

**ORDINANCE NO. 18-07**

**BOROUGH OF NORTH PLAINFIELD  
COUNTY OF SOMERSET  
STATE OF NEW JERSEY**

**AN ORDINANCE TO AMEND, REVISE AND SUPPLEMENT THE VARIOUS PORTIONS OF THE BOROUGH CODE OF THE BOROUGH OF NORTH PLAINFIELD TO ADJUST VARIOUS FEES AND PENALTIES AND RELATED MATTERS**

**WHEREAS**, the Borough of North Plainfield, County of Somerset, State of New Jersey is authorized by State law to establish certain fees and penalties by ordinance, which then sets forth those fees and penalties in the Borough Code for the Borough of North Plainfield; and,

**WHEREAS**, the Borough of North Plainfield, County of Somerset, State of New Jersey believes that it is in the best interest of the Borough to amend, revise and supplement the Borough Code to protect the public health, welfare and safety by adjusting certain fees and/or penalties for certain administrative functions of the Borough, as well as violations of certain Borough Ordinances in the Borough of North Plainfield.

**NOW, THEREFORE, BE IT ORDAINED** by the Borough Council of the Borough of North Plainfield, County of Somerset, State of New Jersey that the following provisions of the Borough Code of the Borough of North Plainfield are hereby amended, revised and supplemented as follows:

**3-1.11 Consent for Roll-off Dumpsters or Containers.**

a. Application for municipal consent for the placement of roll-off dumpsters or containers on or along public highways or public property shall be made in writing to the Chief of Police on a form prescribed by him. The application shall be in the name of the owner of the property to be serviced by the roll-off dumpster or container and shall include:

1. The address of such property;
2. The residence address of the owner of the property;
3. The period of time for which consent is sought;
4. The name and address of the person owning and/or controlling the roll-off dumpster or container;

5. A description of the dimensions, weight, and rails of the roll-off dumpster or container, and of the nature and quantity of material intended to be placed therein; and,
6. A sketch of the intended placement of the roll-off dumpster or container.

b. The Chief of Police shall refer the application to the Director, Department of Public Works, for an evaluation of whether or not utilization of the roll-off dumpsters or containers will probably result in damage to the highway or public property. If the Director, Department of Public Works, concludes that such damage is probable, consent shall not be granted.

c. The Chief of Police shall cause the application to be evaluated for public safety and should he determine that public safety would be endangered by the granting of consent, such consent shall not be granted.

d. In the event the Director, Department of Public Works shall determine that damage to the highway or public property is not probable and the Chief of Police shall determine that public safety will not be endangered, the Chief of Police shall grant written consent provided, however, should the Director, Department of Public Works, recommend conditions to protect against damage to the highway or public property, the consent granted shall include and be subject to such conditions.

e. The applicant shall be responsible to comply with all provisions of N.J.S.A. 27:51-1 and all provisions and conditions of the consent.

f. There shall be a non-refundable application fee of ~~twenty-five (\$25.00)~~ **fifty (\$50.00)** dollars, payable upon the filing of the application.

g. The applicant shall, as a condition precedent to the issuance of the consent, post a deposit of two hundred (\$200.00) dollars, by cash or certified funds, to insure against damage to the highway or public property and compliance with all terms of the consent. The applicant shall be responsible for any costs incurred by the municipality in repairing any damage or curing any failure to comply with the terms of the consent. The deposit shall be utilized as payment towards satisfaction of costs, or returned to the applicant, upon written certification by the Director, Department of Public Works and the Chief of Police, that there were no costs or that any costs have been satisfied.

### **3-3.4 License Required for Indoor or Outdoor Rifle Range.**

a. No person shall hereafter establish, manage, conduct or operate any lands or premises, buildings or any other real or personal property for target practice at any indoor or outdoor pistol or rifle range without first having obtained a license therefor from the Council of the Borough and having paid an annual license fee in the sum of ~~two hundred twenty (\$220.00)~~ **one thousand (\$1,000.00)** dollars to the Borough.

b. Application for such license shall be made on or before June 1 of each year on a form approved by the Council and shall be signed and sworn to by the person actually engaged

in the operation or maintenance of any indoor or outdoor pistol or rifle range within the geographical confines of the Borough.

c. All licenses hereunder shall be issued for one (1) year commencing on July 1 and expiring 12:00 midnight, June 30, of the following year. All renewals shall be applied for and issued in similar manner as an original application and no license shall be issued hereunder unless and until the application therefor shall be investigated and have endorsed thereon or attached thereto, separate certifications by the Building and Zoning Inspector, the Chief of Police and the Fire Inspector of the Borough, that the premises sought to be licensed have been inspected and found to comply with the respective ordinances and requirements of the Borough.

d. No transfer of the license shall be permitted without having first obtained the approval of such transfer from the Borough Council.

