

# **Borough of Red Bank Code Adoption 2016**

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

### **Chapter 1, General Provisions.**

#### **Article I, Definitions and Word Usage.**

Section 1-2A is hereby amended to delete the definitions of “chapter,” “section,” “subsection” and “paragraph,” since those terms applied to the 1987 Revised General Ordinances only.

### **Chapter 9, Boards, Committees and Commissions.**

#### **Article I, Board of Health.**

Section 9-3 is added:

##### **§ 9-3. Alternate members.**

A. Appointments. The Mayor, with the confirmation of the Council, may appoint two alternate members and designate them as “Alternate No. 1” and “Alternate No. 2.”

B. Terms; vacancy. The terms of the alternate members shall be for two years, except that the terms of the alternate members first appointed shall be two years for Alternate No. 1 and one year for Alternate No. 2, so that the terms of not more than one alternate member shall expire in any one year. A vacancy occurring otherwise than by expiration of term shall be filled by the Mayor with the confirmation of the Council for the expired term only.

C. Conflicts of interest; voting order. An alternate member shall not be permitted to act on any matter in which he has either directly or indirectly any personal or financial interest. An alternate member may, after public hearing if he requests one, be removed by the governing body for cause. An alternate member may participate in discussion of the proceedings but may not vote except in the absence of or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote first.

#### **Article IV, Removal of Members for Absence from Meetings.**

Section 9-12 is amended as follows: ***The** appointment of a member to a board, agency or commission may be rescinded by the appointing authority ~~upon resolution of the board, agency or commission involved for the absence of a member at three consecutive public meetings whenever the member, without being excused by a majority of the authorized members of such body, fails to attend and participate at meetings of such body for a period of eight consecutive weeks, or for four consecutive regular meetings, whichever shall be of longer duration, at the conclusion of such period, provided that~~*

such body shall notify the appointing authority in writing of such determination; provided, further, that such board, committee, commission, authority or other agency may refuse to excuse only with respect to those failures to attend and participate which are not due to legitimate illness; provided, however, that nothing in this section shall preclude a municipal appointing authority from adopting by ordinance a policy establishing a lower absentee threshold, provided that the ordinance shall not permit the removal of the member if the member has been absent for less than six consecutive weeks, or three consecutive meetings, whichever shall be of longer duration, without being excused, within the term of office for the position held by the individual.”

## **Chapter 17, Parks and Recreation.**

Section 18-4, “Fees and additional requirements” of the Revised General Ordinances of the Borough of Red Bank, is hereby amended to provide the following:

### **§ 18-4**

Fees and additional requirements.

- A. The Mayor and Borough Council may impose fees to cover costs to the Borough associated with the proposed use, and the Mayor and Borough Council may impose additional requirements deemed to be necessary to protect the health, safety and welfare of the general public.
- B. The use of Borough-owned facilities by official groups of the Borough government and Borough-sponsored activities and quasi-officials will take precedence before non-sponsored organizations, groups, committees and/or individuals.
- C. The facility usage fees for any Borough owned property (including but not limited to The Count Basie Field Complex, Marine Park, Riverside Garden Park, The White Street Parking Lot, Maple Cove, and The Senior Center) for the purposes of holding a special event (approved by Council and the Special Events Committee) will be billed at a rate of \$500 per day (sponsored by in town organizations) and \$750 per day sponsored by out of town organizations. Other fees may apply (DPW, Police, etc.) Facility usage fees must be paid in advance of all special events. These fees may be adjusted by resolution of the governing body upon publication of such resolution.
- D. Fees for all special events facility rentals shall go to the Parks and Recreation Trust to be used for Recreation Programming.

## **Chapter 31, Cooperative Pricing/Purchasing.**

Sections 31-1 and 31-2 are amended to add “purchasing” following instances of “pricing.”

## **Chapter 37, Court, Municipal.**

- A. Section 37-1 is amended to update the statutory reference to N.J.S.A. 2B:12-1 et seq.
- B. Section 37-6 is amended to change “Clerk” and “Deputy Clerk” of the Municipal Court to “Administrator” and “Deputy Administrator” of the Municipal Court.

## **Chapter 64, Fire Department.**

### **Article I, Establishment.**

Original Section 2-37.8.a(3), regarding an application fee, is repealed.

