Mayor and Common Council
Borough of Flemington

June 25, 2014

Council Meeting Room

Work Session Agenda (5:00 PM)

This meeting is being held in conformance with the Open Public Meetings Act.

1. DISCUSSION: METRICS FOR BUSINESS IMPROVEMENT DISTRICT
2. DISCUSSION: FIRE OFFICIAL'S INSPECTION SCHEDULE AND ADJUSTMENT TO SALARY

Regular Meeting Agenda (5:30 PM)

This meeting is being held in conformance with the Open Public Meetings Act.

Flag Salute

Roll Call:

Erica Edwards	Mayor
Dorothy Fine	Councilwoman
John Gorman	Councilman
Phil Greiner	Councilman
Joey Novick	Councilman
Brian Swingle	Council President
Phil Velella	Council Vice President

1. PROPOSAL FOR MURAL ON FORMER AGWAY FEEDMILL BUILDING OWNED BY NILKANTH LLC (WENDY RICHARDSON) (UP TO APPROXIMATELY 20 MINUTES)
2. UPDATE: FLEMINGTON BUSINESS IMPROVEMENT DISTRICT (MEGAN JONES HOLT, EXECUTIVE DIRECTOR)(UP TO APPROXIMATELY 30 MINUTES)
3. Public Comments -- Session I (up to approximately 3 minutes each, for a maximum of approximately 30 minutes)
4. ORDINANCE 2014-11: SECOND READING: AN ORDINANCE TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14) FOR CALENDAR YEAR 2014
5. RESOLUTION 2014-116: AUTHORIZING THE MUNICIPAL BUDGET FOR THE FISCAL YEAR 2014 TO BE READ BY TITLE
6. RESOLUTION 2014-117: ADOPTING THE 2014 MUNICIPAL BUDGET OF THE BOROUGH OF FLEMINGTON
7. RESOLUTION 2014-115: APPROVING THE SALARY RESOLUTION FOR THE BOROUGH OF FLEMINGTON
8. Mayor's Report (up to approximately 3 minutes)

9. Council Members' Reports (up to approximately 3 minutes each)

   Councilwoman Fine

   Councilman Gorman

   Councilman Greiner

   Councilman Novick

   Council President Swingle

   Council Vice President Velella

10. Approval of Minutes

    Motion To: **Approve Minutes: June 9, 2014 Regular Council Meeting**

11. RESOLUTION 2014-118: AUTHORIZING THE REDEMPTION OF TAX SALE CERTIFICATE # 2013-017 HELD ON BLOCK 44 LOT 22

12. RESOLUTION 2014-119: AUTHORIZING THE REDEMPTION OF TAX SALE CERTIFICATE NUMBER 2012-008 HELD ON BLOCK 13 LOT 26

13. RESOLUTION 2014-120: AUTHORIZING THE REDEMPTION OF TAX SALE CERTIFICATE NUMBER 2012-010 HELD ON BLOCK 16 LOT 8

14. RESOLUTION 2014-121: AUTHORIZING A REFUND OF A STREET OPENING PERMIT FEE TO FRED CRONCE

15. RESOLUTION 2014-122: AUTHORIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION WITH BROAD PACKAGE PRIVILEGE LIQUOR LICENSE NUMBER 1009-32-003-010 FOR BENSI OF FLEMINGTON LLC FOR THE YEAR 2014-2015

16. RESOLUTION 2014-123: AUTHORIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION WITH BROAD PACKAGE LIQUOR LICENSE NUMBER 1009-32-001-005 FOR FLEMINGTON CENTRAL LIQUORS FOR THE YEAR 2014-2015

17. RESOLUTION 2014-124: APPROVING AN AD INTERIM PERMIT FOR LIQUOR LICENSE # 1009-44-004-007 FOR FLEMINGTON CENTRAL LIQUORS INC.

18. RESOLUTION 2014-125: AUTHORIZING THE EXTENSION OF ALL PROFESSIONAL APPOINTMENTS THROUGH DECEMBER 31 2014

19. RESOLUTION 2014-126: AUTHORIZING A 90-DAY EXTENSION OF TIME FOR EXCLUSIVE NEGOTIATIONS BETWEEN THE DESIGNATED REDEVELOPER OF THE UNION HOTEL AND THE BOROUGH FOR THE PURCHASE OF 90-100 MAIN STREET

20. RESOLUTION 2014-127: SUPPORTING A NO PASSING ZONE ON ROUTE 31

21. ORDINANCE 2014-12: SECOND READING: BOND ORDINANCE PROVIDING FOR SEWER SERVICE IMPROVEMENTS ON WALTER'S LANE BY THE SEWER UTILITY OF THE BOROUGH OF FLEMINGTON, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY; APPROPRIATING $270,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF $270,000 IN BONDS OR NOTES TO FINANCE THE COST THEREOF

22. ORDINANCE 2014-13: SECOND READING: BOND ORDINANCE PROVIDING FOR WATER SERVICE IMPROVEMENTS ON WALTER'S LANE AND STANGL ROAD BY THE WATER UTILITY OF THE BOROUGH OF FLEMINGTON, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY; APPROPRIATING $560,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF $560,000 IN BONDS OR NOTES TO FINANCE THE COST THEREOF
23. ORDINANCE 2014-14: FIRST READING: ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FLEMINGTON, CHAPTER XX TAXICABS, SECTION 20-16 REVOCATION AND SUSPENSION OF LICENSES AND 20-19 VIOLATIONS AND PENALTIES
24. ORDINANCE 2014-15: FIRST READING: AN ORDINANCE UPDATING THE FIRE PREVENTION ORDINANCE CHAPTER VIII OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FLEMINGTON TO CORRECT STATE STATUTE CITATIONS, UPDATE AND SIMPLIFY FEE SCHEDULE AND CLARIFY THE SCOPE OF SMOKE DETECTOR INSPECTIONS
25. ORDINANCE 2014-16: FIRST READING: AN ORDINANCE AMENDING CHAPTER III POLICE REGULATIONS OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FLEMINGTON SECTION 3-20 FIRE LANES SCHEDULE I TO INCLUDE MARTIN VILLAGE CONDOMINIUMS
26. ORDINANCE 2014-17: FIRST READING: AN ORDINANCE AMENDING CHAPTER 7 TRAFFIC OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF FLEMINGTON SECTION 7-4.5 PARKING TIME LIMITED ON CERTAIN STREETS SCHEDULE III
27. Public Comments -- Session II (up to approximately 3 minutes each, for a maximum of approximately 30 minutes or until 8:00 PM whichever earlier occurs)
28. Attorney's Report
29. Payment of the Bills

    Motion To: **Pay The Bills**

Executive Session For Any Other Applicable Matter Identified During the Regular Meeting (Action May Be Taken)

Adjournment

Motion To: **Adjourn**

Mayor and Common Council
38 Park Avenue
Flemington, NJ 08822

SCHEDULED

AGENDA ITEM 2014-16

Meeting: 06/25/14 05:30 PM
Department: Clerk of the Borough
Category: Contract
Prepared By: Rebecca Newman
Initiator: Rebecca Newman
Sponsors:
DOC ID: 1590

Discussion: Metrics for Business Improvement District

Mayor and Common Council
38 Park Avenue
Flemington, NJ 08822

Meeting: 06/25/14 05:30 PM
Department: Clerk of the Borough
Category: Appointment
Prepared By: Rebecca Newman
Initiator: Rebecca Newman
Sponsors:
DOC ID: 1598

SCHEDULED

AGENDA ITEM 2014-17

Discussion: Fire Official's Inspection Schedule and Adjustment to Salary

Mayor and Common Council
38 Park Avenue
Flemington, NJ 08822

SCHEDULED

AGENDA ITEM 2014-18

Meeting: 06/25/14 05:30 PM
Department: Clerk of the Borough
Category: Contract
Prepared By: Rebecca Newman
Initiator: Rebecca Newman
Sponsors: Councilman Phil Greiner
DOC ID: 1586

Proposal for Mural on Former Agway Feedmill Building Owned by Nilkanth LLC (Wendy Richardson) (Up to Approximately 20 Minutes)

Mayor and Common Council
38 Park Avenue
Flemington, NJ 08822

SCHEDULED

AGENDA ITEM 2014-19

Meeting: 06/25/14 05:30 PM
Department: Clerk of the Borough
Category: Contract
Prepared By: Rebecca Newman
Initiator: Rebecca Newman
Sponsors:
DOC ID: 1592

Update: Flemington Business Improvement District (Megan Jones Holt, Executive Director)(Up to Approximately 30 Minutes)

Mayor and Common Council
38 Park Avenue
Flemington, NJ 08822

Meeting: 06/25/14 05:30 PM
Department: Clerk of the Borough
Category: Financial Approval
Prepared By: Rebecca Newman
Initiator: Rebecca Newman
Sponsors:
DOC ID: 1561

TABLED

ORDINANCE 2014-11

Second Reading: AN ORDINANCE TO ESTABLISH a CAP BANK (N.J.S.A. 40A:4-45.14) FOR CALENDAR YEAR 2014

Borough of Flemington
County of Hunterdon

WHEREAS, the Local Government Cap Law, N.J.S. 40A:4-45.1 et.seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said final budget appropriations to 0.50% unless authorized by ordinance to increase it to 3.5% over the previous years final appropriations; and,

WHEREAS, a municipality may, by ordinance, bank the difference between its final budget appropriations and the 3.5% increase authorized by this ordinance when said difference is not appropriated as part of the final budget; and,

WHEREAS, the Borough Council of the Borough of Flemington, County of Hunterdon, hereby determines that this difference in the amount of $112,679.31 that is not appropriated as part of the final budget shall be retained as an exception to the final appropriations in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, that any amount authorized herein above that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction: and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Introduced: June 09, 2014
Adopted: June 25, 2014

ATTEST:

Rebecca Newman, RMC

Erica Edwards, Mayor

HISTORY:

05/28/14	**Governing Body**	**INTRODUCED**	**Next: 06/25/14**

Mayor and Common Council
38 Park Avenue
Flemington, NJ 08822

Meeting: 06/25/14 05:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Rebecca Newman
Initiator: Rebecca Newman
Sponsors:
DOC ID: 1584

SCHEDULED

RESOLUTION 2014-116

Authorizing the Municipal Budget for the Fiscal Year 2014 to be Read by Title

Borough of Flemington

County of Hunterdon

WHEREAS, N.J.S.A. 40A:4-8 provides that the budget be read by title only at the time of the public hearing if a Resolution is passed by not less than a majority of the full membership of the governing body, providing that at least one week prior to the date of hearing a complete copy of the approved budget is advertised, has been posted on the bulletin board in Borough Hall, and copies have been made available by the Borough Clerk to persons requiring them on a daily basis thereafter, including the date and time of the actual public hearing held as a result thereof; and

WHEREAS, these required conditions have been made.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Flemington in the County of Hunterdon, State of New Jersey, that the municipal budget of the Borough of Flemington be read by title only.

