



**VIII. APPROVAL OF MINUTES –**

**Public Meeting –March 22, 2016**

**Executive Session – April 22, 2014, May 20, 2014 and June 24, 2014**

**IX. HEARING ON AGENDA ITEMS ONLY – 3 minutes per resident**

Comments are welcome during the public comment period during this meeting on any agenda item. However, if an ordinance is listed for its own public hearing on the agenda, please hold your comments for that particular public hearing. To make your comment, the speaker must come forward to the microphone and state his/her name and address for the record. Each speaker is limited to 3 minutes. The (Mayor/Council President) will keep time. Please promptly yield on the floor when time is called and return to your seat. Your cooperation in adherence to these rules of order will ensure an orderly and respectful meeting.

**X. PUBLIC HEARING AND FINAL ADOPTION OF ORDINANCE INTRODUCED ON MARCH 22, 2016.**

**“AN ORDINANCE OF THE TOWNSHIP OF BERKELEY HEIGHTS, COUNTY OF UNION, STATE OF NEW JERSEY, FOR THE CALENDAR YEAR 2015, TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45,14)”**

**XI .NEW BUSINESS- RESOLUTIONS**

**OFFICIAL ACTION WILL BE TAKEN ON THE FOLLOWING:**

**A. RESOLUTIONS**

1. Resolution approving Bill List dated April 5, 2016 in the amount of \$443,712.72.
2. Resolution supporting the reimbursement of funds to the P.A.L. from the Kids Recreation Trust for grants that have been previously awarded for the purpose of reinvestment into Township sports programs.
3. Resolution authorizing a contract with Regional Industries for Spring Residential Clean-Up, in the amount not to exceed \$119,500.00.
4. Resolution in support of Clean Water Supplies.

**5. CONSENT AGENDA** – All matters listed under Consent Agenda are considered routine by the Township Council and will be enacted upon by one motion; there will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

- a. Resolution authorizing the release of a cash bond to Mr. Joachim Goritschnig, 303 Timber Drive, for a street opening permit, in the amount of \$700.00.
- b. Resolution removing Mike Tomich, 92 Cornell Avenue, Berkeley Heights from the active roster of the Berkeley Heights Volunteer Fire Department.

**XII. INTRODUCTION OF ORDINANCES:**

**Public Hearing and Final Adoption scheduled for April 19, 2016:**

**(1)“BOND ORDINANCE AMENDING BOND ORDINANCE NUMBERED 4-2014 OF THE TOWNSHIP OF BERKELEY HEIGHTS, IN THE COUNTY OF UNION, NEW JERSEY, FINALLY ADOPTED AUGUST 12, 2014, IN ORDER TO AMEND THE DESCRIPTION OF THE PROJECT.”**

**(2)“An Ordinance of the Township of Berkeley Heights, County of Union, State of New Jersey, Amending, Revising and Supplementing Chapter 5.24 entitled “Taxicabs” of Title 5 entitled “Business Licenses and Regulations” of *The Code of the Township of Berkeley Heights* to update and amend the licensing requirements for livery services within the Township.”**

**(3)“An Ordinance of the Township of Berkeley Heights, County of Union, State of New Jersey, Amending, Revising and Supplementing Chapter 10.36 entitled “Parking Restrictions” of Title 10 entitled “Vehicles and Traffic” of *The Code of the Township of Berkeley Heights* to Establish and Amend the Parking Regulations on a Portion of Various Roadways”.**

**XIII. CITIZENS HEARING - 3 minutes per resident**

Comments are welcome during the public comment period during this meeting on any matter over which the Township has jurisdiction. To make your comment, the speaker must come forward to the microphone and state his/her name and address for the record. Each speaker is limited to 3 minutes. The Mayor and/or Council will keep time. Please promptly yield the floor when time is called and return to your seat. Your cooperation in adherence to these rules of order will ensure an orderly and respectful meeting.

**XIV.EXECUTIVE SESSION –**

**Attorney/Client Privilege- Contract Negotiations-Comcast Franchise Renewal**

**XV. ADJOURNMENT**

**Ana Minkoff  
Township Clerk**

**Mayor's Correspondence**  
**March 2016**

1. **NJCM** – preliminary agenda for 2016 Annual Conference
2. **NJCM** – Panel Session schedule for Spring Conference
3. **UC Human Relations Commission** – invitation to 15<sup>th</sup> Annual Unity Awards Presentation
4. **UC Advancing Community Theatre Committee** – enclosed poster and flyer to support upcoming theater productions sponsored by the UC Freeholders
5. **NJCM** – Invitation to security and terrorism panel session at 2016 Annual conference
6. **Morris County Office of Community Development** – informing you of public meeting related to their HUD plan for FY 2016
7. **The Rotarian** – April 2016 issue
8. **Inroads to Opportunities** – brochure describing their employment and counseling services
9. **NJIT/NJTPA** – Winter 2016 issue of In Transition
10. **UCC** – letter requesting proclamation for April as Autism Awareness month
11. **NJDOT** – letter informing you that BH has been selected for funding for Municipal Aid FY 2016 Program for Lawrence Drive
12. **NJLM** – March 2016 Legislative Bulletin
13. **Arbor Day Foundation** – congratulations to BH for earning recognition as 2015 Tree City USA
14. **YWCA Union County**– invitation to 2016 annual meeting and partner recognition

## **TOWNSHIP COUNCIL CORRESPONDENCE**

**March 2016**

1. Correspondence from PSE&G, received on March 1<sup>st</sup>, regarding Freshwater Wetlands Statewide General Permit #1 Application Notice to Municipal Clerks (cover letter only;)
2. Correspondence received on March 14th from the New Jersey Board of Public Utilities regarding the Office of Cable Television and Telecommunications' "Guide to Franchise Renewal";
3. Correspondence received on March 16th from Groundwater & Environmental Services, Inc. regarding the Exxon branded service station at 343 Springfield Avenue;
4. Correspondence received on March 17<sup>th</sup> from the Township of Union regarding a resolution recently adopted. Resolution 2016-96 supports Senate Bill No. 793 which requires officials at public colleges to notify their governing body and attorney of any planned property purchase;
5. Correspondence received on March 23rd from the New Jersey Department of Environmental Protection regarding Berkeley Heights Gulf, 96 Snyder Avenue (cover letter only;)
6. Correspondence received on March 30<sup>th</sup> from the State of New Jersey Department of Transportation regarding award of \$180,000 Municipal Aid Program funding for Lawrence Drive.

**TOWNSHIP OF BERKELEY HEIGHTS  
CALENDAR YEAR 2016  
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION  
LIMITS AND TO ESTABLISH A CAP BANK  
(N.J.S.A. 40A:4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 0.0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Governing Body of the Township of Berkeley Heights, in the County of Union, finds it advisable and necessary to increase its CY 2016 Budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Governing Body hereby determines that a 3.5% increase in the budget for said year, amounting to \$491,638.17 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Governing Body hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Township of Berkeley Heights, in the County of Union, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2016 budget year, the final appropriations of the Township of Berkeley Heights shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5%, amounting to \$491,638.17, and that the CY 2016 municipal budget for the Township of Berkeley Heights be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

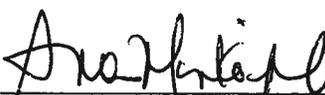
BE IT FURTHER ORDAINED that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

\_\_\_\_\_  
Robert Woodruff, Mayor

\_\_\_\_\_  
Ana Minkoff, Municipal Clerk

Introduced: 3-22-16  
Public Hearing: 4-5-16  
Adopted:

I, HEREBY certify that the foregoing is a true copy of an Ordinance introduced by the Governing Body of the Township of Berkeley Heights, New Jersey at a meeting on the 22nd day of March, 2016.

