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# Editorial and Legal Analysis

PREPARED FOR:

Township of Teaneck, New Jersey

PROJECT EDITOR:

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**Return to General Code by:**

**August 4, 2021**



**Township of Teaneck, NJ**

# Contents

Introduction..... iii

General Comments ..... vii

    Optional Reorganization and Renumbering of Code..... vii

    Binders..... viii

    Fees.....ix

    Penalties.....ix

Wrap Up..... xiii

    Completeness Check..... xiii

    Final Review..... xiii

    Sending Materials..... xiii

## **Township Code Table of Contents**

- Ch 1 General Provisions
- Ch 2 Charter/Administrative Code
- Ch 3 Advertising
- Ch 3A Burglar Alarm and Medical Emergency Alarm Systems
- Ch 3B Fire Alarm Systems
- Ch 3C Affirmative Marketing Program
- Ch 4 Alcoholic Beverages
- Ch 5 Amusements
- Ch 6 Animals and Fowl
- Ch 7 Reserved
- Ch 7A Archaeological Findings
- Ch 8 Auctions and Auctioneers
- Ch 9 (Reserved)
- Ch 10 Boilers and Heating Equipment
- Ch 11 Buildings
- Ch 11A Cable Television
- Ch 12 Contracts, Public
- Ch 12A Drugs
- Ch 13 Electricity
- Ch 14 Excavations and Soil Removal
- Ch 14A (Reserved)

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**Township of Teaneck, NJ**

- Ch 15 Finance and Taxation
- Ch 15A Hotel and Motel Room Occupancy Tax
- Ch 16 Fire Protection
- Ch 16A Flood Damage Prevention
- Ch 17 Food and Food Handling Establishments
- Ch 18 Forced Sales
- Ch 19 Garbage and Refuse
- Ch 19A Yard Waste Collection Program
- Ch 20 Hawkers, Peddlers, Transient Merchants, Itinerant Vendors, Etc.
- Ch 21 Health and Sanitation
- Ch 21A Jogging
- Ch 22 Laundries, Cleaning Establishments, Etc.
- Ch 22A Library Rules and Regulations
- Ch 23 Lodging Places Other Than Hotels/Motels
- Ch 24 Milk and Dairy Products
- Ch 26 Offenses — Miscellaneous
- Ch 27 Parks and Playgrounds
- Ch 28 Reserved
- Ch 28A Protected Tenacity Appeals Board
- Ch 29 Police Department
- Ch 29A Property Maintenance Code
- Ch 29B Secondhand Precious Metals, Jewelry, Gems and Rare Coins, Dealers in
- Ch 29C Rent Control
- Ch 30 Sewers and Sewage Disposal
- Ch 31 Shopping Carts
- Ch 31A Smoking
- Ch 31B Special Events
- Ch 32 Streets and Sidewalks
- Ch 33 Development Regulations
- Ch 34 Swimming Pools
- Ch 35 Taxicabs and Other Vehicles for Hire
- Ch 36 Traffic
- Ch 37 Trees and Shrubs
- Ch 38 Stormwater Control
- Appendix A

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## INTRODUCTION

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### Purpose of Editorial and Legal Analysis

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This Editorial and Legal Analysis document is an in-depth, chapter-by-chapter review of the Township's legislation. We ask questions on each chapter and provide the Township with an opportunity to make revisions to its legislation. This Editorial and Legal Analysis is a workbook, and it has "Decision" boxes to simplify the Township's review process.

The purpose of the Editorial and Legal Analysis is to give Township officials an overview of the codification project and to guide them in making decisions as to what legislation is or is not to be included in the new Code and with what, if any, revisions.

This Editorial and Legal Analysis workbook has been prepared on the basis of a critique of the Township's existing legislation, including, as much as possible, a comparison with statutory provisions and similar legislation from other municipalities, to identify conflicts and ambiguities in order to bring consistency and order to the general body of the Township's law.

### Due Date for Completion of Editorial and Legal Analysis Workbook

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The review and revision phase of the project usually requires the most intensive work on the part of the municipal officials. The Township will have **100 business days (by August 4, 2021)** to return the completed Editorial and Legal Analysis workbook and any other revisions to the Code. When answers are received from the municipality, General Code will schedule preparation of the Draft of the new Code.

### Legal Advice

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Please note that it is not the intent of General Code to give legal advice or opinions by way of the Editorial and Legal Analysis but rather to provide as much information as possible to enable municipal officials to make necessary decisions. Any questions as to validity or legal sufficiency of legislation, or as to interpretation of cases and statutes, will properly remain the responsibility of the Township Attorney.

### Legislation and Using eCode360®

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This Analysis entails a review of the 1964 Township Code, as updated.

- Using eCode360.
  - To work through this Analysis, use eCode360 (the online version of the Township Code).
  - To access eCode360, go to <https://www.ecode360.com/TE0774>.
  - At the time this Analysis was written, the last legislation included in the Code and reviewed was Ordinance No. 7-2021, adopted February 23, 2021.
- Ongoing Code Supplementation. The Township may authorize additional supplements to the Township Code while the Editorial and Legal Analysis review is ongoing.

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**Township of Teaneck, NJ**

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Disposition List

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The Disposition List is included in Chapter DL, Disposition List, at the end of the Code. This list tracks the location of all ordinances adopted since 2010. The Disposition List indicates where each ordinance has been incorporated into the Code, or the reason for its exclusion. The Disposition List will be updated with each Code supplement.

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Review by Township

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This Editorial and Legal Analysis is set up as a workbook, and it is designed to be used interactively with eCode360.

Question numbers:

- Each question has a specific number that corresponds to the chapter number. For example, the 17<sup>th</sup> question for Chapter 4 will be numbered: 4-017.
- If the question number begins with "MLT," that is an indication that the question pertains to more than one chapter (multiple chapters).

Links to eCode360:

- Each question number is followed by the chapter title and, if applicable, the section. These are links to eCode360, so that someone reviewing the questions in the Analysis can click the link to go to the applicable portion of the Code where a question is being asked.
- Where "Code Content" appears within a question, it contains the exact text of a portion of the Code and a hyperlink to the location on eCode360 so that the reviewer may click directly to the wording in question. In certain instances, the editor has highlighted text in yellow within "Code Content" to draw your attention to a particular phrase, number or reference.
- Some questions contain a link to a related section of the Code.

Review Tips:

Where the phrase "satisfactory as written" is used, the editor has found that subject to be generally suitable as written. However, those comments do not preclude revisions to any chapter based on the experiences of the Township. We encourage the Township officials to review all chapters of the Code, using this Editorial and Legal Analysis as a guide, paying particular attention to the following:

- ◆ Are certain provisions no longer enforced?
- ◆ Is the legislation the appropriate regulation of the subject matter or would such provisions be enforced under another law or statute?
- ◆ Are the procedures described accurate or should they be changed to reflect current practices? Are there obsolete procedures that can be deleted?
- ◆ Have problems in enforcement of particular provisions arisen in the past? Could the provisions be made more specific?
- ◆ Are the titles of officials and departments up-to-date? Are there other administrative terms that should be changed?
- ◆ Are the amounts of fees and bonds adequate? Will they cover the Township's cost in administering the legislation?

## Extent of Decisions

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It is not necessary for the Township to answer every single question in the Editorial and Legal Analysis. There may be some subjects that require further time for review and revision. You have the option of retaining existing legislation as is and revising it in the future. The aim should be to answer as many questions as possible within the time frame.

In the interests of keeping the project on track, if there are questions that cannot be easily resolved, select "**Do not revise.**"

Critical questions. There may be questions in the Editorial and Legal Analysis that are identified as "critical," meaning that without a response from the Township we will not be able to proceed with our final editing. Those questions are identified by a red **CRITICAL** note at the upper right of the question.

## Sample Legislation

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In some cases in this Editorial and Legal Analysis, we have suggested sample language or provided links to sample legislation for review.

Sample legislation adopted by other municipalities is always available for review and comparison purposes. Contact us for instructions on how you can use the Multicode Search feature in eCode360 to browse Codes from other municipalities.

It is important to note that **sample legislation is unlikely to meet the Township's requirements without some sort of revision.** The purpose of sample legislation is to give officials an opportunity to see what other municipalities have enacted on certain subject matters and to provide a basis for legislation that the governing body may wish to adopt. Sample legislation should be thoroughly reviewed and revisions made to bring the samples in line with your community's needs before adoption.

Adoption of Samples. Sample legislation may be adopted via the Code adoption process. However, if a particular subject is controversial or requires in-depth research and discussion, we advise that you pursue its adoption separate from the Code project (after the publication of the Code).

## Process / Next Steps

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Once the Township has completed its review of the Code and Editorial and Legal Analysis and submitted the completed workbook and all other revisions to the Code, General Code will schedule the next production stage, which is the preparation of the Draft of the new Code. All desired changes from the Township should be submitted prior to preparation of the Draft.

Supplement. If there are several recent uncodified ordinances (i.e., "new laws"), one final supplement to the existing Code may be necessary. Standard supplementation rates apply to all new ordinances. **Once our work on the Draft begins, we will be unable to update the Code until after publication and adoption of the new Code.**

Draft preparation. We will update the Code content to incorporate the Township's changes. The Draft marks the completion of editorial work and the stopping point for new legislation. After this stage in the project, revisions (beyond those questions we pose for clarity) are chargeable. Any legislation submitted after this point will be incorporated into the Code through routine supplementation following

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**Township of Teaneck, NJ**

Code publication. **If approved by the Township, the current Code will be renumbered into the new format (as per the *Proposed Code Organization* below) at this stage of the project.**

The Code will be copyread, and titles, cross references and internal references will be inserted and updated. Upon completion, we will submit the Draft. Note that we may have a few questions for the Township at that time. Review of the Draft is intended to be a quick step (not another cycle for major revisions), and the Township has 45 business days to respond to questions, if any. We will proceed to final publication at the end of the review time frame.

Next, the Code will be formatted, indexed and prepared for printing. We will deliver five print copies of the Township's new Code books. In addition, we will supply the Township with an ordinance to adopt the new Code; that ordinance will specify all substantive changes that the Township authorized during the course of the project. See "Adoption of Code" below.

After the Township Council adopts the Code Adoption Ordinance, then the eCode360 site will be updated to replace the current Code with the new Township Code.

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### Adoption of Code

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The updated Code of the Township of Teaneck should be formally adopted as soon as possible after delivery of the published volumes in order to establish the Code as a permanent, practical and enforceable system of law. It is our practice to prepare all materials suggested for use in adoption of the Code and to submit this material to the Township Attorney for review and approval prior to adoption by the Township Council.

Pursuant to N.J.S.A. 40:49-4, changes, additions and deletions in existing ordinances of the Township included in the Code can be enacted by means of the Adopting Ordinance. In accordance with the codification statute, it is not necessary to publish in their entirety the revised and compiled ordinances, but the effect of any proposed changes must be fully explained. The provisions of the codification statute do not appear to apply to complete new ordinances, and it is therefore our practice to recommend that any new ordinances prepared and approved during the codification be adopted separately through normal procedures.

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## GENERAL COMMENTS

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### Optional Reorganization and Renumbering of Code

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As part of this codification project, the Township has the option to renumber all chapters and reorganize the current Code. If this option is selected, the current Code will be renumbered at the point that the Draft is created. If you have any questions in this regard, please contact the project editor.

1. Please refer to the *Revised Code Organization* below (p. x), which maps out the chapter numbers and titles as they would appear in the renumbered Code, along with the source (the location in the current Code) of the legislation comprising each chapter.
  - The proposed reorganization would divide the Code into two parts. Part I, Administrative Legislation, contains ordinances relating to the Township government, including the Charter/Administrative Code and ordinances relating to finance and ethics. Part II, General Legislation, contains Township ordinances affecting the general public. The ordinances in Part II are regulatory and typically contain penalties, while those in Part I do not.
  - Within each of the two parts the chapters are arranged in alphabetical order by title, with the exception of Chapter 1, General Provisions, which applies to the entire Code and therefore appears first. We find that alphabetical order is a system that is easy for Code users to recognize and use, particularly members of the public who might not be familiar with municipal legislation. The assigned chapter numbers are staggered (8, 12, 21, etc.) in order to provide room for new chapters to be added in the future in the proper alphabetical order. Chapter numbers not currently assigned are considered "Reserved" chapters.
  - The current Township Code was published in 1964 and appears to have been originally set up with the chapters in alphabetical order, but over time that system has broken down, making it harder to find chapters. For example, Chapter 33, Development Regulations, follows Chapter 32, Streets and Sidewalks. In addition, with no reserved chapters built in many new chapters have had to be added using letters at the end of the chapter number (Chapter 3A, 3B, 29A, 29B, 29C, etc.). A reorganization and renumbering of the Code would put the chapters in alphabetical order and eliminate the "A" and "B" chapters.
  - Also over time many articles and sections throughout the Code have been repealed, leaving many blank or reserved articles and sections. Chapter 11, Buildings, for example, has six articles that have been repealed or transferred. Reorganizing and renumbering the Code also provides an opportunity to remove any blank (repealed/reserved) articles and sections within chapters and basically create a shorter, cleaner chapter. Any historical information about the repealed provisions would be retained but moved into footnotes.
  - If the Township chooses to renumber the Code, we will include a Derivation Table in the new Code in order to aid in the transition from the current numbering to the new numbering. The Derivation Table will list each chapter from the current Code and indicate its location in the new Code.
  - In considering this option, keep in mind that renumbering the Code may impact certain Township databases, forms, tickets for parking, traffic and property violations, penalty schedules for the local courts, etc.

**Township of Teaneck, NJ**

2. Please review the *Revised Code Organization* below (starting on p. x) and approve it as is or indicate any desired changes, or opt to retain the current Code's organization.

**Decision:**

- Revised Code Organization* is approved; the Township understands that all chapters will be renumbered in the new Code and that tickets, signs, software and other documents that cite Code numbering will need updating.
- Changes to the *Revised Code Organization* document are attached.
- Retain the existing Code's organization and numbering system.

**Binders**

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- A. Binder colors. Please choose one option each for color and lettering below for your new Code binders. Binder color options may be reviewed on the Web at <https://www.generalcode.com/codeproject/> by clicking the **Binder Colors** tab.

**Decision:****Cover Color** (choose one):

- Blue
- Green
- Burgundy
- Gray
- Black
- Brown

**Cover Lettering** (choose one):

- White
- Gold
- Silver

- B. Seal or Logo. If the Township can provide us with a clear, crisp, **black-and-white** copy of the Township Seal, or the current Logo, we will include it on the Code binders.

**Decision:**

- Clear, crisp, black-and-white copy of the Seal or Logo is attached.
- Electronic image of Seal or logo (in .tiff or .jpeg format) has been e-mailed to [ezsupp@generalcode.com](mailto:ezsupp@generalcode.com).
- Seal or logo is not available for reproduction on binders.

## Fees

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This project provides a good opportunity for the Township to review fees for licenses, permits, inspections, hearings, etc., as to possible updating. All fees should be reviewed to ensure that they adequately reflect the current administrative and enforcement costs to the Township. All specific fees included in the Code are noted in the chapter-by-chapter review below.

Most of the fees in the Code are now included in Chapter 2, Appendix III, Fees and Charges for Certain Township Services. The Township might want to take this opportunity to move any fees which still appear in other chapters of the Code to Chapter 2, Appendix III. The questions below will provide an opportunity for the Township to make that determination for each fee.

## Penalties

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This project also provides the Township with an opportunity to review all of the penalty sections in the Code. Penalty sections are noted in the chapter-by-chapter review below. In reviewing penalty provisions, the Township should keep in mind that N.J.S.A. 40:69A-29 authorizes the governing body to prescribe penalties for violation of its ordinances by one or more of the following: a fine not exceeding \$2,000, imprisonment for a term not exceeding 90 days, or a period of community service not exceeding 90 days. It is also possible to establish a minimum penalty of a fine fixed at an amount not exceeding \$100.

**Township of Teaneck, NJ**

**REVISED CODE ORGANIZATION**

*\*NOTE: Chapter and article titles and numbers may change at final editing depending on new subject matter legislated and/or input from municipal officials.*

<b>Chapter Number</b>	<b>Title</b>	<b>Source (Current Location)</b>
<b>PART I ADMINISTRATIVE LEGISLATION</b>		
1.	General Provisions	§§ 1-1 to 1-6
8.	Charter/Administrative Code	Ch. 2
12.	Contracts, Public	Ch. 12
21.	Finance and Taxation	Ch. 15; Ch. 15A
24.	Fire Department	Ch. 16, Part III
27.	First Aid, Rescue and Ambulance Squads	Ch. 21, Art. VII
48.	Official Map	§ 1-7
53.	Police Department	Ch. 29
56.	Political Fund-Raising	§ 26-30
57-80.	(Reserved)	
<b>PART II GENERAL LEGISLATION</b>		
83.	Advertising Materials and Newsracks	Ch. 3
86.	Affordable Housing	Ch. 3C
90.	Alarm Systems	Ch. 3A; Ch. 3B
93.	Alcoholic Beverages	Ch. 4; §§ 26-23.1 and 26-23.2
97.	Amusements	Ch. 5
101.	Animals	Ch. 6
105.	Archaeological Findings	Ch. 7A
108.	Auctions and Auctioneers	Ch. 8
116.	Boardinghouses and Lodging Houses	Ch. 23
119.	Boilers and Heating Equipment	Ch. 10
125.	Cable Television	Ch. 11A
130.	Construction Codes, Uniform	Ch. 11

<b>Chapter Number</b>	<b>Title</b>	<b>Source (Current Location)</b>
135.	Development Regulations	Ch. 33
140.	Drug-Free Zones	Ch. 12A, Art. I
146.	Electrical Installations	Ch. 13
151.	Excavations and Soil Removal	Ch. 14
157.	Filming	Ch. 20, Art. III
160.	Firearms and Weapons	§§ 26-1 and 26-12
163.	Fires and Fire Prevention	Ch. 16, Parts I and II; § 26-11
168.	Flood Damage Prevention	Ch. 16A
172.	Food and Food-Handling Establishments	Ch. 17; Ch. 24
179.	Graffiti	§ 26-29
185.	Health and Sanitation	Ch. 21, Arts. I to VI; § 26-24
197.	Laundries and Dry-Cleaning Establishments	Ch. 22
202.	Library	Ch. 22A
214.	Obscene Material	§ 26-21
219.	Parks and Recreation	Ch. 27
223.	Peddling, Soliciting and Canvassing	Ch. 20, Arts. I and II; §§ 26-22.1 to 26-22.5
228.	Property Maintenance	Ch. 29A
235.	Rental Property	Ch. 28A; Ch. 29C
240.	Sales	Ch. 18
244.	Secondhand Dealers	Ch. 29B
247.	Sewers and Sewage Disposal	Ch. 30
251.	Shopping Carts	Ch. 31
256.	Smoking and Tobacco Products	Ch. 31A
260.	Special Events	Ch. 31B
265.	Stormwater Management	Ch. 38
268.	Streets and Sidewalks	Ch. 21A; Ch. 32
272.	Swimming Pools	Ch. 34
276.	Taxicabs	Ch. 35, Art. I
281.	Towing and Storage Services	Ch. 35, Art. II

**Township of Teaneck, NJ**

<b>Chapter Number</b>	<b>Title</b>	<b>Source (Current Location)</b>
285.	Trees and Shrubs	Ch. 37
299.	Vehicles and Traffic	Ch. 36
300.	Waste Management	Ch. 19; Ch. 19A
<b>APPENDIX</b>		
<b>DERIVATION TABLE</b>		
<b>DISPOSITION LIST</b>		
<b>INDEX</b>		

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## WRAP UP

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### Completeness Check

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In order to ensure that the codification project can be scheduled for final editing upon return of this Editorial and Legal Analysis workbook to General Code, please double-check the following items prior to sending:

- ❑ Binder and Seal information on p. viii: Is the binder information completed? Is the Seal attached (or has it been e-mailed) if required?
- ❑ Throughout the Editorial and Legal Analysis, are all questions answered?
  - The only blank boxes should be for topics that are to be deleted or included "as is."
  - Items marked with a question mark or a note "to be reviewed" cannot be accurately edited and require follow-up. It is most efficient for the Township officials to get the answer now, when the whole document is available.
- ❑ Are all attachments accounted for? If a decision refers to attached or enclosed copy, is there a corresponding document?

### Final Review

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- ❑ The governing body and Municipal Attorney have been consulted about and/or have reviewed and approved the decisions in this document.
- ❑ Sample language and any wording supplied by the municipality has been customized according to your specific requirements (see **Sample Legislation** above, p. v).

### Sending Materials

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The master copy of this completed Editorial and Legal Analysis workbook and any attachments with a decision or revised wording should be submitted.

We strongly suggest that you retain a copy of the completed workbook for your records before sending General Code the original materials.

- ✓ If several officials have completed their own copies of the Editorial and Legal Analysis, please compile all responses into one master version. Any conflicts in responses should be resolved prior to submission.
- ✓ If several officials have worked in the same copy of the Editorial and Legal Analysis, that copy can be sent to General Code, as long as there are no conflicts in the responses.

Send materials to:

General Code  
781 Elmgrove Road  
Rochester, NY 14624

E-mail files to:

[ezsupp@generalcode.com](mailto:ezsupp@generalcode.com)



Question 1-001

[Chapter 1 General Provisions](#)  
[Sec. 1-1 How Code designated and cited.](#)

**Code Content:**

[\[§ 1-1\]](#) This Code shall be known as the "Code of the Township of Teaneck, New Jersey, 1964," and may be so cited.

The reference to 1964 in § 1-1 could be removed and this section revised to read as follows:

This Code shall be known and may be cited as the "Code of the Township of Teaneck, New Jersey."

**Pick one option from list below**

- Revise as suggested.
- Revise as follows:
- Do not revise.

Question 1-002

[Chapter 1 General Provisions](#)  
[Sec. 1-2 Definitions and rules of construction.](#)

**Code Content:**

[\[COMPUTATION OF TIME\[1\]\]](#) In computing any period of time, the day of the act or event after which the designated period begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, Sunday or legal holiday, in which event the period shall run until the end of the next day which is neither a Saturday, Sunday nor a holiday. When a period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation.

The definition of "computation of time" in § 1-2 includes the following footnote: "For similar rule of court, see R.R. 1:27." This citation is no longer correct. We will update this reference to R. 1:3-1, Computation of Time, which provides:

*In computing any period of time fixed by rule or court order, the day of the act or event from which the designated period begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor legal holiday. In computing a period of time of less than 7 days, Saturday, Sunday and legal holidays shall be excluded.*

Question 1-003

[Chapter 1 General Provisions](#)  
[Sec. 1-2 Definitions and rules of construction.](#)

**Code Content:**

*[TASK FORCE] A body established by resolution consisting of a group of individuals selected by the Township Council to review and make recommendations to the Township Council on a specific topic or matter of a limited and temporary nature and is disbanded following the making of such recommendations, unless otherwise extending by resolution.*

We recommend the following minor corrections in the definition of "task force" in § 1-2:

A body established by resolution consisting of a group of individuals selected by the Township Council to review and make recommendations to the Township Council on a specific topic or matter of a limited and temporary nature and is disbanded following the making of such recommendations, unless otherwise ~~extending~~ extended by resolution.

**Pick one option from list below**

- Revise as suggested.
- Revise as follows:
- Do not revise.

Question 1-004

[Chapter 1 General Provisions](#)  
[Sec. 1-6 General penalty.](#)

Section 1-6, General penalty, includes a footnote which begins: "For state law establishing the maximum penalties which municipalities may prescribe for violations of ordinances, see N.J.S.A. § 40:49-5." As the Township operates under the Optional Municipal Charter Law (Faulkner Act), the section of the statutes which should be cited here is N.J.S.A. 40:69A-29, General powers of municipalities governed by optional form of government. We recommend revising this note to read: "For state law establishing the maximum penalties which municipalities governed by the Optional Municipal Charter Law may prescribe for violations of ordinances, see N.J.S.A. 40:69A-29."

**Pick one option from list below**

- Revise as suggested.
- Revise as follows:
- Do not revise.

Question 1-005

[Chapter 1 General Provisions](#)  
[Sec. 1-6 General penalty.](#)

Section 1-6 sets the general penalty for violations, where no other penalty is provided, at a fine of not more than \$500 or imprisonment for not more than 90 days, or both. We typically see this type of general penalty set at the current statutory maximums, which are as follows pursuant to N.J.S.A. 40:69A-29: a fine not exceeding \$2,000, imprisonment for any term not exceeding 90 days, or a period of community service not exceeding 90 days. If the Township would like to revise § 1-6 to reflect these maximums, the wording at the end of this section could be revised to read as follows: "...the violation of any such provision of this Code or of any other ordinance of the Township or of any rule, regulation or order promulgated pursuant to such Code or other Township ordinance shall be punished by one or more of the following penalties: a fine not exceeding \$2,000, or imprisonment for any term not exceeding 90 days, or a period of community service not exceeding 90 days."

**Pick one option from list below**

- Revise as suggested.
- Revise as follows:

- Do not revise.

Question 2-001

[Chapter 2 Charter/Administrative Code](#)

Attached to Chapter 2 is Appendix III, Fees and Charges for Certain Township Services. When Appendix III was amended in 2018 a fee of \$150 for a pet shop was added. State law limits the fee that can be charged for a pet shop to \$10. See N.J.S.A. 4:19-15.9 which provides: "The annual license fee for a kennel providing accommodations for ten or less dogs shall be ten dollars (\$10.00) and for more than ten dogs twenty-five dollars (\$25.00). The annual license fee for a pet shop shall be ten dollars (\$10.00). No fee shall be charged for a shelter or pound."

**Pick one option from list below**

- Change pet shop fee to \$10.
- Revise as follows:
- Do not revise.

Question 2-002

[Chapter 2 Charter/Administrative Code](#)

Appendix III, Fees and Charges for Certain Township Services, attached to Chapter 2 includes a section titled "Municipal Court." Included in the Municipal Court section are entries labeled "Traffic fines," "Non-traffic fines" and "Parking during snow emergency." If these amounts are fines, not fees, we question whether they should be removed. Appendix III is a fee schedule, not a fine schedule. We also note that fines for parking during a snow emergency are provided in Chapter 36, § 36-10.2.

**Pick one option from list below**

- These are Municipal Court fees, not fines; make no change.
- Remove the entries for "Traffic fines," "Non-traffic fines" and "Parking during snow emergency" from Appendix III.
- Revise as follows:

Question 2-003

[Chapter 2 Charter/Administrative Code](#)

When Appendix III of Chapter 2 was amended in 2018 the liquor license fees for consumption and distribution were raised from \$2,500 to \$3,000. State law limits the amount that can be charged for a plenary retail consumption license and a plenary retail distribution license to \$2,500. See N.J.S.A. 33:1-12, which provides as follows:

For a plenary retail consumption license: "The fee for this license shall be fixed by the governing board or body of the municipality in which the licensed premises are situated, by ordinance, at not less than \$250 and not more than \$2,500. No ordinance shall be enacted which shall raise or lower the fee to be charged for this license by more than 20% from that charged in the preceding license year or \$500.00, whichever is the lesser."

For a plenary retail distribution license: "The fee for this license shall be fixed by the governing board or body of the municipality in which the licensed premises are situated, by ordinance, at not less than \$125 and not more than \$2,500. No ordinance shall be enacted which shall raise or lower the fee to be charged for this license by more than 20% from that charged in the preceding license year or \$500.00, whichever is the lesser."

**Pick one option from list below**

- Change the liquor license fees for consumption and distribution back to \$2,500.
- Revise as follows:
- Do not revise.

Question 2-004

[Chapter 2 Charter/Administrative Code](#)

Appendix III, Fees and Charges for Certain Township Services, attached to Chapter 2 includes a section titled "Tax Assessment Department." Should this title be changed to "Assessments Department" or "Department of Assessments"? See Chapter 2, Article VII, Department of Assessments.

**Pick one option from list below**

- Change to "Assessments Department."
- Change to "Department of Assessments."
- Revise as follows:
- Do not revise.

Question 2-005

[Chapter 2 Charter/Administrative Code](#)

[Article I General Organization](#)

[Sec. 2-2 Council; offices; departments; boards; and bodies.](#)

**Code Content:**

*[\[§ 2-2\(d\)\]](#) Boards and bodies. The Council hereby continues and/or creates the following separate boards and bodies, the members of each to be appointed pursuant to the Charter or by law. Each such board or body shall have those powers, duties and responsibilities as set forth in the Charter or by law. Except as otherwise provided by law, all members of each of said boards and bodies shall either be residents of the Township or employed in the Township or have a business or economic interest in the Township and shall serve without compensation except as otherwise specifically provided in the Charter or by law:*

Section 2-2(d), Boards and bodies, does not include the Civilian Complaint Review Board. See Article XXXII of Chapter 2, adopted in 1991. The following entry for this Board could be added to § 2-2(d): "Civilian Complaint Review Board, as provided for in Article XXXII of the Charter."

**Pick one option from list below**

- Add the Civilian Complaint Review Board to § 2-2(d) as suggested.
- Revise as follows:
- Do not revise.

Question 2-006

[Chapter 2 Charter/Administrative Code](#)  
[Article I General Organization](#)  
[Sec. 2-2 Council; offices; departments; boards; and bodies.](#)

**Code Content:**

[\[§ 2-2\(d\)\(3\)\]](#) *Redevelopment Agency, as provided for in Article XVIII of the Charter.*

Section 2-2(d)(3) still lists the Redevelopment Agency, which was abolished by Ordinance No. 4060. This subsection should be removed.

**Pick one option from list below**

- Remove § 2-2(d)(3).
- Revise as follows:
- Do not revise.

Question 2-007

[Chapter 2 Charter/Administrative Code](#)  
[Article I General Organization](#)  
[Sec. 2-2 Council; offices; departments; boards; and bodies.](#)

**Code Content:**

[\[§ 2-2\(d\)\(5\)\]](#) *Rent Board, as provided for in Article XX of the Charter.*

Section 2-2(d)(5) lists the Rent Board. According to § 2-118 the Rent Board was abolished in 2005: "The Rent Board previously established by Ordinance No. 3158 shall remain in effect to complete the hearing it is currently conducting as of May 17, 2005, through the rendering of its decision at which time the Rent Board shall be abolished without further action."

**Pick one option from list below**

- Remove § 2-2(d)(5).
- Revise as follows:
- Do not revise.

Question 2-008

[Chapter 2 Charter/Administrative Code](#)

[Article I General Organization](#)

[Sec. 2-2 Council; offices; departments; boards; and bodies.](#)

**Code Content:**

[\[§ 2-2\(d\)\(11\)\]](#) *Emergency Management Board/Local Defense Council, as provided for in Article XXVI of the Charter.*

Section 2-2(d)(11) lists the Emergency Management Board/Local Defense Council. Article XXVI, as amended in 1993, now provides for the Local Emergency Planning Council.

**Pick one option from list below**

- Change "Emergency Management Board/Local Defense Council" to "Local Emergency Planning Council."
- Revise as follows:
- Do not revise.

Question 2-009

[Chapter 2 Charter/Administrative Code](#)

[Article I General Organization](#)

[Sec. 2-2 Council; offices; departments; boards; and bodies.](#)

**Code Content:**

[\[§ 2-2\(d\)\(14\)\]](#) *Advisory Board on Ethics, as provided for in Article XXIX of the Charter.*

Section 2-2(d)(14) lists the Advisory Board on Ethics. Article XXIX, as amended in 1991, provides for the Municipal Ethics Board.

**Pick one option from list below**

- Change "Advisory Board on Ethics" to "Municipal Ethics Board."
- Revise as follows:
- Do not revise.

Question 2-010

[Chapter 2 Charter/Administrative Code](#)  
[Article I General Organization](#)  
[Sec. 2-3 Definitions.](#)

**Code Content:**

[CODE] *The provisions of Chapters 1 through 37 of the Code of the Township of Teaneck, New Jersey, 1964, including the provisions of this Chapter 2, entitled "Charter/Administrative Code 1988."*

The definition of "Code" in § 2-3 refers to Chapters 1 through 37. The Code now includes a Chapter 38 and could include additional chapters in the future. The Township might want to consider making this definition more general by deleting the specific chapter reference and the year (1964) as follows:

CODE – The provisions of ~~Chapters 1 through 37~~ of the Code of the Township of Teaneck, New Jersey, ~~1964~~, including the provisions of this Chapter 2, entitled "Charter/Administrative Code 1988."

**Pick one option from list below**

- Revise as suggested.
- Revise as follows:

- Do not revise.

Question 2-011

[Chapter 2 Charter/Administrative Code](#)  
[Article I General Organization](#)  
[Sec. 2-5 Effect on ordinances, violations and penalties.](#)

**Code Content:**

[\[§ 2-5\(a\)\]](#) All existing ordinances and parts of ordinances **or amendatory or supplementary thereto** shall, unless specifically repealed herein, be continued in full force and effect until repealed or modified pursuant to law, to the extent that such ordinances are not in conflict with the Charter or Code or the Council-Manager Plan of government law pursuant to N.J.S.A. 40:69A-81 et seq. To the extent that local ordinances vary from state statute, the state statute shall apply. To the extent that this Charter is at variance with any other provision of the Code or of any ordinance, this Charter shall apply and the sections of the Code or that ordinance at variance with the Charter shall be deemed as repealed. Each and every one of the provisions of Chapter 2, entitled "Administration," in effect prior to July 1, 1988, are hereby repealed and replaced by the within Chapter 2, entitled "Charter/Administrative Code 1988." All references in any prior ordinance to any board, body, department or office shall be taken and construed to mean such board, body, department, officer or office to which the respective functions, powers and duties are allocated and assigned by the Charter or the Code.

In § 2-5(a) the wording "or amendatory or supplementary thereto" is unconnected to the rest of the sentence and does not make sense. This wording could be deleted as follows: "All existing ordinances and parts of ordinances ~~or amendatory or supplementary thereto~~ shall, unless specifically repealed herein, be continued in full force and effect until repealed or modified pursuant to law, to the extent that such ordinances are not in conflict with the Charter or Code or the Council-Manager Plan of government law pursuant to N.J.S.A. 40:69A-81 et seq."

**Pick one option from list below**

- Revise as suggested.
- Revise to read "All existing ordinances and parts of ordinances and amendments and supplements thereto."
- Revise as follows:

- Do not revise.

Question 2-012

[Chapter 2 Charter/Administrative Code](#)  
[Article I General Organization](#)  
[Sec. 2-5 Effect on ordinances, violations and penalties.](#)

**Code Content:**

*[\[§ 2-5\(b\)\]](#) On the effective date of this chapter, all personnel and all records and property of the Township relating thereto, except as otherwise provided by the Charter, are transferred to the respective departments, offices and boards and bodies to which their functions, powers and duties are allocated and assigned by the Charter. All officers and employees who were in the classified service of the civil service on the effective date of the Charter are transferred to the appropriate department, office, board or body to which their respective functions, powers and duties are allocated and assigned by the Charter, and they shall not by such transfer be adversely affected in seniority, promotion or salary rights, as provided by Title 11A (Civil Service) (N.J.S.A. 11:28.2). Pursuant to N.J.S.A. 40:69A-207, all officers or employees whose positions are designated in this statute or who hold office by any tenure of office law, or who have tenure pursuant to Title 11A of the Revised Statutes (Civil Service), or any amendment thereto, as of 12:00 noon on July 1, 1988, shall retain and continue their tenure of office. All transfers herein shall be pursuant to N.J.S.A. 11A:4-16.*

In § 2-5(b) the reference to N.J.S.A. 11:28.2 is incorrect. Title 11 has been replaced by Title 11A (Civil Service). The former section N.J.S.A. 11:28-2 has been transferred to N.J.S.A. 11A:4-16. We will update this reference accordingly.

Question 2-013

Chapter 2 Charter/Administrative Code

Article I General Organization

Sec. 2-5 Effect on ordinances, violations and penalties.

**Code Content:**

*[§ 2-5(d)] Whenever, in the Charter adopted by this chapter or in any other ordinance of the Township or in any rule, regulation or order promulgated by any officer or agency of the Township, under authority duly vested in him or it, any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or the doing of any act is required or the failure to do any act is declared to be unlawful or an offense or a misdemeanor, where no specific penalty is provided therefor, the violation of any such provision of such Charter or any other ordinance of the Township or such rule, regulation or order shall be punished by a fine not exceeding \$500 or imprisonment for a term not exceeding 90 days, or by both such fine and imprisonment Notwithstanding the foregoing, in the event that the maximum fine and/or punishment as permitted by state law is different than the above, this provision shall be construed to mean the then prevailing maximum fine and/or punishment.*

Section 2-5(d) establishes a general penalty for violations of Chapter 2 and other Township ordinances. The wording of this subsection and § 2-5(e) essentially duplicates the wording already contained in Chapter 1, § 1-6, General penalty. We strongly recommend that § 2-5(d) and (e) be deleted to eliminate this duplication. It seems unnecessary for this general penalty to be included in the Code twice, and a conflict could be created if a change is made to one of these sections but not the other.

**Pick one option from list below**

- Delete § 2-5(d) and (e) as covered by § 1-6, General penalty.
- Revise as follows:

- Do not revise.

Question 2-014

[Chapter 2 Charter/Administrative Code](#)  
[Article I General Organization](#)  
[Sec. 2-5 Effect on ordinances, violations and penalties.](#)

**Code Content:**

[\[§ 2-5\(h\)\]](#) *The chapter published herewith was introduced at a meeting of Township Council of the Township of Teaneck, in the County of Bergen, New Jersey, held on July 1, 1988, and will be further considered for final passage after public hearing at a meeting of said Township Council to be held in the Municipal Building Council Chamber in said Township on July 26, 1988, at 8:00 p.m.*

Section 2-5(h) appears to contain wording from a notice regarding the ordinance which adopted Chapter 2. This wording is not typically considered to be part of the ordinance and it is highly unusual for it to be included in the Code. We recommend that this subsection be removed. Note that the histories included in Chapter 2 reflect that it was adopted on July 26, 1988.

**Pick one option from list below**

- Remove § 2-5(h).
- Do not revise.

Question 2-015

[Chapter 2 Charter/Administrative Code](#)  
[Article II Council](#)  
[Sec. 2-12 Appointments.](#)

**Code Content:**

[\[§ 2-12\]](#) *The Council shall appoint, within the framework of appropriate ordinances and resolutions adopted by the Council and within the authority of all general laws and statutes of the State of New Jersey, including, without limitation, N.J.S.A. 40:69A-89, 40:69A-95, 40A:9-146 and 2A:8-5, the following personnel: Tax Assessor; Auditor; Attorney, all legal assistants specified in Section 2-35 of this Township Code, Manager; Clerk, Judge of the Municipal Court, Class III and IV members of the Planning Board and two alternates, all members of the Zoning Board of Adjustment and two alternates, and such other officers, offices and boards as are permitted or required by law and/or as the Council may deem necessary for the proper and efficient conduct of the affairs of the Township.*

Section 2-12 refers to N.J.S.A. 2A:8-5 which was repealed in 1993 and related to the appointment of the Municipal Judge. The correct current citation is N.J.S.A. 2B:12-4, Judge of municipal court; term of office; appointment. We will update this reference accordingly.

Question 2-016

[Chapter 2 Charter/Administrative Code](#)  
[Article II Council](#)  
[Sec. 2-15 Meetings.](#)

**Code Content:**

[\[§ 2-15\(a\)\]](#) *Regular meetings. The Council shall hold regular meetings as set forth on the annual schedule of meetings or as determined by the Council by periodic resolution, beginning at 7:00 p.m. unless a different starting time is designated in the notice of meeting. The Council may by resolution dispense with one or more meetings otherwise scheduled. When the time for a regular meeting falls on a legal holiday, as prescribed by law, such meeting shall be held at the same hour on the next regular scheduled Council meeting. The Clerk shall post a copy of the agenda, copies of the full text of all ordinances (within 24 hours of the Council's affirmative vote to introduce an ordinance by title only) and copies of resolutions on the bulletin board, in the Municipal Building and shall provide sufficient copies of the same (when required) to the members of the public attending Council meetings or who request the same by mail.*

Section 2-15(a) includes the following provision: "When the time for a regular meeting falls on a legal holiday, as prescribed by law, such meeting shall be held at the same hour on the next regular scheduled Council meeting." Is this wording correct? This type of section typically provides as follows: "When the time for any regular meeting of the Council shall fall on a holiday, the meeting shall be held at the same hour on the next succeeding day which is not a holiday."

**Pick one option from list below**

Revise to read "such meeting shall be held at the same hour on the next succeeding day which is not a holiday."

Revise as follows:

Do not revise.

Question 2-017

[Chapter 2 Charter/Administrative Code](#)

[Article II Council](#)

[Sec. 2-15 Meetings.](#)

**Code Content:**

[\[§ 2-15\(g\)\]](#) *Closed session meetings. The Council may hold a closed session meeting in accordance with N.J.S.A. 10:4-6 et seq. (the Open Public Meetings Act) at any meeting as set forth on the annual schedule of meetings or as may otherwise be determined by the Council following the adoption of a resolution the open portion of the meeting to enter into closed session in accordance with the provisions of the Open Public Meetings Act.*

Section 2-15(g) appears to be missing wording. Perhaps the following correction could be made: "The Council may hold a closed session meeting in accordance with N.J.S.A. 10:4-6 et seq. (the Open Public Meetings Act) at any meeting as set forth on the annual schedule of meetings or as may otherwise be determined by the Council following the adoption of a resolution during the open portion of the meeting to enter into closed session in accordance with the provisions of the Open Public Meetings Act."

**Pick one option from list below**

- Revise as suggested.
- Revise as follows:

Question 2-018

[Chapter 2 Charter/Administrative Code](#)  
[Article III Office of Manager](#)  
[Sec. 2-24 Duties.](#)

**Code Content:**

[§ 2-24(p)(1)] *Employment policies, not otherwise covered by collective bargaining agreements and laws and regulations of the New Jersey Department of Personnel, which shall be incorporated and codified in **Appendix IV hereof, Personnel Policies and Procedures Manual, and Appendix V hereof, Personnel Policies and Procedures for Excluded Employees.** The Manager or his/her designee shall cause a copy of Appendix IV, Personnel Policies and Procedures Manual, to be served on every employee of the Township and shall obtain a signed receipt from each employee acknowledging receipt thereof. The Manager shall arrange for training sessions on the Personnel Policies and Procedures Manual for all department heads who, in turn, shall provide training on the Personnel Policies and Procedures Manual to all employees within their respective departments.*

Section 2-24(p)(1) refers to Appendix IV, Personnel Policies and Procedures Manual, and Appendix V, Personnel Policies and Procedures for Excluded Employees. These documents have not been included in the Code but are noted as being on file with the Township Clerk. Personnel manuals and policies are not typically included in the Code and we do not recommend that they be added. However, the designation of the Personnel Policies and Procedures Manual as Appendix IV of Chapter 2 is problematic, as Chapter 2 has another Appendix IV titled "Maximum Fees and Charges for Towing Services and Storage of Vehicles." This fee schedule was likely designated as Appendix IV so that it would immediately follow Appendix III, Fees and Charges for Certain Township Services. To resolve the issue of having two different documents designated as "Appendix IV," § 2-24(p)(1) could be revised as follows:

Employment policies, not otherwise covered by collective bargaining agreements and laws and regulations of the New Jersey Department of Personnel, ~~which shall be incorporated and codified in Appendix IV hereof,~~ the Personnel Policies and Procedures Manual[,] and ~~Appendix V hereof,~~ the Personnel Policies and Procedures for Excluded Employees, which are incorporated herein by reference and on file in the office of the Clerk. The Manager or his/her designee shall cause a copy of ~~Appendix IV,~~ the Personnel Policies and Procedures Manual[,] to be served on every employee of the Township and shall obtain a signed receipt from each employee acknowledging receipt thereof.

