

## INTRODUCED ORDINANCES

At a meeting of the Township Council of Bloomfield, County of Essex, New Jersey, held in the Council Chambers, 2<sup>nd</sup> Floor of the Municipal Building, 1 Municipal Plaza, Bloomfield, NJ, on March 25, 2019 at 7:00 p.m., the following Ordinance was passed on first reading. The Governing Body introduced the Ordinance.

**2019 ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BLOOMFIELD, COUNTY OF ESSEX, STATE OF NEW JERSEY AMENDING THE BLOOMFIELD CENTER REDEVELOPMENT PLAN - PHASE I AND THE BLOOMFIELD CENTER REDEVELOPMENT PLAN - PHASE II TO PERMIT TOWNHOUSE DEVELOPMENTS IN THE COMMUNITY COMMERCIAL SUBDISTRICT ON FARRAND STREET, WARD STREET AND CONGER STREET, AND TO PERMIT GROUND FLOOR PARKING WITHIN THE FOOTPRINT OF A BUILDING.**

WHEREAS, pursuant to the Local Redevelopment and Housing Law, N.J.S.A.

40A:12A-1, et seq. (the “Redevelopment Law”), on August 19, 2002, the Mayor and Council (the “Mayor and Council”) of the Township of Bloomfield (the “Township”) adopted a Resolution designating all land within the municipal boundaries of the Township of Bloomfield as an area in need of rehabilitation (the Rehabilitation Area”); and

WHEREAS, pursuant to the Redevelopment Law, the Mayor and Council, by way of Resolution adopted on August 10, 2009, affirmed the 2002 designation of the entire Township as an “area in need of rehabilitation”; and

WHEREAS, pursuant to the Redevelopment Law, on December 5, 2000, the Mayor and Council adopted a Resolution determining that certain parcels within the Township encompassing sixty-seven (67) properties that comprise approximately 13.5 acres generally bordered by Bloomfield Avenue to the east, the New Jersey Transit lines to the west, Glenwood Avenue to the south and Ward Street to the north, more commonly known as Bloomfield Center, constituted an area in need of redevelopment, (the “Redevelopment Area”); and

WHEREAS, on October 14, 2003 the Mayor and Council approved Ordinance No 3-34, adopting the Bloomfield Station Redevelopment Plan, dated September 15, 2003, which has been amended from time to time (hereinafter the “Bloomfield Station Redevelopment Plan”) to govern the redevelopment of the Redevelopment Area; and

WHEREAS, following a decision in the Superior Court of New Jersey, Essex County, invalidating the December, 2000 redevelopment designation without prejudice, on August 7, 2006, the Mayor and Council adopted a

Resolution pursuant to the Redevelopment Law confirming that the 67 properties in Bloomfield Center met the criteria for designation as an area in need of redevelopment and that a supplemental study of Bloomfield Center corrected the defects in the 2000 study identified by the Court; and

WHEREAS, by way of ordinance adopted on December 15, 2008 pursuant to the Redevelopment Law, the Mayor and Council adopted the “Bloomfield Center Redevelopment Plan - Phase I” (the “Phase I Plan”) encompassing most, but not all of the properties in the Redevelopment Area and additional properties within the Rehabilitation Area; and

WHEREAS, the Phase I Plan encompassed the following properties situated in the Redevelopment Area:

Block 220, Lot 40;  
Block 225, Lots 1 and 9  
Block 227, Lots 1, 3, 5, 6, 8, 9, 10, 11, 12, 13, 15, 16, 17, 19, 20, 22, 24, 26, 30, 31, 32, 35;  
Block 228, Lots 1, 4, 5, 7, 8, 10, 11, 13, 14, 15, 16, 17, 18, 19, 21, 24, 27, 28, 29, 30, 31, 33, 35;  
and  
Block 243, Lots 1, 3, 4, 5, 6, 7, 8, 10, 11, 13, 15, 17, 18, 20; and

WHEREAS, the Phase I Plan encompassed the following properties within the Rehabilitation Area:

Block 242, Lot 13;  
Block 243, Lots 22, 24, 25, 27, 28, 30, 31, 32, 37, 38, 39, 40, 41, 42, 43, 44, 45;  
Block 255, Lot 1; and

WHEREAS, the area governed by the Phase I Plan shall hereinafter be referred to as the “Phase I Area;” and

WHEREAS, by way of ordinance adopted on November 9, 2009, the Mayor and Council adopted pursuant to the Redevelopment Law a redevelopment plan for certain properties within the Rehabilitation Area entitled the “Bloomfield Center Redevelopment Plan - Phase II” (the “Phase II Plan”); and

WHEREAS, the Phase II Plan encompassed the following properties within the Rehabilitation Area (the “Phase II Area”):

Block 153, Lots 1, 2, 4, 5, 6, 8, 10, 11, 13, 16, 17, 18, 19, 20, 21, 22, 23, 25, 27, 29, 31, 32, 41, 42, 43, 44, 47, 50;  
Block 225, Lots 12 and 15;  
Block 226, Lots 1, 3, 4, 6, 8, 10, 12, 13, 15, 18, 19, 20, 22, 24, 28, 29, 30, 31, 32;  
Block 241, Lots 1, 5, 7, 9, 17, 19, 20, 21, 32, 33, 35, 37, 39, 41, 42, 43, 45, 47;  
Block 244, Lots 1, 6, 8, 10, 19, 22, 24, 46, 47;

Block 253, Lots 1, 7, 8, 10, 12, 33;  
Block 301, Lots 1, 8, 9, 10, 21, 22, 23, 27, 28, 29;  
Block 302, Lots 1, 6, 38, 39, 40; and  
Block 311, Lots 1, 4, 5, 6, 7, 8, 13, 27, 28, 29; and

WHEREAS, on January 19, 2010, following an investigation by and public hearing before the Township of Bloomfield Planning Board (the "Planning Board"), the Mayor and Council adopted a Resolution pursuant to the Redevelopment Law designating the following properties in the Rehabilitation Area (except for Block 243, Lot 13, which was in the Redevelopment Area by virtue of the 2002 and 2006 redevelopment designations) and encompassed within the Phase I or II Plan as an area in need of redevelopment:

Block 243, Lots 13, 25, 27, 28, 30, 31, 32, 37, 38; and

WHEREAS, on August 13, 2012, the Mayor and Council adopted an Ordinance enacting a redevelopment plan for Block 243, Lots 13, 25, 27, 28, 30, 31, 32, 37, 38, thereby removing said Block and Lots from the Phase I and Phase II Plans; and

WHEREAS, on October 18, 2010, following a new investigation by and public hearing before the Planning Board, the Mayor and Council adopted a Resolution pursuant to the Redevelopment Law designating all of Block 228 and Block 220, Lot 40 as an area in need of redevelopment; and

WHEREAS, on February 2, 2011, the Mayor and Council adopted by ordinance the "Redevelopment Plan for Block 228 and Block 220, Lot 40", thereby removing all of Block 228 and Block 220, Lot 40 from the Phase I Plan; and

WHEREAS, on August 8, 2011, following review by the Planning Board, the Mayor and Council adopted Ordinance No. 11-40, which authorized variances pursuant to N.J.S.A. 40:55D-70(c) in the Phase II Area; and

WHEREAS, on November 21, 2011, following review by the Planning Board, the Mayor and Council adopted Ordinance No. 11-55 amending the permitted use tables in the Phase I and Phase I Plans and the approvals process described in each Plan, and which also authorized variances pursuant to N.J.S.A. 40:55D-70(c) in the Phase I Area; and

WHEREAS, on March 19, 2012, following review by the Planning Board, the Mayor and Council adopted Ordinance No. 12-16, which expanded the locations governed by the Phase II Plan where parking within the footprint of a building could be constructed; and

WHEREAS, on June 12, 2013, following review by the Planning Board, the Mayor and Council adopted Ordinance No. 13-23, amending the Phase I and Phase II Plans to prohibit dollar stores and to require under certain circumstances the submission of a Fiscal Impact Statement to the Governing Body during its consistency review of redevelopment projects; and

WHEREAS, the redevelopment projects have been either approved or constructed on Blocks 225, 228 and 243, three of the four blocks within the Phase I Area, with only Block 227 remaining; and

WHEREAS, to facilitate the redevelopment of Block 227, and to provide a more walkable environment in the vicinity of the Lackawanna Train Station, the Mayor and Council have determined that townhouses, currently permitted on the portion of Ward Street which is in the Washington Street South subdistrict, should be permitted on the Commercial Corridor portion of Ward Street as well, and that the expansion of the area where townhouses are permitted should also apply to properties within the Commercial Corridor Subdistrict governed by the Phase II Plan with frontage on Ward Street, Farrand Street and Conger Street; and

WHEREAS, while the Mayor and Council continue to support the proposition that residential developments with frontage on Bloomfield Avenue must have ground floor commercial uses along the street, it recognizes the value for pedestrian traffic of permitting residential lobbies to front on Bloomfield Avenue; and

WHEREAS, buildings within the Commercial Corridor should be permitted incorporate ground floor parking into their design, provided that the parking is sufficiently screened from the pedestrian public, particularly along the Bloomfield Avenue frontage; and

WHEREAS, the Mayor and Council therefore deem it necessary to amend the Phase I and Phase II Plans to accomplish these goals.

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the Township of Bloomfield, New Jersey, as follows:

Section 1. The above WHEREAS paragraphs are hereby incorporated herein by reference as though specifically set forth herein below.