  
\_\_\_\_\_  
Ana Minkoff, Municipal Clerk

**NOTICE OF  
INTRODUCTION**

**Ordinance -2016**

**TOWNSHIP OF BERKELEY HEIGHTS  
CALENDAR YEAR 2016 ORDINANCE TO EXCEED  
THE MUNICIPAL BUDGET APPROPRIATION  
LIMITS AND TO ESTABLISH A CAP BANK  
(N.J.S.A. 40A:4-45.14)**

I, Ana Minkoff, Township Clerk of the Township of Berkeley Heights , do hereby certify that the foregoing Ordinance was introduced on First Reading at a meeting of the Township Council of the Township of Berkeley Heights, County of Union and State of New Jersey, on March 22, 2016 and that said Ordinance shall be submitted for consideration and final passage at the Public Hearing to be held on April 5, 2016 at 7:00 p.m. or as soon thereafter, as practical, same can be considered, at the Municipal Building, 29 Park Avenue, Berkeley Heights, NJ, at which time and place all persons interested therein or affected thereby will be given an opportunity to be heard concerning the same. During the week prior to and up to the time of Public Hearing, copies of said Ordinance will be available in the Municipal Clerk's office in said Municipal Building, to the members of the general public who shall request the same.

**Ana Minkoff  
Township Clerk**

ROLL CALL	AYE	NAY	ABSTAIN	ABSENT
D'AQUILA	✓			
DELIA	✓			
FAECHER	✓			
KINGSLEY	✓			
PASTORE	✓			
PIRONE	✓			
TIE:				
MAYOR WOODRUFF				

**TOWNSHIP OF BERKELEY HEIGHTS  
UNION COUNTY, NEW JERSEY**

**NOTICE OF FINAL ADOPTION**

**PUBLIC HEARING AND FINAL ADOPTION OF ORDINANCE  
INTRODUCED ON MARCH 22, 2016:**

**“TOWNSHIP OF BERKELEY HEIGHTS CALENDAR YEAR 2016 ORDINANCE TO  
EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO  
ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)”**

I, Ana Minkoff, Township Clerk of the Township of Berkeley Heights, County of Union, State of New Jersey, hereby certify that the above entitled Ordinance was adopted on final Passage by the Township Council of the Township of Berkeley Heights at its meeting held on April 5, 2016.

**Ana Minkoff,  
Township Clerk  
Township of Berkeley Heights**

**TOWNSHIP OF BERKELEY HEIGHTS  
UNION COUNTY, NEW JERSEY**

**RESOLUTION**

**BE AND IT IS HEREBY RESOLVED** by the Township Council of the Township of Berkeley Heights, County of Union, State of New Jersey, in meeting assembled, authorizes and directs the Township Treasurer to make payment of vouchers listed on the Bill List dated 4/5/16, in the amount of \$443,712.72 such vouchers having been received by the Township Council, having been satisfied that appropriate procedure has been followed in the processing of said vouchers.

**APPROVED** this 5th day of April, 2016.

**ATTEST:**

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Ana Minkoff  
Township Clerk

#2

**TOWNSHIP OF BERKELEY HEIGHTS  
UNION COUNTY, NEW JERSEY**

**RESOLUTION**

**WHEREAS**, the Township of Berkeley Heights relies on the Recreation Commission and the Berkeley Heights Police Athletic League to help provide quality sports programs for the community's children;

**WHEREAS**, the Berkeley Heights P.A.L. has been a financial partner with the Township and the Board of Education in field improvements and purchase of equipment;

**WHEREAS**, the County of Union offers the Kids Recreation Trust Fund grant program to all 21 municipalities including Berkeley Heights;

**WHEREAS**, the Kids Recreation Trust has dedicated funds that have not been reimbursed to the Berkeley Heights P.A.L for field improvements and equipment purchases;

**WHEREAS**, no taxpayer dollars are required to receive this reimbursement;

**WHEREAS**, a resolution of support to the County of Union is required as part of the grant reimbursement;

**THEREFORE**, let it be resolved that the Township of Berkeley Heights supports the reimbursement of funds to the P.A.L. from the Kids Recreation Trust for grants that have been previously awarded for the purpose of reinvestment into Township sports programs.

**APPROVED** this 5<sup>th</sup> day of April, 2016.

**ATTEST:**

Ana Minkoff  
Township Clerk

**TOWNSHIP OF BERKELEY HEIGHTS  
UNION COUNTY, NEW JERSEY**

**RESOLUTION**

**WHEREAS**, the Township advertised for bids for the Spring Residential Clean-Up-2016 and such bids were received on March 23, 2016 and the Township Engineer/Director of Public Works by letter dated March 28, 2016 has recommended that the contract be awarded to Regional Industries, LLC, 800 Grand Street, Elizabeth, NJ 07201 as the most responsible bidder in the amount of \$119,500.00 and the Township Council concurs.

**NOW, THEREFORE BE IT RESOLVED** that the appropriate municipal officials are authorized to execute a contract with Regional Industries for Spring Residential Clean-Up and the Treasurer is authorized to pay properly completed vouchers in an amount not to exceed \$119,500.00 for such work.

**BE IT FURTHER RESOLVED** that copies of this resolution be forwarded to Regional Industries, Treasurer and Engineer/Director of Public Works.

**APPROVED** this 5<sup>th</sup> day of April, 2016.

**ATTEST:**

\_\_\_\_\_  
Ana Minkoff  
Township Clerk

#4

**TOWNSHIP OF BERKELEY HEIGHTS  
UNION COUNTY, NEW JERSEY**

**Resolution in Support of Clean Water Supplies**

Whereas water is a necessary and fundamental building block of all life;

Whereas clean drinking water is a fundamental right of New Jersey citizens;

Whereas all drinking water in New Jersey is supplied by underground aquifers, rivers, and/or reservoirs replenished by rain, snow melt, or fed by rivers and streams;

Whereas an ample supply of clean water is critical to agricultural production in the Garden State;

Whereas an ample supply of clean water is necessary for a healthy economy and a robust business climate for key industries in New Jersey, such as hospitality, tourism, manufacturing, healthcare and others;

Whereas New Jersey's ecosystems and wildlife rely on an adequate supply of clean water in creeks, streams, rivers, ponds, and wetlands

Whereas in 2015, 12 of the 21 counties in New Jersey entered into a state of drought watch and seven drought warnings, watches, and emergencies have been declared in New Jersey since the year 2000;

Whereas in 1981, the New Jersey Legislature adopted Chapter 262, known as the Water Supply Management Act;

Whereas the Water Supply Management Act requires the development of a Statewide Water Supply Plan;

Whereas the Water Supply Management Act requires the New Jersey Department of Environmental Protection to update the Statewide Water Supply Plan at least every 5 years;

Whereas the last completed and publicly available version of the Water Supply Plan occurred in 1996;

Whereas, for over a decade under an outdated Statewide Water Supply Plan, land use planning and development have been proceeding in New Jersey without publicly available updated scientific or policy guidance regarding the availability of adequate water supplies;

Whereas municipalities depend on the Governor of New Jersey and New Jersey Department of Environmental Protection to adopt policies and regulations allocating a safe, sustainable supply of New Jersey's water resources in accordance with the Water Supply Plan;

Therefore be it resolved that the municipality of (name of town) respectfully requests that the Governor of New Jersey and the New Jersey Department of Environmental Protection release an update to the New Jersey Statewide Water Supply Plan immediately for public review and comment and, following such comment, finalize, adopt and implement the Plan.

And be it further resolved that The Township of Berkeley Heights will send a copy of this resolution to the Governor's office, the New Jersey Department of Environmental Protection and to our New Jersey Assembly and Senate members alerting them to our concerns about the lack of a current Water Supply Plan in New Jersey.