**Pick one option from list below**

- Revise as suggested.
- Change the designation of the Personnel Policies and Procedures Manual and the Personnel Policies and Procedures for Excluded Employees to Appendix V and Appendix VI, respectively.
- Revise as follows:

Question 2-019

[Chapter 2 Charter/Administrative Code](#)  
[Article IV Office of Township Clerk](#)  
[Sec. 2-31 Powers and duties.](#)

**Code Content:**

[\[§ 2-31\(g\)\]](#) Prepare, arrange, keep and amend the Council meeting agenda, pursuant to direction of the Council. As soon as possible **after all agenda meetings**, the Clerk shall furnish a copy of the agenda to each member of the Council, the Manager and the Attorney. The Clerk shall post a copy of the Council agenda and copies of the full text of all ordinances and resolutions thereon in the Municipal Building and shall provide sufficient copies of all of the same to the members of the public attending Council meetings.

Section 2-31(g) provides for the Clerk to furnish copies of the Council meeting agenda to the Council members, Manager and Attorney "after all agenda meetings." Is this wording correct?

**Pick one option from list below**

Revise as follows:

Do not revise.

Question 2-020

[Chapter 2 Charter/Administrative Code](#)  
[Article V Office of Township Attorney](#)  
[Sec. 2-35 Legal assistants.](#)

**Code Content:**

[\[§ 2-35\(c\)\]](#) The legal assistant to the Rent Board, who shall be appointed by the Council.

Section 2-35(c) provides for the legal assistant to the Rent Board. Pursuant to § 2-118, the Rent Board was abolished in 2005: "The Rent Board previously established by Ordinance No. 3158 shall remain in effect to complete the hearing it is currently conducting as of May 17, 2005, through the rendering of its decision at which time the Rent Board shall be abolished without further action."

**Pick one option from list below**

Delete § 2-35(c).

Revise as follows:

Do not revise.

Question 2-021

[Chapter 2 Charter/Administrative Code](#)  
[Article V Office of Township Attorney](#)  
[Sec. 2-35 Legal assistants.](#)

**Code Content:**

[§ 2-35(d)] *The Prosecutor, who shall be appointed by the Township Council in accordance with N.J.S.A. 2B:25-4; who shall serve for a term concurrent with the term of the Township Council making the appointment but in no event more than two years; and who shall receive remuneration as established by the municipal budget. Notwithstanding the conferral of a two-year term, the Municipal Prosecutor shall serve at the pleasure of the Council and may be removed by the Township Council at any time, with or without cause. If the Municipal Prosecutor is salaried, said salary shall terminate 30 days after the vote of removal.*

Section 2-35(d) provides for the Prosecutor to "serve for a term concurrent with the term of the Township Council making the appointment but in no event more than two years." Does this subsection reflect current practice? We note that N.J.S.A. 2B:25-4b provides for a Municipal Prosecutor to be appointed for a term of one year except in certain counties and cities:

*A municipal prosecutor shall be an attorney-at-law of this State in good standing, and shall serve for a term of one year from the date of his or her appointment, except as determined by the governing body of a county or a city of the first class with a population greater than 270,000, according to the latest federal decennial census, or the governing body of a city of the second class with a population of greater than 30,000 but less than 43,000, according to the latest decennial census, which city of the second class is located in a county of the first class with a population less than 600,000 according to the latest federal decennial census, and may continue to serve in office pending re-appointment or appointment of a successor.*

**Pick one option from list below**

Revise as follows:

Do not revise.

Question 2-022

[Chapter 2 Charter/Administrative Code](#)  
[Article V Office of Township Attorney](#)  
[Sec. 2-35 Legal assistants.](#)

**Code Content:**

[\[§ 2-35\(e\)\]](#) *The Public Defender, who shall be appointed by the Manager.*

Section 2-35(e) provides for the Public Defender to be appointed by the Manager. Does this subsection reflect current practice? We note that N.J.S.A. 2B:24-3 provides as follows: "Each municipal court in this State shall have at least one municipal public defender appointed by the governing body of the municipality in accordance with applicable laws, ordinances and resolutions."

**Pick one option from list below**

- Change "appointed by the Manager" to "appointed by the Council."
- Revise as follows:
- Do not revise.

Question 2-023

[Chapter 2 Charter/Administrative Code](#)  
[Article V Office of Township Attorney](#)  
[Sec. 2-35 Legal assistants.](#)

**Code Content:**

[\[§ 2-35\(h\)\]](#) *The legal assistant to the Redevelopment Agency, who shall be appointed by the Council.*

Section 2-35(h) lists the legal assistant to the Redevelopment Agency, which Agency was abolished by Ord. No. 4060.

**Pick one option from list below**

- Remove § 2-35(h).
- Revise as follows:
- Do not revise.

Question 2-024

[Chapter 2 Charter/Administrative Code](#)  
[Article V Office of Township Attorney](#)  
[Sec. 2-36 Duties of legal assistants.](#)

**Code Content:**

[\[§ 2-36\(d\)\(3\)\]](#) Each individual applying for representation by the Public Defender shall be required to pay **an application fee of not more than \$200.** The Municipal Court Judge may waive any such required application fee, in whole or in part, if the Judge determines, in his discretion, that the application fee represents an unreasonable burden on the individual seeking representation.

Section 2-36(d)(3) provides for an application fee of not more than \$200 for representation by the Public Defender. This maximum amount is still consistent with N.J.S.A. 2B:24-17: "A municipality may require by ordinance a person applying for representation by a municipal public defender or court approved counsel to pay an application fee of not more than \$200.00, but only in an amount necessary to pay the costs of municipal public defender services." Should this fee be moved to Chapter 2, Appendix III, Fees and Charges for Certain Township Services, under "Municipal Court"?

**Pick one option from list below**

- Move fee to Chapter 2, Appendix III.
- Revise as follows:
- Do not revise.

Question 2-025

[Chapter 2 Charter/Administrative Code](#)  
[Article VI Office of Municipal Court/Judge](#)  
[Sec. 2-43 Establishment of Court; appointment of Judge.](#)

**Code Content:**

[\[§ 2-43\]](#) Pursuant to **N.J.S.A. 2A:8-5**, there is hereby established a Municipal Court for the Township which shall be known as the "Municipal Court of the Township of Teaneck in the County of Bergen." There shall be a Judge of the Municipal Court appointed by the Council for a term of three years and, except for justifiable cause, may not be removed. The Judge of the Municipal Court shall be an attorney-at-law of the State of New Jersey and shall be paid an annual salary as established by the Salary Ordinance. The Judge of the Municipal Court shall be admitted to practice in this state for a period of no less than five years.

Section 2-43 regarding the establishment of the Municipal Court begins with a reference to N.J.S.A. 2A:8-5 which was repealed in 1993. We will update this reference to N.J.S.A. 2B:12-1 (Establishment of municipal courts).

Question 2-026

[Chapter 2 Charter/Administrative Code](#)  
[Article VI Office of Municipal Court/Judge](#)  
[Sec. 2-45 Court Clerk.](#)

**Code Content:**

[\[§ 2-45\]](#) There is hereby created the Office of **Clerk of the Municipal Court**. The Manager shall appoint the Court Clerk and such additional personnel as required, who shall serve according to law as the Municipal Court staff.

Pursuant to N.J.S.A. 2B:12-10, Municipal court administrator and personnel, the title "Clerk" with respect to the Municipal Court should be updated to "Administrator." Section 2-45 could be revised to read as follows: "There is hereby created the office of the Municipal Court Administrator. The Manager shall appoint the Municipal Court Administrator and such additional personnel as required, who shall serve according to law as the Municipal Court staff."

**Pick one option from list below**

- Revise as suggested and update any other references to the Municipal Court Clerk to the Municipal Court Administrator.
- Revise as follows:
- Do not revise.

Question 2-027

[Chapter 2 Charter/Administrative Code](#)  
[Article VIII Department of Buildings](#)  
[Sec. 2-50 Appointment of Construction Official: term.](#)

**Code Content:**

*[§ 2-50] There shall be a Department of Buildings, the head of which shall be the **Construction Official/Zoning Officer**, who shall be qualified as required by law. He shall be appointed by the Manager and shall serve for such term and with such tenure as is provided by law. The Construction Official/Zoning Officer shall also exercise the powers and perform the duties vested in the Zoning Officer at such times as the Zoning Officer shall be absent from the Township or shall be unable to serve by reason of disability or otherwise.*

Section 2-50 refers to the "Construction Official/Zoning Officer" which suggests that these positions have been combined, but this section also indicates that these are separate positions and the Construction Official serves as the Zoning Officer in the absence of the Zoning Officer. If that is the case, we recommend changing "Construction Official/Zoning Officer" to "Construction Official" in this section as shown below. The combined title "Construction Official/Zoning Officer" does not appear anywhere else in the Code.

There shall be a Department of Buildings, the head of which shall be the Construction Official, who shall be qualified as required by law. He shall be appointed by the Manager and shall serve for such term and with such tenure as is provided by law. The Construction Official shall also exercise the powers and perform the duties vested in the Zoning Officer at such times as the Zoning Officer shall be absent from the Township or shall be unable to serve by reason of disability or otherwise.

**Pick one option from list below**

Revise as suggested.

Revise as follows:

Do not revise.

Question 2-028

[Chapter 2 Charter/Administrative Code](#)  
[Article VIII Department of Buildings](#)  
[Sec. 2-51 Powers and duties.](#)

**Code Content:**

[\[§ 2-51\]](#) *The Department of Buildings shall have such powers and duties as are set forth in Chapter 11 of the Code, and, in accordance with N.J.S.A. 52:27D-126, the **Construction Official** and the Department shall have the following specific powers and duties:*

The titles "Construction Official" and "Construction Code Official" are both used in the Code. The Township might want to take this opportunity to standardize these references.

**Pick one option from list below**

- Change "Construction Code Official" to "Construction Official."
- Change "Construction Official" to "Construction Code Official."
- Revise as follows:
- Do not revise.

Question 2-029

[Chapter 2 Charter/Administrative Code](#)  
[Article VIII Department of Buildings](#)  
[Sec. 2-51 Powers and duties.](#)

**Code Content:**

[\[§ 2-51\]](#) *The Department of Buildings shall have such powers and duties as are set forth in Chapter 11 of the Code, and, in accordance with N.J.S.A. 52:27D-126, the **Construction Official** and the Department shall have the following specific powers and duties:*

There are also multiple references in the Code to the Township Building Inspector. Is the Building Inspector a separate position from the Construction Official, or should "Building Inspector" be changed to "Construction Official"?

**Pick one option from list below**

- Change "Building Inspector" to "Construction Official."
- Revise as follows:
- Do not revise.

Question 2-030

[Chapter 2 Charter/Administrative Code](#)  
[Article XI Department of Fire Protection](#)  
[Sec. 2-64 Appointment of Fire Chief.](#)

**Code Content:**

[\[§ 2-64\]](#) Pursuant to N.J.S.A. 40A:14-7 et seq., there shall be a **Department of Fire Protection**, the head of which shall be the Fire Chief, who shall be appointed by the Manager and who shall serve for such term and with such tenure as provided by law.

Article XI of Chapter 2 establishes the Department of Fire Protection. The title "Department of Fire Protection" is not used in the Code outside of Chapter 2. All other references in the Code are to the "Fire Department." The Township might want to use the same title consistently throughout the Code or perhaps revise § 2-64 to reflect both titles as follows:

Pursuant to N.J.S.A. 40A:14-7 et seq., there shall be a Department of Fire Protection, also known as the "Fire Department," the head of which shall be the Fire Chief, who shall be appointed by the Manager and who shall serve for such term and with such tenure as provided by law.

**Pick one option from list below**

- Revise § 2-64 as suggested.
- Change "Department of Fire Protection" to "Fire Department."
- Change all references to "Fire Department" to "Department of Fire Protection."
- Revise as follows:
- Do not revise.

Question 2-031

[Chapter 2 Charter/Administrative Code](#)  
[Article XI Department of Fire Protection](#)  
[Sec. 2-65 Functions.](#)

**Code Content:**

[\[§ 2-65\]](#) *The Department shall be responsible for the proper and efficient conduct of all fire prevention, fire alarm, hazardous material and fire extinguishment functions of the Township. The Department shall enforce within the Township all applicable laws and ordinances pertaining to the fire prevention and extinguishment of the public at large. It shall provide such fire assistance as may be necessary to any other department for its proper functioning.*

In § 2-65 the wording "extinguishment of the public at large" does not make sense.

**Pick one option from list below**

- Revise sentence to read "The Department shall enforce within the Township all applicable laws and ordinances pertaining to fire prevention."
- Revise as follows:

Question 2-032

[Chapter 2 Charter/Administrative Code](#)  
[Article XII Department of Health and Human Services](#)  
[Sec. 2-70 Appointment of Health Officer.](#)

**Code Content:**

[\[§ 2-70\]](#) There shall be a **Department of Health and Human Services**, the head of which shall be the Health Officer, appointed by the Manager, and who shall serve for such term and with such tenure as provided by law.

Article XII of Chapter 2 provides for the Department of Health and Human Services. There are numerous references throughout the Code to the "Department of Health" and "Health Department." If the current title of this Department is the "Department of Health and Human Services" these references could be updated to reflect the current title.

**Pick one option from list below**

- Update all references to "Department of Health" and "Health Department" to "Department of Health and Human Services."
- Change "Department of Health and Human Services" to "Department of Health."
- Revise § 2-70 to read: There shall be a Department of Health and Human Services, also known as the "Department of Health" or "Health Department," the head of which shall be...
- Revise as follows:
- Do not revise.

Question 2-033

[Chapter 2 Charter/Administrative Code](#)  
[Article XIII Department of Police](#)  
[Sec. 2-77.1 Special law enforcement officers.](#)

**Code Content:**

[\[§ 2-77.1\(c\)\(2\)\]](#) Class 2. Officers of this class shall be authorized to exercise full powers and duties similar to those of a permanent, regularly appointed, full-time police officer. The use of a firearm by an officer of this class may be authorized only after the officer has been fully certified as successfully completing training as prescribed by **the Commission**.

In § 2-77.1(c)(2) we recommend changing "the Commission" to "the Police Training Commission" to clarify this reference. See N.J.S.A. 40A:14-146.9.

**Pick one option from list below**

- Revise as suggested.
- Revise as follows:
- Do not revise.

Question 2-034

[Chapter 2 Charter/Administrative Code](#)  
[Article XIII Department of Police](#)  
[Sec. 2-77.1 Special law enforcement officers.](#)

**Code Content:**

[\[§ 2-77.1\(e\)\]](#) Approval by Chief of Police. In accordance with [N.J.S.A. 40A:14-146.10d](#), before any special law enforcement officer is appointed pursuant to this section, the Chief of Police or, in the absence of the Chief, other chief law enforcement officer of the local unit shall ascertain the eligibility and qualifications of the applicant and report these determinations in writing to the appointing authority.

In § 2-77.1(e) we will correct the reference to N.J.S.A. 40A:14-146.10d to N.J.S.A. 40A:14-146.10e, which provides:

*e. Before any special law enforcement officer is appointed pursuant to this act, the chief of police, or, in the absence of the chief, other chief law enforcement officer of the local unit shall ascertain the eligibility and qualifications of the applicant and report these determinations in writing to the appointing authority.*

Question 2-035

[Chapter 2 Charter/Administrative Code](#)  
[Article XIII Department of Police](#)  
[Sec. 2-77.1 Special law enforcement officers.](#)

**Code Content:**

[\[§ 2-77.1\(l\)\]](#) On-duty time. A special law enforcement officer shall be deemed to be on duty only while performing public safety functions [on behalf of the City](#). A special law enforcement officer shall be deemed to be on duty only while he is performing public safety functions on behalf of the local unit pursuant to this section and when he is receiving compensation, if any, from the local unit at the rates or stipends as shall be established by ordinance. A special law enforcement officer shall not be deemed to be on duty for purposes of this section while performing private security duties for private employers, which duties are not assigned by the Chief of Police or, in the absence of the Chief, other chief law enforcement officer of the local unit, or while receiving compensation for those duties from a private employer. A special law enforcement officer may, however, be assigned by the Chief of Police or, in the absence of the Chief, other chief law enforcement officer to perform public safety functions for a private entity if the Chief of Police or other chief law enforcement officer supervises the performance of the public safety functions. If the Chief of Police or other chief law enforcement officer assigns the public safety duties and supervises the performance of those duties, then, notwithstanding that the local unit is reimbursed for the cost of assigning a special law enforcement officer at a private entity, the special law enforcement officer shall be deemed to be on duty.

In § 2-77.1(l) we will correct "on behalf of the City" to "on behalf of the Township."

Question 2-036

[Chapter 2 Charter/Administrative Code](#)  
[Article XV Department of Recreation](#)  
[Sec. 2-89 Powers and duties.](#)

**Code Content:**

[\[§ 2-89\(c\)\]](#) Control the use of such public program, parks, open space areas, swimming pools, golf courses and community facilities as the Township may have or acquire **for pures of public recreation.**

In § 2-89(c) should the wording "for pures of public recreation" read "for purposes of public recreation"?

**Pick one option from list below**

- Revise to read "for purposes of public recreation."  
 Revise as follows:

Question 2-037

[Chapter 2 Charter/Administrative Code](#)  
[Article XVI Planning Board](#)  
[Sec. 2-96 Organization.](#)

**Code Content:**

[\[§ 2-96\]](#) The Planning Board shall elect a **Chairperson/man** and Vice Chairperson/man from the members of the Class IV and shall select a Secretary who may or may not be a member of the Planning Board or a municipal employee and shall create and fill such other offices as are established by ordinance, including the office of the Clerk of the Planning Board hereby created by the Charter, and which Clerk shall be a full-time or part-time employee of the Township of Teaneck, who, as determined by the Municipal Manger, shall be assigned as an employee whose sole duties shall be to act as Clerk of the Planning Board. The Planning Board may also employ, or contract for, and fix the compensation of legal counsel, other than the Township Attorney, and experts and other staff and services as it may deem necessary, not exceeding, exclusive of gifts or grants, the amount appropriated by the Council for its use.

The titles "Chairman," "Chairperson" and "Chair" are all used in the Code, and §§ 2-96 and 2-104 refer to a "Chairperson/man and Vice Chairperson/man" which is very unusual. We recommend taking this opportunity to standardize all of these references to one term, either "Chairperson" or "Chair."

**Pick one option from list below**

- Revise all to "Chairperson."  
 Revise all to "Chair."  
 Revise as follows:   
 Do not revise.

Question 2-038

[Chapter 2 Charter/Administrative Code](#)  
[Article XVI Planning Board](#)  
[Sec. 2-98 Timing of decisions.](#)

**Code Content:**

[\[§ 2-98\(c\)\]](#) Ancillary powers. Whenever the Planning Board is called upon to exercise its ancillary powers before the granting of a variance, as set forth in Section 2-97(g), the Planning Board shall grant or deny approval of the application within **95 days** after submission by the developer of a complete application or within such further time as may be consented to by the applicant. Failure of the Planning Board to act within the period prescribed shall constitute approval of the application, and a certificate of the administrative officer as to the failure of the Planning Board to act shall be issued on request of the applicant.

Section 2-98(c) indicates that the Planning Board has 95 days to act on an application when exercising its ancillary powers under § 2-97(g) and N.J.S.A. 40:55D-60. Pursuant to N.J.S.A. 40:55D-61 this time frame should be 120 days:

*Whenever an application for approval of a subdivision plat, site plan or conditional use includes a request for relief pursuant to section 47 of this act, (N.J.S.A. 40:55D-60) the planning board shall grant or deny approval of the application within 120 days after submission by a developer of a completed application to the administrative officer or within such further time as may be consented to by the applicant.*

**Pick one option from list below**

- Change 95 days to 120 days.
- Revise as follows:
- Do not revise.

Question 2-039

[Chapter 2 Charter/Administrative Code](#)  
[Article XVII Zoning Board of Adjustment](#)  
[Sec. 2-100 Appointment; membership.](#)

**Code Content:**

[\[§ 2-100\(a\)\]](#) There is hereby established, pursuant to N.J.S.A. 40:55D-69, a Zoning Board of Adjustment which shall consist of seven members and **two alternate members**, composed of and appointed as set forth herein.

Section 2-100(a) provides for the Zoning Board of Adjustment to have seven members and two alternate members. Section 2-102, Alternate members, now provides for four alternate members.

**Pick one option from list below**

- Change "and two alternate members" to "and four alternate members."
- Revise as follows:
- Do not revise.

Question 2-040

[Chapter 2 Charter/Administrative Code](#)  
[Article XVII Zoning Board of Adjustment](#)  
[Sec. 2-105 Powers and duties.](#)

**Code Content:**

[\[§ 2-105\(b\)\]](#) Hear and decide requests for **interpretation of the map** or Zoning Ordinance or for decisions upon other special questions upon which such Board is authorized by the Zoning Ordinance to pass.

In § 2-105(b) should the wording "interpretation of the map" read "interpretation of the Zoning Map"? See N.J.S.A. 40:55D-70b: "Hear and decide requests for interpretation of the zoning map or ordinance or for decisions upon other special questions upon which such board is authorized to pass by any zoning or official map ordinance, in accordance with this act."

**Pick one option from list below**

- Revise to read "interpretation of the Zoning Map."
- Revise as follows:
- Do not revise.

Question 2-041

[Chapter 2 Charter/Administrative Code](#)  
[Article XVII Zoning Board of Adjustment](#)  
[Sec. 2-105 Powers and duties.](#)

**Code Content:**

[\[§ 2-105\(e\)\]](#) No variance or other relief may be granted under the provisions of this section unless such variance or other relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and Zoning Ordinance. Any application under **any subsection of this** may be referred to any appropriate agency or person, including the Planning Board, for its report, provided that such reference shall not extend the period of time within which the Zoning Board of Adjustment shall act.

In § 2-105(e) we will correct "any subsection of this" to read "any subsection of this section."

Question 2-042

[Chapter 2 Charter/Administrative Code](#)  
[Article XVII Zoning Board of Adjustment](#)  
[Sec. 2-108 Timing of decisions.](#)

**Code Content:**

[\[§ 2-108\(a\)\(2\)\]](#) *The submission of a complete application for development to the Board, pursuant to the provisions of N.J.S.A. 40:55D-70b.*

In § 2-108(a)(2) the reference to N.J.S.A. 40:55D-70b is incorrect and should be to N.J.S.A. 40:55D-72. See the corresponding wording in N.J.S.A. 40:55D-73, Time for decision. We will make this correction.

Question 2-043

[Chapter 2 Charter/Administrative Code](#)  
[Article XVII Zoning Board of Adjustment](#)

[Sec. 2-110 Provisions applicable to Planning Board and Zoning Board of Adjustment.](#)

**Code Content:**

*[\[§ 2-110\(d\)\]](#) Quorum needed. No action shall be taken at any meeting without a quorum being present. A quorum shall be defined as a majority of the regular appointed members of the board.*

Section 2-110(d) deals with the quorum requirement for the Planning Board and Zoning Board of Adjustment. The following wording could be added to this subsection pursuant to N.J.S.A. 40:55D-23.2 and 40:55D-69.1:

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

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

**Pick one option from list below**

- Add wording as suggested.
- Revise as follows:

- Do not revise.

Question 2-044

[Chapter 2 Charter/Administrative Code](#)

[Article XVII Zoning Board of Adjustment](#)

[Sec. 2-110 Provisions applicable to Planning Board and Zoning Board of Adjustment.](#)

**Code Content:**

*[\[§ 2-110\(g\)\]](#) Minutes. Minutes of every regular or special meeting shall be kept and shall include the names of persons appearing and addressing the Board and persons appearing by attorney; the action taken by the Board; the findings, if any, made by it and the reasons therefor; and the votes of all members. The minutes shall thereafter be made available for public inspection during normal business hours at the office of the Township Clerk. Any interested party shall have the right to compel production of the minutes for use as evidence in any legal proceeding concerning the subject matter of such minutes. A fee may be charged for the reproduction of the minutes, as provided **in the ales** of the respective Boards.*

We will make the following correction in the last sentence of § 2-110(g): "A fee may be charged for the reproduction of the minutes, as provided in the ~~ales~~ rules of the respective Boards."

Question 2-045

[Chapter 2 Charter/Administrative Code](#)  
[Article XVII Zoning Board of Adjustment](#)

[Sec. 2-110 Provisions applicable to Planning Board and Zoning Board of Adjustment.](#)

**Code Content:**

*[\[§ 2-110\(i\)\(6\)\]](#) Records. Applicants to each Board shall, at the applicant's own expense, furnish a stenographer to provide for the verbatim reporting of the proceedings before the Board for all hearings, unless otherwise waived by the Board. The applicant shall, upon the Board's request, furnish the Board with a transcript of the hearing.*

Section 2-100(i)(6) indicates that the applicant is required to furnish a stenographer and to furnish the Board with a transcript of the hearing. This provision appears to conflict with N.J.S.A. 40:55D-10f, which requires the municipality to provide for the recording of the proceedings and to furnish a transcript to an interested party at his expense:

*f. The municipal agency shall provide for the verbatim recording of the proceedings by either stenographer, mechanical or electronic means. The municipal agency shall furnish a transcript, or duplicate recording in lieu thereof, on request to any interested party at his expense; provided that the governing body may provide by ordinance for the municipality to assume the expense of any transcripts necessary for appeal to the governing body, pursuant to section 8 of this act, of decisions by the zoning board of adjustment pursuant to subsection 57d. of this act, up to a maximum amount as specified by the ordinance.*

*The municipal agency, in furnishing a transcript or tape of the proceedings to an interested party at his expense, shall not charge such interested party more than the actual cost of preparing the transcript or tape. Transcripts shall be certified in writing by the transcriber to be accurate.*

**Pick one option from list below**

Replace § 2-100(i)(6) with: "Each Board shall provide for the verbatim recording of the proceedings by either stenographer, mechanical or electronic means. The Board shall furnish a transcript, or duplicate recording in lieu thereof, on request to any interested party at his expense."

Revise as follows:

Do not revise.

Question 2-046

[Chapter 2 Charter/Administrative Code](#)  
[Article XVII Zoning Board of Adjustment](#)  
[Sec. 2-110 Provisions applicable to Planning Board and Zoning Board of Adjustment.](#)

**Code Content:**

*[§ 2-110(i)(7)i] All notices required to be given, pursuant to the terms of this article, shall state the date, time and place of the hearing, the nature of the matters to be considered and identification of the property proposed for development by street address, if any, or by reference to block and lot numbers as shown on the current Tax Map in the Tax Assessor's office and the location and times at which **any maps and documents for approval is sought** are available as required by law.*

We will make the following correction in § 2-110(i)(7)i: "...and the location and times at which any maps and documents for which approval is sought are available as required by law." See the corresponding wording in N.J.S.A. 40:55D-11.

Question 2-047

[Chapter 2 Charter/Administrative Code](#)  
[Article XVII Zoning Board of Adjustment](#)  
[Sec. 2-110 Provisions applicable to Planning Board and Zoning Board of Adjustment.](#)

**Code Content:**

*[§ 2-110(j)] List of property owners. Pursuant to the provisions of N.J.S.A. 40:55D-12c, the Township Clerk shall, within seven days after receipt of a request therefor and payment of **a fee of \$10**, make and certify a list from the current tax rolls of names and addresses of owners to whom the applicant is required to give notice pursuant to this article.*

Section 2-110(j) provides for a fee of \$10 for a list of property owners, in accordance with N.J.S.A. 40:55D-12c, which provides that "A sum not to exceed \$0.25 per name, or \$10.00, whichever is greater, may be charged for such list." This fee is also included in Appendix III, Fees and Charges for Certain Township Services, under Planning Board and Board of Adjustment - Certified list of property owners, \$10. Accordingly, we recommend that the fee amount in § 2-110(j) be replaced with a reference to Appendix III.

**Pick one option from list below**

- Revise to read "payment of a fee as set forth in Appendix III of Chapter 2."
- Revise as follows:
- Do not revise.

Question 2-048

[Chapter 2 Charter/Administrative Code](#)  
[Article XX Rent Board/Administrative Monitoring Officer](#)  
[Sec. 2-118 Establishment.](#)

**Code Content:**

[\[§ 2-118\]](#) *The Rent Board previously established by Ordinance No. 3158 shall remain in effect to complete the hearing it is currently conducting as of May 17, 2005, through the rendering of its decision at which time the Rent Board shall be abolished without further action. For any cases filed after May 17, 2005, pursuant to Section 29C-5 of the Code, an Administrative Monitoring Officer is hereby established.*

It appears that Article XX of Chapter 2 providing for the Rent Board should be removed as having been repealed when the Rent Board was abolished in 2005. Sections 2-119 and 2-120 both provide: "Upon abolishment of the Rent Board pursuant to Section 2-118 of the Code, this section shall automatically be repealed."

**Pick one option from list below**

- Rent Board has been abolished; remove Article XX.
- Revise as follows:

- Do not revise.

Question 2-049

[Chapter 2 Charter/Administrative Code](#)  
[Article XXII Department of Human Resources](#)  
[Sec. 2-127 Functions.](#)

**Code Content:**

[\[§ 2-127\]](#) *The function of the Department of Human Resources is to be responsible for the overall human resources function in the Township of Teaneck and includes maintaining a liaison between the Township and the **New Jersey Department of Personnel** in matters of personnel administration; coordinating and formulating personnel programs, training, policies and practices for the employees of the Township; implementing hiring practices; investigating and processing employee grievances, contract disputes, and other employment issues; maintaining and updating personnel information and collective negotiation agreements; participating in the negotiation of collective negotiation agreements; implementing disciplinary procedures; monitoring and insuring compliance with the New Jersey Law Against Discrimination (LAD), the New Jersey Conscientious Employee Protection Act (CEPA) and other employment-related laws and regulations; administering the Township's health insurance program; administering Township employees' participation in the Public Employment Retirement System (PERS) and Police and Fire Retirement System (PFRS); consulting with and assisting the Manager and other department heads with respect to human resources issues; and performing such other human resources duties as directed by the Manager.*

There are three references in Chapter 2 to the New Jersey Department of Personnel. This Department was abolished by Chapter 29 of the Laws of 2008 and replaced by the Civil Service Commission.

**Pick one option from list below**

- Change "Department of Personnel" to "Civil Service Commission."
- Revise as follows:

Question 2-050

[Chapter 2 Charter/Administrative Code](#)  
[Article XXV Site Plan Review Advisory Board](#)  
[Sec. 2-135 Appointment of members; terms; qualifications.](#)

**Code Content:**

*[§ 2-135] The Board shall consist of nine members appointed by the Council. Each member shall be specially qualified by reason of training or experience in architecture, engineering, land development, municipal planning, real estate, landscape architecture or other relevant profession or business, or by reason of civic interest and proven ability to determine the effects of a development upon the standards set forth in Chapter 33 of the Code. At least two regular members shall be architects, and at least two regular members shall be professional engineers. The Board may also include two alternate members, who shall serve in rotation during the absence or disqualification of any regular member or members but shall be appointed for two-year terms. Alternate members shall have the same qualifications as regular members and, while serving, shall have the same authority, responsibilities and duties as regular members.*

Section 2-135 states that the Site Plan Review Advisory Board consists of nine members appointed by the Council. This provision conflicts with § 33-16(c), which states that the members of this Board are appointed by the Mayor: "Regular members of the Advisory Board shall be appointed by the Mayor, without compensation, for three-year terms."

**Pick one option from list below**

- Change "appointed by the Mayor" to "appointed by the Council" in § 33-16(c).
- Change "appointed by the Council" to "appointed by the Mayor" in § 2-135.
- Revise as follows:

Question 2-051

[Chapter 2 Charter/Administrative Code](#)  
[Article XXV Site Plan Review Advisory Board](#)  
[Sec. 2-135 Appointment of members; terms; qualifications.](#)

**Code Content:**

*[\[§ 2-135\]](#) The Board shall consist of nine members appointed by the Council. Each member shall be specially qualified by reason of training or experience in architecture, engineering, land development, municipal planning, real estate, landscape architecture or other relevant profession or business, or by reason of civic interest and proven ability to determine the effects of a development upon the standards set forth in Chapter 33 of the Code. At least two regular members shall be architects, and at least two regular members shall be professional engineers. The Board may also include two alternate members, who shall serve in rotation during the absence or disqualification of any regular member or members but shall be appointed for two-year terms. Alternate members shall have the same qualifications as regular members and, while serving, shall have the same authority, responsibilities and duties as regular members.*

Most of the wording in § 2-135 regarding the Site Plan Review Advisory Board is repeated in § 33-16(a) and (b). To eliminate this duplication, the Township might want to consider replacing § 2-135 with the following: "The members of the Site Plan Review Advisory Board shall be appointed and qualified as provided in § 33-16 of this Code."

**Pick one option from list below**

Revise as suggested.

Revise as follows:

Do not revise.

Question 2-052

[Chapter 2 Charter/Administrative Code](#)  
[Article XXIX Municipal Ethics Board](#)  
[Sec. 2-146 Establishment.](#)

**Code Content:**

*[\[§ 2-146\(a\)\(2\)\]](#) In recognition of these goals, there is hereby established a Municipal Ethics Board, which is charged herein with the responsibility for promulgating and administering a municipal code of ethics consistent with the Local Government Ethics Law, N.J.S.A. 40A:9-22.1 et seq., to be applied to all persons holding office or position in the service of the Township by election, appointment or employment, whether paid or unpaid, permanent or temporary, and to be administered locally, as permitted by [N.J.S.A. 9-22.19](#).*

In § 2-146(a)(2) the reference to N.J.S.A. 9-22.19 should be to N.J.S.A. 40A:9-22.19. We will make this correction.

Question 2-053

[Chapter 2 Charter/Administrative Code](#)  
[Article XXIX Municipal Ethics Board](#)  
[Sec. 2-146 Establishment.](#)

**Code Content:**

[\[§ 2-146\(b\)\]](#) *Creation; composition. There is hereby created a Municipal Ethics Board, in accordance with N.J.S.A. 40A:9-22.19. It shall consist of six members who shall be residents of the Township and at least two of whom shall be local public officers or local public employees, as defined by N.J.S.A. 40A:9-22.3. The members of the Ethics Board shall be appointed by the governing body and shall be chosen by virtue of their known and consistent reputation for integrity and their knowledge of local government affairs.*

Section 2-146(b) refers to "local public officers or local public employees, as defined by N.J.S.A. 40A:9-22.3." The terms defined in that section are "local government officer" and "local government employee."

**Pick one option from list below**

- Revise to read "at least two of whom shall be local government officers or local government employees, as defined by N.J.S.A. 40A:9-22.3."
- Revise as follows:
- Do not revise.

Question 2-054

[Chapter 2 Charter/Administrative Code](#)  
[Article XXX Council's Advisory Boards](#)  
[Sec. 2-148 General provisions.](#)

**Code Content:**

[\[§ 2-148\(g\)\(4\)\]](#) *PROVISO those terms in 2020 which were for one-year terms that expire in 2021.*

Section 2-148(g)(4) consists of an incomplete sentence and does not make sense. There is a second "Proviso" which follows Subsection (g)(8) which reads "In August 2020, half the members of each board will be randomly assigned to one-year terms in order to create staggered terms for all Council's advisory boards." Perhaps these provisions could be combined into a single subsection reading as follows:

In August 2020, half the members of each board will be randomly assigned to one-year terms in order to create staggered terms for all Council's advisory boards. The terms of those members assigned to one-year terms in 2020 shall expire in 2021.

**Pick one option from list below**

- Revise as suggested.
- Revise as follows:

Question 2-055

[Chapter 2 Charter/Administrative Code](#)  
[Article XXX Council's Advisory Boards](#)  
[Sec. 2-148 General provisions.](#)

**Code Content:**

[\[§ 2-148\(g\)\(6\)\]](#) *Vacancies may be filled by the Council at any time and the clerk shall forward to Council a list of applicants on file or, at the discretion of Council, another candidate will be identified by the Council for consideration or the Council **may request the Clerk a call** for new applicants.*

In § 2-148(g)(6) it appears that the following correction should be made: "or the Council may request the Clerk to make a call for new applicants."

**Pick one option from list below**

- Revise as suggested.
- Revise as follows:

Question 2-056

[Chapter 2 Charter/Administrative Code](#)  
[Article XXX Council's Advisory Boards](#)  
[Sec. 2-148.1 Establishment of Council's advisory boards.](#)

**Code Content:**

[\[§ 2-148.1\(j\)\(2\)\]](#) *Membership. The membership of the Board shall consist of seven residents appointed by the Council. The members will include a representative from the Environmental Commission, the Parks, Playgrounds and Recreation Advisory Board, the Teaneck **Historical Preservation Commission**, the Township engineer, and one member at large. The Recreation Department Superintendent will serve as ex officio member.*

In § 2-148.1(j)(2) we will correct "Historical Preservation Commission" to "Historic Preservation Commission." See Article XXVIII, Historic Preservation Commission, of Chapter 2.

Question 2-057

[Chapter 2 Charter/Administrative Code](#)  
[Article XXXI Miscellaneous Provisions](#)  
[Sec. 2-157 Appendixes.](#)

Section 2-157 lists Appendices I, II and III. We will add Appendix IV, Maximum Fees and Charges for Towing Services and Storage of Vehicles.

Question 2-058

[Chapter 2 Charter/Administrative Code](#)  
[Article XXXII Civilian Complaint Review Board](#)  
[Sec. 2-159 Jurisdiction; termination of jurisdiction.](#)

**Code Content:**

[\[§ 2-159\(a\)\(4\)b\]](#) *It shall be a rebuttable presumption that no harassment is involved if a police officer observes an unlawful assembly as described in Section 26-27 of the Township Code.*

Section 2-159(a)(4)b provides: "It shall be a rebuttable presumption that no harassment is involved if a police officer observes an unlawful assembly as described in Section 26-27 of the Township Code." The section referenced, § 26-27, was repealed in 2019.

**Pick one option from list below**

- Delete the wording "as described in Section 26-27 of the Township Code."
- Revise as follows:

Question 3-001

[Chapter 3 Advertising](#)

[Sec. 3-6 Deliveries of unsolicited and unwanted nonsubscription materials.](#)

**Code Content:**

[\[§ 3-6\(d\)\]](#) Any person who is found to be in violation of this chapter shall be subject to a fine of not less than \$100 for the first offense and a fine of not less than \$100 or more than \$1,000 for each subsequent offense, as determined by the judge of the municipal court. Each separate delivery on subsequent dates shall constitute a separate offense.

In § 3-6(d) we question whether the wording "violation of this chapter" should read "violation of this section." The intent of Subsection (d) appears to be to set the penalty for violations of § 3-6, Deliveries of unsolicited and unwanted nonsubscription materials, not the penalty for violations of Chapter 3.

**Pick one option from list below**

- Change "violation of this chapter" to "violation of this section."
- Revise as follows:
- Do not revise.

Question 3-002

[Chapter 3 Advertising](#)

[Sec. 3-6 Deliveries of unsolicited and unwanted nonsubscription materials.](#)

**Code Content:**

[\[§ 3-6\(d\)\]](#) Any person who is found to be in violation of this chapter shall be subject to a fine of not less than \$100 for the first offense and a fine of not less than \$100 or more than \$1,000 for each subsequent offense, as determined by the judge of the municipal court. Each separate delivery on subsequent dates shall constitute a separate offense.

Are the fine amounts in § 3-6(d) still satisfactory? Note that the following correction should be made: "a fine of not less than \$100 or nor more than \$1,000 for each subsequent offense."

**Pick one option from list below**

- Correct "or" to "nor" as indicated; no other revisions needed.
- Correct "or" to "nor" as indicated and also revise as follows:

Question 3-003

[Chapter 3 Advertising](#)  
[Sec. 3-7 Newsracks.](#)

**Code Content:**

*[\[§ 3-7\(c\)\(1\)\]](#) No person, firm or corporation shall place, maintain or operate any newsrack within the Township of Teaneck, except in conformity with the requirements of this section, which specific locations shall be determined upon **permit application to the Zoning Officer.***

Section 3-7(c)(1) indicates that the application for a newsrack permit is made to the Zoning Officer, but the rest of § 3-7 refers to the Construction Official. Section 3-7(c)(2), for example, provides: "Any person, firm or corporation seeking to place, maintain or operate any newsrack must first apply for and obtain a permit from the Construction Official of the Township, which permit shall specify the exact location of such newsrack or newsracks."

**Pick one option from list below**

- Change "Zoning Officer" to "Construction Official."
- Change "Construction Official" throughout § 3-7 to "Zoning Officer."
- Revise as follows:

Question 3-004

[Chapter 3 Advertising](#)  
[Sec. 3-7 Newsracks.](#)

**Code Content:**

[\[§ 3-7\(g\)\(4\)g\]](#) *In a cluster or grouping where no more than six newsracks are together. There shall be no more than one cluster on the same side of the street in any block.*

It appears the following revision should be made in § 3-7(g)(4)g:

(4) No newsracks shall be placed, installed, used or maintained:

(g) In a cluster or grouping where ~~no~~ more than six newsracks are together. There shall be no more than one cluster on the same side of the street in any block.

**Pick one option from list below**

Revise as suggested.

Revise as follows:

Question 3-005

[Chapter 3 Advertising](#)  
[Sec. 3-7 Newsracks.](#)

**Code Content:**

[\[§ 3-7\(j\)\]](#) *Storage after removal. For any newsrack that is removed or impounded in accordance with this section and then stored by the Township, the Township shall charge a storage fee of \$5 per day. In addition to the foregoing, the provisions as to impoundment of shopping carts contained in Sections 31-3, 31-4, 31-5, 31-6, 31-7 and 31-8 of the Township Code are hereby incorporated herein by reference as if at length set forth herein, except that in place and stead of "shopping carts" shall be substituted "newsracks," and in place and stead of the "Chief of Police," shall be substituted the "Construction Code Official" or "Construction Official."*

Section 3-7(i) prescribes a storage fee of \$5 for impounded newsracks. Should this fee be moved to Chapter 2, Appendix III, Fees and Charges for Certain Township Services?

**Pick one option from list below**

Move fee to Chapter 2, Appendix III.

Do not move fee.

