

**BOROUGH COUNCIL AGENDA
REGULAR MEETING JUNE 26, 2023
7:30 P.M.**

Reading Of Sunshine Notice

Flag Salute

Roll Call

Agenda Session

Public Comment

Communications Consent Agenda – Items A-B

- A. Receive and Accept Arts Council Meeting Minutes of March 20 and April 17, 2023
- B. Receive and Accept Library Board Meeting Minutes May 9, 2023

Ordinances – Public Hearing

Ord. 2023-16

ORDINANCE OF THE BOROUGH OF
METUCHEN ADOPTING A REDEVELOPMENT
PLAN FOR THE EXPANDED ARTS DISTRICT
WITHIN THE BOROUGH OF METUCHEN,
COUNTY OF MIDDLESEX, STATE OF NEW
JERSEY

Presentation on Ordinance 2023-16 by Borough Planner

Ord. 2023-17

ORDINANCE AMENDING SECTION 110-101
(CORNER LOTS), SECTION 110-112.2 (FENCES
AND WALLS), 110-112.3 (DRIVEWAYS), 110-
112.4 (PATIOS AND WALKWAYS), 110-112.6
(ACCESSORY STRUCTURES) AND 110-112.7
(DESIGN AND LANDSCAPE PROVISIONS) IN
CHAPTER 110 (LAND DEVELOPMENT)
CONCERNING CERTAIN SUPPLEMENTARY
REGULATIONS PERTAINING TO SINGLE-
AND TWO-FAMILY DWELLINGS

2023Municipal Budget – Public Hearing and Adoption

Resolution 2023-186

RESOLUTION TO READ THE BUDGET BY
TITLE ONLY AT THE PUBLIC HEARING

Resolution 2023-187

RESOLUTION OF GOVERNING BODY
CERTIFICATION OF COMPLIANCE WITH THE
UNITED STATES EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION’S
“ENFORCEMENT GUIDANCE ON THE
CONSIDERATION OF ARREST AND
CONVICTION RECORDS IN EMPLOYMENT
DECISIONS UNDER TITLE VII OF THE CIVIL
RIGHTS ACT OF 1964”

Public Hearing on 2023 Municipal Budget

Resolution 2023-188

RESOLUTION TO AMEND THE APPROVED
BUDGET

Adoption of 2023 Municipal Budget

Report of the Borough Administrator

Reports Of Council Members

Council President Delia
Councilmember Rasmussen
Councilmember Kandel
Councilmember Hyman
Councilmember Hirsch
Councilmember Branch

Report of the Mayor

New Business Consent Agenda – Resolutions2023-189to 2023-199

- R2023-189 RESOLUTION AUTHORIZING BID AWARD FOR EDGAR PARK TURF FIELD IMPROVEMENTS
- R2023-190 RESOLUTION AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT TO COLLIERS ENGINEERING & DESIGN, TO PERFORM ENGINEERING SERVICES FOR 2023 ROAD PROGRAM AND SANITARY SEWER UPGRADES
- R2023-191 RESOLUTION AUTHORIZING ESCNJ CONTRACT FOR PLAYGROUND EQUIPMENT, SITE FURNISHINGS AND PLAYGROUND SURFACING MATERIALS, INSTALLATION AND MAINTENANCE
- R2023-192 RESOLUTION OF APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE HILLSIDE AVENUE BIKEWAYS PROJECT
- R2023-193 RESOLUTION OF APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE GROVE AVENUE WALKWAY REHABILITATION PROJECT – TRANSIT VILLAGE PROGRAM
- R2023-194 RESOLUTION OF APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE GROVE AVENUE WALKWAY REHABILITATION PROJECT – SAFE STREETS TO TRANSIT PROGRAM
- R2023-195 RESOLUTION OF APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE GROVE AVE, ROSE ST AND NEWMAN ST

IMPROVEMENTS PROJECT

- R2023-196 RESOLUTION AUTHORIZING THE BOROUGH OF METUCHEN PLANNING BOARD TO REVIEW A PROPOSED REDEVELOPMENT PLAN FOR BLOCK 130.01, LOTS 47.01, 47.02, 48 & 60.01 WITHIN THE BOROUGH OF METUCHEN, MIDDLESEX COUNTY, NEW JERSEY
- R2023-197 RESOLUTION APPOINTING CLASS II MEMBER OF METUCHEN BOROUGH PLANNING BOARD – LINDA KOSKOSKI
- R2023-198 RESOLUTION AUTHORIZING TRAFFIC DETOUR PROPOSED BY ELIZABETHOWN GAS
- R2023-199 RESOLUTION FOR LIEN REDEMPTION

Other New Business

- R2023-200 RESOLUTION AUTHORIZING THE PAYMENT OF THE BILL LIST IN THE AMOUNT OF \$279,561.30

Adjournment

The Borough of Metuchen does not discriminate against persons with disabilities. Those individuals requiring auxiliary aids and services were necessary must notify the ADA Coordinator of the Borough of Metuchen at least seventy-two (72) hours in advance of the meeting or scheduled activity.

ORDINANCE 2023-16

*Borough of Metuchen
County of Middlesex
State of New Jersey*

ORDINANCE OF THE BOROUGH OF METUCHEN ADOPTING A REDEVELOPMENT PLAN FOR THE EXPANDED ARTS DISTRICT WITHIN THE BOROUGH OF METUCHEN, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY

WHEREAS, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “LRHL”), via Resolution No. 2020-46, adopted on January 13, 2020, the Borough Council of the Borough of Metuchen (the “Borough Council”) designated Block 183.02, Lots 1, 2, 3, 4, portion of 5.01, 5.02, 6, 7, 8, 31 and 32 (“Original Arts District Redevelopment Area”) as a “Condemnation Area in Need of Redevelopment”; and

WHEREAS, the Borough Council, pursuant to Resolution No. 2020-50, designated the entire Borough of Metuchen, County of Middlesex, including Block 145, Lots 2, 6, 9, 13.01, 17.01, 18.02, 18.03, 21, 23, 27, 34, 38, 42.01, 42.03, 50.05, 78, 85-94, which in conjunction with the Original Arts District Redevelopment Area is known as the “Expanded Arts District”, an “Area in Need of Rehabilitation” pursuant to N.J.S.A. 40A:12A-1 et seq. (the “Rehabilitation Area”); and

WHEREAS, in order to facilitate the redevelopment of the Rehabilitation Area, the Council adopted Ordinance 2020-10 on May 26, 2020, adopting a redevelopment plan entitled “Redevelopment Plan for Rehabilitation in the Borough of Metuchen, dated March 2020, (“Original Redevelopment Plan”) after review by the Borough Planning Board (the “Planning Board”), pursuant to N.J.S.A. 40A:12A-7; and

WHEREAS, in order to appropriately effectuate the comprehensive rehabilitation and redevelopment of the Expanded Arts District, the Borough has determined that adoption of a more specific redevelopment plan for the Expanded Arts District is necessary and has prepared a redevelopment plan entitled, “Expanded Metuchen Arts District Redevelopment Plan, Block 183.02, Lots 1-4, portion of 5.01, 5.02, 6-8, 31-32; and, Block 145, Lots 2, 6, 9, 13.01, 17.01, 18.02, 18.03, 21, 23, 27, 34, 38, 42.01, 42.03, 50.05, 78, 85-94, Borough of Metuchen, Middlesex County, New Jersey” prepared by LRK, Inc. (the “Expanded Arts District Redevelopment Plan”) which sets forth, inter alia, the plans for the planning, development, redevelopment, and rehabilitation of the Expanded Arts District; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-7, a governing body may adopt, revise or amend a redevelopment plan; and

WHEREAS, in order to facilitate the rehabilitation and redevelopment of the Expanded Arts District, the Planning Board, pursuant to N.J.S.A. 40A:12A-7, reviewed the Expanded Arts District Redevelopment Plan which will support and promote the adaptive reuse, rehabilitation and redevelopment of the Expanded Arts District; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-7, the Planning Board recommended to the Borough Council that the Expanded Arts District Redevelopment Plan, which is on file with the Borough Clerk’s office, be adopted, as it provides for the planning, development, redevelopment, and rehabilitation of the Expanded Arts District and is consistent with the Borough Master Plan; and

WHEREAS, the Expanded Arts District Redevelopment Plan shall supersede the development regulations of the Borough's Zoning Ordinance, to the extent set forth therein and the Borough Zoning Map is hereby amended to conform with the provisions of the Expanded Arts District Redevelopment Plan and for those portions of the zoning set forth in the Expanded Arts District Redevelopment Plan that constitute overlay zoning, no zoning map amendment is necessary; and

WHEREAS, the Borough Council has determined that it is in the best interest of the Borough to adopt the Expanded Arts District Redevelopment Plan, as recommended by the Board, to effectuate the rehabilitation and redevelopment of the Borough.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Metuchen, Middlesex County, State of New Jersey, as follows:

Section 1. The Borough hereby adopts the "Expanded Arts District Redevelopment Plan" to facilitate the rehabilitation and redevelopment of the Borough of Metuchen.

Section 2. The Borough Council declares and determines that said Expanded Arts District Redevelopment Plan meets the criteria, guidelines, and conditions set forth in N.J.S.A. 40A:12A-7, provides realistic opportunities for the rehabilitation and redevelopment of the Borough, and is otherwise in conformance with N.J.S.A. 40A:12A-1, et seq.

Section 3. The Borough Council shall have, be entitled to, and is hereby vested all power and authority granted by the aforementioned statutory provisions to effectuate the Expanded Arts District Redevelopment Plan.

Section 4. The Expanded Arts District Redevelopment Plan shall supersede the development regulations of the Borough's Zoning Ordinance, to the extent set forth therein and the Borough Zoning Map is hereby amended to conform with the provisions of the Expanded Arts District Redevelopment Plan and for those portions of the zoning set forth in the Expanded Arts District Redevelopment Plan that constitute overlay zoning, no zoning map amendment is necessary.

Section 5. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 6. In the event any clause, section or paragraph of this Ordinance is deemed invalid or unenforceable for any reason, it is the intent of the Borough Council that the balance of the Ordinance remains in full force and effect to the extent it allows the Borough to meet the goals of the Ordinance.

Section 7. This Ordinance shall take effect after final adoption and publication according to law.

Introduction: June 12, 2023
 Date of Publication: June 16, 2023

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
BRANCH	X				HYMAN	X			
DELIA	X				KANDEL	X			
HIRSCH				X	RASMUSSEN	X			
MOTION	DELIA				SECOND	RASMUSSEN			
X – INDICATES VOTE					AB- ABSENT		NV- NOT VOTING		

I hereby certify the foregoing to be a true copy of an ordinance introduced by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on June 12, 2023.

 Deborah Zupan
 Borough Clerk

Adopted: _____, 2023
 Date of Publication: _____, 2023

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
BRANCH					HYMAN				
DELIA					KANDEL				
HIRSCH					RASMUSSEN				
MOTION					SECOND				

I hereby certify the foregoing to be a true copy of an ordinance adopted by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on _____, 2023.

 Deborah Zupan
 Borough Clerk

ATTEST:

BOROUGH OF METUCHEN

 Deborah Zupan
 Borough Clerk

By: _____
 Jonathan M. Busch
 Mayor

ORDINANCE 2023-17

*Borough of Metuchen
County of Middlesex
State of New Jersey*

ORDINANCE AMENDING SECTION 110-101 (CORNER LOTS), SECTION 110-112.2 (FENCES AND WALLS), 110-112.3 (DRIVEWAYS), 110-112.4 (PATIOS AND WALKWAYS), 110-112.6 (ACCESSORY STRUCTURES) AND 110-112.7 (DESIGN AND LANDSCAPE PROVISIONS) IN CHAPTER 110 (LAND DEVELOPMENT) CONCERNING CERTAIN SUPPLEMENTARY REGULATIONS PERTAINING TO SINGLE- AND TWO-FAMILY DWELLINGS

BE IT ORDAINED by the Borough Council of the Borough of Metuchen as follows (additions are indicated by underlining; deletions are indicated by ~~strikethroughs~~):

SECTION 1. Section 110-101 (Corner lots) in Article 23 (Supplementary Regulations) in Part III (Zoning) in Chapter 110 (Land Development) of the Code of the Borough of Metuchen is hereby amended to read as follows:

§110-101 Corner lots and through lots.

Whenever a lot shall be bounded by more than one street line, the following provisions shall apply:

- A. All provisions of this chapter with respect to setbacks and all other restrictions and regulations relating to street lines and front yards shall apply to each street line as a front yard.
- B. For the purposes of determining the rear yard on a corner lot, the interior lot line opposite the street line with the shortest frontage shall be considered to be the rear lot line, and any remaining interior lot lines shall be considered side lot lines for the purposes of determining side yards. Additionally, on corner lots and through lots, the reviewing agency or the Zoning Officer shall have the ability to determine which streets shall be treated as the primary and secondary streets for the purposes of applicable subsections in this chapter.
- C. No provision of this chapter shall permit the erection of any structure or other vision-obstructing object with a height greater than 2 1/2 feet, as measured from the elevation of the existing grade, including landscaping, within a triangular area formed by measuring 25 feet along each street line of the property from the point of intersecting lot lines at such corner and connecting such points to form a triangle.

SECTION 2. Section 110-112.2 (Fences and walls) in Article 23 (Supplementary Regulations) in Part III (Zoning) in Chapter 110 (Land Development) of the Code of the Borough of Metuchen is hereby amended to read as follows:

§110-112.2 Fences and walls.

Fences and walls shall be permitted in all districts, shall require site plan approval and/or an approved zoning permit prior to construction and shall be subject to the following provisions:

A. Materials.

- (1) Fences shall be constructed of wood, vinyl, aluminum, metal, wrought iron and mesh netting, except chain-link and chicken wire.
- (2) Walls shall be constructed of stone or brick with a stone or cast stone cap. Corners and entrances shall be defined with articulated piers.
- (3) In no case shall a fence or wall be constructed of any material harmful to humans or animals, such as barbed wire, metal spikes, or electrified conductors.

B. Location.

- (1) Front yards.
 - (a) Fences shall be permitted to be located in front yards, provided that such fence shall not exceed a height of four feet above grade. Fences shall be constructed so that at least 50% thereof is nonsolid and open.
 - (b) Walls shall be permitted to be located in front yards, provided that such wall shall not exceed a height of two feet above grade.
- (2) Side and rear yards.
 - (a) Both solid and nonsolid fences shall be permitted to be located in side and rear yards, provided that such fence shall not exceed a height of six feet above grade and be no closer than 10 feet to any front lot line.
 - (b) For properties abutting an active or former rail right-of-way, both solid and nonsolid fences shall be permitted to be located in side and rear yards, provided that such fence shall not exceed a height of eight feet above grade and be no closer than 40 feet to any front lot line. Additionally, the portion of the fence above a height of six

feet above grade shall be constructed so that at least 50% thereof is nonsolid and open.

- (c) Walls shall be permitted to be located in side and rear yards, provided that such wall shall not exceed a height of four feet above grade.

(3) Corner lots and through lots.

- (a) For permitted fences not exceeding a height of six feet above grade and walls not exceeding a height of four feet above grade, such fence or wall shall be permitted to be located in the front yard along the secondary street, provided that such fence or wall shall be no closer than 10 feet to any frsuchont lot line.

- (b) For permitted fences not exceeding a height of eight feet above grade, such fence shall be permitted to be located in the front yard along the secondary street, provided that such fence shall be no closer than 25 feet to any front lot line.

(4) Fenceposts, corners and piers may be articulated to a height not to exceed one additional foot above a permitted fence height. Piers may be articulated to a height not to exceed two additional feet above a permitted wall height, provided that such pier does not exceed 30 inches in width or depth. Pergolas, trellises or arbor entryways may be articulated to a height not to exceed 10 feet above grade, provided that such structure does not exceed 10 feet in width.

(5) In no case shall a permitted fence or wall be placed so as to constitute a traffic or safety hazard. No fence or wall shall be located in the public right-of-way. The fence or wall shall be located entirely within the property upon which it is located.

C. Orientation. (No changes)

D. Drainage. (No changes)

E. Buffering and screening. (No changes)

F. Retaining walls. (No changes)

G. Clear sight triangles. Fences and walls shall comply with the provisions for clear sight triangles pursuant to §110-101.C at street intersections and §110-151.H at locations where driveways approach sidewalks and streets in the public right-of-way.

SECTION 3. Section 110-112.3 (Driveways) in Article 23 (Supplementary Regulations) in Part III (Zoning) in Chapter 110 (Land Development) of the Code of the Borough of Metuchen is hereby amended to read as follows:

§110-112.3 Driveways.

Driveways shall be permitted in all districts, shall require site plan approval and/or an approved zoning permit prior to construction and shall be subject to the following provisions:

A. Lot access.

- (1) Every lot shall have a maximum of one driveway opening providing access to a street.
- (2) On lots a minimum of 100 feet in lot width, an additional driveway opening shall be permitted for the purpose of creating a connected or U-shaped driveway in the front yard. In no case shall the two driveway openings be located closer than 25 feet to each other.

B. Setbacks.

- (1) A driveway on a corner lot shall be set back a minimum of 40 feet from the intersecting lot lines at the corner.
- (2) A driveway shall be set back a minimum of three feet from a side or rear lot line, unless such driveway is a common or shared driveway for dwelling units on adjacent lots.
- (3) On lots 50 feet or less in lot width, a driveway shall be set back a minimum of one foot from a side or rear lot line, unless such driveway is a common or shared driveway for dwelling units on adjacent lots.

C. Width.

- (1) A driveway shall maintain a maximum width of 12 feet at the front lot line, after which the driveway may flare out to a maximum width of 20 feet in the front yard.
- (2) On lots a minimum of 62.5 feet in lot width, a driveway shall maintain a maximum width of 16 feet at the front lot line, after which the driveway may flare out to a maximum width of 20 feet in the front yard.
- (3) On lots a minimum of 75 feet in in lot width, a driveway shall maintain a maximum width of 20 feet at the front lot line, after which the driveway may flare out to a maximum width of 24 feet in the front yard.

- (4) On corner lots and through lots, where the driveway opening provides access from the secondary street and the driveway is 18 feet or less in length, a driveway shall maintain a maximum width of 20 feet at the front lot line.
- D. Coverage. The area of a driveway shall not exceed 30% impervious coverage of the front yard.
- E. Design specifications. A driveway shall comply with the provisions for construction specifications, grading, aprons, side slopes and clear sight triangles, pursuant to Article 35 of this chapter.

SECTION 4. Section 110-112.4 (Patios and walkways) in Article 23 (Supplementary Regulations) in Part III (Zoning) in Chapter 110 (Land Development) of the Code of the Borough of Metuchen is hereby amended to read as follows:

§110-112.4 Patios and walkways.

Patios and walkways shall be permitted in all districts, shall require site plan approval and/or an approved zoning permit prior to construction and shall be subject to the following provisions:

- A. Materials. Patios and walkways shall be constructed of slate, stone, brick or concrete.
- B. Location. No patio shall be located in the front yard. On corner lots and through lots, a patio shall be permitted to be located in the front yard along the secondary street, provided that such shall be no closer than 10 feet to any front lot line.
- C. Setbacks.
 - (1) A patio or walkway shall be set back a minimum of three feet from a side or rear lot line, exclusive of the private walkway providing access to the lot.
 - (2) On lots 50 feet or less in lot width, a patio or walkway shall be set back a minimum of one foot from a side or rear lot line, exclusive of the private walkway providing access to the lot.
 - (3) Raised patios greater than 30 inches above grade shall be set back a minimum of three feet from a side or rear lot line.
 - (4) Raised patios greater than 5 feet above grade shall be set back a minimum of five feet from a side or rear lot line.

- D. Drainage. Patios and walkways shall be constructed in a manner so as to permit the continued flow of natural drainage and shall not cause surface water to be blocked or dammed to create ponding, either on the property upon which such is located or on any adjacent lot or public right-of-way.

SECTION 5. Section 110-112.6 (Accessory structures) in Article 23 (Supplementary Regulations) in Part III (Zoning) in Chapter 110 (Land Development) of the Code of the Borough of Metuchen is hereby amended to read as follows:

§110-112.6 Accessory Structures.

Accessory structures, inclusive of air-conditioner (A/C) condenser units, generators, transformers and other mechanical equipment, shall be permitted in all districts and shall require site plan approval and/or an approved zoning permit prior to construction and shall be subject to the following provisions:

A. Location.

- (1) No accessory structure shall be located in a front yard. On corner lots and through lots, an accessory structure shall be permitted to be located in the front yard along the secondary street, provided that such shall be no closer than 15 feet to any front lot line.
- (2) Nonenclosed outdoor dining structures within the B-1 and D-1 Districts shall be permitted to be located in a front yard without a minimum setback requirement from the front lot line, provided that such structures do not exceed a height of 15 feet above grade.

B. Setbacks.

- (1) Accessory structures not exceeding 100 square feet in area and a height of 10 feet above grade shall be set back a minimum of three feet from a side or rear lot line.
- (2) Accessory structures exceeding 100 square feet in area and/or a height of 10 feet above grade shall be set back a minimum of five feet from a side or rear lot line.
- (3) On lots 50 feet or less in lot width, accessory structures, including detached garages, not exceeding 300 square feet in area and a height of 15 feet above grade shall be set back a minimum of three feet from a side or rear lot line.
- (4) On lots in the LI Light Industrial District, accessory structures shall be set back a minimum of 10 feet from a side or rear lot line.

- (5) Nonenclosed outdoor dining structures within the B-1 and D-1 Districts shall not have minimum setback requirements from side or rear lot lines, provided that such structures do not exceed a height of 15 feet above grade.
- C. Height. No accessory structure shall be greater than 1 1/2 stories or a height of 20 feet above grade.
- D. Screening. Ground-mounted mechanical equipment shall be properly screened from the street by planting of evergreen trees, shrubs or a berm and/or a permitted fence or wall to provide an opaque visual barrier, provided that such shall be 100% visually impervious at all times of the year.

SECTION 6. Section 110-112.7 (Design and landscape provisions) in Article 23 (Supplementary Regulations) in Part III (Zoning) in Chapter 110 (Land Development) of the Code of the Borough of Metuchen is hereby amended to read as follows:

§110-112.7 Design and landscape provisions.

- A. Orientation. (No changes)
- B. Facade width. The width of any façade facing a street shall not extend greater than 40 feet. Such facade may extend beyond 40 feet by stepping inward or outward with offsets of a minimum of eight feet. The width of any façade facing a street to achieve the required stepping shall extend no less than eight feet. For the purposes of this subsection, a covered porch at least four feet in depth, 10 feet in width and located not greater than four feet from the garage shall meet the intent of being a portion of the facade facing the street. These provisions shall apply to pre-existing dwellings that currently conform to these provisions and new dwellings only.
- C. Garage locations and design. A one- or two-car garage facing the street shall be recessed behind the nearest portion of the facade facing the street with an offset of a minimum of eight feet. Any three-car garage shall be located to face the side or rear of the property and not the street. Any garage facing the side or rear of the property shall be recessed behind the nearest portion of the façade facing the street with an offset of a minimum of four feet. For the purposes of this subsection, a covered porch at least four feet in depth, 10 feet in width and located not greater than four feet from the garage shall meet the intent of being a portion of the facade facing the street. The width of the portion of the façade facing the street containing the garage shall not exceed 40% of the overall façade facing the street or 30 feet, whichever is less. In no case shall the garage door(s) be closer to the street than the main entry door. These provisions shall apply to pre-existing dwellings that currently conform to these provisions and new dwellings only.
- D. Repetition of building design. (No changes)

- E. Existing vegetation. (No changes)
- F. Foundation plantings. (No changes)
- G. Front yard tree plantings. (No changes)
- H. Street trees. (No changes)
- I. Public sidewalks and private walkways. (No changes).

SECTION 7. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 8. If any portion of this ordinance shall be determined to be invalid, such determination shall not affect the validity of the remaining portions of said ordinance.

SECTION 9. This ordinance shall ordinance shall take effect upon final passage and publication in accordance with law and upon filing with the Middlesex County Planning Board.

Introduction: June 12, 2023
 Date of Publication: June 16, 2023

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
BRANCH	X				HYMAN	X			
DELIA	X				KANDEL	X			
HIRSCH				X	RASMUSSEN	X			
MOTION	DELIA			SECOND			RASMUSSEN		
X – INDICATES VOTE				AB- ABSENT			NV- NOT VOTING		

I hereby certify the foregoing to be a true copy of an ordinance introduced by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on June 12, 2023.

 Deborah Zupan
 Borough Clerk

Adopted: _____, 2023
 Date of Publication: _____, 2023

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
BRANCH					HYMAN				
DELIA					KANDEL				
HIRSCH					RASMUSSEN				
MOTION					SECOND				

I hereby certify the foregoing to be a true copy of an ordinance adopted by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on _____, 2023.

 Deborah Zupan
 Borough Clerk

ATTEST:

BOROUGH OF METUCHEN

 Deborah Zupan
 Borough Clerk

By: _____
 Jonathan M. Busch
 Mayor

ORDINANCE 2023-18

*Borough of Metuchen
County of Middlesex
State of New Jersey*

ORDINANCE AMENDING CHAPTER 185 OF THE CODE OF THE BOROUGH OF METUCHEN, ENTITLED, “VEHICLES AND TRAFFIC” TO THE PARKING REGULATIONS AND TO UPDATE AND AMEND THE PARKING REGULATIONS IN BOROUGH PARKING LOTS FOR KIOSKS, METERED AND PERMIT PARKING

WHEREAS, pursuant to the provisions of *N.J.S.A. 40:11A-1 et seq.*, and § 32-1 of the Code, the Borough of Metuchen created the Parking Authority of the Borough of Metuchen (“Parking Authority”); and

WHEREAS, the Parking Authority has determined to install kiosks and to implement permit procedures which may be enforced by way of license plate readers in lieu of the placement of permit decals on parked vehicles in some or all of the parking lots which the Parking Authority operates in order to maximize the efficiency of the Parking Authority’s operations; and

WHEREAS, Chapter 185 of the Code of the Borough of Metuchen, entitled “Vehicles and Traffic”, specifically § 185-35(A) governs the parking on public and private property; and

WHEREAS, § 185-35 of the Code of the Borough of Metuchen governs, inter alia, the regulations of various municipal parking lots throughout the Borough; and

WHEREAS, § 185-34(C) of the Code of the Borough of Metuchen governs, inter alia, handicapped parking in municipal lots; and

WHEREAS, the Mayor and Council based upon the Parking Authority’s request and intentions have determined that it is in the best interest of the Borough to amend certain sections of Chapter 185 entitled, “Vehicles and Traffic”, specifically § 185-1, § 185-34(C) and § 185-35(A) to effectively provide for the payment for parking privileges and for the enforcement of parking regulations in lieu of the placement of permit decals on vehicles in some or all of the public parking lots and to revise the regulations for the Center Street and Center Street East Parking Lots to provide for metered parking.

NOW, THEREFORE, BE IT ORDAINED by the Borough of Metuchen, County of Middlesex, New Jersey, that Chapter 185 of the Code of the Borough of Metuchen, specifically §185-1, entitled “Definitions; word usage; official time standard”, § 185-34, entitled “Handicapped parking”, specifically subsection (C) and §185-35, entitled, “Control for movement and parking of traffic on public and private property”, specifically §185-35, subsection (A) are hereby amended and supplemented to state follows:

§ 185-1 Definitions; word usage; official time standard

A. Words and phrases. Whenever any words and phrases are used in this chapter, the meaning respectively ascribed to them in Subtitle 1 of Title 39 of the Revised Statutes of the State of New Jersey shall be deemed to apply to such words and phrases used herein.

B. The following words and phrases, which are not defined in Subtitle 1 of Title 39 of the Revised Statutes of the State of New Jersey, shall have the meanings respectively ascribed to them in this section for the purposes of this chapter.

PARKING AUTHORITY The Parking Authority of the Borough of Metuchen

PARKING METER or KIOSK Any mechanical device or meter not inconsistent with this chapter placed or erected for the regulation of parking by authority of this chapter. Each parking meter or kiosk installed shall record a certain number of minutes or hours by the use of a clock mechanism determining the period of time for which parking privileges may be granted upon the payment of the required fee in or by such device. References herein to "parking meter" and/or "kiosk" shall be used interchangeably throughout Chapter 185. Any and all references to "meter" or "parking meter" shall also include "kiosk."

PARKING METER SPACE Any space within a parking meter zone, which is adjacent to a parking meter or in the vicinity of a kiosk and which is duly designated for the parking of a single vehicle by lines painted or otherwise durably marked on the curb or on the surface of the street or lot adjacent to or adjoining the parking meters or in the vicinity of a kiosk.

PARKING METER ZONE Any restricted on-street parking area or off-street parking lot upon which parking meters or kiosks are installed and in operation.

C. Official time standard. Whenever certain hours are named in this chapter, they shall mean either eastern standard time or eastern daylight savings time as may be in current use.

* * * *

§ 185-3 Definitions; word usage; official time standard

* * * *

C. Handicapped parking in municipal parking lots and board of education property. In accordance with the provisions of N.J.S.A. 39:4-197 the following off-street parking lots and Board of Education property are designated as handicapped parking areas. Such spaces are for use by persons who have been issued special identification cards, plates or placards issued by the Motor Vehicle Commission, or a temporary placard issued by the Chief of Police. No other person shall be permitted to park in these areas.

Property	Location	Number of Spaces
Metuchen Public Library	480 Route NJ 27 (Middlesex Avenue)	4
Senior Housing Center	35 Lincoln Avenue	6
Senior Citizens Recreation Center	15 Center Street	8
Center Street East Parking Lot	15 Pearl Street	6
Halsey Street Parking Lot	25 Halsey Street	6
New Street Parking Lot	New Street	5
Metuchen Borough Hall Parking Lot	500 Main Street	2
Pennsylvania Avenue Parking Lot	5 Pennsylvania Avenue	6
Railroad Plaza Parking Lot		3
South Main Street Parking Lot	South Main Street	4
Station Place Parking Lot	24 Station Place	2

* * * *

§ 185-35 Control for movement and parking of traffic on public and private property

A. Regulation for the movement and the parking of traffic on municipal and Board of Education property. In accordance with the provisions N.J.S.A. 39:4-197, the following municipal and Board of Education Property shall have the movement of traffic controlled by the type of regulation indicated. No person shall operate or park a vehicle in violation of the regulations indicated.

(1) Properties.

I. Center Street East Lot (15 Pearl Street). Regulations:

(a) No person shall park a vehicle on the property designated by the Parking Authority as “Permit Parking”, unless an appropriate and current parking permit is issued by the Parking Authority for said vehicle, for the aforementioned parking lot, for the specific time frame, and, to the extent required by the Parking Authority, is properly displayed on said vehicle.

(b) No person shall park a vehicle on the property designated by the Parking Authority as "Metered Parking" without payment of the designated metered amounts, or for longer than the metered time limit for the designated days and times as determined and approved by Resolution of the Parking Authority and posted on the property.

(c) All vehicles must park in designated areas and between the lines provided.

(d) Head-on parking only.

II. Center Street Lot Parking Lot. Regulations:

(a) No person shall park a vehicle on the property designated by the Parking Authority as "Metered Parking" without payment of the designated metered amounts, or for longer than the metered time limit for the designated days and times as determined and approved by Resolution of the Parking Authority and posted on the property.

(b) No person shall park a vehicle on the property designated by the Parking Authority as "Permit Parking", unless an appropriate and current parking permit is issued by the Parking Authority for said vehicle, for the aforementioned parking lot, for the specific time frame, and, to the extent required by the Parking Authority, is properly displayed on said vehicle.

(c) All vehicles must park in designated areas and between the lines provided.

(d) Head-on parking only.

III. Halsey Street Parking Lot. Regulations:

(a) No person shall park a vehicle on the property designated by the Parking Authority as "Permit Parking" unless an appropriate and current parking permit is issued by the Parking Authority for said vehicle for the aforementioned parking lot, for the specific time frame, and, to the extent required by the Parking Authority, is properly displayed on said vehicle.

(b) No person shall park a vehicle on the property designated by the Parking Authority as "Metered Parking" without payment of the designated metered amounts, or for longer than the metered time limit for the designated days and times as determined and approved by Resolution of the Parking Authority and posted on the property.

(c) All vehicles must park in designated areas and between the lines provided.

(d) Head-on parking only.

IV. New Street Parking Lot. Regulations:

(a) No person shall park a vehicle on the property designated by the Parking Authority as "Permit Parking" unless an appropriate and current parking permit is issued by the Parking Authority for said vehicle for the aforementioned parking lot, for the specified time frame and, to the extent required by the Parking Authority, is properly displayed on said vehicle.

(b) No person shall park a vehicle on the property designated by the Parking Authority as "Metered Parking" without payment of the designated metered amounts, or for longer than the metered time limit for the designated days and times as determined and approved by Resolution of the Parking Authority and posted on the property.

(c) All vehicles must park in designated areas and between the lines provided.

(d) Head-on parking only.

(e) One-way. The described property is hereby designated as one-way in the direction indicated below and posted on the property.

Location	Direction
Aisle A-B	Counter-clockwise

V. Metuchen Borough Hall Parking Lot, 500 Main Street. Regulations:

(a) Metuchen Borough Hall Parking Lot shall be for Borough Hall employees and Metuchen Borough Hall Business during regular business hours and any after hour activities associated with Borough Hall.

(b) The east side of Main Street beginning from a point 81 feet 7 inches north of State Hwy 27 continuing for a distance of 76 feet north will be for Metuchen Borough Hall Business.

(c) All vehicles must park in designated marked spaces and between the lines provided on the property.

(d) Violators shall be fined \$250 and be subject to having their car towed at the expense of the vehicle owner.

VI. Pennsylvania Avenue Parking Lot. Regulations:

(a) No person shall park a vehicle on the property designated by the Parking Authority as "Permit Parking" unless an appropriate and current parking permit is issued by the Parking Authority for said vehicle for the aforementioned parking lot, for the specified time, and to the extent required by the Parking Authority, is properly displayed on said vehicle.

(b) No person shall park a vehicle on the property designated by the Parking Authority as "Metered Parking" without payment of the designated metered amounts, or for longer than the metered time limit for the designated days and times as determined and approved by Resolution of the Parking Authority and posted on the property

- (c) All vehicles must park in designated areas and between the lines provided.
- (d) Head-on parking only.

VII. Railroad Plaza Parking Lot. Regulations:

- (a) No person shall park a vehicle on the property designated by the Parking Authority as “Permit Parking” unless an appropriate and current parking permit is issued by the Parking Authority for said vehicle for the aforementioned parking lot, for the specified time, and, to the extent required by the Parking Authority, is properly displayed on said vehicle.
- (b) No person shall park a vehicle on the property designated by the Parking Authority as "Metered Parking" without payment of the designated metered amounts, or for longer than the metered time limit for the designated days and times as determined and approved by Resolution of the Parking Authority and posted on the property
- (c) All vehicles must park in designated areas and between the lines provided.
- (d) Head-on parking only.
- (e) One-way. The described property is hereby designated as one-way in the direction indicated below and on the property.

Location	Direction
Aisle A-B	Counter-clockwise

VIII. South Main Street Parking Lot. Regulations:

- (a) No person shall park a vehicle on the property designated by the Parking Authority as “Permit Parking” unless an appropriate and current parking permit is issued by the Parking Authority for said vehicle for the aforementioned parking lot, for the specified time, and, to the extent required by the Parking Authority, is properly displayed on said vehicle.
- (b) No person shall park a vehicle on the property designated by the Parking Authority as “Metered Parking” without payment of the designated metered amounts, or for longer than the metered time limit for the designated days and times as determined and approved by Resolution of the Parking Authority and posted on the property
- © All vehicles must park in designated areas and between the lines provided.

- (d) Head-on parking only.

IX. Station Place Parking Lot. Regulations:

(a) No person shall park a vehicle on the property designated by the Parking Authority as “Permit Parking” unless an appropriate and current parking permit is issued by the Parking Authority of Borough of Metuchen for said vehicle for the aforementioned parking lot, for the specified time, and, to the extent required by the Parking Authority, is properly displayed on said vehicle.

(b) No person shall park a vehicle on the property designated by the Parking Authority as "Metered Parking" without payment of the designated metered amounts, or for longer than the metered time limit for the designated days and times as determined and approved by Resolution of the Parking Authority and posted on the property

(c) All vehicles must park in designated areas and between the lines provided.

- (d) Head-on parking only.

(2) Issuance of permits; permit fees. The Parking Authority is hereby authorized to issue permits to owners or drivers of motor vehicles on a periodic basis, as it deems appropriate, including but not limited to, yearly, semiannually, quarterly, monthly, weekly, daily and hourly, for a fee collected in advance of parking privileges, which fee shall be set at a reasonable rate in accordance with the provisions of N.J.S.A. 40:11A-6(4)(f).

(3) Effect of the permit. The permit provided for by Subsection (2) will authorize the legal parking of a vehicle in the aforesaid designated lot in reserved sections designated therefor and the dates thereof.

(4) Metered parking; time intervals; and rates. The Parking Authority is hereby authorized, as it deems appropriate, to determine and designate metered parking on its property, the specific times and rates to be collected in advance of parking privileges, which rates and fees shall be set at a reasonable rate in accordance with the provisions of N.J.S.A. 40:11A-6(4)(f) and approved by Resolution and posted accordingly.

(5) Authority of Parking Authority. The Parking Authority is hereby authorized to make reasonable regulations for the issuance of the permits provided for by this section, and to erect signs giving notice in each designated parking area of the section reserved for either permit parking or metered parking. The Parking Authority is hereby authorized to determine from time to time the number of spaces in each of such area to be reserved for metered parking and/or for permit parking. The Parking Authority is hereby authorized in its discretion, in consultation with the Borough to determine and designate

such spaces in the aforesaid areas as “Permit Parking” and/or “Metered Parking” and shall post appropriate signs giving notice thereof.

(6) Parking by permit parkers in unreserved areas or spaces. It shall be unlawful for permit parkers to park in any area or parking space other than those designated for permit parking pursuant to the provisions of Subsection A without depositing, or otherwise making payment in the meter or kiosk the payments or electronically making the payment of the required fee as determined by the Parking Authority..

(7) For a vehicle to be parked lawfully in a permit parking area the following provisions must be met:

(a) Each vehicle parked must have a permit issued by the Parking Authority of the Borough of Metuchen in accordance with the provisions of this section.

(b) Such permit shall set forth the designated off-street parking lot, the dates for legal parking thereof and shall be displayed in the lower right-hand portion of the rear window or right rear side window of each vehicle in such a manner as to be clearly visible from the rear window when parked or as otherwise directed and if required by the Parking Authority.

(c) Vehicle shall be parked head in.

(d) Each permit shall be valid only when used for a vehicle designated on the application form.

(e) It shall be unlawful and a violation of the provisions of this section to allow for any person to cause, allow, permit or suffer any vehicle registered in the name of or operated by such person to be parked in a permit parking reserved area in any designated off-street parking lot without displaying the proper permit as provided herein or as otherwise directed and if required by the Parking Authority or otherwise complying with this section.

(7) Enforcement. It shall be the duty of the Police Department, Parking Enforcement Officer and/or Parking Authority of the Borough of Metuchen to enforce the permit and meter time limit parking provisions of this section.

(8) Parking or standing a vehicle in a parking meter space in the off-street parking meter zones designated and approved by Resolution of the Parking Authority and posted on the property shall be lawful only when the designated required fee is deposited in a parking meter or kiosk or otherwise payment is made and is not in excess of the maximum parking time for the amount deposited or paid or is not in excess of the maximum parking time designated for such space.

BE IT FURTHER ORDAINED by the Mayor and Council that all remaining sections of Chapter 185 not specifically amended herein, including but not limited to §185-34(A), (B) (D)

(E) (F) (G) (H), and §185-35(B), (C), (D), (E) and (F), shall not be affected by the within amendments and shall remain in full force and effect.

BE IT FURTHER ORDAINED that should any section, paragraph, sentence, clause, or phase of this ordinance be declared unconstitutional or invalid for any reason, the remaining portion of this ordinance shall not be affected thereby and shall remain in full force and effect, and to that end the provisions of this ordinance are hereby declared to be severable; and

BE IT FURTHER ORDAINED that all ordinances or parts of ordinances inconsistent with this amending ordinance are hereby repealed to the extent of their inconsistencies only; and

BE IT FURTHER ORDAINED that this ordinance shall be in full force and take effect after final passage and publication, as required by law.

BE IT FURTHER ORDAINED by the Mayor and Borough Council of the Borough of Metuchen that all Borough officials shall take all necessary actions to in order to effectuate the within Ordinance, including but not limited to the installation of sign/s in the above designated area.

Introduction: June 12, 2023

Date of Publication: June 16, 2023

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
BRANCH	X				HYMAN	X			
DELIA	X				KANDEL	X			
HIRSCH				X	RASMUSSEN	X			
MOTION	DELIA				SECOND	RASMUSSEN			
X – INDICATES VOTE				AB- ABSENT		NV- NOT VOTING			

I hereby certify the foregoing to be a true copy of an ordinance introduced by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on June 12, 2023.

Deborah Zupan
Borough Clerk

Adopted: _____, 2023

Date of Publication: _____, 2023

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
BRANCH					HYMAN				
DELIA					KANDEL				
HIRSCH					RASMUSSEN				
MOTION					SECOND				

I hereby certify the foregoing to be a true copy of an ordinance adopted by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on _____, 2023.

Deborah Zupan
Borough Clerk

ATTEST:

BOROUGH OF METUCHEN

Deborah Zupan
Borough Clerk

By: _____
Jonathan M. Busch
Mayor

ORDINANCE 2023-19

*Borough of Metuchen
County of Middlesex
State of New Jersey*

**ORDINANCE AMENDING THE CODE OF THE BOROUGH OF METUCHEN
CHANGING CHAPTER 75, ENTITLED, “CIRCUS AND CARNIVALS” TO “SPECIAL
EVENTS” AND ADOPTING APPROVAL PROCEDURES AND FEES FOR
CONDUCTING SPECIAL EVENTS AND BLOCK PARTIES WITHIN THE BOROUGH
OF METUCHEN**

WHEREAS, the Chapter 75 of the Code of the Borough of Metuchen, entitled, “Circus and Carnival” currently regulates and requires a permit and application procedure for any person or entity to conduct a “carnival, fair, circus, or other exhibits, or special event” within the Borough of Metuchen; and

WHEREAS, upon the recommendation of the Chief of Police, the Council of the Borough of Metuchen has determined that it is in the best interests of the community to rename and clarify Chapter 75 and to establish Special Event approval procedures and fees to secure the public safety, health and general welfare incidental to the congregation of persons at Special Events, to remediate the impact of such events, and to require anyone intending to hold a Special Events and/or Block Party hereinafter described to obtain a permit for any such event.

NOW THEREFORE, BE IT ORDAINED that the Council of the Borough of Metuchen, County of Middlesex, State of New Jersey, hereby amends and supplements the Code of the Borough or Metuchen and renames the title of Chapter 75 from “Circus and Carnivals” to “Special Events” to state as follows:

CHAPTER 75

ARTICLE I

SPECIAL EVENTS

§ 75-1 Purpose and Intent

The purpose of the within section is to establish special event approval procedures and fees to remediate the impact of such events, and it shall be construed to secure the beneficial interests and purposes thereof, which include public safety, health and general welfare — through structural strength, stability, sanitation and safety to life and property from fire and other hazards incidental to the congregation of persons at special events. This section shall ensure that special events do not create disturbances, become nuisances, menace or threaten life, health, and property, obstruct or disrupt, or cause

undue, traffic or threaten or damage public property. It is not the intent of this section to regulate in any manner the content of speech or infringe upon the right to assemble, except for the time, place and manner of speech and assembly, and this section should not be interpreted nor construed otherwise.

§ 75-2 Definitions

ABOVE-BASE SERVICE — The cost of providing municipal services, such as public safety and sanitation, in excess of those services and facilities typically provided by the municipality to all other residents.

APPLICANT — The person or group sponsoring or organizing a special event and applying for a special event approval as required under this section.

CARNIVAL, EXHIBITION, FAIR or TRAVELING SHOW - Includes a transient outdoor show or exhibition conducted in a temporary structure, composed wholly or partly of canvas, vinyl or similar material, as a place of amusement or recreation or for any other similar public assemblage in which is conducted, operated or permitted games of chance, skill or partly chance or skill; or wherein goods are given or awarded to persons paying a consideration for a chance or opportunity to win or secure the same as a prize or award; or where concession stands or amusement stands are operated, conducted or maintained.

CIRCUS - Includes a transient show or exhibition typically conducted in a temporary structure, composed wholly or partly of canvas, vinyl or similar material, in which are displayed or exhibited for the amusement or recreation of the general public feats of horsemanship, tumbling, acrobatics and feats of human skill and daring, together with feats of highly trained or unusually skilled animals, either alone or in concert with their tamers, trainers or keepers, as permitted by law, and the performances of those persons garbed or dressed and made up in the costumes and makeup commonly or generally associated with circus clowns. Circuses shall not be permitted within the Borough of Metuchen.

COST RECOVERY CHARGES — Above-base service costs for municipal services charged by the Borough to an applicant in conjunction with a Special Event permitted under this section.

DEMONSTRATION — A public assembly, a meeting or gathering, a rally or protest event, a political rally or event, speechmaking, marching, the holding of vigils, and all other like forms of conduct, the primary purposes of which is expressive activity or the communication or expression of views or grievances, that (1) is engaged in by less than 50 persons; or (2) will not occur upon any Borough property, including a street, sidewalk, park or alley, without compliance with the normal and customary traffic regulations or controls governing such places (for example, do not require street, or sidewalk closure or traffic diversion); (which event meeting one or more of these characteristics shall be deemed a special event). The term "demonstration" shall not mean

the casual use of Borough property which does not have an intent or propensity to draw a crowd of onlookers.

FARMERS MARKET - Shall mean a common facility or area where several farmers or growers gather on a regular, recurring basis to sell a variety of fresh fruits and vegetables or other locally-grown farm products directly to consumers.

FIRST AMENDMENT ACTIVITY — Expressive and associative activity that is protected by the United States Constitution and/or the New Jersey Constitution, including, but not limited to speech, press, assembly, and/or the right to petition, for example, but not by way of limitation, a march, an assembly in support of or opposition to a political or social issue, or a vigil, excluding commercial activities.

FLEA MARKET - Shall mean an open market, usually held outdoors where a variety of goods are sold including jewelry, household goods, food and other inexpensive items.

NON-PROFIT - Shall mean an organization or entity which has been duly established and operates in accordance with the New Jersey Nonprofit Corporation Act, *N.J.S.A. 15A:1-1*, et seq., or a similar entity which has been organized under the laws of a jurisdiction other than the State of New Jersey (defined as a “foreign corporation” under *N.J.S.A. 15A:1-2f*) and which may have obtained federal tax exempt status under Section 501(c) of the Federal (IRS) Tax Code.

PARADE - Shall mean organized public procession on a festive or ceremonial occasion; to march or walk in a procession.

RALLY - Shall mean a demonstration and/or First Amendment Activity as that term is defined above.

RACE — A competition of speed in which participants utilize various transportation mechanisms to get from one location to another in the shortest period of time, occurring on a Borough street and/or sidewalk; these transportation mechanisms may include, but are not limited to, bicycles, automobiles, and/or running.

RUN/WALK — A noncompetitive race in which participants run and/or walk from one location to another on a Borough street and/or sidewalk.

SPECIAL EVENT - Shall mean a preplanned event or series of events, sponsored by a public or private person or entity, which is:

- a. Located wholly or partially on property owned or maintained by the Borough; or
- b. Permissibly located on any other property and requires for its successful execution the provision and coordination of municipal services to a degree significantly over and above that which the Borough routinely provides; or
- c. Any parade or other event, such as a carnival, fair, , concert, exhibition, race, rally, run, walk or walkathon, bicycle race, celebration, sporting event, farmers market, flea market, bonfire, show, or wedding, traveling show, or any other type

of large event generating a parking or traffic situation that may interfere with the movement of normal traffic and/or emergency vehicles, taking place in or upon any street, park, or other public place, or private property, in the Borough of Metuchen.

- d. First Amendment Activity meeting the above definition of Demonstration shall not be considered a Special Event requiring a permit.

§ 75-3 Application of Provisions.

This Chapter imposes regulatory requirements on certain activities which are held on municipal streets, public or private property defined herein as Special Events. The requirements imposed by this Chapter do not alter, supersede or nullify any requirements contained in other statutes, ordinances or regulations which may also regulate these same activities. These requirements shall be applied in a content-neutral manner and without discrimination as to race, religion, sex, national origin, political affiliation or other unlawful discriminatory classification. This section shall not apply to the following events:

- a. Events occurring inside permanently established, fully enclosed locations, places of assembly, such as a place of worship, public auditorium, theater, recreation hall, gym, or other enclosed structure designed and approved primarily for housing, hosting an event for such a purpose, provided that the maximum number of persons expected to attend or in actual attendance does not exceed the maximum capacity of the enclosed location or wherein the Special Event is to be located.
- b. Events in conjunction with school sponsored and related events on school property held in normal course of its operations, which would include sporting events that include at least half of the participants to be students of said school, house of worship events on house of worship property if designed for that use, or government sponsored public hearings. The within exception shall not apply to the lease, license or use of the school or house of worship property to or by a third-party.

§ 75-4 Permit Required

Any person or organization desiring to hold any Special Event as defined herein, must first apply for and obtain a Special Event Permit in accordance with the requirements of this section. Any application for a Special Event sought to occur at the Metuchen Town Plaza must also fully comply with and meet all of the conditions and requirements of Chapter Article 3 of Chapter 124 of the Code of the Borough of Metuchen. Permits for Block Party Street Closure Permits shall be governed by Article II below, § 75-16 through § 75-19.

§ 75-5 Application

a. Any person or organization seeking issuance of a permit hereunder shall file an application with the Borough Clerk, on a form to be provided for that purpose, on which form the applicant shall furnish pertinent information to include but not limited to the following:

1. The name, address, e-mail address and telephone number of the applicant.

2. The name, address, e-mail address and telephone number of the person or persons, corporation, organization or association sponsoring and/or conducting the activities at Special Event.

3. The name, address and telephone number of the person or persons who will chair the Special Event and be responsible for the conduct thereof. If this individual is a participant in the event, then the name, address and telephone number of a non-participant who can be reached during the event.

4. The address of all property upon which the Special Event is to be held, together with the name and address of the record owners of such property. Proof of ownership of all property upon which the Special Event is to be held or a statement under oath by the record owner or owners of all such property for an outdoor special event of fifty (50) people or more for the purpose set forth on the application.

5. The specific nature and purpose of the Special Event, together with a schedule of all events, activities or acts and examples of the proposed advertising of the event, if any, together with the names of the performers who will be performing at the Special Event.

6. A detailed description of the proposed event and a sketch that shows location of the event, the area or route to be used, along with proposed structures, tents, fences, barricades, signs, banners and restroom facilities, more commonly referred to as a "footprint." The sketch or plan of the proposed site, should include the area where the Special Event will be situated, the location and routes of ingress and egress, all proposed parking areas, driveways and roads as they relate to traffic flow, traffic control and safety measures, fire access lanes and lanes for other emergency vehicles should be shown on the sketch or plan.

7. The date(s) and hours for which the permit is desired, and proposed rain date if requested.

8. Complete details as to how the applicant intends to provide for security, traffic control, adequate toilet and other sanitary facilities, site cleanup, separation of recyclables and disposal of trash and debris and parking (and in

particular, whether any temporary parking areas will be required). Applicant shall also include the number of staff. Including security personnel.