Section 2. The Phase I Plan shall be amended as follows (newly inserted text is underlined):

(a) “Table 1. Permitted Uses” in Section 4.1 on Page 22 of the Phase I Plan is hereby amended to permit Townhouses in the Commercial Corridor on Ward Street, to permit residential lobbies on the ground floor of a mixed-use building, and to permit parking within the ground floor of a building, as follows:

Table 1. Permitted Uses

<u>Bloomfield Center Redevelopment Plan</u> Permitted Uses <i>Uses permitted by specific provisions of the Municipal Land Use Law are also permitted in the Redevelopment Plan Area.</i>	Commercial Corridor	Washington Street South	Main Street Campus
Single-use multi-unit residential buildings		√ (1)	
Townhouses	√ (1)	√ (1)	
Retail stores, service and financial establishments	√	√	√
Buildings containing a mixture of residential, office or commercial uses except that residential uses are prohibited on the ground floor	√ (2)	√ (2)	√ (2)
Office buildings	√		√
Specialty food markets (less than 30,000 SF)	√	√ (3)	
Hotels	√ (4)	√ (4)	√ (4)
Restaurants and cafes	√	√	√
Art Studios and galleries		√	√
Performing arts theaters	√	√	√
Schools and Educational Institutions			√
Conference and meeting facilities	√ (5)	√ (5)	√ (5)
Public plazas and recreation areas	√	√	√
Indoor recreation facilities	√	√	√
Organized open-air markets and festivals with temporary structures for retail sales and displays subject to all applicable state and local permits	√ (6)	√ (6)	√ (6)
Parking facilities operated by a governmental entity	√	√	√

(1) Ground floor residential is only permitted for buildings fronting on Farrand Street and Ward Street. It is recommended that all ground floor units have private entrances with stoops on the street. Ground floor parking within the footprint of a residential building shall be enclosed in a manner that makes it as inconspicuous as possible from the street through coordination with the architectural design of the façade of the building. (2) Residential lobbies are permitted on the ground floor. On Washington Street, offices are permitted on the second floor only. In all three districts, ground floor parking within the footprint of the building is permitted, except no parking and no access to a parking area shall front on Bloomfield Avenue, and provided that the parking is enclosed in a manner that makes it as inconspicuous as possible from the street through coordination with the architectural design of the façade of the building. (3) Specialty food markets are recommended on Conger Street but not prohibited elsewhere. (4) Hotel rooms are not permitted on the ground floor. The ground floor area fronting on a street is restricted to the hotel lobby and retail and restaurant uses only, which shall have separate entrances from the street (in addition to any access from inside the hotel). (5) Conference facilities are permitted as an accessory use to a hotel but shall be prohibited from the ground floor. (6) It is recommended that this use be focused on Washington Street, south of Bloomfield Avenue, as a priority and be coordinated with current events hosted by the BCA. (7) Dollar Stores” shall be prohibited in all Districts in the Phase I Area. For

purposes of this Phase I Plan, the term “Dollar Stores” shall mean any store using a price amount in its name or which sells the vast majority of its goods at ten dollars (\$10.00) or less or at a single price point (e.g., \$0.99 or \$1.00).

Section 3. The Phase II Plan shall be amended as follows (newly inserted text is underlined):

(a) “Table 1. Permitted Uses” in Section 4.1 on Page 22 of the Phase II Plan is hereby amended to permit Townhouses in the Commercial Corridor on Ward Street, to permit residential lobbies on the ground floor of a mixed-use building, and to permit parking within the ground floor of a building, as follows:

Table 1. Permitted Uses

<b>Bloomfield Center Redevelopment Plan</b>						
<b>Permitted Uses</b>	<i>Uses permitted by specific provision of the Municipal Land Use Redevelopment Plan Area.</i>	<i>Uses permitted by specific provision of Law are also permitted in the</i>	<b>Commercial Corridor</b>	<b>Washington Street South</b>	<b>Main Street Campus</b>	<b>Civic District</b>
Single-use multi-unit residential buildings				√ (1)	√ (1)	√ (1)
Townhouses			√ (1)	√ (1)	√ (1)	√ (1)
Retail stores, service and financial establishments			√	√	√	√
Buildings containing a mixture of residential, office or commercial uses except that residential uses are prohibited on the ground floor			√ (2)	√ (2)	√ (2)	√ (2)
Office buildings			√		√	√
Specialty food markets (less than 30,000 SF)			√	√ (3)		
Hotels			√ (4)	√ (4)	√ (4)	
Restaurants & cafes			√	√	√	√
Art Studios and galleries				√	√	√
Performing arts theaters			√	√	√	
Schools and Educational Institutions			√	√	√	√
Conference and meeting facilities			√ (5)	√ (5)	√ (5)	
Public plazas and recreation areas			√	√	√	√
Indoor recreation facilities			√	√	√	√
Organized open-air markets and festivals with temporary structures for retail sales and displays subject to all applicable state and local permits			√ (6)	√ (6)	√ (6)	√ (6)
Houses of worship & related facilities (on parcels of 10,000 SF or greater)			√	√	√	√
Parking facilities operated by a governmental entity			√	√	√	√

(1) Ground floor residential is only permitted for buildings fronting on Farrand Street, Ward Street and Conger Street. It is recommended that all ground floor units have private entrances with stoops on the street. Ground floor parking within the footprint of a residential building shall be enclosed in a manner that makes it as inconspicuous as possible from the street through coordination with the architectural design of the façade of the building. (2) Residential lobbies are permitted in the ground floor. In all four districts, ground floor parking within the footprint of the building is permitted, except no ground floor parking shall front on or be accessible from Bloomfield Avenue, and provided that the parking is enclosed in a manner that makes it as inconspicuous as possible from the street through coordination with the architectural design of the façade of the building. (3) Specialty food markets are recommended on Conger Street but not prohibited elsewhere. (4) Hotel rooms are not permitted on the ground floor. The ground floor area fronting on a street is restricted to the hotel lobby and retail and restaurant uses only, which shall have separate entrances from the street (in addition to any access from inside the hotel). (5) Conference facilities are permitted as an accessory use to a hotel but shall be

prohibited from the ground floor. (6) It is recommended that this use be focused on Washington Street, south of Bloomfield Avenue, as a priority and be coordinated with current events hosted by the BCA. (7) Dollar Stores” shall be prohibited in all Districts in the Phase I Area. For purposes of this Phase I Plan, the term “Dollar Stores” shall mean any store using a price amount in its name or which sells the vast majority of its goods at ten dollars (\$10.00) or less or at a single price point (e.g., \$0.99 or \$1.00).

Section 4. If any part(s) of this ordinance shall be deemed invalid, such part(s) shall be severed and the invalidity thereby shall not affect the remaining parts of this ordinance.

Section 5. All ordinances and resolutions or parts thereof inconsistent with the ordinance are hereby rescinded.

Section 6. This ordinance shall take effect in accordance with applicable law.

Notice is hereby given that on the 29<sup>th</sup> day of April, 2019, in the Council Chambers, 2<sup>nd</sup> Floor of the Municipal Building, 1 Municipal Plaza, Bloomfield, NJ, at 7:00 p.m., prevailing time, the Township Council will hold a Public Hearing and consider the final passage of the foregoing Ordinance. Copies of this Ordinance are posted on the Public Bulletin Board in the Municipal Building, and copies are also on file in the Municipal Clerk’s Office.

By Order of the Township Council.  
Louise M. Palagano  
Municipal Clerk

## INTRODUCED ORDINANCES

At a meeting of the Township Council of Bloomfield, County of Essex, New Jersey, held in the Council Chambers, 2<sup>nd</sup> Floor of the Municipal Building, 1 Municipal Plaza, Bloomfield, NJ, on March 25, 2019 at 7:00 p.m., the following Ordinance was passed on first reading. The Governing Body introduced the Ordinance.

### **AN ORDINANCE TO AMEND CHAPTER 134, ANIMALS WITHIN THE TOWNSHIP CODE OF THE TOWNSHIP OF BLOOMFIELD**

BE IT ORDAINED, by the Mayor and Council of the Township of Bloomfield, County of Essex, State of New

Jersey, as follows:

SECTION 1. Chapter 134, ANIMALS, of the Code of the Township of Bloomfield is hereby amended to read as follows:

#### Chapter 134 ANIMALS GENERAL REFERENCES

Animals and fowl (Board of Health), Feral Cats - See Ch. 586.

Animals in parks - See Ch. A680.

#### PURPOSE

This ordinance deals with all municipal actions relating to the control and welfare of domestic animals and designates the Bloomfield Animal Shelter as a “No-Kill” shelter as based on the principles stated in the model legislation known as the Companion Animal Protection Act, or CAPA. These principles have been incorporated into this ordinance.

As a “No Kill” shelter, the Bloomfield Animal Shelter will adhere to the following policies in order to find proactive solutions that keep animals moving through the shelter system and on to a better future while euthanizing no adoptable/treatable animal that comes through its doors.

Policies to accomplish this may include:

- A. Partnering with rescues, sanctuaries, and other animal welfare organizations to assist with the rehabilitation and rehoming of pets
- B. Having a comprehensive adoption program, which includes actively promoting pets through various methods such as holding adoption events, posting available animals on Petfinder/Adopt-a-Pet, social media, newspapers and websites
- C. Establishing a Foster Care Program for animals that would benefit from a home environment, such as a young animal needing bottle feeding, or due to behavioral or medical issues
- D. Spay/neuter programs
- E. Medical and Behavior programs (including vaccination upon entry, necessary veterinary care for treatable conditions, and training/enrichment)
- F. Public relations/Community involvement and education
- G. An active volunteer program at the shelter
- H. Strong efforts to reunite owners with lost pets
- I. An ongoing Trap-Neuter-Vaccinate-Return program for community cats to reduce stray population
- J. Promoting pet retention by assisting/advising pet owners who are having difficulties keeping their pets.

A “No Kill” shelter does NOT mean:

- A. Hoarding animals/keeping them in a cage for the rest of their lives.
- B. Keeping inappropriate animals that are not adoptable due to intractable behavioral issues or severe, untreatable health problems. No Kill allows for ‘euthanasia’ in the true meaning of the word. It allows for the compassionate ending of an animal’s life, for humane reasons - when animals are too sick, or too damaged to continue to live safely in the community.

## ARTICLE I

### General Animal Regulations

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[Adopted 11-19-1962 as Ch. 5, Art. I, of the 1962 Code (Ch. 78, Art. I, of the 1987 Code)]

#### § 134-1. Definitions.

As used in this article, the following terms shall have the meanings indicated: ANIMAL - All animals.[Amended 11-2-1987]

ANIMAL SHELTER -The term ‘animal shelter’ means a public or private facility that-

- A. has a physical structure that provides temporary shelter to stray, abandoned, abused, or owner-surrendered animals; and
- B. is operated, owned, or maintained by a society for the prevention of cruelty to animals, humane society, pound, dog/animal control officer, government entity, or contractor for a government entity.

KENNEL - Any establishment wherein or whereon the business of boarding or selling dogs or breeding dogs for sale is carried on, except a pet shop.

OWNER (when applied to the proprietorship of an animal) - Includes every person having a right of property in such animal and every person who has such animal in his keeping.

LICENSED VETERINARIAN.-The term ‘licensed veterinarian’ means a veterinarian licensed to practice veterinary medicine in this State.

PET SHOP - Any room or group of rooms, cage or exhibition pen, not part of a kennel, wherein pets for sale are kept or displayed.[Amended 12-19-1994]

RESCUE ORGANIZATION-The term ‘rescue organization’ means an organization that is-

- A. an organization described in section 501(c)(3) of the Internal Revenue Code and exempt from taxation under 501(a) of that Code; and
- B. an animal rescue organization, animal adoption organization, or organization formed for the prevention of cruelty to animals.

IRREMEDIAL PHYSICAL SUFFERING-The term ‘irremediable physical suffering’ means an animal which has a poor or grave prognosis for being able to live without severe, unremitting pain, as certified by a licensed veterinarian.

#### § 134-2. Running at large. [Amended BOH 6-9-2004]

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All persons are prohibited from permitting any animals belonging to them or in their possession to run at large in any of the public streets, parks or other open places in the Township. Service animals, as defined by the Americans with Disabilities Act, and animals engaged in police, fire, or other government-sanctioned activities are exempt from

this provision.

§ 134-3. Impoundment. [Amended 11-2-1987; 2-19-2013 by Ord. No. 13-9]

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It shall be the duty of the Animal Control Officer to impound any animal or fowl which may be found running at large as provided in the preceding section.

§ 134-4. Failure to redeem impounded animals; notices. [Amended 11-2-1987; 2-19-2013 by Ord. No. 13-9]

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- A. If the owner or person harboring any impounded animal does not pay the fine so imposed upon him and the charges of keeping such animal within 7 days after the same is impounded, the impounded animal becomes the property of the town.
- B. The notice referred to in this section may be served either by delivering it to the person on whom it is to be served or by leaving it at that person's usual or last known place of abode or by forwarding it by post in a prepaid letter addressed to that person at his usual or last known place of abode.
- C. The required holding period for stray animals impounded by the animal shelter shall be seven business days, not including the day of impoundment. Animals shall be held for owner redemption during the first two days of the holding period and shall be available for owner redemption, transfer, and adoption for the remainder of the holding period, except as follows:
  - (1) If an animal is impounded with identification or the shelter knows who the owner is, the animal will be held for seven days for owner redemption and shall be available for owner redemption, transfer, and adoption for the remainder of the holding period.
  - (2) The requirements of this provision do not apply to cats impounded for purposes of sterilization and then returned.
  - (3) At any time after impounding, shelters may transfer animals, except animals arriving with identification or a known owner, to a non-profit rescue group, a private shelter, or an organization formed for the prevention of cruelty to animals as long as potential owners are afforded the same rights of reclamation as if the animal was still in the shelter.

§ 134-5. Animal shelter established; appointment of Animal Control Officer. [Amended 11-2-1987]

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The Township Council may establish by resolution a municipal animal shelter.

§ 134-6. Supervision and control of animal shelter. [Amended 11-2-1987; 2-19-2013 by Ord. No. 13-9]

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The animal shelter shall be subject to the supervision and control of the Bloomfield Police Department.

§ 134-6. Animal Control Officer. [Amended 11-2-1987; 2-19-2013 by Ord. No. 13-9]

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- A. The position of Animal Control Officer is hereby created.
- B. The tasks of the Animal Control Officer shall be those defined by the statement of typical tasks relating to the position as they appear now or may hereafter be defined by the State Civil Service Commission or the Township.

- C. The Animal Control Officer shall be under the jurisdiction of the Police Department
- D. S/he shall perform the foregoing and such other duties in connection with the care, seizure and custody of animals as may be assigned to him.
- E. While the Animal Control Officer is performing his/her duties, s/he shall wear the uniform prescribed to be worn and shall conspicuously display identification on the outermost garment.

§ 134-7. Duty of Animal Control Officer. [Amended 11-2-1987]

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It shall be the duty of the Animal Control Officer to receive, properly house, and care for all animals brought to the animal shelter by any authorized person. After receiving such animal, the Animal Control Officer shall cause a short description of the animal to be created, including source, the time of bringing the same to the animal shelter and recorded in accordance with N.J.A.C. 8:23A-1.13 . All information recorded will be in accordance with state requirements. The Animal Control Officer will also be responsible for receiving or picking up injured wildlife and bringing it to a licensed rehabilitation center or a veterinarian.

§ 134-8. Nuisances. [Amended 8-7-1972; 5-7-1991]

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- A. No person owning, harboring, keeping or in charge of any dog or cat shall cause, suffer or allow such dog or cat to soil, defile, defecate on or commit any nuisance on any common thoroughfare, sidewalk, passageway, bypath, play area, park or any place where people congregate or walk or upon any public property (except under provisions of 134-27(B) or upon any private property without the permission of the owner of such property.
- B. Any person owning, harboring, keeping or in charge of any dog or cat which soils, defiles, defecates on or commits any nuisance on any common thoroughfare, sidewalk, passageway, bypath, play area, park or any place where people congregate or walk or upon any public property whatsoever or upon any private property without the permission of the owner of such property shall immediately remove all feces deposited by such dog or cat by any sanitary method approved by the local health authority.
- C. The feces removed from the aforementioned designated areas shall be disposed of by the person owning, harboring, keeping or in charge of any such dog or cat, in accordance with the provisions of this section, in a sanitary manner approved by the local health authority.
- D. No person owning, harboring, keeping or in charge of any dog or cat shall be permitted to keep any such dog or cat on any common thoroughfare, sidewalk, passageway, bypath, play area, park or any place within the Township of Bloomfield where people congregate upon public property of any common thoroughfare for the purpose of any public event or festivity within the Township of Bloomfield. This subsection shall not apply to service animals, animals displayed at any public event by the municipal animal shelter or animal rescue groups displayed for the purpose of finding such animals a suitable home or to entertainment groups who are invited that utilize animals for entertainment purposes.[Added 1-3-2001 by Ord. No. 00-43]
- E. The provisions of this section shall not apply to blind persons who may use dogs as guides.

§ 134-9. Damage to lawns, flowers and other plant life. [Amended 5-7-1991]

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No person owning, keeping or harboring a dog or cat shall permit or suffer it to do any injury or to do any damage to any lawn, shrubbery, flowers, grounds or property.

§ 134-10. Running at large. [Amended 8-7-1972; 5-7-1991]

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It shall be unlawful for any dog or cat, whether licensed or not, to run at large within the Township. A dog or cat shall be deemed to be running at large when off the premises of its owner or of the person keeping or harboring such dog or cat, which dog or cat is not on a leash, tether, chain, rope or the like, the overall length of which, including the hand grip, shall not exceed six feet, held by its owner or other person able to control such dog or cat.

§ 134-11. Vicious dogs or cats. [Amended 11-2-1987; 5-7-1991]

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- A. Any dog or cat which has attacked or bitten any human being or which habitually attacks other dogs or cats or domestic animals is hereby defined to be a "vicious dog or cat" for the purposes of this section. It shall be the duty of the Animal Control Officer to receive and investigate complaints against dogs or cats and, when any dog or cat complained against shall be deemed by such Animal Control Officer to be a vicious dog or cat, as herein defined, the officer shall report the facts to the recorder of the Township, who shall thereupon cause the owner or person harboring such dog or cat to be notified, in writing, of the complaint against such dog or cat and to appear before the Judge at a stated time and place.
- B. The Judge, at the time set for such hearing, shall inquire into the facts and give all interested persons an opportunity to be heard, under oath, and to be represented by counsel, and the Judge shall decide that such dog or cat complained of is a vicious dog or cat as defined by this section; notice of such decision shall be given to the owner or person harboring such dog or cat.
- C. No dog or cat which has been so determined to be a vicious dog or cat shall be permitted to run at large or be upon any street or public place in the Township, except while securely muzzled and under leash, as provided in this article, and the owner or person harboring any such vicious dog or cat who shall suffer or permit such dog or cat to run at large or be upon any street or public place in the Township while not securely muzzled and under leash shall be guilty of a violation of this article.

§ 134-12. Impoundment of biting dogs or cats. [Amended 11-2-1987; 5-7-1991]

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Any dog or cat which bites a person shall immediately be impounded and kept under observation at a place designated by the Animal Control Officer for a period of 10 days from the date of such biting in order to ascertain whether such dog or cat is suffering from rabies. All reasonable expense in connection with such impoundment shall be paid by the owner or person in charge of such dog or cat before such dog or cat is released. If any such dog or cat is not claimed and the expenses paid at the expiration of 10 days, the dog or cat may be professionally evaluated and thereafter may be put up for adoption (if not declared by court order to be dangerous), sent to sanctuary, or humanely euthanized.

§ 134-13. Impoundment of certain dogs or cats. [Amended 11-2-1987; 5-7-1991]

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The Animal Control Officer of the Township shall take into custody and impound or cause to be taken into custody and impounded and thereafter adopted or euthanized (depending on health or temperament), as provided in this article:

- A. Any dog or cat off the premises of the owner or of the person keeping or harboring the dog or cat which the Officer or his agent has reason to believe is a stray dog or cat. Any dog or cat off the premises of the owner or of the person keeping or harboring the dog or cat without a current registration tag on his collar.
- B. Any female dog or cat in season off the premises of the owner or of the person keeping or harboring the dog or cat.

§ 134-14. Notice of impoundment. [Amended 11-2-1987; 5-7-1991]

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- A. If any dog or cat so seized wears a collar or harness having inscribed thereon or attached thereto the name and address of any person or a registration tag, or the animal is wanded and a chip is found registered to the owner, or the owner or the person keeping or harboring the dog or cat is otherwise known, the Animal Control Officer shall forthwith serve on the person whose address is given on the collar or on the owner or the person keeping or harboring the dog or cat, if known, a notice, in writing, stating that the dog or cat has been seized and will be liable to be adopted or euthanized depending on health or temperament, if not claimed within seven days after the service of the notice.
- B. A notice under this section may be served either by delivering it to the person on whom it is to be served or by leaving it at the person's usual or last known place of abode or at the address given on the collar or by forwarding it by post in a prepaid letter addressed to that person at his usual or last known place of abode or to the address on the collar.
- C. Abandonment: A summons will be served by the Animal Control Officer if the ownership is clear and the owners refuse to acknowledge it is their pet.
- D. Every animal shelter shall maintain continuously updated lists of animals reported lost and found, and shall regularly check these lists and animals in the shelter for matches, and shall also post a photograph of and information on each stray animal impounded by the shelter on the Internet with sufficient detail to allow the animal to be recognized and claimed by its owner.

§ 134-15. Care of impounded animals

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- A. An animal shelter shall provide all animals during the entirety of their shelter stay with fresh food; fresh water; environmental enrichment to promote their psychological well-being such as socialization, toys and treats; and exercise as needed; however, never less than once daily, except that dogs exhibiting vicious behavior towards people or adjudged to be dangerous by a court of competent jurisdiction may but are not required to be exercised during the holding period.
- B. Notwithstanding subsection A, the shelter shall work with a licensed veterinarian to develop and follow a care protocol for animals with special needs such as, but not limited to, nursing mothers, unweaned animals, sick or injured animals, extremely frightened animals, geriatric animals, or animals needing therapeutic exercise. This care protocol shall specify any deviation from the standard requirements of subsection A and the reasons for the deviation(s).
- C. During the entirety of their shelter stay, animals shall be provided prompt and necessary cleaning of their cages, kennels, or other living environments no less than two times per day, to ensure environments that are welcoming to the public, hygienic for both the public and animals, and to prevent disease. This cleaning shall be conducted in accordance with a protocol developed in coordination with a licensed veterinarian, and shall require that animals be temporarily removed from their cages, kennels, or other living environments during the process of cleaning, to prevent them from being exposed to water from hoses or sprays, cleaning solutions, detergents, solvents, and/or chemicals.
- D. During the entirety of their shelter stay, all animals shall be provided with prompt and necessary veterinary care, including but not limited to preventative vaccinations, cage rest, fluid therapy, pain management, and/or antibiotics, sufficient to alleviate any pain caused by disease or injury, to prevent a condition from worsening, and to allow them to leave the shelter in reasonable condition.