Question 3-006

[Chapter 3 Advertising](#)  
[Sec. 3-7 Newsracks.](#)

**Code Content:**

[\[§ 3-7\(j\)\]](#) *Storage after removal. For any newsrack that is removed or impounded in accordance with this section and then stored by the Township, the Township shall charge a storage fee of \$5 per day. In addition to the foregoing, the provisions as to impoundment of shopping carts contained in Sections 31-3, 31-4, 31-5, 31-6, 31-7 and 31-8 of the Township Code are hereby incorporated herein by reference as if at length set forth herein, except that in place and stead of "shopping carts" shall be substituted "newsracks," and in place and stead of the "Chief of Police," shall be substituted the "Construction Code Official" or "Construction Official."*

Is the amount of the storage fee in § 3-7(j) (\$5) still correct?

**Pick one option from list below**

- Revise as follows:
- Do not revise.

Question 3-007

[Chapter 3 Advertising](#)  
[Sec. 3-7 Newsracks.](#)

**Code Content:**

[\[§ 3-7\(k\)\]](#) *Violations and penalties. In addition to all enforcement procedures provided herein, any violation of the provisions of this section shall be subject to prosecution as a violation and, upon conviction, shall subject the violator to the penalties prescribed by Section 1-6 of the Code of the Township of Teaneck or shall be subject to a civil penalty of \$500 for each offense collectible in a civil action and/or shall be subject to an action in a court of competent jurisdiction to compel compliance or to restrain by injunction any violation. Each day that a violation of this section continues after due notice from the office of the Construction Official to the violator shall be deemed a separate and distinct violation for each separate newsrack.*

Section 3-7(k) provides that violations of § 3-7, Newsracks, are subject to the general penalty in § 1-6 or a civil penalty of \$500. Are any revisions desired to this penalty?

**Pick one option from list below**

- Revise as follows:
- Do not revise.

Question 3A-001

[Chapter 3A Burglar Alarm and Medical Emergency Alarm Systems](#)  
[Sec. 3A-4 Maintenance of alarm systems.](#)

**Code Content:**

*[§ 3A-4(b)] An audible alarm system shall be maintained to deactivate within 20 minutes of its activation. Its failure to do so shall be deemed to be a violation of this chapter. If the alarm continues to be audible for a period of one hour or more, the law enforcement officer is hereby authorized and empowered to enter the premises and disconnect the alarm. A service fee shall be assessed against the alarm user in the sum of \$25 for each time the system is required to be disconnected by the law enforcement officer. Further, the alarm shall not be reactivated unless and until the user submits proof to the law enforcement officer that the user has corrected the system. The failure to furnish such proof shall also constitute a violation of this chapter.*

Section 3A-4(b) includes a service fee of \$25 for disconnection of an alarm system. The other fees related to this chapter, including for registration of an alarm system and for false alarms, are included in Chapter 2, Appendix III, Fees and Charges for Certain Township Services.

**Pick one option from list below**

- Move fee to Chapter 2, Appendix III.
- Do not move fee.

Question 3A-002

[Chapter 3A Burglar Alarm and Medical Emergency Alarm Systems](#)  
[Sec. 3A-4 Maintenance of alarm systems.](#)

**Code Content:**

*[§ 3A-4(b)] An audible alarm system shall be maintained to deactivate within 20 minutes of its activation. Its failure to do so shall be deemed to be a violation of this chapter. If the alarm continues to be audible for a period of one hour or more, the law enforcement officer is hereby authorized and empowered to enter the premises and disconnect the alarm. A service fee shall be assessed against the alarm user in the sum of \$25 for each time the system is required to be disconnected by the law enforcement officer. Further, the alarm shall not be reactivated unless and until the user submits proof to the law enforcement officer that the user has corrected the system. The failure to furnish such proof shall also constitute a violation of this chapter.*

Is the service fee amount (\$25) in § 3A-4(b) still correct?

**Pick one option from list below**

- Revise as follows:
- Do not revise.

Question 3A-003

[Chapter 3A Burglar Alarm and Medical Emergency Alarm Systems](#)  
[Sec. 3A-7 Violations and penalties.](#)

**Code Content:**

*[§ 3A-7] Any person, firm or corporation found guilty in the municipal court of the Township of Teaneck of violating any provision of this chapter for which a fee or charge is not otherwise fixed herein shall be subject to a fine of not more than \$200 or to imprisonment for a period of not more than 90 days, or both.*

Section 3A-7 sets the penalty for violations of Chapter 3A at a fine of not more than \$200 or imprisonment for not more than 90 days, or both. Is this penalty still satisfactory?

**Pick one option from list below**

- Revise as follows:
- Do not revise.

Question 3B-001

[Chapter 3B Fire Alarm Systems](#)  
[Sec. 3B-3 Radio master fire alarm box.](#)

**Code Content:**

*[§ 3B-3] Any alarm system that is required by the New Jersey Uniform Construction Code and Uniform Fire Code to transmit fire alarms to a centralized system at Fire Department headquarters, and which is either to be newly installed or substantially altered or replaced, shall be a radio master fire alarm box, whose brand, make and model will be determined by the public bidding process. Such radio fire alarm system shall transmit on a frequency and format to be determined by the Township Fire Chief.*

Provided that it reflects current requirements for fire alarms in the Township, Chapter 3B appears satisfactory as written.

**Pick one option from list below**

- Revise as follows:
- 
- Revise as follows: (revisions attached).
- Do not revise.

Question 3C-001

[Chapter 3C Affirmative Marketing Program](#)  
[Sec. 3C-1 Applicability.](#)

**Code Content:**

*[\[§ 3C-1\]](#) The Township of Teaneck, Bergen County, has a fair share obligation of 294 units, including a rehabilitation obligation of 103 units and a new construction obligation of 191 units. The Township of Teaneck's inclusionary obligation will be met by seeking credits for 213 housing units already built and 82 housing units already rehabilitated, and will continue to implement its rehabilitation program for 21 additional units in Teaneck. **This chapter will apply to all new developments and all existing developments that are low- and moderate-income restricted, wherein units are to be resold or rented, that contain low- and moderate-income units that are listed below and any future developments that may occur:***

Chapter 3C, adopted in 2005, establishes an affirmative marketing program for low- and moderate-income units. Is this chapter still in use or was it superseded by Ordinance No. 4-2019, which adopted Article VI, Affordable Housing, of Chapter 33, Development Regulations? See in particular § 33-36, Affirmative marketing within inclusionary development.

**Pick one option from list below**

- Chapter 3C is superseded; remove and repeal.
- Chapter 3C is not superseded; retain.

Question 3C-002

[Chapter 3C Affirmative Marketing Program](#)  
[Sec. 3C-2 Regional marketing strategy; housing region.](#)

**Code Content:**

*[§ 3C-2] The affirmative marketing plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of sex, age or number of children, to housing units which are being marketed by a developer/sponsor, municipality and/or designated administrative agency of affordable housing. The plan will address the requirements of N.J.A.C. 5:93-11. In addition, the plan prohibits discrimination in the sale, rental, financing or other services related to housing on the basis of race, color, sex, religion, handicap, age, familial status/size or national origin. The Township of Teaneck is in the housing region consisting of Bergen, Passaic, Hudson and Sussex Counties.*

If Chapter 3C is retained, the Township Attorney should be consulted as to how references in this chapter to N.J.A.C. 5:93 should be handled, as that chapter expired in 2016 and the sections referenced are no longer included in the New Jersey Administrative Code. There are references to N.J.A.C. 5:93 in §§ 3C-2, 3C-7(c) and (d) and 3C-8(b).

**Pick one option from list below**

- Not applicable; Chapter 3C will be removed.
- Revise as follows:

- Do not revise.

Question 4-001

[Chapter 4 Alcoholic Beverages](#)

[Article I In General](#)

[Sec. 4-1 Compliance with chapter and state law.](#)

**Code Content:**

[\[§ 4-1\]](#) *No person shall sell or distribute alcoholic beverages in the Township otherwise than as provided in this chapter and N.J.S.A. 33:1-1 et seq. and the rules and regulations promulgated by the **State Commissioner of Alcoholic Beverages.***

In § 4-1 should the reference to the State Commissioner of Alcoholic Beverages be updated to the Director of the Division of Alcoholic Beverage Control?

**Pick one option from list below**

- Revise to the Director of the Division of Alcoholic Beverage Control.
- Revise as follows:
- Do not revise.

Question 4-002

Chapter 4 Alcoholic Beverages

Article I In General

Sec. 4-5 Possession and consumption of alcoholic beverages by underaged persons.

The Township might want to consider adding the following section after § 4-5 based on N.J.S.A. 40:48-1.2a which was added by L. 2009, c. 133. Note that this section was amended by P.L. 2021, c. 16, to include wording relating to cannabis, as highlighted below. If the Township chooses to revise § 4-5 to include provisions relating to cannabis (see next question) then this section should also include the wording relating to cannabis.

§ 4-5.1. Exemption from prosecution.

A. An underage person and one or two other persons acting in concert with the underage person shall be immune from prosecution under § 4-5 if:

(1) One of the underage persons called 9-1-1 and reported that another underage person was in need of medical assistance due to alcohol consumption **or the consumption of a cannabis item**;

(2) The underage person who called 9-1-1 and, if applicable, one or two other persons acting in concert with the underage person who called 9-1-1 provided each of their names to the 9-1-1 operator;

(3) The underage person was the first person to make the 9-1-1 report; and

(4) The underage person and, if applicable, one or two other persons acting in concert with the underage person who made the 9-1-1 call remained on the scene with the person under the legal age in need of medical assistance until assistance arrived and cooperated with medical assistance and law enforcement personnel on the scene.

B. The underage person who received medical assistance as provided in Subsection A of this section also shall be immune from prosecution under § 4-5.

**Pick one option from list below**

Add new section as set forth above.

Add new section but delete "or the consumption of a cannabis item."

Revise as follows:

Do not revise.

Question 4-003

[Chapter 4 Alcoholic Beverages](#)

[Article I In General](#)

[Sec. 4-5 Possession and consumption of alcoholic beverages by underaged persons.](#)

Section 4-5, regarding possession and consumption of alcoholic beverages by underaged persons, is authorized by and based on N.J.S.A. 40:48-1.2, which was recently amended by P.L. 2021, c. 16, to include provisions relating to cannabis: "A municipality may enact an ordinance making it unlawful for any person under the legal age who, without legal authority, knowingly possesses or knowingly consumes an alcoholic beverage or a cannabis item, other than by smoking, vaping, or aerosolizing, on private property." The amended statute includes a definition of "cannabis items," penalties for violations involving cannabis activity, and exceptions. The Township might want to review N.J.S.A. 40:48-1.2, as amended by P.L. 2021, c. 16, and consult the Township Attorney as to whether § 4-5 should be revised to include provisions relating to cannabis.

**Pick one option from list below**

Revise as follows:

Revise as follows: (revisions attached).

Do not revise.

Question 4-004

Chapter 4 Alcoholic Beverages

Article I In General

Sec. 4-5 Possession and consumption of alcoholic beverages by underaged persons.

**Code Content:**

[§ 4-5(a)] *Any person under the legal age to purchase alcoholic beverages who, without legal authority, knowingly possesses or knowingly consumes any alcoholic beverage in or on any school property, public conveyance, public place or place of public assembly or on private property shall be in violation of this article. Upon conviction, such underage person shall be subject to a fine of \$250 for a first offense and \$350 for any subsequent offense; perform community service for a period not to exceed 180 days; at the discretion of the court, have a New Jersey driving privilege suspended or postponed for six months; and, if considered necessary by the court, be referred to an alcoholic treatment program at the defendant's expense.*

Section 4-5(a) provides that an underage person violating § 4-5 is subject to a fine of \$250 for a first offense and \$350 for any subsequent offense, community service up to 180 days, having a New Jersey driving privilege suspended or postponed, and referral to an alcoholic treatment program. Section 4-5 is authorized by N.J.S.A. 40:48-1.2. The only penalty authorized by that statute is the fine. Provisions in N.J.S.A. 40:48-1.2 relating to suspension of driving privilege were removed by P.L. 2019, ch. 276. The statute does not provide for community service or referral to an alcoholic treatment program; we also note that the maximum term of community service authorized by N.J.S.A. 40:69A-29 is 90 days. N.J.S.A. 40:48-1.2 provides: "The ordinance shall provide that a violation shall be punished by a fine of \$250 for a first offense and \$350 for any subsequent offense."

**Pick one option from list below**

Revise the last sentence of § 4-5(a) to include only the fine: "Upon conviction, such underage person shall be subject to a fine of \$250 for a first offense and \$350 for any subsequent offense."

Revise as follows:

Do not revise.

Question 4-005

Chapter 4 Alcoholic Beverages

Article II Limitations on Location of Premises for Retail Consumption and Distribution

Sec. 4-7 Minimum distance from other licensed premises.

**Code Content:**

[§ 4-7(b)] *The provisions of Section 4-7, Minimum distance from other licensed premises, and Section 4-8, Minimum distance from churches, schools, etc., of the Township Code shall not apply to licensees in the Glenpointe area known as the land in RC-1, RC-2, and RC-3 Zones on the Zoning Map of the Township of Teaneck. The number of liquor licenses for the Glenpointe area shall not exceed four, including hotel licenses.*

Sections 4-7(b) and 4-8(b) contain identical wording. The Township might want to consider including this wording once, as a separate section in Article II, or revising each subsection so that it only applies to the corresponding section, as follows:

Section 4-7: (a) No license for the sale of alcoholic beverages shall be granted, issued or transferred to any premises which are situated within 750 feet of any licensed premises. (b) ~~The provisions of Section 4-7, Minimum distance from other licensed premises, and Section 4-8, Minimum distance from churches, schools, etc.,~~ of the Township Code shall not apply to licensees in the Glenpointe area known as the land in RC-1, RC-2, and RC-3 Zones on the Zoning Map of the Township of Teaneck. The number of liquor licenses for the Glenpointe area shall not exceed four, including hotel licenses.

Section 4-8: (a) No license for the sale of alcoholic beverages shall be granted, issued or transferred to any premises which are situated within 750 feet of any church, public or private schoolhouse, public playground or public recreation area or building. (b) ~~The provisions of Section 4-7, Minimum distance from other licensed premises, and~~ Section 4-8, Minimum distance from churches, schools, etc., of the Township Code shall not apply to licensees in the Glenpointe area known as the land in RC-1, RC-2 and RC-3 Zones on the Zoning Map of the Township of Teaneck. The number of liquor licenses for the Glenpointe area shall not exceed four, including hotel licenses.

**Pick one option from list below**

- Retain both subsections and revise as set forth above.
- Remove §§ 4-7(b) and 4-8(b) and include this wording once as new § 4-8.1.
- Revise as follows:

- Do not revise.

Question 4-006

[Chapter 4 Alcoholic Beverages](#)  
[Article II Limitations on Location of Premises for Retail Consumption and Distribution](#)  
[Sec. 4-10 Waiver of strict compliance.](#)

**Code Content:**

[\[§ 4-10\(a\)\(6\)\]](#) Mere economic hardship or **convenience** to the licensee, or the desirability to the licensee of a place-to-place transfer between two places in common ownership, or like business, shall not constitute sufficient reason for such a waiver.

In § 4-10(a)(6) we question whether "convenience" should read "inconvenience" as follows: "Mere economic hardship or inconvenience to the licensee, or the desirability to the licensee of a place-to-place transfer between two places in common ownership, or like business, shall not constitute sufficient reason for such a waiver."

**Pick one option from list below**

- Change "convenience" to "inconvenience."
- Revise as follows:
- Do not revise.

Question 4-007

[Chapter 4 Alcoholic Beverages](#)  
[Article III Plenary Retail Consumption License](#)  
[Sec. 4-18 Licensee to have actual charge of premises.](#)

**Code Content:**

[\[§ 4-18\]](#) The holder of a plenary retail consumption license under this article shall actually be in charge of the management and direction of the business conducted under such license, and all purchases for the business carried on under such license shall be made **in the name of the license**

Should the wording "in the name of the license" at the end of § 4-18 read "in the name of the licensee"?

**Pick one option from list below**

- Revise to read "in the name of the licensee."
- Correct wording is "in the name of the license."
- Revise as follows:

Question 4-008

[Chapter 4 Alcoholic Beverages](#)  
[Article III Plenary Retail Consumption License](#)  
[Sec. 4-24 Sales to certain persons prohibited.](#)

**Code Content:**

[\[§ 4-24\]](#) *No licensee or agent or employee of the licensee shall sell, deliver or serve nor suffer or permit the sale, delivery or service of any alcoholic beverages, directly or indirectly, to any person under legal age for the purchase of alcoholic beverages or to any **mental defective**, habitual drunkard, or intoxicated person nor permit such persons to congregate in or about the licensed premises.*

Section 4-24 prohibits sale of alcoholic beverages to persons under the legal age and intoxicated persons, which is covered by N.J.A.C. 13:2-23.1, and uses the outdated term "mental defective." The state regulations at N.J.A.C. 13:2-23.1 provide:

*(a) No licensee shall sell, serve or deliver or allow, permit or suffer the sale, service or delivery of any alcoholic beverage, directly or indirectly, to any person under the legal age to purchase or consume alcoholic beverages, or allow, permit or suffer the consumption of any alcoholic beverage by any such person in or upon the licensed premises.*

*(b) No licensee shall sell, serve or deliver or allow, permit or suffer the sale, service or delivery of any alcoholic beverage, directly or indirectly, to any person actually or apparently intoxicated, or permit or suffer the consumption of any alcoholic beverage by any such person in or upon the licensed premises.*

**Pick one option from list below**

- Delete § 4-24 as covered by state regulations.
- Revise as follows:

- Do not revise.

Question 4-009

[Chapter 4 Alcoholic Beverages](#)  
[Article III Plenary Retail Consumption License](#)  
[Sec. 4-25 Toilets required on premises.](#)

**Code Content:**

[\[§ 4-25\]](#) All premises upon which alcoholic beverages are sold under a retail plenary consumption license shall be furnished, supplied or equipped with separate toilets for men and women which shall meet with the approval of the **sanitary inspector**.

Section 4-25 dates from the Township's 1951 Code and refers to the "sanitary inspector." There are no other references in the Code to a sanitary inspector.

**Pick one option from list below**

Change "sanitary inspector" to "Health Officer."

Revise as follows:

Do not revise.

Question 5-001

[Chapter 5 Amusements](#)  
[Article I Poolrooms, Dance Halls, Tennis Courts, Etc.](#)  
[Sec. 5-8 Fees.](#)

**Code Content:**

[\[§ 5-8\(b\)\]](#) For the licenses where the fee is not listed in Appendix III of Chapter 2, the fee shall be \$500.

Section 5-8(b) sets a license fee of \$500 where no other fee is listed in Appendix III of Chapter 2. Is this amount still satisfactory?

**Pick one option from list below**

Revise as follows:

Do not revise.

Question 5-002

Chapter 5 Amusements

Article I Poolrooms, Dance Halls, Tennis Courts, Etc.

Sec. 5-8 Fees.

**Code Content:**

[§ 5-8(c)] Any building or any ground in or on which athletic contests, wrestling, boxing and sparring exhibitions, contests, exhibitions, shows, festivals, displays, games, rodeo, roller derby, amusement or entertainment of any kind is held that charges admission or that charges a fee of any kind in connection with the activity being licensed: **\$100 for the first day; \$50 for the second day; \$25 for each additional day** after the second day of the year in which the license for the first day was issued, unless the business has been licensed under another provision of this article. The use of any building or grounds for any of the purposes listed in this Section 5-8(c) shall not be considered as a business use when the buildings or grounds used or owned or rented and the business being licensed under this Section 5-8(c) is conducted by the bona fide active members of a Township charitable, patriotic, civic, religious or educational organization, or when the activity is conducted wholly for a Township charitable, patriotic, civic, religious or educational purpose, as certified to by the sponsor of such project.

Section 5-8(c) includes license fees for certain types of entertainment that charge a fee for admission. Are the amounts listed still satisfactory?

**Pick one option from list below**

Revise as follows:

Do not revise.

Question 5-003

Chapter 5 Amusements

Article I Poolrooms, Dance Halls, Tennis Courts, Etc.

Sec. 5-8 Fees.

**Code Content:**

[§ 5-8(c)] Any building or any ground in or on which athletic contests, wrestling, boxing and sparring exhibitions, contests, exhibitions, shows, festivals, displays, games, rodeo, roller derby, amusement or entertainment of any kind is held that charges admission or that charges a fee of any kind in connection with the activity being licensed: \$100 for the first day; \$50 for the second day; \$25 for each additional day after the second day of the year in which the license for the first day was issued, unless the business has been licensed under another provision of this article. The use of any building or grounds for any of the purposes listed in this Section 5-8(c) shall not be considered as a business use when the buildings or grounds used or owned or rented and the business being licensed under this Section 5-8(c) is conducted by the bona fide active members of a Township charitable, patriotic, civic, religious or educational organization, or when the activity is conducted wholly for a Township charitable, patriotic, civic, religious or educational purpose, as certified to by the sponsor of such project.

Should the fees listed in § 5-8(b) and (c) be moved and included in Chapter 2, Appendix III?

**Pick one option from list below**

Move fees in § 5-8(b) and (c) to Chapter 2, Appendix III.

Revise as follows:

Do not revise.

Question 5-004

[Chapter 5 Amusements](#)  
[Article I Poolrooms, Dance Halls, Tennis Courts, Etc.](#)  
[Sec. 5-12 Authority of Chief of Police.](#)

**Code Content:**

[\[§ 5-12\]](#) *The place where a business licensed under this article is carried on shall be at all times open to inspection and shall be under the control and regulation of the chief of police, and the chief of police is hereby authorized to make, promulgate and enforce such further rules and regulations in respect to each business as shall make for maintenance and order in the Township.*

In § 5-12 should the wording "maintenance and order in the Township" read "maintenance of order in the Township"?

**Pick one option from list below**

- Revise to "maintenance of order in the Township."
- Revise as follows:
- Do not revise.

Question 6-001

[Chapter 6 Animals and Fowl](#)  
[Article I In General](#)  
[Sec. 6-1 Definitions.](#)

**Code Content:**

[\[CONTAGIOUS DISEASE\]](#) *Any disease of an infectious, contagious or pestilential nature with which any person may be sick, affected or attacked. The form refers especially to cholera, yellow fever, smallpox, varioloid, diphtheria, ship or typhus, typhoid and scarlet fever, plague, trichinosis, membranous croup, leprosy, syphilis and any other disease of an infectious, contagious or pestilential nature.*

In the definition of "contagious disease" in § 6-1 the wording "ship or typhus" apparently should read "ship fever or typhus." This definition also appears in Chapter 17, § 17-1, and in Chapter 21, § 21-1.

**Pick one option from list below**

- Revise to "ship fever or typhus" in §§ 6-1, 17-1 and 21-1.
- Revise as follows:
- Do not revise.

Question 6-002

[Chapter 6 Animals and Fowl](#)

[Article I In General](#)

[Sec. 6-5 Keeping of pigs, horses and certain other animals prohibited.](#)

**Code Content:**

[\[§ 6-5\]](#) No person shall keep or allow to be kept in any building or premises, or on any lot of ground of which he may be the owner, tenant, lessee or occupier, any pigs, horses, mules, cows, pigeons or **poultry** of any age or description.

Section 6-5 prohibits the keeping of poultry in the Township, but §§ 6-6 through 6-8 indicate that chickens, ducks, geese, pigeons and other domestic fowl can be kept for sale or slaughter in the Township if a permit is obtained from the Department of Health. Is a revision needed?

**Pick one option from list below**

Remove §§ 6-6 through 6-8.

Revise as follows:

Do not revise.

Question 6-003

[Chapter 6 Animals and Fowl](#)

[Article III Dogs](#)

[Sec. 6-17 License fee; duplicate licenses.](#)

**Code Content:**

[\[§ 6-17\(b\)\]](#) If a license tag has been replaced or lost, the Health Officer or designated representative may issue a **duplicate license** for that particular dog at the fee as set forth in Appendix III of Chapter 2.

In § 6-17(b) the wording "duplicate license" should read "duplicate license tag."

**Pick one option from list below**

Revise to "duplicate license tag."

Revise as follows:

Do not revise.

Question 6-004

[Chapter 6 Animals and Fowl](#)  
[Article III Dogs](#)  
[Sec. 6-19 Records to be kept.](#)

**Code Content:**

[\[§ 6-19\]](#) It shall be the duty of the **tax department** to keep a permanent record of all dog registration certificates issued by the department. Such record shall set forth all the important statements and agreements in the application and the number of the certificates and license tags issued.

Section 6-19 refers to the Tax Department, which appears to be an outdated title. Chapter 2, Charter/Administrative Code, does not provide for a Tax Department. According to § 6-18, applications for a dog license are handled by the Health Department.

**Pick one option from list below**

Change Tax Department to Health Department.

Revise as follows:

Do not revise.

Question 6-005

Chapter 6 Animals and Fowl

Article III Dogs

Sec. 6-24 Notification of owner of impounded dog; redemption of dogs.

**Code Content:**

*[§ 6-24] After a licensed dog is caught and impounded, and provided that its owner can be identified by a regular license tag of the Township on the dog, or if the owner or person keeping or harboring such dog is known, the Animal Control Officer shall immediately notify the owner or licensee by postal card that the dog has been found at large contrary to the terms of the license and agreement in the application therefor. The Animal Control Officer shall give notice that the license will be void, and the dog destroyed or sold if not redeemed from the pound within seven days after the date of the postal card notice, by the payment of a charge of \$1 for each day or portion thereof that such dog is impounded. The payment of such charge shall entitle the owner or licensee to a renewal of the original license and the possession of the impounded dog.*

Section 6-24 refers to a charge of \$1 per day for each day a dog is impounded. A similar provision in § 6-18(e) refers to "a boarding fee as set forth in the current year animal shelter contract."

**Pick one option from list below**

Revise § 6-24 to read "by the payment of a boarding fee as set forth in the current year animal shelter contract for each day or portion thereof that such dog is impounded."

Revise as follows:

Do not revise.

Question 6-006

[Chapter 6 Animals and Fowl](#)

[Article III Dogs](#)

[Sec. 6-26 Receipts and accounts of money paid to redeem dogs and renew licenses.](#)

**Code Content:**

[\[§ 6-26\]](#) Receipts regularly numbered and countersigned in the same manner as original registration certificates shall be issued by the **Tax Department** for all money paid to redeem impounded dogs and renew licenses, and a careful account shall be kept of such receipts.

Section 6-26 indicates that the Tax Department issues receipts for money paid to redeem impounded dogs and renew licenses. Should this reference be updated to the Health Department?

**Pick one option from list below**

- Change Tax Department to Health Department.
- Revise as follows:
- Do not revise.

Question 6-007

[Chapter 6 Animals and Fowl](#)

[Article III Dogs](#)

[Sec. 6-27 Monthly report by Tax Collector of money collected under this article.](#)

**Code Content:**

[\[§ 6-27\]](#) A monthly report of the amounts collected in accordance with this article during the previous calendar month shall be sent by the **Tax Collector** to the Township Council.

In § 6-27 is the reference to the Tax Collector still correct?

**Pick one option from list below**

- Change Tax Collector to Chief Financial Officer.
- Revise as follows:
- Do not revise.

Question 6-008

[Chapter 6 Animals and Fowl](#)

[Article III Dogs](#)

[Sec. 6-29 Monthly reports to Council by Animal Control Officer.](#)

**Code Content:**

[\[§ 6-29\(a\)\]](#) The number of redemptions of licensed dogs from the **dog pound** and the amounts collected therefor.

Section 6-29(a) refers to the dog pound. The terms "animal pound," "public pound" and "pound" are also used in this chapter. Should these references all be updated to "animal shelter"?

**Pick one option from list below**

Change "dog pound," "animal pound," "public pound" and "pound" to "animal shelter."

Revise as follows:

Do not revise.

Question 6-009

[Chapter 6 Animals and Fowl](#)

[Article V Cats](#)

[Sec. 6-35 Definitions.](#)

**Code Content:**

[\[AUTHORIZED AGENT\]](#) The Health Officer, **Sanitarian**, an animal control officer, a police officer or any other authorized representative of the Township of Teaneck.

The definition of "authorized agent" in § 6-35 refers to the Sanitarian. Does the Township have a Sanitarian? There are no other references to this official in the Code.

**Pick one option from list below**

Delete "Sanitarian."

Revise as follows:

Do not revise.

Question 6-010

[Chapter 6 Animals and Fowl](#)

[Article V Cats](#)

[Sec. 6-47 Evidence of inoculation with rabies vaccine or certification of exemption.](#)

**Code Content:**

[\[§ 6-47\]](#) *The Health Officer or other person designated by the licensing authority to license cats shall not grant a license for any cat unless written proof is provided that the cat to be licensed has been inoculated with a rabies vaccine of a type approved by and administered in accordance with the recommendations of the United States Department of Human Services or has been certified as exempt as provided in Section 6-41. The rabies inoculation shall be administered by a duly licensed veterinarian.*

In § 6-47 we will update the reference to the United States Department of Human Services to the United States Department of Health and Human Services.

Question 6-011

[Chapter 6 Animals and Fowl](#)

[Article V Cats](#)

[Sec. 6-49 Loss of license tag.](#)

**Code Content:**

[\[§ 6-49\]](#) *If a license tag has been misplaced or lost, the Health Officer or designated representative may issue a duplicate license for that particular cat at a fee as set forth in Chapter 2, Appendix III.*

In § 6-49 it appears that "duplicate license" should read "duplicate license tag."

**Pick one option from list below**

- Revise to read "duplicate license tag."
- Revise as follows:
- Do not revise.

Question 6-012

[Chapter 6 Animals and Fowl](#)  
[Article IX Sale of Dogs and Cats](#)  
[Sec. 6-68 Restrictions on the sale of dogs and cats.](#)

**Code Content:**

[\[§ 6-68\]](#) No **pet store** shall sell, deliver, offer for sale, barter, auction, give away or otherwise transfer or dispose of cats or dogs. Nothing in this section shall prohibit stores from collaborating with animal care facilities or animal rescue organizations to offer space for such entities to showcase adoptable dogs and cats.

In § 6-68 we recommend changing "pet store" and "stores" to "pet shop" as shown below. The term defined in § 6-67 of this article is "pet shop."

No pet ~~store~~ shop shall sell, deliver, offer for sale, barter, auction, give away or otherwise transfer or dispose of cats or dogs. Nothing in this section shall prohibit ~~stores~~ pet shops from collaborating with animal care facilities or animal rescue organizations to offer space for such entities to showcase adoptable dogs and cats.

**Pick one option from list below**

- Revise as suggested.
- Revise as follows:
- Do not revise.

Question 7A-001

[Chapter 7A Archaeological Findings](#)  
[Sec. 7A-2 Exceptions.](#)

**Code Content:**

[\[§ 7A-2\]](#) This prohibition shall not include any formal archaeological excavation that has been approved, in writing, by the **Township Historic Commission** and the Township Council.

In § 7A-2 should the reference to the Historic Commission be changed to the Historic Preservation Commission? See Chapter 2, Article XXVIII, Historic Preservation Commission.

**Pick one option from list below**

- Revise to Historic Preservation Commission.
- Revise as follows:
- Do not revise.

Question 8-001

[Chapter 8 Auctions and Auctioneers](#)

Most of the sections in Chapter 8, Auctions and Auctioneers, date from the Township's 1951 Code and have never been amended. This chapter should be reviewed by the appropriate Township officials as to whether it reflects current procedures and requirements for auctions and auctioneers in the Township.

**Pick one option from list below**

Revise as follows:

Revise as follows: (revisions attached).

Do not revise.

Question 8-002

[Chapter 8 Auctions and Auctioneers](#)

[ARTICLE II Auctioneers](#)

[Sec. 8-31 Qualifications.](#)

Section 8-31 refers to "payment of the license fee provided by this article." Section 8-29, which provided this fee, was repealed in 1997, and the fee schedule in Chapter 2, Appendix III, does not appear to include this fee. The only fee in Appendix III relating to auctions is a fee of \$750 per day, which appears to be the fee for an auction sale permit referenced in § 8-20, not the fee for an auctioneer's license.

**Pick one option from list below**

Delete "and on payment of the license fee provided by this article."

Revise as follows:

Question 10-001

[Chapter 10 Boilers and Heating Equipment](#)

Chapter 10 requires inspections of boilers and heating equipment. Is this chapter, which appears to be quite old, still in use or are the provisions in this chapter now covered by the State Uniform Fire Code?

**Pick one option from list below**

Chapter 10 is obsolete; remove and repeal.

Revise as follows:

Revise as follows: (revisions attached).

Do not revise.

Question 10-002

[Chapter 10 Boilers and Heating Equipment](#)

[Sec. 10-1 Inspections required for certain buildings; inspector's report to be filed with Chief of Fire Department.](#)

**Code Content:**

*[§ 10-1] To ensure the proper operation of all boilers and heating equipment in the Township for the safety and welfare of the public, the owner, lessee or person in occupancy or possession of any building used for assembly occupancy, educational occupancy, high-hazard occupancy, industrial occupancy, institutional occupancy, mercantile occupancy, multifamily dwelling houses with four or more family units, and all buildings to which the public may have access shall, at least once each year, cause an inspection to be made of the heating boilers, heating equipment and their controls in such building or premises, by a certified boiler inspector authorized by the **Mechanical Engineer Bureau of the State Department of Labor and Industry**. The report of such inspector, together with his findings and recommendations, if any, shall be filed with the Chief of the Fire Department.*

Section 10-1 contains an outdated reference to the Mechanical Engineer Bureau of the State Department of Labor and Industry. If Chapter 10 is retained how should this reference be updated?

**Pick one option from list below**

Not applicable; Chapter 10 to be removed.

Revise as follows:

Do not revise.

Question 11-001

[Chapter 11 Buildings](#)  
[Article II Administration of State Construction Code](#)  
[Sec. 11-8 Enforcing agency.](#)

**Code Content:**

[\[§ 11-8\(b\)\]](#) *Composition; chief administrator. The agency shall consist of a Construction Official, Building Subcode Official, Plumbing Subcode Official, Electrical Subcode Official, Fire Protection Subcode Official and such other subcode officials for such additional subcodes as the Commissioner of the Department of Community Affairs of the State of New Jersey, as authorized by the Township Council through budgetary appropriations, shall hereafter adopt as part of the State Uniform Construction Code. The Construction Official shall be the chief administrator of the agency.*

Section 11-8(b) includes a reference to the Fire Protection Subcode Official. Chapters 16 and 35 of the Code include references to the Fire Subcode Official. Which title is correct?

**Pick one option from list below**

- Change "Fire Protection Subcode Official" to "Fire Subcode Official."
- Change "Fire Subcode Official" to "Fire Protection Subcode Official."
- Revise as follows:

Question 11-002

[Chapter 11 Buildings](#)  
[Article II Administration of State Construction Code](#)  
[Sec. 11-8 Enforcing agency.](#)

**Code Content:**

[\[§ 11-8\(c\)\]](#) *Qualification of officials. Each official position created in Section 11-8(b) hereof shall be filled by a person qualified for such position, pursuant to the State Uniform Construction Code Act and N.J.S.A. 5:23, provided that, in lieu of any particular subcode official, an on-site inspection agency may be retained by contract, pursuant to N.J.S.A. 5:23. More than one such official position may be held by the same person, provided that such person is qualified pursuant to the State Uniform Construction Code Act and N.J.S.A. 5:23 to hold such position.*

The references in §§ 11-8(c) and 11-26 to N.J.S.A. 5:23 should be to N.J.A.C. 5:23 (Uniform Construction Code). We will make this correction.

Question 11-003

[Chapter 11 Buildings](#)

[Article V Fees](#)

[Sec. 11-27 Schedule.](#)

**Code Content:**

[\[§ 11-27\(a\)\]](#) *No person shall be charged a construction permit surcharge fee or enforcing agency fee for any construction, reconstruction, alteration or improvement designed and undertaken solely to promote accessibility by disabled persons to an existing public or private structure or any of the facilities contained therein.*

Section 11-27 contains exemptions from construction permit fees pursuant to N.J.S.A. 52:27D-126e. That section of the statutes was amended by P.L. 2015, c. 273, to require municipalities to exempt 100% disabled veterans from construction permit surcharge fees for improvements to promote living unit accessibility. Accordingly, the Township might want to add the following subsection to § 11-27:

Notwithstanding the provisions of the State Uniform Construction Code Act, P.L. 1975, c. 217 (N.J.S.A. 52:27D-119 et seq.), or any rules, regulations or standards adopted pursuant thereto to the contrary, a person who has a service-connected disability declared by the United States Veterans Administration, or its successor, to be a total or 100% permanent disability that would entitle him or her to a property tax exemption under Section 1 of P.L. 1948, c. 259 (N.J.S.A. 54:4-3.30), or a spouse, parent, sibling, or guardian of the disabled veteran, shall not be charged a construction permit fee for any construction, reconstruction, alteration, or improvement designed and undertaken solely to promote accessibility by the disabled veteran to or within his or her own living unit.

**Pick one option from list below**

Add subsection as set forth above.

Revise as follows:

Do not revise.

Question 11-004

[Chapter 11 Buildings](#)

[Article X Architectural Control and Site Review](#)

[Sec. 11-64 to 11-70. Transferred to Sections 2-23.1 to 2-23.7.](#)

Article X, Architectural Control and Site Review, of Chapter 11 does not contain any text. Former §§ 11-64 to 11-70 are noted as having been transferred to §§ 2-23.1 to 2-23.7, but Chapter 2 does not contain these sections. Article XXV of Chapter 2 provides for a Site Plan Review Advisory Board, and Article III of Chapter 33, Development Regulations, provides for site design review.

**Pick one option from list below**

- Revise Article X and §§ 11-64 to 11-70 to be "Reserved." Delete the title "Architectural Control and Site Review" and the note reading "Transferred to Sections 2-23.1 to 2-23.7."
- Revise as follows:

Question 11-005

[Chapter 11 Buildings](#)

[Article XII Temporary Storage and Refuse Containers](#)

[Sec. 11-77 Violations and penalties.](#)

**Code Content:**

*[\[§ 11-77\]](#) Any person convicted of a violation any of the provisions of this article shall be subject to a minimum fine of \$100 and one or more of the following penalties: a maximum fine of up to \$2,000, imprisonment for a term not exceeding 90 days, or a period of community service not exceeding 90 days. A separate offense shall be committed on each day during or on which a violation occurs or continues.*

Section 11-77 sets the penalty for violations of Article XII, Temporary Storage and Refuse Containers, at a fine of \$100 to \$2,000, imprisonment for not more than 90 days and/or community service for not more than 90 days. These penalties are consistent with the maximum penalties authorized by N.J.S.A. 40:69A-29.

**Pick one option from list below**

- Revise as follows:
- Do not revise.

Question 12-001

Chapter 12 Contracts, Public

Sec. 12-1 Prohibition on awarding public contracts to certain contributors.

**Code Content:**

*[§ 12-1(d)] Any individual meeting the definition of "professional business entity" or "vendor" under this section may contribute a maximum of \$300 each per election for any purpose to a campaign committee of any municipal candidate or holder of public office in the Township of Teaneck having ultimate responsibility for the award of a contract, or to any Township of Teaneck party committee, or to any candidate committee or political action committee (PAC) that regularly engages in, or whose primary purpose is, the support of Teaneck municipal elections and/or **Teaneck municipal parties** without violating Subsection (a) of this section. However, any group of individuals meeting the definition of "professional business entity" or "vendor" under this section, including such principals, partners, and officers of the entity or vendor in the aggregate, may not annually contribute for any purpose in excess of \$2,500 per election to all Township of Teaneck candidates and officeholders with ultimate responsibility for the award of the contract, and all Township of Teaneck political parties, candidate committees, and PACs referenced in this chapter combined, without violating Subsection (a) of this section.*

There are three references in § 12-1 to "Teaneck municipal parties." Should this wording read "Teaneck political parties"? The last sentence in § 12-1(d) refers to "Teaneck political parties."

**Pick one option from list below**

- Change "municipal parties" to "political parties."
- Revise as follows:
- Do not revise.

Question 12A-001

[Chapter 12A Drugs](#)  
[Article I Drug-Free Zones.](#)  
[Sec. 12A-5 Additional declarations.](#)

**Code Content:**

[\[§ 12A-5\(c\)\]](#) *Notwithstanding the adoption of this article, any duly authorized municipal or county prosecutor is not precluded from introducing or relying upon any other evidence or testimony to establish a violation of the offense defined in N.J.S.A. 2C:35-7, including use of a map or diagram other than the one approved and adopted pursuant to this article. The failure of this map approved herein to depict the location and boundaries of any property which is, in fact, used for school purposes and which is owned by or leased to any elementary or secondary school or is not a public housing facility, a public park or a public building as defined in N.J.S.A. 2C:35-7.1, whether the absence of such depiction is the result of inadvertent omission or the result of any changes in the location and boundaries of such property which have not yet been incorporated into a revised approved map, shall not be deemed to be an official finding and record that such property is not owned by or leased to a school or that such property is not used for school purposes or is not a public housing facility, a public park or public building as defined in N.J.S.A. 2C 35:-7.1.*

It appears that the following correction should be made in § 12A-5(c):

The failure of this map approved herein to depict the location and boundaries of any property which is, in fact, used for school purposes and which is owned by or leased to any elementary or secondary school or ~~is not~~ which is a public housing facility, a public park or a public building as defined in N.J.S.A. 2C:35-7.1, whether the absence of such depiction is the result of inadvertent omission or the result of any changes in the location and boundaries of such property which have not yet been incorporated into a revised approved map, shall not be deemed to be an official finding and record that such property is not owned by or leased to a school or that such property is not used for school purposes or is not a public housing facility, a public park or public building as defined in N.J.S.A. 2C 35:-7.1.

**Pick one option from list below**

- Revise as suggested.
- Revise as follows:

Question 13-001

[Chapter 13 Electricity](#)

[Sec. 13-4 Compliance with uniform standards, electrical installations.](#)

**Code Content:**

[\[§ 13-4\]](#) Conformity of **electrical installations** with applicable regulations set forth in the National Electrical Code, which has been approved by the American Standards Association, shall be prima facie evidence that such installations are reasonably safe to persons and property.

Chapter 13 regulates electrical installations and appears to be quite old. Are any revisions needed in light of current standards, including the State Uniform Construction Code?

**Pick one option from list below**

Revise as follows:

Revise as follows: (revisions attached).

Do not revise.

Question 13-002

[Chapter 13 Electricity](#)

[Sec. 13-6 Inspection of electrical work, application; procedure for emergency repairs.](#)

**Code Content:**

*[§ 13-6] Before any person shall install, extend or renew any electrical wiring or fixed electrical equipment, they shall first file an application for inspection with a firm duly authorized by the board of public utility commissioners to make electrical inspections in this state. When emergency repairs are necessary in order to maintain service on an electrical system, the necessary repairs may be made without first filing an application for inspection. In such cases the application shall be filed not later than the next working day after the date on which the repairs were made.*

There are several references in Chapter 13 to inspections by a firm authorized the Board of Public Utility Commissioners. The current title of this Board is the Board of Public Utilities. Are any other updates needed?

