

LAWS OF UNION COUNTY, NEW JERSEY

ADMINISTRATIVE CODE & POLICIES AND GENERAL LEGISLATION

Updated through 1/2018

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2018 Board of Chosen Freeholders

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PREFACE

The recording of local law is an important aspect of the County's history, and as the County develops and changes, review and revision of old laws and consideration of new laws, in the light of current trends, must keep pace. The orderly collection of these records is an important step in this ever-continuing process. Legislation must be more than mere chronological enactments reposing in the pages of old records. It must be available and logically arranged for convenient use and must be kept up-to-date. It was with thoughts such as these in mind that the Board of Chosen Freeholders ordered the following codification of its Administrative Code, general ordinances, resolutions, and policies in this Volume.

Contents of Volume

This Volume contains the Union County Administrative Code and those ordinances, resolutions, and policies promulgated by the Board of Chosen Freeholders that were deemed to be permanent and general in nature, and appropriate for inclusion in the Volume. Bond Ordinances and Solid Waste Plan Ordinances are specifically excluded from this Volume.

Division of Volume

The legislation in this Volume has been broken down into two parts, as set forth in the Table of Contents. Each part has been assigned a certain number of chapters to provide for the inclusion of additional material at such time as such material is promulgated or the County decides that previously existing material would be appropriate for inclusion.

Grouping of Legislation and Arrangement of Chapters

Part I, "Administrative Code", includes all legislation that is administrative in nature and required by the Optional County Charter Law (*N.J.S.A. 40:41A-1 et seq.*), while Part II, "Policies and General Legislation", includes all other legislation deemed permanent in nature and appropriate for inclusion in this Volume. The breaks in the numbering of the chapters in this Part have been made in order to provide for the inclusion of any new chapters where appropriate, the order being an alphabetical progression from one subject to another.

Numbering of Sections

A chapter-related section numbering system is employed, in which each section of every piece of legislation is assigned a number which indicates the number of the chapter in which the legislation appears. Thus the first section of Chapter 46 is § 46-1, the second section is § 46-2, etc.

Scheme

The Scheme is the list of section titles which precedes the text of each chapter. These titles are written so that, taken together, they may be considered as a summary of the content of the chapter. Taken separately, each describes the content of a particular section. For ease and precision of reference, the Scheme titles are repeated as section headings in the text.

Histories

At the end of most sections is located the legislative history for the section, if applicable. The history indicates the source for the section, including the ordinance number, resolution number, adoption date and/or effective date, as is appropriate for the particular section.

Cross References

When appropriate, throughout the text, there have been included cross references to direct the reader to other portions of the Volume which are related to the subject matter contained within the section at which the cross reference appears.

Updates and Revisions

Updates and revisions of the Volume will be done on a periodic basis. Check the date indicated on the first page to determine the update status.

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PART I - *ADMINISTRATIVE CODE*

Chapter 1, UNION COUNTY GOVERNMENT STRUCTURE

[HISTORY: Adopted by the Board of Chosen Freeholders of the County of Union 4-28-1976 by Ord. No. 1; amended in its entirety by Ord. No. 9-1984. Subsequent amendments noted where applicable.]

ARTICLE I, Definitions and Construction

§ 1-1. Short title.

[Amended 4-10-2003 by Ord. No. 569].

Part I of this Volume shall be known as the “Union County Administrative Code” and may be referred to as the “Code.”

§ 1-2. Definitions.

- A. Words defined. As used in this chapter, the following terms shall have the meanings indicated:

ADMINISTRATION -- That area of County government under the supervision, direction and control of the County Manager by virtue and in the exercise of his power and authority as chief executive and administrative officer of the County.

BOARD -- The Board of Chosen Freeholders of the County of Union.

BUREAU -- An organizational unit of a division, operating under the direction and supervision of the division head.

BUREAU HEAD -- The administrative head of a bureau, regardless of title.

CHARTER -- The County Manager Plan of the Optional County Charter Law (P.L. 1972, c. 154), as amended and supplemented, and any and all general laws as therein defined which are or may be applicable to Union County. (See *N.J.S.A. 40:41A-1 et seq.*)

CLERK -- The officer duly appointed by and serving the Board of Chosen Freeholders of the County of Union as Clerk of the Board, pursuant to the Charter.

CODE -- The Union County Administrative Code, as amended and supplemented. (See *N.J.S.A. 40:41A-1 et seq.*)

COUNTY -- The County of Union, State of New Jersey, as governed by the provisions of the Charter.

COUNTY MANAGER -- The officer by that title duly appointed and serving pursuant to the Charter.

DAY -- A calendar day.

DEPARTMENT -- An organizational unit or group of organizational units of the County government, established or designated as a "department" by the Code.

DEPARTMENT HEAD -- The administrative head of a department, regardless of title.

DIVISION -- An organizational unit of a department, operating under the direction and supervision of the Director of the department.

DIVISION HEAD -- The administrative head of a division, regardless of title.

MONTH -- A calendar month, unless otherwise specifically provided.

MOTION -- Includes any oral proposal by a member of the Board which may be adopted at the meeting at which it is offered.

ORDINANCE -- Includes any act or regulation of the Board, except an expense or capital budget, required to be reduced to writing, published after introduction and considered for final passage after public hearing at a meeting subsequent to the meeting at which it was introduced.

PERSON -- Any corporation, firm, partnership, association, organization or other entity, as well as an individual.

RESOLUTION -- Includes any act or regulation of the Board, required to be reduced to writing, but which may be finally passed at the meeting at which it is introduced.

WHOLE NUMBER OF MEMBERS OF THE BOARD -- Nine, regardless of absences or vacancies for any reason whatsoever.

YEAR -- A calendar year, unless otherwise specifically provided.

B. Word usage. For the purposes of this Code and any other ordinances and resolutions heretofore or hereafter adopted, except as the context may otherwise require:

- (1) The present tense includes the past and future tenses; and the future, the present.
- (2) Wherever, in this Administrative Code, the term “persons” or any personal pronoun is used, the same shall be taken to include both sexes. [Amended 12-13-1979 by Ord. No. 106]
- (3) The singular number includes the plural; and the plural, the singular.
- (4) The time within which an act is to be done shall be computed by excluding the first and including the last day; and if the last day is a Sunday or a legal holiday, that day shall be excluded.
- (5) “Writing” and “written” shall include all visual modes of reproducing works, characters or figures on paper or paper-like material which is in general use. [Amended 8-21-1997 by Ord. No. 454]

§ 1-3. Legislative intent; separation of power.

- A. It is the intent and purpose of the Board in enacting the Code to exercise fully, according to its terms, the powers delegated by the Optional County Charter Law to provide for the internal organization and administration of the County government under the Charter, and the provisions of the Code shall be construed liberally to that end.
- B. Nothing in this Code shall be construed to purport to impair or diminish or infringe upon the powers and duties of municipalities or other units of government under the general law of this State.
- C. The Code shall be interpreted and administered so as to maintain the separation of legislative and administrative functions, duties, powers and responsibilities, as provided in the Charter.

§ 1-4. Violations and penalties.

[Amended 11-24-1981 by Ord. No. 154].

A violation of any ordinance for which no penal sanction is otherwise provided shall be punishable by imprisonment in the County jail for any term not exceeding ninety (90) days or by a fine not exceeding \$500, or both, in accordance with Section 101.b(7) of the Charter. The court before which any person is convicted of violating any such ordinance shall have the power to impose any fine or term of imprisonment not exceeding the maximum in such ordinance. Any person convicted of the violation of any ordinance may, in the discretion of the court by which he

was convicted and in default of the payment of any fine imposed therefor, be imprisoned in the County jail for any term not exceeding ninety (90) days for such default.

§ 1-5. Amendments; Review Committee.

This Code and recommendations for its amendment, if any, shall be reviewed in its entirety at least once in every five-year period, but may be reviewed at earlier intervals as the then Chairman of the Board of Chosen Freeholders may desire by appointing an Administrative Code Review Committee for that purpose.

ARTICLE II, Form of Government

§ 1-6. Form designation.

The form of government under which the County shall be governed shall be known as the "County Manager Plan," pursuant to and in accordance with Articles 2, 4, and 7 of the Optional County Charter Law.

§ 1-7. Officers.

The County shall be governed by an elected Board of Chosen Freeholders and administered by a County Manager, appointed by the Board, and by such other officers and employees as may be duly appointed pursuant to the Charter, general law or ordinance.

ARTICLE III, Board of Chosen Freeholders

§ 1-8. Legislative power.

Pursuant to the Charter, the legislative power of the County shall be vested in the Board of Chosen Freeholders.

§ 1-9. Vacancies.

In the event of a vacancy in the office of Freeholder, the vacancy shall be filled as provided by general law.

§ 1-10. Organization.

The Board shall organize on either the first or second day of January in each year, or as otherwise provided by law. Newly elected members shall take and subscribe the oath of office at or before

the annual organization meeting of the Board. Upon so qualifying, a member shall be entitled to take his seat and assume the duties of the office.

§ 1-11. Presiding officer.

At its organization meeting, the Board shall elect from among its members a Chairman and a Vice Chairman. Each shall serve for a term of one year and until the election and qualification of a successor. Election shall be by majority vote of the whole number of members of the Board. The Chairman shall preside over all meetings of the Board, appoint all committees of the Board and, by his signature thereto, authenticate all ordinances and resolutions passed by the Board in his presence. In the absence or inability to serve as the Chairman, the Vice Chairman shall act in his place and stead. In the absence of or failure to elect a Chairman and Vice Chairman, the Board shall elect from among its members a Chairman Pro Tempore for the meeting, to serve only so long as both the Chairman and Vice Chairman are unselected, absent or unable to serve.

§ 1-12. Attendance or participation of County Manager.

The County Manager may be present at all Board meetings and participate in all deliberations, without the right to vote.

§ 1-13. Powers of Board.

The Board of Chosen Freeholders, in its dual role as an area-wide agency of state government empowered to administer state functions within the County and as an instrumentality of the people to provide area-wide services for their use and benefit:

- A. Shall appoint a County Manager in accordance with the provisions of Article IV, County Manager, § 1-24. [Amended 8-21-1997 by Ord. No. 454]
- B. Shall appoint a Clerk of the Board, who shall serve at the pleasure of the Board or for such term not to exceed three years and keep the records and minutes of the Board.
- C. Shall appoint a County Counsel to serve for a term of three years, who shall head the Office of County Counsel, and such Deputy and Assistant County Counsel as the County Counsel shall recommend and the Board approves. [Amended 8-21-1997 by Ord. No. 454; 6-10-1999 by Ord. No. 499; 1-4-2009 by Ord. 680-2009]
- D. Shall create and appoint members of all boards and commissions and other bodies whose manner of appointment is not otherwise specified in the Charter.
- E. May pass a resolution of disapproval of a suspension or dismissal, subject to and in accordance with the provisions of Section 87(b) of the Charter.
- F. Shall approve the annual operating and capital budget.
- G. Shall pass, in accordance with the Optional Charter Law, whatever ordinances and resolutions it deems necessary and proper for the good governance of the County.
- H. (Reserved) [Amended 4-10-2003 by Ord. No. 569]

- I. Shall appoint an outside auditor to conduct an annual post-audit, pursuant to law.

§ 1-14. Regular and special meetings.

[Amended 2-25-1999 by Ord. No. 493].

- A. Regular meetings of the Board shall be held at least once each month. All meetings of the Board shall be held at the County seat, except that meetings may, upon resolution of the Board, be held at such other times and places as the Board may deem fit. The County Manager shall provide a bill list filed with the Clerk of the Board on a monthly basis to correspond with one monthly regular meeting of the Board of Chosen Freeholders. Each public agenda shall state that the bill list is available for public perusal. At all public meetings of the Board of Chosen Freeholders, the services of a sign language interpreter will be made available upon request. The Clerk of the Board of Chosen Freeholders must be notified two weeks prior to the meeting at which such services are required. All notices of public meetings shall also contain such a statement.
- B. The Chairman may and, upon written request of a majority of the members of the Board shall, call a special meeting of the Board. In the call the Chairman shall designate the purpose of the special meeting, and no other business shall be considered at such meeting. The call for a special meeting shall be filed with the Clerk of the Board during regular business hours at least 48 hours before the time for which the meeting is called, and the Clerk shall forthwith serve notice thereof upon each of the members of the Board by leaving a copy of the call at their respective places of residence and by telephone communication, if possible, at such place as each member may, in writing, designate. The Clerk shall also forthwith release copies of the call to the press and post at least one copy in a prominent place near the entrance to the meeting place.

§ 1-15. Meetings to be public; informal conferences.

[Amended 2-25-1999 by Ord. No. 493]

- A. All meetings of the Board shall be open to the public, as required by law. The Board may also hold informal conferences at such times and places as it may determine, and such conferences shall also be open to the public. Preceding each regular meeting, the Board shall hold an agenda conference. All reports, communications, ordinances, resolutions, contract documents or other matters to be submitted to the Board shall be delivered to the Clerk of the Board, whereupon the Clerk shall immediately furnish a copy thereof to each member of the Board, the County Manager and the County Counsel as much in advance of the meeting as time for preparation will permit. All official actions or votes of the Board shall be taken at meetings open to the public.
- B. When, due to unforeseen circumstances beyond the control of the Board, it becomes necessary to suddenly cancel a regularly scheduled meeting, the Chairman, with the concurrence of two Board members, shall cancel such meeting by notifying the Clerk of the Board. The Clerk shall immediately undertake to notify the remaining Freeholder members,

the relevant County staff and, to the extent possible, the media for potential dissemination to the public of notice of such cancellation.

§ 1-16. Committees.

[Amended 4-9-1981 by Ord. No. 142; 11-24-1981 by Ord. No. 154; 6-25-1998 by Ord. No. 478; 4-10-2003 by Ord. No. 569]

- A. There shall be such standing committees of the Board as it shall, by resolution, determine. There shall also be established a Committee of the Whole.
- B. Special Committees of the Board for Informative or Legislative purposes may be created by the Chairperson. The Chair may also appoint members of the Board to be members of such Committees. The creation of, and appointment to, such Special Committees shall not require any formal action by the Board.

§ 1-17. Office of Open Space Recreation and Historic Preservation Trust Fund

[Added 6-20-2002 by Ord. No. 553; Amended 12-11/2014 by Ord. 2014-761]

There is hereby established under the supervision of the Board of Chosen Freeholders the Office of Open Space, Recreation and Historic Preservation Trust Fund, which shall be responsible for:

- A. Staffing and assisting the Freeholder Committee on Trust Fund issues with accompanying resolutions, by-laws and legislative approval.
- B. Supervising consultants to ensure Freeholder directives are implemented and work is completed according to specifications.
- C. Creating and administering grant programs and overseeing the Green Acres Planning Incentive Grant application process responsible for for grants awarded to the Union County Trust Fund.
- D. Assisting the County Manager with acquisition purchases by working with Green Acres and the Law Department and completing requirements prescribed by statute.
- E. Complying with statutory requirements including arranging public meetings.
- F. Staffing the public advisory committee and the three sub-committees.
- G. Overseeing the Open Space Strategic Plan, Recreation Master Plan and Historic Preservation Strategic Plan including:
 - 1) Continuous updating of the County's inventory.
 - 2) Database management of sites.
 - 3) GIS plotting and mapping indicating potential contiguous green space, other available green space, Brownfields, and historic sites.

- 4) Providing assistance on projects.
- H. Overseeing the municipal monitoring process with the Law and Finance Departments to ensure proper usage of Trust Fund dollars.
- I. Working with the Finance department to monitor spending and to create a proposed list of 2002 projects to allow for the best bond financing available.

§ 1-18. Office of Communications and Public Information.

[Added 5-28-1987 by Ord. No. 271; Amended 6-20-2002 by Ord. No. 553; Amended 12-11-2014 by Ord. 2014-761]

There is hereby established under the supervision of the Board of Chosen Freeholders the Office of Communications and Public Information, which shall be responsible for:

- A. The preparation, editing, publication and dissemination of all official County publications, including but not limited to the Annual Report and Annual County Directory.
- B. The coordination of all press conferences and media presentations required in the normal course of business by all Freeholders, the County Manager and all departments and divisions of the County.
- C. The preparation and dissemination of all press releases, press kits and photographs concerning County events, matters, issues and activities as may, from time to time, be required by the Board of Chosen Freeholders, the County Manager or departments and divisions of County government.

§ 1-19 Office of Archives & Records Management

Under the supervision of the Clerk of the Board, the Board shall appoint a Records Manager, preferably with a state certification, and other staff deemed appropriate to execute proper Records Management principles.

The work of the Office of Archives and Records Management (“OARM”) is to administrate and enforce the guidelines for records storage, preservation and destruction set forth by the State of New Jersey, Department of State, Division of Archives and Records Management.

The OARM must inform and continue to educate each County department of the appropriate retention requirements for their documents, and assist them in storing or destroying documents as appropriate. The OARM is the department through which records may be sent to the County’s third party, off-site storage facility; the OARM also administers the records management contract(s).

The OARM follows similar protocols for retention and destruction of records for the municipalities that choose to participate with the County in records management.

The OARM maintains a part-time Archivist position responsible for maintaining and cataloguing the County’s historic and permanent documents.

The Records Manager and the Records Retrieval Operators are also responsible for the County's Records Imaging and Microfilming program, through which documents designated by the State as Permanent and Historic are imaged into the County's state-certified Electronic Data Management system and microfilmed, as required. All departments throughout the County as well as municipalities within the County have access to and utilize the Electronic Data Management System for various purposes.

§ 1-20 Office of the Chief of Staff

There is hereby established, under the Supervision of the Board of Chosen Freeholders, the Office of Chief of Staff. The Chief of Staff shall be the head of the Office and shall be responsible to the Board of Chosen Freeholders for the Office's operation. The Chief of Staff may also serve as the head of an office within the Offices of the Union County Board of Chosen Freeholders.

The Office of Chief of Staff shall be responsible for:

- A) Supervising and coordinating the functions of the Office of Freeholder Advancing and Staffing.
- B) Supervising and coordinating the functions of the Office of Legislative Research and Constituent Outreach.
- C) Overseeing the supervision of the Legislative Aides or Confidential Assistants to the Freeholders.
- D) Coordinating and preparing budget requests for the Office of Freeholder Advancing and Staffing, the Office of Legislative Research and Constituent Outreach, the Office of Communications and Public Information and the Office of the Chief of Staff.
- E) Providing for the funding of all legislative initiatives.
- F) Such other duties as the Board of Chosen Freeholders may assign.

§ 1-21 Office of Freeholder Advancing and Staffing

The Board shall appoint a qualified person to serve as Director of the Office of Freeholder Advancing and Staffing

Under the supervision of the Chief of Staff, the Director of the Office of Freeholder Advancing and Staffing shall be responsible for:

- A. The coordination of the Freeholder Schedule.
- B. The supervision and assigning of the Legislative Aides as it relates to the coordination/confirmation of Freeholders' attendance to various county and non-county

sponsored events; requiring clear communication between the Freeholder and the event contact person(s).

C. The supervision of the three (3) Legislative Aides communication with their assigned Freeholders and the management of their individual Freeholders' schedules.

D. Assist the Clerk of the Board with the coordination of presentations during the Freeholder meetings.

E. The coordination of the County's videotaping of/and preparation of dvd's for dissemination of all Agenda Sessions and Regular Meetings to various municipalities and media outlets. The Director will supervise the Legislative Aide's videotaping, editing and coordination of video to be posted to the Union County Video Channel on the official Union County website.

F. Assigning proper staffing of Legislative Aides to represent Freeholders at various Advisory Boards, committee meetings and/or meetings and to prepare notes for said meetings.

G. Coordinating the Freeholder/Office of Public Information (OPI) Van; including the coordination of stocking the Freeholder/OPI Van with current and relevant county departmental printed materials (i.e., fliers and brochures).

H. Assisting any and all offices in the County with staffing for County Sponsored events.

I. Such other duties as the Board of Chosen Freeholders may assign.

§ 1-22 Office of Legislative Research and Constituent Outreach

The Board shall appoint a qualified person to serve as Director of the Office of the Legislative Research and Constituent Outreach.

Under the supervision of the Chief of Staff the Director of the Office of the Legislative Research and Constituent Outreach shall:

A) Provide supervision of Legislative Aides as it relates to the coordination of drafting laudatory resolutions on behalf of the Freeholder Board; delegating the various resolutions among the three (3) Legislative Aides to ensure they are completed in a timely manner.

B) Provide supervision of the Legislative Aides as it relates to the coordination of drafting Certificates of Appreciation on behalf of the Freeholder Board.

C) Provide supervision of the Legislative Aides as it relates to the coordination of drafting Talking Points and Speeches on behalf of the Freeholder Board.

D) Provide supervision of the Legislative Aides as it relates to the coordination of drafting Constituent Letters on behalf of the Freeholder Board.

- E) The Director of the Office of the Legislative Research and Constituent Outreach is tasked with researching various issues and pending legislation affecting Union County residents, and will work in conjunction with State Legislative offices, Governmental and Community organizations in support or opposition to said legislation.
- F) The Director is also responsible for increasing constituent outreach by way of social media; focusing on the utilization of individual Freeholder Facebook sites and Instagram.
- G) The Director will create and implement special events in the furtherance of initiatives set forth by the Freeholder Board in an effort to maximize the outreach and exposure to the constituents
- H) The Director of Legislative Research and Constituent Outreach can perform other tasks as requested by the Freeholder Board and/or the Chief of Staff.

LEGISLATIVE AIDES

Under the supervision of the Chief of Staff, the Board shall appoint in the unclassified service in the County a sufficient number of Legislative Aides to provide administrative services for the Members of the Board. The County Manager shall be instructed to place sufficient monies in the budget to provide necessary funding.

A person acting as a Legislative Aide in this section shall be considered a full time employee of the County and shall enjoy all rights and privileges as an employee.

A Legislative Aide shall keep in confidence those things which are discussed informally by the Members of the Board in which the Board takes on no official action.

Legislative Aides shall report as assigned to the Office of Advancing and Staffing and the Office of Legislative Research and Constituent Outreach.

To be considered for employment as a Legislative Aide, the prospective employee must possess the necessary skills that are normally required for this type of employment.

The compensation of Legislative Aides shall be set in accordance with the provisions of the Non-Contractual Employee Classification and Compensation Plan.

§ - 1-23. Recording of resolutions and ordinances.

The Clerk of the Board shall record all ordinances and resolutions adopted by the Board and, at the close of each year, with the advice and assistance of the County Counsel, shall bind, compile

or codify true copies of all ordinances and resolutions adopted during that year, properly indexed. The Clerk shall cause sufficient copies thereof to be printed to enable him to file one copy with the Clerk of each municipality within the County, without charge, and also to make copies available to the general public, at cost.

ARTICLE IV, County Manager

§ 1-24. Qualifications; appointments; term.

[Amended 8-21-1997 by Ord. No. 454]

- A. The County Manager shall be qualified by either administrative or executive experience and ability to serve as the chief administrator of the County. The County Manager shall be appointed by a majority vote of the entire membership of the Board of Chosen Freeholders and shall serve for a definite contractual term of not less than one year or more than three years, or at the pleasure of the Board of Freeholders, as determined by resolution at the time of appointment. A contract for a definite term of employment of not less than one year nor more than three years may be offered by the Board of Freeholders to a County Manager appointed to serve at the pleasure of the Board of Freeholders at any time subsequent to that appointment. A contract with a County Manager appointed for a definite term of not less than one year nor more than three years shall set forth the terms and conditions of employment. The County Manager may be removed by a majority vote of the Board for cause, or breach of contract, subject to due notice and a public hearing. Such notice shall be in writing and shall be accompanied by a written bill of particular charges, and complaints and public hearing of these charges shall be no less than 15 nor more than 30 days after personal service of notice and charges. A County Manager serving at the pleasure of the Board of Freeholders may also be removed by resolution approved by a majority vote of the entire membership of the Board.
- B. At the time of appointment, the County Manager need not be a resident of the County, but after appointment the County Manager may reside outside the County by contractual consent, if there is a contract, or by waiver of a majority of the entire membership of the Board of Freeholders if the County Manager serves at the pleasure of the Board of Freeholders. A waiver shall not be required if the County Manager has already received a waiver from the Board of Freeholders while employed by the County in another capacity.

§ 1-25. Salary.

[Amended 8-21-1997 by Ord. No. 454]

The salary of the County Manager shall be fixed by the Board. Such salary shall be reasonable and commensurate with the fact that the position of County Manager is and shall be a full-time position. The salary of the County Manager may not be lowered during the tenure in office without the consent of the County Manager.

§ 1-26. Vacancy.

[Amended 8-21-1997 by Ord. No. 454; 4-10-2003 by Ord. No. 569]

The office of the County Manager shall be deemed vacant if the incumbent moves his or her residence from the County without Board permission or is, by death, physical or mental illness or other casualty, unable to continue to serve as County Manager. Any vacancy in the office of the County Manager shall be filled in the manner prescribed in Section 47 of the Charter. The Board may appoint the Deputy Manager or any department head to serve as Acting County Manager until a successor has been appointed. During the temporary absence or temporary disability of the County Manager, the Deputy Manager, or a department head designated by the County Manager if there is no Deputy Manager, shall serve as Acting County Manager.

§ 1-27. Duties.

The executive power of the County shall be exercised by the County Manager. The County Manager shall:

- A. Report annually to the Board and to the people on the state of the County and the work of the previous year, and shall also recommend to the Board whatever action or programs deemed necessary or desirable for the County to undertake. [Amended 8-21-1997 by Ord. No. 454]
- B. Prepare and submit to the Board for its consideration and adoption an annual operating budget and a capital budget, establish the schedules and procedures to be followed by all County departments, offices and agencies in connection therewith and supervise and administer all phases of the budgetary process.
- C. Enforce the Code, the County's laws and all general laws applicable thereto.
- D. Supervise the care and custody of all County property, institutions and agencies.
- E. Supervise the collection of revenues, audit and control all disbursements and expenditures and prepare a complete account of all expenditures.
- F. Sign all contracts, bonds or other instruments requiring the consent of the County.
- G. Organize the work of County departments subject to the Code, and shall further review their administration and operation and make recommendations pertaining thereto to the Board. [Amended 8-21-1997 by Ord. No. 454]
- H. Review, analyze and forecast trends of County services and finances and programs of all boards, commissions, agencies and other County bodies and report and recommend thereon to the Board.
- I. Develop, install and maintain centralized budgeting, personnel and purchasing procedures as authorized by this Code.
- J. Negotiate contracts, subject to Board approval, and, with regard thereto, make recommendations concerning the nature and location of County improvements and execute improvements determined by the Board. [Amended 7-2-1984 by Ord. No. 211]

- K. Assure that all terms and conditions imposed in favor of the County or its inhabitants in any statute, franchise or other contract are faithfully kept and performed.
- L. Serve as *ex officio* nonvoting member of all appointive bodies in County government.

§ 1-28. Powers.

The County Manager:

- A. Shall supervise, direct and control all County departments.
- B. Shall appoint the Deputy Manager, the heads of all County departments and divisions within such departments and all other administrative officers and County personnel, the manner of whose appointment is not prescribed elsewhere in this Code or the Charter.
- C. Shall develop, install and maintain centralized budgeting, personnel and purchasing procedures as authorized by § 1-27I of this article.
- D. Shall have discretion to remove or suspend any official in the unclassified service of the County over whose office the County Manager has power of appointment, in accordance with the provisions of Section 87b of the Charter. [Amended 8-21-1997 by Ord. No. 454]
- E. Shall have discretion, subject to any pertinent provisions of this Code or civil service requirements, to delegate, in writing, to any department head powers of appointment and removal of departmental employees. If the County Manager does not so delegate the power, the County Manager may appoint and remove, subject to civil service requirements, all employees whose positions have been created in accordance with the Code and the manner of whose appointment is not specified elsewhere in the Charter. [Amended 8-21-1997 by Ord. No. 454]
- F. May require reports and examine the accounts, records and operations of any agency of County government
- G. Shall have discretion to order any agency subject to the County Manager's jurisdiction as specified in the Code to undertake any task for any other agency on a temporary basis if the County Manager deems it necessary for proper and efficient administration to do so. [Amended 8-21-1997 by Ord. No. 454]

§ 1-29. Collective negotiations.

[Amended 7-26-1984 by Ord. No. 211; 8-21-1997 by Ord. No. 454]

The County Manager shall be the representative of the County government for collective negotiations with employees, pursuant to law. The County Manager may designate one or more officers or employees of the County government to serve with the Manager or in the Manager's place and stead in such negotiations. The County Manager shall utilize the services of the special counsel for labor negotiations appointed by the Board of Chosen Freeholders to advise and assist the County Manager in the conduct of such negotiations.

§ 1-30. Executive and administrative functions of certain agencies.

- A. The County Manager shall have, exercise, and discharge all the executive and administrative functions, powers, and duties of the following agencies, which have been abolished by this Code:
- (1) The Union County Park Commission.
 - (2) The Union County Mosquito Extermination Commission.
 - (3) The Union County Shade Tree Commission.
 - (4) The Union County Planning Board.
 - (5) The Board of Managers of the John E. Runnells Hospital.
 - (6) The Union County Mental Health Board.
 - (7) The Union County Cultural and Heritage Commission.
 - (8) The Union County Environmental Health Advisory Commission.
- B. It is the specific intent and purpose of the Board in, by and through this Code, and it is hereby expressly provided and declared, that the abolition of the above-named agencies shall not in any way alter the obligation of the County, through the policy direction of the Board and the executive and administrative direction and supervision of the County Manager, to continue providing the mandated services previously provided by such abolished agencies.

§ 1-31. (Reserved)

[Amended 4-10-2003 by Ord. No. 569]

ARTICLE V, Deputy County Manager

[Added 6-26-1997 by Ord. No. 452, Amended 12-19-2013 by Ord.2013-755]

§ 1-32. Qualifications; appointment; term.

The office of Deputy County Manager is hereby created. He or she may be appointed by the County Manager. The Deputy County Manager shall serve at the pleasure of the County Manager and shall be responsible only to him. The Board may not prevent his suspension or dismissal by passage of a resolution of disapproval. The Deputy County Manager shall, by education, experience and ability, be qualified to perform the duties established. He or she need not be a resident of the County at the time of appointment, but shall become a County resident within six months thereafter.

§ 1-33. Duties.

The Deputy Manager:

- A. Shall, under the direction and supervision of the County Manager, assist in the orderly and efficient administration of the County, performing whatever supervisory or administrative duties the County Manager deems necessary and proper.
- B. May serve as the head of one or more County departments on a temporary or permanent basis, as determined by the County Manager.
- C. May serve as Acting County Manager during the temporary absence or disability of the County Manager.

§ 1-34. (Reserved)

[Added 6-20-2002 by Ord. No. 553; amended 9-14-06 by Ord. No. 636]

ARTICLE VI, (Reserved)

[Note: The former contents of this Article, "Budgetary Process", were moved to Chapter 2, Article III on 4-10-2003 by Ord. No. 569]

ARTICLE VII, (Reserved)

[Note: The former contents of this Article, "Intergovernmental Cooperation", were moved to Chapter 74 on 4-10-2003 by Ord. No. 569]

ARTICLE VIII, Nondepartmental Agencies

§ 1-46. Agencies, boards or offices enumerated.

[Amended 11-24-1981 by Ord. No. 154; 7-26-1984 by Ord. No. 211; 8-21-1997 by Ord. No. 454; 9-23-1999 by Ord. No. 507]

The following boards, offices and agencies are not allocated among or within County departments:

- A. The Board of Elections.
- B. Rutgers Cooperative Extension of Union County.
- C. The Board of Taxation.

- D. The constitutional officers, as hereinafter provided.
- E. The office of the County Superintendent of Schools.
- F. The Union County Industrial Pollution Control Financing Authority.
- G. The Union County Utilities Authority.
- H. The Union County Improvement Authority.

§ 1-47. Budgeting, purchasing and personnel controls.

To the extent that the boards, offices and agencies listed in this article are supported by County appropriations, they shall be subject to all centralized budgeting, personnel and purchasing procedures developed, installed and maintained by the County Manager, as authorized in Article IV, §§1-27I and 1-28C.

ARTICLE IX, Constitutional Officers

§ 1-48. Mandated duties and powers of County Clerk, Sheriff, Surrogate and Prosecutor.

Nothing in the Code shall change the duties or powers of the County Clerk, Sheriff, Surrogate and County Prosecutor, whose existence is mandated by Article VII, Section II, of the New Jersey Constitution (1947).

§ 1-49. Department heads.

The officers, employees, property and activities under the jurisdiction of each of the constitutional officers provided by law shall respectively constitute a department, with the constitutional officer as its head. Each of the constitutional officers shall be subject to such direction and supervision with respect to programs, functions, powers and duties as may be provided by law.

§ 1-50. Budget, personnel and purchasing procedures.

To the extent that the constitutional officers are supported by County appropriations, they shall be subject to all centralized budgeting, personnel and purchasing procedures developed, installed and maintained by the County Manager, as authorized by Article IV, §§ 1-27I and 1-28C.

ARTICLE X, (Reserved)

[Note: The former contents of this Article, “General Administrative Procedures”, were moved to Chapter 2, Article II on 4-10-2003 by Ord. No. 569]

ARTICLE XI, Judicial Functions

[Amended 4-10-2003 by Ord. No.569]

§ 1-63. Administrative direction exclusions.

The New Jersey Superior Court, Union County Vicinage, Surrogate, Probation Officers and Jury Commissioners, being subject to the rule-making power of the New Jersey Supreme Court and the administrative direction and supervision of the Chief Justice, are not intended to be subject to administrative direction or supervision within the chain of command established by this Code and are excluded therefrom, subject to the provisions of § 1-64 hereof.

§ 1-64. Budget, personnel and purchasing procedures.

To the extent that the courts, agencies, offices and officers described in this article are supported by County appropriations, they shall be subject to all centralized budgeting, personnel and purchasing procedures developed, installed and maintained by the County Manager, as authorized by Article IV, §§ 1-27I and 1-28C.

ARTICLE XII, (Reserved)

[Note: The former contents of this Article, “Recall: Elective Officers”, were moved to Chapter 2, Article XII on 4-10-2003 by Ord. No. 569]

ARTICLE XIII, (Reserved)

[Note: The former contents of this Article, “Initiative and Referendum”, were moved to Chapter 2, Article XIII on 4-10-2003 by Ord. No. 569]

ARTICLE XIV, Departments; Divisions; Bureaus

[Amended 6-20-2002 by Ord. No. 553; Amended 12-20-2007 by Ord. No. 664; Amended 12-19-2013 by Ord. 2013-755]

§ 1-70. Department structure.

The administrative functions, powers and duties of Union County government shall be allocated and assigned among and within the departments established by this Code and as required by the Charter with respect to the County offices established under the Constitution of the State of New Jersey.

§ 1-71. Departments enumerated.

[Amended 7-7-1988 by Ord. No. 299; 7-18-1991 by Ord. No. 337; 6-20-02 by Ord. No. 553; 3-10-2005 by Ord. No. 611; 12-20-2007 by Ord. No. 664; 12-19-2013 by Ord. 2013-755; 3-10-2016 by Ord. 2016-772]

The following are hereby established as the departments of the government of the County of Union:

- A. Administrative Services.
- B. Finance.
- C. Human Services.
- D. Public Safety.
- E. Engineering, Public Works and Facilities Management.
- F. Parks and Recreation.
- G. Correctional Services.
- H. Economic Development.

§ 1-72. Department heads; powers and duties.

There shall be a Director of each department who, as the head of the department and its principal officer, shall be responsible to the County Manager for all its operations. Each Director, except the County Counsel as Director of the Department of Law, shall be appointed by the County Manager and shall serve at his pleasure, subject to applicable civil service provisions, rules and regulations and all applicable tenure rights; shall conduct the affairs of the department in accordance with the rules and regulations made by the County Manager; shall be subject to the direction, supervision and control of the County Manager in all matters; and shall be responsible for the conduct of the officers and employees in his department, the performance of its functions and the custody of all books, records, papers and property under its control. Each Director as department head, shall:

- A. Organize the work of his department.
- B. Direct and supervise the personnel of the department in such manner as to coordinate and control the work product of the department.
- C. Authorize or designate a responsible employee to authorize all purchase requisitions on behalf of the department.

D. Report, in writing, to the County Manager on the work of the department, as requested.

§ 1-73. Administrative rules and regulations.

- A. Subject to the Code, the head of each department, with the written approval of the County Manager, may make, promulgate and enforce rules and regulations governing the care, use and custody of County property under his jurisdiction, the rendering of services by his department and the conduct and discipline of employees in the department.
- B. No rule or regulation made by an department, officer, agency or authority of the County, except such as relates to the organization or internal management of the County government or a part thereof, shall take effect until it is filed by the Clerk of the Board with the Clerk of each municipality in the County. The Clerk of the Board shall provide for the prompt publication of such rules and regulations.

§ 1-74. Deputy Directors.

The County Manager may also create such Deputy Director positions as he deems advisable, subject to the approval of the Board.

§ 1-75. Divisions and division heads.

The work of each department shall be distributed among such divisions thereof as are established by this Code or hereafter created by ordinance. Each division shall have a division head, who shall be its principal officer and shall be responsible to his director for all of its operations. Each division head shall be appointed by the County Manager and shall serve at his pleasure, subject to all applicable civil service rules, regulations and requirements.

§ 1-76. Residence of department and division heads.

[Amended 9-23-1999 by Ord. No. 507]

Every department and division head shall take up residence in the County no later than one year from the date of his appointment as such; provided, however, that this provision shall not apply to any person who, at the time of appointment as department or division head, was a nonresident County employee.

§ 1-77. Qualification of department and division heads.

Every department and division head shall be qualified by education, training and experience for the duties of his office, as required by law or resolution of the Board.

§ 1-78. Departmental standards and procedures.

Each head of an organization component, whether department, division or bureau, shall set and maintain certain standards and procedures within such component of authority. These fundamental responsibilities of uniform application shall be to:

- A. Administer the affairs of his component and supervise and direct the head of the various sections within his component organization.
- B. Develop an effective liaison with other segments of the administration, particularly with those sections whose operations coordinate with or relate to his own.
- C. Keep his immediate superior informed of the activities within his segment and submit recommendations for their modification and improvement.
- D. Advise his superior about and coordinate and control the budgetary program of his section and assure the efficient management and utilization of allotted funds.
- E. Simplify and consolidate all activities under him and eliminate such of those activities as are not essential.
- F. Consider and evaluate communications from the public to determine the degree of acceptance of the service provided by this section and determine administrative priorities for the services to be rendered.
- G. Consider all communications received by or referred to him from other segments of the administration concerning matters for which he is responsible and effectuate appropriate action in each case.
- H. Coordinate the activities of the various staff personnel under his direction and keep them fully informed on the policies and programs of those in higher authority in the administration.
- I. Maintain an adequate record of information for immediate and future reference purposes.
- J. Direct a periodic program of inspection and review of the various segments under his authority, including physical facilities and operational methods, in order to keep himself fully informed, both locally and in the field, of conditions and requirements that relate to activities under his cognizance.
- K. Provide for the orientation, training and setting of performance standards for all personnel reporting to him.
- L. Represent his component organization to the public and other agencies, both within and outside the County government, when matters pertaining to subjects within his jurisdiction require such a liaison, in a dedicated, ethical and professional manner.
- M. Stress the importance of and enforce a policy of courtesy and tact on the part of all personnel in dealing with the general public.
- N. Comply with the commonly accepted tenets and principles of organization.
- O. Discharge any other responsibility which might otherwise be imposed upon him.

§ 1-79. Changes in departments or divisions.

Changes in the organization of Union County government, including combination, termination or creation of departments or divisions, transfer of responsibilities between departments or divisions or changes in salaries of department directors, shall be made only by ordinance. Any such ordinance may vary, modify, alter or abolish any provisions contained in this Code, subject to the provisions of the Charter.

§ 1-80. Department and division heads as heads of divisions and bureaus.

A department head may be appointed by the County Manager to serve as head of any division within his department, and a division head as head of any bureau within his division.

§ 1-81. Division heads: unclassified service.

Division heads shall be in the unclassified service, unless otherwise determined by the Board at the time of the appointment. Such appointments shall be made under and in accordance with *N.J.S.A.* 11A:3-5.

§ 1-82. Department and division heads: secretary or confidential aide.

Every department head and every division head in the unclassified service may, with the approval of the County Manager, appoint one secretary or confidential aide, who shall be in the unclassified service, in accordance with *N.J.S.A.* 11A:3-5.

§ 1-83. Bureaus.

With the approval of the County Manager, appropriate bureaus may be established within any department to facilitate execution of the department's responsibilities.

ARTICLE XV, Department of Finance

[Amended 7-18-1991 by Ord. No. 337]

§ 1-84. General purpose; departmental functions.

There shall be a Department of Finance for the purpose of supervising the financial affairs of the County. The Director of Finance shall be the head of the Department and shall be responsible to the County Manager for its operation. The Department of Finance shall include the following Divisions:

A. The Division of the Treasurer.

- B. The Division of the Comptroller.
- C. The Division of Reimbursement.
- D. The Division of Internal Audit.

§ 1-85. Division of the Treasurer.

- A. Under the direction and supervision of the Director of Finance, the Division of the Treasurer's functions and responsibilities shall include:
 - (1) Serving as custodian of all County funds and disbursing said funds only on order of the County Manager.
 - (2) Collecting and receiving all moneys due the County.
 - (3) Reporting in such manner and at such times as the Director of Finance and County Manager shall direct.
 - (4) Investing all County funds, whenever any excess funds are available for that purpose, and making such legal investments as provided by statute. Said investments shall be made prudently and in the best interest of the County government.
 - (5) Preparing at the end of the fiscal year a statement of the total amount of interest received on the investments of County funds during the year, which statement shall be submitted to the County Manager.
 - (6) Performing such other duties as may be required by the Director of Finance.
- B. Division head. The Director of the Division of the Treasurer shall be the head of the Division and shall be responsible to the Director of Finance for its operation.

§ 1-86. Division of the Comptroller.

- A. Under the direction and supervision of the Director of Finance, the Division of the Comptroller's functions and responsibilities shall include:
 - (1) Keeping adequate records and reporting to the County Manager receipts and disbursements made by the Treasurer when necessary. [Amended 9-23-1999 by Ord. No. 507]
 - (2) Maintaining general books of accounts in accordance with rules and regulations of the Local Finance Board in the Department of Community Affairs.
 - (3) Maintaining a central payroll for the County.
 - (4) Performing budget management functions, including:
 - (a) Compiling departmental estimates and other data necessary and useful to the Director of Finance regarding the preparation of budgets.

- (b) Assisting in the preparation and review of departmental budgets.
 - (c) Monitoring departmental budgets during the fiscal year and reporting to the Director of Finance any improvements or economies which may be made within any department.
 - (d) Reporting to the Director of Finance any over-expenditures or budget variations of any departmental budget or any other matters of a financial nature which may come to the Division Comptroller's attention as a result of ongoing budget review.
 - (e) Performing such duties as may be required by the Director of Finance.
- (5) Managing the functions of Internal Control for the Department of Human Services, including:
- (a) Assuring that the financial management of all Human Services Department grants is in conformance with federal and state requirements.
 - (b) Preparing all federal and state financial reports which are required for Human Services Department grants.
 - (c) Monitoring expenditures of sub-grantees and providing for all required audits.
 - (d) Preparing of all cash transmittals and requests and assuring that there are sufficient funds on hand at all times.

[Added 9-14-2006 by Ord. No. 636]

- B. Division head. The Director of the Division of the Comptroller shall be the head of the Division and shall be responsible to the Director of Finance for its operation.

§ 1-87. Division of Reimbursement.

- A. Under the direction and supervision of the Director of Finance, the Division of Reimbursement's functions and responsibilities shall include: [Amended 9-23-1999 by Ord. No. 507]
- (1) Establishing financial and administrative controls for all funding sources received by Union County other than by direct taxation, including all federal and state grants and any and all funds received by way of reimbursement pursuant to statutes in such case made and provided.
 - (2) Being responsible for implementation, management and enforcement of grant management procedures.
 - (3) Developing, implementing and monitoring a grant management payroll allocation system for all Union County grants.
 - (4) Being responsible for financial control of contracts and reporting procedures and compliance for all Union County grants.

- (5) Being responsible for financial control of contracts and reporting procedures and compliance for all federal and state reimbursements to Union County.
- (6) Being responsible for quantitative analysis of grants and reimbursements as may be required.
- (7) Being responsible for updating and monitoring the Union County indirect cost allocation rate and developing new applications of said rate and coordinating with federal and state agencies as to the utilization of said rate.
- (8) Being responsible for providing assistance in the development of all grant applications regarding financial controls and contracts and reporting procedures.
- (9) Reporting to the Director of Finance for submission to the Board of Chosen Freeholders all information with regard to the operation and administration of all grants so that the Board shall be notified at the earliest possible date of any difficulty in the administration of any grant.
- (10) Assuring the efficient processing of all grant-related vouchers, purchase orders and payrolls in compliance with the rules and regulations of the Department of Finance.
- (11) Assuring that the financial management of all departmental grants is in conformity with federal and state requirements.
- (12) Reviewing all federal and state financial reports which are required for departmental grants when necessary.
- (13) Preparing financial management reports and cost benefit analyses of all departmental programs as requested by the Director of Finance.
- (14) Assuring that all contract procurement conforms to state and federal requirements.

B. Division head. The Director of Reimbursement shall be the head of the Division and shall be responsible to the Director of Finance for its operation.

§ 1-88. Division of Internal Audit.

- A. Under the direction and supervision of the Director of Finance, the Division of Internal Audit's functions and responsibilities shall include:
- (1) Performing the routine work involved in auditing and keeping extensive financial records and reports, including any and all related work which may be required.
 - (2) Preparing reports of investigation, examinations and audits of books and financial records.
 - (3) Insuring regulations and accounting procedures are properly observed.
 - (4) Compiling financial and other statements and reports using basic data.
 - (5) Periodically reviewing accounting and fiscal practices.

- (6) Auditing and recording expense invoices and preparing audits and credit reports of costs and other financial summaries and statements.
- (7) Reporting to the Director of Finance the reports of audits made within the Division, containing findings, conclusions and recommendations.
- (8) Identifying new assets and monitoring the status of already existing assets in accordance with Directive No. 85-2, "Legal Compliance with Department of Community Affairs Technical Accounting." [Added 9-23-1999 by Ord. No. 507]
- (9) Performing such other duties as may be required by the Director of Finance.

B. Division head. The Director of the Division of Internal Audit shall be the head of the Division and shall be responsible to the Director of Finance for its operation.

§ 1-89. (Reserved)

ARTICLE XVI, Department of Human Services

[Amended: 7-18-1991 by Ord. No. 337; 6-20-2002 by Ord. No. 553; 4-10-2003 by Ord. No. 569; 9-14-2006 by Ord. No. 636; 4-30-2015 by Ord. 2015-764; 3-10-2016 by Ord. 2016-775; 7-20-2017 by Ord. 2017-785; 12-7-2017 by Ord. 2017-789]

§ 1-90. General purpose; departmental organization.

- A. There shall be a Department of Human Services for the purpose of promoting the coordination, integration, maximization and development of human services and providing for the planning, monitoring and administration of select human services. Such resources and services shall include, but not be limited to, those mandated by federal and state law and rules and regulations appertaining thereto. The Director of Human Services shall be the head of the Department and shall be responsible to the County Manager for its operation. The office staff of the Director shall include, but not be limited to, the Office of Paratransit, One Stop American Jobs Center.
- B. Under the direction and supervision of the Director of Human Services, One Stop American Jobs Center's functions and responsibilities shall include:
 - (1) Providing job training and employment opportunities for economically disadvantaged, unemployed and underemployed persons and assuring that training and other services lead to maximum employment opportunities and enhanced self-sufficiency pursuant to authorizing federal legislation and rules and regulations appertaining thereto.
 - (2) Collecting, compiling and analyzing statistical data relating to programmatic activity of the Division.
 - (3) Preparing all mandated statistical programmatic reports.

- (4) Disseminating programmatic reports to appropriate agencies and officials.
- (5) Recruiting eligible participants to ensure compliance with authorizing federal legislation.
- (6) Initial screening and intake of individuals eligible for participating in the program.
- (7) Counseling of program participants for development of prospective employability plans, development of said plans and monitoring of program participants' progress in meeting said plans.
- (8) Developing jobs, including location and negotiation of employment positions for program participants.
- (9) On-the-job training (OJT) including development and negotiation of OJT contracts.
- (10) Directing placement of program participants in employment positions.
- (11) Educating and training of program participants to facilitate their employability and eventual unsubsidized employment.
- (12) Performing such other duties as may be required by the Director of Human Services.

C. Assistant Director. The Assistant Director of the Department of Human Services shall:

- (1) Under the direction and supervision of the Director of Human Services, assist in the orderly and efficient administration of the Department of Human Services, performing whatever supervisory or administrative duties the Director of the Department of Human Services deems necessary and proper.
- (2) Assure that all contract procurement and contract monitoring conforms to state and federal requirements.
- (3) Serve as the Acting Director of the Department of Human Services during the temporary absence or disability of the Director of the Department of Human Services.

D. The Department of Human Services shall consist of the following divisions:

- (1) The Division of Aging.
- (2) The Division of Youth Services.
- (3) The Division of Planning.
- (4) The Division of Social Services.
- (5) The Division of Cornerstone Behavioral Health Hospital
[Amended 9-14-2006 by Ord. No. 636; Amended 4-30-2015 by Ord. 764]
- (6) The Division of Outreach and Advocacy
[Amended 12-7-2017 by Ord. 2017-789]

§ 1-91. Division of Aging.

A. Under the direction and supervision of the Director of Human Services, the Division of Aging's functions and responsibilities shall include:

- (1) Striving to increase the public's understanding of both the real nature of the aging process and of aging individuals.
- (2) Providing information and referral services for the senior citizens of the County.
- (3) Identifying and assessing the needs of the aging in order to plan for and stimulate, in cooperation with other governmental and voluntary agencies and citizens groups, solutions for present or potential problems of the aging.
- (4) Developing and coordinating programs for the aging, including but not limited to community services, economics, employment, income and retirement, health care, mental health, housing (including institutional and noninstitutional), leisure, transportation, homemaker services, education and nutrition.
- (5) Developing and submitting those plans and related documents and fulfilling all obligations that are or may be required by federal and state law and accompanying rules and regulations pertaining to senior citizens.
- (6) Performing all functions related to implementing a program designed and suggested by the Division of Consumer Affairs of the State of New Jersey to provide aid and assistance to residents of the County of Union with respect to obtaining relief from fraudulent, deceptive or false business and/or commercial transactions.
- (7) Performing such other duties as may be required by the Director of Human Services.

B. Division head. The Director of the Division on Aging shall be the head of the Division and shall be responsible to the Director of Human Services for its operation.

§ 1-92. Division of Youth Services.

[Amended 9-14-2006 by Ord. No. 636]

A. Under the direction and supervision of the Director of Human Services, the Division of Youth Services' functions and responsibilities shall include:

- (1) Coordinating, integrating, modifying and developing services for youth and administering select service programs, including but not limited to those mandated by law and rules and regulations appertaining thereto, including the Youth Service Bureau and temporary shelter services.
- (2) Providing information and referral services for the youth of Union County.
- (3) Identifying and assessing the needs of the youth in order to plan for and stimulate, in cooperation with governmental and voluntary agencies and citizens groups, solutions for present or potential problems of youth.

- (4) Striving to minimize youth involvement with the juvenile justice system.
 - (5) Facilitating the development, extension, expansion and coordination of programs for youth, including but not limited to those youth that have been, are or have a high probability for becoming involved with the juvenile justice system.
 - (6) Providing select services for youth, including but not limited to maintenance of crisis intervention capabilities, advocacy, and narcotics and drug abuse prevention and education.
 - (7) Providing temporary shelter services for the care (shelter), without physical restriction, of juveniles who are homeless or abandoned awaiting court disposition, in accordance with state law and rules and regulations appertaining thereto.
 - (8) Performing such other duties as may be required by the Director of Human Services.
- B. Division head. The Director of the Division of Youth Services shall be the head of the Division and shall be responsible to the Director of Human Services for its operation.

§ 1-93. (Reserved)

[Amended 9-14-2000 by Ord. No. 515; 6-20-2002 by Ord. No. 553; 9-14-2006 by Ord. No. 636]

§ 1-94. Division of Planning.

- A. Under the direction and supervision of the Director of Human Services, the Division of Planning's functions and responsibilities shall include:
- (1) Developing the Human Services Delivery System Plan, relying heavily on input from responsible division heads.
 - (2) Researching and developing all state and federal legislation which may further the development of existing departmental programs or creating new programs to provide additional human services.
 - (3) Coordinating and developing all private, federal and state grant requests for the Department of Human Services in accordance with stated goals and objectives of the Department.
 - (4) Developing, in conjunction with Division Heads of the Department, an extensive, evaluative process for purposes of ascertaining the overall effectiveness of the Department's human services delivery system.
 - (5) Developing a complete interdepartmental resource library to include various documents pertaining to human services.
 - (6) Performing such other duties as may be required by the Director of Human Services.
[Added 9-14-2000 by Ord. No. 515]

- B. Division head. The Director of the Division of Planning shall be the head of the Division and shall be responsible to the Director of Human Services for its operation.

§ 1-95. Division of Social Services.

- A. Under the direction and supervision of the Director of Human Services, the Division of Social Services' functions and responsibilities shall include implementing the administrative guidelines of Social Services as set forth by the Division of Youth and Family Services, Division of Medical Assistance and Health Services under the provisions of Title 44, Revised Statutes of the State of New Jersey. Implementing the social and welfare guidelines for social services as established by the United States Department of Health and Human Services and the New Jersey Division of Public Welfare.
- B. Division head. The Director of the Division of Social Services shall be the head of the Division and shall be responsible to the Director of Human Services for its operation.

§ 1-96. Division of Cornerstone Behavioral Health Hospital of Union County

[Amended 9-14-2006 by Ord. No. 636; Amended 4-30-2015 by Ord. 2015-764]

- A. Cornerstone Behavioral Health Hospital of Union County shall be and shall constitute a Division within the Department of Human Services of the County of Union for the purpose of planning, coordinating and supervising the administration of medical services, nursing services and professional/support services as hereinafter provided. The Director shall be the head of the Division and shall be responsible to the Director of the Department of Human Services for its operation. The Director of the Division of Cornerstone Behavioral Health Hospital of Union County shall also be known as the "Administrator."
- B. The policies of the Hospital will be proposed and approved periodically in a manner consistent with the provisions of this Code. The Board of Chosen Freeholders shall be deemed for all purposes, including insurance coverage, trustees of the Cornerstone Behavioral Health Hospital of Union County. The Board shall promote cooperation with health services, planning agencies, community agencies and community services.
- C. The Administrator shall be directly responsible for the following functions:
 - (1) Organizing, directing and supervising the overall activities of the hospital to ensure an effective and efficient operating organization.
 - (2) Developing and maintaining effective liaison with community groups and organizations and governmental bodies.
 - (3) Ensuring that all units are in compliance with orders and/or regulations issued by the Administrator and by duly constituted governmental agencies.
 - (4) Being responsible for both program and facility planning and providing guidance on the overall procedures and policies of the hospital, including the making of specific

recommendations and suggestions concerning the same, particularly with respect to the quality of patient care, admission procedures, and program service planning.

- (5) Being responsible for the maintenance and operation of a hospital communications systems and network.
- (6) Providing for Safety and Security for Cornerstone Behavioral Health Hospital by being responsible for the maintenance and operation of a hospital risk management program and for accident prevention and to administer a safety control program, including the implementation of all appropriate safety measures to protect patients, public employees and visitors from accident or injury while upon the grounds or within the facility and to review and analyze all accident information and records.
- (7) Being responsible for the administration and operation of the quality assurance program and providing for an effective utilization review.
- (8) Performing such other duties as may be required by the Director of the Department of Human Services.

D. Within the Division, there shall be the following Bureaus:

- (1) The Bureau of Nursing Services.
- (2) The Bureau of Medical Services.
- (4) The Bureau of Professional and Support Services.
- (4) The Bureau of Hospital Finance.

E. Bureau of Nursing Services.

(1) Under the direction and supervision of the Director of the Division of Cornerstone Behavioral Health Hospital of Union County, the Bureau of Nursing Services' functions and responsibilities shall include:

- (a) Maintaining high professional standards concerned with the quality of patient care.
- (b) Being responsible for organizing and overseeing the activities of nursing supervisors, registered nurses, institutional attendants and ward clerks.
- (c) Being responsible for organizing and overseeing the staffing in mental health services.
- (d) Being responsible for the enforcement of all hospital rules and regulations as they relate to nursing services.
- (e) Being responsible for nursing and staffing policies and for making specific recommendations and suggestions concerning the same.

- (f) Preparing monthly and annual reports with respect to patient care activities rendered throughout the hospital.
 - (g) Performing such other duties as may be required by the Administrator.
- (2) Bureau head. The Assistant Administrator/Nurse executive shall be the head of the Bureau and shall be responsible to the Administrator for its operation.
- (a) The Head Nurse of the Bureau of Nursing shall be responsible to carry out those functions of the Bureau of Nursing as assigned by the Director of the Bureau of Nursing and the Administrator.

F. Bureau of Medical Services.

- (1) Under the direction and supervision of the Administrator of Cornerstone Behavioral Health Hospital of Union County, the Bureau of Medical Services' functions and responsibilities shall include:
- (a) Creating and maintaining an optimal level of professional performance of medical staff members through delineation of medical staff privileges and the continual review and evaluation of each member's clinical activities.
 - (b) Providing for an effective infection control program.
 - (c) Providing an ongoing program of continuing professional education.
 - (d) Being responsible for the enforcement of medical staff bylaws, rules and regulations.
 - (e) Being responsible for constantly reviewing the overall medical policies of the hospital and making specific recommendations and suggestions concerning the same.
 - (f) Preparing monthly and annual reports on patient care activities rendered throughout the hospital.
 - (g) Being responsible for medical reports and medical records.
 - (h) Performing such other duties as may be required by the Administrator.

- (2) Bureau head. The Medical Director of the Bureau of Medical Services shall be the head of the Bureau and shall be responsible to the Administrator for its operation

G. Bureau of Professional and Support Services.

- (1) Under the direction and supervision of the Administrator of Cornerstone Behavioral Health Hospital of Union County, the Bureau of Professional and Support Services functions and responsibilities shall include:
- (a) Responsibility for maintenance of high professional standards and continuing education.

- (b) Preparing annual reports on patient care activities rendered throughout the hospital.
 - (c) Implementing New Jersey Department of Health and New Jersey Department of Human Services standards of care.
 - (d) Ensuring the provision of the following professional and support services:
 - 1. Pharmacy consultant;
 - 2. Social Services;
 - 3. Activities therapy: and
 - 4. Transportation.
 - (e) Providing for and being responsible for all inservice training and performance improvement.
 - (f) Responsibility for maintaining the Affiliation Agreements between the Hospital and outside agencies and organizations.
 - (g) Performing such other duties as may be required by the Administrator.
- (2) Bureau head. The Director of the Bureau of Professional and Support Services shall be the head of the Bureau and shall be responsible to the Administrator for its operation.

H. Bureau of Hospital Finance.

- (1) Under the direction and supervision of the Administrator of Cornerstone Behavioral Health Hospital of Union County, the Bureau of Hospital Finance's functions and responsibilities shall include:
- (a) Implementing and maintaining a uniform, financially sound and responsive accounting system in order to ensure the fiscal integrity of the Cornerstone Behavioral Health Hospital of Union County, to meet all requirements and coordinate activities for compliance with the County of Union's Financial Policy and Procedures and the NJ Division of Local Government Services.
 - (b) Providing for Hospital Planning Services by compiling estimates and other data as may be necessary and useful regarding the preparation of budgets and preparing the Hospital's budget. The Hospital's operating budget shall be centralized.
 - (c) Maintaining such books of account and ledgers as may be necessary in order to adequately identify and control the following functions and responsibilities: patient accounts; admitting records; reimbursement entitlement; rate setting and appeals; payroll; accounts payable; cost analysis; and purchasing.

- (d) Operating and maintaining electronic data processing equipment as may be necessary to implement the above accounting functions.
 - (e) Be responsible for the provision of Information and Technology Services to the Hospital.
 - (f) Performing such other duties as may be required by the Administrator.
- (2) Bureau Chief shall be the head of the Bureau and shall be responsible to the Administrator of the Cornerstone Behavioral Health Hospital of Union County for its operation.

§ 1-97. Division of Outreach and Advocacy

A. Under the direction and supervision of the Director of Human Services, and the Assistant Director of Human Services, the Division of Outreach and Advocacy functions and responsibilities shall include:

- (1) Identifying and assessing the needs of community residents and identifying gaps in services in order to plan for and stimulate, in cooperation with governmental and voluntary agencies and citizens groups, solutions to address needs and assist residents to thrive.
- (2) Implementing effective marketing, including consolidating and disseminating information through various forms that informs community residents of resources available.
- (3) Improving access to information and other resources through outreach, advocacy, information and referral, and case management.
- (4) Identifying areas in need of consumer and/or legislative advocacy to improve access to services and improve quality of life for residents of the County.

B. Division head. There may be a Director of the Division of Outreach and Advocacy who serves as the head of the Division and shall be responsible to the Director of the Department of Human Services and the Assistant Director of Human Services for its operation.

C. Subdivisions. Within the Division of Outreach and Advocacy shall be the following subdivisions:

- (1) Office of LGBTQ Services.
- (2) Office for People with Special Needs.
- (3) Union County Office on Women.

§ 1-97.1 Office of LGBTQ Services

A. Under the direction and supervision of the Director of the Division of Outreach and Advocacy the functions and responsibilities of the Office of LGBTQ Services shall include:

- (1) Identifying and assessing the needs of LGBTQ residents of the County to plan for and facilitate access to resources, understanding of civil rights and to promote unity within communities.
- (2) Providing information and referral to resources and services to improve the quality of life for LGBTQ residents of the County.
- (3) Educating individuals and organizations on rights and linkage to advocacy support.
- (4) Developing community outreach activities designed to promote community diversity and unity.

§ 1-97.2 Office for People with Special Needs

A. Under the direction and supervision of the Director of the Division of Outreach and Advocacy the functions and responsibilities of the Office for People with Special Needs shall include:

- (1) Providing recreational and social opportunities for residents living with special needs including physical, cognitive and developmental challenges to promote inclusion and full access to community enjoyment for all residents of the County.
- (2) Providing outreach to community groups and organizations to identify needs and interests of persons and families living with special needs as an opportunity to design effective programs.
- (3) Developing additional resources to fund programs targeting engagement of persons living with special needs.
- (4) Identify and implement effective means of communication to educate community residents on programs available.

§ 1-97.3 Union County Office on Women

A. Under the direction and supervision of the Director of the Division of Outreach and Advocacy the functions and responsibilities of the Union County Office on Women shall include:

- (1) Providing information to women in need of access to government and community based services and resources.
- (2) Providing information and referral to resources and services to improve the quality of life for women living in the County
- (3) Serving as an advocate to coordinate programming with other offices within the Division to promote community diversity and unity.

ARTICLE XVII, Department of Administrative Services

[Added 7-18-1991 by Ord. No. 337, Amended 12-19-2013 by Ord. 2013-755]

§ 1-98. General purpose; departmental organization.

[Amended 12-11-1997 by Ord. No. 458; 6-20-2002 by Ord. No. 553; 3-10-2005 by Ord. No. 611; Amended 12-19-2013 by Ord. 2013-755; Amended 3-10-2016 by Ord. 2016-772]

There shall be a Department of Administrative Services for the purpose of conducting personnel management and labor relations, purchasing, coordinating and monitoring the administration of all County insurance programs, motor vehicle fleet management, mailroom & messenger services and telecommunication services. The Director of Administrative Services shall be the head of the Department and shall be responsible to the County Manager for its operation. There may be a Deputy Director of the Department of Administrative Services who shall under the direction and supervision of the Director of the Department of Administrative Services assist in the orderly and efficient administration of the Department, performing whatever supervisory or administrative duties the Director deems necessary and proper.

A. The Department of Administrative Services shall include the following:

- (1) The Division of Personnel Management and Labor Relations.
- (2) The Division of Purchasing.
- (3) The Division of Motor Vehicles and Telecommunications.
- (4) The Bureau of Asset Management and Labor Compliance.

§ 1-99. Division of Personnel Management and Labor Relations.

A. Under the direction and supervision of the Director of Administrative Services, the Division of Personnel Management's functions and responsibilities shall include:

- (1) Consulting with department heads and making recommendations regarding departmental classifications and manpower utilization.
- (2) Being responsible for developing and maintaining a County-wide position control inventory.
- (3) Supervising, coordinating and reviewing all requests for personnel actions.
- (4) Being responsible for proper disposition of all civil service certifications.
- (5) Complying with civil service personnel requirements.

- (6) Maintaining complete records for all personnel.
- (7) Preparing and maintaining the County Employee Classification and Pay Plan.
- (8) Conducting periodic salary surveys and recommending adjustments and improvements.
- (9) Providing technical data during labor negotiations.
- (10) Providing an employee handbook and maintaining personnel rules.
- (11) Administering an orderly procedure for the consideration, review and adjustment of employee grievances and complaints.
- (12) Coordinating and administering centralized job recruitment, testing and hiring programs for all County departments, code departments and constitutional offices and agencies.
- (13) Monitoring federal and state legislation relative to personnel. Recommending, when necessary, and monitoring personnel policies and procedures for compliance.
- (14) Consulting with department heads regarding training needs for County employees and establishing such programs as required.
- (15) Assisting the County Manager in the negotiations of collective negotiating agreements and implementing the administration thereof.
- (16) Coordinating and supervising the operations related to affirmative action issues. [Added 4-14-1994 by Ord. No. 390]
- (17) Coordinating, monitoring and maintaining the administration of worker's compensation and all employee benefit programs, including health, dental and disability plans, and performing analysis thereof, as necessary. [Added 12-11-1997 by Ord. No. 458]
- (18) Performing such other duties as may be required by the Director of Administrative Services. [Amended 4-14-1994 by Ord. No. 390]

B. Division head. The Director of the Division of Personnel Management and Labor Relations shall be the head of the Division and shall be responsible to the Director of Administrative Services for its operation.

§ 1-99.1. (Reserved)

§ 1-99.2. Division of Purchasing. [Amended 4-27-06 by Ord. No. 627]

A. Under the direction and supervision of the Director of Administrative Services, the Division of Purchasing's functions and responsibilities shall include:

- (1) Procuring goods and services required by all County departments, including the appropriate bid invitations, evaluations and recommendations to the awarding authority.
- (2) Updating and upgrading of specifications for all commodities and services purchased for the County to fit requirement decisions to the best market advantage of the County, considering all factors, including quality, quantity, time and place.
- (3) Receiving, storing, issuing and accountability of and for surplus obtained for general consumption.
- (4) Administering the collection and method of disposal of surplus property according to policy.

B. Purchasing generally.

- (1) Pursuant to the County Manager's designation of applicable subaccounts within the chart of subaccounts, all purchases for any department shall be made by printed and sequentially numbered purchase order approved by the County Purchasing Agent as head of the Division of Purchasing, pursuant to a written requisition from the head of the department whose appropriation will be charged and the certification of the Department of Finance that a sufficient unencumbered balance of appropriation is available. All such purchases which require competitive bidding shall conform to applicable requirements of the Local Public Contracts Law.
- (2) The Director of each Department shall designate, in writing, the name or names of employees in the department authorized to receive supplies, materials and equipment. The person so designated shall accept deliveries and sign for them only where the goods are in exact conformity with the order. Should there be any doubt as to quantity or quality, the receiving employees shall immediately notify the department head for appropriate action.
- (3) Except as the County Manager or his or her designee may authorize in case of emergency, no purchase shall be made and no bill, claim or voucher shall be approved unless the procedures prescribed by the Code have been followed.
- (4) Emergency purchases. The Purchasing Agent shall establish a procedure for the purchase of any item or items required for the immediate protection of the public health, safety, morals or welfare, which will permit such emergency purchases to be made for specific purposes in a manner other than that prescribed by the Code. Such procedure shall be approved by the County Manager.
- (5) Purchasing by quotation. For all contracts that in the aggregate are less than the bid threshold but 15 percent or more of that amount, the contracting agent shall award the contract after soliciting at least two competitive quotations, if practicable. The award shall be made to a vendor whose response is most advantageous, price and other factors considered. The contracting agent shall retain the record of the quotation solicitation.

(6) Reserved.

(7) Award of contracts. In accordance with the Local Public Contracts Law, *N.J.S.A. 40A:11-1 et seq.*.

C. Division head. The Director of the Division of Purchasing shall be the head of the Division and shall be responsible to the Director of Administrative Services for its operation.

§ 1-99.3. Division of Motor Vehicles and Telecommunications.

[Added 3-10-2005 by Ord. No. 611; Amended 12-20-2007 by Ord. No. 664; Amended 12-19-2013 by Ord. 2013-755]

A. Under the direction and supervision of the Director of the Department of Administrative Services, the Division of Motor Vehicles and Telecommunications' functions and responsibilities shall include the management, maintenance and repairs of all County-owned vehicles except the vehicles under the jurisdiction of the Department of Public Works and Facilities.

B. Division head. The Director of the Division of Motor Vehicles and Telecommunications shall be the head of the Division and shall be responsible to the Director of the Department Administrative Services for its operation.

C. Division organization.

(1) Within the Division, there shall be the following bureaus:

(a) Bureau of Mailroom & Messenger Services.

(b) Telephone Room

(2) Bureau Chief. The Chief of each bureau shall be the head of the bureau and shall be responsible to the Director of the Division of Motor Vehicles and Telecommunications.

(3) The Division of Motor Vehicles and Telecommunications' general functions shall include:

(a) Controlling the inventory and issuing of passenger motor vehicles for the County, as well as other transportation services, as required except the vehicles under the jurisdiction of the Department of Public Works and Facilities.

(b) Providing motor vehicles, storage and maintenance facilities and establishing and implementing procedures and uniform regulations relating to the motor pool facilities, equipment, safety, repairs and replacement of vehicles.

(c) Having responsibility for performing repairs, maintenance and all service necessary to keep the motor vehicles in safe and readily usable condition

except the vehicles under the jurisdiction of the Department of Public Works and Facilities.

- (d) Monitoring the usage of all vehicles and keeping records on all repairs, gas, oil, etc except the vehicles under the jurisdiction of the Department of Public Works and Facilities.

- (4) The Bureau of Mailroom & Messenger Services functions shall include all County mailroom and messenger services.

- (5) The Telephone Room functions shall be to provide telecommunications services and support by:

- (a) Handling all requests for telephone, radio, public address and intercommunications services made by officials of the County, planning service needs and ordering equipment.
- (b) Being responsible for the design and implementation of all audio systems utilized by the County.
- (c) Providing for the repair and preventive maintenance of all public address and audio systems. intercommunication systems and other electronic equipment.
- (d) Operating all telephone switches and maintaining up-to-date information pertaining to telephone numbers of using employees and offices.

§ 1-99.4. Bureau of Asset Management and Labor Compliance

[Added 12-19-2013 by Ord. 2013-755; Amended 3-10-2016 by Ord. 2016-772]

- A. There shall be under the direction and supervision of the Director of the Department of Administrative Services, the Bureau of Asset Management and Labor Compliance. The functions of the Bureau of Asset Management and Labor Compliance shall be:

- (1) To document the requirements and responsibilities necessary for the effective management of assets required to support departmental objectives within Union County Government.
- (2) To inventory County assets which will be subject to its jurisdiction; maintain a central data base wherein assets will be inventoried; provide a mechanism for identification of assets and their location within the County and account for all additions and subtractions to County assets to prevent the loss of County assets.
- (3) To ensure that the County vendor's comply with all applicable Federal, State and Local Government labor standards and requirements.
- (4) To administer and manage the equipment maintenance service contract(s).

- B. Bureau head. The Bureau Chief of Asset Management and Labor Compliance shall be the head of the Bureau and shall be responsible to the Director of the Department of Administrative Services for its operation.

ARTICLE XVIII, Department of Parks and Recreation

[Adopted 6-26-1997 by Ord. No. 452; Amended 12-20-2007 by Ord. No. 664; Amended 12-15-2011 by Ord. 726-2011; Amended 10-11-2012 by Ord. 2012-7421; Amended 12-19-2013 by Ord. 2013-755; Amended 3-10-2016 by Ord. 2016-772]

§ 1-100. Department established; purpose; organization.

[Amended 6-20-2002 by Ord. No. 553; 9-14-2006 by Ord. No. 636; 12-20-2007 by Ord. No. 664; 6-25-09 by Ord. No. 686; Amended 6-10-2010 by Ord. 704-2010; Amended 8-19-2010 by Ord. 709-2010; Amended 12-15-2011 by Ord. 726-2011; Amended 12-19-2013 by Ord. 755; Amended 3-10-2016 by Ord. 2016-772]

- A. General Purpose; Departmental Organization. There shall be a Department Parks and Recreation for the purpose of the development of recreational programs and the development and maintaining of public parks, playgrounds, recreational places and facilities, the Watchung Reservation and open space within the County of Union. The Director shall be fully responsible for the Department's operation.
- B. There may be a Deputy Director who shall be responsible to the Director of the Department of Parks and Recreation.
- C. The Department shall have an Office of Cultural and Heritage Affairs.

The Office of Cultural and Heritage Affairs functions and responsibilities shall include:

- (1) Create, support and encourage programs promoting public interest and participation in local arts, history and culture.
 - (2) Maintain an annual preservation awards program commending noteworthy historic preservation.
 - (3) Educate the public on local, state and municipal efforts to preserve historical sites.
 - (4) Maintain an historic inventory as a resource for federal and state agencies and local planners.
- D. The Department of Parks and Recreation shall consist of the following Divisions:

- (1) Division of Recreational Facilities
- (2) Division of Park Maintenance
- (3) Division of Park Environmental Services

[Amended 9-14-2006 by Ord. No. 636; 12-20-2007 by Ord. No. 664]

§§ 1-101 through 1-107. (Reserved)

§ 1-108 Division of Park Environmental Services

[Added 12-20-2007 by Ord. 664; Amended 6-10-2010 by Ord. 704-2010; Amended 12-15-2011 by Ord. 726-2011; Amended 12-19-2013 by Ord. 2013-755]

- A. Division head. The Director of the Division of Park Environmental Services shall be the head of the Division and shall be responsible to the Director of the Department of Parks and Recreation for its operation and performing such other duties under direction as may be required by the Director of the Department.
- B. The Division of Park Environmental Services' functions and responsibilities shall include:
 - (1) Developing plans and coordinating environmental park programs.
 - (2) Assist the Director of the Department as directed in various park projects and programs.

§ 1-109 Division of Recreational Facilities

- A. Division head. The Director of the Division of Recreational Facilities shall be the head of the Division and shall be responsible to the Director of the Department of Parks and Recreation for its operation and performing such other duties under direction as may be required by the Director of the Department.
- B. Under the direction and supervision of the Director of the Parks and Recreation, the Division of Recreational Facilities' functions shall include the management and operation of all County Park Recreational Facilities, to include, but not limited to Galloping Hill Golf Course, Ashbrook Golf Course, Warinanco Ice Skating Center, Ulrich and Wheeler Pools, Watchung Stables, Trailside Museum and any all future recreational facilities at Oak Ridge Park.
- C. Division Organization
 - (1) Within the Division of Recreational Facilities, there shall be the following Bureau:
 - (a) Bureau of Recreation.

- (2) Bureau Chief. The Chief of the Bureau shall be the head of the Bureau and shall be responsible to the Director of the Division of Recreational Facilities.
- (3) The Bureau of Recreation function is to develop and administer programs to facilitate the public use and enjoyment of County recreation facilities; park reservation systems; and coordinate recreational facilities programs with other public and private recreational facilities within the County.

§ 1-110. Division of Park Maintenance

- A. Under the direction and supervision of the Director of the Department of Parks and Recreation, the Division of Park Maintenance's functions shall include preserving and improving all County park grounds.
- B. Division Head. The Director of the Division of Park Maintenance shall be the head of the Division and shall be responsible to the Director of the Department of Parks and Recreation.
- C. Division Organization
 - (1) Within the Division, there shall be the following Bureaus:
 - (a) The Bureau of Park Grounds
 - (2) Bureau Chief. The Chief of each Bureau shall be the head of the Bureau and shall be responsible to the Director of the Division of Park Maintenance.
 - (3) The functions of the Bureau of Grounds shall include the provision of care and maintenance of all County park and recreational facilities within its respective Sectors.
 - (4) Providing for the care, cultivation, planting and replanting of flowers and shrubs on County property.

ARTICLE XIX, Department of Engineering, Public Works & Facilities Management

[Added 7-18-1991 by Ord. No. 337; amended 4-14-1994 by Ord. No. 390; 6-26-1997 by Ord. No. 452; 12-11-1997 by Ord. No. 458; 6-25-1998 by Ord. No. 478; 7-22-1999 by Ord. No. 503; 6-20-2002 by Ord. No. 553; 12-20-2007 by Ord. No. 664; 3-27-08 by Ord. No. 667; 1-4-2009 by Ord. No. 680-2009; 6-25-09 by Ord. No. 686; Amended 8-19-2010 by Ord. 709-2010; Amended 12-15-2011 by Ord. 726-2011; Amended 3-14-2013 by Ord. 2013-747; Amended 12-19-2013 by Ord. 2013-755; Amended 12-11-2014 by Ord. 2014-761; Amended 4-30-2015 by Ord. 2015-764; Amended 12-7-2017 by Ord. 2017-789]

§ 1-111. General purpose; departmental organization.

- A. There shall be a Department of Engineering, Public Works and Facilities Management for the purpose of planning, constructing, repairing and maintaining all property and infrastructure owned and operated by Union County.

- B. Department head. The Director of the Department of Engineering Public Works and Facilities Management shall be the head of the Department and shall be responsible to the County Manager for the Department's operation. The Director of the Department of Engineering, Public Works and Facilities Management may also be the director of a division within the Department of Engineering, Public Works and Facilities Management.
- C. Reserved.
- D. The Department of Engineering, Public Works and Facilities Management shall include the following divisions:
 - (1) The Division of Public Works.
 - (2) The Division of Facilities Management.
 - (3) Division of Engineering.
- E. Under the Director of the Department shall be the Bureau of Recycling and Planning

The functions of the Bureau of Recycling and Planning will be as follows:

- (1) Implementing and coordinating Household Special Waste, Computer and Electronics, and Battery/Motor Oil/Filters, and other recycling related events.
- (2) Implementing and coordinating the Scrap Tire Management Program to fund cleanup and disposal of scrap tires found on public lands.
- (3) Providing administrative and coordination and assistance to municipalities in implementing the Clean Communities Program.
- (4) Performing such other duties as may be required by the Director of the Department of Engineering, Public Works and Facilities Management.
- (5) Preparing and Disseminating all mandated statistical programmatic reports to appropriate agencies and officials.
- (6) The Bureau Chief of the Bureau of Recycling and Planning shall also serve as the District Recycling Coordinator.

§ 1-112. Division of Public Works.

- A. Under the direction and supervision of the Director of The Department of Engineering, Public Works and Facilities Management, the Division of Public Works' functions and responsibilities shall include: road construction and maintenance, bridge maintenance and public works, shade tree and conservation and mosquito control.
- B. Division head. The Director of the Division of Public Works shall be the head of the Division and shall be responsible to the Director of the Department of Engineering, Public Works Facilities Management for its operation.

C. Division organization.

(1) Within the Division, there shall be the following bureaus:

- (a) Bureau of Roads and Bridges.
- (b) Bureau of Shade Tree and Conservation.
- (c) Bureau of Mosquito Control.
- (d) Bureau of Inspections.
- (e) Bureau of Heavy Equipment and Truck Repair.

(2) Bureau Chief. The Chief of each bureau shall be in charge of the bureau and shall be responsible to the Director of the Division of Public Works.