BE IT FURTHER RESOLVED that this Resolution takes effect immediately.

_____
Erica Edwards, Mayor

CERTIFICATION

I, Rebecca P. Newman, Borough Clerk of the Borough of Flemington, do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Borough Council of the Borough of Flemington on June 25, 2014.

_____

Mayor and Common Council
38 Park Avenue
Flemington, NJ 08822

Meeting: 06/25/14 05:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Rebecca Newman

SCHEDULED

Initiator: Rebecca Newman
Sponsors:

RESOLUTION 2014-117

DOC ID: 1587

Adopting the 2014 Municipal Budget of the Borough of Flemington

Mayor and Common Council
38 Park Avenue
Flemington, NJ 08822

Meeting: 06/25/14 05:30 PM
Department: Clerk of the Borough
Category: Financial Approval
Prepared By: Rebecca Newman
Initiator: Rebecca Newman
Sponsors:
DOC ID: 1572

TABLED

RESOLUTION 2014-115

Approving the Salary Resolution for the Borough of Flemington

HISTORY:

06/09/14	**Governing Body**	**TABLED**	**Next: 06/25/14**

2014 Salary Ordinance

An ordinance to fix the rate of compensation of the Mayor, Council and non-union employees of the Borough of Flemington, County of Hunterdon, State of New Jersey.

BE IT ORDAINED, by the Mayor and Common Council of the Borough of Flemington, County of Hunterdon, State of New Jersey as follows:

Section 1: The rate of compensation of the following employees shall be on a yearly basis, payable quarterly

Mayor	$6,120.00
Council Member	$4,935.00
*Public Defender	$5,500.00
*Assistant Prosecutor	$1,612.00
*Emergency Management Coordinator	$3,225.00

Section 2: The rate of compensation of the following non-union employees shall be on a yearly basis, payable bi-weekly:

Borough Clerk (To include Registrar of Vital Statistics)	$33,709.00
Deputy Clerk	$27,050.00
Apartment Registration Secretary Stipend	$2,000.00
Chief Financial Officer (To include Deputy Collector)	$40,836.00
Tax Collector	$18,727.00
Tax Assessor	$27,359.00
Municipal Court Judge	$22,189.00
**$905.72 per 4th Monday Court Session	
Prosecutor	$17,270.00
**$705.60 per 4th Monday Court Session	
Court Administrator	$51,656.00
Court Officer (per night)	$86.55
Court Night Violations Clerk (per night)	$78.76
Construction Official / Building Sub-Code Inspector / Zoning	$29,845.00
*Property Maintenance Officer	$10,812.00
*Fire Sub-Code Inspector	$9,902.00
*Plumbing Sub-Code Inspector	$9,902.00
*Electric Sub-Code Inspector	$11,064.00
Fire Marshal (rate effective July 1, 2014)	$34,212.00
Planning Board Secretary	$21,420.00
*Recycling Coordinator	$4,000.00
Department of Public Works Director	$65,431.00
Library Director	$59,547.00
Librarian	$34,723.00
Library Aide	$8.00 - $12.90
Adult Crossing Guards (per hour rate)	$16.47
Parking Enforcement Officer (per hour rate)	$16.47
Special Police Officer: Class I (per hour rate)	$11.63 - $17.66
*Casual Employees (per hour rate)	$10.00 - $45.00

*Part-time Salaries (no set hours)

Section 3: The rate of compensation of the following police non-union employees shall be on a yearly basis, payable bi-weekly:

Chief of Police	$96,047.00

Introduced:

Adopted:

Erica Edwards, Mayor

Attest:

Rebecca Newman
Municipal Clerk

Mayor and Common Council
38 Park Avenue
Flemington, NJ 08822

SCHEDULED

Meeting: 06/25/14 05:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Rebecca Newman
Initiator: Rebecca Newman
Sponsors:
DOC ID: 1583

RESOLUTION 2014-118

Authorizing the Redemption of Tax Sale Certificate # 2013-017 Held on Block 44 Lot 22

BOROUGH OF FLEMINGTON
COUNTY OF HUNTERDON

WHEREAS, funds were received in the amount of $648.72 for the redemption of tax sale certificate # 2013-017; held on Block 42 Lot 22 known as 4 Walters Lane, property owner Richard Burek, certificate owner, US Bank Cust for Pro Capital.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Common Council of the Borough of Flemington, County of Hunterdon, State of New Jersey, that tax sale certificate # 2013-017 held by US Bank Cust Pro Capital is hereby cancelled and may be removed from the record, and the Treasurer is instructed to issue a check in the amount of $648.72 For the redemption made payable to US Bank Cust for Pro Capital.

Attach a copy of this resolution and mail to:

US Bank Cust for Pro Capital
2 Liberty Place
50 South 16th Street, STE 1950
Philadelphia, PA 19102

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be provided to the Tax Collector.

Adopted: June 25, 2014

Erica Edwards, Mayor

Attest:

Rebecca P. Newman, Clerk

Mayor and Common Council
38 Park Avenue
Flemington, NJ 08822

Meeting: 06/25/14 05:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Rebecca Newman
Initiator: Rebecca Newman
Sponsors:
DOC ID: 1582

SCHEDULED

RESOLUTION 2014-119

Authorizing the Redemption of Tax Sale Certificate Number 2012-008 Held on Block 13 Lot 26

BOROUGH OF FLEMINGTON
COUNTY OF HUNTERDON

WHEREAS, funds were received in the amount of $4,365.67 for the redemption of tax sale certificate # 2012-008; held on Block 13 Lot 26 known as 68 Park Avenue, property owner Mario Colamonaco, certificate owner, US Bank Cust for Pro Capital.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Common Council of the Borough of Flemington, County of Hunterdon, State of New Jersey, that tax sale certificate # 2012-008 held by US Bank Cust Pro Capital is hereby cancelled and may be removed from the record, and the Treasurer is instructed to issue a check in the amount of $4,365.67 for the redemption made payable to US Bank Cust for Pro Capital.

Attach a copy of this resolution and mail to:

US Bank Cust for Pro Capital
2 Liberty Place
50 South 16th Street, STE 1950
Philadelphia, PA 19102

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be provided to the Tax Collector.

Adopted: June 25, 2014

Erica Edwards, Mayor

Attest:

Rebecca P. Newman, Clerk

Mayor and Common Council
38 Park Avenue
Flemington, NJ 08822

SCHEDULED

Meeting: 06/25/14 05:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Rebecca Newman
Initiator: Rebecca Newman
Sponsors:
DOC ID: 1581

RESOLUTION 2014-120

Authorizing the Redemption of Tax Sale Certificate Number 2012-010 Held on Block 16 Lot 8

BOROUGH OF FLEMINGTON
COUNTY OF HUNTERDON

WHEREAS, funds were received in the amount of $2,178.68 for the redemption of tax sale certificate # 2012-010; held on Block 16 Lot 8 known as 44 Allen Street, property owner Patricia Koons, certificate owner, US Bank Cust for Pro Capital.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Common Council of the Borough of Flemington, County of Hunterdon, State of New Jersey, that tax sale certificate # 2012-010 held by US Bank Cust Pro Capital is hereby cancelled and may be removed from the record, and the Treasurer is instructed to issue a check in the amount of $2,178.68 for the redemption made payable to US Bank Cust for Pro Capital.

Attach a copy of this resolution and mail to:

US Bank Cust for Pro Capital
2 Liberty Place
50 South 16th Street, STE 1950
Philadelphia, PA 19102

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be provided to the Tax Collector.

Adopted: June 25, 2014

Erica Edwards, Mayor

Attest:

Rebecca P. Newman, Clerk

Mayor and Common Council
38 Park Avenue
Flemington, NJ 08822

SCHEDULED

Meeting: 06/25/14 05:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Rebecca Newman
Initiator: Rebecca Newman
Sponsors:
DOC ID: 1576

RESOLUTION 2014-121

Authorizing a Refund of a Street Opening Permit Fee to Fred Cronce

BOROUGH OF FLEMINGTON
COUNTY OF HUNTERDON

WHEREAS, Fred Cronce applied for a street opening permit and paid all necessary fees; and

WHEREAS, Fred Cronce decided not to move forward with the project; and

WHEREAS, no permit was issued prior to his request for cancellation.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Common Council, Borough of Flemington, County of Hunterdon, State of New Jersey that a refund in the amount of $300.00 made payable to Fred Cronce is approved.

Adopted: June 25, 2014

ATTEST:

Rebecca P. Newman, RMC
Borough Clerk

Erica Edwards, Mayor

Mayor and Common Council
38 Park Avenue
Flemington, NJ 08822

Meeting: 06/25/14 05:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Rebecca Newman
Initiator: Rebecca Newman
Sponsors:
DOC ID: 1579

SCHEDULED

RESOLUTION 2014-122

Authorizing the Renewal of Plenary Retail Consumption with Broad Package Privilege Liquor License Number 1009-32-003-010 for Bensi of Flemington LLC for the Year 2014-2015

BOROUGH OF FLEMINGTON
COUNTY OF HUNTERDON

WHEREAS, application has been received from Bensi of Flemington LLC, to renew the Plenary Retail Consumption with Broad Package Privilege Liquor License (1009-32-003-010); and

WHEREAS, said application is complete and accompanied by the required fees, affidavits, and tax clearance certificate from the New Jersey Division of Taxation; and

WHEREAS, no written objection to the renewal of this license was received by the Borough Clerk;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the Borough of Flemington, County of Hunterdon, State of New Jersey, as follows:

1. That the license as referenced above be renewed for the 2014-2015 license year and that the Borough Clerk be directed to forward a certified copy of this Resolution and the renewal application and accompanying fee to the Division of Alcoholic Beverage Control, Department of Law and Public Safety, for processing, and to the applicants; and;

2. That the Borough Clerk be authorized to issue the 2014-2015 license to the proper holder with the effective date of July 1, 2014.

3. This Resolution shall take effect immediately.

ATTEST:

By: _____
Rebecca P. Newman
Borough Clerk

By: _____
Erica Edwards, Mayor

CERTIFICATION

I, Rebecca P. Newman, Borough Clerk of the Borough of Flemington do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Borough Council on June 25, 2014.

_____

Rebecca P. Newman
Borough Clerk

Mayor and Common Council
38 Park Avenue
Flemington, NJ 08822

Meeting: 06/25/14 05:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Rebecca Newman
Initiator: Rebecca Newman
Sponsors:
DOC ID: 1577

SCHEDULED

RESOLUTION 2014-123

Authorizing the Renewal of Plenary Retail Consumption with Broad Package Liquor License Number 1009-32-001-005 for Flemington Central Liquors for the Year 2014-2015

BOROUGH OF FLEMINGTON
COUNTY OF HUNTERDON

WHEREAS, application has been received from Flemington Central Liquors Plenary Retail Consumption with Broad Package Privilege Liquor License (1009-32-001-005); and

WHEREAS, said application is complete and accompanied by the required fees, affidavits, and tax clearance certificate from the New Jersey Division of Taxation; and

WHEREAS, no written objection to the renewal of this license was received by the Borough Clerk;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the Borough of Flemington, County of Hunterdon, State of New Jersey, as follows:

1. That the license as referenced above be renewed for the 2014-2015 license year and that the Borough Clerk be directed to forward a certified copy of this Resolution and the renewal application and accompanying fee to the Division of Alcoholic Beverage Control, Department of Law and Public Safety, for processing, and to the applicants; and;

2. That the Borough Clerk be authorized to issue the 2014-2015 license to the proper holder with the effective date of July 1, 2014.

3. This Resolution shall take effect immediately.

ATTEST:

By: _____
Rebecca P. Newman
Borough Clerk

By: _____
Erica Edwards, Mayor

CERTIFICATION

I, Rebecca P. Newman, Borough Clerk of the Borough of Flemington do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Borough Council on June 25, 2014.

Rebecca P. Newman
Borough Clerk

Mayor and Common Council
38 Park Avenue
Flemington, NJ 08822

Meeting: 06/25/14 05:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Rebecca Newman
Initiator: Rebecca Newman
Sponsors:
DOC ID: 1593

SCHEDULED

RESOLUTION 2014-126

Authorizing a 90-Day Extension of Time for Exclusive Negotiations Between the Designated Redeveloper of the Union Hotel and the Borough for the Purchase of 90-100 Main Street

BOROUGH OF FLEMINGTON

COUNTY OF HUNTERDON

WHEREAS, the designated redeveloper of the Union Hotel property is recently in discussions with a preferred developer for the development of the Hotel property; and

WHEREAS, the preferred developer will necessarily be involved in discussions with the redeveloper of the Hotel and the Borough about the purchase of 90-100 Main Street; and

WHEREAS, all parties would benefit from a 90-day extension of time to permit negotiations to occur.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Common Council of the Borough of Flemington, County of Hunterdon, State of New Jersey that a 90-day extension of time for exclusive negotiations between the designated redeveloper of the Union Hotel and the Borough for the purchase of 90-100 Main Street is granted.

Adopted: June 25, 2014

ATTEST:

Rebecca Newman, RMC
Borough Clerk

Edward Zimmerman, Mayor

Mayor and Common Council
38 Park Avenue
Flemington, NJ 08822

Meeting: 06/25/14 05:30 PM
Department: Clerk of the Borough
Category: Board Policy
Prepared By: Rebecca Newman

SCHEDULED

Initiator: Rebecca Newman
Sponsors:

RESOLUTION 2014-127

DOC ID: 1594

Supporting a No Passing Zone on Route 31

BOROUGH OF FLEMINGTON
COUNTY OF HUNTERDON

WHEREAS, the New Jersey Department of Transportation (NJDOT) recently completed a traffic investigation on Route 31 in the Borough of Flemington; and

WHEREAS, NJDOT revealed the current centerline pavement markings on Route 31 meet and conform to current design standards; and

WHEREAS, NJDOT will update existing records to reflect current NO PASSING ZONE conditions along (US) (NJ) Route 31.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Common Council of the Borough of Flemington, County of Hunterdon, State of New Jersey, that it supports the use of a NO PASSING ZONE on Route 31 in the Borough of Flemington.

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be forwarded to the NJDOT as requested.

Adopted: June 25, 2014

ATTEST:

Rebecca P. Newman, RMC
Borough Clerk

Erica Edwards, Mayor

I, Rebecca Newman, do hereby certify that the foregoing is a true copy of a resolution adopted by the Flemington Borough Mayor and Council at a meeting held on the 25th day of June, 2014.

Rebecca P. Newman, RMC
Borough Clerk

Mayor and Common Council
38 Park Avenue
Flemington, NJ 08822

Meeting: 06/25/14 05:30 PM
Department: Clerk of the Borough
Category: Bond Ordinance
Prepared By: Rebecca Newman
Initiator: Rebecca Newman
Sponsors:
DOC ID: 1562

TABLED

ORDINANCE 2014-12

Second Reading: Bond Ordinance Providing for Sewer Service Improvements on Walter's Lane by the Sewer Utility of the Borough of Flemington, in the County of Hunterdon, State of New Jersey; Appropriating $270,000 Therefor and Authorizing the Issuance of $270,000 in Bonds or Notes to Finance the Cost Thereof

June 09, 2014

ATTEST:

Rebecca Newman, RMC

Erica Edwards, Mayor

HISTORY:

05/28/14	**Governing Body**	**INTRODUCED**	**Next: 06/25/14**

BOROUGH OF FLEMINGTON
ORDINANCE NUMBER _____

BOND ORDINANCE PROVIDING FOR SEWER SERVICE IMPROVEMENTS ON WALTER'S LANE BY THE SEWER UTILITY OF THE BOROUGH OF FLEMINGTON, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY; APPROPRIATING $270,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF $270,000 IN BONDS OR NOTES TO FINANCE THE COST THEREOF

BE IT ORDAINED AND ENACTED BY THE BOROUGH COMMON COUNCIL OF THE BOROUGH OF FLEMINGTON, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) **AS FOLLOWS:**

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Borough of Flemington, in the County of Hunterdon, State of New Jersey (the "Borough") as Sewer Utility general improvements or purposes. For the said improvements or purposes stated in Section 3, there is hereby appropriated the sum of $270,000 from the Sewer Utility of the Borough. Pursuant to the provisions of N.J.S.A. 40A:2-7(h) and 40A:2-11(c) of the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the "Local Bond Law"), no down payment is required as the Sewer Utility of the Borough is self-liquidating.

SECTION 2. In order to finance the cost of said improvements or purposes described in Section 3 hereof, negotiable bonds of the Sewer Utility of the Borough are hereby authorized to be issued in the principal amount of $270,000 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Sewer Utility of the

Borough in a principal amount not exceeding $270,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said bonds or notes are to be issued are sewer service improvements at Walter's Lane in the Borough. Such improvements shall include, but are not limited to, installation of sewer main and lateral piping, manhole covers, and related roadway, sidewalk and lawn restorations, including all engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, and also including all work, materials, appurtenances and equipment necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for said improvements or purposes is $270,000.

(c) The estimated cost of said improvements or purposes is $270,000.

SECTION 4. In the event the United States of America, the State of New Jersey and/or the County of Hunterdon make a contribution or grant in aid to the Borough, for the improvements and purposes authorized hereby and the same shall be received by the Borough prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey and/or the County of Hunterdon. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey and/or the County of Hunterdon, shall be received by the Borough after the issuance of the bonds or notes authorized in Section

2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purposes.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Borough, provided that no note shall mature later than one (1) year from its date or otherwise authorized by the Local Bond Law. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The capital budget of the Sewer Utility of the Borough is hereby amended to conform, as necessary, with the provisions of this bond ordinance, and to the extent of any inconsistency herewith, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital programs of

the Sewer Utility of the Borough as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs (the "Director of the Division of Local Government Services"), will be on file in the Office of the Clerk and will be available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements or purposes which the Borough may lawfully undertake as general Sewer Utility improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvements or purposes within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 40 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Borough and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by $270,000 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding $120,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the improvements or purposes hereinbefore described.

SECTION 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the bonds or notes authorized by this bond ordinance. The bonds or notes shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the bonds or notes and the interest thereon without limitation as to rate or amount.

SECTION 9. The Borough reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the Borough's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations §1.150-2. No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized herein used to reimburse the Borough for costs of the improvements or purposes described in Section 3 hereof, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds",

"pledged funds" or funds subject to a "negative pledge" (as such terms are defined in Treasury Regulations §1.148-1), of any bonds or notes authorized herein or another issue of debt obligations of the Borough other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulations §1.148-1). The bonds or notes authorized herein to reimburse the Borough for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed $270,000. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of section 150 of the Code. All reimbursement allocations will occur not later than eighteen (18) months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized herein is paid, or (ii) the date the improvements or purposes described in Section 3 hereof is "placed in service" (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than three (3) years after the expenditure is paid.

SECTION 10. The Borough is hereby authorized to negotiate any and all agreements and documents in connection with any financing through the New Jersey Environmental Infrastructure Trust. The Mayor, Chief Financial Officer, Borough Attorney, Borough Bond Counsel, the Borough Clerk and any other authorized officer of the Borough are each hereby authorized and directed, as applicable, to negotiate, approve, execute, attest, deliver and perform any and all agreements and documents in connection with any financing through the New Jersey Environmental Infrastructure Trust.

SECTION 11. The Borough covenants to maintain the exclusion from gross income under Section 103(a) of the Code of the interest on all bonds and notes issued under this ordinance.

SECTION 12. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption and approval by the Mayor, as provided by the Local Bond Law.

ADOPTED ON FIRST READING
DATED: May 28, 2014

_____
REBECCA NEWMAN,
Borough Clerk

ADOPTED ON SECOND READING
DATED: June __, 2014

_____
REBECCA NEWMAN,
Borough Clerk

APPROVAL BY THE MAYOR ON THIS __ DAY OF _____, 2014.