**Pick one option from list below**

- Change "Board of Public Utility Commissioners" to "Board of Public Utilities"; no other revisions needed.
- Revise as follows:

Question 14-001

[Chapter 14 Excavations and Soil Removal](#)  
[ARTICLE II Excavations in Public Ways](#)  
[DIVISION 3 Sidewalks and Curbs](#)  
[Sec. 14-28 Deposit required for completion of work.](#)

**Code Content:**

*[\[§ 14-28\]](#) No permit required by this Division shall be granted unless there shall be deposited with the Township Engineer a sum equivalent to \$10 for each 10 feet or fraction thereof, linear measurement, of the sidewalk or curb which is to be **renewed**, excavated or disturbed, which sum shall be retained by the Township Engineer as security for the replacing of such sidewalk or curb within the time stated in the permit, or any renewal thereof. In case such sidewalk or curb is not replaced within such period to the satisfaction of the Township Engineer, he shall cause the work to be properly done and shall pay the cost thereof out of such deposit, and such deposit or the unexpended portion thereof shall be returned when the sidewalk and curb are properly replaced.*

In § 14-28 it appears the word "renewed" should be "removed" as follows: "No permit required by this Division shall be granted unless there shall be deposited with the Township Engineer a sum equivalent to \$10 for each 10 feet or fraction thereof, linear measurement, of the sidewalk or curb which is to be ~~renewed~~ removed, excavated or disturbed..."

**Pick one option from list below**

- Correct "renewed" to "removed."
- Revise as follows:
- Do not revise.

Question 14-002

[Chapter 14 Excavations and Soil Removal](#)  
[ARTICLE II Excavations in Public Ways](#)  
[DIVISION 3 Sidewalks and Curbs](#)  
[Sec. 14-28 Deposit required for completion of work.](#)

**Code Content:**

*[\[§ 14-28\]](#) No permit required by this Division shall be granted unless there shall be deposited with the Township Engineer a sum equivalent to **\$10 for each 10 feet or fraction thereof**, linear measurement, of the sidewalk or curb which is to be renewed, excavated or disturbed, which sum shall be retained by the Township Engineer as security for the replacing of such sidewalk or curb within the time stated in the permit, or any renewal thereof. In case such sidewalk or curb is not replaced within such period to the satisfaction of the Township Engineer, he shall cause the work to be properly done and shall pay the cost thereof out of such deposit, and such deposit or the unexpended portion thereof shall be returned when the sidewalk and curb are properly replaced.*

Is the deposit amount required in § 14-28 still correct? We note that this section dates from the Township's 1951 Code.

**Pick one option from list below**

Revise as follows:

Do not revise.

Question 15-001

[Chapter 15 Finance and Taxation](#)

Chapter 15 should be reviewed by the appropriate Township officials to ensure that it reflects current Township procedures with respect to signing of payroll checks and processing of claims.

**Pick one option from list below**

Revise as follows:

Revise as follows: (revisions attached).

Do not revise.

Question 15-002

Chapter 15 Finance and Taxation

Article III Collection of Taxes, Assessments and Liens on Real Property

Sec. 15-6 Payment of fire damage claims by insurance companies restricted.

**Code Content:**

[§ 15-6] *As permitted by N.J.S.A. 17:36-8 et seq. (P.L. 1978, c. 184), the payment to a claimant by an insurance company of any fire damage claim in excess of \$2,500 on any real property located within the Township of Teaneck, pursuant to any fire insurance policy issued or renewed after the date of the adoption of this article and its filing with the State Commissioner of Insurance, is hereby prohibited until such time as **all taxes, assessments and other municipal liens or charges due and payable shall have been paid, either by the owner of such real property or by the insurance company.***

Section 15-6 deals with the payment of fire insurance claims and is authorized by N.J.S.A. 17:36-9, which has been amended to include an option for municipalities to require payment of anticipated demolition costs. Does the Township wish to include corresponding wording in § 15-6? Note that any changes to this ordinance need to be filed with the State Commissioner of Insurance. The statute provides (emphasis added):

*Any municipality may, by ordinance, prohibit the payment to a claimant by any insurance company of any claim in excess of \$2,500.00 for fire damages on any real property located within the municipality, pursuant to any fire insurance policy issued or renewed after the adoption of such ordinance and after the filing of such ordinance with the State Commissioner of Insurance, until such time as: a. (1) **anticipated demolition costs and** all taxes and assessments and all other municipal liens or charges due and payable, appearing on the official certificate of search; or (2) all taxes and assessments and all other municipal liens or charges due and payable, appearing on the official certificate of search, shall have been paid either by the owner of such real property or by the insurance company pursuant to the provisions of section 3 of this act; or b. the municipality submits to the insurance company a copy of a resolution adopted pursuant to section 4 of this act. **No change in such an ordinance shall take effect until filed with the commissioner.***

**Pick one option from list below**

Add "anticipated demolition costs and" before "all taxes, assessments and other municipal liens or charges due and payable shall have been paid."

Revise as follows:

Do not revise.

Question 15A-001

[Chapter 15A Hotel and Motel Room Occupancy Tax](#)  
[Sec. 15A-1 Purpose.](#)

**Code Content:**

*[\[§ 15A-1\]](#) It is the purpose of this chapter to implement the provisions of P.L. 2003, c. 114, which authorizes the governing body of a municipality to adopt an ordinance imposing a tax at a uniform percentage rate not to exceed 1% on charges of rent for every occupancy on or after July 1, 2003, but before July 1, 2004, and not to exceed 3% on charges of rent for every occupancy on or after July 1, 2004, of a room or rooms in a hotel subject to taxation pursuant to Subsection (d) of Section 3 of P.L. 1966, c. 40 (N.J.S.A. 54:32B-3) which shall be in addition to any other tax or fee imposed pursuant to statute or local ordinance or resolution by any governmental entity upon the occupancy of a hotel room.*

In §§ 15A-1 and 15A-2 the references to P.L. 1966, c. 40, should be to P.L. 1966, c. 30. We will make this correction in both sections.

Question 15A-002

[Chapter 15A Hotel and Motel Room Occupancy Tax](#)  
[Sec. 15A-2 Tax established.](#)

**Code Content:**

[\[§ 15A-2\]](#) *There is hereby established a hotel and motel room occupancy tax in the Township of Teaneck which shall be fixed at a uniform percentage rate of 1% on charges of rent for every occupancy of a hotel or motel room in the Township of Teaneck on or after July 1, 2003, but before July 1, 2004, and 3% on charges of rent for every occupancy of a hotel or motel room in the Township of Teaneck on or after July 1, 2004, of a room or rooms in a hotel subject to taxation pursuant to Subsection (d) of Section 3 of P.L. 1966, c. 40, N.J.S.A. 54:32B-3 (sales tax).*

It appears the following revisions should be made in § 15A-2:

There is hereby established a hotel and motel room occupancy tax in the Township of Teaneck which shall be fixed at a uniform percentage rate of 1% on charges of rent for every occupancy of a hotel or motel room in the Township of Teaneck on or after July 1, 2003, but before July 1, 2004, and 3% on charges of rent for every occupancy of a hotel or motel room in the Township of Teaneck on or after July 1, 2004, of a room or rooms in a hotel or motel in the Township of Teaneck subject to taxation pursuant to Subsection (d) of Section 3 of P.L. 1966, c. 40 30, N.J.S.A. 54:32B-3 (sales tax).

**Pick one option from list below**

- Revise as suggested.
- Revise as follows:

- Do not revise.

Question 15A-003

[Chapter 15A Hotel and Motel Room Occupancy Tax](#)  
[Sec. 15A-5 Statutory requirements.](#)

**Code Content:**

[\[§ 15A-5\(e\)\]](#) *The penalty for violation of the foregoing provisions shall be \$1,000 for each offense.*

Section 15A-5(e) sets the penalty for violation of § 15A-5 at \$1,000 for each offense. Is this penalty still satisfactory?

**Pick one option from list below**

- Revise as follows:
- Do not revise.

Question 15A-004

[Chapter 15A Hotel and Motel Room Occupancy Tax](#)  
[Sec. 15A-6 Collection of tax.](#)

Chapter 15A imposing a hotel and motel room occupancy tax has not been revised since it was adopted in 2003. The authorizing statute, N.J.S.A. 40:48F-1 et seq., was amended by P.L. 2010, c. 55, to allow municipalities which have adopted the tax to charge interest at 5% per year on unpaid taxes and to require that the municipality notify the state of the names and addresses of the hotels in it and any commencing operation after January 1. The statute was further amended by P.L. 2018, c. 49, to include transient accommodations. The Township might want to review Chapter 15A and the current provisions of N.J.S.A. 40:48F-1 et seq. and consult with the Township Attorney as to whether any revisions should be made in this chapter.

**Pick one option from list below**

Revise as follows:

Revise as follows: (revisions attached).

Do not revise.

Question 16-001

[Chapter 16 Fire Protection](#)  
[ARTICLE II Fire Prevention Code](#)  
[Sec. 16-2.6 Appeals.](#)

**Code Content:**

*[§ 16-2.6] Pursuant to Sections 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 the Township of Teaneck.*

Section 16-2.6 refers to the Construction Board of Appeals of the Township of Teaneck. Should this reference be updated to the Bergen County Construction Board of Appeals? See § 11-9 of the Code.

**Pick one option from list below**

Revise to the Bergen County Construction Board of Appeals.

Revise as follows:

Do not revise.

Question 16-002

[Chapter 16 Fire Protection](#)  
[ARTICLE II Fire Prevention Code](#)  
[Sec. 16-2.8 Technical amendments.](#)

Section 16-2.8 makes technical amendments to the 1984 BOCA Basic Fire Prevention Code which is no longer in use. Pursuant to N.J.A.C. 5:70-3.1, the 2015 International Building Code has been adopted as the State Fire Prevention Code for New Jersey, and § 16-2 of this chapter provides that "the New Jersey Uniform Fire Code shall be locally enforced in the Township of Teaneck." For the Township's authority to amend the Uniform Fire Code see N.J.A.C. 5:71-2.8.

**Pick one option from list below**

- Section 16-2.8 is obsolete; remove in its entirety.
- Revise as follows:

- Revise as follows: (revisions attached).
- Do not revise.

Question 16-003

[Chapter 16 Fire Protection](#)  
[ARTICLE II Fire Prevention Code](#)  
[Sec. 16-5 Persons responsible for obtaining permits.](#)

Section 16-5 contains three cross-references to § 16-4 which was deleted in 2001. These references could be deleted so that the section reads:

The owner, occupant or lessee of the premises upon which or in which any of the businesses or operations for which a permit is required or upon which or in which materials for which a permit is required are stored shall obtain and pay for the required permits. The contractor who installs, converts or replaces any of the equipment or conducts any operation for which a permit is required shall obtain and pay for the required permits.

**Pick one option from list below**

- Revise as suggested.
- Revise as follows:

Question 16-004

[Chapter 16 Fire Protection](#)

[ARTICLE II Fire Prevention Code](#)

[Sec. 16-6 Violations; correction of prohibited conditions.](#)

**Code Content:**

*[\[§ 16-6\]](#) Any person who shall violate any of the provisions of the Fire Prevention Code adopted by this article or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder or any permit issued thereunder, shall, for each such violation and noncompliance, respectively, be **punishable as provided in Section 1-6**. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time. When not otherwise specified, each 10 days that prohibited conditions are maintained shall constitute a separate offense. The application of the penalty shall not be held to prevent the enforced removal of prohibited conditions.*

N.J.A.C. 5:70-2.12 provides penalties for certain violations of the Uniform Fire Code but also provides that the local enforcing agency may assess penalties. Section 16-6 of the Township Code provides that violations of the Uniform Fire Code are subject to the general penalty in § 1-6. The Township might want to consider adding the following wording at the beginning of this section to account for the penalties set forth in N.J.A.C. 5:70-2.12: "Except as provided in N.J.A.C. 5:70-2.12, any person who shall violate any of the provisions of the Fire Prevention Code adopted by this article or fail to comply therewith..."

**Pick one option from list below**

Revise as suggested.

Revise as follows:

Do not revise.

Question 16-005

[Chapter 16 Fire Protection](#)

[ARTICLE II Fire Prevention Code](#)

[Sec. 16-6.1 Reimbursement of costs in connection with hazardous materials incidents.](#)

**Code Content:**

[\[§ 16-6.1\(b\)\(5\)\]](#) *A fixed hourly rate for the use of apparatus at incidents, computed at the rate of \$200 per hour for the use of the Haz Mat truck to the Mid Bergen Hazardous Materials Team and \$150 per hour for the use of any other vehicles to the Township of Teaneck.*

Section 16-6.1, relating to hazardous materials incidents, has not been amended since it was adopted in 1994 and should be reviewed as to whether it reflects current requirements. For example, do the hourly rates for use of vehicles listed in § 16-6.1(b)(5) need to be updated?

**Pick one option from list below**

Revise as follows:

Revise as follows: (revisions attached).

Do not revise.

Question 16-006

[Chapter 16 Fire Protection](#)

[ARTICLE II Fire Prevention Code](#)

[Sec. 16-6.1 Reimbursement of costs in connection with hazardous materials incidents.](#)

**Code Content:**

[\[§ 16-6.1\(e\)\]](#) *Penalties. Any responsible party, as set forth in Subsection (c) hereof, who fails to reimburse the Township of Teaneck for reimbursable items within the time limit set forth in Subsection (d) hereof, shall be subject to a fine of not less than \$100 nor more than \$500 or imprisonment for a period of not more than 90 days, or both, or as set forth in Section 1-6 of the Code of the Township of Teaneck, whichever is greater, or in the judgment of the Municipal Court of the Township of Teaneck is most appropriate under the circumstances. Upon the failure to reimburse the Township of Teaneck for the cost of such items within said forty-five-day period, and in addition to any penalty provided for in Subsection (e) hereof, the Township of Teaneck may take such action, as may be provided by law, to recover such costs from the responsible party.*

Section 16-6.1(e) sets a fine of not less than \$100 nor more than \$500 or imprisonment for not more than 90 days, or both, or the penalty in § 1-6, whichever is greater, for failure to reimburse the Township as required by § 16-6.1. Is any revision desired?

**Pick one option from list below**

Revise as follows:

Do not revise.

Question 16-007

[Chapter 16 Fire Protection](#)  
[ARTICLE II Fire Prevention Code](#)  
[Sec. 16-6.2 Firewood storage.](#)

**Code Content:**

[§ 16-6.2(b)(1)] *If, after inspection by the Township Code Enforcement Officer, it is determined that there is a violation of this Section 16-6.2, the person who owns, occupies or is in control of the private premises in question shall be given written notice, by personal service or by certified mail, return receipt requested, by such Code Enforcement Officer that said person is in violation of this Section 16-6.2.*

Section 16-6.2(b)(1) regarding firewood storage contains two references to the Township Code Enforcement Officer. There is only one other section in the Code, § 29A-180 relating to bamboo, that refers to a Code Enforcement Officer. Is this title correct?

**Pick one option from list below**

- Change "Code Enforcement Officer" in both §§ 16-6.2 and 29A-180 to "Health Officer."
- Revise as follows:

- Do not revise.

Question 16-008

[Chapter 16 Fire Protection](#)  
[ARTICLE III Fire Department](#)  
[DIVISION 1 GENERALLY](#)  
[Sec. 16-7 Established.](#)

**Code Content:**

[\[§ 16-7\]](#) *There is hereby established a Fire Department in the Township, which shall consist of a regular uniformed force **of men** employed and paid for the purpose of fire prevention and fire extinguishment.*

The Township might want to delete the words "of men" from § 16-7.

**Pick one option from list below**

- Delete "of men."
- Revise as follows:

- Do not revise.

Question 16-009

[Chapter 16 Fire Protection](#)  
[ARTICLE III Fire Department](#)  
[DIVISION 1 GENERALLY](#)  
[Sec. 16-7 Established.](#)

**Code Content:**

[\[§ 16-7\]](#) There is hereby established a **Fire Department** in the Township, which shall consist of a regular uniformed force of men employed and paid for the purpose of fire prevention and fire extinguishment.

Chapter 16, Article III, establishes a Fire Department. In Chapter 2, Charter/Administrative Code, Article XI establishes the Department of Fire Protection. If these provisions relate to the same Department, the Township might want to consider moving any portions of Chapter 16, Article III, that are still in effect and including them in Chapter 2, Article XI, so that all of the provisions regarding this Department are in one location in the Code. The Township would need to determine which portions of Chapter 16, Article III, are not already covered by Chapter 2, Article XI, are still in use, and should be moved.

**Pick one option from list below**

Revise as follows:

Revise as follows: (revisions attached).

Do not revise.

Question 16-010

[Chapter 16 Fire Protection](#)  
[ARTICLE III Fire Department](#)  
[DIVISION 1 GENERALLY](#)

[Sec. 16-10 Manual of administration, control and discipline.](#)

**Code Content:**

[\[§ 16-10\]](#) *The Township Manager shall prepare and submit to the Township Council a manual or set of rules for the administration, control and discipline of the Fire Department and all the members thereof. Upon approval by resolution of the Township Council, such manual shall go into effect, and a copy thereof shall be furnished to every member of the Fire Department.*

Section 16-10 provides for a manual for the Fire Department to be prepared by the Township Manager and approved by the Council. In Chapter 2, § 2-68 provides for a manual to be prepared by the Fire Chief: "Subject to the approval of the Manager, the Fire Chief shall promulgate and from time to time revise and enforce a Manual of Department Discipline, Practices and Procedures for the better administration of the work of the Department and for the discipline and efficiency of the Department, a copy of which shall be filed with the Clerk and made available to the public."

**Pick one option from list below**

Revise as follows:

Do not revise.

Question 16-011

[Chapter 16 Fire Protection](#)  
[ARTICLE III Fire Department](#)  
[DIVISION 2 HOURS OF DUTY](#)

Division 2, Hours of Duty, of Article III, Fire Department was last amended in 2004. Duty schedules are not something we typically see included in the Code. The Township might want to consider whether this material is current and whether it needs to be included in the Township Code or if it would be included in or covered by the Department's rules and regulations, particularly the schedule of actual duty in § 16-15.

**Pick one option from list below**

Remove schedule from § 16-15 and revise this section to read "The actual duty schedule, for employees who work the 10/14 schedule, shall be on file with the Chief of the Fire Department."

Revise as follows:

Revise as follows: (revisions attached).

Do not revise.

Question 16A-001

Chapter 16A Flood Damage Prevention

Article III General Provisions

Sec. 16A-8 Compliance required; violations and penalties.

**Code Content:**

[§ 16A-8] No structure or land shall hereafter be constructed, relocated to, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violation of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined **not more than \$1,000 or imprisoned for not more than 90 days, or both,** for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Township of Teaneck from taking such other lawful action as is necessary to prevent or remedy any violation.

Section 16A-8 sets the penalty for violations of Chapter 16A, Flood Damage Prevention, at a fine of not more than \$1,000 or imprisonment for not more than 90 days, or both. Is any revision desired? Pursuant to N.J.S.A. 40:69A-29 the maximum fine could be revised to \$2,000.

**Pick one option from list below**

- Revise maximum fine to \$2,000.
- Revise as follows:
- Do not revise.

Question 17-001

[Chapter 17 Food and Food Handling Establishments](#)

[Article I In General](#)

[Sec. 17-2 Retail Food Handling Establishment Code adopted; amendments.](#)

**Code Content:**

*[\[§ 17-2\(a\)\]](#) That code described and commonly known as the "Retail Food Establishment Code of New Jersey (1965)," regulating retail food handling establishments, providing for the inspection of such establishments and fixing penalties for violations is hereby adopted and established and annexed hereto and made a part of this chapter without the inclusion of the text thereof in this chapter subject, however, to the changes in paragraph (b) hereof.*

Sections 17-2 and 17-3 provide for the adoption, amendment and filing of the Retail Food Establishment Code of New Jersey (1965). It is out understanding that this code is no longer in use and that retail food establishments are subject to the State Sanitary Code, N.J.A.C. 8:24, Sanitation in Retail Food Establishments and Food and Beverage Vending Machines. This code applies throughout the state and does not need to be adopted by the Township. If §§ 17-2 and 17-3 are removed, the references to these sections in § 17-20 should also be deleted.

**Pick one option from list below**

Sections 17-2 and 17-3 are obsolete; remove these sections and remove reference to these sections in § 17-20.

Revise as follows:

Do not revise.

Question 17-002

[Chapter 17 Food and Food Handling Establishments](#)  
[Article I In General](#)  
[Sec. 17-5 Sanitation of food generally.](#)

Sections 17-5 through 17-19 of Article I all date from the Township's 1951 Code and have never been amended. These sections should be reviewed by the Health Department as to whether they are still needed in light of the State Sanitary Code, particularly N.J.A.C. 8:24, Sanitation in Retail Food Establishments and Food and Beverage Vending Machines, and, if they are to be retained in the Township Code, whether they reflect current requirements.

**Pick one option from list below**

Revise as follows:

Revise as follows: (revisions attached).

Do not revise.

Question 17-003

[Chapter 17 Food and Food Handling Establishments](#)  
[Article I In General](#)  
[Sec. 17-20 Violations and penalties.](#)

**Code Content:**

*[\[§ 17-20\]](#) Any person who violates any provision of or order promulgated under Sections 17-2 and 17-3 or Sections 17-21 to 17-28 shall, upon conviction thereof, be liable to a penalty of **not more than two hundred dollars** for each violation. Each day a particular violation continues shall constitute a separate offense.*

Section 17-20 sets a maximum fine of \$200 for violations of Sections 17-2 and 17-3 or Sections 17-21 to 17-28 (Article II, Permits for Food Handling Establishments). Is this penalty still satisfactory?

**Pick one option from list below**

Revise as follows:

Do not revise.

Question 17-004

[Chapter 17 Food and Food Handling Establishments](#)  
[Article II Permits for Food Handling Establishments](#)  
[Sec. 17-21.1 Issuance or renewal requirement.](#)

**Code Content:**

*[\[§ 17-21.1\]](#) The Health Department shall not issue or renew a retail or wholesale food establishment **license** unless the owner or manager of the food establishment shall have completed within the previous year a two-hour food handler training program conducted by the Teaneck Health Department. Premises containing food or drink vending machines only and premises where only bottled soda or packaged candies are sold and liquor stores shall be exempt from the above provision.*

In § 17-21.1 the word "license" should be changed to "permit" for consistency with the rest of Article II, Permits for Food Handling Establishments. All other references in Article II are to a permit.

**Pick one option from list below**

- Change "license" to "permit."
- Revise as follows:
- Do not revise.

Question 17-005

[Chapter 17 Food and Food Handling Establishments](#)  
[Article II Permits for Food Handling Establishments](#)  
[Sec. 17-22.1 Late fees.](#)

**Code Content:**

[\[§ 17-22.1\]](#) Failure to obtain any permit during the month of January in any calendar year shall cause the permit fee, as set forth in Section 17-22 above, to be double **the amount set forth next to the applicable permit fee.**

Permit fees are no longer included in § 17-22, and according to the current Health Department fee schedule in Chapter 2, Appendix III, permit fees double after February 1 and triple after March 1. Accordingly, § 17-22.1 could be revised to read as follows: "Failure to obtain any permit during the month of January in any calendar year shall cause the permit fee, as set forth in Appendix III of Chapter 2, to double. Failure to obtain any permit by the end of February in any calendar year shall cause the permit fee to triple."

**Pick one option from list below**

- Revise as suggested.
- Revise as follows:

- Do not revise.

Question 18-001

[Chapter 18 Forced Sales](#)  
[Sec. 18-6 Fees.](#)

**Code Content:**

[\[§ 18-6\]](#) An applicant for a license under this chapter shall submit to the Township Clerk with the application for the license a **license fee of twenty-five dollars.** Any applicant for renewal of any license granted under this chapter shall submit to the Township Clerk with his application for renewal a renewal license fee of ten dollars.

Section 18-6 provides for a license fee of \$25 and a renewal fee of \$10 for a license to conduct a going-out-of-business sale, removal of business sale or fire and other altered goods sale. Are any updates needed to these fees?

**Pick one option from list below**

Revise as follows:

Do not revise.

Question 18-002

[Chapter 18 Forced Sales](#)  
[Sec. 18-6 Fees.](#)

**Code Content:**

[\[§ 18-6\]](#) An applicant for a license under this chapter shall submit to the Township Clerk with the application for the license a license fee of **twenty-five dollars.** Any applicant for renewal of any license granted under this chapter shall submit to the Township Clerk with his application for renewal a renewal license fee of ten dollars.

Should the fees in § 18-6 be moved to Chapter 2, Appendix III, Fees and Charges for Certain Township Services?

**Pick one option from list below**

Move fees to Chapter 2, Appendix III.

Do not revise.

Question 19-001

[Chapter 19 Garbage and Refuse](#)  
[Article I In General](#)  
[Sec. 19-1 Definitions.](#)

**Code Content:**

[EXISTING INCINERATOR] An incinerator purchased, acquired or used before **the effective date of this section.**

In the definition of "existing incinerator" in § 19-1 we question whether the reference to "the effective date of this section" should be changed to "the effective date of Article III, Incinerators." This definition originally appeared in Section 19-26 of Article III. Referencing the effective date of Section 19-1, Definitions, seems incorrect in the context of this definition.

**Pick one option from list below**

- Revise to read "the effective date of Article III, Incinerators."  
 Revise as follows:   
 Do not revise.

Question 19-002

[Chapter 19 Garbage and Refuse](#)  
[Article I In General](#)  
[Sec. 19-16 Removal of brush, weeds, filth, etc., generally.](#)

**Code Content:**

[§ 19-16] The owner or tenant of lands lying within the Township from which it is necessary and expedient to remove brush, weeds, dead and dying trees, stumps, roots, obnoxious growths, including poison oak, poison ivy and ragweed, filth, garbage, trash and debris for the preservation of the public health, safety, general welfare or to eliminate a fire hazard shall remove the same within 10 days after notice to do so has been given to him by the **Superintendent of Shade Trees**, Health Officer or Fire Chief. The notice shall be given by personal service upon the owner or tenant or by registered mail addressed to his last known address.

Section 19-16 refers to the Superintendent of Shade Trees. In Chapter 37, Article III, Shade Trees, reference is made to a "Supervisor," defined in § 37-15 as "An individual appointed by the Township Manager to enforce the provisions of this Article, acting after consultation with the Township Shade Tree Advisory Board as constituted under Section 2-148."

**Pick one option from list below**

- Revise to "Supervisor of Shade Trees."  
 Revise as follows:   
 Do not revise.

Question 19-003

[Chapter 19 Garbage and Refuse](#)  
[Article I In General](#)  
[Sec. 19-18 Public dumps, disposal sites.](#)

**Code Content:**

[\[§ 19-18\]](#) Any person disposing of **construction and/or destruction debris**, any form of unapproved fill material, ashes, garbage or refuse within the Township shall only dispose of same at sites within the Township designated from time to time as public dumps by the Township Engineer or Township Manager.

In § 19-18 should the wording "construction and/or destruction debris" read "construction and/or demolition debris"?

**Pick one option from list below**

- Revise as suggested.
- Revise as follows:
- Do not revise.

Question 19-004

[Chapter 19 Garbage and Refuse](#)  
[Article I In General](#)  
[Sec. 19-19.1 Violations and penalties.](#)

Section 19-19.1 sets the penalty for violation of certain sections in Article I. Are these fine amounts still satisfactory?

- (a) Any person who violates or fails to comply with Sections 19-3 through 19-6, 19-8, 19-9, 19-10, 19-11, 19-12, 19-15, 19-16 and 19-19 of this article shall pay a penalty of **\$100 for the first offense and \$200 for each subsequent offense** in lieu of a court appearance.
- (b) Any person who violates or fails to comply with Section 19-18 of this article shall pay a penalty of **\$1,000 for each offense** and a court appearance is required.

**Pick one option from list below**

- Revise as follows:
- 
- Do not revise.

Question 19-005

[Chapter 19 Garbage and Refuse](#)  
[Article I In General](#)  
[Sec. 19-19.1 Violations and penalties.](#)

The penalty in § 19-19.1 does not cover violations of § 19-2, 19-7, 19-13 or 19-14. Should these sections be referenced in Subsection (a) (which provides for a fine of \$100 for a first offense and \$200 for each subsequent offense) or in Subsection (b) (which provides for a fine of \$1,000 for each offense) of § 19-19.1 or does the general penalty in § 1-6 apply to violations of these sections?

**Pick one option from list below**

Add new Subsection (c) to § 19-19.1 reading: "All other violations of this article shall be subject to the penalties prescribed by Section 1-6 of the Township Code."

Revise as follows:

Do not revise.

Question 19-006

[Chapter 19 Garbage and Refuse](#)  
[Article II Collectors](#)  
[Sec. 19-22 Violations and penalties.](#)

**Code Content:**

*[§ 19-22] Any person who, after receipt of not less than 10 days' notice of noncompliance, violates or fails to comply with the provisions of Sections 19-20 and 19-21 of this article shall pay a penalty of \$250 for the first offense and \$500 for each subsequent offense. Each day shall constitute a separate violation of the provisions hereof. A court appearance shall be required for a second or subsequent offense. Multiple offenders may also be ordered to perform a community service in a recycling program for a period of time not to exceed 240 hours of community service.*

Section 19-22 sets the penalty for violations of Article II, Collectors, at \$250 for the first offense and \$500 for each subsequent offense. Are these fines still satisfactory?

**Pick one option from list below**

Revise as follows:

Do not revise.

Question 19-007

[Chapter 19 Garbage and Refuse](#)  
[Article III Incinerators](#)

Article III, Incinerators, appears to be quite old (§ 19-28 refers to an effective date of July 1, 1969) and should be reviewed by the appropriate Township personnel as to whether it reflects current requirements enforced in the Township.

**Pick one option from list below**

Revise as follows:

Revise as follows: (revisions attached).

Do not revise.

Question 19-008

[Chapter 19 Garbage and Refuse](#)  
[Article IV Recycling](#)

[Sec. 19-35 Special municipal collection; separation from municipal solid waste.](#)

**Code Content:**

[\[§ 19-35\(d\)\(1\)\]](#) *Used oil, which shall be disposed of at any motor vehicle service station.*

Section 19-35(d)(1) requires used oil to be disposed of at a motor vehicle service station. Article V, Disposal of Used Oil, of this chapter authorizes disposal of used oil at a used oil collection site, defined in § 19-41 as "Any Division of Motor Vehicles reinspection station, oil retailer or retail service station which has a used oil collection tank(s) existing on the premises, or any site which accepts used oil for recycling."

**Pick one option from list below**

Revise § 19-35(d)(1) to read "Used oil, which shall be disposed of as provided in Article V of this chapter."

Revise as follows:

Do not revise.

Question 19-009

[Chapter 19 Garbage and Refuse](#)  
[Article V Disposal of Used Oil](#)  
[Sec. 19-41 Definitions.](#)

**Code Content:**

[USED OIL COLLECTION SITE] Any **Division of Motor Vehicles** reinspection station, oil retailer or retail service station which has a used oil collection tank(s) existing on the premises, or any site which accepts used oil for recycling.

In the definition of "used oil collection site" in § 19-41 the reference to the Division of Motor Vehicles should be updated to the New Jersey Motor Vehicle Commission.

**Pick one option from list below**

- Update to the New Jersey Motor Vehicle Commission.
- Revise as follows:
- Do not revise.

Question 19A-001

[Chapter 19A Yard Waste Collection Program](#)  
[Sec. 19A-1 Definitions.](#)

**Code Content:**

[STREET] Any street, avenue, boulevard, road, parkway, viaduct, drive or other way which is an existing state, county or municipal roadway, and includes **the land between the current line**, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas and other areas within the street lines.

In the definition of "street" in § 19A-1 the wording "the land between the current line" is incorrect and should read "the land between the street lines" pursuant to the model ordinance on which this chapter is based. We will make this correction.

Question 19A-002

[Chapter 19A Yard Waste Collection Program](#)  
[Sec. 19A-2 Yard waste collection.](#)

**Code Content:**

*[§ 19A-2] Sweeping, raking, blowing or otherwise placing yard waste that is not containerized at the curb or along the street is only allowed during the seven days prior to a scheduled time period and announced collection or season, as determined by the Municipal Manager, and shall not be placed closer than 10 feet from any storm drain inlet. Placement of such yard waste at the curb or along the street at any other time or in any other manner is a violation of this chapter. If such placement of yard waste occurs, the party responsible for placement of the yard waste must remove the yard waste from the street or said party shall be deemed in violation of this chapter. The frequency of pickups shall be determined at the discretion of the Municipal Manager. Any area which the municipality determines to have no yard waste will be exempt from the collections.*

We will make the following corrections in § 19A-2: "Sweeping, raking, blowing or otherwise placing yard waste that is not containerized at the curb or along the street is only allowed during the seven days prior to a scheduled time period and announced collection or season, as determined by the Municipal Manager, and yard waste shall not be placed closer than 10 feet ~~from~~ to any storm drain inlet."

Question 19A-003

[Chapter 19A Yard Waste Collection Program](#)  
[Sec. 19A-2 Yard waste collection.](#)

**Code Content:**

*[§ 19A-2] Sweeping, raking, blowing or otherwise placing yard waste that is not containerized at the curb or along the street is only allowed during the seven days prior to a scheduled time period and announced collection or season, as determined by the Municipal Manager, and shall not be placed closer than 10 feet from any storm drain inlet. Placement of such yard waste at the curb or along the street at any other time or in any other manner is a violation of this chapter. If such placement of yard waste occurs, the party responsible for placement of the yard waste must remove the yard waste from the street or said party shall be deemed in violation of this chapter. The frequency of pickups shall be determined at the discretion of the Municipal Manager. Any area which the municipality determines to have no yard waste will be exempt from the collections.*

In § 19A-2 is the wording "a scheduled time period and announced collection or season" correct? In the model ordinance on which this chapter is based this wording reads "a scheduled and announced collection."

**Pick one option from list below**

- Revise to read "a scheduled and announced collection."
- Revise as follows:
- Do not revise.

Question 19A-004

[Chapter 19A Yard Waste Collection Program](#)  
[Sec. 19A-3 Special municipal collection of leaves.](#)

**Code Content:**

*[\[§ 19A-3\(c\)\]](#) Sweeping, raking, blowing or otherwise placing leaves that are not containerized at the curb or along the street is only allowed during the seven days prior to a scheduled and announced collection, as determined by the Municipal Manager, and shall not be placed closer than 10 feet from any storm drain inlet. Placement of leaves at the curb or along the street at any other time or in any other manner is a violation of this chapter. If such placement of leaves occurs, the party responsible for placement of the leaves must remove the leaves from the street or said party shall be deemed in violation of this chapter.*

Section 19A-3(c) could be deleted as it essentially repeats the wording of § 19A-2. Note that "yard waste" is defined in § 19A-1 to include leaves, so § 19A-2, which refers to yard waste, applies to leaves.

**Pick one option from list below**

- Delete § 19A-3(c).
- Revise as follows:
- Do not revise.

Question 19A-005

[Chapter 19A Yard Waste Collection Program](#)  
[Sec. 19A-3 Special municipal collection of leaves.](#)

**Code Content:**

*[\[§ 19A-3\(c\)\]](#) Sweeping, raking, blowing or otherwise placing leaves that are not containerized at the curb or along the street is only allowed during the seven days prior to a scheduled and announced collection, as determined by the Municipal Manager, **and shall not be placed closer than 10 feet from any storm drain inlet.** Placement of leaves at the curb or along the street at any other time or in any other manner is a violation of this chapter. If such placement of leaves occurs, the party responsible for placement of the leaves must remove the leaves from the street or said party shall be deemed in violation of this chapter.*

If § 19A-3(c) is retained we will make the following corrections: "Sweeping, raking, blowing or otherwise placing leaves that are not containerized at the curb or along the street is only allowed during the seven days prior to a scheduled and announced collection, as determined by the Municipal Manager, and leaves shall not be placed closer than 10 feet ~~from~~ to any storm drain inlet."

Question 20-001

[Chapter 20 Hawkers, Peddlers, Transient Merchants, Itinerant Vendors, Etc.](#)  
[Article II Licenses](#)

Article II of Chapter 20 does not include a penalty. A penalty could be added pursuant to N.J.S.A. 45:24-8, which provides:

*Any transient merchant or itinerant vendor who fails to comply with the requirements of this article or any part thereof, or makes a false or fraudulent representation in any statement required by this article to be filed by him, or falsely represents by advertising or otherwise that such personal property is in whole or in part damaged goods saved from fire, or makes any false statement as to the previous history or character of such personal property, shall be subject to a fine of not less than twenty-five dollars nor more than two hundred dollars, or may be committed for a period not exceeding ninety days, or both.*

**Pick one option from list below**

Add penalty section to Article II: "Any person violating this article shall be subject to a fine of not less than \$25 nor more than \$200 or imprisonment for not more than 90 days, or both."

Revise as follows:

Do not revise.

Question 20-002

[Chapter 20 Hawkers, Peddlers, Transient Merchants, Itinerant Vendors, Etc.](#)  
[Article II Licenses](#)  
[Sec. 20-3 Exemptions.](#)

**Code Content:**

[\[§ 20-3\(c\)\]](#) *Any person employed by a company or corporation which is subject to an act creating the board of public utilities commissioners and is under the control of the board of public utilities commissioners.*

Section 20-3(c) contains outdated references to the Board of Public Utilities Commissioners. Perhaps this subsection could be revised to read as follows: "Any person employed by a company or corporation which is subject to regulation by the Board of Public Utilities pursuant to N.J.S.A. 48:2-1 et seq."

**Pick one option from list below**

Revise as suggested.

Revise as follows:

Do not revise.

Question 20-003

[Chapter 20 Hawkers, Peddlers, Transient Merchants, Itinerant Vendors, Etc.](#)  
[Article II Licenses](#)  
[Sec. 20-9 Fees.](#)

**Code Content:**

[\[§ 20-9\]](#) Fees for licenses issued pursuant to this article shall be as set forth in Appendix III of Chapter 2.

Chapter 20, Article II, requires a peddler, transient merchant, transient merchant peddler, solicitor or non-profit-making vendor, all as defined in § 20-1, to obtain a license from the Township. Section 20-9 states that the fees for these licenses are provided in Appendix III of Chapter 2. Appendix III includes a fee of \$200 for a solicitor license but does not include a fee for a peddler, transient merchant, transient merchant peddler, or non-profit-making vendor license.

**Pick one option from list below**

Change "Solicitor" in Appendix III to "Solicitor, peddler, transient merchant or vendor."

Revise as follows:

Do not revise.

Question 20-004

[Chapter 20 Hawkers, Peddlers, Transient Merchants, Itinerant Vendors, Etc.](#)  
[Article III Commercial and Movie Filming](#)  
[Sec. 20-23 Fees.](#)

Section 20-23 sets the following fees for filming permits and was last amended in 2007. Are any updates needed?

- Filming on private property, exterior and interior: \$500 per day.
- Additional fee for filming on public land, streets, right-of-way or public buildings: \$1,500 per day.
- Filming on private property, interior only: \$250 per day.

**Pick one option from list below**

Revise as follows:

Do not revise.

Question 20-005

[Chapter 20 Hawkers, Peddlers, Transient Merchants, Itinerant Vendors, Etc.](#)  
[Article III Commercial and Movie Filming](#)  
[Sec. 20-23 Fees.](#)

Should the fees in § 20-23 be moved to the fee schedule in Chapter 2, Appendix III?

**Pick one option from list below**

- Move fees to Chapter 2, Appendix III, under "Township Clerk."  
 Revise as follows:   
 Do not revise.

Question 20-006

[Chapter 20 Hawkers, Peddlers, Transient Merchants, Itinerant Vendors, Etc.](#)  
[Article III Commercial and Movie Filming](#)  
[Sec. 20-24 Violations and penalties.](#)

**Code Content:**

[\[§ 20-24\]](#) Any person violating any part of this article shall be subject to a fine not to exceed \$500 or imprisonment for a term not to exceed 90 days, or both.

Section 20-24 sets the penalty for violations of Article III, Commercial and Movie Filming, at a fine not to exceed \$500 or imprisonment not to exceed 90 days, or both. Is this penalty still satisfactory?

**Pick one option from list below**

- Revise as follows:   
 Do not revise.

Question 21-001

[Chapter 21 Health and Sanitation](#)

Many of the sections in Chapter 21 are quite old, dating back to the Township's 1951 Code. The Township might want to take this opportunity to have this chapter reviewed by the Health Department as to whether it reflects current standards in the Township, and whether any of the sections could be removed as now covered by state regulations, such as the State Sanitary Code.

**Pick one option from list below**

Revise as follows:

Revise as follows: (revisions attached).

Do not revise.

Question 21-002

[Chapter 21 Health and Sanitation](#)

[Article I In General](#)

[Sec. 21-1 Definitions.](#)

**Code Content:**

*[\[AIR POLLUTION\]](#) The presence in the outdoor atmosphere of one or more air contaminants in such quantities and duration as are or tend to be injurious to human health or welfare, animal or plant life or **would reasonably interfere** with the enjoyment of life or property.*

In the definition of "air pollution" in § 21-1 the wording "would reasonably interfere" should read "would unreasonably interfere."

**Pick one option from list below**

Revise as suggested.

Revise as follows:

Do not revise.

Question 21-003

[Chapter 21 Health and Sanitation](#)  
[Article I In General](#)  
[Sec. 21-1 Definitions.](#)

**Code Content:**

[\[OCTAVE BAND\]](#) *A spectrum of sound frequencies between band edge frequencies an octave apart. For purposes of this procedure, octave band frequencies are as specified in Table 1, Page 11, of ANSI S1.11-1966 (R-1976), Specifications for Octave, Half-Octave and Third-Octave Band Filter Sets [see [N.J.A.C. 7:29B-1.12\(a\)1](#)].*

In the definition of "octave band" in § 21-1 we will update the reference to N.J.A.C. 7:29B-1.12(a)1 to N.J.A.C. 7:29-2.12(a)1. See the corresponding definition of "octave band" in N.J.A.C. 7:29-2.1.

Question 21-004

[Chapter 21 Health and Sanitation](#)  
[Article I In General](#)  
[Sec. 21-18 Water pollution; generally.](#)

**Code Content:**

[\[§ 21-18\(g\)\]](#) *All wells shall be subject to inspection which inspection shall be made by the Township Health Officer and [Plumbing Inspector](#).*

In § 21-18(g) should "Plumbing Inspector" be changed to "Plumbing Subcode Official"? There are no other references to a Plumbing Inspector in the Township Code. Section 11-8(b) provides for a Plumbing Subcode Official.

**Pick one option from list below**

- Change "Plumbing Inspector" to "Plumbing Subcode Official."
- Revise as follows:
- Do not revise.

Question 21-005

[Chapter 21 Health and Sanitation](#)

[Article I In General](#)

[Sec. 21-18.1 Water emergencies.](#)

**Code Content:**

*[\[§ 21-18.1\(e\)\] Penalties.](#) After a first offense in accordance with Subsection (d) of this section, any person or business who thereafter violates the water use restrictions imposed pursuant to this section shall be fined or imprisoned in accordance with this subsection. For a second offense, the fine imposed shall be \$500 or imprisonment for 10 days or both. For a third and subsequent offense, the fine imposed shall be \$1,000 or imprisonment for 30 days, or both. This section shall be enforced by the Township Manager or his authorized representative.*

Section 21-18.1(e) sets the following penalties for violations of water use restrictions, following a warning for a first offense: "for a second offense, the fine imposed shall be \$500 or imprisonment for 10 days or both. For a third and subsequent offense, the fine imposed shall be \$1,000 or imprisonment for 30 days, or both." Are these penalties still satisfactory?