9. The number of attendees, participants, spectators, contestants, admission tickets to be sold, and/or other people that are reasonably anticipated to attend the event, as well as the number of the proposed vehicles.

10. The plans for sound control and sound amplification, if any, including the number, location and power of the amplifiers and speakers, together with the applicant's proposal to confine the sound to the area of the Special Event. In addition, provide whether any music will be either live or recorded or whether any other unusual noise will accompany the event.

11. A detailed description of the Borough's resources or services that are anticipated to be required to be provided in connection with the event, police, fire, and/or emergency.

12. All required licenses where appropriate, i.e., for alcoholic beverage consumption or service, use of tents, conducting of raffles, or other licenses, approvals or permits required to conduct the event.

13. The name of the company or firm, address and telephone number which will provide insurance for indemnification.

14. The name, address and telephone number of person(s) responsible for clean up at the conclusion of the Special Event.

15. Such other information as the Borough Administrator, Chief of Police, Fire Department and/or Board of Health may deem necessary in order to properly provide for traffic control, street and property maintenance and the protection of the public health, safety and welfare.

16. Any applicant claiming status as a nonprofit organization shall be required to provide the necessary documentation to that effect.

17. A non-refundable application fee in the amount of \$100.

b. Upon verification that the application is complete, the Borough Clerk shall refer the application to the Borough Administrator and Chief of Police for preliminary review in accordance with this section. The Borough Administrator and/or Chief of Police may require the applicant to supplement its application with any pertinent documentation that may be of assistance in their review of the application. The Borough Administrator and/or Chief of Police may also require the applicant to meet to discuss the proposed Special Event during the consideration of whether to issue a permit and/or after the issuance of the permit.

c. All completed applications must be submitted to the Borough Clerk or his or her designee at least sixty (60) days prior to the desired event, unless the applicant

receives a waiver of this requirement from the Mayor and/or Borough Council, or unless the application is for a Special Event of the type covered by (d) below. The Borough reserves the right to reject an application if fees for a prior year's event have not been paid in full or if the applicant is delinquent in payment of any Borough taxes, fines or fees.

d. Demonstrations and/or First Amendment activities. Applications for a First Amendment activity not encompassed within the definition of a "demonstration" shall be processed by the Borough no later than five (5) business days prior to the date and time the event is proposed to occur. In order to preserve the health, safety and welfare of the Borough residents and guests and the general public, the Borough still requires the receipt of a completed application. If the Borough does not have the opportunity to complete its review prior to the Borough's approval under these expedited circumstances, the Borough reserves the right to modify the authorized duration, route and/or location of the event based on content neutral public health, safety and welfare concerns, including, but not limited to, accommodations for pedestrians, vehicular traffic, staffing availability, and emergency vehicle access. Notwithstanding anything to the contrary herein, the Borough Administrator, shall have the discretion to waive these time periods, in the interest of accommodating the free expression of opinion. Such waiver shall not be unreasonably withheld but can be denied upon a finding that the Borough would be unable to provide for legitimate health, safety and traffic concerns. If a waiver is denied, all efforts shall be made to find alternative avenues for the applicant to reach his or her intended audience.

e. Any person or organization seeking issuance of multiple permits throughout the course of a calendar year are strongly encouraged to and may request an appointment with the Borough Administrator and Borough Clerk, prior to and for the submission of an applications to the Borough for more than one Special Event Permit hereunder. In such a case, the Borough Administrator shall consider a reduction in the \$100.00 application fee for each of the Special Events Permits. Otherwise, to the extent that multiple Special Event Permits are required by said person and/or organization a separate application fee and all of the requirements of this Ordinance shall be met.

f. Applicants shall not advertise or promote, either in printed, digital or electronic format on the internet and/or social media platforms prior to obtaining a Special Events Permit. Premature advertising and/or promotion may be sole grounds for denial of the permit.

§ 75-6 Standards

a. The standards for the issuance of a permit pursuant to this section by the Borough Administrator shall include but shall not necessarily be limited to, the following findings:

1. That the proposed event will not unreasonably interfere with or detract from the general public's enjoyment of public parks, facilities, roadways, or facilities to be utilized.

2. That the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety, and recreation.

3. That the proposed activity and uses that are reasonably anticipated will not be likely to include violence, crime or disorderly conduct.

4. That the facilities desired have not been reserved for other use at the date and hour requested in the application.

5. That the applicant will maintain premises in the same condition which existed prior to the event.

b. The Borough Administrator and/or Chief of Police may consider the following factors when considering if a Special Event requires cost recovery charges and the employment of above base municipal services beyond the regularly scheduled shift or the employment of a private contractor:

1. The number of anticipated attendees.

2. The size of the geographical area for which this Special Event requires municipal services.

3. Whether the event historically has, or is likely to, produce an excessive amount of traffic garbage, trash and litter.

4. The proximity of the Special Event to residential areas or the likelihood that garbage from a Special Event will affect residential areas.

5. The proximity of the Special Event to bodies of water or any natural resource that should be protected from garbage and pollution.

6. The likelihood that garbage from the event could constitute a fire hazard.

7. The number of Special Events, the person and/or organization has conducted throughout the course of the calendar year.

§ 75-7 Hours of operation; rules of conduct.

a. Hours of operation. All Special Events shall be conducted between the following hours only;

1. Monday through Friday: 9:00 a.m. to 10:00 p.m.

2. Saturday: 9:00 a.m. to 10:00 p.m.

3. Sunday: 11:00 a.m. to 10:00 p.m.

§ 75-8 Conditions of Approval; temporary closing of streets

The Borough Administrator and/or Chief of Police may impose any such conditions reasonably calculated to reduce or minimize dangers and hazards to vehicle or pedestrian traffic and the public health, safety, and welfare, including but not limited to changes in the date, time, duration or number of participants as requested by the applicant.

Prior to the approval of a permit by the Borough Administrator, the Chief of Police shall determine whether in his or her judgment the presence of off-duty Metuchen Police Officer(s) shall be required at said special event. If the presence of off-duty police officer(s) is deemed necessary by the Chief of Police, the applicant shall agree to pay for such off-duty police officer(s) at the rate of pay established by the Mayor and Council for off-duty police officers.

For the purpose of public safety and welfare, the Chief of Police is authorized, with prior notice to the Mayor and Borough Council, to temporarily close Borough roads or streets for a period of 24 hours and/or temporarily prohibit parking along the same during the event. The sponsor(s) of the event shall be responsible for direct notification located to each residence on the street or roadway to be temporarily closed or where specific parking prohibitions have been approved by way of a mailing approved by the Chief of Police.

Where the event will take place and/or will impact the normal flow of traffic on any street or road, public notice in the form designated by the Chief of Police shall be developed and approved by the Chief of Police prior to conducting said event.

§ 75-9 Fees

All applicants for Special Event permits shall be required to pay a nonrefundable application fee, and a \$100.00 permit fee, as well as all other fees that are determined to be necessary by the Borough Administrator, in consultation with the Chief of Police and other appropriate Borough officials and employees depending upon the nature and extent of the proposed activity. The application fee shall be due and payable at the time that an application is submitted.

Other fees that may be required include, but are not necessarily limited to above base service costs, including costs associated with the provision of police and/or fire supervision, emergency and sanitation services, staffing, use of Borough owned property and/or use of Borough owned vehicles or equipment and the creation and/or use of temporary parking areas.

Applicants shall be provided with an estimate of required fees by the Borough Administrator after review of the contents of the application. All required fees shall be due and payable at least five (5) days prior to the event. In addition to the fees payable

prior to each event, the applicant shall be required to pay for any and all additional or unanticipated expenses which were occasioned or become necessary during or after the Special Event, as a result of the Special Event.

§ 75-10 Waiver of Fees

The Borough Administrator may waive, some or a portion of the fees provided for in this Chapter upon the written request of any civic association, charitable association or nonprofit corporation.

The Borough Administrator may consider the following factors when considering a civic association, charitable organization, and/or nonprofit corporation's request for waiver of any fee or portions thereof:

- a. Benefit to the residents of Borough of Metuchen from the civic association, charitable organization, and/or nonprofit corporation's activities.
- b. Benefit to residents of the area from the civic association, charitable organization, and/or nonprofit corporation's activities.
- c. Amount of money expected to be raised by the civic association, charitable organization, and/or nonprofit corporation by the activity for which the waiver is requested.
- d. Percentage of amount raised by the civic association, charitable organization, and/or nonprofit corporation through the activity for which the waiver is requested, which is expended on costs and administrative expenses.
- e. Dollar amount of fees to be waived.
- f. Above-base services of the Borough attributable to the activity for which the waiver is requested become necessary during or after the event, as a direct result of the event.
- g. The number events that such civic association, charitable organization, and/or nonprofit corporation's has conducted over the course of the calendar year. In the event that more than two (2) Special Events have been conducted in a single month, the Borough will not waive any such fees.

§ 75-11 Responsibility, Liability, Performance Guarantee/Security Deposit, Insurance Coverage and Indemnification

- a. Responsibility.
 - 1. It shall be the permit applicant's responsibility to secure all necessary other permits, licenses and/or approvals which may be required (i.e., by State, local or other outside agencies), in conjunction with the proposed event.
 - 2. All permit applicants shall assume all risks associated with premature advertisement of any event prior to the time of issuance of a permit by the

Borough Administrator, as well as any and all other costs which may have been expended prior to the time of official approval of the application by the Borough Administrator.

3. All permit holders shall be required to abide by all requirements set forth in the permit, as well as all Borough Ordinances, State Statutes (including but not limited to the New Jersey Riot Act, *N.J.S.A. 2C:33-1 et seq.* and New Jersey's Nosey's Law, *N.J.S.A. 23:2A-16*, prohibiting the use of wild and exotic animals in traveling animal acts), and all other rules and regulations which may be applicable to the Special Event.

4. All permit holders shall be responsible for any and all additional costs that are incurred as a result of the event, including costs which may not have been foreseen at the time that the permit was issued but which becomes necessary, such as costs associated with additional resources provided by the Borough, including but not limited to, manpower and/or equipment costs, police and/or fire supervision, emergency services, cleanup activities, etc.

5. Any personnel provided by the Borough (i.e., police, fire, emergency, public works or other Borough employees) in connection with any special event sponsored by an outside party shall not be considered employees or agents of the outside party.

b. Liability; Performance Guarantees/Security Deposit.

1. All permit holders shall be liable for all losses, damages and/or injuries sustained by any person whatsoever by reason of the Special Event or activities associated with the Special Event.

2. The terms of this section shall not be construed as imposing upon the Borough or its officers or employees any liability or responsibility for any injury or damage to any person in any way connected to the use for which the permit was issued. The Borough and its officials and employees should not be deemed to have assumed any liability or responsibility by reason of any inspections performed, the issuance of any permits, or the approval for use of any Borough property or private property in connection with a permit issued hereunder.

3. All permit holders shall assume full responsibility for the acts and conduct of all attendees, persons admitted to the event by or with the consent of the permit holder, or of any person acting for or on behalf of the permit holder.

4. If any portion of Borough property or other premises where the event is held is damaged by the act or omission of the permit holder, or by the permit holder's agents, employees, patrons, customers, guests, invitees, attendees, or any other person admitted to the premises by the permit holder, the permit holder shall be responsible for all costs associated with restoration of the property or premises

to the condition that existed prior to the occurrence of such damage. The amount of such damage shall be considered an additional fee

5. A refundable security deposit in the amount of five hundred (\$500.00), which shall be posted in the form of cash or by check, or a refundable security deposit in another amount (also to be posted in the form of cash or by check) as determined in the sole discretion of the Borough to be sufficient to cover any damages which may be occasioned as a result of the Special Event or to ensure compliance with all terms and conditions imposed by the Borough Administrator and/or Chief of Police in connection with issuance of the permit. The refundable security deposit shall be required to be posted at least ten (10) days prior to the event.

c. Insurance Coverage.

All permit holders must submit minimum liability insurance coverage in an amount to be determined by the Borough Administrator, depending upon the size and nature of the event planned. The Borough of Metuchen, its officers, employees, agents and representatives must be named as additional insured parties on the policy. Proof of said insurance coverage shall be provided to the Borough at least five (5) days prior to the event.

The applicant shall be required to submit to the Borough Clerk, a certificate of insurance from an insurance company licensed to do business in New Jersey, in the amount of \$2,000,000 of liability per occurrence, or \$1,000,000 of liability per occurrence plus \$1,000,000 of umbrella liability per occurrence, naming the Borough of Metuchen as additional insured for the date of the event.

d. Indemnification. All permit holders shall defend, indemnify and hold the Borough of Metuchen, its officers, employees, contractors, agents and representatives harmless from and against any and all liability for claims, demands, damages, suits, judgments, fines, losses and expenses, of any nature, which are sustained as a result of the Special Event, and shall execute an indemnification and hold harmless agreement in a form acceptable to the Borough prior to the event.

§ 75-12 No Rights Conveyed; Revocation of Permit.

All permits issued pursuant to this section shall be temporary and do not invest any permanent or continuing rights. No permit issued pursuant to this section shall convey any right, interest or title in any Borough property to the permit holder. Any permit may be revoked at any time by the Borough Administrator and/or the Chief of Police for violation of the conditions for which the permit was issued, or for violation of any ordinance which relates to the conducting of the event, for violation of any of the terms of this Chapter, or violations of any other law, regulation, code or Borough

Ordinance by the permit holder, the permit holder's agents, employees, patrons, customers, guests, invitees, attendees, or any other person admitted and/or when the event is found not to be in the best interests of the Borough, or for other good cause shown.

§ 75-13 Permit Non-Transferable.

Permits issued for Special Events shall not be transferrable

§ 75-14 Denial of Permit.

The standards for denial of a permit pursuant to this Chapter shall include but shall not necessarily be limited to, the following:

a. That the proposed event will disrupt traffic within the Borough beyond practical solutions.

b. That the location of the Special Event will cause undue hardship to adjacent property owners.

c. That the proposed event will require the diversion of so many public employees that allowing the event would unreasonably deny service to, or jeopardize the safety of, the remainder of the Borough's residents.

d. That the application contains incomplete or inaccurate information, or that the applicant has failed or refused to provide necessary information upon request from the Borough.

e. That the proposed event is not permitted by law, statute, regulation, code and/or Borough Ordinance, or the Applicant has failed to demonstrate that all necessary permits, licenses, permissions have been or may be secured for the Special Event and/or activities proposed thereat.

f. That the application fails to comply with all terms of this Chapter, including the failure to remit all fees or deposits, or the failure to provide proof of proper liability insurance coverage, or the failure to execute an indemnification and hold harmless agreement, or the failure to provide a performance bond or cash security deposit when required by the Borough Administrator, or for any other violation of the terms and conditions of this Chapter.

In addition, the Borough may deny the issuance of a Special Events Permit if an applicant has publicly advertised in print, digital or electronic format on the internet or on social media platforms, prior to receiving a Special Event Permit issued by the Borough.

§ 75-15 Appeal.

a. Within five (5) days after the receipt of the denial for a permit, any aggrieved person, entity or group shall have the right to appeal to the Mayor and Council President by submitting a formal written request. The Mayor and Council President shall consider

the request for an appeal and shall provide the applicant with a decision in writing no later than fourteen (14) days in advance of the proposed date for the Special Event.

b. In considering the request for appeal, the Borough officials may request further information from the applicant or from any other person or entity.

c. In addition to the criteria set forth in § 75-13, the following will be considered in the review of the request to appeal:

1. A report of the Borough Administrator or other Borough official providing for the reasons for the denial and any information provided by the applicant;

2. Whether the application form and/or the information provided by the applicant was complete and accurate;

3. Whether the applicant is able to provide the Borough with the adequate protection for the public health, safety, welfare and protection of property.

d. The decision of the Mayor and Council President shall be final. In the event that the Mayor and Borough Council President are unable to agree upon the determination of the Appeal, the Appeal shall be submitted to the entire Borough Council for a determination of the Appeal, with the Mayor being able to vote in the case of a tie.

ARTICLE II

BLOCK PARTIES

§ 75-16 Definitions

BLOCK – a designated area with the public street shall be closed for a neighborhood party.

PARTY – A neighborhood block party, celebration or event, but shall not include a garage sale, yard sale, bazaar, rummage sale having the principal purpose as revenue generating, fundraising for an individual or organization, nor shall it include a political meeting or rally, carnival or theatrical or musical performance such as a concert or similar events.

STREET – A Borough of Metuchen street, highway or road.

§ 75-17 Permit Required; Limitation

No person, association, or group except for the Borough shall cause or permit a municipal street to be closed for the purpose of conducting a block party, without first having obtained a permit therefor issued by the Borough Clerk after approval; of such

temporary street closing by the Council of the Borough of Metuchen. (“Block Party Street Closure Permit”). Block Part Street Closure Permits shall be limited to two (2) per calendar year per block/area or portion of street.

§ 75-18 Permit Applications

a. Applications for Block Party Steet Closure Permits shall be made to the Borough Clerk at least forty-five (45) days before the date selected for holding of the Block Party and shall be made on the official forms furnished by the Borough for that purpose.

b. The Block Party Street Closure Permit application shall contain:

1. A designated contact person, including their name, address, telephone and email address.

2. The date and period of time for such temporary street closings.

3. Explanation of the extent and nature of the proposed temporary street closing, including the estimated amount of people to attend the event.