## **Chapter 85, Mayor and Council.**

This chapter is amended to read as follows:

### **ARTICLE I Governing Body**

#### **§ 85-1. Statutory authority.**

The governing body shall consist of the Mayor and six Council members, all of whom shall be elected at large in the Borough and take office in the manner provided by law. Their term of office shall commence January 1 next following their election. The Mayor and Council members shall have the duties and responsibilities as provided by N.J.S.A. 40A:60-1 et seq., as may be amended, and other applicable provisions of law.

#### **§ 85-2. Meetings; organization.**

- A. The Mayor and Council shall hold an annual meeting on the first day of January at 12:00 noon, or during the first seven days of January in any year.
- B. At its annual meeting, the Council shall, by the vote of a majority of its number, elect a President of the Council, who shall preside at all its meetings when the Mayor does not preside. The President of the Council shall hold office for one year and until the next annual meeting. He shall have the right to debate and vote on all questions before Council. If the Council fails to elect a President at the annual meeting, the Mayor shall appoint the President from the Council and, in that case, no confirmation by the Council shall be necessary.
- C. The President of the Council shall perform all the duties of the Mayor during any period in which the Mayor is absent from the Borough for three days or more or is unable to perform the duties of his office. Where such absence is intended, the President of the Council shall become the acting Mayor until the Mayor's return. If the President of the Council is unable to perform the duties of the acting Mayor, then the member of Council with the longest term of service may act temporarily for the President of the Council.
- D. Three Council members and the Mayor or, in the absence of the Mayor, four Council members shall constitute a quorum for transacting business.
- E. The Council may, at its annual meeting, establish for its members such committees of the

Council as will assist it for the ensuing year.

- F. The Council shall hold such other meetings, at such time and place as it may by resolution direct, but all regular meetings shall be held within the Borough.
- G. The Mayor shall, when necessary, call special meetings of the Council. In case of his neglect or refusal, any four members of the Council may call such meeting at such time and place in the Borough as they may designate, and in all cases of special meetings notice shall be given to all the members of the Council, or left at their places of residence. (N.J.S.A. 40A:60-3)

## ARTICLE II Office of Mayor

### § 85-3. Powers of Mayor.

- A. The Mayor shall be the head of the municipal government.
- B. The Mayor shall have all those powers designated by general law.
- C. The Mayor shall preside at meetings of the Council and may vote to break a tie.
- D. Every ordinance adopted by the Council shall, within five days after its passage, Sundays excepted, be presented to the Mayor by the Borough Clerk. The Mayor shall, within 10 days after receiving the ordinance, Sundays excepted, either approve the ordinance by affixing his signature thereto or return it to the Council by delivering it to the Clerk together with a statement setting forth his objections thereto or any item or part thereof. No ordinance or any item or part thereof shall take effect without the Mayor's approval, unless the Mayor fails to return the ordinance to the Council, as prescribed above, or unless the Council, upon consideration of the ordinance following its return, shall, by a vote of 2/3 of all the members of Council, resolve to override the veto.
- E. No ordinance shall be passed, or appointment of any subordinate officer of the Borough be confirmed, except by a vote of a majority of the members of the Council present at the meeting, provided that at least three affirmative votes shall be required for such purpose, the Mayor voting only in the case of a tie.
- F. If any ordinance contains more than one distinct section, clause or item, the Mayor may approve one or more thereof and veto the rest.
- G. The Mayor shall nominate and, with the advice and consent of Council, appoint all subordinate officers of the Borough, unless the specific terms of the general law clearly require a different appointment procedure. He shall make his nomination to any such office within 30 days of that office becoming vacant.
- H. The Mayor shall see to it that the laws of the state and the ordinances of the Borough are faithfully executed. He shall recommend to the Council such measures as he may deem necessary or expedient for the welfare of the Borough. He shall maintain peace and good order and have the power to suppress all riots and tumultuous assemblies of the Borough. (N.J.S.A. 40A:60-5)

## ARTICLE III Borough Council

### § 85-4. Powers of Council.

- A. The Council shall be the legislative body of the Borough.
- B. The Council may, subject to general law and the provisions of this act:
  - (1) Pass, adopt, amend and repeal any ordinance or, where permitted, any resolution for any purpose required for the government of the municipality or for the

accomplishment of any public purpose for which the municipality is authorized to act under general law;

