

**Borough of Tinton Falls  
Code Adoption Ordinance**

**Schedule A  
Specific Revisions at Time of Adoption of Code**

**Chapter 1, General.**

Section 1-1 is amended to read as follows:

*§ 1-1. Short title.*

*The ~~book~~ Code shall be known and may be cited as the “Revised General Ordinances of the Borough of Tinton Falls, ~~1990~~ 2026” and may also be cited the “Code” or the “Revision.”*

**Chapter 2, Administrative Code.**

Subsection 2-2.15 is amended to read as follows:

*§ 2-2.15. Addresses to the Borough Council.*

*Upon recognition by the Council President, the person shall proceed to the floor and give their name and address in an audible tone of voice for the record. Statements shall be addressed to the Borough Council as a body and not to any member thereof or Borough employees or professionals unless called upon to address the person by the Council President. A Councilmember shall not direct any question to a speaker addressing the Borough Council except through the Council President. A person speaking shall be limited to ~~five~~ three minutes at the discretion of the Council President.*

Subsection 2-2.18c is amended to read as follows:

*c. A motion for removal shall set forth the alleged cause for removal, making specific charges, and provide for notice and an opportunity to be heard to the affected officer. The Borough Clerk shall forthwith cause a copy of the motion for removal, together with a statement of the causes and charges involved and notice of the time and place fixed for hearing, to be served personally or by certified mail upon the officer affected. Hearings shall be held not less than 10 days nor more than 15 days after the date of such service and may be adjourned from time to time. Such hearings may be open to the public, and the officer charged shall be entitled to be represented by his own counsel. Following the conclusion of the hearing, the Presiding Officer shall call for a vote on the motion, which shall be*

*determined by ~~a majority vote of the Borough Council~~ at least two-thirds vote of the whole number of the Council.*

Subsections 2-4.2j, 2-10.2j and 2-11.4a are amended to change "city" to "Borough."

Subsection 2-8.4 is amended to change "N.J.S.A. 2A:8-1 et seq." to "N.J.S.A. 2B:12-1 et seq."

Subsection 2-9.1i1 is amended to increase the application fee for the Public Defender from \$100 to \$200.

Subsection 2-11.7, Shade Tree Commission, of the 1990 Revised General Ordinances, derived 1982 Code § 3-57 and Ord. No. 598, is repealed.

Subsection 2-13.1 is amended to read as follows:

*§ 2-13.1. Department Established; Director.*

*There is hereby created a Department of Health and Welfare, the head of which shall be the Director. The Director shall be responsible for the overall supervision of the Department ~~and the coordinator of activities undertaken by its personnel.~~ Effective January 1, 2023, all duties and responsibilities of the Department shall be undertaken by the Freehold Area Health Department for public health services, pursuant to a shared services agreement with the Borough. Those duties shall include the obligations of the Health Officer as set forth in the Borough Code.*

Former Subsection 2-13.2, Division of Health; Subsection 2-13.3, Health Advisory Council; and Subsection 2-13.4, Division of Health (derived from 1982 Code §§ 3-62 through 3-64; Ord. No. 598; Ord. No. 663), of the 1990 Revised General Ordinances, are repealed.

Subsection 2-16.2a is amended to change "Department of Finance" to "Department of Audit, Accounts and Control."

Section 2-18D, Pay-to-Play Restrictions, of the 1990 Revised General Ordinances (derived from Ord. No. 05-1146; Ord. No. 11-1320), is repealed.

### **Chapter 3, Municipal Offices and Positions; Procedures; Boards, Commissions and Committees.**

Section 3-2 and Subsections 3-2.1 and 3-2.2 are amended to change “*Deputy Municipal Court Clerk*” to “*Deputy Municipal Court Administrator.*” Subsection 3-2.2 is further amended to change “*Municipal Court Clerk*” to “*Municipal Court Administrator.*”

Subsection 3-8.3c, Dog pound regulations, of the 1990 Revised General Ordinances, is repealed.

Subsection 3-8.5 is amended to read as follows:

#### **§ 3-8.5. Attendance at Meetings.**

*Upon request, the Code Enforcement Officer shall attend meetings of the Mayor and Council, the Planning Board, and the Board of Adjustment ~~and the Board of Health.~~*

Subsection 3-8.8 is amended to read as follows:

#### **§ 3-8.8. Amendment of Existing Ordinances.**

~~*a. Section 3 of an ordinance relating to the repair, closing and demolition of buildings unfit for human habitation or occupancy or use, etc., adopted May 15, 1958, is hereby amended to read as follows:*~~

~~*The Public Officer shall be the Code Enforcement Officer of the Borough of Tinton Falls and he shall exercise the powers prescribed by this chapter.*~~

~~*b. All ~~other~~ ordinances in force and effect in this Borough at the time of the adoption of this ~~Article~~ section are hereby amended to include the Code Enforcement Officer as an officer designated to enforce such existing ordinances in addition to the official previously assigned.*~~

Section 3-25.2 is amended to read as follows:

#### **§ 3-25.2. Certificate of Search for Municipal Liens and Certificate of Demolition.**

*The insurer, prior to payment of a claim for fire damages in excess of \$2,500, shall:*

*(a) Obtain from its insured an official certificate of search for municipal liens pursuant to N.J.S.A. 54:5-12, certifying that all taxes, assessments or other municipal liens or charges levied and assessed and due and payable against the property have been paid; and*

(b) Shall submit an official certificate that demolition is not required or that the costs of demolition or anticipated demolition have been paid.

Subsection 3-26.2 is amended to read as follows:

**§ 3-26.2. Applicability.**

*The provisions of this Section 3-26 shall not apply to or include any alcoholic beverage license or permit issued pursuant to the New Jersey Alcoholic Beverage Control Act, N.J.S.A. 33:1-1 et seq.*

Subsection 3-28.1a is amended to read as follows:

*a. In accordance with and pursuant to the authority of N.J.S.A. 2C:35-7 and 2C:35-7.1, a revised and updated Drug-Free Zone Map was produced in March 2011 and certified by the Borough Engineer David M. Marks, P.E., C.M.E., of T&M Associates.*

Subsection 3-28.5a1 is amended to read as follows:

*1. The location of elementary and secondary schools ~~with~~ within the municipality;*

Section 3-30 is amended to change “N.J.S.A. 54:4-64(2)” to “N.J.S.A. 54:4-64(d).”

Section 3-31a is amended to read as follows:

*a. This section is created pursuant to N.J.S.A. 40:48-1(6) and N.J.S.A. 40A:14-156.1 and is adopted as a reciprocal agreement with all municipalities participating in the county-wide mutual aid compact. Pursuant to this agreement, the Borough of Tinton Falls shall render assistance to any participating municipality by providing members of the Tinton Falls Police Department, upon request, to help preserve the public peace and order.*

Section 3-35B.4b is amended to read as follows:

*b. ~~Extraordinary~~ Special service charges shall be applied for any extensive use of information technology or for the labor cost of personnel providing the service that is actually incurred by the Borough for ~~the~~ any programming, clerical and ~~supervisory~~ supervisor assistance required to provide ~~a government~~ any record in the medium requested if it is not a medium routinely used by the Borough, not routinely developed or maintained by the Borough, or requiring a substantial amount of manipulation or programming of information, or data. ~~This rate shall be \$45 per hour for supervisory or programming and \$35 per hour for clerical.~~*

The definition of “review committee” in Subsection 3-35C.1 is amended to change “*Township Administrator*” to “*Borough Administrator*.”

Subsection 3-35C.7a is amended to change “*N.J.A.C. 13:49-1.1*” to “*N.J.A.C. 13:59-1.1*.”

Subsection 3-35C.11h is amended to read as follows:

*h. No person or entity shall be held liable ~~to~~ in any civil or criminal action brought by any party based on any written notification on file with the Borough of Tinton Falls Police Department pursuant to the provisions of this chapter section.*

Section 3-36.4 is amended to read as follows:

**§ 3-36.4. Organization.**

*The Commission shall organize annually by the election of one of its members as President and the appointment of a Secretary, ~~who need not be a member. The salary of the Secretary and all other employees shall be fixed by the Commission.~~*

Section 3-36.5a and b are amended to read as follows:

*a. ~~Exercise full and exclusive control over~~ Make recommendations on the regulation, planting and care of shade and ornamental trees and shrubbery now located or which may hereafter be planted in any public highway, park or parkway, except County parks or parkways, of the municipality for which it was created, including the planting, trimming, spraying, care and protection thereof.*

*b. ~~Regulate and control~~ Make recommendations on the use of the ground surrounding the same, so far as may be necessary for their proper growth, care and protection.*

Section 3-36.6 is amended to read as follows:

**§ 3-36.6. Statutory Authority.**

*This ~~chapter~~ section is enacted pursuant to the provisions of N.J.S.A. 40:64-1 to 40:64-14 inclusive, and the Shade Tree Commission of the Borough of Tinton Falls may exercise any of the powers and shall perform all the duties as are conferred upon it pursuant to Statutes, except as modified herein.*

Section 3-37.4a is amended to change “*Department of Administration, Division of Planning and Zoning*” to “*Department of Building and Development, Division of Planning and Zoning.*”

Section 3-41.2, final paragraph, is amended to read as follows:

*Two alternate members appointed by the Mayor whose vote ~~is registered to service~~ shall be recorded only when a regular member is absent from a meeting and which member shall serve as regular member in order of priority of appointment, upon the vacancy of a regular member.*

#### **Chapter 4, Police Regulations.**

Subsection 4-1.7a2 is amended to change “*Subsection 4-1.5*” to “*Subsection 4-1.6.*”

Subsection 4-1.9 is added to read as follows:

##### **§ 4-1.9. Violations and Penalties.**

*Any person who violates this section or fails to comply with any of its requirements shall, upon conviction thereof, be subject to the penalties in Chapter 1, Section 1-5, General Penalty, of the Borough Code.*

Section 4-4, Smoking in Public Buildings and Meeting Rooms Restricted, of the 1990 Revised General Ordinances (derived from 1982 Code Ch. 147 and Ord. No. 557), is repealed.

Subsection 4-5.2 is added to read as follows:

##### **§ 4-5.2. Violations and Penalties.**

*Any person who violates this section or fails to comply with any of its requirements shall, upon conviction thereof, be subject to the penalties in Chapter 1, Section 1-5, General Penalty, of the Borough Code.*

Subsection 4-6.7 is added to read as follows:

##### **§ 4-6.7. Violations and Penalties.**

*Any person who violates this section or fails to comply with any of its requirements shall, upon conviction thereof, be subject to the penalties in Chapter 1, Section 1-5, General Penalty, of the Borough Code.*

Section 4-7.4b is added to read as follows:

- b. Legalized games of chance: bingo and raffle applications; fees. (See N.J.A.C. 13:47-4.9 and N.J.A.C. 13:47-4.10.)*
- 1. On-premises 50/50 raffle. "On-premises" is defined as: tickets are only sold at the time and the place of the drawing and winner must be present. A check for \$20 made payable to the Borough of Tinton Falls. No fees should be submitted to the Legalized Games of Chance Control Commission (LGCCC) since the applicant cannot determine if the value of the prize(s) exceeds \$400. If the proceeds exceed \$400, please submit a check to the LGCCC in the amount of \$20 for each day on which a drawing(s) is to be conducted under the license.*
  - 2. On-premises merchandise raffle. If the value of the prize should exceed \$400 or more, it requires a per-day or per-event \$20 check payable to the Borough of Tinton Falls and a \$20 check payable to the Legalized Games of Chance Control Commission (LGCCC).*
  - 3. Off-premises 50/50 raffle. "Off-premises" is defined as: tickets are sold in advance of the drawing and winners need not be present to win. This requires a \$20 check payable to the Borough of Tinton Falls and a \$20 check made payable to the LGCCC. If the retail value of the prize(s) awarded exceeds \$1,000, an additional \$20 check per \$1,000, or part thereof, is to be paid upon filing the reports of operations. Sample ticket required.*
  - 4. Off-premises merchandise raffle requires a \$20 check made payable to the Borough of Tinton Falls and a \$20 check payable to the LGCCC. If the retail value of the prize(s) awarded exceeds \$1,000, an additional \$20 for each \$1,000, or part thereof, is to be paid to the Borough of Tinton Falls and the LGCCC upon submission of an application. Sample ticket required.*
  - 5. Instant raffles requires a \$20 check made payable to the Borough of Tinton Falls and a \$20 check payable to the LGCCC for each day on which the instant raffle tickets are sold or offered for sale. For a one-year license, a check of \$750 is payable to the Borough of Tinton Falls and another check of \$750 is payable to the LGCCC upon submission of an application.*
  - 6. Bingo requires a \$20 check payable to the Borough of Tinton Falls and an additional \$20 check payable to the LGCCC per bingo date.*
  - 7. Carnival games or wheel and non-draw wheel requires a \$20 check payable to the Borough of Tinton Falls and a \$20 check payable to the LGCCC for each game or wheel held on any one day, or any series of consecutive days not exceeding six at one location.*

8. *Special door prize raffle requires no fee and no license; the merchandise can be donated or purchased and has a retail value of \$200 or less. Note: Can be conducted with other raffles.*
9. *Calendar raffle. Requires a \$20 check payable to the Borough of Tinton Falls and a \$20 check payable to the LGCCC. If the retail value of prizes awarded exceeds \$1,000, checks must include additional fees in the amount of \$20 for each \$1,000, or part thereof, over the initial \$1,000.*
10. *Armchair race requires a \$50 check payable to the Borough of Tinton Falls and an additional \$50 check payable to the LGCCC (per licensed day of operation). No money prizes: merchandise/gift cards and a Form 13 submitted with the application.*
11. *Casino nights or Texas Hold'em requires a \$100 check payable to the Borough of Tinton Falls and a \$100 check payable to the LGCCC (per occasion). No money prizes: merchandise/gift cards and requires an LGCCC Form 13 submitted with the application.*

Section 4-8, Loitering, of the 1990 Revised General Ordinances (derived from 1982 Code Ch. 118 and Ord. No. 471), is repealed.

Subsection 4-9.3 is added to read as follows:

**§ 4-9.3. Violations and Penalties.**

*Any person who violates this section or fails to comply with any of its requirements shall, upon conviction thereof, be subject to the penalties in Chapter 1, Section 1-5, General Penalty, of the Borough Code.*

Section 4-14, Commercial Parking Area on Borough Owned Land, of the 1990 Revised General Ordinances (derived from Ord. No. 94-877), is repealed.

Section 4-15.5c is amended to increase the daily vehicle storage fee from \$25 to \$35.

Section 4-15.12 is amended to read as follows:

**§ 4-15.12. Violations and Penalties.**

*a. All applicable penalties will be consistent with Subsection 5-8.18.*

*b. Except where Subsection 5-8.18 is applicable, any person who violates this section or fails to comply with any of its requirements shall, upon conviction thereof, be subject to the penalties in Chapter 1, Section 1-5, General Penalty, of the Borough Code.*

Subsection 4-16.3 is amended to read as follows:

**§ 4-16.3. *Violations and Penalties.***

*Any person permitting the use of a vending machine to dispense tobacco or tobacco products within the Borough of Tinton Falls or any person who controls the premises on which such a vending machine is operated shall be subject to ~~a fine of \$250~~ the penalty as stated in Chapter 1, Section 1-5, General Penalty. Each day on which such a vending machine is operated shall be deemed a separate offense and subject to an additional fine for each offense.*

Section 4-19, Sex Offender/Child Offender Residency and Loitering Restrictions, of the 1990 Revised General Ordinances (derived from Ord. No. 05-1161), is repealed.

Subsection 4-20g is amended to read as follows:

*g. Violations and penalties. Any person, firm or corporation violating the terms of this section shall be subject to the penalty stated in Chapter 1, Section 1-5, General Penalty, of the Borough Code.*

**Chapter 5, General Licensing.**

Section 5-1, Alarm Systems, of the 1990 Revised General Ordinances (derived from Ch. 61 of the 1982 Code and Ord. No. 542), is repealed.

Section 5-3, Motor Vehicle Junk Dealers, of the 1990 Revised General Ordinances (derived from Ch. 113 of the 1982 Code and Ord. No. 575), is repealed.

Subsection 5-4.6 is amended to change “360th day” to “365th day.”

Subsection 5-4.7 is amended to increase the license fee for use of the Borough Logo from \$25 to \$150.

Subsection 5-4.8 is amended to read as follows:

**§ 5-4.8. Revocation of License; *Violations and Penalties.***

*a. Because the Borough desires to protect its property right, any person to whom a license has been issued and who violates any provision of this section or any condition set forth on the license shall have the license immediately revoked.*

*b. Any person who violates this section or fails to comply with any of its requirements shall, upon conviction thereof, be subject to the penalties in Chapter 1, Section 1-5, General Penalty, of the Borough Code.*

Section 5-5, Nursing Homes, of the 1990 Revised General Ordinances (derived from Ch. 129 of the 1982 Code and Ord. No. 211, Ord. No. 348 and Ord. No. 91-762), is repealed.

Subsection 5-6.2a is amended to increase the registration fee from \$10 to \$100.

Subsection 5-6.2e is added to read as follows:

*e. The permit issued under Section 5-6 is valid for 30 days.*

In Subsection 5-7.1, the definitions of “cruising” and “owner” are amended to read as follows:

*CRUISING – Shall mean the driving of an empty taxicab/autocab to and fro along a public street at a slow rate of speed for the obvious purpose of soliciting passengers.*

*OWNER – Shall mean any person, corporation or association in whose name title to any taxicab/autocab is registered with the New Jersey ~~Commission Motor Vehicles~~ Motor Vehicle Commission or who appears in such records to be the conditional vendee or lessee thereof.*

Subsection 5-7.11 is amended to read as follows:

***§ 5-7.11. Annual Fees.***

*The annual fee for each taxicab driver's permit hereafter issued or any renewal thereof shall be ~~\$10~~ \$20 for each year or portion of a year for which the license is issued or renewed, and the annual fee for each taxicab owner's license issued or renewed shall be ~~\$25~~ \$125 for each taxicab for each year or portion of a year for which the license is issued or renewed, and all of such licenses shall be under the charge and control of the person applying therefor and he shall be responsible for the operation of all cars so licensed to him. Such fees shall not be prorated nor any part thereof refunded for any reason upon the denial of an application for issuance or renewal of license by the Administrator.*

Subsection 5-7.22 is added to read as follows:

***§ 5-7.22. Limousine Licensing.***

- a. *License required. No person or entity shall operate a limousine business or limousine service with its principal place of business within the Borough without applying for and obtaining a license for that business or service, and complying with the terms of N.J.S.A. 48:16-13 et seq. No person or entity shall operate such a business/service without a current license in place.*
- b. *Application required; license fee. Any person or entity proposing to operate a limousine business or service with its principal place of business within the Borough shall annually apply to the Borough Clerk for a limousine license. That application and submission shall include but not be limited to the following requirements and information:*
  1. *A complete listing, including make, license number and VIN number, of all vehicles to be used in the limousine business/service, including proof of ownership and registration. If the vehicle is leased, a true copy of the lease must be supplied.*
  2. *An original policy of insurance providing insurance coverage for all said vehicles and the limousine business/service, in the form and amount required under N.J.S.A. 48:16-14 and 48:16-22.*
  3. *A complete and detailed description of the place and location where the limousine business/service shall be operated, the number of employees working on-site, the approximate number of drivers operating vehicles from the site daily and the approximate hours of their arrival and departure, the location of where vehicles are serviced and maintained, and the location where vehicles are parked daily and overnight; include also any and all supporting evidence or proof that the operation of a limousine business/service at this location is a legal permitted use at this location and there is appropriate and available space for the parking of the vehicles required for the business/service.*
  4. *Payment of the license fee in the maximum amount permitted as per N.J.S.A. 48:16-17 for each limousine to be licensed. In the event the license is denied, the Borough may retain the fees, or a portion thereof, as a nonrefundable application fee. Per N.J.S.A. 48:16-17, the limousine license fee is \$50 per limousine service plus an additional \$10 per vehicle.*
  5. *A copy of the power of attorney wherein the owner appoints the Director of the Division of Motor Vehicles as his true and lawful attorney for the purpose of receiving and acknowledging service of process.*
  6. *Proof of incorporation and/or partnership, by a copy of the certificate and proof of good standing.*
  7. *Any other information or documentation deemed appropriate or necessary by the Borough Clerk and/or Police Department to review the application.*

- c. *Issuance of license. The Borough Clerk will review the application, in consultation with the Police Department and such other offices as appropriate, and, upon a determination that the limousine business/service is at a permitted location and is qualified, may issue a license showing that the owner of the limousine has complied with the terms hereof, reciting the name of the insurance company, the number and dates of the policy, and the description and registration number of the licensed limousine.*
- d. *Expiration and renewal. Every license issued pursuant to this subsection shall expire at 12:00 midnight on the 31st of January of the year next succeeding in which it was issued, unless sooner surrendered, suspended or revoked. Application for renewals of licenses should be filed by December 31 of the year of issuance.*
- e. *Violations and penalties. Any person who violates this subsection may be subject to the penalties and punishments as set forth in Section 1-5, General Penalty.*

In Subsection 5-8.2, the definition of “winching” is amended to read as follows:

*WINCHING – Shall mean the process of moving a motor vehicle by the use of chains, nylon slings or additional lengths of winch cable from a position that is not accessible for direct hook up for towing a motor vehicle. Winching includes recovering a motor vehicle not on the road and righting a motor vehicle that is on its side or upside down, but does not include pulling a motor vehicle onto a flatbed tow truck.*

Subsection 5-8.4.1a4 is amended to increase the license renewal fee from \$25 to \$50.

Subsection 5-8.11b is amended to change “\$ 65” to “\$75.”

Subsection 5-8.11c1, 3, 6, 8 and 11 are amended to read as follows:

- 1. Vehicles with a GVW up to 10,000 pounds: ~~\$130~~ \$150.*
- 3. Vehicles with a GVW 26,001 pounds and over: ~~\$360~~ \$500 per hour with a one-hour minimum. Once over the first hour, charges shall accrue in thirty-minute increments.*
- 6. Clean-up and labor charges shall be charged at a rate of ~~\$35~~ \$50 per hour, plus \$15 for each bag of absorbent material used. This charge is for clean-up and/or removal of debris or mechanical work to ready the vehicle for towing.*
- 8. For conveying a passenger car to other than the tower's facility (i.e., owner's home, another garage) a fee of ~~\$5~~ \$7 per mile shall be charged for all distances*

*of greater than five miles. This is in addition to the prescribed rate for actual towing of vehicle.*

*11. Storage fees shall be charged at a rate of ~~\$35~~ \$50 per day with the first 24 hours not charged.*

Subsection 5-8.18 is amended to read as follows:

**§ 5-8.18. Violations and Penalties.**

*Any person found guilty of violating any of the provisions of this section may, in addition to being removed from the towing roster, be liable, upon a determination of guilt by the Chief of Police, to ~~a fine of not more than \$500~~ the penalties in Chapter 1, Section 1-5, General Penalty, of the Borough Code, and suspension of privileges under this section for up to 30 days, or both, for each violation and may be ultimately subjected to revocation of said license provided herein to tow vehicles, as a result of police requests.*

Subsection 5-9.4f4 is amended to read as follows:

*4. All licensed retail establishments shall provide a dimensioned floor plan, clearly labeled, showing: the layout of the structure and floor plan in which the retail operation is to be located; the principal uses of the floor area depicted on the floor plan including, but not limited to, public areas, processing and manufacturing areas, loading and unloading areas, storage areas and restricted areas where cannabis products will be located, ~~storage areas and restricted areas where cannabis products will be located~~; all points of entry into the facility; and the locations of all security cameras that will be positioned within the facility.*

**Chapter 6, Alcoholic Beverage Control.**

Section 6-3.4 is amended to read as follows:

**§ 6-3.4. License Fees.**

*Liquor license fees are set forth below, in compliance with N.J.S.A. 33:1-12:*

<i>Class of License</i>	<i>Annual License Fee</i>
<i>Plenary retail consumption license</i>	<i>\$2,500</i>
<i>Plenary retail distribution license</i>	<i>\$2,500</i>
<i>Club license</i>	<i>\$180</i>

Section 6-7.5 is amended to read as follows:

**§ 6-7.5. Violations and Penalties.**

*Any person who shall violate any of the provisions of this section shall be deemed and adjudged to be a disorderly person, and upon conviction thereof, shall be punished by a fine of not less than \$100 ~~\$500~~. ~~In addition, the court shall suspend the person's license to operate a motor vehicle for six months or prohibit the person from obtaining a license to operate a motor vehicle in this State for six months beginning on the date he becomes eligible to obtain a license or on the date of conviction, whichever is later.~~ In addition to the general penalty prescribed for an offense, the court may require any person under the legal age to purchase alcoholic beverages who violates this N.J.S.A. 33:1-81 to participate in an alcohol education or treatment program authorized by the Department of Health for a period not to exceed the maximum period of confinement prescribed by law for the offense for which the individual has been convicted.*

**Chapter 7, Traffic.**

Section 7-15 is amended to read as follows:

**§ 7-15. Violations and Penalties.**

*Unless another penalty is expressly provided by New Jersey Statute or elsewhere in this chapter, every person convicted of a violation of a provision of this chapter or any supplement thereto shall be liable to a penalty of not more than \$50 or imprisonment for a term not exceeding 15 days or both.*

Sections 7-26, 7-26.1, 7-26.2, 7-26.3, 7-26.4, 7-26.6 and 7-26.8 are amended to make the following wording changes:

- Change "handicapped persons" to "persons with disabilities"
- Change "handicapped person" to "person with a disability"
- Change "handicapped person parking spaces" to "parking spaces designated for persons with disabilities"

Section 7-26.4a is amended to read as follows:

*a. The provisions of the ~~Development Regulations Ordinance~~ Land Use Ordinance of the Borough of Tinton Falls (~~Section 85-58~~) (Section 40-26Q.2.e) shall be applied to determine the circumstances where the ~~handicapped person~~ parking spaces for persons with disabilities shall be designated. The criteria for those spaces and the criteria for the location and construction of curbs or ramps shall be in accordance with N.J.S.A. 52:32-12.*

Section 7-26.7 is amended to read as follows:

**§ 7-26.7. Violations and Penalties.**

*Unless any other penalty is expressly provided for by New Jersey Statutes, any person parking a motor vehicle in a restricted parking space without a special vehicle identification card in violation of Subsection 7-26.6 shall be liable to a fine of \$250 for the first offense and, for subsequent offenses, a fine of at least \$250 and up to 90 days' community service on such terms and in such form as the court shall deem appropriate, or any combination thereof.*

**Chapter 8, Animal Control.**

Subsection 8-1.5 is amended to remove language regarding a three-year dog license. Paragraphs c, d, e and f of Subsection 8-1.5 are amended to read as follows:

*c. The annual license and registration fee, or for each annual renewal, shall be \$8.80 for each dog. ~~The fee for a three-year license or each three-year renewal shall be \$26.40 for each dog.~~*

*d. In addition, there shall be a fee of \$3 annually, ~~or \$9 for a three-year license,~~ for any dog of reproductive age which has not had its reproductive capacity permanently altered through sterilization. All dogs shall be presumed to have reproductive capacity, unless a certificate is delivered to the Police Department signed by a licensed veterinarian of the State of New Jersey, or by such other individual or agency as may be designated by any rules and regulations adopted by the Commissioner of the State Department of Health.*

*e. In addition, there shall be a fee of \$0.20 annually, ~~or \$0.60 for a three-year license,~~ which shall be forwarded to the State Treasurer to be placed in the Pilot Clinic Fund to be used by the Commissioner of the State Department of Health in accordance with the laws of the State of New Jersey.*

*f. In addition, there shall be a fee of \$1 annually, ~~or \$3 for a three-year license,~~ which is required to be collected for each dog for which a license is sought pursuant to the provisions of N.J.S.A. 4:19-15.3.*

Section 8-2, Pounds, of the 1990 Revised General Ordinances (derived from §§ 70-8 through 70-23 of the 1982 Code, and Ord. No. 342 and Ord. No. 90-721), is repealed.

**Chapter 9, Personnel Policies.**

Chapter 9, Personnel Policies, of the 1990 Revised General Ordinances, is repealed. Chapter 9 was derived from portions of 1982 Code Ch. 15, Ch. 20 and Ch. 42; and Ord. No. 337; Ord. No. 339; Ord. No. 418; Ord. No. 458; Ord. No. 475; Ord. No. 605; Ord. No. 89-697; Ord. No. 92-786; Ord. No. 92-798; Ord. No. 97-958; Ord. No. 00-1039; Ord.

No. 02-1069; Ord. No. 08-1249; Ord. No. 10-1291; Ord. No. 10-1294; Ord. No. 10-1296; Ord. No. 12-1352; Ord. No. 12-1354; Ord. No. 2018-1433.

**Chapter 10, Park Rules and Regulations.**

Subsection 10-4.9i is amended to change “*Professional Counselor Licensing Act*” to “*Practicing Marriage and Family Therapy Act.*”

Subsection 10-4.9j is amended to change “*shall profit*” to “*shall prevent.*”

Subsection 10-7.3 is amended to read as follows:

**§ 10-7.3. Special Permit for Consumption of Alcoholic Beverages; Fee.**

*No person shall be permitted within a public park while under the influence of intoxicating beverages, drugs or narcotics. No person shall possess or consume alcoholic beverages at any time in any public park, except that a group or organization may apply for and shall have acquired from the Department of Recreation/Housing with approval of the Borough Clerk a special permit not later than seven days before the proposed date of use. The fee for this permit shall be \$10. The granting or denial of such permit shall be based upon the rules, regulations and standards promulgated by the Borough Council by ordinance. No person under legal age shall possess or consume alcoholic beverages at any time in any public park.*

Section 10-10 is amended to read as follows:

**§ 10-10. RATES.**

**§ 10-10.1. Minimum-Maximum Fee Ranges for Park Rentals.**

- a. *The annual rate of fees to be paid by persons for the following parks and recreation events, programs and facilities in the Borough of Tinton Falls shall be fixed yearly by resolution. Said fees shall be consistent with the amounts set forth herein:*

<b>Park Rentals</b>	<b>Minimum Rate</b>	<b>Maximum Rate</b>
<b>Sycamore Park</b>		
<i>Grass soccer field (full) unlined field, per hour</i>	\$15	\$40
<i>Artificial Turf F5 per hour</i>		
<i>7v7</i>	\$45	\$90
<i>9v9</i>	\$45	\$90

<b>Park Rentals</b>	<b>Minimum Rate</b>	<b>Maximum Rate</b>
<i>Full</i>	\$57	\$125
<i>Artificial turf F4 per hour</i>		
<i>9v9</i>	\$45	\$90
<i>Softball field per game 2.5 hours</i>		
<i>Full artificial turf</i>	\$125	\$250
<i>Grass/artificial turf</i>	\$125	\$250
<i>Pavilions per two hours</i>		
<i>Single</i>	\$80	\$200
<i>Double</i>		
<i>Field lights per hour</i>	\$25	\$50
<b>Hockhockson Park</b>		
<i>Baseball field 40-60 (2.5 hours)</i>	\$35	\$70
<i>Baseball field 50-70 (2.5 hours)</i>	\$35	\$70
<i>Baseball field 60-90 (2.5 hours)</i>	\$50	\$100
<i>Field lights per hour</i>	\$30	\$45
<i>Field lining pre-post field set up for games</i>	\$50	\$80
<b>Liberty Park</b>		
<i>Football field (2.5 hours-unlined)</i>	\$25	\$100
<i>Softball field (2.5 hours)</i>	\$30	\$100
<b>Wardell Park</b>		
<i>Pickleball court</i>	\$5	\$20
<i>Tennis court</i>	\$5	\$30
<b>Additional staffing fees shall be incurred if required, per hour.</b>	\$20	\$95

- b. *All rentals require a complete park permit, hold harmless agreement, and certificate of insurance, naming the Borough of Tinton Falls as an additional insured.*

**§ 10-10.2. Minimum-Maximum Fee Ranges for Events, Programs and Facilities.**

*The annual rate of fees to be paid by persons for the following parks and recreation events, programs and facilities in the Borough of Tinton Falls shall be fixed yearly by resolution. Said fees shall be consistent with the amounts set forth herein:*

	<b>Minimum Rate</b>	<b>Maximum Rate</b>
<i>T-Ball</i>	\$118.00	\$125.00
<i>Daughters Dance</i>		
<i>Adult meal</i>	\$94.00	\$100.00
<i>Child's meal</i>	\$58.00	\$65.00
<i>Summer Camp</i>		
<i>Three weeks</i>	\$542.00	\$600.00

	<b>Minimum Rate</b>	<b>Maximum Rate</b>
<i>Five weeks</i>	<i>\$804.00</i>	<i>\$880.00</i>
<i>Onsite and off-site trips</i>	<i>\$10.00</i>	<i>\$115.00</i>
<i>Basketball K-8</i>	<i>\$120.00</i>	<i>\$130.00</i>
<i>Fall soccer</i>	<i>\$97.00</i>	<i>\$115.00</i>
<i>Track</i>	<i>\$130.00</i>	<i>\$150.00</i>
<i>Wrestling</i>		
<i>Tots</i>	<i>\$125.00</i>	<i>\$150.00</i>
<i>Development</i>	<i>\$195.00</i>	<i>\$240.00</i>
<i>Advanced</i>	<i>\$145.00</i>	<i>\$180.00</i>

**§ 10-10.3. Refunds.**

- a. *Refunds for cancellations received 30 days prior to a program or activity start date shall receive a full refund, less the refund processing fee.*
- b. *Refunds for cancellations received 29 to 21 days prior to a program or activity start date shall receive a 50% refund, less the refund processing fee.*
- c. *Refunds for cancellations received within 13 days prior to a program or activity start date shall not be granted.*
- d. *All approved refund requests will be issued via a purchase order requiring six to eight weeks for processing.*
- e. *The \$20 refund processing fee shall be charged on all approved refunds, credits or changes, except in the case of a cancellation of a program by the Borough.*

**§ 10-10.4. Facility and Park Fees Categories.**

- a. *Class A: All Borough-sponsored activities, recreation sponsored activities, Tinton Falls Little League, Tinton Falls Youth Cheer and Football Organization, Tinton Falls schools, Monmouth Regional High School. Exempt from usage fees, light and/or staff fees may incur.*
- b. *Class B: Any resident individuals or groups wishing to use a field for a private party limited to under 40 individuals. Community-based organizations must be based in Tinton Falls, be made up of 65% or more Tinton Falls residents and provide a copy of 501c status along with team rosters indicating residency.*
- c. *Class C: Organizations and teams made up of less than 64% of Tinton Falls residents or based outside of Tinton Falls.*
- d. *Class D: Any organization, league, teams, sport-specific trainers, amateur athletic teams and/or individuals that may profit.*

Section 10-12 is amended to read as follows:

**§ 10-12. Enforcement.**

*The Borough Police Department shall be responsible for the enforcement of these provisions. Any person violating this ~~section~~ chapter shall be subject ~~from~~ to penalties and dismissal from the park site.*

## **Chapter 11, Building and Housing.**

Subsection 11-1.1 is amended to change “N.J.S.A. 52:27D-11 et seq.” to “N.J.S.A. 52:27D-119 et seq.”

Subsection 11-1.4, Geographic Information System (G.I.S.) Escrow Fees, of the 1990 Revised General Ordinances (derived from Executive Order 2004-6-2), is repealed.

Subsection 11-3.10.b.15 is amended to read as follows:

*15. Those buildings existing in violation of any provision of the ordinances of the Borough of Tinton Falls ~~or of the Board of Health of the Borough of Tinton Falls~~ relating to buildings or health.*

Subsection 11-4.6 is amended to read as follows:

### **§ 11-4.6. Violations and Penalties.**

*Buying, selling, renting, or change of occupancy without a current resale/rental certificate of occupancy ~~shall be punishable by law with fines not to exceed \$1,250~~ shall, upon conviction, be liable to the penalty stated in Chapter 1, Section 1-5, General Penalty, of the Borough Code. This shall be in addition to any court-applied fees and/or fines.*

## **Chapter 12, Property Maintenance.**

Subsection 12-1.1 is amended to change references to the “2018 International Property Maintenance Code” to “2024 International Property Maintenance Code.”

Subsection 12-1.2 is amended to read as follows:

### **§ 12-1.2. Copies on File.**

*One copy of the ~~2018~~ 2024 International Property Maintenance Code is on file in the office of the ~~Borough Clerk~~ Code Enforcement Official, similarly marked, and shall remain on file for the use and examination of the public.*

Subsection 12-1.3 is amended to read as follows:

**§ 12-1.3. Additions, Insertions and Changes.**

The ~~2018~~ 2024 International Property Maintenance Code is amended and revised in the following respects:

- a. Section 101.1: Insert for name of jurisdiction, "Borough of Tinton Falls, Monmouth County, New Jersey."
- b. Section ~~103.5~~ 103.1: Insert "Borough of Tinton Falls General Ordinance."
- ~~c. Section 112.4: Insert "\$500" and "\$1,250." This shall be in addition to any court imposed fines or fees.~~
- ~~d c.~~ Section 302.4: Insert "10 inches."
- ~~e d.~~ Section 304.14: Insert "April" and "November."
- ~~f e.~~ Section 602.3: Insert "October" and "April."
- ~~g f.~~ Section 602.4: Insert "October" and "April."

Subsection 12-1.4 is amended to change reference to the "2018 International Property Maintenance Code" to "2024 International Property Maintenance Code."

Subsection 12-2.5 is amended to read as follows:

**§ 12-2.5. Violations and Penalties.**

Any person violating any provision of this section shall be liable to ~~a fine of not more than \$100 or to imprisonment not exceeding 10 days, or both, in the discretion of the court~~ the penalty stated in Chapter 1, Section 1-5, General Penalty. Each day that the violation or violations continue to exist shall be a separate violation.

Subsection 12-3.1 is amended to read as follows:

**§ 12-3.1. Permitted Plant Height; Notice to Cut.**

a. It shall be the duty of any property owner or tenant abutting upon a public street in the Borough to keep all trees, brush, hedges and other plant life growing within 10 feet of any roadway and within 25 feet of the intersection of two roadways cut to a height of not more than 2 1/2 feet where it shall be necessary and expedient for the preservation of the public safety, within 10 days after notice from the Administrator to cut the same. This shall not require the cutting down of any trees where there is vision through the trees at a height of between 2 1/2 feet and eight feet from the ground.

b. Trees shall be pruned in such a manner that branches will hang not less than eight feet over sidewalks and walkways and 13 feet over roadways. Hedges and/or shrubbery bordering walkways shall be pruned a minimum of three inches

*from walkways and in such a manner to prevent branches from obstructing or hindering pedestrians using walkways.*

Section 12-4b is amended to read as follows:

*b. Parking for all other residential structures other than detached single-family homes shall be in accordance with the site plans as approved pursuant to ~~Chapter 85, Development Regulations Ordinance~~ Chapter 40, Land Use, of the Code of the Borough of Tinton Falls.*

Section 12-5.1a is amended to change “*Street Department*” to “*Department of Public Works.*”

### **Chapter 13, Water.**

Subsection 13-1.5b is amended to read as follows:

*b. The connection charge or fee to be paid to the Borough, or its approved water purveyor, upon application for services and connection of residential or commercial properties to the water supply facility shall be set annually by the Borough Council, ~~to be adopted by ordinance~~ or its approved water purveyor.*

### **Chapter 14, Fire Prevention.**

Subsection 14-1.1 is amended to read as follows:

#### **§ 14-1.1. Local Enforcement.**

*Pursuant to Section 11 of the Uniform Fire Safety Act (P.L. 1983, c. 383), the following shall be locally enforced in the Borough of Tinton Falls: the New Jersey Uniform Fire Code, the ~~2015~~ 2018 International Fire Code, ~~2015~~ 2018 International Mechanical Code and ~~2015~~ 2018 International Building Code and all amendments and supplements thereto, the National Fire Protection Association Code and all amendments and supplements thereto, all of which are hereby adopted and wherein a higher or more restrictive standard is set forth or wherein such may supplement the Uniform Fire Safety Act, all of which are referred to in this section as "the Act."*

Subsection 14-1.10c is amended to increase the fee from \$5 to \$10.

Subsection 14-1.11b is amended to read as follows:

*b. Any special inspection request, which is not covered in this section or by code, shall be a minimum fee of ~~\$35~~ \$50 for residential and ~~\$50~~ \$100 for nonresidential.*

Subsection 14-1.20 is amended to read as follows:

***§ 14-1.20. Fire Insurance Proceeds.***

*Fire insurance proceeds shall only be payable in accordance with Section 3-25, Tax Liens on Fire-Damaged Property, of the Borough Code.*

Subsection 14-1.21, Installment Payments, of the 1990 Revised General Ordinances (derived from Ord. No. 2019-1447), is repealed.

Subsection 14-1.23 is amended to read as follows:

***§ 4-1.23. Fire Apparatus Access Roads.***

*Appendix D of the ~~2015~~ 2018 International Fire Code shall be herein adopted.*

Subsection 14-1.29 is amended to read as follows:

***§ 14-1.29. Violations and Penalties.***

*Any person, firm or corporation found guilty in the Municipal Court for a violation of the provisions of this section shall be subject to ~~a fine of not less than \$25 nor more than \$1,000 or imprisonment for a period not exceeding 90 days, or both the penalty provisions included in Chapter 1, Section 1-5, General Penalty, of the Borough Code.~~ Each and every day a violation continues shall be a separate offense. Such penalty shall not relieve the violator of the duty to take corrective actions. These penalties shall be in addition to any court costs. All monies that are recovered as a result of the assessment of penalties shall be paid into the designated Fire Prevention Trust Account, except as may be otherwise provided herein.*

## **Chapter 15, Streets, Sidewalks and Sanitation.**

Subsection 15-6.2a is amended to change “*emergent situation*” to “*emergency situation*.”

Subsection 15-6.6a is amended to read as follows:

*a. Domestic or household bulky items, such as washing machines, refrigerators, stoves, household appliances, and other household furnishings, such as chairs,*

*sofas, etc., shall not be placed at the curb for collection unless special arrangements have first been made with the Department of Public Works. No ~~public~~ bulky item shall be of a weight or be of a size greater than can be conveniently handled by two persons.*

Subsection 15-6.9 is amended to read as follows:

***§ 15-6.9. Fines for Noncompliance.***

*Property owners of record shall be responsible for the placement of recyclable materials for collection as specified herein.*

*a. Violation or noncompliance with any of the provisions of this Subsection 15-6.9, or the rules and regulations promulgated hereunder, shall be punishable by a fine as follows:*

- 1. First offense: \$25 to \$100.*
- 2. Second offense: \$50 to \$250.*
- 3. Third and subsequent offenses: \$100 to \$1,500 and/or the performance of community service in the recycling program, for a period not to exceed 90 days.*

*b. Each day such violation or neglect is committed or permitted to continue shall constitute a separate offense and be punishable as such.*

*c. Fines levied and collected in Municipal Court pursuant to the provisions of this Subsection 15-6.9 shall be deposited into the Borough of Tinton Falls Recycling Trust Fund. Monies in the Borough of Tinton Falls Recycling Trust Fund shall be used for the expenses of the municipal recycling program.*

Subsection 15-6.14 is amended to change “N.J.A.C. 14A:3-11.1 et seq.” to “N.J.A.C. 7:26A-6.1 et seq.”

## **Chapter 16, Sewers.**

Section 16-2 is amended to read as follows:

***§ 16-2. Establishment of Municipal Sanitary Sewer Utility System.***

*a. Sanitary Utility Created. Two municipal sanitary sewer utility systems heretofore created are hereby combined into a single system, which system is hereby created and established within the Borough of Tinton Falls, for the regulation and use of sewers, to ensure the proper operation and the protection and preservation of the system, fixing the amount and charges therefor and providing rules and regulations therefor. Such system, including the sanitary sewage treatment plants, pumping stations and appurtenant structures, works and*

*fixtures relating thereto, and all extensions and improvements thereof situate in and constructed at public expense by the Borough of Tinton Falls, together with those facilities which are to be used by the Borough of Tinton Falls that are a part of the Township of Neptune Sewerage Authority system and the ~~Northeast Monmouth County Utility Authority~~ Two Rivers Water Reclamation Authority, shall ~~hereinafter~~ hereafter be operated, maintained, managed and controlled by the Borough of Tinton Falls as a publicly owned utility of the Borough of Tinton Falls within the meaning of ~~N.J.S.A. 40:63-1 et seq.~~, the Municipal and County Sewerage Act, N.J.S.A. 40A:26A-1 et seq., amendments thereof and supplements thereto, and N.J.S.A. 40:14A-1 et seq., amendments thereof and supplements thereto, insofar as it relates to the agreement with the Township of Neptune Sewerage Authority and with the ~~Northeast Monmouth County Utility Authority~~ Two Rivers Water Reclamation Authority and all other provisions of other laws applicable.*

Subsection 16-3.4 is amended to read as follows:

**§ 16-3.4. Connections by Borough; Costs.**

*If the owner of any user connection shall neglect, after notice given as provided in ~~N.J.S.A. 40:63-52 to 40:63-64, inclusive,~~ N.J.S.A. 40:56-53, to make any such sewer connection or installation of toilet, the Borough may cause such connection or installation to be made under its direction and supervision or award one or more contracts for the making of such improvement, and such sewer connection or installation charge shall bear interest and be a first and paramount lien against the respective property or properties so connected with the sewer to the same extent as assessments for the local improvements and shall be collected and enforced in the same manner, all as provided in N.J.S.A. 40:63-54.*

Subsection 16-3.8 is amended to add the following paragraph:

*c. Connection permit fee: \$300.*

Subsection 16-3.9d is amended to read as follows:

*d. Violations and Penalties. Any person who violates the provisions of this subsection shall be subject to ~~a penalty not exceeding the sum of \$1,000 and/or by imprisonment in the County jail for a term not to exceed 90 days~~ the penalties in Chapter 1, Section 1-5, General Penalty, of the Borough Code. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.*

Subsection 16-4.2 is amended to read as follows:

**§ 16-4.2. Types of Pipe Permitted.**

- a. *All service laterals shall be constructed of one of the following types of pipe, subject to any special conditions elsewhere herein contained:*
  1. *Cast-iron soil pipe minimum medium weight, at least four inches in internal diameter, conforming to ASTM Designation A-74-69 or latest revision. Maximum laying length shall be 10 feet.*
  2. *SDR 35 or 26 PVC pipe conforming to ASTM Designation D 3034 or latest revision.*
- b. *PVC pipe shall be laid on six inches of 3/4-inch clean crushed stone, with six inches of stone on each side of the pipe up to the springline*

Subsection 16-6.2 is amended to change “*Northeast Monmouth County Regional Sewerage Authority*” to “*Two Rivers Water Reclamation Authority.*”

**Chapter 17, Tree Removal and Replacement.**

Chapter 17 is amended to read as follows:

**§ 17-1. INTENT AND PURPOSE.**

- a. *The indiscriminate, uncontrolled and excess destruction, removal and cutting of trees upon lots and tracts of land within Tinton Falls will cause increased drainage control costs, increased soil erosion and sedimentation, decreased fertility of the soil, degradation of water resources, decreased groundwater recharge, increased buildup of atmospheric carbon dioxide, the establishment of a heat island effect and increased dust and pollution. The singular or cumulative effect of any of the foregoing could adversely impact the character of Tinton Falls, decrease property values, render the land unfit and unsuitable for its most appropriate use, and negatively affect the health, safety and general welfare of the Borough's residents. Thus, the Borough governing body desires to regulate and control indiscriminate and excessive cutting of trees within the Borough and to require appropriate tree replacement.*
- b. *It is recognized that there is a strong interrelationship between the integrity of the Borough's water resources, development on steep slopes, tree removal, soil disturbance, stormwater management and the general use of the land resources. Fewer trees throughout the Borough also correlates with increased air pollution. Therefore, the governing body finds that the appropriate management of these resources is an important health, safety and general welfare concern. The appropriate management guidelines for tree preservation to be utilized are:*
  1. *The American National Standard, ANSI A300 (Part 5) -- Management;*

2. *Trees and Development. A Technical Guide to Preservation of Trees During Land Development, Nelda Matheny and James R. Clark; and*
  3. *Protection and Care of the Urban Forest, NJDEP Division of Parks and Forestry.*
- c. *Trees are declared to be an important cultural, ecological, scenic and economic resource. Proper management of this resource will ensure its maintenance and result in economic returns. A forestry management program is intended to meet the objectives of preserving, protecting, enhancing and maintaining trees and providing opportunities for the continued use of forest resources which are compatible with the maintenance of the environment. This will be accomplished by ensuring management of forest and trees through the application of sound management practices. To that end, it shall be unlawful to cut down, damage, poison or in any other manner destroy or cause to be destroyed any trees covered by this chapter, except in accordance with the provisions of this chapter.*
- d. *The enforcement of this chapter shall be the duty of the Zoning Officer and the Shade Tree Commission of Tinton Falls and its agents, such as the Tree Specialist, through the regulation, planting, care and control of shade, ornamental and evergreen trees and shrubs in the streets, highways, public places of the Borough and tree removal on all lands within the Borough.*

#### **§ 17-2. DEFINITIONS.**

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

**CALIPER: ANSI Z60 FOR NURSERY STOCK** — *"Caliper" is a type of diameter measurement used in the nursery industry. The height measurement shall be taken from ground level for field-grown stock and from the soil line for container-grown stock, which should be at or near the top of the root flare. Caliper measurement of the trunk shall be taken six inches above the top of root flare up to and including four-inch caliper size. If the caliper at six inches above the ground exceeds four inches, the caliper should be measured at 12 inches above the top of root flare. Seldom are tree trunks perfectly round. The most accurate measurement will result from the use of a diameter tape. Caliper measurements taken with manual or electronic slot or pincer type caliper tools should be the average of the smallest and largest measurements.*

**COMMUNITY FORESTRY MANAGEMENT PLAN** — *A plan developed by a municipality that outlines the goals and objectives for managing trees on municipal property with the intent of minimizing liability to the municipality and maximizing the useful life of the tree resource. The plan is to be approved by the New Jersey Department of Environmental Protection, Division of Parks and Forestry, New Jersey Forest Service. A Shade Tree Commission shall be formed to oversee the implementation of the community forestry management plan.*

**DIAMETER BREAST HEIGHT (DBH)** — *The diameter of a tree measured 4 1/2 feet above the uphill/highest side.*

*EROSION* — The detachment and movement of soil or rock fragments by water, ice, wind and gravity.

*EXEMPT AREA* — The lot area as provided in this chapter for which tree replacement shall not be required.

*FOREST MANAGEMENT PLAN* — A plan for the management of timbered or forested lands approved by the New Jersey Department of Environmental Protection, New Jersey Forest Service, or similar state or federal agency.

*HISTORIC TREE* — A tree that has been found by the Shade Tree Commission to be of notable historic interest to Tinton Falls because of its age, type, size or historic association and which has been so designated and that designation has been officially made and promulgated as part of the official records of the Borough.

*OPEN SPACE* — Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use and enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open spaces, provided that such areas may be improved with only those buildings, structures, streets and off-street parking and other improvements that are designated to be incidental to the natural openness of the land.

*SHADE TREE COMMISSION* — Shade tree commissions can be formed by municipal ordinance, N.J.S.A. 40:64-1 et seq.

*SPECIMEN TREE* — Any tree or ornamental tree with a diameter at breast height (DBH) exceeding 60% of that of the largest similar tree listed in either of these references: Monmouth County's Largest Trees, prepared and updated annually by the Monmouth County Shade Tree Commission or New Jersey's Big Trees, prepared and updated biannually by the Division of Parks and Forestry of the New Jersey Department of Environmental Protection.

*TREE* — Any deciduous or coniferous species which has a DBH of six inches or greater.

*TREE ESCROW FUND* — A fund established by the governing body for the administration and promotion of tree and shrubbery resource sustainability projects and practices which may be consistent with the Community Stewardship Incentive Program as outlined within the New Jersey Shade Tree and Community Forestry Assistance Act, P.L. 1996, c. 135.

*TREE PLANTING PLAN* — A specific plan adopted by Tinton Falls for the location and placement of trees on public property.

*TREE PRESERVATION AND REMOVAL PLAN (TREE SAVE PLAN)* — A specific plan that contains tree locations and other information in accordance with § 17-5 herein.

*TREE REMOVAL PERMIT* — The permit issued by the Zoning Officer or its designee to remove or destroy a tree or trees.

*TREE REPLACEMENT PLAN* — A specific plan for replacement of removed trees in accordance with the provisions of this chapter.

**TREE SPECIALIST**

- a. *The Mayor, with approval of the Council, shall appoint a Tree Specialist. This individual shall be responsible for assisting the Zoning Officer and Shade Tree Commission with the administration of this chapter for applications on properties greater than one acre in size.*
- b. *The Tree Specialist shall be one of the following:*
  1. *A forester who shall have a bachelor's degree in forestry or arboriculture from a college or university, shall be certified as a certified tree expert by the State of New Jersey and shall have a minimum of three years' experience in planting, care and maintenance of trees. The forester shall have the responsibility of reviewing an approved forest management plan and inspecting the forested site for plan compliance if requested by the Tax Assessor.*
  2. *A professional who shall be certified as either a Certified Tree Expert (CTE) or a Licensed Landscape Architect (LLA) by the State of New Jersey and shall have a minimum of three years' experience in planting, care and maintenance of trees.*
- c. *The Tree Specialist shall be paid from the Tree Escrow Fund, which is established herein, and shall be paid in accordance with a fee schedule established by contract with the municipality.*

**§ 17-3. APPLICABILITY.**

*The terms and provisions of this chapter shall apply as follows:*

- a. *Unless specifically excepted in Paragraph c below, it shall be unlawful for any person to remove or cause to remove trees with a DBH of six inches or more, on any property within the Borough, without first having obtained a tree removal permit as provided herein.*
- b. *Specimen and historic trees.*
  1. *Trees that have been designated as specimen or historic under the provisions of this chapter shall be maintained in a living condition, and it shall be unlawful for any person to remove such tree without an approved tree removal permit. No specimen or historic tree shall be removed unless the applicant has obtained approval from the governing body with consideration of the Shade Tree Commission's recommendations.*
  2. *The condition of trees proposed to be saved shall be evaluated by use of guides such as follows:*
    - (a) *Evaluation of Hazard Trees in Urban Areas, ISA Books, Nelda Matheny and James R. Clark.*
    - (b) *Urban Tree Risk Management, USDA Forest Service, Northeastern Area.*
    - (c) *The Guide for Plant Appraisal, the Council of Tree and Landscape Appraisers.*

- c. *Exceptions. The provisions of this chapter shall not apply to the following:*
1. *Any property upon which no trees are located, as confirmed by a statement of no tree verification.*
  2. *Any tree of less than six inches DBH.*
  3. *Any tree or trees removed or cut in accordance with a forest management plan, provided that such plan is filed with the Tree Specialist, Shade Tree Commission and Tax Assessor.*
  4. *Any tree or trees removed or cut in accordance with an approved conservation plan prepared by the Soil Conservation District, provided that such plan has been filed with the Shade Tree Commission and Tax Assessor.*
  5. *Any tree or trees planted and grown for commercial purposes on property used as a commercial nursery, tree farm, garden center, Christmas tree plantation or tree orchard.*
  6. *Any tree growing in a utility right-of-way or fire trail subject to the approval of the Zoning Officer or Shade Tree Commission.*
  7. *(Reserved)*
  8. *Trees located on farmland that is qualified for farmland assessment.*

**§ 17-4. TREE REMOVAL PERMITS.**

- a. *Any person wishing to obtain a tree removal permit shall make application to the Zoning Department by filing a written application and paying such fees as are set forth in § 17-8. For any non-single-family property greater than one acre, no permit shall be issued until a tree preservation and removal plan for the lot or parcel has been reviewed and approved as compliant with § 17-5 by the Tree Specialist.*
- b. *Where an application for any non-single-family property greater than one acre, as required by this chapter, has been submitted, no permit shall be issued until a tree save plan for the lot or parcel, if necessary, has been reviewed and approved as compliant with § 17-5 by the Tree Specialist, and until the filing of a written report of an on-site inspection by the Tree Specialist has been submitted. Where an application is made in connection with the construction of a building or other improvement, no building permit shall be issued until the tree removal permit has been issued.*
- c. *All required escrow and bond fees for any application, including required tree replacements or fees, shall be verified as paid prior to the issuance of the tree removal permit.*
- d. *Tree removal permit applications shall be filed at the Zoning Office and shall be completed in full. The application must be deemed complete and all required fees, as set forth in § 17-5, be paid prior to review.*
- e. *Inspections. After the application is complete and reviewed, the Zoning Officer and/or the Tree Specialist (for non-single-family properties greater than one acre)*

*shall inspect the trees and property which are the subject of the permit application within 30 days.*

- f. Permit approval or denial. The Zoning Officer shall approve or deny the tree removal permit within 10 business days after completion of the inspection. The Zoning Officer shall notify the applicant in writing of the factual basis and criteria for any denial. The final decision of the Zoning Officer may be appealed to the governing body by filing written notice within 10 days of the final decision. The governing body shall hold a public hearing and issue its decision within 60 days after notice of appeal is filed, unless the applicant requests and the governing body consents to an extension of time. The governing body may delegate its appeal responsibilities to the Shade Tree Commission.*

**§ 17-5. TREE PRESERVATION AND REMOVAL PLAN.**

*A tree preservation and removal plan shall be submitted to the Zoning Officer and Tree Specialist for any non-single-family property greater than one acre in size. Applications that require Planning Board or Zoning Board approval shall have tree preservation and removal plans as part of the submittal to the Planning Board or Zoning Board and said plans provided to the Tree Specialist for review and approval in accordance with this chapter. Tree preservation and removal plans shall contain the following:*

- a. The name and address of the applicant.*
- b. The name and address of the owner of the property from which the trees are to be removed.*
- c. The lot and block of the property.*
- d. The shape and dimensions of the lot or parcel, including the location of all existing and proposed easements. The plan shall include a survey prepared by a licensed land surveyor that contains tree locations. The survey shall contain, at a scale of no less than one inch equals 50 feet, the following information:*
  - 1. The existing and proposed tree preservation limits.*
  - 2. The proposed limit of the clearing and all individual trees to be retained outside the tree clearing identified by some approved method as determined by the Tree Specialist, such as flagging, prior to the field inspection. For any clearing greater than or equal to three acres, a representative 5% of the wooded areas proposed to be cleared shall be inventoried. The representative 5% shall be determined by agreement between the Tree Specialist and the applicant. Where less than three acres is proposed to be cleared, all trees to be removed shall be inventoried.*
  - 3. The installation and limits of a temporary existing tree protection fence along the limits of the proposed tree removal shall be in compliance with § 17-10.*
  - 4. Locations of all forest types shall be identified by common and botanical names of dominant tree species.*

5. *All specimen and historic trees to be removed shall be indicated on the plan. All reasonable efforts shall be made to preserve such trees, including, but not limited to, if feasible, relocation of infrastructure, roadways and buildings. Removal of such trees shall require specific written approval of the governing body, with consideration of the Shade Tree Commission's recommendations.*
6. *A proposed tree replacement plan in accordance with this chapter. A tree replacement plan shall be considered the proposed landscaping plan required for all subdivision and site plan approvals.*
7. *A North arrow.*
8. *The location of existing and proposed structures and improvements, if any.*

**§ 17-6. TERM OF PERMIT.**

*Any and all permits approved by the Borough shall be declared null and void if the tree removal is not completed within a reasonable time, not to exceed 12 months after permit issuance. In no case will the permit be valid for more than 12 months. Permits not used within this period will require a new application and the payment of new fees. For purposes of this section, a permit shall no longer be valid when the work authorized by the permit is completed.*

**§ 17-7. CRITERIA FOR ISSUANCE OF PERMITS.**

- a. *Upon completion of the field inspection report, if necessary, and review of any requested recommendations, the Zoning Officer shall approve a permit if:*
  1. *The tree preservation and removal plan is compliant with § 17-5;*
  2. *The tree replacement plan is approved by the Tree Specialist;*
  3. *None of the conditions set forth below in Paragraph b exists;*
  4. *At least one of the criteria as follows has been satisfied:*
    - (a) *The tree is located in an area where a structure or improvements will be placed in accordance with the approval of Planning/Zoning Boards or the Zoning Officer and the tree cannot be relocated on the site because of age, type or size of the tree.*
    - (b) *The tree is dead, diseased, injured, in danger of falling, is too close to existing or proposed structures, interferes with existing utility service, creates unsafe vision or clearance or conflicts with other ordinances or regulations.*
    - (c) *The tree is to be removed for harvesting as a commercial product or for the purpose of making land available for farming or other agricultural activity, or is to be removed in furtherance of a forest management plan or soil conservation plan, or to serve some other purpose which is consistent with the purposes of this chapter.*

- b. *The Zoning Officer may deny a permit if the removal will contribute to extra runoff of surface water onto adjacent properties, erosion or silting, and such conditions are not otherwise satisfactorily abated, or if the tree removal causes:*
1. *Impairment to the growth or development of remaining trees on the applicant's property or upon adjacent properties;*
  2. *Soil instability;*
  3. *Dust;*
  4. *Drainage problems;*
  5. *Dangerous or hazardous conditions; or*
  6. *Depression of the value of adjacent properties.*

**§ 17-8. FEES; TREE ESCROW FUND.**

- a. *Application.*
1. *The applicant, at time of filing the application with the Zoning Officer, shall pay the application fee of \$25 for single-family residential lots. For all other applications, the fee shall be \$150 for the removal of five or fewer trees or \$150, plus \$25 for each tree removed over five trees. No application shall be considered without the payment of the required fees.*
  2. *The replacement fee will be in accordance with § 17-9.*
- b. *Tree Escrow Fund.*
1. *A Tree Escrow Fund shall be established and maintained by the Chief Financial Officer of Tinton Falls to receive and disburse replacement tree contributions. Appropriations from the Tree Fund shall be authorized by the governing body with consideration of the Shade Tree Commission recommendations.*
  2. *The primary purpose of said fund is to provide for the planting and maintenance of trees and shrubs on public property. The fund will also cover administrative costs to implement the provisions of this chapter, including but not limited to site inspections, processing of permits and supervision of tree replacements. Administrative costs imposed in accordance with this chapter shall not exceed 30% of the fund, as determined on an annual basis.*

**§ 17-9. REPLACEMENT TREES.**

- a. *Tree replacement schedule.*
1. *For any non-single-family property greater than one acre in size, any tree removed pursuant to this chapter, unless exempt under § 17-3c, shall be replaced based on the following chart. The maximum amount to be collected as a contribution to the Tree Escrow Fund shall be \$250,000 per site.*

<b>Number of Trees to Be Removed</b>	<b>Size/Diameter (inches)</b>	<b>Number of Replacement Trees</b>	<b>Size of Replacement Trees</b>	<b>Or Dollar Amount</b>
1	6 or greater up to 10	1	2" to 2 1/2"	\$240
1	Greater than 10 up to 16	2	2" to 2 1/2"	\$480
1	Greater than 16 up to 23	2	3"	\$840
1	Greater than 23 up to 30	4	3"	\$1,680
1	Greater than 30	5	3"	\$2,100

- b. *The applicant will receive a one-for-one replacement tree credit should stands of 10 or more trees greater than four inches in diameter be preserved within the limit of the disturbance line.*
- c. *All replacement trees shall be planted on site in accordance with the foregoing. However, if one or more of the following conditions exist, some or all of the replacement trees may be planted off site:*
  - 1. *The site in question cannot physically accommodate the total replacement amount of trees, and the applicant contributes an amount equal to the calculated monetary value of nonreplaced trees to the Tree Escrow Fund; or*
  - 2. *The Tree Specialist and applicant agree in writing that the applicant shall make payment to the Tree Escrow Fund based upon the chart provided; or*
  - 3. *The Tree Specialist and applicant agree in writing that the applicant shall plant replacement trees off site on municipally owned property pursuant to recommendations from the Shade Tree Commission.*

**§ 17-10. PROTECTION OF EXISTING TREES DURING CONSTRUCTION.**

- a. *Protective barriers.*
  - 1. *Prior to construction and any tree removals, suitable tree protective barriers shall be erected, and this protection, where required, shall remain until such time as the protection is authorized to be removed by the Tree Specialist or after issuance of a final certificate of occupancy. In addition, during construction, no attachments or wires shall be attached to any of said trees so protected. Where some grading must take place within the dripline of trees in the protection zone, appropriate measures shall be taken to minimize impact to the trees. Any trees seriously damaged during construction must be professionally treated by a New Jersey certified tree expert or replaced if the damage is beyond treatment.*

2. *A detail of the existing tree self-supported protective barrier shall be provided on all applications. The protective barrier shall be a minimum of four feet high.*
  3. *The self-supported protective barrier shall be placed, as determined by the Tree Specialist, at the dripline of any tree along the limit of clearing and around the entire dripline for trees to remain undisturbed within the limit of clearing.*
  4. *It shall be unlawful for any person in the construction of any structure or other improvement to place solvents, material, construction machinery or temporary soil deposits within the dripline.*
- b. *Street right-of-way and utility easements may be delineated by placing stakes a minimum of 50 feet apart and tying ribbon, plastic tape, rope, etc., from stake to stake along the outside perimeters of such areas to be cleared.*
  - c. *Large property areas separate from construction and land clearing areas into which no equipment will venture may also be delineated as set forth above in § 17-10b, as determined by the Tree Specialist following a field evaluation.*

#### **§ 17-11. TREE REPLACEMENT.**

*Any required tree replacement per § 17-9 shall be completed in accordance with the standards set forth in ANSI Z60.1, American Standard for Nursery Stock. Tree replacement shall be in accordance with either Paragraph a, b, c or d below or a combination of Paragraphs a, b, c and d.*

- a. *One-to-one tree replacement. For each tree six inches in DBH or greater that is removed, the applicant shall prepare a replanting plan for other areas of the property. The replacement plan or landscape plan shall reflect a one-to-one tree replacement for each tree six inches or greater to be removed. All proposed replacement trees shall be in accordance with § 17-9 and selections from Trees For New Jersey Streets, published by the New Jersey Shade Tree Federation, or Street Tree Factsheets, a publication of the Municipal Tree Restoration Program, and submitted for review and approval prior to the issuance of a tree removal permit.*
- b. *Tree area replacement/reforestation. For each square foot of tree area to be removed, the applicant shall prepare a reforestation scheme on other treeless open space areas of the property to compensate for the tree removals. The reforestation plan shall be based on a 20-foot-by-20-foot grid. Of this number of trees, 10% shall be balled and burlaped, two-inch to two-and-one-half-inch caliper; 20% shall be balled and burlaped, one-and-three-fourths-inch to two-inch caliper; 30% shall be bare root one-and-one-fourth-inch to one-and-one-half-inch caliper; and 40% shall be bare root six-foot- to eight-foot-tall whips. A mixture of trees, indigenous to the area and site, shall be utilized. Proposed trees shall be planted in natural groves and may be spaced five feet to 20 feet on center. The ground shall be seeded with a grass mixture approved by the Shade Tree Commission. The reforestation formula shall follow the guidelines as set forth in the New Jersey No Net Loss Reforestation Act, P.L. 1993, c. 106 (N.J.S.A. 13:1L-14.2).*
- c. *Credits. The permit applicant will receive a one-to-one replacement tree credit:*

1. *For stands of 10 or more trees with a DBH of six inches or greater preserved within the limit of the disturbance line; or*
  2. *Forested areas of one acre or greater, which are left natural and conveyed to the Borough with a deed restriction that they will remain forested and undeveloped. This conveyance excludes all previous dedicated easements.*
- d. *All replacement trees shall be planted on site, unless all of the replacement trees cannot be physically accommodated. In such instance, the applicant shall pay the tree replacement fee in accordance with the schedule in § 17-9.*
- e. *Exempt areas.*
1. *Utility line clearance operations, provided that such plan is filed with the Tree Specialist and work performed in accordance with ANSI A300 Part 7: BMP Utility Pruning of Trees, and Board of Tree Experts Pruning Standards for Shade Trees, Section 5.5.*

**§ 17-12. EMERGENCIES.**

*In case of emergencies, such as hurricanes, fire, windstorm, ice storm, flood, freezing temperatures or other disaster, or in the case of dead or diseased trees which are a hazard to persons or property, the requirements of the regulations set forth in this chapter may be waived by the Tree Specialist upon a finding that such waiver is necessary so that the public or private work to restore order on the property in the Borough will not be impeded.*

**§ 17-13. STOP WORK ORDERS.**

- a. *The Borough is hereby authorized to issue stop-work orders to the holder of the tree removal permit, and the Tree Specialist is authorized to recommend the issuance of stop-work orders in the event that there is:*
1. *A failure to comply with the approved plan, such as a site plan, forest management plan or soil conservation plan;*
  2. *Noncompliance with the tree removal permit granted pursuant to this chapter; or*
  3. *Noncompliance with the provisions of this chapter.*
- b. *The stop-work order shall remain in effect until the Borough, upon recommendation of the Shade Tree Commission and/or Tree Specialist, has determined that the resumption of work will not violate the plans, permit or the provisions of this chapter.*

**§ 17-14. ENFORCEMENT.**

*The Zoning Officer, in conjunction with the Tree Specialist, shall oversee all tree removals pursuant to an issued tree removal permit. Upon the ascertainment of a violation of this chapter, the Zoning Officer or Tree Specialist shall refer enforcement actions to the Code Enforcement Officer.*

**§ 17-15. APPLICABILITY TO TREE REMOVAL CONSTRUCTION COMPANIES; PERMIT REQUIRED.**

*All provisions of this chapter shall apply to any person removing trees on behalf of any other person, including all tree removal construction companies or persons in the business of removing trees or construction. It shall be unlawful for any person or company to remove or cause to be removed any tree or undertake any work for which a permit is required pursuant to this chapter unless a valid permit therefor is in effect and is displayed in accordance with the provisions set forth in § 17-16; such removal or work shall constitute a violation of this section and shall subject the person or company violating this section to all penalties provided herein.*

**§ 17-16. DISPLAY OF PERMIT; CARRYING OF PLAN OR AUTHORIZATION; RIGHT OF ENTRY.**

- a. *The applicant shall prominently display on the site the tree removal permit issued. Such permit shall be displayed continuously while trees are being removed or replaced or work done as authorized on the permit and for 10 days thereafter. In addition, the person or persons cutting or removing trees, if other than the applicant, shall carry with him/her authorization from the owner or applicant authorizing such person to cut or remove trees. In the event that the trees are being cut or removed in accordance with a forest management plan or a soil conservation plan, a copy of the plan shall be in the possession of the person cutting or removing such trees.*
- b. *As a condition for the issuance of the permit, the applicant shall agree in writing to the entry onto his/her premises by the Tree Specialist and all law enforcement officers as necessary to effectuate the provisions of this chapter, and such entries shall be deemed lawful. Failure to allow such entry shall be unlawful and shall constitute a violation of this chapter and shall constitute failure to display the permit as required herein. It shall be unlawful and considered a violation of this chapter for any person to engage in the business of plant cutting, trimming, removal, spraying or otherwise treating trees, shrubs or vines within the Borough and without the applicable certification or license for the designated work. All contractors offering tree care services for hire within Tinton Falls shall register annually with the Tree Specialist, provide a current certificate of insurance showing evidence of employer liability and workers' compensation coverage for the work to be performed, and shall comply with applicable OSHA regulations, ANSI Z133.1 Safety Standards, New Jersey Board of Tree Experts Pruning Standards for Shade Trees and ANSI A300 Practice Standards.*

**§ 17-17. VIOLATIONS AND PENALTIES.**

- a. *Any person, firm, partnership, corporation, association or other legal entity violating any of the provisions of this chapter shall, upon conviction of such violation, be punished in accordance with Chapter 1, Section 1-5, General Penalty, of the Borough Code, in the discretion of the Judge before whom conviction may be had. Each illegally removed tree shall be considered a separate violation. Each violation of any of the provisions of this chapter and each day the same is violated shall be defined and taken to be a separate and distinct offense. In addition, the court may order*

*restitution (fine and/or appraised value, whichever is greater) and/or replacement of the tree illegally removed.*

- b. *In addition to other remedies, the Zoning Officer, Tree Specialist or other authorized official may institute any appropriate legal action to prevent a continuing violation of the terms of this chapter.*

## **Chapter 18, Soil Removal.**

Section 18-5 is amended to read as follows:

### **§ 18-5. Fees.**

*Each application shall be accompanied by payment of a minimum of ~~\$25~~ \$50 per acre, plus ~~\$75~~ \$100 for each 1,000 cubic yards or part thereof of soil to be removed or disturbed pursuant to the permit. The application fee shall be used by the Borough to cover the cost of examining the application, holding hearings, processing the application and inspection to determine compliance with the conditions of the permit. In the event an application is denied, the fee deposited within the Borough shall be returned less the amount deducted by the Borough for engineering and legal fees incurred by the Borough in connection with the processing of the application.*

## **Chapter 19, Flood Damage Prevention.**

Subsection 19-8.1 is amended to read as follows:

### **§ 19-8.1. Solid Waste Disposal in a Flood Hazard Area.**

*Any person who has unlawfully disposed of solid waste in a floodway or floodplain who fails to comply with this chapter or fails to comply with any of its requirements shall upon conviction thereof be ~~fined~~ subject to a minimum fine of not more than \$2,500 or up to a maximum penalty by a fine not exceeding \$10,000 under N.J.S.A. 40:49-5.*

Section 19-12a.2 is amended to read as follows:

*2. For any undelineated watercourse (where mapping or studies described in Section ~~19-11(1) and (2)~~ 19-11a and b above are not available) that has a contributory drainage area of 50 acres or more, the applicants must provide one of the following to determine the Local Design Flood Elevation:*

## **Chapter 20, Health Regulations.**

Section 20-1, Registrar of Vital Statistics, is added to read as follows:

**§ 20-1. REGISTRAR OF VITAL STATISTICS.****§ 20-1.1. Fees.**

*Fees for vital statistics are as follows*

- a. Certified copy of death certificate: \$20 per copy; \$5 per each amendment page.*
- b. Certified copy of birth certificate: \$20 per copy.*
- c. Certified copy of marriage/civil union/remarriage/reaffirmation license: \$20 per copy.*
- d. Certified copy of domestic partnership certificate: \$20 per copy.*
- e. Amendment/official correction to birth, death, marriage, civil union, reaffirmation, remarriage, domestic partnership certificate: \$25.*
- f. Postage: shipping is calculated based on USPS rates.*

Section 20-1, Retail Food Establishment Code, of the 1990 Revised General Ordinances, derived from Ch. 183 of the 1982 Code and Ord. No. 247, is repealed.

Section 20-2, Master Plumbers Licenses, of the 1990 Revised General Ordinances, derived from Ch. 197 of the 1982 Code and Ord. No. 301, is repealed.

Section 20-3, Septic Tanks, of the 1990 Revised General Ordinances, derived from Ch. 200 of the 1982 Code and Ord. No. 57, Ord. No. 72, Ord. No. 112, Ord. No. 176 and Ord. No. 91-762, is repealed.

Section 20-5, Nuisances Prohibited, of the 1990 Revised General Ordinances, derived from §§ 187-1 and 187-2 of the 1982 Code and Ord. No. 91, is repealed.

Section 20-7, Transportation of Garbage, Refuse and Waste from Sanitary Systems, of the 1990 Revised General Ordinances, derived from §§ 187-5 and 187-6 of the 1982 Code and Ord. No. 91 and Ord. No. 261, is repealed.

Section 20-8, Keeping of Swine, of the 1990 Revised General Ordinances, derived from §§ 187-7 through 187-18 of the 1982 Code and Ord. No. 91 and Ord. No. 91-762, is repealed.

Section 20-9, Maintenance and Occupancy of Buildings, of the 1990 Revised General Ordinances, derived from § 187-19 of the 1982 Code and Ord. No. 91 and Ord. No. 91-762, is repealed.

Section 20-10, Food and Drink, of the 1990 Revised General Ordinances, derived from §§ 187-20 and 187-21 of the 1982 Code and Ord. No. 91, is repealed.

Subsection 20-11.2 is amended to read as follows:

**§ 20-11.2. Permit Fee; Construction Regulations.**

~~The following fees/charges are hereby established:~~

a. ~~The fee for the issuance~~ ~~Issuance~~ or renewal of a permit to operate a public swimming pool shall be ~~\$50~~ \$500 annually.

b. All alterations, construction and installation regulations are set forth in ~~the Borough of Tinton Falls Development Regulations and the B.O.C.A. Code which has been adopted by the Borough of Tinton Falls Chapter 40, Land Use, of the Code of the Borough of Tinton Falls, and the New Jersey Uniform Construction Code.~~

Subsection 20-11.4 is amended to read as follows:

**§ 20-11.4. Duration of Permit.**

All permits to operate a public swimming pool shall ~~terminate on December 31 and shall be renewable no later than January 31~~ be renewed annually.

Section 20-13, Waiver of Health Code Fees for Nonprofit Organizations, of the 1990 Revised General Ordinances, derived from Ord. No. 2017-1410, is repealed.

## **Chapter 21, Hazardous Materials.**

Section 21-8 is amended to read as follows:

**§ 21-8. Violations and Penalties.**

~~The person or entity responsible for any fire, leak or spill of hazardous material who fails to reimburse the Borough within the time required shall be subject to a fine of not less than \$50, or more than \$500 per day, or by imprisonment for a period of not more than six months, or both the penalties in Chapter 1, Section 1-5, General Penalty, of the Borough Code. The person or~~ ~~entitle~~ entity responsible for committing a spill, or who fails to report same, will be liable for the same penalties as aforesaid stated.

Section 21-9 is amended to read as follows:

**§ 21-9. Fees.**

*The fees and costs shall be based on current costs for all services, labor, equipment, materials and expendable items deemed necessary for the response to any hazardous material fire, leak, spill or release involving a hazardous material.*

**Chapter 23, Development Fees.**

Subsection 23-4.1a is amended to read as follows:

*a. Developers of new housing in all residential districts shall pay a development fee of 1.5% of the equalized/assessed value of each new residential dwelling unit or a dwelling unit that is sustainably demolished and replaced. Where a structure is converted so as to provide one or more additional dwelling units, the fee to be paid shall be based on 1.5% of the increase in the equalized assessed value. As used herein, "developer" includes an individual or entity constructing one dwelling unit as well as an individual or entity constructing more than one dwelling unit.*

**Chapter 40, Land Use.**

In Section 40-3, the definitions of “nonconforming lot,” “nonconforming structure/building,” “nonconforming use” and “restaurant, fast-food” are amended to read as follows:

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

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

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

*RESTAURANT, FAST FOOD – An establishment whose principal business is the sale of foods, frozen desserts or beverages to the customer in a ready-to-consume state for consumption either within the restaurant building or for carry-out with*

*consumption off the premises and whose ~~desire~~ desired or principal method of operation permits or encourages self-service, high-turnover dining.*

Section 40-6C.3 is amended to read as follows:

*3. List of Owners and Others. Upon the written request of an applicant, the Borough Tax Assessor shall, within seven days, make and certify a list from current tax duplicates of (1) names and address of owners within the Borough to whom the applicant is required to give notice pursuant to this Chapter and (2) the names, addresses and positions of those persons who, not less seven days prior to the date on which the applicant requested the list, have registered to receive notice pursuant to this Chapter. Failure to give notice to any owner, public utility, cable television or local utility not on the list obtained in such manner shall not invalidate any hearing or proceeding. A sum, ~~not to exceed \$0.25 per name, or \$10 per lot, whichever is greater,~~ as set forth in Schedule G, Land Use Fee Schedule, shall be charged for such list.*

Section 40-7A.5 is amended to read as follows:

*5. Upon the written request of an applicant, the administrative officer shall, within seven days, make and certify from the current tax duplicates a list of the names and addresses of owners to whom the applicant is required to give notice pursuant to N.J.S.A. 40:55D-12(b). In addition, the administrative officer shall include on the list the names, addresses, and positions of those persons who, not less than seven days prior to the date in which the applicant requested the list, have registered to receive notice pursuant to N.J.S.A. 40:55D-12(h). The applicant shall be entitled to rely upon the information contained in such list, and the failure to give notice to any owner or to any public utility, cable television company or local utility not on the list shall not invalidate any hearing or proceeding. The fee for said list shall be ~~\$10 or \$0.25 per name, whichever is greater~~ as set forth in Schedule G, Land Use Fee Schedule.*

Section 40-8, Subsection G, G.I.S. Revision Escrow, is repealed.

Section 40-8H.2 is amended to read as follows:

*2. ~~Escrow Moneys. Applicable~~ Escrow moneys, applicable to above, will be refunded with interest, less any professional fees ~~owing~~ owed to date, within 30 days of written application of withdrawal.*

Section 40-8J is amended to read as follows:

*J. Modified Fee Schedule for Charitable Organizations. Any charitable, philanthropic, fraternal and religious nonprofit organization, holding a tax exempt status under the Federal Internal Revenue Code of 1954 (26 U.S.A. 501(c) or (d)) may apply at the time of its submission of an application for a modification to the fee schedule as set forth herein for development applications involving nonprofit activities. Upon receipt of such a request, the Division of Planning and Zoning shall obtain from the appropriate retained consultants including but not limited to engineering, planning, environmental, traffic, landscaping, and legal of the Borough an estimate of the fees to be charged for the review of the application. The Division of Planning and Zoning shall so notify the applicant and require the applicant to post the estimated fees into an escrow account pursuant to this Chapter which shall be utilized solely for the payment of the Borough's retained consultant for the review of the application. In no event shall the estimate of such fees exceed the fee schedule as contained herein. Appeals to the fees set by the Division of Planning and Zoning shall be heard by the Board. ~~If~~ After the completion of the application, which for this purpose shall be deemed to include satisfaction of all conditions contained in any resolution of approval, such applicant shall apply to the Division of Planning and Zoning for an accounting of the expenditures and the return of any unexpended funds held in trust.*

Section 40-9D is amended to read as follows:

*D. Each request for a zoning permit shall be accompanied by a certified check or bank money order made payable to the Borough of Tinton Falls in the amount indicated in Chapter 40, Attachment 7 (Schedule G), Land Use Fee Schedule. Each request for a certificate of occupancy shall be accompanied by a certified check or bank money order made payable to the Borough of Tinton Falls in the amount indicated in Subsection 11-1.2.h.*

Section 40-10C.5 is amended to change “any candidate or Borough Council” to “any candidate for Borough Council.”

Section 40-10C.6 is amended to read as follows:

*6. Return of Excess Contributions. A developer or a Borough candidate, office holder or board or committee member or a municipal or a county party committee member may cure a violation of ~~Paragraph (4)~~ Subsection C.5 hereof if, within 30 days of receipt of such contribution, the developer or Borough candidate, office holder or board committee member or a municipal or county party committee member ~~and they notify~~ notifies the Borough Council, in writing, and seeks and receives or pays to, as appropriate, reimbursement of such excess contribution from such party, from such Borough candidate, municipal political committee, county political committee or political action committee or developer.*

Subsection 40-19C.3 is amended to change “N.J.S.A. 40:27-6.1 or 40:27-6.6” to “N.J.S.A. 40:27-6.3 or 40:27-6.6.”

Subsection 40-26P is amended to change “N.J.S.A. 46:23-9.12” to “N.J.S.A. 46:26B-3.”

Subsection 40-33D.5.f is amended to read as follows:

*f. Wire mesh (except when used on farm qualified properties and as outlined below), canvas, cloth, and other similar materials are prohibited as either a fence or wall, or as an attachment to a fence or wall. ~~Black galvanized steel wire mesh, 12.5 gauge minimum, or black vinyl coated chain link~~ may be permitted as an attachment to split rail fences around drainage basins or swimming pools where required for safety purposes by the Planning/Zoning Board or its professionals or the Construction Official.*

Subsection 40-33D.9.a.2 is amended to read as follows:

*a. Notwithstanding any provision in this chapter to the contrary, garbage trucks, tanker trucks, waste disposal vehicles, buses, tractor trailers, construction or landscaping trailers, box trucks, landscape trucks, dump trucks (including mason dumps) or motorized construction vehicles/equipment are expressly prohibited from being parked, stored or maintained in any residential zone. The only permitted commercial vehicles are cars, SUVs, pickup trucks, and vans.*

Subsection 40-33D.16.l is amended to read as follows:

*l. Anyone found to be in violation of these requirements shall, upon conviction, be subject to ~~a fine not to exceed \$500~~ the penalties in Chapter 1, Section 1-5, General Penalty, of the Borough Code, and each day that such violation shall continue shall be deemed a separate offense.*

Subsection 40-33D.18, Clothing Donation Bins, is added to read as follows:

*18. Clothing Donation Bins.*

- a. Definitions. As used in this Subsection D.18, these terms shall have the following meanings:*

*CLOTHING DONATION BIN — Any receptacle or container made of metal, steel, or any other material designed for the collection and temporary storage of donated clothing or other materials.*

*SOLICITATION or SOLICIT — Shall mean the request, directly or indirectly, for money, credit, property, financial assistance, or other thing of any kind or value. Solicitation shall include, but not be limited to, the use or employment of canisters, cards, receptacles or similar devices for the collection of money or other thing of value. A solicitation shall take place whether or not the person making the solicitation receives any contribution.*

- b. *Permit Required. Notwithstanding any other provision of law to the contrary, no person shall place, use, or employ a clothing donation bin within the Borough for solicitation purposes unless the clothing donation bin is owned or sponsored by a charitable organization as defined in N.J.S.A. 45:17A-20, or is sponsored by any department, committee, or agency of the Borough. In addition, the organization must obtain a permit, valid for a 12-month period, from the Borough's Zoning Officer in accordance with the following:*
- (1) *Pursuant to N.J.S.A. 40:48-2.61, in its application for such a permit, the registered organization shall indicate:*
    - (a) *The location where the bin would be situated, as precisely as possible;*
    - (b) *The manner in which the person anticipates any clothing or other donations collected via the bin would be used, sold, or dispersed, and the method by which the proceeds of collected donations would be allocated or spent;*
    - (c) *The name and telephone number of the bona fide office required, pursuant to Subsection b of N.J.S.A. 40:48-2.61, of any entity which may share or profit from any clothing or other donations collected via the bin; and*
    - (d) *Written consent from the property owner to place the bin on his property.*
  - (2) *The Zoning Officer shall not grant a permit to place, use or employ a clothing donation bin if he or she determines that the placement of the bin could constitute a safety hazard. Such hazards shall include, but not be limited to, the placement of a donation clothing bin within 100 yards of any place which stores large amounts of, or sells, fuel or other flammable liquids or gases. The bin shall not be located in a designated parking space.*
  - (3) *The Zoning Officer shall impose a fee for such application, in the amount of \$25 annually for each bin, to offset the costs involved in enforcing this subsection.*
  - (4) *All permits issued hereunder shall expire on December 31 of each year, and an expiring permit for a clothing donation bin may be*

*renewed upon application for renewal and payment of the applicable annual fee.*

- (5) The permit number and its date of expiration, which shall be at the end of each applicable year regardless of the date issued, shall be clearly and conspicuously displayed on the exterior of the clothing donation bin in addition to the information required pursuant to § 40-33D.18.c.*
- c. Required Display of Information. Pursuant to N.J.S.A. 40:48-2.61, the following information shall be clearly and conspicuously displayed on the exterior of the clothing donation bin:*
- (1) The permit number and its date of expiration;*
  - (2) The name and address of the registered organization that owns or is the sponsor of the bin, and any other entity which may share or profit from any clothing or other donations collected via the bin;*
  - (3) The telephone number of the registered organization's bona fide office and, if applicable, the telephone number of the bona fide office of any other entity which may share or profit from any clothing or other donation collected via the bin;*
  - (4) In cases when any entity other than the entity which owns the bin may share or profit from any clothing or other donations collected via the bin, a notice, written in a clear and easily understandable manner, indicating that clothing or other donations collected via the bin, their proceeds, or both, may be shared or given entirely to an entity other than the entity which owns the bin, and identifying all such entities which may share or profit from such donations; and*
  - (5) A statement, consistent with the information provided to the Borough in the most recent permit or renewal application, indicating the manner in which the entity anticipates any clothing or other donations collected via the bin would be used, sold, or dispersed, and the method by which the proceeds of collected donations would be allocated or spent.*
- d. Duty to Maintain and Service Bins. It shall be the duty of each registered organization issued a permit hereunder to properly maintain and service any clothing donation bin placed within the Borough so as to prevent such clothing bin from creating a nuisance, hazardous or unsafe condition. The organization must ensure that all donations are picked up on a regular basis to ensure that the bin does not overflow. In no case shall donations be permitted to be dropped off or stored on the ground outside the bin.*
- e. Enforcement. The Zoning Officer, Code Enforcement Officer, or other person designated by the Borough as a person authorized to enforce the provisions of this section shall, upon receipt of a complaint by a local*

*resident or any other person that a clothing donation bin is causing a nuisance, hazardous or unsafe condition, investigate such complaint and take such enforcement action as is permitted pursuant to N.J.S.A. 40:48-2.62 and N.J.S.A. 40:48-2.63.*

- f. Violations and Penalties; Revocation of Permit. Any licensee who violates any provision of this Subsection D.18 and fails to cure such violation within 48 hours of notice of such violation shall be subject to the following penalties, in addition to those penalties and remedies set forth in N.J.S.A. 40:48-2.62 and 40:48-2.63, as well as Chapter 1, Section 1-5, General Penalty, of the Borough Code:*
- (1) For the first offense: \$100 per day.*
  - (2) For the second offense: \$250 per day.*
  - (3) For the third offense: mandatory revocation of permit.*
- g. Exemptions. The owner of any clothing donation bin which is sponsored by any department, committee, or agency of the Borough shall be required to comply with the licensure requirements hereof, but shall specifically be exempt from the fee requirement hereof.*

Section 40-34F is amended to read as follows:

*F. Violation and Penalties. Any person, firm or corporation violating any of the provisions of this Section shall ~~pay a fine not exceeding \$500 or be imprisoned in the County Jail for a term not exceeding 30 days, or both~~ be subject to the penalties in Chapter 1, Section 1-5, General Penalty, of the Borough Code. Each day that a violation is permitted to exist shall constitute a separate offense.*

Section 40-35C is amended to read as follows:

*C. Temporary Offices. Trailers or mobile structures used as temporary offices, workshops or for the storage of equipment and materials in connection with permitted construction of new buildings or structures may be temporarily permitted on the same site during the actual period of construction. The Construction Official shall issue a temporary permit. Such structure shall not be located so as to be detrimental to any adjoining property, shall be subject to ~~site plan~~ zoning permit approval and shall be removed from the site prior to the issuance of a Certificate of Occupancy for the permitted construction project or building.*

Section 40-36C.2.c is amended to read as follows:

*c. Active recreation uses shall be planned to avoid the following: land with final grades greater than 10% or such lesser slopes that would preclude the*

*installation of the intended facility; stormwater detention basins; areas closer than 200 feet to the centerline of electric poles carrying more than 13 Kv; and designated wetland or wetland buffer areas ~~except as set forth in subsection 1e above.~~*

Section 40-37B.1.i(2) is amended to change “*Section 40-37B1i*” to “*Section 40-37B.1.j.*”

Section 40-38C.2 and 40-38C.3 are amended to add “*MFG 2*” to the list of zones.

Section 40-38.1D.2.c is amended to change “*subservice utilities*” to “*subsurface utilities.*”

Section 40-49A and B are amended to read as follows:

*A. Penalty. Any person who violates any of the provisions of this chapter or fails to comply therewith, or with any of the requirements thereof, or who shall erect, structurally alter, enlarge, rebuild or move any building or buildings or any structure, or who shall put into use any lot or land in violation of any detailed statement, approval or plan submitted hereunder, or who shall refuse reasonable opportunity to inspect any premises shall be liable for ~~a fine of not more than \$1,000 or to imprisonment for not more than 90 days, or both such fine and imprisonment~~ the penalties in Chapter 1, Section 1-5, General Penalty, of the Borough Code. Each and every day such violation continues shall be deemed a separate and distinct violation.*

*B. Owners; Other Parties Responsibility for Violation. The owner of any building or structure, lot or land, or part thereof, where anything in violation of this chapter shall be placed or shall exist, and any architect, builder, contractor, agent, person or corporation employed in connection thereof and who assists in the commission of such violation shall each be guilty of a separate offense and upon conviction thereof each shall be liable to the ~~fine or imprisonment or both,~~ penalties specified in Subsection A above.*