4. Sketch of the location of any and all barriers to be provided by the Borough to be used in restricting the flow of vehicular traffic through the closed street. The sketch shall also include the proposed location and description of any temporary items to be placed in the roadway, i.e., tables and/or chairs. All items and/or equipment placed upon the street must be temporary and readily available to be removed in able to permit emergency vehicle access. Temporary rides, Bounce houses and other amusements are not permitted to be located in the roadway during the Block Party.

7. Signed acknowledgement of at least seventy-five percent (75%) of the property owners affected by the street closing acknowledging that no motor traffic will be permitted during the block party except for vehicles used in connection with the block party, municipal vehicles and emergency vehicles.

8. Copy of letter sent to all residents of the street providing notification of the proposed Block Party with a representation of service of the letter upon the residents.

c. Application fee. There shall be a non-refundable application fee of twenty-five dollars (\$25.00) for a Block Party Street Closure Permit.

d. Referral to the Chief of Police. Upon receipt of a completed application the Borough Clerk Shall refer the application to the Chief of Police or their designees for evaluation based upon the following objective criteria:

1. The conduct and location of the Block Party will not substantially interrupt or impede the safe and orderly movement of traffic.

2. The conduct of the Block Party will not be likely to result in damage to persons or property nor likely to cause serious harm to the public.

3. The conduct of the Block Party will not interfere with the movement of first aid or firefighting equipment to such an extent that adequate fire protection cannot be provided to the Borough.

4. The conduct of the Block Party will not require an increased amount of public resources to ensure the safety of the Block Party participants and/or the drivers on municipal roadways

5. Such other concerns deemed necessary in order to properly provide for traffic control, street and property maintenance and the protection of public health, safety and welfare.

d. Municipal Council Permit Issuance and Denial Standards.

1. Standards for issuance. The Borough Council may authorize the issuance of a Block Party Street Closure Permit conditioned upon the applicants written agreement to comply with the terms of such permit unless the Borough Council is advised by the Borough Administration or a Department thereof that:

(A) The time, size and location of the Block Party will disrupt to an unreasonable extent the movement and flow of traffic;

(B) The Block Party is of a size or nature that the diversion of so great a number of police officers of the Borough that reasonable police protection would be jeopardized;

(C) The time, size and location of the Block Party will require an increased amount of public resources to ensure the safety of the Block Party participants and/or the drivers on municipal roadways;

(D) Said Block Party will interfere with another Block Party Street Closure Permit or Special Event which has already been issued by the Borough;

2. Standards for denial. The Borough Council may deny an application for a Block Party Street Closure Permit and the Borough Clerk shall notify the applicant of such denial where:

(A) The Borough Council makes any finding contrary to the findings required to be made for the issuance of the permit;

(B) The information contained in the permit application is found to be false, inconsistent or non-existent in any material detail;

(C) The applicant refuses to agree to abide by or comply with all of the conditions of the permit;

(D) The proposed Block Party prevent emergency vehicles to provide timely responses to calls for services;

(E) A Block Party Street Closure permit of a similar portion of the proposed roadway or roadways has been issued on two occasions within twelve (12) months of the requested date.

(F) More than twenty-five percent (25%) of the residences affected by the Block Party Closure Permit Application have not signed the Application form.

3. After the Borough Council's approval or denial of the Application for a Block Party Street Closure Permit, the Borough Clerk shall notify the designated contact representative in the application of the Borough's Council's determination.

e. Term of Permit. The Block Party Street Closure Permit shall be valid for a period not to exceed eight (8) continuous hours. Notwithstanding the forgoing, no Block Party Street Closure Agreement shall extend beyond the earlier of 10:00 p.m.

§ 75-19 Permittee Responsibility; Revocation of Permit

a. Responsibilities of Permittee.

1. If a Block Party Street Closure Permit is granted by the Borough Council, the person association, or group that is granted the permit shall be responsible for conducting the operations so authorized in such a manner that there shall be minimum inconvenience and/or disruption to the general public and, upon the expiration of the permit, such street shall be re-opened free of any debris, refuse, or other material interfering with the safe and free passage of pedestrians, vehicles and traffic.

2. The Applicant shall be solely responsible for the removal of litter, debris, and other material from the street or portion thereof used and is attributable to or caused by the Block Party. The Applicant shall also be solely responsible to take all necessary measures to prevent the underage consumption of alcohol during the term of the Block Party Street Closure Permit.

3. The persons, organizations or associations to whom the Block Party Street Closure Permit agrees to save the Borough, its officers, employees and agents harmless from any and all losses, liabilities, damages or injuries which may accrue or be claimed to accrue by reason of, or during the temporary street closing and/or Block Party. The submission of the signed application under this Article shall constitute such agreement. The Borough Clerk, in consultation with the Borough Administrator, shall have the option to require that prior to the

issuance of the Permit or commencement of the temporary street closure, the Applicant submit evidence of liability insurance covering damages to property and injury to members of the general public arising out of the temporary street closure in such an amount as may be determined by the Borough Administrator in consultation with the Borough's Risk Manager.

4. Deposit. A security deposit will not be required unless the applicant has had prior negative experience with a street closure with the Borough. Prior negative experience is defined as the failure to return the closed street and surrounding areas, staging areas and breakdown areas to a condition free of debris, litter, refuse or other materials that interfere with the safe and free passage of pedestrian and vehicles.

b. Revocation of Permit. Any Block Party Street Closure Permits issued pursuant to this section may be summarily revoked by the Chief of Police and/or the Borough Administrator and/or their designee/s at anytime, when by reason of disaster, public calamity, riot or other emergency or any other situation that the Chief of Police

and/or the Borough Administrator and/or their designee/s deems that the safety of the public, including the participants at the Block Party, or property requires such revocation or that the Permittee has violated any of the required conditions of the Permit or this Article. Notification of such action revoking a permit shall be delivered by contacting the designated contact person set forth in the application.

§ 75-20 Alcoholic Beverages/Open Container Area

Pursuant to P.L.2021, c.395, the Borough designates the specific area for which a Block Party Street Closure Permit is issued as an open container area and it shall be lawful for any person who is at least 21 years of age to consume open containers of alcoholic beverages outdoors on any street in the Borough of Metuchen on which a Block Party Street Closure Permit has been issued by the Borough for the hosting of a residential block party, but only during such times and at such locations as set forth in the approved Block Party Street Closure Permit, provided that said street has been sufficiently closed to vehicular traffic and no vehicular traffic is permitted to travel upon same during the times of such activity.

§ 75-21 Violations and Penalties

Violations of this Chapter, the failure to comply with any condition, requirement or provision of the permit, or otherwise violations of any ordinance, rule or regulation that is applicable to the event by the permit holder, permit holder's agents, employees, patrons, customers, guests, invitees, attendees, or any other person admitted shall be grounds for revocation of the Special Event Permit or Block Party Street Closing Permit

approval. Upon such revocation, all activities associated with the event shall be immediately terminated.

Any person who violates any subsection of this section for sponsoring a Special Event or Block Party determined to be a public health or safety hazard, or for failure to obtain an approval, shall be subject to the penalties set forth in Chapter 1, General Provisions, Article 1. of the Borough Code. Each day's continued violation shall constitute a separate offense.

Nothing provided herein shall be deemed or construed to limit the authority or ability of the Borough to seek civil injunctions to prohibit violations of this section or any other lawful remedy, in addition to the criminal penalties set forth in this subsection.

BE IT FURTHER ORDAINED by the Council of the Borough of Metuchen that should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason the remaining portions of this ordinance shall not be affected thereby and shall remain in full force and effect, and to that end the provisions of this ordinance are hereby declared to be severable; and

BE IT FURTHER ORDAINED by the Council of the Borough of Metuchen that all ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of their inconsistencies only; and

BE IT FURTHER ORDAINED by the Mayor and Council that this ordinance shall become effective immediately upon final passage and publication as provided by law.

Introduction: June 12, 2023

Date of Publication: June 16, 2023

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB	
BRANCH	X				HYMAN	X				
DELIA	X				KANDEL	X				
HIRSCH				X	RASMUSSEN	X				
MOTION	DELIA				SECOND	RASMUSSEN				
X – INDICATES VOTE				AB- ABSENT			NV- NOT VOTING			

I hereby certify the foregoing to be a true copy of an ordinance introduced by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on June 12, 2023.

Deborah Zupan
Borough Clerk

Adopted: _____, 2023
Date of Publication: _____, 2023

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
BRANCH					HYMAN				
DELIA					KANDEL				
HIRSCH					RASMUSSEN				
MOTION					SECOND				

I hereby certify the foregoing to be a true copy of an ordinance adopted by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on _____, 2023.

Deborah Zupan
Borough Clerk

ATTEST:

BOROUGH OF METUCHEN

Deborah Zupan
Borough Clerk

By: _____
Jonathan M. Busch
Mayor

ORDINANCE 2023-20

*Borough of Metuchen
County of Middlesex
State of New Jersey*

**AN ORDINANCE AMENDING CERTAIN PROVISIONS IN CHAPTER 140
(PROPERTY MAINTENANCE) TO ADD AN ENFORCEMENT OFFICER AMONG
THE LIST OF MUNICIPAL OFFICERS AUTHORIZED TO ENFORCE THE
PROVISIONS OF SAID CHAPTER.**

BE IT ORDAINED by the Borough Council of the Borough of Metuchen as follows (additions are indicated by underlining; deletions are indicated by ~~strikethroughs~~):

SECTION 1. Section 140-5 (Inspections) in Article 1 (Commercial and Industrial Maintenance) in Chapter 140 (Property Maintenance) of the Code of the Borough of Metuchen is hereby amended to read as follows:

§140-5 Inspections.

All buildings and premises subject to this code are subject to inspection from time to time by the Construction Code Official, ~~Health Officer,~~ Zoning Officer, Enforcement Officer, Director of Public Works, Health Officer, Police Department, their respective designees, or any other official charged with the duty of enforcing regulations governing any aspect or conduct of the activity on the premises. At the time of such inspection, all portions of the premises subject to this code must be available and accessible for such inspection, and the owner, operator and occupant are required to provide the necessary arrangements to facilitate such inspection. Such inspection shall be made during regular business hours of the business occupying said premises, unless there is sufficient reason to believe a violation exists of a character which is an immediate threat to health or safety requiring inspection and abatement without delay.

Where it is necessary to make an inspection to enforce the provisions of this chapter, or whenever the inspecting official has reasonable cause to believe that there exists in a structure or upon a premises a condition in violation of this code, the official is authorized to enter the structure or premises at reasonable times to inspect or enforce the requirements of this chapter, provided that if such structure or premises is occupied the official shall present credentials to the occupant and request entry. If such structure or premises is unoccupied, the official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, whether occupied or not, the official shall obtain a proper warrant or have other recourse to the remedies provided by law to secure entry.

SECTION 2. Section 140-6 (Correction of violation; abatement by municipal officers) in Article 1 (Commercial and Industrial Maintenance) in Chapter 140 (Property Maintenance) of the Code of the Borough of Metuchen is hereby amended to read as follows:

§ 140-6 Correction of violation; abatement by municipal officers.

- A. Immediate abatement. Where the violation or condition existing on the premises is of such a nature as to constitute an immediate threat to life and limb or presents an immediate threat to the health, safety and welfare of the occupants, invitees, adjoining property owners or the general public, unless abated without delay, the Construction Code Official, ~~Health Officer,~~ Zoning Officer, Enforcement Officer, Director of Public Works, ~~or Health Officer,~~ Police Department, or their respective designees may order the owner, operator or occupant to correct the violation or condition within the period of time consistent with the hazard involved and with the measures necessary to remove the hazard, and, upon the failure of the operator, owner or occupant to correct said condition, the ~~Police Department,~~ Construction Code Official, Zoning Officer, Enforcement Officer, Director of Public Works, ~~or Health Officer,~~ Police Department, or their respective designees shall issue a summons forthwith and shall cause said condition to be immediately abated thereafter as prescribed in Subsection I below.
- B. Procedure upon discovery of violations. Except as otherwise provided in Subsection A above, where violations of this code or the regulations hereunder are found to exist, a written notice from the Construction Code Official, Zoning Officer, Enforcement Officer, Director of Public Works, ~~or Health Officer,~~ or their respective designees shall be served on the person or persons responsible for the correction thereof.
- C. Notice. Notice shall be served personally or by certified mail, addressed to the last-known address of the person to be served. In the case of an occupant, notice may be posted upon the main entrance door of the building, and in the case of an owner, the last-known address shall be the address of the owner as shown in the records of the office of the Tax Collector.
- D. Contents of notice. The notice shall specify the violation or violations committed, what must be done to correct the same, a reasonable period of time, not to exceed 30 days, to abate the violation, the right of the person served to request a hearing and that the notice shall become an order of the Construction Code Official, Zoning Officer, Enforcement Officer, Director of Public Works, ~~or Health Officer,~~ or their respective designees in 10 days after service unless a hearing is requested pursuant to these provisions.
- E. Request for hearing. Within 10 days of the date of service of a notice, the notice shall constitute a final order unless any person affected by the notice requests a hearing thereon by serving a written request within the 10-day period in person or by certified mail on the Construction Code Official, Zoning Officer, Enforcement Officer, Director of Public Works, ~~or Health Officer,~~ or their respective designees. Such request for a hearing shall set forth briefly the reasons for which the request for a hearing is made and the factual matters contained in the notice of

violation for which the hearing is requested. The Construction Code Official, Zoning Officer, Enforcement Officer, Director of Public Works, ~~or~~ Health Officer, or their respective designees upon receipt of the request for hearing, shall, within 30 days therefrom and upon five days notice to the parties so requesting, conduct a hearing.

- F. Hearings and orders. At the hearing provided hereunder, the Construction Code Official, Zoning Officer, Enforcement Officer, Director of Public Works, ~~or~~ Health Officer, or their respective designees shall hear all parties and his or her final determination shall be made within 10 days from the completion of the hearing. He or she shall then issue an order incorporating the determinations and directions contained in the notice, modifying said notice if he or she so deems necessary. The Construction Code Official, Zoning Officer, Enforcement Officer, Director of Public Works, ~~or~~ Health Officer, or their respective designees may extend the time for correction of the violations when deemed by him or her to be necessary.
- G. Summons for unabated violation. In the event the violation is not abated, removed, cured or otherwise fully remedied within the time period prescribed in the initial notice or extended time period as permitted by the Construction Code Official, Zoning Officer, Enforcement Officer, Director of Public Works, ~~or~~ Health Officer, or their respective designees, a summons shall then be issued against such person or persons charged with the violation. A summons may also be issued without initial written notice in the circumstances described in § 140-6A.
- H. In addition to the issuance of summons for an unabated violation, and where it shall be necessary and expedient for the preservation of the public health, safety, general welfare or to eliminate a fire hazard, and upon the certification of the Health Officer, Fire Official and/or the Borough Engineer and after the approval of the Borough Administrator, the Construction Code Official, Zoning Officer, Enforcement Officer, Director of Public Works, ~~or~~ Health Officer, or their respective designees may provide for the removal of or destruction of overgrown brush, weeds, including ragweed, dead or dying trees, stumps, roots, obnoxious growths, filth, garbage, trash, debris as permitted by N.J.S.A. 40:48-2.13 and N.J.S.A. 40:48-2.13a.
- I. In the event that the immediate abatement is necessary pursuant to Subsection A hereof, or that brush, weeds, including ragweed, dead and dying trees, stumps, roots, obnoxious growth, filth garbage trash, debris are sought to be removed or destroyed pursuant to Subsection H herein, the officer of the municipality or their respective designee seeking such removal and the Borough Administrator shall obtain and certify the costs thereof to the Mayor and Borough Council, who shall examine the certificate, and if found to be correct and appropriate shall authorize and direct by way of resolution the removal and/or destruction and to direct the costs as shown thereon to be charged against said dwelling or lands and the

amounts so charged shall forthwith become a lien upon such property or lands and shall be added to and become part of the taxes next to be assessed and levied upon such property or lands, the same to bear interest at the same rate as taxes. A copy of the resolution authorizing and directing the removal and the costs and expenses to be charged shall be certified by the Borough Clerk and filed with the Tax Collector of the Borough, who shall be responsible for the collection thereof, with a copy of the report and resolution sent by certified mail to the owner, operator and/or occupant of the premises. If the amount of the lien is not paid, the Tax Collector may sell the unpaid municipal lien at the next tax sale. Notwithstanding anything to the contrary contained herein, nothing shall prevent the Borough from simultaneously proceeding to collect these costs and expenses, as well as to impose fines and penalties upon the owner, operator and occupant by commencing and continuing a proceeding in the Municipal Court of the Borough against those responsible for noncompliance with this code.

SECTION 3. Subsection B.(4) in Section 140-11 (Regulation of premises) in Article 2 (Residential Property Maintenance) in Chapter 140 (Property Maintenance) of the Code of the Borough of Metuchen is hereby amended to read as follows:

- (4) Construction sites. It shall be unlawful for any owner, agent or contractor in charge of a construction or demolition site to permit the accumulation of litter before, during or after completion of any construction or demolition project. It shall be the duty of the owner, agent or contractor in charge of a construction site to furnish containers adequate to accommodate ~~flyri~~able or non-~~flyri~~able debris or trash at areas convenient to construction areas and to maintain and empty the receptacles in such a manner and with such a frequency as to prevent spillage of refuse.