- (2) Control and regulate the finances of the municipality and raise money by borrowing or taxation;
  - (3) Create such offices and positions as it may deem necessary. The officers appointed thereto shall perform the duties required by law and the ordinances of the Council. Other than the Borough Attorney, Engineer, and Construction Official, these officers shall serve at the pleasure of the Council, except the Municipal Clerk, the Tax Collector and Tax Assessor who shall serve for terms as provided in Chapter 9 of Title 40A of the New Jersey Statutes (N.J.S.A. 40A:9-1.1 et seq.);
  - (4) Investigate any activity of the municipality;
  - (5) Remove any officer of the municipality, other than those officers excepted by law, for cause; and
  - (6) Override a veto of the Mayor by a 2/3 majority of all the members of the Council.
- C. The Council shall have all the executive responsibilities of the municipality not placed, by general law or this act, in the office of the Mayor.
- D. The Council, whenever it fails to confirm the nomination by the Mayor of any official to a subordinate office of the Borough within 30 days of being presented such nomination, shall make the appointment to that office, provided that at least three affirmative votes shall be required for such purpose, the Mayor to have no vote thereon except in the case of a tie. (N.J.S.A. 40A:60-6)

#### **§ 85-5. Council vacancies.**

Whenever a vacancy occurs in the membership of the Council for any reason other than the expiration of term of office, the vacancy shall be filled pursuant to the Municipal Vacancy Law, N.J.S.A. 40A:16-1 et seq.

#### **§ 85-6. Rules of Council.**

The Council may by resolution adopt rules of procedure not inconsistent with this Code. The rules may provide for standing committees of the Council.

### **ARTICLE IV Committees**

#### **§ 85-7. Standing and special committees.**

- A. Appointment. The Mayor shall appoint all standing and special committees, and shall be a member, ex officio, of all such committees. Special committees may be appointed for purposes other than those included in the duties of the standing committees. The Mayor shall have no vote in any such committee, except in the case of a tie vote, and then only for the purpose of breaking such tie vote. In addition, the Mayor shall see that all matters referred to committee are acted upon and reported promptly.
- B. Standing committees appointed at annual meeting. The following standing committees of the Council, consisting of at least three Council members each (other than the Mayor, ex-officio) shall be appointed at the annual meeting:
- (1) Finance and Personnel.
  - (2) Public Safety, Police and Fire.
  - (3) Public Utilities (Street Lighting, Garbage, Water and Sewer).

- (4) Code Enforcement, Environmental Control, Health, Welfare and Building Codes.
  - (5) Parks, Recreation and Personnel.
  - (6) Education and Technology.
- C. Councilmen to serve as Chairmen of standing committees. Each Councilman shall be Chairman of one of the six standing committees named in this section, and a member of at least one other of such committees.
- D. Standing committee duties; responsibility of Council. Standing committees are appointed to expedite and facilitate the work of the Council. The entire Council will be responsible for any action of any standing committee which has been given authority by the Borough Council to act finally in any matter for and on behalf of the Council.
  - (1) A standing committee shall:
    - (a) Meet when requested by the Chairman, or a majority of the committee, and all members thereof shall participate actively in its deliberations, the performance of its duties, and the formulation of its recommendations to the Council.
    - (b) Plan, study, direct, make commitments within budgetary limitations and carry on the routine activities for which it has primary responsibility.
    - (c) Perform such acts as may be assigned to it by the Council.
    - (d) Report and make recommendations to the Council regarding its responsibilities and activities.
  - (2) Except as provided above, a standing committee shall not:
    - (a) Exceed its budgetary appropriations without prior approval of the Council.
    - (b) Make promises or commitments to anyone which directly, or by inference, binds the Council.
    - (c) Act in any manner, or make any decisions which violate established Council policy.
- E. Chairman and successor. At the time of the appointment of any committee, the Mayor shall name some member thereof as the Chairman of such committee, and shall name the successor to any such Chairman in case of his death, resignation or removal from office while serving in such capacity. The Mayor may, with the concurrence of a majority of the Council, change existing committee personnel or Chairman when it is in the best interests of the Borough to do so.
- F. Chairman to report to Mayor and Council. The Chairman of each standing committee shall report to the Mayor and Council at each regular meeting on the principal activities and achievements of his committees. The Chairman of each special committee shall report to the Mayor and Council periodically, as required. Standing committee chairmen shall prepare and submit in writing to the Mayor and Council, at the first regular Council meeting in December of each year, an annual report of his Committee's activities. Such annual reports shall be filed in the office of the Borough Clerk, and be there assembled as a permanent annual document covering the activities of all standing committees.