§ 134-16. Euthanization

Animals may be euthanized by a veterinarian in a manner causing as little pain as possible and consistent with the provisions of N.J.S.A. 4:22-19 or offered for adoption seven days after seizure, provided that:

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- A. Notice is given as set forth above and the animal remains unclaimed;
- B. The owner or person keeping or harboring the animal has not claimed the animal and paid all expenses incurred by reason of its detention, including maintenance costs; or
- C. The owner or person keeping or harboring an animal which was unlicensed at the time of seizure does not produce a license and registration tag for the animal;
- D. Before the euthanasia of any animal, a reasonable attempt should be made to contact accredited sanctuaries or rescues to determine whether a better option is available based on the animal's evaluation and medical history. However, it may be determined by a licensed veterinarian that euthanasia is the most humane option due to quality of life.
- E. Exclusions: Paragraph D shall not apply to:
  - (1) an animal suspected to carry and exhibiting signs of rabies, as determined by a licensed veterinarian;
  - (2) a dog that, after physically attacking a person, has been determined by a court having competent jurisdiction to be dangerous pursuant to State law;
  - (3) an animal experiencing irremediable physical suffering; or
  - (4) an animal that is not adoptable to the general public due to advanced age and serious chronic or untreatable health problems.
  - (5) any animal that has been determined to be unadoptable by virtue of its temperament, as determined by a licensed veterinarian/animal evaluator.
- F. The animal shelter shall not euthanize or cause to be euthanized any animal simply because the animal's holding period has expired.
- G. A report will be filed with the animal's records detailing reasons for euthanization and will be kept on file for one year or as otherwise stipulated by N.J.A.C. 8:23A-1.13.
- H. Animals impounded by the animal shelter shall be euthanized, only when necessary and consistent with the requirements of this ordinance, by lethal intravenous injection of sodium pentobarbital, except as follows:
  - (1) intraperitoneal injections may be used only under the direction of a licensed veterinarian, and only when intravenous injection is not possible for infant animals, companion animals other than cats and dogs, or in comatose animals with depressed vascular function.
  - (2) Intracardiac injections may be used only when intravenous injection is not possible for animals who are completely unconscious or comatose, and then only by a licensed veterinarian and in accordance with N.J.S.A.8:23A-1.1 (c).
    - (a) No animal shall be allowed to witness any other animal being killed or being tranquilized or sedated for the purpose of being killed or to see the bodies of animals which have already been killed.

- (b) Animals shall be sedated or tranquilized before being killed as necessary to minimize their stress or discomfort, or in the case of vicious animals, to ensure staff safety, except that neuromuscular blocking agents shall not be used.
  - (c) Following their lethal injection, animals shall be lowered to the surface on which they are being held and shall not be permitted to drop or otherwise collapse without support.
  - (d) An animal may not be left unattended between the time procedures to kill the animal are commenced and the time death occurs, nor may the animal's body be disposed of until death is verified.
  - (e) Verification of death shall be confirmed for each animal in all of the following ways:
    - (1) by lack of heartbeat, verified by a stethoscope;
    - (2) by lack of respiration, verified by observation;
    - (3) by pale, bluish gums and tongue, verified by observation; and
    - (4) by lack of eye response, verified if lid does not blink when eye is touched and pupil remains dilated when a light is shined on it.
  - (g) The room in which animals are euthanized shall be cleaned and regularly disinfected as necessary, but not less than once per day on days the room is used, except the specific area in the room where the procedure is performed shall be cleaned and disinfected between each procedure.
  - (h) The room in which animals are euthanized shall have adequate ventilation that prevents the accumulation of odors.
  - (i) No one other than a licensed veterinarian or a euthanasia technician certified by the state euthanasia certification program shall perform the procedures referenced in this section except as otherwise noted.
- I. When necessary, wildlife shall be euthanized in accordance with New Jersey Division of Fish and Wildlife regulations.
  - J. Under circumstances determined by a licensed veterinarian, euthanasia may be performed in the interest of the animal's well-being.

§ 134-17. Adoption; sale for experimentation prohibited.

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At the time of adoption, the right of ownership of the animal shall transfer to the new owner. No cat or other animal caught and detained or procured, obtained, sent or brought to a pound or shelter shall be sold or otherwise made available for the purpose of experimentation. Any person who sells or otherwise makes available any such cat or other animal for the purpose of experimentation shall be guilty of a disorderly person's offense.

§ 134-18. Record-Keeping.

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- A. The animal shelter shall report to the Department of Health & Human Services an annual summary which includes the following information by species-type:

- (1) the number of animals impounded during the previous calendar year;
- (2) the number of animals who were killed by the animal shelter, at the animal shelter's direction, with the animal shelter's permission, and/or by a representative of the animal shelter during the previous calendar year;
- (3) the number of animals who died, were lost, and/or were stolen while in the direct or constructive care of such agency during the previous calendar year;
- (4) the number of animals who were returned to their owners during the previous calendar year;
- (5) the number of animals who were adopted during the previous calendar year;
- (6) the number of animals who were transferred to other organizations during the previous calendar year;
- (7) the number of animals transferred to other organizations that are located more than 20 miles from the originating shelter;
- (8) the number of animals who were on hand at the start of the year;
- (9) the number of animals who were on hand at the end of the year.

§ 134-19. Service fees. [Last amended 4-28-2011 by Ord. No. 001-2011]

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Service fees shall be as follows: (For extenuating circumstances, the Police Liaison has the authority to adjust individual fees and will provide a report to the Finance Department.)

A. Surrender Fees

- (1) Dog or cat (including puppies and kittens): \$100.

B. Adoption fees:

- (1) Dogs and Puppies: \$250
- (2) Kittens: \$100
- (3) Adult cats 1 year and older: \$50
- (4) Senior or Special Needs Animals: 50% fee reduction
- (5) Special Adoption Fees Programs: Variable with permission of Police Liaison

C. Redemption fees for animals at large captured:

- (1) During normal shelter business hours: \$60.
- (2) After normal business hours \$160.
- (3) Second offense in same 12-month-period, \$100. 3rd offense, \$200.

D. Animal holding fee:

- (1) Days one through seven, each day: \$10.
- (2) Days eight and up, each day: \$20.

§ 134-20. Right of entry; exception. [Amended 5-7-1991]

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Any officer or agent authorized or empowered to perform any duty under this article is hereby authorized to go upon any premises to seize for impounding any dog or cat which s/he may lawfully seize and impound when such officer is in immediate pursuit of such dog or cat, except upon the premises of the owner of the dog or cat if the owner is present and forbids the same.

§ 134-21. Interference with authorized officials.

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No person shall hinder, molest or interfere with anyone authorized or empowered to perform any duty under this article.

§ 134-22. Seizure of rabid animal.

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After observation, any animal seized under this article suspected of being rabid shall be immediately reported to the Health Officer.

§ 134-23. No restrictions based on characteristics of animal.

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The shelter shall not ban, bar, limit or otherwise obstruct the adoption or transfer of any animal based on breed, breed mix, species, age, color, appearance or size.

§ 134-24. Kennels, pet shops, shelters and pounds.

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- A. Any person who keeps or operates or proposes to establish a kennel, a pet shop, a shelter or a pound, or to breed animals, shall apply to the Health Officer for a license entitling him to keep or operate such establishment. [Amended 12-7-1981]
- B. The application for a license required by Subsection A above shall describe the premises where the establishment is located or is proposed to be located and the purpose for which it is to be maintained and shall be accompanied by the written approval of the Health Officer of the Township, showing compliance with the local and state rules and regulations governing location of and sanitation at such establishments.
- C. All licenses issued for a kennel, pet shop, shelter or pound shall state the purpose for which the establishment is maintained, and all such licenses shall expire on the last day of January of the following year.
- D. The Township Council may, in its discretion, refuse to issue a license to any person to conduct any of the businesses described in Subsection A above in any place in the Township where, in the judgment of the Township Council, the existence or conduct of such business will be detrimental or injurious to the peace and quiet of the neighborhood.
- E. Any person holding such license shall not be required to secure individual licenses for dogs owned by such licensee and kept at such establishment.
- F. Such license shall not be transferable to another owner or different premises.

The annual license fee for a kennel providing accommodations for 10 or fewer dogs shall be \$75, and for more than 10 dogs, the fee shall be \$125. The annual license fee for a pet shop shall be \$50. No fee shall be charged for a shelter or pound. [Amended 11-15-1976; 12-19-1994; 4-28-2011 by Ord. No. 001-2011]

§ 134-25. Sale of certain animals for pets or novelties.

- A. It shall be unlawful for any person to sell or offer for sale, barter or give away rabbits, baby chicks, ducklings or other fowl as pets or novelties.
- B. It shall be unlawful for any person to sell or offer for sale or for any person to permit to be sold or offered

for sale, within his place of business within the limits of the Township, live rabbits, baby chickens or other domestic fowl less than three weeks of age in lots of less than six to a single sale.

- C. This section shall not be construed to prohibit the sale of rabbits, chicks or other domestic fowl in proper brooder facilities by hatcheries or stores engaged in the business of selling the same to be raised for commercial purposes. [Amended 11-2-1987]

§ 134-26. Violations and penalties. [Added 11-2-1987; amended 5-5-2008 by Ord. No. 08-18]

Any person who violates any provision of this article shall, upon conviction thereof, be subject to the penalty as provided in § 1-15, General penalty, of this Code.

ARTICLE II

Dogs

[Adopted 11-19-1962 as Ch. 5, Art. II, of the 1962 Code (Ch. 78, Art. II, of the 1987 Code)]

§ 134-27. Definitions.

The words defined in this section shall have the meanings indicated in this section for the purposes of interpretation and enforcement of this article:

DOG - Any dog, bitch or spayed bitch.

DOG OF LICENSING AGE - Any dog which has attained the age of seven months or which possesses a set of permanent teeth.