_____
ERICA EDWARDS,
Mayor

Mayor and Common Council
38 Park Avenue
Flemington, NJ 08822

Meeting: 06/25/14 05:30 PM
Department: Clerk of the Borough
Category: Bond Ordinance
Prepared By: Rebecca Newman
Initiator: Rebecca Newman
Sponsors:
DOC ID: 1564

TABLED

ORDINANCE 2014-13

Second Reading: Bond Ordinance Providing for Water Service Improvements on Walter's Lane and Stangl Road by the Water Utility of the Borough of Flemington, in the County of Hunterdon, State of New Jersey; Appropriating $560,000 Therefor and Authorizing the Issuance of $560,000 in Bonds or Notes to Finance the Cost Thereof

Attest: June 9, 2014

ATTEST:

Rebecca Newman, RMC
Borough Clerk

Erica Edwards, Mayor

HISTORY:

05/28/14	**Governing Body**	**INTRODUCED**	**Next: 06/25/14**

BOROUGH OF FLEMINGTON
ORDINANCE NUMBER _____

BOND ORDINANCE PROVIDING FOR WATER SERVICE IMPROVEMENTS ON WALTER'S LANE AND STANGL ROAD BY THE WATER UTILITY OF THE BOROUGH OF FLEMINGTON, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY; APPROPRIATING $560,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF $560,000 IN BONDS OR NOTES TO FINANCE THE COST THEREOF

BE IT ORDAINED AND ENACTED BY THE BOROUGH COMMON COUNCIL OF THE BOROUGH OF FLEMINGTON, IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) **AS FOLLOWS:**

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Borough of Flemington, in the County of Hunterdon, State of New Jersey (the "Borough") as Water Utility general improvements or purposes. For the said improvements or purposes stated in Section 3, there is hereby appropriated the sum of $560,000 from the Water Utility of the Borough. Pursuant to the provisions of N.J.S.A. 40A:2-7(h) and 40A:2-11(c) of the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the "Local Bond Law"), no down payment is required as the Water Utility of the Borough is self-liquidating.

SECTION 2. In order to finance the cost of said improvements or purposes described in Section 3 hereof, negotiable bonds of the Water Utility of the Borough are hereby authorized to be issued in the principal amount of $560,000 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily

Attachment: DOC062014-06202014100452 (2014-14 : Taxi Ordinance)

finance said improvements or purposes, negotiable notes of the Water Utility of the Borough in a principal amount not exceeding $560,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said bonds or notes are to be issued are water service improvements at Walter's Lane and Stangl Road in the Borough. Such improvements shall include, but are not limited to, installation of water main piping, new water service connections, related valves and water hydrants, and related roadway, sidewalk and lawn restorations, including all engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, and also including all work, materials, appurtenances and equipment necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for said improvements or purposes is $560,000.

(c) The estimated cost of said improvements or purposes is $560,000.

SECTION 4. In the event the United States of America, the State of New Jersey and/or the County of Hunterdon make a contribution or grant in aid to the Borough, for the improvements and purposes authorized hereby and the same shall be received by the Borough prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey and/or the County of Hunterdon. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey and/or the County of Hunterdon, shall

Attachment: DOC062014-06202014100452 (2014-14 : Taxi Ordinance)

be received by the Borough after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purposes.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Borough, provided that no note shall mature later than one (1) year from its date or otherwise authorized by the Local Bond Law. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The capital budget of the Water Utility of the Borough is hereby amended to conform, as necessary, with the provisions of this bond ordinance, and to the extent of any inconsistency herewith, a resolution in the form promulgated by the Local

Attachment: DOC062014-06202014100452 (2014-14 : Taxi Ordinance)

Finance Board showing full detail of the amended capital budget and capital programs of the Water Utility of the Borough as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs (the "Director of the Division of Local Government Services"), will be on file in the Office of the Clerk and will be available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements or purposes which the Borough may lawfully undertake as general Water Utility improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvements or purposes within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 40 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Borough and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by $560,000 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

Attachment: DOC062014-06202014100452 (2014-14 : Taxi Ordinance)

(d) An aggregate amount not exceeding $120,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the improvements or purposes hereinbefore described.

SECTION 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the bonds or notes authorized by this bond ordinance. The bonds or notes shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the bonds or notes and the interest thereon without limitation as to rate or amount.

SECTION 9. The Borough reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the Borough's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations §1.150-2. No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized herein used to reimburse the Borough for costs of the improvements or purposes described in Section 3 hereof, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds",

Attachment: DOC062014-06202014100452 (2014-14 : Taxi Ordinance)

"pledged funds" or funds subject to a "negative pledge" (as such terms are defined in Treasury Regulations §1.148-1), of any bonds or notes authorized herein or another issue of debt obligations of the Borough other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulations §1.148-1). The bonds or notes authorized herein to reimburse the Borough for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed $560,000. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of section 150 of the Code. All reimbursement allocations will occur not later than eighteen (18) months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized herein is paid, or (ii) the date the improvements or purposes described in Section 3 hereof is "placed in service" (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than three (3) years after the expenditure is paid.

SECTION 10. The Borough is hereby authorized to negotiate any and all agreements and documents in connection with any financing through the New Jersey Environmental Infrastructure Trust. The Mayor, Chief Financial Officer, Borough Attorney, Borough Bond Counsel, the Borough Clerk and any other authorized officer of the Borough are each hereby authorized and directed, as applicable, to negotiate, approve, execute, attest, deliver and perform any and all agreements and documents in connection with any financing through the New Jersey Environmental Infrastructure Trust.

Attachment: DOC062014-06202014100452 (2014-14 : Taxi Ordinance)

SECTION 11. The Borough covenants to maintain the exclusion from gross income under Section 103(a) of the Code of the interest on all bonds and notes issued under this ordinance.

SECTION 12. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption and approval by the Mayor, as provided by the Local Bond Law.

ADOPTED ON FIRST READING
DATED: May 28, 2014

_____
REBECCA NEWMAN,
Borough Clerk

ADOPTED ON SECOND READING
DATED: June __, 2014

_____
REBECCA NEWMAN,
Borough Clerk

APPROVAL BY THE MAYOR ON THIS __ DAY OF _____, 2014.

_____
ERICA EDWARDS,
Mayor

Attachment: DOC062014-06202014100452 (2014-14 : Taxi Ordinance)

Mayor and Common Council
38 Park Avenue
Flemington, NJ 08822

Meeting: 06/25/14 05:30 PM
Department: Clerk of the Borough
Category: Council Ordinance
Prepared By: Rebecca Newman
Initiator: Rebecca Newman
Sponsors:
DOC ID: 1560

TABLED

ORDINANCE 2014-14

First Reading: Ordinance Amending the Revised General Ordinances of the Borough of Flemington, Chapter XX Taxicabs, Section 20-16 Revocation and Suspension of Licenses and 20-19 Violations and Penalties

HISTORY:

06/09/14	**Governing Body**	**TABLED**	**Next: 06/25/14**

CHAPTER XX TAXICABS

20-1 DEFINITIONS.

The following words and phrases and their derivatives, when used in this chapter, shall have the meanings hereinafter indicated:

Borough shall mean the Borough of Flemington.

Bailee shall mean a person to whom a taxicab is transferred or delivered under a bailment.

Cruising shall mean the practice of driving about the streets of the Borough with a taxicab for the purpose of soliciting passengers or presenting the purpose of the taxicab to the attention of prospective passengers. A taxicab driving along the streets of the Borough for any purpose other than while transporting a passenger or going to a definite destination by the most direct route in response to a call for a taxicab by a prospective passenger, or returning by the most direct route to the taxicab's home terminus after discharging a passenger, or going to or from the said terminus to the driver's home by the most direct route, shall be prima facie evidence of "cruising."

Driver shall mean any person who drives a taxicab within the limits of the Borough.

Licensed shall mean licensed in accordance with the appropriate section of this chapter.

Operation of a taxicab shall mean transporting in such taxicab one or more persons for hire along any of the streets or public highways of the Borough.

Owner shall mean any person, corporation or association in whose name title to any taxicab is registered with the Motor Vehicle Commission of the State of New Jersey, or who appears in such records to be the conditional vendee or lessee thereof.

Person shall mean and include any individual, partnership, association, corporation or joint-stock company, their lessees, trustees or receivers, and includes the plural as well as the singular.

Street shall mean and include any street, avenue, park, parkway, highway or other public place.

Taxicab shall mean and include any automobile or motorcar, commonly called "taxi," "limousine," "shuttle," etc., except busses, engaged in the business of carrying passengers for hire, which is held out, announced or advertised to operate or run, or which is operated or run, over any of the streets or public highways within the limits of the Borough of Flemington aforesaid, and which accepts passengers for the transportation from points or places to points or places within or without the Borough.

(Ord. No. 6-1982 § 1; Ord. No. 14-1998 § 1; Ord. No. 2012-12)

20-2 LICENSES REQUIRED.

From and after the effective date of this chapter, no person shall operate any taxicab within the limits of the Borough unless both the taxicab and the driver thereof are licensed pursuant to this chapter and conform to all the provisions of all applicable statutes. (Ord. No. 6-1982 § 2; Ord. No. 2012-12)

20-3 CLASSES OF LICENSES.

There are hereby established two (2) classes of taxicab licenses, to be known as "taxicab driver's license" and "taxicab owner's license," respectively. (Ord. No. 6-1982 § 3; Ord. No. 2012-12)

20-4 ISSUED/OUTSTANDING LICENSES.

There shall be no limit on the number of taxicab driver's licenses and taxicab owner's licenses that shall be issued and/or outstanding simultaneously. (Ord. No. 6-1982 § 4; Ord. No. 2012-12)

20-5 TAXICAB DRIVER'S LICENSE.

A taxicab driver's license shall entitle the person named therein to operate within the limits of the Borough any taxicab duly licensed hereunder and under the laws of the State of New Jersey until the license granted pursuant to the terms of this chapter either expires or is surrendered, suspended or revoked, and shall not be transferable. (Ord.

No. 6-1982 § 5; Ord. No. 2012-12)

20-6 TAXICAB OWNER'S LICENSE.

A taxicab owner's license shall entitle the taxicab therein described to be operated in the Borough by a driver duly licensed hereunder and duly licensed under the laws of this State until the license granted pursuant to the terms of this chapter either expires or is surrendered, suspended or revoked, and shall not be transferable. (Ord. No. 6-1982 § 6; Ord. No. 2012-12)

20-7 QUALIFICATIONS OF TAXICAB OWNER'S LICENSEES.