**§ 85-8. Duties of standing committees of Council.**

- A. Finance Committee. The Finance Committee shall have primary responsibility for the following described activities and matters:
  - (1) The examination, review and approval of all vouchers prior to their submission to the

Council for authority to pay the same.

- (2) The administration, practices, procedures, records and budgets of the offices of the Borough Clerk, the Collector-Treasurer, and the Assessor.
- (3) The foreclosure and disposition of tax liens, and the disposition of all other property acquired by the Borough.
- (4) The coordination of departmental budgets, and the final preparation, explanation and continuing supervision of the entire municipal budget.
- (5) The maintenance, review and revision of the Borough cost and accounting systems, including procedures relating to the purchasing and receiving of supplies and services.
- (6) The review, revision and all other matters pertaining to an insurance coverage of the Borough.
- (7) It shall also serve as the liaison between the Council and the Registered Municipal Accountants, and with any other body or organization on fiscal matters.
- (8) It shall receive, review and present to the Council the proposed budgets of other bodies, the proposed budgets of which may legally be included in the annual Borough budget.
- (9) It shall also serve as the liaison between the Council and the Library Board as well as liaison to the local and regional Boards of Education.

B. Police Committee. The Police Committee shall have primary responsibility for the following described activities and matters:

- (1) The administration, practices, procedures and records of the following:
  - (a) Police activities.
  - (b) Granting of licenses, and the inspection of licensed premises and persons.
  - (c) Highway traffic and all parking matters, including enforcement of parking lot regulations, collection of revenues, control and direction of the Special Officer, Parking Meter Attendant. Construction and maintenance of municipal parking lots is not included.
  - (d) Specifications for street and parking lot lining and marking to be prepared by the Police Committee with the assistance of the Public Utility Committee.
  - (e) Regulatory signs directing the flow of traffic, including the location, design and specifications thereof to be under supervision of the Police Committee, with erection of the signs to be by the Public Utilities Committee.
  - (f) Civilian defense activities.
- (2) It shall also serve as the liaison between the Council and Transportation Corporations; the Municipal Judge; the Dog Warden, if any; and all organizations or agencies concerned with public safety or juvenile delinquency.

C. Fire Committee. The Fire Committee shall have primary responsibility for the following described activities and matters:

- (1) The administration, practices, procedures and records of the following:
  - (a) Fire activities.
  - (b) First Aid Squad activities.

- (c) Maintenance of Borough fire houses.
  - (2) It shall also serve as the liaison between the Council and fire protection agencies.
- D. Public Utilities Committee. The Public Utilities Committee shall have primary responsibility for the following described activities and matters:
  - (1) Streetlighting and garbage.
    - (a) The administration, practices, procedures and records of the following:
      - [1] Street and road construction, improvement and maintenance, including street openings.
      - [2] Construction and maintenance of sidewalks and curbs.
      - [3] Erection and maintenance of street name signs.
      - [4] Construction, improvements and maintenance of off-street parking lots.
      - [5] Maintenance of vehicles and other mechanical equipment, as assigned by the Borough Council.
      - [6] Maintenance and operation of all public buildings, except fire houses.
      - [7] Street and other municipal lighting.
      - [8] Cutting grass and weeds on municipal property, as assigned, and assisting other municipal bodies such as Library Board of Trustees, etc., in the maintenance of building and grounds, including the cutting of grass and weeds thereon at the request of such agency and as assigned.
      - [9] Shade tree matters.
      - [10] The Borough Engineer and his office.
      - [11] The cleaning of streets and municipal parking lots, including leaf collection and snow removal.
      - [12] Stormwater collection and disposal.
      - [13] Construction and maintenance of municipal incinerator.
      - [14] Garbage, ash and refuse collection and disposal.
    - (2) Water and sewer.
      - (a) The administration, practices, procedures and records of the following:
        - [1] The water utility.
        - [2] Sanitation activities, including construction and maintenance of sewage disposal plants and sanitary sewers.
      - (b) It shall serve as liaison between the New Jersey Public Utility Commission and the New Jersey Public Health Division, and the Borough Council in all matters of rate finding and other related matters.
- E. Code Enforcement, Environmental Control, Health, Welfare and Building Codes Committees. The Code Enforcement, Environmental Control, Health, Welfare and Building Codes Committees shall have primary responsibility for the following described activities and matters:



- (1) Welfare and poor relief activities.
  - (2) Public health nursing.
  - (3) Air, water and other environmental pollution.
  - (4) Liaison between the Council and the Environmental Commission.
  - (5) The Construction Official and his office.
  - (6) Code enforcement.
- F. Parks, Recreation and Personnel Committee. The Parks, Recreation and Personnel Committee shall have the primary responsibility for the following described activities and matters:
- (1) The administration, practices, procedures and records of the following:
    - (a) Parks maintenance and improvement, including the Marine Park and municipal docks and the maintenance of all paved areas in parks which are not dedicated public streets.
    - (b) Recreation activities sponsored or conducted at Borough expense, including summer playgrounds and tennis courts and similar facilities.
    - (c) Youth and educational activities sponsored or directed by the Borough.
    - (d) Public relations activities sponsored by or participated in by the Borough.
  - (2) It shall also serve as the liaison between the Council and the following:
    - (a) Patriotic celebrations financed wholly or in part by public funds.
  - (3) Personnel matters.
  - (4) Zoning and planning.

## **Chapter 90, Officers and Employees.**

### **Article III, Prosecutor.**

This article is amended to read as follows:

#### **§ 90-8. Created.**

There is hereby established the position of Prosecutor for the Borough, which position shall be filled by the appointment of the Mayor, with the advice and consent of the Council, to perform the duties and functions as per N.J.S.A. 2B:25-1 et seq.

#### **§ 90-9. Term.**

The term of office of the Prosecutor shall be one year, commencing January 1 of the calendar year and concluding December 31 of the same year.

### **Article V, Fire Marshal.**

Section 90-24C is amended to read: "The Fire Marshal will be appointed in accordance with § 361-6B by the Mayor with the consent of the Council to serve at the pleasure of the Mayor and Council."

### **Article X, Chief Financial Officer.**

Section 90-46 is amended to read: “The Chief Financial Officer shall be appointed for a term of four years, which shall run from January 1 in the year in which the Chief Financial Officer is appointed.”

## **Chapter 97, Parking Utility.**

Section 97-5A is amended to update the statutory reference to N.J.S.A. 40A:5-15.

## **Chapter 118, Police Department.**

### **Article IV, Special Law Enforcement Officers.**

Section 118-25 is amended to remove the dollar amounts therefrom and insert language indicating that the minimum and maximum hourly rate shall be established by the Mayor and Council, to read as follows: “*Special law enforcement officers appointed by the Borough of Red Bank shall receive a rate of pay that is within the following ranges established by the Mayor and Council. The actual salary paid each special law enforcement officer shall be set forth in the resolution appointing each individual to the position.*” [Subsections A and B of § 118-25 deleted.]

## **Chapter 219, Alcoholic Beverages.**

### **Article I, Licensing and Regulations.**

Section 219-3D(1) is amended to read:

- (1) *The annual fees of licenses for the sale and distribution of alcoholic beverages in the Borough shall be as follows:*
  - (a) *Plenary retail consumption license: \$2,500.*
  - (b) *Plenary retail distribution license: \$2,500.*
  - (c) *Club license: \$188.*

## **Chapter 224, Amusements and Vending Machines, Coin-Operated.**

Section 224-11 is amended to update the statutory reference to N.J.S.A. 2C:64-1 et seq.

## **Chapter 231, Animals.**

### **Article III, Feeding or Abandoning Wildlife and Waterfowl.**

Section 231-29 is amended to delete the penalty and instead provide a reference to the general penalty in Chapter 1, Article II, General Penalty.

### **Article IV, Vicious and Potentially Dangerous Dogs.**

Section 231-34A(2) is amended to add “*Severely injured or*” prior to “*Killed another domestic animal*” and add “*Severely injuring or*” prior to “*Killing a domestic animal*” in § 231-34B(2).

### **Article V, Canvassing.**

In the first sentence of § 231-43, “annually” is changed to “biennially.”

### **Article VI, Pet Solid Waste Disposal.**

Section 231-49 is amended to delete the penalty and instead provide a reference to the general penalty in Chapter 1, Article II, General Penalty.

### **Chapter 238, Assemblies, Public.**

Section 238-13 is amended to delete the penalty and instead provide a reference to the general penalty in Chapter 1, Article II, General Penalty.

### **Chapter 252, Brush, Weeds and Debris.**

Section 252-4 is amended to change “Superintendent of the Street Department” to “Director of Public Utilities.”

### **Chapter 265, Buildings and Dwelling Units, Unfit.**

Sections 265-4 and 265-6 is amended to change “*Basic Property Maintenance Code*” to “*Property Maintenance Code*.”

### **Chapter 277, Checks, Returned.**

Section 277-2 is added:

#### **§ 277-2. Collection of service charge.**

*Any service charge authorized by this chapter shall be collected in the same manner prescribed by law for the collection of the account for which the check or other written instrument was tendered. In addition, the governing body may require future payments to be tendered in cash or by certified or cashier's check.*

### **Chapter 286, Cigarette Vending Machines.**

- A. Section 286-2A, D and E is amended to change instances of “18” to “19”
- B. Section 286-4 is amended to delete the penalty and instead provide a reference to the general penalty in Chapter 1, Article II, General Penalty.

### **Chapter 340, Fees for Vital Statistics.**

Section 340-2A is amended to add “or civil union” after “marriage license.”

### **Chapter 361, Fire Prevention and Protection.**

The lead-in paragraph in § 361-10 is amended to change “*BOCA Basic/Fire Prevention Code 1996*” to “*2006 International Fire Code*.”

### **Chapter 404, Housing Discrimination.**

- A. Section 404-4 is amended to change “*Clerk of the Municipal Court*” to “*Administrator of the Municipal Court*.”
- B. Section 404-5A is amended to remove the incremental penalties and apply the maximum penalty: “*Any person who violates any provision of §§ 404-1 through*

*404-4 of this chapter shall, ~~and upon conviction, for the first offense pay a fine of not more than \$250 and for the second offense shall pay a fine of not more than \$500; and for the third offense shall pay a fine of \$500 or be imprisoned for a period not more than 30 days, or both~~ be subject to the general penalty in Chapter 1, Article II, General Penalty, of the Code of the Borough of Red Bank. Each and every offense shall be deemed to be and constitute a separate and distinct violation of this chapter.”*

- C. Section 404-5C is amended to change N.J.S.A. 18:25-4 to “the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq.”

## **Chapter 505, Property Maintenance.**

### **Article I, Adoption of Standards.**

Section 505-2 is amended to delete the following sentence therefrom: “*Unless specifically set forth to the contrary by Ordinance, commencing on the effective date of this Ordinance, the most recent version of the International Property Maintenance Code shall be designated and adopted as the Borough’s property maintenance code.*”

## **Chapter 523, Rental Property.**

### **Article III, Registration; Inspections.**

Section 523-24A is amended to replace the penalty with a reference to the general penalty in Chapter 1, Article II, but retain the minimum fine of \$500.

### **Article IV, Deferred Prosecution Agreements.**

Section 523-28A is amended to replace the maximum fine with a reference to the general penalty in Chapter 1, Article II, but retain the minimum fine of \$500.

## **Chapter 530, Rent Control.**

### **Article III, Violations and Penalties.**

Section 530-20 is amended to delete the penalty and instead provide a reference to the general penalty in Chapter 1, Article II, General Penalty.

## **Chapter 536, Sales, Special.**

Section 536-4B is amended to change the license application fee to \$100 and change the license renewal fee to \$50.

## **Chapter 562, Sidewalk Cafes and Restaurants.**

Section 562-6 is amended to delete the penalty and instead provide a reference to the general penalty in Chapter 1, Article II, General Penalty.

## **Chapter 571, Skateboards, Roller Skates and Roller Blades.**

- A. Section 571-7 is amended to change “14 years” to “17 years.”

B. Section 571-9A is amended to delete the penalty and instead provide a reference to the general penalty in Chapter 1, Article II, General Penalty.

C. Section 571-9 is amended to add Subsection B:

*A person who violates the provisions of § 571-7 by failing to wear an approved helmet shall be warned of the violation by the enforcing official. The parent or legal guardian of the violator may be fined a maximum of \$25 for a first offense and a maximum of \$100 for a subsequent offense. The penalties provided under the provisions of this subsection for failing to wear an approved helmet may be waived if the parent or legal guardian of the violator presents suitable proof that an approved helmet or appropriate personal protection equipment has been purchased since the violation occurred.*

### **Chapter 583, Soil Removal.**

Section 583-6A is amended to delete the penalty and instead provide a reference to the general penalty in Chapter 1, Article II, General Penalty.

### **Chapter 590, Solid Waste.**

#### **Article I, Recycling.**

Section 590-10A is amended to delete the penalty and instead provide a reference to the general penalty in Chapter 1, Article II, General Penalty.

#### **Article III, Solid Waste Collection.**

Section 590-22C is amended to delete the penalty and instead provide a reference to the general penalty in Chapter 1, Article II, General Penalty.

#### **Article IV, Collection from Retail Food Establishments.**

Section 590-27A is amended to delete the penalty and instead provide a reference to the general penalty in Chapter 1, Article II, General Penalty.

### **Chapter 596, Special Improvement District.**

#### **Article I, Red Bank RiverCenter.**

Section 596-7A(3) is amended to change “22” to “23.”

### **Chapter 608, Streets and Sidewalks.**

#### **Article I, Visual Obstructions and Intersections.**

Section 608-4 is amended to change “Street Superintendent” to “Director of Public Utilities.”

#### **Article V, Removal of Snow and Ice from Sidewalks.**

- A. Section 608-10 is amended to delete the penalty and instead provide a reference to the general penalty in Chapter 1, Article II, General Penalty.
- B. Section 608-11 is amended to change “Supervisor of Streets” to “Director of Public Utilities.”

#### **Article VI, Removal of Overhanging Branches.**

Section 608-13 is amended to change “Street Superintendent” to “Director of Public Utilities.”

#### **Article VIII, Construction and Repair of Sidewalks, Curbs and Driveways.**

Section 608-17 is amended to change the application fee to \$10.

Section 608-22 is amended to change the per-linear-foot fee to \$0.25 and change the minimum fee to \$25.

#### **Article IX, Excavations and Openings in Streets.**

Section 608-36B(2) is amended, in part, as follows: “Steel dowels (18 inches long, 1 1/8 inch diameter epoxy coated) shall be set in pre-drilled holes in the existing concrete pavement spaced very two feet along the cut edge, as per Bar Embedment Detail in Detail “B.””

#### **Chapter 617, Swimming Pools.**

- A. Section 617-3 is amended to delete the third sentence thereof, referring to an application fee.
- B. Section 617-6B is amended to delete the last sentence thereof, referring to an application fee.
- C. Section 617-6C is amended to change \$5 to \$35.

#### **Chapter 633, Taxicabs.**

Section 633-8 is amended to delete the penalty and instead provide a reference to the general penalty in Chapter 1, Article II, General Penalty.

#### **Chapter 652, Towing.**

- A. Section 652-9J(2) is amended, in part, as follows: “*The maximum rates, as fixed on Schedule A attached to and incorporated into this section shall apply to the towing and storage of all passenger vehicles ~~except those exempted pursuant to N.J.S.A. 17:33B-47 et seq. and N.J.A.C. 11:3-38.1 et seq.~~ as well as to all non-passenger vehicles not exceeding three tons in weight.*”
- B. Section 652-15 is amended to delete the penalty and instead provide a reference to the general penalty in Chapter 1, Article II, General Penalty.

#### **Chapter 665, Trees.**

Section 665-4A and B is amended to delete the penalty and instead provide a reference to the general penalty in Chapter 1, Article II, General Penalty.

## **Chapter 675, Vehicles, Abandoned and Inoperable.**

### **Article I, Inoperable Vehicles.**

Section 675-6 is amended to delete the penalty and instead provide a reference to the general penalty in Chapter 1, Article II, General Penalty.

## **Chapter 680, Vehicles and Traffic.**

Section 680-32P and 680-33P are amended to read:

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