**Pick one option from list below**

Revise as follows:

Do not revise.

Question 21-006

[Chapter 21 Health and Sanitation](#)  
[Article I In General](#)  
[Sec. 21-21.1 Tattooing prohibited.](#)

**Code Content:**

[\[§ 21-21.1\]](#) *It shall be unlawful for any person in the Township to operate a tattoo establishment or engage in the practice or business of tattooing, as a tattoo operator or as a tattoo artist, except that tattooing may be performed for medical purposes under the direct supervision of a person licensed to practice medicine in the state.*

Section 21-21.1 prohibits tattoo establishments and tattoo artists in the Township. Does this section reflect current practice? The Township Attorney should be consulted as to whether the Township can completely ban this type of business.

**Pick one option from list below**

Revise as follows:

Do not revise.

Question 21-007

Chapter 21 Health and Sanitation

Article IV Heating

Sec. 21-31 Required temperature to be maintained.

**Code Content:**

*[§ 21-31] It shall be the duty of every person who shall have contracted or undertaken or shall be bound to heat or to furnish heat for any building or portion thereof occupied as a home or place of residence to heat or furnish heat for every occupied room in such building or portion thereof so that a minimum temperature of 70° F. may be maintained therein at all times between the hours of 6:00 a.m. and 11:00 p.m. and a minimum temperature of 65° F. may be maintained between the hours of 11:00 p.m. and 6:00 a.m. of every day from the first day of September of each year to the first day of June of the succeeding year and at all other times when street temperatures shall fall below 55° F.*

The temperature requirements in § 21-31 are different from those currently prescribed by N.J.S.A. 26:3-31m, which authorizes ordinances:

*To require in buildings, designed to be occupied, or occupied, as residences by more than two families and when the owners have agreed to supply heat, that from October 1 of each year to the next succeeding May 1, every unit of dwelling space and every habitable room therein shall be maintained at least at 68 degrees F. whenever the outside temperature falls below 55 degrees during daytime hours from 6 a.m. to 11 p.m. At times other than those specified interiors of units of dwelling space shall be maintained at least at 55 degrees F. whenever the outside temperature falls below 40 degrees.*

**Pick one option from list below**

Revise § 21-31 to reflect the requirements of N.J.S.A. 26:3-31m.

Revise as follows:

Do not revise.

Question 21-008

[Chapter 21 Health and Sanitation](#)  
[Article V Sanitation of Buildings](#)  
[Sec. 21-43 Occupational health.](#)

Section 21-43, Occupational health, regulates places of employment and is not something we typically see in a municipal code. Does the Township still enforce this section, or are these provisions now covered by state and federal regulations, such as the regulations of the Occupational Safety and Health Administration (OSHA)?

**Pick one option from list below**

Revise as follows:

Do not revise.

Question 21-009

[Chapter 21 Health and Sanitation](#)  
[Article VI Noise Control From Stationary Sources](#)  
[Sec. 21-44 Interpretation and construction.](#)

**Code Content:**

[\[§ 21-44\]](#) *The words and terms used herein shall have meanings identical to those set forth in N.J.R.S. 7:29-1.1 and 29B-1.*

In § 21-44 we will correct the reference to N.J.R.S. 7:29-1.1 and 29B-1 to N.J.A.C. 7:29-1.1 and 7:29-2.1. Note that N.J.A.C. 7:29B is now blank and reserved.

Question 21-010

[Chapter 21 Health and Sanitation](#)  
[Article VI Noise Control From Stationary Sources](#)  
[Sec. 21-47 Enforcement.](#)

**Code Content:**

[\[§ 21-47\(b\)\]](#) *The Health Officer shall ensure that members of the Health Department dealing with noise complaints and/or sound measurements are qualified under N.J.A.C. 7:29B-1.11.*

In § 21-47(b) we will update the reference to N.J.A.C. 7:29B-1.11 to N.J.A.C. 7:29-2.11 (Qualifications of enforcement personnel).

Question 21-011

[Chapter 21 Health and Sanitation](#)  
[Article VI Noise Control From Stationary Sources](#)  
[Sec. 21-47 Enforcement.](#)

**Code Content:**

[\[§ 21-47\(c\)\]](#) *Sound measurements made by members of the Health Department shall be taken according to procedures specified by [N.J.A.C. 7:29B](#).*

In § 21-47(c) we will update the reference to N.J.A.C. 7:29B to N.J.A.C. 7:29 (Noise Control). N.J.A.C. 7:29B is now blank and reserved.

Question 21-012

[Chapter 21 Health and Sanitation](#)  
[Article VI Noise Control From Stationary Sources](#)  
[Sec. 21-47 Enforcement.](#)

**Code Content:**

[\[§ 21-47\(r\)\]](#) *Notwithstanding the requirements of this Article in relation to the procedure of violation and notice, sections dealing with imminent danger to health, safety and welfare of occupants may be prosecuted without notice by the filing of a complaint by the enforcement officer in the municipal court. Where the enforcement officer shall determine that there was a violation and a notice was served, [whether or not such violation was abated proper to the issuance of an order](#), if thereafter within the space of one year there shall be a second violation of the same provision of this Code discovered on the same premises, the offender may be prosecuted on the second violation without the enforcement officer first giving notice and opportunity for a hearing to the owner, operator or occupant by the filing of a complaint by the enforcement officer in the municipal court.*

In § 21-47(r) we will make the following correction "whether or not such violation was abated ~~proper~~ prior to the issuance of an order." See similar wording in § 29A-112.

Question 21-013

[Chapter 21 Health and Sanitation](#)  
[Article VI Noise Control From Stationary Sources](#)  
[Sec. 21-48 Violations and penalties.](#)

**Code Content:**

[\[§ 21-48\(a\)\]](#) Upon conviction in the municipal court for violating any order of the enforcement officer issued pursuant to and in accordance with the provisions of this Article or of a violation of any provision of this Article where notice and opportunity for hearing before the enforcement officer is not required hereunder, then such person shall be punished by a **fine not exceeding \$200** for each violation committed hereunder.

Section 24-48(a) provides for a fine not exceeding \$200 for violations of Article VI. Is this penalty still satisfactory?

**Pick one option from list below**

- Revise as follows:
- Do not revise.

Question 21-014

[Chapter 21 Health and Sanitation](#)  
[Article VI Noise Control From Stationary Sources](#)  
[Sec. 21-48 Violations and penalties.](#)

**Code Content:**

[\[§ 21-48\(c\)\]](#) Where an owner, operator or occupant has been convicted of a violation of this Article and within 12 months thereafter has been found by the **Magistrate of the Municipal Court** to be guilty of a second violation, the Court may, if it finds that the second offense was willful and inexcusable, sentence the offender, in addition to or in lieu of the fine set forth, to imprisonment in the county jail for a period not to exceed 90 days.

In § 21-48(c) the reference to the Magistrate of the Municipal Court should be updated to the Municipal Judge.

**Pick one option from list below**

- Revise as suggested.
- Revise as follows:
- Do not revise.

Question 21-015

[Chapter 21 Health and Sanitation](#)  
[Article VI Noise Control From Stationary Sources](#)  
[Sec. 21-48 Violations and penalties.](#)

**Code Content:**

[\[§ 21-48\(d\)\]](#) Where the defendant is other than a **natural period or persons**, the foregoing penalties shall also apply to any agent, superintendent, officer, member or partner who shall alone or with others have charge, care or control of the premises.

In § 21-48(d) we will correct "natural period or persons" to "natural person or persons."

Question 21-016

[Chapter 21 Health and Sanitation](#)  
[Article VII First Aid, Rescue and Ambulance Squads](#)  
[Sec. 21-50 Licenses.](#)

**Code Content:**

[\[§ 21-50\(c\)\]](#) The Township of Teaneck shall charge an annual license fee of \$10 plus \$5 for each decal issued.

Section 21-50(c) sets the fees for a first aid, rescue or ambulance squad license. Should these fees be moved to Chapter 2, Appendix III, Fees and Charges for Certain Township Services?

**Pick one option from list below**

- Move fees to Chapter 2, Appendix III.
- Do not move fees.

Question 21-017

[Chapter 21 Health and Sanitation](#)  
[Article VII First Aid, Rescue and Ambulance Squads](#)  
[Sec. 21-51 Requirements.](#)

**Code Content:**

[\[§ 21-51\(a\)\]](#) Any first aid, rescue or ambulance squad which is required to be licensed under this article shall have its rescue equipment and vehicle inspected by the **New Jersey Department of Health and Senior Services** or the EMS Council of New Jersey on an annual basis. No first aid, rescue or ambulance squad required to be licensed under this article shall operate within the Township of Teaneck unless its vehicles and equipment pass the inspection of the state for certification of vehicle(s), equipment and personnel as required under N.J.A.C. 8:40-2.5(d).

In § 21-51(a) we will update the reference to the New Jersey Department of Health and Senior Services to the New Jersey Department of Health, the current title of this Department.

Question 21-018

[Chapter 21 Health and Sanitation](#)  
[Article VII First Aid, Rescue and Ambulance Squads](#)  
[Sec. 21-51 Requirements.](#)

**Code Content:**

*[\[§ 21-51\(a\)\]](#) Any first aid, rescue or ambulance squad which is required to be licensed under this article shall have its rescue equipment and vehicle inspected by the New Jersey Department of Health and Senior Services or the EMS Council of New Jersey on an annual basis. No first aid, rescue or ambulance squad required to be licensed under this article shall operate within the Township of Teaneck unless its vehicles and equipment pass the inspection of the state for certification of vehicle(s), equipment and personnel as required under [N.J.A.C. 8:40-2.5\(d\)](#).*

Section 21-51(a) refers to a state inspection required under N.J.A.C. 8:40-2.5(d). The cited section of the Administrative Code does not mention an inspection. It reads: "The fees for licensure of a new vehicle by a provider at any time during the second year of the two-year cycle set forth at N.J.A.C. 8:40-2.3(b) shall be \$50.00 per vehicle." We question whether the Township meant to reference N.J.A.C. 8:40-2.6, Vehicle inspections and provider audits.

**Pick one option from list below**

- Revise reference to N.J.A.C. 8:40-2.6.
- Revise as follows:
- Do not revise.

Question 21A-001

[Chapter 21A Jogging](#)  
[Sec. 21A-1 Use of public streets.](#)

**Code Content:**

*[§ 21A-1] For purposes of public safety and welfare, any person using the public streets of the Township of Teaneck during the period from a half-hour after sunset to a half-hour before sunrise and at any other time when there is not sufficient light to render clearly discernible persons and vehicles on the highway at a distance of 500 feet ahead shall be required to wear on his or her person some type of reflective apparel or materials of sufficient size and placement so as to be visible to vehicular traffic from a distance of 200 feet, in addition to complying with the provisions of N.J.S.A. 39:4-32 et seq. which apply to pedestrians.*

Chapter 21A, adopted in 1981, requires persons using streets in the Township between sunset and sunrise to wear reflective apparel. Is this ordinance still enforced in the Township?

**Pick one option from list below**

Revise as follows:

Do not revise.

Question 22-001

[Chapter 22 Laundries, Cleaning Establishments, Etc.](#)

Chapter 22 regulating laundries and dry-cleaning establishments appears to be quite old and should be reviewed by the appropriate officials to ensure that it reflects the Township's current requirements for these types of establishments.

**Pick one option from list below**

Revise as follows:

Revise as follows: (revisions attached).

Do not revise.

Question 22-002

[Chapter 22 Laundries, Cleaning Establishments, Etc.](#)  
[Article I In General](#)  
[Sec. 22-8 Sanitary requirements generally.](#)

**Code Content:**

*[\[§ 22-8\]](#) All places and spaces used for laundries, laundrettes, pressing establishments, cleaning or dyeing establishments or installations shall be sufficiently and properly covered with nonabsorbent paint or cement or other impervious material. There shall be available an adequate supply of water for flushing and cleaning purposes. Any room, building or washing or laundering facility used in the operation of laundries, laundrettes or cleaning or dyeing establishments shall be equipped, installed and maintained in accordance with the **Plumbing Code of the Township**. Sufficient toilet facilities for male and female employees of such establishments shall be provided.*

There are two references in Chapter 22 to the Township Plumbing Code, in §§ 22-8 and 22-36. Should these references be updated to refer to the State Uniform Construction Code? See N.J.A.C. 5:23-3.15, Plumbing subcode, which adopts the National Standard Plumbing Code/2018 as part of the State Uniform Construction Code.

**Pick one option from list below**

Update references to the Township Plumbing Code in §§ 22-8 and 22-36 to the State Uniform Construction Code.

Revise as follows:

Do not revise.

Question 22-003

[Chapter 22 Laundries, Cleaning Establishments, Etc.](#)  
[Article I In General](#)  
[Sec. 22-14 Exhaust pipes.](#)

**Code Content:**

[\[§ 22-14\]](#) *Exhaust pipes carrying devices* or hot water shall be connected to a condensation tank, then drained with a proper carry off.

In § 22-14 the wording "Exhaust pipes carrying devices" seems incorrect.

**Pick one option from list below**

Revise as follows:

Do not revise.

Question 22A-001

[Chapter 22A Library Rules and Regulations](#)

Chapter 22A, adopted in 1985, establishes regulations with respect to use of the library, with the penalty set in § 22A-8 at a fine of not less than \$25 nor more than \$1,000 or imprisonment not exceeding seven days, or both. Are any updates needed in this chapter?

**Pick one option from list below**

Revise as follows:

Revise as follows: (revisions attached).

Do not revise.

Question 23-001

[Chapter 23 Lodging Places Other Than Hotels/Motels](#)

Chapter 23 requires boardinghouses and lodging houses to obtain a permit from the Health Department and was last amended in 1989. Does this chapter reflect current practice?

**Pick one option from list below**

Revise as follows:

Revise as follows: (revisions attached).

Do not revise.

Question 23-002

[Chapter 23 Lodging Places Other Than Hotels/Motels](#)  
[Sec. 23-1 Definitions.](#)

**Code Content:**

*[RELATIVES] One or more persons who live together in one dwelling unit and maintain a common household and who are related by blood, marriage or adoption, **For the purpose of this section, a family** includes only a husband and wife, son, son-in-law, daughter, daughter-in-law, father, father-in-law, mother, mother-in-law, brothers and sisters, grandparents, grandchildren, stepchildren and adopted children and bona fide family servants living in and working full-time on the premises.*

In the definition of "relatives" in § 23-1 the wording "for the purpose of this section, a family" does not make sense as the term being defined is not "family." Perhaps the following revision could be made:

RELATIVES – One or more persons who live together in one dwelling unit and maintain a common household and who are related by blood, marriage or adoption. For the purpose of this ~~section, a family~~ chapter, the term "relatives" includes only a husband and wife, son, son-in-law, daughter, daughter-in-law, father, father-in-law, mother, mother-in-law, brothers and sisters, grandparents, grandchildren, stepchildren and adopted children and bona fide family servants living in and working full-time on the premises.

**Pick one option from list below**

- Revise as suggested.
- Change the defined term to "family" and change "relatives" to "family" in the definitions of "boardinghouse" and "lodging house."
- Revise as follows:

- Do not revise.

Question 24-001

[Chapter 24 Milk and Dairy Products](#)

Chapter 24 appears to be quite old and should be reviewed by the Health Department as to whether it reflects current standards and whether any of the provisions in this chapter could be removed as covered by state regulations, such as the State Sanitary Code.

**Pick one option from list below**

Revise as follows:

Revise as follows: (revisions attached).

Do not revise.

Question 24-002

[Chapter 24 Milk and Dairy Products](#)

[Sec. 24-1 Definitions.](#)

**Code Content:**

*[\[§ 24-1\(a\)\]](#) General. Where not set out in this section, definitions shall be as listed in the United States Public Health Service Milk Ordinance, Public Health Service Publication No. 229, 1953.*

Section 24-1(a) refers to the "United States Public Health Service Milk Ordinance, Public Health Service Publication No. 229, 1953." Should this reference be updated to the United States Public Health Service Pasteurized Milk Ordinance, 2017? That appears to be the most recent milk ordinance posted on the Public Health Service website.

**Pick one option from list below**

Revise to "United States Public Health Service Pasteurized Milk Ordinance, 2017."

Revise as follows:

Do not revise.

Question 24-003

[Chapter 24 Milk and Dairy Products](#)  
[Sec. 24-1 Definitions.](#)

**Code Content:**

*[\[CERTIFIED MILK\]](#) Milk produced in compliance with the laws of the state, including the provisions of Chapter VII of the State Sanitary Code (June 23, 1953).*

The definition of "certified milk" in § 24-1 refers to Chapter VII of the State Sanitary Code (June 23, 1953). Should this reference be updated to N.J.A.C. 8:21, Food and Drugs?

**Pick one option from list below**

- Update reference to N.J.A.C. 8:21.
- Revise as follows:
- Do not revise.

Question 24-004

[Chapter 24 Milk and Dairy Products](#)  
[Sec. 24-2 Enforcement of state law; state law to take precedence when in conflict with chapter.](#)

**Code Content:**

*[\[§ 24-2\]](#) All regulations of the Department of Health of the state regarding milk and dairy products, as defined in [Title 21](#), Chapter 10, Articles 1, 3, 4, 5, 6 and 11 of the Revised Statutes of New Jersey, shall be enforced in the Township, along with any subsequent supplements or amendments prescribed by the State Health Department. In case of conflict with this chapter, such state regulations shall take precedence.*

In § 24-2 the reference to Title 21 of the statutes should be to Title 24 (Food and Drugs). We will make this correction.

Question 24-005

[Chapter 24 Milk and Dairy Products](#)  
[Sec. 24-17 Penalty for violation of chapter.](#)

**Code Content:**

*[§ 24-17] Each violation of any provision of this chapter shall constitute a separate offense and each such violation shall be punishable by a penalty of **not less than twenty-five dollars and not more than one hundred dollars.***

Section 24-17 sets the penalty for violations of Chapter 24 at a fine of not less than \$25 nor more than \$100. Is this penalty still satisfactory?

**Pick one option from list below**

- Revise as follows:
- Do not revise.

Question 26-001

[Chapter 26 Offenses — Miscellaneous](#)  
[Sec. 26-21 Display of obscene material.](#)

**Code Content:**

*[§ 26-21(a)] No retailer may display and/or permit to be displayed at his/her business premises any obscene material at a height of less than five feet or without a **binder** or other covering placed or printed on the front of the material displayed. Any such public display of obscene material shall constitute presumed evidence that the retailer knowingly made or permitted the display. A violation of this section shall be a petty disorderly persons offense.*

Subsection (a) of § 26-21 relating to the display of obscene material is based on N.J.S.A. 2C:34-3.2. Based on this statute, the word "binder" in this subsection should be "blinder." The statute provides (emphasis added):

*A municipality may enact an ordinance making it a petty disorderly persons offense for a retailer to display or permit to be displayed at his business premises any obscene material as defined in N.J.S. 2C:34-3, at a height of less than 5 feet or without a **blinder** or other covering placed or printed on the front of the material displayed. Any such ordinance shall contain a provision stating that public display of the obscene material shall constitute presumptive evidence that the retailer knowingly made or permitted the display.*

**Pick one option from list below**

- Change "blinder" to "binder."
- Revise as follows:
- Do not revise.

Question 26-002

[Chapter 26 Offenses — Miscellaneous](#)

[Sec. 26-22.5 Violations and penalties regarding real estate canvassing.](#)

**Code Content:**

[\[§ 26-22.5\(a\)\]](#) Any person who violates any provision of Sections 26-22.1 to 26-22.4 shall, after conviction, be punishable by a fine of not more than \$200 or by 30 days in jail, or both.

Section 26-22.5(a) sets the penalty for violations of §§ 26-22.1 to 26-22.4 relating to real estate canvassing at a fine of not more than \$200 or 30 days in jail, or both. Is any revision desired?

**Pick one option from list below**

- Revise as follows:
- Do not revise.

Question 26-003

[Chapter 26 Offenses — Miscellaneous](#)

[Sec. 26-23.1 Consumption and possession of alcoholic beverages in public or on private property, generally.](#)

**Code Content:**

[\[§ 26-23.1\(b\)\]](#) Any person who fails to comply with this section shall be liable for a penalty for each offense in accordance with Section 1-6 of the Code or, in lieu thereof, may pay a penalty of \$25.

Section 26-23.1(b) provides that a person in violation of § 26-23.1, regarding consumption of alcoholic beverages, is subject to the general penalty in § 1-6 but adds "or, in lieu thereof, may pay a penalty of \$25." Section 26-23.1 was last amended in 1983. Is any revision desired to this penalty?

**Pick one option from list below**

- Revise as follows:
- Do not revise.

Question 26-004

[Chapter 26 Offenses — Miscellaneous](#)

[Sec. 26-23.2 Exemption from prohibition on possession and consumption.](#)

**Code Content:**

*[§ 26-23.2] Nothing herein contained shall be construed to prohibit the consumption of beer as permitted by Section 27-3 of this Code or to prohibit the proper officials of the Township from granting a permit for possession or consumption of alcoholic beverages in a designated park or street or other public place at a designated time or times in connection with a specific event, series of events or observance which has been authorized by the governing body.*

Section 26-23.2 refers to "the consumption of beer as permitted by Section 27-3 of this Code." Section 27-3, Behavior in parks, as last amended in 2007, does not permit the consumption of beer or any other alcoholic beverages. Section 27-3 provides: "The consumption of alcoholic beverages is prohibited." This reference could be deleted as follows:

Nothing herein contained shall be construed to prohibit the consumption of beer as permitted by Section 27-3 of this Code or to prohibit the proper officials of the Township from granting a permit for possession or consumption of alcoholic beverages in a designated park or street or other public place at a designated time or times in connection with a specific event, series of events or observance which has been authorized by the governing body.

**Pick one option from list below**

- Revise as suggested.
- Revise as follows:

Question 26-005

[Chapter 26 Offenses — Miscellaneous](#)

[Sec. 26-24 Spitting upon sidewalks, etc., prohibited.](#)

**Code Content:**

*[§ 26-24] Spitting upon the floor, steps or other portions of any public building or public conveyance or upon sidewalks or cars is hereby prohibited and declared to be a nuisance. Any person convicted of a violation of this section shall be fined not more than \$25.*

Section 26-24 provides for a fine of not more than \$25 for spitting in public areas. Is any revision desired?

**Pick one option from list below**

- Revise as follows:
- Do not revise.

Question 26-006

[Chapter 26 Offenses — Miscellaneous](#)  
[Sec. 26-29 Spray paint.](#)

**Code Content:**

[\[§ 26-29\(c\)\]](#) *Penalty. Any person found guilty of violating any of the provisions of this section, upon conviction thereof, shall pay a fine not to exceed \$500 or be subject to imprisonment for not more than 90 days in the county jail, or both such fine and imprisonment.*

Section 26-29(c) sets the penalty for violations of § 26-29, relating to spray paint and graffiti, at a fine not to exceed \$500 or imprisonment for not more than 90 days, or both. Is this penalty still satisfactory?

**Pick one option from list below**

- Revise as follows:
- Do not revise.

Question 26-007

[Chapter 26 Offenses — Miscellaneous](#)  
[Sec. 26-30 Political fund-raising.](#)

**Code Content:**

[\[§ 26-30\(c\)\(3\)\]](#) *Violation. Violation of any provision of this section shall be punished by a period of community service not exceeding 90 days, or imprisonment in the county jail for a term not exceeding 90 days or a fine not exceeding \$1,000.*

Section 26-30(c)(3) sets the penalty for violations of § 26-30, Political fund-raising, at a fine not exceeding \$1,000, imprisonment for not exceeding 90 days or a period of community service not exceeding 90 days. Is any revision desired? The maximum fine now authorized by N.J.S.A. 40:69A-29 is \$2,000.

**Pick one option from list below**

- Raise maximum fine to \$2,000.
- Revise as follows:
- Do not revise.

Question 27-001

[Chapter 27 Parks and Playgrounds](#)

Chapter 27 contains rules and regulations for use of parks in the Township and appears satisfactory as written.

**Pick one option from list below**

Revise as follows:

Revise as follows: (revisions attached).

Do not revise.

Question 28A-001

[Chapter 28A Protected Tenancy Appeals Board](#)

Chapter 28A provides for the Protected Tenancy Appeals Board and was adopted in 1982. In Chapter 2, Charter/Administrative Code, former Article XXIII, Protected Tenancy Appeals Board, was repealed in 1997. Should Chapter 28A also be repealed and removed?

**Pick one option from list below**

Remove and repeal Chapter 28A.

Revise as follows:

Do not revise.

Question 28A-002

[Chapter 28A Protected Tenancy Appeals Board](#)  
[Sec. 28A-4 Fee schedule.](#)

**Code Content:**

[\[§ 28A-4\(a\)\]](#) *Filing appeal with Appeals Board: \$50.*

If Chapter 28A is retained, is the appeal fee of \$50 in § 28A-4(a) still correct, and should this fee be moved to the fee schedule in Chapter 2, Appendix III?

**Pick one option from list below**

- Not applicable; Chapter 28A will be removed.
- Move fee to Chapter 2, Appendix III; \$50 is the correct amount.
- Move fee to Chapter 2, Appendix III, and revise amount as follows:
- Do not revise.

Question 29-001

[Chapter 29 Police Department](#)

Chapter 29 relating to the Police Department was adopted in 1987. We question whether this chapter is still in use or if it should be removed from the Code as superseded by Chapter 2, Article XIII, Department of Police, as amended in 2003. The Township might want to review Chapter 29, determine whether any of the provisions in this chapter not already covered by Chapter 2 are still needed, and then move those provisions to Chapter 2, Article XIII, so that all provisions relating to the Police Department are in one location in the Code.

**Pick one option from list below**

- Revise as follows:
- Revise as follows: (revisions attached).
- Do not revise.

Question 29A-001

[Chapter 29A Property Maintenance Code](#)

[ARTICLE I In General](#)

[Sec. 29A-6 Higher standard to prevail in case of conflict with other ordinances or laws.](#)

**Code Content:**

[\[§ 29A-6\]](#) *In any case where provisions of this code impose a higher standard than that set forth in any other ordinance of the Township **under the laws of the state**, then the standard as set forth herein shall prevail. If the provisions of this code impose a lower standard than any other ordinance of the Township or the laws of the state, then the higher standard contained in any other such ordinance or law shall prevail.*

In § 29A-6 we will correct "under the laws of the state" to "or the laws of the state" pursuant to similar wording in the second sentence of this section.

In any case where provisions of this code impose a higher standard than that set forth in any other ordinance of the Township ~~under~~ or the laws of the state, then the standard as set forth herein shall prevail. If the provisions of this code impose a lower standard than **any other ordinance of the Township or the laws of the state**, then the higher standard contained in any other such ordinance or law shall prevail.

Question 29A-002

[Chapter 29A Property Maintenance Code](#)

[ARTICLE I In General](#)

[Sec. 29A-7 Issuance and renewal of other permits and licenses.](#)

**Code Content:**

[\[§ 29A-7\]](#) *After the date of enactment hereof, **all licenses and permits thereof** shall, where this code is applicable, be issued upon compliance with this code as well as compliance with the ordinance under which such licenses and permits are granted.*

In § 29A-7 the wording "licenses and permits thereof" does not make sense. We recommend that the word "thereof" be deleted so that this section reads: "After the date of enactment hereof, all licenses and permits shall, where this code is applicable, be issued upon compliance with this code as well as compliance with the ordinance under which such licenses and permits are granted."

**Pick one option from list below**

- Revise as suggested.
- Revise as follows:
- Do not revise.

Question 29A-003

Chapter 29A Property Maintenance Code  
ARTICLE II Duties and Responsibilities of Owners, Operators and Occupants  
DIVISION 1 GENERALLY  
Sec. 29A-9 Owner and operator.

**Code Content:**

[§ 29A-9(h)] Any person who fails to comply with Section 29A-9(b) and 29A-9(c) of this article may pay a **penalty of \$25** for each offense in lieu of a court appearance.

Section 29A-9(h) provides for a penalty of \$25 for violations of § 29A-9(b) and (c) relating to a statement of vacancy and a certificate of health for rental apartment units. Is this penalty still satisfactory?

**Pick one option from list below**

- Revise as follows:
- Do not revise.

**delete "may pay a penalty of \$25 for each offense in lieu of a court appearance" and insert "shall be liable for a penalty for each offense in accordance with Section 1-6 of the Code"**

Question 29A-004

Chapter 29A Property Maintenance Code  
ARTICLE II Duties and Responsibilities of Owners, Operators and Occupants  
DIVISION 1 GENERALLY  
Sec. 29A-9 Owner and operator.

**Code Content:**

[§ 29A-9(j)] *Emergency evacuation plans. Every owner of a multiple dwelling, as defined herein, which is comprised of more than 20 dwelling units and reserves occupancy for residents who have attained the minimum age of 55, shall be required to prepare and maintain an emergency building evacuation plan for the multiple dwelling in coordination with the appropriate local fire, EMS and other emergency response agencies. A copy of such plan shall be provided to and kept on file with the police, fire and emergency management departments. All emergency building evacuation plans shall be updated every two years. For purposes of this section, the term "multiple dwelling" shall mean any building or structure of one or more stories and any land appurtenant thereto, and any portion thereof, in which three or more units of dwelling space are occupied, or are intended to be occupied, by three or more persons who live independently of each other. This definition shall also mean any group of 10 or more buildings on a single parcel of land or on contiguous parcels under common ownership, in each of which two units of dwelling space are occupied or intended to be occupied by two persons or households living independently of each other, and any land appurtenant thereto, and any portion thereof. This definition shall not include:*

Section 29A-9(j) refers to the "police, fire and emergency management departments." Does the Township have an emergency management department?

**Pick one option from list below**

- Revise to read "the Police and Fire Departments."
- Revise as follows:

- Do not revise.

Question 29A-005

[Chapter 29A Property Maintenance Code](#)  
[ARTICLE II Duties and Responsibilities of Owners, Operators and Occupants](#)  
[DIVISION 1 GENERALLY](#)  
[Sec. 29A-9 Owner and operator.](#)

**Code Content:**

*[\[§ 29A-9\(j\)\(2\)\]](#) A building section containing not more than four dwelling units, provided the building has at least two exterior walls unattached to any adjoining building section and the dwelling units are separated exclusively by walls of such fire-resistant rating as comports with the State Uniform Construction Code Act, P.L. 1975, c. 217 (N.J.S.A. 52:27D-119 et seq.) at the time of their construction or with a rating as shall be established by **the bureau** in conformity with recognized standards and the building is held under a condominium or cooperative form of ownership, or by a mutual housing corporation, provided that if any units within such a building section are not occupied by an owner of the unit, then that unit and the common areas within that building section shall not be exempted from the definition of a multiple dwelling for the purposes of the New Jersey Hotel and Multiple Dwelling Law [P.L. 1967, c. 76 (N.J.S.A. 55:13A-1 et seq.)]. A condominium association or a cooperative or mutual housing corporation shall provide the bureau with any information necessary to justify an exemption for a dwelling unit pursuant to this paragraph; or*

There are two references in § 29A-9(j)(2) to "the bureau." There is no prior mention of a bureau in this chapter, so it is unclear which agency is meant by this reference.

**Pick one option from list below**

- Change "the bureau" to "the Fire Prevention Bureau."
- Revise as follows:

Question 29A-006

Chapter 29A Property Maintenance Code  
ARTICLE II Duties and Responsibilities of Owners, Operators and Occupants  
DIVISION 2 OWNERS AND OPERATORS  
Sec. 29A-17 Same — Removal of signs or advertisements.

**Code Content:**

*[§ 29A-17] Any temporary sign or other paper advertising material glued or otherwise attached to a window or windows or otherwise exposed to public view shall be removed: (a) At the expiration of the event or sale for which it is erected, or (b) within 60 days after erection, whichever shall occur sooner; except that any political sign, as defined in the Zoning Ordinance, not located on a residential property shall be removed within five days after the election day or referendum day to which it relates.*

Section 29A-17 indicates that temporary signs must be removed with 60 days. Chapter 33, Development Regulations, contains varying time frames for certain types of temporary signs. For example, § 33-18(c)(5)h4 allows temporary signs relating to construction projects to remain for up to 12 months:

Temporary signs, customary and sometimes necessary in connection with the erection of new buildings, limited to one sign for each construction project and including only the identification of the project, the building, architects, engineers and contractors. Such sign may be freestanding or attached to the premises but shall not exceed 12 square feet in area and **shall be removed at the completion of construction or at the expiration of 12 months from the date of original installation, whichever occurs first in time.**

**Pick one option from list below**

- Add to the beginning of § 29A-17: "Except as otherwise provided in Chapter 33, Development Regulations."
- Revise as follows:

- Do not revise.

Question 29A-007

Chapter 29A Property Maintenance Code  
ARTICLE II Duties and Responsibilities of Owners, Operators and Occupants  
DIVISION 2 OWNERS AND OPERATORS  
Sec. 29A-18 Same — Permitted area of window display signs.

**Code Content:**

[§ 29A-18] Except during the course of repairs or alterations, no more than 25% of the square footage of any single window display area shall be devoted to signs or other temporary advertising material attached to such window or windows or otherwise exposed to public view.

Section 29A-18 limits the amount of coverage of a window display area to 25% of the square footage. In Chapter 33, Development Regulations, § 33-18(c)(5)f1 provides: "A window sign shall not exceed 30% of the window area of the window in which the sign is proposed." Should the percentages in these two sections be the same?

**Pick one option from list below**

- Change 25% to 30% in § 29A-18.
- Change 30% to 25% in § 33-18(c)(5)f1.
- Revise as follows:

- Do not revise.

Question 29A-008

[Chapter 29A Property Maintenance Code](#)  
[ARTICLE II Duties and Responsibilities of Owners, Operators and Occupants](#)  
[DIVISION 2 OWNERS AND OPERATORS](#)  
[Sec. 29A-23.1 Vacant and abandoned buildings.](#)

Section 29A-23.1 deals with vacant and abandoned property. Should this section be removed in light of Article IX, Abandoned Buildings, which was added to Chapter 29A in 2016?

**Pick one option from list below**

- Remove § 29A-23.1 as superseded by Article IX, Abandoned Buildings.
- Revise as follows:

- Do not revise.

Question 29A-009

[Chapter 29A Property Maintenance Code](#)  
[ARTICLE II Duties and Responsibilities of Owners, Operators and Occupants](#)  
[DIVISION 2 OWNERS AND OPERATORS](#)  
[Sec. 29A-23.2 Control and maintenance of construction sites.](#)

**Code Content:**

*[§ 29A-23.2(c)] Solid waste. Solid waste related to construction or demolition shall be placed into suitable dumpsters, containers or other **approved disposable methods** on a daily basis. Dumpsters or other containers shall not be overfilled and shall be removed from the premises within 10 days of being filled to capacity. A dumpster shall be considered overfilled if there is more waste deposited into the dumpster than said dumpster was designed to hold. The construction site shall be maintained free from excessive accumulations of solid waste, debris or litter.*

In § 29A-23.2(c) the wording "approved disposable methods" apparently should read "approved disposal methods."

**Pick one option from list below**

- Revise as suggested.
- Revise as follows:

Question 29A-010

[Chapter 29A Property Maintenance Code](#)  
[ARTICLE II Duties and Responsibilities of Owners, Operators and Occupants](#)  
[DIVISION 2 OWNERS AND OPERATORS](#)  
[Sec. 29A-72 Same — Same — Replacement of light bulbs.](#)

**Code Content:**

[\[§ 29A-72\]](#) All required lighting fixtures shall be supplied at all times with functioning light bulbs of sufficient wattage to supply the lumine requirements of this code.

In § 29A-72 the wording "lumine requirements" seems incorrect. The term "lumine" is a verb meaning to light up or to illuminate.

**Pick one option from list below**

- Revise to read "the illumination requirements of this code."
- Revise as follows:

- Do not revise.

Question 29A-011

[Chapter 29A Property Maintenance Code](#)  
[ARTICLE III Administrative Provisions](#)  
[Sec. 29A-101 Same — When inspectors are refused entry.](#)

There are references in §§ 29-101, 29A-116 and 29A-132 to the Township Magistrate (the Magistrate of the Municipal Court). "Magistrate" is an outdated term that should be revised to "Municipal Judge."

**Pick one option from list below**

- Update "Magistrate" to "Municipal Judge."
- Revise as follows:

Question 29A-012

[Chapter 29A Property Maintenance Code](#)

[ARTICLE IV Penalties](#)

[Sec. 29A-114 Fines for violations.](#)

**Code Content:**

[\[§ 29A-114\]](#) Upon conviction in the Municipal Court for violating any order of the public officer issued pursuant to and in accordance with the provisions of this code or of a violation of any provision of this code where notice and opportunity for hearing before the public officer is not required hereunder, then such person shall be punished by a fine of **not less than \$50 and not exceeding \$1,000** for each violation committed hereunder.

Section 29A-114 sets the penalty for violations of the Property Maintenance Code at a fine of not less than \$50 nor more than \$1,000. Is this penalty still satisfactory?

**Pick one option from list below**

Revise as follows:

Do not revise.

Question 29A-013

[Chapter 29A Property Maintenance Code](#)  
[ARTICLE VIII Dwellings Unfit for Human Habitation or Use](#)  
[Sec. 29A-133 Determination of unfitness — Procedure generally.](#)

**Code Content:**

*[§ 29A-133] The public officer, on his own or upon the filing of a petition by at least five residents charging that a dwelling is unfit for human habitation or use, shall make an inspection on any dwelling believed to be unfit for human habitation or use, and shall make preliminary finding in accordance with the standards provided herein whether or not the premises are unfit for human habitation or use. If so, he shall, thereupon, serve a notice upon the owner, operator and occupant advising all such parties of the results of his inspection and the basis for his determination and setting a date for hearing **not less than 10 nor more than 30 days** from the date of service. However, where the public officer makes a preliminary finding that the conditions on the premises constitute an immediate substantial threat to the safety or health of occupants or persons in proximity to the premises, he may order and direct that the premises be vacated immediately and that the signs or notice be posted prohibiting occupancy thereof and that the premises be locked and boarded up as provided in this code.*

In § 29A-133 the time frame of "not less than 10 nor more than 30 days" should be revised to "not less than seven days nor more than 30 days" pursuant to the current provisions of N.J.S.A. 40:48-2.5(b), which provides as follows (emphasis added):

*That whenever a petition is filed with the public officer by a public authority or by at least five residents of the municipality charging that any building is unfit for human habitation or occupancy or use or whenever it appears to the public officer (on his own motion) that any building is unfit for human habitation or occupancy or use, the public officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest in such building a complaint stating the charges in that respect and containing a notice that a hearing will be held before the public officer (or his designated agent) at a place therein fixed **not less than 7 days nor more than 30 days** after the serving of said complaint; that the owner and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint; and that the rules of evidence prevailing in the courts shall not be controlling in hearings before the public officer.*

**Pick one option from list below**

- Revise as suggested.
- Revise as follows:
- Do not revise.

Question 29A-014

[Chapter 29A Property Maintenance Code](#)  
[ARTICLE IX Abandoned Buildings](#)  
[Sec. 29A-146 Fee schedule.](#)

**Code Content:**

[\[§ 29A-146\(a\)\]](#) *The following registration fees, renewable annually so long as the building is deemed abandoned, for each building deemed to be abandoned are hereby established:*

Section 29A-146(a) contains the fee schedule for registration of abandoned buildings. Should these fees be moved to Chapter 2, Appendix III, Fees and Charges for Certain Township Services?

**Pick one option from list below**

- Move fees to Chapter 2, Appendix III.
- Revise as follows:
- Do not revise.

Question 29A-015

[Chapter 29A Property Maintenance Code](#)  
[ARTICLE IX Abandoned Buildings](#)  
[Sec. 29A-146 Fee schedule.](#)

**Code Content:**

[\[§ 29A-146\(a\)\]](#) *The following registration fees, renewable annually so long as the building is deemed abandoned, for each building deemed to be abandoned are hereby established:*

Are any updates needed to the fees listed in § 29A-146(a)?

**Pick one option from list below**

- Revise as follows:
- Do not revise.

Question 29A-016

[Chapter 29A Property Maintenance Code](#)  
[ARTICLE IX Abandoned Buildings](#)  
[Sec. 29A-162 Municipal liens.](#)

**Code Content:**

[\[§ 29A-162\(b\)\]](#) *With the exception of the holding of special tax sales pursuant to Section 29A-165 hereof, the remedies available under this article shall be available to **any municipality** with respect to any abandoned property, whether or not the municipality has established an abandoned property list and whether or not the property has been included on any such list.*

Section 29A-162(b) was copied from N.J.S.A. 55:19-98 and refers to "any municipality." The following revisions could be made to make this wording more appropriate in the context of the Township's ordinance: "With the exception of the holding of special tax sales pursuant to Section 29A-165 hereof, the remedies available under this article shall be available to ~~any municipality~~ the Township with respect to any abandoned property, whether or not the ~~municipality~~ Township has established an abandoned property list and whether or not the property has been included on any such list."

**Pick one option from list below**

- Revise as suggested.
- Revise as follows:

- Do not revise.

Question 29A-017

[Chapter 29A Property Maintenance Code](#)  
[ARTICLE IX Abandoned Buildings](#)  
[Sec. 29A-169 Violations and penalties.](#)

**Code Content:**

[\[§ 29A-169\(a\)\]](#) Any owner who is not in full compliance with this article or who otherwise violates any provision of this article or of the rules and regulations issued hereunder shall be subject to a fine of not less than \$500 and not more than \$2,500. Every day that a violation continues shall constitute a separate and distinct offense. Fines assessed under this section shall be recoverable from the owner and shall be a lien on the property.

Section 29A-169(a) sets the penalty for violations of Article IX, Abandoned Buildings, at a fine of not less than \$500 and not more than \$2,500. Both the minimum and maximum fines are higher than authorized by N.J.S.A. 40A:69A-29(b):

*(b) Adopt and enforce local police ordinances of all kinds and impose one or more of the following penalties: fines not exceeding \$2,000 or imprisonment for any term not exceeding 90 days, or a period of community service not exceeding 90 days for the violation thereof; prescribe that for the violation of particular ordinances at least a minimum penalty shall be imposed which shall consist of a fine which may be fixed at an amount not exceeding \$100;*

**Pick one option from list below**

- Revise to a fine of not less than \$100 nor more than \$2,000.
- Revise as follows:

- Do not revise.

