

CITY OF ENGLEWOOD
ORDINANCE NO. 07-17

NOTICE IS HEREBY GIVEN that the following Ordinance was introduced at a Regular Formal meeting of the City Council of the City of Englewood on June 19, 2007 and that said ordinance will be further considered for final passage at a meeting of the City Council to be held in the Municipal Court Room, 73 South Van Brunt Street, Englewood, Bergen County, New Jersey, on July 17, 2007 at 8:00 pm or as soon thereafter as the matter can be heard.

Lenore Schiavelli, RMC/CMC
City Clerk

ORDINANCE NO. 07-17

AN ORDINANCE AMENDING SECTION 13-58 OF SUBARTICLE H OF ARTICLE 1 OF CHAPTER 13 OF THE REVISED GENERAL ORDINANCES OF THE CITY OF ENGLEWOOD RELATING TO INSPECTIONS UNDER THE PROPERTY MAINTENANCE CODE

WHEREAS, the City of Englewood has adopted a Property Maintenance Code appearing as Article 1 of Chapter 13 of the Revised General Ordinance of the City of Englewood; and

WHEREAS, pursuant to Subarticle H thereof, the City of Englewood has established administrative procedures for the enforcement of the Property Maintenance Code; and

WHEREAS, the City Council is desirous of protecting the rights of the owners, tenants and occupants of property within the City of Englewood, including those afforded under the 14th Amendment of the U.S. Constitution, while at the same time enforcing the provisions of the Property Maintenance Code; and

WHEREAS, the City Council finds that the following amendments to the provisions relating to inspections provide a reasonable balance between the rights of owners, tenants and occupants against unreasonable inspections, and the concern of the City of Englewood to protect the public health, safety and welfare,

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Englewood, Bergen County, New Jersey, as follows:

Section 1. Section 13-58 of Subarticle H of Article 1 of Chapter 13 of the Revised General Ordinances of the City of Englewood relating to inspections under the provisions of Englewood's Property Maintenance Code, is hereby amended to read in full as follows:

13-58 Guidelines for Inspections; Fees

- (a) All premises subject to this code shall be subject to inspection from time to time by the public officer or inspector designated by him.
- (b) Except with respect to an emergency, as provided in (c) below, no inspection shall be made unless the inspecting officer shall first have obtained a search warrant therefor or shall have obtained the verbal and where possible written consent of the occupant of the premises, or the owner/agent of the owner of the premises under the authority of their lease for the dwelling unit, to a search without a search warrant and, with respect to inspection of residential premises, shall have complied with the following guidelines for residential code inspections:

1. Residential inspections shall be conducted during normal business hours; 7:00 a.m. to 8:00 p.m. on non-holiday weekdays except as follows:

(i) Residential inspections outside of the hours specified above may be made only under emergency circumstances such as when City police, fire, code enforcement or medical emergency personnel, during the normal course of responding to an emergency at a dwelling or other event in the course of their duty witness life hazard violations of the Property Maintenance Code and alert the Chief Code Enforcement Official of such suspected life hazard violations. Under such emergency circumstances, the Chief Code Officer shall arrange an inspection within 24 hours of notification.

2. Except as provided in Section 2(i), no residential code enforcement inspection shall be conducted without first providing notice to a resident(s) of their rights regarding whether or not to permit an inspection. The City inspection official shall provide such notice orally and in writing, and where the subject of an inspection has limited English proficiency, or the level of English proficiency is unknown, such notice to the extent practical, shall be provided in the subject's language as well as in English.

3. The following documentation and record keeping procedures shall be required with respect to all inspections:

(i) Records shall be maintained including current inspection reports and notices of violation as well as recommendations for corrective action where applicable.

4. The chief inspector shall make available training and/or reference materials to the Code Enforcement Officer(s) which shall delineate the procedures such officer(s) must follow in taking complaints, investigating complaints and conducting inspections.

5. These procedures do not affect:

(i) The City of Englewood's ability to conduct an inspection if it has obtained a court-issued warrant to search the premises; or

(ii) The authority of the City of Englewood's police to enter a residence when responding to a potential violation of zoning, land use, property maintenance or other laws.

(iii) An inspection of a property wherein the inspecting officer is viewing the property from publicly owned property or from adjacent private property where the inspecting officer has legal access through the permission of the property owner or occupant.

(c) An inspection may be made without a search warrant and without consent of the occupant or the owner/agent of the premises if the inspecting officer reasonably believes that there exists an emergency which demands immediate access to the premises. The word "emergency" as used herein shall be deemed to mean an event, occurrence, or condition which constitutes an imminent threat to the health, safety, or welfare of the occupants of the premises or of other person, or an imminent threat of serious damage to property.

(d) An inspection fee in an amount set forth in paragraph (e) below shall be charged to the owners or operators of any buildings or premises subject to this code for an inspection whenever such inspection:

(1) is made upon a reasonable belief that an event, occurrence, or condition exists in violation of this code which is an immediate threat to the health, welfare or safety of the occupant of the premises or of other persons, or an imminent threat of serious damage to property; and

(2) is made after normal business hours or on weekends or holidays; and

(3) reveals that such an event, occurrence or condition does exist and is the responsibility of the owner or operator.

(e) The inspection fee to be charged pursuant to paragraph (a) above shall be computed on an hourly basis as follows:

Weekdays - \$75.00 for an inspection requiring up to 4 hours; and \$25.00 for each hour or part thereof in excess of 4 hours

Sundays/holidays - \$100.00 for an inspection requiring up to 4 hours; and \$25.00 for each hour or part thereof in excess of 4 hours.

(f) A failure to pay the inspection fee as required by paragraph (d) and (e) shall constitute a violation of this code.

Section 2. All Ordinances or parts thereof inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 3. If any sentence, section, clause or other portion of this ordinance, or the application thereof to any person or circumstance, shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or repeal the remainder of this ordinance.

Section 4. This Ordinance shall take effect upon passage and publication as required by law.

#5747
Press Journal
June 28, 2007
Fee: \$204.68

ORDINANCE NO. 07-14

AN ORDINANCE AMENDING ORDINANCE 05-08 AND 06-13 ESTABLISHING FEES FOR THE SOUTH DEAN STREET PARKING GARAGE, THE DEPOT SQUARE PARKING LOT AND THE BERGEN STREET PARKING LOT

WHEREAS, Chapter 25, Article 12, Section 25-42, of the Revised General Ordinances of the City of Englewood, allows for the establishment of parking in South Dean Street Parking Garage in the City of Englewood; and

WHEREAS, Ordinance 05-08 supplemented by Ordinance 06-13 establishes fees for various items within the City of Englewood;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Englewood, Bergen County, New Jersey, as follows:

Section 1. The following fees are hereby established for South Dean Street Parking Garage within the City of Englewood:

- A. \$.50/hour for the first hour;
- B. \$1/hour thereafter;
- C. \$85/month for monthly spaces used by commuters;
- D. \$60/month for monthly spaces used by those who work in the Central Business District of the City of Englewood;
- E. Lost tickets - maximum fee.

Section 2. The following fees are hereby established for Depot Square Parking Lot within the City of Englewood:

- A. \$85/month for monthly spaces used by commuters;
- B. \$65/month for monthly spaces used by those who work in the Central Business District of the City of Englewood;
- C. Lost tickets - maximum fee.

Section 3. The following fees are hereby established for Bergen Street Lot within the City of Englewood to the extent applicable under existing lease terms:

- A. \$85/month for monthly spaces used by commuters;
- B. \$60/month for monthly spaces used by those who work in the Central Business District of the City of Englewood;

ORDINANCE NO. 07-15

AN ORDINANCE APPROPRIATING \$81,100 FROM THE CAPITAL IMPROVEMENT FUND OF THE CITY OF ENGLEWOOD TO PURCHASE AN AMBULANCE FOR THE USE OF THE ENGLEWOOD VOLUNTEER AMBULANCE CORPS

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ENGLEWOOD, BERGEN COUNTY, NEW JERSEY, as follows:

Section 1. There is hereby appropriated from the Capital Improvement fund of the City of Englewood the sum of \$81,100 to be used to partially fund the purchase of a new, 2007 Ambulance to be assigned to the Englewood Volunteer Ambulance Corps for use in and around the City. This appropriation supplements the appropriation provided in Ordinance #03-08 for this purchase. Title to said ambulance shall remain with the City.

Section 2. Any funds received by the Englewood Volunteer Ambulance Corps from the State of New Jersey or other entities that are intended to assist in the purchase of this Ordinance, upon receipt by the City, shall be applied either to direct payment of the cost of said ambulance or shall be used to reduce the amount of this appropriation from the capital improvement fund.

Section 3. This Ordinance shall take effect immediately upon passage and publication as required by law.

City of Englewood;

C. Lost tickets - maximum fee.

Section 4. Sections 25-43B and 25-46B are hereby amended to read in full as follows:

B. Regulations of Lot

1. No person shall park or permit the parking of any vehicle in this lot unless such vehicle is parked in accordance with the regulations provided in Article 12 of this Chapter and those set forth herein.
2. There shall be reserved such numbers of monthly parking permit spaces as may be determined by the City Manager and designated by appropriate signing. No person shall permit the parking of any vehicle in any such reserved monthly permit parking space unless such person has obtained the appropriate monthly parking permit from the City and display/possess such proof of said permit as determined by the City Manager and Police Chief to be reasonable.
3. No person shall park or permit the parking of any vehicle for a period longer than indicated on appropriate signage placed in said lot. No vehicle shall remain in the lot overnight without specific permission of the City.
4. No person shall park or permit the parking of any truck weighing over 2 tons in the lot.

Section 5. Those who prepaid for the use of any lot within the monthly fees have increased by virtue of this ordinance shall pay the new rate upon the expiration of their prepayment period.

Section 6. The City Manager has the authority to provide discounts to those who purchase prepaid tickets in bulk. The City Manager has the authority to establish special fees and/or waive parking fees for special events being sponsored by the City or established non-profit entities in the City.

Section 7. All Ordinances or parts thereof inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 8. If any sentence, section, clause, or other portion of this Ordinance of the application thereof to any person or circumstance shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or repeal the remainder of this Ordinance.

Section 9. This Ordinance shall take effect immediately upon passage and publication as required by law.

ORDINANCE NO. 07-16

AN ORDINANCE FIXING THE ANNUAL SALARIES TO BE PAID TO OFFICERS AND EMPLOYEES IN THE UNCLASSIFIED SERVICE OF THE CITY OF ENGLEWOOD

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ENGLEWOOD, BERGEN COUNTY, NEW JERSEY, as follows:

Section 1. Ordinance No. 00-15 of the City of Englewood entitled "An Ordinance Fixing the Annual Salaries to be Paid to Officers and Employees in the Unclassified Service of the City of Englewood as of March 1, 2000 and January 1, 2001" as amended by Ordinance 01-21 and Ordinance 04-24 is hereby amended as noted herein for the positions so listed:

	Maximum salary Effective 4/30/2007
ADMINISTRATION	
Plumbing Subcode Official	70,000
Electric Subcode Official	70,000
POLICE DEPARTMENT	
Deputy Police Chief	129,200
	Maximum salary Effective 1/01/2007
FIRE DEPARTMENT	
Fire Chief	129,756
Deputy Fire Chief	117,960

Section 2. The annual salaries set forth herein shall be paid on a pro rata basis to any person who shall hold any of the above named positions for less than a full calendar year. A person may hold more than one position subject to the appropriation process. For persons serving in these capacities prior to the effective date of this ordinance, the City Manager may negotiate an appropriate payment for these services rendered that will not exceed the amounts specified herein.

Section 3. No fringe benefit or other term or condition of employment in effect as of the date of this ordinance, whether provided by a previously adopted ordinance of the City, by a negotiated agreement, or otherwise, shall be changed or affected in any way by this ordinance, and any such provision shall remain in full force and effect unless duly modified by a negotiated agreement, or by an employment contract duly executed by the City Manager.

Section 4. Notwithstanding the annual salaries set out in this ordinance, the City Manager with respect to those positions which he appoints, may establish a salary for the holder of any position at an amount less than that set out herein.

Section 5. The salaries set out in this ordinance shall become effective as of the date herein specified, and shall apply only to those persons in the employ of the City as of the date when this ordinance becomes effective, and shall remain in effect unless or until changed by subsequently adopted ordinance.

Section 6. The salaries provided by this ordinance shall be contingent upon the making of the necessary appropriations to provide the sums therefore.

Section 7. This Ordinance shall take effect immediately upon passage and publication as required by law.