**APPROVED this 5<sup>th</sup> day of April, 2016.**

**ATTEST:**

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Ana Minkoff  
Township Clerk

5a

**TOWNSHIP OF BERKELEY HEIGHTS  
UNION COUNTY, NEW JERSEY**

**RESOLUTION**

**WHEREAS**, Mr. Joachim Goritschnig was required to post a cash bond, Permit #2731, in the amount of \$700.00, in connection with work being performed at 303 Timber Drive , the Township Engineer has recommended by letter dated March 28, 2016, a full release of the cash bond in the amount of \$700.00, Account # S17-48-325-960.

**NOW, THEREFORE BE IT RESOLVED**, by the Township Council, Township of Berkeley Heights, County of Union, hereby authorizes the Township Treasurer to release and return the cash bond posted by Joachim Goritschnig, in the amount of \$700.00, together with any applicable interest.

**BE IT FURTHER RESOLVED**, that a copy of this Resolution is to be forwarded to Joachim Goritschnig, Township Treasurer and Township Engineer.

**APPROVED** this 5th day of April, 2016.

**ATTEST:**

\_\_\_\_\_  
Ana Minkoff  
Township Clerk

**TOWNSHIP OF BERKELEY HEIGHTS  
UNION COUNTY, NEW JERSEY**

**RESOLUTION**

**BE AND IT IS HEREBY RESOLVED** that the Township Council of the Township of Berkeley Heights, Union County, New Jersey, in meeting assembled, that the following firefighter be removed from the Active Roster of the Berkeley Heights Fire Department;

**Mike Tomich, 92 Cornell Avenue, Berkeley Heights, NJ**

**BE IT FURTHER RESOLVED** that a copy of this Resolution be forwarded to Mike Tomich and the Fire Chief.

**APPROVED this 5th day of April, 2016.**

**ATTEST:**

\_\_\_\_\_  
Ana Minkoff  
Township Clerk

BOND ORDINANCE AMENDING BOND  
ORDINANCE NUMBERED 4-2014 OF THE  
TOWNSHIP OF BERKELEY HEIGHTS, IN THE  
COUNTY OF UNION, NEW JERSEY, FINALLY  
ADOPTED AUGUST 12, 2014, IN ORDER TO  
AMEND THE DESCRIPTION OF THE  
PROJECT.

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE  
TOWNSHIP OF BERKELEY HEIGHTS, IN THE COUNTY OF UNION, NEW  
JERSEY (not less than two-thirds of all members thereof affirmatively  
concurring) AS FOLLOWS:

**Section One.** The title of Bond Ordinance numbered 4-2014 of the  
Township of Berkeley Heights, in the County of Union, New Jersey (the  
"Township"), finally adopted August 12, 2014 ("Bond Ordinance #4-2014"), is  
hereby amended in its entirety to read as follows:

"BOND ORDINANCE PROVIDING FOR  
VARIOUS ROAD AND PARK  
IMPROVEMENTS IN AND BY THE  
TOWNSHIP OF BERKELEY HEIGHTS, IN  
THE COUNTY OF UNION, NEW JERSEY,  
APPROPRIATION \$5,000,000 THEREFOR  
AND AUTHORIZING THE ISSUANCE OF  
\$4,750,000 BONDS OR NOTES OF THE  
TOWNSHIP TO FINANCE PART OF THE  
COST THEREOF."

**Section Two.** Section 3(a) of Bond Ordinance #4-2014 is hereby amended in its entirety to read as follows:

“(a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is improvements to various roads, including, but not limited to, street signs, crack sealing, micro surfacing, milling, paving, curbing, catch basins and reconstruction and improvements to various parks, including, but not limited to, signage and the replacement of a culvert, including all work and materials necessary therefor and incidental thereto.”

**Section Three.** The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

**Section Four.** This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law

INTRODUCED the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

ADOPTED the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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Robert Woodruff, Mayor

**ATTEST:**

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Ana Minkoff, Township Clerk

EXPLANATORY STATEMENT: This Ordinance updates and amends the licensing requirements for livery services within the Township.

TOWNSHIP OF BERKELEY HEIGHTS, UNION COUNTY

ORDINANCE No. \_\_\_\_\_

An Ordinance of the Township of Berkeley Heights, County of Union, State of New Jersey, Amending, Revising and Supplementing Chapter 5.24 entitled "Taxicabs" of Title 5 entitled "Business Licenses and Regulations" of *The Code of the Township of Berkeley Heights* to update and amend the licensing requirements for livery services within the Township.

**BE IT ORDAINED** by the Township Council of the Township of Berkeley Heights, County of Union, State of New Jersey, as follows:

**Section 1.** Chapter 5.24 entitled "Taxicabs" of Title 5 entitled "Business Licenses and Regulations" of *The Code of the Township of Berkeley Heights* is hereby supplemented and amended to read as follows: [New language **bold and underlined**; deleted language ~~double strikethrough~~]

**Chapter 5.24 TAXICABS**

Sections:

- 5.24.010 - Definitions.
- 5.24.020 - Certificate of public convenience and necessity required.
- 5.24.030 - Application for certification.
- 5.24.040 - Issuance of certificate.
- 5.24.050 - Liability insurance or indemnity bond required.
- 5.24.060 - License fee.
- 5.24.070 - Transfer of certificates.
- 5.24.080 - Suspension and revocation of certificates.
- 5.24.090 - Taxicab driver's license.
- 5.24.100 - Application for driver's license.
- 5.24.110 - Police investigation or applicant – Traffic and police record.
- 5.24.120 - Consideration of applicant.
- 5.24.130 - Issuance of license – Duration – Annual fee.
- 5.24.140 - Failure to comply with ordinance of the Township of Berkeley Heights, State and Federal law.

- 5.24.150 - Condition of taxicab.
- 5.24.160 - Rates of fare – Rate care required.
- 5.24.170 - Conduct of driver.
- 5.24.180 - Police Department: duty to enforce chapter.

**5.24.010 – Definitions.**

The following words and phrases, when used in this chapter, shall have the meanings as set out herein:

"Certificate" means a certificate of public convenience and necessity issued by the Township of Berkeley Heights authorizing the holder thereof to conduct a taxicab business in the Township of Berkeley Heights.

"Driver's license" means the permission granted by the Township of Berkeley Heights to a person to drive a taxicab upon the streets of the Township of Berkeley Heights.

"Holder" means a person to whom a certificate of public convenience and necessity has been issued.

"Livery" means and includes any automobile or motor car, other than a bus or taxicab, which is engaged in the business of transporting passengers for hire, other than in the conduct of a funeral, which operates out of closed premises and which is hired by charter or for a particular contract, or by the day or hour or other fixed period, or charges a fare or price agreed upon in advance between the operator and the passenger.

"Rate card" means a card issued by the council for display in each taxicab which contains the rates of fare then in force.

"Taxicab" means a motor vehicle regularly engaged in the business of carrying passengers for hire of a seating capacity to be approved by the council and not operated on a fixed route.

**5.24.020 - Certificate of public convenience and necessity required.**

No person shall operate or permit a taxicab owned or controlled by him or her to be operated as a vehicle for hire upon the streets of the township without having first obtained a certificate of public convenience and necessity from the council.

**5.24.030 - Application for certificate.**

An application for a certificate shall be filed with the council upon forms provided by the township and the application shall be verified under oath and shall furnish the following information:

- A. The name and address of the applicant;

- B. The financial status of the applicant, including the amounts of all unpaid judgments against the applicant and the nature of the transaction or acts giving rise to such judgments;
- C. Any facts which the applicant believes tend to prove that public convenience and necessity require the granting of a certificate;
- D. The number of vehicles to be operated or controlled by the applicant and the location of proposed depots and terminals;
- E. Such further information as the township may require.