Question 29A-018

[Chapter 29A Property Maintenance Code](#)  
[ARTICLE IX Abandoned Buildings](#)  
[Sec. 29A-169 Violations and penalties.](#)

**Code Content:**

[\[§ 29A-169\(e\)\]](#) *The notice referenced in Subsection (d) of this section shall require the owner and/or creditor to correct the violation within 20 days of receipt of the notice, or within five days of receipt of the notice if the violation presents an imminent threat to public health and safety.*

The time frames given in § 29A-169(e) for correcting violations do not match those provided in § 29A-174, which states:

The public officer designated to enforce Chapter 29A as more particularly set forth in Section 29A-139 hereof is hereby authorized to issue a notice to the creditor filing the summons and complaint in an action to foreclose, if the public officer determines that the creditor has violated this article by failing to provide for the care, maintenance, security, and upkeep of the exterior of the property. Such notice shall require the person or entity to correct the violation within **30 days of receipt of the notice, or within 10 days of receipt of the notice** if the violation presents an imminent threat to public health and safety.

**Pick one option from list below**

- Revise § 29A-169(e) to read "within 30 days of receipt of the notice, or within 10 days of receipt of the notice if the violation presents an imminent threat to public health and safety."
- Revise § 29A-174 to read "within 20 days of receipt of the notice, or within five days of receipt of the notice if the violation presents an imminent threat to public health and safety."
- Revise as follows:

- Do not revise.

Question 29A-019

[Chapter 29A Property Maintenance Code](#)  
[ARTICLE X Properties Under Foreclosure](#)  
[Sec. 29A-176 Violations and penalties.](#)

The penalties in § 29A-176 were taken from N.J.S.A. 40:48-2.12s and are still consistent with that statute. No changes are recommended.

Question 29A-020

[Chapter 29A Property Maintenance Code](#)

[ARTICLE XI Bamboo](#)

[Sec. 29A-181 Complaint notice; order for removal; compliance.](#)

**Code Content:**

[\[§ 29A-181\]](#) *Whenever a complaint is received by the Township regarding the encroachment of any bamboo plant or root, or whenever the Township, on its own observations and inspections, determines that there is an encroachment of bamboo plants or roots onto the property of another landowner, or tenant in possession of the property, or both, which notice shall be substantially as follows:*

The first paragraph of § 29A-181 is incomplete and does not make sense. Based on a comparison of similar ordinances adopted by other municipalities in New Jersey, this paragraph should read as follows:

Whenever a complaint is received by the Township regarding the encroachment of any bamboo plant or root, or whenever the Township, based on its own observations and inspections, determines that there is an encroachment of bamboo plants or roots onto the property of another landowner or tenant in possession of the property, or both, the Township shall cause notice to be served and the following actions occur:

**Pick one option from list below**

- Revise as suggested.
- Revise as follows:

Question 29A-021

[Chapter 29A Property Maintenance Code](#)

[ARTICLE XI Bamboo](#)

[Sec. 29A-182 Violations and penalties.](#)

**Code Content:**

[\[§ 29A-182\(a\)\]](#) *Any person determined by any court of competent jurisdiction to have violated this article shall be subject to pay a fine of \$100 per violation. A separate violation shall occur for each thirty-day period during which the violation exists after the date for removal as set forth in the notice which was sent to the violator and received by the violator. Each thirty-day period of a continuing violation shall constitute a separate offense for which an additional fine can be levied.*

Section 29A-182(a) sets a fine of \$100 for violations of Article XI, Bamboo. Is this penalty still satisfactory?

**Pick one option from list below**

Revise as follows:

Do not revise.

Question 29B-001

[Chapter 29B Secondhand Precious Metals, Jewelry, Gems and Rare Coins, Dealers in Sec. 29B-3 Records.](#)

**Code Content:**

[\[§ 29B-3\(b\)\]](#) These records shall be maintained **for a period of one year** from the date of the transaction and shall at all times be available for inspection by any police officer of the Township of Teaneck.

Section 29B-3(b) requires secondhand dealers to maintain records for one year. N.J.S.A. 2C:21-36, added in 2009 (L. 2009, c. 214), requires records to be kept for five years:

*Any person engaged in the business of retailing, wholesaling, or smelting jewelry who purchases any article of used or secondhand jewelry shall:*

*a. Maintain, for five years:*

- (1) a record of the name, address and telephone number of the person from whom it was purchased;*
- (2) a descriptive list of any used jewelry purchased from that seller, including any identifying characteristics of that jewelry;*
- (3) digital photographs of any used jewelry purchased from that seller; and*
- (4) a photocopy of the identification of the seller provided pursuant to subsection b. of this section;*

**Pick one option from list below**

Revise to read: "These records and any other records required by N.J.S.A. 2C:21-36 shall be maintained for a period of five years from the date of the transaction...."

Revise as follows:

Do not revise.

Question 29B-002

[Chapter 29B Secondhand Precious Metals, Jewelry, Gems and Rare Coins, Dealers in Sec. 29B-3 Records.](#)

**Code Content:**

[\[§ 29B-3\(e\)\]](#) *Transaction cards (P101) shall be delivered by the licensed dealer to the Chief of Police or his/her designee within 72 hours of the completion of the transaction.*

Section 29B-3(e) requires secondhand dealers to deliver transaction cards to the Police Department within 72 hours. N.J.S.A. 2C:21-36, added in 2009, provides:

*Any person engaged in the business of retailing, wholesaling, or smelting jewelry who purchases any article of used or secondhand jewelry shall:*

*c. Deliver, on a weekly basis, to the police department having jurisdiction in the location of that person's place of business a copy of the record of all used jewelry purchased by that person during the preceding week;*

**Pick one option from list below**

- Change "within 72 hours of the completion of the transaction" to "on a weekly basis."
- Revise as follows:

- Do not revise.

Question 29B-003

[Chapter 29B Secondhand Precious Metals, Jewelry, Gems and Rare Coins, Dealers in Sec. 29B-4 Restrictions; temporary stop.](#)

**Code Content:**

*[§ 29B-4(c)] No dealer may sell, melt, change the form so as to render the article unidentifiable or dispose of any secondhand article of gold, silver or precious metal, jewelry, gems or rare coins bought or received by the dealer within **seven days** after delivery of the transaction card for such item to the Chief of Police.*

Section 29B-4(c) requires dealers to hold items for seven days. In N.J.S.A. 2C:21-36 this time frame is 10 days:

*Any person engaged in the business of retailing, wholesaling, or smelting jewelry who purchases any article of used or secondhand jewelry shall:*

*d. Maintain in his possession any used jewelry purchased for not less than 10 business days following the delivery of the record of the purchase of that jewelry to the police department, as required by subsection c. of this section; provided, however, that a municipal ordinance adopted prior to the effective date of P.L.2009, c. 214 (January 16, 2010) may provide a longer minimum length of time to maintain possession of used or secondhand jewelry;*

**Pick one option from list below**

Change 7 days to 10 days.

Revise as follows:

Do not revise.

Question 29C-001

[Chapter 29C Rent Control](#)  
[Sec. 29C-4 Exceptions.](#)

**Code Content:**

[\[§ 29C-4\(d\)\]](#) Dwelling units subject to § 29C-8, Vacancy decontrol, of this chapter.

Section 29C-4(d) consists of an incomplete sentence. Pursuant to the wording used in Subsections (a) and (c) of this section, perhaps the following revision could be made: "Dwelling units subject to § 29C-8, Vacancy decontrol, of this chapter shall be exempt from this chapter."

**Pick one option from list below**

- Revise as suggested.
- Revise as follows:

- Do not revise.

Question 29C-002

[Chapter 29C Rent Control](#)  
[Sec. 29C-8 Vacancy decontrol.](#)

**Code Content:**

[\[§ 29C-8\(b\)\(2\)\]](#) Pay a filing fee of \$500, which fee will be deposited into the Township HYATT/  
Social Services Fund.

Section 29C-8, Vacancy decontrol, as amended in January 2021 (Ordinance No. 36-2020) includes a filing fee of \$500. Should this fee be moved to Chapter 2, Appendix III, Fees and Charges for Certain Township Services?

**Pick one option from list below**

- Move fee to Chapter 2, Appendix III.
- Do not move fee.

Question 29C-003

[Chapter 29C Rent Control](#)  
[Sec. 29C-9 Violations and penalties.](#)

**Code Content:**

*[§ 29C-9(a)] Provisions of this chapter shall be enforceable by a civil action in the Municipal Court upon complaint duly made, after a decision is rendered by the Administrative Monitoring Officer. Civil penalties shall be in accordance with the Township Code, except that a first violation of this chapter shall be punishable by a civil fine of not more than \$500 for each unit in violation. Subsequent violations shall be punishable by a civil fine of not less than \$100 nor more than \$500. Each dwelling unit shall be deemed to involve a separate violation.*

Section 29C-9(a) sets civil fines for violation of Chapter 29C of not more than \$500 for a first violation and not less than \$100 nor more than \$500 for a subsequent violation. Are any revisions desired?

**Pick one option from list below**

Revise as follows:

Do not revise.

Question 29C-004

[Chapter 29C Rent Control](#)  
[Sec. 29C-14 Cross-referencing.](#)

**Code Content:**

*[§ 29C-14(a)] The following Township ordinances may be helpful to persons concerned with rental or housing matters in the Township:*

Section 29C-14(a) refers to two ordinances, Ordinance No. 1931, pertaining to the Senior Citizen and Disabled Protected Tenancy Act (N.J.S.A. 2A:18-61.22 et seq.), and Ordinance No. 3104, pertaining to the withholding of certain residential units from the residential housing market. Neither one of these ordinances appears to be included in the Township Code.

**Pick one option from list below**

Revise as follows:

Do not revise.

Question 30-001

[Chapter 30 Sewers and Sewage Disposal](#)  
[Article I In General](#)

Article I, In General, Article II, Assessments, and Article III, Cleaning of Cesspools and Privy Vaults, of Chapter 30 date primarily from the Township's 1951 Code, with a few sections amended in 1989. The Township might want to review these articles to ensure they reflect current procedures and requirements.

**Pick one option from list below**

Revise as follows:

Revise as follows: (revisions attached).

Do not revise.

Question 30-002

[Chapter 30 Sewers and Sewage Disposal](#)  
[Article IV Sewer Use and Charges](#)  
[Sec. 30-22 Definitions.](#)

***Code Content:***

[\[BERGEN COUNTY UTILITY AUTHORITY\]](#) *The district sewer system into which the Township sewer system shall connect.*

References in Article IV of Chapter 30 to the "Bergen County Utility Authority" should be corrected to "Bergen County Utilities Authority." See <https://www.bcuu.org/>

**Pick one option from list below**

Revise as suggested.

Revise as follows:

Do not revise.

Question 30-003

[Chapter 30 Sewers and Sewage Disposal](#)  
[Article IV Sewer Use and Charges](#)  
[Sec. 30-24 Establishment of charges.](#)

**Code Content:**

*[§ 30-24A.(2)] In the event of the failure of any significant industrial user to provide the information required above or in the event that the information provided is less than the total annual water consumption computed or estimated by the Township of Teaneck for such significant industrial user, the Township of Teaneck shall notify the significant industrial user of the intent of the Township of Teaneck to utilize the total annual consumption computed or estimated by the Township of Teaneck in calculating the sewer user charge for such significant industrial user. In computing or estimating said annual consumption, the Township may measure the flow into the sewer system, compute water consumption using **United Water Company** statistics, estimate well water consumption, utilize estimates prepared by the Authority or such other method designed to accurately compute or estimate said annual consumption. Should the significant industrial user contest the amount so computed or calculated by the Township of Teaneck, it may appeal the decision of the Township to the appropriate court of law in accordance with the rules governing such court.*

Section 30-24A(2) refers to the United Water Company. Similar wording in § 30-24B(2) refers to the Hackensack Water Company: "In computing or estimating said annual consumption, the Township may measure the flow into the sewer system, compute water consumption using Hackensack Water Company statistics." Is one of these titles incorrect? It appears that "United Water" is the more recent name, and that United Water is now a subsidiary of Suez North America.

**Pick one option from list below**

- Revise both references to "Suez North America"
- Change "Hackensack Water Company" to "United Water Company."
- Revise as follows:
- Do not revise.

Question 30-004

[Chapter 30 Sewers and Sewage Disposal](#)  
[Article IV Sewer Use and Charges](#)  
[Sec. 30-25.3 Violations and penalties.](#)

**Code Content:**

[\[§ 30-25.3\]](#) Any violation of this article shall, upon conviction thereof, be punished by one or more of the following: **a fine not to exceed \$1,250** or by imprisonment in the Bergen County Jail for a period not to exceed 90 days, or by a period of community service not to exceed 90 days for each violation of the provisions of this article. Each day the article is violated shall be deemed and taken to be a separate violation.

Section 30-25.3 sets the penalty for violations of Article IV, Sewer Use and Charges, at a fine not exceeding \$1,250, imprisonment for not more than 90 days and/or community service for not more than 90 days. The maximum fine could be raised to \$2,000 per N.J.S.A. 40:69A-29.

**Pick one option from list below**

- Change maximum fine to \$2,000.
- Revise as follows:
- Do not revise.

Question 31-001

[Chapter 31 Shopping Carts](#)

Chapter 31 should be reviewed in conjunction with N.J.S.A. 40:48-2.65, which was adopted in 2008 (L. 2008, c. 13) and places restrictions on the amount which can be charged to redeem shopping carts and the conditions under which the municipality may impound them and the fines which may be imposed. Below are links to samples of more recent ordinances based on this statute:

Borough of Bergenfield: <https://www.ecode360.com/8944680>

Borough of Westwood: <https://www.ecode360.com/13851612>

**Pick one option from list below**

- Revise as follows:
- Revise as follows: (revisions attached).
- Do not revise.

Question 31A-001

[Chapter 31A Smoking](#)  
[Sec. 31A-2 Prohibited locations — smoking.](#)

Section 31A-2 lists locations where smoking is prohibited and was last amended in 2004. Section 31A-3 lists locations where smoking is restricted and was last amended in 1994. We question whether these sections are still in use in light of the New Jersey Smoke-Free Air Act adopted in 2005 which prohibits smoking in all indoor public places and workplaces. See N.J.S.A. 26:3D-58, Prohibitions on smoking; designated places, which as amended in 2018 now also includes parks. This statute provides: "Smoking is prohibited at the following locations: an indoor public place, a workplace, a public park or beach, and the outdoor passenger pick-up and drop-off area of an airport that is not owned or operated by a federal or military authority, except as otherwise provided in this act."

**Pick one option from list below**

Replace §§ 31A-2 and 31A-3 with one section reading: "Smoking or the carrying of a lighted pipe, cigar, cigarette or other smoking materials is prohibited in all places designated by the New Jersey Smoke-Free Air Act, N.J.S.A. 26:3D-55 et seq." Delete the definitions of "dedicated public parks" and "municipal government building" from § 31A-1.

Revise as follows:

Revise as follows: (revisions attached).

Do not revise.

Question 31A-002

[Chapter 31A Smoking](#)  
[Sec. 31A-5 Posting of notice.](#)

**Code Content:**

*[§ 31A-5(b)] A sign, no less than six by eight inches, shall be posted, in a manner that makes it immovable, in a conspicuous place near each cash register or point of sale in any retail establishment which sells tobacco products, with the following legend: "SALE OF TOBACCO PRODUCTS TO PERSONS UNDER THE AGE OF 18 IS PROHIBITED BY LAW. Legal proof of age must be shown. A person who sells or offers to sell a tobacco product to a person under 18 years of age may be prosecuted in accordance with state and local ordinances."*

The sign described in § 31A-5(b) refers to sale of tobacco products to persons under the age of 18. The legal age to purchase tobacco products in New Jersey was raised to from 18 to 21 in 2017.

**Pick one option from list below**

- Change 18 to 21.
- Revise as follows:
- Do not revise.

Question 31A-003

[Chapter 31A Smoking](#)  
[Sec. 31A-7 Retail sale of tobacco and nicotine delivery products.](#)

**Code Content:**

*[§ 31A-7(d)] Any person selling tobacco or nicotine delivery products shall verify by means of government-issued photographic identification containing the bearer's date of birth that no person purchasing the tobacco or **nicotine containing products** is younger than 21 years of age. No such verification is required for any person over the age of 26. No clerk shall sell tobacco or nicotine delivery products to a person under 21 years of age who has a note from an adult requesting such sale.*

In § 31A-7(d) the reference to "nicotine containing products" is incorrect and should read "nicotine delivery products." All other references are to "nicotine delivery products" and that term is defined in § 31A-1.

**Pick one option from list below**

- Revise to "nicotine delivery products."
- Revise as follows:
- Do not revise.

Question 31B-001

[Chapter 31B Special Events](#)

[Sec. 31B-3 Issuance or denial of permit.](#)

**Code Content:**

*[\[§ 31B-3\]](#) If the chief of police shall find that the special event is not to be held for any unlawful purpose and will not in any manner tend to a breach of the peace or unnecessarily interfere with the public use of the streets and sidewalks, he shall recommend issuance of such permit by the Township manager or, for reasons stated, shall recommend that the requested permit be denied. After giving consideration to the recommendations of the chief of police, the final determination as to whether or not a permit shall be issued shall be made by the Township manager.*

Chapter 31B provides for the issuance of permits for special events. Provided that it reflects current procedures, this chapter appears satisfactory as written.

**Pick one option from list below**

Revise as follows:

Revise as follows: (revisions attached).

Do not revise.

Question 32-001

[Chapter 32 Streets and Sidewalks](#)  
[Article I In General](#)  
[Sec. 32-13 Cellar ways or hoist ways.](#)

**Code Content:**

[\[§ 32-13\]](#) No cellar way or hoist way shall be constructed in any public street without a permit therefor issued by the Township Engineer. **The fee for such a permit shall be five dollars.** No permit shall be granted for any such cellar way or hoist way which extends into the street more than five feet from the property line. All such cellar ways or hoist ways shall be covered with iron doors flush with the sidewalk, and when opened shall at all times be protected either by guard rails or chains. No such cellar way or hoist way shall remain open so that the sidewalk or street is obstructed for a period longer than is necessary for the reasonable use thereof.

Section 32-13 requires a permit to construct a cellar way or hoist way in a public street and sets the permit fee at \$5. Should this fee be moved to Chapter 2, Appendix III, Fees and Charges for Certain Township Services? Is the amount still correct?

**Pick one option from list below**

- Move fee to Chapter 2, Appendix III; \$5 is correct.
- Move fee to Chapter 2, Appendix III, and revise as follows:
- Revise as follows:
- Do not revise.

Question 32-002

[Chapter 32 Streets and Sidewalks](#)  
[Article I In General](#)  
[Sec. 32-17 Riding on sidewalks and streets.](#)

**Code Content:**

[\[MOTOR SCOOTER\]](#) A scooter that is powered by a motor having a maximum piston displacement of less than 50 cc. or an electric drive motor, is capable of a maximum speed of no more than 25 miles per hour on a flat surface and is not registered with the **Director of the Division of Motor Vehicles in the Department of Transportation** for use on the public highways of this state as a motorcycle; provided, however, that for purposes of this section, motorized scooter shall not be construed to include a motorized wheelchair.

The definition of "motor scooter" in § 32-17 refers to registration with the Director of the Division of Motor Vehicles in the Department of Transportation. Should this reference be updated to the New Jersey Motor Vehicle Commission?

**Pick one option from list below**

- Update to the New Jersey Motor Vehicle Commission.
- Revise as follows:
- Do not revise.

Question 32-003

[Chapter 32 Streets and Sidewalks](#)  
[Article I In General](#)  
[Sec. 32-17 Riding on sidewalks and streets.](#)

**Code Content:**

[\[§ 32-17\(b\)\(3\)\]](#) *Violations. Any person violating the provisions of Subsection (b)(2) of this section shall be fined not more than \$250. Operators may also be subject to the applicable provisions and penalties set forth in Chapter 4 of Title 39 of the Revised Statutes.*

Section 32-17(b)(3) provides for a fine of not more than \$250 for violations of § 32-17(b)(2) regarding the operation of motor scooters. Is this penalty still satisfactory?

**Pick one option from list below**

- Revise as follows:
- Do not revise.

Question 32-004

[Chapter 32 Streets and Sidewalks](#)  
[Article I In General](#)  
[Sec. 32-21 Telephone, telegraph, etc., poles.](#)

**Code Content:**

[\[§ 32-21\(c\)\]](#) *Communications facilities franchise.*

Section 32-21(c) contains an ordinance granting a franchise to Verizon, New Jersey, Inc. (Ordinance No. 3715, adopted May 28, 2002). It is highly unusual for a franchise ordinance to be included within a chapter of the Code in this manner, and particularly as a subsection. We strongly recommend that this ordinance be either removed from the Code entirely or moved to the Appendix of the Code. Franchise ordinances are not typically included in the Code because they are not general in nature; they apply to only one specific company, in this case Verizon.

**Pick one option from list below**

- Remove franchise ordinance from the Code.
- Move franchise ordinance to Code Appendix.
- Handle as follows:
- Do not revise.

Question 32-005

[Chapter 32 Streets and Sidewalks](#)

[Article II Building Materials and Merchandise on Streets and Sidewalks](#)

[Sec. 32-24 Fee; display.](#)

**Code Content:**

[\[§ 32-24\(a\)\]](#) All fees are contained in Appendix III of Chapter 2.

Article II of Chapter 32 requires a permit to obstruct any portion of a street or public place by the storage or placing of any building material or other material or merchandise thereon. Section 32-24(a) indicates that the fee for this permit is included in Appendix III of Chapter 2 but there does not appear to be a corresponding fee for this permit in Appendix III.

**Pick one option from list below**

Add the following fee to Appendix III:

Revise as follows:

Question 32-006

[Chapter 32 Streets and Sidewalks](#)

[Article III Construction and Repair of Curbs, Sidewalks and Driveways](#)

Article III of Chapter 32 contains specific construction standards for curbs, sidewalks and driveways and was last amended in 1989. This article should be reviewed by the Township Engineer or other appropriate officials as to whether it reflects current standards, particularly in light of the statewide uniform Residential Site Improvement Standards (RSIS).

**Pick one option from list below**

Revise as follows:

Revise as follows: (revisions attached).

Do not revise.

Question 32-007

[Chapter 32 Streets and Sidewalks](#)

[Article III Construction and Repair of Curbs, Sidewalks and Driveways](#)

[Sec. 32-27.1 License to lay concrete on streets, etc., curbs, sidewalks or driveway required; issuance, revocation and fee.](#)

Section 32-27.1 requires concrete contractors to obtain a license from the Township. A license fee of \$100 is included in Chapter 2, Appendix III. We question whether the Township still issues this type of license. The Contractors' Registration Act, N.J.S.A. 56:8-136 et seq. (L. 2004, c. 16), requires the registration of home contractors and preempts local licensing and registration requirements for contractors. See N.J.S.A. 56:8-147, which states that the Act shall "supersede any municipal ordinance or regulation that provides for the licensing or registration of contractors."

**Pick one option from list below**

- Delete § 32-27.1 and remove this fee from Appendix III.
- Revise as follows:

- Do not revise.

Question 32-008

[Chapter 32 Streets and Sidewalks](#)

[Article III Construction and Repair of Curbs, Sidewalks and Driveways](#)

[Sec. 32-40 Taking of samples of concrete.](#)

**Code Content:**

*[\[§ 32-40\]](#) The contractor or person in charge of pouring any concrete shall notify the Township Engineer before pouring any concrete so that a sample of the concrete may be taken. The Township shall have the sample tested by a reputable testing laboratory after 28 days, and if the results show a compressive strength of less than 3,500 pounds per square inch, the contractor may be summoned to appear before the Township Manager to show reasons **why his license shall not be revoked**. One such sample shall be taken for not more than every hundred feet of curb or sidewalk.*

Section 32-40 refers to the license of a concrete contractor. If § 32-27.1 providing for this license is removed (if the Township no longer issues this type of license) then this wording requires revision.

**Pick one option from list below**

- Delete "to show reasons why his license shall not be revoked."
- Revise as follows:

- Do not revise.

Question 32-009

[Chapter 32 Streets and Sidewalks](#)  
[Article IV Vaults, Coal Bins, Etc.](#)  
[Sec. 32-44 Application; fee.](#)

**Code Content:**

[\[§ 32-44\]](#) No permit as required by the preceding section shall be issued until an application to erect such a vault, coal bin or other room or place, signed by the person making the same, and stating the number of square feet or ground which is required for the same and the intended length and width of the same, is presented to the Township Council, and the building inspector is authorized by resolution of the Township Council to issue such permit and until there shall have been paid to the building inspector for the use of the Township treasury, **a fee of \$25.**

Article IV of Chapter 32 requires a permit to construct a vault, coal bin or other room under a street or sidewalk and sets the permit fee at \$25. Is this amount still correct?

**Pick one option from list below**

- Revise as follows:
- Do not revise.

Question 32-010

[Chapter 32 Streets and Sidewalks](#)  
[Article IV Vaults, Coal Bins, Etc.](#)  
[Sec. 32-44 Application; fee.](#)

**Code Content:**

[\[§ 32-44\]](#) No permit as required by the preceding section shall be issued until an application to erect such a vault, coal bin or other room or place, signed by the person making the same, and stating the number of square feet or ground which is required for the same and the intended length and width of the same, is presented to the Township Council, and the building inspector is authorized by resolution of the Township Council to issue such permit and until there shall have been paid to the building inspector for the use of the Township treasury, **a fee of \$25.**

Should the fee in § 32-44 be moved to Chapter 2, Appendix III, Fees and Charges for Certain Township Services?

**Pick one option from list below**

- Move fee to Chapter 2, Appendix III.
- Revise as follows:
- Do not revise.

Question 32-011

[Chapter 32 Streets and Sidewalks](#)  
[Article V Gasoline Tanks](#)  
[Sec. 32-49 Fee.](#)

**Code Content:**

[\[§ 32-49\]](#) No permit shall be granted under this article until there shall be paid a fee of \$25.

Article V of Chapter 32 requires a permit to install a gasoline or fuel oil tank under a street and sets the permit fee at \$25. Are any updates needed? We note that the Fire Subcode Fees in Appendix III include fees for fuel storage tanks.

**Pick one option from list below**

Revise as follows:

Revise as follows: (revisions attached).

Do not revise.

Question 32-012

[Chapter 32 Streets and Sidewalks](#)  
[Article V Gasoline Tanks](#)  
[Sec. 32-49 Fee.](#)

**Code Content:**

[\[§ 32-49\]](#) No permit shall be granted under this article until there shall be paid a fee of \$25.

Should the permit fee in § 32-49 be moved to Chapter 2, Appendix III, Fees and Charges for Certain Township Services?

**Pick one option from list below**

Move permit fee to Appendix III.

Revise as follows:

Do not revise.

Question 32-013

[Chapter 32 Streets and Sidewalks](#)  
[Article VI Concrete and Premixed Concrete](#)

Article VI, Concrete and Premixed Concrete, dates from the Township's 1951 Code and should be reviewed by the Township Engineer as to whether it reflects current practice.

**Pick one option from list below**

Revise as follows:

Revise as follows: (revisions attached).

Do not revise.

Question 32-014

[Chapter 32 Streets and Sidewalks](#)  
[Article VI Concrete and Premixed Concrete](#)  
[Sec. 32-54 Requirements of state highway department to be met.](#)

In § 32-54 we will update the references to the State Highway Department to the State Department of Transportation.

Question 32-015

[Chapter 32 Streets and Sidewalks](#)  
[Article VII Improvements by Realty Developers](#)

Article VII of Chapter 32 requires developers to file performance and maintenance bonds. Should this article be removed as superseded by the Township's Development Regulations in Chapter 33 of the Code, specifically § 33-21, Performance and maintenance guarantees?

**Pick one option from list below**

Remove Article VII as superseded by the Development Regulations.

Revise as follows:

Do not revise.

Question 32-016

[Chapter 32 Streets and Sidewalks](#)  
[Article VII Improvements by Realty Developers](#)  
[Sec. 32-57 Regulations generally; bonds.](#)

**Code Content:**

[\[§ 32-57\]](#) All developers who build, erect or install public or private improvements such as streets, sidewalks, curbs, water mains, gas mains, storm sewers and sanitary sewers, in connection with development projects, shall do so in accordance with existing laws and local ordinances. Further, they shall, on or before receiving permits from the **Superintendent of Building**, furnish performance and maintenance bonds to the Township, satisfactory to the Township Manager, guaranteeing the satisfactory completion of said work and indemnifying the Township for and from all defective work arising out of the building, erection or installation of streets, sidewalks, curbs, water mains, gas mains, sewers, sanitary sewers or storm drainage system in any development, and particularly guaranteeing and indemnifying the Township against any and all damage from improper drainage resulting from improper or defective work in any development for a period of three years from the date of acceptance by the Township of said work.

If Article VII is retained, how should the reference to the Superintendent of Building in § 32-57 be updated?

**Pick one option from list below**

- Not applicable; Article VII will be removed.
- Update to Construction Official.
- Revise as follows:
- Do not revise.

Question 32-017

[Chapter 32 Streets and Sidewalks](#)  
[Article VII Improvements by Realty Developers](#)  
[Sec. 32-58 Violations and penalties.](#)

**Code Content:**

[\[§ 32-58\]](#) Any person who shall violate this article shall, upon conviction thereof, pay a fine not exceeding \$200 or be imprisoned in the County Jail for a term not exceeding 90 days, or both, for each offense, at the discretion of the court. Each day that a violation shall continue shall constitute a separate offense.

Section 32-58 sets a penalty for violations of Article VII. If Article VII is retained, is this penalty still satisfactory?

**Pick one option from list below**

- Not applicable; Article VII will be removed.
- Revise as follows:
- Do not revise.

Question 32-018

[Chapter 32 Streets and Sidewalks](#)

[Article VIII Dumpsters and Other Receptacles for Collection of Rubbish and Debris](#)

[Sec. 32-60 Application for permit; regulations for containers.](#)

**Code Content:**

[\[§ 32-60\(c\)\]](#) All such dumpsters, containers or other receptacles which remain on the public street or sidewalk during the hours between the sunset of one day and sunrise of the next day shall be equipped with suitable reflectors or other warning devices as may be required by the Engineering Department. **Such reflectors shall be capable of reflecting motor vehicle headlights at a distance of 500 feet.**

Section 32-60(c) deals with reflectors required on dumpsters. The Township might want to review this section in conjunction with N.J.S.A. 27:5I-1, which includes the following requirement:

*To warn the operators of vehicles of the presence of a traffic hazard requiring the exercise of unusual care, any roll-off dumpster or roll-off container parked on or along any highway shall be equipped with and display markers consisting of all yellow reflective diamond-shaped panels having a minimum size of 18 inches by 18 inches. These panels shall be mounted at the edge of the dumpster or container at both ends nearest the path of passing vehicles and facing the direction of oncoming traffic. These markers shall have a minimum mounting height of three feet from the bottom of the panels to the surface of the roadway.*

**Pick one option from list below**

Replace the last sentence of § 32-60(c) with: "Such reflectors shall meet the requirements of N.J.S.A. 27:5I-1."

Revise as follows:

Do not revise.

Question 32-019

[Chapter 32 Streets and Sidewalks](#)

[Article VIII Dumpsters and Other Receptacles for Collection of Rubbish and Debris](#)

[Sec. 32-64 Violations and penalties.](#)

**Code Content:**

[\[§ 32-64\]](#) **Penalties** for violation of any provision of this article shall be as provided in Section 1-6 of the Code of the Township of Teaneck, 1964, as amended.

Section 32-64 provides that violations of Article VIII are subject to the general penalty in § 1-6, which is currently set at a maximum fine of \$500 or imprisonment for not more than 90 days, or both. Should the penalty for violations of Article VIII be consistent with the penalty prescribed by N.J.S.A. 27:51-1? That section provides: "A person who is convicted of a violation of this section shall pay a fine of not more than \$100.00 for each violation. In default of the payment of a fine, imprisonment in the county jail for a period of not more than 90 days may be imposed."

**Pick one option from list below**

Revise to read "Penalties for violation of any provision of this article shall be as provided in N.J.S.A. 27:51-1."

Revise as follows:

Do not revise.

Question 32-020

[Chapter 32 Streets and Sidewalks](#)  
[Article X Outdoor Public Telephones](#)  
[Sec. 32-69 Application process.](#)

**Code Content:**

[\[§ 32-69\(d\)\]](#) *The initial fee for the permit and annual renewal fee shall be as set forth in Appendix III of Chapter 2. Annual permits shall expire December 31 and no proration shall be made.*

Article X of Chapter 32 provides for public telephones, and § 32-69(d) states that the initial fee and annual renewal fee for the required permit are included in Appendix III of Chapter 2. These permit fees are not provided for in Appendix III. The only fee relating to public telephones now included in Appendix III relates to the removal of public telephones. It states: "Telephone, enclosure and appurtenances release fee (plus Township-incurred costs to remove): \$200." This fee is referenced in § 32-73.

**Pick one option from list below**

Revise as follows:

Revise as follows: (revisions attached).

Do not revise.

Question 32-021

[Chapter 32 Streets and Sidewalks](#)  
[Article XI Roadway Solicitation](#)  
[Sec. 32-75 Prohibition.](#)

**Code Content:**

[\[§ 32-75\(c\)\]](#) *Nothing contained herein shall authorize charitable organizations to solicit on any county highway or intersection of a county highway within the Township of Teaneck without the approval of the **board of chosen freeholders.***

In § 32-75(c) the reference to the Board of Chosen Freeholders could be updated to the Board of County Commissioners pursuant to L. 2020, c. 67, which changed this title and went into effect on January 1, 2021.

**Pick one option from list below**

Update to Board of County Commissioners.

Revise as follows:

Do not revise.

Question 32-022

[Chapter 32 Streets and Sidewalks](#)  
[Article XI Roadway Solicitation](#)  
[Sec. 32-76 General provisions.](#)

**Code Content:**

[\[§ 32-76\(k\)\]](#) State, county, local police, or **the Department** may suspend solicitation operations at any time if any condition of the permit is violated or if, in the police officer's or the Department's sole discretion, traffic is being impeded or delayed or the public safety is at risk.

In § 32-76(k) the reference to "the Department" should be revised to include the full title of the Department to clarify this reference. Perhaps the following revision could be made: "State, county, or local police[,] or the Department of Transportation may suspend solicitation operations..."

**Pick one option from list below**

- Revise as suggested.
- Revise as follows:
- Do not revise.

Question 32-023

[Chapter 32 Streets and Sidewalks](#)  
[Article XI Roadway Solicitation](#)  
[Sec. 32-77 Applications.](#)

**Code Content:**

[\[§ 32-77\(c\)\(3\)\]](#) Your current certificate of insurance, **naming the County as additional insured** for liability purposes in an amount not less than \$1,000,000.

Section 32-77(c)(3) requires a certificate of insurance "naming the County as additional insured." Is this provision correct, or should "County" be changed to "Township"?

**Pick one option from list below**

- Revise to read "naming the Township as additional insured."
- Revise as follows:
- Do not revise.

Question 32-024

[Chapter 32 Streets and Sidewalks](#)  
[Article XI Roadway Solicitation](#)  
[Sec. 32-82 Fees.](#)

Section 32-2 sets the fees for roadway solicitation at \$25 for the application fee and \$10 for the permit fee. Should these fees be moved to Chapter 2, Appendix III, Fees and Charges for Certain Township Services?

**Pick one option from list below**

- Move fees to Chapter 2, Appendix III.
- Revise as follows:

- Do not revise.

Question 32-025

[Chapter 32 Streets and Sidewalks](#)  
[Article XI Roadway Solicitation](#)  
[Sec. 32-83 Violations and penalties.](#)

**Code Content:**

[\[§ 32-83\]](#) Pursuant to N.J.S.A. 39:4-60, any person guilty of violating any provision of this article shall be liable for a fine **not to exceed \$100** for each day of the violation.

Section 32-83 includes a fine of not more than \$100 for violations of Article XI, Roadway Solicitation, which is the penalty prescribed by N.J.S.A. 39:4-60 and N.J.A.C. 16:40–11.1. No changes are recommended.

Question 33-001

[Chapter 33 Development Regulations](#)  
[Article I General Provisions](#)  
[Sec. 33-3 Definitions; rules of construction.](#)

**Code Content:**

[AFFORDABLE] *Having a sales price or rent within the means of a low- or moderate-income household as defined in N.J.A.C. 5:93-7.4, or for housing developed in accordance with the third-round rules of the New Jersey Council on Affordable Housing, as defined by N.J.A.C. 5:94-7.*

The definition of "affordable" in § 33-3 contains outdated references to N.J.A.C. 5:93 and 5:94 which have both expired. Article VI, Affordable Housing, adopted in 2019, includes the following definition of "affordable" in § 33-34:

AFFORDABLE – A sales price or rent within the means of a low- or moderate-income household; in the case of an ownership unit, the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.6, as may be amended and supplemented, and in the case of a rental unit, the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.12, as may be amended and supplemented.

**Pick one option from list below**

- Revise definition of "affordable" in § 33-3 to read "As defined in Article VI, Affordable Housing, § 33-34."
- Revise definition of "affordable" in § 33-3 to match the definition of "affordable" in § 33-34.
- Revise as follows:

Question 33-002

[Chapter 33 Development Regulations](#)  
[Article I General Provisions](#)  
[Sec. 33-3 Definitions; rules of construction.](#)

**Code Content:**

[\[BOARD OF ADJUSTMENT\]](#) *The Board established pursuant to N.J.S.A. 40:55D-69 and Chapter 2 of the Township Code.*

The titles "Board of Adjustment" and "Zoning Board of Adjustment" are both used in the Township Code. Is this acceptable, or should the same title be used consistently? Chapter 2, Charter/Administrative Code, primarily uses "Zoning Board of Adjustment." See Article XVII of Chapter 2.

**Pick one option from list below**

- Change "Board of Adjustment" to "Zoning Board of Adjustment."
- Change "Zoning Board of Adjustment" to "Board of Adjustment."
- Revise as follows:
- Do not revise.

Question 33-003

[Chapter 33 Development Regulations](#)  
[Article I General Provisions](#)  
[Sec. 33-3 Definitions; rules of construction.](#)

**Code Content:**

[\[CHILD-CARE CENTER\]](#) *Every private child-care center, day nursery, nursery school, boarding school or other establishment of similar character for the care of children, in which any tuition fee, board or other form of compensation for the care of children is charged and in which more than five children over the age of two years and under the age of five years are cared for, but which shall not include:*

In the definition of "child-care center" in § 33-3, Subsection (a) refers to the State Board of Child Welfare of the Department of Institutions and Agencies and Subsection (c) also refers to the Department of Institutions and Agencies. Should both of these references be updated to the Department of Children and Families?

**Pick one option from list below**

- Update both references to the State Department of Children and Families.
- Revise as follows:

Question 33-004

[Chapter 33 Development Regulations](#)  
[Article I General Provisions](#)  
[Sec. 33-3 Definitions; rules of construction.](#)

**Code Content:**

[\[DRUG PARAPHERNALIA\]](#) *As defined in N.J.S.A. 24:21-46.*

The definition of "drug paraphernalia" in § 33-3 refers to N.J.S.A. 24:21-46 which was repealed in 1987. We will update this reference to N.J.S.A. 2C:36-1, Drug paraphernalia, defined; determination.

Question 33-005

[Chapter 33 Development Regulations](#)  
[Article I General Provisions](#)  
[Sec. 33-3 Definitions; rules of construction.](#)

**Code Content:**

[\[PARKING SPACE\]](#) *An area either within a structure or in the open for the parking of another vehicle. The width and length of each space shall be measured perpendicular to each other regardless of the angle of the parking space to the access aisle or driveway. The area of a "parking space" shall be a minimum of nine feet wide and eighteen feet long, exclusive of driveways appurtenant thereto.*

In the definition of "parking space" in § 33-3 we believe the wording "open for the parking of another vehicle" should read "open for the parking of a motor vehicle." There is no previous mention of a vehicle, so the reference to "another vehicle" does make sense. In similar definitions adopted by other municipalities this wording reads "parking of a motor vehicle."

**Pick one option from list below**

- Change "parking of another vehicle" to "parking of a motor vehicle."
- Revise as follows:
- Do not revise.

Question 33-006

[Chapter 33 Development Regulations](#)  
[Article I General Provisions](#)  
[Sec. 33-3 Definitions; rules of construction.](#)

**Code Content:**

[PRIVATE SCHOOL] *An institution of education whose general course work is comparable to the public school system and whose curriculum is approved by the New Jersey Department of Education or the **New Jersey Department of Higher Education.***

In the definition of "private school" in § 33-3 should the reference to the New Jersey Department of Higher Education be changed to the New Jersey Office of the Secretary of Higher Education?

**Pick one option from list below**

- Update to the New Jersey Office of the Secretary of Higher Education.
- Revise as follows:
- Do not revise.

Question 33-007

[Chapter 33 Development Regulations](#)  
[Article I General Provisions](#)  
[Sec. 33-3 Definitions; rules of construction.](#)

**Code Content:**

[§ 33-3{168}(c)] *Any other information that may be reasonably required in order to make an informed determination pursuant to **an ordinance requiring review and approval of site plans by the Planning Board.***

In Subsection (c) of the definition of "site plan" in § 33-3 should the wording "an ordinance requiring review and approval of site plans by the Planning Board" be revised to refer to Article III, Site Design Review, of Chapter 33?

**Pick one option from list below**

- Revise to read "pursuant Article III, Site Design Review, of this chapter."
- Revise as follows:
- Do not revise.

Question 33-008

[Chapter 33 Development Regulations](#)  
[Article I General Provisions](#)  
[Sec. 33-3 Definitions; rules of construction.](#)

**Code Content:**

*[TEMPORARY SIGN TEMPORARY WINDOW SIGN]* Any sign put up for a limited period of time for the purpose of:

We question whether the definition of "temporary sign temporary window sign" in § 33-3 should read simply "temporary sign." There is no specific mention of window signs in this definition, and there is a separate definition of "window sign" in this section.

**Pick one option from list below**

- Change "TEMPORARY SIGN TEMPORARY WINDOW SIGN" to "TEMPORARY SIGN."
- Revise as follows:
- Do not revise.

Question 33-009

[Chapter 33 Development Regulations](#)

[Article I General Provisions](#)

[Sec. 33-8 Fee schedule and escrow trust deposits.](#)

**Code Content:**

[\[§ 33-8\(b\)\(1\)\]](#) The **application fee set forth above** is a flat fee to cover direct administrative expenses, other than the services of outside consultants retained by the approving authority, and is nonrefundable. In addition, the applicant may be required by the approving authority to submit a payment to the Township Treasurer for deposit in the Township trust fund as an escrow deposit, in an amount to be determined by the approving authority. This escrow trust fund is intended to cover the reasonable cost of professional services rendered by outside consultants to the approving authority, in conjunction with the development application which are reasonably necessary for a proper consideration of the application. Such services include but are not necessarily limited to professional planners, engineers and traffic consultants. Escrow funds not utilized in the review process shall be returned to the applicant within a reasonable period of time after the adoption of a resolution of memorialization by the approving authority.

Section 33-8(b)(1) refers to the "application fee set forth above." Section 33-8(c) refers to the "application fees as set forth in Section 33-8 hereof." Section 33-8 no longer contains these fees. Subsection (a) of § 33-8 now states: "All fees are contained in Appendix III of Chapter 2." To reflect this change we recommend the following revisions in § 33-8(b) and (c):

§ 33-8(b): "The application fee ~~set forth above~~ is a flat fee to cover direct administrative expenses, other than the services of outside consultants retained by the approving authority, and is nonrefundable."

§ 33-8(c): "The application fees ~~as set forth in Section 33-8 hereof~~ shall be applied to cover direct administrative expenses and other incidental expenses connected with processing and checking all of the materials of the application."

**Pick one option from list below**

Revise as suggested.

Revise as follows:

Do not revise.

Question 33-010

Chapter 33 Development Regulations

Article I General Provisions

Sec. 33-8 Fee schedule and escrow trust deposits.

**Code Content:**

[§ 33-8(d)] *Affordable housing development fees.*

Section 33-8(d), Affordable housing development fees, appears to be superseded by § 33-38, Affordable housing development fees, which was adopted by Ordinance No. 4-2019 as part of Article VI, Affordable Housing, of Chapter 33. Section 33-8(d) should be removed or, if the Township wants to retain a reference to the development fees in § 33-8, revised to read as follows: "Affordable housing development fees. See Article VI, Affordable housing, § 33-38."

**Pick one option from list below**

- Replace § 33-8(d) with: "Affordable housing development fees. See Article VI, Affordable housing, § 33-38."
- Remove and repeal § 33-8(d) in its entirety.
- Revise as follows:

Question 33-011

[Chapter 33 Development Regulations](#)

[Article I General Provisions](#)

[Sec. 33-9.1 Checklists for site plans, minor subdivisions and major subdivision preliminary plats.](#)

**Code Content:**

[\[§ 33-9.1\]](#) *Checklists for site plans, minor subdivisions and major subdivision preliminary plats are set forth in full on the schedules attached and made a part of said Code. These checklists shall be published in summary form by reference to same and made a part of this chapter.*

As the checklists referenced in § 33-9.1 are not actually included in the Code, the Township might want to consider revising this wording to read as follows:

Checklists for site plans, minor subdivisions and major subdivision preliminary plats are set forth in full on the schedules attached to and made a part of this chapter by reference. These checklists shall be published in summary form by reference to the same and are available at the Township offices.

**Pick one option from list below**

- Revise as suggested.
- Revise as follows:

- Do not revise.

Question 33-012

[Chapter 33 Development Regulations](#)  
[Article II Subdivisions](#)  
[Sec. 33-11 Minor subdivision approval.](#)

**Code Content:**

*[§ 33-11(d)] Filing. Approval of a minor subdivision shall expire 190 days from the date of approval unless within such period a minor subdivision plat (which can be the sketch plat) in conformity with such approval and the provisions of the [Map Filing Law, N.J.S.A. 46:23-9.9 et seq.](#), or a deed clearly describing the approved minor subdivision, is filed by the developer with the Bergen County Clerk, the Township engineer and the Township tax assessor. Any such plat or deed must be signed by the chairman and secretary of the approving authority, in order to be recorded with the county. In reviewing the application for development for a proposed minor subdivision, the Planning Board may accept a plat not in conformity with the Map Filing Act, N.J.S.A. 46:23-9.9 et seq., provided that if the developer chooses to file the minor subdivision as provided herein by plat rather than deed, such plat shall conform with the provisions of said act.*

There are four references in Chapter 33 to the Map Filing Law, P.L. 1960, c. 141, N.J.S.A. 46:23-9.9, which section was repealed in 2011. The correct current citation is N.J.S.A. 46:26B-1 et seq. (P.L. 2011, c. 217). We will update these references accordingly.

Question 33-013

[Chapter 33 Development Regulations](#)

[Article II Subdivisions](#)

[Sec. 33-12 Major subdivision preliminary approval.](#)

**Code Content:**

[\[§ 33-12\(a\)\(12\)\]](#) Existing and proposed contours, referred to United States Coast and Geodetic survey datum, with a contour interval of one foot for slopes of less than three percent and an interval of two feet for **slopes of more than three percent but less than fifteen percent or more.** Existing contours are to be indicated by dashed lines, and proposed contours are to be indicated by solid lines.

In § 33-12(a)(12) the wording "slopes of more than three percent but less than fifteen percent or more" does not make sense; it appears that "or more" should be deleted so that this wording reads: "with a contour interval of one foot for slopes of less than three percent and an interval of two feet for slopes of more than three percent but less than fifteen percent."

**Pick one option from list below**

Delete "or more" so wording reads "with a contour interval of one foot for slopes of less than three percent and an interval of two feet for slopes of more than three percent but less than fifteen percent."

Revise as follows:

Do not revise.

Question 33-014

[Chapter 33 Development Regulations](#)  
[Article II Subdivisions](#)  
[Sec. 33-15 Standards and specifications.](#)

Section 33-15 establishes design standards for subdivisions and was last amended in 2007. This section should be reviewed by the Township Engineer and other appropriate officials to ensure it reflects the current standards required by the Township and by the uniform statewide Residential Site Improvement Standards (RSIS). For example, § 33-15(q)(5) states: "Specifications for manholes, inlets and storm drains shall follow the 1961 state highway specifications, as amended."

**Pick one option from list below**

Revise as follows:

Revise as follows: (revisions attached).

Do not revise.

Question 33-015

[Chapter 33 Development Regulations](#)  
[Article II Subdivisions](#)  
[Sec. 33-15 Standards and specifications.](#)

**Code Content:**

*[\[§ 33-15\(e\)\(3\)\]](#) Subject to subsection (e)(4) hereinafter set forth, for all major subdivisions the applicant shall arrange with the serving utility for the underground installation of all utility distribution supply lines and service connections in accordance with the provisions of the applicable standard terms and conditions incorporated as part of its tariffs as the same are on file with the **State of New Jersey, Board of Public Utility Commissioners**, and shall submit to the approving authority, prior to the granting of final approval, a written instrument from each serving utility which shall evidence full compliance with the provisions of this subsection. Lots in such subdivisions which abut existing streets where overhead electric or telephone distribution supply lines have theretofore been installed on any portion of the streets involved, may be supplied with electric and telephone service from such overhead lines, but the service connections from the utilities' overhead lines shall be installed underground, subject to subsection (e)(4) hereinafter set forth. The location of access facilities for servicing the utility in the proposed subdivision shall be developed in conjunction with, and as a part of, the complete subdivision plan.*

In § 33-15(e)(3) we will update the reference to the "State of New Jersey, Board of Public Utility Commissioners" to the New Jersey Board of Public Utilities.

Question 33-016

[Chapter 33 Development Regulations](#)  
[Article II Subdivisions](#)  
[Sec. 33-15 Standards and specifications.](#)

**Code Content:**

*[§ 33-15(f)] Reservation of public areas. If the master plan or the official map provides for the reservation of designated streets, public drainageways, flood control basins or public areas within the proposed development, before approving a subdivision the approving authority may further require that such streets, ways, basins or areas be shown on the plat in locations and sizes suitable to their intended uses. The approving authority may reserve the location and extent of such streets, ways, basins or areas shown on the plat for a period of one year after the approval of the final plat or within such further time as may be agreed to by the developer. Unless during such period or extension thereof the Township shall have entered into a contract to purchase or **constitute condemnation proceedings** according to law for the fee or a lesser interest in the land comprising such streets, ways, basins or areas, the developer shall not be bound by such reservations shown on the plat and may proceed to use such land for private use in accordance with applicable development regulations. The provisions of this subsection shall not apply to streets and roads, flood control basins or public drainageways necessitated by the subdivision or land development and required for final approval.*

In § 33-15(f) the wording "constitute condemnation proceedings" should read "instituted condemnation proceedings." We will make this correction:

Unless during such period or extension thereof the Township shall have entered into a contract to purchase or ~~constitute~~ **instituted** condemnation proceedings according to law for the fee or a lesser interest in the land comprising such streets, ways, basins or areas, the developer shall not be bound by such reservations shown on the plat and may proceed to use such land for private use in accordance with applicable development regulations.

Question 33-017

[Chapter 33 Development Regulations](#)  
[Article II Subdivisions](#)  
[Sec. 33-15 Standards and specifications.](#)

**Code Content:**

*[§ 33-15(j)] Topsoil protection, soil erosion and sediment control. No topsoil shall be removed from the site or used as spoil. Topsoil moved during the course of construction shall be **restricted** so as to provide at least six inches of cover to all areas of the subdivision and shall be stabilized by seeding or planting.*

In § 33-15(j) the word "restricted" should be "redistributed." We will make this correction: "Topsoil moved during the course of construction shall be ~~restricted~~ **redistributed** so as to provide at least six inches of cover to all areas of the subdivision and shall be stabilized by seeding or planting."

Question 33-018

[Chapter 33 Development Regulations](#)  
[Article II Subdivisions](#)  
[Sec. 33-15 Standards and specifications.](#)

**Code Content:**

[\[§ 33-15\(k\)\]](#) Sanitary sewers. The developer shall construct sewerage facilities to **transport all sewerage** to a central sanitary sewerage treatment and collection system, in accordance with Chapter 30 of this Code. No lot shall have an individual septic system. Any sanitary sewerage collection system shall be adequate to handle all present and probable future development. Alignments outside of streets shall require easements for the public convenience. Any collection system shall be designed in accordance with Chapter 30 and the requirements of the New Jersey Department of Environmental Protection.

We will make the following corrections in § 33-15(k). Note that the term "sewerage" means the system of sewers (the pipes). The waste matter is "sewage."

The developer shall construct sewerage facilities to transport all ~~sewerage~~ sewage to a central sanitary ~~sewerage~~ sewage treatment and collection system, in accordance with Chapter 30 of this Code. No lot shall have an individual septic system. Any sanitary ~~sewerage~~ sewage collection system shall be adequate to handle all present and probable future development.

Question 33-019

[Chapter 33 Development Regulations](#)  
[Article II Subdivisions](#)  
[Sec. 33-15 Standards and specifications.](#)

**Code Content:**

[\[§ 33-15\(s\)\(2\)b\]](#) In the event that evergreens and deciduous trees will not grow satisfactorily in said buffer areas, privacy fences, six feet high, may be required pursuant to **the permit procedures of Chapter 2 of this Code.** In the alternative, a landscaped earth berm may be required, not less than five feet high.

Section 33-15(s)(2)b deals with privacy fences and refers to the permit procedures of Chapter 2. This reference seems incorrect. Chapter 2, Charter/Administrative Code, does not mention fences or provide a permit procedure. Should this reference be to § 33-29, Fences and retaining walls?

**Pick one option from list below**

- Change reference from Chapter 2 to § 33-29, Fences and retaining walls.
- Change reference from Chapter 2 to Chapter 11, Buildings.
- Revise as follows:
- Do not revise.

Question 33-020

[Chapter 33 Development Regulations](#)

[Article III Site Design Review](#)

[Sec. 33-16 Site Plan Review Advisory Board.](#)

**Code Content:**

[\[§ 33-16\(e\)\]](#) Rules of procedure. *A quorum shall consist of three members, at least one of whom shall be a registered architect or professional engineer. The concurrence of a majority of the members of the Board present and voting shall be necessary to determine any question before the Board.*

Section 33-16 provides that the Site Plan Review Advisory Board has nine members but only three members are needed for a quorum. Is this provision correct?

**Pick one option from list below**

- Change quorum number from three members to five members.
- Revise as follows:
- Do not revise.

Question 33-021

[Chapter 33 Development Regulations](#)  
[Article III Site Design Review](#)  
[Sec. 33-17 Site plan review procedure.](#)

**Code Content:**

*[\[§ 33-17\(c\)\(1\)\]](#) Submission; time limitations. An application for site plan review shall be submitted to the secretary of the approving authority on forms supplied by the approving authority, the required fee and such other information as the rules and regulations of the approving authority shall require, not inconsistent herewith. The site plan and any engineering documents to be submitted shall be required in tentative form for discussion purposes only. If architectural plans are required to be submitted, preliminary plans and elevations shall be sufficient at this stage. If an application for development is found to be incomplete, the applicant shall be notified thereof within 45 days of the submission of such application or it shall be deemed to be properly submitted.*

We recommend the following revision in § 33-17(c)(1), which is missing wording: "An application for site plan review shall be submitted to the secretary of the approving authority on forms supplied by the approving authority, along with the required fee and such other information as the rules and regulations of the approving authority shall require, not inconsistent herewith."

**Pick one option from list below**

- Revise as suggested.
- Revise as follows:

Question 33-022

[Chapter 33 Development Regulations](#)  
[Article III Site Design Review](#)  
[Sec. 33-18 Standards and specifications.](#)

Section 33-18 establishes design standards for site plans. This section should be reviewed by the Township Engineer and other appropriate officials to ensure it reflects the current standards required by the Township and by the uniform statewide Residential Site Improvement Standards (RSIS).

**Pick one option from list below**

Revise as follows:

Revise as follows: (revisions attached).

Do not revise.

Question 33-023

[Chapter 33 Development Regulations](#)  
[Article III Site Design Review](#)  
[Sec. 33-18 Standards and specifications.](#)

**Code Content:**

[\[§ 33-18\(c\)\(5\)h.4\]](#) *Temporary signs, customary and sometimes necessary in connection with the erection of new buildings, limited to one sign for each construction project and including only the identification of the project, the building, architects, engineers and contractors. Such sign may be freestanding or attached to the premises but shall not exceed 12 square feet in area and shall be removed at the completion of construction or at the expiration of 12 months from the date of original installation, whichever occurs first in time. Temporary banners or signs for storefronts in the four business districts shall adhere to existing restrictions for business signs with regard to size of lettering and overall signage allowed. Temporary banners must be properly secured and anchored to the storefront so as not to move or come loose. Temporary new business banners may not be erected more than 60 days prior to opening of said business and shall be allowed up to 90 days after the opening or approval of the Planning Board. A permit for a conforming sign or a denial for a nonconforming sign shall be decided within two business days of the application being submitted for the temporary sign.*

In § 33-18(c)(5)h4 is the reference to "the four business districts" still acceptable or is an update needed? The Township might want to clarify exactly which four districts are meant by this reference.

**Pick one option from list below**

Revise as follows:

Do not revise.

Question 33-024

[Chapter 33 Development Regulations](#)  
[Article III Site Design Review](#)  
[Sec. 33-18 Standards and specifications.](#)

**Code Content:**

[\[§ 33-18\(c\)\(9\)f\]](#) Banners, streamers, flags, spinners, bunting and similar devices are prohibited except in conjunction with the opening of a business, in which event such display shall not exceed 30 days from the opening date of said business. Such display must also only be affixed to the building within which the business is located and not extend across any public right-of-way such as a street or sidewalk. Such devices require obtaining a permit from the **Construction Code Office** and cannot be utilized prior to obtaining said permit.

In § 33-18(c)(9)f should the reference to the Construction Code Office be changed to the Building Department? There are no other references in the Township Code to a "Construction Code Office."

**Pick one option from list below**

- Change "Construction Code Office" to "Building Department."
- Revise as follows:
- Do not revise.

Question 33-025

[Chapter 33 Development Regulations](#)  
[Article III Site Design Review](#)  
[Sec. 33-18 Standards and specifications.](#)

**Code Content:**

[\[§ 33-18\(i\)\(2\)c\]](#) Exterior lighting shall be limited to vehicle entrances, parking areas, retail entries (if retail uses are provided) and for residential uses at the front lobby pedestrian entry area only. No light fixture shall exceed a height of 18 feet and shall have shields to prevent light spillage onto any adjacent property.

The last sentence of § 33-18(i)(2)c currently reads "No light fixture...shall have shields to prevent light spillage onto any adjacent property." We will make the following correction: "No A light fixture shall not exceed a height of 18 feet and shall have shields to prevent light spillage onto any adjacent property."

Question 33-026

[Chapter 33 Development Regulations](#)  
[Article III Site Design Review](#)  
[Sec. 33-18 Standards and specifications.](#)

**Code Content:**

[\[§ 33-18\(i\)\(3\)\]](#) Refuse and recycling. *Refuse and recycling is encourage to be provided within the building. If such areas are provided outdoors, they shall only be permitted in the rear yard and shall meet the same setbacks as that required for buildings. Such areas shall be shielded on all sides by wood, simulated wood or steel fencing, or walls of the same exterior material and color as that of the principal building, and sufficient in height to screen all refuse and recycling storage containers.*

We recommend the following revision in § 33-18(i)(3) to clarify this wording: "Refuse and recycling ~~is encourage~~ areas are encouraged to be provided within the building." The remainder of this subsection refers to "such areas."

**Pick one option from list below**

- Revise as suggested.
- Revise as follows:

Question 33-027

[Chapter 33 Development Regulations](#)  
[Article IV Supplemental Land Use Controls](#)  
[Sec. 33-20 Off-tract improvements.](#)

**Code Content:**

[\[§ 33-20\(g\)\(3\)\]](#) *There is hereby established an Additional Parking and/or Improvements Trust Fund fee of \$0.07 per square foot of new commercial construction.*

Section 33-20(g)(3) imposes a fee of \$0.07 per square foot of new commercial construction to be paid to the Additional Parking and/or Improvements Trust Fund. Should the fee amount be moved to Chapter 2, Appendix III, Fees and Charges for Certain Township Services?

**Pick one option from list below**

- Move fee to Chapter 2, Appendix III.
- Revise as follows:
- Do not revise.

Question 33-028

[Chapter 33 Development Regulations](#)  
[Article IVA Historic Preservation](#)  
[Sec. 33-21.2 Designation of historic sites and districts.](#)

**Code Content:**

[\[§ 33-21.2\(c\)\(1\)\]](#) *The Commission shall, as soon as practicable, make public a complete list of the tentatively designated historic sites and districts, specifying the location, boundaries and proper names thereof and, in each case, the reason for such designation. In designating any historic site or historic district, the Commission may exempt any improvement or any portion of any Tax Map lot, the demolition or alteration or improving of which would not affect the **historic or district** as to the purpose and criteria set forth in this article. Such exemption shall only be for good cause shown and upon affirmative vote of 2/3 of the full authorized membership of the Commission.*

In § 33-21.2(c)(1) it appears the following correction should be made: "In designating any historic site or historic district, the Commission may exempt any improvement or any portion of any Tax Map lot, the demolition or alteration or improving of which would not affect the historic site or district as to the purpose and criteria set forth in this article."

**Pick one option from list below**

- Revise as suggested.
- Revise as follows:

Question 33-029

[Chapter 33 Development Regulations](#)

[Article IVA Historic Preservation](#)

[Sec. 33-21.4 Applications for classification and certificates of appropriateness.](#)

**Code Content:**

*[\[§ 33-21.4\(b\)\(2\)\]](#) Minor application. If the action for which the certificate of appropriateness is not major, as heretofore described, it shall be classified as a minor application and disposed of summarily as hereinafter set forth.*

Section 33-21.4(b)(2) is missing wording and could be corrected as follows: "If the action for which the certificate of appropriateness is requested is not major, as heretofore described, it shall be classified as a minor application and disposed of summarily as hereinafter set forth."

**Pick one option from list below**

Revise as suggested.

Revise as follows:

Question 33-030

[Chapter 33 Development Regulations](#)  
[Article IVA Historic Preservation](#)  
[Sec. 33-21.7 Violations and penalties.](#)

**Code Content:**

*[§ 33-21.7(b)] Service of notice of violation. Upon learning of the violation, **the appropriate Construction Code Official or Zoning Officer** shall personally serve upon the owner of the property whereon the violation is occurring a notice describing the violation in detail and giving the owner 10 days to abate the violation by restoring the historic site to its status quo ante. If the owner cannot be personally served within the municipality with the said notice, a copy shall be posted on the site and a copy sent by certified mail, return receipt requested, to the owner at his last known address, as it appears on the municipal tax rolls.*

In § 33-21.7(b) should the reference to the "appropriate Construction Code Official or Zoning Officer" be revised to read "the Construction Official or Zoning Officer"? See § 2-50, Appointment of Construction Official.

**Pick one option from list below**

- Revise to "the Construction Official or Zoning Officer."
- Delete "appropriate"; no other change needed.
- Revise as follows:
- Do not revise.

Question 33-031

[Chapter 33 Development Regulations](#)  
[Article IVA Historic Preservation](#)  
[Sec. 33-21.7 Violations and penalties.](#)

**Code Content:**

[\[§ 33-21.7\(d\)\]](#) *Penalties. The penalty for violations shall be as follows:*

Section 33-21.7(d) establishes the following penalties for violations of Article IVA, Historic Preservation. Are any revisions needed?

1. For each day, up to 10 days: not more than \$25 per day.
2. For each day, 11 to 25 days: not more than \$50 per day.
3. For each day beyond 25 days: not more than \$75 per day.

**Pick one option from list below**

Revise as follows:

Do not revise.

Question 33-032

[Chapter 33 Development Regulations](#)  
[Article V Zoning](#)  
[Sec. 33-22 Establishment of zoning districts; interpretation.](#)

**Code Content:**

[\[§ 33-22\(a\)\]](#) *Zoning districts. For purposes of this chapter, the Township is hereby divided into zoning districts as follows:*

Section 33-22(a) contains a table listing all of the Township zoning districts. Some of the entries include the word "district" (e.g., "Residential Townhouse District") while others do not (e.g., "Light Industry"). We recommend standardizing the entries in this table so that they all either do or do not include the word "district."

**Pick one option from list below**

- Include the word "district" for all entries.
- Remove the word "district" from the entries where it appears.
- Do not revise.

Question 33-033

[Chapter 33 Development Regulations](#)

[Article V Zoning](#)

[Sec. 33-22 Establishment of zoning districts; interpretation.](#)

**Code Content:**

[\[§ 33-22\(b\)\]](#) Zoning Map. The boundaries of the zone districts are established on the map entitled "Zoning Map," dated May 1979, revised **May 1980**, which accompanies and is made part of this chapter.

Section 33-22(b) gives the last revision date of the Zoning Map as May 1980. The Township might want to consider changing "revised May 1980" to read simply "as amended."

**Pick one option from list below**

Revise to read "dated May 1979, as amended, which accompanies and is made part of this chapter."

Revise as follows:

Do not revise.

Question 33-034

[Chapter 33 Development Regulations](#)  
[Article V Zoning](#)  
[Sec. 33-23 Rules of general application.](#)

**Code Content:**

*[\[§ 33-23\(d\)\(2\)\]](#) In case any building or structure is erected, altered, converted or maintained or any building, structure or land is used in violation of this chapter, the Township or an interested party, in addition to other remedies, may institute appropriate action to prevent such unlawful erection, alteration, conversion, maintenance or use; to restrain, correct or abate such violation; to prevent the occupancy of said building, structure or land; and to prevent any illegal act, conduct, business or use in or about such premises. Any person convicted of such violations before a court of competent jurisdiction shall be subject to a penalty not to exceed **the maximum amount permitted under N.J.S.A. 40:49-5 and as amended hereafter, and/or 90 days in jail.** Each day that a violation of this section continues shall be deemed a separate and distinct violation.*

Section 33-23(d)(2) refers to the penalty in N.J.S.A. 40:49-5 "and/or 90 days in jail." The section of the statutes which applies to municipalities operating under the Optional Municipal Charter Law is N.J.S.A. 40:69A-29, which provides for a maximum fine, term of imprisonment and period of community service as follows:

*Each municipality governed by an optional form of government pursuant to this act shall, subject to the provisions of this act or other general laws, have full power to:*

*(b) Adopt and enforce local police ordinances of all kinds and impose one or more of the following penalties: fines not exceeding \$2,000 or imprisonment for any term not exceeding 90 days, or a period of community service not exceeding 90 days for the violation thereof; prescribe that for the violation of particular ordinances at least a minimum penalty shall be imposed which shall consist of a fine which may be fixed at an amount not exceeding \$100;*

**Pick one option from list below**

- Revise to read "shall be subject to one or more of the following penalties: a fine not exceeding \$2,000 or imprisonment for any term not exceeding 90 days or a period of community service not exceeding 90 days."
- Revise to read: "shall be subject to a fine not to exceed the maximum amount permitted under N.J.S.A. 40:69A-29 or imprisonment for not more than 90 days, or both."
- Revise as follows:

- Do not revise.

Question 33-035

[Chapter 33 Development Regulations](#)  
[Article V Zoning](#)  
[Sec. 33-23 Rules of general application.](#)

**Code Content:**

*[§ 33-23(d)(2)] In case any building or structure is erected, altered, converted or maintained or any building, structure or land is used in violation of this chapter, the Township or an interested party, in addition to other remedies, may institute appropriate action to prevent such unlawful erection, alteration, conversion, maintenance or use; to restrain, correct or abate such violation; to prevent the occupancy of said building, structure or land; and to prevent any illegal act, conduct, business or use in or about such premises. Any person convicted of such violations before a court of competent jurisdiction shall be subject to a penalty not to exceed **the maximum amount permitted under N.J.S.A. 40:49-5** and as amended hereafter, and/or 90 days in jail. Each day that a violation of this section continues shall be deemed a separate and distinct violation.*

Section 33-23(d)(2) authorizes the imposition of the maximum fine under N.J.S.A. 40:49-5 which is \$2,000. Both N.J.S.A. 40:49-5 and N.J.S.A. 40:69A-29, which applies to municipalities operating under the Optional Municipal Charter Law, include the following requirement when a penalty over \$1,250 is imposed for violation of a zoning code. This provision is not currently included in the Township's Zoning Ordinance.

*Any municipality that chooses to impose a fine in an amount greater than \$1,250 upon an owner for violations of housing or zoning codes shall provide a 30-day period in which the owner shall be afforded the opportunity to cure or abate the condition and shall also be afforded an opportunity for a hearing before a court of competent jurisdiction for an independent determination concerning the violation. Subsequent to the expiration of the 30-day period, a fine greater than \$1,250 may be imposed if a court has not determined otherwise or, upon reinspection of the property, it is determined that the abatement has not been substantially completed.*

To reflect this requirement the following wording could be added to § 33-23(d)(2):

Any person fined more than \$1,250 pursuant to this subsection shall have a thirty-day period in which the person shall be afforded the opportunity to cure or abate the condition and shall also be afforded an opportunity for a hearing before a court of competent jurisdiction for an independent determination concerning the violation. Subsequent to the expiration of the thirty-day period, a fine greater than \$1,250 may be imposed if a court has not determined otherwise or, upon reinspection of the property, it is determined that the abatement has not been substantially completed.

**Pick one option from list below**

- Add wording as suggested.
- Revise § 33-23 to state that the maximum fine is \$1,250.
- Revise as follows:

- Do not revise.

Question 33-036

[Chapter 33 Development Regulations](#)  
[Article V Zoning](#)  
[Sec. 33-23 Rules of general application.](#)

**Code Content:**

[\[§ 33-23\(d\)\(2\)\]](#) *In case any building or structure is erected, altered, converted or maintained or any building, structure or land is used in violation of this chapter, the Township or an interested party, in addition to other remedies, may institute appropriate action to prevent such unlawful erection, alteration, conversion, maintenance or use; to restrain, correct or abate such violation; to prevent the occupancy of said building, structure or land; and to prevent any illegal act, conduct, business or use in or about such premises. Any person convicted of such violations before a court of competent jurisdiction shall be subject to a penalty not to exceed the maximum amount permitted under N.J.S.A. 40:49-5 and as amended hereafter, and/or 90 days in jail. Each day that a violation of this section continues shall be deemed a separate and distinct violation.*

Section 33-23(d)(2) contains conflicting wording with respect to how the penalty established in this subsection applies. The first sentence refers to a "violation of this chapter" while the last sentence refers to a "violation of this section." The reference to "this chapter" would seem to indicate that this penalty applies to any violation of Chapter 33, Development Regulations, while "this section" indicates that it only applies to violations of § 33-23. We believe the intent of this subsection is to set the penalty for violations of the Zoning Ordinance, which is Article V of Chapter 33. If that is the case then both "this chapter" and "this section" should be replaced with "Article V, Zoning, of this chapter."

**Pick one option from list below**

- The penalty in § 33-23(d)(2) applies to violations of the Zoning Ordinance; change "this chapter" and "this section" to "Article V, Zoning, of this chapter."
- Revise as follows:

Question 33-037

[Chapter 33 Development Regulations](#)  
[Article V Zoning](#)  
[Sec. 33-23 Rules of general application.](#)

**Code Content:**

[\[§ 33-23\(f\)\(3\)e.2.\[ii\]\]](#) *No disturbance of established vegetation, unless disturbance is required to remove nonnative species and reestablish native plant materials or to install;*

In § 33-22(f)(3)e, Hackensack River buffer, Subsection 2[ii] ends with "or to install" which seems incomplete. We question whether this subsection should be combined with the subsection which follows. To clarify the wording of Subsection e2 it could be combined and revised as follows:

Buffer area. Said buffer shall consist of natural plant materials. There shall be no disturbance of established vegetation, unless disturbance is required to remove nonnative species and reestablish native plant materials or to install a pathway, benches, lighting and waste receptacles in accordance with standards established by the governing body.

**Pick one option from list below**

- Revise as suggested.
- Revise as follows:

Question 33-038

[Chapter 33 Development Regulations](#)  
[Article V Zoning](#)  
[Sec. 33-23 Rules of general application.](#)

**Code Content:**

[\[§ 33-23\(f\)\(5\)\]](#) *Awnings and canopies. Awnings and canopies are permitted in all districts as accessory structures, accessory to the building to which they are affixed, in accordance with the following criteria:*

There are several conflicts between § 33-23(f)(5), Awnings and canopies, and § 33-18(c)(8), Canopies and awnings. These sections should be reviewed by the Zoning Officer or other appropriate officials to ensure that the correct current standards are included and any inconsistencies are eliminated. The Township might want to consider deleting § 33-23(f)(5) so that all requirements for canopies and awnings are included in just one section, § 33-18(c)(8). Some of the specific conflicts are:

Section 33-23(f)(5) states: "No sign may be drawn or otherwise inscribed upon awnings or canopies." Section 33-18(c)(8) allows awnings to display the business name, logo, street number and phone number and provides: "The combined area of signs on awnings or canopies in excess of five square feet must be counted in the total area allowed that building for its exterior signs."

Section 33-23(f)(5) states that awnings and canopies "shall be permitted only on building walls that front on a public street." Section 33-18(c)(8) provides: "They shall be permitted only on building walls that front on a public street **or rear entrances facing a public street or parking lot.**"

Section 33-23(f)(5) provides: "Total area shall not exceed four square feet for each **square foot** of front wall width." In § 33-18(c)(8) this requirement reads: "Total area shall not exceed four square feet for each **linear foot** of front wall width."

Section 33-23(f)(5) provides: "Awnings and canopies for each occupant in a single building with multiple occupants shall be **uniform** in color, height and design." Section 33-18(c)(8) provides: "Awnings and canopies for each occupant in a single building with multiple occupants shall be **complementary** in color, height and design."

**Pick one option from list below**

Revise as follows:

Revise as follows: (revisions attached).

Do not revise.

Question 33-039

[Chapter 33 Development Regulations](#)  
[Article V Zoning](#)  
[Sec. 33-23 Rules of general application.](#)

**Code Content:**

[\[§ 33-23\(i\)\(2\)\]](#) *Permit fees. All permit fees for temporary toilet facilities shall be as set forth in Appendix III, Fees and Charges for Certain Township Services, of this Code.*

Section 33-23(i)(2) indicates that the fee for a temporary toilet facility is set forth in the fee schedule in Appendix III, which is included in Chapter 2 of the Code. However, no such fee is currently included in Appendix III. The schedule includes fees for a temporary shed, trailer and tent but does not mention temporary toilet facilities.

**Pick one option from list below**

Add the following fee to Appendix III for temporary toilet facilities:

Revise as follows:

Question 33-040

[Chapter 33 Development Regulations](#)  
[Article V Zoning](#)  
[Sec. 33-23 Rules of general application.](#)

**Code Content:**

[\[§ 33-23\(i\)\(3\)b\]](#) *The **Zoning Official**, or his designee, will review the application for completeness and conformance with the terms of this subsection and will either approve or deny the application within 10 business days from the date of submission of the application.*

In § 33-23(i)(3)b we will change "Zoning Official" to "Zoning Officer" for consistency with the rest of the Code. All other references are to the "Zoning Officer."

Question 33-041

[Chapter 33 Development Regulations](#)  
[Article V Zoning](#)  
[Sec. 33-23 Rules of general application.](#)

**Code Content:**

[\[§ 33-23\(i\)\(5\)d\]](#) Any person who violates any provision of this subsection shall, upon conviction thereof, be punished by a fine not to exceed \$500. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Section 33-23(i)(5)(d) sets a fine of not more than \$500 for violations of § 33-23(i), Temporary toilet facility. Is this penalty still satisfactory?

**Pick one option from list below**

- Revise as follows:
- Do not revise.

Question 33-042

[Chapter 33 Development Regulations](#)  
[Article V Zoning](#)  
[Sec. 33-24 Zone district requirements.](#)

All of the zoning district requirements are currently included in one large section, § 33-24, which includes 30 subsections, one for each district, and is over 115 pages long. To make the information for each district easier to access, the Township might want to consider including each district as a separate section in Article V, rather than lumping them all together in one big section. Breaking out each district into its own section would allow a person using eCode to click on the title for that section, such as "R-S Residential Single-Family Detached," and jump right to the requirements for that district. Putting each district into its own section would also allow reorganization so that similar districts could be grouped together, and it would make it easier to add new districts in the future. For example, right now the R-M District is included as Subsection (b), the R-M2 District is included as Subsection (y) and the R-M3 District is included as Subsection (aa). Each district could be made its own section and then these three sections could be organized so that they are in sequence: the R-M District followed by the R-M2 District followed by the R-M3 District.

**Pick one option from list below**

- Include each district as a separate section and put related districts in sequence (e.g., R-M, R-M2 and R-M3; L-I and LI-2).
- Revise as follows:

- Do not revise.

Question 33-043

[Chapter 33 Development Regulations](#)  
[Article V Zoning](#)  
[Sec. 33-24 Zone district requirements.](#)

**Code Content:**

[\[§ 33-24\(a\)\(2\)k\]](#) *Basketball poles, hoops and backboards shall be permitted both within the front yard and rear yard setbacks provided they do not violate any setback requirements that may exist on any filed maps or violate any deed restrictions.*

In § 33-24(a)(2)k the wording "both within the front yard and rear yard setbacks" is awkward and unclear. We question whether the intent was for this subsection to read as follows: "Basketball poles, hoops and backboards shall be permitted ~~both~~ within both the front yard and rear yard setbacks..."

**Pick one option from list below**

- Revise as suggested.
- Revise as follows:

Question 33-044

[Chapter 33 Development Regulations](#)  
[Article V Zoning](#)  
[Sec. 33-24 Zone district requirements.](#)

**Code Content:**

[\[§ 33-24\(a\)\(3\)\]](#) *Conditional uses. None.*

In § 33-24(a)(3), regarding conditional uses in the R-S District, it appears the word "None" should be deleted, as this subsection lists the following as conditional uses in this district: home professional offices, public and private nursery, elementary and secondary schools, quasi-public buildings and recreation areas, houses of religious worship, and group-care housing for more than six persons.

**Pick one option from list below**

- Delete "None."
- Revise as follows:

Question 33-045

[Chapter 33 Development Regulations](#)  
[Article V Zoning](#)  
[Sec. 33-24 Zone district requirements.](#)

**Code Content:**

[\[§ 33-24\(a\)\(3\)a\]](#) *Home professional offices employing two persons but no more than six persons other than the resident professional, subject to the provisions of Section 33-25 of this chapter.*

The following correction should be made in § 33-24(a)(3)a: "Home professional offices employing more than two persons but no more than six persons other than the resident professional, subject to the provisions of Section 33-25 of this chapter." See § 33-25(h): "The following specifications and standards shall apply to the development of a home professional office which employs more than two persons other than the resident professional, but no more than six such employees." A home professional office employing two persons is a permitted accessory use pursuant to § 33-24(a)(2)b.

**Pick one option from list below**

- Revise as suggested.
- Revise as follows:

Question 33-046

[Chapter 33 Development Regulations](#)  
[Article V Zoning](#)  
[Sec. 33-24 Zone district requirements.](#)

**Code Content:**

[\[§ 33-24\(l\)\]](#) *Mixed Use Commercial Zone District.*

Section 33-24(l) provides for the Mixed Use Commercial Zone District. This district is not currently included in the list of districts in § 33-22. Should it be added to that section and, if so, is the correct designation for this district "MX"?

**Pick one option from list below**

- Add this district to § 33-22 as "MX Mixed Use District."
- Revise as follows:

- Do not revise.

Question 33-047

[Chapter 33 Development Regulations](#)  
[Article V Zoning](#)  
[Sec. 33-24 Zone district requirements.](#)

**Code Content:**

[\[§ 33-24\(n\)\]](#) *P Public Land District.*

Section 33-24(n) provides for the P Public Land District. This district is not currently included in the list of districts in § 33-22. Should it be added to that section?

**Pick one option from list below**

- Add the "P Public Land District" to § 33-22.
- Revise as follows:

Question 33-048

[Chapter 33 Development Regulations](#)  
[Article V Zoning](#)  
[Sec. 33-25 Conditional use criteria.](#)

**Code Content:**

[\[§ 33-25\(e\)\]](#) *Group-care housing. The following specifications and standards shall apply to the development of group-care housing in a district which permits same as a conditional use:*

The Township's Zoning Ordinance designates group-care housing as a conditional use and standards for this use are provided in § 33-25(e). The Township Attorney should be consulted as to whether this type of use can be treated as a conditional use and whether the restrictions in § 33-25(e) can be imposed in light of the Federal District Court decision in Arc of New Jersey and Mental Health Association in New Jersey, et al. v the State of New Jersey, et al., 950 F.Supp 637 (D.N.J. 1966), in which the Court held that a zoning ordinance which required a community residence for people with disabilities to obtain a conditional permit was in violation of the Federal Fair Housing Act. Subsequent to this decision, N.J.S.A. 40:55D-66.1 was amended to provide as follows:

*Community residences for persons with developmental disabilities, community shelters for victims of domestic violence, community residences for persons with terminal illnesses, community residences for persons with head injuries, and adult family care homes for persons who are elderly and adults with physical disabilities shall be a permitted use in all residential districts of a municipality, and the requirements therefor shall be the same as for single family dwelling units located within such districts.*

The Township's Zoning Ordinance defines "group-care housing" in § 33-3 as follows:

A residential facility in a single-family dwelling providing food, shelter and personal guidance to elderly, developmentally disabled or mentally ill persons, living together as a single, nonprofit, housekeeping unit, under such supervision as required. "Elderly" shall mean a person who has attained age 62 or over.

**Pick one option from list below**

Revise as follows:

Revise as follows: (revisions attached).

Do not revise.

Question 33-049

[Chapter 33 Development Regulations](#)  
[Article V Zoning](#)  
[Sec. 33-25 Conditional use criteria.](#)

**Code Content:**

[\[§ 33-25\(e\)\(3\)\]](#) *With respect to residences for the developmentally disabled (as defined in N.J.S.A. 30:11B-2) and mentally ill (as defined in [N.J.S.A. 30:4-23](#)), a conditional use permit may be denied if the number of developmentally disabled and mentally ill persons resident in existing group care housing in the Township exceeds fifty persons or five-tenths percent of the population of the Township, at the time of the application.*

Section 33-25(e)(3) refers to residences for the mentally ill as defined in N.J.S.A. 30:4-23. That section was repealed in 1987. A definition of "community residence for the mentally ill" is now contained in N.J.S.A. 30:11B-2, along with a definition of "community residence for the developmentally disabled."

**Pick one option from list below**

Revise to read "With respect to community residences for the developmentally disabled and mentally ill, as defined in N.J.S.A. 30:11B-2..."

Revise as follows:

Do not revise.

Question 33-050

[Chapter 33 Development Regulations](#)  
[Article V Zoning](#)  
[Sec. 33-25 Conditional use criteria.](#)

**Code Content:**

[\[§ 33-25\(e\)\(5\)\]](#) *In the case of group-care housing for the mentally ill, such residence shall have been approved for a purchase of service contract or an affiliation agreement pursuant to such procedures as shall be established by the [Division of Mental Health and Hospitals](#) of the New Jersey Department of Human Services.*

In § 33-25(e)(5) we will update the reference to the Division of Mental Health and Hospitals to the Division of Mental Health and Addiction Services, the current title of this Division.

Question 33-051

[Chapter 33 Development Regulations](#)  
[Article V Zoning](#)  
[Sec. 33-25 Conditional use criteria.](#)

**Code Content:**

[\[§ 33-25\(m\)\(5\)c.3\]](#) *Within any R-S Residential Single-Family District, R-M Residential Multifamily District, B-1 Business - Retail District, B-2 Business - Office District, B-R Special Business - Residential District and RR-M Redevelopment Residential Multifamily District Zones.*

Section 33-25(m)(5)c3 states that the location of antennas, tower structures and equipment cabinets and buildings in the B-1 and B-2 Districts is prohibited. This provision conflicts with § 33-24, which lists "Wireless communications towers and antennas, subject to the provisions of Section 33-25 of this chapter" as a conditional use in the B-1 and B-2 Districts. See § 33-24(c)(3)f and (d)(3)c.

**Pick one option from list below**

- Wireless communications towers and antennas are not permitted in the B-1 and B-2 Districts; delete § 33-24(c)(3)f and (d)(3)c.
- Delete the B-1 District and B-2 District from § 33-25(m)(5)c3.
- Revise as follows:

- Do not revise.

Question 33-052

[Chapter 33 Development Regulations](#)  
[Article V Zoning](#)  
[Sec. 33-25 Conditional use criteria.](#)

**Code Content:**

[\[§ 33-25\(m\)\(9\)b\]](#) *Preexisting towers. Preexisting towers shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with **a new tower of construction and height**) shall be permitted on such preexisting towers. New construction other than routine maintenance on a preexisting tower shall comply with the requirements of this subsection.*

Based on a review of similar ordinances, the word "like" should be included in § 33-25(m)(9)b as follows: "Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such preexisting towers." We will make this correction.

Question 33-053

[Chapter 33 Development Regulations](#)

[Article V Zoning](#)

[Sec. 33-26 Prohibited uses.](#)

**Code Content:**

[\[§ 33-26\(b\)\(2\)\]](#) *Billboards, signboards, advertising signs and devices not related to a business being conducted in the premises upon which it is displayed.*

Section 33-26(b)(2) lists billboards as a prohibited use in the Township. This provision conflicts with § 33-27(b), Billboards, which provides that billboards are permitted as a conditional use in the L-I District.

**Pick one option from list below**

Revise to read "Billboards, except for billboards in the L-I District which are in compliance with § 33-27(b) of this chapter, advertising signs and devices not related to a business being conducted in the premises upon which it is displayed."

Revise as follows:

Do not revise.