### **3-5.4 Registration.**

a. Every owner of a bicycle seeking a registration tag shall make application for same to the Safety Officer on a form to be provided by the Safety Officer. The fee for a registration tag shall be ~~fifty (\$50) cents~~ **two (\$2.00) dollars** and shall be paid at the time of filing the application.

b. Prior to the issuance of a registration tag for any bicycle, the bicycle shall be presented to the Safety Officer or his designee for inspection.

c. A registration tag shall not be issued and affixed to any bicycle unless the same shall, upon inspection, be found to be in proper mechanical condition for safe operation and shall have a legible serial or code number stamped upon the frame thereof. In the event the bicycle does not have a legible serial or code number stamped thereon, the Safety Officer or designee shall, prior to issuance of a registration tag, cause such a number to be stamped thereon.

d. General registration and inspection of bicycles shall be conducted by the Safety Officer or designee with the assistance of the Bicycle Safety Board during the month of October of each year, commencing in 1975, at places and times to be designated by the Safety Officer and publicly announced.

e. Any person seeking a registration tag at a time other than during the general registration period shall present his bicycle for inspection at a time and place fixed by the Safety Officer or designee.

f. A registration tag shall be valid through the second October following the date of issuance at which time it shall be subject to renewal whereupon the same procedure herein provided for initial registration of a bicycle shall be followed.

g. Upon the transfer of ownership of any bicycle, the transferor shall have the registration tag removed therefrom by the Safety Officer who shall, on forms provided by him/her, give the name and address of the person to whom the bicycle was transferred. Such report shall be made within three (3) days of the date of transfer. The transferee shall secure a

registration tag in the manner herein provided in this Section. Proof of ownership may be required by the Safety Officer. The transferor may obtain a new registration tag for a replacement bicycle by following the procedure herein provided for the obtaining of a registration tag provided, however, no application shall be required in such event and provided further that the registration tag shall be valid for the period of time that the registration tag on the transferred bicycle would have remained valid.

h. It shall be unlawful for any person to willfully or maliciously to remove, destroy, mutilate or alter the number of any bicycle frame or alter any registration tag during the time in which such registration tag is operative.

i. Any registration tag which is lost, destroyed or defaced shall be replaced by the Safety Officer upon payment of a fee of ~~fifty (\$.50) cents~~ two (\$2.00) dollars. Any such loss, destruction or defacing shall be reported by the owner of the bicycle to the Safety Officer within forty-eight (48) hours.

j. A rental agency shall not rent or offer any bicycle for rent unless the bicycle is licensed and a registration tag is attached thereto.

### **3-9 FIRE LANES.**

Any person who shall park a vehicle in, on or adjacent to any duly established fire lane, or who shall by any means whatsoever obstruct a duly established fire lane shall be subject to a fine of ~~twenty-five (\$25.00)~~ fifty (\$50.00) dollars.

### **3-14.1 Penalties.**

Any person, company, business or other applicable entity who operates, maintains and/or owns any alarm device or local alarm designed to summon the Police Department, Fire Department or other governmental agency to any location in response to any type of alarm signal shall be responsible for the proper functioning of the equipment and for any false alarm, as more specifically defined in subsection 3-14.2, there shall be assessed the following penalties:

a. For the first three (3) false alarms in any period of twelve (12) consecutive months, a written warning shall be issued to the property owner or business proprietor for each said false alarm.

b. For the fourth (4th) false alarm in any period of twelve (12) consecutive months, the property owner or business proprietor shall pay a fine of not less than ~~fifty (\$50.00)~~ one hundred (\$100.00) dollars to the Borough.

c. For the fifth (5th) false alarm in any period of twelve (12) consecutive months, the property owner or business proprietor shall pay a fine of not less than ~~one hundred (\$100.00)~~ two hundred (\$200.00) dollars to the Borough.

d. For the sixth (6th) false alarm in any period of twelve (12) consecutive months, the property owner or business proprietor shall pay a fine of not less than ~~two hundred fifty (\$250.00)~~ **three hundred (\$300.00)** dollars to the Borough.

e. For the seventh (7th) and subsequent false alarms in any period of twelve (12) consecutive months, the property owner or business proprietor shall pay a fine of not less than ~~five hundred (\$500.00)~~ **seven hundred fifty (\$750.00)** dollars to the Borough for each such false alarm. In addition, commencing with the seventh (7th) false alarm and every subsequent false alarm in any period of twelve (12) consecutive months, the Borough shall have the right to require disconnection of the device for a limited or permanent period of time, provided, however, that the property owner or business proprietor shall be given written notice of the intended disconnection and shall have an opportunity, within thirty (30) calendar days of said notice, to show cause before the Borough Council or their designee why such action should not be taken.

f. In the case of any false alarm, upon written notice from the Borough Chief of Police, or his or her designee, the owner of the device shall, within three (3) business days of such notice, provide a written report setting forth the cause or cause(s) of the false alarm(s), the corrective action taken, a statement as to whether the alarm system has been inspected by an alarm service company, and such other information as the Borough Police Department may reasonably require.

#### **4-1.2 Taxicab Owners Company Licenses; Content and Manner of Application; Fee and Term of Issuance.**

a. Taxicab License Required. No taxicab, as defined in subsection 4-1.1 above, shall be operated over or along or run on any of the thoroughfares located within the Borough, irrespective of the ownership and/or control of said thoroughfares for the transportation of passengers unless it is licensed pursuant to Section 4-1 of the Borough Code.

b. Company Application. Any entity seeking to obtain a taxicab license shall make such application to the Borough Clerk in writing. The applicant shall file with the Borough Clerk a written sworn application containing the following information:

1. The form of business of the applicant; the name, business address, home address, business telephone number, residential telephone number and age of an individual owner or of all partners if a partnership; and, if a corporation, the state of incorporation, a copy of the documents establishing the business, the business address, the business telephone number and the names of all officers, directors, managers and stockholders owning more than ten (10%) percent of the stock of the corporation; or, if no such individual owns more than ten (10%) percent of the stock of the corporation, a sworn statement to such effect.