~~a. No license to operate a taxicab shall be granted to any person unless he is a lawful resident of the United States. In the case of a partnership, no license shall be granted to operate a taxicab unless all the members thereof are citizens of the United States.~~

a. In the case of a corporation, no license shall be granted to operate a taxicab unless the corporation is either incorporated or is duly authorized to do business under the laws of the State of New Jersey. No license shall be granted to operate a taxicab to any person or to any partnership or corporation who is not, or the member or officers of which are not, persons of good moral character or have been convicted of any crime involving moral turpitude.

b. In order to ensure the safety of the public, no owner, lessee or bailee of any taxicab shall operate, cause or permit such taxicab to be operated, nor shall any license be issued hereunder, until and unless the applicant shall have complied with the provisions of N.J.S.A. 48:16-1, et seq. of the statutes of the State of New Jersey, and the Acts amendatory thereof, or supplemental thereto, relating to the filing of an insurance policy covering the owner or operator of such vehicle for damages to persons for which he may become liable by reason of the ownership, maintenance or use of the vehicle. All taxicab owner's and driver's licenses shall be effective and operative only if such insurance policy or policies are in full force and effect. The lapse of such insurance and the failure to submit proof that such insurance is in full force and effect, including but not limited to upon the expiration of any such insurance, shall cause the applicable licenses to automatically be

revoked until such time as proof of such insurance is submitted. If the insurance policy expires during the licensing period of January 1 and December 31, license holder must submit an updated insurance certificate to the Borough Clerk within 30 days from the expiration date of the policy. Failure to submit proof of insurance will cause the license to be temporarily revoked until such time that proof of insurance can be supplied.

(Ord. No. 6-1982 § 7; Ord. No. 14-1998 § 2; Ord. No. 2012-12)

20-8 QUALIFICATIONS OF TAXICAB DRIVER'S LICENSEES.

Each applicant for a taxicab driver's license must conform to the following requirements:

a. Be of the age of eighteen (18) years or older, ~~be a lawful resident of the United States~~, shall not have been convicted of any crime involving moral turpitude within ten (10) years next preceding prior to the date of the application for license and shall not have been convicted of any two (2) or more violations of Title 39 of the Revised Statutes or the equivalent thereof <u>in another state</u> within three (3) years next preceding prior to the date of application for license.

b. Be able to read and write the English language.

c. State the name of the licensed owner by whom he will be employed.

d. Fill out, in his own handwriting, upon a blank form to be provided by the Borough Clerk, a statement giving his full name, residence, places of residence for the preceding five (5) years; age, color, height, color of eyes and hair, place of birth, whether a lawful resident of the United States, places of previous employment; whether he has ever been charged with or arrested or convicted of a crime or other violation or of a violation of this chapter and, if so, what; whether previously licensed as a taxicab driver or chauffeur and, if so, whether his license has ever been revoked and for what cause which statement, shall be signed and sworn to by the applicant and filed in the office of the Borough Clerk.

f. Each applicant for a taxicab driver's license must file with his application two (2) unmounted, unretouched photographs of himself in such position as the Borough Clerk may direct, taken

within thirty (30) days preceding the filing of the application. Photographs are to be of a size which may easily be attached to the license, one of which may be attached when issued, and another to be filed with the application in the office of the Borough Clerk. The photograph shall be so attached to the license that it cannot be removed and another photograph substituted without detection. Each licensed taxicab driver shall, upon demand of any member of the Police Department or any citizen, exhibit his license or photograph for inspection.

g. Each applicant shall execute and file with the application the authorization by subject of request and privacy act notification area of Form SBI-212A or SBI-212B (request for criminal history record information for a noncriminal justice purpose) for a criminal name search identification check pursuant to N.J.S.A. 53:1-20.5, et seq. In addition, the applicant must submit a cashier's check, certified check or money order drawn on a United States bank in the amount of $15, payable to the "New Jersey Division of State Police, SBI," for the criminal history name search.

h. Each applicant shall furnish a certified drivers abstract history obtained from the New Jersey Division of Motor Vehicles within thirty (30) days prior to the filing of the application.

(Ord. No. 6-1982 § 8; Ord. No. 14-1998 § 3; Ord. No. 2012-12)

20-9 APPLICATIONS.

a. Applications for a taxicab owner's license shall be made by the owner, lessee or bailee thereof upon forms to be furnished by the Borough Clerk and the application shall contain the following information:

1. If an individual, full name of applicant, street and post office address, place of residence, place of birth; ~~whether a lawful resident of the Unites States~~; places of previous employment; whether ever charged with, arrested or convicted of a crime or other violation of law, and if so, what crime or offense; whether previously licensed to operate a taxicab has ever been revoked and, if so, for what cause.

2. If a partnership, the firm name, main office, branch offices, names and addresses and post office addresses of partners; ~~whether partners are native born or naturalized citizens; place of birth of each partner~~; places of previous employment, whether ever charged with or arrested or convicted of any crime or other violation of law, and, if so, what crime or offense; whether any partner has been licensed to operate a taxicab or as a driver or chauffeur of a taxicab and, if so, for what cause.

3. If a corporation, name of corporation, main office, branch offices, in what state incorporated and directors of corporation; place of ~~birth of each officer and director, whether lawful resident of the United States~~; place of previous employment of each; whether any officer or director was ever charged with, arrested or convicted of a crime or other violation of law, and if so, what crime or offense; whether previously licensed to operate or drive such taxicab has ever been revoked and, if so, for what cause.

~~4.~~ In addition to the foregoing, every application shall contain a statement as to whether the applicant is the owner, lessee or bailee of the taxicab sought to be licensed, the State license number of the taxicab; the make, model and manufacturer's number; ~~the length of time the vehicle has been in use~~; and the number of persons it is capable of carrying. ~~the motor power thereof and its present value.~~

5. All applications shall be duly verified by the affidavit of the individual, a partner of the partnership or an officer of the corporation seeking a license, as the case may be, and shall be accompanied on forms to be provided by the Borough Clerk.

6. All applications shall contain the service prices for transportation of passengers. Prices shall be of the owners choosing and provided to passengers upon request, as well as posted in a conspicuous place in the taxicab. The prices charged to passengers should be the same as those stated on the application which can be amended during the year to change the prices charged by filing the new prices with the Borough Clerk before they go into effect.

(Ord. No. 6-1982 § 9; Ord. No. 14-1998 § 4; Ord. No. 2012-12)

20-10 APPLICATION FOR TAXI DRIVER'S LICENSE.

No person shall drive a taxicab until he shall have made application upon a form provided by the Borough Clerk for a taxicab driver's license and shall have procured the license as herein provided. Each person applying for a license to drive a taxicab must furnish all of the information required in Section 20-8, as well as satisfactory evidence that he has received a driver's license under the State Motor Vehicle Act. (Ord. No. 6-1982 § 10; Ord. No. 2012-12)

20-11 EXPIRATION DATE OF LICENSES.

All licenses pursuant to this chapter shall expire at the end of the year of issuance or renewal, unless sooner surrendered, suspended or revoked. No license fee payable under this chapter shall be prorated, nor shall any part thereof be refunded for any reason unless a license shall be refused. (Ord. No. 6-1982 § 11; Ord. No. 2012-12)

20-12 FEES.

a. The annual license and license renewal fee for issuance, or for renewal thereof, shall be two hundred ($250.00) dollars for each taxicab owner's license and one hundred ($100.00) dollars for each taxicab driver's license for each year for which the license is issued or renewed, except that where any such license shall be issued on and after the first day of October the license fee shall be one-half (1/2) of the sum, as aforesaid. No part of such fee shall be refunded for any reason, except upon the denial of an application for the issuance or renewal of a license by the Mayor and Council of the Borough, in which event sixty (60%) percent of the fee deposited shall be returned to the applicant and forty (40%) percent thereof shall be retained by the Borough as compensation for the investigation of such application. (Ord. No. 6-1982 § 12; Ord. No. 2012-12)

b. <u>An annual inspection fee of seventy five ($75.00) dollars for each taxicab owner's license made payable to the Flemington Borough Police Department at the time of the inspection.</u>

20-13 LICENSE ISSUANCE REGULATIONS.

a. Any or all applications for licenses hereunder may be granted or

refused by the majority vote of the Mayor and Common Council of the Borough.

b. No taxicab owner's license shall be issued until the motor vehicle to be licensed has been thoroughly and carefully inspected and examined by the Police Department of the Borough and found to be in safe condition for the transportation of passengers. All licensed **taxicabs** shall be clean, fit, of good appearance and well painted. The Mayor and Common Council of the Borough shall refuse a license to any applicant or, if already issued, revoke or suspend the license of any vehicle found to be unsafe for the transportation of passengers. All reports of inspections and examinations shall be filed with the Borough Clerk and become a part of the application filed for the licensing of the vehicle.

If, upon inspection, a taxicab is found to be in a safe condition for the transportation of passengers and in accordance with the provisions of this chapter, upon the payment of the license fees required by this chapter, the same may be licensed by delivering to the applicant a card of such size and form as may be prescribed by the Borough Clerk. The card shall contain the name of the applicant, the official license number of the taxicab, the name of the owner, the State license number thereof, the make, model, manufacturer's number ~~and motor power of the taxicab~~, together with the date of the inspection of the same, and a notice that in case of any complaint, the Borough Clerk shall be notified, the license number of the taxicab being given. The card shall have attached thereto the signature of the Borough Clerk and shall contain blank spaces upon which an entry shall be made of the date of each inspection of the vehicle by the person making the inspection.

c. Upon satisfactory fulfillment of all licensing requirements, there shall be issued to the applicant a license to drive a taxicab for the licensed owner named in his application. No licensed driver shall operate a taxicab owned by a person other than the person named in the application and license, unless the driver shall have first obtained a license therefor from the Borough Clerk.

d. A license sticker shall be placed in the bottom left corner of the rear driver side window. The sticker will contain the words "Flemington Borough," "Registered Taxi" and the year.

(Ord. No. 6-1982 § 13; Ord. No. 2012-12)

20-14 NAMES OF VEHICLES.

Every taxicab so licensed shall have displayed on both sides thereof the word "taxi" in letters at least four (4) inches high or the name of the operating owner containing the words "taxi" or "taxicab." (Ord. No. 6-1982 § 14; Ord. No. 2012-12)

20-15 NONTRANSFERABILITY.

