Schedule XXII (§ 140-56), attached to and made a part of this chapter, as authorized by the New Jersey Department of Transportation in accordance with the sketch dated and numbered as indicated.

ARTICLE XII

Midblock Crosswalks**§ 140-34. Midblock crosswalks established. [Amended 11-5-1990 by Ord. No. 12-90]**

Pedestrian crosswalks are hereby established at those midblock locations described in Schedule XXIII (§ 140-57), attached to and made a part of this chapter.

ARTICLE XIII

Schedules

§ 140-35. Schedule I: No Parking.

In accordance with the provisions of § 140-6, no person shall park a vehicle at any time upon any of the following described streets or parts of streets:

Name of Street	Side	Location
Arnold Way	Both	From Fairview Avenue to terminus
Bahr Circle [Added 3-21-2016 by Ord. No. 5-16; amended 5-16-2016 by Ord. No. 11-16]	Both	Entire roadway
Balston Drive [Added 9-2-2014 by Ord. No. 8-14]	North	From a point 19 feet west of the west-side driveway of 14 Balston Drive continuing for 63 feet west then north
Belleclair Place	East	From Afterglow Way to Cole Road
Bloomfield Avenue	North	From 90 feet east of Cumberland Avenue east 160 feet
Bloomfield Avenue	North	From 205 feet east of Cumberland Avenue east 250 feet
Bloomfield Avenue	North	From Cumberland Avenue west 100 feet
Bloomfield Avenue	North	From Derwent Avenue east 70 feet
Bloomfield Avenue	North	From Fairview Avenue east 265 feet
Bloomfield Avenue	North	From Fairview Avenue west 365 feet
Bloomfield Avenue	North	From Gould Street east 100 feet
Bloomfield Avenue	North	From Grove Avenue east 105 feet
Bloomfield Avenue	North	From Grove Avenue west 60 feet
Bloomfield Avenue	North	From Hillcrest Terrace west 100 feet
Bloomfield Avenue	North	From Linn Drive west to North Caldwell line
Bloomfield Avenue	North	From Park Avenue east 105 feet
Bloomfield Avenue	North	From Park Place east 290 feet
Bloomfield Avenue	North	From Park Place west 110 feet
Bloomfield Avenue [Added 10-17-2005 by Ord. No. 17-2005]	North	From 267 feet west of Park Place for 94 feet

Name of Street	Side	Location
Bloomfield Avenue	North	From 210 feet east of Pine Street 135 feet east
Bloomfield Avenue	North	From Pine Street east 140 feet
Bloomfield Avenue	North	From Pine Street west to Linn Drive
Bloomfield Avenue	North	From Pompton Avenue west for 410 feet
Bloomfield Avenue	North	From 100 feet east of Rockland Terrace 25 feet east
Bloomfield Avenue	North	From Westview Road east for 105 feet
Bloomfield Avenue	North	From Westview Road to Elmwood Road
Bloomfield Avenue	Northeast	From 175 feet east of Gould Street for 105 feet
Bloomfield Avenue [Added 9-2-2014 by Ord. No. 8-14]	South	From a point located at the west corner of the driveway of 287 Bloomfield Avenue continuing 130 feet
Bloomfield Avenue	South	From Brookdale Avenue west 105 feet
Bloomfield Avenue	South	From 120 feet east of Chestnut Road 135 feet east
Bloomfield Avenue	South	From East Lincoln Street west 105 feet
Bloomfield Avenue	South	From Fells Road to Chestnut Road
Bloomfield Avenue	South	From Forest Avenue east to West Lincoln
Bloomfield Avenue	South	From Forest Avenue west 135 feet
Bloomfield Avenue	South	From Lakeside Avenue 380 feet east
Bloomfield Avenue	South	From Lakeview Place east 110 feet
Bloomfield Avenue	South	From 10 feet east of prolongation of the easterly curblin of Malvern Place east 175 feet
Bloomfield Avenue	South	From Montrose Avenue east 100 feet
Bloomfield Avenue	South	From Mt. Prospect Avenue east to Sunset Avenue
Bloomfield Avenue	South	From Mt. Prospect west 325 feet
Bloomfield Avenue	South	From North Caldwell line to Fells Road
Bloomfield Avenue	South	From Park Avenue west 105 feet
Bloomfield Avenue	South	From South Prospect Avenue east 130 feet

Name of Street	Side	Location
Bloomfield Avenue	South	From South Prospect Avenue west 150 feet
Bloomfield Avenue	South	From Verona Place east 85 feet
Bloomfield Avenue	South	From West Lincoln Street east 175 feet
Bloomfield Avenue	South	From 40 feet of the prolongation of the easterly curblin of Westview Road to the easterly curb of Brookdale Avenue
Brookdale Court	Both	From Brookdale Avenue to terminus
Burdett Court [Added 3-21-2016 by Ord. No. 5-16; amended 5-16-2016 by Ord. No. 11-16]	Both	Entire roadway
Centennial Field access drive [Added 11-21-2011 by Ord. No. 16-11]	Both	From Veteran's Field parking lot to White Rock Road
Chestnut Road [Added 11-20-1995 by Ord. No. 15-95]	West	From Bloomfield Avenue to Oakridge Road
Church Street	West	From Claremont Avenue to Bloomfield Avenue
Civic Center	North	In front of H.B. Whitehorne School
Claremont Avenue	North	From Montclair Line to Bloomfield Avenue
Claremont Avenue [Added 10-17-2005 by Ord. No. 17-2005]	South	From Park Avenue 75 feet east
Claremont Avenue [Added 10-17-2005 by Ord. No. 17-2005]	South	From Park Avenue 75 feet west
Cole Road	Both	From Afterglow Avenue to terminus
Commerce Court [Added 9-2-2014 by Ord. No. 8-14]	East	From a point 424 feet from Ozone Avenue continuing 20 feet
Cook Lane	Both	From Park Avenue to terminus
Crestmont Road	East	From Westover Road north to terminus
Crestmont Road	West	From Claremont Avenue north 450 feet
Cumberland Avenue	Both	From Bloomfield Avenue to Claremont Avenue

Name of Street	Side	Location
Cumberland Avenue [Added 7-14-2008 by Ord. No. 9-08]	East	Starting at the northeast corner of Claremont Avenue and Cumberland Avenue continuing north 75 feet
Depot Street	East	From Pine Street north 120 feet
East Lincoln Street	East	From Bloomfield Avenue to West Lincoln Street
Elk Road [Added 11-3-2003 by Ord. No. 12-2003]	South	Entire length
Elmwood Road	East	From Bloomfield Avenue to Cedar Grove line
Fairview Avenue	East	From Bloomfield Avenue north 150 feet
Fairview Avenue	East	From Franklin Street north to Sampson Drive
Fairview Avenue [Added 5-16-2016 by Ord. No. 11-16]	East	From Franklin Street south for 105 feet
Fairview Avenue	East	From 25 feet south of entrance driveway of Municipal Pool to Cedar Grove line
Fairview Avenue [Added 12-18-2006 by Ord. No. 14-06; amended 6-1-2017 by Ord. No. 2017-12]	East	From the northeast corner of Sampson Drive north 175 feet
Fairview Avenue [Added 12-18-2006 by Ord. No. 14-06]	East	From Valleyview Road north 70 feet
Fairview Avenue [Added 6-1-2017 by Ord. No. 2017-12]	West	155 feet south of the southwest corner of Hillwood Terrace to 355.5 feet south
Fairview Avenue	West	From Cedar Grove line south to prolongation of the northerly curb of Sampson Drive
Fairview Avenue [Amended 10-17-2005 by Ord. No. 17-2005]	West	From 272 feet north of Pine Street for 99 feet
Fairview Avenue [Added 6-1-2017 by Ord. No. 2017-12]	West	From the northwest corner of Parsons Court north for 50 feet
Fells Road	Both	From Bloomfield Avenue south to Essex Fells line
Floyd Road	East	From Claremont Avenue to Newman Avenue

Name of Street	Side	Location
Forest Avenue	East	From Bloomfield Avenue to Fairway Avenue
Franklin Street [Added 2-7-2011 by Ord. No. 1-11]	South	From the southeast corner of Fairview Avenue continuing 85 feet east
Gould Street	East	From Bloomfield Avenue to Personette Avenue
Gould Street	West	From Bloomfield Avenue north 250 feet
Grove Avenue	Both	From Linden Avenue north and south for 150 feet
Grove Avenue	East	From Bloomfield Avenue north 160 feet
Grove Avenue	East	From 275 feet north of Bloomfield Avenue 370 feet
Grove Avenue	East	From 118 feet north of Franklin Street north for 300 feet
Grove Avenue	West	From Bloomfield Avenue north 192 feet
Grove Avenue [Added 11-3-2003 by Ord. No. 12-2003; amended 10-17-2005 by Ord. No. 17-2005]	West	78 feet north from the northwest corner of Franklin Street
Harrison Street	South	From Forest Avenue to Chestnut Road
Hillside Avenue	North	From Lakeside Avenue to Oakridge Road
Hillwood Terrace	West	From Fairview Avenue to terminus
Lakeside Avenue [Added 12-6-2004 by Ord. No. 16-2004]	East	From the West Orange boundary 244 feet north
Lakeside Avenue [Added 1-3-1994 by Ord. No. 10-93]	West	From the north curbline of Balston Drive to a point 140 feet north of the north curbline of Whitney Terrace
Lakeside Avenue	West	From Bloomfield Avenue south for 150 feet
Lakeside Avenue [Added 9-16-1996 by Ord. No. 11-96]	West	From the curbline of Bloomfield Avenue (extended) 140 feet south; and from a point 314 feet south of the curbline of Bloomfield Avenue (extended) 260 feet south
Lakeview Place	West	From Bloomfield Avenue to terminus
Lanning Avenue	North	From 200 feet west of Elmwood Road west 353 feet

Name of Street	Side	Location
Lanning Road [Added 9-2-2014 by Ord. No. 8-14]	North	From a point 196 feet from the northwest corner of Lanning Road and Elmwood Road continuing 391 feet
Linden Avenue	Both	From Grove Avenue east and west for 150 feet
Linden Avenue	North	From Fairview Avenue to Pompton Avenue
Linden Avenue	South	From 150 west of Derwent Avenue 300 feet west
Linn Drive [Added 12-15-1997 by Ord. No. 15-97]	East	From Bloomfield Avenue north 240 feet
Linn Drive [Added 12-4-1995 by Ord. No. 17-95]	East	From Personette Avenue north 50 feet
Linn Drive [Added 12-15-1997 by Ord. No. 15-97]	East	From Personette Avenue north 75 feet
Linn Drive [Added 12-4-1995 by Ord. No. 17-95]	East	From Personette Avenue south 50 feet
Linn Drive [Added 12-15-1997 by Ord. No. 15-97]	East	From Personette Avenue south 75 feet
Linn Drive	West	From Bloomfield Avenue north to terminus
Louisburg Square	Both	From Pompton Avenue to terminus
Malvern Place	West	From Bloomfield Avenue to Claremont
Manor Road	North/West	From Park Avenue to terminus
Martin Road	East	From Claremont Avenue to Pompton Avenue
Montrose Avenue	East	From Pease Avenue to Bloomfield Avenue
Morningside Road	North	From Lakeside Avenue to Oakridge Road
Mount Vernon Square	Both	From Pompton Avenue to terminus
Municipal Pool Drive	Both	From Fairview Avenue to terminus
Oakridge Road	West	From Bloomfield Avenue to Hillside Avenue
Orchard Street	South	From Fairview Avenue to Rockland Terrace
Otis Place	Both	From Claremont Avenue to terminus

Name of Street	Side	Location
Otsego Road [Added 8-5-1996 by Ord. No. 3-96]	East	From Claremont Avenue to Woodland Avenue
Overlook Park	Both	From Afterglow Avenue to terminus
Park Avenue	Both	From Bloomfield Avenue to Claremont Avenue
Park Avenue	East	From Bloomfield Avenue to Hathaway Lane
Park Avenue	West	From Bloomfield Avenue south 100 feet
Parkhurst Place [Amended 2-17-1998 by Ord. No. 3-98]	West	From Pine Street north to terminus
Park Place	Both	From Bloomfield Avenue north to terminus
Park Place [Added 7-14-2008 by Ord. No. 9-08]	West	Starting at the northwest corner of Bloomfield and Park Place continuing 37 feet north
Pease Avenue [Added 2-11-2019 by Ord. No. 2019-05]	North	From Lakeside Avenue west to Montrose
Pease Avenue [Amended 2-11-2019 by Ord. No. 2019-05]	South	From Lakeside Avenue west 100 feet
Personette Avenue [Added 8-5-1996 by Ord. No. 3-96]	North	From Gould Street westerly to a point 187 feet from the intersection of Linn Drive
Personette Avenue [Added 8-5-1996 by Ord. No. 3-96]	North	From Linn Drive easterly 110 feet
Personette Avenue [Added 12-15-1997 by Ord. No. 15-97]	North	From Linn Drive easterly 125 feet
Personette Avenue [Added 12-15-1997 by Ord. No. 15-97]	South	From Linn Drive easterly to Depot Street
Pine Street [Repealed 9-10-1998 by Ord. No. 12-98]		
Pine Street [Added 7-14-2008 by Ord. No. 9-08]	North	Starting at the northwest corner of Fairview Avenue and Pine Street continuing 79 feet west
Pine Street	South	From Fairview Avenue to Bloomfield Avenue
Reid Place [Added 5-21-2018 by Ord. No. 2018-20]	North	Entire length

Name of Street	Side	Location
Rockland Terrace	West	From Orchard Street to Bloomfield Avenue
Rose Terrace	West	From Newman Avenue south to terminus
Sampson Drive [Added 12-6-2004 by Ord. No. 16-2004]	North	From Grove Avenue to Fairview Avenue
Sampson Drive [Added 12-6-2004 by Ord. No. 16-2004]	South	From end of angle parking west to Fairview Avenue
South Prospect [Added 11-3-2003 by Ord. No. 12-2003]	East	From Morningside Road to Pease Avenue
Stonewood Parkway [Added 8-6-2001 by Ord. No. 6-2001]	West	From Sunset Avenue southerly 231 feet
Sunnyside Place	West	From Pine Street north to terminus
Sunset Avenue	North	From Mt. Prospect Avenue east 150 feet
Sunset Avenue	North	From Mt. Prospect Avenue west 150 feet
Sunset Avenue	South	From Mt. Prospect Avenue to Park Avenue
Sunset Avenue	South/East	From Mt. Prospect Avenue to Bloomfield Avenue
Sunset Avenue [Added 9-2-1997 by Ord. No. 9-97; amended 8-6-2001 by Ord. No. 6-2001]	West	From Bloomfield Avenue south 243 feet
Verona Place	West	From Bloomfield Avenue south to terminus
West Lincoln Street	East/South	From Bloomfield Avenue to East Lincoln
Westview Road	West	From Claremont Avenue to Bloomfield Avenue
Whitney Terrace [Added 9-2-2014 by Ord. No. 8-14]	East	From a point 53 feet north of the north side of the driveway of 17 Whitney Terrace continuing for 53 feet north then east
Windemere Road [Added 9-2-2014 by Ord. No. 8-14]	North	From a point 47 feet south of the south corner of the driveway of 16 Windemere Road continuing for 63 feet south then east

Name of Street	Side	Location
Windemere Road [Added 9-2-2014 by Ord. No. 8-14]	South	From a point located at the storm drain at 15 Windemere Road continuing 63 feet west then south
Woodland Avenue	South	From Pompton Avenue to Elmwood Road
Woodland Place	Both	From Woodland Avenue to Linden Avenue

§ 140-36. Schedule II: No Parking Certain Hours.

In accordance with the provisions of § 140-8, no person shall park a vehicle between the hours listed on any day except Sundays and holidays, unless otherwise indicated, upon any of the following described streets or parts of streets:

Name of Street	Side	Hours/Days	Location
Cambridge Road [Added 11-3-2003 by Ord. No. 12-2003]	North	8:00 a.m. to 6:00 p.m./Monday through Friday	245 feet east from Pompton Avenue
Cambridge Road [Added 11-3-2003 by Ord. No. 12-2003]	South	8:00 a.m. to 6:00 p.m./Monday through Friday	220 feet east from Pompton Avenue
Fairview Avenue [Repealed 6-1-2017 by Ord. No. 2017-12]			
Forest Avenue	West	8:00 a.m. to 3:30 p.m./School days	From 170 feet north of Morningside Road north for 218 feet
Gould Street [Added 10-17-2005 by Ord. No. 17-2005]	West	7:00 a.m. to 4:00 p.m./School days	From 228 feet from Bloomfield for 346 feet
Grove Avenue [Added 10-17-2005 by Ord. No. 17-2005]	East	7:30 a.m. to 8:30 a.m. and 2:30 p.m. to 4:00 p.m./School days	From Franklin Street north 114 feet
Grove Avenue [Added 10-17-2005 by Ord. No. 17-2005]	East	7:30 a.m. to 8:30 a.m. and 2:30 p.m. to 4:00 p.m./School days	From 440 feet from Franklin Street to Ann Street

Name of Street	Side	Hours/Days	Location
Grove Avenue	West	8:00 a.m. to 3:30 p.m./Monday through Friday	From 120 feet north of Franklin Street north for 300 feet
Hathaway Lane	North	8:00 a.m. to 6:00 p.m./Saturday, Sunday and holidays, May 16 through September 15	Entire length
Lakeside Avenue [Added 9-16-1996 by Ord. No. 11-96]	East	7:00 a.m. to 1:00 p.m./Sundays	From the curbline of Bloomfield Avenue (extended) 823 feet south
Lakeside Avenue [Repealed 9-16-1996 by Ord. No. 11-96]			
Marion Road [Added 5-3-2010 by Ord. No. 4-10]	North	7:30 a.m. to 8:30 a.m.; 2:30 to 3:30 p.m./Monday through Friday, September 1 through June 30	From the northwest corner of Forest Avenue west 150 feet
Pine Street [Added 9-10-1998 by Ord. No. 12-98; repealed 7-14-2008 by Ord. No. 9-08]			
Sampson Drive [Added 9-2-2014 by Ord. No. 8-14]	North	During certain hours as directed by the Board of Education for the public's safety	High school parking lot
South Prospect Street [Added 5-3-2010 by Ord. No. 4-10]	East	6:00 a.m. to 9:00 a.m.	From the Southeast corner of Bloomfield Avenue south 250 feet
Sylvan Road	East	8:00 a.m. to 6:00 p.m./Saturday, Sunday and holidays, May 16 through September 15	Entire length

Name of Street	Side	Hours/Days	Location
Valhalla Way	North	8:00 a.m. to 6:00 p.m./Saturday, Sunday and holidays, May 16 through September 15	Entire length
Valley View Road	North	11:00 a.m. to 6:00 p.m./Saturday, Sunday and holidays, June 1 through September 15	Entire length

§ 140-37. Schedule III: No Stopping or Standing.

In accordance with the provision of § 140-9, no person shall stop or stand a vehicle on any day, unless otherwise indicated, upon any of the following described streets or parts of streets:

Name of Street	Side	Location
Bloomfield Avenue	North	From Fairview Avenue east for 260 feet
Bloomfield Avenue	North	From Fairview Avenue west for 365 feet
Bloomfield Avenue	North	From Gould Street east 100 feet
Bloomfield Avenue	North	From Linn Drive west to Caldwell line
Bloomfield Avenue	North	From Montclair line west to Pompton Avenue
Bloomfield Avenue	North	From Park Place east 380 feet
Bloomfield Avenue	North	From Park Place west 110 feet
Bloomfield Avenue	North	From Pine Street east 140 feet
Bloomfield Avenue [Added 8-6-2001 by Ord. No. 6-2001]	North	From the west curblineline of Pine Street to a point 650 feet westerly therefrom
Bloomfield Avenue [Repealed 8-6-2001 by Ord. No. 6-2001]		
Bloomfield Avenue	North	From Pompton Avenue west 410 feet
Bloomfield Avenue	South	From Brookdale Avenue west 105 feet
Bloomfield Avenue	South	From Caldwell line to Fells Road
Bloomfield Avenue	South	From Fells Road to Chestnut Road

Name of Street	Side	Location
Bloomfield Avenue	South	From Lakeside Avenue east 380 feet
Bloomfield Avenue	South	From 10 feet east of the prolongation of the easterly curblineline of Malvern Place 175 feet west
Bloomfield Avenue	South	From Montrose Avenue east 85 feet
Bloomfield Avenue	South	From Mt. Prospect Avenue west 325 feet
Bloomfield Avenue	South	From Mt. Prospect Avenue to Sunset Avenue
Bloomfield Avenue	South	From Park Avenue west 105 feet
Bloomfield Avenue	South	From South Prospect east 130 feet
Bloomfield Avenue	South	From South Prospect west 150 feet
Bloomfield Avenue [Added 8-6-2001 by Ord. No. 6-2001]	South	From the west curblineline of West Lincoln Street to a point 585 feet westerly therefrom
Bloomfield Avenue [Repealed 8-6-2001 by Ord. No. 6-2001]		
Bloomfield Avenue	South	From West Lincoln Street to Forest Avenue
Bloomfield Avenue	South	From 40 feet east of the prolongation of the easterly curblineline of Westview Road 135 west
Centennial Field access drive [Added 11-21-2011 by Ord. No. 16-11]	Both	From Veteran's Field parking lot to White Rock Road
Fairview Avenue [Amended 8-6-2001 by Ord. No. 6-2001]	East	From the north curblineline of Bloomfield Avenue to a point 145 feet northerly therefrom
Fairview Avenue	West	From Pine Street north 245 feet
Gould Street [Added 8-6-2001 by Ord. No. 6-2001]	Both	From the north curblineline of Bloomfield Avenue to a point 120 feet northerly therefrom
Grove Avenue [Added 8-6-2001 by Ord. No. 6-2001]	East	From the north curblineline of Bloomfield Avenue to a point 70 feet northerly therefrom
Grove Avenue [Added 8-6-2001 by Ord. No. 6-2001]	West	From the north curblineline of Bloomfield Avenue to a point 110 feet northerly therefrom

Name of Street	Side	Location
Malvern Place [Added 8-6-2001 by Ord. No. 6-2001]	East	From the north curbline of Bloomfield Avenue to a point 65 feet northerly therefrom
Malvern Place [Added 8-6-2001 by Ord. No. 6-2001]	West	From the north curbline of Bloomfield Avenue to a point 100 feet northerly therefrom
Montrose Avenue [Added 8-6-2001 by Ord. No. 6-2001]	East	From the south curbline of Bloomfield Avenue to a point 95 feet southerly therefrom
Mount Prospect Avenue	East	From Bloomfield Avenue
Mount Prospect Avenue	East	From West Orange line north 900 feet
Park Avenue [Added 8-6-2001 by Ord. No. 6-2001]	East	From the north curbline of Bloomfield Avenue to a point 85 feet northerly therefrom
Park Avenue [Added 8-6-2001 by Ord. No. 6-2001]	East	From the south curbline of Bloomfield Avenue to a point 80 feet southerly therefrom
Park Avenue [Added 8-6-2001 by Ord. No. 6-2001]	West	From the north curbline of Bloomfield Avenue to a point 75 feet northerly therefrom
Park Avenue [Added 8-6-2001 by Ord. No. 6-2001]	West	From the south curbline of Bloomfield Avenue to a point 85 feet southerly therefrom
Pine Street [Added 8-6-2001 by Ord. No. 6-2001]	Both	From the north curbline of Bloomfield Avenue to a point 100 feet therefrom
Pompton Avenue	East	From Bloomfield Avenue north to Cedar Grove line
Pompton Avenue	West	From Cedar Grove line south to Bloomfield Avenue
South Prospect Street [Added 8-6-2001 by Ord. No. 6-2001; repealed 6-1-2017 by Ord. No. 2017-12]		
South Prospect Street [Added 6-1-2017 by Ord. No. 2017-12]	East	From Bloomfield Avenue 159 feet south
South Prospect Street [Added 6-1-2017 by Ord. No. 2017-12]	West	From Bloomfield Avenue 152 feet south

Name of Street	Side	Location
West Lincoln Street [Added 8-6-2001 by Ord. No. 6-2001]	East	From the south curbline of Bloomfield Avenue to a point 110 southerly therefrom
West Lincoln Street [Added 8-6-2001 by Ord. No. 6-2001]	West	From the south curbline of Bloomfield Avenue to a point 75 feet southerly therefrom

§ 140-38. Schedule IV: Time Limit Parking. [Amended 8-5-1996 by Ord. No. 3-96]

In accordance with the provisions of § 140-10, no person shall park a vehicle for longer than the time limit shown on any day, except Sunday and holidays, unless otherwise indicated, upon any of the following streets, parts of streets or public off-street parking areas:

Name of Street	Side	Time Limit; Hours/Days	Location
Beechwood Road	Both	2 hours; 8:00 a.m. to 6:00 p.m.	Entire length
Bloomfield Avenue	Both	2 hours; 8:00 a.m. to 6:00 p.m.	Entire length
880 Bloomfield Avenue Community Center [Added 11-21-2011 by Ord. No. 16-11]	East side of building	2 hours; 8:00 a.m. to 6:00 p.m.	Entire lot
Civic Center Driveway [Added 8-6-2001 by Ord. No. 6-2001]	Both	2 hours; 8:00 a.m. to 6:00 p.m./ Monday through Friday only (not applicable to permit holders)	Entire length
Civic Center [Added 10-17-2005 by Ord. No. 17-05]	West	20 minutes; 8:00 a.m. to 5:00 p.m./ Monday through Friday	From 87 feet north of Bloomfield Avenue for 52 feet
Claremont Avenue [Added 10-17-2005 by Ord. No. 17-05]	South	2 hours; 8:00 a.m. to 6:00 p.m./ Monday through Friday	From Montclair Avenue to Pompton Avenue
Crestmont Road [Added 8-6-2001 by Ord. No. 6-01]	West	2 hours; 8:00 a.m. to 6:00 p.m.	From Westover Road to Claremont Avenue

Name of Street	Side	Time Limit; Hours/Days	Location
East Lincoln Street [Added 10-17-2005 by Ord. No. 17-05]	West	2 hours; 8:00 a.m. to 6:00 p.m./ Monday through Friday	Entire length
Gould Street	West	2 hours; 8:00 a.m. to 6:00 p.m.	Entire length
Grove Avenue [Repealed 5-16-2016 by Ord. No. 11-16]			
Grove Avenue [Added 5-16-2016 by Ord. No. 11-16; amended 2-11-2019 by Ord. No. 2019-05]	Both	4 hours; 8:00 a.m. to 4:00 p.m.	From Bloomfield Avenue to Personette Avenue
Grove Avenue [Added 5-16-2016 by Ord. No. 11-16]	East	2 hours; 8:00 a.m. to 6:00 p.m.	From 332 feet north of Bloomfield Avenue to Personette Avenue
Lakeside Avenue [Amended 2-11-2019 by Ord. No. 2019-05]	Both	4 hours; 8:00 a.m. to 4:00 p.m.	Entire length
Linn Drive [Added 2-7-2011 by Ord. No. 1-11]	West	1 hour; All/All	From the southwest corner of the driveway of 34 Linn Drive continuing for 28 feet (2 spaces)
Montrose Avenue	West	2 hours; 8:00 a.m. to 6:00 p.m.	From Bloomfield Avenue to Hill Street
Nassau Road	Both	2 hours; 8:00 a.m. to 6:00 p.m.	Pompton to Witherspoon Road
Oakridge Road	East	2 hours; 8:00 a.m. to 6:00 p.m.	From Fells Road to point opposite north curblineline of Chestnut Road
Pine Street [Added 7-14-2008 by Ord. No. 9-08]	North	2 hours; 8:00 a.m. to 6:00 p.m./ Monday through Saturday	From a point 79 feet west of the intersection of Fairview Avenue and Pine Street continuing to Sunnyside Place
Rockland Terrace	East	2 hours; 8:00 a.m. to 6:00 p.m.	Entire length

Name of Street	Side	Time Limit; Hours/Days	Location
South Prospect Street [Repealed 5-3-2010 by Ord. No. 4-10]			
South Prospect Street [Repealed 6-1-2017 by Ord. No. 2017-12]			
South Prospect Street [Added 6-1-2017 by Ord. No. 2017-12; amended 8-7-2017 by Ord. No. 2017-20]	East	2 hours, 6:00 a.m. to 6:00 p.m.	Beginning 25 feet north of Hill Street for 93 feet north
South Prospect Street [Added 6-1-2017 by Ord. No. 2017-12; amended 8-7-2017 by Ord. No. 2017-20]	East	2 hours, 6:00 a.m. to 6:00 p.m.	Beginning 138 feet north of Hill Street for 113 feet north
South Prospect Street [Added 6-1-2017 by Ord. No. 2017-12; amended 8-7-2017 by Ord. No. 2017-20]	West	2 hours, 6:00 a.m. to 6:00 p.m.	Beginning 176 feet south of Bloomfield Avenue for 316 feet south
West Lincoln Street [Amended 10-17-2005 by Ord. No. 17-05]	West	2 hours; 8:00 a.m. to 6:00 p.m./ Monday through Friday	Entire length
Westover Road	Both	2 hours; 8:00 a.m. to 6:00 p.m.	Pompton to Witherspoon Road

§ 140-39. Schedule V: Alternate Side of Street Parking.

(Reserved)

§ 140-40. Schedule VI: Parking in Fire Areas. [Added 7-20-2009 by Ord. No. 9-09]

Parking shall be prohibited in the following fire areas:

Name of Street or Area	Location
Civic Center at H.B.W. School	Curb nearest the last parking space on the east curb 272 feet north then west
342 Claremont Avenue	East side of building from the sidewalk 179 feet north

Name of Street or Area	Location
151 Fairview Avenue	West curb front driveway, entire curblin, 443 feet; East curb front driveway from a point 59 feet east of the entrance continuing 200 feet following the contour of the curb; Continuing for 112 feet after the handicap and dropoff area of 97 feet
Behind 151 Fairview Avenue	East curb, 271 feet north to south; West curb, 245 feet north to south
Green Acres Drive	West curb from Bloomfield Avenue south in front of Buildings 3 and 5, 179 feet continuing in front of Building 7, 70 feet south; Continue south on west curb from last parking space 124 feet to the end of driveway; North curb closest to Building 5, 90 feet east to west; East end of complex near Building 2, 130 feet south to north; East end of complex near Building 4, 150 feet south to north; South side of Building 4 curb nearest the building, 85 feet east to west
Hillwood Terrace	West curb nearest the building 161 feet following the contour of the curb; East curb 60 feet north
Municipal Lot No. 1 at H.B.W. School	West curblin next to school along contour line north then east 253 feet
Driveway from Park Avenue	North curblin nearest Buildings 6 and 7, 132 feet west to east; South curblin across from Building 7, 90 feet west to east
265 — 345 Pompton Avenue Pilgrim Plaza	Curblin nearest the front of stores, south to north 645 feet; South side of building, 40 feet west to east; North side of building, 166 feet west to east
339 and 341 Pompton Avenue	Curblin in front of stores, 79 feet south to north; South side of building, 140 feet west to east
343 — 345 Pompton Avenue	Curblin in front of stores 88 feet west to east; East side of building, 35 feet south to north; West side of building, 50 feet south to north
Wedgwood Drive	Island curblin radius, 710 feet
Wedgwood Drive	Driveway between Buildings 1 and 8, 151 feet east and west curbs

Name of Street or Area	Location
Wedgwood Drive	Driveway between Buildings 6 and 7, east curb (60 feet); west curb (73 feet)
Wedgwood Drive	Driveway between Buildings 8 and 9, east and west curbs, 60 feet
Wedgwood Drive	Driveway behind Buildings 4 and 5, west curb, 402 feet, south to north
Wedgwood Drive	East curb near Building 4, south to north, 45 feet
Wedgwood Drive	Rear driveway behind Building 3, west curb, 200 feet south to north
Wedgwood Drive	East curb, 119 feet south to north
Wedgwood Drive	From Hamilton Road north curb, 197 feet west

§ 140-40.1. Schedule VIA: Angle Parking. [Added 2-21-1995 by Ord. No. 3-95]

The following streets/locations are designated for angle parking:

Name of Street	Side	Location
Personette Avenue [Added 12-15-1997 by Ord. No. 15-97]	North	125 feet east from the intersection of Linn Drive, east a distance of 65 feet*
Sampson Drive	South (westbound)	25 feet west from the intersection of Grove Avenue, west for a distance of 625 feet

* NOTE: Also designated as handicapped parking, see § 140-57.1.

§ 140-41. Schedule VII. Trucks Over Four Tons and Busses Excluded From Certain Streets. [Amended 11-5-1990 by Ord. No. 12-90; 9-3-1991 by Ord. No. 10-91]

In accordance with the provision of § 140-13, trucks over four tons' registered gross weight and buses shall be excluded from using the following streets except for pickup and delivery of materials on such streets or for access to pickup or delivery on a street in Verona:

Name of Street	Limits
Claremont Avenue	Entire length
Depot Street	Entire length
Derwent Avenue	Entire length
Forest Avenue	Entire length
Franklin Street	Entire length

Name of Street	Limits
Hillside Avenue	Entire length
Kenwood Avenue	Entire length
Linden Avenue	Entire length
Linn Drive [Added 9-2-1997 by Ord. No. 9-97]	Entire length
Morningside Road	Entire length
Oakridge Road	Entire length
Orchard Street	Entire length
Personette Avenue [Amended 9-2-1997 by Ord. No. 9-97]	Entire length
Pine Street	Entire length
Reid Place	Entire length
South Prospect Street	Entire length
Sunset Avenue	Entire length
Woodland Avenue	Entire length

§ 140-41.1. Schedule VIIA: Vehicles Over Six Tons Excluded From Certain Streets. [Amended 11-5-1990 by Ord. No. 12-90]

In accordance with the provisions of § 140-13.1, vehicles over six tons' registered gross weight limit are excluded from Brookdale Avenue at Verona Brook in the Township of Verona.

§ 140-42. Schedule VIII: One-Way Streets.

In accordance with the provisions of § 140-14, the following described streets or parts of streets are hereby designated as a one-way streets in the direction indicated:

Name of Street	Direction of Travel	Limits
645 Bloomfield Avenue (east driveway) [Added 9-19-2011 by Ord. No. 12-11]	North	Driveway exit
645 Bloomfield Avenue (west driveway) [Added 9-19-2011 by Ord. No. 12-11]	South	Driveway entrance
Brookdale Court	East	Brookdale School parking lot to Brookdale Avenue

Name of Street	Direction of Travel	Limits
Brookdale Court	West	Brookdale Avenue to Brookdale School parking lot
Centennial Field access drive [Added 11-21-2011 by Ord. No. 16-11]	West	From Veteran's Field parking lot to White Rock Road
Church Street	South	From Claremont Avenue to Bloomfield Avenue
Civic Center Drive (east side)	North	From Bloomfield Avenue to terminus
Civic Center Drive (west side)	South	From terminus to Bloomfield Avenue
Claremont Avenue	West	From Montclair line to Pompton Avenue
Claremont Avenue	West	From Cumberland Avenue west to Bloomfield Avenue
Cumberland Avenue	North	From Bloomfield Avenue to Claremont Avenue
Hillcrest Terrace	North	From Bloomfield Avenue to Claremont Avenue
Martin Road	North	From Beach Road to Pompton Avenue
Montrose Avenue [Added 11-20-1995 by Ord. No. 15-95]	South	From Bloomfield Avenue to Hill Street, from 7:00 a.m. to 2:00 p.m. on Sunday only
Municipal Lot No. 1 [Added 9-2-2014 by Ord. No. 8-14]	East	First driveway on Park Place for the municipal lot
Municipal Lot No. 1	South	Parking lot to Bloomfield Avenue
Municipal Lot No. 1 [Added 9-2-2014 by Ord. No. 8-14]	West	Second driveway on Park Place for the municipal lot
Municipal Pool Drive (north side)	West	From terminus to Fair-view Avenue (during pool's summer months' operation)
Municipal Pool Drive (south side)	East	From Fairview Avenue to terminus (during pool's summer months' operation)

Name of Street	Direction of Travel	Limits
Personette Avenue [Added 12-15-1997 by Ord. No. 15-97; amended 6-1-2017 by Ord. No. 2017-12]	West	Beginning at Linn Drive for 240 feet east
Pine Street	West	From Depot Street to Bloomfield Avenue
Sampson Drive [Added 2-21-1995 by Ord. No. 3-95]	West	From Grove Avenue to Fairview Avenue
Westview Road	South	From Claremont Avenue to Bloomfield Avenue

§ 140-43. Schedule IX: Through Streets. [Amended 11-5-1990 by Ord. No. 12-90]

In accordance with the provisions of § 140-15, the following described streets or parts of streets are hereby designated as through streets. Stop signs shall be installed on the near right side of each street intersecting the through street, except where yield signs are provided for.

Name of Street	Limits
Claremont Avenue [Added 6-1-2017 by Ord. No. 2017-12]	Entire length
Durrell Street [Added 9-2-2014 by Ord. No. 8-14]	Entire length
Fairview Avenue	Entire length
Forest Avenue [Repealed 1-27-2020 by Ord. No. 2020-03]	
Grove Avenue	Entire length
Mount Prospect Avenue	Entire length
Oakridge Road	From Bloomfield Avenue south to Hillside Avenue
Pleasant Valley Way/Lakeside Avenue [Amended 9-2-2014 by Ord. No. 8-14]	Entire length
Pompton Avenue (Route No. 23)	Entire length
Sunset Avenue [Repealed 2-7-2000 by Ord. No. 2-2000]	
Valhalla Way [Added 9-19-2011 by Ord. No. 12-11]	Entire length

§ 140-44. Schedule X: Stop Intersections. [Amended 11-5-1990 by Ord. No. 12-90]

In accordance with the provisions of § 140-16, the following described intersections are hereby designated as stop intersections, and stop signs shall be installed as follows:

Intersection	Stop Sign On
Afterglow Avenue and Afterglow Way	Afterglow Way
Afterglow Avenue and Sunset Avenue	Afterglow Avenue
Bahr Circle and Durrell Street [Added 3-21-2016 by Ord. No. 5-16]	Bahr Circle
Brentwood Drive and Wildwood Terrace	Wildwood Terrace
Brookside Terrace and Linden Avenue	Brookside Terrace
Burdett Court and Durrell Street [Added 3-21-2016 by Ord. No. 5-16]	Burdett Court
Cambridge Road and Nassau Road	Cambridge Road
Chestnut Road and Beechwood Road	Beechwood Road
Claremont Avenue and Cumberland Avenue [Repealed 6-1-2017 by Ord. No. 2017-12]	
Claremont Avenue and Elmwood Road [Added 1-3-1994 by Ord. No. 10-93; repealed 6-1-2017 by Ord. No. 2017-12]	
Claremont Avenue and Elmwood Road [Amended 7-14-2008 by Ord. No. 9-08; repealed 6-1-2017 by Ord. No. 2017-12]	
Claremont Avenue and Martin Road [Added 7-20-2009 by Ord. No. 9-09; repealed 6-1-2017 by Ord. No. 2017-12]	
Claremont Avenue and Montclair Avenue [Added 7-20-2009 by Ord. No. 9-09; repealed 8-7-2017 by Ord. No. 2017-20]	
Crestmont Road and Claremont Avenue	Crestmont Road
Depot Street and Personette Avenue [Added 11-20-1995 by Ord. No. 15-95]	Depot Street
Elmwood Road and Claremont Avenue [Repealed 9-3-1991 by Ord. No. 10-91]	
Elmwood Road and Linden Avenue [Repealed 9-3-1991 by Ord. No. 10-91]	

Intersection	Stop Sign On
Elmwood Road and Linden Avenue [Added 7-14-2008 by Ord. No. 9-08]	Linden Avenue
Elmwood Road and Woodland Avenue [Repealed 9-3-1991 by Ord. No. 10-91]	
Forest Avenue and Fairway Avenue [Repealed 1-27-2020 by Ord. No. 2020-03]	
Forest Avenue and Gerdes Avenue [Repealed 1-27-2020 by Ord. No. 2020-03]	
Forest Avenue and Harrison Street [Added 1-3-2005 by Ord. No. 20-2004; amended 7-20-2009 by Ord. No. 9-09; repealed 1-27-2020 by Ord. No. 2020-03]	
Forest Avenue and Hillside Avenue ¹ [Added 7-20-2009 by Ord. No. 9-09; repealed 1-27-2020 by Ord. No. 2020-03]	
Forest Avenue and Morningside Road ² [Added 7-20-2009 by Ord. No. 9-09; repealed 1-27-2020 by Ord. No. 2020-03]	
Franklin Street and Brookside Terrace	Franklin Street
Glen Road and Sunset Avenue	Glen Road
Gould Street and Personette Avenue	Gould Street
Harrison Street and Chestnut Road [Added 9-2-1997 by Ord. No. 9-97]	Harrison Street
Harrison Street and Forest Avenue [Added 1-3-2005 by Ord. No. 20-2004; repealed 1-27-2020 by Ord. No. 2020-03]	
Hillside Avenue and Forest Avenue [Repealed 1-27-2020 by Ord. No. 2020-03]	
Hillside Avenue and Forest Avenue [Added 1-3-1994 by Ord. No. 10-93; repealed 1-27-2020 by Ord. No. 2020-03]	
Linden Avenue and Elmwood Road	Elmwood Road
Linden Avenue and Elmwood Road [Added 7-20-2009 by Ord. No. 9-09]	Linden Avenue

1. Editor's Note: A prior entry for Forest Avenue and Hillside Avenue was repealed 9-3-1991 by Ord. No. 10-91.

2. Editor's Note: A prior entry for Forest Avenue and Morningside Road was repealed 9-3-1991 by Ord. No. 10-91.

Intersection	Stop Sign On
Linden Avenue and Otsego Road [Added 7-20-2009 by Ord. No. 9-09]	Linden Avenue
Linden Avenue and Otsego Road	Otsego Road
Linden Avenue and Wildwood Terrace	Linden Avenue
Linden Avenue and Wildwood Terrace	Wildwood Terrace
Maple Terrace and Forest Avenue	Maple Terrace
Montrose Avenue and Pease Avenue [Added 11-20-1995 by Ord. No. 15-95]	Montrose Avenue
Morningside Road and Forest Avenue [Repealed 1-27-2020 by Ord. No. 2020-03]	
Morningside Road and Forest Avenue [Added 1-3-1994 by Ord. No. 10-93; repealed 1-27-2020 by Ord. No. 2020-03]	
Morningside Road and Mountain Road	Mountain Road
Morningside Road and South Prospect Street	South Prospect Street
Nassau Road and Cambridge Road [Added 8-6-2001 by Ord. No. 6-2001]	Cambridge Road
Oakridge Road and Beechwood Road [Added 2-7-2000 by Ord. No. 2-2000]	Oakridge Road northbound
Oakridge Road and Fells Road	Fells Road
Oakridge Road and Hillside Avenue	Oakridge Avenue
Oakridge Road and Stocker Road [Added 1-3-1994 by Ord. No. 10-93]	Oakridge Road
Oakridge Road and Stocker Road [Added 1-3-1994 by Ord. No. 10-93]	Stocker Road
Otis Place and Claremont Avenue	Otis Place
Otsego Road and Linden Avenue [Added 7-14-2008 by Ord. No. 9-08]	Linden Avenue
Park Avenue and Sunset Avenue (3-way stop) [Added 9-19-2011 by Ord. No. 12-11]	Park Avenue (eastbound)
Park Avenue and Sunset Avenue (3-way stop) [Added 9-19-2011 by Ord. No. 12-11]	Park Avenue (southbound)
Pease Avenue and South Prospect Street [Repealed 9-3-1991 by Ord. No. 10-91]	

Intersection	Stop Sign On
Pease Avenue and South Prospect Street [Added 1-3-1994 by Ord. No. 10-93]	South Prospect Street
Personette Avenue and Linn Drive [Added 12-4-1995 by Ord. No. 17-95]	Personette Avenue
Pine Street and Depot Street	Depot Street
Rawding Court and Durrell Street [Added 3-21-2016 by Ord. No. 5-16]	Rawding Court
South Prospect Street and Harrison Street	Harrison Street
South Prospect Street and Parsons Court	Parsons Court
South Prospect Street and Pease Avenue	Pease Avenue
Sunset Avenue and Brookdale Avenue [Added 8-6-2001 by Ord. No. 6-2001]	Brookdale Avenue
Sunset Avenue and Douglas Place [Added 8-6-2001 by Ord. No. 6-2001]	Douglas Place
Sunset Avenue and Mountainview Road [Added 8-6-2001 by Ord. No. 6-2001]	Mountainview Road
Sunset Avenue and Park Avenue	Park Avenue
Sunset Avenue and Park Avenue (3-way stop) [Added 9-19-2011 by Ord. No. 12-11]	Sunset Avenue (northbound)
Sunset Avenue (southbound) and Wayland Drive (3-way stop) [Added 8-6-2001 by Ord. No. 6-2001]	Sunset Avenue (westerly side)
Sunset Avenue (westbound) and Wayland Drive (3-way stop) [Added 8-6-2001 by Ord. No. 6-2001]	Sunset Avenue (northerly side)
Wayland Drive and Sunset Avenue (3-way stop) [Added 8-6-2001 by Ord. No. 6-2001]	Wayland Drive (easterly side)
Wayland Drive and Sunset Avenue [Added 9-10-1998 by Ord. No. 12-98; amended 2-7-2000 by Ord. No. 2-2000; repealed 8-6-2001 by Ord. No. 6-2001]	
Westover Road and Crestmont Road [Added 9-2-1997 by Ord. No. 9-97]	Westover Road
White Rock Road and Centennial Field access drive [Added 11-21-2011 by Ord. No. 16-11]	Centennial Field access drive
White Rock Road and Elm Road [Added 7-20-2009 by Ord. No. 9-09]	Elm Road

Intersection	Stop Sign On
Wildwood Terrace and Linden Avenue [Repealed 9-3-1991 by Ord. No. 10-91]	
Wildwood Terrace and Linden Avenue [Added 7-14-2008 by Ord. No. 9-08]	Linden Avenue
Wildwood Terrace and Woodland Avenue	Wildwood Terrace
Woodland Avenue and Brookside Terrace	Woodland Avenue
Woodland Avenue and Elmwood Road	Elmwood Road

§ 140-45. Schedule XI: Yield Intersections.

Name of Street	Yield Sign On
Claremont Avenue and Bloomfield Avenue (westerly direction) [Added 8-7-2017 by Ord. No. 2017-20]	Claremont Avenue

§ 140-46. Schedule XII: Loading Zones.

In accordance with the provisions of § 140-18, the following described locations are hereby designated as loading zones:

Name of Street	Side	Hours/Days	Location
Bloomfield Avenue	South	8:00 a.m. to 6:00 p.m./Monday through Saturday	From 135 feet west of Montrose Avenue west for 50 feet
Park Place	West	8:00 a.m. to 6:00 p.m./Monday through Saturday	From 25 feet north of Bloomfield Avenue north for 75 feet

§ 140-46.1. Schedule XIIA: Dropoff/Pickup Zones. [Added 8-16-2010 by Ord. No. 10-10]

In accordance with the provisions of § 140-18.1, the following described locations are hereby designated as dropoff/pickup zones:

Name	Side	Location
Community Pool Lot	South	From a point 38 feet south of the main entrance, continuing 40 feet along the curbline, as posted

§ 140-47. Schedule XIII: Taxi Stands.

In accordance with the provisions of § 140-19, the following described locations are hereby designated as taxi stands:

Name of Street	Side	Location
Fairview Avenue	East	From 28 feet north of Bloomfield Avenue north for 50 feet

§ 140-48. Schedule XIV: Bus Stops. [Amended 11-5-1990 by Ord. No. 12-90]

In accordance with the provisions of § 140-20, the following described locations are hereby designated as bus stops:

Name of Street	Side	Location
Bloomfield Avenue	North (westbound)	Chestnut Road (midblock), beginning at the prolongation of the westerly curblane of Chestnut Road and extending 135 feet easterly therefrom
Bloomfield Avenue	North (westbound)	Cumberland Avenue (far side), beginning at the westerly curblane of Cumberland Avenue and extending 100 feet westerly therefrom
Bloomfield Avenue	North (westbound)	Fairview Avenue (near side), beginning at the easterly curblane of Fairview Avenue and extending 110 feet easterly therefrom
Bloomfield Avenue	North (westbound)	Forest Avenue (midblock), beginning at the prolongation of the easterly curblane of Forest Avenue and extending 135 feet easterly therefrom
Bloomfield Avenue	North (westbound)	Grove Avenue (near side), beginning at the easterly curblane of Grove Avenue and extending 105 feet easterly therefrom
Bloomfield Avenue	North (westbound)	Hillcrest Terrace (far side), beginning at the westerly curblane of Hillcrest Terrace and extending 100 feet westerly therefrom
Bloomfield Avenue	North (westbound)	Linn Drive (far side), beginning at the westerly curblane of Linn Drive and extending 100 feet westerly therefrom
Bloomfield Avenue	North (westbound)	Montrose Avenue (midblock), beginning 65 feet east of the prolongation of the easterly curblane of Montrose Avenue and extending 105 feet easterly therefrom

Name of Street	Side	Location
Bloomfield Avenue	North (westbound)	Park Avenue (near side), beginning at the easterly curbline of Park Avenue and extending 105 feet easterly therefrom
Bloomfield Avenue	North (westbound)	Park Place (near side), beginning at the easterly curbline of Park Place and extending 105 feet easterly therefrom
Bloomfield Avenue	North (westbound)	Pompton Avenue (Rt. 23) (far side), beginning at the westerly curbline of Pompton Avenue and extending 250 feet westerly therefrom
Bloomfield Avenue	North (westbound)	Westview Road (near side), beginning at the easterly curbline of Westview Road and extending easterly 105 feet therefrom
Bloomfield Avenue	South (eastbound)	Brookdale Avenue (near side), beginning at the westerly curbline of Brookdale Avenue and extending 105 feet westerly therefrom
Bloomfield Avenue	South (eastbound)	Cumberland Avenue (midblock), 10 feet easterly from the prolongation of the easterly curbline of Cumberland Avenue and extending 135 feet westerly therefrom
Bloomfield Avenue	South (east-bound)	East Lincoln Street (near side), beginning at the westerly curbline of East Lincoln Street and extending 105 feet westerly therefrom
Bloomfield Avenue	South (eastbound)	Fells Road (near side), beginning at the westerly curbline of Fells Road and extending 105 feet westerly therefrom
Bloomfield Avenue	South (eastbound)	Forest Avenue (near side), beginning at the westerly curbline of Forest Avenue and extending 105 feet westerly therefrom
Bloomfield Avenue	South (eastbound)	Malvern Place (midblock), beginning 10 feet west of the prolongation of the westerly curbline of Malvern Place and extending 135 feet westerly therefrom
Bloomfield Avenue	South (eastbound)	Montrose Avenue (far side), beginning at the easterly curbline of Montrose Avenue and extending 100 feet easterly therefrom

Name of Street	Side	Location
Bloomfield Avenue	South (eastbound)	Mt. Prospect Avenue (near side), beginning at the westerly curblin of Mt. Prospect Avenue and extending 135 feet westerly therefrom
Bloomfield Avenue	South (eastbound)	Park Avenue (near side), beginning at the westerly curblin of Park Avenue and extending 105 feet westerly therefrom
Bloomfield Avenue	South (eastbound)	Park Place (far side), beginning at the prolongation of the easterly curblin of Park Place and extending 105 feet easterly therefrom
Bloomfield Avenue	South (eastbound)	South Prospect Street (near side), beginning at the westerly curblin of South Prospect Street and extending 105 feet westerly therefrom
Bloomfield Avenue	South (eastbound)	West Lincoln Street (near side), beginning at the westerly curblin of West Lincoln Street and extending 105 feet westerly therefrom
Bloomfield Avenue	South (eastbound)	Westview Road (midblock), 40 feet east of the prolongation of the easterly curblin of Westview Road and extending 135 feet westerly therefrom
Fairview Avenue	East (northbound)	From 78 feet north of Bloomfield Avenue North for 72 feet
Pompton Avenue	East (northbound)	Claridge Drive (near side), from Claridge Drive south for 105 feet
Pompton Avenue	East (northbound)	Louisburg Square (near side), Louisburg Square south for 105 feet
Pompton Avenue	East (northbound)	Nassau Road (far side), from Nassau Road north for 100 feet
Pompton Avenue	East (northbound)	Westover Road (near side), from Westover Road south for 105 feet
Pompton Avenue	West (southbound)	Claremont Avenue (near side), from Claremont Avenue north for 105 feet
Pompton Avenue	West (southbound)	Martin Road (near side), beginning at the prolongation of north side of Nassau Road extending north 105 feet

§ 140-49. Schedule XV: U-Turn Prohibitions.

In accordance with the provisions of § 140-21, no person shall make a U-turn at any of the following locations:

Name of Street	Location
Bloomfield Avenue	Entire length
Fairview Avenue	Entire length
Grove Avenue	Entire length
Lakeside Avenue	Entire length
Mount Prospect Avenue	Entire length
Pompton Avenue	Entire length

§ 140-50. Schedule XVI: Prohibited Turns at Intersections.

In accordance with the provisions of § 140-22, no person shall make a turn of the kind designated below at any of the following locations:

Intersection (Location)	Prohibited Turn
Bloomfield Avenue (eastbound) at Civic Center entrance [Added 12-18-2006 by Ord. No. 14-06]	Left (from 7:00 a.m. to 9:00 a.m. weekdays)
Bloomfield Avenue (westbound) at Driveway to 699-701 Bloomfield Avenue [Added 6-16-2003 by Ord. No. 7-2003]	Left
Bloomfield Avenue at Claremont Avenue/Derwent Avenue (westbound)	Right
Bloomfield Avenue (westbound) at Rockland Terrace [Added 8-5-1996 by Ord. No. 3-96]	Right (from 7:00 a.m. to 9:00 a.m. daily)
Brookdale Court onto Brookdale Avenue [Added 8-13-2012 by Ord. No. 4-12]	Left between 7:30 a.m. and 8:30 a.m. and 2:30 p.m. and 3:30 p.m.
Claremont Avenue/Derwent Avenue at Bloomfield Avenue	Left
Claremont Avenue (eastbound) at Pompton Avenue [Added 9-10-1998 by Ord. No. 12-98; amended 10-17-2005 by Ord. No. 17-2005]	Left
Claremont Avenue (westbound) at Pompton Avenue [Added 10-17-2005 by Ord. No. 17-2005; amended 7-14-2008 by Ord. No. 9-08]	Left (from 7:00 a.m. to 9:00 a.m., 4:00 p.m. to 7:00 p.m., Monday through Saturday)

Intersection (Location)	Prohibited Turn
Driveway exit from 101 Bloomfield Avenue (Block 9, Lots 22 and 23) at Bloomfield Avenue (closest drive to intersection of Bloomfield Avenue and Mount Prospect Avenue) [Added 8-6-2001 by Ord. No. 6-2001]	Left
Driveway, 624 Bloomfield Avenue at Bloomfield Avenue (southbound) [Added 3-18-1991 by Ord. No. 3-91]	Left
Upon exiting from 623-627 Bloomfield Avenue (Block 92, Lot 7) [Added 9-5-2006 by Ord. No. 11-06]	Left
Driveway exit from 699-701 Bloomfield Avenue onto Bloomfield Avenue to Bloomfield Avenue [Added 6-16-2003 by Ord. No. 7-2003]	Left
Driveway entrance for Bloomfield Avenue from West Lincoln Street [Added 12-18-2006 by Ord. No. 14-06]	Right
Driveway exit from 725 Bloomfield Avenue onto West Lincoln Street [Added 12-18-2006 by Ord. No. 14-06]	Left
Driveway exit from Block 9, Lots 22 and 23, at Mount Prospect Avenue (closest driveway to intersection of Mount Prospect Avenue with Bloomfield Avenue) [Added 8-6-2001 by Ord. No. 6-2001]	Left
Driveway exit from parking yard at 1 Sunset Avenue [Added 9-2-1997 by Ord. No. 9-97]	Left
Martin Road at Pompton Avenue (northbound)	Left
Municipal Lot No. 1 exit at Bloomfield Avenue	Left
Pease Avenue (eastbound) at Lakeside Avenue [Added 7-14-2008 by Ord. No. 9-08]	Left (from 7:00 a.m. to 9:00 a.m., 4:00 p.m. to 7:00 p.m., Monday through Saturday)
Pine Street at Bloomfield Avenue (westbound)	Left
Sampson Drive (westbound) onto Dodd Terrace [Added 6-1-2017 by Ord. No. 2017-12]	Right
Sunset Avenue at the driveway entrance of 1 Sunset Avenue [Added 9-2-1997 by Ord. No. 9-97]	Right
Verona High School front loop exit driveway [Added 6-1-2017 by Ord. No. 2017-12]	Left

Intersection (Location)	Prohibited Turn
Woodland Avenue (eastbound) at Pompton Avenue [Added 7-14-2008 by Ord. No. 9-08]	Left (from 7:00 a.m. to 7:00 p.m., Monday through Saturday)

§ 140-51. Schedule XVII: Prohibited Right Turns on Red Signal.

In accordance with the provisions of § 140-23, no person shall make a right turn when facing a steady red signal (stop indication) at any of the following locations:

Location	Prohibited Right Turn
Malvern Place [Added 2-7-2011 by Ord. No. 1-11]	From southbound on Malvern Place to westbound on Bloomfield Avenue

§ 140-52. Schedule XVIII: Lane Use Reservations.

In accordance with the provisions of § 140-24, all vehicles shall move as described below:

Intersection (Location)	Lane Reserved	Purpose
	(Reserved)	

§ 140-53. Schedule XIX: No Parking During Snow Emergency; No Parking During Declared Emergencies. [Amended 4-21-2003 by Ord. No. 2-2003]

- A. In accordance with the provisions of § 140-25, no person shall park a vehicle upon either side of any of the streets or parts of streets thereof listed below whenever snow has fallen and the accumulation is such that it covers the street or highway:

Name of Street	Location
All streets within the municipality	—

- B. In accordance with the provisions of § 140-26B, no person shall park a vehicle upon any of the streets or parts of streets thereof listed below whenever the Sheriff of Essex County or his designee has declared an emergency:

Name of Street	Side(s)	Location
Bloomfield Avenue	Both	Between Fells Road and Sunset Avenue
Fairview Avenue	Both	Between Bloomfield Avenue and State Highway Route 23
Grove Avenue	Both	Between Bloomfield Avenue and Ozone Avenue

Name of Street	Side(s)	Location
Lakeside Avenue	Both	Between Bloomfield Avenue and Gerdes Avenue
Mount Prospect Avenue	Both	Between Bloomfield Avenue and West Orange Township Boundary Line

§ 140-54. Schedule XX: Speed Limits. [Amended 11-5-1990 by Ord. No. 12-90; 9-3-1991 by Ord. No. 10-91]

In accordance with the provisions of § 140-29, the speed limit for both directions of traffic along the following streets or parts thereof shall be as follows:

Name of Street	Side	Location
Lakeside Avenue [Added 7-14-2008 by Ord. No. 9-08]	35	From Bloomfield Avenue to Gerdes Avenue (entire length)

§ 140-55. Schedule XXI: Traffic Control Signals.

In accordance with the provisions of § 140-31, traffic control signals shall be installed at the following described intersections:

Intersections
(Reserved)

§ 140-56. Schedule XXII: No-Passing Zones. [Amended 11-5-1990 by Ord. No. 12-90; 9-3-1991 by Ord. No. 10-91]

(Reserved)

§ 140-57. Schedule XXIII: Midblock Crosswalks.

In accordance with the provisions of § 140-34, pedestrian crosswalks are hereby established at those midblock locations listed below:

Name of Street	Location
Gould Street [Added 10-17-2005 by Ord. No. 17-2005]	320 feet north of the curbline of Bloomfield Avenue
Grove Avenue	179 feet north of the north curbline of Franklin Street

Name of Street	Location
Lakeside Avenue [Added 8-16-2010 by Ord. No. 10-10]	170 feet south of the curbline of Morningside Road

§ 140-57.1. Schedule XXIV: Handicapped Parking. [Added 8-5-1996 by Ord. No. 3-96]

In accordance with the provisions of § 140-20.1, the following described locations are restricted for use by handicapped persons:

Name of Street	Side	Location
Birdseye Glen [Added 2-11-2019 by Ord. No. 2019-05; amended 6-3-2019 by Ord. No. 2019-18]	South	From 30 feet east corner of driveway of 13 Birdseye Glen and continuing east for 30 feet
Bloomfield Avenue [Added 10-17-2005 by Ord. No. 17-2005]	North	From a point 146 feet west of Grove Avenue continuing for 42 feet (in front of 676 Bloomfield Avenue)
Brookdale Avenue School Lot [Added 9-2-1997 by Ord. No. 9-97]	Southwest	From a point 85 feet 11 inches northerly from the southwest corner of the parking lot, north a distance of 13 feet
Civic Center Lot [Added 9-2-1997 by Ord. No. 9-97]	South	From a point 26 feet 6 inches westerly from the intersection of the easterly curb of the northbound driveway with the parking lot, west a distance of 13 feet
Cliff Street [Added 9-2-2014 by Ord. No. 8-14]	East	Starting at a point 335 feet north of the northeast corner of Cliff Street and Beach Street continuing 22 feet
Community Pool Parking Lot [Added 8-16-2010 by Ord. No. 10-10]	North	From a point 13 feet north of the main entrance continuing 87 feet (along the curbline), 8 spaces
Community Pool Parking Lot [Added 8-16-2010 by Ord. No. 10-10]	North	From a point 125 feet north of the main entrance continuing 35 feet east (along the curbline), 2 spaces
Community Pool Parking Lot [Added 8-16-2010 by Ord. No. 10-10]	South	From a point 13 feet south of the main entrance continuing 10 feet (along the curbline), 1 space
Community Pool Parking Lot [Added 8-16-2010 by Ord. No. 10-10]	West	From a point 63 feet west of the main entrance continuing 36 feet west, 12 feet north and 12 feet south, 4 spaces

Name of Street	Side	Location
East Lincoln Street [Added 2-7-2011 by Ord. No. 1-11]	West	From the northwest corner of the driveway at 14 East Lincoln Street continuing 18 feet north
East Lincoln Street [Added 2-7-2011 by Ord. No. 1-11]	West	From the southwest corner of the driveway at 14 East Lincoln Street continuing 18 feet south
102 Elmwood Road [Added 7-20-2009 by Ord. No. 9-09]	West	Starting 233 feet from the northwest corner of Elmwood Road and Elk Road and continuing 37 feet north
69 Fairview Avenue [Added 12-5-2016 by Ord. No. 29-16]	East	Starting at a point 37 feet from the northeast corner of Personette Avenue continuing 25 feet north on Fairview Avenue
FN Brown School Lot [Added 9-2-1997 by Ord. No. 9-97; amended 12-6-2004 by Ord. No. 16-2004]	Southwest	From a point 168 feet easterly from the southwest corner of the parking lot, east a distance of 40 feet (containing 3 spaces)
Forest Avenue School Lot [Added 9-2-1997 by Ord. No. 9-97]	Northeast	From a point 13 feet 9 inches westerly from the northeast corner of the parking lot, west a distance of 13 feet
Gould Street [Added 6-3-2019 by Ord. No. 2019-18]	West	From north corner of driveway of 36 Gould Street and continuing north for 30 feet
Grove Avenue [Added 12-6-2004 by Ord. No. 16-2004]	East	From a point 418 feet north of Franklin Street for a distance of 22 feet
Grove Avenue [Added 10-17-2005 by Ord. No. 17-2005]	West	From Personette Avenue for 70 feet to the area designated as "No Parking Between Signs," a distance of 25 feet; thence continuing for 66 feet (3 spaces in front of 56 Grove Avenue)
Hill Street [Added 7-20-2009 by Ord. No. 9-09]	North	Starting 30 feet from the northwest corner and continuing 40 feet
Hill Street [Added 7-14-2008 by Ord. No. 9-08]	North	Starting 88 feet from the northwest corner of Montrose Avenue and Hill Street continuing 50 feet
Kenwood Avenue [Added 6-3-2019 by Ord. No. 2019-18]	South	From west corner of driveway of 33 Kenwood Avenue and continuing west for 30 feet

Name of Street	Side	Location
Lanning Avenue [Added 9-2-1997 by Ord. No. 9-97; amended 11-3-2003 by Ord. No. 12-2003]	Northeast	From a point along the northerly side of Lanning Avenue 304 feet from the intersection of the easterly side of Otsego Road with Lanning Avenue, easterly a distance of 31 feet
Lanning Avenue School Lot [Added 9-2-1997 by Ord. No. 9-97]	Northeast	From a point 47 feet 3 inches easterly from the northeast corner of the parking lot, easterly a distance of 13 feet
Linden Avenue [Added 2-7-2011 by Ord. No. 1-11]	South	From the southeast corner of the driveway at 105 Linden Avenue continuing for 30 feet
Linn Drive [Added 2-17-1998 by Ord. No. 3-98]	East	From a point 73 feet northerly from the intersection of Personette Avenue, northerly a distance of 20 feet
Linn Drive [Amended 12-18-2006 by Ord. No. 14-06]	East	From a point 179 feet southerly from the intersection of Personette Avenue, southerly a distance of 40 feet
Linn Drive [Added 5-3-2010 by Ord. No. 4-10]	East	From a point 24 feet north of first driveway continuing for a distance of 27 feet
Linn Drive [Added 5-3-2010 by Ord. No. 4-10]	East	From a point starting at second driveway north for a distance of 30 feet
Linn Drive [Added 5-3-2010 by Ord. No. 4-10]	East	From a point starting at second driveway south for a distance of 30 feet
Malvern Place [Added 9-2-2014 by Ord. No. 8-14]	East	Starting at a point 45 feet north of the northeast corner of Bloomfield Avenue and Malvern Place continuing 22 feet
Montrose Avenue [Added 2-17-1998 by Ord. No. 3-98; repealed 5-3-2010 by Ord. No. 4-10]		
Montrose Avenue [Added 5-3-2010 by Ord. No. 4-10]	West	From a point 145 feet south of Bloomfield Avenue continuing for a distance of 30 feet
Municipal Lot No. 1 [Added 9-2-1997 by Ord. No. 9-97]	Southeast	From a point 58 feet 7 inches westerly from the southeast corner of the parking lot, then northerly 23 feet 7 inches, then northerly a distance of 13 feet (angled)

Name of Street	Side	Location
Municipal Lot No. 1 [Added 9-2-1997 by Ord. No. 9-97]	Southeast	From a point 111 feet 9 inches westerly from the southeast corner of the parking lot, then northerly 28 feet 8 inches, then north a distance of 13 feet (angled)
Municipal Lot No. 1 [Added 8-6-2001 by Ord. No. 6-2001]	N/A	8 spaces, beginning at a point in Municipal Parking Lot No. 1, the following 2 courses from the intersection of the northerly side line of Bloomfield Avenue with the common boundary line between Tax Map Block 86, Lots 69 and 70; from said intersection along said boundary line northeasterly 154 feet; thence parallel with the northerly side line of Bloomfield Avenue 30 feet northwesterly to the point of beginning; thence still parallel with the northerly side line of Bloomfield Avenue 106 feet northwesterly, along with an area 21 feet northerly and at a right angle to the described line
Municipal Lot No. 1 [Added 8-6-2001 by Ord. No. 6-2001]	N/A	2 spaces, beginning at a point in the dividing line between the lands of the Township of Verona and the lands of the Verona Board of Education being distant northwesterly 160 feet from the intersection of said lands with the northwesterly side line of Park Place; thence northwesterly along said dividing line 20 feet, along with an area 28 feet northerly and at right angle to the described line
Municipal Lot No. 2 [Added 9-2-1997 by Ord. No. 9-97]	Southeast	From a point 96 feet 3 inches westerly from the southeast corner of the parking lot, west a distance of 13 feet
Orchard Street [Added 11-3-2003 by Ord. No. 12-2003]	North	From the northeast corner of the intersection of Orchard Street and Rockland Terrace going west for 25 feet beyond the fire hydrant
Overhill Road [Added 5-3-2010 by Ord. No. 4-10]	South	From a point 50 feet east of the southeast corner continuing for a distance of 30 feet
Personette Avenue [Added 12-15-1997 by Ord. No. 15-97]	North	125 feet from the intersection of Linn Drive, east a distance of 65 feet*

Name of Street	Side	Location
South Prospect Street [Added 9-10-1998 by Ord. No. 12-98]	East	From a point 100 feet north of the intersection of South Prospect Street with the northerly side of Hill Street, northerly a distance of 20 feet
South Prospect Street [Added 5-3-2010 by Ord. No. 4-10; amended 6-1-2017 by Ord. No. 2017-12]	West	From a point 152 feet south of the southwest corner continuing for a distance of 24 feet
Verona Community Pool [Added 7-14-2008 by Ord. No. 9-08]	North	Starting at a point in the northeast lot on the northeast corner of the handicap ramp continuing west 32 feet (2 spots)
Verona Community Pool [Added 7-14-2008 by Ord. No. 9-08]	North	Starting at a point at the southeast corner of the pool entrance ramp continuing 45 feet (2 spots)
Verona Community Pool [Added 7-14-2008 by Ord. No. 9-08]	North	Starting at a point at the southwest corner of the pool entrance ramp continuing north 130 feet (5 spots)
Verona High School Driveway [Added 9-2-1997 by Ord. No. 9-97]	Northwest	From a point along the northeasterly side of the driveway 193 feet 6 inches from the intersection of the northeasterly side of the driveway with the easterly side of Fairview Avenue, southerly a distance of 21 feet
Verona High School Driveway [Added 9-2-1997 by Ord. No. 9-97]	Southwest	From a point along the southwest side of the driveway 141 feet 9 inches from the intersection of the southwest side of the driveway with the easterly side of Fairview Avenue, south a distance of 65 feet 10 inches
Verona High School Lot/Sampson Drive [Added 9-2-1997 by Ord. No. 9-97]	Southwest	From a point 193 feet 6 inches easterly from the southwest corner of the parking lot, easterly a distance of 26 feet (two spaces)

* NOTE: Designated as angle parking, see § 140-40.1.

§ 140-57.2. Schedule XXV: Restricted Parking for Use by Fire and Rescue Personnel. [Added 8-16-2010 by Ord. No. 10-10]

In accordance with the provisions of § 140-20.2, the following described locations are hereby designated as restricted parking areas for use by Verona firefighters and Rescue Squad members:

Name	Side	Location
Community Pool Lot	South	From a point 79 feet west of the service gate continuing 45 feet (5 parking spaces)

ARTICLE XIV Metered/Permit Parking

§ 140-58. Definitions.

The following words and phrases, which are not defined in Subtitle 1 of Title 39 of the Revised Statutes of New Jersey, shall have the meanings respectively ascribed to them in this section for purposes of this article:

PARKING METER — A mechanical device or meter not inconsistent with this article placed or erected for the regulation of parking by authority of this article. Each parking meter installed shall indicate by proper legend the legal parking time established by the Township Council and, when operated, shall at all times indicate the balance of legal parking time and, at the expiration of such period, shall indicate illegal or overtime parking.

PARKING METER SPACE — Any space within a parking meter zone, adjacent to a parking meter and which is duly designated for the parking of a single vehicle by lines painted or otherwise durably marked on the curb or on the surface of the street or lot adjacent to or adjoining the parking meters.

PARKING METER/PERMIT ZONE — Any restricted on-street or off-street parking lot upon which parking meters are installed and in operation or in which appropriate signs designate permit parking. Vehicles weighing over 7,000 pounds will not be permitted in permit parking spaces.

PERMIT PARKING SPACE — Any space within a designated municipal parking zone specifically authorized for the parking of a single vehicle which displays an authorized permit issued by the municipality.

§ 140-59. Designations of parking spaces.

The Township Engineer is hereby directed and authorized to provide for the marking off of individual parking spaces in the parking meter/permit zones designated and described in § 140-68, said parking spaces to be designated by lines painted or marked on the curbing or surface of the street or lot. At each space so marked off, it shall be unlawful to park any vehicle in such a way that said vehicle shall not be entirely within the limits of the space so designated.

§ 140-60. Installation of parking meters/permit parking signs.

The Township Engineer shall cause parking meters to be installed upon the curb, sidewalk or area immediately adjacent to the parking spaces provided for in § 140-68 of this article. No parking meters shall be installed in areas where parking is prohibited pursuant to the provisions of N.J.S.A. 39:4-138. The Chief of Police shall be responsible for the regulation,

control, operation, maintenance and use of such parking meters. Each device shall be so set as to display a signal showing legal parking upon the deposit of the appropriate coin, lawful money of the United States of America, for the period of time prescribed in § 140-69. Each device shall be so arranged that, upon expiration of the lawful time limit, it will indicate by a proper, visible signal that the lawful parking period has expired, and in such case the right of such vehicle to occupy such space shall cease and the operator, owner, possessor or manager thereof shall be subject to the penalties hereinafter provided. Permit parking signs shall be installed adjacent to all designated permit parking spaces.

§ 140-61. Operation of parking meters.

Except in a period of emergency determined by an officer of the Fire or Police Department or in compliance with the directions of a police officer or traffic control sign or signal, when any vehicle shall be parked in any parking space alongside or next to which a parking meter is located, the operator of such vehicle shall, upon entering said parking meter space, immediately deposit or cause to be deposited in said meter such proper coin of the United States of America as is required for such parking meter and as is designated by proper directions on the meter, and when required by the directions on the meter, the operator of such vehicle, after the deposit of the proper coin, shall also set in operation the timing mechanism on such meter in accordance with directions properly appearing thereon, and failure to deposit such proper coin and to set the timing mechanism in operation when so required shall constitute a violation of this article. Upon the deposit of such coin (and the setting of the timing mechanism in operation when so required), the parking space may be lawfully occupied by such vehicle during the period of time which has been prescribed for the part of the street in which said parking space is located, provided that any person placing a vehicle in a parking meter space adjacent to a meter which indicates that unused time has been left in the meter by the previous occupant of the space shall not be required to deposit a coin so long as his occupancy of said space does not exceed the indicated unused parking time. If said vehicle shall remain parked in any such parking space and if the meter shall indicate such illegal parking, then and in that event such vehicle shall be considered as parking overtime and beyond the period of legal parking time, and such parking shall be deemed a violation of this article.

§ 140-62. Manner of parking.

When a parking meter space is parallel with the adjacent curb or sidewalk, no person shall park or permit the parking of any vehicle in such parking space in any other position than with the foremost part of such vehicle nearest to the parking meter; when a parking meter space is diagonal to the curb or sidewalk, no person shall park or permit the parking of any vehicle in such parking space in any other position than with the foremost part of such vehicle nearest to the parking meter; when a parking meter or permit parking sign shall have been installed at the head of and immediately adjacent to any parking space on a municipal off-street parking lot, no person shall park or permit the parking of any vehicle in such parking space in any other position than with the foremost part of such vehicle nearest to the parking meter or sign; provided, however, that in municipal off-street parking lots, signs shall be erected indicating that head-on parking only is permitted. In any event, a vehicle shall be parked within the lines marked on the pavement measuring such parking space.

§ 140-63. Violations.

It shall be unlawful and a violation of the provisions of this article for any person to:

- A. Cause, allow, permit or suffer any vehicle registered in the name of or operated by such person to be parked overtime or beyond the period of legal parking time established for any parking meter zone as herein described or to deposit in any parking meter any coin for the purpose of parking beyond the maximum legal parking time for the particular parking meter zone.
- B. Permit any vehicle to remain or be placed in any parking space adjacent to any parking meter while said meter is displaying a signal indicating that the vehicle occupying such parking space has already been parked beyond the period prescribed for such parking space.
- C. Park any vehicle across any line or marking of a parking meter space or in such position that the vehicle shall not be entirely within the area designated by such lines or markings.
- D. Deface, injure, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter installed under the provisions of this article.
- E. Deposit or cause to be deposited in any parking meter any slug, device or metal substance or other substitute for lawful coins.
- F. Park or permit the parking of any vehicle in any parking meter space where the meter does not register lawful parking.
- G. Park or permit the parking of any vehicle in any permit parking space unless the vehicle displays an authorized permit issued by the municipality.

§ 140-64. Reports of violations; citations.

- A. It shall be the duty of the police officers, acting in accordance with instructions issued by the Chief of Police, to report:
 - (1) The number of each parking meter which indicates that the vehicle occupying the parking space adjacent to such parking meter is or has been parked in violation of any of the provisions of this article.
 - (2) The state license number of such vehicle.
 - (3) That such vehicle is parked in violation of any of the provisions of this article.
 - (4) Any other facts, a knowledge of which is necessary to a thorough understanding of the circumstances attending such violation.
- B. Each such police officer shall also attach to such vehicle a notice to the owner thereof that such vehicle has been parked in violation of a provision of this article and instructing such owner to report to the Municipal Court in regard to such violation.

§ 140-65. Impounding of vehicles. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Any vehicle left parked for a period exceeding two hours succeeding expiration of the maximum parking time indicated during the hours of operation specified in the space in which the vehicle is parked shall be towed, under the direction of the Police Department, to the Township Garage or any other place designated by the Chief of Police for impoundment, subject to redemption by the owner upon payment of the towing and storage fees included in Chapter A565, Fees.

§ 140-66. Purpose of meter deposits/fees.

The coins required to be deposited in parking meters or fees collected for permit parking as provided herein are levied and assessed as fees to provide for the proper regulation and control of traffic upon the public streets and also the cost of supervising and regulating the parking of vehicles in the parking meter permit zones created thereby and to cover the cost of the purchase, supervision, protection, inspection, installation, operation, maintenance, control and use of the parking meters described herein.

§ 140-67. Collection of coins from meters; disposition thereof.

It shall be the duty of the Chief of Police to designate some proper person or persons to make regular collections of the moneys deposited in said meters and to deliver such to the Treasurer.

§ 140-68. Parking meter/permit parking zones designated.

- A. On-street parking meter zones. On all days between the hours of 8:00 a.m. and 6:00 p.m., except Saturdays and Sundays, parking or standing a vehicle in parking meter space in the on-street parking meter zones described below shall be lawful only upon the deposit of such amount as is indicated on the meter for the specified period of time. **[Amended 11-5-1990 by Ord. No. 12-90]**

Name of Street	Side	Location
Bloomfield Avenue	North	From Hillcrest Terrace to Fairview Avenue
Bloomfield Avenue	South	From West Lincoln Street to Brookdale Avenue
Gould Street	West	Starting at a point 254 feet from Bloomfield Avenue north for 292 feet
Grove Avenue [Added 5-16-2016 by Ord. No. 11-16]	East	From 177 feet north of Bloomfield Avenue for 332 feet
Lakeside Avenue	East	Starting at a point 151 feet from Bloomfield Avenue south for 1,100 feet

Name of Street	Side	Location
Lakeside Avenue	West	From Bloomfield Avenue south for 1,000 feet
Montrose Avenue	West	Starting at a point 50 feet from Bloomfield Avenue south for 60 feet
Rockland Terrace	East	From Bloomfield Avenue north for 230 feet
South Prospect Street	East	Starting at a point 64 feet from Bloomfield Avenue south for 82 feet
South Prospect Street	West	Starting at a point 72 feet from Bloomfield Avenue south for 70 feet

- B. Off-street parking meter/permit parking zones. Parking or standing a vehicle in a parking meter/permit parking space in the off-street parking meter/permit parking zones described below shall be lawful only when not in excess of the maximum parking time indicated during the hours of operation specified, on all days except Saturdays, Sundays and holidays, and only upon the deposit of such amount as is indicated for each specified period of time in metered parking space or display of permit as appropriate.

Name of Lot (Location)
Municipal Parking Lot No. 1 ³
Municipal Parking Lot No. 2
H.B. Whitehorne parking lot (Park Street)

§ 140-69. Parking meter rates. [Amended 8-6-2001 by Ord. No. 6-2001; 12-6-2004 by Ord. No. 16-2004; 10-17-2005 by Ord. No. 17-2005; 5-21-2018 by Ord. No. 2018-19; 2-11-2019 by Ord. No. 2019-05; at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

The parking meter rates in the Township are set forth in Chapter A565, Fees, per hour up to a maximum of two or four hours as designated by the Township Manager.

§ 140-70. Permit parking/fees.

- A. The fees for parking permits are set forth in Chapter A565, Fees. [Amended 3-21-2005 by Ord. No. 3-2005; at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
- B. Permits may be obtained from the Municipal Treasurer's office, which is responsible for the administration and control of permits.

3. Editor's Note: Civic Center, which immediately preceded this entry, was repealed 8-5-1996 by Ord. No. 3-96.

- C. Permits may be color coded for use in specific municipal parking lots as approved by the Township Manager or his designee. **[Amended 8-6-2001 by Ord. No. 6-2001; 12-6-2004 by Ord. No. 16-2004]**
- D. Criteria for the issuance of permits. **[Added 12-6-2004 by Ord. No. 16-2004]**
 - (1) The issuance of parking permits, if available, in municipal lots as defined above shall be limited to residents, business owners and their employees in the Township.
 - (2) Employees of Township business entities may be required to provide proof of employment.
- E. Vehicles exceeding 20 feet in length shall not be permitted parking in municipal parking lots.⁴ **[Added 12-6-2004 by Ord. No. 16-2004]**

4. Editor's Note: Original Chapter 140, Article XV, Towing, amended 12-18-2006 by Ord. No. 14-06 and 9-9-2015 by Ord. No. 8-15, which immediately followed this article, was repealed by Ord. No. 2017-25. See now Ch. 488, Towing.

Chapter 145

ANIMALS

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[HISTORY: Adopted by the Township Council of the Township of Verona as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Keeping of Animals

[Adopted by the Board of Health 12-11-1941 (Ch. 157 of the 1981 Code); amended in its entirety at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

§ 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

[Adopted 8-20-1963 (Ch. 68 of the 1981 Code)]

§ 145-4. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

CERTIFIED ANIMAL CONTROL OFFICER — As defined in N.J.S.A. 4:19-15.1. **[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

DOG — Any dog, bitch or spayed bitch.

DOG OF LICENSING AGE — Any dog which has attained the age of seven months or which possesses a set of permanent teeth.

KENNEL — Any establishment wherein or whereon the business of boarding or selling dogs or breeding dogs for sale is carried on, except a pet shop.

OWNER — When applied to the proprietorship of a dog, shall include every person having a right to property in such dog and every person who has such dog in his keeping.

PET SHOP — Any room or group of rooms, cage or exhibition pen, not part of a kennel, wherein dogs for sale are kept or displayed.¹

1. Editor's Note: The former definition of "pound," which immediately followed this definition, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

POUND — An establishment for the confinement of dogs seized either under the provisions of this chapter or otherwise.

SHELTER — Any establishment where dogs are received, housed and distributed.² [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

§ 145-5. License and registration required; fees. [Amended 8-17-1981 by Ord. No. 6-81]

Any person who shall own, keep or harbor a dog of licensing age shall annually in the month of January apply for and procure from the Clerk of the Township or other official designated by the Township Council thereof to license dogs a license and official metal registration tag for each such dog so owned, kept or harbored and shall place upon each such dog a collar or harness with the registration tag securely fastened thereto. The fees for the annual registration tag and the license shall be as provided in Chapter A565, Fees.

§ 145-6. Application procedure; issuance.

- A. The application for licenses and registration under this article shall state the breed, sex, age, color and markings of the dog for which license and registration are sought and whether it is of a long- or short-haired variety; also, the name, street and post-office address of the owner and the person who shall keep or harbor such dog.
- B. The information on such application and the registration number issued for the dog shall be preserved for a period of three years by the Township Clerk or other person designated to issue such licenses and, in addition, such Clerk or other person shall forward to the State Department of Health each month, on forms furnished by such Department, an accurate account of registration numbers issued or otherwise disposed of. Registration numbers shall be issued in the order of the applications.

§ 145-7. Exemption for guide dogs and service dogs. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

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.

2. Editor's Note: Original § 68-2, Annual canvass by Chief of Police, which immediately followed this section, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 145-8. Time from acquisition to application.

The owner of any newly acquired dog of licensing age or of any dog which attains licensing age shall make application for license and registration tag for such dog within 10 days after such acquisition or age attainment.³

§ 145-9. Time from new residency to application.

- A. Any person who shall bring or cause to be brought into the Township any dog licensed in another state for the current year and bearing a registration tag and shall keep the same or permit the same to be kept within the Township for a period of more than 90 days shall immediately apply for a license, as herein provided, unless such dog is licensed under § 145-7.
- B. Any person who shall bring or cause to be brought into the Township any unlicensed dog and shall keep the same or permit the same to be kept within the Township for a period of more than 10 days shall immediately apply for a license and registration tag for each such dog unless such dog is licensed under § 145-7.

§ 145-10. Tampering with tags prohibited.

No person, except an officer in the performance of his duties, shall remove a registration tag from the collar of any dog without the consent of the owner, nor shall any person attach a registration tag to a dog for which it was not issued.

§ 145-11. Kennels, shelters and pet shops: license required.

Any person who keeps or operates or proposes to establish a kennel, a pet shop, or a shelter shall apply to the Clerk of the Township for a license entitling him to keep or operate such establishment.

§ 145-12. Kennels, shelters and pet shops: application procedure. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

The application for a license required by the preceding section shall describe the premises where the establishment is located or is proposed to be located, the purpose for which it is to be maintained and shall be accompanied by the written approval of the Township showing compliance with the local and state rules and regulations governing location of and sanitation at such establishments.

3. Editor's Note: Former Sec. 6.7 of the 1963 Revised Ordinances, amended 3-3-1964 and 9-19-1972 by Ord. No. 10-72, which immediately followed this section and which provided for license fees, was deleted 8-17-1981 by Ord. No. 4-81. See now Ch. A565, Fees.

§ 145-13. Kennels, shelters and pet shops: expiration, revocation and compliance with state regulations.

- A. All licenses issued for a kennel, pet shop, or shelter shall state the purpose for which the establishment is maintained, and all such licenses shall expire on the last day of January of each year and be subject to revocation by the Township on recommendations of the State Department of Health or the Township for failure to comply with the rules and regulations of the State Department or Township governing the same after the owner has been afforded a hearing by either the State Department of Health or the Township. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
- B. In addition to the foregoing, the person who proposes to operate or establish a kennel shall comply with the rules and regulations of the State Department of Health as established by it.

§ 145-14. Application of other ordinances.

The three preceding sections shall be subject to Chapter 150, Zoning, Chapter 190, Construction Codes, Uniform, and other ordinances of the Township.

§ 145-15. Kennels, shelters and pet shops: license fees. [Amended 8-17-1981 by Ord. No. 6-81]

The annual license fee for a kennel providing accommodations for 10 or fewer dogs and for more than 10 dogs shall be as provided for in Chapter A565, Fees. The annual license fee for a pet shop shall be as provided for in Chapter A565, Fees.

§ 145-16. Off-premises control of dogs.

No dog kept in a kennel, pet shop, or shelter shall be permitted off such premises except on a leash or in a crate or other safe control.

§ 145-17. Impoundment.

The Chief of Police or Animal Control Officer shall take into custody and impound or cause to be taken into custody and impounded and thereafter destroyed or disposed of as provided in § 145-19:

- A. Any dog off the premises of the owner or of the person keeping or harboring the dog which such official or his agent or agents have reason to believe is a stray dog.
- B. Any dog off the premises of the owner or of the person keeping or harboring said dog without a current registration tag on his collar.
- C. Any female dog in season off the premises of the owner or of the person keeping or harboring such dog.

§ 145-18. Notice of impoundment.

- A. If any dog seized as provided in the preceding section wears a collar or harness having inscribed thereon or attached thereto the name and address of any person or a registration tag or the owner or the person keeping or harboring such dog is known, the Chief of Police or Animal Control Officer shall forthwith serve on the person whose address is given on the collar, or on the owner or the person keeping or harboring such dog, if known, a notice, in writing, stating that the dog has been seized and will be liable to be disposed of or destroyed if not claimed within seven days after the service of the notice.
- B. A notice under this section may be served either by delivering it to the person on whom it is to be served or by leaving it at the person's usual or last known place of abode or at the address given on the collar or by forwarding it by post in a prepaid letter addressed to that person at his usual or last known place of abode or to the address given on the collar.

§ 145-19. Redemption or destruction of impounded dogs. [Amended 8-17-1981 by Ord. No. 6-81]

When any dog seized as provided in § 145-17 has been detained for seven days after notice, when notice can be given as set forth in the preceding section, or has been detained for seven days after seizure, when no notice has been given as set forth in the preceding section and if the owner or person keeping or harboring such dog has not claimed such dog and paid all expenses incurred by reason of its detention, including maintenance not exceeding the fee provided for in Chapter A565, Fees, and if the dog be unlicensed at the time of the seizure and the owner or person keeping or harboring the dog has not produced a license and registration tag for the dog, the Chief of Police or Animal Control Officer may cause the dog to be destroyed in a manner causing as little pain as possible.

§ 145-20. Excretion on public property restricted. [Added 11-1-1976 by Ord. No. 18-76; amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

No person owning, harboring, keeping or in charge of any animal shall cause, suffer or allow such animal 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 any private property without the permission of the owner of said property. The restriction in this section shall not apply to that portion of the street lying between the curblines, which shall be used to curb such animal under the following conditions:

- A. The person who so curbs such animal shall immediately remove all feces deposited by such animal by any sanitary method approved by the local health authority.
- B. The feces removed from the aforementioned designated area shall be disposed of by the person owning, harboring, keeping or in charge of any animal curbed in accordance with the provisions of this chapter, in a sanitary manner approved by the local health authority.

§ 145-21. Running at large. [Amended 6-17-1985 by Ord. No. 11-85]

No person owning, keeping or harboring any dog shall suffer or permit it to run at large upon the public streets or in any public park or in any public building or at any other public place within the Township. No person shall permit any dog in his care or under his control to go upon the lawn, yard or entrance walk or driveway of any private residence without the permission of the owner thereof. Except when confined to the property of the owner, dogs will be on a leash at all times.

§ 145-22. Impoundment of dogs at large.

- A. It shall be the duty of every police officer or Animal Control Officer of the Township to apprehend any dog found running at large contrary to the provisions of § 145-21, and to impound such dog in the Township Shelter or other suitable place.
- B. After the impoundment of any dog, the Animal Control Officer or police officer shall proceed in accordance with the terms of §§ 145-17, 145-18 and 145-19. Any redemption under the provisions of § 145-19 shall not release or discharge the owner from any other penalty provided for in this chapter.

§ 145-23. Barking, howling or whining restricted.

No person shall keep, harbor or maintain any dog which habitually barks, howls or whines.⁴

§ 145-24. Property damage.

No owner or keeper shall allow any dog to injure or damage any vegetable garden, flower garden, lawn, plant, tree, shrubbery, grounds or other property of any other person other than the person owning, harboring or keeping or having charge of such dog.

§ 145-25. Right to enter premises.

Any officer or agent authorized or empowered to perform any duty under this chapter is hereby authorized to go upon any premises to seize for impounding any dog which he may lawfully seize and impound when such officer is in immediate pursuit of such dog except upon the premises of the owner of the dog if the owner is present and forbids the same.

§ 145-26. Noninterference with officers.

No person shall hinder, molest or interfere with anyone authorized or empowered to perform any duty under this chapter.⁵

4. Editor's Note: Original § 68-22, Destruction of vicious and rabid dogs; keeping of records, which immediately followed this section, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

5. Editor's Note: Former Sec. 6.26 of the 1963 Revised Ordinances, which immediately followed this section, and which provided for nuisances on public property, was deleted 8-17-1981 by Ord. No. 6-81.

§ 145-27. Violations and penalties. [Amended 8-17-1981 by Ord. No. 6-81; at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

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 III

Cats

[Adopted 7-16-1990 as part of Ord. No. 9-90 (Ch. 61A of the 1981 Code)]

§ 145-28. Adoption of Cat Licensing Code.

Pursuant to N.J.S.A. 26:3-69.2, the Cat Licensing Code of New Jersey, 1987,⁶ heretofore approved by the New Jersey State Department of Health and as may be hereafter amended or supplemented, is hereby adopted by reference in its entirety.

§ 145-29. Jurisdiction.

All references to "jurisdiction," as set forth in the Cat Licensing Code of New Jersey, 1987, shall mean the Township of Verona.

§ 145-30. License fees.

Fees for the licensing of cats shall be as set forth in Chapter A565, Fees, of the Code of the Township of Verona, as may be from time to time amended by the Verona governing body.

§ 145-31. Expiration of licenses.

All licenses issued pursuant to this chapter shall expire on September 30 of each year.

§ 145-32. Violations and penalties. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

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.

6. Editor's Note: A copy of this code is on file in the office of the Township Clerk.

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ZONING

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2011 Zoning Map

[HISTORY: Adopted by the Township Council of the Township of Verona 8-15-2011 by Ord. No. 6-11. Amendments noted where applicable.]

ARTICLE I

Title and Purpose

§ 150-1.1. Short title.

This chapter shall be known and cited as the "Zoning Ordinance of the Township of Verona."

§ 150-1.2. Purposes.

- A. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements adopted for the promotion of the public health, safety, morals and general welfare. Among other purposes, those provisions are intended to provide for adequate light, air and convenience of access; to lessen congestion in the streets; to secure safety from fire and other dangers; to avoid undue concentration of population by regulating and limiting the use of land and the height and bulk of buildings wherever erected; to limit and determine the size of yards, courts and other open spaces and to regulate the density of population, all with reasonable consideration to the character of the district and its peculiar suitability for particular uses and with a view to conserving the value of property and encourage the most appropriate use of land throughout the Township of Verona.

- B. It is not intended by this chapter to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically or impliedly repealed in this chapter, or any private restrictions placed on property by covenant, deed or other private agreement unless repugnant thereto. Where this chapter imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or lot coverage or requires greater lot areas or larger yards, courts or other open spaces than are imposed or required by such existing provisions of law or ordinance, or by such rules and regulations of law or ordinance, or by such rules, regulations, permits or by such private restrictions, the provisions of this chapter shall control.

§ 150-1.3. Conflict between two or more regulations.

If any two or more regulations contained within the zoning ordinance appear to, or do conflict, the most restrictive regulation shall apply.

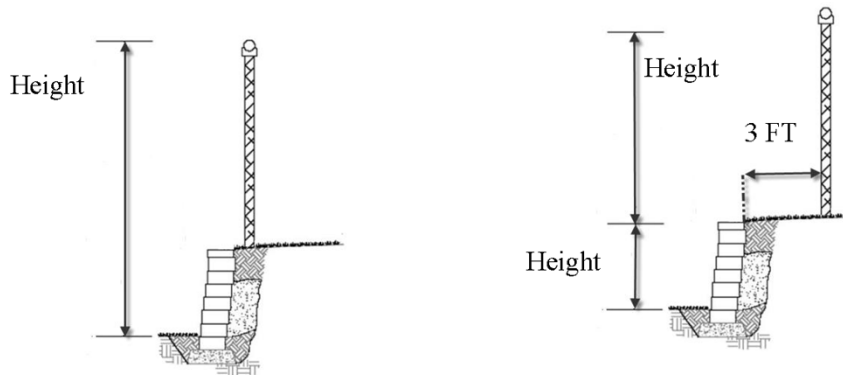
ARTICLE II
Definitions and Word Usage

§ 150-2.1. Word usage.

- A. Unless the context otherwise indicates, the following definitions shall be used in the interpretation and construction of this chapter.
- (1) The word "person" includes "firm," "association," "organization," "partnership," "trust," "company" or "corporation," as well as "an individual."
 - (2) The present tense includes the future tense.
 - (3) The singular number includes the plural, and the plural number includes the singular.
 - (4) The word "shall" is mandatory; the word "may" is permissive.
 - (5) The words "used" or "occupied" include the words "intended, designed or arranged to be used or occupied."
 - (6) The word "lot" includes the words "plot" or "parcel."
- B. Any word or term not defined in this chapter shall be used with a meaning of standard usage for the context in which the word is used or shall be as defined in the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.
- C. Definitions set forth herein are intended for reference to words and phrases that are customarily used in municipal land use matters. The inclusion of a word or phrase in § 530-2.3 shall not be construed to mean that such defined word or phrase is permitted in any zoning district.

§ 150-2.2. Interpretations.

- A. When two structures (other than buildings) are less than three feet apart measured horizontally from one another, they shall be considered one structure.



- B. A retaining wall is not a fence.

§ 150-2.3. Definitions.

Certain words and phrases used in this chapter are defined for the purposes hereof as follows:

ABANDONMENT — The relinquishment of property, or a cessation of the use of property, by the owner, with the intention neither of transferring rights of the property to another owner or of resuming the use of the property.

ACCESSORY STRUCTURE — A structure, the use of which is incidental to that of the main building or structure, that is located on the same lot as the main building or structure.

ACCESSORY USE — A use subordinate to the principal use located on the same lot and serving a purpose customarily incidental to the principal use.

ACRE — A measure of land equal to 43,560 square feet.

ADDITION — An extension or increase in floor area or height of a building or structure.

ADMINISTRATIVE AGENT, AFFORDABLE HOUSING — The entity responsible for administering the affordability controls of some or all units in the affordable housing program for Verona to ensure that the restricted units under administration are affirmatively marketed and sold or rented, as applicable, only to low- and moderate-income households.

ADMINISTRATIVE OFFICE — An establishment primarily engaged in management and general administrative functions such as executive, personnel, finance and sales activities performed centrally for other facilities of the same company.

ADULT DAY-CARE CENTER — A structure used to accommodate a community-based program designed to meet the needs of functionally or cognitively impaired adults over the age of 21 through an individual plan of care structured to provide a variety of health, social and related support services in a protective setting during any part of a day but less than 24 hours.

ADVERTISING, INFLATABLE — Any advertising that requires a portable fan to inflate a temporary figure that displays, reproduces or includes any letter, word, name, number, model, insignia, emblem, design, device or representation used to advertise any trade, business, profession, industry, service or other activity, product or item. These inflatable advertisements include, but are not limited to: dancing figures, inflatable tubes, blimps, balloons, and inflatable animals.

AFFORDABLE HOUSING DEVELOPMENT — A development included in the Township housing and fair share plan, including, but not limited to, an inclusionary development, a municipal construction project or a 100% affordable development.

AGE-RESTRICTED HOUSING — Housing of any type that is occupied by households having at least one member aged 55 years or older and with no children under the age of 19 years, except as specifically provided in the federal Fair Housing Act, as amended, and applicable rules and regulations of the U.S. Department of Housing and Urban Development.

AIR-CONDITIONING COMPRESSOR — A mechanical unit that performs the process of treating air so as to control simultaneously its temperature, humidity, cleanliness, and distribution within an interior space such as a room or building.

ALTERATION — As applied to a building or structure, a change or rearrangement in the structural parts or in the means of egress; or an enlargement, whether by extending a side or by increasing the height; or the moving of the building or structure from one location or position to another.

ALTERNATIVE TOWER STRUCTURE — Man-made trees, clock towers, bell steeples, light poles, and similar alternative design mounting structures that camouflage or conceal the presence of antennas or towers.

AMUSEMENT GAME — A machine or device, whether automatic or coin operated, whether mechanical, electrical or electronic, which shall be ready for play by insertion of a coin or may otherwise be operated by the public for a charge for use as a game, entertainment or amusement, including pinball machines or any device which utilizes a video tube to reproduce symbolic figures and lines to be representative of real games or activities, the object of playing of which is to achieve a score.

AMUSEMENT MACHINE, OTHER — Any automatic or mechanical machine or device or entertainment or music vending machine, except an amusement game machine, which is or are operated or set in motion by the deposit therein of any coin or coins, tokens or slugs or the like thereof purchased for cash.

ANIMAL DAY CARE — Any building, structure or premises that temporarily provides shelter and services for household pets.

ANIMAL HOSPITAL — A place where animals or pets are given medical or surgical treatment.

ANIMAL KENNEL — Any building, structure or premises in which animals are kept, boarded or trained for commercial gain.

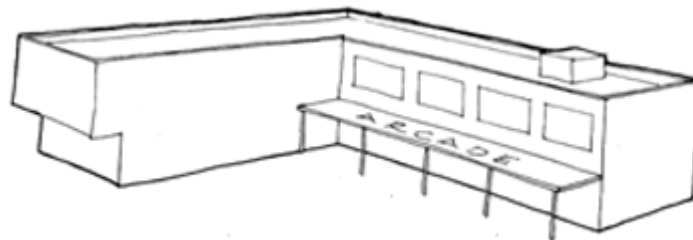
ANTENNA — Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital

signals, analog signals, radio frequencies (excluding radar signals) wireless telecommunication signals or other communication signals.

APARTMENT — One or more rooms where a person or family lives independent of the other occupants of the same building and where each suite is used or designed to be used for living, sleeping, cooking and eating.

APARTMENT HOUSE — Any house or building which is rented, leased, let or hired out to be occupied or is occupied as the home or residence of three or more families living in separate apartments.

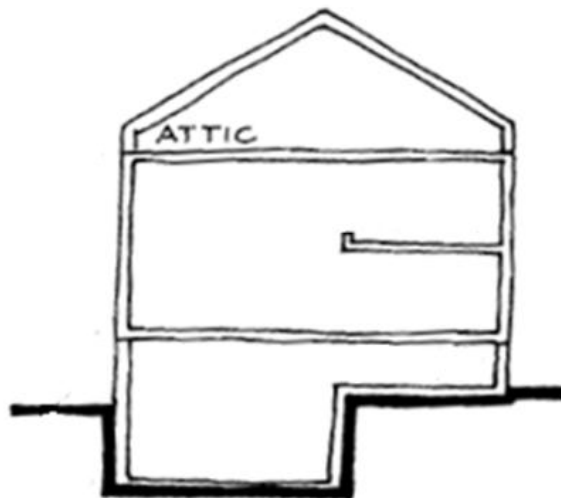
ARCADE — A continuous passageway parallel to and open to a street, open space, or building usually covered by a canopy or permanent roofing and accessible and open to the public.



ASSEMBLAGE — The merger of separate properties into a single tract of land.

ASSISTED LIVING RESIDENCE — A facility which is licensed by the Department of Health, in accordance with N.J.A.C. 8:36, to provide housing and congregate dining and to assure that assisted living services are available when needed, to four or more adult persons unrelated to the proprietor. Apartment units offer, at a minimum, one furnished room, a private bathroom, a kitchenette, and a lockable door on the unit entrance.

ATTIC — The space between the ceiling beams of the top story of a structure and the roof rafters of such structure.



AUTOMATIC COIN-OPERATED LAUNDERETTES — A self-service facility where clothes are washed and dried.

AUTOMOBILE SALES — The display of new or used automobiles, panel trucks or vans, trailers, or recreation vehicles for sale or lease.

AUTOMOBILE SERVICE STATION — A building or place of business where gasoline, fuel, oil and grease and/or batteries, tires and automobile accessories are supplied and dispensed directly to the motor vehicle trade; including establishments that may not provide gasoline but provide "quick oil changes."

AVERAGE GROUND ELEVATION — The average ground elevation shall be determined by averaging the measurement of the elevations taken at all building corners and at ten-foot intervals around the full perimeter of the foundation. Where soil or rock removal lowers the ground elevation around the perimeter of the foundation, the building height shall be based upon the lowered elevation. Where fill raises the ground elevation around the perimeter of the foundation, building height shall be based on the elevation as it existed prior to the use of fill.

AWNING — A roof-like cover projecting from any part of a building for the purpose of shielding a doorway or window from the weather.

BACKHAUL NETWORK — The lines that connect a provider's tower site to one or more cellular telephone switching offices and or long distance providers or the public switched telephone network.

BAKED GOODS STORE — Any establishment primarily engaged in retailing baked goods not for immediate consumption and not made on the premises.

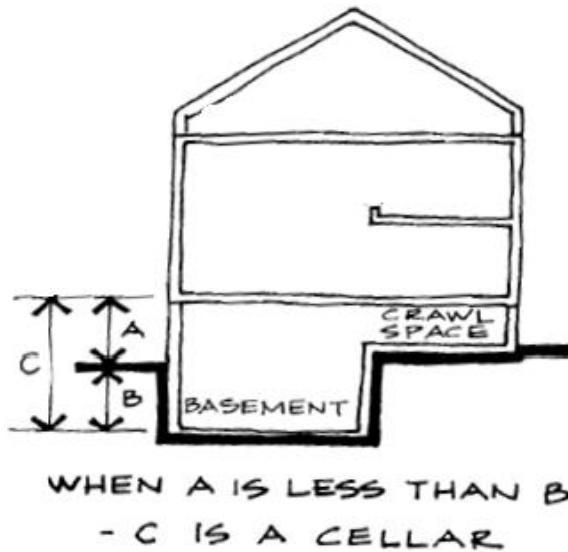
BALCONY — A platform that projects from the wall of a building and is enclosed by a parapet or railing.

BANNER — Any temporary sign applied to paper, plastic or fabric of any kind attached to a structure or above a public right-of-way.

BAR, ALCOHOLIC — A structure or part of a structure used primarily for the sale or dispensing of alcoholic beverages by the drink.

BASE FLOOD ELEVATION — The highest elevation, expressed in feet above sea level, of the level of floodwaters occurring in the regulatory base flood.

BASEMENT — That portion of a building located partly below ground with at least half of its height, measured from floor to ceiling, above the average grade at the building line around the full perimeter of the building.



BASKETBALL COURT — An improved area used for playing basketball. The use of a driveway for temporary recreational uses such as basketball does constitute a basketball court.

BEDROOM — A private room planned and intended for sleeping containing an egress window separated from other rooms by a door.

BELFRY — A tower or part of a tower where a bell or set of bells hangs.

BILLBOARD — Any sign erected or maintained for the purpose of displaying outdoor advertising for products or services provided off-premises.

BOARDER — An individual other than a member of the family or household occupying a dwelling unit or a part thereof who, for a consideration, is furnished sleeping accommodations and who may be furnished meals or other services as part of the consideration.

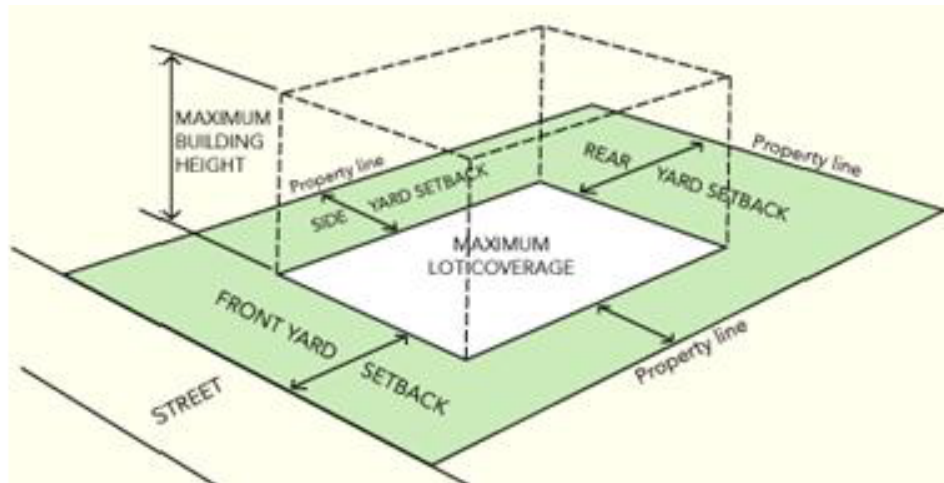
BOARDINGHOUSE — Any dwelling or part of any dwelling which has space that is let by the owner or operator to more than three persons who are not husband or wife, son or daughter, mother or father, sister or brother of the owner or operator; provided, however, that such roomers and/or boarders shall not include convalescents or chronically sick or mentally deficient or physically incompetent or aged, infirm or similar boarders and/or similar roomers who require medical attention and supervision and are usually housed in hospitals, sanatoriums, homes for the aged, nursing homes and similar institutions.

BODY MODIFICATION ESTABLISHMENTS — A personal service establishment that deliberately alters the human body for aesthetic or nonmedical purpose, such as sexual enhancement; a rite of passage; denoting affiliation, trust and loyalty; religious reasons; shock value; and self-expression.

BOLLARD — A short vertical post used to control pedestrian and vehicular traffic, protect critical infrastructure, provide perimeter highlights, or define a pathway.

BUFFER ZONE OR STRIP — Land area made up of sufficiently dense shrubs and trees, and which may include berms and/or fencing, to visibly separate one use from another, and to assist in shielding or blocking noise, lights or other nuisances.

BUILDABLE AREA, BUILDING ENVELOPE — The area of a lot remaining after the minimum yard, open space and other limiting regulations established in the zoning ordinance or dictated by federal or state regulations have been met.



BUILDING AREA — The area included within surrounding exterior walls (or exterior walls and fire walls) exclusive of vent shafts and courts and all space if such areas are included within the horizontal projection of the roof or floor above.

BUILDING COVERAGE — See "lot coverage."

BUILDING HEIGHT — See "height, building."

BUILDING SERVICE EQUIPMENT — The mechanical, electrical and elevator equipment, including piping, wiring, fixtures and other accessories, which provides sanitation, lighting, heating, ventilation, firefighting and transportation facilities essential for the habitable occupancy of the building or structure for its designated use and occupancy.

BUSINESS SERVICES — Establishments primarily engaged in rendering services to business establishments on a fee or contract basis, specifically advertising and mailing; building maintenance; employment service; management and consulting services; protective services; commercial research; development and testing; photo finishing; copying and reproduction services and personal supply services.

CABANA — An accessory structure erected for swimming pools and utilized as a bathhouse or for pool accessory storage and may include bathroom, shower and outdoor kitchen facilities.

CAFÉ PLAN — A collection of forms and plats that contains required data to ensure the proper utilization of a portion of a public right-of-way for outdoor dining.

CAFETERIA — Any establishment, or portion of an establishment, that is primarily engaged in preparing and serving meals for immediate consumption using serving equipment, such as

a steam table, a refrigerated area, and self-service nonalcoholic beverage dispensing equipment. Patrons select from food and drink items on display in a continuous serving line. Cafeterias also include buffet eating places.

CAMPUS — The grounds and buildings of a public or private college, university, hospital or school.

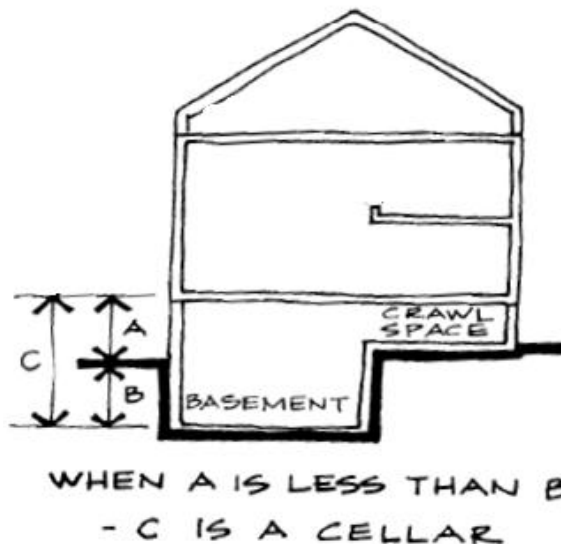
CANOPY — Any structure, supported or unsupported, other than an awning, made of cloth or metal with metal frames attached to a building or structure and carried by a frame supported by the ground or sidewalk.

CARPORT — A structure used to offer limited protection to vehicles, primarily domestic cars, from the elements. The structure can either be freestanding or attached to a wall and contains no more than three sides.

CATERER, OFF-SITE — Any establishment primarily engaged in providing single-event-based food services prepared on site and transported to an event for off-site consumption.

CATERER, ON-SITE — Any establishment primarily engaged in providing on-site single-event-based food services that may include buffet or waitress/waiter service and may also include the serving of nonalcoholic and alcoholic beverages as part of the event.

CELLAR — A story partly above grade level, having more than one-half its floor-to-ceiling height below the average level of the adjoining ground.



CERTIFICATE OF APPROPRIATENESS (COA) — The document issued by the Historic Preservation Commission which is required before any work may be commenced on any historic landmark or any building, structure, site, object or improvement located within an historic district. **[Amended 2-21-2017 by Ord. No. 2017-02]**

CERTIFICATE OF OCCUPANCY (CO) — The certificate issued by the construction official which permits the use of a building or land in accordance with approved plans and specifications and which certifies compliance with the provisions of law for the use and

occupancy of the building in its several parts together with any special stipulations or conditions of the construction permit.

CHANGE OF USE — Any change in the use of a building or portion thereof which requires a different parking standard than that which was required for the preceding use of the space in accordance with the standards set forth in Article XII of this chapter or which is substantially different in function from the prior use.

CHARITABLE USE — Property used by a nonprofit or eleemosynary organization that provides a service beneficial to the general public or to a significant portion of the public for a fee or at a fee recognized as being less than that charged by profit-making organizations.

CHIMNEY — A structure containing one or more flues for drawing off emissions from stationary sources of combustion.

CHURCH or HOUSE OF WORSHIP — A building or structure, or group of buildings or structures, which by design and construction are intended for the conducting of organized religious services and accessory uses associated therewith, but not including missions, district offices or regional headquarters of a religious group.

CLUB — A group of people organized for a common purpose to pursue common goals, interests or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and a constitution and bylaws.

COAH — The New Jersey Council on Affordable Housing.

COMMERCIAL MOTOR VEHICLE — A licensed motor vehicle manufactured as a truck, bus, taxi, tractor or trailer, other than a recreational vehicle, which meets any of the following criteria:

- A. The vehicle is licensed for commercial purposes.
- B. The vehicle contains a sign, advertisement or other graphics indicating that its use is for commercial purposes.
- C. The vehicle has a gross weight in excess of three fourths of a ton.
- D. A van-type vehicle not having windows of at least two square feet in area in both rear side panels. A pickup-type truck with a cap not having windows of at least two square feet in area in both sides of such cap.

COMMUNITY ASSOCIATION — A homeowners' association or organization designed to own, maintain, and operate common facilities and to enhance and protect the common interests.

COMMUNITY CENTER — A building used for recreational, social, educational and cultural activities, usually owned and operated by a public or nonprofit group or agency.

CONDOMINIUM — A structure or structures being and in accordance with the terms of a master deed providing for ownership by one or more owners of units of improvements together with an undivided interest in common elements appurtenant to each such unit.

CONDOMINIUM ASSOCIATION — The entity responsible for the administration of a condominium, which entity may be incorporated or unincorporated.

CONFECTIONERY AND NUT STORE — Any establishment primarily engaged in retailing candy and other confections, nuts, and popcorn not for immediate consumption and not made on the premises.

CONFORMING USE or CONFORMING STRUCTURE — A use or structure which conforms to the regulations of this chapter for the district in which such structure or use is located.

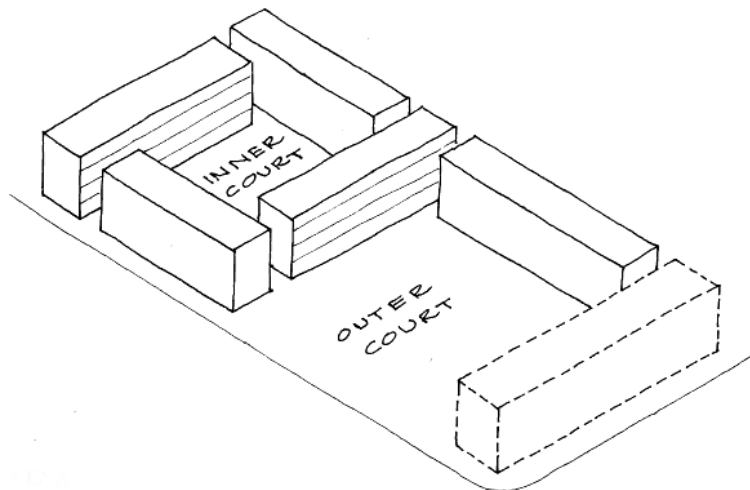
CONGREGATE HOUSING — A dwelling providing shelter and services for the elderly which may include meals, housekeeping, and personal care assistance.

CONSTRUCTION PERMIT — A document signed by the Construction Official, which is required by ordinance as a condition precedent to the commencement of a use or the erection, construction, reconstruction, alteration, conversion or installation of a structure or building and which acknowledges that such use, structure or building complies with the provisions of this chapter or variance therefrom duly authorized by a municipal agency pursuant to N.J.S.A. 40:55D-60 and N.J.S.A. 40:55D-70.

CONTRIBUTING PROPERTY OR IMPROVEMENT — A building, structure, designated object, or site that adds to the landmark architectural qualities, landmark associations, or archeological values for which a property or district is because:

- A. It was present during the period of significance and possesses landmark integrity reflecting its character at that time or is capable of yielding important information about the period; or
- B. It independently meets the National Register criteria for significance (National Register Bulletin No 14, "Guidelines for Counting Contributing and Non-contributing Resources for National Register Documentation" as revised).

COURT, COURTYARD — An open, uncovered and unoccupied space on the same lot as a building where such space is enclosed wholly or partly by buildings, walls or other enclosing devices.



CRITICAL AREA — An area with one or more of the following characteristics:

- A. Slopes in excess of 25%;
- B. Floodplains;
- C. Soils classified as having a high water table;
- D. Soils classified as highly erodible, subject to erosion or highly acidic;
- E. Land incapable of meeting percolation requirements;
- F. Land formerly used for landfill operations or hazardous industrial use;
- G. Fault areas;
- H. Stream corridors;
- I. Areas designated as potential reservoir sites;
- J. Estuaries;
- K. Mature stands of native vegetation;
- L. Aquifer recharge and discharge areas;
- M. Wetland and wetland buffer areas;
- N. Areas designated in the Register of Natural Areas of the New Jersey Department of Environmental Protection; and
- O. Natural habitats which protect and preserve endangered and threatened plant and animal species.

DECIBEL — A unit of measure of intensity of sound (the sound-pressure level).

DECK — An aboveground flat-floored roofless area.

DEMOLITION — The razing of any improvement or the obliteration of any natural feature.

DETENTION BASIN — An impoundment area made by constructing an embankment or excavating a pit or both, for the purpose of temporarily storing stormwater.

DEVELOPMENT FEE — Funds paid by any person, partnership, association, company or corporation for the improvement of property as permitted in COAH's rules.

DIGITAL DISPLAY SIGN (DDS) — See "sign, digital display."

DISTURBANCE, LAND — The placement of impervious surface, the exposure or movement of soil or bedrock, or the clearing, cutting, or removing of vegetation.

DOG RUN — An enclosed area of space where a dog can stay without a leash; is usually gated and locked so that other animals cannot enter.

DOME — A vault having a circular plan and usually in the form of a portion of a sphere, so constructed as to exert an equal thrust in all directions.

DONATION DROP BOX — Any receptacle used for the collection of used clothing, shoes, and small household items donated by the public for redistribution.

DRINKING ESTABLISHMENT (ALCOHOLIC BEVERAGE) — Any establishment commonly known as a "bar" or "tavern," or a drinking place primarily engaged in preparing and/or serving alcoholic beverages for immediate consumption.

DRIVEWAY — An open area of land, paved with bituminous concrete (blacktop), portland-cement concrete or other durable, hard, dust-free surfacing which will not wash into the public right-of-way, used as a means of ingress and egress to a property. A driveway shall not be considered an accessory structure.

DRUG STORE — A store where the primary business is the filling of medical prescriptions, providing medical devices and supplies and nonprescription medicines and where nonmedical products are sold.

DRY CLEANING — Cleaning textiles, fabrics, garments or other articles by the use of solvents other than water, extracting the solvents therefrom and drying the same.

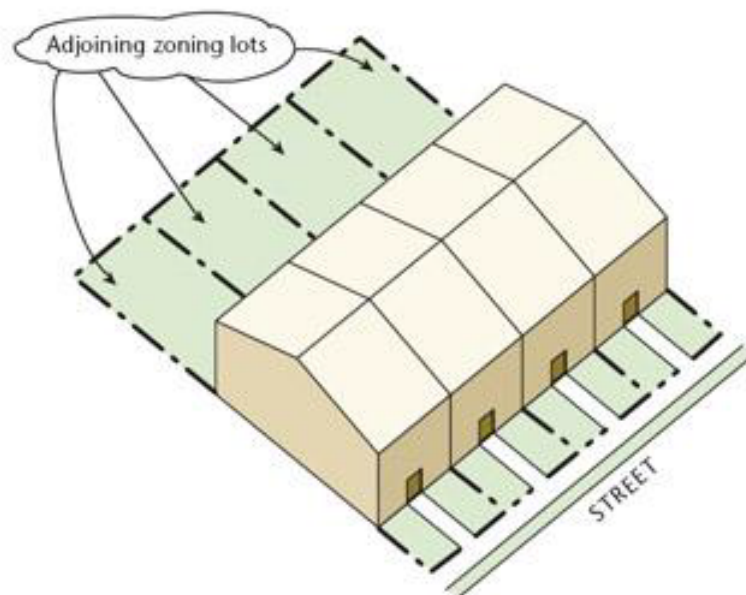
DUMPSTER — A large container used for the temporary storage of waste.

DUMPSTER, ROLL-OFF — An open-top dumpster characterized by a rectangular footprint, utilizing wheels to facilitate rolling the dumpster in place. The open-top container is designed to be transported by special roll-off trucks.

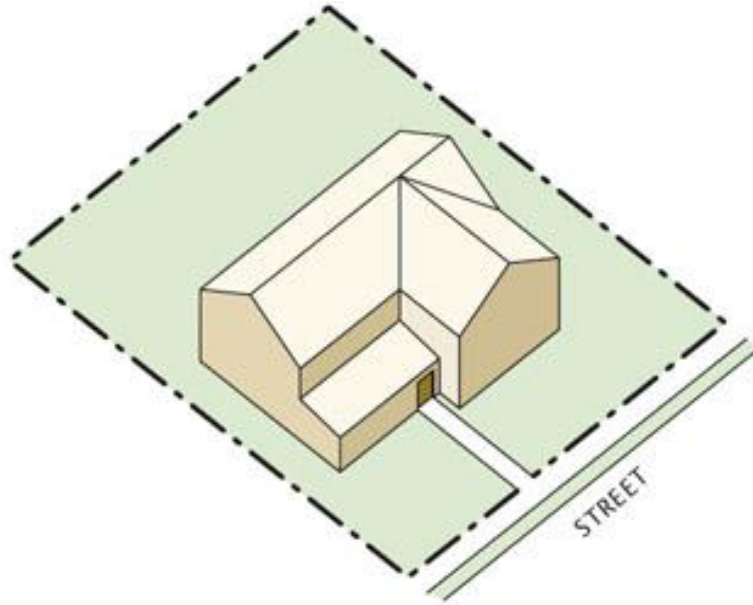
DWELLING — Any permanent building or portion thereof designed or used as the residence or sleeping place of one or more persons.

DWELLING UNIT — One or more rooms, occupied or intended for occupancy as separate living quarters by one family or household; provided, that access is directly from the outside or through a common hall and that separate cooking, sleeping and sanitary facilities are provided within the dwelling for the exclusive use of the occupants thereof.

DWELLING, ATTACHED — A one-family dwelling attached to one or more one-family dwellings by common vertical walls.



DWELLING, DETACHED — A dwelling which is completely surrounded by permanent open spaces.



DWELLING, EFFICIENCY — A dwelling unit consisting of not more than one habitable room together with kitchen or kitchenette and sanitary facilities.

DWELLING, MULTIFAMILY — A structure or building occupied or intended for occupancy as separate living quarters for more than two families or households, and provided with separate cooking, sleeping and sanitary facilities for the exclusive use of the occupants of each unit.

DWELLING, ONE-FAMILY — A building occupied or intended for occupancy exclusively by one family or one household, and provided with cooking, sleeping and sanitary facilities for the use of the occupants of the unit. Also referred to as a "single-family dwelling."

DWELLING, TWO-FAMILY — A building occupied or intended for occupancy as separate living quarters for no more than two families or two households, and provided with separate cooking, sleeping and sanitary facilities for the exclusive use of the occupants of each unit, which units are separated from each other by vertical walls to and through the roof or by horizontal floors.

EAVE — The projecting lower edges of a roof overhanging the wall of a building.

ELECTRONIC MESSAGE CENTER (EMC) — See "sign, electronic message center (EMC)."

ELEEMOSYNARY OR PHILANTHROPIC INSTITUTION — A private or nonprivate organization which is not organized or operated for the purpose of carrying on a trade or business and no part of the net earnings of which are for the benefit of any individual.

EMERGENCY — Any unforeseen circumstance or occurrence, the existence of which constitutes a clear and immediate danger or hazard to person or property.

ENCROACHMENT — Any obstruction in a delineated floodway, right-of-way, minimum setback, or adjacent land.

ENLARGEMENT — An increase in the size of an existing structure.

ENVIRONMENT — The sum of all external conditions and influences affecting the life, development and, ultimately, the survival of an organism.

ENVIRONMENTAL IMPACT STATEMENT (EIS) — A statement on the positive and negative effects of development proposals and other major actions which significantly affect the environment.

ESSENTIAL SERVICE — The erection, construction, alteration or maintenance, by public utilities or municipal or other governmental agencies, of underground, surface or overhead gas, electrical, steam or water transmission systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, light stations, telephone lines, hydrants and other similar equipment and accessories herewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies for the public health, safety or general welfare.

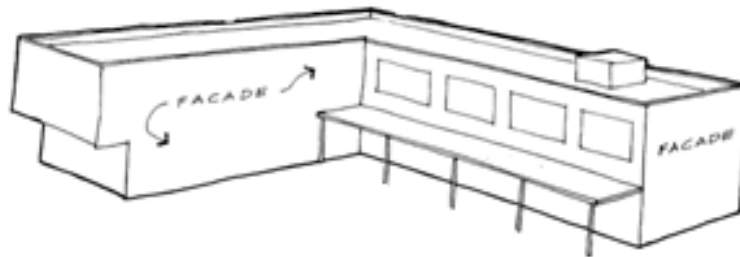
EXISTING BUILDING — Any structure erected prior to the adoption of the appropriate code, or one for which a legal building permit has been issued.

EXOTIC PETS — A rare or unusual animal pet, or an animal kept as a pet which is not commonly thought of as a pet. Exotic pets include, but are not limited to, the following: nonhuman primates, alligators, foxes, bears, wolves, wolf/dog hybrid, lions, tigers, bears, raccoons, hedgehogs, skunks, or hyenas.

EXTENDED-CARE FACILITIES — A long-term care facility or a distinct part of a facility licensed or approved as a nursing home, infirmary unit of a home for the aged or a governmental medical institution.

FAA — The Federal Aviation Administration.

FAÇADE — The front, side, or rear vertical building planes visible from any adjoining street, sidewalk, property or parking areas, excluding any roof surface area.



FAÇADE, HEIGHT — The vertical distance of any building façade plane measured from the average ground elevation of the existing natural grade along the façade plane to the façade's highest point, exclusive of any chimney, steeple, mechanical equipment or elevator tower, all of which may not exceed the highest point of the roof by 12 feet or exceed the maximum building height allowed in the particular zoning district by more than eight feet.

FAMILY — A group of persons functioning as a single housekeeping unit and whose relationship is of a permanent, stable and domestic character as distinguished from nonfamilial institutional use, boarding homes, fraternities, sororities, clubs, associations, transient housing or other similar forms of housing. For the purpose of this chapter, a "family" shall include foster children placed with a family in such dwelling by the New Jersey State Board of Child Welfare or a duly incorporated child-care agency.

FAMILY DAY-CARE CENTER — A private establishment enrolling no more than five children between two and six years of age and where tuition, fees, or other forms of compensation for the care of children is charged and which is licensed by the State of New Jersey and approved by the Township of Verona to operate as a day-care center.

FCC — The Federal Communications Commission.

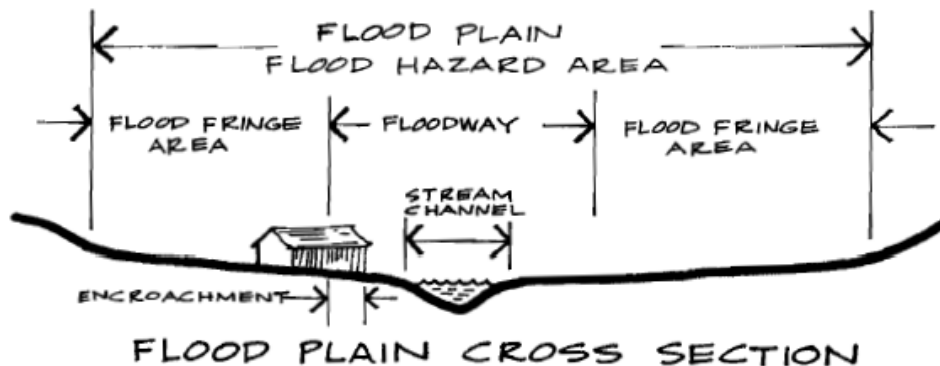
FENCE — An artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

FLAGPOLE — A pole used to display a flag or flags only.

FLOOD — The temporary overflowing of water onto land which is usually devoid of surface water.

FLOOD FRINGE AREA — That portion of the flood hazard area outside of the floodway based on the total area inundated during the regulatory base flood plus 25% of the regulatory base flood discharge.

FLOOD HAZARD AREA — That floodplain consisting of the floodway and the flood fringe area.



FLOOD HAZARD DESIGN ELEVATION — The highest elevation, expressed in feet above sea level, of the level of floodwaters which delineates the flood fringe area.

FLOOD INSURANCE RATE MAP — The Official Map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD OF RECORD — A flood which has occurred for which there are accurate local records available.

FLOODPLAIN — The channel and the relatively flat area adjoining the channel of a natural stream or river which has been or may be covered by floodwater.

FLOODPROOFING — A combination of structural provisions, changes or adjustments to properties and structures subject to flooding for the reduction or elimination of flood damage to properties, water and sanitary facilities and other utilities, structures and the contents of buildings.

FLOODWAY — The channel of a natural stream, brook or river and portions of the floodplain adjoining the channel, which are reasonably required to carry and discharge the floodwater or flood flow of any natural stream, brook or river.

FLOOR — The structure formed of beams, girders, or any construction which divides a building horizontally into stories.

FLOOR AREA — The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the center line of a wall separating two buildings, including lofts, but not including interior parking spaces, or any space where the floor-to-ceiling height shall be less than seven feet six inches.

FLOOR AREA, NET — The actual occupied area, not including accessory unoccupied areas or thickness of walls.

FLUE — A pipe, tube, or channel for conveying hot air, gas, steam, or smoke, as from a furnace or fireplace to a chimney.

FREQUENCY — The number of oscillations per second of a vibration.

FRONT YARD LOT COVERAGE — The percentage of land improved with man-made features found within the area extending across the full width of the lot between the front lot line and the principal building.

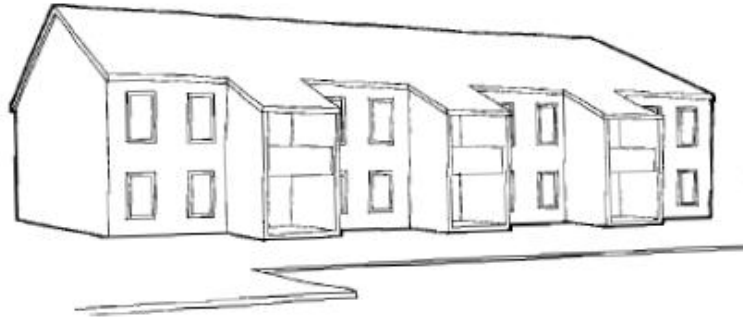
FULL-SERVICE RESTAURANT — Any establishment primarily engaged in providing food services to patrons who order and are served while seated (i.e., waiter/waitress service) and pay after eating. These establishments may provide this type of food services to patrons in combination with selling alcoholic beverages, providing carry-out services, or presenting live entertainment.

FUNERAL HOME — A building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

GARAGE, PRIVATE — An accessory structure or use to the principal building or use on the lot designed for storage of one or more motor vehicles, having solid exterior walls and roof and having all openings enclosed, either with doors or windows, or both. A private garage shall have minimum dimensions of 10 feet in width and 20 feet in depth.

GARAGE, PUBLIC — Any structure or part thereof other than a private garage in which a business or service connected with motor vehicles is conducted or rendered, including storage, rental, repair, servicing, adjusting or equipping automobiles or other motor vehicles. The term "public garage" shall not apply to an automobile salesroom for the exhibition of such vehicles.

GARDEN APARTMENTS — A low-rise multifamily building containing off-street parking and open spaces.



GAS MART — An automobile service station that has, as an accessory use to the sale of gasoline, a retail store that sells goods to the motoring public.

GLARE — The effect produced by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

GRADE — The reference plane representing the average of finished ground level adjoining a principal building at all exterior walls or base of a structure. When the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, when the lot line is more than six feet from the building or structure, between the building and a point six feet from the building.

GREENHOUSE — A building which roof and sides has made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment.

GROSS LEASABLE AREA — The total floor area designed for tenant occupancy and exclusive use of a tenant measured from the center lines of joint partitions to the outside of the tenant walls.

GROUND COVER — Grasses or other plants grown to keep soil from being eroded.

HABITABLE SPACE — Space in a structure for living, sleeping, eating or cooking but not including bathrooms, toilet compartments, closets, halls, storage or utility spaces and similar space, cellars, garage areas or any area, where the floor-to-ceiling height is less than standards found in the Uniform Construction Code (UCC).

HEALTH-CARE FACILITY — A facility, institution, or medical center, whether public or private, principally engaged in providing services for health maintenance, diagnosis or treatment of human disease, pain, injury, deformity or physical condition, including, but not limited to, a general hospital, special hospital, mental hospital, public health center, diagnostic center, treatment center, rehabilitation center, extended care facility, skilled nursing home, nursing home, intermediate-care facility, tuberculosis hospital, chronic disease hospital, maternity hospital, outpatient clinic, dispensary, home health-care agency, boarding home or other home for sheltered care, and bioanalytical laboratory or central services facility serving one or more such institutions but excluding institutions that provide healing solely by prayer.

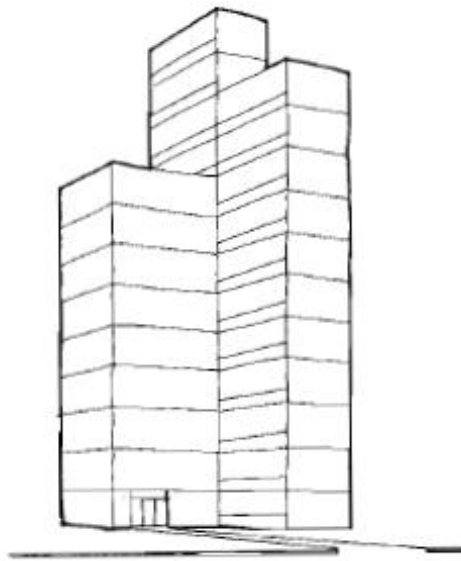
HEIGHT, BUILDING — The vertical distance measured from the average ground elevation of the existing natural grade at the building line around the full perimeter of the building to the building's highest point, exclusive of chimney, steeples, mechanical equipment, elevator tower and flagpole.

HEIGHT, OTHER — The distance measured from the base of a structure to the highest point of the structure. When calculating the height (other than building height) the base of the structure shall be considered to be at the natural grade where the base of the structure intersects the grade.

HEREAFTER — After the time this chapter becomes effective.

HERETOFORE — Before the time this chapter becomes effective.

HIGH-RISE — A building with 10 or more stories.



HISTORIC ADAPTIVE REUSE — The conversion of any existing principal or accessory building identified by the Master Plan as historically significant into a new residential dwelling unit building elevator while maintaining the existing facade, roofline and building exterior and characteristics of the existing building.

HOME OCCUPATION — Any business, profession, occupation or trade conducted for gain or support within a residential building or an accessory structure thereto, which is incidental and secondary to the use of such a building for dwelling purposes and which does not change the essential residential character of such building.

HOMEOWNERS' ASSOCIATION — A community association, other than a condominium association, which is organized in a development in which individual owners share common interests in open space or facilities.

HORTICULTURE — The cultivation of a garden or orchard.

HOSPITAL or MEDICAL CENTER — An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease,

injury, deformity and other abnormal physical or mental conditions and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities.

HOSPITAL, ANIMAL — An institution providing primary health services and medical or surgical care to animals suffering from illness, disease, injury, deformity and other abnormal physical conditions.

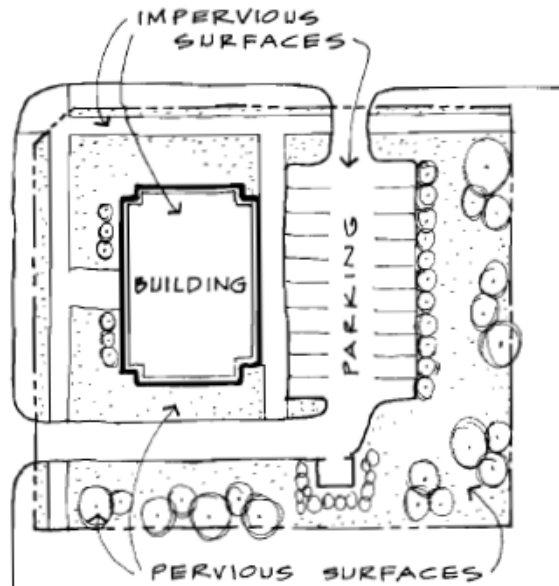
HOT TUB — A very large tub made of ceramic, acrylic, wood, or another substance and filled with hot water in which one or more bathers may soak.

HOTEL — A building consisting of at least two stories above ground level, which provides sleeping accommodations to the general public and which contains a central entrance leading to a common lobby.

HOUSING FOR THE ELDERLY — Multifamily housing designed for older persons, one of whom must be 62 years of age or older. (Also known as senior citizen housing.)

IMPERMEABLE — Not permitting the passage of water.

IMPERVIOUS SURFACE — Any structure, surface, or improvement that reduces or prevents absorption of stormwater into land, and includes, but is not limited to, porous paving, paver blocks, gravel, crushed stone, decks, patios, elevated structures, and other similar structures, surfaces, or improvements and water features.



IMPROVED LOT COVERAGE — The percentage of lot area which is improved with principal and accessory buildings and structures, including all impervious surface areas such as buildings, driveways, parking lots and garages and other man-made improvements, and swimming pools.

IMPROVEMENT — Any structure or part thereof constructed or installed upon any real property by human endeavor and intended to be kept at the location of such construction or installation for a period of at least 60 days.

INCLUSIONARY ZONING — Regulations which increase housing choice by providing the opportunity to construct more affordable, diverse and economic housing to meet the needs of low- and moderate-income families.

INDOOR TENNIS FACILITY — A building or structure containing one or more roofed and enclosed tennis courts.

INSTITUTIONAL BUILDING — A building in which persons are sheltered to receive medical, charitable or other care or treatment or in which persons are held or detained by reasons of public or civic duty or for correctional purposes, including, among others, hospitals, asylums, sanatoriums, firehouses, police stations and jails.

INTEGRITY — The authenticity of the landmark identity of a building, structure, site, designated object, or district evidenced by the survival of the physical characteristics that existed during its landmark or pre-landmark period.

INTERMEDIATE-CARE FACILITY — A facility which provides, on a regular basis, health-related care and services to individuals who do not require the degree of care and treatment which a hospital or skilled nursing facility is designed to provide.

JUNKYARD — An area of land, with or without buildings, used for or occupied by the deposit, collection or storage outside of a building of used and discarded materials, including, but not limited to, wastepaper, rags or sheet metal, used building materials, house furnishings, machinery, vehicles or parts thereof with or without the dismantling, processing, salvage, sale or use or disposition of the same.

KIOSK — A freestanding structure upon which temporary information and/or posters, notices and announcements are posted.

KITCHEN AREA — A portion of a dwelling unit designed or used for cooking.

LAND DISTURBANCE — Any activity involving the cleaning, cutting, excavating, filling, or grading of land, or any other activity which alters land topography or vegetative cover.

LANDMARK — Any historic site or historic district which has been designated by ordinance pursuant to N.J.S.A. 40:55D-65.1 or which has been identified in any component of the Master Plan. As used in this chapter, "landmark" may be substituted for "historic," "historic preservation" and "historic site."

LAUNDROMAT or WET-WASH LAUNDRY — An establishment used primarily for the washing and drying of clothing brought in by the customer and in which such washing and drying is performed with the use of mechanical equipment and for which a fee is charged.

LIGHTNING ROD — A grounded metal rod placed high on a structure, in the ground or on a tree to prevent damage by conducting its current to the ground.

LIMITED-SERVICE RESTAURANT — Any establishment primarily engaged in providing food services (except snack and nonalcoholic beverage bars) where patrons generally order or select items and pay before eating. Food and drink may be consumed on the premises, taken out, or delivered to the consumer's location. Some establishments in this category may provide these food services in combination with selling alcoholic beverages.

LIVE ENTERTAINMENT — The provision of vocalized or instrumental music, or dancers, or stand-up comedy, or any similar entertainment to patrons for a fee, whether such fee shall be direct or indirect through a charge for other products or services.

LIVESTOCK — Animals that are typically found on a farm, such as horses, mares, mules, jacks, jennies, colts, cows, calves, yearlings, bulls, oxen, sheep, goats, lambs, kids, hogs, shoats, pigs, hens, or roosters.

LOADING SPACE, OFF-STREET — Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used to accommodate the principal use on the land and accessible to such vehicles when required off-street parking spaces are filled.

LONG-TERM CARE FACILITY — An institution which is licensed or approved by the State of New Jersey to provide health care under medical supervision for 24 or more consecutive hours to patients who are not related to the governing authority or its members by marriage, blood or adoption.

LOT AREA — The computed areas contained within the lot lines, excluding any street rights-of-way. Where no lot line is designated on the Tax Map, the boundary of the public right-of-way shall determine the limits of the boundary of the lot.

LOT COVERAGE (BUILDING COVERAGE) — That portion of a lot which is occupied by buildings and accessory buildings, but not including other areas of impervious surfaces such as walkways, driveways, patios and open parking lots.

LOT FRONTAGE — The length of the front lot line measured at the street right-of-way line.

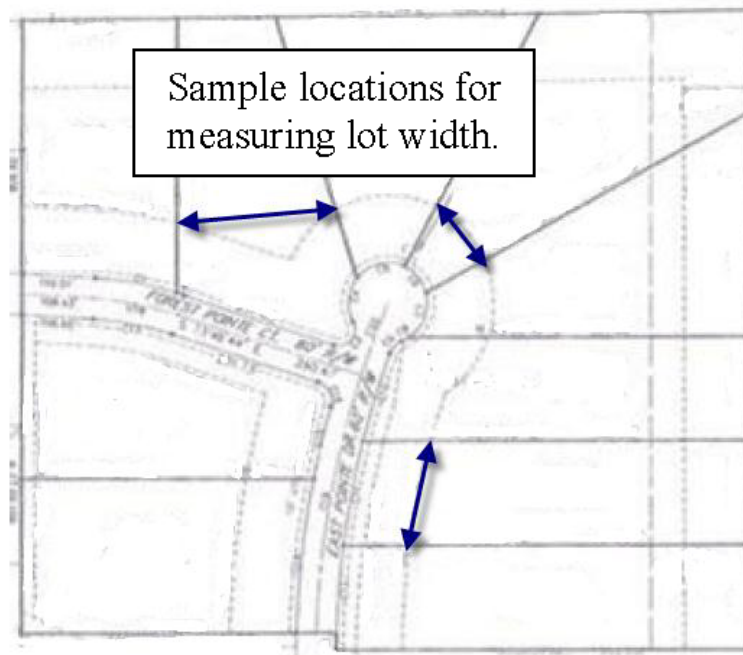
LOT LINE — A line of record bounding the lot.

LOT LINE, FRONT — The lot line separating the lot from the street right-of-way also referred to as a "street line."

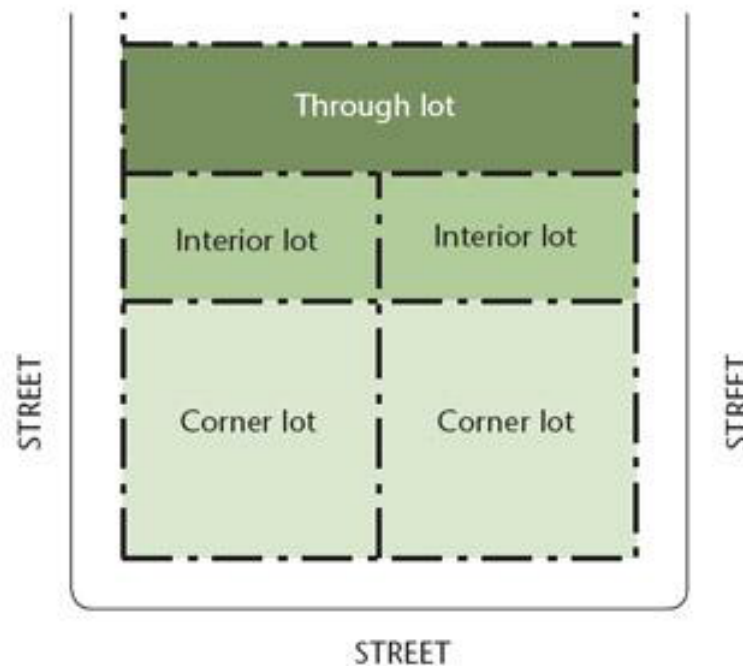
LOT LINE, REAR — The lot line opposite from the front lot line. A parcel can have more than one rear lot line.

LOT LINE, SIDE — Any single or multi-segmented lot line other than a front or rear lot line.

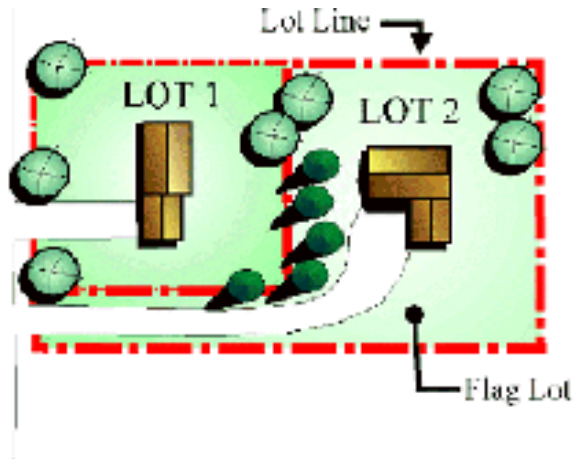
LOT WIDTH — The shortest distance between the side lines of a lot measured from the front yard setback.



LOT, CORNER — A parcel of land with at least two adjacent sides abutting upon streets.



LOT, FLAG — A tract of land having insufficient lot width along a road or at the minimum setback line but with sufficient area to meet all lot requirements further back on the lot. Flag lots are strictly prohibited.



LOT, INTERIOR — A parcel of land fronting upon one street.

LOT, MINIMUM AREA OF — The smallest lot area established by the zoning ordinance on which a use or structure may be located in a particular district.

LOT, THREE-SIDED — A parcel of land located at the junction of and abutting on three intersecting streets.

LOT, THROUGH — A parcel of land which extends from front to back from one street to another.

LOW-INCOME HOUSING — Housing that is designed for a household earning 50% or less of the median income of the area, adjusted by household size.

LOW-RISE — A building with one or two stories.

MAILBOX, PRIVATE — A private box, as at a home, into which mail is delivered by the mail carrier.

MAILBOX, PUBLIC — A public box in which mail is placed for pickup and delivery by the post office.

MAJOR LANDMARK APPLICATION — Any application for a permit required by this chapter which involves demolition or removal of a landmark, addition to a landmark or construction of a new structure in an historical district and which will substantially affect the characteristics of the landmark or, in the case of a structure within an historic district, will substantially affect the characteristics of the district.

MANUFACTURE — The converting or processing of raw, unfinished or finished materials or products into an article or articles or substance of a different character or for use for a different purpose.

MARQUEE — Any hood, canopy, awning or permanent construction which projects from a wall of a building usually above an entrance.

MASSAGE PARLOR — An establishment that offers therapeutic massage.

MEDICAL BUILDING — A building that contains establishments dispensing health services, including same-day treatment, but not including any building that houses patients overnight.

MEZZANINE — An intermediate level or levels between the floor and ceiling of any story with an aggregate floor area of not more than 33% of the floor area of the story in which the level or levels are located.



MID-RISE — A building with three to nine stories.

MINI-WAREHOUSE — A structure containing separate storage space of varying size leased or rented on an individual basis.

MINOR LANDMARK APPLICATION — Any application for a permit required under this chapter which does not involve demolition or removal of a landmark, addition to a landmark or construction of a new structure in an historic district and which will not substantially affect the landmark or historic district.

MOBILE HOME — Any commercially manufactured vehicle, or combination thereof, used, designed or intended for use, for permanent occupancy as living quarters for one family or household, designed to be moved occasionally from one location to another by means of wheels affixed to an axle or carriage affixed to the vehicle, propelled by the power of another vehicle to which it may be attached, whether the axle or carriage to which the wheels may be affixed is detachable or detached.

MOBILE HOME PARK — One or more parcels of land under single ownership which have been planned for the placement of or is utilized for two or more mobile homes, appurtenant structures or additions.

MOBILE TEMPORARY STORAGE CONTAINERS — Temporary or portable storage units that are transportable units designed and used primarily for temporary storage of building materials, household goods, personal items and other materials for use on a limited basis on residential property. A portable temporary toilet is not a mobile temporary storage container.

MODERATE-INCOME HOUSING — Housing that is designed for a household earning between 50% and 80% of the area median income as adjusted for household size.

MOTEL — A building or a group of detached, semi-attached or attached buildings containing guest rooms or dwelling units, each of which, or each pair of which, has a separate entrance leading directly to the outside of the building with garage or parking space conveniently located to each unit, and which are designed, used or intended to be used primarily for the accommodation of motor vehicle transients, but not including hotels, boardinghouses or rooming houses or trailer camps.

MOTION PICTURE THEATER — A place where motion pictures are shown to the public for a fee.

MOTOR VEHICLE BODY REPAIR SHOP — A place of business within a principal building where the bodies of motor vehicles are repaired and or rehabilitated. Motor vehicles shall be limited to passenger cars, vans and small trucks not exceeding two tons in weight classification.

MULTIPLE-FAMILY HOUSING — Any building or structure of one or more stories and any land appurtenant thereto, and any portion thereof, in which three or more units of dwelling space are occupied, or are intended to be occupied, by three or more persons who live independently of each other.

MUNICIPAL HOUSING LIAISON — The employee charged by the governing body with the responsibility for oversight and administration of the affordable housing program for Verona.

NATIONAL HISTORIC PRESERVATION ACT — A 1966 federal law that established a National Register of Historic Places, the Advisory Council on Historic Preservation and authorizing grants in aid for historic properties preservation.

NATIONAL REGISTER CRITERIA — The established criteria for evaluating the eligibility of properties for inclusion in the National Register of Historic Places.

NATIONAL REGISTER OF HISTORIC PLACES — The official list, established by the National Historic Preservation Act, of sites, districts, buildings, structures and objects significant in the nation's history or whose artistic or architectural value is unique.

NET DENSITY — The total number of dwelling units divided by the total land area less major recreational facilities, streets, retention, detention, and water quality basins and public facilities within the parcel. The result is expressed as dwelling units per acre (du/ac).

NONCONTRIBUTING PROPERTY — A building, structure, designated object, or site that does not add to the landmark architectural qualities, landmark associations, or archeological values for which a property or district is because:

- A. It was not present during the period of significance;
- B. Due to alterations, disturbances, additions, or other changes, it no longer possesses landmark integrity reflecting its character at that time or is incapable of yielding important information about the period; or

- C. It does not independently meet the National Register criteria for significance (National Register Bulletin No 14, "Guidelines for Counting Contributing and Non-contributing Resources for National Register Documentation" as revised).

NON-POINT RUNOFF — Surface water entering a channel from no definable discharge source.

NUISANCE — An interference with the enjoyment and use of property.

NUISANCE ELEMENT — Any environmental pollutant, such as smoke, odors, liquid wastes, solid wastes, radiation, noise, vibration, glare or heat that exceeds performance standards.

NURSERY — Land or greenhouses used to raise flowers, shrubs and plants for sale.

NURSING HOME — An extended- or intermediate-care facility licensed or approved to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves, but not to include mental patients or persons afflicted with contagious or infectious disease or liquor or drug addiction.

OCTAVE BAND — A means of dividing the range of sound frequencies into octaves in order to classify sound according to pitch.

OCTAVE-BAND FILTER — An instrument, standardized by the American Standards Association, used in conjunction with a sound-level meter to take measurements in specific octave bands.

OFF-STREET PARKING SPACE — A storage area for a motor vehicle that is directly accessible to an access aisle, and which is not located within a street right-of-way.

OFFICE BUILDING — A building used for conducting the affairs of a business, profession, service, industry or government, or like activity, but not for manufacture, storage or sale of goods except by sample.

OFFICE PARK — A development on a tract of land that contains a number of separate office buildings, supporting uses and open space designed, planned, constructed and managed on an integrated and coordinated basis.

OFFICE, COMMERCIAL — Any building housing a business which engages in activities other than producing or selling commodities or providing personal service.

OFFICE, PROFESSIONAL — Any office used for such services as are provided by medical practitioners, lawyers, architects, engineers and similar professions.

ON-STREET PARKING SPACE — A temporary storage area for a motor vehicle which is located within a street or right-of-way.

OPEN SPACE, USABLE — An area of a lot set aside, dedicated, designated or reserved for the public or private use as active or passive recreation that has a minimum dimension of 50 feet in length and 50 feet in width as measured at right angles, not including buffer areas or required distances between buildings.

OUTDOOR CAFÉ — An open-air seating area provided by a restaurant, where patrons can eat or drink. Outdoor cafés are not intended as the primary dining area but an extension of indoor seating, for use in affable weather. Food vending machines, food preparation

equipment, and other equipment such as refrigerators, coffee machines and utensils are also not permitted in outdoor cafés.

OUTDOOR STORAGE — The keeping, in an unroofed area, of any goods, material, merchandise, or vehicles in the same place for more than 24 hours.

OWNER — Any person having a right, title, or interest in any property so as to be legally entitled, upon obtaining such permits and other authorizations as may be required pursuant to law, to perform construction, alteration, removal, demolition, or other work with respect to such property.

PARAPET — The extension of the main walls of a building above the roof level.

PARCEL — A lot or tract of land.

PARKING AREA — Any public or private land area designed and used for parking motor vehicles, including parking lots, garages, private driveways and legally designated areas of public streets.

PARKING AREA, PRIVATE — Any open area being part of the same lot or tract on which is erected a building or structure used for the temporary storage of automobiles and other vehicles for the private use solely by the occupants thereof to which such use is accessory.

PARKING AREA, PUBLIC — Any open area other than a street or other public way used for the temporary storage of automobiles and other vehicles and available to the public, whether for a fee or without compensation, or as an accommodation for clients, customers or employees.

PARKING SPACE — A space available for the parking of one motor vehicle.

PATIO — An accessory structure at grade that is adapted for outdoor enjoyment.

PENTHOUSE — An enclosed structure above the roof of a building, other than a roof structure or bulkhead, occupying not more than 33 1/3% of the roof area.

PERFORMANCE STANDARDS — Standards adopted by this chapter regulating noise level, glare, earthborn or sonic vibrations, heat, electronic or atomic radiation, noxious odors, toxic matters, explosive and flammable matters, smoke and airborne particles, waste discharge, screening of unsightly objects or conditions and such other similar matters as may be reasonably required by the Township of Verona, or standards required by applicable federal, state or interstate law or municipal ordinance.

PERMANENT — Lasting or intended to last indefinitely without change.

PERMITTED USE — Any use allowed in a zoning district, subject to the restrictions applicable to that zoning district.

PERSONAL SERVICE ESTABLISHMENT — An establishment providing nonmedical services to individuals as a primary use. Examples of these uses include, but are not limited to: barber shops, beauty salons, day/health spa, hair salons, nail salons, tanning salons, foot spas, massage parlors, aroma therapy or reflexology establishments. Tattooing and other body modifications establishments do not constitute beauty services.

PLAN — The provisions for development of a planned development, including a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures,

intensity of use or density of development, public or private streets, ways and parking facilities, open space and public facilities. The phrase "provisions of the plan," when used in this chapter, shall mean the written and graphic materials referred to in the development.

POND — A body of standing water, either natural or man-made, that is usually smaller than a lake. A wide variety of man-made bodies of water are classified as ponds, including water gardens, water features and koi ponds; all designed for aesthetic ornamentation as landscape or architectural features.

POOL HALL — An establishment where pool and/or billiards is played as a primary use.

POOL HALL or BILLIARD HALL — A structure containing more than two pool tables or billiard tables available for use by the public in the same place, location or premises other than structures that contain establishments that sell or display for sale pool tables or billiard tables.

PORCH — A roofed open area, which may be screened, attached to or part of and with direct access to or from a building.

PORTICO — A porch or walkway with a roof supported by columns, often leading to the entrance of a building.

PRE-EXISTING TOWERS and PRE-EXISTING ANTENNAS — Any tower or antenna for which a building permit or conditional use permit has to be properly issued prior to the effective date of this chapter, including permitted towers or antenna that have not been constructed so long as each approval is correct and not expired.

PRIMARY STREET — The street faced by the main entrance of a principal building.

PRINCIPAL BUILDING — A structure in which is conducted the principal use of the site on which it is situated. In any residential district, any dwelling shall be deemed to be a "principal building" on the lot on which it is located.

PRINCIPAL USE — The primary or predominant use of a lot.

PROHIBITED USE — A use that is not permitted in a zone district whether directly or by omission.

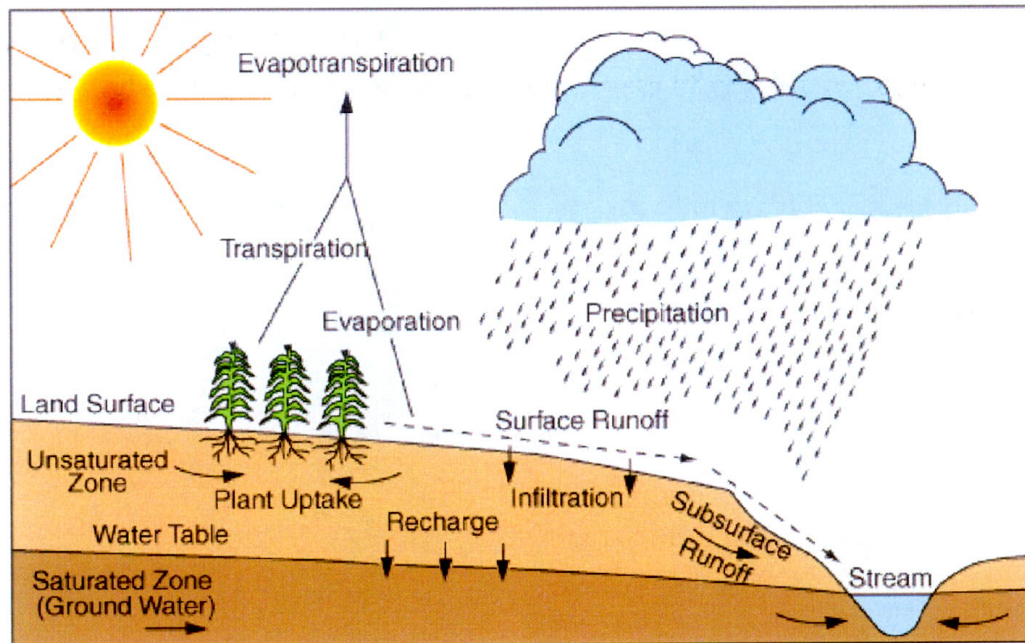
PSYCHIC READER — A reader who advises by professing to tell past, present or future events through extraordinary spiritual insight or by perceiving another's thought. The term "psychic reader" includes the terms "tarot card reader," "crystal gazer," "fortune teller," "mind reader," "palmist" and "tea-leaf reader."

PSYCHIC STUDIO OR ROOM — A room used primarily for conducting the business of psychic reading.

PUBLIC WAY — Any street, alley or other parcel of land open to the outside air leading to a public street, which has been deeded, dedicated or otherwise permanently appropriated to the public for public use.

REAR YARD AREA, NONCORNER LOTS — The area defined by the total square footage bounded by the entire rear of the principal building to the rear property line extending from side lot line to side lot line without regard to the minimum rear yard setback requirements.

RECHARGE — The process of renewing underground water by infiltration during wet seasons.



RECORDING STUDIO — A facility for sound recording which generally consists of two rooms, the studio, or live room, and the control room, where the sound from the studio is recorded and manipulated. They are designed so that they have good acoustics and so that there is good isolation between the two rooms.

RECREATIONAL FACILITY, COMMERCIAL — A recreation facility operated as a business and open to the public for a fee. A commercial recreational facility may include, but is not limited to, the following uses: health clubs, day spas, gyms, and fitness centers.

RECREATIONAL FACILITY, PERSONAL — A recreation facility provided as an accessory use on the same lot as the principal permitted use and designed to be used primarily by the occupants of the principal use and their guests.

RECREATIONAL FACILITY, PRIVATE — A recreation facility operated by an organization and open only to bona fide members and guests of such organization.

RECREATIONAL FACILITY, PUBLIC — A recreation facility operated by a governmental agency and open to the general public.

RECREATIONAL VEHICLE — A transportation structure, self propelled or capable of being towed by a passenger car, small pickup truck or panel truck, of such size and weight not to require any special highway movement permits and primarily designed or constructed to provide temporary, movable, living quarters for recreational, camping or travel use, but not while so parked, stored and not for any commercial purposes or for profit. The term "recreational vehicle" shall be limited to the following:

- A. Travel trailers or fifth-wheel trailers which are defined as portable structures built on a chassis with wheels as an integral part to make them mobile and intended to be towed

by passenger cars and/or light pickup trucks or panel trucks, but not including truck tractors of any type.

- B. Camping trailers which are trailers, the walls of which are so constricted as to be collapsible and made of either canvas or similar cloth or rigid material such as fiber glass, plastic or metal. Camping trailers are mounted on wheels and designed for travel and recreation use.
- C. Pickup campers or truck caps which are recreational structures designed to be mounted in the bed of light pickup trucks and are designed for travel, storage or recreational use.
- D. Motor homes which are constructed with a truck or motor van chassis and incapable of being separated therefrom.
- E. A boat or snowmobile trailer is a vehicle on which a boat or snowmobile may be transported and which is towable by a passenger car, light pickup or panel truck or mobile home.

REPAIR — Any work performed on an improvement which is not an addition to the improvement and which does not change the appearance of the exterior surface of the improvement.

REPLACEMENT — A repair or reconstruction to any improvement for which a building permit is ordinarily required.

RESEARCH AND DEVELOPMENT FACILITY — A scientific or research laboratory devoted to research, design and/or experimentation and processing and fabricating incidental thereto, but not including structures where materials or finished products are manufactured, processed or fabricated for sale.

RESTAURANT — A building or structure designed, used or intended for use in which food and beverages are sold and consumed primarily within the confines of an enclosed structure on the site, with seating and serving capacity for not less than 30 persons and with public floor area of not less than 600 square feet. A "restaurant" shall not include refreshment stands commonly called snack or dairy bars where consumption takes place outside of the structure or in automobiles parked upon the premises, whether brought to said automobile by the customer or by employees of the establishment. A "restaurant" shall also include pickup or delivery services wherein food is prepared on the premises for off-premises consumption. Cafés, coffeehouses and cyber cafés, which provide Internet access, are restaurants.

RESTAURANT, CARRY-OUT — An establishment which by design of physical facilities or by service or packaging procedures permits or encourages the purchase of prepared, ready-to-eat foods intended to be consumed off the premises and where the consumption of food in vehicles on the premises is not permitted.

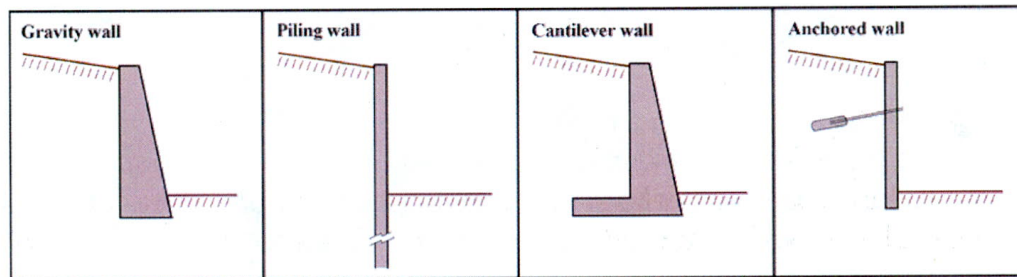
RESTORATION — The replication or reconstruction of a building's original architectural features.

RETAIL BAKERY — Any establishment primarily engaged in retailing bread and other bakery products not for immediate consumption made on the premises from flour and not from prepared dough.

RETAIL SERVICE ESTABLISHMENT — A store that sells services such as drugstores, opticians, travel agencies, real estate offices, jewelry repair, photographic studios and dry cleaners, shoe repair facilities, tailors, seamstresses.

RETAIL STORE — A store where goods are sold directly to the consumer for personal or household use, with or without incidental processing on the premises, including any establishment which requires a club membership or fee payment to permit entry to the establishment for the sale of goods or services whether or not the words "wholesale or warehouse" appear in the name of the establishment.

RETAINING WALL — A structure constructed to hold back or support an earthen bank. A retaining wall shall not be considered a fence.



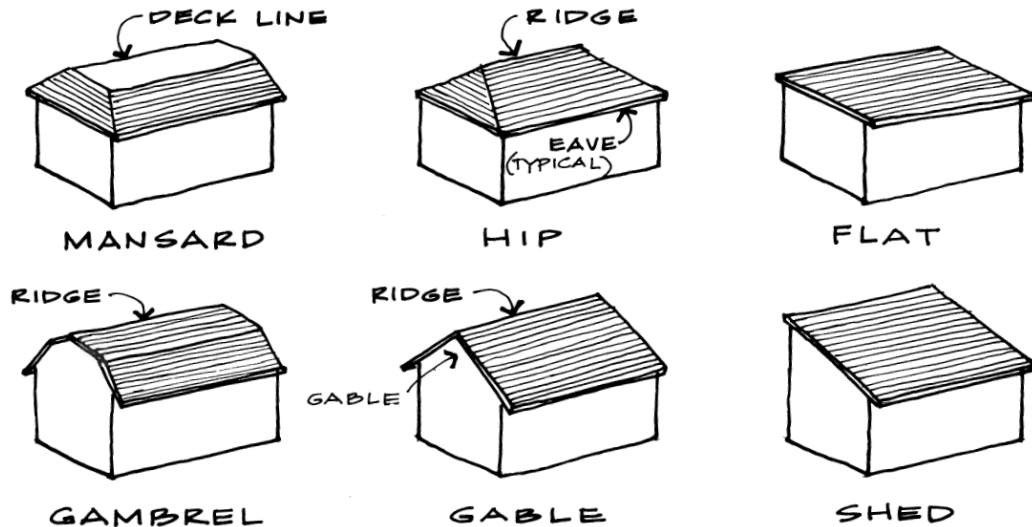
RETENTION BASIN — A facility that provides permanent storage of excessive surface runoff, such as a pond, pool or basin.

REVIEWING BOARD — Either the Planning Board of the Township of Verona or the Zoning Board of Adjustment, depending upon which agency has jurisdiction over the application under consideration.

RHYTHM — A harmonious sequence or pattern of masses alternating with voids of light, with shade, colors, material or styles.

RIGHT-OF-WAY — A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer and other similar use.

ROOF — The outside top covering of a building.



ROOF DECK — A flat-floored roofless area adjoining a multifamily structure and supported by a roof below for the limited use of a single dwelling unit and not to be utilized for common space.

SATELLITE DISH or ANTENNA — A reflective dish structure which is designed for the purpose of receiving television, radio, microwave, satellite or similar signals and serves as an accessory structure to a principal permitted structure or use.

SCHOOL, COMMERCIAL — An institution offering specialized instruction in a skill or business.

SCHOOL, NONCOMMERCIAL — Public and parochial institutions of learning for any grade between kindergarten and 12th grade.

SEASONAL — Pertaining to, dependent on, or accompanying the seasons of the year or some particular season.

SECRETARY OF THE INTERIOR'S STANDARDS — The publication issued by the U.S. Department of the Interior, National Park Service, entitled: "The Secretary of the Interior's Standards for the Treatment of Historic Properties," 36 CFR Part 68, issued in 1992 and revised and supplemented from time to time.

SETBACK — The distance between a lot line and any part of the building.

SETBACK LINE — The line that is the required minimum distance from the street right-of-way line or any other lot line that establishes the area within which the principal building must be erected or placed.

SHED — An accessory building with a single story; used for storage.

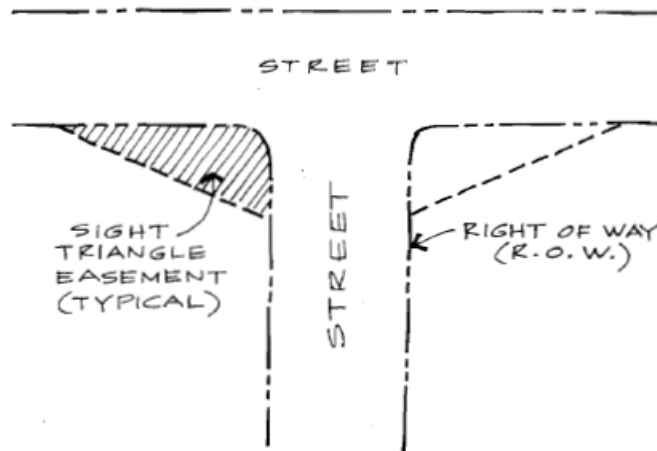
SHOPPING CART CORRAL — Any enclosure for confining or storing shopping carts outside of the principal structure.

SHOPPING CENTER — A group of commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided on site with provision for goods delivery separated from customer access.

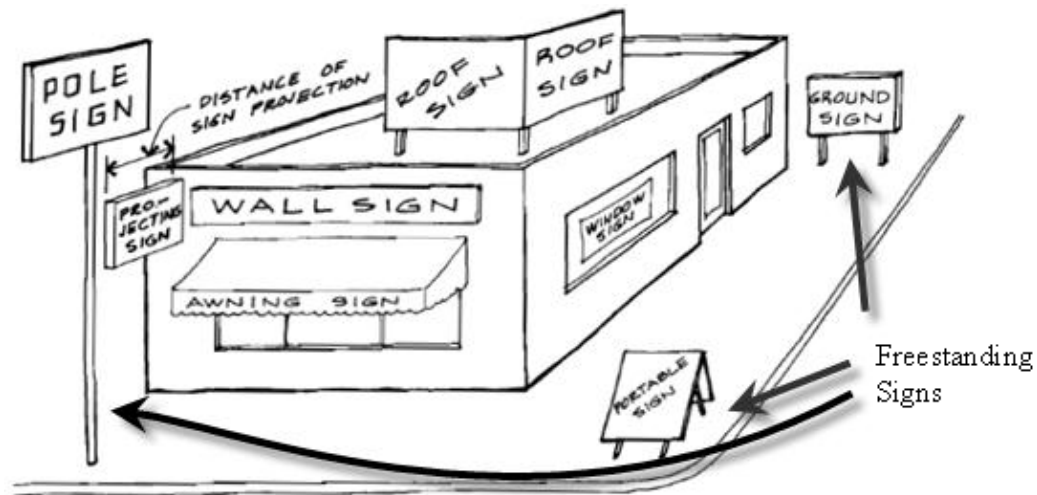
SIDEWALK — A paved, surfaced or leveled area used as a pedestrian travel way.

SIDEWALK CAFÉ — A full-service restaurant, snack and nonalcoholic beverage bar, or limited-service restaurant, that serves food and/or drink to be consumed by the public at tables located outdoors between a building façade and the curbline of an abutting street and within the public right-of-way area.

SIGHT TRIANGLE — A triangular-shaped portion of land established at street intersections or intersections of driveways and streets in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.



SIGN — Any device, either freestanding or attached to a building or structure or erected, painted or represented or reproduced upon or in (to the extent provided herein) any building or structure which displays, reproduces or includes any letter, word, name, number, model, insignia, emblem, design, device or representation used to identify the premises or occupant or owner of the premises, to advertise any trade, business, profession, industry, service or other activity; to advertise any product or item; to advertise the sale or rental or use of all or part of the premises, including that upon which it is displayed; to direct vehicular or pedestrian traffic, other than state, county or municipal highway and roadway markers, including any announcement, declaration, demonstration, display, illustration, insignia or any representation used to advertise or intended to advertise or promote the interests of any person.



SIGN, ADVERTISING (BILLBOARD) — Any sign which directs attention to an individual, business, product or service conducted, sold, leased or offered elsewhere than on the premises where the sign is located.

SIGN, AREA OF — The area within the frame or edge of the sign. Where the sign has no such frame or edge, the area shall be the minimum area which can be defined by an enclosed four-sided (straight side) geometric shape which most clearly outlines the said sign.

SIGN, BANNER — A sign intended to be hung either with or without a frame, possessing characters, letters, illustrations, or ornamentalations applied to paper, plastic, or fabric of any kind.

SIGN, BUSINESS — A sign used to identify either the trade, business, industry, or profession being conducted on the premises.

SIGN, CLOSED — A sign in which more than 50% of the entire area is solid or tightly enclosed or covered.

SIGN, DIGITAL DISPLAY — A display device that has the ability to display dynamic advertising.

SIGN, DIRECTIONAL OR INFORMATIONAL — A nonadvertising sign that directs attention to vehicular or pedestrian entrances or exits, parking areas, reserved parking spaces or similar site elements and is intended only for the safety and convenience of employees, patrons or visitors.

SIGN, ELECTRONIC MESSAGE CENTER (EMC) — A digital sign that is designed or intended to display text in a digital format and is sometimes referred to as a "reader board." EMC signs include "time and temperature signs."

SIGN, FACING OR SURFACE — The surface of a sign upon, against or through which the message is displayed or illuminated on the sign.

SIGN, FLAG — A sign that is mounted on a freestanding pole or other support, made of cloth, canvas, fabric or like material designed or intended to advertise, identify or attract attention to a business organization, service or event.

SIGN, FLASHING — A flashing sign is an illuminated sign on which artificial or reflected light is not maintained stationary and constant in intensity and color at all times when in use.

SIGN, FLEX BLADE — A flexible sign that is mounted on a freestanding pole or other support, made of cloth, canvas, fabric or like material designed or intended to advertise, identify or attract attention to a business organization, service or event and has a shape that resembles a feather.



SIGN, FREESTANDING — A sign having not more than two display sides which is attached to or part of a completely self-supporting structure that is set firmly in or below the ground surface and shall not be attached to any building or structure whether portable or stationary.

SIGN, GROUND — A sign supported by uprights or braces in or upon the ground surface.

SIGN, HEIGHT — The measurement from the ground surface beneath the sign to the highest point of the sign.

SIGN, IDENTIFICATION — A sign used to identify a common area containing a group of structures, or a single structure on a minimum site of five acres, such as residential subdivisions, apartment complexes, industrial parks, mobile home parks, or shopping centers; located at the entrance or entrances of the area, and including, but not limited to, a fence, wall, archway, post or column, with the letters or symbols affixed thereto.

SIGN, ILLUMINATED — Any sign which has characters, letters, figures, designs or outline illuminated by electric lights or luminous tubes as part of the sign proper. Signs utilizing neon gases are illuminated signs.

SIGN, MARQUEE — A sign attached to or hung from a marquee, canopy or other covered structure, projecting from and supported by the building and extending beyond the building wall, building line or street lot line.

SIGN, MOVING — A sign which rotates or shifts, or appears to rotate or shift position.

SIGN, OPEN — A sign in which at least 50% of the enclosed area is uncovered or open to the transmission of wind.

SIGN, POLITICAL — A containing a statement about or endorsement of, any public issue or candidate(s) for public office.

SIGN, PORTABLE — A sign of a temporary nature, not securely anchored to the ground or to a building or structure and which obtains some or all of its structural stability with respect to wind or other normally applied forces by means of its geometry or character.

SIGN, PROJECTING — A display sign which is attached directly to the building wall, and which extends more than six inches from the face of the wall.

SIGN, PROJECTION — A device that utilizes any form of projection to cause any form of advertisement to be displayed on any surface other than the surface of said device.

SIGN, REAL ESTATE — A sign placed upon a property for the purpose of advertising to the public the sale or lease of the property placed thereon.

SIGN, ROOF — A sign which is erected, constructed and maintained wholly upon or over the roof of a building, with the principal support on the roof structure.

SIGN, SANDWICH BOARD — A self-supporting A-shaped freestanding temporary sign with only two visible sides that are situated adjacent to a business, typically on a sidewalk, that contains commercial speech.



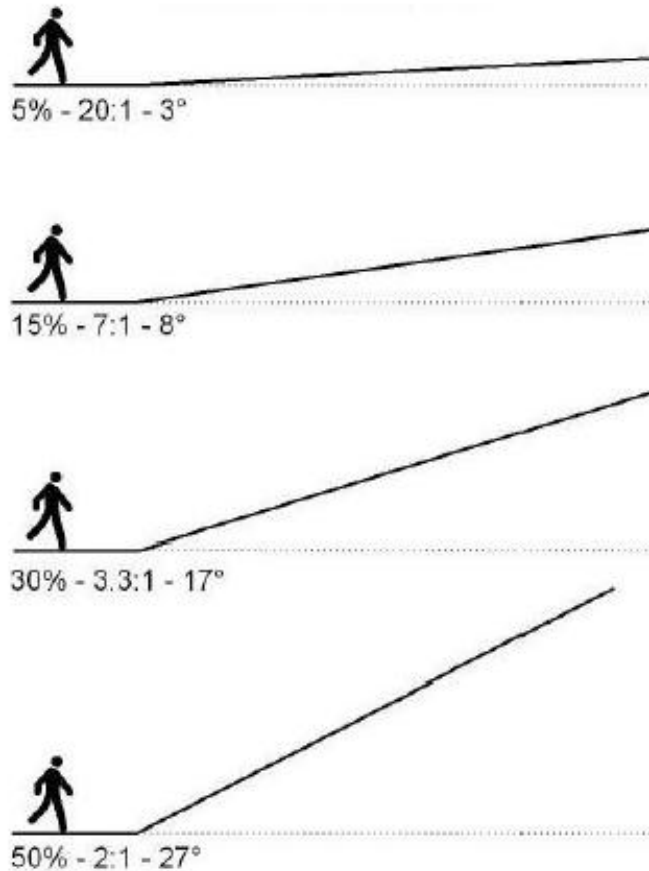
SIGN, SIDEWALK — Any form of advertising placed or projected upon a sidewalk.

SIGN, TEMPORARY — A sign constructed of cloth, fabric or other lightweight temporary material with or without a structural frame intended for a limited period of display, including decoration displays for holidays or public demonstrations.

SIGN, WALL — All flat signs of solid-face construction which are placed against a building or other structure and attached to the exterior front, rear or side wall of any building or other structure so that the display surface is parallel with the plane of the wall, including signs painted on an exterior or a wall.

SITE — Any plot or parcel of land or combination of contiguous lots or parcels of land.

SLOPE — The degree of deviation of a surface from the horizontal, usually expressed in percent or degrees.



SLOPE, STEEP — Any slope equal to or greater than 25% as measured over any minimum run of 10 feet. Steep slopes are determined based on contour intervals of two feet or less.

SMOKE — Solid particles generated as a result of the incomplete combustion of materials containing carbon.

SNACK AND NONALCOHOLIC BEVERAGE BAR — Any establishment primarily engaged in preparing and/or serving a specialty snack, such as ice cream, frozen yogurt, cookies, baked goods, or popcorn and/or serving nonalcoholic beverages, such as coffee, tea, juices, or sodas for consumption at or near the premises. These establishments may carry and sell a combination of snack, nonalcoholic beverages, and other related products (e.g., coffee, beans, tea, mugs, and coffee makers) but generally promote and sell a unique snack or nonalcoholic beverage.

SOIL — All unconsolidated mineral and organic material of whatever origin that overlies bedrock and can be readily excavated.

SOUND-LEVEL METER — An instrument, standardized by the American Standards Association, used for measurement of the intensity of sound and calibrated in decibels.

SPENDING PLAN — A plan adopted by the Township to spend development fees in accordance with N.J.A.C. 5:93-5.1(c).¹

SPIRE — A tall, narrow, pointed structure on the top of a building.

STANDARDS OF PERFORMANCE — Standards adopted by ordinance regulating noise levels, glare, earth-borne or sonic vibrations, heat, electronic or atomic radiation, noxious matters, smoke and airborne particles, waste discharge, screening of unsightly objects or conditions and such other similar matters as may be reasonably required by the Township or standards required by applicable federal or state laws or municipal ordinances.

STORMWATER DETENTION — Any storm drainage technique that retards or detains runoff, such as a detention or retention basin, porous pavement, dry wells or any combination thereof.

STORY — That portion of a building included between the upper surface of a floor and upper surface of the floor above or roof.

STORY, ABOVE-GRADE — Any story having its floor surface entirely above grade except that a basement shall be considered as a story above grade when the distance from grade to the finished surface of the floor above the basement is more than six feet for more than 50% of the total perimeter or more than 12 feet at any point.

STORY, FIRST — The lowest story or the ground story of any building, the floor of which is not more than 12 inches below the average contact ground level at the exterior walls of the building.

STORY, HALF — A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four feet above the floor of such story.

STREET FURNITURE — A collective term for objects and pieces of equipment installed on streets and roads for various purposes, including: traffic barriers, benches, bollards, post boxes, phone boxes, street lamps, traffic lights, traffic signs, bus stops, fountains, memorials, and waste receptacles.

STREET LINE — The dividing line between a street right-of-way and a lot.

STRUCTURAL ALTERATION — Any changes in the supporting members of a building or structure, such as walls, columns, beams or girders.

SUPERMARKET — A retail establishment primarily selling food as well as other convenience and household goods.

SWIMMING POOL — Any structure having a depth greater than two feet and a water surface area in excess of 250 square feet which is used for swimming, bathing or wading purposes.

TEMPORARY USE — A use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.

TENNIS COURT — An improved area used for playing tennis.

1. Editor's Note: In accordance with N.J.S.A. 52:14B-5.1b, N.J.A.C. 5:93 expired on October 16, 2016.

THEATER — A building or part of a building devoted to showing motion pictures, or for dramatic, musical or live performances.

TOILET, PORTABLE — A portable, self-contained outhouse manufactured of molded plastic and often used as a temporary toilet for construction sites or large gatherings and events.

TOPOGRAPHY — The configuration of a surface area showing relative elevations.

TOWER, COMMUNICATION — Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattices, towers, guyed towers or monopole towers, including radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, alternative tower structures.

TOWER, WATER — A tower with a large container for storing water that is utilized when normal water pressure is inadequate.

TOWNHOUSE — A building or structure designed for or occupied by no more than one family or household and attached to other similar buildings or structures by not more than two party walls extending from the foundation to the roof and providing two direct means of access from the outside containing cooking, sleeping and sanitary facilities for the use of each family or household of the townhouse, including a building or structure in a fee simple, condominium, cooperative or leasehold ownership or any combination thereof.



UNDEVELOPED OR UNIMPROVED LAND — Land in its natural state before development.

UNIQUE NATURAL FEATURES — That part of the natural environment which is rare or not duplicated in the community or region.

USE — The specific purpose for which land or a building, structure or facilities is designed, arranged or intended or for which it is or may be occupied or maintained.

VEGETATIVE PROTECTION — Stabilization of erosive or sediment-producing areas by covering the soil with permanent or short-term seeding, mulching, or sodding.

VENDING MACHINE — A coin- or bill-operated machine that dispenses merchandise.

VIDEO GAME ARCADE — An establishment that as its primary use contains a collection of video games that can be played by a customer for a fee.

WADING POOL — An above-ground or in-ground structure containing less than 24 inches of water.

WAREHOUSE — A building used primarily for the storage of goods and materials.

WAREHOUSING — Terminal facilities for handling and storing freight without the maintenance of vehicles.

WATER FEATURES — One or more landscaping items from a range of fountains, pools, ponds, cascades, waterfalls, and streams.

WEATHER VANE — A mechanical device attached to an elevated structure; rotates freely to show the direction of the wind.

WIND TURBINE — A structure that uses moving air to generate electricity through the use of blades that are easily turned by the wind. This rotating motion is translated inside the turbine into an electric current, which is then interconnected via cables to a nearby electric grid.

WINDOW — Any opening in the exterior wall or roof of any structure for the purpose of admitting air or light, whether or not covered with glass, plastic or other covering.

WINDOW SPACE — The aggregate square footage of all windows on any given story of any structure, regardless of the angle or angles at which they are set, including all portions of any door which contains a window.

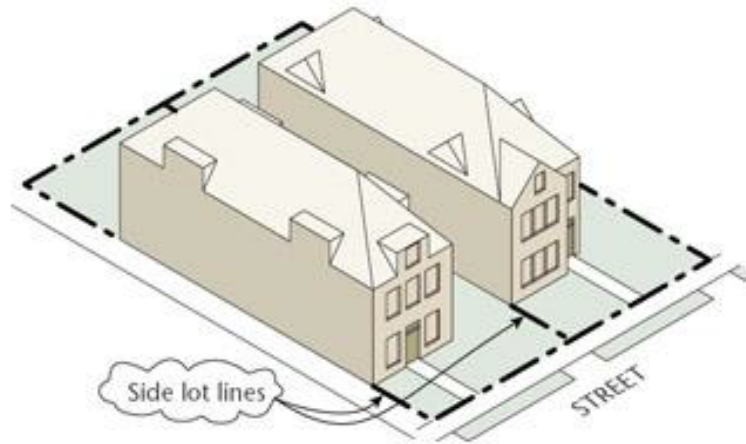
YARD — An open space which lies between the principal or accessory building or buildings and the nearest lot line which is unoccupied and unobstructed from the ground.

YARD, FRONT — A yard extending across the full width of the lot between the front lot line and the principal building, unoccupied and unobstructed from the ground upward except as may be specified elsewhere in this chapter. The depth of the front yard shall be measured parallel to and at right angles to the front lot line.

YARD, REAR — A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the principal building. The depth of the rear yard shall be measured parallel to and at right angles to the rear property line. If a lot has two side lot lines converging on a single point, the rear yard shall be measured radially from said point.

YARD, SIDE — An open, unoccupied space between the side line of the lot and the nearest line of the principal building extending from the front to the rear yard. The width of the side yard shall be measured parallel to the side line of the lot. The minimum side yard setback on a corner lot shall be at least 1.5 times the minimum yard requirement.

ZERO LOT LINE — The location of a building on a lot in such a manner that one or more of the building's side rests directly on a lot line.



ZONE — A specifically delineated area or district in the municipality within which regulations and requirements uniformly govern the use, placement, spacing and size of land and buildings.

ZONING — The division of the municipality into districts and the establishment of regulations governing the use, placement, spacing and size of land and buildings within such district.

ZONING BOARD — The Zoning Board of Adjustment of the Township of Verona.

ZONING MAP — The Zoning Map of the Township of Verona, New Jersey.

ARTICLE III

Establishment of Zones; Zoning Map

§ 150-3.1. Zones designated. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

For the purpose of this chapter, the Township of Verona is hereby divided into the following types of zones, differentiated according to use, area and bulk regulations, designated as follows:

Zone Designations	Zone Description
R-100	Very-Low-Density Single-Family Residential
R-70	Low-Density Single-Family Residential
R-60	Medium-Density Single-Family Residential
R-50B	Medium/High-Density Single-Family Residential
R-50	High-Density Single-Family Residential
R-40	Very-High-Density Single-Family Residential
A-1	Multifamily Residential Low-Rise

Zone Designations	Zone Description
Z-1R	Multifamily Residential Low-Rise (club type)
A-2	Multifamily Residential High-Rise
A-3	Residential Townhouse
C-2	Professional Office and Business
MO	Mixed Office
MR	Mixed Retail
TC	Town Center
ETC	Extended Town Center
RR	Regional Retail
P	Public
SP	Semipublic
T	Transportation/Street Furniture
R-CMO	Residential Conditional Mixed Office
TC-R	Town Center Redevelopment
ETC-R	Extended Town Center Redevelopment

§ 150-3.2. Zoning Map.

The location and boundaries of said districts are hereby established on the Zoning Map of the Township of Verona, as may be amended or supplemented, which is hereby made a part of this chapter. Said map or maps and all notations, references and designations shown thereon shall be, as such, a part of this chapter as if the same were all fully described and set forth herein.

§ 150-3.3. Interpretation of boundaries.

- A. Designation of zone boundaries. The zone boundary lines are intended generally to follow the existing lot lines; the center lines of rivers, streams and other waterways; and municipal boundary lines. When a district boundary line does not follow such a line, its position shall be shown on the Zoning Map by a specific dimension expressing its distance, in feet, from a street line or other boundary line as indicated.
- B. Determination of doubtful lines. In cases of uncertainty or disagreement as to the true location of any zone boundary line, the determination thereof shall lie with the jurisdiction of the Zoning Board of Adjustment.
- C. Where a district boundary line is shown as approximately parallel to a street or highway, such boundary shall be construed as being parallel thereto and at such distance from the nearest right-of-way line as indicated on the Zoning Map.

ARTICLE IV

Zoning District Regulations**§ 150-4.1. Schedules of regulations.**

The restrictions and controls intended to regulate development in each zone district are set forth in the attached schedules, which are supplemented by other sections of this chapter.

§ 150-4.2. Application of regulations.

Except as hereinafter otherwise provided:

- A. No building or structure shall be erected and no existing building or structure shall be moved, altered, added to or enlarged, nor shall any land or building be designed, used or intended to be used for any purpose or in any manner other than as specified among the uses hereinafter listed as permitted in the district in which such building or land is located.
- B. No building or structure shall be erected, reconstructed or structurally altered to exceed in height the limit hereinafter designated for the district in which such building is located.
- C. No building or structure shall be erected, no existing building or structure shall be altered, enlarged or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner, except in conformity to the yard, lot area and building location regulations hereinafter designated for the district in which such building or open space is located.
- D. No yard or other open space provided about any building for the purpose of complying with the provisions of this chapter shall be considered as providing a yard or open space for any other building, and no yard or other open space on one lot shall be considered as providing a yard or open space for a building on any other lot.
- E. No minimum off-street parking area or loading or unloading area shall be considered as providing off-street parking, loading or unloading for a use or structure on any other lot or parcel than the principal use to which it is ancillary, except as provided herein.
- F. No commercial trailers, or vehicles used or intended for conveyance upon public highways either under their own power or by attachment to a motor vehicle or through other means of transportation, shall be used for the storage of any type of goods or materials on any premises in any zoning district within the Township of Verona. Any commercial trailers or vehicles described in the preceding sentence shall be deemed to be used for storage purposes if the trailer or vehicle remains on the premises in excess of seven days.
- G. Number of principal residential structures per lot restricted. Every residential building or residential structure hereafter erected or structurally altered shall be located on a lot, and in no event, except in the case of garden apartments, apartment buildings and planned developments, shall more than one principal building or structure and its accessory buildings be located on one lot.

- H. General use restriction. Any use not specifically designated as a principal permitted use, an accessory use or a conditional use is specifically prohibited from any zone district in the Township of Verona.

§ 150-4.3. Prohibited uses in all zone districts in the Township of Verona.

- A. The following uses are not permitted, accessory or conditional uses and are prohibited in all zone districts in the Township of Verona. This list is not exhaustive of all uses that are prohibited.

Uses Specifically Prohibited
Acetylene gas manufacture or storage
Alcohol manufacture
Ammonia, chlorine or bleaching powder manufacture
Arsenals, storage or manufacture of gun powder, ammunition and blasting material
Asphalt manufacture or refining
Auction rooms; flea markets
Auto laundries (car washes), except when operated in conjunction with a duly authorized new car agency and when located on the same property
Automobile junkyards or wrecking yards
Boardinghouses or rooming housing
Bingo halls or bingo parlors or similar types of amusement establishments, except in halls owned and operated by churches and similar charitable organizations
Blast furnace, forge plants, rolling mills, foundry
Body modification establishments
Boiler works
Brick, pottery, tile or terra cotta manufacture
Carousels (permanent), ferris wheels, merry-go-rounds, roller coasters, miniature and practice golf courses, shooting galleries
Cellular communication towers, cells and antennas
Celluloid or film manufacture or extraction of products therefrom
Cement, cinder block, lime, gypsum or plaster of paris manufacture
Chemical manufacture or storage of chemicals having a flammable, explosive or toxic base or which have an odor
Coke ovens
Community drop-in centers or rehabilitation centers for those afflicted with drug abuse alcoholism, diseased, or mental illness

Uses Specifically Prohibited
Cotton oil manufacture
Disinfectant, insecticide or poison manufacture
Distillation of coal, petroleum, refuse, grain, wood or bone
Dog pounds or animal shelters
Dormitories, fraternity or sorority houses
Dye manufacture
Emery cloth and sandpaper manufacture
Establishments for the distribution of free food, toiletries, clothes, household goods, etc., including soup kitchens
Explosives or fireworks manufacture and storage
Fat-rendering plant
Fertilizer manufacture
Fish and meat: wholesale smoking or curing
Freak shows or wax museums
Glue, size, adhesive or gelatin manufacture
Grain drying or food manufacture from refuse, marsh or grain
Harboring or keeping of exotic pets
House-wreckers yard or secondhand lumberyard
Incineration, except publicly owned incinerators or accessory to an apartment building or hospital, reduction, storage or dumping of slaughterhouse refuse, rancid fats, garbage, dead animals or offal
Junkyards or the storage, sorting or bailing of junk, scrap iron, paper, bottles, metal or rags
Keeping of livestock
Match manufacture
Motels, tourist camps or cabins; trailer camps or courts
Oilcloth and linoleum manufacture
Paint, oil, varnish, turpentine, shellac, enamel, japanning, lacquer or solvents manufacture
Paper pulp manufacture
Petroleum refining

Uses Specifically Prohibited

Plastics manufacture or the manufacture of articles from plastic having an inflammable base

Pool hall

Potash works

Power forging, riveting, hammering, punching, chipping, drawing, rolling or tumbling of metals except as necessary incident of manufacture of which these processes form a minor part and which are carried on without objectionable noise audible beyond the limits of the lot

Printing ink manufacture

Psychic reader

Quarry, sand pits, gravel pits, topsoil stripping

Raw hides or skins storage, cleaning, curing, pickling or tanning or retanning

Rock or stone crusher

Rubber, latex or gutta-percha manufacture or treatment

Sexually oriented business as defined by N.J.S.A. 2C

Shoddy manufacture or wool scouring

Slaughtering or wholesaling of animals or fowl

Smelting, smelters, and foundries

Soap manufacture

Solar or photovoltaic panels, ground-mounted

Starch, glucose or dextrin manufacture

Steel furnace or rolling mill

Stockyards

Sugar refining

Sulphurous, sulphuric, acetic, nitric, picric, carbolic or hydrochloric acid manufacture

Tar distillation or manufacture

Tallow, grease or lard manufacture or refining

Tattoo parlors

Tobacco manufacture or treatment

Used automobile sales, except when operated by an authorized new car agency and located on the same or adjoining lot

Use Group H-High hazard use as defined in the Building Code

Uses Specifically Prohibited

Video and pinball game arcade

Yeast plant

ARTICLE V**Supplementary Lot, Height and Yard Regulations****§ 150-5.1. Lot regulations.**

- A. Existing zone lots of record. If two or more lots or combinations of lots and portions of lots, developed or undeveloped, with continuous frontage in single ownership were of record on June 20, 2011, and if all or part of the lots do not meet the requirements for lot width and area established by this chapter, the lands involved shall be considered to be an undivided parcel for the purposes of this chapter, and no portion of said parcel shall be used or sold which does not meet lot width and area requirements established by this chapter, nor shall any division of the parcel be made which leaves remaining lots with width or area below the requirements stated in this chapter.
- B. Corner lot. At all street intersections or the intersection of a street and a driveway, no obstruction exceeding 2 1/2 feet in height above the established grade of the street at the property line, other than an existing building, post, column, hedge or tree, shall be erected, maintained or planted on any lot within the area bounded by the line drawn between the points along such street lot line 25 feet distance from their intersection.
- C. Through lots. A through lot shall be considered as having two street frontages, both of which shall be subject to the front yard requirements of the zoning schedule of this chapter.
- D. Required area or space cannot be reduced. The area or dimension of any zone lot, yard, parking area, buffer zone or other space shall not be reduced to less than the minimum required by this chapter; and, if already existing at less than the minimum required by this chapter, said area or dimension may be continued and shall not be further reduced.
- E. Frontage upon a street. Every lot or parcel created by subdivision and every building built upon a lot shall provide frontage upon an improved street in accordance with the street standards established by the Township of Verona and the State of New Jersey.
- F. Lot located in more than one zone. For any lot which is located in more than one zone district, all yard, bulk and other requirements shall be measured from the zone district boundary line and not the true lot line.

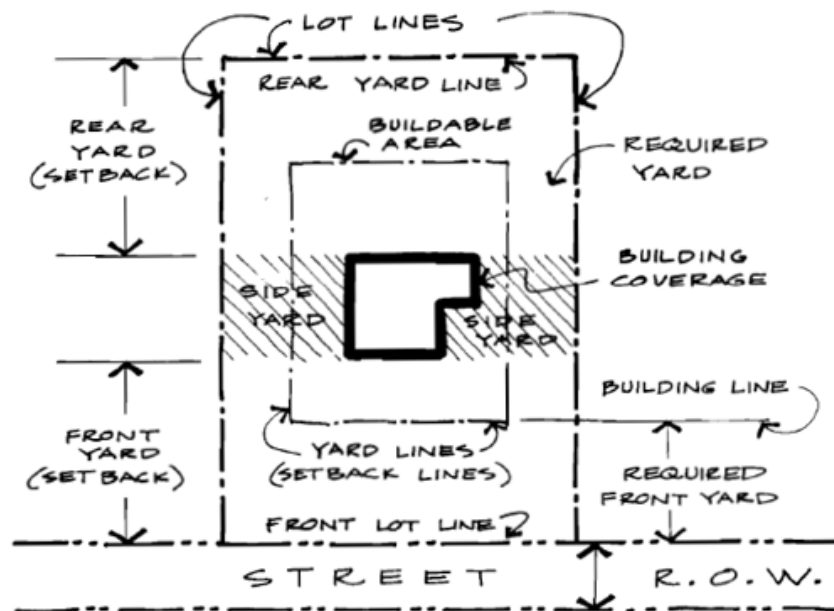
§ 150-5.2. Height regulations.

- A. General application. No building or structure shall have a greater number of stories or a greater number of feet than are permitted in the district where such building is located.
- B. Permitted exceptions.

- (1) The building height provision contained in this chapter shall not apply to church spires, belfries, flagpoles, water towers, fire towers, chimneys, public buildings, or to necessary mechanical appurtenances or to parapet walls, except no parapet wall may extend more than four feet above the maximum height of the building.
- (2) The height of bulkheads, elevator enclosures or water tanks or other structures constructed upon the roof of a building and occupying in the aggregate less than 20% of the area of the roof upon which the same are located shall not be included as a part of the height of the building for the purpose of the regulations and restrictions of this chapter.
- (3) All rooftop appurtenances shall be appropriately screened from all adjoining properties with architectural screening, the material color and composition of which shall be approved by the approving body.

§ 150-5.3. Yard regulations.

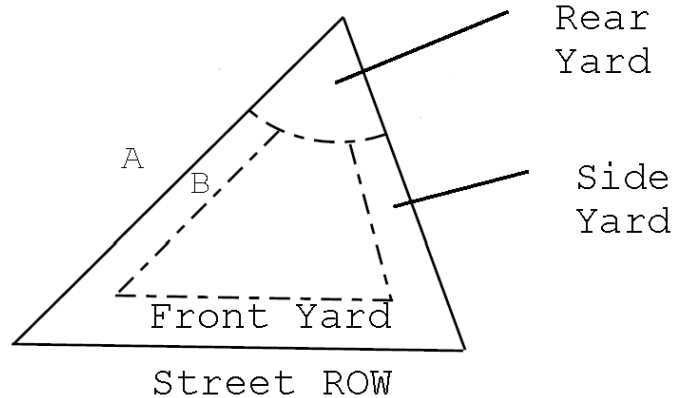
- A. General. The area required in a yard at any given level shall be open and unobstructed from such level to the sky, except for the projections and encroachments identified in Subsection C.
- B. Front yard requirements affected by Official Map. Where any lot shall front on a street right-of-way which is proposed to be widened as indicated on the Official Map or Master Plan of the Township of Verona, the front yard shall be measured from such proposed right-of-way line or easement line, if a dedication of right-of-way is not effectuated.



- C. Projection into required yards. Certain features may project into required yards as follows:

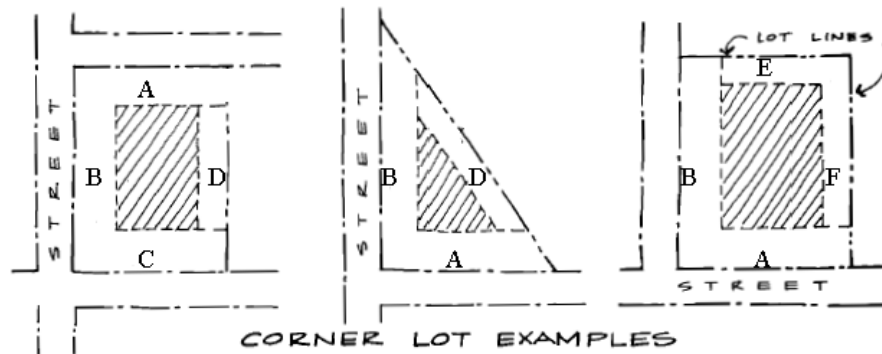
- (1) Normal skylights and parapets above the bottom of such yard.
 - (2) Ordinary projections of windowsills and belt courses to the extent of not more than four inches.
 - (3) Cornices and other ornamental features to the extent of not more than 12 inches.
 - (4) An open or lattice-enclosed iron fire escape, fireproof outside stairway or solid-floored balcony to a fire tower to the extent of not more than six feet into a yard or an inner court; provided, however, that an open or lattice-enclosed iron fire escape may project not more than eight feet into a yard or into an inner court when it does not occupy more than 20% of the area of such inner court.
 - (5) Chimneys or flues may be erected within a side or rear yard to the extent of not more than three feet, provided that they shall not obstruct ventilation.
 - (6) Patios may be located in any side or rear yard; provided, that they are not closer than five feet to any property line.
 - (7) Self-supporting walls and fences may project into any required yard; provided, that any accessory retaining wall or fence is not higher than three feet in height and shall not obstruct automobile visions.
- D. Corner lots, sight triangle. On a corner lot, no obstruction that would be greater than 2 1/2 feet above the center-line grades of the intersecting streets shall be installed, erected, planted or maintained within the triangular area formed by the right-of-way lines at such corner and a straight line joining said right-of-way at points which are:
- (1) Fifteen feet distant in business and commercial districts, except for the Town Center District which shall be five feet.
 - (2) Twenty-five feet distant in residential districts from the intersection of the right-of-way lines and measured along said right-of-way lines which are on the side of the property and for the full length of the right-of-way line when said right-of-way line is located in the front of the property.
- E. Required yard setbacks.
- (1) Interior lot, frontage upon one street. An interior lot containing frontage upon an improved street will contain a front yard, two side yards and a rear yard.
 - (2) Interior lot, frontage upon two streets. An interior lot containing frontage upon two improved streets (a through lot) shall contain two required front yards and two required side yards.
 - (3) Corner lot, frontage upon two streets. A corner lot having frontage upon two improved streets shall have two front yards, one side yard and one rear yard. The rear yard shall be located opposite the more narrow frontage. The minimum side yard setback for such lot shall be 1.5 times the minimum yard requirement. In the event the two lot widths are equal, the lot shall contain two front yards and two rear yards.

- (4) Lot containing three frontages. A lot containing frontage upon three improved streets shall contain three required front yards. The fourth required setback shall be a required rear yard setback.
- (5) Three-sided triangular shaped lot.
- (a) If fronting on two streets, a three-sided triangular-shaped lot shall contain two required front yard and one required rear yard setback.
- (b) If fronting on one street, a three-sided triangular-shaped lot shall contain one required front yard, two side yards and one required rear yard setback.



If A is a street right-of-way, B is a front yard

If A is an adjacent lot, B is a side yard

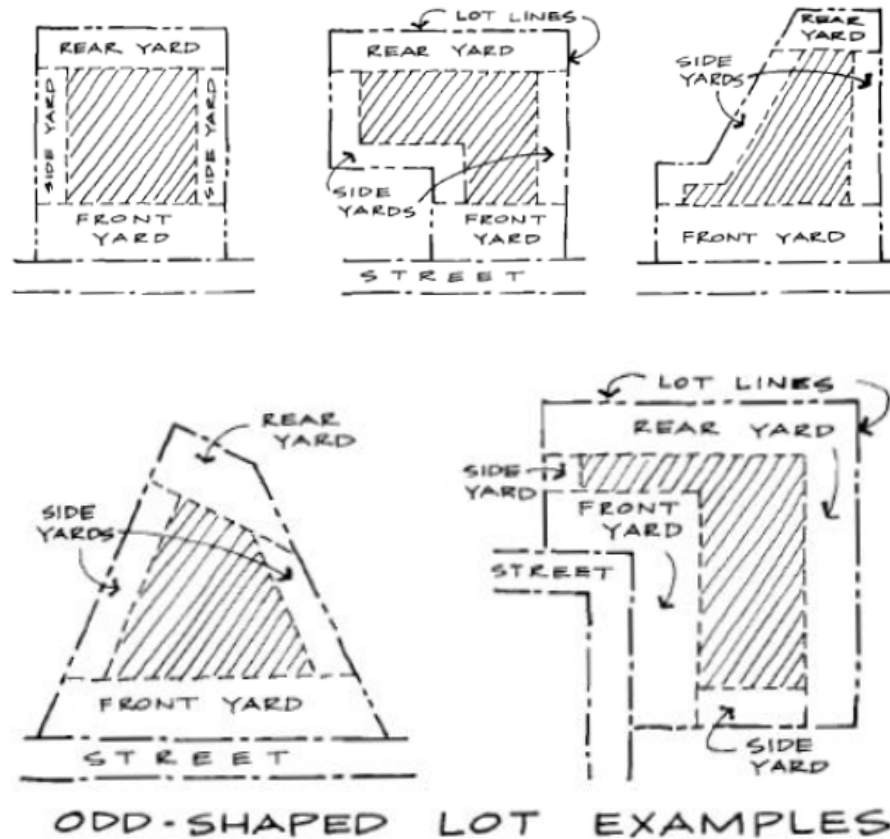


A, B, C are front yards/D is a rear yard

If A = B, then E and F are rear yards

If A > B, then F is a rear yard and E is a side yard

If A < B, then F is a side yard and E is a rear yard



F. Paving of required yard areas.

- (1) For a one- or two-family dwelling abutting a public street, no front yard, side yard or rear yard shall be paved in excess of 20 feet in width, and in no case shall paving in the front yard, side yard or rear yard abutting a public street exceed 50% of the area of said front yard, 50% of said side yard abutting a public street or 50% of said rear yard abutting a public street, unless such additional paving is otherwise permitted by this chapter. The curb cut shall not exceed the width of the driveway.
- (2) For all other uses other than one- and two-family dwellings, no required front yard, side yard, or rear yard shall be paved except to allow driveway aprons to a public street or another approved parking area from an approved parking area.

G. Unenclosed balconies, porches and steps.

- (1) Unenclosed balconies or unenclosed porches or steps may have a roof over same within the yard areas not to exceed the sizes listed:

Yard	Maximum Projection (feet)	Maximum Area (square feet)
Front	5	35
Side	3	15

Yard	Maximum Projection (feet)	Maximum Area (square feet)
Rear	5	30

- (2) Multiple-family dwellings may have one canopy or porch at ground level which shall not exceed 70 square feet and which shall have a minimum setback of eight feet. Said canopy or porch shall not contain any walls but shall be restricted to a roof and supporting columns only.

§ 150-5.4. Maximum lot coverage.

- A. The maximum percentage of lot coverage by buildings or structures and the required area of front, rear and side yards shall be as noted in the Schedule of Zone District Regulations.²
- B. All accessory buildings shall be computed with the principal building in determining the coverage of the land.

ARTICLE VI

Supplementary Use Regulations Governing Certain Permitted Uses

§ 150-6.1. Animal hospitals and animal kennels.

Animal hospitals and kennels shall be located no closer than 100 feet to any residential zone line. Such facilities shall be maintained in an enclosed structure and shall be of soundproof construction and so operated as to produce no objectionable odors at the property line. Open kennels, exercise pens or runways shall not be located closer than 200 feet to any property line and shall be subject to noise and odor controls established for an enclosed building. Open kennels, pens or runways shall not be located within a wetland area, wetland buffer or flood hazard area.

§ 150-6.2. Community buildings, clubs, social halls, lodges, fraternal organizations and similar uses.

All buildings shall be set back a minimum of 20 feet from any property line, except where greater distances are otherwise required herein.

§ 150-6.3. Community residences.

Community residences for the developmentally disabled, community shelters for victims of domestic violence, community residences for the terminally ill and community residences for persons with head injuries shall be a permitted use in all residential districts of Verona and the requirements therefor shall be the same as for single-family dwelling units located within such district.

² Editor's Note: See Article XVII.

ARTICLE VII

Regulations Governing Certain Accessory Uses**§ 150-7.1. Accessory use and structure regulations in residential districts.**

- A. Accessory structures shall maintain a minimum yard requirement as further set forth within.
- B. No accessory structure shall be located closer to the street right-of-way line than the required front yard setback of the principal structure with the following exceptions:
 - (1) A single flagpole is permitted within a front yard so long as it is no higher than the permitted principal building.
 - (2) A fountain or a landscaped water feature is permitted within a front yard so long as it is less than 24 inches in height.
 - (3) Accessory structures that are man-made, at grade, and used for the purpose of ingress and egress to a principal or accessory structure such as driveways and walkways.
- C. No accessory building or structure shall be erected or altered unless such accessory building or structure is set back from the street lot line a distance equal to at least 150% of the minimum required front yard setback for the zoning district.
- D. No portion of an accessory structure shall be used for a dwelling unit.
- E. When an accessory structure is attached to the principal building, it shall comply in all respects with the requirements of this chapter applicable to the principal building, including lot coverage.
- F. No accessory building or structure shall be constructed or placed on any lot unless there exists a principal use on said lot.
- G. The height of an accessory building shall not exceed 1 1/2 stories or a height of 15 feet.
- H. Fenced-in dog runs shall be located in the rear yard only and shall be at least 10 feet from any side or rear lot line.
- I. No accessory building or structure shall be utilized for business or industrial uses, except for the parking of commercial vehicles by one who occupies the principal structure as a dwelling unit.

§ 150-7.2. Accessory use and structure regulations in nonresidential districts.

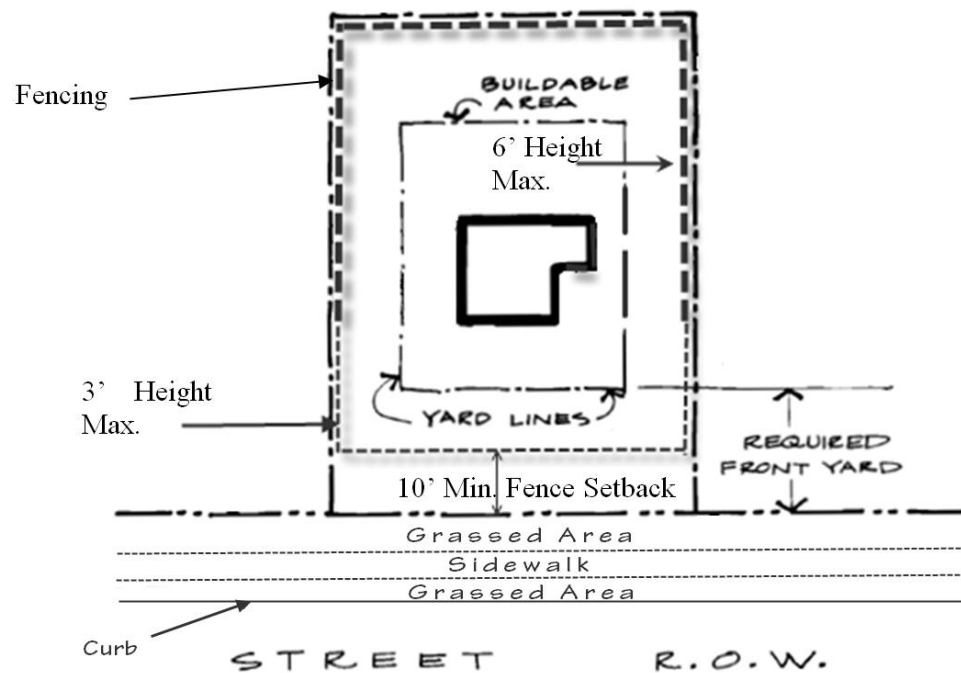
- A. No accessory structure or use shall be located within any required setback or closer than five feet to any lot line. Said requirements shall not apply to retaining and decorative walls and fences, provided same do not exceed seven feet in height.
- B. Despite the foregoing, no accessory use shall be located within 10 feet of a residentially zoned property.

- C. When an accessory structure is attached to the principal building, it shall comply in all respects with the requirements of this chapter applicable to the principal building, including lot coverage.
- D. No portion of an accessory structure shall be used for a dwelling unit.
- E. The height of the accessory structure shall not exceed two stories or 20 feet.

§ 150-7.3. Fences.

- A. No fence or other man-made enclosure shall exceed six feet in height at any point, as measured from existing ground levels. In the case of commercial property that abuts a residential property, no fence or other man-made enclosure shall exceed seven feet in height except along the property line common to the residence, where the six-foot limit shall apply.
- B. Fencing shall not exceed six feet in any yard up to the front facade of the principal structure where said fencing shall not exceed three feet.
- C. No fence within 25 feet of a corner of two intersecting streets shall exceed 30 inches in height, as measured from existing ground levels.
- D. No fencing shall be installed within 10 feet of a front lot line.
- E. All fences shall be installed or erected as close to the ground as possible. The total height of the fence may exceed six feet where otherwise permissible to conform to existing ground heights; provided, however, that 80% of the fence does not exceed the maximum height of six feet. Decorative-type structural posts may extend no more than six inches above the top of the fence.
- F. Fences must be constructed with the face or finished side away from the property and the structural side toward the interior of the property.
- G. No fences or other enclosures shall be installed within six inches to the property line.
- H. Fences shall be erected in a manner so as to permit the flow of natural drainage and shall not cause surface water to be dammed so as to create ponding.
- I. Fencing from the front façade of the building to a minimum of 10 feet from the front lot line shall be limited to three feet in height.
- J. Fences or other enclosures shall be maintained to ensure the structural integrity of the fence, to prevent all or portions of the fence from encroaching over the property line and shall be maintained so as to prohibit an unsightly appearance to adjoining property owners. "Unsightly appearance" shall include the following:
 - (1) Painted fences or other enclosures whereon paint has chipped or peeled from more than 15% of the surface area of the fence.
 - (2) Fence posts which have become loose or which are leaning more than 5° from the fence line.

- (3) In the case of picket fences, slatted or other solid-wall fences, where more than 10% of the picket fences have fallen, been removed or rotted in any given ten-linear-foot section of such fence.



- K. The following fences and fence materials are specifically prohibited: barbed wire, chicken wire, pointed iron slats or pickets, canvas, cloth, fiberglass, poultry netting, electrically charged fences, temporary fences such as snow fences, except where necessary for active construction, and collapsible fences, except during active construction.
- L. No fence shall be erected that interferes with the public right-of-way or interferes with the visibility of vehicular and pedestrian traffic proceeding along any public right-of-way.
- M. In the case of commercial property that abuts residential property, if chain-link fence construction is used, the fence shall also include privacy inserts.
- N. In business zoning districts, chain-link fences surrounding nonresidential property may be erected to a height of seven feet on all property lines.
- O. As provided under § 150-7.7 a fence with a maximum height of 10 feet shall be permitted incidental to a tennis or basketball court.

§ 150-7.4. Outdoor displays.

No outdoor merchandising displays or storage of any nature shall be permitted except the sale of automotive fuel, service station accessories, nursery or agricultural products.

§ 150-7.5. Permanent and portable swimming pools.

- A. Permanent and portable swimming pools accessory to a residential use shall be erected on the same zone lot as the principal structure. Said pool may be erected in the rear yard of the zone lot. The wall of the swimming pool shall be located no closer than 10 feet to a side or rear yard line nor closer to a street than the principal building to which it is accessory, nor within 10 feet of the principal building. All such pools shall be suitably fenced in accordance with the Township of Verona requirements.
- B. All filtration equipment and pumps shall be located not less than five feet from any property line.
- C. These regulations shall not apply to portable swimming pools which are less than two feet in height and pool regulations set forth and adopted by the Uniform Construction Code.

§ 150-7.6. Private garages.

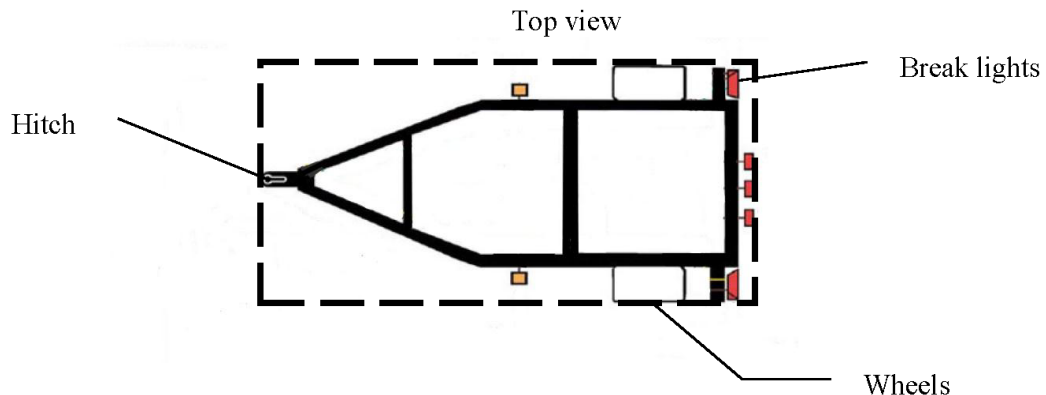
- A. Private garages shall be deemed to be accessory uses to a permitted principal use if it is located on the same lot or parcel as the principal use.
- B. Private garages shall be subject to regulations established herein.
- C. Private garages shall only be utilized for the storage and security of motor driven vehicles. Private garages and carports shall not be utilized for the conduct of any business, service, or residency.
- D. Private garages shall be permitted as accessory uses in all residential zones either as a detached structure or as a part of the principal structure for the storage of automobiles and other permitted items owned by the occupants of the principal structure.

§ 150-7.7. Tennis and basketball courts.

- A. Tennis and full-court basketball courts shall be permitted in the rear yard as an accessory use. No portion of the court or fence shall be located within 10 feet to any property line.
- B. A fence with a maximum height of 10 feet shall be permitted incidental to the tennis or basketball court.
- C. Despite anything contained in this section to the contrary, development of tennis or basketball courts on any property shall be subject to site plan approval by the approving authority.
- D. The temporary recreational use of a driveway for basketball uses does not create a basketball court as regulated above.
- E. Tennis and basketball courts must be unlit.

§ 150-7.8. Recreational vehicles in residential districts.

- A. Any owner of a recreational vehicle, as defined by this chapter, may park or store recreational(s) vehicles upon premises on which the owner of such recreational vehicle resides in a residential district as follows:
- (1) Within an enclosed building meeting all Building Code and Zoning Ordinance requirements.
 - (2) In the rear yard and no closer to any side or rear lot line or other structure than is required for an accessory building within such zoning district. However, in no case shall such recreational vehicle be located closer to a side or rear lot line than five feet.
 - (3) No recreational vehicle parked or stored in a residential district in accordance with this section shall be used for any type of commercial or business use, nor shall it be registered with any motor vehicle department as a commercial vehicle.
 - (4) All such recreational vehicles must be kept in good repair and carry a current year's license and/or registration. No major overhaul or body work shall be permitted on any recreational vehicle when parked on the residential premises.
 - (5) No recreational vehicle shall be occupied or used for human habitation while parked or stored on any lot.
 - (6) No recreational vehicle shall have fixed connections to electricity, water, gas or sanitary sewer facilities.
- B. Notwithstanding the above provisions, a recreational vehicle may be parked on a driveway in a residential district for the purpose of loading and unloading for a period not to exceed 48 hours in any one week.
- C. If a trailer is utilized for the temporary storage of a recreational vehicle(s), it shall be treated as, and must follow the regulations concerning, sheds in a residential zone. The area of said trailer shall be measured, in a horizontal plane, as a rectangle bounding the outermost extremities of the trailer as illustrated below.



§ 150-7.9. Signs.

- A. All signs hereafter erected, substantially rebuilt, enlarged or changed, except official, traffic and street signs, shall conform to the provisions of this chapter. Change of copy for outdoor advertising signs and theater marquees shall not be considered a substantial change.
- B. No sign, except those specifically excepted, shall be permitted to be installed, structurally altered or relocated unless a written application has been made to the Construction Code Official and a permit therefor duly issued by him after payment of the established fee. No permit shall be required for the changing of message on any existing sign that is expressly designed for the periodic change of message, provided that such change does not entail alteration of sign structure.
- C. A totally destroyed or unrepairable nonconforming sign, as determined by the Construction Code Official, may be replaced only by a conforming sign.
- D. Illuminated signs shall be properly shielded and located so as to prevent glare or blinding effects upon vehicular traffic and so as to be inoffensive to residents of the area.
- E. No sign shall be placed in such a position that it will cause confusion or danger to street traffic by obscuring the view or by simulating official, directional or warning signs maintained by any governmental body, railroad or public utility concerned with the protection of public health or safety. This shall include any sign visible from the public right-of-way which uses an arrow device or simulates a stop sign or stop light.
- F. No sign shall be erected within or over any public right-of-way, unless specifically authorized by this chapter or any other ordinance of the Township.
- G. Signs shall relate solely to the business or profession conducted on the premises and shall advertise only the name of the owner or lessee, the name of the establishment, the type of establishment, goods or services or the trade name of the establishment and the goods manufactured, sold or services rendered, except for public service, directory, official or directional signs.
- H. All signs attached to a building shall be thoroughly and rigidly secured in a manner approved by the Construction Code Official and shall be repaired and maintained as necessary to keep them secure, safe and free from danger.
- I. All electrical wiring of signs shall conform to the requirements of the municipality and the National Electrical Code.
- J. No sign shall obstruct access to fire escapes or required windows, doors, exits or standpipes or create a hazard to pedestrians as determined by the Construction Code Official.
- K. All new and existing signs and supports shall be maintained in good condition and shall be repaired and repainted as required.
- L. The proper repair and maintenance of each sign shall be the responsibility of the permittee and then the owner of the property on which the sign is located.

- M. Any sign which is not painted or maintained in good condition or repaired shall be brought to the attention of the permittee and/or owner of the property where such sign is located, in writing. If said sign is not properly repaired, repainted or restored within 90 days after the receipt of such notice, the sign shall be considered abandoned and may be removed by the Township in the manner set forth in Subsection N below.
- N. Any sign, now or hereafter erected or maintained, which no longer advertises a bona fide business conducted or product sold or notice of a current or future event shall be taken down and removed by the permittee or, if there is no permittee, by the owner of the premises within 30 days after such business ceases, such product ceases to be sold or such event occurs. Upon failure to comply, the Construction Code Official is hereby authorized to cause removal of such sign, and any expense incident thereto shall be paid by the permittee or owner of the premises upon which the sign is located. The Construction Code Official shall thereafter refuse to issue a permit for the erection of a sign to any permittee or property owner who refuses to pay the costs of such removal. The cost of removal shall be added to and become part of the real estate tax bill by the Collector of Taxes.
- O. In the event that any sign is determined by the Construction Code Official to be hazardous to the public safety, he shall immediately notify the permittee and the owner of the property by certified mail. If the permittee or owner fails to correct the hazardous condition within 24 hours after receipt of the notice, the Construction Code Official shall cause the condition to be corrected, either by removal or repair of the sign, and any expense incident thereto shall be paid by the permittee or the owner of the property. The Construction Code Official shall thereto refuse to issue a permit for the erection of a sign on that property until the expense has been reimbursed. The expense shall be added to and become a part of the real estate tax bill by the Collector of Taxes.
- P. Window signs, whether temporary, permanent or a combination of the two shall not exceed 25% of the window area. Temporary window signs shall not be posted for a period to exceed 30 days. Window signs are prohibited in residential zones.
- Q. Theaters may display signs with removable lettering on a marquee or canopy which may be backlighted and which shall advertise only current or coming attractions.
- R. A nonconforming business sign lawfully existing on the effective date of this chapter or lawfully authorized prior thereto may remain; provided, that the sign is not enlarged or changed as to location, nature, purpose or type and further provided that the nature of the business remains the same.
- S. Business signs.
- (1) Unless otherwise specified, business signs shall not be allowed in residential zones.
 - (2) Such signs, if displayed on a wall of a building facing a street on which the building lot has frontage, shall have a total area of all such signs not to exceed one square foot for each linear foot that such building extends along the street on which it has frontage. If the building has frontage on more than one street, a separate sign or signs may be provided for each street frontage, but the total area of all signs on each street shall be no greater in the aggregate than one square foot for each foot that the building extends along the street for which such signs

are provided. In no event shall the total sign area on each street frontage exceed 100 square feet or be more than four feet in height.

- (3) Such sign or signs, if displayed on a wall of a building not facing a street on which the building lot has frontage, shall have a total area of all such signs for any wall not to exceed in the aggregate one square foot for each foot of horizontal dimension of such wall; provided, that the total area of any such sign or signs shall not exceed 80 square feet or be more than four feet in height.
 - (4) No business sign shall be illuminated between the hours of 11:00 p.m. and 6:00 a.m. the following morning, unless the business or use so advertised is open to the public later than 11:00 p.m. or earlier than 6:00 a.m.
- T. No sign shall be erected or maintained on private property without the consent of the owner thereof.
- U. Signs for religious, charitable, educational and civic organizations, subject to the following restrictions:
- (1) No more than two signs per location.
 - (2) No sign shall exceed 20 square feet in area and, if a ground sign, stand no more than five feet above ground level or be closer than 10 feet to any property line.
 - (3) Such signs may be illuminated subject to § 150-7.9 of this chapter.
 - (4) Private off-street parking areas of such organizations may be identified by not more than one sign which is to be no larger than six square feet in area and, if a ground sign, shall not stand more than five feet above ground level or be closer than five feet to any property line.
- V. Signs not needing a construction permit. The following signs may be erected, constructed, placed and maintained without a permit from the Construction Code Official:
- (1) Directional signs which shall be no more than four square feet in area, stand no more than three feet above ground level and, unless attached to the principal building, be no closer than five feet to any property line.
 - (2) Directory signs which shall be permitted at the entrance of a multiple-family dwelling, which shall be attached to the building proper and which shall be no more than four square feet in area.
 - (3) Nameplate signs. One nameplate sign, not more than one square foot in area shall be permitted for each residential property, provided that it is not internally illuminated or spotlighted. Such sign shall not be erected closer than five feet to any property line.
 - (4) Flags or emblems of religious, educational or government organizations, which shall be flown from supports on the building or grounds being occupied by the organization.
 - (5) Interior signs.

- (6) Signs which are an integral part of vending machines and gasoline pumps.
- (7) Official signs.
- (8) Customary signs of recognized nonprofit service organizations.
- (9) Signs advertising the sale or rental of the premises or property upon which they are located. Unless otherwise set forth below, there shall be no more than one sign per location; the signs shall not be illuminated; they shall be removed within 14 days after entering into a contract for sale or lease and may be replaced by a "sold" sign which may remain for an additional period of 14 days; and they shall be subject to the following additional restrictions:
 - (a) In residential zones, the sign shall not exceed six square feet in area and shall not be more than four feet above ground level.
 - (b) In all other zones, the sign shall not exceed 16 square feet in area, shall not be more than five feet above ground level and shall not be displayed for a period exceeding one year.
 - (c) Any subdivision of six or more lots or any apartment building or commercial building under construction may display not more than two signs which shall not be larger than 20 square feet in area, be more than five feet above ground level or closer than 10 feet to any property line unless it is attached to a building. The signs must be removed when 75% of the lots or units have been sold.
 - (d) Open house signs. Signs advertising an "OPEN HOUSE" for the sale or rental of property located in the Township may be positioned on street corners subject to the following restrictions: **[Added 6-20-2016 by Ord. No. 13-16]**
 - [1] "Open house" signs are permitted on the corners of all streets except Mount Prospect Avenue, Bloomfield Avenue and Pompton Avenue (Route 23).
 - [2] "Open house" signs may only be erected, at the earliest, one hour before the official the starting time of the open house and must be removed no later than one hour after the open house concludes.
 - [3] "Open house" signs shall be placed in the public right-of-way, on the grass between the curb and the sidewalk and must not be placed on, or otherwise block or interfere with in anyway, the sidewalk passageway.
 - [4] "Open house" signs shall not be placed on private property without prior written permission from the property owner.
 - [5] "Open house" signs shall not exceed three square feet in size (typically 24 inches by 18 inches) and three feet in height from the ground.

- [6] No balloons or other attention-grabbing devices shall be attached to any "open house" sign.
 - [7] No "open house" sign shall be placed in a manner or position that could possibly cause confusion or danger to the street traffic by obstructing the view or by simulating official, directional or warning signs maintained by any governmental body or public utility concerned with protection or public health or safety.
 - [8] Any person violating any of the provisions of Subsection V(9) above shall, upon conviction thereof, be subject to a fine of not less than \$100 nor more than \$2,000 per violation.
- (10) A temporary, non-illuminated business sign at a construction, repair or alteration site, subject to the permission of the owner of the property, which shall not exceed six square feet in area, not to be more than four feet above ground level and which must be removed within seven days after completion of the job.
 - (11) Temporary signs which shall not be displayed for a period exceeding 30 days.
 - (12) Signs indicating the private nature of a road, driveway or other premises, not to exceed two square feet in area.
 - (13) Lights and strings of illuminated devices used to celebrate a national or religious holiday for a period not to exceed 60 days before the holiday and 15 days following the holiday.
 - (14) Window signs, not exceeding 25% of the window area.
 - (15) Political signs.
- W. Signs requiring special permits. Signs in this section are allowed upon submission of a permit to the Construction Code Official. These signs shall not be allowed in residential zones, except for "garage sale" signs.
- (1) Streamers, strings of illuminated devices, advertising flags, banners and similar attention-getting devices for special events.
 - (2) Temporary signs for special events which are sponsored by charitable, educational, religious and civic organizations. These signs shall not exceed 32 square feet in area and, if a ground sign, shall not be more than six feet above ground level. The governing body may allow these signs to be located in residential zones.
 - (3) Sandwich board sign.
 - (a) Only one sandwich board sign per business shall be permitted.
 - (b) Sandwich board signs shall be no larger than 32 inches in width and 36 inches in height and no materials such as papers, balloons, wind socks, etc., may be added to the sign to increase its height and/or width. The height of such signs may not be artificially increased above the allowed maximum by placing material underneath the base of such sign.

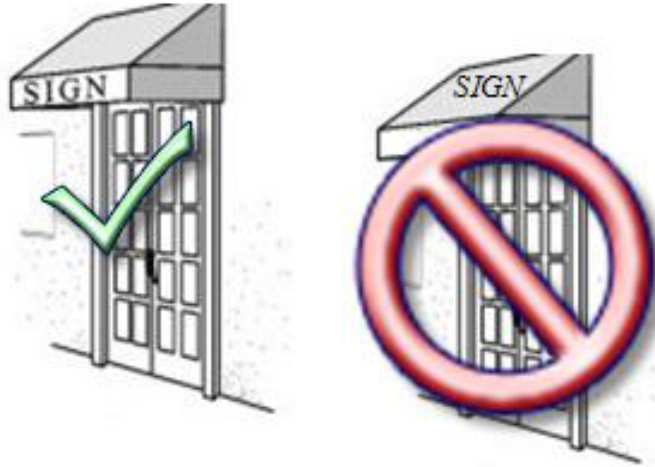
- (c) Sandwich board signs must be secured to withstand strong winds and to prevent a roadway hazard.
 - (d) Sandwich board signs may be used only during the hours when the business is open to the public.
 - (e) No sandwich board sign shall be placed so as to obstruct vehicular traffic sight distance triangle requirements.
 - (f) All sandwich board signs shall be constructed of weather-resistant material.
 - (g) No sandwich board sign shall contain foil, mirrors, bare metal or other reflective materials which could create hazardous conditions to motorists, bicyclists, or pedestrians.
 - (h) No sandwich board sign may contain lights of any kind.
 - (i) Signs located within the public right-of-way must provide a disclaimer indemnifying the Township of any liability for said use.
 - (j) Sandwich board signs shall not be placed more than six feet from the front primary entrance of the business.
 - (k) Sandwich board signs shall not be placed so as to cause the width of the sidewalk to be reduced below five unobstructed feet in width.
 - (l) Sandwich board signs shall not be located or maintained in a manner that prevents free ingress or egress from any door, window or fire escape.
 - (m) Sandwich board signs shall be removed from public sidewalks if there is any snow accumulation. (The sign may not be displayed until the snow is removed.)
 - (n) The owner of a sandwich board sign shall be required to provide adequate public liability insurance naming the Township of Verona and/or the County of Essex as additional insured and providing for coverage of not less than \$1,000,000 for bodily injury and for not less than \$500,000 for property damage and general liability insurance of \$1,000,000.
- (4) Digital display systems (DDS) and electronic message centers (EMC). Digital display systems and electronic messages centers are permitted in the ETC and C-2 zoning districts following conditional uses regulations:
- (a) No digital sign shall implement video, animation, strobe, scrolling, or other attention-getting effects.
 - (b) Each message shall have a minimum duration of 60 seconds prior to changing to the next message.
 - (c) Between messages, there shall be no fading, scrolling or other attention-getting effects.
 - (d) Lettering shall consist of a single color per message.
 - (e) Signage shall have automatic dimming capability.

(f) Malfunctioning signs must default to a blank sign.

X. Prohibited signs. Signs in this section are prohibited unless otherwise permitted by this chapter.

- (1) Streamers, spinners, strings of illuminated devices, advertising flags, banners and similar attention-getting devices.
- (2) Signs posted on fences, posts, utility poles or trees, except for garage sale signs.
- (3) Signs posted on Township property without the consent of the governing body.
- (4) Business signs standing, installed or painted on sidewalks or curbs.
- (5) Portable signs not otherwise permitted.
- (6) Signs on bridges, abutments, retaining walls, standpipes, water towers, temporarily located on vehicles or similar structures.
- (7) Revolving signs.
- (8) Animated signs.
- (9) Neon signs.
- (10) Flashing or intermittent illumination.
- (11) Temporary signs on parked vehicles.
- (12) Ground signs, freestanding signs, pylon signs, outdoor advertising signs and billboards.
- (13) Oscillating signs.
- (14) Lettering on main body of awnings.
- (15) Projecting signs.
- (16) Roof signs.
- (17) Signs extending more than 15 inches from a wall.
- (18) Signs in residential zones.
- (19) Portable signage including "wrapped" cars, vans, or trucks or mobile billboard trailers and trucks.
- (20) Inflatable advertising.
- (21) Flex blade signs.
- (22) Scrolling text signs.

Y. Signage on awnings. Regardless of the shape of the awnings, no numbers, letters, or symbols, shall appear on the awning above 10 inches from the bottom of said awning.



§ 150-7.10. Vending machines.

In the all commercial zones all vending machines must be located within the principal building and primarily for the use of the occupants.

§ 150-7.11. Satellite or dish antennas.

- A. A satellite or dish antenna, when located in the rear or side yard of a lot, shall be a conditional use as an accessory structure to a principal structure in all zoning districts, subject to the regulations contained in this section. A rooftop installation of a satellite or dish antenna shall be a permitted use as an accessory structure to a principal structure in all zoning districts upon approval of the Board with jurisdiction and subject to the regulations contained in this section. No satellite or dish antenna shall be located or installed in the front yard of any lot.
- B. In the case of a rooftop installation, height shall be measured from the average elevation of the rooftop immediately surrounding the installation.
- C. Location.
 - (1) Rear yard. A satellite or dish antenna located in the rear yard of a lot shall be set back at least five feet from the rear and side property lines of the lot and shall be located at least 10 feet from any principal structure, including a principal structure on an adjoining lot.
 - (2) Side yard. The board with jurisdiction may approve location of a satellite or dish antenna in the side yard of a lot; provided, that the satellite or dish antenna is located at least five feet from the adjoining property line and at least 10 feet from any principal structure, including a principal structure on an adjoining lot. In addition, the installation shall be set back from the front line of the property a distance at least equal to the setback of the principal structure or a distance equal to the front yard setback requirements of the applicable zoning district, whichever is greater.

- (3) Rooftop. A satellite or dish antenna may be installed on the rooftop of the principal structure; provided, that the total height of the structure, including the satellite or dish antenna, shall not be more than three feet higher than the height limitations of this chapter.
- D. The number of satellite or antennas is limited to two satellite or dish antennas.

§ 150-7.12. Retaining walls.

- A. No retaining wall shall exceed four feet in height in the minimum front yard setback and six feet in height elsewhere.
- B. Multiple retaining walls.
- (1) When multiple retaining walls are proposed, there shall be a three-foot spacing between the top of one retaining wall and the bottom of another.
 - (2) A maximum of three retaining walls shall be permitted when said retaining walls are proposed to retain the same soil.
- C. When a single or any combination of multiple retaining walls are utilized wherein the measurement from the bottom of the lowest retaining wall to the top of the highest retaining wall exceeds 10 feet over a five-foot horizontal measurement, a fence must be placed upon the land behind the highest retaining wall.
- D. All retaining walls must be designed not only to retain the soil behind said wall but also contain structures to ensure adequate groundwater drainage.

§ 150-7.13. Mechanical equipment.

- A. No mechanical equipment shall be located within a required minimum yard requirement and shall not extend more than five feet from the structure for which they serve.
- B. No generator shall be permitted within a side yard.

§ 150-7.14. Greenhouses.

- A. Residential greenhouses.
- (1) Residential greenhouses are for the cultivation of delicate or out-of-season plants for personal enjoyment only.
 - (2) No sale of plants grown in a residential greenhouse is permitted.
 - (3) Residential greenhouses shall follow all rules and regulations that govern sheds in residential zones.
 - (4) A residential greenhouse constitutes a shed.

B. Commercial greenhouses. Garden centers, nurseries, or commercial greenhouses which require outside display or storage of merchandise according to the following requirements:

- (1) Products containing chemical fertilizers, pesticides, or herbicides must be stored in a roofed and contained area where water runoff cannot reach the exterior landscape or storm sewer.
- (2) Floor drainage for garden center/nursery must protect stormwater and groundwater sources by following stormwater best management practices (BMPs), including a stormwater pollution prevention plan.
- (3) No intercom system shall be used in a commercial greenhouse.
- (4) Siting of structures shall not disrupt safe traffic flow through the site.
- (5) Any outdoor storage areas must be buffered from adjacent properties. Said buffering must follow the requirements set forth in Article XI of this chapter.
- (6) All outdoor lighting must be shielded so as the maximum intensity of lighting is zero at the property line.
- (7) Any greenhouse that is heated must be 10 feet from the property line.
- (8) Items displayed outdoors are limited to plants, soils, gravel, soil amenities and fertilizer.
- (9) Sales shall be limited to: woody plants and shrubs; flowers and plants; sod, topsoil, humus, peat, and similar soil materials; mulch; aggregates used in landscaping applications such as washed stone and similar products; brick, stone and masonry used for landscaping applications only; and organic fertilizer related to landscaping applications.
- (10) The following are prohibited: sales or display of garden or farm equipment; outdoor structures such as sheds and similar accessory buildings; outdoor play structures; outdoor furniture; outdoor cooking equipment, including brick, stone or masonry intended for construction of outdoor cooking equipment; aggregates intended for fill or other construction applications; brick, stone or masonry intended for construction applications; pond construction materials and equipment; irrigation equipment; and any other item not clearly intended for landscaping applications.
- (11) Processing of materials on site, such as washing of stone, making/drying of mulch, etc., is prohibited.
- (12) Any stockpiles of soil, aggregate, organic fertilizer, mulch or similar loosely packaged materials shall be stored within a structure, sufficiently covered or contained to prevent dust or blowing of materials. The outdoor storage of hazardous materials is prohibited. The containment structure, and the material contained within it, shall not exceed eight feet in height.
- (13) All access drives leading to parking, loading and outdoor display/storage areas shall be paved along their entire length with a permanent, durable and dustless

surface, which shall be graded and drained to dispose of stormwater without creating a negative impact on adjacent property.

- (14) All loading and truck maneuvering shall be accommodated on the site.
- (15) The height of any material and equipment stored in an outdoor storage area shall not exceed the height of any landscape screening, wall or fence, or eight feet, whichever is less.

§ 150-7.15. Dumpsters.

- A. Dumpsters for the routine storage of waste shall be located in the rear or side yard only.
- B. Dumpsters shall be sited in a location that does not interfere with the normal operation of any parking or loading spaces.

§ 150-7.16. Shopping cart corrals.

- A. Any business, such as a grocery store, which uses self-service shopping carts in order to allow customers to carry goods between the business and their motor vehicles, is required to install shopping cart corrals within its parking lot. Said parking corrals shall be shown on all parking plans.
- B. Shopping cart corrals shall be accessible from every parking bay serving the establishment. Shopping cart corrals may contain canopies and/or signs to indicate their location above the roofs of vehicles but neither may contain any corporate logo, name, or slogan. The owner or tenant shall be responsible for retrieving abandoned shopping carts taken from the premises.
- C. When an establishment is closed, shopping carts are to be stored either within the building, shopping cart corral, or screened with a wall that is integral to the architectural design of the building.

§ 150-7.17. Utility boxes.

- A. A utility box may be located adjacent to a commercial building or in close proximity to the building.
- B. If a utility box could potentially be damaged by vehicles, it must be protected with bollards.

§ 150-7.18. Sidewalks, nonresidential.

- A. Sidewalks shall be placed parallel to the street. A variance may be requested if the location of the sidewalks has been located to preserve topographical or natural features, or if required to provide visual interest or unless an alternative pedestrian system provides a safe and convenient.

- B. Sidewalks along streets with nonparallel parking shall be placed parallel to the street and shall be placed so that sidewalks do not lead pedestrians between parked vehicles and the traveled way. This shall not apply to driveways.
- C. Sidewalk width shall be a minimum of four feet. Where sidewalks abut a curb and cars overhang the sidewalk, the sidewalk depth shall be increased to six feet.
- D. Sidewalks of concrete shall be five inches thick except at points of vehicular crossing, where they shall be at least eight inches thick and shall be reinforced with welded wire fabric mesh or an equivalent.

§ 150-7.19. Street furniture (except for sidewalk cafés).

Street furniture will only be allowed on public sidewalks of a width greater than six feet from the curb face to the back of the walk. In all instances, street furniture shall be located in such a manner so as to ensure and maintain a minimum clearance width of six feet along the public sidewalk and changes of direction for travel along the sidewalk of no more than 30°. In no instance shall street furniture be located in such a manner so as to block access for the pedestrians or in a manner that the street furniture would constitute a tripping hazard or other hazard to pedestrians. Street furniture shall be:

- A. Located within the extended limits of the property to which the street furniture belongs, provided all other requirements can be met.
- B. Freestanding, internally weighted or anchored to an adjacent building. Street furniture shall be placed at sidewalk grade level and shall not be placed on planters, walls, curbs or any similar structure.
- C. In order to reduce or eliminate unsightly items, street furniture must be kept in a state of good repair and condition and free from the following conditions: rust, chipped or peeling paint or finishes, delaminating or peeling materials, missing hardware, rotting materials, poor craftsmanship or construction that would cause the item to be structurally unsound and thereby pose a health or safety hazard.
- D. No street furniture shall be placed, installed, used or maintained as follows:
 - (1) Within five feet of any marked or unmarked crosswalk or access ramp.
 - (2) Within five feet of any driveway.
 - (3) Within any driver's sight triangle.

§ 150-7.20. Sheds.

- A. The size and number of sheds shall be as follows:

Zone	Number of Sheds	Maximum Total Area (square feet)
R-100	2	200
R-70	1	150

Zone	Number of Sheds	Maximum Total Area (square feet)
R-60	1	150
R-50B	1	150
R-50	1	100
R-40	1	100

- B. The location of a shed shall be governed by the bulk standards for the zone in which it is located.

§ 150-7.21. Decks.

If an existing building fails to comply with zoning setback requirements, uncovered decks may be added, provided that all of the following conditions are met:

- A. That the deck does not exceed 20% of the building footprint.
- B. That no portion of the deck shall be elevated more than four feet above grade, excluding handrails and guardrails.
- C. That the deck does not extend into the side yard beyond the line of the existing dwelling unless the deck meets the side yard setback requirements of this chapter.
- D. That the deck shall be no less than five feet from the side lot line and no less than 20 feet from the rear lot line.

§ 150-7.22. Sidewalk cafés.

- A. Submission of café plan.
 - (1) No person shall operate a sidewalk café within the Township of Verona without first obtaining a sidewalk café license from the Construction Code Official and satisfying all of the requirements of this chapter.
 - (2) A sidewalk café is allowed to be used upon the receipt and approval of a sidewalk café permit issued by the Construction Code Official and shall meet all of the requirements as a retail food establishment in accordance with the following requirements:
 - (a) The name and address of the applicant.
 - (b) The name and address of the person who has prepared the café plan.
 - (c) Identification of the subject property and properties immediately adjacent to such building.
 - (d) A scaled drawing of the proposed design and location of the sidewalk café.

- (e) A scaled drawing illustrating the location of the all temporary structures, equipment and apparatus to be used in connection with its operation, including tables, chairs, planter, lighting and electrical outlets (if any).
- (f) A scaled drawing illustrating the location of any existing fire hydrant, plug or standpipe, utility pole, parking meter, street signs, or other permanent fixture between the building and the curb.

B. Sidewalk café regulations.

- (1) A sidewalk café may be located within the public right-of-way of the abutting restaurant subject to the jurisdiction of the governing body.
- (2) A sidewalk café shall be permitted only in the area immediately between the façade of the building in which the primary restaurant use is permitted and the curblane of the abutting street.
- (3) A business may provide one sidewalk café table per 10 uninterrupted linear feet of store frontage.
- (4) Furniture, including tables and chairs, equipment, decoration or appurtenances used in connection with the operation of the sidewalk café shall not be permanently affixed to the sidewalk area. The sidewalk café and its use and occupation is considered of temporary nature and shall not be used in nonbusiness hours and may only be used from May 1 through October 31.
- (5) The sidewalk café outdoor seating area shall be directly located along the frontage of the façade of the indoor primary restaurant use and may not be located along any other uses on the subject property or any other adjoining property.
- (6) The outdoor seating area shall provide a minimum unobstructed sidewalk and aisle width of five feet for pedestrian access to patrons and non-patrons traversing the sidewalk area, and the sidewalk café shall not prohibit access to any building entrances and/or fire exits.
- (7) The numbers of tables and chairs used in connection with the sidewalk café is strictly limited and may be used in connection with other outdoor restaurant seating permitted within the zone, provided the other outdoor restaurant seating is not located within the public right-of-way area.
- (8) Outdoor storage, cooking preparation, or selling of food is prohibited.
- (9) The consumption of alcohol is prohibited in the sidewalk café outdoor seating area.
- (10) All outdoor areas shall be kept litter- and refuse-free and maintained on a daily basis.
- (11) Outdoor restaurant lighting is limited to one footcandle over the seating area with the source of the light not visible from any adjoining residential uses. Exterior lighting shall be directed onto the sidewalk café and shall not intrude on adjacent residential properties.

- (12) The use of outdoor paging equipment and speakers is prohibited. No speakers, microphones, televisions or other audio or video devices shall be permitted at a sidewalk café.
- (13) All outdoor seating area lights must be extinguished in all nonseasonal use or when the restaurant is closed for business.
- (14) All outdoor furniture used in accordance with this section shall be secured and/or covered at all times except during operation of the outdoor seating area.
- (15) No vending machines, carts, or objects for the sale of goods shall be permitted in a sidewalk café.
- (16) Outdoor heaters are prohibited in a public right-of-way.
- (17) The outdoor seating area shall be ADA-accessible.
- (18) The operator of the sidewalk café shall be required to provide adequate public liability insurance naming the Township of Verona and/or the County of Essex as additional insured and providing for coverage of not less than \$1,000,000 for bodily injury and for not less than \$500,000 for property damage and general liability insurance of \$1,000,000.

§ 150-7.23. Outdoor restaurant seating.

Outdoor restaurant seating shall be permitted as an accessory use within the ETC and TC zoning districts and receive site plan approval as required by Chapter 430, Site Plan Review, of the Verona Code and shall also meet all of the requirements of a retail food establishment as required by Chapter 276, Food Establishments, Retail, of the Verona Code and in accordance with the following requirements:

- A. The applicant for outdoor restaurant seating must prepare a site plan that clearly indicates the maximum size of the seating area, the maximum number of seats and tables, and the layout of the seating area and access aisles.
- B. Outdoor restaurant seating, other than a sidewalk café, is prohibited within any public right-of-way and is prohibited in any front yard, except in the front yards of properties fronting Bloomfield Avenue, and may be located in any other side or rear yard.
- C. Outdoor restaurant seating areas shall not be located in any required parking and/or loading areas and shall not impede pedestrian or vehicle traffic.
- D. The outdoor restaurant seating area must be directly accessible to the interior eating area and located on the first floor level.
- E. No more than 49% of the total on-site seating may be provided outdoors, including the seating supplied as part of a sidewalk café.
- F. No more than 49% of the floor area of the restaurant use shall be utilized for outdoor seating, including the area supplied as part of a sidewalk café.
- G. Outdoor storage, cooking or preparation of food is prohibited in the outdoor seating area.

- H. A six-foot high enclosed fence and evergreen screening shall be provided if the outdoor seating area is adjacent to a residential zone.
- I. All outdoor areas shall be kept litter- and refuse-free and maintained on a daily basis.
- J. Outdoor restaurant lighting is limited to one footcandle over the seating area with the source of the light not visible from any adjoining residential uses.

ARTICLE VIII

Regulations Governing Certain Conditional Uses

§ 150-8.1. Conditional uses.

Conditional uses shall be permitted upon authorization by the Planning Board; provided, that such uses are found to comply with the following requirements and other applicable requirements as set forth in this chapter:

- A. The use is so designed, located and proposed to be operated that the public health, safety, welfare and convenience of the citizens will be protected.
- B. Adequate landscaping and screening is provided.
- C. Off-street parking as required by this chapter and off-street loading is provided, and ingress and egress is so designed as to cause minimum interference with traffic on abutting streets.
- D. The use conforms to all applicable regulations governing the district in which it is located.

§ 150-8.2. Application procedure.

- A. The Planning Board shall grant or deny an application for a conditional use within 95 days of submission of a complete application by an applicant to the Secretary of the Planning Board or within such further time as may be consented to by the applicant.
- B. The review by the Planning Board of a conditional use shall include site plan review. The time period for action by the Planning Board on conditional uses pursuant to Subsection A above shall apply to such site plan review. Failure of the Planning Board to act within the period prescribed shall constitute approval of the application, and a certificate of the Township Clerk as to the failure of the Planning Board to act shall be issued on request of the applicant, and it shall be sufficient in lieu of the written endorsement or other evidence of approval herein required and shall be so accepted by the county recording officer for purposes of filing subdivision plats.
- C. Whenever review or approval of the application by the County Planning Board is required by Section 5 of P.L. 1968, c. 285 (N.J.S.A. 40:27-6.3), in the case of a subdivision or Section 8 of P.L. 1968, c. 285 (N.J.S.A. 40:27-6.6), in the case of a site plan, the Verona Planning Board shall condition any approval that it grants upon timely receipt of a favorable report on the application by the County Planning Board or

approval by the County Planning Board by its failure to report thereon within the required time period.

§ 150-8.3. Mixed uses.

- A. Mixed uses may be permitted upon authorization of the Planning Board in accordance with the following conditions and subject to site plan review when required:
- (1) Planned commercial developments.
 - (a) Planned commercial developments must have a minimum of 1.5 contiguous acres.
 - (b) Planned commercial development must have site access from Bloomfield Avenue or Depot Street only.
 - (2) Residential/office or retail mixed use. When residential units are mixed with retail or office space, the residential units shall not be located on the first floor in any building. Access to a residential unit at the street level shall not be construed to be a residential unit on the first floor.
 - (3) Office/retail mixed use. When office space is mixed with retail space, the office space shall not be located on the first floor in any building. Access to office space from the street level shall not be construed as office space on the first floor.
- B. Conditional use requirements applicable to all mixed uses:
- (1) Mixed uses shall have an even distribution between principal uses within each building(s).
 - (2) Parking for the various types of uses shall be provided in accordance with the requirements of Article XII of this chapter.
 - (3) Not less than 20% of the lot shall be reserved for open space and landscaping.
 - (4) A dense landscape buffer of not less than 15 feet shall be reserved between the mixed uses and any adjoining residential uses.
 - (5) In the C-2 zone, site access must be from Bloomfield or Pompton Avenues.

§ 150-8.4. Automobile sales.

Automobile sales establishments may be permitted upon authorization by the Planning Board in accordance with the following standards and site plan review when required:

- A. Automobile sale businesses shall be operated from an enclosed building.
- B. No parking or storage of vehicles shall be permitted in the required front yard area.
- C. Outdoor storage of vehicles for sale or otherwise shall not exceed more than twice the gross floor area of the principal building.

§ 150-8.5. Automobile service stations.

Automobile service stations may be permitted as a principal conditional use upon authorization by the Planning Board in accordance with the following standards and site plan review, when required:

- A. All storage areas, trash facilities, pits, lifts, and working areas shall be within a building. All lubrication, repair or similar activities shall be performed in an enclosed building, and no dismantled parts shall be placed or stored outside.
- B. All gasoline pumps, air pumps and the islands upon which pumps are normally located shall be set back from the street lot line at least 25 feet.
- C. A canopy shall be permitted. A canopy shall be no larger than is necessary to provide shelter for the vehicles and attendants associated with the pump area. The canopy may extend to the building. All lighting associated with the canopy shall be directed downward. There shall be a minimum clearance of 14 feet six inches under the canopy, and the total height of the canopy shall not exceed 18 feet. No more than two signs shall be permitted on the canopy. Signs may be internally illuminated and shall not exceed 10% of the surface area of the side of the canopy on which each sign is located.
- D. No junked or inoperable motor vehicle or part thereof and no unregistered motor vehicle shall be permitted outside an enclosed service station building. Vehicles awaiting repair may be parked overnight outside an enclosed service station building, but the number of such vehicles shall not exceed two per enclosed service bay.
- E. No other uses shall be permitted upon the lot unless such uses are accessory to the principal use as an automobile service station. This restriction shall not preclude incidental retail sales by means of vending machines on a limited basis. However, other uses, including, but not limited to, fast-service restaurants, convenience stores or retail stores, even if otherwise permitted in the zoning district, shall not be permitted.

§ 150-8.6. Business providing live entertainment.

- A. Businesses providing live entertainment shall provide said services wholly within an enclosed structure.
- B. Such live entertainment shall be conducted within a building within which seating space shall be provided for patrons. No area designated as patron standing room shall be permitted.
- C. Such building shall comply with the minimum requirements for fire safety, sanitary facilities and structural safety as established by the Uniform Construction Code.
- D. Off-street parking shall be provided in the amount as required by ordinance for the principal use to which such live entertainment is accessory and shall also be provided as follows:
 - (1) Off-street parking shall be provided in the amount of one space per two seats plus 10% of the total required parking for seating related to live entertainment.

- (2) One space shall also be required for each 30 square feet of dance floor, stage area or other area devoted to live entertainment.
- (3) In no event shall require off-street parking be less than one off-street parking space for each three persons of maximum occupancy of such area devoted to live entertainment as established by the Uniform Construction Code regulations.

§ 150-8.7. Essential services.

A. Enclosed or permanent structures; public utility services. Such uses shall include electric substations, transformers, switches and auxiliary apparatus serving a district area and water pumping station and shall be subject to the following regulations:

- (1) Such facility shall not be located on a residential street, unless no other site is available, and shall be so located as to draw a minimum of vehicular traffic to and through such street.
- (2) The location, design and operation of such facility may not adversely affect the character of the surrounding residential area.
- (3) Adequate fences, barriers and other safety devices shall be provided, and shall be landscaped in accordance with Article XI.

B. Open uses.

- (1) Such uses shall be limited to the erection, construction, alteration or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead electrical, gas, water transmission or distribution systems or collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewer, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate services by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings. Open essential services shall not include any human or animal fecal matter or material.
- (2) Landscaping requirements and performance standards established in Article XI and Article XIV shall be adhered to.

§ 150-8.8. Home occupations.

Home occupations are permitted in all residential zone districts if the following conditions are met:

- A. The home occupation is clearly the subordinate use to the principal residential use.
- B. There shall be no employees other than those who reside on the premises.
- C. There shall be no visible change in the exterior appearance of the dwelling.
- D. The storage of commercial vehicles on site shall conform to standards found in § 150-12.5.

- E. There shall be no truck deliveries of merchandise other than normal delivery services such as UPS and Federal Express.
- F. No signs are permitted in conjunction with said home occupation.
- G. There shall be no outdoor storage in conjunction with the home occupation.
- H. Any home occupation that involves the tutorial instruction of music, art and academic subjects shall be limited to two students at one time.
- I. Any home occupation that involves the tutorial instruction of music, art and academic subjects shall be limited to four hours of tutorial instruction during a twenty-four-hour period.
- J. No more than two clients, customers or other business invitees are permitted at any one time per calendar day.
- K. The home occupation activity uses no equipment or process that creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, detectable by any neighbor.
- L. The home occupation activity does not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- M. Any home occupation that requires client visitation must not have a volume generated in excess of what is customary for residential use in the neighborhood.

§ 150-8.9. Donation drop box.

No person shall place, use or employ a donation clothing bin for solicitation purposes within the Township of Verona unless all of the following requirements are met:

- A. The person shall apply for and obtain a permit from the Construction Code Official. The application for the permit shall include, along with the required fee set forth in this chapter:
 - (1) The location where the bin would be situated, as precisely as possible;
 - (2) The manner in which the person, entity, or organization anticipates any clothing or other donations collected via the bin would be used, sold, or dispersed and the method by which the proceeds collected would be allocated or spent.
 - (3) The name and telephone number of the bona fide office of any entity which may share or profit from any clothing or other donations collected via the bin.
 - (4) Written consent of the property owner to place the bin on his property.
- B. Safety and maintenance.
 - (1) Notwithstanding the provisions of anything contained in this chapter to the contrary, no donation clothing bin shall be placed, used or employed in a location that is considered by the Construction Code Official to cause a safety hazard. Placement that will be considered to pose a safety hazard includes, but is not

limited to, placement within 100 yards of any place which stores large amounts of, or sells, fuel or other flammable liquids or gases. Placement of a donation clothing bin shall also be undertaken in a manner so as to reasonably consider and account for the personal safety of the persons using the clothing bins for the placement of clothing and/or unloading of donation clothing bins.

- (2) Notwithstanding the provisions of anything contained in this chapter to the contrary, no donation clothing bin shall be placed, used or employed pursuant to this chapter unless such donation clothing bin is free of rust, peeling, or other deleterious effects and subject to Chapter 390, Property Maintenance, of the Code of the Township of Verona, and its violation provisions.
 - (3) Notwithstanding the provisions of anything contained in this chapter to the contrary, no donation clothing bin shall be placed, used or employed pursuant to this chapter unless appropriate maintenance obligations are met, which include, but are not limited to, keeping the donation clothing bin and surrounding placement area free of debris and other materials, and the required emptying of donation clothing bins of donations and contents on a periodic regular basis.
- C. Permit renewal. All persons who have obtained a permit pursuant to Subsection A above and wish to renew said permit shall submit, along with the required fee set forth in this chapter, an application for renewal prior to the expiration of the permit, which such renewal application shall include the following information:
- (1) The location where the bin is currently situated, as precisely as possible, and, if the person intends to move it, the new location where the bin would be situated and a written consent of the property owner to place the bin on his property;
 - (2) The manner in which the person has used, sold, or dispersed any clothing or other donations collected via the bin, the method by which the proceeds of collected donations have been allocated or spent, and any changes the person anticipates it may make in these processes during the period covered by the renewal; and
 - (3) The name and telephone number of the bona fide office of any entity which shared or profited from any clothing or other donations collected via the bin, and of any entities which may do so during the period covered by the renewal.
- D. Permit fee and duration.
- (1) The application fee, which must be submitted with the application, shall be \$25.
 - (2) The fee for a renewal of the permit, which must be submitted with the application, shall be \$25.
 - (3) All permits and renewals obtained shall be in effect for one year and shall expire on December 31 of the year in which the permit or renewal was issued.
- E. Bona fide office of permittee. The person, and any other entity which may share or profit from any clothing or other donations collected via the bin, must maintain a bona fide office where a representative of the person or other entity, respectively, can be reached at a telephone information line during normal business hours for the purpose of offering information concerning the person or other entity. For the purposes of this

chapter, an answering machine or service unrelated to the person does not constitute a bona fide office.

F. Notices required. The following information shall be clearly and conspicuously displayed on the exterior of the donation clothing bin:

- (1) The permit number and the date of expiration of that permit;
- (2) The name and address of the registered person who owns the bin, and any other entity which may share or profit from any clothing or donations collected from the bin;
- (3) The telephone number of the person's bona fide office and the telephone number of the bona fide office of any entity which may share or profit from any clothing or donations collected via the bin;
- (4) In cases where an entity other than the person who owns the bin may share or profit from any clothing or other donations collected via the bin, the notice shall also state that clothing or other donations collected via the bin, their proceeds, or both, may be shared, or given directly to, an entity other than the person who owns the bin, which such entity shall be identified; and
- (5) A statement indicating the manner in which the person, entity, or organization anticipates any clothing or other donations collected via the bin would be used, sold, or dispersed, and the method by which the proceeds of collected donations would be allocated or spent.

G. Complaints and investigation.

- (1) The Construction Code Official, upon receipt of any complaint concerning a donation clothing bin, shall request that the Police Department perform an investigation within 30 days of the receipt of the complaint.
- (2) Any person who places a clothing bin in violation of this chapter or N.J.S.A. 40:48-2.61 shall be given a warning stating that if the violation is not rectified or a hearing with the Construction Code Official is not requested within 45 days, then the bin will be seized and removed at the expense of the person who placed the bin, and any clothing or other donations collected via the bin shall be sold at public auction or otherwise disposed of. This notice shall be placed on the donation clothing bin and forwarded to the last known address of the person who placed the bin at the location according to the Township's records.
- (3) If the person who placed the bin does not rectify the violation or request a hearing within 45 days of the posting of the warning, then the Township shall remove the bin or have it removed at the expense of the person who placed the bin and sell at public auction or otherwise dispose of the clothing or donations. All proceeds from the sale of the donations collected via the bin shall be paid to the Chief Financial Office of the Township.

H. Additional fines and penalties. In addition to the remedies set forth in Subsection G above, any person who violates this chapter or N.J.S.A. 40:48-2.60 et seq. and as amended and or supplemented, which results in the seizure of the donation clothing bin shall be subject to the following:

- (1) A penalty up to \$20,000 for each violation. The Township shall bring this action in Municipal Court or Superior Court in a summary proceeding under the Penalty Enforcement Law of 1999, P.L. 1999, c. 274 (N.J.S.A. 2A:58-10 et seq.). Penalty monies collected shall be paid to the Chief Financial Officer of the Township.
- (2) Deemed ineligible to place, use or employ a donation clothing bin for solicitation purposes. A person who is deemed ineligible may apply to the Construction Code Official to have that person's eligibility restored. The Construction Code Official may restore the eligibility of a person who:
 - (a) Acted within the public interest; and
 - (b) Demonstrated that he has made a good faith effort to comply with the provisions of N.J.S.A. 40:48-2.60 et seq. and this chapter and had no fraudulent intentions.

§ 150-8.10. Cabanas.

- A. A cabana is a permitted accessory use/structure to a permanent pool.
- B. A cabana does not constitute a shed.
- C. Cabanas shall not be designed or constructed to include sleeping facilities;
- D. Cabanas shall be restricted in size to a total of 100 square feet of gross floor area.
- E. Cabanas shall be designed and constructed as freestanding, self-supporting structures.
- F. Cabanas shall be 10 feet from all property lines, be one story tall, and no higher than 15 feet.

§ 150-8.11. Massage parlors, masseurs and masseuses.

- A. License required.
 - (1) No person shall operate any establishment or utilize any premises in the Township as or for a massage business unless and until there first has been obtained a license for the establishment or premises from the Township Clerk in accordance with the terms and provisions of this section.
 - (2) No person shall render or perform services as a masseur or masseuse or engage in the business of or be employed as a masseur or masseuse unless and until he or she has obtained a masseur's or masseuse's license from the Township Clerk in accordance with the term and provisions of this section.
- B. Application. Each and every applicant for a license, either for an establishment or premises, to be used for a massage business or for a masseur's or masseuse's license, shall set forth the following information, in writing, on forms provided by the Township Clerk:
 - (1) The name and address of the applicant and all former addresses for a period of three years prior to making the application.

- (2) The address of the establishment or premises to be used in the massage business and a physical description of the property and facilities, if the applicant desires a license for the establishment or premises.
- (3) If the applicant desires a masseur's or masseuse's license, a statement of all employment for a period of three years prior to making the application.
- (4) A statement as to whether or not the applicant, or any officer or director thereof, is a corporation has ever been convicted of a crime in this or any other state.

C. Fee; late fee.

- (1) The applicant for a license for a massage establishment or premises shall pay an annual license fee of \$250, which license fees shall become due on January 1 annually. The applicant for a masseur's or masseuse's license shall pay an annual license fee of \$150, which license fee shall become due on January 1 annually.
- (2) The license shall be issued for one year, January 1 and expire on December 31. There will be no proration of fees. Any establishment or individual failing to renew a license, under this section, by January 31 shall be charged an additional \$25 per license.
- (3) A condition for approval for the license is that all municipal taxes, liens and fees have been paid.

D. Approval of license.

- (1) Each application for a license or the renewal thereof, either to operate a massage establishment or premises or to engage in the business of or to be employed as a masseur or masseuse, which is submitted to the Township Clerk shall be approved by the Township Council before any license is issued.
- (2) The Township Council shall not approve the application if, on the basis of the past criminal record of the applicant or of the principals thereof, or on the basis of other evidence of bad character or morals, it shall determine that the granting or renewal of such license would tend to encourage or permit criminal or immoral activities within the Township of Verona.

E. Exemptions. The provisions of this section shall not apply to massage or physical therapy treatments given:

- (1) In the office of a licensed physician, osteopath, chiropractor or physical therapist.
- (2) In a regularly established medical center, hospital, or sanitarium having a staff which includes licensed physicians, osteopaths, chiropractors and/or physical therapists.
- (3) By any licensed physician, osteopath, chiropractor or physical therapist in the residence of his patient.

ARTICLE IX

Regulations Governing Certain Temporary Uses**§ 150-9.1. Mobile temporary storage containers.**

- A. Mobile temporary storage units shall not exceed eight feet in height, eight feet in width, or 16 feet in length.
- B. Mobile temporary storage units may remain on a property for up to 30 consecutive days. No lot shall contain a mobile temporary storage container for more than 90 days per three-hundred-sixty-day period.
- C. Mobile temporary storage units shall not be located in such a location that would obstruct the free flow of pedestrian or vehicular traffic and shall, in no instance, be located within a public right-of-way.
- D. No mobile temporary storage unit shall contain advertising except for the manufacture of the mobile temporary storage units.
- E. The location of temporary mobile storage containers shall be as directed by the zoning code enforcer based upon the specific factors, including, but not limited to, accessibility, safety and aesthetics.

§ 150-9.2. Mobile temporary toilet facilities.

The location of temporary toilet facilities shall be as directed by the zoning code enforcer based upon the specific factors, including, but not limited to, accessibility, safety and aesthetics.

§ 150-9.3. Dumpsters.

Roll-off dumpsters utilized in conjunction with single- and two-family residential development may be located on the driveway for a period of no longer than 30 calendar days.

ARTICLE X

Regulations Governing Certain Inherently Beneficial Uses**§ 150-10.1. Solar or photovoltaic energy structures.**

Solar or photovoltaic energy structures are permitted as an accessory structure in all zones so long as said structure meets the following conditional use requirements:

- A. In no event shall the placement of the solar panels result in a total height that exceeds the maximum building height for the zoning district in which said panels are installed plus an additional three feet.
- B. Development standards for all solar energy systems and structures.
 - (1) Solar panels shall be placed such that concentrated solar radiation or glare shall not be directed onto nearby properties, businesses, residential homes, or

roadways. The applicant shall submit certifications from an engineer or manufacturer that the design will not cause a reflection or noise nuisance to adjacent property owners or flow of traffic on nearby roadways.

- (2) The design of the solar energy system shall conform to all applicable industry standings, including New Jersey Uniform Construction Code, New Jersey Department of Community Affairs, National Electric Code, and Township of Verona Building Codes and Zoning Regulations. The applicant shall submit certificates of design compliance obtained by the equipment manufacturer from a certified organization and any such design shall be certified by an engineer registered in the State of New Jersey. The manufacturer specifications shall be submitted as part of the application.
- (3) Mechanical equipment shall not be located in the front yard, side yard, or rear yard setbacks.
- (4) No portion of the solar panel, including the racking system, poles, or ballast, shall contain or be used to display advertising. The manufacturers and equipment information, warning, or indication of ownership shall be allowed on any equipment of the solar energy system, provided they comply with the prevailing sign regulations.
- (5) A solar energy system shall not be constructed until a building and/or construction permit has been approved and issued.

ARTICLE XI

Buffer and General Landscaping Requirements

§ 150-11.1. Buffer zone requirements.

- A. All commercial, industrial, office, apartment, health care, institutional, or a public use adjoining or abutting a residential zone, shall provide a buffer zone in accordance with the standards set forth below subject to other more restrictive regulations herein.

Buffer Zone Requirements		
Depth of Buffer Zone		
	Minimum	Maximum
5% of lot depth	5 feet	30 feet

- B. No principal or accessory structure, other than as may be provided herein, nor any off-street parking or loading areas or other use shall be permitted within the buffer zone.
- C. No access or driveway, other than as may be permitted herein, shall be permitted within the buffer zone.
- D. Said buffer zone shall be kept in its natural state where wooded, and when natural vegetation is sparse, plant material at least six feet in height and a solid or tightly woven fence may be required so as to provide a year-round visual screen by the

Planning Board. Said planting may be placed in suitable areas in the buffer zone as shall be required by the Planning Board.

- E. Within said buffer zone, underground utility easements shall be permitted.
- F. The area encompassed in the buffer zone may be utilized for the purpose of computing lot coverage.
- G. Where the extension of a utility or a street extends into a mandatory buffer, said utility or street shall be located perpendicular to the buffer area and shall disturb the buffer to the minimum extent possible.

§ 150-11.2. General landscaping requirements.

- A. Enclosed uses. Any enclosed use require by this chapter to be landscaped shall be provided with a fence or a visual screen designed to produce a dense cover consisting of evergreen or evergreen-type hedges or shrubs, spaced at intervals of not more than five feet, located and maintained in good condition within 10 feet of the property line or as shall be determined by the Planning Board. The Planning Board, in the alternative, may require a landscaped earthen berm not less than five feet in height.
- B. Unenclosed uses. Any use, required by this chapter to be landscaped, which is not conducted within a completely enclosed building, such as required off-street parking, shall be screened by a solid or closely woven fence or by evergreen hedges or shrubs spaced at intervals of not more than five feet, located and maintained in good condition, within 10 feet of the property line or the zone district boundary line or as shall be determined by the Planning Board. In the alternative, the Planning Board may require a landscaped earthen berm not less than five feet in height.
- C. Maintenance.
 - (1) Any fence or landscaping installed in accordance with this section shall be maintained in good order to achieve the objectives of this chapter. Failure to maintain fencing or to replace dead or diseased landscaping or any refuse which may collect therein shall be considered a violation of this chapter.
 - (2) Whenever a buffer or landscaping requirement is imposed, and to the extent that same is in fulfillment of the requirements of this chapter or any other Township ordinance, a guaranty in the form of a security bond, cash or security deposit shall be required.
 - (3) All properties shall be kept free of poison ivy (*Toxicodendron radicans*), Japanese knotweed (*Polygonum cuspidatum*), and ailanthus (*Ailanthus altissima*), which are undesirable or invasive species that may readily spread to nearby properties.
- D. Submission of proposed landscape plans. A proposed landscape plan shall be submitted to the Planning Board for its consideration by:
 - (1) All applicants for site plan approval.
 - (2) All applicants for subdivision approval where any of the lots to be created would require a planted buffer area or a planted area.

- (3) All applicants for subdivisions requiring planting of public dedicated land.

E. Contents of landscape plan.

- (1) The landscape plan shall be prepared at a scale shown on the plan by a landscape architect, architect or professional engineer. The name of the preparer of the plan, his address, telephone number and license number shall be indicated on the plan. The scale of the plan shall also be indicated. The name of the applicant and any authorized agents shall also appear on the plan.
- (2) The plans shall specify all planted areas and planted buffer areas, if required, and the dimensions of each of said areas. The plan shall specify the total number of square feet of any planted area (not including buffer area), the total number of square feet of any required planted buffer area, the combined total area in square feet, if applicable, and the percentage figures of planted areas and buffer areas of the sum of the two and of the total site area.

§ 150-11.3. Location, shape and content of areas.

A. The criteria to be considered in determining the location, shape and content of any required planted area and the creation of any required buffer area shall include the following:

- (1) Drainage control.
- (2) Traffic and pedestrian safety.
- (3) Conservation of the economic values of the property and adjacent property.
- (4) Proper vehicular and traffic sight lines.
- (5) Shade and pollution control.
- (6) Screening and privacy of adjacent residential areas.
- (7) The configuration and relationship of planting areas to the total plan submitted.
- (8) The reduction of noise and lights disturbing to nearby property zoned for residential use.
- (9) The objectives of good planning and zoning pursuant to the provisions of N.J.S.A. 40:55D-1 et seq.
- (10) The preservation of healthy substantial trees wherever it is reasonable to do so, consistent with the criteria set forth herein.

B. In connection with Planning Board consideration for site plan approval, the Planning Board shall have the right to determine the proper areas for the required planted area, taking into consideration the criteria set forth above.

§ 150-11.4. Use of areas restricted.

A planted area and a planted buffer area required by this chapter shall not be used for any buildings, structures, paving or parking or for the sale, display, storage or leasing of materials or for any other use other than a planted area or a planted buffer area except:

- A. Detention basins, subject to a finding by the Board that adequate visual screening is still provided.
- B. Below-grade, underground parking facilities may be erected underneath any required planted area or planted buffer area; provided, that the surface of the lot in the area of the planted buffer area and the planted area has at least four feet of soil and is properly drained so that the same is sufficient to support the growth of plants, ground cover, shrubs and trees.
- C. Upon Board site plan approval, the Board shall, however, allow paved ingress and egress from the site to a public street or highway through a planted buffer area where there are no possible safe exits or entrances to a road or highway. The area to be so paved shall not be included as part of the area making up the required planted buffer area.

§ 150-11.5. Maintenance standards.

- A. The required planted area (other than planted buffer areas) need not be all in one area of the lot.
- B. The Board may, at the request of any applicant for site plan approval, consider any portion of the planted area to be provided by the applicant on any other lot or lots for purposes of determining the required planted area requirement (not including planted buffer areas) if, in the opinion of the Board:
 - (1) The subject lots are to be operated essentially and substantially as a single site rather than as separate sites; and
 - (2) The lots have or are to be provided as part of the site plan with designated pedestrian and vehicular ingress and egress between or among each lot in the unit considered, without using public roads, and utilizing common parking areas.

§ 150-11.6. Design criteria.

- A. The planted area and required planted buffer area shall be so designed to provide proper drainage of the soil.
- B. The planted area or required planted buffer area shall be planted with approved plant material with sufficient organic sanitary material, topsoil, peat moss and the like, so that the same shall be likely to thrive. Minimum depth of topsoil in all turf areas shall be four inches. All topsoil shall conform to specifications approved by the Township Engineer.
- C. The planted area shall be designed to provide for the planting of plant material that is hardy and of a variety which requires a minimum amount of maintenance.

- D. Where a planted buffer area is required and in areas where there are to be required planted areas, the Board may require on-site plan approval that changes in topography or elevation of the planted buffer areas and planted areas be made where such changes would better serve the criteria set forth in Article IX.
- E. In connection with any site plan approval granted, the developer of the property shall protect against damage to trees that are located in the approved planted area and approved planted buffer area and shall also protect these areas by temporary fencing until the certificate of occupancy has been issued and all outside construction has been completed.

§ 150-11.7. Plant selection and placement.

- A. The following types of evergreen plants (hereinafter denominated "Group A") in the upright varieties are recommended for buffer areas to establish screening of nonresidential use and residential use:

Group A
Pines of all upright varieties
Junipers of all upright varieties
Spruces of all upright varieties
Firs of all upright varieties
Cedars of all upright varieties
Tsuga of all upright varieties
Arborvitaes of all upright varieties

- B. The trees denominated Group B-1 in the accompanying tabulation and the shrubs denominated Group B-2 in the accompanying tabulation are recommended for use as a formal clipped hedge for screen and buffer planting.
- C. The plants denominated Group C in the accompanying tabulations are recommended for informal flowering or fruiting or evergreen hedge for buffer and screen planting.
- D. The plants denominated Group D in the accompanying tabulations are recommended for ground covers for greenery planting and the planted areas that are at the end of aisles of parking or very close to entrances and exits to other property or streets or highways. The plants in Group D shall be utilized so as to not obstruct proper sight lines for vehicular and pedestrian safety. The maximum height shall not exceed 30 inches at maturity.
- E. The plant species in Group E (shade trees) and Group F (ornamental trees) are recommended and approved species for planted areas and planted buffer areas. Group E (shade trees) when planted shall have a minimum size of 2 1/2 inches caliper and a minimum branch height of seven feet. If shade trees in Group E are planted in any area on the lot where they will be close to automobiles or at the end of any parking aisle or

near the corner of any intersection of any aisle and any other driveway or aisle or in any other location in parking aisles, the trees shall be pruned to remove all limbs at the trunk if at that point the limbs are lower than 10 feet from the ground. All new trees in Groups E and F must be staked in accordance with the American Nurserymen's Standards.

Group B-1

Acer campestre

Acer ginnala

Carpinus in variety

Crataegus cordata

Crataegus, crus-galli

Picea excelsa

Pinus strobus

Taxus cuspidata capitata

Tsuga canadensis

Tsuga occidentals nigra

Group B-2

Berberis thunbergii

Buxus sempervirens

Euonymus alatas compactus,

Euonymus alatusi

Euonymus fortunei vegetus

Ilex crenata microphylla

Ilex crenata varieties

Ligustrum ibolium

Ligustrum ovalifolium

Phamnus, fragula tallhedge

Pyracantha coccinea lalandi

Taxus in variety

Group C

Berberis in variety

Group C
Cydonia japonica
Deutzia gracilis
Euonymus patens
Forsythia intermedia varieties
Hetzi
Juniperus chinensis glauca
Juniperus chinensis pfitzeriana
Lonicera (bush forms)
Mahonia aquifolium
Philadelphus; virginialis
Rhodotyphes kerrioides
Rosa nitida
Rosa rugosa
Spiraea bum antony waterer
Spiraea thunderbergi
Spiraea vanhouttei
Syringa vulgaris
Syringa vulgaris alba
Taxus intermedia densilomus
Taxus intermedia hatfieldi
Viburnum tomentosum
Viburnum dentatum
Viburnum lantana,

Group D
Bulge plant wintercreeper
Candytuft
Chinese matrimony vine
Creeping juniper
Creeping thyme

Group D

English ivy
Epimedium
Hall's honeysuckle
Japanese spurge
Juniper wiltoni
Lily of the Valley ferns
Memorial rose yellow root
Moss pink
Periwinkle or myrtle
Rockspray cotoneaster
Sargent juniper of the valley ferns
Scotch heather
Shore juniper
Turf (grass)
Virginia creeper

Group E**Recommended Shade Trees for Buffer Planting and Planted Areas**

Common Name	Botanical Name
Sycamore maple	Acer pseudo-platanus
Red maple	Acer Rubrum
Armstrong II	
Columnar	
October Glory	
Soashanger	
Sugar maple	Acer saccharum
Columnar	
Green Mountain	
Momentale	
Red horsechestnut	Aesculus carnea

Group E	
Recommended Shade Trees for Buffer Planting and Planted Areas	
Common Name	Botanical Name
White ash	Fraxinus Americana
Marshall seedless ash	Fraxinus Pennsylvania "Marshall"
Blue ash	Fraxinus velutina "Modesto"
Ginkgo maidenhair tree	Fraxinus Pennsylvania "Marshall"
Autumn Gold (must be male)	
Lakeview (must be male)	
Sentry (must be male)	
Honey locust	Gleditsia triacanthos inernis
Imperial	
Skyline	
Sunburst	
Sweetgum	Liquidambar styraciflua
Sour-gum	Nyssa sylvatica
Oaks	
Scarlet oak	Quercus coccinea
Pin oak	Quercus palustris
Willow oak	Quercus phellos
Northern red oak	Quercus rubra
Japanese pagoda tree	Sophora japonica
Lindens	
Littleleaf lindern	Tilia cordata
Chancellor	
Greenspire	
Rancho	
Sawleaf zelkova	Zelkova serrata
Katsura	Cercidiphyllum japonicum
Dawn redwood	Metasequoia glyptostroboides

Group F	
Recommended Ornamental Trees for Buffer Planting and Planted Areas	
Common Name	Botanical Name
Shadblow Serviceberry	Amelanchier Canadensis
Canoe birch, Paper birch	Betula papyrifera
Gray birch	Betula populifolia
European white birch	Betula verrucosa
European hornbeam	Carpinus betulus
American hornbeam Fastigiata	Carpinus caroliniana
Goldenrain tree	Koelreuteria paniculata
Sourwood sorrel tree	Oxydendrum arboretum
Amur corktree	Phellodendron amurense
Bradford pear	Pyrus calleryana
English holly	Ilex aquifolium
American holly	Ilex opaca
Flowering cherry	Prunus
Sargent cherry	Prunus sargentii
Autumn flowering cherry	Prunus subhirtella autumnalis
Beni Hagan cherry	Prunus beni hagen
Weeping Japanese cherry	Prunus subhirtella pendula
Kwanzan cherry	Prunus Kwanzan
Yoshino cherry	Prunus Kwanzan
Dogwoods	
Pink dogwood	Cornus florida rubra
Flowering dogwood	Cornus florida
Chinese dogwood	Cornus Kousa
Cornelian cherry	Cornus mas
Flowering crabapple	Malus
Birelana plum	Prunus birelana
Purpleleaf plum	Prunus cerasifera "Atropurpurea"
American Beauty Plant patent 2821	Malus American Beauty

Group F	
Recommended Ornamental Trees for Buffer Planting and Planted Areas	
Common Name	Botanical Name
Snow Cloud Plant patent 2913	Malus Snowcloud
Double Flowering Plant patent 2912	Malus Pink Perfection
Snowdrift crabapple	Malus Snowdrift
Catherine crabapple	Malus Catherine
Sergeant crab	Malus Scheldeckeri
Scheidecker crab	Malus Scheideckeri
Eastern redbud	Cercis Canadensis
Lavallie hawthorn	Crataegus Ivellei
Carolina Silverbell tree	Halesia carolina

- F. All landscaping is to be completed in a good and workmanlike manner and all planted areas and planted buffer areas are subject to the inspection and approval of the Board prior to the issuance of any permanent certificate of occupancy.
- G. The developer must notify the Board at least 48 hours prior to the installation of any planted material. The Board may adopt resolutions at public meetings creating standard specifications for planted material and planting which, if adopted, shall be adhered to by all persons installing such material.
- H. Substitutions of plants within the same grouping from those shown in plans submitted are allowed, subject to Board approval, where the originally designated plants are not available.

ARTICLE XII

Off-Street Parking, Loading and Performance Standards and Design Criteria

§ 150-12.1. General requirements.

- A. In all districts, in connection with every business, institution, recreational, residential, manufacturing, public building or any other use, there shall be provided, at the time any building or structure is erected or is enlarged or increased in capacity, off-street parking spaces in accordance with the requirements set forth in Subsection B which spaces shall be paved; provided, however, that off-site, off-street parking spaces may be utilized in any district subject to the following requirements:
 - (1) That a permanent and irrevocable easement of the parking facilities in favor of the premises to be benefited thereby shall be dedicated and recorded as a condition of such use.

- (2) That the nearest point of the premises utilized for such parking spaces shall be not more than 250 feet walking distance from the nearest point of the premises to be benefited thereby.

B. Minimum number of spaces.

- (1) Minimum requirements for off-street parking spaces shall be as set forth in § 150-12.6C, Parking schedule, of minimum number of required parking spaces.
- (2) Except in residential zoning districts, the minimum number of required parking spaces may not be met or satisfied by parking spaces located within or underneath a principal building.
- (3) In the Town Center zoning district, parking requirements shall not apply except in the case of additions and/or new construction of greater than 1,000 square feet gross floor area or for cafeterias, full-service restaurants, snack and nonalcoholic beverage bars, and limited-service restaurants with a seating capacity of greater than 50 patrons.

§ 150-12.2. Size of parking spaces.

- A. Each off-street parking space shall measure not less than nine feet by 20 feet exclusive of access drives and aisles and shall be of usable shape and condition. Where front overhang of the vehicle is possible onto a paved or grass area not used for vehicular or pedestrian circulation or parking, the space may be reduced to 18 feet.
- B. If hairpin striping is utilized to demark the location of parking spaces, each parking space width shall be measured from the center line of one hairpin to the center line of another.
- C. Except in the case of one-family dwellings, no parking areas provided hereunder shall be established for fewer than three spaces.

§ 150-12.3. Access.

In the interest of safety, the following requirements with respect to the location and construction of driveways are promulgated:

- A. There shall be an adequate provision for ingress and egress to all parking spaces. Access drives shall be paved and so designed as to minimize interference with traffic on abutting streets.
- B. No driveway or access or egress from a parking area shall be located closer than 50 feet from any intersection or as required by county or state regulations.
- C. All driveways shall cross sidewalk areas at sidewalk grade.
- D. No driveway shall be less than one foot from an adjacent property line.

§ 150-12.4. Access width.**A. Minimum width.**

- (1) Access drives or driveways, except for one-family dwellings, shall be not less than 12 feet wide. In the business district where customer parking is involved, driveways for two-way traffic shall be at least 20 feet wide, and driveways for one-way traffic shall be at least 12 feet wide.
- (2) Access drives or driveways for one-family dwellings shall be at least eight feet wide.

B. Maximum width.

- (1) No driveway for a commercial use shall have a width in excess of 24 feet at the curbline, and the curb cut leading to property from the street shall not be more than 20 feet in length.
- (2) Access drives or driveways for one-family dwellings shall be not more than 14 feet wide at the curbline for single driveways or 16 feet for double driveways.
- (3) There shall be no more than one curb cut for each single-family parcel.
- (4) No access drive or driveway, pathway or any other means of egress or ingress shall be located in any residential district to provide access to uses other than those permitted in such residential district.
- (5) No parking shall be permitted in any required minimum front or side yards, except in the driveway in said yard.

C. Standards for areas for three vehicles or more.

- (1) Parking areas for three or more vehicles and access to this parking shall be paved and shall be designed and planned in accordance with accepted engineering principles.
- (2) All plans shall be reviewed by the Township Engineer, and his recommendations shall be forwarded to the Planning Board or Board of Adjustment, whichever is reviewing the site plan, before the Board shall act.
- (3) Parking areas shall be landscaped to minimize nuisance characteristics to adjacent properties and for aesthetic reasons. They shall be drained in accordance with good engineering and construction practices.
- (4) For reasons of safety, all parking area lighting shall be designed and operated so as not to reflect or shine on adjacent properties. Parking spaces and ways shall be clearly marked.

§ 150-12.5. Off-street loading.

- A. All nonresidential uses shall provide for off-street loading and unloading. A minimum of one such space shall be provided for the first 10,000 square feet of first-floor

building area and one space for each additional 10,000 square feet on the first-floor level.

- B. All such spaces shall be designed and planned in accordance with generally accepted engineering principles and be reviewed by the Township Engineer prior to submission to the Planning Board or Board of Adjustment, whichever is reviewing the site plan.
- C. Where the existing characteristics of the site make it impractical to provide spaces for off-street loading and unloading, this requirement may be waived in whole or in part by the Planning Board at the time of site plan review.
- D. Required loading spaces shall be at least 12 feet wide and 30 feet long or longer depending on the length of trucks or trailers to be accommodated. They shall have a clearance height of at least 15 feet.
- E. No loading areas shall be located in the front yard.
- F. No loading areas shall be located within five feet of any lot line.

§ 150-12.6. Off-street parking.

- A. Off-street parking shall be provided in conformity with the off-street parking requirements as set forth in the schedule of off-street parking regulations (Subsection C), which is hereby adopted and set forth below.
- B. All residential land uses must follow the residential site improvement standards (RSIS).
- C. Parking schedule:

Use	Minimum Number of Required Parking Spaces
Adult care center	1 space per 100 square feet of G.F.A.
Assembly hall, auditorium, community center building	1 space per 100 square feet of G.F.A. or 1 space per 4 seats, whichever is greater
Banks and financial institutions	1 space per 300 square feet of G.F.A.
Bowling alley	4 spaces per bowling lane
Commercial recreation	1 space per 250 square feet of G.F.A.
Computer and data processing center	1 space per 400 square feet of G.F.A.
Club, lodge	20 plus 1 additional space per 200 square feet of G.F.A.
Day-care facility	1 space per 4 children plus 1 space per 2 employees
Eating and drinking places	1 space per 2 seats devoted to service
Florist	1 space per 1,000 square feet of G.F.A.

Use	Minimum Number of Required Parking Spaces
Funeral home	10 spaces, plus 1 space for each 100 square feet of floor area
Gasoline service station	1 space per 1,000 square feet of lot area
House of worship	1 space per 3 seats or 72 inches of seating space when benches rather than seats are used
Library	1 space per 600 square feet
Live entertainment	1 space per 2 seats plus 10% the total area dedicated to live entertainment
	1 space per 30 square feet of dance floor, stage area or other area devoted to live entertainment
Medical, dental, chiropractic or veterinary	1 space per 180 square feet of G.F.A. or 5 for each doctor, dentist, chiropractor or veterinarian, whichever is greater
Establishments devoted to installation of motor supplies and motor vehicle service	4 spaces per repair bay; if no bays are provided, the required parking for a retail use shall apply
Multifamily dwelling	Utilize the RSIS
Nursing home	1 for each 2 beds
Office (nonmedical)	
Building size:	
Under 10,000 square feet	6 spaces per 1,000 G.F.A.
10,001 to 24,999 square feet	5 spaces per 1,000 G.F.A.
25,000 square feet or more	4 spaces per 1,000 G.F.A.
Personal service establishment	1 space per 300 square feet of G.F.A.
Research, experimental or testing laboratory, manufacturing or industrial use or service use	1 space per 300 square feet of G.F.A.; or 1 for every 1 1/2 employees during maximum shift plus 10%, plus 6 for visitors, whichever is greater
Repair garages	3 spaces plus 1 space for each 700 square feet of G.F.A.
Retail store	1 space per 200 square feet of G.F.A.
Sale of new and used motor vehicles	6 spaces plus 1 space for each 700 square feet of G.F.A.
Schools: public, parochial, private and religious below the level of high school, including day nursery and nursery schools	2 spaces per classroom, and 1 for every 8 seats in auditoriums and/or assembly halls; or 1 space for each teacher and employee, plus 10%, whichever is greater

Use	Minimum Number of Required Parking Spaces
Secondary school	10 spaces per classroom
Shopping centers	
Building size:	
Less than 150,000 square feet	5 1/2 parking spaces per 1,000 square feet
150,000 – 500,000 square feet	5 spaces per 1,000 square feet
500,000 square feet or more	4 1/2 parking spaces per 1,000 square feet
Storage warehouse	1 space per 750 square feet of G.F.A.
Theater	1 space per 3 seats
Townhouse	Utilize the RSIS
Wholesale business, warehouse lumber or coal yard; animal hospital	1 space per 300 square feet of G.F.A.
Unlisted uses	To be determined by Planning Board or Board of Adjustment pursuant to site plan review, based on nature and intensity of use and impact on surrounding area
Mixed use building	Parking is based upon the maximum occupancy of the sum of the individual uses

NOTE 1: Whenever the formula for parking spaces required results in a fraction of a space exceeding 0.49, a full space shall be provided.

NOTE 2: G.F.A. denotes "gross floor area."

§ 150-12.7. Parking restrictions in residential zones.

- A. It is the intent of this § 150-12.7 to retain the character of residential neighborhoods in residential zones by restricting the parking of commercial vehicles in said zones.
- B. No individual other than the occupant of the dwelling unit shall be permitted to park a commercial vehicle in a residential zone subject to the following:
 - (1) No commercially licensed motor vehicle, truck, van, trailer or other equipment shall be parked on a residential property in a residential zone unless completely housed in a garage and sheltered from public view, except as provided hereunder.
 - (2) Commercially licensed automobiles, station wagons, vans and trucks are permitted to park on a residential property; provided, that all of the following conditions are satisfied:

- (a) Such vehicle shall have a single-chassis body with not more than four wheels and shall not be more than 20 feet long and seven feet high and shall not exceed 6,000 pounds registered gross vehicle weight.
 - (b) If such vehicle contains commercial advertising in the form of lettering, logos or graphics, then such vehicle shall be utilized for transportation and not intended for advertising alone.
 - (c) No equipment, ladders or other commercial accessories or materials which are not permanently affixed to the vehicle shall be permitted on the vehicle when parked in a residential zone.
 - (d) Any garage on the premises must be physically unable to accommodate the commercially licensed vehicle sought to be parked in the residential zone. A determination by the enforcing authority that the door opening dimensions and size dimensions of the garage are adequate to accept the vehicle shall be presumptive evidence, subject to rebuttal, that the vehicle can be fully accommodated.
 - (e) Only one commercially licensed vehicle which meets all of the above criteria shall be permitted to park on a residential property.
- (3) Nothing herein shall be deemed to prohibit a person from parking a commercially licensed vehicle on residential property while such vehicle is being used in the transaction of business with the owner or occupant of the residential property.
- (4) Recreational vehicles shall not be parked or stored on a residential property unless all of the following conditions are satisfied:
- (a) Recreational vehicles may be parked or stored in a garage located on the premises; provided, that such garage completely enclosed the recreational vehicle.
 - (b) If stored outside of a garage, such recreational vehicle shall be stored on a parking area which is in addition to such parking spaces as are required in other portions of this chapter.
 - (c) No recreation vehicle can be located in an area where an accessory structure would be prohibited.
- (5) This section may be enforced by the Township Building Inspector or the Township Police Department.

§ 150-12.8. Additional off-street parking regulations.

In addition to the provisions of § 150-12.6C, the schedule of off-street parking regulations, there shall be applicable the regulations as set forth below.

- A. Except for one- and two-family structures, all parking areas and driveways shall be paved with bituminous concrete, concrete or other approved permanent hard-surfaced material, and all parking spaces shall be lined and designated on said pavement.

B. Except for one- and two-family structures, all parking areas and driveways must have a six-inch solid concrete or Belgian block curb to separate the parking area and/or driveway from the required front, side and rear yard when these parking areas are located within six feet of the yard.

C. Parking stall and driveway requirements.

(1) Driveway widths for other than one- and two-family structures shall be the sizes indicated in the table below, depending upon their location and traffic flow.

(2) The parking layout tabulated below shall be for one-way traffic only and for parking on one side of said driveway. A driveway for the above mentioned parking requirement shall be provided with an exit and entrance to either another driveway, right-of-way or public thoroughfare. If said driveway does not comply with the above, a cul-de-sac shall be installed with a minimum radius of 35 feet at its blind end. When said driveway serves two-way traffic, the minimum width of the driveway shall be 22 feet, except for angle parking between 76° and 90° for standard-sized spaces which shall be a minimum width of 25 feet.

(3) For parking stalls and aisles, there shall be provided a minimum stall width of nine feet and a minimum stall depth of 20 feet.

(a) The following minimum aisles widths shall be used:

Angle Parking	Standard Space (9 x 20)
Parallel	10
30° or less	12
31° to 45°	13
46° to 60°	18
61° to 75°	22
76° to 90°	24

(4) Where sidewalks abut and overhang the sidewalks, the sidewalk depth shall be increased to six feet to account for the overhang.

D. All parking areas required by this chapter when located in residential districts, except for one- and two-family structures, shall be screened along the side or sides abutting a public street with either a solid fence or wall. Said fence or wall shall be a minimum of five feet in height.

E. All parking areas required by this chapter, when located in residential districts, except for one- and two-family structures in all districts, shall be required to be sufficiently lighted so as to ensure safety to both pedestrians and motorists. Such lighting shall be in accordance with the following:

(1) Non-attendant parking areas shall have a minimum of one footcandle power lighting throughout the entire parking area.

- (2) Attendant parking areas shall have a minimum two footcandles lighting throughout the entire parking area.
 - (3) The lighting in parking areas shall be installed and arranged so as to throw no glare toward windows of dwellings on adjoining residential property.
- F. All parking spaces shall be laid out so as to have direct access from a driveway or aisle, and no double-parking or tandem parking spaces shall be permitted except on driveways accessory to one- and two-family dwellings.
- G. All off-street parking areas shall provide space to permit a vehicle to turn around on the site so as to avoid a backing maneuver within the street. Backing within the street shall only be permitted for driveways and parking associated with one- and two-family residences.
- H. Off-street loading and unloading shall be provided in such amount and manner that all loading and unloading operations will be conducted entirely within the boundaries of the lot concerned, and no vehicle shall use public streets, sidewalks or rights-of-way for loading or unloading operations, other than ingress and egress to the lot.

§ 150-12.9. Performance standards and design criteria.

- A. General application. All industrial, business, office, multiple-family residential and health service uses, are subject to the following performance standards and procedures. Other uses, existing or proposed, which the Construction Code Official or Zoning Officer has reasonable grounds to believe violate these performance standards shall be subject to the provisions of this chapter as well.
- B. Compliance with performance standards.
 - (1) Prior to construction and operation. Any application for a building permit for a use which shall be subject to performance standards shall be accompanied by a sworn statement by the owner of the subject property that said use will be operated in accordance with the performance standards set forth herein.
 - (2) Continued compliance. Continued compliance with performance standards is required and enforcement of continued compliance with these performance standards shall be enforced by the Construction Code Official and Zoning Officer.
- C. Nuisance elements. The location where determinations are to be made for the enforcement of performance standards shall be made at or outside property lines of the use creating such element for noise, odor, vibration, glare, dust, smoke, air pollution or water pollution.

§ 150-12.10. Design criteria.

In the judgment of the Planning Board, in accordance with the spirit and intent of this chapter, the following design criteria shall be adhered to in each and every case, except where otherwise provided.

- A. Traffic access. All proposed site traffic access ways are adequate but not excessive in number; adequate in grade, width, alignment and visibility; and not located too near street corners, entrances to schools or places of public assembly; and other similar considerations.
- B. Circulation and parking. That interior circulation is adequate and that all required parking spaces are provided and are easily accessible. All off-street parking and loading areas shall be surfaced with a durable and dust-free surface. All areas shall be properly marked so as to provide for the orderly and safe loading, parking and storage of self-propelled vehicles.
- C. Lighting. All exterior lighting devices shall be arranged so as to reflect the light away from adjoining premises. No rotating or flashing signs or lights shall be permitted.
- D. Drainage, water supply and sewage disposal facilities. All development shall be provided with adequate water supply, sewage disposal and drainage facilities in accordance with the Township requirements.
- E. Disposal of usable open space. Usable open space shall be so arranged as to ensure the health and safety and to promote the general welfare.
- F. Arrangement of buildings. Adequate provision shall be made for light, air, access and privacy in the arrangement of buildings.
- G. Landscaping. Landscaping, where required, shall be provided in order to enhance and protect the natural and scenic qualities of the land. Where adjacent land use dictates, screening and buffer areas shall be required.
- H. Wetlands. Wetland areas and wetland transitional areas, also known as "wetland buffers," shall be preserved and protected in accordance with law. Wetlands and wetland buffers shall not be considered usable open space.

ARTICLE XIII**Nonconforming Uses and Structures****§ 150-13.1. Continuation of use.**

- A. A use, building or structure which is lawfully in existence at the effective date of this chapter and shall be made nonconforming at the passage of this chapter or any applicable amendment thereto may be continued, except as otherwise provided herein.
- B. Any lawful nonconforming use or structure existing on the effective date of this chapter may be continued upon the premises or in the building so occupied or used.

- C. Any lawful nonconforming use subject to condition or conditions or limited as to term of duration shall continue subject to any such condition or conditions and only for and to the end of the term of duration for which such nonconforming use was granted.

§ 150-13.2. Partial destruction of nonconforming use: restoration or repair.

- A. Despite anything to the contrary, nothing herein shall prevent an owner of a structure being utilized with a nonconforming use from rebuilding the structure after it is destroyed by fire or other catastrophic event, provided the use has not been abandoned. Rebuilding shall be allowed without regard to the percentage of the structure that remains after the fire or catastrophic event. The replacement structure shall retain the exterior dimensions and height of the destroyed structure except that no replacement structure shall be allowed to exceed the then existing height requirement in the zone in which the structure is located.
- B. In the event of a partial destruction of a structure devoted to a nonconforming use, the owner or occupant shall, within 90 days after such event, give notice, in writing, to the Administrative Officer or the Construction Official of his intention to restore or repair the structure and, within 90 days after date of notice, commence and diligently proceed to the completion of the work.
- C. Nonconforming signs as established by this chapter and/or the building code may remain at their present location, provided that only basic maintenance work on these signs shall be permitted. Maintenance work shall not mean to include the removal of a sign for repair, alteration or repainting nor the relettering of a sign to a name other than that which existing at the time of the passage of this chapter. The relettering of a sign at the site shall not apply to billboards.
- D. Nothing in this chapter shall prevent the strengthening or restoring to a safe or lawful condition any part of any building or structure declared unsafe or unlawful by the Construction Official, Zoning Officer, or other authorized state or Township official.

§ 150-13.3. Extensions, enlargements or changes.

- A. No existing building or premises containing any nonconforming use as permitted by this chapter shall be enlarged, extended, reconstructed or structurally altered unless such use is changed to a use permitted in the district in which such building or premises is located; and no nonconforming use shall be changed to another or different nonconforming use.
- B. A one- or two-family residential building which complies with the use requirements of this chapter and is nonconforming because of the yard regulations may be enlarged; provided, that any violation of any setback may be expanded; provided, that the expansion does not encroach further into such violated setback and no other setback regulations are violated.

§ 150-13.4. Discontinuance or abandonment.

No nonconforming use or structure which shall have been discontinued or abandoned for a period exceeding 12 months shall be resumed; provided, however, that no such use or structure shall be resumed if the premises upon which such use or structure existed is devoted to a conforming use after the discontinuance or abandonment of the nonconforming use.

§ 150-13.5. Modernization of nonconforming structures.

Nothing contained in this chapter shall prohibit the modernization of existing nonconforming structures; provided, however, that such modernization does not entail any extension, enlargement, intensification, addition or change of the nonconforming use.

§ 150-13.6. Nonconforming buildings lawfully under construction.

Any nonconforming building or structure lawfully under construction on the effective date of this chapter, pursuant to plans filed with the Construction Official and approved by him and all other municipal boards and agencies as required under law, may be completed and may be used for the nonconforming use for which it was designed, to the same extent as if such building had been completed and been in use on the effective date of this chapter; provided, that such building or structure shall be completed within one year after the effective date thereof.

ARTICLE XIV**Performance Standards****§ 150-14.1. Air quality. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

This chapter hereby incorporates by reference and makes a part hereof as though fully set forth those standards as found in N.J.A.C. 7:27-1 et seq.

§ 150-14.2. Electromagnetic interference.

In any zoning district, no use, activity, or process shall be conducted which produces electromagnetic interference with normal radio or television reception in any zoning district.

§ 150-14.3. Fire protection. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

This chapter hereby incorporates by reference and makes a part hereof as though fully set forth those standards as found in N.J.A.C. 5:10-19.1 (Hotels) and 5:10-19.2 (Multiple Dwellings), N.J.A.C. 5:23-3.17 (Fire Protection Subcode), N.J.A.C. 5:23-4.1 et seq. (Enforcing Agencies, Duties; Powers; Procedures), including all the amendments to the above.

§ 150-14.4. Humidity, heat and glare.

In any zoning district, any activity producing humidity in the form of steam or moist air or producing heat or glare shall be carried on in such a manner that the steam, humidity, heat or glare is not perceptible at any lot line.

§ 150-14.5. Noise control, method of measurement.

- A. Methods of measurement. For the purpose of measuring the intensity and frequencies of sound, sound-level meters and octave-band filters shall be employed. In the enforcement of this regulation, sounds produced by the operation of motor vehicles or other transportation facilities shall not be included in determining the maximum permitted decibel levels.
- B. The maximum permitted sound-pressure level (in decibels) shall be 0.0002 microbars.

Octave Band (cycles per second)	Sound-Pressure Level (decibels)
0 to 74	65
75 to 149	50
150 to 299	44
300 to 599	38
600 to 1,199	35
1,200 to 2,399	32
2,400 to 4,799	29
4,800 and over	26

§ 150-14.6. Radiation.

This chapter hereby incorporates by reference and makes a part hereof as though fully set forth those standards as found in N.J.S.A. 26:2D-1 et seq., including all the amendments to the above.

§ 150-14.7. Vibration.

- A. Method of measurement. For the purpose of measuring vibration, a three-component measuring system shall be employed.
- B. Maximum permitted steady state and impact vibration displacement (in inches).

Impact	Frequency (cycles per second)	Vibration Displacement (in inches) Steady State
Under 10	0.0005	0.0010
10 to 19	0.0004	0.0008
20 to 29	0.0003	0.0006
30 to 39	0.0002	0.0004
40 and over	0.0001	0.0002

ARTICLE XV Board of Adjustment

§ 150-15.1. Continuance of Zoning Board of Adjustment.

All ordinances applicable to the Zoning Board of Adjustment are expressly not repealed or amended by this chapter.

ARTICLE XVI Administration and Enforcement

§ 150-16.1. Enforcing officer.

The Zoning Officer shall enforce the provisions of this chapter. He may require any member of the Police, Fire or Health Department or other department to report to him, in writing, any violation of the provisions of this chapter.

§ 150-16.2. Building permit, certificate of occupancy and conditions of approval.

- A. Building permits. No person shall construct, erect, repair or make any alteration to or restoration of any structure or swimming pool until he shall be applied for and secured a building permit from the Construction Official.
- B. Certificates of occupancy. No person shall occupy or use or change the occupation or use of, in whole or in part, any building or structure until he shall have applied for and secured a certificate of occupancy therefor from the Chief Building Inspector.
- C. Conditions of approval. No person shall construct, erect, repair or make any alteration to or restoration of any structure that does not comply with any and all conditions required at the time of approval.

§ 150-16.3. Application requirements.

- A. Building permits.

- (1) Unless otherwise provided by this chapter, applications for building permits shall be submitted to the Chief Building Inspector in the manner prescribed by the Building Code of the Township of Verona, including the amendments and supplements thereto.
 - (2) For all apartment houses, all plans submitted for approval to the Department of Community Affairs shall contain on the plan a breakdown giving the number of apartments, number of bedrooms per apartment, percentage of land covered and the total square foot area of the lot.
- B. Certificates of occupancy. Applications for certificates of occupancy shall be submitted to the Chief Building Inspector in the manner prescribed by the Building Code of the Township of Verona, including the amendments and supplements thereto.

§ 150-16.4. Issuance of permits and certificates.

- A. Building permits and certificates of occupancy shall be issued by the Chief Building Inspector.
- B. Determination required as prerequisite to issuance.
- (1) The Chief Building Inspector shall issue building permits or certificates of occupancy only after he shall have determined that the building, structure or use is one permitted under the provisions of this chapter and that any and all conditions required at the time of approval have been addressed.
 - (2) To assist the Chief Building Inspector in making such a determination, he may require any member of the Police, Fire or Health Department or other department to make an investigation of the premises in question and to report to him the findings of such investigation.

§ 150-16.5. Notice of denial to permit a certificate.

If the Chief Building Inspector shall determine that a building, structure or use is not permitted under any provision of this chapter, he shall give written notice thereof to the applicant as follows:

- A. Such notice shall state in what respects the building, structure or use does not conform to such provision or provisions, and shall contain a brief description of the building, structure or use to which the notice refers in terms sufficient to identify it and its location.
- B. The notice may be served upon the applicant by registered or certified mail, return receipt requested, or where such resides in the Township of Verona, in person or by leaving it at his usual place of residence with a member of his family above the age of 14 years. Where lands are held by joint tenants, tenants in common or tenants by the entirety, service upon one of the owners shall be sufficient and deemed and taken as notice to all.

§ 150-16.6. Violations and penalties.

- A. Any owner, general agent, contractor or tenant of any building or premises or part thereof, in which the premises or part thereof is in violation of any provision of this chapter has been committed or shall exist, or any other person who commits, takes part or assists in such violation or who maintains any building or premises in which any such violation shall exist; or any person who constructs, alters, restores, repairs, reconstructs, converts or maintains, or permits the construction, alteration, restoration, conversion or maintenance of, any building or structure, or who uses, maintains or permits the use or maintenance of any land, building or structures, in violation of any provisions of this chapter, shall, upon conviction, be subject to a fine not to exceed \$1,250 or imprisonment for a term not to exceed 90 days, or both, at the discretion of the court.
- B. For every day that a use or structure in violation of any provision of this chapter is permitted to exist or is continued in any building or location, a distinct violation of this chapter shall be deemed to have been committed.
- C. Any owner, agent, or tenant of any building or premises or part thereof, in which premises or part thereof occupies or uses the structure, or any other person who commits, takes part or assists in such, in violation of any provisions of this chapter, shall, upon conviction, be subject to a fine, for the first offense, of \$1,250. For the second and subsequent violation, the fine shall be equal to the annual cost of the education of a student in the schools in the Township of Verona. Said fines shall be recovered in a civil action, in a summary proceeding, in the name of the municipality, pursuant to the Penalty Enforcement Law, N.J.S.A. 2a:58-10 et seq., said proceeding shall be commenced in the municipal court of the Township of Verona for the enforcement of the penalty provided for herein. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
- D. Complaints of violations. Any person may file a complaint if there is any reason to believe a violation of this chapter exists. All such complaints must be in writing and shall be filed with the Zoning Officer, who shall properly record such complaint and immediately investigate.
- E. Procedures for abatement of violations.
 - (1) In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or any building, structure of land is used in violation of this chapter or of any ordinance or regulation made under authority conferred hereby, the Zoning Officer or other proper official, in addition to other remedies, may institute any appropriate legal action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use; to restrain, correct or abate such violation; to prevent the occupancy of said building, structure or land; or to prevent any illegal act, conduct business or use about such premises.
 - (2) A violation of any of these terms of this chapter shall be abated within five days, or within as reasonable time as may be determined, after written notice has been served, either by mail or personal service.

§ 150-16.7. Amendments.

All amendments to this chapter and to the Zoning Map, which forms a part hereof, shall be adopted in accordance with the provisions of New Jersey law.

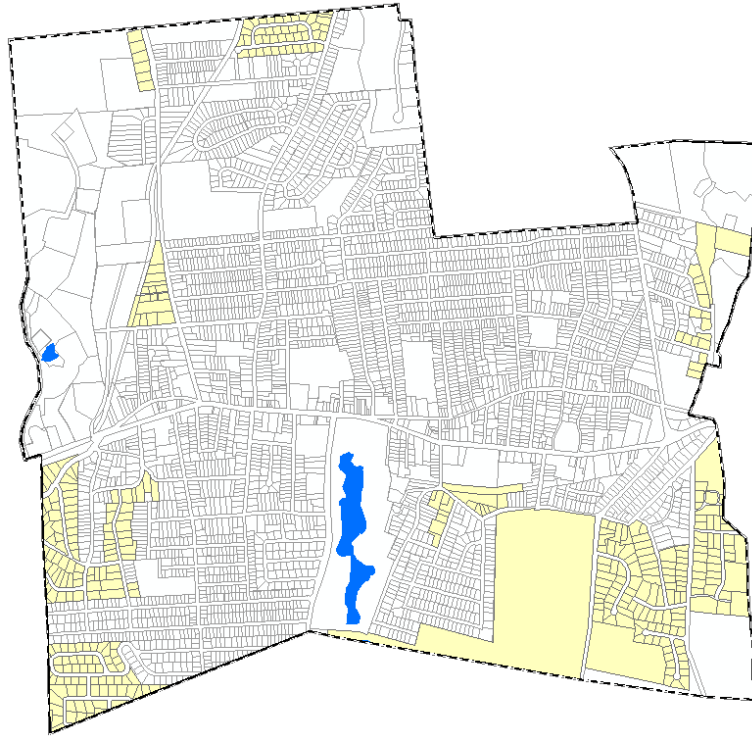
§ 150-16.8. Interpretation of provisions.

In the interpretation and the application of the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the health, safety, morals and general welfare. It is not intended to interfere with or abrogate or annul other rules, regulations or ordinances; provided, that, where this chapter imposes greater restrictions, the provisions of this chapter shall apply.

ARTICLE XVII**Schedule of District Regulations****§ 150-17.1. R-100 (Very-Low-Density Single-Family) Zone District.**

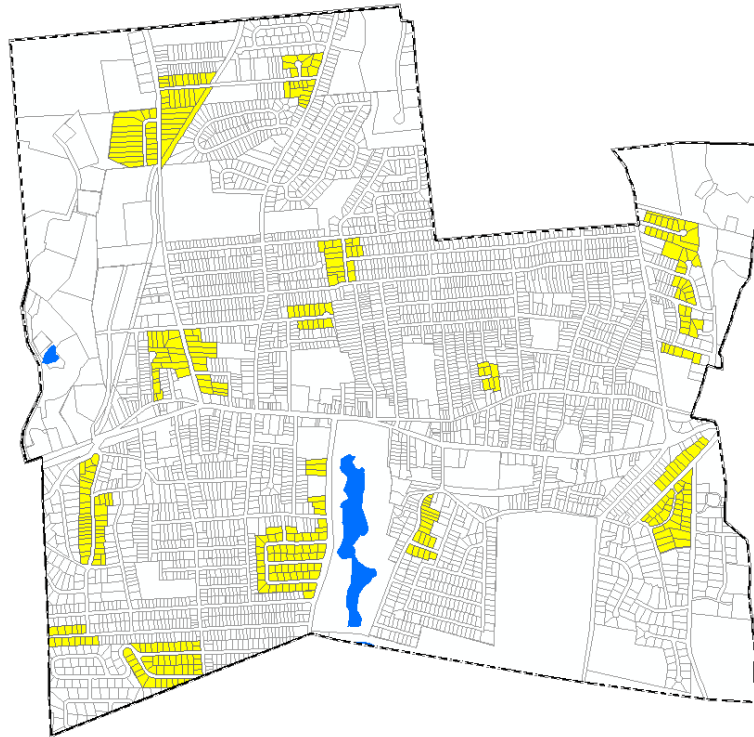
- A. Principal permitted uses. No building or premises shall be erected, altered or used except for uses designated for each district as follows:
 - (1) Single-family homes.
- B. Permitted accessory uses. Any of the following accessory uses may be permitted in conjunction with a permitted principal use:
 - (1) Detached garage.
 - (2) Family day-care center.
 - (3) Swimming pool, hot tub, and related facilities.
 - (4) Basketball court, unlit.
 - (5) Tennis court, unlit.
 - (6) Deck, either attached or unattached.
 - (7) Greenhouse.
 - (8) A maximum of two sheds totaling no more than 200 square feet in floor area.
- C. Conditional uses. The following conditional uses are permitted within the single-family district (R-100) subject to area, yard and bulk regulations and other controls identified in the conditional use regulations of this chapter.
 - (1) A satellite or dish antenna installed in the side or rear yard, subject to the conditions set forth in § 150-7.11 of this chapter.
 - (2) Home occupations subject to the conditions set forth in § 150-8.8 of this chapter.
- D. Area, yard and bulk regulations for principal and accessory structures and uses shall be as follows:

- (1) Minimum lot size: 12,000 square feet.
 - (2) Minimum lot width: 100 feet.
 - (3) Maximum lot coverage: 20%.
 - (4) Maximum improved lot coverage: 35%.
- E. Area, yard and bulk regulations for principal structures and uses shall be as follows:
- (1) Minimum front yard setback: 35 feet.
 - (2) Minimum side yard setback (one): nine feet.
 - (3) Minimum side yard setbacks (both): 20 feet.
 - (4) Minimum side yard setbacks (both) percentage of lot width: 25.
 - (5) Minimum rear yard setback: 30 feet.
 - (6) Maximum height (stories/feet): 2.5/30.
- F. Area, yard and bulk regulations for accessory structures and uses shall be as follows:
- (1) Minimum side yard setback (one): nine feet.
 - (2) Minimum rear yard setback: 10 feet.
 - (3) Minimum distance between accessory and principal structures: 10 feet.
 - (4) Maximum aggregate area covered by accessory structures in the yard it is located in: 15%.
 - (5) Maximum height (stories/feet): 1 1/2 stories; 15 feet.

R-100 Very-Low Density Single-Family Zone District**§ 150-17.2. R-70 (Low-Density Single-Family) Zone District.**

- A. Principal permitted uses. No building or premises shall be erected, altered or used except for uses designated for each district as follows:
- (1) Single-family homes.
- B. Permitted accessory uses. Any of the following accessory uses may be permitted in conjunction with a permitted principal use:
- (1) Detached garage.
 - (2) Family day-care center.
 - (3) Swimming pool, hot tub and related facilities.
 - (4) Basketball court, unlit.
 - (5) Tennis court, unlit.
 - (6) Deck, either attached or unattached.
 - (7) Greenhouse.
 - (8) A single shed up to 150 square feet in floor area.

- C. Conditional uses. The following conditional uses are permitted within the single-family district (R-70) subject to area, yard and bulk regulations and other controls identified in the conditional use regulations of this chapter.
- (1) A satellite or dish antenna installed in the side or rear yard, subject to the conditions set forth in § 150-7.11 of this chapter.
 - (2) Home occupations subject to the conditions set forth in § 150-8.8 of this chapter.
- D. Area, yard and bulk regulations for principal and accessory structures and uses shall be as follows:
- (1) Minimum lot size: 8,400 square feet.
 - (2) Minimum lot width: 70 feet.
 - (3) Maximum lot coverage: 20%.
 - (4) Maximum improved lot coverage: 35%.
- E. Area, yard and bulk regulations for principal structures and uses shall be as follows:
- (1) Minimum front yard setback: 30 feet.
 - (2) Minimum side yard setback (one): eight feet.
 - (3) Minimum side yard setbacks (both): 18 feet.
 - (4) Minimum side yard setbacks (both) percentage of lot width: 25.
 - (5) Minimum rear yard setback: 30 feet.
 - (6) Maximum height (stories/feet): 2.5 stories/30 feet.
- F. Area, yard and bulk regulations for accessory structures and uses shall be as follows:
- (1) Minimum side yard setback (one): eight feet.
 - (2) Minimum rear yard setback: 10 feet.
 - (3) Minimum distance between accessory and principal structures: 10 feet.
 - (4) Maximum aggregate area covered by accessory structures in the yard it is located in: 15%.
 - (5) Maximum height (stories/feet): 1 1/2 stories; 15 feet.

R-70 Low-Density Single-Family Zone District**§ 150-17.3. R-60 (Medium-Density Single-Family) Zone District.**

- A. Principal permitted uses. No building or premises shall be erected, altered or used except for uses designated for each district as follows:
- (1) Single-family homes.
- B. Permitted accessory uses. Any of the following accessory uses may be permitted in conjunction with a permitted principal use:
- (1) Detached garage.
 - (2) Family day-care center.
 - (3) Swimming pool, hot tub and related facilities.
 - (4) Tennis court, unlit.
 - (5) Deck, either attached or unattached.
 - (6) Greenhouse.
 - (7) A single shed up to 150 square feet in floor area.
- C. Conditional uses. The following conditional uses are permitted within the single-family district (R-60) subject to area, yard and bulk regulations and other controls identified in the conditional use regulations of this chapter.

- (1) A satellite or dish antenna installed in the side or rear yard, subject to the conditions set forth in § 150-7.11 of this chapter.
 - (2) Home occupations subject to the conditions set forth in § 150-8.8 of this chapter.
- D. Area, yard and bulk regulations for principal and accessory structures and uses shall be as follows:
- (1) Minimum lot size: 7,200 square feet.
 - (2) Minimum lot width: 60 feet.
 - (3) Maximum lot coverage: 25%.
 - (4) Maximum improved lot coverage: 40%.
- E. Area, yard and bulk regulations for principal structures and uses shall be as follows:
- (1) Minimum front yard setback: 30 feet.
 - (2) Minimum side yard setback (one): eight feet.
 - (3) Minimum side yard setbacks (both): 18 feet.
 - (4) Minimum side yard setbacks (both) percentage of lot width: 25.
 - (5) Minimum rear yard setback: 30 feet.
 - (6) Maximum height (stories/feet): 2.5/30.
- F. Area, yard and bulk regulations for accessory structures and uses shall be as follows:
- (1) Minimum side yard setback (one): eight feet.
 - (2) Minimum rear yard setback: 10 feet.
 - (3) Minimum distance between accessory and principal structures: 10 feet.
 - (4) Maximum aggregate area covered by accessory structures in the yard it is located in: 15%.
 - (5) Maximum height (stories/feet): 1 1/2 stories; 15 feet.

R-60 Medium-Density Single-Family Zone District**§ 150-17.4. R-50B (Medium/High-Density Single-Family) Zone District.**

- A. Principal permitted uses. No building or premises shall be erected, altered or used except for uses designated for each district as follows:
- (1) Single-family homes.
- B. Permitted accessory uses. Any of the following accessory uses may be permitted in conjunction with a permitted principal use:
- (1) Detached garage.
 - (2) Family day-care center.
 - (3) Swimming pool, hot tub and related facilities.
 - (4) Deck, either attached or unattached.
 - (5) Greenhouse.
 - (6) A single shed up to 150 square feet in floor area.
- C. Conditional uses. The following conditional uses are permitted within the single family district (R-50B) subject to area, yard and bulk regulations and other controls identified in the conditional use regulations of this chapter.

- (1) A satellite or dish antenna installed in the side or rear yard, subject to the conditions set forth in § 150-7.11 of this chapter.
 - (2) Home occupations subject to the conditions set forth in § 150-8.8 of this chapter.
- D. Area, yard and bulk regulations for principal and accessory structures and uses shall be as follows:
- (1) Minimum lot size: 7,500 square feet.
 - (2) Minimum lot width: 50 feet.
 - (3) Maximum lot coverage: 25%.
 - (4) Maximum improved lot coverage: 40%.
- E. Area, yard and bulk regulations for principal structures and uses shall be as follows:
- (1) Minimum front yard setback: 30 feet.
 - (2) Minimum side yard setback (one): eight feet.
 - (3) Minimum side yard setbacks (both): 18 feet.
 - (4) Minimum side yard setbacks (both) percentage of lot width: 25.
 - (5) Minimum rear yard setback: 30 feet.
 - (6) Maximum height (stories/feet): 2.5/30.
- F. Area, yard and bulk regulations for accessory structures and uses shall be as follows:
- (1) Minimum side yard setback (one): eight feet.
 - (2) Minimum rear yard setback: 10 feet.
 - (3) Minimum distance between accessory and principal structures: 10 feet.
 - (4) Maximum aggregate area covered by accessory structures in the yard it is located in: 15%.
 - (5) Maximum height (stories/feet): 1 1/2 stories; 15 feet.

R-50B Medium/High-Density Single-Family Zone District**§ 150-17.5. R-50 (High-Density Single-Family) Zone District.**

- A. Principal permitted uses. No building or premises shall be erected, altered or used except for uses designated for each district as follows:
 - (1) Single-family homes.
- B. Permitted accessory uses. Any of the following accessory uses may be permitted in conjunction with a permitted principal use:
 - (1) Detached garage.
 - (2) Family day-care center.
 - (3) Swimming pool, hot tub and related facilities.
 - (4) Deck, either attached or unattached.
 - (5) Greenhouse.
 - (6) A single shed up to 100 square feet in floor area.
- C. Conditional uses. The following conditional uses are permitted within the single-family district (R-50) subject to area, yard and bulk regulations and other controls identified in the conditional use regulations of this chapter.

- (1) A satellite or dish antenna installed in the side or rear yard, subject to the conditions set forth in § 150-7.11 of this chapter.
 - (2) Home occupations subject to the conditions set forth in § 150-8.8 of this chapter.
- D. Area, yard and bulk regulations for principal and accessory structures and uses shall be as follows:
- (1) Minimum lot size: 5,000 square feet.
 - (2) Minimum lot width: 50 feet.
 - (3) Maximum lot coverage: 30%.
 - (4) Maximum improved lot coverage: 40%.
- E. Area, yard and bulk regulations for principal structures and uses shall be as follows:
- (1) Minimum front yard setback: 30 feet.
 - (2) Minimum side yard setback (one): eight feet.
 - (3) Minimum side yard setbacks (both): 18 feet.
 - (4) Minimum side yard setbacks (both) percentage of lot width: 25.
 - (5) Minimum rear yard setback: 30 feet.
 - (6) Maximum height (stories/feet): 2.5/30.
- F. Area, yard and bulk regulations for accessory structures and uses shall be as follows:
- (1) Minimum side yard setback (one): eight feet.
 - (2) Minimum rear yard setback: 10 feet.
 - (3) Minimum distance between accessory and principal structures: 10 feet.
 - (4) Maximum aggregate area covered by accessory structures in the yard it is located in: 15%.
 - (5) Maximum height (stories/feet): 1 1/2 stories; 15 feet.

R-50 High-Density Single-Family Zone District**§ 150-17.6. R-40 (Very-High-Density Single-Family) Zone District.**

- A. Principal permitted uses. No building or premises shall be erected, altered or used except for uses designated for each district as follows:
 - (1) Single-family dwellings.
- B. Permitted accessory uses. Any of the following accessory uses may be permitted in conjunction with a permitted principal use:
 - (1) Detached garage.
 - (2) Family day-care center.
 - (3) Swimming pool, hot tub and related facilities.
 - (4) Deck, either attached or unattached.
 - (5) Greenhouse.
 - (6) A single shed up to 100 square feet in floor area.
- C. Conditional uses. The following conditional uses are permitted within the single-family district (R-40) subject to area, yard and bulk regulations and other controls identified in the conditional use regulations of this chapter.

- (1) A satellite or dish antenna installed in the side or rear yard, subject to the conditions set forth in § 150-7.11 of this chapter.
 - (2) Home occupations subject to the conditions set forth in § 150-8.8 of this chapter.
- D. Area, yard and bulk regulations for principal and accessory structures and uses shall be as follows:
- (1) Minimum lot size: 4,000 square feet.
 - (2) Minimum lot width: 40 feet.
 - (3) Maximum lot coverage: 30%.
 - (4) Maximum improved lot coverage: 40%.
- E. Area, yard and bulk regulations for principal structures and uses shall be as follows:
- (1) Minimum front yard setback: 30 feet.
 - (2) Minimum side yard setback (one): eight feet.
 - (3) Minimum side yard setbacks (both): 18 feet.
 - (4) Minimum side yard setbacks (both) percentage of lot width: 25.
 - (5) Minimum rear yard setback: 30 feet.
 - (6) Maximum height (stories/feet): 2.5/30.
- F. Area, yard and bulk regulations for accessory structures and uses shall be as follows:
- (1) Minimum side yard setback (one): eight feet.
 - (2) Minimum rear yard setback: 10 feet.
 - (3) Minimum distance between accessory and principal structures: 10 feet.
 - (4) Maximum aggregate area covered by accessory structures in the yard it is located in: 15%.
 - (5) Maximum height (stories/feet): 1 1/2 stories; 15 feet.

R-40 Very-High-Density Single-Family Zone District**§ 150-17.7. A-1 (Multifamily Low-Rise) Zone District.**

- A. Principal permitted uses. No building or premises shall be erected, altered or used except for uses designated for each district as follows:
- (1) Apartment houses.
 - (2) Townhouses.
 - (3) Housing for elderly and handicapped households.
- B. Permitted accessory uses. Any of the following accessory uses may be permitted in conjunction with a permitted principal use:
- (1) Detached garage.
 - (2) Swimming pool and related facilities.
 - (3) Basketball court, unlit.
 - (4) Tennis court, unlit.
- C. Conditional uses.
- (1) A satellite or dish antenna installed in the side or rear yard, subject to the conditions set forth in § 150-7.11 of this chapter.

- (2) Home occupations subject to the conditions set forth in § 150-8.8 of this chapter.

D. Area, yard and bulk regulations.

- (1) Minimum lot size: four acres.
- (2) Minimum lot width: 150 feet.
- (3) Minimum front yard setback: 40 feet.
- (4) Minimum side yard setback (one): 15 feet.
- (5) Minimum side yard setbacks (both): 40 feet.
- (6) Minimum side yard setbacks (both) percentage of lot width: N/A.
- (7) Minimum rear yard setback: 25 feet.
- (8) Maximum-density townhouse dwelling units/acre: six.
- (9) Maximum-density apartment houses dwelling units/acre: 10.
- (10) Maximum height (stories/feet): 2.5/35.
- (11) Maximum lot coverage: 60%.
- (12) Maximum improved lot coverage: 75%.

E. Area, yard and bulk regulations for accessory structures and uses shall be as follows:

- (1) Minimum side yard setback (one): eight feet.
- (2) Minimum rear yard setback: 10 feet.
- (3) Minimum distance between accessory and principal structures: 10 feet.
- (4) Maximum aggregate area covered by accessory structures in the yard it is located in: 15%.
- (5) Maximum height (stories/feet): 1 1/2 stories; 15 feet.

A-1 Multifamily Low-Rise Zone District**§ 150-17.8. Z-1R (Multifamily Low-Rise Redevelopment) Zone District.**

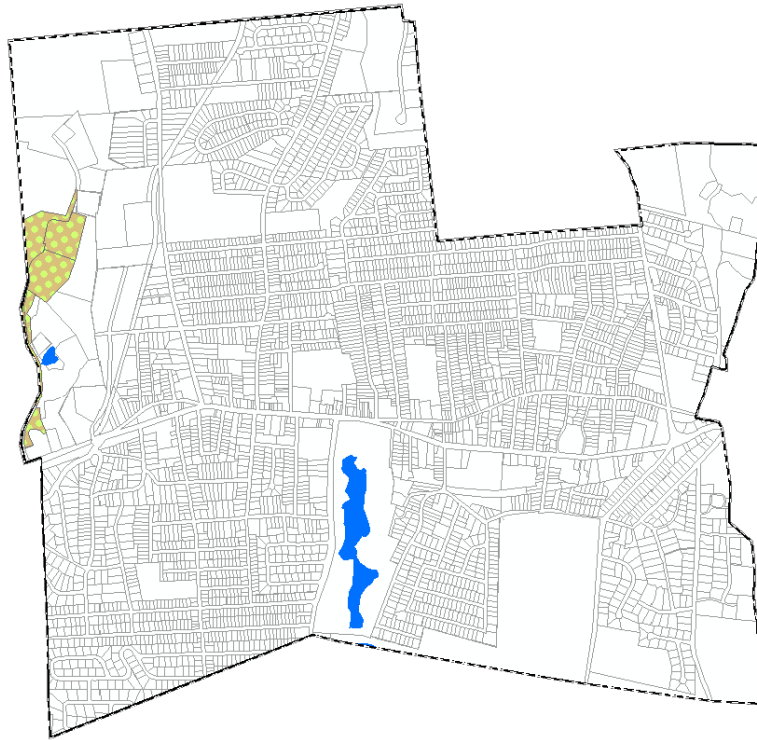
- A. Principal permitted uses. No building or premises shall be erected, altered or used except for uses designated for each district as follows:
- (1) Apartment houses.
- B. Permitted accessory uses. Any of the following accessory uses may be permitted in conjunction with a permitted principal use:
- (1) Detached garage.
 - (2) Swimming pool and related facilities.
 - (3) Basketball court, unlit.
 - (4) Tennis court, unlit.
- C. Conditional uses. The following conditional uses are permitted within the multifamily district (A-1R) subject to area, yard and bulk regulations and other controls identified in the conditional use regulations of this chapter.
- (1) A satellite or dish antenna installed in the side or rear yard, subject to the conditions set forth in § 150-7.11 of this chapter.
 - (2) Home occupations subject to the conditions set forth in § 150-8.8 of this chapter.

D. Area, yard and bulk regulations.

- (1) Minimum lot size: 43,560 square feet.
- (2) Minimum lot width: 150 feet.
- (3) Minimum front yard setback: 40 feet.
- (4) Minimum side yard setback (one): 15 feet.
- (5) Minimum side yard setbacks (both): 40 feet.
- (6) Minimum side yard setbacks (both) percentage of lot width: N/A.
- (7) Minimum rear yard setback: 25 feet.
- (8) Maximum density dwelling units/acre: 10.
- (9) Maximum height (stories/feet): 2.5/35.
- (10) Maximum lot coverage: 25%.
- (11) Maximum improved lot coverage: 55%.

E. Area, yard and bulk regulations for accessory structures and uses shall be as follows:

- (1) Minimum side yard setback (one): eight feet.
- (2) Minimum rear yard setback: 10 feet.
- (3) Minimum distance between accessory and principal structures: 10 feet.
- (4) Maximum aggregate area covered by accessory structures in the yard it is located in: 15%.
- (5) Maximum height (stories/feet): 1 1/2 stories; 15 feet.

A-1R Multifamily Low-Rise Redevelopment Zone District**§ 150-17.9. A-2 (Multifamily High-Rise) Zone District.**

- A. Principal permitted uses. No building or premises shall be erected, altered or used except for uses designated for each district as follows:
- (1) Apartment houses.
 - (2) Senior citizen housing.
- B. Permitted accessory uses. Any of the following accessory uses may be permitted in conjunction with a permitted principal use:
- (1) Parking garage.
 - (2) Swimming pool and related facilities.
 - (3) Basketball court, unlit.
 - (4) Tennis court, unlit.
- C. Conditional uses. The following conditional uses are permitted within the multifamily district (A-2) subject to area, yard and bulk regulations and other controls identified in the conditional use regulations of this chapter.
- (1) A satellite or dish antenna installed in the side or rear yard, subject to the conditions set forth in § 150-7.11 of this chapter.

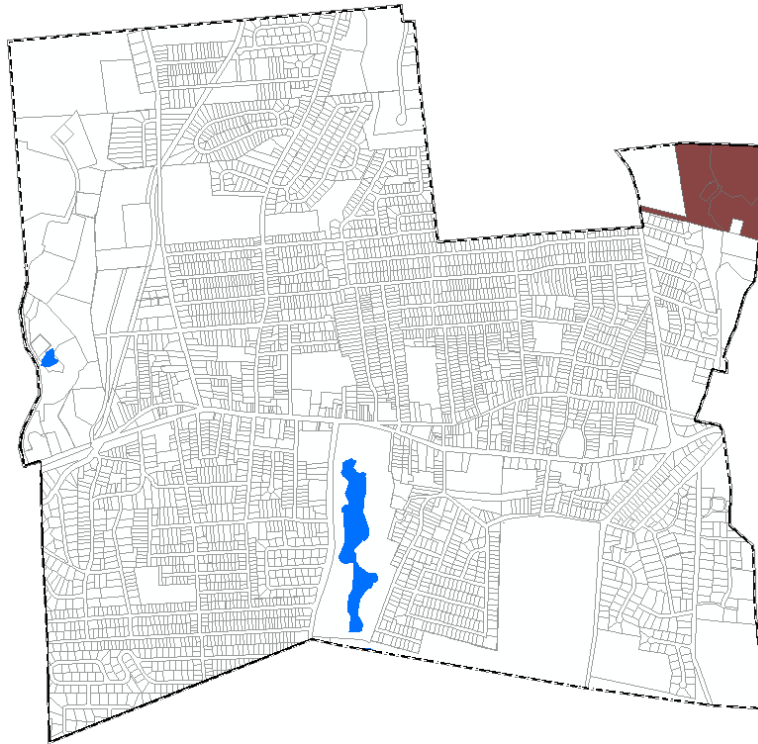
- (2) Home occupations subject to the conditions set forth in § 150-8.8 of this chapter.

D. Area, yard and bulk regulations.

- (1) Minimum lot size: eight acres.
- (2) Minimum lot width: 300 feet.
- (3) Minimum front yard setback: 100 feet.
- (4) Minimum side yard setback (one): 100 feet.
- (5) Minimum side yard setbacks (both): 250 feet.
- (6) Minimum side yard setbacks (both) percentage of lot width: N/A.
- (7) Minimum rear yard setback: 15 feet.
- (8) Maximum density for lots under 10 acres dwelling units/acre: 35.
- (9) Maximum density for lots over 10 acres dwelling units/acre: 25.
- (10) Maximum height (stories/feet): 10/120.
- (11) Maximum lot coverage: 25%.
- (12) Maximum improved lot coverage: 75%.

E. Area, yard and bulk regulations for accessory structures and uses shall be as follows:

- (1) Minimum side yard setback (one): eight feet.
- (2) Minimum rear yard setback: 10 feet.
- (3) Minimum distance between accessory and principal structures: 10 feet.
- (4) Maximum aggregate area covered by accessory structures in the yard it is located in: 15%.
- (5) Maximum height (stories/feet): 1 1/2 stories; 15 feet.

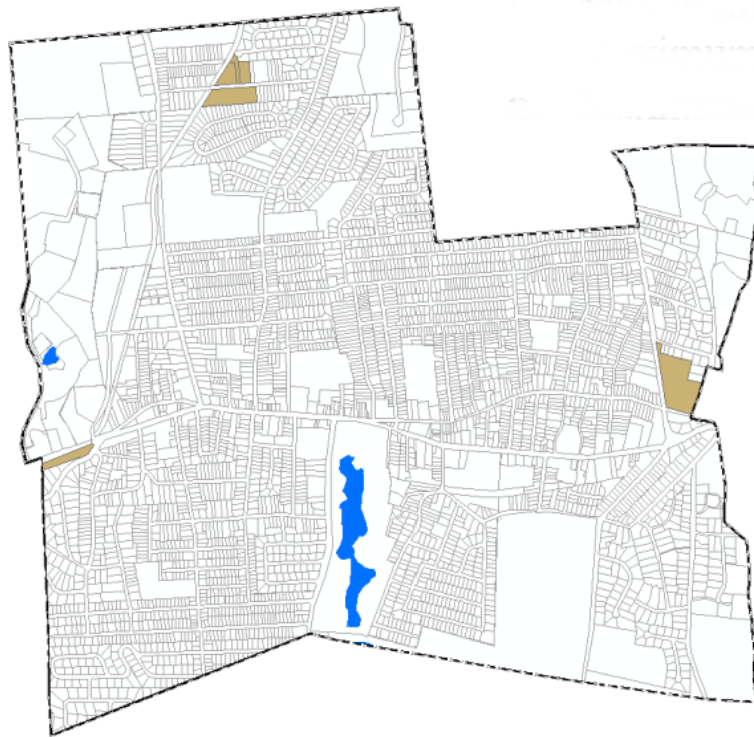
A-2 Multifamily High-Rise Zone District**§ 150-17.10. A-3 (Residential Townhouse) Zone District.**

- A. Principal permitted uses. No building or premises shall be erected, altered or used except for uses designated for each district as follows:
- (1) Single-family dwellings.
- B. Permitted accessory uses. Any of the following accessory uses may be permitted in conjunction with a permitted principal use:
- (1) Detached garage.
 - (2) Family day-care center.
 - (3) Swimming pool, hot tub and related facilities.
 - (4) Basketball court, unlit.
 - (5) Tennis court, unlit.
 - (6) Deck, either attached or unattached.
 - (7) Greenhouse.
 - (8) A single shed up to 150 square feet in floor area.

- C. Area, yard and bulk regulations for principal and accessory structures and uses (single family):
- (1) Minimum lot size: 8,400 square feet.
 - (2) Minimum lot width: 70 feet.
 - (3) Maximum lot coverage: 20%.
 - (4) Maximum improved lot coverage: 35%.
- D. Area, yard and bulk regulations for principal structures and uses (single family):
- (1) Minimum front yard setback: 30 feet.
 - (2) Minimum side yard setback (one): eight feet.
 - (3) Minimum side yard setbacks (both): 18 feet.
 - (4) Minimum side yard setbacks (both) percentage of lot width: 25.
 - (5) Minimum rear yard setback: 30 feet.
 - (6) Maximum height (stories/feet): 2.5/30.
- E. Area, yard and bulk regulations for accessory structures and uses (single family):
- (1) Minimum side yard setback (one): eight feet.
 - (2) Minimum rear yard setback: 10 feet.
 - (3) Minimum distance between accessory and principal structures: 10 feet.
 - (4) Maximum aggregate area covered by accessory structures in the yard it is located in: 15%.
 - (5) Maximum height (stories/feet): 1 1/2 stories; 15 feet.
- F. Conditional uses. The following conditional uses are permitted within the Residential Townhouse district (A-3) subject to area, yard and bulk regulations and other controls identified in the conditional use regulations of this chapter.
- (1) A satellite or dish antenna, as an accessory use, installed in the side or rear yard, subject to the conditions set forth in § 150-7.11 of this chapter.
 - (2) Townhouses subject to the following density and bulk regulations:
 - (a) Over eight acres in size: eight dwelling units per acre.
 - (b) Between 6.0 and 7.99 acres in lot size: nine dwelling units per acre.
 - (c) Between 4.1 and 5.99 acres in lot size: 11 dwelling units per acre.
 - (d) Under four acres in lot size: 12 dwelling units per acre.
 - (e) Minimum acreage (combined): 1.5 acres.
 - (f) Minimum front yard setback: 50 feet.

- (g) Minimum side yard setback: 25 feet.
- (h) Minimum rear yard setback: 50 feet.
- (i) Minimum rear yard setback, Bloomfield frontage: 30 feet.
- (j) Minimum front yard setback, Bloomfield frontage: 25 feet.
- (k) Minimum buffer between townhouses and off-site residential uses: 25 feet.
- (l) Maximum height (stories/feet): 2.5 stories; 35 feet.
- (m) Maximum lot coverage: 40%.
- (n) Maximum improved lot coverage: 55%.

A-3 Residential - Townhouse Zone District



§ 150-17.11. C-2 (Professional Office and Business) Zone District.

- A. Principal permitted uses. No building or premises shall be erected, altered or used except for uses designated for each district as follows:
- (1) Commercial and professional offices.
 - (2) Commercial schools offering instruction in dance, music, fine art and similar pursuits.
 - (3) Family day-care centers.

B. Permitted accessory uses. Any of the following accessory uses may be permitted in conjunction with a permitted principal use:

(1) Accessory uses customarily incidental to the principal or conditional use.

C. Conditional uses. The following conditional uses are permitted within the district subject to area, yard and bulk regulations and other controls identified in the conditional use regulations of this chapter.

(1) Mixed residential and professional office uses (nonmedical) subject to the mixed use standards set forth in § 150-8.3.

(2) Mixed residential and commercial office uses (nonmedical) subject to the mixed use standards set forth in § 150-8.3.

(3) Mixed professional (nonmedical) and commercial office uses (nonmedical) subject to the mixed use standards set forth in § 150-8.3.

D. Area, yard and bulk regulations.

(1) Minimum lot size: 15,000 square feet.

(2) Minimum lot width: 100 feet.

(3) Minimum front yard setback: 20 feet.

(4) Minimum side yard setback (one): 15 feet.

(5) Minimum side yard setbacks (both): 35 feet.

(6) Minimum side yard setbacks (both) percentage of lot width: N/A.

(7) Minimum rear yard setback: 50 feet.

(8) Maximum height for principal building (stories/feet): 2.5/35.

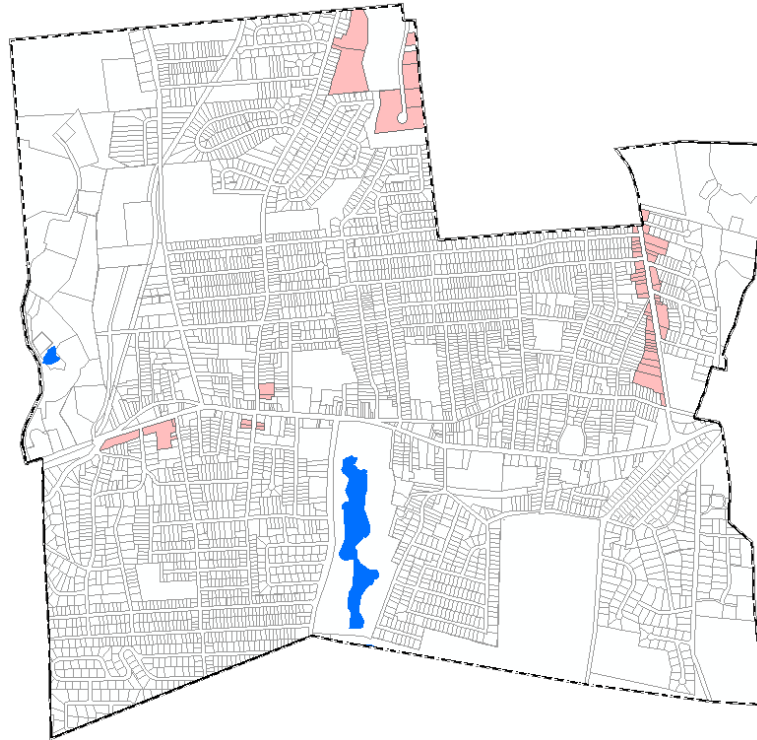
(9) Maximum height for accessory structures: 15 feet.

(10) Maximum lot coverage: 30%.

(11) Maximum improved lot coverage: 65%.

(12) Maximum floor area ratio: 50%.

(13) Minimum landscaped buffer along residential zone: 15 feet.

C-2 Professional Office and Business Zone District**§ 150-17.12. R-CMO (Residential Conditional Mixed Office) Zone District.**

- A. Principal permitted uses. No building or premises shall be erected, altered or used except for uses designated for each district as follows:
- (1) Single-family dwellings.
- B. Permitted accessory uses. Any of the following accessory uses may be permitted in conjunction with a permitted principal use:
- (1) Accessory uses customarily incidental to the principal or conditional use.
- C. Area, yard and bulk regulations:
- (1) Minimum lot size: 12,000 square feet.
 - (2) Minimum lot width: 75 feet.
 - (3) Minimum front yard setback: 30 feet.
 - (4) Minimum side yard setback (one): eight feet.
 - (5) Minimum side yard setbacks (both): 18 feet.
 - (6) Minimum side yard setbacks (both) percentage of lot width: 25.
 - (7) Minimum rear yard setback: 30 feet.

- (8) Maximum height for principal building (stories/feet): 2.5/35.
 - (9) Maximum height for accessory structures: 15 feet.
 - (10) Maximum lot coverage: 30%.
 - (11) Maximum improved lot coverage: 65%.
- D. Conditional uses. The following conditional uses are permitted within the district subject to area, yard and bulk regulations and other controls identified in the conditional use regulations of this chapter.
- (1) Mixed residential and professional offices (nonmedical) subject to the mixed use standards set forth in § 150-8.3.
 - (2) Mixed residential and commercial offices (nonmedical) subject to the mixed use standards set forth in § 150-8.3.
 - (3) Planned commercial development (nonmedical) subject to the mixed use standards set forth in § 150-8.3 and subject to the following requirements:
 - (a) Minimum acreage (combined): 1.5 acres.
 - (b) Maximum density in planned commercial development: five dwelling units per acre.
 - (c) Minimum front yard setback: 50 feet.
 - (d) Minimum side yard setback: 25 feet.
 - (e) Minimum rear yard setback: 50 feet.
 - (f) Maximum height (stories/feet): 2.5/35.
 - (g) Maximum lot coverage: 30%.
 - (h) Maximum improved lot coverage: 65%.
 - (i) Minimum distance between buildings: 25 feet.
 - (j) Maximum floor area ratio: 0.25.
 - (k) Minimum landscaped buffer along residential zone: 15 feet.
 - (4) Residential clusters subject to the following requirements:
 - (a) Minimum acreage (combined): 1.5 acres.
 - (b) Maximum residential cluster density: seven dwelling units per acre.
 - (c) Minimum front yard setback: 50 feet.
 - (d) Minimum side yard setback: 25 feet.
 - (e) Minimum rear yard setback: 50 feet.
 - (f) Maximum height (stories/feet): 2.5/35.

- (g) Maximum lot coverage: 30%.
- (h) Maximum improved lot coverage: 65%.
- (i) Minimum distance between buildings: 25 feet.
- (j) Maximum floor area ratio: 0.30.
- (k) Minimum landscaped buffer along residential zone: 15 feet.

R-CMO Residential Conditional Mixed Office Zone District



§ 150-17.13. MR (Mixed Retail) Zone District.

- A. Principal permitted uses. No building or premises shall be erected, altered or used except for uses designated for each district as follows:
 - (1) Single-family dwellings.
 - (2) Professional offices (nonmedical).
 - (3) Commercial offices (nonmedical).
 - (4) Retail.
- B. Permitted accessory uses. Any of the following accessory uses may be permitted in conjunction with a permitted principal use:
 - (1) Accessory uses customarily incidental to the principal or conditional use.

C. Area, yard and bulk regulations:

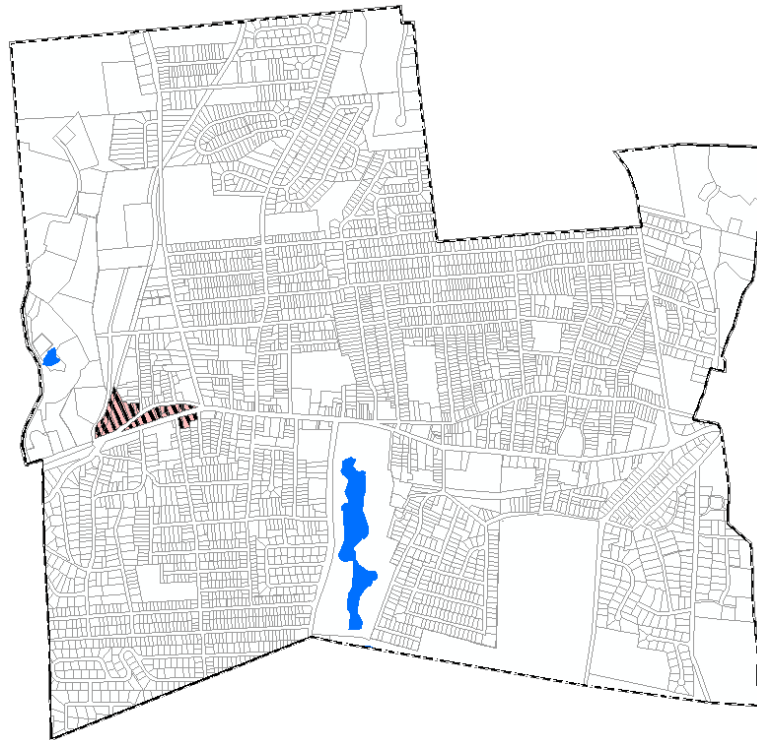
- (1) Minimum lot size: 6,000 square feet.
- (2) Minimum lot width: 60 feet.
- (3) Minimum front yard setback: 20 feet.
- (4) Minimum side yard setback (one): 15 feet.
- (5) Minimum side yard setbacks (both): 35 feet.
- (6) Minimum side yard setbacks (both) percentage of lot width: 25.
- (7) Minimum rear yard setback: 50 feet.
- (8) Maximum height for principal building (stories/feet): 2.5/35.
- (9) Maximum height for accessory structures: 15 feet.
- (10) Maximum lot coverage: 30%.
- (11) Maximum improved lot coverage: 65%.
- (12) Minimum landscaped buffer along residential zone: 15 feet.

D. Conditional uses. The following conditional uses are permitted within the district subject to area, yard and bulk regulations and other controls identified in the conditional use regulations of this chapter.

- (1) Mixed residential and retail subject to the mixed use standards set forth in § 150-8.3.
- (2) Mixed residential and commercial office (nonmedical) subject to the mixed use standards set forth in § 150-8.3.
- (3) Mixed commercial and professional offices (nonmedical) subject to the mixed use standards set forth in § 150-8.3.
- (4) Mixed residential and professional office (nonmedical) subject to the mixed use standards set forth in § 150-8.3.
- (5) Residential clusters subject to the following regulations:
 - (a) Minimum acreage (combined): 1.5 acres.
 - (b) Maximum residential cluster density: seven du/acre.
 - (c) Minimum front yard setback: 50 feet.
 - (d) Minimum side yard setback: 25 feet.
 - (e) Minimum rear yard setback: 50 feet.
 - (f) Maximum height (stories/feet): 2.5/35.
 - (g) Maximum lot coverage: 30%.

- (h) Maximum improved lot coverage: 65%.
- (i) Minimum distance between buildings: 25 feet.
- (j) Maximum floor area ratio: 0.30.
- (k) Minimum landscaped buffer along residential zone: 15 feet.

MR Mixed Retail Zone District



§ 150-17.14. TC (Town Center) Zone District.

- A. Principal permitted uses. No building or premises shall be erected, altered or used except for uses designated for each district as follows:
- (1) Retail stores and retail service establishments, including stores or shops or retail business conducted entirely within the confines of a building.
 - (2) Cafeterias, full-service restaurants, snack and nonalcoholic beverage bars, confectionery and nut stores, retail bakeries. These uses shall have a maximum seating capacity of 100 patrons. These uses shall be permitted on lots having frontage on Bloomfield Avenue.
 - (3) Banks and other financial institutions, but not including drive in uses.
 - (4) Theatrical and motion-picture theaters.
 - (5) Family day-care centers.

- (6) Personal service establishments.
- B. Permitted accessory uses. Any of the following accessory uses may be permitted in conjunction with a permitted principal use:
 - (1) Accessory uses customarily incidental to the principal or conditional use.
 - (2) Outdoor restaurant seating in accordance with § 150-7.23.
 - (3) Sidewalk café in accordance with § 150-7.22.
- C. Area, yard and bulk regulations:
 - (1) Minimum lot size: 2,000 square feet.
 - (2) Minimum lot width: 50 feet.
 - (3) Minimum front yard setback: zero feet.
 - (4) Minimum side yard setback (one): zero feet.
 - (5) Minimum side yard setbacks (both): zero feet.
 - (6) Minimum side yard setbacks (both) percentage of lot width: N/A.
 - (7) Minimum rear yard setback: 20 feet.
 - (8) Maximum height for principal building (stories/feet): 3/50.
 - (9) Maximum height for accessory structures: 15 feet.
 - (10) Maximum building coverage: 80%.
 - (11) Maximum improved lot coverage: 100%.
 - (12) Minimum landscaped buffer along residential zone: 15 feet.
- D. Conditional uses. The following conditional uses are permitted within the Town Center zone (TC) subject to area, yard and bulk regulations and other controls identified in the conditional use regulations of this chapter.
 - (1) Mixed residential and retail subject to the mixed use standards set forth in § 150-8.3.
 - (2) Mixed retail and commercial (nonmedical) subject to the mixed use standards set forth in § 150-8.3.
 - (3) Mixed retail and professional office (nonmedical) subject to the mixed use standards set forth in § 150-8.3.
 - (4) Massage parlors subject to the conditional standards set forth in § 150-8.11.

TC Town Center Zone District**§ 150-17.15. ETC (Extended Town Center) Zone District.**

- A. Principal permitted uses. No building or premises shall be erected, altered or used except for uses designated for each district as follows:
- (1) Retail stores and retail service establishments, including stores or shops for retail business conducted entirely within the confines of a building.
 - (2) Cafeteria.
 - (3) Full-service restaurant.
 - (4) Snack and nonalcoholic beverage bar.
 - (5) Confectionery and nut store.
 - (6) Baked goods store.
 - (7) Retail bakery.
 - (8) Caterer, off site.
 - (9) Caterer, on site.
 - (10) Limited-service restaurant.
 - (11) Banks and other financial institutions.

- (12) Commercial and professional offices.
 - (13) Wholesale trade.
 - (14) Family day-care centers.
 - (15) Personal service establishments.
- B. Permitted accessory uses. Any of the following accessory uses may be permitted in conjunction with a permitted principal use:
- (1) Accessory uses customarily incidental to the principal or conditional use.
 - (2) Outdoor restaurant seating in accordance with § 150-7.23.
- C. Area, yard and bulk regulations:
- (1) Minimum lot size: 12,000 square feet.
 - (2) Minimum lot width: 100 feet.
 - (3) Minimum front yard setback: 30 feet.
 - (4) Minimum side yard setback (one): 20 feet.
 - (5) Minimum side yard setbacks (both): 40 feet.
 - (6) Minimum side yard setbacks (both) percentage of lot width: N/A.
 - (7) Minimum rear yard setback: 30 feet.
 - (8) Maximum height for principal building (stories/feet): 3/50.
 - (9) Maximum height for accessory structures: 15 feet.
 - (10) Maximum lot coverage: 40%.
 - (11) Maximum improved lot coverage: 80%.
 - (12) Floor area ratio: 100%.
 - (13) Minimum landscaped buffer along residential zone: 15 feet.
- D. Conditional uses. The following conditional uses are permitted within the Extended Town Center zone (ETC) subject to area, yard and bulk regulations and other controls identified in the conditional use regulations of this chapter.
- (1) Automobile sales subject to the conditional uses standards set forth in § 150-8.4.
 - (2) Mixed residential and retail subject to the mixed use standards set forth in § 150-8.3.
 - (3) Mixed retail and commercial (nonmedical) subject to the mixed use standards set forth in § 150-8.3.
 - (4) Mixed retail and professional office (nonmedical) subject to the mixed use standards set forth in § 150-8.3.

- (5) Automobile service stations subject to the conditional uses standards set forth in § 150-8.5.
- (6) Massage parlors subject to the conditional use standards set forth in § 150-8.11.

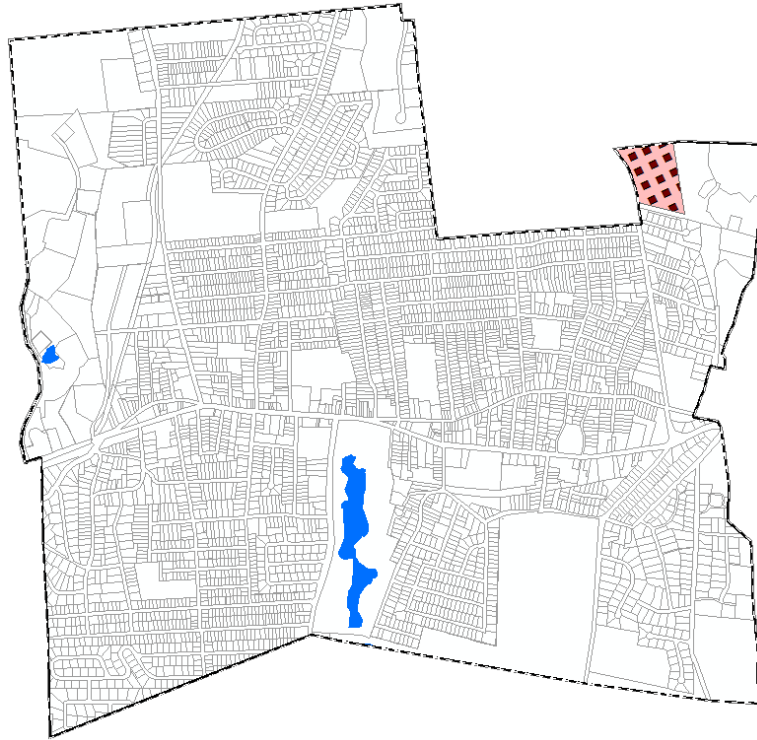
ETC Extended Town Center Zone District



§ 150-17.16. RR (Regional Retail) Zone District.

- A. Principal permitted uses. No building or premises shall be erected, altered or used except for uses designated for each district as follows:
 - (1) Regional shopping center.
 - (2) Retail stores and retail service establishments, including stores or shops for retail business conducted entirely within the confines of a building.
 - (3) Supermarket.
 - (4) Cafeteria.
 - (5) Full-service restaurant.
 - (6) Snack and nonalcoholic beverage bar.
 - (7) Confectionery and nut store.
 - (8) Baked goods store.
 - (9) Retail bakery.

- (10) Limited service restaurant.
- (11) Commercial recreational facilities.
- (12) Personal service establishments.
- B. Permitted accessory uses. Any of the following accessory uses may be permitted in conjunction with a permitted principal use:
 - (1) Accessory uses customarily incidental to the principal or conditional use.
- C. Conditional uses: None.
- D. Area, yard and bulk regulations.
 - (1) Minimum lot size: 10 acres.
 - (2) Minimum lot width: 750 feet.
 - (3) Minimum front yard setback: 200 feet.
 - (4) Minimum side yard setback (one): 50 feet.
 - (5) Minimum side yard setbacks (both): 100 feet.
 - (6) Minimum side yard setbacks (both) percentage of lot width: N/A.
 - (7) Minimum rear yard setback: 40 feet.
 - (8) Maximum height (stories/feet): 2/50.
 - (9) Maximum lot coverage: 40%.
 - (10) Maximum improved lot coverage: 100%.

RR Regional Retail Zone District**§ 150-17.17. P (Public) Zone District.**

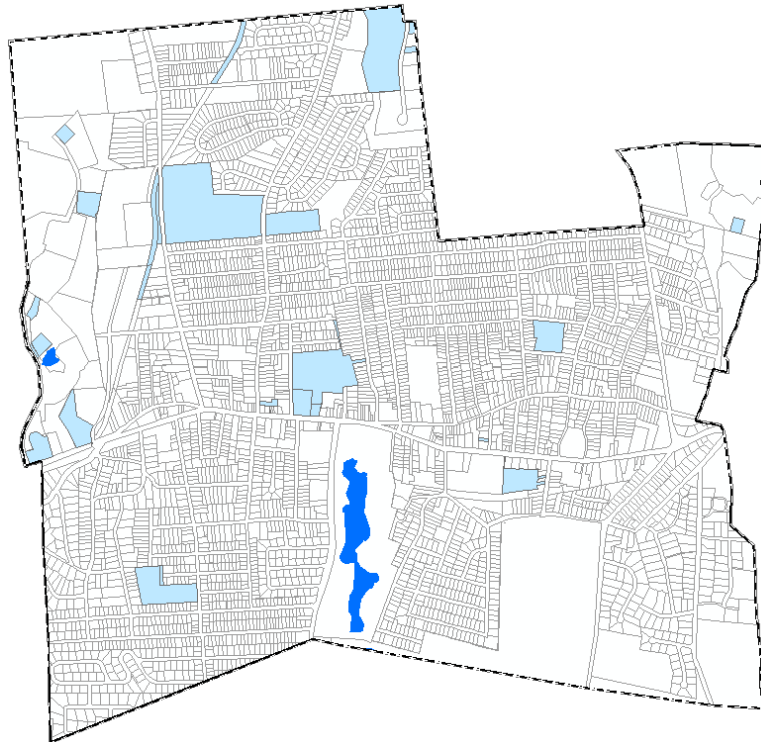
- A. Principal permitted uses. No building or premises shall be erected, altered or used except for uses designated for each district as follows:
- (1) Public schools.
 - (2) Public parks.
 - (3) Public open space.
 - (4) Public library.
 - (5) Public parking facilities.
 - (6) Public utilities.
 - (7) Municipal offices.
 - (8) Municipal pool.
 - (9) County offices.
- B. Permitted accessory uses. Any of the following accessory uses may be permitted in conjunction with a permitted principal use:
- (1) Accessory uses customarily incidental to the principal or conditional use.

C. Conditional uses: None.

D. Area, yard and bulk regulations.

- (1) Minimum lot size: 10,000 square feet.
- (2) Minimum lot width: 100 feet.
- (3) Minimum front yard setback: 30 feet.
- (4) Minimum side yard setback (one): 20 feet.
- (5) Minimum side yard setbacks (both): 40 feet.
- (6) Minimum side yard setbacks (both) percentage of lot width: N/A.
- (7) Minimum rear yard setback: 40 feet.
- (8) Maximum height (stories/feet): 3/50.
- (9) Maximum lot coverage: N/A.
- (10) Maximum improved lot coverage: N/A.

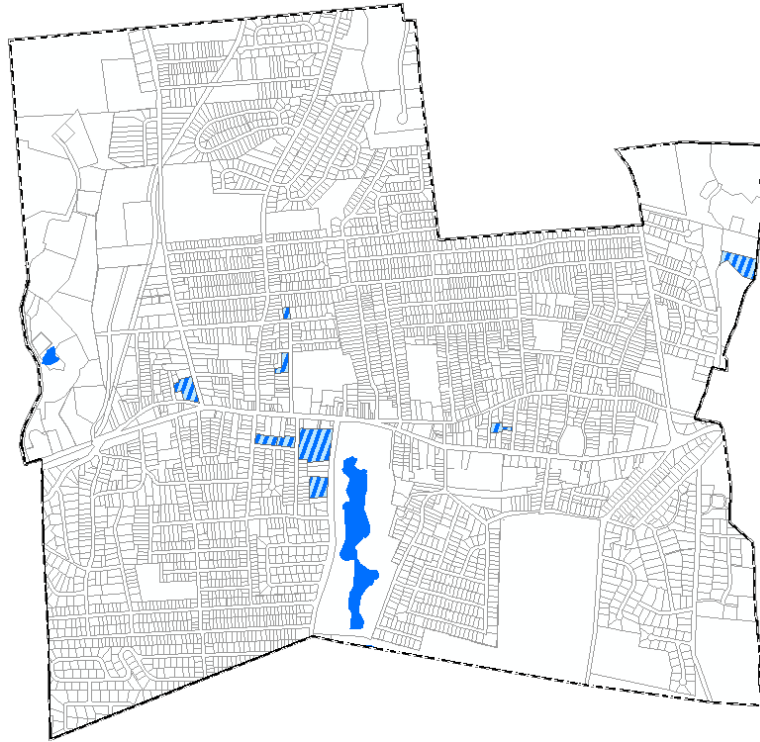
P Public Zone District



§ 150-17.18. SP (Semipublic) Zone District.

A. Principal permitted uses. No building or premises shall be erected, altered or used except for uses designated for each district as follows:

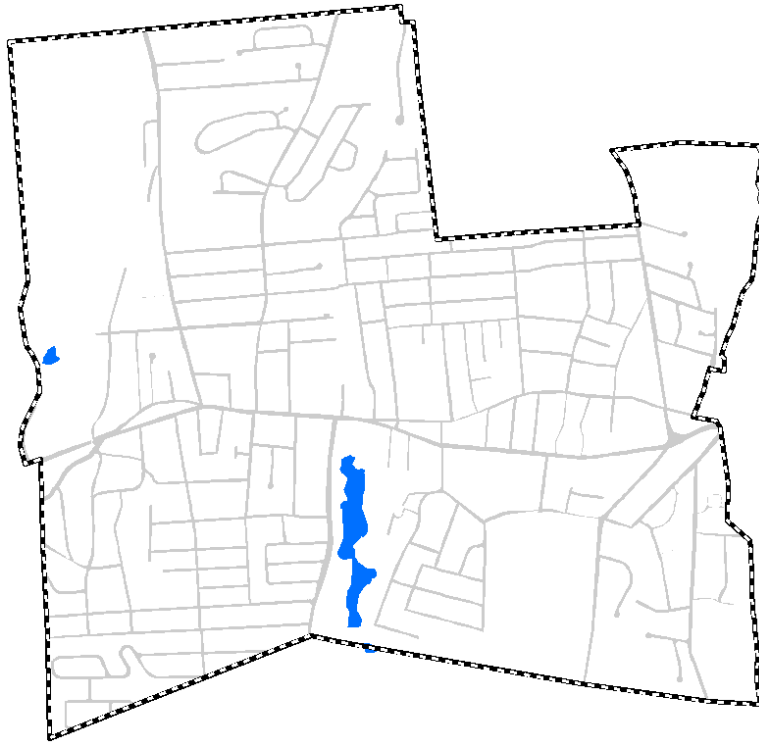
- (1) Houses of worship.
- (2) Private schools.
- B. Permitted accessory uses. Any of the following accessory uses may be permitted in conjunction with a permitted principal use:
 - (1) Accessory uses customarily incidental to the principal or conditional use.
- C. Conditional uses: None.
- D. Area, yard and bulk regulations.
 - (1) Minimum lot size: 65,340 square feet.
 - (2) Minimum lot width: 100 feet.
 - (3) Minimum front yard setback: 30 feet.
 - (4) Minimum side yard setback (one): eight feet.
 - (5) Minimum side yard setbacks (both): 18 feet.
 - (6) Minimum side yard setbacks (both) percentage of lot width: 25.
 - (7) Minimum rear yard setback: 30 feet.
 - (8) Maximum height (stories/feet): 2.5/35.
 - (9) Maximum lot coverage: 30%.
 - (10) Maximum improved lot coverage: 40%.

SP Semipublic Zone District**§ 150-17.19. T (Transportation) Zone District.**

- A. Principal permitted uses. No building or premises or land shall be erected, altered or used except for uses designated for each district as follows:
- (1) Street rights-of-way.
 - (2) Public utilities.
 - (3) Street furniture.
 - (4) Sidewalk café.
- B. Permitted accessory uses. None.
- C. Conditional uses. None.
- D. Area, yard and bulk regulations.
- (1) Minimum lot size: N/A.
 - (2) Minimum lot width: N/A.
 - (3) Minimum front yard setback: N/A.
 - (4) Minimum side yard setback (one): N/A.
 - (5) Minimum side yard setbacks (both): N/A.

- (6) Minimum side yard setbacks (both) percentage of lot width: N/A.
- (7) Minimum rear yard setback: N/A.
- (8) Maximum height: N/A.
- (9) Maximum lot coverage: N/A.
- (10) Maximum improved lot coverage: N/A.

T Transportation Zone District



§ 150-17.20. TC-R (Town Center Redevelopment) Zone District. [Added 6-15-2015 by Ord. No. 1-15]

- A. Permitted principal uses.
 - (1) Multiple-family housing developments having common open space as an appurtenant use.
 - (2) Uses as permitted in the Town Center (TC zoning district).
- B. Permitted accessory uses. Any of the following accessory uses may be permitted in conjunction with a permitted multifamily housing development principal use. Accessory uses as associated with the principal uses permitted within the Town Center (TC) shall be those accessory uses permitted within the Town Center District in accordance with § 150-17.14B.
 - (1) Accessory uses customarily incidental to the principal use.

- (2) Below-structure parking.
 - (3) Roof-top terrace and balconies.
 - (4) Signage.
 - (5) Utilities.
- C. Area, yard and bulk regulations.
 - (1) Minimum lot size: 8,000 square feet.
 - (2) Minimum lot width: 70 feet.
 - (3) Minimum front yard setback: zero feet.
 - (4) Minimum side yard setback (one): zero feet.
 - (5) Minimum side yard setbacks (both): zero feet.
 - (6) Minimum side yard setbacks (both) percentage of lot width: N/A.
 - (7) Minimum rear yard setback: 15 feet.
 - (8) Minimum landscaped buffer along residential zone: 15 feet.
 - (9) Maximum height for principal building (stories/feet): 3/50.
 - (10) Maximum height for accessory structures: 15 feet.
 - (11) Minimum accessory use setback: five feet.
 - (12) Maximum building coverage: 80%.
 - (13) Maximum improved lot coverage: 100%.
 - (14) Maximum number of units per building: 10.
 - (15) Maximum number of bedrooms per unit: two.
 - (16) Maximum number of bedrooms per building: 18.
 - (17) Maximum number of balconies per unit: one.
- D. Conditional uses. The following conditional uses are permitted within the Town Center Redevelopment (TC) zone subject to area, yard and bulk regulations and other controls identified in the conditional use regulations of this chapter. There are no conditional uses permitted when the multifamily use is the principal use. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
 - (1) Mixed residential and retail subject to the mixed use standards set forth in § 150-8.3.
- E. Additional requirements for the multifamily use.
 - (1) Access.

- (a) Vehicular. No driveway or access or egress from a parking area shall be located closer than 40 feet from any intersection or as required by county or state regulations.
- (b) Pedestrian. Pedestrian access shall be from a public right-of-way.
- (2) Roof-top parapet: Any roof-top parapet shall not exceed five feet in height.

F. Multifamily design standards.

- (1) Building design.
 - (a) Each building shall have two livable floors located over a below-structure parking garage serviced by interior stairwell and elevator.
 - (b) Each building shall have maximum of 10 units with a maximum of 18 bedrooms per building.
 - (c) Each building shall have a maximum of two bedrooms per unit.
 - (d) Each unit shall have a balcony which may not extend beyond the building footprint.
 - (e) Each unit is prohibited using grills on the outdoor balconies.
 - (f) Each unit shall have its own separate laundry facilities.
 - (g) Each unit shall have its own utility connection with an individual meter for gas and water use as well as its own HVAC system.
 - (h) Each building shall provide an interior elevator for access to all floors, including the parking and any roof areas used for tenant purposes.
 - (i) Each building shall provide fire sprinkler systems for all floors, including the parking garage.
 - (j) Each building may provide a roof terrace area with a stairwell access in addition to the elevator access to the ground exterior.
 - (k) The ground floor parking area shall remain partially open for ventilation and mechanically gated with key actuation provided.
 - (l) The ground floor shall provide a separate room for the storage of trash and recyclables which will be picked up by a private hauler.
 - (m) Tandem parking spaces will be assigned to individual units.
 - (n) The building exterior finish shall be a combination of brick, stone and masonry veneer. No PVC siding materials are to be used other than exterior trim.
 - (o) Exterior rooftop lighting and HVAC equipment shall be screened from adjoining properties.
 - (p) No more than 33% of the entire roof area may be utilized for each roof-top terrace and associated access improvements.

- (q) Any area that is open to the tenants of the building (public area) must be separated from any utilitarian portion of the roof (nonpublic) by a physical barrier of a least three feet in height.
 - (r) All public rooftop areas must be adequately illuminated by lighting no higher than 36 inches except for safety and/or security lighting.
 - (s) All access points from inside the building to a proposed roof terrace must be monitored by a security system.
 - (t) A single gate from the public rooftop area to the nonpublic area may be installed to allow for the maintenance of said rooftop utilities.
 - (u) Exterior security lighting shall be screened such the source of the light is not visible from adjoining properties.
- (2) Parking.
- (a) Parking spaces shall be a minimum of nine feet in width and 18 feet in depth; consistent with the residential site improvement standards.
 - (b) Ground-floor enclosed parking must be covered by a sprinkler system.
 - (c) Tandem parking spaces (two parking spaces front to back) shall be assigned so as to have one unit utilizing two tandem spaces, similar to that of requirements for single-family homes with a garage and a driveway parking space.
 - (d) Plans consisting of two separate lots separated by a right-of-way, parking requirements may be met accumulatively by both properties.
 - (e) Aisle widths in the parking lot must maintain 24 feet.
 - (f) Assigned parking spaces are for use of the tenants only.
 - (g) Garage parking areas shall be adequately lighted and accessible by emergency services.
 - (h) One parking space shall be permitted within the buffer area of each lot.
- (3) Signage.
- (a) No monument or window signs are permitted.
 - (b) One building identification sign is permitted per building and located on the street side of the building and shall not exceed 40 square feet per building.
- (4) Utilities.
- (a) All units and common areas must contain a sprinkler system.
 - (b) Air conditioning compressors and other utilities (including generators) must be located on the roof of the building.
 - (c) No above-ground utilities shall be permitted in any buffer.

- (d) All individual utilities must vent through the roof and not the side of the building.
- (e) Each building shall be designed in such a way that solid waste and recycling areas are provided on the ground floor and accessible from the public right-of-way.
- (f) All roof leaders must drain to catch basins and a water quality structure prior to being released into the municipal stormwater system.

§ 150-17.21. ETC-R (Extended Town Center Redevelopment) Zone District. [Added 7-11-2016 by Ord. No. 14-16]

A. Permitted principal uses.

- (1) Multiple-family housing developments having common open space as an appurtenant use.
- (2) Uses as permitted in the Extended Town Center (ETC - Zoning District), except that there shall be no commercial uses permitted above the third floor.
- (3) Mixed-use retail and residential buildings with retail uses are limited to the first floor.

B. Permitted accessory uses. In addition to accessory uses associated with permitted principal uses permitted within the Extended Town Center (ETC) in accordance with § 150-17.15B, the following uses are permitted in conjunction with multifamily housing development principal use.

- (1) Accessory uses customarily incidental to the principal use:
- (2) Below-structure parking.
- (3) Roof-top terraces and balconies.

C. Extended Town Center. All other permitted uses located within the Extended Town Center Redevelopment (ETC-R) zone shall be subject to area, yard and bulk regulations and other controls identified for the use within the ETC in accordance with § 150-17.15C. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

D. Multifamily area, yard, and bulk standards: [Amended 10-3-2016 by Ord. No. 23-16]

- (1) Minimum lot size: 1.5 acres.
- (2) Maximum residential density: 30 units per acre.
- (3) Minimum lot width: 100 feet.
- (4) Minimum front yard setback: 30 feet.
- (5) Minimum side yard setback: 20 feet.
- (6) Minimum side yard setback (both): 40 feet.

- (7) Minimum rear yard setback: 25 feet.
- (8) Minimum common open space (percent of lot area): 15.
- (9) Minimum landscaped buffer along residential zone: six feet.
- (10) Maximum height, principal building (stories/feet): 6/80.
- (11) Maximum building coverage (percent of lot area): 70.
- (12) Maximum improved lot coverage (percent of lot area): 85.
- (13) Maximum number of buildings per lot: two.
- (14) Minimum distance between principal buildings: 30 feet.
- (15) Maximum number of units per building: 70.
- (16) Maximum number of bedrooms per unit: three.
- (17) Maximum number of bedrooms per building: 90.
- (18) Maximum number of balconies per unit: one.
- (19) Maximum percentage of studio units per building: 15.
- (20) Maximum percentage of three-bedroom units per building: 10%.
- (21) Maximum unit size: 1,500 square feet.
- (22) Minimum unit size (square feet):
 - (a) Studio: 480.
 - (b) One-bedroom: 730.
 - (c) Two-bedroom: 950.
 - (d) Three-bedroom: 1,100.
- (23) Maximum accessory use height: 15 feet.
- (24) Minimum accessory use setback: six feet.
- (25) Minimum number of parking spaces per unit: 1.4.

E. Additional requirements for the multifamily use.

- (1) Access.
 - (a) Vehicular. No ingress or egress from a parking area shall be located closer than 40 feet from any intersection or as required by county or state regulations.
 - (b) Ingress or egress is limited to Bloomfield Avenue and Mount Prospect Avenue only.

- (c) Pedestrian ingress or egress shall be from a public right-of-way of Bloomfield Avenue and Mt. Prospect Avenue.

F. Multifamily design standards.

(1) Building design.

- (a) Each building with below-structure parking shall have a maximum of five livable floors located over the below-structure parking garage. All below-structure parking shall be serviced by an interior stairwell and elevator.
- (b) Buildings without a below structure parking shall have a maximum of six livable floors.
- (c) Each building facade shall be designed to have a delineated floor line between street level and the upper floors consisting of a masonry belt course, concrete or brick material or cornice line.
- (d) Each building located within 40 feet of the public right-of-way shall have an additional setback from the public right-of-way of the fourth and fifth floors of at least six feet from the building footprint of the third floor of six feet for the floors over three stories. The top floor of any building located within 40 feet of the public right-of-way that is more than three stories shall be set back at least six feet from the floor below. **[Amended 10-3-2016 by Ord. No. 23-16]**
- (e) Each building facing a public right-of-way must have elements of vertical articulation comprised of windows, piers, recessed windows, entry designs, overhangs, ornamental projection of molding, change in materials or wall coloring or recessed portions of the buildings of the wall itself.
- (f) Buildings located on the same lot shall have the same elements of architectural design.
- (g) Buildings containing a sixth story shall have an additional setback of the sixth floor of at least six feet from the building footprint of the fifth floor, and may include an outdoor balcony; provided, that the balcony does not exceed beyond the outer wall of the fifth floor.
- (h) Each unit may have a balcony which may not extend beyond the building footprint.
- (i) Each unit shall have its own separate laundry facilities.
- (j) Each unit shall have its own utility connection with individual sub-meters for gas and water.
- (k) Each unit shall have its own HVAC system.
- (l) Each building having three or more floors shall provide an interior elevator for access to all floors, including the parking and roof areas.
- (m) Each building shall provide fire sprinkler systems for all floors, including the parking garage.

- (n) Each building shall provide an interior stairwell access in addition to the elevator access to the ground exterior.
 - (o) The ground floor parking area shall remain partially open for ventilation and mechanically gated with key access provided.
 - (p) The ground floor shall provide a separate room for the storage of trash and recyclables.
 - (q) Tandem parking spaces are not permitted.
 - (r) The building exterior finish shall be a combination of brick and stone veneer. No PVC siding materials are to be used other than for exterior trim.
 - (s) Exterior rooftop lighting and HVAC equipment shall be screened from adjoining properties.
 - (t) Exterior security lighting shall be screened such the source of the light is not visible from adjoining properties.
- (2) Automobile parking and access.
- (a) Front yard parking is permitted; provided, that it is at least 10 feet from the right-of-way and that there is a buffer in the 10 feet between the right-of-way and the parking area extending along no less than 60% of the front of the parking area.. Vehicle overhang may protrude a maximum of two feet into the front yard setback.
 - (b) Parking spaces shall be a minimum of nine feet in width and 18 feet in depth and in all respects shall be consistent with the residential site improvement standards.
 - (c) Ground floor enclosed parking must be covered by a fire protection sprinkler system.
 - (d) Access shall be limited to Bloomfield Avenue and Mount Prospect Avenue. There shall be no access permitted from or to Douglas Place.
 - (e) Parking requirements may be met by sharing spaces on other properties within the ETC Redevelopment zone; provided, that all minimum parking requirements are met for all the respective properties.
 - (f) Parking lot aisle widths shall be a minimum 24 feet.
 - (g) Garage parking areas shall be adequately lighted and accessible by emergency services.
 - (h) There shall be no parking permitted in any buffer area.
- (3) Utilities.
- (a) All units shall have a separate connection and meter for all utilities.
 - (b) All units and common areas must contain a sprinkler system.

- (c) Air-conditioning compressors and other utilities (including generators) may be located on the roof of the building or in the rear yard of the property.
 - (d) No above-ground utilities shall be permitted in any buffer.
 - (e) All individual utilities must vent through the roof and not the side of the building when the side of the building faces other residential properties.
 - (f) Each building shall be designed in such a way that solid waste and recycling areas are provided on the ground floor and accessible from the public right-of-way.
- (4) Signs.
- (a) Shall be back lit or externally illuminated.
 - (b) Wall sign. One per building; maximum size 32 square feet each.
 - (c) No window signs permitted.
 - (d) Monument sign: 40 square feet per face, including background area, limited to one sign per each 150 feet of street frontage on Bloomfield Avenue. Maximum height: six feet, externally illuminated.
 - (e) Temporary marking signs are permitted up to one year from the issuance of last certificate of occupancy.
 - (f) Directional signs for vehicles and pedestrians shall be permitted and located so as to not interfere with the safe means of access into the property.
- G. Steep slope areas. Article XXIII, Steep Slopes, of this chapter shall apply only to natural or undeveloped steep slopes. Article XXIII, Steep Slopes, shall not apply to disturbance of currently developed properties within the redevelopment zone.

ARTICLE XVIII

Hilltop Property Redevelopment Requirements

§ 150-18.1. Preamble.

- A. The requirements which follow are intended to govern all development within the Verona Township portion of the Hilltop Property Redevelopment Area. These requirements supersede the zoning and development regulations currently applicable to the area being designated as a Redevelopment Area and will supersede all other requirements of this chapter with respect to the properties encompassed within the Redevelopment Area except as specifically noted and referenced herein or where a specific standard to the contrary is not included herein. The requirements of Chapter 430, Site Plan Review, and Chapter 466, Subdivision of Land, of the Code of the Township of Verona shall, however, remain in full force and effect relative to development within the Redevelopment Area except where a specific requirement of one of these chapters is in direct conflict with a requirement or regulation contained herein, in which case, the requirement or regulation contained herein shall be applicable.

- B. The purpose of multifamily housing, within the Hilltop Redevelopment Area, is to permit a procedure for development which will result in improved living environments by encouraging ingenuity and originality in total subdivision and individual site design and which will preserve open space to serve recreational, scenic, and public service purposes, and other purposes related thereto. It is the intention of this chapter to provide for procedures for development of the district and to ensure adequate protection of existing and potential developments adjoining the proposed development. To achieve these goals, this chapter deviates in some respects from other zoning ordinance provisions and provides for building sizes and types that may not be permitted in other residential zones.
- C. Interior lot lines. In order to complement the goals that the developmental regulations contained herein achieve, the interior lot lines that are within the district, whether the interior lots are owned by one entity or multiple entities, are not to be utilized in computing setback lines, frontage, or any other bulk requirement contained herein.

§ 150-18.2. Zoning regulations and development requirements for District One.

- A. Permitted principal uses.
- (1) One single-family detached dwelling per lot with an attached or detached garage designed for not more than three passenger vehicles wherein all garage doors are located and screened such that they are not visible from the street.
 - (2) Uses permitted in Redevelopment Districts Five and/or Six.
 - (3) Multiple-family housing developments having common or public open space as an appurtenant use. The exercise of this option shall be instead of and shall preclude the uses permitted in § 560-18.2A(1) above and shall also be instead of and shall preclude the residential development otherwise permitted in Redevelopment Districts Two and Three, which shall be limited solely to the uses permitted in Redevelopment Districts Five and/or Six. Neither the exercise of this option nor the preclusion of permitted single family detached residential development shall apply to that portion of Redevelopment District One located along Fairview Avenue.
- B. Permitted accessory uses and requirements for single-family detached dwellings.
- (1) A detached garage designed for not more than three passenger vehicles may be provided the dwelling does not include an attached garage, and further provided that the design of the garage complies with the provisions of these regulations specifically set forth herein at § 150-18.8C(2)(d).
 - (2) A swimming pool and related facilities may be provided in compliance with the following: shall be located solely within the rear yard area; shall be set back from side and rear lot lines a distance of 50 feet; shall be densely buffered for a distance of 25 feet surrounding the pool area; and shall not exceed 750 square feet of water surface area in size. If a pool cabana is provided, it shall be set back 50 feet from the rear lot line and 25 feet from any side lot line.

- (3) One shed per lot may be provided, up to 100 square feet in floor area and set back a minimum of 25 feet from side and rear lot lines.
- (4) Satellite or dish antenna may be installed in the side yard or on a rooftop and as otherwise regulated at § 150-7.11.
- (5) An attached or detached deck may be provided not exceeding a maximum of 300 square feet in area and located entirely within the rear yard.

C. Development requirements for single-family detached dwellings:

- (1) Minimum lot area: 30,000 square feet.
- (2) Minimum lot width: 150 feet at required building setback line: 125 feet at street line.
- (3) Minimum lot depth: 170 feet.
- (4) Minimum conservation area: 25 feet, which shall be located adjacent to the rear lot line shall be for the purpose of prohibiting any re-grading or the removal of any tree over 30 feet high without the express authorization of the Verona Township Engineer, who shall permit the removal of such tree if and only if it is dead or diseased or poses an imminent threat to life or property; and shall be protected by an easement in favor of the Township of Verona, the terms and conditions of such easement to be reviewed by the Verona Township Attorney prior to the grant official subdivision approval.
- (5) Minimum front yard: 50 feet.
- (6) Minimum side yard: 25 feet; combined yards for both sides shall be not less than 35% of lot width at building setback line.
- (7) Minimum rear yard: 50 feet of which at least 65% shall be unoccupied by accessory buildings or structures and impervious surfaces, including driveways, parking areas, decks, patios, sidewalks, pavement, pools, courts or other structures.
- (8) Maximum building coverage: 15% for a principal and accessory buildings.
- (9) Maximum lot coverage: 30% total improved lot coverage.
- (10) Maximum floor area ratio: 0.25.
- (11) Maximum building height: 2.5 stories, not to exceed 35 feet, for the principal building, and 1 1/2 stories, not to exceed 15 feet, for all accessory buildings and structures.
- (12) Corner lots. The provisions of § 150-5.3D shall apply to the development of a corner lot.
- (13) Other provisions. The provisions of Article IV and Article VII shall apply to any development in Redevelopment District One.
- (14) Parking. Parking shall be provided on each lot as required by the Residential Site Improvement Standards (N.J.A.C. 5:21 et seq.).

- (15) Driveway access. No more than two driveway access points shall be permitted per lot, with all driveways and driveway access points to be located a minimum of five feet from any adjoining property line and no driveway access point to be located closer than 50 feet measured center line to center line to another driveway access point on the same lot and with no driveway access point exceeding a width of 12 feet measured at the front lot line.
- (16) Applicability. The applicability requirements set forth in § 150-4.2 shall apply to the use and interpretation of the foregoing provisions for Redevelopment District One.
- (17) General regulations. The general regulations set forth in § 150-18.8 of these regulations shall apply to all developments in Redevelopment District One.

D. Development requirements for multiple-family housing option.

- (1) Tract size area. Minimum of 15 acres, and a maximum of 20 acres, except that, subject to the Planning Board's approval, necessary stormwater management and utility facilities need not be wholly encompassed within the maximum tract area. Bulk standards shall be applied to the overall tract area and shall not be applied to any interior lot lines.
- (2) Number of units.
 - (a) Maximum number of dwelling units: 225 units.
 - (b) Minimum number of multiple-family units: 90 units.
 - (c) Maximum number of age-restricted housing units: 100 units.
- (3) Number of bedrooms.
 - (a) Minimum number of bedrooms: Each unit shall have a minimum of one bedroom.
 - (b) Maximum number of bedrooms. Each unit shall have a maximum of two bedrooms.
 - (c) Maximum number of total bedrooms: 356 bedrooms.
- (4) Maximum building height:
 - (a) Principal building: 55 feet.
 - (b) Accessory building: 26 feet.
- (5) Minimum building setbacks:
 - (a) Minimum front yard: 50 feet.
 - (b) Minimum side yard: 25 feet.
 - (c) Minimum rear yard: 25 feet.
- (6) Maximum building coverage: 18% for all principal and accessory buildings.

- (7) Maximum impervious coverage: 50% for total impervious coverage based on overall tract area.
- (8) Maximum floor area ratio: 0.50.
- (9) Minimum distances between principal buildings:
 - (a) End to end: 50 feet.
 - (b) Front to front: 70 feet.
 - (c) Rear to rear: 70 feet.
 - (d) Rear to front or front to rear: 70 feet. The foregoing distances between principal buildings may be reduced to accommodate emergency stairwells, overhangs, balconies and the like provided the minimum required separations are maintained between building walls.
- (10) Minimum distance between principal buildings and accessory buildings: 10 feet.
- (11) Maximum number of buildings; maximum units per building:
 - (a) Age-restricted housing: Maximum of 100 units in a maximum of four buildings.
 - (b) Multiple-family housing: Maximum of 225 units and a minimum of 40 units per building.
- (12) Interior common space within. When no common recreational or clubhouse building has been provided, any building shall contain a minimum of 1,000 square feet of interior common space for the use and enjoyment of the residents and for the provision of activities for the age-restricted residents which interior common space shall be calculated exclusive of hallways, stairs, elevators, bathrooms, utility rooms and administrative office space.
- (13) Parking. Parking shall comply with RSIS standards along with the following additional provisions:
 - (a) In addition to the minimum requirements for parking as determined by the RSIS standards, there may be additional spaces provided for staff and visitors as follows:
 - [1] Age-restricted housing: 20 additional spaces.
 - [2] Multiple-family housing: 30 additional spaces.
 - (b) The parking requirement may be met with a combination of separate garage or under-structure parking as well as surface parking.
- (14) Parking lot setbacks. All parking spaces and aisles shall be set back a minimum of 15 feet from tract boundaries.
- (15) Tree preservation/removal:

- (a) A minimum depth of 15 feet from the southerly and easterly tract boundaries shall be retained in a natural state in order to preserve scenic vistas and provide adequate buffering to adjoining sites. Said natural area shall be designated on the site plan. Necessary utility crossings of the designated natural area may be authorized by the Planning Board in the course of site plan approval. This section shall not apply to the main entrance roadway servicing the project. Any disturbance or clearance to accommodate the main entrance roadway shall be re-landscaped as approved by the Planning Board and as permitted by the New Jersey Department of Environmental Protection (NJDEP).
 - (b) No trees shall be removed from the tract prior to the grant of site plan approval without the express authorization of the Township Engineer based upon a plan identifying the specific trees to be removed and the purpose thereof. The clearing or removal of trees shall be permitted in designated utility right-of-way or easement areas only upon written authorization of the Township Engineer in advance of any development approval.
 - (c) Following site plan approval by the Planning Board, re-grading within the drip lines and/or removal of any trees that have been shown to remain on the approved site plan shall be prohibited without the written authorization of the Township Engineer. Such tree removal shall be authorized by the Township Engineer only if the tree is diseased or poses an imminent threat to life or property.
- (16) Design standards.
- (a) The stormwater management system, including all necessary pipes, inlets, manholes and detention basins, shall be owned and maintained by the developer and/or its assignee and shall be in accordance with the most recent regulations governing stormwater management as promulgated by the DEP.
 - (b) All access road (s) shall meet or exceed the Residential Site Improvement Standards (N.J.A.C. 5:21 et seq.).
 - (c) Solid waste disposal and recycling containers shall be stored indoors or, if stored out-of-doors, shall be enclosed with a masonry enclosure, which shall be fully screened from view by landscaping.
 - (d) Decorative pole-top-mounted high-pressure sodium lighting fixtures shall be provided which shall be a maximum of 15 feet in height and shall provide a minimum of 0.2, a maximum of 0.5 and an average of 0.35 footcandle throughout the lighted areas of the site. The lighting fixtures shall be shielded on top to prevent overhead sky glow and shall also be shielded from the residential buildings themselves. The lighting plan shall be designed to avoid glare or illumination off site.
 - (e) HVAC equipment shall be screened from view with landscaping, fences, walls or architectural features.

- (f) Outdoor balconies not exceeding 120 square feet each may be provided for each residential unit.
 - (g) A maximum of eight roof decks may be provided with no more than four roof decks for either Lot 1 in Block 131 or Lot 1 in Block 132. Each roof deck may be up to 550 square feet in size.
 - (h) The exteriors of the buildings shall be consistent with the requirements set forth in section. The building materials to be used shall be subject to review and approval by the Planning Board.
- (17) Signs. A maximum of three monument signs identifying the multiple-family communities shall not exceed an area of 32 square feet each exclusive of the supporting structure. Said signs may be illuminated only by external means and shall not be internally illuminated. The area of each sign shall be measured by drawing a rectangle encompassing the outer edges of the largest letters or symbols and may be approved by the Township Building Code Official and located on Township property with owner consent. Directional signs up to a maximum of six square feet may be approved by the Township building code official and located on Township property with owner consent.
- (18) Recreational facilities. The permitted facilities are intended to be used and occupied exclusively by residents and their guests of either community and may be designed to be utilized exclusively for each development. The amenities listed below are permitted for each respective community (i.e., each community may have one swimming pool and club house):
- (a) A swimming pool with a maximum surface area of 3,500 square feet and related mechanical facilities for the exclusive use of the residents and their guests. The pool and related facilities shall not be located within any conservation area and shall be set back a minimum of 15 feet from any tract boundary, roadway, parking area or residential building and shall be fully screened from view with a dense, landscaped buffer or decorative masonry wall in addition to any required fencing, subject to site plan approval by the Planning Board.
 - (b) A recreational clubhouse may be provided for each of the multiple-family housing developments for the exclusive use of the residents and their guests. The building shall not exceed 6,500 square feet in floor area nor 26 feet in height.
 - (c) A maximum of two unlighted tennis courts, four unlighted bocce courts, one unlighted basketball court, and one unlighted dog run may be provided in addition to other active and passive recreational amenities, including, but not limited to, walking paths, gardens and gazebos; such facilities shall be for the exclusive use of the residents of the development and their guests.

§ 150-18.3. Zoning regulations and development requirements for District Two.

- A. If Redevelopment District One is redeveloped in accordance with the regulations for a single-family development contained within § 150-18.2 of the regulations, the permitted uses are limited to the following:
- (1) One single-family detached dwelling per lot with an attached or detached garage designed for not more than two passenger vehicles wherein all garage doors are located and screened such that they are not visible from the street.
- B. If Redevelopment District One is redeveloped in accordance with the regulations for the multiple-family housing option contained § 150-18.2 of these regulations the permitted uses are limited to the following:
- (1) Conservation open space and passive recreational parkland owned by a public or nonprofit entity.
 - (2) Active and passive recreational facilities for or by the Township of Verona.
 - (3) Public parks created to provide public access to sites of historic or cultural interest.
 - (4) Utility buildings and facilities related to the protection, preservation, storage or distribution of municipal or regional water supplies and works for watershed management and protection.
 - (5) Public utility facilities and services, electrical and gas transmission lines and rights-of-way and other public utility buildings and facilities.
- C. Requirements for single-family development, if provided:
- (1) A detached garage designed for not more than two passenger vehicles, may be provided for dwellings that does not include an attached garage, and further provided that the design of the garage complies with the provisions of these regulations specifically set forth herein at § 150-18.8C(2)(d).
 - (2) A swimming pool and related facilities may be provided in compliance with the following: shall be located solely within the rear yard area; shall be set back from side and rear lot lines a distance of 40 feet; shall be densely buffered for a distance of 20 feet surrounding the pool area; and shall not exceed 750 square feet of water surface area in size. If a pool cabana is provided, it shall be set back 40 feet from the rear lot line and 20 feet from any side lot line.
 - (3) One shed per lot may be provided, up to 100 square feet in floor area and set back a minimum of 20 feet from side and rear lot lines.
 - (4) Satellite or dish antenna may be installed in the side yard or on a rooftop and as otherwise regulated at § 150-7.11.
 - (5) An attached or detached deck may be provided not exceeding a maximum of 200 square feet in area and located entirely within the rear yard.
 - (6) Minimum lot area: 18,000 square feet.

- (7) Minimum lot width: 100 feet at required building setback line; 75 feet at street line.
- (8) Minimum lot depth: 150 feet.
- (9) Minimum conservation area: 20 feet, which shall be located adjacent to the rear lot line; shall be for the purpose of prohibiting any re-grading or the removal of any tree over 30 feet high without the express authorization of the Verona Township Engineer, who shall permit the removal of such tree if and only if it is dead or diseased or poses an imminent threat to life or property; and shall be protected by an easement in favor of the Township of Verona, the terms and conditions of such easement to be reviewed by the Verona Township Attorney prior to the grant of final subdivision approval.
- (10) Minimum front yard: 40 feet.
- (11) Minimum side yard: 15 feet; combined yards for both sides shall be not less than 35% of lot width at building setback line.
- (12) Minimum rear yard: 40 feet of which at least 60% shall be unoccupied by accessory buildings or structures and impervious surfaces, including driveways, parking areas, decks, patios, sidewalks, pavement, pools, courts or other structures.
- (13) Maximum building coverage: 20% for all principal and accessory buildings.
- (14) Maximum impervious coverage: 35% total improved lot coverage.
- (15) Maximum floor area ratio: 0.30.
- (16) Maximum building height: 2.5 stories, not to exceed 32 feet, for the principal building and 1 1/2 stories, not to exceed 15 feet, for all accessory buildings and structures.
- (17) Corner lots. The provisions of § 150-5.3D shall apply to the development of a corner lot.
- (18) Other provisions. The provisions of Article V and Article VII shall apply to any development in Redevelopment District Two.
- (19) Parking. Parking shall be provided on each lot as required by the residential site improvement standards (N.J.A.C. 5:21 et seq.).
- (20) Driveway access. No more than two driveway access points shall be permitted per lot, with all driveways and driveway access points to be located a minimum of five feet from any adjoining property line and no driveway access point to be located closer than 50 feet measured center line to center line to another driveway access point on the same lot and with no driveway access point exceeding a width of 12 feet measured at the front lot line.
- (21) Applicability. The applicability requirements set forth in § 150-4.2 shall apply to the use and interpretation of the foregoing provisions for Redevelopment District Two.

- (22) General regulations. The general regulations set forth in § 150-18.8 of these regulations shall apply to any developments in Redevelopment District Two.

§ 150-18.4. Zoning regulations and development requirements for Development District Three.

- A. If Redevelopment District One is Redeveloped in accordance with the regulations for a single-family development contained within § 150-18.2 of the regulations the permitted uses are limited to the following:

- (1) Permitted development. All development occurring in Redevelopment District Three shall comply with the terms and conditions of § 150-18.2 of these regulations pertaining to development in Redevelopment District One, except as specifically provided in connection with this § 150-18.4B.
- (2) Permitted redevelopment option, attached single-family residential development. The policy of the Township Council is to provide only for single-family detached residential development within the portions of the Redevelopment Area which are to be residentially developed. In order to facilitate the implementation of the Redevelopment Plan, however, attached single family residential development will be permitted within the Redevelopment District Three; provided, that all of the following conditions and criteria shall be met:

- (a) Permitted principal uses.

- [1] Attached single-family dwellings, each with an attached garage designed for not more than two passenger vehicles.
- [2] Utility buildings and facilities related to the protection, preservation, storage or distribution of municipal or regional water supplies and works for watershed management and protection.
- [3] Public utility facilities and services, electrical and gas transmission lines and rights-of-way and other public utility buildings and facilities.

- (b) Permitted accessory uses and requirements therefor, if provided.

- [1] One common swimming pool, with a maximum water surface area of 3,500 square feet, and related facilities all for the exclusive use of the residents of Redevelopment District Three and their guests. Any pool and related facilities shall be set back from all tract boundaries a minimum of 50 feet and shall be screened with a dense, landscaped buffer for a distance of 25 feet surrounding the pool area.
- [2] A maximum of two common tennis courts and related facilities for the exclusive use of the residents of Redevelopment District Three and their guests. Any such facilities shall not be lighted for play.
- [3] One common recreational and maintenance building/clubhouse for the exclusive use of the residents of Redevelopment District Three and

their guests. Such building shall not exceed 1,200 square feet in floor area and 1 1/2 stories and 18 feet in height.

- [4] One satellite or dish antenna as regulated in § 150-7.11 which shall serve the entire development within Redevelopment District Three.
 - [5] Decks, which, if provided, shall be located only at the rear of each unit and shall occupy an area no larger than 200 square feet each.
- (3) Maximum tract size. The maximum tract size for the development shall be three acres exclusive of the access road leading up to the development.
 - (4) Minimum conservation/buffer area: 50 feet, which shall be located around the entire perimeter of the tract; shall be for the purpose of prohibiting any re-grading or the removal of any tree over 30 feet high without the express authorization of the Verona Township Engineer, who shall permit the removal of such tree if and only if it is dead or diseased or poses an imminent threat to life or property; and shall be protected by an easement in favor of the Township of Verona, the terms and conditions of such easement to be reviewed by the Verona Township Attorney prior to the grant of final site plan approval. If the existing vegetation within the Conservation/Buffer Area is sparse, the Planning Board may require additional plantings of trees and shrubs, to include both native deciduous species and evergreens (for screening purposes, where appropriate). The required Conservation/Buffer Area shall be in addition to the requirement that the entirety of Redevelopment District Three shall be set back a minimum of 100 feet from any land in the A-1 or R-70 Zoning Districts. The required Conservation/Buffer Area may be pierced by a generally perpendicular access road and/or subsurface utility lines and structures, if approved by the Planning Board. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
 - (5) Maximum density and number of units. Attached single-family residential development within Redevelopment District Three shall not exceed a maximum density of six dwelling units per net acre exclusive of the access road leading up to the development and shall not exceed a maximum of 18 dwelling units in total.
 - (6) Maximum number of units per building and placement of units. The maximum number of attached dwelling units in one building or building cluster shall not exceed six units, and units shall be entirely separated from one another by a common vertical wall such that no unit or portion of a unit shall be located over another unit or portion of another unit.
 - (7) Maximum improved lot coverage. The maximum improved lot coverage for the entire development shall not exceed 55% of the net tract area exclusive of the access road leading up to the development tract but inclusive of all roadways within the tract itself.
 - (8) Maximum floor area ratio. The maximum floor area ratio shall not exceed 125 on any individual lot and shall not exceed 0.45 on the net tract area exclusive of the access road leading up to the development.
 - (9) Minimum common open space. The minimum common open space shall be not less than 20% of the net tract area. Such common open space shall be set aside

and deed-restricted as permanent common open space and, unless offered to and accepted by the Township of Verona, shall be deeded to a corporation, association or other organization established for the purpose of owning and maintaining all of the common elements, including open space, recreational facilities, parking areas, roads, sidewalks and other improvements and areas designed for use in common by the residents of the development as provided at N.J.S.A. 40:55D-43. The documents creating such corporation, association or other organization shall be submitted for review and approval by the Verona Township Attorney.

- (10) Individual lot requirements. If a developer creates fee simple lots within Redevelopment District Three, then each lot shall have a minimum lot area of 2,000 square feet and each lot shall have a front and rear yard of not less than 30 feet each.
 - (11) Minimum distances between buildings. The provisions of Subsection A(10) above notwithstanding, all buildings or building clusters shall be separated from all other buildings or building clusters by the following minimum distances:
 - (a) End to end: 50 feet, except that where buildings are angled, the minimum end to end distance may be reduced to 30 feet, provided a fifty-foot or greater separation is achieved within the end to end overlap area.
 - (b) Front to front: 65 feet.
 - (c) Rear to rear: 65 feet.
 - (d) Rear to front or front to rear: 65 feet.
 - (12) Maximum building height: 2.5 stories, not to exceed 32 feet, for the attached single-family dwellings and 1 1/2 stories, not to exceed 18 feet, for all accessory buildings and structures.
 - (13) Other provisions. The provisions of Article V and Article VII shall apply to any development in Redevelopment District Three.
 - (14) Parking. Parking shall be provided for each dwelling unit as required by the residential site improvement standards (N.J.A.C. 5:21 et seq.).
 - (15) Applicability. The applicability requirements set forth in § 150-4.2 shall apply to the use and interpretation of the foregoing provisions for Redevelopment District Three.
 - (16) General regulations. The general regulations set forth in § 150-18.8 of these regulations shall apply to all development in Redevelopment District Three.
- B. If Redevelopment District One is Redeveloped in accordance with the regulations for the Multiple-family Housing Option contained within § 150-18.2 of these regulations the permitted uses are limited to the following:
- (1) Conservation open space and passive recreational parkland owned by a public or nonprofit entity.
 - (2) Active recreational facilities for or by the Township of Verona.

- (3) Public parks created to provide public access to sites of historic or cultural interest.
- (4) Utility buildings and facilities related to the protection, preservation, storage or distribution of municipal or regional water supplies and works for watershed management and protection.
- (5) Public utility facilities and services, electrical and gas transmission lines and rights-of-way and other public utility buildings and facilities.

§ 150-18.5. Zoning regulations and development requirements for District Four.

- A. Purpose. Redevelopment District Four is established to encompass a small portion of the Redevelopment Area located in the Township of Verona for the purposes of facilitating the redevelopment of land in the adjoining municipality with age-restricted housing and assisted living. The redevelopment plan does not contemplate that any of the principal structures will be located within the Township of Verona.
- B. Permitted uses and requirements, if provided:
 - (1) One access road or driveway serving a development in an adjacent municipality of an assisted living residence and/or age-restricted housing.
 - (2) Parking lots or portions thereof serving the development of age-restricted housing and/or assisted living, provided said parking lots or areas shall be located at least 50 feet from any property or street line in the Township of Verona and shall be screened from public view by a dense landscaped buffer at least 25 feet deep and further provided that if any parking is to be located within the Township of Verona, then the rate at which parking shall be provided on the site shall be as provided by the residential site improvement standards (N.J.A.C. 5:21 et seq.) for age-restricted housing units.
 - (3) Fences or masonry or stonewalls, not to exceed four feet in height, except that entry posts or pillars located on either side of the access road or driveway may be up to six feet in height. All fences and walls shall be set back at least 10 feet from any existing or proposed street line within the Township of Verona.
 - (4) One monument sign conveying the name of the development, which sign shall not exceed 32 square feet in lettered area, regardless of the size of the monument structure to which it is attached. Said sign or lettered area shall only be illuminated by external means and shall not be internally illuminated, and only the lettered area shall be permitted to be illuminated. The size of the lettered area shall be measured by drawing a rectangle encompassing the outside edges of the largest letters.
 - (5) Open space and front yard area for a development in an adjacent municipality consisting of an assisted living residence and/or age-restricted housing.
 - (6) A gatehouse, security kiosk, key card operated gates or similar entry structure(s) not to exceed 12 feet in height and located immediately adjacent to or within the

access road or driveway and at least 25 feet from any existing or proposed street line within the Township of Verona.

- (7) Such landscaping, berms, screen plantings, detention and retention basins and subsurface utility structures as may be required for the permitted development in the adjacent municipality.
- C. Applicability. The applicability requirements set forth in § 150-4.2 shall apply to the use and interpretation of the foregoing provisions for Redevelopment District Four.
- D. Site plan requirements. Any excavation, use or development of the land in Redevelopment District Four may require site plan approval by the Verona Township Planning Board. Site plan review and approval shall be confined to the jurisdiction of Verona Township, but at least six copies of the site plan or general development plan for the entire development of which any of the land in Redevelopment District Four is a part shall be submitted to the Verona Township Planning Board for informational purposes as part of the site plan application for the lands in Verona.

§ 150-18.6. Zoning regulations and development requirements for District Five.

- A. Permitted principal uses and requirements.
- (1) Conservation open space and passive recreational parkland owned by a public or nonprofit entity.
 - (2) Active recreational facilities for or by the Township of Verona or the County of Essex.
 - (3) Public parks created to provide public access to sites of historic or cultural interest; provided, that such parks shall be closed between sunset and sunrise.
 - (4) Utility buildings and facilities related to the protection, preservation, storage or distribution of municipal or regional water supplies and works for watershed management and protection.
 - (5) Buildings for the administration of garbage collection and sewage disposal services, water distribution, electrical and gas transmission lines and rights-of-way and other public utility buildings and facilities.
 - (6) Cellular communication tower.
- B. Permitted accessory uses and requirements, if provided:
- (1) Parking lots serving the above permitted uses.
 - (2) Maintenance, educational and office buildings accessory to the park use, provided that no such building shall be greater than 3,000 square feet in floor area nor have a height exceeding 30 feet.
 - (3) Signs erected by a governmental entity for public safety and informational purposes.

- (4) Lighting of parks, public ways, parking lots, pathways and active recreational areas; provided, that no lighting other than that deemed necessary for security purposes shall remain on from one hour after the time a facility closes to the public until sunrise the next day.
- (5) Distribution facilities related to the protection, preservation, storage or distribution of municipal or regional water supplies and works for watershed management and protection and sanitary, stormwater collection and distribution facilities.

§ 150-18.7. Zoning regulations and development requirements for District Six.

A. Permitted principal uses and requirement, if provided:

- (1) Parks and active recreational facilities for or by the Township of Verona.
- (2) Municipal government, public utility buildings and facilities, including de-icing storage facilities.
- (3) Cellular communication tower.

B. Permitted accessory uses and requirements, if provided:

- (1) Parking lots and pathways required for the above permitted use(s).
- (2) Maintenance areas, buildings and offices accessory to the park and recreational use(s).
- (3) Signs erected by a governmental entity for public safety and informational purposes.
- (4) Lighting of parks, public ways, parking lots and active recreational areas; provided, that no lighting other than that deemed necessary for security purposes shall remain on from one hour after the time a facility closes to the public until sunrise the next day.
- (5) Distribution facilities related to the protection, preservation, storage or distribution of municipal or regional water supplies and works for watershed management and protection and sanitary, stormwater collection and distribution facilities.

§ 150-18.8. General regulations.

- A. Purpose and applicability. The purpose of the general regulations contained in this section is to ensure that the design and layout of developments within the Verona Redevelopment Area and each of the districts thereof that will be developed by a private entity will be consistent with the objectives therefor set forth in the Verona Redevelopment Plan. To that end, the requirements of this section shall supplement and shall apply with the same force and effect as the zoning regulations set forth in §§ 150-18.2 through 150-18.4 hereof.

- B. Historic preservation. Development within the Verona Redevelopment Area shall occur in a way which provides for the creation of a public park encompassing "The White Rock" and the pond, the Town Line marker and the existing stone rows in its vicinity. To the extent that the boundaries of any of the Redevelopment Districts must be adjusted to provide for the preservation of these features and the lands around them within a public park, it is the intention of these regulations that such adjustments be made.
- C. Design standards.
- (1) Residential site improvement standards. All development within Redevelopment Districts One, Two and Three shall occur in accordance with the provisions of N.J.A.C. 5:21 et seq., the residential site improvement standards.
 - (2) Building materials and design.
 - (a) The design vocabulary, which consists of the style, materials and colors to be used shall be presented to the Planning Board for review prior to the preparation of detailed architectural drawings. The style of dwellings, buildings, and all appurtenant structures for each multifamily community shall be complementary to one another and reminiscent of a similar architectural period.
 - (b) Single-family detached dwellings adjacent to and across the street from each other shall differ, at least as to their style, façade treatment, colors and/or materials used, to ensure variation in the streetscape.
 - (c) The following principles shall be used in the design of all residential buildings:
 - [1] Roofs shall have a minimum four on 12 pitch when a pitched roof is part of the architectural style of the building. Flatter roofs shall have articulated cornices. Mansard roofs shall be prohibited.
 - [2] The exterior building surface materials may include wood, brick, stucco, stone, cultured brick or stone, or cementitious-based material; however, aluminum or vinyl siding is specifically prohibited.
 - [3] Roof material may be slate, wood or asphalt shingles designed to emulate the look of slate or wood.
 - (d) Detached garages shall be designed in accordance with the following:
 - [1] Detached garages shall be located in the rear yard only and shall be set back a minimum of 10 feet from a side lot line and 25 feet from a rear lot line.
 - [2] A detached garage shall be architecturally complementary to the principal building.
 - (e) Attached single-family dwellings shall be designed in accordance with the following:

- [1] Each dwelling shall have a separate entrance articulated with a covered stoop or porch.
- [2] No more than two attached units shall be on a single plane. A minimum four-foot front façade setback shall be provided between each pair of units.
- [3] The exterior of each building shall be of unified design articulated as a single building and shall be constructed of such material as wood, brick, stucco, stone, cultured brick or stone, or various types of siding.

(3) Preservation of natural features:

- (a) Where possible, clustering of development should be encouraged to preserve natural features such as trees, views, natural terrain, open waters and critical areas.
- (b) No topsoil shall be removed from areas intended for lawns and open space. Topsoil moved during the course of construction shall be redistributed on the lot so as to provide at least four inches of cover to all areas, which cover shall be stabilized by seeding and/or planting in accordance with an approved plan.
- (c) No soil shall be removed from or be imported to any site in excess of 20 cubic yards per year without the prior approval of the Township Engineer. For this purpose, a plan shall be submitted showing how the soil is to be distributed and stabilized, including grading contours. If the soil is to be imported, a plan shall be submitted describing the methodology and frequency of testing the soil to ensure its safe quality. Finally, the plan shall describe the size and number of vehicles that are proposed for hauling the removed or imported soil together with the hauling route.
- (d) Clearance of existing vegetation shall be limited to the areas of approved public rights-of-way, public utility easements and other approved public or public serving improvements as well as building footprints and driveways and the areas immediately adjacent to these improvements that are required to be cleared for access during construction or necessary grading pursuant to the approved site plan or subdivision plat. Every effort shall be made to preserve the existing vegetation on the site in all other areas. All trees having a diameter at breast height (DBH) of six inches or more, which are not required to be removed pursuant to an approved site plan or subdivision plat and which are located 25 feet or more from the actual building site or five feet or more from any paved area shall be identified and protected prior to the commencement of and during construction. The limits of disturbance together with the locations and species of the trees to be preserved shall be indicated on the site plan and/or subdivision submission, along with the proposed means of protection.
- (e) For the continued protection of certain natural features, the Board may require conservation easements.

- (4) Provisions of underground utility service.
- (a) The developer shall arrange with the servicing utility for the underground installation of all distribution supply lines and service connections. Easements and dedication of additional rights-of-way and/or fee ownership of land necessary for installation of utilities shall be required as deemed necessary by the Township.
 - (b) Clearing and regrading of land necessary for the installation of utilities within public rights-of-way, easements, Township and/or County owned property, etc., is strictly limited to area required for the installation and maintenance of the utility.
 - (c) All utility services connections shall be provided by underground connection.

ARTICLE XIX

Affordable Housing

§ 150-19.1. Purpose.

The purpose of this article is to create the administrative mechanisms needed for the execution of Verona's responsibility to assist in the provision of affordable housing pursuant to the Fair Housing Act of 1985.

§ 150-19.2. Establishment of Municipal Housing Liaison position and compensation; powers and duties.

- A. Establishment of position of Municipal Housing Liaison. There is hereby established the position of the Municipal Housing Liaison for Verona.
- B. Subject to the approval of the Council on Affordable Housing (COAH), the Municipal Housing Liaison shall be appointed by the governing body and may be a full- or part-time municipal employee.
- C. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for Verona, including the following responsibilities which may not be contracted out:
 - (1) Serving as Verona's primary point of contact for all inquiries from the state, affordable housing providers, administrative agents, and interested households;
 - (2) Monitoring the status of all restricted units in Verona's fair share plan;
 - (3) Compiling, verifying, and submitting annual reporting as required by COAH;
 - (4) Coordinating meetings with affordable housing providers and administrative agents, as applicable;
 - (5) Attending continuing education programs as may be required by COAH;

- (6) If applicable, serving as the administrative agent for some or all of the restrictive units in Verona as described in Subsection F below.
- D. Subject to approval by COAH, Verona may contract with or authorize a consultant, authority, government or any agency charged by the governing body, which entity shall have the responsibility of administering the affordable housing program of Verona. If Verona contracts with another entity to administer all or part of the affordable housing program, including the affordability controls and affirmative marketing plan, the Municipal Housing Liaison shall supervise the contracting administrative agent.
- E. Compensation. Compensation shall be fixed by the governing body at the time of the appointment of the Municipal Housing Liaison.
- F. Administrative powers and duties assigned to the Municipal Housing Liaison shall be as follows:
 - (1) Affirmative marketing.
 - (a) Conducting an outreach process to insure affirmative marketing of affordable housing units in accordance with the affirmative marketing plan of Verona and the provisions of N.J.A.C. 5:80-26.15.
 - (2) Household certification.
 - (a) Soliciting, scheduling, conducting and following up on interviews with interested households;
 - (b) Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;
 - (c) Providing written notification to each applicant as to the determination of eligibility or non-eligibility;
 - (d) Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in Appendixes J and K of N.J.A.C. 5:80-26.1 et seq.;
 - (e) Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located; and
 - (f) Employing the random selection process as provided in the affirmative marketing plan of Verona when referring households for certification to affordable units.
 - (3) Affordability controls.
 - (a) Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;

- (b) Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;
 - (c) Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the appropriate county's register of deeds or County Clerk's office after the termination of the affordability controls for each restricted unit;
 - (d) Communicating with lenders regarding foreclosures; and
 - (e) Ensuring the issuance of continuing certificates of occupancy or certificates pursuant to N.J.A.C. 5:80-26.10.
- (4) Resale and rental.
 - (a) Instituting and maintaining an effective means of communicating information between owners and the administrative agent regarding the availability of restricted units for resale or rental; and
 - (b) Instituting and maintaining an effective means of communicating information to low- and moderate-income households regarding the availability of restricted units for resale or re-rental.
- (5) Communicating with unit owners.
 - (a) Reviewing and approving requests from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership;
 - (b) Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the cost of central air-conditioning systems; and
 - (c) Processing requests and making determinations on requests by owners of restricted units for hardship waivers.
- (6) Enforcement.
 - (a) Ensure that all restricted units are identified as affordable within the Tax Assessor's office and any municipal utility authority (MUA) and upon notification to the administrative agent of change in billing address, payment delinquency of two consecutive billing cycles, transfer of title, or institution of a writ of foreclosure on all affordable units, notifying all such owners that they must either move back to their unit or sell it;
 - (b) Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgment of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the administrative agent;

- (c) The posting annually in all rental properties, including two-family homes, of a notice as to the maximum permitted rent together with the telephone number of the administrative agent where complaints of excess rent can be made;
 - (d) Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d)4;
 - (e) Establishing a program for diverting unlawful rent payments to the municipality's affordable housing trust fund or other appropriate municipal fund approved by the DCA;
 - (f) Establishing a rent-to-equity program;
 - (g) Creating and publishing a written operating manual, as approved by COAH, setting forth procedures for administering such affordability controls; and
 - (h) Providing annual reports to COAH as required.
- (7) The administrative agent shall have authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.

§ 150-19.3. Affordable housing set-aside. [Added 10-15-2018 by Ord. No. 2018-25]

- A. Any property in the Township of Verona that is currently zoned for nonresidential uses and subsequently receives a zoning change or use variance to permit multifamily residential development, or that is currently zoned for residential uses and receives a zoning change or density variance to permit higher density multifamily residential development, provided the number of dwelling units is five or more than the number of units previously permitted, shall be required to include an affordable housing set-aside on all such additional units beginning at five or more over the number of units previously permitted of 15%, if the affordable units will be for rent, and 20% if the affordable units will be for sale. No property shall be subdivided so as to avoid compliance with this requirement. Moreover, this provision governs municipal actions and shall not entitle any property owner or developer to such action by the Township. All affordable units created pursuant to this subsection shall be governed by the provisions of the Township's Court-approved Affordable Housing Ordinance.
- B. Any property in the Township of Verona that is currently zoned for nonresidential uses and subsequently receives approval of a redevelopment plan to permit multifamily residential development, or that is currently zoned for residential uses and receives an approval of a redevelopment plan to permit higher density multifamily residential development, provided the number of dwelling units is five or more than the number of units previously permitted, shall be required to include a 20% affordable housing set-aside. No property shall be subdivided so as to avoid compliance with this requirement. Moreover, this provision governs municipal actions and shall not entitle any property owner or developer to such action by the Township. All affordable units created pursuant to this subsection shall be governed by the provisions of the Township's Court-approved Affordable Housing Ordinance.

- C. The foregoing set-aside requirements do not apply to inclusionary development zones and sites that are already included in the Township's Court-approved Housing Element and Fair Share Plan, which zones and sites shall be governed by the set-aside requirements for the applicable zones or redevelopment areas.

ARTICLE XX

Application for a Zone Change

§ 150-20.1. Purpose.

The purpose of this article is to provide a procedure by which a property owner can file an application to amend the zoning district in which real property is located.

§ 150-20.2. Planning Board review.

An application for zone change shall be made to the Planning Board for its review and consideration in accordance with the procedures set forth in § 55-9 and as otherwise supplemented herein. The applicant shall submit 20 copies of the application for zone change to the Clerk of the Planning Board and shall pay the application fee and escrow fee for professional services in accordance with the fee schedule set forth in Chapter A565, Fees. The rules governing the conduct for the hearing of any such application for zone change shall be made by the Planning Board and shall otherwise be in accordance with the terms of § 55-28 of the Verona Code.

§ 150-20.3. Notice to the governing body.

The Clerk of the Planning Board shall notify the governing body of the receipt of a completed application for zone change within 10 days thereof.

§ 150-20.4. Duties of the Planning Board.

- A. The Planning Board shall conduct a hearing, accept testimony and evaluate the evidence submitted by the applicant regarding the merits of amending a zoning district in accordance with the application for amendment and shall vote on the merits of such amendment in accordance with regular Planning Board procedure. The Planning Board shall consider the testimony presented by the applicant and the applicant's witnesses and shall consider exhibits and evidence presented by the applicant. All interested parties shall have the right to testify and to present witnesses, exhibits and evidence whether any such testimony or exhibits or evidence is in favor or against the zone change. The majority vote of those members present and participating in such application shall govern.
- B. The Planning Board shall, prior to voting on the merits of a zone change, consider whether the proposed amendment would be consistent with the scope and intent of the Master Plan of the Township of Verona and whether the sound zoning principles, as set forth in the Municipal Land Use Law, would be promoted by such an amendment to the zoning district.

- C. If the Planning Board votes in favor of the application, it shall thereafter forward a recommendation to the governing body to amend the zoning district designation of the property that is the subject of the application.
- D. The Planning Board may, in the event of a vote in favor of an application, consider the merits of moving to amend the Master Plan if such amendment is deemed to be warranted by the Planning Board.
- E. After discussion and consideration, the Planning Board shall vote on whether or not the proposed zone change should be recommended to the governing body. A majority of the Planning Board members would be required to approve the zone change. Should the Planning Board vote in favor of the zone change, the Planning Board will submit, in writing, a recommendation to the governing board that the zone change be enacted.

§ 150-20.5. Report to the governing body.

The Clerk of the Planning Board shall notify the governing body within 10 days of the passage of the memorializing resolution of the Planning Board's decision to recommend a change to the zoning district designation in which the property is located, and the governing body shall thereafter introduce an ordinance for such zone change and shall thereafter proceed in accordance with all laws governing such procedures. In no event shall the governing body be obligated to pass any such ordinance. The Clerk of the Planning Board shall notify the governing body within 10 days of the passage of the memorializing resolution of the Planning Board's decision not to recommend a change to the zoning district designation in which the property is located.

§ 150-20.6. Right to appeal.

Any interested party shall have the right to appeal the decision of the Planning Board to the Superior Court. There shall be no right of appeal of the Planning Board's decision to the governing body.

ARTICLE XXI Development Fee

§ 150-21.1. Purpose.

In *Holmdel Builders' Association v. Holmdel Township*, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985, N.J.S.A. 52:27d-301 et seq., and the State Constitution, subject to the Council on Affordable Housing's (COAH's) adoption of rules. This article establishes the standards for the collection, maintenance, and expenditure of development fees pursuant to COAH's rules. Fees collected pursuant to this article shall be used for the sole purpose of providing low- and moderate-income housing. This article shall be interpreted within the framework of COAH's rules on development fees.

§ 150-21.2. Basic requirements.

The Township of Verona shall not spend development fees until COAH has approved a plan for spending such fees and the Township of Verona has received third round substantive certification from COAH or a judgment of compliance.

§ 150-21.3. Residential development fees.

- A. Within all of the Township of Verona Zoning Districts, residential developers shall pay a fee of 1% of the equalized assessed value for residential development, provided no increased density is permitted.
- B. When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5) (known as a "d" variance) has been permitted, developers may be required to pay a development fee of 6% of the equalized assessed value for each additional unit that may be realized.

Example: If an approval allows for four units to be constructed on a site that was zoned for two units, the fees could equal 1% of the equalized assessed value on the first two units, and 6% of the equalized assessed value for the additional two units. However, if the zoning on the site has changed during the two-year period preceding the filing of such a variance application, the density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.

§ 150-21.4. Nonresidential development fees.

- A. Within all of the Township of Verona's zoning district(s), nonresidential developers shall pay a fee of 2% of the equalized assessed value for nonresidential development.
- B. If an increase in floor area ratio is approved pursuant to N.J.S.A. 40:55D-70d(4), then the additional floor area realized (above what is permitted by right under the existing zoning) will incur a bonus development fee of 6% of the equalized assessed value for nonresidential development. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base floor area for the purposes of calculating the bonus development fee shall be the highest floor area permitted by right during the two-year period preceding the filing of the variance application.

§ 150-21.5. Eligible exactions; ineligible exactions and exemptions.

- A. Affordable housing developments shall be exempt from development fees. All other forms of new construction shall be subject to development fees unless exempted below.
- B. Developments that have received preliminary or final approval prior to the imposition of a Township development fee shall be exempt from development fees unless the developer seeks a substantial change in the approval.

- C. Development fees shall be imposed and collected when an existing structure is expanded or undergoes a change to a more intense use. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.
- D. Developers of tax-exempt or not-for-profit projects shall be subject to a reduced development fee of 1%.
- E. Developers of existing single family residential dwellings shall be exempt from development fees, including additions, renovations, rebuilding or replacement of an existing single-family dwelling and the construction of accessory buildings or other structures on the same lot as the principal dwelling, provided no increase in density is permitted.

§ 150-21.6. Collection of fees.

Fifty percent of the development fee will be collected at the time of issuance of the building permit. The remaining portion will be collected at the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at building permit and that determined at issuance of certificate of occupancy.

§ 150-21.7. Contested fees.

Imposed and collected development fees that are challenged shall be placed in an interest-bearing escrow account by Township of Verona. If all or a portion of the contested fees are returned to the developer, the accrued interest on the returned amount shall also be returned.

§ 150-21.8. Affordable housing trust fund.

- A. There is hereby created a separate, interest-bearing housing trust fund in JPMorgan Chase Bank for the purpose of depositing development fees collected from residential and nonresidential developers and proceeds from the sale of units with extinguished controls. All development fees paid by developers pursuant to this article shall be deposited into this fund.
- B. Within seven days from the opening of the trust fund account, Township of Verona shall provide COAH with written authorization, in the form of a three-party escrow agreement between the Township, JPMorgan Chase Bank, and COAH to permit COAH to direct the disbursement of the funds as provided for in N.J.A.C. 5:94-6.16(b).³
- C. No funds shall be expended from the affordable housing trust fund unless the expenditure conforms to a spending plan approved by COAH. All interest accrued in the housing trust fund shall only be used on eligible affordable housing activities approved by COAH.

3. Editor's Note: N.J.A.C. 5-94-1.1 et seq. expired 9-11-2016.

§ 150-21.9. Use of funds.

- A. Funds deposited in the housing trust fund may be used for any activity approved by COAH to address the Township's fair share. Such activities include, but are not limited to: rehabilitation, new construction, RCAs subject to the provisions of N.J.A.C. 5:94-4.4(d),⁴ ECHO housing, purchase of land for affordable housing, improvement of land to be used for affordable housing, purchase of housing, extensions or improvements of roads and infrastructure to affordable housing sites, financial assistance designed to increase affordability, or administration necessary for implementation of the housing element and fair share plan. The expenditure of all funds shall conform to a spending plan approved by COAH.
- B. Funds shall not be expended to reimburse Township of Verona for past housing activities.
- C. After subtracting development fees collected to finance an RCA, a rehabilitation program or a new construction project that are necessary to address the Township of Verona's affordable housing obligation, at least 30% of the balance remaining shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipal fair share plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30% or less of median income by region.
- (1) Affordability assistance programs may include down payment assistance, security deposit assistance, low interest loans, and rental assistance.
 - (2) Affordability assistance to households earning 30% or less of median income may include buying down the cost of low- or moderate-income units in the third round municipal fair share plan to make them affordable to households earning 30% or less of median income. The use of development fees in this manner shall entitle Township of Verona to bonus credits pursuant to N.J.A.C. 5:94-4.22.⁵
 - (3) Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.
- D. Township of Verona may contract with a private or public entity to administer any part of its housing element and fair share plan, including the requirement for affordability assistance, in accordance with N.J.A.C. 5:94-7.⁶
- E. No more than 20% of the revenues collected from development fees each year, exclusive of the fees used to fund an RCA, shall be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a housing element and fair share plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than 20% of the revenues collected from development fees shall be expended for such administrative expenses. Administrative

4. Editor's Note: N.J.A.C. 5:94-1.1 et seq. expired 9-11-2016.

5. Editor's Note: N.J.A.C. 5:94-1.1 et seq. expired 9-11-2016.

6. Editor's Note: N.J.A.C. 5:94-1.1 et seq. expired 9-11-2016.

funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with COAH's monitoring requirements. Development fee administrative costs are calculated and may be expended at the end of each year or upon receipt of the fees.

§ 150-21.10. Ongoing collection of fees.

The ability for the Township of Verona to impose, collect and expend development fees shall expire with its substantive certification or not later than December 31, 2013, unless the Township of Verona has filed an adopted housing element and fair share plan with COAH, has petitioned for substantive certification, and has received COAH's approval of its development fee ordinance. If the Township of Verona fails to renew its ability to impose and collect development fees prior to December 31, 2013, it may resume the imposition and collection of development fees only by complying with the requirements of N.J.A.C. 5:94-6.⁷ The Township of Verona shall not impose a development fee on a development that receives preliminary or final approval after the expiration of its substantive certification or not later than December 31, 2013, nor will the Township of Verona retroactively impose a development fee on such a development. The Township of Verona will not expend development fees after the expiration of its substantive certification and not later than December 31, 2013.

ARTICLE XXII

Historic Preservation

[Added 10-31-2013 by Ord. No. 6-13; amended 2-21-2017 by Ord. No. 2017-02]

§ 150-22.1. Historic Preservation Commission.

The purpose of this article is to provide a method by which to locate, identify and designate historical landmarks within the Township of Verona and to regulate the repair, alteration, replacement, removal and demolition of historical landmarks, to prevent the loss and destruction of historical landmarks by neglect, improper restoration, alteration and development and to preserve historical landmarks and thereby preserve the historical, cultural, and architectural heritage of the Township of Verona and to thereby foster civic pride and the well being of the community.

- A. There is hereby established a Historic Preservation Commission which shall consist of five regular members and two alternate members.
- B. Membership on the Commission shall include one member designated as a Class A member, who shall be a person who is knowledgeable in building design and construction or architectural history and who may reside outside of the municipality; and one member designated as a Class B member, who shall be a person who is knowledgeable of or has a demonstrated interest in local history and who may reside outside the municipality. Regular members who are not designated as Class A or Class B members shall be designated as Class C members and shall be citizens of the municipality and shall hold no other municipal office, position or employment except

7. Editor's Note: N.J.A.C. 5:94-1.1 et seq. expired 9-11-2016.

for membership on the Planning Board or Board of Adjustment. Alternate members shall meet the qualifications of Class C members.

C. Appointment; terms.

- (1) Regular members and alternate members shall be appointed by the Manager. At the time of the appointment, the Manager shall designate the members by class and the alternates as "Alternate No. 1" and "Alternate No. 2."
- (2) The term for a regular member shall be for four years and the term of an alternate member
- (3) Shall be for two years.
- (4) A vacancy in the term of any regular or alternate member occurring otherwise than by expiration of a term shall be filled for the unexpired term only.
- (5) Despite any other provision contained herein, the term of any member common to the Commission and to the Planning Board shall be for the term of the membership on the Planning Board, and the term of any member common to the Commission and the Board of Adjustment shall be for the term of membership on the Board of Adjustment.
- (6) The Commission shall elect a Chairman and Vice Chairman from its members and shall select a Secretary who may or may not be a member of the Commission or a municipal employee.
- (7) Alternate members may participate in proceedings but may not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that only one alternate number may vote, alternate number one shall have priority to vote over alternate number two.
- (8) No member of the Commission shall be permitted to act on any matter in which he or she has, either directly or indirectly, any personal or financial interest.
- (9) A member of the Commission may, after public hearing, if public hearing is requested by such member, be removed by the Township governing body for cause.

D. Authority and responsibility. The Commission shall have the responsibility to:

- (1) Prepare a survey of the historic sites of the municipality, pursuant to criteria identified in the survey report.
- (2) Make recommendations to the Planning Board on the historic preservation plan element of the Master Plan and on the implications for preservation of historic sites of any other Master Plan elements.
- (3) Advise the Planning Board on the inclusion of historic sites in the recommended capital improvement program.
- (4) Advise the Planning Board and to the Board of Adjustment on applications for development, pursuant to N.J.S.A. 40:55D-110.

- (5) Provide written reports, pursuant to N.J.S.A. 40:55D-111, on the application of the provisions of this chapter concerning historic preservation.
- (6) Make recommendations to the governing body of sites to be designated as historic under this section.
- (7) Carry out such other advisory, educational and informational functions as will promote historic preservation in the municipality.
- (8) Conduct research on and, if appropriate, nominate additional significant resources to the State and National Register of Historic Places.

§ 150-22.2. Appropriations; employment of experts and staff.

- A. The Manager shall make provision in his budget and appropriate funds for the Historic Preservation Commission.
- B. The Historic Preservation Commission may employ, contract for and fix the compensation of experts and other staff and services as it shall deem necessary. The Commission shall obtain its legal counsel from the Municipal Attorney, Planning Board Attorney or Zoning Board Attorney, as determined by the Manager, at the rate of compensation determined by the governing body. Expenditures by the Commission shall not exceed, exclusive of gifts or grants, the amount appropriated by the governing body for the Commission's use. **[Amended 2-21-2017 by Ord. No. 2017-02]**

§ 150-22.3. Meetings.

- A. The Historic Preservation Commission shall meet a minimum of once per quarter. Regular meetings shall be held as scheduled unless canceled for lack of a quorum, lack of applications to process or for other good reason(s). Additional special meetings may be called by the Chairman or Vice Chairman, or on the request of any two of its members, when the regular meetings are inadequate to meet the needs of its business, to handle emergencies or to meet time constraints imposed by law.
- B. The Historic Preservation Commission shall hold public hearings to review all applications for certificates of appropriateness, referrals of development applications and other business which comes before the commission.
- C. The presence of three members, at least two of which must be Class C members, which may include alternate members filling the vacancies of regular members, shall constitute a quorum. Liaison person(s) are not entitled to vote and shall not be counted towards achieving a quorum. A majority vote of those present and voting shall prevail, and shall be sufficient to grant or deny a certificate of appropriateness. Not less than a majority of the appointed membership shall be required to grant or change an historic landmark or historic district designation or to grant approval for demolition.

§ 150-22.4. Referral from municipal boards.

The Planning Board and Board of Adjustment shall, when an application before it that pertains to property in an historic zoning district or on a landmark designated on the Zoning Map or on the Official Map or identified in any component of the Master Plan, is deemed complete or is scheduled for a hearing, whichever is sooner, refer such application to the Historic Preservation Commission in accordance with N.J.S.A. 40:55D-110.

§ 150-22.5. Certificate of appropriateness.

- A. A certificate of appropriateness shall be required before any permit or other authority is issued on any property which has been designated by ordinance as a landmark or as being within an historic district allowing:
- (1) Demolition of an historic landmark or demolition of any improvement within an historic district.
 - (2) Relocation of any historic landmark or relocation of any improvement within an historic district.
 - (3) Change of the exterior appearance of any existing landmark or of any improvement within any historic district by addition, alteration or replacement.
 - (4) Change or addition of new signs or exterior lighting on any historic landmark or within an historic district. Despite the foregoing no certificate of appropriateness shall be required for one unlighted sign per premises if the surface area of such sign does not exceed one square foot for an identification sign or four square feet for a commercial sign, provided that such sign is attached to and parallel to the façade of the building or structure.
 - (5) Any new construction of a principal or accessory structure within an historical district.
- B. When review not required. A certificate of appropriateness shall not be required in the following circumstances:
- (1) If the proposed change to the landmark or to the property within an historic district was approved by the Planning Board or the Board of Adjustment in connection with an application prior to the passage of this chapter.
 - (2) Exterior repair or exact replacement of any existing exterior improvement. In the event that the color or exterior surface material of the improvement shall be changed as a result of painting, a permit shall not be required if the new color or exterior surface is one that has been previously approved by regulation duly promulgated by the Commission for similar improvements in that district.
 - (3) Changes to interiors.
 - (4) Changes not in the public view, other than relocation or demolition.
 - (5) Repair of existing windows and doors, using the same material.

- (6) Installation of storm windows that are compatible with the architectural period or design of the subject structure.
 - (7) Maintenance and repair of existing roof material, involving no change in design, scale, material, or appearance of the structure.
 - (8) Repair of existing roof structure, such as cupolas, dormers, chimneys using the same materials, which will not alter the exterior architectural appearance of the structure.
 - (9) Replacement, in kind, of existing shingles, clapboards or other siding, using the same materials that are being repaired or maintained.
 - (10) Repairs using the same material as existing to signs, shutters, outdoor displays, fences, hedges, street furniture, awnings, off-street driveway and parking materials and sidewalks.
- C. Application for a certificate of appropriateness pursuant to this chapter shall be filed with the Commission on a form to be supplied by the Township Clerk. There shall be an application fee in the amount set forth in the Township Code.
- D. The Commission shall submit a report of its findings to the Construction Code Official within 45 days from the date such application was referred by the Commission. If within the forty-five-day period the Commission recommends to the Construction Code Official against the issuance of a permit, or recommends issuing conditions to the permit, the Construction Code Official shall deny issuance of the permit or include conditions, as the case may be. Failure of the Commission to report its findings within 45 days shall be deemed to constitute a report in favor of issuance of the permit and without recommendations of conditions to the permit.

§ 150-22.6. Standards for consideration.

The following standards shall be considered by the Historic Preservation Commission in connection with referrals pursuant to N.J.S.A. 40:55D-110 and by the Historic Preservation Commission and Planning Board in connection with permits and/or certificates as required by this chapter; and by the Planning Board and Board of Adjustment in connection with development applications pursuant to N.J.S.A. 40:55D-1 et seq. when a development application involves a property which has been designated by ordinance as a landmark or as being located within an historic district:

- A. Demolitions. The following matters shall be considered when an application is made to demolish an historic landmark or to make an improvement within an historic district:
- (1) The structure or landmark's historic, architectural and aesthetic significance.
 - (2) The structure or landmark's current and potential use and whether such use is permitted by the zoning ordinance.
 - (3) The probable impact of the structure or landmark's removal upon the ambiance of the historic district.

- (4) The structural soundness and integrity of the building, structure, site, object, or improvement and the economic feasibility of restoring or rehabilitating same.
- (5) The structure's importance to the municipality and the extent to which its historic or architectural value is such that its demolition would be detrimental to the public interest.
- (6) The extent to which the structure is of old, unusual or uncommon design, craftsmanship, texture or material that it could not be reproduced or could be reproduced only with great difficulty.
- (7) The extent to which preservation of the structure would generate business, create new jobs, attract tourists, students, writers, historians, artists, and new residents or promote the general welfare by maintaining and increasing real estate values, encouraging study and interest in American history, stimulating interest and study in architecture and design, educating citizens in American culture and heritage, or making the municipality a more attractive and desirable place in which to live.
- (8) If a structure is within an historic district, the probable impact of its removal upon the ambience of the historic district.

B. Relocation.

- (1) If an application is made to move an historic landmark or any structure in an historic district to a new location within the municipality, the following matters, in addition to those factors set forth in Subsection A of this section, shall be considered:
 - (a) The probability of significant damage to the landmark or structure itself.
 - (b) The historic loss to the site of original location.
 - (c) The compelling reasons for not retaining the landmark or structure at its present site.
 - (d) The compatibility, nature and character of the proposed surrounding area into which the landmark or structure will be moved as they relate to the intent and purposes of this article.
 - (e) If the proposed new location is within an historic district, the visual compatibility factors as set forth in this article.
- (2) If an application is made to move an historic landmark to a location outside of the municipality, in addition to the matters set forth in Subsections A and B of this section, the Commission shall consider the proximity of the proposed new location to the municipality, including the accessibility to the residents of the municipality and other citizens.

C. Modifications.

- (1) The following matters shall be considered if an application is made to alter, modify or otherwise change an historical structure or landmark:

- (a) The impact of the proposed alteration, modification or change on the historic and architectural character of the landmark or structure in an historic district.
 - (b) The historic or architectural importance to the municipality and the extent to which such interest would be affected by the proposed action.
 - (c) The extent to which textures and materials could not be reproduced and the hardship to the applicant of reproducing such textures or obtaining such materials.
 - (d) The use of the structure.
 - (e) The extent to which the proposed action would adversely affect the view from a public street, of a landmark or structure within an historic district.
 - (f) If the application deals with a structure within an historic district, the impact that the proposed change would have on the character and ambience of the historic district and the structure's visual compatibility with the buildings, places and structures to which it would be visually related.
- (2) Visual compatibility factors. In assessing the effect of any proposed change under application for any landmark, the following visual compatibility factors and standards shall be used to analyze the effect that the proposed change would have on the landmark and on those structures to which the landmark is visually related:
- (a) Height. The height of the proposed building shall be visually compatible with adjacent buildings.
 - (b) Proportion of the building's front façade. The relationship of the width of the building to the height of the front elevation shall be visually compatible with buildings and places to which it is visually related.
 - (c) Proportion of openings within the facility. The relationship of the width of windows to the height of windows in a building shall be visually compatible with the buildings and places to which it is visually related.
 - (d) Rhythm of solids to voids on facades fronting on public places. The relationship of solids to voids in such facades of a building shall be visually compatible with the buildings and places to which it is visually related.
 - (e) Rhythm of spacing of buildings on streets. The relationship of the building to the open space between it and adjoining buildings shall be visually compatible with the buildings and places to which it is visually related.
 - (f) Rhythm of entrance and/or porch projections. The relationship of entrance and porch projections to the street shall be visually compatible with the buildings and places to which it is visually related.
 - (g) Relationship of materials, texture and color. The relationship of materials, texture and color of the façade and roof of a building shall be visually compatible with the predominant materials used in the buildings to which it is visually related.

- (h) Roof shapes. The roof shape of a building shall be visually compatible with buildings to which it is visually related.
- (i) Wall of continuity. Appurtenances of buildings, such as walls, open-type fencing and evergreen landscape masses, shall form cohesive walls of enclosure along a street, to the extent necessary to maintain visual compatibility of the building with the buildings and places to which it is visually related.
- (j) Scale of building. The size of a building, the mass of a building in relation to open spaces, the windows, door openings, porches and balconies shall be visually compatible with the buildings and places to which it is visually related.
- (k) Directional expression of front elevation. A building shall be visually compatible with buildings and places to which it is visually related in its directional character, whether this be vertical character, horizontal character or nondirectional character.

§ 150-22.7. Identification and designation of landmarks and historic districts; procedures.

- A. The Historic Preservation Commission shall perform a comprehensive survey of the Township of Verona to identify potential historic sites, historic districts and landmarks that are worthy of protection and preservation upon the effective date of this chapter. Thereafter, the Commission shall perform a comprehensive survey no less than every 10 years.
- B. In evaluating and identifying landmarks and historic districts, the Historic Preservation Commission shall be generally guided by the National Register criteria. The Historic Preservation Commission may identify and recommend for designation any real property or improvement, such as a building, structure, ruins, foundation, route, trail, place or object, including, but not limited to, a cave, cemetery, burial ground, camp or village area or a natural object or configuration, geological formation or feature, which is of particular, historic, cultural, scenic or architectural significance to the municipality and in which the broad cultural, political, economic or social history of the nation, state, or municipality is reflected or exemplified; or is identified with historical personages or with important events within the main current of national, state or local history; or shows evidence of habitation, activity, or the culture of prehistoric man; or embodies a distinguishing characteristic or an architectural type valued as representative of a period or a style or method of construction; or presents a work of a builder, designer, artist or architect whose individual style significantly influenced the architectural history of the municipality; or is imbued with traditional or legendary lore.
- C. The Historic Preservation Commission shall, after completing the comprehensive survey as set forth in Subsection A herein, determine whether to initiate the process to designate a landmark or district as historic.
- D. The Historic Preservation Commission shall schedule a public hearing to consider the designation of any potential landmark or historic district. Such hearing shall be on at

least 30 days, written notice, by certified mail, return receipt requested and by regular mail to the owner of property which is being considered for designation, and when an historic district is being considered for designation, to all owners of property within said district and within 200 feet of said district, by certified mail. At the hearing, the Historic Preservation Commission shall consider the comments and questions of the owner or owners of such property to be effected, of interested parties, and comments of the public, along with other relevant testimony, exhibits or other physical evidence which in the Commission's determination, is relevant to the issues then before the Commission.

- E. At the conclusion of the public hearing on the designation of a potential landmark, the Historic Preservation Commission shall make its recommendation in the form of a written report. The Commission shall memorialize its findings by resolution. **[Amended 2-21-2017 by Ord. No. 2017-02]**
- F. If the Historic Preservation Commission shall determine that a property or district is worthy of landmark designation, then the Historic Preservation Commission shall forward its recommendation to the Planning Board and the Planning Board shall note the designation on its records.
- G. In the event that the Commission determines that a structure warrants landmark designation, the Commission shall make written request of the owner of such structure for such owner's written consent to the designation of such property as a landmark.
- H. In the event that the Commission determines that an area warrants designation as an historical district, the Commission shall make written request of all property owners within such area for written consent for the owner's property to be included as part of an historical district.
- I. If the owner of a property which has been identified as a potential landmark by the Historic Preservation Commission has consented to the designation of such property as a landmark, then the Historic Preservation Commission shall forward its recommendation and the written consent of the owner of such property to the Township Council and Planning Board. Upon receipt of consent and the recommendation of the Historic Preservation Commission, the Township Council may consider such property for designation as a landmark by ordinance pursuant to N.J.S.A. 40:55D-65.1.
- J. 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. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
- K. Regulation of the properties identified as landmarks in accordance with this chapter shall be in addition to such regulation as Chapter 150, Zoning, of the Code of the Township of Verona, may otherwise require.

§ 150-22.8. Notice of violations; violations and penalties.

- A. No person shall alter, modify or otherwise change any structure designated as an historical structure, nor alter modify or otherwise change any property within an historical district without first obtaining a certificate of appropriateness.
- B. The Construction Code Official shall, upon notice of any violation of this chapter, notify the property owner by means and in accordance with standards of service otherwise set forth in the municipal code, of such violation and shall order that the owner cure the violation within 10 days of such notice by restoring the landmark or improvement to its status quo ante.
- C. In the event that the violation is not abated within 10 days of service of a notice of violation, the Construction Code Official shall issue a summons and complaint, returnable in the Verona Municipal Court, charging violation of this chapter. There shall be a separate violation for each day that this chapter is violated. The penalties for violations of this chapter are as follows:
 - (1) For each day up to 10 days, not more than \$25 per day.
 - (2) For each day from 11 days to 25 days, not more than \$50 per day.
 - (3) For each day beyond 25 days, not more than \$75 per day.
- D. In the event that any action which is about to occur would permanently and adversely change the landmark or historic district, such as in the case of a demolition or removal, and a required permit or certificate of appropriateness has not been issued for such action, the Construction Code Official is authorized to apply to the Superior Court of New Jersey for such injunctive relief as is necessary to prevent the destruction or removal of such landmark.

§ 150-22.9. Emergency repairs.

When a historic landmark requires immediate emergency repair to preserve the continued habitability of the landmark and/or health and safety of its occupants or others, such repairs may be performed in accordance with town codes, without the necessity of first obtaining a certificate of appropriateness. In such event, repairs shall be limited to those that are necessary to maintain habitability of the structure and to preserve the health and welfare of the occupants and the public in general.

§ 150-22.10. Demolition.

- A. Where demolition is disapproved. In the event that the Historic Preservation Commission disapproves an application for a certificate of appropriateness to demolish an historic landmark or a building, structure, site, object or improvement, the owner shall, nevertheless, as a matter of right, be entitled to raze or demolish same provided that all of the following requirements have been fully met:
 - (1) Appeal to Planning Board. The owner has applied for the necessary certificate of appropriateness and has received notice of the Commission's denial of same from

the Construction Code Official and has appealed to the Planning Board, which has affirmed such denial.

- (2) Sale for fair market value. The owner has prior to beginning demolition, for a period of at least 180 days (the "offer period"), and at a price reasonably related to its fair market value, made a bona fide offer to sell such building, structure, site, object or improvement and the land pertaining thereto to any person, entity, organization, government or political subdivision thereof which gives reasonable assurance that it is willing to preserve the building, structure, site, object or improvement and the land pertaining thereto.

B. Demolition notice posted and publication.

- (1) Notice of any proposed demolition shall be posted on the exterior premises of the building, structure, site, object or improvement throughout the notice period in a location such that it is clearly readable. In addition, the applicant shall cause to be published in the official newspaper of the Township a notice setting forth the following:
 - (a) The applicant's intent to demolish, including a description of the subject property (by block and lot as well as by physical location) and a description of the building, structure, site, object or improvement to be demolished; and
 - (b) The applicant's proposed use of the property following demolition; and
 - (c) The anticipated time frame(s) associated with the demolition; and
 - (d) A statement indicating that the applicant shall consider any and all bona fide offers to sell the property to any person who wishes to preserve the building, structure, site, object or improvement; and
 - (e) The applicant's name and address, along with a telephone number where the applicant may be reached during normal business hours by any interested person who wishes to discuss the proposed demolition and/or to make an offer to purchase the property as set forth above.
- (2) The notice shall be published as follows:
 - (a) At least once within the first 10 days of the notice period; and
 - (b) At least once within the period of time that is not less than 10 nor more than 15 days prior to the expiration of the notice period; and
 - (c) At least once each 20 days between the above first and last notifications.
 - (d) At the conclusion of the notice period, if the applicant intends to demolish the subject building, structure, site, object or improvement, it shall, prior to performing the demolition, perform the following:
 - [1] Advise the Commission, in writing, of its intention to proceed with the demolition; and
 - [2] Certify in writing to its compliance with the provisions of this chapter and section relating to the one-hundred-eighty-day offer period; and

- [3] Provide the Commission with a copy of the notice that appeared in the official newspaper of the Township and a listing of all dates on which the said notice appeared in the newspaper; and
 - [4] Advise the Commission, in writing, as to whether any interested persons submitted an offer or offers to purchase the property, whether during the one-hundred-eighty-day "offer period"; or
 - [5] Following the newspaper noticing referenced above, and set forth the terms and conditions relating to said offer(s) and the results of any negotiations pertaining thereto; and
 - [6] File copies of the affidavits of publication relating to the newspaper notice with the Commission.
- (3) Notice period. The period of time during which notice must be given in the manner hereinbefore set forth shall be known as the "notice period" which shall commence on the tenth day following the date of the notice of denial of the appeal from the Zoning Board of Adjustment and such notice period shall run for a period of time of 60 days.
- C. Assignment. No assignment of the rights granted by a certificate of appropriateness to demolish shall be permitted.
- D. Expiration of approval.
- (1) In cases where demolition is permitted, the certificate of appropriateness shall be valid for one year from the date of Historic Preservation Commission approval of the application. The one-year period shall not be extended.
 - (2) At the time of issuance of the certificate of appropriateness to demolish, the Construction Code Official shall designate the period of time (within the one-year approval period) within which demolition must be completed.
- E. Approval after change of circumstances. The Commission may at any time during such notice period, if a significant change in circumstances occurs, approve a certificate of appropriateness to demolish, in which event, a permit from the Construction Code Official shall be issued within 10 days thereafter.

§ 150-22.11. Permit review.

It shall be the duty of all municipal officials reviewing all permit applications involving real property or improvements thereon to determine whether such application involves any activity that should also be the subject of an application for a certificate of appropriateness under this article and to inform both the Secretary of the Historic Preservation Commission and the owner of such property of such requirement.

§ 150-22.12. Certified local government program.

Despite anything contained herein to the contrary, upon Township certification under the state's Certified Local Government (CLG) Program, the Commission shall, in accordance

with the state's CLG guidelines, review and comment on all State and National Register nominations for historic resources within the Township.

§ 150-22.13. Designated landmarks.

(Reserved)

ARTICLE XXIII

Steep Slopes

[Added 4-4-2016 by Ord. No. 3-16]

§ 150-23.1. Purpose.

The purpose of this article is to regulate the degree of disturbance of areas of steeply sloping terrain in order to limit soil loss, erosion, excessive stormwater runoff, the degradation of surface water and to maintain the natural topography and drainage patterns of land.

§ 150-23.2. Background.

Disturbance of steep slopes results in accelerated erosion processes from stormwater runoff, soil loss, changes in natural topography and drainage patterns, increased flooding potential, further fragmentation of forest and habitat areas, and compromised aesthetic values. The Township Council desires to regulate the disturbance of steep slopes to ensure against the adverse consequences of such disturbances.

§ 150-23.3. Applicability.

A. The governing body of the Township of Verona recognizes that the Township is almost fully developed and that most of the lots in the higher density residential zones are developed and that the impact of disturbance of steep slopes on or otherwise developing and redeveloping such lots, whether currently developed or not, will not have the same adverse consequences as disturbance of previously undeveloped larger lots or of redevelopment of larger lots. As such, all properties in the following zones are exempt from the provisions of this Article XXIII:

- (1) R-40 (Very-High-Density Single-Family).
- (2) R-50 High-Density Single-Family).
- (3) R-50B (Medium/High-Density Single-Family).
- (4) R-60 (Medium-Density Single-Family).
- (5) P (Public).
- (6) T (Transportation).

- B. Despite anything contained herein to the contrary, this Article XXIII shall not apply to an application for a minor subdivision that seeks only to modify an existing lot line without creating a disturbance.
- C. Except as otherwise specifically set forth, this chapter shall apply to new development, redevelopment or land disturbance on a steep slope on all properties within the Township of Verona. The Planning Board or Zoning Board of Adjustment shall review all plans submitted under this chapter as part of any application for a construction permit, site plan approval, or subdivision approval. The Township Engineer, in all cases, shall review all applications for compliance with this chapter. Applicability of the ordinance may be contested by demonstration to the satisfaction of the Township Engineer that no area on the subject property (or proposed or future subdivision thereof) meets the criteria for the presence of a 15% or greater slope. Once demonstrated, the subject property, or subdivision thereof, shall be considered to be exempt from the requirements set forth herein.

§ 150-23.4. Definitions.

The following words shall have the following meanings as used in this Article XXIII and for purposes of this Article XXIII:

CUT — A location where a slope has been steepened by an excavation.

DE MINIMUS DISTURBANCE — Any new disturbance less than 500 square feet.

DISTURBANCE — The placement of impervious surface, the construction of a structure, the exposure or movement of soil or bedrock, or the clearing, cutting, or removing of vegetation. The planting of any vegetation in and of itself shall not be considered a disturbance.

IMPERVIOUS SURFACE — Any structure, surface, or improvement that reduces or prevents absorption of stormwater into land, and includes porous paving, paver blocks, gravel, crushed stone, decks, patios, elevated structures, and other similar structures, surfaces, or improvements, and water features.

MAJOR DISTURBANCE — Any disturbance of 1,000 square feet or greater.

MINOR DISTURBANCE — Any disturbance equal to or greater than 500 square feet, but less than 1,000 square feet.

PERCENT SLOPE — The rise in feet divided by horizontal distance in feet, with the result multiplied by 100.

PRECAUTIONARY SLOPE — Any slope of 15% or greater but less than 25%.

PROHIBITIVE SLOPE — Any slope of 25% or greater.

REDEVELOPMENT — The construction of structures or improvements on areas which previously contained structures or other improvements.

STEEP SLOPE — Any slope equal to or greater than 15% as measured over any minimum run of 10 feet, perpendicular to the contour of the slope, based on contour intervals of two feet or less.

§ 150-23.5. Designation of areas.

Steep slope areas shall be designated or excluded based on site-specific topographic mapping to be prepared by a land surveyor licensed in the State of New Jersey, or utilizing best available topographic information as determined by the Township Engineer. The percent of slope (rise in feet per horizontal distance in feet) shall be established by measurement of distance perpendicular to the contour of the slope for the disturbed area. The percent of slope shall be calculated for each two-foot contour interval. For example, any location on the site where there is a 1.0-foot rise over a 10.0-foot horizontal run constitutes a 10% slope; a 1.5-foot rise over a 10.0-foot horizontal run constitutes a 15% slope; and a 2.5 foot rise over a 10.0-foot horizontal run constitutes a 25% slope. Previously existing artificially created landscaping features or construction elevation changes, such as, but not limited to, retaining walls, garden mounds or the transitions between terraces, or the creation of a railroad bed, shall be exempt from consideration in calculating slopes for designation of areas under this chapter. However, if the nominal slope of the land supporting such a feature meets the definition of a steep slope, irrespective of the existence of the feature, it shall be included as a designated area. Land development plans which received planning or Zoning Board approval prior to the adoption date of this chapter shall be exempt. Proof of exemption eligibility shall be determined by the Construction Official.

§ 150-23.6. Steep slope disturbance limits.

For designated steep slope areas, any nonexempt disturbance shall require a permit under this chapter, except as provided below as confirmed by the Township Engineer:

- A. Redevelopment (or rebuilding after a disaster) within the limits of existing impervious surfaces.
- B. Addition to an existing single-family home where new disturbance to a precautionary slope area is less than 500 square feet (i.e., a de minimis disturbance).
- C. New disturbance necessary to protect public health, safety or welfare, such as necessary linear development with no feasible alternative, or to provide an environmental benefit, such as remediation of a contaminated site.

§ 150-23.7. Application procedure.

Applicants for a construction permit, site plan approval, or subdivision approval shall submit to the Construction Office all information and documents required by this chapter in the same form as applications for subdivision approval or site plan approval.

§ 150-23.8. Information required.

- A. For all subdivisions and site plans regulated under this chapter (minor and major) the following exhibits shall be submitted:
 - (1) A topographic map, prepared, signed and sealed by a New Jersey licensed land surveyor showing existing contours at two foot intervals.

- (2) Areas clearly identified on the topographic map showing the following slopes as measured between two-foot contour lines designated as Areas 1 through 3: a) Area 1. 0% to 14.9% (nonregulated slopes); b) Area 2. 15% to 24.9% (precautionary slopes); c) Area 3. 25% or greater (prohibitive slopes).
 - (3) Calculations, in square feet and acres, of amount of area in the various slope categories listed above.
- B. Where development is proposed on steep slopes (i.e., equal to or greater than 15%) as part of preliminary subdivision approval, or preliminary site plan approval, the following additional exhibits, prepared, signed and sealed by a New Jersey licensed professional engineer, shall be submitted:
 - (1) For all minor and major disturbances (≥ 500 square feet):
 - (a) Type and location of construction activity, including the amount of site grading.
 - (b) Location of construction access roads.
 - (2) Additionally, for major disturbances ($\geq 1,000$ square feet):
 - (a) Erodibility potential of exposed soils.
 - (b) Length, steepness and surface roughness of exposed slopes.
 - (c) Resistance of soil to compaction and stability of soil aggregates.
 - (d) High water table, water infiltration capacity and capacity of soil profile.
 - (e) Any other engineering data which shall be deemed reasonably necessary by the Township Engineer to determine compliance with this section.

§ 150-23.9. Special development requirements.

- A. No soil shall be excavated, removed, deposited, or disturbed within an area of steep slopes except as a result of and in accordance with a site plan or subdivision approved under the terms of this Chapter 150, Zoning, and Chapter 440, Soil Removal, of this Code and the Hudson Essex Passaic Soil Conservation rules and regulations. Proposed disturbances of soil shall be for purposes consistent with the intent of this chapter and it shall be executed in a manner consistent with Chapter 150, Zoning, and Chapter 440, Soil Removal, of this Code and the Hudson Essex Passaic Soil Conservation rules and regulations.
- B. Provisions shall be made for the proper disposition of surface water runoff so that it will be in a manner consistent with Chapter 150, Zoning, and Chapter 440, Soil Removal, of this Code and the Hudson Essex Passaic Soil Conservation rules and regulations. Appropriate temporary and permanent storm drainage facilities shall be constructed to adequately protect downstream properties.
- C. Any proposed vehicular facilities, including roads, drives, or parking areas, shall be so designed that any land disturbances shall be in compliance with Chapter 150, Zoning, and Chapter 440, Soil Removal, of this Code and the Hudson Essex Passaic Soil

Conservation rules and regulations. Both the vertical and horizontal alignment of vehicular facilities shall be so designed that hazardous circulation conditions will not be created. Existing grades along the center line of any proposed driveway shall not exceed 15%. The connection of any driveway to a street shall be by a vertical curve of sufficient radius to provide a smooth transition. The horizontal angle of intersection of a driveway with a street shall not be less than 60°.

- D. Fill shall be "clean" and when placed on the lot shall be properly stabilized and when found necessary, depending upon existing sloped and soil types, supported by retaining walls or other appropriate structures as approved by the Township Engineer.
- E. All cuts shall be supported by retaining walls or other appropriate structures when, depending upon the nature of the soil characteristics, such structures are found necessary by the Township Engineer to prevent erosion.
- F. Walkway slopes shall not be in excess of 6% unless the construction of a ramp is required and steps are provided.
- G. Compaction of fill. Fill material shall not consist of or include organic material, nor rocks greater than eight inches in diameter. Fill material shall be compacted at least 90% of the maximum density.
- H. Vegetation and revegetation. For major disturbances, the permittee shall submit a stabilization and revegetation plan prepared, signed and sealed by a New Jersey licensed professional engineer which shall include a complete description of the existing vegetation, the vegetation to be planted, and slope stabilization measures to be installed. The revegetation and slope stabilization plan shall be submitted with the grading plan. Every effort shall be made to conserve topsoil which is removed during construction for later use on areas requiring vegetation or landscaping, e.g., cut and fill slopes. All disturbed soil surfaces shall be stabilized pursuant to Chapter 150, Zoning, and Chapter 440, Soil Removal, of this Code and the Hudson Essex Passaic Soil Conservation rules and regulations.
- I. Every effort shall be made to preserve the maximum number of trees and other existing vegetation on the site and to avoid disturbance of the critical upland forest areas, and to preserve the unique and predominant views.
- J. It shall be presumed that upon compliance with all of the requirements set forth in this section, de minimus and minor disturbances shall be permitted on all steep slopes.
- K. It shall be presumed that upon compliance with all of the requirements set forth in this section, major disturbances shall be permitted on no more than 50% of an area identified as a precautionary slope.
- L. It shall be presumed that upon compliance with all of the requirements set forth in this section, major disturbances shall be permitted on no more than 5% of an area identified as a prohibitive slope.
- M. Major disturbances on more than 5% of a prohibitive slope shall not be permitted unless the applicant can demonstrate to the Planning Board or the Zoning Board of Adjustment as the case might be, that some disturbance is necessary otherwise the applicant will have no ability to utilize the property on which the slope is located for

any purpose permitted within the zone in which the property is located. By way of example and not limitation, should a major disturbance of a prohibitive slope be necessary to allow ingress/egress to a property, and should failure to allow disturbance of a prohibitive slope effectively prohibit all reasonable development on a property otherwise developable in accordance with other sections of this Code, including those developments that require variances and/or waivers herein, the Planning Board or Zoning Board shall allow such disturbance provided that the applicant meets all of the requirements set forth in this § 150-23.9. No exception to a prohibition against building on a prohibitive slope in accordance with this subsection shall be granted if the property owner can create or build upon the lot on which the prohibitive slope is located without the benefit of such exception.

§ 150-23.10. C variances.

All variances relating to this chapter are deemed to be "C" variances. It is the intent and purpose of this chapter to provide bulk limitations which may be deviated from only in accordance with "C" variance standards.

§ 150-23.11. Conflicts and severability.

- A. Conflicts. All other ordinances, parts of ordinances, or other local requirements that are inconsistent or in conflict with this chapter at the time of the passage of this chapter are hereby superseded to the extent of any inconsistency or conflict, and the provisions of this chapter apply.
- B. Severability.
 - (1) Interpretation. This chapter shall be so construed as not to conflict with any provision of New Jersey or federal law.
 - (2) Despite that any provision of this chapter is held to be invalid or unconstitutional by a court of competent jurisdiction, all remaining provisions of the ordinance shall continue to be of full force and effect.
 - (3) The provisions of this chapter shall be cumulative with, and not in substitution for, all other applicable zoning, planning and land use regulations.

§ 150-23.12. Enforcement; violations and penalties.

The requirements of this chapter shall be enforced by the Township Engineer or his designee who shall conduct investigations when any person or entity is believed to be in violation hereof. Any person or entity that violates any provision of this chapter shall, upon conviction thereof, be punished by a fine not exceeding \$2,000 and shall be ordered to stabilize the disturbed area and return the disturbed area to its previously existing condition. The violation of any section or subsection of this chapter shall constitute a separate and distinct offense independent of the violation of any other section or subsection, or of any order issued pursuant to this chapter. Each day a violation continues shall be considered a separate offense.

§ 150-23.13. Maintenance.

The owner of the property, all successors and any other person or agent in control of the property shall properly maintain in good condition and promptly repair and restore all improvements permitted under this chapter.

§ 150-23.14. Township Engineer approval.

Following completion of construction or other activity, the owner shall apply for approval by the Township Engineer or his designee. Such approval shall not be issued until the Township Engineer or his designee certifies that all matters are in compliance with the plans submitted pursuant to this chapter.

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Chapter 171

BUSINESS ESTABLISHMENTS

ARTICLE I Operating Hours; Security

§ 171-2. Hours of business; security requirements.

§ 171-3. Violations and penalties.

§ 171-1. Purpose; exception.

[HISTORY: Adopted by the Township Council of the Township of Verona as indicated in article histories. Amendments noted where applicable.]

ARTICLE I Operating Hours; Security [Adopted 4-7-1986 by Ord. No. 7-86 (Ch. 61 of the 1981 Code)]

§ 171-1. Purpose; exception. [Amended 7-14-2008 by Ord. No. 10-08]

- A. The purpose of this chapter is to regulate the opening and closing hours of retail and commercial business establishments in order to avoid noise, inconvenience and disturbance of residential areas within the Township which are caused when retail and other commercial establishments remain open during late hours. It is further the determination of the Township of Verona that certain retail, commercial and business establishments open during late evening and early morning hours affect police facilities, the crime rate, public disorder, public safety, public health, physical and mental health, public welfare, noise pollution, littering, sanitation and local motor vehicle traffic. It is hereby determined and declared to be in the best interests of the health, safety and welfare of the residents of the Township of Verona that the retail and commercial businesses regulated by this chapter conduct their business under the following rules and provisions.
- B. The provisions of this chapter shall not apply to restaurants/taverns that are governed by the New Jersey Division of Alcoholic Beverage Control or pharmacies, medical centers, hospitals or other like places of business which primarily engage in providing products or services related to the health and well-being of the public.

§ 171-2. Hours of business; security requirements.

- A. Every retail business and commercial establishment located within the Township, excluding restaurants and/or businesses that are regulated by the New Jersey Division of Alcoholic Beverage Control and medical centers, hospitals, pharmacies or other similar places of business whose main purpose is to provide medical products or medical services to the public, shall be closed to the public and business with the public therein shall be and is hereby prohibited between the hours of 12:00 midnight and 5:00 a.m. No such business whose hours of operation are regulated by this chapter shall accept deliveries of supplies and or equipment during any hours other than hours during

which the business is open to the public. [Amended 7-14-2008 by Ord. No. 10-08; 12-15-2008 by Ord. No. 17-08¹]

- B. In addition thereto, the business or commercial establishment shall employ a security officer at the premises or the premises shall have in operation a security device approved by the Chief of Police of the Township of Verona. Such security device may consist of a silent and/or audible burglar alarm connected to a central security monitoring system designed to activate police response or such other device which can be activated instantaneously to notify law enforcement officers that a crime or disorderly persons activity is in progress.

§ 171-3. Violations and penalties. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

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.

1. Editor's Note: This ordinance also superseded Ord. No. 14-08, adopted 10-20-2008.

Chapter 190

CONSTRUCTION CODES, UNIFORM

§ 190-1. Enforcing agency established.

§ 190-4. Construction Board of Appeals.

§ 190-2. Qualifications.

§ 190-5. Fees.

§ 190-3. Public access to agency.

[HISTORY: Adopted by the Township Council of the Township of Verona 1-31-1977 by Ord. No. 1-77 (Ch. 64 of the 1981 Code). Amendments noted where applicable.]

§ 190-1. Enforcing agency established.

There is hereby established in the Township of Verona a State Uniform Construction Code enforcing agency to be known as the Construction Code Enforcement Bureau, consisting of a Construction Official, Building Subcode Official, Plumbing Subcode Official, Electrical Subcode Official, Fire Protection Subcode Official and such other subcode officials for additional subcodes as the Commissioner of the Department of Community Affairs, State of New Jersey, shall hereafter adopt as part of the State Uniform Construction Code. The Construction Official shall be the chief administrator of the enforcing agency.

§ 190-2. Qualifications.

Each official position created in § 190-1 hereof shall be filled by a person qualified for such position pursuant to P.L. 1975, c. 217 (N.J.S.A. 52:27D-119 et seq.), as amended, and N.J.A.C. 5:23, provided that, in lieu of any particular subcode official, an on-site inspection agency may be retained by contract pursuant to N.J.A.C. 5:23. More than one such official position may be held by the same person, provided that such person is qualified pursuant to P.L. 1975, c. 217 (N.J.S.A. 52:27D-119 et seq.), and N.J.A.C. 5:23 to hold each such position.

§ 190-3. Public access to agency.

The public shall have the right to do business with the enforcing agency at one office location, except for emergencies and unforeseen or unavoidable circumstances.

§ 190-4. Construction Board of Appeals. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

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.

§ 190-5. Fees. [Amended 10-4-1982 by Ord. No. 16-82; 12-5-1988 by Ord. No. 28-88; 2-19-1991 by Ord. No. 2-91; 4-15-1996 by Ord. No. 2-96; 4-5-1999 by Ord. No. 1-99]

Fees for permits, inspections, licenses and certificates of occupancy shall be as set forth in Chapter A565 of the Verona Code as may hereafter be supplemented or amended.¹

1. Editor's Note: Original § 64-6, Biannual report of Construction Official, which immediately followed this section, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

Original § 64-7, Surcharge; annual surcharge report, as amended 4-15-1996 by Ord. No. 2-96, which followed § 64-6, was repealed 6-7-1999 by Ord. No. 2-99.

Original § 64-8, Fire limits established; biannual fire limit report, which immediately followed § 64-7, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

Chapter 196

CONVERSION OF RENTAL DWELLING UNITS

§ 196-1. Definitions.

§ 196-2. Establishment of fees payable on conversion of rental dwelling units.

[HISTORY: Adopted by the Township Council of the Township of Verona 11-2-1987 as Section 1 of Ord. No. 18-87 (Ch. 65 of the 1981 Code). Amendments noted where applicable.]

§ 196-1. Definitions.

For the purposes of this chapter, the definition of "convert" shall be as is set forth in N.J.S.A. 2A:18-61.24f.

§ 196-2. Establishment of fees payable on conversion of rental dwelling units. [Amended 4-2-2001 by Ord. No. 2-2001]

The owner of any building or structure who seeks to convert any premises from residential rental use to condominium, cooperative, planned residential development or separable fee-simple ownership of the dwelling units shall, pursuant to N.J.S.A. 2A:18-61.35, pay a fee to the Township of Verona in the amount established by Chapter A565 of the Verona Code for each dwelling unit in the building or structure being converted. Such fee shall be payable at the time such owner files his notice of intention to register for conversion as required by state law and shall accompany the notice of intention filed with the Township Rent Control Board.

Chapter 201

CRIMINAL HISTORY RECORD BACKGROUND CHECK

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| § 201-1. Definitions. | § 201-7. Disqualification appeals process. |
| § 201-2. Request for criminal history record background check; costs. | § 201-8. Disqualification from service. |
| § 201-3. Submission of information for background check. | § 201-9. Limitations on access and use of background check information. |
| § 201-4. Continuing obligation. | § 201-10. Monitoring of compliance; penalties upon failure to comply. |
| § 201-5. Disqualification from service. | |
| § 201-6. Results; determination of disqualification. | |

[HISTORY: Adopted by the Township Council of the Township of Verona 10-20-2008 by Ord. No. 13-08 (Ch. 66 of the 1981 Code). Amendments noted where applicable.]

§ 201-1. Definitions.

For purposes of this chapter, the following terms shall have the meanings indicated:

APPEAL COMMITTEE — A committee consisting of the Township Manager, Director of Recreation, and the Verona Police Chief. It shall be charged with the review of all appeals filed by any employee or volunteer who is disqualified from service in a program resulting from a criminal history record background check.

CO-SPONSORED PROGRAM — Any program, including but not limited to nonprofit youth-serving organizations as defined below, that receives benefits, either directly or indirectly, including, but not limited to, the provision of funding and/or the provision of fields, facilities, and/or equipment (and including the maintenance of same), from the Township of Verona.

CRIMINAL HISTORY RECORD BACKGROUND CHECK — A review and determination as to whether a person has any prior criminal record by cross-referencing that person's name and/or fingerprints with those on file with the Federal Bureau of Investigation, Identification Division, and the Bureau of Identification of the New Jersey State Police.

EMPLOYEE — An individual who receives compensation from the Township, from a private entity, or from a nonprofit entity, monetary or otherwise, which compensation results from his or her employment with, or employment in, a youth activity as defined below.

QUALIFIED PARTICIPANT — An employee or volunteer who has completed a criminal history record background check revealing no disqualifying convictions.

VERONA YOUTH PROGRAM — Any program offering recreational, cultural, charitable, social and/or other activities or services for persons younger than 18 years of age, including,

but not limited to, sports leagues that are funded and/or administered, in whole or in part, by the Township of Verona.

VOLUNTEER — Any individual who does not receive compensation from the Township, from a private entity or from a nonprofit entity, monetary or otherwise, which compensation results from his or her involvement with or employment by a youth service organization or Verona youth program, but who still involves himself or herself with such program and provides his or her services without such compensation.

YOUTH-SERVING ORGANIZATION OR ORGANIZATION — A corporation, association or other organization established pursuant to the laws of this state, but excluding public and nonpublic schools, which provides recreational, cultural, charitable, social or other activities or services for persons younger than 18 years of age and is exempt from federal income taxes.

§ 201-2. Request for criminal history record background check; costs.

- A. The Township requires that all youth-serving organizations involved in cosponsored programs or Verona youth programs request through the Director of Recreation that a criminal history record background check be conducted on each prospective and current employee and/or volunteer of the organization.
- B. No prospective employee or volunteer will be permitted to commence service prior to the completion of the criminal history record background check process.
- C. An employee or volunteer required by this chapter to undergo a criminal history record background check who refuses to consent to this procedure shall not participate in any youth-serving organization or Verona youth program.
- D. The costs(s) incurred for the criminal history record background check shall be the responsibility of the Township.

§ 201-3. Submission of information for background check.

- A. Any youth-serving organization or Verona youth program seeking to employ or engage an employee or volunteer required to undergo a criminal history record background check pursuant to this chapter shall submit a list of such employees and volunteers currently serving the organization and a list of all prospective employees and volunteers to the Director of Recreation.
- B. All employees and volunteers included on the aforementioned lists shall submit their name, address, date of birth, written consent and any other data deemed necessary by the Director of Recreation.
- C. The Director of Recreation shall act as a clearinghouse for the collection and dissemination of nonconfidential information obtained as a result of conducting criminal history record background checks pursuant to this section, while the Verona Police Chief will maintain all confidential information.

CRIMINAL HISTORY RECORD BACKGROUND

§ 201-4

CHECK

§ 201-6

§ 201-4. Continuing obligation.

Notwithstanding prior compliance with this chapter, no individual shall be permitted to continue as an employee or volunteer in any capacity unless the latest criminal history record background check on file with the Director of Recreation was performed within a period of time designated by the Township Manager.

§ 201-5. Disqualification from service.

A. The Township of Verona shall conduct a criminal history record background check on each prospective and current volunteer/employee participating in any Township-endorsed or -sponsored programs which provide recreational, cultural, charitable, social or other activities or services for persons younger than 18 years of age. Any prospective and/or current volunteer/employee may be disqualified from serving in such capacity and participating in any Township-endorsed or -sponsored program(s) if that person's criminal history record background check reveals a record of conviction of any of the following crimes and offenses:

- (1) In New Jersey, any crime or disorderly offense:
 - (a) Involving danger to the person, meaning those crimes and disorderly persons offenses set forth in N.J.S.A. 2C:11-1 et seq., homicide: all offenses; N.J.S.A. 2C:12-1 et seq. assault; endangering; threats: all offenses; N.J.S.A. 2C:13-1 et seq., kidnapping: all offenses; N.J.S.A. 2C:14-1 et seq., sexual offenses: all offenses; N.J.S.A. 2C:15-1 et seq., robbery: all offenses.
 - (b) Against the family, children or incompetents, meaning those crimes and disorderly persons offenses set forth in N.J.S.A. 2C:24-1 et seq., Offenses Against the Family, Children and Incompetents: all offenses.
 - (c) Involving theft as set forth in Chapter 20 of Title 2C of New Jersey Statutes, theft: all offenses.
 - (d) Involving any controlled dangerous substance or controlled substance analog as set forth in Chapter 35 of Title 2C of the New Jersey Statutes except N.J.S.A. 2C:35-10a(4) (exceptions include possession of 50 grams or less of marijuana or five grams or less of hashish).
- (2) In any other state or jurisdiction, conduct which, if committed in New Jersey, would constitute any of the crimes or disorderly persons offenses described in the subsections above.

B. Verona Police Chief and Director of Recreation. The Verona Police Chief and the Director of Recreation shall have authority to exercise discretion when deliberating a disqualification determination.

§ 201-6. Results; determination of disqualification.

A. If, following the completion of the criminal history record background check and receipt of the results, a disqualifying conviction exists as set forth in this chapter, then the Verona Police Chief, at his discretion, shall notify the employee or volunteer, in

writing, via certified and regular mail, of that person's disqualification to serve with the organization in any capacity. The written notice shall not divulge any information regarding the nature of the conviction(s); rather, the written notice shall simply state that the employee or volunteer is disqualified pursuant to this section. The written notice shall also state that the individual may appeal the determination by filing a written notice of appeal in accordance with the requirements of § 201-7 below. A copy of said notice will in all circumstances be sent to the Director of Recreation. The Director of Recreation shall also have the power to exercise discretion when deliberating a disqualification termination.

- B. The Verona Police Chief shall be authorized to conduct any additional investigation that in his discretion he deems appropriate to obtain accurate information. Further, the Verona Police Chief may rely upon information other than the criminal history record background check when making a disqualification determination.

§ 201-7. Disqualification appeals process.

- A. Grounds for appeal. Any current or prospective employee or volunteer who is disqualified in accordance with this chapter may appeal that determination for good cause shown. Good cause shall include, but is not limited to, the following:
- (1) The background check produced inaccurate or incomplete information.
 - (2) The age of the individual at the time of the offense or crime or conviction.
 - (3) The nature and circumstances underlining the conviction indicate that the individual does not presently pose a threat.
 - (4) The conviction arose out of an isolated incident.
 - (5) Since the conviction, the individual has taken significant steps towards rehabilitation, including, but not limited to, counseling, treatment, schooling, vocational training, and successful completion of a court-ordered program.
- B. Notice of appeal. Any current or prospective employee or volunteer may file an appeal from an initial determination under this chapter by filing a written notice of appeal with the Verona Police Chief within 10 days of his or her filing of the written notice of disqualification received from the Verona Police Chief.
- C. Within seven days of the receipt filing of a written notice of appeal, the Appeal Committee shall send a written notice to the applicant via certified and regular mail providing a hearing date no later than 20 days from the receipt of the notice of appeal.
- D. Hearing. The hearing before the Appeal Committee shall be closed to the public unless an open hearing is requested by the appellant. It shall be attended only by the members of the Appeal Committee, the Township Attorney (if appropriate), the appealing individual and his or her attorney if so retained. During the course of the hearing, the appealing individual and his or her attorney shall be given the opportunity to speak and/or read a prepared statement.

CRIMINAL HISTORY RECORD BACKGROUND

§ 201-8

CHECK

§ 201-10

§ 201-8. Disqualification from service.

- A. In the event an individual is notified of his/her disqualification and does not appeal in accordance with the requirements of § 201-7, the Director of Recreation shall notify the appropriate authority in which the applicant serves or wishes to serve of that person's disqualification to serve with that organization in any capacity.
- B. In the event of a duly filed appeal in accordance with § 201-7 that results in a reversal of the determination, no further action will be required.
- C. In the event the appeal does not result in a reversal, then within five days of the decision by the Appeal Committee, the Verona Police Chief shall notify the individual of the decision in writing and shall notify the appropriate authority for the organization.
- D. Any appellate rights as afforded by statute shall not be limited by any provision of this chapter.

§ 201-9. Limitations on access and use of background check information.

- A. The Verona Police Chief and other police personnel shall limit their use of the criminal history record background check information obtained as a result of the requested search to the making of the determination pursuant to § 201-6.
- B. Should an appeal follow, the Verona Police Chief is authorized to provide the results of the search to the Appeal Committee. The Appeal Committee shall limit its use of the information to the appeal process pursuant to § 201-7. Following the appeal process, the subject records shall be returned to the Verona Township Police Department, where they shall be sealed, dated and destroyed one year after sealing, unless the Verona Township Police Department is advised of judicial action involving the information and/or determinations made under this chapter.
- C. If no appeal follows the Verona Police Chief's determination, the records shall remain with the Verona Township Police Department, where they shall be sealed, dated and destroyed one year after sealing, unless the Verona Township Police Department is advised of judicial action involving the information and/or determination made under this chapter.
- D. Information obtained as a result of the search shall not be disseminated to any other individual or entity in any form, except as necessary for litigation or proceeding resulting from the determinations made pursuant to this chapter. Any person violating federal or state regulations governing the access to criminal history record information may be subject to criminal and/or civil penalties.

§ 201-10. Monitoring of compliance; penalties upon failure to comply.

The youth-serving organization or Verona youth program, as applicable, shall be required to monitor compliance with the requirements of this chapter, as it relates to the submission of its employees and volunteers to a criminal history record background check. The youth-serving organization or Verona youth program, as applicable, shall not permit any of its employees or volunteers to have access to minors until such employees and/or volunteers have first been

cleared by the above process. Failure to comply with this chapter may result in the Township of Verona withholding funding, land, equipment or other services for the youth-serving organization or Verona youth program, or any of their activities.

Chapter 244

FILMING

§ 244-1. Definitions.

§ 244-2. Permit required.

§ 244-3. Permit requirements.

§ 244-4. Additional requirements for all permit holders.

§ 244-5. Fees.

§ 244-6. Violations and penalties.

[HISTORY: Adopted by the Township Council of the Township of Verona 10-5-1998 by Ord. No. 13-98 (Ch. 70 of the 1981 Code). Amendments noted where applicable.]

§ 244-1. Definitions.

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

FILMING — The making or taking of still or motion pictures either on film, videotape or other similar recording medium for commercial purposes and intended for viewing on television or in theaters or for institutional uses. The term shall not include filming at a studio or other similar facility constructed for such purpose where such filming does not involve the use of any public property. The term shall not include the filming of any news story or news feature within the Township or filming made by, on behalf of or for the Township of Verona or other governmental agency.

PERSON — Any individual, organization, corporation or other business entity.

PUBLIC PROPERTY — All publicly owned streets, highways, sidewalks, squares, parks, playgrounds, buildings or any other public places within the Township which are within the jurisdiction and control of the Township of Verona.

§ 244-2. Permit required.

No person shall engage in or permit filming on public property or on private property where such filming involves the use of public property for the operation, placement or temporary storage of vehicles or equipment utilized in such filming, including, but not limited to, any temporary structure, barricade or device intended to restrict or block off pedestrian or vehicular traffic, unless such person has obtained a permit as provided in this chapter.

§ 244-3. Permit requirements.

All applications for a permit required by this chapter shall be subject to the following standards:

- A. Application shall be made on a form to be provided by the Township Clerk and shall be accompanied by a permit fee in the amount established under Chapter A565 of the Verona Code. If expedited processing of the application is requested, the application

shall be accompanied by a fee for expedited processing as established under Chapter A565 of the Verona Code.

- B. The application shall be filed with the Township Clerk not less than five days prior to the date on which filming is to commence. If expedited processing is requested, the Township Manager shall have the right to waive the five-day time period between filing and filming; provided, that the applicant can comply with all other requirements of this chapter.
- C. Prior to the issuance of a permit, the applicant shall provide the following:
 - (1) Proof of general public liability insurance naming the Township of Verona as additional insured and providing for coverage of not less than \$1,000,000 for bodily injury and for not less than \$300,000 for property damage.
 - (2) The applicant shall enter into a written agreement with the Township of Verona, in a form to be approved by the Township Manager, whereby the applicant shall agree to indemnify, save and hold the Township of Verona harmless from any and all claims, expenses, damages or liability whatsoever arising out of the applicant's use of public property.
 - (3) The applicant shall post a cash bond in the amount of \$500 or a maintenance bond in the amount of \$1,000 in favor of the Township to assure that the location utilized by the applicant will be left in a satisfactory condition, free and clear of debris, rubbish and equipment and to assure the applicant's compliance with all Township ordinances, laws, regulations and directives. Within seven days of the completion of the filming, the Township will return the bond if there has been no damage to public property or public expense caused by the filming.
 - (4) The applicant shall pay daily filming fees as provided under § 244-5 hereof and under Chapter A565 of the Verona Code.
- D. A permit issued pursuant to this chapter shall authorize filming for a period not to exceed two consecutive calendar days, and filming on any one property shall not exceed a total of three calendar days in any one-year period.
- E. Any days necessary for the purposes of preparing or setting up a site for filming shall not be counted as a filming day for purposes of the permit unless the Township Manager determines that preparation or setting up of the site would have a substantial impact on the use and enjoyment of neighboring properties or the free flow of vehicular or pedestrian traffic at or near the site, in which case such days shall be counted as filming days.
- F. If, because of inclement weather or other good cause, filming cannot take place on the dates specified in the permit, the Township Manager may authorize the issuance of a new permit for filming on alternate dates, provided that there is full compliance with all of the requirements of this chapter. No additional fees shall be paid for a permit for alternate dates.
- G. The Township Manager may authorize a waiver of any of the requirements, provisions or restrictions of this chapter if the Manager determines that a waiver thereof may be

granted without endangering the public health, safety and welfare. In determining whether to issue a waiver, the Manager shall consider the following factors:

- (1) Potential traffic congestion at the location.
 - (2) The applicant's ability to remove the applicant's vehicles and equipment from the public streets or other public property.
 - (3) The extent to which the applicant is requesting restrictions on the use of public streets or public parking facilities during filming.
 - (4) The nature of the filming, including whether filming will take place indoors or outdoors, and the proposed hours for filming.
 - (5) The extent to which the filming may affect adjoining and nearby property owners and occupants.
 - (6) The Township's prior experience with the applicant, if any.
- H. The Township Manager may refuse to issue a permit whenever an applicant has not complied with all permit application requirements or whenever the Manager determines that filming at the proposed location or on the proposed dates or at the proposed times, as set forth in the application, would violate any Township ordinance or other law or would unreasonably interfere with the use and enjoyment of adjoining or neighboring properties or would unreasonably impede the free flow of vehicular or pedestrian traffic or would otherwise endanger the health, safety or welfare of the citizens of the Township of Verona.
- I. Immediately upon issuance of a permit under this chapter, and prior to the commencement of filming if practicable, the Township Clerk shall transmit a copy of such permit to the New Jersey Film Commission.

§ 244-4. Additional requirements for all permit holders.

All persons to whom a filming permit has been issued shall comply with the following additional requirements:

- A. The permit shall be prominently displayed at the site of the filming and shall be readily available for inspection by Township officials.
- B. The holder of a permit shall take all reasonable steps to minimize interference with the free passage of pedestrians and traffic over public lands and shall comply with all lawful directives issued by the Verona Police Department with respect thereto. If, after consulting with the Township Police Department, the Township Manager determines that it is necessary for the applicant to provide qualified personnel for the purpose of directing or controlling traffic at the site, then the applicant shall provide such personnel at the applicant's expense. The qualifications of such personnel shall be subject to of the Township Manager.
- C. The holder of a permit shall conduct filming in such a manner as to minimize the inconvenience or discomfort to adjoining and nearby property owners and shall, to the extent practicable, abate noise or other nuisances and shall park vehicles associated

with such filming off the public streets. The holder shall avoid any interference with previously scheduled activities on public property and shall, to the extent possible, limit any interference with normal public activity on such public property. Where the filming will directly involve and/or affect any businesses, merchants or residents, these parties shall be given written notice of the filming at least three days prior to the requested filming dates. Proof of notification shall be filed with the Township Clerk.

- D. Filming in residential zoning districts shall not be permitted except Monday through Friday between the hours of 7:00 a.m. and 8:00 p.m. Requests for filming during hours other than as permitted will require the approval of the Township Manager.
- E. The applicant shall permit the Verona Police Department and the Verona Fire Department or other Township agencies to inspect the site and the equipment to be used. The applicant shall comply with all safety instructions issued by the Police Department, Fire Department or other Township agencies.

§ 244-5. Fees.

- A. The fee for a basic filming permit and for a basic filming permit requiring expedited processing shall be as established under Chapter A565 of the Verona Code as may be hereafter amended or supplemented.
- B. In addition to the basic filming permit, there shall be a daily filming fee in the amount established under Chapter A565 of the Verona Code as may be hereafter amended or supplemented.
- C. The basic filming permit for nonprofit entities for educational purposes shall be as established under Chapter A565 of the Verona Code as may be hereafter amended or supplemented. There shall be no daily filming fee for nonprofit entities for educational purposes.

§ 244-6. Violations and penalties. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

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.

Chapter 248

FIREARMS

§ 248-1. Discharge restrictions.

§ 248-3. Violations and penalties.

§ 248-2. Enforcement; permanent seizure.

[HISTORY: Adopted by the Township Council of the Township of Verona 8-20-1963 (Ch. 72 of the 1981 Code). Amendments noted where applicable.]

§ 248-1. Discharge restrictions.

It shall be unlawful for any person to fire or discharge any shotgun, rifle, pistol or other firearm whereby any shot, bullet or other missile is shot or scattered within the open confines of the Township except for the protection of life, person or property or under the conditions hereinafter set forth:

- A. During the regular hunting season, hunting for game will be permitted; provided, however, that no person while hunting shall discharge any firearm within 500 feet of any dwelling or within 500 feet of any street which is open for public use.
- B. Any person desiring to engage in target practice either with a pistol or a rifle shall apply to the Chief of Police for a permit to do so. Such permits as issued by the Chief of Police shall be good only for the day for which they are issued and shall only be used on that property specified as a practice range by the Police Department.
- C. No person other than the person to whom the permit is issued shall use the same, nor shall any permit be issued to a minor under the age of 15 years unless such minor is accompanied by an adult over the age of 21 years who shall be responsible for the activities of such minor person.

§ 248-2. Enforcement; permanent seizure.

Upon the complaint of any resident of the Township that any person is violating any of the provisions of this section, any member of the Police Department is hereby authorized to forthwith take or cause to be taken and retained in his custody the shotgun, rifle, pistol or other firearm, the carrying or using of which is complained of, and upon conviction for a violation of any of the provisions hereof the same shall be forfeited to the Township.

§ 248-3. Violations and penalties. [Added 8-17-1981 by Ord. No. 6-81; amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

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.

Chapter 253

FIRE INSURANCE CLAIMS

§ 253-1. Definitions.

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

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

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

§ 253-5. Maintenance of certificate of search.

[HISTORY: Adopted by the Township Council of the Township) of Verona 2-6-1984 by Ord. No. 2-84 (Ch. 62, Art. I, of the 1981 Code); amended in its entirety at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Subsequent amendments noted where applicable.]

§ 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 262

FIRE PREVENTION

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| § 262-1. Adoption of standards. | § 262-13. Storage of flammable liquids in aboveground tanks. |
| § 262-2. Local enforcement. | § 262-14. Storage of liquefied petroleum gases. |
| § 262-3. Fire Prevention Bureau establishment and composition. | § 262-15. Storage of explosives and blasting agents. |
| § 262-4. Life-hazard registrations. | § 262-16. Pyrotechnic devices prohibited. |
| § 262-5. Inspection of life hazard uses. | § 262-17. Street obstructions prohibited; violations and penalties. |
| § 262-6. Non-life hazard registrations. | § 262-18. Rapid entry system. |
| § 262-7. Inspections of non-life hazard uses. | § 262-19. Smoke detectors, carbon monoxide detectors and portable fire extinguisher compliance in residential dwellings; inspection fees. |
| § 262-8. Type 1-4 Uniform Fire Code permits. | § 262-20. Doors and stairwells. |
| § 262-9. Response to fire alarms. | § 262-21. Appeals. |
| § 262-10. False alarms. | |
| § 262-11. Interference with fire systems prohibited; fines. | |
| § 262-12. Portable fire extinguishers for hot-tar kettle jobs. | |

[HISTORY: Adopted by the Township Council of the Township of Verona 3-21-2016 by Ord. No. 4-16. Amendments noted where applicable.]

§ 262-1. Adoption of standards.

- A. Pursuant to Section 11 of the Uniform Fire Safety Act (P.L. 1983, c. 383), N.J.S.A. 52:27D-202, the New Jersey Fire Code shall be locally enforced in the Township of Verona.
- B. The Fire Prevention Code of the municipality shall consist of a certain code known as the "New Jersey Uniform Fire Code," adopted February 18, 1985, and is hereby incorporated in this chapter as if set forth at length. Required copies thereof have been placed on file in the office of the Township Clerk and in the Fire Prevention Bureau and shall remain in said offices so long as this chapter is in effect, for use and examination by the public.

§ 262-2. Local enforcement.

The Township of Verona Fire Prevention Bureau shall be the local enforcing agency for the Uniform Fire Safety Act and the codes and regulations adopted under it in all buildings, structures and premises within the established boundaries of Verona, other than owner-

occupied one- and two-family dwellings, and shall faithfully comply with the requirements of the Uniform Fire Safety Act and the Uniform Fire Code.

§ 262-3. Fire Prevention Bureau establishment and composition.

- A. Within the Township of Verona shall be created the Fire Prevention Bureau.
- B. The Fire Official shall serve as the chief administrator of the Fire Bureau and responsible for its supervision. There may be a Fire Prevention Specialist as may be deemed necessary by the Township Manager.
- C. The Fire Official shall be appointed by and report to the Township Manager. The Fire Prevention Specialist shall be appointed by the Township Manager; report to and perform his duties under the authority of the Fire Official.
- D. Minimum certification for the position of Fire Official shall consist of a valid Fire Official certificate issued by the State of New Jersey Department of Community Affairs.
- E. Minimum certification for the position of Fire Prevention Specialist shall consist of a valid Fire Inspector certificate issued by the State of New Jersey Department of Community Affairs.
- F. Minimum continued education courses for the positions of Fire Official and Fire Prevention Specialists shall be as mandated by the New Jersey Department of Community Affairs.
- G. To ensure that there will be no conflict, an independent counsel shall be appointed to assist the Fire Prevention Bureau in enforcing the New Jersey Uniform Fire Code should the need arise.
- H. The Fire Official shall serve for a term of three years, commencing January 1 and ending December 31 of the third year. If needed, any vacancy shall be filled for the unexpired term(s).
- I. The Township Manager may remove the Fire Official and Fire Prevention Specialist and other employees for inefficiency, misconduct or other just cause. Each employee so removed shall be afforded an opportunity to be heard by the appointing authority.

§ 262-4. Life-hazard registrations.

The life-hazard use registration fees shall be established by the New Jersey Uniform Fire Code, N.J.A.C. 5:70-2.9(a).

§ 262-5. Inspection of life hazard uses.

The Fire Prevention Bureau, as designated by this chapter, shall carry out the periodic inspections of life hazard uses required by the Uniform Fire Code on behalf of the Commissioner of the Department of Community Affairs.

§ 262-6. Non-life hazard registrations.

- A. The non-life hazard use registration fees are hereby established and shall be as provided in Chapter A565, Fees.
- B. Assessed fees shall be satisfied by the 30th day after its issuance.
- C. Unpaid fees outstanding after the 30th day shall result in a penalty equal to the amount of the unpaid fee. Ten additional days may be granted for payment of the fee plus penalty.
- D. Any person who fails to immediately pay a money judgment entered against him pursuant to this section is subject to the penalties in accordance with the New Jersey Uniform Fire Code, N.J.A.C. 5:70-2.12.
- E. All moneys recovered in the form of penalties shall be paid into a dedicated trust account, herein after titled the Uniform Fire Safety Act Penalty Account, and shall be appropriated for the enforcement of the Act.
- F. If the fee and penalty remain unpaid after the thirty-day extension period, the enforcing agency may institute legal proceedings in Municipal Court pursuant to the Penalty Enforcement Law (N.J.S.A. 2A:58-10 et seq.).

§ 262-7. Inspections of non-life hazard uses.

In addition to the inspections required pursuant to the Uniform Fire Safety Act and the regulations adopted thereunder, all buildings, structures and uses within the Township of Verona, except for owner-occupied one- and two-family dwelling units, shall be annually inspected by the Fire Prevention Bureau for compliance with the New Jersey Uniform Fire Code.

§ 262-8. Type 1-4 Uniform Fire Code permits.

- A. Permit fees for Type 1-4 Uniform Fire Code permits shall be established by the New Jersey Uniform Fire Code, N.J.A.C. 5:70-2.9(c).
- B. Permit fees for the storage of flammable, combustible, hazardous and unstable materials in liquid, gas or solid form are hereby established and shall be as provided in Chapter A565, Fees.

§ 262-9. Response to fire alarms.

- A. The response of Fire Prevention Bureau personnel to fire alarm conditions shall apply to all occupancies.
- B. Upon the occurrence of a fire alarm in any of the afore-listed occupancies, during the normal business hours of the Fire Prevention Bureau, there may be a response from Fire Prevention Bureau personnel. The following constitute legitimate reasons for a response from the Fire Prevention Bureau:

- (1) To enforce the Fire Code or Fire Ordinance and to issue documentation, violations and notification as may be required by the Township of Verona.
 - (2) To assist the Fire Chief or his/her duly authorized representative. This may be done with any knowledge acquired during previous fire inspections performed by Fire Prevention Bureau personnel. This shall be of fire-staff-type assistance, not fire-command-type assistance.
- C. Response to all occupancies after normal business hours may occur by on-call Fire Prevention Bureau personnel or by the Fire Official or by request of the Fire Chief, the Fire Chief's duly authorized representative or the Police Department, when made through the communications center.
- D. Response of the Fire Prevention Bureau to residential fire alarm conditions may be by request of the Fire Chief or Police Department. This chapter shall not interfere with the New Jersey Uniform Fire Code N.J.A.C. 5:71-3.3(a)25, on investigation contained in Subchapter 3, Organization, Administration and Enforcement.

§ 262-10. False alarms.

- A. As used in this chapter, "false alarm" shall mean the transmission either directly or indirectly to the Police Department of the Township of Verona of any automatic fire alarm, smoke alarm, fire sprinkler water flow alarm, or carbon monoxide alarm that was not caused by a fire, a smoke condition or such other condition that is beyond the control of the owner.
- B. The Police Department shall report all false alarms to the Fire Prevention Bureau which shall investigate and determine the cause of the false alarm. The Fire Prevention Bureau shall maintain a list of all false alarms. Said list shall identify the locations of the false alarms and the number of false alarms at the location during the calendar year.
- C. Penalties for false alarms transmitted from a multifamily residential complex, business, commercial, eleemosynary and/or industrial premises are hereby established and shall be as provided in Chapter A565, Fees.
- D. Penalties for false alarms transmitted from single-family detached dwellings, individual townhouses and condominium unit dwellings are hereby established and shall be as provided in Chapter A565, Fees.
- E. Any person, firm, company or corporation that causes to be transmitted a false alarm as the result of installing, repairing, testing, tampering with or performing any work to an automatic fire alarm, smoke alarm, fire sprinkler, water flow alarm, carbon monoxide alarm system, or as a result of structural alterations, renovations, remodeling or construction shall be subject to a penalty of not less than \$200 nor more than \$1,000 for each transmission of a false alarm.
- F. All penalties assessed for violation of this chapter shall be paid into the Uniform Fire Safety Act Penalty Account.

§ 262-11. Interference with fire systems prohibited; fines.

Blocking access, interfering or tampering with or causing malicious damage to any fire alarm, suppression system, fire communications system, fire detection, first-aid, firefighting system, device, unit or part thereof shall result in a mandatory fine of \$500 per day per violation. During an actual alarm, the condition shall result in a mandatory fine of \$500 per day per violation. Fines shall remain in effect until conditions are deemed corrected by the Fire Prevention Bureau. Failure to comply shall result in an issued summons to appear in court. Fines assessed from this chapter shall go into the Uniform Fire Safety Act Penalty Account.

§ 262-12. Portable fire extinguishers for hot-tar kettle jobs.

The minimum size of portable fire extinguishers for job site location concerning hot tar kettles shall be 15 pounds. The type shall be B:C dry chemical. The minimum number of portable extinguishers per each kettle job site shall be:

- A. One extinguisher, located between 10 and 15 feet from the kettle, kept accessible to the operator of the job site kettle.
- B. One additional extinguisher, located on the roof level of the job site in the area where hot-tar roof work is being done.

§ 262-13. Storage of flammable liquids in aboveground tanks.

- A. Storage of flammable liquids in outside aboveground tanks is prohibited and not permitted within the limits of the Township.
- B. New bulk plants for flammable liquids are prohibited and not permitted within the limits of the Township.

§ 262-14. Storage of liquefied petroleum gases.

Bulk storage of liquefied petroleum gas is restricted and not permitted within the limits of the Township.

§ 262-15. Storage of explosives and blasting agents.

Storage of explosives and blasting agents is prohibited and not permitted within the limits of the Township.

§ 262-16. Pyrotechnic devices prohibited.

- A. It shall be unlawful for any person to ignite, display, possess or use in any manner whatsoever, within any commercial structure, any pyrotechnics, sparklers and smoke/fog machines.

- B. Exempted from the provisions of this section is any testing or training exercises conducted by the Township of Verona Fire Prevention Bureau, Fire Department or other recognized fire brigade.
- C. Any person violating this section shall be subject to a penalty of \$1,000 per occurrence, payable to the Uniform Fire Safety Act Penalty Account.

§ 262-17. Street obstructions prohibited; violations and penalties.

- A. No person shall erect, construct, place or maintain any bumps, fences, gates, bars, pipes, wood or metal horses or any other type of obstruction which would prevent or hinder access to a fire hydrant in or on any street within the Township.
- B. The word "street," as used in this chapter, shall mean any roadway accessible to the public for vehicular traffic, including, but not limited to, private streets or access lanes, as well as all public streets and highways within the boundaries of the Township.
- C. Exceptions to the prohibitions of Subsection A above may be granted, in writing, upon good cause shown by the Fire Official; provided, that no such proposed obstruction shall be of such design or nature that injury may occur to fire suppression personnel or damage may occur to fire suppression equipment.
- D. Any person responsible for installations in violation of Subsection A above shall be liable to a penalty of not more than \$500 per day per violation.
- E. Penalties shall be enforced and collected by the Fire Official under the authority of the New Jersey Uniform Fire Code.

§ 262-18. Rapid entry system.

- A. When a nonresidential property within the Township of Verona is protected by an automatic alarm system or a fire sprinkler system, a key box of a UL type approved by the Township of Verona Fire Official shall be installed on the property location.
- B. The owner and/or occupant of a nonresidential property or their agent shall be responsible for ordering and installing a Knox Company Rapid Entry System or its commercial equivalent.
- C. The rapid entry system shall have a single lock and alarm tamper switch. If the building is protected by a burglary alarm system(s), it shall be connected so that in the event the box is open or removed from the building, an alarm will sound. If the building is not protected by a burglar alarm system, the box may, in the owner's discretion, be connected to the fire alarm system, provided the connection is on the fire side signaling an alarm. Connection to the fire alarm requires the box to be zoned alternately from any fire detection and noted on the fire alarm annunciator panel as a rapid entry system.
- D. The box shall contain:
 - (1) Keys to locked points of ingress, whether on the interior or exterior of the building.

- (2) Keys to locked mechanical equipment rooms.
 - (3) Keys to locked electrical rooms.
 - (4) Keys to elevator rooms and emergency elevator keys.
 - (5) Keys to other areas as directed by the Fire Official.
- E. All new commercial and/or manufacturing buildings constructed after the effective date of this section, including all existing commercial and/or manufacturing buildings when there is a change of tenancy or ownership, or when reconstruction is in excess of 30% of the usable building footage shall provide a key box at a location approved by the Fire Official. The key box shall be provided with all keys as set forth in Subsection D above. The box keys shall be provided prior to occupancy and/or final inspection.
- F. Any structure or site that has a twenty-four-hour, seven-day-a-week, on-site guard service shall be exempted from the provisions of this section.
- G. Any person violating the provisions of this section, after having received a prior written warning notice by the Fire Official, shall be subject to a fine of \$200 for each violation.

§ 262-19. Smoke detectors, carbon monoxide detectors and portable fire extinguisher compliance in residential dwellings; inspection fees.

- A. The Fire Prevention Bureau shall inspect all residential occupancies for compliance with the required number of approved smoke detectors, carbon monoxide detectors and portable fire extinguishers in accordance with the Township of Verona ordinances and the New Jersey Uniform Fire Code.
- B. Fire Prevention Bureau inspection shall occur prior to the time of resale, renting or change of occupancy for residential purposes. Upon inspection, a certificate of smoke detector, carbon monoxide and portable fire extinguisher compliance (CSDCMAPFEC) shall be issued by the Fire Official.
- C. Where applicable, smoke detectors and carbon monoxide detectors may be battery-operated units, as approved by the Fire Official. Smoke detectors, carbon monoxide detectors and portable fire extinguishers shall be UL-listed, FM-approved or carry the seal of an authorized recognized approval agency.
- D. Smoke detectors and carbon monoxide detectors shall be installed as recommended by the manufacturer and approved by the Fire Official or his authorized representative. Portable fire extinguishers shall be installed in accordance with the New Jersey Uniform Fire Code N.J.A.C. 5:70-4.19.
- E. The inspection fee for the issuance of a certificate of smoke detector, carbon monoxide and portable fire extinguisher compliance for all residential dwellings, except multiple-family dwellings, shall be as provided in Chapter A565, Fees.
- F. Reinspection fees. Fees for the reinspection of any residential property, except multiple-family dwellings, shall be as provided in Chapter A565, Fees.

§ 262-20. Doors and stairwells.

- A. All structures, including, but not limited to, office buildings, strip malls and malls containing more than four separate rental spaces shall have the main entrance door(s) and all exterior door(s) properly marked. The marking shall consist of the following:
- (1) The name of the business or corporation.
 - (2) The address or suite number or store number.
- B. All structures three stories or more containing more than one interior stairwell shall have all stairwell doors marked both on the interior of the building as well as the interior of the stairwell. The marking shall consist of the following:
- (1) The floor number.
 - (2) A stairwell letter, such as A, B, C, etc.
- C. The lettering and numbering shall be at least four inches in height, located not more than three feet from the bottom of the door. The color shall be contrasting to the door color and approved by the Fire Official.
- D. The aforementioned requirements shall apply to all structures and shall be enforced by the Fire Prevention Bureau beginning with the first annual inspection to be scheduled after the effective date of this section. Failure to comply with this section will result in a \$200 penalty being assessed. All penalties assessed under this section shall be paid into the Uniform Fire Safety Act Penalty Account.

§ 262-21. Appeals.

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

Chapter 270

FLOOD CONTROL AND DAMAGE PREVENTION

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[HISTORY: Adopted by the Township Council of the Township of Verona 3-9-2020 by Ord. No. 2020-06. Amendments noted where applicable.]

ARTICLE I

Statutory Authorization, Findings of Fact, Purpose and Objectives**§ 270-1. Statutory authorization.**

The Legislature of the State of New Jersey has, in N.J.S.A. 40:48-1 et seq., delegated the responsibility to local governmental units to adopt regulations designed to promote public health, safety, and general welfare of its citizenry.

§ 270-2. Findings of fact.

- A. The flood hazard areas of the Township of Verona are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- B. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities, and when inadequately anchored, causes damage in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

§ 270-3. Purpose.

It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. Minimize prolonged business interruptions;
- E. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, bridges located in areas of special flood hazard;
- F. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- G. Ensure that potential buyers are notified that the property is in an area of special flood hazard; and
- H. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

§ 270-4. Methods of reducing flood losses.

In order to accomplish its purposes, this chapter includes methods and provisions for:

- A. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;
- D. Controlling filling, grading, dredging, and other development which may increase flood damage; and
- E. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

§ 270-5. Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

AH ZONE — Areas subject to inundation by one-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are between one foot and three feet. Base flood elevations (BFEs) derived from detailed hydraulic analyses are shown in this zone.

AO ZONE — Areas subject to inundation by one-percent-annual-chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one foot and three feet.

APPEAL — A request for a review of the Floodplain Manager's interpretation of any provision of this chapter or a request for a variance.

AREA OF SHALLOW FLOODING — A designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with a one-percent-annual-or-greater chance of flooding to an average depth of one foot to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD — Land in the floodplain within a community subject to a one-percent-or-greater chance of flooding in any given year. It is shown on the FIRM as Zone V, VE, V1-30, A, AO, A1-A30, AE, A99, or AH.

BASE FLOOD — A flood having a one-percent chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION (BFE) — The flood elevation shown on a published Flood Insurance Study (FIS) including the Flood Insurance Rate Map (FIRM). For zones AE, AH,

AO, and A1-30 the elevation represents the water surface elevation resulting from a flood that has a one-percent-or-greater chance of being equaled or exceeded in any given year.

BASEMENT — Any area of the building having its floor subgrade (below ground level) on all sides.

BEST AVAILABLE FLOOD HAZARD DATA — The most recent available preliminary flood risk guidance FEMA has provided. The best available flood hazard data may be depicted on but not limited to Advisory Flood Hazard Area Maps, Work Maps or Preliminary FIS and FIRM.

BEST AVAILABLE FLOOD HAZARD DATA ELEVATION — The most recent available preliminary flood elevation guidance FEMA has provided. The best available flood hazard data elevation may be depicted on an Advisory Flood Hazard Area Map, Work Map or Preliminary FIS and FIRM.

BREAKAWAY WALL — A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system.

CUMULATIVE SUBSTANTIAL IMPROVEMENT — Any reconstruction, rehabilitation, addition, or other improvement of a structure that equals or exceeds 50% of the market value of the structure at the time of the improvement or repair when counted cumulatively for 10 years.

DEVELOPMENT — Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials located within the area of special flood hazard.

ELEVATED BUILDING — A non-basement building: (a) built, in the case of a building in an area of special flood hazard, to have the top of the elevated floor, elevated above the base flood elevation plus freeboard by means of piling, columns (posts and piers), or shear walls parallel to the flow of the water; and (b) adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. In an area of special flood hazard, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters.

ELEVATION CERTIFICATE — An administrative tool of the National Flood Insurance Program (NFIP) that can be used to provide elevation information, to determine the proper insurance premium rate, and to support a required for Letter of Map Amendment (LOMA) or Letter of Map Revision based on fill (LOMR-F).

EROSION — The process of gradual wearing away of land masses.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

FEMA PUBLICATION — Any publication authored or referenced by FEMA related to building science, building safety or floodplain management related to the National Flood Insurance Program. Publications shall include but are not limited to technical bulletins, desk references, and American Society of Civil Engineers Standards documents.

FLOOD DESIGN CLASS — An American Society of Civil Engineers (ASCE) classification of buildings and other structures for determination of flood loads and conditions and determination of minimum elevation requirements on the basis of risk associated with unacceptable performance.

FLOOD INSURANCE RATE MAP (FIRM) — The Official Map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS) — The official report in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Insurance Rate Map(s) and the water surface elevation of the base flood.

FLOOD OR FLOODING — A general and temporary condition of partial or complete inundation of normally dry land areas from:

- A. The overflow of inland or tidal waters; and/or
- B. The unusual and rapid accumulation or runoff of surface waters from any source.

FLOODPLAIN MANAGEMENT REGULATIONS — Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

FLOODPROOFING — Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODPROOFING CERTIFICATE — Certification by an engineer or architect to certify a floodproofing design for a nonresidential building.

FLOODWAY — The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 0.2 foot.

FREEBOARD — A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

HIGHEST ADJACENT GRADE — The highest natural elevation of the ground surface prior to construction next to the proposed or existing walls of a structure.

HISTORIC STRUCTURE — Any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved State program as determined by the Secretary of the Interior; or
 - (2) Directly by the Secretary of the Interior in States without approved programs.

LOWEST FLOOR — The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for the parking of vehicles, building access or storage in an area other than a basement is not considered a building's lowest floor provided that such enclosure is not built so to render the structure in violation of other applicable non-elevation design requirements of 44 CFR 60.3.

MANUFACTURED HOME — A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

MANUFACTURED HOME PARK OR MANUFACTURED HOME SUBDIVISION — A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

NEW CONSTRUCTION — Structures for which the start of construction commenced on or after the effective date of a floodplain regulation adopted by a community and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by the municipality.

PRELIMINARY FLOOD INSURANCE RATE MAP — The draft version of the FIRM released for public comment before finalization and adoption.

RECREATIONAL VEHICLE — A vehicle which is:

- A. Built on a single chassis;
- B. Four hundred square feet or less when measured at the longest horizontal projections;
- C. Designed to be self-propelled or permanently towable by a light-duty truck; and

- D. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

START OF CONSTRUCTION —

- A. [For other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. No. 97-348)] includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site such as the pouring of a slab or footings, the installation of pilings, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation.
- B. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings or piers, or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE — A walled and roofed building, a manufactured home, or a gas or liquid storage tank that is principally above ground.

SUBSTANTIAL DAMAGE — Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred. Substantial damage also means flood-related damages sustained by a structure on two or more separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25% of the market value of the structure before the damages occurred.

SUBSTANTIAL IMPROVEMENT — Any reconstruction, rehabilitation, addition, or other improvement of a structure during a ten-year period the cost of which equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement. Substantial improvement also means "cumulative substantial improvement." This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed or repetitive loss. The term does not, however, include either:

- A. Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local Code Enforcement Officer and which are the minimum necessary to assure safe living conditions; or
- B. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

VARIANCE — A grant of relief from the requirements of this chapter that permits construction in a manner that would otherwise be prohibited by this chapter.

VIOLATION — The failure of a structure or other development to be fully compliant with this chapter. A new or substantially improved structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR 60.3(b)(5), (c)(4), (c)(10), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION — The height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

§ 270-6. through § 270-10. (Reserved)

ARTICLE II
General Provisions

§ 270-11. Applicability.

This chapter shall apply to all areas of special flood hazards within the jurisdiction of the Township of Verona, in the County of Essex, New Jersey.

§ 270-12. Basis for establishing areas of special flood hazard.

- A. The areas of special flood hazard for the Township of Verona, Community No. 340195, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:
- (1) A scientific and engineering report "Flood Insurance Study, Essex County, New Jersey (All Jurisdictions)" dated April 3, 2020.
 - (2) "Flood Insurance Rate Map for Essex County, New Jersey (All Jurisdictions)" as shown on Index and panels 34013C0082G, 34013C0084F, 34013C0101F and 34013C0103F, whose effective date is April 3, 2020.
 - (3) Best available flood hazard data. These documents shall take precedence over effective panels and FIS in construction and development regulations only. Where the effective mapping or base flood elevation conflict or overlap with the best available flood hazard data, whichever imposes the more stringent requirement shall prevail.
- B. The above documents are hereby adopted and declared to be a part of this chapter. The Flood Insurance Study, maps and advisory documents are on file at the Office of the Township Clerk located at 600 Bloomfield Avenue, Verona, New Jersey, and the Office of the Township Engineer located at 10 Commerce Court, Verona, New Jersey.

§ 270-13. Violations and penalties.

No structure or land shall hereafter be constructed, relocated to, extended, converted, or altered without full compliance with the terms of this chapter and other applicable

regulations. Violation of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$2,000 or imprisoned for not more than 90 days, or both, for each violation, and in addition, shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Township of Verona from taking such other lawful action as is necessary to prevent or remedy any violation.

§ 270-14. Abrogation and greater restrictions.

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

§ 270-15. Interpretation.

In the interpretation and application of this chapter, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and
- C. Deemed neither to limit nor repeal any other powers granted under state statutes.

§ 270-16. Warning and disclaimer of liability.

- A. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages.
- B. This chapter shall not create liability on the part of the Township of Verona, any officer or employee thereof or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

§ 270-17. through § 270-20. (Reserved)

ARTICLE III
Administration

§ 270-21. Establishment of development permit.

The Township of Verona shall establish and maintain a local development permitting system to determine whether such proposed construction or other development is reasonably safe from flooding. A local development permit shall be obtained before construction or development begins, including placement of manufactured homes, within any area of special flood hazard established in § 270-12. Application for a development permit shall be made on forms furnished by the Floodplain Manager and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; a description of the flood design class, and the location of the foregoing. Specifically, the following information is required:

- A. Elevation in relation to zero foot elevation NAVD 88 datum, of the lowest floor (including basement) of all structures;
- B. Elevation in relation to zero foot elevation NAVD 88 datum to which any structure has been floodproofed;
- C. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in § 270-49;
- D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development; and
- E. Any forms, plans, or information required pursuant to any applicable FEMA publication.

§ 270-22. Designation of local administrator.

The Floodplain Manager is hereby appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions.

§ 270-23. Duties and responsibilities of administrator.

Duties of the Floodplain Manager shall include, but not be limited to:

- A. Permit review.
 - (1) Review all development permits to determine that the permit requirements of this chapter have been satisfied.
 - (2) Review all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.

- (3) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of § 270-51A are met.
 - (4) Review all permit applications to determine whether proposed building sites are reasonably safe from flooding.
 - (5) Review all permit applications to determine whether development complies with all applicable FEMA publications.
 - (6) Review all permit applications to determine whether development complies with all applicable New Jersey land use requirements.
- B. Use of other base flood and floodway data. When base flood elevation and floodway data has not been provided in accordance with § 270-12, Basis for establishing areas of special flood hazard, the Floodplain Manager shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer sections § 270-48, Residential construction, and § 270-49, Nonresidential construction.
- C. Information to be obtained and maintained.
- (1) Obtain and record on a current elevation certificate the actual elevation (in relation to zero-foot elevation NAVD 88 datum) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
 - (2) For all new or substantially improved floodproofed structures:
 - (a) Verify and record on a floodproofing certificate the actual elevation (in relation to zero-foot elevation NAVD 88 datum);
 - (b) Maintain the floodproofing certifications required in § 270-21C.
 - (3) Record the study date of the best available flood hazard data (and other documents) used to determine the actual elevation of the lowest floor (including basement) of all new or substantially improved structures; and
 - (4) Maintain for public inspection all records pertaining to the provisions of this chapter.
- D. Alteration of watercourses.
- (1) Notify adjacent communities and the New Jersey Department of Environmental Protection, Bureau of Flood Engineering and the Land Use Regulation Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
 - (2) Require that maintenance is provided within the altered or relocated portion of said watercourse so the flood-carrying capacity is not diminished.
- E. Substantial damage review.

- (1) After an event resulting in building damages, assess the damage to structures due to flood and non-flood causes.
 - (2) Record and maintain the flood and non-flood damage of substantial damage structures and provide a letter of substantial damage determination to the owner and the New Jersey Department of Environmental Protection, Bureau of Flood Engineering.
 - (3) Ensure substantial improvements meet the requirements of sections § 270-48, Residential construction, § 270-49, Nonresidential construction, and § 270-50, Manufactured homes.
- F. Interpretation of FIRM boundaries. Make interpretations where needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in § 270-31.
- G. Report changes in flooding conditions. Obtain and record changes in flooding conditions and report the technical or scientific data to the Federal Insurance Administrator on a six-month basis or sooner in accordance with Volume 44, Code of Federal Regulations, Section 65.3.

§ 270-24. through § 270-30. (Reserved)

ARTICLE IV
Variance Procedure

§ 270-31. Appeal board.

- A. The Board of Adjustment shall hear and decide appeals and requests for variances from the requirements of this chapter.
- B. The Board of Adjustment shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Manager in the enforcement or administration of this chapter.
- C. Those aggrieved by the decision of the Board of Adjustment, or any taxpayer, may appeal such decision to the Superior Court of New Jersey, as provided in New Jersey Statute.
- D. In passing upon such applications, the Board of Adjustment shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:
 - (1) The danger that materials may be swept onto other lands to the injury of others;
 - (2) The danger to life and property due to flooding or erosion damage;
 - (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

- (4) The importance of the services provided by the proposed facility to the community;
 - (5) The necessity to the facility of a waterfront location, where applicable;
 - (6) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - (7) The compatibility of the proposed use with existing and anticipated development;
 - (8) The relationship of the proposed use to the Comprehensive Plan and floodplain management program of that area;
 - (9) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (10) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 - (11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- E. Upon consideration of the factors of § 270-31D and the purposes of this chapter, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.
- F. The Floodplain Manager shall maintain the records of all appeal actions, including technical information, the justification for their issuance, and report any variances to the Federal Insurance Administration upon request.

§ 270-32. Conditions for variances.

- A. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of 1/2 acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items in § 270-31D(1) through (11) have been fully considered. As the lot size increases beyond the 1/2 acre, the technical justification required for issuing the variance increases.
- B. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- C. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- D. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- E. Variances shall only be issued upon:

- (1) A showing of good and sufficient cause;
 - (2) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - (3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in § 270-31D, or conflict with existing local laws or ordinances.
- F. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

§ 270-33. through § 270-40. (Reserved)

ARTICLE V
Flood Hazard Reduction

§ 270-41. General standards.

In all areas of special flood hazards, compliance with the applicable requirements of the Uniform Construction Code (N.J.A.C. 5:23) and the following standards, whichever is more restrictive, is required.

§ 270-42. Anchoring.

- A. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- B. All manufactured homes to be placed or substantially improved shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

§ 270-43. Construction materials and methods.

- A. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- B. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

§ 270-44. Utilities.

- A. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
- B. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters;
- C. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and
- D. For all new construction and substantial improvements, the electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

§ 270-45. Subdivision proposals.

- A. All subdivision proposals and other proposed new development shall be consistent with the need to minimize flood damage;
- B. All subdivision proposals and other proposed new development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- C. All subdivision proposals and other proposed new development shall have adequate drainage provided to reduce exposure to flood damage; and
- D. Base flood elevation data shall be provided for subdivision proposals and other proposed new development which contain at least 50 lots or five acres (whichever is less).

§ 270-46. Enclosure openings.

All new construction and substantial improvements having fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two openings in at least two exterior walls of each enclosed area, having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other covering or devices, provided that they permit the automatic entry and exit of floodwaters.

§ 270-47. Specific standards.

In all areas of special flood hazards where base flood elevation data have been provided as set forth in § 270-12, Basis for establishing areas of special flood hazard, or in § 270-25, Use of other base flood data, the following standards are required.

§ 270-48. Residential construction.

New construction and substantial improvement of any residential structure located in an A, AE, AO or AH zone shall have the lowest floor, including basement, together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated at or above the more restrictive of the following:

- A. For A or AE zones:
 - (1) Base flood elevation (published FIS/FIRM) plus one foot;
 - (2) The best available flood hazard data elevation plus one foot;
 - (3) As required by ASCE/SEI 24-14, Table 2-1; or
 - (4) As required by N.J.A.C. 7:13-3.
- B. For AO or AH zones on the municipality's FIRM to elevate above the depth number specified in feet plus one foot, above the highest adjacent grade (at least three feet if no depth number is specified), and require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.
- C. Record the method and elevation used above and the best available flood hazard design data elevation, date, and revision in the local development permit.

§ 270-49. Nonresidential construction.

In an area of special flood hazard, all new construction and substantial improvement of any commercial, industrial or other nonresidential structure located in an A, AE, AO or AH zone shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities, as well as all electrical, heating, ventilating, air-conditioning and other service equipment shall either:

- A. Be elevated at or above the more restrictive of the following:
 - (1) For A or AE zones:
 - (a) Base flood elevation (published FIS/FIRM) plus one foot;
 - (b) The best available flood hazard data elevation plus one foot;
 - (c) As required by ASCE/SEI 24-14, Table 2-1; or
 - (d) As required by N.J.A.C 7:13-3.

- (2) For AO or AH zones on the municipality's FIRM to elevate above the depth number specified in feet plus one foot, above the highest adjacent grade (at least three feet if no depth number is specified), and require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures;
 - (3) Record the method and elevation used above and, the best available flood hazard design data elevation, date and revision in the local development permit.
- B. Or, be floodproofed so that below the more restrictive of the following:
 - (1) For A or AE Zones:
 - (a) Base flood elevation (published FIS/FIRM) plus one foot;
 - (b) The best available flood hazard data elevation plus one foot;
 - (c) As required by ASCE/SEI 24-14, Table 6-1;
 - (d) As required by N.J.A.C 7:13-3; or
 - (e) AO or AH zone elevation based upon the highest adjacent grade, plus the depth number specified in feet, plus one foot (at least three feet if no depth number is specified), and require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.
 - (2) The structure is watertight with walls substantially impermeable to the passage of water;
 - (3) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
 - (4) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this subsection. Such certification shall be provided to the official as set forth in § 270-23C(2)(b); and
 - (5) Record the method and elevation used above and, the best available flood hazard design data elevation, date and revision in the local development permit.

§ 270-50. Manufactured homes.

- A. Manufactured homes shall be anchored in accordance with § 270-42B.
- B. All manufactured homes to be placed or substantially improved within an area of special flood hazard shall:
 - (1) Be consistent with the need to minimize flood damage;
 - (2) Be constructed to minimize flood damage;
 - (3) Have adequate drainage provided to reduce exposure to flood damage;

- (4) Be elevated on a permanent foundation such that the top of the lowest floor is at or above the more restrictive of the following:
 - (a) Base flood elevation (published FIS/FIRM) plus one foot;
 - (b) The best available flood hazard data elevation plus one foot;
 - (c) As required by ASCE/SEI 24-14, Table 2-1;
 - (d) As required by N.J.A.C. 7:13-3; or
 - (e) AO or AH zone elevation based upon the highest adjacent grade, plus the depth number specified in feet, plus one foot (at least three feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.
 - (5) Record the method and elevation used above and, the best available flood hazard design data elevation, date and revision in the local development permit.
- C. All recreational vehicles located within an area of special flood hazard shall either:
- (1) Be on site for fewer than 180 consecutive days;
 - (2) Be fully licensed and ready for highway use; or
 - (3) Meet the requirements of §§ 270-21 and § 270-50A and B above.

§ 270-51. Floodways.

Located within areas of special flood hazard established in § 270-12 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- A. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless a technical evaluation demonstrates that encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- B. If § 270-51A is satisfied, all new construction and substantial improvements must comply with Article V of this chapter.
- C. In all areas of special flood hazard in which base flood elevation data has been provided and no floodway has been designated, no new construction, substantial improvements, fill, or other development shall be permitted, unless it is demonstrated that the accumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than 2/10 foot at any point.

Chapter 276

FOOD ESTABLISHMENTS, RETAIL

§ 276-1. Definitions.	certificate; issuance; term; renewal.
§ 276-2. Adoption of standards.	
§ 276-3. License required; posting; expiration.	§ 276-5. Exemptions.
§ 276-4. Food handler's certificate requirements; temporary	§ 276-6. Nontransferability of license or certificate.
	§ 276-7. Fees.
	§ 276-8. Violations and penalties.

[HISTORY: Adopted by the Township Council of the Township of Verona 8-3-1992 by Ord. No. 10-92 (Ch. 114 of the 1981 Code). Amendments noted where applicable.]

§ 276-1. Definitions.

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

FOOD — Any raw, cooked, processed edible substances, water, ice, beverage or ingredient used or intended for use or for sale in whole or in part for human consumption.

FOOD HANDLER'S CERTIFICATE — A certificate issued by the Verona Health Department which certifies that the holder of such certificate has successfully completed a course of general instruction given by or approved by the Verona Health Department or the New Jersey State Department of Health and covering proper food-handling techniques, bacteria characteristics and growth, spread of food-borne diseases, methods of preventing food poisoning, equipment and establishment sanitization, dish washing and sanitization and insect and rodent control.

RETAIL FOOD ESTABLISHMENT — Any fixed or mobile restaurant, coffee shop, cafeteria, short-order café, luncheonette, grill, tea room, sandwich shop, soda fountain, tavern, bar, cocktail lounge, nightclub, roadside stand, industrial feeding establishment, private or public or nonprofit organization, institution or group which prepares, stores or serves food, catering kitchen, commissary, box lunch establishment, retail bakery, meat market, delicatessen, grocery store, public food market or any similar place in which food or drink is prepared for retail sale or service on the premises or elsewhere, and any other retail eating or drinking establishment or operation where food is served, handled or provided for the public with or without charge.

SUPERVISOR IN CHARGE — The person or individual who is present in a retail food establishment and who is charged with the responsibility of supervising or overseeing the preparation or serving of food in such establishment.

§ 276-2. Adoption of standards.

All retail food establishments in the Township of Verona shall be operated and maintained in accordance with the requirements and standards of Chapter XII, Sanitation In Retail Food Establishments And Food And Beverage Vending Machines, of the New Jersey State Sanitary Code,¹ as may hereafter be amended or supplemented, and in accordance with this chapter.

§ 276-3. License required; posting; expiration.

No person, individual or entity shall operate a retail food establishment in the Township of Verona unless a license to operate such establishment has been issued to such establishment by the Verona Health Department. Such license shall be posted in a conspicuous place in such retail food establishment. A license for a retail food establishment as required by this chapter shall be issued by the Verona Health Department upon the filing of an application on forms supplied by the Verona Health Department and upon payment of the licensing fee required by Chapter A565. All licenses issued under this chapter shall expire annually on June 30 on each year. Fees payable under this chapter for licenses shall not be prorated.

§ 276-4. Food handler's certificate requirements; temporary certificate; issuance; term; renewal.

- A. Existing retail food establishments. The following requirements shall be applicable to all retail food establishments which are operating within the Township of Verona as of the effective date of this chapter:
- (1) Within 60 days from the effective date of this chapter, the supervisor(s) in charge of every retail food establishment shall make application to the Verona Health Department for a food handler's certificate.
 - (2) Commencing six months from the effective date of this chapter, no person or entity shall operate a retail food establishment within the Township of Verona unless there is a supervisor in charge on the premises during all hours of operation of such establishment and such supervisor in charge holds either a temporary food handler's certificate or a food handler's certificate.
- B. New retail food establishments; change of ownership. The following requirements shall be applicable to all new retail food establishments which commence operation after the effective date of this chapter or where there has been a change of ownership of an existing retail food establishment:
- (1) Within 60 days from the date that a retail food establishment commences operation within the Township of Verona or within 60 days from the date of a change of ownership of a retail food establishment, the supervisor(s) in charge of such retail food establishment shall make application to the Verona Health Department for a food handler's certificate.
 - (2) Commencing six months from the date that a new retail food establishment commences operation within the Township of Verona or commencing six months

1. Editor's Note: See N.J.A.C. 8:24-1.1 et seq.

from the date of a change of ownership in such retail food establishment, no person or entity shall operate such retail food establishment unless there is a supervisor in charge on the premises during all hours of operation and such supervisor in charge holds either a temporary food handler's certificate or a food handler's certificate.

- C. Temporary food handler's certificate. A temporary food handler's certificate shall be issued to any person or individual who has made application to the Verona Health Department for a food handler's certificate and who has paid the fee required for a food handler's certificate as provided in Chapter A565. A temporary food handler's certificate shall expire six months from the date of issue and shall not be renewable.
- D. Food handler's certificate. A food handler's certificate shall be issued by the Verona Health Department to any person who has made application therefor to the Verona Health Department and who has successfully completed a course of general instruction given by or approved by the Verona Health Department or the New Jersey State Department of Health and covering proper food-handling techniques, bacteria characteristics and growth, spread of food-borne diseases, methods of preventing food poisoning, equipment and establishment sanitization, dish washing and sanitization and insect and rodent control. A food handler's certificate shall be valid for a period of five years from the date of issue. Upon expiration of a food handler's certificate, the holder thereof may obtain a renewal of such certificate upon payment of the fee required by Chapter A565 and upon successfully completing a course of general instruction as is required for the original certificate.

§ 276-5. Exemptions.

- A. Agricultural markets, covered dish suppers or similar type of infrequent church or nonprofit type of institution meal services shall be exempt from this chapter, provided that the owner or operator of such food operation notifies the Verona Health Department of a planned food service, activity or event at least one week in advance of such food service, activity or event, and provided further that the Verona Health Department has determined that because of the limited or infrequent nature of the food service operation, such food service operation will not likely pose a nuisance or hazard to the public health.
- B. "Vending machines," as defined in the New Jersey State Health Code, are exempt from this chapter, provided that they comply with the applicable provisions of the New Jersey State Health Code.
- C. "Bed-and-breakfast" and "community residences," as defined in the New Jersey State Health Code, are exempt from this chapter; provided, that they comply with the applicable provisions of the New Jersey State Health Code.

§ 276-6. Nontransferability of license or certificate.

No license or certificate issued pursuant to this chapter shall be transferable to any person or entity by the holder thereof.

§ 276-7. Fees.

Fees for the issuance of a license or certificate required under this chapter shall be as established under Chapter A565, Fees, for the following:

- A. Retail food establishment license.
- B. Food handler's certificate.
- C. Verona Health Department course of general instruction for food handler's certificate.
- D. Fees for reinspection of any food establishment, as same is defined in this article, which are necessitated by a conditional or unsatisfactory rating given at the time of inspection of a said establishment licensed or to be licensed by the Township of Verona, shall be in the amount of the license fee application to the facility or premises. **[Added 6-6-1994 by Ord. No. 5-94]**
- E. Any retail food establishment requiring an inspection for licenser or as a result of an emergency during off-duty hours, such as weekends, evenings or holidays, shall reimburse the Township for reasonable costs of the inspection, including the salary or wages of the inspector called as a result of the emergency. **[Added 6-6-1994 by Ord. No. 5-94]**

§ 276-8. Violations and penalties.

Any person or entity who violates any provision of this chapter shall, upon conviction thereof, be subject to a fine of not less than \$50 nor more than \$500 for each violation. Each day for which a particular violation continues shall constitute a separate violation of this chapter.

Chapter 281

GAMES OF CHANCE

§ 281-1. Conduct of games on Sunday. § 281-2. Issuing authority.

[HISTORY: Adopted by the Township Council of the Township of Verona 7-2-1974 by Ord. No. 9-74 (Ch. 80 of the 1981 Code); amended in its entirety 11-21-2016 by Ord. No. 27-16. Amendments noted where applicable.]

§ 281-1. Conduct of games on Sunday.

Games of chance, commonly known as "bingo" and "raffles," as provided by the laws of the State of New Jersey, 1954, Chapters 5 and 6,¹ may be conducted in the Township of Verona on the first day of the week commonly known and designated as Sunday; provided, that the applicant for the license to conduct such game otherwise qualifies under the provisions of the aforementioned Statutes of the State of New Jersey and the Rules and Regulations of the Legalized Games of Chance Control Commission and, specifically, provided that the organization conducting the games is a charitable, religious or other organization specifically qualifying under the provisions of the aforementioned statutes.

§ 281-2. Issuing authority.

In accordance with the provisions of N.J.A.C. 13:47-1.1, the Township Clerk is hereby designated as the issuing authority to approve the granting of raffle and bingo licenses. The Township Clerk shall report all licenses granted pursuant to this chapter at the next meeting thereafter of the Township Council.

1. Editor's Note: N.J.S.A. 5:8-24 et seq. and 5:8-50 et seq.

Chapter 287

GARAGE SALES AND FLEA MARKETS

§ 287-1. Definitions.

§ 287-2. Licenses and fees.

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

§ 287-4. Hours of sale.

§ 287-5. Signs.

§ 287-6. Enforcement.

§ 287-7. Violations and penalties.

[HISTORY: Adopted by the Township Council of the Township of Verona 12-18-1973 by Ord. No. 12-73 (Ch. 83 of the 1981 Code); amended in its entirety at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Subsequent amendments noted where applicable.]

§ 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 not 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

§ 300-1. Statutory authorization.

§ 300-5. Fees.

§ 300-2. Purpose.

§ 300-6. Enforcement official.

§ 300-3. Automated emergency response information management system.

§ 300-7. Violations and penalties.

§ 300-4. Registration requirements.

[HISTORY: Adopted by the Township Council of the Township of Verona 10-19-1992 by Ord. No. 11-92 (Ch. 88A of the 1981 Code). Amendments noted where applicable.]

§ 300-1. Statutory authorization.

The New Jersey Worker and Community Right to Know Act (N.J.S.A. 34:5A-1 et seq.) identifies the need for local health, fire, police, safety and other government agencies to have detailed information about the identity, characteristics and quantities of hazardous substances used and stored within their jurisdictions in order to adequately plan for and respond to emergencies and enforce compliance with applicable laws and regulations concerning these substances.

§ 300-2. Purpose.

The purpose of this chapter is to:

- A. Establish a requirement for registration and identification with the Township of Verona of all premises upon which are located hazardous substances and chemicals that have the potential of causing serious harm to the welfare and safety of residents of the Township.
- B. Implement a computerized information emergency response management system to organize and immediately access the data regarding hazardous substances and chemicals during emergencies.

§ 300-3. Automated emergency response information management system.

There is hereby established the requirement for an automated emergency response information management system. This is a computer-based data bank of all information pertaining to hazardous materials and chemicals within the Township. This information is to be provided in various formats for emergency response to the Police Department, Fire Department, Rescue Squad, Public Works Department and other departments as considered necessary by the Township Manager. Based on the more economical alternative, this system may be operated with in-house resources or privatized.

§ 300-4. Registration requirements.

- A. Any person, firm, partnership or corporation required to file a SARA Title III, Section 311-312, right-to-know information form as required by Title III of the Worker and Community Right to Know Act (N.J.S.A. 34:5A-1 et seq.), as well as any other location specified by the Fire Official of the Township of Verona, shall file a copy of the SARA Title III, Section 311-312, information form with the Township. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
- B. No person, firm, partnership or cooperation shall store on their property any hazardous substances and/or chemicals without having registered the same with the automated emergency response information management system. Said registration shall include the type of hazardous substances and/or chemicals located on the property and a floor plan of the facility where the hazardous substances and/or chemicals are located. Registration shall be completed on specific forms and approved by the Fire Official of the Township of Verona.

§ 300-5. Fees. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Any person, firm, partnership or corporation to whom the provisions of this chapter apply shall pay to the Township an annual registration fee, in such amount as provided in Chapter A565, Fees, before July 1 of each year. In addition, a fee per page of SARA Title III, Section 311-312, documentation shall be paid to the Township.

§ 300-6. Enforcement official.

It shall be the duty of the Fire Official of the Township of Verona to enforce the provisions of this chapter.

§ 300-7. Violations and penalties. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

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.

Chapter 313

JUNK, STORAGE OF

§ 313-1. Definitions.

§ 313-2. Maintenance of private property.

§ 313-3. Non-operating motor vehicles.

§ 313-4. Enforcement.

§ 313-5. Violations and penalties.

[HISTORY: Adopted by the Township Council of the Township of Verona 11-15-1982 by Ord. No. 17-82 (Ch. 90 of the 1981 Code). Amendments noted where applicable.]

§ 313-1. Definitions.

For the purpose of this chapter, the following terms shall have the meanings indicated:

NUISANCE — Any condition or use of building exteriors which is detrimental to the property of others or which causes or tends to cause substantial diminution in the value of other property in the neighborhood in which such premises are located. This includes, but is not limited to, the keeping or the depositing on, or the scattering over the premises of any of the following:

- A. Lumber, junk, trash or debris;
- B. Abandoned, discarded or unused objects or equipment, such as automobiles, furniture, stoves, refrigerators, freezers, cans or containers.

§ 313-2. Maintenance of private property.

No person owning, leasing, occupying or having charge of any premises shall maintain or keep any nuisance thereon, nor shall any such person keep or maintain such premises in a manner causing substantial diminution in the value of the other property in the neighborhood in which such premises are located.

§ 313-3. Non-operating motor vehicles.

No person in charge of or in control of premises, whether as owner, lessee, tenant, occupant or otherwise, shall allow any partially dismantled, wrecked, junked, discarded or otherwise non-operating motor vehicle to remain on such property longer than 30 days; and no person shall leave any vehicle on any property within the Township for a longer time than 30 days, except that this section shall not apply with regard to any vehicle in an enclosed building or so located upon the premises as not to be readily visible from any public place or from any surrounding private property. This chapter shall further not apply with regard to any vehicle on the premises of a business enterprise operated in a lawful manner, when the keeping or maintenance of such vehicle is necessary to the operation of such business enterprise.

§ 313-4. Enforcement.

Enforcement of this chapter may be accomplished by the Township in any manner authorized by law, and in addition, any person who by reason of another's violation of any provision of this chapter suffers special damages to himself different from that suffered by other property owners throughout the Township generally may bring an action to enjoin or otherwise abate an existing violation.

§ 313-5. Violations and penalties. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

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.

Chapter 339

NOISE

§ 339-1. Certain noises unlawful.

§ 339-3. Exceptions.

§ 339-2. Enumeration.

§ 339-4. Violations and penalties.

[HISTORY: Adopted by the Township Council of the Township of Verona 8-20-1963 (Ch. 96 of the 1981 Code). Amendments noted where applicable.]

§ 339-1. Certain noises unlawful.¹

It shall be unlawful for any person to make, continue or cause to be made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the limits of the Township.

§ 339-2. Enumeration.

The following acts among others are declared to be loud, disturbing and unnecessary noises in violation of the preceding section, but such enumeration shall not be deemed to be exclusive, namely:

- A. Horns, signaling devices, etc. The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street or public place of the Township, except as a danger warning, the creation of any unreasonably loud or harsh sound by means of any such signaling device and the sounding of any such device for an unnecessary and unreasonable period of time. The use of any signaling device except one operated by hand or electricity, the use of any horn, whistle or other device operated by engine exhaust and the use of any such signaling device when traffic is for any reason held up.
- B. Radios, phonographs, etc. The using, operating or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person who is in the room, vehicle or chamber in which such machine or device is operated and who is a voluntary listener thereto. The operation of any such set, instrument, phonograph, machine or device between the hours of 11:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of 50 feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.
- C. Loudspeakers, amplifiers, etc. The use of calliopes, mechanical loudspeakers or amplifiers of any kind for any purpose upon the street of the Township.

1. Editor's Note: See also Ch. 150, Zoning, for noise control standards.

- D. Yelling, shouting, etc. Yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of 11:00 p.m. and 7:00 a.m., or at any time or place, so as to annoy or disturb the quiet, comfort or repose of persons in any office, dwelling, hotel or other type of residence or of any persons in the vicinity.
- E. Animals, birds, etc. The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort or repose of any persons in the vicinity.
- F. Steam whistles. The blowing of any train whistle or steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of fire or danger or upon request of proper Township authorities.
- G. Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- H. Defect in vehicle or load. The use of any automobile, motorcycle or vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.
- I. Loading, unloading, opening boxes. The creation of loud and excessive noise in connection with loading or unloading of any commercial vehicle or the opening and/or destruction of bales, boxes, crates and containers, except on weekdays between the hours of 7:00 a.m. and 8:00 p.m. and on Saturdays between the hours of 8:00 a.m. and 6:00 p.m. **[Amended 10-2-1995 by Ord. No. 10-95]**
- J. Construction or repairing of buildings. The erection, alteration or repair of any building at any time other than on weekdays (Monday through Friday) between the hours of 7:00 a.m. and 6:00 p.m. and on Saturdays between the hours of 8:30 a.m. and 4:30 p.m. **[Amended 12-3-1984 by Ord. No. 23-84]**
- K. Schools, courts, churches and hospitals. The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same are in use or adjacent to any hospital which unreasonably interferes with the workings of such institution or which disturbs or unduly annoys patients in the hospital; provided, that conspicuous signs are displayed in such streets indicating that the same is a school, hospital or court street.
- L. Hawkers, peddlers, etc. The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood.
- M. Noises to attract attention. The use of any drum or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale.
- N. Transportation of metal rails, etc. The transportation of rails, pillars or columns of iron, steel or other material over and along streets and other public places upon carts, drays, cars, trucks or in any other manner so loaded as to cause loud noises or as to disturb the peace and quiet of such streets or other public places.
- O. Excavation, demolition, use of pile drivers, hammers, etc. The excavation or demolition of any lands or buildings or the operation of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or appliance, the use of which is attended by loud or unusual noise, at any time other than on weekdays (Monday through Friday)

between the hours of 7:00 a.m. and 6:00 p.m. [Amended 12-3-1984 by Ord. No. 23-84]

- P. Blowers. The operation of any leafblower or other blower or power fan powered by an internal-combustion engine, except on weekdays between the hours of 8:00 a.m. and 6:00 p.m. and on Saturdays and Sundays between the hours of 9:00 a.m. and 6:00 p.m. Leafblowers or other blowers or power fans powered by an internal-combustion engine shall not be operated within the Township on any of the following holidays: Memorial Day, Independence Day, Labor Day and Thanksgiving Day. All leafblowers or other blowers or power fans which are powered by an internal-combustion engine shall be equipped with a properly functioning muffler to deaden noise. The above restrictions on hours and days of operation shall not apply to snowblowers or lawn mowers. [Amended 10-2-1995 by Ord. No. 10-95]
- Q. Commercial sweepers. The use or operation of any commercial sweeping machine or street sweeping machine or other similar machine on any privately owned parking lot, driveway or roadway, except on weekdays (Monday through Friday) between the hours of 7:00 a.m. and 9:00 p.m. and on Saturdays between the hours of 9:00 a.m. and 6:00 p.m. This restriction shall not apply to the operation of such machines by any department of local, county or state government on public streets and public property. [Added 6-16-2003 by Ord. No. 6-2003]

§ 339-3. Exceptions.

The provisions of the two preceding sections shall not be construed to prohibit music being made upon streets or sidewalks by brass bands or other bands nor to prohibit religious organizations from beating drums in their religious worship.

§ 339-4. Violations and penalties. [Amended 8-17-1981 by Ord. No. 6-81; at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

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.

Chapter 346

NUISANCES, PUBLIC HEALTH

§ 346-1. Establishment; prohibited acts.

§ 346-3. Availability of code.

§ 346-2. Title.

§ 346-4. Violations and penalties.

[HISTORY: Adopted by the Township Council of the Township of Verona 11-21-1988 by Ord. No. 27-88 (Ch. 109 of the 1981 Code). Amendments noted where applicable.]

§ 346-1. Establishment; prohibited acts.

A code defining and prohibiting certain matters, things, conditions or acts and each of them as a nuisance; prohibiting certain noises or sounds; requiring the proper heating of apartments; prohibiting lease or rental of certain buildings; prohibiting spitting in or upon public buildings, conveyances or sidewalks; authorizing the inspection of premises by an Enforcing Official; providing for the removal or abatement of certain nuisances and recovery of expenses incurred by the Board of Health in removing or abating such nuisances; and prescribing penalties for violations is hereby established pursuant to Chapter 188 of the Laws of 1950.¹ A copy of said code is annexed hereto and made a part hereof without the inclusion of the text thereof herein.

§ 346-2. Title.

Said code established and adopted by this chapter is described and commonly known as the "Public Health Nuisance Code of New Jersey (1953)."

§ 346-3. Availability of code.

Three copies of said Public Health Nuisance Code of New Jersey (1953) have been placed on file in the office of the Township Clerk upon introduction of this chapter and will remain on file there for the use and examination of the public.

§ 346-4. Violations and penalties. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

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.

¹ Editor's Note: See N.J.S.A. 26:3-69.1 et seq.

Chapter 352

OBSCENE MATERIAL, RETAIL DISPLAY OF

§ 352-1. Purpose.

§ 352-2. Definitions.

§ 352-3. Display prohibited; presumption.

§ 352-4. Violations and penalties.

[[HISTORY: Adopted by the Township Council of the Township of Verona 7-18-1988 by Ord. No. 19-88 (Ch. 102, Art. III, of the 1981 Code); amended in its entirety at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Subsequent amendments noted where applicable.]

§ 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

§ 370-1. Rules and regulations enumerated.

§ 370-2. Hours of opening; closings.

§ 370-3. Permits; stipulations; appeals; liability for damages; revocation.

§ 370-4. Enforcement.

§ 370-5. Violations and penalties.

[HISTORY: Adopted by the Township Council of the Township of Verona 7-21-1980 by Ord. No. 17-80 (Ch. 100 of the 1981 Code). Amendments noted where applicable.]

§ 370-1. Rules and regulations enumerated.

A. No person in a public park and recreational area shall:

- (1) Willfully mark, deface, disfigure, injure, tamper with or displace or remove any buildings, bridges, tables, benches, fireplaces, railing, pavings or paving materials, waterlines or other public utilities or parts or appurtenances thereof, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts or other boundary markers or other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal.
- (2) Fail to cooperate in maintaining restrooms and washrooms in a neat and sanitary condition. No person above the age of five years shall use the restrooms and washrooms designated for the opposite sex.
- (3) Dig or remove any soil, rock, sand, stones, trees, shrubs or plants or other wood or materials, or make any excavation by tool, equipment, blasting or other means or agency.
- (4) Construct or erect any building or structure of whatever kind, whether permanent or temporary, or run or string any public service utility into, upon or across such lands except on special written permit issued hereunder.
- (5) Damage, cut, carve, transplant or remove any tree or plant or injure the bark or pick flowers or seed of any trees or plants, dig in or otherwise disturb grass areas or in any other way injure the natural beauty or usefulness of any area.
- (6) Climb any tree or walk, stand or sit upon monuments, vases, planters, fountains, railings, fences or upon any other property not designated or customarily used for such purposes.
- (7) Tie or hitch an animal to any tree or plant.
- (8) Hunt, molest, harm, frighten, kill, trap, pursue, chase, tease, shoot or throw missiles at any animal, wildlife, reptile or bird; nor shall be remove or have in his possession the young of any wild animal or the eggs or nest or young of any

reptile or bird. Exception to the foregoing is made in that snakes known to be deadly poisonous or deadly reptiles may be killed on sight.

- (9) Throw, discharge or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream or other body of water in or adjacent to any park or any tributary stream, storm sewer or drain flowing into such water any substance, matter or thing, liquid or solid, which will or may result in the pollution of said waters.
- (10) Have brought in or shall dump in, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage or refuse or other trash. No such refuse or trash shall be placed in any waters in or contiguous to any park or left anywhere on the grounds thereof but shall be placed in the proper receptacles where these are provided; where receptacles are not provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere.
- (11) Drive any vehicle on any area except the paved park roads or parking areas or such areas as may on occasion be specifically designated as temporary areas.
- (12) Park a vehicle in other than an established or designated parking area, and such shall be in accordance with posted directions thereat and with the instruction of any attendant who may be present.
- (13) Leave a vehicle standing or parked at night in established parking areas or elsewhere in the park area.
- (14) Leave a bicycle in a place other than a bicycle rack when such is provided and there is space available.
- (15) Ride a bicycle without reasonable regard to the safety of others.
- (16) Leave a bicycle lying on the ground or pavement or set against trees or in any place or position where other persons may trip over or be injured by them.
- (17) Swim, bathe or wade in any waters or waterways in or adjacent to any park except in such waters and at such places as are provided therefor and in compliance with such regulations as are herein set forth or may be hereinafter adopted. Nor shall any person frequent any waters or places customarily designated for the purposes of swimming or bathing or congregate thereat when such activities are prohibited by the Department of Recreation upon a finding that such use of the water would be dangerous or otherwise inadvisable.
- (18) Frequent any waters or places designated for the purposes of swimming or bathing or congregate thereat except between such hours of the day as shall be designated by the Department of Recreation for such purposes for each individual site.
- (19) Erect, maintain, use or occupy on or in any beach or bathing area any tent, shelter or structure of any kind unless there shall be an unobstructed view into said tent, shelter or structure from at least two sides, nor shall any guyed wire, rope or extension brace or support be connected or fastened from any such structure to any other structure, stake, rock or other object outside thereof.

- (20) Allow himself to be so covered with a bathing suit so as to indecently expose his person.
 - (21) Dress or undress on any beach or in any vehicle, toilet or other place, except in such bathing houses or structures as may be provided for that purpose.
 - (22) Bring into or operate any boat, raft, or other watercraft, whether motor-powered or not, upon any waters except at places designated for boating. Such activity shall be in accordance with applicable regulations as are now or hereafter may be adopted.
 - (23) Navigate, direct or handle any boat in such manner as to unjustifiably or unnecessarily annoy or frighten or endanger the occupant of any other boat.
 - (24) Launch, dock or operate any boat of any kind on any water between the closing hour of the park at night and the opening hour of the park the following morning, nor shall any person be on, remain on or in any boat during said closed hours of the park.
 - (25) Fish in any area where bathing is permitted.
 - (26) No person shall carry or possess firearms of any description or air rifles, spring guns, bows and arrows, slings or any other form of weapons potentially inimical to wildlife and dangerous to human safety or any instrument that can be loaded with and fire blank cartridges or any kind of trapping device. Shooting into park areas from beyond park boundaries is forbidden.
 - (27) Picnic or lunch in a place other than those designated for that purpose.
 - (28) Use any portion of the picnic area or any of the buildings or structures therein for the purpose of holding picnics to the exclusion of other persons, nor shall any person use such areas and facilities for an unreasonable time if the facilities are crowded.
 - (29) Leave a picnic area before the fire is completely extinguished and before all trash is placed in the disposal receptacles where provided. If no such trash receptacles are available, then trash shall be carried away from the park area by the picnicker to be properly disposed of elsewhere.
 - (30) Take part in or abet the playing of any games involving thrown or otherwise propelled objects such as balls, stones, arrows, javelins, horseshoes, quoits or model airplanes except in those areas set apart for such forms of recreation.
- B. While in a public park or recreational area, all persons shall conduct themselves in a proper and orderly manner, and in particular no person shall:
- (1) Bring alcoholic beverages, drink same at any time. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
 - (2) Have in his possession or set or otherwise cause to explode or discharge or burn any firecrackers, torpedo rockets or other fireworks, firecrackers or explosives of flammable material or discharge them or throw them into any such areas from lands or highways adjacent thereto. This prohibition includes any substance,

compound, mixture or article that in conjunction with any other substance or compound would be dangerous from any of the foregoing standpoints. At the discretion of the Township Council, permits may be given for conducting properly supervised fireworks in designated park areas. **[Amended 8-17-1981 by Ord. No. 6-81]**

- (3) Appear at any place in other than proper clothing.
- (4) Solicit alms or contributions for any purpose, whether public or private.
- (5) Build or attempt to build a fire except in such areas and under such regulations as may be designated. No person shall drop, throw or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco paper or other flammable material within any park or on any highways, roads or streets abutting or contiguous thereto.
- (6) Enter an area posted as "CLOSED TO THE PUBLIC" nor shall any person use or abet in the use of any area in violation of posted notices.
- (7) Gamble, or participate in or abet any game of chance except in such areas and under such regulations as may be designated by the Department of Recreation.
- (8) Go onto the ice on any of the waters except such areas as are designated as skating fields, and provided that a safety signal is displayed.
- (9) Sleep or protractedly lounge on the seats or benches or other areas or engage in loud, boisterous, threatening, abusive, insulting or indecent language or engage in any disorderly conduct or behavior tending to breach the public peace.
- (10) Disturb or interfere unreasonably with any person or party occupying any area or participating in any activity under the authority of a permit.
- (11) Paste, glue, tack or otherwise post any sign, placard, advertisement or inscription whatever, nor shall any person erect or cause to be erected any sign whatever on any public lands or highways or roads adjacent to a park.

§ 370-2. Hours of opening; closings.

- A. Except for unusual and unforeseen emergencies, parks shall be open to the public every day of the year during the designated hours. The opening and closing hours for each individual park shall be posted therein for public information.
- B. Any section or part of any park may be declared closed to the public at any time and for any interval of time, either temporary or at regular and stated intervals (daily or otherwise) and either entirely or merely for certain uses.

§ 370-3. Permits; stipulations; appeals; liability for damages; revocation.

Permits for special events in parks shall be obtained by application to the Department of Recreation in accordance with following procedure:

- A. A person seeking issuance of a permit hereunder shall file an application with the Department of Recreation stating:
 - (1) The name and address of the applicant.
 - (2) The name and address of the person, corporation or association sponsoring the activity, if any.
 - (3) The day and hours for which the permit is desired.
 - (4) The park or portion thereof for which such permit is desired.
 - (5) Any other information which the Department of Recreation shall find reasonably necessary to a fair determination as to whether a permit should be issued hereunder.
- B. Standards for issuance of a use permit by the Department of Recreation include the following findings:
 - (1) That the proposed activity or use of the park will not unreasonably interfere with or detract from the general public enjoyment of the park.
 - (2) That the proposed activity and use will not unreasonably interfere or detract from the promotion of public health, welfare, safety and recreation.
 - (3) That the proposed activity or uses that are reasonably anticipated will not include violence, crime or disorderly conduct.
 - (4) That the proposed activity will not entail extraordinary or burdensome expense or police operation by the Township of Verona.
 - (5) That the facilities desired have not been reserved for other use at the date and hour requested in the application.
- C. Appeal. Within five days after the receipt of an application, the Department of Recreation shall appraise an applicant, in writing, of its reasons for refusing a permit, and any aggrieved person shall have the right to appeal to the Township Council by serving written notice thereof on the Council within five days of said refusal.
- D. A copy of said notice shall also be served on the Department of Recreation within the same time, and said department shall immediately forward the application and the reasons for its refusal to the Township Council, who shall consider the application under the standards set forth under Subsection B above, and sustain or overrule the Department of Recreation's decision within 10 days from the receipt of the appeal by him. The decision of the Township Council shall be final.
- E. A permittee shall be bound by all park rules and regulations and all applicable ordinances fully as though the same were inserted in said permits.

- F. The person or persons to whom the permit is issued shall be liable for all loss, damage or injury sustained by any person whatever by reason of the negligence of the person or persons to whom such permit shall have been issued. The Department of Recreation shall have the right to require any permittee to submit evidence of liability insurance covering injuries to members of the general public arising out of such permitted activities in such amounts as may be from time to time determined by the Department of Recreation prior to the commencement of any activity or issuance of any permit.
- G. Revocation. The Department of Recreation shall have the authority to revoke a permit upon finding or violation of any rule or ordinance or upon good cause shown.

§ 370-4. Enforcement.

- A. The Department of Recreation and park attendants shall in connection with their duties imposed by law diligently enforce the provisions of this chapter.
- B. The Department of Recreation and any park attendant shall have the authority to eject from the park area any person or persons acting in violation of this chapter.
- C. The Department of Recreation and any park attendant shall have the authority to seize and confiscate any property, thing or device in the park, or used, in violation of this chapter.
- D. This chapter shall also be enforced by the Police Department of the Township of Verona.

§ 370-5. Violations and penalties. [Amended 8-17-1981 by Ord. No. 6-81; at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

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.

Chapter 375

PEACE AND GOOD ORDER

§ 375-1. Certain conduct prohibited.

§ 375-3. Violations and penalties.

§ 375-2. Prohibitions concerning alcohol.

[HISTORY: Adopted by the Township Council of the Township of Verona 7-5-1967 (Ch. 102, Art. I, of the 1981 Code). Amendments noted where applicable.]

§ 375-1. Certain conduct prohibited. [Amended 11-7-1973 by Ord. No. 11-73; 8-17-1981 by Ord. No. 12-81]

A. It shall be unlawful for any person to: [Amended 10-7-2003 by Ord. No. 11-2003]

- (1) Provoke a breach of the peace on any public or private sidewalk or public or private street or public or private parking lot in the Township.
- (2) Congregate with other persons on a public or private street or sidewalk or on a public or private parking lot with an intent to provoke a breach of the peace or whereby a breach of the peace may be occasioned and refuse to move from said public or private parking lot after being requested to do so by a police officer of the Township.
- (3) Congregate with other persons on a public or private sidewalk or on a public or private street or on a public or private parking lot in the Township so as to prevent the free and unhampered passage along and over said sidewalk or streets by the public.
- (4) While on a public or private sidewalk or public or private street or public or private parking lot in the Township, use loud, abusive or offensive remarks to persons passing along said public or private sidewalk or street in the Township.
- (5) Congregate on a public or private street or sidewalk or public or private parking lot in the Township and molest or interfere in any way with the free passage of any person or vehicle lawfully thereon.
- (6) For the purposes of this chapter, public sidewalks, streets and parking lots shall include, but are not limited to, those sidewalks, streets and parking lots under the control of the Board of Education of the Township of Verona, the Recreation Department of the Township of Verona and any other body of the municipal government of the Township of Verona.
- (7) Urinate in any street, highway, thoroughfare or public place within the Township of Verona except in facilities designated for such purpose.

B. Parental responsibility for minors.

- (1) It shall be unlawful for any parent, guardian or other person having legal custody of an infant under 18 years of age to assist, aid, abet, allow, permit, suffer or

encourage such infant to commit a violation of the public peace and good order, as defined in this chapter and including the commission of any willful, malicious or unlawful injury to or destruction of the real or personal property of another, either by overt act, by failure to act, or by failure or neglect to exercise reasonable supervision and control of the conduct of such infant.

- (2) Whenever an infant under 18 years of age shall be taken into custody by the police or detained by the police for the commission of any such violation of the public peace and good order within the Township of Verona, the parents, guardians or other persons having legal custody of such infant shall be immediately notified by the Police Department of such custody or detention and the reasons therefor, and of their potential personal responsibility as parents and legal guardians under this chapter. When an infant is charged with a violation of the public peace and good order within the Township of Verona, and the court makes an adjudication of delinquency or determines that the infant is a juvenile in need of supervision pursuant to appropriate statutory provisions regarding juveniles, the Chief of Police, or his designated agent, shall forthwith serve written notice of said adjudication of delinquency or determination as to supervision upon the parents, guardians, or other persons having legal custody of such infant, together with a written warning, in a form approved by the Township Attorney or Township Public Prosecutor, of the penalties under this chapter and of the provisions of this chapter, stated hereinbelow, with respect to the commission within two years of a second violation by said infant of the public peace and good order. If at any time within two years of the giving of such notice such infant shall be charged with a violation of the public peace and good order and shall again be adjudicated by the court to be delinquent or determined by the court to be a juvenile in need of supervision pursuant to appropriate statutory provisions, the Public Prosecutor of the Township of Verona shall charge and prosecute the parents, guardians or other persons having legal custody of such infant with having allowed, permitted or suffered said infant to commit a violation of the public peace and good order, contrary to this subsection and this chapter. Such charges shall be proven upon a showing of a lack of reasonable supervision and control on the part of said parents, guardians or other persons having legal custody of said infant.

§ 375-2. Prohibitions concerning alcohol. [Added 10-16-1973 by Ord. No. 10-73; amended 10-5-1976 by Ord. No. 19-76; 12-15-2008 by Ord. No. 16-08]

- A. At certain specific designated recreational areas, the Recreation Department and the Board of Education or any other body of the municipal government may issue a special permit for the consumption of alcoholic beverages for consumption at a picnic or other activity sponsored by a nonprofit corporation or organization.
- B. No person shall discard any alcoholic beverage container upon any public street, lane, sidewalk, public parking lot or any private property not his own without the permission of the owner.

§ 375-3. Violations and penalties. [Amended 10-5-1976 by Ord. No. 19-76; at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

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.

Chapter 380

PEDDLERS AND SOLICITORS

ARTICLE I **Licensing and Regulation**

- § 380-1. Definitions.**
- § 380-2. Exemptions.**
- § 380-3. License required.**
- § 380-4. Application for license.**
- § 380-5. Investigation and approval of application.**
- § 380-6. License application fee, duration of license.**
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- § 380-8. Carrying and displaying of license.**
- § 380-9. Code of conduct.**
- § 380-10. Prohibited practices.**
- § 380-11. Written receipts required.**
- § 380-12. through § 380-20. (Reserved)**

ARTICLE II **Do Not Knock Registry**

- § 380-21. "Do Not Knock Registry."**
- § 380-22. Registration of property.**
- § 380-23. Maintenance of list.**
- § 380-24. Duties of the Township Clerk's office.**
- § 380-25. Solicitation prohibited.**
- § 380-26. Exclusion to prohibition.**
- § 380-27. through § 380-30. (Reserved)**

ARTICLE III **Enforcement; Penalties**

- § 380-31. Enforcement.**
- § 380-32. Violations and penalties.**

[HISTORY: Adopted by the Township Council of the Township of Verona 4-22-2019 by Ord. No. 2019-14. Amendments noted where applicable.]

ARTICLE I **Licensing and Regulation**

§ 380-1. Definitions.

For the purpose of this section, the following terms, words and phrases shall be interpreted as follows:

AGENT and/or EMPLOYEE — Any individual receiving compensation, in any form whatsoever, from an entity for engaging in solicitation within the Township.

APPLICANT — Any person, organization, firm, partnership, corporation, company, association, church, religious denomination, society, class, league or other entity or group seeking to obtain a license for commercial solicitation.

CANVASSER — Any person who travels, either by foot or automobile or any other type of conveyance, from place to place, from house to house, from business to business or from street to street to seek or develop support for, to conduct market research about, to determine

feelings or opinions about, to conduct a survey about, or explain a position about and on behalf of any commercial product, cause or organization.

GOODS and/or SERVICES — Includes but is not limited to food (including, but not limited to, ice cream, refreshments and farm products), magazines and periodicals, advertisements, commercial handbills, personal property, coupons, products, merchandise, wares, orders or contracts for a service, home or business improvement or alterations, as well as offering or seeking to purchase real property when such real property is not listed for sale.

ITINERANT VENDOR — Any person who travels, either by foot or automobile or any other type of conveyance, from place to place, from house to house or from street to street, taking or attempting to take orders for the sale of goods of any nature whatsoever for future delivery or for services to be furnished or performed in the future, whether or not such person has, carries or exposes for sale a sample of the object to be sold, and whether he/she is collecting advance payments on such sales; shall not include wholesalers calling on retail merchants.

LICENSE — A license of commercial solicitation issued by the Township pursuant to the provisions of this article.

NONPROFIT ORGANIZATION —

- A. Any organization tax exempt under § 501(c)(3) of the Internal Revenue Code;
- B. Any organization created under or otherwise subject to the provisions of the Title 15A of the New Jersey Statutes;
- C. Any organization, whether or not qualified under § 501(c)(3) of the Internal Revenue Code or subject to the provisions of Title 15A of the New Jersey Statutes, whose primary purpose is to benefit the school-age children of the Township, included, but not limited to, schools, school clubs and organizations, Scouts and similar youth group;
- D. Any organization whose primary purpose is to advocate for religious or political causes, whether or not qualified under § 501(c)(3) of the Internal Revenue Code or subject to Title 15A of the New Jersey Statutes;
- E. Any department within the Township's municipal government structure, including, but not limited to, the Police Department and any volunteer fire, first aid or rescue organization that is located in, has substantial membership from or serves the Township; or
- F. And federal, state or county government agency.

PEDDLER or HAWKER — Any person who travels, either by foot or automobile or any other type of conveyance, from place to place, from house to house or from street to street, carrying, conveying or transporting goods for the purpose of selling and delivering them to prospective customers.

PERSON — Not only an individual, but also any organization, firm, partnership, corporation, company, association, church, religious denomination, society, class, league or other entity or group.

SOLICITATION or SOLICIT — To go in or upon the streets, roads and semiprivate and private property in the Township without having been invited to do so by the owner or occupant of the property, for the purpose of advertising, promoting or selling any products,

goods or services, seeking to purchase real estate that is not advertised for sale or conducting market research or a market or opinion survey regarding commercial goods or services. Solicitors shall include, but shall not be limited to, itinerant vendors, peddlers, hawkers and canvassers of commercial products or services. Solicitation shall include the placement upon private property of handbills or other written material advertising goods or services for sale. Solicitation shall also include the sale of goods or services which the solicitor promises to donate or deliver to a charitable or other nonprofit institution on behalf of the purchaser.

SOLICITOR — Any individual agent or employee soliciting on behalf of any organization, firm, partnership, corporation, company, association, church, religious denomination, society, class, league or other entity or group.

§ 380-2. Exemptions.

This chapter shall not affect any of the following persons or activities:

- A. Any person engaged in the delivery, in the regular course of business, of goods, wares, merchandise, or other articles of personal property to the premises of persons who had previously ordered same or were entitled to receive same by reason of prior agreement.
- B. Any nonprofit organization, as defined in § 380-1 of this Code, engaged in the solicitation of funds for charitable purposes solely from its members.
- C. Any person engaged in the solicitation of funds for a nonprofit organization, when solicitation occurs on premises owned or controlled by the person soliciting funds or with the permission of the person who owns or controls the premises.
- D. Federal census-taking and surveys taken pursuant to federal, state or local laws.
- E. Any public utility, or its agents and employees, which is subject to the regulation of the State Board of Public Utility; provided, however, such agents or employees shall display the identification badge or card issued by the utility.
- F. Children enrolled in public and private elementary and secondary schools in the Township, including children peddling or soliciting for schools, school clubs and organizations, Scouts and similar youth groups.
- G. Any person engaged in the delivery or solicitation of subscriptions for a print media organization; provided, however, that said person shall adhere to the general regulations set forth in § 380-10 and in addition such persons shall display an identification badge (subject to the approval of the Township Clerk) provided by the print media organization and an information sheet shall be filed with the Police Department and the Township Clerk containing:
 - (1) The proposed location of solicitation;
 - (2) The make, model and license plate number of any vehicle being used during such solicitation;
 - (3) The name of the supervisor of the persons soliciting; and
 - (4) The names of all those soliciting within the Township on behalf of said print media organization.

- H. Any individual campaigning for elected public office or support/opposition to a public question which is to be voted upon in the Township during a primary, general, school board, municipal or special election, in a local, state or national election.

§ 380-3. License required.

Except as otherwise provided in § 380-2, it shall be unlawful for any person to solicit, sell or dispose of or to offer to sell or dispose of any goods, or to solicit orders for the performance of any service or to engage in commercial canvassing within the geographical limits of the Township without first obtaining a license therefor in compliance with the provisions of this chapter. Such license shall not be transferable from person to whom issued to any other person. A separate license shall be obtained by each solicitor, itinerant vendor, hawker, peddler or canvasser for every agent or employee working for him/her.

§ 380-4. Application for license.

- A. Every applicant for license under this section shall be 18 years of age or older and shall follow the procedures.
- B. Any person desiring a license required by this chapter shall file with the Township Clerk an application for each license. The following information and must be under oath:
- (1) Name of applicant.
 - (2) Permanent home address.
 - (3) Name and address of firm represented, the names and addresses of the person from which goods making up the stock were or are to be purchased.
 - (4) Three business/personal references, not including the current employer.
 - (5) The home addresses of the applicant for the preceding three calendar years.
 - (6) The length of time for which the license is desired.
 - (7) A description of the wares to be offered for sale.
 - (8) The number of arrests or convictions for misdemeanors or crimes and the nature of the offenses for which arrested or convicted.
 - (9) Whether a driver's license issued by any state to the solicitor's agent/employee had ever been suspended or revoked, and if so, for what reason.
 - (10) To the application must be appended a letter from the firm for which the applicant purports to work, authorizing the applicant to act as its representative. Such applicant shall also submit a recent photograph of the applicant. The photograph shall be submitted in digital format at a standard required by the Township Clerk.

§ 380-5. Investigation and approval of application.

- A. The investigation required shall be limited to that sufficient for the Chief of Police or their designee to make a determination that:
 - (1) The issuance of a license is in accordance with the provisions of § 380-4 and N.J.S.A. 45:17A-18 et seq.; and
 - (2) The applicant or its agents or employees have not been convicted of any criminal offense or a violation of a municipal ordinance relating adversely to the registrant's fitness to perform activities regulated by this section, including those involving violence or the threat of violence.
- B. For the purpose of this section, a plea of guilty, nolo contendere or any other similar disposition of alleged criminal activity shall be deemed a violation.

§ 380-6. License application fee, duration of license.

- A. License fees for licenses authorized to be issued by this chapter shall be as provided for in § A565-1 (Schedule of fees).
- B. License fees must be submitted at the time of application. The fee is nonrefundable whether the license is approved or denied.

§ 380-7. Duration of license.

- A. Duration of license. All solicitation licenses shall be valid for 90 calendar days from the date of issuance.
- B. Ice cream truck vendors. All licenses issued to ice cream truck vendors shall be valid for six months from the date of issuance.

§ 380-8. Carrying and displaying of license.

Each solicitor permitted to conduct solicitations shall carry the approved license at all times and will present same upon request. The license shall be prepared by the Township Clerk and shall be uniform in style and design. The following information shall be printed on the license:

- A. Name of organization, firm, partnership, corporation, company, association, church, religious denomination, society, class, league or other entity or group; and
- B. Name of solicitor; and
- C. Name of the organization on whose behalf the solicitation is made; and
- D. Expiration date of the license; and
- E. A statement that the Township has licensed the solicitation but neither approves nor disapproves of the organization and/or its activities.

§ 380-9. Code of conduct.

Every organization, firm, partnership, corporation, company, association, church, religious denomination, society, class, league or other entity or group issued a license under this section and their agents and employees thereof shall conduct himself/herself according to the following code of conduct:

- A. He/she shall not enter or remain upon any resident's property that is on the "Do Not Knock Registry" established pursuant to this chapter or upon which it is posted that solicitors are not permitted or notice of similar content.
- B. He/she shall carry the license at all times and will present same upon request.
- C. He/she shall display his/her license in a visible manner.
- D. He/she shall not enter or attempt to enter any dwelling unit without the expressed invitation from the occupant therein.
- E. He/she shall immediately leave the resident's property or business property upon request by the occupant or business owner or employee to do so.
- F. He/she shall not leave, on or about the resident's property, any circular, samples or other matter or material unless same is handed to an occupant of the property.
- G. He/she shall not indicate that the Township endorses or sponsors any of the views expressed or the organization for which support of contribution is sought.
- H. He/she shall not make false claims, misrepresentations or materially incorrect statements concerning the solicitation, organizations represented or the use to be made of the amount solicited.
- I. He/she shall not engage in any course of alarming conduct or conduct himself/herself so as to reasonably alarm or annoy the occupant of the dwelling.
- J. He/she shall not engage in any conduct which is prohibited by any statute, regulation or ordinance in effect in the Township.
- K. He/she shall present written receipts.
- L. He/she shall have a complete copy of this section in his/her possession at all times.
- M. He/she shall be wearing a reflective vest and carrying a functioning flashlight at dusk or later.
- N. He/she shall have in his/her possession at all times a copy of the Township's "Do Not Knock Registry" that is no more than 30 days old.

§ 380-10. Prohibited practices.

It shall be unlawful for a person to:

- A. Solicit any person at his or her residence before 9:00 a.m. and one hour after sunset or 9:00 p.m., whichever is earlier.

- B. Solicit on Sundays or on recognized holidays by the federal government and the State of New Jersey.
- C. Have exclusive rights to any location on public property.
- D. Enter or attempt to enter the land of any resident where such resident has posted or placed a clearly visible sign indicating that such resident does not wish to be disturbed by peddlers or solicitors.
- E. Attempt to solicit any individual or residence listed on the Township's "Do Not Knock Registry."
- F. Refuse to leave a private dwelling or property after having been requested to do so by the owner or occupant thereof.
- G. Distribute obscene merchandise or printed material, or printed material that advocated unlawful conduct.
- H. Litter the streets, public places or other property within the Township by any merchandise or printed material.
- I. Station, place or set up or maintain a cart, wagon, motor vehicle or other vehicle or allow it to remain on any sidewalk that would:
 - (1) Restrict, obstruct, interfere with or impede any pedestrian's right-of-way;
 - (2) Restrict, obstruct, interfere with or impede the ingress or egress from the abutting property;
 - (3) Increase traffic congestion, cause or increase traffic delay or hazard;
 - (4) Cause, create, or constitute a danger to health, safety, or welfare.

§ 380-11. Written receipts required.

Any person receiving money or any other thing of value of \$1 or more from any contributor under a solicitation made pursuant to this section shall provide to the contributor a written receipt signed by the solicitor showing the date and amount received, provided that this section shall not apply to any contribution collected by means of a closed box or receptacle used in the solicitation where the use thereof has been approved by the Township in accordance with this section where it is impractical to determine the amount of each contribution. Copies of such receipts shall be kept on file for inspection upon the request of an enforcing officer pursuant to this chapter.

§ 380-12. through § 380-20. (Reserved)

ARTICLE II

Do Not Knock Registry**§ 380-21. "Do Not Knock Registry."**

All definitions in § 380-1 shall apply to this section.

§ 380-22. Registration of property.

Any person or entity who owns or rents property within the geographical borders of the Township may register such property to be included on the "Do Not Knock Registry" by registering through the Township Clerk's office.

§ 380-23. Maintenance of list.

Maintenance of the "Do Not Knock Registry" shall be as follows:

- A. The "Do Not Knock Registry" shall be maintained by the Township Clerk. The list shall be available through the official Township website.
- B. The "Do Not Knock Registry" shall consist solely of property addresses and shall include no further identifying information concerning the ownership of each property.
- C. The Tax Assessor shall notify the Township Clerk of any change in ownership of property within the Township. The Township Clerk shall remove from the "Do Not Knock Registry" any property which has changed ownership.
- D. Other than by sale of property, a property, once listed, may only be removed from the registry by submitting a written, sworn and notarized request to the Township Clerk.

§ 380-24. Duties of the Township Clerk's office.

The Township Clerk shall:

- A. Post a current copy of the "Do Not Knock Registry" on the official Township website.
- B. Provided a dated copy of the "Do Not Knock Registry" to every applicant to whom a license is issued pursuant to this chapter.
- C. Provide a copy of the "Do Not Knock Registry" to any organization, firm, partnership, corporation, company, association, church, religious denomination, society, class, league or other entity or group notifying the Township Clerk's office who engage in commercial soliciting or canvassing within the geographical borders of the Township. The failure of the Township Clerk to provide the "Do Not Knock Registry" to such person or the failure of such person to have received a copy of the "Do Not Knock Registry" from the Municipal Clerk shall not provide a defense to the requirement of having in his/her possession a copy of the updated "Do Not Knock Registry."

§ 380-25. Solicitation prohibited.

It is prohibited for any person to conduct any commercial solicitation at any property listed on the "Do Not Knock Registry."

§ 380-26. Exclusion to prohibition.

The prohibition of this section shall not apply to the visiting of the property where the owner or occupant of such property has directly or implicitly indicated to the solicitor or canvasser, through prior interaction, that his/her visit would be welcomed. The burden of persuasion shall be on the person claiming this exemption.

§ 380-27. through § 380-30. (Reserved)

ARTICLE III
Enforcement; Penalties

§ 380-31. Enforcement.

It shall be the duty of any Police Officer of the Township, the Code Enforcement Officer, the Zoning Officer or any other employee/officer designated by the Township Manager to enforce the provision of this chapter.

§ 380-32. Violations and penalties. [Amended 9-9-2019 by Ord. No. 2019-24]

- A. Failure to obtain a license pursuant to this chapter, resulting in the issuance of a municipal summons or criminal complaint, shall constitute a violation. Such violation may carry the following penalties:
 - (1) First violation: a fine not to exceed \$100.
 - (2) Second violation: a fine not to exceed \$500.
 - (3) Third and subsequent violation: a fine not to exceed \$1,000.
- B. Any act committed while within the scope of the license issued by the Township Clerk pursuant to this chapter, resulting in the issuance of a municipal summons or criminal complaint, shall constitute a violation of this section. Such violation will carry the following penalties:
 - (1) First violation: a fine not to exceed \$1,500 and possible suspension of solicitor's license and/or denial of future solicitor's license.
 - (2) Second violation: a fine not to exceed \$2,000 and possible suspension of solicitor's license and/or denial of future solicitor's license.
 - (3) Third or subsequent violation: a fine not to exceed \$2,500 fine and possible suspension of solicitor's license and/or denial of future solicitor's license.

Chapter 390

PROPERTY MAINTENANCE

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- § 390-1. Purpose.**
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ARTICLE III Standards for the Maintenance of Exterior Premises

- § 390-5. General maintenance.**
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- § 390-20. Enforcement procedure.**
- § 390-21. Administrative provisions.**
- § 390-22. Violations and penalties.**
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- § 390-26. Citizen complaints.**
- § 390-27. Certificate of necessity.**
- § 390-28. Conflicts.**

[HISTORY: Adopted by the Township Council of the Township of Verona 10-17-1972 by Ord. No. 13-72 (Ch. 107 of the 1981 Code). Amendments noted where applicable.]

ARTICLE I
General Provisions

§ 390-1. Purpose.

The purpose of this chapter is to protect the public health, safety, morals and welfare by establishing minimum standards governing the maintenance, appearance, condition and occupancy of residential and nonresidential premises; to establish minimum standards governing utilities, facilities and other physical components and conditions essential to make the aforesaid facilities fit for human habitation, occupancy and use; to fix certain responsibilities and duties upon owners and operators and distinct and separate responsibilities and duties upon occupants; to authorize and establish procedures for the inspection of residential and nonresidential premises; to fix penalties for the violations of this chapter; to provide for the right of access across adjoining premises to permit repairs; and to provide for the repair, demolition or vacation of premises unfit for human habitation or occupancy or use. This chapter is hereby declared to be remedial and essential for the public interest.

§ 390-2. Definitions and word usage.

- A. Definitions. The following terms, wherever used herein or referred to in this chapter, shall have the respective meanings assigned to them unless a different meaning clearly appears from the context:

ACCESSORY STRUCTURE — As applied to a use or structure, customarily subordinate or incidental to and on the premises of such use and structure. As applied to accessory uses and structures, the words "on the premises of" mean on the same lot or on a contiguous lot in the same ownership.

BASEMENT — The portion of the building that is partly underground, which has more than 1/2 of its height, measured from clear floor to ceiling, above the average adjoining ground level. Where the natural contour of the ground level immediately adjacent to the building is interrupted by ditching, pits or trenching, then the average adjoining ground level shall be the nearest natural contour line parallel to the walls of the building without regard to the levels created by the ditching, pits or trenching.

BATHROOM — Enclosed space or room containing one or more fixtures, such as bathtubs, showers, water closets, lavatories or urinals.

BUILDING — A combination of materials to form a structure adapted to permanent or continuous occupancy or use for public, institutional, residence, business or storage purposes.

BUILDING CODE — The Building Code of the Township of Verona.¹

CELLAR — The lowermost portion of the building, partly or totally underground, having 1/2 or more of its height, measured from clear floor to ceiling, below the average adjoining ground level. Where the natural contour of the ground level immediately

1. Editor's Note: See Ch. 190, Construction Codes, Uniform.

adjacent to the building is interrupted by ditching, pits or trenching, then the average adjoining ground level shall be the nearest natural contour line parallel to the walls of the building without regard to the levels created by the ditching, pits or trenching.

CENTRAL HEATING SYSTEM — A heating system in a fire-resistant enclosed space or spaces, separate and apart from the area to be heated, which system is permanently affixed on a fireproof base and connected by breaching to a stack in accordance with the Building Code and/or Plumbing Code.²

DETERIORATION — The condition or appearance of a building or part thereof, characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or other evidence of physical decay or neglect, lack of maintenance or excessive use.

DWELLING — Any structure designed for use by a human occupant for sleeping and living purposes, whether occupied or vacant.

DWELLING UNIT — Any room or group of rooms located within a dwelling, forming a single habitable unit which includes facilities for living, sleeping, cooking, eating, bathing and toilet purposes.

EMANCIPATED MINOR — Any person under the age of 21 who is gainfully employed and self-supporting or who is married to a spouse who is gainfully employed and who supports said minor or who is a student living away from home and in regular attendance at an institution of higher learning.

EXPOSED TO PUBLIC VIEW — Any premises, or any part thereof, or any building, or any part thereof, which may be lawfully viewed by the public, or any member thereof, from a sidewalk, street, alleyway, open-air parking lot or from any adjoining or neighboring premises.

EXTERIOR OF THE PREMISES — Those portions of a building which are exposed to public view, and the open space of any premises outside of any building erected thereon.

EXTERMINATION — The control and elimination of insects, rodents and vermin by eliminating their harborage places; by removing or making inaccessible material that may serve as their food; by poisoning, spraying, fumigating, trapping or by other approved means of pest elimination.

FAMILY — See "immediate family."

FIRE CHIEF — The Fire Chief of the Township of Verona.³

FIRE HAZARD — Any thing or any act which increases or may cause an increase of the hazard or menace of fire to a greater degree than that customarily recognized as normal by persons in the public service of preventing, suppressing or extinguishing fire or which may obstruct, delay or hinder or may become the cause of an obstruction, a delay, a hazard or a hindrance to the prevention, suppression or extinguishment of fire.⁴ (See also "nuisance.")

2. Editor's Note: See Ch. 190, Construction Codes, Uniform.

3. Editor's Note: As to provisions relating to the Fire Chief, see Ch. 35, Fire Department.

4. Editor's Note: See Ch. 262, Fire Prevention.

FLOOR AREA, SUPERFICIAL — The net floor area within the enclosing walls of the room, excluding built-in equipment, such as wardrobes, cabinets, closets, kitchen units or fixtures which are not readily removable, and excluding the floor area where the floor-to-ceiling height is less than 7 1/3 feet.

GARBAGE — Putrescible animal and vegetable waste resulting from handling, preparation, cooking and consumption of food. (See also "refuse" and "rubbish.")

HABITABLE ROOMS — Rooms used or designed for use by one or more persons for living or sleeping or cooking and eating, but not including bathrooms, water closet compartments, laundries, serving and storage pantries, corridors, foyers, vestibules, cellars, heater rooms, boiler rooms and utility rooms; and other rooms or spaces that are not used frequently or for an extended period of time or that have less than 50 square feet of superficial floor area shall not be considered as "habitable rooms."

IMMEDIATE FAMILY — One or more persons occupying a single dwelling unit, provided that all members are related by blood or marriage, living as a single nonprofit housekeeping unit.

INCIDENTAL COOKING — Cooking facilities containing no more than two plates or burners not exceeding six inches in diameter or electrical cooking facilities.

INDEPENDENT ROOMING UNIT — A rooming unit in other than a single-family dwelling, which unit opens directly to the exterior of the premises by way of a common hallway, common areaway or common stairway or door to the exterior of the premises without passing through any other rooming unit or dwelling unit.

INFESTATION — The presence of insects, rodents, vermin or other pests on the premises which constitute a health hazard.

KITCHEN — Any room or part of a room used for cooking or the preparation of food.

MIXED OCCUPANCY — Any building containing one or more dwelling units or rooming units and also having a portion thereof devoted to nondwelling uses or as a hotel.

NUISANCE —

- (1) Any public nuisance known at common law or in equity jurisprudence or as provided by the statutes of the State of New Jersey or the ordinances of the Township of Verona.
- (2) Any attractive nuisance which may prove detrimental to the health or safety of children, whether in a building, on the premises of a building or upon an unoccupied lot. This includes, but is not limited to, abandoned wells, shafts, basements, excavations, abandoned iceboxes, refrigerators, motor vehicles, any structurally unsound fences or structures, lumber, trash, fences, debris or vegetation, such as poison ivy, oak or sumac, which may prove a hazard for inquisitive minors.
- (3) Physical conditions dangerous to human life or detrimental to the health of persons on or near the premises where the conditions exist.
- (4) Overcrowding of a room with occupants in violation of this chapter.

- (5) Insufficient ventilation or illumination in violation of this chapter.
- (6) Inadequate or unsanitary sewage or plumbing facilities in violation of this chapter.
- (7) Unsanitary conditions or anything offensive to the senses or dangerous to health, in violation of this chapter.
- (8) Whatever renders air, food or drink unwholesome or detrimental to the health of human beings.
- (9) Fire hazards.

OCCUPANT — Any person living, sleeping or having actual possession of a dwelling unit or rooming unit.

OPERATOR — Any person who has charge, care or control of a dwelling or premises, or a part thereof, whether with or without the knowledge and consent of the owner.

OWNER — Any person who, alone or jointly or severally with others, shall have legal or equitable title to any premises, with or without accompanying actual possession thereof, or shall have charge, care or control of any dwelling unit, as owner or agent of the owner or as fiduciary, including but not limited to executor, executrix, administrator, administratrix, trustee, receiver or guardian of the estate, or as a mortgagee in possession, regardless of how such possession was obtained. Any person who is a lessee subletting or reassigning any part or all of any dwelling or dwelling unit shall be deemed a co-owner with the lessor and shall have joint responsibility over the portion of the premises sublet or assigned by said lessee.

OWNER OCCUPIED — Any person living, sleeping or having actual possession of a dwelling who, alone, jointly or severally with others, has legal or equitable title to said premises.

PERSON REQUIRING SPECIAL CARE — Any person who does not suffer from such physical or mental incapacity as to be classified as a disabled person but, by reason of physical or mental limitations or advanced years, does require a limited degree of care and attention to assure personal safety at all times.

PLUMBING — All of the following supplies, facilities and equipment: gas pipes, gas-burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes-washing machines, catch basins, vents and any other similar supplied fixtures, together with all connections to water, sewer or gas lines, and water pipes and lines utilized in conjunction with air-conditioning equipment.

PREMISES — A lot, plot or parcel of land, including the building or structures thereon.

PUBLIC OFFICER — The Chief Building Inspector of the Township of Verona, or such other person as the Township Council may specifically designate, and such other officials as the "Public Officer" may designate to act in his behalf.

REFUSE — All putrescible and nonputrescible solid wastes, except body wastes, including but not limited to garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles and solid market and industrial wastes. (See also "garbage" and "rubbish.")

REGISTERED MAIL — Registered mail or certified mail.

ROOM — Space in an enclosed building, or space set apart by a partition or partitions, and any space in a building used or intended to be used as a bedroom, dining room, living room, kitchen, sewing room, library, den, music room, dressing room, enclosed sleeping porch, sun room, party room, recreation room, breakfast room, study, storage room and similar uses.

ROOMING UNIT — Any room or group of rooms forming a single habitable unit other than a dwelling unit, which is rented or available for rent for sleeping purposes, with or without cooking facilities.

RUBBISH — Nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials. (Also see "garbage" and "refuse.")

SANITARY SEWER — Any sanitary sewer owned, operated and maintained by the Township of Verona and available for public use for the disposal of sewage.

SEWAGE — Waste from a flush toilet, bathtub, sink, lavatory, dishwashing or laundry machine, or the watercarried waste from any other fixture or equipment or machine.

SINGLE-FAMILY DWELLING — A detached residential dwelling designed for and occupied by one family only.

STORY — That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished ceiling level directly above a basement or cellar is more than six feet above grade, such basement or cellar shall be considered a "story."

STRUCTURE — Combination of any materials, whether fixed or portable, forming a construction, including buildings.

SUPERFICIAL FLOOR AREA — See "floor area, superficial."

VENTILATION — Supply and removal of air to and from any space by natural or mechanical means.

VENTILATION, MECHANICAL — Ventilation by power-driven devices.

VENTILATION, NATURAL — Ventilation by opening to outer air through windows, skylights, door, louvers or stacks, with or without wind-driven devices.

WASHROOMS — Enclosed space containing one or more bathtubs, showers or both, which shall also include toilets, lavatories or fixtures serving similar purposes.

WATER CLOSET COMPARTMENT — Enclosed space containing one or more toilets, which may also contain one or more lavatories, urinals and other plumbing fixtures.

WEATHERING — Deterioration, decay or damage caused by exposure to the elements.

- B. Word usage. Whenever the words "accessory structure," "building," "dwelling," "dwelling unit," "establishment subject to licensing," "habitable room," "independent

rooming unit," "nursing home," "room," "rooming unit," "premises" or "structure" are used in this chapter, they shall be construed, unless expressly stated to the contrary, to include the plurals of these words and as if they were followed by the words "or any part thereof." The word "shall" shall be applied retroactively as well as prospectively.

§ 390-3. Applicability; prevalence of higher standards; compliance.

- A. Applicable to all buildings. Every residential and nonresidential building and the premises on which it is situated in the Township, used or intended to be used for dwelling, commercial, business or industrial occupancy, shall comply with the provisions of this chapter, whether or not such building shall have been constructed, altered or repaired before or after the enactment of this chapter and irrespective of any permits or licenses which shall have been issued for the use or occupancy of the building or for the installation or repair of equipment or facilities prior to the effective date of this chapter. This chapter establishes minimum standards for the initial and continued occupancy and use of all such buildings and does not replace or modify standards otherwise established for the construction, repair, alteration or use of the building, equipment or facilities contained therein, except as provided in Subsection B hereinafter. Where there is a mixed occupancy, any residential or nonresidential use therein shall be nevertheless regulated by and subject to the provisions of this chapter.
- B. Higher standard to prevail in case of conflict with other law or ordinances. In any case where the provisions of this chapter impose a higher standard than set forth in any ordinances of the Township or under the laws of the State of New Jersey, then the standards as set forth herein shall prevail, but if the provisions of this chapter impose a lower standard than any ordinances of the Township or of the laws of the State of New Jersey, then the higher standard contained in any such ordinance or law shall prevail.
- C. Issuance and renewal of other permits and licenses. After the date of enactment hereof, all licenses and permits shall be issued upon compliance with this chapter as well as compliance with the ordinances under which such licenses and permits are granted.
- D. Enforcement of and compliance with other ordinances. No license or permit or other certification of compliance with this chapter shall constitute a defense against any violation of any ordinance of the Township applicable to any structure or premises, nor shall any provision herein relieve any owner, operator or occupant from complying with any such other provision nor any official of the Township from enforcing any such other provision.
- E. Applicability to one-family residences. The provisions of Article IV of this chapter regulating standards for the maintenance of interior premises shall not apply to one-family residences. **[Amended 3-7-1988 by Ord. No. 3-88]**

ARTICLE II

General Operation and Occupancy Responsibilities**§ 390-4. General responsibilities.**

- A. Owner and operator. Owners and operators shall have all the duties and responsibilities as prescribed in this chapter, and no owner or operator shall be relieved from any such duty and responsibility nor be entitled to defend against any charge of violation thereof by reason of the fact that the occupant is also responsible therefor and in violation thereof.
- B. Occupant. Occupants shall have all the duties and responsibilities as prescribed in § 390-13, and the occupant shall not be relieved from any such duty and responsibility nor be entitled to defend against any charge of violation thereof by reason of the fact that the owner or operator is also responsible therefor and in violation thereof.
- C. Contract not to alter responsibilities. Unless expressly provided to the contrary in this chapter, the respective obligations and responsibilities of the owner and operator on one hand and the occupant on the other shall not be altered or affected by any agreement or contract by and between any of the aforesaid or between them and other parties.
- D. Owner's obligation to maintain same standard of service to tenants. The owner of residential premises shall be obligated to maintain the same standards of service, maintenance, furniture, fixtures, equipment, appliances and conveniences in or on the premises as were provided or required by law or lease at the date the lease was originally entered into or during the term of the tenancy. **[Added 5-7-1984 by Ord. No. 11-84]**

ARTICLE III

Standards for the Maintenance of Exterior Premises**§ 390-5. General maintenance.**

The exterior of the premises and all structures thereon shall be kept free of all nuisances, and any hazards to the safety of occupants, pedestrians and other persons utilizing the premises, and free of unsanitary conditions, and any of the foregoing shall be promptly removed and abated by the owner or operator.

- A. It shall be the duty of the owner or operator to keep the premises free of hazards which include but are not limited to the following:
 - (1) Refuse. Brush, weeds, broken glass, stumps, roots, obnoxious growths, filth, garbage, trash, refuse and debris.
 - (2) Natural growth. Dead and dying trees and limbs or other natural growth which, by reason of rotting or deteriorating conditions or storm damage, constitute a hazard to persons in the vicinity thereof.
 - (3) Overhangings. Loose and overhanging objects and accumulations of ice and snow which, by reason of location above ground level, constitute a danger of falling on persons in the vicinity thereof.

- (4) Ground surface hazards or unsanitary conditions. Holes, excavations, breaks, projections, obstructions, ice conditions, uncleared snow and excretion of pets and other animals on paths, walks, driveways, parking lots and parking areas and other parts of the premises which are accessible to and used by persons on the premises. All such holes and excavations shall be filled and repaired, walks and steps replaced and other conditions removed where necessary to eliminate hazards or unsanitary conditions with reasonable dispatch upon their discovery; provided, however, that the portion of this section dealing with uncleared snow or ice does not apply to owner-occupied one-family residences.
 - (5) Recurring accumulations of stormwater. Adequate runoff drains shall be provided and maintained to eliminate any such recurrent or excessive accumulation of stormwater.
 - (6) Sources of infestation. Premises shall be kept free of sources of infestation.
 - (7) Foundation walls. Foundation walls shall be kept structurally sound, free from defects and damage and capable of bearing imposed loads safely.
 - (8) Chimneys and all flue and vent attachments thereto. Chimneys and all flue and vent attachments thereto shall be maintained structurally sound, free from defects and so maintained as to capably perform at all times the functions for which they were designed. Chimneys, flues, gas vents or other draft-producing equipment shall provide sufficient draft to develop the rated output, of the connected equipment, shall be structurally safe, durable, smoke-tight and capable of withstanding the action of flue gases.
 - (9) Exterior porches, landings, balconies, stairs and fire escapes. Exterior porches, landings, balconies, stairs and fire escapes shall be provided with banisters or railings where needed properly designed and maintained to minimize the hazard of fallings, and the same shall be kept structurally sound, in good repair and free from defects.
- B. Sand or salt container accessible to tenants. Every owner shall be required to provide and make accessible to tenants a container of or salt or sand for use on steps and walkways leading to dwelling units during snow or ice conditions. Nothing in this subsection shall be construed to relieve any owner or operator of any responsibility under Subsection A(4) of this section. **[Added 5-7-1984 by Ord. No. 11-84]**
- C. Adequate containers for garbage and refuse. On all residential premises, the owner shall provide and maintain adequate containers for garbage and refuse. On nonresidential premises, the owner, operator or tenant shall be required to maintain adequate containers for garbage and refuse. "Adequate containers" shall mean containers of sufficient size and number so as to contain the garbage and refuse accumulated by all occupants or tenants in the premises, pending collection on a regular basis, so that the premises will at all times be maintained in accordance with this chapter. Nothing in this subsection shall be construed to relieve any owner or operator of any duty imposed by § 390-5. **[Added 5-7-1984 by Ord. No. 11-84]**

§ 390-6. Appearance.

- A. Residential. The exterior of the premises, the exterior of dwelling structures and the condition of accessory structures shall be maintained so that the appearance of the premises and all buildings thereon shall reflect a level of maintenance in keeping with the residential standards of the neighborhood and such that the appearance of the premises and structures shall not constitute a blighting factor for adjoining property owners nor an element leading to the progressive deterioration and downgrading of the neighborhood with the accompanying diminution of property values, including the following:
- (1) Storage of commercial and industrial material. There shall not be stored or used at a location visible from the sidewalk, street or other public areas, equipment and materials relating to commercial or industrial uses.
 - (2) Landscaping. Premises shall be kept landscaped, and lawns, hedges and bushes shall be kept trimmed and kept from becoming overgrown and unsightly where exposed to public view and where the same constitute a blighting factor depreciating adjoining property and impairing the good residential character of the neighborhood. The exterior of all premises shall be kept free of all dead and dying trees and limbs or other natural growth which, by reason of rotting or deteriorating conditions or storm damage, constitutes a hazard to persons in the vicinity thereof. Trees shall be kept pruned and trimmed to prevent such conditions.
 - (3) Signs. All signs permitted by reason of other regulations or as a lawful nonconforming use shall be maintained in good repair, and printed matter, pictures or illustrations contained thereon shall be completely maintained or, when no longer in use, completely removed.
 - (4) General maintenance. The exterior of every structure or accessory structure, including fences, shall be maintained in good repair, and all surfaces thereof shall be kept painted or whitewashed where necessary for purposes of preservation and appearance. The same shall be maintained free of broken glass, loose shingles, crumbling stone or brick, excessive peeling paint or other condition reflective of deterioration or inadequate maintenance to the end that the property itself may be preserved, safety and fire hazards eliminated and adjoining properties and the neighborhood protected from blighting influences.
 - (5) Front yard parking. No person shall park, stop or stand any motor vehicle, boat or trailer, or permit or suffer the same to be done, in any front yard area of premises occupied by a dwelling, except on driveways and parking areas constructed and installed in compliance with applicable Township ordinances.
- B. Nonresidential. The exterior of the premises and the condition of accessory structures shall be maintained so that the appearance of the premises and all buildings thereon shall reflect a level of maintenance in keeping with the standards of the neighborhood or such higher standards as may be adopted by the Township of Verona and such that the appearance of the premises and structures shall not constitute a blighting factor for adjoining property owners nor an element leading to the progressive deterioration and

downgrading of the neighborhood with the accompanying diminution of property values, including the following:

- (1) Landscaping. Premises shall be kept landscaped, and lawns, hedges and bushes shall be kept trimmed and from becoming overgrown and unsightly where exposed to public view and where the same constitute a blighting factor depreciating adjoining property and impairing the good residential character of the neighborhood. The exterior of all premises shall be kept free of all dead and dying trees and limbs or other natural growth which, by reason of rotting or deteriorating conditions or storm damage, constitutes a hazard to persons in the vicinity thereof. Trees shall be kept pruned and trimmed to prevent such conditions.
- (2) Signs and billboards. All permanent signs and billboards exposed to public view permitted by reason of other regulations as a lawful nonconforming use shall be maintained in good repair. Any signs which have excessively weathered or faded or those upon which the paint has excessively peeled or cracked shall, with their supporting members, be removed forthwith or put into a good state of repair. All nonoperative or broken electrical signs shall be repaired or shall, with their supporting members, be removed forthwith.
- (3) Windows. All windows exposed to public view shall be kept clean and free of marks or foreign substances except when necessary in the course of changing displays. No storage of materials, stock or inventory shall be permitted in window display areas or other areas ordinarily exposed to public view unless said areas are first screened from the public view by drapes, venetian blinds or other permanent rendering of the windows opaque to the public view. All screening of interiors shall be maintained in clean and attractive manner and in a good state of repair.
- (4) Storefronts. All storefronts shall be kept in good repair and painted where required and shall not constitute a safety hazard or nuisance. In the event repairs to a storefront become necessary, such repairs shall be made with the same or similar materials used in the construction of the storefront in such a manner as to permanently repair the damaged area or areas. Any cornice visible above a storefront shall be kept painted, where required, and in good repair.
- (5) Removal of signs or advertising.
 - (a) Except for "for rent" signs, any temporary sign or other paper advertising material glued or otherwise attached to a window or windows or otherwise exposed to public view shall be removed at the expiration of the event or sale for which it is erected or within six months after erection, whichever shall occur sooner.
 - (b) Except during the course of repairs or alterations, no more than 50% of the square footage of any single window or single window display area shall be devoted to signs or other temporary advertising material attached to said window or windows or otherwise exposed to public view.
- (6) Awnings and marquees. Any awning or marquee and its accompanying structural members which extend over any street, sidewalk or other portion of the premises

shall be maintained in good repair and shall not constitute a nuisance or a safety hazard. In the event that such awnings or marquees are not properly maintained in accordance with the foregoing, they shall, together with their supporting members, be removed forthwith. In the event that said awnings or marquees are made of cloth, plastic, or of similar materials, said cloth or plastic where exposed to public view shall be maintained in good condition and shall not show evidence of excessive weathering, discoloration, ripping, tearing, or other holes. Nothing herein shall be construed to authorize any encroachment on streets, sidewalks or other parts of the public domain.

§ 390-7. Structural soundness.

- A. Residential. Every dwelling and accessory structure and every part thereof shall be kept structurally sound and in a state of good repair to avoid safety, health or fire hazards, including:
- (1) Exterior walls, sidings and roofs. Exterior walls, sidings and roofs shall be kept structurally sound, in good repair and free from defects.
 - (2) Painting and other protective coating. All exposed surfaces susceptible to decay shall be kept at all times painted or otherwise provided with a protective coating sufficient to prevent deterioration.
 - (3) Weather- and watertightness. Every dwelling shall be so maintained as to be weather- and watertight.
 - (4) Exterior walls, roofs, etc. Exterior walls, roofs, windows, window frames, doors, door frames and foundations shall be so maintained as to keep water from entering the structure and to prevent excessive drafts. Damaged materials must be repaired or replaced promptly. Places showing signs of rot, leakage, deterioration or corrosion are to be restored and protected against weathering or seepage.
- B. Nonresidential. The exterior of every structure or accessory structure, including fences, signs and storefronts, shall be maintained in good repair, and all surfaces thereof shall be kept painted or whitewashed where necessary for purposes of preservation and appearance. All surfaces shall be maintained free of broken glass, loose shingles, crumbling stone or brick, excessive peeling paint or other condition reflective of deterioration or inadequate maintenance to the end that the property itself may be preserved, safety and fire hazards eliminated and adjoining properties and the neighborhood protected from blighting influences.
- (1) Exterior walls, sidings and roofs. Exterior walls, sidings and roofs shall be kept structurally sound, in good repair and free from defects.
 - (2) Painting and other protective coating. All exposed surfaces susceptible to decay shall be kept at all times painted or otherwise provided with a protective coating sufficient to prevent deterioration.
 - (3) Exterior walls, roofs, etc. Exterior walls, roofs, windows, window frames, doors, door frames and foundations shall be so maintained as to keep water from entering the structure and to prevent excessive drafts. Damaged materials must be

repaired or replaced promptly. Places showing signs of rot, leakage, deterioration or corrosion are to be restored and protected against weathering or seepage.

ARTICLE IV

Standards for the Maintenance of Interior Premises

§ 390-8. General maintenance.

A. Residential and nonresidential.

- (1) Basement and cellars. Basements, cellar and crawl spaces are to be free of moisture resulting from seepage, and cross ventilation shall be required where necessary to prevent accumulations of visible moisture and seepage.
- (2) Freedom from infestation. All parts of the premises shall be maintained so as to prevent infestation.
- (3) General sanitation and safety. All parts of the dwelling shall be kept in a clean and sanitary condition, free of nuisances and free from health, safety and fire hazards.
- (4) Freedom from accumulations and obstructions. No accumulation or obstruction from garbage, refuse or rubbish shall be permitted on common stairways, areaways, balconies, porches, hallways, basements or cellars, except that garbage stored in proper containers may be set out for removal within three hours of the time set for pickup of the garbage.
- (5) Floors, interior walls and ceilings. Floors, interior walls and ceilings of every structure shall be structurally sound and maintained in a clean and sanitary condition.
- (6) Floors generally. Floors shall be considered to be structurally sound when capable of safely bearing imposed loads and shall be maintained at all times in a condition so as to be smooth, clean and free from cracks, breaks and other hazards.
- (7) Supplying of screens. Properly fitting screens in good repair shall be supplied for each exterior door and window of each dwelling unit or rooming unit. Such screens shall have a mesh of not less than No. 16. Screens shall not be required in rooms deemed by the Public Officer, pursuant to regulation, to be located sufficiently high to be free of mosquitoes, flies and other undesirable insects or otherwise protected from serving as a means of access for infestation. In establishments subject to licensing and in all buildings where janitor service is required, screens shall be installed and maintained by the owner or operator on all doors and windows from May 1 to October 1 of each year.
- (8) Painting of apartments and halls. It shall be the obligation of the owner to maintain interior walls, ceilings and other exposed surfaces of all apartment dwelling units and hallways used in common by tenants and to keep such surfaces smooth, clean, free from flaking, loose or peeling paint, plaster or paper and capable of being maintained free from visible foreign matter and vermin and

in a sanitary condition. If and when necessary to accomplish the foregoing or any part thereof, the owner shall spackle, paint, paper or otherwise provide such interior surfaces with a protective coating appropriate for the surface material, and this shall be done at least once every three years unless it is clearly unnecessary. Painting or other provision of a protective coating shall be the responsibility of the tenant or occupant, and not the owner, when required more frequently than once every three years as a result of the acts or omissions of the occupant or tenant, a member of his family or household or his guest. **[Added 9-7-1976 by Ord. No. 13-76; amended 5-7-1984 by Ord. No. 11-84]**

B. Nonresidential.

- (1) Bathrooms and washroom and water closet compartments. Washroom and water closet compartment floors shall be surfaced with water-resistant material and shall be kept in a dry, clean and sanitary condition at all times.
- (2) Cellar and basement floors. Floors of basements and cellars shall be paved with stone or concrete not less than four inches thick and shall be maintained at all times in a condition so as to be smooth, clean, free from breaks and other hazards.
- (3) Supporting structural members. Supporting structural members are to be kept structurally sound, free from deterioration and capable of bearing imposed loads safely.
- (4) Walls and ceilings generally. Walls and ceilings shall be considered to be in good repair when clean, free from breaks, loose plaster and similar conditions. Walls shall be provided with paint, paper, sealing material or other protective covering so that said walls and ceilings shall be kept clean, free of visible foreign matter, sanitary and well maintained at all times.
- (5) Stairs and railings. Interior stairs of every structure shall be structurally sound and free from defects. Handrailings or banisters shall be provided for all stairs, balconies, fire escapes and stairwells, and the handrails or banisters shall be securely attached, maintained free from defects and shall be of sufficient height to guard against accidents and to be appropriate for use by persons of normal height utilizing the stairway. Stairs shall be adequately lighted in all places with control switches operable from each story to permit safe use at night for persons ascending or descending, except in establishments subject to licensing or where janitorial service is provided and artificial lighting for hallways and common areaways is supplied in accordance with state law from a master control switch.

§ 390-9. Garbage, rubbish and refuse.⁵

A. Residential.

- (1) Garbage container to be supplied for each occupant. Each dwelling unit containing cooking facilities shall be provided with a watertight noncombustible

5. Editor's Note: For information on disposal within the Township, see Ch. 446, Solid Waste and Recycling.

container with a tight-fitting lid for the temporary storage of rubbish, garbage and other refuse.

- (2) Responsibility for removal. The owner or operator shall have the duty and responsibility of removing garbage, wherever a janitor is required for the premises, to the area designated for the collection of same.
- (3) Accumulating refuse and nonfireproof storage prohibited. Storage bins, rooms and areas shall not be used for accumulated garbage or refuse; provided, however, that enclosed spaces or rooms in the interior of the dwellings which are used exclusively as garbage collection points, equipped with garbage containers complying with Subsection A(1) above, from which room or space containers are removed by the janitor at least once daily, shall not be prohibited. Flammable or combustible liquids or other materials may not be stored on the premises unless they are of a type approved for storage by the regulations of the Fire Department, and then only in such quantities and in such fireproof storage containers as may be prescribed by the regulations.
- (4) Storage areas. In dwellings containing four or more dwelling units, storage areas or storage bins shall be of fireproof construction and contain fireproof walls and partitions of at least two hours' rating and, in addition thereto, shall have self-closing fireproof doors. Excessive accumulations of combustible materials are prohibited, and the responsibility for removal thereof shall be with the owner and operator of the premises as well as the occupant to whom said materials may belong. Where storage areas or storage bins are available to more than one tenant, the area shall be numbered or otherwise identified, and a list of the names of the tenants utilizing each such area or bin shall be kept at all times available for examination by the Public Officer in the office of the person in charge of the premises. The provisions governing this section shall be supplemented by regulations to be prepared jointly by the Public Officer and Fire Chief, as well as appropriate enforcement procedures which will include notification to the superintendents and tenants of apartment buildings which may be affected thereby.
- (5) Janitorial service. In every dwelling containing six or more dwelling units or rooming units, or combination thereof, the owner shall provide or designate a superintendent, janitor, caretaker or housekeeper who shall, at all times, maintain the premises in compliance with this chapter and keep the premises free from filth, garbage, refuse and rubbish and who shall be responsible for the daily collection of garbage and other refuse from the occupants on a regular schedule and at a reasonable time and place same out for collection in accordance with current provisions of the Township of Verona. Said person shall be regularly available on the premises to perform the foregoing duties. **[Amended 8-17-1981 by Ord. No. 6-81]**
- (6) In the event said superintendent, janitor, caretaker or housekeeper shall not reside in said premises, the owner or operator shall make his name, address and telephone number known to all tenants and shall register same with the Public Officer and shall also make available and known to all tenants and the Public

Officer the name of an alternative individual who shall be responsible during the absence of said superintendent, janitor, caretaker or housekeeper.

- (7) In any premises containing 35 or more dwelling units, rooming units or combination thereof, said superintendent, janitor, caretaker or housekeeper shall reside on the premises. In any premises containing 70 or more dwelling units, rooming units or combination thereof, said superintendent, janitor, caretaker or housekeeper shall be a full-time employee. Where more than one building on adjoining premises or premises in near proximity to each other are in common ownership or under common management or maintenance supervision, the requirements contained herein shall apply separately to each building unless the owner or manager thereof can demonstrate to the satisfaction of the Public Officer that proper operation of the premises and provision of all essential services and facilities as required under Township legislation can be provided by a resident superintendent, janitor, caretaker or housekeeper of one building who shall assume responsibility for the other building or buildings adjoining or in near proximity to his place of residence.
- (8) Said superintendent, janitor, caretaker or housekeeper shall have sufficient knowledge, competence and responsibility and shall have authority from the owner or operator to attend to or arrange for continual operation of all essential services and facilities required under this chapter. Where violations arise under this chapter and, by reason of same, the Public Officer is doubtful of the qualifications, competence and sense of responsibility of any superintendent, janitor, caretaker or housekeeper, he shall provide notice to the owner or operator and to the superintendent, janitor, caretaker or housekeeper and thereafter shall provide an oral and written examination or hearing to determine the qualifications, competence and sense of responsibility of said superintendent, janitor, caretaker or housekeeper. In the event the Public Officer shall find such person is not capable or competent to regularly perform the duties required by this chapter, said Public Officer shall order the owner or operator to provide that a suitable person be placed in charge and be responsible for said premises.
- (9) The failure of any superintendent, janitor, caretaker or housekeeper to comply with the provisions of this chapter, even in disobedience of instructions, shall not relieve the owner or operator from the duties and responsibilities imposed by this chapter.

B. Nonresidential.

- (1) The owner or operator shall have the duty and responsibility of removing garbage.
- (2) Storage bins, rooms and areas shall not be used for accumulated garbage or refuse, and flammable or combustible liquids or other materials may not be stored on the premises unless they are of a type approved for storage by the regulations of the Fire Department, and then only in such quantities and in such fireproof storage containers as may be prescribed by the regulations.

§ 390-10. Utilities, water and plumbing.**A. Residential.**

- (1) Adequate supply of Township water. Every facility using running water for domestic purposes within any building shall be connected to the public water supply system of the Township. The water system shall be maintained in good and operable condition at all times so that sufficient and positive pressure shall be available at all installed hot- and cold-water faucets.
- (2) Hot and cold water. Every kitchen sink, lavatory or basin, tub or shower, as required under this chapter, shall be connected to both the hot- and cold-water lines. There shall be sufficient and adequate equipment maintained in good working condition to supply water at a minimum temperature of 110° F. at all times to each hot-water outlet.
- (3) Facilities required in bathroom. Every bathroom required hereunder shall be provided with a flush toilet, connected to the cold-water line, and a shower or tub and a washbasin connected to running water as set forth in Subsection A(1) above. Bathrooms shall also be provided with adequate light and ventilation as more particularly set forth in Subsection A(19) of this section.
- (4) Maintenance of plumbing facilities. Every facility required under Subsection A(1), (2) and (3) above shall be maintained in a sanitary condition, free from defects and in operating condition at all times. Where said facility or plumbing fixtures shall be clogged, shall overflow or shall otherwise necessitate repair, such repairs shall be performed forthwith.
- (5) Connection to sanitary sewer. All plumbing fixtures shall be connected to the sanitary sewer through lines which are free of leaks, corrosion or deterioration and which provide unobstructed passage from the plumbing facilities within the dwelling to the sanitary sewer.
- (6) Bathroom requirements for dwelling units. Every dwelling unit shall contain a bathroom which shall be located entirely within that unit and which shall be completely enclosed, containing the facilities as set forth in § 390-12B(2)(a) in a room which affords privacy to the occupants thereof.
- (7) Bathroom requirements for independent rooming units. There shall be a bathroom meeting the same requirements as set forth in Subsection A(6) above, which bathroom shall be directly accessible to a common hallway or areaway which is either on the same floor as, or is one floor above or below, all rooming units it is designed to serve and which hallway is directly accessible to the occupants of all such rooming units without passing through any other dwelling unit or rooming unit. The number of bathrooms required for persons who do or may occupy the rooming units shall be as follows:

Number Bathrooms	Occupants to be Accommodated
1	1 to 8
2	9 to 16

Number Bathrooms	Occupants to be Accommodated
3	17 to 24
4	25 to 30

- (8) Heating facilities and duty to supply heat. Every dwelling unit shall contain heating facilities of sufficient capacity to maintain a minimum inside temperature of 68° F. in all habitable rooms, bathrooms and water closet compartments, measurable 36 inches above the floor at the center of any such room or compartment when the outside temperature is 0° F. Where the facilities are found to be of inadequate size or capacity to accomplish the foregoing, then the owner or operator shall, at the direction of the Public Officer, either increase the capacity of the heating system or close off habitable space so that the standard, as established herein, shall be met, provided that such space can be removed as habitable space without creating a violation of the standards established by this chapter.
- (9) Storage of fuels. Fuel for operation of the heating equipment shall be stored outside the premises, unless stored in the interior pursuant to regulations of the Fire Department.
- (10) Conversions prohibited during winter. No heating units shall be converted in any dwelling or part thereof between October 1 and May 1 where there are occupants other than the owner or operator dependent on heat from the unit, without written consent of all such occupants, but nothing herein shall be construed as preventing emergency alterations or repairs.
- (11) Side-arm gas water heaters. On and after the effective date of this chapter, no new or used side-arm gas water heaters shall be installed. Existing side-arm gas water heaters shall only be permitted where they are installed in separate, enclosed and ventilated spaces which are not part of the normal living area of a dwelling unit or rooming unit.
- (12) Installation and maintenance of heating facilities. Heating equipment shall be installed in a manner which will avoid dangerous concentration of fumes and gases. Heating equipment shall not be forced to operate beyond the safe capacity for which it is designed. Where necessary, exposed heating risers, heating ducts and hot-water lines shall be covered with an insulating material or guard. The heating facilities and all parts thereof shall be kept in good operating condition, free from defects, corrosion and deterioration at all times.
- (13) Requirements for providing heat from September 15 to June 1. From September 15 of each year to June 1 of the next succeeding year, every unit of dwelling space and every habitable room therein shall be maintained at a temperature of at least 68° F. during the hours of between 6:00 a.m. and 11:00 p.m. and at least 65° F. between the hours of 11:00 p.m. and 6:00 a.m. These provisions are enforceable by and through the Public Officer with penalties as set forth within

the Property Maintenance Code of the Township of Verona.⁶ **[Amended 5-7-1984 by Ord. No. 11-84; 9-17-2009 by Ord. No. 10-09]**

- (14) Multifamily dwellings. The heating requirements for every multifamily dwelling unit of nine stories or more therein shall be maintained in accordance with the requirements and standards set by the New Jersey Administrative Code. **[Added 9-17-2009 by Ord. No. 10-09; amended 1-22-2018 by Ord. No. 2018-03]**
- (15) Where owner not required to supply heat. Any owner or operator who has an express contractual arrangement with an occupant under which the occupant undertakes to supply his own heat through facilities under the occupant's exclusive control shall be excepted for the requirements to supply heat hereunder.
- (16) Duty to maintain equipment. Notwithstanding a contract by the occupant to supply his own heat as provided herein, where the heating unit is installed by or owned by the owner or operator, then the duty to maintain same in operable and functioning condition as provided herein shall remain the duty of the owner or operator.
- (17) Presumption against contract by occupant to supply own heat. The presence of heating outlets, radiators, risers and returns in any hall or dwelling unit or rooming unit shall constitute a presumption that the owner is to supply heat as required hereunder, and, in the absence of clear and convincing proof to the contrary, this presumption shall control.
- (18) Where occupant required to supply heat as owner. As set forth in Subsection A(16) above, occupants who undertake to supply heat to dwelling units or rooming units other than their own shall be responsible as owners hereunder to the occupants of such dwelling units or rooming units.
- (19) Bathrooms and water closet compartments. Every bathroom and water closet compartment shall be adequately ventilated with openable window area totaling 1 1/2 square feet or by comparable mechanical ventilation.

B. Nonresidential.

- (1) Adequate supply of running water. Every facility using running water for purposes within any building shall be connected to the public water supply system of the Township. The water system shall be maintained in good and operable condition at all times so that sufficient and positive pressure shall be available at all installed hot- and cold-water faucets.
- (2) Hot and cold water. Every kitchen sink, lavatory or basin, tub or shower, as required under this chapter, shall be connected to both the hot- and cold-water lines. There shall be sufficient and adequate equipment maintained in good working condition to supply water at a minimum temperature of 110° F. at all times to each hot water outlet; provided, however, that in those establishments, such as restaurants, where sterilization may be necessary, the minimum

6. Editor's Note: Former § 107-10A(14) of the 1981 Code, During the entire day, which previously followed this subsection, was repealed 5-7-1984 by Ord. No. 11-84.

temperature should be 180° F. at all times to each hot-water outlet used for sterilization purposes.

- (3) Facilities required in bathroom. Every bathroom required hereunder shall be provided with a flush toilet connected to the cold-water line, a washbasin connected to running water as set forth in Subsection A(1) of this section and such other reasonable facilities necessary for the proper utilization of the bathroom. Bathrooms shall also be provided with adequate light and ventilation as more particularly set forth in Subsection A(19) above.
- (4) Maintenance of plumbing facilities. Every facility required under Subsections A(1), (2) and (3) of this section shall be maintained in a sanitary condition, free from defects and in operating condition at all times. Where said facility or plumbing fixtures shall be clogged, overflow or otherwise necessitate repair, such repairs shall be performed forthwith.
- (5) Connection to sanitary sewer. All plumbing fixtures shall be connected to the sanitary sewer through lines which are free of leaks, corrosion or deterioration and shall provide unobstructed passage from the plumbing facilities within the dwelling to the sanitary sewer.
- (6) Storage of fuels. Fuel for operation of the heating equipment shall be stored outside the premises, unless stored in the interior pursuant to regulations of the Fire Department.
- (7) Installation and maintenance of heating facilities. Heating equipment shall be installed in a manner which will avoid dangerous concentration of fumes and gases. Heating equipment shall not be forced to operate beyond the safe capacity for which it is designed. Where necessary, exposed heating risers, heating ducts and hot-water lines shall be covered with 1/2 inch of insulating material or guard. The heating facilities and all parts thereof shall be kept in good operating condition and free from defects, corrosion and deterioration at all times.

§ 390-11. Lighting and electrical facilities.

A. Residential.

- (1) Electrical service generally. Electrical power through safely insulated cables conforming to the National Electrical Code and National Electrical Safety Code shall be supplied to all dwelling units and rooming units used or available for human habitation.
- (2) Electrical outlets in habitable rooms. Every habitable room shall be equipped with a permanently installed electrical outlet or outlets sufficient to provide lighting and power and permit the installation of or use of electric lights sufficient to meet the reasonable lighting requirements for normal use of the room and other electrical equipment normally expected to be used in said room.
- (3) Lighting of bathrooms, washrooms and water closet compartments. Every bathroom and water closet compartment shall be provided with permanently installed artificial lighting fixtures with a switch and wall plate so located and

maintained that there is no danger of short circuiting from water from other bathroom facilities or from the splashing of water.

- (4) Lighting of common spaces other than habitable rooms, bathrooms and water closet compartments. **[Amended 5-7-1984 by Ord. No. 11-84]**
 - (a) Lighting of hallways, stairways, landings and other spaces used by occupants in common as a normal means of passage shall be sufficient to provide at least five footcandles, measured in the darkest portion.
 - (b) Every cellar, basement, work space and other part of the structure used occasionally and incidentally by the occupants shall be provided with artificial lighting available at all times so that there shall be at least three footcandles, measured in the darkest portion trafficked by occupants. The means of ingress and egress used by the occupants shall be provided with adequate lighting so that there shall be at least five footcandles, measured in the darkest portion trafficked by the occupants.
 - (c) Every garage or other accessory structure utilized by occupants after dark shall be equipped with artificial lighting. Lighting may be operated manually, in lieu of continual night lighting. Manually operated lighting shall be operable from a switch located near the point of ingress of the space to be lighted.
 - (d) Exterior parking areas, pedestrian walkways or other portions of the premises subject to regular and recurrent use by occupants at night shall be illuminated continually from 1/2 hour before sunset to 1/2 hour after sunrise, unless the lighting is connected to a dusk-to-dawn photoelectric device to enable safe passage of persons of normal vision.
- (5) Loose or exposed wiring. Except as hereinafter stated, all wiring or cables shall be properly affixed or attached to the structure. Insulation shall be provided for all wiring and cables and kept in good repair, and no ceiling or wall fixtures shall be used for supplying power to equipment other than that for which they are designed. Exposed nonmetallic extensions shall conform to the National Electrical Code.
- (6) Replacement of light bulbs. All required lighting fixtures shall be supplied at all times with functioning light bulbs of sufficient wattage to supply the footcandle requirements of this chapter.
- (7) Fuses and protective devices, Maximum fuse sizes consistent with safety shall be posted conspicuously on the inside cover of all fuse boxes, and no fuse shall be installed therein in excess of the stated maximum, except that owners shall not be responsible for violation in fuse installations without their knowledge where the correct maximum is stated and the fuse box is located within a dwelling unit or rooming unit in the exclusive possession of occupants other than the owner. All circuit breakers or other devices installed in lighting or power panels shall conform to requirements of the National Electrical Code.
- (8) Overloading of circuits. Overloading of circuits is prohibited. Where the Public Officer finds after notice and hearing that, by reason the appliances and fixtures,

there is continuing overloading of an electrical line creating a hazard, the owner shall be required to install a line of sufficient capacity to absorb the load to which the line is subjected or otherwise eliminate the conditions causing the overload. For purposes of this section, the Public Officer may consider the peak seasonal load to which the line is subjected.

- (9) Suspension of services and utilities. No owner, operator or occupant shall cause any service, facility, equipment or utility which is required to be supplied by the provisions of this chapter to be removed from or discontinued for an occupied dwelling unit or rooming unit, except for necessary repairs, alterations or emergencies or for such other reason as may be permitted pursuant to those sections of Township ordinances applicable to such service, facility, equipment or utility.

B. Nonresidential.

- (1) Electric power generally. Electric power through safely insulated conduits conforming to the National Electrical Code shall be supplied to nonresidential buildings regularly utilized for business, industrial, commercial or institutional work and all garages.
- (2) Lighting of bathrooms, washrooms and water closet compartments. Every washroom and water closet compartment shall be provided with permanently installed artificial lighting fixtures with a switch and wall plate so located and maintained that there is no danger of short circuiting from water from other washroom facilities or from the splashing of water.
- (3) Nonresidential buildings. All nonresidential buildings required to have electric service under Subsection A(1) of this section shall also be provided with artificial lighting installations and fixtures conforming to the requirements contained in Subsection B(1) above. All such fixtures shall be operable from a switch located near the point of ingress to the interior of the space lighted. All portions of the premises which are regularly utilized for work and activities shall be illuminated by at least five footcandles measured in the darkest portions thereof, and all other portions regularly traversed by occupants of the premises shall be illuminated by at least three footcandles measured in the darkest portions thereof.
- (4) Maintenance of electrical and lighting facilities; loose or exposed wiring. Except as hereinafter stated, all wiring or cables shall be properly affixed or attached to the structure. Insulation shall be provided for all wiring and cables and kept in good repair. No loose cords or loose extension lines in excess of six feet in length shall be permitted, and no ceiling or wall fixtures shall be used for supplying power to equipment other than that for which they are designed.
- (5) Replacement of light bulbs. All required lighting fixtures shall be supplied at all times with functioning light bulbs of sufficient wattage to supply the footcandle requirements of this chapter.
- (6) Fuse requirements; prohibition against overloading circuits; fuses and protective devices. Maximum fuse sizes consistent with safety shall be posted conspicuously on the inside cover of all fuse boxes, and no fuse shall be installed therein in excess of the stated maximum, except that owners shall not be responsible for

violation in fuse installation without their knowledge where the correct maximum is stated and the fuse box is located within any part of the premises which is in the exclusive possession of occupants other than the owner. All circuit breakers or other protective devices installed in lighting or power panels shall conform to requirements of the National Electrical Code.

- (7) Overloading of circuits. Overloading of circuits is prohibited. Where the Public Officer finds, after notice and hearing, that by reason of the appliances and fixtures there is continuing overloading of an electrical line creating a hazard, the owner shall be required to install a line of sufficient capacity to absorb the load to which the line is subjected or otherwise eliminate the conditions causing the overload. For purposes of this section, the Public Officer may consider the peak seasonal load to which the line is subjected.
- (8) Suspension of services and utilities. No owner, operator or occupant shall cause any service, facility, equipment or utility which is required to be supplied by the provisions of this chapter to be removed from or discontinued, except for necessary repairs, alterations or emergencies or for such other reason as may be permitted pursuant to those sections of Township ordinances applicable to such service, facility, equipment or utility.

C. Residential and nonresidential. **[Added 8-17-1981 by Ord. No. 13-81]**

- (1) The New Jersey Statutes pertaining to smoke detectors and smoke alarms, P.L. 1979, c. 419, adopted November 12, 1980,⁷ together with all regulations adopted thereto is hereby adopted and incorporated by reference.
- (2) It shall be unlawful for any tenant, occupant, owner or any other person to remove, tamper with, damage, destroy, steal or paint over any smoke detectors, or to do anything to cause such smoke detectors or any of their parts to malfunction or fail to operate.
- (3) The Township officials charged with the duty of enforcing this article shall be the Fire Official, the Construction Code Official, personnel of the Fire Prevention Bureau, personnel of the Construction Code Enforcement Department, and members of the Police Department. **[Amended 3-21-2016 by Ord. No. 4-16]**
- (4) In addition to the enforcement of this article by Township officials, any person may institute and file a complaint in the Municipal Court of the Township of Verona against any person who is found violating any provisions of the article. **[Amended 3-21-2016 by Ord. No. 4-16]**

§ 390-12. Occupancy standards and basic facilities.

A. Occupancy standards.

- (1) Required space in sleeping rooms. Every room utilized for sleeping purposes shall have a minimum superficial floor area of 70 square feet for the initial occupant and 50 square feet of additional superficial floor area for each additional

7. Editor's Note: See N.J.S.A. 55:13A-7.1 and 13A-7.2.

occupant, except that children under one year of age shall not be counted as occupants for the purposes of this section.

(2) Occupancy of basements.

- (a) Basements may be used for human habitation, provided that there is sufficient natural light and ventilation, as more particularly required by § 390-11A, and that natural light and ventilation are not restricted by reason of walls or other obstructions located within six feet of any window required, pursuant to this section.
- (b) There shall be a second means of egress conforming to the requirements of Subsection B(6) of this section.
- (c) All furnaces or other heating facilities shall be so located, insulated and separated from living areas by fireproof partitions or walls necessary pursuant to regulations of the Fire Chief so that same does not constitute an undue hazard to the safety and health of the occupants.
- (d) The dwelling units and all walls and floors thereof shall be free of visible moisture and seepage at all times.

B. Basic facilities.

- (1) Dwelling units. Every dwelling unit shall have a bathroom, containing a toilet, washbasin, bathtub or shower, shall be equipped with private kitchen facilities and shall comply with such other requirements as are set forth elsewhere in this chapter. Where there are more than eight occupants, said unit shall have two bathrooms.
- (2) Independent rooming units.
 - (a) Bathrooms. Bathrooms containing all facilities required under § 390-10B(3) shall be provided for occupants of independent rooming units in accordance with § 390-10A(7).
 - (b) Incidental cooking permitted. No cooking shall be permitted in independent rooming units except incidental cooking where there are minimum sanitary facilities as required under Subsection B(4) hereinafter.
 - (c) Registration for incidental cooking facilities. All such incidental cooking units shall, prior to installation (if installed after the effective date of this chapter), be registered with the Public Officer on forms showing the location of each unit, the nature of the cooking facilities and such other information as the Public Officer may require. Where located as part of an establishment subject to licensing, then said registration shall not be required.
- (3) Single-family dwellings; incidental cooking. Notwithstanding anything to the contrary contained herein, incidental cooking shall be permitted in one room of a single-family dwelling, provided that if, after inspection, the Public Officer shall determine that, by reason of the remoteness of the location of said room or any limitations as to accessibility to the existing means of egress, additional means of

egress are necessary for the safety of the occupants of the premises, then the owner shall provide said additional means of egress or remove the incidental cooking facilities,

- (4) Minimum sanitary facilities for all cooking. No cooking, including incidental cooking, shall be permitted in any independent rooming unit or dwelling unit unless there are minimum sanitary facilities, which facilities shall include:
 - (a) A kitchen sink of nonabsorbent impervious material and a drainboard of appropriate materials, said sink to be connected to the hot- and cold-water lines.
 - (b) A waterproof washable container for garbage disposal equipped with a lid or cover to prevent infestation.
 - (c) Appropriate facilities for storage of food and either gas or electric refrigeration.
 - (d) Means of ventilation sufficient to remove cooking odors to the exterior of the premise.
 - (e) Flooring in compliance with § 390-8A(5) and (6).
- (5) Community cooking facilities. Cooking facilities serving more than one dwelling unit or independent rooming unit or combination thereof shall not be permitted, except that nothing herein shall be construed to prohibit the operation of establishments subject to licensing.
- (6) Where second means of egress is required.
 - (a) Dwelling units. There shall be a second means of egress for all dwelling units (except in single-family dwellings), which dwelling units are located in basements or above the first-story level of any structure.
 - (b) Basement dwelling units. The second means of egress from any basement dwelling unit may be by a second door located independently from the first means of egress and leading directly to the outside of the premises or, in the alternative, a window which shall serve as a means of egress in accordance with Subsection B(6)(c).
 - (c) Window in part of egress. Where a window forms a part of egress from a dwelling unit or from a common hallway or area to be a fire escape, said window shall be located no more than three feet above the floor area and shall provide a minimum opening of two feet by six feet six inches for casement windows or two feet six inches by three feet for double-hung windows. Said windows shall be easy to open for all occupants and shall lead directly to the fire escape or to the immediately adjacent opening outside ground area with a maximum drop of three feet thereto. Screens, storm windows and other barriers to the outside shall be readily opened or removed so as not to form any obstruction to occupants seeking egress in case of emergency.

- (d) Door in path of egress. Any door in the path of egress shall be at least 30 inches in width with a minimum height of four feet, shall open in the direction of exit travel and shall be accessible and free from obstructions from common hallways or areaways.
- (e) Location and number of exits. Where two or more exits are required, each exit shall be as remote as practicable from the other exit or exits. All the exits shall be of such number and so located that the distance of travel from the door of each rooming unit or dwelling unit on each floor shall not exceed 50 feet, except in buildings of fireproof construction or buildings equipped with automatic sprinkler systems throughout, in which buildings the maximum distance of travel from the door of any unit to the nearest exit shall not exceed 100 feet, provided that two of the exits shall be at least 30 feet apart.

§ 390-13. Personal responsibilities of occupants.

- A. Residential. Occupants shall not occupy or continue to occupy premises which are substandard by reason of the failure of the dwelling unit or rooming unit occupied by them, or of the dwelling or premises, to conform to and comply with the requirements of this chapter. **[Amended 5-4-1987 by Ord. No. 8-87]**
 - (1) Cleanliness and sanitation. All parts of the premises under the control of the occupant or operator shall be kept in a clean and sanitary condition, and the occupant shall refrain from performing any acts which would render other parts of the premises unclean or unsanitary or which would obstruct the owner or operator from performing any duty required hereunder or from maintaining the premises in a clean and sanitary condition.
 - (2) Garbage disposal and personal accumulations. Occupants shall place all garbage in the receptacles provided for garbage disposal and shall, where janitor service is not supplied, place for disposal all garbage and other refuse in garbage cans located in the exterior of the premises in an area designated and set forth for the same. Where janitorial service for the removal of garbage and other refuse to the exterior of the premises is provided by the owner or operator, then the occupant shall dispose of garbage and other refuse in containers provided therefor by the owner or operator in designated and enclosed areas in the interior of the premises. Garbage and other refuse shall not be thrown out of windows or down dumbwaiters, nor shall garbage and refuse be set out on stairways or fire escapes or in common hallways. All fire escapes, stairways, common areas and common hallways shall be kept free of accumulations of personal belongings.
 - (3) Dumbwaiters. All dumbwaiters shall be operable at all times where in existence and used as a regular part of the garbage disposal system.
 - (4) Eliminating infestation. Every occupant of a single-family dwelling shall be responsible for the elimination of infestation in the dwelling on the premises. Every occupant of a dwelling unit or rooming unit in a dwelling other than a single-family dwelling shall be responsible for eliminating all conditions causing

infestation which are caused by the occupant and also those conditions which are subject to and under his exclusive control.

- (5) Malicious damage. Every occupant or operator shall be held responsible for willfully or maliciously causing damage to any part of the premises.
- (6) Use of fuel. No occupant shall cause excessive discoloration of the sidewalls or ceilings of any part of the premises by improper use of heating or cooking equipment.
- (7) Supplying of heat to other occupants. Where any occupant undertakes, by contract or as a condition of his letting, to supply his own heat through a furnace or boiler which also heats a dwelling unit or rooming unit occupied by other persons, said occupant shall be responsible for supplying heat in accordance with the provisions of § 390-10A(14) through (19).
- (8) Installation and maintenance of heating equipment. Where any occupant undertakes to install heating equipment, same shall conform to the requirement of § 390-10A(8) through (14). The occupant shall thereafter be responsible for maintaining such equipment installed by him in good repair and operating condition during all times that the heating equipment shall remain under his control.
- (9) Maintenance of plumbing. Every occupant or operator shall maintain all plumbing fixtures used by him in a clean and sanitary condition, and he shall not deposit any material in any fixture or sewer system which would result in stoppage of or damage to the fixture or sewer system.
- (10) Providing notice of defect to owner. Where the owner or operator would not otherwise know of a defect of any facility, utility or equipment required to be furnished hereunder and same is defective or inoperable, each occupant or operator affected thereby shall, upon learning of said defect, provide notice to the owner, operator or other person in charge of the premises. Nothing herein shall be construed to provide a defense to any owner or operator violating this chapter.
- (11) Occupancy of rooming unit or dwelling unit. No occupant shall occupy or permit the occupancy of any rooming unit in violation of the occupancy standards established in § 390-12.
- (12) Cooking only where sanitary facilities exist. No occupant shall cook in any dwelling unit or independent rooming unit except where all required sanitary facilities are installed as required under § 390-12B(4).
- (13) Occupancy of dwelling unit or rooming unit without required facilities. No occupant shall occupy or continue to occupy a dwelling unit or rooming unit that does not have provision for bathroom facilities, as required under § 390-12B(1) through (3).
- (14) Violations by minors. Any adult member of the family shall be responsible and liable for any violation of this subsection caused by minors under their care or custody occupying the same dwelling unit if the violations were created or

permitted to continue with the knowledge or acquiescence or consent of said adult member.

- (15) Access to owner on reasonable notice to tenant. Every occupant of a dwelling space shall give the owner thereof, or his agent or employee, access to any part of the unit of dwelling space, upon reasonable notification, which under normal circumstances will be 24 hours, for the purpose of making such inspection and such repairs or alterations as are necessary to effect compliance with this chapter. In case of safety or structural emergencies, immediate access shall be given to the owner. **[Added 5-7-1984 by Ord. No. 11-84]**

B. Nonresidential.

- (1) Cleanliness and sanitation. All parts of the premises under the control of the occupant or operator shall be kept in a clean and sanitary condition, and the occupant shall refrain from performing any acts which would render other parts of the premises unclean or unsanitary or which would obstruct the owner or operator from performing any duty required hereunder or maintaining the premises in a clean and sanitary condition.
- (2) Garbage disposal and personal accumulations. Occupants shall place all garbage in the receptacles provided for garbage disposal and shall, where janitor service is not supplied, place for disposal all garbage and other refuse in garbage cans located in the exterior of the premises in an area designated and set forth for the same. Where janitorial service for the removal of garbage and other refuse to the exterior of the premises is provided by the owner or operator, then the occupant shall dispose of garbage and other refuse in containers provided therefor by the owner or operator in designated and enclosed areas in the interior of the premises. Garbage and other refuse shall not be thrown out of windows or down dumbwaiters, nor shall garbage and refuse be set out on stairways or fire escapes or in common hallways. All fire escapes, stairways, common areaways and common hallways shall be kept free of accumulations of personal belongings. All dumbwaiters shall be operable at all times where in existence and used as a regular part of the garbage disposal system.
- (3) Eliminating infestation. Every operator shall be responsible for the elimination of infestation in and on the premises subject to his control.
- (4) Use of fuel. No occupant shall cause excessive discoloration of the sidewalls or ceilings of any part of the premises by improper use of heating or cooking equipment.
- (5) Installation and maintenance of heating equipment. Where any occupant undertakes to install heating equipment, the same shall conform to the requirements of § 390-10A(8) through (14). The occupant shall thereafter be responsible for maintaining such equipment installed by him in good repair and operating condition during all times that the heating equipment shall remain under his control.
- (6) Maintenance of plumbing. Every occupant or operator shall maintain all plumbing fixtures used by him in a clean and sanitary condition, and he shall not deposit

any material in any fixture or sewer system which would result in stoppage of or damage to the fixture or sewer system.

- (7) Providing notice of defect to owner. Where the owner or operator would not otherwise know of a defect of any facility, utility or equipment required to be furnished hereunder and the same is defective or inoperable, each occupant or operator affected thereby shall, upon learning of said defect, provide notice to the owner, operator or other person in charge of the premises. Nothing herein shall be construed to provide a defense to any owner or operator violating this chapter.
- (8) Violations by minors. Any adult member of the family shall be responsible and liable for any violation of this subsection caused by minors under their care or custody occupying the same dwelling unit if the violations were created or permitted to continue with the knowledge or acquiescence or consent of said adult member.

ARTICLE V

Unfit Buildings

§ 390-14. Inspection for unfitness.

The Public Officer, on his own or upon the filing of a petition by at least five residents of the Township of Verona charging that a building is unfit for human habitation or use, shall make an inspection of any building believed to be unfit for human habitation or use and shall make a preliminary finding, in accordance with the standards provided herein as to whether or not the premises are unfit for human habitation or use, and, if so, he shall, except where § 390-19 applies, thereupon serve a notice upon the owner, operator or occupant, advising all such parties of the results of his inspection and the basis for his determination.

§ 390-15. Basis for determination of unfitness.

In making a determination of whether a building is unfit for human habitation or use, the Public Officer shall determine whether, by reason of violations of this chapter existing in the building or on the premises, continued occupancy of the building will not endanger and jeopardize the health and safety of the occupants or persons in the vicinity of the premises, and to that end he may consider, among other factors:

- A. Whether the premises are so structurally defective that there is a risk of collapse or of loose materials falling and injuring persons in and around the building.
- B. Whether, by reason of inadequate ventilation, there is a danger of communicable diseases being contracted and spread in and among the occupants or persons in the vicinity of the premises.
- C. Whether, by reason of infestation or defective condition of plumbing or the lack of maintenance of halls, floors, walls or other parts of the premises, conditions exist which are conducive to the contracting and spreading of diseases.

- D. Whether, by reason of electrical wiring, conduits or equipment, heating or cooking facilities or lack of proper means of egress, there is a danger of fire or, in the case of fire, inadequate means of egress.
- E. Whether premises are deficient in one or more essential utilities, including public sewer, water supply or electricity.
- F. Where premises were not designed or constructed for human habitation, whether by reason of the same, occupancy constitutes an unnecessary hazard to safety or health.

§ 390-16. Action by Public Officer.

After the making of an inspection as prescribed in § 390-14, the Public Officer shall make a determination as to whether the building is unfit for human habitation or use, and thereupon he shall make an order based on an evaluation of health and safety factors in the use of the premises, as follows:

- A. That occupancy of all or part of the building shall be permitted for a limited period of time not to exceed 30 days, upon the condition that all violations recited in the order are corrected or abated within that time, and, if not corrected or abated, the premises shall be vacated within 10 days thereafter;
- B. That the building or any part thereof shall be ordered vacated within a specified period not to exceed 30 days, be boarded up and signs or notices that occupancy is prohibited shall be posted prominently at all entrances of the building and that the order continue in effect until the conditions are abated and the order revoked as provided herein. The order may prohibit occupants from paying, and the owner and operator from receiving, rent or other compensation for use and occupancy while it remains in effect; or
- C. That by reason of the complete state of disrepair and the disproportionate investment required to restore the building to habitable condition and the danger that the premises constitute, even while vacant, a threat to the health and safety of persons on or near the premises, the improvement of the building is impracticable, and continuance of the building vacant constitutes a danger to the health, safety and well-being of the neighborhood, whereupon the building is to be ordered vacated and demolished within a period of time not to exceed 60 days, unless the owner, after having the premises vacated, consents, where no emergency exists, in writing to rehabilitate the building so that it complies in all respects with this chapter within six months and provides, if required by the Public Officer, a performance bond guaranteeing that the work be done, or unless the owner, if the Public Officer deems it feasible without jeopardizing public health and safety, agrees with the Public Officer to put the premises up for sale on terms, conditions and limitations which would provide a reasonable expectancy of securing the rehabilitation of the building thereon within a reasonable period of time and further that if such sale does not occur within the time specified, the Public Officer may thereafter demolish the building without further notice or proceedings.

§ 390-17. Correction of violations; reinspection. [Amended 8-17-1981 by Ord. No. 6-81]

Where premises are ordered vacated, all doors to the exterior shall be locked and first-story or basement and cellar windows barred or boarded to prevent entry. Where an order is issued

under § 390-18, it shall be served on all persons affected thereby pursuant to Article VI of this chapter. When the conditions of the violations complained of are corrected, the owner or occupant affected thereby may request a reinspection which shall be provided upon the payment of the reinspection fee provided for in Chapter A565, Fees. Based on the reinspection, the Public Officer shall issue a further order which shall either revoke the previous order and permit occupancy or state such further conditions or time limits during which additional repairs or improvements are to be made before occupancy is again permitted or order vacation and demolition as in § 390-16. Upon compliance with the conditions contained in any order, the Public Officer shall permit the signs to be removed and the premises made available again for occupancy.

§ 390-18. Noncorrection of violations; premises declared nuisance; court action.

Where the owner, operator or occupant fails to comply with any order hereunder or to perform in accordance with any written commitment as provided herein, or removes any notice posted pursuant hereto or any lock or bar without the permission of the Public Officer, he shall be deemed in violation of this chapter and subject to the penalties provided herein. In addition thereto, the Public Officer may take such steps as may be necessary to compel vacation and boarding up of any premises and may post signs prohibiting occupancy. Upon failure to comply with any such order, the premises shall constitute a public nuisance, and the Public Officer may take such further action under the criminal and civil laws of this state through any court of competent jurisdiction as may be necessary to remove or abate the nuisance.

§ 390-19. Emergency vacation of premises.

Where the Public Officer makes a preliminary finding that conditions on the premises constitute an immediate and substantial threat to the safety or health of occupants or persons in proximity to the premises, he may order and direct that the premises be vacated immediately and that signs or notices be posted prohibiting occupancy thereof and that the premises be locked and boarded up as provided in § 390-17.

ARTICLE VI

Enforcement and Administration; Violations and Penalties; Status Reports

§ 390-20. Enforcement procedure. [Amended 5-4-1987 by Ord. No. 8-87]

- A. Procedure where violation discovered. Except as may otherwise be provided in this chapter, upon determining that premises are in violation of this chapter, or any other ordinances 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. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
- B. Service of summons and complaint. Service of a summons and complaint under this chapter may be made personally upon the person named therein or may be made by certified or regular mail with postage prepaid thereon, addressed to the last known

address of the person to be served, or in any other manner consistent with laws applicable to the issuance of a summons and complaint by the Municipal Court. Where it is ascertained that the owner does not reside on the premises, the last known address shall be the address of the owner as shown in the office of the Tax Collector. Where the premises are required to be registered with the Township or with the State of New Jersey or other governmental authority and have been so registered, service may be made upon the agent designated in such registration, and such service shall constitute service upon the owner, operator or lessor of the premises. Where the owner, operator or lessor has failed to register or if the premises have been registered and the agent designated therein cannot be found at the address given in the registration, the owner, operator or lessor affected thereby may be served by posting a copy of the summons and complaint upon the premises in a conspicuous place which is as near as possible to the front entrance of such premises.

- C. Service of notices. Any notice which may be required under this chapter may be served in the same manner as provided in this chapter for the service of a summons and complaint. In the case of an occupant, notice may be posted on the door of the dwelling unit or rooming unit of such occupant. The effective date of such notice shall be the date such notice is delivered, in the case of personal service, or the date of mailing, in the case of service by certified or regular mail.

§ 390-21. Administrative provisions.

- A. Construction Code Official to be Public Officer. The Construction Code Official is hereby designated to serve as the Public Officer hereunder, and all inspections, regulations and enforcement on violations of the provisions of this chapter, unless expressly stated to the contrary, shall be under his direction and supervision. He may appoint or designate such other public officials or employees of the Township to perform duties as may be necessary to the enforcement of this chapter, including the making of inspections. **[Amended 11-7-1979 by Ord. No. 26-79]**
- B. Inspections: when inspections are to be made.
- (1) Residential. All buildings and premises subject to this chapter are subject to inspections from time to time by the enforcing officer of the Township as permitted by law. At the time of such inspections, all rooms in the building and all parts of the premises, except those heretofore excluded, must be available and accessible for such inspections, and the owner, operator and occupant are required to provide the necessary arrangements to facilitate such inspections. Such inspections shall be made between 8:00 a.m. and 4:00 p.m. unless one of the following conditions exists:
- (a) The premises are not available during the foregoing hours for inspections.
- (b) There is reason to believe that violations are occurring on the premises which can only be apprehended and proven by inspections during other than the prescribed hours or which require immediate inspection after being reported, such as failure to supply heat.

- (c) There is reason to believe that a violation exists of a character which is an immediate threat to health or safety requiring inspection and abatement without delay.
 - (d) All inspections as provided for herein shall be with the permission of the owner of said premises or by a person duly authorized by said owner to give such permission. In the event that such permission is denied to the Public Officer upon request, the provisions as hereinafter provided for shall be complied with.
- (2) Nonresidential. All buildings and premises subject to this chapter are subject to inspection from time to time by the enforcing officer. At the time of such inspections, all rooms and parts of the premises must be available and accessible for such inspections, and the owner and operator are required to provide the necessary arrangements to facilitate such inspections. Such inspections shall be made during regular open hours of the business occupying said premises unless there is reason to believe a violation exists of a character which is an immediate threat to health or safety requiring inspection and abatement without delay.
- C. Identification and conduct of inspectors. Inspectors shall be supplied with official identification and shall exhibit such identification when entering any dwelling unit, rooming unit or any part of any premises subject to this chapter. Inspectors shall conduct themselves so as to avoid intentional embarrassment or inconvenience to occupants.
- D. Where entry by inspectors is refused.
 - (1) Penalties. Where the Public Officer or his agent is refused entry or access or is otherwise impeded or prevented by the owner, occupant or operator from conducting an inspection of the premises, said Public Officer shall comply with and follow the provisions as hereinafter provided for in such cases.
 - (2) Search warrant or access warrant. In addition to the provisions of Subsection D(1) above, the Public Officer may, upon affidavit, apply to the Judge of the Township of Verona for a search warrant setting forth factually the actual conditions and circumstances that provide a reasonable basis for believing that a nuisance or violation of this chapter exists on the premises, and if the Judge is satisfied as to the matter set forth in said affidavit, he shall authorize the issuance of a search warrant permitting access to and inspection of that part of the premises on which the nuisance or violation exists. Warrant for access may be issued by the Judge upon affidavit of the Public Officer establishing grounds therefor pursuant to § 390-27C.
- E. Stay where dispossession action undertaken. Where a summons and complaint have been issued under this chapter against an owner or operator, the Municipal Judge may stay proceedings in Municipal Court for such reasonable time as the owner or operator is unable to eliminate the violation by reason of an inability to dispossess, evict or eject an occupant who is the cause of the violation, provided that the owner or operator is in good faith prosecuting an action to dispossess, evict or eject such occupant in a court of competent jurisdiction. **[Amended 8-17-1981 by Ord. No. 6-81; 5-4-1987 by Ord. No. 8-87]**

- F. Summary abatement in emergency. Where the violation or condition existing on the premises is of such a nature as to constitute an immediate threat to life and limb unless abated without delay, the Public Officer may either abate the violation or condition immediately or order the owner, operator or occupant to correct the violation or condition within a period of time not to exceed three days, and upon failure to do so, the Public Officer may abate the condition immediately thereafter. **[Amended 5-4-1987 by Ord. No. 8-87]**
- G. Cost of abatement to be a lien against premises. Where abatement of any nuisance, as defined in this chapter, correction of a defect in any premises or the maintenance of any premises in a proper condition so as to conform to municipal ordinances or state law applicable thereto requires the expenditure of any Township moneys therefor, the Public Officer shall present a report to the Township governing body setting forth the work proposed to be performed to abate or correct the violation or condition, together with an estimate of the cost for such work and a summary of the proceeding undertaken by the Public Officer. The governing body may thereupon, by resolution, authorize the abatement of the nuisance, correction of the defect or work necessary to place the premises in compliance with Township ordinances and laws of the state. The Public Officer may thereafter proceed to have work performed in accordance with said resolution at the expense of the Township but not to exceed that amount specified in the resolution. Upon completion of necessary work, the Public Officer shall submit a report of moneys expended and the cost to the Township. After a review of said report, the governing body shall approve said expenses and costs, whereupon same shall become a lien against said premises, collectible as provided by law. A copy of the resolution approving said expenses and costs shall be certified by the governing body and filed with the Township Tax Collector, who shall be responsible for the collection thereon, and a copy of the resolution shall be sent by certified mail to the owner at the address as shown on the records of the Tax Collector. **[Amended 5-4-1987 by Ord. No. 8-87]**
- H. Referral of violations. Any violation of any Township ordinance or state law discovered by a Township employee in the course of performing his duties shall be reported to the Public Officer, who shall refer the alleged violation to the official or agency responsible for the enforcement of such ordinance or state law. **[Amended 5-4-1987 by Ord. No. 8-87]**
- I. Effect of notice on owner. For the purposes of enforcement of this chapter, the service of a notice on an owner, whether or not the owner is also the operator, shall constitute notice of violations set forth therein until said violations are abated in conformity with this chapter and the other applicable ordinances of the Township of Verona.

§ 390-22. Violations and penalties.

- A. Violations and penalties. Any person who violates any of the provisions of this chapter shall, upon conviction thereof, be subject to a fine of not less than \$100 and not more than \$1,000, not to exceed \$1,000, or imprisonment in the county jail for a period not to exceed 90 days, or both. Each violation shall constitute a separate offense. **[Amended 8-17-1981 by Ord. No. 6-81; 5-4-1987 by Ord. No. 8-87]**

- B. Meaning of "each violation." Each violation of a section or subsection of this chapter shall constitute a separate and distinct violation independent of any other section or subsection or any order issued pursuant to this chapter. Each day's failure to comply with any such section or subsection shall constitute a separate violation.
- C. Application to officers or agents. Where the defendant is other than a natural person or persons, Subsections A and B above shall also apply to any agent, superintendent, officer, member or partner who shall alone or with others have charge, care or control of the premises.

§ 390-23. Existing violations not discharged.

The repeal of any provisions of any other ordinances by this chapter shall not affect any action for prosecution or abatement under any such ordinance or any notice, complaint or order issued by any officer or agency of the Township prior to the effective date hereof or concerning which any prosecution or other steps of enforcement have been taken or are being taking within any administrative agency or in the Municipal Court for enforcement thereof.

§ 390-24. Powers and duties of Public Officer.

- A. Power to vary or modify provisions of this chapter. The Public Officer shall have the power to withhold strict enforcement of the requirements of this chapter upon written application therefor by an owner, operator or occupant, after making determination that:
 - (1) Any variation or modification of structure or use approved by the Public Officer will not in any material way alter the standards of this chapter and cannot affect detrimentally the health or safety of occupants of the premises or the health, safety or welfare of the occupants or owners of adjacent premises or of the neighborhood; and
 - (2) Strict enforcement would constitute an undue and unnecessary hardship on the owner, operator or occupant because it would compel expenditures on the premises which would be substantially disproportionate to any benefit to health, safety or welfare that might be derived therefrom.
 - (3) The strict enforcement of the provisions of this chapter would require the installation of repairs and improvements estimated to exceed \$300 in cost, and the premises subject to this chapter are contemplated by a public agency having the power of eminent domain and there is a reasonable likelihood that said premises will be acquired within a period of two years; provided, however, that any waiver of the provisions of this chapter shall be canceled and the Public Officer shall strictly enforce the chapter if it shall be ascertained subsequent to the granting of the waiver that the premises are in fact not to be acquired for any public use or purpose; or
 - (4) Strict compliance with this chapter require substantial structural changes to the premises, and the nonconformity is of a technical and insubstantial character or there is an alternative means satisfactory to the Public Officer to be used, which will eliminate violations of this chapter constituting hazards to the health, safety

and welfare of the occupants of the premises and persons in the immediate vicinity thereof.

- B. Record of variations or modifications granted. Where variations or modifications are approved of any section of this chapter by the Public Officer or by action of any court, a written record thereof stating the name of the applicant, the address of the premises, the variation or modification approved, date of approval and the reasons therefor, satisfying the provisions contained herein, shall be prepared by the Public Officer and filed both under the section or sections of this chapter to which the variation of modification applies and under the address of the premises, and such files shall be available for public inspection in the office of the Public Officer during regular business hours.
- C. Annual review of chapter provisions and operations. The Public Officer shall, in the month of December of each year, review with the Fire Chief, Health Officer, Township Engineer and Township Counsel the procedure and operation of this chapter, and report to the Township Manager and Township Council on or before January 1:
 - (1) Any recommended amendment, addition or modification or provisions of this chapter consonant with the field experience of the personnel charged with enforcement.
 - (2) A summary of the enforcement experience indicating the number of violations abated, number of cases processed in the Municipal Court, number of inspections made and such other and further pertinent information as will provide the Township Manager and Township Council with an annual account of progress in securing the standards required by this chapter.
 - (3) Any further recommendation as to how the chapter and the procedure and operations thereunder can be improved.

§ 390-25. Requested inspections and status reports.

- A. Application for inspection. Whenever an owner, operator, occupant, prospective purchaser, mortgagee or prospective occupant shall apply to the Public Officer for an inspection in order to ascertain if any section of this chapter has been violated, the Public Officer shall, upon payment of the fee hereunder stated, cause an inspection to be made of the premises and issue an informal certificate or report of the inspection to the applicant, indicating therein any violations of this chapter on the premises. The applicant for such inspection shall state in writing his full name, residence and the reasons and basis for which the inspection is requested. The Public Officer may deny the application for failure to comply with this requirement.
- B. Application for status report. Where, in lieu of an inspection, an owner, operator, occupant, lessee, prospective purchaser, mortgagee or prospective occupant requests a status report as to whether or not there are any known violations presently pending on said premises, upon payment of the fee prescribed herein, a copy of any notice or order on any violation then pending shall be sent to the applicant.
- C. Significance and scope of inspection or status report. No inspection report issued under Subsection A above or status report under Subsection B shall be construed as providing

a defense against any violation of this chapter or any other ordinance of the Township which may be discovered thereafter, whether or not the condition or violation existed at the time of any such inspection or status report. The inspection or status report is provided as a convenience to the public and shall not constitute a limitation on the full enforcement of this chapter. The inspection or status report shall include only such matters as are embraced in this chapter.

- D. Inspection and status report fees. Fees shall be as provided for in Chapter A565, Fees, for the following classifications: **[Amended 8-17-1987 by Ord. No. 6-81]**
- (1) Inspections made under Subsection A above for dwellings of three or fewer dwelling units or rooming units.
 - (2) Each additional unit over three.
 - (3) The status report discussed under Subsection B above.

§ 390-26. Citizen complaints. [Amended 5-4-1987 by Ord. No. 8-87]

Any citizen may file a complaint in the Municipal Court alleging a violation under this chapter.

§ 390-27. Certificate of necessity.

- A. Who may apply. Where any owner, operator or occupant is required to make repairs or otherwise improve property and is unable to comply with this chapter without having right of access to the building or premises through or across adjoining premises not owned by him or under his control, and where right of access has been refused the owner, operator or occupant, or where the owner or person responsible for granting permission cannot be found or located, then, upon filing of an affidavit setting forth the facts with the Public Officer, the Public Officer shall serve a five-day written notice in accordance with the provisions for service contained in Article VI of this chapter upon the owner, operator or occupant of any adjoining premises affected by the application.
- B. Issuance of certificate; conditions. If the Public Officer determines that access is necessary to accomplish or complete repairs or improvements necessary for compliance with this chapter, then the Public Officer shall issue a certificate of necessity setting forth therein the person or persons to whom the certificate shall apply, such conditions as shall be necessary to protect the adjoining property, reasonable time limits during which such certificate shall operate, precautions to be taken to avoid damage and, where the Public Officer deems proper, that a bond be procured at the expense of any persons seeking access to secure the adjoining property against damage to persons or property arising out of such rights of access. The bond shall not exceed in amount \$10,000, and the amount set shall take into consideration the extent, nature and duration of the repairs, the proximity of the improvement on the premises affected and potential risk of damage thereto. The bond shall be filed with the Public Officer.
- C. Procedure where access refused. Any refusal to comply with this section or any interference with access to premises pursuant to a certificate issued hereunder shall be a violation of this chapter, and, in addition to penalties provided hereunder, the Public

Officer may, upon affidavit, apply to the Judge for a warrant under the procedure set forth in § 390-21D(2) authorizing access to the premises under appropriate conditions and circumstances as provided under Subsection B above.

§ 390-28. Conflicts.

Nothing in this chapter shall be construed to abrogate or impair the powers of any department of this municipality or any agency of the State of New Jersey to enforce any provisions of its charter or its ordinances, codes, regulations or statutory provisions or to prevent or punish violations thereof.

Chapter 402

RENT CONTROL

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| § 402-1. Definitions. | § 402-8. Appeal of Rent Control Board decisions to Township Council. |
| § 402-2. Rental increase. | § 402-9. Property maintenance. |
| § 402-3. Vacancy increase. | § 402-10. Required filing. |
| § 402-4. Hardship appeal. | § 402-11. Method of notification. |
| § 402-5. Surcharge for improvements; notification. | § 402-12. Interpretation. |
| § 402-6. Rent Control Board. | § 402-13. Violations and penalties. |
| § 402-7. Powers and duties of Rent Control Board. | § 402-14. Real estate tax rebates or reductions. |

[HISTORY: Adopted by the Township Council of the Township of Verona 8-8-1983 by Ord. No. 8-83 (Ch. 112 of the 1981 Code). Amendments noted where applicable.]

§ 402-1. Definitions.

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

BASE RENT — The rental amount exclusive of any surcharges, supplemental or ancillary charges or fees.

CONSUMER PRICE INDEX (referred to in this chapter as CPI) — The "CPI/W" for urban wage earners and clerical workers for New York and Northeastern New Jersey, of which Verona, New Jersey, is a part, as published monthly by the Bureau of Labor Statistics, United States Department of Labor. **[Added 10-7-1985 by Ord. No. 16-85]**

DWELLING — Includes any building or structure or trailer or land used as a trailer park, including garage space, rented or offered for rent, exempting one- or two-family homes. Also exempt from this chapter are motels, hotels and similar type buildings. Housing units rented for the first time are exempt, and the initial rental may be determined by the landlord. All subsequent rentals shall be subject to the provisions and conditions of this chapter. New owners or landlords shall be bound by the rentals in existence at the time of transfer of title. Also included in this definition are housing units previously rented and bound by the terms of this chapter and thereafter converted to condominium units for so long as the tenant in possession at the time of the conversion to a condominium remains a tenant pursuant to and as a result of the notice requirements of the New Jersey Condominium Act.¹

HOUSING SPACE — That portion of a dwelling rented or offered for rent for living and dwelling purposes, together with all privileges, services, furnishings, furniture, equipment,

¹ Editor's Note: See N.J.S.A. 46:8B-1 et seq.

facilities and improvements connected with the occupancy or enjoyment of the property to be used by the tenant.²

§ 402-2. Rental increase.

- A. Permissible rental increase. The establishment of rents between a landlord and a tenant to whom this chapter is applicable shall hereafter be determined by the following provisions: **[Amended 10-7-1985 by Ord. No. 16-85]**
- (1) Frequency. No landlord shall request or receive any increase in rental payments from any tenant more often than once in any period of 12 consecutive months.
 - (2) Calculation of rent increases. At the expiration of a lease or at the expiration of a periodic tenancy, such as a month-to-month tenancy, no landlord may request or receive a percentage increase in rent which is greater than the consumer price index published for the twelve-month period ending on October 31, of the year preceding the calendar year in which such increase shall be effective.
 - (3) Maximum rent increase. In no event shall any rent increase exceed 5% of the previous base rent in any twelve-month period.
- B. Excessive or unauthorized rental increases. Any rental increase other than the appropriate allowable increase in accordance with § 402-2 herein shall be null and void and constitute a violation of this chapter subject to the enforcement provisions of § 402-13.
- C. Notification of rental increase.
- (1) Any landlord seeking an increase in rent shall notify the tenant in accordance with § 402-11. Said notice shall include a copy of calculations involved in computing the increase, including the monthly base rental amount (exclusive of any and all surcharges, service fees, etc.), the allowable percentage increase and the allowable rent increase amount. This notification shall be given not less than 30 days prior to the effective date of such rental increase.
 - (2) Any landlord seeking an increase in rent from a tenant shall include within the notice to tenants required under Subsection C(1) of this section a statement that the landlord has obtained an annual certification that the exterior building of each dwelling leased is in substantial compliance with the Property Maintenance Code of the Township of Verona.³ Prior to the implementation of any rental increase under this section, the landlord shall obtain such certification from the Construction Code Official of the Township of Verona. "Substantial compliance" means that the exterior of the dwelling is free from all health, safety and fire hazards as well as 90% qualitatively free from all other violations of the Township of Verona Property Maintenance Code.

2. Editor's Note: The former definition of "qualified senior citizen and disabled," which previously followed this definition, was repealed 10-7-1985 by Ord. No. 16-85.

3. Editor's Note: See Ch. 390, Property Maintenance.

- D. In the event that an individual unit, housing space or dwelling is not properly maintained by the landlord in accordance with any and all provisions of the Township of Verona Property Maintenance Code, the tenant may appeal any rental increase sought by the landlord so long as such appeal is made to the Rent Control Board within 30 days after notice is given by the landlord to the tenants, as required under Subsection C(1) of this section. The Rent Control Board, upon receiving notice of such appeal by any tenant, shall request the Construction Code Official to conduct an inspection of the individual unit, housing space or dwelling to determine whether such individual unit, housing space or dwelling is in substantial compliance with the Property Maintenance Code of the Township of Verona. "Substantial compliance" means that the individual unit, housing space or dwelling which is the subject of the tenant's appeal under this subsection is free from all heat, hot water, elevator and all health, safety and fire hazards as well as 90% qualitatively free from all other violations of the Township of Verona Property Maintenance Code. If the Construction Code Official determines that the individual unit, housing space or dwelling which is the subject of the tenant's appeal under this subsection is not in substantial compliance, as that term is defined hereunder, the rental increase sought by the landlord shall be prohibited until such time as the required maintenance and/or renovation is completed by the landlord in the manner and to the extent prescribed and approved by the Construction Code Official. If the Construction Code Official determines that the individual unit, housing space or dwelling which is the subject of the tenant's appeal under this subsection is in substantial compliance, as that term is defined hereunder, the increase sought by the landlord shall be due and payable by the tenant to the landlord as of the date when such increase was to have taken effect as stated in the notice from the landlord pursuant to § 402-2C(1) of this chapter. In the event that a tenant appeals a rental increase on the grounds that his housing space fails to comply with the Property Maintenance Code of the Township of Verona, then at the time said appeal is filed, the tenant shall specify three days which shall be between Monday and Friday, 10:00 a.m. to 4:00 p.m., when his housing space will be available for inspection. The aforesaid dates shall be within 10 days of the date that the appeal is filed. In the event that the tenant fails to specify said dates or, if having specified said dates, fails to make his housing space available for inspection, the housing space shall be considered to be in compliance with the Property Maintenance Code.

§ 402-3. Vacancy increase. [Amended 10-7-1985 by Ord. No. 16-85]

- A. Notwithstanding any limitations upon permissible rent increases under any other provisions of this chapter, upon the voluntary, uncoerced vacation of any apartment, rent increases for which are controlled in this chapter, the landlord shall have the right to fix the rent for such vacated apartment at such sum as he deems appropriate, except that the maximum rent which the landlord may fix for such vacated apartment shall be equal to the previous rent for such vacated apartment increased by 15% or the highest rent received by the landlord for a comparable apartment in the same building complex at the time such rent is fixed, whichever sum is higher.
- B. Qualification for increase; hearing.
- (1) In order for a landlord to qualify for the vacancy decontrol rent increase, the landlord shall first be required to file with the Rent Leveling Board a written

statement, signed by the vacating tenant, certifying to the Board that the landlord has not, in any way, harassed or pressured the tenant into vacating the housing space unit and that the vacation of such unit was a voluntary act on the part of the tenant. Such noncoercion certification shall not be required in order for the landlord to qualify for the vacancy decontrol increase, if:

- (a) The increase does not exceed the total of all permissible increases authorized by any other provisions of this chapter;
 - (b) The tenant has moved from the unit without notice to the landlord;
 - (c) The unit has been vacated pursuant to a judicially mandated eviction; or
 - (d) The tenant has refused to sign such certification and, upon appeal by the landlord, the Rent Leveling Board has found that such refusal was unwarranted and that there was in fact no coercion exerted by the landlord upon the vacating tenant.
- (2) A hearing pursuant to Subsection B(1)(d) above shall be held before the Rent Leveling Board upon at least seven days' notice to the public and the vacating tenant. The decontrol provision of this section shall only apply to dwelling units which are physically vacated subsequent to the effective date of this section.
- C. Upon vacation of any apartment hereafter, the landlord shall file a statement with the Rent Leveling Board, certifying to the Board:
- (1) The apartment and building numbers of such dwelling unit.
 - (2) The rent paid by the vacating tenant.
 - (3) The maximum rent increase which would be permissible under the other provisions of this chapter.
 - (4) The number of days such apartment remains vacant.
 - (5) The rent agreed to by the new tenant for such apartment.
 - (6) That the vacation of such apartment was the voluntary act of the vacating tenant and that such vacation was not the result of landlord harassment or pressure upon such vacating tenant.
 - (7) That the vacant apartment has been inspected by the Code Enforcement Official for compliance with the Property Maintenance Code⁴ and found to be in substantial compliance. (The fee for such inspection is set forth in Chapter A565, Fees.) **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
- D. Anti-harassment; complaint procedure. In the event that a tenant believes that he or she is being harassed by actions or omissions of his or her landlord in any way which might be calculated to induce the tenant to vacate his or her apartment, such tenant may make complaint to the Verona Construction Code Official. If the Code Official is not

4. Editor's Note: See Ch. 390, Property Maintenance.

able within his lawful powers to take action to cause the landlord to cease the harassment complained of, or if the Code Official concludes that the landlord's action or omission complained of does not constitute harassment, the tenant shall have the right to appeal directly to the Rent Control Board within 30 days after the Code Official has communicated such findings to the complaining tenant. If the Code Enforcement Official concludes that the complaint does constitute harassment, the landlord shall have the right to appeal to the Rent Board within 30 days after the Code Official has communicated such findings to the landlord. Notice of the complaint of the tenant should be given to the landlord in question and a hearing date should be set when both the tenant and landlord or proper representatives of each appear before the Board about the complaint. If the Board determines that the tenant's complaint has merit, the landlord will be immediately notified in writing that until the harassment complained of is eliminated, said landlord shall be prohibited from increasing the rent for that apartment and that the amount of time during which the harassment continues after the date of the landlord's receipt of notice from the Board shall be the amount of time which is pro rata deducted from any rent increase that the landlord may next request. The Board will assume that the landlord will comply with its directives and will not prohibit rent increases unless a tenant complains and proves to the Board's satisfaction that the landlord has not complied with the Board's directive about harassment.

- E. The Rent Leveling Board shall submit monthly reports to the governing body summarizing the number of apartments vacated during each such month and the differences, if any, between the permissible rent increases under the other provisions of this chapter as compared to the increases in rent due to the application of this section. Such monthly reports shall also include the statement of the number of complaints received by the Board with respect to alleged coercion by landlords for the purpose of forcing tenants to vacate apartments.

§ 402-4. Hardship appeal. [Amended 10-7-1985 by Ord. No. 16-85]

- A. In the event that a landlord is not earning a just and reasonable return on his investment, he may appeal to the Board for increased rental. The landlord must furnish the Board with a full and complete statement of all income, names of tenants, details of the apartments rented, the amount of rent, together with an operating schedule of the costs of operating and maintaining the premises, as well as all other supporting documentation which the Board may reasonably request in connection with the appeal. The Board shall make a determination as to whether a hardship exists and whether such hardship warrants an increase in rent. In any hardship application, the Board may grant a hardship rent increase if the landlord has not received rent increases which equal his increases in operating expenses in order to maintain a fair net operating income as defined in this chapter. "Net operating income" means the amount by which the annual income exceeds annual operating expenses. "Annual income" means the legal monthly, weekly or other period rent for all units in the building, both residential and commercial, on the date that the landlord's appeal is filed, together with any other income earned from the operation of the building during the period of 12 consecutive months immediately preceding the date of the landlord's appeal. In any case where a rental unit is occupied in whole or in part rent-free, the full rental value shall be considered the legal rent. "Annual operating expenses" means all real estate taxes and

operating costs necessary to the operation and maintenance of the building but excluding depreciation, mortgage interest and amortization properly allocated to the twelve-month period immediately preceding the date on which the appeal is filed.

- B. In any hardship application, the Board shall determine the reasonableness of the landlord's figures and make adjustments accordingly. Prior to any such appeal to the Board, a landlord shall post in the lobby of each building, or if no lobby is present, in a conspicuous place in and about the premises, a notice of such appeal, setting forth the basis for such appeal. Said notice shall be posted for at least 10 days prior to the date fixed for hearing and appeal; and also, the landlord shall serve or cause to be served upon the tenants a notice of the appeal as provided in § 402-11 below at least 10 days prior to the date fixed for hearing and appeal. The Board shall hear the appeal and, if a determination is made that a hardship does exist which warrants a rent increase, the Board shall fix the amount of said increase, which sum shall be charged to the tenants in monthly installments pro rata, based upon square footage of dwelling space occupied.

§ 402-5. Surcharge for improvements; notification.

- A. Surcharge. The landlord may seek a surcharge for a capital or service improvement. He must first secure the approval of the Board before commencing the capital or service improvement project so that the Board may make a determination of said improvement or service to distinguish it from a repair or replacement to the premises. In making such a determination, the Board shall consider a capital or service improvement as that which enhances the value of the dwelling or housing space but shall not be bound by the Internal Revenue Service definition. In any event, the tenant shall not be liable for a capital or service improvement surcharge exceeding the cost of the capital or service improvement to the landlord per square feet occupied by the tenant. The surcharge shall be paid in equal monthly installments for a period no shorter than the Internal Revenue Service depreciation period claimed for said capital or service improvement and shall not exceed 10% of the tenant's base monthly rental.
- B. Notification of surcharge assessment to tenant. Prior to any appeal to the Board for surcharge for a capital or service improvement, the landlord must post in the lobby of each building, or if no lobby is present, in a conspicuous place in and about the premises, a notice of said appeal. Said notice must be posted for at least 10 days prior to the date fixed for hearing the appeal, and, also, the landlord must serve or cause to be served upon the tenants a notice of the appeal as provided in § 402-11 below at least 10 days prior to the date fixed for hearing the appeal. The notice to the tenant must include the total cost of the improvement, the total number of square feet of the dwelling or housing space, the total number of square feet thereof occupied by the tenant and the capital improvement surcharge he is seeking from each tenant.

§ 402-6. Rent Control Board.

- A. Creation. There is hereby created a Rent Control Board within the Township of Verona, County of Essex, and State of New Jersey.

- B. Membership. The Rent Control Board shall consist of seven members, all of whom shall be residents of the Township of Verona. Members shall be appointed by the Council and shall serve without compensation. **[Amended 2-1-1988 by Ord. No. 22-87]**
- C. Term of office. All members appointed to a four-year term by resolution of the Council adopted July 1, 1987, shall serve through June 30, 1991. All members appointed to a two-year term by resolution of the Council adopted July 1, 1987, shall serve through June 30, 1989. Thereafter, as each term of office expires, each new appointee shall serve for a term of four years. If a vacancy shall occur otherwise than by expiration of a term, such vacancy shall be filled by appointment as provided above for the unexpired term. **[Amended 2-1-1988 by Ord. No. 22-87]**

§ 402-7. Powers and duties of Rent Control Board.

The Rent Control Board is hereby granted, and shall have and exercise, in addition to other powers herein granted, all the powers necessary and appropriate to carry out and execute this chapter, including but not limited to the following:

- A. To issue and promulgate such rules and regulations as it deems necessary to implement this chapter, which rules and regulations shall be incorporated herein by reference and shall have the force and effect of law until revised, repealed or superseded by state or federal law or amended from time to time by the Board, in the exercise of its discretion, provided that such rules are filed with the Township Clerk.
- B. To supply information and assistance to landlords and tenants to help them comply with the provisions of this chapter.
- C. To hold regularly scheduled meetings for the purpose of deciding matters brought before the Board. After the termination of the proceedings of the matters brought before it, the Board shall render its decisions within 35 days or at the next scheduled meeting, whichever shall come first. All parties shall receive a written copy of the Board's decision signed by the Chairman or by the Secretary.
- D. To act as the administrative agency for the purpose of administering the provisions of the Senior Citizens and Disabled Protected Tenancy Act, N.J.S.A. 2A:18-61.22 et seq., and to promulgate such reasonable rules and regulations, consistent with state law, as may be necessary for this purpose, including the power to establish reasonable fees payable to the Township in connection with such administrative hearings as may be conducted by the Board at the request of a landlord or tenant. Fees established under this subsection shall be in addition to any fees payable under Chapter 196, Conversion of Rental Dwelling Units, of the Verona Code and shall not exceed \$100 per hearing. **[Amended 11-2-1987 by Ord. No. 18-87]**

5. Editor's Note: This ordinance also provided for the repeal of former § 112-6D, Council liaison member, as amended, which previously followed this subsection.

§ 402-8. Appeal of Rent Control Board decisions to Township Council. [Amended 11-2-1987 by Ord. No. 18-87]

Any landlord or tenant may appeal the findings of the Board to the Township Council, except that there shall be no appeal from administrative determinations made by the Rent Control Board pursuant to § 402-7D of this chapter. Appeal hearings shall be de novo on the record of proceedings established before the Board. An appeal shall be in writing and shall state the decision of the Board being appealed from and the reasons for the appeal. It shall be served upon the Township Council not later than 25 calendar days from the decision of the Board. The hearing will be at a date and time to be fixed by the Township Council. The appellant shall order and pay for an original and seven copies of a transcript of the proceedings before the Board from the certified shorthand reporting service which was designated to transcribe the record before the Board and serve the transcripts upon the Township Council at least two weeks prior to the date set for the hearing.

§ 402-9. Property maintenance.

- A. The provisions of the Property Maintenance Code⁶ will be applied strictly to all rental units. Landlords will comply with all requirements for maintenance of both interiors and exteriors. The Code Enforcement Official will make inspections of rentals to ensure compliance.
- B. The landlord shall be obligated to maintain the same standards of service, maintenance, furniture, fixtures, equipment, appliances and conveniences in or on the premises as were provided or required by law or lease, at the date the lease was originally entered into or during the term of the tenancy.
- C. Prior to making application for hardship relief under § 402-4 or for a surcharge for a capital or service improvement under § 402-5 and prior to the reletting of a housing space or dwelling unit upon vacancy, the landlord shall obtain a certification that said housing space or dwelling unit is in substantial compliance with the Verona Property Maintenance Code. Such certification shall be obtained from the Construction Code Official of the Township of Verona and, in the case of an application for hardship relief or for a surcharge for capital or service improvement, shall be provided to the Board at the time the application is filed. "Substantial compliance" means that the housing space or dwelling unit are free from all heat, hot water, elevator and all health, safety and fire hazards as well as 90% qualitatively free from all other violations of the Township of Verona Property Maintenance Code. The landlord shall notify the Construction Code Official of the Township of Verona at least 30 days prior to making application for hardship relief or for a surcharge for a capital service improvement. The Construction Code Official shall make the necessary inspections and issue the necessary certifications to the Board within said period of time. Failure of the Construction Code Official to make necessary inspections of at least 50% of the dwelling units and housing space within 60 days after the landlord has given such notice shall be deemed to be compliance by the landlord. Failure of the Construction Code Official to make the necessary inspection of at least 70% of the dwelling units and housing space within 75 days after the landlord has given such notice shall be deemed to be compliance by the

6. Editor's Note: See Ch. 390, Property Maintenance.

landlord. Failure of the Construction Code Official to make the necessary inspections of at least 90% of the dwelling units and housing space within 90 days after the landlord has given such notice shall be deemed to be compliance by the landlord.

§ 402-10. Required filing. [Added 10-7-1985 by Ord. No. 16-85]

- A. The landlord of a multiple dwelling subject to the provisions of this chapter shall file with the Rent Control Board not later than 30 days from the effective date of this chapter, a statement, in the form prescribed and adopted pursuant to the rules and regulations of the Rent Control Board, which statement shall contain the following:
- (1) The name and address of the landlord.
 - (2) The street address of the multiple dwelling.
 - (3) The apartment number, floor designation or other designation or other information adequate to identify the housing space for which the report is submitted.
 - (4) The rent in effect as of 30 days from effective date of this chapter.
 - (5) The commencement date and expiration date of any written lease covering the housing space in effect 30 days from the effective date of this chapter.
- B. The landlord of a multiple dwelling subject to the provisions of this chapter shall file with the Rent Control Board not later than 30 days after an increase in rent which becomes effective after 30 days from the effective date of this chapter, a statement, in the form prescribed and adopted pursuant to the rules and regulations of the Rent Control Board, which shall contain the following:
- (1) The name and address of the landlord.
 - (2) The street address of the multiple dwelling.
 - (3) The apartment number, floor designation or other designation or other information adequate to identify the housing space as to which the report is submitted.
 - (4) The rental charge prior to the increase in rent.
 - (5) The new rental charge.
 - (6) The effective date of the rental increase.
 - (7) The expiration date of any written lease covering the housing space as of the effective date of the increase.

7. Editor's Note: This ordinance also provided for the repeal of former § 112-10, Records, previously included herein.

§ 402-11. Method of notification.

Whenever notice is required under any section of this chapter, it shall be accomplished by posting to the person to be served a copy of said notice by certified mail, return receipt requested, or by handing a copy of said notice to said person or his duly authorized agent. "Person" as used in this section shall also include corporations, partnerships and their duly authorized agents or representatives.

§ 402-12. Interpretation.

This chapter, being necessary for the welfare of the Township of Verona and its inhabitants, shall be liberally construed to effectuate the purposes thereof.

§ 402-13. Violations and penalties.

- A. A violation of any provision of this chapter, a willful filing of any material misstatement of fact with the Board, a willful misstatement of testimony given to the Board or to the Township Council on an appeal from the Board, or a failure to comply with any order of the Board shall be punishable by a fine of not more than \$1,000 or imprisonment for not more than 90 days, or both, and in addition a forfeiture of all allowable increases for all rentals in the property concerned for a one-year period commencing upon the adjudication of a violation of this chapter. A violation affecting more than one leasehold shall be considered a separate violation as to each. **[Amended 10-7-1985 by Ord. No. 16-85]**
- B. This section shall be enforced by the Chairman of the Board or his designate or by an aggrieved party filing a complaint with the Clerk of the Verona Municipal Court.

§ 402-14. Real estate tax rebates or reductions. [Added 10-7-1985 by Ord. No. 16-85]

In the event that a landlord perfects a successful tax appeal, the tenants shall receive 75% of all refunds of excess taxes as applied pro rata to the tenants occupying the property as of October 1 of the pre-tax year, after deducting all reasonable expenses incurred by the landlord in perfecting the tax appeal. A tenant qualifying for a refund of excess taxes shall be entitled to a refund applicable to the tax year under appeal and to such years following the appeal as the judgment on the tax appeal may be effective in accordance with N.J.S.A. 54:51A-8. Such refunds shall be reflected in a downward adjustment of such tenant's rent. In addition, the landlord shall file with the Board within 60 days after the entry of judgment on a tax appeal favorable to the landlord a statement containing the information required by § 402-10B hereof, except that such statement shall reflect the appropriate refund of excess taxes to the tenant. This section shall be applicable to all property tax appeals in which a judgment is entered by the County Board of Taxation or the Tax Court of New Jersey after the effective date of this chapter.

Chapter 407

RESTAURANTS

§ 407-1. Definitions.

§ 407-3. Exceptions.

§ 407-2. Regulation of service and consumption.

§ 407-4. Violations and penalties.

[HISTORY: Adopted by the Township Council of the Township of Verona 12-3-1984 by Ord. No. 24-84 (Ch. 113 of the 1981 Code). Amendments noted where applicable.]

§ 407-1. Definitions.

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

DRIVE-IN RESTAURANT — A business or establishment engaged in the sale of food, soft drinks, ice cream and similar confections which are so prepared, packaged in paper or other types of disposable wrappers or containers and served at counters either inside or outside the confines of a building or motor vehicles, so as to be intended for immediate consumption either within or without the building or in motor vehicles while parked on the premises.

RESTAURANT — An establishment where food or beverages are prepared, served and consumed within a building.

§ 407-2. Regulation of service and consumption.

- A. It shall be unlawful for any restaurant or drive-in restaurant to sell or serve any prepared food or beverages for consumption outside of the building in which the restaurant or drive-in is located or for consumption in motor vehicles while parked on the business premises, including its parking lot, except that nothing herein shall prevent a carry-out or takeout service from selling food or beverages for consumption outside the confines of the business premises.
- B. It shall be unlawful for any person to consume any food purchased in a restaurant or drive-in restaurant outside the confines of the building in which the restaurant is located and within the confines of the restaurant premises or in motor vehicles while parked on the restaurant's premises.

§ 407-3. Exceptions.

This chapter shall not apply to the sale, service or consumption of food at refreshment stands at parks, beach clubs, swimming clubs, athletic fields or other similar recreation areas, or the temporary operation of refreshment stands at properly licensed circuses, bazaars and other social functions or parties and social events conducted at a restaurant or to the sale of soda in cans or bottles at gasoline stations.

§ 407-4. Violations and penalties. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

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.

Chapter 430

SITE PLAN REVIEW

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| § 430-1. Short title; purpose. | § 430-10. Stasis of approval conditions. |
| § 430-2. Definitions. | § 430-11. Guaranties of improvement required. |
| § 430-3. Site plan required; administration; exceptions. | § 430-12. Off-tract improvements. |
| § 430-4. Application procedure. | § 430-13. Reservation of public areas. |
| § 430-5. Review by Township officials. | § 430-14. Findings of fact for planned developments by Planning Board. |
| § 430-6. Time limits for review; preliminary approval; special conditions; sketch plan review. | § 430-15. Review by Board of Adjustment. |
| § 430-7. Public hearing. | § 430-16. Details of site plan. |
| § 430-8. Rights and responsibilities subsequent to preliminary approval. | § 430-17. Standards for review. |
| § 430-9. Final approval. | § 430-18. Fees. |

[HISTORY: Adopted by the Township Council of the Township of Verona 5-21-1979 by Ord. No. 8-79 (Ch. 118 of the 1981 Code). Amendments noted where applicable.]

§ 430-1. Short title; purpose.

- A. Short title. This chapter shall be known as the "Site Plan Review Ordinance of the Township of Verona."
- B. Purpose. This chapter establishes a site plan review process by the Planning Board for proposed construction in Verona. The purpose of the review is to ensure the following:
- (1) Preservation of existing natural resources on the site.
 - (2) Safe and efficient vehicular and pedestrian circulation, parking and loading.
 - (3) Adequate screening, landscaping and location of structures.
 - (4) Exterior lighting needed for safety reasons in addition to any requirements for streetlighting.

§ 430-2. Definitions.

All definitions found in Chapter 150, Zoning, of the Township of Verona shall apply to this chapter.

§ 430-3. Site plan required; administration; exceptions.

- A. General requirements. Site plan review and approval shall be required before any change of use or addition of use, or before any excavation, removal of soil, clearing of a site or placing of any fill on lands contemplated for development. Except as hereinafter provided, no building permit shall be issued for any building or use, or reduction or enlargement in size or other alteration of any building or change in use of any building, including accessory structures, unless a site plan is first submitted and approved by the Planning Board, and no certificate of occupancy shall be given unless all construction and development conform to the plans as approved by the Planning Board.
- B. Simultaneous review. The Planning Board shall have the power to review and approve or deny conditional uses or subdivisions simultaneously with review for site plan approval without the developer being required to make further application to the Planning Board or the Planning Board being required to hold further hearings. The longest time period for action by the Planning Board, whether it be for subdivision, conditional use or site plan approval, shall apply. Whenever approval of a conditional use is requested by the developer pursuant to this subsection, notice of the hearing on the plat shall include reference to the request for such conditional use.
- C. Site Plan Committee. The Chairman of the Planning Board, with the approval of the Board, is hereby empowered to appoint a Site Plan Review Committee consisting of three members of the Board. Said Committee shall have the duty of reviewing site plan review applications to determine completeness and either to instruct the Clerk of the Board as to what elements are incomplete or to report and certify the application to the Planning Board and advise the Clerk to prepare notice for a public hearing.
- D. Exemptions and exceptions. Site plan review requirements may be waived or exceptions may be granted under the following conditions:
- (1) The Planning Board may waive site plan review requirements for a proposed development when the impact of the proposed development on the community, surrounding neighborhood and site will be minimal. Based on a sketch plan, the Planning Board shall make such finding that the principles and standards as contained in § 430-17 of this chapter are substantially satisfied and that no further determination is required.
 - (2) Site plan approval shall not be required for any detached one- or two-dwelling-unit buildings or any uses accessory thereto, such as a private garage or storage shed incidental to residential uses, but this shall not limit the requirements for submission and approval of subdivision plats as otherwise required by Township ordinances.¹
 - (3) No amendment shall be required for a site plan review application made to the Planning Board prior to the effective date of this chapter and that is developed in accordance with an approval of such application heretofore or hereafter given by the Planning Board pursuant to ordinances and regulations then in effect and superseded by this chapter.

1. Editor's Note: See Ch. 466, Subdivision of Land; and Ch. 150, Zoning.

- (4) The Planning Board, when acting upon applications for preliminary site plan approval, may grant such exceptions from the requirements for site plan approval as may be reasonable and within the general purpose and intent of the provisions for site plan review adopted pursuant to this chapter if the literal enforcement of one or more provisions of the chapter is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question.

§ 430-4. Application procedure.

- A. The applicant shall submit nine copies of his complete application and the fee provided for in Chapter A565, Fees, to the Clerk of the Planning Board. The time for the Board's review shall not begin to run until the submission of a complete application with the required fee. Unless the applicant is informed in writing by the Clerk of the Planning Board within 45 days of the actual submission of the application that it is incomplete, said application shall be deemed complete as of the date it was submitted. **[Amended 8-17-1981 by Ord. No. 6-81]**
- B. Prior to submission of a formal application, applicants shall be encouraged to submit sketch site plans for informal discussions, review and recommendations by the Planning Board. Said sketch site plans shall be used as a basis for changes, redesign or waiver and to avoid undue expense and delay in preparing more detailed plans and specifications. The Planning Board shall not be governed by statutory time limits in its review of sketch site plans, and it is expressly understood that compliance with the Planning Board recommendations shall not bind the Planning Board in subsequent deliberations on a full application.
- C. Applications for site plan approval shall be submitted to the Essex County Planning Board by the Clerk of the Planning Board for review whenever review or approval of the application by the County Planning Board is required by Section 5 of P.L. 1968, c. 285 (N.J.S.A. 40:27-6.3). The Verona Planning Board shall condition any approval that it grants upon timely receipt of a favorable report on the application by the County Planning Board or approval by the County Planning Board by its failure to report thereon within the required time period.
- D. Soil conservation.
 - (1) The applicant shall submit copies of the site plan application to the Soil Conservation Service, Morris County District Office, when required by N.J.S.A. 4:24-39 et seq.
 - (2) No application for site plan approval shall be deemed complete in the absence of proof that a plan for soil erosion and sedimentation control has been submitted as required above or proof that such a plan is not required for the particular application. If the reviewing authority has failed to grant or deny certification of the erosion plan at the time of preliminary approval of the applicant's site plan, preliminary approval shall be conditioned on certification of the applicant's erosion plan.

§ 430-5. Review by Township officials.

- A. Upon receipt of a site plan application, the Clerk of the Planning Board shall notify the following for their review and report and approval where required:
- (1) Township Construction Code Official.
 - (2) Township Engineer.
 - (3) Township Traffic Safety Officer.
 - (4) Township Fire Official. **[Amended 3-21-2016 by Ord. No. 4-16]**
 - (5) Township Board of Health.
- B. Each of the officials reviewing the site plan shall make a written report to the Planning Board within 10 days. The report of the Construction Code Official shall certify that there are no code violations or zoning violations on the subject application.

§ 430-6. Time limits for review; preliminary approval; special conditions; sketch plan review.

- A. Upon the submission to the Clerk of the Planning Board of a complete application for a site plan for 10 acres of land or less, the Planning Board shall grant or deny preliminary approval within 45 days of the date of such submission or within such further time as may be consented to by the developer, except that if the application for site plan approval also involves an application for a relief pursuant to N.J.S.A. 40:55D-60 (Planning Board review in lieu of Board of Adjustment), the Planning Board shall grant or deny preliminary approval within 95 days of the date of the submission of a complete application to the Clerk of the Planning Board or within such further time as may be consented to by the applicant.
- B. Upon submission of a complete application for a site plan of more than 10 acres, the Planning Board shall grant or deny preliminary approval within 95 days of the date of such submission or within such further time as may be consented to by the applicant.
- C. Failure of the Planning Board to reach a decision within the specified time periods or extension thereof shall result in the approval of the site plan as submitted.
- D. If the Planning Board requires any substantial amendment in the layout of improvements proposed by the applicant that have been the subject of a hearing, an amended application for development shall be submitted and proceeded upon, as in the case of the original application for development. The Planning Board shall, if the proposed development complies with this chapter, grant preliminary site plan approval.
- E. In the event that a plan of development shows common areas, property and/or facilities, then the Planning Board, as a condition of site plan approval, may establish such conditions on the ownership, use and maintenance of such lands as it deems necessary to assure the preservation of such areas, lands, property and facilities for their intended purposes. The recorded covenants shall bind each lot, to assure payment of all assessments, including taxes, which may be necessary to maintain such common property and/or facilities.

- F. Nothing herein shall be construed to limit the right of a applicant to submit a sketch plan to the Planning Board for informal review, and neither the Planning Board nor the applicant shall be bound by any discussions or statements made during such review, provided that the right of the applicant at any time to submit a complete application for site plan approval shall not be limited by his submittal of a sketch plan and the time for the Planning Board's decision shall not begin to run until the submission of a complete application.

§ 430-7. Public hearing.

- A. A public hearing shall be held on all applications for site plan approval unless the Planning Board waives review per § 430-3D(1).
- B. The Clerk of the Planning Board shall prepare a notice of hearing on the proposed application. Said notice shall state the date, time and place of the hearing, the nature of the matters to be considered and an identification of the property proposed for development by street address, if any, or by reference to lot and block numbers as shown on the current tax duplicate in the Township Tax Assessor's office, and the location and times at which any maps and documents for which approval is sought are available.
- (1) Notice shall be given by the Clerk of the Planning Board at least 10 days prior to the hearing in the following manner:
- (a) Public notice shall be given by publication in the official newspaper of the Township or in a newspaper of general circulation in the Township.
 - (b) Notice of all hearings on applications for development involving property located within 200 feet of an adjoining municipality shall be given by personal service or certified mail to the Clerk of such municipality.
 - (c) Notice shall be given by personal service or certified mail to the Essex County Planning Board of a hearing on an applicant for development of property adjacent to an existing state or county road or proposed road shown on the Official County Map or on the County Master Plan adjoining other county land or situated within 200 feet of a municipal boundary.
- (2) Notice shall be given by the applicant at least 10 days prior to the hearing in the following manner:
- (a) Notice shall be given to the owners of all real property as shown on the current tax duplicate located within 200 feet in all directions of the property which is the subject of such hearing. Notice shall be given by:
 - [1] Serving a copy thereof on the property owner as shown on said current tax duplicate or his agent in charge of the property; or
 - [2] Mailing a copy thereof by certified mail to the property owner at his address as shown on said current tax duplicate.
 - (b) Notice to a partnership owner may be made by service upon any partner. Notice to a corporate owner may be made by service upon its president, a

vice president, secretary or other person authorized by appointment or by law to accept service on behalf of the corporation.

- C. Any notice made by certified mail shall be deemed complete upon mailing. A fee (see Chapter A565, Fees) for the preparation of the address list, as per Subsection B(2) above, shall be charged to the applicant. **[Amended 8-17-1981 by Ord. No. 6-81]**

§ 430-8. Rights and responsibilities subsequent to preliminary approval.

Preliminary approval of a site plan shall confer upon the applicant the following rights for a three-year period from the date of the preliminary approval:

- A. That the general terms and conditions on which preliminary approval was granted shall not be changed, including but not limited to use requirements; layout and design standards for streets, curbs and sidewalks; lot size; yard dimensions and off-tract improvements; natural resources to be preserved on the site; vehicular and pedestrian circulation, parking and loading; screening, landscaping and location of structures; exterior lighting both for safety reasons and streetlighting; except that nothing herein shall be construed to prevent the Township from modifying by ordinance such general terms and conditions of preliminary approval as relate to the public health and safety.
- B. That the applicant may submit for final approval on or before the expiration date of preliminary approval the whole or a section or sections of the preliminary site plan.
- C. That the applicant may apply for and the Planning Board may grant extensions on such preliminary approval for additional periods of at least one year but not to exceed a total extension of two years, provided that if the design standards have been revised by ordinance, such revised standards may govern.

§ 430-9. Final approval.

- A. The Planning Board shall grant final approval if the detailed drawings, specifications and estimates of the application for final approval conform to the standards established by ordinance for final approval and the conditions of preliminary approval, provided that in the case of planned development, the Planning Board may permit minimal deviations from the conditions of preliminary approval necessitated by change of conditions beyond the control of the developer since the date of preliminary approval without the developer being required to submit another application for development for preliminary approval.
- B. Final approval shall be granted or denied within 45 days after submission of a complete application to the Clerk of the Planning Board or within such further time as may be consented to by the applicant. Failure of the Planning Board to act within the period prescribed shall constitute final approval of the application for final approval as submitted and a certificate of the Clerk of the Planning Board as to failure of the Planning Board to act shall be sufficient in lieu of the written endorsement or other required evidence of approval.
- C. A complete application for final approval shall consist of the following:

- (1) A properly completed final site plan approval form.
 - (2) The required fee.
 - (3) A site plan in final form, including all the information shown on the preliminary plan, conditions of preliminary approval, plus all items set forth in the site plan details (§ 430-16) except where they have been specifically waived by the Planning Board.
- D. The Planning Board shall have the power to grant preliminary and final approval simultaneously, provided that all application requirements have been met.

§ 430-10. Stasis of approval conditions.

The zoning requirements applicable to the preliminary approval first granted and all other rights conferred upon the applicant pursuant to this chapter, whether conditionally or otherwise, shall not be changed for a period of two years after the date of final approval. If the applicant has followed the standards prescribed for final approval, the Planning Board may extend such period of protection for extensions of one year but not to exceed three extensions. Notwithstanding any other provisions of this chapter, the granting of final approval terminates the time period of preliminary approval pursuant to this chapter for the section granted final approval.

§ 430-11. Guaranties of improvement required.

- A. As a condition of final site plan approval, the Planning Board may require and shall accept in accordance with the standards adopted by this chapter for the purpose of assuring the installation and maintenance of on-tract and off-tract improvements:
- (1) Performance guaranty.
 - (a) The furnishing of a performance guaranty in favor of the Township in an amount not to exceed 120% of the cost of installation for improvements it may deem necessary or appropriate, including the following: streets, grading, pavement, gutters, curbs, sidewalks, streetlighting, shade trees, surveyor's monuments as shown on the final map and required by the Map Filing Law, P.L. 1960, Chapter 141 (N.J.S.A. 46:23-9.9 et seq.), water mains, culverts, storm sewers, sanitary sewers or other means of sewage disposal, drainage structures, erosion control and sedimentation control devices, public improvements of open space and other on-site improvements and landscaping, provided that no more than 10% of the total performance guaranty shall be in cash, and the balance shall be in the form of a bond from a bonding company approved by the Township.
 - (b) An itemization and cost estimate shall be submitted by the developer, and the Township Engineer shall review the improvements and cost estimates for reasonability. Said itemization shall be the basis for determining the amount of performance guaranty and maintenance guaranty required by the Planning Board. The Township Engineer shall forward his review of the

cost improvements to the applicant within 30 days of the date of receipt of a request sent by certified mail for said review.

- (2) The furnishing of a maintenance guaranty to be posted with the Township Council for a period not to exceed two years after final acceptance of the improvement, in an amount not to exceed 50% of the cost of the improvement. In the event that other governmental agencies or public utilities automatically will own the utilities to be installed or the improvements are covered by performance or maintenance guaranty to another governmental agency, no performance or maintenance guaranty, as the case may be, shall be required for such utilities or improvements.
- B. The amount of any performance guaranty may be reduced by the Township Council by resolution when portions of the improvements have been certified by the Township Engineer to have been completed. The time allowed for installation of the improvements for which the performance guaranty has been provided may be extended by the Township Council by resolution.
- C. If the required improvements are not completed or corrected in accordance with the performance guaranty, the obligor and surety, if any, shall be liable thereon to the Township for the reasonable cost of the improvements not completed or corrected, and the Township may either prior to or after the receipt of the proceeds thereof complete such improvements.
- D. When all of the required improvements have been completed, the obligor shall notify the Township Council in writing, by certified mail addressed in care of the Township Clerk, of the completion of said improvements and shall send a copy thereof to the Township Engineer. Thereupon, the Township Engineer shall inspect all of the improvements and shall file a detailed report, in writing, with the Township Council, indicating either approval, partial approval or rejection of the improvements with a statement of reasons for any rejection. If partial approval is indicated, the cost of the improvements rejected shall be set forth.
- E. The Township Council shall either approve, partially approve or reject the improvements on the basis of the report of the Township Engineer and shall notify the obligor in writing, by certified mail, of the contents of said report and the action of the Township Council with relation thereto not later than 65 days after receipt of the notice from the obligor of the completion of the improvements. Where partial approval is granted, the obligor shall be released from all liability pursuant to its performance guaranty, except for that portion adequately sufficient to secure provision of the improvements not yet approved. Failure of the Township Council to send or provide such notification to the obligor within 65 days shall be deemed to constitute approval of the improvements and the obligor and surety, if any, shall be released from all liability, pursuant to such performance guaranty.
- F. If any portion of the required improvements is rejected, the Township Council may require the obligor to complete such improvements and, upon completion, the same procedure of notification as set forth in this section shall be followed.

- G. Nothing herein, however, shall be construed to limit the right of the obligor to contest by legal proceedings any determination of the Township Council or the Township Engineer.
- H. The obligor shall reimburse the Township for all reasonable inspection fees paid for the foregoing inspection of improvements.
- I. Prior to final acceptance of the improvements, the applicant shall file with the Township Engineer and Construction Code Official as-built drawings prepared by the applicant's engineer and/or architect indicating any approved changes from the final plat plan.

§ 430-12. Off-tract improvements.

- A. As a condition for approval of a site plan, a developer may be required by the Planning Board to pay his pro rata share of the cost of providing only reasonable and necessary street improvements and water, sewerage and drainage facilities, and easements therefor, located outside the property limits of the development but necessitated or required by construction or improvements within such development.
- B. Requirements for providing off-tract improvements shall be based on the circulation and utility service plan elements of the Township Master Plan. The pro rata amount of the cost of such facilities that shall be borne by each developer or owner within a related and common area shall be determined by the Planning Board in accordance with the following standards:
 - (1) Street improvements. The developer's share shall be based on the average daily traffic generated by the proposed development, as a proportion of total estimated average daily traffic on the street based on complete development under existing zoning.
 - (2) Water, sewer and drainage improvements. The developer's share shall be based on capacity required by the development in question as a proportion of total capacity for the service area in which the development is located.
- C. Where a developer pays the amount determined as his pro rata share under protest, he shall institute legal action within one year of such payment in order to preserve the right to a judicial determination as to the fairness and reasonableness of such amount.

§ 430-13. Reservation of public areas.

- A. General requirements.
 - (1) If the Master Plan or the Official Map provides for the reservation of designated streets, public drainageways, flood control basins or public areas within the proposed development before approving a site plan, the Planning Board may require that such streets, ways, basins or areas be shown on the site plan in locations and sizes suitable to their intended uses. The Planning Board may reserve the location and extent of such streets, ways, basins or areas shown on the

plat for a period of one year after the approval of the final plat or within such further time as may be agreed to by the applicant.

- (2) Unless during such period or extension thereof the Township shall have entered into a contract to purchase or institute condemnation proceedings according to law for the fee or a lesser interest in the land comprising such streets, ways, basins or areas, the applicant shall not be bound by such reservations shown on the plat and may proceed to use such and for private use in accordance with applicable development regulations.
- B. **Applicability.** The provisions of this section shall not apply to streets and roads, flood control basins or public drainageways necessitated by the subdivision or land development and required for final approval.
 - C. **Compensation.** The applicant shall be entitled to just compensation for actual loss found to be caused by such temporary reservation and deprivation of use. In such instance, unless a lesser amount has previously been mutually agreed upon, just compensation shall be deemed to be the fair market value of an option to purchase the land reserved for the period of reservation, provided that determination of such fair market value shall include but not be limited to consideration of the real property taxes apportioned to the land reserved and prorated for the period of reservation. The applicant shall be compensated for the reasonable increased cost of legal, engineering or other professional services incurred in connection with obtaining site plan approval caused by the reservation.

§ 430-14. Findings of fact for planned developments by Planning Board.

Prior to site plan approval for a planned development, the Planning Board shall find the following facts and conclusions:

- A. That departures by the proposed development from zoning regulations otherwise applicable to the subject property conform to standards for planned development contained in Chapter 150, Zoning.
- B. That the proposals for maintenance and conservation of the common open space are reliable and the amount, location and purpose of the common open space are adequate.
- C. That provision through the physical design of the proposed development for public services, control over vehicular and pedestrian traffic and the amenities of light and air, recreation and visual enjoyment are adequate.
- D. That the proposed planned development will not have an unreasonably adverse impact upon the area in which it is proposed to be established.
- E. In the case of a proposed development which contemplates construction over a period of years, that the terms and conditions intended to protect the interests of the public and of the residents, occupants and owners of the proposed development in the total completion of the development are adequate.

§ 430-15. Review by Board of Adjustment.

- A. Approval with variance application. The Board of Adjustment shall have the power to grant, to the same extent and subject to the same restrictions as the Planning Board, site plan approval whenever the Board of Adjustment is reviewing an application for approval of a variance pursuant to Section 57d of Chapter 291 of the Laws of New Jersey of 1975² and appropriate sections of Chapter 150, Zoning, of the Code of the Township of Verona. All requirements of this chapter, with the exception of time period for approval, shall apply to the site plan application and Board of Adjustment when acting as the reviewing board for a site plan application.
- B. Time period for approval. Whenever an application for development requests relief pursuant to Subsection A of this section, the Board of Adjustment shall grant or deny approval of the application within 120 days after submission by an applicant of a complete application to the Secretary of the Board of Adjustment or within such further time as may be consented to by the applicant. Failure of the Board of Adjustment to act within the period prescribed shall constitute approval of the application, and a certificate of the Secretary of the Board of Adjustment as to the failure of the Board of Adjustment to act shall be issued on request of the applicant, and it shall be sufficient in lieu of the written endorsement or other evidence of approval herein required.
- C. Referral to Planning Board. An application under this section may be referred to the Planning Board for its report, provided that such reference shall not extend the period of time within which the Board of Adjustment shall act.

§ 430-16. Details of site plan.

- A. Preparation; contents.
 - (1) The site plan and its separate elements shall be prepared by a professional engineer, land surveyor, architect, landscape architect or professional planner. The site plan shall be based on the latest Tax Map information and shall be of a standard size as required by N.J.S.A. 46:26B-1 et seq.
 - (2) The site plan shall consist of a location map, site plan maps(s) of the affected property and such other maps and information as listed below. The Planning Board may, at the request of the applicant, waive any of the various requirements of the maps and submissions.
- B. All maps shall:
 - (1) Show the name of the applicant and block and parcel number of the property in question.
 - (2) Show the name, address and seal of the licensed engineer, surveyor, architect or planner who had prepared the plan.
 - (3) Have a North point, scale, date on which plan was prepared and date of every revision.

2. Editor's Note: See N.J.S.A. 40:55D-70d.

- (4) Provide a place for signature of Chairman and Secretary of the reviewing board.

C. The location map shall:

- (1) Be drawn at a scale of not more than one inch equals 100 feet, showing the location of the property, all streets, driveways and property lines within 200 feet of the affected property and all buildings or structures within 200 feet of the building or structure proposed by the applicant.
- (2) Show the location of the property with respect to surrounding property and streets.
- (3) Identify all properties within 200 feet of the property in question by block and parcel number, name of owner and address of owner.
- (4) Indicate the zoning district in which the property is located and zoning of all property within a two-hundred-foot radius of the property in question.

D. The site plan map(s) shall:

- (1) Be drawn at a scale of one inch equals 30 feet. The Township Engineer may give permission to use another scale upon request by the applicant.
- (2) Show all lot line dimensions and area of the lot.
- (3) Show the location of all existing buildings, culverts, storm sewers, sanitary sewers, waterlines, fire protection facilities, electric and telephone lines (both above and below ground) and poles, gas and underground heating systems, pipe lines and other man-made features.
- (4) Show the location of all existing streets and highways on or adjacent to the property affected, including names, right-of-way width, pavement width, curbs or sidewalks.
- (5) Show the location of all existing easements and rights-of-way and the purpose for which they have been established.
- (6) Show the location of existing rock outcrops, high points, watercourses, depressions, ponds, marshes, wooded areas, single trees not in wooded areas with a diameter of six inches or more as measured three feet above the base of the trunk and other significant existing features as determined by survey.
- (7) Show the topography of the site, including existing elevations or contours at vertical intervals of two feet.
- (8) Provide datum to which contour elevations refer, preferably United States Coast and Geodetic Survey.
- (9) Show any designated streets, public drainageways, flood control basins or public areas within the proposed site designated for public reservation in the Township Master Plan or Official Map.
- (10) Show the topography of the site after development at two-foot contour intervals.

- (11) Show all proposed streets with profiles indicating grading and cross sections showing width of roadway, curbing and sidewalk.
- (12) Show the location of proposed buildings and structures, all accessory structures and fences, if any, including setback, sidelines and rear yard distances, with dimensions showing present and future grade elevations at all corners and entrances of said structures, and floor plans thereof.
- (13) Provide a design view of the front, side and rear elevations of the proposed structure or structures. Design view elevations are also to be shown where proposed additions or alterations affect such elevations.
- (14) Show the location, type and details of proposed signs and outdoor lighting, including dimensions, radius of light and intensity of illumination.
- (15) Show the location, type and size of proposed culverts, storm sewers, sanitary sewers, fire protection, electric and telephone lines and poles, gas and underground heating systems, pipelines and all other utilities both above and below ground, including the connection of such proposed facilities with the existing facilities.
- (16) Show all means of vehicular access for ingress and egress to and from the site onto public streets, showing the size and location of driveways and curb cuts, including the possible organization of traffic channels, acceleration and deceleration lanes, additional width and any other improvements necessary to prevent a difficult traffic situation. All pedestrian walkways should also be shown.
- (17) Show the location and design of any off-street parking areas or loading areas showing number of spaces, size and location of bays, aisles and barriers, and proposed direction of movement.
- (18) Show all proposed screening and landscaping, including a separate planting plan and location of proposed shade trees. If provided, all recreation areas shall be indicated.
- (19) Indicate methods and placement of solid waste disposal and storage facilities.
- (20) Show the storm drainage plan indicating locations of inlet pipes, swales, detention areas and any other storm drainage facilities as well as calculations for existing and proposed runoff conditions.
- (21) Include, if applicable, a detailed proposal, including covenants, agreements or other specific documents showing the ownership and method of assuring perpetual maintenance to be applied to those areas which are to be used for recreational or other common purposes.
- (22) Indicate the proposed sequence of development with a projected time schedule for completion of each of the several elements. Such projection shall include, where applicable, the removal of structures, trees and brush, temporary drainage considerations, utilities, road and sidewalk improvements and provisions for the protection of topsoil.

- E. The Planning Board may require other information and data for specific site plans. This data may include but is not limited to geologic information, water yields, flood data, environmental information, traffic counts, road capacities, market information, economic data for the proposed business or activity, hours of operation and similar information.
- F. The site plan application shall include certification that no taxes on the property are delinquent.

§ 430-17. Standards for review.

The following criteria have been set forth as a guide for evaluating the adequacy of proposed development in the Township. The Planning Board shall review the site plan for compliance with all applicable ordinances and the Master Plan; for harmony with surrounding uses and the overall plan for development of the Township; for the promotion of the health, safety, order, efficiency and economy of the Township; and for the maintenance of property values and the general welfare. Based upon its review and the degree to which it can make positive findings, the Board may approve, conditionally approve, request modifications or deny approval of the site plan based on evaluation of the site plan details with respect to:

- A. The site plan's compliance with all provisions of Chapter 150, Zoning, including but not limited to off-street parking and loading; signs and lighting; open space and the generation of objectionable smoke, fumes, noise, odors, dust, glare, vibration or heat.
- B. The site plan's compliance with all requirements and standards of Chapter 466, Subdivision of Land, including but not limited to standards for construction, layout, dimensions, materials, stormwater retention or detention facilities and sewerage facilities.
- C. The environmental impact of the development relating to the preservation of existing natural resources on the site and the impact on the natural resources of the surrounding properties and neighborhood.
- D. The relationship of the development to adjacent uses in terms of harmonious use and design, setbacks, maintenance of property values and negative impacts.
- E. The provision of a safe and efficient vehicular and pedestrian circulation system.
- F. The design and location of off-street parking and loading facilities to ensure that all such spaces are usable and are safely and conveniently arranged.³
- G. The sufficient width and suitable grade and location of streets designed to accommodate prospective traffic and to provide access for firefighting and emergency equipment to buildings.
- H. The coordination of streets so as to compose a convenient system consistent with the circulation element of the Master Plan.
- I. The design and location of buildings in an efficient and aesthetically pleasing manner.

3. Editor's Note: See Ch. 150, Zoning.

- J. The use of landscaping and screening to provide adequate buffers to shield lights, noise, movement or activities from adjacent properties when necessary; and to complement the design and location of buildings and be integrated into the overall site design.
- K. Exterior lighting to ensure safe movement and for security purposes, which shall be arranged so as to minimize glare and reflection on adjacent properties.⁴
- L. The location, size and configuration of open space areas to ensure that such areas are suitable for intended recreation and conservation uses.
- M. Protection and conservation of soils from erosion by wind or water or from excavation or grading.⁵
- N. Protection and conservation of watercourses and areas subject to flooding.⁶
- O. The adequacy of water, drainage, sewerage facilities, garbage disposal and other utilities necessary for essential services to residents and occupants.
- P. The design and location of signs so as to be aesthetically pleasing, harmonious with other signs on the site and located so as to achieve their purpose without constituting hazards to vehicles and pedestrians.⁷⁻⁸

§ 430-18. Fees.⁹ [Added 8-13-2012 by Res. No. 74]

Fees for copies of ordinances and the Master Plan are as follows:

- A. Chapter 150, entitled "Zoning": \$30.
- B. Chapter 466, entitled "Master Plan": \$150.¹⁰

4. Editor's Note: See Ch. 150, Zoning.

5. Editor's Note: See Ch. 440, Soil Removal.

6. Editor's Note: See Ch. 270, Flood Control and Damage Prevention.

7. Editor's Note: See Ch. 150, Zoning.

8. Editor's Note: Original § 118-18, Fees, added 8-13-2012 by Res. No. 74, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

9. Editor's Note: See also Ch. A565, Fees.

10. Editor's Note: See Ch. 466, Subdivision of Land.

Chapter 440

SOIL REMOVAL

§ 440-1. Permit required.

§ 440-4. Specifications.

**§ 440-2. Application procedure;
standards for review; issuance.**

§ 440-5. Bond.

§ 440-3. Application fee.

§ 440-6. Right to hearing.

§ 440-7. Violations and penalties.

[HISTORY: Adopted by the Township Council of the Township of Verona 8-20-1963 (Ch. 121 of the 1981 Code). Amendments noted where applicable.]

§ 440-1. Permit required. [Amended 6-21-1966]

No person, hereinafter referred to as "applicant" shall excavate or otherwise remove soil for sale or for use other than on the premises from which the soil shall be taken without first having procured a permit and permission therefor from the Township Council.

§ 440-2. Application procedure; standards for review; issuance.

- A. The Township Council shall not consider any application for the removal of soil from the premises for sale or otherwise unless and until the owner of the premises shall first file with the Township Engineer an application, in writing, upon forms approved by the Township Council requesting such permission, together with an engineer's map of the premises showing the contour lines and proposed contour grades resulting from such intended removal of soil in relation to the topography of the premises, and the proposed contour lines and the proposed grades shall be subject to the approval of the Township Council.
- B. The Township Council in considering and reviewing the application and in arriving at its decision shall be guided and take into consideration the public health, safety and general welfare, and particular consideration shall be given to the following factors:
 - (1) Soil erosion by water and wind.
 - (2) Drainage.
 - (3) Soil fertility.
 - (4) Lateral support slopes and grades of abutting streets and lands.
 - (5) Land values and uses.
 - (6) Such other factors as may bear upon or relate to the coordinated, adjusted and harmonious physical development of the Township.
- C. In the event the Township Council shall be of the opinion that the proposed soil removal will not create conditions inimical to the public health, welfare and safety and

will not result in the creation of any sharp declivities, pits or depressions, soil erosion or fertility problems, depressed land values, nor create any drainage, sewerage problems or other conditions of danger, permission to remove the soil shall be granted. The Township Engineer shall issue a permit when all the requirements of this chapter have been complied with by the applicant.

§ 440-3. Application fee. [Amended 8-17-1981 by Ord. No. 6-81]

Accompanying the application required by this chapter shall be an application fee to be paid by the applicant to the Township in the sum provided for in Chapter A565, Fees.

§ 440-4. Specifications.

- A. If permission to remove the soil shall be granted, the owner or person in charge shall so conduct the operations that there shall be no sharp declivities, pits or depressions, and in such a manner that the area shall be properly leveled off, cleared of debris and graded to conform with the contour lines and grades as approved by the Township Council.
- B. The owner of the premises or the person in charge of the removal of soil, when permission has been duly granted, shall not take away the top layer of arable soil for a depth of six inches, but such a top layer of arable soil to a depth of six inches shall be set aside for retention on the premises and shall be respread over the premises when the rest of the soil has been removed, pursuant to levels and contour lines, approved by the Township Council.

§ 440-5. Bond.

No permit for soil removal shall be granted or issued unless and until the owner or applicant shall file with the Township Council a bond, in form, and with surety acceptable to the Township in such amount as in the opinion of the Township Council shall be sufficient to ensure the faithful performance of the work to be undertaken pursuant to the permission granted by the Township Council pursuant to the provisions of this chapter.

§ 440-6. Right to hearing.

- A. In the event the Township Council refuse to grant the permit required by this section, the applicant shall be so notified by the Township Clerk, by ordinary mail addressed to the applicant at the address set forth on the application for the permit.
- B. The applicant, by letter addressed to the Township Council, may, not later than 35 days after mailing of such notice by the Township Clerk, request a hearing before the Township Council to review its refusal to grant a permit. Such hearing shall be at such time and place as the Township Council may designate. The Township Clerk shall notify the applicant of the date, time and place of such hearing, which notice shall be by ordinary mail addressed to the applicant at the address set forth on the application for the permit. Such notice is to be mailed at least 10 days prior to the date set for the hearing.

§ 440-7. Violations and penalties. [Added 8-17-1981 by Ord. No. 6-81; at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

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.

Chapter 446

SOLID WASTE AND RECYCLING

ARTICLE I

Recycling

- § 446-1. Definitions.
- § 446-2. Recycling Coordinator.
- § 446-3. Recycling Committee.
- § 446-4. Source separation; exemption from source-separation requirements.
- § 446-5. Collection of recyclable materials.
- § 446-6. Authorization to collect.
- § 446-7. Residential dwelling compliance requirements.
- § 446-8. Nonresidential establishment compliance requirements.
- § 446-9. New developments of multifamily residential units or commercial, institutional, or industrial properties.
- § 446-10. Prohibition of the collection of solid waste mixed with recyclables.
- § 446-11. Township Recycling Center.
- § 446-12. Enforcement.
- § 446-13. Recycling tonnages to be reported.
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- § 446-15. through § 446-20. (Reserved)

ARTICLE II

Source Separation of Yard Waste

- § 446-21. Separation required.
- § 446-22. Manner of collection.
- § 446-23. Disposal area designated.
- § 446-24. Types of refuse allowed.
- § 446-25. Disposal area days of use.
- § 446-26. Disposal area requirements and prohibitions.
- § 446-27. Persons permitted to use facilities.
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ARTICLE III

Garbage Collection

- § 446-31. Definitions.
- § 446-32. Application.
- § 446-33. Hours of placement for collection.
- § 446-34. Maintenance of garbage cans or containers.
- § 446-35. Tampering.
- § 446-36. Responsibilities of property owners, business operators, landlords and tenants.
- § 446-37. Violations and penalties.
- § 446-38. Severability.

[HISTORY: Adopted by the Township Council of the Township of Verona 3-9-2020 by Ord. No. 2020-08. Amendments noted where applicable.]

ARTICLE I

Recycling

§ 446-1. Definitions.

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

ALUMINUM BEVERAGE CONTAINERS — Includes all containers normally used in the consumption of beverages both in the home and in retail establishments dispensing the same for on-premises or off-premises consumption, the same being made entirely of aluminum.

BIMETAL (TIN/STEEL) CONTAINERS — Aluminum and tin or tin-plated steel food and beverage containers, including those for fruits, vegetables, juices and pet food.

COMMERCIAL SOURCE — Buildings used in part or in whole for wholesale, retail, service or manufacturing establishments, including but not limited to restaurants, markets, offices, retail and wholesale outlets, industrial establishments and theaters. Each building with one or more commercial uses shall be considered as one "commercial source," notwithstanding that there are multiple businesses and/or residential apartments contained therein.

CORRUGATED CONTAINERS — All corrugated cardboard of the type commonly used for boxes, shipping containers and packing material having exterior cardboard plies separated by air spaces created by one or more fabricated cardboard plies.

DESIGNATED RECYCLABLE MATERIALS — Those materials, including but not limited to metal, glass, paper or plastic containers, which are designated pursuant to regulations promulgated hereunder to be source separated for recycling.

ELECTRONIC WASTE — A computer central processing unit and associated hardware including keyboards, modems, printers scanners and fax machines; a cathode ray tube, a cathode ray tube device, a flat panel display or similar video display device with a screen that is greater than four inches measured diagonally and that contains one or more circuit boards, including a television and cell phones.

FERROUS SCRAP METAL — Scrap metal that is magnetic and rusts such as structural steel or cast iron components.

GLASS FOOD AND BEVERAGE CONTAINERS — All containers and objects commonly used in residential and nonresidential premises, such as bottles, jars, glasses, jugs and all other vessels made entirely of glass.

INSTITUTIONAL SOURCES — Churches, synagogues, mosques and other houses of worship, colleges, schools, municipal or municipally supported bodies, not-for-profit organizations and the like.

LEAD-ACID BATTERIES (VEHICLE BATTERIES) — Types that contain lead and lead oxide with the sulfuric acid electrolyte produces a voltage.

LEAVES — Foliage material naturally formed from trees and bushes that are suitable for composting and mulching.

MIXED OFFICE PAPER — A combination of paper products found in an office environment; typically, it means high-grade papers such as copier paper, computer printout, stationery and chipboard. It also includes magazines, catalogs, brochures, white envelopes, advertising flyers and most mail.

MULTIFAMILY DWELLING — Any building or structure, or complex of buildings is which three or more dwelling units are owner-occupied or rented or leased, or offered for rental or lease, for residential purposes (see N.J.S.A. 13:1E-99.13a) and shall include hotels, motels, or other guest houses serving transient or seasonal guests, as those terms are defined

under Subsection (j) of Section 3 of the Hotel and Multiple Dwelling Law, P.L. 1967, c. 76 (N.J.S.A. 55:13A-1 et seq.).

MUNICIPAL SOLID WASTE (MSW) STREAM — All solid waste generated at residential, commercial, and institutional establishments within the boundaries of the Township of Verona.

NEWSPAPER — Paper of the type commonly referred to as "newsprint" and distributed at stated intervals, usually daily or weekly, having printed thereon news and opinions and containing advertisements and other matter of public interest.

PLASTIC CONTAINERS — Only those containers, such as beverage containers and laundry product container, such types that may from time to time be approved by the Recycling Committee.

RECYCLABLE ELECTRONICS — Computer CPUs, laptops, mainframes, computer peripherals such as USBs and other cables, monitors and flat screens, scanners, telephones, cell phones and telephone systems, fax machines and central office equipment, printers and copies, televisions, electronic circuit boards and components, stereo equipment, electronic games, rechargeable batteries, portable electronic music devices and PDAs.

RECYCLABLE MATERIALS — Materials which would otherwise become solid waste, and which may be collected, separated, or processed and returned to the economic mainstream in the form of raw materials or products.

RECYCLING — Any process by which materials which would otherwise become solid waste are collected, separated or processed and returned to the economic mainstream in the form of raw materials or products.

RECYCLING CENTER — Such location as may be designated by the Township of Verona to store, separate, receive and transfer source separated nonputrescible recyclable materials as designated in the regulations promulgated.

RESIDENTIAL SOURCE — Homes, condominiums, townhouses and other dwelling units not defined as multifamily, commercial or institutional sources in this chapter.

SOURCE SEPARATION OF DESIGNATED RECYCLABLE MATERIALS — The separation and separate bundling of designated recyclable materials to be kept apart from residential, commercial and institutional solid waste by the generator thereof for the purposes of collection, disposition and recycling.

USED MOTOR OIL — Any waste crank case oil from periodic maintenance of internal combustion engines.

WHITE GOODS — Appliances such as refrigerators, air conditioners, stoves, washers, dryers, steel or cast-iron plumbing fixtures, dishwashers and water heaters.

YARD WASTE — Includes grass, leaves, branches, hedge and bush clippings, weeds and other vegetative materials.

§ 446-2. Recycling Coordinator.

There is hereby established in the Township of Verona the office of Recycling Coordinator whose responsibilities shall include but not be limited to membership in the Recycling Committee for the purpose of developing and implementing regulations hereunder. The Recycling Coordinator shall be appointed pursuant to the provisions of N.J.S.A. 40:69A-95 and shall serve for a one-year term.

§ 446-3. Recycling Committee.

There is hereby established a Recycling Committee in the Township of Verona. Membership on the Committee shall consist of the Township Manager, the Township Engineer, the Superintendent of Public Works and the Recycling Coordinator. The Recycling Committee is hereby authorized, empowered and directed to establish and promulgate reasonable regulations as to the selection and designation of recyclable materials to be source-separated in accordance with this chapter; to establish the manner, methods and programs for the collection and disposition, including sale, of designated recyclable materials in accordance with the provisions hereof; and to establish and regulate the operation of the Township Recycling Center.

§ 446-4. Source separation; exemption from source-separation requirements.

- A. Mandatory source separation. It shall be mandatory for all persons who are owners, tenants, or occupants of residential and nonresidential premises, which shall include, but not limited to, retail and other commercial locations, as well as government, schools and other institutional locations within the Township, to separate designated recyclable materials from all solid waste. Designated recyclable materials shall be deposited separate and apart from other solid waste generated by the owners, tenants, or occupants of such premises and shall be placed separately at the curb in a manner and on such days and times as may be hereinafter established by regulations promulgated by the Township. Mandatory recyclables follow:
- (1) Residential. All homes, condominiums, townhouses, apartments, trailer parks, etc., including certain housing types considered institutional (i.e., senior citizen homes) are to recycle the following materials. There are no de minimis standards based upon amount or weight:
 - (a) Newspaper.
 - (b) Mixed office paper.
 - (c) Corrugated containers.
 - (d) Glass food and beverage containers.
 - (e) Aluminum beverage containers.
 - (f) Plastic containers.
 - (g) Bimetal containers.

- (h) Yard waste.
 - (i) Used motor oil.
 - (j) White goods (i.e., refrigerators, washer/dryer appliances).
 - (k) Ferrous scrap metal.
 - (l) Recyclable electronic waste.
- (2) Commercial. All places of business (wholesale, retail, food, transportation, etc.) are included in this sector:
- (a) Newspaper.
 - (b) Mixed office paper.
 - (c) Corrugated containers.
 - (d) Glass food and beverage containers.
 - (e) Aluminum beverage containers.
 - (f) Plastic containers.
 - (g) Bimetal containers.
 - (h) Yard waste.
 - (i) Used motor oil.
 - (j) White goods (i.e., refrigerators, washer/dryer appliances).
 - (k) Ferrous scrap metal.
 - (l) Recyclable electronic waste.
- (3) Institutional. All government buildings, schools, colleges, hospitals, clinics, etc., are included in this sector:
- (a) Newspaper.
 - (b) Mixed office paper.
 - (c) Corrugated containers.
 - (d) Glass food and beverage containers.
 - (e) Aluminum beverage containers.
 - (f) Plastic containers.
 - (g) Bimetal containers.
 - (h) Yard waste.
 - (i) Used motor oil.

- (j) White goods (i.e., refrigerators, washer/dryer appliances).
- (k) Ferrous scrap metal.
- (l) Recyclable electronic waste.

B. Exemptions.

- (1) Pursuant to N.J.S.A. 13:1E-99.16(d), the Council may exempt persons occupying commercial or institutional premises within its municipal boundaries from the source-separation requirements of the ordinance which requires persons generating municipal solid waste within its municipal boundaries to source separate from the municipal solid waste stream the specified recyclable materials if those persons have otherwise provided for the recycling of all designated recyclable materials. To be eligible for an exemption pursuant to this chapter, a commercial or institutional generator of solid waste shall file an application for exemption with the Recycling Coordinator on forms to be provided for this purpose. The form shall include, at a minimum, the following information: the name of the commercial or institutional entity; the street address location and lot and block designation; the name, official title and phone number of the person making application on behalf of the commercial or institutional entity; the name, address, official contact person and telephone number of the facility which provides the service of recycling those designated recyclable materials, and a certification that the designated recyclable materials will be recycled, and that, at least on an annual basis, said recycling service provider or commercial/institutional generator shall provide written documentation to the Recycling Coordinator of the total number of tons collected and recycled for each designated material.
- (2) Persons who are physically disabled and who have notified the Recycling Committee, in writing, of such disability.

§ 446-5. Collection of recyclable materials.

The collection of recyclable material shall be in the manner prescribed as follows:

- A. All containers and brown paper bags containing recyclable materials shall be placed, prior to collection, between the curb and the sidewalk, or in the absence of a curb and sidewalk, as near to the street as not to constitute a danger, where such receptacles shall be readily accessible to the collector without providing obstruction to pedestrians. The owner or occupant of the premises shall keep all receptacles clean and in safe handling condition. Receptacles or other items to be disposed of shall be placed as noted above anytime after 5:00 p.m. of the day immediately preceding the day of collection, but no later than 6:00 a.m. of the day of collection. After collection, any containers shall be removed from the curbside by no later than 7:00 p.m. of the day of collection.
- B. All receptacles or dumpsters shall be maintained in accordance with the health code of the Township.

§ 446-6. Authorization to collect.

All contractors that provide collection services within the Township are required to register with Public Works and identify the entity to which they provide services.

§ 446-7. Residential dwelling compliance requirements.

The owner of any and all residential dwelling shall be responsible for compliance with this chapter. For multifamily dwellings, the management or owner is responsible for setting up and maintaining the recycling system, including collection of recyclable materials, in accordance with guidelines or regulations established by the appropriate municipal office. Violations and penalty notices will be directed to the owner or management in those instances where the violator is not easily identifiable. The management shall issue notification and collection rules to new tenants when they arrive and every six months during their occupancy.

§ 446-8. Nonresidential establishment compliance requirements.

- A. All commercial and institutional generators of solid waste shall be required to comply with the provisions of this chapter.
- B. The arrangement for collection of designated recyclables hereunder shall be the responsibility of the commercial, institutional or industrial property owner or their designee, unless the municipality provides for the collection of designated recyclable materials. All commercial, institutional or industrial properties which provide outdoor litter receptacles and disposal service for their contents shall also provide receptacles for designated recyclable materials, for those materials commonly deposited, in the location of the litter receptacle, and shall provide for separate recycling service for their content.
- C. Every business, institution, or industrial facility shall report on an annual basis to the Recycling Coordinator, on such forms as may be prescribed, on recycling activities at their premises, including the amount of recycled material, by material type, collected and recycled and the vendor or vendors providing recycling service.
- D. All food establishments, as defined in the Health Code, shall, in addition to compliance with all other recycling requirements, be required to recycle grease and/or cooking oil created in the processing of food or food products, and maintain such records as maybe prescribed, for inspection by any Code Enforcement Officer.

§ 446-9. New developments of multifamily residential units or commercial, institutional, or industrial properties.

Pursuant to N.J.S.A. 13:1E-99.13a and 99.16c:

- A. Any application to the Planning Board or Board of Adjustment of the Township of Verona for subdivision or site plan approval for the construction of multifamily dwellings of three or more units, single-family developments of 50 or more units or any commercial, institutional, or industrial development for the utilization of 1,000 square

feet or more of land must include a recycling plan. This plan must contain, at the minimum, the following:

- (1) A detailed analysis of the expected composition and amounts of solid waste and recyclables generated at the proposed development; and
 - (2) Locations documented on the application's site plan that provide for convenient recycling opportunities for all owners, tenants, and occupants. The recycling area shall be of sufficient size, convenient location and contain other attributes (signage, lighting, fencing, etc.) as may be determined by the Recycling Coordinator.
- B. Prior to the issuance of a certificate of occupancy by the Township, the owner or any new multifamily housing or commercial, institutional, or industrial development must supply a copy of a duly executed contract with a hauling company for the purposes of collection and recycling of source-separated recyclable materials in those instances where the municipality does not otherwise provide this service.
- C. Provision shall be made for the indoor, or enclosed outdoor, storage and pickup of solid waste.

§ 446-10. Prohibition of the collection of solid waste mixed with recyclables.

- A. It shall be unlawful for solid waste collectors to collect solid waste that is mixed with, or contains visible signs of, designated recyclable materials. It is also unlawful for solid waste collectors to remove for disposal those bags or containers of solid waste which visibly display a warning notice sticker or some other device indicating that the load of solid waste contains designated recyclable materials.
- B. It shall be the responsibility of the resident or occupant to the property to properly segregate the uncollected solid waste for proper disposal or recycling. Allowing such unseparated solid waste and recyclables to accumulate will be considered a violation of this article and the local sanitary code.
- C. Once placed in the location identified in this chapter, or any rules or regulations promulgated pursuant to this chapter, no person, other than those authorized by the municipality, shall tamper with, collect, remove, or otherwise handle designated recyclable materials.

§ 446-11. Township Recycling Center.

- A. The Township Recycling Center shall be used or made available only for persons residing within the limits of the Township of Verona and commercial or institutional entities located within the limits of the Township of Verona. All recyclable material deposited at the Recycling Center must be generated within the limits of the Township of Verona. The Township may require appropriate identification of all persons using the Recycling Center.
- B. No contractor or person operating any business or commercial operation shall be permitted to use the Recycling Center except for the disposal of material generated

from a property within the limits of the Township of Verona. The contractor must provide paperwork indicating the Verona property that the material was generated from before depositing the material at the Recycling Center.

- C. It shall be a violation of this chapter for any person or solid waste hauler to deposit recyclable materials generated outside the boundaries of the Township of Verona at the Recycling Center.
- D. It shall be a violation of this chapter for any person or solid waste collector to deposit recyclable materials outside of the designated containers or areas at the Recycling Center or to otherwise fail to follow the signs and directions posted at the Recycling Center.
- E. It shall be a violation of this chapter for any person or solid waste collector to deposit any material at the Township Recycling Center which is not a designated material accepted at the Recycling Center.

§ 446-12. Enforcement.

The Code Enforcement Official, the Township Engineer, the Superintendent of Public Works, the Police Department, the Health Officer or his/her designee, the Recycling Coordinator, the Essex County Department of Health and the Essex County Utilities Authority are hereby individually and severally empowered to enforce the provisions of this chapter. An inspection may consist of sorting through containers and opening of solid waste bags to detect, by sound or sight, the presence of any recyclable material.

§ 446-13. Recycling tonnages to be reported.

Prior to March 1 of each year, occupants of all commercial and institutional establishments and multifamily housing owners or their agents shall report, on forms provided by the municipality, to the Recycling Coordinator, the tonnage of recyclables collected and removed from the municipality during the previous year.

§ 446-14. Violations and penalties.

- A. Any person, corporation, occupant, or entity that violates or fails to comply with any provision of this chapter or any rules and regulations promulgated hereunder shall upon conviction thereof, be punishable by a fine not less than \$250, nor more than \$1,000. Each day for which violation of this chapter occurs shall be considered a separate offence.
- B. Fines levied and collected pursuant to the provisions of this chapter shall be immediately deposited into the municipal recycling trust fund (or equivalent). Monies in the municipal recycling trust fund shall be used for the expenses of the municipal recycling program.
- C. In addition to the foregoing penalties, where a container includes designated recycling material mixed with solid waste, the container will not be collected.

§ 446-15. through § 446-20. (Reserved)**ARTICLE II****Source Separation of Yard Waste****§ 446-21. Separation required.**

It shall be unlawful for any person to place yard waste for collection or disposal as solid waste. All persons occupying residential, commercial or institutional premises within the Township shall separate yard waste from recyclables and solid waste generated at such premises and, unless the leaves are stored or recycled for composting or mulching by the generator, place the yard waste for collection in the manner provided in this article.

§ 446-22. Manner of collection.

- A. Yard waste, when packed in biodegradable bags or tied in bundles weighing less than 50 pounds, shall be picked up curbside by the Township.
- B. Brush tied in bundles not more than four feet in length and no greater than six inches in diameter shall be picked up curbside by the Township.
- C. In addition to the above, yard waste may be deposited at a disposal area that may from time to time be designated by the Township for this purpose.
- D. It is prohibited to rake leaves into the street at any time within the Township.

§ 446-23. Disposal area designated.

There is hereby designated by the Township an area to be known as a "disposal area."

§ 446-24. Types of refuse allowed.

The disposal area, as designated by the Township, may be used for the disposal of the following yard waste materials only: leaves, grass clippings, hedge trimmings, tree branches, bushes and shrubs and general garden refuse. No concrete, cinder block, boulders, fencing, tree trunks, stumps, garbage or other materials not provided for shall be dumped at this area.

§ 446-25. Disposal area days of use.

The days of use shall be determined by the Township Manager and may be changed from time to time.

§ 446-26. Disposal area requirements and prohibitions.

- A. Residents shall be required to unload and leave areas promptly and place all waste materials in the designated location indicated by sign or as directed.

- B. No waste material shall be removed from areas other than by persons authorized by the Township Recycling Coordinator or Superintendent of Public Works.
- C. The Township Recycling Coordinator or Superintendent of Public Works or their authorized representative shall be authorized herein to reject any waste material which in his opinion may create a hazardous condition affecting the health, safety and welfare of the residents using areas and the general public.
- D. The Township Recycling Coordinator or Superintendent of Public Works shall be authorized to post at the area notices implementing the rules and regulations as set forth herein.

§ 446-27. Persons permitted to use facilities.

- A. The disposal area shall be used or made available only for persons residing within the limits of the Township. The Township Recycling Coordinator or Superintendent of Public Works or their authorized representative may require appropriate identification of all persons using the area.
- B. No contractor or person operating any business or commercial operation shall be permitted to use the disposal area unless the contractor or person operating any business or commercial operation obtains a permit from the Township Department of Public Works to use the disposal area. A separate permit is required for each load deposited at the disposal area. All waste deposited by a contractor or person operating any business or commercial operation shall have been generated from a property within the limits of the Township. The Township Recycling Coordinator or Superintendent of Public Works or their authorized representative may require proof of origin of the load.

§ 446-28. through § 446-30. (Reserved)

**ARTICLE III
Garbage Collection**

§ 446-31. Definitions.

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

GARBAGE — Putrescible animal and vegetable waste resulting from the handling, preparing, cooking and consumption of food.

PREMISES — Any residence or place of business or commerce where garbage, refuse, rubbish or recyclables are accumulated.

RECYCLABLES — Any designated recyclables as provided for in Article I of this chapter or by resolution, rule or regulation promulgated thereunder.

REFUSE — All putrescible and nonputrescible solid wastes, except body wastes, including but not limited to garbage, rubbish, ashes, street cleanings, dead animals, metal or wooden scraps, and solid market and industrial wastes.

RUBBISH — Nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

TOWNSHIP COLLECTION SYSTEM — Such system as may be employed by the Township, either through the use of Township personnel and equipment, or through such person, firm or entity as may be contracted by the Township to provide for collection and disposition of garbage, refuse rubbish and recyclables.

§ 446-32. Application.

This section shall apply to all garbage, refuse, and rubbish to be picked up by the Township Collection System.

- A. No garbage, refuse or rubbish shall be collected by the Township Collection System except as may be from time to time provided by ordinance or resolution of the Council. A true copy of any ordinance providing for the manner, terms and schedule of days for the collection of garbage, refuse or rubbish shall be maintained on file in the Office of the Township Clerk for inspection by the public during normal business hours.
- B. No person shall place any garbage, refuse or rubbish for pickup at the curbside of the street in front of any premises except in the manner and on the scheduled days as may be provided by this section.
- C. Residential sources shall be allowed to place solid waste at the curb for collection by the Township Collection System, provided that all garbage and refuse is contained in suitable receptacles. Recyclable material shall be separated from other solid waste and yard waste and recycled in a manner promulgated by the Township.
- D. Commercial and institutional sources. All commercial and institutional sources shall be allowed to place solid waste at the curb for collection by the Township Collection System, provided that all garbage and refuse shall be contained in suitable receptacles and recyclable material and yard waste are separated from the other solid waste. Exceptions: plastic bags may not be used as the external receptacles for food waste. Bulky waste, dirt, earth, stones, broken concrete, other construction material resulting from new construction or remodeling by a contractor; leaves brush and grass produced by a private contractor; and major automobile parts or items of an unreasonable nature will not be collected by the Township Collection System. The foregoing excluded items and hazardous or contaminated refuse as defined in this article shall not be placed for collection but shall be disposed of at the expense of the owner or possessor thereof, in accordance with laws and regulations of the State of New Jersey.

§ 446-33. Hours of placement for collection.

No person shall place or cause to be placed any garbage, refuse or rubbish at curbside for pick up any sooner than 5:00 p.m. on the day immediately preceding the date scheduled for the collection of garbage, refuse, rubbish or recyclables, but no later than 6:00 a.m. on the day of collection. All garbage cans or containers placed at curbside for collection shall be removed from curbside not later than 7:00 p.m. on the date on which collection is made.

§ 446-34. Maintenance of garbage cans or containers.

- A. All garbage cans or containers used in connection with the placement of garbage, refuse, rubbish or recyclables at curbside shall be kept in a clean and sanitary condition, made of metal or plastic, with a capacity of no more than 35 gallons, with handles, solidly constructed, so as to prevent spillage or leakage of contents, and weighing not more than 50 pounds when filled and placed for collection; plastic bags, paper bags and cardboard boxes are not suitable receptacles.
- B. Garbage cans or containers used in connection with the placement of garbage, refuse or rubbish shall not be stored in the front yard or stored on a public sidewalk or on any other public property if owned by private person or entity.
- C. Any property owner who is unable to store garbage cans or containers used in connection with garbage, refuse or rubbish in an area permitted by this chapter shall submit to the Zoning Officer, a request for a waiver for the placement of cans and containers. Such request shall include the preferred locations documented on the application's site plan or property survey that provide for convenient disposal opportunities for all owners, tenants, and occupants. The recycling area shall be of sufficient size, convenient location and contain other attributes (signage, lighting, fencing, etc.) as may be determined by the Zoning Officer. Upon recommendation of approval by the Zoning Officer, the approval shall be ratified by resolution of the Township Council.

§ 446-35. Tampering.

No person shall tamper with any garbage can or other container used in connection with the placement of garbage, refuse or rubbish at curbside so as to damage the same or to cause any garbage, refuse or rubbish to be removed from such garbage cans or containers.

§ 446-36. Responsibilities of property owners, business operators, landlords and tenants.

- A. Property owners, business operators, landlords and tenants of a property shall each have all the duties and responsibilities prescribed in this article; and no property owner, business operator, landlord or tenant shall be relieved from such duties or responsibilities by reason of the fact that the other of them or the occupant is also responsible therefor and in violation thereof.
- B. Contract not to alter responsibilities. The respective duties and responsibilities imposed hereunder on the property owner, business operator, landlord or tenant shall not be altered or affected by any agreement or contract to which one or more of them is or are a party or parties.

§ 446-37. Violations and penalties.

- A. For violation of any provision of this chapter, the maximum penalty upon conviction of the violation shall be by one or more of the following: imprisonment in the county jail or in any place provided by the Township for the detention of prisoners for any term

not exceeding 90 days; or by a fine not exceeding \$2,000; or by a period of community service not exceeding 90 days.

- B. Unlawful solid waste disposal. In accordance with N.J.S.A. 40:49-5, for the violation of an ordinance or Code provision pertaining to unlawful solid waste disposal, the maximum penalty by a fine shall not exceed \$10,000.
- C. The violation of any provision of the chapter, the minimum penalty shall be imposed which shall consist of a fine which may be fixed at an amount not exceeding \$100.
- D. Unlawful solid waste disposal, in accordance with N.J.S.A. 40:49-5, for the violation of an ordinance or code provision pertaining to unlawful solid waste disposal, the minimum penalty upon conviction of the violation shall be a fine of \$2,500. (N.J.S.A. 40:49-5)

§ 446-38. Severability.

If any section, sentence or any other part of this chapter is adjudged unconstitutional or invalid by any court, such judgment shall not affect, impair or invalidate the remaining provisions of this chapter, and such judgment shall be confined in its effect to the section, sentence or other part of this chapter directly involved in the controversy in which such judgment shall have been rendered.

Chapter 455

STORMWATER MANAGEMENT

ARTICLE I Stormwater Quality

- § 455-1. Purposes.**
- § 455-2. Definitions.**
- § 455-3. Prohibited conduct.**
- § 455-4. Design standard for storm drain inlets.**
- § 455-5. Exceptions to prohibition.**
- § 455-6. Enforcement.**
- § 455-7. Violations and penalties.**

ARTICLE II Stormwater Management Controls and Requirements

- § 455-8. Scope and purpose.**
- § 455-9. Definitions.**

- § 455-10. General standards.**
- § 455-11. Stormwater management requirements for major development.**
- § 455-12. Calculation of stormwater runoff and groundwater recharge.**
- § 455-13. Standards for structural stormwater management measures.**
- § 455-14. Sources for technical guidance.**
- § 455-15. Safety standards for stormwater management basins.**
- § 455-16. Requirements for site development stormwater plan.**
- § 455-17. Maintenance and repair.**

[HISTORY: Adopted by the Township Council of the Township of Verona as indicated in article histories. Amendments noted where applicable.]

ARTICLE I Stormwater Quality

[Adopted 11-21-2005 by Ord. No. 23-2005; amended in its entirety 10-15-2012 by Ord. No. 5-12 (Ch. 123, Art. I, of the 1981 Code)]

§ 455-1. Purposes.

The purposes of this article are as follows:

- A. To prohibit the spilling, dumping or disposal of materials other than stormwater to the municipal separate storm sewer system (MS4) operated by the Township of Verona so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.
- B. To prohibit illicit connections to the municipal separate sewer system(s) operated by the Township of Verona, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

- C. To establish requirements for the proper handling of litter, yard waste and pet solid waste in the Township of Verona, so as to protect public health, safety and welfare and to prescribe penalties for the failure to comply.
- D. To prohibit the feeding of unconfined wildlife in any Township-owned park in Verona or on any other property owned or operated by the Township of Verona so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.
- E. To require the retrofitting of existing storm drain inlets which are in direct contact with repaving, repairing, reconstruction, or resurfacing or alterations of facilities on private property, to prevent the discharge of solids and floatables (such as plastic bottles, cans, food wrappers and other litter) to municipal separate storm sewer system operated by the Township of Verona so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.
- F. To require dumpsters and other refuse containers that are outdoors or exposed to stormwater to be covered at all times and prohibits the spilling, dumping, leaking or otherwise discharge of liquids, semiliquids or solids from the containers to the municipal separate stormwater system operated by the Township of Verona and/or the waters of the state so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.
- G. To regulate the outdoor application of fertilizer so as to reduce the overall amount of excess nutrients entering waterways, thereby helping to protect and improve surface water quality. This article does not apply to fertilizer application on commercial farms.

§ 455-2. Definitions.

For the purpose of this article, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this article 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.

BUFFER — The land area, 25 feet in width, adjacent to any water body.

COMMERCIAL FARM — A farm management unit producing agricultural or horticultural products worth \$2,500 or more annually.

CONTAINERIZED — The placement of yard waste in a biodegradable bag as approved by the Township Engineer, such as to prevent the yard waste from spilling or blowing out into the street and coming into contact with stormwater.

DOMESTIC SEWAGE — Waste and wastewater from humans or household operations.

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.

FERTILIZER — A fertilizer material, mixed fertilizer or any other substance containing one or more recognized plant nutrients, which is used for its plant nutrient content, which is

designed for use or claimed to have value in promoting plant growth and which is sold, offered for sale, or intended for sale.

ILLICIT CONNECTION — Any physical or nonphysical connection that discharges domestic sewage, noncontact cooling water, process wastewater, or other industrial waste (other than stormwater) to the municipal separate storm sewer system operated by the Township of Verona, unless that discharge is authorized under a NJPDES permit other than the Tier A Municipal Stormwater General Permit (NJPDES Permit No. NJ0141852). Nonphysical connections may include, but are not limited to, leaks, flows, or overflows into the municipal separate storm sewer system.

IMMEDIATE — That the pet solid waste is removed at once, without delay.

IMPERVIOUS SURFACE — A surface that has been covered with a layer of material so that it is highly resistant to infiltration by water. This term shall be used to include any highway, street, sidewalk, parking lot, driveway, or other material that prevents infiltration of water into the soil.

INDUSTRIAL WASTE — Nondomestic 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)].

LITTER — Any unused 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 process of mining or other extraction processes, logging, saw milling, farming or manufacturing.

LITTER RECEPTACLE — A container suitable for the depositing of litter.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) — A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels or storm drains) that is owned or operated by the Township of Verona or other public body and is designed and used for collecting and conveying stormwater.

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.

NONCONTACT 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. Noncontact cooling water may however contain algaecides, or biocides to control fouling of equipment such as heat exchangers, and/or corrosion inhibitors.

OWNER/KEEPER — Any person who shall possess, maintain, house or harbor any pet or otherwise have 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 — 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.

PHOSPHORUS FERTILIZER — Any fertilizer that contains phosphorus, expressed as P_2O_5 , with a guaranteed analysis of greater than zero; except that it shall not be considered to include animal (including human) or vegetable manures, agricultural liming materials, or wood ashes that have not been amended to increase their nutrient content.

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, by-product or waste product. Process wastewater includes, but is not limited to, leachate and cooling water other than noncontacting cooling water.

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

REFUSE CONTAINER — Any waste container that a person controls whether owned, leased or operated, including dumpsters, trash cans, garbage pails and plastic trash bags.

SOILS TEST — A technical analysis of soil conducted by an accredited soil-testing laboratory following the protocol for such a test established by Rutgers Cooperative Research and Extension.

STORM DRAIN INLET — An opening in a storm drain used to collect stormwater runoff and includes, but is not limited to, a grate inlet, curb-opening inlet, slotted inlet and combination inlet.

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.

STREET — 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.

WATER BODY — A surface water feature, such as a lake, river, stream, creek, pond, lagoon, bay estuary.

WATERS OF THE STATE — The ocean and its estuaries, all springs, streams and bodies of surface water or groundwater, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

WILDLIFE — All animals that are neither human nor domesticated.

YARD WASTE — Leaves and grass clippings.

§ 455-3. Prohibited conduct.

- A. The spilling, dumping or disposal of materials other than stormwater to the municipal separate storm sewer system operated by the Township of Verona 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 unless same is qualified by one of the following exceptions:
- (1) Waterline flushing and discharges from potable water sources.
 - (2) Uncontaminated groundwater (e.g., infiltration, crawl space or basement sump pumps, foundation and footing drains, rising groundwaters).
 - (3) Air-conditioning condensate (excluding contact and noncontact cooling water).
 - (4) Irrigation water (including landscape and lawn watering runoff).
 - (5) Flows from springs riparian habitats and wetlands. Water reservoir discharges and diverted stream flows.
 - (6) Residential car washing and residential swimming pool discharges.
 - (7) Sidewalk, driveway and street wash water.
 - (8) Flows from firefighting activities.
 - (9) Flows from rinsing of the following equipment with clean water:
 - (a) Beach maintenance equipment immediately following its use for its intended purposes; and
 - (b) 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.
 - (c) 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.
- B. No person shall discharge or cause to be discharged through an illicit connection to the municipal separate storm sewer system operated by the Township of Verona any domestic sewage, noncontact cooling water, process wastewater, or other industrial wastewater (other than stormwater).
- C. 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 article.

- D. It shall be unlawful for any person to throw, drop, discard or otherwise place any litter of any nature upon public or private property other than in a litter receptacle, or having done so, to allow such litter to remain. Whenever any litter is thrown or discarded or allowed to fall from a vehicle or boat in violation of this article, the operator or owner, or both, of the motor vehicle or boat shall also be deemed to have violated this article.
- E. All pet owners and keepers are required to immediately and properly dispose of their pet's solid waste deposited on any property, public or private, not owned or possessed by that person unless the owner or keeper of the animal requires the use of a disability assistance animal and such animal is being used for that purpose.
- F. No person shall feed, in any Township-owned park, or on any other property owned or operated by the Township of Verona, any wildlife, excluding confined wildlife (i.e., wildlife contained in zoos, parks, or rehabilitation centers or unconfined wildlife at environmental education centers or circuses).
- G. No person in control of private property (except a residential lot with one single-family house) shall authorize the repaving, repairing (excluding the repair of individual potholes), resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen), reconstructing or altering any surface that is in direct contact with an existing storm drain inlet on that property unless the storm drain inlet either:
- (1) Already meets the design standard below to control passage of solid and floatable materials; or
 - (2) Is retrofitted or replaced to meet the standard in § 455-4 below prior to the completion of the project.
- H. Any person who controls, whether owned, leased, or operated, a refuse container or dumpster must ensure that such container or dumpster does not leak or otherwise discharge liquids, semiliquids or solids to the municipal separate storm sewer system(s) operated by the Township of Verona.
- I. No person shall apply fertilizer:
- (1) When runoff-producing rainfall is occurring or predicted and/or when soils are saturated and a potential for fertilizer movement off site exists.
 - (2) To an impervious surface. Fertilizer inadvertently applied to an impervious surface must be swept or blown back into the target surface or returned to either its original or another appropriate container for reuse.
 - (3) Within the buffer of any water body.
 - (4) More than 15 days prior to the start of or at any time after the end of the recognized growing season from March 1 to November 15.
- J. No person shall apply phosphorus fertilizer:
- (1) In outdoor areas except as demonstrated to be needed for the specific soils and target vegetation in accordance with a soils test and the associated annual fertilizer recommendation issued by Rutgers Cooperative Research and Extension.
 - (2) Exceptions:

- (a) Application of phosphorus fertilizer needed for:
 - [1] Establishing vegetation for the first time, such as after land disturbance, provided the application is in accordance with the requirements established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules;
 - [2] Reestablished or repairing a turf area in accordance with good soil practices.
- (b) Application of phosphorus fertilizer that delivers liquid or granular fertilizer under the soils surface, directly to the feeder roots.
- (c) Application of phosphorus fertilizer to residential container plantings, flowerbeds, or vegetable gardens.

§ 455-4. Design standard for storm drain inlets.

Storm drain inlets identified in § 455-2 above shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this section, "solid and floatable materials" means sediment, debris, trash and other floating, suspended or settleable solids. For exemptions to this standard see § 455-4C below.

A. Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:

- (1) The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or
- (2) A different grate, if each individual clear space in that grate has an area of no more than 7.0 square inches, or is no greater than 0.5 inch across the smallest dimension.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels and stormwater basin floors.

B. Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than 7.0 square inches, or be no greater than 2.0 inches across the smallest dimension.

C. This standard does not apply:

- (1) Where the Township Engineer agrees that this standard would cause inadequate hydraulic performance that could not practically be overcome by using additional or larger storm drain inlets that meet these standards;

- (2) Where flows are conveyed through any device (e.g., end-of-pipe netting facility, manufactured treatment device or a catch basin hood) that is, designed at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
 - (a) A rectangular space 4 5/8 inches long and 1 1/2 inches wide (This option does not apply for outfall netting facilities.); or
 - (b) A bar screen having a bar spacing of 0.5 inch.
- (3) Where flows are conveyed through a trash rack that has parallel bars with one-inch spacing between the bars; or
- (4) Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

§ 455-5. Exceptions to prohibition.

Exceptions:

- A. Permitted temporary demolition containers.
- B. Litter receptacles (other than dumpsters or other bulk containers).
- C. Individual homeowner trash and recycling containers.
- D. Refuse containers at facilities authorized to discharge stormwater under a valid NJPDES permit.
- E. Large bulky items (e.g., furniture, bound carpet and padding, white goods placed curbside for pickup).
- F. Application of phosphorus fertilizer needed for:
 - (1) Establishing vegetation for the first time, such as after land disturbance, provided the application is in accordance with the requirements established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules.
 - (2) Reestablishing or repairing a turf area in accordance with good soil practices.
 - (3) Application of phosphorus fertilizer that delivers liquid or granular fertilizer under the soils surface, directly to the feeder roots.
 - (4) Application of phosphorus fertilizer to residential container plantings, flowerbeds, or vegetable gardens.

§ 455-6. Enforcement.

This article shall be enforced by the Police Department of the Township of Verona and/or other municipal officials of the Township of Verona.

§ 455-7. Violations and penalties. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

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**Stormwater Management Controls and Requirements**

[Adopted 4-16-2007 by Ord. No. 6-07 (Ch. 123, Art. II, of the 1981 Code)]

§ 455-8. Scope and purpose.

- A. Policy statement. Flood control, groundwater recharge, and pollutant reduction through nonstructural or low-impact techniques shall be explored before relying on structural BMPs. Structural BMPs should be integrated with nonstructural stormwater management strategies and proper maintenance plans. Nonstructural strategies include both environmentally sensitive site design and source controls that prevent pollutants from being placed on the site from being exposed to stormwater. Source control plans should be developed based upon physical site conditions and the origin, nature, and the anticipated quantity or amount of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for water quality, quantity, and groundwater recharge.
- B. Purpose. It is the purpose of this article to establish minimum stormwater management requirements and controls for major development, as defined in § 455-9.
- C. Applicability.
 - (1) This article shall be applicable to all site plans and subdivisions for the following major developments that provide for disturbance of land of greater than one or more acres of land that require preliminary or final site plan or subdivision review:
 - (a) Nonresidential major developments; and
 - (b) Aspects of residential major developments that are not preempted by the Residential Site Improvement Standards at N.J.A.C. 5:21.
 - (2) This article shall also be applicable to all major developments undertaken by the Township of Verona or by the County of Essex.
- D. Compatibility with other permit and ordinance requirements. Development approvals issued for subdivisions and site plans pursuant to this article are to be considered an integral part of development approvals under the subdivision and site plan review

process and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act or ordinance. In their interpretation and application, the provisions of this article shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. This article is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute or other provision of law except that, where any provision of this article imposes restrictions different from those imposed by any other ordinance, rule or regulation or other provision of law, the more restrictive provisions or higher standards shall control.

§ 455-9. Definitions.

Unless specifically defined below, words or phrases used in this article shall be interpreted so as to give them the meaning they have in common usage and to give this article its most reasonable application. The definitions below are the same as or based on the corresponding definitions in the stormwater management rules at N.J.A.C. 7:8-1.2.

COMPACTION — The increase in soil bulk density.

CORE — A pedestrian-oriented area of commercial and civic uses serving the surrounding municipality, generally including housing and access to public transportation.

COUNTY REVIEW AGENCY — An agency designated by the Essex County Board of County Commissioners to review municipal stormwater management plans and implementing ordinance(s). The county review agency may either be:

- A. A county planning agency; or
- B. A county water resource association created under N.J.S.A. 58:16A-55.5, if the ordinance or resolution delegates authority to approve, conditionally approve, or disapprove municipal stormwater management plans and implementing ordinances.

DEPARTMENT — The New Jersey Department of Environmental Protection.

DESIGN ENGINEER — A person professionally qualified and duly licensed in New Jersey to perform engineering services that may include, but not necessarily be limited to, development of project requirements, creation and development of project design and preparation of drawings and specifications.

DESIGNATED CENTER — A State Development and Redevelopment Plan Center as designated by the State Planning Commission, such as urban, regional, town, village, or hamlet.

DEVELOPMENT — The division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or structure, any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, by any person, for which permission is required under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. In the case of development of agricultural lands, development means: any activity that requires a state permit; any activity reviewed by the County Agricultural Board (CAB) and the State Agricultural Development Committee (SADC), and municipal review of any activity not exempted by the Right to Farm Act, N.J.S.A. 4:1C-1 et seq.

DRAINAGE AREA — A geographic area within which stormwater, sediments, or dissolved materials drain to a particular receiving water body or to a particular point along a receiving water body.

EMPOWERMENT NEIGHBORHOOD — A neighborhood designated by the Urban Coordinating Council "in consultation and conjunction with" the New Jersey Redevelopment Authority pursuant to N.J.S.A. 55:19-69.

ENVIRONMENTALLY CRITICAL AREA — An area or feature which is of significant environmental value, including but not limited to: stream corridors; natural heritage priority sites; habitat of endangered or threatened species; large areas of contiguous open space or upland forest; steep slopes; and wellhead protection and groundwater recharge areas. Habitats of endangered or threatened species are identified using the Department's Landscape Project as approved by the Department's Endangered and Nongame Species Program.

EROSION — The detachment and movement of soil or rock fragments by water, wind, ice or gravity.

IMPERVIOUS SURFACE — A surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

INFILTRATION — The process by which water seeps into the soil from precipitation.

MAJOR DEVELOPMENT — Any development that provides for ultimately disturbing one or more acres of land. Disturbance for the purpose of this rule is the placement of impervious surface or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation.

MUNICIPALITY — Any city, borough, town, township, or village.

NODE — An area designated by the State Planning Commission concentrating facilities and activities, which are not organized in a compact form.

NUTRIENT — A chemical element or compound, such as nitrogen or phosphorus, which is essential to and promotes the development of organisms.

PERSON — Any individual, corporation, company, partnership, firm, association, Township of Verona, or political subdivision of this state subject to municipal jurisdiction pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

POLLUTANT — Any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, refuse, oil, grease, sewage sludge, munitions, chemical wastes, biological materials, medical wastes, radioactive substance [except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.)], thermal waste, wrecked or discarded equipment, rock, sand, cellar, dirt, industrial, municipal, agricultural, and construction waste or runoff, or other residue discharged directly or indirectly to the land, groundwaters or surface waters of the state, or to a domestic treatment works. "Pollutant" includes both hazardous and nonhazardous pollutants.

RECHARGE — The amount of water from precipitation that infiltrates into the ground and is not evapotranspired.

SEDIMENT — Solid material, mineral or organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water or gravity as a product of erosion.

SITE — The lot or lots upon which a major development is to occur or has occurred.

SOIL — All unconsolidated mineral and organic material of any origin.

STATE DEVELOPMENT AND REDEVELOPMENT PLAN METROPOLITAN PLANNING AREA (PA1) — An area delineated on the State Plan Policy Map and adopted by the State Planning Commission that is intended to be the focus for much of the state's future redevelopment and revitalization efforts.

STATE PLAN POLICY MAP — The geographic application of the State Development and Redevelopment Plan's goals and statewide policies, and the Official Map of these goals and policies.

STORMWATER — Water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, or is captured by separate storm sewers or other sewage or drainage facilities, or conveyed by snow removal equipment.

STORMWATER MANAGEMENT BASIN — An excavation or embankment and related areas designed to retain stormwater runoff. A stormwater management basin may either be normally dry (that is, a detention basin or infiltration basin), retain water in a permanent pool (a retention basin), or be planted mainly with wetland vegetation (most constructed stormwater wetlands).

STORMWATER MANAGEMENT MEASURE — Any structural or nonstructural strategy, practice, technology, process, program, or other method intended to control or reduce stormwater runoff and associated pollutants, or to induce or control the infiltration or groundwater recharge of stormwater or to eliminate illicit or illegal nonstormwater discharges into stormwater conveyances.

STORMWATER RUNOFF — Water flow on the surface of the ground or in storm sewers, resulting from precipitation.

URBAN COORDINATING COUNCIL EMPOWERMENT NEIGHBORHOOD — A neighborhood given priority access to state resources through the New Jersey Redevelopment Authority.

URBAN ENTERPRISE ZONES — A zone designated by the New Jersey Enterprise Zone Authority pursuant the New Jersey Urban Enterprise Zone Act, N.J.S.A. 52:27H-60 et seq.

URBAN REDEVELOPMENT AREA — Previously developed portions of areas:

- A. Delineated on the State Plan Policy Map (SPPM) as the Metropolitan Planning Area (PA1), Designated Centers, Cores or Nodes;
- B. Designated as CAFRA Centers, Cores or Nodes;
- C. Designated as Urban Enterprise Zones; and
- D. Designated as Urban Coordinating Council Empowerment Neighborhoods.

WATERS OF THE STATE — The ocean and its estuaries, all springs, streams, wetlands, and bodies of surface water or groundwater, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

WETLANDS or WETLAND — An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

§ 455-10. General standards.

A. Design and performance standards for stormwater management measures.

- (1) Stormwater management measures for major development shall be developed to meet the erosion control, groundwater recharge, stormwater runoff quantity, and stormwater runoff quality standards in § 455-11. To the maximum extent practicable, these standards shall be met by incorporating nonstructural stormwater management strategies into the design. If these strategies alone are not sufficient to meet these standards, structural stormwater management measures necessary to meet these standards shall be incorporated into the design.
- (2) The standards in this article apply only to new major development and are intended to minimize the impact of stormwater runoff on water quality and water quantity in receiving water bodies and maintain groundwater recharge. The standards do not apply to new major development to the extent the alternative design and performance standards are applicable under a regional stormwater management plan or water quality management plan adopted in accordance with Department rules.

§ 455-11. Stormwater management requirements for major development.

- A.** The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with § 455-17.
- B.** Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department's Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlenbergii* (bog turtle).
- C.** The following linear development projects are exempt from the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements of § 455-11F and G.
 - (1) The construction of an underground utility line, provided that the disturbed areas are revegetated upon completion;
 - (2) The construction of an aboveground utility line, provided that the existing conditions are maintained to the maximum extent practicable; and
 - (3) The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is made of permeable material.

D. A waiver from strict compliance from the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements of § 455-11F and G may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:

- (1) The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;
- (2) The applicant demonstrates through an alternatives analysis that, through the use of nonstructural and structural stormwater management strategies and measures, the option selected complies with the requirements of § 455-11F and G to the maximum extent practicable;
- (3) The applicant demonstrates that, in order to meet the requirements of § 455-11F and G, existing structures currently in use, such as homes and buildings, would need to be condemned; and
- (4) The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under Subsection D(3) above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of § 455-11F and G that were not achievable on site.

E. Nonstructural stormwater management strategies.

- (1) To the maximum extent practicable, the standards in § 455-11F and G shall be met by incorporating nonstructural stormwater management strategies set forth at Subsection E into the design. The applicant shall identify the nonstructural measures incorporated into the design of the project. If the applicant contends that it is not feasible for engineering, environmental, or safety reasons to incorporate any nonstructural stormwater management measures identified in Subsection E(2) below into the design of a particular project, the applicant shall identify the strategy considered and provide a basis for the contention.
- (2) Nonstructural stormwater management strategies incorporated into site design shall:
 - (a) Protect areas that provide water quality benefits or areas particularly susceptible to erosion and sediment loss;
 - (b) Minimize impervious surfaces and break up or disconnect the flow of runoff over impervious surfaces;
 - (c) Maximize the protection of natural drainage features and vegetation;
 - (d) Minimize the decrease in the time of concentration from preconstruction to post-construction. "Time of concentration" is defined as the time it takes for runoff to travel from the hydraulically most distant point of the watershed to the point of interest within a watershed;
 - (e) Minimize land disturbance, including clearing and grading;

- (f) Minimize soil compaction;
 - (g) Provide low-maintenance landscaping that encourages retention and planting of native vegetation and minimizes the use of lawns, fertilizers and pesticides;
 - (h) Provide vegetated open-channel conveyance systems discharging into and through stable vegetated areas;
 - (i) Provide other source controls to prevent or minimize the use or exposure of pollutants at the site, in order to prevent or minimize the release of those pollutants into stormwater runoff. Such source controls include, but are not limited to:
 - [1] Site design features that help to prevent accumulation of trash and debris in drainage systems, including features that satisfy Subsection E(3) below;
 - [2] Site design features that help to prevent discharge of trash and debris from drainage systems;
 - [3] Site design features that help to prevent and/or contain spills or other harmful accumulations of pollutants at industrial or commercial developments; and
 - [4] When establishing vegetation after land disturbance, applying fertilizer in accordance with the requirements established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules.
- (3) Site design features identified under § 455-11E(2)(i)[2] above shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see § 455-11E(3)(c) below.
- (a) Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under the grate: the New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or a different grate, if each individual clear space in that grate has an area of no more than seven square inches, or is no greater than 0.5 inch across the smallest dimension. Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater basin floors.

- (b) Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than seven square inches, or be no greater than two inches across the smallest dimension.
 - (c) This standard does not apply:
 - [1] Where the review agency determines that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;
 - [2] Where flows from the water quality design storm as specified in § 455-11G(1) are conveyed through any device (e.g., end-of-pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
 - [a] A rectangular space 4 5/8 inches long and 1 1/2 inches wide (this option does not apply for outfall netting facilities); or
 - [b] A bar screen having a bar spacing of 0.5 inch.
 - [3] Where flows are conveyed through a trash rack that has parallel bars with one-inch spacing between the bars, to the elevation of the water quality design storm as specified in § 455-11G(1);
 - [4] Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register-listed historic property.
 - (4) Any land area used as a nonstructural stormwater management measure to meet the performance standards in § 455-11F and G shall be dedicated to a government agency, subjected to a conservation restriction filed with the Essex County Clerk's office, or subject to an approved equivalent restriction that ensures that measure or an equivalent management measure approved by the reviewing agency is maintained in perpetuity.
 - (5) Guidance for nonstructural stormwater management strategies is available in the New Jersey Stormwater Best Management Practices Manual. The BMP Manual may be obtained from the address identified in § 455-14 or found on the Department's Web site at www.njstormwater.org.
- F. Erosion control, groundwater recharge and runoff quantity standards.
- (1) This subsection contains minimum design and performance standards to control erosion, encourage and control infiltration and groundwater recharge, and control stormwater runoff quantity impacts of major development.

- (a) The minimum design and performance standards for erosion control are those established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules.
- (b) The minimum design and performance standards for groundwater recharge are as follows:
 - [1] The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at § 455-11 either:
 - [a] Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100% of the average annual preconstruction groundwater recharge volume for the site; or
 - [b] Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from preconstruction to post-construction for the two-year storm is infiltrated.
 - [2] This groundwater recharge requirement does not apply to projects within the urban redevelopment area, or to projects subject to Subsection F(1)(b)[3] below.
 - [3] The following types of stormwater shall not be recharged:
 - [a] Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than "reportable quantities" as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department-approved remedial action work plan or landfill closure plan and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and
 - [b] Industrial stormwater exposed to source material. "Source material" means any material(s) or machinery, located at an industrial facility, that is directly and indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.

- [4] The design engineer shall assess the hydraulic impact on the groundwater table and design the site so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high water table so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems and other subsurface structures in the vicinity or downgradient of the groundwater recharge area.
- (c) In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at § 455-11 complete one of the following:
 - [1] Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the two-, ten-, and one-hundred-year storm events do not exceed, at any point in time, the preconstruction runoff hydrographs for the same storm events;
 - [2] Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the preconstruction condition, in the peak runoff rates of stormwater leaving the site for the two-, ten-, and one-hundred-year storm events and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;
 - [3] Design stormwater management measures so that the post-construction peak runoff rates for the two-, ten-, and one-hundred-year storm events are 50%, 75% and 80%, respectively, of the preconstruction peak runoff rates. The percentages apply to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed. The percentages shall not be applied to post-construction stormwater runoff into tidal flood hazard areas if the increased volume of stormwater runoff will not increase flood damages below the point of discharge.
- (2) Any application for a new agricultural development that meets the definition of major development at § 455-9 shall be submitted to the appropriate Huson-Essex Soil Conservation District for review and approval in accordance with the requirements of this section and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For the purposes of this section, agricultural development means land uses normally associated with the production of food, fiber and livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacturing of agriculturally related products.

G. Stormwater runoff quality standards.

- (1) Stormwater management measures shall be designed to reduce the post-construction load of total suspended solids (TSS) in stormwater runoff by 80% of the anticipated load from the developed site, expressed as an annual average. Stormwater management measures shall only be required for water quality control if an additional 1/4 acre of impervious surface is being proposed on a development site. The requirement to reduce TSS does not apply to any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the New Jersey Pollution Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDES permit from this requirement. The water quality design storm is 1.25 inches of rainfall in two hours. Water quality calculations shall take into account the distribution of rain from the water quality design storm, as reflected in Table 1. The calculation of the volume of runoff may take into account the implementation of nonstructural and structural stormwater management measures.

Table 1			
Water Quality Design Storm Distribution			
Time (minutes)	Cumulative Rainfall (inches)	Time (minutes)	Cumulative Rainfall (inches)
0	0.0000	65	0.8917
5	0.0083	70	0.9917
10	0.0166	75	1.0500
15	0.0250	80	1.0840
20	0.0500	85	1.1170
25	0.0750	90	1.1500
30	0.1000	95	1.1750
35	0.1330	100	1.2000
40	0.1660	105	1.2250
45	0.2000	110	1.2334
50	0.2583	115	1.2417
55	0.3583	120	1.2500
60	0.6250		

- (2) For purposes of TSS reduction calculations, Table 2 below presents the presumed removal rates for certain BMPs designed in accordance with the New Jersey Stormwater Best Management Practices Manual. The BMP Manual may be obtained from the address identified in § 455-14 or found on the Department's Web site at www.njstormwater.org. The BMP Manual and other sources of technical guidance are listed in § 455-14. TSS reduction shall be calculated based on the removal rates for the BMPs in Table 2 below. Alternative removal rates

and methods of calculating removal rates may be used if the design engineer provides documentation demonstrating the capability of these alternative rates and methods to the review agency. A copy of any approved alternative rate of method of calculating the removal rate shall be provided to the Department at the following address: Division of Watershed Management, New Jersey Department of Environmental Protection, PO Box 418, Trenton, New Jersey 08625-0418.

- (3) If more than one BMP in series is necessary to achieve the required eighty-percent TSS reduction for a site, the applicant shall utilize the following formula to calculate TSS reduction:

$$R = A+B-(AXB)/100$$

Where:

- R = total TSS percent load removal from application of both BMPs
 A = the TSS percent removal rate applicable to the first BMP
 B = the TSS percent removal rate applicable to the second BMP

Table 2	
TSS Removal Rates for BMPs	
Best Management Practice	TSS Percent Removal Rate
Bioretention systems	90%
Constructed stormwater wetland	90%
Extended detention basin	40% to 60%
Infiltration structure	80%
Manufactured treatment device	See § 455-13C
Sand filter	80%
Vegetative filter strip	60% to 80%
Wet pond	50% to 90%

- (4) If there is more than one on-site drainage system, the eighty-percent TSS removal rate shall apply to each drainage area, unless the runoff from the subareas converge on one site, in which case the removal rate can be demonstrated through a calculation using a weighted average.
- (5) Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include nonstructural strategies and structural measures that optimize nutrient removal while still achieving the performance standards in § 455-11F and G.

- (6) Additional information and examples are contained in the New Jersey Stormwater Best Management Practice Manual, which may be obtained from the address identified in § 455-14.
- (7) In accordance with the definition of FW1 at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as FW1.

§ 455-12. Calculation of stormwater runoff and groundwater recharge.

A. Stormwater runoff shall be calculated in accordance with the following:

- (1) The design engineer shall calculate runoff using one of the following methods:
 - (a) The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in the NRCS National Engineering Handbook Section 4 - Hydrology and Technical Release 55 - Urban Hydrology for Small Watersheds; or
 - (b) The Rational Method for peak flow and the Modified Rational Method for hydrograph computations.
- (2) For the purpose of calculating runoff coefficient and groundwater recharge, there is a presumption that the preconstruction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term "runoff coefficient" applies to both the NRCS methodology at § 455-12A(1)(a) and the Rational and Modified Rational Methods at § 455-12A(1)(b). A runoff coefficient or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover have existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if land use type is cultivation).
- (3) In computing preconstruction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce preconstruction stormwater runoff rates and volumes.
- (4) In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS Technical Release 55 — Urban Hydrology for Small Watersheds and other methods may be employed.

- (5) If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.
- B. Groundwater recharge may be calculated in accordance with the following:
- (1) The New Jersey Geological Survey Report GSR-32, A Method for Evaluating Ground-Water Recharge Areas in New Jersey, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the New Jersey Stormwater Best Management Practices Manual at <http://www.state.nj.us/dep/njgs/>; or at New Jersey Geological Survey, 29 Arctic Parkway, P.O. Box 427, Trenton, New Jersey 08625-0427; (609) 984-6587.

§ 455-13. Standards for structural stormwater management measures.

- A. Standards for structural stormwater management measures are as follows:
- (1) Structural stormwater management measures shall be designed to take into account the existing site conditions, including, for example, environmentally critical areas, wetlands; flood-prone areas; slopes; depth to seasonal water table; soil type, permeability and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone).
 - (2) Structural stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure as appropriate, and shall have parallel bars with one-inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than 1/3 the width of the diameter of the orifice or 1/3 the width of the weir, with a minimum spacing between bars of one inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of § 455-15D.
 - (3) Structural stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion-resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement.
 - (4) At the intake to the outlet from the stormwater management basin, the orifice size shall be a minimum of 2 1/2 inches in diameter.
 - (5) Stormwater management basins shall be designed to meet the minimum safety standards for stormwater management basins at § 455-15.
- B. Stormwater management measure guidelines are available in the New Jersey Stormwater Best Management Practices Manual. Other stormwater management measures may be utilized, provided the design engineer demonstrates that the proposed measure and its design will accomplish the required water quality, groundwater

recharge and water quality design and performance standards established by § 455-11 of this article.

- C. Manufactured treatment devices may be used to meet the requirements of § 455-11 of this article, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department.

§ 455-14. Sources for technical guidance.

- A. Technical guidance for stormwater management measures can be found in the documents listed at Subsections A(1) and (2) below, which are available from Maps and Publications, New Jersey Department of Environmental Protection, 428 East State Street, P.O. Box 420, Trenton, New Jersey, 08625; (609) 777-1038.

(1) Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended. Information is provided on stormwater management measures, such as: bioretention systems, constructed stormwater wetlands, dry wells, extended detention basins, infiltration structures, manufactured treatment devices, pervious paving, sand filters, vegetative filter strips, and wet ponds.

(2) The New Jersey Department of Environmental Protection Stormwater Management Facilities Maintenance Manual, as amended.

- B. Additional technical guidance for stormwater management measures can be obtained from the following:

(1) The Standards for Soil Erosion and Sediment Control in New Jersey promulgated by the State Soil Conservation Committee and incorporated into N.J.A.C. 2:90. Copies of these standards may be obtained by contacting the State Soil Conservation Committee or any of the soil conservation districts listed in N.J.A.C. 2:90-1.3(a)4. The location, address and telephone number of each soil conservation district may be obtained from the State Soil Conservation Committee, P.O. Box 330, Trenton, New Jersey 08625; (609) 292-5540;

(2) The Rutgers Cooperative Extension Service, (732) 932-9306; and

(3) The soil conservation districts listed in N.J.A.C. 2:90-1.3(a)4. The location, address and telephone number of each soil conservation district may be obtained from the State Soil Conservation Committee, P.O. Box 330, Trenton, New Jersey, 08625 (609) 292-5540.

§ 455-15. Safety standards for stormwater management basins.

- A. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management basins. This section applies to any new stormwater management basin.

- B. Requirements for trash racks, overflow grates and escape provisions.

- (1) A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the stormwater management basin to ensure proper functioning of the basin outlets in accordance with the following:
 - (a) The trash rack shall have parallel bars, with no greater than six-inch spacing between the bars.
 - (b) The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure.
 - (c) The average velocity of flow through a clean trash rack is not to exceed 2.5 feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack.
 - (d) The trash rack shall be constructed and installed to be rigid, durable and corrosion-resistant and shall be designed to withstand a perpendicular live loading of 300 pounds per square foot.
- (2) An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:
 - (a) The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.
 - (b) The overflow grate spacing shall be no less than two inches across the smallest dimension.
 - (c) The overflow grate shall be constructed and installed to be rigid, durable and corrosion resistant and shall be designed to withstand a perpendicular live loading of 300 pounds per square foot.
- (3) For purposes of this subsection, "escape provisions" means the permanent installation of ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management basins. Stormwater management basins shall include escape provisions as follows:
 - (a) If a stormwater management basin has an outlet structure, escape provisions shall be incorporated in or on the structure. With the prior approval of the reviewing agency identified in § 455-15C, a freestanding outlet structure may be exempted from this requirement.
 - (b) Safety ledges shall be constructed on the slopes of all new stormwater management basins having a permanent pool of water deeper than 2 1/2 feet. Such safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately 2 1/2 feet below the permanent water surface, and the second step shall be located one to 1 1/2 feet above the permanent water surface. See § 455-15D for an illustration of safety ledges in a stormwater management basin.

- (c) In new stormwater management basins, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than three horizontal to one vertical.
- C. Variance and exemption from safety standards.
 - (1) A variance or exemption from the safety standards for stormwater management basins may be granted only upon a written finding by the appropriate reviewing agency (municipality, county or Department) that the variance or exemption will not constitute a threat to public safety.
- D. Illustration of safety ledges in a new stormwater management basin as detailed by the NJDEP or designed by a licensed professional engineer.

§ 455-16. Requirements for site development stormwater plan.

- A. Submission of site development stormwater plan.
 - (1) Whenever an applicant seeks municipal approval of a development subject to this article, the applicant shall submit all of the required components of the checklist for the site development stormwater plan at § 455-16C below as part of the submission of the applicant's application subdivision or site plan approval.
 - (2) The applicant shall demonstrate that the project meets the standards set forth in this article.
 - (3) The applicant shall submit 20 copies of the materials listed in the checklist for site development stormwater plans in accordance with § 455-16C of this article.
- B. Site development stormwater plan approval. The applicant's site development project shall be reviewed as a part of the subdivision or site plan review process by the municipal board or official from which municipal approval is sought. That municipal board or official shall consult the engineer retained by the Planning Board and/or Zoning Board (as appropriate) to determine if all the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this article.
- C. Checklist requirements. The following information shall be required:
 - (1) Topographic base map. The reviewing engineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic base map of the site be submitted which extends a minimum of 200 feet beyond the limits of the proposed development, at a scale of one inch equals 200 feet or greater, showing two-foot contour intervals. The map, as appropriate, may include the following: existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category One waters, wetlands and floodplains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing man-made structures, roads, bearing and distances of property lines, and significant natural and man-made features not otherwise shown.
 - (2) Environmental site analysis. A written and graphic description of the natural and man-made features of the site and its environs. This description should include a

discussion of soil conditions, slopes, wetlands, waterways and vegetation on the site. Particular attention should be given to unique, unusual, or environmentally sensitive features and to those that provide particular opportunities or constraints for development.