HYBRID - A "hybrid animal" is the result of the breeding of a domestic animal and a wolf, coyote, wildcat or other wildlife, and all subsequent generations of such hybrid, and any animal that is advertised, registered or represented by its owner to be a canine or feline hybrid. [Added 6-7-1993]

OWNER (when applied to the proprietorship of a dog) - Includes every person having a right of property in such dog and every person who has such dog in his keeping.

POTENTIALLY DANGEROUS DOG - Any dog that has been declared potentially dangerous according to state law.

TETHERING - The restraining of an animal by the tying to any object or structure, including, without limitation, a house, tree, fence, post, garage, weight or shed, by any means, including, without limitation, rope, cord, leash or running line. For purposes of this definition, tethering shall not include the use of a leash used to walk the animal, or forms of restraint used in the transportation of an animal

VICIOUS DOG - Any dog which has been declared vicious in accordance with state law.

§ 134-28. License required; compliance required.

- A. No person shall keep or harbor any dog within the Township without registering and obtaining a license therefor, to be issued by the Municipal Clerk upon application by the owner and payment of the prescribed fee. [Amended 12-7-1981]
- B. No person shall keep or harbor any dog in the Township except in compliance with the provisions of this article.
- C. No person shall keep or harbor any hybrid animal in the Township. [Added 6-7-1993]

§ 134-29. Contents of application; disposition of information; registration numbers.

- A. The application shall state the breed, sex, age, color and markings of the dog for which the license and registration are sought and whether it is of a long- or short-haired variety; also the name, street and post office address of the owner and the person who shall keep or harbor such dog.
- B. The information on the application and the registration number issued for the dog shall be preserved for a period of three years by the Health Officer. In addition, the Health Officer shall forward similar information to the State Department of Health each month, on forms furnished by the Department. [Amended 12-7-1981] Registration numbers shall be issued in the order of the application.

§ 134-30. Issuance and renewal of license and registration tag. [Amended 12-7-1981; 12-20-1999]

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Any person who shall own, keep or harbor a dog of licensing age shall annually, in the month of June, apply for and procure from the Municipal Clerk a license and official metal registration tag for each such dog so owned, kept or harbored and shall place upon each dog a collar or harness with the registration tag securely fastened thereto.

§ 134-31. License fees; expiration date of license; late charge. [Amended 8-22-1966; 12-1-1969; 9-4-1979; 12-7-1981; 4-1-1985; 12-19-1994; 11-3-1997; 12-20-1999]

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- A. A license shall be issued after payment of a fee of \$22 for each spayed/neutered dog and \$25 for each non-spayed/non-neutered dog. The annual fee for a dog found to be dangerous or potentially dangerous as determined in Chapter 134-30 and each renewal thereof shall be \$700 in addition to the regular dog license fee. [Amended 5-10-2007; 3-2-2009 by Ord. No. 09-16]
- B. The licenses, registration tags and renewals thereof shall expire on June 30 of the year following the year in which they were issued. [Amended 4-28-2011 by Ord. No. 001-2011]
- C. There shall be a late charge of \$45 for renewal applications filed after August 1 in addition to the aforesaid application fee. [Amended 5-10-2007; 4-28-2011 by Ord. No. 001-2011]

§ 134-32. Service Dogs

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Dogs used as service dogs shall be licensed and registered as other dogs herein provided for, except that the owner or keeper of such dog will not be required to pay any fee therefor. Service animals are defined as dogs that are individually trained to do work or perform tasks for people with disabilities. Examples of such work or tasks include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing other duties. Service animals are working animals, not pets. The work or task a dog has been trained to provide must be directly related to the person's disability. Dogs whose sole function is to provide comfort or emotional support may qualify with documentation provided by training organization or physician.

§ 134-33. Time limit for application.

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- B. The owner of any newly acquired dog of licensing age or of any dog which attains licensing age shall make application for a license and registration tag for each dog within 10 days after such acquisition or age attainment.
- C. Any person who shall bring or cause to be brought into the Township any dog licensed in another state

for the current year and bearing a registration tag and who shall keep the same or permit the same to be kept within the Township for a period of more than 90 days shall immediately apply for a license and registration tag for each such dog unless such dog is licensed under § 134-18A.

- D. Any person who shall bring or cause to be brought into the Township any unlicensed dog and who shall keep the same or permit the same to be kept within the Township for a period of more than 10 days shall immediately apply for a license and registration tag for each such dog unless such dog is licensed under § 134-18A.

§ 134-34. Removal of tags restricted.

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No person, except an officer in the performance of his duties, shall remove a registration tag from the collar of any dog without the consent of the owner, nor shall any person attach a registration tag to a dog for which it was not issued.

§ 134-35. Control of dogs.

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No dog kept in a kennel, pet shop, shelter or pound, or breeder's premises shall be permitted off such premises except on a leash or in a crate or other safe control.

§ 134-36. Biannual canvass. [Amended 11-2-1987; 4-28-2011 by Ord. No. 001-2011]

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The Health Officer of the Township shall biannually cause a canvass to be made of all dogs owned, kept or harbored within the Township and shall report to the Town Clerk and to the State Department of Health the results thereof, setting forth in separate columns the names and addresses of persons owning, keeping or harboring such dogs, the number of licensed dogs owned, kept or harbored by each of the persons, together with the registration numbers of each of the dogs, and the number of unlicensed dogs owned, kept or harbored by each of the persons, together with a complete description of each of the unlicensed dogs.

§ 134-37. Tethering of animals.

[Added 5-16-2016 by Ord. No. 16-14]

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A. Tethering of dogs.

- (1) It shall be unlawful for any person to tether, fasten, tie, restrain or cause an unattended dog to be fastened, tied or restrained to houses, trees, fences, garages, stakes or other stationary or highly immobile objects by means of a rope, strap or other physical restraint for the purpose of confinement, except in circumstances where all of the following requirements are satisfied:
  - (a) The tethering is for a total of no more than seven hours within a twenty-four-hour period, with a maximum of four hours at any one interval and a minimum one-hour period between confinements.
  - (b) The tether is attached to the dog by a non-choke-type collar, swivels at both ends, and attached to the stationary object by anchors, latches, or similar devices in a manner which the dog is able to move freely and prevents the tether from becoming entangled around the dog or any object so as to limit the dog's freedom within the tethered area or to prevent the dog, or any of its appendages, from becoming entangled by the tether.
  - (c) The tether shall be of a type commonly used for the size of the dog involved.

- (d) The construction of the tether shall be of a lightweight yet durable material, shall not exceed 20% of the animal's weight, and may not be thicker than 1/8 inch.
  - (e) The tether must be a minimum of 15 linear feet in length, less than six feet above the ground, and shall remain tangle-free.
  - (f) The tethered dog has easy access to potable drinking water, edible food, dry ground, and adequate shade and/or shelter within the tethering area.
  - (g) The tethering area shall be clean, clear of obstructions and/or debris, and no less than 150 square feet per dog in total area.
  - (h) The dog, whether used for hunting, farming, breeding, or is an otherwise working dog, is regularly monitored while tethered for the aforementioned period of time.
- (2) No dog shall be tethered by means of a choke-type, pinch-type, prong-type, or improperly fitting collar.
  - (3) Chains shall be prohibited for use as a tethering device.
  - (4) If there are multiple dogs, each dog shall be tethered separately and in such a manner that the tethers shall not become entangled with each other.
  - (5) No dog shall be tethered within five feet of another person's property, public thoroughfare, and/or right-of-way.
  - (6) No dog shall be tethered at a vacant structure or premises for any purpose when it is not monitored by a competent adult who is present at the property for the duration of such tethering.
  - (7) Dogs that are not spayed or neutered shall not be tethered for any period of time.
  - (8) No dog under the age of one or under 20 pounds shall be tethered.
  - (9) No dog that is sick or injured shall be tethered.
  - (10) No dogs shall be tethered between the hours of 10:00 p.m. and 6:00 a.m.

#### C. Collars.

- (1) It shall be unlawful for any person to permanently collar an animal with a choke-type collar, prong-type collar, pinch-type collar, or rope.
- (2) The collar must be at least as large as the circumference of the animal's neck plus one inch and cannot be constructed primarily of metal.

§ 134-38. Prohibited treatment of animals. [Added 5-16-2016 by Ord. No. 16-14]

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#### A. General prohibitions.

- (1) No owner, caretaker, guardian or handler shall withhold proper shelter, light, space, protection from weather, veterinary care, and/or immune care from any animal.
- (2) No owner, caretaker, guardian or handler shall fail to provide his or her animal with sufficient edible food and potable drinking water on a daily basis. Food and water must be in an animal food consumption or water consumption type container, feeder or waterer.
- (3) No animal shall be subjected to unnecessary suffering or cruelty such as subjecting the animal

to prolonged confinement, fear, injury, pain or physical abuse. Interaction with humans and other animals shall not be unreasonably withheld.

- (4) No animal shall be confined in a parked or standing vehicle or enclosed trailer for a period of 15 or more minutes when the temperature during such period is either below 32° F. or above 85° F.

B. Restrictions on leaving animals outdoors.

- (1) It shall be unlawful for any person to leave any animal outdoors and unattended for a continuous period of time greater than 1/2 hour if the National Weather Service has issued weather alerts or storm warning, or if the temperature during such period is either below 32° F. or above 85° F. The animal shall be considered outside regardless of access to an outdoor doghouse or similar structure, unless such structure is a properly functioning climate-controlled and weather-resistant structure.
- (2) No animal shall be left outside during snowstorms, ice storms or thunderstorms.

C. Outdoor animal enclosures.

- (1) Animals shall be provided access to an enclosure/structure which protects them against inclement weather, is water-resistant and keeps them dry, provides shade from direct sunlight, and allows them to preserve a normal body temperature.
- (2) Animals shall not be housed on a temporary or permanent basis in any enclosure/structure constructed of metal, unless adequately insulated from inclement weather.
- (3) If there are multiple animals, each animal shall be provided with a separate enclosure/structure.
- (4) Outdoor animal enclosures, including pens, doghouses, or other similar structures shall be soundly constructed, safely and properly positioned on a raised platform, and properly maintained. The top of the enclosure shall be covered to provide the animal with shade and protection from the elements. The floor of the enclosure shall be constructed in such a manner that it protects the animals' feet and legs from injury.
- (5) Pet taxis, plastic carriers, boxes, vari-kennels or metal houses shall not be acceptable as adequate outdoor enclosures.
- (6) Outside animal enclosure shall be no less than four feet in height, no less than 64 feet in square footage, and must allow for the animal to freely turn around, stand, sit, or lie in a normal position. The animal must be able to lie down while fully extended without the animals' head, tail, legs, face, or feet touching any side of the enclosure. The interior height of the enclosure shall be at least six inches higher than the head of the animal in the enclosure when it is in a normal standing position.
- (7) Outdoor animal enclosures shall contain bedding such as straw or other absorbent material in a sufficient quantity to provide adequate insulation for the structure. Bedding shall be maintained in a dry condition and renewed or changed as necessary.
- (8) Outdoor animal enclosure shall be kept dry, clean, and free of animal waste.

