

**BOROUGH OF WATCHUNG
ORDINANCE NO. 22/01**

ORDINANCE RESCINDING AND RENAMING CHAPTER 20, ENTITLED, "NOISE REGULATIONS" OF THE CODE OF THE BOROUGH OF WATCHUNG AND ADOPTING THE MODEL NOISE ORDINANCE AUTHORIZED BY THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

WHEREAS, the State of New Jersey Department of Environmental Protection ("DEP") is authorized by the Noise Control Act of 1971, *N.J.S.A. 13:1G-1, et seq.*, to promulgate codes, rules and regulations relating to the control and abatement of noise; and

WHEREAS, pursuant to *N.J.S.A. 13:1G-21* and *N.J.A.C. 7:29-1.8* a local noise ordinance establishing specific sound level limits must meet with the written approval of the New Jersey Department of Environmental Protection; and

WHEREAS, the DEP has developed a Model Noise Ordinance that can be adopted by local municipalities; and

WHEREAS, the Council of the Borough of Watchung has determined that it is in the best interest of the Borough and its residents to rescind Chapter 20, entitled "Noise Regulations" and to adopt the Model Noise Ordinance developed by the DEP; and

WHEREAS excessive sound is a serious hazard to the public health, welfare, safety, and the quality of life; and,

WHEREAS a substantial body of science and technology exists by which excessive sound may be substantially abated; and,

WHEREAS the people have a right to, and should be ensured of, an environment free from excessive sound,

NOW THEREFORE, BE IT ORDAINED that it is the policy of the Borough of Watchung, County of Somerset, State of New Jersey to prevent excessive sound that may jeopardize the health, welfare, or safety of the citizens or degrade the quality of life; and

BE IT FURTHER ORDAINED that this ordinance shall apply to the control of sound originating from sources within the Borough of Watchung; and

BE IT FURTHER ORDAINED that the Council of the Borough of Watchung hereby rescinds Chapter 20 of the Code of the Borough of Watchung in its entirety and hereby adopts to establish a new Chapter 20, entitled, "Noise" to state the following:

**CHAPTER 20
NOISE**

§ 20-1 Declaration of Findings and Policy

Whereas excessive sound is a serious hazard to the public health, welfare, safety, and the quality of life; and

Whereas, a substantial body of science and technology exists by which excessive sound may be substantially abated; and

Whereas the people have a right to, and should be ensured of, an environment free from excessive

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sound,

It is the policy of the Borough of Watchung to prevent excessive sound that may jeopardize the health, welfare, or safety of the citizens or degrade the quality of life.

This ordinance shall apply to the control of sound originating from sources within the Borough of Watchung.

§ 20-2. Definitions

The following words and terms, when used in this ordinance, shall have the following meanings, unless the context clearly indicates otherwise. Terms not defined in this ordinance have the same meaning as those defined in N.J.A.C. 7:29.

"Construction" means any site preparation, assembly, erection, repair, alteration or similar action of buildings or structures.

"dBC" means the sound level as measured using the "C" weighting network with a sound level meter meeting the standards set forth in ANSI S1.4-1983 or its successors. The unit of reporting is dB(C). The "C" weighting network is more sensitive to low frequencies than is the "A" weighting network.

"Demolition" means any dismantling, destruction or removal of buildings, structures, or roadways.

"Department" means the New Jersey Department of Environmental Protection.

"Emergency work" means any work or action necessary at the site of an emergency to restore or deliver essential services including, but not limited to, repairing water, gas, electricity, telephone, sewer facilities, or public transportation facilities, removing fallen trees on public rights-of-way, dredging navigational waterways, or abating life-threatening conditions or a state of emergency declared by a governing agency.

"Impulsive sound" means either a single pressure peak or a single burst (multiple pressure peaks) that has a duration of less than one second.

"Minor Violation" means a violation that is not the result of the purposeful, reckless or criminally negligent conduct of the alleged violator; and/or the activity or condition constituting the violation has not been the subject of an enforcement action by any authorized local, county or state enforcement agency against the violator within the immediately preceding 12 months for the same or substantially similar violation.

"Motor vehicle" means any vehicle that is propelled other than by human or animal power on land.

"Muffler" means a properly functioning sound dissipative device or system for abating the sound on engines or equipment where such device is part of the normal configuration of the equipment.

"Multi-dwelling unit building" means any building comprising two or more dwelling units, including, but not limited to, apartments, condominiums, co-ops, multiple family houses, townhouses, and attached residences.

"Multi-use property" means any distinct parcel of land that is used for more than one category of activity. Examples include, but are not limited to:

1. A commercial, residential, industrial or public service property having boilers, incinerators,

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elevators, automatic garage doors, air conditioners, laundry rooms, utility provisions, or health and recreational facilities, or other similar devices or areas, either in the interior or on the exterior of the building, which may be a source of elevated sound levels at another category on the same distinct parcel of land; or

2. A building, which is both commercial (usually on the ground floor) and residential property, located above, below, or otherwise adjacent to.

"Noise Control Officer" (NCO) means an employee of a local, county or regional health agency which is certified pursuant to the County Environmental Health Act (N.J.S.A. 26:3A2-21 et seq.) to perform noise enforcement activities or an employee of a municipality with a Department-approved model noise control ordinance. All NCOs must receive noise enforcement training as specified by the Department in N.J.A.C. 7:29 and is currently certified in noise enforcement. The employee must be acting within his or her designated jurisdiction and must be authorized to issue a summons.

"Noise Control Investigator" (NCI) means an employee of a municipality, county or regional health commission that has a Department-approved model noise control ordinance and the employee has not received noise enforcement training as specified by the Department in N.J.A.C. 7:29. However, they are knowledgeable about their model noise ordinance and enforcement procedures. A Noise Control Investigator may only enforce sections of the ordinance that do not require the use of a sound level meter. The employee must be acting within his or her designated jurisdiction and must be authorized to issue a summons.

"Plainly audible" means any sound that can be detected by a NCO or an NCI using his or her unaided hearing faculties of normal acuity. As an example, if the sound source under investigation is a portable or vehicular sound amplification or reproduction device, the detection of the rhythmic bass component of the music is sufficient to verify plainly audible sound. The NCO or NCI need not determine the title, specific words, or the artist performing the song.

"Private right-of-way" means any street, avenue, boulevard, road, highway, sidewalk, alley or easement that is owned, leased, or controlled by a non-governmental entity.

"Public right-of-way" means any street, avenue, boulevard, road, highway, sidewalk, alley or easement that is owned, leased, or controlled by a governmental entity.

"Public space" means any real property or structures thereon that are owned, leased, or controlled by a governmental entity.

"Real property line" means either (a) the vertical boundary that separates one parcel of property (i.e., lot and block) from another residential or commercial property; (b) the vertical and horizontal boundaries of a dwelling unit that is part of a multi-dwelling unit building; or (c) on a multi-use property as defined herein, the vertical or horizontal boundaries between the two portions of the property on which different categories of activity are being performed (e.g., if the multi-use property is a building which is residential upstairs and commercial downstairs, then the real property line would be the interface between the residential area and the commercial area, or if there is an outdoor sound source such as an HVAC unit on the same parcel of property, the boundary line is the exterior wall of the receiving unit). Note- this definition shall not apply to a commercial source and a commercial receptor which are both located on the same parcel of property (e.g., a strip mall).

"Sound production device" means any device whose primary function is the production of sound, including, but not limited to any, musical instrument, loudspeaker, radio, television, digital or analog music player, public address system or sound-amplifying equipment.

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"Sound reduction device" means any device, such as a muffler, baffle, shroud, jacket, enclosure, isolator, or dampener provided by the manufacturer with the equipment, or that is otherwise required, that mitigates the sound emissions of the equipment.

"Weekday" means any day that is not a federal holiday, and beginning on Monday at 7:00 a.m. and ending on the following Friday at 6:00 p.m.

"Weekends" means beginning on Friday at 6:00 p.m. and ending on the following Monday at 7:00 a.m.

§ 20-3. Applicability

(A) This noise ordinance applies to sound from the following property categories:

1. Industrial facilities;
2. Commercial facilities;
3. Community service facilities;
4. Residential properties;
5. Multi-use properties;
6. Public and private right-of-ways;
7. Public spaces; and
8. Multi-dwelling unit buildings.

(B) This noise ordinance applies to sound received at the following property categories:

1. Commercial facilities;
2. Community service facilities (i.e. non-profits and/or religious facilities)
3. Residential properties;
4. Multi-use properties;
5. Multi-dwelling unit buildings.

(C) Sound from stationary emergency signaling devices shall be regulated in accordance with N.J.A.C. 7:29-1.4, except that the testing of the electromechanical functioning of a stationary emergency signaling device shall not meet or exceed 10 seconds.

§ 20-4. Exemptions

(A) Except as provided in § 20-9 and § 20-10 below, the provisions of this ordinance shall not apply to the exceptions listed at N.J.A.C. 7:29-1.5.

(B) Sound production devices required or sanctioned under the Americans with Disabilities Act (ADA), FEMA or other government agencies to the extent that they comply with the noise requirement of the enabling legislation or regulation. Devices which are exempted under N.J.A.C. 7:29-1.5 shall continue to be exempted.

(C) Construction and demolition activities are exempt from the sound level limits set forth in tables I and II and III except as provided for in § 20-9 below.

§ 20-5. Enforcement Officers

(A) Noise Control Officers shall have the authority within their designated jurisdiction to investigate suspected violations of any section of this ordinance and pursue enforcement

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activities.

- (B) Noise Control Investigators shall have the authority within their designated jurisdiction to investigate suspected violations of any section of this ordinance that do not require the use of a sound level meter (i.e., plainly audible, times of day and/or distance determinations) and pursue enforcement activities.
- (C) Noise Control Officers and Investigators may cooperate with NCOs and NCIs of an adjacent municipality in enforcing one another's municipal noise ordinances.

§ 20-6. Measurement Protocols

- (A) Sound measurements made by a Noise Control Officer shall conform to the procedures set forth at N.J.A.C. 7:29-2, except that interior sound level measurements shall also conform with the procedures set forth in § 20-6(B) of this ordinance and with the definition of "real property line" as contained herein.
- (B) When conducting indoor sound level measurements across a real property line the measurements shall be taken at least three feet from any wall, floor or ceiling and all exterior doors and windows may, at the discretion of the investigator, be closed. The neighborhood residual sound level shall be measured in accordance with N.J.A.C. 7:29-2.9(b)2. When measuring total sound level, the configuration of the windows and doors shall be the same and all sound sources within the dwelling unit must be shut off (e.g., television, stereo). Measurements shall not be taken in areas which receive only casual use such as hallways, closets and bathrooms.

§ 20-7. Maximum Permissible Sound Levels

- (A) No person shall cause, suffer, allow, or permit the operation of any source of sound on any source property listed in § 20-3(A) above in such a manner as to create a sound level that equals or exceeds the sound level limits set forth in Tables I, II or III when measured at or within the real property line of any of the receiving properties listed in Tables I, II or III except as specified in § 20-6(B).
- (B) Impulsive Sound

Between 7:00 a.m. and 10:00 p.m., impulsive sound shall not equal or exceed 80 decibels. Between 10:00 p.m. and 7:00 a.m., impulsive sound which occurs less than four times in any hour shall not equal or exceed 80 decibels. Impulsive sound which repeats four or more times in any hour shall be measured as continuous sound and shall meet the requirements as shown in Tables I and II.

**TABLE I
MAXIMUM PERMISSIBLE A-WEIGHTED SOUND LEVELS
WHEN MEASURED OUTDOORS**

| RECEIVING PROPERTY CATEGORY | Residential property, or residential portion of a multi-use property | Commercial facility, non-residential portion of a multi-use property, or community service facility |
|-----------------------------------|---|---|
| | | |

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| TIME | 7 a.m.-10 p.m. | 10 p.m.-7 a.m. | 24 hours |
|---|----------------|----------------|----------|
| Maximum A-Weighted sound level standard, dB | 65 | 50 | 65 |

**TABLE II
MAXIMUM PERMISSIBLE A-WEIGHTED SOUND LEVELS
WHEN MEASURED INDOORS**

| RECEIVING PROPERTY CATEGORY | Residential property, or residential portion of a multi-use property | | Commercial facility or non-residential portion of a multi-use property |
|---|--|----------------|--|
| TIME | 7 a.m.-10 p.m. | 10 p.m.-7 a.m. | 24 Hours |
| Maximum A-Weighted sound level standard, dB | 55 | 40 | 55 |

Note: Table II shall only apply when the source and the receptor are separated by a real property line and they also share a common or abutting wall, floor or ceiling, or are on the same parcel of property.

**TABLE III
MAXIMUM PERMISSIBLE OCTAVE BAND
SOUND PRESSURE LEVELS IN DECIBELS**

| Receiving Property Category | Residential property, or residential portion of a multi-use property | | Residential property, or residential portion of a multi-use property | | Commercial facility, non-residential portion of a multi-use property, or community service facility | Commercial facility or non-residential portion of a multi-use property |
|-----------------------------------|--|----------------|--|----------------|---|--|
| | OUTDOORS | | INDOORS | | OUTDOORS | INDOORS |
| Octave Band Center Frequency, Hz. | Octave Band Sound Pressure Level, dB | | Octave Band Sound Pressure Level, dB | | Octave Band Sound Pressure Level, dB | Octave Band Sound Pressure Level, dB |
| Time | 7 a.m.-10 p.m. | 10 p.m.-7 a.m. | 7 a.m.-10 p.m. | 10 p.m.-7 a.m. | 24 hours | 24 hours |
| 31.5 | 96 | 86 | 86 | 76 | 96 | 86 |

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| Receiving Property Category | Residential property, or residential portion of a multi-use property | | Residential property, or residential portion of a multi-use property | | Commercial facility, non- residential portion of a multi-use property, or community service facility | Commercial facility or non- residential portion of a multi-use property |
|---|--|----|--|----|---|--|
| | OUTDOORS | | INDOORS | | OUTDOORS | INDOORS |
| Octave Band Center Frequency, Hz. | Octave Band Sound Pressure Level, dB | | Octave Band Sound Pressure Level, dB | | Octave Band Sound Pressure Level, dB | Octave Band Sound Pressure Level, dB |
| 63 | 82 | 71 | 72 | 61 | 82 | 72 |
| 125 | 74 | 61 | 64 | 51 | 74 | 64 |
| 250 | 67 | 53 | 57 | 43 | 67 | 57 |
| 500 | 63 | 48 | 53 | 38 | 63 | 53 |
| 1,000 | 60 | 45 | 50 | 35 | 60 | 50 |
| 2,000 | 57 | 42 | 47 | 32 | 57 | 47 |
| 4,000 | 55 | 40 | 45 | 30 | 55 | 45 |
| 8,000 | 53 | 38 | 43 | 28 | 53 | 43 |

Note: When octave measurements are made, the sound from the source must be constant in level and character. If octave band sound pressure level variations exceed plus or minus 2 dB in the bands containing the principal source frequencies, discontinue the measurement.

§ 20-8. Sound Production Devices

No person shall cause, suffer, allow, or permit the operation of any sound production device in such a manner that the sound crosses a property line and raises the total sound levels above the neighborhood residual sound level by more than the permissible sound level limits set forth in Table IV when measured within the residence of a complainant according to the measurement protocol in § 20-6(B) of this ordinance. These sound level measurements shall be conducted with the sound level meter set for "C" weighting, "fast" response.

**TABLE IV
MAXIMUM PERMISSIBLE INCREASE IN TOTAL SOUND LEVELS
WITHIN A RESIDENTIAL PROPERTY**

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| | |
|--|-----------------|
| Weeknights 10:00 p.m. - 7:00 a.m. Weekend nights 11:00 p.m. and 9:00 a.m. | All other times |
| 3 dB(C) | 6 dB(C) |

§ 20-9. Restricted Uses and Activities

Note: This section is optional; any numbered paragraph may be adopted in its entirety.
The following standards shall apply to the activities or sources of sound set forth below:

- A. Excluding emergency work, power tools, home maintenance tools, landscaping and/or yard maintenance equipment used by a residential property owner or tenant shall not be operated between the hours of 8:00 p.m. and 8:00 a.m., unless such activities can meet the applicable limits set forth in Tables I, II or III. At all other times the limits set forth in Tables I, II or III do not apply. All motorized equipment used in these activities shall be operated with a muffler and/or sound reduction device.
- B. Excluding emergency work, power tools, landscaping and/or yard maintenance equipment used by nonresidential operators (e.g. commercial operators, public employees) shall not be operated on a residential, commercial, industrial or public (e.g. golf course, parks, athletic fields) property between the hours of 6:00 p.m. and 8:00 a.m. on weekdays, or between the hours of 6:00 p.m. and 9:00 a.m. on weekends or federal holidays, unless such activities can meet the limits set forth in Tables I, II or III. At all other times the limits set forth in Tables I, II or III do not apply. All motorized equipment used in these activities shall be operated with a muffler and/or sound reduction device.
- C. All construction and demolition activity, excluding emergency work, shall not be performed between the hours of 6:00 p.m. and 7:00 a.m. on weekdays, or between the hours of 6:00 p.m. and 9:00 a.m. on weekends and federal holidays, unless such activities can meet the limits set forth in Tables I, II or III. At all other times the limits set forth in Tables I, II or III do not apply. All motorized equipment used in construction and demolition activity shall be operated with a muffler and/or sound reduction device.
- D. Motorized snow removal equipment shall be operated with a muffler and/or a sound reduction device when being used for snow removal. At all other times the limits set forth in Tables I, II or III do not apply.
- E. All interior and exterior burglar alarms of a building or motor vehicle must be activated in such a manner that the burglar alarm terminates its operation within five (5) minutes for continuous airborne sound and fifteen (15) minutes for intermittent sound after it has been activated. At all other times the limits set forth in Tables I, II or III do not apply.
- F. Self-contained, portable, non-vehicular music or sound production devices shall not be operated on a public space or public right-of-way in such a manner as to be plainly audible at a distance of 50 feet in any direction from the operator between the hours of 8:00 a.m. and 10:00 p.m. Between the hours of 10:00 p.m. and 8:00 a.m., sound, operated on a public space or public right-of-way, from such equipment shall not be plainly audible at a distance of 25 feet in any direction from the operator.

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which it occurs shall constitute an additional, separate, and distinct offense.

- (C) Upon identification of a violation of this Ordinance the Noise Control Officer or Noise Control Investigator shall issue an enforcement document to the violator. The enforcement document shall identify the condition or activity that constitutes the violation and the specific provision of this Ordinance that has been violated. It shall also indicate whether the violator has a period of time to correct the violation before a penalty is sought.
- (D) If the violation is deemed by the Noise Control Officer or Noise Control Investigator to be a minor violation (as defined in § 20-2) a NOV shall be issued to the violator.
 - 1. The document shall indicate that the purpose of the NOV is intended to serve as a notice to warn the responsible party/violator of the violation conditions in order to provide them with an opportunity to voluntarily investigate the matter and voluntarily take corrective action to address the identified violation.
 - 2. The NOV shall identify the time period (up to 90 days), pursuant to the Grace Period Law, N.J.S.A. 13:1D-125 et seq. where the responsible party's/violator's voluntary action can prevent a formal enforcement action with penalties issued by the Health Department. It shall be noted that the NOV does not constitute a formal enforcement action, a final agency action or a final legal determination that a violation has occurred. Therefore, the NOV may not be appealed or contested.
- (E) If the violation is deemed by the Noise Control Officer or Noise Control Investigator to be a non-minor violation, the violator shall be notified that if the violation is not immediately corrected, a NOPA with a civil penalty of not more than the maximum penalty allowed pursuant to N.J.S.A. 40:49-5, which is \$2,000 as of December 2014, will be issued. If a non-minor violation is immediately corrected, a NOV without a civil penalty shall still be issued to document the violation. If the violation occurs again (within 12 months of the initial violation) a NOPA shall be issued regardless of whether the violation is immediately corrected or not.
- (F) The violator may request from the Noise Control Officer or Noise Control Investigator, an extension of the compliance deadline in the enforcement action. The Noise Control Officer or Noise Control Investigator shall have the option to approve any reasonable request for an extension (not to exceed 180 days) if the violator can demonstrate that a good faith effort has been made to achieve compliance. If an extension is not granted and the violation continues to exist after the grace period ends, a NOPA shall be issued.
- (G) The recipient of a NOPA shall be entitled to a hearing in a municipal court having jurisdiction to contest such action.
- (H) The Noise Control Officer or Noise Control Investigator may seek injunctive relief if the responsible party does not remediate the violation within the period of time specified in the NOPA issued.
- (I) Any claim for a civil penalty may be compromised and settled based on the following factors:
 - 1. Mitigating or any other extenuating circumstances;
 - 2. The timely implementation by the violator of measures which lead to compliance;
 - 3. The conduct of the violator; and

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4. The compliance history of the violator.

§ 20-12. Consistency, Severability and Repealer

- (A) If any provision or portion of a provision of this ordinance is held to be unconstitutional, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated.
- (B) All ordinances or parts of ordinances, which are inconsistent with any provisions of this ordinance, are hereby repealed as to the extent of such inconsistencies.
- (C) No provision of this ordinance shall be construed to impair any common law or statutory cause of action, or legal remedy there from, of any person for injury or damage arising from any violation of this ordinance or from other law.

BE IT FURTHER ORDAINED by the Council of the Borough of Watchung that this Ordinance shall take effect upon final passage and publication according to law; and

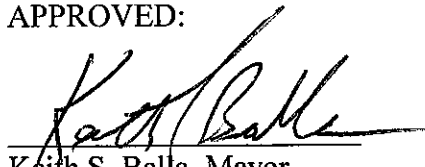
BE IT FURTHER ORDAINED by the Council of the Borough of Watchung that it hereby authorizes and directs within thirty (30) of the final adoption of the within Ordinance, the Borough Clerk or Borough Administrator prepare the required Certification and to submit the Certification along with the within Ordinance to the New Jersey Department of Environmental Protection for approval; and

BE IT FURTHER ORDAINED by the Council of the Borough of Watchung that it hereby authorizes all Borough officials and employees to take any and all action necessary to implement and enforce the within Ordinance.

ATTEST:

APPROVED:


Edith G. Gil, Borough Clerk


Keith S. Balla, Mayor

INTRODUCED:

MARTINO

PASSED:

MARCH 17, 2022

PUBLISHED:

MARCH 24, 2022

ADOPTED:

APRIL 7, 2022

INDEX:

CODE,

C:

C.TAYLOR, T. SNYDER, COURTS,
A. HART, ENG/DPW, GENERAL CODE

**BOROUGH OF WATCHUNG
RESOLUTION: R1**

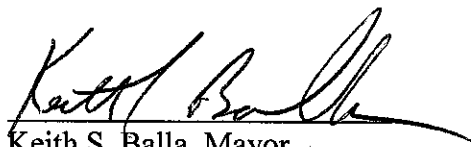
BE IT RESOLVED that Ordinance **OR:22/01** entitled:

“AN ORDINANCE RESCINDING AND RENAMING CHAPTER 20, ENTITLED, “NOISE REGULATIONS” OF THE CODE OF THE BOROUGH OF WATCHUNG AND ADOPTING THE MODEL NOISE ORDINANCE AUTHORIZED BY THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION” can now be adopted after public hearing.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Watchung, County of Somerset, State of New Jersey, that the Borough Clerk is hereby authorized to publish notice of adoption in accordance with law. This ordinance shall become effective after final passage, adoption and publication in accordance with law.



Pietro Martino, Council Member



Keith S. Balla, Mayor

ADOPTED: APRIL 7, 2022
INDEX: CODE,
C: C. TAYLOR, T. SNYDER, BOH,
A. HART, COURTS, ENG/DPW, CODE

**BOROUGH OF WATCHUNG
ORDINANCE NO. 22/02**

**ORDINANCE AMENDING CHAPTER 27 OF THE CODE OF THE BOROUGH OF
WATCHUNG ENTITLED, "RESIDENTIAL RENTAL PROPERTY REGISTRATION"**

WHEREAS, it is in the best interest of the health, safety, and welfare of its citizens for the Borough of Watchung to amend its existing Ordinances regulating the rental of residential units within the Borough; and

WHEREAS, *N.J.S.A. 40:48-2* provides in relevant part that a municipality may make, amend, repeal, and enforce ordinances not contrary to the laws of this State or the United States, as it may deem necessary and proper for the good government, order, and protection of persons and property, and for the preservation of the public health, safety, and welfare of the municipality and its inhabitants; and

WHEREAS, *N.J.S.A. 40:48-2.12(a)* provides in relevant part that the governing body of any municipality may make, amend, repeal, and enforce ordinances to regulate buildings and structures and their use and occupation to prevent and abate conditions therein harmful to the health and safety of the occupants of said buildings and structures and the general public in the municipality; and

WHEREAS, *N.J.S.A. 40:48-2.12(b)* provides in relevant part that the authority conferred by this act shall be in addition to authority heretofore or hereafter conferred on the governing bodies of municipalities in respect to the construction and maintenance of buildings and structures and parts thereof endangering the public health and safety; and

WHEREAS, *N.J.S.A. 40:48-2.12(c)* provides in relevant part that any ordinance adopted pursuant to this act may provide for registration of owners and management of every building and structure in the municipality that is occupied by two or more families as tenants of the owner or lessor; and

WHEREAS, *N.J.S.A. 40:48-2.12(f)* provides in relevant part that any ordinance adopted pursuant to this act may also provide that the municipality may abate a nuisance, correct a defect, or put the premises in the proper condition so as to comply with the requirements of any municipal ordinance or state law applicable thereto, at the cost of the owner or lessor, and expend municipal funds for such purpose and charge the same against the premises, and the amount thereof as determined by the governing body of the municipality shall be a lien against the premises; and

WHEREAS, *N.J.S.A. 40:48-2.12(m)*, provides in relevant part that a municipality may adopt ordinances regulating the maintenance and condition of any unit of dwelling space, upon the termination of occupancy, in any residential rental property for the purpose of the safety, healthfulness, and upkeep of the structure and the adherence to such other standards of maintenance and condition as are required in the interest of public safety, health, and welfare.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Watchung, County of Somerset, State of New Jersey that it hereby amends Chapter 27 of the Code of the Borough of Watchung, entitled, "Residential Rental Property Registration" to state as follows:

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Additions to code are reflected with bold and underline.

Deletions from code are reflected with strikeouts

CHAPTER 27

RESIDENTIAL RENTAL PROPERTY REGISTRATION

§ 27-1. PREAMBLE.

The governing body of the Borough of Watchung finds and declares that it is necessary to require persons who engage in the business of offering property for rent to file for and obtain a Certificate of Registration for each rental unit located within the Borough of Watchung in order to protect the public health, safety, and welfare and that it is a rational exercise of the municipal police power to require that each residential rental unit substantially complies with all applicable laws and ordinances. *N.J.S.A. 46:8-28 et seq.* requires the registration of rental units either with the State of New Jersey or with the Municipal Clerk or designee in the municipality where the rental unit is situated.

The Borough of Watchung intends that this chapter will parallel the requirements of *N.J.S.A. 46:8-28 et seq.*, and to the extent that the information required to be furnished by this chapter satisfies the requirements of *N.J.S.A. 46:8-28 et seq.*, the information will be filed and indexed by the Borough Clerk or designee in such a manner that the owner will comply with the requirements of *N.J.S.A. 46:8-28 et seq.*, as well as with the requirements of this chapter.

It is the intention of the Borough to rely upon certain of the information required to be furnished to the Borough Clerk or designee pursuant to *N.J.S.A. 46:8-28 et seq.*, and to require certain additional information so as to enable the Borough to fulfill its responsibilities in promoting and protecting the public health, safety, and welfare.

It is the express intention of the Borough to encourage compliance with applicable law and nothing contained within this chapter is intended to be nor shall it be construed to be an attempt to interfere with a legislative policy enacted by the State of New Jersey.

The purpose of this chapter is to ensure that residential rental units are properly maintained and to protect the lives and property of Borough residents.

§ 27-2. DEFINITIONS.

Unless the context clearly indicates a different meaning, the following words or phrases when used in this chapter shall have the following meaning:

AGENT — Shall mean the individual or individuals designated by the owner of a rental unit as the person authorized by the owner to perform any duty imposed upon the owner by this chapter. The term agent does not necessarily mean a licensed real estate broker or salesperson of the State of New Jersey as that term is defined by *N.J.S.A. 45:15-3*; however, such term may include a licensed real estate broker or salesperson of the State of New Jersey if the person designated by the owner as his **or her** agent is so licensed.

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APARTMENT COMPLEX — Shall mean two or more buildings, each containing two or more apartments, which are located within close proximity of each other and are owned by the same owner.

APARTMENT or DWELLING — Shall mean any apartment, cottage, bungalow, ~~any~~ room or rooms in a rooming/boarding house, or other dwelling unit consisting of one or more rooms occupying all or part of a floor or floors in a building, whether or not designed with cooking and/or plumbing facilities.

CERTIFICATE OF CONTINUED OCCUPANCY – Shall mean that as a result of a general inspection of the visible parts of the building and dwelling unit, no violations have been determined to exist or to have occurred and no unsafe conditions have been found, and that the existing use of the building can lawfully continue.

CERTIFICATE OF REGISTRATION — The certificate issued by the Borough Clerk or designee attesting that the rental unit has been properly registered **and inspected** in accordance with this chapter.

~~LICENSEE — Shall mean the person to whom the license is issued pursuant to this chapter. The term "licensee" includes within its definition the term "agent" where applicable.~~

OWNER — Shall mean any person or group of persons, firm, corporation, ~~or officer thereof,~~ partnership, association, or trust, **or officer of any of the foregoing entities, that or who** owns, operates, or exercises control over or is in charge of a rental facility.

PERSON — Shall mean an individual, firm, corporation, partnership, association, trust, or other legal entity, or any combination thereof.

RENTAL FACILITY — Shall mean every building, or group of buildings, or a portion thereof ~~which~~**that** is kept, used, maintained, advertised, or held out to be a place where living accommodations, **whether furnished or unfurnished,** are supplied, **to one or more individuals**~~whether furnished or unfurnished,~~ for pay or other consideration, ~~to one or more individuals~~ and is meant to include apartments and apartment complexes.

RENTAL UNIT — Shall mean a dwelling unit ~~which~~**that** is available for lease or rental purposes and is meant to include **individual rooms in a dwelling,** individual apartments located within apartment complexes, **as well as single family dwellings.** For purposes of the within Chapter, rental units shall also include those regulated by Chapter 27A, entitled, "Short-term Rental Property."

§ 27-3. REGISTRATION REQUIRED.

All rental units shall hereafter be registered with the Borough Clerk or ~~his/her~~ designee or such other person as designated by the Borough Council on forms ~~which~~**that** the Borough Clerk shall provide for that purpose. Such registration shall occur on **an annual** ~~biennial (every other year)~~ basis as provided herein.

§ 27-4. REGISTRATION; INITIAL REGISTRATION PROVISIONS.

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a. Each rental unit shall be annually registered with the Borough Clerk by JanuarySeptember 1 prior to each change in occupancy.

b. The registration term shall commence on January~~September~~ 1 and shall be valid until December~~August 31st of the second year~~, at which time it shall expire and a new registration shall be required. ~~The initial registration shall occur within 45 days following the adoption of this chapter and the registration term shall commence January 1, 2022.~~ Any lease agreement which~~that~~ has been executed prior to the adoption of this chapter shall not be affected, but the rental unit must nevertheless be registered and inspected in accordance with this chapter. No rental unit shall hereafter be rented unless the rental unit is registered in accordance with this chapter.

§ 27-5. REGISTRATION FORMS; FILING, CONTENTS.

Without in any way intending to infringe upon the requirements of *N.J.S.A. 46:8-28 et seq.*, all rental units shall also be registered as provided in this chapter. Every owner shall file with the Borough Clerk or designee or such other person as designated by the Borough Council a registration form for each unit contained within a building or structure, which shall include the following information:

a. The name and address of the record owner or owners of the apartment complex or apartment and the record owner or owners of the rental business if not the same persons. In the case of a partnership, the names and addresses of all general partners shall be provided together with the telephone numbers for each of such individuals indicating where such individuals may be reached both during the day and evening hours. If the record owner is a corporation, the name and address of the registered agent and corporate officers of said corporation shall be provided together with the telephone numbers for each of such individuals indicating where such individuals may be reached both during the day and evening hours.

b. If the address of any record owner is not located in Somerset County, the record owner shall designate the name and address of a person who resides in Somerset County and who is authorized to accept notices from a tenant and to issue receipts therefor and to accept service of process on behalf of the record owner.

c. The name and address of the agent of the premises, if any.

d. The name and address, including the dwelling unit number of the superintendent, janitor, custodian, or other individual employed by the owner or agent to provide regular maintenance service, if any.

e. The name, address, and telephone number of an individual representative of the owner or agent who may be reached or contacted at any time in the event of an emergency affecting the premises or any unit or dwelling space therein, including such emergencies as the failure of any essential service or system, and who has the authority to make emergency decisions concerning the building and any repair or expenditure.

f. The name and address of every holder of a recorded mortgage on the apartment complex or apartment.

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g. If fuel oil is used to heat the building and the landlord furnishes the heat in the building, the name and address of the fuel oil dealer servicing the building and the grade of fuel oil used.

h. As to each rental unit, a specification of the exact number of sleeping rooms contained in the rental unit. In order to satisfy the requirement of this section, an owner shall submit a dimensional floor plan which shall become part of the application and which shall be attached to the registration form when filed by the Borough Clerk or designee.

i. A copy of the lease shall be made available to the Borough Clerk or designee for inspection, or copies shall be provided to the Borough Clerk or designee upon request within 10 business days.

j. A statement that the owner acknowledges and grants permission to the Borough's inspecting official for the right to inspect the dwelling unit infor which the Registration is made.

k. Such other information as may be prescribed by the Borough.

§ 27-6. REGISTRATION FORM; INDEXING AND FILING; PUBLIC INSPECTION.

The Borough Clerk or designee shall index and file the registration forms. In doing so, the Borough Clerk or designee shall follow *N.J.S.A. 46:8-28.1* as amended and supplemented so that the filing of the registration form will simultaneously satisfy the registration requirements of *N.J.S.A. 46:8-28* to the extent that it applies to the property being registered and will also satisfy the registration requirements of this chapter.

§ 27-7. REGISTRATION FORM; AMENDMENTS; FILING.

Every person required to file a registration form pursuant to this chapter shall file an amended registration form within 20 days after any change in the information required to be included thereon. No fee shall be required for the filing of an amendment except where the ownership of the premises is changed and, in such circumstances, a new Certificate of Registration shall be required, a new registration shall be completed and submitted, and an inspection shall be scheduled.

§ 27-8. ~~PERIODIC~~ANNUAL INSPECTIONS; UNSATISFACTORY INSPECTIONS.

a. Inspections required by this chapter shall be performed by representatives of the Building Department designated by the Construction Official, ~~within 10 business days of the request.~~

b. ~~Frequency of Inspection.~~ Each rental unit shall be inspected at least once every 1224 months, or upon petition, ~~or~~ a showing of cause, or upon ~~the~~ a change in tenancy or occupancy.

c. ~~Purpose of Inspection.~~ Such inspection shall be for the purpose of determining Zoning Ordinance and Uniform Fire Safety Act compliance, including, without limitation, requirements related to smoke-sensitive and carbon monoxide alarm devices and fire extinguishers, and to the extent applicable, to determine if there are apparent violations of the ~~Uniform Construction Code, BOCA Maintenance Code, Housing Code, Building Code, Uniform Fire Safety Act or any other applicable laws~~ or ordinances. If, upon such inspection, it is

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determined that a referral is necessary to another department or agency, that referral will be made by the inspection officer.

d. All rental units shall be subject to inspections of their conditions in order to safeguard the health, safety, and welfare of the occupants of such rental units and of the general public and to determine compliance with this Ordinance. The owner, operator, agent, and occupant shall make the units and lease agreements available as needed for such inspections and are required to provide the necessary arrangements to facilitate such inspections. Inspections shall be made with the consent of the occupant, who must be of legal age to grant such consent, or, absent consent, with an administrative search warrant if there is reason to believe that a violation exists that poses an immediate threat to health or safety, requiring inspection and abatement without delay. Reasonable attempts shall be made to obtain consent of the occupant, but if consent is not given, it will be considered a violation of this Ordinance.

e. ~~Unsatisfactory Inspection.~~ In the event that the inspection of a rental unit does not result in a satisfactory inspection, no tenant shall occupy the property until the necessary corrections have been made so as to bring the property and rental unit into compliance with the applicable law and the property is thereafter subsequently inspected and registered. In the event that the property is occupied when such conditions are discovered, all such corrections shall be made within 60 days, and if not made within that period, the owner shall be deemed in violation of this chapter and every day that the violation continues shall constitute a separate and distinct violation, subject to the penalty provisions of § 27-178 of this chapter.

§ 27-9. ACCESS FOR INSPECTION; REPAIRS; COMPLAINTS.

a. The inspection officers are hereby authorized to make inspections to determine the condition of rental facilities, rental units, and ~~rooming/boarding houses~~ apartments or dwellings in order that they may promote the purposes of this chapter to safeguard the health, safety, and welfare of the occupants of rental facilities, rental units, and ~~rooming/boarding houses~~ apartments or dwellings and of the general public. For the purposes of making such inspections, the inspecting officers are hereby authorized to enter, examine, and survey rental facilities, rental units, and ~~rooming/boarding houses~~ apartments or dwellings at all reasonable times. The owner or occupant of every rental facility, rental unit, and ~~rooming/boarding house~~ apartment or dwelling shall give the inspecting officer free access to the rental facility, rental unit, and ~~rooming/boarding house~~ apartment or dwelling at all reasonable times for the purpose of such inspections, examinations, and surveys.

b. Every occupant shall give the owner of the rental facility, rental unit, and ~~rooming/boarding house~~ apartment or dwelling access to any part of such rental facility, rental unit, and ~~rooming/boarding house~~ apartment or dwelling at all reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this chapter or any lawful order issued pursuant thereto.

c. ~~Complaints.~~ Within 10 business days of receipt of a complaint alleging a reported violation of this chapter, an inspecting officer may, upon written request to the owner, conduct an inspection

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as provided by this chapter. In the event that the owner fails to respond to the written request or authorize the inspection, the owner may be issued a summons for a violation of this chapter.

§ 27-10. PROHIBITIONS ON OCCUPANCY.

No person shall occupy any rental unit, nor shall the owner permit occupancy of any rental unit within the Borough which that is not registered in accordance with this chapter.

§ 27-11. ISSUANCE OF CERTIFICATE OF REGISTRATION.

Upon the filing of a completed registration form, and payment of the prescribed fee, and completion of a satisfactory inspection, the owner shall be entitled to the issuance of a eCertificate of rRegistration commencing on the date of issuance and expiring on December-August 31*the same date of the second same calendar year. A registration form shall be required for each rental unit, and a eCertificate of rRegistration shall issue to the owner for each rental unit, even if more than one rental unit is contained in the property.

§ 27-11A. CHANGE OF TENANCY OR OCCUPANCY.

a. In the event the tenancy or occupancy changes during the calendar year, the landlord, owner, or managing agent, shall be required to obtain a Certificate of Continued Occupancy from the Borough and shall, no later than ten (10) days from the change of tenancy/occupancy, file a Certificate of Continued Occupancy application for the unit(s) that are the subject of the change of tenancy/occupancy.

b. In the event the tenancy or occupancy changes during the calendar year and upon filing of an Aapplication for a Certificate of Continued Occupancy, the rental facility or facilities and/or rental unit(s) shall be inspected by the Borough.

c. In the event the tenancy or occupancy changes during the calendar year, the landlord, owner, managing agent, tenant, and/or lessee shall permit the inspection of the rental facility or facilities and/or rental unit(s). Failure to file a timely application for a Certificate of Continued Occupancy, to allow access for inspection, and/or to schedule an inspection shall be grounds for revocation of the Certificate of Registration.

§ 27-11B. PETITIONED INSPECTIONS.

a. An inspection will be required when petitioned by a tenant, and/or occupant, upon notice to the property owner, landlord, or a representative of a rental dwelling unit, provided that the petitioner:

- (1) is the lawful tenant or occupant of the premises in the petition;
- (2) files the petition with the Code Enforcement Department and with the property owner, specifying a violation under this Article and;
- (3) agrees to provide access to the premises under his/her control for the purposes of inspection and for abatement of any violations found to exist.

b. Upon filing the requestpetition, the Ppetitioner shall pay to the Borough the inspection fee provided in § 27-12. In the event that a petition is so made, and a violation is found to exists, the property owner shall, within a reasonable time determined by the inspecting officer, correct the violation and notify the Borough of his/her action. If a

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petitioner requests a subsequent inspection and the violation still exists, the proper owner shall pay the petitioned inspection fee. If the violation has been corrected, the petitioner shall pay the petitioned inspection fee.

c. TheAny petitioned inspection will be scheduled by the Borough within ten (10) working days of the filing of the Ppetition.

§ 27-12. FEES.

At the time of the filing of the registration form, and prior to the issuance of a eCertificate of rRegistration, the owner or agent of the owner must pay a fee, and the appropriate party must pay other fees in accordance with the following:

- a. **Annual- biennial (every other year) registration and inspection** fee of \$150 per unit;
- b. An inspection fee because of a change in tenant or occupancy of \$50 per unit;
- c. A re-inspection fee of \$50+5 per unit;
- d. **Fee for failure to be present and/or provide access at requested inspection time (15-minute waitgrace period) of \$50.00;**
- e. **Petitioned inspection fee of \$50.00.**

fd. If the owner of the property is a senior citizen, **defined as** a person 65 years or older, who resides in a unit of the property and rents out the remaining unit or units and would otherwise qualify for a property tax deduction pursuant to N.J.S.A. 54:4-8.41, there shall be no fee for allany of the units, **except for re-inspections, petitioned inspections, and for the failure to be present and/or provide access at the requested inspection time;**

If any fee listed in paragraphs (a) through (d) above is not paid, **a Certificate of Registration or a Certificate of Continued Occupancy, as the case may be, will not be issued, and if any fee is not paid** within 30 days of its due date, a late fee surcharge of \$30 will be assessed.

§ 27-13. PROVIDING REGISTRATION FORM TO OCCUPANTS AND TENANTS.

Every owner shall provide each occupant or tenant occupying a rental unit with a copy of the registration form required by this chapter as well as a Certificate of Continued Occupancy to the extent applicable. This particular provision shall not apply to any hotel, motel, or guest house registered with the State of New Jersey pursuant to the Hotel and Multiple Dwelling Act as defined in N.J.S.A. 55:13A-3. This provision may be complied with by posting a copy of the Certificate of rRegistration certificateand, if applicable, the Certificate of Continued Occupancy in a conspicuous place within the rental unit.

§ 27-14. TAXES AND OTHER MUNICIPAL CHARGES; PAYMENT PRECONDITION FOR REGISTRATION.

No rental unit may be registered and no eCertificate of rRegistration or Certificate of Continued Occupancy shall issue for any property containing a rental unit unless all municipal taxes, water and sewer charges, and any other municipal assessments are paid on a current basis.

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§ 27-15. OTHER RENTAL UNIT STANDARDS.

All dwelling and rental units shall be maintained in accordance with the Uniform Construction Code, BOCA Maintenance Code, Housing Code, Building Code, the Uniform Fire Safety Act, the Property Maintenance Code, and any other applicable laws or ordinances ~~regulation or code~~.

§ 27-16. OCCUPANT STANDARDS.

a. ~~Occupants.~~ Only those occupants whose names are on file with the Borough Clerk as required by this chapter may reside in the registered ~~licensed~~ premises. It shall be unlawful for any other person to reside in said premises, and this provision may be enforced against the owner, landlord, tenant, or other person residing in said premises.

b. The provisions of the New Jersey State Housing Code shall apply to all rooms registered ~~licensed~~ under this chapter.

c. ~~Compliance with Other Laws.~~ The maintenance of all rental facilities and the conduct engaged in upon the premises by occupants and their guests shall at all times be in full compliance with all applicable ordinances of the Borough and with applicable law.

d. ~~Penalties.~~ Any owner, landlord, tenant, or other person violating the provisions of this section shall be subject to the penalty provisions of Section 27-17~~8~~ of this chapter.

§ 27-17. VIOLATIONS; PENALTIES.

Any person who violates any provision of this chapter shall, upon conviction in the Municipal Court of the Borough or such other court having jurisdiction, be liable ~~to~~for the penalty stated in Chapter 1, Section 1-5, General Penalty.

BE IT FURTHER ORDAINED by the Council of the Borough of Watchung that should any section, paragraph, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to that end the provisions of this Ordinance are hereby declared to be severable; and

BE IT FURTHER ORDAINED by the Council of the Borough of Watchung that in the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Watchung, the provisions hereof shall be determined to govern, and the inconsistencies of the prior ordinance are hereby repealed. All other parts, portions, and provisions of the Ordinances of the Borough of Watchung are hereby ratified and confirmed, except where inconsistent with the terms hereof; and

BE IT FURTHER ORDAINED by the Council of the Borough of Watchung that within five (5) days after its adoption by the Council, this Ordinance shall be presented to the Mayor for his approval and signature, which approval shall be granted or denied within ten (10) days of receipt of same, pursuant to N.J.S.A. 40A:60-5(d). If the Mayor fails to return this Ordinance with either his approval or objection to same within ten (10) days after it has been presented to him, this Ordinance shall be deemed approved; and

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BE IT FURTHER ORDAINED by the Council of the Borough of Watchung that this Ordinance shall take effect upon final passage and publication according to law and approval by the Mayor pursuant to N.J.S.A. 40A:60-5(d); and that all registration requirements contained herein shall be complied with prior to September 1, 2022, and all inspections shall be required to be completed prior to December 31, 2022.

APPROVED:

ATTEST:



KEITH S. BALLA, MAYOR



EDITH G. GIL, BOROUGH CLERK

INTRODUCED: MARTINO
PASSED: MARCH 17, 2022
PUBLISHED: MARCH 24, 2022
ADOPTED: APRIL 7, 2022

INDEX: CODE,
C: A. HART, C. TAYLOR, B. HANCE,
C. CZUBA, T. SNYDER, DPW/ENG.
GENERAL CODE,

**BOROUGH OF WATCHUNG
RESOLUTION: R2**

BE IT RESOLVED that Ordinance **OR:22/02** entitled:

“ORDINANCE AMENDING CHAPTER 27 OF THE CODE OF THE BOROUGH OF WATCHUNG ENTITLED, “RESIDENTIAL RENTAL PROPERTY REGISTRATION” can now be adopted after public hearing.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Watchung, County of Somerset, State of New Jersey, that the Borough Clerk is hereby authorized to publish notice of adoption in accordance with law. This ordinance shall become effective after final passage, adoption and publication in accordance with law.



Pietro Martino, Council Member



Keith S. Balla, Mayor

ADOPTED: APRIL 7, 2022
INDEX: CODE,
C: C. TAYLOR, T. SNYDER, B. HANCE,
A. HART, C. CZUBA, ENG., GENERAL CODE

**BOROUGH OF WATCHUNG
ORDINANCE NO. 22/03**

***ORDINANCE AMENDING CHAPTER 12 OF THE CODE OF THE BOROUGH OF
WATCHUNG, ENTITLED "FIRE PREVENTION" REQUIRING THE REGISTRATION
AND INSPECTION OF "NON-LIFE HAZARD USES" WITHIN THE BOROUGH***

WHEREAS, the Uniform Fire Safety Act, *N.J.S.A. 52:27D-192 et seq.* and the Uniform Fire Code, *N.J.A.C. 5:70-1 et seq.* are locally enforced in the Borough of Watchung by the Fire Prevention Bureau; and

WHEREAS, Chapter 12 of the Code of the Borough of Watchung ("Code") creates and governs the Fire Prevention Bureau and provides for the registration and inspection of "life hazard uses" within the Borough; and

WHEREAS, the Council of the Borough Watchung has determined that in order to promote the health, safety, and welfare of Borough residents it is necessary to amend Chapter 12 of the Code of the Borough of Watchung to require the registration and inspection of "non-life hazard uses" and fire suppression/sprinkler systems within the Borough of Watchung.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Watchung, County of Somerset, State of New Jersey, that it hereby amends Chapter 12 of the Code of the Borough of Watchung, entitled, "Fire Prevention" to state as follows:

CHAPTER 12

FIRE PREVENTION

§ 12-1 LOCAL ENFORCEMENT OF THE UNIFORM FIRE CODE.

§ 12-1.1 Local Enforcement Authorized.

Pursuant to N.J.S.A. 52:27D-202(a) of the Uniform Fire Safety Act (P.L. 1983, c. 383 Section 11) the New Jersey Uniform Fire Code shall be locally enforced in the Borough of Watchung.

§ 12-1.2 Agency Designation.

The local enforcing agency shall be the Watchung Fire Department Bureau of Fire Prevention.

§ 12-1.3 Duties.

The local enforcing agency shall enforce the Uniform Fire Safety Act and the codes and regulations adopted under it in all buildings, structures, and premises within the Borough, other than owner-occupied buildings used exclusively for dwelling purposes and containing fewer than three dwelling units: (N.J.S.A. 52:27D-203(a)).

§ 12-1.4 Inspection of Life Hazard Uses.

The local enforcing agency established in subsection 12-1.2 shall carry out at least once per year the periodic inspections of life hazard uses as defined in and required by the Uniform

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Fire Code (N.J.A.C. 5:70-2.4 through N.J.A.C. 5:70 2.4D) on behalf of the Commissioner of Community Affairs.

§ 12-1.4A Registration and inspection of non-life-hazard uses.

a. All commercial, industrial, educational, recreational, and other nonresidential uses that do not fall within the definition of life hazard uses shall submit an annual registration to the Borough of Watchung Clerk and shall be inspected annually by the local enforcing agency for compliance with the Uniform Fire Code.

b. All commercial, industrial, educational, recreational, and other nonresidential uses ~~which~~that are not within the definition of life hazard uses, upon a change of use or change of occupancy shall register with the Borough of Watchung Clerk and be inspected by the local enforcing agency for compliance with the Uniform Fire Code.

c. The necessary forms shall be provided by the Borough of Watchung Clerk and shall require information substantially similar to that required for the registration of life hazard uses as set forth in N.J.A.C. 5:70-2.6.

d. The annual registration and change of use/occupancy fees for non-life-hazard uses are as follows:

| <u>SQUARE FOOTAGE</u> | <u>FEE</u> |
|------------------------------|-------------------|
| <u>0 to 500</u> | <u>\$50</u> |
| <u>500 to 1,000</u> | <u>\$60</u> |
| <u>1,001 to 2,000</u> | <u>\$70</u> |
| <u>2,001 to 3,000</u> | <u>\$80</u> |
| <u>3,001 to 4,000</u> | <u>\$90</u> |
| <u>4,001 to 5,000</u> | <u>\$100</u> |
| <u>5,001 to 6,000</u> | <u>\$110</u> |
| <u>6,001 to 7,000</u> | <u>\$120</u> |
| <u>7,001 to 8,000</u> | <u>\$130</u> |
| <u>8,001 to 9,000</u> | <u>\$140</u> |
| <u>9,001 to 10,000</u> | <u>\$150</u> |
| <u>10,001 to 11,000</u> | <u>\$170</u> |
| <u>11,001 to 12,000</u> | <u>\$190</u> |
| <u>12,001 to 13,000</u> | <u>\$220</u> |
| <u>13,001 to 14,000</u> | <u>\$230</u> |
| <u>14,001 to 15,000</u> | <u>\$250</u> |
| <u>15,001 to 20,000</u> | <u>\$280</u> |
| <u>20,001 to 25,000</u> | <u>\$310</u> |
| <u>25,001 to 30,000</u> | <u>\$340</u> |
| <u>30,001 to 35,000</u> | <u>\$370</u> |
| <u>35,001 to 40,000</u> | <u>\$400</u> |
| <u>40,001 to 45,000</u> | <u>\$430</u> |
| <u>45,001 to 50,000</u> | <u>\$460</u> |
| <u>50,001 to 55,000</u> | <u>\$500</u> |

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| <u>SQUARE FOOTAGE</u> | <u>FEE</u> |
|--|--------------|
| <u>55,001 to 60,000</u> | <u>\$540</u> |
| <u>60,001 to 65,000</u> | <u>\$580</u> |
| <u>65,001 to 70,000</u> | <u>\$620</u> |
| <u>70,001 to 75,000</u> | <u>\$660</u> |
| <u>75,001 to 80,000</u> | <u>\$700</u> |
| <u>80,001 to 85,000</u> | <u>\$740</u> |
| <u>85,001 to 90,000</u> | <u>\$780</u> |
| <u>90,001 to 95,000</u> | <u>\$820</u> |
| <u>95,001 to 100,000</u> | <u>\$860</u> |
| <u>Each 5,000 or part over 100,000</u> | <u>\$50</u> |

e. If an owner of a non-life-hazard use has not registered and paid the appropriate fee, the local enforcing agency shall notify the owner in writing of said noncompliance, including an explanation of the nature of the noncompliance. The failure to comply within thirty (30) days after receipt of said notice shall be a violation of this chapter.

§ 12-1.5 Organization; Fire Official.

The local enforcing agency established by subsection 12-1.2 ~~shall be a part of the Borough of Watchung Fire Department, and shall be under the direct supervision and control of the Fire Official, who shall report to the Borough Administrator.~~

§ 12-1.6 Appointments, Term of Office, Removal.

a. Appointment of Fire Official. ~~The local enforcing agency shall be under the supervision of a Fire Official who shall be appointed by the Mayor and~~ **with the advice and consent of the Council.** ~~The Fire Official shall serve as the chief administrator of the agency.~~

b. Term of Office. ~~The Fire Official shall serve for a term of one year.~~

c. Inspectors and Employees. ~~The Mayor and~~ **with the advice and consent of the Council shall appoint** ~~Such inspectors and other employees as may be necessary in the local enforcing agency shall be appointed by the Mayor and Council.~~

d. Removal from Office. ~~Inspectors and other employees of the enforcing agency shall be subject to removal by the Mayor and~~ **or the Council** ~~for inefficiency or misconduct. Each inspector or employee proposed to be removed shall be afforded an opportunity to be heard by the appointing authority or a designated hearing officer.~~

§ 12-1.7 Board of Appeals.

Pursuant to Sections 15 and 17 of the Uniform Fire Safety Act, any person aggrieved by any order of the local ~~enforcement~~ agency shall have the right to appeal to the Construction Board of Appeals of the County of Somerset upon written request for a hearing. A copy of the request shall be sent to the local enforcing agency ~~Aat the time the request is made, a copy shall be sent to the local enforcing agency.~~

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§ 12-2 SMOKE SENSITIVE ALARM, CARBON MONOXIDE ALARM DEVICES, AND FIRE EXTINGUISHER INSTALLATION.

§ 12-2.1 Requirement for Smoke-Sensitive, and Carbon Monoxide Alarm Devices and Fire Extinguisher Installation in One- or Two-Family Structures.

A structure used or intended for use for residential purposes by not more than two families shall have a smoke-sensitive and carbon monoxide alarm device on each level of the structure and outside each separate sleeping area in the immediate vicinity of the bedrooms and located on or near the ceiling, or as specified as by manufacturer-installation recommendation. The installation of battery-operated, smoke-sensitive and carbon monoxide alarm devices shall be accepted as meeting the requirements of this section. Additionally, fire extinguishers shall be installed (mounted unobstructed from view) within 10 feet of any and all kitchen areas.

§ 12-2.2 Change of Occupancy.

Before any structure set forth in subsection 12-2.1 above is sold, leased, or otherwise made subject to a change of tenancy or occupancy for residential purposes, the owner shall obtain a certificate of smoke ~~detector~~sensitive, and carbon monoxide alarm device and fire extinguisher compliance (Certificate of Smoke Detector Compliance – hereinafter referred to as "CSDC") from the local enforcing agency. The application for a CSDC shall be provided by the local enforcing agency upon request of the applicant.

§ 12-2.3 Multiple Dwellings.

Compliance with the requirements of the Uniform Fire Safety Act relating to smoke-sensitive and carbon monoxide alarm devices and fire extinguishers in all multiple dwellings of more than two families, shall be governed by the provisions of §27-8 of the Code of the Borough of Watchung. ~~upon the termination of any existing tenancy and prior to the occupancy of each apartment unit located in the multiple dwelling, the owner of the multiple dwelling shall be required to install smoke-sensitive, carbon monoxide alarm devices and fire extinguishers as hereinafter provided. The owner of the multiple dwelling shall be deemed to be the owner of the smoke-sensitive, carbon monoxide alarm devices and fire extinguishers. This subsection shall not reduce the requirements of the Uniform Construction Code, New Jersey Department of Community Affairs, or any other entity having control over multi-family dwellings and shall be deemed to be in addition to those requirements. The devices shall be installed outside each separate sleeping area and in the immediate vicinity of the bedrooms and located on or near the ceiling or as specified as by manufacture installation recommendation. Additionally, a device shall be located at the top of each stairway base and/or exitway so as to warn the occupants of the dwelling units (or apartments) served by such stairwell or exitway. The installation of battery-operated smoke-sensitive and carbon monoxide alarm devices shall be accepted as meeting the requirements of this section. Fire extinguishers shall be installed pursuant to the requirements set forth in N.J.A.C. 5:70-4.19(e).~~

§ 12-2.4 Types of Smoke-Sensitive and Carbon Monoxide Alarm Devices Required.

**BOROUGH OF WATCHUNG
ORDINANCE NO. 22/03**

All devices and equipment for smoke-sensitive and carbon monoxide alarm devices shall be approved or listed by a nationally recognized testing laboratory, i.e., UL or FM, and shall be in compliance with all regulations of authorizing agencies. It shall be the obligation of the owner of such smoke-sensitive and carbon monoxide alarm devices to maintain the same in operable condition at all times. Fire extinguishers shall meet or exceed the requirements set forth in N.J.A.C. 5:70-4.19(e).

§ 12-2.5 Enforcement.

The enforcement and administration of the provisions of the smoke-sensitive alarm device provisions set forth herein are delegated to the Watchung Fire Inspector appointed in accordance with subsection 12-1.6 of this chapter. The Fire Inspector will prepare and arrange for the dissemination of appropriate forms, certificates, and other required paperwork to implement the requirements of this section. The certification of compliance with the terms of this section may be executed by the Fire Inspector once compliance has been completed.

§ 12-2.6 Fees.

The owner of the structure(s) referred to herein, which require the inspection and/or installation of smoke-sensitive, carbon monoxide alarm devices and fire extinguishers, shall be required to apply for an inspection to verify the owner's compliance with the terms of this section from the Fire Inspector, ten (10) working days prior to the date inspection is required. Provided the application is filed and the fee is paid to the Fire Inspector not less than 10 working days prior to the date of the requested inspection. ~~The cost fee for of this inspection, to be paid at the time of application through the Fire Protection Inspector, shall be \$100.50 if the application for the inspection and payment of the fee due is completed at least 10 working days before the date requested by the applicant for an inspection.~~ If the application for the inspection is filed and/or the fee is paid nine or fewer working days prior to the date requested by the applicant for inspection, the fee shall be \$150.00, or such other amount at the Fire Inspector's discretion of the Fire Protection Inspector, but not to exceed the above one hundred (\$150.00) dollars fee, if the application for the inspection and the payment of the fee due is completed nine working days or less before the date requested by the applicant for inspection. The fee for any required reinspection (which shall not be those inspections referred to in subsection 12-2.7 hereof) shall be \$25, which shall be due and payable at the time of reinspection.

§ 12-2.7 Inspector's Maximum Wait Time Required by Inspector to Wait.

The Fire Inspector performing the inspection called for herein shall ~~only~~ be required to wait no more than 150 minutes after the time set for the performance of the inspection. If the person ~~requesting~~ ordering the inspection does not appear to let the Fire Inspector into the property to be inspected within that 150-minute period, ~~then the owner or person requesting the inspection must then request that the Fire Inspector return for a~~ thenew inspection and shall pay an additional fee of \$25 for reinspection.

§ 12-2.8 Duration of Certificate of Compliance.

**BOROUGH OF WATCHUNG
ORDINANCE NO. 22/03**

All certificates of compliance issued hereunder shall be valid for the period of 60 days from the date of issuance. In the event that the closing of title or change of occupancy for the property for which the certificate is issued does not take place within the 60-day period, the owner of the property will be required obtain a new reinspection of the same at the cost set forth in §12-2.6 hereinabove.

§ 12-2.9 Allocation of Inspection Fees.

All fees and revenues received pursuant to this Section 12-2 shall be appropriated by the Mayor and Borough Council to the Office of the Fire Inspector for the purpose of enforcing the Borough of Watchung's Fire Protection Code, as required by all applicable laws and ordinances N.J.A.C. 5:70-2.3 and 4.19(d), Uniform Fire Code 5:70-2.9 Fees: Registration; Certificate of Smoke and Carbon Monoxide Alarm Compliance (d) and (e). Smoke detector carbon monoxide and fire extinguisher in one and two story dwellings.

§ 12-2A REGISTRATION OF FIRE SUPPRESSION/SPRINKLER SYSTEMS

§ 12-2A-1 Registration of Fire Suppression/Sprinkler System

a. All commercial, industrial, educational, recreational, and other nonresidential uses that are not within the definition of life hazard uses and have a fire suppression and/or sprinkler system shall register annually with the Borough of Watchung Clerk and shall be subject to an annual review by the local enforcing agency for compliance with all applicable laws and ordinances.

b. All commercial, industrial, educational, recreational, and other nonresidential uses that are not within the definition of life hazard uses and have a fire suppression and/or sprinkler system shall register upon a change of occupancy or change of use with the Borough of Watchung Clerk and shall be subject to a review by the local enforcing agency for compliance with all applicable laws and ordinances.

c. In order to complete the registration, all commercial, industrial, educational, recreational, and other nonresidential uses that are not within the definition of life hazard uses and have a fire suppression and/or sprinkler system shall complete a Borough of Watchung registration form, which shall include a certificate from a registered/certified fire suppression and/or sprinkler system professional stating that the current system is in full compliance with all applicable laws and ordinances.

d. Each separate building, store, premises, place, or location shall require a separate registration, unless a single system is utilized to cover and protect separate premises or locations, and in such a case, the single registration shall indicate the same.

§ 12-2A-2 Registration Fee of Fire Suppression/Sprinkler System

The Borough of Watchung Clerk shall collect a fee of \$75.00 for the registration of the fire suppression and/or sprinkler system for all commercial, industrial, educational, recreational, and other nonresidential uses that are not within the definition of life hazard uses.

**BOROUGH OF WATCHUNG
ORDINANCE NO. 22/03**

§ 12-3 FIRE LANES AND FIRE ZONES.

§ 12-3.1 General Provisions.

a. Designation of Fire Lanes and Fire Zones.

1. Certain areas within the Borough of Watchung shall be designated as fire lanes to provide clear access to buildings for the firefighting equipment in the event of an emergency call. Fire hydrants and water connection devices located on local, County, State, and private roads shall be designated as fire zones.

2. Fire lanes/fire zones may be located on public or private property.

3. Fire lanes/fire zones shall be established by the ~~Borough~~ Fire Official, and drawings or pictures of properties delineating fire lanes/fire zones shall be kept on file in the Bureau of Fire Prevention.

b. Notice to Affected Property Owners.

1. Notice that a property requires the posting of signs or painting of fire lanes/fire zones shall be sent to the property owner by the Bureau of Fire Prevention, whether by personal delivery or certified mail.

2. Within 30 days of receipt of such notice, said property owner shall install required signs and paint required stripes.

c. Intervention by the Borough for Failure to Comply. In the event that a property owner fails to comply with the requirements of this section, the Bureau of Fire Prevention shall issue a Notice of Violation, followed by a summons returnable in the Municipal Court if the violation is not abated within 10 days of the date of the Notice of Violation.

d. Parking, Stopping, or Standing of Vehicles Prohibited. No person shall park, stop, or leave standing any vehicle, whether attended or unattended, in any designated fire lane or fire zone or obstruct any designated fire lane or fire zone.

e. Fire Hydrants. No person shall park, stop, or leave standing any vehicle within 15 feet of any fire hydrant or other fire water connection device.

f. Restrictions for Loading Zones. In designated loading zones ~~designated herein~~, attended vehicles may stop solely for the purpose of loading or unloading and only for the period of time necessary to accomplish such loading or unloading.

g. Installation of Signs, Painting of Lines.

1. Markings. The owner shall, within 30 days of being given notice to do so by the Fire Official, mark the lanes as follows:

(a) Signs, with minimum dimensions of 12 inches by 18 inches constructed of metal with raised red letters a minimum of two inches in size on a white background shall be posted at a level of at least seven feet above grade, indicating "NO PARKING AT ANYTIME." ~~Immediately under these signs shall be another sign, with minimum~~

**BOROUGH OF WATCHUNG
ORDINANCE NO. 22/03**

~~dimensions of 12 inches by six inches stating "FIRE ZONE" or "NO PARKING FIRE~~
~~LANE."~~ Spacing of signs shall be even with a minimum of one sign for every 50 feet of fire lane or part thereof, or as ordered by the Fire Official. All signs and markings must be unobstructed and visible for a distance of at least 100 feet when viewed from a position approximately five feet above the ground while in the fire lane.

2. Diagonal yellow lines six inches in width shall be painted on the pavement along the length of the fire lane/fire zone. Fire Lanes or Fire Zones shall have a minimum width of 18 feet, a minimum depth of six feet from curb and/or edge of pavement, with lettering measuring one and one-half (1 1/2) feet ~~feet~~ high letters stating:

| | |
|------------|------------|
| FIRE ZONE | FIRE LANE |
| NO PARKING | NO PARKING |

or all as directed by the Fire Official.

3. Fire zones associated with fire hydrants and water connection devices shall be identified with yellow paint extending 15 feet in both directions on the curb and/or pavement where possible.

4. All curbing shall be painted yellow.

§ 12-3.2 Enforcement Agencies.

The Borough of Watchung Police Department will ~~Enforcement of the no parking in fire lanes/fire zones parking restrictions will be by the Borough of Watchung Police Department.~~
The Bureau of Fire Prevention will ~~Enforcement of the installation of signs and painting of lines in fire lanes/fire zones will be by the Bureau of Fire Prevention.~~

§ 12-3.3 Penalties.

a. Violators who park illegally in a fire lane or fire zone, obstruct fire hydrants from use, or obstruct Fire Department connections, shall be subject to a fine of ~~\$100~~ ^{\$50}. Said fine shall be imposed on complaint and conviction in the Municipal Court.

b. Property owners failing to install signs or paint pavement within 30 days of receipt of notice requiring such signs or painted pavement shall be subject to a fine not to exceed \$500. Said fine shall be imposed on complaint and conviction in the Municipal Court. Each day that the property owner fails to install a sign or paint the pavement shall be considered a separate and specific violation.

BE IT FURTHER ORDAINED by the Council of the Borough of Watchung that should any section, paragraph, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to that end the provisions of this Ordinance are hereby declared to be severable; and

**BOROUGH OF WATCHUNG
ORDINANCE NO. 22/03**


BE IT FURTHER ORDAINED by the Council of the Borough of Watchung that all ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of their inconsistencies only; and

BE IT FURTHER ORDAINED by the Council of the Borough of Watchung that this Ordinance shall take effect upon final passage and publication according to law.

| | |
|-------------|----------------|
| INTRODUCED: | MARTINO |
| PASSED: | MARCH 17, 2022 |
| PUBLISHED: | MARCH 24, 2022 |
| ADOPTED: | APRIL 7, 2022 |

APPROVED:

ATTEST:



KEITH S. BALLA, MAYOR



EDITH G. GIL, BOROUGH CLERK

| | |
|--------|---------------------------|
| INDEX: | CODE, |
| C: | A. HART, C. TAYLOR, |
| | C. CZUBA, T. SNYDER, ENG. |
| | B. HANCE, |

**BOROUGH OF WATCHUNG
RESOLUTION: R3**

BE IT RESOLVED that Ordinance **OR:22/03** entitled:

“AN ORDINANCE AMENDING CHAPTER 12 OF THE CODE OF THE BOROUGH OF WATCHUNG, ENTITLED “FIRE PREVENTION” REQUIRING THE REGISTRATION AND INSPECTION OF “NON-LIFE HAZARD USES” WITHIN THE BOROUGH OF WATCHUNG” can now be adopted after public hearing.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Watchung, County of Somerset, State of New Jersey, that the Borough Clerk is hereby authorized to publish notice of adoption in accordance with law. This ordinance shall become effective after final passage, adoption and publication in accordance with law.



Pietro Martino, Council Member



Keith S. Balla, Mayor

ADOPTED: APRIL 7, 2022
INDEX: CODE,
C: C. TAYLOR, T. SNYDER, COURTS,
A. HART, C. CZUBA, ENG.,
GENERAL CODE,

**BOROUGH OF WATCHUNG
RESOLUTION: R4**

WHEREAS, Section 2-25.13 of the Code of the Borough of Watchung requires that contracts for purchases or services involving more than two thousand dollars be awarded by a resolution of the Mayor and Council.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Watchung, County of Somerset, State of New Jersey, that the Purchasing Agent be authorized to issue Purchase Orders as follows:

Vendor: Power Place Inc, 297 Route 22 East, Whitehouse Station, NJ 08889
Item: John Deere z950m ztrak 60", ESCNJ (DPW mower)
Total Price: \$10,866.67
Charged to: 2-01-610-202

Vendor: PuroClean Disaster Response, 432 Lincoln Blvd, Middlesex, NJ 08846
Item: Fire & Smoke Cleaning Service for PD
Total Price: \$11,133.47
Charged to: 2-01-155-273

Vendor: SE Rose Trucking & Excavating Inc., 27 Passaic Ave, Warren, 07059
Item: Nottingham Road Emergency Catch Basin
Total Price: \$4,800.00
Charged to: 2-01-205-281

Vendor: Messercola Excavating Inc, 549 E. 3rd St, Plainfield, NJ 07060
Item: Hill Hollow Catch Basin and Culvert Repairs
Total Price: \$4,500.00
Charged to: 2-01-610-202

Vendor: Messercola Excavating Inc, 549 E, 3rd St, Plainfield, NJ 07060
Item: Sherwood Drive Catch Basin and Culvert Repairs
Total Price: \$11,500.00
Charged to: 2-01-610-202


Vendor: Aquaclear, LLC
Item: Lake Management
Total Price: \$4,250.00
Charged to: 2-01-155-2732


Vendor: Amazon c/o Synchrony Bank, PO Box 530958, Atlanta, GA 30353-0958
Item: Mobus Field – Supplies Lost During Hurricane Ida
Total Price: \$2,704.81
Charged to: 2-01-245-202

**BOROUGH OF WATCHUNG
RESOLUTION: R4**

Vendor: Coban Technologies, Inc. 11375 W. Sam Houston Pkwy S., Houston, TX
Item: 1-year subscription, Cloud Courier, Evidence Sharing via Safe Fleet Azure
Total Price: \$2,340.00
Charged to: 2-01-190-273

Vendor: Treasurer – State of New Jersey, Division of Revenue, Trenton, NJ
Item: Environmental Regulation - NJPDES
Total Price: \$2,000.00
Charged to: 2-01-150-281



Ronald Jubin, Council President

Keith S. Balla, Mayor

ADOPTED: APRIL 7, 2022
INDEX: PURCHASING
C: B. HANCE,

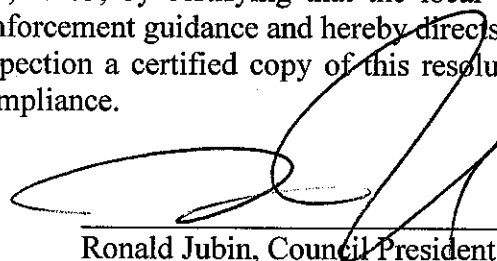
**BOROUGH OF WATCHUNG
RESOLUTION: R5**

**CERTIFYING COMPLIANCE WITH THE U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION'S ENFORCEMENT GUIDANCE ON THE
CONSIDERATION OF ARREST AND CONVICTION RECORDS IN EMPLOYMENT
DECISIONS UNDER TITLE VII OF THE CIVIL RIGHTS ACT OF 1964'**

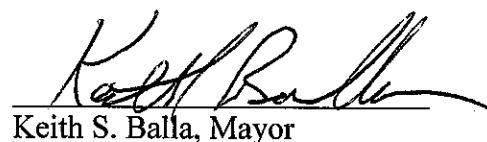
WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE BE IT RESOLVED, that the Council of the Borough of Watchung, County of Somerset, State of New Jersey hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.



Ronald Jubin, Council President



Keith S. Balla, Mayor

ADOPTED: APRIL 7, 2022
INDEX: BUDGET-MISC
C: B. HANCE, DLGS

CLERK'S CERTIFICATION

I hereby certify that this is a true copy of the resolution passed at the Watchung Borough Council meeting held on April 7, 2022.

Edith G. Gil, RMC

**BOROUGH OF WATCHUNG
RESOLUTION: R6**

WHEREAS, the Borough of Watchung has received a Field and Facility Permit Application which has been reviewed by the Recreation Coordinator; and

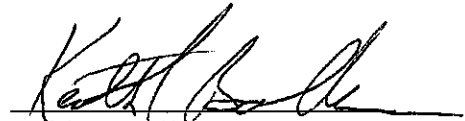
WHEREAS, the Governing Body of the Borough of Watchung, County of Somerset, State of New Jersey wishes to authorize said application.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Watchung that the use of Best Lake or Watchung Lake is authorized for the intended use as noted below and is hereby approved:

1. Mr. B's Fishing Camp, a summer program, from 8 AM to 12:30 PM, Monday through Saturday, from June 27 through September 2, 2022.
2. All approvals are subject to having a covid plan approved by the Office of Emergency Management and the Board of Health, if applicable.



Ronald Jubin, Council President



Keith S. Balla, Mayor

ADOPTED: APRIL 7, 2022
INDEX: RECREATION
C: LM

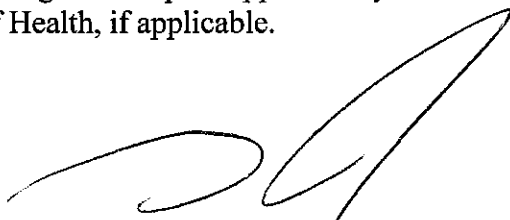
**BOROUGH OF WATCHUNG
RESOLUTION: R7**

WHEREAS, the Borough of Watchung has received a Field and Facility Permit Application which has been reviewed by the Recreation Coordinator; and


WHEREAS, the Governing Body of the Borough of Watchung, County of Somerset, State of New Jersey wishes to authorize said application.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Watchung that the use of Best Lake is authorized for the intended use as noted below and is hereby approved:

1. Mr. B's Fishing Club, an afterschool program, from 5 PM to 8 PM, on the following Friday's: May 6, May 13, May 20, May 27, June 3, June 10, June 17.
2. All approvals are subject to having a covid plan approved by the Office of Emergency Management and the Board of Health, if applicable.



Ronald Jubin, Council President



Keith S. Balla, Mayor

ADOPTED: APRIL 7, 2022
INDEX: RECREATION
C: LM

**BOROUGH OF WATCHUNG
RESOLUTION: R8**

URGING THE SWIFT PASSAGE OF S-330/A3804, WHICH SHALL RESTORE THE ENERGY TAX RECEIPTS TO MUNICIPALITIES

WHEREAS, taxes on gas and electric utilities were originally collected by the host municipalities to be used for local purposes and to compensate the public for the use of their rights of way; and

WHEREAS, when the State made itself the collection agent for these taxes, it promised to dedicate the proceeds to municipal property tax relief; since, just as municipalities collect property taxes for the benefit of school districts, counties, and other entities, the State is supposed to collect Energy Taxes for the benefit of municipal governments; and

WHEREAS, for years, though, State budget makers have diverted funding from Energy Taxes to fund State programs; and instead of being spent on local programs and services and used to offset property taxes, the money has been spent as successive Legislatures and Administrations have seen fit; and

WHEREAS, the diversion of dedicated energy tax receipts to the State's General Fund further jeopardizes this critical property tax relief funding in future years; and

WHEREAS, by reducing Consolidated Municipal Property Tax Relief Act (CMPTRA), which is also comprised of revenues that should be returned to municipalities, State Budget makers have been able to continue collecting Energy Taxes, while keeping additional revenue that should have been returned to provide property tax relief; and

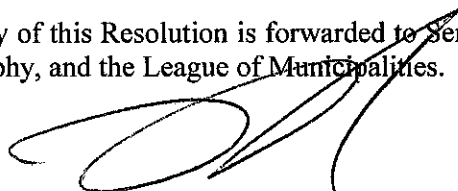
WHEREAS, the cumulative impact of years of underfunding has left many municipalities with serious needs and burdensome property taxes; and

WHEREAS, local elected officials are in the best position to decide the best use of these resources, which were always intended to fund local programs and services; and

WHEREAS, Senator Singleton and Senate President Scutari have introduced legislation (S-330) that will restore, over a five-year period, Energy Tax Receipts to municipalities;

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Borough of Watchung in the County of Somerset urges the Legislature to swiftly pass this legislation and Governor Murphy sign the legislation prior to passage of the FY2023 State budget; and

BE IT FURTHER RESOLVED that a copy of this Resolution is forwarded to Senate President Scutari, Assembly Speaker Coughlin, Governor Murphy, and the League of Municipalities.



Ronald Jubin, Council President



Keith S. Balla, Mayor

ADOPTED: APRIL 7, 2022
INDEX: MISC,
C: B. HANCE, NJLM,

**BOROUGH OF WATCHUNG
RESOLUTION: R9**

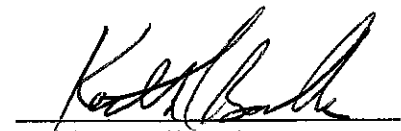
WHEREAS, the Mayor and Council wish to authorize the necessary borough resources to assist with the success of Operation Pride held in partnership and with the support of the borough's Traffic and Beautification Commission, the Environmental Commission and the Historical Committee.

NOW THEREFORE BE IT HEREBY RESOLVED, by the Mayor and Council of the Borough of Watchung, County of Somerset, State of New Jersey that approval is granted to the Borough Administrator to authorize the necessary borough resources to carry out Operation Pride scheduled to be held on April 23, 2022 in coordination with the borough's volunteer organizations.

BE IT FURTHER RESOLVED, that the Mayor and Council hereby express their deep appreciation to all volunteers who dedicate their time to beautifying Watchung.



Ronald Jubin, Council President



Keith S. Balla, Mayor

ADOPTED: APRIL 7, 2022
INDEX: MISC,
C: ENG.,

BOROUGH OF WATCHUNG
RESOLUTION: R10

***AUTHORIZING AGREEMENT WITH SOMERSET COUNTY RELATIVE TO THE USE
OF BOROUGH POLICE PERSONNEL FOR VARIOUS COUNTY INITIATIVES***

WHEREAS, the County of Somerset provides various services and functions which require the use of Municipal Police Officers; and

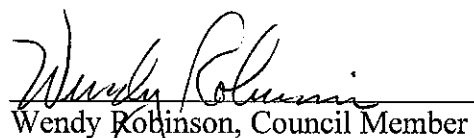
WHEREAS, the County uses additional trained police personnel for such programs and services as assistance and training at Somerset County Police Academy, Somerset County Organized Crime and Narcotics Task Force, Somerset County Emergency Response Teams, which includes the S.W.A.T. Team, Crisis Negotiation Team, and Dive-Rescue Team; the Somerset County Vehicular Homicide Task Force and Collision Analysis and Reconstruction Team; Arson Task Force; Special Event Teams and any duly created and established Task Force by the County Prosecutor; and

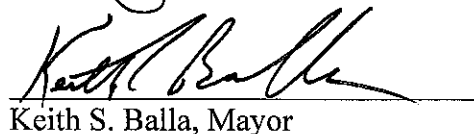
WHEREAS, the County is desirous of continuing those programs and services but requires the continued use of Municipal Police Officers to supplement its own force in order to effectively perform those functions; and

WHEREAS, the Borough of Watchung is willing to provide municipal police officers on an "as available" basis for the use of Somerset County Prosecutor's Office on an "as needed" basis subject to the terms and conditions of the attached agreement.

NOW, THEREFORE, BE IT RESOLVED by Council of the Borough of Watchung, County of Somerset, State of New Jersey that:

1. The Mayor and the Borough Clerk are hereby authorized to execute the attached agreement with the County of Somerset.
2. The Borough Clerk is directed to forward execution copies of the attached agreement to the County of Somerset with instructions that a fully executed copy be returned to the Borough for its records.


Wendy Robinson, Council Member


Keith S. Balla, Mayor

ADOPTED: APRIL 7, 2022
INDEX: AWARDS, POLICE, MISC.,
C: B. HANCE, A. HART,
COUNTY PROSECUTOR,

**BOROUGH OF WATCHUNG
RESOLUTION: R11**

***AUTHORIZING EXTENSION OF SERVICE TO MEMORANDUM OF
UNDERSTANDING WITH SOMERSET COUNTY PROSECUTOR'S OFFICE
RELATIVE TO THE USE OF BOROUGH PERSONNEL FOR COUNTY FIRE
INVESTIGATION UNIT***

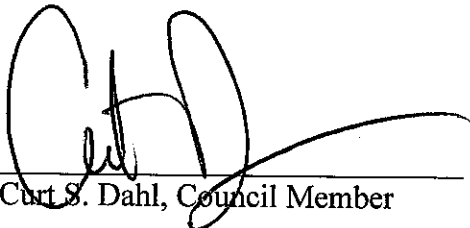
WHEREAS, there exists a need in Somerset County to investigate arson and other major crimes; and

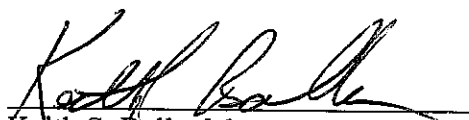
WHEREAS, in furtherance thereof, the Somerset County Prosecutor's Office (SCPO) has created the Somerset County Fire Investigation Unit; and

WHEREAS, the attached Memorandum of Understanding was created by the SCPO to cooperate and share the services of fire investigators from various agencies around the County; and

WHEREAS, by sharing the resources of all towns in the County, there is less duplication of effort and greater coverage and expertise provided to law enforcement and the public and the Borough is willing to proceed with the attached agreement.

NOW, THEREFORE, BE IT RESOLVED by Council of the Borough of Watchung, County of Somerset, State of New Jersey that the Mayor and Borough Clerk are hereby authorized to execute the attached Memorandum of Agreement with the Somerset County Prosecutor's Office to allow the Borough's Fire Official to work with the County Prosecutor's Office.


Curt S. Dahl, Council Member


Keith S. Balla, Mayor

ADOPTED: APRIL 7, 2022
INDEX: MISC., FIRE,
C: B. HANCE, A. HART, C. CZUBA
COUNTY PROSECUTOR,

**BOROUGH OF WATCHUNG
RESOLUTION: R13**

WHEREAS, the costs for the operation and maintenance of the Watchung sewer system have been reviewed for the calendar year 2022 and the unit charge has been determined based upon the provision set forth in Chapter 18 of the Code of the Borough of Watchung.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Watchung that the unit cost in accordance with the provisions of Chapter 18-10c is established at the following for calendar year 2022:

\$465.00 per EDU (Equivalent Dwelling Unit)

Residential Dwellings (Single family home, duplex units, townhouses, condominiums, apartments)

| | |
|--------------------------|----------|
| 3 Bedroom unit or larger | \$465.00 |
| 2 Bedroom unit | \$348.75 |
| 1 Bedroom unit | \$232.50 |

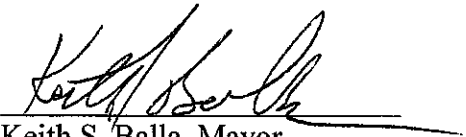
Residential Dwellings (Age and occupancy restricted developments of single-family homes, apartments, mobile homes, etc.)

| | |
|--------------------------|----------|
| 3 Bedroom unit or larger | \$348.75 |
| 2 Bedroom unit | \$263.50 |
| 1 Bedroom unit | \$170.50 |

BE IT FURTHER RESOLVED, that in accordance with Chapter 18-10b(3) Senior Citizens eligible for an annual property tax deduction, as defined in N.J.S.A. 54:4-8.40 et seq., and who have filed required forms to be eligible for the annual property tax deduction, shall be charged at a rate of one-half (1/2) of what their annual sewer usage charge would have been per the above chart.



Ronal Jubin, Council President



Keith S. Balla, Mayor

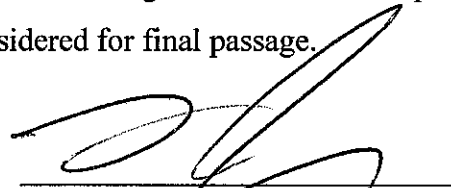
ADOPTED: APRIL 7, 2022
INDEX: SEWERS, CODE, FINANCE-MISC.
C: FINANCE, DPW,

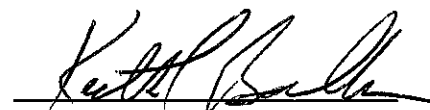
**BOROUGH OF WATCHUNG
RESOLUTION: R14**

BE IT RESOLVED that Ordinance **OR:22/04** entitled:

AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET COST OF LIVING ALLOWANCE AND TO ESTABLISH A CAP BANK WHEN THE COLA IS EQUAL TO OR LESS THAN 2.5 PERCENT CALENDAR YEAR 2022 (N.J.S.A. 40A:4-45.14) [Public Hearing April 21, 2022]

heretofore introduced, does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 21st day of April, 2022 at 7:30 P.M., or as soon thereafter as the matter can be reached, at the regular meeting place of the Borough Council, and that at such time and place all persons interested be given an opportunity to be heard concerning said ordinance, and that the Borough Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.


Ronald Jubin, Council President


Keith S. Balla, Mayor

ADOPTED: APRIL 7, 2022
INDEX: FINANCE-BUDGET,
C: B. HANCE,

**BOROUGH OF WATCHUNG
ORDINANCE 22/04**

AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET COST OF LIVING ALLOWANCE AND TO ESTABLISH A CAP BANK WHEN THE COLA IS EQUAL TO OR LESS THAN 2.5 PERCENT CALENDAR YEAR 2022 (N.J.S.A. 40A:4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A:4-45.1 *et seq.*, provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% or the Cost-of-Living Adjustment (COLA), whichever is less, over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A:4-45.14 provides that a municipality may, in any year in which the COLA is equal to or less than 2.5%, increase its final appropriations by a percentage greater than the COLA, but not to exceed the 3.5% rate as specified in the law, when authorized by ordinance; and,

WHEREAS, the COLA for 2022 has been certified by the Director of the Division of Local Government Services in the Department of Community Affairs as 2.5% and,

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, in any year in which the COLA is equal to or less than 2.5%, may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Borough Council of the Borough of Watchung in the County of Somerset finds it advisable and necessary to increase its 2022 budget by more than 2.50% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Borough Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$290,651.48 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

**BOROUGH OF WATCHUNG
ORDINANCE 22/04**

NOW THEREFORE BE IT ORDAINED, by the Council of the Borough of Watchung, in the County of Somerset, State of New Jersey that a majority of the full authorized membership of this governing body affirmatively concurring, that, in the 2022 budget year, the final appropriations of the Borough of Watchung shall, in accordance with this ordinance and N. J.S.A. 40A:4-45.14, be increased by 3.5% amounting to \$406,912.07 and that the 2022 municipal budget for the Borough of Watchung be approved and adopted in accordance with this ordinance; and,

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

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

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

ATTEST:

APPROVED:

Edith G. Gil, Borough Clerk

Keith Balla, Mayor

INTRODUCED: JUBIN

PASSED:

PUBLISHED:

ADOPTED:

INDEX: FINANCE-BUDGET

C: B. HANCE

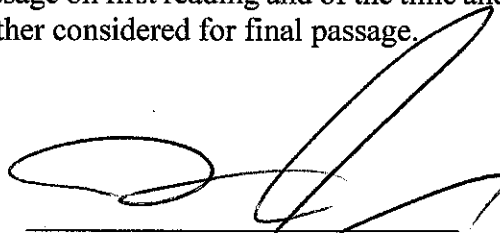
**BOROUGH OF WATCHUNG
RESOLUTION: R15**

BE IT RESOLVED that Ordinance **OR:22/05** entitled:


“AN ORDINANCE PROVIDING THE ACQUISITION AND INSTALLATION OF PARK EQUIPMENT AND RELATED IMPROVEMENTS IN THE BOROUGH OF WATCHUNG, IN THE COUNTY OF SOMERSET, NEW JERSEY AND APPROPRIATING \$500,000.00 THEREFOR FROM THE CAPITAL IMPROVEMENT FUND”

Public Hearing April 21, 2022

heretofore introduced, does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 21st day of April, 2022 at 7:30 P.M., or as soon thereafter as the matter can be reached, at the regular meeting place of the Borough Council, and that at such time and place all persons interested be given an opportunity to be heard concerning said ordinance, and that the Borough Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.



Ronald Jubin, Council President



Keith S. Balla, Mayor

ADOPTED: APRIL 7, 2022
INDEX: FINANCE-BUDGET, PROPERTIES,
C: B. HANCE,

**BOROUGH OF WATCHUNG
ORDINANCE NO. 22/05**

AN ORDINANCE PROVIDING THE ACQUISITION AND INSTALLATION OF PARK EQUIPMENT AND RELATED IMPROVEMENTS IN THE BOROUGH OF WATCHUNG, IN THE COUNTY OF SOMERSET, NEW JERSEY AND APPROPRIATING \$500,000.00 THEREFOR FROM THE CAPITAL IMPROVEMENT FUND.

Be it hereby ordained by the Mayor and Council of the Borough of Watchung, in the County of Somerset, State of New Jersey as follows:

Section 1. The improvements described in Section 2 of this ordinance are hereby authorized to be undertaken by the Borough of Watchung, New Jersey, as a general improvement. For the improvement or purpose described in Section 2 there is hereby appropriated the sum of \$500,000 from the capital improvement fund.

Section 2. The improvement hereby authorized is the acquisition and installation of park equipment and related improvements in the amount of \$500,000.00.

Section 3. The said improvements or purposes described in Section 2 of this 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 cost thereof has been or shall be assessed on property specially benefited thereby.

Section 4. There is no debt authorized for these improvements or purposes.

Section 5. This ordinance shall take effect immediately upon final passage in accordance with law.

INTRODUCED: JUBIN

PASSED:

PUBLISHED:

ADOPTED:

INDEX: FINANCE-BUDGET

C: B. HANCE

ATTEST:

APPROVED:

Edith G. Gil, Borough Clerk

Keith Balla, Mayor

I, Edith G. Gil, Borough Clerk of the Borough of Watchung, in the County of Somerset, certify the foregoing to be a true copy of an ordinance duly adopted at a meeting of the Mayor and Council held on _____, 2022.

Edith G. Gil, RMC

**BOROUGH OF WATCHUNG
RESOLUTION: R16**

WHEREAS, the Bisignano Family has been involved in the community for many years and has promoted Watchung as a great community to live, work and raise families; and

WHEREAS, the Bisignano family has graciously donated resources for the benefit of our children and families regarding parks, recreation, and technology; and

WHEREAS, the Bisignano family recognizes that borough property located at 12 Stirling Road, block 4401, lot 7 currently used as the Watchung Library Branch of the Somerset County Library System of NJ and the barn located adjacent to the library is in need of repairs; and

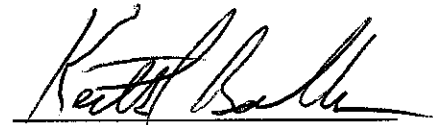
WHEREAS, the Bisignano Family has offered to repair these facilities and offered to donate to the Borough, the replacement of a roof for both the library branch and the barn located at 12 Stirling Road; and

WHEREAS, it is the purpose of this Resolution to authorize the acceptance of this donation, subject to review and inspection approved by the Borough Administrator.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Watchung, County of Somerset, State of New Jersey hereby accepts the generous donation by the Bisignano Family with gratitude.



Ronald Jubin, Council President



Keith S. Balla, Mayor

ADOPTED: APRIL 7, 2022
INDEX: BOROUGH PROPERTIES
C: W. HANCE, ENG, PD,

**BOROUGH OF WATCHUNG
RESOLUTION: R17**

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5 the Borough of Watchung has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the Borough meets the necessary conditions to participate in the program for the 2022 budget year;

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Watchung, County of Somerset, State of New Jersey that in accordance with N.J.A.C. 5:30-7.6a & b and based upon the Chief Financial Officer's certification, the governing body has found that the budget has met the following requirements:

1) That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:

- a. Payments of interest and debt redemption charges
- b. Deferred charges and statutory expenditures
- c. Cash deficit of preceding year
- d. Reserve for uncollected taxes
- e. Other reserves and non-disbursement items
- f. Any inclusions of amounts required for school purposes

2) That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met. (Complies with the "CAP" law.)

**BOROUGH OF WATCHUNG
RESOLUTION: R17**

3) That the budget is in such form, arrangement and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.

4) That pursuant to the Local Budget Law:

- a. All estimates of revenue are reasonable, accurate, and correctly stated
- b. Items of appropriation are properly set forth
- c. In itemization, form, arrangement and content the budget will permit the exercise of the comptroller function within the municipality.

5) The budget and associated amendments have been introduced, publicly advertised and adopted in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.

6) That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Director of the Division of Local Government Services.



Ronald Jubin, Council President



Keith S. Balla, Mayor

ADOPTED: APRIL 7, 2022
INDEX: FINANCE-BUDGET
C: B. HANCE, DLGS

CLERK'S CERTIFICATION

I hereby certify that this is a true copy of a resolution adopted by the Governing Body of Watchung at a meeting held this 7th day of April, 2022.

Edith G. Gil, RMC

**Borough of Watchung
SOMERSET COUNTY, NEW JERSEY**

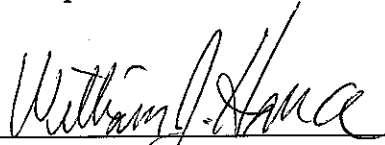
CERTIFICATION OF 2022 APPROVED BUDGET

It is hereby certified that the Approved Budget complies with the requirements of law and approval is given pursuant to N.J.S.A. 40A:4-78(b) and N.J.A.C. 5:30-7.

It is further certified that the municipality has met the eligibility requirements of N.J.A.C. 5:30-7.4 and 7.5, and that I, as Chief Financial Officer, have completed the local examination in compliance with N.J.A.C. 5:30-7.6.

Dated: 04/07/22

By: _____


William J. Hance
Chief Financial Officer

This certification form and resolution of the governing body executing such certification should be annexed to the adopted budget (N.J.A.C. 5:30-7.6(e))

**BOROUGH OF WATCHUNG
RESOLUTION: R18**

WHEREAS, Section 8 of the Open Public Meetings Act (N.J.S.A. 10:4-12(b)(1-9) permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, the Governing Body is of the opinion that such circumstances presently exist.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Watchung, County of Somerset, State of New Jersey, as follows:

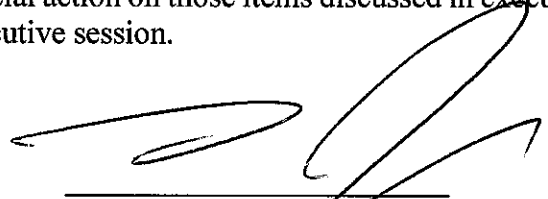
1. The public shall be excluded from discussion of the closed session of April 7, 2022.
2. The general nature of the subject matter to be discussed is as follows:

Contract Negotiations:


TWA Application and Sewer Connection,
Affordable Housing Proposal and Lease Agreement

Collective Bargaining Agreement: Updates

3. Minutes will be kept and once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes can be made public.
4. The Borough Council may take official action on those items discussed in executive session upon completion of the executive session.



Ronald Jubin, Council President



Keith S. Balla, Mayor

ADOPTED: APRIL 7, 2022
INDEX: MISC.
C:

**BOROUGH OF WATCHUNG
RESOLUTION: R19**

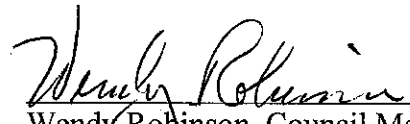
WHEREAS, Officer Barry Kelly resigned effective March 31, 2022; and


WHEREAS, accumulated benefits must be determined and paid as a result; and

WHEREAS, Officer Kelly has accumulated 98 hours of vacation and 480 hours of sick time to be paid at his current hourly rate of pay.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Watchung that Barry Kelly receive payment for accumulated employee benefits on the April 15, 2022 payroll as follows:

| | |
|---|-------------|
| Vacation Time 98 hours x \$56.80 | \$5,566.40 |
| Sick Time 120 hours x \$56.80 (25% of time due to resignation) | \$6,816.00 |
| Total: | \$12,382.40 |


Wendy Robinson, Council Member


Keith S. Balla, Mayor

ADOPTED: APRIL 7, 2022
INDEX: FINANCE-MISC, PERSONNEL
C: B. HANCE, E. HORSFALL