SECTION 4. Section 140-12 (Inspections) in Article 2 (Residential Property Maintenance) in Chapter 140 (Property Maintenance) of the Code of the Borough of Metuchen is hereby amended to read as follows:

§ 140-12 Inspections.

All buildings and premises subject to this code are subject to inspection from time to time by the Construction Code Official, ~~Health Officer,~~ Zoning Officer, Enforcement Officer, Director of Public Works, Health Officer, Police Department, their respective designees or any other official charged with the duty of enforcing regulations governing the premises. At the time of such inspection, all portions of the premises subject to this code must be available and accessible for such inspection, and the owner and occupant are required to provide the necessary arrangements to facilitate such inspection. Such inspection shall be made during regular business hours, unless there is sufficient reason to believe a violation exists of a character which is an immediate threat to health or safety requiring inspection and abatement without delay.

Where it is necessary to make an inspection to enforce the provisions of this chapter, or whenever the inspecting official has reasonable cause to believe that there exists in a structure or upon a premises a condition in violation of this code, the official is authorized to enter the structure or premises at reasonable times to inspect or enforce the requirements of this chapter, provided that if such structure or premises is occupied the official shall present credentials to the occupant and request entry. If such structure or premises is unoccupied, the official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, whether occupied or not, the official shall obtain a proper warrant or have other recourse to the remedies provided by law to secure entry.

SECTION 5. Section 140-13 (Correction of violation; abatement by municipal officers) in Article 2 (Residential Property Maintenance) in Chapter 140 (Property Maintenance) of the Code of the Borough of Metuchen is hereby amended to read as follows:

§ 140-13 Correction of violation; abatement by municipal officers.

- A. Immediate abatement. Where the violation or condition existing on the premises is of such a nature as to constitute an immediate threat to life and limb or presents an immediate threat to the health, safety and welfare of the occupants, adjoining property owners and/or the general public unless abated without delay, the Construction Code Official, ~~Health Officer,~~ Zoning Officer, Enforcement Officer, Director of Public Works, ~~or Health Officer,~~ Police Department, or their respective designees may order the owner, operator or occupant to correct the violation or condition within the period of time consistent with the hazard involved and with the measures necessary to remove the hazard, and, upon the failure of the owner or occupant to correct said condition, the ~~Police Department,~~ Construction Code Official, Zoning Officer, Enforcement Officer, Director of Public Works, ~~or Health Officer,~~ or their respective designees shall issue a summons forthwith and shall cause said condition to be immediately abated thereafter as prescribed in subsection I below.
- B. Procedure upon discovery of violations. Except as otherwise provided in Subsection A above, where violations of this code or the regulations hereunder are found to exist, a written notice from the Construction Code Official, Zoning Officer, Enforcement Officer, Director of Public Works, ~~or Health Officer,~~ or their respective designees shall be served on the person or persons responsible for the correction thereof.
- C. Notice. Notice shall be served personally or by certified mail, addressed to the last-known address of the person to be served. In the case of an occupant, notice may be posted upon the entrance door of the dwelling, and in the case of an owner, the last-known address shall be the address of the owner as shown in the records of the office of the Tax Collector.

- D. Contents of notice. The notice shall specify the violation or violations committed, what must be done to correct the same, a reasonable period of time, not to exceed 30 days, to abate the violation, the right of the person served to request a hearing and that the notice shall become an order of the Construction Code Official, Zoning Officer, Enforcement Officer, Director of Public Works, ~~or~~ Health Officer, or their respective designees in 10 days after service unless a hearing is requested pursuant to these provisions.
- E. Request for hearing. Within 10 days of the date of service of a notice, the notice shall constitute a final order unless any person affected by the notice requests a hearing thereon by serving a written request within the 10-day period in person or by certified mail on the Construction Code Official, Zoning Officer, Enforcement Officer, Director of Public Works, ~~or~~ Health Officer, or their respective designees. Such request for a hearing shall set forth briefly the reasons for which the request for a hearing is made and the factual matters contained in the notice of violation for which the hearing is requested. The Construction Code Official, Zoning Officer, Enforcement Officer, Director of Public Works, ~~or~~ Health Officer, or their respective designees, upon receipt of the request for hearing, shall, within 30 days therefrom and upon five-days' notice to the parties so requesting, conduct a hearing.
- F. Hearings and orders. At the hearing provided hereunder, the Construction Code Official, Zoning Officer, Enforcement Officer, Director of Public Works, ~~or~~ Health Officer, or their respective designees shall hear all parties and his or her final determination shall be made within 10 days from the completion of the hearing. He or she shall then issue an order incorporating the determinations and directions contained in the notice, modifying said notice if he or she so deems necessary. The Construction Code Official, Zoning Officer, Enforcement Officer, Director of Public Works, ~~or~~ Health Officer, or their respective designees may extend the time for correction of the violations when deemed by him or her to be necessary.
- G. Summons for unabated violation. In the event the violation is not abated, removed, cured or otherwise fully remedied within the time period prescribed in the initial notice or extended time period as permitted by the Construction Code Official, Zoning Officer, Enforcement Officer, Director of Public Works, ~~or~~ Health Officer, or their respective designees, a summons shall then be issued against such person or persons charged with the violation. A summons may also be issued without initial written notice in the circumstances described in § 140-13A.
- H. In addition to the issuance of summons for an unabated violation, and where it shall be necessary and expedient for the preservation of the public health, safety, general welfare or to eliminate a fire hazard, and upon the certification of the Health Officer, Fire Official, Director of Public Works and/or the Borough Engineer and after the approval of the Borough Administrator, the Construction

Code Official, Zoning Officer, Enforcement Officer, Director of Public Works, ~~or~~ Health Officer, or their respective designees may provide for the removal of or destruction of overgrown brush, weeds, including ragweed, dead or dying trees, stumps, roots, obnoxious growths, filth, garbage, trash, debris as permitted in N.J.S.A. 40:48-2.13 and N.J.S.A. 40:48-2.13a.

- I. In the event that the immediate abatement is necessary pursuant to Subsection A hereof, or that overgrown brush, weeds, including ragweed, dead and dying trees, stumps, roots, obnoxious growth, filth garbage trash, debris are sought to be removed or destroyed pursuant to Subsection H herein, the officer of the municipality or their respective designee seeking such removal and the Borough Administrator shall obtain and certify the proposed costs thereof to the Mayor and Borough Council, who shall examine the certificate, and if found to be correct and appropriate shall authorize and direct by way of resolution the costs as shown thereon to be charged against said dwelling or lands and the amounts so charged shall forthwith become a lien upon such a dwelling or lands and shall be added to and become part of the taxes next to be assessed and levied upon such dwelling or lands, the same to bear interest at the same rate as taxes. A copy of the resolution authorizing and directing the removal and the costs and expenses to be charged shall be certified by the Borough Clerk and filed with the Tax Collector of the Borough, who shall be responsible for the collection thereof, with a copy of the report and resolution sent by certified mail to the owner and/or occupant of the premises. If the amount of the lien is not paid, the Tax Collector may sell the unpaid municipal lien at the next tax sale. Notwithstanding anything to the contrary contained herein, nothing shall prevent the Borough from simultaneously proceeding to collect these costs and expenses, as well as to impose fines and penalties upon the owner and occupant by commencing and continuing a proceeding in the Municipal Court of the Borough against those responsible for noncompliance with this code.

SECTION 6. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 7. If any portion of this ordinance shall be determined to be invalid, such determination shall not affect the validity of the remaining portions of said ordinance.

SECTION 8. This ordinance shall ordinance shall take effect upon final passage and publication in accordance with law.

Introduction: June 12, 2023
 Date of Publication: June 16, 2023

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
BRANCH	X				HYMAN	X			
DELIA	X				KANDEL	X			
HIRSCH				X	RASMUSSEN	X			

MOTION	DELIA	SECOND	RASMUSSEN
X – INDICATES VOTE	AB- ABSENT		NV- NOT VOTING

I hereby certify the foregoing to be a true copy of an ordinance introduced by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on June 12, 2023.

Deborah Zupan
Borough Clerk

Adopted: _____, 2023
Date of Publication: _____, 2023

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
BRANCH					HYMAN				
DELIA					KANDEL				
HIRSCH					RASMUSSEN				
MOTION					SECOND				

I hereby certify the foregoing to be a true copy of an ordinance adopted by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on _____, 2023.

Deborah Zupan
Borough Clerk

ATTEST:

BOROUGH OF METUCHEN

Deborah Zupan
Borough Clerk

By: _____
Jonathan M. Busch
Mayor

ORDINANCE 2023-21

*Borough of Metuchen
County of Middlesex
State of New Jersey*

**ORDINANCE AMENDING THE CODE OF THE BOROUGH OF METUCHEN
REVISING THE REGULATIONS RELATING TO THE METUCHEN TOWN PLAZA**

WHEREAS, the Article 3 of Chapter 124 of the Code of the Borough of Metuchen, entitled, "Metuchen Town Plaza" currently regulates and requires a permit and application procedure for Metuchen Town Plaza; and

WHEREAS, upon the recommendation of the Chief of Police and the Borough Administrator, the Council of the Borough of Metuchen has determined that it is in the best interests of the community amend Article 3 of Chapter 124 regulating the use of the Metuchen Town Plaza.

NOW THEREFORE, BE IT ORDAINED that the Council of the Borough of Metuchen, County of Middlesex, State of New Jersey, hereby amends Article 3 of Chapter 124 regulating the Metuchen Town Plaza, specifically §124-15 through §124-26- to state as follows:

ARTICLE 3

Metuchen Town Plaza

§ 124-15. Intent.

The Town Plaza is a publicly owned space which is managed and operated by the Borough of Metuchen. It is the intent of the Borough that the Town Plaza is a welcoming, safe, flexible, public gathering space for residents and visitors to downtown Metuchen. The Borough promotes the use of the Plaza for ~~Metuchen-based civic, nonprofits, associations, school groups, for~~ events where all of the public is welcome to attend. Formal events as defined herein as "special events" require a use permit to be issued by the Borough of Metuchen as provided for herein. The Town Plaza is not available for private events where members of the public are excluded, or an admission is charged. The Town Plaza is not available for private events including, but not limited to, weddings, birthday parties or any other private event. In order to preserve the ability of all members of the public to have free access to the Metuchen Town Plaza, the Metuchen Plaza is limited to the use for events by the Borough of Metuchen or Borough of Metuchen Commission/Committee/Board sponsored events, the Metuchen Downtown Alliance and the Metuchen Farmer's Market. In addition to the requirements contained herein, the Metuchen Commission/Committee sponsored events, the Metuchen Downtown Alliance, and Metuchen Farmer's Market seeking to conduct a special event at the Metuchen Town Plaza shall also

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[comply with all of the requirements and conditions of Chapter 75 of the Code of the Borough of Metuchen.](#)

§ 124-16. Hours of operation.

The Town Plaza shall be open daily to the public for informal and scheduled events from 7:00 a.m. to 10:00 p.m. All Town Plaza events, both scheduled and/or informal, must be open to the public, free of charge, and not on an invitation only or restricted basis. Access to and through the Plaza must be maintained at all times including during setup and cleanup for an event. Sidewalk and tenant access must also be maintained at all times.

§ 124-17. Prohibited acts and conduct.

A. No person in the Town Plaza shall:

(1) Willfully mark, deface, disfigure, injure, tamper with or displace or remove any tables, benches, pavings or paving materials, or appurtenances thereof, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts, or other boundary markers, or other structures or equipment, facilities or Plaza property or appurtenances whatsoever either real or personal. Plaza tables and chairs should not be stacked on top of each other.

(2) Dig or remove any soil, rock, sand, stones, pavers, trees, shrubs or plants or other wood or materials or make any excavation by tool, equipment, blasting or other means or agency.

(3) Construct or erect any structures of whatever kind, whether permanent or temporary, or run or string any public service utility into, upon or across such lands, except on special written permit issued hereunder.

(4) Damage, carve, transplant or remove any tree or plant or injure the bark, or pick flowers or seed of any tree or plant, dig in or otherwise disturb grass areas or in any other way injure the natural beauty or usefulness of any Plaza area.

(5) Climb any tree or walk, stand or sit upon monuments, vases, planters, fountains, railings, fences or upon any other property not designated or customarily used for such purposes.

(6) Tie or hitch any animal or leash to any tree, plant or bench.

(7) Throw, discharge or otherwise place or cause to be placed in the waters of any fountain, storm sewer or drain flowing into such water any substance, matter or thing, liquid or solid, which will or may result in the pollution of the waters.

(8) Have brought in or shall dump in, deposit or leave any bottles, broken glass, paper, boxes, cans, dirt, rubbish, waste, garbage or refuse or other trash. No such refuse or trash shall be left anywhere on the Plaza but shall be placed in the proper receptacles where these are provided. Where receptacles are not provided, all such rubbish or waste shall be carried away from the Plaza by the person responsible for its presence and properly disposed of elsewhere.

(9) Leave a bicycle in a place other than a bicycle rack or dock when such is provided and there is space available.

(10) Leave a bicycle lying on the ground or paving or set against trees or in any place or position where other persons may trip over or be injured by them.

(11) Set up tents, canopies or any other temporary shelter unless specifically permitted to do so by the Borough as set forth in this chapter.

(12) Take part in or abet the playing of any games involving thrown or otherwise propelled objects that could cause a risk or danger to other occupants of the Plaza, including handball or ball throwing.

(13) Ride a bicycle, skateboard, scooter or horse, roller skate, roller blade and/or hoverboard through the Plaza. Walking a bicycle, skateboard, scooter, hoverboard through the Plaza is permitted. Exceptions to the herein may be made for Borough-related safety events, i.e., safety demonstrations performed by the Metuchen Police Department or groups like Bike Walk Metuchen.

(14) Bring or possess alcoholic beverages with an intent to consume the same within the Plaza, or to publicly consume alcohol, with the exception being when a permitted special event takes place with the required security, the required State of New Jersey Division of Alcoholic Beverage Control and Borough permits and insurance coverage is provided. All events where alcohol is served shall be in full compliance with the New Jersey Division of Alcoholic Beverage Control rules and regulations.

(15) Drive or park a vehicle onto the Plaza. Vehicles are only permitted onto the Plaza for purposes of loading and unloading and only after all necessary safety precautions are established during said times. Vehicles are not permitted to idle while on the Plaza.

(16) Permit a pet to walk or run in or on the Plaza without a leash. All persons walking a pet must clean up after all pets.

(17) Have in ~~their~~~~his~~~~or~~~~her~~ possession, or set or otherwise cause to explode or discharge or burn, any firecrackers, torpedo rockets or other fireworks, firecrackers or explosives of inflammable material or discharge them or throw them into any such areas from lands or highways adjacent thereto. This prohibition includes any substance, compound, mixture or article that in conjunction with another substance or compound would be dangerous from any of the foregoing standpoints. At the discretion of the Borough Administrator ~~and Recreation Director~~, permits may be given for conducting properly supervised fireworks in designated Town Plaza areas.

(18) Build or attempt to build a fire. Fire pits are not permitted. No person shall drop, throw or otherwise scatter burning cigarettes or cigars, tobacco paper or other inflammable material within the Plaza.

(19) Enter an area of the Plaza posted as “Closed to the Public,” nor shall any person use or abet in the use of any area in violation of posted notices.

(20) Gamble, or participate in or abet any game of chance, except in such areas and under such regulations as may be licensed designated by the Recreation Commission and permitted by the Borough Administrator.

(21) Sleep or protractedly lounge on the seats or benches or other areas or engage in loud, boisterous, threatening, abusive, insulting or indecent language or engage in any disorderly conduct or behavior tending to breach the public peace.

(22) Fail to produce and exhibit any permit issued from the Borough claimed to have upon request of any authorized person who shall desire to inspect the same for the purpose of enforcing compliance with any ordinance or rule.

(23) Disturb or interfere unreasonably with any person or party occupying any area or participating in any activity under the authority of a permit issued by the Borough.

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(24) Expose or offer for sale any article or thing, nor shall station or place any stand, cart or vehicle for the transportation, sale or display of any such article or thing. Exception is here made as to any regularly licensed concessionaire acting by and under the authority and regulation of the Borough.

(25) Paste, glue, tack or otherwise post any sign, placard, advertisement or inscription whatever, nor shall any person erect or cause to be erected any sign whatsoever on Plaza without specific authorization to do so. Signs belonging to stores, offices or retailers located on the Plaza must only be displayed in front of the business and no place else on the Plaza.

B. Nothing herein shall permit activities and/or conduct that are prohibited in the existing ordinances. Sections 124-1, 124-2 and Chapter 158 shall apply to the Town Plaza. Smoking, as defined in § 158-1, shall be prohibited in the Town Plaza.

§ 124-18. Special events and permit requirement.

A group or gathering of 250 or more persons shall constitute a special event requiring a permit to be issued by the Borough for the use of the Town Plaza. No group of 250 or more persons shall utilize the Town Plaza for an event, gathering or outing without first having obtained a use permit in advance from the Borough. Groups of less than 20 people gathering for the same purpose or intent are not permitted to use the Plaza without a permit. Permits are not required by individuals using the Plaza for casual, informal gatherings. Adult supervision of children's groups requiring a permit is required at all times. No person shall call or hold any public meeting or give any concert or entertainment of any kind or erect any structure, stand, tent, or platform, utilize any loudspeaker, public address system, or amplifier except by the specific written authority of the Borough, as authorized by permit. Although all events shall be opened to the public, no other organized group or persons other than the one holding the use permit shall interfere with permit holder's use of the Town Plaza during the time covered by the permit issued by the Borough. All permits that are granted must be produced upon demand.