2. A written description of any and all past business experience of the applicant in providing passenger transportation services, identification and a full description of any and all revocations and/or suspensions of a license or permit held by the applicant or business before the date of the filing the application;

3. The number of vehicles and a description and picture of the vehicle(s) the applicant proposes to use in the operation of the taxicab service, a description of the operations of the proposed taxicab service and the location of the fixed facilities to be used in the operation;

4. A written description of the proposed insignia and color scheme for the applicant's taxicabs and description of the distinctive item of apparel, if any, to be worn by the applicant's taxicab drivers;

5. Documentary evidence from an insurance company authorized to do business in the State of New Jersey showing evidence of insurance for each vehicle to be licensed in the amount and type of coverage required by N.J.S.A. 48:16-3, which shall refer thereon to the vehicle(s) to be insured by make, year and vehicle identification number;

6. For each vehicle to be licensed, a description of the vehicle, including the manufacturer, body type, year, vehicle identification number, state registration number, state license number and expiration date. If the vehicle is leased, a copy of the lease agreement pertaining to each and every vehicle;

7. For each individual owner, or partner if the applicant is a partnership, or the president, manager and each stockholder holding ten (10%) percent or more of the capital stock of the corporation, if the applicant is a corporation (referred to individually and collectively as the "members" of the applicant), a statement of whether or not such person has ever been convicted of a crime; and, if so, the nature of the offense, where convicted and the date(s) of each such conviction; and,

8. The names and addresses of all persons the applicant proposes to have driving its vehicles. Each such individual must apply for and be qualified for a license pursuant to the provisions of subsection 4-1.3 below. The applicant shall provide the Borough Clerk with an updated list of the names and addresses of all such drivers by January 1st of each year, as well as throughout the license term when licensed drivers leave the employ of the applicant and/or any driver seeking to be added.

9. Each applicant for a Borough taxicab license shall maintain a business office in a zone of the Borough where business use is permitted. Said application must contain the actual address of the business office, the phone number of the office and the emergency number for such office and the hours of operation for such office. The requests for the operation of such an office and the items to be located therein are as follows:

(a) A duplicate of each taxicab license issued shall be displayed in a prominent location on the walls of the office. The owner shall also keep, on file, a copy of the taxicab drivers' licenses for all drivers employed by him.

(b) A written record of all taxicab trips which shall include the following information for each taxicab and trip:

- (1) Date of trip;
- (2) License plate number of vehicle for trip;
- (3) Name and license/badge number of driver;
- (4) Time and location of the initiation of the trip;
- (5) Time and location at the termination of the trip;
- (6) Fare collection for each trip.
- (7) Vehicle inspection reports for each vehicle owned and/or operated.

(c) All records required to be maintained herein shall be preserved for a period of at least two (2) years and shall be made available for inspection by any law enforcement officials at any time, with no prior notice required.

(d) A copy of the motor vehicle inspection report for all vehicles utilized as taxicabs, which shall be maintained in the same way and period as set forth above.

c. Investigation of Taxicab License Application. In addition to the application for a taxicab license set forth above, each individual owner, or partner, if the entity is a partnership, or president, manager and each stockholder holding ten (10%) percent or more of the capital stock of the corporation if the entity is a corporation, shall, at their own expense, obtain and submit their Motor Vehicle Commission driver's abstract to the Borough Clerk, who shall forward a copy of such to the Borough of North Plainfield Police Department. The Borough of North Plainfield Police Department shall conduct an investigation and perform a criminal history background check of each such individual owner, partner, president, manager and/or stockholder, whichever is applicable, and make a report to the Borough Council concerning the fitness of the applicant. The applicant shall be responsible for bearing the costs of the investigation and criminal history background check.

d. Fingerprinting Requirements. After completing and submitting the application as set forth in subsection (b) above, every individual owner, or partner, if the entity is a partnership, or president, manager and each stockholder holding ten (10%) percent or more of the capital stock of the corporation if the entity is a corporation, shall be fingerprinted by the Borough of North Plainfield Police Department. Any applicant who refuses to be fingerprinted shall automatically be denied a taxicab license. The applicant shall be required to pay all costs associated with the fingerprinting process and all costs of having the applicant's fingerprints checked through such law enforcement agencies as shall be determined by the Borough's Chief of Police.

e. Fee for and Term of License. All successful applicants for a Borough Taxicab license shall pay a fee of ~~three hundred (\$300.00)~~ five hundred (\$500.00) dollars for each and every taxicab license (each taxicab requires a license). Said taxicab license shall be issued and shall remain in full force and effect for a period of two (2) years from the date of issuance, unless it is received by the Borough or returned by the applicant prior to the expiration of the license.

f. Denial of Taxicab License. An applicant shall be denied a taxicab license upon a finding of any of the following:

1. The applicant, or any member of the applicant as described in this section, has been convicted of aggravated assault, arson, burglary, escape, extortion, homicide, kidnapping, robbery, aggravated sexual assault, sexual assault or endangering the welfare of a child, a crime pursuant to N.J.S.A. 2C:39-3, 2C:39-4 or 2C:39-9, driving while intoxicated or driving under the influence, reckless driving, unless the conviction is for a disorderly persons or petty disorderly persons offense, the unlawful use, possession or sale of a controlled dangerous substance, as well as any crime of violence, and/or a crime in another state, territory, commonwealth or other jurisdiction of the United States or other country that is comparable to one of the foregoing crimes.

2. The applicant, or any member of the applicant as described in this section, has a history of persistent Title 39 violations, such as having more than three (3) moving violations during the preceding two (2) years;

3. The applicant, or any member of the applicant as described in this section, has been convicted of any other crime that relates adversely to the fitness of the applicant to perform a public transportation service; and/or,

4. The applicant has made misstatements of fact, has withheld information and/or has given false information on the taxicab license application.

Applicant shall be defined, as used anywhere in this Code Section 4-1, as any party who has his/her name on the application.

g. Each taxicab owner shall be required to provide, in writing, at least seven (7) working days in advance of any moving of the business' offices the change of address and, if applicable, phone number to the Borough Clerk and North Plainfield Police Department. The owner shall be charged ~~twenty-five (\$25.00)~~ fifty (\$50.00) dollars for each such transfer of a vehicle owner's/operator's license. Working days are defined as Monday through Friday, including holidays, unless the seventh (7th) day is a holiday, the seventh (7th) day shall be the next calendar day as long as it is Monday through Friday.

h. Operation Out of a Residential Zone. An applicant may operate out of a residential zone only if they meet the following requirements:

1. If an applicant desires to run their operation out of a residential zone, they can only have one (1) taxicab, which must be housed, stored and kept within a garage. Under no circumstances shall a taxicab be allowed to park on a street or in a driveway or on a lawn in a residential zone when they are not picking up a fare. This prohibition applies to home based businesses, as well as any other business operating a taxicab business; and

2. The applicant must demonstrate to the Zoning Officer that they will be able to comply with the requirements of the Borough's Home Based Business Ordinance



(Chapter XXII, Article X of the Borough Code). In part, the applicant must demonstrate that the use will be limited solely to office use, that only one (1) car will be kept within the garage when the taxicab is not in operation, that the use will be limited to permanent full-time residents of the dwelling unit, that the garage will be used only for the storage of the vehicle, that the equipment will not create any additional disturbance which would violate any other ordinance and all other regulations as are required by the Borough's Home Based Business Ordinance.

i. General Jurisdiction of the Zoning Officer. The Zoning Officer shall have the jurisdiction and responsibility of investigation and certification that the taxicab business, where applicable, is not operating in a residential zone and that the taxicab business has sufficient off-street parking in a nonresidential zone for any and all taxicabs to be used in the business. The Zoning Officer will also ensure that any taxicab operating out of a residential zone complies with all garaging, parking and business requirements as enunciated throughout the Borough of North Plainfield Code. Parking of commercial vehicles, if enclosed within a garage structure is permitted within a residential zone, as well as any other zone. This shall be consistent with all other parking ordinances.

j. Pickup and Discharge of Passengers. Taxicab businesses shall not be allowed to park their vehicles on the streets of any residential zone. Taxicabs shall be allowed a reasonable time for the pickup and discharge of passengers within the residential zones.

#### **4-1.3 Taxicab Drivers Licenses; Content and Manner of Application; Fee and Term of Issuance.**

a. Required. No person shall drive a taxicab as defined by Subsection 4-1.1 unless he or she has first obtained a license to do so by the Borough Clerk.

b. To Whom Issued. Each applicant for a taxi driver's license shall be at least twenty-one (21) years of age, shall hold a valid driver's license issued by the State of New Jersey, be of sound physical health and good mental character and shall have satisfied all other requirements of this section, including payment of the required fees. No owner of a taxicab to be operated or driven for pay or hire by anyone other than a driver so licensed.

c. Application. Any person seeking to drive a taxicab must obtain a taxicab license by making written application to the Borough Clerk. The applicant shall file with the Borough Clerk a written sworn, under oath application containing the following information:

1. The full name and full address of the applicant, the residence(s) of the applicant for the twelve (12) consecutive months prior to the application, the length of time the applicant resided at said address(es), the number of his/her driver's license, whether the driver's license was ever revoked and/or suspended and, if so, for what reason(s). In addition, the sworn affidavit of two (2) citizens who have known him or her personally for at least one (1) year prior to the date of making such application, attesting to his good moral character.

2. A sworn statement as to whether or not the applicant has been convicted of any traffic violations during the previous five (5) year period; and, if so, the nature of the offenses, where convicted and the date(s) of such conviction.

3. A written description of any past business experience of the applicant, if any, in providing passenger transportation services, especially as to this specific field.

4. A sworn statement, under oath, as to whether or not the applicant has been convicted of any crime in this State or any other State, commonwealth and/or territory, other than motor vehicle in this State; and, if so, the nature of the crime/offense(s), where convicted and the date(s) of such conviction(s).

d. Investigation of Taxicab License Application. In addition to the application for a taxicab license set forth above, the applicant shall, at his or her own expense, obtain and submit the applicant's Motor Vehicle Commission driver's abstract to the Borough Clerk, who shall forward such to the Borough of North Plainfield Police Department. The Borough of North Plainfield Police Department shall conduct an investigation and perform a criminal history background check of the applicant, and make a report to the Borough Council concerning the fitness of the applicant. The applicant shall be responsible for bearing the costs of the investigation and criminal history background check.