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§ 134-39. Violations and penalties. [Amended 8-7-1972; 11-2-1987<sup>2</sup>]

Any person who violates or who fails or refuses to comply with any section of this article or with the rules and regulations promulgated by the State Department of Health shall, upon conviction thereof, be liable to a penalty as

provided in § 1-15, General penalty, of this Code.

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ARTICLE III

Cats

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[Adopted 10-2-1990 (Ch. 78, Art. III, of the 1987 Code)]

§ 134-40. Definitions.

For the purposes of this article, the following terms shall have the meanings indicated:

ANIMAL - Dog or cat.

ANIMAL CONTROL AUTHORITY - Any person or agency designated or certified by the State of New Jersey to enforce the provisions of this article.

CAT - Any member of the domestic feline species, male, female or altered.

CAT OF LICENSING AGE - Any cat which has attained the age of seven months or which possesses a set of permanent teeth.

CATTERY - Any room or group of rooms, cage or exhibition pen, not part of a kennel, wherein cats for sale are kept or displayed.

LICENSING AUTHORITY - The Township Municipal Clerk under the auspices of the Township Administrator.

NEUTERED - Rendered permanently incapable of reproduction as certified by a licensed veterinarian.

OWNER - When applied to the proprietorship of a cat, includes every person having a right of property (or custody) in such cat and every person who has such cat in his/her keeping or who harbors or maintains a cat or knowingly permits a cat to remain on or about any premises occupied by that person.

PERSON - Any individual, corporation, partnership, organization or institution commonly recognized by law as a unit.

§ 134-40. Rabies vaccination required; exemptions.

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- A. Vaccination and license requirements. No person shall own, keep, harbor or maintain any cat over seven months of age within the Township of Bloomfield unless such cat is vaccinated and licensed. The provisions of this section do not apply to cats held in a cattery or those held by a state or federal licensed research facility or a veterinary establishment where cats are received or kept for diagnostic, medical, surgical or other treatment or licensed animal shelters, pounds, kennels or pet shops.
- B. Vaccination. All cats shall be vaccinated against rabies by a licensed veterinarian in accordance with the latest Compendium of Animal Rabies Vaccines and Recommendations for Immunization, published by the National Association of State Public Health Veterinarians, except as provided for in Subsection D.
- C. Vaccination certificate. A certificate of vaccination shall be issued to the owner of each animal vaccinated on a form recommended by the state.
- D. Exemptions. Any cat may be exempted from the requirements of such vaccination for a specified period of

time by the local Board of Health, upon presentation of a veterinarian's certificate stating that, because of an infirmity or other physical condition or regimen of therapy, the inoculation of such cat shall be deemed inadvisable.

§ 134-41. License required.

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- A. Cats must have license number displayed. Any person who shall own, keep or harbor a cat of licensing age shall annually apply for and procure from the Department a license and official registration tag with a license number or a registration sleeve for each cat so owned, kept or harbored and shall place upon such cat a collar or other device with the license number securely fastened or displayed thereto. Acceptable methods of displaying the license number shall include, but are not limited to, breakaway or elastic collars. License tags or sleeves are not transferable.
- B. Time for applying for license. The owner of any newly acquired cat of licensing age or of any cat which attains licensing age shall make application for a license tag or sleeve for such cat within 10 days after such acquisition or age attainment. This requirement will not apply to a nonresident keeping a cat within the Township of Bloomfield for no longer than 90 days.
- C. Cats brought into the Township of Bloomfield.
  - (1) Any person who shall bring or cause to be brought into the Township of Bloomfield any cat licensed in another state for the current year and bearing a registration tag or sleeve and shall keep the same or permit the same to be kept within the Township of Bloomfield for a period of more than 90 days shall immediately apply for a license and registration tag or sleeve for each such cat.
  - (2) Any person who shall bring or cause to be brought into the Township of Bloomfield any unlicensed cat and shall keep the same or permit the same to be kept within the Township of Bloomfield for a period of more than 10 days shall immediately apply for a license and registration tag or sleeve for each such cat. Any valid New Jersey license tag or sleeve issued by a New Jersey municipality shall be accepted by this municipality as evidence of compliance for the remainder of the first calendar year of residence.
- D. Application; contents; preservation of information. The application shall state the breed, sex, age, color and markings of the cat for which license and registration are sought and whether it is of long- or short-haired variety, also the name, street and post office address of the owner and the person who shall keep or harbor such cat. The information on said application and the registration number issued for the cat shall be preserved for a period of three years by the Department.
- E. License forms and tags. License forms and official tags or sleeves shall be furnished by the Township and shall be numbered serially and shall bear the year of issuance and the name of the Township.
- F. Evidence of inoculation with rabies vaccine or certification of exemption; requirement for license. No official designated by the governing body of the Township to license cats therein shall grant any such license and official registration tag or sleeve for any cat unless the owner thereof provides evidence that the cat to be licensed and registered has been inoculated with a rabies vaccine of a type approved by and administered in accordance with the recommendations of the United States Department of Human Services or has been certified exempt as provided by § 134-34 of this article. The rabies inoculation shall

be administered by a duly licensed veterinarian or by such other veterinarian permitted by law to do the same.

- G. License fee schedule. A license shall be issued after payment of a fee of \$22, for each spayed/neutered cat and \$25 for each non-spayed/non-neutered cat. Persons who fail to apply for a license as required after August 1 will be subject to a late charge of \$20 per renewal application. [Amended 12-20-1999; 5-10-2007; 3-2-2009 by Ord. No. 09-15]
- H. Fees; renewals; expiration date of license: [Amended 12-20-1999]
  - (1) The person applying for the license and registration tag and/or sleeve shall pay the fee fixed or authorized. The fee for the renewal of a license and registration tag or sleeve shall be the same as for the original, and said license, registration tag or sleeve and renewal thereof shall expire on May 31 of the following year of issuance.
  - (2) Only one license and registration tag or sleeve shall be required in the licensing year for any cat in the Township of Bloomfield.
- I. Loss of license. If a license tag or sleeve has been misplaced or lost, the Department may issue a duplicate license and/or registration sleeve for that particular cat at a fee of \$1.
- J. Proof of licensing. Proof of licensing shall be produced by any person owning, keeping, maintaining or harboring a cat, upon the request of any health official, police officer, animal control officer or other authorized person.
- K. Interfering with persons performing duties under this article. No person shall hinder, molest or interfere with anyone authorized or empowered by the Department to perform any duty under this article.

Disposition of fees collected. License fees and other moneys collected or received under the provisions of this article shall be forwarded to the Treasurer of the Township and shall be placed in the Dog Trust Account and shall be used for the following purposes only: collecting, keeping and disposing of cats liable to seizure; for local prevention and control of rabies; domestic and wild animal control; providing anti-rabies treatment under the direction of the local Board of Health for any indigent person known or suspected to have been exposed to rabies; and for administering the provisions of this article. Any unexpected balance remaining in such special account shall be retained until the end of the third fiscal year following and may be used for any of the purposes set forth in this section.

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#### § 134-42. Impoundment.

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Any ACO appointed by the Police Department shall take into custody and impound or cause to be taken into custody and impounded and thereafter offered for adoption, or euthanized depending on health or temperament if not reclaimed by the owner, as provided in this section:

- A. Any cat off the premises of the owner of the person keeping or harboring said cat which said official or his agent or agents have reason to believe is a stray cat.
- B. Any cat off the premises of the owner or of the person keeping or harboring said cat without a current registration tag on his collar.
- C. Any female cat in season off the premises of the owner or of the person keeping or harboring said cat.
- D. Any cat or other animal which is suspected to be rabid.
- E. Any cat or other animal off the premises of the owner reported to or observed by a certified animal control officer to be ill, injured or creating a threat to public health, safety or welfare or otherwise interfering with the enjoyment of property.

§ 134-43. Notice of impoundment.

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- A. If any animal so seized wears a collar or harness having inscribed thereon or attached thereto the name and address of any person or a registration tag, is wanted and a chip is found registered to the owner, or the owner or the person keeping or harboring said animal is otherwise known, any person authorized by the governing body shall forthwith serve on the person whose address is given on the collar or on the owner or the person keeping or harboring said animal, if known, a notice, in writing, stating that the animal has been seized and will be liable to be offered for adoption adopted or euthanized depending on health or temperament if not claimed within seven days after the service of the notice.
- B. A notice under this section may be served either by delivering it to the person on whom it is to be served or by leaving it at the person's usual or last known place of abode or at the address given on the collar or by forwarding it by post in a prepaid letter addressed to that person at his usual or last known place of abode or to the address given on the collar.

§ 134-44. Violations and penalties.<sup>3</sup>

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Except as otherwise provided in this article, any person who violates or who fails or refuses to comply with this article shall be liable, upon conviction, to a penalty as provided in § 1-15, General penalty, of this Code, to be recovered by and in the name of the Township.

Notice is hereby given that on the 29<sup>th</sup> day of April, 2019, in the Council Chambers, 2<sup>nd</sup> Floor of the Municipal Building, 1 Municipal Plaza, Bloomfield, NJ, at 7:00 p.m., prevailing time, the Township Council will hold a Public Hearing and consider the final passage of the foregoing Ordinance. Copies of this Ordinance are posted on the Public Bulletin Board in the Municipal Building, and copies are also on file in the Municipal Clerk's Office.

By Order of the Township Council.  
Louise M. Palagano  
Municipal Clerk

## INTRODUCED ORDINANCES

At a meeting of the Township Council of Bloomfield, County of Essex, New Jersey, held in the Council Chambers, 2<sup>nd</sup> Floor of the Municipal Building, 1 Municipal Plaza, Bloomfield, NJ, on March 25, 2019 at 7:00 p.m., the following Ordinance was passed on first reading. The Governing Body introduced the Ordinance.

### **AN ORDINANCE TO CREATE CHAPTER 149A, "PUBLIC CONSTRUCTION CONTRACTS, RESPONSIBLE BIDDER REQUIREMENTS" WITHIN THE TOWNSHIP OF BLOOMFIELD TOWN CODE**

BE IT ORDAINED, by the Mayor and Council of the Township of Bloomfield, County of Essex, State of New Jersey, as follows:

Section 1. Chapter 149A, "PUBLIC CONSTRUCTION CONTRACTS, RESPONSIBLE BIDDER REQUIREMENTS" of the Code of the Township of Bloomfield, County of Essex, State of New Jersey, is hereby amended by adding section §149 A-5 to read as follows:

#### §149 A-5 Public Construction Contracts, Responsible Bidder Requirements

WHEREAS, to protect its financial investments and its substantial proprietary interests as a market participant The Township of Bloomfield has a compelling interest in ensuring that all its contracts for Public Construction Projects that it undertakes for which it provides Financial Assistance are performed promptly, at reasonable costs and with the highest degree of quality by qualified reputable contractors and properly trained and skilled workers and for these reasons shall implement this Ordinance; and

WHEREAS, the requirements of this Ordinance are intended to supplement, not replace, existing contractor qualification and performance standards or criteria currently required by the Local Public Contracts Law N.J.S.A. 40A: 11-1 et seq., other contracting provisions as outlined herein or other legislative obligations; and

WHEREAS, in order to fulfill its obligations as outlined under N.J.S.A. 40A:1 1-1 and to ensure that contracts are awarded in an atmosphere that invites competition and guards against favoritism, improvidence, arbitrary conduct, extravagance, fraud, corruption, and for the purpose of securing the best project work results possible at the lowest cost practicable; and

WHEREAS, The Township of Bloomfield pursuant to N.J.S.A. 40A:1 1-2 (32) possesses certain discretion in determining the "lowest responsible bidder" and is entitled to specify the terms of the contract when its solicits bids

along with the criteria that bidders must meet in order to be considered a "responsible" bidder pursuant to N.J.S.A. 40A: 11-25 and in the exercise of its proprietary duties and responsibilities so as to ensure that bidders are qualified responsible firms that understand the unique challenges affecting construction project delivery including but not limited to selecting subcontractors who have developed a satisfactory record of past performance and adequate expertise, including a highly trained workforce and an established record of successfully performing work projects in a safe, timely, cost effective and professional manner; and

WHEREAS, The Township of Bloomfield solicits bids and/or proposals on many different types of construction contracts with varying factors affecting each procurement decision, and therefore must take into account the reasonable benefits arising from each bid and in the exercise of and in order to protect its proprietary interests due to the substantial taxpayer investments involved in the public construction project(s); and

WHEREAS, in order to protect its substantial proprietary interests The Township of Bloomfield has the inherent right to adopt procurement licensing and economic development regulations/Ordinances and so as to ensure and pursuant to N.J.S.A. 40A: 11-4 that the bidder has not had a prior negative experience and so as to impose bid specifications designed to ensure the performance capabilities of prospective bidders pursuant to N.J.S.A. 40A:11 -25; and

WHEREAS, due to the magnitude of the bid threshold herein and in order to ensure the intended purpose of each of its work projects and that financial responsibility is an important factor in determining the lowest responsible bidder for public construction projects for which it provides Financial Assistance, The Township of Bloomfield, through its contracting authority, shall require that every contractor and sub-contractor that bids on a public construction project contract produce satisfactory evidence that the contractor/sub-contractor is properly registered and authorized to conduct the type of work to be performed, including evidence that demonstrates that the entity possesses, complies with, and maintains such compliance with all valid licenses, registrations, ordinances and certificates required by the federal, state, and county laws, as well as complying with any general business license requirements of The Township of Bloomfield both prior to the award and during the term of the contract; and

WHEREAS, the Township of Bloomfield in order to make its determination as to whether the bidding entity is responsible, shall confirm and substantiate that the contract awardee(s) can reasonably be expected to complete and perform under the contract specifications, and the Township of Bloomfield pursuant to N.J.S.A. 40A: 11-20 thru 22 et seq. may require the successful bidder to post a bid performance and/or material bond(s) as well as the submission of documentation to verify that the successful bidder has secured any insurance requirements as required by applicable law and in conformance with said law, including general liability insurance, workers' compensation insurance and unemployment compensation insurance; and shall also determine if the successful bidder can reasonably be expected to complete the project within the time constraints as delineated in the request for bids and other procurement documents; and shall, through the submission of documents from the bidder(s) and pursuant to N.J.S.A. 40A: 11-20 through 11-22 determine if the bidding entity maintains a satisfactory level of past performance and integrity as well as possesses the financial, supervisory, personnel, material, equipment, and other resources and expertise required to satisfactorily meet that entity's contractual responsibilities and obligations; and

WHEREAS, in its determination of whether a bidder is "responsible," and to avoid any risks to projects caused by unqualified firms or firms held to be considered unsafe, the Township of Bloomfield shall consider a bidder's record of conformity with environmental, labor and health and safety laws and regulations, including compliance with the requirements of the U.S. Department of Labor's Occupational Safety & Health Administration ("OSHA") and the New Jersey Department of Labor and Workforce Development. In order to ensure that its workforce is compliant with safe working procedures in order to protect the public, as well as, to ensure to the greatest extent possible that work site accidents, injuries, etc. are minimized shall affirm that any employee which will be assigned to the work project at a minimum has completed at least the 10 Hour Training Course for safety standards established by OSHA; and

WHEREAS, current challenges in the construction labor market relating to the supply of skilled craft personnel exacerbate normal construction industry challenges including those impacting project cost, quality of work, safety and scheduling parameters, which has been well documented by numerous industry sources both nationally and locally for over a decade, including *Confronting the Skilled Workforce Shortage*, Construction Users Roundtable (June 2004); *The Perfect Storm: Factors Come Together Creating a Storm in the Construction Workforce*, The Construction Executive (June 2004); *America's Construction Industry: Identifying and Addressing Workforce*

Challenges, ETA/Business Relations Group Report (Dec. 2004); Craft Labor Supply Outlook: 2005-2015, Construction Labor Research Council (2004); 2013 U.S. Markets Construction Overview, FMI Corporation (2012); 2013 Dodge Construction Outlook, McGraw-Hill Construction Research & Analytics Group (Oct. 2012); Construction Users Roundtable, Skilled Labor Shortage Risk Mitigation; WP-110 I , January 2015; Pam Hunter. Firms Anticipate More Worker Shortages Ahead, Engineering News Record, p. 13, February 9, 2015; and

WHEREAS, in addition to a growing demand and shrinking supply, one of the key factors driving and further compounding construction industry skill supply challenges has been the continuous decline in skill training in this industry generally over the past several decades, a fact documented by the U.S. Commerce Department; L. Huang, Robert E. Chapman, and David T. Butry, Metrics and Tools for Measuring Construction Productivity; Technical and Empirical Considerations, U.S. Department of Commerce, National Institute of Standards and Technology, Office of Applied Economics, p. 23 (Sept. 2009); and

WHEREAS, the growing need of meeting skilled labor demands and the general decline of a pool of trained workers produces conditions that increase the likelihood of contractors and subcontractors deploying unskilled, untrained workers to construction jobsites, including persons who receive little or no adequate safety training and, consequently, due to the inherent dangers that exist within the construction industry pose serious risks of injury to themselves, their coworkers and the general public, while also undermining important cost factors, as well as, the scheduling goals of capital projects; and

WHEREAS, leading organizations in the construction industry, including trade associations representing project owners such as the Construction Users Roundtable, have repeatedly issued strong recommendations to parties purchasing construction services for large capital projects that, due to persistent, acute labor supply challenges, contractors and subcontractors should be pre-qualified on the basis of craft labor training to protect the project owner's financial and proprietary interests by ensuring that such firms have an adequate supply of trained, skilled craft personnel to perform the project; Confronting the Skilled Workforce Shortage, Construction Users Roundtable (June 2004); Construction Users Roundtable, Skilled Labor Shortage Risk Mitigation, WP-1101, January 2015; and

WHEREAS, in seeking to address and remediate issues of construction skill shortages and the problems they cause for the industry including safety risks, the United States Congress passed the Fitzgerald Act, Pub. L. No. 75-

308, 560 Stat. 664, H.R. REP> No. 75-945 (the National Apprenticeship Act), which created a system in which workers could be properly trained in construction skills and safety procedures through registered, formal apprenticeship training programs that meet established qualification, safety and performance standards and that such programs registered and approved by the United States Department of Labor ("US DOL"), stresses the need to expand industry apprenticeship programs as a means of building the pool of skilled labor, especially in the construction industry, U.S. Dept.'s of Labor, Commerce, Educations, and Health and Human Resources, What Works in Job Training: A Synthesis Of the Evidence 8 (July 22, 2014); and

WHEREAS, the courts have recognized that states, counties and local jurisdictions acting to protect substantial proprietary interests, have the right to stop procurement, licensing and economic development legislation and/or to impose contract bid specifications designed to ensure the performance capabilities of all prospective bidders and their employees, including apprenticeship training requirements and other craft labor qualifications; see Bldg. & Const.

Trades Council of the Metro. Dist. V: Assoc. Builders & Contractors of Mass.IR.I , Inc., 407 U.S. 218 (1993); Associates Builders & Contractors v. Mich. Dep't of Labor & Econ. Growth, S43 F.3d 275 (6th Cir. 2008); Hotel Employees & Restaurant Emps. Union, Local 57 v. Sage Hospitality Res., LLC, 390 F2d 206 (3'd Cir. 2004); Associated Builders & Contractors, Inc., New Castle County - F. Supp. 3d, 2015 WL 7257916 (D. Del. Nov. 17, 2015); and

WHEREAS, due to the critical impact that skilled construction craft labor has on public construction projects due to the limited availability of skilled construction craft labor, as well as, potential imminent skill shortages, and most significantly due to the magnitude of the threshold amount herein and so as to insure that the work project be completed in a timely and safe manner in order to protect its proprietary interests and the interest of the taxpayer funding of such projects, it is necessary to require contractors and subcontractors to participate in established, formal apprenticeship training programs for the purpose of promoting successful, cost effective project delivery; and

WHEREAS, the most efficient means that bidders and their subcontractors' have in order to ensure a highly trained, safety conscious and skilled workforce, as well as, to provide for a safe project delivery is to require that bidders utilize an apprenticeship training program, registered with and approved by the US DOL, or any state agency

having equal or higher requirements as the US DOL, for each separate apprenticeable occupation for which it employs employees in compliance with the performance standards of enrollment and graduation under 29 C.F.R. Part 29, 29.5 and 29.6. The bidder shall be further required to demonstrate and affirm in its Contractor Certification Form that it is in compliance with 29 C.F.R. 29 et al., as well as, the provisions of N.J.S.A. 34:20-1 et seq. the "Construction Industry Independent Contractor Act."; and

WHEREAS, as a condition of performing work on a public construction project and/or construction projects subject to this Ordinance all bidders pursuant to N.J.S.A. 40A:1 1-26 shall submit a completed Contractor Responsibility Certification provided by the Township of Bloomfield at the time the bidder submits its bid pursuant to N.J.S.A. 40:11-20 thru 27 et seq. Moreover and pursuant to N.J.S.A. 40:11 -27, all bidders must respond to the Contractor Responsibility Certification under oath. In addition, all bidders shall further simultaneously submit with its Contractor Responsibility Certification and pursuant to N.J.S.A. 40: 11-16(a) and (b) and N.J.S.A. 40:11 -23-2(d) a Subcontractor List containing the names of any proposed contractors required to be listed in the bid including the subcontractor's address and a description of their work expertise; and

WHEREAS, should it be established, after awarding a contract that any of the information required by this Ordinance and provided by the bidding entity to Township of Bloomfield was falsified or inaccurate, the Bidder will be subject to the penalties as outlined under N.J. S.A. 40: 11-27 thru 34 et al., and the contract shall be voided; and

WHEREAS, the following definitions shall govern within this Ordinance:

"Public Construction Contract" shall mean any public construction project for the construction, reconstruction, demolition, alteration or renovation of buildings at the public expense, required to be bid under the Local Public Contracts Law, and which requires that workers be paid the prevailing wage determined by the Commissioner of Labor pursuant to the provisions of the applicable statutory language.

"Financial Assistance" shall mean something of economic value provided by Township of Bloomfield to a private entity, expressly articulated or identified in writing by the Township of Bloomfield, including, but not limited to real property, loans, loan guarantees, grants, tax exemptions, tax abatements, tax incentive financing, and rent subsidies or

reductions approved, funded, authorized, administered or provided by the local government entity or any of its instruments in connection with construction.

#### Section 1. Purpose

Due to the magnitude of the threshold amount as stated herein, Township recognizes that there is a need to ensure that work on public works projects, maintenance work and contracts for public works are performed by responsible, qualified firms that maintain the capacity, expertise, personnel, equipment and other qualifications and resources necessary to successfully perform public contracts in a timely, reliable and cost-effective manner.

To effectuate the purpose of selecting responsible contractors for public contracts and to protect the substantial taxpayer investments in such contracts, prospective contractors and subcontractors shall be required to meet pre-established, clearly defined, minimum standards relating to contractor responsibility, competency, experience, and the adequacy of resources.

Further, due to the critical impact that skilled construction craft labor has on public works projects, and due to the limited availability of skilled construction craft labor, it is necessary to require contractors and subcontractors to participate in bona fide apprenticeship training programs in the trades and classifications in which they employ construction craft personnel.

Therefore, the Township of Bloomfield shall require compliance with the provisions of this Ordinance by business entities seeking to provide services to Township of Bloomfield as specified herein. The requirements of this Ordinance are intended to supplement, not replace existing contract qualification and performance standards or criteria currently required by law, public policy or contracting documents. However, in the event that any of the provisions of this Ordinance conflicts with any law, public policy or contracting documents, or is held to be invalid and unenforceable by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

(a) All contractors and subcontractors of any tier that perform work on projects valued at or above \$250,000.00, including any public works project, N.J.S.A. 40A:11-2(34), maintenance work, or contracts for public works, shall meet the requirements of this Ordinance.

(b) All firms engaged in contracts covered by this Ordinance shall be qualified, responsible contractors and subcontractors that have sufficient capabilities in all respects to successfully perform contracts on which they are

engaged and will continue to have sufficient capability for the duration of the contract in question, including the necessary experience, equipment, technical skills and qualifications, as well as, the adequate organizational, financial and personnel resources necessary to perform the contract. Firms bidding on public contracts shall also be required to have a satisfactory past performance record and a satisfactory record of law compliance, business integrity and business ethics.

### Section 3. Contractor Responsibility Certification Requirements

(A) As a condition of performing work on a contract subject to this Ordinance, a general contractor, construction manager or contractor seeking the award of a contract shall submit a Contractor Responsibility Certification at the time it submits its bid for the contract work. The failure to submit the Contractor Responsibility Certification shall disqualify a contractor from performing the contract work.

(B) The Contractor Responsibility Certification shall be completed on a form provided by the contracting unit, as defined at N.J.S.A. 40A: 11-2(1), governing body, as defined at N J.S A. 40A: 11-2(2), or other procurement entity or agency, and shall reference the project for which a bid is being submitted by name and contract or project number.

(C) In the Contractor Responsibility Certification Form the construction manager, general contractor or contractor shall confirm and verify its past performance and work history and its current qualifications and performance capabilities.

(D) In the Contractor Responsibility Certification Form the construction manager, general contractor or contractor will, pursuant to the obligation and criteria as set forth in N.J.S.A. 40A:1 1-16 and 40A:1 1 -23.2(d) provide a list of its subcontractors. .

(E) Notwithstanding, N.J.S.A. 4.0A:1 1-16 in the Contractor Responsibility Certification, the firm shall further provide Subcontractor Responsibility Certifications for all identified subcontractors within ten (10) days of receiving the Notice of Intent to Award Contract or within ten (10) days of being awarded a contract.

(F) In the Contractor Responsibility Certification Form, the firm shall attest to the following:

(a) The firm has not been disbarred or suspended by any federal, state or local government agency or authority in the past three years or has not defaulted on any project the past three years.

(b) The firm has not had any type of business, contracting or trade license, registration and other certification revoked or suspended in the past three years.

(c) The firm and its owners have not been convicted of any crime relating to the contracting business by a final decision of a court of law or government body in the past: seven years.

(d) The firm has not within the past three years been found in violation of any law applicable to its contracting business, including, but not limited to, licensing laws, tax laws, prompt payment laws, wage and hour laws, prevailing wage laws, environmental laws with others, where the result of such violation was the payment of a fine, back pay damages or any other type of penalty in the amount of \$3,000.00.

(e) The firm will utilize skilled workers who have successfully participated in and completed an apprenticeship program or other training program certified by the US DOL and in compliance with 29 C.F.R. 29. A questionnaire attached to the Contractor Certification Form will provide for the attestation of compliance.

(f) The firm shall notify the contracting unit, governing body, or other procurement entity or agency within seven days of any material changes to all matters attested to in this certification.

(g) The firm understands that the Contractor Responsibility Certification requirements shall be executed by a person who has sufficient knowledge to address all matters in the certification and shall include an attestation stating, under the penalty of perjury, that the information submitted is true, complete and accurate.

(h) The Contractor and Subcontractor Responsibility Certification Forms attached hereto shall be used to verify that all bidders meet the requirements of this Ordinance.

(i) After a Notice of Intent to Award Contract has been issued, the Township of Bloomfield shall undertake a review process for a period of at least 3 (three) days to determine whether the prospective awardee is a qualified, responsible contractor in accordance with the requirements of this Ordinance and other applicable laws and regulations and has the resources and capabilities to successfully perform the contract.

(j) If Township of Bloomfield determines that a Contractor or Subcontractor Responsibility Certification contains false or misleading material information that was provided knowingly or with reckless disregard for the truth the bidder shall be subject to the penalties as outlined under N.J.S.A. 40A:11-34.

(k) All Certification Forms will be available for public inspection through a publicly accessible website or other comparable means within thirty (30) days after a Notice of Intent to Award Contract has been issued.

(l) Township of Bloomfield may conduct any additional inquiries to verify that the prospective awardee and its subcontractors have the technical qualifications and performance capabilities necessary to successfully perform the contract and that the firms have a sufficient record of law compliance and business integrity to justify the award of a Public Construction Project Contract. In conducting such inquiries, the Township, may seek relevant information from the firm, its prior clients or customers, its subcontractors or any other relevant source.

(m) If at the conclusion of its internal review, the Township of Bloomfield determines that all responsibility certifications have been properly completed and executed and concludes that the qualifications, background and responsibility of the prospective awardee and the firms on its subcontractor list are satisfactory, it shall issue a written Contractor Responsibility Determination verifying that the prospective awardee is a qualified, responsible contractor. In the event a firm is determined to be non-responsible, the Township shall advise the firm of its finding in writing and proceed to conduct a responsibility review of the next lowest, responsive bidder or, if necessary, rebid the project.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council that it hereby established and adopts the Responsible Contractor Ordinance and hereby authorizes the Mayor or his designee to sign any and all documents to effectuate the Ordinance.

Notice is hereby given that on the 29<sup>th</sup> day of April, 2019, in the Council Chambers, 2<sup>nd</sup> Floor of the Municipal Building, 1 Municipal Plaza, Bloomfield, NJ, at 7:00 p.m., prevailing time, the Township Council will hold a Public Hearing and consider the final passage of the foregoing Ordinance. Copies of this Ordinance are posted on the Public Bulletin Board in the Municipal Building, and copies are also on file in the Municipal Clerk's Office.

By Order of the Township Council.  
Louise M. Palagano  
Municipal Clerk

ADOPTED ORDINANCES

Public Notice is hereby given that at a meeting of the Township Council of the Township of Bloomfield, held on March 25, 2019, in the Council Chambers, 2<sup>nd</sup> Floor of the Municipal Building, Bloomfield, New Jersey, the following Ordinances were passed on final reading. Copies of the Ordinance are on file in the Township Clerk's Office.

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)**

**AN ORDINANCE TO AMEND CHAPTER 75, "POLICE DEPARTMENT", ARTICLE I "General Provisions" § 75-1 "Composition; appointments; additional personnel", PARAGRAPH A(2)(c) IN THE CODE OF THE TOWNSHIP OF BLOOMFIELD, ESSEX, COUNTY, NEW JERSEY**

**AN ORDINANCE TO AMEND CHAPTER 37, "FIRE DEPARTMENT" IN THE CODE OF THE TOWNSHIP OF BLOOMFIELD, ESSEX, COUNTY, NEW JERSEY**

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 387 OF THE BLOOMFIELD TOWNSHIP CODE, PROVIDING PARKING FOR PHYSICALLY LIMITED PERSONS (145 East Passaic Avenue and 102 Ella Street)**

**AN ORDINANCE TO AMEND CHAPTER 393, "PARKING, OFF-STREET" ARTICLE III "Residential Permit Parking" § 393-15 Permit Parking On Designated Streets (Netherwood Terrace)**

**AN ORDINANCE TO AMEND CHAPTER 393, "PARKING, OFF-STREET" ARTICLE V "Two-Hour Permit Parking" § 393-17 Permit parking/two-hour parking paragraph D within the Township of Bloomfield Town Code. (Davey Street and East Liberty Street)**

**AN ORDINANCE TO AMEND CHAPTER 254, "VEHICLES AND TRAFFIC", ARTICLE II § 254-11 "Traffic Regulations" §254-48 SCHEDULE VIII: "Stop Intersection" (Willow Street/Glenwood Avenue)**

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 387 OF THE BLOOMFIELD TOWNSHIP CODE, PROVIDING PARKING FOR PHYSICALLY LIMITED PERSONS (Removals 18 Grace Street, 221 Ampere Parkway and 10 Llewellyn Avenue)**

Louise M. Palagano  
Municipal Clerk