

Ordinance # 1093-21

AN ORDINANCE TO AMEND AND ESTABLISH FEES FOR TRAFFIC CONTROL,
FIRE PREVENTION AND EMERGENCY MEDICAL OFFICERS BY BUILDING
AND UTILITY CONTRACTORS AND PRIVATE ENTITIES

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF
DEMAREST:

Section 1. PURPOSE: To impose costs of traffic control upon contractors requiring obstruction of the public right of way for the purpose of construction, installation, maintenance or replacement of dwellings, buildings and/or utilities. In addition, to compensate the Borough for costs of deployment and maintenance of equipment and personnel for attendance at private social or business events where fire or medical personnel are required to ensure safe conditions for the proceedings.

Section 2. ENFORCING AUTHORITY: The Demarest Police Department and Demarest Building Department shall be the enforcing authorities of this Ordinance.

Section 3. SEVERABILITY/INCONSISTENT PROVISIONS REPEALED: That all ordinances or parts of ordinances inconsistent with any of the provisions hereof are hereby repealed.

Section 4. FEE FOR TRAFFIC CONTROL OFFICER: Any contractor, subcontractor, workman, tree service, craftsman, utility or any other individual or corporation requiring obstruction or closure of any roadway or public right of way in and around the Borough of Demarest shall, prior to the issuance of any permit for such work to be undertaken, make application to the Chief of Police, not later than 14 days prior to the intended start date, on a form prescribed and determined by the Chief of Police, for traffic control officers to be assigned for the necessary duration of any such work. The fee for such traffic control shall be One Hundred Fifty (\$150.00) Dollars per hour or any part thereof, together with an administrative application fee of Fifty (\$50.00) Dollars to process the application. No permits shall be issued nor work begun that will cause an interruption of traffic on any street within the Borough of Demarest without a copy of the application form executed by the Chief of Police and Building official. The Chief of Police shall, in conjunction with the Building Department, in their discretion, set the amount of escrow to be deposited with the Building Department

Section 5. EXCEPTION FOR EMERGENCY WORK: In the event that work is required in response to any emergency condition requiring police traffic control, as determined by the Chief of Police, then and in that event, the permit requirement of the previous section

shall be waived and the contractor, subcontractor, workman, tree service, craftsman, utility or other individual or corporation performing such emergency repair, abatement or remediation shall be liable to the Borough in the amount set forth herein, upon submission of an invoice certified as true and accurate by the Chief of Police consistent with the terms of this Article.

Section 6. FIRE AND EMERGENCY MEDICAL PERSONNEL: Any private party, entity, organization, association, business or other concern requiring fire and/or ambulance personnel for an event or other planned occasion, not to include unanticipated emergency situations, shall pay a fee of Fifty (\$50.00) Dollars per man hour for such personnel to defray costs of municipal equipment mobilization and maintenance and to compensate for time and costs incurred by such personnel in attendance at such event. No less than two (2), nor more than four (4) of such emergency personnel shall be deployed for such event based upon the sound discretion of the ranking member of the applicable department, taking into account the number of guests, fire and safety risks, and other relevant factors in providing the required services. The Fire Chief and/or Ambulance Corps President shall, in their discretion and in consultation with the Chief of Police or Emergency Management Coordinator, based upon the permit or estimate of services required for the subject event, set an escrow amount to be deposited by the event organizer to be paid concurrently with the permit application, or upon scheduling the event with the appropriate Borough Authority. No permit or other authority shall be granted for such event absent posting of the appropriate escrow called for in this section.

Section 7. PENALTY: Any violation of this section shall be punishable by a fine not to exceed One Thousand (\$1,000.00) Dollars.

Section 8. EFFECTIVE DATE: This ordinance shall take effect immediately upon: (i) passing the ordinance by a vote of a majority of the members of the council present at the meeting upon a second reading thereof; thereafter presenting the ordinance to the Mayor, no later than five days after successful passage of the ordinance, and (ii) approval by the Mayor of the Borough of Demarest no later than 10 days after receiving the ordinance from the Borough Council, and (iii) publication as required by law.

Borough of Demarest

BY: 
MELINDA J. IANNUZZI, MAYOR

Attest:


Susan Crosman-Borough Clerk

Introduced: June 28, 2021

Adopted: July 26, 2021