Question 33-054

[Chapter 33 Development Regulations](#)

[Article V Zoning](#)

[Sec. 33-26 Prohibited uses.](#)

**Code Content:**

[\[§ 33-26\(b\)\(11\)\]](#) *Except as otherwise provided herein, the use of any premises within the Township of Teaneck for the planting, propagating, cultivating, growing, harvesting, composting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, vaporizing, wholesale sale, or retail sale of marijuana, marijuana products, marijuana extracts or marijuana paraphernalia by marijuana cultivators, manufacturers, retailers, and wholesalers.*

Section 33-26, Prohibited uses, lists in Subsection (b)(11) certain activities relating to marijuana. The Township Attorney should be consulted regarding this subsection, as well as the definitions relating to marijuana in § 33-3, and whether any changes are needed in light of the New Jersey Cannabis Regulatory, Enforcement Assistance and Marketplace Modernization Act, P.L. 2021, c. 16. Information on this act and a sample opt-out ordinance are available on the website of the New Jersey State League of Municipalities: <https://www.njlm.org/969/Cannabis-Legalization>

**Pick one option from list below**

Revise as follows:

Revise as follows: (revisions attached).

Do not revise.

Question 33-055

[Chapter 33 Development Regulations](#)

[Article V Zoning](#)

[Sec. 33-26 Prohibited uses.](#)

**Code Content:**

[\[§ 33-26\(c\)\]](#) *Industrial uses prohibited in all districts. Any use which is noxious or offensive by reason of odor, dust, noise, smoke, gas, fumes, radiation or similar conditions, such as the following:*

The following revision should be made in § 33-26(c) to make a complete sentence and clarify this wording: "Any use which is noxious or offensive by reason of odor, dust, noise, smoke, gas, fumes, radiation or similar conditions is prohibited, such as the following:"

**Pick one option from list below**

Revise as suggested.

Revise as follows:

Question 33-056

[Chapter 33 Development Regulations](#)

[Article V Zoning](#)

[Sec. 33-28 Off-street parking; loading and unloading.](#)

**Code Content:**

[\[§ 33-28\(b\)\(3\)\]](#) *Minimum off-street parking requirements.*

In the table of minimum off-street parking requirements in § 33-28(b)(3) there are conflicting entries for "general office use, without counter." One entry ("without counter") gives the requirement as one parking space per 400 square feet of gross floor area but a second entry ("with or without counter") gives the requirement as one parking space per 250 square feet of gross floor area. We question whether the entry for "with or without counter" (the second entry below) should be deleted in light of the separate entries for "without counter" and "with counter."

General office use, **without counter** or similar facility designed to service customers: 1 per 400 square feet of gross floor area.

General office use, **with or without counter** or similar facility designed to service customers: 1 per 250 square feet of gross floor area.

General office use, **with counter** or similar facility designed to service customers: 1 per 250 square feet of gross floor area.

**Pick one option from list below**

Delete the entry reading "General office use, with or without counter or similar facility designed to service customers: 1 per 250 square feet of gross floor area."

Revise as follows:

Do not revise.

Question 33-057

[Chapter 33 Development Regulations](#)  
[Article V Zoning](#)  
[Sec. 33-32 Special Improvement District.](#)

**Code Content:**

[\[§ 33-32\(d\)\(2\)c\]](#) *Four representatives who either: (i) own a business located within the Special Improvement District, or who are either officers, directors or managing employees of a business within the Special Improvement District; or (ii) own real estate in the Special Improvement District, or who are officers, directors or managing employees of a holding company which owns real estate in the Special Improvement District; appointed by the Township Council for a term of two years; provided, however, that terms of the initial appointments shall be staggered so that two terms shall be **for years** and two terms shall be for three years.*

In § 33-32(d)(2)c regarding the members of the Cedar Lane Management Group the number of years is missing in the following: "terms of the initial appointments shall be staggered so that **two terms shall be for years** and two terms shall be for three years."

**Pick one option from list below**

- Revise to read "so that two terms shall be for two years and two terms shall be for three years."
- Revise as follows:

Question 33-058

[Chapter 33 Development Regulations](#)  
[Article V Zoning](#)  
[Sec. 33-32 Special Improvement District.](#)

**Code Content:**

[\[§ 33-32\(i\)\(1\)\]](#) *The Township of Teaneck may, by resolution of the Council, delegate to the District Management Corporation the contracting of work to be done on any street or streets or other **City-owned property** included within the Special Improvement District.*

In § 33-32(i)(1) the wording "City-owned property" should read "Township-owned property." We will make this correction.

Question 33-059

[Chapter 33 Development Regulations](#)

[Article VI Affordable Housing](#)

[Sec. 33-34 General program purposes; procedure; definitions.](#)

***Code Content:***

*[\[ASSISTED LIVING RESIDENCE\]](#) A facility licensed by the [New Jersey Department of Health and Senior Services](#) to provide apartment-style housing and congregate dining and to ensure that assisted living services are available when needed for four or more adult persons unrelated to the proprietor and that offers units containing, at a minimum, one unfurnished room, a private bathroom, a kitchenette and a lockable door on the unit entrance.*

In the definition of "assisted living residence" in § 33-34 we will update the reference to the New Jersey Department of Health and Senior Services to the New Jersey Department of Health, the current title of this Department.

Question 33-060

[Chapter 33 Development Regulations](#)

[Article VI Affordable Housing](#)

[Sec. 33-34 General program purposes; procedure; definitions.](#)

**Code Content:**

[DEVELOPER] *Any person, partnership, association, company or corporation that is the legal or beneficial owner or owners of a lot or any land proposed to be included in a proposed development, including the holder of an option to contract or purchase, or other person having an enforceable proprietary interest in such land.*

Section 33-34 contains two definitions of "developer"; see below. One of these definitions should be deleted. Definition 2 duplicates the italicized wording indicated in Definition 1, except that where Definition 1 reads "an option to contract or purchase," Definition 2 reads "an option or contract to purchase."

Definition 1: DEVELOPER – Any person, partnership, association, company or corporation that is *the legal or beneficial owner or owners of a lot or any land proposed to be included in a proposed development, including the holder of **an option to contract or purchase**, or other person having an enforceable proprietary interest in such land.*

Definition 2: DEVELOPER – The legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of **an option or contract to purchase**, or other person having an enforceable proprietary interest in such land.

**Pick one option from list below**

- Delete Definition 1.
- Delete Definition 2.
- Revise as follows:

Question 33-061

[Chapter 33 Development Regulations](#)  
[Article VI Affordable Housing](#)  
[Sec. 33-35 Administration.](#)

**Code Content:**

[\[§ 33-35\(c\)\(2\)a.1\]](#) *A fine of not more than \$500 or imprisonment for a period not to exceed 90 days, or both. Each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not as a continuing offense.*

Section 33-35(c)(2)a1 establishes a penalty set at a fine of not more than \$500 or imprisonment for not more than 90 days, or both, for violations of the affordable housing regulations. Is this penalty still satisfactory?

**Pick one option from list below**

- Revise as follows:
- Do not revise.

Question 33-062

[Chapter 33 Development Regulations](#)  
[Article VI Affordable Housing](#)  
[Sec. 33-35 Administration.](#)

**Code Content:**

[\[§ 33-35\(c\)\(8\)\]](#) *The owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the owner.*

It appears the following correction should be made in § 33-35(c)(8): "The owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of the regulations governing affordable housing units until such time as title is conveyed from the owner." There are several other references in § 33-35(c) to "the regulations governing affordable housing units."

**Pick one option from list below**

- Revise as suggested.

Question 33-063

[Chapter 33 Development Regulations](#)

[Article VI Affordable Housing](#)

[Sec. 33-35 Administration.](#)

**Code Content:**

[\[§ 33-35\(e\)\]](#) *The cost for administering the affordable housing program for the Township of Teaneck, including affirmative marketing, household certification, affordability controls, resale and rentals, communicating with unit owners and enforcement, shall be the responsibility of developers or owners of affordable housing units in accordance with the following fee schedule, as may be amended from time to time:*

Section 33-35(e) contains a fee schedule. We would like to confirm that the placement of this fee schedule is correct and that it should not be moved and included in Chapter 2, Appendix III, Fees and Charges for Certain Township Services, and also that the fees are still current and no updates are needed.

**Pick one option from list below**

- Move fee schedule to Chapter 2, Appendix III; no changes are needed to the fee amounts.
- Handle as follows:

- Do not revise.

Question 33-064

Chapter 33 Development Regulations

Article VI Affordable Housing

Sec. 33-36 Affirmative marketing within inclusionary development.

**Code Content:**

[§ 33-36(c)(7)] *Applications for low- and moderate-income housing shall be available in several convenient locations within the Township of Teaneck, including, at a minimum, Town Hall, the Teaneck Public Library, and the developer's sales/rental office. The following is a listing of community contact persons and/or organizations in Teaneck that will administer the program and will aid in the affirmative marketing program with particular emphasis on contacts that will reach out to groups that are least likely to apply for housing within the region: land use administrator, County Housing Office and houses of worship.*

Section 33-36(c)(7) refers to the "Town Hall" and "land use administrator." Should "Town Hall" be changed to "Township Municipal Building" and should "land use administrator" be changed to "Zoning Officer"?

**Pick one option from list below**

- Change "Town Hall" to "Township Municipal Building" and "land use administrator" to "Zoning Officer."
- Revise as follows:

- Do not revise.

Question 33-065

[Chapter 33 Development Regulations](#)  
[Article VI Affordable Housing](#)  
[Sec. 33-37 Affordable unit controls and requirements.](#)

**Code Content:**

[\[§ 33-37\(c\)\(7\)\]](#) *Deeds of all real property that include restricted ownership units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or seller with the records office of the County of Bergen. A copy of the filed document shall be provided to the administrative agent within 30 days of the receipt of a certificate of occupancy. The deed restriction shall be subject to the approval of the administrative agent and shall be substantially in the form set forth in **Schedule B**, annexed hereto and made part of this article.*

Article VI, Affordable Housing, adopted by Ordinance No. 4-2019, references two attachments, Schedule A, Mandatory Deed Restriction for Rental Projects, and Schedule B, Mandatory Deed Form for Ownership Units. Do these schedules need to be included in the Code or can they be referenced as on file in the Township offices?

**Pick one option from list below**

- Retain Schedules A and B in the Code as attachments to Ch. 33.
- Schedules A and B do not need to be included in the Code; remove and add notes that they are on file at the Township offices.
- Handle as follows:

Question 33-066

[Chapter 33 Development Regulations](#)  
[Article VI Affordable Housing](#)  
[Sec. 33-38 Affordable housing development fees.](#)

**Code Content:**

[\[§ 33-38\(c\)\(1\)\]](#) *There is hereby created a separate interest-bearing housing trust fund to be maintained by the Township's Chief Financial Officer and proceeds from the sale of units with extinguished controls.*

Section 33-38(c)(1) is missing wording. Based on the model development fee ordinance the following wording should be included: "There is hereby created a separate interest-bearing housing trust fund to be maintained by the Township's Chief Financial Officer for the purpose of depositing development fees collected from residential and nonresidential developers and proceeds from the sale of units with extinguished controls." We will make this correction.

Question 33-067

[Chapter 33 Development Regulations](#)  
[Article VI Affordable Housing](#)  
[Sec. 33-38 Affordable housing development fees.](#)

**Code Content:**

[\[§ 33-38\(d\)\]](#) *The Township of Teaneck may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with **N.J.A.C. 5:96-18.***

Section 33-38(d) includes a reference to N.J.A.C. 5:96-18 which section no longer exists. The New Jersey Supreme Court struck down the Council on Affordable Housing's third-round rules, formerly included in N.J.A.C. 5:96 and 5:97, in 2013, and these chapters also expired in 2015. N.J.A.C. 5:96 is now blank and reserved.

**Pick one option from list below**

- Delete "in accordance with N.J.A.C. 5:96-18."
- Revise to read "in accordance with N.J.A.C. 5:80-26.1 et seq."
- Revise as follows:

Question 34-001

[Chapter 34 Swimming Pools](#)

[Sec. 34-8 Drainage systems; connections with sanitary sewers.](#)

**Code Content:**

*[§ 34-8] All swimming pools, except portable pools, constructed after July 2, 1957, shall be provided with at least one four-inch-diameter cast-iron pipe or approved equal drain extending from such pool to either a brook or storm sewer or connected to a lawn sprinkler system installed in conformance with the Plumbing Code of the Township. Portable pools shall be drained through a hose not exceeding 3/4 inch in diameter, and in such a manner as to avoid a nuisance or property damage to adjoining properties. No pool drain shall be connected to the sanitary sewer system. If it is, in the judgment of the Township Engineer, physically impossible to connect a swimming pool drain to a brook or a storm sewer, the Township Engineer may grant a permit to connect such drain to a sanitary sewer. The fee for each such permit shall be as set forth in Appendix III of Chapter 2. Each permit shall expire on December 31 in the year in which it was issued.*

Section 34-8 refers to the Township Plumbing Code. Should this reference be updated to the State Uniform Construction Code? See N.J.A.C. 5:23-3.15, Plumbing subcode, which adopts the National Standard Plumbing Code/2018 as part of the State Uniform Construction Code.

**Pick one option from list below**

Change "Plumbing Code of the Township" to "State Uniform Construction Code."

Revise as follows:

Do not revise.

Question 35-001

[Chapter 35 Taxicabs and Other Vehicles for Hire](#)  
[Article I In General](#)

Article I of Chapter 35 relating to taxicabs and vehicles for hire has not been amended since 1986 and should be reviewed by the appropriate officials as to whether it reflects the Town's current regulations for taxicabs. The state statutes relating to taxicabs, N.J.S.A. 48:16-1 et seq., were amended in 2011 (L. 2011, c. 135). We note that N.J.S.A. 48:16-2.1 provides: "A municipality shall determine by ordinance the number of taxi licenses available for issuance." Article I of Chapter 35 does not current state the number of taxi licenses issued by the Township. The statutes now also require criminal history background checks for taxicab operators/drivers (N.J.S.A. 48:16-3b) and assignment of power of attorney by the taxicab owner to the municipality's chief fiscal officer (N.J.S.A. 48:16-5). Included below are links to two more recent sample ordinances.

Township of Monroe: <https://www.ecode360.com/7183432>

Borough of Palmyra: <https://www.ecode360.com/11284327>

**Pick one option from list below**

Revise as follows:

Revise as follows: (revisions attached).

Do not revise.

Question 35-002

[Chapter 35 Taxicabs and Other Vehicles for Hire](#)  
[Article II Towing and Storage Services](#)  
[Sec. 35-21 Responsibility of licensees.](#)

**Code Content:**

[\[§ 35-21\(l\)\]](#) Maintain all such storage facilities in compliance with local, state and federal laws and regulations and store vehicles in compliance with **all applicable**.

Section 35-21(l) is missing wording at the end, after "all applicable."

**Pick one option from list below**

- Revise to read "all applicable laws."
- Revise as follows:

Question 35-003

[Chapter 35 Taxicabs and Other Vehicles for Hire](#)  
[Article II Towing and Storage Services](#)  
[Sec. 35-28 Violations and penalties; enforcement.](#)

**Code Content:**

[\[§ 35-28\(a\)\]](#) Any person, firm or corporation violating the provisions of this article shall, upon conviction thereof, be subject to a fine of not less than \$100 nor more than \$2,000 or to imprisonment for not more than 90 days, or both, in the discretion of the Judge of the Municipal Court.

Section 35-28(a) sets the penalty for violations of Article II, Towing and Storage Services, at a fine of not less than \$100 nor more than \$2,000 or imprisonment for not more than 90 days, or both, which is consistent with the maximum penalties allowed by N.J.S.A. 40:69A-29.

**Pick one option from list below**

- Revise as follows:
- Do not revise.

Question 36-001

[Chapter 36 Traffic](#)  
[ARTICLE I In General](#)  
[Sec. 36-6 Penalties.](#)

**Code Content:**

[\[§ 36-6\]](#) Unless another penalty is expressly provided by the Revised Statutes of New Jersey, every person convicted of a violation of a provision of this chapter shall be liable to a penalty of **not more than \$500 or imprisonment for a term not exceeding 15 days, or both.**

Section 36-6 sets a general penalty for violations of Chapter 36 at a fine of not more than \$500 or imprisonment for not more than 15 days, or both. Is any revision desired? We typically see a maximum fine of \$50 pursuant to N.J.S.A. 39:4-203, which sets the general penalty for violations of Title 39, Chapter 4, Traffic Regulation, of the statutes as follows: "For a violation of a provision of this chapter or any supplement thereto for which no specific penalty is provided, the offender shall be liable to a penalty of not more than \$50.00 or imprisonment for a term not exceeding 15 days, or both."

**Pick one option from list below**

- Revise as follows:
- Do not revise.

Question 36-002

[Chapter 36 Traffic](#)  
[ARTICLE II Parking](#)  
[DIVISION 1 GENERALLY](#)  
[Sec. 36-10.2 Penalties for parking during snow emergencies.](#)

Section 36-10.2 sets the penalties for parking during snow emergencies at not more than \$100 for a first offense, not less than \$100 nor more than \$200 for a second offense and not less than \$100 nor more than \$300 for a third or subsequent offense. Are these amounts still satisfactory?

**Pick one option from list below**

- Revise as follows:
- 

- Do not revise.

Question 36-003

[Chapter 36 Traffic](#)

[ARTICLE II Parking](#)

[DIVISION 1 GENERALLY](#)

[Sec. 36-11.1 Reservation of parking spaces for handicapped drivers.](#)

**Code Content:**

[\[§ 36-11.1\(b\)\]](#) *Any person wrongfully occupying such space shall be guilty of violating this section and shall be subject to the penalties provided in Section 1-6 of the Teaneck Township Code.*

Section 36-11.1(b) provides that a person wrongfully occupying a handicapped parking space is subject to the general penalty in § 1-6, which is currently set at a fine of not more than \$500 or imprisonment for not more than 90 days, or both. The penalty prescribed for handicapped parking violations in N.J.S.A. 39:4-197(3)(c) is as follows: "Any person parking a motor vehicle in a restricted parking space without a special vehicle identification card shall be liable to a fine of \$250 for the first offense and, for subsequent offenses, a fine of at least \$250 and up to 90 days' community service on such terms and in such form as the court shall deem appropriate, or any combination thereof."

**Pick one option from list below**

Revise to read "shall be subject to the penalties provided in N.J.S.A. 39:4-197(3)(c)."

Revise as follows:

Do not revise.

Question 36-004

[Chapter 36 Traffic](#)

[ARTICLE II Parking](#)

[DIVISION 1 GENERALLY](#)

[Sec. 36-11.2 Establishment of restricted on-street parking spaces for handicapped.](#)

**Code Content:**

[\[§ 36-11.2\]](#) *The designated spaces below are reserved for exclusive use by persons who have been issued special vehicle identification cards by the **Division of Motor Vehicles**, pursuant to the provisions of Section 2 of P.L. 1949, c. 280 (N.J.S.A. 39:4-205), when using a motor vehicle on which is displayed a certificate for which a special vehicle identification card has been issued, pursuant to Section 3 of said law (N.J.S.A. 39:4-206). Unless sooner repealed or extended by ordinance, the designated spaces below shall expire as of December 31, 2021. Any designation of additional spaces or extensions of existing spaces shall expire on a date five years for owners and two years for renters from the effective date of such designation or extension, unless sooner repealed. [Ord. No. 24-2020, 9-22-2020]*

In § 36-11.2 the reference to the Division of Motor Vehicles should be updated to the New Jersey Motor Vehicle Commission. See N.J.S.A. 39:4-205, as amended by L. 2013, c. 3.

**Pick one option from list below**

- Revise as suggested.
- Revise as follows:
- Do not revise.

Question 36-005

[Chapter 36 Traffic](#)

[ARTICLE II Parking](#)

[DIVISION 1 GENERALLY](#)

[Sec. 36-11.3 Restricted resident decal parking.](#)

**Code Content:**

*[\[§ 36-11.3\(a\)\]](#) Residents of the Township of Teaneck may annually make application to the Township Clerk for the issuance of resident decals upon payment of an application fee for a resident parking decal in an amount of \$50 per calendar year or part thereof per each vehicle or as otherwise set forth in the current fee ordinance of the Township of Teaneck. A decal issued pursuant to this section shall expire at 11:59 p.m. on December 31 of the year in which issued.*

Section 36-11.3(a) provides for "an application fee for a resident parking decal in an amount of \$50 per calendar year or part thereof." Should this fee be moved and included in Chapter 2, Appendix III, Fees and Charges for Certain Township Services? Is the amount still correct?

**Pick one option from list below**

Move fee to Chapter 2, Appendix III; \$50 is still correct.

Revise as follows:

Do not revise.

Question 36-006

[Chapter 36 Traffic](#)

[ARTICLE II Parking](#)

[DIVISION 1 GENERALLY](#)

[Sec. 36-11.3 Restricted resident decal parking.](#)

**Code Content:**

[\[§ 36-11.3\(b\)\(3\)\]](#) *In addition to the resident parking decals issued hereunder, a resident issued a resident parking decal may obtain a visitor's parking pass upon payment of a fee of \$10 for each such visitor's parking pass, which shall entitle the holder thereof to park on the portions of the streets designated in Subsection (a) hereof on the date indicated on said parking pass. Each parking pass shall be issued for a twenty-four-hour period commencing 9:00 a.m. on the date indicated on the parking pass and expiring at 9:00 a.m. on the following day. The visitor's parking pass shall be displayed on the dashboard of the vehicle while such vehicle is parked.*

Section 36-11.3(b)(3) provides for issuance of a visitor's parking pass with the fee set at \$10. Is this amount still correct, and should this fee be moved to Chapter 2, Appendix III, Fees and Charges for Certain Township Services?

**Pick one option from list below**

- Move fee to Chapter 2, Appendix III; \$10 is still correct.
- Revise as follows:

- Do not revise.

Question 36-007

[Chapter 36 Traffic](#)

[ARTICLE II Parking](#)

[DIVISION 1 GENERALLY](#)

[Sec. 36-11.3 Restricted resident decal parking.](#)

**Code Content:**

[\[§ 36-11.3\(b\)\(3\)\]](#) *In addition to the resident parking decals issued hereunder, a resident issued a resident parking decal may obtain a visitor's parking pass upon payment of a fee of \$10 for each such visitor's parking pass, which shall entitle the holder thereof to park on the portions of the streets designated in Subsection (a) hereof on the date indicated on said parking pass. Each parking pass shall be issued for a twenty-four-hour period commencing 9:00 a.m. on the date indicated on the parking pass and expiring at 9:00 a.m. on the following day. The visitor's parking pass shall be displayed on the dashboard of the vehicle while such vehicle is parked.*

Section 36-11.3(b)(3) refers to "the streets designated in Subsection (a) hereof." Subsection (d) of this section also refers to "the streets designated herein." There are no specific streets designated in Subsection (a) or elsewhere in this section. It appears these references should be updated to § 36-11.5, Restricted resident decal parking, which lists the streets which are subject to resident decal parking.

**Pick one option from list below**

Revise both subsections to refer to "the streets designated in § 36-11.5."

Revise as follows:

Do not revise.

Question 36-008

[Chapter 36 Traffic](#)

[ARTICLE II Parking](#)

[DIVISION 1 GENERALLY](#)

[Sec. 36-11.3 Restricted resident decal parking.](#)

**Code Content:**

[\[§ 36-11.3\(g\)\]](#) Any fraud, misrepresentation or false statement in an application filed pursuant to this section, or any other violation of this section, shall be subject to a penalty of **not more than \$50** and shall disqualify the applicant from applying for new decals in the two years following the year in which a violation has occurred.

Section 36-11.3(g) provides for a penalty of not more than \$50 for violations of § 36-11.3, Restricted resident decal parking. Is this amount still satisfactory?

**Pick one option from list below**

- Revise as follows:
- Do not revise.

Question 36-009

[Chapter 36 Traffic](#)

[ARTICLE II Parking](#)

[DIVISION 1 GENERALLY](#)

[Sec. 36-11.4 Restricted commuter decal parking.](#)

**Code Content:**

[\[§ 36-11.4\(b\)\]](#) Vehicles properly displaying the current Township-issued resident or nonresident restricted commuter decal shall be permitted to park in any legal parking space **within the aforesaid street** where restricted commuter decal parking is permitted, Monday through Friday, except holidays, 5:00 a.m. to 8:00 p.m.

In § 36-11.4(b) the reference to the "aforesaid street" does not make sense as there is no previous mention of a specific street in this section. Subsection (c) of this section also refers to "the aforesaid street, as herein described." It appears that both of these subsections should be revised to refer to § 36-11.6, Restricted commuter decal parking, which lists the streets affected.

**Pick one option from list below**

- Revise both subsections to refer to the streets designated in § 36-11.6.
- Revise as follows:

- Do not revise.

Question 36-010

[Chapter 36 Traffic](#)

[ARTICLE II Parking](#)

[DIVISION 1 GENERALLY](#)

[Sec. 36-11.4 Restricted commuter decal parking.](#)

**Code Content:**

[\[§ 36-11.4\(f\)\]](#) Fee.

Section 36-11.4(f) sets the annual fee for each resident restricted commuter decal at \$50 per year and for each nonresident restricted commuter decal at \$100 per year "or as otherwise prescribed in Chapter 2, Charter/Administrative Code, Appendix III, Fees and Charges for Certain Township Services." Should these fees be moved to Chapter 2, Appendix III, and are any updates needed to the amounts?

**Pick one option from list below**

Move fees to Chapter 2, Appendix III; amounts are correct.

Revise as follows:

Do not revise.

Question 36-011

[Chapter 36 Traffic](#)

[ARTICLE II Parking](#)

[DIVISION 1 GENERALLY](#)

[Sec. 36-11.4 Restricted commuter decal parking.](#)

**Code Content:**

[\[§ 36-11.4\(j\)\]](#) Penalties for violations of this Section 36-11.4. Any fraud, misrepresentation or false statement in an application filed pursuant to this section, or any other violation of this section, shall be subject to a penalty of **not more than \$100** and shall disqualify the applicant from applying for new decals in the two years following the year in which a violation has occurred.

Section 36-11.4(j) sets the penalty for violations of § 36-11.4 at a fine of not more than \$100. Is this penalty still satisfactory?

**Pick one option from list below**

Revise as follows:

Do not revise.

Question 36-012

[Chapter 36 Traffic](#)

[ARTICLE II Parking](#)

[DIVISION 7 METERS AND METER ZONES](#)

[Sec. 36-32.13 Penalties.](#)

Section 36-32.13 sets penalties for violations of § 36-32.10(a), (b), (c) and (d). Section 36-32.10, as amended in 2005, now includes a Subsection (e), which provides that it shall be unlawful to "Display other than a current, original, unaltered and lawful Township of Teaneck muni-meter receipt." Should a penalty for violation of § 36-32.10(e) be provided for in § 36-32.13?

**Pick one option from list below**

- Revise § 36-32.13(a) to read: "Any person who violates Section 36-32.8 or 36-32.10, Subsection (a), (b) or (e), shall be deemed guilty of an offense and shall be liable to the penalties provided by Section 36-6."
- Revise § 36-32.13(b) to read: "Any person who violates Section 36-32.10, Subsection (c), (d) or (e), shall be deemed guilty of an offense and shall be liable to the penalties provided by Section 1-6."
- Revise as follows:

- Do not revise.

Question 36-013

[Chapter 36 Traffic](#)

[ARTICLE II Parking](#)

[DIVISION 8 MUNICIPAL PARKING LOTS](#)

[Sec. 36-32.16 Relaxation of one-hour, two-hour and three-hour parking restrictions for business operators and employees, by permit only.](#)

**Code Content:**

*[§ 36-32.16(a)] Policy. Vehicles that display a valid current decal issued subject to the provisions hereof shall not be subject to the municipal parking lot restrictions set forth in Sections 36-25, 36-27 and 36-28 of this chapter. In addition, vehicles that display a valid current decal issued subject to the provisions hereof, and which are parked in the Beverly Road Municipal Parking Lot and in the State Street Municipal Parking Lots, established parking meter zones pursuant to Section 36-32.4(a) and Section 36-32.4(c), respectively, of this chapter, shall not be subject to the parking meter restrictions set forth in Chapter 36, Article II, Division 7, Meters and Meter Zones, of this chapter. Decals shall be displayed in the lower left corner of the rear window or the rearview mirror, as determined by the Municipal Manager. The decal issued pursuant to this chapter constitutes a license to park the vehicle for which it is issued in any municipal parking lot, as herein described, but it does not represent a guarantee or assurance of available space. The Township Council shall set the standards for the issuance of the resident-only decals by adoption of a resolution from time to time.*

Section 36-32.16(a) refers to "the municipal parking lot restrictions set forth in Sections 36-25, 36-27 and 36-28." These three sections no longer exist. They were part of Article II, Division 3, Limited Parking, which was amended in full by Ordinance No. 2-2020 and now consists of a single section, § 36-21, Time limited parking. To reflect the amendment of Division 3, this reference could be updated to read "the one-hour, two-hour and three-hour municipal parking lot restrictions set forth in Section 36-21."

**Pick one option from list below**

- Revise as suggested.
- Revise as follows:

Question 36-014

[Chapter 36 Traffic](#)

[ARTICLE II Parking](#)

[DIVISION 8 MUNICIPAL PARKING LOTS](#)

[Sec. 36-32.16 Relaxation of one-hour, two-hour and three-hour parking restrictions for business operators and employees, by permit only.](#)

**Code Content:**

[\[§ 36-32.16\(d\)\]](#) *Fee. The annual fee for each decal shall be as prescribed in the fee ordinance and paid with the application and shall not be subject to proration.*

Section 36-32.16(d) refers to the annual fee for decal as being prescribed in the fee ordinance. Chapter 2, Appendix III, includes an annual fee of \$60 for a "commercial employee parking permit." Is that the fee referenced in § 36-32.16(d)?

**Pick one option from list below**

- The commercial employee parking permit fee of \$60 in Chapter 2, Appendix III, is the fee referenced in § 36-32.16(d); no revision is needed.
- Revise as follows:

Question 36-015

[Chapter 36 Traffic](#)

[ARTICLE II Parking](#)

[DIVISION 8 MUNICIPAL PARKING LOTS](#)

[Sec. 36-32.16 Relaxation of one-hour, two-hour and three-hour parking restrictions for business operators and employees, by permit only.](#)

**Code Content:**

[\[§ 36-32.16\(h\)\]](#) *Penalties for violations of Section 36-32.16. Any fraud, misrepresentation or false statement in an application filed pursuant to this section, or any other violation of this section, shall be subject to a penalty of **not more than \$50** and shall disqualify the applicant from applying for new decals in the two years following the year in which a violation has occurred.*

Section 36-32.16(h) provides for a fine of not more than \$50 for violations of § 36-32.16. Is this penalty still satisfactory?

**Pick one option from list below**

- Revise as follows:
- Do not revise.

Question 36-016

[Chapter 36 Traffic](#)

[ARTICLE II Parking](#)

[DIVISION 8 MUNICIPAL PARKING LOTS](#)

[Sec. 36-32.17 Relaxation of parking meter restrictions at the River Road Parking Lot \(River Road and Beverly Road\) at certain times for certain Beverly Road residents, by permit only.](#)

**Code Content:**

[\[§ 36-32.17\(d\)\]](#) Fee. The annual fee for each decal shall be as prescribed in the fee ordinance and paid with the application and shall not be subject to proration.

Section 36-32.17(d) refers to a decal fee included in the fee ordinance. This fee (decal for parking in the River Road Parking Lot) is not currently included in the fee schedule in Chapter 2, Appendix III. Should it be added?

**Pick one option from list below**

Add the following fee to Chapter 2, Appendix III:

Revise as follows:

Do not revise.

Question 36-017

[Chapter 36 Traffic](#)

[ARTICLE II Parking](#)

[DIVISION 8 MUNICIPAL PARKING LOTS](#)

[Sec. 36-32.17 Relaxation of parking meter restrictions at the River Road Parking Lot \(River Road and Beverly Road\) at certain times for certain Beverly Road residents, by permit only.](#)

**Code Content:**

[\[§ 36-32.17\(i\)\]](#) Penalties for violations of Section 36-32.17. Any fraud, misrepresentation or false statement in an application filed pursuant to this section, or any other violation of this section, shall be subject to a penalty of **not more than \$50** and shall disqualify the applicant from applying for new decals in the two years following the year in which a violation has occurred.

Section 36-32.17(i) provides for a fine of not more than \$50 for violations of § 36-32.17. Is this penalty still satisfactory?

**Pick one option from list below**

Revise as follows:

Do not revise.

Question 36-018

[Chapter 36 Traffic](#)  
[ARTICLE II Parking](#)

[DIVISION 8 MUNICIPAL PARKING LOTS](#)

[Sec. 36-32.17.1 Relaxation of parking meter restrictions at the State Street Parking Lots \(between Palisade Avenue and Teaneck Road\) at certain times for certain State Street residents, by permit only.](#)

**Code Content:**

[\[§ 36-32.17.1\(d\)\]](#) *Fee. The annual fee for each decal shall be as prescribed in the fee ordinance and paid with the application and shall not be subject to proration.*

Section 36-32.17.1(d) refers to a decal fee included in the fee ordinance. This fee (decal for parking in the State Street Parking Lots) is not currently included in the fee schedule in Chapter 2, Appendix III. Should it be added?

**Pick one option from list below**

Add the following fee to Chapter 2, Appendix III:

Revise as follows:

Do not revise.

Question 36-019

[Chapter 36 Traffic](#)  
[ARTICLE II Parking](#)

[DIVISION 8 MUNICIPAL PARKING LOTS](#)

[Sec. 36-32.17.1 Relaxation of parking meter restrictions at the State Street Parking Lots \(between Palisade Avenue and Teaneck Road\) at certain times for certain State Street residents, by permit only.](#)

**Code Content:**

[\[§ 36-32.17.1\(i\)\]](#) *Penalties for violations of Section 36-32.17.1. Any fraud, misrepresentation or false statement in an application filed pursuant to this section, or any other violation of this section, shall be subject to a penalty of **not more than \$50** and shall disqualify the applicant from applying for new decals in the two years following the year in which a violation has occurred.*

Section 36-32.17.1(i) provides for a fine of not more than \$50 for violations of § 36-32.17.1. Is this penalty still satisfactory?

**Pick one option from list below**

Revise as follows:

Do not revise.

Question 36-020

[Chapter 36 Traffic](#)

[ARTICLE II Parking](#)

[DIVISION 8 MUNICIPAL PARKING LOTS](#)

[Sec. 36-32.17.2 Relaxation of hourly parking restrictions for Teaneck residents, by permit only, in certain Township-owned municipal parking lots; parking allowed by commuter decal only, Monday through Friday, except holidays, 8:00 a.m. to 5:00 p.m. in certain designated municipal parking lots.](#)

**Code Content:**

[\[§ 36-32.17.2\(a\)\]](#) Policy. Vehicles that display a valid current decal issued subject to the provisions hereof shall not be subject to the municipal parking lot restrictions set forth in **Section 36-28.4** of this chapter for the following Township-owned municipal parking lots:

Section 36-32.17.2(a) refers to "the municipal parking lot restrictions set forth in Section 36-28.4." Section 36-28.4, Four-hour parking between 8:00 a.m. and 6:00 p.m., except Sundays and holidays, no longer exists. It was part of Article II, Division 3, Limited Parking, which was amended in full by Ordinance No. 2-2020 and now consists of a single section, § 36-21, Time limited parking. To reflect the amendment of Division 3, this reference could be updated to read "the four-hour municipal parking lot restrictions set forth in Section 36-21."

**Pick one option from list below**

- Revise as suggested.
- Revise as follows:

Question 36-021

[Chapter 36 Traffic](#)

[ARTICLE II Parking](#)

[DIVISION 8 MUNICIPAL PARKING LOTS](#)

[Sec. 36-32.17.2 Relaxation of hourly parking restrictions for Teaneck residents, by permit only, in certain Township-owned municipal parking lots; parking allowed by commuter decal only, Monday through Friday, except holidays, 8:00 a.m. to 5:00 p.m. in certain designated municipal parking lots.](#)

**Code Content:**

*[\[§ 36-32.17.2\(d\)\]](#) Fee. The annual fee for each decal shall be as prescribed in the fee ordinance and paid with the application and shall not be subject to proration.*

Section 36-32.17.2(d) refers to the decal fee as being prescribed by the fee ordinance. Chapter 2, Appendix III, does not currently include this fee. Should it be added?

**Pick one option from list below**

Add the following fee to Chapter 2, Appendix III:

Revise as follows:

Do not revise.

Question 36-022

[Chapter 36 Traffic](#)

[ARTICLE II Parking](#)

[DIVISION 8 MUNICIPAL PARKING LOTS](#)

[Sec. 36-32.17.2 Relaxation of hourly parking restrictions for Teaneck residents, by permit only, in certain Township-owned municipal parking lots; parking allowed by commuter decal only, Monday through Friday, except holidays, 8:00 a.m. to 5:00 p.m. in certain designated municipal parking lots.](#)

**Code Content:**

[\[§ 36-32.17.2\(h\)\]](#) Penalties for violations of Section 36-32.17.2. Any fraud, misrepresentation or false statement in an application filed pursuant to this section, or any other violation of this section, shall be subject to a penalty of **not more than \$100** and shall disqualify the applicant from applying for new decals in the two years following the year in which a violation has occurred.

Section 36-32.17.2(h) sets the penalty for violations of § 36-32.17.2 at a fine of not more than \$100. Is this penalty still satisfactory?

**Pick one option from list below**

- Revise as follows:
- Do not revise.

Question 36-023

[Chapter 36 Traffic](#)

[ARTICLE V Traffic Controls for Street, Roadway and Highway Construction and Maintenance Operations](#)  
[Sec. 36-46 Violations and penalties.](#)

**Code Content:**

[\[§ 36-46\]](#) Any person, contractor or utility **violating any provision of this Article** shall, upon conviction thereof, for the first offense pay a fine of not less than \$100 nor more than \$500; for a second offense, upon conviction thereof, pay a fine of not less than \$250 nor more than \$500; for a third or subsequent offense, upon conviction thereof, pay a fine of not less than \$500 and/or be imprisoned in the county jail for a term not exceeding 90 days. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues to occur.

Section 36-46 sets penalties for violations of Article V, Traffic Controls for Street, Roadway and Highway Construction and Maintenance Operations, at a fine of not less than \$100 nor more than \$500 for a first offense, not less than \$250 nor more than \$500 for a second offense and not less than \$500 or imprisonment for up to 90 days, or both, for a third or subsequent offense. Are any revisions desired?

**Pick one option from list below**

Revise as follows:

Do not revise.

Question 36-024

[Chapter 36 Traffic](#)

[ARTICLE VI Mobile Telephones](#)

Article VI, Mobile Telephones, was adopted in 2003 and provides that "No person shall operate a motor vehicle on any street or highway while engaging in any conduct defined as the use of a mobile telephone unless the operator is using a hands-free mobile telephone." Municipal legislation on the use of mobile phones by motor vehicle operators was preempted by the state by L. 2003, c. 310, effective July 1, 2004. See N.J.S.A. 39:4-97.5 which states: "This act supersedes and preempts all ordinances of any county or municipality with regard to the use of a wireless telephone or electronic communication device by an operator of a motor vehicle."

**Pick one option from list below**

- Remove Article VI as preempted by N.J.S.A. 39:4-97.3 to 39:4-97.5 (L. 2003, c. 310).
- Revise as follows:

- Do not revise.

Question 36-025

[Chapter 36 Traffic](#)

[ARTICLE VII Glenpointe Senior Living](#)

[Sec. 36-51 Glenpointe Senior Living regulations.](#)

**Code Content:**

*[\[§ 36-51\(b\)\(3\)\]](#) Handicapped parking. All stalls shall be 12 feet wide as shown on the plan and signed with the R7-8 and R7-8P (reserved parking sign and penalty plate) in the designated parking areas for persons who been issued the handicapped parking permit by the **Division of Motor Vehicles**.*

In § 36-51(b)(3) the reference to the Division of Motor Vehicles should be updated to the New Jersey Motor Vehicle Commission. See N.J.S.A. 39:4-205, as amended by L. 2013, c. 3.

**Pick one option from list below**

- Revise as suggested.
- Revise as follows:
- Do not revise.

Question 36-026

[Chapter 36 Traffic](#)

[ARTICLE VII Glenpointe Senior Living](#)

[Sec. 36-51 Glenpointe Senior Living regulations.](#)

**Code Content:**

[\[§ 36-51\(j\)\]](#) Unless another penalty is expressly provided for by the New Jersey statutes, every person convicted of a violation of this article or any supplement thereto shall be liable to a penalty of **not more than \$500** or imprisonment for a term not exceeding 15 days, or both.

Section 36-51(j) sets the penalty for violations of Article VII, Glenpointe Senior Living, at a fine of not more than \$500 or imprisonment for not more than 15 days, or both. Is any revision desired?

**Pick one option from list below**

- Revise as follows:
- Do not revise.

Question 38-001

[Chapter 38 Stormwater Control](#)

[Sec. 38-2 Definitions.](#)

**Code Content:**

[\[COUNTY REVIEW AGENCY\]](#) An agency designated by the **County Board of Chosen Freeholders** to review municipal stormwater management plans and implementing ordinance(s). The county review agency may either be:

In the definition of "county review agency" in § 38-2 the reference to the County Board of Chosen Freeholders could be updated to the Board of County Commissioners pursuant to L. 2020, c. 67, which changed this title and went into effect on January 1, 2021.

**Pick one option from list below**

- Revise as suggested.
- Revise as follows:
- Do not revise.

Question 38-002

[Chapter 38 Stormwater Control](#)  
[Sec. 38-2 Definitions.](#)

**Code Content:**

[\[§ 38-2{34}\(c\)\]](#) **Quality treatment** either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant, where the water quality treatment will be modified or removed.

In the definition of "regulated motor vehicle surface" in § 38-2 should "Quality treatment" at the beginning of Subsection (c) read "Water quality treatment"?

**Pick one option from list below**

- Change "Quality treatment" to "Water quality treatment."
- Revise as follows:
- Do not revise.

Question 38-003

[Chapter 38 Stormwater Control](#)  
[Sec. 38-4 Stormwater management requirements for major development.](#)

**Code Content:**

[\[§ 38-4\(f\)\]](#) Where the BMP tables in the New Jersey stormwater management rule are different due to updates or amendments with the tables in this chapter, the BMP tables in the stormwater management rule at N.J.A.C. 7:8-5.2(f) shall take precedence.

In § 38-4(f) it appears the following correction should be made: "Where the BMP tables in the New Jersey stormwater management rule are different due to updates or amendments ~~with~~ from the tables in this chapter, the BMP tables in the stormwater management rule at N.J.A.C. 7:8-5.2(f) shall take precedence."

**Pick one option from list below**

- Revise as suggested.
- Revise as follows:
- Do not revise.

Question 38-004

[Chapter 38 Stormwater Control](#)  
[Sec. 38-11 Violations and penalties.](#)

**Code Content:**

[\[§ 38-11\]](#) Any person violating the provisions hereof, or any part hereof, shall be subject to a fine or penalty as provided in Section 1-6 of the Township Code.

Please note that we have made the following correction in § 38-11. It appears that the Township intended to replace the wording from the penalty section in the model ordinance but some of that wording did not get removed:

~~Any person(s) who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this ordinance shall be subject to the~~ Any person violating the provisions hereof, or any part hereof, shall be subject to a fine or penalty as provided in Section 1-6 of the Township Code.

**Pick one option from list below**

- Revision in § 38-11 is correct.
- Revise as follows: