2022
BOROUGH OF DUMONT
ORDINANCE

MEMBERS	AYE	NAY	ABSTAIN	ABSENT
GORMAN				
HARVILLA				
NOVOA				
ROSSILLO				
RUSSELL				
STEWART				
MAYOR LABRUNO				
TOTALS				

Offered by: _____

Seconded by: _____

Ordinance No.	**1595**
Date:	**March 22, 2022**
Page:	**1 of 2**
Subject:	**Chapter 36 – Fire Department**
Purpose:	**Amend Borough Code**
Dollar Amount:	
Prepared By:	**Jeanine E. Siek, RMC**

Certified as a true copy of an Ordinance Adopted on 2nd Reading by the Governing Body of the Borough of Dumont on the above date at a Public Meeting by:

Jeanine E. Siek, RMC, Municipal Clerk
Borough of Dumont, Bergen County, New Jersey

ORDINANCE OF THE BOROUGH OF DUMONT, COUNTY OF BERGEN, STATE OF NEW JERSEY, AMENDING CHAPTER 36 OF THE BOROUGH CODE – FIRE DEPARTMENT

§ 36-1 **Department continued.**

The Fire Department of the Borough, known as the "Fire Department of the Borough of Dumont," as heretofore created and established, is hereby continued.

§ 36-2 **Vehicle lineup.**

A. Chief's cars. Three Chief's cars as follows:

(1) Chief of Department – Formerly 210 – Car 1.
(2) Deputy Chief – Formerly Assistant Chief 211 – Deputy 1.
(3) Battalion Chief – Formerly Deputy Chief 212 – Battalion 1.

B. Apparatus:

(1) West side:
- (a) Independent hose company:
  - [1] Two first line pumpers.
- (b) Truck company 2:
  - [1] One ladder truck.
  - [2] One squad salvage overhaul unit.

(2) East side:
- (a) Company Number 1:
  - [1] One first line pumper.
  - [2] One reserve pumper.
- (b) Company Number 3/Rescue 3:
  - [1] One first line pumper.
  - [2] One rescue team unit.

C. Squad 1 will be recognized in the Borough of Dumont as a squad pumper. Outside the limits of the Borough of Dumont, it shall be recognized as a pumper.

_____
Andrew LaBruno, Mayor

Attest:

_____
Jeanine E. Siek, RMC
Municipal Clerk

Introduced: March 8, 2022
Adopted: March 22, 2022

2022
BOROUGH OF DUMONT
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MEMBERS	AYE	NAY	ABSTAIN	ABSENT
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STEWART				
MAYOR LaBRUNO				
TOTALS				

Offered by: _____
Seconded by: _____

Ordinance No.	**1596**
Date:	**March 22, 2022**
Page:	**1 of 5**
Subject:	**Committee – Arts, Beautification and Economic Development**
Purpose:	**Establishment**
Dollar Amount:	
Prepared By:	**Marc Leibman, Esq.**

Certified as a true copy of an Ordinance Adopted on 2nd Reading by the Governing Body of the Borough of Dumont on the above date at a Public Meeting by:

Jeanine E. Siek, RMC, Municipal Clerk
Borough of Dumont, Bergen County, New Jersey

THE ESTABLISMENT OF THE BOROUGH OF DUMONT COMMITTEE OF ARTS, BEAUTIFICATION AND ECONOMIC DEVELOPMENT

This Ordinance shall replace Ordinances 6-33 and 6-39 in their entirety

§ 6-33.1 **Findings & Establishment.**
The Mayor and Council hereby find that it is in the interests of the health, safety and welfare of the residents of the Borough of Dumont to establish a Committee to promote the Arts, Beautification and Economic Development within the Borough. The Mayor and Council find

that the Borough is a better place to live and work when it's employees, residents, businesses and visitors can enjoy an attractive environment with successful commerce and artistic support. Such characteristics promote the general welfare. The Mayor and Council further find that the functions of the existing Economic Development Committee and Beautification Committee shall be incorporated into a single committee, as same is established in this section, in the interests of coordinating the Borough's efforts as regards the following General Objectives. The previously existing Economic Development and Beautification Committees are dissolved.

§ 6-33.2 **General Objectives,**

The Committee shall have the following General Objectives:

A) Make recommendations to the Mayor and Council, Department of Public Works and other Borough officials with regard to enhancements to the visual environment in the public right-of-way and other public locations within the Borough;

B) Conduct such investigation and make such recommendations to the Mayor and Council and other Borough agencies and departments as deemed appropriate to promote economic development in the Borough;

C) Make recommendations to the Mayor and Council and other Borough agencies and departments as deemed appropriate to promote Arts within the Borough.

§ 6-34 **Establishment and members.**
There is hereby established in the Borough of Dumont the Arts, Beautification and Economic Development. The Committee shall be known as the "Arts, Beautification & ED Committee."

The Committee shall be comprised of seven members, who shall be residents of the Borough of Dumont. On an annual basis, the Mayor shall appoint a member of the governing body to serve as a liaison to the Committee. The appointed liaison shall have no voting power and shall serve as an advisor to the Committee. In addition, the Mayor may, at any time, designate other interested persons who may or may not be residents to serve as advisors to the Committee. Such advisors shall have no voting power but shall attend such meetings as may be necessary to render advice. The Mayor shall be an *ex officio* member of the Committee.

§ 6-35 **Term of office.**
The terms of the members appointed upon passage of this article shall be as follows: two members for a term of one year; two members for terms of two years; and three members for terms of three years. Thereafter, the term of each member shall be for three years. All initial appointments made after the passage of this article shall be deemed to have been made as of January 1 of the calendar year of said appointment. If a term shall become vacant, the Mayor shall appoint a replacement to fulfill the uncompleted portion of the position.

§ 6-36 **Organization.**
The Committee shall select a Chairperson, Vice Chairperson and Secretary from among its members. The presence of four voting members shall constitute a quorum of the Committee. The Committee shall set its meeting schedule as required to conduct business.

The Chairperson shall conduct the Committee's meetings. The Vice Chairperson shall conduct the Committee's meeting in the absence of the Chairperson. The Secretary shall conduct the Committee's meetings in the absence of the Chairperson and Vice Chairperson. The Secretary shall record minutes of the meetings of the Committee. A copy of said minutes shall be given to the Borough Clerk with all agendas to be maintained in the Borough's records.

§ 6-37 **Powers.**
The Committee is authorized to:

A. Render advice to the Mayor and Council, Borough Administrator, Director of Public Works, and such other Borough entities as may be deemed necessary, concerning the regulation, planting, care and control of shrubbery, flowers, plants and other landscaping upon and about the streets, roads, sidewalks, public places and parks within the Borough;

B. Recruit and direct organizational and individual interest in and support for the aesthetic improvement of the Borough;

C. To provide a vehicle for continuity of the beautification and anti-litter effort in the Borough;

D. To provide a coordinating agency for successful organizational, commercial and individual beautification efforts within the Borough; and

E. Make recommendations to the Mayor and Council, Borough Administrator, Department of Public Works and other Borough officials and departments as to physical and aesthetic enhancements to Borough property and other property in the downtown business district of the Borough, including public/private partnership opportunities.

F. To inquire into, survey and publicize the extent, advantage and utility of vacant commercial real estate within the Borough.

G. To classify such vacant commercial real estate according to its adaptability to various types of business, professional and industrial enterprises.

H. To study and analyze various businesses, industries and professions with the view to ascertain the opportunities for the expansion of such businesses and industries within the Borough.

I. To locate and encourage various businesses to relocate to the Borough of Dumont.

J. To work with existing businesses in the Borough of Dumont in order to retain their presence and encourage their expansion within the Borough.

K. Recommend to the Borough Council for advertising the advantages and opportunities and the availability of commercial real estate within the Borough and encourage businesses, industries and professional establishments.

L. Recommend to the Borough Council areas to consider studying as being in need of redevelopment located within the Borough.

K. To survey the Borough's current Arts offerings, including but not limited to performance, film, music, dance, sculpture, photography and painting.

L. Recommend areas within the Borough for consideration of public art displays on either a rotating or permanent basis.

M. Determine the appropriateness of promoting the Arts at Borough events and celebrations and to coordinate same with other committees and departments within the Borough.

N. Identify and recommend partnership opportunities to promote the Arts within the Borough and identify and recommend events outside of the Borough which may be of interest to Borough residents.

O. Make recommendations to the Mayor and Council and Joint Land Use Board (when so requested) regarding opportunities for murals on public display within the Borough.

§ 6-38 **Fund appropriations for expenses incurred.**
The Mayor and Council of the Borough of Dumont may appropriate funds for the expenses incurred by the Committee. The Committee shall not expend or commit to the expenditure of any funds absent express appropriation by the Mayor and Council for such expenditure. The members of the Committee shall serve without compensation.

§ 6-39 **Meeting Dates.**

The Committee shall meet monthly at the Borough of Dumont Municipal building, at such dates and times as shall be established at the Committee's first meeting of the calendar year.

§ 6-40 **Annual Reporting.**

The Secretary of the Committee shall render a report to the Mayor and Council, on or before the Council's annual re-organization meeting, setting forth in detail the prior year's accomplishments, expenditures, present objectives and recommendations for the New Year. The annual report may include such other information as the Committee deems necessary to promote

its general objectives.

§ 6-40.1 **Enactment.**

The Committee shall become established upon publication of this ordinance in accordance with law and the appointment of its members.