No license issued hereunder shall be sold, assigned, mortgaged or otherwise transferred or hypothecated. (Ord. No. 6-1982 § 15; Ord. No. 2012-12)

20-16 REVOCATION AND SUSPENSION OF LICENSES.

a. A taxicab owner's license issued hereunder may be revoked or suspended at any time after notice and hearing by the Chief of Police, or a representative of the Police Department, the Borough Clerk and the Borough Attorney. Pending the outcome of the hearing, if a licensee is found to be not in compliance of any of the provisions of this chapter the license will be revoked by resolution ratifying the decision made at the hearing. If the vehicle shall not be in a safe condition for the transportation of passengers, not kept in conformity with the terms of this chapter, if used or its use permitted for any improper, immoral or illegal business or purpose, or for the violation of any statute or law of the State of New Jersey or of the United States, or for a violation of any provision of this chapter, <u>or whenever in their promotion of the public health, safety and/or welfare will be enhanced</u>

b. A taxicab drivers' license issued hereunder may be revoked or suspended at any time after notice and hearing by the <u>Chief of Police, or a representative of the Police Department, the Borough Clerk and the Borough Attorney. Pending the outcome of the hearing, if a licensee is found to be not in compliance of any of the provisions of this chapter the license will be revoked by resolution ratifying the decision made at the hearing.</u> The Mayor and Common Council of the Borough of Flemington, after notice and out come of hearing, may suspend or revoke the license of any taxicab driver who shall violate any State or Federal statute, <u>including but not limited to a violation of Title 39 of the statutes of</u>

New Jersey or the equivalent in other states, or Municipal ordinance, including but not limited to any of the provisions of this chapter, or, whenever in their judgment, promotion of the public ~~life~~, health, ~~morals or~~ safety and/or welfare will be enhanced by such suspension or revocation. The Borough Clerk shall notify the Chief of Police whenever such license is suspended or revoked.

c. c. The Flemington Police Department at any time during the licensing year may run a drivers abstract history and advise the Borough Clerk if a driver who is licensed has been convicted of a Title 39 or other violation.

(Ord. No. 6-1982 § 16; Ord. No. 2012-12)

20-17 POWER OF ATTORNEY.

No taxicab owner's license shall be issued until the applicant therefor shall have delivered to the Borough Clerk, concurrently with the filing of the insurance policy hereinbefore referred to, a power of attorney executed by said applicant wherein and whereby said applicant shall appoint the Clerk of the Borough, his, her or its true and lawful attorney for the purpose of acknowledging service of any process out of any court of competent jurisdiction to be served against the insured by virtue of the indemnity granted under the insurance policy filed; and any license for a taxicab issued upon such application shall continue effective, and the operation of any taxicab thereunder shall be permitted, only so long as said power of attorney shall remain in effect and unrevoked. (Ord. No. 6-1982 § 17; Ord. No. 2012-12)

20-18 RESERVED.

Editor's Note: Former section 20-18, Cruising, previously codified herein and containing portions of Ordinance No. 6-1982, was repealed in its entirety by Ordinance No. 14-1998.

20-19 VIOLATIONS AND PENALTIES.

Any person or persons, firm or corporation who shall violate this chapter or any of its provisions shall, upon conviction, be punished either by imprisonment in the County jail for a term not exceeding ninety

(90) days or by a fine ~~not exceeding five hundred ($500.00) dollars~~ *of one hundred dollars ($100.00) for a first offense, two hundred - fifty dollars ($250.00) for a second offense, and five hundred dollars ($500.00) for a third offense and every offense thereafter,* or both, in the discretion of the Court. (Ord. No. 6-1982 § 19; Ord. No. 2012-12)

20-20 LIMOUSINE LICENSE.

All of the requirements of this Chapter XX shall apply to limousines, except as follows:

a. *License Required.* No person shall hire, keep, or use for hire or pay, any limousine utilizing the Borough of Flemington as a principal place of business as expressed in N.J.S.A. 40:16-18 without first having obtained a license for that purpose from the Borough Clerk for such limousine, which license shall be known as a "limousine license." Such license shall be for a term of one (1) year from the date of issuance and shall be renewable annually and shall be nontransferable.

b. *Fee.* The fee for the issuance of such license shall be in accordance with Section 20-12 entitled "Fees." Each such vehicle used as a limousine shall be licensed separately.

c. *Qualifications.* The Borough Clerk shall issue such license after satisfactory compliance by the applicant with the provisions of N.J.S.A. 48:16-13 to 48:16-22 and approval by the Chief of Police and the payment of the aforesaid fee.

d. *Form and Content of License.* There shall be a separate license issued for each limousine to be licensed. The license shall be in writing, numbered, signed by the Chief of Police on a form provided by the Borough and shall contain the following information: the name, business address, and business telephone number of the owner; the number of the license, the make, model, year, serial number, and license plate number of the vehicle; the name of the company supplying insurance coverage, the policy number and the name, address and telephone number of the insurance agent.

e. *By whom Issued.* Limousine license shall be initially issued by the Borough of Flemington Council. Any renewals thereof shall be issued by the Borough Clerk upon approval of the Chief of Police.

(Ord. No. 21-1998; Ord. No. 2012-12)

Mayor and Common Council
38 Park Avenue
Flemington, NJ 08822

Meeting: 06/25/14 05:30 PM
Department: Clerk of the Borough
Category: Council Ordinance
Prepared By: Rebecca Newman

SCHEDULED

Initiator: Rebecca Newman
Sponsors:

ORDINANCE 2014-15

DOC ID: 1580

FIRST READING: an Ordinance Updating the Fire Prevention Ordinance Chapter VIII of the Revised General Ordinances of the Borough of Flemington to Correct State Statute Citations, Update and Simplify Fee Schedule and Clarify the Scope of Smoke Detector Inspections

CHAPTER VIII FIRE PREVENTION CODE INDEX

Article 1 Enforcement of Fire Prevention Code of the Code of the Borough of Flemington

8-1 LOCAL ENFORCEMENT.

Pursuant to section II of the Uniform Fire Safety Act (P.L. 1983, c.383) the New Jersey Uniform Fire Code shall be locally enforced in the municipality of Flemington. (Ord. No. 2007-17 § 1)

8-2 AGENCY DESIGNATION.

The local enforcing agency shall be the Bureau of Fire Safety within the Office of Code Enforcement. (Ord. No. 2007-17 § 1)

8-3 DUTIES.

The local enforcement agency shall enforce the Uniform Fire Safety Act and the codes and regulations adopted under it in all buildings, structures and premises within the establishment boundaries of the Borough of Flemington, other than owner-occupied one- and two-family dwellings, used exclusively for dwelling purposes and building structures, and premises owned by the Federal Government, interstate agencies or the State, and shall faithfully comply with the requirements of the Uniform Fire Safety Act and the Uniform Fire Code. (Ord. No. 2007-17 § 1)

8-4 LIFE HAZARD USES.

The local enforcing agency established by Section 8-2 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 Community Affairs. (Ord. No. 2007-17 § 1)

8-5 ORGANIZATION.

The local enforcing agency established by Section 8-2 of this Article shall be under the direct supervision of the Fire Marshal who shall report to the Code Enforcement Liaison for Council. (Ord. No. 2007-17 § 1)

8-6 APPOINTMENTS, TERM OF OFFICE, REMOVAL.

8-6.1 Appointment and Qualifications of the Fire Marshal and Fire Inspector.

The local enforcing agency shall be under the direct supervision of a Fire Marshal.

a. *Fire Marshal Requirements.*

1. Certified Fire Official/Fire Inspector with the State of New Jersey, Division of Fire Safety.

2. Minimum of associates degree or sixty (60) college credits.

3. Current Firefighter, ICS, NIMS Certifications with the State of New Jersey, Division of Fire Safety.

4. Minimum of three (3) years experience as a certified Fire Official, further education in paragraph a,3 may substitute for years of experience.

5. Within two (2) years of taking office must acquire Fire Subcode Official License HHS, or be in the process of completing within time frame.

b. *Fire Inspector Requirements.*

1. Certified Fire Official/Fire Inspector with the State of New Jersey, Division of Fire Safety.

(Ord. No. 2007-17 § 1)

8-6.2 Term of Office.

The Fire Marshal shall be appointed by the Mayor with the advice and consent of the Council for a term of three (3) years. Any vacancy shall be filled for the unexpired term. (Ord. No. 2007-17 § 1)

8-6.3 Inspectors and Employees.

Up to five (5) Fire Inspectors and other employees as may be necessary in the local enforcing agency shall be appointed by the Mayor with the advice and consent of the Council upon recommendation of the Fire Marshal for a period of one (1) year. Inspectors shall be appointed for a period of one (1) year. All Life Hazard Use Inspectors will be certified by the State. (Ord. No. 2007-17 § 1)

8-6.4 Removal from Office.

The Fire Marshal, Fire Inspectors and other employees of the enforcing agency shall be subject to removal by the Mayor. (Ord. No. 2007-17 § 1)

8-6.5 Appointment of Legal Counsel.

The Governing Body shall specifically appoint legal counsel to assist the agency in enforcing the Uniform Fire Code. (Ord. No. 2007-17 § 1)

8-7 BOARD OF APPEALS.

Pursuant to Section 15 and 17 of the Uniform Fire Safety Act, any person aggrieved by any order of the local enforcement agency shall have the right to appeal to the Construction Board of Appeals of Hunterdon County. (Ord. No. 2007-17 § 1)

8-8 ESTABLISHMENT AND DUTIES OF BUREAU OF FIRE SAFETY.

a. The New Jersey Uniform Fire Code shall be enforced by the Bureau of Fire Safety in the Division of Building Inspection of the Borough, which shall be operated under the supervision of the Fire Marshal.

b. The Bureau of Fire Safety shall consist of the following:

1. The Fire Marshal who shall be in charge of Bureau.

2. A maximum of five (5) fire inspectors.

The above officials shall be appointed by the Mayor with the advice and consent of the Council, as per their appropriate terms. Any vacancy in the above positions shall be filled for the unexpired term.

c. The duties of the Bureau of Fire Safety shall consist of:

1. Enforcing the New Jersey Uniform Fire Code.

2. Making any and all inspections as required by law or deemed necessary.

3. Making accurate reports of any and all inspections and activities of the Bureau of Fire Safety.

4. Making recommendations to the appropriate Borough officials in furtherance of enforcing or amending the ordinances of the Borough of Flemington.

5. Performing any additional duty which the Mayor and Common Council may assign within outlined job title.

6. Conduct 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.

7. Make a quarterly report of the Bureau of Fire Safety and transmit to the Mayor and Common Council.

8. Make an annual report of the Bureau of Fire Safety and transmit to the Mayor and Common Council. It shall contain all proceedings under the New Jersey Uniform Fire Code, with such statistics as the Bureau may wish to include therein. The report is to be transmitted no later than the fourth Monday of January in the next succeeding years following the year for which the report is made.

(Ord. No. 2007-17 § 1)

8-9 DUTIES OF THE FIRE MARSHAL OF THE BUREAU OF FIRE SAFETY.

a. The duties of the Fire Marshal of the Bureau of Fire Safety shall consist of the following:

1. Designating regularly scheduled hours for routine fire inspections.

2. Convening and presiding over meetings of the Bureau of Fire Safety.

3. Promulgating and administering a budget for the Bureau of Fire Safety.

4. Formulating and implementing a schedule of routine inspections and reinspections as shall be required.

5. Maintaining accurate records of the inspection reports and activities of the Bureau of Fire Safety.

6. Performing any additional duty which the Mayor and Common Council may assign pursuant to this chapter.

7. Formulating and implementing a schedule of inspection and implementing a system that will effectively enforce the provisions of the New Jersey Uniform Fire Code.

8. Perform fire prevention education within the Flemington Community.

9. Perform all the duties of Fire Marshal as set forth in N.J.A.C.. 5:71-3.3.

(Ord. No. 2007-17 § 1)

8-10 CERTIFICATES REQUIRED FOR NON-LIFE HAZARD USES.

All owners of buildings, premises, structures, or uses except those which are required to be registered as a life hazard use or requires registration as a non-life hazard use by the Flemington Bureau of Fire Safety and except single-family and two-family dwellings occupied

by the holder of title to the property and dwelling units within two-family and multifamily dwellings, shall annually obtain a certificate from the Fire Marshal. (Ord. No. 2007-17 § 1)

8-11 LIFE AND NON-LIFE HAZARD ANNUAL INSPECTION REQUIRED.

Before a certificate is issued, the Fire Marshal or the Fire Marshal's designated representative, shall make or cause to be made an inspection to assure that the buildings, premises, structures, or uses comply with the provisions of the Fire Code. (Ord. No. 2007-17 § 1)

8-12 CHANGE OF USE PERMITS.

A permit shall constitute permission to occupy and use such buildings, premises, structures or, uses. Such permission shall not be construed as authority to violate, cancel, or set aside any of the provisions of the Fire Code. Said permit shall remain in effect until revoked or one (1) year, unless otherwise specified. Permits are not transferable and any change in use, operation or tenancy shall require a new permit. (Ord. No. 2007-17 § 1)

8-13 REVOCATION OF PERMIT.

The Fire Marshal may revoke the permit issued hereunder if upon inspection any violation of the Fire Code exists or conditions of a permit have been violated. (Ord. No. 2007-17 § 1)

8-14 FEE REQUIRED.

A certificate or permit shall not be issued until the designated fees have been paid. The owners and/or occupiers of all properties and businesses subject to this Article shall be responsible for the payment of the certificate/permit fees. (Ord. No. 2007-17 § 1)

8-15 AMOUNT OF FEE.

The fee for certificates, permits and inspections for non-life hazard use registrations shall be:

a. Mercantile businesses shall be inspected yearly with a fee schedule of:

$40.00 for the first 1,000 sq. ft.

$5.00 for each additional 1,000 sq. ft.

b. Factories and warehouses shall be inspected yearly with a fee schedule of:

$40.00 for the first 1,000 sq. ft.

$50.00 for 1,001 to 3,500 sq. ft.

$60.00 for 3,501 to 6,000 sq. ft.

$70.00 for 6,001 to 11,999 sq. ft.

c. .

c. Repair shops and service businesses shall be inspected yearly with same fee as mercantile.

d. Business offices (lawyers, doctors and other professional offices, and insurance offices, etc.) shall be inspected yearly with fee schedule of:

$40.00 for each individual business.

e. All other types of structures and facilities not otherwise described or included in the section shall be inspected yearly with the same fee schedule as that pertaining to mercantile businesses.

f. All Life Hazard use, Permits, Non-Life Hazard Use, and Smoke and CO Inspection fees collected as per N.J.A.C. 5:71-2.6(d) shall be appropriated to the Local Enforcing Agency for the enforcement of the code and yearly operations of the Bureau of Fire Safety.

The fee for permits and inspections of life hazard uses shall be as set forth in Uniform Safety Act.g. *Fire Lane.*

1. Penalty for noncompliance with Section 8-29 parking in a fire lane minimum of $30.00.

(Ord. No. 2007-17 § 1; Ord. No. 2009-2)

8-16 INSPECTIONS AND APPLICATION FOR PERMIT.

Application for a permit required by this chapter shall be made in such form and detail as the Fire Marshal shall require. Fee schedule shall be given to the applicant at time of application depending on type of permit required. (Ord. No. 2007-17 § 1)

8-17 UNLAWFUL TO FAIL TO OBTAIN A PERMIT.

It shall be unlawful to fail to obtain the permit or pay the inspection fees required by this chapter. This shall also and/or constitute the issuance of penalties set forth by the Fire Marshal. (Ord. No. 2007-17 § 1)

8-18 PENALTIES FOR VIOLATIONS.

The violation of any provision of Sections 8-10 through 8-17 shall be punished by a fine not exceeding five hundred ($500.00) dollars or by imprisonment in the County jail for a term not exceeding ninety (90) days. Each day any violation of this chapter shall continue shall be deemed a separate offense and be punishable as such. (Ord. No. 2007-17 § 1)

8-18A FIRE WATCH AND FIRE DEPARTMENT FIRE SAFETY STAND-BY.

a. Whenever the Fire Marshal shall determine that on-site firefighting personnel shall be required for fire watch as a result of fire protection system failure or deficiencies, or fire safety at any occupancy or event to insure the safety of the public or emergency responders, the owner or occupant responsible shall obtain a permit for the use or event.

1. The Fire Marshal shall determine the number of firefighting personnel required.

2. The Fire Marshal shall determine the hours that the firefighting personnel will be on duty.

3. The permit fee shall cover the expenses incurred by the Local Enforcing Agency.

4. The fee for the permit shall include:

(a) Compensation for firefighter(s) at twenty-five ($25.00) dollars per hour Monday through Friday 8:00 a.m. to 4:00 p.m.; fifty ($50.00) dollars per hour for holidays, Saturdays, Sundays, and from 4:00 p.m. to 8:00 a.m. weekdays.

(b) The rate for use of vehicles per day shall be:

$150.00 for support/command vehicle

$500.00 per pumper

$1,000.00 per ladder apparatus

(c) Reimbursement rates for other related services, equipment, or expenses shall be provided to the owner by the Fire Marshal prior to the scheduled use or event.

5. Fire Marshal or designee(s) shall have right of access to the premises and area surrounding it without interference from the property owner.

6. Failure to secure a permit shall be punishable by a penalty equal to amount of the permit plus one hundred ($100.00) dollars for the first offense, amount of the permit plus two hundred fifty ($250.00) dollars for the second offense, amount of the permit plus five hundred ($500.00) dollars for the third and each subsequent offense.

7. Permit shall be required for each separate event or date of the activity requiring such a permit.

(Ord. No. 2010-19)

Article 2 Smoke Detectors

8-19 EXISTING STRUCTURES.

Every change of occupancy, including but not limited to the sale or rental of an existing single-family, two-family or multifamily dwelling, or any part thereof, shall require an inspection by the Fire Marshal's office to verify that one (1) or more smoke detectors (or some other approved fire alarm system) is installed for each dwelling unit being so sold or rented in accordance with all the requirements of the New Jersey Uniform Construction Code and the Uniform Fire Code N.J.S.A. 52:27D-198.1, 198.2, 198.3 & N.J.A.C. 5:70-2.3. (Ord. No. 2007-17 § 1)

Editor's Note: Ordinance No. 2007-17, codified herein as Chapter VIII, was adopted November 7, 2007, and amended July____, 2014.

8-20 ENFORCEMENT.

a. The Fire Marshal of the Borough of Flemington, or in his absence or unavailability, the Construction Official of the Borough of Flemington, shall be responsible for the enforcement of the requirements of this chapter. Said Fire Marshal or Construction Official, as the case may be, shall inspect and approve all smoke detectors and other fire alarm systems installed in accordance with the provisions of this chapter and the New Jersey Construction Code and Uniform Fire Code, including the approval of the location or locations selected for such installation.

b. In order to inform prospective purchasers or renters of residential properties within the Borough of Flemington that no residential dwelling unit may be sold or rented without first installing (a) smoke detectors or such other approved fire alarm system in accordance with the requirements of this chapter and the New Jersey Uniform Construction Code and Uniform Fire Code, each and every tax search issued by the Borough of Flemington shall contain a statement calling attention to the requirements of this chapter and shall include a certification for the seller to execute and deliver to the purchaser at the closing of title, attesting to compliance with the provisions of this chapter. Such certification form shall be forwarded with each tax search ordered.

1. The fee to be paid to the Flemington Bureau of Fire Safety for the initial inspection and certificate of approval shall be forty-five ($45.00) dollars prior to fifteen (15) days of closing. Seventy-five ($75.00) dollars fourteen (14) days to five (5) days prior to closing and one hundred twenty-five ($125.00) dollars four (4) days or less to closing. There will be a five hundred ($500.00) dollar noncompliance penalty issued to anyone not applying for or getting said certification with sale of house.

c. Whenever a smoke detector or other approved fire alarm system is required to be installed by this chapter, such requirement shall not be considered to have been complied with unless such smoke detector(s) or other type of fire alarm system is installed in accordance with all the technical requirements and specifications of the New Jersey Uniform Construction Code (and the Building Code and Uniform Fire Code adopted therein by reference) and has been inspected and approved by the Fire Marshal (or in his absence or unavailability, by the Construction Official).

d. The owner(s) of the real estate upon which the structure in question is located shall be the party responsible for installation of smoke detectors or other fire alarm system in accordance with the requirements of this chapter.

e. Any owner of the property upon which is constructed or located a structure required to have installed therein a fire detector or other fire alarm system, and who fails to do so in accordance with the requirements of this chapter, shall be liable to a fine of not more than five hundred ($500.00) dollars or to imprisonment for not more than thirty (30) days, or to both such fine and imprisonment.

f. The Fire Marshal, and in his absence or unavailability, the Construction Official, is hereby empowered, upon reasonable advance notice to the owner and/or the tenant or other party in possession, to come upon any premises and enter any structure which is required to comply with the requirements of this chapter in order to verify compliance with this chapter and the New Jersey Uniform Construction Code and Uniform Fire Code and to otherwise carry out the objectives and enforcement of this chapter.

g. The Fire Marshal shall maintain a list of all properties in the Borough of Flemington which have had smoke detectors or other fire alarm systems installed in accordance with the requirements of this chapter and the New Jersey Uniform Construction Code and the Uniform Fire Code. This list shall be kept current as additional buildings within the Borough are equipped with smoke detectors and other fire alarm systems in accordance with this chapter.

(Ord. No. 2007-17 § 1)

8-21 FALSE ALARMS.

a. *Investigations.* In the case of false alarms which summon the police or fire department to investigate, the Fire Marshal and Police Chief shall cause an investigation to be made and shall keep a record of such false alarms on file.

b. *Penalties for False Alarms.* In any calendar year period of the following penalties shall apply:

1. For the first false alarm a written warning shall be issued.

2. For the second or third false alarm a fine of thirty-five ($35.00) dollars shall be imposed for each such false alarm.

3. For the fourth, fifth or sixth false alarm a fine of one hundred ($100.00) dollars shall be imposed for each such false alarm.

4. For the seventh, eighth, ninth or tenth false alarm a fine of one hundred fifty ($150.00) dollars shall be imposed for each such false alarm.

5. For the eleventh through the twentieth false alarm a fine of two hundred fifty ($250.00) dollars shall be imposed for each such violation.

6. For any violation in excess of the twentieth a fine of five hundred ($500.00) dollars shall be imposed for each such violation.

c. *Penalties for Intentional False Alarms.* Any individual intentionally, willfully, or maliciously destroying or injuring any of the posts, alarm boxes or other alarm apparatus owned by the Borough of Flemington or intentionally, willfully or maliciously interfering with the operation of same or any part thereof or who hinders or impedes any of the operations intended

to be accomplished thereby or who intentionally causes or assists in causing a false alarm of fire or other emergency to be given in any manner shall, upon conviction thereof, be imprisoned in the County jail for a term not exceeding ninety (90) days or shall forfeit and pay a fine not less than five hundred ($500.00) dollars and not more than one thousand ($1,000.00) dollars.

d. All fines and fees collected for the above are to be set in a separate dedicated penalty account to serve for training and education for the Borough of Flemington Fire Department and the Flemington Borough Bureau of Fire Safety.

(Ord. No. 2007-17 § 1)

8-22 VIOLATIONS AND PENALTIES.

a. Any person convicted of a violation of this chapter, shall, in addition to the revocation of the license or permit of any person, or any person found guilty of failure to comply with any rules or regulations duly promulgated pursuant thereto, such person may, after being found guilty of such violation, be subject to a fine of not more than one thousand ($1,000.00) dollars.

b. Said maximum fine of one thousand ($1,000.00) dollars shall not apply in those instances in which the amount of the maximum penalty has hereinbefore been limited to a lesser amount by this chapter. In the case of a continuing violation, the violator may be found guilty of as many separate offenses or counts as the number of days as he is proved to have continued in violation of this chapter.

(Ord. No. 2007-17 § 1)

Article 3 Knox Boxes

8-23 INSTALLATION.

When a property is protected by an automatic alarm system, and access to or within a structure or an area on that property is impeded by secured openings, and where immediate access might become necessary for lifesaving or firefighting purposes, the Fire Marshal shall require a key box to be installed in an approved location. The key box shall be a type approved by the Fire Marshal and shall be installed at the expense of the property owner. (Ord. No. 2008-1)

8-24 CONTENTS.

The key box shall contain:

a. Keys to locked points of ingress whether on the interior or exterior of such buildings.

b. Keys to locked mechanical equipment rooms.

c. Keys to locked electrical rooms.

d. Keys to elevator controls.

e. Keys to other areas as directed by the Fire Marshal.

f. Other material as directed by the Fire Marshal.

All keys shall be clearly labeled or marked to identify the doors they open or the devices they operate.

(Ord. No. 2008-1)

8-25 APPLICATION.

This Article applies to both existing and future structures, but shall not apply to any residential units. (Ord. No. 2008-1)

8-26 APPROVALS.

a. The Fire Marshal shall, within ninety (90) days of the effective date of this Article*, develop and submit to the Borough Council a list of specifications for key boxes. Following approval of the specifications by resolution of the Borough Council, any box complying with those specifications shall be deemed to be approved as required by Section 8-23 above. Until such specifications are developed and at any time thereafter, any property owner may request the Fire Marshal to render a determination as to whether a particular key box, which does not comply with the specifications, can be approved for installation.

b. Prior to installing any key box required by this Article, the property owner shall make written request to the Fire Marshal to designate or approve the proposed location. (Ord. No. 2008-1)

*Editor's Note: Ordinance No. 2008-1, codified herein as Article 3, was adopted February 25, 2008.

8-27 FEES.

The Flemington Borough Bureau of Fire Safety may determine appropriate fees for processing an application to determine whether a key box which does not comply with the specifications can be approved for installation and a request for designation or approval of proposed locations for key boxes. Such fees shall become effective upon adoption by resolution of the Borough Council. (Ord. No. 2008-1)

8-28 ENFORCEMENT.

The Flemington Borough Bureau of Fire Safety shall be the enforcing agency of this Article. Any person who owns or operates a structure subject to this Article shall be subject to penalties set in this Code for any violation of this Article, and the minimum fine for a conviction or a violation of this Article shall be one hundred ($100.00) dollars for the first offense, two hundred ($200.00) dollars for the second offense, and three hundred ($300.00) dollars for each subsequent offense. (Ord. No. 2008-1)

Article 4 Fire Lanes

There are hereby created in the Borough of Flemington regulations pertaining to fire lanes and establishing a fine for parking in such lanes.

8-29 FIRE LANES.

a. *Designation.* The Fire Marshal may require and designate public or private fire lanes as deemed necessary for the efficient and effective use of fire apparatus.

b. *Obstruction.* Designated fire lanes shall be maintained and free of obstructions and vehicles at all times. They shall also be marked in a manner prescribed by the Fire Marshal, who shall coincide with the most recent edition of the "Manual on Uniform Traffic Control Devices for Streets and Highways."

(Ord. No. 2009-2)

8-30 COMPLIANCE WITH ORDERS.

A person shall not willfully fail or refuse to comply with any lawful order or direction of any Fire Marshal or interfere with the compliance attempts of the Fire Marshal, or his designee. (Ord. No. 2009-2)

8-31 BLOCKING OF FIRE HYDRANTS AND FIRE DEPARTMENT CONNECTIONS.

It shall be unlawful to obscure from view, damage, deface, obscure, or restrict the access to any fire hydrant or Fire Department connection for the pressurization of fire suppression systems. This includes fire hydrants, Fire Department connections and/or standpipe systems that are located on public or private streets, access lanes or on private property.

Snow removal from all fire hydrants, Fire Department connections and stand pipe systems that are located on public or private streets and access lanes or on private property within twenty-four (24) hours of the end of the said snow storm are also included in this section. (Ord. No. 2009-2)

8-32 PARKING REGULATIONS.

Except in compliance with the direction of a police officer or posted traffic signal, no operator of a motor vehicle, moped, motorized bicycle or bicycle shall stop or stand or park in any of the following places:

a. Within ten (10) feet of a fire hydrant or Fire Department connection or stand pipe system.

b. In any area marked by yellow or white lines or signs indicating the location of a fire zone or fire lane.

8-33 DELINEATION AND MARKING.

Any of the three (3) shall be acceptable with this Article, unless otherwise set forth by the Fire Marshal, and shall be maintained on an annual basis.

a. A fire lane shall be striped along the perimeter with a yellow or white stripe not less than four (4) inches wide.

b. A fire lane shall be clearly marked on the surface of the pavement "FIRE LANE NO PARKING" in yellow letters no less than twenty-four (24) inches high. This wording shall be located horizontally and between the perimeter lines and shall be repeated throughout the fire lane or fire zone.

c. A fire lane shall be clearly marked with a metal sign every fifty (50) feet with a minimum of two (2) signs. The metal signs shall be no less than eighteen (18) inches by twenty-four (24) inches with three (3) inch red letters, shall contain a white reflective background and shall read as follows:

FIRE LANE NO PARKING

(Ord. No. 2009-2)

8-34 MAINTENANCE OF FIRE LANE.

The owner of the property where the fire lane is located shall properly maintain any such markings, striping, curbing, and signage in the designated areas at all times. Defacing, tampering with, or damaging any such markings, striping, curbing, or signage or allowing them to deteriorate so as to reduce their effectiveness shall constitute violation of the chapter. (Ord. No. 2009-2)

8-35 ENFORCEMENT.

The Flemington Borough Bureau of Fire Safety, as well as the Flemington Borough Police Department shall be the enforcing agency of this Article. Any person who shall violate any of the provisions of this Article or who fails to comply herewith shall for each and every violation and noncompliance respectively upon conviction, be issued a local ordinance summons and be subject to a fine not in excess of one thousand ($1,000.00) dollars. The vehicle shall also

be subject to removal by the Flemington Borough Police Department at the sole expense of the owner or operator therefor. (Ord. No. 2009-2)

Mayor and Common Council
38 Park Avenue
Flemington, NJ 08822

Meeting: 06/25/14 05:30 PM
Department: Clerk of the Borough
Category: Council Ordinance
Prepared By: Rebecca Newman
Initiator: Rebecca Newman
Sponsors:
DOC ID: 1589

SCHEDULED

ORDINANCE 2014-16

First Reading: an Ordinance Amending Chapter III Police Regulations of the Revised General Ordinances of the Borough of Flemington Section 3-20 Fire Lanes Schedule I to Include Martin Village Condominiums

Schedule I

Martin Village Condominiums - A roadway that runs through the development on Block 2 Lots 23 , 44-47 in a horseshoe shape; the Northern and Southern side of the entrance/exit roadways and the Western side of the horseshoe portion of the roadway.

Introduced: June 25, 2014
Adopted:

ATTEST

Rebecca P. Newman, RMC
Borough Clerk

Erica Edwards, Mayor

Mayor and Common Council
38 Park Avenue
Flemington, NJ 08822

Meeting: 06/25/14 05:30 PM
Department: Clerk of the Borough
Category: Council Ordinance
Prepared By: Rebecca Newman
Initiator: Rebecca Newman
Sponsors:
DOC ID: 1596

SCHEDULED

ORDINANCE 2014-17

First Reading: an Ordinance Amending Chapter 7 Traffic of the Revised General Ordinances of the Borough of Flemington Section 7-4.5 Parking Time Limited on Certain Streets Schedule Iii

SCHEDULE III

North Main Street West 30 minutes 8:00 AM to 6:00 PM from a point of 192 feet south of the eastrly curb line of Hopewell Ave projected to a point of 276 feet southerly.