**5.24.040 - Issuance of certificate.**

- A. If the council finds the further taxicab service in the township is required by the public convenience and necessity and that the applicant is fit, willing and able to perform such public transportation and to conform to the provisions of this chapter and the rules promulgated by the council, then it shall issue a certificate stating the name and address of the applicant, the number of vehicles authorized under such certificate and the date of issuance; otherwise, the application shall be denied.
- B. In making the above findings, the council shall take into consideration the number of taxicabs already in operation, whether existing transportation is adequate to meet the public need, the probable effect of increased service on local traffic conditions, and the character, experience and responsibility of the applicant.

**5.24.050 - Liability insurance or indemnity bond required.**

No certificate of public convenience and necessity shall be issued or continued in operation unless there is in full force and effect a liability insurance policy or indemnity bond in the amount of fifty thousand dollars (\$50,000.00) for bodily injury to any one person; in the amount of three hundred thousand dollars (\$300,000.00) for injuries to more than one person which are sustained in the same accident; and twenty-five thousand dollars (\$25,000.00) for property damage resulting from any one accident, or a combined single limit of three hundred thousand dollars (\$300,000). Such policy or policies, bond or bonds, shall inure to the benefit of any person who shall be injured or who shall sustain damage to property proximately caused by the negligence of the holder, his or her servant or agents. Such policy or policies, bond or bonds, shall be filed in the office of the township clerk, and shall be by an insurance company or bonding company authorized to do business in the state of New Jersey.

**5.24.060 - License fee.**

No certificate shall be issued or continued in operation unless the holder thereof has paid an annual license fee of one hundred dollars (\$100.00) for the right to engage in the taxicab business, fifty dollars (\$50.00) for each additional vehicle operated under a certificate of public convenience and necessity and five dollars (\$5.00) for each additional approved driver.

**5.24.070 - Transfer of certificates.**

No certificate of public convenience and necessity may be sold, assigned, mortgaged or otherwise transferred without the consent of the council.

**5.24.080 - Suspension and revocation of certificates.**

- A. A certificate issued under the provisions of this chapter may be revoked or suspended by the council if the holder thereof has (1) violated any of the provisions of this chapter, (2) discontinued operations for more than thirty (30) days, (3) has violated any ordinances of the township or the laws of the United States, or the state of New Jersey, the violations of which reflect unfavorably on the fitness of the holder to offer public transportation.
- B. Prior to suspension or revocation, the holder shall be given notice of the proposed action to be taken and shall have an opportunity to be heard.

**5.24.090 - Taxicab driver's license.**

No person shall operate a taxicab for hire upon the streets of the township, and no person who owns or controls a taxicab shall permit it to be so driven, and no taxicab licensed by the township shall be so driven at any time for hire, unless the driver of such taxicab shall have first obtained and shall have then in force a taxicab driver's license issued under the provisions of this chapter.

**5.24.100 - Application for driver's license.**

A written application for a taxicab driver's license shall be filed with the township clerk, and shall contain the following information:

- A. The names and addresses of two residents of the township who have known the applicant for a period of two years and who will vouch for the sobriety, honesty, and general good character of the applicant.
- B. A concise history of his or her employment. Each application shall be accompanied by a certificate of the township physician of the township, at the applicant's expense, certifying that, in his or her opinion, the applicant is not inflicted with any disease or infirmity which might make him or her an unsafe or unsatisfactory driver. At the time the application is filed, the applicant shall pay to the township clerk the sum of one dollar (\$1.00).

**5.24.110 - Police investigation or applicant—Traffic and police record.**

The police department shall conduct an investigation of each applicant for a taxicab driver's license, and a report of such investigation and a copy of the traffic and police record of the applicant, if any, shall be attached to the application for the consideration of the council.

**5.24.120 - Consideration of applicant.**

The council, upon consideration of the application and the reports and certificate required to be attached thereto, shall approve or reject the application. If the application is rejected, the applicant may request a personal appearance before the council to offer evidence why his or her application should be reconsidered.

**5.24.130 - Issuance of license—Duration—Annual fee.**

- A. Upon approval of an application for a taxicab driver's license by resolution of the council, the clerk shall issue a license to the applicant which shall bear the name, address, color, age, signature and photograph of the applicant.
- B. Such license shall be in effect for the remainder of the calendar year. A license for every calendar year thereafter shall issue upon the payment of one dollar (\$1.00) unless the license for the preceding year has been revoked.

**5.24.140 - Failure to comply with ordinance of the Township of Berkeley Heights, state and federal laws.**

Every driver licensed under this chapter shall comply with the terms of this and all other ordinances of the township, state laws, particularly N.J.S.A. 48:16-1 to 48:16-28 and all amendments and supplements thereto, and to federal laws. Failure to do so will justify the council to suspend or revoke such license.

**5.24.150 - Condition of taxicab.**

No taxicab shall be operated on the streets of the township unless it is mechanically safe to operate with brakes, lights, windshield wipers and signaling devices in good working order and is kept in a clean and sanitary condition. Inspection of the mechanical condition of every taxicab shall be made ~~under the direction of the chief of police upon application for licensing, and thereafter during the first week of each quarter of the calendar year, and reported by the chief of police to the council.~~ Such inspection shall be made, also, whenever deemed necessary by the chief of police. Any such inspection may be performed by the Township Police Department, the Township Department of Public Works, or by an independent contractor as determined appropriate by the Township Administrator upon recommendation from the Chief of Police.

**5.24.160 - Rates of fare—Rate card required.**

- A. No owner or driver of a taxicab shall charge a greater sum for the use of a taxicab than in accordance with the following rates:
  - 1. Hour Rates: Six dollars (\$6.00) per hour for one or more passengers.
  - 2. Mileage Rates: Within the township limits of the township, one dollar (\$1.00) per mile or fraction thereof to a maximum of two dollars and fifty cents (\$2.50) within the township limits; outside the township limits, one dollar (\$1.00) for the first mile or fraction thereof and for each additional mile or fraction thereof.
  - 3. Trunks: Seventy-five cents (\$0.75) for each trunk.

- B. Every taxicab operated under this chapter shall have a rate card setting forth the authorized rates of fare displayed in such a place as to be in view of all passengers.

**5.24.170 - Conduct of driver.**

- A. A driver shall not operate a vehicle while to any degree under the influence of drugs or intoxicating liquors.
- B. Smoking while carrying passengers is prohibited, except with the permission of the passenger.
- C. Disrespectful conduct or the use of abusive or insulting language to passengers is prohibited.
- D. A driver shall not solicit patronage for restaurants, night clubs, cabarets, dance halls, hotels or like places, nor solicit for any place maintained in violation of the law.
- E. A driver shall not refuse service to any orderly person unless he or she is previously engaged.
- F. A driver shall thoroughly search the interior of the vehicle immediately after the termination of each trip and note if the passenger has left any article therein. Any property so found shall be taken to police headquarters and turned in to the officer in charge within twenty-four (24) hours.
- G. A driver shall solicit fares only from the driver's seat or in a position within twenty-five (25) feet of his or her vehicle.

**5.24.180 - Police Department: duty to enforce chapter.**

The police department of the township is given the authority and is instructed to watch and observe the conduct of holders and drivers operating under this chapter. Upon discovering a violation of the provisions of this chapter, the police department shall take appropriate action and report the same to the council.

**Section 2.** Title 5 entitled "Business Licenses and Regulations" of *The Code of the Township of Berkeley Heights* is hereby supplemented and amended to create and establish new Chapter 5.26 to be entitled "Limousines" to read as follows:

**Chapter 5.26 LIMOUSINES**

**Sections:**

- 5.26.010 Definitions.**
- 5.26.020 License Required.**
- 5.26.030 Insurance; amount.**
- 5.26.040 Certificate of compliance; contents; filing and posting.**
- 5.26.050 General examination of condition of limousine.**
- 5.26.060 Compliance with State statute.**
- 5.26.070 Violations and penalties.**

**5.26.010 Definitions.**

**The following words and phrases, when used in this Chapter, shall have the meanings as set out herein:**

**"Limousine" means and includes any automobile or motor car used in the business of carrying passengers for hire to provide prearranged passenger transportation at a premium fare on a dedicated, nonscheduled, charter basis that is not conducted on a regular route and with a seating capacity in no event of more than 14 passengers, not including the driver, provided that such a vehicle shall not have a seating capacity in excess of four passengers, not including the driver, beyond the maximum passenger seating capacity of the vehicle, not including the driver, at the time of manufacture. Nothing in this article contained shall be construed to include taxicabs, hotel buses, buses employed solely in transporting school children or teachers, vehicles owned and operated directly or indirectly by businesses engaged in the practice of mortuary science when those vehicles are used exclusively for providing transportation related to the provision of funeral services, autobuses which are subject to the jurisdiction of the Department of Transportation, or interstate autobuses required by federal or state law or regulation of the Department of Transportation to carry insurance against loss from liability imposed by law on account of bodily injury or death.**

**"Limousine or Livery Service" means and includes the business of carrying passengers for hire by limousines.**

**"Person" means and includes any individual, co-partnership, association, corporation or joint-stock company, their lessees, trustees or receivers appointed by any court whatsoever.**

**"Principal Place of Business" means the location of the main place of business of the limousine service in the Town of Berkeley Heights where limousine service is conducted, where limousines are dispatched, or where limousine drivers report for duty.**

“Street” means and includes any street, avenue, park, parkway, highway, or other public place.

5.26.020 License Required.

- A. Except for limousines registered in other states pursuant to N.J.S.A. 48:16-22.4, no limousine shall be operated wholly or partly along any street in the Township of Berkeley Heights in which the owner has his, her or its principal place of business located within the Township, until the owner or operator of said limousine shall have obtained a license from the Township Clerk. To obtain a license to operate a limousine from the Township, the owner or operator must comply with the requirements of this Chapter 5.26.
- B. No limousine shall be operated on the highways of the State of New Jersey unless it has a license issued pursuant to this Chapter 5.26 in compliance with N.J.S.A. 48:16-17; and a limousine is equipped in accordance with the minimum standards established by the director of the Division of Motor Vehicles and the Department of Transportation with:
1. A two-way communication system, which, at a minimum, shall provide for communication to a person outside the vehicle for a distance of not less than 100 miles and which requirement may be satisfied by a mobile telephone;
  2. A removable first aid kit and operable fire extinguisher, which shall be placed in an accessible place within the vehicle;
  3. Sideboards attached to the permanent body construction of the vehicle if the height of the vehicle floor is 10 inches or more above ground level.

5.26.030 Insurance; amount.

The owner or operator of a limousine must file with the Township Clerk an insurance policy of a company duly licensed to transact business under the insurance laws of New Jersey in the sum of \$1,500,000 against loss by reason of the liability imposed by law upon every limousine owner for damages on account of bodily injury or death suffered by any person as a result of any accident occurring by reason of the ownership, maintenance or use of the limousine upon any public street. Such operation shall be permitted only so long as the insurance policy shall remain in force to the full and collectible amount of \$1,500,000. The insurance policy shall provide for the payment of any final judgment recovered by any person on account of the ownership, maintenance and use of such limousine or any fault in respect thereto, and shall be for the benefit of every person suffering loss, damage, injury aforesaid.

**5.26.040 Certificate of compliance; contents; filing and posting.**

**Upon the filing of the required insurance policy by an owner having its principal place of business in the Township of Berkeley Heights as a limousine or livery service, the Township Clerk, upon the payment of a fee of \$100.00 for an annual license and \$50.00 for each additional vehicle, plus \$5.00 for each additional approved driver who is covered under the required insurance policy, shall be issued in duplicate a license to operate showing that the owner of the limousine has complied with the terms and provisions of N.J.S.A. 48:16-14. The license shall recite the name of the insurance company, the number and date of expiration of the policy, a description of every limousine insured thereunder and the registration number of the same. The duplicate license shall be filed with the Division of Motor Vehicles before any such car is registered as a limousine. The original license shall be retained within the limousine and shall be available for inspection by any police officer in the state. In lieu of the recital of insurance information required on the license, pursuant to this section, the owner of the limousine may affix to the original license retained within the limousine a notarized letter from an insurance company containing the same insurance information required in the recital, which shall constitute proof of insurance coverage, and which shall also be available for inspection by any police officer in the state.**

**5.26.050 General examination of condition of limousine.**

- A. Prior to any operation of a limousine on the highways of this State for the purpose of picking up passengers, the driver of the limousine shall conduct a general examination of the condition of the vehicle to ascertain its fitness to operate, which shall include, at a minimum, an examination of the tires, windshield wipers, horn, condition of the front and rear windshield and side windows, front and rear lights, fluid levels and brakes, as well as the condition of the two-way communications system. The completion of a check list by the driver containing, at a minimum, the items enumerated in this Section and Section 5.26.020(B), and the date and time of the examination, shall be supplied by the owner of the limousine service to the Township Clerk, and shall constitute proof of compliance with this Section.**
- B. In a calendar year in which a limousine is not required to undergo an inspection as required pursuant to N.J.S.A. 39:8-1, owner of the limousine service shall cause to be conducted, by a person qualified to do so, an examination of the mechanical and operating condition of the limousine, including at a minimum, the condition of the brakes, the exhaust system, condition of the tires, functioning of front and rear lights, and operation of fan belts and other belts in the engine of the vehicle. The person conducting the examination shall issue a report thereof to the owner who shall retain the report of the examination until the time of the next inspection required pursuant to N.J.S.A. 39:8-1. The report shall be subject to inspection by the Division of Motor Vehicles.**

**5.26.060 Compliance with State statute.**

Any owner, operator or driver shall comply with N.J.S.A. 48:16-13, et seq., and any regulation enacted therefrom.

**5.26.070 Violations and penalties.**

- A. Unless another penalty is expressly provided by the New Jersey Statutes, any violation of the provisions of this Chapter, or the provisions of N.J.S.A. 48:16-13, et seq., shall subject such violator, upon issuance of a summons and conviction in municipal court, and at the Court's discretion, to the fines and penalties set forth in Chapter 1.08 of the Township Code for each such violation.
- B. Any violation of the provisions of this Chapter may also subject the violator to a suspension, revocation or non-issuance of the license or certificate with the Township. If a license/certificate is revoked pursuant to this Section, such licensee is thereafter barred from re-applying for said license with the Township for a period of three (3) years from the date of the revocation.

**Section 3.** The provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to that the portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.

**Section 4.** All other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

**Section 5.** This Ordinance shall be presented to the Mayor for his approval and signature, which approval shall be granted or denied within ten (10) days of receipt of same, pursuant to N.J.S.A. 40:69A-149.7. If the Mayor fails to return this Ordinance with either his approval or objection to same within ten (10) days after it has been presented to him, then this Ordinance shall be deemed approved.

**Section 6.** This Ordinance shall not take effect until after final passage, approval by the Mayor pursuant to N.J.S.A. 40:69A-149.7, and publication in accordance with all applicable laws and statutes.

INTRODUCED the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

ADOPTED the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Robert Woodruff, Mayor

ATTEST:

\_\_\_\_\_  
Ana Minkoff, Township Clerk

**NOTICE OF  
INTRODUCTION**

**Ordinance -2016**

**“An Ordinance of the Township of Berkeley Heights, County of Union, State of New Jersey, Amending, Revising and Supplementing Chapter 5.24 entitled “Taxicabs” of Title 5 entitled “Business Licenses and Regulations” of *The Code of the Township of Berkeley Heights* to update and amend the licensing requirements for livery services within the Township.”**

I, Ana Minkoff, Township Clerk of the Township of Berkeley Heights , do hereby certify that the foregoing Ordinance was introduced on First Reading at a meeting of the Township Council of the Township of Berkeley Heights, County of Union and State of New Jersey, on April 5, 2016 and that said Ordinance shall be submitted for consideration and final passage at the Public Hearing to be held on April 22, 2016 at 7:00 p.m. or as soon thereafter, as practical, same can be considered, at the Municipal Building, 29 Park Avenue, Berkeley Heights, NJ, at which time and place all persons interested therein or affected thereby will be given an opportunity to be heard concerning the same. During the week prior to and up to the time of Public Hearing, copies of said Ordinance will be available in the Municipal Clerk’s office in said Municipal Building, to the members of the general public who shall request the same.

**Ana Minkoff  
Township Clerk**

EXPLANATORY STATEMENT: This Ordinance establishes and further amends the parking regulations on portions of various roadways near the Governor Livingston High School.

TOWNSHIP OF BERKELEY HEIGHTS, UNION COUNTY

ORDINANCE No. \_\_\_\_\_

An Ordinance of the Township of Berkeley Heights, County of Union, State of New Jersey, Amending, Revising and Supplementing Chapter 10.36 entitled "Parking Restrictions" of Title 10 entitled "Vehicles and Traffic" of *The Code of the Township of Berkeley Heights* to Establish and Amend the Parking Regulations on a Portion of Various Roadways.

**WHEREAS**, pursuant to N.J.S.A. 39:4-197(1)(f), the Township of Berkeley Heights is authorized to enact ordinances which regulate the parking of vehicles on streets and portions thereof; and

**WHEREAS**, it has been brought to the Township's attention that there is an issue of students parking on various roadways near the Governor Livingston High School; and

**WHEREAS**, after investigating the vehicular parking and traffic issues on the roadways near the High School, with the assistance of the Township Police Department and Township Planner, including the issuance of a traffic study by Dynamic Traffic, LLC yielding a report dated June 23, 2014, the Township had enacted various ordinances in an attempt to resolve this issue; and

**WHEREAS**, based on the recommendations from the Township Police Department, the Township Planner, the Dynamic Traffic report, as well as consideration of the comments from the public, the Township enacted ordinances establishing and amending the parking regulations on portions of Burlington Road, Crest Drive, Gallinson Drive, Hunterdon Boulevard, Mercer Road, Murray Hills Boulevard, Somerset Place, Summit Road, Sussex Road, and Watchung Boulevard.

**WHEREAS**, despite the imposition of the additional parking restrictions, the vehicular parking and traffic issues on the roadways near the High School continued to persist and moved further down the roadways affecting additional neighborhoods; and

**WHEREAS**, after further discussion, the Mayor and Township Council find it to be in the best interests of the Township and its citizens to establish and amend additional parking regulations on portions of the roadways near the High School.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Council of the Township of Berkeley Heights, County of Union, State of New Jersey, as follows:

**Section 1.** Paragraph A entitled “No Parking, Standing or Stopping” of Section 10.36.010 entitled “Parking Restrictions” of Chapter 10.36 entitled “Parking Restrictions” of Title 10 entitled “Vehicles and Traffic” of *The Code of the Township of Berkeley Heights* is hereby supplemented and amended to read as follows: [New language **bold and underlined**; deleted language ~~double-strikethrough~~]

**10.36.010 – Parking restrictions.**

- A. No Parking, Standing or Stopping.
  - 1. Berkeley Avenue.
    - a. North Side from Plainfield Avenue to Harwood Avenue;
    - b. Both sides, from its intersection with Park Avenue for a distance of two hundred (200) feet south.
    - c. Both sides, from its intersection with Park Avenue north to its terminus at the Berkeley Heights Public Works Department parking lot, during the time period from eight a.m. to ten a.m., weekdays only.
    - d. Both sides from its intersection with Sherman Avenue north to its intersection with Springfield Avenue.
  - 2. Bolton Boulevard.
    - a. Both sides, from Park Avenue to Plainfield Avenue.

3. Briarwood Drive West.
  - a. Both sides, between Fay Place and a point five hundred (500) feet north of the same, on school days between seven a.m. and six p.m. prevailing time.
4. Burlington Road.
  - a. North side, from the intersection with Murray Hill Boulevard to a point 200 feet south;
  - b. South side from the intersection with Murray Hill Boulevard to a point 200 feet south, from eight a.m. to nine a.m. and two-thirty p.m. to four p.m., school days.
5. Columbia Avenue.
  - a. North side from the intersection of LaGrande Avenue westerly to the terminus of Columbia Avenue between the hours of four p.m. and eight p.m. weekdays and between the hours of one p.m. and eight p.m. Saturday and Sunday;
  - b. Southerly side from the westerly terminus of Columbia Avenue in an easterly direction along the property of the Board of Education (Block 1204 Lot 17) to the end of such property (approximately three hundred twenty-five (325) feet) no parking at any time.
  - c. Southerly side from the intersection with LaGrande Avenue westerly along the residential lots (approximately three hundred forty-five (345) feet) to the beginning of the property owned by the Board of Education (Block 1204 Lot 17) between the hours of four p.m. and eight p.m. weekdays and between the hours of one p.m. and eight p.m. Saturday and Sunday.
6. Cottage Street.
  - a. South side from the intersection with Plainfield Avenue to the commencement of the cul-de-sac, no parking at any time.
7. Crest Circle.
  - a. West side from Crest Drive through and including the cul-de-sac to the point of tangency with, but not including the east side of Crest Circle;
  - b. East side from Crest Drive to the point of tangency with the cul-de-sac, from eight a.m. to nine a.m. and two-thirty p.m. to four p.m., school days.
8. Crest Drive.

- a. North side, from Sussex Road to Gallinson Drive;
  - b. North side, from Gallinson Drive to Countryside Drive, from eight a.m. to nine a.m. and two-thirty p.m. to four p.m., school days;
  - c. North side, from Countryside Drive to 50 feet west of the north side of the cul-de-sac, from eight a.m. to nine a.m. and two-thirty p.m. to four p.m., school days
  - d. South side, from Crest Circle East through and including the cul-de-sac at the easterly end of Crest Drive, and extending on the north side after the cul-de-sac for a distance of 50 feet west;
  - e. South side, from Sussex Road to Crest Circle West, from eight a.m. to nine a.m. and two-thirty p.m. to four p.m., school days.
9. Countryside Drive.
- a. West side, from Crest Drive to Upper Drive;
  - b. East side, from Crest Drive to Upper Drive, from eight a.m. to nine a.m. and two-thirty p.m. to four p.m., school days.
- 10 Diamond Hill Road.
- a. Both sides, from the Somerset County line to a point five hundred (500) feet north of the north side of Valley Road;
  - b. West side, for a distance of one hundred (100) feet from both sides of Twin Falls Road;
  - c. East side, for a distance of one hundred (100) feet from both sides of South View Drive;
  - d. East side, for a distance of one hundred (100) feet from both sides of McMane Avenue;
  - e. West side, from a point fifty (50) feet north of the extension of the centerline of McMane Avenue to the south property line of the Diamond Hill Community Church premises;
  - f. West side, from the southerly side line of Mountain Avenue for a distance of one hundred fifty (150) feet south.
11. Fairfax Drive.
- a. North side beginning at a point representing the extension of the southerly side line of Windsor Way intersecting with the northerly sideline of Fairfax Drive and running in a westerly direction along Fairfax Drive a distance of one hundred fifty (150) feet between the hours of seven a.m. and six p.m. school days only;
  - b. South side, beginning at the intersection of Windsor Way and Fairfax Drive and running in a westerly direction two hundred fifty (250) feet between the hours of seven a.m. and six p.m. school days only.
12. Fay Place.