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§ 124-19. Use permit.

A. All permits for the Town Plaza shall be approved by the Borough Administrator in consultation ~~with the Recreation Director, with further~~ and approval of the Chief of Police or ~~their~~ designee, Fire Chief or his designee, and/or the Superintendent of Public Works or ~~their~~ designee as deemed necessary by the Borough Administrator. The issuance of use permits ~~of the Metuchen Town Plaza~~ shall be limited to Metuchen Commission/Committee sponsored events, the Metuchen Downtown Alliance and the Metuchen Farmer's Market-based public, school, civic and nonprofit associations, groups or entities and Metuchen based for profit businesses or entities.

B. Permits for special events in the Town Plaza shall be obtained by application to the ~~Borough Clerk-Recreation Department~~ in accordance with the following procedure:

(1) An organization, ~~person~~, entity, Borough Commission, Borough Committee or Borough Board or group seeking issuance of a permit hereunder shall file an application with the Recreation DepartmentBorough Clerk providing:

(a) The name and address of the applicant.

(b) The name and address of the person, persons, corporation or association of the sponsoring the activity and event for which is being sponsored for, if any.

(c) The day and hours for which the permit is desired and the type of event planned.

(d) The estimated size and number of attendees of the event.

(e) A detailed map of the Plaza must be submitted showing the desired area or location in the Town Plaza sought to be used for the event and a detailed description of all equipment, vendors, vehicles and associated items for use during the event.

(f) Any other information which the Borough Administrator, Borough Clerk, Police Chief, Fire Chief and/or the Director of Public Works or Recreation Director shall find reasonably necessary to a fair determination as to whether a permit should be issued hereunder.

(2) Applicants for a Permit for a special event in the Metuchen Town Plaza shall also be required to comply with all of the requirements set forth in Chapter 75 of the Borough Code.

(32) In addition to the completed application, an ~~person~~, organization, entity, Borough Commission, Borough Committee or Borough Board or group seeking issuance of a permit hereunder shall also provide the following:

(a) A security deposit in the amount of \$2500.00 made payable to the "Borough of Metuchen," unless waived by the Borough Administrator.

(b) Adequate insurance information demonstrating that it will provide the Borough with a certificate of liability insurance and additional insured endorsement, such information shall also state the specific dates and limits of coverage.

(43) Application for a permit for an event can be submitted up to one year in advance of the event date. Date selection will not be transferred upon request after approval is provided. All applications for a permit for an event shall be submitted no later than 60 days prior to the requested use, unless sufficient good cause is shown and there is no other event proposed for said date. However, under no circumstances will the Borough issue a permit for an event less than 30 days prior to the proposed date of the event.

(45) Rain dates will not be held in addition to the requested event date for all events. Requests can be made for one rain date, in addition to the scheduled event date. The Borough Administrator will decide if a rain date can be approved on a case-by-case basis.

(6) Applicants shall not advertise or promote, either in printed, digital or electronic format on the internet and/or social media platforms prior to obtaining a Metuchen Town Plaza Special Events Permit. Premature advertising and/or promotion may be sole grounds for denial of the permit.

(675) Standards for issuance of a use permit by the Borough Administrator ~~and Recreation Director~~ shall include the following findings:

(a) That the proposed activity or use of the Town Plaza will not unreasonably interfere with or detract from the general public enjoyment of the Town Plaza.

(b) That the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation.

(c) That the proposed activity or uses that are reasonably anticipated will not include violence, crime or disorderly conduct.

(d) That the proposed activity will not entail extraordinary or burdensome expense or police operation by the Borough.

(e) That the proposed activity will not result in a breach of this article, another ordinance, or law, or may be adverse to the public interest, to public health and/or safety, or the protection of persons and/or property.

(f) That the Town Plaza or portions thereof desired have not been reserved for other use at the date and hour requested in the application.

(g) That the proposed activity or use of the Town Plaza will not unreasonably interfere or conflict with a Borough event, or Borough sponsored event, whether at the Metuchen Town Plaza or some other location within the Borough. Borough events and Borough sponsored events shall have priority over all applications for use of the Metuchen Town Plaza.

(876) The Office of the Borough ~~Clerkof Metuchen Recreation Department~~ shall maintain a final schedule of events which have received approval for a use permit as well as a proposed schedule of applications pending approval. Borough Events and events sponsored by the Borough ~~or other public entities~~ shall have a preference over all other requests, ~~thereafter, Metuchen based civic, nonprofits, associations, school groups, or events shall have preference over business or requests made by for-profit entities and/or groups. The Borough will use its best efforts to provide all parties seeking to utilize the Town Plaza for an event a fair opportunity to do so.~~

(897) The Borough Administrator may approve a permit with modifications or special conditions as the Borough Administrator deems necessary under the circumstances. Some examples of the conditions which the Borough Administrator may require at the applicant's sole cost and expense include but are not limited to the provision of on-site event security coverage or traffic control which must be provided by the Metuchen Police Department and/or portable bathrooms for the event.

(8109) Appeal.

(a) Within five days after the receipt of the denial for a permit any aggrieved ~~person, organization,~~ entity, Borough Commission, Committee or Board ~~or group~~ shall have the right to appeal to the Mayor and Council President by submitting a formal written request. The Mayor and Council President shall consider the request for an appeal and shall provide the applicant with a decision in writing no later than 14 days in advance of the proposed date for the special event.

(b) In considering the request for appeal, the Borough officials may request further information from the applicant or from any other person, organization or entity.

~~Borough Council by serving written notice thereof on the Borough Clerk within five days of the refusal.~~

(c) In addition to the criteria set forth in § 124-19B(2), the following will be considered in the review of the request to appeal:

[1] A report of the Borough Administrator or other Borough official providing for the reasons for the denial and any information provided by the applicant;

[2] Whether the application form and/or the information provided by the applicant was complete and accurate;

[3] Whether the applicant is able to provide the Borough with the adequate protection for the public health, safety, welfare and protection of property.

(d) The decision of the Mayor and Council President shall be final.

(1199) Notwithstanding any other section, the Borough shall refuse to issue a permit if the Finance Department notes that the applicant or any principal, director or officer of the applicant and/or the sponsored entity has an outstanding and unpaid debt to the Borough including a debt relating to a special event regardless of whether such debt was incurred through another organization or legal entity in relation to a special event.

(1210) A permittee shall be bound by all Borough rules and regulations and all applicable ordinances fully as though the same were inserted in the permits.

(1321) The organization and/or entity~~person or persons~~ to whom the permit is issued or for whom the event is sponsored shall be liable for all loss, damage or injury sustained by any person whatever by reason of the negligence of the person or persons to whom such permit shall have been issued and/or sponsored. The Borough Administrator~~Recreation Commission~~ shall have the right to require any permittee to submit evidence of liability insurance covering injuries to members of the general public arising out of such permitted activities in such amounts as may be from time to time determined by the Commission~~Borough~~ prior to the commencement of any activity or issuance of any permit.

(1432) Revocation. The Borough Administrator, ~~in consultation with the Recreation Director~~, and/or the Chief of Police or their~~his~~ designee shall have the authority to revoke a permit if there is reasonable grounds to believe that the holding or continuation of the special event:

- (a) Poses a danger to the health and safety of any person;
- (b) Poses a danger to property;
- (c) Is not in the public interest; or
- (d) Is in contravention of this article, rule or policy of the Borough or for the failure to comply with a condition of the permit.

C. To the extent permissible, in the case of a revocation prior to the date and time of the proposed event, the Borough official shall immediately inform the permit holder or the permit representatives of the revocation and the reasons for it by means of contacting the permit holder at the address or at the telephone number provided in the permit application. Nothing

A. Any organization, entity, Borough Commission, Borough Committee or Borough Board and/or the sponsored entity or group utilizing the Town Plaza shall be solely responsible for cleaning up the Town Plaza during and upon the conclusion of an event, whether formal or informal. The Department of Public Works of the Borough of Metuchen shall not be responsible for the cleanup or maintenance of the Town Plaza both during and after an event. Any organization, entity, Borough Commission, Borough Committee or Borough Board and/or the sponsored entity utilizing the Town Plaza is also responsible for moving Plaza furniture, to the extent necessary and approved by permit for their event. Do not stack Plaza

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§ 124-21. Miscellaneous use permit requirements and conditions.

(2) A certificate of insurance shall be delivered to the Borough Administrator which shall name the Borough of Metuchen, its officers, employees, agents and representatives and the Metuchen Downtown Alliance, its officers, agents and representatives as additional insureds on the policy.

(1) Proof of insurance coverage as follows:
 (a) For bodily injury to any one person in the amount of \$1,000,000 and any occurrence in the aggregate amount of \$3,000,000;
 (b) For property damage for each occurrence in the aggregate amount of \$500,000; and

C. No permit shall be issued for the use of the Town Plaza unless the applicant shall provide the Borough with satisfactory proof of the following:

B. A security deposit of \$250 in the form of a check made payable to the "Borough of Metuchen" shall be submitted with the application for a use permit. The security deposit shall be refunded, without interest, to the applicant within 30 days of the event date with any deductions made for any damage and/or failure to comply with cleanup policies after an event. The required security deposit may be waived by the Borough Administrator.

A. There shall be a permit application fee of \$300 for the a full day-use of the Town Plaza. Full day shall be the use of the Town Plaza for over five hours. There shall be a permit fee of \$150 for a half day use of the Town Plaza. Both setup and cleanup time shall be factored into the time required and which permit is required. The permit fee shall be waived by the Borough for all public entities and may be waived for the Borough Commission, Borough Committee or Borough Board sponsored events, the Metuchen Downtown Alliance, and/or the Metuchen Farmer's Market based school, civic, community, nonprofit, charitable, associations, entities or groups.

§ 124-20. Permit fee, security deposit and insurance requirements.

herein shall limit the Borough's right to revoke a permit during the course of the event if determined by the Borough official that the above criteria apply. In such a case, the Borough official shall immediately advise the designated supervisor of the event of the revocation and the event shall be immediately terminated and the organization person, entity, and/or the sponsored entity or group shall forfeit its deposit.

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tables and chairs on top of each other. Upon the conclusion of the event, any organization, entity ~~or~~ Borough Commission, Borough Committee or Borough Board and/or the sponsored entity group utilizing the Town's Plaza shall return all of the Plaza furniture to its original location. Failure to maintain, clean up and/or return Plaza furniture will result in the loss or deduction of the security deposit.

B. Permittees, upon approval by the Borough, are allowed to utilize the electrical outlets available in the planting beds, and those located throughout the Plaza. Unless, specifically authorized, permittee shall not utilize an extraordinary amount of electricity for or during any event.

C. Any tent or canopy utilized in the Town Plaza must be properly weighted for wind resistance. Tents or canopies greater than 10 feet by 10 feet must be weighted with concrete. Spikes cannot be hammered into the Plaza surface to secure tents, canopies or other equipment. The Plaza surface cannot be damaged or altered in any way whatsoever. Permittees and/or occupants of the Plaza will be responsible for any damage to the Plaza sustained during an event, whether scheduled or informal.

D. All applicants for a permit must agree to be responsible for indemnifying and holding harmless both the Borough of Metuchen, its officers, employees, agents and representatives from any claim whatsoever arising out of, or in connection with, the use of the Town Plaza in order to obtain a use permit.

E. It shall be the applicant, ~~and/or the~~ permittee and/or the sponsored entity's sole responsibility, at its sole cost and expense, to obtain all necessary inspections, permits and approvals for the proposed event to comply with all state, county or local regulations. Applicant must provide to the Borough copies of all necessary permits issued prior to receiving the Town Plaza event use permit. The Borough reserves the right to impose further conditions upon the use permit in the event that necessary approvals are not provided.

F. If the permittee and/or the sponsored entity leaves any item(s) at the Plaza after the completion of the event breakdown and/or load-out, permittee and/or the sponsored entity will be charged a minimum of \$~~100~~40 per day for storage including the hourly rates set forth below for the transportation of the item(s).

G. Additional fees may be deemed necessary by the Borough of Metuchen based upon the nature and/ or size of item(s) left on site and all security deposit funds will be forfeited. Items may be held at Metuchen DPW for pickup for a reasonable period of time. However, under no circumstances shall the Borough of Metuchen, its employees, officials, agents or representatives be held responsible for the removal or liable for any damage to items left on the premises after the prescribed permit hours.

H. Repairs for damages, maintenance and/or cleanup shall be calculated at a minimum of \$65 per man-hour plus the cost of materials. Additional costs may be deemed necessary by the Borough based upon the nature of repairs and/or replacements. Failure to pay within 30 days will require forfeit of the deposit. In the event that the security deposit is

insufficient to cover the costs to the Borough and the permittee and/or the sponsored entity fails to make a timely payment therefor, an action by Borough to recover the fees will be instituted and the permittee and/or the sponsored entity will be responsible for all collection costs, including attorneys' fees, and disqualification from consideration for issuance of future permits.

§ 124-22. Cancellation.

A. Cancellation of any event, after a permit is issued, must be provided to the Borough Administrator, in writing. Cancellations of events received more than 60 days in advance may be rescheduled within 365 days of cancellation date upon the submission of a written request and approval by the Borough Administrator without an adverse consequence. If the cancellation occurs 30 days or less before the date of the event, the permittee must submit a new application for a use permit. Any applicant seeking a permit shall notify the Borough, in writing, in the event that the event for which the party seeks a permit is cancelled or a permit is no longer sought. Repeated cancellations shall be considered as negative criteria in considering future requests for use permits.

B. Rain dates and requests therefor shall be governed by § 124-19B(4) above.

§ 124-23. Enforcement.

A. The Borough Administrator, Police Chief~~Recreation Director~~, Fire Chief or ~~their~~his designee, and/or the Superintendent of Public Works or ~~their~~his designee and all members of the Metuchen Police Department shall, in connection with their duties imposed by law, diligently enforce the provisions of this article.

B. The Borough Administrator, ~~Recreation Director~~Police Chief, Fire Chief or ~~his~~their designee, and/or the Superintendent of Public Works or ~~his~~their designee and all members of the Metuchen Police Department shall have the authority to eject from the Town Plaza any person or persons acting in violation of this article.

C. The Borough Administrator, ~~Recreation Director~~Police Chief, Fire Chief or ~~his~~their designee, and/or the Superintendent of Public Works or ~~their~~his designee and all members of the Metuchen Police Department shall have the authority to seize and confiscate any property, thing or device in the Town Plaza used in violation of this article.

§ 124-24. Violations and penalties.

Any person, persons, organization, entity or group violating any of the provisions of this article or any rule or regulation promulgated pursuant hereto, shall upon conviction be subject to penalties as provided in Chapter 1, General Provisions, Article 1.

§ 124-25. Severability.

Each section, subsection, sentence, clause and phrase of this article is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any

| Ord. 2023-21

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such portion of this article to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this article.

§ 124-26. When effective.

This article shall be in full force and effect from and after its adoption and any publication as may be required by law.

ORDINANCE 2023-22

*Borough of Metuchen
County of Middlesex
State of New Jersey*

**ORDINANCE AUTHORIZING THE GRANT OF AN EASEMENT AND
MAINTENANCE AGREEMENT TO 212 DURHAM URBAN RENEWAL, LLC ON THE
PROPERTY COMMONLY KNOWN AS GULTON STREET**

WHEREAS, the Borough has certain rights and interests of certain tracts or parcels of land situated in Metuchen, Middlesex County, New Jersey, consisting of approximately 0.325 acres of land known as Gulton Street (formerly known as Edison Street) as more fully described and outlined on Exhibit A attached hereto and incorporated herein (“Easement Area”); and

WHEREAS, 212 Durham Urban Renewal, LLC (“Redeveloper”) is the owner and intends to develop and improve certain real property located at 212 Durham Avenue, Metuchen, adjacent to Gulton Street (the “Project”); and

WHEREAS, the Borough of Metuchen and the Redeveloper entered into a Redevelopment Agreement pursuant to *N.J.S.A. 40A:12A-1, et seq.* and Section 4.1 (b) of the Redevelopment Agreement provides that the Borough would allow the Redeveloper to utilize the Gulton Street right-of way as contemplated by the Concept Plan for the Project; and

WHEREAS, the Borough has determined it to be in the best interest of the Borough to agree to grant the Redeveloper and easement in exchange for the Redeveloper’s compliance with the terms and conditions of the Redevelopment Plan, Redevelopment Agreement and the terms and conditions of an Easement and Maintenance Agreement, including but not limited to the requirement to maintain, repair, and provide liability and casualty insurance for the Easement Area.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Metuchen, County of Middlesex, New Jersey, that it hereby authorizes and grants an easement to 212 Durham Urban Renewal, LLC to the property commonly known as Gulton Street as more fully described in Exhibit A under the express terms and conditions of the Easement and Maintenance Agreement negotiated by the Borough and Redeveloper; and

BE IT FURTHER ORDAINED by the Borough of Metuchen that the Mayor, Borough Clerk and all other Borough Officials and Employees are authorized to execute any and all documentation necessary to effectuate the easement granted herein, including but not limited to the execution of an Easement and Maintenance Agreement, and to take all necessary action to comply with and enforce the terms and conditions of the fully executed Easement and Maintenance Agreement between the Borough and Redeveloper; and

BE IT FURTHER ORDAINED that should any section, paragraph, sentence, clause, or phase of this ordinance be declared unconstitutional or invalid for any reason, the remaining

portion of this ordinance shall not be affected thereby and shall remain in full force and effect, and to that end the provisions of this ordinance are hereby declared to be severable; and

BE IT FURTHER ORDAINED that this ordinance shall be in full force and take effect after final passage and publication, as required by law.

ORDINANCE 2023-23

*Borough of Metuchen
County of Middlesex
State of New Jersey*

**ORDINANCE OF THE BOROUGH OF METUCHEN ADOPTING A
REDEVELOPMENT PLAN FOR THE SOUTHWEST GATEWAY REHABILITATION
AREA WITHIN THE BOROUGH OF METUCHEN, COUNTY OF MIDDLESEX,
STATE OF NEW JERSEY**

WHEREAS, , pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “LRHL”), the Borough Council, pursuant to Resolution No. 2020-50, designated the entire Borough of Metuchen, County of Middlesex, including Block 130.01, Lots 47.01, 47.02, 48 & 60.01 known as the “Southwest Gateway Rehabilitation Area,” an “Area in Need of Rehabilitation” pursuant to N.J.S.A. 40A:12A-1 et seq. (the “Rehabilitation Area”); and

WHEREAS, in order to facilitate the redevelopment of the Rehabilitation Area, the Council adopted Ordinance 2020-10 on May 26, 2020, adopting a redevelopment plan entitled “Redevelopment Plan for Rehabilitation in the Borough of Metuchen, dated March 2020, (“Original Redevelopment Plan”) after review by the Borough Planning Board (the “Planning Board”), pursuant to N.J.S.A. 40A:12A-7; and

WHEREAS, in order to appropriately effectuate the comprehensive rehabilitation and redevelopment of the Southwest Gateway Rehabilitation Area, the Borough has determined that adoption of a more specific redevelopment plan for the Southwest Gateway Rehabilitation Area is necessary and has prepared a redevelopment plan entitled, “Southwest Gateway Redevelopment Plan, Block 130.01, Lots 47.01, 47.02, 48 & 60.01, Borough of Metuchen, Middlesex County, New Jersey” prepared by LRK, Inc. (the “Southwest Gateway Redevelopment Plan”) which sets forth, inter alia, the plans for the planning, development, redevelopment, and rehabilitation of the Southwest Gateway Rehabilitation Area; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-7, a governing body may adopt, revise or amend a redevelopment plan; and

WHEREAS, in order to facilitate the rehabilitation and redevelopment of the Southwest Gateway Rehabilitation Area, the Planning Board, pursuant to N.J.S.A. 40A:12A-7, reviewed the Southwest Gateway Redevelopment Plan which will support and promote the adaptive reuse, rehabilitation and redevelopment of the Southwest Gateway Rehabilitation Area; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-7, the Planning Board recommended to the Borough Council that the Southwest Gateway Redevelopment Plan, which is on file with the Borough Clerk’s office, be adopted, as it provides for the planning, development, redevelopment, and rehabilitation of the Southwest Gateway Rehabilitation Area and is consistent with the Borough Master Plan; and

WHEREAS, the Southwest Gateway Redevelopment Plan shall supersede the development regulations of the Borough's Zoning Ordinance, to the extent set forth therein and the Borough Zoning Map is hereby amended to conform with the provisions of the Southwest Gateway Redevelopment Plan and for those portions of the zoning set forth in the Southwest Gateway Redevelopment Plan that constitute overlay zoning, no zoning map amendment is necessary; and

WHEREAS, the Borough Council has determined that it is in the best interest of the Borough to adopt the Southwest Gateway Redevelopment Plan, as recommended by the Board, to effectuate the rehabilitation and redevelopment of the Borough.

NOW THEREFORE BE IT ORDAINED by the Borough Council of the Borough of Metuchen, Middlesex County, State of New Jersey, as follows:

Section 1. The Borough hereby adopts the Southwest Gateway Redevelopment Plan to facilitate the rehabilitation and redevelopment of the Borough of Metuchen.

Section 2. The Borough Council declares and determines that said Southwest Gateway Redevelopment Plan meets the criteria, guidelines, and conditions set forth in N.J.S.A. 40A:12A-7, provides realistic opportunities for the rehabilitation and redevelopment of the Borough, and is otherwise in conformance with N.J.S.A. 40A:12A-1, et seq.

Section 3. The Borough Council shall have, be entitled to, and is hereby vested all power and authority granted by the aforementioned statutory provisions to effectuate the Southwest Gateway Redevelopment Plan.

Section 4. The Southwest Gateway Redevelopment Plan shall supersede the development regulations of the Borough's Zoning Ordinance, to the extent set forth therein and the Borough Zoning Map is hereby amended to conform with the provisions of Southwest Gateway Redevelopment Plan and for those portions of the zoning set forth in the Southwest Gateway Redevelopment Plan that constitute overlay zoning, no zoning map amendment is necessary.

Section 5. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 6. In the event any clause, section or paragraph of this Ordinance is deemed invalid or unenforceable for any reason, it is the intent of the Borough Council that the balance of the Ordinance remains in full force and effect to the extent it allows the Borough to meet the goals of the Ordinance.

Section 7. This Ordinance shall take effect after final adoption and publication according to law.

ATTEST:

BOROUGH OF METUCHEN

Deborah Zupan, Borough Clerk

Jonathan Busch, Mayor

PUBLIC NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced and passed at a meeting of the Borough Council of the Borough of Metuchen, County of Middlesex, State of New Jersey, held on the ___ day of ____, 2023, and will be considered for final passage after a public hearing at a meeting of the Borough Council of the Borough of Metuchen to be held on the ___ day of ____, 2023.

DEBORAH ZUPAN
Borough Clerk

I hereby certify that the foregoing Ordinance was approved for final adoption by Mayor and Borough Council of the Borough of Metuchen, County of Middlesex, State of New Jersey at a regular meeting held on the ___ day of _____, 2023.

DEBORAH ZUPAN
Borough Clerk

RESOLUTION 2023-187

*Borough of Metuchen
County of Middlesex
State of New Jersey*

**RESOLUTION TO READ THE BUDGET BY
TITLE ONLY AT THE PUBLIC HEARING**

WHEREAS, N.J.S.40A:4-8 provides that the budget be read by title only, at the time of the public hearing, if a resolution is passed by not less than a majority of the full Governing Body, providing that at least one week prior to the date of hearing, a complete copy of the approved budget as advertised has been posted in the Borough Hall, a copy has been posted on the official website and copies have been made available by the Clerk to persons requiring them; and

WHEREAS, these conditions have been met.

NOW THEREFORE BE IT RESOLVED, that the budget shall be read by title only.

RESOLUTION 2023-188

*Borough of Metuchen
County of Middlesex
State of New Jersey*

**RESOLUTION OF GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE
UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S
"ENFORCEMENT GUIDANCE ON THE CONSIDERATION OF ARREST AND
CONVICTION RECORDS IN EMPLOYMENT DECISIONS UNDER TITLE VII OF THE
CIVIL RIGHTS ACT OF 1964"**

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Metuchen hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

GOVERNING BODY CERTIFICATION PURSUANT TO P.L. 2017, C.183 OF COMPLIANCE
WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S
"Enforcement Guidance on the Consideration of Arrest and Conviction Records in
Employment Decisions Under Title VII of the Civil Rights Act of 1964"

GROUP AFFIDAVIT FORM FOR MUNICIPALITIES AND COUNTIES
NO PHOTO COPIES OF SIGNATURES

STATE OF NEW JERSEY
COUNTY OF *(Insert County Name)*

We, members of the governing body of the *(Name of local unit)* being duly sworn according to law,
upon our oath depose and say:

1. We are duly elected (or appointed) members of the *(insert name of governing body)* of the
(name of local unit) in the county of *(name of county)*;
2. Pursuant to P.L. 2017, c.183, we have familiarized ourselves with the contents of the United
States Equal Employment Opportunity Commission's "Enforcement Guidance on the
Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of
the Civil Rights Act of 1964," *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012);
3. We are familiar with the local unit's hiring practices as they pertain to the consideration of an
individual's criminal history;
4. We certify that the local unit's hiring practices comply with the above-referenced enforcement
guidance.

(L.S.)

(L.S.)

(L.S.)

(L.S.)

(L.S.)

(L.S.)

(L.S.)

(L.S.)

(L.S.)

(L.S.)

Sworn to and subscribed before me this

_____ day of _____

Notary Public of New Jersey

Clerk

The Municipal Clerk (or Clerk of the Board of Chosen Freeholders as the case may be) shall set forth the reason for the absence of signature of any members of the governing body.

IMPORTANT: This certificate must be executed before a municipality or county can submit its approved budget to the Division of Local Government Services. The executed certificate and the adopted resolution must be kept on file and available for inspection.

RESOLUTION 2023-191

*Borough of Metuchen
County of Middlesex
State of New Jersey*

**RESOLUTION AUTHORIZING ESCNJ CONTRACT FOR PLAYGROUND EQUIPMENT,
SITE FURNISHINGS AND PLAYGROUND SURFACING MATERIALS, INSTALLATION AND
MAINTENANCE**

WHEREAS, there exists a need to purchase playground equipment, site furnishings and playground surfacing materials, including installation and inspections for the Borough of Metuchen, County of Middlesex, State of New Jersey; and

WHEREAS, playground equipment is available through ESCNJ 20/21-22 Playground Equipment, Site Furnishings & Outdoor Circuit Training Equipment & Related Products; and

WHEREAS, the term of contract ESCNJ 20/21-22 is from June 3, 2020 to June 29, 2022, Extended to June 29, 2023, Extended to June 29, 2024; and

WHEREAS, playground surfacing materials, installation and inspections is available through ESCNJ 20/21-02 Playground Surfacing Materials, Installation and Inspections; and

WHEREAS, the term of contract ESCNJ 20/21-02 is from July 1, 2020 to June 30, 2022, Extended to June 30, 2023, Extended to June 29, 2024; and

WHEREAS, the Chief Financial Officer's certification of funds is made authorizing the award to purchase playground equipment, site furnishings, playground surfacing materials, installation and inspections from the Capital Bond Ordinance 2023-07, C-04-55-939-003 in the amount not to exceed \$60,713.96, Trust Other -Donation T-16-56-876-899 in the amount not to exceed \$35,888.00 and Trust Other- Donation T-16-56-876-896 in the amount not to exceed \$7,094.88, for a grand total not to exceed \$103,714.84; and

WHEREAS, ESCNJ shall be responsible for complying with the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) and all other provisions of the revised statutes.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Metuchen, in the County of Middlesex as follows:

The Chief Financial Officer and Borough Administrator are hereby authorized and directed to approve and forward a purchase order to Ben Shaffer Recreation, Inc. LLC, PO Box 844, Lake Hopatcong, NJ 07489 .

RESOLUTION 2023-192

*Borough of Metuchen
County of Middlesex
State of New Jersey*

**RESOLUTION OF APPROVAL TO SUBMIT A GRANT APPLICATION AND
EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF
TRANSPORTATION FOR THE HILLSIDE AVENUE BIKEWAYS PROJECT**

WHEREAS, the Borough of Metuchen wishes to apply for and obtain funding through the New Jersey Department of Transportation's Bikeways Grant Program for the completion of the Hillside Avenue Bikeways Project.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Metuchen are hereby authorized to submit an electronic grant application identified as BIKE-2024-Hillside Avenue Bikeways Project-00018 to the New Jersey Department of Transportation on behalf of the Borough of Metuchen.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Metuchen and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement.

RESOLUTION 2023-193

*Borough of Metuchen
County of Middlesex
State of New Jersey*

**RESOLUTION OF APPROVAL TO SUBMIT A GRANT APPLICATION AND
EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF
TRANSPORTATION FOR THE GROVE AVENUE WALKWAY REHABILITATION
PROJECT**

WHEREAS, the Borough of Metuchen wishes to apply for and obtain funding through the New Jersey Department of Transportation's Transit Village Grant Program for the completion of the Grove Avenue Walkway Rehabilitation Project.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Metuchen are hereby authorized to submit an electronic grant application identified as TV-2024-Grove Avenue Walkway Rehabilitation-00009 to the New Jersey Department of Transportation on behalf of the Borough of Metuchen.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Metuchen and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement.

RESOLUTION 2023-194

*Borough of Metuchen
County of Middlesex
State of New Jersey*

**RESOLUTION OF APPROVAL TO SUBMIT A GRANT APPLICATION AND
EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF
TRANSPORTATION FOR THE GROVE AVENUE WALKWAY REHABILITATION
PROJECT**

WHEREAS, the Borough of Metuchen wishes to apply for and obtain funding through the New Jersey Department of Transportation's Safe Streets to Transit Grant Program for the completion of the Grove Avenue Walkway Rehabilitation Project.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council and Clerk are hereby authorized to submit an electronic grant application identified as SST-2024-Grove Avenue Walkway Rehabilitation-00007 to the New Jersey Department of Transportation on behalf of the Borough of Metuchen.

BE IT FURTHER RESOLVED, that the Borough Council and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Metuchen and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

RESOLUTION 2023-195

*Borough of Metuchen
County of Middlesex
State of New Jersey*

**RESOLUTION OF APPROVAL TO SUBMIT A GRANT APPLICATION AND
EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF
TRANSPORTATION FOR THE GROVE AVE, ROSE ST AND NEWMAN ST
IMPROVEMENTS PROJECT**

NOW, THEREFORE, BE IT RESOLVED that Council of the Borough of Metuchen formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk and Colliers Engineering & Design are hereby authorized to submit an electronic grant application identified as MA-2024-Grove Ave, Rose St and Newman St Imp-00348 to the New Jersey Department of Transportation on behalf of the Borough of Metuchen

BE IT FURTHER RESOLVED that Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Metuchen and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

RESOLUTION 2023-196

*Borough of Metuchen
County of Middlesex
State of New Jersey*

RESOLUTION AUTHORIZING THE BOROUGH OF METUCHEN PLANNING BOARD TO REVIEW A PROPOSED REDEVELOPMENT PLAN FOR BLOCK 130.01, LOTS 47.01, 47.02, 48 & 60.01 WITHIN THE BOROUGH OF METUCHEN, MIDDLESEX COUNTY, NEW JERSEY

WHEREAS, pursuant to N.J.S.A. 40A:12A-14 et seq., Resolution 2020-50 of the Borough of Metuchen Council (the “Borough Council”) formally designated the entirety of the Borough an “Area in Need of Rehabilitation,” including Block 130.01, Lots 47.01, 47.02, 48 & 60.01 (the “Southwest Gateway Rehabilitation Area”); and

WHEREAS, pursuant to N.J.S.A. 40A:12A-7, a governing body may adopt, revise or amend a redevelopment plan; and

WHEREAS, in order to facilitate the overall development, redevelopment, and rehabilitation of the Borough of Metuchen (the “Borough”), the Borough Council has determined it is in the Borough’s best interest to adopt the “Southwest Gateway Redevelopment Plan” (“Redevelopment Plan”) for the Southwest Gateway Rehabilitation Area within the Borough which will support and promote the overall development, redevelopment, and rehabilitation of the Southwest Gateway Rehabilitation Area; and

WHEREAS, the Redevelopment Plan provides a more specific plan for the planning, development, redevelopment, and rehabilitation of the Southwest Gateway Rehabilitation Area within the Borough for purposes of improving conditions within the Southwest Gateway Rehabilitation Area; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-7, the Borough Council hereby refers the “Southwest Gateway Redevelopment Plan” to the Borough of Metuchen Planning Board for review and a determination of the Redevelopment Plan’s consistency with the Borough’s Master Plan.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Metuchen, County of Middlesex, State of New Jersey:

1. That, pursuant to N.J.S.A. 40A:12A-7, the Borough Council does hereby authorize the Planning Board to review the “Southwest Gateway Redevelopment Plan” and to report its findings to the Governing Body within forty-five (45) days hereof.

2. This Resolution shall take effect immediately.

ATTEST:

BOROUGH OF METUCHEN

Deborah Zupan, Clerk

Jonathan Busch, Mayor

RESOLUTION 2023-197

*Borough of Metuchen
County of Middlesex
State of New Jersey*

**RESOLUTION APPOINTING CLASS II MEMBER OF METUCHEN BOROUGH
PLANNING BOARD – LINDA KOSKOSKI**

BE IT RESOLVED, by the Borough Council of the Borough of Metuchen that Linda Koskoski, Project Manager, be appointed as a Class II member of the Planning Board, term to expire December 31, 2023.

RESOLUTION 2023-198

*Borough of Metuchen
County of Middlesex
State of New Jersey*

RESOLUTION AUTHORIZING THE PAYMENT OF THE BILL LIST

BE IT RESOLVED, by the Mayor and Council of the Borough of Metuchen that the proper warrants be drawn, and all bills be paid totaling \$279,561.30.

I, Rebecca Cuthbert, Chief Financial Officer of the Borough of Metuchen do hereby certify that funds are available for the payment of bills for the Borough of Metuchen.

Rebecca Cuthbert, CFO