_____
Andrew LaBruno, Mayor

Attest:

_____
Jeanine E. Siek, RMC
Municipal Clerk

Introduction: March 8, 2022
Adoption: March 22, 2022

2022
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RUSSELL				
STEWART				
MAYOR LaBRUNO				
TOTALS				

Offered by: _____
Seconded by: _____

Ordinance No.	**1597**
Date:	**March 22, 2022**
Page:	**1 of 3**
Subject:	**Rent Leveling Board**
Purpose:	**Amend Chapter 322-2**
Dollar Amount:	
Prepared By:	**Marc Leibman, Esq.**

Certified as a true copy of an Ordinance Adopted on 2nd Reading by the Governing Body of the Borough of Dumont on the above date at a Public Meeting by:

Jeanine E. Siek, RMC, Municipal Clerk
Borough of Dumont, Bergen County, New Jersey

ORDINANCE AMENDING CHAPTER 322-2 – RENT LEVELING BOARD OF THE DUMONT BOROUGH CODE, COUNTY OF BERGEN, STATE OF NEW JERSEY

§ 322-2 Rent Leveling Board; membership; powers.

A. The Rent Leveling Board shall consist of one landlord (or agent of an entity which is a residential landlord) representative, one tenant representative and one resident homeowner appointed by the Mayor with consent of the Borough Council, except for the resident homeowner, who is to be appointed by the Mayor in his sole discretion. The Chairman of the Rent Leveling Board shall be the

homeowner member of the Board. The Mayor shall appoint three alternates to the Board who shall vote and participate in the absence of a regular member. The alternates shall be one resident, one landlord or landlord's agent who owns residential property in the Borough and one tenant residing in the Borough.

B. The term of office, as designated by the Mayor, with consent of the Borough Council, for the members of the Rent Leveling Board shall be for a period of three years, ending on December 31, or until a successor is appointed and qualified. The members shall serve until their successors are appointed and have qualified for the office. The term of the alternates shall be for one year ending on December 31 each year but shall continue to serve until reappointed or a new alternate is appointed by the Mayor.

C. When a member, without being excused by a majority of the authorized members, fails to attend and participate at meetings for a period of eight consecutive weeks or for four consecutive regular meetings, whichever shall be of longer duration, at the conclusion of such period, upon written notification to the Mayor and Council, the Rent Leveling Board shall remove said member. The Board may refuse to excuse an absence only with respect to those failures to attend and participate which are not due to legitimate illness.

D. The Rent Leveling Board is hereby granted and shall have and exercise, in addition to other powers herein granted, all powers necessary and appropriate to carry out and execute the purposes of this chapter, including but not limited to the following:

(1) To issue and promulgate such rules and regulations as it deems necessary to implement the purposes of this chapter, which rules and regulations shall have the force and effect of law until revised, repealed or amended from time to time by the Board in the exercise of its discretion, provided that such rules are filed with the Borough Clerk.

(2) To supply information and assistance to landlords and tenants to help them comply with the provisions of this chapter.

(3) To hold hearings and adjudicate applications from landlords for additional rental as determined by § 322-6 of this chapter and to hold hearings and adjudicate complaints by tenants concerning violations of rental provisions of this chapter. The Rent Leveling Board shall give reasonable opportunity to be heard both to landlord and tenant before making any determination in this Subsection D(3).

(4) To review charges of tenant harassment.

E. Both the landlord and the tenant may appeal the findings of the Rent Leveling Board to the Mayor and Council. Any appeal to the governing body must be done within 20 days from the date of the said determination and requests a hearing.

Effective Date. This Ordinance shall take effect upon final passage and publication pursuant to law.

_____
Andrew LaBruno, Mayor

Attest:

_____
Jeanine E. Siek, RMC
Municipal Clerk

Introduction: March 8, 2022
Adoption: March 22, 2022

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STEWART				
MAYOR LABRUNO				
TOTALS				

Offered by: _____

Seconded by: _____

Ordinance No.	**1598**
Date:	**March 22, 2022**
Page:	**1 of 2**
Subject:	**Chapter 355-3 – Site Plan Approval**
Purpose:	**Amend Borough Code**
Dollar Amount:	
Prepared By:	**Jeanine E. Siek, RMC**

Certified as a true copy of an Ordinance Introduced and Passed on 1st Reading by the Governing Body of the Borough of Dumont on the above date at a Public Meeting by:

Jeanine E. Siek, RMC, Municipal Clerk
Borough of Dumont, Bergen County, New Jersey

ORDINANCE OF THE BOROUGH OF DUMONT, COUNTY OF BERGEN, STATE OF NEW JERSEY, AMENDING CHAPTER 355-3 OF THE BOROUGH CODE – SITE PLAN APPROVAL

§ 355-3 **Site plan approval.**
[Amended by Ord. No. 1141]

A. Except as hereinafter provided, there shall be no building permit or certificate of occupancy issued for any new construction or for any enlargement, alteration, or addition to any existing structure for any commercial, industrial, office building, garden apartment, apartment or structure designed for multifamily use where such use or uses are permitted by

Chapter **455**, Zoning, unless the developer submits a site plan to and final approval is granted pursuant to a resolution of the Joint Land Use Board. No certificate of occupancy shall be given unless all construction conforms to the site plan approved by the Joint Land Use Board. For new construction, alteration or additions which do not include any zoning variances and which do not expand or reduce any prior nonconforming use(s), the Building Department shall issue permits and certificates of occupancy in the ordinary course.

B. Site plan approval shall not limit the requirements for submission of an application to the appropriate board for subdivision, conditional use approvals and/or any and all variances that may be required either by ordinance or pursuant to state statute.

C. The provisions herein shall not apply to detached one- or two-family dwelling unit buildings.

D. Each application for site plan approval, when required pursuant to N.J.S.A. 40:27-6.6, shall be submitted by the applicant to the Bergen County Planning Board for review or approval as required by the aforesaid sections.

E. The Joint Land Use Board, when acting upon applications for site plan approval, shall have the power to grant such exceptions from the requirements for site plan approval as may be reasonable and within the general purpose and intent of the provisions of N.J.S.A. 40:55D-1 et seq., if the literal enforcement of one or more will exact undue hardship because of peculiar conditions pertaining to the land in question; if such exception is granted, it shall be done by a resolution of the Joint Land Use Board which sets forth the reasons for the exception in the particular case and demonstrates that the exception will not have an adverse effect on surrounding properties, the neighborhood or the Borough in general.

F. The Joint Land Use Board shall have the power to review and approve or deny conditional uses or subdivisions simultaneously with the review for site plan approval without the developer being required to make further application to the Joint Land Use Board or the Joint Land Use Board being required to hold further hearings. The longest time period for action by the Joint Land Use Board, whether it be for subdivision, conditional use or site plan approval, shall apply. Whenever approval of a conditional use is requested by the developer pursuant to the Municipal Land Use Act, notice of the hearing on the plan shall include reference to the request for such conditional use.

Attest: _____ Andrew LaBruno, Mayor

_____
Jeanine E. Siek, RMC
Municipal Clerk

Introduced: March 22, 2022
Adopted:

2022
BOROUGH OF DUMONT
ORDINANCE

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RUSSELL				
STEWART				
MAYOR LaBRUNO				
TOTALS				

Ordinance No.	**1600**
Date:	**March 22, 2022**
Page:	**1 of 6**
Subject:	**Capital Improvements**
Purpose:	**Authorization**
Dollar Amount:	**$2,606,500**
Prepared By:	**James Spanarkel, Bond Counsel**

Offered by: _____
Seconded by: _____

Certified as a true copy of an Ordinance Introduced and Passed by the Governing Body of the Borough of Dumont on the above date at a Public Meeting by:

Jeanine E. Siek, RMC, Municipal Clerk
Borough of Dumont, Bergen County, New Jersey

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS BY THE BOROUGH OF DUMONT, APPROPRIATING THE AGGREGATE AMOUNT OF $2,606,500 THEREFOR, INCLUDING THE AGGREGATE AMOUNT OF $737,541.85 IN GRANT FUNDS EXPECTED TO BE RECEIVED FROM THE STATE OF NEW JERSEY AND THE COUNTY OF BERGEN AND AUTHORIZING THE ISSUANCE OF $2,537,500 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF DUMONT (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Borough of Dumont, a municipal corporation of the State of New Jersey (the "Borough") as general improvements. For the improvements or purposes described in Section 3 of this bond ordinance, there is hereby appropriated the sum of $2,606,500 (which is the aggregate amount of the sums of money appropriated for each respective improvement or purpose set forth in Section 3 hereof), including the aggregate amount of $737,541.85 in grant funds expected to be received from the State of New Jersey and the County of Bergen, as more specifically described in Section 3 hereof (collectively, the "Grants" and each a "Grant"), and the sum of $69,000 as the down payment for the improvements or purposes required by the Local Bond Law. The down payment is now available by virtue of the provision for a down payment for capital improvement purposes in one or more previously adopted budgets. (In the event that the Grant(s) are received, no down payment will be required for the project(s) to which the Grant(s) are applicable, and the sum required herein to be available for the down payment shall be reduced accordingly).

Section 2. In order to finance the cost of the improvements or purposes not covered by the application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of $2,537,500 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The improvements or purposes hereby authorized for which bonds or notes are to be issued, the estimated cost of each improvement or purpose and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement or purpose, and the period of usefulness of each improvement or purpose are as follows:

(a) Purchase of a police vehicle for the Borough Police Department.

APPROPRIATION	BOND AUTHORIZATION	PERIOD OF USEFULNESS
$52,000	$49,500	5 years

(b) Roadway improvements for various streets throughout the Borough, including, but not limited to, Highwood Drive, Chestnut Street, Garden Street and Virginia Avenue (as more specifically described in the plans and specifications on record in the Borough offices), and including all work and materials necessary therefor or incidental thereto.

APPROPRIATION	BOND AUTHORIZATION	PERIOD OF USEFULNESS
$1,406,000	$1,339,500	20 years

(c) Roadway improvements for various streets throughout the Borough, including, but not limited to, Bedford Avenue (as more specifically described in the plans and specifications on record in the Borough offices), including all work and materials necessary therefor or incidental thereto.

APPROPRIATION	BOND AUTHORIZATION	PERIOD OF USEFULNESS
$665,500 (including two grants in the aggregate amount of $503,581.85 expected to be received from the State Department of Transportation)	$665,500	20 years

(d) Roadway improvements for various streets throughout the Borough, including, but not limited to, Colonial Parkway (as more specifically described in the plans and specifications on record in the Borough offices), including all work and materials necessary therefor or incidental thereto.

APPROPRIATION	BOND AUTHORIZATION	PERIOD OF USEFULNESS
$285,500 (including a grant in the amount of $135,235 expected to be received from the County of Bergen)	$285,500	20 years

(e) Capital improvements for the Dixon Homestead Library (as more specifically described in the plans and specifications on record in the Borough offices), including structural and foundation improvements, and all work and materials necessary therefor or incidental thereto.

APPROPRIATION	BOND AUTHORIZATION	PERIOD OF USEFULNESS
$197,500 (including a grant in the amount of $98,725 expected to be received from the State of New Jersey pursuant to the New Jersey Library Construction Bond Act)	$197,500	15 years

TOTAL APPROPRIATION	TOTAL BOND AUTHORIZATION	AVERAGE PERIOD OF USEFULNESS
$2,606,500	$2,537,500	19.32 years

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer; provided that no bond anticipation note shall mature later than one year from its date. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the bond anticipation notes issued pursuant to this bond ordinance, and the Chief Financial Officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell a part, or all, of the bond anticipation notes from time to time at public or private sale, and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest, if any, from their dates to the dates of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale of bond anticipation notes issued pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

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

(b) The average period of usefulness of the improvements or purposes described in Section 3 of this bond ordinance, computed on the basis of the amounts of obligations authorized for each improvement or purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 19.32 years.

(c) An aggregate amount not exceeding $350,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost of the improvements or purposes set forth in Section 3 of this bond ordinance.

(d) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and submitted to the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough is increased by $2,537,500 (the amount of the authorization of the obligations provided for in this bond ordinance). The obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

Section 7. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 8. The Borough reasonably expects to commence acquisition and/or construction of the improvements or purposes described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the Borough further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized in Section 2 of this bond ordinance. This bond ordinance is intended to be a declaration of official intent under Treasury Regulation Section 1.150-2.

Section 9. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

_____
Andrew LaBruno, Mayor

Attest:

_____
Jeanine E. Siek, RMC
Municipal Clerk

Introduced: March 22, 2022
Adopted:

The foregoing is a true copy of a bond ordinance introduced and adopted on first reading by the governing body of the Borough of Dumont on March 22, 2022.

_____
Jeanine E. Siek, Clerk

2022
BOROUGH OF DUMONT
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STEWART				
MAYOR LABRUNO				
TOTALS				

Offered by: _____

Seconded by: _____

Ordinance No.	**1601**
Date:	**March 22, 2022**
Page:	**1 of 2**
Subject:	**Chapter 283-4 – Recreation; Use of Vehicles**
Purpose:	**Amend Borough Code**
Dollar Amount:	
Prepared By:	**Jeanine E. Siek, RMC**

Certified as a true copy of an Ordinance Introduced and Passed on 1st Reading by the Governing Body of the Borough of Dumont on the above date at a Public Meeting by:

Jeanine E. Siek, RMC, Municipal Clerk
Borough of Dumont, Bergen County, New Jersey

ORDINANCE OF THE BOROUGH OF DUMONT, COUNTY OF BERGEN, STATE OF NEW JERSEY, AMENDING CHAPTER 283-4 OF THE BOROUGH CODE – RECREATION; USE OF VEHICLES

§ 283-4 Recreation; use of vehicles.

A. No persons shall ride a bicycle in any parks or athletic field, except upon a path or paved area, nor ride in such a manner as to interfere with another's enjoyment of the facilities of the parks or playgrounds.

B. No person, except an authorized employee of the Department of Recreation or Department of Public Works, shall drive any motor vehicle, wagon or cart upon paths, driveways or roadways within any parks or playgrounds. [Amended 6-16-2009 by Ord. No. 1385]

C. No person shall coast with a sled, cart or other vehicle in the parks or playgrounds, except in places especially designated therefor by the Department of Recreation.

D. No person shall park a vehicle in any of the parking spaces at any park in the Borough between the 11 p.m. and dawn without the authority of the police.

Effective Date. This Ordinance shall take effect upon final passage and publication pursuant to law.

_____
Andrew LaBruno, Mayor

Attest:

_____
Jeanine E. Siek, RMC
Municipal Clerk

Introduced: March 22, 2022
Adopted:

2022
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RUSSELL				
STEWART				
MAYOR LABRUNO				
TOTALS				

Offered by: _____

Seconded by: _____

Ordinance No.	**1602**
Date:	**March 22, 2022**
Page:	**1 of 15**
Subject:	**Chapter 455-5 – Definitions and Word Usage**
Purpose:	**Amend Borough Code**
Dollar Amount:	
Prepared By:	**Jeanine E. Siek, RMC**

Certified as a true copy of an Ordinance Introduced and Passed on 1st Reading by the Governing Body of the Borough of Dumont on the above date at a Public Meeting by:

Jeanine E. Siek, RMC, Municipal Clerk
Borough of Dumont, Bergen County, New Jersey

ORDINANCE OF THE BOROUGH OF DUMONT, COUNTY OF BERGEN, STATE OF NEW JERSEY, AMENDING CHAPTER 455-5 OF THE BOROUGH CODE – DEFINITIONS AND WORD USAGE

§ 455-5 **Definitions and word usage.**
[Amended by Ord. No. 1050]

A. For purposes of this chapter, definitions or words used in this chapter shall have the same meanings as the definition of said words in the Municipal Land Use Law, unless the context clearly indicates a different meaning. Where a word is defined in this chapter and is defined

in the Municipal Land Use Law, the definition in this chapter shall prevail unless the context clearly indicates a different meaning. Where a word is not defined in this chapter, the definition in the Municipal Land Use Law shall be applicable as if set forth herein. Where no definition exists in the Municipal Land Use Law or herein the definitions contained in the most recent edition of The Complete Illustrated Book of Development Definitions shall apply. When not inconsistent with the context, words used in the present tense include the future; the singular number includes the plural, and the plural includes the singular. The word "lot" includes the word "plot"; the word "building" includes the word "structure"; the word "zone" includes the word "district"; the word "occupied" includes the words "designed or intended to be occupied"; the word "used" includes the words "arranged, designed or intended to be used"; and the word "shall" is always mandatory and not merely directory or permissive.

B. In accordance with the within stated provisions, the following words and their derivations shall have the meanings herein given:

ADDITION

An extension or increase in floor area or height of a building or structure.

ADMINISTRATIVE OFFICER

The zoning officer who is designated pursuant to this chapter.

ALTERATION

At a building or structure, a change or rearrangement in the structural parts or in the means of egress; or an enlargement or diminution in volume, whether horizontally or vertically; or to change the use or to move a building or structure from one location or position to another.

AMUSEMENT MACHINE COMPLEX

A group of more than five amusement games or amusement machines in the same place, location or premises constituting a principal or accessory use.

APPLICANT

The landowner or the agent, optionee, contract purchaser or other person authorized to act for and acting for the landowner submitting an application under this chapter.

APPROVING AUTHORITY

The Joint Land Use Board when acting pursuant to the authority of this chapter.

AUTOMATIC AMUSEMENT GAMES

A machine or device, whether automatic or coin-operated, whether mechanical, electrical or electronic, which shall be ready for play by insertion of a coin or may otherwise be operated

by the public for charge for use as a game, entertainment or amusement, including pinball machines or any device which utilizes a video tube to reproduce symbolic figures and lines to be representative of real games or activities, the object of playing of which is to achieve a score.

BUFFER

A strip of land for the purpose of separating uses by distance and which contains natural wood, land, vegetation, landscaping, berms, fences or similar devices to screen, shield or block noise, lights, glare and nuisances, and for a more desirable visual environment.

BUILDING

Any structure having a roof and intended for the housing, enclosure, shelter or protection of persons, animals, property, process equipment, goods or materials of any kind or nature.

BUILDING, ACCESSORY

A building subordinate to the principal building on a lot and used for the purposes customarily incidental to those of the principal building. Where an accessory building is attached to a principal building in a substantial manner by a wall or roof, such accessory building shall be considered part of the principal building.

BUILDING AREA

The total of areas, measured perpendicularly at the widest portion of the principal building and all accessory buildings, including all areas comprised of decks, porches or stoops, all of which must comply with §455-35, Limiting Schedule, adopted herein, along with any of its subsequent amendments or revisions.

BUILDING HEIGHT
[Amended 3-23-1993 by Ord. No. 1173]

(1) The vertical distance measured from the average grade of the center line of the nearest abutting street where the abutting street center line is lower than the grade at 10 feet distance from the building face. The building height shall be measured from the elevation of the finished grade within 10 feet of each face of the building or structure to the highest point of the building in lieu of from the abutting street center line where the finished grade within 10 feet of the building is lower than the abutting street center line. When a building faces more than one street, the height shall be measured from the average of grades of the center lines of each street front. The building height is taken as the greatest vertical distance of any one face of the building.

(2) Building heights exclude church spires and church cupolas, provided that such are less than 10% of the building area, are recessed from the principal facade and, except for church spires, are less than 10 feet in height. Rooftop appurtenances, chimneys and mechanical

structures are to be included within the building height.

(3) Any existing structure that is made nonconforming as a result of this definition shall not require a variance to alter or expand, provided that said alteration or expansion does not create any new nonconformity or enlarge any existing nonconformity.

BUILDING LINE

A line parallel to the front line and removed from it by the depth of the required front yard. The "building line" for the purposes of this chapter shall be the same as the setback line.

CLEANERS

A service cleaning establishment with machines to be used by an operator on the premises.

CONDITIONAL STANDARDS

The definite specifications and standards which are to be used by the approving authority in the review of a conditional use application.

CONDITIONAL USE

A use permitted in a particular zoning district only upon a showing that such use in a specified location will comply with the conditions and standards for the location or operation of such use as contained in this chapter, and upon the issuance of an authorization therefor by the Joint Land Use Board.

CONSTRUCTION OFFICIAL

The person appointed pursuant to that section of the Code of the Borough of Dumont establishing a State Uniform Construction Code agency.

DRIVE-IN FACILITY

An establishment designed or operated to serve a patron while seated in an automobile. A drive-in facility shall also include such similar terms as drive-up or drive-through.

DWELLING

Any building or structure which in whole or in part is designed, intended, occupied or used for exclusive human habitation, including cooking, sleeping, eating and sanitary facilities.

DWELLING, MULTIFAMILY

Three or more dwelling units which are attached vertically or horizontally, and which combined units are surrounded by open space or yards.

DWELLING, ONE-FAMILY

One dwelling unit on a lot which is surrounded by open space or yards and which is not connected or attached to any other dwelling unit or building or structure, which is not associated with the unit by wall, roof, floor, passage, hall, porch or other means.

DWELLING, TOWNHOUSE

A multifamily dwelling where the dwelling units are attached in a row of at least three such units, in which each unit has its own front and, where possible, rear access to the outside, no unit is located over another unit and each unit is separated from any other unit by one or more common fire-resistant walls.

DWELLING, TWO-FAMILY

Two dwelling units on a lot which are attached vertically or horizontally, which combined units are surrounded by open space or yards and which are not connected or attached to any other dwelling units or buildings or structures which are not associated with the two units by a wall, roof, floor, passage, hall, porch or other means.

DWELLING UNIT

A separate dwelling comprised of one or more rooms, areas or spaces for the exclusive use of a single family maintaining a household, such as a living quarter, a house, a home, an apartment, a residence or a sleeping place. The dwelling unit's common spaces, such as the eating area, cooking area, living room, dining room, family room, great room and kitchen, are to be connected with the other spacings in the unit to allow general family use. Each dwelling unit shall not have more than one kitchen or cooking area. There shall be at least one access doorway to the outside public hall from a common use space within the unit which is accessible for general use.

EFFICIENCY APARTMENT

An apartment unit where there is no bedroom but within a room, within the minimum living floor area, there is a convertible bed or screened area with a bed.

FAMILY

One or more persons related by blood, adoption or marriage, including foster children living and cooking together as a single housekeeping unit; or a number of persons, but not exceeding five adults, living and cooking together as a single housekeeping unit where one or more of such persons are not related by blood, adoption or marriage to others shall also be deemed to constitute a family.

FENCE or FENCE WALL

An enclosing or dividing framework for land, yard, property or garden, composed generally of materials to form a vertical plane perpendicular to the ground.

FLOOR AREA, GROSS

The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the center line of a wall separating two buildings, but not including interior parking spaces, loading spaces for motor vehicles or any space where the floor-to-ceiling height is less than six feet.

FLOOR AREA RATIO (FAR)

The gross floor area of all buildings or structures on a lot divided by the total lot area, excluding pools, decks, patios, HVAC, generators, and sheds of less than 100 square feet.

GARAGE

The building or part thereof where motor vehicles are kept without any provisions for the general maintenance or repairing of such vehicles.

GARAGE, DETACHED

An enclosed standalone structure where motor vehicles are kept without the provisions for the general maintenance or repairing of such vehicles. Such garages may not be occupied as living space nor contain any cooking facility or bathroom.

GARAGE, REPAIR

Any building, premises and land in which or upon which a business, service or industry involving the maintenance, servicing, repair or painting of vehicles is conducted or rendered.

GREEN AREA

The percentage of area of the lot not devoted to buildings, structures, paving, driveways, ingress and egress, sheds, open storage and similar uses, and is landscaped or left to remain in a wooded or natural state.

HABITABLE ROOM

The habitable area of a home or apartment customarily used for living, including but not limited to kitchen, dining room, living room, game room, bathroom, but excluding basement, attic, garage (attached or detached) storage areas, halls and foyers.

HABITABLE FLOOR AREA

The total floor area of all of the Habitable Rooms in a dwelling unit. Also referred to as Minimum Living Floor Area.

HOME OCCUPATION

(1) The professional office studio or service of a resident physician, surgeon, dentist, lawyer, real estate agent, architect, artist, accountant, musician, teacher, psychologist or other related professional field or home contractor so long as such contractor has no manufacturing work involved on the premises, provided that any of the professional services, office work or contracting work mentioned herein complies with the following:

(a) No person other than members of the family residing on the premises shall be engaged in such occupation, and an occupant shall have a proprietary interest in the occupation;

(b) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and provided further that such professional service or office is located on the first floor of said dwelling, and not more than 25% of the floor area of the dwelling unit, including basement, shall be used in the conduct of the home occupation;

(c) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign which shall be erected in compliance with the relevant provisions of Chapter **350**, Signs, of the Code of the Borough of Dumont;

(d) The professional service or office shall be carried on wholly within the principal building and shall not be conducted in any accessory building;

(e) There shall be no on-site sales of goods in connection with such professional service or office;

(f) No overnight hospital facilities shall be provided for animals or persons in connection with such professional service or office;

(g) No such professional service or office shall generate traffic in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard; and

(h) No equipment or process shall be used in such professional service or office which creates noise, vibration, glare, fumes, odors or electrical interference, and no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

(2) A "home occupation," as defined herein, does not include a veterinarian, an animal hospital or kennel, an auto repairman, a restaurant, tearoom, coffee shop, tavern, mortuary, beauty parlor, barbershop or similar use.

HOUSE TRAILER

Any portable or mobile structure or vehicle on a permanent chassis used as a dwelling unit or for sleeping purposes or for the conduct of business, whether or not such vehicle or structure is attached to a foundation. The term "house trailer" also includes mobile home or trailer.

IMPERVIOUS SURFACE

A surface covered with a layer of material that is highly resistant to water infiltration.

[Added 2-21-2017 by Ord. No. 1514; amended 6-13-2017 by Ord. No. 1522]

(1) Examples of impervious surfaces include asphalt, macadam, concrete, brick pavers, and compacted surfaces.

(2) Examples of surfaces that are specifically not classified as impervious surfaces include dirt, earth, grass, gravel, rock, sand, wood chips, nor any other loose, noncompacted surface covering.

KITCHEN

That area of a dwelling that consists of cooking apparatus of any type and either plumbing fixtures and/or refrigeration of any type.

LAUNDROMAT

A service cleaning establishment with washing, drying or dry-cleaning machines for hire to be used by customers on the premises for family laundering or dry-cleaning purposes.

LOT

A designated parcel, tract or area of land established by a plat or otherwise as permitted by law, and to be used, developed or built upon as a unit. One or more contiguous parcels of land united by a common interest or use considered as a unit occupied by a principal building or zoning use and its accessory buildings and uses, if any, including the open spaces of such unit of land. It may or may not coincide with the deed description thereof or the boundaries of the same as shown on the Tax Assessment Map of the Borough of Dumont or a map filed for record or otherwise.

LOT AREA

The area of a horizontal plane bounded by the front, side and rear lot lines; provided, however, that any easement area, brook or waterway area shall not be utilized in computing overall square footage.

LOT, CORNER

A lot or parcel of land abutting on two or more streets at their intersection forming an interior angle of less than 135 degrees. A corner lot shall have one front yard directly adjacent to the primary entrance facing a street. The second frontage shall be considered side yard.

LOT COVERAGE

The percentage of area of a lot devoted to the principal or accessory building or structure; provided, however, that roof eaves shall be included in the computation of lot coverage.

LOT, DEPTH OF

The mean horizontal distance between the front and rear lot lines.

LOT FRONTAGE

The horizontal distance measured along the full length of the front lot line and drawn at right angles from the shortest lot line.

LOT, INTERIOR

A lot other than a corner lot.

LOT LINE

A line of record bounding a lot which divides one lot from another lot or from a public or private street or any other public space.

LOT LINE, FRONT

A boundary of a lot which is along an existing or dedicated public street or, where no such existing or dedicated public streets exist, is along a public way. In the case of a corner lot there shall be one front yard directly adjacent to the primary entrance facing a street. The second frontage shall be considered side yard.

LOT LINE, REAR

The lot line which is more distant from and most nearly parallel to the front lot line. If a rear lot line is less than 15 feet in length, or if a lot comes to a point at the rear, the rear lot line shall be a line at least 15 feet in length, lying wholly within the lot and parallel with the front lot line.

LOT LINE, SIDE

Any boundary of a lot which is not a front lot line or a rear lot line.

LOT, WIDTH OF

The straight-line distance between points on opposite side lot lines where the boundary between the front yard and the side yards meet at the front setback line.

MANUFACTURE

The converting of raw, unfinished materials or products, or any or either of them, into an article or articles or substance of a different character or for use for a different purpose. The term "manufacture" shall also include the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products and the blending of materials, such as lubricating oils, plastics, resins or liquors.

MASTER PLAN

A composite of the mapped and written proposals recommending the natural, physical and

economic development capacities and goals of the Borough which has been adopted by the Dumont Joint Land Use Board.

MUNICIPAL LAND USE LAW

P.L. 1975, c. 291, N.J.S.A. 40:55D-1 et seq. and all the subsequent amendments thereto.

NONCONFORMING LOT

A lot, the area, dimension or location of which was lawful prior to the adoption, revision or amendment of a zoning ordinance but fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment.

NONCONFORMING STRUCTURE

A structure, the size, dimension or location of which was lawful prior to the adoption, revision or amendment of a zoning ordinance but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption, revision or amendment.

NONCONFORMING USE

A use or activity which was lawful prior to the adoption, revision or amendment of a zoning ordinance but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption, revision or amendment.

OFF-STREET PARKING

The on-site parking of motor vehicles.

PATIO

A level, landscaped, and/or surfaced area, also referred to as a terrace, directly adjacent to a principal building at or within six inches of the finished grade and not covered with a permanent roof.

PARKING SPACE

The on-site parking on a temporary basis of motor vehicles which are directly accessible to an access aisle. Such parking area is not to be used for the sale, display or repair of motor vehicles or the storage of motor vehicles before or after the sale, display or repair of the same.

PERVIOUS DRIVEWAY SURFACE

A surface that will permit surface water to pass through the surface and provide a durable driveway surface. (See § **455-17**, Off-street parking, Subsection **T**, Driveways, Residential, for more information.)

[Added 4-17-2018 by Ord. No. 1543]

PERVIOUS SURFACE

A surface that will permit surface water to pass through the surface, resulting in minimal runoff to abutting streets, sidewalks, swales, and ditches.

[Added 4-17-2018 by Ord. No. 1543]

PREMISES

The lot and any structures thereon, on or in which a subject use is situated.

PROPERTY LINE

The same as a lot line for the purposes of this chapter.

RESIDENTIAL AGRICULTURE

The on-site growing, harvesting or keeping of plants for the consumption and enjoyment of residents of the property, and not for commercial purposes.

RESTAURANT

A public eating and drinking establishment in which the primary function is the preparation and serving of food and drink on the premises and for on-site consumption. Excluded from this definition for the purposes of this article are drive-in restaurants. Retail establishments which may serve food and drink, as an accessorial use, such as delicatessens or supermarkets, are also excluded from this definition for the purposes of this chapter.

(1) In order to assure compliance with the requirements that a restaurant have as its primary function the preparation and serving of food and drink on the premises and for on-site consumption, the following requirements are hereby imposed:

(a) All food and drink are to be ordered by a customer while he is seated at a table or counter where it is to be consumed.

(b) The restaurant shall not be designed in such a manner as to allow the ordering of food and drink in any location other than at the table or counter where it is to be consumed.

(c) All consumption of food and drink is to be within the building area designed for restaurant use. No food or drink shall be consumed in any other portion of the building or lot.

(d) Food and drink may be taken from the premises only when such take-out service is incidental to the primary restaurant use.

(2) In the event that a restaurant use abuts a residential use or zone, or institutional premises, the restaurant use shall be screened along those portions that are adjacent to such residential zone or institutional premises by a fence or fence wall not less than five feet in height or with a four-foot planting strip consisting of shrubs or trees which are at least four feet high

at the time of planting. Such screening shall extend to an equidistant point between the minimum setback line for the district to the public right-of-way.

(3) The developer, as a condition for approval, shall present evidence to the approving authority that there will be provisions for the disposal of all solid, liquid and gaseous wastes and that there will be no air pollution or unreasonable odors.

(4) The restaurant use shall not depreciate the value of contiguous properties or create instances of discomfort or annoyance to the neighborhood residential uses and zones.

RESTAURANT, DRIVE-IN

An establishment serving food to persons outside the building in which the food is prepared and/or providing tables, benches or automobile parking spaces where food may be eaten outside such building.

SERVICE CLEANING ESTABLISHMENT

A retail business, with attendant(s) present at all times, that uses washing, drying, dry-cleaning, pressing, ironing and similar machines for the care and cleaning of customers' clothes and household dry goods. Excluded from this definition for the purposes of this chapter are laundry areas which serve as an accessorial use to apartments for the exclusive use by tenants and owner.

SERVICE STATION

Any building, place or location designed to supply motor vehicles with gasoline and fuel for propulsion, oils, greases, automobile sundries or for the inspection, testing, examination and cleaning of motor vehicles or for the minor repair or replacement of parts and shall include fuel pumps and fuel storage tanks. "Service stations," for the purpose of this chapter, are what may be commonly referred to as "filling, gas or gasoline stations."

SETBACK

The distance from the property line to a building or permanent structure at the shortest distance thereto, measured at right angles to the property line. The front, interior side, corner side and rear setbacks shall be measured from the front, interior side, corner side and rear lot lines, respectively.

Projections into Setbacks- general exceptions.

1. The projection of parapets, windowsills, doorposts, rainwater leaders, roof gutters, and similar ornamental or structural fixtures may project a maximum distance of not more than six inches into required yards.

2. Cornices, bay windows, window wells, chimneys, balconies, landings, and other similar architectural features may project a maximum distance of not more than two feet into

required yards provided same is no more than six feet wide and no more than one projection on each elevation. Front steps may project a distance of not more than four feet into a required front yard.

3. Wall mounted canopies or awnings may extend up to three feet over an entrance and shall not be counted towards the setback requirements.

4. Patios may be within any side and/or rear yard setback provided same is no closer than three feet to the property line.

SHOPPING CENTER DEVELOPMENT

A group of commercial establishments which provide for the sale of the daily living needs, such as food and drugs, as well as personal services, such as apparel and furniture, banking, professional services and recreation. Such a center should be developed as a unit. A shopping center development shall be comprised of no less than 15,000 contiguous square feet of ground space and shall comply with the following standards:

(1) The developer shall present extensive evidence to the approving authority that there will be no traffic problems created by the proposed shopping center development. The approving authority's considerations in determining the existence or nonexistence of traffic problems are to include, but not be limited to, the following:

(a) The capacity of existing roadways to take any increased traffic flow.

(b) The need for left-hand turns in order to accommodate the ingress and egress of traffic from the proposed use.

(c) Sight lines.

(d) The effect the proposed shopping development will have on increasing traffic through the local residential streets.

(e) The location and design of the access driveways.

(f) Pedestrian and cyclist safety.

(g) The number, manner and design of all physical traffic control devices to be located in the interior parking lot and driveway.

(2) The proposed shopping center development shall promote a desirable visual environment through creative development techniques and good civic design in arrangements in accordance with the Municipal Land Use Law. All masonry walls that serve as a facing shall be constructed of brick or a material of similar aesthetic appeal. Cement or cinder

blocks shall not be exposed to view on a visually finished masonry wall.

(3) The developer shall comply with all provisions of Chapter **350**, Signs, of the Code of the Borough of Dumont.

STORE

A building structure devoted primarily to the retail sale of goods and services and where the service is performed or the goods to be sold are prepared in their finished form on the premises.

STREET LINE

The dividing line between the street and the lot.

STRUCTURAL PART

A principal member which is used to support live and/or dead loads, such as a bearing partition, bearing wall, beam, girder, column, pier or post; but, however, excluding such secondary elements as a joist, flooring, decking or lintel whose supporting area is no greater than 49 square feet and excluding nonbearing partition wall.

STRUCTURE

A combination of materials to form a construction for use, occupancy, HVAC, power generation or ornamentation, whether installed on, above or below the surface of land or water.

USE

The purpose or activity for which land, structures or buildings are designed, arranged or intended, or for which land, structures or buildings are occupied or maintained.

USE, ACCESSORIAL

A use clearly incidental and subordinate to the principal use and located on the same lot with such principal use.

USE, PRINCIPAL

The primary purpose for which a lot is used.

USE, PROHIBITED

A use not permitted within a district. Those uses not expressly permitted within this chapter are prohibited. The listing of certain uses as specifically prohibited reiterates the prohibition regarding those particular uses to avoid doubt or confusion.

YARD

The area on a lot extending along a lot line between such lot line and a building, structure or use occupying such lot.

YARD, FRONT

A yard extending the full width of a lot and situated between the street line and the line of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the line of the building and the street line at its shortest point.

YARD, REAR

A yard extending the full width of the lot situated between the rear line of the building and the rear line of the lot measured at its shortest point.

YARD, SIDE

A yard situated between the building and the side line of the lot and extending from the front yard to the rear yard.

ZONING OFFICER

The Construction Official of the Borough of Dumont.

Effective Date. This Ordinance shall take effect upon final passage and publication pursuant to law.

_____
Andrew LaBruno, Mayor

Attest:

_____
Jeanine E. Siek, RMC
Municipal Clerk

Introduced: March 22, 2022
Adopted:

2022
BOROUGH OF DUMONT
ORDINANCE

MEMBERS	AYE	NAY	ABSTAIN	ABSENT
GORMAN				
HARVILLA				
NOVOA				
ROSSILLO				
RUSSELL				
STEWART				
MAYOR LABRUNO				
TOTALS				

Ordinance No.	**1603**
Date:	**March 22, 2022**
Page:	**1 of 10**
Subject:	**Chapter 182-2 – Fees**
Purpose:	**Amend Borough Code**
Dollar Amount:	
Prepared By:	**Jeanine E. Siek, RMC**

Offered by: _____
Seconded by: _____

Certified as a true copy of an Ordinance Introduced and Passed on 1st Reading by the Governing Body of the Borough of Dumont on the above date at a Public Meeting by:

Jeanine E. Siek, RMC, Municipal Clerk
Borough of Dumont, Bergen County, New Jersey

ORDINANCE OF THE BOROUGH OF DUMONT, COUNTY OF BERGEN, STATE OF NEW JERSEY, AMENDING CHAPTER 182-2 OF THE BOROUGH CODE – FEES

§ 182-2 **Fees.**
[Added 12-5-2017 by Ord. No. 1530]

A. General.

(1) The fee for plan review shall be a percentage of the fee for a construction. Plan review fees are not refundable.

(2) The fee to be charged for a construction permit will be the sum of the subcode fees plus all applicable special fees, such as elevator or sign fees. This fee shall be paid before a permit is issued.

(3) The fee to be charged for a certificate of occupancy shall be paid before a certificate is issued. This fee shall be in addition to the construction permit fee.

(4) All permits shall be subject to an additional administrative fee of $50.00 to be collected at the time the permit is issued.

B. Plan review fees. Fees shall be computed as 20% of the fee for the construction permit.

C. Construction permit fees. The fee for a construction permit shall be the sum of all subcode fees, the required certificate fee, and the New Jersey training fee. A minimum construction permit fee for any one subcode shall be $75 for residential and $150 for commercial for all subcodes.

(1) Building subcode fees.

(a) New construction and additions.

[1] New construction and additions for Residential Use Group R5: $0.060 per cubic foot. However, the minimum fee for a building subcode fee under this section shall be $350.

[2] New construction and additions for all other use groups: $0.060 per cubic foot. However, the minimum fee for a commercial permit under this section shall be $1,000.

(b) For alteration work, including but not limited to roofing, siding, repairs and modifications, to a structure for all R-5 Residential Use Groups, the fee shall be $25 per $1,000 of estimated construction costs, with a minimum fee of $75 for the residential use.

(c) For alteration work, including but not limited to roofing, siding, repairs and modifications, to a structure for all other use groups, there shall be a cost of $30 per $1,000 of construction costs, with a minimum fee of $150 for all commercial uses.

(d) The removal permit fee, for moving a structure from one location to another, shall be $25 per $1,000 of all cost incurred in moving the structure, plus the permit fee for the new foundation based on the volumetric computation in Subsection **C(1)(a)**.

(e) Demolition permit fee (removal of structure or in-ground pool from property):

[1] One- and two-family dwellings, Use Group R5: $150.

[2] Removal of accessory structures or miscellaneous structures, Use Group U: $50.

[3] All other use groups: $750.

(f) Demolition permit fee (removal or abandonment of a tank):

[1] Tank located on Use Group R5 property: $75.

[2] Tank located on all other use groups' property: $150.

(g) Installation of in-ground storage tanks (each), all use groups: $75.

(h) On all building lots, the applicant for a building permit for a new single-family house, garden apartment building, or townhouse building shall be required to post an engineering escrow of $2,500 for residential and $3,000 for commercial; or, at the Construction Official's discretion, for an addition to an existing structure, an escrow of $1,000. This escrow is for plot plan review, engineering inspections of nonpublic improvements and a review of the final as-built plan. If, because of extraordinary land topography, drainage concerns, retaining walls in excess of five feet in height or other similar out-of-the-ordinary considerations, the Construction Official deems that additional Borough Engineer time will be needed to ensure proper technical installation, he may require the applicant to post an additional engineering escrow.

(i) Other fees.

[1] Microwave receiving antenna: $250.

[2] Fence permits:

[a] Use R5 on individual lots: $40

[b] All other uses: $150.

[3] Lighted signs: $150.

[4] Swimming pools:

[a] Swimming Pool, Exercise Spa and Permanent Residential Spa $500; engineering escrow of $750.

[b] Portable Pool or Portable Residential Spa: $150.

[5] Asbestos abatement: $150.

[6] Open structural tower: $1,500.

(j) In Zones B-2, and LI, the applicant for a building permit shall be required to post an engineering escrow of $2,500 for plot plan review and engineering inspections of nonpublic improvements and final as-built plan review. In exceptional circumstances, additional escrows may be required for engineering review. Any unused escrow shall be refunded to the applicant.

(2) Plumbing subcode fees, as provided for in this chapter, shall be a minimum fee of $75 for all residential structures and a minimum fee of $150 for all commercial structures. These fees shall be in addition to the fees, which are set forth in the subsections of this section, for the specific work proposed.

(a) Fixtures, which include water closet, urinal, bathtub, lavatory, shower, floor drain, sink, dishwasher, drinking fountain, washing machine, hose bib, garbage disposal, stacks, bidet, and fuel oil piping (each): $30.

(b) Gas piping, LP gas tank, gas piping to water heater (each): $50.

(c) Interceptor/separator, backflow preventer, water-cooled or A/C refrigeration unit, and active solar system (each): $40.

(d) Sewer connection, water service connection, stacks (each): $100.

(e) Grease trap: $75.

(f) Sewer pump: $75.

(g) Steam boiler and hot water boiler (each): $75.

(h) Gas water heater

(3) Electric subcode fees, as provided for in this chapter, shall be a minimum fee of $75 for all residential structures and a minimum fee of $150 for all commercial structures. These fees shall be in addition to the fees, which are set forth in the subsections of this section, for the specific work proposed.

(a) Rough and final wiring (one to 50 outlets), including switching, lighting and receptacle outlets, detectors, light poles, fractional HP motors, emergency and exit lights, communication points, and alarm devices: $75; each additional 25 outlets: $30.

(b) Range/oven: $30.

(c) Dryer, electric: $30.

(d) Water heater, electric: $30.

(e) Heating, electric, baseboard, space heater, air handler: $30.

(f) Furnace, gas or oil, residential central HVAC, solar heat: $75.

(g) Dishwasher, garbage disposal: $20.

(h) Pools:

[1] Pool with UW lights: $75.

[2] Storable pool/spa/hot tub: $75.

[3] Pool and patio bonding: $75.

(i) Service panels, entrances, subpanels:

[1] Up to 200 amps: $75.

[2] Over 200 to 400 amps: $100.

[3] Larger than 400 amps: $200.

(j) Temporary service:

[1] Residential: $100.

[2] Commercial: $200.

(k) HVAC unit, air conditioner, motor, generator, power transformer, compressor:

[1] Residential: $100

[2] Commercial: $250

(l) Load management device on all new residential and commercial central air-conditioning unit installations; a load management device shall be included as part of the installation.

(4) Fire subcode fees, as provided for in this chapter, shall be a minimum fee of $75 for residential structures and a minimum fee of $150 for commercial structures. These fees shall be in addition to the fees, which are set forth in the subsections of this section, for the specific work proposed.

(a) Sprinklers:

Number of Heads	**Fee**
Up to 49	$200
50 to 99	$300
100 to 250	Additional $150
Over 250	$550

(b) Smoke and heat detectors:

Quantity	**Fee**
1 to 10	$75
11 to 50 (each additional 10)	$20
Over 50 (each additional 10)	$20
Duct smoke detectors (each)	$30

(c) Pre-engineered systems which include CO^2 suppression, halon suppression, foam suppression, wet chemical and dry chemical (each): $100.

(d) Miscellaneous:

[1] Standpipes (each): $100.

[2] Kitchen hood exhaust system (each): $100.

[3] Incinerators (each): $100.

[4] Crematoriums (each): $100.

[5] Gas- and oil-fired appliances (each): $65.

[6] Installation of underground storage tank:

[a] Use Group R5 (each): $75.

[b] All other use groups (each): $150.

[7] Installation of aboveground storage tank:

[a] Up to 5,000 gallons (each): $200.

[b] Over 5,000 gallons (each): $300.

[8] Fireplaces, wood-burning stoves, etc.: $75.

[9] Smoke control systems: $100.

[10] Exit signs and emergency lights with battery backup, etc. (per fixture): $20.

(5) Certificate of occupancy fees:

(a) Certificate of occupancy (CO). The new construction fee shall be 10% of the total cost of the construction permit that would be charged by the Department. The minimum fees shall be $75, and prepayment at time of issuing the construction permit is required.

(b) Temporary certificate of occupancy (TCO) (not refundable): $40. In addition, a cash bond equal to the cost of uncompleted work must be posted. The cash bond is refundable upon issuance of a permanent certificate of occupancy.

(c) Certificate of continued occupancy (CCO) for the sale of property:

[1] One-family residential: $75, payable to the Borough of Dumont, if the CCO inspection is scheduled 10 or more days prior to the anticipated closing date.

[2] Two-family residential: $85, payable to the Borough of Dumont, if the CCO inspection is scheduled 10 or more days prior to the anticipated closing date.

[3] Commercial property: $100, payable to the Borough of Dumont, if the CCO inspection is scheduled 10 or more days prior to the anticipated closing date.

[4] In addition to the fees set forth in this subsection for a CCO, there shall be an additional fee of $25 if the CCO inspection is scheduled more than four days but less than 10 days prior to the anticipated closing date, or an additional fee of $100 if the CCO inspection is scheduled less than four days prior to the anticipated closing date.

(d) Certificate of continued occupancy (CCO) for tenancy changes in apartments and multiple dwellings: $75 for a single apartment, payable to the Borough of Dumont.

(e) Smoke detector compliance certificate: $50, payable to Dumont Fire Prevention Bureau.

(f) Certificate of approval: $40 each. (NOTE: Fees for certificates are to be paid upon application, whether a certification is issued or not.)

(g) Certificate of compliance for alteration and addition: $40.

(h) Certificate, multiple dwellings (per unit): $40.

(i) Letter for mortgage inspection: $40.

(j) Reinspection fee: $125 for each reinspection.

(k) Penalties: Any person who violates certificate of occupancy requirements shall be fined a sum of up to $250 for a first offense; a second offense shall be fined between $250 and $500; and a third offense shall be fined not less than $500 and no more than $1,000 per certificate of occupancy violation.

(6) Reinstatement of a lapsed construction permit:

(a) Recalculation of the construction permit shall be required, utilizing the most current Building Department fee schedule applied to all work which is to be performed.

(b) The reinstatement fee shall be 25% of the recalculated value.

(c) Minimum reinstatement fee: $75.

(7) Annual construction permit:

(a) The fee for an annual construction permit shall be paid annually. This fee shall be based on the number of maintenance workers who are employed by the facility and who are primarily engaged in work that is governed by a subcode.

(b) Fees shall be as follows:

Number of Workers	**Fee (per worker)**
1 to 25	$650
Over 25	$350
Training fee per subcode	$100

(8) Application to the Construction Board of Appeals: $100.

(9) Application for a variance: $50.

(10) Exemption from fees. Any religious, charitable, benevolent, fraternal or nonprofit

association, corporation, or organization shall be exempt from the payment of fees under this chapter. DCA state fees may be required.

(11) The Construction Official shall, on or before February 10 of each year, with the advice of the subcode officials and in consultation with the Municipal Finance Officer, prepare and submit to the governing body a report recommending a fee schedule based on the operating expenses of the agency.

(12) In order to provide for the certification and technical support programs required by the Uniform Construction Code, the enforcing agency shall collect, in addition to the fees specified above, a surcharge fee computed in accordance with N.J.A.C. 5:23-4.19. Said surcharge fees shall be remitted to the Bureau of Housing Inspection, Department of Community Affairs, on a quarterly basis for the fiscal quarters ending September 30, December 31, March 31 and June 30, and no later than one month next succeeding the end of the quarter for which it is due.

(13) The enforcing agency shall report annually at the end of each fiscal year to the Bureau of Housing Inspection, and not later than July 31, the total amount of the surcharge fee collected in the fiscal year. In the fiscal year in which the regulations first become effective, said report shall be for the third and fourth quarters only.

(14) Fees for any other permits not specifically set forth herein shall be as established by the New Jersey Department of Community Affairs pursuant to the Uniform Construction Code Act, its amendments and supplements. (NOTE: See N.J.S.A. 52:27D-119 et seq.) An additional fee shall be paid by the applicant when plans of a special design are filed with the Borough of Dumont and the determination of the Construction Code Official is that said plan shall be forwarded for review to the New Jersey Department of Community Affairs, Trenton, New Jersey, or a state-approved private firm. The fee charged for such review shall be deducted from any other fees required by this chapter or any other municipal ordinance.

D. The Construction Official shall, on or before February 10 of each year, with the advice of the subcode officials and in consultation with the Municipal Finance Officer, prepare and submit to the governing body a report recommending a fee schedule based on the operating expenses of the agency.

E. In order to provide for the certification and technical programs required by the Uniform Construction Code, the Borough shall collect, in addition to the fees specified above, a New Jersey state permit surcharge fee for all construction based on value and volume in accordance with the latest amendments to the New Jersey Uniform Construction Code

(N.J.A.C. 5:23-4.19). Said fees shall be remitted to the Bureau of Housing Inspection, Department of Community Affairs, on a quarterly basis for the fiscal quarters ending September 30, December 31, March 31, and June 30, and no later than one month next succeeding the end of the quarter for which it is due.

F. The enforcing agency shall report annually at the end of each fiscal year to the Bureau of Housing Inspection, and not later than July 31, the total amount of the surcharge fee collected in the fiscal year. In the fiscal year in which the regulations first become effective, said report shall be for the third and fourth quarters only.

G Fees for any other permits not specifically set forth herein shall be as established by the New Jersey Department of Community Affairs pursuant to the Uniform Construction Code Act, its amendments and supplements

Effective Date. This Ordinance shall take effect upon final passage and publication pursuant to law.

_____
Andrew LaBruno, Mayor

Attest:

_____
Jeanine E. Siek, RMC
Municipal Clerk

Introduced: March 22, 2022
Adopted:

2022
BOROUGH OF DUMONT
ORDINANCE

MEMBERS	AYE	NAY	ABSTAIN	ABSENT
GORMAN				
HARVILLA				
NOVOA				
ROSSILLO				
RUSSELL				
STEWART				
MAYOR LABRUNO				
TOTALS				

Offered by: _____

Seconded by: _____

Ordinance No.	**1604**
Date:	**March 22, 2022**
Page:	**1 of 10**
Subject:	**Chapter 455-35 – Limiting Schedule**
Purpose:	**Amend Borough Code**
Dollar Amount:	
Prepared By:	**Jeanine E. Siek, RMC**

Certified as a true copy of an Ordinance Introduced and Passed on 1st Reading by the Governing Body of the Borough of Dumont on the above date at a Public Meeting by:

Jeanine E. Siek, RMC, Municipal Clerk
Borough of Dumont, Bergen County, New Jersey

ORDINANCE OF THE BOROUGH OF DUMONT, COUNTY OF BERGEN, STATE OF NEW JERSEY, AMENDING CHAPTER 455-35 OF THE BOROUGH CODE – LIMITING SCHEDULE

§ 455-35 **Limiting Schedule.**
[Amended by Ord. No. 1054; 3-6-2018 by Ord. No. 1533]

Limiting Schedule

Area	RA 1-Family Dwelling	RA 2-Family Dwelling	B2	LI	Downtown Overlay
Lot area (minimum square feet)	7,500	15,000	—	—	10,000
Lot width (minimum feet)	60	120	—	—	—
Lot depth (minimum feet)	100	100	—	—	—
Lot frontage (minimum feet)	75	150	—	—	—
Front yard setback (minimum feet)	25	25	—	—	—
Side yard setback (minimum feet)	5[1]	15[2]	—[3]	—	—[3]
Rear yard setback (minimum feet)	25	25	—	—	—
Lot coverage (maximum percent)	30%	30%	70%	60%	75%
Green area (minimum percent)	50%	50%	—	—	—
Height (maximum feet)	28	28	28	36	36[4]
Sidewalk area (minimum feet)	—	—	10	—	10

Floor Area Ratio in all Residential A Zones
As set forth in Section 455-7

NOTES:

[1] **In the RA District, one-family, aggregate side yards should be no less than 15 feet.**

[2] **In the RA District, two-family, aggregate side yards should be no less than 40 feet.**

[3] A side yard of 10 feet is required only when a business building is constructed adjacent to a residential lot, residential zone or existing residential structure.

[4] Except on those parcels within the Downtown Overlay Zone District that are permitted to be developed with densities up to 24 dwelling units per acre, on which parcels a maximum building height of 48 feet/4 stories shall apply.

Effective Date. This Ordinance shall take effect upon final passage and publication pursuant to law.

_____
Andrew LaBruno, Mayor

Attest:

_____
Jeanine E. Siek, RMC
Municipal Clerk

Introduced: March 22, 2022
Adopted:

2022
BOROUGH OF DUMONT
ORDINANCE

MEMBERS	AYE	NAY	ABSTAIN	ABSENT
GORMAN				
HARVILLA				
NOVOA				
ROSSILLO				
RUSSELL				
STEWART				
MAYOR LABRUNO				
TOTALS				

Offered by: _____

Seconded by: _____

Ordinance No.	**1605**
Date:	**March 22, 2022**
Page:	**1 of 7**
Subject:	**Chapter 392 – Swimming Pools**
Purpose:	**Amend Borough Code**
Dollar Amount:	
Prepared By:	**Jeanine E. Siek, RMC**

Certified as a true copy of an Ordinance Introduced and Passed on 1st Reading by the Governing Body of the Borough of Dumont on the above date at a Public Meeting by:

Jeanine E. Siek, RMC, Municipal Clerk
Borough of Dumont, Bergen County, New Jersey

ORDINANCE OF THE BOROUGH OF DUMONT, COUNTY OF BERGEN, STATE OF NEW JERSEY, AMENDING CHAPTER 392-1 OF THE BOROUGH CODE – SWIMMING POOLS

§ 392-1 **Definitions.**
As used in this chapter, the following terms shall have the meanings indicated:

CONSTRUCTION

Includes the building or constructing of or installing a new swimming pool or enlarging an existing swimming pool or any of the facilities.

PORTABLE POOL

Any above-surface type of swimming, bathing or wading pool and all equipment and appurtenances thereto, not designed or intended to be stationary or permanently fixed but designed to be disassembled for storage or transport. This includes portable pools with flexible /non-rigid walls that achieve their structural integrity by means of uniform shape, support frame or a combination thereof, and can be disassembled for storage or relocated. No portion of a Portable Pool may be more than 18 inches in the ground at existing grade.

SWIMMING POOL

Any private pool, or Exercise Spa, Permanent Residential Spa or Portable Residential Spa (as defined by the International Swimming Pool and Spa Code), whether permanently constructed or of the portable type, having a depth of more than 18 inches below the level of the surrounding land or any above-surface pool having a depth of more than 36 inches, designed, used and maintained for swimming or bathing purposes by an individual for use of the members of the household and guests and located on the applicant's land as an accessory use to a residence, and shall include all buildings, equipment, structures and appurtenances thereto.

§ 392-2 **Scope and application of chapter.**

A Portable pools as defined herein shall be subject to the setback regulations specified under § **392-7**; however, the surface area of a portable pool shall be exempt from the impervious coverage limitations of the Zoning Code, portable pools shall be removed on or before November 1.

B. The Borough Adopts the International Swimming Pool and Spa Code as presently enacted and subsequently modified, to the extent it does not contradict the Borough Code, in which case the Borough Code shall govern.

§ 392-3 **Permit required.**

No person shall construct, erect, install or alter a swimming pool in the Borough without first having obtained a permit therefor and without complying with the provisions of this chapter.

§ 392-4 **Application for permit; fees; accompanying data.**

Application for a permit under this chapter shall be made to the Building Inspector and shall be accompanied by the following:

A. Plans and specifications or proper description brochures, in duplicate.

B. Plot plans, and/or survey, prepared by a licensed surveyor or engineer, in duplicate, showing property lines of the premises upon which the swimming pool is to be constructed

or installed, all existing houses and structures thereon, abutting streets and properties and the location and dimensions of the proposed pool and its auxiliary structures, including topographic information and spot grades in the affected yard, as well as 10 feet onto all adjacent properties, to demonstrate that the proposed pool construction will not impact drainage, and on which the licensed professional has located the proposed pool and certified that said location is accurate; the certification shall also set forth the area of the rear yard and the area of the pool and its accessory structures as calculated by the licensed professional and a description of the enclosure or fence to be used.

C. Where the pool is installed on a corner lot, the side nearest the street shall be screened with shrubs no less than four feet in height above ground level.

D. A description, in duplicate, of the method of disinfection, treatment and disposal of the water to be used.

E. Fees shall be as set in Ordinance 182-2.

After completion of the pool, the licensed professional shall certify that the pool was constructed in the location as indicated on the aforementioned survey.

G. In-ground swimming pool requirements.

(1) All pools which are set 18 inches or more into the existing grade are classified as "inground pools." A soil-moving permit must be completed, showing the amount of soil to be disturbed, amount of soil to be removed and amount of soil to be exported.

(2) Cut and fill calculations shall agree with the soil-moving permit.

(3) Drainage calculations.

(4) All seepage pits being installed shall have a percolation test.

(5) A site plan showing all topographical contours prepared by a registered design professional.

(6) Total rear yard coverage for accessory structures and/or uses shall not exceed 25%.

(7) Inground pools shall be a minimum of 10 feet from all property lines and shall not be nearer to any street line than 25 feet.

(8) Pool equipment, walkways, decking and pool patios shall be a minimum of 10 feet from all property lines.

(9) Cabanas (not to exceed 150 square feet) shall be a minimum of five feet from all property lines.

§ 392-5 **Procedure respecting application for permit; duties of Building Inspector.**

A. The Building Inspector shall, within 15 days after receiving an application for a permit:

(1) Approve the application as submitted and cause the permit to be issued; or

(2) Require an amendment to the application to assure proper compliance with the provisions of this chapter and then cause the permit to be issued; or

(3) Reject the application when it is determined that a permit should not be issued. In such event an appeal to the Mayor and Council shall be available to the applicant.

B. The Building Inspector shall file the duplicate set of plans and specifications with the Board of Health of the Borough prior to the issuance of a permit.

§ 392-6 **Construction and maintenance.**

All materials used in the construction of swimming pools shall be waterproof and so designed and constructed as to facilitate emptying and cleaning and shall be maintained and operated in such manner as to be clean and sanitary at all times. Inlets shall be so located and spaced as to secure satisfactory dispersion of inflowing waters throughout the pool, and to permit draining, cleaning and disinfecting of the bottom and sides. Sand or earth bottoms shall not be used.

§ 392-7 **Location.**

All swimming pools and Permanent Residential Spas of permanent or stationary type of construction shall not be constructed, installed, located, maintained or operated within six feet of any property boundary line or of any dwelling located on said premises for an aboveground pool and within 10 feet of any property line for an in-ground pool, nor nearer to any street line than 25 feet as measured from the property line.

Portable pools may not be constructed, installed, located, maintained, or operated within six feet of any property boundary line or of any dwelling located on said premises.

A Portable Residential Spa may not be constructed, installed, located, maintained, or operated within six feet of any property boundary line or 4 feet of any dwelling located on said premises.

§ 392-8 **Electrical installations.**

Electrical fixtures, wiring and installation thereof used in connection with a pool shall conform to the standards of the National Electric Code and the National Fire Protection Association for electrical wiring and apparatus.

§ 392-9 **Chlorination, disinfection and filtering equipment; sanitary quality of water.**

A. All swimming pools, including the portable pools, shall be so constructed, installed and maintained as to provide necessary equipment for the chlorination and other disinfection and filtering to comply with approved bacteriological standards as may be promulgated by ordinance or regulations issued by the Board of Health of the Borough and the New Jersey State Department of Health and Senior Services.

B. The physical, chemical and bacterial qualities of the water of swimming pools and portable pools shall comply with the regulations and standards provided in the ordinances or regulations of the Borough's Board of Health.

§ 392-10 **Water supply.**

There shall be no physical connection between a potable (public or private) water supply system and a swimming pool, or portable pool or Spa, at a point below the maximum flow of the pool or to a recirculating or heating system of a pool, unless such physical connection is so installed and operated that no pool water can be discharged or siphoned into a potable water supply system.

§ 392-11 **Water use.**

All pools referred to in § **392-1** not equipped with facilities for the recirculation and reuse of the pool water may be subject to closure by order of the Board of Health during any period of emergency water shortage.

§ 392-12 **Safety regulations.**

A. Every swimming pool having a depth of 18 inches below the level of the land surrounding the pool, and above-surface pools or spa of a height of 18 inches or greater, shall be completely surrounded by a fence or wall of substantial construction, not less than five feet in height, which shall be constructed so as not to have openings, holes or gaps larger than two inches in dimension, except for doors and gates. Such fence and any gate shall be so designed, constructed and maintained as to prevent access to the pool by children at any time except when the pool is in use under the supervision of the possessor of the pool or by permission of the owner.

B. Said fence or wall enclosures shall be so designed and constructed as to reasonably prevent any person from gaining access beneath, through or over the same and shall be provided with one or more substantial gates or doors of the same height as the fence or wall enclosure, each gate or door to be equipped with a self-closing and self-latching device capable of keeping said gate or door securely closed.

C. Complete enclosure of the yard in which a pool is located by a fence and gate of the type mentioned in Subsections **A** and **B** of this section shall constitute compliance with this section.

D. Any ordinance requiring the obtaining of a permit for the erection of a fence shall not apply to fences erected pursuant to the provisions of this chapter except in such case where a fence is erected along a property line.

E. Any access ladder or steps used in connection with the above-surface-type pool or portable pool shall be removed from the pool when the same is not in use, unless the same is enclosed by a fence.

F. Lights used to illuminate any pool shall be so arranged and shaded as to reflect light away from the adjoining premises.

§ 392-13 **Use of public water.**

No public water shall be used in connection with the operation of any private swimming pool during any time when restrictions are imposed upon the use of such public water.

§ 392-14 **Filtration.**

Every pool shall be equipped with such filtration, circulation, clarification and chlorination systems as may be required under regulations of the Borough Board of Health to maintain the water in a clean and healthful condition.

§ 392-15 **Summary closing of pool for violations.**

Whenever any pool set forth in § **392-1**, by reason of mechanical defects or failure to comply with the requirements of this chapter, is a hazard to the health of users thereof, the health officer may summarily close such pool and keep such pool closed until no further hazard to users of the same exists, subject to the right of appeal to the Board of Health by the owner of such pool, which appeal shall not stay the action of the health officer.

§ 392-16 **Variance.**

The Joint Land Use Board may, by resolution, grant a variance of the provisions of this chapter in specific cases, consistent with public safety and the general provisions and intent of this chapter; provided, however, that when any question of sanitation is involved, such variance may be allowed only if the same is also recommended by resolution of the Board of Health and it has been thereby determined and declared that such variance will not be harmful to public health.

§ 392-17 **Violations and penalties.**

Any person who violates any provision of this chapter shall, upon conviction thereof, be punished by a fine not less than $500 nor more than $1,000, or by imprisonment for a term not exceeding 90 days, or both.

Effective Date. This Ordinance shall take effect upon final passage and publication pursuant to law.

_____
Andrew LaBruno, Mayor

Attest:

_____
Jeanine E. Siek, RMC
Municipal Clerk

Introduced: March 22, 2022
Adopted: