

**BOROUGH OF NEW PROVIDENCE  
ORDINANCE 2025-12**

**AN ORDINANCE ADOPTING A REVISION AND CODIFICATION OF THE  
ORDINANCES OF THE BOROUGH OF NEW PROVIDENCE, COUNTY OF  
UNION, STATE OF NEW JERSEY**

Be it ordained and enacted by the Mayor and Council of the Borough of New Providence, County of Union, State of New Jersey, as follows:

**§ 1-1. Code adopted; existing ordinances continued.**

Pursuant to N.J.S.A. 40:49-4, the ordinances of the Borough of New Providence of a general and permanent nature adopted by the Mayor and Council of the Borough of New Providence, as revised and codified and consisting of Parts I through III, together with an Appendix, are hereby approved, adopted, ordained and enacted as the Code of the Borough of New Providence, hereinafter referred to as the "Code." The provisions of the Code, insofar as they are substantively the same as those of the ordinances in force immediately prior to the enactment of the Code by this ordinance, are intended as a continuation of such ordinances and not as new enactments. This ordinance and the Code adopted hereby shall supersede and replace the 1990 Code of the Borough of New Providence, as amended and supplemented.

**§ 1-2. Code on file; additions and amendments.**

- A. A copy of the Code has been filed in the office of the Borough Clerk and shall remain there for use and examination by the public until final action is taken on this ordinance. Following adoption of this ordinance, such copy shall be certified to by the Clerk of the Borough of New Providence by impressing thereon the Seal of the Borough, as provided by law, and such certified copy shall remain on file in the office of the Borough Clerk, to be made available to persons desiring to examine the same during all times while said Code is in effect.
- B. Additions or amendments to the Code, when adopted in such form as to indicate the intent of the Mayor and Council to make them a part thereof, shall be deemed to be incorporated into such Code so that reference to the "Code of the Borough of New Providence" shall be understood and intended to include such additions and amendments.

**§ 1-3. Notice; publication.**

The Clerk of the Borough of New Providence shall cause notice of the passage of this ordinance to be given in the manner required by law. The notice of passage of this ordinance coupled with filing of the Code in the office of the Borough Clerk as provided in § 1-2 shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

**§ 1-4. Severability.**

Each section of this ordinance and of the Code and every part of each section is an independent section or part of a section, and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

**§ 1-5. Repeater.**

- A. Ordinances or parts of ordinances inconsistent with the provisions contained in the Code adopted by this ordinance are hereby repealed; provided, however, that such repeal shall only be to the extent of such inconsistency, and any valid legislation of the Borough of New Providence which is not in conflict with the provisions of the Code shall be deemed to remain in full force and effect.
- B. The following ordinances have been excluded from the Code and are specifically repealed:
  - (1) Former Chapter 93, Safety Standards, Employee, of the 1990 Code.
  - (2) Former Chapter 113, Amusement Devices, of the 1990 Code.
  - (3) Former Chapter 109, Article III, Possession and Consumption by Juveniles on Private Property, adopted October 26, 2009 by Ordinance No. 2009-15.
  - (4) Former Chapter 119, Barbershops, of the 1990 Code.
  - (5) Former Chapter 123, Bicycles, of the 1990 Code.
  - (6) Former Chapter 161, Art. II, Scavengers, of the 1990 Code.
  - (7) Former Chapter 183, Newsracks, of the 1990 Code.
  - (8) Former Chapter 261, Vehicles: Open-Air Parking Stations, of the 1990 Code.

(9) Former Chapter A344, Telecommunications Franchise, adopted November 26, 2012, by Ordinance No. 2012-15.

**§ 1-6. Ordinances saved from repeal.**

The adoption of this Code and the repeal of ordinances provided for in § 1-5 of this ordinance shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal:

- A. Any ordinance adopted subsequent to June 17, 2025.
- B. Any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability.
- C. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision or any penalty, punishment or forfeiture which may result therefrom.
- D. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this ordinance, brought pursuant to any legislative provision.
- E. Any franchise, license, right, easement or privilege heretofore granted or conferred.
- F. Any ordinance providing for the laying out, opening, altering, widening, relocating, straightening, establishing of grade, changing of name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place or any portion thereof.
- G. Any ordinance or resolution appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond or other instruments or evidence of the Borough's indebtedness.
- H. Ordinances authorizing the purchase, sale, lease or transfer of property or any lawful contract, agreement or obligation.
- I. The levy or imposition of taxes, assessments or charges or the approval of the municipal budget.
- J. The dedication of property or approval of preliminary or final subdivision plats.
- K. All currently effective ordinances pertaining to the rate and manner of payment of salaries and compensation of officers and employees.

- L. Any ordinance adopting or amending the Zoning Map.
- M. Any ordinance relating to or establishing a pension plan or pension fund for municipal employees.

#### **§ 1-7. Changes in previously adopted ordinances.**

- A. In preparing the revision and codification of the Borough's ordinances pursuant to N.J.S.A. 40:49-4, certain minor grammatical and nonsubstantive changes were made in one or more of said ordinances. It is the intention of the Mayor and Council that all such changes be adopted as part of the Code as if the ordinances so changed had been formally amended to read as such.
- B. In addition, the changes, amendments or revisions as set forth in Schedule A attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this ordinance. (Chapter and section number references are to the ordinances as they have been renumbered and appear in the Code.)
- C. Nomenclature changes. Throughout the Code, the following titles have been updated as follows:
  - (1) References to "Board of Chosen Freeholders" are amended to read "Board of County Commissioners."
  - (2) References to "Construction Department" and "Building Department" and "Engineering Department" are amended to read "Department of Planning and Development."
  - (3) References to "Federal Insurance Administration" are amended to read "Federal Insurance and Mitigation Administration."
  - (4) References to "Map Filing Law, P.L. 1960, c. 141 (N.J.S.A. 46:23-9.9 et seq.)" are amended to read "Map Filing Law, P.L. 2011, c. 217 (N.J.S.A. 46:26B-1 et seq.)."

#### **§ 1-8. Titles and headings; editor's notes.**

- A. Chapter and article titles, headings and titles of sections and other divisions of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.
- B. Editor's notes indicating sources of sections, giving other information or referring to the statutes or to other parts of the Code are inserted in the

Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.

**§ 1-9. Altering or tampering with Code; violations and penalties.**

It shall be unlawful for anyone to change, alter or tamper with the Code in any manner which will cause the laws of the Borough of New Providence to be misrepresented thereby. Anyone violating this section shall be subject, upon conviction, to one or more of the following penalties: a fine of not more than \$2,000, imprisonment for not more than 90 days or a period of community service not exceeding 90 days, in the discretion of the Judge imposing the same.

**§ 1-10. When effective.**

This ordinance shall take effect immediately upon final passage and publication as provided by law.

Introduction: October 28, 2025  
Public Hearing: November 10, 2025  
Adopted: November 10, 2025

BOROUGH OF NEW PROVIDENCE  
COUNTY OF UNION  
STATE OF NEW JERSEY

Attest:

  
Allen Morgan, Mayor

Denise Brinkofski, Borough Clerk



**Borough of New Providence  
Code Adoption Ordinance**

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

**Chapter 23, Clerk, Deputy**

Section 23-3 is amended as indicated: "...Borough Clerk ~~shall be a resident of the Borough and~~ shall hold..."

**Chapter 31, Court, Municipal**

- A. Section 31-3A is amended to change "N.J.S.A. 2A:8-7" to "N.J.S.A. 2B:12-7."
- B. Section 31-4 is amended to change "Clerk of the Municipal Court" to "Municipal Court Administrator."
- C. Former Sec. 31-5, Application fee for Municipal Public Defender, is repealed.

**Chapter 51, Fire Department**

- A. Section 51-5C is amended to read as follows:

*Term of membership: Effective January 1, 1990, continuing membership shall be limited to individuals between the ages of 18 years and 70 years of age, inclusive.*

- B. Section 51-5D and E are added to read as follows:

- D. *Any member in good standing having attained the age of 55 years of age or any member who by reason of physical disability is unable to perform fire-suppression duties shall be eligible to become a member of the Fire Warden's Division (see § 51-10) of the fire company by applying therefor in the manner prescribed by the bylaws of the Fire Department.*
  - E. *The membership of an individual who attains the age of 70 years and who does not apply for membership in the Fire Warden's Division shall be terminated.*

**Chapter 57, Health, Board of**

Section 57-4 is amended to change "Clerk" to "Secretary."

**Chapter 79, Police Department**

**Article I, Establishment of Department**

- A. Former Sec. 79-12, Appointment and qualifications of special police officer, is repealed.
- B. Section 79-12 is added to read as follows:

***§ 79-12 Special law enforcement officers.***

- A. *Special police officers shall be under the supervision and direction of the Chief of Police. They are not members of the Department and shall not be entitled to any rights or privileges of members of the Department. Special Police Officers are defined by the "Special Law Enforcement Officer Act," N.J.S.A. 40A:14-146.8 et seq, as amended by P.L. 2016, c. 68, and will be appointed for a term not exceeding one year. The number of Special Class II Officers appointed shall be limited to not more than 25% of the total number of regular police officers.*
- B. *The Chief of Police may authorize Class I Special Law Enforcement Officers (SLEO1) to perform routine traffic detail, spectator control and similar duties and may also be authorized to issue summonses for disorderly person and petty disorderly persons offenses, violations of municipal ordinances, and violations of Title 39 of the Revised Statutes.*
- C. *The Chief of Police may authorize Class II Special Law Enforcement Officers (SLEO2) to exercise the same powers and authority as regular members of the Department, including the carrying of firearms and the power of arrest, while on-duty, provided such officers have been fully certified as successfully completing the appropriate training, to the extent permitted by statute.*
- D. *The Chief of Police may authorize Class III Special Law Enforcement Officers (SLEO3) to exercise full powers and duties similar to those of a permanent, regularly appointed full time police officer while providing security at a public or nonpublic school on the school premises during hours when the public or nonpublic school is normally in session or when it is occupied by public or nonpublic school students or their teachers or professors. While on duty in the jurisdiction of employment, an officer may respond to offenses or emergencies off school grounds if they occur in the officer's presence while traveling to a school facility, but an officer shall not otherwise be dispatched or dedicated to any assignment off-duty.*
- E. *The powers, rights and duties of any special officer shall immediately cease at the expiration of the term for which they were appointed or upon the revocation of their appointment. The Mayor shall have the power to call upon special officers in cases of emergency or for any special duties and shall have the authority to appoint additional special or temporary officers in cases of emergency. Every special officer shall be fingerprinted and his/her fingerprints shall be filed with the Division of State Police and Federal Bureau of Investigation. The rate of compensation to be paid for services of special police officers shall be fixed by the Mayor and Council, from time to time, by ordinance.*

C. Section 79-13, Powers, duties and compensation of special police officer, is repealed.

**Chapter 109, Alcoholic Beverages****Article I, Licensing; Fees; Hours of Sale**

- A. Section 109-3F is amended as indicated: "...both inclusive. ~~The fee for obtaining application forms shall be \$25, payable to the Borough Clerk.~~"
- B. Section 109-4D is amended as indicated: "Penalties. Except as otherwise provided in N.J.S.A. 33:1-1 et seq., any person, partnership, association or corporation violating this section shall

~~be punishable, upon conviction thereof, by a fine not exceeding \$500, or by imprisonment not exceeding 90 days, or both such fine and imprisonment at the discretion of the Court subject to the penalties as set forth in § 1-15. Violations and penalties, of the Code of the Borough of New Providence.”~~

C. Section 109-6C is amended as indicated: “...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 the State of New Jersey for six months beginning on the date he/she becomes eligible to obtain a license to operate a motor vehicle 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 ~~act~~ section to participate...”

## Article II, Open Containers

Section 109-7A is amended as indicated: “...as ~~C District Central Business District CCD Central Commercial District~~; C1 Specialty Commercial District, and C2 Neighborhood Commercial District, consume any alcoholic beverage, except within a ~~building, structure or other Ordinance permitting such use, building or structure~~ where the same is permitted by law ~~or any other ordinance permitting such use~~. The possession...”

## Chapter 126, Business Improvement District

A. In § 126-1, the definition of “district management corporation” is amended to change “Business Improvement District of New Providence, New Jersey, Inc.” to “New Providence Downtown Improvement District, Inc.”

B. In § 126-8:

- (1) Subsection A is amended as indicated: “...until a successor is appointed. ~~The Board of Directors shall include one non-voting member appointed from the following organization: New Providence Business and Professional Association. The members appointed by this organization shall serve at the pleasure of the appointing body.~~”
- (2) Subsection C is amended as indicated: “The Board of Directors shall include ~~one non-voting member~~ two non-voting members appointed from ~~each~~ of the following...”

C. Section 126-13 is amended as indicated: “...for the improvements, ~~which are more fully described in Section 5C above~~, unless re-enacted...”

## Chapter 128, Certificates of Continued Occupancy

A. Section 128-1 is amended to read as follows:

*This chapter requires a zoning certificate of continued occupancy. In conjunction with this Code, upon a transfer or change in use, title, or tenancy of any lot, tract, or building or part thereof, a zoning certificate of continued occupancy shall be required.*

B. Section 128-4 is repealed.

**Chapter 129, Construction Codes, Uniform**

- A. Section 129-1C is amended to change “New Providence Building Department, 29 Park Place, New Providence, New Jersey 07974” to “Office of Planning and Development, 360 Elkwood Avenue, New Providence, New Jersey 07974.”
- B. In § 129-3, Subsection C, which regarded a surcharge fee to provide for training, certification and technical support programs, is repealed.

**Chapter 133, Dogs and Other Animals**

- A. Sections 133-1 and 133-18B are amended to change “Dog Warden” to “Animal Control Officer.”
- B. Section 133-9 is amended to read as follows:

*Dogs used as guides dogs or service dogs (as defined in N.J.S.A. 10:5-5) shall be licensed and registered as other dogs as hereinabove provided for, except that the owner or keeper of such dog shall not be required to pay any fee therefor. A dog temporarily placed in a foster home as part of a formalized training to be a guide dog or service dog shall not be required to be licensed and registered while the dog remains in the foster home for such training.*

- C. Section 133-13 is amended to read as follows:

*The Animal Control Officer shall take into custody and impound or cause to be taken into custody and impounded and any animal, contracted to do so, to thereafter be euthanized or offered for adoption, as provided in §§ 133-14 and 133-15:*

- A. *Any dog off the premises of the owner or of the person keeping or harboring the dog which the Animal Control Officer or his assistant or assistants have reason to believe is a stray dog.*
- B. *Any dog off the premises of the owner or of the person keeping or harboring the dog without a current registration tag on his collar.*
- C. *Any female dog in season off the premises of the owner or of the person keeping or harboring the dog.*
- D. *All other such requirements pursuant to N.J.S.A. 4:19-15.16.*

- D. Section 133-14A is amended to read as follows:

*If any dog so seized wears a collar or harness having inscribed thereon or attached thereto the name and address of any person or a registration tag or if the owner or other person keeping or harboring the dog is known, the Animal Control Officer shall forthwith serve upon the person whose address is given on the collar or on the owner or on the person keeping or harboring the dog, if known, a notice in writing. The notice shall state that the dog has been seized and will be liable to be euthanized or offered for adoption if not claimed within seven days after the service of the notice.*

- E. Section 133-15 is amended to read as follows:

*All fees under this article should be consistent with the current animal control contract on file with the Borough of New Providence.*

- F. Section 133-16, Annual canvass, is repealed.

## G. Section 133-28 is amended to read as follows:

*The Animal Control Officer shall take into custody and impound or cause to be taken into custody and impounded and any animal, contracted to do so, to thereafter be euthanized or offered for adoption, as provided in §§ 133-29 and 133-30:*

- A. *Any cat off the premises of the owner or of the person keeping or harboring the cat, which the Animal Control Officer or his assistant or assistants have reason to believe is a stray cat.*
- B. *Any cat without a current registration tag on his collar, or any cat which the Animal Control Officer has reason to believe is diseased.*
- C. *All other such requirements pursuant to N.J.S.A. 4:19-15.16.*

## H. Section 133-29A is amended to read as follows:

*If any cat so seized wears a collar or harness having inscribed thereon or attached thereto the name and address of any person or a registration tag or if the owner or other person keeping or harboring the cat is known, the Animal Control Officer shall forthwith serve upon the person whose address is given on the collar or on the owner or on the person keeping or harboring the cat, if known, a notice in writing. The notice shall state that the cat has been seized and will be liable to be euthanized or offered for adoption if not claimed within seven days after the service of the notice.*

## I. Section 133-30 is amended to read as follows:

*All fees under this article should be consistent with the current animal control contract on file with the Borough of New Providence.*

## J. In § 133-34:

- (1) The definition of "pet shop" is amended to read as follows:

*PET SHOP — Any place of business which is not part of a kennel, wherein animals, including, but not limited to, dogs, cats, birds, fish, reptiles, rabbits, hamsters or gerbils, are kept or displayed chiefly for the purpose of sale to individuals for personal appreciation and companionship rather than for business or research purposes.*

- (2) The definition of "shelter" is amended to read as follows:

*SHELTER — Any establishment where dogs or other animals are received, housed and distributed.*

## K. Section 133-38 is amended to read as follows:

*The annual license fee for a kennel or pet shop is included in § 333-8.*

## Chapter 141, Earth Terminal Antennas

## A. Section 141-4A is amended to read as follows:

*Permitted districts. Earth terminals shall be permitted in all districts as an accessory use subject to site plan approval by the Planning Board in accordance with the provisions of this chapter.*

B. Section 141-5 is amended as indicated: “~~...conviction, be punished by a fine not to exceed \$1,000 or by imprisonment in the county jail for a term not exceeding 30 days, or both be subject to the penalties as set forth in § 1-15, Violations and penalties, of the Code of the Borough of New Providence, for each...~~”

## **Chapter 147, Fees and Licenses**

Chapter 147 is amended to read as follows:

### ***§ 147-1. Intent; effect on other provisions.***

*It is not intended by this chapter to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or this Code or other ordinances, except those specifically repealed by this chapter. Where this chapter sets a fee different from existing provisions of law or this Code or ordinances or establishes a new fee, the provisions of this chapter shall apply.*

### ***§ 147-2. Application; refund of fees.***

*Every person required to procure a license or permit under the provisions of this Code or other ordinance of the Borough shall submit an application for such license or permit to the proper Borough official, as designated in this chapter. No refunds shall be made once an application is filed, whether the application is granted or not, unless the Mayor and Council approve such refund.*

### ***§ 147-3. Powers and duties of Borough Clerk.***

*The Borough Clerk is hereby designated as the Borough official responsible for the collection of those license and permit fees referred to in this chapter. The Borough Clerk may designate another Borough official to collect such fees as appropriate for that department. The Borough Clerk, or designated official shall collect all such fees, shall issue licenses and permits in the name of the Borough or refer the same to the Council for issuance in accordance with this chapter and shall promulgate and enforce all reasonable rules and regulations necessary for the operation and enforcement of this chapter and other applicable laws and ordinances of the Borough.*

### ***§ 147-4. Enumeration of fees.***

*The licenses or permit fees, as the case may be, to be charged and the effective date of each license or permit shall be as follows:*

A. *Annual licenses or permits. The license or permit period shall be from January 1 to December 31 of the year in which said license or permit is issued unless a shorter period of time is stated upon the license or permit.*

(1) *Peddlers:*

(a) *Per month: \$360.*

(b) *Per week: \$105.*

(2) *Transient merchants and itinerant vendors: \$200.*

(3) *Canvassers and solicitors:*

(a) *Per year: \$515.*

(b) *Per month: \$105.*

- (4) *Dog license, excluding state registration:*
  - (a) *License and tag: \$14.80*
  - (b) *Duplicate tag: \$5.*
  - (c) *Late fee charged for dogs registered after February 28 of each year: \$5 (excludes initial dog license/newly acquired dog).*
- (5) *Cat license:*
  - (a) *License and tag: \$16.*
  - (b) *Duplicate tag: \$5.*
  - (c) *Late fee charged for cats registered after February 28 of each year: \$5 (excludes initial cat license/newly acquired cat).*

B. *Administrative and executive.*

- (1) *Certified copy of an ordinance, resolution or minutes: \$6, plus the fee established in Subsection B(11).*
- (2) *Ordinance Book (Code of the Borough of New Providence): \$250 plus \$75 per year for updates.*
- (3) *Parking permits and EV Charging Stations Municipal Lot:*
  - (a) *Resident Train Lot Parking Permit:*
    - [1] *Per year: \$420. License fee prorated from the first day of the month in which it is purchased.*
    - [2] *Refunds: \$35 for each remaining full month, less a \$10 administrative fee.*
  - (b) *Nonresident Train Lot Parking Permit:*
    - [1] *Per year: \$1,320. License fee prorated from the first day of the month in which it is purchased.*
    - [2] *Refunds: \$110 for each remaining full month, less a \$10 administrative fee.*
  - (c) *Daily train parking spaces on Floral Avenue :*
    - [1] *Murray Hill Train Station: \$7.*
  - (d) *Replacement parking permit: \$10.*
  - (e) *EV charging station municipal lot fees:*
    - [1] *Maximum time limit: 5 hours.*
    - [2] *Hourly rate: \$2.50 per hour.*
    - [3] *Over 5 hours: \$25.00 per hour.*
- (4) *Borough maps:*
  - (a) *Street map (11 x 17): \$1.*
  - (b) *Zoning Map (11 x 17): \$1.*

- (5) *Tree removal and site clearing permits:*
  - (a) *For existing residential property not involving subdivision of site plan: \$25.*
  - (b) *For all other applications: \$75 per acre or portion thereof.*
  - (c) *Tree replacement fees are located in Chapter 247, Trees.*
- (6) *Land use and affordable housing codes: \$30.*
- (7) *Master plan: \$55.*
- (8) *Maintenance Code: \$10.*
- (9) *Registration of public utility, cable television company or local utility interested in receiving notice of hearings regarding development applications: \$10.*
- (10) *Voter registration verification letter: \$20.*
- (11) *Photocopies per letter size page or smaller, and per legal size page or larger: fees pursuant to Title 47, Public Records, N.J.S.A. 47:1A-5b.*
- (12) *Faxes: fees pursuant to Title 47, Public Records, N.J.S.A. 47:1A-5b.*
- (13) *E-mail: fees pursuant to Title 47, Public Records, N.J.S.A. 47:1A-5b.*
- (14) *Search/retrieval: \$25 per hour, plus fees pursuant to Title 47, Public Records, N.J.S.A. 47:1A-5b.*
- (15) *Free copies: other governmental agencies and officials and special reports, unless referenced herein, of interest to a significant number of residents that the Mayor and Council offer as available at the municipal offices.*
- (16) *Media-related reproductions.*
  - (a) *Video: Cost of material and services as applicable, which might include use of non-government reproduction services.*
  - (b) *Cassette: Cost of material and services as applicable, which might include use of non-government reproduction services.*
  - (c) *Electronic medium: Cost of material and services as applicable, which might include use of non-government reproduction services.*
  - (d) *Glossy digital 8 x 10: Cost of material and services as applicable, which might include use of non-government reproduction services.*
  - (e) *Colored 35mm 3 x 5: Cost of material and services as applicable, which might include use of non-government reproduction services.*
- (17) *Raffle: pursuant to N.J.A.C. 13:47-4.10.*
- (18) *Bingo: pursuant to N.J.A.C. 13:47-4.10.*

- (19) *Payroll fees: \$15 per employee hour worked, for personnel charges requested by agencies other than Borough departments.*
- (20) *Tree Donation Program:*
  - (a) *Downtown tree, including engraved sidewalk paver: \$260.*
- (21) *Facilities usage:*
  - (a) *Class 1: Nonprofit organization based in New Providence.*
    - [1] *Use of Borough Facility/ballfield: No charge except for:*
      - [a] *A charge may be imposed when the facility is used after regular business hours or when determined necessary or appropriate by the Administrator.*
      - [b] *A charge will be imposed for fund-raising events, or one for which a voluntary offering is collected. The fee will be determined by the Administrator after a review of the application. An additional fee may be assessed if the facility is left in an unsatisfactory condition after the event.*
      - [c] *In the use of any Borough facility/field, a charge will be made for requested incremental Borough services. This charge shall be assessed by the Administrator based on the incremental services provided.*
    - (b) *Class 2: Nonprofit organizations based out of New Providence.*
      - [1] *Municipal building:*
        - [a] *Meeting room: \$20 per hour.*
        - [b] *Gym: \$50 per hour.*
        - [c] *Council Chambers: \$50 per hour.*
      - [2] *DeCorso Community Center: Not available for rent.*
      - [3] *Borough Fields (per hour).*
        - [a] *Oakwood Park - upper: \$90.*
        - [b] *Oakwood Park - lower: \$100.*
        - [c] *Lincoln Field: \$50.*
        - [d] *Hillview Field: \$50.*
        - [e] *Grove Terrace: \$50.*
        - [f] *Warner Field: \$50.*
        - [g] *Lions Park: \$50.*
        - [h] *Becton Dickinson Field: \$50.*

- (c) *Class 3: For-profit organizations.*
  - [1] *Municipal building:*
    - [a] *Meeting room: \$30 per hour.*
    - [b] *Gym: \$100 per hour.*
    - [c] *Council Chambers: \$100 per hour.*
  - [2] *DeCorso Community Center: Not available for rent.*
  - [3] *Borough Fields (per hour).*
    - [a] *Oakwood Park - upper: \$180.*
    - [b] *Oakwood Park - lower: \$200.*
    - [c] *Lincoln Field: \$90.*
    - [d] *Hillview Field: \$90.*
    - [e] *Grove Terrace: \$90.*
    - [f] *Warner Field: \$90.*
    - [g] *Lions Park: \$90.*
    - [h] *Becton Dickinson Field: \$90.*
- (d) *Custodian maintenance. In addition to the facility hourly rates above, a charge may be assessed for custodians/maintenance services when deemed necessary by the Borough Administrator.*
- (e) *Oakwood Park - picnic area permits:*
  - [1] *Residents: no charge.*
  - [2] *Nonresidents: \$50.*
  - [3] *Local businesses: \$50.*
- (22) *Performance of marriage or civil union ceremonies:*
  - (a) *By the Mayor, Acting Mayor or Judge: \$100.*
- (23) *Taxi - limousine - livery permit.*
  - (a) *Vehicle fee (including one driver) \$25.*
  - (b) *Additional driver fee: \$5.*

C. *Public works.*

- (1) *Road opening permit: \$65.*
- (2) *Sewer connection fee:*
  - (a) *Residential, each family unit: \$6,800.*
  - (b) *Industrial-commercial: \$6,800 per unit (265 gallons flow).*
- (3) *Inspection fees, post minimum of \$255. To cover the cost of Borough inspections for sanitary and road opening permits. The cost per inspection is \$85.*

- (4) *Commercial-type kitchen reinspection fee: \$200.*
- (5) *Post minimum of \$1,000 cash bond to cover restoration of disturbance. The amount may be increased as requested by the Borough Engineer.*
- (6) *Permanent sewer capping fee: \$250.*
- (7) *Temporary sewer capping fee:*
  - (a) *Capping: \$85.*
  - (b) *Reconnection: \$85.*
- (8) *Sewer use fees. See also § 219-13, Sewer use fees.*
  - (a) *Commercial or industrial users (monthly fee):*
    - [1] *5,000 - 7,500 gallons: \$300.*
    - [2] *7,501 - 9,999 gallons: \$400.*
    - [3] *More than 10,000 gallons - \$500.*
  - (b) *Multiple housing units in excess of two units: \$125 per unit (annual fee).*
  - (c) *Industrial or commercial users: \$50 per test (monthly fee).*
  - (d) *All restaurants and food preparation establishments, including cafeterias within office complexes: \$500 (annual fee).*
- (9) *Leaf vacuuming collection:*
  - (a) *Single-family residential dwelling: \$60 per season.*

D. *Board of Adjustment.*

- (1) *Use variance application: \$796.*
- (2) *Subdivision, conditional use or site plan application, incidental to use variance: \$531 additional.*
- (3) *All other applications for variances pertaining to R1, R2 and R3 Residential Zones: \$319.*
- (4) *Appeals, nonrelated to variance, and which result from the Construction Official's denial of a building permit: \$107.*
- (5) *Certified list of property owners: \$0.25 per name or \$10, whichever is greater.*
- (6) *The fee for professionals review with the Consulting Engineer, Affordable Housing Consultant, Professional Planner, Attorney, etc., shall be predicated on the current hourly rate as defined in the annual contract between the Borough of New Providence and the respective professional.*
- (7) *All fees herein provided for are to be paid upon submission of application and shall be a condition precedent for the consideration of the same.*

E. *Planning Board.*

- (1) *Conditional use application: \$531.*
- (2) *Minor subdivision application: \$213.*
- (3) *Major subdivision application: \$2,122.*
- (4) *Site plan application: \$531.*
- (5) *Site plan application required only due to construction of an accessory structure or an addition to an existing principal structure within an area requiring Department of Environmental Protection Approval (floodplain or freshwater wetlands): \$531.*
- (6) *Conditional use application in addition to subdivision or site plan application: \$520.*
- (7) *Certified list of property owners: \$0.25 per name or \$10, whichever is greater.*
- (8) *Variance incidental to subdivision, site plan or conditional use application: \$319 additional.*
- (9) *The fee for professionals review with the Consulting Engineer, Affordable Housing Consultant, Professional Planner, Attorney, etc., shall be predicated on the current hourly rate as defined in the annual contract between the Borough of New Providence and the respective professional.*
- (10) *The fee for additional required consultant services to the Planning Board shall be billed to the applicant predicated on the current hourly rate as defined in the current contract with the consultant but shall not exceed \$500 for commercial, industrial and major subdivision or site plan applications or \$100 for residential or minor subdivision applications.*
- (11) *All fees herein provided for are to be paid upon submission of application, except Subsection E(9) and (10) above, and shall be a condition precedent for the consideration of such applications. Payment under Subsection E(9) and (10) above are paid within five days of billing by the Borough to the applicant and must be paid prior to delivery of the endorsed final plats or certifications of approval.*

F. *Construction Official, Department of Planning and Development.*

- (1) *The fee for a construction permit shall be the sum of the subcode fees rounded to the nearest dollar amount, and shall be paid before the permit is issued:*
  - (a) *The building subcode fee shall be:*
    - [1] *For new construction: For use groups B, H, I-1, I-3, M, E, R-1, R-2, R-3, R-4, shall be \$0.060 and for use groups A-1, A-2, A-3, A-4, F-1, F-2, S-1, S-2 shall be \$0.039 per cubic foot of building or structure volume, provided there shall be a minimum fee of \$306.*
    - [2] *For renovations, alterations and repairs, and fences over six feet in height or required barriers:*

- [a] *\$24 per \$1,000 of estimated cost of work up to \$20,000.*
- [b] *\$22 per \$1,000 of estimated cost of work after \$20,000 but under \$50,000.*
- [c] *\$20 per \$1,000 of estimated cost of work after \$50,000.*
- [d] *There shall be a minimum fee of \$51.*
- [e] *Commercial roof permits:*
  - [i] *One to 500 square feet: \$100.*
  - [ii] *Five hundred one to 1,000 square feet: \$250.*
  - [iii] *Over 1,001 square feet: \$500.*
- [f] *Lead and radon abatement shall be \$149.*
- [g] *Asbestos abatement shall be \$89.*
- [3] *For combinations of renovations and additions, the sum of the fees computed separately as renovations and additions.*
- [4] *For plan review, 25% of the amount to be charged for the construction permit shall be paid before the plans are reviewed, which amount shall be credited towards the construction permit fee.*
- [5] *For a permit for demolition of each building or structure:*
  - [a] *Residential dwelling: \$186.*
  - [b] *Accessory structure (pool or garage): \$80.*
  - [c] *Commercial or industrial: \$398.*
- [6] *For a permit to erect a sign:*
  - [a] *Permanent: \$4 per square foot; the minimum fee shall be \$65.*
- [7] *To provide for the training, certification and technical support required by the Unified Construction Code Act and the Regulations, the enforcing agency shall collect, in addition to the fees specified above, a surcharge fee of \$0.00371 per cubic foot of volume of new construction and surcharge fee of \$1.0019 per \$1,000 for alterations. Said surcharge fee shall be remitted to the Bureau of Housing Inspection, Department of Community Affairs. The surcharge fee shall be rounded to the nearest dollar on alterations, additions and new work.*

- [8] *The fee for an application for a variation in accordance with N.J.A.C. 5:23-2.10 shall be \$594 for Class I structures and \$120 for Class II and Class III structures.*
- [9] *All suspensions of permit pursuant to N.J.A.C. 5:23-2.16(b) will not be refundable in whole or in part. To reinstate a lapsed permit shall be 100% of the original fee.*
- [10] *The fee for an aboveground swimming pool shall be \$106 and for an in-ground swimming pool it shall be \$186.*
- [11] *Fees for retaining walls shall be as follows:*
  - [a] *The fee for retaining wall with a surface greater than 550 sq. ft. that is associated with a Class 3 residential structure shall be \$159.*
  - [b] *The fee for retaining wall with a surface less than 550 sq. ft. that is associated with a Class 3 residential structure shall be \$80.*
  - [c] *The fee for a newly constructed retaining wall of any size other than a class residential structure shall be based on the cost of construction as set forth in Subsection A(5)(a)[1][b].*

(2) *The fee for a certificate of occupancy shall be as follows:*

- (a) *For each new residential dwelling use: 10% of the permit fee, with a minimum of \$102.*
- (b) *For a new industrial or commercial use: 10% of the permit fee, with a minimum of \$292.*
- (c) *For an addition to existing residential use: 10% of the permit fee, with a minimum of \$102.*
- (d) *For an addition to existing industrial or commercial use: \$292.*
- (e) *For existing nonconforming use: \$292.*
- (f) *For change of use: \$292.*
- (g) *For continued occupancy: \$292.*
- (h) *For certificate of clearance for lead abatement: \$30.*

G. *Plumbing permits (change in responsibilities).*

(1) *The plumbing subcode fee shall be:*

- (a) *For each plumbing fixture, device and plumbing stack: \$17.*
- (b) *For each new water heater, water conditioner, refrigeration unit or alteration thereof installed within:*
  - [1] *Any residential dwelling: \$52.*

- [2] Any nonresidential structure: \$68.
- (c) For each commercial, industrial or multifamily sewer or water permit: \$186.
- (d) For each single-family house sewer connection or water connection: \$133.
- (e) For grease traps and oil separators: \$69.
- [1] Reinspection fee: \$200.
- (f) Application fee for installing oil or gas heating systems and/or equipment within:
  - [1] Any residential dwelling: \$68.
  - [2] Any nonresidential structure: \$133.
- (g) Roof drains: \$27. All use groups except for R-5.
- (h) Swimming pool drains: \$66. \$10 each additional drain.
- (i) Generator: \$50 each.
- (j) Sump Pump: \$51 each.
- (k) Water filtration system: \$51 each.
- (l) Fire log set: \$68 each.

(2) The minimum plumbing subcode fee shall be: \$51.

(3) Installation of backflow devices:

- (a) Residential: \$27.
- (b) Commercial: \$69.

(4) For cross-connections and backflow annual certification: \$50.

(5) Gas or oil piping: \$69 for first outlet, \$16 for each additional outlet.

H. Fire permits.

(1) Fire subcode fees for fire protection and other hazardous equipment shall be as follows:

- (a) Sprinkler heads:
  - [1] One to 20: \$87.
  - [2] Twenty-one to 100: \$160.
  - [3] One hundred one to 200: \$307.
  - [4] Two hundred one to 400: \$795.
  - [5] Four hundred one to 1,000: \$1,099.
  - [6] Over 1,000: \$1,404.
- (b) Residential smoke/heat detectors and carbon monoxide detectors:

- [1] *Residential:*
  - [a] *One to five: \$53.*
  - [b] *Additional detectors: \$11 each.*
- [2] *Commercial:*
  - [a] *One to five: \$69.*
  - [b] *Additional detectors: \$11 each.*
- (c) *Pre-engineered fire alarm systems:*
  - [1] *\$133 per system.*
- (d) *Standpipes: \$306 each.*
- (e) *Oil or gas appliances: \$51 Each new appliance.*
- (f) *Commercial kitchen exhaust system: \$133 each.*
- (g) *Factory built fireplaces and solid fuel stoves: \$53 each.*
- (h) *Factory built chimneys: \$69 each.*
- (i) *Backflow device: \$69.*
- (j) *Installation/removal of fuel storage tanks:*
  - [1] *Commercial: \$265.*
- (k) *Install, removal, storage tank:*
  - [1] *Residential: \$80.*
  - [2] *Commercial or industrial: \$265.*
- (l) *Solar permit: \$51.*
- (m) *Chimney liner: \$53.*
- (n) *The minimum fire subcode fee shall be: \$51.*

I. *Elevators, mechanical systems and equipment.*

- (1) *Elevators. Elevator subcode fees shall be in accordance with the services rendered to the Borough pursuant to the existing contract entered into with an independent inspection service. A current list of said fees, as charged, is on file and may be made available by the Construction Official.*
- (2) *The fee for a certificate of compliance for elevators upon satisfactory completion: \$28.*

J. *Mechanical (change in responsibilities) new.*

- (1) *New water heater: \$52.*
- (2) *Fuel oil connection: \$68.*
- (3) *Gas/oil piping connections: \$69 first outlet; \$16 each additional outlet.*
- (4) *New boiler: \$68.*

- (5) *New furnace: \$68.*
- (6) *New air conditioning: \$52.*
- (7) *Oil tank (under 2,000 gal): \$78.*
- (8) *LPG tank: \$78.*
- (9) *Gas logs or gas log lighter: \$68.*
- (10) *Generator: \$50.*
- (11) *Chimney liner: \$53.*
- (12) *The minimum mechanical subcode fee: \$51.*

*K. Electrical.*

- (1) *Electrical fixtures and devices:*
  - (a) *From one to 50 receptacles, fixtures and switches: \$66.*
  - (b) *Increments of 25 additional items: \$12.*
  - (c) *For the purpose of computing this fee, the term "receptacles, fixtures and switches" shall include lighting outlets, smoke detectors, heat detectors, intercom devices, thermostats, telephone outlets, fluorescent fixtures, pool bonding, burglar alarm devices, CRT outlets, and light standards.*
- (2) *Motors:*
  - (a) *Greater than one hp or less than or equal to 10 hp: \$17.*
  - (b) *Greater than 10 hp or less than or equal to 50 hp: \$53.*
  - (c) *Greater than 50 hp or less than or equal to 100 hp: \$106.*
  - (d) *Greater than 100 hp: \$530.*
- (3) *Electrical devices, includes transformers and generators.*
  - (a) *Greater than one kw or less than or equal to 10 kw: \$17.*
  - (b) *Greater than 10 kw or less than or equal to 45 kw: \$53.*
  - (c) *Greater than 45 hp or less than or equal to 112.5 hp: \$106.*
  - (d) *Greater than 112.5 hp: \$530.*
  - (e) *For the purpose of computing this fee, typical electric device sizes are listed below. (Source: 2015 NEC) Note! Actual nameplate kw rating must be noted on application to assure no delay in permit issuance. Average field ratings:*
    - [1] *Electric dryer: 5.0 kw.*
    - [2] *Electric range: 10.8 kw.*
    - [3] *Surface units: 5.1 kw.*
    - [4] *Geothermal: kw range of 3.8 to 19.2.*

- [5] *Electric baseboard heat, greater than four-foot length: 1.3 kw.*
- [6] *Hardwired microwave ovens: 1.44 kw.*
- [7] *Hot water heater: 4.5 kw.*
- [8] *Central air (per ton): 1.4 kw.*
- [9] *Dishwasher: 1.2 kw.*
- [10] *Heat pump: 2.6 to 7.4 kw.*
- [11] *Radiant heat: 1.3 kw.*
- (4) *Service equipment (term includes service panel, service entrance and subpanels): Each equipment piece priced as follows:*
  - (a) *Greater than zero amp less than or equal to 200 amp: \$80.*
  - (b) *Greater than 200 amp less than or equal to 1,000 amp: \$106.*
  - (c) *Greater than 1,000 amp: \$530.*
- (5) *Solar system.*
  - (a) *1 kw to 50 kw: \$150.*
  - (b) *50 kw to 100 kw: \$250.*
  - (c) *Over 100 kw: \$500.*
- (6) *Special electrical fees:*
  - (a) *Electrical permit for bonding, pools, hot tubs, spas: \$106.*
  - (b) *The minimum electrical subcode fee shall be: \$51.*

**L. Lead-based paint testing.**

- (1) *The Borough shall charge the dwelling owner or landlord and the dwelling owner or landlord shall pay the Borough in advance of any inspection, a fee of \$125 for each unit inspected to cover the cost of the inspection, which shall be dedicated to meeting the costs of implementing and enforcing this chapter and shall not be used for any other purpose.*
- (2) *Additional inspection after abatement to certify that the hazard no longer exists. The Construction Code Official shall charge an additional fee in the amount of \$75.*
- (3) *Inspection after one unit is found to contain a lead hazard: the Construction Code Official may charge an additional fee in the amount of \$75.*
- (4) *Fee pursuant to N.J.S.A. 52:27D-437.1 et seq.: \$20 per unit.*

**M. Zoning and resale permits.**

- (1) *Residential: resale, change of tenant.*
  - (a) *Zoning certificate of continued occupancy: \$100. (Initial inspection and one follow-up inspection.)*

- (b) *Additional reinspection (each): \$25.*
- (c) *Lead surcharge: \$20.*
- (2) *Fire reports:*
  - (a) *Residential: \$15 each.*
  - (b) *Commercial: \$50 each.*
- (3) *Fence permits under six feet: \$57.*
- (4) *Shed permits (under 200 square feet): \$57.*
- (5) *Real estate signs: \$27.*
- (6) *Special zoning sale permits: \$80.*
- (7) *Patio/driveways: \$57.*
- (8) *Retaining walls under four feet in height: \$57.*
- (9) *Outdoor seating: \$57.*
- (10) *Zoning letter of compliance for commercial properties: \$292.*
- (11) *Temporary sign: \$27.*
- (12) *Temporary structure, tent or canopy greater than 900 sq. ft.: \$57 each.*
- (13) *POD: \$26.*

N. *Police.*

- (1) *Fingerprinting, per individual:*
  - (a) *New Providence resident: no charge.*
  - (b) *Employee of a business located in New Providence: no charge.*
  - (c) *Nonresident: \$100.*
- (2) *Contract escort service: \$100 per trip (within Borough limits).*
- (3) *Police and dispatcher examination:*
  - (a) *Initial examination: no charge.*
  - (b) *Second application and subsequent examination: \$25.*
- (4) *Police accident reports:*
  - (a) *Party named in accident: no charge.*
  - (b) *Expedited response: \$5.*
- (5) *Municipal Court discovery:*
  - (a) *Photocopies: As per schedule promulgated by N.J. Administrative Director of the Courts.*
  - (b) *Media-related reproductions: As per schedule promulgated by N.J. Administrative Director of the Courts.*

[1] *Glossy digital eight inches by 10 inches: \$15 per photograph.*

[2] *Colored 35 mm three inches by five inches: \$2 per photograph (only if available).*

(c) *Actual postage cost of mailing.*

(6) *Vendor escrow for off-duty police officers:*

(a) *Overtime rate of top grade patrolman rounded up to the nearest dollar; and*

(b) *Payroll fee of \$15 per employee hour worked.*

(c) *Use of police vehicle: \$150 per day or any part thereof.*

(7) *Variable message board: \$150 per day or any part thereof.*

(8) *Towing license:*

(a) *License business: \$500.*

O. *Engineering.*

(1) *Tax Maps: \$10 per sheet.*

(2) *Copies up to 24 inches by 36 inches: \$10 per sheet.*

(3) *Lot grading:*

(a) *Initial lot grading plan review: \$400.*

(b) *Per each subsequent revised plan: \$50.*

(c) *A deposit of \$500.00 shall be posted in escrow with the Borough to cover the review and inspections of the property by the Borough Engineer for purposes of determining compliance with the approved plan. At a minimum, three inspections will be performed: one prior to construction; one during construction; one after the completion of construction. Review and inspection costs shall be billed to the permit holder at the hourly rate as agreed to and approved by the Borough's Engineering Professional Service Agreement; provided, however, the total cost of the lot grading plan review for any single-family residence encompassing a disturbance of 1/2 acre or less shall not exceed \$1,000, such fee being separate and distinct from the fee for site inspections whose costs shall not be capped by the \$1,000 limit set forth herein.*

(4) *Soil removal permit: \$75.*

P. *Financial matters.*

(1) *Return of checks for insufficient funds: \$20.*

(2) *Duplicate tax bill: \$5 each.*

(3) *Duplicate tax sale certificate: \$25.*

Q. *Community activities.*

- (1) *Youth programs for spring/fall: \$15 to \$600 per class.*
- (2) *Adult programs for winter/spring/summer/fall: \$15 to \$400 per class.*
- (3) *Youth programs for summer: \$20 to \$600.*
- (4) *Refunds. All refunds are subject to a processing fee of \$25 to \$50, unless Community Activities cancels class.*

R. *Miscellaneous.*

- (1) *Applicants requiring official municipal action for private purposes relative to clearing title of real estate or otherwise requiring adoption of an ordinance by the Borough of New Providence shall, upon determination of the Borough Council, be billed for the publication costs of said ordinance and such legal and engineering fees, if any, which may be occasioned to the Borough in providing the requested municipal relief.*
- (2) *Pursuant to N.J.S.A. 47:1A-5c, a special service charge may be imposed if the nature, manner of collection, or volume of a government record is such that it cannot be reproduced by ordinary document-copying equipment in ordinary business size or involves an extraordinary expenditure of time and effort to accommodate request.*

## **Chapter 161, Garbage, Rubbish and Refuse**

Article II, Scavengers, is repealed.

## **Chapter 164, Insurance**

Article I, Business and Multifamily Insurance Registration, is amended to read as follows:

### ***§ 164-1. Registry of certificates of insurance.***

*All business owners and rental unit owners shall register a certificate of insurance as required by statute in the office of the Borough Clerk on an annual basis, which office shall maintain a registry of certificates of insurance filed with it.*

## **Chapter 166, Lead-Based Paint Testing**

A. Section 166-2 is amended to read as follows:

*Subject to this chapter, the Construction Code Official shall inspect every single-family, two-family, and multiple-rental dwelling located within the Borough at tenant turnover for lead-based paint hazards or within two years of the effective date of N.J.S.A. 52:27D-437.16 et seq., whichever is earlier. Thereafter, all such units shall be inspected for lead-based-paint hazards the earlier of every three years or upon tenant turnover, except that an inspection upon tenant turnover shall not be required if the owner has a valid lead-safe certification. The owner of any such rental dwelling shall not permit any tenant turnover without first complying with this chapter. The Borough shall charge the dwelling owner or landlord and the dwelling owner or landlord shall pay the Borough in advance of any inspection, a fee as set forth in Chapter 147, Fees and Licenses, for each unit inspected to cover the cost of the inspection, which shall be dedicated to meeting the*

*costs of implementing and enforcing this chapter and shall not be used for any other purpose.*

- B. Section 166-6 is amended as indicated: "...an additional fee ~~in the amount \$75 as set forth in Chapter 147, Fees and Licenses,~~ for such additional inspection."
- C. Section 166-10 is amended as indicated: "...Official may charge an additional fee ~~in the amount of \$75 as set forth in Chapter 147, Fees and Licenses.~~
- D. Section 166-11 is amended to read as follows:

*In addition to the fees charged for inspection of rental housing, the Borough shall assess an additional fee, as set forth in Chapter 147, Fees and Licenses, per unit inspected by the Construction Code Official for the purposes of the "Lead Hazard Control Assistance Act," N.J.S.A. 52:27D-437.1 et seq., concerning lead hazard control work, unless the unit owner demonstrates that the Department of Community Affairs already has assessed an additional inspection fee, as set forth in Chapter 147, Fees and Licenses, pursuant to the provisions of N.J.S.A. 52:27D-437.10. In a common interest community, any inspection fee charged pursuant to this chapter shall be the responsibility of the unit owner and not the homeowners' association, unless the association is the owner of the unit. The fees collected pursuant to this section shall be deposited into the Lead Hazard Control Assistance Fund established pursuant to N.J.S.A. 52:27D-437.4.*

## **Chapter 178, Municipal Parking Areas**

- A. Section 178-3 is amended as indicated: "...in the Borough of New Providence. ~~The number of nonresident permits issued shall not exceed 20.~~ The number of nonresident..."
- B. Section 178-9 is amended as indicated: "...upon conviction thereof, ~~be punished by a fine not to exceed the sum of \$100 or by imprisonment for a period not exceeding five days be subject to the penalties as set forth in § 1-15, Violations and penalties, of the Code of the Borough of New Providence.~~"

## **Chapter 191, Parks and Recreation Areas**

Section 191-3 is amended to read as follows:

*Any person who violates any provision of this chapter shall, upon conviction thereof, be subject to the penalties as set forth in § 1-15, Violations and penalties, of the Code of the Borough of New Providence.*

## **Chapter 197, Peace and Good Order**

- A. In § 197-1:
  - (1) Subsection A(7), which involved games of chance, is repealed.
  - (2) Subsection A(8), which involved betting on animal sporting events, is repealed.
- B. Section 197-2, False alarms of fire unlawful, is repealed.
- C. Section 197-6, Interfering with or obstructing officers unlawful, is repealed.

## Chapter 201, Peddling and Soliciting

A. Section 201-22 is amended as indicated: "...of the Borough the sum of \$200 as set by § 147-4A(2), and upon payment..."

B. Section 201-33A is amended to read as follows:

*A person who desires a permit under this article to canvass or to solicit shall file an application with the officer in charge at police headquarters. Such application shall be filed upon a form provided by the Borough. All information requested in the application form must be provided.*

C. Section 201-34 is amended as indicated: "...number of the applicant's permit. ~~He shall pay the sum of \$1 to the Borough Clerk for such badge, and if the same is lost or mislaid, it will be replaced upon payment of the additional sum of \$1.~~"

D. Section 201-38A is amended as indicated: "...and 9:00 p.m. on Saturdays and Sundays, excluding holidays..."

E. Section 201-42A is amended to read as follows:

*An application for permission to solicit shall be made to the officer in charge at police headquarters upon a form provided by the Borough. All information requested in the application form must be provided.*

F. Section 201-47 is amended as indicated: "...and 9:00 p.m. on Saturdays and Sundays, excluding holidays..."

## Chapter 207, Property Maintenance

A. Section 207-4 is amended to change "BOCA Basic Building Code" to "New Jersey Uniform Construction Code."

B. In § 207-5, the definition of "Maintenance Code Review Committee" is repealed.

C. Section 207-16, Appeals, is repealed.

D. Section 207-27 is amended as indicated: "...governed by the provisions of ~~N.J.S.A. 40:48-2.12h to 40:48-2.12k and/or 2A:42-74 to 2A:42-84~~ N.J.S.A. 2A:42-114 et seq., the Multifamily Housing Preservation and Receivership Act."

E. Section 207-28 is amended to read as follows:

*Any person, firm or corporation who shall violate any of the provisions of this chapter shall, upon conviction, be subject to the penalties as set forth in § 1-15, Violations and penalties, of the Code of the Borough of New Providence. Each violation of any of the provisions of this chapter and each day the same is violated shall be deemed and taken to be a separate and distinct offense.*

F. Section 207-29 is amended to read as follows:

*This chapter is enacted pursuant to the following New Jersey statutes: N.J.S.A. 40:48-2.13; N.J.S.A. 40:48-2.14; N.J.S.A. 40:48-1(15); N.J.S.A. 40:48-2.3 to 40:48-2.12; N.J.S.A. 40:48-2.12a to 40:48-2.12g; and/or 2A:42-74 to 2A:42-78 and the general police powers.*

## Chapter 213, Recycling

- A. In § 213-1, the definition of “multifamily dwelling” is amended as indicated: “...in which ~~three/five~~ or more dwelling units are...”
- B. Section 213-10A is amended as indicated: “...be punishable by a fine, community service, and/or imprisonment pursuant to the...”

## Chapter 219, Sewers and Sewage Disposal

- A. In § 219-5:
  - (1) Subsection H(2)(a) is amended as indicated: “...shall be subject to a penalty ~~up to \$1,000 per occurrence as set forth in § 1-15, Violations and penalties, of the Code of the Borough of New Providence.~~ Failure to...”
  - (2) Subsection H(2)(b) is amended to read as follows:

*Cost of reinspection, as set forth in Chapter 147, Fees, will be paid by the user.*
- B. Sections 219-6D, 219-7B and 219-7D are amended to change “NJDEPE” to “NJDEP.”
- C. Section 219-12B is amended as indicated: “...of fat, oil or grease shall be ~~fined \$500 per discharge subject to the penalties as set forth in § 1-15, Violations and penalties, of the Code of the Borough of New Providence.~~”
- D. Section 219-13 is amended to read as follows:
  - A. *Any commercial or industrial user of the sanitary sewer and collection system, discharging more than 5,000 gallons per day into the system, shall pay a monthly fee for use of the system based on their average daily usage. Refer to Chapter 147, Fees and Licenses, for fees.*
  - B. *Any user of the sanitary sewer and collection system, with multiple housing units, shall pay an annual fee per unit in excess of two units. Refer to Chapter 147, Fees and Licenses, for fees.*
  - C. *Industrial or commercial users of the New Providence wastewater collection system shall be subject to testing, based on the potential contaminants used within the commercial or industrial property. The New Providence licensed plant operator shall review information obtained from the property owners to determine whether said flow is detrimental to wastewater collection system. The fee for testing of each sample performed by Borough employees is billed monthly to each property owner. If the test requires the engagement of an outside laboratory, fees associated with the tests shall be billed to the property owner. Property owners must provide information requested by the licensed plant operator to fulfill the requirements of this chapter. Refer to Chapter 147, Fees and Licenses, for fees.*
  - D. *All restaurants and food preparation establishments, including cafeterias within office complexes, shall pay an annual fee. Refer to Chapter 147, Fees and Licenses, for fees.*
  - E. *Sewer bills shall be due and payable within 30 days of the date thereof.*
  - F. *The charges hereby imposed shall be payable to the Borough of New Providence and shall draw the same interest as taxes upon real estate and shall be a lien*

*upon the property connected to the sanitary sewer until paid. The Borough shall have the same remedies for the collection thereof, with interest, costs and penalties, as it has by law for the collection of taxes on real estate.*

## **Chapter 225, Streets and Sidewalks**

- A. Section 225-11 is amended to change “Superintendent of Roads” to “Public Works Manager.”
- B. Section 225-17B(3)(b)[2] is amended to change “Township” to “Borough.”

## **Chapter 229, Swimming Pools**

Section 229-13 is amended to read as follows:

*The fee for a permanent private swimming pool shall be governed by the fees established in the Building Code of the Borough according to the cost of construction.*

## **Chapter 239, Taxicabs**

Section 239-6A is amended to read as follows:

*The license fees are set forth in Chapter 147, Fees and Licenses.*

## **Chapter 243, Towing**

- A. Section 243-4D is amended as indicated: “The application fee will be \$500 for the three-year term of the license is set forth in Chapter 147, Fees and Licenses.”
- B. Section 243-6A is amended as indicated: “...established by the Borough Council by resolution. See...”

## **Chapter 247, Trees**

A. In § 247-3:

- (1) Subsection C(8), which involved application fees, is repealed.
- (2) Subsection C(10) is amended to read as follows:

*Fees payable for the filing of an application for a tree removal and site clearing permit are set forth in Chapter 147, Fees and Licenses.*

- B. Section 247-6 is amended as indicated: “...subject to a fine of \$1,000 per tree removed the penalties as set forth in § 1-15, Violations and penalties, of the Code of the Borough of New Providence. The court shall...”

## **Chapter 253, Vehicles, Abandoned and Unlicensed**

Section 253-6 is amended as indicated: “...subject to a fine not exceeding \$200 or imprisonment for a term not exceeding 90 days, or both the penalties as set forth in § 1-15, Violations and penalties, of the Code of the Borough of New Providence. Each and every day...”

## Chapter 257, Vehicles and Traffic

- A. Section 257-10A(3)(c) is amended as indicated: “...to the Borough Clerk ~~a refund fee of \$10 an administrative fee for the refund in the amount set forth in Chapter 147, Fees and Licenses~~, and shall, at the time of making said...”
- B. In Section 257-23, the table entry reading “Academy Street | West | From Elkwood Avenue to Municipal Parking Lot” is repealed.
- C. In Section 257-24, the table entry reading “Academy Street | East | All | Entire length” is repealed.
- D. In Section 257-26, the table entry reading “Academy Street | West | 1 hour; 7:00 a.m. to 7:00 p.m./Monday to Friday | Entire length” is repealed.
- E. Section 257-31 is amended to change “handicapped parking spaces” to “parking spaces for persons with disabilities.”
- F. Sections 257-32 and 275-33A are amended to change “handicapped parking areas” to “parking areas for persons with disabilities.”
- G. Section 257-34 is amended to change “handicapped parking” to “parking for persons with disabilities.”
- H. Section 257-35 is amended to change "handicapped persons" to "persons with disabilities."

## Chapter 265, Water Emergencies

Section 265-5 is amended as indicated: “...third and subsequent offense, the ~~fine imposed shall be \$1,000 or imprisonment for 30 days, or both violator shall be liable to the penalties as set forth in § 1-15, Violations and penalties, of the Code of the Borough of New Providence.~~”

## Chapter 279, Escrow Funds for Development

- A. In § 279-6, the introductory paragraph is amended as indicated: “...permit, an application fee of \$25 ~~in the amount set forth in Chapter 147, Fees and Licenses~~, shall accompany...”
- B. Section 279-8A is amended to read as follows:

*The Borough Engineer shall not commence review of the application until the required application fee has been paid and the required escrow sums posted. The escrow sums must be in the form of cash, certified check or money order. All deposits of escrow funds shall be forwarded to the official designated by the Borough Council.*

## Chapter 281, Flood Damage Prevention

- A. Section 281-8A is amended as indicated: “...requirements shall be subject to ~~one or more of the following: a fine of not more than \$1,250, imprisonment for a term not exceeding 90 days or a period of community service not exceeding 90 days~~ ~~the penalties as set forth in § 1-15, Violations and penalties, of the Code of the Borough of New Providence.~~”
- B. Section 281-9 is amended as indicated: “...upon conviction thereof be fined ~~not more than \$2,500 or up to a maximum penalty by a fine not exceeding \$10,000~~ subject to a minimum

fine which may be fixed at an amount not exceeding \$2,500 or a maximum penalty by a fine not exceeding \$10,000 under N.J.S.A. 40:49-5.”

## Chapter 291, Land Use Procedures

A. In § 291-4:

- (1) Subsection B(1)(a) is amended as indicated: “...the Mayor or the Mayor's designee.”
- (2) Subsection D(1) is amended as indicated: “...to official tenure or if the member is the Mayor's designee in the absence of the Mayor, the designee shall serve at the pleasure of the Mayor during the Mayor's official tenure.”
- (3) A new Subsection I is added to read as follows:

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

B. In § 291-5, a new Subsection J is added to read as follows:

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

C. Section 291-9B(6) is amended to change “N.J.S.A. 2A:11-15” to “N.J.S.A. 2B:7-4.”

D. In § 291-11:

- (1) Subsection A(4) is amended as indicated: “...guide plan pursuant to Section 15 of P.L. 1961, c. 47 (N.J.S.A. 13:1B-15.52) N.J.S.A. 52:18A-196 et seq.”
- (2) Subsection B is amended to read as follows:

*Periodic examination. The Borough Council shall, at least every 10 years, provide for a general reexamination of the Master Plan and development regulations by the Planning Board, which shall prepare and adopt, by resolution, a report on the findings of such reexamination, a copy of which report and resolution shall be sent to the County Planning Board. A notice that the report and resolution have been prepared shall be sent to the municipal clerk of each adjoining municipality, who may request a copy of the report and resolution. A*

*reexamination shall be completed at least once every 10 years from the previous reexamination. The reexamination report shall contain information as specified in the MLUL (N.J.S.A. 40:55D-89). The absence of the adoption by the Planning Board of a reexamination report pursuant to this subsection shall constitute a rebuttable presumption that the Borough development regulations are no longer reasonable.*

## **Chapter 297, Soil Removal and Lot Grading**

### **Article I, Soil Removal**

Section 297-4 is amended as indicated: "...there shall be paid to the Clerk a ~~fee in the sum of \$25 in the amount set forth in Chapter 147, Fees and Licenses.~~

### **Article II, Lot Grading**

A. Section 297-12 is amended to read as follows:

*Three copies of each required lot grading plan shall be filed with the Borough Construction Official, together with an application fee as determined in Chapter 147, Fees and Licenses.*

B. Section 297-16 is amended as indicated: "...shall subject the owner to a ~~maximum fine of \$500 per violation~~ ~~the penalties as set forth in § 1-15, Violations and penalties, of the Code of the Borough of New Providence.~~"

## **Chapter 301, Stormwater Control**

A. In § 301-4:

(1) Subsection M is amended as indicated: "Any stormwater management measure authorized under the municipal stormwater management plan or ordinance shall be reflected in a deed notice recorded in the ~~insert Office of the County Clerk or the registrar of deeds and mortgages of the county in which the development, project, project site, or mitigation area containing the stormwater management measure is located, as appropriate, to the municipality~~ Office of the Union County Clerk. A form of deed notice..."

(2) Subsection N is amended as indicated: "...municipality for approval and subsequently recorded with the ~~insert appropriate Office of the County Clerk or the registrar of deeds and mortgages, as applies~~ Office of the Union County Clerk and shall contain a description..."

B. Section 301-9A(3) is amended as indicated: "The applicant shall submit ~~specify number~~ 16 copies of the materials..."

C. Section 301-11C is amended as indicated: "...subsequent violation, the ~~fine shall not exceed \$500 per violation~~ ~~penalties set forth in § 1-15, Violations and penalties, of the Code of the Borough of New Providence shall apply.~~"

## **Chapter 303, Stormwater Management**

### **Article II, Fertilizer Application**

Section 303-12 is amended as indicated: “...each subsequent violation, the ~~fine shall not exceed \$1,000 per violation~~ person shall be liable to the penalties as set forth in § 1-15, Violations and penalties, of the Code of the Borough of New Providence.”

### **Article III, Refuse Containers and Dumpsters**

Section 303-18 is amended as indicated: “...each subsequent violation, the ~~fine shall not exceed \$1,000 per violation~~ person shall be liable to the penalties as set forth in § 1-15, Violations and penalties, of the Code of the Borough of New Providence.”

### **Article IV, Private Storm Drain Inlet Retrofitting**

A. Section 303-21A(2) is amended to read as follows:

*Is retrofitted or replaced to meet the standard in § 303-21B and C below prior to the completion of the project.*

B. Section 303-24 is amended to read as follows:

*Any person(s) who is found to be in violation of the provisions of this article shall be subject to a penalty as set forth in § 1-15, Violations and penalties, for each storm drain inlet that is not retrofitted to meet the design standard.*

### **Article V, Improper Disposal of Waste**

Section 303-30 is amended as indicated: “...shall be subject to ~~a fine not to exceed \$1,000~~ the penalties as set forth in § 1-15, Violations and penalties, of the Code of the Borough of New Providence.”

### **Article VI, Privately Owned Salt Storage**

Section 303-36 is amended as indicated: “...complete corrective action shall result in a ~~fine of not less than \$50 nor more than \$500 per day~~ the penalties as set forth in § 1-15, Violations and penalties, of the Code of the Borough of New Providence. Each day...”

### **Article VII, Containerization of Yard Wast**

Section 303-42 is amended to read as follows:

*Any person(s) who is found to be in violation of the provisions of this article shall be subject to the penalties as set forth in § 1-15, Violations and penalties.*

## **Chapter 305, Subdivision of Land and Site Plan Review**

A. Section 305-11C is amended to read as follows:

*Lighting. Refer to the standards in § 310-57, Lighting design standards.*

B. In § 305-12:

(1) Subsection A is amended to read as follows:

*Density or intensity of land use. The Planning Board or Board of Adjustment may, subject to the limitations of Article V of Chapter 310, Zoning, and § 310-54B, allow for a greater concentration of density or intensity of land use within a section or sections of development. If a greater concentration of density or intensity of land use for any section of a development is permitted, it shall be*

*offset by a smaller concentration in another or other sections to provide common open space.*

(2) Subsection C is amended to change “§ 310-22” to “§ 310-54B.”

(3) Subsection G(1) is amended to read as follows:

*The amount and location of any common open space shall be determined according to Article V of Chapter 310, Zoning, and § 310-52.*

(4) Subsection I(3) is amended to change “§ 310-19D” to “§ 310-54A” and to change “§ 305-B(3)” to “§ 305-10B(3).”

C. Section 305-12.1 is amended to read as follows:

*In addition to the general design standards set forth in § 305-11, applications for development in the Central Commercial and the Central Commercial Townhouse Districts shall conform to § 310-53, Design standards for the Central Commercial and Central Commercial Townhouse Districts.*

D. In § 305-15:

(1) Subsection A(4) is amended as indicated: “Cost estimate. An itemized cost estimate is to be submitted by the developer, and the Borough Engineer shall then review the proposed improvements and the cost estimates provided for reasonableness in accordance with the provisions of N.J.S.A. 40:55D-54. Said itemization....”

(2) Subsection J, which regarded contributions to housing funds, is repealed.

E. In § 305-16, Subsection A(3), which regarded civil actions, is repealed.

## Chapter 310, Zoning

A. In § 310-6:

(1) The definition of “commercial parking area” is repealed.

(2) The definition of “community residence for the developmentally disabled” is amended to read as follows:

### *COMMUNITY RESIDENCE FOR PERSONS WITH DEVELOPMENTAL DISABILITIES*

*A. Any community residential facility licensed pursuant to P.L.1977, c. 448 (N.J.S.A. 30:11B-1 et seq.) providing food, shelter, and personal guidance, under such supervision as required, to not more than 15 persons with developmental disabilities or with mental illnesses, who require assistance, temporarily or permanently, in order to live in the community, and shall include, but not be limited to, group homes, halfway houses, intermediate care facilities, supervised apartment living arrangements, and hostels. Such a residence shall not be considered a health care facility within the meaning of the Health Care Facilities Planning Act, P.L.1971, c. 136 (N.J.S.A. 26:2H-1 et seq.).*

*B. In the case of such a community residence housing persons with mental illness, the residence shall have been approved for a purchase of service contract or an affiliation agreement pursuant to procedures as shall be*

*established by regulation of the Division of Mental Health and Addiction Services in the Department of Human Services.*

B. The table in § 310-7 is amended to add a row, reading: “RS | Residential Senior Affordable Housing District.”

C. Section 310-8A is amended to read as follows:

*Residential: R1, R2, R2A, R3, R3A, R4, A1, A2, A3, A4, RS, AH-ARO, AHO, PACO, CCRCO.*

D. Sections 310-21B(3), 310-22B(3), 310-23B(3), 310-24B(4), 310-25B(4), 310-26B(6), 310-27B(6), 310-28B(5), 310-29B(4), 310-32B(21) are amended to change “developmentally disabled” to “persons with developmental disabilities.”

E. In § 310-30:

(1) A new Subsection B(5) is added to read as follows:

*Essential services.*

(2) A new Subsection C(9) is added to read as follows:

*Family day care homes.*

F. In § 310-32E(2), in the OR Office and Residential District Bulk Standards table is amended to change the Single- and two-family dwelling lot coverage from “50%” to “45%.”

G. Section 310-38E(2) is amended to delete the table entry reading “Maximum FAR for TBI-1 uses.”

H. In § 310-42:

(1) Subsection G(2)(b) is amended as indicated: “...governed by the ~~Nursing Home requirement in Borough Ordinance 2013-11~~ long-term care facilities requirement (one parking space...”

(2) The formula in Subsection F(4)(d) is amended to read as follows:

$$(540 \text{ ILU's} + (108 \text{ HCU's}/3) - 418) \times \$3,000 = (540 + 36 - 418) \times \$3,000 = 158 \times \$3,000 = \$474,000$$

I. Section 310-43A is amended to read as follows:

*The intent of this section is to provide for land use regulation therein in order to protect the streams, lakes, and other surface water bodies of the Borough; to protect the water quality of watercourses, reservoirs, lakes, and other significant water resources within the Borough; to protect the riparian and aquatic ecosystems of the municipality; to provide for the environmentally sound use of the land resources of the Borough, and to complement existing state, regional, county, and municipal stream corridor protection and management regulations and initiatives.*

J. In § 310-45:

(1) Subsection C is amended as indicated: “Community residences. Community residences for the ~~Developmentally Disabled~~ persons with developmental disabilities, community shelters for victims of domestic violence, community residences for the terminally ill, community residences for persons with head injuries, and adult family day care homes

for Elderly Persons and Physically Disabled Adults persons who are elderly or who have a disability.

- (2) Subsection F(2)(c) is amended as indicated: "...for Class I Renewable Energy Systems at N.J.A.C. 14:4-9 in accordance with the Board of Public Utilities."
- (3) Subsection F(6) is amended as indicated: "...for Class I Renewable Energy Systems at N.J.A.C. 14:4-9 in accordance with the Board of Public Utilities."

K. In § 310-49:

- (1) Subsection R(1) is amended to read as follows:

*Penalties. Any violation of any provision of this section shall, upon conviction, be subject to the penalty provisions as set forth in § 1-15, Violations and penalties, of the Code of the Borough of New Providence.*

- (2) Subsection R(3)(a), which regarded a minimum penalty, is repealed.

L. In § 310-53:

- (1) Subsection I(2)(c) is amended as indicated: "...Area and Streetscape Standards, § 310-53I(2), and the Borough's current outdoor..."
- (2) Subsection J(9)(d) is amended as indicated: "...the same limitations as other sign types."

M. Section 310-57M(3) is amended to read as follows: "Where, due to restrictions in light locations due to inadequate spacing between vehicle areas and light fixtures, lights may be placed on reinforced concrete pedestals at least 30 inches high above the pavement, or by other acceptable protective means. Where light locations are restricted due to inadequate spacing between vehicle areas and light fixtures, lights may be placed on reinforced concrete pedestals at least 30 inches high above the pavement, or by other acceptable protective means. Above-ground mounting..."

N. Section 310-68C is amended as indicated: "...upon conviction, be punished by a fine not to exceed \$100 or be imprisoned in the county jail for a term not exceeding 30 days, or both, for each offense subject to the penalties as set forth in § 1-15, Violations and penalties, of the Code of the Borough of New Providence. Each day..."

O. Schedule II, Residential Bulk Requirements, is amended to change the maximum lot coverage of the RS District from "90%" to "80%."

P. Schedule III, Commercial and Industrial Bulk Requirements, is amended to change the TBI-1 Zone's Maximum Floor Area Ratio from "0.40" to "0.35."