

PROPOSED CODE ADOPTION ORDINANCE
for the
CODE OF THE BOROUGH OF EMERSON, NEW JERSEY
March 2021

GENERAL CODE
781 Elmgrove Road
Rochester, New York 14624
800 836-8834
www.generalcode.com

BOROUGH OF EMERSON

COUNTY OF BERGEN

STATE OF NEW JERSEY

NOTICE OF ADOPTION

ORDINANCE NO. 1627-21

Introduced: April 6, 2021

Adopted: April 20, 2021

NOTICE IS HEREBY GIVEN that the following ordinance was adopted on the second reading after a Public Hearing at the Regular Meeting of the Borough Council of the Borough of Emerson on the 20th day of April, 2021. A copy of Ordinance 1627-21 is on file in the Borough Clerk's Office in the Municipal Building, 1 Municipal Pl., Emerson, NJ 07630.

AN ORDINANCE ADOPTING A REVISION AND CODIFICATION OF THE ORDINANCES OF THE BOROUGH OF EMERSON, COUNTY OF BERGEN, STATE OF NEW JERSEY

Be it ordained and enacted by the Mayor and Council of the Borough of Emerson, County of Bergen, 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 Emerson of a general and permanent nature adopted by the Mayor and Council of the Borough of Emerson, as revised and codified and consisting of Chapters 1 through 290, together with an Appendix, are hereby approved, adopted, ordained and enacted as Parts I and II of the Code of the Borough of Emerson, 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 2003 Code of the Borough of Emerson, 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 Emerson 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 Emerson" shall be understood and intended to include such additions and amendments.

§ 1-3. Notice; publication.

The Clerk of the Borough of Emerson 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. Repealer.

- 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 Emerson 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) Ordinance No. 1359, concerning signs and awings, adopted December 2, 2008, as amended by Ord. No. 1395, Ord. No. 1447, and Ord. No. 1514.
 - (2) Former Chapter 11, Centennial Committee, of the 2003 Code, adopted 8-15-2000 by Ord. no. 1146.

§ 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 September 15, 2020.

- 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.
- N. The subdivision regulations of the Borough, adopted March 16, 1954 by Ord. No. 341, and all subsequent amendments thereto.

§ 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 "fireman" and "firemen" are amended to read "firefighter" and "firefighters," respectively.
 - (2) References to "Chairman" are amended to read "Chair."
 - (3) In Chapter 290, references to "Building Inspector" are amended to read "Zoning Officer."
 - (4) References to "Code Enforcement Officer" are amended to read "Code Enforcement Official."
 - (5) References to "State Department of Conservation and Economic Development" are amended to read "State Department of Environmental Protection."
 - (6) References to "Assistant Borough Clerk" and "Assistant to the Borough Clerk" are amended to read "Deputy Clerk."
 - (7) References to "Department of Public Works" are amended to read "Department of Municipal Services," unless doing so would not make sense within the context of the text.
 - (8) References to "Superintendent of Public Works" are amended to read "Superintendent of Municipal Services" unless doing so would not make sense within the context of the text.
 - (9) References to "Foreman" are amended to read "Leadman."
 - (10) References to "Zoning Official" are amended to read "Zoning Officer."
 - (11) References to "Borough Hall" are amended to read "Municipal Building."
 - (12) References to "Property Maintenance Official" are amended to read "Chair."
 - (13) References to the "Land Development Ordinance" are amended to refer to Chapter 290, Zoning, of the Borough of Emerson Code.
 - (14) References to "Construction Official," "Building Code Official," "Building Department Official," "Construction Code Enforcement Official," and "Construction Code Enforcement Officer" are amended to read "Construction Code Official."
 - (15) The following changes are made to cite the current title "Land Use Board," unless doing so would not make sense within the context of the text: where

both the "Planning Board" and "Zoning Board of Adjustment" are cited, the reference to the "Zoning Board of Adjustment" is deleted; references to only the "Zoning Board of Adjustment" are changed to "Land Use Board;" and references to the "Planning Board" are changed to "Land Use Board."

§ 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 Emerson 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.

ATTEST:

Jane Dietsche, RMC, Borough Clerk Danielle DiPaola, Mayor

COUNCIL	M O V E D	S E C O N D E D	A Y E S	N A Y E S	A B S E N T	A B S E N T A I N	<p><i>I hereby certify that the Ordinance 1627-21 was duly adopted by the Borough of Emerson at a meeting held on April 20th, 2021.</i></p> <p>Attest: _____ <i>Municipal Clerk</i></p>
McGuire		X	X				
Timmerman			X				
Argenzia			X				
Hoffman	X		X				
Carbo			X				
Gordon			X				