ORDINANCES FOR INTRODUCTION

22-18: An Ordinance of the Township of Denville, County of Morris, State of New Jersey, to Amend Chapter 3-13, Removal of Solid Waste, of the Revised General Ordinances to Limit the Collection of Garbage, Recycling, or Other Refuse from All Premises to Between 6 A.M. and 8 P.M. Monday Through Saturday, to Establish Permitted Time Periods for Placement and Removal of Cans, and to Amend Existing Chapter 3 Penalty Provisions
MOTION TO ADJOURN

• June 26, 2018
• July 17, 2018

MINUTES FOR ADOPTION

NON-CONSENT AGENDA:

R-18-161: Resolution to Extend the Third Quarter 2018 Property Tax Due Date

R-18-162: Resolution of the Township of Denville Authorizing the Extension of the Season for Use of the Turf Field at Veterans Memorial Park on a Trial Basis During the 2018 – 2019 Winter Months

R-18-163: Resolution Refunding the Payment of Taxes Overpaid Due to Judgments by the Tax Court of New Jersey

R-18-164: Resolution Refunding the Overpayment of 2017 Taxes

CONSENT AGENDA:

R-18-158: Resolution Authorizing Raffle Licenses in the Township of Denville

R-18-159: Resolution Authorizing Reinstatement of the Original Sewer Assessment Installment Plan for Certain Properties in the Township of Denville

R-18-160: Resolution Authorizing a Refund of a Building Permit Fee

RESOLUTIONS

ITEMS FOR DISCUSSION AND/OR ACTION

NONE
ORDINANCE NO. 22-18

BE IT RESOLVED that an Ordinance entitled:

An Ordinance of the Township of Denville, County of Morris, State of New Jersey, to Amend Chapter 3-13, Removal of Solid Waste, of the Revised General Ordinances to Limit the Collection of Garbage, Recycling, or Other Refuse from All Premises to Between 6 A.M. and 8 P.M. Monday Through Saturday, to Establish Permitted Time Periods for Placement and Removal of Cans, and to Amend Existing Chapter 3 Penalty Provisions

Be Introduced and Read by Title on First Reading:

COUNCIL PRESIDENT: MOTION TO INTRODUCE
DISCUSSION ON ORDINANCE
ROLL CALL ON INTRODUCTION

BE IT RESOLVED that an Ordinance entitled:

An Ordinance of the Township of Denville, County of Morris, State of New Jersey, to Amend Chapter 3-13, Removal of Solid Waste, of the Revised General Ordinances to Limit the Collection of Garbage, Recycling, or Other Refuse from All Premises to Between 6 A.M. and 8 P.M. Monday Through Saturday, to Establish Permitted Time Periods for Placement and Removal of Cans, and to Amend Existing Chapter 3 Penalty Provisions

Be Passed on First Reading

BE IT FURTHER RESOLVED that said ordinance shall be considered for final passage at the meeting of the Municipal Council of the Township of Denville on 09-04-2018 at 7:30 p.m. in the evening, prevailing time, at the municipal building in said Township of Denville at which time and place all persons interested shall be given an opportunity to be heard concerning said ordinance.

BE IT FURTHER RESOLVED that the Municipal Clerk be authorized and directed to advertise this ordinance in The Citizen newspaper according to law.

COUNCIL PRESIDENT: MOTION TO PASS ON FIRST READING
ROLL CALL

Dated: 08-07-2018
ORDINANCE NO. 22-18

AN ORDINANCE OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS, STATE OF NEW JERSEY, TO AMEND CHAPTER 3-13, REMOVAL OF SOLID WASTE, OF THE REVISED GENERAL ORDINANCES TO LIMIT THE COLLECTION OF GARBAGE, RECYCLING, OR OTHER REFUSE FROM ALL PREMISES TO BETWEEN 6 A.M. AND 8 P.M. MONDAY THROUGH SATURDAY, TO ESTABLISH PERMITTED TIME PERIODS FOR PLACEMENT AND REMOVAL OF CANS, AND TO AMEND EXISTING CHAPTER 3 PENALTY PROVISIONS

BE IT ORDAINED, by the Municipal Council of the Township of Denville, County of Morris, State of New Jersey, as follows:

SECTION 1. Chapter 3, Police Regulations, 3-13, Removal of Solid Waste, § 3-13.2, Mandatory collection services, is hereby amended to add the following paragraph:

  d. Collection of garbage, recycling, or other refuse from all premises shall take place between the hours of 6 a.m. and 8 p.m. on Monday through Saturday. Collection at any time outside of the prescribed hours and days is prohibited. Officers, employees, and agents of the Township Police Department, DPW, Health Department, and the Zoning Officer and/or Property Maintenance Code Official are authorized to enforce this paragraph against any hauler that violates its provisions.

SECTION 2. Chapter 3, Police Regulations, 3-1, Penalty, § 3-1.1, Maximum penalty, is hereby amended to read as follows:

Whenever, under this code or any rule, regulation or order duly promulgated by an officer or agency of the Township by authority of this code, any act is prohibited or declared to be unlawful, or the doing of any act is required and no specific penalty is provided with respect thereto, the violation of any such provision of the ordinance, rules, regulation or order shall be punishable by one or more of the following: (a) imprisonment in the county jail or in any place provided by the Township for the
Any person who is convicted of violating an ordinance within one year of the date of a previous violation of the same ordinance and who was fined for the previous violation shall be sentenced by a court to an additional fine as a repeat offender. The additional fine imposed by the court upon a person for a repeated offense shall not be less than the minimum or exceed the maximum fine fixed for a violation of the ordinance, but shall be calculated separately from the fine imposed for the violation of the ordinance.

SECTION 3. Chapter 3, Police Regulations, 3-1, Penalty, § 3-1.6, Minimum penalty, is hereby amended to read as follows:

The governing body may prescribe that, for the violation of any particular code provision or ordinance, at least a minimum penalty shall be imposed, which shall consist of a fine which may be fixed at an amount not exceeding $100 pursuant to N.J.S.A. 40:69A-29.

SECTION 4. Chapter 3, Police Regulations, 3-13, Removal of Solid Waste, § 3-13.3, Placement of garbage cans, is hereby amended to read as follows:

The owners of any premises receiving refuse collection services from the Township may place, no earlier than 4 p.m. one day before the scheduled collection day, up to two garbage cans, which cans must have tight-fitting lids, within five feet of the street or traveled way in front of the premises or at such location as designated by the Division of Health. All cans must be removed no later than 8 a.m. on the day after collection has occurred. The owners shall comply with rules and regulations
promulgated by the Division of Health scheduling and regulating curbside garbage can collection and bulky waste collection.

SECTION 5. This ordinance may be renumbered for purposes of codification.

SECTION 6. Ordinances, resolutions, regulations or parts of ordinances, resolutions and regulations inconsistent herewith are hereby repealed to the extent of such inconsistencies.

SECTION 7. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such a decision shall not affect the remaining portions of this Ordinance.

SECTION 8. This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

BY ORDER OF THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF DENVILLE

APPROVED:

ATTEST:

Mayor Thomas W. Andes
Township of Denville

I hereby certify the foregoing to be a true copy of an ordinance adopted by the Municipal Council of the Township of Denville at its meeting held on _____________, 2018.

Kathryn Bowditch-Leon, RMC
Municipal Clerk
BE IT RESOLVED that an Ordinance entitled:

An Ordinance of the Township of Denville, County of Morris, and State of New Jersey, to Repeal Chapter 19, Land Use, Article 5, Zone Regulations, § 19-5.8, Parking and Loading, § 19-5.801, Off-Street Parking in Residential Districts, of the Revised General Ordinances in Accordance with a Court Order Filed June 12, 2018

Be Introduced and Read by Title on First Reading:

COUNCIL PRESIDENT: MOTION TO INTRODUCE
DISCUSSION ON ORDINANCE
ROLL CALL ON INTRODUCTION

BE IT RESOLVED that an Ordinance entitled

An Ordinance of the Township of Denville, County of Morris, and State of New Jersey, to Repeal Chapter 19, Land Use, Article 5, Zone Regulations, § 19-5.8, Parking and Loading, § 19-5.801, Off-Street Parking in Residential Districts, of the Revised General Ordinances in Accordance with a Court Order Filed June 12, 2018

Be Passed on First Reading

BE IT FURTHER RESOLVED that said ordinance shall be considered for final passage at the meeting of the Municipal Council of the Township of Denville on 09-04-2018 at 7:30 p.m. in the evening, prevailing time, at the municipal building in said Township of Denville at which time and place all persons interested shall be given an opportunity to be heard concerning said ordinance.

BE IT FURTHER RESOLVED that the Municipal Clerk be authorized and directed to advertise this ordinance in The Citizen newspaper according to law.

COUNCIL PRESIDENT: MOTION TO PASS ON FIRST READING
ROLL CALL

Dated: 08-07-2018
ORDINANCE NO. 23-18

AN ORDINANCE OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS, AND STATE OF NEW JERSEY, TO REPEAL CHAPTER 19, LAND USE, ARTICLE 5, ZONE REGULATIONS, § 19-5.8, PARKING AND LOADING, § 19-5.801, OFF-STREET PARKING IN RESIDENTIAL DISTRICTS, OF THE REVISED GENERAL ORDINANCES IN ACCORDANCE WITH A COURT ORDER FILED JUNE 12, 2018

WHEREAS, plaintiff AMEE @ 46, L.L.C. challenged § 19-5.801, Off-street parking in residential districts, of the Township of Denville’s Revised General Ordinances in the matter captioned AMEE @ 46, L.L.C. v. Township of Denville and Planning Board of the Township of Denville, Docket No. MRS-L-2362-17, in the Superior Court of New Jersey, Law Division – Morris County; and

WHEREAS, by way of Order filed on June 12, 2018, the Court declared § 19-5.801 invalid.

NOW, THEREFORE, BE IT ORDAINED, by the Municipal Council of the Township of Denville, County of Morris, State of New Jersey, as follows:

SECTION 1. Chapter 19, Land Use, Article 5, Zone Regulations, § 19-5.8, Parking and Loading, § 19-5.801, Off-street parking in residence districts, is hereby repealed in its entirety.

SECTION 2. This ordinance may be renumbered for purposes of codification.

SECTION 3. Ordinances, resolutions, regulations or parts of ordinances, resolutions and regulations inconsistent herewith are hereby repealed to the extent of such inconsistencies.

SECTION 4. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by a court of
SECTION 5. This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

BY ORDER OF THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF DENVILLE

ATTEST:  

APPROVED:

Kathryn Bowditch-Leon, RMC  
Municipal Clerk

Mayor Thomas W. Andes  
Township of Denville

I hereby certify the foregoing to be a true copy of an ordinance adopted by the Municipal Council of the Township of Denville at its meeting held on ______________, 2018.

Kathryn Bowditch-Leon, RMC  
Municipal Clerk
RESOLUTION AUTHORIZING RAFFLE LICENSES IN THE TOWNSHIP OF DENVILLE

BE IT RESOLVED by the Municipal Council of the Township of Denville that the applications for the following raffles be approved and the Municipal Clerk be authorized to issue said licenses on behalf of the Municipality.

<table>
<thead>
<tr>
<th>NAME OF ORGANIZATION</th>
<th>TYPE OF RAFFLE</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>H S A Divine Mercy Academy</td>
<td>Tricky Tray</td>
<td>10/13/2018</td>
</tr>
<tr>
<td>H S A Divine Mercy Academy</td>
<td>On Premise 50/50</td>
<td>10/13/2018</td>
</tr>
<tr>
<td>Morris Catholic High School</td>
<td>On Premise 50/50</td>
<td>9/15/2018: 9/22/2018</td>
</tr>
<tr>
<td></td>
<td></td>
<td>9/29/2018: 10/20/2018</td>
</tr>
<tr>
<td></td>
<td></td>
<td>10/27/2018</td>
</tr>
<tr>
<td>Morris Catholic High School</td>
<td>On Premise 50/50</td>
<td>11/15/2018: 11/16/2018</td>
</tr>
<tr>
<td></td>
<td></td>
<td>11/17/2018: 11/18/2018</td>
</tr>
<tr>
<td>Morris Catholic High School</td>
<td>On Premise 50/50</td>
<td>11/3/2018</td>
</tr>
<tr>
<td>Morris Catholic High School</td>
<td>Off Premise 50/50</td>
<td>11/28/2018</td>
</tr>
<tr>
<td>One Step Closer Animal Rescue, Inc.</td>
<td>On Premise 50/50</td>
<td>9/8/2018</td>
</tr>
<tr>
<td>One Step Closer Animal Rescue, Inc.</td>
<td>Tricky Tray</td>
<td>9/8/2018</td>
</tr>
</tbody>
</table>

BY ORDER OF THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF DENVILLE

I, Kathryn Bowditch-Leon, Municipal Clerk for the Township of Denville do hereby certify the above to be a true and exact copy of the resolution adopted by the Municipal Council of the Township of Denville at the Council meeting held on , 2018.

Certification Date: _____________________________  Kathryn Bowditch-Leon, RMC Municipal Clerk
RESOLUTION AUTHORIZING REINSTATEMENT OF THE ORIGINAL SEWER ASSESSMENT INSTALLMENT PLAN FOR CERTAIN PROPERTIES IN THE TOWNSHIP OF DENVILLE

WHEREAS, on February 14, 2012, the Municipal Council confirmed sewer assessments for certain properties in the Township of Denville; and

WHEREAS, the resolution confirming said assessments authorized the payment of the assessments in yearly installments over a twenty year period commencing April 14, 2012; and

WHEREAS, certain property owners have failed to make their installment payments when they became due; and

WHEREAS, N.J.S.A. 40:56-35 provides in pertinent part that if any such installment shall remain unpaid for 30 days after the time when said payment shall become due, either the whole assessment shall immediately become due, or the governing body may, by resolution, permit any person who is delinquent in the payment of such an installment to pay only the amount of the delinquent payment due, plus accrued interest, and have the payment of said assessment placed back on the regular installment payment schedule; and

WHEREAS, the following property owners:

Driscoll    Ferrone    Hawkins

have petitioned the Council to permit the reinstatement of their original installment plan and have tendered to the Tax Collector the requisite amount to bring their accounts current in accordance with the above-referenced statute; and

WHEREAS, the Municipal Council wishes to allow the above referenced property owners to resume payment of their assessments on the original installment schedules approved for their properties.

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Denville, in the County of Morris and State of New Jersey, that the Tax Collector be authorized to accept payment of the delinquent installments due, plus interest, from the above referenced property owners for their sewer assessments and that said property owners be permitted to pay all subsequent installments established for their properties over the balance of the twenty year installment period previously authorized by the Municipal Council.

BE IT FURTHER RESOLVED, that should any of the above referenced property owners default on any future installments, the full amount of the sewer assessment shall become due.

BY ORDER OF THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF DENVILLE

I, Kathryn Bowditch-Leon, Municipal Clerk for the Township of Denville do hereby certify the above to be a true and exact copy of a resolution approved by the Municipal Council at their meeting held on , 2018.

Certification Date:  
Kathryn Bowditch-Leon, RMC  Municipal Clerk
CONSTRUCTION DEPARTMENT

RESOLUTION AUTHORIZING A REFUND OF A BUILDING PERMIT FEE

WHEREAS, the permit payer listed below has overpaid a permit fee in the amount shown; and

WHEREAS, the permit payer has requested that the amount listed below be refunded.

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Denville, that a refund be made to the following named individual as a result of the overpayment of a permit fee.

<table>
<thead>
<tr>
<th>NAME</th>
<th>PERMIT NUMBER</th>
<th>AMOUNT</th>
<th>REVENUE ACCOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Curran</td>
<td>180444</td>
<td>$100.00</td>
<td>01-192-081-60-001</td>
</tr>
</tbody>
</table>

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Denville, that a refund be made to the following named individual as a result of the overpayment of a permit fee.

I, Kathryn Bowditch-Leon, Municipal Clerk, of the Township of Denville, do hereby certify the above to be a true and exact copy of the resolution adopted by the Municipal Council of the Township of Denville at their meeting held on

Certification Date

Kathryn Bowditch-Leon, RMC
Municipal Clerk
RESOLUTION TO EXTEND THIRD QUARTER 2018 PROPERTY TAX DUE DATE

WHEREAS, N.J.S.A. 54:4-66.3(d) requires that at least 25 days elapse between the time tax bills are mailed, to the date taxes are due; and

WHEREAS, the Tax Collector does not anticipate receiving notification of the 2018 tax rate and extended duplicate in time to meet the statutory time requirements; and

WHEREAS, N.J.S.A. 54:4-66.3(d) provides that the current year’s taxes shall not be subject to interest until the twenty-fifth day after the tax bill for the third installment is mailed.

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Denville, County of Morris, and the State of New Jersey, that the third quarter 2018 taxes due to the Township shall not be subject to interest and penalties until after the twenty-fifth day after tax bills for the third quarter are mailed.

BY ORDER OF THE MUNICIPAL COUNCIL
OF THE TOWNSHIP OF DENVILLE

I, Kathryn Bowditch-Leon, Municipal Clerk for the Township of Denville do hereby certify the above to be a true and exact copy of the resolution adopted by the Municipal Council of the Township of Denville at their regular Council meeting held on , 2018.
RESOLUTION OF THE TOWNSHIP OF DENVILLE AUTHORIZING THE EXTENSION OF THE SEASON FOR USE OF THE TURF FIELD AT VETERANS MEMORIAL PARK ON TRIAL BASIS DURING THE 2018 – 2019 WINTER MONTHS

WHEREAS, §22-6.1(b) of the General Code of the Township of Denville establishes that the Turf Field at Veterans Memorial Park shall only be utilized from the first Monday after the first Sunday in March to November 15th of each year; and

WHEREAS, certain sports programs have requested that the regular season of the Turf Field at Veterans Memorial Park be extended so it better coincides with their playing season and schedule; and

WHEREAS, the Township is interested in extending the dates on a trial basis for the second consecutive year so that the Turf Field at Veterans Memorial Park is eligible for use during the winter of 2018 – 2019.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Denville hereby extends the season that the Turf Field at Veterans Memorial Park may be used from November 16, 2018 to December 16, 2018 and from February 13, 2019 to March 10, 2019.

BE IT FURTHER RESOLVED that all other regulations as listed in §22-6.6 (e) of the General Code of the Township of Denville, which establishes rules and regulations for the use of the Turf Field at Veterans Memorial Park not specifically modified herein shall remain in full force and effect.

This resolution shall take effect immediately.

BY ORDER OF THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF DENVILLE

I, Kathryn Bowditch-Leon, Municipal Clerk for the Township of Denville do hereby certify the above to be a true and exact copy of the resolution adopted by the Municipal Council of the Township of Denville at their regular Council meeting held on

Certification Date

Kathryn Bowditch-Leon, RMC Municipal Clerk
RESOLUTION REFUNDING THE PAYMENT OF TAXES OVERPAID DUE TO JUDGMENT BY THE TAX COURT OF NEW JERSEY

WHEREAS, it has been found that the following 2013, 2014, 2015, 2016 & 2017 taxes have been overpaid due to Judgments by the Tax Court of New Jersey.

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Denville, in the County of Morris and State of New Jersey, that the Tax Collector is hereby authorized and directed to prepare vouchers in the following names to refund said overpayments; and

BE IT FURTHER RESOLVED that the Chief Financial Officer is hereby authorized and directed to forward the checks to the Tax Collector to be delivered to said taxpayers or their attorneys after the refunds have been recorded in the taxpayer's history files.

<table>
<thead>
<tr>
<th>BLOCK/LOT</th>
<th>OWNER /MORTGAGE CO.</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>60305/5</td>
<td>Lasser Hochman, LLC Trust Account for AMCHU Assoc. 75 Eisenhower Parkway- Suite 120 Roseland, NJ 07068-1694</td>
<td>2016 $3,032.61 2017 $3,105.05 Total $6,137.66</td>
</tr>
<tr>
<td></td>
<td>Loc: 279 Diamond Spring Rd</td>
<td></td>
</tr>
<tr>
<td>21601/1</td>
<td>Michael I Schneck, Trustee for Waqas Adeel 301 South Livingston Ave. Livingston, NJ 07039</td>
<td>2017 $4,487.79</td>
</tr>
<tr>
<td></td>
<td>Loc: 4 Kathay Terr.</td>
<td></td>
</tr>
<tr>
<td>41203/12</td>
<td>Brach Eichler LLC &amp; Caslitri Real Estate LLC 101 Eisenhower Parkway Roseland, NJ 07068</td>
<td>2015 $3,119.00</td>
</tr>
<tr>
<td></td>
<td>Loc: 109 West Main Street</td>
<td></td>
</tr>
<tr>
<td>20201/16</td>
<td>Howard B Goldberg, Attorney for 3155 Professional Plaza, LLC 33 Clinton Road West Caldwell, NJ 07006</td>
<td>2013 $14,582.56 2014 $14,994.59 2017 $12,459.30 Total $42,036.45</td>
</tr>
<tr>
<td></td>
<td>Loc: 3155 Route 10</td>
<td></td>
</tr>
</tbody>
</table>

BY ORDER OF THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF DENVILLE

I, Kathryn Bowditch-Leon, Municipal Clerk for the Township of Denville do hereby certify the above to be a true and exact copy of the resolution adopted by the Municipal Council of the Township of Denville at their regular Council meeting held on

Certification Date: ____________________________  Kathryn Bowditch-Leon, RMC Municipal Clerk
RESOLUTION REFUNDING THE OVERPAYMENT OF 2017 TAXES

WHEREAS, it has been found that the following overpayments have occurred due to the reasons listed below.

NOW, THEREFORE, BE IT RESOLVED that the appropriate Municipal Official is hereby authorized and directed to prepare vouchers in the following names to refund said overpayments.

BE IT FURTHER RESOLVED that the Chief Financial Officer shall forward the checks to the appropriate Municipal Official to be delivered to said taxpayers after the refunds have been recorded in the taxpayer's history file.

<table>
<thead>
<tr>
<th>Block/Lot Qual</th>
<th>Reason for Refund</th>
<th>Owner or Mortgage Co.</th>
<th>Refund Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>50410/23.01 C101</td>
<td>Both the homeowner and the Mtg. Co. paid 3rd qtr 2017 taxes on a new townhome</td>
<td>Yunkuan &amp; Zhaoqun D/ Yasha Yang 10 Clark Street Denville, NJ 07834</td>
<td>$4,875.01</td>
</tr>
</tbody>
</table>

Loc: 10 Clark St.

Loc: 33 Diamond Spring Rd #1B

BY ORDER OF THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF DENVILLE

I, Kathryn Bowditch-Leon, Municipal Clerk for the Township of Denville do hereby certify the above to be a true and exact copy of the resolution adopted by the Municipal Council of the Township of Denville at their regular Council meeting held on

Certification Date

Kathryn Bowditch-Leon, RMC Municipal Clerk