- (3) Project description and site plan(s). A map (or maps) at the scale of the topographical base map indicating the location of existing and proposed buildings, roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high groundwater elevations. A written description of the site plan and justification of proposed changes in natural conditions may also be provided.
- (4) Land use planning and source control plan. This plan shall provide a demonstration of how the goals and standards of §§ 455-10 through 455-13 are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.
- (5) Stormwater management facilities map. The following information, illustrated on a map of the same scale as the topographic base map, shall be included:
 - (a) Total area to be paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.
 - (b) Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.
- (6) Calculations.
 - (a) Comprehensive hydrologic and hydraulic design calculations for the predevelopment and post-development conditions for the design storms specified in § 455-11 of this article.
 - (b) When the proposed stormwater management control measures (e.g., infiltration basins) depends on the hydrologic properties of soils, then a soils report shall be submitted. The soils report shall be based on on-site boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.
- (7) Maintenance and repair plan. The design and planning of the stormwater management facility shall meet the maintenance requirements of § 455-17.

- (8) Waiver from submission requirements. The municipal official or board reviewing an application under this article may, in consultation with the Municipal Engineer, waive submission of any of the requirements in § 455-16C(1) through (6) of this article when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

§ 455-17. Maintenance and repair.

A. Applicability. Projects subject to review as in § 455-8C shall comply with the requirements of § 455-17B and C.

B. General maintenance.

- (1) The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.
- (2) The maintenance plan shall contain specific preventive maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for the preventive and corrective maintenance (including replacement). Maintenance guidelines for stormwater management measures are available in the New Jersey Stormwater Best Management Practices Manual. If the maintenance plan identifies a person other than the developer (for example, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's agreement to assume this responsibility, or of the developer's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.
- (3) Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project.
- (4) If the person responsible for maintenance identified under § 455-17B(2) above is not a public agency, the maintenance plan and any future revisions based on § 455-17B(7) below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.
- (5) Preventive and corrective maintenance shall be performed to maintain the function of the stormwater management measure, including repairs or replacement to the structure; removal of sediment, debris or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of nonvegetated linings.
- (6) The person responsible for maintenance identified under § 455-17B(2) above shall maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders.

- (7) The person responsible for maintenance identified under § 455-17B(2) above shall submit an annual maintenance report, including all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, to the Township Engineer every May 1.
 - (8) The person responsible for maintenance identified under § 455-17B(2) above shall evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed.
 - (9) The person responsible for maintenance identified under § 455-17B(2) above shall retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by § 455-17B(6) and (7) above.
 - (10) The person responsible for maintenance identified under § 455-17B(2) must post a two-year maintenance guarantee in accordance with N.J.S.A. 40:55D-53. This person must develop a written maintenance and inspection program to be approved by the Township of Verona. Guidelines for developing a maintenance and inspection program are provided in the New Jersey Stormwater Best Management Practices Manual and the NJDEP Ocean County Demonstration Study, Stormwater Management Facilities Maintenance Manual, dated June 1989, available from NJDEP, Watershed Management Program.
 - (11) In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have 14 days to effect maintenance and repair of the facility in a manner that is approved by the Township Engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or county may immediately proceed to do so and shall bill the cost thereof to the responsible person.
- C. Nothing in this section shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53.

Chapter 460

STREETS AND SIDEWALKS

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[HISTORY: Adopted by the Township Council of the Township of Verona as indicated in article histories. Amendments noted where applicable]

ARTICLE I**Numbering of Buildings; Maintenance of Sidewalks**

[Adopted 8-20-1963 (Ch. 125, Art. I, of the 1981 Code)]

§ 460-1. Numbering required; map conformity.

The numbers of all houses and business establishments in the Township shall correspond with the numbers on the current Tax Map of the Township filed in the office of the Township Engineer. It shall be the duty of all property owners to have their houses and business establishments numbered in conformity with the numbers designated on such current Tax Map.

§ 460-2. Owner responsible for numbering; placement.

In all cases where any number is or shall be hereafter placed on the Tax Map by the Township Engineer, it shall be the duty of the owner thereof to apply to the Tax Assessor of the Township for the correct number of such house or business establishment as the same is indicated on the current Tax Map, and upon such application, the Tax Assessor shall furnish to the applicant the correct number of such property, and the property owners shall thereupon place or affix to the front of such house or business establishment the number as designated on the current Tax Map by the Assessor.

§ 460-3. Notification of nonconformity; official action for noncompliance.

If the owner of any house or business establishment erected upon any street where the number appears upon the current Tax Map shall fail to number or cause to be numbered such

house or business establishment in conformity with the number designated on the current Tax Map as referred to in the preceding section, after 10 days' written notice from the Township Clerk, by ordinary mail addressed to the last known address of the owner, the owner shall be punished as provided in § 460-51.

§ 460-4. Maintenance of sidewalk area required after notification.

The owners or tenants of lands abutting or bordering upon the sidewalks of the public streets, avenues and highways in the Township shall remove or cause to be removed from the sidewalks, from the curb to the property line, in front of or bordering on their lands, all grass, weeds and other impediments thereon, within three days after notice from the Township Engineer to remove the same.

§ 460-5. Noncompliance; subsequent action by Township officer.

In case the owner or tenant of any land abutting or bordering upon any public street, avenue or highway in the Township shall neglect or refuse to remove such grass, weeds and other impediments within three days after notice to remove same, it shall be the duty of the Township Engineer or such person as may be designated by the Council to remove or cause to be removed such grass, weeds and other impediments from the sidewalk in front of or bordering on such land.

§ 460-6. Lien for cost of maintenance.

The cost paid and incurred by the Township Engineer or such person as may be designated by the Council for removing such grass, weeds and other impediments from any sidewalk as required by the preceding section shall be by him certified to the Township Council, which shall examine such certificate and shall cause the cost as shown thereon to be charged against the lands abutting or bordering such sidewalk. The amount so charged shall forthwith become a lien upon such lands and shall be added to and become and form part of the taxes then next to be assessed and levied upon such lands and shall be collected and enforced according to law.

§ 460-7. Removal of snow and ice required; lien for noncompliance. [Amended 2-4-1964]

- A. The owner or tenant of land fronting upon any street or public place (intended to include private streets open to the public) within the limits of the Township where a sidewalk has been graded shall, within 24 hours after a fall of snow or after a freezing of water into ice upon any sidewalk of whatsoever kind, in front of such land, remove such snow or ice from such sidewalks in front of such lands owned or occupied by them, and no such snow or ice shall be thrown onto the public street. Where snow or ice shall have become frozen to sidewalk so that it cannot be removed therefrom, such owner or tenant shall cause such snow or ice to be covered with sand or a comparable material.
- B. In case of the refusal or neglect of such owner or tenant of land thereof to comply with this section, the Council may cause such snow or ice to be removed from such

sidewalks, and the cost of removing such snow or ice as ascertained by the Council, with interest thereon, shall be added to and form a part of the taxes next to be levied and assessed upon such land, and shall be a lien upon such lands until the same shall be paid.

ARTICLE II

Excavations

[Adopted 8-20-1963 (Ch. 125, Art. II, of the 1981 Code)]

§ 460-8. Permit required.

It shall be unlawful for any person to make any excavation in or tear up any surface of any road or street in the Township and maintained by the Township for any purpose whatsoever, without a written permit first had and obtained from the Township Engineer as hereinafter provided.

§ 460-9. Application procedure; separate permit for utility connections.

Applications for permit required by the preceding section must be made in writing by the person for a permit for an excavation on any road or street maintained by the Township for any purpose whatsoever. Such application is to state the purpose of such excavation, namely, sewer, water, gas, telephone or for any purpose not specified herein. Permission to make excavation or tear up the surface of the road does not carry any right to make gas, water or sewer connections. A separate permit to make gas, water or sewer connections must be obtained from proper officials.

§ 460-10. Maximum excavation size; fee calculation.

No permit will be granted under this article for any excavation in excess of 15 square yards by the Township Engineer. Payment must be made according to the following schedule, and yardages will be calculated on the basis of a pavement restoration one foot larger on all sides than the actual size of opening.

§ 460-11. Fees.

- A. The schedule of payments for road openings and storage permits under this article shall be as provided for in Chapter A565, Fees, for the following areas: **[Amended 6-16-1980 by Ord. No. 14-80; 8-17-1981 by Ord. No. 6-81]**
 - (1) Bituminous pavement on concrete base and reinforced concrete pavement.
 - (2) Bituminous pavements on stone base.
 - (3) Earth shoulder opening.
- B. Such payments shall be made to the Township Engineer, who shall forthwith transmit such money received for such permit to the Township Collector.

§ 460-12. Insurance; bond.

- A. The applicant for a permit under this article shall indemnify and save harmless the Township from all accidents and damages consequent thereupon for and by reason of any opening in any street, avenue, road, lane or sidewalk and file a certificate of insurance evidencing proper insurance as follows: \$100,000 per person and \$300,000 per accident.
- B. The applicant shall also furnish a bond, in the amount to be approved by the Township Engineer, to guarantee that the work will be done in a workmanlike manner and that proper materials will be used.

§ 460-13. Safeguards; time limit for completion.

It shall be the duty of the permittee to properly guard the excavation by the erection of suitable barriers by day and lights by night, and such permittee shall be liable for any neglect to safeguard the traveling public. If the excavation extends the full width of the street, only 1/2 of it shall be made at one time and shall be backfilled before the other half is excavated, so as not to interfere with traffic. The excavation and backfilling of same shall be made within the time specified in the permit.

§ 460-14. Pavement restoration.

The Township will restore the pavement so excavated, and the money paid for the permit shall be used in defraying the expenses of making such restoration. The permittee shall be liable and responsible for the care and maintenance of any opening made under this permit and until such time as the Township has permanently restored the pavement.

§ 460-15. Size limitation on pavement excavations.

When it becomes necessary to open the paved section of any street, such opening shall not be less than two feet wide nor more than three feet square and the sides of such openings shall be perpendicular.

§ 460-16. Tunneling.

Tunneling will not be permitted except in special cases when approved by the Township Engineer and shall be an unlawful exercise of the privilege under any permit granted under this article and a violation thereof.

§ 460-17. Backfilling.

The excavation shall not be backfilled until and unless the permittee has first notified the Township Engineer that the excavation is ready for backfill. After obtaining the approval of the Township Engineer, the permittee shall backfill the excavation within the time specified in the permit, and if not done within the time and no extension of time has been obtained, the same shall be deemed a violation thereof. The material for backfill shall be earth or crushed stone in even greater quantities; no stone larger than six inches in diameter shall be used. No

more than six inches of material shall be backfilled at any time; same shall be thoroughly moistened and compacted. All excess material shall be removed from the roadway.

§ 460-18. Excavations by public utility corporations.

The provisions of this article shall not apply to openings or excavations made by a public utility corporation subject to regulation by the Board of Public Utility Commissioners and which has the right to lay, construct, install, maintain and operate its works or facilities, or any of them, in any public road or street of the Township, which are to be made for the purpose of laying, relaying, constructing, reconstructing, installing, maintaining, operating or repairing any such works or facilities, if such public utility corporation shall prior to the doing of any such work have filed with the Township Clerk its bond running to the Township in the sum of \$1,000, conditioned for the temporary and permanent restoration of any road, street or pavement thereof which may be opened or excavated by such utility, its employees or contractors, without undue delay, to as good condition as the same was at the time of the opening thereof and to the satisfaction of the Township Engineer, which bond shall further provide that the obligation thereof shall be a continuing obligation to the full amount thereof for each opening of any road or pavement. Such utility corporation shall, except in cases of emergency, give at least 24 hours' notice to the Township Engineer of its intention to open or excavate, which notice shall describe with reasonable certainty the road or street and section thereof so to be opened and excavated and the purpose of such opening or excavation and the probable length of time before the same will be restored to its previous condition. In the case of emergency openings, a similar notice shall be given to the Township Engineer as soon as practicable after such opening is made. The utility corporation so opening or excavating any such road or street for the purposes aforesaid, or causing the same to be done by its employees or contractors, shall without undue delay temporarily and permanently restore such road or street and the surface thereof to as good condition as the same was at the time of such opening to the satisfaction of the Township Engineer, and in case of its failure so to do, the work may be done by the Township under the direction of the Township Engineer at the expense of such utility corporation.

**§ 460-19. Permit required for equipment storage on streets; signs and safeguards.
[Amended 7-7-1986 by Ord. No. 16-86]**

- A. It shall be unlawful for any person to place material of any description whatsoever or vehicles or containers or other equipment of any nature whatsoever upon any road, street or sidewalk so as to interfere with the flow of water along the gutters or to interfere with traffic on such road, street or sidewalk without first obtaining a permit from the Township Engineer. The permit shall state the approximate quantity of material or the number of vehicles, containers or equipment to be stored and shall specify the number of days for which such material, vehicles, containers or equipment shall remain located upon such road, street or sidewalk.
- B. It shall be the duty of the permittee to properly guard the materials, vehicles, containers or other equipment located upon the road, street or sidewalk by erecting suitable barriers, warning signals and lanterns, and the permittee shall be liable for any neglect to safeguard the traveling public. There shall be at all times a carriageway of at least 14

feet between materials stored, and provisions must be made to permit the unobstructed flow of water along the street.

- C. Failure of a permittee to remove materials, vehicles, containers or equipment on the expiration date of a permit without first obtaining a renewal of a permit from the Township Engineer shall be deemed a violation under this chapter. Each day for which a permittee shall fail to comply with the provisions hereof shall constitute a separate violation of this chapter.
- D. The fee for a permit under this section shall be as provided for in Chapter A565.

ARTICLE III

Street Dedications

[Adopted 8-20-1963 (Ch. 125, Art. III, of the 1981 Code)]

§ 460-20. Conformation required.

All streets dedicated to public use shall meet the requirements of this article before they are accepted by the Township.

§ 460-21. Minimum street size; monumenting.

Streets shall be at least 50 feet in width, having a roadway of 30 feet and sidewalk space of 10 feet on either side thereof. The street shall be properly monumented to the satisfaction of the Township Engineer.

§ 460-22. Grade.

Streets, including the sidewalks, must be graded to a true grade as established by a surveyor and approved by the Township Engineer.

§ 460-23. Paving specifications.

The road bed of streets shall be paved the full distance between curbs or between the curblines where curbs are not required. The pavement shall consist of concrete or of not less than eight inches of stone and asphalt known as the "penetration type," or of a substance and quality recognized as equally serviceable and acceptable to the Township Engineer and the Committee on Streets and Highways.

§ 460-24. Curbs.

Curbs shall be constructed of concrete not less than 18 inches high, 10 inches thick at the base and six inches at the top.

§ 460-25. Approval of plans for improvements.

Plans and specifications of all improvements shall be subject to the approval of the Township Engineer.

§ 460-26. Installation of public utilities.

All public utilities shall be installed prior to the paving of the street.

§ 460-27. Drainage.

Proper drainage facilities shall have been provided and included and shall consist of catch basins and an underdrainage pipeline on streets of such a grade as to require such protection.

§ 460-28. Submission of engineering details by Township Engineer.

A written approval as to all engineering details shall be furnished the Mayor and Township Council by the Township Engineer before they accept any street.

§ 460-29. Execution of deed; acceptance of street.

After the street is opened on the ground, a deed shall be properly executed by all the owners of the land within it and delivered to the Mayor and Township Council conveying the land to the Township, in fee simple, free of all encumbrances, including taxes and assessments, which deed shall be accompanied by three maps, accurately delineating the street and the recording fees for such deed. The Mayor and Township Council may accept the same, provided that the conditions set forth herein are complied with, but the Mayor and Township Council shall not be bound to accept any dedicated street.

ARTICLE IV**Sidewalk and Curb Construction**

[Adopted 8-20-1963 (Ch. 125, Art. IV, of the 1981 Code)]

§ 460-30. Permit required for removal, repair and construction.

It shall be unlawful for any person to remove or cause to be removed, repair or cause to be repaired, or construct or cause to be constructed, any sidewalk, driveway entrance or curb or part thereof in the Township unless a permit therefor shall first be duly obtained from and signed by the Township Engineer.

§ 460-31. Application procedure.

The application for a permit required by the preceding section must state specifically the work intended to be performed, the place and the date of beginning and completion. Such application must be signed by the owner or his agent, together with the address of such owner or agent. It must also state the name and address of the contractor who is to do the work and the time of beginning and completion of the same.

§ 460-32. Fees. [Added 5-7-1964; amended 6-16-1980 by Ord. No. 14-80; 8-17-1981 by Ord. No. 6-81]

Each applicant shall pay at the time that the permit is granted the fees provided for in Chapter A565, Fees, for the following areas:

- A. Construction of new driveway aprons.
- B. For construction of new curb or new sidewalk where none existed previously.
- C. For major repairs to sidewalk curbing and driveway aprons.

§ 460-33. Landowners responsible for repairs.

In accordance with the notice procedure provided in this article, any sidewalk or curb on any public street which is out of line or grade, or broken or out of repair, or is otherwise in need of reconstruction or repair, shall be relaid to line or grade or the broken portions thereof shall be repaired or reconstructed by the owner of the land in front of which any such improvement, reconstruction or repair is to be made.

§ 460-34. Notification.

Whenever the Township Council determine that any sidewalk or curb repair work is necessary, they shall cause notice thereof, duly signed by the Township Engineer, to be served upon the abutting owner, directing such owner to do the work within 30 days after service of the notice. The notice shall specify in sufficient detail the character of the improvement, reconstruction or repair to be made, shall set forth a description of the property affected sufficiently definite to identify the same and shall otherwise comply with the requirements of Chapter 65 of Title 40 of the New Jersey Revised Statutes for such case made and provided. The notice shall give opportunity to such owner to be heard within such thirty-day period and to offer satisfactory reason why such work should not be done. Service of the notice and proof of service thereof shall be made in accordance with the requirements of Chapter 65 of Title 40 of the New Jersey Revised Statutes in such case made.

§ 460-35. Noncompliance by landowner; Township work orders; assessment.

If, in the absence of any good and sufficient reason why work provided for in this article should not be done, the abutting landowner fails to make such improvement, reconstruction or repair within 30 days after service of the notice aforesaid, then the Township Council may have the work done at the cost and expense of such owner. The Township Engineer shall keep an accurate account of the cost thereof. If such cost or any part thereof is to be assessed upon the several properties fronting on the improvement, he shall assess such costs on the several properties fronting on the improvement in proportion to their respective frontages thereon and file a report thereof under oath with the Township Clerk. The Township Council, after notice to the owner, shall confirm such report and file it with the Tax Collector.

§ 460-36. Interest on assessments; lien; method of payment by owner.

Sidewalk assessments shall bear interest at the rate specified for delinquent real estate taxes from the time of confirmation and shall be a lien on the real estate assessed. Such assessment may, in the discretion of the Township Council, be paid in equal yearly installments, not exceeding five, with legal interest thereon, and at such time in each year as the Township Council shall determine, reserving to the owner the right to prepay any balance, with accrued interest thereon, at one time.

§ 460-37. Construction specifications on file.

Specifications covering materials and workmanship for curbs, sidewalks and driveway entrances shall be in accordance with written specifications on file in the office of the Township Engineer and as approved by the Township Council.

§ 460-38. Grading.

The contractor or applicant, without additional cost to the Township, shall do all necessary grading for curbs, remove all existing obstructions and bring subgrade to the proper grade. After grading and shaping is done, all soft, spongy or loamy spots in same shall be taken out and refilled at the contractor's or applicant's expense with sand, gravel or other accepted material and shall be placed in layers not over six inches in thickness, which shall be wetted and tamped to secure a firm, hard subgrade, free from danger of settlement.

§ 460-39. Concrete curbs required.

All curbs hereafter constructed shall be constructed of concrete unless otherwise permitted by the Township Council of the Township.

§ 460-40. Location of driveway entrances.

The location of driveway entrances to properties shall be as directed by the Township Engineer.

§ 460-41. Concrete specifications.

- A. Concrete shall be thoroughly mixed either on platforms, batch mixer or be of the ready-mixed type, all to be approved and be to the satisfaction of the Township Engineer.
- B. The sand used must be clean, sharp and dry. The cement must be an approved brand of portland cement. Stone must be machine broken trap rock, three-fourths-inch size, free from dust and dirt.
- C. The application or spreading of dry cement on the surface to hasten the setting of concrete is prohibited.

§ 460-42. Trenches.

Trenches are to be excavated and shaped to the proper depth and grade, as directed by the Township Engineer, and to conform with stakes set by the Township Engineer for that purpose.

§ 460-43. Warning lights required.

It shall be the duty of the applicant for a permit under this article, during the period of the removal or construction of any sidewalk, driveway entrance or curb or part thereof, to safely guard the space of such removal or construction during the time between sunset and sunrise with a lighted lantern securely placed at each end of the space of operation.

ARTICLE V**Damage and Obstruction of Streets**

[Adopted 8-20-1963 (Ch. 125, Art. V, of the 1981 Code)]

§ 460-44. Prohibited acts.

It shall be unlawful to do the following:

- A. Haul or transport dirt, stone, ashes, or any other material in the Township in such manner as to spill, drop or track any such material on any of the sidewalks, streets or public places of the Township.
- B. Overload any vehicle or to fill it to such an extent that any of its contents shall spill from the vehicle or be tracked by such vehicle over or on any sidewalk, street or public place in the Township.
- C. Litter any street, sidewalk or public place in the Township with any material, papers, dirt, dust, sand, cinders, ashes or any other product.
- D. Haul or transport dirt or any material in the Township in such manner as to cause laying or accumulating of dust or dirt in any street, sidewalk or public place in the Township.
- E. Use any vehicle for the hauling, transportation or excavation of materials, which vehicles shall be designed, constructed or used in such manner as to damage streets, sidewalks or curbs.

§ 460-45. Vehicle construction.

Any vehicle used for the hauling or transporting of materials shall be constructed of sufficient strength, compactness and tightness to prevent seeping or dropping of any material through cracks, crevices or openings therein.

§ 460-46. Designation of vehicle routes by Township Engineer.

Whenever dirt, stone, ashes or any other material is being hauled or transported from any excavation or from or to any place in the Township, or whenever they are being transported to or from any place in the Township in quantities or in a manner that may occasion accumulation on any sidewalk, street or public place in the Township, the person transporting such dirt or material shall, on direction or notice from the Township Engineer, transport and haul such material only over such streets as may be designated by the Township Engineer.

ARTICLE VI**Litter**

[Adopted 8-20-1963 (Ch. 125, Art. VI, of the 1981 Code)]

§ 460-47. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

GARBAGE — Putrescible animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

LITTER — Garbage, refuse and rubbish, as defined herein, and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.

PUBLIC PLACE — All streets, sidewalks, boulevards, municipal parking lots, alleys or other public ways, and any and all public parks, squares, spaces, grounds and buildings.

REFUSE — All putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles and solid market and industrial wastes.

RUBBISH — Nonputrescible solid wastes, consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

§ 460-48. Littering prohibited.

No person shall strew, throw, place, deposit or cause to be strewn, thrown, placed or deposited any rubbish, refuse, waste, garbage, ashes, paper, periodical, book, magazine, circular, card, pamphlet, glass, wire, tin cans, tacks or other material into or upon any of the sidewalks, gutters, streets or public places within the Township.

§ 460-49. Throwing materials from vehicles prohibited.

No person shall throw or drop any bundle, object, article or debris of any nature from a vehicle, whether in motion or not, when such vehicle is on any public street or other public place in the Township.

§ 460-50. Exception.

The provisions of this article shall not apply to any person duly authorized by state or local law or to any person to place clean ashes, cinders or salt upon ice which has formed upon any sidewalk, street or public place.

ARTICLE VII**Violations**

[Adopted 8-17-1981 by Ord. No. 6-81 (Ch. 125, Art. VII, of the 1981 Code)]

§ 460-51. Violation and penalties. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

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.

Chapter 466

SUBDIVISION OF LAND

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| § 466-1. Short title. | § 466-7. Plat details. |
| § 466-2. Purpose. | § 466-8. Improvement guaranties. |
| § 466-3. Administration. | § 466-9. Off-tract improvements. |
| § 466-4. Interpretation; variance. | § 466-10. Reservation of public areas. |
| § 466-5. Definitions and word usage. | § 466-11. Design standards. |
| § 466-6. Procedure for subdivision review. | § 466-12. Violations and penalties. |

[HISTORY: Adopted by the Township Council of the Township of Verona 5-21-1979 by Ord. No. 9-79 (Ch. 127 of the 1981 Code). Amendments noted where applicable.]

§ 466-1. Short title.

This chapter shall be known and may be cited as the "Land Subdivision Ordinance of the Township of Verona."

§ 466-2. Purpose.

The purpose of this chapter shall be to provide rules, regulations and standards to guide land subdivision in the Township of Verona in order to promote the public health, safety, convenience and general welfare of the Township. It shall be administered to ensure the orderly growth and development, the conservation, protection and proper use of land and adequate provision for circulation, utilities and services.

§ 466-3. Administration.

A. Planning Board.

- (1) The approval provisions of this chapter shall be administered by the Planning Board of the Township of Verona, in accordance with Section 28 of Chapter 291 of the Laws of the 1975, N.J.S.A. 40:55D-1 et seq.
- (2) The Chairman of the Planning Board, with the approval of the Board, is hereby empowered to appoint a Subdivision Committee consisting of three members of the Planning Board. Said Committee shall have the power and duty of classifying any sketch plat as a minor subdivision if it meets with the conditions set forth in the definition of a minor subdivision and if said Committee shall find, unanimously, that there exists no cause for review by the entire Board or for unfavorable action. In such event, the finding of said Committee shall be deemed favorable referral by the Board, and the procedure set forth in § 466-6A shall be followed.

B. Zoning Board of Adjustment.

- (1) The Board of Adjustment shall have the power to grant to the same extent and subject to the same restrictions as the Planning Board subdivision approval pursuant to Article 6 of Chapter 291 of the Laws of 1975¹ whenever the Board of Adjustment is reviewing an application for approval of a variance pursuant to Subsection 57d of Article 9 of Chapter 291 of the Laws of 1975.²
- (2) Whenever an application for development requests relief pursuant to Subsection B(1) above, the Board of Adjustment shall grant or deny approval of the application within 120 days after submission by a developer of a complete application to the Township Clerk or within such further time as may be consented to by the applicant. Failure of the Board of Adjustment to act within the period prescribed shall constitute approval of the application and a certificate of the Township Clerk as to the failure of the Board of Adjustment to act shall be issued on request of the applicant, and it shall be sufficient in lieu of the written endorsement or other evidence of approval herein required and shall be so accepted by the county recording officer for purposes of filing subdivision plats.
- (3) Whenever review or approval of the application by the County Planning Board is required by Section 5 of P.L. 1968, c. 285 (N.J.S.A. 40:27-6.3), the Municipal Board of Adjustment shall condition any approval that it grants upon timely receipt of a favorable report on the application by the County Planning Board or approval by the County Planning Board by its failure to report thereon within the required time.
- (4) An application under this section may be referred to any appropriate person or agency, including the Planning Board, for its report, provided that such reference shall not extend the period of time within which the Board of Adjustment shall act.

§ 466-4. Interpretation; variance.

These rules, regulations and standards shall be considered the minimum requirements for the protection of the public health, safety and welfare of the citizens of the Township of Verona. Any action taken by the Planning Board under the terms of this chapter shall give primary consideration to the above-mentioned matters and to the welfare of the entire community. However, if the subdivider or his agent can clearly demonstrate that, because of peculiar conditions pertaining to his land, the literal enforcement of one or more of these regulations is impracticable or will exact undue hardship, the Planning Board may permit such variance or variances as may be reasonable and within the general purpose and intent of the rules, regulations and standards established by this chapter.

1. Editor's Note: N.J.S.A. 40:55D-37 et seq.

2. Editor's Note: N.J.S.A. 40:55D-70d.

§ 466-5. Definitions and word usage.

- A. Definitions. Unless the context otherwise requires, the following definitions shall be used in the interpretation and construction of this chapter:

APPLICANT — A developer submitting an application for development.

APPLICATION FOR DEVELOPMENT — The application form and all accompanying documents required by ordinance for approval of a subdivision plat.

BOARD OF ADJUSTMENT — The Board of Adjustment of the Township of Verona.

DEVELOPER — The legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase or other person having an enforceable proprietary interest in such land.

DEVELOPMENT — The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, or of any mining, excavation or landfill; and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required.

DRAINAGE — The removal of surface water or groundwater from land by drains, grading or other means, and includes control of runoff to minimize erosion and sedimentation during and after construction or development and means necessary for water supply preservation or prevention or alleviation of flooding.

DRAINAGE RIGHT-OF-WAY — The land reserved or dedicated for the installation of stormwater sewers or drainage ditches or required along a natural stream or watercourse for preserving the channel and providing for the flow of water to safeguard the public against flood damage, sedimentation and erosion.

EROSION — The detachment and movement of soil or rock fragments by water, wind, ice and gravity.

FINAL APPROVAL — The official action of the Planning Board taken on a preliminary approved major subdivision after all conditions, engineering plans and other requirements have been completed or fulfilled and the required improvements have been installed or guaranties properly posted for their completion, or approval conditioned upon the posting of such guaranties.

FINAL PLAT — A final map of a subdivision and meeting the requirements of § 466-7C of this chapter.

LOT — A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

MAINTENANCE GUARANTY — Any security, other than cash, which may be accepted by a municipality for the maintenance of any improvements required by this chapter.

MAJOR SUBDIVISION — Any subdivision not classified as a minor subdivision.

MASTER PLAN — A composite of one or more written or graphic proposals for the development of the municipality as set forth in and adopted pursuant to Section 19 of Chapter 291 of the Laws of 1975.³

MINOR SUBDIVISION — A subdivision of land that does not involve:

- (1) The creation of more than three lots fronting on an existing street.
- (2) Planned development.
- (3) Any new street.
- (4) Extension of any off-tract improvement.

OFF SITE — Located outside the lot lines of the lot in question but within the property (of which the lot is a part) which is the subject to a development application or contiguous portion of a street or right-of-way.

OFF TRACT — Not located on the property which is the subject of a development application nor on a contiguous portion of a street or right-of-way.

OFFICIAL COUNTY MAP — The map, with changes and additions thereto, adopted and established, from time to time, by resolution of the Board of County Commissioners of the county pursuant to N.J.S.A. 40:27-5.

OFFICIAL MAP — A map adopted by ordinance pursuant to Article 5 of Chapter 291 of the Laws of 1975.⁴

ON SITE — Located on the lot in question.

ON TRACT — Located on the property which is the subject of a development application or on a contiguous portion of a street or right-of-way.

OPEN SPACE — Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space, provided that such areas may be improved with only those buildings, structures, streets and off-street parking and other improvements that are designed to be incidental to the natural openness of the land.

OWNER — Any individual, firm, association, syndicate, copartnership or corporation having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this chapter.

PARTY IMMEDIATELY CONCERNED — For purposes of notice any applicant for development, the owners of the subject property and all owners of property and government agencies entitled to notice pursuant to Chapter 291 of the Laws of New Jersey.⁵

3. Editor's Note: N.J.S.A. 40:55D-28.

4. Editor's Note: N.J.S.A. 40:55D-32 et seq.

5. Editor's Note: N.J.S.A. 40:55D-1 et seq.

PERFORMANCE GUARANTY — Any security, which may be accepted by a municipality to ensure the fulfillment of required improvements prior to approval, including performance bonds, escrow agreements and other similar collateral or surety agreements, provided that not more than 10% of the total performance guaranty shall be required in cash.

PLANNING BOARD — The Planning Board of the Township of Verona.

PLAT — A map or maps of a subdivision.

PRELIMINARY APPROVAL — The conferral of certain rights pursuant to § 466-6 of this chapter prior to final approval after specific elements of a development plan have been agreed upon by the Planning Board and the applicant.

PRELIMINARY PLAT — A preliminary map indicating the proposed layout of a subdivision and meeting the requirements of § 466-7B of this chapter.

PUBLIC DRAINAGEWAY — Same as "drainage right-of-way."

PUBLIC OPEN SPACE — An open space area conveyed or otherwise dedicated to a municipality, municipal agency, board of education, state or county agency or other public body for recreational or conservational uses.

RESUBDIVISION —

- (1) The further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law; or
- (2) The alteration of any streets or the establishment of any new streets within any subdivision previously made and approved or recorded according to law, but does not include conveyances so as to combine existing lots by deed or other instrument.

SKETCH PLAT — A sketch map of a subdivision of sufficient accuracy to be used for the purpose of discussion and classification and meeting the requirements of § 466-7A of this chapter.

STREET — Any street, avenue, boulevard, road, parkway, viaduct, drive or other way which is an existing state, county or municipal roadway or which is shown upon a plat heretofore approved pursuant to law; or which is approved by official action as provided by this act; or which is shown on a plat duly filed and recorded in the office of the county recording officer prior to the appointment of a Planning Board and the grant to such Board of the power to review plats; 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.

SUBDIVIDER — Any individual, firm, association, syndicate, copartnership, corporation, trust or any other legal entity commencing or maintaining proceedings under this chapter to effect a subdivision of land hereunder for himself or for another.

SUBDIVISION — The division of a lot, tract or parcel of land into two or more lots, tracts, parcels or other divisions of land for sale or development. The following shall not be considered subdivisions within the meaning of this chapter, if no new streets are created: divisions of land found by the Planning Board or Subdivision Committee thereof appointed by the Chairman to be for agricultural purposes where all resulting parcels are

five acres or larger in size, divisions of property by testamentary or intestate provisions, divisions of property upon court order and conveyances so as to combine existing lots by deed or other instrument. The term "subdivision" shall also include the term "resubdivision."

SUBDIVISION COMMITTEE — A committee of at least three Planning Board members appointed by the Chairman of the Board for the purpose of classifying subdivisions in accordance with the provisions of this chapter and such other duties relating to land subdivision which may be conferred on this Committee by the Board.

- B. Word usage. The word "shall" is mandatory and not optional.

§ 466-6. Procedure for subdivision review.

- A. Submission of sketch plat.

- (1) Any owner of land within the Township of Verona shall, prior to subdividing or resubdividing land, as defined in this chapter, submit to the Township Engineer at least two weeks prior to the regular meeting of the Board a sketch plat and the appropriate application forms. The Township Engineer shall tentatively classify the subdivision as either major or minor and shall discuss the details of compliance with this chapter with the subdivider.
- (2) If the plat is classified as a major subdivision, a notation to that effect shall be made on the sketch plat, which will be returned to the subdivider for compliance with the procedure in Subsections B and C hereinafter.
- (3) If tentatively classified as a minor subdivision by the Engineer, the sketch plat shall be returned to the subdivider. The subdivider shall then have 12 black-on-white copies made and return them with the original sketch plat to the Township Engineer at least two weeks prior to the regular Planning Board meeting. The Township Engineer shall then discuss the sketch plat with the Subdivision Committee prior to the Planning Board meeting. If approved by unanimous action by the Subdivision Committee as a minor subdivision, the plat shall be reviewed by a member of the Committee before the Planning Board.
- (4) The Planning Board may waive notice and public hearing for an application for development if the Planning Board or Subdivision Committee of the Board appointed by the Chairman finds that the application for development conforms to the definition of "minor subdivision."
- (5) The Planning Board shall either affirm or disapprove the action of the Subdivision Committee by a majority vote of all of its members. If approved as a minor subdivision, the plat will then be signed by the Chairman and Secretary of the Planning Board, with the notation that it is approved as a minor subdivision and returned to the subdivider within one week. No further Planning Board approval shall be required.
- (6) The Township Engineer shall then retain one copy and forward one copy of the sketch plat showing that it has been approved as a minor subdivision to each of the following:

- (a) Township Clerk.
 - (b) Tax Assessor.
 - (c) Secretary of the Planning Board.
 - (d) Construction Code Official.
- (7) Minor subdivision approval shall be deemed to be final approval of the subdivision by the Board, provided that the Board may condition such approval on terms ensuring the provision of improvements pursuant to § 466-8 of this chapter.
- (8) If minor subdivision approval is denied, two copies of the reason for denial shall be returned with the sketch plat to the applicant.
- (9) Minor subdivision approval shall be granted or denied within 45 days of the date of submission of a complete application to the Township Clerk or within such further time as may be consented to by the applicant. Failure of the Planning Board to act within the period prescribed shall constitute minor subdivision approval, and a certificate of the Township Clerk as to the failure of the Planning Board to act shall be issued on request of the applicant, and it shall be sufficient in lieu of the written endorsement or other evidence of approval herein required and shall be so accepted by the county recording officer for purposes of filing subdivision plats.
- (10) Whenever review or approval of the application by the County Planning Board is required by Section 5 of P.L. 1968, c. 285 (N.J.S.A. 40:27-6.3), the Planning Board shall condition any approval that it grants upon timely receipt of a favorable report on the application by the Essex County Planning Board or approval by Essex County Planning Board by its failure to report thereon within the required time period.
- (11) Approval of a minor subdivision shall expire 190 days from the date of municipal approval unless within such period a plat in conformity with such approval and the provisions of the Map Filing Law, N.J.S.A. 46:26B-1 et seq., or a deed clearly describing the approved minor subdivision is filed by the developer with the county recording officer, the Township Engineer and the Township Tax Assessor. Any such plat or deed accepted for such filing shall have been signed by the Chairman and Secretary of the Planning Board. In reviewing the application for development for a proposed minor subdivision, the Planning Board may accept a plat not in conformity with the Map Filing Law, N.J.S.A. 46:26B-1 et seq., provided that, if the developer chooses to file the minor subdivision as provided herein by plat rather than deed, such plat shall conform with the provisions of said Act.
- (12) The zoning requirements and general terms and conditions, whether conditional or otherwise, upon which minor subdivision approval was granted shall not be changed for a period of two years after the date of minor subdivision approval, provided that the approved minor subdivision shall have been duly recorded as provided in this section.

B. Submission of preliminary plat of major subdivision for tentative approval.

- (1) At least 12 black-on-white prints of the preliminary plat, together with three completed application forms for preliminary approval, shall be submitted to the Township Clerk two weeks prior to the Planning Board meeting at which consideration is desired. At the time of filing, the fee provided for in Chapter A565, Fees, shall be paid to the Township Clerk to cover the costs of publishing notice of the pending hearings on said subdivision. The Township Clerk shall immediately notify the Clerk of the Planning Board upon receipt of a preliminary plat. **[Amended 8-17-1981 by Ord. No. 6-81]**
- (2) If the application for development is found to be incomplete, the developer shall be notified thereof within 45 days of submission of such application, or it shall be deemed to be properly submitted.
- (3) Upon receipt of the preliminary plat, the Planning Board shall establish a date and a place for the conducting of a public hearing thereon. The owner shall notify by registered mail, at least five days prior to the hearing, all property owners within 200 feet of the extreme limits of the subdivision as their names appear on the Township tax record. Said notice shall state the date, time and place of hearing, a brief description of the subdivision and that a copy of said subdivision has been filed with the Township Clerk for public inspection. Proof of said notice of mailing shall be furnished to the Planning Board. The Clerk of the Planning Board shall cause notice of the hearing to be published in the official newspaper or a newspaper of general circulation in the Township at least 10 days prior to the hearing.
- (4) Copies of the preliminary plat shall be forwarded by the Clerk of the Planning Board one week prior to the hearing to the Township Engineer.
- (5) The Planning Board shall conduct a hearing on such application in accordance with the requirements of Section 6 of Chapter 291 of the Laws of 1975.⁶
- (6) The Planning Board shall, if the proposed subdivision complies with this chapter and the requirements set forth in Chapter 291 of the Laws of 1975 (N.J.S.A. 40:55D-1 et seq.), grant preliminary approval to the subdivision.
- (7) If the Planning Board requires any substantial amendment in the layout of improvements proposed by the developer that have been the subject of a hearing, an amended application shall be submitted and proceeded upon, as in the case of the original application for development.
- (8) If the Planning Board acts favorably on a preliminary plat, the Chairman of the Planning Board shall affix his signature to the plat with a notation that it has received preliminary approval and is returned to the subdivider for compliance with final approval requirements.
- (9) Time period. Upon the submission to the Township Clerk of a complete application for a subdivision of 10 or fewer lots, the Planning Board shall grant or deny preliminary approval within 45 days of the date of such submission or

6. Editor's Note: N.J.S.A. 40:55D-10.

within such further time as may be consented to by the developer. Upon the submission of a complete application for a subdivision of more than 10 lots, the Planning Board shall grant or deny preliminary approval within 95 days of the date of such submission or within such further time as may be consented to by the developer. Otherwise, the Planning Board shall be deemed to have granted preliminary approval to the subdivision.

- (10) Effect of preliminary approval. Preliminary approval of a major subdivision shall confer upon the applicant the following rights for a three-year period from the date of the preliminary approval:
 - (a) That the general terms and conditions on which preliminary approval was granted shall not be changed, including but not limited to use requirements, layout and design standards for streets, curbs and sidewalks, lot size, yard dimensions and off-tract improvements, except that nothing herein shall be construed to prevent the municipality from modifying by ordinance such general terms and conditions of preliminary approval as relate to public health and safety.
 - (b) That the applicant may submit for final approval on or before the expiration date of preliminary approval the whole or a section or sections of the preliminary subdivision plat.
 - (c) That the applicant may apply for and the Planning Board may grant extensions on such preliminary approval for additional periods of at least one year but not to exceed a total extension of two years, provided that if the design standards have been revised by ordinance, such revised standards may govern.
- C. Improvements or guaranties prior to final approval. Before consideration of a final subdivision plat, the subdivider will have met the requirements for improvements contained in § 466-8 of this chapter.
- D. Submission of final plat of major subdivision.
 - (1) The final plat shall be submitted to the Township Clerk for forwarding to the Planning Board for final approval. The Township Clerk shall immediately notify the Clerk of the Planning Board.
 - (2) The original tracing, one translucent tracing cloth copy, two cloth prints, eight black-on-white prints and three copies of the application form for final approval shall be submitted to the Clerk of the Planning Board, and one to the Township Engineer, at least five days prior to the date of a regular Planning Board meeting. Unless the preliminary plat is approved without changes, the final plat shall have incorporated all changes or modifications required by the Planning Board.
 - (3) The final plat shall be accompanied by a statement by the Township Engineer that he is in receipt of a map showing all utilities in exact location and elevation, identifying those portions already installed and those to be installed, and that the subdivider has complied with one or both of the following: a) he has installed all improvements in accordance with the requirements of these regulations and Township ordinances; b) a performance guaranty has been posted with the

Township Clerk in sufficient amount to assure the completion of all required improvements. In addition, the final plat shall be accompanied by a memorandum of agreement which shall have been duly completed and executed by the developer. Said memorandum shall be on the form accepted by the Township Council of the Township of Verona and on file and obtainable from the office of the Township Engineer. This form for the filing of a memorandum of agreement shall be deemed to be a part of this chapter.

- (4) The Planning Board shall grant final approval if the detailed drawings, specifications and estimates of the application for final approval conform to the standards established by ordinance for final approval, the conditions of preliminary approval and, in the case of a major subdivision, the standards prescribed by the Map Filing Law, N.J.S.A. 46:26B-1 et seq., provided that, in the case of a planned unit development, the Planning Board may permit minimal deviations from the conditions of preliminary approval necessitated by change of conditions beyond the control of the developer since the date of preliminary approval without the developer being required to submit another application for development for preliminary approval.
- (5) Final approval shall be granted or denied within 45 days after submission of a complete application to the Township Clerk or within such further time as may be consented to by the applicant. Failure of the Planning Board to act within the period prescribed shall constitute final approval, and a certificate of the Township Clerk as to the failure of the Planning Board to act shall be issued on request of the applicant, and it shall be sufficient in lieu of the written endorsement or other evidence of approval herein required and shall be so accepted by the county recording officer for purposes of filing subdivision plats.
- (6) Whenever review or approval of the application by the County Planning Board is required by Section 5 of P.L. 1968, c. 285 (N.J.S.A. 40:27-6.3), the Planning Board shall condition any approval that it grants upon timely receipt of a favorable report on the application by the Essex County Planning Board or approval by the Essex County Planning Board by its failure to report thereon within the required time period.
- (7) Upon final approval, copies of the final plat shall be filed by the Secretary of the Planning Board with the following:
 - (a) Township Clerk.
 - (b) Township Engineer.
 - (c) Tax Assessor.
 - (d) Official issuing certificates as to approval for the subdivision of land.
 - (e) Construction Code Official.
- (8) Final approval of a major subdivision shall expire 95 days from the date of signing of the plat unless within such period the plat shall have been duly filed by the developer with the county recording officer. The Planning Board may, for

good cause shown, extend the period for recording for an additional period not to exceed 190 days from the date of the signing of the plat.

- (9) No subdivision plat shall be accepted for filing by the county recording officer until it has been approved by the Planning Board as indicated on the instrument by the signature of the Chairman and Secretary of the Planning Board or a certificate has been issued pursuant to Section 35, 38, 44, 48, 54 or 63 of Chapter 291 of the Laws of 1975 (N.J.S.A. 40:55D-1 et seq.). The signatures of the Chairman and Secretary of the Planning Board shall not be affixed until the developer has posted the guaranties required pursuant to § 466-8 of this chapter.
- (10) The zoning requirements applicable to the preliminary approval first granted and all other rights conferred upon the developer pursuant to Subsection B(10) of this section, whether conditionally or otherwise, shall not be changed for a period of two years after the date of final approval, provided that, in the case of a major subdivision, the rights conferred by this section shall expire if the plat has not been duly recorded within the time period provided in this section. If the developer has followed the standards prescribed for final approval and has duly recorded the plat as required, the Planning Board may extend such period of protection for extensions of one year, but not to exceed three extensions. Notwithstanding any other provisions of this chapter, the granting of final approval terminates the time period of preliminary approval pursuant to Subsection B(10) of this section for the section granted final approval.

E. Exception in application of subdivision regulations.

- (1) The Planning Board, when acting upon applications for preliminary or minor subdivision approval, shall have the power to grant such exceptions from the requirements for subdivision approval as may be reasonable and within the general purpose and intent of the provisions for subdivision review and approval of this chapter, if the literal enforcement of one or more provisions of this chapter is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question.
- (2) The Planning Board shall have the power to review and approve or deny conditional uses or site plans simultaneously with review for subdivision approval without the developer's being required to make further application to the Planning Board or the Planning Board's being required to hold further hearings. The longest time period for action by the Planning Board, whether it be for subdivision, conditional use or site plan approval, shall apply. Whenever approval of a conditional use is requested by the developer pursuant to this subsection, notice of the hearing on the plat shall include reference to the request for such conditional use.

F. Appeal procedure.

- (1) Any interested party may appeal to the governing body any final decision of the Zoning Board of Adjustment or Planning Board. Such appeal shall be made within 10 days of the date of publication of such final decisions pursuant to Subsection D of this section. The appeal to the governing body shall be made by serving the Township Clerk in person or by certified mail with a notice of appeal

specifying the grounds thereof and the name and address of the appellant and name and address of his attorney, if represented. Such appeal shall be decided by the governing body only upon the record established before the Planning Board or Board of Adjustment.

- (2) Notice of the meeting to review the record below shall be given by the governing body by personal service or certified mail to the appellant, to the applicant and to the Board from which the appeal is taken at least 10 days prior to the date of the meeting. The parties may submit oral and written argument on the record at such meeting, and the governing body shall provide for verbatim recording and transcripts of such meeting.
- (3) The governing body shall conclude a review of the record below not later than 95 days from the date of receipt of the transcript of the hearing unless the appellant consents in writing to an extension of such period. The appellant shall arrange for a transcript for use by the governing body. Failure of the governing body to hold a hearing and conclude a review of the record below and to render a decision within such specified period, without such written consent of the appellant, shall constitute a decision affirming the action of the Board. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
- (4) The governing body may reverse, remand or affirm, wholly or in part, or may modify the final decision of the Planning Board or Board of Adjustment, as the case may be.
- (5) The affirmative vote of a majority of the full authorized membership of the governing body shall be necessary to reverse, remand or modify any final action of either Board.
- (6) An appeal to the governing body shall stay all proceedings in furtherance of the action in respect to which the decision appealed from was made unless the Board from whose action the appeal is taken certifies to the governing body, after the notice of appeal shall have been filed with such Board, that, by reasons of facts stated in the certificate, a stay would, in its opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by an order of the Superior Court on application upon notice to the Board from whom the appeal is taken and on good cause shown.
- (7) The governing body shall mail a copy of the decision to the appellant or, if represented, then to this attorney without separate charge and for a reasonable charge to any interested party who has requested it, not later than 10 days after the date of the decision. A brief notice of the decision shall be published in the official newspaper of the Township. Such publication shall be arranged by the Township Clerk, and the Township Council may make a reasonable charge for its publication. The period of time in which an appeal to a court of competent jurisdiction may be made shall run from the first publication, whether arranged by the municipality or the application.
- (8) Nothing in this section shall be construed to restrict the right of any party to obtain a review by any court of competent jurisdiction according to law.

§ 466-7. Plat details.

- A. Sketch plat. The sketch plat shall be based on Tax Map information or some other similarly accurate base, at a scale preferably not less than 200 feet to the inch to enable the entire tract to be shown on one sheet and shall show or include the following information:
- (1) The location of that portion which is to be subdivided in relation to the entire tract.
 - (2) All existing structures and wooded areas within the portion to be subdivided and within 100 feet thereof.
 - (3) The name of the owner and of all adjoining property owners as disclosed by the most recent Township tax records.
 - (4) Block and lot numbers and deed references.
 - (5) All streets, roads, drainage rights-of-way, easements, bodies of water and streams within 200 feet of the subdivision.
- B. Preliminary plat. The preliminary plat shall be clearly and legibly drawn or reproduced at a scale of not less than one inch equals 100 feet. Preliminary plats shall be designed and drawn by a licensed (New Jersey) land surveyor, licensed engineer or licensed planner. The plat shall be designed in compliance with the provisions of § 466-10 of this chapter and shall show or be accompanied by the following information:
- (1) A key map showing the entire subdivision and its relation to surrounding areas.
 - (2) The tract name, block and lot number, date, reference meridian, graphic scale and the following names and addresses:
 - (a) Name and address of the record owner or owners.
 - (b) Name and address of the subdivider.
 - (c) Name and address of the person who prepared the map.
 - (3) Acreage of the tract to be subdivided to nearest tenth of an acre.
 - (4) Contours, at two vertical intervals, of the land to be subdivided. Where drainage, street grades or the slope of land in adjacent areas affect the ultimate development of any plat, the Township Engineer may require the subdivider to supply additional data with regard to such surrounding areas which will permit satisfactory design of the particular subdivision under consideration.
 - (5) The location of existing and proposed property and street lines and existing buildings, watercourses, railroads, bridges, culverts, drainpipes, together with any natural features such as wooded areas and rock formation.
 - (6) Plans and profiles of all proposed streets within the subdivision and profiles of existing or future continuing streets a minimum distance of 200 feet beyond the subdivision boundaries.

- (7) Plans of proposed utility layouts (water, gas and electricity) showing feasible connections to existing or any proposed utility system. When an individual water supply is proposed, the plan for such system must be approved by the appropriate local or state health agency.
 - (8) Plans and profiles of all proposed and existing sanitary sewers, storm drains, drainage ditches or streams to which the proposed facilities shall be connected. When storm drains, drainage ditches or brook channel improvements are proposed or required, the plan for such improvement must be approved by the State Water Policy Commission if said improvement, in the opinion of the Planning Board, is of sufficient size as to so warrant.
 - (9) A copy of any protective covenants or deed restrictions applying to the land being subdivided shall be submitted with the preliminary plat.
- C. Final plat. The final plat shall be drawn in ink on tracing cloth at a scale of not less than one inch equals 100 feet, in compliance with all the provisions of Chapter 358 of the Laws of New Jersey 1953.⁷ The final plat shall show or be accompanied by the following:
- (1) Date, name and location of the subdivision, name of the owner, graphic scale and reference meridian.
 - (2) Tract boundary lines, right-of-way lines of streets, street names, easements and other rights-of-way, land to be reserved or dedicated to public use, all lot lines and other site lines, with accurate dimensions, bearings and radii, arcs and central angles of all curves.
 - (3) The purpose of any easement or land reserved or dedicated to public use shall be designated, and the proposed use of sites other than residential shall be noted.
 - (4) Each block shall be numbered, and the lots within each block shall be numbered consecutively, in accordance with Township ordinances.
 - (5) Minimum building setback line on all lots and other sites.
 - (6) Location and description of all monuments.
 - (7) Names of owners of adjoining land.
 - (8) Certification by engineer or surveyor as to accuracy of details of plat.
 - (9) Certification that the applicant is agent or owner of the land or that the owner has given consent under an option agreement.
 - (10) Cross sections and profiles of streets, approved by the Township Engineer, shall be required to accompany the final plat.
 - (11) Plans and profiles of storm and sanitary sewers.
 - (12) Current certification by a recognized title insurance company that the streets are free and clear of all encumbrances.

7. Editor's Note: See now the Map Filing Law, P.L. 2011, Ch. 217 (N.J.S.A. 46:26B-1 et seq.).

- (13) Any extension of off-tract improvements necessitated by the proposed development.
- (14) A soil erosion and sedimentation control plan, pursuant to the requirements of N.J.S.A. 4:24-39 et seq.

§ 466-8. Improvement guaranties.

A. Standard requirements.

- (1) Streets, curbs and sidewalks.
 - (a) All streets shall be graded and provided with an all-weather base and pavement in keeping with specifications and standards approved by the Township Council of the Township of Verona and on file in the office of the Township Engineer. Pavement widths shall vary in keeping with the classification of the street and with the requirements of the Master Plan and Official Map, but in no case shall they be less than 30 feet.
 - (b) Curbs shall be required for all streets and shall be installed to meet the requirements of the Township and at levels approved by the Township Engineer.
 - (c) A sidewalk shall be installed on both sides of each street in the location and at the grade given or approved by the Township Engineer and according to Township specifications.
- (2) Storm drains, sanitary sewerage and utilities. Provisions shall be made for stormwater drainage, sanitary sewerage and utilities. All such installations shall be connected with an approved system and shall be adequate for all present and probable future development and shall be made according to the standard requirements and specifications of the Township of Verona. Sanitary sewers and appurtenances shall be installed and connected in accordance with the Sanitary Sewer Ordinances of the Township of Verona. At the discretion of the Township Engineer, stormwater retention or detention facilities shall be designed and constructed for the purpose of controlling stormwater runoff from the proposed site. The facilities shall be designed and constructed in such a manner as not to allow more than a 1% increase in runoff from the developed site into the present drainage system.
- (3) Street signs. Appropriate street signs shall be installed at all street intersections and shall be of a type specified by the Township of Verona Department of Public Works.
- (4) Streetlighting. Appropriate streetlights shall be installed where designated by the Township Engineer in accordance with standards and specifications adopted by the Township Council.
- (5) Shade trees. Shade trees shall be planted on each side of every street at intervals of approximately 50 feet and shall be size 1 3/4 inches to two inches and of the

following types: European or silver linden; Norway, Schwedler or sugar maple; red, pin, black, chestnut or scarlet oak; or other approved variety.

- (6) Monuments. Monuments of the size and shape required by Section 4 of Chapter 358 of the Laws of New Jersey 1953⁸ shall be placed in accordance with said statute.
 - (7) Topsoil. Topsoil moved during the course of construction shall be redistributed so as to provide at least four inches of cover to all areas disturbed and shall be stabilized by seeding or planting. No topsoil shall be removed from the site or used as spoil.
- B. Inspection and costs. All improvements shall be installed under the supervision and inspection of the Township Engineer, the cost thereof to be borne by the developer. Said costs shall be estimated at 5% of the total cost of the improvement, and such amount, in the form of cash or certified check, shall be deposited with the Township Engineer before commencement of any construction. If said deposit shall be insufficient, any additional inspection costs shall be paid by the developer before the improvement is accepted by the Township. Any balance from the deposit, after inspection costs have been deducted therefrom, shall be refunded to the developer.
- C. Construction requirements.
- (1) Before any developer, his contractor or agents shall install any of the above-required improvements, said developer, his contractor or agents must be approved and accepted by the Township of Verona for competency and previous experience.
 - (2) All construction stakes and grades thereon shall be set by a professional engineer or land surveyor in the employ of the developer or his contractor, and a duplicate copy of the notes made therefrom shall be filed with the Township Engineer.
 - (3) No construction work shall commence without the Township Engineer being properly notified. Such notice shall be given at least one week before said commencement of work.
 - (4) The Standard Specifications of the Township of Verona, as now or thereafter adopted, shall govern the construction and installation of all the above improvements. Failure of the developer, his contractor or agents to conform to said specifications will be just cause or the suspension of the work being performed, and no person, firm or corporation shall have the right to demand or claim damages from the Township of Verona, its officers, agents or servants by reason of such suspension.
- D. Performance guaranty for improvements.
- (1) As a condition of final site plan approval, the Planning Board may require and shall accept in accordance with the standards adopted by this chapter for the purpose of assuring the installation and maintenance of on-tract improvements:

8. Editor's Note: See now the Map Filing Law, P.L. 2011, Ch. 217 (N.J.S.A. 46:26B-1 et seq.).

- (a) The furnishing of a performance guaranty in favor of the municipality in an amount not to exceed 120% of the cost of installation for improvements it may deem necessary or appropriate, including streets, grading, pavement, gutters, curbs, sidewalks, streetlighting, shade trees, surveyors' monuments, as shown on the final map and required by the Map Filing Law, N.J.S.A. 46:26B-1 et seq., water mains, culverts, storm sewers, sanitary sewers or other means of sewage disposal, drainage structures, erosion control and sedimentation control devices, public improvements of open space and other on-site improvements and landscaping, provided that no more than 10% of the total performance guaranty shall be in cash, and the balance shall be in the form of a bond from a bonding company approved by the Township. The Township Engineer shall review the improvements required by the Planning Board which are to be bonded and itemize their cost. Said itemization shall be the basis for determining the amount of performance guaranty and maintenance guaranty required by the Planning Board. The Township Engineer shall forward his estimate of the cost of improvements to the applicant within 30 days of the date of receipt of a request sent by certified mail for said estimate.
 - (b) The furnishing of a maintenance guaranty to be posted with the governing body for a period not to exceed two years after final acceptance of the improvement, in an amount not to exceed 50% of the cost of the improvement. In the event that other governmental agencies or public utilities automatically will own the utilities to be installed or the improvements are covered by a performance or maintenance guaranty to another governmental agency, no performance or maintenance guaranty, as the case may be, shall be required for such utilities or improvements.
- (2) The amount of any performance guaranty may be reduced by the Township Council, by resolution, when portions of the improvements have been certified by the Township Engineer to have been completed. The time allowed for installation of the improvements for which the performance guaranty has been provided may be extended by the Township Council by resolution.
 - (3) If the required improvements are not completed or corrected in accordance with the performance guaranty, the obligor and surety, if any, shall be liable thereon to the Township for the reasonable cost of the improvements not completed or corrected, and the Township may, either prior to or after the receipt of the proceeds thereof, complete such improvements.
 - (4) When all of the required improvements have been completed, the obligor shall notify the Township Council in writing, by certified mail addressed in care of the Township Clerk, of the completion of said improvements and shall send a copy thereof to the Township Engineer. Thereupon the Township Engineer shall inspect all of the improvements and shall file a detailed report, in writing, with the Township Council, indicating either approval, partial approval or rejection of the improvements with a statement of reasons for any rejection. If partial approval is indicated, the cost of the improvements rejected shall be set forth. Prior to final acceptance of the improvements, the applicant shall file with the Township Engineer and Construction Code Official as-built drawings prepared by

the applicant's engineer and/or architect indicating any approved changes from the final plat plan.

- (5) The Township Council shall either approve, partially approve or reject the improvements on the basis of the report of the Township Engineer and shall notify the obligor in writing, by certified mail, of the contents of said report and the action of Township Council with relation thereto, not later than 65 days after receipt of the notice from the obligor of the completion of the improvements. Where partial approval is granted, the obligor shall be released from all liability pursuant to its performance guaranty, except for that portion adequately sufficient to secure provision of the improvements not yet approved. Failure of the Township Council to send or provide such notification to the obligor within 65 days shall be deemed to constitute approval of the improvements, and the obligor and surety, if any, shall be released from all liability, pursuant to such performance guaranty.
- (6) If any portion of the required improvements is rejected, the Township Council may require the obligor to complete such improvements, and, upon completion, the same procedure of notification as set forth in this section shall be followed.
- (7) Nothing herein, however, shall be construed to limit the right of the obligor to contest by legal proceedings any determination of the Township Council or the Township Engineer.

§ 466-9. Off-tract improvements.

- A. As a condition for approval of a site plan, a developer may be required by the Planning Board to pay his pro rata share of the cost of providing only reasonable and necessary street improvements and water, sewerage and drainage facilities and easements therefor, located outside the property limits of the development but necessitated or required by construction or improvement within such development.
- B. Requirements for providing off-tract improvements shall be based on the circulation and utility service plan elements of the Township Master Plan. The pro rata amount of the cost of such facilities that shall be borne by such developer or owner within a related and common area shall be determined by the Planning Board in accordance with the following standards:
 - (1) Street improvements. The developer's share shall be based on the average daily traffic generated by the proposed development, as a proportion of total estimated average daily traffic on the street based on complete development under existing zoning.
 - (2) Water, sewer and drainage improvements. The developer's share shall be based on capacity required by the development in question as a proportion of total capacity for the service area in which the development is located.
- C. Where a developer pays the amount determined as a pro rata share under protest, he shall institute legal action within one year of such payment in order to preserve the right to a judicial determination as to the fairness and reasonableness of such amount.

§ 466-10. Reservation of public areas.**A. General requirements.**

- (1) If the Master Plan or the Official Map provides for the reservation of designated streets, public drainageways, flood-control basins or public areas within the proposed development, before approving a subdivision, the Planning Board may require that such streets, ways, basins or areas be shown on the plat in locations and sizes suitable to their intended uses. The Planning Board may reserve the location and extent of such streets, ways, basins or areas shown on the plat for a period of one year after the approval of the final plat or within such further time as may be agreed to by the developer.
- (2) Unless during such period or extension thereof the municipality shall have entered into a contract to purchase or institute condemnation proceedings according to law for the fee or a lesser interest in the land comprising such streets, ways, basins or areas, the developer shall not be bound by such reservations shown on the plat and may proceed to use such land for private use in accordance with applicable development regulations.

B. Applicability. The provisions of this chapter shall not apply to streets and roads, flood-control basins or public drainageways necessitated by the subdivision of land development and required for final approval.**C. Compensation.** The developer shall be entitled to just compensation for actual loss found to be caused by such temporary reservation and deprivation of use. In such instances, unless a lesser amount has previously been mutually agreed upon, just compensation shall be deemed to be the fair market value of an option to purchase the land reserved for the period of reservation, provided that determination of such fair market value shall include, but not be limited to, consideration of the real property taxes apportioned to the land reserved and prorated for the period of reservation. The developer shall be compensated for the reasonable increased cost of legal, engineering or other professional services incurred in connection with obtaining subdivision approval caused by the reservation.**§ 466-11. Design standards.**

The subdivider shall observe the following requirements and principles of land subdivision in the design of each subdivision or portion thereof.

A. General. The subdivision plat shall conform to design standards that will encourage good development patterns within the Township. The subdivision shall conform to the proposals and conditions of both the Official Map and Master Plan as shown thereon. The streets, drainage rights-of-way, school sites, public parks and playgrounds shown on the officially adopted Master Plan or Official Map shall be considered in approval of subdivision plats. Streets and drainage rights-of-way not shown on the Master Plan or Official Map shall be shown on the final plat in accordance with Section 38 of Chapter 291 of the laws of New Jersey of 1975⁹ and shall be such as to lend themselves to the

9. Editor's Note: N.J.S.A. 40:55D-50.

harmonious development of the Township and enhance the public welfare in accordance with the following design standards:

B. Streets.

- (1) The arrangement of streets not shown on the Master Plan or Official Map shall be such as to provide for the appropriate extension of existing streets.
- (2) Minor streets shall be so designed as to discourage through traffic.
- (3) Subdivisions abutting arterial streets shall provide a marginal service road or reverse frontage with a buffer strip for planting or some other means of separation of through and local traffic as the Planning Board may determine appropriate.
- (4) The right-of-way width shall be measured from lot line to lot line and shall be as follows:
 - (a) Arterial and collector streets shall be as indicated on the Master Plan and Official Map.
 - (b) All others shall be a minimum of 50 feet.
- (5) No subdivision showing reserve strips controlling access to streets shall be approved except where the control and disposal of land comprising such strips has been placed in the Township Council under conditions approved by the Planning Board.
- (6) Subdivisions that adjoin or include existing streets that do not conform to widths as shown on the Master Plan or Official Map or the street width requirements of this chapter shall dedicate additional width along either one or both sides of said road unless waived by the Township Council. If the subdivision is along one side only, 1/2 of the required extra width shall be dedicated.
- (7) Grades of arterial and collector streets shall not exceed 4%. Grades on other streets shall not exceed 10%. No street shall have a minimum grade of less than 1/2 of 1%. Maximum grade within any intersection shall not exceed 3%, and approaches to any intersection shall follow a straight course within 100 feet of the intersection. Streets shall follow the contours of the land wherever possible.
- (8) Street intersections shall be as nearly at right angles as is possible and, in no case, shall be less than 60°. The block corners at intersections shall be rounded at the curblines with a curve having a radius of not less than 15 feet and shall have a clear sight triangle of not less than 30 feet.
- (9) Street jogs with center-line offsets of less than 125 feet shall be prohibited.
- (10) A tangent at least 100 feet long shall be introduced between reverse curves or arterial and collector streets.
- (11) When connecting street lines deflect from each other at any one point by more than 10° and not more than 45°, they shall be connected by a curve with a radius of not less than 100 feet for minor streets and 300 feet for arterial and collector streets.

- (12) All changes in grade shall be connected by vertical curves sufficient to provide a smooth transition and sight distance not less than the following at all points on the road:
 - (a) For arterial streets: 300 feet.
 - (b) For all other streets: 200 feet.
- (13) Dead-end streets (culs-de-sac) shall not be longer than 600 feet and shall provide a turnaround at the end with a radius of not less than 50 feet. If a dead-end street is of a temporary nature, a similar turnaround shall be provided and provisions made for future extension of the street and reversion of the excess right-of-way to the adjoining properties.
- (14) No street shall have a name which will duplicate or so nearly duplicate as to be confused with the names of existing streets. The continuation of an existing street shall have the same name.

C. Blocks.

- (1) Block length and width or acreage within bounding roads shall be such as to accommodate the size of lot required in the area by the Zoning Ordinance¹⁰ and to provide for convenient access, circulation control and safety of street traffic. In general, block lengths shall not exceed 1,000 feet in areas of concentrated development.
- (2) For commercial group housing or industrial use, block size shall be sufficient to meet all area and yard requirements for such use as set forth in the Township Zoning Ordinance.¹¹

D. Lots.

- (1) Lot dimensions and area shall not be less than the requirements of the Zoning Ordinance.¹²
- (2) Insofar as is practical, side lot lines shall be at right angles to straight streets and radial to curved streets.
- (3) Each lot must front upon an approved street at least 50 feet in width.
- (4) Where extra width has been dedicated for widening of existing streets, lots shall begin at such extra width line, and all setbacks shall be measured from such line.
- (5) Where there is a question as to the suitability of a lot or lots for their intended use due to factors such as rock formations, flood conditions or similar circumstances, the Planning Board may, after adequate investigation, withhold approval of such lots.

E. Public use and service areas.

10. Editor's Note: See Ch. 150, Zoning.

11. Editor's Note: See Ch. 150, Zoning.

12. Editor's Note: See Ch. 150, Zoning.

- (1) In large-scale development, easements along rear property lines or elsewhere for utility installation may be required. Such easements shall be at least 15 feet wide and located in consultation with the companies or Township departments concerned.
- (2) Where a subdivision is traversed by a watercourse, drainageway channel or street, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such watercourse and such further width or construction, or both, as will be adequate for the purpose.
- (3) Natural features, such as trees, brooks, hilltops and views, shall be preserved whenever possible in designing any subdivision containing such features.

§ 466-12. Violations and penalties. [Amended 8-17-1981 by Ord. No. 6-81; at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

- 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 472

SWIMMING POOLS, PRIVATE

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| § 472-1. Definitions. | § 472-10. Noise and nuisances. |
| § 472-2. Permit required. | § 472-11. Appearance. |
| § 472-3. Application procedure; issuance; exception. | § 472-12. Enclosures. |
| § 472-4. General construction requirements. | § 472-13. Fees. |
| § 472-5. Water supply. | § 472-14. Inspections. |
| § 472-6. Drainage. | § 472-15. Enforcement; revocation; hearing. |
| § 472-7. Disinfection and filtration. | § 472-16. Exceptions; appeal for variance. |
| § 472-8. Location. | § 472-17. Violations and penalties. |
| § 472-9. Lighting and electrical equipment. | |

[HISTORY: Adopted by the Township Council of the Township of Verona 2-20-1973 by Ord. No. 1-73 (Ch. 129 of the 1981 Code). Amendments noted where applicable.]

§ 472-1. Definitions.

The words, terms or phrases listed below, for the purpose of this chapter, shall be defined and interpreted as follows:

PERMANENT PRIVATE SWIMMING POOL — All private swimming pools as defined in this chapter which are permanently installed where any part is below grade, except in cases where the pool or portion thereof is below grade as a result of leveling, and having either an inside structural depth in excess of 24 inches or a surface area in excess of 120 square feet or a capacity in excess of 1,400 gallons. Any pool shall be considered permanent if constructed of masonry material.

PORTABLE SWIMMING POOLS — Any aboveground swimming pool that is constructed and which is not designed or intended to be stationary or permanently fixed, but one which is so designed to be removable and stored each year and which has either an inside structural depth in excess of 24 inches or a surface area in excess of 120 square feet or a capacity in excess of 1,400 gallons.

PRIVATE SWIMMING POOL — Any artificially constructed swimming pool or tank established or maintained upon any premises in a residential area or zone by any individual for his own or his family's use or for guests of his household.

WADING POOL — Any pool not permanently installed and having less than a twenty-four-inch depth and less than one-hundred-twenty-foot surface area or less than a one-thousand-four-hundred-gallon capacity.

§ 472-2. Permit required.

It shall be unlawful to establish or construct a swimming pool within the Township of Verona without first having obtained a permit therefor in the manner hereinafter prescribed.

§ 472-3. Application procedure; issuance; exception.

- A. Applications for permits for a private swimming pool shall be accompanied by three sets of plans and specifications or suitable descriptive brochures and shall be made on such form or forms as may be required by the Building Inspector, Health Officer and Township Engineer, together with a plot plan drawn to scale showing the entire lot upon which the pool is proposed to be constructed and indicating thereon the exact size, shape and location of said pool and all other structures on said lot and the distances of the pool from the property lines and all structures on said lot.
- B. The Building Inspector shall issue a permit for the construction or installation of a swimming pool, provided that same complies with the provisions of this chapter, Chapter 150, Zoning, and Chapter 190, Construction Codes, Uniform, and provided further that the application for same has been approved, in writing, by the Health Officer and Township Engineer of the Township of Verona.
- C. No permit is needed for swimming pools recognized according to this chapter as "wading pools."

§ 472-4. General construction requirements.

- A. All materials used in the construction shall be of a durable quality and waterproof and easily cleaned. Sand or earth bottoms shall not be used. Aluminum paint shall not be permitted.
- B. Existing property grade should not be changed during installation so as to adversely affect natural drainage and runoff water in adjoining properties.

§ 472-5. Water supply.

- A. There shall be no physical connection between a portable, public or private water supply system and such pools or their circulating systems. Portable water for makeup and filling purposes shall be introduced by means of a discharge pipe over a float-controlled surge tank or over the pool itself and have an air gap of at least six inches between the orifice of the supply pipe and the pool or tank overflow level.
- B. Private swimming pools may be filled with water from the water system of the Township of Verona or from a suitable well approved by the Township of Verona Health Officer. The Township of Verona water system shall not be used in connection with the operation of a private swimming pool during any time when restrictions are imposed upon the use of public water.
- C. Filling of pools shall take place at such time designated by the officer of the Township Engineer.

§ 472-6. Drainage.

Private swimming pools shall be equipped with facilities for drainage and/or backwash with not larger than a two-inch discharge hose or equivalent. Drainage or backwash should be directed to an accessible storm sewer or adequate dry well or surface runoff; where, however, only the sanitary sewer system is available, discharge of pool water into such sanitary sewer system shall be at the discretion and written permission of the Township Engineer. Surface drainage shall not be permitted where such disposal shall adversely affect any other properties or cause a nuisance or hazard to the general public.

§ 472-7. Disinfection and filtration.

- A. Filtering. All private swimming pools installed in the Township of Verona shall be equipped with an adequate filtration system capable of turning over the entire pool water capacity at least once in eight hours. All circulating pumps should be housed with a suitable strainer or screen to remove solids, debris, hair, lint, etc.
- B. Disinfecting. All swimming pools shall be chlorinated or otherwise disinfected so as to maintain a supply of chlorine or other approved disinfecting agents at all times equivalent to 0.4 to 1.0 parts per million of free available chlorine. Disinfection and filtration of pool water shall comply to approved bacteriological standards which may be promulgated by the Health Officer of the Township of Verona. Equipment necessary for daily chemical testing shall be kept on the premises at all times when the pool is in operation.

§ 472-8. Location.

All private permanent swimming pools shall not be constructed nearer than 10 feet to any property line. All private portable pools shall not be constructed nearer than 10 feet to any property line. The pool shall be installed and maintained in accordance with the setback requirements of Chapter 150, Zoning, and no swimming pool shall be erected in the side or front yards of the property. All filtration equipment and pumps shall be located not less than five feet from any property line.

§ 472-9. Lighting and electrical equipment.

No artificial lighting shall be maintained or operated in such a manner as to be a nuisance or annoyance to neighboring properties. In no event shall lights be on after 10:00 p.m. All electrical wiring for light and power used in conjunction with any swimming pool shall be installed in strict accordance with the National Electrical Code. The wiring and equipment shall be required to be inspected by the Middle Department Association of Fire Underwriters, and their card certifying inspection must be filed with the Building Inspector before the pool is placed in use.

§ 472-10. Noise and nuisances.

All pools shall be maintained and operated so that they do not cause noise, nuisances or annoyances to neighboring property owners or citizens and residents of the Township of Verona.¹

§ 472-11. Appearance.

All areas surrounding the pool shall be made and kept neat and attractive so as to be in conformity with surrounding properties, and no rubbish, debris or litter shall be permitted to remain or accumulate in or about the pool.

§ 472-12. Enclosures.

- A. Every outdoor private swimming pool shall be enclosed by a fence of durable construction not less than four feet nor more than six feet in height and having openings no larger than four inches, notwithstanding the provisions of any other ordinance, or by a wall of a building or structure; provided, however, in the case of a wading pool, in lieu of such enclosure, the wading pool may be completely emptied and stored or may be covered with a suitable strong covering, said covering to be secured in place when the wading pool is not in use.
- B. The enclosure shall be provided with one or more gates or doors of the same height as the fence, that are self-closing and self-latching and can be locked when the swimming pool is unattended. Latches and locks shall be installed at not less than 44 inches high. Any access ladder or steps used in connection with aboveground-type swimming pools shall be removed when the pool is not in use.

§ 472-13. Fees. [Amended 8-17-1981 by Ord. No. 6-81]

Accompanying each application for permit shall be the fees provided for in Chapter A565, Fees, for the following areas:

- A. Permanent pool.
- B. Portable pool.

§ 472-14. Inspections.

The Building Inspector, Township Engineer and the Health Officer, or their representatives, shall have authority to make such inspections of the construction and maintenance of the pool and surrounding area as are necessary from time to time to ascertain that there is compliance with this chapter and the requirements of the Health and Building Codes.

1. Editor's Note: See also Ch. 339, Noise.

§ 472-15. Enforcement; revocation; hearing.

- A. Every private swimming pool installed or constructed or to be installed or constructed in the Township shall at all times comply with the requirements of all health authorities having jurisdiction in the premises, and any nuisance or hazard to health which may exist or develop in or in consequence of or in connection with any such swimming pool shall forthwith be abated and removed by the person in possession or control of such pool upon receipt of notice from the Building Inspector.
- B. In the event a permit is approved and issued, it may thereafter be revoked by the Township Council. The owner of the premises on which said swimming pool has been erected and the holder of said permit shall be served with a written notice setting forth the reasons why the Township Council seek to revoke the permit and the date and place of the public hearing. At said public hearing, the owner of the premises or the holder of the permit shall be heard and have an opportunity to be represented by counsel and present witnesses.

§ 472-16. Exceptions; appeal for variance.

- A. The Board of Adjustment has the power to grant an exception to this chapter where by reason of exceptional narrowness or shallowness or shape of a specific lot or by reason of exceptional conditions of such lot the strict application of the terms of this chapter would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the owner of such lot; provided, however, that no exception shall be granted under this section unless such exception can be granted without substantial detriment to the public good and unless such exception will not substantially impair the intent and purpose of this chapter.
- B. Appeals to the Board of Adjustment for an exception to the provisions of this chapter may be taken by any person aggrieved by a decision of the Building Inspector or of the Township Engineer pertaining to an application for a swimming pool permit. Such appeals to the Board of Adjustment under this section shall be taken within 30 days of the decision of the Building Inspector or Township Engineer by filing with the Township Clerk a notice, in writing, of such appeal. The Township Clerk shall fix a reasonable time for the hearing of the appeal, giving due notice thereof to the appellant. Notice of such hearing shall be given by the appellant to all property owners within 200 feet of the appellant's property at least 10 days prior to the time set for the hearing.

§ 472-17. Violations and penalties. [Amended 8-17-1981 by Ord. No. 6-81; at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

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.

Chapter 479

TAXICABS AND LIMOUSINES

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Penalties

§ 479-42. Violations and penalties.

[HISTORY: Adopted by the Township Council of the Township of Verona 8-20-1963 (Ch. 132, Art. I, of the 1981 Code) and 2-17-2015 by Ord. No. 3-15 (Ch. 132, Art. II, of the 1981 Code); amended in its entirety at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Subsequent amendments noted where applicable.]

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 488

TOWING

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| § 488-1. Purpose and scope. | § 488-8. Insurance requirements. |
| § 488-2. Definitions. | § 488-9. Equipment requirements. |
| § 488-3. Licensing. | § 488-10. Storage area requirements. |
| § 488-4. Application fee. | § 488-11. Towing operator personnel. |
| § 488-5. Background investigation and fee dispute resolution. | § 488-12. Fees; methods of payment; heavy-duty vehicle recovery. |
| § 488-6. Issuance of licenses; fees; term of license. | § 488-13. Records and inspections. |
| § 488-7. Rotating list; cruising prohibited. | § 488-14. Education of drivers. |
| | § 488-15. Enforcement. |
| | § 488-16. Violations and penalties. |

[HISTORY: Adopted by the Township Council of the Township of Verona 10-10-2017 by Ord. No. 2017-25¹. Amendments noted where applicable.]

§ 488-1. Purpose and scope.

- A. N.J.S.A. 40:48-2.49 authorizes the Township to regulate the business of removal and storage of motor vehicles and to set rates and charges for the same.
- B. The Township of Verona seeks to exercise the authority conferred by the aforementioned statute and adopts this chapter establishing minimum requirements for a towing contractor to provide services and/or vehicle removal and/or impoundment and/or storage of vehicles when determined necessary by the Township of Verona Police Department.
- C. The provisions of this chapter shall not apply to the towing of a motor vehicle from private property. Towing from private property is governed by regulations set forth in N.J.A.C. 13:45A-31.6.

§ 488-2. Definitions.

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

ABSORBENT — A granulated or powdered substance used to soak up fluids used in the operation of motor vehicles. A bag or container of absorbent will be defined as weighing 50 pounds.

ADMINISTRATIVE CHARGES — Charges for post-accident services, including but not limited to services such as physical inspection, telephone and/or fax calls, removal of

1. Editor's Note: This ordinance also repealed Ch. 140, Art. XV, Towing, amended 12-18-2006 by Ord. No. 14-06 and 9-9-2015 by Ord. No. 8-15.

personal items, additional paperwork and more than three trips to the motor vehicle in storage.

BASIC ENVIRONMENTAL CLEANUP — The cleanup and removal of small quantities of fluids used in the operation of a motor vehicle which leak onto the ground.

BASIC TOW — Arriving at the site from which a motor vehicle will be towed, hooking a motor vehicle to, or unloading a motor vehicle onto a tow truck, transporting a motor vehicle to a storage facility, unhooking or unloading a motor vehicle from a tow truck and situating the motor vehicle in the space in which it will be stored.

BASIC TOWING SERVICE — The towing of a vehicle or the removal and transportation of a vehicle from a highway, street or other public or private property.

CHIEF OF POLICE — The highest ranking sworn officer within the Verona Police Department.

CONSENSUAL TOWING — The towing of a motor vehicle, when the owner or operator of the motor vehicle has consented to have the towing operator tow the motor vehicle.

CRUISING — The operation of a tow truck within the Township of Verona to solicit vehicle towing, emergency road service and/or other related towing services unless in response to a police request.

DECOUPLING — Releasing a motor vehicle to its owner or operator when the motor vehicle has been, or is about to be, hooked to or lifted by a tow truck, but prior to the motor vehicle actually having been moved or removed from the property.

DISABLED VEHICLE — A motor vehicle which has been abandoned or rendered inoperable by mechanical failure or accident. Any motor vehicle, operable or inoperable, which constitutes a hazard to the motoring public by its location shall be deemed disabled for the purposes of this chapter.

EMERGENCY ROAD REPAIR SERVICE — Repairs which may be performed at the location of a disabled vehicle, including but not limited to flat tire changing, jump-starting, gasoline deliveries, etc.

EXAMINATION AREA — An unobstructed, flat, forty-foot-by-twenty-five-foot area where a vehicle can be placed when needed for inspection by the police.

HEAVY-DUTY WRECKER — A tow truck with dual rear wheels and air brakes capable of towing and wheel lifting large vehicles damage-free and which meets the following minimum requirements:

- A. Gross vehicle weight (GVW): 30,000 pounds.
- B. Gross vehicle weight rating (GVWR): 80,000 pounds.
- C. Boom and winch rating: 40,000 pounds.
- D. Cable size: 5/8 inch.
- E. Cable length: 200 feet.
- F. Wheel lift retracted rating: 25,000 pounds.

G. Wheel lift extended rating: 12,000 pounds.

IMPOUNDMENT — The storage of a motor vehicle upon the order of the Police Department at either the towing operator's storage area or at a Township facility as a result of abandonment, involvement in an accident, suspected criminal activity and/or any violation of Title 39 of the New Jersey Statutes or municipal ordinances.

LICENSED WRECKER/TOW TRUCK — Any wrecker/tow vehicle licensed pursuant to the provisions of this chapter.

LICENSEE — Any person, firm, partnership, association, corporation, company or organization of any kind that has been issued a license by the Township, pursuant to this chapter, to provide wrecker/towing services to the Township.

LIGHT-DUTY WRECKER — A tow truck with dual rear wheels capable of towing or wheel lifting vehicles which meets the following minimum standards:

- A. GVW: 14,000 pounds.
- B. Boom rating: 8,000 pounds.
- C. Winch rating: 8,000 pounds.
- D. Cable size: 3/8 inch.
- E. Cable length: 100 feet.
- F. Wheel lift retracted rating: 6,000 pounds.
- G. Extended rating: 3,000 pounds.

LOADED MILE — Distance in miles that a tow vehicle travels while towing a vehicle.

MEDIUM-DUTY FLATBED — A vehicle carrier equipped with a wheel lift and roll back/tilt bed with dual wheels capable of removing and transporting small trucks, full-size vans or large passenger cars damage-free and which meets the following minimum requirements:

- A. GVW: 18,000 pounds.
- B. Winch rating: 8,000 pounds.
- C. Cable size: 3/8 inch.
- D. Bed length: 17 feet.
- E. Bed width: seven feet (inside side rails).
- F. Wheel lift retracted rating: 6,000 pounds.
- G. Wheel lift extended: 3,000 pounds.

MEDIUM-DUTY WRECKER — A tow truck with dual rear wheels capable of towing and wheel lifting small trucks damage-free and which meets the following minimum requirements:

- A. GVW: 18,000 pounds.

- B. Boom rating: 16,000 pounds.
- C. Winch rating: 16,000 pounds.
- D. Cable size: 3/8 inch.
- E. Cable length: 200 feet.
- F. Wheel lift retracted rating: 6,000 pounds.
- G. Extended rating: 3,000 pounds.

MOTOR VEHICLE — All vehicles propelled other than by muscular power, excepting such vehicles as run only upon rails and tracks and motorized bicycles, motorized scooters, motorized wheelchairs, and motorized skateboards.

NONCONSENSUAL TOWING — The towing of a motor vehicle without the consent of the owner or operator of the vehicle. Nonconsensual towing includes towing of a motor vehicle when law enforcement orders the motor vehicle to be towed, whether or not the owner or operator consents.

ORDINARY CARE — That care which is normally used to protect a motor vehicle from further damage, including but not limited to the use of tarps for environmental protection and security protection for storage areas.

OUTSIDE SECURED STORAGE FACILITY — Any motor vehicle storage facility that is not located within an enclosed structure and that conforms to the following minimum standards:

- A. The entire land area shall be enclosed by a fence of sturdy construction, a wall or other man-made barrier that is at least seven feet in height, with a minimum of one lockable gate for ingress and egress, in accordance with local zoning regulations.
- B. All entry points shall have a locking device.
- C. The area shall have adequate lighting to protect stored vehicles from vandalism.
- D. The towing operator shall submit proof that he owns or leases an area, for the storage of a minimum of 50 vehicles, within a fifteen-minute response time to any call for towing or service within the Township of Verona. Said proof shall include the deed or deeds to the property or the leases to the same. The towing operator shall submit proof of local zoning compliance for use of the storage facility.

OWNER — A person, firm, corporation or partnership who owns and/or operates a motor vehicle on the roads and highways within the Township of Verona.

PERSON — Any natural person, firm, partnership, association, corporation, company or organization of any kind.

POLICE — The Township of Verona Police Department.

PRINCIPAL LOCATION — The licensed place of business of each towing operator. Each towing operator shall maintain his/her own place of business where trucks, in response to police requests, are normally kept. Towing operators shall not share a principal location. The impound area shall be located adjacent to, or be part of, the principal location and shall

comply with the local zoning ordinances.² The principal location must be open to the public between 8:00 a.m. and 6:00 p.m. at least five days per week and the principal location shall contain a clean, comfortable waiting area with toilet facilities.

PRIVATE PROPERTY TOWING — The nonconsensual towing from private property or from a storage facility of a person's motor vehicle that is parked illegally, parked during a time at which such parking is not permitted, or otherwise park without authorization or immobilization of, or preparation for moving or removing of such motor vehicle to which a service charge is made, either directly or indirectly.

RECOVERY — The procedure in which the tow operator applies his knowledge in a skillful manner to preserve the condition of the motor vehicle while moving the vehicle to a towable position; can be achieved by several actions that may include but are not limited to winching and rigging.

ROADWAY CLEANUP — The sweeping and removal of all debris left on the roadway as a result of an accident or incident.

ROTATING LIST — The list of towers prepared by the Chief of Police from which the on-duty tower is designated.

SITE CLEANUP — The use of absorbents to soak up any liquids from a motor vehicle at the site from which the motor vehicle will be towed and sweeping and removal of all debris left on the roadway as a result of an accident or incident.

STORAGE DAY — Any twenty-four-hour day or any portion thereof, with a new day beginning at 12:00 midnight.

STORAGE SERVICES — The storage and/or holding of vehicles indoors or outdoors by a licensee under the authority of this chapter.

TARPING — Covering a motor vehicle to prevent weather damage.

TOWING OPERATOR — A person, firm, corporation or partnership engaged in the business of providing towing, road service and storage services for motor vehicles.

UNCLAIMED VEHICLE — Any vehicle towed by a licensed tower pursuant to this chapter that is left unclaimed for a period in excess of seven calendar days.

UNLOADED MILE — Distance in miles traveled by a tow vehicle to a disabled vehicle or the distance in miles traveled by a tow vehicle after dropping off a vehicle out of town at the customer's request.

VEHICLE — Every device in or upon or by which a person or property is or may be transported upon a highway, except devices moved by human power.

WAITING TIME — Additional time that a tow operator spends at the scene, other than the time required for the actual tow and/or recovery. Examples of waiting time may include but are not limited to emergency medical services (EMS) which must be performed and/or police investigations.

2. Editor's Note: See Ch. 150, Zoning.

WINCHING — The process of moving a motor vehicle, by the use of chains, nylon slings or additional links of winch cable, from a position that is not accessible for direct hookup for towing a motor vehicle. Winching also includes recovering a motor vehicle that is not on the road, and righting a motor vehicle that is on its side or upside down, but does not include pulling a vehicle onto a flat bed tow truck.

WINDOW WRAP — Any material used to cover motor vehicle windows that have been damaged.

WRECKER/TOW TRUCK — A vehicle driven by mechanical power and employed for the purpose of towing, transporting, conveying, recovering or removing any and all kinds of motor vehicles which are unable to be and actually are not operated under their own power from the place where they are disabled to some other place, or any vehicle(s) which the Police Department has ordered to be impounded. A tow vehicle must be manufactured by a tow-truck manufacturer that is nationally recognized by the towing industry.

YARD CHARGE — A charge for a motor vehicle, towed into the storage facility of the licensed tower, that is inoperable and must be towed from the licensed tower's storage facility to a public street for towing by a secondary tower.

§ 488-3. Licensing.

- A. Towing operators meeting the qualifications set forth below shall submit an application, in writing, to the Township Clerk to be considered for placement on a rotating list of towing operators. There shall be a maximum of four towers on the list per year.
- B. All applicants for a towing license, in order for the application to be deemed complete, must provide the following:
 - (1) The complete legal business name, business address, principal location address and Department of Transportation (DOT) number.
 - (2) The complete home address, home telephone number, date of birth and social security number of the applicant, if a sole proprietorship, or the complete home addresses, home telephone numbers, dates of birth and social security numbers of the principal officers and partners if the licensee is a corporation or partnership.
 - (3) Photocopies of all registrations of every tow vehicle to be operated by the applicant. If the tow vehicle is leased, the applicant is required to submit a copy of the lease agreement.
 - (4) The names, addresses and telephone numbers of any persons possessing any liens and/or encumbrances on the principal location.
 - (5) The name, address and telephone number of the applicant's insurance carrier and photocopies of each certificate of insurance issued by the carrier.
 - (6) Photocopies of all towing vehicle operators' current drivers' licenses, along with their social security numbers.
 - (7) Evidence demonstrating that the applicant has at least five years of personal experience in the field of towing and storing of vehicles.

- (8) Proof that the applicant has a principal location within a fifteen-minute response time to any call for towing or service within the Township of Verona.
- (9) Proof that the applicant's principal location meets all zoning requirements applicable to the jurisdiction in which it is located.
- (10) Proof that the applicant can guarantee a fifteen-minute response time on all calls with the exception of delays caused by unexpected traffic or unusual conditions.
- (11) The applicant shall provide an affidavit that the information given in the application is true and correct.
- (12) The applicant shall provide an agreement that, upon issuance of a license, the licensee shall indemnify and hold harmless the Township of Verona, its agents, servants and/or employees from and against all claims of a third party relating to the towing and/or storage service of the licensee.
- (13) Applications will be processed according to the order in which they were filed with the Township Clerk. In the event there are more than four qualified applicants, the four applicants whose principal place of business is closest to the center point of the intersection of Bloomfield Avenue and Gould Street shall be selected. The distance shall be determined by a straight line between the center point of the intersection and the center point of the applicant's principal place of business as indicated on the Township's mapping software.

§ 488-4. Application fee.

All initial applications shall be accompanied by a nonrefundable fee of \$500 payable to the Township of Verona. A renewal application shall be accompanied by a nonrefundable application fee of \$500 payable to the Township of Verona. The application fees are in addition to any fee for criminal background checks or fingerprinting required in § 488-5 as well as any other fees required by this chapter. Said fees are in addition to the license fees as set forth in § 488-6.

§ 488-5. Background investigation and fee dispute resolution.

- A. Upon filing an application with the Township Clerk's Office, the applicant, including all persons listed on the application, shall respond to the Police Department's Records Bureau with a current driver's license or other government issued photo identification. Each person shall be photographed and be provided with a fingerprint form from a fingerprint vendor authorized by the State of New Jersey. Each person shall, at their own expense, respond to the authorized fingerprint vendor's location for a fingerprint check. In addition, a driver's abstract will be obtained for all persons listed in the application.
- B. Upon receipt of the results of the fingerprint check and subsequent criminal history check, as well as review of each applicant's driver's abstract, the Police Department shall notify the Township Clerk's Office of those results with a recommendation on whether or not the applicant should be approved or denied, and if any person listed

should be disqualified. The Township Clerk shall then notify the applicant of said results.

- C. The licensee and all employees must be trustworthy in that the licensee must safeguard vehicles and personal property belonging to others as well as secure and protect evidence when a vehicle is impounded by the police due to an accident investigation or criminal activity. Therefore, to protect the public interest, the Township may disqualify any applicant wherein an employee, owner, principal, agent and/or officer has been convicted of a crime involving moral turpitude or excessive moving violations or a substantial violation under this chapter.
- D. Once a license is granted, the licensee shall notify the Township Clerk, in writing, of any criminal charges, motor vehicle offenses or ordinance violations that are issued against the licensee or its employees during the term of the license. Failure to make the proper notification to the Township Clerk may result in the revocation of the license.
- E. If a towing company charges a consumer a fee for a private property or other nonconsensual towing service that is disputed by the consumer, the parties shall make a good faith effort to resolve the dispute with the Police Department. If the parties are unable to resolve the dispute, the complaint may be forwarded to the Director of the New Jersey Division of Consumer Affairs, who shall make a determination as to whether or not the fee is unreasonable under N.J.A.C. 13:45A-31.5. The Director may order the towing company to reimburse the consumer for an amount equal to the difference between the charged fee and a reasonable fee, plus interest.

§ 488-6. Issuance of licenses; fees; term of license.

- A. Upon written notification by the Chief of Police to the Township Clerk that an application has been reviewed and the Police investigation has been completed, the Township Council shall at a public meeting approve the issuance of a license.
- B. In addition to the application or renewal application fees set forth in § 488-6, the yearly license fee shall be \$75, payable to the Township of Verona. Any tow operator that previously was granted a license under former Chapter 140, Article XV, of the Code of the Township of Verona, and said license was, or is becoming, void because of the repeal of that ordinance, shall not be required to the \$75 application fee for calendar year 2018. Everyone must pay this and all other required fees thereafter.
- C. Upon approval by the Township Council, the Township Clerk of the Township of Verona shall issue a license to the licensee pursuant to this chapter, as well as individual stickers for each wrecker that has been inspected and approved by the Chief of Police to be operated during the term of the license.
- D. All towing licenses will be issued for a period of one year beginning January 1 of each year and expiring on December 31. Applications for license and license renewal are to be completed and returned to the Township Clerk by September 1 of each year for a license for the following calendar year, except for 2017 where applications shall be completed and returned to the Township Clerk no later than November 1. Licenses or renewals filed after the deadline will not be accepted for the following calendar year. Should the number of towers fall below four, the Township, at its sole discretion, may

accept applications after the deadline, but in no case shall the number of towers exceed four.

- E. Licenses are the property of the Township of Verona and may not under any circumstances be assigned, leased, shared, transferred or sold to another person, corporation or proprietorship.
- F. Upon the issuance of the license, the licensee may during the term of the license advertise and place on his equipment that the licensee is an authorized police tower for the Township of Verona.
- G. The licensee shall pay to the Township of Verona \$12 for each vehicle towed under this chapter. Said charge is for administrative costs incurred by the Township. The administrative fee shall be included in the fees charged pursuant to § 488-12 and shall not be charged to the owner/operator as an additional fee. The licensee shall pay the above fee on a monthly basis to the Township Clerk of the Township of Verona, and said payment is due on the 15th of every month for all vehicles towed during the previous month. If payment is not made on a timely basis, the license may be suspended or terminated after a hearing by the Township Council. No administrative fee shall be charged for Township vehicles.
- H. The licensee shall pay a vehicle inspection fee of \$75 for each tow truck that the licensee adds to his fleet during the year that provides service under this chapter. The licensee shall also pay a fee of \$35 in addition to any fees for criminal history checks, for each towing vehicle operator he adds during the year that provides service under this chapter.

§ 488-7. Rotating list; cruising prohibited.

- A. The towing operator must be able to provide, 24 hours a day, seven days a week, towing services for the Township, on a rotating basis, at the direction of the Chief of Police or his designee.
- B. The Chief of Police or his designee shall assign call-out weeks from the rotating list. A tower that wishes to change his assigned week due to vacation or conflict must submit a request, in writing, to the Chief of Police or his designee for approval. Change requests must be submitted at least 14 calendar days prior to the date of the change in order to ensure a substitute tower can be arranged. Only the Verona Police Department is permitted to make changes to the rotating list.
- C. The Chief of Police or his designee shall prepare two lists:
 - (1) Light-duty/medium-duty towing and recovery;
 - (2) Heavy-duty towing and heavy recovery.
- D. The on-duty tower shall be called for the removal and storage of the disabled vehicle. In the event that the on-duty tower is unable to respond to calls or to respond in a timely manner due to unusual conditions, then the next tower on the rotating list shall be called. Towers are not permitted to make their own callouts. Only the Verona Police Department is permitted to make callouts.

- E. Cruising by a towing company's vehicles is not permitted.

§ 488-8. Insurance requirements.

- A. The towing operator shall provide and maintain the following types of insurance coverage to be obtained from insurance companies licensed to do business in the State of New Jersey and shall provide the Township with certificates of insurance evidencing proof of the following required coverages:
- (1) Automobile liability in an amount not less than \$1,000,000 for bodily injury per person, \$3,000,000 for bodily injury per accident and \$500,000 for property damage per accident.
 - (2) Workers' compensation as required by statute.
 - (3) Garagekeeper's liability in an amount not less than \$500,000 per claimant and \$1,000,000 for more than one claimant.
 - (4) Garage liability in an amount not less than \$2,000,000 combined single limit.
 - (5) Comprehensive general liability in an amount not less than \$2,000,000
- B. Policies shall be endorsed to provide collision coverage for vehicles in tow.
- C. On all policies except workers' compensation, the Township shall be named as an additional insured.
- D. All policies must contain a provision requiring notification to the Township of any policy cancellation or revision at least 30 days prior to either cancellation or revision.
- E. The towing operator shall provide an excess or umbrella liability insurance policy in the amount of \$2,000,000.

§ 488-9. Equipment requirements.

- A. The equipment to be used by the towing operator shall meet the following requirements:
- (1) All equipment must be of the type, condition and design to efficiently perform the work required by the Township of Verona.
 - (2) A licensee, when filing an application and at all times while holding a license under this chapter, shall own or lease for use in performing the services required by the license the following pieces of equipment:
 - (a) Regular wrecker service: a minimum of two trucks (one flatbed tow truck and one wrecker);
 - (b) Heavy-duty wrecker service: a minimum of one heavy-duty wrecker. It shall not be a requirement that each operator maintain a heavy-duty wrecker. Only those operators that maintain a heavy-duty wrecker in

addition to the regular wrecker service equipment shall be placed on the heavy-duty wrecker call-out list.

- B. The following safety equipment shall be carried on all towing trucks:
- (1) Chains and tie-downs to secure vehicles.
 - (2) A snatch block.
 - (3) An auxiliary safety light kit to be placed on the rear of a towed vehicle that does not have functioning taillight flashers.
 - (4) Rotating amber emergency lights mounted on top of truck. (A state-issued permit is required and must be in the truck.)
 - (5) Two white work lights facing from the rear of the truck.
 - (6) One shovel and broom.
 - (7) Fifty pounds of absorbent.
 - (8) Jumper cables or a jump box.
 - (9) A steering wheel tie-down.
 - (10) A toolbox with assorted hand tools normally used to conduct emergency roadwork and towing.
 - (11) Two reflectorized traffic safety vests.
 - (12) One five-pound A-B-C-rated dry powder fire extinguisher.
 - (13) One flashlight.
- C. A reflectorized traffic safety vest shall be properly worn as the outside garment by all employees performing work while on a roadway, 24 hours a day.
- D. The towing operator shall provide all trucks with a shovel, broom and other equipment necessary to clean up broken glass and debris from the scene of any accident to which they are summoned. The towing operator shall be responsible for the subsequent cleanup. Each truck shall have a minimum of 50 pounds of absorbent for oil and/or any other liquid, except gasoline, that might be spilled onto a roadway as a result of an accident. If gasoline is spilled as a result of any accident, it shall be the responsibility of the Police Department to notify the Fire Department for immediate removal. Absorbed liquids, other than gasoline, shall be removed from the roadway by the tower, placed in plastic bags and then placed in the towed vehicle by the towing operator and shall be disposed of by the owner of said vehicle. The towing operator may charge a fee as set forth in § 488-12E(3).
- E. All trucks used by the towing operator shall be kept in a clean, good-working condition. The towing operator shall have displayed on all of his trucks in such a manner and of such lettering as conforms to the provisions of N.J.S.A. 39:4-46.
- F. Each towing operator shall furnish the following information with respect to the aforementioned trucks: the make, model, year and registration number of each truck

and the DOT number. A photostatic copy of each registration and insurance card shall also be included. For leased trucks, the towing operator shall be required to furnish a copy of each lease. Only trucks listed on the application shall be used by the towing operator. This list may be updated during the year. All newly added vehicles are subject to inspection.

§ 488-10. Storage area requirements.

The towing operator shall have a storage area that meets the following requirements:

- A. The outside storage facility used for storage of vehicles shall be paved or stoned.
- B. The outside storage facility shall provide a minimum of 3,000 square feet of storage space.
- C. All storage facilities shall be located within five-miles radius of the Township of Verona Municipal Building located at 600 Bloomfield Avenue, Verona, NJ.
- D. Signs which readily identify the storage facility and which comply with all applicable laws and local zoning regulations shall be installed.
- E. No towed vehicle shall be parked upon a public or private street or sidewalk. Said vehicle shall be stored by the towing operator within the licensed storage area so provided.
- F. The entire outside storage area shall be enclosed by a fence or sturdy construction, a wall or other man-made barrier that is at least seven feet high which may include one foot of barbed wire, with at least one lockable gate for ingress and egress, in accordance with local zoning regulations.
- G. The impound area shall be properly lighted from dusk to dawn and must be properly safeguarded from vandalism and/or theft.
- H. The Township of Verona Police Department shall be granted access to any part of the impound area at any time, day or night, for the purpose of inspection and/or investigation. This shall include indoor and outdoor areas.
- I. There shall be no unescorted access to the aforementioned impound area by the public. Said area shall be posted in accordance with Verona Police Department regulations.
- J. A small storage area shall be set aside for vehicles that may be involved in a police incident. In addition, an indoor secured area shall be provided for at least one vehicle, when requested by the police.
- K. Unless required by Township of Verona Police Department, all vehicles shall be stored in the outside storage area.
- L. The towing operator shall conspicuously post at his place of business the fee schedule for storage and towing of vehicles.
- M. There shall be no piling of vehicles.

- N. The storage area shall be located adjacent to, or be part of, said licensed principal location and shall comply with the local zoning ordinances. Use of satellite storage facilities by the towing operator is prohibited.
- O. All wreckers owned or leased by the towing operator shall be stored and registered at the principal location as listed on the application.
- P. The towing operator shall provide reasonable accommodations for after-hours release of stored motor vehicle and shall not charge a release fee or other charge for the release of motor vehicle to their owners during their normal business hours or on weekends.

§ 488-11. Towing operator personnel.

The employees of the towing operator shall meet the following requirements:

- A. An employee of the towing operator shall under no circumstances be deemed an agent, servant and/or employee of the Township or represent to the public that he/she is an employee of the Township of Verona.
- B. No person shall be employed by the towing operator unless he/she has obtained a record check and has been approved by the Township of Verona Police Department. Any towing operator with a record of a felony criminal conviction shall not be qualified to receive a license under this chapter. Any of its employees with a felony conviction may not perform any services under this chapter.
- C. The towing operator and his employees are prohibited from collecting or attempting to collect a fee, commission, pay or charge other than as provided for in this chapter.
- D. The name of the individual tow truck employee shall be listed on the towing ticket/receipt.
- E. The towing operator shall indicate the number of employees to maintain the requirements of this chapter.
- F. The towing operator shall provide the Police Department with a list of said personnel and copies of each operator's driver license (CDL if applicable) and social security number.
- G. No towing operator shall employ, directly or indirectly, any employee of the Township of Verona Police Department.
- H. No cruising by personnel shall be permitted.
- I. The licensee shall be responsible for basic environmental cleanup and may charge the owner of the vehicle involved in the actual spill a fee as outlined in § 488-12E(3).
- J. The licensee shall be responsible for roadway cleanup, which shall include but not be limited to removing broken glass and debris at the scene of an accident, as per N.J.S.A. 39:4-56.8b, and may charge the owner of the vehicle that created the debris a fee as outlined in § 488-12E(3).

- K. The police officer at the scene of an accident or disabled vehicle shall be in complete charge and shall be responsible to guarantee that the scene is properly cleared and safe for traffic to resume safely.

§ 488-12. Fees; methods of payment; heavy-duty vehicle recovery.

- A. The following is the fee schedule for basic automobile, motorcycles, motorized bikes, towing services and heavy-duty vehicle recovery:

- (1) Basic towing service (two-axle vehicle) under 8,000 pounds.
 - (a) Rate: \$125.
 - (b) Additional axles: \$35 each.
- (2) Basic towing service (two-axle vehicle) over 8,001 pounds to 16,000 pounds.
 - (a) Rate: \$295.
 - (b) Additional axles: \$35 each.
- (3) Basic flatbed rate: \$125.
 - (a) The basic flatbed rate applies to vehicles that cannot be towed by another means.
 - (b) Flatbed towing of a vehicle with wheel lift does not qualify for the flatbed rate.
- (4) Motorcycles and motorized bikes. Rate: \$125.
- (5) Heavy-duty towing (over 16,001 pounds).
 - (a) Rate: \$325 per hour (one-hour minimum), billed in thirty-minute increments.
 - (b) Shaft removal: \$45.
 - (c) Brake release: \$45.
 - (d) No mileage fee from the point of tow to the licensee's storage yard.
- (6) Air cushion device in heavy-duty vehicle recovery.
 - (a) Rate: \$550 per hour.

- B. The following is the fee schedule for storage services for all types of vehicles while stored at the towing operator's storage facility:

- (1) Inside building, storage facility capacity:
 - (a) Under 10,000 pounds: \$45 per day.
 - (b) Each additional axle: \$20 per day.
- (2) Outside secured, storage facility capacity:

- (a) Under 10,000 pounds: \$35 per day.
 - (b) Additional axle: \$20 each per day.
 - (c) Over 10,000 pounds: \$75 per day.
 - (d) Over 10,000 pounds, tandem axle: \$100 per day.
 - (e) Tractor-trailer combination: \$140 per day.
- C. Emergency road service: \$70.
 - (1) Emergency road service: jump start, bringing up to two gallons of fuel, tire change.
 - (2) If a tow results, there will be no charge for road service, except cost of emergency gas if placed into the vehicle's tank.
- D. Rates for vehicle recovery and/or winching:
 - (1) Wreckers and personnel.
 - (a) Medium-duty wrecker: \$150 per hour, to be charged in thirty-minute increments with a one-half-hour minimum.
 - (b) Heavy-duty wrecker: \$300 per hour to be charged in thirty-minute increments with a one-hour minimum.
 - (c) Additional manpower: \$60 per hour per man.
 - (d) Level 3 Recovery Supervisor: \$90 per hour.
 - (2) Licensees may, however, charge additional fees for extraordinary recovery and/or winching. All services must be itemized on the statement for services.
- E. Additional services that may be required:
 - (1) Axle pull/drive shaft/transmission disconnect: \$40 flat rate.
 - (2) Hookup air: \$25 flat rate.
 - (3) Roadway cleanup: \$50 per hour, to be charged in 30 minute increments with a one-half-hour minimum.
 - (a) When basic environmental cleanup is required, a charge of \$25 for each fifty-pound bag of absorbent and plastic bags for removal may be charged.
 - (b) Cleanup services, including time and absorbent, must be itemized on the statement.
 - (4) Administrative charges:
 - (a) Maximum of \$25.
 - (b) Services must be itemized on the statement.
 - (5) No yard charge may be billed.

- (6) Waiting time: \$40 per hour, in excess of 15 minutes, which shall be calculated based upon each 15 minutes spent at the site from which a motor vehicle will be towed, with fewer than 15 minutes, rounded up to 15.
 - (7) The use of window wrap or tarping is \$25.
 - (8) The licensee shall prepare an itemized billing invoice for all services rendered.
 - (9) A tower cannot charge to move a vehicle outside of their lot for police tows.
- F. A towing company that engages in private property towing or other nonconsensual towing shall calculate storage fees based upon full twenty-four-hour periods a motor vehicle is in the storage facility. For example, if a motor vehicle is towed to a storage facility at 7:00 p.m. on one day and the owner of the motor vehicle picks up the motor vehicle before 7:00 p.m. the next day, the towing company shall charge the owner of the motor vehicle only for one day of storage. If a motor vehicle is stored for more than 24 hours, but less than 48 hours, the towing company may charge for two days of storage.
- G. Customers must be able to use cash, insurance company check, debit card, charge card or credit card to pay for services. The Township will not be held liable for, or assist the towing operator, in the collection of any unpaid fees that are incurred for performing towing or storage services.
- H. The rates on the Township of Verona Towing and Storage Rate Schedule represent the maximum rates permitted under this chapter. It shall be unlawful for any licensee to charge a rate in excess of the rates prescribed or for any service not specifically covered in this chapter.
- I. Mileage rates. There shall be no mileage charge, for any vehicle towed under this chapter, to respond to the service call or from the point of service back to the licensee's principal location. If the owner or operator designates the vehicle to be towed to another location other than the licensee's principal location, then the licensee may charge for loaded mileage outside the boundaries of the Township of Verona. Mileage charges per mile outside of Verona shall be \$4 per mile or part thereof.
- J. Heavy-vehicle recovery (over 16,000 pounds).
 - (1) To perform heavy-vehicle recovery, the Township requires that the licensee have on-scene a recovery supervisor with a Level 3 certification from the Towing and Recovery Association of America (TRAA) or other nationally recognized certification.
 - (2) To perform heavy-vehicle recovery under this chapter, the licensee must:
 - (a) Visually document the recovery scene through photos or videotape.
 - (b) Prepare a written report of all procedures employed, actions taken, equipment used and manpower requirements to complete the recovery process in the safest manner and provide a copy to the vehicle owner with the statement for services.
 - (c) Prepare an itemized billing invoice for all services rendered.

- (3) If the licensee finds it necessary, due to the nature of the recovery, to contract additional recovery services to supplement its equipment and manpower recovery, the contracted service providers must work under the supervision of the licensee. The licensee may not subcontract the entire recovery. In the event that the heavy-duty wrecker operator is unable to handle the recovery, then the next heavy-duty wrecker on the rotating list shall be called.

§ 488-13. Records and inspections.

- A. The towing operator shall maintain records of all vehicles towed, stored and released by it. Records shall be kept for a three-year period. These records shall include the name of the responding police officer, name of towing employee, the date and time of tow-in, destination towed, vehicle tag number and state, vehicle identification number, make, model, color and year of vehicle, itemized charges to the owner of the vehicle and the disposition of the vehicle and date thereof.
- B. The towing operator shall maintain a record of all property found anywhere in the towed vehicle, including the trunk and glove compartment when open and where a key is available.
- C. The Township of Verona shall, upon request, have access to any and all of these records. The Verona Police Department shall conduct a quarterly audit of each tower's records and provide a written report to the Township Clerk's office.
- D. The licensee shall notify the Verona Police Department, in writing, of any vehicle that is left unclaimed for a period in excess of seven calendar days.
- E. The licensee shall prepare and issue to the owner/operator a written itemized invoice for all services rendered under this chapter. The invoice shall reflect the date, time, location and the employee that performed the service and that the service performed was at the request of the Township of Verona Police Department. A copy of the invoice shall be retained by the licensee and filed in a manner that coincides with the licensee's current filing methods that will allow immediate access to such record when requested by the Township of Verona Police Department.
- F. The licensee shall incur the cost of preparing a payment rate circular for fees listed under this chapter and shall distribute this rate circular at the time of tow to all customers, at no cost, which also includes directions to the storage location, business hours, phone numbers, major credit cards accepted and other methods of payment accepted.

§ 488-14. Education of drivers.

- A. Tow-truck drivers shall have and maintain a valid driver's license for the tow vehicle that they operate. Drivers that operate heavy-duty wreckers shall have the following endorsements on their commercial driver's license:
 - (1) Hazardous materials endorsement.
 - (2) Double- and triple-trailer endorsement.

- B. Within two years of the effective date of this chapter, all tow-truck drivers that operate tow vehicles must obtain the Towing and Recovery Association of America (TRAA) National Driver Certification Level 1 or other nationally recognized certification. Drivers that operate the heavy-duty tow truck must obtain the Level 2 certification.
- C. New employees shall have one year from their date of hire to obtain the TRAA Level 1 certification or other nationally recognized certification. During the initial year of employment, they may perform services as listed under the provisions of this chapter, provided that the licensee documents that he has trained the employee in the proper use of the equipment he will operate.
- D. To perform any recovery operation, the licensee must have at least one employee certified as a TRAA Level 3 or other nationally recognized certification.

§ 488-15. Enforcement.

- A. All complaints received by the Township regarding a towing operator's performance under the provisions of this chapter shall be investigated by the Chief of Police or his designee and resolved to the satisfaction of all parties. In the event that the complaint cannot be resolved to the mutual satisfaction of the parties, the matter shall be submitted to the Township Manager or his designee. The decision of the Township Manager or his designee shall be final. For complaints/disputes involving fees for nonconsensual towing services that cannot be resolved by the Police Department, see § 488-5.
- B. The towing operator shall at all times comply with this chapter, or the Township shall remove the towing operator from the rotating list after written notification from the Police Department and an opportunity for a hearing conducted by the Township Council.
- C. The Chief of Police is hereby designated to enforce the provisions of this chapter in accordance with due process of law.
- D. The Chief of Police shall investigate and keep, and maintain for a period of five years, a record of all complaints that are received regarding the provisions set forth in this chapter.
- E. The Chief of Police has the authority to suspend any license at any time for criminal activity, Title 39 violations or any violation(s) of this chapter. When a license is suspended, the Chief of Police shall forward a full report to the Township Manager within 15 business days after said suspension. If the licensee objects to the determination of the Chief of Police, the licensee may request a hearing before the Township Council. The licensee must notify the Township Clerk, in writing, of a request for a hearing within 20 days of the suspension notice issued by the Chief of Police. The Township Council, at the conclusion of the hearing, may affirm or reverse the decision of the Chief of Police.
- F. The Chief of Police shall oversee all licensed wreckers to ensure that they are kept in a safe condition. The Chief of Police may inspect any or all licensed wreckers at any time. If at any time the Chief of Police finds the equipment inadequate or unsafe, the Chief of Police may demand immediate correction and suspend the wrecker license.

until such time as the violation is corrected. Once a wrecker license is suspended, all identifiers listing the wrecker as a Township of Verona police wrecker shall be removed from the wrecker by the licensee.

§ 488-16. Violations and penalties.

- A. Any person or towing operator who violates the provisions of this chapter shall, upon conviction, be fined as follows:
 - (1) First offense: not less than \$100 nor more than \$500.
 - (2) Second offense within a one-year period: not less than \$500 nor more than \$1,000.
 - (3) Third offense within a one-year period: not less than \$1,000 and a one-year license suspension.
- B. In addition to any penalties that may be imposed by the Municipal Court, the Township Council may, after conducting a hearing regarding the violation(s), terminate the license issued pursuant to this chapter for repeated violations of this chapter.

Chapter 493

TREES

ARTICLE I

Shade Trees

- § 493-1. Definitions.
- § 493-2. Permission required for certain acts.
- § 493-3. Open space required at base of tree.
- § 493-4. Placement of substances injurious to trees.
- § 493-5. Construction of sidewalks and streets in conflict with trees.
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- § 493-7. Written approval required for removal; determination of cost; deposit.
- § 493-8. Removal of dangerous trees; notification of owner.
- § 493-9. Planting in public highways.
- § 493-10. Plantings: written request; replacements; type and selection.
- § 493-11. Noninterference with Commission.
- § 493-12. Statutory powers.
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§ 493-14. Application for permission.

§ 493-15. Violations and penalties.

§ 493-16. Restitution.

ARTICLE II

Removal of Trees from Unimproved Lots

- § 493-17. Purpose; findings of fact; purpose.
- § 493-18. Definitions.
- § 493-19. Permit required.
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- § 493-21. Applicability of permit.
- § 493-22. Permit application.
- § 493-23. Conditions for issuance of permit.
- § 493-24. Time of permit.
- § 493-25. Protection of existing trees.
- § 493-26. Tree replacement.
- § 493-27. Tree Replacement Fund.
- § 493-28. Performance bond.
- § 493-29. Appeal of Zoning Official's rejection of tree removal permits.
- § 493-30. Violations and penalties.

[HISTORY: Adopted by the Township Council of the Township of Verona as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Shade Trees

[Adopted by the Shade Tree Commission 3-14-1961 (Ch. 171 of the 1981 Code)]

§ 493-1. Definitions.

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

PERSON — Every person, firm, association, partnership, corporation and individual.

SHADE TREE — Shade and ornamental trees and shrubbery now located or which may hereafter be planted in any public highway, park or parkway or area between sidewalk and curbs of public streets in the Township, except those located or planted on county highways, parks and parkways and state highways.

SHADE TREE COMMISSION — The Shade Tree Commission of the Township of Verona and its duly authorized representatives.

STREET — All streets, roads, roadways, public highways, parks or parkways, public alleys, public places in the Township, except county parks, parkways and highways and state highways.

§ 493-2. Permission required for certain acts.

- A. No person, firm, corporation or individual connected with such firm or corporation shall do or cause to be done by others to any tree, shrub or plant on a public highway or place, either purposely, carelessly or negligently, without the permission of the Shade Tree Commission, any of the following acts:
 - (1) Cut, prune, climb with spikes, break, damage or remove.
 - (2) Cut, disturb or interfere in any way with any root.
 - (3) Spray with any chemical.
 - (4) Fasten any rope, wire, sign or other device.
 - (5) Remove or damage any guard or device placed to protect any tree or shrub.
- B. Nothing herein shall prevent any governmental agency from tying a public notice upon a tree in connection with administering governmental affairs.

§ 493-3. Open space required at base of tree.

- A. No person or corporation shall, without the permission of the Shade Tree Commission, place or maintain or cause to be placed or maintained upon the ground in any public highway or place any stone, cement or other sidewalks or any stone, cement or other substance which shall impede the free access of air and water to the roots of any tree or shrub in any public highway or place.
- B. An open space of not less than two feet outside the trunks of trees at their bases on all sides must be maintained on all trees on public highways except where limited by curb and/or sidewalk.

§ 493-4. Placement of substances injurious to trees.

- A. No person shall place salt, brine, oil or other substances injurious to plant growth in any public highway or place in such a manner as to injure any tree or shrub growing thereon.

- B. No person shall build any fire or station any tar kettle, road roller or other engine in any public highway in such a manner that the heat vapors or fumes therefrom may injure any tree or shrub growing thereon.

§ 493-5. Construction of sidewalks and streets in conflict with trees.

No person, firm or corporation is permitted to lay any sidewalk along or to open, construct, curb or pave any street or do any like act so as to interfere with or do injury to any highway shade tree without the consent of the Shade Tree Commission.

§ 493-6. General construction and excavation regulations.

- A. In the erection, altering or repairing of any building or structure, the owner or contractor thereof shall place such guards around all nearby trees in public highways or places as will effectually prevent injury to such trees.
- B. No person, firm or corporation shall do any excavating within two feet of any tree or shrub without the permission of the Shade Tree Commission.
- C. Shovels and all other implements, machines and tools shall be used or operated in such a manner as not to damage or destroy any tree, shrub or plant in any public highway place.
- D. Where in authorized excavations it becomes necessary to expose or cut roots more than one inch in diameter, it shall be the duty of the contractor to protect such roots under advice from the Shade Tree Commission.

§ 493-7. Written approval required for removal; determination of cost; deposit.

Any person requesting the removal or transplanting of any shade tree must obtain written approval from the Shade Tree Commission, which removal or transplanting, in the opinion of the Commission, is of no advantage to the general public but to said person requesting the work, then such person shall pay the cost of such work, said costs to be determined by the Shade Tree Commission. Said cost of removal or transplanting of a shade tree shall be based upon the size and condition of the tree. A deposit sufficient to cover the cost of said work shall be made before the work is started.

§ 493-8. Removal of dangerous trees; notification of owner.

The Shade Tree Commission may move or require the removal of any tree or part thereof dangerous to public safety at the expense of the owner of such tree, upon first serving written notice to the owner of said tree that same will be removed unless the owner removes same within one week from the date of said notice.

§ 493-9. Planting in public highways.

No shade or ornamental tree or shrub shall be planted by anyone but a representative of the Shade Tree Commission in any of the public highways of this Township.

§ 493-10. Plantings: written request; replacements; type and selection.

- A. The Shade Tree Commission, in its discretion, will plant a tree for the property owner upon written request, provided that there is sufficient distance for the future growth of said tree.
- B. Trees replacing trees heretofore planted by the Shade Tree Commission that have been removed because of disease, storm damage, accidents or natural causes will, at the discretion of the Commission, be replaced by the Shade Tree Commission at no charge to the property owner, provided that there is a minimum width of 50 feet between the trunks of standing trees on the same side of the street and a minimum width of two feet for the planting strip which is the distance between the sidewalk and the curb. **[Amended 4-2-2012 by Ord. No. 1-12]**
- C. The type and selection of trees to be planted will be determined by the Shade Tree Commission.

§ 493-11. Noninterference with Commission.

No person shall prevent, delay or in any manner interfere with the Shade Tree Commission or its authorized agents or representatives in the performance of their lawful duties.

§ 493-12. Statutory powers.

In addition to the foregoing powers, the Shade Tree Commission shall have any and all such powers granted to it by N.J.S.A. 40:64-1 through 40:64-14.

§ 493-13. Electric and telephone wires.

- A. Every person, firm or corporation having or maintaining any electric, telephone, telegraph or other wires running through a public highway shall securely fasten and maintain such wires in such a manner as will safeguard the trees and shrubs against any damage therefrom and shall make periodical adjustments whenever necessary to prevent damage to trees and shrubs growing in any public highway or place.
- B. No person, firm or corporation shall, without permission of the Shade Tree Commission, attach or fasten any wire, insulator or other device for holding any wire to any tree or shrub in any public highway or place.
- C. Any public utility or its agents may upon receiving permission from the Shade Tree Commission at least 24 hours prior to the start of work, prune or remove trees for line clearance of utility wires in nonemergency situations pursuant to a line clearance program. **[Amended 4-2-2012 by Ord. No. 1-12]**
- D. Any public utility or its agent may undertake emergency tree work to restore electrical service or spot work to prevent an interruption of electrical, telephone, telegraph or other wire services. In such an event, the utility will notify the Verona Department of Public Works and the Shade Tree Commission of the nature and location of said work within 24 hours of its beginning. **[Added 4-2-2012 by Ord. No. 1-12]**

§ 493-14. Application for permission.

Where the permission, consent or approval of the Shade Tree Commission is required by the provisions of this article, any person, firm or corporation required to obtain such permission, consent or approval shall first make application therefor to the Shade Tree Commission, Township of Verona, County of Essex.

§ 493-15. Violations and penalties. [Amended 4-2-2012 by Ord. No. 1-12]; at time of adoption of Code (see Ch. 1, General Provisions, Art. I)

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.

§ 493-16. Restitution. [Added 4-2-2012 by Ord. No. 1-12]

In addition to the penalties authorized by § 493-15 of this article, the Shade Tree Commission may require a person who removes or otherwise destroys a tree in violation of a municipal ordinance to pay a replacement assessment to the municipality. The replacement assessment shall be the value of the tree as determined by the appraisal of a trained forester or certified tree expert retained by the Shade Tree Commission for that purpose. In lieu of an appraisal, the Commission may adopt a formula and schedule based upon the number of square inches contained in a cross section of the trunk of the tree multiplied by a predetermined value per square inch, not to exceed \$27 per square inch. The square-inch cross section shall be calculated from the diameter at breast height and, if there is a multiple-stem tree, then each trunk shall be measured and an average shall be determined for the tree. For purposes of this article, "diameter at breast height" shall mean the diameter of the tree taken at a point 4 1/2 feet above ground level. The Shade Tree Commission shall modify the value of the tree based upon its species, variety, location and its condition at the time of removal or destruction.

ARTICLE II**Removal of Trees from Unimproved Lots
[Adopted 10-21-2019 by Ord. No. 2019-34]****§ 493-17. Purpose; findings of fact; purpose.**

- A. The Township Council of the Township of Verona find that the preservation, maintenance, protection and planting of trees aids in the stabilization of soil by the prevention of erosion and sedimentation; reduces stormwater runoff and the potential damage it may create; aids in the removal of pollutants from the air and assists in the generation of oxygen; provides a buffer and screen against noise and pollution; provides protection against severe weather; aids in the control of drainage and restoration of denuded soil subsequent to construction or grading; provides a haven for birds and other wildlife and otherwise enhances the environment; protects and increases property values; preserves and enhances the Township's physical and aesthetic appearance; and generally protects the public health and safety as well as the general welfare. It is the intent, therefore, of this article to regulate and control the

indiscriminate and excessive cutting of trees on private property in the Township. It is the further intent of this article to encourage property owners to preserve and build around trees whenever possible.

- B. Trees are declared important cultural, ecological, scenic, and economic resources. It is recognized that there is a strong relationship between the integrity of the Township's water resources, development on steep slopes, tree removal, soil disturbance, stormwater management and the general use of the land resources; and a correlation between increased air pollution and high-density residential and commercial or industrial uses. Therefore, the Township finds that the appropriate management of these resources is an important health, safety, and general welfare concern.
- C. The enforcement of this article shall be the responsibility of the Zoning Official.
- D. Each of the following agencies shall have full authority to enforce the provisions of this article, including but not limited to the power to make inspections, the issuance of summonses, the issuance of cease-and-desist notices, the serving of summonses and notices, the prosecution of violators of this article in Municipal Court, and the prosecution of violations in any court of competent jurisdiction. Violations may be issued by the Zoning Official, the Construction Code Official, the Superintendent of Public Works, the Township Engineer, the Township Manager or a member of the Police Department.
- E. Nothing contained in this article shall be held to take away or diminish any of the powers or authority of the Shade Tree Commission pursuant to statute.

§ 493-18. Definitions.

- A. As used in this article, the terms hereafter set forth shall be defined and deemed to have the following meanings:

CALIPER — The diameter of a tree trunk measured in inches at the height of 4 1/2 feet above ground level on the downhill side of the tree. When multiplied, trunks are joined together below a height of four feet, the caliper shall be deemed to be 75% of the sum of the calipers of the individual joined trunks.

DEAD TREE — A tree that has ceased to function physiologically. Such tree is typically devoid of leaves and may have lost bark.

DIAMETER AT POINT OF MEASUREMENT or DPM — The diameter of a tree measured 4 1/2 feet (forestry method) above the ground level on the downhill side for existing trees. Trees utilized in the replacement of existing trees or proposed as part of a landscape plan shall be measured 12 inches above ground level for trees over a four-inch diameter, and the measurement shall be six inches above grade for trees up to four-inch diameter (nursery method).

DISEASED TREE — A tree that is terminally infested with fungus, virus or insects.

DRIPLINE — The circular area surrounding a tree, the radius of which area shall be the distance from the trunk of the tree to the tip of the outermost branch of the tree.

EXTRAORDINARY TREE — Any tree with a DPM of 36 inches or greater or any tree designated by the Township Council as an historic or landmark tree and such other trees or species of tree as the Council may, from time to time, designate as an extraordinary tree.

LICENSED TREE EXPERT or LICENSED TREE OPERATOR — An individual who is licensed as a tree expert or a tree operator by the State of New Jersey after successfully passing an examination administered by the Board of Tree Experts.

MANAGEMENT PLAN — Plan for the management of timbered or forested lands developed by the New Jersey Department of Environmental Protection (DEP), Bureau of Forestry, or similar state or federal agency.

MATURE TREE — Any deciduous tree that has a caliper at the point of measurement of six inches or more or any coniferous tree with a height of more than 10 feet.

REPLACEMENT TREE — A nursery-grown certified tree, having a caliper of no less than two inches if deciduous or a height of no less than five feet above the root ball if coniferous, properly balled and burlapped, and marked with a durable label indicating genus, species and variety, and satisfying the standards for nursery stock and installation thereof set forth by the American Association of Nurserymen. Native species are encouraged to be used whenever possible. Nonbiodegradable materials such as plastic must be removed.

ROOT PROTECTION ZONE — An area extending 360° around a tree trunk for the greater of either the distance from the tree trunk to the dripline or a distance equal to caliper multiplied by one foot (12 inches), but never less than eight feet in radius.

SHADE TREE COMMISSION or STC — The Shade Tree Commission of the Township of Verona, including any of its duly appointed members and alternates and any of its duly authorized agents, contractors, consultants, or employees.

SIGNIFICANT TREE — A deciduous tree with a caliper that is then greater than 20 inches, or a coniferous tree with a height that is then greater than 30 feet; provided, however, that a Dogwood with a then caliper in excess of five inches shall be considered a significant tree.

- B. Any term or provision of this article that contemplates, directs, regulates or prohibits the doing of any act may, in applicable cases and where the context so requires, be construed to include the causing, allowing, permitting or suffering of such act to be done by others under the direction, control or supervision of the person charged therewith. Every such act shall be deemed to be within the scope of this article, regardless of whether it is a deliberate, intentional, or purposeful act or a careless, negligent, or unintentional act.

§ 493-19. Permit required.

- A. It shall be unlawful for any person to cut, destroy, remove or trim more than 30%, or cause to be cut, destroyed, removed or trimmed more than 30%, any healthy mature tree upon any lands within the Township without a tree removal permit. Property owners are encouraged to keep and build structures and sidewalks around trees

whenever possible. If a tree on private property does not meet the size requirements of a mature tree, a permit is not required unless declared by Township Council to be an extraordinary tree.

- B. No more than two trees shall be permitted for removal on any property per calendar year. When the proposed removal of trees involves more than two healthy mature trees within a calendar year, a site plan showing the location of these trees shall be submitted to the Planning Board for their review. Upon receipt of this plan and review of the site conditions, the Planning Board shall hold a public hearing regarding the proposed tree removal and shall render their decision within 30 days.
- C. Tree removal permits shall be issued by the Zoning Official and shall be valid for 12 months. Permits may be renewed for an additional six months for a fee.
- D. Extraordinary trees. On all real property upon which extraordinary trees are located, trees having been designated as such under the provisions of this article shall be maintained in a living condition, and it shall be unlawful for any person to harm or remove said tree without an approved tree removal permit.
- E. Site or tree removal plan. Trees shall be designated as follows and shall require that their location, DPM or height and type be shown on the site or tree removal plan:
 - (1) All living deciduous trees having a DPM of six inches or greater.
 - (2) All living coniferous trees having a height of 10 feet or greater.
 - (3) Such trees declared as extraordinary.
- F. Excepted from specific tree removal permit application fee, but not from tree replacement or from mitigation payments to the tree replacement fund, shall be:
 - (1) All land-clearing operations as authorized in accordance with a site plan approval or subdivision approval and conditions imposed with respect to tree removal and planting granted by the Planning Board or Board of Adjustment of the Township in accordance with the provisions of N.J.S.A. 40:55D-20. Under no circumstances shall clear-cutting be permitted on any property.
 - (2) The pruning or trimming of trees in a manner that is not harmful to the health of the tree.
 - (3) The cutting, removal, or destruction of any tree pursuant to an order or directive of any municipal, county, or state agency or court.

§ 493-20. Hearing on removal of more than two trees.

- A. Upon receipt of an application for removal of more than two trees, the Zoning Official will visit the site and issue a report. Upon receipt of the report of the Zoning Official, the Planning Board shall hold a hearing upon notice to the applicant, the owner of the affected premises and persons within 200 feet of the affected premises. The notice to persons within 200 feet of the premises shall be the responsibility of the applicant and be conducted in the same manner as provided under Chapter 150, Zoning (by certified

mail or hand delivery with affidavit of service, at least 10 days prior to the public hearing).

- B. The Planning Board, at its hearing, shall consider the following criteria to determine whether the cutting, removal or destruction of the trees will:
- (1) Impair drainage conditions.
 - (2) Impair soil erosion.
 - (3) Increase dust concentration.
 - (4) Decrease soil fertility.
 - (5) Deteriorate property value.
 - (6) Cause a deleterious effect on the land's physical condition.
 - (7) Destroy a buffer between residential and nonresidential uses.
 - (8) Actions endanger life or property within the property, adjoining properties and/or the public right-of-way.
- C. The Planning Board shall not permit removal of a tree unless the applicant proves that the removal of the trees will not have a negative impact on any of the criteria listed above or unless it determines that the continued existence of the tree will cause a hardship to the owner of the property or the occupant of the property where the tree is located, or endanger the public on the property where the tree is located, or adjoining property owner.
- D. This section of the article shall not apply to any tree certified to be a dead tree by a licensed tree expert. It shall not apply to trees located in an area to be occupied by a building, driveway, street cartway or recreational area shown on a plan approved by the Zoning Official, Planning Board or Board of Adjustment, locating all trees within relationship to the proposed improvements or within a distance of 15 feet around the perimeter of any such building, driveway, street cartway or recreation area, unless a particular tree is determined by the Planning Board to be of particular value.

§ 493-21. Applicability of permit.

- A. Any person wishing to obtain a permit to remove one or more trees as required under the provisions of this article shall make application to the Zoning Official by filing a written application and paying such fee(s) as set forth in Chapter A565. Where an application as required by this article has been submitted, no permit shall be issued until a tree removal plan and tree replacement plan for the lot or parcel has been reviewed and approved by the Zoning Official after an on-site inspection or review of a certified tree expert statement as to condition of the tree by the Zoning Official. A permit shall be issued or denied within 20 business days of submission of an application for a permit.
- B. Residential development. For residential development where tree removal is to occur within public or private roadways/rights-of-way, drainage facilities, parking areas or

proposed open space or private property, all trees are subject to replacement in accordance with this article. All required escrow and bond fees for said subdivision application, including required tree replacement, shall be verified as paid prior to the issuance of the tree removal permit by the Zoning Official.

- C. Nonresidential development. All commercial and industrial developments are required to replace all trees removed in accordance with § 493-26 of this article.
- D. The Township, the County of Essex, the State of New Jersey, or its agencies is exempt from the permit application process.

§ 493-22. Permit application.

- A. Applications for a permit shall be made to the Zoning Official and shall contain the following information:
 - (1) The name and address of the applicant.
 - (2) The name and address of the owner of the property from which the trees are to be removed.
 - (3) The address, tax lot, and block of the property.
 - (4) The number of trees requested to be removed and the reason for removal.
 - (5) A tree removal plan consisting of a map drawn to scale showing the following information:
 - (a) The shape and dimensions of the lot or parcel, including the location of all easements.
 - (b) The limits of all existing and proposed tree line limits.
 - (c) The identification and location of all trees to be removed, specifically by an assigned number, species, and the DPM of each tree.
 - (d) The installation and limits of a temporary existing tree protection fence along the limit of proposed tree removal.
 - (e) The location of all existing and proposed structures on the property, along with the distance that the trees proposed to be removed are located from such structures and from property lines. A reproduction of the Tax Map or an existing survey modified to provide this information would be acceptable.
 - (f) Tree removal and replacement plan shall include specific information regarding the disposal of the removed trees in a manner to avoid spreading disease or pests harbored in the wood.
 - (g) Any other information which may reasonably be required to enable the application to be properly evaluated, including but not limited to a description of the purpose for which this application is to be made; e.g., clearing land for agricultural use, fire protection, private parks, scenic

improvements, hardship, danger to adjacent properties, removal of diseased or damaged trees, transplanting or removal in a growing condition to other locations, installation of utilities, or drainage of surface water.

- (h) Any tree removal permit for trees to be removed pursuant to this article shall be accompanied by a certification from a licensed tree expert, hired by the applicant, verifying that any tree to be removed qualifies under said section.
 - (i) A list of the number, species and DPM of all trees on the property.
 - (j) Applicants shall provide proof of liability insurance of the tree removal contractor.
 - (k) Any and all environmentally sensitive areas including but not limited to floodplains, riparian zones, steep slopes, transition zones, and wetlands.
- (6) A tree replacement plan showing the location of all trees to be planted, the species of such trees and their caliper or size as required.
- B. Inspection. The applicant shall place a one-inch-wide red, yellow, or blue ribbon around the trunk of each tree to be removed at a height of 4 1/2 feet above the ground so that the proposed tree removal may be inspected in the field. This ribbon shall include the tree number and the species as indicated on the tree removal plan submitted as part of the application.
- C. All reasonable efforts shall be made to preserve extraordinary trees, including but not limited to, if feasible, relocation of infrastructure, roadways, and buildings. Removal of extraordinary trees shall require the specific written recommendation of Zoning Official and approval of the Township Council.
- D. If any area of the property for which the tree removal permit is sought meets the definition of a "steep slope," as set forth in § 150-21 of this Code, then no trees shall be removed from such area unless certified by a New Jersey certified tree expert to pose a threat to the public health, safety or welfare. The tree removal plan required under § 493-22A(5) shall include the delineation of each such steep slope area.
- E. If any area of the property for which the tree removal permit is sought meets the definition of "riparian zone," as set forth in N.J.A.C. 7:13-4.1, then no trees shall be removed from such area. The tree removal plan required under § 493-22A(5) shall include the delineation of each such riparian zone.

§ 493-23. Conditions for issuance of permit.

- A. Upon receipt of an application for the cutting, destruction or removal of trees, the Zoning Official shall inspect the site on which the trees sought to be cut, destroyed or removed are located and shall evaluate the drainage and other physical conditions existing on the subject property and adjoining properties. The following factors shall be considered in deciding whether to issue such permit:
- (1) Whether the area where the trees are located shall be used for a building or other structure, a patio, a driveway, a recreation area, a roadway, a drainage right-of-

way or a sewerage line or whether the trees are located within 15 feet of any of the foregoing.

- (2) Whether the topography of the land in which the trees are located is deemed dangerous for the continued existence of the tree or trees located nearby.
 - (3) Whether the trees, if left undisturbed, are likely to cause a hardship upon the applicant or place the community in danger or affect deleteriously an adjacent property owner.
 - (4) Whether the proposed cutting, destruction, or removal of the trees would change existing drainage patterns, allow soil erosion, increase dust or decrease the fertility of the soil on the land under consideration or shall similarly affect adjacent land or land located downstream from the land under consideration.
 - (5) Whether the proposed cutting, destruction, or removal would impair the growth and redevelopment of the remaining trees on the applicant's property or adjacent property.
 - (6) Whether the proposed cutting, destruction, or removal would constitute a significant change in the screening between existing or proposed buildings on contiguous lots or the wooded aspect of the lot as viewed from the adjacent public road.
 - (7) Whether the proposed cutting, destruction, or removal would constitute a horticulturally advantageous thinning of an existing overgrown area or the removal of dead or diseased trees.
 - (8) Whether the proposed cutting, destruction, or renewal would affect the physical and aesthetic value of the property and the neighborhood or would remediate a safety hazard to persons or structures.
 - (9) Whether the proposed changes in the topography of the area where such trees are located will have depressed land configuration or fill of land which shall be deemed injurious to the tree or other trees located nearby so as to require welling, construction of an verification system, or tree removal or replacement.
 - (10) No street tree planted in Township right-of-way is to be removed by adjacent property owners.
- B. A tree removal permit may be granted and application fees waived for the removal of trees, without mitigation, if: the tree is dead, diseased, injured, in danger of falling; poses a safety hazard; or interferes with existing utility service and cannot be reasonably remedied by trimming, as determined by a New Jersey certified tree expert or the continued presence of the tree conflicts with any other ordinances or regulations.
- C. No permits shall be granted for any properties who are delinquent in payments of property taxes, sewer, or water utility payments or any other charges levied by the Township.

§ 493-24. Time of permit.

All tree removal permits shall be limited to one year from date of issuance as designated by the permit. If the approved tree removal has not occurred within one year, a new permit must be applied for and is subject to the payment of new application fees. If, however, the applicant diligently pursues other governmental approval, or if approved development is ongoing, the permit may be renewed for up to two six-month periods.

§ 493-25. Protection of existing trees.

A. During construction. In connection with any construction, subsequent to tree removal but prior to the issuance of a building permit or start of construction, the developer shall be required to erect snow fencing or other tree protective barriers acceptable to the Construction Code Official. Such barriers shall be placed at least 10 feet from the trunk of any tree and shall remain in place until the Construction Code Official authorizes the removal of the protection or after issuance of a certificate of occupancy or temporary certificate of occupancy. No equipment, chemicals, soil deposits or construction materials shall be placed within any area so protected by barriers. Nor shall any attachments or wires be attached to any of said trees so protected. Any landscaping activities subsequent to removal of barriers shall be accomplished with light machinery or hand labor.

- (1) A description of the existing tree protective barrier shall be provided on all major applications. The protective barrier shall be four feet high.
- (2) The protective barrier shall be placed at the dripline of any tree along the limit of clearing and around the entire tree dripline for trees to remain undisturbed within the limit of clearing.
- (3) It shall be unlawful for any person in the construction of any structures or other improvements to place solvents, material, construction machinery or temporary soil deposits within the dripline.
- (4) Street right-of-way and utility easements may be ribboned by placing stakes a minimum of 50 feet apart and tying ribbon, plastic tape, rope, etc., from stake to stake along the outside perimeters of such areas to be cleared.
- (5) Large property areas separate from the construction or land-clearing area into which no equipment will venture may also be ribboned off as determined by the Zoning Official following a field evaluation.

B. No person shall:

- (1) Cut down, destroy or remove any tree, except as permitted by this article, or allow or cause such cutting, destruction or removal.
- (2) Cause or allow any willful damage, injury or disfigurement of any tree growing within the Township. For purposes of this subsection, the actions of any person shall be deemed willful if the damage, injury or disfigurement of any tree is caused as a result of but not limited to the following: cutting, gashing or slitting of any tree; pouring any liquid or other material on any tree or on the nearby

ground; construction or placement of any nonporous material on the ground around any tree so as to cut off air, light or water from the roots; or placement or removal of any soil from within 15 feet of any tree; or mounding mulch against the tree trunk.

- (3) Store or pile building material or debris or place construction equipment within 10 feet of any tree.
- C. In the event that any tree to be saved in connection with construction as set forth above or any tree planted in mitigation shall die within two years after planting, it shall be replaced by the applicant or property owner within six months.

§ 493-26. Tree replacement.

Any tree removed pursuant to this article shall be replaced pursuant to at least one of the following criteria:

- A. For each mature tree is removed, the applicant shall prepare a replanting scheme for other treeless areas of the property to compensate for the clearing of the tree area. The replanting scheme shall reflect a one-to-one tree replacement unless otherwise stated herein. All replacement deciduous trees shall have a DPM of not less than two-inch caliper. For each deciduous tree to be removed, that is: (1) six inches DPM but less than 16 inches, replacement shall be by a single replacement tree; (2) 16 inches DPM but less than 24 inches, replacement shall be by two replacement trees; (3) 24 inches DPM or greater, replacement shall be by four replacement trees. For each coniferous tree to be removed, that is: (1) between 10 feet and under 25 feet in height, replacement shall be by a single replacement tree; (2) 25 feet and over in height, replacement shall be by two replacement trees. A list showing species and size of all proposed replacement trees shall be submitted for review and approval prior to the issuance of a tree removal permit. Only native and noninvasive species shall be planted.
 - (1) In the event that the tree removal occurs in an area other than as permitted under § 493-23A, mitigation shall be required at a rate of two replacements for each tree removed in addition to any fines levied.
 - (2) In the event that it is unknown how many trees were removed from any given site, and removal took place without a tree permit issued pursuant to this article, the number of trees requiring mitigation shall be computed by the Zoning Official (based on an average number of trees/lot from comparable lots in the Township).
 - (3) Mitigation in any instance is not to be considered a penalty, but rather an implementation of the purposes of this article. Mitigation shall not be a substitute for, but shall be in addition to, any penalty imposed for violation of the provisions of this article.
- B. Trees determined to be dead, diseased or a safety hazard by a licensed tree expert shall be exempt from the replacement requirements of this article.
- C. For sites where trees (regardless of size) cover large portions of the site, so that those portions may be considered woods or forest or recovering woods or forest, the applicant shall prepare a reforestation scheme on other treeless open space to compensate for

clearing of the tree area with equal square-foot area of new plantings. If sufficient suitable on-site area is not available, the Zoning Official or Land Use Board may direct that the compensating reforestation take place on municipally owned open space and or along a public street upon the consent of the STC.

- D. Reforestation. The reforestation plan shall be based on twenty-foot-by-twenty-foot grid. Of this number of trees, 10% shall be balled and burlapped two-inch-to-2 1/2-inch caliper, 20% shall be balled and burlapped 1 3/4-inch-by-two-inch caliper, 30% shall be bare root 1 1/4-inch-by-1 1/2-inch caliper and 40% shall be bare root six-foot-to-eight-foot-tall whips. A mixture of trees indigenous to the area and site shall be utilized. Proposed trees shall be planted in natural groves and may be spaced five feet to 20 feet on center. The ground shall be seeded with a meadow grass mixture approved by the Zoning Official.
- E. Tree Replacement Fund. The Zoning Official may permit an applicant to make a payment to the Township's Tree Replacement Fund, established hereunder in § 493-27, in lieu of replacement of part or all of the trees removed pursuant to this article.
- F. All replacement trees shall be planted on site in accordance with the foregoing. However, if one or more of the following conditions exist, some or all of the replacement trees may be planted off-site:
 - (1) The site in question cannot physically accommodate the total replacement amount of trees, and the applicant contributes an amount equal to the calculated monetary value of unreplaced trees to the Tree Replacement Fund;
 - (2) The Zoning Official and applicant agree in writing that the applicant shall make payment to the Tree Replacement Fund based upon the above; or
 - (3) The Zoning Official in agreement with the STC and applicant agree in writing that the applicant shall plant replacement trees off-site on municipally owned property pursuant to the municipal Community Forestry Management Plan.
- G. All tree replacement requirements and/or fees as set forth in this section shall be approved and/or paid prior to the issuance of the tree removal permit by the Zoning Official.

§ 493-27. Tree Replacement Fund.

- A. There is hereby established a Tree Replacement Trust Fund to receive and disburse replacement tree contributions. The Tree Replacement Fund shall be the repository of all monies paid to the Township pursuant to this article and may also accept contributions for its purposes from private sources.
- B. The primary purpose of said fund is to provide for the replacement, planting and maintenance of trees and woody shrubs on public property within the Township (including ground covers, grasses, ferns, vines, and forbs when they are part of an ecological project using native plants). Professional consultant fees for administrative and/or consultant costs to implement the provisions of this article, including but not limited to site inspections, processing of permits, supervision of tree replacement, and enforcement of this article, shall not exceed 30% of the fund. Appropriations from the

Tree Replacement Fund shall be authorized by the Township Manager in accordance with the Community Forestry Management Plan of the Township.

§ 493-28. Performance bond.

Whenever trees are replaced pursuant to this article, the applicant shall post with the Township Clerk a performance bond for one year in an amount to be determined by the Township, but in no event to exceed the amount per tree specified in Chapter A565 of this Code. The performance bond may be either in the form of a cashiers' check or certified check made payable to the Township or in the form of a corporate surety performance bond issued by a New Jersey corporation. No performance bond shall be released except on certification of the Zoning Official that the replacement tree(s) remain healthy one year after planting. If they are found at that time by Zoning Official or its agents to be healthy and capable of surviving, and other performance requirements have been met, then the Zoning Official shall order the bond returned. If any trees are not at that point healthy, the tree(s) shall be replaced.

§ 493-29. Appeal of Zoning Official's rejection of tree removal permits.

Any applicant aggrieved by the action of the Zoning Official may appeal the determination to the Planning Board, providing the appeal is taken in writing directed to the Secretary of the Planning Board within 10 days of the determination of the Zoning Official. The Planning Board shall hear the appeal within 30 days and may affirm, reverse, or modify the determination of the Zoning Official, setting forth a resolution, and the reasons for its result.

§ 493-30. Violations and penalties.

Any person, firm, partnership, corporation, association or other legal entity violating any of the provisions of this article shall, upon conviction of such violation, be punished by a fine not less than \$200 and not to exceed \$2,000 for each offense, in addition to the required mitigation for each tree illegally removed. Each illegally removed or damaged tree shall constitute a separate offense.

Chapter 519

WATER AND SEWERS

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ARTICLE V

Billing; Enforcement

§ 519-50. Combined water and sewer billing.

§ 519-51. Reduced sewer user charge for certain senior citizens and disabled persons.

§ 519-52. Fees and charges to be lien.

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[HISTORY: Adopted by the Township Council of the Township of Verona 12-18-1995 by Ord. No. 4-95 (Ch. 146 of the 1981 Code). Amendments noted where applicable.]

ARTICLE I

Water Use Regulations and Rates

§ 519-1. Establishment; legislative purposes.

There is hereby established a consolidated Township Water and Sewer Utility. The purposes of this chapter are to promote the operation and maintenance of an adequate water supply system for the inhabitants, businesses and institutions within the Township; to promote the proper operation and maintenance of the Township public sewer system and to thereby assure proper disposal of sewage and wastewater; to provide an adequate record of water and sewer connections and appurtenances; to prescribe a method of establishing fees and charges for connection to and use of the municipal water supply and sewage systems; and to provide for an appropriate method of billing such fees and charges.

§ 519-2. Definitions.

For the purposes of Articles I, II and III of this chapter, unless the context specifically indicate otherwise, the meanings of the following terms shall be as follows:

BUILDING — A structure having a roof and intended for permanent, temporary or continuous occupancy.

CONSUMER — A person who contracts for water service from the Township of Verona.

DEPARTMENT — The Township of Verona Water Department consisting of employees of the Township who work under the supervision of the Township Engineer.

EQUIVALENT METER CONNECTION — A standard unit of water use applicable to a single-family residential water customer based upon a water meter size of 5/8 inch to 3/4 inch. **[Added 7-15-2002 by Ord. No. 7-2002]**

OWNER — Any person who, either alone or jointly or severally with others, shall have legal or equitable title to any premises to which water is supplied by the Township of Verona,

whether or not such person has actual possession thereof, and shall include but not be limited to an executor, administrator, trustee, receiver, guardian or mortgagee in possession, regardless of how such legal or equitable title was acquired.

PERSON — Any individual, firm, company, association, society, corporation or group.

PREMISES — A lot, plot or parcel of land, including any building or structure located thereon.

SERVICE LINE — A line used to supply a single consumer only.

TOWNSHIP ENGINEER — The duly appointed Engineer of the Township of Verona.

§ 519-3. Administration.

All powers associated with the administration of the Township of Verona public water supply and distribution system are vested in the Township Engineer or his duly authorized agent or representative in the Department, subject to overall supervision of the Township Manager.

§ 519-4. Applicability.

Any person or consumer who receives a supply of water for any purpose from the Township of Verona shall be subject to rules and regulations as set forth herein. Where two or more persons or consumers are supplied by a single service line, any violation of the rules or regulations set forth in this chapter shall be presumed to be a violation as to all such persons or consumers, and the Township may take such action as could be taken as if such service line supplied one person or consumer.

§ 519-5. Liabilities of owner.

- A. The owner of any building or premises shall be liable for the payment of the price, rent or other charges fixed herein for the use or consumption of water services, connections, appurtenances, appliances or parts and renewals thereof, heretofore or hereafter furnished, installed or made by the Department in or upon such building or premises or connecting with such building or premises, together with interest and penalties charged thereon.
- B. Any necessary changes in piping, valves or connections from the point of connection at the curb stop to the meter, resulting from corrosion or otherwise, and all material and labor used to increase or improve the water supply or efficiency thereof must be made by the owner of premises at its own expense. All changes and improvements shall be subject to inspection and approval by the Township Engineer.

§ 519-6. Application for water supply.

Application for water supply must be made on forms prescribed and made available by the Township Engineer and must be signed by the owner of the premises to be served or by the owner's authorized agent. The filing of an application for water supply shall constitute the consent of the owner to all the rules and regulations pertaining to the water supply and shall

constitute an agreement to pay all rents or other charges fixed by the Township of Verona as set forth in this chapter.

§ 519-7. Application for service connection. [Amended 7-15-2002 by Ord. No. 7-2002]

Application for connection to the water distribution system shall be made in writing to the Township Engineer on a form provided by the Township Engineer and signed by the owner of the premises or by the owner's authorized agent. The water connection fee provided in this chapter and in Chapter A565, Fees, shall be paid at the time the application is made.

§ 519-8. Water connection fees. [Added 7-15-2002 by Ord. No. 7-2002]

A. There shall be a connection fee payable to the Township of Verona for all buildings, structures or premises which shall hereafter be connected to the Township water distribution system. The amount of the connection fee for any building, structure or premises shall be equal to the number of equivalent meter connections assigned to the building, structure or premises to be connected, multiplied by the water connection fee per equivalent meter connection as set forth in Chapter A565. The Township Engineer shall determine the number of equivalent meter connections based upon meter size and in accordance with the following standards:

- (1) Single-family detached residential buildings having a meter size of 5/8 inch to 3/4 inch: one equivalent meter connection.
- (2) All other buildings: Equivalent meter connections shall be determined by the Township Engineer based upon the following meter sizes:

Meter Size	Equivalent Meter Connections
1 inch	1.4
1 1/2 inch	1.8
2 inch	2.9
2 inch compound	2.9
3 inch	11.0
3 inch turbo	11.0
4 inch	14.0
6 inch	21.0

B. In the event of a change in meter size or the installation of an additional service connection for any building, structure or premises resulting in increased number of equivalent meter connections, there shall be an additional connection fee payable to the Township equal to the increase in equivalent meter connections multiplied by the water connection fee per equivalent meter connection as set forth in Chapter A565.

- C. In the event of a replacement of an existing service connection for any building, structure or premises, there shall be a fee payable to the Township for installation of water services from main to curb in the amount set forth in Chapter A565.

§ 519-9. Connections by Department only.

The water connection, including the making of the tap in the main, the corporation stop, the curb stop, the curb box and the installation of the service line from main to curb shall be made only by the Department under authority of the Township Engineer.

§ 519-10. Notice to Department required.

At least 48 hours' notice shall be given to the Department before any water connection is to be made.

§ 519-11. Water for building construction.

Any person who desires the use of water for building construction shall make application in the manner prescribed under §§ 519-6 and 519-7 hereof. Under no circumstances shall water for building construction be taken from the fire hydrants of the Township.

§ 519-12. Service lines.

- A. Excavating work and the furnishing, installation and maintenance of the service line from the curb stop to the meter shall be performed by a duly licensed plumber. Such excavating and installation shall be at the cost and expense of the owner of the premises.
- B. All domestic service lines shall be three-fourths-inch Type K copper tubing. One joint made with a copper-to-copper coupling, if necessary, will be allowed between the curb stop and the meter. All service lines for commercial buildings, garages, etc., or for large or multifamily residential buildings shall be of a size and material designated by the Township Engineer. Service lines of up to and including two inches shall be of extra-heavy copper tubing. Larger service lines shall be of cast iron.
- C. All trenches for service pipes shall be at least four feet in depth and at right angles to the curbline, unless special permission in writing is granted by the Township Engineer for a variation from this requirement. A trench shall be at a different level and shall be separated by at least two feet from sewer and other pipes. The completed line shall remain open until inspected and approved by the Township Engineer. At least 24 hours' notice shall be given to the Department for the purpose of inspecting such work. The owner shall pay a fee as set forth in Chapter A565, Fees, for each and every inspection.
- D. The owner shall be responsible for the maintenance of the service line between the curb stop and the meter. The owner shall keep the same in good repair and protect it from damage due to frost or other causes and shall be liable for damage or loss of water resulting from failure to do so.

- E. All leaks in service lines shall be reported promptly to the Department and repaired by the owner at the owner's expense. If repairs are not made when required, the water shall be shut off by the Department and shall not be turned on again until the line is put in serviceable condition and all charges for damage or for loss of water have been paid.

§ 519-13. Control of water at curb stop.

No person, except an employee of the Department, shall turn water on or off at a curb stop unless an emergency exists, in which case the Department shall be advised immediately of the action taken.

§ 519-14. Multiple connections.

Permission will not be granted to supply two or more dwellings, business premises or other premises from a single tap, except upon a special permit which must be obtained from the Township Engineer. In all cases, separate and distinct curb stops and curb boxes for each tenant or building must be provided.

§ 519-15. Meter regulations.

- A. All service connections shall be metered. If it is determined that any premises has been supplied by water without a meter, then the owner of such premises shall be liable for payment for the water consumed or supplied to such premises, as estimated by the Township Engineer, and shall, in addition thereto, be subject to such penalties or other charges as may be imposed under this chapter.
- B. The location provided by the owner of the premises for a water meter shall be readily accessible for reading and maintenance purposes and shall be situated in a manner reasonably designed to protect such meter from damage. Compression stops shall be provided by the owner on each side of and directly adjacent to the meter.
- C. No fixture of any kind from which water can be drawn shall be placed on the street side of a meter. The meter shall not be installed unless the location and facilities provided shall be approved by the Department.
- D. Water from the mains of the Township shall not be turned on in any building or premises until a suitable meter shall have been installed therein by the owner.
- E. Water for building or construction purposes shall be used only through a meter which shall be installed upon application to and approval by the Township Engineer. No meter shall be installed for building purposes until a building permit has been issued to the owner of the premises.
- F. If a consumer believes that the meter is not registering properly, the consumer may file a written complaint with the Department, whereupon the meter will be removed and tested by the Department. If it is determined that the meter registers more than actual water use by a margin of error of more than 3%, there will be no charge for removing, repairing and resetting the meter. However, if it is determined that the margin of error is less than 3%, the owner shall be responsible for the charges set forth in Chapter

A565, Fees, for such testing. The Department shall have the right to make periodic tests of all meters at no cost to the consumer or owner.

- G. The Department shall have access at all reasonable hours to premises connected to the water distribution system for the purpose of inspecting and maintaining water meters and associated equipment. The hours of between 8:00 a.m. and 6:00 p.m. shall be considered reasonable hours for this purpose.
- H. All repairs to meters, when necessary, will be made by the Department at no charge to the owner, except when a meter has been damaged by the carelessness of the owner or occupant of the premises, in which event the cost of such repairs shall be charged to the owner.
- I. Water supplied for Township of Verona municipal purposes, other than fire protection, shall be metered.
- J. No person except an authorized employee of the Department shall connect, disconnect, repair, adjust or tamper in any way with the seal or the water meter.

§ 519-16. Establishment of rates and charges. [Amended 7-15-2002 by Ord. No. 7-2002]

Rates and charges payable to the Township of Verona for water consumption, connection to or use of the Township water supply system and for services provided pursuant to this chapter shall be as set forth in Chapter A565, Fees, of the Code of the Township of Verona. The Township governing body shall annually review such rates and charges as provided by law.

§ 519-17. Rates for water used for construction purposes. [Amended 7-15-2002 by Ord. No. 7-2002]

A flat rate, depending upon the size and type of a building, will be charged for water used in building construction. The minimum charge for any building will be as provided for in Chapter A565, Fees. The Township reserves the right to regulate the purposes for which water may be used during construction and to determine or limit the duration of any water service used for construction purposes. At its option, the Township may require water to be metered.

§ 519-18. Fire service.

- A. Except as provided in Subsection B hereunder, no person shall take water from any public fire hydrant or hose plug. No fire hydrant shall be used for sprinkling the street, flushing sewers or gutters or for any other purpose other than fire protection purposes without authorization of the Township Engineer.
- B. The Fire Department shall be authorized to use the fire hydrants for the purpose of fire protection. In addition, the Chief of the Fire Department may authorize reasonable use of water from fire hydrants for the purpose of Fire Department training and tests.
- C. An annual charge shall be paid by the Township to the Department for fire hydrant rental. This annual charge shall be set by the Township Council.

- D. When, in the judgment of the Township Engineer, it is practical, private fire service mains may be allowed for hydrants, hose connections or sprinkler systems, for which a flat rate or meter rate will be charged, subject to special contract terms, rules or regulations governing such service as may be determined by the Township Engineer. The following fees shall apply: **[Amended 7-15-2002 by Ord. No. 7-2002]**
- (1) Except as provided below, there shall be a flat annual fee for private fire service mains for sprinkler systems based upon the size of the fire service main as shall be set forth in Chapter A565. The fee shall be applicable to all existing private fire service mains and to private service mains installed after the effective date of this subsection. In the case of any sprinkler system required to be installed in any residential health care facility pursuant to the Health Care Facilities Planning Act, N.J.S.A. 26:2H-1 et seq., or in any rooming or boarding house pursuant to the Rooming and Boarding House Act of 1979, N.J.S.A. 55:13B-1 et seq., mains for sprinkler systems shall be metered and fees shall be based upon actual use.
 - (2) For temporary connections, there shall be a minimum fee as set forth in Chapter A565. In addition, the Township Engineer may require that a bond be furnished in the amount of \$500 in order to indemnify the Township for use of water for purposes other than for fire service as well as for all expenditures or damages incurred by the Department.
 - (3) For private fire hydrants, there shall be an annual fee in the amount set forth in Chapter A565.
 - (4) The Township Engineer reserves the right to order that a meter be placed in any such connection.
- E. No person shall use water from a private fire service main, private hydrant, hose connection or sprinkler system for any purpose other than for fire protection without the written approval of the Township Engineer. **[Added 7-15-2002 by Ord. No. 7-2002]**

§ 519-19. Thawing of pipes and mains.

No person shall undertake the thawing of water service pipes or mains by the use of electric current without authorization of the Department.

§ 519-20. Discontinuance of service.

- A. Water service may be discontinued for any of the following reasons:
- (1) For the use of water for any other premises or for any purposes other than that which is described in the application.
 - (2) For willful waste of water through improper or defective pipes, fixtures or otherwise.
 - (3) For failure to properly maintain all other connections, service lines or fixtures owned by the consumer.

- (4) For molesting or tampering with any service pipe, curb stop or seal or any other appliances of the Department.
 - (5) For refusing to permit the Department access to premises for purposes of inspecting, reading, repairing or removing meters during reasonable hours.
 - (6) For nonpayment of bills for water consumed or for services rendered or for failure to pay any fines or penalties payable under this chapter.
- B. In no case shall the water be turned on until all required repairs have been made, if applicable, and all bills, fines or penalties payable under this chapter, along with fees payable to cover the cost of shutting off and turning on the water, have been paid.

§ 519-21. Right to limit use of water.

The Department reserves the right to decrease or limit the quantity of water used whenever, in the judgment of the Department, it is necessary or expedient to do so.

§ 519-22. Right to modify regulations.

The Township reserves the right to add to or modify its rules and regulations at any time.

§ 519-23. Notification of vacant buildings by owner.

Owners of vacant buildings or of buildings that are to be vacated must give notice in writing of such vacancy to the Department so that the meter may be read and the water turned off. If the water is left on during the vacancy, the owner shall continue to be liable for all charges payable under this chapter.

§ 519-24. Activation and discontinuance of water services; written request required.

- A. When requested by the owner or its agent, the Department shall discontinue service to a premises either temporarily or permanently. The turnoff charge provided for in Chapter A565, Fees, shall be paid when the request for discontinuance of service is made. The turn-on charge provided for in Chapter A565, Fees, shall be paid when service is restored. In no event shall water be turned on until all water charges have been paid.
- B. No adjustments of water charges due to failure of the Department to discontinue or restore water service as requested by an owner shall be made unless the request for discontinuance or restoration is in writing duly filed with the Department.

§ 519-25. Abandoned connections.

Where connections are abandoned, the owner of the premises or applicant shall pay for having the same shut off and plugged at the curb stop or corporation stop (at the option of the Department) before a new connection will be installed to the premises.

ARTICLE II
Emergency Water Shortages

§ 519-26. Declaration of emergency.

If it is determined by the Township Council that an emergency exists in the potable water supply resources of the Township water supply system, and if it is determined that it is necessary to protect the health, safety and general welfare of the citizens and inhabitants of the Township, the Township Council may, by resolution, declare a water emergency, and the provisions of this article shall thereupon take effect immediately.

§ 519-27. Means of notification; time of effect; termination.

- A. Upon the adoption of a resolution declaring a water emergency, a copy of the resolution shall be filed with and posted in the office of the Township Clerk and a copy thereof shall be published at least once in the Township's official newspaper or other newspaper circulated within the Township.
- B. In addition to filing, posting and publication, notice of the emergency shall be delivered by ordinary mail or by hand delivery to each building in the Township which is connected to the Township water supply system.
- C. All of the provisions of this article shall remain in effect until such time as the Township Council shall adopt a resolution declaring that the water emergency shortage has terminated.

§ 519-28. Notification of Township departments.

The Township Clerk shall also forthwith give notice of the emergency resolution to the various departments of the Township to refrain from street and gutter flushing, hydrant flushing, fire hose testing and other similar practices, except to the extent that such practices are deemed necessary in the interest of public health or safety and until such emergency is declared to be terminated.

§ 519-29. General regulations.

- A. In the case of a water emergency, the Township Council may, by resolution, prescribe regulations to:
 - (1) Prohibit the use of water from the municipal supply for any purpose not necessary to the health, safety and general welfare of the public.
 - (2) Allocate and prorate the available water supply.
 - (3) Reduce consumption by users.
 - (4) Prevent waste during the emergency.
- B. Such regulations as may be adopted by resolution of the Township Council shall be legally binding upon all consumers and owners who receive water from the Township

water supply system, and a violation of any provision as such Resolution shall constitute a violation of this chapter.

§ 519-30. Elimination of leaks.

During the continuance of a water emergency, all consumers, occupants or owners of buildings who receive water from the Township water supply system shall eliminate all known water leaks in their building plumbing systems and shall use all reasonable means to maintain the same free from leaks. If, following tests and inspections by the Department, leaks in a building plumbing system are reported to building occupants, such leaks shall be eliminated by the consumer, occupant or building owner within 36 hours after the sending of such report.

§ 519-31. Prohibited uses.

During the continuance of a water emergency, no water from the Township water supply system shall be used for lawns, gardens, shrubbery or other sprinkling, spraying or watering or for car washing or other similar outside or outdoor uses.

ARTICLE III

Refrigeration and Air-Conditioning Systems

§ 519-32. Applicability to existing installations.

All existing installations of refrigeration equipment, air conditioning or refrigeration and air-conditioning equipment installed on any premises and requiring the use of water supplied by the Township water system or derived from a well shall be subject to the rules and regulations prescribed in this article.

§ 519-33. Permit to install required.

No new installation of refrigeration equipment, air-conditioning or refrigeration and air-conditioning equipment requiring the use of water supplied by the Township or derived from any well shall be installed on any premises until a permit authorizing such installation has been issued by the Township Engineer.

§ 519-34. Application procedure; fee.

Applications, in duplicate, on forms furnished by the Township Engineer for permits for refrigeration, air-conditioning or refrigeration and air-conditioning equipment to be installed shall specify the information requested on the application and shall be accompanied by the fee as provided in Chapter A565, Fees. One approved copy of the application will be returned to the applicant to serve as a permit.

§ 519-35. Specifications.

All installations of any individual or collective system of refrigeration equipment, air-conditioning equipment or refrigeration and air-conditioning equipment in any premises for a single consumer shall be installed under the following specifications:

- A. All new installations of any individual or collective system of refrigeration equipment, air-conditioning equipment or refrigeration and air-conditioning equipment of three tons and over shall be equipped with a water conserving device, such as economizer, evaporative condenser, water cooling tower or similar apparatus, which device shall not consume, for makeup purposes, in excess of 5% of the consumption of water that would normally be used without such device, except as provided in § 519-38.
- B. All new installations of refrigeration equipment, air-conditioning equipment or refrigeration and air-conditioning equipment of under three tons and not using recirculated water shall be provided with an automatic water-supply regulating device so as to limit the flow of water in relation to the condenser temperature reduction requirements of the apparatus. In no case shall the equipment use in excess of 1 1/2 gallons per minute per ton capacity.
- C. If two or more units, which in the aggregate total three tons or more, are installed to serve the same building or premises, said units shall be subject to the same requirements applicable to a unit or equipment of three tons or more, as provided in this article.

§ 519-36. Vacuum breaker required.

Each direct water connection to a refrigeration unit, air-conditioning unit or refrigeration and air-conditioning unit using water for cooling purposes and which is connected with the Township water supply system shall be equipped with a vacuum breaker, except in installations where the water supply piping has no contact with refrigerant. This will be the case where two substantial and independent wall thicknesses of metal separate the refrigerant from the Township water supply system.

§ 519-37. Relief valves required.

Refrigerating units, air-conditioning units or refrigerating and air-conditioning units with a capacity of more than 20 pounds of refrigerant shall be provided with a relief valve installed on the outlet side of the vacuum breaker of the water supply connection, such relief valve being set at five pounds above the maximum water pressure at the point of installation.

§ 519-38. Water-conservation devices.

All installations of any individual or collective system of refrigeration equipment, air-conditioning equipment or refrigeration and air-conditioning equipment of three tons and over shall be equipped with a water conserving device as provided in § 519-35. The Township Engineer may permit a diffusion device which will return the water in pure and uncontaminated condition, without loss or waste, back into the ground instead of the device required under § 519-35. If permission is granted for such a diffusion device, it shall be the

responsibility of the building owner to ensure that no water is wasted or contaminated thereby. No diffusion well or recharge basin shall be permitted under this section unless it is assured that all water used in such refrigeration or air-conditioning system will be effectively returned in a pure and uncontaminated condition after use to the subterranean sources from which the water is obtained. No connection to storm or sanitary sewer shall be permitted under this section.

ARTICLE IV

Sewers

§ 519-39. Definitions.

For the purposes of this article, unless the context specifically indicates otherwise, the meanings of the following terms shall be as follows:

BIOCHEMICAL OXYGEN DEMAND (BOD) — The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C. expressed in milligrams per liter (mg/l).

BRANCH CONNECTION — A T or W attached to or built in a public sewer to a building sewer.

BUILDING DRAIN — That part of the lowest horizontal piping of a drainage system which receives the discharge from soil and waste pipes inside the walls of the building and conveys it to the building sewer beginning at the outside face of the building wall.

BUILDING SEWER — The extension from the building drain to the branch connection at the public sewer or other place of disposal, also known as the "building lateral."

COLLECTOR OF SEWER FEES — The Collector-Treasurer as appointed by the Township Council of the Township of Verona or his duly authorized deputy, agent or representative.

COMBINED SEWER — A sewer in which both surface runoff or stormwater and sewage are received.

COMMERCIAL OR INDUSTRIAL USER — Any business, industry, store, restaurant or office, and shall include any single-family residential dwelling having a business or business office located therein if both the residential use and the business or office use are served by the same water meter.

EQUIVALENT CONNECTION — A standard unit of sewer use applicable to a single-family residential user, as defined in this chapter, based upon the averaged gallons per day (GPD) of metered water consumption for a single-family residential dwelling and established as being 220 GPD.

GARBAGE — Solid wastes from the preparation, cooking and disposing of foods and from the handling, storage and sale of produce.

HEALTH OFFICER — The duly appointed Health Officer of the Township of Verona.

INDUSTRIAL WASTES — The wastewater from industrial processes, trade, businesses as distinguished from domestic or sanitary wastes.

INSTITUTIONAL USER — Any school, church, hospital or correctional facility or building, whether publicly or privately owned, but shall not include any facility or building owned or operated by the Township of Verona. **[Amended 4-6-1998 by Ord. No. 5-98]**

MULTIFAMILY RESIDENTIAL USER — Any apartment building or multifamily house or building, including buildings under cooperative or condominium form of ownership, in which more than one dwelling unit is served by a single water meter.

OPERATOR — The licensed operator of the sewage treatment plant duly appointed by the Township Council of the Township of Verona.

PERSON — Any individual, firm, company, association, society, corporation or group.

pH — The logarithm of the reciprocal of hydrogen ions in grams per liter of solution.

PUBLIC SEWER — A sanitary sewer to which all owners of abutting properties have equal rights and which is controlled and maintained by a governmental agency or public authority.

SANITARY SEWER — A sewer which carries sewage and in which stormwater, surface water and groundwaters are not permitted to enter and flow.

SEWAGE — A combination of the water-carried wastes from any buildings or structures; also referred to as "wastewater."

SEWAGE TREATMENT PLANT — Any arrangement of mechanical, biological or chemical devices or structures used for treating sewage.

SEWER — A pipe or conduit for carrying sewage.

SINGLE-FAMILY RESIDENTIAL USER — Any single-family residence, house, dwelling, condominium unit or townhouse unit which is served by a single separate water meter.

SLUG — Any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds, for any period of duration longer than 15 minutes, more than five times the average twenty-four-hour concentration or flows during normal operation and/or adversely affects the collection system and/or performance of the wastewater treatment plant.

STORM SEWER or STORM DRAIN — A pipe or conduit for conveying water, groundwater, subsurface water or unpolluted water from any source.

SUPERINTENDENT — The Superintendent of the Sewage Treatment Plant, duly appointed by the Township Council of the Township of Verona.

SUSPENDED SOLIDS — Solids that either float on the surface of or are in suspension in water, sewage or other liquids and which are removable by laboratory filtering.

TOWNSHIP ENGINEER — The duly appointed Engineer of the Township of Verona.

WATERCOURSE — A natural or artificial channel for the passage of water, either continually or intermittently.

§ 519-40. Connection required.

The owners of all houses, buildings, public buildings or properties used for human occupancy, employment or recreation or other purposes, situated within the Township and abutting on, or having a permanent right of access to, any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the Township, are hereby required at their expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within 60 days after the date of the official notice from the Township of Verona to do so, provided that said public sewer is within 100 feet of any property line or right of access. The sewer service charge for the use of the sewer shall begin 30 days after the date of the official notice as set forth above.

§ 519-41. Permits; rules.

- A. It shall be unlawful to install any building sewer or to make any connection to the public sewer without first obtaining a building sewer permit, and such installations and connections shall be made under the direction and supervision of the Township Engineer in the manner hereinafter set forth.
- B. The fee for all building sewer permits shall be as set forth in Chapter A565, Fees. **[Amended 4-6-1998 by Ord. No. 5-98]**
- C. The owner or his agent shall make application on a form furnished by the Township. The permit applications shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Township Engineer or required by state law.
- D. Permits will expire four weeks after date of issue but will be subject to renewal for a further period of four weeks.
- E. Where the building sewer has been extended by the Township from main or lateral to the curb or property line, the following rules shall apply:
 - (1) After securing the building sewer permit, the applicant shall notify the Township Engineer when the excavation is made and the pipe is installed and connected. No backfill is to be placed without the written permission of the Township Engineer.
- F. Where the building sewer has not been extended by the Township from main or lateral to the curb or property line, the following rules shall apply:
 - (1) The applicant shall secure a building sewer permit and pay the required fee.
 - (2) The applicant shall do all of the excavation required, supply all of the materials and do all of the work.
 - (3) The applicant shall notify the Township Engineer 24 hours before the excavation is ready for the installation of the branch connection.
 - (4) After the inspection by the Township Engineer, the work shall be completed by the applicant.

- (5) The street opening fee, backfilling and repaving shall be as required under Chapter 460, Streets and Sidewalks.
- G. The joint made between the building sewer and the building drain shall be secure and watertight. Standard fittings, approved by the Township Engineer and/or the Plumbing Inspector, shall be used for this joint.
- H. All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard.
- I. It shall be the duty of the Township Engineer when notified to inspect the installation of any branch connection or building sewer, to determine whether the same complies with all of the provisions hereof and any other ordinances, the enforcement of which is within his jurisdiction. When he is satisfied that the installation complies with the aforesaid requirements, he shall evidence his written approval on the permit.
- J. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Township of Verona from any loss or damage that may indirectly or directly be occasioned by the installation of the building sewer. In order to guarantee and protect the Township of Verona for any loss or damage that may indirectly or directly occur by the installation of said building sewer from the main to the curb or property line or the excavation for the installation of any branch connection or any other work, the owner or his agent shall post with the Township of Verona a performance bond in the amount of \$5,000 to guarantee the payment of any damage which may occur to the property of the Township of Verona; such performance bond shall be written by a surety company authorized to do business in the State of New Jersey and approved by the Township Council of the Township of Verona and shall be posted with the Township of Verona prior to the issuance of the building sewer permit.
- K. A separate and independent building sewer shall be provided for every building except where one building stands at the rear of another on an interior lot and the rear building is an accessory use as established under Chapter 150, Zoning, and while both buildings remain under the same ownership.
- L. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Township Engineer and/or Plumbing Inspector, to meet all the requirements of this chapter.
- M. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sewage carried by such drain shall be lifted by a sewage ejector.

§ 519-42. Meters and measuring devices.

All meters or other measuring devices installed or required to be used under the provisions of this chapter shall be under the control of the Township and of a type specified by the Township and shall be installed by the owner at the owner's expense. The owner of the property upon which any such measuring device is installed shall be responsible for its maintenance and safekeeping, and all repairs thereto shall be made at the owner's cost, whether such repairs are made necessary by ordinary wear and tear or other causes. Costs for

such repairs, if made by the Township, shall be due and payable at the same time, collected in the same manner and be subject to the same penalties as are the charges for sewer use.

§ 519-43. Tampering with system equipment.

No person shall break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the Township of Verona sewage disposal system.

§ 519-44. Use restrictions.

- A. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, swimming pool or pond water or cooling water to any sanitary sewer.
- B. Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:
 - (1) Explosive wastes. Wastes which create fire or explosive hazard to the treatment plant, collection system or the operation of the system. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene and ethers. Materials that flash below 90° using the Pensky-Martens closed tester (ASTM-D93-80) are prohibited.
 - (2) Corrosive wastes. Wastes which will cause corrosion or deterioration of the treatment plant or collection system. All wastes shall have a pH not less than 5.5 or greater than 9.5.
 - (3) Solids and viscous wastes. Solids or viscous wastes in amounts which would cause obstruction to the flow in a sewer or otherwise interfere with the proper operation of the treatment plant. Prohibited materials include, but are not limited to, uncomminted garbage, bones, hides or fleshings, cinders, sand, glass, ashes, mud, straw, shavings, metal, rags, feathers, offal, plastics, wood, paunch manure, hair, entrails, lime residues, beet or distillery slops, chemical slops, chemical residues, paint or ink residues, cannery waste bulk solids, antibiotic wastes, free mineral acid, concentrated pickling wastes or plating solutions or any other solid or viscous substance capable of causing obstruction to the flow or other interference with the proper operation of the Township of Verona's sewerage treatment plant system.¹
 - (4) Noxious materials. Noxious or malodorous compounds which, either singly or by interaction with other wastes, are capable of creating a public nuisance or hazard to life or are or may be sufficient to prevent entry into a sewer for its maintenance or repair.
 - (5) Radioactive wastes. Radioactive wastes or isotopes of such half-life or concentration that they do not comply with regulations or orders issued by the

1. Editor's Note: Former § 146-43B(4) of the 1981 Code, Garbage or refuse, which previously followed this subsection, was repealed 10-21-1996 by Ord. No. 12-96.

appropriate authority having control over their use and which will, or may, cause damage or hazards to the treatment plant or personnel operating the system.

- (6) Interference. Any waste, including oxygen-demanding wastes, released at a flow rate or concentration which will cause interference with the Verona treatment plant or with disposal of the sludge resulting from the treatment process.
- (7) Excessive discharge rate. Industrial wastes discharged in a slug of adequate volume or strength to cause a treatment process upset or loss of treatment plant efficiency.
- (8) Heat. Any discharge which contains heat in amounts which could inhibit biological activity in the treatment process or cause loss of treatment efficiency or cause the temperature of the influent to the Verona treatment plant to exceed 104° C.
- (9) Unpolluted wastes. Any unpolluted water, including but not limited to cooling water or uncontaminated stormwater, which will increase the hydraulic load on the treatment plant.
- (10) Dilution water. Any water added for the purpose of diluting wastes which would otherwise exceed applicable maximum concentration limits.
- (11) Violations. Wastes which cause the Verona Treatment Plant to violate its New Jersey Pollutant Discharge Elimination System permit, applicable receiving water standards, permit regulating sludge disposal or any other permit issued to the Township of Verona sewerage treatment plant.
- (12) Extremely hazardous wastes. Those wastes designated by the United States Environmental Protection Agency as sufficiently toxic that they shall not be discharged to a sanitary sewer in any concentration.
- (13) Septic tank or cesspool wastes will not be accepted.
- (14) Slug. Any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds, for any period of duration longer than 15 minutes, more than five times the average twenty-four-hour concentration or flows during normal operation and/or may adversely affect the collection system and/or performance of the wastewater treatment works.
- (15) Any wastewater which contains total dissolved sulfides in excess of:
 - (a) Two-tenths milligrams per liter where the discharge's point of connection to the system is a gravity sewer line; or
 - (b) Four-tenths milligrams per liter where the discharge's point of connection to the system is a pressure of force main.
- (16) Any water or wastes containing toxic or poisonous substances in such concentration either singly or by interaction with other wastes as to constitute a hazard to humans or animals, or to interfere with any sewage treatment process, or to create any hazard in the receiving waters of the sewage treatment plant.
- (17) Any high strength waste or special waste.

- (18) Any water or waste which may contain soluble oil or grease or any water containing floatable fats, oils, greases or other substances in sufficient concentrations that might solidify and/or cause to solidify or become viscous at temperatures between 32° F. and 150° F. (0° C. and 65° C.).
- (19) Any concentrated dye wastes, spent tanning solutions or other wastes which are highly colored or wastes which are of usual volume, concentration of solids or composition that may create obstruction to the flow in sewers or other interference with the proper operation of the system or the quality of the effluent from the system.
- (20) Concentration and characteristics.
- (a) Any waters containing suspended solids of such character and quantity that unusual provision, attention or expense is required to handle such materials at the sewage treatment plant.

Characteristics	Item	Limitation
Temperature	Maximum	110°
pH	Allowable range	5.5 to 9.0
Biochemical oxygen demand (BOD)	5-day maximum	220 mg/l
Suspended solids	Maximum	220 mg/l
Color	Maximum	220 co. pt. units
Nitrogen	Maximum	40 ppm
Phosphorus	Maximum	15 ppm

- (b) The above-listed concentrations and characteristics may be altered by the Township of Verona's sewage treatment plant as required by regulatory agencies, treatment or reuse requirements or in the event of cumulative overload of the system.
- (c) Maximum allowable concentrations. Users not subject to categorical standards shall not exceed following limits:

Item	Mg/l
Acetylene generation sludge	None
Arsenic	1.0
Barium	4.2
Cadmium	0.1
Chromium (total)	8.0
Copper	8.0

Item	Mg/l
Cyanide	0.1
Iron (total)	5.0
Lead	0.5
Mercury	0.1
Mineral acid (free)	None
Nickel	1.0
Nitrous oxide 10.0	10.0
Oils, minerals	15.0
Selenium	0.05
Silver	0.03
Sulphur dioxide	0.4
Zinc	8.0

C. Grease, oil and sand interceptors.

- (1) Grease, oil and sand interceptors shall be provided when necessary, in the opinion of the Township Engineer, for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand and other harmful ingredients. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight.
- (2) Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

§ 519-45. Sewer extensions.

- 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 is included in Chapter A565, Fees, to be paid to the Township of Verona when the application is made. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
- B. The applicant shall proceed with the construction of the sewer extension as shown on the approved plans, and all of his work shall be subject to the inspection and approval of the Township Engineer. No work shall be covered or backfilled without the approval of the Township Engineer.

- C. In addition to the sewer extension permit fee provided for in this section, the applicant or the user of the sewer shall secure a building sewer permit for each connection to the extension and shall pay the fee provided for under this chapter.
- D. Any permit for sewer extension shall expire at the end of six months from the date of issue. Such permit may be extended by the Township Engineer for an additional six months if, in his opinion, such an extension is in the interest of the Township.

§ 519-46. Power and authority of inspectors.

The Township Engineer and other duly authorized employees of the Township bearing proper credentials and identification shall be permitted to enter in and upon all buildings, structures and properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this chapter.

§ 519-47. Sewer connection fees.

A. Fee established.

- (1) There shall be a connection fee payable to the Township of Verona for all buildings, structures or premises which shall hereafter be connected to the Township sanitary sewer system. The amount of the connection fee for any building, structure or premises shall be determined by the number of equivalent connections assigned to the building, structure or premises to be connected, in accordance with the following standards:

- (a) Single-family detached residential buildings: one equivalent connection.²
- (b) All other buildings: Equivalent connections shall be determined by the Township Engineer based upon projected daily sewer use flows by applying design flow standards promulgated by the New Jersey Department of Environmental Protection, as amended and supplemented. The projected daily sewer use flow shall be divided by 220 gallons, and the resulting quotient shall be the number of equivalent connections assigned to the building, structure or premises.

- (2) The fee for each equivalent connection shall be as set forth in Chapter A565, Fees, of the Verona Code as may be from time to time amended by the Verona governing body.

- B. Connection fees shall be due and payable to the Township at such time as a building sewer permit is issued for connection to the sanitary sewer system. **[Amended 7-15-2002 by Ord. No. 7-2002]**
- C. In the event of a change in the use of any building, structure or premises resulting in an increase in projected daily sewer use flows, the Township Engineer shall determine the increase in the equivalent connections assigned to such building, structure or premises

2. Editor's Note: Former § 146-46A(1)(b) of the 1981 Code, regarding other residential buildings, which previously followed this subsection, was repealed 7-15-2002 by Ord. No. 7-2002.

and there shall be an additional connection fee payable to the Township equal to the increase in equivalent connections multiplied by the fee for each sewer connection fee per equivalent connection as set forth in Chapter A565. [Added 7-15-2002 by Ord. No. 7-2002]

§ 519-48. Sewer user charges. [Amended 4-6-1998 by Ord. No. 5-98; 6-5-2017 by Ord. No. 2017-14; 1-8-2017 by Ord. No. 2017-29]

There is hereby established an annual sewer user charge for use of the public sanitary sewer of the Township of Verona. Such annual charges shall be payable to the Township by the owner of any building or premises connected to the Township sanitary sewer and shall be payable in the amount and in the manner prescribed hereunder.

- A. Single-family residential users. The annual charge for a single-family residential user shall be equal to the charge for one equivalent connection as set forth in Chapter A565, Fees.
- B. Two-family residential dwelling users. The annual charge for a two-family residential dwelling user shall be the charge of 1.4 equivalent connections as set forth Chapter A565, Fees.
- C. All other multifamily residential users. The annual charge for all other multifamily residential users other than single-family residential users and two-family residential dwelling users shall be calculated by summing the total number of bedroom equivalent dwelling units (EDUs) in the dwelling, rounding to the nearest half number and multiplying by the annual sewer user charge as set forth in Chapter A565, Fees. The bedroom EDUs shall be as follows:
 - (1) Studio or one-bedroom unit shall be equivalent to 0.75 EDU.
 - (2) Two-bedroom unit shall be equivalent to 0.90 EDU.
 - (3) Three or more bedrooms shall be equivalent to 1.0 EDU.
- D. Institutional users. The annual charge for institutional users of the Township sanitary sewer shall be an amount equal to the fee for one equivalent connection as established under Chapter A565, Fees, multiplied by the number of equivalent connections chargeable to the sewer user as determined by the Tax Collector in accordance with the method prescribed under Subsection E hereof.
- E. For all users of the Township sanitary sewer, except single-family residential users, two-family residential dwelling users, and all other multifamily residential users, the Tax Collector shall determine the daily average gallons per day (DGPD) of metered water consumption by the sewer user by using the total consumption of metered water used for the previous year or previous four quarters divided by the number of days of metered consumption. The daily averaged gallons per day (DGPD) of metered water consumption for a single-family residential dwelling unit as being established as 220 GPD/EDU. The daily average gallons per day (DGPD) usage shall be then divided by 220 GPD/EDU to determine the users equivalent dwelling unit (EDU) for billing purposes. The resulting quotient rounded to the nearest whole number shall constitute

the number of equivalent connections (EDU). In no event shall the number of equivalent connections (EDU) chargeable to such user be less than one equivalent unit.

§ 519-49. Establishment of rates and charges. [Added 7-15-2002 by Ord. No. 7-2002]

Rates and charges payable to the Township of Verona for sewer connection fees, sewer user charges, and for services provided pursuant to this chapter shall be as set forth in Chapter A565, Fees. The Township governing body shall annually review such fees and charges as provided by law.

ARTICLE V

Billing; Enforcement

§ 519-50. Combined water and sewer billing.

There shall be a combination water and sewer billing in order that charges for water use and consumption and annual sewer user charges shall be billed by the Township in quarterly installments. All bills shall be payable to the Township within 30 days from the date such bills are mailed by the Township.

§ 519-51. Reduced sewer user charge for certain senior citizens and disabled persons. [Added 7-13-1998 by Ord. No. 6-98]

- A. There shall be a reduction in the annual sewer user charge which is charged to or collected from any person residing in the Township of Verona who is of the age of 65 or more years, or less than 65 years of age and is permanently and totally disabled according to the provisions of the federal Social Security Act, 42 U.S.C. § 301 et seq., or disabled under any federal law administered by the United States Department of Veterans Affairs if the disability is rated as 60% or higher, and the person either is annually eligible to receive assistance under the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program, P.L. 1975, c. 194 (N.J.S.A. 30:4D-20 et seq.), or has a total income not in excess of \$10,000 per year exclusive of benefits under any one of the following:
- (1) The federal Social Security Act, 42 U.S.C. § 301 et seq., and all amendments and supplements thereto;
 - (2) Any other program of the federal government or pursuant to any other federal law which provides benefits in whole or in part in lieu of benefits referred to in, or for persons excluded from coverage under Subsection A(1) of this section, including but not limited to the federal Railroad Retirement Act of 1974, 45 U.S.C. § 231 et seq., and federal pension, disability and retirement programs; or
 - (3) Pension, disability or retirement programs of any state or its political subdivisions, or agencies thereof, for persons not covered under Subsection A(1) of this section, except that the total amount of benefits to be allowed exclusion by any owner under Subsection A(2) or (3) of this section shall not be in excess of

the maximum amount of benefits payable to, and allowable for exclusion by, an owner in similar circumstances under Subsection A(1) of this section.

- B. The amount of the reduced sewer user charge available to eligible persons under this section shall be as set forth in Chapter A565, Fees, of the Verona Code.
- C. Any person who claims to be eligible for a reduction under this section shall complete and sign an application for reduction on forms to be made available by the Township. Applications shall be filed with the Tax Collector by not later than December 31 of the year in which a reduction is claimed. In order to qualify for a reduction, the applicant must establish that the applicant was eligible for the reduction as of December 31 of the year preceding the year in which a reduction is claimed. The Township shall have the right to require such information as may be reasonably necessary to support an applicant's claim for a reduction and to disallow any claim based upon an incomplete application. In addition, the Township shall have the right to require an applicant to annually update information in order to support such applicant's continued claim for eligibility under this section. Updated information shall be on forms provided by the Township and shall be filed with the Tax Collector by not later than June 1 of each year. **[Amended 1-8-2017 by Ord. No. 2017-29]**

§ 519-52. Fees and charges to be lien.

All charges payable to the Township for connection to or use of the Township water supply system, consumption of water or otherwise payable under this chapter, and all charges for connection with and use of the Township sewers and drains shall draw the same interest from the time they become due as taxes upon real estate in the Township and shall be a lien upon the premises connected until paid, and the Township shall have the same remedies for collection thereof, with interest, costs and penalties, as it has by law for the collection of taxes upon real estate.

§ 519-53. Service shut off for nonpayment.

In the event that payment of said combination water and sewer bill or any part thereof is not made when such payment shall become due, the Township shall have the right, upon due notice in accordance with law, to cause the water supply to be shut off from such house, building or other premises so supplied and to not turn on the same again until all arrears, with interest and penalties, shall be fully paid.

§ 519-54. Violations and penalties. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

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.

APPENDIX

Chapter A550

CABLE TELEVISION FRANCHISE

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| § A550-1. Purpose. | § A550-13. Subscriber rates. |
| § A550-2. Definitions. | § A550-14. Public, educational and governmental access. |
| § A550-3. Statement of findings. | § A550-15. Commitments by the Company. |
| § A550-4. Duration of franchise. | § A550-16. Emergency uses. |
| § A550-5. Franchise fee. | § A550-17. Liability insurance. |
| § A550-6. Franchise territory. | § A550-18. Incorporation of the application. |
| § A550-7. Extension of service. | § A550-19. Competitive equity. |
| § A550-8. Construction requirements. | § A550-20. Separability. |
| § A550-9. Customer service. | § A550-21. Third-party beneficiaries. |
| § A550-10. Municipal complaint officer. | § A550-22. Effective date. |
| § A550-11. Local office. | |
| § A550-12. Performance bonds. | |

[HISTORY: Adopted by the Township Council of the Township of Verona 11-16-2009 by Ord. No. 13-09. Amendments noted where applicable.]

§ A550-1. Purpose.

The municipality hereby grants to Comcast of New Jersey II, LLC, renewal of its non-exclusive Municipal Consent to place in, upon, across, above, over and under highways, streets, alleys, sidewalks, easements, public ways and public places in the municipality, poles, wires, cables, underground conduits, manholes and other television conductors, fixtures, apparatus and equipment as may be necessary for the construction, operation and maintenance in the Municipality of a cable television and communications system.

§ A550-2. Definitions.

For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meaning given herein. Such meaning or definition of terms is supplemental to those definitions of the Federal Communications Commission ("FCC") rules and regulations, 47 CFR 76.1 et seq., and the Cable Communications Policy Act, 47 U.S.C. § 521 et seq., as amended, and the Cable Television Act, N.J.S.A. 48:5A-1 et seq., and shall in no way be construed to broaden, alter or conflict with the federal and state definitions:

ACT or CABLE TELEVISION ACT — Chapter 186 of the General Laws of New Jersey, and subsequent amendments thereto, N.J.S.A. 48:5A-1 et seq.

APPLICATION — The company's application for renewal of municipal consent.

BASIC CABLE SERVICE — Any service tier, which includes the retransmission of local television broadcast signals as defined by the FCC.

BOARD or BPU — The Board of Public Utilities, State of New Jersey.

COMPANY — The grantee of rights under this chapter and is known as Comcast of New Jersey II, LLC.

FCC — The Federal Communications Commission.

OFFICE or OCTV — The Office of Cable Television of the Board.

PRIMARY SERVICE AREA or PSA — Consists of the area of the Municipality currently served with existing plant as set forth in the map annexed to the Company's Application for Municipal Consent.

TOWN or MUNICIPALITY — The Township of Verona, County of Essex, State of New Jersey.

§ A550-3. Statement of findings.

Public hearings conducted by the municipality, concerning the renewal of Municipal Consent herein granted to the Company were held after proper public notice pursuant to the terms and conditions of the Act and the regulations of the Board adopted pursuant thereto. Said hearings, having been fully open to the public, and the Municipality, having received at said public hearings all comments regarding the qualifications of the Company to receive this renewal of Municipal Consent, the Municipality hereby finds that the Company possesses the necessary legal, technical, character, financial and other qualifications and that the Company's operating and construction arrangements are adequate and feasible.

§ A550-4. Duration of franchise.

- A. The non-exclusive Municipal Consent granted herein shall expire 15 years from the date of expiration of the previous Certificate of Approval issued by the Board.
- B. In the event that the Municipality shall find that the Company has not substantially complied with the material terms and conditions of this chapter, the Municipality shall have the right to petition the OCTV, pursuant to N.J.S.A. 48:5A-47, for appropriate action, including modification and/or termination of the Certificate of Approval; provided, however, that the Municipality shall first have given the Company written notice of all alleged instances of noncompliance and an opportunity to cure same within 90 days of that notification.

§ A550-5. Franchise fee.

Pursuant to the terms and conditions of the Act, the Company shall, during each year of operation under the consent granted herein, pay to the Municipality 2% of the gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for cable television reception service in the Municipality or any higher amount required by the Act or otherwise allowable by law, whichever is greater.

§ A550-6. Franchise territory.

The consent granted under this chapter to the renewal of the franchise shall apply to the entirety of the Municipality and any property subsequently annexed hereto.

§ A550-7. Extension of service.

The Company shall be required to proffer service to any residence or business along any public right-of-way in the Primary Service Area, as set forth in the Company's Application. The Company's Line Extension Policy, as set forth in the Company's Application, shall govern any extension of plant beyond the Primary Service Area.

§ A550-8. Construction requirements.

- A. Restoration. In the event that the Company or its agents shall disturb any pavement, street surfaces, sidewalks, driveways, or other surface in the natural topography, the Company shall, at its sole expense, restore and replace such places or things so disturbed in as good a condition as existed prior to the commencement of said work. Permits are required for work through the Township of Verona, Construction Code office; any associated fee will be waived.
- B. Relocation. If at any time during the period of this consent the Municipality shall alter or change the grade of any street, alley or other way or place the Company, upon reasonable notice by the Municipality, shall remove, re-lay or relocate its equipment, at the expense of the Company.
- C. Removal or trimming of trees. During the exercise of its rights and privileges under this franchise, the Company shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks or other public places of the municipality so as to prevent the branches of such trees from coming in contact with the wires and cable of the Company. Such trimming shall be only to the extent necessary to maintain proper clearance of the Company's wire and cables. Consent of tree trimming must be made by the Township of Verona before work begins. In an emergency situation regarding trees, the Verona Police will be notified, 973-239-5000.

§ A550-9. Customer service.

In providing services to its customers, the Company shall comply with N.J.A.C. 14:18-1.1 et seq. and all applicable state and federal statutes and regulations. The Company shall strive to meet or exceed all voluntary company and industry standards in the delivery of customer service and shall be prepared to report on it to the Municipality upon written request of the Township Manager.

- A. The Company shall continue to comply fully with all applicable state and federal statutes and regulations regarding credit for outages, the reporting of same to regulatory agencies and notification of same to customers.

- B. The Company shall continue to fully comply with all applicable state and federal statutes and regulations regarding the availability of devices for the hearing impaired and the notification of same to customers.
- C. The Company shall use every reasonable effort to meet or exceed voluntary standards for telephone accessibility developed by the National Cable Television Association (NCTA).
- D. Nothing herein shall impair the right of any subscriber or the Municipality to express any comment with respect to telephone accessibility to the Complaint Officer, or impair the right of the Complaint Officer to take any action that is permitted under law.

§ A550-10. Municipal complaint officer.

The Office of Cable Television is hereby designed as the Complaint Officer for the Municipality pursuant to N.J.S.A. 48:5A-26b. All complaints shall be received and processed in accordance with N.J.A.C. 14:17-6.5. The Municipality shall have the right to request copies of records and reports pertaining to complaints by Municipality customers from the OCTV.

§ A550-11. Local office.

During the term of this franchise, and any renewal thereof, the Company shall maintain a business office or agent in accordance with N.J.A.C. 14:18-5.1 for the purpose of receiving, investigating and resolving all local complaints regarding the quality of service, equipment malfunctions, and similar matters. Such a business office shall have a publicly listed toll-free telephone number and be open during standard business hours, and in no event (excepting emergent circumstances) less than 9:00 a.m. to 5:00 p.m., Monday through Friday.

§ A550-12. Performance bonds.

During the life of the franchise, the Company shall give to the Municipality a bond in the amount of \$25,000. Such bond shall be to insure the faithful performance of all undertakings of the Company as represented in its application for municipal consent incorporated herein.

§ A550-13. Subscriber rates.

The rates of the Company shall be subject to regulation as permitted by federal and state law.

§ A550-14. Public, educational and governmental access.

- A. The Company shall continue to provide a system-wide public access channel maintained by the Company. Qualified individuals and organizations may utilize public access for the purpose of cablecasting noncommercial access programming in conformance with the Company's published public access rules.
- B. The Company shall continue to provide a system-wide leased access channel maintained by the Company for the purpose of cablecasting commercial access

programming in conformance with the Company's guideline and applicable state and federal statutes and regulations.

- C. The Company shall continue to provide a dedicated local access channel maintained by the Company for the purpose of cablecasting noncommercial access programming in conformance with the Company's guideline and applicable state and federal statutes and regulations.
- D. The Company shall take any steps that are necessary to ensure that the signals originated on the access channels are carried without material degradation, and with a signal whose quality is equal to that of the other standard channels that the Company transmits.

§ A550-15. Commitments by the Company.

- A. The Company shall provide standard installation and basic cable television service on 10 outlets at no cost to each school in the Municipality, public and private, elementary, intermediate and secondary, provided the school is within 200 feet of active cable distribution plant. Each additional outlet installed, if any, shall be paid for on a materials and equipment, plus labor basis by the school requesting service. Monthly service charges shall be waived on all additional outlets, except for required additional equipment.
- B. The Company shall provide standard installation and basic cable television service at no cost on one outlet to each Police, Community Center, Fire Station One and Fire Station Two, Rescue Squad building, Emergency Management facility, town hall and public library, in the Municipality, provided the facility is located within 200 feet of active cable distribution plant. Each additional outlet installed, if any, shall be paid for on a materials and equipment, plus labor basis by the Municipality. Monthly service charges shall be waived on all additional outlets, except for required additional equipment.
- C. The Company shall provide standard installation and free Internet service via high-speed cable modem on one non-networked computer in each school library in the Township, including public, private, elementary, intermediate and secondary schools, provided that each school is within 200 feet of active cable plant. Internet service shall be installed on a computer that is accessible to students and not for administrative purposes only.
- D. Company representatives shall appear at least once annually, upon written request of the Township, at a public meeting of the governing body, to discuss matters pertaining to the provision of cable services to residents of the Township and other related issues as the Township and Company may deem appropriate.
- E. The Company shall continue to maintain the two existing fiber optic active access channel return lines located in the Township, one located at Verona Public Library, 17 Gould Street, and the other located at Verona Community Center, 880 Bloomfield Avenue. The Company shall provide an additional access return at its own cost and expense at a location of the Township's choosing within one year of a written request from the Township. The location of the additional return must be within 200 feet of active cable plant.

- F. The Company shall provide the Township with a one-time grant for access related need in the amount of \$40,000 within six months of the issuance of the renewal Certificate of Approval from the OCTV.
- G. The Company shall extend plant at no cost to the Township and provide courtesy basic cable television service, including installation to one outlet at the Township Department of Public Works facility located at 10 Commerce Court.

§ A550-16. Emergency uses.

- A. The Company will comply with the Emergency Alert System ("EAS") rules in accordance with applicable state and federal statutes and regulations.
- B. The Company shall in no way be held liable for any injury suffered by the municipality or any other person, during an emergency, if for any reason the municipality is unable to make full use of the cable television system as contemplated herein.

§ A550-17. Liability insurance.

The Company shall at all times maintain a comprehensive general liability insurance policy with a single limit amount of \$1,000,000 covering liability for any death, personal injury, property damages or other liability arising out of its construction and operation of the cable television system, and an excess liability (or "umbrella") policy in the amount of \$5,000,000.

§ A550-18. Incorporation of the application.

All of the statements and commitments contained in the Application or annexed thereto and incorporated therein, and any amendment thereto, except as modified herein, are binding upon the Company as terms and conditions of this consent. The Application and other relevant writings submitted by the Company shall be annexed hereto and made a part hereof by reference provided same do not conflict with applicable state or federal law.

§ A550-19. Competitive equity.

Should the Municipality grant a franchise to construct, operate and maintain a cable television system to any other person, corporation or entity on terms materially less burdensome or more favorable than the terms contained herein, the Company may substitute such language that is more favorable or less burdensome for the comparable provision of this chapter subject to the provisions of N.J.A.C. 14:17-6.7.

§ A550-20. Separability.

If any section, subsection, sentence, clause, phrase or portion of this chapter is for any reason held invalid or unconstitutional by any court or federal or state agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and its validity or unconstitutionality shall not affect the validity of the remaining portions of the chapter.

§ A550-21. Third-party beneficiaries.

Nothing in this Franchise or in any prior agreement is or was intended to confer third-party beneficiary status on any member of the public to enforce the terms of such agreements or Franchise.

§ A550-22. Effective date.

This chapter shall take effect immediately upon issuance of a Renewal Certificate of Approval from the BPU.

Chapter A565

FEEES

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| § A565-1. Schedule of fees. | § A565-6. Uniform Construction Codes fees. |
| § A565-2. Police Department fees. | § A565-7. Verona Community Pool; membership and other fees. |
| § A565-3. Administrative and other fees. | § A565-8. Senior citizens fees. |
| § A565-4. Health Department fees. | |
| § A565-5. Recreation Department and Community Center fees. | |

[HISTORY: Adopted by the Township Council of the Township of Verona 3-19-1990 by Ord. No. 3-90 (Ch. A175 of the 1981 Code). Amendments noted where applicable.]

§ A565-1. Schedule of fees.¹

Type	Fee	Initial Escrow for Professional Review
Ch. 5, Administration of Government [Added 2-5-2018 by Ord. No. 2018-06]		
§ 5-64I, Application fee for public defender	Maximum of \$200	
§ 5-103D, Fee for officiating marriage and civil union ceremonies	\$100	
Land Use and Development Ch. 55, Land Use Procedures; and Ch. 430, Site Plan Review; and Ch. 466, Subdivision of Land [Amended 4-5-1999 by Ord. No. 1-99; 3-21-2005 by Ord. No. 1-2005]		
Fee for furnishing list of property owners	\$10	
Applications requiring court reporter [Amended 12-8-2015 by Ord. No. 16-15]	\$350 per meeting	
Planning Board fees		
Zoning change request	\$500	\$250
Conditional use application	\$500	\$1,000

1. Editor's Note: Fees corresponding to the following original chapters of the 1981 Code were repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I): Ch. 60, Automobile Sales, Ch. 88, Gasoline Stations, and Ch. 143, Vending Machines, Food and Beverages.

Type	Fee	Initial Escrow for Professional Review
Site plan application:		
Residential — preliminary site plan application		
Minimum	\$400	\$750
Residential apartment, townhouse or condominium	\$50 per unit	\$200 per unit
Commercial — preliminary site plan application		
Minimum	\$400	\$750
0 to 1,000 square feet of gross floor area	\$400	\$750
1,000 to 2,500 square feet of gross floor area	\$500	\$1,000
2,501 to 5,000 square feet of gross floor area	\$700	\$1,500
2,501 to 5,000 square feet of gross floor area	\$1,000	\$2,000
Residential and commercial — final site plan application	1/2 preliminary	1/2 preliminary
Major subdivision:		
Minimum	\$550	\$1,000
Plus	\$150 per lot	\$550 per lot
Final major subdivision	1/2 preliminary	1/2 preliminary
Minor subdivision (one-family residential)		
No new lot created	\$250	None
1 to 3 lots	\$500	\$1,000
Minor subdivision (other, residential or commercial)		
1 to 3 lots	\$250 per lot	\$1,000
Special meeting request for applicant	\$800	
Zoning Board of Adjustment fees		

Type	Fee	Initial Escrow for Professional Review
Administrative appeals pursuant to N.J.S.A. 40:55D-70a	\$100	\$100
Interpretation of zoning regulation pursuant to N.J.S.A. 40:55D-70b	\$200	\$100
Bulk variance applications (one-family) pursuant to N.J.S.A. 40:55D-70c	\$150	\$500
Bulk variance applications (other) pursuant to N.J.S.A. 40:55D-70c	\$550	\$1,000
Use variances pursuant to N.J.S.A. 40:55D-70d	\$750	\$1,000
Sign	\$200	\$100
Site plan application:		
Residential — preliminary site plan application		
Minimum	\$400	\$750
Apartment, townhouse or condominium	\$50 per unit	\$200 per unit
Commercial — preliminary site plan application		
Minimum	\$400	\$750
0 to 1,000 square feet of gross floor area	\$400	\$750
1,001 to 2,500 square feet of gross floor area	\$500	\$1,000
2,501 to 5,000 square feet of gross floor area	\$700	\$1,500
Over 5,001 square feet of gross floor area	\$1,000	\$2,000
Residential and commercial — final site plan application	1/2 preliminary	1/2 preliminary
Major subdivision:		
Minimum	\$550	\$1,000
Plus	\$150 per lot	\$550 per lot
Minor subdivision (one-family residential):		

Type	Fee	Initial Escrow for Professional Review
No new lot created	\$250	None
1 to 3 lots	\$500	\$1,000
Minor subdivision (other, residential or commercial)		
1 to 3 lots	\$250 per lot	\$1,000
Special meeting at request of applicant	\$800	

NOTE: Any site plan processed by the Planning Board requiring variances (other than use variance) and any use variance processed by the Board of Adjustment requiring site plan and/or subdivision approval shall pay a filing fee that equals the collective fee listed above for the application.

Fees for copies of ordinances and Master Plan [Amended 8-13-2012 by Res. No. 74]

Site Plan Review Ordinance, Chapter 430	\$10
Subdivision Ordinance, Chapter 466	\$10
Zoning Ordinance, Chapter 150	\$30
Reexamination report	\$20
Master Plan	\$150

Type	Fee
Ch. 133, Alcoholic Beverages [Amended 4-5-1999 by Ord. No. 1-99; 12-8-2015 by Ord. No. 16-15; 2-11-2019 by Ord. No. 2019-07]	
Plenary retail consumption license [Amended 3-9-2020 by Ord. No. 2020-07]	\$2,419
Plenary retail distribution license [Amended 3-9-2020 by Ord. No. 2020-07]	\$1,555
Limited retail distribution license	\$63
Ch. 139, Amusements [Amended 4-5-1999 by Ord. No. 1-99; at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]	
Carnival license, per day	\$250
License for poolroom, billiard room and bowling alley, for each billiard table, pool table or bowling alley, per annum	\$50
Ch. 140, Vehicles and Traffic [Added 2-7-1994 by Ord. No. 1-94; amended 4-5-1999 by Ord. No. 1-99; 3-21-2005 by Ord. No. 1-2005]	

Type		Fee	
	Parking meter rates	\$0.25 per hour	\$8.80
	Overnight parking permit, quarterly	\$75	\$1.00
	Overnight parking permit, semiannual	\$130	\$0.20
	Overnight parking permit, annual	\$250	
	Overnight parking permit, transfer application	\$15	\$10
	Overnight parking permit, replace lost or destroyed permit	\$15	\$25
	§ 140-7, Overnight parking [Added 12-8-2015 by Ord. No. 16-15; amended 2-11-2019 by Ord. No. 2019-07]	\$35	
	Overnight parking, county and state roadways [Added 9-9-2019 by Ord. No. 2019-25]	\$45	
	§ 140-7B(5), Improper placement of permit decal [Added 2-11-2019 by Ord. No. 2019-07]	\$40	
	§ 140-20.3B, Unlawful parking at electric vehicle parking stations [Added 12-16-2019 by Ord. No. 2019-38]	\$35	
	§ 140-20.3C, Charging station fees [Added 12-16-2019 by Ord. No. 2019-38]		
	Up to two hours	No charge	
	After two hours	\$1 per hour	
	§ 140-35, Prohibited parking [Added 12-8-2015 by Ord. No. 16-15; amended 2-11-2019 by Ord. No. 2019-07]	\$35	
	§ 140-36, Parking prohibited during certain hours [Added 2-11-2019 by Ord. No. 2019-07]	\$35	
	§ 140-37, Stopping or standing [Added 12-8-2015 by Ord. No. 16-15; amended 2-11-2019 by Ord. No. 2019-07]	\$35	
	§ 140-63F, Overtime meter parking [Added 12-8-2015 by Ord. No. 16-15 ² ; amended 2-11-2019 by Ord. No. 2019-07]	\$35	

2. Editor's Note: This ordinance included a maximum fine and imprisonment term following this fine; such maximum fine and imprisonment term were repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

Type		Fee
§ 140-70A, Parking permits [Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]		
	Quarterly	\$75
	Semiannual	\$130
	Annual	\$250
Ch. 196, Conversion of Rental Dwelling Units [Amended 4-5-1999 by Ord. No. 1-99]		
	Conversion fee, per unit	\$150
Ch. 244, Filming [Added 10-5-1998 by Ord. No. 13-98]		
	Basic filming fee	\$75
	Basic filming permit with expedited processing	\$125
	Daily filming fee, per day	\$500
	Basic filming permit, nonprofit/educational	\$25
Ch. 262, Fire Prevention [Added 3-3-1997 by Ord. No. 3-97; amended 3-18-2002 by Ord. No. 5-2002; 3-21-2016 by Ord. No. 4-16]		
§ 262-6A, Non-life-hazard uses		
	Annual registration	
	15,000 square feet and over	\$370
	10,000 to 14,999 square feet	\$250
	5,000 to 9,999 square feet	\$130
	1,000 to 4,999 square feet	\$80
	251 to 999 square feet	\$50
	Up to 250 square feet	\$30
§ 262-8B, Uniform Fire Code permits		
Permit fees for storage of flammable, combustible, hazardous and unstable materials in liquid, gas or solid form		
	1 to 10 cylinders	\$30
	11 to 20 cylinders	\$60
	1 to 30 containers	\$60
	1 to 30 boxes	\$60

Type		Fee
	1 to 10 drums	\$60
	30 to 550 gallons	\$60
	More than 20 cylinders	\$250
	More than 30 containers	\$250
	More than 30 boxes	\$250
	More than 550 gallons	\$250
	More than 10 drums	\$250
	Hot tar roofing permit, per job	\$60
§ 262-10C, False alarms. Penalties for false alarms transmitted from a multifamily residential complex, business, commercial, eleemosynary and/or industrial premises		
	Number of alarms within a calendar year	Penalty
	First two false alarms	Warning only
	Third false alarm	\$200
	Fourth false alarm	\$300
	Fifth false alarm	\$500
	Six or more false alarms	\$1,000
§ 262-10D, False alarms. Penalties for false alarms transmitted from single-family detached dwellings, individual townhouses and condominium unit dwelling		
	Number of alarms within a calendar year	Penalty
	First two false alarms	Warning only
	Third false alarm	\$100
	Fourth false alarms	\$200
	Fifth false alarms	\$300
	Six or more false alarms	\$500
§ 262-19E and F, Certificate of smoke detector, carbon monoxide and portable fire extinguisher compliance		Fee
	Inspection requests received at least seven business days prior to the scheduled date of inspection	\$50
	Inspection requests received within three to six business days prior to the scheduled date of inspection	\$75

Type		Fee
	Inspection requests received less than three business days prior to the scheduled date of inspection	\$100
	Reinspection fees	
	First reinspection	\$0
	Second reinspection	\$50
	Third reinspection	\$100
	Fourth reinspection	\$150
Ch. 276, Retail Food Establishments [Added 8-3-1992 by Ord. No. 10-92; amended 4-5-1999 by Ord. No. 1-99; 10-22-2007 by Ord. No. 14-07; 11-5-2007 by Res. No. 112³]		
	Temporary food handling permits:	
	One day	\$10
	Two days or more, maximum 10 days	\$10 per day
	Retail food establishments:	
	Type I	\$100
	Type II	\$200
	Type III	\$300
	Type IV	\$400
	Vending machines	\$10
	Reinspection fees	Same as original license fee
	Food handler's certificate	At Health Department cost
	Verona Health Department course of general instruction for food handler's certificate	At Health Department cost
Ch. 287, Garage Sales		
	License fee for garage sales	\$10
Ch. 300, Hazardous Substances [Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]		
	Annual registration fee	\$30

3. Editor's Note: This resolution also provided that license fees shall accompany the application for the license and that category and type designations shall be determined by the Health Officer in accordance with New Jersey State Health Department guidelines.

Type	Fee
SARA Title III documentation	\$5 per page
Ch. 292, Gasoline Stations [Amended 4-15-1996 by Ord. No. 2-96; 10-22-2007 by Ord. No. 14-07; repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]	
Ch. 370, Park Rules and Regulations [Added 2-11-2019 by Ord. No. 2019-07]	
§ 370-1A(13), Vehicle in park after 10:00 p.m.	\$100
Ch. 380, Peddlers and Solicitors	
Peddler license fees	
One day	\$25
One week	\$75
One month	\$150
Over one month and any additional time not exceeding six months	\$250
One year	\$400
Transient merchant license fee	
180 days	\$750
Additional charge of the applicable amount under "peddler license fee"	
License fee [Added 4-22-2019 by Ord. No. 2019-14]	\$50
Ch. 390, Property Maintenance	
Reinspection fee	\$50
Inspection fee for dwelling of three or fewer dwelling units	\$50
Each additional unit over three	\$10
Status report fee	\$10
Front yard parking [Added 2-11-2019 by Ord. No. 2019-07]	\$200

Type	Fee
Ch. 440, Soil Removal	
Application fee	\$100
Ch. 446, Solid Waste and Recycling [Added 5-21-2018 by Ord. No. 2018-18]	
§ 446-4A, Improper placement of recycling receptacles	\$250

Type		Fee
§ 446-33, Hours of placement for collection		\$250
§ 446-34C, Waiver application fee		\$300
Ch. 460, Streets and Sidewalks		
Fees for road opening and storage permit:		
	Bituminous pavement	\$50
	Bituminous pavement on concrete base and reinforced concrete pavement, per square yard	\$75
	Minimum charge	\$100
	Earth shoulder opening	\$25
Construction of new driveway apron		\$15
New curb and sidewalk construction		\$15
Major repairs to sidewalk, curbing and driveway apron		\$15
Snow removal violation [Added 2-11-2019 by Ord. No. 2019-07]		\$200
Raked leaves into the street [Added 2-11-2019 by Ord. No. 2019-07]		\$200
Ch. 472, Swimming Pools, Private [Amended 3-18-2002 by Ord. No. 5-2002; 10-22-2007 by Ord. No. 14-07]		
Permanent pool/in-ground		
	Permit (includes fence)	\$100
	Certificate of occupancy	\$50
Portable pool plus electrical permit		\$50
Ch. 479, Taxicabs and Limousines⁴		
Limousines [Added 12-8-2015 by Ord. No. 16-15]		
Annual license (per vehicle)		\$30
Annual license (per driver)		\$20
Ch. 488, Towing [Added 12-8-2015 by Ord. No. 16-15]		
Application fee		\$500/\$15
Towing of impounded automobile		\$125/\$0.50
Towing of automobile involved in an accident		\$125

4. Editor's Note: All fees related to taxicabs were repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

Type	Fee
Towing of disabled automobile	\$125/\$8
Storage (each calendar day)	\$30/\$6
Yard charge (only for accidents)	\$40/\$0.50
Righting of overturned automobile (on side or upside down)	\$125
Ch. 493, Trees, Art. II, Tree Protection, Removal and Replacement [Added 10-21-2019 by Ord. No. 2019-34]	
Tree removal permit application fee (up to two trees)	\$50
A permit renewal fee per tree to be removed per six-month renewal period	\$10
Permit fee for dead, diseased or hazardous tree removal	\$0
Tree replacement fund payment per replacement	\$400
Ch. 519, Water and Sewers [Amended 11-19-1990 by Ord. No. 13-90; 12-18-1995 by Ord. No. 4-95]	
Inspection of service line	\$25
Minimum charge for test to determine accuracy of water meter	\$20
Basic rate per 1,000 gallons of water consumed [Amended 8-5-1996 by Ord. No. 9-96 3-18-2002 by Ord. No. 5-2002; 7-15-2002 by Ord. No. 7-2002; 3-21-2016 by Ord. No. 9-16 ^s]	
Effective April 1, 2016, through December 31, 2016	\$4.81
Effective January 1, 2017, through December 31, 2017	\$5.02
Effective January 1, 2018, through December 31, 2018	\$5.25
Effective January 1, 2019, through December 31, 2019	\$5.49

Type	Fee
Minimum rate for water for any purpose on water consumed less than 3,000 gallons per quarter [Amended 7-15-2002 by Ord. No. 7-2002]	\$15
Installation of water services from main to curb (Township roads; additional cost for county or state highways based on time and material):	
Size (inches)	

5. Editor's Note: This ordinance also provided that, beginning on January 1, 2017, and annually thereafter, the Chief Financial Officer shall adjust the water rate not to exceed the cost of living adjustment. The cost of living adjustment shall be based on the Implicit Price Deflator for State and Local Governments for New Jersey and published by the U.S. Department of Commerce, Bureau of Economic Analysis.

Type		Fee
	3/4	\$600
	1	\$700
	1 1/2	\$800
	2	\$1,000
Furnishing and installing meter other than for one- or two-family dwellings [Amended 10-22-2007 by Ord. No. 14-07]		
	Size (inches)	
	5/8 x 3/4	\$250
	1	\$350
	1 1/2	\$550
	2	\$850
Servicing of water meter		
	Minimum charge for all repairs	\$25
Relocation of service line		
	Cost of new service, plus specified amount for discontinuance of existing service	\$150
Water used for construction purposes		
	Minimum charge [Amended 7-15-2002 by Ord. No. 7-2002]	\$100
Use of nonmetered fire plug and hydrant, annually, per hydrant [Amended 4-2-2001 by Ord. No. 2-2001]		\$500
Cost of shutting off water as Township action [Amended 8-19-2019 by Ord. No. 2019-20]		\$20
Cost of turning on water as Township action [Amended 8-19-2019 by Ord. No. 2019-20]		\$20
Cost of shutting off water at owner's request [Added 8-19-2019 by Ord. No. 2019-20]		\$20
Cost of turning on water at owner's request [Added 8-19-2019 by Ord. No. 2019-20]		\$20
Application for installation of refrigeration and air-conditioning system		\$15
Final reading [Amended 8-19-2019 by Ord. No. 2019-20]		\$25
Building sewer permit		\$50
Sewer extension permit		\$100

Type		Fee
Annual sewer user charge for all users, per equivalent connection (billed in quarterly installments) effective 1-1-2019 [Added 4-6-1998 by Ord. No. 5-98; amended 7-15-2002 by Ord. No. 7-2002; 1-8-2017 by Ord. No. 2017-29; 2-11-2019 by Ord. No. 2019-06]		\$600
Quarterly sewer user charge, per equivalent connection, for persons entitled to reduction under § 519-51 [Added 7-13-1998 by Ord. No. 6-98; amended 1-8-2017 by Ord. No. 2017-29]		
	For applications received by the Tax Collector prior to January 1, 2018	\$87.50
	For applications received by the Tax Collector on or after January 1, 2018 ⁶	\$100
Water connection fee per equivalent connection [Amended 4-6-1998 by Ord. No. 5-98; amended 7-15-2002 by Ord. No. 7-2002; 11-19-2018 by Ord. No. 2018-32; 2-11-2019 by Ord. No. 2019-06]		\$3,500
Sewer connection fee per equivalent connection [Amended 7-15-2002 by Ord. No. 7-2002; 11-19-2018 by Ord. No. 2018-31; 2-11-2019 by Ord. No. 2019-06]		\$3,500
Cost of shutting off and turning on water as Township action due to nonpayment [Added 4-5-1999 by Ord. No. 1-99; amended 7-15-2002 by Ord. No. 7-2002]		\$40 plus postage costs for notices
Nonmetered private fire service main for sprinkler system, annually, based on size (billed in quarterly installments): [Added 7-15-2002 by Ord. No. 7-2002]		
	Size (inches)	
	2	\$82.50
	4	\$330
	6	\$750
	8	\$1,335
Nonmetered temporary hose connection for private fire service [Added 7-15-2002 by Ord. No. 7-2002]		
	Minimum charge	\$100
Use of nonmetered private fire hydrant, annually [Added 7-15-2002 by Ord. No. 7-2002]		\$750

6. Editor's Note: Former entry regarding annual sewer user charge for industrial users, added 4-6-1998 by Ord. No. 5-98, which immediately followed this entry, was repealed 1-8-2017 by Ord. No. 2017-29.

Type	Fee
Public Works Disposal fees [Added 12-15-2003 by Ord. No. 19-2003; amended 5-16-2005 by Ord. No. 10-2005]	
Dumpster permit	\$15
Landscaper's permit (leaf dump) [Amended 5-7-2018 by Ord. No. 2018-11]	\$100/truckload up to 4 cubic yards
Tires (disposal of passenger car tires)	\$5
Tires (disposal of truck tires)	\$10
Propane tanks (disposal)	\$5
Leaf bags [Amended 12-8-2015 by Ord. No. 16-15; 11-19-2018 by Ord. No. 2018-31]	
Individual	\$0.50
Bundle	\$23
Recycling containers	\$5

§ A565-2. Police Department fees.⁷ [Amended 4-5-1999 by Ord. No. 1-99; 3-21-2005 by Ord. No. 2-2005; 10-22-2007 by Ord. No. 14-07; 12-8-2015 by Ord. No. 16-15]

Police Department fees are as follows:

Type	Fee
Side jobs	
Administrative fee	\$6 per hour
Car fee (billed in four-hour increments)	\$50 per 4 hours
Impound claim administrative fee	\$25
Personal fingerprints, per card	\$10
Firearms ID card	\$10
Firearms pistol-purchase permit	\$10
Firearms gun-carrying permit	\$25
Records check; character letters (non-law enforcement; nongovernment agencies)	\$25
Incident report [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]	

7. Editor's Note: Original § A175-3 of the 1981 Code, Elevator inspection fees, which previously followed this section, was repealed 4-15-1996 by Ord. No. 2-96.

Type	Fee
Per page, letter size	\$0.05 per page
Per page, legal size	\$0.07 each page
Accident report	
Pickup	\$1.50
Mail	\$5 first three pages, \$1 for each additional page
Photograph	
Standard copy paper	\$2.50
Standard, other	\$5
Black and white	\$5
Copy of videotape or disc	\$25 per disc
Photograph of discs	\$25 per disc
Audio tape	\$25
Township resident ID card	\$10

Type	Fee
§ 87-24A, Payment schedule [Added 5-21-2018 by Ord. No. 2018-17]	
All work between the hours of 7:00 a.m. and 7:00 p.m.	\$69 per hour
All extra duty work between 7:00 p.m. and 7:00 a.m.	\$74 per hour
All extra duty work performed on holidays and weekends	\$74 per hour
§ 87-24B, Police side-job administrative fee	
§ 87-24B, Special police officer, administrative fee: plus 10%	
§ 87-54A, Special police officer fees	
Organizations	\$30 per hour
Contractors	\$50 per hour
§ 87-54C, Special police officer, patrol car fee (billed in four-hour increments)	\$50 per 4 hours

§ A565-3. Administrative and other fees. [Added 4-5-1999 by Ord. No. 1-99; amended 3-21-2005 by Ord. No. 5-2005; 12-8-2015 by Ord. No. 16-15]

Administrative and other fees are as follows:

Type	Fee
Tax Map	\$5
Township Map	\$1
Reproduction	
Letter size, per page	\$0.05
Legal size, per page	\$0.07
Flood hazard area determination certification	\$20
Duplicate tax bill - same tax bill in same fiscal year [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]	
First duplicate copy	\$5
Each subsequent duplicate copy	\$25
Copy of tax history	\$3
Copy of water history	\$3
Returned check (all Township departments) [Amended 8-19-2019 by Ord. No. 2019-20]	\$20
Duplicate tax sale certificate [Added 8-19-2019 by Ord. No. 2019-20]	\$100
Tax sale certificate redemption [Added 8-19-2019 by Ord. No. 2019-20]	\$50
Public improvement projects with specifications, per set	\$50
Public improvements projects with plans and specifications, per set	\$75

§ A565-4. Health Department fees. [Amended 4-5-1999 by Ord. No. 1-99; 3-18-2002 by Ord. No. 5-2002; 10-22-2007 by Ord. No. 14-07]

Health Department fees (other than retail food establishments) are as follows:

Type	Fee
Vital statistics:	
Certified copies of:	\$10 per copy
Birth	
Death	
Marriage	

Type		Fee
	Domestic partnerships	
	All other copies	\$0.50 per page
Marriage licenses		\$28 (state law)
Domestic partnerships		\$28 (state law)
Civil unions		\$28
Corrections to vital records		\$20
Burial permits		\$1
Abstract certifications		\$5
Flu immunizations		\$20
	Seniors 65+	Medicare billed
SMAC		
	Prostate screening	\$30
	Cholesterol screening	\$30
	Bone density	\$12/\$8 for senior citizens
	Mammography	\$10/\$8 for senior citizens
Medical transport: [Amended 2-11-2019 by Ord. No. 2019-07]		
	In-town ride	\$5 round trip
	Out-of-town ride	\$10 round trip
	One-way ride	\$5
Food and milk license		
	Milk/ice cream delivery trucks	Discontinued fee. Exclusive of vending
	Milk/ice cream delivery trucks	\$25; e.g., Good Humor, etc.
	Trucks selling food from the truck	\$40
	Milk license fee charged to restaurants and nonvending delivery trucks	Discontinued fee
	Trucks delivering to food establishments	Discontinued fee

§ A565-5. Recreation Department and Community Center fees. [Amended 4-5-1999 by Ord. No. 1-99; 4-2-2001 by Ord. No. 2-2001; 3-18-2002 by Ord. No. 5-2002; 5-19-2003 by Ord. No. 3-2003; 10-22-2007 by Ord. No. 14-07; 10-6-2008 by Res. No. 99; 11-18-

2013 by Res. No. 132; 9-15-2014 by Res. No. 99; 2-8-2015 by Ord. No. 16-15; 2-16-2016 by Ord. No. 2-16; 3-21-2016 by Ord. No. 6-16; 2-11-2019 by Ord. No. 2019-07]

Type	Fee
Sports Recreation Department	
Youth sport programs	\$10 to \$100
Adult health, exercise, and wellness	\$10 to \$100
Youth art and dance	\$10 to \$100
Adult team sports	\$200 to \$400 per team
Rutgers coaching class	\$40 to \$60
Administrative fee (refunds and events)	20%
Uniform non-return fee	\$25
Golf Tournament:	
Golf package/per golfer	\$150
Dinner only	\$75
Dinner sponsor	\$1,000
Snack stand	\$250
Golf balls sponsor	\$375
Hole sponsor	\$100
Summer Playgrounds and Programs	
Summer playground	\$300 per child
Maximum family rate: 2+ children	\$600
Summer kick-off program	\$100; late fee \$50
General art programs	\$40 to \$100
Clinic package (summer program)	\$50 to \$100
Camp package (summer program)	\$75 to \$125
Clinic package and camp package, combined	\$75 to \$125
What Am I Gonna Do Today?	\$5 per child per day
Teachers' Convention	\$5 per child per day
Open gym/dance	\$5 to \$25
Instructional clinics	\$20 to \$90
Special event/program	\$5 to \$50

Type	Fee
After-school drop-in	No charge
Late fee for summer playgrounds	\$30 to \$50
Late fee — programs	\$10
Late fee — teams	\$25
* Unless otherwise indicated, all above fees are per person.	
Gym Rental	
Use of gym in conjunction with other field use	\$300 per week
Township residents (no equipment rental)	\$75 per hour
Nonresidents (no equipment rental)	\$150 per hour
Verona organizations	\$75 per hour
Non-Verona organizations	\$150 per hour
Field rentals (Verona-based individuals or groups)	
Rentals up to 4 hours per day	\$150 per day plus \$25 maintenance fee
Rentals up to 8 hours per day	\$250 per day plus \$25 maintenance fee
Flat fee for full week rental (7 days)	\$700 per week plus \$175 maintenance fee
Field rental (non-Verona-based individuals or groups)	
Rentals up to 4 hours per day	\$300 per day plus \$50 maintenance fee
Rentals up to 8 hours per day	\$500 per day plus \$50 maintenance fee
Flat fee for full week rental (7 days)	\$1,400 per week plus \$350 maintenance fee
Community Center Room Rentals	
Birthday parties	
Two-hour rental of gym and Fireman's Room	\$200 flat fee plus \$50 Maintenance fee
Additional fee for extra hours	\$100 per hour
Large room (Ballroom)	
Township residents — 2 hours minimum	\$75 per hour plus \$75 maintenance fee
Nonresidents — 2 hours minimum	\$150 per hour plus \$75 maintenance fee
Small room (Fireman's Room)	
Township residents — 2 hours minimum	\$50 per hour plus \$50 maintenance fee

Type	Fee
Nonresidents — 2 hours minimum	\$100 per hour plus \$50 maintenance fee
Conference room	\$25 per hour
Annex	
Classroom rental — billed in four-hour increments	\$200 per 4 hours plus \$50 maintenance fee
Fair in the Square	
Various vendor fees	\$5 to \$100

§ A565-6. Uniform Construction Codes fees. [Added 4-5-1999 by Ord. No. 1-99; amended 3-18-2002 by Ord. No. 5-2002; 9-3-2002 by Ord. No. 8-2002; 3-21-2005 by Ord. No. 4-2005; 10-22-2007 by Ord. No. 14-07; 11-1-2010 by Ord. No. 11-10; 12-8-2015 by Ord. No. 16-15; 2-11-2019 by Ord. No. 2019-07]

A. General.

- (1) The fee for plan review, computed as a percentage of the fee for a construction permit, shall be paid at the time of submission of an application for a permit. The amount of this fee shall be deducted from the amount of the fee due for a construction permit when the permit is issued.
- (2) The fee to be charged for a construction permit will be the sum of the basic fee computed in accordance with Subsection C below, plus any applicable special fees such as elevator or sign fees. This fee shall be paid before a permit is issued.
- (3) The fee to be charged for a certificate of occupancy shall be in addition to the construction permit fee and shall be paid before a certificate is issued.
- (4) The fee for an annual construction fee shall be as provided in N.J.A.C. 5:23-4.18(a)4 and 5.

B. Plan review fees. The fee for plan review shall be 20% of the amount to be charged for a new construction permit, 5% for additions and/or alterations to one- or two-family properties, and 20% for additions and/or alterations for all other properties. For projects which do not require plan review for all subcodes, the fee shall be 20% of the subcode fee which is applicable.

C. Basic construction fees.

- (1) The basic construction fee shall be computed on the basis of the volume of the building or, in the case of alterations, the estimated construction cost, and the number of types of plumbing, electrical, and fire protection fixtures or devices as herein provided.
 - (a) Fees for new construction shall be based on the volume of the structure. Volume shall be computed in accordance with N.J.A.C.5:23-2.28. The new construction fees shall be in the amount of \$0.06 per cubic foot of volume

for buildings and structures of all use groups and types of construction. There shall be a minimum fee of \$65.

- (b) Fees for renovation, alteration, and repairs to site construction associated with pre-manufactured construction, and the external utility connection for pre-manufactured construction, shall be based on the estimated cost of work. The fee shall be \$65 for the first \$1,000 of estimated cost and \$25 for each additional \$1,000 or part thereof.
 - (c) Fees for an addition shall be computed on the same basis as for new construction for the added portion.
 - (d) Fees for roofing and siding shall be flat fees of \$75 for residential structures and for commercial shall be \$30 per \$1,000 of estimated cost.
 - (e) The fee for the installation of central air conditioning shall be \$65 for one- and two-family residential structures and for all others \$30 per \$1,000 of estimated cost, plus the applicable electrical and plumbing fees.
 - (f) Fees for a combination of renovation and additions shall be computed as the sum of the fees of the addition and alteration computed separately.
 - (g) The fee for a permit to install, decommission, or remove a heating fuel storage tank, whether aboveground or below-ground, shall be \$75 for a one- or two-family residential structure and \$150 for all other structures.
 - (h) The fee for a permit to install or replace a gasoline, oil, or other fuel storage tank, other than a heating fuel storage tank, shall be \$150.
 - (i) The fee to install carpeting shall be \$50 (plus DCA).
 - (j) The fee for a partial permit release to begin construction shall be \$65.
 - (k) The fee for asbestos removal shall be \$65 for residential properties and \$120 for commercial properties.
 - (l) The fee for a fence permit over six feet in height or a retaining wall four feet in height or over shall be \$75 for one- and two-family residential properties and \$30 per \$1,000 of estimated cost of work for all other properties.
- (2) Plumbing fixtures and equipment. The fees shall be as follows:
- (a) The minimum fee shall be \$80 for a commercial structure and \$65 for a residential structure, to include the first fixture of the installation of gas piping.
 - (b) The fee shall be \$15 per fixture connected to the plumbing system for all fixtures, except as listed below.
 - (c) For special devices, which include but are not limited to grease traps, oil separators, lawn sprinkler systems, water-cooled machines, interior roof drains, backflow preventers, and sewer ejectors, the fee shall be \$75.

- (d) The fee for the installation of any heating unit shall be \$75 per unit.
- (e) Each separate unit for occupancy in a multiple dwelling shall require a separate plumbing permit.
- (3) Electrical fixtures and devices. The minimum fee shall be \$65. The fee shall be based upon the number of electrical fixtures and devices to be installed as follows:
 - (a) For the first block consisting of up to and including one to 50 receptacles, fixtures, or devices, the fee shall be \$65.
 - (b) For each additional block consisting of up to and including 25 receptacles, fixtures, or devices, the fee shall be \$15.
 - (c) For all other electrical items, fees shall be in accordance with N.J.A.C. 5:23-4.20iii(1) through (12) and any contractual or administrative arrangements into which the Township may enter.
- (4) Fire protection fees shall be charged as follows:
 - (a) For the installation of sprinkler systems:
 - [1] For the first 20 heads: \$65.
 - [2] For 21 to 100 heads: \$130.
 - [3] For 101 to 200 heads: \$254.
 - [4] For 201 to 400 heads: \$618.
 - [5] For more than 400 heads: \$1,150.
 - (b) For the installation of standpipes: \$100.
 - (c) For the installation of automatic fire alarms and smoke and heat detectors:
 - [1] For the first 20 units: \$65.
 - [2] For 21 to 100 units: \$130.
 - [3] For 101 to 200 units: \$195.
 - [4] For 201 to 400 units: \$260.
 - [5] For more than 400 units: \$390.
 - (d) For the installation of commercial cooking suppression systems: \$120 per unit.
 - (e) For the installation of audible/visible horn strobes, \$25 per unit, with a minimum fee of \$65.
 - (f) For the installation of exit signs, \$25 for up to 10 signs and \$65 if over 10 signs.

- (g) For the installation of emergency lighting, \$25 for up to 10 lights and \$65 if over 10 lights.
 - (h) For the installation of exit signs/emergency lighting packs, \$25 for up to 10 packs, and \$65 if over 10 packs.
 - (i) For the installation of Knox® rapid entry boxes, \$25 per unit.
 - (j) For the installation of fuel-fired appliances, fireplace venting/metal chimney and chimney liners, the fee shall be \$70.
- D. Demolition permit fee. Permit fees for demolition of a building or structure shall be \$75 for an accessory structure, \$150 for a one- or two-family residential structure, \$300 per commercial building, and \$200 for all other structures.
- E. A sign permit fee. The fee for a permit to construct or erect a sign shall be \$5 per square foot, with a minimum fee of \$65 per sign.
- F. Certificate fees.
 - (1) The fee for a certificate of occupancy for new construction shall be 10% of the building permit or a minimum fee of \$100.
 - (2) The fee for a certificate of continued occupancy, for certificate of occupancy granted pursuant to a change of use, and for multiple certificates of occupancy shall be \$100.
 - (3) The fee for a temporary certificate of occupancy for a multifamily dwelling or commercial use shall be \$100. A temporary certificate of occupancy shall expire 90 days from the date issued. An extension may be applied for and, if granted, there shall be an additional fee of \$100 charged.
 - (4) The fee for an application for a variation in accordance with N.J.A.C. 5:23-2.10 shall be \$100.
- G. Elevator fees shall be as follows:
 - (1) The fee for a permit to install an elevator device shall be in accordance with N.J.A.C.5:23-12.
 - (2) The fee for inspection and witnessing of test for an elevator, escalator, moving walk, dumbwaiter, or other elevator device shall be as set forth in N.J.A.C.5:23-12.
- H. State permit fees. In order to provide for training and certification and technical support programs required by the Uniform Construction Code, the Township shall construct a surcharge fee for new construction within the municipality. The fee shall be established by and determined in accordance with N.J.A.C. 5:23-4.19, as may be hereafter amended or supplemented.

§ A565-7. Verona Community Pool; membership and other fees. [Added 4-2-2001 by Ord. No. 2-2001; amended 3-18-2002 by Ord. No. 5-2002; 2-16-2016 by Ord. No. 1-16; 3-6-2017 by Ord. No. 2017-05]

A. Membership fee schedule.

Type	Fee
Family membership [Amended 2-11-2019 by Ord. No. 2019-07]	\$475
Family with babysitter [Amended 2-11-2019 by Ord. No. 2019-07]	\$580
Couple [Amended 2-11-2019 by Ord. No. 2019-07]	\$440
Parent/child [Amended 2-11-2019 by Ord. No. 2019-07]	\$415
Individual (18 years of age and older) [Amended 2-11-2019 by Ord. No. 2019-07]	\$315
Adult individual twilight [Added 2-11-2019 by Ord. No. 2019-07]	\$180
Senior [Amended 2-11-2019 by Ord. No. 2019-07]	\$165
Adult - guest	\$10
Child - guest	\$6
Guest badge book (6)	\$50
Group swim lessons	\$65
Individual swim lessons	\$20 per lesson
Swim team	\$50 per child for up to 2 children; \$20 additional for 3 or more children
Swim team (late sign-up)	\$25 additional per child
Replacement badge	\$10
Adult individual twilight membership	\$175
Season membership for active members of the Verona Fire Department and/or Verona Rescue Squad with a minimum of one year of service and members of their immediate families who reside in their household	Exempt

NOTES:

1. Residents who sign up after May 1 are subject to an administrative charge of \$25.
2. Residents who sign up online using Community Pass prior to May 2 will be credited with three guest passes.

B. Membership types.

- (1) Family: one or two adults and children 24 years of age or younger that reside at the same residence within the Township.
- (2) Family with babysitter: family membership plus one adult that may only enter the pool with the children on the family membership.
- (3) Couple: two adults that reside at the residence within the Township.
- (4) Parent/child: one adult and one child 24 years of age or younger that reside at the same residence within the Township.
- (5) Individual: an adult 18 years of age or older who resides within the Township.
- (6) Senior: an adult 62 years of age or older who resides within the Township.
- (7) Adult guest: an adult 18 years of age or older that enters the pool with an adult member.
- (8) Child guest: a child 17 years of age or younger that enters the pool with an adult member.
- (9) Adult individual twilight membership. Member is permitted to enter the pool every day of the week beginning at 5:00 p.m.
- (10) Active members of the Verona Fire Department and/or Verona Rescue Squad. Members of the Regular, Life, Auxiliary and Probationary membership classes of the Verona Fire Department and Active, Life and Probationary membership classes of the Verona Rescue Squad 18 years of age and older with a minimum of one year of service to the organization. Members of their families who reside in their household shall be construed to meaning their spouse and dependents for members 27 years of age and older as of May 1; and parents, brothers and sisters for members under 27 years of age as of May 1.

§ A565-8. Senior citizens fees. [Added 10-22-2007 by Ord. No. 14-07; amended 2-11-2019 by Ord. No. 2019-07]

Type	Fee
General senior programs	\$5 to \$200
Share — food co-op	\$14 per unit
Out-of-town/state trips (day)	\$5 to \$100

Type	Fee
Out-of-town/state trips (overnight)	\$25 to \$2,000
Event parties, holiday, picnic, Oktoberfest	\$3, residents
	\$5, nonresidents

DERIVATION TABLE

Chapter DT

DERIVATION TABLE

§ DT-1. Derivation Table of 1981 Code to 2020 Code.

In order to assist Township of Verona Code users in the transition to the new Code's organization, the Derivation Table indicates where chapters and articles of the 1981 Code have been included in the 2020 Code, or the reason for exclusion.

§ DT-1. Derivation Table of 1981 Code to 2020 Code.

REP = Repealed effective with adoption of Code; see Ch. 1, Art. I.
 NLP = New legislation is pending.

Chapter/Title From 1981 Code	Location in 2020 Code
Part I, Administrative Legislation	
Ch. 1, General Provisions	
Art. I, Adoption of Code by Borough Council	NLP; see Ch. 1, Art. I
Art. II, Legislation Adopted During Codification (reference statement only)	Omitted
Ch. 6, Assessor	Repealed by Ord. No. 2019-37; see now Ch. 5
Ch. 10, Claims	Ch. 12
Ch. 13, Court, Municipal	Repealed by Ord. No. 2020-01; see now Ch. 24
Ch. 16, Environmental Commission	18, Art. II
Ch. 17, Ethics, Code of	REP
Ch. 20, Fire Department	
Art. I, General Regulations	Ch. 35, Art. I
Art. II, Length of Service Award Program	Ch. 35, Art. II
Ch. 25, Health, Board of	REP
Ch. 30, Land Use Procedures	Ch. 55
Ch. 31, Municipal Alliance Committee	Repealed by Ord. No. 21-16; see now Ch. 18, Art. V
Ch. 32, Mutual Assistance Agreements	

Chapter/Title From 1981 Code	Location in 2020 Code
Art. I, Supplemental Fire Assistance	Ch. 35, Art. III
Ch. 34, Officers and Employees	
Art. I, Township Manager	Repealed by Ord. No. 2018-05; see now Ch. 5
Art. II, Township Attorney	Repealed by Ord. No. 2018-05; see now Ch. 5
Art. III, Township Public Defender	Repealed by Ord. No. 2018-05; see now Ch. 5
Art. IV, Township Prosecutor	Repealed by Ord. No. 2018-05; see now Ch. 5
Art. V, Township Engineer	Repealed by Ord. No. 2018-05; see now Ch. 5
Art. VI, Township Tax Collector	Repealed by Ord. No. 2018-05; see now Ch. 5
Art. VII, Deputy Municipal Clerk	Repealed by Ord. No. 2018-05; see now Ch. 5
Art. VIII, Chief Financial Officer	Repealed by Ord. No. 2018-05; see now Ch. 5
Art. IX, Chief of Police	Repealed by Ord. No. 2019-37; see now Ch. 87
Ch. 36, Personnel Policies	
Art. I, General Policies	Repealed by Ord. No. 2019-37; see now Ch. 79
Art. II, Longevity Pay Plan	Repealed by Ord. No. 2019-37; see now Ch. 79
Art. III, Defense and Indemnification of Officers and Employees	Repealed by Ord. No. 2019-35; see now Ch. 28
Ch. 38, Police Department	Repealed by Ord. No. 2018-17; see now Ch. 87
Ch. 42, Salaries and Compensation	
Art. I, Method of Payment	Repealed by Ord. No. 2019-37; see now Ch. 79
Ch. 44, Shade Tree Commission	Ch. 18, Art. I
Part II, General Legislation	
Ch. 50, Advertising, Pamphlets and Handbills	REP

Chapter/Title From 1981 Code	Location in 2020 Code
Ch. 53, Alarm Systems	Ch. 128
Ch. 54, Alcoholic Beverages	Ch. 133
Ch. 57, Amusements	
Art. I, Carnivals	Ch. 139, Art. I
Art. II, Motion Picture Theaters	Ch. 139, Art. II
Art. III, Poolrooms and Bowling Alleys	Ch. 139, Art. III
Art. IV, Coin-Operated Music Machines	REP
Art. V, Mechanical Amusement Devices	REP
Art. VI, Violations and Penalties	Ch. 139, Art. IV
Ch. 61, Business Establishments	Ch. 171, Art. I
Ch. 61A, Cats	Ch. 145, Art. III
Ch. 61B, Cigarette Vending Machines	REP
Ch. 62, Claims	
Art. I, Fire Insurance	Ch. 253
Ch. 64, Construction Codes, Uniform	Ch. 190
Ch. 65, Conversion of Rental Dwelling Units	Ch. 196
Ch. 66, Criminal History Record Background Check	Ch. 201
Ch. 68, Dogs	Ch. 145, Art. II
Ch. 70, Filming	Ch. 244
Ch. 72, Firearms	Ch. 248
Ch. 73, Fire Lanes	REP
Ch. 74, Fire Prevention	
Art. I, Adoption of Standards; General Provisions	Repealed by Ord. No. 4-16; see now Ch. 262
Art. II, Enforcement of Fire Safety Standards	Repealed by Ord. No. 4-16; see now Ch. 262
Ch. 77, Flood Control	Repealed by Ord. No. 2020-06; see now Ch. 270
Ch. 80, Games of Chance	Ch. 281
Ch. 83, Garage Sales	Ch. 287
Ch. 85, Garbage, Rubbish and Refuse	Repealed by Ord. No. 18-15; see now Ch. 446

Chapter/Title From 1981 Code	Location in 2020 Code
Ch. 88, Gasoline Stations	REP
Ch. 88A, Hazardous Substances	Ch. 300
Ch. 90, Junk, Storage of	Ch. 313
Ch. 95, News Vending Machines	REP
Ch. 96, Noise	Ch. 339
Ch. 100, Park Rules and Regulations	Ch. 370
Ch. 102, Peace and Good Order	
Art. I, General Regulations	Ch. 375
Art. II, Drug Paraphernalia	REP
Art. III, Obscene Material	Ch. 352
Ch. 104, Peddlers and Solicitors	Repealed by Ord. No. 2014-19; see now Ch. 380
Ch. 105, Prevention of Domestic Violence	
Art. I, Domestic Violence Crisis Intervention Team	REP
Ch. 107, Property Maintenance	Ch. 390
Ch. 109, Public Health Nuisances	Ch. 346
Ch. 111, Recycling	Repealed by Ord. No. 18-15; see now Ch. 446
Ch. 112, Rent Control	Ch. 402
Ch. 113, Restaurants	Ch. 407
Ch. 114, Retail Food Establishments	Ch. 276
Ch. 115, School Property and Public Property Map	Repealed by Ord. No. 2018-17; see now Ch. 87
Ch. 116, Sex Offenders	REP
Ch. 118, Site Plan Review	Ch. 430
Ch. 121, Soil Removal	Ch. 440
Ch. 123, Stormwater Management	
Art. I, General Provisions	Ch. 455, Art. I
Art. II, Stormwater Management Controls and Requirements	Ch. 455, Art. II
Ch. 125, Streets and Sidewalks	

Chapter/Title From 1981 Code	Location in 2020 Code
Art. I, Numbering of Buildings; Maintenance of Sidewalks	Ch. 460, Art. I
Art. II, Excavations	Ch. 460, Art. II
Art. III, Street Dedications	Ch. 460, Art. III
Art. IV, Sidewalk Curb Construction	Ch. 460, Art. IV
Art. V, Damage and Obstruction of Streets	Ch. 460, Art. V
Art. VI, Litter	Ch. 460, Art. VI
Art. VII, Violations and Penalties	Ch. 460, Art. VII
Ch. 127, Subdivision of Land	Ch. 466
Ch. 129, Swimming Pools, Private	Ch. 472
Ch. 132, Taxicabs and Limousines	
Art. I, Taxicabs	Ch. 479
Art. II, Limousines	Ch. 479
Ch. 136, Trees	Repealed by Ord. No. 2019-34
Ch. 140, Vehicles and Traffic	Ch. 140
Ch. 143, Vending Machines, Food and Beverages	REP
Ch. 146, Water and Sewers	Ch. 519
Ch. 148, Youth Advisory Committee	Repealed by Ord. No. 2018-02
Ch. 150, Zoning	Ch. 150
Part III, Board of Health Legislation	
Ch. 152, General Provisions, Board of Health	
Art. I, Adoption of Code by Board of Health	REP
Ch. 155, Air Pollution (reference page only)	Omitted
Ch. 157, Animals	Ch. 145, Art. I
Ch. 162, Horseflesh	REP
Ch. 164, Ice, Sale of	REP
Part IV, Shade Tree Commission Legislation	
Ch. 170, General Provisions, Shade Tree Commission	
Art. I, Adoption of Code by Shade Tree Commission (reference page only)	Omitted
Ch. 171, Shade Trees and Shrubs	Ch. 493, Art. I

Chapter/Title From 1981 Code	Location in 2020 Code
Appendix	
Ch. A174, Cable Television	Superseded by Ord. No. 13-09; see now Ch. A550
Ch. A175, Fees	Ch. A565

DISPOSITION LIST

Chapter DL

DISPOSITION LIST

§ DL-1. Disposition Of legislation.

§ DL-1. Disposition Of legislation. The following is a chronological listing of legislation of the Township of Verona adopted since January 1, 2005, indicating its inclusion in the Code or the reason for its exclusion. [Enabling legislation which is not general And permanent in nature is considered to be non-Code material (NCM).] Consult municipal records for disposition of prior legislation.

Enactment	Adoption Date	Subject	Disposition
Ord. No. 1-05	3-21-2005	Fees Amendment	Ch. A565
Ord. No. 2-05	3-21-2005	Fees Amendment	Ch. A565
Ord. No. 3-05	3-21-2005	Vehicles And Traffic Amendment	Ch. 140
Ord. No. 4-05	3-21-2005	Fees Amendment	Ch. A565
Ord. No. 5-05	3-21-2005	Fees Amendment	Ch. A565
Ord. No. 6-05	5-16-2005	Exceeding Budget Appropriate Limits	NCM
Ord. No. 7-05	4-18-2005	Officers And Employees: Chief Of Police Amendment; Police Department Amendment	Ch. 68, Art. X; And Ch. 87, Art. I
Ord. No. 8-05	6-20-2005	Zoning Amendment	Superseded by Ord. No. 6-11
Ord. No. 9-05			Not adopted
Ord. No. 10-05	5-16-2005	Fees Amendment	Ch. A565
Ord. No. 11-05	6-20-2005	Zoning Amendment	Superseded by Ord. No. 6-11
Ord. No. 12-05		Salary	Not adopted
Ord. No. 13-05		Salary	Not adopted
Ord. No. 14-05	8-22-2005	Changing Boundary Line Between Borough Of North Caldwell And Township Of Verona	NCM

Enactment	Adoption Date	Subject	Disposition
Ord. No. 15-05	9-26-2005	Hilltop Property Redevelopment Plan: Zoning Requirements	Superseded by Ord. No. 6-11
Ord. No. 16-05		Zoning Amendment	Superseded by Ord. No. 6-11
Ord. No. 17-05	10-17-2005	Vehicles And Traffic Amendment	Ch. 140
Ord. No. 18-05		Bond	NCM
Ord. No. 19-05		Bond	NCM
Ord. No. 20-05		Bond	NCM
Ord. No. 21-05			Did not pass
Ord. No. 22-05	12-19-2005	Zoning Amendment	Superseded by Ord. No. 6-11
Ord. No. 23-05	11-21-2005	Stormwater Quality	Ch. 455, Art. I
Res. No. 51	3-20-2006	Enforcement Of Fire Safety Standards (Amending Ord. No. 10-2003)	Superseded by Ord. No. 4-16
Ord. No. 1-06	5-15-2006	Establishing CAP Bank	NCM
Ord. No. 2-06		Bond	NCM
Ord. No. 3-06	6-19-2006	Zoning Amendment	Superseded by Ord. No. 6-11
Ord. No. 4-06	5-15-2006	Zoning Amendment	Superseded by Ord. No. 6-11
Ord. No. 5-06		Bond	NCM
Ord. No. 6-06		Bond	NCM
Ord. No. 7-06		Bond	NCM
Ord. No. 8-06		Bond	NCM
Ord. No. 9-06	9-5-2006	Salaries	NCM
Ord. No. 10-06	9-5-2006	Salaries	NCM
Ord. No. 11-06	9-5-2006	Vehicles And Traffic Amendment	Ch. 140
Ord. No. 12-06		Bond	NCM
Ord. No. 13-06	10-30-2006	Property Acquisition	NCM

Enactment	Adoption Date	Subject	Disposition
Ord. No. 14-06	12-18-2006	Vehicles And Traffic Amendment	Ch. 140
Ord. No. 15-06		Salaries	NCM
Ord. No. 1-07	3-5-2007	Zoning Amendment	Superseded by Ord. No. 6-11
Ord. No. 2-07	3-19-2007	Zoning Amendment	Superseded by Ord. No. 6-11
Ord. No. 3-07	2-20-2007	Financial Agreement	NCM
Ord. No. 4-07	2-20-2007	Financial Agreement	NCM
Ord. No. 5-07	5-21-2007	Exceeding Budget: Cap Bank	NCM
Ord. No. 6-07	4-16-2007	Stormwater Management: Stormwater Management Controls And Requirements	Ch. 455, Art. II
Ord. No. 7-07	5-7-2007	Flood Control	Ch. 270
Ord. No. 8-07		Cap Ordinance	NCM
Ord. No. 9-07		Cap Ordinance	NCM
Ord. No. 10-07		Cap Ordinance	NCM
Ord. No. 11-07		Cap Ordinance	NCM
Ord. No. 12-07		Salaries	NCM
Ord. No. 13-07		Salaries	NCM
Ord. No. 14-07	10-22-2007	Fees Amendment	Ch. A565
Res. No. 112	11-5-2007	Fees Amendment	Ch. A565
Ord. No. 1-08		Bond	NCM
Ord. No. 2-08		Capital Ordinance	NCM
Ord. No. 3-08		Index Rate	NCM
Ord. No. 4-08	6-2-2008	Code Of Ethics Amendment	Ch. 30 (footnote only)
Ord. No. 5-08		Bond	NCM
Ord. No. 6-08		Bond	NCM
Ord. No. 7-08		Bond	NCM
Ord. No. 8-08		Bond	NCM
Ord. No. 9-08	7-14-2008	Vehicles And Traffic Amendment	Ch. 140

Enactment	Adoption Date	Subject	Disposition
Ord. No. 10-08	7-14-2008	Business Establishments Amendment	Ch. 171, Art. I
Res. No. 99	10-6-2008	Fees Amendment	Ch. A565
Ord. No. 11-08		Salaries	NCM
Ord. No. 12-08		Salaries	NCM
Ord. No. 13-08	10-20-2008	Criminal History Record Background Check	Ch. 201
Ord. No. 14-08	10-20-2008	Business Establishments Amendment	Ch. 171, Art. I
Ord. No. 15-08	12-1-2008	Salaries Amendment	NCM
Ord. No. 16-08	12-15-2008	Peace And Good Order Amendment	Ch. 375
Ord. No. 17-08	12-15-2008	Business Establishments Amendment	Ch. 171, Art. I
Ord. No. 1-09		Bond	NCM
Ord. No. 2-09			Withdrawn
Ord. No. 3-09		Capital Ordinance	NCM
Ord. No. 4-09		Index Rate	NCM
Ord. No. 5-09		Bond	NCM
Ord. No. 6-09		Bond	NCM
Ord. No. 7-09		Bond	NCM
Ord. No. 8-09		Bond	NCM
Ord. No. 9-09	7-20-2009	Vehicles And Traffic Amendment	Ch. 140
Ord. No. 10-09	9-17-2009	Property Maintenance Amendment	Ch. 390
Ord. No. 11-09		Salaries	NCM
Ord. No. 12-09		Salaries	NCM
Ord. No. 13-09	11-16-2009	Cable Television Franchise Agreement	Ch. A550
Ord. No. 1-10		Bond	NCM
Ord. No. 2-10		Bond	NCM

Enactment	Adoption Date	Subject	Disposition
Ord. No. 3-10	5-3-2010	Zoning Amendment	Superseded by Ord. No. 6-11
Ord. No. 4-10	5-3-2010	Vehicles And Traffic Amendment	Ch. 140
Ord. No. 5-10		Index Rate	NCM
Ord. No. 6-10		Bond	NCM
Ord. No. 7-10		Bond	NCM
Ord. No. 8-10		Bond	NCM
Ord. No. 9-10		Bond	NCM
Ord. No. 10-10	8-16-2010	Vehicles And Traffic Amendment	Ch. 140
Ord. No. 11-10	11-1-2010	Fees Amendment	Ch. A565
Ord. No. 12-10		Salaries	NCM
Ord. No. 13-10		Salaries	NCM
Ord. No. 1-11	2-7-2011	Vehicles And Traffic Amendment	Ch. 140
Ord. No. 2-11	3-7-2011	Salaries	NCM
Ord. No. 3-11	3-7-2011	Bond	NCM
Ord. No. 4-11	3-21-2011	Appropriation	NCM
Ord. No. 5-11	6-6-2011	Exceed Budget; Cap Bank	NCM
Ord. No. 6-11	8-15-2011	Zoning	Ch. 530
Ord. No. 7-11		Bond	NCM
Ord. No. 8-11		Bond	NCM
Ord. No. 9-11		Bond	NCM
Ord. No. 10-11		Bond	NCM
Ord. No. 11-11		Tax Exemption Agreement With CenRose Hilltop Urban Renewal II LLC	NCM
Ord. No. 12-11	9-19-2011	Vehicles And Traffic Amendment	Ch. 140
Ord. No. 13-11	10-17-2011	Salaries	NCM
Ord. No. 14-11	10-17-2011	Salaries	NCM
Ord. No. 15-11		Bond	NCM

Enactment	Adoption Date	Subject	Disposition
Ord. No. 16-11	11-21-2011	Vehicles And Traffic Amendment	Ch. 140
Ord. No. 1-12	4-2-2012	Trees: Shade Trees Amendment	Ch. 493, Art. I
Ord. No. 2-12	5-7-2012	Exceed Budget; Cap Bank	NCM
Ord. No. 3-12	5-21-2012	Bond	NCM
Ord. No. 4-12	8-13-2012	Vehicles And Traffic Amendment	Ch. 140
Res. No. 74	8-13-2012	Site Plan Review Amendment	Ch. 430
Ord. No. 5-12	10-15-2012	Stormwater Management: Stormwater Quality Amendment	Ch. 455, Art. I
Ord. No. 6-12			Tabled
Ord. No. 7-12			Tabled
Ord. No. 8-12			Tabled
Ord. No. 9-12	11-19-2012	Fees Amendment	Ch. A565
Ord. No. 10-12	12-17-2012	Salaries	NCM
Ord. No. 11-12	12-17-2012	Salaries	NCM
Ord. No. 1-13		Bond	NCM
Ord. No. 2-13		Bond	NCM
Ord. No. 3-13		Bond	NCM
Ord. No. 4-13	6-3-2013	Exceed Budget; Cap Bank	NCM
Ord. No. 5-13		Bond	NCM
Ord. No. 6-13	10-31-2013	Zoning Amendment	Ch. 530
Ord. No. 7-13		Salaries	NCM
Ord. No. 8-13		Salaries	NCM
Res. No. 132	11-18-2013	Fees Amendment	Ch. A565
Ord. No. 1-14	2-18-2014	Designation Of Township As Redeveloper For Hilltop Redevelopment Area	NCM
Ord. No. 2-14	4-7-2014	Bond	NCM
Ord. No. 3-14	6-2-2014	Exceed Budget; Cap Bank	NCM
Ord. No. 4-14			Defeated

Enactment	Adoption Date	Subject	Disposition
Ord. No. 5-14	7-14-2014	Bond	NCM
Ord. No. 6-14	7-14-2014	Bond	NCM
Ord. No. 7-14	7-14-2014	Bond	NCM
Ord. No. 8-14	9-2-2014	Vehicles And Traffic Amendment	Ch. 140
Res. No. 99	9-15-2014	Fees Amendment	Ch. A565
Ord. No. 9-14	12-15-2014	Salaries	NCM
Ord. No. 10-14	12-15-2014	Salaries	NCM
Ord. No. 11-14	12-15-2014	Salaries	NCM
Ord. No. 1-15	6-15-2015	Zoning Amendment	Ch. 530
Ord. No. 2-15	2-17-2015	Zoning Map Amendment	NCM
Ord. No. 3-15	2-17-2015	Taxicabs And Limousines: Limousines	Ch. 479, Art. II
Ord. No. 4-15	3-2-2015	Capital Improvements	NCM
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