- a. North side, for its entire length, from eight a.m. to four p.m., on school days.
13. Gallinson Drive.
    - a. West side, from Crest Drive to Summit Road, from eight a.m. to nine a.m. and two-thirty p.m. to four p.m., school days.
  14. Grandview Avenue.
    - a. Both sides from Park Avenue to Plainfield Avenue.
  15. Harwood Avenue.
    - a. West side from Berkeley Avenue to La Grande Avenue.
  16. Hunterdon Boulevard.
    - a. South side, from Glenside Road to Murray Hill Boulevard;
    - b. North side from Murray Hill Boulevard to a point 100 feet West;
    - c. North side from Glenside Road to a point 100 feet west of Murray Hill Boulevard, from eight a.m. to nine a.m. and two-thirty p.m. to four p.m., school days.
  17. Industrial Road.
    - a. Both sides, entire length, no parking at any time.
  18. LaGrand Avenue.
    - a. Both sides, from the intersection of Grandview Avenue southerly to the terminus of LaGrand Avenue at Harwood Avenue, between the hours of four p.m. and eight p.m. weekdays, and between one p.m. and eight p.m. on Saturdays and Sundays.
  19. Locust Avenue.
    - a. Both sides, from Dreier Avenue to Timber Drive, and on the southerly side of Locust Avenue, from Dreier Avenue to a point three hundred twenty-five (325) feet west of Dreier Avenue.
  20. Lone Pine Drive.
    - a. Both sides, for its entire length.
  21. Maple Avenue.

- a. West side, from the southerly curbline of Springfield Avenue to a point four hundred thirty-eight (438) feet southerly therefrom.
22. Mercer Road.
- a. Northeast side, between Hunterdon Boulevard and Watchung Boulevard, from eight a.m. to nine a.m. and two-thirty p.m. to four p.m., school days; and
  - b. Southwest side.
23. Mountain Avenue.
- a. Either side, from the Borough of New Providence to the Somerset County line, at any time.
24. Murray Hill Boulevard.
- a. West side, from Mountain Avenue to Watchung Boulevard, any time; and
  - b. East side, from Summit Road to the intersection of the southern right-of-way of Hunterdon Boulevard;
  - c. Northerly/Easterly side between twenty five feet north of Watchung Boulevard and the intersection with the southern right of way of Hunterdon Boulevard, from eight a.m. to nine a.m. and two-thirty p.m. to four p.m. school days.
25. Park Avenue.
- a. North side, for a distance of one thousand five hundred forty (1,540) feet west from the center line of Plainfield Avenue, except that area in front of the municipal building, between the police department entrance of the parking lot and the easterly side of the municipal driveway opposite Bolton Boulevard;
  - b. Both sides, for a distance of one hundred (100) feet from the north side of Mountain Avenue;
  - c. South side, from a point twenty-five (25) feet east of the east side of Bolton Boulevard to a point seventy-five (75) feet west of the west side of the exit from the municipal driveway opposite Bolton Boulevard;
  - d. North side, for a distance of sixty-six (66) feet east of a point ten (10) feet east of the east side of the entrance walkway to the township municipal building, except for periods of fifteen (15) minutes or less;
  - e. South side, from the center line of Bolton Boulevard to the center line of Berkeley Avenue.
26. Park Property.

- a. Township-owned property abutting Plainfield Avenue, Park Avenue and Bolton Boulevard.
27. Passaic Avenue.
- a. East side from the intersection with Springfield Avenue south ninety-eight (98) feet to the intersection of the private driveway, no parking at any time.
28. Plainfield Avenue.
- a. East side, from the southerly side line of Springfield Avenue to a point ninety (90) feet south thereof;
  - b. East side between Bolton Boulevard and Hamilton Avenue. No standing or stopping between eight a.m. and nine a.m. and between two-thirty p.m. and three-thirty p.m., prevailing time, on school days between Roosevelt Avenue and Washington Avenue;
  - c. West side, from a point fifty (50) feet north of the northerly property line of the Columbia School grounds south to Hamilton Avenue;
  - d. Both sides, for a distance of three hundred (300) feet from both sides of Mountain Avenue;
  - e. West side, from the southerly side line of Springfield Avenue to the northerly side line of Sherman Avenue;
  - f. Both sides, for a distance of one hundred (100) feet from both sides of Emerson Lane intersection;
  - g. Both sides, from April 15th to October 1st, annually, between four p.m. and eight p.m., prevailing time, Monday through Friday, and from one p.m. to eight p.m., prevailing time, Saturday and Sunday, from the tracks of the Delaware, Lackawanna and Western Railroad to a point two hundred (200) feet south of Cottage Street;
  - h. Both sides, between the hours of eight a.m. and nine p.m., prevailing time, daily except Sunday, from the southerly side line of Sherman Avenue to a point fifty (50) feet north or the nearest rail of the tracks of the Delaware, Lackawanna and Western Railroad tracks, except parallel parking for periods of not more than one hour;
  - i. East side, beginning at a point ninety (90) feet from the southerly side line of Springfield Avenue to the northerly side line of Sherman Avenue, between the hours of seven a.m. and nine p.m., prevailing time, except for periods of not more than fifteen (15) minutes;
  - j. Both sides, for longer than one hour, between its intersection with Springfield Avenue and its intersection with Washington Street, from eight a.m. to ten a.m., Monday through Friday.
  - k. West side, between a point two hundred seventy (270) feet north of the north side line of Berkeley Avenue and a point one hundred ten

(110) feet south of the south side line of Berkeley Avenue, except during funeral and wedding processions for those vehicles attending;

1. East side, between a point one hundred forty (140) feet south of the promulgation of the southerly side line of Berkeley Avenue and a point one hundred fifty (150) feet north of the promulgation of the northerly side line of Berkeley Avenue, except during funeral and wedding processions for those vehicles attending.
29. River Road.
- a. Both sides from the intersection with Springfield Avenue north one hundred twenty-five (125) feet, no parking at any time.
30. Rogers Place.
- a. Both sides, for its entire length.
31. Roosevelt Avenue.
- a. South side, within one hundred (100) feet of the intersection of Plainfield Avenue;
  - b. South side, from the intersection of Hamilton Avenue to a point six hundred (600) feet west of the same;
  - c. North side, for its entire length.
32. Scott Avenue.
- a. Both sides, from April 15th to October 1st, annually, between four p.m. and eight p.m., prevailing time, Monday through Friday, and from one p.m. to eight p.m., prevailing time, Saturday and Sunday.
33. Sherman Avenue.
- a. North side, from Plainfield Avenue to Station Street except for two designated parallel parking spaces beginning thirty (30) feet west of the westerly sideline of Plainfield Avenue and two designated parallel parking spaces beginning one hundred twenty-eight (128) feet east of the easterly sideline of Station Street which spaces shall be restricted to one hour parking;
  - b. South side in any area not designated as a space within the municipal parking lot;
  - c. North side, from the westerly sideline of Station Street to the easterly sideline of Berkeley Avenue except for parallel parking spaces as designated in the areas beginning a distance of forty (40) feet west of the westerly sideline of Station Street extending to a point one hundred sixty (160) feet west of the westerly sideline of Station Street and from a point two hundred sixty (260) feet west

of the westerly sideline of Station Street to a point three hundred fifty (350) feet west of the westerly sideline of Station Street all of which spaces shall be restricted to two hour parking, daily except Sunday.

- d. North side from Plainfield Avenue easterly to terminus no parking any time.