e. Fingerprinting Requirements. After completing and submitting the application as set forth in subsection (b), the applicant, shall be fingerprinted by the Borough of North Plainfield Police Department. Any applicant who refuses to be fingerprinted shall be denied a taxicab license. The applicant shall be required to pay all costs associated with the fingerprinting process and all costs of having the applicant's fingerprints checked through such law enforcement agencies as shall be determined by the Borough's Chief of Police. The fingerprinting shall occur also at license renewal.

f. Fee for and Term of License. All successful applicants for a Borough Taxicab license shall pay a fee of ~~one hundred twenty (\$120.00)~~ **two hundred (\$200.00)** dollars. Said taxicab license shall be issued and shall remain in full force and effect for a period of two (2) years from the date of issuance, unless the applicant shall lose his driver's license/privilege to drive and/or have his taxicab license removed by the taxicab owner and/or the Borough.

g. Denial of Taxicab License. An applicant shall be denied a taxicab license upon a finding of any of the following:

1. The applicant has been convicted of aggravated assault, arson, burglary, escape, extortion, homicide, kidnapping, robbery, aggravated sexual assault, sexual assault or endangering the welfare of a child, a crime pursuant to N.J.S.A. 2C:39-3, 2C:39-4 or 2C:39-9, driving while intoxicated or driving under the influence, reckless driving, and/or other than a disorderly persons or petty disorderly persons offense for the unlawful use, possession or sale of a controlled dangerous substance, as well as any other crime of violence, or a crime in another state, territory, commonwealth or other jurisdiction of the United States or other country that is comparable to one of the foregoing crimes.

2. The applicant has a history of persistent Title 39 violations, such as having more than three (3) moving violations during the preceding two (2) years;

3. No conviction for reckless driving, leaving the scene of an accident, operation of a motor vehicle under the influence of alcohol or of a controlled dangerous substance or death by automobile during the prior three (3) years; and/or,

4. The applicant has made misstatements of fact, has withheld information and/or has given false information on the taxicab license application.

The license shall be in writing, numbered and signed by the Borough Clerk on a form provided by the Borough and shall contain the following information: the name and address of the taxicab owner, by whom the driver is employed, the name of the driver, the driver's New Jersey driver's license number and the license number of the cab.

#### **4-2.3 License Fee.**

The license fee for each proprietor as herein defined shall be ~~two hundred (\$200.00)~~ **three hundred (\$300.00)** dollars per year for each device used or played, or exhibited for use or play. All proprietors' license fees shall be payable annually in advance; provided, that where application is made after the expiration of any portion of any license year a license may be issued for the remainder thereof upon payment of a proportionate part of the annual fee. In no case shall any portion of the license fee be repaid to the licensee.

#### **4-5.2 Fee.**

A license fee equal to ~~fifty (\$50.00)~~ **one hundred (\$100.00)** dollars for each pool table, billiard table and/or bowling alley to be used or operated shall be paid for such license upon the issuance thereof and such license when granted shall expire on December 31 next following the date when such license was issued.

#### **4-6.3 Fee, Duration and Display.**

After due investigation, upon being satisfied that the applicant is of good moral character and that he is canvassing or soliciting for a project free from fraud, the Chief of Police, or in his absence, the officer in charge at Police Headquarters, shall have the power to grant a permit to canvass or solicit, upon the payment of the sum of ~~five (\$5.00)~~ **ten (\$10.00)** dollars by the applicant, which permit shall specify the number of hours or days the permit will be effective, provided however, that the permit will not be effective for a period in excess of sixty (60) days, and further provided that no canvassing or soliciting shall be done except between the hours of 9:00 a.m. and 5:00 p.m. on each weekday. Each applicant shall be fingerprinted and photographed before a permit shall be issued and copy of the photograph attached to the permit. The permittee shall carry the permit and exhibit same to any police officer or other person upon request.

#### **4-7.11 Special Events.**

The Council may, by resolution duly adopted, permit any nonprofit or civic organization to conduct a special event on Borough property upon the following conditions:

- a. No more than ten (10) individual vendors may participate in the special event.
- b. The nonprofit or civic organization shall apply for a license pursuant to subsection 4-7.1 to conduct the special event and shall include in its application the information required by subsections 4-7.2 and 4-7.3 for each individual vendor participating in the special event.
- c. The nonprofit or civic organization shall pay one (1) fee of ~~fifty (\$50.00)~~ **one hundred (\$100.00)** dollars to the Borough Clerk for the license to conduct the special event. This fee shall be in lieu of all other fees required by this Section. The Council may, by resolution duly adopted, reduce or waive such fee for any specific special event.
- d. Any license for a special event issued pursuant to this subsection shall permit the nonprofit or civic organization to conduct such special event no more frequently than one (1) day per week for a period not to exceed nine (9) consecutive months.
- e. Nothing herein shall be deemed to prohibit the Council, by resolution duly adopted, from precluding any such special event or restricting its duration in the interest of the public safety and welfare.

#### **4-8.1 License Required.**

No person shall conduct or participate in the conduct of a circus, carnival or other traveling show out of doors or under tents and not in a licensed theatre or other building within the Borough without first having obtained a license therefor from the Borough Council. The fee for any such license shall be ~~five hundred (\$500.00)~~ **seven hundred fifty (\$750.00)** dollars due and payable to the Borough Clerk in advance of the issuance of such license. Application for such license and any license issued shall state the purpose of same and shall be in the name of the owner of the circus, carnival or other traveling show and in the name of any other person, corporation or association sponsoring, promoting or otherwise affiliated with the conduct of the circus, carnival or other traveling show.

#### **4-9.3 License Required; Fee, Duration.**

All transient merchants or itinerant vendors shall, before offering for sale any personal property, pay to the Borough Clerk, ~~one thousand (\$1,000.00)~~ **one thousand five hundred (\$1,500.00)** dollars and upon payment of such sum he shall be entitled to apply for and receive a license which shall continue in favor of the person to whom it is issued for the period of one hundred-eighty (180) calendar days from the date of issuance.

#### **4-11.2 Permit Required; Fee.**

a. No person, individually or in any combination with other persons, shall conduct a garage sale within the Borough without first having obtained a Garage Sale Permit from the Borough Clerk. The Garage Sale Permit shall be issued in the names of all persons conducting the sale for which the permit is sought and for the address at which the sale is to be conducted and for the specific dates on which the sale is to be conducted. The permit shall be filled out in triplicate. One copy of the permit shall be retained by the applicant and a copy of the permit must be affixed to any and all advertising signs.

b. The fee for a Garage Sale Permit shall be and the same is hereby fixed at ~~ten (\$10.00)~~ twenty (\$20.00) dollars. Charitable and religious organizations which will apply the entire proceeds of the garage sale to the charitable or religious purposes of the organization shall be exempt from the payment of the fee.

c. Any neighborhood crime watch association certified by the Chief of Police as currently and actively involved with the Police Department of the Borough of North Plainfield as a crime prevention organization may apply for and obtain one (1) Garage Sale Permit in addition to the three (3) Garage Sale Permits otherwise allowed by subsection 4-11.3a. The Police Chief's Certification shall be submitted with the completed application. The Garage Sale Permit shall be issued in the name of the neighborhood crime watch association and in the names of all persons conducting the sale for which the permit is sought, for the address(es) at which the sale is to be conducted and for the specific dates on which the sale is to be conducted. Any such Garage Sale Permit issued to a neighborhood crime watch association shall permit all individuals and residences within the designated area to conduct a garage sale on the dates specified; however, only one (1) ~~ten (\$10.00)~~ twenty (\$20.00) dollar fee shall apply to this neighborhood crime watch association Garage Sale Permit.

#### **5-1.4 Fees.**

a. The person applying for the license and registration tag of a spayed or neutered dog shall pay an annual fee of ~~eighteen (\$18.00)~~ twenty-one (\$21.00) dollars for each dog. The person applying for the license and registration of a dog which is not spayed or neutered shall pay an annual fee of ~~twenty-one (\$21.00)~~ twenty-five (\$25.00) dollars. Proof of neutering or spaying shall be required prior to issuance of a license at the rate for a neutered or spayed dog. The license and registration tag shall expire on the last day of January of the year following their issuance. An annual license and registration tag shall be issued upon payment of the annual fee. License and registration tag fees are to be paid for each dog, regardless of the number of dogs.

b. In addition to the license fees provided in paragraph a., the person applying for said license shall be required, as a condition for the issuance of the license to pay such additional sums, such as annual metal registration tag fees, nonsterilized fees, other fees or surcharges as shall be required by the State of New Jersey to be collected and/or forwarded to the State or any agency thereof by way of sum, fee or surcharge in connection with the issuance of any dog license.

c. Any dog owner, or person harboring a dog, found to have an unlicensed dog by the Borough Animal Control Officer, dog canvassers or any other municipal official after January 31 of any year, shall be required to pay an additional ~~three (\$3.00)~~ five (\$5.00) dollars

delinquent fee plus the required license fee as provided in this Section for each dog license and registration tag, for failure to obtain a dog license before February 1st, together with any other fines due to summonses issued that may be imposed as provided in this Section for failure to obtain a dog license before February 1. The aforementioned delinquent fee shall not apply to dogs which have been acquired by the owner after January 31, provided the owner shall present sufficient proof to establish that the dog was acquired after January 31 and provided further that the dog shall be licensed within the time as otherwise required by this Section. The aforementioned delinquent fee shall not apply to dogs which do not attain licensing age until after January 31 and provided further that the dog shall be licensed within the time as otherwise required by law.

d. Assistance dogs, such as dogs used as guides by the visually impaired, hearing dogs for the deaf and hearing impaired, and service dogs used for other medical purposes, shall be licensed and registered as other dogs hereinabove provided, except that the owners or keepers of such dogs shall not be required to pay any fee therefor.

e. Any person applying for a duplicate license and/or registration tag shall pay a fee of ~~seven (\$7.00)~~ ten (\$10.00) dollars.

f. Any person applying for a potentially dangerous dog license, registration number and/or red identification tag pursuant to the provisions of N.J.S.A. 4:19-17 et seq., shall pay a fee of ~~seven hundred (\$700.00)~~ one thousand (\$1,000.00) dollars plus all other fees, sums and/or surcharges as established herein or by law.

### **5-2.15 License Fee Schedule.**

A license shall be issued upon payment of a fee by the person applying therefor of ~~thirteen (\$13.00)~~ fifteen (\$15.00) dollars for each reproductive cat and ~~ten (\$10.00)~~ thirteen (\$13.00) dollars for each spayed or neutered cat, regardless of the number of cats. Proof of spaying or neutering by a duly licensed veterinarian shall be required prior to issuance of a license at the rate for spayed or neutered cat(s). Persons who fail to obtain a license as required within the time period specified in this Section shall be subject to a delinquent fee per cat of three (\$3.00) dollars for any license application received after January 31 of the licensing year, together with any other fines due to summonses issued that may be imposed as provided in this Section for failure to obtain a cat license before February 1. The aforementioned delinquent fee shall not apply to cats which have been acquired by the owner after January 31, provided that the owner shall present sufficient proof to establish that the cat was acquired after January 31 and provided further that the cat shall be licensed within the time as otherwise required by this Section. The aforementioned delinquent fee shall not apply to cats which do not attain licensing age until after January 31 and provided further that the cat shall be licensed within the time as otherwise required by law. The fee for the renewal of license and registration tag shall be the same as for an original issuance. Each original license and registration tag or renewal thereof shall expire on December 31 of the applicable year. If a license tag has been misplaced or lost, the Borough Clerk or other person designated by the licensing authority may issue a duplicate license and registration tag for that particular cat upon payment of a fee of five (\$5.00) dollars.

### **5-2.20 Impoundment and Recovery of Cats.**

a. An authorized agent may take cats into custody and impound and later destroy them, release them to the owner, or offer them for adoption, as provided within this Section, in the following situations:

1. The owner does not produce a current license or registration tag for a cat which is required to be licensed; or,

2. A cat is suspected to be a stray, abandoned, diseased, injured, or to have bitten a person or other animal pursuant to N.J.S.A. 26:4-82.

b. If any cat is taken into custody whose owner is known or which is wearing a registration tag, an authorized agent shall attempt to contact the owner. If the cat is not claimed by the owner or contact cannot be made with the owner within forty-eight (48) hours of seizure, a notice in writing will be sent to the owner stating that the cat has been seized and is subject to being offered for adoption or destroyed if not claimed within seven (7) calendar days after the service of the notice.

c. A notice under this Section shall be deemed to be effective if served personally, or by leaving it at the person's usual or last known place of abode or at the address given in the license application, or by mailing to any such address by United States mail, postage prepaid.

d. An authorized agent may cause a cat to be offered for adoption or destroyed in a humane manner and consistent with the provisions of N.J.S.A. 4:22-19, seven (7) calendar days after seizure, provided that:

1. The cat was not wearing a valid registration tag at the time of seizure and the owner is unknown; or,

2. A notice was served as provided and the cat was not claimed; or,

3. The owner or person keeping or harboring a cat which was unlicensed at the time of seizure does not within a reasonable period of time produce a valid license and registration tag for the cat.

e. Whether or not the cat is claimed, the owner is responsible for:

1. All maintenance charges for the cat, not to exceed ~~fifteen (\$15.00)~~ **twenty (\$20.00)** dollars per day.

2. All expenses involved in euthanizing and preparing the cat for submission to appropriate authorities.

f. No impounded cat shall be sold or otherwise made available for the purpose of experimentation.

g. After observation, any cat seized under this Section suspected of being rabid shall be immediately reported to the executive officer of the Borough Board of Health and to the State

of New Jersey Department of Health and Senior Services. If the cat has bitten or exposed a person within ten (10) days previous to the time of euthanasia, its head shall be transported to the New Jersey State Department of Health laboratory for rabies testing.

h. If an owner requests pickup of an animal, including any kitten(s) born to the parent cat, the owner shall be responsible for all expenses in connection with offering the animal(s) for adoption or euthanasia of the unwanted animal(s).

### **5-2.21 Penalties.**

Any person who violates or who fails or refuses to comply with any part of any of this Section or with the rules and regulations promulgated by the New Jersey State Department of Health governing the prevention and spread of rabies and other diseases of cats shall be liable to a penalty of ~~one hundred (\$100.00)~~ **one hundred fifty (\$150.00)** dollars for each offense, to be recovered by and in the name of the Borough of North Plainfield. A person who refuses or neglects to pay forthwith the amount of a judgment rendered against him and the costs and charges incident thereto may be committed by the court to the County Jail for a period not exceeding ten (10) days in the case of the first conviction and in the case of a conviction for a second, subsequent or continuing violation, for a period not exceeding thirty (30) days. In any case, fines and penalties shall apply and any day they remain unpaid shall constitute a separate violation.

### **5-3.3 Fees.**

The annual license fee for a kennel or pet shop shall be ~~two hundred (\$200.00)~~ **three hundred (\$300.00)** dollars. An annual license fee of ten (\$10.00) dollars per dog/cat shall be charged for a private home in which a total of six (6) or more dogs and/or cats are kept or harbored. In addition to these license fees, the person applying for said license shall be required, as a condition for the issuance of a license, to pay such additional sums, fees and/or surcharges as shall be required by the State of New Jersey to be collected and/or forwarded to the State or any agency thereof by way of sum, fee and/or surcharge in connection with the issuance of any dog license. No fee shall be charged for a shelter or pound.

### **8-1.2B Off-Street Parking Meter Rates.**

The rate for off-street parking meters described in subsection 8-1.2A, shall be twenty-five (\$.25) cents for every ~~sixty (60)~~ **thirty (30)** minutes or part thereof. **Parking at all off-street parking meters described in subsection 8-1.2A shall be free on Sundays.**

### **8-1.2C Long Term Meter and Permit Parking in Lots.**

Notwithstanding the provisions of subsection 8-1.2B, the Borough is hereby authorized to designate long-term meter and permit parking in lots described in subsection 8-1.2A ~~at rates~~ and for lengths of time as may be determined appropriate by the Borough. **The long-term meter and permit parking in lots described in subsection 8-1.2A shall be forty (\$40.00) dollars per month, or thirty-five (\$35.00) dollars per month if purchased for a six (6) month period.** The Borough is further authorized to install signs and pavement markings for the purpose of



designating long-term meter and permit parking spaces in the aforesaid lots. **Parking in long-term meter and permit parking lots shall be free on Sundays.**

#### **8-1.2D Somerset/Pearl Street Lot**

**Notwithstanding the provisions of subsections 8-1.2B and C, the Borough is hereby authorized to designate daily meter and permit parking in the Somerset/Pearl Street lot for lengths of time as may be determined appropriate by the Borough. The Borough is further authorized to install signs and pavement markings for the purpose of designating daily meter and permit parking spaces in the aforesaid lots. The daily rate for the Somerset/Pearl Street Lots shall be five (\$5.00) dollars per day. Parking in the Somerset/Pearl Street lot shall be free on Sundays.**

#### **8-1.5 Penalty.**

Any person who violates or fails to comply with any provision of this Section for which no other specific penalty is provided shall, upon conviction or guilty plea therefor, be liable to a fine not to exceed ~~twenty-one (\$21.00)~~ **twenty-five (\$25.00)** dollars together with court costs, or imprisonment in the County Jail for a period not to exceed ten (10) days for each offense.

#### **8-4.1 Parking Meter Zones Established.**

The Council does hereby establish zones to be known as parking meter zones, in the following streets of the Borough:

- a. Streets running north and south.
  - ~~1. Watchung Avenue from Greenbrook Bridge to Brook Avenue, both sides.~~
  - ~~2.1.~~ Somerset Street, from Greenbrook Bridge to Grandview Avenue, both sides.
  - ~~3. Duer Street, from Greenbrook Bridge to Craig Place, west side only.~~
  - ~~4. Grove Street, from Greenbrook Bridge to Prospect Place, both sides.~~
  - ~~5.2.~~ Watchung Avenue from Manning Avenue to the Plainfield border, both sides.
  
- b. Streets running east to west.
  1. Craig Place, from Grove Street to Somerset Street, north side.
  2. Pearl Street, from Somerset Street to Watchung Avenue, both sides.
  3. The south side of Linden Avenue from Somerset Street to a point 150 feet west.
  4. Harmony Street, between Somerset Street and Watchung Avenue from the designated loading zone west to Somerset Street, north side.
  5. Chatham Street from Warren Street to Watchung Avenue, north side.

And hereafter, as traffic conditions require, in such other streets as may be designated by proper action of the Council.

And in the parking meter zones, the Council shall cause parking meters to be installed and shall cause parking meter spaces to be designed as hereinafter provided, and shall fix the time limitations for legal parking in such zones and the hours during the day or night when the parking meter or meters must be used and when the time limitations shall be effective in compliance with the provisions of this Section and of the ordinance or ordinances as hereinafter set forth; and shall indicate the time limitations by designating the same on the parking meter or meters and by appropriate signs posted in proximity to the meter or meters in the zones.

The time limitation for parking and the period during which parking limitations are effective, shall be as is provided in Chapter VII, Section 7-3, Parking; and parking time limit, in parking meter zones, shall coincide with Chapter VII, Section 7-3, Parking; and the installation of the parking meters on the above streets shall be subject to such exceptions as bus stops, taxicab stands and prohibited and restrictive parking areas as are designated by ordinance or regulations of the Council of this Borough and no parking meter shall be installed within any of the areas where parking is prohibited by Statute R.S. 39:4-138.

**NOW, THEREFORE, BE IT FURTHER ORDAINED** that:

1. All ordinances or portions of ordinances that are inconsistent with this Ordinance shall be repealed as to their inconsistencies only.
2. If any provision or paragraph of this Ordinance shall be held invalid by any court of competent jurisdiction, the same shall not affect the other provisions or paragraphs of this Ordinance, except so far as the provision or paragraph so declared invalid shall be separable from the remainder or any portion thereof.
3. This Ordinance shall take effect, after final passage, twenty (20) days following action or inaction by the Mayor as provided by law or an override of a mayoral veto by the council, whichever is applicable and publication in accordance with law, unless a resolution is adopted, pursuant to N.J.S.A. 40:69A-181(b), declaring an emergency and providing that this Ordinance shall take effect at an earlier date.

INTRODUCED: 14 May 2018

PASSED: 14 May 2018

PUBLISHED: 18 May 2018

ADOPTED: 29 May 2018

ROLL CALL:	AYES:	Merrill, Miller, Schaefer, Singleterry, Stabile, La Ronde
	NAYS:	None
	ABSTAIN:	None
	ABSENT:	Righetti

APPROVED BY THE MAYOR: Yes XXX No \_\_\_\_\_

The above is a true copy of the Ordinance adopted by the Borough of North Plainfield on 29 May 2018.

ATTEST:

BOROUGH OF NORTH PLAINFIELD

\_\_\_\_\_  
Richard K. Phoenix, RMC  
Borough Clerk  
Borough of North Plainfield

\_\_\_\_\_  
Lawrence La Ronde, Council President

Date signed: 29 May 2018

Date signed: 29 May 2018

\_\_\_\_\_  
Michael Giordano, Mayor

Date signed: 29 May 2018