

TOWN OF WESTFIELD  
RESOLUTION

Finance Policy Committee

May 20, 2014

RESOLVED that the Chief Financial Officer be and she hereby is authorized to draw warrants to the following persons, this amount being overpaid for 2013:

<u>BLOCK AND LOT</u> <u>NAME AND ADDRESS</u>	<u>PROPERTY</u>	<u>AMOUNT</u>
2502/1.01 SMILJANIC, Sanjin	237 Charles Street	\$1,444.00
2704/30.01 MATINO, Edith, Estate of 108 Ocean Park Avenue Bradley Beach, NJ 07720	760 West Broad Street	\$813.90
3008/3 MILLER, Michael D. & Anita 382 Creek Bed Road Mountainside, NJ 07092	311 Temple Place	\$984.04
4506/7 STOTLER, Michael & Amanda	920 Talcott Road	\$395.35

TOWN OF WESTFIELD  
RESOLUTION

FINANCE POLICY COMMITTEE

May 20, 2014

RESOLVED that the Treasurer be and she hereby is authorized to draw warrants to the order of the following persons, this being the amount taxes were overpaid for the years 2010, 2011 and 2012 pursuant to the Tax Court of New Jersey:

<u>BLOCK/LOT</u> <u>NAME</u>	<u>ADDRESS</u>	<u>YEAR</u>	<u>AMOUNT</u>
3004/2 JMC WESTFIELD, LLC	319 South Avenue West	2013	\$4,599.34

Please issue check to:  
NASHEL & NASHEL TRUST ACCOUNT

Mail to:  
415 Sixtieth Street  
West New York, NJ 07093

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3902/4	1400 East Broad Street	2012	\$16,180.00
3902/4	1400 East Broad Street	2013	\$33,263.89

WYCHWOOD GARDENS COOP ASOC. INC.

Please issue checks to:  
HORN LAW GROUP, LLC ATTORNEY TRUST ACCOUNT

Mail to:  
Jeff J. Horn, Esq.  
Horn Law Group, LLC  
801A Main Street  
Toms River, NJ 08753

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4003/4.01	324 South Avenue East	2013	\$2,561.28
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WEIGEL, P. , WEIGEL, P & WEIGEL, J

Please issue check to:  
Michael A. Vespasiano, Attorney Trust Account

Mail to:  
Law Office of Michael A. Vespasiano  
331 Main Street  
Chatham, NJ 07928

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TOWN OF WESTFIELD  
RESOLUTION

Finance Policy Committee

May 20, 2014

NOW THEREFORE, BE IT RESOLVED, that the Tax Collector may be authorized to have the following account sewer bill removed for 2014.

Billing will be adjusted once the property has a certificate of occupancy.

<u>Acct#</u>	<u>Property Address</u>	<u>Year</u>	<u>Amount</u>
8693-0	527 Clifton Street	2014	\$170.00

TOWN OF WESTFIELD  
RESOLUTION

FINANCE POLICY COMMITTEE

May 20, 2014

RESOLVED that the Chief Financial Officer be and hereby is authorized to draw a warrant for refund of dumpster security payment as follows following final inspection and approval by Town Engineer for return of deposit:

Robert Lombard  
267 Seneca Place  
Westfield, NJ 07090

Amount of refund:   \$975.00

**TOWN OF WESTFIELD  
RESOLUTION**

**FINANCE POLICY COMMITTEE**

**May 20, 2014**

**WHEREAS, Zen Key Group LLC** placed the required cash bond of \$500.00 to cover the Street Opening Permit #13-135 for 130 Boynton Court, and

**WHEREAS, Zen Key Group LLC** has requested that this amount be returned to them, and

**WHEREAS, the Town Engineer,** has inspected the roadway excavation and has found the excavation to have been properly repaired.

**NOW THEREFORE BE IT RESOLVED,** that the Treasurer be authorized to draw a warrant in the name of Zen Key Group LLC for \$500.00 and forward to 1 Orient Way, Suite F331, Rutherford, NJ 07070.

**TOWN OF WESTFIELD**  
**RESOLUTION**

**FINANCE POLICY COMMITTEE**

**May 20, 2014**

**RESOLVED**, that the Chief Financial Officer be authorized to refund the following fees to the following individuals:

<u>Name</u>	<u>Account</u>	<u>Class</u>	<u>Fee</u>
Faith Mulvanerty 900 Talcott Rd. Westfield, NJ 07090	T05-600-071	Field Hockey Clinic (Faith)	45.00
Karen Perialis 1539 Rahway Ave. Westfield, NJ 07090	T05-600-071	Guitar- 1 lesson (Athena)	12.50
Bonnie Miovski 430 Edgar Rd. Westfield, NJ 07090	T05-600-071	Volleyball League (Emma)	100.00
Mary Olsen 1012 Cranford Ave. Westfield, NJ 07090	T05-600-071	Longwood Garden Trip (3 registrants)	264.00
Gabriel Bravo 350 North Ave., Apt. #1 Fanwood, NJ 07023	T05-600-071	Longwood Garden Trip	88.00
Jennifer Gipson 6769 Reims Court Frisco, TX 75034	Pool Membership Acct.	Membership- Family	\$360.00
Ines Wishart 925 Lawrence Ave. Westfield, NJ 07090	Pool Membership Acct.	Membership – Individual	180.00

**TOWN OF WESTFIELD**  
**RESOLUTION**

**FINANCE POLICY COMMITTEE**

**MAY 20, 2014**

**RESOLVED** that warrants noted below be drawn to the order of Westfield Board of Education for Local School Taxes as provided in the 2014 budget in accordance with R.S. 54:4-75:

July 11, 2014		\$ 4,500,000.00
July 28, 2014	Debt Service	\$ 1,167,849.00
August 13, 2014		\$ 4,500,000.00
September 10, 2014		\$ 8,870,917.00
September 15, 2014	Debt Service	\$ 883,008.00
October 10, 2014		\$ 8,870,917.00
November 11, 2014		\$ 8,870,917.00
December 11, 2014		\$ 8,870,917.00
January 12, 2015		\$ 7,413,944.00
February 10, 2015		\$ 7,413,944.00
March 1, 2015	Debt Service	\$ 797,556.00
March 11, 2015		\$ 7,413,944.00
April 10, 2015		\$ 7,413,944.00
May 11, 2015		\$ 7,413,944.00
June 10, 2015		\$ 7,413,945.00
<b>TOTAL</b>		<b><u>\$ 91,815,746.00</u></b>

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<b>TOTAL</b>		<b><u>\$ 91,815,746.00</u></b>

**TOWN OF WESTFIELD  
GENERAL ORDINANCE NO. 2023**

**AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF WESTFIELD  
CHAPTER 11, "FIRE PROTECTION," ARTICLE III, "FIRE PREVENTION CODE"**

**BE IT ORDAINED** by the Town Council of Westfield in the County of Union as follows:

**SECTION I.**

That section 11-45.1 entitled "Smoke Alarms in Buildings with One or Two Dwelling Units Only – Fee for Inspections" is amended to include the following:

**Sec. 11-45-1. Smoke Detector and Carbon Monoxide Alarm Compliance in Buildings with One or Two Dwelling Units Only – Fees for Inspections.**

The fee for performing an initial inspection for smoke alarms and carbon monoxide alarms in buildings containing one or two dwelling units as required by the state law known as the "Uniform Fire Safety Act" (N.J.S.A. 52:27D-192 et seq.), including any subsequent reinspection to ascertain compliance, shall conform to the following fee schedule:

- a. A price not to exceed \$125 – if application for an inspection is made more than 10 business days prior to change in occupancy
- b. A price not to exceed \$150 – if application for an inspection is made less than 10 business days but more than 4 business days prior to change in occupancy.
- c. A price not to exceed \$175 – if application for inspection is made fewer than 4 business days prior to change in occupancy.

The actual fee schedule shall be established from time to time by resolution of the Town Council. When compliance has been established, a certificate evidencing such compliance shall be issued by the Fire Department.

**SECTION II.**

All ordinances or parts of ordinances in conflict or inconsistent with any part of this ordinance are hereby repealed to the extent that they are in such conflict or inconsistent.

**SECTION III.**

This ordinance shall take effect after passage and publication as soon as and in the manner provided by law.

**SECTION IV.**

In the event that any section, part or provision of this ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so held unenforceable or invalid.

TOWN OF WESTFIELD  
SPECIAL ORDINANCE NO. 2191

BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW INFORMATION TECHNOLOGY EQUIPMENT AND A NEW AUTOMOTIVE VEHICLE, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE TOWN OF WESTFIELD, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$2,800,000 TO PAY THE COST THEREOF, TO APPROPRIATE TOWN TRUST FUND MONEYS AND STATE GRANTS, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

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BE IT ORDAINED by the Town Council of the Town of Westfield, in the County of Union, State of New Jersey, as follows:

Section 1. The Town of Westfield, in the County of Union, State of New Jersey (the "Town") is hereby authorized to make various public improvements and to acquire new additional or replacement equipment and machinery, new information technology equipment and a new automotive vehicle, including original apparatus and equipment, in, by and for said Town, as more particularly described in Section 4 hereof. The cost of the improvements includes all work, materials and appurtenances necessary and suitable therefor.

Section 2. There is hereby appropriated to the payment of the cost of making the improvements described in Sections 1 and 4 hereof (hereinafter referred to as "purposes"), the respective amounts of money hereinafter stated as the

appropriation for said respective purposes. Said appropriation shall be met from the proceeds of the sale of the bonds authorized, and the Town Trust Fund moneys, State grants and the down payment appropriated, by this ordinance. It is anticipated that the following additional government grants shall be received by the Town: (A) \$138,000 from the Union County Kid's Recreation Trust Fund to finance the cost of the replacement of the synthetic turf athletic fields described in Section 4.D hereof; and (B) \$20,000 from the State Sustainable Jersey Program to finance the improvements to the Conservation Center described in Section 4.F hereof. Said grant funds shall be applied as set forth in Section 15 hereof. Said improvements shall be made as general improvements and no part of the cost thereof shall be assessed against property specially benefited.

Section 3. It is hereby determined and stated that the making of such improvements is not a current expense of said Town.

Section 4. The several purposes hereby authorized for the financing of which said obligations are to be issued are set forth in the following "Schedule of Improvements, Purposes and Amounts" which schedule also shows (1) the amount of the appropriation and the estimated cost of each such purpose, and (2) the amount of each sum which is to be provided by the appropriation hereinafter made from the Town of Westfield Park

Improvement Trust Fund, and (3) the amount of each sum which is to be provided by the State grants hereinafter appropriated, and (4) the amount of each sum which is to be provided by the down payment hereinafter appropriated to finance such purposes, and (5) the estimated maximum amount of bonds and notes to be issued for each such purpose, and (6) the period of usefulness of each such purpose, according to its reasonable life, computed from the date of said bonds:

SCHEDULE OF IMPROVEMENTS, PURPOSES AND AMOUNTS

A. Undertaking of the following road improvements: (i) resurfacing of Westfield Avenue (from South Avenue to Park Street) (including curb installation or replacement and drainage improvements, where necessary), (ii) resurfacing of Rahway Avenue (from Grove Street to West Broad Street) (including curb installation or replacement and drainage improvements, where necessary) and (iii) resurfacing or reconstruction of various roads or sections thereof (including curb installation or replacement and drainage improvements, where necessary), as set forth on a list prepared by the Town Engineer on file or to be placed on file with the Town Clerk, and hereby approved as if set forth herein in full. Depending upon the contract price and other exigent circumstances, and upon approval by the Town Council, there may be additions to or deletions from the list referred to in clause (iii) of the preceding sentence. It is hereby determined and stated that the roads being improved are of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law").

Appropriation and Estimated Cost	\$1,475,000
State Grants Appropriated	\$375,000
Down Payment Appropriated	\$ 52,400
Bonds and Notes Authorized	\$1,047,600
Period of Usefulness	10 years

B. Acquisition of new additional or replacement equipment and machinery and new information technology equipment for the use of the Police Department consisting of (i) weapons and (ii) computer equipment for the Dispatch Center.

Appropriation and Estimated Cost	\$ 55,000
Down Payment Appropriated	\$ 2,700
Bonds and Notes Authorized	\$ 52,300
Period of Usefulness	5 years

C. (i) Undertaking of various improvements to Fire Headquarters and Fire Station No. 2 and (ii) acquisition of a new automotive vehicle, including original apparatus and equipment, consisting of a pickup truck for the use of the Fire Department.

Appropriation and Estimated Cost	\$ 40,000
Down Payment Appropriated	\$ 2,000
Bonds and Notes Authorized	\$ 38,000
Period of Usefulness	5 years

D. Replacement of synthetic turf athletic fields at Houlihan/Sid Fay Fields.

Appropriation and Estimated Cost	\$ 750,000
Town Trust Funds Appropriated	\$ 138,000
Down Payment Appropriated	\$ 29,200
Bonds and Notes Authorized	\$ 582,800
Period of Usefulness	10 years

E. Construction of a garage/storage structure at the Department of Public Works ("DPW") Yard. It is hereby determined and stated that said building being constructed will be of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law.

Appropriation and Estimated Cost	\$ 250,000
Down Payment Appropriated	\$ 12,000
Bonds and Notes Authorized	\$ 238,000
Period of Usefulness	30 years

F. (i) Undertaking of various improvements to the Conservation Center and (ii) acquisition of new additional or replacement equipment and machinery for the use of the DPW

consisting of salt brine road treatment equipment and other snow treatment and removal equipment.

Appropriation and Estimated Cost	\$ 150,000
Down Payment Appropriated	\$ 7,800
Bonds and Notes Authorized	\$ 142,200
Period of Usefulness	10 years

G. Undertaking of the following public improvements:  
(i) various improvements to the Municipal Building and the North Side Train Station and (ii) replacement of lighting at various municipal parking lots and Mindowaskin Park.

Appropriation and Estimated Cost	\$ 80,000
Down Payment Appropriated	\$ 3,900
Bonds and Notes Authorized	\$ 76,100
Period of Usefulness	10 years

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Aggregate Appropriation and Estimated Cost	\$2,800,000
Town Trust Funds Appropriated	\$ 138,000
State Grants Appropriated	\$ 375,000
Aggregate Down Payment Appropriated	\$ 110,000
Aggregate Amount of Bonds and Notes Authorized	\$2,177,000

Section 5. The cost of such purposes, as hereinbefore stated, includes the aggregate amount of \$33,600 which is estimated to be necessary to finance the cost of such purposes, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 6. The sum of \$150,000 received or to be received as a grant from the State of New Jersey Department of

Transportation (the "NJDOT") is hereby appropriated to the payment of the cost of the resurfacing of Westfield Avenue authorized in Section 4.A hereof.

Section 7. The sum of \$225,000 received or to be received as a grant from the NJDOT is hereby appropriated to the payment of the cost of the resurfacing of Rahway Avenue authorized in Section 4.A hereof.

Section 8. The sum of \$138,000 available in the Town of Westfield Park Improvement Trust Fund is hereby appropriated to the payment of the cost of the replacement of the synthetic turf athletic fields authorized in Section 4.D hereof.

Section 9. It is hereby determined and stated that moneys exceeding \$110,000, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for said Town, are now available to finance said purposes. The sum of \$110,000 is hereby appropriated from such moneys to the payment of the cost of said purposes.

Section 10. To finance said purposes, bonds of said Town of an aggregate principal amount not exceeding \$2,177,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by

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this ordinance shall be determined by resolutions to be hereafter adopted.

Section 11. To finance said purposes, bond anticipation notes of said Town of an aggregate principal amount not exceeding \$2,177,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 12. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said Town and

attested by the Town Clerk or Deputy Town Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 13. It is hereby determined and declared that the average period of usefulness of said purposes, according to their reasonable lives, taking into consideration the respective amounts of bonds or notes authorized for said purposes, is a period of 11.97 years computed from the date of said bonds.

Section 14. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Town Clerk of said Town, and that such statement so filed shows that the gross debt of said Town, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$2,177,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 15. Any funds received from private parties, the County of Union, the State of New Jersey or any of their

agencies or any funds received from the United States of America or any of its agencies in aid of such purposes (other than the State grants hereinbefore appropriated which shall be applied to the cost of such purposes, but shall not be applied to the payment of outstanding bond anticipation notes and the reduction of the amount of bonds authorized), shall be applied to the payment of the cost of such purposes, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purposes shall be reduced accordingly.

Section 16. The Town intends to issue the bonds or notes to finance the cost of the improvements described in Sections 1 and 4 of this bond ordinance. If the Town incurs such costs prior to the issuance of the bonds or notes, the Town hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 17. The full faith and credit of the Town are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Town, and the Town shall levy ad valorem taxes upon all the taxable real property within the Town for the payment of

the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 18. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Town Clerk and is available for public inspection.

Section 19. This ordinance shall take effect twenty days after the first publication thereof after final passage.

**TOWN OF WESTFIELD  
SPECIAL ORDINANCE NO. 2199**

**AN ORDINANCE PROVIDING FOR THE REPLACEMENT OF SIDEWALK AND CONSTRUCTION OF NEW SIDEWALK AT VARIOUS LOCATIONS IN THE TOWN AND THE APPROPRIATION OF MONIES NECESSARY THEREFOR.**

**BE IT ORDAINED** by the Town of Westfield in the County of Union as follows:

**SECTION I.** That the Town of Westfield will be replacing existing sidewalk with new sidewalk and constructing new sidewalk where none exists at various locations and all work necessary and incidental thereto.

**SECTION II.** That all of the said improvements shall be made and completed under the supervision of the Town Engineer and in accordance with preliminary plans and specifications on file in the office of the Town Engineer and are hereby made a part of this ordinance.

**SECTION III.** That one hundred (100%) percent of the final cost of the project as certified by the Chief Financial Officer shall be assessed by the Tax Assessor on lands specially benefited by the improvement.

**SECTION IV.** It is hereby determined and declared that the number of annual installations in which the special assessment to be levied on account of the said improvements may be paid is three (3).

**SECTION V.** It is hereby determined and declared that the estimated amount of money to be raised from all sources to said purpose is \$40,000.00, and that the estimated amount of bonds or notes necessary to be issued for said purpose is \$38,000.00. There is hereby appropriated for said purpose the sum of \$2,000.00 from Capital Improvement Funds available for said purpose.

**SECTION VI.** To finance said purposes, bonds of said Town of an aggregate principal amount not exceeding \$38,000.00 are hereby authorized to be issued pursuant to the Local Bond Law (as hereinafter defined). Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

**SECTION VII.** To finance such purpose there shall be issued pursuant to Chapter 2 of Title 40A of the New Jersey Statutes, as amended (the "Local Bond Law"), in anticipation of the issuance of bonds, Bond Anticipation Notes of said Town not to exceed the aggregate principal amount the sum of \$38,000.00. Said notes shall bear interest at a rate per annum as may hereafter be determined within the limitations prescribed by said law and may be renewed from time to time pursuant to, and within, the limitations prescribed by said law. All matters with respect to said notes not determined by this ordinance shall be determined by resolution of the Town to be hereafter adopted.

**SECTION VIII.** Not more than \$500.00 of the sum to be raised by the issuance of said notes may be used to finance interest on obligation issued to finance such purpose, whether temporary or permanent, or to finance legal expenses or to finance the cost of the issuance of such obligations as provided in Section 20 of the Local Bond Law.

**SECTION IX.** It is hereby determined and declared that the period of usefulness for the financing of which said obligations are to be issued is a period of ten (10) years from the date of said bonds.

**SECTION X.** It is hereby determined and declared that the Supplemental Debt Statement required by law has been duly made and filed in the office of the Town Clerk of said Town and that such statement so filed shows that the gross debt of the Town as defined in Section 43 of the Local Bond Law is increased by this ordinance by \$38,000.00, and that the bonds authorized by this ordinance shall be within any debt limitations prescribed by said law.

**SECTION XI.** Any funds received from the County of Union, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purposes, shall be applied to the payment of the cost of such purposes, or if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purposes shall be reduced accordingly.

**SECTION XII.** The Town intends to issue bonds or notes to finance the cost of the improvements described in Section I of this bond ordinance. If the Town incurs such costs prior to the issuance of the bonds or notes, the Town hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

**SECTION XIII.** The full faith and credit of the Town are hereby pledge to the punctual payment of the principal of the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Town, and the Town shall levy ad valorem taxes upon all the taxable real property within the Town for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

**SECTION XIV.** The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Town Clerk and is available for public inspection.

**SECTION XV.** This ordinance shall take effect twenty (20) days after first publication thereof after final passage.

**PASSED AND ADOPTED:**

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Mayor

ATTEST: \_\_\_\_\_  
Town Clerk

**Town of Westfield**  
**Resolution**

**Public Safety, Parking & Transportation Committee**

**May 20, 2014**

**Whereas**, there were 545 motor vehicle fatalities in New Jersey in 2013; and

**Whereas**, a large percentage of the motor vehicle occupants killed in traffic crashes were not wearing a seat belt; and

**Whereas**, use of a seat belt remains the most effective way to avoid death or serious injury in a motor vehicle crash; and

**Whereas**, the National Highway Traffic Safety Administration estimates that 135,000 lives were saved by safety belt usage nationally between 1975-2000; and

**Whereas**, the State of New Jersey will participate in the nationwide *Click It or Ticket* seat belt mobilization from May 19 – June 1, 2014 in an effort to raise awareness and increase seat belt usage through a combination of enforcement and education; and

**Whereas**, the Division of Highway Traffic Safety has set a goal of increasing the seat belt usage rate in the state from the current level of 91% to 92%; and

**Whereas**, a further increase in seat belt usage in New Jersey will save lives on our roadways;

**Therefore**, be it resolved that the Town of Westfield does hereby declare its support for the “*Click It or Ticket*” seat belt mobilization, both locally and nationally, from May 19 – June 1, 2014, and pledges to increase awareness of the mobilization and the benefits of seat belt use.

GENERAL ORDINANCE NO. 2024

AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF WESTFIELD, CHAPTER 13

BE IT ORDAINED by the Town Council of the Town of Westfield in the County of Union as follows:

SECTION I.

1. **Section 13-21 – “Parking prohibited at certain times.”** of the Town Code shall be amended by adding the following:

*Ferris Place*, northwesterly side, from a point four hundred eighty feet southwesterly from the westerly curbline of Prospect Street, as extended, and extending southwesterly a distance of ninety five feet, between the hours of 8:00 A.M. to 9:00 A.M. and 2:30 P.M. to 3:30 P.M., during which times the area shall be designated as a drop off and pick up zone.

2. **Section 13-21.5 – “Handicapped parking space – On street.”** of the Town Code shall be amended by removing the following:

*535 Pierson Street*, easterly side, beginning at a point 636 feet north of the north side of Hyslip Avenue and extending to a point 50 feet north thereof.

3. **Section 13-21.5 – “Handicapped parking space – On street.”** of the Town Code shall be amended by adding the following:

*115 Osborne Avenue*, westerly side, beginning at a point 200 feet northwesterly from the intersection of the westerly curb line of Osborne Avenue as extended with the northerly curb line of West Broad Street as extended and from such beginning point extending southwesterly for a distance of 25 feet.

4. **Section 13-23 – “Fifteen minute zones – Unmetered and metered.”** of the Town Code shall be amended by adding the following:

*Cacciola Place*, northwesterly side, beginning at a point three hundred ten feet in a northeasterly direction from the intersection of the easterly curb line of Central Avenue as extended and the northwesterly curb line of Cacciola Place as extended and extending in a northeasterly direction along the curbline a distance of fifty feet.

5. **Section 13-30 – “Parking lot nos. 3 and 3A.”** of the Town Code shall be amended by modifying the following:

(a) The following regulations shall apply to municipal parking lot no. 3 known as the south side railroad lot.

(5) Except as otherwise designated in this section, hours of enforcement shall be Monday through Friday 5:00 A.M. to 10:00 A.M.

6. **Section 13-35 – “Parking lot no. 8.”** of the Town Code shall be deleted in its entirety and replaced with the following:

The following regulations shall apply in municipal parking lot no. 8 located on the corner of Central Avenue and North Avenue:

(a) This lot shall be for permit holders only. The fee charged for same shall be payable to the Town in advance, payment of which shall be evidenced by a sticker permit issued by the Town, good only during the period for which same was purchased. Such sticker permit shall be affixed to the location specified by a notice given the permit holder at the time the permit holder is given the permit and shall be clearly visible at all times during which the vehicle is parked in parking lot no. 8. Such sticker permits shall only be available to employers, employees of commercial establishments conducting business in the Town of Westfield and residents of the Town of Westfield and shall be nontransferable. Proof of employment and/or residency in the Town of Westfield acceptable to the Police Department of the Town of Westfield shall be provided by all applicants for permits.

(b) The Westfield Police Department shall designate the number and location of parking spaces to be used by residential permit holders and employees and employers. A violation of this section shall be subject to the penalties provided in section 13-49(b).

(c) A permit issued pursuant to this section shall also permit parking in other parking lots authorized by the Police Department.

(d) No vehicle shall be parked in municipal parking lot no. 8 unless such vehicle shall have displayed, in a manner described by the Police Department, a current parking permit for that vehicle. A violation of this section shall be subject to the penalties provided in section 13-49(b).

(e) Hours of enforcement shall be Monday through Friday 6:00 A.M. to 6:00 P.M.

(f) Night hours.

(1) Parking lot no. 8 is hereby designated as a “night hours” parking lot for residents of the Town of Westfield Central Business District (“CBD”) who have been issued permits as set forth below. Night hours is defined as the hours of 6:00 P.M. to 6:00 A.M. seven days per week.

(2) Residents who reside within the CBD (hereinafter sometimes referred to as “CBDR”) or owners of residential property in the CBD shall be entitled to purchase a permit allowing CBD residents or tenants of CBD property owners to park in municipal parking lot no. 8 between the hours of 6:00 P.M. to 6:00 A.M. seven days per week. Permits shall be issued by the Town of Westfield Police Department to individuals residing in the Town of Westfield within the CBD or owners of property within the CBD based upon adequate proof of residence, and/or ownership, in such form as shall be acceptable to the Police Department of the Town of Westfield.

(3) The quantity of night hours parking permits to be sold shall be in the discretion of the Town of Westfield Police Department recognizing the need to accommodate adequate parking for CBDR during night hours.

(4) The Westfield Police Department shall designate the number and location of parking spaces to be used by holders of night hours parking permits.

(5) Only holders of properly displayed night hours parking permits may park in those parking spaces designated for use by night hours permit holders during night hours.

(6) The night hours parking permit to be issued by the Town of Westfield shall be affixed to a location specified by notice given to the permit holder at the time of the issuance of the permit and shall be clearly visible at all times during which the vehicle is parked in night hours designated parking spaces located in municipal parking lot no. 8.

(7) The cost for a night hours parking permit for CBDR residents shall be one hundred twenty dollars for an annual permit and sixty dollars for a six month permit.

(8) Parking in spaces designated for use by night hours permit holders without a night hours permit properly displayed between the hours of 6:00 P.M. and 6:00 A.M. seven days per week is a violation of this chapter.

(G.O. No. 1425, § II; G.O. No. 1513, § II; G.O. No. 1542, § XVI; G.O. No. 1555, § IV; G.O. No. 1569, § V; G.O. No. 1770, § I; G.O. No. 1824, § 1; G.O. No. 1875, § I.)

SECTION II. All ordinances or parts of ordinances in conflict or inconsistent with any part of the terms of this ordinance are hereby repealed to the extent that they are in such conflict or inconsistent.

SECTION III. In the event any section, part or provision of this ordinance shall be held unconstitutional or invalid by any court, such holding shall not affect the validity of this ordinance as a whole, or any part thereof other than the part so held unconstitutional or invalid.

SECTION IV. This ordinance shall take effect after passage and publication, as soon as, and in the manner permitted by law.

**TOWN OF WESTFIELD**  
**RESOLUTION**

**CODE REVIEW & TOWN PROPERTY COMMITTEE**

**MAY 20, 2014**

WHEREAS, pursuant to Chapter 24 Article VII Section 24-47 of the Town Code the Town Council has authorized the licensing of Sidewalk Cafés, and

WHEREAS, the establishments listed have made application as required by Sec. 24-48 of the Town Code, and

WHEREAS, the establishments listed have met all the terms and conditions as required,

NOW, THEREFORE BE IT RESOLVED, that the Town Council of the Town of Westfield hereby grants licenses to the establishments listed to operate sidewalk cafés and the Town Clerk be, and is hereby authorized to issue said licenses.

Akai Lounge

102 E. Broad Street

NY 8<sup>th</sup> Avenue Deli

256 E. Broad Street.

**RESOLUTION**

**CODE REVIEW AND TOWN PROPERTY COMMITTEE**

**May 20, 2014**

**WHEREAS**, Fox and Foxx Development, made an application to the Town of Westfield to demolish a single-family dwelling and detached garage, located at 100 Florence Avenue, Block 2816, Lot 30, Westfield, New Jersey, and,

**WHEREAS**, Steve Freedman, Construction Official, certifies to the Town Council that the application meets all requirements of General Ordinance No. 1386, relative to obtaining a demolition permit.

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Town Council of the Town of Westfield that approval is hereby granted, pursuant to final approval by Steve Freedman, Construction Official, to demolish a single-family dwelling and detached garage at 100 Florence Avenue, Block 2816, Lot 30 Westfield, New Jersey.

**RESOLUTION**

**CODE REVIEW AND TOWN PROPERTY COMMITTEE**

**May 20, 2014**

**WHEREAS**, Joseph Buontempo, made an application to the Town of Westfield to demolish a single-family dwelling, located at 132 Boynton Court, Block 5710, Lot 9, Westfield, New Jersey, and,

**WHEREAS**, Steve Freedman, Construction Official, certifies to the Town Council that the application meets all requirements of General Ordinance No. 1386, relative to obtaining a demolition permit.

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Town Council of the Town of Westfield that approval is hereby granted, pursuant to final approval by Steve Freedman, Construction Official, to demolish a single-family dwelling at 132 Boynton Court, Block 5710, Lot 9, Westfield, New Jersey.

**RESOLUTION**

**CODE REVIEW AND TOWN PROPERTY COMMITTEE**

**May 20, 2014**

**WHEREAS**, Ralph Rapuano, made an application to the Town of Westfield to demolish a single-family dwelling, located at 769 Hyslip Avenue, Block 4302 Lot 24, Westfield, New Jersey, and,

**WHEREAS**, Steve Freedman, Construction Official, certifies to the Town Council that the application meets all requirements of General Ordinance No. 1386, relative to obtaining a demolition permit.

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Town Council of the Town of Westfield that approval is hereby granted, pursuant to final approval by Steve Freedman, Construction Official, to demolish a single-family dwelling at 769 Hyslip Avenue, Block 4302, Lot 24 Westfield, New Jersey.

## **RESOLUTION**

**CODE REVIEW AND TOWN PROPERTY COMMITTEE**

**May 20, 2014**

**WHEREAS**, Efthymios & Parthena Frantzeskakis, made an application to the Town of Westfield to demolish a single-family dwelling, located at 948 Willow Grove Road, Block 4506, Lot 8, Westfield, New Jersey, and,

**WHEREAS**, Steve Freedman, Construction Official, certifies to the Town Council that the application meets all requirements of General Ordinance No. 1386, relative to obtaining a demolition permit.

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Town Council of the Town of Westfield that approval is hereby granted, pursuant to final approval by Steve Freedman, Construction Official, to demolish a single-family dwelling at 948 Willow Grove Road, Block 4506, Lot 8 Westfield, New Jersey.

## RESOLUTION

CODE REVIEW AND TOWN PROPERTY COMMITTEE

May 20, 2014

WHEREAS, D. Villane Construction, LLC, made an application to the Town of Westfield to demolish a single-family dwelling, located at 1713 Summit Avenue Block 5608, Lot 24, Westfield, New Jersey, and,

WHEREAS, Steve Freedman, Construction Official, certifies to the Town Council that the application meets all requirements of General Ordinance No. 1386, relative to obtaining a demolition permit.

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Town Council of the Town of Westfield that approval is hereby granted, pursuant to final approval by Steve Freedman, Construction Official, to demolish a single-family dwelling at 1713 Summit Avenue, Block 5608, Lot 24 Westfield, New Jersey.

TOWN OF WESTFIELD  
GENERAL ORDINANCE NO. 2017

AN ORDINANCE AMENDING CHAPTER 4 OF THE TOWN CODE OF THE TOWN  
OF WESTFIELD ENTITLED "ALCOHOLIC BEVERAGES"

**ALCOHOLIC BEVERAGES**

**CHAPTER 4.**

**ALCOHOLIC BEVERAGES.**

- § 4-1. Licenses – Fees.
- § 4-2. Maximum number of licenses.
- § 4-3. Hotel conditional license.
- § 4-4. Restaurant conditional licenses.
- § 4-5. Applicability of State law.
- § 4-6. Hours of operation.
- § 4-7. Major portion of licensed premises to be on ground floor of building.
- § 4-8. Lotteries prohibited on licensed premises.
- § 4-9. Poolselling, bookmaking and other gambling prohibited on licensed premises.
- § 4-10. Slot machines, etc., prohibited on licenses premises.
- § 4-11. Bartenders.
- § 4-12. Issuance of licenses.
- § 4-13. Dancing and certain entertainment prohibited.

**Sec. 4-1. Licenses – Fees.**

The annual fees that shall be charged by the Town Council pursuant to this chapter are hereby fixed as follows:

- (a) For each plenary retail consumption license, two thousand four hundred dollars (\$2,400.00).
  - (b) For each plenary retail distribution license, one thousand four hundred forty dollars (\$1,440.00).
  - (c) For each limited retail distribution license, sixty-three dollars (\$63.00).
  - (d) For each club license, one hundred eighty-eight dollars (\$188.00).
- (G.O. No. 878, § 2; G.O. No. 1160, § 1.)

**Sec. 4-2. Maximum number of licenses.**

The number of licenses that shall be granted by the Town Council are hereby fixed as follows:

- (a) Not more than ten plenary retail consumption licenses shall be granted, one of which shall be reserved for a "Hotel Conditional License" and five of which shall be reserved for "Restaurant Conditional Licenses."

- (b) Not more than seven plenary retail distribution licenses shall be granted.
  - (c) Not more than six limited retail distribution licenses shall be granted.
  - (d) Club licenses may be granted from time to time on application, provided the Town Council is satisfied that such licensed club is a bona fide organization.
- (G.O. No. 878, § 3; G.O. No. 1283, § 1; G.O. No. 1325, § I; G.O. No. 1359, § I; G.O. No. 1516, § I.)

**Sec. 4-3. Hotel conditional license.**

One hotel conditional license may be issued to the owner or operator of a bona fide hotel or motel or to the owner or operator of a bona fide restaurant as defined in section 33:1-1 (+) of the Revised Statutes which is located within the same building or structure as a hotel or motel; subject, however to the following restrictions and regulations:

(a) No such license may be transferred by the licensee to any other person or to any other locality, except to a person owning or operating such a bona fide hotel or motel or owning or operating such a bona fide restaurant within the same building or structure as the hotel or motel at the same location or such other approved location.

(b) Any such license for or transferred to a hotel or motel owner or operator or to a person owning or operating a bona fide restaurant located within the same building or structure as the hotel or motel shall remain in force only so long as a bona fide hotel or motel is actually being operated at such location and such license shall be revoked should the hotel or motel cease operating as such at such a location. A bona fide hotel or motel shall only be one whose main business is renting of rooms to transients with hotel service. The town council shall have the full right to determine what is a bona fide hotel or motel as referred to in this section and the decision of the council shall be final.

(c) On any premises licensed under this section there shall be no public bar but only a service bar or bars and no service, sale or consumption of alcoholic beverages shall be permitted except with meals served to customers seated at tables in the room or rooms regularly furnished and used as dining room space. The word "tables", as used in this section, shall not include such tables as are flanked by high backed benches commonly known as "booths". There shall be no sale or service of alcoholic beverages by the licensee to guests of the hotel or motel in their rooms as is commonly known as "room service". The licensed premises shall include only that portion of the hotel or motel building or structure open to the general public for dining where meals are actually sold and served on a regular basis or where the alcoholic beverages are stored. Notwithstanding the aforesaid, a premises licensed under this section may provide tables at which alcoholic beverages may be served without meals for the use of patrons waiting to be seated at regular dining tables; provided, that the area allocated to such tables within the restaurant does not constitute more than ten percent of the floor space of the premises devoted to dining and that the seating capacity of such tables does not exceed ten percent of the seating capacity of the entire restaurant. Each seat at tables provided for this purpose shall be included in computing the floor space required by this section for obtaining such license. Notwithstanding any provisions herein to the contrary, if the hotel or motel contains conference or meeting rooms which are contiguous to and have access from the regular restaurant facilities and which are or may be used from time to time for private meetings, conferences, parties or other similar occasions, alcoholic

beverages may be served to persons attending such private meeting, conference or party by the licensee, without the requirement that such alcoholic beverages be served only to customers seated at tables in the room or rooms regularly furnished and used as dining room space, provided that such conference or meeting room shall not be used for or by patrons waiting to be seated at regular dining tables in the restaurant. Such conference or meeting room shall be considered part of the licensed premises if so requested by the licensee.

(d) Any such licensee shall, as a condition of obtaining and retaining such license, operate the licensed premises as a bona fide restaurant and shall serve or cause to be served three meals a day, being breakfast, lunch and dinner and shall be open for business a minimum of six days per week for a minimum of forty-eight weeks per year. In lieu of serving three meals a day on Saturday and Sunday, the licensee may serve one meal prior to mid-day known as brunch. Such license shall be revoked should the holder thereof cease operating such bona fide restaurant.

(e) There shall be at least twelve square feet of floor space in the dining area for each seat and the consumption of said dining area shall not include any space used for kitchen, pantry, storage, rest-rooms or any other purpose than dining. After initial approval, such licensed premises shall not be altered or rearranged without first obtaining approval of the town council.

(f) There shall be located on the licensed premises adequate washrooms and toilet facilities solely for the purpose of service the customers of the restaurant, one for men and one for women. For the first 150 seats or fraction thereof in the dining room area, the men's lavatory shall contain two water closets, one urinal and one wash basin. For the first 150 seats or fraction thereof in the dining room area, the women's lavatory shall contain two water closets and one wash basin. For each additional seventy-five or fraction thereof in dining seating capacity over one hundred and fifty, there shall be one additional water closet required in each of said lavatories. For each additional one hundred or fraction thereof in dining seating capacity over one hundred and fifty, there shall be an additional wash basin required in each lavatory. The entrances to such lavatories shall be suitably screened from public view.

(g) There shall be suitable facilities on the licensed premises for temporary storage of coats, hats, umbrellas, overshoes and other items of clothing outside the dining area.

(h) The gift or sale of food or any alcoholic beverages below cost or the offering in any manner whatsoever of any other inducement by the licensee, his servants, agent or employees to encourage the consumption of alcoholic beverages is hereby prohibited.

(i) The licensee shall keep and maintain accurate records of all sales sufficient to disclose what receipts were derived from the sale of alcoholic beverages and what receipts were derived from food stuffs, which records shall be open to inspection any time by the licensing body or its representatives, and may be kept under its supervision as directed if desired. In the event that inspection of the records of any licensee discloses that over fifty percent of the gross receipts are derived from the sale of alcoholic beverages, the licensing body may in its discretion revoke the license.

(j) The town council shall further have the right to decline to issue such license, whether or not applications may be received conforming to the above regulations and conditions, where they shall deem any application by reason of location, increased traffic congestion, structural inadequacies of licensed premises, fire or health hazard, or

proximity to churches or schools to be detrimental to the health, morals, safety or welfare of the town.

(k) Any license issued under this section shall bear the notation "Hotel Conditional License". (G.O. No. 878, § 4; G.O. No. 1282, § 1.)

#### **Sec. 4-4. Restaurant conditional licenses.**

Five restaurant conditional licenses may be issued to operators of bona fide restaurants, as defined in section 33:1-1 (t) of the Revised Statutes; subject however, to the following restrictions and regulations:

(a) No such license may be transferred by the licensee to any other person or to any other locality, except to a person operating such a bona fide restaurant as hereinafter more particularly defined and restricted at the same or such other approved locality.

(b) A premises licensed under this section may provide tables at which alcoholic beverages may be served without meals for the use of patrons waiting to be seated at regular dining tables; provided, that the area allocated to such tables within the restaurant does not constitute more than ten percent of the floor space of the premises devoted to dining and that the seating capacity of such tables does not exceed ten percent of the seating capacity of the entire restaurant. Each seat at tables provided for this purpose shall be included in computing the floor space required by this section and shall also be included in the total seating capacity required by this section to meet the requirement for obtaining such license.

(c) To qualify as a bona fide restaurant under this section, the premises must comply with the following requirements:

(1) The premises must have a seating capacity at tables for at least twenty-five persons at one sitting.

(2) No room on the licensed premises devoted to the purposes of dining shall contain fewer than three hundred square feet of floor space, exclusive of any space used for kitchen, pantry, storage or any other purpose than dining.

(3) There shall be at least fifteen square feet of floor space in the dining area for each seat, and the computation of said dining area shall not include any space used for kitchen, pantry, storage, rest rooms or any other purpose than dining.

(4) A. Men's lavatory. For the first seventy-five seats or fraction thereof in the dining room area, the men's lavatory shall contain one water closet, one urinal and one wash basin. For each additional seventy-five or fraction thereof in dining capacity over seventy-five, there shall be one additional water closet required in the men's lavatory.

B. Women's lavatory. For the first one hundred fifty seats or fraction thereof in the dining room area, the women's lavatory shall contain two water closets and one wash basin. For each additional seventy-five or fraction thereof in dining seating capacity over one hundred fifty there shall be one additional water closet required in the women's lavatory.

C. Both lavatories. There shall be an additional wash basin in each lavatory for each seventy-five seats or fraction thereof above one hundred fifty.

D. Miscellaneous. The entrances to such lavatories shall be screened from public view.

E. There shall be suitable facilities on the licensed premises for temporary storage of coats, hats, umbrellas, overshoes and other items of clothing outside the dining area.

(d) The gift or sale of food or any alcoholic beverages below cost or the offering in any manner whatsoever of any other inducement by the licensee, his servants, agents or employees to encourage the consumption of alcoholic beverages is hereby prohibited.

(e) The licensee shall keep and maintain an accurate record of all sales, sufficient to disclose what receipts were derived from the sale of alcoholic beverages and what receipts from foodstuffs, which record shall be open to inspection at any time by the licensing body or its representative, and may be kept under its supervision as directed, if desired. In the event that inspection of the records of any licensee discloses that over fifty percent of the gross receipts is derived from the sale of alcoholic beverages, the licensing body may, in its discretion, revoke the license.

(f) Any such license issued under this section for, or transferred to, a restaurant shall only remain in force so long as the premises licensed are being actually operated as such a bona fide restaurant, and so long as such premises are not altered or rearranged without first obtaining approval of the town council, and such license shall be revocable should the owner thereof cease from operating such restaurant, or alter or rearrange the licensed premises without obtaining the necessary approval.

(g) Any license issued under this section shall be subject to all the conditions of this section. The town council shall have the sole right to determine what is a bona fide restaurant as referred to in this section, and the decision of the council shall be final. The town council shall further have the right to limit the number of licenses granted under this section to fewer than five, whether or not applications may be received conforming to the above regulations and conditions, where they shall deem any application by reason of location, increased traffic congestion, structural inadequacies of licensed premises, fire or health hazard, or proximity to churches or schools to be detrimental to the health, morals, safety or welfare of the town.

(h) Any license issued under this section shall bear the notation "Restaurant Conditional License". (G.O. No. 878, § 5; G.O. No. 885, § 1; G.O. No. 127, § 1; G.O. No. 1283, § 2; G.O. No. 1516, § III; G.O. No. 1618, § I.)

#### **Sec. 4-5. Applicability of State law.**

All licenses under this chapter shall, in addition to the foregoing restrictions and conditions, be subject to all provisions of the Revised Statutes of New Jersey and to all of the rules and regulations as prescribed by the Director of the division of alcoholic beverage control in the State. (G.O. No. 878, § 7.)

**Sec. 4-6. Hours of Operation.**

No plenary retail consumption licensee or club licensee shall sell, serve, deliver or allow, permit or suffer the sale, service or delivery of any alcoholic beverage or permit the consumption of any alcoholic beverage on the licensed premises on weekdays between the hours of 1:00 A.M. and 6:30 A.M. and on Sundays between the hours of 1:00 A.M. and 12:00 noon; provided, that on the first day of January such sales may be made up to 3:00 A.M.

No licensee shall sell or deliver, or allow, permit or suffer the sale or delivery of any alcoholic beverage at retail in its original container for consumption off the licensed premises or allow, permit or suffer the removal of any alcoholic beverage in its original or opened container from retail licensed premises, on Sunday before 12:00 noon or after 10:00 P.M. or before 9:00 A.M. or after 10:00 P.M. on any other day of the week; except that, such licensees may sell or deliver or allow, permit or suffer the sale or delivery of wine or malt alcoholic beverage in the original bottle or can containers for consumption off premises at any time or day except on weekdays between the hours of 1:00 A.M. and 6:30 A.M. and on Sundays between the hours of 1:00 A.M. and 12:00 noon, provided that on the first day of January such sales may be made up to 3:00 A.M. (G.O. No. 878, § 6; G.O. No. 1314, § 1; G.O. No. 1654, § 1.)

**Sec. 4-7. Major portion of licensed premises to be on ground floor of building.**

At least seventy-five percent of the licensed premises under this chapter on a square foot basis shall be on the ground floor of the building with direct access from the street. The provision of this section shall not apply to the club licenses or hotel conditional licenses. (G.O. No. 878, § 7; G.O. No. 1282, § 2; G.O. No. 1516, § IV.)

**Sec. 4-8. Lotteries prohibited on licensed premises.**

No licensee under this chapter shall allow, suffer or permit any lottery to be conducted, or any ticket or participation right in any lottery to be sold or offered for sale on or about the licensed premises. (G.O. No. 878, § 7.)

**Sec. 4-9. Poolselling, bookmaking and other gambling prohibited on licensed premises.**

No licensees under this chapter shall engage in, allow, permit or suffer any poolselling, bookmaking or any playing for money or any unlawful game or gambling of any kind or any device or apparatus designed for any such purpose on or about the licensed premises. (G.O. No. 878, § 7.)<sup>i</sup>

**Sec. 4-10. Slot machines, etc., prohibited on licensed premises.**

No licensee under this chapter shall possess, allow, permit or suffer on or about the licensed premises any slot machine or device in the nature of a slot machine, or any

mechanical game to be operated by the insertion of coins which may or could be used for the purpose of playing for money or other prizes. (G.O. No. 878, § 7.)

**Sec. 4-11. Bartenders.**

(a) No person shall engage in the occupation of "bartender" on any premises or for any licensee operating subject to this chapter under a plenary retail consumption license until such person's photograph and fingerprints are placed on file with the police department of the town. A normal record check will be conducted by the police department and the chief of police shall approve or disapprove the issuance of a "bartender's" license. Any applicant denied such a license by the chief of police shall have the right to appeal such denial to the license committee of the town council. Such license shall be issued by the town clerk after approval by the chief of police and shall be renewable not later than January fifteenth of each year.

(b) No holder of a plenary retail consumption license shall employ a person as bartender until such time as such person shall produce satisfactory evidence of his compliance with paragraph (a) of this section. (G.O. No. 973, § 1; G.O. No. 1064, § 1.)

**Sec. 4-12. Issuance of licenses.**

All new licenses issued by the town council pursuant to this chapter shall be authorized only by a duly adopted ordinance of the town council. (G.O. No. 1175, § 1.)

**Sec. 4-13. Dancing and certain entertainment prohibited.**

Except as provided otherwise herein, no holder of a plenary retail consumption license, conditional or otherwise, shall permit, allow or suffer any dancing on or about the licensed premises by patrons or customers thereof or by any other person as an exhibition or show. Except as provided otherwise herein, no holder of a plenary retail consumption license, conditional or otherwise, shall permit, allow or suffer any entertainment by or for the benefit of patrons or customers except such entertainment as may be provided by up to five (5) musicians or by a device or system designed to amplify or reproduce sound by a mechanical or electronic means. A holder of a plenary retail consumption license, conditional or otherwise, may permit, allow or suffer dancing by patrons or customers, but not by any other persons as an exhibition or show, if the portion of the licensed premises utilized for serving food at tables exceed five thousand square feet in area, and if such licensed premises has a regular seating capacity at one sitting of at least two hundred persons at tables for the serving of food. A holder of a plenary retail consumption license, conditional or otherwise, may permit, allow or suffer entertainment by more than five musicians for listening or dancing by patrons or customers, if the portion of the licensed premises utilized for serving food at tables exceed five thousand square feet in area, and if such licensed premises has a regular seating capacity at one sitting of at least two hundred persons at tables for the serving of food. (G.O. No. 1282, § 3; G.O. No. 1365, § 1.)

TOWN OF WESTFIELD  
GENERAL ORDINANCE NO. 2018

AN ORDINANCE AMENDING CHAPTER 35 OF THE TOWN CODE OF THE  
TOWN OF WESTFIELD ENTITLED "EXTERIOR PROPERTY MAINTENANCE  
CODE"

**CHAPTER 35.**

**EXTERIOR PROPERTY MAINTENANCE CODE**

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## Article I. PURPOSE AND APPLICATION.

### Sec. 35-1.1. Title; policy; purpose.

a. *Title.* This chapter shall be known as the "Exterior Property Maintenance Code of the Town of Westfield" and will hereinafter in this Chapter be referred to as "the Exterior Property Maintenance Code."

b. *Findings and declaration of policy.* It is found and declared that there exist in the Town of Westfield vacant lots and premises used for residential and nonresidential purposes which are or may become in the future substandard with respect to structure or maintenance and, further, that such conditions, including, without limitation, structural deterioration, lack of maintenance of the exterior of premises, infestations of vermin are or could become injurious to the public health, safety and welfare.

(c) *Purpose.* This Exterior Property Maintenance Code sets forth standards with respect to structures and premises, establishes minimum maintenance standards for the exterior of all premises, fixes the responsibility of owners and occupants of premises, provides for remedial actions and penalties, and is intended to be enforced to protect the values of adjacent properties, health and safety standards and to maintain the aesthetics of the Town.

(1961 Code § 35-1)

### Sec. 35-1.2. Construction.

This Exterior Property Maintenance Code shall be construed liberally and justly to ensure the public health, safety and welfare insofar as they are affected by the continued use and maintenance of premises. (1961 Code § 35-2)

### Sec. 35-1.3. Application of other codes, ordinances and statutes.

Any repairs or alterations to a structure or changes of use therein, which may be caused directly or indirectly by the enforcement of this Exterior Property Maintenance Code, shall be done in accordance with the procedures and provisions of the Uniform Construction Code. In the event of a conflict between this Exterior Property Maintenance Code, the Uniform Construction Code and the Uniform Fire Safety Act, the Uniform Construction Code and the Uniform Fire Safety Act shall prevail except in any case where the provisions of this Code impose a higher standard than that set forth in any ordinance of the Town or under the laws of the State of New Jersey, in which case the standards as set forth herein shall prevail; but if the provisions of this Exterior Property Maintenance Code impose a lower standard than any ordinance of the Town or of the laws of the State of New Jersey, then the higher standard contained in any ordinance of the Town or of the laws of the State of New Jersey shall prevail. (1961 Code § 35-3)

**Sec. 35-1.4. Existing remedies not impaired.**

The provisions of this Exterior Property Maintenance Code shall not be deemed to abolish or impair existing remedies or the jurisdiction of any municipal officers relating to the removal or demolition of any buildings which are deemed to be dangerous, unsafe and unsanitary, or any remedies which are available under the Westfield Land Use Ordinance, the Uniform Construction Code, the State Health and Housing Codes, the Westfield Health Code, or the Uniform Fire Safety Act. It shall be up to the discretion of the officials charged with enforcing the provisions of those statutes or ordinances to determine whether or not to seek remedies under those statutes or ordinances. (1961 Code § 35-4)

**Sec. 35-1.5. Effect on other provisions.**

This Exterior Property Maintenance Code shall not affect violations of any other ordinance, statute or regulation existing prior to the effective date hereof, and any such violation shall be continued to be punishable to the full extent of the law under the provisions of those ordinances, statutes or regulations in effect at the time the violation was committed. (1961 Code § 35-5)

**Article II. GENERAL PROVISIONS.**

**Sec. 35-2.1. Enforcement authority.**

It shall be the duty and responsibility of the enforcement officer or other officials of the Town designated by the Town Administrator to enforce the provisions of this Exterior Property Maintenance Code as herein provided. (1961 Code § 35-6)

**Sec. 35-2.2. Alterations or repairs.**

Alterations or repairs, other than increasing the height or area of a new structure, may be made to any structure, provided that such alterations or repairs conform to that required by this Exterior Property Maintenance Code, the Land Use Ordinance and the Uniform Construction Code. Alterations or repairs shall not cause an existing structure to become unsafe. (1961 Code § 35-7)

**Sec. 35-2.3. Approved Materials, Equipment and Devices.**

All materials, equipment and devices to be utilized in connection with such alterations or repairs shall be approved for use by the enforcement officer and shall be performed in accordance with such approval. (1961 Code § 35-8)

**Sec. 35-2.4. Modification of provisions.**

When there are practical difficulties involved in carrying out any provisions of this Exterior Property Maintenance Code, the enforcement officer may vary or modify such

provision upon application of the owner or the owner's representative, provided that the spirit and intent of the law shall be observed and the public welfare and safety assured. (1961 Code § 35-9)

### Article III. WORD USAGE AND DEFINITIONS.

#### Sec. 35-3.1. Word usage generally.

a. *Interchangeability.* Words used in the present tense include the future; words in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular.

b. *Terms defined in other codes.* Where terms are not defined in this article and are defined in the Uniform Construction Code, they shall have the same meanings ascribed to them as in the Uniform Construction Code.

c. *Terms not defined.* Undefined terms shall have their ordinarily accepted meanings.

d. *The word "shall"* is always mandatory and not merely directory. (1961 Code § 35-10)

#### Sec. 35-3.2. Terms defined.

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

a. *Approved.* As applied to material, device or method of construction shall mean approved by other authority designated by law to give approval in the matter in question.

b. *Blighted Condition* shall mean a condition when the premises are in a state of deterioration so as to present a distracting appearance to the neighborhood.

c. *Condemn* shall mean to determine unfit for use or occupancy.

d. *Condemnation* shall mean the act of condemning in accordance with this Exterior Property Maintenance Code or the Uniform Construction Code.

e. *Dwelling unit* shall mean a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

f. *Enforcement officer* shall mean the enforcement officer shall be a properly qualified town employee as designated from time to time by the Town Administrator, including, without limitation, the Town Construction Official. More than one (1) enforcement officer may be designated by the Town Administrator.

g. *Exterior Property Maintenance Code Committee* shall mean a committee of Town officials consisting of the Town Administrator, the Town Engineer, the Town Health Officer, the Town Construction Official and the Town Planner or their respective

designee. Any hearing before such committee shall be attended by at least three (3) of such persons.

h. *Extermination* shall mean the control and elimination of insects, rats or pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; or by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

i. *Garbage* shall mean the animal, vegetable and other organic waste resulting from the handling, preparation, cooking and consumption of food.

j. *Infestation* shall mean the presence within or contiguous to a structure or premises of rats, vermin or other rodents, squirrels, skunks or raccoons.

k. *Maintenance* shall mean the acts of repair and other acts to prevent a decline in the condition of grounds, structures and equipment such that the condition does not fall below the standards established by this Exterior Property Maintenance Code and other applicable statutes, codes and ordinances.

l. *Municipal separate storm sewer system (MS-4)* shall mean a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Town or other public body, and is designed and used for collecting and conveying stormwater.

m. *Occupant* shall mean any person, including domestic service employees, living and/or sleeping in a dwelling unit or having possession of a space within a structure.

n. *Operator* shall mean any person who has charge, care or control of a premises, or part thereof, whether with or without the knowledge and consent of the owner.

o. *Owner* shall mean any person having the legal or equitable interest in the property; or recorded in the official records of state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

p. *Person* shall mean any individual, corporation, company, partnership, limited liability company, firm, trust, association, or political subdivision of this State subject to municipal jurisdiction.

q. *Premises* shall mean a lot, plot or parcel of land, including any buildings or structures thereon.

r. *Public nuisance* shall mean and include, without limitation, the following:

1. The physical condition or use of any premises which is recognized in law or equity jurisprudence, or as provided by the Statutes of the State of New Jersey or in the ordinances of the Town as a public nuisance;

2. Any physical condition, use or occupancy of any premises or its appurtenances considered an attractive nuisance to children, including but not limited to abandoned wells, shafts, basements and excavations;

3. Any premises which has unsanitary sewage facilities;

4. Any premises designated as unsafe for human habitation or use;

5. Any premises on which is stored flammable substances in an unsafe manner;

6. Any premises with respect to which the required precautions against trespassers have not been provided;

7 Any premises which is unsanitary or which is littered with rubbish or garbage or which has an uncontrolled growth of weeds or other vegetation and/or which premises is deficient of an established front lawn;

8. Any structure or building that is in a state of dilapidation, deterioration or decay; faulty construction; open or abandoned; damaged by fire to the extent as not to provide shelter, in danger of collapse or failure and dangerous to anyone on or near the premises.

s. *Rubbish* shall mean all combustible and noncombustible waste material, or packaged recyclables, except garbage, including, without limitation, paper, cartons, boxes, wood, rubber, plastic, leather, tree branches, tree limbs or tree roots, tree rounds, yard trimmings, metal containers, glass, dead animals, excavation materials, abandoned bricks and other construction materials, industrial waste and abandoned motor vehicles and boats.

t. *Storm drain inlet* shall mean an opening in a storm drain used to collect stormwater runoff and includes, but is not limited to, a grate inlet, curb-opening inlet, slotted inlet, and combination inlet.

u. *Structure* shall mean any assembly of materials forming a construction, including, but not limited to, buildings, stadiums, tents, platforms, towers, poles, aboveground and below ground storage tanks, trestles, sheds, bins, shelters, fences, walls, mobile homes or trailers, portable buildings, display racks and signs, swimming pools, tennis courts, decks and patios.

v. *Supplied* shall mean installed, furnished or provided by the owner or operator.

w. *Uniform Construction Code* shall mean the Uniform Construction Code adopted by the State of New Jersey for the regulation of construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance of buildings and structures.

x. *Waters of the State* shall mean the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.  
(1961 Code § 35-11)

#### **Article IV. ENFORCEMENT AUTHORITY.**

##### **Sec. 35-4.1. Designation.**

It shall be the duty and responsibility of the enforcement officer to enforce the provisions of this Exterior Property Maintenance Code as herein provided. In enforcing this Exterior Property Maintenance Code the enforcement officer shall consult or seek the advice of licensed town employees whose qualifications and licensing are related to the provisions of this Exterior Property Maintenance Code or related codes which are the subject of such enforcement activities. Such other town employees shall cooperate with and aid the enforcement officer in the enforcement of this Exterior Property Maintenance Code. (1961 Code § 35-12)

##### **Sec. 35-4.2. Relief from personal liability.**

The enforcement officer and any employee of the Town working under the supervision of the enforcement officer who acts in good faith and without malice in the discharge of duties of enforcement of this Exterior Property Maintenance Code is relieved of all personal liability for any damage that may accrue to persons or property as a result of such acts or alleged failure to act. Further, the enforcement officer shall not be held liable for any costs in any action, suit or proceeding that may be instituted by the enforcement officer in the enforcement of this Exterior Property Maintenance Code. (1961 Code § 35-13)

##### **Sec. 35-4.3 Issuance of notices and orders.**

The enforcement officer or any employee of the Town working under the supervision of the enforcement officer shall issue all necessary notices, orders and summons to abate illegal or unsafe conditions to ensure compliance with the requirements of this Exterior Property Maintenance Code for the safety, health and general welfare of the public and to enforce the provisions of this Exterior Property Maintenance Code. (1961 Code § 35-14)

##### **Sec. 35-4.4. Inspections and access to premises.**

Except in emergent circumstances when the enforcement officer determines that the safety, health and welfare of the public is threatened, the enforcement officer shall not

enter any premises for the purpose of making inspections and performing duties under this Exterior Property Maintenance Code without first making a bona fide effort to secure the consent of the occupant or the operator of the premises. If the enforcement officer is unable to secure the consent of the occupant or operator, the enforcement officer may seek the permission of the owner to enter the premises and, failing to receive such permission, may exercise the remedies in the following section. In no event shall an inspection interfere with the legal or constitutional rights of the owner, operator or occupant. (1961 Code § 35-15)

**Sec. 35-4.5. Requirements to gain the right of entry.**

If any owner, operator, occupant or other person in charge of a premises refuses, impedes, inhibits, interferes with, restricts or obstructs entry and access to any part of the premises where inspection authorized by this Exterior Property Maintenance Code is sought, the enforcement officer may seek, in a court of competent jurisdiction, an order that such owner, operator, occupant or other person in charge of the premises cease and desist with such interferences and request a warrant or order permitting entry. (1961 Code § 35-16)

**Sec. 35-4.6. Access by owner or operator.**

Every occupant of premises shall give the owner or operator thereof or such person's agent or employee access to any part of the premises at reasonable times for the purpose of making such inspection, maintenance, repairs or alterations as are necessary to comply with the provisions of this Exterior Property Maintenance Code. If the occupant refuses access to the owner to make the repairs, the occupant shall be liable for any violations not corrected. (1961 Code § 35-17)

**Sec. 35-4.7. Proper credentials to be disclosed.**

The enforcement officer or the enforcement officer's authorized representative shall disclose proper credentials of his respective office for the purpose of inspecting any and all premises in the performance of duties under this Exterior Property Maintenance Code. (1961 Code § 35-18)

**Sec. 35-4.8. Coordination of enforcement.**

Inspection of premises, the issuance of notices and orders and enforcement thereof for purposes of this Exterior Property Maintenance Code, shall be the responsibility of the enforcement officer. Whenever, in the opinion of the enforcement officer, it is deemed necessary or desirable to have inspections by any other employee of the Town or other governmental unit, the enforcement officer shall make reasonable effort to arrange for the coordination of such inspection so as to minimize the number of visits by inspectors and for the purpose of eliminating conflicting orders before any are issued. Any employee of the Town shall not, however, delay the issuance of any emergency orders which he determines must be issued. Enforcement may be undertaken by any Town Employee with

the authority under another applicable ordinance or statute to enforce a violation of any statute or ordinance dealing with the same subject matter. (1961 Code § 35-19)

## **Article V. UNSAFE STRUCTURES; CONDEMNATION.**

### **Sec. 35-5.1. Unsafe structures.**

A structure is dangerous to life, health, property or safety of the public, when it is determined by the construction official as not providing minimum safeguards for protection from fire and weather; being so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or having an unstable foundation such that the structure is likely to collapse either partially or completely; or being in a state of substantial disrepair or having chronic infestation. (1961 Code § 35-21)

### **Sec. 35-5.2. Closing of structures; condemnation.**

If the construction official has determined that a structure or part thereof is dangerous to life, health, property or safety of the public as provided in section 35-5.1, the construction official may, by order, condemn the premises, post a placard of condemnation on the premises, and order the structure vacated and closed up so that it will not be an attractive nuisance. Upon the failure of the owner to close up the premises within the time specified in the order, the construction official shall cause it to be closed through any available public agency or by the contract or arrangement by private persons, and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate. (1961 Code § 35-22)

### **Sec. 35-5.3. Contents of placard.**

The placard of condemnation shall bear the words "condemned as dangerous to life, health, property or safety of the public", if applicable, a statement of the date by which the structure must be vacated and a statement of the potential penalties for occupying the premises or for removing the placard. (1961 Code § 35-23)

### **Sec. 35-5.4. Occupancy of placarded structures; unlawful removal of placard.**

A placarded premises shall not be reoccupied without the approval of the construction official. Any person who shall occupy or let another occupy a placarded premises, or who defaces or removes a condemnation placard without the approval of the construction official, shall be subject to the penalties provided by this Exterior Property Maintenance Code. (1961 Code § 35-24)

### **Sec. 35-5.5. Removal of placard.**

The construction official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. (1961 Code § 35-25)

## Article VI. DEMOLITIONS AND REPAIRS.

### Sec. 35-6.1. Authority to Order Demolitions or Repairs.

The construction official may order the owner of premises upon which is located any structure or part thereof which, in the construction official's judgment, is so dilapidated, or is in such a state of disrepair as to be dangerous, to life, health, property or safety to the public, as provided in section 35-5.1, to raze and remove the structure or part thereof. The construction official may order the owner of premises upon which is located any partially constructed structure where there has been a cessation or normal construction activity for a period of more than two years, to raze and remove such structure or part thereof. If in the construction official's judgment, a structure or part thereof can be made safe by repairs, the construction official may order the owner or premises to repair and make such structure or part thereof safe and sanitary, or to raze and remove the structure at the owner's option. An appeal of such order by the owner shall stay any repair or demolition order unless the construction official certifies it is to be an emergency affecting public safety. (1961 Code § 35-26)

### Sec. 35-6.2. Public Nuisance.

Whenever the construction official determines that the cost of repairs to a structure would exceed one hundred percent of the fair market value of such structure based on its equalized value and real estate tax assessment of such structure, such structure shall be deemed a public nuisance which may be ordered razed without option on the part of the owner to repair. (1961 Code § 35-27)

### Sec. 35-6.3. Failure to comply.

Whenever the owner of a structure fails to comply with a demolition order or notice of violation within the time prescribed, and the construction official determines that public safety requires security to be supplied to keep the public away from the premises and the owner after notice refuses to supply such security, it may be supplied by the Town and charged against the real estate. (1961 Code § 35-28)

## Article VII. GENERAL MAINTENANCE REQUIREMENTS.

### Sec. 35-7.1. General provisions.

(a) *Scope.* The provisions of this article shall set forth standards for the maintenance of those portions of premises covered by this Exterior Property Maintenance Code. Premises shall comply with the standards herein prescribed insofar as they are applicable.

(b) *Responsibility.* The owner of the premises shall maintain such premises in compliance with these requirements. A person shall not occupy as owner or permit

another person to occupy or use premises which are dangerous to life, health, property or safety of the public.

(1961 Code § 35-30)

**Sec. 35-7.2. Excavation sites.**

Any excavation site shall be completely surrounded by a solid screen fence of at least six feet in height (1961 Code § 35-31)

**Sec. 35-7.3. Sanitation.**

All premises shall be maintained in a clean, safe and sanitary condition, free from any accumulation of rubbish or garbage, and in a manner so as not to constitute a public nuisance or otherwise adversely affect the public health or safety. (1961 Code § 35-32)

**Sec. 35-7.4. Garbage Containers.**

The owners or occupants of every premises generating garbage or rubbish shall provide, and at all times cause to be used, sealed approved containers provided with close-fitting covers for the storage of the garbage or rubbish until removed from the premises for disposal and such containers shall be located in the rear yard of all properties, including corner properties, devoted to commercial, industrial, or multi-family use. Such containers shall be screened from view from a public street or parking lot by solid fencing or vegetation. On any property devoted to commercial, industrial or multi-family use, where such rear yard location is not possible because of lack of space or access, such containers may be located in the side or front yard but, to the extent practical shall be screened from view from the public street or parking lot as set forth above. (1961 Code § 35-33)

**Sec. 35-7.5. Grading, drainage and sump pump discharge.**

All premises shall be graded and maintained so as to prevent the accumulation of stagnant water thereon. Stagnant water shall be determined as any accumulation that has not dispersed within three days of the last recorded local rainfall. Pools and hot tubs in regular use are exempt from the requirement of this section. Sump pump discharge shall be routed to the roadway, storm sewer or on the ground. No sump pump shall be connected to the sanitary sewer. (1961 Code § 35-34)

**Sec. 35-7.6. Loading areas.**

Except as otherwise permitted by resolution of the planning board or the zoning board of adjustment, or as provided in the Land Use Ordinance, all loading areas shall be paved with bituminous, concrete or equivalent surfacing and shall be free from dirt and other litter and kept in good repair. When lighted for nighttime use, lights shall not be permitted to shine directly upon dwellings nearby. (1961 Code § 35-35)

**Sec. 35-7.7. Rat control.**

The owner of a premises shall be responsible for the extermination of rats, vermin or other pests in all interior and exterior areas of the premises, except that the occupant shall be responsible for such extermination in a single-family dwelling. (1961 Code § 35-36)

**Sec. 35-7.8 Public areas.**

All public sidewalks, steps, driveways, parking spaces and similar paved areas for public use shall be maintained in a state of repair, free of all snow, ice, mud and rubbish and free of hazardous conditions. If any public sidewalk, steps or driveway for public use, or portion thereof, by virtue of its state of disrepair shall constitute a danger to public health and safety, the sidewalk, steps or driveway for public use, or portion thereof shall be replaced or repaired. Steps shall comply with the requirements for exterior stairs set forth in Article VIII. (1961 Code § 35-37)

**Sec. 35-7.9. Grass and other plant growth.**

All premises shall be maintained free from grass growth, weeds or other plant growth which are detrimental to the public health and welfare, or excessively overgrown as compared to the character and condition of the surrounding properties and where the same could constitute a blighted condition or public nuisance. (1961 Code § 35-38)

**Sec. 35-7.10. Storage areas.**

All commercial open yards and open storage areas shall be completely screened from adjacent premises and the public right-of-way by a solid screen fence or vegetation. The provisions of the Westfield Land Use Ordinance regarding other requirements for outdoor storage shall apply notwithstanding these provisions. (1961 Code § 35-39)

**Sec. 35-7.11 Exhaust vents.**

Pipes, ducts, conductors, fans or blowers discharging gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes shall be constructed, maintained and operated in a manner so as to not cause discharge directly upon abutting or adjacent dwelling units or premises. (1961 Code § 35-40)

**Sec. 35-7.12 Open fires.**

Open fires shall be prohibited except as specifically approved by the fire department. (1961 Code § 35-41)

**Sec. 35-7.13 Motor vehicles and boats.**

Motor vehicles and boats located upon premises shall be subject to the following requirements:

(a) *Residential areas.* No unregistered or uninspected motor vehicle or boat shall be parked ungaraged on any property in a residential zone as defined in the Land Use Ordinance of the Town. No motor vehicle or boat which is in a state of major disassembly, disrepair or in the process of being stripped or dismantled, shall be parked ungaraged or unscreened from the public view, in such a residential zone. No motor vehicle or boat shall at any time undergo a major overhaul, including bodywork, in such a residential district, unless such work is performed inside a structure designed and approved for such purposes.

(b) *Nonresidential areas.* No unregistered or uninspected motor vehicle, with the exception of new and used cars displayed for sale by new car dealers, or boat shall be permitted on any property in a nonresidential district unless the same is garaged or properly screened so that said vehicle or boat is obscured from view from adjacent premises and the public view. No motor vehicle or boat in a state of major disassembly or disrepair or in the process of being stripped or dismantled shall be permitted in a nonresidential district, unless the same is garaged or properly screened so that said vehicle or boat is obscured from view from adjacent premises and the public view.

(1961 Code § 35-42)

#### **Sec. 35-7.14 Private Storm Drain Inlet Retrofitting.**

(a) *Prohibited Conduct.* No person in control of private property (except a residential lot with one single family house) shall authorize the repaving, repairing (excluding the repair of individual potholes), resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen), reconstructing or altering any surface that is in direct contact with an existing storm drain inlet on that property unless the storm drain inlet either:

1. Already meets the design standard in paragraph (b) below to control passage of solid and floatable materials; or
2. Is retrofitted or replaced to meet the standard in paragraph (b) below prior to the completion of the project.

(b) *Design Standard.* Storm drain inlets shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids.

1. Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate;

- a. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadway and Bikeways Planning and Design Guidelines (April 1996); or

b. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater basin floors.

2. Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.

3. This standard does not apply:

a. Where flows are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:

i. A rectangular space four and five-eighths inches long and one and one-half inches wide (this option does not apply for outfall netting facilities); or

ii. A bar screen having a bar spacing of 0.5 inches.

c. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1") spacing between the bars; or

d. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

## **Article VIII. MAINTENANCE OF EXTERIOR OF STRUCTURES.**

### **Sec. 35-8.1 General provisions.**

The exterior of a structure and all necessary structures shall be maintained in good repair, structurally sound and sanitary manner (i) so as not to constitute a public nuisance or blighted condition, or (ii) otherwise pose a threat to the health, safety of welfare of the

occupants of the premises or the public. The application and enforcement of each of the other sections of this article VIII shall be in accordance with the foregoing standards. (1961 Code § 35-43)

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**Sec. 35-8.2. Supporting structural members.**

All supporting structural members of all structures shall be kept structurally sound, free of deterioration and maintained capable of safely bearing the dead and live loads imposed upon them. (1961 Code § 35-44)

**Sec. 35-8.3. Foundation walls.**

All foundation walls shall be maintained so as to carry the safe design and operating dead and live loads and shall be maintained free from open cracks and breaks, so as not to constitute a public nuisance, blighted condition or otherwise be detrimental to public safety and welfare. (1961 Code § 35-45)

**Sec. 35-8.4. Exterior walls and fences.**

All exterior walls shall be free of holes, breaks, loose or rotting boards or timbers and any other conditions which might admit rain or dampness inside the walls. All exterior walls shall be free of loose peeling paint that constitutes a blighted condition. All exterior surface materials, including wood, composition or metal siding, shall be maintained weatherproof and shall be properly surface-coated when required to prevent deterioration. All fences shall be maintained structurally sound and free of rot. (1961 Code § 35-46)

**Sec. 35-8.5. Roofs and drainage.**

All roofs and gutters shall be structurally sound, tight and not have defects which might admit rain or constitute a blighted condition. Roof drainage shall be adequate to prevent rainwater from causing dampness or deterioration of, or entering the structure. Roof water shall not be discharged in a manner that creates a nuisance to owners or occupants of adjacent premises or that creates a public nuisance. Discharge of roof drains shall be to the roadway storm sewer system or on the ground. No roof drainage shall be connected to the sanitary sewer. (1961 Code § 35-47)

**Sec. 35-8.6. Signs, marquees and awnings.**

All canopies, marquees, signs, metal awnings, stairways, fire escapes, standpipes, exhaust ducts and similar overhang extensions shall be maintained in good repair and be properly anchored so as to be kept in a safe and sound condition. (1961 Code § 35-48)

**Sec. 35-8.7. Chimneys.**

All chimneys, cooling towers, smoke stacks and similar appurtenances shall be maintained structurally safe, sound and in good repair. (1961 Code § 35-49))

**Sec. 35-8.8. Stairs and porches.**

(a) Every stair, porch, fire escape or balcony and all appurtenances attached thereto shall be so constructed as to be safe to use and capable of supporting the anticipated loads and shall be maintained in sound condition and good repair. Every stair, porch and fire escape shall be maintained free of hazardous conditions such as snow, ice, mud and rubbish.

(b) Every flight of stairs which is four or more risers high and which is appurtenant to a structure which contains more than one dwelling unit or is used for commercial purposes, shall have a handrail on at least one side of the stair, and every open portion of a stair fire escape, porch, landing or balcony which is more than thirty inches above the grade below shall have guardrails. Handrails shall be not less than thirty inches nor more than thirty-four inches, measured vertically above the nosing of the treads. Guardrails shall be not less than thirty inches high above the floor of the porch, landing or balcony. Every handrail and guardrail shall be firmly fastened and capable of bearing normally imposed loads and shall be maintained in good condition.  
(1961 Code § 35-50)

**Sec. 35-8.9. Glazing of window sashes.**

All window sashes shall be glazed with glass which is free from holes and cracks so as to exclude wind, rain or snow from entering the structure. (1961 Code § 35-51)

**Sec. 35-8.10. Insect screens.**

During the period from April 1 to December 1, every door and window or other outside opening used for ventilation purposes serving any building containing more than one dwelling unit, and any building used for commercial purposes containing food preparation areas, food service areas or any areas where products used in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tight fitting screens of not less than sixteen mesh per inch, and every swinging screen door shall have a self-closing device in good working condition. (1961 Code § 35-52)

**Sec. 35-8.11. Basement hatchways and windows.**

All basement hatchways and windows shall be maintained as to prevent the entrance of vermin, rain and surface drainage water into the structures. (1961 Code § 35-53)

**Article IX. VACANT STOREFRONTS.**

**Sec. 35-9.1. Vacant storefronts.**

The owner of any commercial building which has a display window facing the street and which is vacant shall install a temporary drop screen located a minimum of three feet and a maximum of ten feet back from the window surface in order to obscure the vacant interior of the premises. Such location shall be determined by the availability of places where such screen can be supported. If there are no such supports, the screen can be placed directly in the windows. Such screens shall be opaque and dark in color and may be constructed of cloth, sheetrock or other similar material, but shall not be of plastic or paper. The owner of the premises may install a public service display or other decorative material in the space between the window and the screen. (1961 Code § 35-55)

## **Article X. VIOLATIONS; NOTICES AND ORDERS.**

### **Sec. 35-10.1. Determination of violation.**

Whenever (i) a petition is filed with the enforcement officer by a public authority or by five (5) residents of the Town, not residing in the same dwelling unit, all of whom must disclose their names and addresses, or five (5) business owners, all of whom must disclose their names and addresses, charging that any premises or portion thereof is in violation of this Exterior Property Maintenance Code, and the enforcement officer, after an investigation which shall be conducted promptly, agrees with such charge; or (ii) it is determined by the enforcement officer on the basis of an independent investigation that any premises or portion thereof is in violation of this Exterior Property Maintenance Code or that any condition constitutes a public nuisance or blighted condition within the meaning of this chapter or otherwise presents a condition harmful to the health and safety of the occupants of premises or the public, he shall give notice of such violation to the person or persons responsible therefor as hereinafter provided. (1961 Code § 35-56)

### **Sec. 35-10.2. Notice to owner or responsible persons.**

Notices of violations of this Exterior Property Maintenance Code and any orders issued pursuant to this Exterior Property Maintenance Code shall be given by the enforcement officer to the owner and occupant of the applicable premises, or to the person or persons responsible therefor, in the manner prescribed below. If the construction official has condemned the property or a part thereof, the construction official shall give notice to the owner and to the occupants of the intent to placard the premises and to vacate the property, order equipment out of services or demolish or repair a structure, as applicable. (1961 Code § 35-57)

### **Sec. 35-10.3. Contents of notices and orders.**

A notice or order pursuant to this Exterior Property Maintenance Code shall:

- (a) Be in writing.
- (b) Include a description of the real estate sufficient for identification.
- (c) Include a statement of the reason or reasons why it is being issued.

(d) In the case of a condemnation order, include a date by which the premises must be vacated and closed up.

(e) If applicable, include a correction order allowing thirty days for the repairs and improvements required to bring the premises into compliance with this Exterior Property Maintenance Code. The recipient of said notice may apply in writing for an extension of time for such work to be completed to the enforcement officer which may be granted or denied at the discretion of the enforcement officer. A shorter time period may be required by the enforcement officer if in his opinion it is required for reasons of public safety.

(f) Include an explanation of the owner's right to seek modification or withdrawal of the notice or order by petition of appeal to the Exterior Property Maintenance Code Committee, or in the case of a demolition order, include a date by which application for a restraining order may be made to a court of competent jurisdiction.

(g) Include a statement of the penal and remedial provisions available to the Town for noncompliance.

(1961 Code § 35-58)

#### **Sec. 35-10.4. Service of notice or order.**

Except in the case of an order of demolition, service of a notice or order shall be made by delivering same to the owner and occupant personally, or by certified or registered mail with return receipt requested, and regular mail addressed to the occupant at the premises and to the owner at the last known address and regular mail; or if a certified or registered letter to the occupant is returned with receipt showing that it has not been delivered, by posting a copy thereof in a conspicuous place in or about the structure affected by such notice. (1961 Code § 35-59)

#### **Sec. 35-10.5. Order of demolition.**

An order of demolition shall be served upon the occupant of a structure, if any, upon the owner of record and upon the holder of any mortgage of record, in the same manner provided for service of a summons by a court of competent jurisdiction, provided, however, if the owner or the holder of a mortgage of record cannot be found, the order may be served by posting a copy thereof in a conspicuous place in or about the structure affected by such notice, by mailing a copy by regular mail and by publishing it once a week for three successive weeks in the newspaper which has been designated as the official newspaper of the Town. (1961 Code § 35-60)

#### **Sec. 35-10.6. Transfer of ownership.**

It shall be unlawful for the owner of any premises who has received a notice of violation or condemnation or demolition order, to sell, transfer, lease or otherwise dispose of such premises, or any part thereof, until the provisions of the condemnation order, demolition order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee or lessee, a true copy of any condemnation order, demolition order or notice of violation issued by the enforcement officer and shall furnish to the enforcement officer a signed and notarized statement from

the grantee, transferee or lessee, acknowledging the receipt of such condemnation order or demolition order or notice of violation and fully assuming the responsibility for making the corrections or repairs required by such condemnation order, demolition order or notice of violation. (1961 Code § 35-61)

**Sec. 35-10.7. Unlawful acts.**

It shall be unlawful for any person to erect, construct, alter, extend, repair, remove, demolish, use or occupy any structure, or to cause the same to be done contrary to or in conflict with, or in violation of any of the provisions of this Exterior Property Maintenance Code, or any order issued hereunder. (1961 Code § 35-62)

**Article XI. HEARINGS; EMERGENCY ORDERS.**

**Sec. 35-11.1. Right to a hearing.**

Any person affected by any order or notice of violation which has been issued in connection with the enforcement of any provision of this Exterior Property Maintenance Code may request, pursuant to the requirements of this Article, a hearing on the matter before the Exterior Property Maintenance Code Committee. A written petition requesting such a hearing and containing a statement of the grounds therefor shall either be delivered personally to the Town Administrator or sent by certified or registered mail, return receipt requested, within ten (10) business days after the notice or order was served. Filing of such petition shall stay any further enforcement provisions until the committee conducts a hearing and returns a final determination. (1961 Code § 35-63)

**Sec. 35-11.2. Hearing.**

Upon receipt of such petition, the Town Administrator shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing, the petitioner shall be given an opportunity to be heard and to show why such notice of violation or order should be modified or withdrawn. The hearing shall be commenced not later than ten business days after the day on which the petition was filed, provided that upon application of the petitioner, the Town Administrator may postpone the date of the hearing for a reasonable time beyond such ten day period if, in his judgment, the petitioner has submitted a good and sufficient reason for such postponement. After such hearing, the Exterior Property Maintenance Code Committee shall sustain, modify or withdraw the notice of violation or order, depending upon its findings as to whether the provisions of this chapter have been complied with. If the Exterior Property Maintenance Code Committee sustains or modifies such order or notice of violation, the notice of violation or order shall be deemed to be final. If the order or notice of violation is modified, the petitioner must proceed diligently with curing the violation. (1961 Code § 35-64)

**Sec. 35-11.3. Record of proceedings.**

The proceedings at a hearing, including the findings and decision of the Exterior Property Maintenance Code Committee, shall be summarized, reduced to writing and entered as a matter of public record in the office of the Town Clerk. Such record shall also include a copy of every notice or order issued in connection with the matter. Any person aggrieved by a decision of the Exterior Property Maintenance Code Committee or other final order may seek relief therefrom in any court of competent jurisdiction. (G.O. (1961 Code § 35-65))

**Sec. 35-11.4. Emergencies.**

Whenever the construction official finds that an emergency exists which requires immediate action to protect the public safety, he may, without an opportunity for a hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as the construction official deems necessary to meet the emergency, including the posting of security in accordance with Section 35-6.3. Such order shall be deemed a final order and shall be effective immediately, provided, however, that any person aggrieved therefrom may seek relief in any court of competent jurisdiction. The construction official may, in addition, cause the structure or part thereof to be razed and removed or repaired, either through an available public agency or by contract or arrangement with private persons, and the costs of such razing and removal or repair shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate. (1961 Code § 35-66)

**Article XII. HARSHIPS.**

**Sec. 35-12.1 Hardships.**

Any person who has received a notice of violation, condemnation order or demolition order may also petition to request a hearing if such person because of financial or personal hardship seeks a modification of such notice or order or seek a postponement of enforcement. The Exterior Property Maintenance Code Committee shall proceed as set forth above and after a hearing may take whatever action the Committee deems appropriate under the circumstances, including granting or denying such request or postponing enforcement. (1961 Code § 35-67)

**Article XIII. CERTIFICATES OF NECESSITY.**

**Sec. 35-13.1. Right of Access; Application.**

Any owner, operator or occupant who is required to correct a violation and is unable to comply with this Exterior Property Maintenance Code without having a right of access to the premises through or across adjoining premises not owned by such person or under such person's control or if a right of access has been refused or if the person empowered to grant such access cannot be found or located, may file an affidavit with the enforcement officer setting forth the applicable facts and applying for a certificate of necessity. The enforcement officer shall give written notice of a hearing on said

application to the applicant for such certificate and to the owner and occupant by certified or registered mail, return receipt requested, at least ten (10) days prior to such hearing. (1961 Code § 35-68)

**Sec. 35-13.2. Hearing.**

On the day fixed for the hearing, the enforcement officer shall provide opportunity for the person empowered to grant access to state why such access should not be granted. (1961 Code § 35-69)

**Sec. 35-13.3. Conditions for issuance of certificate.**

If the enforcement officer determines that access through or across adjoining premises is necessary to accomplish or complete repairs or improvements for compliance with this Exterior Property Maintenance Code, then the enforcement officer shall issue a certificate of necessity granting and ordering access and setting forth therein the person or persons to whom the certificate shall apply, such conditions as shall be necessary to protect adjoining premises, reasonable time limits during which such certificate shall be in effect, precautions to be taken to avoid damage, and when the enforcement officer deems appropriate, the procurement of a bond at the expense of the person seeking access to secure the adjoining property owner against damage to person or property arising out of such right of access. In setting the amount for a bond, the enforcement officer shall take into consideration the extent, nature and duration of the repairs and improvements, the proximity thereof to the premises over which access has been sought and the potential risk of damage thereto. Said bond, if required, shall be filed with the enforcement officer. (1961 Code § 35-70)

**Sec. 35-13.4 Refusal to comply with certificate.**

Any refusal to comply with a certificate issued hereunder or any interference with the purpose for which a certificate is issued shall be a violation of this Exterior Property Maintenance Code and, in addition to the penalties provided hereunder, the enforcement officer may, upon affidavit, setting forth the facts, apply to a court of competent jurisdiction for a warrant authorizing access. (1961 Code § 35-71)

**Article XIV. VIOLATIONS AND PENALTIES.**

**Sec. 35-14.1. Violations and penalties.**

Any person who shall fail to correct a notice of violation within the time required or violates a final order under the provisions of this chapter or refuses to comply with a certificate of necessity, shall be served a summons for violation of this chapter, and shall, upon conviction in municipal court, be punished by a fine not to exceed one thousand dollars. Each day that such violation continues shall be considered a separate offense. (1961 Code § 35-72)

**Article XV. COSTS ASSESSABLE AS PROPERTY TAXES.**

**Sec. 35-15.1. Costs assessable as property taxes.**

The cost of the filing of legal papers, expert witnesses fees, search fees, publications and advertising charges incurred in the course of any proceeding under this Chapter which is not determined by a court of competent jurisdiction adverse to the Town, any demolition costs or costs for repairs, alterations or improvements to a structure, or the costs of vacating and closing a structure authorized under this Exterior Property Maintenance Code, incurred by the Town, or the amount of the balance thereof remaining after deduction of the sum, if any, realized from the sale of salvage materials derived from a demolished structure, shall be a lien against the real property with respect to which such costs were incurred. The enforcement officer shall certify the costs thereof to the tax assessor, who shall cause the costs to be charged against said real property. The amount so charged shall forthwith be added to the property taxes next to be assessed and levied upon such real property, the same to bear interest at the same rate as unpaid property taxes, and shall be collected and enforced by the Town and in the same manner as property taxes. (1961 Code § 35-73)

TOWN OF WESTFIELD  
GENERAL ORDINANCE NO. 2019

AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF WESTFIELD, CHAPTER 24 OF THE TOWN CODE OF THE TOWN OF WESTFIELD ENTITLED "STREETS AND SIDEWALKS"

BE IT ORDAINED by the Town Council of the Town of Westfield in the County of Union as follows:

SECTION I.

1. **Chapter 24 – Article III – “Sidewalks, Curbs and Gutters”** of the Town Code shall be amended by modifying the following language:

**Division 2. Construction and Repair of Sidewalks, Curbs and Retaining Walls Located in the Public Right of Way.**

**Sec. 24-26. Permits.**

No sidewalk, curb or retaining wall located in the public right-of-way shall be constructed, altered, repaired, replaced or removed except pursuant to a permit issued by the town engineer or application and payment of an application fee of one dollar. Such application shall contain the name and address of the applicant and a plan showing the location, width and construction of the sidewalk, curb or retaining wall.

Repairs of a minor nature shall be exempt from the requirement for the filing of a plan and from the fee requirement.

No sidewalk, curb or retaining wall removal permits shall be issued by the town engineer if the location is such that the sidewalk or curb would be required under any other provision of this Code, other ordinances or determinations by the planning board or board of adjustment or if such sidewalks or curbs could not be removed without creating a safety hazard. (G.O. No. 1010, § 1; G.O. No. 1462, § 11.)

**Sec. 24-27. Standards and specifications; grades.**

All sidewalks, curbs and retaining walls in the public right-of-way shall be constructed, repaired or altered in accordance with the standard specifications on file in the office of the town engineer, entitled "Town of Westfield – Standard Specifications Pavement, Sewer, Curb, Sidewalk and Retaining Wall Construction."

All new sidewalks shall be constructed or replaced with Portland cement concrete of natural color to lines and grades approved by the town engineer and in the manner and under the conditions hereinafter specified in this division.

All repairs or alterations to existing sidewalks may be constructed of the same material used in the existing sidewalk.

All new curbs shall be constructed or replaced with granite block curb or Portland cement concrete to lines and grades approved by the town engineer and in the manner and under the conditions hereinafter specified in this division.

All repairs or alterations to existing curbs may be constructed of the same material used in the existing curbing.

Upon the approval of the town engineer the retaining walls may be constructed of Portland cement concrete, brick or stone or a combination of the above. (G.O. No. 1010, § 1; G.O. No. 1462, § III, G.O. No. 1748, § I.)

**Sec. 24-28. Construction, alteration and repair to be at expense of abutting landowner; procedure for construction, etc.**

Sidewalks, curbs and retaining walls located in the public right-of-way shall be constructed, altered, repaired, replaced or removed at the expense of the abutting landowner.

The town engineer may, from time to time, inform the town council that there is need for particular sidewalks, curbs or retaining walls to be constructed, altered, repaired, replaced or removed.

The town council may, by ordinance, designate the sidewalks, curbs or retaining walls to be constructed, altered, repaired, replaced or removed and the specific work to be performed. Such ordinance shall direct the town engineer to serve notice on the owner or owners of all abutting land, which notice shall contain a description of the work to be done and a statement that unless the owner or owners complete the same within ninety days after service thereof, the town will do the work and the cost thereof will be assessed against the owners. Such notice shall be served in accordance with law.

In the event the owner or owners of the abutting land shall not comply with the requirements of such notice, such ordinance shall provide that the town shall cause the required work to be done and paid for out of money of the town available for that purpose, and the entire cost thereof assessed upon the property of the abutting owner or owners as provided by law.

Nothing herein contained shall be construed to relieve any property owner from the obligation of inspecting and maintaining any sidewalks, curbs or retaining walls located in the public right-of-way abutting his property, nor be construed as an assumption by the town of any responsibility to inspect sidewalks, curbs or retaining walls. (G.O. No. 1010, § 1; G.O. No. 1462, § IV.)

**SECTION II.** All ordinances or parts of ordinances in conflict or inconsistent with any part of the terms of this ordinance are hereby repealed to the extent that they are in such conflict or inconsistent.

**SECTION III.** In the event any section, part or provision of this ordinance shall be held unconstitutional or invalid by any court, such holding shall not affect the validity of this ordinance as a whole, or any part thereof other than the part so held unconstitutional or invalid.

**SECTION IV.** This ordinance shall take effect after passage and publication, as soon as, and in the manner permitted by law.

**TOWN OF WESTFIELD  
GENERAL ORDINANCE NO. 2020**

**AN ORDINANCE AMENDING CHAPTER 29 OF THE TOWN CODE OF THE  
TOWN OF WESTFIELD ENTITLED "TREES, SHRUBS, WEEDS AND OTHER  
PLANT GROWTH"**

**CHAPTER 29.**

**TREES, SHRUBS, WEEDS AND OTHER PLANT GROWTH.<sup>1</sup>**

**ARTICLE I. IN GENERAL**

- § 29-1.1 Cutting down, destruction, etc., of trees on public rights-of-way.
- § 29-1.2 Trimming branches of trees hanging over sidewalks or streets.

**Article II. TRIMMING, ETC., OF HEDGES AND OTHER  
PLANTS GROWING ADJACENT TO THE ROADWAY  
OR AT INTERSECTIONS AND THE ELIMINATION OF  
OTHER OBSTRUCTIONS TO THE VISION OF PERSONS  
USING ROADWAYS**

- § 29-2.1 Prohibited acts – Plant growth.
- § 29-2.2 Prohibited acts – Other objects.
- § 29-2.3 Definition of a traffic hazard.
- § 29-2.4 Exception for trees.
- § 29-2.5 Enforcement.
- § 29-2.6 Notice by traffic safety officer.
- § 29-2.7 Time to do such work.
- § 29-2.8 Enforcement of ordinance.

**Article III. VIOLATIONS AND PENALTIES**

- § 29-3.1 Violations and Penalties.

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<sup>1</sup> As to posting of bills, etc., on trees, see § 3-1 of this Code. As to prohibition against signs on trees, see § 3-7. As to damaging trees, etc., in parks, see § 16-2. As to attaching guy wires, etc. to trees, see § 17-2.



## ARTICLE I. IN GENERAL.

### **Sec. 29-1.1 Cutting down, destruction, etc., of trees on public rights-of way.**

No person shall, without permission of the Town Engineer, cut down, destroy or in any manner injure any tree in any public right-of-way, unless by direction of the Town Engineer for the purpose of regulating or improving such public right-of-way. (1961 Code § 29-1.)

### **Sec. 29-1.2. Trimming branches of trees hanging over sidewalks or streets.**

All trees standing along or upon private property near any public street of the Town, the branches of which extend over the streets or sidewalks, shall be trimmed by the owner or tenant of such private property under supervision of the Town Engineer so as to prevent impediment to travel or obstruction to street lights, street signs or appurtenances used by the Town. If the Town Engineer shall determine at any time that any tree branches extend over the streets or sidewalks so as to impede travel or obstruct street lights, street signs or appurtenances used by the Town, he shall notify the owner or tenant of the property in writing to cut or trim said branches so as to prevent impediment to travel or the obstruction within ten (10) days from the date of service of the notice. (1961 Code § 29-2)

## **Article II. TRIMMING OF HEDGES AND OTHER PLANTS GROWING ADJACENT TO THE ROADWAY OR AT INTERSECTIONS AND THE ELIMINATION OF OTHER OBSTRUCTIONS TO THE VISION OF PERSONS USING ROADWAYS.**

### **Sec. 29-2.1 Prohibited acts – Plant growth.**

It shall be unlawful for any owner or tenant of property to suffer, permit or cause any grass, brush, hedges, shrubs, trees or other plant life to grow adjacent to any roadway within the Town or adjacent to the intersection of any two roadways so as to create a traffic hazard by obstructing the view of persons using such roadways or intersections. The owner or tenant of abutting property shall be responsible for any such obstruction to vision caused by plant growth located in the area between the street property line of such property and the street or roadway itself. (1961 Code § 29-7)

### **Sec. 29-2.2. Prohibited acts – Other objects.**

It shall be unlawful for any owner or tenant of lands to suffer, permit, or cause any other object or thing, including, but not limited to, flags, structures, fences, parked automobiles, to exist, be located or remain adjacent to any roadway within the Town or adjacent to the intersection of any two roadways so as to create a traffic hazard by

obstructing the view of persons using such roadways or intersections. The owner or tenant of abutting property shall be responsible for any such obstructions to vision caused by objects or things located in the area between the street property line of such property and the street or roadway itself. (1961 Code § 29-8.)

**Sec. 29-2.3 Definition of a traffic hazard.**

A traffic hazard shall be presumed to exist at an intersection if there is any such plant growth or any object or thing located in the triangular area described below which is more than twenty-four (24) inches in height as measured from the top for the curb on streets with curbs or more than thirty (30) inches in height as measured from the street or shoulder itself where there is no curb. The triangular area shall begin at the intersection of the curb line of any two intersecting streets, projected to form a point, and shall be formed by connecting the ends of a line extending away from such beginning point eighty (80) feet along the curb line of one such intersecting street, and a line extending away from such beginning point fifteen (15) feet along the curb line of the other intersecting street with a straight line. This sight triangle shall be established on both the left and right sides of the intersection in order to allow a clear and unobstructed view in either direction. On streets where no curb exists, the curb line shall be deemed to be located where the shoulder of the roadway consisting of gravel or macadam abuts grass or other vegetation.

A traffic hazard shall also exist at other locations not involving intersections or at intersections involving unusual angles or lines of sight when the traffic safety officer determines, after inspection of the site, that there is an obstruction to the vision of persons using the roadway because of plant growth or other objects which does not permit the operator of an approaching motor vehicle or bicycle to observe other persons or vehicles using the roadway ahead or on intersecting roadways at a sufficient distance to avoid accidents. (1961 Code § 29-9.)

**Sec. 29-2.4. Exception for trees.**

Notwithstanding anything in this article to the contrary, trees of any size located in the area described above shall not be considered to be obstructions to vision if the following tests are satisfied:

a. The tree is free of branches for a height of six (6) feet above ground level and has no branches above that line that droop to within six (6) feet of ground level.

b. No two (2) such trees are closer than twenty (20) feet to each other.  
(1961 Code § 29-10.)

**Sec. 29-2.5. Enforcement.**

The traffic safety officer of the Police Department, as designated by the Chief of Police of the Town, or any other Police Officer of the Town, is hereby designated,



appointed and directed to enforce this article in the manner provided in this article. The Town Engineer shall report any conditions which he believes constitutes such safety hazard to the traffic safety officer for further action. (1961 Code § 29-11.)

**Sec. 29-2.6. Notice by traffic safety officer.**

If the traffic safety officer or other Police Officer shall determine at any time that (a) any grass, brush, hedges, or other plant life growing adjacent to any roadway or adjacent to the intersection of any two roadways, or (b) fences, other objects or things adjacent to any roadway or adjacent to the intersection of any two roadways obstructs the view of persons using such roadway or intersection so as to create a traffic hazard as defined herein, he shall notify the owner or tenant of the property on which the same is growing or which abuts when the obstruction exists between the property line and the street roadway, to cut or trim the same to a height of not more than twenty-four (24) inches above the top of the curb on streets with curbs or a height of not more than thirty (30) inches above the street or shoulder on streets that do not have curbs, or to remove same if not plant growth, or to take remedial action in such other manner as he may designate as necessary to eliminate such hazard and to afford a clean and unobstructed view on such roadway or at such intersection. Such notice shall be in writing; shall clearly describe the plant growth, object or thing deemed to be an obstruction to vision; shall describe the remedial measures which are required; the time for accomplishing such work; and the penalties for failure to do so; shall include a copy of this ordinance; and shall cause same to be served personally by a Police Officer upon the owner, tenant or a member of the household fourteen (14) years of age or older. (1961 Code § 29-12.)

**Sec. 29-2.7 Time to do such work.**

The owner or tenant so notified as provided in Section 29-2.6 shall have a period of ten (10) days to comply with such order. Such period shall commence from the date of service of such notice. (1961 Code § 29-13.)

**Article III. VIOLATIONS AND PENALTIES.**

**Sec. 29-3.1. Enforcement of ordinance.**

If the owner or tenant so notified fails to take the remedial action ordered pursuant to the provisions of the article, the traffic safety officer or other Police Officer or Town Engineer, as the case may be, shall file a complaint in municipal court against said owner or tenant charging a violation of this article. The owner or tenant so charged shall have the right to challenge the determination of the traffic safety officer or Police Officer or Town Engineer at the hearing before the municipal court pursuant to such complaint and the court shall decide such issue. Any person found to be in violation of this article by the municipal court shall be subject to a fine of not more than one hundred dollars. Each day that a person permits such condition to continue after being found guilty of violation of this article shall constitute an additional separate offense. (1961 Code § 29-14.)

TOWN OF WESTFIELD  
GENERAL ORDINANCE NO. 2021

AN ORDINANCE AMENDING CHAPTER 36 OF THE TOWN CODE OF THE TOWN OF  
WESTFIELD ENTITLED "FILMING"

- § 36-1 Definitions.
- § 36-2 Permit required.
- § 36-3 Issuance of permits.
- § 36-4 Fees
- § 36-5 Violations and penalties

**Sec. § 36-1 Definitions.**

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

a. *Filming* shall mean the taking of still or motion pictures either on film or videotape or similar recording medium for commercial or educational purposes intended for viewing on television, in theaters or for institutional uses. The provisions of this chapter shall not be deemed to include the "filming" of news stories within the Town of Westfield and shall not include filming by local Westfield access television, presently Channel 36.

b. *Major motion picture* shall mean:

1. Any film which is financed and/or distributed by a motion picture studio, including, but not limited to, the following:
  - A. Universal Pictures;
  - B. Warner Brothers, including New Line Camera, Castle Rock Cinema and Turner Production Company;
  - C. Paramount;
  - D. 20<sup>th</sup> Century Fox;
  - E. Columbia/Tri-Star;
  - F. Disney;
  - G. MGM – United Artists; or
2. Any film for which the budget is at least five million (\$5,000,000.00) dollars.

c. *Public lands* shall mean any and every public street, highway, sidewalk, square, public park or playground or any other public place within the Town which is within the jurisdiction and control of the Town of Westfield.

(1961 Code § 36-1)

**Sec. § 36-2 Permit required.**

a. No person or organization shall film or permit filming on Public lands or private property within the Town of Westfield without first having obtained a permit from the office of

the Town Administrator, which permit shall set forth the approved location of such filming and the approved duration of such filming by specific reference to day or dates. No permit shall authorize filming for more than three (3) consecutive days in any one location, and in no event shall filming at one location within the Town exceed a total of six (6) days in any one calendar year, regardless of the number of permits utilized in reaching this six (6) day maximum. This six (6) day limitation may be extended under the conditions set forth in section 36-3k. of this chapter for a Major motion picture. The permit must be readily available for inspection by Town officials at all times at the site of the filming.

b. All permits shall be applied for and obtained from the office of the Town Administrator during normal business hours. Applications for such permits shall be in a form approved by the Town and shall be accompanied by a permit fee in the amount established by this chapter.

c. If a permit is issued and, due to inclement weather or other good cause, filming does not in fact take place on the dates specified, the Town Administrator may, at the request of the applicant, issue a new permit for filming on other dates subject to full compliance with all other provisions of this chapter. No additional fee shall be paid for this permit.

(1961 Code § 36-2)

#### **Sec. § 36-3 Issuance of permits.**

a. No permits will be issued by the Town Administrator unless applied for on or before seven (7) days before the requested shooting date, provided, however, that the Town Administrator may waive the seven (7) day period, if in the Town Administrator's judgment, the applicant has obtained all related approvals, and adjacent property owners or tenants do not need to be notified.

b. No permit shall be issued for filming in the Town of Westfield unless the applicant shall provide the Town with satisfactory proof of the following:

1. Proof of insurance coverage as follows:

a. For bodily injury to any one person in the amount of five hundred thousand (\$500,000.00) dollars and any occurrence in the aggregate amount of one million (\$1,000,000.00) dollars.

b. For property damage for each occurrence in the aggregate amount of three hundred thousand (\$300,000.00) dollars.

2. An agreement in writing pursuant to which the applicant agrees to indemnify and save harmless the Town of Westfield from any and all liability, expense, claim or damages for personal injury and property damage resulting from the use of public lands.

3. The posting of a cash bond of one thousand (\$1,000.00) dollars or a maintenance bond of one thousand (\$1,000.00) dollars running in favor of the Town and protecting and insuring that the location utilized will be left after filming in satisfactory condition free of debris, rubbish and equipment, and that all Town ordinances, laws and regulations will be

followed. Within seven (7) days of completion of the filming, the Town will return the bond if there has been no damage to public property or public expense caused by the filming.

4. The hiring of an off-duty Westfield Police Officer for the times indicated on the permit.

c. The holder of the permit shall take all reasonable steps to minimize interference with the free passage of pedestrians and traffic over public lands and shall comply with all lawful directives issued by the Westfield Police Department with respect thereto.

d. The holder of a permit shall conduct filming in such a manner as to minimize the inconvenience or discomfort to adjoining property owners attributable to such filming and shall, to the extent practicable, abate noise and park vehicles associated with such filming off the public streets. The permit holder shall avoid any interference with previously scheduled activities upon public lands and limit, to the extent possible, any interference with normal public activity on public lands. Where the applicant's production activity, by reason of location or otherwise, will directly involve and/or affect any businesses, merchants or residents, these parties shall be given written notice of the filming at least three (3) days prior to the requested shooting date and be informed that objections may be filed with the Town Administrator, said objections to form a part of the applicant's application and be considered in the review of the application. Proof of service of notification to adjacent owners shall be submitted to the Town Administrator at the time the permit application is submitted.

e. Filming in residential zones shall be permitted Monday through Friday between the hours of 7:00 a.m. and 9:00 p.m., provided that all requests for night scenes shall be approved in the permit to be granted in accordance with section 36-3h. hereof. The set-up, production and break-down required by all filming shall be included in the hours set forth herein.

f. The Town Administrator may refuse to issue a permit whenever the Town Administrator determines on the basis of objective facts and after a review of the application and consultation with by the Police Department and any other Town agencies involved with the proposed filming site, that filming at the location and/or the time set forth in the application would violate any law or ordinance or would unreasonably interfere with the use and enjoyment of adjoining properties, unreasonably impede the free flow of vehicular or pedestrian traffic or otherwise endanger the public's health, safety or welfare. Further, the Town reserves the right to require one (1) or more on-site Police Officers in situations where the proposed production may impede the proper flow of traffic, the cost of said Police Officer(s) to be borne by the applicant as a cost of production. Where existing electrical power lines are to be utilized by the production, an on-site licensed electrician may be similarly required if the production company does not have a licensed electrician on staff.

g. Any person aggrieved by a decision of the Town Administrator denying or revoking a permit or a person requesting relief pursuant to section 36-3f. may appeal to the Town Council. A written notice of appeal setting forth the reasons for the appeal shall be filed with the Town Administrator. An appeal from the decision of the Town Administrator shall be filed within ten days of the Town Administrator's decision. The Town Council shall set the matter

down for a hearing within thirty days of the day on which the notice of appeal was filed. The decision of the Town Council shall be in the form of a resolution to be adopted at the first regularly scheduled public meeting of the Town Council after the hearing on the appeal, unless the appellant agrees in writing to a later date for the decision.

h. The Town Administrator may authorize filming other than during the hours herein described. In determining whether to allow an extension of hours under this section, the Town Administrator shall consider the following factors:

1. Traffic congestion at the location caused by vehicles to be parked on the public street;
2. Applicant's ability to remove film-related vehicles off the public streets;
3. When the applicant is requesting restrictions on the use of public streets or public parking during the course of the filming;
4. The nature of the film shoot itself, e.g. indoor or outdoor, day or night;
5. Prior experience of the film company/applicant with the Town, if any; and
6. Consultation with the Town council ward representatives of the ward in which the filming is to take place.

i. Copies of the approved permit will be sent to the affected departments before filming takes place. The applicant shall permit the Fire Prevention Bureau or other Town inspectors to inspect the site and the equipment to be used. The applicant shall comply with all safety instructions issued by the Fire Prevention Bureau or other Town inspectors.

j. In addition to any other fees or costs mentioned in this chapter, the applicant shall reimburse the Town for any lost revenue, such as parking meter revenue, repairs to public property or other revenues that the Town was prevented from earning because of filming.

k. Special regulations for Major motion pictures.

1. When filming is requested for a Major motion picture, the approved location of such filming and the approved duration of such filming by specific reference to day or dates may exceed six (6) days in duration if good cause is shown for a need to film beyond six (6) days.

2. Any days necessary to be used for set-up and preparation for a major motion picture filming may, in the discretion of the Town Administrator, be counted as a filming day where such set-up is anticipated to involve one (1) or more of the factors set forth in section 36-3h. above.

(1961 Code § 36-3)

#### **Sec. 36-4 Fees.**

The schedule of fees for the issuance of permits authorized by this chapter is as follows:

a. Basic filming permit: one hundred (\$100.00) dollars. Where an applicant requests a waiver of the provision of section 36-3a. requiring expedited processing of the permit application, the basic filming permit fee shall be two hundred twenty-five (\$225.00) dollars.

b. Daily filming fee payable in addition to the basic filming permit: one thousand five hundred (\$1,500.00) dollars per day.

c. Filming permit for non-profit applicants filming for educational documentary or public television purposes (no daily rate required): twenty-five (\$25.00) dollars.

d. Filming permit for student applicants filming for educational documentary or public television purposes (no daily rate required): none.  
(1961 Code § 36-4)

**Sec. 36-5 Violations and penalties.**

Where the owner of the premises is not the applicant for a permit required by this chapter, both the owner of the private property and the applicant shall each be liable for violations hereof. Any person violating the provisions of this chapter upon conviction thereof, shall be punished by a fine not exceeding one thousand (\$1,000.00) dollars per day or by imprisonment in the county jail for a term not exceeding thirty days, or both. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.  
(1961 Code § 36-5)

TOWN OF WESTFIELD  
GENERAL ORDINANCE NO. 2022

AN ORDINANCE TO AMEND CERTAIN PROVISIONS OF THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD

**BE IT ORDAINED** by the Town Council of the Town of Westfield in the County of Union as follows:

**SECTION I.** The Town of Westfield Land Use Ordinance Article 18 provides for conditional uses to be granted by the Planning Board according to definite specifications and standards in accordance with NJSA 40:55D-67.

**SECTION II.** The Legislature of the State of New Jersey has recently enacted a law permitting, with certain limitations, alternative treatment centers to be established subject to local land use controls.

**SECTION III.** The Town Council of the Town of Westfield has determined that an amendment to Article 18 of the Land Use Ordinance is prudent for the protection of the Town's Master Plan and zone plan to establish specific restrictions and land use regulations controlling the location of such a facility.

**SECTION IV.** The Town Council of the Town of Westfield hereby amends Article 18 Conditional Uses of the Land Use Ordinance by establishing a new section 18-22 as follows.

**SECTION V.** Article 18 is hereby amended by adding a new Section 22 titled Alternative Treatment Center as follows:

A licensed alternative treatment center as defined by NJSA 24:6I-3 providing specialized medical services to patients possessing lawful prescriptions issued by medical doctors is permitted in the C zone district, but only if they comply with all of the following minimum requirements:

- A. **Certificate to operate.** A certificate issued by the State of New Jersey shall accompany an application made to the Planning Board.
- B. **Single use of the property.** The primary use of the property shall be for the operation of the alternative treatment center. There shall be no other use of the property upon which the subject center is to be located except for the sale of items, products or materials related to or accessory to the primary function of the alternative treatment center.
- C. **Accessory uses.** Parking for the staff and patrons of the facility only.

- D. **Minimum lot area.** The minimum lot size on which the center is to be located shall not be less than twenty thousand (20,000) square feet.
- E. **Minimum lot width.** There shall be a minimum lot width of one hundred (100) feet.
- F. **Minimum front yard.** There shall be a minimum front yard of thirty (30) feet within which there shall be no building, mechanical equipment or other appliance, and no parking.
- G. **Minimum side yard.** There shall be a minimum side yard of twenty five (25) feet within which no building shall be located.
- H. **Minimum rear yard.** There shall be a minimum rear yard of fifty (50) feet within which no building shall be located.
- I. **Required parking.** There shall be one (1) space for each employee of the center plus one (1) space for each three hundred ( 300) square feet of gross floor area.
- J. **Signage.** There shall be permitted one (1) non-illuminated professional sign advertising the center, said sign not to exceed ten square feet and affixed to the front façade of the building.
- K. **Hours of operation.** Business hours for the operation of the center shall be limited to weekdays between the hours of 7:00 o'clock am and 7:00 o'clock pm.
- L. **Landscape buffer.** The parking lot shall be screened from adjacent properties by a buffer, minimum ten( 10) feet in width, within which a landscape screen or solid fence shall be installed.

**SECTION VI.** All ordinances or parts of ordinances in conflict or inconsistent with any part of this ordinance are hereby repealed to the extent that they are in such conflict or inconsistent.

**SECTION VII.** In the event that any section, part of provision of this ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so held unenforceable or invalid.

**SECTION VIII.** This ordinance shall take effect after passage and publication as soon as and in the manner provided by law.