34. Snyder Avenue.

- a. Both sides, for a distance of three hundred (300) feet from both sides of Springfield Avenue, and three hundred (300) feet north of Mountain Avenue;
- b. Both sides, including no standing or stopping on school days from eight a.m. to three p.m., prevailing time, for a distance of two hundred (200) feet from both sides of the entrance driveway to Hughes School;
- c. Both sides between Ferndale Drive and the New Jersey Transit Railroad;
- d. Westerly side, southerly from the intersection of Snyder Avenue and the New Jersey Transit Corporation Railroad (Lot 9 in Block 703) to the northerly side of Hamilton Avenue;
- e. Southbound, from the south-west corner of the intersection of Springfield Avenue to Industrial Avenue;
- f. Northbound, from north-east corner of Locust Avenue to north-east corner of Ferndale Drive.

35. Somerset Place.

- a. East side no parking;
- b. West side no parking from eight a.m. to nine a.m. and two thirty p.m to four p.m. school days.

36. Springfield Avenue.

- a. North side, for a distance of seventy-five (75) feet from both side of Delmore Avenue;
- b. Both sides, for a distance of one hundred (100) feet from both sides of Snyder Avenue;
- c. Both sides, from the east end of the bridge over the Passaic River to the Morris County line;
- d. North side, for a distance of one hundred eight (108) feet east from the easterly side of Plainfield Avenue.
- e. North side, for a distance of one hundred fifty (150) feet west from the westerly side line of Plainfield Avenue;
- f. South side, from the easterly curblin of Plainfield Avenue to a point one hundred fifty-five (155) feet east therefrom;
- g. South side, for a distance of one hundred fifty (150) feet west from the westerly side line of Plainfield Avenue;

- h. North side, from the easterly side line of Station Street to a point one hundred fifty (150) feet west of the westerly side line of Plainfield Avenue and from a point one hundred eight (108) feet east of the easterly side line of Plainfield Avenue to the westerly side line of Summit Avenue, between the hours of eight a.m. and nine p.m. Fridays, and between the hours of eight a.m. and six p.m. other days, prevailing time, except for periods of not more than one hour;
- i. South side, from a point one hundred fifty (150) feet west of the westerly side line of Plainfield Avenue to a point two hundred (200) feet west of the westerly side line of Plainfield Avenue and from a point one hundred fifty (150) feet east of the easterly side line of Plainfield Avenue to the westerly side line of Summit Avenue, between the hours of eight a.m. and nine p.m. Fridays, and between the hours of eight a.m. and six p.m. other days prevailing time, except for periods of not more than one hour and from a point two hundred (200) feet west of the westerly side line of Plainfield Avenue to the easterly side line of Station Avenue during the same times except for periods of not more than two hours.
- j. North side, two hundred fifty (250) feet east of Passaic Avenue to a point three hundred seventy-five (375) feet east of Passaic Avenue;
- k. North side, from a point four hundred sixty (460) feet east of the easterly side line of Kuntz Avenue to a point two hundred sixty (260) feet east of the easterly curblineline of Summit Avenue;
- l. South side, from a point two hundred eighty (280) feet east of the easterly curblineline of Summit Avenue to a point four hundred sixty (460) feet east of the easterly side line of Kuntz Avenue extended;
- m. South side, from a point one hundred thirty (130) feet west of the westerly curblineline of Summit Avenue to a point eighty (80) feet westerly therefrom.
- n. Both sides of Springfield Avenue, between the intersections of Station Street to Passaic Avenue, there shall be a parking limit of not more than two (2) hours from Monday through Friday between 8:00 a.m and 6:00 p.m.**

37. Station Street.

- a. West side from Springfield Avenue to Sherman Avenue;
- b. East side from Springfield Avenue to Sherman Avenue except for multi-passenger vehicles operated by governmental authorities, nonprofit organizations or under contract to same (e.g. SAGE, Red Cross, Union County Paratransit), or vehicles with handicapped plates, in the designated loading zone, for periods not to exceed ten (10) minutes for the purpose of picking up or discharging passengers only;

- c. Both sides from its intersection with Springfield Avenue north to its terminus at Grant Street.
- 38. Summit Avenue.
  - a. Both sides, from Sherman Avenue to the Passaic River.
- 39. Summit Road.
  - a. South side, between Murray Hill Boulevard and Gallinson Drive.
  - b. North side, between Murray Hill Boulevard and Gallinson Drive, from eight a.m. to nine a.m. and two-thirty p.m. to four p.m., school days
- 40. Sussex Road.
  - a. South side, from the northerly terminus of the roadway to the terminus of the cul-de-sac on the easterly side of the roadway; and
  - b. Northeast side beginning at the terminus of the cul-de-sac to the terminus of the roadway, from eight a.m. to nine a.m. and two-thirty p.m. to four p.m. school days.
- 41. Valley Road.
  - a. Both sides, from the Somerset County line easterly to a point five hundred (500) feet east of the east side of Diamond Hill Road.
- 42. Watchung Boulevard.
  - a. North side, the entire length of the roadway, including the cul-de-sac;
  - b. South side, from Somerset Place to Murray Hill Boulevard.
  - c. From the Western most entrance of the Governor Livingston High School parking lot to the terminus of the cul-de-sac from eight a.m. to nine a.m. and two-thirty p.m. to four p.m. school days.
- 43. Windsor Way.
  - a. Northerly side, for a distance of one hundred (100) feet in an easterly direction from its intersection with Park Avenue.
- 44. Old Farm Road.
  - a. Both sides, from its intersection with Mercier Place to its terminus at Emerson Lane.

**Section 2.** In accordance with N.J.S.A. 39:4-198, the Township Public Works Department is authorized to erect the appropriate signage along the applicable portions of the public roadways in conformance with the current Manual on Uniform Traffic Control Devices and New Jersey law.

**Section 3.** The provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to that the portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.

**Section 4.** All other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

**Section 5.** This Ordinance shall be presented to the Mayor for his approval and signature, which approval shall be granted or denied within ten (10) days of receipt of same, pursuant to N.J.S.A. 40:69A-149.7. If the Mayor fails to return this Ordinance with either his approval or objection to same within ten (10) days after it has been presented to him, then this Ordinance shall be deemed approved.

**Section 6.** This Ordinance shall not take effect until after final passage, approval by the Mayor pursuant to N.J.S.A. 40:69A-149.7, and publication in accordance with all applicable laws and statutes.

INTRODUCED the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

ADOPTED the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Robert Woodruff, Mayor

ATTEST:

\_\_\_\_\_  
Ana Minkoff, Township Clerk

**NOTICE OF  
INTRODUCTION**

**Ordinance -2016**

**“An Ordinance of the Township of Berkeley Heights, County of Union, State of New Jersey, Amending, Revising and Supplementing Chapter 10.36 entitled “Parking Restrictions” of Title 10 entitled “Vehicles and Traffic” of *The Code of the Township of Berkeley Heights* to Establish and Amend the Parking Regulations on a Portion of Various Roadways”.**

I, Ana Minkoff, Township Clerk of the Township of Berkeley Heights , do hereby certify that the foregoing Ordinance was introduced on First Reading at a meeting of the Township Council of the Township of Berkeley Heights, County of Union and State of New Jersey, on April 5, 2016 and that said Ordinance shall be submitted for consideration and final passage at the Public Hearing to be held on April 19, at 7:00 p.m. or as soon thereafter, as practical, same can be considered, at the Municipal Building, 29 Park Avenue, Berkeley Heights, NJ, at which time and place all persons interested therein or affected thereby will be given an opportunity to be heard concerning the same. During the week prior to and up to the time of Public Hearing, copies of said Ordinance will be available in the Municipal Clerk’s office in said Municipal Building, to the members of the general public who shall request the same.

**Ana Minkoff  
Township Clerk**