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LOWER ALLOWAYS CREEK

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TIMOTHY W. BRADWAY, DEPUTY MAYOR
LAURA CRANE
JEFFREY J. PALOMBO
RICHARD VENABLE

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RONALD L CAMPBELL SR., CLERK Linwood H Donelson III, SOLICITOR

REV. ORD. 10/2023

PREFACE

The Township of Lower Alloways Creek has passed through the struggles that characterize all American communities in their early history. While only a few simple laws were necessary at the time of the incorporation of the township, subsequent growth of the community, together with the complexity of modern life, has created the need for more and detailed ordinances for the proper function and government of the township. The recording of local law is an aspect of municipal history, and 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. Ordinances must be more than mere chronological enactments reposing in the pages of old records. They must be available and logically arranged for convenient use and must be kept up-to-date. It was with thoughts such as these in mind that the Township Committee ordered the following codification of ordinances.

Contents of Code

The various chapters of the Code contain all currently effective ordinances of a general and permanent nature enacted by the Township Committee of the Township of Lower Alloways Creek. In accordance with recognized codification procedures, any revisions or amendments made in existing ordinances in the course of the codification, upon authorization of the Township Committee, are referred to in the ordinance adopting the Code and are adopted thereby.

Reserve Chapters

Space has been provided for the convenient insertion, alphabetically, of later enactments. In the Table of Contents such space appears as chapters titled "(Reserved). In the body of the Code, reserved space is provided by breaks in the page-numbering sequence between chapters.

Division of Code

The Code is divided into parts. Part 1, Administrative Legislation, contains all township ordinances of an administrative nature, namely, those dealing with the administration of government, those establishing or regulating municipal departments and those affecting officers and employees of the municipal government and its departments. Part II, General Legislation, contains all other township ordinances of a regulatory nature. Ordinances in this part generally impose penalties for violation of their provisions, whereas those in Part I do not.

Grouping of Ordinances and Arrangement of Chapters

The ordinances are organized into chapters, their order being an alphabetical progression from one subject to another. Wherever there are two or more ordinances dealing with the same subject, they are combined into a single chapter. Thus, for example, all ordinances pertaining to dogs and other animals in the township may be found in Part II, in the chapter entitled "Dogs and Other Animals." In such chapters, the use of Article designations has preserved the identity of the individual ordinances.

Table of Contents

The Table of Contents details the arrangement of material by chapter as a means of identifying specific areas of legislation. Wherever two or more ordinances have been combined by the editors into a single chapter, titles of the several Articles are listed beneath the chapter title in order to facilitate location of the individual ordinances.

Pagination

A unique page-numbering system has been used, in which each chapter forms an autonomous unit. One hundred pages have been allotted to each chapter, and the first page of each is the number of that chapter followed by the numerals "01." Thus, Chapter 8 begins on page 801, Chapter 78 on page 7801, etc. By use of this system, it is possible to add or to change pages in any chapter without affecting the sequence of subsequent pages in other chapters, and to insert new chapters without affecting the existing organization.

Numbering of Sections

A chapter-related section-numbering system is employed, in which each section of every ordinance is assigned a number which indicates both the number of the chapter in which the ordinance is located and the location of the section within that chapter. Thus, the first section of Chapter 8 is § 8-1., while the sixth section of Chapter 99 is § 99-6.

Scheme

The Scheme is the list of section titles which precedes the text of each chapter. These titles are carefully written so that, taken together, they may be considered as a summary of the content of the chapter. Taken separately, each describes the content of a particular section. For ease and precision of reference, the Scheme titles are repeated as section headings in the text.

Chapter Histories

At the end of the Scheme in each chapter is located the legislative history for that chapter. This History indicates the specific ordinance source from which the chapter was derived, including the ordinance number and the date of adoption. In the case of chapters containing Articles derived from more than one ordinance, the source of each Article is indicated in the History.

Amendments and Revisions

Ordinance sections amended or revised at the time of this codification are specifically enumerated in chapter Histories with reference to "Ch. 1, General Provisions, Art. I," where the ordinance adopting this Code and making these revisions will appear after final enactment. Sections so amended or revised are also indicated in the text by means of editor's notes referring to the chapter cited above. The history of other amendments to each chapter appears where pertinent in the text.

General References

In each chapter containing material related to other chapters in the Code, a table of General References is included to direct the reader's attention to such related chapters.

Appendix

Certain forms of local legislation do not fall into the categories as established for Parts I and II of the Code but are of such significance that their application is community-wide or their provisions are germane to the conduct of municipal government. The Appendix of this Code is reserved for such legislation and for any other material that the community may wish to include.

Index

The Index is a guide to information. Since it is likely that this Code will be used by persons without formal legal training, the Index has been formulated to enable such persons to locate a particular section quickly. Each section of each chapter has been indexed. The Index should be supplemented and revised from time to time as new legislation is added to the Code.

Supplementation

Supplementation of the Code will follow the adoption of new legislation. New ordinances and amendments will be included and repeals will be indicated as soon as possible after passage.

Acknowledgment

We gratefully acknowledge the assistance given the process of codification by Mayor Samuel E. Donelson and all the members of the Township Committee. Special acknowledgment is due arid accorded Mary 0. Henderson, Township Clerk, who cheerfully added the duties of coordinating communications to her already pressing municipal tasks, and to Township Attorney Raymond J. Zane for his cordial attentiveness to the tasks necessary to complete the Code of the Township of Lower Alloways Creek. Their wholehearted dedication has made it an outstanding achievement of a modern community.

The codification of the ordinances of the Township of Lower Alloways Creek reflects an appreciation of the needs of a progressive and expanding community. As in many other municipalities, officials are faced with fundamental changes involving nearly every facet of community life. Problems increase in number and complexity, and range in importance from everyday details to crucial areas of civic planning. It is the profound conviction of General Code Publishers Corp. that this Code will contribute significantly to the efficient administration of local government. As Samuel Johnson observed, 'The law is the last result of human wisdom acting upon human experience for the benefit of the public."

CERTIFICATION

TOWNSHIP OF LOWER ALLOWAYS CREEK

Office of the Township Clerk

I, **MARY 0. HENDERSON,** Township Clerk of the Township of Lower Alloways Creek, hereby certify that the chapters contained in Parts I and II of this volume are based upon the original ordinances of the Township Committee of the Township of Lower Alloways Creek, and that said ordinances, as revised and codified, renumbered as to sections and rearranged into chapters, constitute Parts I and II of the Code of the Township of Lower Alloways Creek, County of Salem, State of New Jersey, as adopted by ordinance of the Township Committee on November 21, 1983.

Given under my hand and the Seal of the Township of Lower Alloways Creek, County of Salem, State of New Jersey this 21st day of November, 1983, at Lower Alloways Creek, New Jersey.

/s/ ***MARY 0. HENDERSON***
.....
Township Clerk

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[HISTORY: Adopted by the Township Committee of the Township of Lower Alloways Creek: Art. I, 11-21-83 as Ord. No. 83-22. Amendments noted where applicable.]

Article I
Adoption of Code by Township Committee
[Adopted 11-21-83 as Ord. No. 83-22]

Be it ordained by the Township Committee of the Township of Lower Alloways Creek, County of Salem and State of New Jersey, as follows:

§ 1-1. Adoption of Code.

Pursuant to N.J.S.A. 40:49-4, the ordinances of the Township of Lower Alloways Creek of a general and permanent nature adopted by the Township Committee of the Township of Lower Alloways Creek, as revised, codified and consolidated into chapters and sections by General Code Publishers Corp. and consisting of Chapter 1 through 160, are hereby approved, adopted, ordained and enacted as the Code of the Township of Lower Alloways Creek, hereinafter known and referred to as the "Code".

§ 1-2. Code supersedes prior ordinances.

This ordinance and the Code shall supersede all other general and permanent ordinances enacted prior to the enactment of this Code, except such ordinances as are hereinafter expressly saved from repeal or continued in force and effect hereinafter.

§ 1-3. When effective.

This ordinance shall take effect immediately upon passage and publication according to law.

§ 1-4. Copy of Code to be on file. [Amended 10-15-2013 by Ord. No. 2013-11]

A copy of the Code in loose-leaf form has been filed in the office of the Township Clerk and shall remain there for use and examination by the public until final action is taken on this ordinance; and, if this ordinance shall be adopted, such copy shall be certified to by the Clerk of the Township of Lower Alloways Creek by impressing thereon the Seal of the township, as provided by law; and such certified copy shall remain on file in the office of the Clerk of the township, to be made available to persons desiring to examine same during all times while the said Code is in effect and on the official website of the Township in an electronic format that is easily accessible by the general public

§ 1-5. Amendments to Code.

Any and all additions, amendments or supplements to the Code, when passed and adopted in such form as to indicate the intent of the governing body to make them a part thereof, shall be deemed to be incorporated into such Code so that reference to the "Code of the Township of Lower Alloways Creek" shall be understood and intended to include such additions and amendments. Whenever such additions, amendments or supplements to the Code shall be adopted, they shall thereafter be printed and, as provided hereunder, inserted in the loose-leaf book containing said Code, as amendments and supplements thereto.

§ 1-6. Publication; filing.

The Clerk of the Township of Lower Alloways Creek, pursuant to law, shall cause to be published, in the manner required, a copy of this Adopting Ordinance in a newspaper of general circulation in the township. Sufficient copies of the Code shall be maintained in the office of the Clerk for inspection by the public at all times during regular office hours. The enactment and publication of the Adopting Ordinance, coupled with availability of copies of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 1-7. Code book to be kept up-to-date.

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

§ 1-8. Sale of Codebook. [Amended 10-15-2013 by Ord. No. 2013-11]

Copies of the Code book containing the Code may be purchased from the Clerk as provided in the New Jersey Open Public Records Act upon the payment of a fee, as authorized by the New Jersey Open Public Records Act.

§ 1-9. Altering or tampering with Code; penalties for violation.

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, any part or portion of the Code or to alter or tamper with such Code in any manner whatsoever which will cause the law of the Township of Lower Alloways Creek to be misrepresented thereby. Anyone violating this section or part of this ordinance shall be subject, upon conviction, to a fine of not more than five hundred dollars ($500.) or imprisonment for not more than ninety (90) days, or both, in the discretion of the Judge imposing the same.

§ 1-10. Severability of Code provisions.

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

§ 1-11. Severability of ordinance provisions.

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

§ 1-12. Repeal of ordinances.

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

§ 1-13. Ordinances saved from repeal.

The adoption of this Code and the repeal of ordinances provided for in § 1-12 of this ordinance shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal:

A. Any ordinances adopted subsequent to November 1, 1980.

B. Any right or liability established, accrued or incurred under any legislative provisions prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability.

C. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision or any penalty, punishment or forfeiture which may result there from.

D. Any prosecution, indictment, action, suit or other proceeding or any judgment rendered prior to the effective date of this ordinance, brought pursuant to any legislative provision.

E. Any franchise, license, right, easement or privilege heretofore granted or conferred.

F. Any ordinance providing for the laying out, opening, altering, widening, relocating, straightening, establishing of grade, change of name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place or any portion thereof.

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

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

I. The levy or imposition of taxes, assessments or charges.

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

K. All current effective ordinances pertaining to the rate and manner of payment of salaries and compensation of officers and employees of the Township of Lower Alloways Creek, including but not limited to Ordinance No. 82-1, adopted 1-18-82.

L. All ordinances of the township providing for the preparation and use of Tax Maps.

M. All ordinances of the township regulating and providing for vehicles and traffic.

§ **1-14. Changes in previously adopted ordinances.**

A. In compiling and preparing the ordinances for adoption and revision as part of the Code pursuant to N.J.S.A. 40:49-4, certain grammatical changes and other minor changes were made in one (1) or more of said ordinances. It is the intention of the Township Committee that all such changes be adopted as part of the Code as if the ordinances so changed had been previously formally amended to read as such.

B. In addition, the following changes, amendments or revisions are made herewith, to become effective upon the effective date of this ordinance. (Chapter and section number references are to the ordinances as they have been renumbered and appear in the Code.)*

C. Penalties. In the following sections, the penalty provisions are revised to provide that violators will be punishable, upon conviction, by a fine not exceeding five hundred dollars ($500.) or by imprisonment for a term not exceeding ninety (90) days, or by both such fine and imprisonment, in the discretion of the Judge: § 16-9, 74-8, 99-8,116-7, 121-14A and 138-4.

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*Editor's Note: Pursuant to § l-14B, the following Code sections were amended, added or revised. A complete description of these changes is on file in the office of the Township Clerk.
§ 11-5, 11-6, 1 1-7, 32-1, 32-4, 32-11, 43-ISA and 127-2A.

CHAPTER 8

CLAIMS, APPROVAL OF

§ 8-1. Submission of claims.
§ 8-2. Time for submission.
§ 8-3. Submittal to Purchasing Agent.
§ 8-4. Certification of receipt of goods or services.
§ 8-5. Approval or rejection by Township Committee.
§ 8-5.1. Payment of bills for self-insurance.
§ 8-6. Signatures of approval.
§ 8-7. Payment of claims.

[HISTORY: Adopted by the Township Committee of the Township of Lower Alloways Creek 7-2-1975 as Ord. No. 75-5; amended in its entirety 3-3-1978 by Ord. No. 78-8. Subsequent amendments noted where applicable.]

GENERAL REFERENCES
Payroll account—See Ch. 37.
Purchasing—See Ch. 49.

§ 8-1. Submission of claims. [Amended 9-20-1994 by Ord. No. 94-10]

All claims against the Township of Lower Alloways Creek for payment, except claims for payment of general assistance, shall be submitted on a voucher form to be supplied by the Township Purchasing Agent or else on a state-approved voucher form.

§ 8-2. Time for submission. [Amended 9-20-1982 by Ord. No. 82-21; 8-18-1992 by Ord. No. 92-18]

All vouchers shall be signed and dated and submitted no later than the second Wednesday of the month or as prescribed by the Township Committee from time to time.

§ 8-3. Submittal to Purchasing Agent.

All vouchers shall be submitted to the Township Purchasing Agent at his office during normal business hours.

§ 8-4. Certification of receipt of goods or services.

Prior to review by the Township Committee, the township officers certificate as to receipt of goods or services shall have been properly signed and dated.

§ 8-5. Approval or rejection by Township Committee. [Amended 9-20- 1982 by Ord. No. 82-21]

The Township Committee shall review each properly signed and submitted voucher prior to or at the next regularly scheduled meeting. The Township Committee shall vote to approve or reject said vouchers at the next regularly scheduled meeting.

§ 8-5.1. Payment of bills for self-insurance. [Added 8-18-1992 by Ord. No. 92-18]

Payment of bills for self-insurance purposes may be approved by the Township Purchasing Agent and paid by the Township Treasurer prior to approval by the Township Committee. Such payments shall be subject to ratification by the Township Committee at its next regularly scheduled meeting. This procedure may only be followed when made in accordance with contracts previously approved by the Township Committee.

§ 8-6. Signatures of approval. [Amended 9-20-1982 by Ord. No. 82-21]

Approval of vouchers by the Township Committee shall be evidenced by the signature of the bill list of all Committeemen present. Said bill list shall be made part of the minutes of the Committee meeting.

§ 8-7. Payment of claims.

All payments shall be made by check on a township account, properly signed as provided by law.

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§ 11-6.6. Court costs imposed for voluntary dismissal.

Article II
(Reserved)

§ 11-7. (Reserved)

[HISTORY: Adopted by the Township Committee of the Township of Lower Alloways Creek:
Art. I, 6-1-1962, amended in its entirety 12-5-1983 by Ord. No. 83-24. Subsequent amendments noted where applicable.]

GENERAL REFERENCES
Salaries and compensation—See Ch. 54.

Article I
Establishment; Judge; Municipal Court Administrator
[Adopted 64-1962; amended in its entirety 12-5-1983 by Ord. No. 83-24, amended 3-20-2012 by Ord. No. 2012-02]

§ 11-1. Establishment of Court.

There is hereby established a single Intermunicipal Court for the Township of Lower Alloways Creek and the Township of Elsinboro and named the 'Municipal Court of Lower Alloways Creek and Elsinboro Townships."

§ 11-2. Judge; appointment and term.

The Judge of the Intermunicipal Court shall be nominated and appointed by the Governor of the State of New Jersey, with the advice and consent of the Senate of the State of New Jersey, and shall serve for a term of three (3) years from the date of his appointment and until his successor is appointed and qualified, pursuant to N.J.S.A. 2A:8-5.

§ 11-3. Seal.

The Municipal Court shall have a seal which shall bear the impress of the name of the Court.

§ 11.4, Jurisdiction.

The jurisdiction of said Intermunicipal Court shall be coextensive with the territories of the Township of Lower Alloways Creek and the Township of Elsinboro in Salem County, New Jersey.

§ 11-5. Salary.

The Municipal Judge shall receive an annual salary as provided for in the Annual Salary Ordinance* in lieu of all fees, costs and any allowances whatsoever.

§ 11-6. Municipal Court Administrator; appointment; salary. [Amended 2- 18-1992 by Ord. No. 92-2]

There shall be a Clerk appointed by the Township Committee, who shall act as Municipal Court Administrator and who shall receive an annual salary as provided for in the Annual Salary Ordinance.*

*Editors Note: See Ch. 54, Salaries and Compensation

§ 11-6.1. Time of taking effect.

Said Intermunicipal Court shall become effective and commence on December 27, 1983, and on that date the Municipal Court heretofore existing in the Township of Lower Alloways Creek shall be abolished and its functions, powers and duties, records, property and pending cases shall be transferred to the Intermunicipal Court established by this Article, pursuant to N.J.S.A. 2A:8-3,

§ 11-6.2. Duties of township.

The Township of Lower Alloways Creek shall furnish all facilities, appoint and pay all personnel and provide such other requirements necessary for the proper administration of justice in the Intermunicipal Court and shall also establish the times and place when such Court shall be convened.

§ 11-6.3. Appointment of support personnel.

The Intermunicipal Court Prosecutor, Court Clerk, Deputy Clerks and all other personnel shall be appointed by the Lower Alloways Creek Township Committee. The Township of Lower Alloways Creek shall pay the salaries of all of the foregoing.

§ 11-6.4. Disposition of fines.

All fines, costs, fees, penalties and forfeitures, including forfeitures of bail, imposed by the Intermunicipal Court, which are distributable to local municipalities, shall be paid over and forwarded to the Municipal Treasury of Lower Alloways Creek, regardless of the nature of the offense or where the offense was committed. If by law, rule or regulation, any such fines, costs, fees, penalties or forfeitures are required to be paid to the Township of Elsinboro, the Township of Elsinboro shall, after receipt of the same, pay to the Township of Lower Alloways Creek an equal sum of money to that so received, within two (2) weeks of such receipt by the Township of Elsinboro.

§ 11-6.5. Minimum time of establishment.

Said Intermunicipal Court is established for a minimum period of three (3) years ending December 27, 1986, after which it shall continue unless terminated by either the Township of Lower Alloways Creek's or the Township of Elsinboro's adopting an ordinance withdrawing its municipality from said Intermunicipal Court.

§ 11-6.6. Court costs imposed for voluntary dismissal. [Adopted 3- 20-2012 by Ord. No. 2012-02]

The judge shall have the authority to impose court costs for any summons or complaint dismissed at the request of the complaining party or as recommended by the prosecutor. The assessment of costs shall be within the judge's discretion, and all such costs shall be distributed as provided in § 11-6.4 herein.

Article II
(Reserved)

§ 11-7. (Reserved)*

11-8. LOWER ALLOWAYS CREEK CODE

Article III
Municipal Public Defender
[Adopted 9-16-1997 as Ord. No, 97-6; amended in its entirety 12-2-1997 by Ord. No. 97-9]

§ 11-8. Position created.

The Intermunicipal Court of the Township of Lower Alloways Creek and the Township of Elsinboro hereby creates the Office of Public Defender.

§ 11-8.1. Qualifications.

The Public Defender shall be an attorney-at-law of the State of New Jersey.

§ 11-8.2. Appointment.

The Mayor shall nominate, with the advice and consent of the Township Committee, and appoint a Public Defender, including the filling of a vacancy in the office which shall be for an unexpired term only.

§ 11-8.3. Term of office.

The term of office of the Public Defender shall be for one (1) year, commencing on January 1st and terminating on December 31st of the same year, and until a successor shall have been appointed and qualified.

§ 11-8.4. Duties.

The duties of the Public Defender shall be to defend all cases brought against indigent defendants in the Municipal Court of the Township alleging violation of the criminal laws of the State of New Jersey and the motor vehicle statutes of the State of New Jersey whenever such defendants are entitled to such representation by law or whatever such representation is deemed necessary or desirable in the interest of justice and in the discretion of the Judge of the Municipal Court.

*Edit, Note: Former Art. II, Deputy Municipal Court Administrator, adopted 12-3-1976 as Ord. No. 76-24, as amended, was repealed 2-2-1992 by Ord. No. 93-5.

§ 11-8.5. Salary.

The salary of the Public Defender shall be seventy-five dollars ($75.) per case.

§ 11-8.6. Public Defender application fee.

Each individual applying for representation by the Municipal Public Defender shall be required to pay an application fee of not more than two hundred dollars ($200.). The Municipal Court Judge may waive any required application fee, in whole or in part, if the court determines, in its discretion, that the application fee represents an unreasonable burden on the individual seeking representation.

CHAPTER 13

DEFENSE AND INDEMNIFICATION

§ 13-1. Members of Planning Board or Zoning Board of Adjustment.

[HISTORY: Adopted by the Township Committee of the Township of Lower Alloways Creek 6-21-1994 as Ord. No. 94-4. Amendments noted where applicable.]

§ 13-1. Members of Planning Board or Zoning Board of Adjustment.

Whenever a member of the Planning Board or Zoning Board of Adjustment of the Township of Lower Alloways Creek is a defendant in any action or legal proceeding arising out of and directly related to the lawful exercise of his or her duty as a member of said Board, the Township Committee of the Township of Lower Alloways Creek shall provide said member with necessary means for defense of such action or proceeding. The provisions of this chapter, however, shall not require said Township Committee to provide said member with necessary means for the defense of any action or legal proceeding instituted by or on behalf of the township for removal of said member from membership on the Board to which he or she has been appointed to serve.

Chapter 15

Office of Emergency Management.

§ 15-1 Office of Emergency Management established

[History: Adopted by the Township Committee of the Township of Lower Alloways Creek 2-3-2009 as Ordinance 2009-01]

§ 15-1 Office of Emergency Management established

Within the Township, there shall be a Division of Civil Defense, known as the "Office of Emergency Management," the head of which shall be the Director of Emergency Management, who shall be appointed by the Mayor from among the residents of the municipality, subject to the approval of the Township Committee, pursuant to N.J.S.A. App. A:9-40.1. The Office of Emergency Management and the Director of Emergency Management shall perform all of the functions, powers and duties prescribed by general law, executive order, ordinance or resolution. The Director of Emergency Management shall provide a written report to the Director of Public Safety and the Township Committee on a quarterly basis.

CHAPTER 16
FIRE DEPARTMENT

ARTICLE I

Fire Department

§ 16-1. Department established; composition.
§ 16-2. Membership requirements; exemption certificates.
§ 16-2.1. Junior Firemen's Auxiliary.
§ 16-3. Authority to adopt constitution and bylaws.
§ 16-4. Equipment to be held in trust.
§ 16-4.1. 1920 Antique fire truck.
§ 16-5. Appropriation to Department.
§ 16-6. Approval of attendance at parades and other events.
§ 16-7. Monthly report of Chief.
§ 16-8. Interference with fire operations; damage to Department property.
§ 16-9. Violations and penalties.
§ 16-10. Fire and rescue calls at nuclear generating station.

ARTICLE II

Length of Service Awards Program

§ 16-11 Program Created
§ 16-12 Description of the LOSAP Program
§ 16-13 Definitions
§ 16-14 Criteria / Credit System
§ 16-15 Maximum Annual Contribution
§ 16-16 Method to change Annual Contribution
§ 16-17 Estimated Annual Contribution by the Township
§ 16-18 Approval by a Public Question, when effective

[HISTORY: Adopted by the Township Committee of the Township of Lower Alloways Creek 3-2-81 as Ord. No. 81-6. Section 169 amended at time of adoption of Code; see Ch.1, General Provisions, Art. I. Other amendments noted where applicable.]

§ 16-1. Department established; composition. [Amended 6-7-82 by Ord. No. 82-15]

There is hereby authorized and established the Lower Alloways Creek Fire Department, to be composed of one (1) company to-be known as the "Lower Alloways Creek Fire and Rescue Company" and such additional companies as the Township Committee may approve.

§ 16-2. Membership requirements; exemption certificates. [Added 6-7-82 by Ord. No. 82.15; amended 10-2-01 by Ord. No. 2001-13]

A. No person shall hereafter become a member of the Fire Company of the Township of Lower Alloways Creek or any unit thereof unless above the age of eighteen (18), a citizen of the United States, of good moral character and a resident of the township, County of Salem, for upwards of one (1) year. He or she shall be physically fit to perform the duties of a fireman as evidenced by a certificate to that effect by a practicing physician of the State of New Jersey after physical examination for that purpose.

B. In order to remain active in the New Jersey Fireman's Association, each member of the Fire Company shall, in each and every year, perform at least sixty percent (60%) of duty, to be composed of actual attendance and duty at fires and drills, and a record shall be kept of such attendance by the Chief of the Fire Company and reported to the municipal officers annually.

C. Every person seeking to join the Fire Company shall make application to the company and upon his or her election to membership by vote of a majority of the unit present and voting, he or she shall become a member in good standing of the Fire Department after approval of his or her membership by the Chief and confirmation by the municipal officers, and his or her name shall be entered on a roll of firemen kept by the Municipal Clerk.

D. A New Jersey State Fireman's Association exemption certificate may be issued to members of the Fire Company who shall have served seven (7) years in active duty, under municipal control, as required by N.J.S.A. 40:47-53 et seq.

§ 16-2.1. Junior Firemen's Auxiliary. [Added 9-6-83 by Ord. No. 83-15]

A. A Junior Firemen's Auxiliary to the Lower Alloways Creek Fire and Rescue Company is hereby established subject to the supervision of said fire company and it's Chief. The members of said auxiliary shall be known as "Junior Firemen." [Amended 10-2-01 by Ord. No. 2001-13]

B. Junior Firemen shall meet all the qualifications of regular members of the Lower Alloways Creek Fire and Rescue Company, except that they need only have reached the age of sixteen (16) years and may be no older than eighteen (18) years of age.

C. Said Junior Firemen before being considered for membership must obtain notarized permission to join the auxiliary from their parents or guardian and must submit to the Lower Alloways Creek Fire and Rescue Company said notarized permission in writing and acknowledged or approved in the manner required by law for deeds to real estate to be recorded. [Amended 10-2-01 by Ord. No. 2001-13]

D. Members of the auxiliary shall be insured by the same coverage and in the same amounts provided for the regular volunteer fireman of the Lower Alloways Creek Township.

E. Every person seeking to become a Junior Fireman must apply and be selected in the same manner as regular members of the Lower Alloways Creek Fire and Rescue Company.

F. Junior Firemen shall be trained for eventual membership in the Lower Alloways Creek Fire and Rescue Company by the Chief and the regular members. No Junior Fireman shall be allowed to perform duties that would expose him to the same degree of hazard as a regular member of the Lower Alloways Creek Fire and Rescue Company.

G. Junior Firemen shall not fight fires nor use power equipment or administer oxygen. Junior Firemen shall not ride on Lower Alloways Creek Fire and Rescue Company equipment or vehicles except in the cab or on a passenger seat.

H. Junior Firemen shall be subject to provisions of the ordinance regarding the Lower Alloways Creek Fire and Rescue Company and the Constitution and Bylaws of the Lower Alloways Creek Fire and Rescue Company and shall be subject to suspension or expulsion as provided herein.

§ 16-3. Authority to adopt constitution and bylaws. [Amended 10-2-01 by Ord. No. 2001-13]

The Lower Alloways Creek Fire and Rescue Company is hereby authorized to adopt their constitution and bylaws, subject to review and approval by the Township Solicitor to ensure compliance with State Statutes and Federal Laws and Regulations. Copies of same are attached hereto and made a part hereof by reference, and any subsequent amendments thereto shall be approved by the Lower Alloways Creek Fire and Rescue Company, subject to review by the Township Solicitor, and then forwarded to the Township Clerk for official record keeping.

§ 16-4. Equipment to be held in trust.

The ownership of fire and rescue apparatus and equipment and such other fire apparatus or rescue equipment as may be purchased, previously acquired or accepted by the township shall remain with the township, and the same is hereby entrusted to the Lower Alloways Creek Fire and Rescue Company with the understanding that such apparatus and equipment and any buildings incidental to the housing and maintenance thereof, as well as any and all real property available to and utilized by the Lower Alloways Creek Fire and Rescue Company, shall be kept in good condition. Failure to comply with this section will cause a revocation of this trust, after proper notice has been given to the Lower Alloways Creek Fire and Rescue Company and a hearing in connection with the same has been held before the Township Committee. In the event the Lower Alloways Creek Fire and Rescue Company shall cease to exist for any reason whatsoever, this trust shall be immediately revoked and actual possession of all of the aforementioned equipment, buildings and real property shall be under the immediate and direct control of the Township Committee.

§ 16-4.1. 1920 Antique fire truck. [Added 10-2-01 by Ord. No. 2001-13]

The Lower Alloways Creek Fire and Rescue Company resolves to formally memorialize the fact that ownership of the 1920 antique fire truck is separate and apart from the equipment held in trust as set forth in Section 16-4. The ownership of the 1920 antique fire truck is joint between the Township of Lower Alloways Creek and the Lower Alloways Creek Fire and Rescue Company. It is understood that the 1920 antique fire truck will not be relocated from the firehouse premises without the joint approval of the Lower Alloways Creek Township Committee and the Lower Alloways Creek Fire and Rescue Company.

§ 16-5. Appropriation to Department. [Amended 10-2-01 by Ord. No. 2001-131

The Township Committee shall appropriate a reasonable amount of money each year to maintain and support all fire and rescue equipment operated by the Lower Alloways Creek Fire and Rescue Company, which will be controlled by the Chief.

§ 16-6. Approval of attendance at parades and other events. [Amended 10-2-01 by Ord. No. 2001-13]

In the event the Lower Alloways Creek Fire and Rescue Company is invited to attend any celebration, parade or other event not incidental to the fighting of fires or rescue operations, and over seventy-five (75) miles, notice of same shall be immediately submitted to the Township Committee for approval. The purpose of this section is to be consistent with the statutory responsibility regarding the safety of the inhabitants of the township being the primary responsibility of the Township Committee.

§ 16-7. Monthly report of Chief. [Amended 10-2-01 by Ord. No. 2001-131

The Chief shall examine, at least once in each month, all apparatus and equipment of the Lower Alloways Creek Fire and Rescue Company. This information will be available to the Township Committee upon request. This information shall include: number of fires attended and the cause of such fires, if any cause could be determined, condition of equipment and such other information as he may deem proper or that may be required of him by the Township Committee.

§ **16-8. Interference with fire operations; damage to Department property.**

No person or persons shall interfere with, impede or delay any fire or rescue apparatus **in** the Township of Lower Alloways Creek in any manner or for any cause under its control, nor willfully drive or cause to be driven any vehicle over any hose or other fire or rescue apparatus or equipment, nor in any manner willfully damage, deface or injure any hose or other apparatus or equipment at any time, nor give or cause to be given any false alarm or alarms of fire or rescue in this township, nor meddle with, injure or destroy any of the property appertaining to or belonging to said Fire and Rescue Company or in anywise connected therewith.

§ **16-9. Violations and penalties. [Amended 11-21-83 by Ord. No. 83-22; 10-2-01 by Ord. No. 2001-13]**

Any person or persons who shall violate any section of this chapter shall be liable, upon conviction thereof, to a fine of not more than one thousand dollars ($1 ,000.) or to imprisonment for not more than thirty (30) days, or both such fine and imprisonment, for each such offense.

§ 16-10. Fire and rescue calls at nuclear generating station. [Amended 6-25-86 by Ord. No. 86-7; 10-2-01 by Ord. No. 2001-13]

With respect to fire alarms or calls at the nuclear generating station on Artificial Island, the Fire and Rescue Company shall respond to all fire alarms and rescue calls along the access road. The Fire and Rescue Company shall not respond to fire calls to the turbine buildings, reactor buildings, auxiliary buildings, low level radioactive waste building, the fuel-handling building and any other designated radiological controlled areas at the nuclear generating stations. The Fire and Rescue Company shall respond, under the direction of the Fire Chief or the authorized person so designated in his absence, to all other fires within the confines of the gates of nuclear generating station on Artificial Island provided the caller clearly identifies to the Fire and Rescue Company the exact location and structure involved in the fire. A designated representative of the nuclear generating station shall provide a report to the Fire and Rescue Company, not less than quarterly, giving specific information pertaining to any and all chemicals stored within such areas other than those areas to which the Fire and Rescue Company shall not respond as set forth above. Such information shall state the exact name of the chemical, and any other pertinent information. Such designated representative as aforementioned shall also provide the Fire and Rescue Company with maps, diagrams, or schematics showing the location of all piping throughout the plant, other than to those areas where the Fire and Rescue Company will not respond, providing information as to the type of chemicals flowing in said pipes. A designated representative or representatives of Artificial Island shall also meet with the Fire and Rescue Company not less than quarterly for the purpose of keeping the Company abreast of any fire calls and all new developments at Artificial Island pertinent and germane to the safety of the Fire and Rescue Company. Failure on the part of the representative or representatives from the nuclear generating station located on Artificial Island to comply with the requirements of this section shall negate any responsibility on the part of the Fire and Rescue Company to respond to any fire or rescue calls at said locations.

ARTICLE II

Length of Service Awards Program

[Ordinance 2008-09 10-19-2008, Public referendum 11-4-2008]

§16-11 Program Created
§16-12 Description of the LOSAP Program
§16-13 Definitions
§16-14 Criteria / Credit System
§16-15 Maximum Annual Contribution
§16-16 Method to change Annual Contribution
§16-17 Estimated Annual Contribution by the Township
§16-18 Approval by a Public Question, when effective

§ 16-11. 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 and Ambulance Squad for their loyal, diligent and devoted services to the residents of the Township of Lower Alloways Creek.

§ 16-12. Description of the LOSAP Program.

The LOSAP shall provide for annual contributions to a deferred income account for each volunteer member that meets the criteria set forth below; that such contributions shall be made in accordance with a plan that shall be established by the Township pursuant to P.O. 1997, c. 388; and that such plan shall be administered in accordance with the laws of the State of New Jersey, the U.S. Internal Revenue Code, and this Ordinance.

§ 16-13. Definitions.

1. FOR THE PURPOSES OF THIS ARTICLE, THE OPERATIVE WORDS AND TERMS SHALL HAVE THE MEANINGS SET FORTH IN N.J.S.A. 40A:14-184, AND N.J.A.C. 5:30-14.1, AS THOSE PROVISIONS MAY BE AMENDED AND SUPPLEMENTED FROM TIME TO TIME.

2. A VOLUNTEER MEMBER ELIGIBLE TO PARTICIPATE IN THE LOSAP PROGRAM SHALL BE AS FOLLOWS:

   A.) An active volunteer member of the LAC Fire Department who holds at least a current Firefighter 1 certification issued by the New Jersey Division of Fire Safety

   B.) An active volunteer member of the LAC Ambulance Squad who meets the requirements of and holds a current EMT-B, EMT-P**.**

   C.) An active volunteer member of the LAC Ambulance Squad who meets the requirements of and holds a First Aid certificate (sometimes referred to as a First Responder); their participation shall be at 50% whereby each point for participation shall be credited to that member at 50% of its stated value.

3. AN EMERGENCY CALL SHALL BE DEFINED AS AN ON SCENE RESPONSE TO A 911 DISPATCH

4. AN ELECTED OR APPOINTED OFFICER SHALL MEAN: AN ELECTED OR APPOINTED OFFICER SHALL MEAN CHIEF, ASSISTANT CHIEF, CAPTAIN, ASSISTANT CAPTAIN AND TREASURER WHO HAVE COMPLETED ONE (1) FULL YEAR TERM.

§ 16-14. Criteria / Credit system.

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

B. Credits based upon the Fire Department and the Ambulance Squad 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 35 points pursuant to the following point system:

1) **TRAINING CLASSES – MAXIMUM 25 (twenty-five) POINTS ANNUALLY**

1 (ONE) POINT PER TRAINING HOUR – THIS INCLUDES, BUT IS NOT LIMITED TO, COMPANY OR SQUAD SANCTIONED EVENTS SUCH AS:

A) COUNTY DRILLS
B) TANKER TASK FORCE DRILLS
C) DRIVING TRAINING COURSES
D) PUMP OPERATION COURSES
E) CPR TRAINING
F) EMT TRAINING
G) RERP TRAINING

2) **DRILLS – MAXIMUM 20 (twenty) POINTS**

2 (two) POINTS PER DRILL

3) **MEETINGS – MAXIMUM 12 (twelve) POINTS**

1 (one) POINT PER MEETING –

A) MEETING MAY BE A REGULAR, SPECIAL, OR RELIEF MEETING

4) **SPECIAL ASSIGNMENTS / EXTRA CREDIT / DETAILS – MAXIMUM OF 15 (fifteen) POINTS**

1 (one) POINT PER

A) MUST BE A COMPANY OR SQUAD FUNCTION OR RECEIVE APPROVAL FROM TWO OFFICERS OF THE APPROPRIATE ORGANIZATION IN CHARGE

5) **ELECTED OR APPOINTED OFFICE -5 (five) POINTS ANNUALLY**

6) **PERCENTAGES OF ATTENDANCE AT EMERGENCY CALLS – MAXIMUM 50 (fifty) POINTS**

10-25% 15 (fifteen) POINTS
25-60% 40 (forty) POINTS
61-100% 50 (fifty) POINTS

7) **CONTRIBUTIONS BASED ON TOTAL CREDITS. AN ELIGIBLE MEMBER SHALL BE AWARDED AN ANNUAL CONTRIBUTION BASED UPON THE FOLLOWING SCHEDULE:**

Total Credits	**Contribution**
0-34 POINTS =	$ 0
35-39 POINTS =	$ 100
40-44 POINTS =	$ 200
45-49 POINTS =	$ 300
50-59 POINTS =	$ 400
60-69 POINTS =	$ 500
70 or more POINTS =	$ 600

8) **A MEMBER SHALL BE VESTED AFTER FIVE YEARS**.

9) **BENEFITS SHALL BE PAYABLE AFTER 15 YEARS OF SERVICE, AT AGE 55, OR UPON ANOTHER QUALIFYING EVENT PURSUANT TO LAW.**

§ 16-15. Maximum annual contribution.

The maximum annual contribution for an active volunteer member shall be $600.00 per year.

§ 16-16. Method to change Annual Contribution

The contribution amounts may be increased as allowed by law; by a resolution approved by 2/3 of the Lower Alloways Creek Township Committee members at a regular monthly meeting.

§ 16-17. Estimated Annual Contribution by the Township.

The estimated cost of the program has been calculated as follows:

A. For regular annual contributions and services beginning in the 2009 budget year

Lower Alloways Creek FIRE DEPARTMENT:	$15,00.00 per year
Lower Alloways Creek AMBULANCE SQUAD:	$ 5,00.00 per year
Total estimated Contribution :	$20,000.00 per year

§ 16-18. 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, 2008.

CHAPTER 20

INSURANCE FUND

§ 20-1. Fund established.
§ 20-2. Amount of fund; disposition of excess moneys.
§ 20-3. Insurance Fund Commission; organization.
§ 20-4. Selection of Chairman.
§ 20-5. Powers and duties of Commissioners.
§ 20-6. Payment of premiums.
§ 20-7. Placement of insurance.
§ 20-8. Administration.

[HISTORY: Adopted by the Township Committee of the Township of Lower Alloways Creek 4-18-83 as Ord. No. 83-8. Amendments noted where applicable.]

§ 20-1. Fund established.

There is hereby established an Insurance Fund for the Township of Lower Alloways Creek, in the initial amount of nineteen million four hundred eighty-seven thousand eight hundred two dollars ($19,487,802.), for the following purposes:

A. To insure against any loss or damage, however caused, to the townships property, motor vehicles, equipment or apparatus or any property, motor vehicles, equipment or apparatus owned or under the control of any of the township's departments, boards, agencies or commissions.

B. To insure against liability resulting from the use or operation of motor vehicles, equipment or apparatus owned by or controlled by the township or owned by or under the control of any of the township's departments, boards, agencies or commissions.

C. To insure against liability for the townships negligence and that of its officers, employees and servants, whether or not compensated or part-time, who are authorized to perform any act or services, but not including an independent contractor within the limitations of the New Jersey Tort Claims Act (N.J.S.A. *59:1* et seq.)

§ 20-2. Amount of fund; disposition of excess moneys.

The Township Committee may, by resolution, from time to time, designate the maximum or minimum amount of the fund and may appropriate additional amounts to the fund as it may from time to time deem necessary. In addition, the Township Committee may, by resolution, from time to time, provide for the disposition of any excess over and above the maximum amount fixed or of the interest or profits arising there from when the fund shall have reached the maximum limit.

§ 20-3. Insurance Fund Commission; organization.

A. The Township Committee shall appoint three (3) officials of the local unit, who shall be members of the governing body, to serve as Commissioners of the Lower Alloways Creek Township Insurance Fund and shall appoint a person to serve as Secretary to the Insurance Fund Commission. The Commissioners shall hold office for two (2) calendar years or for the remainder of their terms of office as officials, whichever shall be less, and until their successors shall have been duly appointed and qualified. The Secretary shall serve at the pleasure of the Commission. The Commissioners shall serve without compensation. The salary of the Secretary shall be set by ordinance as authorized by the governing body.

B. Vacancies in the office of Insurance Fund Commissioners caused by any reason other than expiration of term as an official shall be filled for the unexpired term. Vacancies in the position of Secretary shall be filled in the manner of the original appointment.

§ 20-4. Selection of Chairman.

The Commissioners shall, forthwith after their appointment, organize, for the ensuing calendar year by election from their membership of a Chairman who shall serve for the year.

§ 20-5. Powers and duties of Commissioners.

The Insurance Fund Commissioners shall have the following powers and authority:

A. They may employ necessary clerical assistants, whose compensation will be fixed and paid by the Township Committee in the same manner as is that of other employees of the township.

B. They shall invest the fund and all additions and accretions thereto in such securities as they shall deem best suited for the purposes of this chapter.

C. They shall adopt rules and regulations for the control and investment of the fund.

D. They shall keep on hand at all times sufficient money, or have the same invested in such securities as can be immediately sold for cash, for the payment of losses to any buildings or property of the township or liability resulting from the operation of publicly owned motor vehicles, equipment or apparatus.

E. They shall fix reasonable rates of premium for all insurance carried by the Insurance Fund and shall affect all insurance in the Insurance Fund or with any insurance company or companies authorized to do business in this state.

§ 20-6. Payment of premiums.

Premiums for insurance, whether carried in the Insurance Fund or placed with insurance companies, shall be paid to the Commissioners by the board, commission, department, committee or officer having charge or control of the property insured.

§ 20-7. Placement of insurance.

All insurance upon property owned or controlled by the township or any of its departments, boards, agencies or commissions shall be placed and effected by the Commissioners.

§ **20-8. Administration.**

If provided by the rules and regulations of the Commission, the Secretary to the Insurance Fund Commission shall be entrusted with the daily operation of the Insurance Fund and shall submit a report to the Commissioners at least once a month.

CHAPTER 32

OFFICERS AND EMPLOYEES

Article I
Deputy Municipal Clerk

§ 32-1. Creation of office; term; appointment; powers and duties; salary.

Article II
Township Secretary

§ 32-2. Creation of office; appointment; term.
§ 32-3. Duties.

Article III
Municipal Attorney

§ 32-4. Appointment; term of office.

Article IV
Municipal Engineer

§ 32-5. Establishment of position; term.
§ 32-6. Compensation.

Article V
(Reserved)

§§ 32-7 through 32-11. (Reserved)

Article VI
Superintendent of Public Works

§ 32-12. Position created; duties.
§ 32-13. Discipline of subordinates; report of suspension.
§ 32-14. Full-time nature of position.
§ 32-15. Attendance at meetings.
§ 32-16. Residency.
§ 32-17. Term; manner of appointment.
§ 32-18. Removal from office.

Article VII
Township Bus Driver; Substitute Drivers

§ 32-19. Position created.
§ 32-20. Substitute drivers.
§ 32-21. Order of service
§ 32-22. Qualifications; duties.
§32-23. Determination of pay.

Article VIII
General Laborer and Seasonal General Laborer

§ 32-24. Position of general laborer established.
§ 32-25. Position of seasonal general laborer established.
§ 32-26. Duties.
§ 32-27. Compensation.

Article IX
Municipal Finance Officer

§ 32-28. Creation of office.
§ 32-29. Powers and duties.
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Article X
Chief Financial Officer

§ 32-31. Creation of office.
§ 32-32. Conformance with statute.

Article XI
Public Works Foreman

§ 32-33. Position created; duties.
§ 32-34. Manner of appointment.
§ 32-35. Compensation.

Article XII
Administrative Assistant

§ 32-36. Creation of position; appointment; term.
§ 32-37. Duties.

Article XIII
Public Works Records Coordinator

§ 32-38. Creation of position; appointment; term.
§ 32-39. Duties.

Article XIV
Director of Public Safety

§ 32-40. Creation of position; appointment
§ 32-41. Duties
§ 32-42. Term

Article XV
CPWM TRAINEE

§ 32-43. Position created; duties.
§ 32-44. Manner of appointment.
§ 32-45. Compensation.

[HISTORY: Adopted by the Township Committee of the Township of Lower Alloways Creek: Art. I, 3-5-1971 as Ord. No. 71-2; Art. II, 2-1-1974 as Ord. No. 74-1, amended in its entirety 1-19-1979 by Ord. No. 79-3; Art II, 2-4-1972 as part of Ord. No. 72-3; Art. IV, 4-2-1976 as Ord. No. 76-9; Art. VI, 10-4-1982 as Ord. No. 82-28; Art. VII, 6-2-1978 as Ord. No. 78-19; Art. VII, 4-15-1977 as Ord. No. 77-15, amended in its entirety 10-4-1982 by Ord. No. 82-27; Art. IX, 2-24-1988 as Ord. No. 88-3; Art. X, 3-22-1989 as Ord. No. 89-7. Sections 32-1, 32-4 and 32-11 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

GENERAL REFERENCES
Payroll account - See Ch. 37.
Personnel policies-See Ch. 40.
*Editor's Note: For current salary provisions, see Ch, 54, Salaries and Compensation,

Article I
Deputy Municipal Clerk
[Adopted 3-5-1971 as Ord. No. 71-2]

§ 32-1. Creation of office; term; appointment; powers and duties; salary.
[Amended 11-21-1983 by Ord. No. 83-22]

The office of Deputy Municipal Clerk for the Township of Lower Alloways Creek is hereby created, and the term of office shall be for a period of one (1) year commencing on January 1 and terminating on December 31 of each year. The person filling said office shall be appointed by the Township Committee and shall have all the powers of the Municipal Clerk and shall have the duty to perform all the duties of the Municipal Clerk during such times and for such specific periods as the Municipal Clerk shall be absent. The salary of said official shall be as provided by the Annual Salary Ordinance.*

Article II
Township Secretary

[Adopted 2~1-1974 as Ord. No. 74-1;
Amended in its entirety 1-19-1979 by Ord. No. 79-3]

§ 32-2. Creation of office; appointment; term.

The position of Township Secretary is hereby created, to be filled by appointment by the Township Committee. The term of the Township Secretary shall be indefinite; the Township Secretary shall serve at the pleasure of the Township Committee.

§ 32-3 Duties.

The Township Secretary shall perform such clerical duties as directed by the Township Committee or as further specified by resolution.

Article III
Municipal Attorney

[Adopted 2-4-1972 as part of Ord. No. 72-3]

§ 32-4. Appointment; term of office. [Amended 11-21-1983 by Ord. No. 83-22]

A Municipal Attorney shall be appointed by the Township Committee, and the term of office of said Municipal Attorney shall be one (1) year.

Article IV
Municipal Engineer

[Adopted 4-2-1976 as Ord. No. 76-9]

§ 32-5. Establishment of position; term.

There is hereby established and affirmed the position of Municipal Engineer for the Township of Lower Alloways Creek. The term of office shall be three (3) years.

§ 32-6. Compensation.

There shall be no salary paid to the Municipal Engineer, but he shall be paid for services actually rendered to the municipality at the prevailing rates for said services or at a fixed fee pursuant to a special agreement made for a particular project, but in no case shall said fee be based on a percentage of the cost of said project.

Article V*
(Reserved)

§§ 32-7 through 32-11. (Reserved)

Article VI
Superintendent of Public Works
[Adopted 10-4-82 as Ord. No. 82-28]

§ 32-12. Position created; duties.

A. The Township Committee hereby creates the Office of Superintendent of Public Works. This position may be filled by a municipal employee having the appropriate qualifications and certificates, or it may be filled by a qualified individual employed by a contractor with whom the Township Committee has entered an agreement to provide the services detailed herein. The position may either be full time or part time, and the duties of the person assigned to be Superintendent of Public Works shall include but not be limited to the following:

*Editor's Note: Former Art. V, Public Housing Officer, adopted 4-21 78 as Ord. No. 78-12, as amended, was repealed 10-15-84 by Ord. No. 84-23.

(1) Supervision of and responsibility for the maintenance and security of all township land, buildings, equipment, parks, recreational facilities, supplies and property of any kind. This duty, like all other duties of the Superintendent of Public Works, shall be subject to modification by the Township Committee, and responsibility for certain property may be delegated to other persons, agencies or officials by the Township Committee.

(2) Direct supervision on a daily basis of the following township employees:

(a) Mechanic.

(b) Road Foreman.

(c) Road employees.

(d) General laborers.

(e) Seasonal general laborers.

(f) Lunch-program employees.

(g) Sanitation employees.

(h) Custodian of Buildings and Grounds.

(i) Other employees as specified from time to time by the Township Committee.

These employees shall report to and comply with the direction of the Superintendent of Public Works or must otherwise be directed by the Township Committee.

(3) Keeping time records and payroll sheets for the above-listed employees, including records of overtime, sick days, vacation time, disability and other benefits

(4) Maintenance of personnel records of the above-listed employees.

(5) Assigning duties to the above-listed employees and carrying out projects directed from time to time by the Township Committee.

(6) Certifying receipt of goods and services on vouchers, wherever possible.

(7) Serving as Clerk of the Works on construction projects as directed by the Township Committee.

(8) Drawing up specifications for purchases as directed by the Township Committee.

(9) Performance of such other duties as are from time to time assigned to him by the Township Committee.

B. In the event of emergencies of when it is impractical to obtain directions from the Township Committee, the Superintendent of Public Works shall report to, be directed by and perform such duties as are prescribed by the Mayor.

§ 32-13. Discipline of subordinates; report of suspension. [Added 2-21-83 by Ord. No. 83-2]

A. The Superintendent of Public Works is hereby authorized to suspend without pay any township employee who is subject to his supervision for any violation of the rules and regulations described in the adopted Policy and Procedures Manual of the Township of Lower Alloways Creek.

B. The Superintendent of Public Works shall report any such suspension within twenty-four (24) hours to the Chairman or Co-Chairman of that department for which the suspended employee was working. The Superintendent of Public Works shall determine the duration of such suspension, until the next regular Township Committee meeting, or up to ten (10) calendar days. The Township Committee reserves the right to take additional action in regard to such employee.

§ 32-14. Full-time nature of position.

The Superintendent of Public Works shall serve on a full-time or part time basis and shall devote all of his time in service to the Township of Lower Alloways Creek to the discharge of his duties. [Amended 7/18/2006 by ORD. No. 2006-10]

§ 32-15. Attendance at meetings.

The Superintendent of Public Works shall attend all meetings of the Township Committee, both regular and special, unless excused by the Mayor or presiding officer.

§ 32-16. Residency.

The Superintendent of Public Works shall not be required to be a resident of the Township [Amended 12-20-05 by Ord. No. 2005-20]

§ 32-17. Term; manner of appointment.

The term of the Superintendent of Public Works shall be for a period of not less than one (1) year or more than three (3) years. The appointment to the office of Superintendent of Public Works shall be made by a majority vote of the Township Committee. [Amended 7/18/2006 by ORD. No. 2006-10]

§ 32-18. Removal from office.

The Superintendent of Public Works may be removed by a three-fifths vote of the Township Committee [Amended 7/18/2006 by ORD. No. 2006-10]

Article VII
Township Bus Driver; Substitute Drivers
[Adopted 6-2-78 as Ord. No. 78-19]

§ 32-19. Position created.

The position of Township Bus Driver is hereby created.

§ 32-20. Substitute drivers.

The positions of First and Second Substitute Bus Drivers are created.

§ 32-21. Order of service.

The First Substitute Bus Driver shall serve when the Township Bus Driver is unavailable. The Second Substitute Bus Driver shall serve when neither the Township Bus Driver nor the First Substitute Bus Driver are available.

§ 32-22. Qualifications; duties.

All of the following terms and provisions pertaining to the Township Bus Driver shall apply to the First and Second Substitute Bus Drivers when they are serving:

A. The Township Bus Driver shall be certified by the Township Physician to be physically and mentally fit to drive a passenger bus and shall undergo an annual physical examination by the Township Physician and be recertified each year as physically and mentally fit to drive a passenger bus in order to retain his position. These examinations and certifications shall be in accordance with those required by state law.

B. The Township Bus Driver shall possess and have at all times a valid New Jersey passenger bus driver's license.

C. The Township Bus Driver shall be appointed by the Township Committee and shall serve at the pleasure of the Township Committee.

D. The Township Bus Driver shall report to and receive instructions from the Superintendent of Public Works as to the performance of his duties. If immediate instructions are needed and the Superintendent of Public Works is not available, then the Township Bus Driver shall report to and receive instructions from the Township Committeeman who is Chairman of the Recreation Department, and if he in turn is unavailable, then from the Mayor. The Township Bus Driver shall drive the township passenger bus on scheduled trips and shall have the right to decline any particular trip so long as he gives notice at least forty-eight (48) hours in advance of the departure time or as soon as possible in case of last-minute illness or emergency.

E. The Township Bus Driver shall be responsible for the safe operating condition of his bus before, during and at the end of any trip. He shall perform a general inspection of the bus after each trip in order to report any damages.

F. The Township Bus Driver shall maintain a service log, which shall remain in the bus and in which he shall enter the date, place and description of any malfunction, repair, maintenance, servicing, fueling or lubrication of the bus.

G. The Township Bus Driver shall maintain a travel log, which shall remain in the bus and in which he shall enter the date, place, time and odometer mileage of each departure, stop and arrival of the bus.

H. The Township Bus Driver shall report any malfunction of the bus to the Superintendent of Public Works.

I. The Township Bus Driver shall not be limited to bus driving only but may at times be called upon to fill in as a substitute truck driver.

J. The Township Bus Driver shall strictly abide by the schedule of any trip where possible but shall be free to exercise independent judgment at all times regarding the safety of his passengers and the protection of the vehicle and may take appropriate action for their safety and protection, including deviation from schedule.

§ 32-23. Determination of pay.

For day trips, the driver will be paid for the total number of hours of the trip. For overnight trips or trips of more than forty-eight (48) hours, the driver shall be paid for the ten-hour maximum driving period but not for the eight-hour rest period. However, after the eight-hour rest period, his pay will resume for the next ten-hour driving period. After arrival at destination, if the bus is to stay for one (1) day or more without needing to be used for transportation, the driver will receive his meals and lodging from the organization sponsoring the trip. However, he will not be paid for the time that he is not driving, but he will receive pay after the trip is resumed in the manner specified above.

Article VIII
General Laborer and Seasonal General Laborer
[Adopted 4-15-1977 as Ord. No. 77-15; amended in its entirety 10-4-1982 by Ord. No. 82-27]

§ 32-24. Position of general laborer established.

The position of general laborer is hereby created. General laborers shall be hourly employees of the township and shall be appointed by the Township Committee.

§ 32-25. Position of seasonal general laborer established.

The position of seasonal general laborer is hereby created. Seasonal general laborers shall be hourly employees of the township.

§ 32-26. Duties.

The general laborer and seasonal general laborer shall perform general labor and other miscellaneous work for the township and its various departments as directed and supervised by the Superintendent of Public Works.

§ 32-27. Compensation.

Compensation for both of the foregoing positions shall be established by Ordinance.*

Article IX**
Municipal Finance Officer
[Adopted 2-24-1988 as **Ord. No. 88-3]**

§ 32-28. Creation of office.

A. The position of Municipal Finance Officer shall be created.

B. The position of Municipal Finance Officer herein created shall be in conformance with the provision of N .J .S .A. 40A:9-140.1 et seq.

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§ 32-29. Powers and duties.

The duties of said Municipal Finance Officer shall be as directed by, the Township Committee.

§ 32-30. Appointment.

Said Municipal Finance Officer shall be appointed on an annual basis.

Article X
Chief Financial Officer
[Adopted 3-22-1989 as **Ord. No. 89-7]**

§32-31. Creation of office.

The position of Chief Financial Officer shall be created.

§ 32-32. Conformance with statute.

The position of Chief Financial Officer shall be in conformance with the requirements of N.J.S.A. 40A:9-40.l et seq., as amended.

*Editor's Note: For current salary provisions, see Ch. 54, Salaries and Compensation
**Editor's Note: Former Art. IX, Assistant Treasurer, adopted 9-20-1982 as Ord

Article XI
Public Works Foreman
[Adopted 12-21-04 as Ord. No. 2004-23, amended 01-16-2018 as Ord. No. 2017-08]

§ 32-33. Position created; duties.

The Township Committee hereby creates the position of Public Works Foreman. His/her duties shall include but not be limited to the following:

A. Directly supervise the labor force of the Lower Alloways Creek Township Department of Public Works. This may include but not be limited to preparing and distributing daily work assignments, scheduling work projects and proper procurement of materials and supplies to keep projects on schedule.

§ 32-34. Manner of appointment.

The appointment of the Public Work Foreman shall be made by a majority vote of the Township Committee. The Township Committee shall consider the recommendation of the Superintendent of Public Works along with any and all other factors it deems relevant to make such appointment.

§ 32-35. Compensation.

Compensation for the Public Works Foreman shall be established by ordinance.

Article XII
Administrative Assistant
[Adopted 12-21-04 as **Ord. No. 2004-14]**

§ 32-36. Position created; appointment; term.

The position of Administrative Assistant is hereby created to be filled by appointment by the Township Committee. The term of the Administrative Assistant shall be indefinite. The Administrative Assistant shall serve at the pleasure of the Township Committee.

§ 32-37. Duties.

The Administrative Assistant shall perform such clerical duties as directed by the Township Committee or as further specified by resolution.

Article XIII
Public Works Records Coordinator
[Adopted 3-15-05 as **Ord. No. 2005-4]**

§ 32-38. Creation of position; appointment; term.

The position of the part-time Public Works Records Coordinator is hereby created to be filled by appointment by the Township Committee. The term of the part-time Public Works Records Coordinator shall be indefinite. The part-time Public Works Records Coordinator shall serve at the pleasure of the Township Committee.

§ 32-39. Duties.

The part-time Public Works Records Coordinator shall perform such clerical duties as directed by the Township Committee or as further specified by resolution.

ARTICLE XIV

Director of Public Safety

[History: Adopted by the Township Committee of the Township of Lower Alloways Creek 2-3-2009 as Ordinance 2009-01, previously adopted as Ord 1975-11 (Chapter 46), repealed 2-24-88 by Ord 88-2]

§ 32-40 Creation of Position; Appointment.

There shall be a position of Director of Public Safety, who shall be appointed by the Township Committee subject to suspension or removal at will or any reason or method consistent with law. The Director of Public Safety's salary shall be fixed from time to time by a General Salary Ordinance.

§ 32-41 Duties. [Amended 8/18/2009 as Ord No. 2009-12]

A. The Director of Public Safety shall be responsible for the organizational and administrative control of the Department of Police, governed by Chapter 43 and the Office of Emergency Management. Prior to appointment, the Director shall be qualified by training and experience for the duties of this office. The Director of Public Safety is responsible for providing the Township Committee with quarterly status reports or such more frequent reports as the Township Committee may request.

B. The Director of Public Safety shall promulgate and from time to time revise and enforce rules and regulations for the hiring, control, disposition and discipline under the Director's organizational and administrative control of the officers, employees and volunteers, for their training and efficiency and for the use and care of Township equipment and Township apparatus.

C. The Director of Public Safety shall gather information and make recommendations and reports to the Township Committee with regard to the annual budget for the Department of Police, Office of Emergency Management, and the Director's office to assist the Township Committee in the annual budget process.

D. The Director of Public Safety shall be a civilian position, and is not responsible for any operational (day-to-day) control of any division of the Department of Public Safety, so long as there is an appointed Chief of Police serving in that capacity. In the event a Chief of Police has not been appointed, or in the event, the appointed Chief of Police is unable to serve in that capacity due to illness or incapacity, then the Director of Public Safety shall be responsible for operational control of the Township Police Department.

§ 32-42 Term.

The Director of Public Safety shall be appointed to a term, as determined by the Mayor and Township Committee. The Director shall work a minimum of 40 hours per week or such other amount as established by motion of the Township Committee.

Article XV
CPWM TRAINEE
[Adopted 02-21-2023 as Ord. No. 2023-02]

§ 32-43. Position created; duties.
§ 32-44. Manner of appointment.
§ 32-45. Compensation.

§ 32-43. Position created; duties.

The Township Committee hereby creates the position of CPWM Trainee. His/her duties shall include but not be limited to the following:

A. As directed under the leadership of the Superintendent of Public Works:

1. Directly manage the labor force of the Lower Alloways Creek Township Department of Public Works. This may include but not be limited to preparing and distributing daily work assignments, scheduling work projects and proper procurement of materials and supplies to keep projects on schedule.

2. Perform daily inspections of work performed by the employees of the Department of Public Works.

3. Schedule maintenance and repairs of all Township equipment.

4. Schedule maintenance and cleaning of Municipal building, Firehouse and Ambulance Hall.

5. Schedule maintenance and repairs to the twenty-nine Leisure Arms Complex Units.

6. Schedule maintenance and repairs to the Hancock's Bridge and Canton Sewer Treatment Plants.

7. Schedule maintenance and repairs to the six Sewer pump stations and sewer force mains and laterals.

8. Maintain Township Municipal Park, Playground and recreational ball fields.

9. In the event of emergencies coordinate work details and needed resources with the Superintendent.

10. Provide the Superintendent with labor and overtime reports, keeping overtime to a minimum.

11. Attend meetings, courses, conferences and training as may be required by the Superintendent.

12. Undertake the New Jersey Certified Public Works Manager Courses with the expectation of attainment of this Certification.

13. Any other duties or job functions assigned by the Superintendent of Public Works

§ 32-44. Manner of appointment.

The appointment of the CPWM Trainee shall be made by a majority vote of the Township Committee. The Township Committee shall consider the recommendation of the Superintendent of Public Works along with any and all other factors it deems relevant to make such appointment.

§ 32-45. Compensation.

Compensation for the CPWM Trainee shall be established by ordinance.

CHAPTER 37

PAYROLL ACCOUNT

Article I
Payroll Vouchers

§ 37-1. Presentation of voucher.
§ 37-2. Drawing of checks.
§ 37-3. Correction of errors or adjustments in payroll.
§ 37-4. Signing of vouchers.

Article II
Signing of Checks

§ 37-5. Authority to sign.
§ 37-6. Required signatures.

[HISTORY: Adopted by the Township Committee of the Township of Lower Alloways Creek: Art. I, 10-4-82 as Ord. No. 82-33; Art. II, 9-20-82 as Ord. No. 82-22. Amendments noted where applicable.]

GENERAL REFERENCES
Approval of claims—See Ch. 8.
Personnel policies—See Ch. 40.

Article I
Payroll Vouchers
[Adopted 10-4-82 as Ord. No. 82-33]

§ 37-1. Presentation of voucher.

The Treasurer or Assistant Treasurer of the township shall present biweekly to the Township Committee for its approval a voucher drawn to the order of the Township of Lower Alloways Creek Payroll Account as follows:

A. For all employees whose salaries are on a monthly or bi-weekly basis, when such salaries are due and payable.

B. For all employees whose compensation is on an hourly basis, when the compensation has been approved by some responsible, designated official and the chairman of the appropriate committee and has been certified to the Township Treasurer or Assistant Treasurer.

§ 37-2. Drawing of checks.

The Treasurer and Assistant Treasurer shall draw checks on said payroll account to employees entitled to payment there from.

§ **37-3. Correction of errors or adjustments in payroll.**

In case of error or adjustment in the payroll, the Treasurer or Assistant Treasurer shall, and it shall be his duty to, see that such error or adjustment shall be properly corrected and appropriate record made thereof.

§ **37-4. Signing of vouchers.**

Such officers as may be designated by the Township Committee are hereby authorized to sign vouchers drawn in favor of the payroll account upon due notice that the appropriate payrolls have been approved by the proper committee and the proper certifying authorities, which certifying authorities and committee shall have been designated by resolution.

Article II
Signing of Checks
[Adopted 9-20-82 as Ord. No. 82-22]

§ **37-5. Authority to sign.**

The Township Treasurer and the Assistant Township Treasurer are hereby authorized to sign all payroll checks issued by the township.

§ **37-6. Required signatures.**

The signatures of both the Township Treasurer and the Assistant Treasurer shall be required on all township payroll checks which are issued.

CHAPTER 40

PERSONNEL POLICIES

Article I
Working Conditions and Benefits

§ 40-1. Definitions.
§ 40-1.1. Introductory Period.
§ 40-1.2. Benefits eligibility.
§ 40-2. Compensation.
§ 40-2.1. Deferred compensation plan.
§ 40-3. Overtime.
§ 40-3.1. Compensatory time off.
§ 40-4. Life insurance coverage.
§ 40-5. Health-care coverage.
§ 40-6. Dental insurance coverage.
§ 40-7. Prescription drug plan.
§ 40-8. Payment for eye examinations and eyeglasses; eligibility.
§ 40-9. Health insurance following retirement.
§ 40-10. Employees covered under other plans.
§ 40-11. Holidays.
§ 40-12. Vacations.
§ 40-13. Sick leave.
§ 40-13.1. Disability leave and regulations.
§ 40-14. Personal leave.
§ 40-15. Longevity pay
§ 40-16. *Repealed 11/14/2011 Ord 2011-11*
§ 40-17. Determining years of service for purpose of retirement benefit.
§ 40-17.1. Determining adjusted service date.

Article II
Residency Requirements

§ 40-18. Definitions.
§ 40-19. Residency required.
§ 40-20. Exceptions.
§ 40-21. Enforcement.

[HISTORY: Adopted by the Township Committee of the Township of Lower Alloways Creek: Art. I, 3-3-1980 as Ord. No. 80-5; Art. II, 4-21-1978 as Ord. No, 78-13. Amendments noted where applicable. Also note that an entire new Employee and Personnel Manual was adopted by the Township Committee on 4/16/08, Ord No. 2008-07, Adopted 6/17/08 makes changes to Chapter 40 to reflect changes made by the Employee and Personnel Manual]

GENERAL REFERENCES
Officers and employees-—See Ch. 32., Payroll account—see Ch. 37., Salaries and compensation—See Ch. 54.

Article I

Working Conditions and Benefits

[Adopted 3-3-1980 as Ord. No. 80-5, amended 6-17-08 by Ord. No. 2008-07]

§ 40-1. Definitions.

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

ELECTED OFFICIALS — Those officials who are elected to their position or who were originally elected to their position but now have tenure. The term "elected official" shall include members of the governing body.

FULL-TIME EMPLOYEES — Employees who regularly work a forty-hour week on a year-round basis, other than police officers and police dispatchers.

OFFICIALS — Both elected and appointed officials unless otherwise specified. "Appointed officials" shall not include those officials providing professional services as defined in N.J.S.A. 40A: 11-2(6). [Amended 2-2-1981 by Ord. No. 8 1-4]

PART-TIME EMPLOYEES — Employees who regularly work less than forty (40) hours per week, whether on a year-round or seasonal basis, other than police officers and dispatchers. For purposes of determining years of service under this code, one (1) year's service for part-time employees shall consist of two thousand eighty (2,080) hours. [Added 10-14-1987 by Ord. No. 8714*]

TEMPORARY EMPLOYEES --Temporary (e.g., seasonal) employees shall be defined as working six months or less in a calendar year. [Added 6-17-08 by Ord. No. 2008-07]

§ 40-1.1. Introductory Period. [Added 10-5-1993 by Ord. No. 93-20, amended 6-17-08 by Ord. No. 2008-07]

A new employee will serve an introductory period for twelve (12) months from the initial date of hire. Upon satisfactory completion of the introductory period, as determined by the Superintendent of Public Works and the Township Committee, an employee will be placed on the seniority list retroactive to his or her first date of hire. An employee who does not successfully complete the introductory period will be terminated.

*Editors Note: This ordinance also provided as follows: This ordinance shall only apply prospectively and shall not affect the rights of any former or current township employees.'

§ 40-1.2. Benefits eligibility. [Added 10-5-1993 by Ord. No. 93-20, amended 6-17-08 by Ord. No. 2008-07]

A. Other than basic health-care benefits, as set forth in § 40-5 hereafter, employees of Lower Alloways Creek Township shall not become eligible for any benefits, including sick leave and disability leave, under any other ordinance or plan until the completion of the Introductory period as set forth in § 40-1.1 herein. New full-time permanent employees shall become eligible for basic health care coverage (40-5), excluding dental, prescription and eyeglasses, ninety (90) days after their initial date of hire.

B. Upon the successful completion of the Introductory period, as determined by the Superintendent of Public Works and the Township Committee, new employees shall become eligible for all benefits, as provided for by ordinance or resolution, as of that date. No benefits will be retroactive to the date of hire.

§ 40-2. Compensation.

The basic compensation for employees and officials of the township has been fixed by other ordinance,* which shall be subject to amendment from time to time.

§ 40-2.1. Deferred compensation plan. [Added 9-9-1987 by Ord. No. 87-13]

All full-time employees, part-time employees, elected officials and appointed officials shall be entitled to participate, but are not required to participate, in the Public Employees' Deferred Compensation Plan. Copies of the plan are on file in the office of the Municipal Clerk and may be inspected at any time during regular working hours. The Treasurer of the township is authorized to withhold funds from the payroll for any eligible person who chooses to participate.

§ 40-3. Overtime.

Each full-time employee shall be paid at the rate of one and one-half (1-1/2) times his hourly wage rate as fixed by ordinance for all time worked in excess of forty (40) hours in any given calendar week, except when holiday pay, as provided herein, is being received.

§ 40-3.1. Compensatory time off. [Added 10-26-1988 by Ord. No. 88.15]

A. Each full-time employee may receive, in lieu of overtime compensation, compensatory time off at a rate not less than one and one-half (1-1/2) hours for each hour of employment for which overtime compensation is required. In order to qualify for compensatory time off, each full-time employee must, prior to performance of the work, arrive at an agreement or understanding with his or her department head. For work in a public safety or emergency response activity, the maximum number of hours a full-time employee may accrue in a year is four hundred eighty (480) hours. For all other types of work, the maximum number of hours a full-time employee may accrue in a year is two hundred forty (240) hours.
*Editors Note: See Ch. 54, Salaries and Compensation.

B. All compensatory time accrued shall be used within six (6) months of its accrual. Department heads shall approve the scheduling of the use of compensatory time off to best fit the needs of the particular department.

§ 40-4. Life insurance coverage.

Each official and employee of the township shall be covered by such life insurance as is provided by the public employee retirement benefit system so long as he is enrolled in that system.

§ 40-5. Health-care coverage. [Amended 2-15-1982 by Ord. No. 82-5; 2-10-1988 by Ord. No. 88-1; 3-23-1988 by Ord. No. 88-6; 2-8-1989 by Ord. No. 89-6; 9-17-1991 by Ord. No. 91-9; 11-16-1992 by Ord. No. 92-26]

A. Persons covered. The township shall pay for and maintain health-care insurance for full-time employees, their spouses, and unmarried children under twenty-three (23) years of age provided that, if said children are over nineteen (19) years of age and under twenty-three (23) years of age, they are matriculated in an accredited educational institution and are actively pursuing a degree or certification program. If a township employee who has been employed by the township for a minimum of five (5) years dies, the surviving spouse shall be covered until remarriage. The children shall be covered until the spouse is remarried or the children emancipated. [Amended 5-5-1998 by Ord. No. 98-5]

B. Active employees age sixty-five (65) and over. Those employees in active service on a full-time basis [forty (40) hours] age sixty-five (65) and over and who are eligible for coverage under the Lower Alloways Creek Health Plan and their eligible spouses age sixty- five (65) and over will be provided with the coverage on the same basis as those active covered employees under the age of sixty-five (65) unless such employee rejects the employer provided group health plan and elects Medicare as his only coverage. If such employee elects to retain his coverage under the Lower Alloways Creek Township Plan, then this plan shall be primary payer for such an employee and eligible dependents and Medicare shall be the secondary payer.

§ 40-6. Dental insurance coverage. **[Amended 12-15-1982 by Ord. No. 82- 5; 3-23-1988 by Ord. No. 88-6; 2-8-1989 by Ord. No. 89-5; 9-17- 1991 by Ord. No. 919*; 5-5-1998 by Ord. No. 98-51]**

The township shall pay for and maintain dental insurance for full-time township employees, their spouses and unmarried children under twenty-three (23) years of age, provided that, if said children are over nineteen (19) years of age and under twenty-three (23) years of age, they are matriculated in an accredited educational institution and are actively pursuing a degree or certification program. If a township employee who has been employed by the township for a minimum of five (5) years dies, their surviving spouse shall be covered until remarriage. The children shall be covered until the spouse is remarried or the children are emancipated.

§ 40-7. Prescription drug plan. **[Added 4-6-1981 by Ord. No. 81-10; amended 10-4-1982 by Ord. No. 82-31; 2-8-1989 by Ord. No. 89- 2; 9-17-1991 by Ord. No. 919*; 5-5-1998 by Ord. No. 98-5]**

The township shall provide insurance for a drug prescription plan for full-time township employees, their spouses and unmarried children under twenty-three (23) years of age, provided that, if said children are over nineteen (19) years of age and under twenty-three (23) years of age, they are matriculated in an accredited educational institution and are actively pursuing a degree or certification program. If a township employee who has been employed by the township for a minimum of five (5) years dies, their surviving spouse shall be covered until remarriage. The children shall be covered until the spouse is remarried or the children are emancipated.

§ 40-8. Payment for eye examinations and eyeglasses; eligibility. **[Amended** 3-5-1984 by **Ord. No. 84-6; 4-17-1990 by Ord. No. 90-6]**

The township shall pay up to two hundred dollars ($200.) per year, upon presentation of a paid receipt or submittal of a voucher from an optician, optometrist or ophthalmologist, for an eye examination and/or purchase of eyeglasses for any of the following;

A. Full-time employees.

B. Elected officials.

C. Appointed officials.

*Editors Note: Section 2 of this ordinance provided as follows: The amendments to Chapter 40 of the Code of the Township of Lower Alloways Creek effected by this ordinance shall have no application to township personnel receiving benefits under the township personnel policy contained in Chapter 40 of said Code prior to adoption of the within ordinance; provided, however, that the benefits received by the members of the Lower Alloways Creek Township Committee pursuant to Chapter 40 of the Code of the Township of Lower Alloways Creek shall terminate on January 1, 1992.

§ 40-9. Health insurance following retirement. [Amended 1-28-1987 by Ord. No. 87-1; 9-17-1991 by Ord. No. 91-9; 5-5-1992 by Ord. No. 92-9; 11-16-1992 by Ord. No. 92-261]

A. Subject to § 40-9B below, after retirement, full-time township employees and their spouses, if residing in the same household, shall be entitled to have maintained at the township's expense such life insurance and healthcare insurance under the township's group policies as are maintained for full-time township employees covered in such limits as maintained by the township, as from time to time shall be determined and as permitted within the age limitation for such retired full-time township employees, provided that such full-time township employees shall have completed ten (10) years of continuous service to the township as full-time township employees.

B. Those retirees who are eligible for Medicare are required by state law to enroll in the Full Medicare Program (Part A and Part B) in order to be covered under the Lower Alloways Creek Township Health Plan. Medicare shall be primary payer and Lower Alloways Creek Township's plan shall be secondary payer.

C. On the death of a retired township employee who was entitled to health insurance following retirement, his or her spouse, who qualifies under this section, shall be entitled to have those benefits maintained at the township's expense until remarriage. Said spouse, if eligible for Medicare, is required by state law to enroll in the Full Medicare Program (Part A and Part B) in order to be covered under the Lower Alloways Creek Township Health Plan. Medicare shall be primary payer and Lower Alloways Creek Township's plan shall be secondary payer.

§ 40-10. Employees covered under other plans.

There shall be no "in lieu" payments for personnel who do not receive insurance coverage paid for by the township because they are covered under other plans.

§ 40-11. Holidays.

The following holidays shall be observed with compensation by full-time employees as follows:

A. Whenever a full-time employee is required to work on an official holiday listed below, such employee who is scheduled to work shall be compensated by being paid at the rate of two and five-tenths (2.5) times his prevailing hourly rate for the time actually on duty, and if said employee should work less than a full eight-hour schedule, he shall be paid for the balance of the day at his prevailing rate, but in no event shall he be paid for less than four (4) hours at two and five-tenths (2.5) times his normally hourly rate.

B. Said official holidays are as follows: [Amended 1-19-1992 by Ord. No. 93-1, 6-17-08 by Ord No. 2008-07]

(1) New Year's Day.
(2) Good Friday.
(3) Memorial Day.
(4) Independence Day.
(5) Labor Day.
(6) Columbus Day
(7) Veterans Day.
(8) Thanksgiving Day.
(9) The day after Thanksgiving Day.
(10) Christmas Day.

C. Any full-time employee scheduled to work on an official holiday as listed above who is absent from work on that day without a valid excuse shall not receive any compensation for said day, not even his holiday pay, if he worked either the day before or the day after this scheduled official holiday. [Added 10-6-1980 by Ord. No. 80-26]

§ 40-12. Vacations. **[Amended 4-21-1980 by Ord. No. 80-7; 2-12-1986 by Ord. No. 86-3; 1-28-1987 by Ord. No. 87-1; 10-28-1987 by Ord. No. 87-17; 12-28-1993 by Ord. No. 93-26]**

A. Each full-time employee shall be entitled to receive vacation time with pay as follows:

Completed Time (years)	Vacation Time (weeks)
1 to 5	2
5 to 10	3
10 to 15	4
15 or over	5

[NOTE: Except for the first twelve (12) months of employment, an employee's right to receive vacation time with pay shall accrue on January 1 of each year. A new employee shall be entitled to two (2) weeks' vacation following the completion of the first twelve (12) months of continuous service, to be taken between the anniversary date of employment and December 31 of that year; on January 1 of the following year, the employee shall be deemed to have completed one (1) year of service and shall be entitled to vacation time according to the schedule above. During the calendar year in which an employee will complete five (5), ten (10) or fifteen (15) years of service, that employee shall be entitled to one (1) additional week of vacation, to be taken at any time during that calendar year.]

B. Each full-time employee shall be permitted to use up to one (1) week's vacation one (1) day at a time or in multiples thereof, not to exceed four (4) days, upon three (3) days' notice to the employee's supervisor, who shall have sole discretion as to whether or not to grant or deny this request.

C. Each full-time employee who has completed five (5) years or more of service can carry forward into the next year of service one (1) week's [i.e., five (5) days] vacation time and each full-time employee who has completed fifteen (15) years or more of service can carry forward into the next year of service two (2) weeks [i.e., ten (10) days] vacation time; provided, however, that said full-time employee shall use this carried-forward vacation time within the next calendar year following the completed year of service.

§ 40-13.* Sick leave. [Added 10-5-1993 by Ord. No. 93-20, amended 6-17-08 by Ord. No. 2008-07]

A. Eligibility. Sick leave shall only be available to full-time permanent employees and salaried employees, except for members or employees of the Police Department who are covered by other plans. Seasonal or part-time employees shall not receive sick leave.

B. Definition. 'Sick leave" is paid leave that may be granted to each full-time employee and salaried employee who is unable, due to his or her own sickness or injury, to perform the duties of his or her position or who is quarantined by a physician because he or she has been exposed to a contagious disease. Employees whose absences are due to sickness or injury compensable under state workers' compensation laws will not be charged with sick leave.

C. Number of days allowed. Eligible employees may use up to a maximum of ten (10) days as sick days per calendar year. The sick days shall be deemed available in full at the beginning of each calendar year. If an employee is hired mid-year, he or she shall be entitled to a pro rata share of the total sick days allowable for one (1) year, as computed from the date of successful completion of the Introductory period. There will be no carry-over or accumulation of unused sick days from year to year.

D. Doctor's certificate.

(1) After taking three (3) days of sick leave within any seven-day period, an eligible employee is required to present a doctor's certificate before returning to work, stating the nature of the illness and affirming the employee's fitness to return to work. In the case of a contagious disease or exposure to the same, a certificate from the County Department of Health shall be required. Other evidence to validate an employee's sick leave may be required at the discretion of the department head.

(2) Additionally, an eligible employee is required to present a doctor's certificate before returning to work for any sick leave absence after the employee's second incidence of sick leave in any calendar year. [An "incidence" of sick leave is defined as any one (1) continuous absence from work pursuant to this section.] The employee will be required to present a doctor's certificate before returning to work for each and every subsequent sick leave absence, no matter the duration, until he or she has completed twelve (12) consecutive months without a sick leave absence.

E. Notification required. An eligible employee taking sick leave is required to notify his or her immediate supervisor of the absence as close to the beginning of the workday as possible. If the immediate supervisor is unavailable, notification should be given to the person in charge of the employee's department. The employee is required to inform the supervisor or department head of the absence for each day of sick leave taken.

F. Unauthorized absence. An employee who is absent from duty without reporting to his or her supervisor prior to said absence, and in no case for more than twenty-four (24) hours after the time he or she would normally report to work, will be considered absent without leave, and a deduction of pay will be made for such absence. In the discretion of the Township Committee, such absence will be grounds for disciplinary action, up to and including immediate dismissal. The use of sick leave for reasons other than those stated in Subsection B shall also be grounds for disciplinary action, up to and including termination.

*Editors Note: Former § 40-13, Disability pay, was deleted 10-5-1993 by Ord, No, 93-20. See now § 40- 3.1 , Disability leave and regulations.

G. Current employees; transition. All current eligible employees as of the effective date of this section shall receive four (4) days of sick leave for the remainder of the 1993 calendar year.

H. Sick leave after reporting to work. If an employee who has already reported for duty is required to leave his or her duty for any of the reasons set forth in Subsection B above prior to the completion of one-half (1/2) days work, said employee will be charged one (1) full sick day. If the employee has completed more than one-half (1/2) day's duty before being required to leave, he or she shall be charged one-half (12) day's sick leave for that particular day.

§ 40-13.1. Disability leave and regulations. [Added 10-5-1993 by Ord. No. 93-20]

A. Plan adopted. The Township of Lower Alloways Creek hereby adopts a self-funded disability benefit plan for certain employees of the township. This plan does not cover members or employees of the Police Department, for whom other plans are in effect. All previous ordinances, plans or other written policies concerning disability benefits for township employees are hereby rescinded and will hereafter be considered null and void.

B. Compensible disability. Disability shall be compensible, subject to the limitations of this section, where a covered individual suffers a serious accident, illness or hospitalization at the onset of which it can be medically certified that the employee is expected to be out of work for at least two (2) weeks. Said accident, illness or hospitalization shall not arise out of or in the course of the individual's employment or if so arising not compensible under the state Workers' Compensation Law, Occupational Disease Law or other similar law and resulting in the individual's total inability to perform the duties of employment.

C. Covered individual. A covered individual under the plan set forth herein is any person who:

(1) Has been employed by the township on either an hourly or salaried basis for a minimum of twelve (12) months; and

(2) Is a full-time, permanent (non-seasonal) employee or salaried official; and

(3) Has used up all available sick leave.

D. Duration. Benefits under this plan shall be payable from the first day for which there is no sick leave coverage available and for each day thereafter that the disability continues up to **a** maximum of twenty-six (26) weeks.

E. Benefits paid. A covered individual under this plan shall receive his or her full pay for the period of disability. "Full pay" is considered his or her weekly wage, based on a forty- hour week, at the time the disability occurs.

F. Limitation of benefits. In addition to the foregoing limitations set forth in this plan, no benefits shall be payable to any person:

(1) For any period during which the claimant is not under the care of a legally licensed physician, dentist, optometrist, podiatrist, practicing psychologist or chiropractor who, when requested by the township, shall certify within the scope of the practitioner's practice the disability of the claimant, the probable duration thereof and, where applicable, the medical facts within the practitioner's knowledge.

(2) For any period of disability due to willfully and intentionally self-inflicted injury or to injury sustained in the perpetration by the claimant of any crime.

(3) For any period during which the claimant performs any work for remuneration or profit.

(4) In a weekly amount which, together with any remuneration the claimant continues to receive from the township, would exceed the weekly wage immediately prior to disability.

G. Non-duplication of benefits.

(1) No benefits shall be required or paid under this plan for any period during which benefits are paid or payable under:

(a) Any unemployment compensation or similar law.

(b) Any disability or cash sickness benefit or similar law of New Jersey, any other state or the federal government.

(c) Any Workers' Compensation Law, occupational disease law or similar legislation of New Jersey, any other state or the federal government, except where said benefits are for permanent partial or permanent total disability previously incurred.

(2) Where a claimant's claim for compensation under the laws or legislation set forth in Subsection G (l) (b) or (c) above is delayed, benefits will be paid under this plan; however, in the event that any such benefits are awarded under said laws or legislation for the same time period during which benefits were paid under this plan, the township shall be entitled to be subrogated to such claimant's award to the extent of the amount of disability payments made hereunder.

H. Procedures. (1) In the event of the disability of any individual covered under this plan, that individual shall, no later than the first day following the exhaustion of his or her sick leave, notify the township of said disability, whereupon the township will provide the individual with the necessary forms and/or instructions for filing a notice and claim for benefits under this plan. Said notice and claim shall be filed with the township by the individual according to the instructions given not later than twenty (20) days after the commencement of the period of disability for which the notice is furnished. Said notice and claim must be accompanied by medical proof, which shall-include certification of total disability by the attending physician or a record of hospital confinement. Failure to furnish notice and proof within the time or in the manner provided above shall not invalidate or reduce any claim if it shall be shown to the satisfaction of the township not to have been reasonably possible to furnish such notice and proof and that such notice and proof was furnished as soon as reasonably possible.

(2) A person claiming benefits under this plan shall submit, at intervals not more than once a week, proof of continuing total disability as requested by the township and/or submit to an examination by a health-care professional designated by the township. Any such examinations shall be scheduled at a reasonable time and place and, if the claimant so requests, by a professional of the same sex. Refusal to comply with this section shall disqualify the claimant from all benefits for the period of disability for which proof is being requested.

(3) All medical records in the possession of the township, except to the extent necessary for proper administration of benefits, shall be confidential and shall not be published or open to public inspection in any manner revealing the identify of the claimant or the nature of the disability or cause of the disability. Only the Superintendent of Public Works, the Township Clerk and members of the Township Committee shall have access to medical reports.

I. Review. If a person claiming benefits under this plan and the township are unable to agree as to the claimant's eligibility for benefits under this plan, such claimant may, within thirty (30) days of receipt of notice that benefits were denied, file a complaint, in writing, with the Township Committee, which shall conduct an investigation or appoint one (1) or more individuals to conduct the same, including informal hearings, as is deemed proper. If the matter is not settled, the Township Committee shall conduct a fair and impartial hearing, upon due notice to the claimant. The Township Committee shall take whatever steps are necessary to ensure that said hearing is fair and impartial. The evidence submitted at the hearing shall not be governed or limited by the rules of evidence. All proceedings at the hearing shall be recorded but need not be transcribed unless the decision is to be reviewed. The Township Committee shall make a determination of facts and an order disposing of the issues presented. A copy of the order shall be served upon the claimant by registered mail. Said order is subject to appropriate judicial review by the claimant, in which case the claimant shall bear the cost of recording and transcribing the proceedings.

J. Penalties for false statements or representations. If any person making a claim under this plan makes a false statement or representation knowing it to be false or knowingly fails to disclose a material fact, such action will immediately disqualify such person for any benefit under this plan, as well as any benefits that were already paid based upon reliance on said false statements or representations or material omissions. Said action will also be grounds for disciplinary action, up to and including termination of employment. The township reserves the right to pursue any other available sanctions against any individual committing these acts, including prosecutor under applicable state law.

§ 40-14. Personal leave. [Amended 6-17-08 by Ord. No. 2008-07]

Each full-time employee shall be entitled to six (6) days' leave of absence for personal business during time that he is regularly scheduled for duty, provided that the head of the department must approve in advance each day selected. There shall be no carry-over of unused personal business days from one calendar year to another.

§ 40-15. Longevity Payments. [Added 6-17-08 by Ord. No. 2008-07]

All full time Administrative Employees not receiving an annual longevity payment as a result of a collective bargaining agreement, shall after one year's full employment receive $1000.00 as a longevity payment each year following their anniversary date of hire.

§ 40-16. Service bonus. [Amended 9-15-1980 by Ord. No. 80-23; 2-8-1989 by Ord. No. 89-4; 5-15-1990 by Ord. No. 90-8, Repealed 11-14-2011 by Ord 2011-11]

§ 40-17. Determining years of service for purpose of retirement benefit. [Added 9-15-1980 by Ord. No. 80-23]

A. Employees and officials who have returned to full-time employment or a salaried position for a period of at least five (5) years after a break in employment of not more than six (6) years shall be allowed to include their years of full-time employment and/or service in a salaried official position prior to the break for the purpose of calculating the retirement benefit hereinbefore described in § 40-16.

B. Any full-time employees employed as of the effective date of this Article who shall have had a break in employment of any duration prior to said effective date shall be allowed to include their years of full-time employment and/or service in a salaried official position prior to the break for the purpose of calculating the aforementioned retirement benefit.

§ 40-17.1. Determining adjusted service date. [Added 2-12-1986 by Ord. No. 86-31]

In order for an employee to receive an adjusted service date, the same reflecting a time previously worked for the township, the employee must satisfy the following criteria and/or conditions:

A. Each employee must have returned to full-time employment for three (3) consecutive years subsequent to his/her break in employment, in order to be eligible to receive his/her previous period of employment adjusted to his service date.

B. Adjusted service dates shall be given for those township employees who had previously worked as either temporary employees, part-time employees and/or full-time employees; provided, however, that the adjusted service date shall only be available to those full-time permanent employees who satisfy the requirements and/or conditions set forth in Subsection A.

C. The adjusted service date shall make the affected employee eligible for any and all benefits, except seniority in the case of a layoff by the township, in which case seniority shall be based upon the date of employment as a permanent full-time employee, without adjustment for any break in service.

D. The township shall not pay back compensation based on the adjusted service date of a township employee, and any pay increases subsequent to the adjusted service date shall be effective from the adjusted service date only if the requirements and conditions set forth in Subsection A are satisfied.

E. The township, in granting adjusted service dates to its employees, shall not purchase back any pension benefits received by the affected employee as a result of previous employment with the township; however, if an affected employee desires to purchase back his/her pension, he/she will have an opportunity to do so upon payment of the full pension amount.

Article II

Residency Requirements

[Adopted 4-21-1978 as Ord. No. 78-13]

§ 40-18. Definitions.

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

RESIDENT --A person permanently domiciled and having his place of abode within the Township of Lower Alloways Creek.

§ 40-19. Residency required.

Except as otherwise provided below, all officers and employees of the Township of Lower Alloways Creek are required as a condition of their employment or of their continued employment to be residents of the Township of Lower Alloways Creek.

§ 40-20. Exceptions. [Amended 9-7-1979 by Ord. No. 79-39; 1-31-1981 by Ord. No. 81-2; 11-16-1981 by Ord. No. 81-24; 1-4-1982 by Ord. No. 81-26; 2-15-1982 by Ord. No. 82-3; 3-23-1988 by Ord. No. 88-6; 4-21-1992 by Ord. No. 92-7; 1-19-1992 by Ord. No. 93-2; 12-20-2005 by Ord. No. 2005-20, 6-17-08 by Ord. No. 2008-07]

A. The Township Committee of the Township of Lower Alloways Creek shall have the authority to grant exceptions from § 40-19 on a case-by-case basis for good cause shown.

B. Additionally, the following employees and officers are not required to be or continue to be residents of the Township of Lower Alloways Creek:

(1) Professionals, such as engineers, attorneys, accountants, auditors, architects and planners.
(2) Consultants.
(3) Part-time police officers.
(4) Special police officers.
(5) Superintendent of Public Works.

§ 40-21. Enforcement.

A. Failure of any officer or employee to comply with this regulation shall be deemed, regardless of tenure status, sufficient cause for removal or discharge from the service of the township.

B. The Township Committee of the Township of Lower Alloways Creek or its duly authorized agent is hereby authorized to investigate into the residency and domicile of any officer or employee of the township and to require said officer or employee to produce proof of bona fide residence and domicile within the Township of Lower Alloways Creek.

C. As a condition of employment or of continued employment, each and every employee or officer or prospective employee or prospective officer shall be required, if requested by the Township Committee, to execute an affidavit, in form prescribed by the Township Committee, setting forth, inter alia, that said employee or officer is a resident of the Township of Lower Alloways Creek.

D. Any township officer or employee who is not exempted from this regulation and who is not a resident or ceases to be a resident of Lower Alloways Creek shall be given a ten-day notice setting forth the charge that he is not a resident of the Township of Lower Alloways Creek and will be discharged on account thereof. Said notice shall provide that the officer or employee shall be entitled to a full hearing before the Township Committee on the issue of said employees or officers residency, and said notice shall set forth the time and place when said hearing shall be held.

CHAPTER 43

POLICE DEPARTMENT

Article I
Establishment; Administration; Operation

§ 43-1. Establishment.
§ 43-2. Organization
§ 43-3. Composition of Department.
§ 43-4. Functions of the Police Department
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§ 43-7. Departmental rules and regulations.
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§ 43-9. Weapons.
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Article II
Chief of Police

§ 43-12. Administrative duties.
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Article III
Compensation and Benefits

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Article IV
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§ 43-18. Authorization to participate
§ 43-19. Reciprocal effectiveness of agreement
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Article V
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[Adopted 12-19-2023 Ordinance 2023-12]

§ 43-23. Purpose
§ 43-24. Escrow Accounts
§ 43-25. Requests for Service
§ 43-26. Copy of Agreement
§ 43-22. Rates of Compensation, Administrative Fee, Payments for Service

[HISTORY: First adopted by the Township Committee of the Township of Lower Alloways Creek in May of 1963, there have been numerous amendments and revisions. Amendments noted where applicable.]

Rev. Ord. 12-19-2023

Article I
Establishment; Administration; Operation
[Adopted 12-29-1972 as Ord. No. 72-10, 7-12-2005 as Ord No. 2005-13]

§ 43-1. Establishment [Amended 2-20-1996 as Ord. No. 96-2, 7-12-2005 as Ord. No. 2005-13]

The Police Department of the Township of Lower Alloways Creek is established pursuant to N.J.S.A. 40A:14-118 and the Code of the Township of Lower Alloways Creek. The Township Committee shall designate one (1) of the members of the Department as Chief, who shall be the head of the Department and shall be in charge of the routine day to day operations of the Department

§ 43-2. Organization of Police Department [Amended 7-12-2005 as Ord. No. 2005-13]

A. Pursuant to the Township Committee form of government (N .J .S.A. 40A:63-l et seq.), the "appropriate authority" as set forth in N.J.S.A. 40A:14-118 shall be the Township Committee.

B. Nothing set forth herein shall prevent the appointment by the Township Committee of committees or commissions to conduct investigations of the operation of the Police Department and the delegation to such committees or commissions of such powers of inquiry as the Township Committee deems necessary or to conduct such hearing or investigation authorized by law. Nothing herein contained shall prevent the Township Committee or the Police Committee from examining at any time the operations of the Police Department or the performance of any officer or member thereof. In addition, nothing herein contained shall infringe upon or limit the power of the Township Committee to act and provide for the health, safety or welfare of Lower Alloways Creek Township in an emergency situation through special emergency directives.

§ 43-3. Composition of Department [Amended 7-12-2005 as Ord. No. 2005-13, 3-21-2006 as Ord. No. 2006-06, 11/20/07 as Ordinance 2007-14, 3-18-08 as Ordinance 2008-03, 2/3/09 as Ord 2009-01, 7/21/09 as Ord No. 2009-11]

A. The police department shall consist of a Chief of Police and up to ten (10) Patrolmen. On the recommendation of the Chief of Police, the Township Committee may appoint one (1) Lieutenant, one (1) Sergeant First Class, one (1) Sergeant, and up to four (4) Corporals. All appointments shall be in the Committee's discretion as they determine necessary to preserve the peace of the Township. As the appointing authority, the Township Committee may appoint such members of the Department to be provided for within the local municipal budget and this ordinance.

B. Special officers or policemen may be appointed for a term not exceeding one year. Such special officers shall not be members of the police force and their powers, rights and duties shall immediately cease and determine at the expiration of the term for which they were appointed, and such appointments may be revoked at any time without cause and without hearing.

C. The Order of Rank shall be in descending order: Chief, Lieutenant, Sergeant First Class, Sergeant, Corporal, Officer, Probationary Officer, Part-time Officer and Special Officer. Upon formal action of the Township Committee, the Sergeant First Class may serve as Acting Chief of Police during such times that the Chief shall be incapacitated or unavailable. In the event the Sergeant First Class shall be unable to assume the duties of Acting Chief of Police for any reason, then the, Township Committee may appoint the next senior officer to serve as Acting Chief until such time as either the Sergeant First Class or the Chief of Police shall be available to perform the duties of either Acting Chief of Police or Chief.

§ 43-4. Functions of the Police Department [Adopted 7-12-05 as Ord 2005-13]

A. The Police Department shall:

1. Preserve the public peace, protect life and property, prevent crime, detect and arrest offenders against the penal laws and ordinances effective within the Township, suppress riots, mobs and insurrections, disperse unlawful or dangerous assemblages, and preserve order at all elections and public meetings and assemblages.

2. Administer and enforce laws and ordinances to regulate, direct, control and restrict the movement of vehicular and pedestrian traffic, and the use of the streets by vehicles and persons, to protect the safety and facilitate the convenience of motorists and pedestrians, and make and enforce rules and regulations not inconsistent with the ordinances of the Township for such purposes.

3. Remove or cause to be removed all nuisances in the public streets, parks and other public places of the Township, inspect and observe all places of public amusement or assemblage and all places of business requiring any State or municipal license or permit and report thereon to the appropriate department.

4. Provide proper police attendance and protection at fires.

5. Provide for the attendance of its members in court as necessary for the prosecution and trial of persons charged with crimes and offenses, and cooperate fully with the law enforcement and prosecuting authorities of Federal, State and county governments.

6. Operate a training program to maintain and improve the police efficiency of the members of the department.

7. Perform such other duties to be consistent with Federal, State and local laws; directives of the Attorney General and the Salem County Prosecutor; and all other lawful actions to promote the welfare of the public.

§ 43-5. Qualification for Appointment and Promotion [Adopted 7-12-05 as Ord 2005-13; amended 2/3/09 as Ord 2009-01, 7/21/09 as Ord 2009-11, 8/18/2009 as Ord No. 2009-13]

A. Qualifications for Appointment

1. Except as provided under N.J.S.A. 40A:14-122, all persons appointed as a member of the police department shall:

a. be a citizen of the United States;

b. be in good health sufficient to satisfy the Township's medical and psychological examinations and the board of trustees of the police and firemen' s retirement system;

c. be able to read, write and speak the English language well and intelligently;

d. be of good moral character, and never have been convicted of any criminal offense involving moral turpitude;

e. pass physical standards and testing;

f. pass a written and/or oral examination and an oral interview as determined by the Township Committee in consultation with the Director of Public Safety and Chief of Police.

2. The Township Committee may, at its discretion, consider the recommendation of the Director of Public Safety and Chief of Police in appointing candidates. The Township Committee may, at its discretion, require additional information as it deems necessary for the purpose of evaluating each candidate.

B. Promotions

1. The Township Committee, in consultation with the Director of Public Safety and Chief of Police, shall consider the following criteria for evaluation of candidates for promotion. Candidates for promotion shall:

a. be considered based upon their disciplinary record;

b. be considered based upon their performance evaluations;

c. be considered based upon commendations, awards or other recognition;

d. pass a written and/or oral examination as determined by the Township Committee;

e. pass an oral interview conducted by the Township Committee or its designee;

f. be considered based upon merit and fitness;

g. pass a psychological examination, if so required by the Township Committee;

h. be otherwise considered based upon N.J.S.A. 40A:122.6; and

i. attend an interview with the Director of Public Safety and Chief of Police.

2. In the case of an emergency, the Township Committee, in its sole discretion, shall promote a member of the police department to an acting title as it sees fit to preserve the public welfare and the efficiency of the department.

3. For promotion to the position of Sergeant First Class, candidates must first obtain and hold at a minimum, the rank of Corporal. The Township Committee may fill this position at its sole discretion. When appointing to fill this position, the Committee may consult with the current Chief of Police and the Public Safety Director regarding the promotion of a candidate to the position of Sergeant First Class. The Committee if they so choose to fill the position, may use their discretion rather than normal procedures for promotion.

4. For promotion to the position of Chief of Police, the Township Committee shall utilize the criteria enumerated in § 43-5(B)(I). The Township Committee may, at its sole discretion, consult with the current Chief of Police regarding the promotion of a candidate to the position of Chief of Police.

§ 43-6. Probationary Service [Amended 12-16-1981 as Ord. No. 81-22; 10-18-1982 as Ord. No. 82-35; 4-21-1992 as Ord. No. 92-7; 7-12-2005 as Ord 2005-13; 8/18/09 as Ord 2009-12]

Every candidate for appointment as a member of the Police Department, either as officer or Chief, must meet all requirements of law and must serve a probationary period of one (1) year in the Department as a probationary officer or Chief subsequent to completing a training course approved by the New Jersey Police Training Commission (with the exception of special officers, who must meet the requirements as set forth in N. J .S.A. 40A: 14-146.8 et seq.). Any probationary police officer who fails to satisfactorily meet the standards of the New Jersey Police Training Commission during the prescribed training program shall be terminated from employment by the Chief of Police with the consent of the Township Committee. At the end of the probationary period, the Chief of Police, with the consent of the Township Committee, may either terminate the employment of such candidate or appoint that candidate as a member of the Police Department in the position of police officer. In regard to the Chief of Police, the decision to terminate or appoint after the probationary period shall be made solely by the Township Committee.

§ 43 7. Departmental rules and regulations [Adopted 7-12-2005 as Ord 2005-13; Amended 2/3/09 as Ord 2009-01]

The Director of Public Safety may make or prescribe such rules and regulations, as he shall deem advisable; such rules, when approved by the Township Committee, shall be binding on such members. Such rules and regulations may cover, besides the conduct of the members, uniforms and equipment to be worn or carried, hours of service, vacations and all other similar matters necessary or desirable for the better efficiency of the Department.

§ 43-8. Conduct of members; obedience to superiors

It shall be the duty of every member of the Police Department to conduct himself or herself in a proper and law-abiding manner at all times and to avoid the use of unnecessary force. Each member of the Department shall obey the orders and directions of his or her superior.

§ 43-9. Weapons [Amended 12-1-1978 by Ord. No. 78-32; 10-18-1982 by Ord. No. 82-35]

The Township of Lower Alloways Creek shall furnish each regular member of the Police Department with police-issue weapons which are approved by the Township Committee.

§ 43-10. Compensation [Adopted 7-12-2007 as ORD No. 2005-13]

The compensation or rate of compensation of the Chief and members of the Department and special officers shall be fixed by ordinance.

§ 43-11. Police Radio Dispatchers [Added 12-16-1977 by Ord. No. 77-42; Amended 6-15-1979 by Ord. No. 79-27; 7-12-2007 as ORD No. 2005-13]

Police radio dispatchers shall be appointed by the Township Committee by resolution at such times as the Township Committee may deem necessary. Police radio dispatchers shall be employees of the Police Department but shall have no police powers. Police radio dispatchers shall be subject to the rules and regulations adopted by the Township Committee and shall also be subject to any relevant collective bargaining agreement, if any.

ARTICLE II
Chief of Police

§ 43-12. Administrative Duties [Added 10-18-1982 by Ord. No. 82-36, Amended 7-12-2007 as ORD No. 2005-13, 2/3/09 as Ord 2009-01, 8/18/21009 as Ord No. 2009-12]

A. The Chief of Police or the highest ranking officer shall report directly to the Director of Public Safety.

B. The Chief of Police or the highest ranking Officer shall timely submit the proposed departmental budget to the Director of Public Safety for consideration by the Township Committee.

C. The Chief of Police, or in his absence, the Director of Public Safety shall be responsible for the day-to-day operation of the Township Police Department and be responsible for providing adequate police protection for the residents.

D. Pursuant to the policies established by the Director of Public Safety, the Police Chief shall:

1. Have, exercise and discharge the functions, powers and duties of the force.

2. Delegate such of his authority, as he may deem necessary for the efficient operation of the force to be exercised under his or her direction and supervision.

3. Report at least monthly to the Director of Public Safety, in such form as shall be prescribed by such Director, on the day-to-day operation of the force during the preceding month, and make such other reports as may be requested by the Director.

E. The Chief shall be responsible for the performance of the Department's functions, and all persons who are members of the Department shall serve subject to the operational orders of the Chief of Police.

§ 43-13. Hours; responsibilities of office; compensation. [Adopted 11-21-1983 by Ord. No. 83-22; Amended 3-23-1988 by Ord. No. 88-5, 7-12-2005 as ORD No. 2005-13, 2/3/09 by Ord 2009-01]

A. The Chief of Police shall be required to work a minimum of forty (40) hours per week; however, such hours shall be arranged by the Chief in accordance with the needs of the position and subject to the approval of the Director of Public Safety. The Chief shall attend such seminars or training sessions as are deemed to be beneficial to the township. All expenses incurred while attending such programs, including but not limited to a mileage allowance if a personal car is used, books, supplies, as well as the cost of meals and lodging should they be required shall be paid by the township.

B. The Chief of Police shall be provided with a vehicle equipped with a two-way radio, which he shall use at all times for official business and at such other times as directed by the Chairperson or Vice Chairperson of the Police Committee.

C. The chief of police shall be a member of various professional police associations as directed by the Director of Public Safety and upon the approval of the Township Committee, and he shall be expected to be an active participant in such associations so as to remain familiar with current police training, administration and investigating techniques.

D. The compensation for the Chief of Police shall be established annually within the Salary Ordinance of the Township of Lower Alloways Creek.

Article III
Compensation and Benefits
[Adopted 10-18-1982 as Ord. No. 82-37]

§ 43-14. Annual salary

Members of the Police Department of Lower Alloways Creek Township are to be paid yearly compensation as is established annually by the Township Committee

§ 43-15. Longevity payments [Amended 3-23-1988 by Ord. No. 88-5; 4-21-1992 by Ord. No. 92-7, 12-19-2023 Repealed in its entirety by Ord 2023-11]

§ 43-16. Extra pay for certain shifts [Amended 4-21-1992 by Ord. No. 92-7]

In addition to regular salary , each police officer and police dispatcher shall receive fifty-five cents ($.55) per hour for every hour worked on the 3rd shift and sixty-five cents ($.65) per hour for every hour worked on the 1st shift.

§ 43-17. Biweekly payment of salary

The salary of said police officers is to be paid in biweekly installments.

Article IV
Inter-municipal Police Assistance

[Adopted 3-4-1977 as Ord. No. 77-12; 7-12-2005 as Ord. No. 2005-13 01-29-2014 as Ord 2013-14]

§ 43-18. Authorization to participate

The Township of Lower Alloways Creek hereby approves and enters into a certain agreement labeled "Salem County Municipal Aid Agreement" providing for inter-municipal police assistance pursuant to N.J.S.A. 40A:14-156.1.

§ 43-19. Reciprocal effectiveness of agreement

Said agreement shall be effective in each of the other municipalities named in said agreement upon their adopting reciprocal ordinances to enter into said agreement.

§ 43-20. Participating municipalities

The parties to said agreement are all New Jersey municipal corporations located in Salem County and are as follows:

A. City of Salem.
B. Township of Pennsville.
C. Township of Carney's Point.
D. Township of Lower Alloways Creek.
E. Borough of Penns Grove.
F. Borough of Woodstown.
G. Borough of Elmer

§ 43-21. Copy of agreement on file

A copy of said agreement for inter-municipal police assistance is on file in the office of the Clerk of the Township of Lower Alloways Creek, at the Municipal Building, Hancock's Bridge, New Jersey, and is available for inspection during business hours.

§ 43-22. Officers authorized to execute

The Mayor and Clerk of the Township are authorized to execute said agreement on behalf of the township.

ARTICLE V CONTRACTED OFF-DUTY EMPLOYMENT

§ Sec. 43-23 PURPOSE

For the convenience of those persons and entities which utilize the services of off duty law enforcement officers of the Lower Alloways Creek Township Police Department, and to authorize the outside employment of Lower Alloways Creek Township police while off duty, the Township hereby adopts this Ordinance to govern the use of said officers and Township Police vehicles.

A. Members of the Police Department shall be permitted to accept police related employment for private employers (for instance, contractors who require police officers to render traffic services) only during off-duty hours and at such time as will not interfere with the efficient performance of regularly scheduled or emergency duty for the Township.

B. Any person or entity wishing to employ off-duty police shall first obtain the approval of the Chief of Police, which approval shall be granted if, in the opinion of the Chief, such employment would not be inconsistent with the efficient functioning and good reputation of the Police Department, and would not unreasonably endanger or threaten the safety of the officer or officers who are permitted to perform the work.

§ Sec. 43-24 ESCROW ACCOUNTS

A. Any person or entity requesting the services of an off-duty law enforcement officer in the Lower Alloways Creek Township Police Department and/or the use of a Township Police vehicle shall estimate the number of hours such law enforcement services are required, which estimate shall be approved in writing by the Chief of Police, and shall establish an escrow account with the Chief Financial Officer of the Township by depositing an amount sufficient to cover the rates of compensation and administrative fees for the total estimated hours service.

B. Prior to posting any request for services of off-duty law enforcement officers, the Chief of Police or his designee, shall verify that the balance in the escrow account of 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 Chief of Police 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 with the Chief Financial Officer of the Township. No officer shall provide any such services for more hours than are specified in the request for services.

C. In the event the funds in such escrow account should become depleted, services of off-duty law enforcement officers shall cease and requests for further or future services shall not be performed or posted until additional funds have been deposited in the escrow account in the manner prescribed above.

D. The person or entity requesting such services shall be responsible for ensuring that sufficient funds remain in the escrow account in order to avoid any interruption of services.

§ Sec. 43-25 REQUESTS FOR SERVICES

All requests to the Township for the services of off-duty law enforcement officers in the Lower Alloways Creek Township Police Department and/or for the use of a police vehicle for a period of one week or longer shall be forwarded to the Chief of Police for posting at least ten days before such services are required. Any law enforcement officers, when so employed by the Township, shall be treated as an employee of the Township provided, however, that wages earned for outside employment shall not be applied toward the pension benefits of law enforcement officers so employed, nor shall hours worked for outside employment be considered in any way compensable as overtime.

§ Sec. 43-26 RATES OF COMPENSATION; ADMINISTRATIVE FEE; PAYMENT FOR SERVICES

The rate of compensation for contracting the services of off-duty law enforcement officers shall be based on a rate of time and one-half of the highest paid Sergeant, plus an administrative fee of 9% per hour.

Local or State Government, schools and/or non-profit entities are exempt from the rates of compensation section of this Ordinance.

CHAPTER 46*

(RESERVED)

*** Editors Note: Former Ch.** *46,* Public *Safety,* Department of, adopted 12-30-75 as Ord. No. 75-11, was repealed 2-24-88 by Ord. No. 88-2.

CHAPTER 49

PURCHASING

§ 49-1. Definitions.
§ 49-2. Department established; office of Purchasing Agent.
§ 49-3. Powers and duties of Agent.
§ 49-4. Filing of requisitions or estimate of requirements.
***§ 49-5.* Voidable contracts; gifts from contractors prohibited.**
§ 49-6. Competitive bids.
§ 49-7. Purchases requiring submission of bids and formal written contracts.
§ 49-8. Execution of contracts.
§ 49-9. Purchases not requiring bid procedure.
§ 49-10. Emergency purchases.
§ 49-11. Inspection of purchases.
§ 49-12. Inventory procedure; sale of surplus or unsuitable materials.
§ 49-13. Cooperative purchasing.
§ 49-14. Contracts contingent on available funds; Treasurer's certificate.

[HISTORY: Adopted by the Township Committee of the Township of Lower Alloways Creek 12-29-77 as Ord. No. 77-43. Amendments noted where applicable.]

§ 49-1. Definitions.

For the purposes of this chapter, the following phrases, words and their derivations shall have the meanings given herein:

COMMITTEE CHAIRMAN — The member of the Township Committee appointed as chairman of a particular department of operations.

CONTRACTUAL SERVICES — Includes all services, such as utilities, insurance, rental, repair or maintenance of equipment, machinery and other township-owned personal property, which are the subject matter of contracts involving the township. The term shall not include professional and other contractual services which, by statute, are provided for by resolution of the Township Committee.

MAYOR AND TOWNSHIP COMMITTEE — The Mayor and Township Committee of the Township of Lower Alloways Creek.

PURCHASING AGENT — The duly appointed Purchasing Agent of the township.

REQUESTER — Any department head or any such person authorized by a department head to prepare a purchase requisition in accordance with the procedures set forth in this chapter.

SUPPLIES — Includes all supplies, materials and equipment.

TOWNSHIP — The Township of Lower Alloways Creek.

§ 49.2. Department established; office of Purchasing Agent.

There is hereby established in the administrative and executive service of the township the Purchasing Department, and in said Department, the office of Township Purchasing Agent.

§ 49-3. Powers and duties of Agent.

The Township Purchasing Agent shall be the head and have general supervision of the Purchasing Department. The Agent shall perform all duties required of a department head by law and shall have the powers and duties prescribed by this chapter, subject to the provisions of N.J.S.A. 40A: 11-1 et seq., the Local Public Contracts Law and regulations issued pertaining thereto.

A. [Amended 1-20-78 by Ord. No. 78-1] The Agent: shall:

(1) Be appointed by resolution adopted by a majority of the Township Committee and hold office for a term of three (3) years or until a successor shall have qualified.

(2). Have considerable experience as a buyer or in responsible purchasing work involving the procurement of a variety of supplies, materials and equipment.

(3) Be bonded in the amount of ten thousand dollars ($10,000.). [Amended 10-28- 87 by Ord. No. 87-16]

B. The Agent shall have the power and it shall be his duty to purchase or contract for all supplies and contractual services needed by any using agency of the township, in accordance with purchasing procedures established by this chapter and such other rules and regulations specified by state law or as shall be adopted by the Township Committee from time to time for the internal management and operation of the Purchasing Department.

C. Except as herein provided, it shall be unlawful for any township official or employee to order or purchase any supplies or make any contract within the purview of this chapter other than through the Purchasing Department.

D. In addition to the purchasing authority conferred above and in addition to any other powers and duties, the Agent shall:

(1) Act to procure for the township the highest quality in supplies and contractual services at the least expense to the township.

(2) Endeavor to obtain full and open competition insofar as possible on all purchases and sales.

(3) Establish and amend when necessary, with the consent of the Township Committee, all rules and regulations authorized by this chapter and any other necessary to its operation.

(4) Prescribe and maintain such forms as he shall find reasonably necessary to the operation of this chapter.

(5) Act so as to procure for the township all federal and state tax exemptions to which it is entitled.

(6) Have the authority to declare vendors who default on their quotations irresponsible bidders and to disqualify them from receiving any business from the township for a stated period of time with the approval of the Township Committee.

§ .49-4. Filing of requisitions or estimate of requirements.

All using agencies, either by or with the authorization of the head of the department under which the using agency operates, shall file with the Agent detailed requisitions or estimates of their requirements in supplies and contractual services in such manner, at such time and for such future periods as the Agent shall prescribe. The Agent shall examine each requisition or estimate and shall have the authority to revise it as to quantity, quality or estimated cost.

§ 49-5. Voidable contracts; gifts from contractors prohibited.

A. Any purchase order or contract within the purview of this chapter in which any officer or employee of the township is financially interested, directly or indirectly, shall be void, except that before the execution of a purchase order or contract, the Township Committee shall have the authority to waive, by resolution, compliance with this section when it finds such action to be in the best interest of the township.
B. The Agent and every officer and employee of the township are expressly prohibited from accepting directly or indirectly from any person, company, firm or corporation to which any purchase order or contract is or might be awarded any rebate, gift, money or anything of value whatsoever, except where given for the use and benefit of the township.

§ 49-6. Competitive bids.

All purchases of and contracts for supplies and contractual services and all sales of obsolete equipment shall, except as otherwise specifically provided herein or by statute, be based wherever possible on competitive bids.

§ 49-7. Purchases requiring submission of bids and formal written contracts. [Amended 4-2-84 by Ord. No. 84-7; 10-28-87 by Ord. No. 87-16]

All supplies and contractual services except as provided herein, when the estimated cost thereof shall exceed an amount as specified in N.J.S.A, 40A:11-3, shall be purchased by formal written contract from the lowest responsible bidder after due notice inviting proposals as required by the Revised Statutes of New Jersey.

A. When deemed necessary by the Agent, bid deposits shall be prescribed in the public notices inviting bids. Unsuccessful bidders shall be entitled to return of surety where the Agent has required such. A successful bidder shall forfeit any surety required by the Agent upon failure on his part to enter into a contract within ten (10) days after the award.

B. Bid opening procedure.

(1) Sealed bids shall be presented to the Agent and Township Committee and shall be identified as bids on the envelope.

(2) Bids shall be opened in public by the Agent at the time and place stated in the public notice. The bid taking shall be recorded in the minute records of the township, setting forth the name and the address of each bidder and the amount of each bid. The award of contract shall also be recorded in the minutes. All bids, when required by law, will be received at the Municipal Building in the township on the date and time set forth in the notice of bid proposal.

C. The Township Committee shall have the authority to reject all bids, parts of all bids or all bids for any one (1) or more supplies or contractual services included in the proposed contract when the public interest will be served thereby.

D. Award of contract.

(1) The Township Committee, upon consideration and review of the procedure and recommendations, shall award the contract to the lowest responsible bidder pursuant to law.

(2) In determining the lowest responsible bidder, in addition to price, the Agent and Township Committee shall consider:

(a) The ability, capability and skill of the bidder to perform the contract or provide the service required.

(b) Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference.

(c) The character, integrity, reputation, judgment, experience and efficiency of the bidder.

(d) The quality of performance of previous contracts or services.

(e) The previous and existing compliance by the bidder with laws and ordinances relating to the contract or service.

(f) The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service.

(g) The quality, availability and adaptability of the supplies or contractual services to the particular use required.

(h) The ability of the bidder to provide future maintenance and service for the use of the subject of the contract.

(3) When the award is not given to the lowest bidder, a full and complete statement of the reasons for placing the order elsewhere shall be prepared by the agent and filed with the other papers relating to the transaction.

(4) Tie bids.

(a) If all bids received are for the same total amount or unit price, quality and service being equal, the contract shall be awarded to a local bidder.

(b) Where Subsection D(4)(a) is not in effect, the Agent shall award the contract to one of the tie bidders by drawing lots in public.

(5) The Agent shall have the authority to require a performance bond before entering a contract, in such amount as he shall find reasonably necessary to protect the best interest of the township.

§ 49-8. Execution of contracts.

The Mayor shall execute and sign all contracts awarded by the governing body and authorized pursuant to law. The signature of the Mayor shall be attested to by the Township Clerk.

§ 49-9. Purchases not requiring bid procedure. [Amended 2-3-78 by Ord. No. 78-4; 4-20-79 by Ord. No. 79-19; 4-2-84 by Ord. No. 84-7; 10-28-87 by Ord. No. 87-16]

All purchases of supplies and contractual services not in excess of the estimated value of an amount as determined pursuant to N.J.S.A. 40A: 11-3 shall be made in the open market without newspaper advertisement and without observing the procedure prescribed by § 49-7 for the award of formal contracts, subject to the following procedures:

A. Requisitions having an estimated dollar value of from one cent ($0.01) to forty-nine dollars and ninety-nine cents ($49.99) shall be approved by the department head and may be paid by the Agent from the Agents petty cash fund or accumulated with other purchases from the same vendor and paid by approved voucher. No quotations shall be required before purchase.

B. Requisitions having an estimated dollar value of fifty dollars *($50.)* to four hundred ninety-nine dollars and ninety-nine cents ($499.99) shall be approved by the Township Committee Chairman of the particular department involved and may be purchased by the Agent from the lowest quote obtainable.

C. Requisitions having an estimated dollar value of five hundred dollars *($500.00)* to two thousand four hundred ninety-nine dollars and ninety-nine cents ($2,499.99) shall be approved by the Township Committee Chairman and Co-chairman of the particular department involved. If the estimated dollar value of such requisition is one thousand dollars ($1,000.) to two thousand four hundred ninety-nine dollars and ninety-nine cents ($2,499.99), the Agent, wherever practical, shall obtain and record three (3) price quotations before authorizing the purchase from the lowest responsible vendor's quotation. Contracts for such purchases may be entered into by the Agent whose signature shall be attested to by the Township Clerk. The Agent shall, at least monthly, submit to the Township Committee a list of such contracts or agreements.

D. Requisitions having an estimated value of two thousand five hundred dollars *($2,500.)* to an amount as determined pursuant to N.J.S.A. 40A: 11-3 shall be authorized and awarded by the Township Committee after the Agent, wherever practical, has obtained and recorded three (3) price quotations and reported them to the Township Committee.

§ **49-10. Emergency purchases. [Amended** *2-3-78* **by Ord.** No. 78-4; 4-20-79 **by Ord. No. 79-19; 4-2-84 by Ord. No. 84-7; 10-28-87 by Ord. No. 87-161**

Emergency purchases shall be made as follows:

A. By the Agent. In the case of an apparent emergency which requires immediate purchase of supplies or contractual service, the Agent shall first have the purchase approved by the Township Committee Chairman or Cochairman of the particular department involved; if neither the Chairman nor Cochairman is available, the purchase shall be approved by any member of the Township Committee. The agent shall then secure by open market procedure, at the lowest obtainable price, any supplies or contractual services whose cost shall not exceed an amount as determined pursuant to N.J.S.A. 40A: 11-3. A full report of the circumstances of an emergency purchase shall be filed by the Agent with the Township Committee and shall be recorded in the minutes.

B. Emergency purchases estimated to cost in excess of an amount as determined pursuant to N.J.S.A. 40A:11-3 shall be authorized and entered into only by the Township Committee under provisions established by the Public Contracts Law and regulations pertaining thereto.*

§ 49-11. Inspection of purchases.

A. The head of the using agency shall inspect or supervise the inspection of all deliveries of supplies or contractual services to determine their conformance with the specifications set forth in the order or contract.

B. The Agent shall have the authority to require chemical and physical tests of samples submitted with bids and samples of deliveries which are necessary to determine their quality and conformance with the specifications. In the performance of such tests, the Agent shall have the authority to make use of laboratory facilities of any outside laboratory. The cost of such tests shall be charged to the using agency.

§ **49-12. Inventory procedure; sale of surplus or unsuitable materials.**

A. All using agencies shall submit to the Agent, at such times and in such form as he shall prescribe, reports showing stocks of all supplies which are no longer used or which have become obsolete, worn out or scrapped.

B. The Agent shall submit to all departments, prior to the sale of surplus materials as described below, a list of items no longer required to determine if such departments can use any of the equipment, parts and supplies listed.

(1) The Agent shall have the authority to transfer surplus stock to other using agencies.

(2) The Agent shall have the authority to sell all supplies which have become unsuitable for public use or to exchange the same for or trade in the same on new supplies.
(3) Sales under this section shall be made to the highest responsible bidder. A record of each sale shall be made and placed on file.

§ 49-13. Cooperative purchasing.

The Agent shall have the authority to join with other units of government in cooperative purchasing plans as stated in the Revised Statutes of the State of New Jersey when the best interests of the township could be served thereby.

§ 49-14. Contracts contingent on available funds; Treasurer's certificate.

A. In accordance with regulations issued by the Local Finance Board of the State of New Jersey, no contract for the expenditure of public funds shall be entered into until the Township Treasurer shall certify, in writing, the availability or nonavailability of sufficient legally appropriated funds for that purpose. Said certification shall designate specifically the line item appropriation of the township budget to which the contract will be properly charged. Such certification shall be attached to the original copy of the contract and kept in the files of the Township Clerk.

B. The Township Treasurer shall, in addition to the above certification, establish and maintain an encumbrance system whereby such contractual amounts are deducted from available budgeted appropriation balances. Outstanding encumbrances must be reconciled with control figures at least monthly.

CHAPTER 54

SALARIES AND COMPENSATION

[The salaries and compensation of the various officers and employees of the Township of Lower Alloways Creek are set by the Township Committee by ordinance. Copies of current salary ordinances, as amended, are on file in the office of the Township Clerk, available for inspection during regular office hours.]

PART II
GENERAL

LEGISLATION

CHAPTER 62

ALCOHOLIC BEVERAGES

§ **62-1. Purpose.**
§ 62-2. Consumption and possession in public.
§ **62-3. Consumption in motor vehicles.**
§ **62-4. Consumption on private property.**
§ 62-5. Prohibited possession; exception.
§ **62-6. Presumption.**
§ **62-7. Definitions.**
§ 62-8. Violations and penalties.

[HISTORY: Adopted by the Township Committee of the Township of Lower Alloways Creek 8-2-82 as Ord. No. 82-20. Amendments noted where applicable.]

§ 62-1. Purpose.

This chapter is enacted for the purpose of prohibiting the possession and consumption of alcoholic beverages on public parks, playgrounds, recreation areas, private conveyances on public areas and in public ways, and further prohibiting the consumption and possession of alcoholic beverages on private property without the express written permission of the owner.

§ 62-2. Consumption and possession in public.

No person shall consume or offer to another for consumption or possess with the intent to consume any alcoholic beverages in or upon any public building, park, playground or recreational area, nor in, on or upon public lands, streets, roads, alleys, rights-of-way or sidewalks, or upon any land or building owned or occupied by the municipal government, unless previously authorized by the Township Committee.

§ 62-3. Consumption in motor vehicles.

No person shall consume or offer to another for consumption or possess with the intent to consume any alcoholic beverage in a private conveyance while such conveyance is located (whether in motion, stopped or parked) in or on any public street, road, lane, alley, right-of-way, public parking lot or any other public property.

§ 62-4. Consumption on private property.

No person shall consume or offer to another for consumption or possess with the intent to consume any alcoholic beverage while in or upon private property not his or her own without having the express permission of the owner or other person authorized to grant such permission, nor in a private conveyance while such conveyance is on private property without the express permission of the owner or other person authorized to grant such permission.

§ 62-5. Prohibited possession; exception.

No person shall have in his or her possession any alcoholic beverage in any of the places where consumption of the same is prohibited in § 62-2, 62-3 and 62-4 above except in the process of transporting the same within the original closed container to a place where consumption is lawfully permitted.

§ **62-6. Presumption.**

Possession of any intoxicating beverages in other than the original container or in an original container which has been opened or on which the seal has been broken shall raise the presumption that such beverage was intended for consumption.

§ 62-7. Definitions.

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

ALCOHOLIC BEVERAGE — Any fluid or any solid capable of being converted into a fluid suitable for human consumption and having an alcoholic content of more than one-half of one percent (1/2 of 1%) by volume, including alcohol, beer, lager beer, ale, porter, naturally fermented wine, treated wine, blended wine, fortified wine, sparkling wine, distilled liquors, blended distilled liquors and any brewed, fermented or distilled liquors fit for use for beverage purposes, or any mixture of the same, and fruit juices.

CONSUMPTION OF ALCOHOLIC BEVERAGE — A person shall be deemed to consume if he drinks, swallows or imbibes any fluid or solid capable of being converted into a fluid as defined in the definition of alcoholic beverage" herein. A person shall be presumed to have consumed such alcoholic beverage in violation of the provisions of this chapter if the owner or other person in physical control of the alcoholic beverage is in close proximity to him, the alcoholic beverage is not sealed or has been partially consumed and he emits an odor of alcoholic beverage coming from his person or exhibits physical conduct, attributes or demeanor associated with the "consumption of alcoholic beverages," or if a person is in possession of an alcoholic beverage that is not sealed, has been partially consumed or is in a container such as a glass or cup and the person emits an odor of alcoholic beverage coming from his person or exhibits physical conduct, attributes or demeanor associated with the "consumption of alcoholic beverages."

INTENT TO CONSUME AN ALCOHOLIC BEVERAGE — A person shall be deemed to intend to consume an alcoholic beverage in violation of the provisions of this chapter, if that person is in physical custody of an alcoholic beverage in a container such as a glass or cup or an alcoholic beverage in an unsealed or open bottle, can or other such beverage container which has been partially consumed.

POSSESSION OF AN ALCOHOLIC BEVERAGE — Intention to exercise or the exercising of custody, control or dominion over an alcoholic beverage; provided, however, that actual physical or manual possession is not required if the intention to exercise such custody, control or dominion over the alcoholic beverage is manifested from the direct or circumstantial evidence where it is reasonable to infer that the capacity to do so exists. Possession, custody or control need not be exclusive, but may be jointly exercised by two (2) or more persons. A person shall be presumed to be jointly in possession, custody or control of the alcoholic beverage if the owner or person in physical control of the alcoholic beverage is in close proximity to him and the alcoholic beverage is not sealed or has been partially consumed.

§ 62-8. Violations and penalties.

A. Each and every person violating any of the provisions of this chapter shall, upon conviction, be subject to a fine of not more than five hundred dollars ($500.) and/or imprisonment in the county jail for a period not exceeding six (6) months; provided, however, that the minimum mandatory fine for the second or any subsequent conviction within the Township of Lower Alloways Creek shall be two hundred dollars ($200.).

B. In regard to any conviction relating to this chapter, when the Municipal Court suspends the imposition of a defendant's sentence or a portion thereof or sentences him to be placed on probation, the Municipal Court may attach such reasonable conditions authorized by N.J.S.A. 2C:4-51, including the performance of community-related services and the imposition of conditions reasonably related to the rehabilitation of the defendant, including but not limited to alcoholic rehabilitation programs or other such programs related to alcoholic education or rehabilitation.

CHAPTER 65

ARCADES

§ 65-1. Establishment prohibited.
§ 65-2. Definitions.

[HISTORY: Adopted by the Township Committee of the Township of Lower Alloways Creek 10-4-82 as Ord. No. 82-32]

§ 65-1. Establishment prohibited.

The establishment of video game and/or pinball machine arcades is hereby forbidden in the Township of Lower Alloways Creek.

§ 65-2. Definitions.

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

• ARCADE — Includes any establishment which contains three (3) or more video games and or pinball machines.

CHAPTER 69

BOAT RAMP, MUNICIPAL

§ **69-1. Purpose.**
§ 69-2. Designation; availability.
§ **69-3. Applicable Area.**
§ 69-4. Eligible Users.
§ 69-5. Stickers.
§ **69-6. Prohibited Activities.**
§ 69-7. Parking.
§ **69-8. Violations and penalties.**

[HISTORY: Adopted by the Township Committee of the Township of Lower Alloways Creek 12-20-1982 as Ord. No. 82-43. Revised 09-15-2015 by Ordinance 2015-05, Amendments noted where applicable.]

§ 69-1. Purpose. [Amended 9-15-2015 by Ord. No. 15-05]
This chapter is enacted for the purpose of designating the boat ramp which the Township of Lower Alloways Creek constructed at Front Street in Hancock's Bridge as the Municipal Boat Ramp. It is further intended to establish who shall be entitled to utilize the ramp and guidelines and procedures so that the facilities thereon may be safely used for the benefit of the general public and to establish penalties for unauthorized use of said ramp and parking area.

§ 69-2. Designation; availability. [Amended 9-15-2015 by Ord. No. 15-05]
The boat ramp located at Front Street in Hancock's Bridge, New Jersey, shall hereinafter be known as the "Lower Alloways Creek Municipal Boat Ramp". The Township reserves the right to close the boat ramp during inclement weather or other emergent situations.

§ 69-3 Applicable Area. [Amended 9-15-2015 by Ord. No. 15-05]
The area described in § 69-2 above shall consist of a public "Lower Alloways Creek Municipal Boat Ramp" area and a public parking area that surrounds the boat ramp.

§ 69-4. Eligible Users. [Amended 4-2-1996 by Ord. No. 96-3; 8-20-1996 by Ord. No. 96-8; 3-19-2002 by Ord. No. 2002-3; 9-15-2015 by Ord. No. 15-05]
Eligible User shall be defined as any member of the general public who has a current valid driver's license issued by the State of their residency.

§ **69-5. Stickers. [Amended 12-27-1994 by Ord. No. 94-12; 4-2-1996 by Ord. No. 96-3; 3-19-2002 by Ord. No. 2002-3; 9-15-2015 by Ord. No. 15-05, 10-18-2016 by Ord. No. 2016-06, 10/18/2018 by Ord No. 2018-08]**

Eligible Users shall:

A. annually pay a required fee:
    1. two dollars ($2.00) for residents of Lower Alloways Creek Township to the Municipal Clerk for the issuance of decal stickers
    2. One Hundred dollars ($100.00) for non-residents of Lower Alloways Creek Township to the Municipal Clerk for the issuance of decal stickers;

B. affix the Township-issued sticker on the intended towing or carrying motor vehicle rear bumper where it shall be clearly visible; and

C. acknowledge to the Township Clerk receipt and understanding of the rules for the use of the ramp and parking area as set forth in the Township Code. Receipt of the decal sticker by the Eligible User shall be evidence of said acknowledgement.

D. if they are not the owner of the vessel and/or towing or carrying vehicle, be familiar with and comply with the rules and regulations of this chapter.

E. include State and local Government Agencies, Emergency Services, Fire Departments and Wildlife / Estuary Management which are hereby granted an exception from the requirements of subsection A and B above, but shall be required to obtain, be familiar with and comply with the rules and regulations of this chapter.

§ 69-6. Prohibited Activities. [Amended 9-15-2015 by Ord. No. 15-05]

A. Swimming within the waters of the Alloways Creek
B. Fishing or crabbing from the ramp, dock or lands thereof
C. Advertising by means of posting or maintaining any sign or advertising material upon, above or adjacent to the Applicable Area
D. Littering
E. Blocking or impeding public access to the boat ramp beyond a reasonable time required to launch or recover a vessel
F. Discharging any oil, gasoline, or other noxious or chemical substance upon the Applicable Area or the adjacent waters
G. Maneuvering any vehicle or vessel on or adjacent to the Applicable Area in any manner that may endanger the life, limb, safety or property of any member of the public
H. Engaging in any other activities dangerous to or constituting a nuisance to the users of the ramp and parking area or surrounding residents

§ 69-7. Parking. [Amended 9-15-2015 by Ord. No. 15-05, 10-18-2016 by Ord. No. 2016-06]

A. No person shall park any vehicle on the facility except in places clearly designated for parking.
B. No person shall park any vehicle or trailer except in that portion designated the public boat ramp area, nor shall any person park any vehicle or vessel overnight.

§ 69-8. Violations and penalties. [Amended 12-27-1994 by Ord. No. 94-12; 4-2- 1996 by Ord. No. 96-3; Amended 9-15-2015 by Ord. No. 15-05, 10/18/2018 by Ord No. 2018-08]

A. Any person in violation of any of the provisions of this article shall be subject to a fine of one hundred dollars ($100.00).
B. Whoever shall transfer a properly acquired sticker to another vehicle not registered to the original recipient of the sticker shall be subject to a fine of one hundred dollars ($100.00).
C. Any person who aids, assists or abets in the violation of any provisions of this article shall be subject to the penalties herein provided for.

CHAPTER 74

CAMPGROUNDS

§ 74-1. Enforcement officer designated.
§ 74-2. Adoption of standards.
§ 74-3. Inspections authorized; right of entry.
§ 74-4. Notice of violation; service of notice.
§ 74-5. Hearings.
§ 74-6. Adoption of rules and regulations.
§ 74-7. Compliance with standards required.
§ 74-8. Violations and penalties.

[HISTORY: Adopted by the Township Committee of the Township of Lower Alloways Creek 6-5-64. Section 74-8 amended at time of adoption of Code; see Ch 1, General Provisions, Art. I. Other amendments noted where applicable.]

GENERAL REFERENCES
Trailer and mobile home parks—See Ch. 14.7., Zoning—See Ch 156.

§ 74-1. Enforcement officer designated.

The Zoning and Building Officer of the Township of Lower Alloways Creek is hereby designated as the officer to exercise the powers prescribed by this chapter, and he shall serve in such capacity without any additional salary.

§ 74-2. Adoption .of standards.

Pursuant to the provisions of P.L. 1946, c. 21 (N.J.S.A. 40:49-5.1), the Private Campgrounds Code as approved by the Departments of Health and Conservation and Economic Development and filed in the Secretary of State's office is hereby accepted, adopted and established as a standard to be used as a guide in determining whether campground dwellings, as well as their facilities, located in this municipality are safe, sanitary and fit for human habitation and rental. A copy of the Private Campgrounds Code is annexed to this chapter and three (3) copies of the same have been placed on file in the office of the Township Clerk and are available to all persons desiring to use and examine the same.

§ 74-3. Inspections authorized; right of entry.

The Building Officer is hereby authorized and directed to make inspections to determine the condition of camp dwellings, as well as their facilities, located within the Township of Lower Alloways Creek in order that he may perform his duty of safeguarding the health and safety of the occupants of camp dwellings, as well as their facilities, and of the general public. For the purpose of making such inspections the Building Officer is hereby authorized to enter, examine and survey at all reasonable times all camp dwellings, as well as their facilities. The owner or occupant of every camp dwelling, as well as its facilities, or the person in charge thereof, shall give the Building Officer free access to such camp dwelling, as well as its facilities, at all reasonable times for the purpose of such inspection, examination and survey. Every occupant of a camp dwelling shall give the owner thereof or his agent or employee access to any part of such camp dwelling, as well as its facilities, at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this chapter or with any lawful rule or regulation adopted or any lawful order issued pursuant to the provisions of this chapter.

§ 74-4. Notice of violation; service of notice.

Whenever the Building Officer determines that there are reasonable grounds to believe that there has been a violation of any provision of this chapter or of any rule or regulation adopted pursuant thereto, he shall give notice of such alleged violation to the person or persons responsible therefore as hereinafter provided. Such notice shall be put in writing, shall include a statement of the reasons why it is being issued, shall allow a reasonable time for the performance of any act it requires and shall be served upon the owner or his agent or upon the occupant, as the case may require; provided that such notice shall be deemed to be properly served upon such owner or agent or upon such occupant if a copy thereof is served upon him personally or if a copy thereof is sent by registered mail to his last known address or if a copy thereof is posted in a conspicuous place in or about the dwelling affected by the notice or if he is served with such notice by any other method authorized or required under the laws of this state. Such notice may contain an outline of remedial action which, if taken, will effect compliance with the provisions of this chapter and with rules and regulations adopted pursuant thereto.

§ 74-5. Hearings.

Any person affected by any notice which has been issued in connection with the enforcement of any provision of this chapter or of any rule or regulation adopted pursuant thereto may request and shall be granted a hearing on the matter before the Township Committee, provided that such person shall file in the office of the Township Clerk a written petition requesting such hearing and setting forth a brief statement of the grounds therefore within ten (10) days after the day the notice was served. Upon receipt of such petition, the Mayor shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing, the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn. The hearing shall be commenced not later than ten (10) days after the day on which the petition was flied, provided that upon application of the petitioner the Mayor may postpone the date of the hearing for a reasonable time beyond such ten-day period if in his judgment the petitioner has submitted a good and sufficient reason for such postponement. After such hearing, the Township Committee shall sustain, modify or withdraw the notice, depending upon its findings as to whether the provisions of this chapter and of the rules and regulations adopted pursuant thereto have been complied with. If the Township Committee sustains or modifies such notice, it shall be deemed to be an order. Any notice served pursuant to this chapter shall automatically become an order if a written petition for a hearing is not filed in the office of the Township Clerk within ten (10) days after such notice is served. The proceedings at such hearings, including the findings and decision of the Township Committee, shall be summarized, reduced to writing and entered as a matter of public record in the office of the Township Clerk. Such record shall also include a copy of every notice or order issued in connection with the matter. Any person aggrieved by the decision of the Township Committee may seek relief there from in any court of competent jurisdiction, as provided by the laws of the state.

§ **74-6. Adoption of rules and regulations.**

The Township Committee is hereby authorized and empowered to make and adopt such written rules and regulations as it may deem necessary for the proper enforcement of the provisions of this chapter; provided, however, that such rules and regulations shall not be in conflict with the provisions of this chapter, nor in anywise alter, amend or supersede any of the provisions thereof. The Township Committee shall file a certified copy of all rules and regulations which it may adopt in the office of the Clerk of the Township of Lower Alloways Creek.

§ 74-7. Compliance with standards required.

No person shall occupy as owner-occupant or rent to another for occupancy any camp dwelling, as well as its facilities, for the purpose of living therein which does not conform to the provisions of the Private Campgrounds Code established hereby as the standard to be used in determining whether a camp dwelling is safe, sanitary and fit for human habitation.

§ 74-8. Violations and penalties.*

Any person, firm or corporation who shall violate any of the provisions of this chapter shall, upon conviction, be punished by a fine not to exceed five hundred dollars ($500.) or by imprisonment in the county jail for a period not to exceed ninety (90) days, or by both such fine and imprisonment, and each violation of any of the provisions of this chapter and each day the same is violated shall be deemed and taken to be a separate and distinct offense.

_____
Editors Note: Amended at time of adoption of Code; see Ch. I, General Provisions, Art. I.

CHAPTER 75

CATS

§ 75-1. Purpose.
§ 75-2. Definitions.
§ 75-3. Licensing and vaccination required; exemptions.
§ 75-4. Licensing requirements; issuance; fee; duration.
§ 75-5. Display of registration tag; license application information.
§ 75-6. Maintenance and abandonment.
§ 75-7. Nuisance or damage prohibited; liability of owner.
§ 75-8. Harboring stray cats.
§ 75-9. Annual census.
§ 75-10. Violations and penalties.

[HISTORY: Adopted by the Township Committee of the Township of Lower Alloways Creek 9-21-1993 as Ord. No. 9318.* Amendments noted where applicable.]

GENERAL REFERENCES
Dogs and other animals—See Ch. 88.

§ 75-1. Purpose.

The purpose of this chapter is to provide reasonable regulations for the control, care and maintenance of cats in the Township of Lower Alloways Creek, due to the occurrence of rabies in the County of Salem and the State of New Jersey. This chapter is not intended to impair, restrict or otherwise interfere with the relationship that exists between owners and their pets; however, it is necessary that these owners exercise responsibility in the care and maintenance of their animals.

§ 75-2. Definitions.

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

ABANDONED CAT—A cat of any age which shall be left unattended, unclaimed, unlicensed or at large for a period of seventy-two (72) hours or more.

CAT—Any animal of a feline species.

_____
Editors Note: This ordinance shall take effect 1-1-1994, after final adoption and publication as provided by law.

OWNER — Every person having a proprietary right in a cat and every person keeping, harboring or feeding a cat for more than forty-eight (48) hours. This provision shall not include a person who keeps or feeds a cat on behalf of an owner at the owner's request to accommodate the owner's temporary needs.

PERSON — An individual, firm, partnership, corporation or association of persons.

PUBLIC NUISANCE — A cat that causes damage to public or private property or causes harm to any person.

STRAY CAT — A cat having no known owner or custodian.

§ 75-3. Licensing and vaccination required; exemptions.

A. License requirements. No person shall own, keep, harbor or maintain any cat over seven (7) months of age within the Township of Lower Alloways Creek unless such cat is licensed. The provisions of this section do not apply to cats held by a state or federally licensed research facility, a veterinary establishment or a licensed animal shelter, pound, kennel or pet shop. No cat may be licensed without proof of vaccination as detailed below.

B. Vaccination. All cats shall be vaccinated against rabies by a licensed veterinarian in accordance with the recommendations for immunization published by the National Association of State Public Health Veterinarians, except as provided in Subsection C.

C. Exemptions. Any cat may be exempted from vaccination requirements for a specified period by the local Board of Health upon presentation of a veterinarian's certificate stating that, because of an infirmity or other physical condition, the inoculation of such cat is not medically appropriate.

§ 75-4. Licensing requirements; issuance; fee; duration. [Amended 9-16-2014 by Ord. No. 2014-08]

A. All cat licenses shall be issued by the Township Clerk, Deputy Township Clerk or such other person as may be designated by the Township Committee for the Township of Lower Alloways Creek. All licenses shall be issued with a registration number, and a record of such issuance shall be maintained. A license may only be issued after proof of vaccination is shown and the required fee has been paid. The licensing fee shall be five dollars ($5.) per year. Any person who presents a certificate signed by a licensed veterinarian stating that the cat has been spayed or neutered shall be entitled to a reduction of three dollars ($3.) of the license fee and for each annual renewal. All fees required by this section shall be due on or before the last day of January in each year.

B. A person may apply for a three-year license and registration tag covering a three-year period for a spayed/neutered cat or unsprayed/unneutered cat, with proof of rabies vaccination good for 34 months of the three-year licensing period. The fees for the three-year license shall be three times that of a one year license. Each three-year license shall expire on December 31 of the year stated on the license. Persons applying for a license after the last day of January shall pay the full license fee, regardless of the number of months remaining in the year. The registration tag shall then be attached to a collar to be worn and maintained by the individual cat for whom the license was issued whenever such cat shall be outdoors.

§ 75-5. Display of registration tag; license application information.

A. The owner of any cat of at least seven (7) months of age shall obtain a license and tag for such cat and cause the tag to be readily displayed upon the cat. The provisions of this subsection shall not apply to nonresident cat owners passing through the township, nor shall it apply to the owners of any cat brought to the township for the purpose of veterinary treatment or exhibition in a cat show.

B. Any person seeking a license shall supply the following information: the cats breed, sex, age, color, markings and whether or not it has been spayed or neutered. It shall also set forth the name, street and post office address of the owner and/or the person who shall keep or harbor the cat.

C. Any person owning, maintaining or harboring a cat shall produce licensing proof whenever requested by a health official, police officer, Animal Control Officer or other person officially authorized by the Township of Lower Alloways Creek.

§ 75-6. Maintenance and abandonment.

No cat shall be sheltered, maintained or harbored that is not domesticated. The area where cats are kept shall be clean and sanitary and shall not create a disturbance by reason of noise, odor or other causes. No person shall abandon any cat or permit a cat in their custody to become a stray.

§ 75-7. Nuisance or damage prohibited; liability of owner.

No cat shall cause damage to any person or property. Any person who owns, maintains or harbors any cat that causes such damage shall be strictly liable for the damage and may be prosecuted for a violation of this chapter.

§ 75-8. Harboring stray cats.

No person shall harbor, maintain or feed any unlicensed or stray cat. Any person who shall do so following receipt of a notice from the Animal Control Officer advising said person that a violation of this chapter is occurring may be prosecuted if they continue such activities.

§ 75-9. Annual census.

The Animal Control Officer or other official designated by the Township Committee shall, promptly after May 1, 1994, and annually thereafter, cause a census to be made of all cats owned, kept or harbored within the limits of the Township of Lower Alloways Creek. A report shall be submitted to the Township Clerk setting forth the name and address of each person harboring an unlicensed cat, together with a complete description of the same.

§ **75-10. Violations and penalties.**

Any person who violates a provision of this chapter shall be liable to a penalty of not more than fifty dollars ($50) for each offense, up to ninety (90) days in jail, or both.

CHAPTER 77

CIGARETTE VENDING MACHINES

§ 77-1. Prohibited.
§ 77-2. Penalty.

[HISTORY: Adopted by the Township Committee of the Township of Lower Alloways Creek 12-5-00 as Ord. No. 2000-13. Amendments noted where applicable.]

§ 77-1. Prohibited.

In view of the indiscriminate sales of cigarettes to minors by automatic vending machines, all cigarette vending machines are hereby prohibited in the Township of Lower Alloways Creek.

§ 77-2. Penalty.

Any person owning, operating, renting or permitting the use of a cigarette vending machine on premises under his or her control shall be subject to a fine of two hundred fifty dollars ($250.). Each day on which such a machine is owned, operated, rented or permitted on the premises shall result in an additional fine of two hundred fifty dollars ($250.).

CHAPTER 78

CONSTRUCTION CODES, UNIFORM

§ **78-1.** **Enforcing agency; composition.**
§ **78-2.** **Fees.**

[HISTORY: Adopted by the Township Committee of the Township of Lower Alloways Creek 1~21-77 as Ord. No. 77-4. Amendments noted where applicable.]

§ 78-1. Enforcing agency; composition.

A. There is hereby established in Lower Alloways Creek Township a State Uniform Construction Code enforcing agency to be known as "Lower Alloways Creek Township Construction Administration," consisting of a Construction Official, Building Subcode Official, Plumbing Subcode Official, Electrical Subcode Official, Fire Protection Subcode Official and such other subcode officials for such 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. Each of the above-named officials shall enforce the code or subcode indicated by his title, subject to the supervision of the Construction Official.

B. Each official position created in Subsection A hereof shall be filled by a person qualified for such position pursuant to P.L. 1975, c. 217, 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 (1) such official position may be held by the same person; provided that such person is qualified pursuant to P .L. 1975, c. 217, and N.J.A.C. 5:23 to hold each such position.

C. The public shall have the right to do business with the enforcing agency at one (1) office location, except for emergencies and unforeseen or unavoidable circumstances.

*Editor's Note: See N.J.S.A. 52:27D-119 et seq.

§ **78-2. Fees.** [Amended 8-18-1978 by Ord. No. 78-24; 11-3-1980 by Ord. No. 80-27; 12-19-1983 by Ord. No. 83-27; 4-10-1985 by Ord. No. 85-9; 10-26-1988 by Ord. No. 88-14; 3-22-1989 by Ord. No. 89-8; 12-20-1989 by Ord. No. 89-21; 2-5-1991 by Ord. No. 91-1; 12-21-04 by Ord. No. 2004-18; 12-18-07 by Ord No. 2007-17; 11-15-2010 by ORD. No. 2010-11]

1. Fees for construction or inspection permits are fixed in the separate amount hereinafter set forth, which fee shall be rounded to the nearest dollar and shall be paid before the permit is issued and the total fee to be paid in each case shall be the sum of the fees for applicable permits, as follows:

A. Building Fees:

(1). New Construction and Additions

[a] B, H, I, M, E, R, U	$0.034 x cubic foot of volume
[b] A, F, S	$0.019 x cubic foot of volume
[c] Commercial Farm Use Buildings	$0.001 x cubic foot of volume (maximum fee $1443.00)
[d] Minimum Fee	$82.00

(2). Reconstruction, Renovations, Alterations and Repairs

[a] Estimated Cost up to $50,000.00	$30.00 per $1,000.00
[b] 50,000.01 to $100,000.00	$23.00 per $1,000.00
[c] Above $100,000.00	$19.00 per $1000.00
[d] Minimum Fee	$82.00

(3). Demolition or Removal

[a] One and Two Family Residences, Structures on Farms, (including Commercial Farm Buildings)	$82.00 per structure
[b] Garage (U), Shed (U), Pool (above/ In-ground)(U), Pole Barn (U)	$82.00 per structure
[c] Tanks (above/in-ground)	$82.00 per tank
[d] All other Use Groups	$151.00 per structure

(4). Signs

[a] Flat Fee	$58.00

(5). Swimming Pools

[a] Above ground> 550 sq. ft.	$126.00
All others	$63.00
[b] In-ground > 550 sq. ft.	$189.00
All others	$95.00
[c] Bonding and Grounding Certificate	$36.00
(6). Open Structure Tower	Cost of Construction
[a] Minimum Fee	$116.00

(7). Roofing and Siding

[a] One and Two Family Residences	$58.00 each
[b] All Others	Cost of Construction
i. Minimum Fee	$116.00

(8). Retaining Walls

[a] One and Two Family Residences

i. Surface Area> 550 sq. ft.	$189.00
ii. Surface Area < 550 sq. ft.	$ 95.00
[b] All others	Cost of Construction
i. Minimum Fee	$189.00

(9). Tents in Excess 900 sq. ft. or more than 30 ft. in any direction

[a] Flat Fee	$116.00

B. Plan Review Fees

(1). 20% of the amount to be charged for the construction permit and shall be paid before plans are reviewed. The amount paid for this fee shall be credited toward the amount of the fee to be charged for the construction permit.

C. Certificate of Occupancy Fees

(1). One and Two Family Residences

[a] Flat Fee	$50.00

(2). All other Use Groups

[a] Flat Fee	$65.00

(3). Continued Occupancy

[a] Flat Fee $151.00

(4). Continued Occupancy granted pursuant to a change of use group

[a] Flat Fee $151.00

D. Electrical Subcode Fees

(a). Those amounts set forth for the particular items and work in the schedule of department fees in accordance with the NJAC 5:23-4.20.

[1] Minimum Fee $82.00

E. Plumbing Subcode Fees

(1). Those amounts set forth for the particular items and work in the schedule of department fees in accordance with the NJAC 5:23-4.20.

[a] Minimum Fee $82.00

F. Fire Subcode Fees

(1). Those amounts set forth for the particular items and work in the schedule of department fees in accordance with the NJAC 5:23-4.20.

[a] Minimum Fee $82.00

G. Elevator Subcode Fees

(1). Those amounts set forth for the particular items and work in the schedule of department fees in accordance with the NJAC 5:23-12.6.

H. State of New Jersey Permit Fees

(1). Those amounts set forth in NJAC 5:23-4.19

I. Other Fees

(1). Those amounts set forth for particular items and work in accordance with NJAC 5:23-4.18 (Standards for Municipal Fees) and NJAC 5:23-4.20 (Departmental Fees).

2. The Construction Official shall, with the advice of the subcode officials, prepare and report to the Township Committee of the Township of Lower Alloways Creek biannually a report recommending a fee schedule based on the operating expenses of the agency and any other expenses of the municipality fairly attributable to the enforcement of the State Uniform Construction Code Act.

ELECTRICAL SUBCODE FEES (minimum fee $82.00)

A. Switches / Fixtures / Receptacles

Switches/fixtures/receptacles: 1-50…… $36.00
This includes motors/devices 1 HP or 1 KW or less
Each additional 25 outlets…….. $6.00
Heat / Smoke Detectors for one & two family dwellings ……$23.00

B. Electrical Devices / Generators / Transformers

Over 1 KW-10 KW…… $10.00 each
10.1 KW-45 KW ……$46.00 each
45.1 KW-112.5 KW ……...$92.00 each
Over 112.5 KW ……$457.00 each

C. Motors

Over 1 HP-10 HP ……..$10.00 each
Over 10 HP-So HP ……$46.00 each
Over 50 HP-I 00 HP ……..$92.00 each
Over 100 HP ……$457.00 each

D. Service Panels / Service Entrance / Sub Panels

0-200 amps ……$46.00 each
Over 200-1 000 amps ……$92.00 each
Over 1,000 amps ……..$457.00 each

E. Line Item Fees (as per Technical Sections)

Ranges/ovens/surface units (over 1-10 (KW) ……$10.00 each
(over 10 KW) ……...$46.00 each
Dishwasher (By size as listed above)
Garbage Disposal (By size as listed above)
Dryer (By size as listed above)
NC Units ……....(By size as listed above)
Burglar Alarm / Intercom Systems (Include in fixture total)
Smoke Detectors (Include in fixture total)
Water Heater …….....(By size as listed above)
Central Heat (By size as listed above)
Baseboard Heat (By size as listed above)
Thermostats (By size as listed above)
Heat Pumps (By size as listed above)
Pumps (By size as listed above)
Motor Control Center / Sub Panels ……(By amp size)
Signs (Include in fixture total)
Light Standards (Include in fixture total)
Motors — Fractional HP (Include in fixture total)
Motors — All Others ……(By size as listed above)
Transformers/Generators (By size as listed above)
Service/Service Entrance (By size as listed above)

F. Private Pools / Spas

Bonding, Pumps, Motors …….$46.00 each

PLUMBING SUBCODE FEES (, minimum fee $40.00)

A. Fixtures / Appliances connected to the plumbing system ……...$10.00 each
Water Closet / Bidet / Urinals ……....$10.00 each
Bathtub
Lavatory / Sink
Shower / Floor Drain
Washing Machine
Dishwasher
Commercial Dishwasher
Water Heater
Hose Bibs
Water Cooler
Garbage Disposal
Indirect Connection
Vent Stack

B. Special Devices …….....$65.00 each
Grease Traps ……...$65.00 each
Oil Separators
Water Cooled Air Conditioners
Refrigeration Units
Water Utility Connections
Sewer Utility connections
Backflow Preventers
Steam Boilers
Hot Water Boilers
Active Solar Systems
Sewer Pumps
Interceptors
LP Gas Tanks
Fuel Oil Piping ……...$10.00 each
Gas Piping ……..$10.00 each

FIRE SUBCODE FEES (, minimum fee $40.00)

A. 1-20 **Sprinkler Heads** …….…..…..…$65.00
21-100 Sprinkler Heads ……..……..…120.00
101-200 Sprinkler Heads ……..……..…$229.00
201-400 Sprinkler Heads …….…..…$594.00
401-1,000 Sprinkler Heads ……..…….$822.00
Over 1,000 Sprinkler Heads…….. $1,050.00

B. 1-12 **Heat / Smoke Detectors**……..…. $36.00
Each additional 25 detectors…….……. $12.00

C. Standpipe ……$229.00 each

D. Independent Pre-Engineered System …….$92.00 each

E. Gas / Oil Fired Appliance ……$46.00 each

F. Kitchen Exhaust System ……..$46.00 each

G. Incinerator / Crematorium ……...$365.00 each

H. Heat / Smoke Detectors for one & two family dwellings …….$23.00 per unit

CHAPTER 82

CURFEW

§ **82-1. Curfew hours established; penalty for violation.**
§ **82-2. Responsibility of parent or guardian; penalty for violation.**

[HISTORY: Adopted by the Township Committee of the Township of Lower Alloways Creek 2-5-71. Amendments noted where applicable.]

§ 82-1. Curfew hours established; penalty for violation.

It shall be unlawful for any child under the age of seventeen (17) years to be upon the streets, alleys, parks or other public places in the Township of Lower Alloways Creek after the hour of 10:00 p.m., prevailing time, on each and every Sunday, Monday, Tuesday, Wednesday, Thursday, Friday and Saturday, until the dawn of the following morning, unless accompanied by the parent, guardian or other adult person having the care, custody or control of said child, and anyone violating the provisions hereof shall be deemed a disorderly person and, upon conviction, shall be subject to a fine of not more than fifty dollars ($50.).

§ 82-2. Responsibility of parent or guardian; penalty for violation.

It shall be unlawful for the parent, guardian or any person having the care, custody or control of any child under the age of seventeen (17) years to permit such child to loiter upon or be in any of the places mentioned in § 82-1 hereof at any time after the hour of 10:00 p.m., prevailing time, on each and every Sunday, Monday, Tuesday, Wednesday, Thursday, Friday and Saturday, until the dawn of the following morning, unless accompanied by such parent, guardian or other person having the care, custody or control of such child, and any persons violating this section shall be subject to a fine of not more than fifty dollars ($50.) or ten (10) days' imprisonment, or both.

CHAPTER 84

DISORDERLY CONDUCT

§ **84-1. Prohibited conduct.**
§ **84-2. Violations and penalties.**

[HISTORY: Adopted by the Township Committee of the Township of Lower Alloways Creek 4-18-01 as Ord. No. 2001-4. Amendments noted where applicable.]

§ 84-1. Prohibited conduct.

Any riotous conduct, indecent conduct, breach of the peace, boisterous or tumultuous behavior, vagrancy or other conduct causing disorder not hereinbefore mentioned, is hereby prohibited within the limits of the Township of Lower Alloways Creek.

§ 84-2. Violations and penalties.

- Any person violating any of the provisions of this chapter shall, upon conviction, be punishable by a fine of not less than one hundred dollars ($100.) and not more than one thousand dollars ($1,000.) or imprisonment for a term not exceeding ninety (90) days or a period of community service not exceeding ninety (90) days.

Chapter 88
DOGS AND ANIMALS

ARTICLE I

Spotlighting of Animals

§ 88-1. Hours restricted; exception.

§ 88-2. Violations and penalties.

ARTICLE II

Dogs and Other Animals

§ 88-3. Definitions.

§ 88-4. License required.

§ 88-5. Registration tag; application deadline.

§ 88-6. Fees; exemptions; late fees.

§ 88-7. Time of application.

§ 88-8. Tag removal.

§ 88-9. Disposition of fees.

§ 88-10. Running at large.

§ 88-11. Disturbance of peace.

§ 88-12. Animal Control Officer

§ 88-13. Dog Canvas.

§ 88-14. Seizure; impounding.

§ 88-15. Authority to enter premises.

§ 88-16. Interference with official duties.

§ 88-17. Leashing.

§ 88-18. Property damage.

§ 88-19. Animals on private or public property without permission; exceptions.

§ 88-20. Certain animals not permitted.

§ 88-21. Pet Waste

§ 88-22, Sanitary requirements.

§ 88-23. License for kennel, pet shop, shelter, or pound.

§ 88-24. Kennel reports.

§ 88-25. Control off premises.

§ 88-26. Animal bites.

§ 88-27. Sales and adoptions.

§ 88-28. Violations and penalties

ARTICLE III

Alteration and Reproduction Capacity Clinics

§ 88-29. Authorization to contract for services

§ 88-30. Continuance of existing contracts

§ 88-31. Certification of availability of funds

§ 88-32. Nonliability of Veterinarians and Township

[HISTORY: Adopted by the Township Committee: Art I, 2-1-1974 as Ord 74-02, amended in its entirety 11-21-1979 as Ord 79-56; Art IV, 3-13-1985 as Ord 85-6; amended in its entirety by Ordinance 2008-03 4/15/2008. Subsequent amendments where applicable

ARTICLE I
Spotlighting of Animals

§ 88-1. Hours restricted; exception.

No person, between the hours of 10:00 p.m. and dawn, shall throw or cast the rays of any illuminating device on any field, woods or marsh in Lower Alloways Creek Township where deer or other animals may reasonably be expected to be found, with the following exceptions:

A. An illuminating device may be used at any time by a person lawfully hunting for raccoons or opossums, provided that such individual has the approval to hunt upon the premises from which the illuminating rays emanate.

B. An illuminating device may be used at any time by the owner or tenant of land, or those having the consent of the owner or tenant on such land, for purposes other than "spotlighting" or illuminating deer or other undomesticated animals.

C. An illuminating device may be used at any time by public officials and other authorized persons for law enforcement, disaster control, rescue work, fire fighting, recovery of disabled vehicles or protection of real or personal property.

§ 88-2. Violations and penalties.

Any person, firm or corporation violating any of the provisions of this article shall, upon conviction thereof, be punishable under the provisions of the penalties section of this ordinance found in Section §88-28.

ARTICLE II
Dogs and Other Animals

§ 88-3. Definitions.

Definitions of words as used in this article for the purpose of enforcing the terms of this article are as follows:

CAT — Any domestic short or long-haired cat.

CERTIFIED ANIMAL CONTROL OFFICER — A person 18 years of age or older who has satisfactorily completed a course of study approved by the Commissioner of Health on the control of animals, or who has been employed in the State of New Jersey in the capacity of and with similar responsibilities to those required of a certified animal control officer for three years. This can also refer to an agency which supplies the animal control services of certified animal control officers.

DOG — Any male or female dog.

FOWL — Any bird, including but not limited to ducks, geese or chickens.

KEEPER — Any person over 18 years of age exercising control over a dog or other animal to remain on premises under his or her control.

KENNEL — Any establishment structure or location wherein or whereupon the business of boarding, storing or selling dogs and/or other animals is carried on, except a pet shop.

LICENSING AGE — Any dog which has attained the age of seven months or which possesses a set of permanent teeth.

LIVESTOCK — Any domestic animal, including but not limited to cattle, horses, pigs, goats, rabbits, swine, or fowl raised for home use or profit.

OWNER — Every person over 18 years of age having a right of property in such dog or other animal in his or her keeping for a period of 10 days or longer.

PET SHOP — Any establishment, structure or location wherein animals, birds, and/or fish are kept, displayed, stored or maintained for the purpose of sale or resale.

POUND — An establishment for the confinement of dogs or other animals seized under the provisions listed below.

SHELTER — An establishment where dogs, cats, or other animals are received, housed and distributed.

VICIOUS DOG -- A dog declared to be potentially dangerous or vicious by a Municipal Judge under provisions of state law.

§ 88-4. License required [Amended 7-15-14 by Ord. No. 2014-06]

A. No persons shall own, keep or harbor any dog or cat [see Chapter 75 Cats] within the municipality except in, compliance with the provisions of this article and unless such person shall first obtain a license and official metal registration tag therefor issued by the Township Dog Registrar upon application by the owner, payment of the prescribed fee and proof of rabies vaccination as per state law. No person shall, keep, maintain, own or harbor more than five (5) dogs on any parcel, lot, premises or facility unless they have first complied with Section 88-23 of this ordinance.

B. The license which shall be issued by the municipality shall contain the name and address of the owner of such dog, a short description of the dog to be licensed, such as breed, sex, age, color and markings, proof of current rabies vaccination which extends to the entire licensing year in which the license is to be issued, the registration number of such license, and shall bear the signature of an authorized agent thereof.

C. The information supplied on all licenses under this article and the registration number issued to each licensed dog shall be preserved for a period of three years, and this information regarding dog licenses shall be forwarded to the State Department of Health each month.

§ 88-5. Registration tag; application deadline.

Any person who shall own, keep or harbor a dog of licensing age in the municipality shall apply for and procure from the municipality, a license and official metal registration tag for each dog so owned, kept or harbored and shall place upon such dog a collar or harness with the registration tag securely fastened thereto. All such applications may be made on January 1 and due by April 30 of each year. In the event that a dog is not owned, kept or harbored in the municipality on January 1, then the application for a license shall be made within 10 days of the date upon which a dog in question first became subject to the provisions of this section.

§ **88-6. Fees; exemptions; late fees. [Amended 7-15-14 by Ord. No. 2014-06]**

A. The person applying for a dog license and registration tag shall pay to the municipality a fee of $10.80 (ten dollars and eighty cents). In addition to this fee, and in accordance with Title *4:19-15.2* and *15.3,* any person applying for the license and registration tag shall pay a state fee of $3 (three dollars) for any dog of reproductive age which has not had its reproductive capacity permanently altered through sterilization and an additional state registration fee of $1 (one dollar) and $0.20 (twenty cents) for spay/neuter clinics. Said license and registration tags and renewal thereof shall expire on December 31 of each year.

B. A person may apply for a three-year license and registration tag covering a three-year period for a spayed/neutered dog or unsprayed/unneutered dog, with proof of rabies vaccination good for 34 months of the three-year licensing period. The fees for the three-year license shall be three times that of a one year license. Each three-year license shall expire on December 31 of the year stated on the license.

C. No fee shall be charged for dogs used as guides for blind persons and commonly known as Seeing eye dogs; dogs used to assist deaf persons and commonly known as Hearing Ear animals; dogs used to assist handicapped persons commonly known as Service dogs'; and dogs used by the Police Department to assist in official law enforcement matters and commonly known as "K-9 dogs."

D. When a Municipal Court has declared a dog to be a potentially dangerous dog, it may require the owner to maintain liability insurance and insurance in an amount of not less than **$100,000 (one hundred thousand dollars)** in accordance with the provisions of N.J.S.A. 4:19-24b. The liability insurance shall contain a provision requiring the Lower Alloways Creek Township to be named as an additional insured and said insurance carrier notify the Township of Lower Alloways Creek of any cancellation, termination or expiration of the required liability insurance policy.

E. Beginning on July 1, 2008 and as follows thereafter, any owner who fails to pay the license fees herein required on or before the first day of May in each year shall, in addition to the licensing fee, pay a late charge in the amount of **$10 (ten dollars).** This amount of **$10 (ten dollars)** is to be paid upon payment of the licensing fee for each dog required to be licensed by this article. The late fee shall not apply to the owner of a dog being licensed for the first time because of age (not yet of an age to be vaccinated against Rabies) or to the owner of a dog who became a resident of the Township on or after May 1st.

§ 88-7. Time of application.

A license shall be required for any dog or cat owned by a resident:

A. The first day of January of a calendar year.

B. Any dog or cat acquired by any person during the course of any calendar year and kept within the municipality for more than 10 days after acquisition.

C. Any dog or cat attaining licensing age during the course of the calendar year.

D. Any unlicensed dog or cat brought into the municipality by any person and kept for more than 10 days.

E. Any dog or cat licensed by another state brought into the municipality by any person and kept for more than 90 days.

§ 88-8. Tag removal.

No person, except the Animal Control Officer or police officer in the performance of duties, shall remove a registration tag and/or collar from 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.

§ 88-9. Disposition of fees.

License fees and other moneys collected or received under the provisions of this article, except the registration tag fees, shall be forwarded to the Municipal Treasurer within 30 days after collection or receipt and shall be used as prescribed by the statutes of New Jersey governing this subject, The registration tag fee for each dog shall be forwarded within 30 days after collection by the Township Dog Registrar to the State Department of Health.

§ 88-10. Running at large.

No dog, cat, cattle, goat, swine, fowl and/or other like animal or livestock shall run or be permitted by its owner to run upon any public street, sidewalk, thoroughfare, park, playground, school yard or in any of the public places of the municipality or upon any private property without the prior consent of the owner.

§ 88-11. Disturbance of peace.

A. No person shall own, keep, harbor, or maintain any dog, cat, or other animal which habitually barks, howls or cries frequently and thereby disturbs the peace and quiet of the neighborhood and creates a nuisance at any time of the day or night.

B. The provisions of N.J.S.A. 4:19-17 through 4:19-37 governing vicious and potentially dangerous dogs are incorporated by reference.

§ 88-12. Animal Control Officer.

An Animal Control Officer or agency shall be appointed by the governing body. Such person or agency so designated and appointed as Animal Control Officer shall be entitled to be paid as compensation for services an amount established by the municipality.

§ 88-13. Dog canvass.

Any person or agency appointed for this purpose by the governing body of the municipality shall annually cause a canvass to be made of all dogs owned, kept or harbored within the limits of the municipality. A report will be made to the Clerk or other person designated to license dogs in the municipality and to the Township Dog Registrar and to the State Department of Health on or before September 1 of each year.

§ 88-14. Seizure; impounding. [Amended 1-29-14 by Ord. No. 2013-13]

A. The Animal Control Officer of the municipality shall take into custody and impound or cause to be taken into custody and impounded, the following:

(1) Any dog, cat, cattle, goat, swine, fowl and/or other like animal or livestock roaming at large within the limits of the municipality;

(2) Any dog or cat not licensed or tagged as required by this chapter;

(3) Any dog, cat or other animal which is off the premises of the owner of the person keeping or harboring said animal and which is believed to be a stray animal;

(4) Any dog, cat or other animal with a dangerous or vicious propensity or noticeably infected with rabies or bitten by a dog, cat or other animal suspected of having rabies;

(5) Any female dog or cat in season not confined in such a way so as not to be accessible to males, or any female dog or cat in season off the premises of the owner or of the person keeping or harboring such dog or cat;

(6) Any dogs or cats creating a nuisance while off their property; and

(7) Any dog, cat or other animal with a dangerous or vicious propensity may be seized by the Animal Control Officer and if said dog, cat or other animal cannot be seized with safety, it may be killed.

B. If any dog, cat or other animal so impounded or seized wears a collar or harness, having described thereon or attached thereto the name and address of any person or registration tag, or the owner of the person keeping or harboring said animal is known, the Animal Control Officer shall serve on the person whose address is given on the collar or the owner or the person keeping or harboring said animal, if known, a notice in writing that the animal has been seized and will be offered for adoption, or destroyed if not claimed within seven days after service of the notice. The owner or person keeping or harboring said animal shall be responsible for all expenses incurred for the care of said animal during impoundment, and the notice shall include a statement of these costs.

C. A notice under this section may be served either by delivering it to the person upon whom it is to be served or by forwarding it by postal service in a prepaid letter addressed to that person at his or her usual or last known place of abode, or to the address given on the collar.

D. The Animal Control Officer may cause an animal to be destroyed or offered for adoption seven days after seizure, provided that:

(1) Notice is given as set forth above and the animal remains unclaimed;

(2) The owner or person keeping or harboring the animal has not claimed the animal and paid all expenses incurred by reason of its detention, including maintenance or veterinary cost; and

(3) The owner or person keeping or harboring an animal which was unlicensed at the time of seizure does not produce a license and/or registration tag for the animal.

E. At the time of adoption, the right of ownership in the animal shall transfer to the new owner. No dog or other animal so caught and detained shall be sold or otherwise made available for the purpose of experimentation.

F. All expenses incurred for the impoundment and care of any seized animal plus reasonable attorney's fees and court costs may be recovered in a civil proceeding filed on behalf of Lower Alloways Creek Township against the owner or person keeping or harboring any animal seized and impounded pursuant to this ordinance.

§ 88-15. Authority to enter premises.

The Animal Control Officer engaged in the performance of his or her duty is hereby authorized to enter upon any premises to seize and impound any dog, cat or other animal, which he or she may lawfully seize or impound when such officer is in immediate pursuit of said animal, except upon the premises of the owner of the animal, if said owner is present and forbids same.

§ 88-16. Interference with official duties.

No person shall distract, give false information, hinder, molest or interfere with anyone authorized or empowered to perform any duty under this article.

§ **88-17. Leashing,**

No person owning, keeping or harboring any dog and or other like animal or livestock shall permit it upon a public street, sidewalk, thoroughfare, park, playground, school yard, or in any of the public places of the municipality unless it is controlled by an adequate leash or tether not more than six feet long.

§ **88-18. Property damage.**

No person owning, keeping or harboring a dog, cat, and/or other animal shall permit it to do any injury or do any damage to any lawn, shrubbery, flowers, grounds, garden or property.

§ **88-19. Animals on private or public property without permission; exceptions.**

A. No person shall bring, allow, or knowingly permit any dog, cat, or other animal onto any private property without the owner's permission, or into any store, or other building or portion thereof, which members of the public at large are invited or expected to enter or frequent. Nothing in this section shall be deemed to prohibit the keeping or bringing of any dog, cat or other animal into the premises of the owner. Specifically excluded from this section are Seeing Eye dogs, Hearing Ear animals, Police K-9 dogs, or other service animals.

B. No person keeping, harboring, or in charge of any dog, cat, or other animal shall cause, suffer, or allow such dog, cat, or other animal to soil, defile, deface or defecate on or commit any nuisance upon any private property without the permission of the property owner.

C. No person shall abandon, leave, relinquish control over, or cause to remain, any dog, cat, bird, or other animal on any public or private property without the prior approval of the property owner.

§ **88-20. Certain animals not permitted.**

A. No person shall own, keep, or harbor any wolf or wolf hybrid, or wildlife hybrids within the municipality.

B. No person shall own, keep, or harbor any ferret, snake, or other exotic animal within the municipality.

C. No person shall own, keep or harbor a potbelly pig, or other livestock within the municipality on a property of less than 1/2 acre.

D. No person shall own, possess, or have custody on his/her premises of any wild or vicious animal for display, training, or exhibition purposes, whether gratuitously or for a fee.

E. No person shall keep or permit to be kept any wild animal as a pet.

F. No person shall own, keep, or harbor a dog, cat, or other animal on an unoccupied premise.

§88-21. Pet Waste (formally Defecation by animals; removal.)

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

a. Immediate – shall mean that the pet solid waste is removed at once, without delay.

b. 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.

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

d. Pet - a domesticated animal (other than a disability assistance animal) kept for amusement or companionship.

e. Pet solid waste – waste matter expelled from the bowels of the pet; excrement

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

g. Proper disposal shall be made of animal food wastes, excrement, garbage, refuse, or vegetable matter deposited upon the premises, in such a manner as to prevent insect breeding or rodent infestation or pollution of the air, ground, or body of water or the creation of any other unhealthy or unsanitary condition.

2) Requirement for Disposal:

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.

3) Exemptions:

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

4) Enforcement:

The provisions of this Article shall be enforced by the Police Department.

§ **88-22. Sanitary requirements.**

The premises on which dogs, cats, livestock, birds, or other animals are maintained shall at all times conform to the following requirements:

A. Dogs, cats, livestock, birds and other animals shall at all times be confined to such premises or portion thereof as will preclude odors and sound emanating from such animals or birds, or engendered by their care, feeding or other activity connected with such animals or birds from interfering with the ordinary and reasonable use, occupation, and enjoyment of property on neighboring premises.

B. All sheds coops, pens, runways, stalls, or other enclosures or facilities related to animals or birds shall be located or maintained at least 50 feet from a main building and/or from any lot line. Dog boxes shall be located or maintained at least 50 feet from any lot line.

C. Buildings, food storage bins, appliances, equipment, feeding areas and other facilities on the premises shall be constructed with rat proofing materials and maintained in such fashion as to permit proper cleansing and shall be cleaned, deodorized and disinfected regularly.

D. Water supply shall be adequate for proper sanitation.

F. Water or other liquid to which mosquitoes may have access shall be properly drained to prevent their breeding.

G. Disposition shall be made of animal wastes, excrement, garbage, refuse, or vegetable matter deposited upon the premises in such a manner as to prevent insect breeding or rodent infestation or pollution of the air, ground, or body of water or the creation of any other unhealthy or unsanitary condition.

H. All necessary measures shall be employed to ensure that rodents or insects hazardous to public health shall be precluded from infesting the premises.

I. Adequate measures shall be taken to prevent animals or birds maintained from escaping or at any times roaming at large.

J. Adequate facilities shall be available to maintain the premises in a sanitary condition at all times.

K. No person shall willfully sell, or offer to sell, use, or expose any animal or bird having contagious or infectious disease dangerous to the health or life of human beings or animals.

§ 88-23. License for kennel, pet shop, shelter, or pound. [Amended 7-15-14 by Ord. No. 2014-06]

A. Any person who keeps or operates or proposes to establish a kennel, pet shop, shelter or pound may only do so in a location permitted by the Lower Alloways Creek Township land use ordinance or pursuant to a variance lawfully granted by the Lower Alloways Creek Township Planning Board. No person may operate any such facility or establishment without first having obtained a license issued by the appropriate official in Lower Alloways Creek Township. Any such license shall not be transferable from owner to owner or place to place. Any person holding such a license shall not be required to secure individual licenses for dogs housed by such licensee at the licensed location. This exception does not apply to dogs owned by the licensee that are not held for resale. It shall be presumed that dogs are not held for resale if they are maintained by the licensee for more than one year. It shall be unlawful to keep more than **five (5) dogs** on any parcel, premises or facility without first obtaining a kennel, pet shop, shelter or pound license

B. The application for a kennel, pet shop, shelter, or pound license shall describe the premises to be utilized for such purpose, and shall be accompanied by the written approval of the local municipal zoning officer and health authority showing compliance with the local and state rules and regulations governing location and sanitation of such establishment. The application shall list the maximum number of dogs, cats, or other animals to be accommodated by such establishment at any one time, and shall identify all dogs or other animals not intended for resale.

C. All licenses issued for a kennel, pet shop, shelter, or pound shall state the purpose for which the establishment has been maintained. All such licenses shall expire on the last day of June of each year, and be subject to revocation by the municipality on recommendation of the State Department of Health or Township Dog Registrar for failure to comply with the rules and regulation of said Board, after the owner has been afforded a hearing by either the State Department or local board.

D. Any person holding a kennel, pet shop, shelter, or pound license shall secure individual licenses for dogs over six months of age that are owned by such licensee and kept or maintained on the licensed premises.

E. The Animal Control Officer, as agent of the Township Dog Registrar, shall ensure that any person holding a license to establish, keep or operate a kennel, pet shop, shelter or pound, shall comply with applicable state and local laws.

F. Annual license fees for kennel and pet shop license shall be as follows:

(1) Kennel accommodating 10 or less dogs: **$50**;
(2) Kennel accommodating more than 10 dogs: **$100**;
(3) Pet shop: **$50**; and
(4) Shelter/pound: no fee.

§ 88-24. Kennel reports.

The Township Dog Registrar shall forward to the State Department of Health a list of all kennels, pet shops, shelter and pounds licensed within 30 days after the licenses therefor are issued. The list shall include the name and address of each licensee and the kind of license issued.

§ 88-25. Control off premises.

No dog, cat, or other animal kept in a kennel, pet shop, shelter or pound shall be permitted off the premises except on a leash, in a crate or other like method.

§ 88-26. Animal bites, injury and damage [Amended 1-29-14 by Ord. No. 2013-13]

A. When it has been determined that an animal bite has occurred, the Animal Control Officer shall receive and investigate all animal bites with assistance as needed by the Police Department, The Animal Control Officer, in conjunction with the Health Officer having jurisdiction, will ensure that all quarantine periods and suspected rabies specimens are handled expeditiously.

B. A keeper or owner of any animal causing injury or property damage shall be strictly liable for such injury or damage and may be subject to a fine and/or imprisonment for a violation of this ordinance as provided in § 88-28 herein.

§ 88-27. Sales and Adoptions.

Any shelter, retailer, owner/keeper or agency which sells or adopts-out dogs/cats must report all sales and adoptions to the municipality. The municipality shall record the sales and adoptions so that dogs/cats that are not licensed and are over the age of six months will be counted. The municipality will also have a record of dogs/cats that are licensed but are not yet spayed / neutered.

***§* 88-28. Violations and Penalties. [Amended 1-29-14 by Ord. No. 2013-13]**

A. Except as otherwise provided in N.J.S.A. 4:19-15.19 for violations of certain provisions thereof, any person who violates, fails or refuses to comply with any part of this article shall be subject to the penalties provided herein. The continuation of such violation for each successive day shall constitute a separate offense, and the person(s) allowing or permitting the continuation of the violation may be punished as provided above for each separate offense.

B. The violation of these provisions shall be subject to abatement, summarily by a restraining order, or by injunction issued by a court of competent jurisdiction.

C. The penalties are revised to provide that violators will be punishable, upon conviction, by a fine of not less than $50.00 (fifty) Dollars and not more than $1000.00 (one thousand) Dollars or by imprisonment for a term not exceeding 30 (thirty) days or Community Service of not more than 30 (thirty) days or any combination thereof. Such fines, imprisonment and Community Service shall be at the discretion of the Judge.

D. The provisions of this chapter shall not in any way be deemed to hinder or prohibit prosecution of violators pursuant to state, or county law and the penalties and provisions of these entities are deemed to be in addition to the penalties and provisions of this chapter.

Article III
Alteration and Reproduction Capacity Clinics
[Adopted 12-21-79 as Ord. No. 79-56]

§ 88-29. Authorization to contract for services. [Amended 1-19-81 by Ord. No. 81-1]

Agreements are hereby authorized to be entered into by resolution with qualified doctors of veterinary medicine to provide services for the alteration of the reproductive capacity of cats and dogs owned by residents of Lower Alloways Creek Township. Said agreements are entered into as professional service contracts and are exempt from the New Jersey Local Public Contracts Law.* The agreements shall contain the terms and conditions set forth in § 88-33 below.

§ 88-30. Continuance of existing contracts. [Added 1-19-81 by Ord. No. 81-1]

Those agreements previously entered into with:

Dr. Jamie Rider (Hopewell & Pennsville Veterinary Clinics), Dr. Decktor (Decktor Veterinary Hospital & Clinic), Dr. Noreen Lanza (Raccoon Valley Animal Hospital), Dr. William McAlonan (Wilwynn Animal Hospital), Dr. Irvin Ware (Woodstown Veterinary), Dr. Varnold (Tri-County Veterinary), Swedesboro Animal Hospital, to provide the aforementioned services shall remain in full force and effect.

§ 88-31. Certification of available funds.

The Township Treasurer has certified that sufficient funds for these contracts exist in a line item appropriation and that line item to be charged is "Dog Regulation -OE."

§ 88-32. No liability of Veterinarians.

Residents of Lower Alloways Creek Township may take their dogs and cats to any of the above-named doctors to be spayed or castrated under the following conditions:

A. The owner shall fill out a form at the Township Clerk's office setting forth the name and address of the owner and the name and description of the cat or dog and a notarized authorization by the owner consenting to the spaying or castrating and agreeing to hold the veterinarian, the municipality, its agents, servants and employees harmless from any damages arising from the castrating or spaying incidental thereto.

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

CHAPTER 90

DRUGS

Article I
Drug-Free School Zones

§ **90-1. Map adopted.**
§ **90-2. Official locations and boundaries.**
§ **90-3. Changes in locations and boundaries.**
§ **90-4. Copies of map.**
§ **90-5. Declarations.**

[HISTORY: Adopted by the Township Committee of the Township of Lower Alloways Creek: Art. I, 9-13-89 as Ord. No. 89-17. Amendments noted where applicable.]

Drug-Free School Zones
[Adopted 9-13-89 as Ord. No. 89-17]

§ 90-1. Map adopted.

In accordance with and pursuant to the authority of P.L. 1988, c. 44 (N.J.S.A. 2C:35-7), the Drug-Free School Zone Map produced on or about January 25, 1988, by Albert A. Fralinger Jr., P.A., Municipal Engineer, is hereby approved and adopted as an official finding and record of the location and areas within the municipality of property which is used for school purposes and which is owned by or leased to any elementary or secondary school or school board, and the areas on or within one thousand (1,000) feet of such school property.

§ 90-2. Official locations and boundaries.

The Drug-Free School Zone Map approved and adopted pursuant to § 90-1 of this Article shall continue to constitute an official finding and record as to the location and boundaries of areas on or within one thousand (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 Article shall be amended to reflect any additions or deletions with respect to the location and boundaries of school property and Drug-Free School Zones.

§ 90-3. Changes in locations and boundaries.

The school board, or the chief administrative officer in the case of any private or parochial school, is hereby directed and shall have the continuing obligation to promptly notify the Municipal Engineer and the Municipal 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 board and which is used for school purposes.

§ 90-4. Copies of map.

The Clerk of the municipality is hereby directed to receive and to keep on file the original of the map approved and adopted pursuant to § 90-1 of this Article, and to provide, at a reasonable cost, a true copy thereof to any person, agency or court which may from time to time 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 Article shall be provided without cost to the County Clerk and to the office of the Salem County Prosecutor.

§ 90-5. Declarations.

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

A. It is understood that the map approved and adopted pursuant to § 90-1 of this Article 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 municipality.

(2) The boundaries of the real property, which is owned by or leased to such schools or a school board.

(3) That such school property is and continues to be used for school purposes.

(4) The location and boundaries of areas which are on or within one thousand (1,000) feet of such school 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 as of July 9, 1987, that being the effective date of P.L. 1987, c. 101 (N.J.S.A. 2C:35-7).

C. Pursuant to the provisions of P.L. 1988, c. 44,* 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 pursuant to § 90-1 of this Article. 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.

D. All of the requirements set forth in P.L. 1988, c. 44 concerning the preparation, approval and adoption of a Drug-Free School Zone Map have been complied with.

*Editor's Note: See N.J.S.A. 2C;35-7.

CHAPTER 91

FEES

Article I
Certificates

§ 91-1. Enumeration of fees.

[HISTORY: Adopted by the Township Committee of the Township of Lower Alloways Creek: Art. I, 9-4-1990 as Ord. No. 90-15. Amendments noted where applicable.]

GENERAL REFERENCES
Dog licensing fees—See Ch. 88, Art. I.

Article I
Certificates

[Adopted 9-4-1990 as Ord. No. 90-15]

§ 91-1. Enumeration of fees.

Fees to be charged by the Registrar of Vital Statistics of the Township of Lower Alloways Creek, other than those fixed by state law or a state agency, shall be as follows:

A. Certified copy of birth certificate: eight dollars ($8.) each.

B. Certified copy of marriage certificate: eight dollars ($8.) each.

C. Certified copy of death certificate: eight dollars ($8.) each.

D. Certified copy of certificate of domestic partnership: twenty-eight dollars ($28.).
[Added 7-20-04 by Ord. No. 2004-10]

CHAPTER 92

FIRE SAFETY

§ 92-1. Local enforcement.
§ 92-2. Agency designation.
§ 92-3. Duties of local enforcing agency.
§ 92-4. Organization.
§ 92-5. Appointments; qualifications; term of office; removal.
§ 92-6. Life-hazard uses.
§ 92-7. Non-life-hazard uses.
§ 92-8. Permits and certificate of fire code status.
§ 92-9. Appeals.
§ 92-10. Enforcement, violations and penalties.

[HISTORY: Adopted by the Township Committee of the Township of Lower Alloways Creek: Art. I, 1-19-2010 as Ord. No. 2009-18. Amendments noted where applicable.]

ARTICLE I

§ 92-1. Local enforcement.

Pursuant to *N.J.S.A.* 52:27D-202, each municipality in the State of New Jersey is authorized to adopt an ordinance providing for local enforcement of the New Jersey Uniform Fire Safety Act, being *N.J.S.A.* 52:27D-192, *et seq.* The purpose of this ordinance is to provide for such local enforcement.

§ 92-2. Agency designation.

The local enforcing agency shall be the Lower Alloways Creek Township Fire District through its **Bureau of Fire Prevention**. The **Bureau of Fire Prevention** shall consist of one paid fire inspector who shall be known as the Fire Official.

§ 92-3. Duties of local enforcing agency.

A. The local enforcing agency shall enforce the Uniform Fire Code in all buildings, structures, and premises within the established boundaries of the Township of Lower Alloways Creek in the County of Salem other than one and two-unit owner-occupied dwellings used exclusively for dwelling purposes and buildings, structures, and premises owned or operated by the federal government, interstate agencies or the state.

B. The local enforcing agency shall faithfully comply with all the pertinent requirements of the Uniform Fire Safety Act and the Uniform Fire Code.

§ 92-4. Organization.

A. The local enforcing agency established by § 92-2 of this article shall be administered and under direct control and supervision of the Township Committee of Lower Alloways Creek.

B. The Bureau of Fire Prevention shall have at least one paid inspector.

§ 92-5. Appointments; qualifications; term of office; removal.

A. Appointment and qualifications of the Fire Official. The Fire Official shall be certified by the State and appointed by the Lower Alloways Creek Township Committee.

B. Appointment and qualifications of inspectors and other employees. Inspectors and other employees of the enforcing agency, if any, shall be appointed by the Township Committee of Lower Alloways Creek. All life-hazard use inspectors shall be certified by the State.

C. Appointment of legal counsel. The Township solicitor shall assist the local enforcing agency in enforcing the Uniform Fire Code and the Uniform Fire Safety Act unless the Township Committee shall appoint separate legal counsel to serve in this capacity.

D. Term of office. The Fire Official shall serve for a term of three years. Any vacancy shall be filled for the unexpired term.

E. Removal from office. During their appointment term, The Fire Official, inspectors and other employees of the agency shall be subject to removal by the Township Committee of Lower Alloways Creek for just cause. Before removal from office, all persons shall be afforded an opportunity to be heard by the Township Committee or a hearing officer designated by the same.

§ 92-6. Life-hazard uses.

The Bureau of Fire Prevention established by § 92-2 of this article shall carry out the periodic inspections of life-hazard uses required by the Uniform Fire Code on behalf of the Commissioner of the New Jersey Department of Community Affairs.

§ 92-7 Non-life-hazard uses.

A. In addition to the registrations required by the Uniform Fire Code, the following non-life-hazard uses shall register with the Bureau of Fire Prevention. These uses shall be inspected once per year and pay the annual fee designated herein.

(1) Assembly.

	A-1	Eating establishment under 50	$100
	A-2	Take-out food service (no seating)	$100
	A-3	Church or synagogue	$50
	A-4	Recreation centers, multipurpose rooms, etc., fewer than 100	$50
	A-5	Court rooms, libraries, fraternal organizations, condominium centers fewer than 100	$50
	A-6	Senior citizen centers fewer than 200	$50

(2) Business/professional.

	B-1	Professional use one- and two-story less than 5,000 sq. ft. per floor	$50
	B-2	One- and two-story more than 5,000 sq. ft. and less than 10,000 sq. ft. per floor	$75
	B-3	One- and two-story more than 10,000 sq. ft.	$100
	B-4	Three- to five-story less than 5,000 sq. ft. per floor	$125
	B-5	Three- to five-story more than 5,000 sq. ft. and less than 10,000 sq. ft. per floor	$175
	B-6	Three- to five-story over 10,000 sq. ft. per floor	$225

(3) Retail (mercantile).

	M-1a	One- and two-story less than 5,000 sq. ft. per floor	$75
	M-1b	One- and two-story more than 1,500 sq. ft. and less than 5,000 sq. ft. per floor	$125
	M-2	One- and two-story more than 5,000 sq. ft. and less than 10,000 sq. ft.	$150
	M-3	One- and two-story more than 10,000 sq. ft. per floor	$175
	M-4	Three- to five-story less than 5,000 sq. ft. per floor	$200
	M-5	Three- to five-story more than 5,000 sq. ft. and less than 10,000 sq. ft.	$225
	M-6	Three- to five-story over 10,000 sq. ft.	$250
	NOTE: M with the exception of hardware store 3,000 sq. ft., retail store 12,000 sq. ft. are life-hazard uses.		

(4) Manufacturing (factory).

	F-1	One- and two-story less than 5,000 sq. ft. per floor	$75
	F-2	One- and two-story more than 5,000 sq. ft. and less than 10,000 sq. ft. per floor	$100
	F-3	One- and two-story more than 10,000 sq. ft.	$150
	F-4	Three- to five-story less than 5,000 sq. ft. per floor	$175
	F-5	Three- to five-story more than 5,000 sq. ft. and less than 10,000 sq. ft.	$200
	F-6	Three- to five-story over 10,000 sq. ft.	$250
	NOTE: F exception life-hazard uses.		

(5) Storage S-1 (moderate hazard S-1, low hazard S-2).

	S-1	One- and two-story less than 5,000 sq. ft. per floor	$50
	S-2	One- and two-story more than 5,000 sq. ft. and less than 10,000 sq. ft. per floor	$100
	S-3	One- and two-story more than 10,000 sq. ft.	$150
	S-4	Three- to five-story less than 5,000 sq. ft. per floor	$175
	S-5	Three- to five-story more than 5,000 sq. ft. and less than 10,000 sq. ft.	$200
	S-6	Three- to five-story over 10,000 sq. ft.	$250
	NOTE: S exception life-hazard uses.		

(6)

Residential (local enforcing agency listed with multifamily Bureau of Housing Inspection). Fee is for each building.

	R-1	1 to 6 units	$25
	R-2	7 to 12 units	$50
	R-3	13 to 20 units	$75
	R-4	21 to 50 units	$100
	R-5	For each additional unit	$2

(7) Common areas (each building).

	R-1	One- and two-story less than 5,000 sq. ft. per floor	$50
	R-2	One- and two-story more than 5,000 sq. ft. and less than 10,000 sq. ft. per floor	$75
	R-3	One- and two-story more than 10,000 sq. ft.	$100
	R-4	Three- to five-story less than 5,000 sq. ft. per floor	$125
	R-5	Three- to five-story more than 5,000 sq. ft. and less than 10,000 sq. ft.	$150
	R-6	Three- to five-story over 10,000 sq. ft.	$200

(8)

Common areas (local enforcing agency not listed with Bureau of Housing Inspection) (each building).

	R-1	One- and two-story less than 5,000 sq. ft. per floor	$50
	R-2	One- and two-story more than 5,000 sq. ft. and less than 10,000 sq. ft. per floor	$75
	R-3	One- and two-story more than 10,000 sq. ft.	$100
	R-4	Three- to five-story less than 5,000 sq. ft. per floor	$125
	R-5	Three- to five-story more than 5,000 sq. ft. and less than 10,000 sq. ft. per floor	$150
	R-6	Three- to five-story over 10,000 sq. ft.	$200

B. R-A uses shall be inspected and charged a fee only upon sale or change of tenant.

C. Uses not classified above that are subject to the Uniform Fire Code will be classified as business uses.

D. Uses required to register with the state as life-hazard uses shall not be required to register under this article.

E. In the discretion of the Fire Official, vacant buildings will be charged and inspected according to the previous use of the building.

F. All residential uses except R-A uses shall be inspected in the common areas only.

§ 92-8. Permits and certificate of fire code status.

A. The application fees for the permits listed in N.J.A.C. 5:70-2.7(b) shall be as provided by State regulation and are currently as follows:

	Type 1	$35
	Type 2	$138
	Type 3	$276
	Type 4	$414

B. The cost for the issuance of a certificate of fire code status shall be $35.

§ 92-9. Appeals.

Pursuant to Sections 15 and 17 of the Uniform Fire Safety Act, (See N.J.S.A. 52:27D-206, 208) any person aggrieved by any action of the local enforcing agency shall have the right to appeal to the local construction board of appeals. If no such body exists, appeals shall be made to the County Construction Board of Appeals.

§ 92-10. Enforcement, violations and penalties.

Enforcement, violations and penalties shall be managed in conformity with the Uniform Fire Safety Act, the Uniform Fire Code and all other laws of the State of New Jersey.

CHAPTER 93

FLOOD DAMAGE PREVENTION

ARTICLE I

STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

93-1 STATUTORY AUTHORIZATION

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93-30 ENCLOSURE OPENINGS

93-31 SPECIFIC STANDARDS

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93-35 FLOODWAYS

93-36 COASTAL HIGH HAZZARD AREA AND COASTAL A ZONE

93-37 LOCATION OF STRUCTURES

93-38 CONSTRUCTION METHODS

93-39 SAND DUNES

93-40 SEVERABILITY

93-41 ADOPTION

[HISTORY: Adopted by the Township Committee of the Township of Lower Alloways Creek 11-15-82 as Ord. No. 82-39. Completely revised in its entirety 04-19-2016 as Ord. No. 2016-02, per FEMA guidelines, Amendments noted where applicable.]

GENERAL REFERENCES
Planning Board—See Ch. 24.

ARTICLE I

STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

93-1 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. Therefore, the Township Committee of the Township of Lower Alloways Creek of Salem County, New Jersey does ordain as follows:

93-2 FINDINGS OF FACT

a) The flood hazard areas of the Township of Lower Alloways Creek 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.

93-3 STATEMENT OF PURPOSE

It is the purpose of this ordinance 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 second 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 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.

93-4 METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this ordinance 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 flood waters;
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 flood waters or which may increase flood hazards in other areas.

ARTICLE II

DEFINITIONS

93-5 DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

AO Zone- Areas subject to inundation by 1-percent-annual-chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet.

AH Zone- Areas subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are between one and three feet. Base Flood Elevations (BFEs) derived from detailed hydraulic analyses are shown in this zone

Appeal — A request for a review of the Local Administrator's interpretation of any provision of this ordinance or a request for a variance.

Area of Shallow Flooding — A designated AO or AH zone on a community's Digital Flood Insurance Rate Map (DFIRM) with a one percent annual or greater chance of flooding to an average depth of one 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 1-percent or greater chance of being equaled or exceeded in any given year. For zones VE and V1-30 the elevation represents the stillwater elevation (SWEL) plus wave effect (BFE = SWEL + wave effect) resulting from a flood that has a 1-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.

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.

Coastal A Zone – The portion of the Special Flood Hazard Area (SFHA) starting from a Velocity (V) Zone and extending up to the landward Limit of the Moderate Wave Action delineation. Where no V Zone is mapped the Coastal A Zone is the portion between the open coast and the landward Limit of the Moderate Wave Action delineation. Coastal A Zones may be subject to wave effects, velocity flows, erosion, scour, or a combination of these forces. Construction and development in Coastal A Zones is to be regulated the same as V Zones/Coastal High Hazard Areas.

Coastal High Hazard Area — An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources.

Cumulative Substantial Improvement — Any reconstruction, rehabilitation, addition, or other improvement of a structure that equals or exceeds 50 percent 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.

Digital Flood Insurance Rate Map (DFIRM) — 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.

Elevated Building — A non-basement building (i) built, in the case of a building in an Area of Special Flood Hazard, to have the top of the elevated floor or, in the case of a building in a Coastal High Hazard Area or Coastal A Zone, to have the bottom of the lowest horizontal structural member 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 (ii) 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 flood waters. In Areas of Coastal High Hazard Area or Coastal A Zones "elevated buildings" also includes a building otherwise meeting the definition of "elevated building" even though the lower area is enclosed by means of breakaway walls.

Erosion — The process of the 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.

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.

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.

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.

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 accumulatively 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 flood plain 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.

Limit of Moderate Wave Action (LiMWA) – Inland limit of the area affected by waves greater than 1.5 feet during the Base Flood. Base Flood conditions between the V Zone and the LiMWA will be similar to, but less severe than those in the V Zone.

Lowest Floor — The lowest floor of the lowest enclosed area [including basement]. An unfinished or flood resistant enclosure, useable 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 Section 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 (2) 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.

Primary Frontal Dune — A continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves from coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from the relatively steep slope to a relatively mild slope.

Recreational Vehicle — A vehicle which is [i] built on a single chassis; [ii] 400 square feet or less when measured at the longest horizontal projections; [iii] designed to be self-propelled or permanently towable by a light duty truck; and [iv] designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Sand Dunes — Naturally occurring or man-made accumulations of sand in ridges or mounds landward of the beach.

Start of Construction — 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 piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation.

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 it's before damaged condition would equal or exceed 50 percent 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 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market valve of the structure before the damages occurred.

Substantial Improvement — Any reconstruction, rehabilitation, addition, or other improvement of a structure during a 10-year period the cost of which equals or exceeds 50 percent 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:

(1) 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

(2) 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 ordinance that permits construction in a manner that would otherwise be prohibited by this ordinance.

Violation — The failure of a structure or other development to be fully compliant with this ordinance. 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.

ARTICLE III

GENERAL PROVISIONS

93-6 GENERAL PROVISIONS

93-7 LANDS TO WHICH THIS ORDINANCE APPLIES

This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the Township of Lower Alloways Creek of Salem County, New Jersey.

93-8 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard for the Township of Lower Alloways Creek Community No. 340416 are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

a) A scientific and engineering report "Flood Insurance Study, Salem County, New Jersey (All Jurisdictions)" dated June 16, 2016
b) "Flood Insurance Rate Map for Salem County, New Jersey (All Jurisdictions)" as shown on Index and panel(s) 34033C0144C, 34033C0161C, 34033C0162C, 34033C0163C, 34033C0164C, 34033C0166C, 34033C0168C, 34033C0169C, 34033C0256C, 34033C0257C, 34033C0258C, 34033C0259C, 34033C0276C, 34033C0277C, 34033C0278C, 34033C0279C, 34033C0281C, 34033C0282C, 34033C0283C, 34033C0284C, 34033C0290C, 34033C0295C, 34033C0301C, 34033C0303C, whose effective date is June 16, 2016.

The above documents are hereby adopted and declared to be a part of this ordinance. The Flood Insurance Study, maps and advisory documents are on file at 501 Locust Island Road, Hancocks Bridge, New Jersey.

93-9 PENALTIES FOR NONCOMPLIANCE

No structure or land shall hereafter be constructed, re-located to, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance 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 ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than $500.00 (five hundred) or imprisoned for not more than 90 (ninety) 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 Lower Alloways Creek from taking such other lawful action as is necessary to prevent or remedy any violation.

93-10 ABROGATION AND GREATER RESTRICTIONS

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

93-11 INTERPRETATION

In the interpretation and application of this ordinance, 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.

93-12 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this ordinance 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 ordinance 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.

This ordinance shall not create liability on the part of the Township of Lower Alloways Creek any officer or employee thereof or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

ARTICLE IV

ADMINISTRATION

93-13 ESTABLISHMENT OF DEVELOPMENT PERMIT

A Development Permit shall be obtained before construction or development begins, including placement of manufactured homes, within any area of special flood hazard established in section 93- 7. Application for a Development Permit shall be made on forms furnished by the local administrator 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; and the location of the foregoing. Specifically, the following information is required:

a) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
b) Elevation in relation to mean sea level 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 section 93-33; and,
d) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

93-14 DESIGNATION OF THE LOCAL ADMINISTRATOR

The local administrator in Lower Alloways Creek Township is the Construction Code Official and he/she is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

93-15 DUTIES AND RESPONSIBILITIES OF THE ADMINISTRATOR

Duties of the local administrator shall include, but not be limited to:

93-16 PERMIT REVIEW

a) Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
b) 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.
c) 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 93-35 a) are met.
d) Review all development permits in the Coastal High Hazard and Coastal A Zone area of the area of special flood hazard to determine if the proposed development alters the terrain or sand dunes so as to increase potential flood damage.
e) Review plans for walls to be used to enclose space below the base flood level in accordance with section 93-38 d).

93-17 USE OF OTHER BASE FLOOD AND FLOODWAY DATA

When base flood elevation and floodway data has not been provided in accordance with section 93-7, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the local administrator 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 93-32, SPECIFIC STANDARDS, RESIDENTIAL CONSTRUCTION, and 93-33, SPECIFIC STANDARDS, NONRESIDENTIAL CONSTRUCTION.

93-18 INFORMATION TO BE OBTAINED AND MAINTAINED

a) Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
b) For all new or substantially improved floodproofed structures:
    i. verify and record the actual elevation (in relation to mean sea level); and
    ii. maintain the floodproofing certifications required in section 93-13 c).
c) In Coastal High Hazard and Coastal A Zone areas, certification shall be obtained from a registered professional engineer or architect that the provisions of 93-38 a) and 93-38 b) i. and ii. are met.
d) Maintain for public inspection all records pertaining to the provisions of this ordinance.

93-19 ALTERATION OF WATERCOURSES

a) Notify adjacent communities and the New Jersey Department of Environmental Protection, Dam Safety and Flood Control Section 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.
b) Require that maintenance is provided within the altered or relocated portion of said watercourse so the flood carrying capacity is not diminished.

93-20 SUBSTANTIAL DAMAGE REVIEW

a) After an event resulting in building damages, assess the damage to structures due to flood and non-flood causes.
b) 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, Dam Safety and Flood Control Section.
c) Ensure substantial improvements meet the requirements of sections 93-32, SPECIFIC STANDARDS, RESIDENTIAL CONSTRUCTION, and 93-33, SPECIFIC STANDARDS, NONRESIDENTIAL CONSTRUCTION.

93-21 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 section 93-22.

93-22 VARIANCE PROCEDURE

93-23 APPEAL BOARD

a) The Planning / Zoning Board as established by Township Committee shall hear and decide appeals and requests for variances from the requirements of this ordinance.
b) The Planning / Zoning Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the local administrator in the enforcement or administration of this ordinance.
c) Those aggrieved by the decision of the Planning / Zoning Board or any taxpayer, may appeal such decision to the Superior Court of New Jersey, as provided by New Jersey statute.
d) In passing upon such applications, the Planning / Zoning Board shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:
    i. the danger that materials may be swept onto other lands to the injury of others;
    ii. the danger to life and property due to flooding or erosion damage;
    iii. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
    iv. the importance of the services provided by the proposed facility to the community;
    v. the necessity to the facility of a waterfront location, where applicable;
    vi. the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
    vii.

viii. the compatibility of the proposed use with existing and anticipated development;
ix. the relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
x. the safety of access to the property in times of flood for ordinary and emergency vehicles;
xi. the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
xii. 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 section 93-23 d) and the purposes of this ordinance, the Planning / Zong Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

f) The local administrator shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Insurance Administration upon request.

93-24 CONDITIONS FOR VARIANCES

a) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items i.-xi. in section 93-23 d) have been fully considered. As the lot size increases beyond the one-half 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:
   i. A showing of good and sufficient cause;
   ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and,
   iii. 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 section 93-23 d), 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.

ARTICLE V

PROVISIONS FOR FLOOD HAZARD REDUCTION

93.25 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:

93-26 ANCHORING

a) All new construction to be placed or substantially improved 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.

93-27 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.

93-28 UTILITIES

a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
b) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters;
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.

93-29 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 fifty (50) lots or five (5) acres (whichever is less).

93-30 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 (2) openings in at least two exterior walls of each enclosed area, having a total net area of not less than one (1) 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 (1) 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.

93-31 SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data have been provided as set forth in section 93-8, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD or in section 93-17, USE OF OTHER BASE FLOOD DATA, the following standards are required:

93-32 RESIDENTIAL CONSTRUCTION

a) For Coastal A Zone construction see section 93-36 COASTAL A ZONE.
b) New construction and substantial improvement of any residential structure located in an A or AE zone shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities, elevated at or above the base flood elevation plus one (1) foot or as required by ASCE/SEI 24-14, Table 2-1, whichever is more restrictive
c) Require within any AO or AH zone on the municipality's FIRM that all new construction and substantial improvement of any residential structure shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities, elevated above the depth number specified in feet plus one (1) 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.

93-33 NONRESIDENTIAL CONSTRUCTION

a) 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 or AE zone (for Coastal A Zone construction see section 93-36 COASTAL A ZONE). shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities:
either

a) Elevated to or above the base flood elevation plus one (1) foot or as required by ASCE/SEI 24-14, Table 2-1, whichever is more restrictive and
b) Require within any AO or AH zone on the municipality's DFIRM to elevate above the depth number specified in feet plus one (1) 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;

or

c) Be floodproofed so that below the base flood level plus one (1) foot or as required by ASCE/SEI 24-14, Table 6-1, whichever is more restrictive the structure is watertight with walls substantially impermeable to the passage of water;
d) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
e) 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 section 93-18 b) ii.

93-34 MANUFACTURED HOMES

a) Manufactured homes shall be anchored in accordance with section 93-26 b).
b) All manufactured homes to be placed or substantially improved within an area of special flood hazard shall:
   i. Be consistent with the need to minimize flood damage,
   ii. Be constructed to minimize flood damage,
   iii. Have adequate drainage provided to reduce exposure to flood damage; and,
   iv. Be elevated on a permanent foundation such that the top of the lowest floor is at or above the base flood elevation plus one (1) foot or as required by ASCE/SEI 24-14, Table 2-1, whichever is more restrictive.

93-35 FLOODWAYS

Located within areas of special flood hazard established in section 93-8 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters 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 section 93-35 a) is satisfied, all new construction and substantial improvements must comply with Article V PROVISIONS FOR FLOOD HAZARD REDUCTION.
c) In all areas of special flood hazard in which base flood elevation data has been provided and no floodway has been designated, 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 two-tenths (0.2) of a foot at any point.

93-36 COASTAL HIGH HAZZARD AREA AND COASTAL A ZONE

Coastal High Hazard Areas and Coastal A Zones are located within the areas of special flood hazard established in section 93-8. These areas may be subject to wave effects, velocity flows, erosion, scour, or a combination of these forces; therefore, the following provisions shall apply:

93-37 LOCATION OF STRUCTURES

a) All buildings or structures shall be located landward of the reach of the mean high tide.
b) The placement of manufactured homes shall be prohibited, except in an existing manufactured home park or subdivision.
c) Prohibit the use of fill for structural support of buildings within (VE and V Zones) Coastal A Zones on the community's FIRM.

93-38 CONSTRUCTION METHODS

a) ELEVATION

All new construction and substantial improvements shall be elevated on piling or columns so that:

i. The bottom of the lowest horizontal structural member of the lowest floor (excluding the piling or columns) is elevated to or above the base flood elevation plus one (1) foot. or as required by ASCE/SEI 24-14, Table 4-1, whichever is more restrictive,
and,
ii. With all space below the lowest floor's supporting member open so as not to impede the flow of water, except for breakaway walls as provided or in section 93-38 d).

b) STRUCTURAL SUPPORT

i. All new construction and substantial improvements shall be securely anchored on piling or columns.
ii. The pile or column foundation and structure attached thereto shall be anchored to resist flotation, collapse or lateral movement due to the effects of wind and water loading values each of which shall have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval).
iii. There shall be no fill used for structural support.

c) CERTIFICATION

A registered professional engineer or architect shall develop or review the structural design specifications and plans for the construction and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for compliance with the provisions of section 93-38 a) and 93-38 b) i. and ii.

d) SPACE BELOW THE LOWEST FLOOR

i. Any alteration, repair, reconstruction or improvement to a structure started after the enactment of this ordinance shall not enclose the space below the lowest floor unless breakaway walls, open wood lattice-work or insect screening are used as provided for in this section.

ii. Breakaway walls, open wood lattice-work or insect screening shall be allowed below the base flood elevation provided that they are intended to collapse under wind and water loads without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system. Breakaway walls shall be designed for a safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading of 20 pounds per square foot (either by design or when so required by local or State codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions.
   (i) breakaway wall collapse shall result from a water load less than that which would occur during the base flood and,
   (ii) the elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement or other structural damage due to the effects of wind and water load acting simultaneously on all building components (structural and non-structural). Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable State or local building standards.

iii. If breakaway walls are utilized, such enclosed space shall be used solely for parking of vehicles, building access, or storage and not for human habitation.

iv. Prior to construction, plans for any breakaway wall must be submitted to the Construction Code Official or Building Sub-Code Official for approval.

93-39 SAND DUNES

Prohibit man-made alteration of sand dunes within Coastal A Zones (V and VE Zones) on the community's DFIRM which would increase potential flood damage.

ARTICLE VI

SEVERABILITY

93-40 SEVERABILITY

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of the Ordinance, which shall remain in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

ARTICLE VII

ENACTMENT

93-41 ADOPTION

This Ordinance shall be effective on May 1, 2016 and shall remain in force until modified, amended or rescinded by the Township Committee of the Township of Lower Alloways Creek of Salem County, New Jersey.

ENACTED AND ADOPTED by the Township Committee of the Township of Lower Alloways Creek this 19th day of April 2016

CHAPTER 99

HOUSING STANDARDS

§ 99-1. Administrative officer designated.
§ 99-2. Adoption of standards. [Amended 11/21/2017 by Ord. No. 2017-07]
§ 99-3. Inspection of dwellings authorized.
§ 99-4. Notice of violations.
§ 99-5. Hearings and appeals; emergency conditions.
§ 99-6. Additional rules and regulations.
§ 99-7. Compliance with standards required.
§ 99-8. Violations and penalties.

[HISTORY: Adopted by the Township Committee of the Township of Lower Alloways Creek 12-6-66. Section 99-8 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

GENERAL REFERENCES
Uniform construction codes—See Ch. 78.
Flood damage prevention—See Ch. 93.
Zoning—See Ch. 156.

§ 99-1. Administrative officer designated.

The Housing Officer of the Township of Lower Alloways Creek is hereby designated as the officer to exercise the powers prescribed by this chapter, and he shall serve in such capacity without any additional salary.

§ 99-2. Adoption of standards.

Pursuant to the provisions of P.L. 1946, c. 21 (N.J.S.A. 40:49-5.1), the New Jersey State Housing Code as approved by the Departments of Health and Conservation and Economic Development and filed in the Secretary of State's office is hereby accepted, adopted and established as a standard to be used as a guide in determining whether dwellings in this municipality are safe, sanitary and fit for human habitation and rental. A copy of the New Jersey State Housing Code is annexed to this chapter and three (3) copies of the same have been placed on file in the office of the Township Clerk and are available to all persons desiring to use and examine the same.

§99-2.1 CONDEMNATION OF UNFIT BUILDINGS; Determination that Certain Conditions Exist [Amended 11/21/2017 by Ord. No. 2017-07]

There exists in the Township dwellings which are unfit for human habitation due to dilapidation, defects increasing the hazards of fire, accidents or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe or unsanitary or dangerous or detrimental to the residents of the Township.

§99-2.2 Petition; Investigation; Issuance of Complaint

Whenever a petition is filed with the Housing Officer by a public authority or by at least five (5) residents of this Township charging that any dwelling is unfit for human habitation or whenever it appears to the Housing Officer (on their own motion) that any dwelling is unfit for human habitation, the Housing Officer shall, if their preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest in such dwelling a complaint.

§99-2.3 Contents of Complaint

The complaint shall state the charges and contain a notice that a hearing will be held before the Housing Officer (or his designated agent) at a place therein fixed not less than ten (10) days nor more than thirty (30) days after the serving of said complaint; that the owner and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint; and that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the Housing Officer.

§99-2.4 Conditions that Must Exist

The Housing Officer may determine that a dwelling is unfit for human habitation if he/she finds that conditions exist in such dwelling which are dangerous or injurious to the health or safety of the occupants of such dwelling, the occupants of neighboring dwellings, or to the residents of the Township; such conditions may include the following: defects therein increasing the hazards of fire, accident or other calamities; lack of adequate ventilation, light or sanitary facilities; dilapidation; disrepair; structural defects; uncleanliness.

§99-2.5 Hearing; Order

If, after such notice and hearing, the Housing Officer determines that the dwelling under consideration is unfit for human habitation, he/she shall state in writing his findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof and parties in interest an order;

A. If the repair, alteration or improvement of the said dwelling can be made at a reasonable cost in relation to the value of the dwelling, requiring the owner (to the extent and within the time specified in the order) to repair alter or improve the said dwelling to render it fit for human habitation or, at the option of the owner, to vacate and close-the dwelling as a human habitation; or

B. If the repair, alteration or improvement of the said dwelling cannot be made at a reasonable cost in relation to value of the dwelling requiring the owner (to the extent and specified in the order) to-remove or demolish such dwelling.

§99-2.6 Failure to Comply with Order; Remedy

If the owner fails to comply with an order to repair, alter or improve or, at the option of the owner, to vacate and close the dwelling, the Housing Officer may cause such dwelling to be repaired, altered or improved, or to be vacated and closed; that the Housing Officer may cause to be posted on the main entrance of any dwelling so closed, a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful."

§99-2.7 Demolition

If the owner fails to comply with an order to remove or demolish the dwelling, the Housing Officer may cause such dwelling to be removed or demolished.

§99-2.8 Lien; Surplus Money

The amount of the cost of repairs, alterations or improvements or vacating and closing, or removal or demolition shall be a municipal lien against the real property upon which such cost was incurred. If the dwelling is removed or demolished by the Housing Officer, he/she shall sell the materials of such dwelling and shall credit the proceedings of such sale against the cost of the removal or demolition and any balance remaining shall be deposited in the Superior Court, Chancery Division, by the Housing Officer, shall be secured in such manner as may be directed by such Court, and shall be disbursed by such court.

§99-2.9 Authority for Administration

Process and procedure for the administration of this Article shall be governed by NJSA 40:48-2.3 to 40:48-2.12 and any amendments that may be made thereto.

§99-2.10 General Powers

The Housing Officer shall have the right to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this Article, including the following power in addition to the others herein granted:

A. To investigate the dwellings conditions in the Township in order to determine which dwellings therein are unfit for human habitation.
B. To administer oaths, affirmations, examine witnesses and receive evidence.
C. To enter upon premises for the purpose of making examinations provided that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession

§99-2.11 Service of Complaint or Orders

Complaints or orders issued by the Housing Officer pursuant to this ordinance, shall be served upon persons either personally or by registered mail, but if the thereabouts of such persons is unknown and the same cannot be ascertained by said Housing Officer in the exercise or reasonable diligence, and the said Housing Officer shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two successive weeks in a newspaper printed and published in the Township of Lower Alloways Creek, a newspaper circulating in the Township, if none be therein published. A copy of such complaint or order shall be posted in a conspicuous place on the premises affected by the complaint or order, and a copy of such complaint or order shall be duly recorded or lodged for record with the county recording officer.

§ **99-3. Inspection of dwellings authorized.**

The Housing Officer is hereby authorized and directed to make inspections to determine the condition of dwellings, dwelling units, rooming units and premises located within the Township of Lower Alloways Creek in order that he may perform his duty of safeguarding the health and safety of the occupants of dwellings and of the general public. For the purpose of making such inspections, the Housing Officer is hereby authorized to enter, examine and survey at all reasonable times all dwellings, dwelling units, rooming units and premises. The owner or occupant of every dwelling, dwelling unit and rooming unit, or the person in charge thereof, shall give the Housing Officer free access to such dwelling, dwelling unit or rooming unit and its premises at all reasonable times for the purpose of such inspection, examination and survey. Every occupant of a dwelling or dwelling unit shall give the owner thereof or his agent or employee access to any part of such dwelling or dwelling unit or its premises at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this chapter or with any lawful rule or regulation adopted or any lawful order issued pursuant to the provisions of this chapter.

§ 99-4. Notice of violations.

Whenever the Housing Officer determines that there are reasonable grounds to believe that there has been a violation of any provisions of this chapter or of any rule or regulation adopted pursuant thereto, he shall give notice of such alleged violation to the person or persons responsible therefore as hereinafter provided. Such notice shall be put in writing, include a statement of the reasons why it is being issued, allow a reasonable time for the performance of any act it requires and be served upon the owner or his agent or upon the occupant, as the case may require; provided that such notice shall be deemed to be properly served upon such owner or agent or upon such occupant if a copy thereof is served upon him personally, or if a copy thereof is sent by registered mail to his last known address, or if a copy thereof is posted in a conspicuous place in or about the dwelling affected by the notice, or if he is served with such notice by any other method authorized or required under the laws of this state. Such notice may contain an outline of remedial action which, if taken, will effect compliance with the provisions of this chapter and with rules and regulations adopted pursuant thereto.

§ 99-5. Hearings and appeals; emergency conditions.

A. Any person affected by any notice which has been issued in connection with the enforcement of any provision of this chapter or of any rule or regulation adopted pursuant thereto may request and shall be granted a hearing on the matter before the Housing Officer, provided that such person shall file in the office of the Housing Officer a written petition requesting such hearing and setting forth a brief statement of the grounds therefore within ten (10) days after the day the notice was served. Upon receipt of such petition, the Housing Officer shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing, the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn. The hearing shall be commenced not later
than ten (10) days after the day on which the petition was filed, provided that upon application of the petitioner the said Officer may postpone the date of the hearing for a reasonable time beyond such ten-day period if in his judgment the petitioner has submitted a good and sufficient reason for such postponement. After such hearing the said Officer shall sustain, modify or withdraw the notice, depending upon his findings as to whether the provisions of this chapter and of the rules and regulations adopted pursuant thereto have been complied with. If the said Officer sustains or modifies such notice, it shall be deemed to be an order. Any notice served pursuant to this chapter shall automatically become an order if a written petition for a hearing is not filed in the office of the Housing Officer within ten (10) days after such notice is served. The proceedings at such hearing, including the findings and decision of the Housing Officer, shall be summarized, reduced to writing and entered as a matter of public record in the office of the Housing Officer. Such record shall also include a copy of every notice or order issued in connection with the matter. Any person aggrieved by the decision of the Housing Officer may seek relief there from in any court of competent jurisdiction, as provided by the laws of the state.

B. Whenever the Housing Officer finds that an emergency exists which requires immediate action to protect the public health or safety, he may, without notice or hearing, issue an order reciting the existence of such emergency and requiring that such action be taken as he deems necessary to meet the emergency. Notwithstanding the other provisions of this chapter, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately, but upon petition to the Housing Officer shall be afforded a hearing as soon as possible. After such hearing, depending upon his findings as to whether the provisions of this chapter and of the rules and regulations adopted pursuant thereto have been complied with, the Housing Officer shall continue such order in effect, or modify it or revoke it.

§ 99-6. Additional rules and regulations.

The Housing Officer is hereby authorized and empowered to make and adopt such written rules and regulations as he may deem necessary for the proper enforcement of the provisions of this chapter; provided, however, that such rules and regulations shall not be in conflict with the provisions of this chapter nor in anywise alter, amend or supersede any of the provisions thereof. The Housing Officer shall file a certified copy of all rules and regulations which he may adopt in his office and in the office of the Clerk of the Township of Lower Alloways Creek.

§ 99-7. Compliance with standards required. [Amended 6-19-1990 by Ord. No. 90-9, 03-21-2023 by Ord 2023-04]

A. No person shall occupy any dwelling or dwelling unit for the purpose of living therein which does not conform to the provisions of the New Jersey State Housing Code established hereby as the standard to be used in determining whether a dwelling is safe, sanitary and fit for human habitation.

B. The owner of any dwelling or dwelling unit situate in the Township of Lower Alloways Creek shall, prior to lease of the same and occupancy thereof by the lessee, obtain from the Lower Alloways Creek Township Housing Officer a certificate of continued occupancy as required by this chapter, certifying that said dwelling or dwelling unit is in compliance with the New Jersey State Housing Code and the provisions of this chapter.

C. The purchaser of any dwelling or dwelling unit situate in the Township of Lower Alloways Creek shall, prior to purchase of the same and occupancy thereof, obtain from the Lower Alloways Creek Township Housing Officer a certificate of continued occupancy as required by this chapter, certifying that said dwelling or dwelling unit is in compliance with the New Jersey State Housing Code and the provisions of this chapter.

D. Application for said certificate of continued occupancy shall be made by the owner, in the event of lease, or the purchaser, in the event of sale of said dwelling or dwelling unit, to the Lower Alloways Creek Township Housing Officer at least ten (10) days before lease or sale and occupancy on a form supplied by said Housing Officer. The fee for said application and certificate of continued occupancy shall be fifty dollars ($50.00) for the first and second inspections of the same dwelling or dwelling unit and fifty dollars ($50.00) for each subsequent inspection necessary until a certificate of continued occupancy is issued.

E. In the event of sale of a dwelling or dwelling unit situate in the Township of Lower Alloways Creek, the owner of the same shall notify the purchaser of the same of the provisions of this chapter and inform said purchaser of his or her obligation to procure a certificate of continued occupancy pursuant to the provisions of this chapter prior to occupying said dwelling or dwelling unit.

F. In the event of sale of a dwelling or dwelling unit situated in the Township of Lower Alloways Creek, the certificate of continued occupancy required by this chapter may be issued subject to conditions that will bring the dwelling or dwelling unit into compliance with the New Jersey State Housing Code; provided, however, that occupancy of said dwelling or dwelling unit shall be unlawful and not permitted until all of said conditions shall have been satisfied.

G. Pursuant to the passage of the New Jersey Lead-Paint Inspection Law (P.L. 2021, c.182), all single-family, duplex, or multi-family rental dwelling units built before 1979 must be inspected for lead-based paint hazards during a turnover, or within two years of July 22, 2022, whichever is first. After the initial inspection, the rental unit is required to be inspected every three years or upon subsequent tenant turnover, whichever is earlier, but not sooner than two years. The landlord is responsible for the cost of inspection to obtain the certificate. The Landlord is further responsible for all costs to remediate any hazards identified within 30 days of inspection. Failure to do so will result in a fine of up to $1,000 per week until the required inspection has been conducted or the remediation efforts have been initiated. If the landlord has already obtained a lead-free certificate from a State of New Jersey approved and licensed lead inspector, the property is exempt upon providing a lead-based certified to the Township Housing Officer. No Certificate of Occupancy for a home built before 1979 can be issued without an inspection certificate (lead safe or lead free) from a State of New Jersey approved and licensed lead inspector. Failure to obtain a lead safe or lead free certificate within the time frames listed in the Lead Based Paint Inspection Law, P.L. 2021, c. 182 will result in previous issued CO to be revoked. As per the Lead Based Paint Inspection Law, P.L. 2021, c.182 the Township is required to hire a DCA approved Lead Inspector to perform inspections if the Landlord does not wish to hire their own DCA approved Lead Inspector. All fees associated with inspection are the full responsibility of the landlord and must be paid in full with proof of payment before any CO will be issued.

Additionally, pursuant to the Lead-Paint Inspection Law (P.L. 2021, c. 182), the fee for a certificate of re-occupancy for rental single-family, duplex, and multi dwelling units built before 1979 shall be fifty dollars ($ 50.00), which shall also include a mandatory fee of twenty dollars ($20.00) which shall be deposited into the Lead Hazard Control Assistance Fund pursuant to the Lead-Based Paint Inspection Law

§ 99-8. Violations and penalties. [Amended 11-21-1983 by Ord. No. 83-22]

Any person, firm or corporation who shall violate any of the provisions of this chapter shall, upon conviction, be punished by a fine of not to exceed five hundred dollars *($500.)* or by imprisonment in the county jail for a period not to exceed ninety (90) days, or by both such fine and imprisonment, and each violation of any of the provisions of this chapter and each day the same is violated shall be deemed and taken to be a separate and distinct offense.

CHAPTER 104

LITTER AND JUNK

§ 104-1. Deposit of litter in public pieces.
§ 104-1.1. Definitions.
§ 104-2. Placement of litter in receptacles.
§ 104-2.1. Use of litter receptacles.
§ 104-3. Sweepings; cleanliness of sidewalks.
§ 104-4. Maintenance of business premises.
§ 104-5. Throwing litter from vehicles.
§ 104-6. Trucks causing litter.
§ 104-7. Litter in parks.
§ 104-8. Litter on occupied private property.
§ 104-9. Maintenance of private property.
§ 104-10. Litter on vacant lots.
§ 104-11. Clearing of litter from private property by township.
§ 104-12. Posting of signs.
§ 104-13. Illegal dumping.
§ 104-13.1. Illegal placement of refuse.
§ 104-14. Storage of household solid waste.
§ 104-15. Storage of tires.
§ 104-16. Inoperable vehicles.
§ 104-17. Uncovered loaded vehicles.
§ 104-18. Construction sites.
§ 104-19. Open or overflowing waste disposal bins prohibited.
§ 104-20. Violations and penalties.

[HISTORY: Adopted by the Township Committee of the Township of Lower Alloways Creek 3-1-82 as Ord. No. 82-6. Amendments noted where applicable.]

GENERAL REFERENCES
Parks—See Ch. 127.
Streets and sidewalks—See Ch. 138.

§ 104-1. Deposit of litter in public places.

No person shall throw or deposit litter, rubbish or trash in or upon any street, sidewalk or other public place within the township except in public receptacles, in authorized private receptacles for collection or in areas approved by the township for dumping of refuse.

§ 104-1.1. Definitions. [Added 11-22-89 by Ord. No. 89-201

LITTER — Any used or unconsumed substance or waste material which has been discarded, whether made of aluminum, glass, plastic, rubber, paper or other natural or synthetic material, or any combination thereof, including but not limited to any bottle, jar or can or any top, cap or detachable tab of any bottle, jar or can; any unlighted cigarette, cigar, match or flaming or glowing material; any garbage, trash, refuse, debris, rubbish, grass clippings or other lawn or garden waste; newspaper; magazines; glass; metal; plastic or paper containers or any other packaging or construction material; but does not include the waste of the primary processes of mining or other extraction processes, logging, sawmilling or farming or manufacturing.

§ 104-2. Placement of litter in receptacles.

Persons placing litter, rubbish or trash in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

§ 104-2.1. Use of litter receptacles.[Added 11-22-89 by Ord. No. 89-201

Litter receptacles and their servicing are required at the following public places which exist in the municipality, including sidewalks used by pedestrians in active retail commercially zoned areas such that, at a minimum, there shall be no single linear quarter-mile without a receptacle; buildings held out for use by the public, including schools, government buildings and railroad and bus stations; parks; drive-in restaurants; all street vendor locations; self-service refreshment areas; construction sites; gasoline service station islands; shopping centers; parking lots; campgrounds and trailer parks; marinas, boat moorage and fueling stations; boat launching areas; public and private piers operated for public use; beaches and bathing areas; and at special events to which the public is invited, including sporting events, parades, carnivals, circuses and festivals. The proprietors of these places or the sponsors of these events shall be responsible for providing and servicing their receptacles such that adequate containerization is available. ‘Litter receptacle” means a container suitable for the depositing of litter.

§ 104-3. Sweepings; cleanliness of sidewalks.

No person shall sweep into or deposit in any gutter, street or other public place within the township the accumulation of litter, rubbish or trash from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter, rubbish and trash.

§ 104-4. Maintenance of business premises.

A. No person owning or occupying a place of business shall sweep into or deposit in any gutter, street or other public place within the township the accumulation of litter, rubbish or trash from any building or lot or from any public or private sidewalk or driveway.

B. The owner or managing agent, lessee or tenant shall keep his entire business premises free from all litter, rubbish and trash.

C. In shopping centers or other business premises that contain common areas and/or common parking areas, the owner or managing agent shall keep such common areas and/or common parking areas free from all litter, rubbish and trash.

§ 104-5. Throwing litter from vehicles.

No person while a driver or passenger in a vehicle shall throw or deposit litter, rubbish or trash upon any street or other public place within the township or upon private property.

§ 104-6. Trucks causing litter.

No person shall drive or move any truck or other vehicle within the township unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any Street, alley or other public place; nor shall any person drive or move any vehicle or truck within the township the wheels or tires of which carry onto or deposit in any street, alley or other public place litter, rubbish or trash or foreign matter of any kind. This section shall not apply to farm vehicles.

§ 104-7. Litter in parks.

No person shall throw or deposit litter, rubbish or trash in any park within the township except in public receptacles and in such manner that the litter, rubbish or trash will be prevented from being carried or deposited by the elements.

§ 104-8. Litter on occupied private property.

No person shall throw or deposit litter, rubbish: or trash on any occupied private property within the township, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter, rubbish or trash will be prevented from being carried or deposited by the elements upon any street or other public place or upon any private property.

§ 104-9. Maintenance of private property.

The owner, managing agent, lessee, tenant or person in control of any private property shall at all times maintain the premises free of litter, rubbish or trash; provided, however, that this section shall not prohibit storage of litter, rubbish or trash in authorized receptacles for collection.

§ 104-10. Litter on vacant lots.

No person shall throw or deposit litter, rubbish or trash on any open or vacant private property within the township, whether owned by such person or not.

§ 104-11. Clearing of litter from private property by township.

A. Notice to remove. The Township of Lower Alloways Creek Enforcement Officer is hereby authorized and empowered to notify the owner, managing agent, lessee, tenant or person in control of any private property within the township to properly dispose of litter, rubbish or trash located on such property which is dangerous to public health, safety or welfare. Such notice shall be by certified mail, addressed to said owner, managing agent, lessee, tenant or person in control at his last known address. [Amended 5-27-87 by Ord. No. 87-8]

B. Action upon noncompliance. Upon the failure, neglect or refusal of any owner or agent so notified to properly dispose of litter, rubbish or trash dangerous to the public health, safety or welfare within ten (10) days after notice provided in Subsection A above, or within fifteen (15) days after the date of such notice, in the event the same is returned to the township by the Post Office Department because of its inability to make delivery thereof, provided that the same was properly addressed to the last known address of such owner or agent, the Enforcement Officer is hereby authorized and empowered to pay for the disposing of such litter, rubbish or trash or to order its disposal by the township.

C. Charge included in tax bill. When the township has effected the removal of such dangerous litter, rubbish or trash or has paid for its removal, the actual costs thereof, plus accrued interest at the rate of six percent (6%) per annum from the date of the completion of the work, if not paid by such owner prior thereto, shall be charged to the owner of such property on the next regular tax bill forwarded to the owner by the township, and said charge shall be due and payable by said owner at the time of payment of such bill.

§ 104-12. Posting of signs. [Amended 4-5-82 by Ord. No. 82-9]

The Chairman of the Streets and Highways Committee, as authorized by the Township Committee, shall be empowered to post appropriate signs stating the prohibition against littering and the fine of five hundred dollars ($500.).

§ 104-13. Illegal dumping. [Added 5-25-88 by Ord. No. 889*]

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

*Editor's Note: This ordinance also provided that former § 104-13, Violations and penalties, be re-designated to become § 104-20.

§ 104-13.1. Illegal placement of refuse.. [Added 2-6-1990 by Ord. No. 90-11

Refuse of any kind which is to be picked up and removed by Lower Alloways Creek Township municipal forces shall only be refuse which has been generated by the property owner occupying the property or a property owner's tenant occupying the property. The refuse generated by either the aforesaid property owner or tenant shall only be refuse which had been generated on the property where the Lower Alloways Creek Township municipal forces are picking the refuse up. In no event shall a property owner or property owners tenant allow others to place their trash for pickup on the property owner's property.

§ 104-14. Storage of household solid waste. [Added 5-25-88 by Ord. No. 88-9]

It shall be unlawful for any residential property owner to store or permit storage of any bulky household waste, including household appliances, furniture and mattresses, in areas zoned residential, except in a fully enclosed structure or during days designated for the collection of bulky items.

§ 104-15. Storage of tires. [Added 5-25-88 by Ord. No. 88-9]

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

§ 104-16. Inoperable vehicles. [Added 5-25-88 by Ord. No. 88-9]

It shall be unlawful for any person to keep or permit the keeping on streets, vacant lots and residential lawns, except in a fully enclosed structure, any motor vehicle, trailer or semi trailer which:

A. Is missing tires, wheels, engine or any essential parts;

B. Displays extensive body damage or deterioration;

C. Does not display a current, valid state license; or

D. Is wrecked, disassembled or partially disassembled.

§ 104-17. Uncovered loaded vehicles. [Added 5-25-88 by Ord. No. 88-9]

It shall be unlawful for any vehicle to be driven, moved, stopped or parked on any highway unless such a vehicle is constructed or loaded to prevent any of its load from dropping, sifting, leaking or otherwise escaping there from. Any person operating a vehicle from which any glass or objects have fallen or escaped, which could cause an obstruction, damage a vehicle or otherwise endanger travelers or public property, shall immediately cause the public property to be cleaned of all glass or objects and shall pay the costs there for.

§ 104-18. Construction sites. [Added 5-25-88 by Ord. No. 88-91

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

§ 104-19. Open or overflowing waste disposal bins prohibited. [Added 5-25-88 by Ord. No. 88-9]

It shall be unlawful for any residential or commercial property owner to permit open or overflowing waste disposal bins on his or her property.

§ 104-20. Violations and penalties.

Any person violating or failing to comply with any of the provisions of this chapter shall, upon conviction thereof, be subject to a fine of not more than five hundred dollars *($500.)* or imprisonment for a term not to exceed ninety (90) days, or both. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

CHAPTER 107

LOITERING

§ **107-1. Definitions.**
§ **107-2. Certain types of loitering prohibited.**
§ **107-3. Discretion of police officer; failure to comply with order.**
§ **107-4. Loitering by minors.**
§ **107-5. Notification of parent or guardian.**
§ **107-6. Presumptive evidence.**
§ **107-7. Violations and penalties.**

[HISTORY: Adopted by the Township Committee of the Township of Lower Alloways Creek 6-21-82 as Ord. No. 82-16. Amendments noted where applicable.)

§ 107-1. Definitions.

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

LOITERING — Remaining idle in essentially one (I) location, and includes the concepts of spending time idly, loafing or walking about aimlessly, and also includes the colloquial expression "hanging around."

PARENT or GUARDIAN — Includes any adult person having care or custody of a minor, whether by reason of blood relationship, the order of any court or otherwise.

PUBLIC PLACE — Any place to which the public has access, and includes any street, highway, road, alley or sidewalk. It shall also include the front or the neighborhood of any store, shop, restaurant, tavern or other place of business and public grounds, areas and parks, as well as parking lots or other vacant private property not owned by or under the control of the person charged with violating this chapter, or in the case of a minor, not owned by or under the control of his parent or guardian.

§ 107-2. Certain types of loitering prohibited.

No person shall loiter in a public place in such manner as to:

A. Create or cause to be created a danger of a breach of the peace.

B. Create or cause to be created any disturbance or annoyance to the comfort and repose of any person.

C. Obstruct the free passage of pedestrians or vehicles.

D. Obstruct, molest or interfere with any person lawfully in any public place as defined herein. This subsection shall include the making of unsolicited remarks of an offensive, disgusting or insulting nature or which are calculated to annoy or disturb the person to whom or in whose hearing they are made.

§ 107-3. Discretion of police officer, failure to comply with order.

Whenever any police officer shall, in the exercise of reasonable judgment, decide that the presence of any person in any public place is causing or is likely to cause any of the conditions enumerated in § 107-2, he may, if he deems it necessary for the preservation of the public peace and safety, order that person to leave that place. Any person who shall refuse to leave after being ordered to do so by a police officer shall be guilty of a violation of this chapter.

§ 107-4. Loitering by minors.

No parent or guardian of a minor under the age of eighteen (18) years shall knowingly permit that minor to loiter in violation of this chapter.

§ 107-5. Notification of parent or guardian.

Whenever any minor under the age of eighteen (18) years is charged with a violation of this chapter, his parent or guardian shall be notified of this fact by the Chief of Police or any other person designated by him to give such notice.

§ 107-6. Presumptive evidence.

If at any time within thirty (30) days following the giving of notice as provided in § **107-5,** the minor to whom such notice relates again violates this chapter, it shall be presumed in the absence of evidence to the contrary that the minor did so with the knowledge and permission of his parent or guardian.

§ 107-7. Violations and penalties.

Any person violating any of the provisions of this chapter shall, upon conviction, be punished by a fine not exceeding five hundred dollars ($500.) or by imprisonment not exceeding thirty (30) days, or both, in the discretion of the court.

CHAPTER 116

NUMBERING OF BUILDINGS

§ 116-1. Purpose.
§ 116-2. Applicability.
§ 116-3. Placing of numbers required.
§ 116-4. Specifications.
§ 116-5. Visibility of numbers.
§ 116-6. Assignment of numbers.
§ **116-7. Violations and penalties.**
§ 116-8. Enforcement officer.

[HISTORY: Adopted by the Township Committee of the Township of Lower Alloways Creek 10-19-79 as Ord. No. 79-52. Section 116-7 amended at time of adoption of Code; see **Ch. 1,** General Provisions, Art. I. Other amendments noted where applicable.)

GENERAL REFERENCES
Streets and sidewalks—See Ch. 138.

§ 116-1. Purpose.

The purpose of this chapter is to require the clear display of authorized and assigned house or building numbers on every building fronting on any street in the Township of Lower Alloways Creek in order to assist the general public and emergency services, public and private, in identifying any property in case of emergency or otherwise.

§ 116-2. Applicability.

All dwelling houses, stores or other principal buildings erected or to be erected within the Township of Lower Alloways Creek shall display house or building numbers assigned by the Township Engineer according to a system approved by the Township Committee and as provided for herein and in conformity with the specifications provided for herein.

§ 116-3. Placing of numbers required.

The owner, occupant or lessee of each and every house, store or other principal building which now fronts or which may hereafter front upon any public or private Street within the Township of Lower Alloways Creek shall, within six (6) months after the final adopting of this chapter, cause the assigned and supplied number of such house or building to be permanently and conspicuously placed and maintained in accordance with the specifications set forth herein. The actual numbers placed on the house or building shall be those supplied by the township at the townships expense. At the request of the owner of any dwelling house or building within the Township of Lower Alloways Creek and upon the delivery to the township of a signed statement by the owner releasing the township and its agents from any liability in connection therewith, the township through its agents or employees shall install, at township's expense, the assigned number on such house or building in accordance with the provisions of this chapter.

§ 116-4. Specifications.

House or building numbers shall be:

A. In Arabic numerals and light-reflective.

B. A minimum height of three (3) inches.

C. Mounted in a secure fashion to the front wall or porch of the building or other fixed appurtenance in the front of the building so as to be clearly visible from the street.

D. Sufficiently legible as to contrasting background, arrangement, spacing and uniformity so as to be clearly visible from the street.

E. At least thirty (30) inches, but no more than fifteen (15) feet, above ground level and so placed that trees, shrubs and other obstructions do not block the line of sight of the numbers from the street upon which the house or building fronts.

§ **116-5. Visibility of numbers.**

If said house or building has such a setback location that the provisions of § 116-4 above cannot be complied with, then the owner, occupant or lessee shall provide a post, rod or other type of fixture of a substantial nature, including a mailbox, with the number affixed thereon and so located on the premises that the number shall be conspicuous and visible from the street upon which the house or building fronts.

§ **116-6. Assignment of numbers. [Amended** 3-27-1985 by **Ord.** No. 85-8;
10-3-1995 by **Ord.** No. **95-101**

A. No person shall receive a house number for his or her new house until a building permit has been issued by the Construction Code Official of the Township of Lower Alloways Creek to said person for said new house.

B. The Township Engineer shall have the duty of assigning numbers to the new house after a building permit has been issued for said house.

§116-7. Violations and penalties. [Amended 11-21-1983 by Ord. No. 83-22]

Any person who violates the provisions of this chapter shall, upon conviction thereof, be punished by a fine not exceeding five hundred dollars ($500.) or imprisonment for ninety (90) days, or both.

§ 116-8. Enforcement officer.

Enforcement of this chapter shall be within the authority of the Construction Code Official.

CHAPTER 121

PARADES

§ 121-1. Definitions.
§ 121-2. Permit required.
§ 121-3. Exceptions.
§ 121-4. Application for permit
§ 121-5. Standards for permit issuance.
§ 121-6. Notice of denial.
§ 121-7. Alternative parade permits.
§ 121-8. Notice of issuance.
§ 121-9. Contents of permit.
§ 121-10. Duties of permit holder.
§ 121-11. Possession of permit during parade.
§ 121-12. Public conduct during parades.
§ 121-13. Revocation of permit.
§ 121-14. Violations and penalties.

[HISTORY: Adopted by the Township Committee of the Township of Lower Alloways Creek 9-7-79 as Ord. No. 79-43. Section 121-14A amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

§ 121-1. Definitions.

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

PARADE — Any parade, march, ceremony, show, exhibition, pageant or procession of any kind or any similar display in or upon any street, park or other public place in the township.

PERSON — Any person, firm, partnership, association, corporation, company or organization of any kind.

§ 121-2. Permit required.

No person shall engage in, participate in, aid, form or start any parade unless a parade permit shall have been obtained from the Chief of Police.

§ **121-3. Exceptions.**

This chapter shall not apply to:

A. Funeral processions.

B. Students going to and from school classes or participating in educational activities, provided that such conduct is under the immediate direction and supervision of the proper school authorities.

C. A governmental agency acting within the scope of its functions.

§ **121-4. Application for permit.**

A person seeking issuance of a parade permit shall file an application with the Chief of Police on forms provided by such officer.

A. Filing period. An application for a parade permit shall be filed with the Chief of Police not less than twenty (20) days before the date on which it is proposed to conduct the parade.

B. Contents. The application for a parade permit shall set forth the following information:

(1) The name, address and telephone number of the person seeking to conduct such parade.

(2) If the parade is proposed to be conducted for, on behalf of or by an organization, the name, address and telephone number of the headquarters of the organization and of the authorized and responsible heads of such organization.

(3) The name, address and telephone number of the person who will be the parade chairman and who will be responsible for its conduct.

(4) The date when the parade is to be conducted.

(5) The route to be traveled, the starting point and the termination point.

(6) The approximate number of persons who, and animals and vehicles which, will constitute such parade; type of animals and description of the vehicles.

(7) The hours when such parade will start and terminate.

(8) A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be traversed.

(9) The location by streets of any assembly areas for such parade.

(10) The time at which units of the parade will begin to assemble at any such assembly area or areas.

(11) The interval of space to be maintained between units of such parade.

(12) If the parade is designed to be held by and on behalf of or for any person other than the applicant, the applicant for such permit shall file with the Chief of Police a communication in writing from the person proposing to hold the parade, authorizing the applicant to apply for the permit on his behalf.

(13) Any additional information which the Chief of Police shall find reasonably necessary to a fair determination as to whether a permit should issue.

C. Late applications. The Chief of Police, where good cause is shown there for, shall have the authority to consider any application hereunder which is filed less than three (3) days before the date such parade is proposed to be conducted.

§ 121-5. Standards for permit issuance.

The Chief of Police shall issue a permit as provided for hereunder when, from a consideration of the application and from such other information as may otherwise be obtained, he finds that:

A. The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic continuous to its route.

B. The conduct of the parade will not require the diversion of so great a number of police officers of the township to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the township.

C. The conduct of such parade will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the township other than that to be occupied by the proposed line of march and areas contiguous thereto.

D. The concentration of persons, animals and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of Or ambulance service to areas contiguous to such assembly areas.

E. The conduct of such parade will not interfere with the movement of fire-fighting equipment en route to a fire.

F. The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route.

G. The parade is not to be held for the sole purpose of advertising any product, goods or events and is not designed to be held purely for private profit.

§ **121-6. Notice of denial.**

If the Chief of Police disapproves the application, he shall mail to the applicant within two (2) days after the date upon which the application was denied a notice of his action, stating the reasons for his denial of the permit.

§ 121-7. Alternative parade permits.

The Chief of Police, in denying an application for a parade permit, shall be empowered to authorize the conduct of the parade on a date, at a time or over a route different from that named by the applicant. An applicant desiring to accept an alternate permit shall, within three (3) days after notice of the action of the Chief of Police, file a written notice of acceptance with the Chief of Police. An alternate parade permit shall conform to the requirements of and shall have the effect of a parade permit under this chapter.

§ 121-8. Notice of issuance.

Immediately upon the issuance of **a** parade permit, the Chief of Police shall send a copy thereof to the following:

A. The Mayor.
B. The Township Attorney.
C. The Fire Chief.

§ **121-9. Contents of permit.**

Each parade permit shall state the following information:

A. Starting time.
B. Minimum speed.
C. Maximum speed.
D. Maximum interval of space to be maintained between the units of the parade.
E. The portions of the streets to be traversed that may be occupied by the parade.
F. The maximum length of the parade in miles or fractions thereof.
G. Such other information as the Chief of Police shall find necessary to the enforcement of this chapter.

§ **121-10. Duties of permit holder.**

A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances.

§ **121-11. Possession of permit during parade.**

The parade chairman or other person heading or leading such activity shall carry the parade permit upon his person during the conduct of the parade.

§ 121-12. Public conduct during parades.

A. Interference. No person shall unreasonably hamper, obstruct or impede or interfere with any parade or parade assembly or with any person, vehicle or animal participating or used in a parade.

B. Driving through parades. No driver of a vehicle shall drive between the vehicles or persons comprising a parade when such vehicles or persons are in motion and are conspicuously designated as a parade.

C. Parking on parade route. The Chief of Police shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a highway or part thereof constituting a part of the route of a parade. The Chief of Police shall post signs to such effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on a street unposted in violation of this chapter.

§ 121-13. Revocation of permit.

The Chief of Police shall have the authority to revoke a parade permit issued hereunder upon application of the standards for issuance as herein set forth.

§ 121-14. Violations and penalties.

A. Any person who violates any provision of this chapter shall, upon conviction thereof, be punished by a fine not exceeding five hundred dollars ($500.) or by imprisonment for a term not exceeding ninety (90) days, or both. A separate offense shall be deemed committed for each separate act involved or on each day involved during a continuation of any such act in violation of any of the provisions of this chapter.*

B. The penalty or penalties provided herein shall be in addition to, and not in lieu of, the suspension or revocation of any permit issued hereunder.

‘Editor’s Note: Amended at time of adoption of Code; See Ch. 1, General Provisions, Art I.

CHAPTER 124

PARKING FOR THE HANDICAPPED

§ **124-1. Definitions.**
§ **124-2. Parking plans for public buildings.**
§ **124-3. Parking restrictions; enforcement.**
§ **124-4. Violations and penalties.**

[HISTORY: Adopted by the Township Committee of the Township of Lower Alloways Creek 6-7-82 as Ord. No. 82-14. Amendments noted where applicable.]

GENERAL REFERENCES
Vehicles and traffic—See Ch. 151.

§ 124-1. Definitions.

A. In applying and interpreting this chapter, the following definitions shall be used:

HANDICAPPED PERSON — Includes any person with any physical impairment which causes that person to walk with difficulty or insecurity, or any person with any other injury, impairment or disability, temporary or permanent, such as blindness, crippling diseases or amputation of either or both legs or of parts of either or both legs or of either or both arms.

HANDICAPPED PERSON SLIP — A form issued by the Lower Alloways Creek Police Department stating that the holder of such handicapped person slip is a handicapped person within the meaning of this chapter and which complies with the required format.

MOTOR VEHICLE — Any vehicle which is self-propelled and designed to travel along the ground, including but not limited to automobiles, buses, motorbikes, motorcycles, motor scooters, trucks, tractors, go-carts, campers and trailers.

PARKING — The standing or waiting of a vehicle not actually engaged in receiving or discharging passengers or merchandise, unless in obedience to traffic regulations or traffic signs or signals.

PERSON — Any person, firm, partnership, association, corporation, company or organization of any kind.

PUBLIC BUILDINGS — Any building, structure, facility or complex used by the general public, including but not limited to theaters, concert halls, auditoriums, museums, schools, libraries, recreation facilities, public transportation terminals and stations, factories, office buildings, business establishments, passenger vehicle service stations, shopping centers, hotels or motels and public eating places, constructed by any state, county or municipal government agency or instrumentality or any private individual, partnership, association or corporation, with the following exceptions: one-to-four-family private residences, warehouse storage areas and all buildings classified as hazardous occupancies. As used herein, hazardous occupancy' means the occupancy or use of a building or structure or any portion thereof that involves highly combustible, highly flammable or explosive material or which has inherent characteristics that constitute a special fire hazard.

SPECIAL LICENSE PLATES, CARDS AND OTHER INSIGNIAS — Those license plates and special vehicle identification cards issued by the Director of the Division of Motor Vehicles of the State of New Jersey pursuant to N.J.S.A. 39:4-205 and 4-206.

STOPPING OR STANDING — When prohibited, any cessation of forward movement of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control sign or signal.

B. Other words and phrases defined. Whenever any other words or phrases are used in this chapter, where meaning is ascribed to them in Subtitle 1 of Title 39 of the Revised Statutes of New Jersey, that meaning shall be deemed to apply to such words and phrases used herein; in all other instances such words and phrases not so ascribed shall be given their ordinary and common meaning.

§ 124-2. Parking plans for public buildings.

A. Within thirty (30) days subsequent to the adoption of this chapter, any owner of a public building within the Township of Lower Alloways Creek shall provide no less than (1) handicapped parking space for every fifteen (15) spaces of public parking available to it; provided, however, that the owners of such a public building shall not be required to provide more than four (4) such handicapped parking spaces in any one (1) adjacent parking lot. The handicapped parking spaces shall be conveniently located adjacent to the public building entrances.

B. Prior to the designation of such handicapped parking spaces, the owner shall be required to submit a location plan to the Lower Alloways Creek Township Public Safety Director for approval. Failure of the Public Safety Director to approve or deny within ten (10) days after receipt of such plan shall be deemed as approval of such plan. If the Township Public Safety Director does not approve the plan, he shall notify the owner and the Township Clerk. Thereafter the Township Committee shall, within thirty (30) days, set a public hearing on the owners proposed handicapped parking plan, at which time the owner and Public Safety Director shall be given an opportunity to be heard. The Township Committee then by resolution may accept or modify the owner's proposed handicapped parking plan; the terms and conditions of the resolution shall then constitute the approved handicapped parking plan.

The decision of the Township Committee shall be rendered within thirty (30) days after public hearing. Failure of the Township Committee to render a decision by resolution within the required thirty-day period shall constitute an approval of the owner's proposed handicapped parking plan.

C. No certificate of occupancy shall be issued to any building or structure defined as a "public building" until such time as the required handicapped parking spaces are provided by the owner thereof.

§ 124-3. Parking restrictions; enforcement.

A. Handicapped parking spaces. Handicapped parking spaces shall be those spaces which are identified with a clearly visible sign displaying the international symbol of the handicapped along with the wording "Handicapped Parking Only," and a designation of the penalty for violation shall be placed on the sign or parking space. Handicapped parking spaces shall be provided at the Township Building Hall and all other public buildings constructed by the Township of Lower Alloways Creek and all other buildings as required by N.J.S.A. 52:32-4.

B. Only handicapped persons may park in designated areas. No person shall park, stop or stand a motor vehicle any time in an area designated as reserved for the benefit of physically handicapped individuals unless such person is a handicapped person or is driving such handicapped person for the handicapped person's benefit. Display of a handicapped person slip, special license plates or special vehicle identification card shall entitle the vehicle to park in a handicapped parking spot.

C. (Reserved)*

D. Enforcement.

(1) The terms and provisions of this section shall be enforced as to all buildings owned and operated by the Township of Lower Alloways Creek and as to those buildings for which a private owner has consented to enforcement in writing.

(2) The terms and provisions of this section shall be enforced by the Lower Alloways Creek Police Department and such other persons as the Mayor may designate to enforce this section. The Mayor shall be required to file the name or names of any persons so designated by him to enforce this section with the Clerk of the Township of Lower Alloways Creek, who shall maintain a permanent log of the person or persons so designated. Such person or persons shall serve at the pleasure of the Mayor.

(3) The Mayor shall be required, upon the termination or resignation of any person or persons so designated to act as an enforcing officer herein, to so advise the Township Clerk of that person's resignation or termination, which the Clerk shall so note on the permanent log. The term of any person or persons designated to serve as enforcing officer, notwithstanding any other provisions of this chapter, shall terminate as of the expiration of the term of the Mayor.

§ 124-4. Violations and penalties.

A. A person shall be deemed in violation of § 124-2 of this chapter if after ten (10) days' written notice is given by a duly designated township official, said person fails to then comply with § 124-2 of this chapter. Any person violating § 124-2 may be fined no more than two hundred fifty dollars ($250.). Each day that a person shall be in violation of said section shall constitute a separate offense.

B. Any person who shall violate any other provision of this chapter shall be liable to a fine of one hundred dollars ($100.) for the first offense and, for subsequent offenses, a fine of at least one hundred dollars ($100.) and up to ninety (90) days' community service, on such terms and in such form as the court shall deem appropriate, or any combination thereof. [Amended 5-21-199 1 by Ord. No. 91-3]

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Editor's Note: Former Subsection C, Notice of violation, was repealed 5-21-1991 by Ord. No. 91-3.

CHAPTER 127

PARKS AND RECREATIONAL FACILITIES

§ 127-1. Reserved.
§ 127-2. General regulations.
§ 127-3. Violations and penalties.
§ 127-4. Permit required for group outings.

[HISTORY: Adopted by the Township Committee of the Township of Lower Alloways Creek 7-1-1977 as Ord; No. 77-27. Section 127-2A amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

GENERAL REFERENCES
Municipal boat ramp—See Ch. 69.

§ 127-1. Reserved.*

§ 127-2. General regulations.

A. No person shall enter or use park facilities and recreational facilities of the 'Township of Lower Alloways Creek before 6:00 a.m. and after 10:00 p.m. or after the curfew hour if under seventeen (17) years of age. [Amended 11-21-1983 by Ord. No. 83-22; 11-4-1992 by Ord. No. 92-24]

B. No person shall mutilate or destroy park property or recreational facilities.

C. No person shall park or operate a motor vehicle or motorized bicycle within a park or recreational facility of the Township of Lower Alloways Creek.

D. No person shall sell or offer for sale any object or merchandise or any other thing within a park or recreational facility of the Township of Lower Alloways Creek except by permission of the Township Committee.

E. No person shall possess or consume any alcoholic beverage within a park or recreational facility of the Township of Lower Alloways Creek.

*Editors Note: Former Section 127-1, Use of facilities restricted to residents and guests, containing portions of Ordinance No. 77-33 was repealed 11-6-2002 by Ordinance No. 2002-10.

F. No person shall post or display any advertising sign or material within a park or recreational facility of the Township of Lower Alloways Creek except by permission of the Township Committee.

G. No person shall leave, throw, drop or discharge any trash, rubbish, refuse, wastepaper or any other material in a park or recreational facility of the Township of Lower Alloways Creek except in trash containers provided for that purpose by the Township of Lower Alloways Creek.

H. No person shall use any wheeled recreational device or vehicle such as roller skates, skateboard, bicycle or wagon on any basketball court or tennis court within a park or recreational facility of the Township of Lower Alloways Creek.

I. No person shall take or cause any domestic animal to enter upon any basketball court or tennis court within a park or recreational facility of the Township of Lower Alloways Creek.

§ 127-3. Violations and penalties.

Any person violating any provision of this chapter shall, upon conviction, be subject for each offense to a fine or penalty of not more than five hundred dollars ($500.) or to imprisonment of not more than ninety (90) days in the county jail, or both, in the discretion of the court.

§ 127-4. Permit required for group outings. [Added 8-19-1977 by Ord. No. 77-33]

Any person or organization wishing to have a group outing or a picnic on the park and recreation facilities shall schedule this event with the Recreation Committee of Lower Alloways Creek Township at least two (2) weeks in advance of such outing and secure a permit from the Township Clerk. Over two-thirds (2/3) of the members of such group or organization must reside in the township for such an event to be scheduled and for such a permit to be issued.

CHAPTER 130

PEDDLING AND SOLICITING

§ 130-1. Registration required; exemptions.
§ 130-2. Definitions.
§ 130-3. Purpose.
§ 130-4. Information required.
§ 130-5. Separate registration required.
§ 130-6. Issuance of registration certificate; fee; renewal.
§ 130-7. Possession of certificate; inspection upon request.
§ 130-8. Restrictions.
§ 130-9. Additional exemptions.
§ 130-10. Violations and penalties.

[HISTORY: Adopted by the Township Committee of the Township of Lower Alloways Creek 5-2-83 as Ord. No. 83-10. Amendments noted where applicable.]

§ 130-1. Registration required; exemptions.

No person, except as provided herein, shall canvass, solicit, distribute circulars or other matter or call door to door or place to place in the Township of Lower Alloways Creek, without first registering with the Chief of Police or, in his absence, the officer in charge of the Police Department. Distribution of newspapers, supplements thereto and advertising circulars and canvassing by political candidates or other person campaigning in regard to public questions are hereby exempt from the provisions of this chapter, subject, however, to the requirements contained in § 130-8 requiring that all circulars or samples be left in a secure place on the premises.

§ 130-2. Definitions.

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

CANVASSER or SOLICITOR — Includes itinerant vendors of merchandise who shall go from door to door in this township selling, causing to be sold, offering for sale or taking orders for present or future delivery of merchandise of any description whatever. A ‘canvasser or solicitor” shall also be deemed to be one who is not in the business of selling goods, but one who makes surveys for research purposes, analyses, opinion polls, rating data, and any such similar work which by its nature involves a door-to-door or place-to-place activity, and shall include persons going from door to door or place to place for the purpose of contributions, donations or alms for any persons or organization.

MERCHANDISE — Includes magazines, periodicals, books and orders or contracts for a service, home improvement or alteration.

§ **130-3. Purpose.**

The purpose of this chapter is to prevent fraud, crime and unethical and dishonest business practices, and for the general protection, health and welfare of the residents of the Township of Lower Alloways Creek.

§ **130-4. Information required.**

Each registrant shall, at the time of registering, file with the Chief of Police an application in writing, which shall give the following information:

A. Name, age and physical description of the applicant.

B. Complete permanent home and local address of the applicant.

C. Name and address of the organization or person for whom the solicitation is being made.

D. Description of the nature of the business and the goods, services or wares to be sold and sufficient information to determine whether or not the business to be transacted is interstate or intrastate commerce.

E. Two (2) photographs of the applicant, which shall be approximately two and one-half by two and one-half (2-1/2 x 2-1/2) inches in size, showing the head and shoulders of the applicant in a clear and distinguished manner.

F. A statement as to whether or not the applicant has been convicted of a crime, misdemeanor or disorderly conduct offense, where and when so convicted, the nature of the offense and the penalty, if any.

G. The make, model, year, color and license plate number of automobiles used by the applicant during the period of solicitation within the township and the number of his driver's license and the state of issuance.

§ **130-5. Separate registration required.**

A separate registration must be made for every solicitor, agent or employee soliciting within the township limits.

§ 130-6. Issuance of registration certificate; fee; renewal.

A. Each registrant, upon being so registered, shall be issued within a reasonable time a registration certificate by the Chief of Police, upon which shall be affixed one (1) photograph of the applicant signed by the Chief of Police or, in his absence, the person acting in his place, so that part of his signature covers part of the photograph.

B. Each registrant shall immediately pay to the Township Clerk a license fee of ten dollars ($10.). Such license shall be issued for a period of thirty (30) days and may be renewed for additional thirty-day periods without payment of fee; provided, however, that all rights of renewal shall expire on December 31 of the year of issue and shall not be transferable.

§ 130-7. Possession of certificate; inspection upon request.

Each registrant shall carry the registration certificate at all times when in the township and shall exhibit it to any citizen or police officer upon request. Upon expiration of the registration certificate, it shall be returned by the registrant to the Lower Alloways Creek Police Department.

§ 130-8. Restrictions.

Every person to whom a registration certificate is issued under the terms of this chapter shall be governed by the following rules and regulations:

A. All circulars, samples or other matter shall be handed to an occupant of the property or left in a secure place on the premises.

B. No person. subject to the provisions of this chapter shall canvass, solicit or distribute circulars or other matter, except during the hours between 9:00 a.m. and 5:00 p.m., Monday through Saturday.

C. No person subject to the terms of this chapter shall enter or attempt to enter the house or apartment of any resident in the Township of Lower Alloways Creek without an express invitation from the occupant of the house or apartment.

D. No person subject to the terms of this chapter shall conduct himself in such a manner as to become objectionable to or annoy any person while soliciting within the township limits.

E. No person subject to this chapter shall make any solicitation within the township limits where solicitors are notified by a sign that soliciting is prohibited.

§ 130-9. Additional exemptions.

A. All residents of Lower Alloways Creek Township are exempt from this chapter.

B. Any person, organization or society or association of a charitable, religious, patriotic, philanthropic or community nature desiring to solicit or have solicited in its name money, property or financial assistance for which no merchandise, wares or services are required shall be exempt from § 130-4 and 130-6 of this chapter, provided that there is filed with the Chief of Police an application in writing giving the following information:

(1) Names of solicitors and purpose or cause for which the solicitation is being made.

(2) Names and addresses of the officers of the organization.

(3) Names and addresses of the agent or representatives who will solicit, canvass or distribute literature in the township.

Each solicitor for such organization, society or association shall carry proper identification and shall display same upon request.

C. Members of organizations, societies, associations of a charitable, religious or patriotic or philanthropic or community nature soliciting or canvassing members of their own organization are exempt from the provisions of this chapter. However, it is expressly provided that solicitation aforesaid is strictly limited to members of the particular organization.

D. United States war veterans and exempt firemen who are specially licensed pursuant to N.J.S.A. 45:24-9 et seq.

§ 130-10. Violations and penalties.

Any person violating the terms of this chapter, whether as an individual, principal or agent or employee of another, shall, upon conviction in the municipal court of the Township of Lower Alloways Creek, be subject to a fine not to exceed five hundred dollars ($500.) or to imprisonment in the county jail not exceeding ninety (90) days, or both, in the discretion of the Municipal Court. The Director of Public Safety is hereby empowered to suspend the permit of any person charged with a violation of this chapter pending a hearing by the Municipal Court. The Municipal Court is further empowered to permanently revoke the permit upon conviction.

CHAPTER 135

SEWERS

§ 135-1. Separate connection required.
§ 135-2. Amount of time for connection.
§ 135-3. Connection and street opening permits required.
§ 135-4. Connection to riser; connection permit fees.
§ 135-5. Disconnection of previously existing system; connection or removal of fixtures required.
§ 135-6. Service charges.
§ 135-7. Treatment.
§ 135-8. Refusal of right to connect.
§ 135-9. Sewer Committee.
§ 135-10. Superintendent of Public Works.
§ 135-11. Maintenance of books and collection of charges.
§ 135-12. Connection permit applications and issuance.
§ 135-13. Standards for connection with sewerage system.
§ 135-14. Standards for connection of fixtures with sewer pipes or drains.
§ 135-15. Certain wastes restricted.
§ 135-16. Duty to close sewer branch.
§ 135-17. Correction of hazardous condition.
§ 135-18. Disconnection upon demolition of building.
§ 135-19. Illicit Connections
§ 135-20. Definitions.

ARTICLE II Improper Disposal of Waste Ordinance
§ 135-21. Correction of hazardous condition.
§ 135-22. Disconnection upon demolition of building.
§ 135-23. Illicit Connections
§ 135-24. Definitions.
§ 135-25. Violations and penalties.

[HISTORY: Adopted by the Township Committee of the Township of Lower Alloways Creek 6-4-84 as Ord. No. 84-13. Amendments noted where applicable.]

GENERAL REFERENCES
Superintendent of Public Works-See Ch. 32. Art. VI.
Housing standards-See Ch. 99.
Waste separation and collection-See Ch. 153.

§ 135-1. Separate connection required.

Any building in the Township of Lower Alloways Creek that is located on a lot fronting upon a street in which a sewer main is constructed and is within two hundred (200) feet of such main or a house connection branch from such main, must be connected separately and independently with the sewer through a house connection branch (riser) directly in front of the building, or nearest in a downstream direction, for the disposal of any sewage from that building except for such sewage or materials that are prohibited from entry into the sewer by this chapter or by any other applicable law.

Grouping of buildings upon one (1) house sewer will not be permitted except by special permission.

13501

§ 135-2. Amount of time for connection. [Amended 4-10-85 by Ord. No. 85-10]

A. All property owners of the Township of Lower Alloways Creek will be required to connect to the township's existing sewerage system, and each property owner will receive notice of such intent to connect.

B. If a property owner does not connect to the township's existing sewerage system, that property owner will receive a second notice to connect in which that property owner will have thirty (30) days to connect to the township's sewerage system.

C. If said property owner, after receiving second notice of connection, does not connect to the township's existing sewerage system within thirty (30) days of receipt of the second notice, the township has the right to enter onto the premises and cause a lateral or such other piping, as approved by the Township Engineer, to be installed on the owner's property and connected to the township's existing sewerage system.

D. The township shall make such installations with either township employees or licensed plumbers in a manner as prescribed by law, and such cost shall be assessed against the property owner. The township shall be authorized to bill the property owner for the township's services and / or place a lien for such costs against said owner's property.

E. Interest on outstanding accounts, pertaining to the collection of bills and / or liens, of this chapter shall accrue at the rate of twelve percent (12%) per annum or as such other law authorizes.

§ 135-3. Connection and street opening permits required.

A. No connections shall be made until the permit has been obtained from the Superintendent and from the Construction Code Official.

B. Any excavation within the street shall be made only after a street opening permit has been obtained pursuant to any street opening ordinance in effect in the township.

§ 135-4. Connection to riser; connection permit fees.

A. In making a connection to a riser there shall be no excavation within ten (10) feet of a riser until an authorized township representative is present. The connection to the main and any work within the public street shall be done only by township personnel, agents or contractors. Any connection to a riser shall be done under observation of an authorized township representative and only during township working hours.

B. The fee for a permit to connect to the sewer system shall be twenty-five dollars ($25) for any building existing and legally occupied prior to the effective date of this chapter or having a valid certificate of occupancy at the effective date of this chapter. The permit fee for connections for all other buildings shall be equal to the actual costs to the township for the connection, but in any event there shall be a minimum fee of five hundred dollars ($500) per building. [Amended 3-17-1992 by Ord. No. 92-4]

§135-5. Disconnection of previously existing system; connection or removal of fixtures required.

A. Within sixty (60) days of connection to the sewer system, the owner of any building with a previously existing system for disposal of sewage shall disconnect and terminate that system to the satisfaction of the Township and County Departments of Health. Any abandoned septic systems, including tanks, cesspools and seepage pits, shall be pumped and filled or removed and backfilled, as required by the Plumbing Subcode of the New Jersey Uniform Construction Code. Such work shall be inspected and approved by the Plumbing Sub-code Official, who is responsible for enforcement of this provision.

B. All water closets, urinals, sinks, bathtubs, washbasins, washtubs and other fixtures for receiving wastewaters located in or connected with any building or for which connection with the sewer system is mandatory under this chapter, within six (6) months of service of notice to connect as provided above, shall be either removed or connected with the sewer in the manner provided by this chapter.

§ 135-6. Service charges. [Amended 3-17-1992 by Ord. No. 92-4; 3-15-1994 by Ord. No. 94-1; 2-3-1998 by Ord. No. 98-1; 4-18-2007 by Ord. 2007-04, 3-16-2010 by Ord. No. 2010-02; 3-15-2011 by Ord No. 2011-02: 7-21-2023 by Ord No. 2023-08]

A. The rate fixed and the amount to be paid for the use of the sewer shall be in accordance with the following schedule and classification. Thereafter, said rate shall remain the same until changed by ordinance adopted by the Township Committee of the Township of Lower Alloways Creek. The charge shall be an annual charge for a calendar year or any part thereof, due on or before December 31 for that calendar year for which it applies. The initial service charge or any increase in charge due to a change in the type of property or use shall be computed on a pro rata basis from the first day of the month following the month the connection or change is made.

The rate fixed and the amount to be paid for the use of the sewer shall be in accordance with the schedule and classification in the Code of the Township of Lower Alloways Creek, as amended February 3, 1998, except for changes in the following for the years 2007, 2010, 2011 and 2023.

TYPE OF PROPERTY	As of 2023
Residences, Private, Single Family	$ 900.00
Residence with Apartments	$ 615.76
each additional apartment in residence	$ 215.76
Rooming Houses, renting furnished or unfurnished rooms	$ 615.76
Each room available for rent	$ 115.44
Apartment Buildings, per apartment	$ 605.00

Offices, trade, farm, business or any adjunct of the same, not otherwise provided for, conducted on residence premises of the sole owner of the business

One Employee	$ 605.00
Each additional Employee	$ 114.00

Offices, trade, farm, business or any adjunct of the same, not otherwise provided for, not conducted on residence premises of the sole owner of the business

One Employee	$ 605.00
Each additional Employee	$ 114.00
Retail stores	$ 807.60

TYPE OF PROPERTY	As of 2023
Restaurants	Same as: Residences, Private, Single Family $900.00
Soda Fountains; ice cream and custard stands	$ 779.00
Gasoline Service Stations and Garages	
Without car wash	$ 779.00
With car wash	$ 1,339.00
Beauty parlors and barbershops	Same as: Residences, Private, Single Family $900.00
plus each employee	$ 130.87
Coin-operated Laundromats, per washer	$ 570.00
Commercial washers, not coin operated, plus per washer	$ 640.00
Public or Private institutions, museums or historic buildings, with the exception of facilities owned or operated by the Township of Lower Alloways Creek	$ 807.60
fire halls, public schools and facilities owned or operated by the Township of Lower Alloways Creek	Exempt
Motels, per unit	$ 556.00

TYPE OF PROPERTY	As of 2023 75% of Residences, Private, Single Family
Post Offices	$675.00
Financial Institutions	$ 919.00
Funeral Parlors	$ 919.00
Nursing Homes	$ 919.00
Plus for each patient bed	$ 121.00
Day Care Center	$ 1,000.00
Swimming Pool	$ 1,250.00

B. In all classifications, an owner of a business working in the same, shall be classified as an employee

TYPE OF PROPERTY	As of 2023
C. Senior citizen Deduction: Any Homeowner who has reached the age of sixty-five (65) is entitled to a senior citizen service charge as follows; at the residence that they inhabit, per year, after providing proof of age to the Utility Collector. This does not apply to a tenant who may be sixty-five (65) years of age	25% off Residences, Private, Single Family $675.00
D. Disabled Homeowners Deduction: Any homeowner who is permanently disabled is entitled to a service charge rate as follows; at the residence that they inhabit, per year, after providing proof of permanent disability to the Utility Collector. This does not apply to a tenant who may be permanently disabled.	25% off Residences, Private, Single Family $675.00
TYPE OF PROPERTY	
E. Senior Citizen / Disabled Homeowners Deduction: Any homeowner who is both a Senior Citizen and permanently disabled is entitled to a service charge rate as follows; at the residence that they inhabit, per year, after providing proof of permanent disability to the Utility Collector. This does not apply to a tenant who may be a Senior Citizen and permanently disabled.	50% off Residences, Private, Single Family $450.00
TYPE OF PROPERTY	* (as of 2023 per Ordinance 2023- 08 Adopted July 21, 2023, previously $450.00)
F. Churches, Fraternal or Social meeting places	One Hundred Dollars per Year ($ 100.00)

§ 135-7. Treatment. [Amended 4-22-1987 by Ord. No. 87-6]

The Superintendent shall, if he deems it advisable, compel the owner of the premises discharging sewage of such character that it imposes an unreasonable additional burden upon the sewerage system or sewage treatment facilities to treat such sewage in such a manner as shall be specified by the township or to install a grease trap or traps, the design and installation of which shall be approved by the Township Engineer, before the sewage is discharged into the sewerage system. Said treatment and / or installation of a grease trap or traps shall be at the sole cost and expense of the owner of the premises. A written notice shall be given by the Superintendent to any owner to treat such sewerage or install such grease trap or traps as aforesaid, and the owner shall be given sixty (60) days from said notice within which to comply with the order of the Superintendent. Upon failure to comply with such order of the Superintendent within the period of sixty (60) days, the Superintendent shall disconnect the owner from the sewerage system of the township. The owner shall not be reconnected with the sewer system until he shall have first complied with the order of the Superintendent.

§ 135-8. Refusal of right to connect.
The Superintendent shall have the right to refuse any person the right to connect into the sewer system if, in his opinion, the sewage or waste to be discharged into the township sewer system is detrimental to the health, welfare or safety of the township and the inhabitants therein.

§ 135-9. Sewer Committee.
Annually at the first meeting of the Township Committee in each calendar year, the Mayor shall appoint a Chairman and a Committee of the Township Committee, subject to ratification by the Township Committee, to be known as the "Sewer Committee," which shall exercise general supervision of the Sewer Department of said township and in conformity with the ordinances or resolutions of the Township Committee; and the Mayor shall have power to fill any vacancies which may at any time occur in said Sewer Committee.

§ 135-10. Superintendent of Public Works. [Amended 12/16/2008 by Ordinance 2008-12]

A. If the Superintendent of Public Works is appointed by the Township Committee as a full or part time township employee, then said employee shall exercise general supervision of the sewerage system(s) of the Township of Lower Alloways Creek, subject to the Sewer Committee and such ordinances and resolutions as may be passed from time to time by the Township Committee. If the duties of the Office of Superintendent of Public Works are performed by a qualified and certified individual employed by a contractor with whom the Township has contracted to provide potable water, sewerage system and public works management services, then general supervision of the sewerage system shall be the responsibility of the contractor subject to oversight by the Sewer Committee and to such ordinances and resolutions as may be passed from time to time by the Township Committee. When the term “Superintendent” shall be used in this Chapter, it shall be interpreted to mean the “Office of Superintendent of Public Works” as detailed in § 32-12 of the Township Code.

§ 135-11. Maintenance of books and collection of charge.

The Township Utility Collector shall have charge of all the books of the Sewer Department and collection of the connection and disconnection fees and the billing and collection of sewer service charges.

§ 135-12. Connection permit applications and issuance.

All applications for connection to the sewer system, or for the extension of any private pipe for the conveyance of such sewerage, or the changing of any fixture already installed under a previous permit, must be made in writing to the Superintendent on forms supplied by him at the expense of the township and shall be made at least three (3) days before ground shall be broken for the purpose, or before work shall be commenced; and after the owner of the premises or his or her properly authorized agent shall have paid the connection fee, signed such application and produced a copy of a plumbing permit for the work and street open permit if required. The Superintendent or his duly authorized agent may issue a pre-numbered permit, in triplicate, for the sewer connection, in which permit the date, name of the owner of the premises to be supplied and to whom issued, the location of said premises, the name of the person or corporation or plumber employed to do the work, the purposes for which the premises is to be used, the number of families occupying the premises and the rate to be charged therefore shall be specified, and the Township Superintendent shall keep a copy of the permits so issued and the name of the person so contracting for the sewerage service. A copy shall be given to the owner, and a copy shall be given to the Utility Collector. The Superintendent shall also notify the Township Engineer that an opening is to be made and give the address. Upon demand, said application shall be accompanied by proof that the applicant is the owner of the land across which pipes are to be laid and the premises to be served.

§ 135-13. Standards for connection with sewerage system. [Amended 11-5-1984 by Ord. No. 84-26]

All applications for connection with the sewerage system of the township shall be accompanied by a plan and general description of the exterior and interior service required; no more than one (1) premises shall be connected through one (1) pipe to the sewer main. All design, work and materials for connection to the sewer system must comply with the Plumbing Code of the New Jersey Uniform Construction Code. In addition, no connection from the sewer to the wall of the house shall be of a diameter of less than four (4) inches, and the pipe shall be PVC, SDR-35, PVC Schedule 40, ABS Schedule 40, or cast-iron sewer pipe. Every building sewer connected with the sewer system must be solidly laid on a true grade and as nearly as possible on a straight line. All changes in direction must be made with a properly curved pipe or fittings. No trap or obstruction to the free flow of sewage will be permitted between the sewer and the wall of the house. The Superintendent or his representative must inspect the completed connection and line from the building to the riser or main before any lines are covered over. No person, corporation or plumber shall, without a permit from the Superintendent, form any connection or communication whatever with said sewer lines or break ground for that or for any other similar purpose or make any attachment or do anything otherwise than that is specified in his, her or its permit.

§ 135-14. Standards for connection of fixtures with sewer pipes or drains.

Every connection of a toilet, sink, basin or other vessel with a sewer pipe or drain must comply with the Plumbing Code of the Uniform Construction Code.

§ 135-15. Certain wastes restricted.

A. It shall be unlawful to throw or deposit in any vessel or receptacle connected with the sewers, any garbage, vegetable parings, ashes, cinders, rags or any other matter whatsoever, except the necessary collections of toilets and liquid house slops, or to allow any rainwater or drainage from roofs, surface or subsurface or cellars to drain or enter any sewer, branch or fixture. This section shall not apply to the refuse from a food waste disposer. In addition, none of the following materials shall be discharged into the sewer system:

(1) Any industrial wastes.

(2) Soil drainage water from sump pump or floor drain.

(3) Pumpings from septic systems.

(4) Certain domestic wastes prohibited

(a) Any domestic waste containing unduly high concentration of substances which will interfere with the normal operation of the sewage treatment plant of the township is prohibited and shall be grounds for revocation of the permit pursuant to this subsection. The concentration of these substances shall be determined by analysis of the sewage treatment inflow and shall not exceed the following requirements:

[1] Substances.

[a] Temperature: one hundred fifty degrees Fahrenheit (150° F.).

[b] Total solids: five thousand (5,000) parts per million.

[c] Phenols: five-thousandths (0.005) parts per million.

[d] Cyanide as CN: two and zero-tenths (2.0) parts per million.

[e] Chromium as Cr: three and zero-tenths (3.0) parts per million.

[f] Copper as Cu: one and zero-tenths (1.0) part per million.

[g] Iron as Fe: five and zero-tenths (5.0) parts per million.

[h] Nickel as Ni: three and zero-tenths (3.0) parts per million.

[i] Zinc as Zn: two and zero-tenths (2.0) parts per million.

[j] Boron as B: one and zero-tenths (1.0) part per million.

[k] Lead as Pb: one-tenth (0.1) part per million.

[l] Ether soluble matter: ten and zero-tenths (10.0) parts per million.

[m] Arsenic as As: four and zero-tenths (4.0) parts per million.

[n] Aluminum sulphate: ten and zero-tenths (10.0) parts per million.

[2] Surface-active agents of synthetic detergents shall be of an approved type, with high degree of biodegradability.

(a) The analysis to determine the concentration of the above substances shall be performed by a representative of the township or such testing firm as might be designated by the township.

(5) Any water or waste, which in the opinion of the Director of Public Works, contains any toxic substance in quantity sufficient to constitute a hazard to humans or animals or to interfere with the biochemical process of the sewage treatment plant in such condition so that it will exceed state, federal or other valid requirements for the receiving stream.

§ 135-16. Duty to close sewer branch.

It shall be unlawful for any plumber or other person to leave any sewer branch open overnight, or during a rain, but it shall be his duty to plug and cement, or close by other method approved by the Superintendent.

§ 135-17. Correction of hazardous condition.

Should a leak, stoppage or other disruptive condition occur in a sewer line which is a user's responsibility to keep in good working order, and should an inspector from the Township or County Department of Health declare that such condition is a threat to the health of the community, then after twenty-four (24) hours' written notice to the user, the Township of Lower Alloways Creek shall have the right to have its employees or privately employed workmen correct the condition and to assess the cost of said correction as a lien or charge upon the premises, in the same manner as unpaid fees for the use of the township's sewer system become a lien against the premises, without further action by the township.

For the purposes of this section, "user" shall be defined as any individual, organization, association or other entity, which owns real estate on which premises are connected to the township's sewage collection system. The user's responsibility for maintenance of the sewer system shall commence with the place of connection to the sewage collection mains and continue throughout the length of each user's sewer laterals to each of the plumbing fixtures within the connected building.

§ **135-18. Disconnection**

A. Requests for discontinuance of sewer service will be permitted only in cases of demolition, fire, flooding or by order of the State, County or local Board of Health for vacating a building serviced for health reasons. All other disconnections of sewer service must be approved by a resolution of the Township Committee, which shall state the reason(s) and condition(s) of the discontinuance. The owner shall be responsible for the payment of the sewer charge, at the rate as established by the Township ordinance during the time the property or structure is vacant.

B. The following procedures are to be followed for disconnecting the sanitary sewer lateral from an existing structure in all cases:

1. Notify the Superintendant of Public Works or his/her designee for an inspection at least 24 hours prior to exposing the sanitary sewer lateral being disconnected.
2. At the site's property line, the contractor is to excavate to and expose the existing lateral pipe. The lateral pipe is to be cut with a saw (not broken with a hammer or excavation equipment).
3. Once the lateral pipe has been cut, the contractor shall have the option of either plugging the main side portion of the lateral with an 18 (eighteen) inch long cement plug or capping the cut lateral with a Fernco type cap. The Cap or Plug shall be inspected by the Superintendant of Public Works or his/her designee before any backfill of the excavation is begun.
4. The end of the lateral's location is to be marked with a post (1-inch plastic pipe or similar non-decaying material) from the end of the lateral to ground grade. The post is to be marked "Sanitary Sewer Lateral".
5. Backfill for either permanent or temporary abandonment shall be NJDOT DGA or select fill in compacted lifts.
6. The Superintendant of Public Works or his/her designee will locate the lateral to be Disconnected
7. No person other than a licensed plumber, licensed by the State of New Jersey, shall be permitted to disconnect and cap, cut off and cap, or sever and cap any water or sever service from any property or structure in the Township of Lower Alloways Creek unless so authorized in writing by the Superintendant of Public Works or his/her duly authorized designee.

1. Demolition

a. Before demolition of any building that is connected to the sewage system, a permit must be obtained for disconnection to the sewer system. Said permit shall be issued by the Superintendant of Public Works or his/her designee upon the applicant obtaining all the required permits, permissions and payment of **twenty-five dollars ($25)** fee to the Utility Collector. Said disconnection must occur prior to the demolition of the building. Any excavation within ten (10) feet of a riser and the actual disconnection shall be made in the presence of the Superintendant of Public Works or his/her duly authorized representative.

2. Disconnection of sewer services other than demolition

a. In the event that the Owner of a property desires to disconnect sewer service from the Township's sewer system, for reasons other than found in Section A above, the Owner shall file an Application for Disconnection (Exhibit D) with the Superintendant of Public Works or his/her designee accompanied by a fee of **Fifty Dollars ($50)** to the Utility Collector. The disconnection must be for a period of not less than one (1) year. Once the disconnection has been approved by the Township's Zoning Officer, Construction Code Official and Superintendent of Public Works, the Application for Disconnection shall considered for approval by a resolution of the Township Committee. Following approval of the Application for Disconnection by the Township Committee, the Owner shall not be subject to the annual service charge beginning on the first day of the month following the approval. If and when the Owner elects to re-connect to the Township's sewer system, the connection shall be considered a new connection and shall be subject to all the fees and requirements so enumerated in this Chapter. This provision does not apply to temporary disconnections for the maintenance of the property owners lateral

b. All water closets, urinals, sinks, bathtubs, washbasins, washtubs and other fixtures for receiving wastewaters located in or connected with any structure for which sewer service is disconnected and for which connection with the sewer system is mandatory shall be removed. Verification of the removal of such items when required shall be conducted by the Superintendant of Public Works or his/her duly authorized representative.

135.19 Illicit connections to any Separate Storm Sewer System

A. Definitions:

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

a. Domestic sewage - waste and wastewater from humans or household operations.
b. Illicit connection – any physical or non-physical connection that discharges domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater) to the municipal separate storm sewer system operated by the [insert name of municipality], unless that discharge is authorized under a NJPDES permit other than the Tier A Municipal Stormwater General Permit (NJPDES Permit Number NJ0141852). Non-physical connections may include, but are not limited to, leaks, flows, or overflows into the municipal separate storm sewer system.
c. Industrial waste - non-domestic waste, including, but not limited to, those pollutants regulated under Section 307(a), (b), or (c) of the Federal Clean Water Act (33 U.S.C. §1317(a), (b), or (c)).

d. Municipal separate storm sewer system (MS4)– a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by [insert name of municipality] or other public body, and is designed and used for collecting and conveying stormwater.

NOTE: "MS4s do not include combined sewer systems, which are sewer systems that are designed to carry sanitary sewage at all times and to collect and transport stormwater from streets and other sources."

e. NJPDES permit – a permit issued by the New Jersey Department of Environmental Protection to implement the New Jersey Pollutant Discharge Elimination System (NJPDES) rules at N.J.A.C. 7:14A

f. Non-contact cooling water - water used to reduce temperature for the purpose of cooling. Such waters do not come into direct contact with any raw material, intermediate product (other than heat) or finished product. Non-contact cooling water may however contain algaecides, or biocides to control fouling of equipment such as heat exchangers, and/or corrosion inhibitors.

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

h. Process wastewater - any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product. Process wastewater includes, but is not limited to, leachate and cooling water other than non-contact cooling water.

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

B. Illicit Connections

Illicit connections to the municipal separate storm sewer system(s) operated by the Township of Lower Alloways Creek so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

C. Prohibited Conduct:

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

C. Enforcement:

This ordinance shall be enforced by the Superintendent of Public Works and or his/her designee.

D. Penalties:

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject penalties and fines found here within 135.21.

§ **135-20. Definitions.**

In the enforcement of this chapter, the following definitions shall apply:

APARTMENT Any premises housing more than one (1) family.

AQUATIC LIFE -The aggregate of organisms in a body of water .

BOD (BIOCHEMICAL OXYGEN DEMAND) -The quantity of oxygen, expressed in mg/l, utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees centigrade (20° C.). The standard laboratory procedure shall be found in the latest edition of Standard Methods For the Examination of Water and Wastewater , published by the American Public Health Association.

CHEMICAL OXYGEN DEMAND (COD) -A measure of the oxygen-consuming capacity of inorganic and organic matter present in water or wastewater. It is expressed as the amount of *oxygen* consumed from a chemical oxidant In a specific test. It does not differentiate between stable and unstable organic matter and thus does not necessarily correlate with biochemical oxygen demand; also known as "OC" and "DOC," oxygen consumed and dichromate oxygen consumed, respectively.

CHLORINE DEMAND -The difference between the amount of chlorine added to water or wastewater and the amount of residual chlorine remaining at the end of a specified contact period. The demand for any given water varies with the amount of chlorine applied, time of contact and temperature.

COMPOSITE SAMPLING -A combination of individual samples of water or wastewater taken at selected intervals, generally hourly, for some specific period, to minimize the effect of the variability of the individual sample. Individual samples may have equal volume or may be roughly proportioned to the flow at the time of sampling, based on New Jersey State Department of Environmental Protection standards as exist or may be modified.

CONCENTRATION -The amount of given substance dissolved in a unit volume of solution, usually by evaporation of the liquid.

DISSOLVED SOLIDS -The anhydrous residues of the dissolved constituents in water or wastewater.

DOUBLE HOUSE -Considered as two (2) premises, or apartments, depending upon the number of families housed.

EFFLUENT -Wastewater or other liquid, partially or completely treated, or in its natural state, flowing out of a reservoir, basin, treatment plant or industrial treatment plant or part hereof.

INDUSTRIAL USER -An industry that discharges an effluent of treated, partially treated or waste in its natural state into the township sewer system, or a commercial business discharging any waste limited or prohibited under § 135-6 hereof.

INDUSTRIAL WASTEWATER -Solid, liquid or gaseous substances or forms of energy ejected or escaping in the course of any industrial, manufacturing, trade or business process in the course of development, recovering or processing of natural resources but not residential sewage.

MANHOLE -A shaft or chamber leading from the surface of the ground to a sewer, large enough to enable a man to gain access to the latter.

MEASURING DEVICES -A system in which meters are used at all strategic points on main supply lines, pumping stations, reservoir outlets, connections to other political subdivisions and at each consumers service.

mg/l -Milligrams per liter.

NEW JERSEY STATE DEPARTMENT OF ENVIRONMENTAL PROTECTION –The state agency that is responsible for the administration and control of the waters of the State of New Jersey and effluents discharged into the same.

PEAK DISCHARGES -The maximum quantity that occurs over a relatively short period of time; also called "peak demand," "peak load."

PREMISES -Any property owned by an individual or corporation, no part of which is used for human habitation; or if inhabited, a single house or one-half (1/2) a double house, housing only one (1) family.

PH -The logarithm of the reciprocal of the hydrogen ion concentration and indicates the degree of acidity or alkalinity of a substance. An established "pH" which does not change beyond the specified limits when the waste is subjected to aeration. It shall be determined by the standard method.

SAMPLES -A portion of flow measurement to obtain an adequate portion of water or waste for analytical purposes; may be designed for taking single sample (grab) composite sample or a periodic sample.

SANITARY SEWER -A sewer which carries sewage and / or authorized industrial wastes and into which storm, and ground waters are not intentionally admitted.

SEWAGE -Any substance that contains any of the waste products or excremations or other discharge from the bodies of human beings or animals.

SEWAGE TREATMENT FACILITIES -An arrangement of devices and structures equipped for treatment and disposal of wastes.

SLUG -Any discharges of water, sewage or industrial waste which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four-hour concentration or flow during normal operation.

STANDARD METHOD -A standard procedure to identify or test every parameter or pollutant specified in this chapter in accordance with the current Standard Method for the Examination of Water and Wastewater, published by the American Public Health Association and / or test procedures described in 40 CFR 136.3 and any procedures amendatory or supplemental thereto.

STORMWATER -The portion of the precipitation which runs off over the surface during a storm and for such a short period following a storm as the flow exceeds the normal or ordinary runoff.

SUPERINTENDENT -The Superintendent of Public Works or his duly authorized designee.

TOTAL SOLIDS -The sum of dissolved and undissolved constituents in water or wastewater.

TOWNSHIP -The Township of Lower Alloways Creek, County of Salem, State of New Jersey.

TOWNSHIP SEWERAGE SYSTEM -All facilities owned and / or operated by the township, which are used for collecting, pumping, transporting, treating and disposing of sewage; also referred to, and the same as, "sewer system."

TOXIC SUBSTANCE -Any noxious and / or deleterious substance in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, to constitute a hazard to humans or animals, to create a public nuisance or to create any hazard in any sewerage system or in the receiving waters of a sewage treatment plant.

WASTE -Something that is superfluous or rejected; something that can no longer be used for its originally intended purpose.

ARTICLE II
[Added 10-17-2023 by Ord. No. 2023-09]

Improper Disposal of Waste Ordinance

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 Lower Alloways Creek so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

135.21 Definitions:

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

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

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

3. 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.

135.22. Prohibited Conduct:

The spilling, dumping, or disposal of materials other than stormwater to the municipal separate storm sewer system operated by [insert name of municipality] 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.

135.23. Exceptions to Prohibition:

1. Water line flushing and discharges from potable water sources
2. Uncontaminated ground water (e.g., infiltration, crawl space or basement sump pumps, foundation or footing drains, rising ground waters)
3. Air conditioning condensate (excluding contact and non-contact 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 water, and residential swimming pool discharges
7. Sidewalk, driveway and street wash water
8. Flows from fire fighting activities
9. Flows from rinsing of the following equipment with clean water: - Beach maintenance equipment immediately following their use for their intended purposes; and - Equipment used in the application of salt and de-icing materials immediately following salt and de-icing material applications. Prior to rinsing with clean water, all residual salt and de-icing materials must be removed from equipment and vehicles to the maximum extent practicable using dry cleaning methods (e.g., shoveling and sweeping). Recovered materials are to be returned to storage for reuse or properly discarded. Rinsing of equipment, as noted in the above situation is limited to exterior, undercarriage, and exposed parts and does not apply to engines or other enclosed machinery.

135.24. Enforcement:

This ordinance shall be enforced by the Lower Alloways Creek Township Police Department.

§ **135-25. Violations and penalties.**

A. For each and every violation of any provision of this chapter, the owner, building contractor or other person interested as general agent, plumber, tenant or any other person or corporation who commit, take part or assist in any violation of this chapter or who maintain any building or premises in which any violation of this chapter shall exist, shall for each and every violation be imprisoned in the county jail for a period of not exceeding ninety (90) days or be fined in an amount not exceeding five hundred dollars ($500), or both, at the discretion of the court before which a conviction may be had. Each and every day that such violation continues shall be considered a separate and distinct violation of this chapter.

B. In addition to the penalty prescribed above, any person, company or corporation violating this chapter or any provision or section thereof may be proceeded against by the Township of Lower Alloways Creek by appropriate action or by proceeding in equity or otherwise to enjoin any violation of this chapter or to prevent and enjoin any threatened violation of this chapter.

CHAPTER 138

STREETS AND SIDEWALKS

Article I
Street Closings

§ 138-1. Authorization to close streets.
§ 138-2. Notification of police; posting of signs.
§ 138-3. Exceptions.
§ 138-4. Violations and penalties.

Article II
Street Openings

§ 138-5. Restrictions; permit required.
§ 138-6. Application procedure.
§ 138-7. Responsibilities of permit holder.
§ 138-8. Duties of the Superintendent of Public Works.
§ 138-9. Construal of provisions.
§ 138-10. Exceptions for township or township agencies.
§ 138-11. Exceptions for private property owners.
§ 138-12. Utilities.
§ 138-13. Violations and penalties.

ARTICLE III
Engine Braking Prohibited

§ 138-14. Definitions
§ 138-15. Prohibition.
§ 138-16. Exceptions
§ 138-17. Posting of Signs
§ 138-18. Violations and Penalties.
§ 138-19. Severability.
§ 138-20. Effective Date.

ARTICLE VI
PUBLIC UTILITY POLES AND UNDERGROUND FACILITIES

§ 138-21. Notification required
§ 138-22. Restoration of property
§ 138-23. Definition
§ 138-24. Penalties
§ 138-25. Exceptions

[HISTORY: Adopted by the Township Committee of the Township of Lower Alloways Creek: Art. 1, 9-21-1979 as Ord. No. 79-42; Art. II, 12-7-1993 as Ord. No. 93-22. Section 138-4 amended at time of adoption of Code, see Ch. 1, Art. I, General Provisions. Art VI, 10-20-2015 as Ord 2015-07; Other amendments noted where applicable.]
GENERAL REFERENCES Superintendent of Public Works -See Ch. 32, Art. VI.; Parking for the handicapped-See Ch. 1 24.

Article I
Street Closings
[Adopted 9-21-1979 as Ord. No. 79-42]

§ 138-1. Authorization to close streets.

The Township Committee herewith authorizes the Mayor to provide by regulation for the closing of any street or portion thereof to motor vehicle traffic on such days and during such specified hours as the Mayor deems appropriate for the preservation of the public safety, health or welfare.

§ 138-2. Notification of police; posting of signs.

Whenever said Mayor promulgates regulations pursuant to this Article, the Township Police Department shall be notified of the same. Said regulations shall provide for posting of proper warning signs of said closing of any street or portion thereof during the time the same is closed.

§ 138-3. Exceptions.

The closing to motor vehicles of any such streets shall not be applicable to emergency vehicles, nor shall the same prevent the proper entrance or exit of motor vehicles going to or from the homes of the owners or places of business located on such streets.

§ 138-4. Violations and penalties. [Amended 11-21-1983 by Ord. No. 83-22]

Unless another penalty is expressly provided by New Jersey statutes, every person convicted of a violation of a provision of this Article or any regulation promulgated hereunder shall be liable to a penalty of not more than three hundred dollars ($300.) or imprisonment for a term of not more than ninety (90) days, or both.

Article II
Street Openings
[Adopted 12-7-1993 as Ord. No. 93-22]

§ 138-5. Restrictions; permit required.

No person, as defined by law, shall dig, open or excavate any public street or way under the jurisdiction of this township unless the requirements of this Article have been met and a permit obtained therefor.

§ 138-6. Application procedure.

The following procedure shall be followed in order to obtain the permit required by this Article:

A. A written application on the approved township form shall be submitted with all the information required by including a map or sketch showing the size and location of the intended work.

B. A fee shall be paid to the township for each opening in the amount of fifty dollars ($50.) to cover the costs of administration of the issuance of the permit. A deposit is to be placed in escrow with the Financial Officer to satisfy the cost of professional services incurred by the Township related to the review and enforcement of the work requirements of this Article in each case. The deposit shall be in the amount of three dollars ($3.) per square foot of the surface area opened, with a minimum deposit of two hundred dollars ($200.). The escrow fund-may be required to be replenished to such sum as funds are expended from the deposit. Upon completion of the work and filing of the required maintenance bond or abandonment of the permit, the balance of funds not needed for the purpose of the deposit shall be returned to the depositor together with a statement of the funds utilized.

C. A performance guaranty in a form and terms approved by the Township Solicitor shall be filed to insure the proper restoration of the opening. The guaranty shall be in the amount of the estimated cost of the work according to a schedule approved by the township.

D. Upon completion of the restoration, the performance guaranty shall be substituted by a maintenance guaranty to secure the maintenance of the restoration for the period of one (1) year. The amount of this guaranty shall be twenty-five percent (25) of the amount of the performance guaranty.

§ 138-7. Responsibilities of permit holder.

A. The permit holder shall, with respect to each opening for which the permit is issued:

(1) Have the opening made promptly and the material taken placed in a manner so as not to obstruct any traffic.

(2) Provide sufficient barricades and sign notice of the opening to warn motorists or other persons who may be affected by its presence in accordance with the Manual on Uniform Traffic Control Devices for Streets and Highways. This protection shall be provided from opening to the time of restoration.

B. Excavation shall be accomplished in accordance with plans approved by the Superintendent of Public Works.

C. Except in a case of emergency, the applicant shall give at least two (2) working days' notice to the Township Superintendent of Public Works of its intention to open the area involved. If the work will involve interference with water, sewer or connections to buildings, the permission of those persons or agencies affected will be obtained before commencing or continuing with the work, as the case may be.

D. Except in the case of emergency, no openings shall be performed on a Saturday or Sunday.

E. The opening shall be properly closed as soon as possible and no later than the time specified in the permit.

(l) Backfilling.

(a) The opening will be completely backfilled and as much of the excavated material as possible replaced and compacted with tamping equipment and added material supplied when required.

(b) If the excavated material is unsuitable, according to the Superintendent of Public Works, for backfilling, select backfill material will be provided, and any excess material will be removed from the site.

(2) Compacting.

Material shall be placed in layers not in excess of six (6) inches, moistened as necessary and each layer tamped for thorough compacting.

(3) Restoration.

(a) If in an earth shoulder, the top four (4) inches shall be restored with material capable to grow grass, and the permit holder shall fertilize and seed the surface.

(b) If a gravel pavement, the top twelve (12) inches shall be filled with compacted, state-approved 1-5 road gravel. In case of a penetrated macadam road (broken stone of various size), the broken stone may be placed in the top of the opening similar to the original pavement and covered with two and one-half (2-1/2) inches of hot-mixed bituminous concrete.

(c) In the case of a gravel-based bituminous concrete, the surface shall be replaced with eight (8) inches of compacted, state-approved 1-5 gravel covered with two and one-half (2-112) inches of bituminous stabilized base, mix 1-2, and two and one-half (2-112) inches of bituminous concrete surface course, mix 1-5, top pavement or surface and base similar to existing road, whichever is greater. Tack coat shall be applied to all of the existing edges.

(d) In the case of a bituminous-treated gravel road, the surface shall be restored with twelve (12) inches of compacted, state-approved 1-5 gravel covered with two and one-half (2-112) inches of bituminous concrete surface course, mix 1-5.

(e) In the case of a concrete surface, a concrete foundation shall be constructed, and the permit holder shall restore the reinforcement and pavement as prescribed by the Superintendent of Public Works.

(f) In the case of a special condition, the opening shall be restored as prescribed by the Superintendent of Public Works.

(g) In either case, if the township is required to restore the opening, the final charge based on the schedule of costs shall be paid by the permit holder.

F. Maintenance. The restoration shall be maintained by the permit holder for a period of one (1) year.

§ 138-8. Duties of the Superintendent of Public Works.

The Superintendent of Public Works, or his duly appointed designee, shall perform the following:

A. Receive applications, fees and bonds.

B. Inspect the sites, openings and protective devices.

C. Inspect the closing and restoration and inspect maintenance.

D. Give notices of failures or neglect.

E. Make and pursue complaints for violations.

F. Make recommendation from inspections, including the release of bonds.

§ 138-9. Construal of provisions.

The provisions of these requirements shall not be construed to relieve the permit holder from any responsibility of its agents or contractors from any damage or liability to any person or property arising out of the performance of the permit work.

§ 138-10. Exceptions for township or township agencies.

In work undertaken by the township or its agencies, only § 138-6A shall apply. Section 138-6B, C and D shall not apply.

§ 138-11. Exceptions for private property owners.

The application and permit requirements for issuance of this Article shall not apply to the installation of curb, gutter and/or sidewalk by private property owners who are constructing said work under the requirement of other ordinances or codes.

§ 138-12. Utilities.

Public utilities companies may be authorized, instead of placing individual performance and maintenance bonds, to give a combination bond in the amount of five thousand dollars ($5,000.) and keep it in effect on a continuing basis. Such bond shall provide acceptable surety and be in terms and form approved by the Township Solicitor.

§138-13 Violations and penalties.

A person who violates or fails to comply with the requirements of this Article shall be subject, upon conviction, to the payment of a fine in an amount up to five hundred dollars ($500.) or imprisonment for up to ninety (90) days, or both. In addition, the court may impose a sum of restitution to satisfy the costs and expenses of completing the requirements hereunder which may be expended by the township to assure such compliance.

Article III
Prohibiting "Engine-Braking"
[Adopted July 15, 2008 as Ordinance 2008-08]

§ 138-14. Definitions

a. "Engine Braking"" shall mean the use or operation of any exhaust device designed to aid in the braking, decompression or deceleration of any motor vehicle which results in the excessive, loud, unusual or explosive noise from such vehicle.

§ 138-15. Prohibition.

a. It shall be unlawful for the driver of any vehicle to use or operate or cause to be used or operated, at any time and on any road within the Township of Lower Alloways Creek Township A mechanical exhaust or decompression device which results in the practice know as "engine braking"

§ 138-16. Exceptions

a. The provision of this Chapter shall not apply to engine braking where necessary for the protection of persons and/or property which cannot be avoided by application of an alternative braking system. Noise caused by the application of engine compression Brakes otherwise known as engine braking, which is effectively muffled or if the application is necessary to the health, safety and welfare of the community is exempt from the provisions of this Chapter. Such sounds created by emergency vehicles are also exempt.

§ 138-17. Posting of Signs.

a. The Township is hereby authorized to post at reasonable locations within the Township signs indicating the prohibition of "engine braking".

§ 138-18. Violations and Penalties.

a. Unless another penalty is expressly provided by New Jersey Statute, any person convicted of a violation of this Ordinance shall be punished for a first conviction thereof by a fine of not more than one-hundred dollars ($100.00) or by imprisonment for a period not to exceed ten (10) days, or by both such fine and imprisonment; for a second such conviction, such person shall be punished by a fine of not more than two-hundred dollars ($200.00) or by imprisonment for a period not to exceed twenty (20) days, or by both such fine and imprisonment; and upon the third or any subsequent conviction, such person shall be punished by a fine of not more than five-hundred dollars ($500.00) or by imprisonment for a period not to exceed six (6) months, or by both such fine and imprisonment.

§ 138-19. Severability.

a. Should any section, subsection, paragraph, sentence, clause or phrase of this Chapter, or its application to a specific person or set of circumstances, be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portion of this Chapter, or its application to any other person or set of circumstances.

§ 138-20. Effective Date.

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

1) That all other Ordinances or part of Ordinances inconsistent herewith are hereby repealed.

2) This Ordinance shall take effect upon adoption and publication according to law.

ARTICLE VI
PUBLIC UTILITY POLES AND UNDERGROUND FACILITIES
[Adopted 10-20-2015 as Ord. No. 2015-07]

§138 – 21 Notification required

Before a public utility places, replaces or removes a pole or an underground facility located in the Township of Lower Alloways Creek, the public utility shall notify both the municipal Engineer and the Municipal Code Official in writing, which may be by Fax or e-Mail, at least, but not less than 24 hours before undertaking any excavation related to the replacement or removal of the utility pole or underground facility, which pole or underground facility is used for the supplying and distribution of electricity for light, heat or power, or for the furnishing of water service or telephone or other telecommunications service on or below a public right of way in the Township. The Township Committee of the Township of Lower Alloways Creek shall notify any public utility that provides service in the Township of the application of the provisions of this ordinance.

§138-22 Restoration of property [Amended 10-20-2015 by Ord. No. 2015-07]

a. After a public utility places a new pole or replaces a pole, all utilities that were located on the old pole or any nearby poles that can be placed on the new or replacement pole shall be transferred onto the new or replacement pole within 90 days.

b. After completing the placement, replacement or removal of a pole or an underground facility pursuant to this ordinance, the public utility shall remove from such right of way any pole or underground facility no longer in use as well as any other debris created from such placement, replacement or removal and restore the property including, but not limited to, the installation of a hot patch as needed to restore the property within the right of way to its previous condition as much as possible.

§138-23 Definitions

a. For the purposes of this section, "pole" means, in addition to its commonly accepted meaning, any wires or cable connected thereto, and any replacements therefor which are similar in construction and use.

b. For the purposes of this section, "underground facility" means one or more underground pipes, cables, wires, lines or other structures used for the supplying and distribution of electricity for light, heat or power or for the providing of water service, or for the furnishing of telephone or other telecommunications service.

c. As used in this section, "hot patch" means the installation of a mixture of asphalt to restore property within the right of way to its previous condition subsequent to the construction or excavation of a site required for the placement, replacement of a pole or an underground facility pursuant to this section.

§138-24 Penalties

In the event a public utility does not meet the requirements of subsection 138-22 of this section concerning the removal of debris and the restoring of property including, but not limited to, the installation of a hot patch, within a right of way to its previous condition within 90 days of placement, replacement or removal of a pole or an underground facility, said public utility will be fined up to an amount not to exceed $100 each day until the requirements of subsection 138-22 are met, except that if the public utility is unable to complete the installation of a hot patch due to the unavailability of asphalt material during the period of time from November through April, the public utility shall not be required to complete the hot patch installation until 60 days immediately following the end of the November through April period. At least five business days prior to the end of the 90-day period established by this subsection, the municipality shall notify the public utility that the penalties authorized by this subsection shall begin to be assessed against the utility after the end of the 90-day period unless the utility complies with the requirements of subsection 138-22 of this section. Any penalty imposed shall be collected or enforced in a summary manner, without a jury, in any court of competent jurisdiction according to the procedure provided by "The Penalty Enforcement Law of 1999," N.J.S.A. 2A:58-10 et seq.). The Superior Court and municipal court shall have jurisdiction to enforce the provisions of this section. In the case of removal or replacement of a pole or an underground facility utilized by two or more public utilities, the public utility last removing its pipes, cables, wires, lines or other structures shall be liable for the removal and restoration required under subsection 138-22 of this section, unless a written agreement between the public utilities provides otherwise.

§138-25 Exceptions

Under emergency conditions which significantly impact the placement of a pole or underground facility resulting from natural forces or human activities beyond the control of the public utility, or which pose an imminent or existing threat of loss of electrical, water, power, telephone, or other telecommunication service, or which pose an imminent or existing threat to the safety and security of persons or property, or both, or which require immediate action by a public utility to prevent bodily harm or substantial property damage from occurring, the provisions of subsection 138-21 of this section shall not apply when a public utility undertakes any construction or excavation related to the placement, replacement or removal of a pole or an underground facility in response to such an emergency, provided that the public utility undertaking such construction or excavation notifies the Municipal Engineer and the Municipal Code Official of Lower Alloways Creek at the earliest reasonable opportunity and that all reasonable efforts are taken by the public utility to comply with the removal and restoration requirements of subsection 138-22 of this section after responding to the emergency.

CHAPTER 141

TAX OF CANNABIS SALES

§ **141-1. Cannabis Sales Tax imposed on a Cannabis Cultivator or Cannabis Manufacturer.**

§ **141-2. Cannabis Sales Tax imposed on a Cannabis Wholesaler.**

§ **141-3. Tax Imposed is in addition to any and all other taxes and charges.**

§ **141-4. Tax Collector shall have the full power to administer and enforce.**

§ **141-5. Record of sales to be retained and provided**

§ **141-6. Taxes due quarterly**

§ **141-6. Failure to collect or remit tax**

§ **141-7. Penalties**

[HISTORY: Adopted by the Township Committee of the Township of Lower Alloways Creek: as Ord. No. 2021-07, August 17, 2021]

§ 141-1. Cannabis Sales Tax imposed on a Cannabis Cultivator and Cannabis Manufacturer

A tax is hereby imposed upon all persons engaged in the business of selling cannabis as a Cannabis Cultivator or Cannabis Manufacturer, in the Township of Lower Alloways Creek, at the rate of two percent (2%) of the gross receipts from such sales made in the course of that business. Each person required to collect the tax herein imposed shall be personally liable for the tax imposed, collected, or required to be collected hereunder.

§ 141-2. Cannabis Sales Tax imposed on a Cannabis Wholesaler.

A tax is hereby imposed upon all persons engaged in the business of selling cannabis as a Cannabis Wholesaler in the Township of Lower Alloways Creek, at the rate of one percent (1%) of the gross receipts from such sales made in the course of that business. Each person required to collect the tax herein imposed shall be personally liable for the tax imposed, collected, or required to be collected hereunder.

§ 141-3. Tax Imposed is in addition to any and all other taxes and charges.

The imposition of the tax imposed by this Chapter is in accordance with the provisions of State law and is in addition to any and all other taxes and charges.

§ 141-4. Tax Collector shall have the full power to administer and enforce.

The tax imposed by this Section, and all civil penalties that may be assessed as an incident thereto, shall be remitted to, collected by and enforced by the Township of Lower Alloways Creek Tax Collector, who shall have the full power to administer and enforce the provisions of this Chapter.

§ 141-5. Record of sales to be retained and provided

All Cannabis Cultivators, Cannabis Wholesalers and Cannabis Manufacturers shall be required to keep and retain records of all sales of cannabis and provide those records to the Township of Lower Alloways Creek Tax Collector for tax calculation purposes.

§ 141-6. Taxes due quarterly

The taxes imposed by this chapter shall be due to the Township Tax Collector quarterly by the tenth day of February, May, August and November.

§ 141-7. Failure to collect or remit tax

The failure to timely collect or remit all taxes due pursuant to this Chapter is a violation of this Code and may be subject to the penalties hereunder.

§ 141-8. Penalties

Penalties. Any person violating any provision of this section shall, upon conviction be subject to penalties imposed by the Judge of the Municipal Court, except that the minimum penalty shall not be less than $500 for a first offense, $1,000 for a second offense, and $1,500 for a third offense.

CHAPTER 144

TOWING

§ 144-1. Approval.
§ 144-2. Qualifications for inclusion on approved list; waiver.
§ 144-3. Amendments to list.
§ 144.4. Fees for towing and/or storage.
§ 144-5. Procedure for township-requested tows.
§ 144-6. Rules for approved operators.
§ 144-7. Rotation of calls.
§ 144-8. Report to Township Committee.
§ 144-9. Fees for towing and/or storage.
§ 144.10 Oversized vehicle tows.
§ 144.11. Violations and penalties.

[HISTORY: Adopted by the Township Committee of the Township of Lower Alloways Creek 12-26-1995 as Ord. No. 95-14, substantially amended by Ord. No. 2010-05 and Ord No. 2010-10. Amendments noted where applicable.]

§ 144-1. Approval.

The Lower Alloways Creek Township Public Safety Director or Chief of Police are authorized and directed to solicit applications for approved towing operators to conduct motor vehicle towing and storage within the Township of Lower Alloways Creek. The said Chief or Public Safety Director shall prepare the appropriate application form, to be completed on an annual basis by any person or company wishing to undertake towing and/or storage in the Township of Lower Alloways Creek. The aforesaid list of approved operators may be modified by adding or deleting an operator or operators during the course of the year in accordance with the provisions of this ordinance.
[Amended 5/17/2010 by Ord. No. 2010-05]

§ 144-2. Qualifications for inclusion on approved list; waiver.

A. Operators on the approved list shall be required to maintain the following minimum qualifications:

(1) All operators must own at least one (1) conventional tow truck in addition to other equipment, which is necessary to provide safe and efficient towing. Each tow vehicle must have the name of the towing operator and his phone number on the side of the vehicle.

(2) All operators' trucks must be equipped with radio communication or cell phones enabling them to maintain contact with their place of business.

(3) All operators' trucks shall be equipped with brooms and shovels for the purpose of clearing debris from the roadways.

(4) All operators shall have operating telephone equipment at their place of business.

(5) Each operator shall either own or have an appropriate arrangement with a storage facility. No operator shall store vehicles unless the storage area is lighted, fenced and secured.

(6) All operators shall carry commercial automobile liability insurance (including bodily injury and property damage liability) with combined single limits of not less than $500,000 and garage keepers liability (specifically endorsed to cover vehicles in tow) in an amount of not less than $30,000 per accident. All storage facility operators shall have garage liability insurance with combined single limits of not less than $500,000. The Township shall be given a certificate or certificates evidencing such coverage, which certificate shall contain a provision requiring advance notice to the township prior to any cancellation or revision.

(7) Each operator shall provide the name, driver's license number and social security number for each person authorized to operate the particular towing vehicle furnished by the approved operator.

(8) All operators shall have business cards available for delivery to the owner of the vehicle being towed, which card shall contain the operator's name, New Jersey business registration number, address and telephone number where the operator can be contacted.

(9) Every operator shall respond to a call for assistance within 20 minutes of receiving the call if the operator agrees to provide assistance. If the operator is not able to respond within 20 minutes, then the operator shall decline to provide service for that call.

B. The Township Committee may grant a waiver to any of the prerequisites required under Subsection A, provided that the operator makes an application to the Committee and the Committee determines that the operator will provide an acceptable alternative to the requirement for which the waiver is sought.
[Amended 5/17/2010 by Ord. No. 2010-05]

§ 144-3. Amendments to list.

The Director of Public Safety or the Chief of Police shall prepare a list of all approved operators, and may add names to this list if said operators meet the appropriate qualifications. The Director of Public Safety or the Chief of Police may also delete names from the list when an operator fails to perform properly or fails to continue to meet the basic requirements, but no deletion shall occur without notice to the operator and the opportunity for a hearing before the Chief of Police or Director of Public Safety. The decision of the Director of Public Safety or Chief of Police may be appealed to the Township Committee.

§ 144-4. Fees for towing and/or storage.

All operators placed on the approved list shall charge fees for towing and/or storage services, which do not exceed the amounts established in N.J.S.A. 40:48-2.49 and 2.50 when providing towing and/or storage services for Lower Alloways Creek Township, the Township Police Department, or any other public agency. Fees charged to vehicle owners for which the Township is not liable, shall be in accordance with the fees established in this ordinance.

§ 144-5. Procedure for township-requested tows.

A. Abandoned and unclaimed motor vehicles shall be disposed of and sold as the case may be in accordance with the provisions of N.J.S.A. 39:10A-l, et seq.

B. When an operator tows an abandoned vehicle at the request of the Township of Lower Alloways Creek, the required reports pursuant to N.J.S.A. 39:10A-la shall be prepared by such operator and immediately furnished to the Chief of Police, or his designee, who shall thereupon immediately report the same to:

(1) The Director of the Division of Motor Vehicles; and

(2) The National Automobile Theft Bureau.

C. When such motor vehicle which has been ascertained not to be stolen and to be one which can be certified for a junk title certificate pursuant to N.J.S.A. 39:10A-3 shall have remained unclaimed by the owner r other person having a legal right thereto for a period of fifteen (15) business days, even if at that time the owner has not been identified as a result of efforts to make identification by the Police Department or the Division of Motor Vehicles, the operator having possession of said vehicle shall, within three (3) business days thereof (i.e., the 18th day), notify the Chief of Police, in writing, that the vehicle remains unclaimed and may request that the vehicle be sold pursuant to N.J.S.A. 39: 10A-lb.

D. When a motor vehicle which cannot be certified for a junk title certificate pursuant to N.J.S.A. 39: 10A-3 remains unclaimed by the owner or other person having a legal right thereto for a period of twenty (20) business days, the operator having possession of said vehicle shall, within three (3) business days thereof (i.e., the 23rd day), notify the Chief of Police, in writing, that the vehicle remains unclaimed and may request that the vehicle be sold in accordance with N.J.S.A . 3 9:10A-lc.

E. When a motor vehicle in possession of an operator is reclaimed by the owner or person entitled thereto or upon such other disposition with respect to the vehicle, the operator shall, within three (3) business days of any such disposition, notify the Chief of Police in writing thereof.

§ 144-6. Rules for approved operators.

A. Approved operators shall respond to a call by arriving at the vehicle in need of a tow within 30 (thirty) minutes of accepting the call and agreeing to provide service. [Amended 9/21/2010 by Ord No. 2010-10]

B. If an approved operator agrees to provide service in response to a dispatch call, then the response shall be immediate in an emergency situation.

C. Approved operators shall not permit a vehicle to be removed without proper authorization.

D. Approved operators' drivers shall request police assistance during the course of servicing when they find it necessary to turn around, back up, tow in the opposite direction, cross the median, etc.

E. Approved operators shall be courteous to all persons authorized to be at the scene of a tow, including but not limited to police, emergency personnel, motor vehicle operator and passengers.

F. Approved operators shall be subject to additional rules and regulations as may be promulgated by the Township Committee.

§ 144-7. Rotation of calls.

The approved list shall be utilized by the Police Department to provide towing services. To the extent practical, the Police Department shall call the operators in sequential rotation so that every towing operator is given an equal opportunity to provide services. Officers on the scene may use their discretion when deviating from the normal rotation, if such deviation is practical and reasonable based on the accident location, sequential operator availability, and proximity of the vehicle or vehicles in question to an approved operator. Nothing in this chapter shall be construed to preclude the owner of any vehicle from requesting service from either an approved operator of the owner's choice, or a towing contractor not on the approved list. The owner's discretion may be utilized so long as that discretion shall not result in an unreasonable delay or interference with the normal flow of traffic such as to constitute a hazard.

§ 144-8. Report to Township Committee.

The Police Department shall, on an annual basis, provide the Township Committee with a report as to the quality of the services provided by those operators on the approved list.

$ 144-9 Fees for towing and/or storage.

A. Except as limited by State statute for charges that may be assessed against a government entity, the maximum permissible towing charge for light duty towing shall be $110 (one hundred ten) to provide a properly equipped towing vehicle at the scene where the vehicle to be towed is located. Light duty towing is defined to include the total weight of the towed vehicle and any load carried on such vehicle to be less than 10,000 (ten thousand) pounds. Thereafter, the maximum additional fee shall be $3 (three) per mile to the location where the vehicle is to be taken. If the call for service is received by the approved towing operator after 5:00 p.m. and before 7:00 a.m. on a weekday, holiday, Saturday or Sunday, then the maximum charge for delivery of a towing vehicle to the scene shall be $125 (one hundred twenty-five) , and $3 (three) per mile may be charged for delivery of the vehicle to the location agreed.[Amended 9/21/2010 by Ord No. 2010-10]

B. Except as limited by State statute for charges that may be assessed against a government entity, the maximum permissible charge for medium duty towing shall be $125 to provide a properly equipped towing vehicle at the scene where the vehicle to be towed is located. Medium duty towing is defined to include the weight of the vehicle and any load carried thereon being 10,000 pounds or more. Thereafter, the maximum additional fee shall be $3 per mile to the location where the vehicle is to be taken. If the call for service is received by the approved towing operator after 5:00 p.m. and before 7:00 a.m. on a weekday, holiday, Saturday or Sunday, then the maximum charge for delivery of a towing vehicle to the scene shall be $150, and $3 per mile may be charged for delivery of the vehicle to the location agreed. [Amended 9/21/2010 by Ord No. 2010-10]

C. Other than the charges previously detailed for services requested by a government entity, the maximum permissible storage charge shall be $40 (forty) per day for outside storage and $50 per day for inside storage, which fee may be charged for the day of the tow plus 6 (six) additional days. Thereafter, the maximum storage fee shall be $10 (ten) per day for outside storage and $20 (twenty) per day for inside storage. [Amended 9/21/2010 by Ord No. 2010-10]

D. For vehicles in storage as the result of police impound or request from an authorized government entity such as a police officer or department, the maximum shall be $3 per day for the first 30 days and $2 per day thereafter up to a maximum total of $400. [Amended 9/21/2010 by Ord No. 2010-10]

E. If the cleanup or removal of roadway debris is required, then the responding approved operator may charge an additional fee of $30 (thirty) for debris removal at the scene of the tow. Thereafter, for each hour or a portion of an hour required for debris removal, the towing contractor may charge an additional $40 (forty).
[Amended 9/21/2010 by Ord No. 2010-10]

F. The relationship between approved operators and Lower Alloways Creek Township is one of independent contractor. Approved operators shall not be construed in any manner to be employees or agents of the Township. Each approved operator on the list agrees to defend, indemnify and save harmless the Township and its officials, employees and agents from and against any suits, actions, damages, claims, fees, costs, expenses, including attorneys' fees, fines or penalties to which the Township may be subject of any kind or nature whatsoever resulting from, caused by, arising out of or as a consequence of the provision of service provided at the request of the Township or any authorized person or entity acting on behalf of the Township. [Amended 9/21/2010 by Ord No. 2010-10]

G. In addition to the charges set forth herein, the responding towing operator may charge an additional fee of $100 (one hundred) for each hour or portion of an hour to provide extraordinary services necessary to recover the vehicle from an area off the traveled portion of the roadway or to return the vehicle to an upright position following an accident. This charge may be applied for each hour the towing operator remains on the scene from which the tow is being made. This charge is not applicable to time traveled to and from the scene of the tow. [Amended 9/21/2010 by Ord No. 2010-10]

§ 144-10 Oversized vehicle tows.

If no approved operator has suitable equipment to tow large or specialized vehicles, then the police or other Township employee may contact a non-approved operator to tow a large or specialized vehicle within the Township. Specialized towing operators shall not be bound by the towing and storage fees set forth in this ordinance unless the request for towing and the financial responsibility for towing and storage is agreed in advance to be the responsibility of Lower Alloways Creek Township. In the event the Township shall be responsible for towing and/or storage, then such specialized operator agrees that the fees established in this ordinance shall be the maximum fees allowable.

§ 144-11. Violations and penalties.

Any person who shall violate this chapter or any of its provisions shall, upon conviction thereof, be subject to a fine not less than $100 nor more than $1,000 or imprisonment for a term not exceeding 90 days or a period of community service not exceeding 90 days.

CHAPTER 147

TRAILERS AND MOBILE HOME PARKS

Article I
Location of Trailers

§ 147-1. Parking of residential and construction trailers.
§ 147-2. Violations and penalties.

Article II
Travel and Construction Trailers

§ 147-3. Construction trailers.
§ 147-4. Notification of Clerk prior to placement.
§ 147-5. Fee.
§ 147-6. Violations and penalties.
§ 147-7. Travel trailers.

Article III
Licensing of Mobile Home Parks

§ 147-8. License fee; monthly unit fees.
§ 147-9. Payment of fees; bond required.
§ 147-10. Maximum capacity of parks.
§ 147-11. Violations and penalties.
§ 147-12. Revocation of license.

[HISTORY: Adopted by the Township Committee of the Township of Lower Alloways Creek:
Art. I, 3-2-79 as Ord. No. 79-7; Art. II, 2-4-72 as Ord. No. 72-2, amended in its entirety 5-6- 77 by Ord. No. 77-20; Art. III, 3-3-72. Subsequent amendments noted where applicable.]

GENERAL REFERENCES
Vehicles and traffic—See Ch. 151
Zoning—See Ch. 156.

Article I
Location of Trailers
[Adopted 3-2-79 as Ord. No. 79-7]

§ 147-1. Parking of residential and construction trailers.

No trailer intended for residential purposes or otherwise shall be parked or placed on any property or street anywhere in the Township of Lower Alloways Creek unless the same is parked or placed in a trailer park or unless it is permitted by Article II of this chapter, as amended, for storage or as a construction trailer, or unless it is a travel trailer or motor home and is permitted as a temporary dwelling under the provisions of § 156-18C of the Zoning Ordinance of the Township of Lower Alloways Creek* and a zoning permit has been issued and complied with.

§ 147-2. Violations and penalties.

Any person violating the provisions of this Article shall pay a fine of twenty-five dollars ($25.) for each offense. Each day that the trailer shall be permitted in said township in violation of this Article shall be considered as a separate or additional violation.

Article II

Travel and Construction Trailers

[Adopted 2-4-72 as Ord. No. 72-2; amended in its entirety 5-6-77 by Ord. No. 77-20]

§ **147-3. Construction trailers.**

Construction trailers shall be permitted on the jobsite only. Said "construction trailer" shall be any trailer used for office space, storage of equipment, change-in rooms or work space, etc.

§ **147-4. Notification of Clerk prior to placement.**

No person shall place a construction trailer on the jobsite without first notifying the Clerk of the Township Committee.

§ 147-5. Fee.

There shall be charged and collected by the Township Clerk a fee for services and inspection of two dollars ($2.) per month for each trailer on the jobsite for a full month or any part thereof, which shall be paid in advance.

§ **147-6. Violations and penalties.**

Any person who shall violate any provision of this Article shall pay a penalty of twenty- five dollars ($25.) per day per trailer as long as the violation exists.

§ 147-7. Travel trailers.

A. Travel trailers shall be permitted as accessory uses in all agricultural and residential zones in the township, provided that such trailers are:

(1) Located to the rear of the principal building.

(2) Used for storage purposes only.

(3) Owned by the occupant of the principal use.

B. For purposes of this Article, a "travel trailer" shall be defined as a structure that may be attached to or on a vehicle for the purpose of providing temporary shelter for vacations only.

Article III

Licensing of Mobile Home Parks
[Adopted 3-3-72]

§ 147-8. License fee; monthly unit fees.

A. The annual fee for a license to maintain or operate a mobile home park, issued pursuant to the Zoning Ordinance for Lower Alloways Creek Township* by the Township Committee, shall be twenty-five dollars ($25.) per year, payable on or before the issuance of such license and on or before each annual renewal of said license.

B. In addition to the aforesaid fee, there shall be an additional fee of forty dollars ($40.) per calendar month for each mobile home space occupied in excess of one (1) week during the previous calendar month. [Amended 4/18/2007 by Ord. No. 2007-05]

§ 147-9. Payment of fees; bond required.

Said fees shall be paid to the Treasurer of the Township of Lower Alloways Creek, and, in addition, each licensee shall deposit with the Treasurer of the Township of Lower Alloways Creek, on or before the issuance of the annual license or renewal thereof, a bond in the sum of one thousand dollars ($1,000.), conditioned for the payment of such monthly unit fee and for further compliance with this Article.

§ 147-10. Maximum capacity of parks.

No license shall be issued for more than fifteen (15) mobile homes in any one (1) mobile home park.

§ 147-11. Violations and penalties.

Any person found guilty of violating any provisions of this Article shall, upon conviction thereof, be subject to a fine not exceeding five hundred dollars ($500.) or imprisonment for a term not exceeding ninety (90) days, or both, and every day such violation exists shall constitute a separate offense and be punishable as such hereunder.

§ 147-12. Revocation of license.

In addition to or in lieu of the preceding penalties, the license of any person who violates this Article or the terms of the Lower Alloways Creek Zoning Ordinance* regarding mobile home parks shall be subject to revocation by the Township Committee of Lower Alloways Creek Township after hearing upon ten (10) days prior notice to the licensee, which notice may be served personally or by certified mail to the licensee's last known mailing address.

• Editors Note: See Ch. 156, Zoning.

Chapter 151

VEHICLES AND TRAFFIC

ARTICLE I
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§ 151-1. Words and phrases defined.

ARTICLE II
Parking

§ 151-2. Regulations not exclusive.
§ 151-3. Parking prohibited at all times on certain streets.
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§ 151-11. Speed Limits

ARTICLE VII
General Provisions

§ 151-12. Short title.
§ 151-13. Violations and penalties.

[HISTORY: Adopted by the Township Committee 02-19-13 as Ord. No. 2013-01 Amendments noted where applicable.]

ARTICLE I
Definitions

§ 151-1. Words and phrases defined.

Whenever any words and phrases are used in this chapter, the meanings respectively ascribed to them in N.J.S.A. 39:1-1 shall be deemed to apply to such words and phrases used herein.

ARTICLE II
Parking

§ 151-2. 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, of any other statute or as hereinafter provided.

§ 151-3. Parking prohibited at all times on certain streets.

A. No person shall park a vehicle at any time upon any of the streets or parts thereof described below.

Name of Street	Side	Location
Second Street	**South**	**between Main Street and Locust Island Road**

[4-19-2010 as Ord No. 2010-04]

B. No person shall park, place, store or leave a truck weighing over four (4) tons gross weight or a trailer of any size in any municipal parking lot other than as may be necessary for the purpose of making a pick-up or delivery in the regular course of business.

§ 151-4. Stopping or standing prohibited on certain streets. **[12-18-12 as Ord. No. 2012-08, 7-15-2014 as Ord. No. 2014-06]**

No person shall stop or stand a vehicle upon any of the streets or parts of streets described below.

In accordance with the provisions of Section §151-4, no person shall stop or stand a vehicle upon any street designated by ordinance in the Township of Lower Alloways Creek.

Name of Street	**Location**
Frank Smith Road	**Entire Length**

ARTICLE III
Stop Intersections

§ 151-5. Stop intersections designated.

Pursuant to the provisions of N.J.S.A. 39:4-140, the intersections described below, are hereby designated as stop intersections. Stop signs shall be installed as provided therein.

Stop Intersection	Stop Signs Shall Be Installed on:
Short Road and County Route 658 (Salem-Hancocks Bridge)	Short Road
Hogate Boulevard and County Route 651(Beasley Neck)	Hogate Boulevard
Robinson Road and County Route 654 (Cross)	Robinson Road
Robinson Road and County Route 659 (New Bridge)	Robinson Road
Harasta Road and Robinson Road	Harasta Road
Harasta Road and County Route 632 (Harmersville)	Harasta Road
Mays Lane and County Route 632 (Harmersville- Pecks)	Mays Lane
Mays Lane and County Route 658 (Maskells Mill)	Mays Lane
Church Road and County Route 654 (Smick)	Church Road
Church Road and County Route 659 (Main St – Canton)	Church Road
Frank Smith Road and County Route 654 (Smick)	Frank Smith Road
Hell Neck Road and County Route 658 (Maskells Mill)	Hell Neck Road
Hell Neck Road and County Route 652 (Jericho)	Hell Neck Road
Buckhorn Road and County Route 658 (Friendship)	Buckhorn Road
Frog Ocean Road and County Route 659 (Main St – Canton)	Frog Ocean
Long Bridge Road and County Route 659 (Main St – Canton)	Long Bridge
Stow Neck Road (coming North) and Long Bridge Road	Stow Neck Road
Stow Neck Road and Frog Ocean Road	Stow Neck Road
Silverlake Road and County Route 659 (Main St – Canton)	Silverlake Road
Front and County Route 658 (Locust Island)	Front Street
Front Street and Maple Avenue	Maple Avenue
Front Street and Poplar Street and Main Street	Three-way stop, all directions
New Street and County Route 658 (Locust Island)	New Street
New Street and Main Street	New Street
New Street and Maple Avenue	Four-way stop, all directions
Second Street and County Route 658 (Locust Island)	Second Street
Second Street and Main Street	Second Street
Second Street and Maple Ave.	Four-way stop, all directions
Pancoast Road and Alloway Creek Neck Road	Pancoast Road

ARTICLE IV
Turn Prohibitions

§ 151-6. Left-turn prohibition.

No person shall make a left turn at any of the locations described below.

Name of Street	Direction of Travel-Hours	At Intersection of
Front Street	**East**	**Locust Island Road**
[3-2-1979 as Ord. No. 79-8]		
Alloways Creek Neck Road	**North**	**Buttonwood Ave. 3:00 pm to 6:00 pm**
[10-15-1984 as Ord 84-24]		

ARTICLE V
Parking During Snow or Other Emergencies

151-7. Parking unlawful during snow emergency.

Whenever snow has fallen and the accumulation is such that it covers any of the streets or parts of streets, no vehicle shall be parked upon any of the streets or parts of streets until forty-eight (48) hours after all snowfall has ceased or until such earlier time as the streets or highways have either been plowed sufficiently and the snow removed to a sufficient extent to permit the normal flow of traffic or until such earlier time as the streets have been cleaned through natural causes sufficiently to permit the normal flow of traffic and so that parking, once resumed and permitted, will not interfere with such normal flow of traffic.

§ 151-8. Declaration of emergency, display of emergency no parking signs.

Upon the declaration of an emergency, there shall be no parking upon streets or sections of streets where temporary emergency no-parking signs are displayed. The Public Safety Director, Chief of Police or, in his absence, the ranking police officer are authorized to declare an emergency and to direct the posting of said emergency no-parking signs when weather conditions, accidents, fires or public celebrations dictate the free flow of traffic. Notification that the emergency no parking signs are being or will be posted shall be given to the operator or owner of any vehicle which has been parked prior to the posting of the signs.

§ 151-9. 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 peace officer may provide for the removal of such vehicle. The owner shall pay the reasonable costs of the removal, and storage which may result from such removal, before regaining possession of the vehicle.

§ 151-10. Effectiveness of Article.

The effectiveness of this Article is contingent on signs being erected as required by law.

ARTICLE VI
Speed Limits

§ 151-11. Speed Limits

The following streets shall be designated with the speed limit(s) as set forth upon any of the following streets or parts of streets:

Name of Street	Location	Limit in MPH
Buckhorn Road **[3-18-1980 as Ord. No. 80-6]**	**Entire Length**	**40 MPH**
Harasta Road **[5-18-2009 as Ord. No. 2009-06]**	**Entire Length**	**15 MPH**

ARTICLE VII
General Provisions

§ 151-12 Short Title

This Chapter may be known and cited as the "Vehicles and Traffic Ordinance".

§ 151-13 Violations and Penalties.

Unless another penalty is expressly provided by the 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 less than fifty dollars ($50.00) nor more than five hundred dollars ($ 500.00) for any single offense or to a term of imprisonment for a term not exceeding ninety (90) days, or both.

CHAPTER 153

WASTE & RECYCLING SEPARATION AND COLLECTION

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General Provisions

§ 153-1. Title.
§ 153-2. Definitions.
§ 153-3. Program established.
§ 153-4. Mandatory Source Separation and Recycling Requirements.
§ 153-5. Separation and placement of other recyclables.
§ 153-6. Leaves and grass clippings.
§ 153-7. Enforcement.
§ 153-8. Exemptions.
§ 153-9. Non-institutional residential collection.
§ 153-10. Receptacles.
§ 153-11. Collection by unauthorized persons.
§ 153-12. Rules and Regulations
§ 153-13. Construction, Renovation and Demolition Debris Recovery Plan
§ 153-14. Violations and penalties.

Article II
Multifamily Development Regulations

§ 153-15. Definitions.
§ 153-16. Recycling area required; dimensions.
§ 153-17. Location of recycling area.
§ 153-18. Lighting; accessibility; protection from theft.
§ 153-19. Protection against environmental conditions.
§ 153-20. Signs.
§ 153-21. Landscaping.
§ 153-22. Prohibition of the collection of waste mixed with recyclable materials
§ 153-23. Compliance with Diversion Requirement
§ 153-24. Violations and penalties

[HISTORY : Adopted by the Township Committee of the Township of Lower Alloways Creek: Art. I, 8-21-1990 as Ord. No. 90-12* ; Art. II, 6-21-1994 as Ord. No. 94-5. Amendments noted where applicable.]

*Editor's Note: This ordinance superseded former Ch. 153, Waste Separation and Collection, adopted 2-20-1984 as Ord. No. 84-3.

GENERAL REFERENCES
Housing & Standards--See Ch. 99.
Litter and Junk--See Ch 104.
Sewage disposal--See Ch I80.
Solid Waste Code--See Ch. 182.

Article I
General Provisions
[Adopted 8-21-1990 as Ord. No.90-12

§ 153-1. Title.

This Article shall be known as the "Lower Alloways Creek Township Recycling and Waste Ordinance."

§ 153-2. Definitions. [Amended 11-20-07 by Ordinance 2007-14, 12-16-08 by Ordinance 2008-11, 06-15-10 by Ordinance 2010-07, 4-17-2012 by Ordinance 2012-04]

For the purpose of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this section and in N.J.S.A. 13:1E-99.12.

ALUMINUM -All products made of aluminum, including aluminum cans, foil, wrappers, containers for prepared dinners or other foods, screen frames and lawn chairs.

BATTERY - means a device consisting of one or more electrically connected electrochemical cells which are designed to receive, store, and deliver electric energy. An electrochemical cell is a system consisting of an anode, cathode, and an electrolyte, plus such connections (electrical and mechanical) as may be needed to allow the cell to deliver or receive electrical energy. The term battery also includes an intact, unbroken battery from which the electrolyte has been removed.

BULK ITEMS– All items which, cannot or do not fit in a regular Trash Container or Recycling Container because of its size, dimensions, or proportions such as, but not limited to: Washer/Dryer, Stove, Dishwasher, TV, Console TV, Mowers, Furniture, Refrigerator – (door removed), Freezer – (door removed), Hot Water Tank, Large Mattress, Doors, Furnace, Bath Vanity, Toilet, Sink, Bath Tub, Mirror, Couch/Recliner, Tables, Chairs, Windows, Carpet, Box Springs, Air Conditioner, Cabinets, Glass Patio Doors, Microwave, Barbeque grills, Railings, Bicycles, Lawn Chairs, Bed Frames, Machinery

CONCRETE –Cement, block, brick, stonework or any like masonry material or part thereof

COMMINGLED – Means a combining of non-putrescible source-separated recyclable materials for the purpose of recycling.

CONSUMER ELECTRONICS -Means any appliance used in the home or business that includes circuitry. Consumer electronics includes the components and sub-assemblies that collectively make up the electronic products and may, when individually broken down, include batteries, mercury switches, capacitors containing PCBs, cadmium plated parts and lead or cadmium containing plastics. Examples of consumer electronics include, but are not limited to, computers, printers, copiers, telefacsimiles, VCRs, stereos, televisions, and telecommunication devices.

DEBRIS -Stones, dirt, demolition material and other like material, brush, branches, small trees and bushes.

DESIGNATED RECYCLABLE MATERIALS – Means those materials designated within the Salem County Solid Waste Management Plan to be source separated for the purpose of recycling by residential, commercial, institutional and industrial sectors. These materials cannot be deposited in the landfill and include:

Aluminum Cans (06): Food and beverage containers made entirely of aluminum.

Consumer Electronics (21): Examples include, but are not limited to, computers, printers, copiers, telefacsimiles, VCRs, stereos, televisions, and telecommunication devices.

Corrugated (01): Containers and similar paper items, usually used to transport supplies, equipment, parts, or other merchandise.

Food Scraps (23): Food plate waste and food processing wastes. Food processing wastes include food processing vegetative waste (material generated in trimming and reject sorting operations from the processing of fruits and vegetables in canneries or similar industries, e.g., tomato skins, pepper cores, bean snips, cranberry hulls, etc.), food processing residuals and animal processing wastes. If the material is transported and processed as animal feed, it may be identified as such.

Glass Containers (05): All glass containers used for packaging food or beverages.

Mixed Office (02): All computer paper, all high-grade white paper (including letterhead, typing paper, copier paper, onionskin, tissue, and notepad).

Newspaper (03): All paper marketed as newsprint or newspaper and containing at least seventy percent (70%) newsprint or newspaper (American Paper Institute grades #6, #7 and #8 news).

Other Paper/Magazines/Junk Mail (04): All magazine stock, white and colored paper and envelopes.

Plastic (08): Containers such as polyethylene terephthalate (PETE - #1) soda bottles, high-density polyethylene (HDPE - #2) milk, water or detergent bottles.

Steel Cans (07): Rigid containers made exclusively or primarily of steel, tin-plated steel, and composite steel and aluminum cans used to store food, beverages, paint, and a variety of other household and consumer products.

Textiles (29): Cloth material such as cotton, linen, wool, nylon, polyester, etc., derived from clothing, cloth diapers, linens, etc.

Tires (15): Rubber-based scrap automotive, truck, and specialty tires (e.g., forklift tires).

Used Motor Oil (16): Oil that has been refined from crude oil, or any synthetic oil, that has been used

White Goods and Light Iron (11): All large appliances such as washers, dryers, refrigerators, etc., as well as products made from sheet iron, such as shelving, file cabinets, metal desks, recycled or reconditioned steel drums, stainless steel and other non-structural ferrous scrap.

Yard Trimmings (19): Leaves (19), grass clippings (18), stumps (20), brush (17), and other lawn and garden trimmings from homes, institutions, commercial or industrial sources.

Other Plastic (26) Low density polyethylene (LDPE) film or bags, other film and plastic closures.

DESIGNATED DISTRICT OR MUNICIPAL RECYCLING COORDINATOR -- means the individual designated pursuant to N.J.S.A. 13:1E-99.13 or 13:1E-99.16, respectively; appointed by the municipal governing body and who shall be authorized to enforce the provisions of this Ordinance, and any rules and regulations that may be promulgated hereunder. This appointee shall also be responsible to assure that all materials recycled in the municipality are properly reported and recorded.

GARBAGE -Putrescible animal, fish, fowl, fruit or vegetable waste incident to and resulting from the use, preparation, cooking and consumption of food.

GLASS -All products made from silica or sand, soda ash and limestone, the product being transparent or translucent and being used for packaging or bottling or various matter and all other material commonly known as "glass," excluding, however, blue and flat glass and glass commonly known as "window glass."

GREEN HOUSE PLASTIC –Various low density polyethylene films of varying mil thicknesses.

METAL -All products made of metal, exclusive of aluminum, including washers, dryers, stoves, refrigerators, hot water heaters, tire rims, springs, bicycles, bimetal cans (tin cans) or scrap metal.

MUNICIPAL RECYCLING ENFORCEMENT OFFICER – the Recycling Coordinator or other person or persons appointed by the municipal governing body who shall be authorized to enforce the "Recycling" Ordinance.

MUNICIPAL SOLID WASTE (MSW) STREAM – means all solid waste generated at residential, commercial and institutional establishments within the boundaries of the municipality of Lower Alloways Creek Township.

RECHARGEABLE BATTERY: A group of one or more electrochemical cells, that can be recharged very cheaply and used many times, found in consumer electronics, common types are Nickel–cadmium battery (NiCd), Nickel–metal hydride battery (NiMH), Lithium-ion battery

TOTAL MUNICIPAL SOLID WASTE STREAM -means the sum of the municipal solid waste stream disposed of as solid waste, as measured in tons, plus the total number of tons of material separated from municipal solid waste and recycled.

TOTAL SOLID WASTE STREAM -means the aggregate amount of solid waste generated from all sources of generation, including the municipal solid waste stream. This includes all non-hazardous materials disposed and recycled.

TRASH -Ashes, plastic material, ceramics, blue and flat glass, non putrescible solid waste, building materials, contaminated paper and other similar materials.

TYPES - 10 = Municipal (household, commercial, institutional) waste, 13 = Bulky waste and 13C = Construction and Demolition waste

USED OIL -means any oil that has been refined from crude oil, or any synthetic oil, that has been used and as a result of such use, is contaminated by physical or chemical impurities, or unused oil that is contaminated by physical or chemical impurities through storage or handling and is determined to be a solid waste by the generator.

USED OIL BURNER -means a facility where used oil not meeting the specification requirements in *N.J.A.C. 7:26A-6.2* is burned for energy recovery in devices identified in *N.J.A.C. 7:26A-6.8(b)*.

USED OIL COLLECTION CENTER -means any site or facility that is registered or approved by the municipality or county to manage used oil and accepts and/or aggregates and stores used oil collected from used oil generators regulated under *N.J.A.C. 7:26A-6.4* that bring used oil to the collection center in shipments of no more than 55 gallons pursuant to *N.J.A.C. 7:26A-6.4(e)*. Used oil accumulation centers may also accept used oil from household do-it-yourselfer used oil generators.

§ 153-3. Program established.

There is hereby established a program for the mandatory separation of recyclable material within the Township of Lower Alloways Creek.

§ 153-4. Mandatory Source Separation and Recycling Requirements. [Amended 7-18-2006 by Ord. No. 2006-09, 12-16-08 by Ordinance 2008-11, 4-17-2012 by Ordinance 2012-04, *6-18-2019 by Ordinance 2019-05*]

It shall be mandatory for all persons who are owners, lessees, tenants or occupants of any residential and non-residential premises, including but not limited to retail, commercial, government, schools or institutional locations within the Township of Lower Alloways Creek, to separate the following Designated Recycling Materials from all solid waste. Designated Recyclables shall be placed for disposal, removal or collection in strict conformity with the following regulations:

A. Recyclable Glass (05), Steel Cans (07), Aluminum Cans (06) and plastic (08), newspaper (03), office paper (02), magazines (04), junk mail (04), corrugated (01), other cardboard (01) and brown paper bags shall be contained in a Township supplied container only. The recycling container and its contents shall be placed at curbside on the designated day and time for collection and placed at a minimum 6 (six) feet from any other container or object. The Method, Day and Time of collection shall be determined by the Township and the residents given notice thereof.

B. White Goods and Light Iron (11) shall only be placed at curbside on the designated day(s) and time for collection and shall be placed at least six (6) feet from any Township supplied trash or recycling container. The Method, Day and Time of collection shall be determined by the Township and the resident given notice thereof.

C. Consumer Electronics (21) and Used Oil (16), shall be taken to the Lower Alloways Creek "Recycling Center" at the Public Works Garage or other location so designated to receive such recyclables and placed in the proper space or container, on the designated Day and Time for their receipt. The Method, Day and Time of collection shall be determined by the Township and the residents given notice thereof.

D. All residential, non-residential premises, including but not limited to retail, commercial, government, schools or institutional locations may arrange for private collection and delivery of Designated Recyclable materials to ~~a~~ an approved recycling facility or may deliver Designated Recyclable Materials to a municipal recycling depot designated by the Township of Lower Alloways Creek.

§ 153-5. Separation and placement of other recyclables.

The occupant or owner of any residential, commercial or institutional building or use within the Township of Lower Alloways Creek, unless exempted, shall place for disposal, removal or collection in the manner specified such other materials as may be identified by the Township when a convenient and economically feasible market exists and this chapter is amended accordingly.

§ 153-6. Leaves and grass clippings.

A. It is prohibited to place leaves and grass clippings for collection or disposal as solid waste. All persons occupying residential premises within the township shall mulch or compost the leaves and grass clippings generated at those premises.

B. Residential leaf generators are prohibited from causing or permitting nonorganic materials, paper, plastic, metal, wood, or other materials from becoming mixed in with leaves.

C. Residential leaf generators are prohibited from mixing in leaves with municipal solid waste for disposal of solid waste.

D. Haulers are prohibited from collecting solid waste in which leaves have been mixed.

E .Notice of these leaf requirements shall be given to residential leaf generators by a method prescribed by N.J.S.A. 13: lE-99.16.

§ **153-7. Enforcement. [Amended 12-16-08 by Ordinance 2008-11, 4-17-2012 by Ordinance 2012-04]**

The Municipal Recycling Enforcement Officer so designated by the Township Committee shall be charged with the responsibility for enforcing this chapter, including issuance of warnings for violations and signing complaints against violators in the appropriate court. No complaint shall be filed in any court against a waste hauler or recyclable collector in violation of this chapter unless the person charged with the enforcement of this chapter shall first have given written warning ten (10) days in advance to the person charged that such action would or might be forthcoming. Such notice may be served by personal delivery or by ordinary or certified mail to the addressee's last known address.

§ **153-8. Exemptions.**

Persons occupying commercial or institutional premises may be exempted by the township from the source-separation requirements of some or all of the provisions of this chapter, but only under the conditions set forth herein:

A. Eligibility for exemption. In order for a person occupying commercial or institutional premises to be granted exemption from one (1) or more of the source-separation requirements of the municipal recycling plan, two (2) conditions must exist:

(1) The person must have otherwise provided for the recyclable materials designated in the plan from which the exemption is sought; and

(2) The person shall be required to annually provide verifiable written documentation (reports) to the municipality of the total number of tons recycled prior to the request for exemption and, thereafter, for each year in which any such exemption is operable.

B. Term of exemption. No such exemption, if granted, shall endure for a period in excess of twelve (12) months without a review and extension based upon continued compliance within Subsection A above. Any exemption shall terminate automatically and without notice whenever the exempted person fails to comply with Subsection A(l).

§ 153-9. Non-institutional residential collection. [Amended 11-20-2007 by Ordinance 2007-15, 12-16-08 by Ordinance 2008-11, 06-15-10 by ordinance 2010-07, 4-17-2012 by Ordinance 2012-04, 8/21/2018 by Ordinance 2018-05]

A. The collection, removal and disposal of waste paper products, glass, aluminum, trash, debris and large objects from non-institutional residential buildings within the township shall be supervised by the official designated by the Township Committee, who shall have the power to establish the time, method and routes of service and the color-coding of receptacles. Special times for large-item pickup may be established.

B. The following items and materials shall not be included with trash for collection and shall be excluded from trash accepted for collection by the Township or any private hauler at the discretion of the Superintendent of Public Works or their designee.

(1) Any and all waste material generated outside of Lower Alloways Creek Township.

(2) Any material not accepted by the Salem County landfill without special arrangements, special packaging, special handling or special fees.

(3) Any trash resulting from building demolition,

(4) Contractor renovations materials.

(5) Motor vehicles, tractors, farm machinery and trucks or parts of any of those items.

(6) Toxic and hazardous wastes.

(7) Tree stumps.

(8) Brush and trees or parts of brush and trees in excess of four (4) inches in diameter.

(9) Animal carcasses.

(10) Non-household chemical or petroleum products.

(11) Herbicide, pesticide and chemical containers unless they are empty and triple rinsed.

(12) Leaves and grass trimmings.

(13) Concrete of any size, weight or description

C. Garbage, trash and debris from noninstitutional residential buildings shall be placed in Township supplied containers and shall be placed at curbside on the day(s) designated for collection of such items and placed at a minimum 6 (six) feet from any other container or object.

D. Brush and Branches from noninstitutional residential property shall be placed at curbside and the township notified as directed by the Superintendent of Public Works or his designee and placed at a minimum 6 (six) feet from any other container or object

E. Bulk Items, White Goods, Scrap metal, Large nonmetal items, such as furniture, rugs, Scrap wood and mattresses, from noninstitutional residential buildings within the township shall be placed at curbside on the day(s) designated for collection of such items and placed at a minimum 6 (six) feet from any other container or object.

(1) Fees Imposed. [added 06/15/10 by Ordinance 2010-07]

There is hereby created a fee for the collection and disposal of Bulk Items in the Township of Lower Alloways Creek to be known as the Sticker Fee.

Each person, firm or corporation who is a qualified user and accepts the service of collection and disposal of Bulk Items shall pay for such service to the Township according to the following fees:

(a) Fee Schedule Items List

$5.00 Refrigerator
$5.00 Freezer
$5.00 Sofa bed
$3.00 Sofa
$5.00 Cooking stove
$5.00 Washer or dryer
$5.00 Hot water heater
$3.00 Room air conditioner
$3.00 Carpet per roll or part roll
$3.00 Mattress or box spring
$3.00 Stuffed chair or recliner
$1.00 Bureau, dresser or similar furniture item
~~$10.00 Televisions (all)~~ removed per Committee consent 10/16/2018
$2.00 Desk
$2.00 Table (kitchen or dining)
$3.00 Tire (passenger or pickup)
$25.00 Tire (Large Truck or Tractor)
$3.00 Propane Tank under 20 lbs
$5.00 Propane Tank over 20 lbs
$1.00 Miscellaneous other small items grouped together (per 20 pounds, example Pool Cover, tarps & large toys)

(b) Stickers; Advance Payment

The fees provided for shall be paid to the Township by purchase of Township approved and issued stickers be applied to the Bulk Item sought to be disposed. Stickers shall be placed upon the bag, container or item being disposed in a conspicuous place thereon. If no sticker is applied, the waste will not be collected. Stickers maybe purchased only from the authorized officer of the Township who will issue them to qualified users of this service, in books of such number prescribed to be issued.
Application may be made to such officer during any business day so that the service will not be interrupted according to the need of the user to have its waste collected. The application to secure such stickers shall require the name of the user, the address of the property to which the waste will be placed for collection and the nature of the use of the property. The stickers will not be transferable; however, they may be redeemed from the Township at cost if the user decides that there is no further use required. The stickers will remain subject to the conditions of issuance.

(c) Misuse of Stickers

Any person who attempts to duplicate or counterfeit a sticker, reuse a cancelled sticker, provide a sticker to an unqualified user, or transfer a sticker to any person to whom such sticker was not issued shall be in violation of this Article and be subject to prosecution in the Municipal Court. Any person determined guilty shall be subject to the payment of a fine not to exceed $500 or imprisonment for a period of up to 90 days, or both, for each violation.

F. Roll-off Containers for residential use.

1. Township residents may request by completing a “Roll-Off Container Request Form”, one Roll-Off container for use to dispose of Type C10, C13, C13C solid waste or roofing material only.

2. There shall be a fee of Two Hundred Dollars ($200.00) for the first requested roll-off container, the Fee shall be paid to the Township prior to the delivery of the roll-off container.

3. For each additional request for a roll-off container [see 1. form.] within one year of receiving the first roll-off container, there shall be a fee of Three Hundred Dollars ($300.00) paid to the Township prior to the delivery of any additional roll-off container.

4. Residents are expected to comply with all conditions, requirements, and/or stipulations for use of the roll-off container(s) as set forth by the Township and the Superintendent of Public Works or his/her designee.

5. Roll-off containers shall be delivered to Township residents as available and shall remain at the resident’s site no longer than 2 (two) weeks.

6. No one shall place into roll-off containers any liquids, oils or other materials that may be hazardous or designated as a recyclable material.

7. The Township resident who requests the roll-off container shall be liable to pay for any damages to the roll-off container while in their use.

§ 153-10. Receptacles. [Amended 7-18-2006 by Ord. No. 2006-09, 12-16-08 by Ordinance 2008-11, 4-17-2012 by Ordinance 2012-04, 10-17-2023 by Ordinance 2023-09]

A. The only trash receptacles permitted are those designed for use with automated trash collection systems and will be provided by the township. Receptacles shall be placed at a minimum 6 (six) feet from any other container or object prior to collection between the curb and sidewalk where they shall be readily accessible. Receptacles shall be placed at curbside no earlier than 6:00 pm of the day immediately preceding the day of collection. After collection, empty receptacles shall be removed from curbside promptly, but no later than 7:00 pm of the day of collection.

B. The only recycling receptacles permitted are those designed for use with automated trash collection systems and will be provided by the township. Receptacles shall be placed at a minimum 6 (six) feet from any other container or object prior to collection between the curb and sidewalk where they shall be readily accessible. Receptacles shall be placed at curbside no earlier than 6:00 pm of the day immediately preceding the day of collection. After collection, empty receptacles shall be removed from curbside promptly, but no later than 7:00 pm of the day of collection.

C. One 96 gallon Brown Trash and one 96 gallon Blue Recycling Container may be issued to each residential and non-residential premises, including but not limited to retail, commercial, government, schools or institutional locations within the Township of Lower Alloways Creek for collection by the Township.
Additional 96 gallon Brown Trash and 96 gallon Blue Recycling Containers may be obtained by residential and non-residential premises, including but not limited to retail, commercial, government, schools or institutional locations, but shall be limited to:

Residential premises – no more than one (1) additional 96 gallon Brown Trash and one (1) additional 96 gallon Blue Recycling Container [for a total not to exceed two (2) of each type].

Non-residential premises, including but not limited to retail, commercial, government, schools or institutional locations – no more than three (3) additional 96 gallon Brown Trash and three (3) additional 96 gallon Blue Recycling Container [for a total not to exceed four (4) of each type].

For each additional 96 gallon container of either type there shall be a fee of twenty-five dollars ($25.00) annually

D. Refuse Containers / Dumpsters

1. Purpose:
Requiring 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, semi-liquids or solids from the containers to the municipal separate storm sewer system(s) operated by the Township od Lower Alloways Creek 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.

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

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

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

c. Refuse container – any waste container that a person controls whether owned, leased, or operated, including dumpsters, trash cans, garbage pails, and plastic trash bags.

d. Stormwater – means 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.

e. Waters of the State – means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

3. Prohibited Conduct:

Any person who controls, whether owned, leased, or operated, a refuse container or dumpster must ensure that such container or dumpster is covered at all times and shall prevent refuse from spilling out or overflowing. Any person who owns, leases or otherwise uses a refuse container or dumpster must ensure that such container or dumpster does not leak or otherwise discharge liquids, semi-liquids or solids to the municipal separate storm sewer system(s) operated by the Township of Lower Alloways Creek.

4. Exceptions to Prohibition:

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)

5. Enforcement:

This ordinance shall be enforced by the Police Department of the Township of Lower Alloways Creek.

6. Penalties:
Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject penalties and fines found here within.

§ 153-11. Collection by unauthorized persons. [Amended 12-16-08 by Ordinance 2008-11]

A. From the time of placement at the curb of any one of the categories described herein for the collection by the Township of Lower Alloways Creek or its agent in accordance with the terms hereof, items shall be and become the property of the Township of Lower Alloway Creek or its authorized agent. It shall be a violation of this Article for any person unauthorized by the Township of Lower Alloways Creek to collect or pick up or cause to be collected or picked up any such items during the twenty-four-hour period commencing at 6:00 p.m. on any day preceding a day designated for collection. Any and each such collection in violation hereof from one or more residences during said twenty-four-hour period shall constitute a separate and distinct punishable violation as hereinafter provided.

B. Once placed in the location identified by this Ordinance, or any rules or regulations promulgated pursuant to this Ordinance, no person, other than any personnel authorized by the municipality or the owner or occupant responsible for placement of the Designated Recyclable Materials for collection, shall tamper with, collect, remove, or otherwise handle Designated Recyclable Materials. Upon placement of such Designated Recyclable Material, it shall become property of the municipality or its authorized agent. It shall be a violation of this Ordinance for any person not duly authorized to collect or pick up or cause to be collected or picked up any Recyclable Materials that are the property of the municipality as provided for above.

§ 153-12. Rules and Regulations [Amended 12-16-08 by Ordinance 2008-11]

The governing body is hereby authorized to promulgate, from time to time, additional rules and regulations relating to the Source Separation, preparation, placement and collection of Recyclable Materials pursuant to the provisions of this program and subchapter; provided, however, that such rules and regulations shall not be inconsistent with terms and provisions of this subchapter and shall be approved by the governing body. Such rules and regulations shall be duly promulgated subsequent to publication so that the public has had notice thereof.

§ **153-13. Construction, Renovation and Demolition Debris Recovery Plan [Amended 12-16-08 by Ordinance 2008-11]**

For all activities that require municipal approval such as construction, demolition or public event permits, a Designated Recyclable Materials Plan shall be filed along with all other required permit conditions. The Plan shall include provisions for the recovery of all Designated Recyclable Materials generated during construction, renovation and demolition activities, as well as, public events.

§ 153-14. Violations and penalties.

Any person, firm or corporation violating any of the provisions of this Article shall, upon conviction thereof, be punishable by one (1) or more of the following: by fine, not exceeding one thousand dollars ($1,000.) or by imprisonment not exceeding ninety (90) days or by a period of community service not exceeding ninety (90) days.

Article II
Multifamily Development Regulations
[Adopted 6-21-1994 as Ord. No. 94-5, Amended 12-16-08 by Ordinance 2008-11, 4-17-2012 by Ordinance 2012-04]

§ 153-15. Definitions. [Amended 12-16-08 by Ordinance 2008-11, 4-17-2012 by Ordinance 2012-04, 4-17-2012 by Ordinance 2012-04]

For the purpose of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this section and in N.J.S.A. 13:1E-99.12.

ALUMINUM -All products made of aluminum, including aluminum cans, foil, wrappers, containers for prepared dinners or other foods, screen frames and lawn chairs.

BATTERY - means a device consisting of one or more electrically connected electrochemical cells which are designed to receive, store, and deliver electric energy. An electrochemical cell is a system consisting of an anode, cathode, and an electrolyte, plus such connections (electrical and mechanical) as may be needed to allow the cell to deliver or receive electrical energy. The term battery also includes an intact, unbroken battery from which the electrolyte has been removed.

BULK ITEMS– All items which, cannot or do not fit in a regular Trash Container or Recycling Container because of its size, dimensions, or proportions such as, but not limited to: Washer/Dryer, Stove, Dishwasher, TV, Console TV, Mowers, Furniture, Refrigerator – (door removed), Freezer – (door removed), Hot Water Tank, Large Mattress, Doors, Furnace, Bath Vanity, Toilet, Sink, Bath Tub, Mirror, Couch/Recliner, Tables, Chairs, Windows, Carpet, Box Springs, Air Conditioner, Cabinets, Glass Patio Doors, Microwave, Barbeque grills, Railings, Bicycles, Lawn Chairs, Bed Frames, Machinery

CONCRETE –Cement, block, brick, stonework or any like masonry material or part thereof

COMMINGLED – Means a combining of non-putrescible source-separated recyclable materials for the purpose of recycling.

CONSUMER ELECTRONICS -Means any appliance used in the home or business that includes circuitry. Consumer electronics includes the components and sub-assemblies that collectively make up the electronic products and may, when individually broken down, include batteries, mercury switches, capacitors containing PCBs, cadmium plated parts and lead or cadmium containing plastics. Examples of consumer electronics include, but are not limited to, computers, printers, copiers, telefacsimiles, VCRs, stereos, televisions, and telecommunication devices.

DEBRIS -Stones, dirt, demolition material and other like material, brush, branches, small trees and bushes.

DESIGNATED RECYCLABLE MATERIALS – Means those materials designated within the Salem County Solid Waste Management Plan to be source separated for the purpose of recycling by residential, commercial, institutional and industrial sectors. These materials cannot be deposited in the landfill and include:

Aluminum Cans (06): Food and beverage containers made entirely of aluminum.

Consumer Electronics (21): Examples include, but are not limited to, computers, printers, copiers, telefacsimiles, VCRs, stereos, televisions, and telecommunication devices.

Corrugated (01): Containers and similar paper items, usually used to transport supplies, equipment, parts, or other merchandise.

Food Scraps (23): Food plate waste and food processing wastes. Food processing wastes include food processing vegetative waste (material generated in trimming and reject sorting operations from the processing of fruits and vegetables in canneries or similar industries, e.g., tomato skins, pepper cores, bean snips, cranberry hulls, etc.), food processing residuals and animal processing wastes. If the material is transported and processed as animal feed, it may be identified as such.

Glass Containers (05): All glass containers used for packaging food or beverages.

Mixed Office (02): All computer paper, all high-grade white paper (including letterhead, typing paper, copier paper, onionskin, tissue, and notepad).

Newspaper (03): All paper marketed as newsprint or newspaper and containing at least seventy percent (70%) newsprint or newspaper (American Paper Institute grades #6, #7 and #8 news).

Other Paper/Magazines/Junk Mail (04): All magazine stock, white and colored paper and envelopes.

Plastic (08): Containers such as polyethylene terephthalate (PETE - #1) soda bottles, high-density polyethylene (HDPE - #2) milk, water or detergent bottles.

Steel Cans (07): Rigid containers made exclusively or primarily of steel, tin-plated steel, and composite steel and aluminum cans used to store food, beverages, paint, and a variety of other household and consumer products.

Textiles (29): Cloth material such as cotton, linen, wool, nylon, polyester, etc., derived from clothing, cloth diapers, linens, etc.

Tires (15): Rubber-based scrap automotive, truck, and specialty tires (e.g., forklift tires).

Used Motor Oil (16): Oil that has been refined from crude oil, or any synthetic oil, that has been used

White Goods and Light Iron (11):
All large appliances such as washers, dryers, refrigerators, etc., as well as products made from sheet iron, such as shelving, file cabinets, metal desks, recycled or reconditioned steel drums, stainless steel and other non-structural ferrous scrap.

Yard Trimmings (19):	Leaves (19), grass clippings (18), stumps (20), brush (17), and other lawn and garden trimmings from homes, institutions, commercial or industrial sources.
Other Plastic (26)	Low density polyethylene (LDPE) film or bags, other film and plastic closures.

DESIGNATED DISTRICT OR MUNICIPAL RECYCLING COORDINATOR -- means the individual designated pursuant to N.J.S.A. 13:1E-99.13 or 13:1E-99.16, respectively; appointed by the municipal governing body and who shall be authorized to enforce the provisions of this Ordinance, and any rules and regulations that may be promulgated hereunder. This appointee shall also be responsible to assure that all materials recycled in the municipality are properly reported and recorded.

GARBAGE -Putrescible animal, fish, fowl, fruit or vegetable waste incident to and resulting from the use, preparation, cooking and consumption of food.

GLASS -All products made from silica or sand, soda ash and limestone, the product being transparent or translucent and being used for packaging or bottling or various matter and all other material commonly known as "glass," excluding, however, blue and flat glass and glass commonly known as "window glass."

GREEN HOUSE PLASTIC –Various low density polyethylene films of varying mil thicknesses.

METAL -All products made of metal, exclusive of aluminum, including washers, dryers, refrigerators, stoves, hot water heaters, tire rims, springs, bicycles, bimetal cans (tin cans) or scrap metal.

MUNICIPAL RECYCLING ENFORCEMENT OFFICER – the Recycling Coordinator or other person or persons appointed by the municipal governing body who shall be authorized to enforce the "Recycling" Ordinance.

MUNICIPAL SOLID WASTE (MSW) STREAM – means all solid waste generated at residential, commercial and institutional establishments within the boundaries of the municipality of Lower Alloways Creek Township.

RECHARGEABLE BATTERY: A group of one or more electrochemical cells, that can be recharged very cheaply and used many times, found in consumer electronics, common types are Nickel–cadmium battery (NiCd), Nickel–metal hydride battery (NiMH), Lithium-ion battery and Lithium-ion polymer battery.

RECYCLABLE MATERIAL - Means those 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.

SOURCE SEPARATION OR SOURCE SEPARATED RECYCLABLE MATERIALS - Means recyclable materials, which are separated at the point of generation by the generator thereof from solid waste for the purposes of recycling.

TOTAL MUNICIPAL SOLID WASTE STREAM -means the sum of the municipal solid waste stream disposed of as solid waste, as measured in tons, plus the total number of tons of material separated from municipal solid waste and recycled.

TOTAL SOLID WASTE STREAM -means the aggregate amount of solid waste generated from all sources of generation, including the municipal solid waste stream. This includes all non-hazardous materials disposed and recycled.

TRASH -Ashes, plastic material, ceramics, blue and flat glass, non putrescible solid waste, building materials, contaminated paper and other similar materials.

TYPES - 10 = Municipal (household, commercial, institutional) waste, 13 = Bulky waste and 13C = Construction and Demolition waste

USED OIL -means any oil that has been refined from crude oil, or any synthetic oil, that has been used and as a result of such use, is contaminated by physical or chemical impurities, or unused oil that is contaminated by physical or chemical impurities through storage or handling and is determined to be a solid waste by the generator.

USED OIL BURNER -means a facility where used oil not meeting the specification requirements in *N.J.A.C. 7:26A-6.2* is burned for energy recovery in devices identified in *N.J.A.C. 7:26A-6.8(b)*.

USED OIL COLLECTION CENTER -means any site or facility that is registered or approved by the municipality or county to manage used oil and accepts and/or aggregates and stores used oil collected from used oil generators regulated under *N.J.A.C. 7:26A-6.4* that bring used oil to the collection center in shipments of no more than 55 gallons pursuant to *N.J.A.C. 7:26A-6.4(e)*. Used oil accumulation centers may also accept used oil from household do-it-yourselfer used oil generators.

§ 153-16. Recycling area required; dimensions.

There shall be included in any new multifamily housing development that requires subdivision or site plan approval an indoor or outdoor recycling area for the collection and storage of residentially generated recyclable materials. The dimensions of the recycling area shall be sufficient to accommodate recycling bins or containers which are of adequate size and number and which are consistent with anticipated usage and with current methods of collection in the area in which the project is located. The dimensions of the recycling area and the bins or containers shall be determined in consultation with the District Recycling Plan adopted pursuant to § 3 of P.L. 1987, c. 102 (N.J.S.A. 13:1E-99.13), and any applicable requirements of the Municipal Master Plan adopted pursuant to § 26 of P.L. 1987, c. 102 (N.J.S.A. 40:55D-28).

§ **153-17. Location of recycling area.**

The recycling area shall be conveniently located for the residential disposition of source separated recyclable materials, preferably near, but clearly separated from, a refuse dumpster.

§ **153-18. Lighting; accessibility; protection from theft.**

The recycling area shall be well lit and shall be safely and easily accessible by recycling personnel and vehicles. Collection vehicles shall be able to access the recycling area without interference from parked cars or other obstacles. Reasonable measures shall be taken to protect the recycling area, and the bins or containers placed therein, against theft of recyclable materials, bins or containers.

§ 153-19. Protection against environmental conditions.

The recycling area or the bins or containers placed therein shall be designed to provide protection against adverse environmental conditions, which might render the collected materials unmarketable. Any bins or containers which are used for the collection of recyclable paper or cardboard and which are located in an outdoor recycling area shall be equipped with a lid, or otherwise covered, to keep the paper or cardboard dry.

§ 153-20. Signs.

Signs clearly identifying the recycling area and the materials accepted therein shall be posted adjacent to all points of access to the recycling area. Individual bins or containers shall be equipped with signs indicating the materials to be placed therein.

§ 153-21. Landscaping.

Landscaping and/or fencing shall be provided around any outdoor recycling area and shall be developed in an aesthetically pleasing manner.

§ 153-22. Prohibition of the collection of waste mixed with recyclable materials [Amended 12-16-08 by Ordinance 2008-11]

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 owner or occupant to properly segregate the uncollected waste for proper disposal and/or recycling. Allowing such unseparated solid waste and recyclables to accumulate at the curbside beyond 7:00 p.m. on the day of collection will be considered a violation of this Ordinance and the local sanitary code.

C. Once placed in the location identified by this Ordinance, or any rules or regulations promulgated pursuant to this Ordinance, no person, other than any personnel authorized by the municipality or the owner or occupant responsible for placement of the Designated Recyclable Materials for collection, shall tamper with, collect, remove, or otherwise handle Designated Recyclable Materials. Upon placement of such Designated Recyclable Material, it shall become property of the municipality or its authorized agent. It shall be a violation of this Ordinance for any person not duly authorized to collect or pick up or cause to be collected or picked up any Recyclable Materials that are the property of the municipality as provided for above.

§ 153-23. Compliance with Diversion Requirement
[Amended 12-16-08 by Ordinance 2008-11]

The Municipal Recycling Coordinator shall review the information submitted pursuant to this Section of the Ordinance and determine, prior to the issuance of the municipal approval or permit, whether the plan submitted by the owner of the entity carrying out the covered activity will comply or fail to comply with the recycling requirements set forth herein. The determination regarding compliance will be provided to the Municipal Public Works Director/Supervisor and the owner of the entity carrying out the covered project in writing. When such plan is deemed not compliant, the Municipal Recycling Coordinator shall include specific conditions to be implemented by the permit holder to achieve compliance. It shall be a violation of this Ordinance for any owner or permit holder to fail to comply with the recycling requirements set forth herein.

§ 153-24. Violations and penalties. [Amended 12-16-08 by Ordinance 2008-11]

Any person, firm or corporation violating any of the provisions of this Article shall, upon conviction thereof, be punishable by one (1) or more of the following: by fine, not exceeding one thousand dollars ($1,000.) or by imprisonment not exceeding ninety (90) days or by a period of community service not exceeding ninety (90) days.

CHAPTER 155

WEEDS AND OBNOXIOUS GROWTH ON PRIVATE PROPERTY

§ 155-1. Prohibiting excessive weeds and growth
§ 155-2. Notice of Abatement
§ 155-3. Noncompliance
§ 155-4. Costs and Charges
§ 155-5. Lien
§ 155-6. Statutory Authority

[History: Adopted by the Township Committee of Lower Alloways Creek 10/16/2007 as Ordinance 2007-13]

§ 1. Prohibiting excessive weeds and growth

(a) No owner of any lot within the Township, nor the agent of such owner, shall permit on such lot, or upon any sidewalk abutting the same, any weeds, tall grass or deleterious, unhealthful growth or other noxious plant matter.

(b) No owner nor the agent of such owner shall permit brush, hedges, and other plant life to grow to a height of more than two and one-half (2 1/2) feet within ten (10) feet of the edge of any roadway adjacent to said owner's property.

§ 2. Notice of abatement

The Township clerk or Public Works supervisor or an individual designated by the Lower Alloways Creek Township Committee is authorized and empowered to notify, in writing, the owner or agent for the owner of any such lot, place or area within the Township to cut, destroy and/or remove any such weeds, tall grass or deleterious, unhealthful growths or other noxious plant matter found growing, lying or located on such owner's property or upon the sidewalk abutting same. Such notice shall be by regular mail addressed to said owner or agent of the owner at his/her last known address.

§ 3. Noncompliance

Upon the failure, neglect or refusal of any owner or agent so notified to comply with the notice and remove and/or abate the objectionable growth within seven (7) days of the date written notice is mailed, the municipal clerk, Public Works supervisor or Township designee is hereby authorized and empowered to take appropriate action to cut and/or remove the objectionable growth and may contract for said removal with an individual or company authorized by the Township Committee to complete such work at an agreed fair and reasonable rate approved by the Township Committee.

§ 4. Costs and charges

When the objectionable growth has been removed by either Township employees or a person or entity contracted to complete said removal and/or destruction, the actual cost for removal plus a $50 administrative fee will be charged and billed to the owner of the property. The total amount due shall be payable by the owner within twenty-one (21) days of the billing date.

§5. Lien

If the full amount due the Township is not paid within twenty-one (21) days as provided in the preceding section, then the Township municipal clerk shall cause to be recorded in the tax collector's office a sworn statement showing the cost and expense incurred for the work and the date, place or property on which said work was done, and the recordation of such sworn statement shall constitute a lien and privilege on the property and shall remain in full force and effect for the amount due in principal and interest, plus costs of court, if any for collection. The lien shall remain in force until final payment has been made, and payments may be collected in the manner fixed by law for the collection of taxes. Sworn statements recorded in accordance of the provisions hereof shall be prima facie evidence that all legal formalities have been completed and that the work has been done properly and satisfactorily, and shall be full notice to every person concerned that the amount shown in the statement, plus interest, constitutes a municipal lien against the property designated or described in the statement and that the same is due and collectable as provided by law.

§ 6. Statutory authority

The foregoing ordinance is adopted pursuant to the authority set forth in New Jersey Statutes Annotated §§ 40:48-2.13; 40:48-2. 13(a); and 40:48-2.14.

APPENDIX

CHAPTER A160
LAND DEVELOPMENT FEES

§ **A160-1.** **Schedule of fees.**
§ **A160-2.** **Payment of fees.**
§ **A160-3.** **Word usage.**

[HISTORY: Adopted by the Township Committee of the Township of Lower Alloways Creek 1-28-1977 as Ord. No. 77-7; amended in its entirety 6-16-1992 by Ord. No. 92-12. Subsequent amendments noted where applicable.]

GENERAL REFERENCES
Land use procedures—See Ch. 24.
Subdivisions—See Ch. 141.
Zoning—See Ch. 156.

§ A160-1. Schedule of fees.

The following fees shall be charged an applicant for review of an application for development by a municipal agency:

A. Site plan and subdivision fees.

(1) Site plan review fees shall be as follows:

(a) Conceptual: no application or escrow fee; one hundred fifty dollars ($150.) per hour or any part thereof to be on the agenda.

(b) Site plan waiver:

[1] Application: one hundred dollars ($100.).

[2] Escrow: two hundred fifty dollars ($250.).

(c) Minor site plan:

[1] Application: three hundred dollars ($300.).

[2] Escrow: seven hundred fifty dollars ($750.), plus fifty dollars ($50.) per acre.

(d) Amended minor site plan:

[1] Application: one hundred dollars ($100.).

[2] Escrow: five hundred dollars ($500.).

(e) Preliminary site plan:

[1] Application: one hundred dollars ($100.), plus fifty dollars ($50.) per acre.

[2] Escrow: one thousand dollars ($1,000.), plus seventy-five dollars ($75.) per acre.

(f) Amended preliminary site plan:

[1] Application for residential: one hundred seventy-five dollars ($175.), plus ten dollars ($10.) per unit
.

[2] Application for nonresidential: two hundred fifty dollars ($250.), plus thirty-five dollars ($35.) per acre.

[3) Escrow: five hundred dollars ($500.).

(g) Final site plan:

[1] Application: one hundred fifty dollars ($150.).

[2] Escrow: seven hundred fifty dollars ($750.), plus one hundred dollars ($100.) per acre.

(h) Amended final site plan:

[1] Application: one hundred dollars ($100.).

[2] Escrow: five hundred dollars ($500.).

(i) The cost of all inspections shall be the responsibility of the applicant, and he shall deposit the necessary inspection fees with the Secretary or Clerk of the municipal agency to which the application or appeal is being made prior to the issuance of a building permit or zoning permit. The inspection fee shall be in addition to the amount of any required performance or maintenance guaranties or application fees and shall consist of a sum equal to five percent (5%) of the total cost of the improvements but not more than twenty-five thousand dollars ($25,000.). In any instance in which an escrow deposit of twenty-five thousand dollars ($25,000.) is required, the applicant shall be required to replenish the escrow deposit when the amount thereof is reduced to ten thousand dollars ($10,000.). This obligation shall continue as long as five percent (5%) of the uncompleted improvements exceeds twenty-five thousand dollars ($25,000.). When the five-percent unpaid improvement is less than twenty-five thousand dollars ($25,000.), the applicant shall be responsible to maintain an escrow in the amount of five percent (5%) of the uncompleted improvements. Funds which are unexpended after ninety (90) days of the issuance of a certificate of occupancy or a certificate of compliance shall be returned to the applicant upon request, in writing, to the reviewing board. The applicant shall immediately pay upon demand all additional site inspection costs as are necessary and reasonable.

(2) Subdivision fees shall be as follows:

(a) Conceptual plan: no application or escrow fee; one hundred fifty dollars ($150.) per hour or any part thereof to be on the agenda.

(b) Minor subdivision:

[1] Application fee: one hundred dollars ($100.).

[2] Escrow: seven hundred fifty dollars ($750.).

(c) Major subdivision.

[1] Preliminary:

[a] Application fee: one hundred dollars ($100.), plus twenty-five dollars ($25.) per lot.

[b] Escrow: five hundred dollars ($500.), plus one hundred dollars ($100.) per lot.

[2] Final:

[a] Application fees: one hundred dollars ($100.), plus thirty-five dollars ($35.) per lot.

[b] Escrow: five hundred dollars ($500.), plus fifty dollars ($50.) per lot.

B. The cost of all inspections shall be the responsibility of the applicant, and he shall deposit the necessary inspection fees with the Secretary or Clerk of the municipal agency to which the application or appeal is being made prior to the issuance of a building permit or zoning permit. The inspection fee shall be in addition to the amount of any required performance or maintenance guaranties or application fees and shall consist of a sum equal to five percent (5%) of the total cost of the improvements but not more than twenty-five thousand dollars ($25,000.). In any instance in which an escrow deposit of twenty-five thousand dollars ($25,000.) is required, the applicant shall be required to replenish the escrow deposit when the amount thereof is reduced to ten thousand dollars ($10,000.). This obligation shall continue as long as five percent (5%) of the uncompleted improvements exceeds twenty-five thousand dollars ($25,000.). When the five-percent unpaid improvement is less than twenty-five thousand dollars ($25,000.), the applicant shall be responsible to maintain an escrow in the amount of five percent (5%) of the uncompleted improvements. Funds which are unexpended after ninety (90) days of the issuance of a certificate of occupancy or a certificate of compliance shall be returned to the applicant upon request, in writing, to the reviewing board. The applicant shall immediately pay upon demand all additional site inspection costs as are necessary and reasonable.

C. Zoning fees. Zoning fees shall be as follows:

(1) Conceptual: no application or escrow fee; one hundred fifty dollars ($150.) per hour or any part thereof to be on the agenda.

(2) Appeal of decision:

(a) Residential: fifty dollars ($50.) per lot.

(b) Nonresidential: one hundred dollars ($100.) per lot.

(c) Escrow: one hundred dollars ($100.).

(3) Interpretation:

(a) Residential: fifty dollars ($50.) per lot.

(b) Nonresidential: one hundred dollars ($100.) per lot.

(c) Escrow: one hundred dollars ($100.).

(4) Bulk of design.

(a) Residential:

[1] Application: fifty dollars ($50.) per lot.
[2] Escrow (if no engineering or minimal engineering review required): one hundred dollars ($100.).
[3] Escrow (if engineering review required): four hundred dollars ($400.).

(b) Nonresidential:

[1] Application: one hundred dollars ($100.) per lot.
[2] Escrow: four hundred dollars ($400.).

(5) Use.

(a) Application: two hundred dollars ($200.), plus fifty dollars ($50.) per acre.

(b) Escrow: five hundred fifty dollars ($550.).

(6) Conditional uses.

(a) Application:

[1] Storage of low-level radioactive waste (LLW) in the Industry— General (I-G) District: seven thousand five hundred dollars ($7,500.).
[2] All other conditional uses: one hundred dollars ($100.).
[3] Escrow for storage of low-level radioactive waste (LLW) in the Industry—General (I-G) District: one thousand dollars ($1,000.).
[4] Escrow for all other conditional uses: two hundred fifty dollars ($250.).

D. Escrow fees.

(1) All fees other than application fees, inspection escrows and miscellaneous fees shall be escrow fees to pay the services of any professional personnel employed by the Planning Board, Zoning Board or Township Committee to process, review, inspect, study or make recommendations to such Planning Board, Zoning Board or Township Committee concerning the nature and substance of the applicant's application and/or to pay the services of any such professional personnel and the costs and expenses incurred by such professional personnel and/or the Planning Board, Zoning Board and/or Township Committee to create, amend or modify, including but not limited to the costs and expenses to draft, finalize and publish the official Tax Map and/or Zoning Map of the township, which creation, amendment and/or modification is necessitated by the approval of the applicant's application.

(2) If during the existence of this escrow account the balance of funds held by the township shall be insufficient to cover vouchers submitted by the professionals, the applicant shall deposit additional sums with the township to cover the amount of the deficit and the anticipated amount to cover all remaining work within ten (10) days after receipt of written notice from the Township Treasurer of the amounts owed. In the event that an applicant fails to deposit the additional escrow moneys as required within the time set forth in this section, then and in that event the reviewing agency shall take no further action on the application and any pending matter or matters before the reviewing agency shall be considered denied.

§ **A160-2. Payment of fees.**

All fees, unless otherwise specified, shall be paid by the applicant or appellant to the Secretary or Clerk of the municipal agency to which the application or appeal is being made at the same time as his application is submitted or his appeal is filed. Said fee shall then be turned over to the municipal treasurer at the end of each month.

§ **A160-3. Word usage.**

Whenever a term is used in this ordinance which is defined in the Municipal Land Use Law*, such term is intended to have the meaning set forth in the definition of such term found in such statute, unless a contrary intention is clearly expressed from the context of this ordinance.
Editors Note: See N.J.S.A. 40:55D-1 et seq.

CHAPTER A161

CABLE TELEVISION AND COMMUNICATION SYSTEM FRANCHISE

§ A161-1. Purpose of the ordinance.
§ A161-2. Definitions.
§ A161-3. Statement of findings.
§ A161-4. Duration of franchise.
§ A161-5. Franchise fee.
§ A161-6. Franchise territory.
§ A161-7. Extension of service.
§ A161-8. Construction requirements.
§ A161-9. Customer service.
§ A161-1O. Municipal complaint officer.
§ A161-11. Local office.
§ A161-12. Performance bonds.
§ A161-13. Subscriber rates.
§ A161-14. Commitments by the company.
§ A161-15. Two-way services and interconnection.
§ A161-16. Emergency uses.
§ A161-17. Liability insurance.
§ A161-18. Competitive equity.
§ A161-19. Separability.
§ A161-20. Third party beneficiaries.
§ A161-21. Effective date.

[HISTORY: Adopted by the Township Committee of the Township of Lower Alloways Creek 4-19-94 as Ord. No. 94-2. Amended in its entirety 10-19-04 by Ord. No. 2004-13. Subsequent amendments noted where applicable.]

GENERAL REFERENCES
Streets and sidewalks — See Ch. 138.
Telephone franchise — See Ch. A162

§ A161-1. Purpose of the ordinance.

The municipality hereby grants to Comcast renewal of its nonexclusive 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.

§ A161-2. Definitions.

For the purpose of this ordinance, 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 C.F.R. Subsection 76.1 et seq., and the Cable Communications Policy Act, 47 U.S.C. Section 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 ordinance and is known as Comcast of South Jersey, Inc.

FCC — The Federal Communications Commission.

OFFICE or OCTV — The Officer of Cable Television of the Board.

TOWNSHIP or MUNICIPALITY — The Township of Lower Alloways Creek, County of Salem, and State of New Jersey.

§ A161-3. 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.

§ A161-4. Duration of franchise.

The nonexclusive municipal consent granted herein shall expire fifteen (15) years from the date of expiration of the previous certificate of approval issued by the Board (with a ten (10) year automatic renewal as provided by N.J.S.A. 48:5A-19 and 25, and N.J.A.C. 14: 18-13.6).

In the event that the municipality shall find that the company has not substantially complied with the material terms and conditions of this Ordinance, 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 ninety (90) days of that notification.

§ A161-5. 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 two (2%) percent 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 permitted by the Act or otherwise allowable by law, whichever is greater.

§ A161-6. Franchise territory.

The consent granted under this ordinance to the renewal of the franchise shall apply to the entirety of the municipality and any property subsequently annexed hereto.

§ A161-7. 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. Any extension of plant beyond the Primary Service Area shall be governed by the company's line extension policy, as set forth in the company's application.

§ A161-8. 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 nature 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.

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.

§ A161-9. Customer service.

In providing services to its customers, the company shall comply with N.J.A.C. 14:18-1, 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 Municipal Administrator or Clerk.

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.

§ A161-10. 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-26(b). 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.

§ **A161-11. 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 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.

§ **A161-12. Performance bonds.**

During the life of the franchise the company shall give to the municipality a bond in the amount of twenty-five thousand dollars ($25,000.), the form of which shall be approved by the Township Solicitor. 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.

§ **A161-13. Subscriber rates.**

The rates of the company shall be subject to regulation as permitted by federal and state law.

§ A161-14. Commitments by the company.

A. The company shall provide Total Preferred cable television service on one (1) outlet at no cost to each school in the municipality, public and private, elementary, intermediate and secondary, provided the school is within one hundred seventy-five (175) feet of active cable distribution plant. Each additional outlet installed, if any, shall be paid for on a materials plus labor basis by the school requesting service. Monthly service charges shall be waived on all additional outlets.

B. The company shall provide Total Preferred cable television service at no cost on one (1) outlet to each police, fire station and to each public library in the municipality, provided the facility is located within one hundred seventy-five (175) feet of active cable distribution plant. Each additional outlet installed, if any, shall be paid for on a materials plus labor basis by the municipality. Monthly service charges shall be waived on all additional outlets.

C. The company shall provide free basic Internet service, via high-speed cable, to one (1) non-networked personal computer in each qualified existing and future school in the township, public and private, elementary, intermediate and secondary, at no charge provided the facility is located within one hundred seventy-five (175) feet of active cable distribution plant. The Internet service shall be installed on a personal computer that is accessible to the students and not for administrative use only.

D. The company shall provide free basic Internet access via high-speed cable on one (1) non-networked personal computer in each qualified existing and future public library at no charge provided the facility is located within one hundred seventy-five (175) feet of active cable distribution plant, including the library in municipally owned Leisure Arms Senior Center. The Internet service shall be installed on a personal computer that is accessible to library patrons and not for administrative use only.

E. Within six (6) months of receipt of a renewal certificate of approval, the company shall provide the township with a one-time technology grant in the amount of one thousand dollars ($1,000.) to assist the township in meeting its telecommunications needs.

§ A161-15. Two-way services and interconnection.

In the event that the municipality determines that it is necessary and feasible for it to contract with the company for the purpose of providing two-way or interconnection services, the company shall be required to apply to the BPU for approval to enter into and establish the terms and conditions of such contract. All costs for such application to the BPU shall be borne by the municipality.

§ A161-16. Emergency uses.

The company will comply with the Emergency Alert System ("EAS") rules in accordance with applicable State and Federal statues and regulations.

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.

§ **A161-17. Liability insurance.**

The company shall at all times maintain a comprehensive general liability insurance policy with a single limit amount of one million dollars ($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 five million dollars ($5,000,000.).

All of the commitments and statements contained in the application and any amendment thereto submitted in writing to the municipality by the company, except as modified herein, are binding upon the company as terms and conditions of this municipal consent. The application and any other relevant writing submitted by the company shall be annexed hereto and made a part hereof by reference as long as it does not conflict with state or federal law. All ordinances or parts of ordinances or other agreements between the municipality and the company that are in conflict with the provisions of this agreement are hereby declared invalid and superseded.

§ **A161-18. 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 ordinance subject to the provisions of N.J.A.C. 14: 17-6.7.

§ **A161-19. Separability.**

If any section, subsection, sentence, clause, phrase or portion of this ordinance 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 ordinance.

§ **A161-20. 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.

§ **A161-21. Effective date.**

This ordinance shall take effect immediately upon issuance of a renewal certificate of approval from the BPU.

CHAPTER A162

TELEPHONE FRANCHISE

§ A162-1. Consent for use of township streets and ways.
§ A162-2. Placement of facilities.
§ A162-3. Underground facilities.
§ A162-4. Notice required prior to performing work; permits; restoration; duration of encumbrances.
§ A162-5. Township to be held harmless.
§ A162-6. Relation of facilities to new curb lines.
§ A162-7. Use of facilities by others.
§ A162-8. Use of facilities by township.
§ A162-9. Effect of street vacations.
§ A162-10. Interpretation of the term "township."
§ A162-l1. Applicability of consent.
§ A162-12. Additional conditions.
§ A162-13. Severability.
§ A162-14. Advertising costs; notice; when effective.

[HISTORY: Adopted by the Township Committee of the Township of Lower Alloways Creek 8-15-1995 as Ord. No. 95-7. Amendments noted where applicable.]

GENERAL REFERENCES
Streets and sidewalks—See Ch. 138.
Cable television franchise—See Ch. A161

§ A162-1. Consent for use of township streets and ways.

Pursuant to the provisions of N.J.S.A. 48:17-10, 48:17-11 and 48:17-12, permission and consent is hereby granted to Bell Atlantic New Jersey, Inc. (the "company"), its successors and assigns to install, operate, inspect, maintain, repair, replace and remove its communications facilities and other transmission or process equipment, including underground facilities, such as conduits, manholes, cables, wires and all other facilities appurtenant thereto, and aboveground facilities, such as cables, wires, antennas, poles, posts, supports, guys, pedestals, cable termination and distribution cabinets and all other facilities appurtenant thereto, in, through, upon, along, over, under and across all of the various public streets and ways, which include the roads, avenues, rights-of-way, sidewalks, highways, bridges, waterways and other public places and parts thereof throughout their entire length, and to effect the necessary street openings and lateral connections to curb poles, property lines and other facilities in the Township of Lower Alloways Creek (the township) for said company's local and through lines and other communications facilities in connection with the transaction of its business. In the event that any public street or way where the company has facilities is vacated by the township, the township agrees to reserve unto said company the rights granted the company by the present ordinance.

§ A 162-2. Placement of facilities.

All poles, posts, pedestals, cabinets or other facilities shall be located and placed back of the curb lines where shown on the Official Map(s) of the township; the poles and posts, however, shall be located within eighteen (18) inches of the face of such curb line, or as may otherwise be mutually agreed by both parties, or at the points or places now occupied by the poles, posts, pedestals, cabinets or other facilities of the company, its successors and assigns and, where there are no curb lines, at other convenient points or places in, upon, along, adjacent or across the public streets and ways as may be mutually agreed upon between the parties.

§ **A162-3. Underground facilities.**

The company may bury its local and through communications facilities, such as cables, conduits, manholes and associated equipment, fixtures, process equipment and appurtenances, within the right-of-way of the various public streets and ways and at such locations as shall be mutually agreed upon by the parties for said company's local and through lines and communications facilities. Underground conduits and associated facilities, as aforementioned, shall be placed at least eighteen (18) inches below the surface of said public streets and ways and, with the exception of lateral branches to curb poles and property lines and other facilities, the same shall generally not be constructed more than ten (10) feet from the curb line, unless obstructions make it necessary to deviate from such course or unless the parties mutually agree to another location. Manholes shall be located at such points along the line of underground conduits as may be necessary or convenient for placing, maintaining and operating the facilities, as aforementioned, which the company may from time to time use in connection with its underground conduit system and shall be so constructed as to conform to the cross- sectional and longitudinal grade of the surface so as not to interfere with the safety or convenience of persons or vehicles.

§ A162-4. Notice required prior to performing work; permits; restoration; duration of encumbrances.

A. Before proceeding with any new construction or relocation work in an area covered by this ordinance, the company shall give prior notice, in writing, thereof to the township, through its designated representative, of its intention to perform such work.

B. The company shall obtain such street opening or excavation permits as may be lawfully required by any applicable ordinances regulating such openings or excavations.

C. Any such area affected by the company in constructing its facilities shall be restored to as good condition as it was before the commencement of work thereon.

D. No public streets or ways shall be encumbered for a period longer than shall be reasonable to execute the work.

§ A162-5. Township to be held harmless.

The company agrees to indemnify and save harmless the township from and against all claims and liabilities resulting from any injury or damage to the person or property of any person, firm or corporation caused by or arising out of road conditions resulting from any negligent or faulty excavations, installation or maintenance connected with the work or equipment of said company and not attributable to the fault or negligence of the township, except that if such injury or damage shall be caused by the joint or concurring negligence or fault of the company and the township, the same shall be borne by them to the extent of their respective fault or negligence.

§ **A162-6. Relation of facilities to new curb lines.**

Whenever a curb line shall be established on streets where one does not now exist or where an established curb line shall be relocated in order to widen an existing street in conjunction with road construction being performed by the township, the company shall change the location of its aboveground facilities covered by this ordinance in accordance with applicable law, so that the same shall be back of and adjacent to the new curb line, so long as the township has acted in accordance with applicable law and with reasonable care in establishing the new curb line and providing notice thereof.

§ **A162-7. Use of facilities by others.**

Any company or corporation having legal authority to place its facilities in the public streets and ways of the township may jointly use the company's poles, posts, pedestals or other structures for all lawful purposes, provided that the company consents to such use, on terms and conditions acceptable to the company and not inconsistent with the provisions of the present ordinance.

§ A162-8. Use of facilities by township.

A. The company shall provide space, to the extent available, on its poles so long as said poles are occupied by the company and space, to the extent available, in its main conduits existing on the date of passage of this ordinance, but not exceeding one (1) duct of standard size, for the sole benefit of the township during the pendancy of this ordinance.

B. Such space shall be provided for the exclusive use of the township, which use shall be limited to accommodating the wires or electrical conductors required for one-way signal control in connection with municipal police patrol, fire alarm signal control and traffic signal control systems only, but for no other uses or purposes, either alone or in conjunction therewith; nor for circuits for the supply of electrical energy for traffic or other signals; nor for wires, conductors, cable or the equivalent which provides a means of transmitting any signal to a private, commercial or residential location and which is normally provided by a nongovernmental supplier; provided, further, that no such use or attachment by the township shall interfere with the plant or facilities of or the use thereof by the company.

C. All costs or expenses incurred by the company in connection therewith shall be paid by the township.

D. It shall be the obligation of the township to attach its wires to the poles or place its electric conductors in the conduits or manholes of the company, provided that before proceeding with said work, either by itself or by a person, firm or corporation engaged to perform such work, the township shall give the company thirty (30) days' prior notice in writing.

E. All such work shall be performed under the supervision of said company.

F. The township will indemnify and save harmless the company from and against all claims, liabilities or demands arising in any manner in connection with the township's wires or facilities or their installation, maintenance, operation or removal or the township's use or enjoyment of the company's plant or facilities provided under this section.

§ A 162-9. Effect of street vacations.

If any or all of said streets or ways are later taken over by the County of Salem or the State of New Jersey, such county or state shall have such rights and privileges and be subject to the same terms, conditions and limitations of use as apply herein to the township; provided, however, that satisfactory prior arrangements as may be necessary are made with the township and the company for the full protection of the respective interest of each.

§ **A162-10. Interpretation of the term "township."**

The term "township," as used in this ordinance, shall be held to apply to and include any form of municipality or government into which the township or any part thereof may at any time hereafter be changed, annexed or merged.

§ A162-11. Applicability of consent.

The permission and consent hereby granted shall apply to and cover all communications facilities of the company existing at any time and related structures, process equipment and appurtenances heretofore or hereafter erected, constructed, reconstructed, removed, located, relocated, replaced, maintained, repaired or operated by the company, its predecessors, successors or assigns within the township. This ordinance shall cancel and supersede all prior consent ordinances between the township and the company regarding the subject matter hereof.

§ **A 162-12. Additional conditions.**

The company shall maintain its property within the township and shall comply with applicable law for the provision of safe, adequate and proper service at just and reasonable rates and safeguard the public interest in continuous and uninterrupted service within the township.

§ **A162-13. Severability.**

In the event that any provision herein shall for any reason be illegal or unenforceable under applicable law, such illegality or unenforceability shall not affect any other provisions of this ordinance, and this ordinance shall be construed as if such illegal or unenforceable provision(s) had never been contained herein.

§ **A162-14. Advertising costs; notice; when effective.**

A. The company shall pay the expenses incurred for advertising required in connection with the passage of this ordinance, after the date of its first reading, within thirty (30) days after the company has received a bill for said advertising from the publisher. Following final passage of this ordinance, the Township Clerk shall provide the company with written notice thereof by certified mail.

B. As provided by applicable law, this ordinance, and any subsequent amendments, shall not become effective until acceptance thereof by the company and approval thereof by the Board of Public Utility Commissioners.

BOARD OF HEALTH LEGISLATION

CHAPTER 170
GENERAL PROVISIONS, BOARD OF HEALTH

Article I
Adoption of Code by Board of Health

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

CHAPTER 175

FOOD AND BEVERAGE VENDING MACHINE CODE

§ 175-1. Adoption of standards.
§ 175-2. Title.
§ 175-3. Copies on file.
§ 175-4. Violations and penalties.

[HISTORY: Adopted by the Board of Health of the Township of Lower Alloways Creek 3-17- 78 as Ord. No. H-78-5. Amendments noted where applicable.]

§ 175-1. Adoption of standards.

A code regulating the use, operation and maintenance of food and beverage vending machines and licensure thereof, prohibiting the sale or possession with intent to sell through vending machines of adulterated or misbranded foods or drinks, authorizing inspection of vending machines and operations connected therewith and fixing penalties for violations is hereby established pursuant to N.J.S.A. 26:3-69.1 to 3-69.6. A copy of said code is annexed hereto and made a part hereof without the inclusion of the text thereof herein.

§ 175-2. Title.

The code established and adopted by this chapter is described and commonly known as the 'Food and Beverage Vending Machine Code of New Jersey (1961).'

§ 175-3. Copies on file.

Three (3) copies of the Food and Beverage Vending Machine Code of New Jersey (1961) have been placed on file in the office of the Secretary of this local Board of Health upon the introduction of this chapter and will remain on file there until final action is taken on this chapter for the use and examination of the public.

§ 175-4. Violations and penalties.

Any person who violates any provision of or order promulgated under this chapter or the code established herein shall, upon conviction thereof, be liable to a penalty of not less than five dollars ($5.) nor more than five hundred dollars ($500.) for each violation. Each day a particular violation continues shall constitute a separate offense.

CHAPTER 176

HAZARDOUS SUBSTANCES

§ 176-1. Enactment
§ 176-2. Definitions
§ 176-3. Purpose
§ 176-4. Prohibition
§ 176-5 Parties Responsible
§ 176-6 Reimbursement
§ 176-7 Penalties
§ 176-8 Repealer
§ 176-9. Severability
§ 176-10. Effective Date

HISTORY: Adopted by the Township Committee of the Township of Lower Alloways Creek as Ord. No. 2014-01 on 02-18-2014. Subsequent amendments noted where applicable.

Be it ordained by the Township Committee of the Township of Lower Alloways Creek, in the County of Salem and State of New Jersey, as follows:

§ 176-1. Enactment

This Ordinance is enacted pursuant to N.J.S.A. 40:42-1 et seq., The Home Rule Act which directs municipalities to act to provide for the health, welfare and safety of its citizens.

§176-2. Definitions

Definitions as used in this Ordinance, the following terms shall have the meanings indicated:

1. CLEANUP AND DISPOSAL COSTS - All costs associated with a discharge within the boundaries of the Township of Lower Alloways Creek, which shall include labor and material for disposal of hazardous substances or taking of reasonable measures to prevent or mitigate damages to the public health, safety or welfare of the residents of the Township of Lower Alloways Creek, including the lands, private and public, therein.

2. COLLECTING AGENCY - shall be the Township of Lower Alloways Creek

3. DISCHARGE - Any intentional or unintentional action or omission resulting in the releasing, spilling, leaking, pumping, pouring, emitting emptying or dumping of hazardous substances into any waters or on any lands within the jurisdiction of the Township of Lower Alloways Creek.

4. EXPENDABLE ITEMS - any items used to extinguish or prevent any hazardous material or hazardous substance fire, or stop or contain any leak release or spill involving any hazardous material or hazardous substance which cannot be reused or cannot be replenished without cost after that particular incident. These expendable items include, but are not limited to, fire fighting foam, chemical extinguishing agents, absorbent materials, sand, recovery drums, and any protective equipment and clothing to include, but not restricted to chemical protective suits, chemical protective gloves, goggles, and any other item owned or controlled by the Township of Lower Alloways Creek.

5. HAZARDOUS MATERIALS - Any material, solid, liquid or gas, listed as such under the N.F.P.A. Guide of Hazardous Materials, the Department of Transportation Guide Book, and as set forth under N.J.S.A. 58:10-23.11b.

6. HAZARDOUS SUBSTANCES - All elements and compounds, including petroleum products, as set forth within N.J.S.A. 58:10-23.11b as amended, except that sewage and sewage sludge shall be considered "hazardous substances" for the purpose of this Ordinance. The list of hazardous substances adopted by the Federal Environment Protection Agency (EPA) pursuant to Section 311 of the Federal Water Pollution Control Act, any hospital or medical waste, including but not limited to, syringes, bandages and discarded pharmaceutical products and any material warranting removal or clean-up in the opinion of the Township of Lower Alloways Creek, Office of Emergency Management.

7. PERSON - any individual, public or private corporation, companies, association, societies, firms, partnerships or joint-stock companies.

8. TOWNSHIP - shall include the Lower Alloways Creek Township employees, agents, officers, officials, and supporting units ad directed by the Office of Emergency Management, including but not limited to police, Fire District personnel, volunteer fire and rescue departments.

9. VEHICLE - any motorized equipment, registered or unregistered, including but not limited to, a passenger car, motorcycle, truck, tractor, construction equipment, farm machinery, watercraft, aircraft and trains.

10. VESSEL - any container, drum, box, cylinder or tank used to hold or contain or carry or store any hazardous materials or hazardous substances, whether or not said container was manufactured for the containment of hazardous material or hazardous substances.

§ 176-3. Purpose

This Ordinance provides for the reimbursement for, or the replacement of, any and all equipment utilized by the Township of Lower Alloways Creek, for costs expended, without regard to ownership, for the purpose of mitigating, controlling or containing any incident in which a hazardous material is involved in a leak, release or spill, or where the potential thereof exists, or the prevention of same.

This Ordinance also provides for the reimbursement for the expense incurred by the Township of Lower Alloways Creek for the wages (regular or overtime) paid to its employees, agent, or servants as a result of an incident involving a hazardous material and for the costs of medical and hospital treatment for injuries incurred by agents, servants, and employees of the Township of Lower Alloways Creek.

This Ordinance also provides for reimbursement by the person responsible for the discharge for all reasonable attorney's fees.

This Ordinance also provides for full reimbursement to the Township by the person or persons responsible not later than forty-five (45) days after receipt of an itemized invoice from the Township of Lower Alloways Creek.

This Ordinance also provides for a penalty for the violation of the Ordinance for either committing a spill or for failure to make reimbursement.

§ 176-4. Prohibition, Hazardous Substances, Discharge, Parties Liable.

1. The discharge of hazardous substances is prohibited. Any person who has discharged or caused to be discharged, either intentionally or unintentionally, directly or indirectly a hazardous substance, or who is in any way responsible for any hazardous substance which has been or shall be discharges within the Township, shall be strictly liable, jointly and severally, without regard to fault, and shall be responsible for all clean-up and disposal costs including all wages (regular and overtime) paid and all costs of medical and hospital treatment for injuries incurred by the agents, servants and employees of the Township. This section shall not apply to discharge of hazardous substances pursuant to and in compliance with the conditions of a Federal or State permit.

2. Any person who may be subject to liability for a discharge, or becomes aware of a discharge which occurred prior to or after the effective date of this Ordinance shall immediately notify the Township of Lower Alloways Creek, Office of Emergency Management by calling 911 or 856-935-7201.

3. Whenever any hazardous substance is discharged, the Township may in their discretion act to remove or arrange for removal of such discharge.

§176-5 Parties Responsible

Reimbursement to the Township are items expended and cost incurred shall be made by the owner or operator of the vehicle responsible for or involved in the hazardous material fire, leak or spill of hazardous material: the owner or person responsible for the vessel containing the hazardous material involved in such fire, leak or spill on public or private property, whether stationary or in transit and whether accidental or through negligence: the owner or person responsible for any property from which any leak or spill of hazardous material emanates, whether accidental or through negligence and the person responsible for the hazardous material, fire, leak or spill of hazardous material on public or private property, whether accidental or through negligence and further, this responsibility shall also apply to all persons who have intentionally, unintentionally, directly or indirectly discharged or caused to be discharged hazardous material substance within the Township of Lower Alloways Creek.

§ 176-6. Reimbursement for Services of Recovery Company, Towing Company or Technical Assistance.

Any person causing or the owner of any vehicle causing or involved in, a hazardous material fire, leak or spill or release involving a hazardous material must provide reimbursement for services rendered by, or damage caused to any recovery company, towing company, Fire Dept., Rescue Department, or any other technical assistance called for by the Township to handle such incident. In the event of a vehicle having been responsible for an incident, such vehicle shall be impounded until such time it is deemed safe to proceed by the responsible official in conjunction and cooperation with the Township of Lower Alloways Creek.

§ 176-7. Penalties

The person or entity responsible for or involved in any fire, leak or spill of hazardous material who fails to reimburse the Township shall be subject to a fine of not less than One Hundred Dollars ($100.00) or more than Five Hundred Dollars ($500.00) per day, or by imprisonment for a period of not more than six (6) months, or both. The person or entity responsible for committing a spill, or who is involved in a spill, will be liable for the same penalties as aforesaid stated.

§ 176-8. Repealer

All ordinances or parts of ordinances inconsistent with the terms hereof are hereby repealed to the extent of such inconsistency only.

§176-9. Inconsistency

If any section, paragraph, subsection, clause or provisions of this ordinance shall be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this ordinance as a whole or any other part thereof.

§176-10. When Effective

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

CHAPTER 178

PUBLIC HEALTH NUISANCE CODE

§ 178-1. Adoption of standards.
§ **178-2. Title.**
§ 178-3. Copies on file.
§ 178-4. Violations and penalties.

[HISTORY: Adopted by the Board of Health of the Township of Lower Alloways Creek 3-17- 78 as Ord. No. H-78-2. Amendments noted where applicable.]

§ 178-1. Adoption of standards.

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.* A copy of said code is annexed hereto and made a part hereof without the inclusion of the text thereof herein.

§ 178-2. **Title.**

The code established and adopted by this chapter is described and commonly known as the "Public Health Nuisance Code of New Jersey (1953).'

§ **178-3. Copies on file.**

Three (3) copies of the Public Health Nuisance Code of New Jersey (1953) have been placed on file in the office of the Secretary of this local Board of Health upon the introduction of this chapter and will remain on file there for the use and examination of the public.

§ 178-4. Violations and penalties.

Any person who violates or neglects to comply with any provision of this chapter or code established herein or notice issued pursuant thereto shall, upon conviction thereof, be liable to a penalty of not less than five dollars ($5.) nor more than five hundred dollars ($500.) for each violation.

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*Editors Note: See N.J.S.A. 26:3-69.1 et seq.

CHAPTER 180
SEWAGE DISPOSAL

§ 180-1. Adoption of standards.
§ 180-2. Title.
§ 180-3. Copies on file.
§ 180-4. Permit required for location, construction, alteration.
§ 180-5. Placement in operation.
§ 180-6. Emptying or cleaning septic tanks.
§ 180-7. Denial of permit.
§ 180-8. Order to stop work.
§ 180-9. (Reserved)
§ 180-10. Violations and penalties.

[HISTORY: Adopted by the Board of Health of the Township of Lower Alloways Creek 3-17- 78 as Ord. No. H-78-3. Amendments noted where applicable.]

§ 180-1. Adoption of standards.

A code regulating the location, construction, use, maintenance and method of emptying or cleaning individual sewage disposal systems, the issuance of permits to locate, construct, empty or clean said systems and fixing penalties for the violation thereof is hereby adopted pursuant to Chapter 188 of the P.L. 1950 (N.J.S.A. 26:3-69. 1 to 3-69.6). A copy of said code is annexed hereto and made a part hereof without inclusion of the text thereof herein.

§ 180-2. Title.

The code established and adopted by this chapter is described and commonly known as the "Individual Sewage Disposal System Code of New Jersey (1963)."

§ 180-3. Copies on file.

Three (3) copies of the Individual Sewage Disposal System Code of New Jersey (1963) have been placed on file in the office of the Secretary of this Board of Health upon the introduction of this chapter and will remain on file in said office for the use and examination of the public.

§ 180-4. Permit required for location, construction, alteration.

A. No person shall locate, construct or alter any individual sewage disposal system until a permit for the location, construction or alteration of said sewage disposal system shall have been issued by the Board of Health.

B. The Board of Health may issue a permit if an application for the same is accompanied by a certificate made by an engineer licensed to practice professional engineering in New Jersey, stating that the design of the individual sewage disposal system as proposed is in compliance with the code

§ **180-5. Placement** in **operation.**

A. New individual disposal systems shall not be placed in operation, nor shall new dwellings or buildings or additions thereto be sold or occupied, which must rely on such a system for sewage disposal, until the Board of Health shall have issued a certificate indicating that said disposal system has been located and constructed in compliance with the terms of the permit issued and the requirements of the aforesaid code. Issuance of such certificate shall not be required for alterations to an existing individual sewage disposal system.

B. The Board of Health may issue such certificate if an engineer licensed to practice professional engineering in New Jersey submits a statement, in writing, signed by him to the Board of Health that said disposal system has been located and constructed in accordance with the terms of the permit issued and the requirements of the aforesaid code.

§ **180-6. Emptying or cleaning septic tanks.**

Persons shall not engage in the business of emptying or cleaning septic tanks, cesspools, privies or any place used for the reception or storage of human excrement who do not hold a license to engage in such business issued by the Board of Health. Such licenses shall be valid for a period of one (1) year from the date of issuance but may be renewed by the Board of Health. Said license may be revoked for failure of the licensee to comply with the provisions of the code or any rule or ordinance of the Board of Health.

§ **180-7. Denial of permit.**

In case any permit or certification required by this chapter is denied by the Board of Health, a hearing shall be held thereon before the Board within fifteen (15) days after request therefor is made by the applicant, and, upon such hearing, the Board of Health shall affirm, alter or rescind its previous determination and take action accordingly within fifteen (15) days after the date of such hearing.

§ 180-8. Order to stop work.

The Board of Health may order all further work in and about any individual sewage disposal system which is being erected or installed in violation of the code to be stopped forthwith, except such work as shall be necessary to remedy such violation, and, thereafter, the work continued without any violation of any of the provisions of the code; and after issuance of any such order and the service of a copy thereof upon any person connected with or working in and about the erection or installation of any such disposal system, or any part thereof, no further work shall be done thereon except as aforesaid.

§ 180-9. (Reserved)

§ 180-10. Violations and penalties.

A. Any person or persons, firm or corporation violating any of the provisions of or any order promulgated under this chapter or the Individual Sewage Disposal System Code of New Jersey (1963) made a part hereof shall, upon conviction thereof, pay a penalty of not less than five dollars ($5.) nor more than five hundred dollars ($500.) for each violation.

B. Each day a particular violation continues shall constitute a separate offense.

CHAPTER 182

SOLID WASTE CODE

§ 182-1. Adoption of standards.
§ 182-2. Title.
§ 182-3. Copies on file.
§ 182-4. (Reserved)
§ 182-5. Violations and penalties.

[HISTORY: Adopted by the Board of Health of the Township of Lower Alloways Creek 3-17- 78 as Ord. No. H-78-4. Amendments noted where applicable.]

§ 182-1. Adoption of standards.

A code regulating the manner in which refuse may be stored, collected and disposed of; declaring and defining certain conditions as nuisances; fixing the responsibilities and duties of persons storing, collecting and/or disposing of refuse and providing for issuance of permits to collect refuse is hereby established pursuant to the provisions of Chapter 188, P.L. 1950.* A copy of said code is annexed hereto and made a part hereof without the inclusion of the text thereof herein.

§ 182-2. Title.

The code established and adopted by this chapter is described and commonly known as the 'Solid Waste Code of New Jersey (1959)."

§ 182-3. Copies on file.

Three (3) copies of the Solid Waste Code of New Jersey (1959) have been placed on file in the office of the Secretary of this local Board of Health upon the introduction of this chapter and will remain on file there until final action is taken on this chapter for the use and examination of the public.

§ 182-4. (Reserved)

§ 182-5. Violations and penalties.

Any person who violates any provision of or order promulgated under this chapter or code established herein shall, upon conviction thereof, be liable to a penalty of not less than five dollars ($5.) nor more than five hundred dollars ($500.) for each violation. Each day a particular violation continues shall constitute a separate offense.

*Editor's Note: See N.J.S.A. 26:3-69.1 et seq.

CHAPTER 183

SMOKE AND TOBACCO FREE PARKS, RECREATIONAL AREAS, AND PUBLIC BUILDINGS CODE

§ 183-1. Definitions.
§ 183-2. Prohibition of Smoking in Public Places: Signs.
§ 183-3. CopEnforcement.
§ 183-4. Violations and penalties.

SECTION I

§183 – 1 **Definitions.**

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

ENCLOSED AREA - Shall mean all areas between a floor and a ceiling, extending to the outer perimeter walls of a structure.

MUNICIPAL BUILDINGS - Shall be all structures owned, leased, rented and/or operated by the Township of Lower Alloways Creek, and/or occupied by the employees and used for official business of the Township of Lower Alloways Creek, including all areas adjacent to such facilities and within 20 feet of such areas.

PARKS AND RECREATIONAL FACILITIES - shall include, but are not limited to, all public parks, playgrounds, basketball courts, swim club, tennis courts, ice skating areas, and ball fields publicly owned or leased by the Township of Lower Alloways Creek and all property owned or leased by the Township of Lower Alloways Creek upon which the public is invited or upon which the public is permitted and where individuals gather for recreational activities, including all areas adjacent to such facilities, including, but not limited to, any parking area, driveway or drive aisle and within 20 feet of such areas.

SMOKING - The burning of, inhaling from, exhaling the smoke from, or the possession of a lighted cigar, cigarette, pipe or any other matter or substance which contains tobacco or any other matter that can be smoked, or the inhaling or exhaling of smoke or vapor from an electronic smoking device.

SMOKELESS TOBACCO - All chewing tobaccos or similar type products meant to be placed and held within the mouth for a time in order to extract a flavor or juice and then expelled from the mouth.

§ 183 -2. **Prohibition of Smoking in Public Places: Signs**

A. Smoking shall be prohibited in all municipal buildings as defined herein. No- Smoking signs or the international no-smoking symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a diagonal red line through its cross section) shall be clearly, sufficiently and conspicuously posted at each municipal building entrance and within each closed area where smoking is prohibited by this chapter. The signs shall be clearly visible to the public and shall contain letters or a symbol which contrast in color with the sign, indicating that smoking is prohibited therein. The sign shall also indicate that violators are subject to a fine.

B. Smoking shall be prohibited within a twenty (20) foot radius of the front entrance of all municipal buildings. No-smoking signs or the international no-smoking symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a diagonal red line through its cross section) shall be clearly, sufficiently and conspicuously posted both on the building and at the thirty-five foot perimeter of the front entrance of all municipal buildings where smoking is prohibited by this chapter. The sign shall be clearly visible to the public and shall contain letters or a symbol which contrast in color with the sign, indicating that smoking is prohibited therein. The sign shall also indicate that violators are subject to a fine.

C. Smoking shall be prohibited in, but are not limited to, all public parks, playgrounds, basketball courts, tennis courts, ball fields, and recreation facilities owned or leased by the Township of Lower Alloways Creek and all property owned or leased by the Township of Lower Alloways Creek upon which the public is invited or upon which the public is permitted and where individuals gather for recreational activities, including all areas adjacent to such facilities, including, but not limited to, any parking area, driveway or drive aisle and within fifteen (15) feet of such areas, which have been designated with no-smoking signs. No-smoking signs or the international no-smoking symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a diagonal red line through its cross section) shall be clearly, sufficiently and conspicuously posted in all areas regulated by this chapter. The signs shall be clearly visible to the public and shall contain letters or a symbol which contrast in color with the sign, indicating that smoking is prohibited at the designated area. The sign shall also indicate that violators are subject to a fine.

D. Smoking, electronic smoking devices and Smokeless Tobacco shall be prohibited in any vehicle registered to the Township of Lower Alloways Creek.

§ 183-3. **Enforcement.**

The enforcement authority of this chapter shall be any member of the public and the Police of the Township of Lower Alloways Creek.

§ 183 -4. **Violations and Penalties**

Any person who violates any provision of this chapter shall be subject to a fine of fifty dollars ($50.00).

CHAPTER 184

SWIMMING POOL CODE

§ 184-1. Adoption of standards.
§ 184-2. Violations and penalties.
§ 184-3. Copies on file.

[HISTORY: Adopted by the Board of Health of the Township of Lower Alloways Creek 3-17- 78 as Ord. No. H-78-1. Amendments noted where applicable.]

§ 184-1. Adoption of standards.

Under the provisions of N.J.S.A. 26:3-69.1 to 3-69.6, the Swimming Pool Code of New Jersey is adopted by Lower Alloways Creek Township Board of Health as the Swimming Pool Code of the municipality of Lower Alloways Creek. This code provides procedures for obtaining approval to locate and construct or alter a pool and specifications for public pools' construction, diving stands and boards, wading pools, recirculative systems, filtration of water, its disinfection and disposal, dressing rooms, showers, toilets and lavatories, emergency equipment, supervision and maintenance and bathing water quality. It defines nonconforming pools as a nuisance.

§ 184-2. Violations and penalties.

Any person, persons, firm or corporation who shall violate any of the provisions and regulations of this Swimming Pool Code, upon conviction, shall pay a penalty of not more than five hundred dollars ($500.) nor less than five dollars ($5.) in the discretion of the court. In addition to the foregoing penalty, any defendant upon his second conviction within the space of six (6) months of a violation of the Swimming Pool Code may be imprisoned in the county jail as provided by law.

§ 184-3. Copies on file.

Three (3) copies of the Swimming Pool Code are attached to and made a part of this chapter and are filed with the Secretary of the Municipal Board of Health and will remain in the office of the Secretary from the introduction of this chapter at a meeting held on the 17th day of February 1978, at the Municipal Building, Hancock's Bridge, New Jersey, until the final action is taken on the proposed ordinance, for the use and examination of the public.

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