(3) The Bureau of Roads and Bridges' functions shall include:

- (a) Maintaining and repairing County roads.
- (b) Maintaining, installing and cleaning storm drainage facilities.
- (c) Performing weed control and grass maintenance on all County rights-of-way.
- (d) Maintaining County roads in a clean and safe condition for passage free of all obstructions and hazards and removing leaves, snow, ice and debris as required.
- (e) Maintaining, installing and repairing road warning signs and traffic lane markings on all County roads and bridges.
- (f) Maintaining and repairing County bridges and culverts.
- (g) Maintaining County bridges free of obstructions and hazards.
- (h) Performing stream clearance and desnagging under County bridges and culverts.
- (i) Operating and maintaining movable County bridges.

(4) The Bureau of Shade Tree and Conservation's functions and responsibilities shall include:

- (a) Providing for the planting, replanting, trimming and care of trees within County road rights-of-way.
- (b) Operation of the County's compost facility and ancillary work.
- (c) Providing for the care, cultivation, planting and trimming of trees on all County Parkland.

(5) The Bureau of Mosquito Control's functions shall include:

- (a) Controlling and exterminating all species of mosquitoes within County limits.
 - (b) Coordinating all activities with adjacent counties to control the breeding of all species of mosquitoes within flight range of the County.
 - (c) Enforcing Title 25, Chapter 9, Article 2 of the Laws of the State of New Jersey.
- (6) The Bureau of Inspections' functions and responsibilities shall include:
- (a) Issuing permits for County roads for curbing, driveway aprons, roadway openings and work on or in the vicinity of a bridge or culvert, maintaining records as necessary and inspecting the construction of these items. Controlling and exterminating all species of mosquitoes within County limits.
 - (b) Cooperating with public service facilities and private contractors in placing County projects.
 - (c) Supervising material testing procedures relating to construction of County roads, bridges and curbing. Enforcing Title 25, Chapter 9, Article 2 of the Laws of the State of New Jersey.
 - (d) Accepting applications, issuing permits and maintaining records for road openings, curbs, driveway aprons and connections to bridges, culverts and drainage systems within roadways maintained by the County.
 - (e) Inspections of all County-owned Lands to determine if there are encroachments.
 - (f) Enforcement of the County of Union Encroachment Ordinance.
 - (g) Coordination with the County Police, consistent with § 115-51 of the Laws of Union County.
- (7) The Bureau of Heavy Equipment and Truck Repair
- (a) Having responsibility for performing repairs, maintenance and all service necessary to keep the County's Heavy Equipment and Truck in safe and readily usable condition.

§ 1-113. Division of Engineering.

A. Under the direction and supervision of the Director of the Department of Engineering, Public Works and Facilities Management, the Division of Engineering's functions and responsibilities shall include:

1. Providing engineering advice and assistance to the Board of Chosen Freeholders, the County Manager and County Departments/Agencies; performing the engineering work and decisions involved with the design, maintenance and construction of roads, intersections, bridges, stormwater facilities, buildings, parks, and other projects and reviewing review and approving plans and specifications, tabulating bids and

recommending award of contracts; administering and inspecting for contract performance, certifying satisfactory contract performance for final payment and acceptance of work for County operational services projects.

2. Providing technical information on traffic and transportation matters and maintaining markings and signs on County Roads.

3. Performing its duties and responsibilities in conjunction and cooperation with the State Department of Transportation and Municipalities of Union County, as necessary.

4. Providing technical assistance to the Municipalities of Union County, as necessary.

5. Administering professional service contracts as necessary to implement and develop various County Public Works Projects.

6. The Division of Engineering shall be responsible for the administration, supervision and oversight of all capital projects within the County of Union.

B. Director of the Division of Engineering.

(1) Division head. The Director of the Division of Engineering shall be the head of the Division and shall be responsible to the Director of The Department of Engineering, Public Works and Facilities Management, for its operation. The Director of the Division of Engineering shall be a duly licensed professional engineer in the State of New Jersey. The Director of the Division of Engineering may be the County Engineer.

(2) The Director of the Division of Engineering will provide for the internal organization of the Division and assign and delegate work of the Division among its employees; install and maintain such administrative and financial controls and procedures as may be required for efficient management of the Division, including budget preparation activities, properties and equipment; prepare and submit such reports and recommendation with respect to the conduct, functioning and work of the Division as may be required.

C. Division organization.

(1) Within the Division, there shall be the following Bureaus:

- (a) Bureau of Engineering Services.
- (b) Bureau of Geographic Information Systems (GIS)
- (c) Bureau of Traffic Maintenance

(2) Bureau Chiefs. The Chief of each bureau shall be in charge of the bureau and shall be responsible to the Director of the Division of Engineering.

D. The Bureau of Engineering Services functions shall include:

(1) Conducting investigations, studies, planning and surveys necessary for the preparation of preliminary designs, plans and specifications and making estimates of costs for road,

intersection, bridge, culvert, storm drainage and flood control facilities construction, reconstruction, major repair, replacement and improvements.

(2) Preparing final plans, specifications and proposals for advertising to receive bids upon approval of preliminary plans.

(3) On receipt of bids, preparing reports and recommendations for contract awards or rejection of bids.

(4) Providing project construction administration and inspection for contract compliance to said plans, specifications and contracts.

(5) Complying with state and/or federal requirements and performing liaison work where state and/or federal funds are involved and obtaining state and/or federal approvals where required.

(6) Providing and maintaining surveys, maps, plans, specifications, operating records and files pertaining to County roads, bridges, sewers and storm drainage facilities and coordinating with the Bureau of GIS.

(7) Maintaining County rain charts, stream gage records and geodetic monument records.

(8) Providing surveyors, developers, municipalities and consultants with records and data maintained concerning the County's infrastructure, including roadways, bridges, stormwater management and flood control, etc.

(9) Providing material testing procedures relating to construction of County infrastructure.

(10) Preparing estimates for capital expenditure programs.

(11) Cooperating with public and private utilities in developing and coordinating County projects.

(12) Reviewing subdivision and development plans as to impacts on County roads, parks, bridges, stormwater facilities and flood control requirements.

(13) Maintaining records of the work of the Division of Engineering.

(14) Soliciting federal and state funding.

E. The Bureau of Geographic Information Systems' functions shall include:

(1) Preparing County maps, digitized photographs and creating specific information for County departments and municipalities to deal with issues of public safety, economic development, and transportation issues.

F. Bureau of Traffic Maintenance's functions shall include:

- (1) Providing traffic engineering services as required, including the gathering of operational traffic count data, performing studies to determine capacities and identifying and recommending corrections to traffic problems.
- (2) Reviewing applications for land development within the County to determine traffic impact on County roads.
- (3) Soliciting federal and state grants for traffic programs.
- (4) Rendering technical assistance and advice to municipal engineers, police departments and the public concerning traffic/transportation.
- (5) Supervising the maintenance of County roadway markings and signs.
- (6) Maintaining records related to County roadways, markings, signs and traffic Volume data.
- (7) Providing a liaison with federal and state agencies involved in traffic engineering.
- (8) Providing engineering advice and design services to implement and maintain an intelligent transportation System (ITS) capability in Union County.

§ 1-114. Omitted

§ 1-115. Division of Facilities Management.

- A. Under the direction and supervision of the Director of The Department of Engineering, Public Works and Facilities Management, the Division of Facilities Management's functions and responsibilities shall include providing general building maintenance to all County buildings, with the exception of the Orischello Correctional Facility (Union County Jail) and the George W. Herlich Juvenile Detention Center, including the functions of stationary engineers, custodial maintenance and general trades, construction management services, and printing and signage services.
- B. Division head. The Director of the Division of Facilities Management shall be the head of the Division and shall be responsible to the Director of the Department of Engineering, Public Works and Facilities Management for its operation.
- C. Division Organization.
 - (1) Within the Division, there shall be the following Bureaus:
 - (a) Bureau of Custodial Maintenance.
 - (b) Bureau of General Trades.
 - (c) Bureau of Mechanical Trades.
 - (d) Bureau of Construction Management.
 - (e) Bureau of Print Services.

- (2) Bureau Chief. The Chief of each Bureau shall be the head of the bureau and shall be responsible to the Director of the Division of Facilities Management.
- (3) Bureau of Custodial Maintenance's functions shall include providing custodial and janitorial services for all County buildings, with the exception of the Orischello Correctional Facility (Union County Jail) and the George W. Herlich Juvenile Detention Center, and providing custodial and janitorial services for all park facilities.
- (4) Bureau of General Trades' functions shall include providing technical and mechanical services for the safe and efficient operation of heating, ventilating, air-conditioning, plumbing and electrical systems of County buildings with the exception of the Orischello Correctional Facility (Union County Jail) and the George W. Herlich Juvenile Detention Center.
- (5) Bureau of Mechanical Trades' functions shall include maintaining and operating the heating, ventilating and air-conditioning systems in all County buildings, with the exception of the Orischello Correctional Facility (Union County Jail) and the George W. Herlich Juvenile Detention Center.
- (6) The Bureau of Construction Management's functions and responsibilities shall include supervising construction projects on all County-owned facilities and preserving, caring for, laying out, constructing and improving park and recreational facilities, the Watchung Reservation and open spaces.
- (7) The Bureau of Print Services' functions shall include operating, facilitating and supervising the County's printing & duplication services and signage services.

ARTICLE XX, Department of Corrections

[Amended 3/10/05 by Ord. No. 611; 3/27/08 by Ord. No. 667; 7/20/2017 by Ord. 2017-785; 12/7/2017 by Ord. 789-2017]

§ 1-119. General purpose; departmental organization

- A. There shall be a Department of Corrections in which the the Director of Corrections shall be the head of the Department and shall be responsible to the County Manager for its operation. The Department of Corrections is established for the following purposes:
 - (1) Developing and administering appropriate plans and programs to coordinate and improve criminal justice activities within the County;
 - (2) Studying and analyzing the programs and activities of federal, state and local agencies within the County relating to the administration of criminal justice.
 - (3) Operating and maintaining the Orischello Correctional Facility (Union County Jail) and the George W. Herlich Juvenile Detention Center in a safe, efficient, sanitary and humane manner.

- (4) Exercising custody, rule, keeping and charge of all prisoners in the County jail pending court action, the serving of sentences to the County jail and their transportation to state correctional facilities or otherwise detained within the jail pursuant to law.
 - (5) Protecting the public by securely detaining individuals who present a danger to the community.
- B. The County Manager may, pursuant to the relevant portions of *N.J.S.A.* 30:8-20, *N.J.S.A.* 40:41A-27a and *N.J.S.A.* 40:41A-51b, appoint the Director of the Department of Corrections for a term not to exceed two years. Such appointment for a term shall not nullify or eliminate the authority of the County Manager to remove the Director of the Department of Corrections at any time during the term, without cause, pursuant to *N.J.S.A.* 40:41A-51c. However, such removal shall be subject to the right of the Director of the Department of Corrections to request a public hearing on such removal before the Board of Chosen Freeholders in accordance with the provisions of *N.J.S.A.* 40:41A-87b. [Amended 12-19-1996 by Ord. No. 434]
- C. Within the Department and under the direct supervision of the Director of Corrections there shall be a Bureau of Facilities Maintenance. The Bureau of Facilities Maintenance shall be responsible for performing all preventive, predictive, corrective, and life cycle maintenance for buildings which comprise the Orischello Correctional Facility (Union County Jail) and the George W. Herlich Juvenile Detention Center.

§ 1-120. George W. Herlich Juvenile Detention Center.

[Added 7-20-2017 by Ord. 2017-785]

The Superintendent of the Juvenile Detention Center shall be the head of this facility and shall be responsible to the Director of Corrections for its operation. Under the authority of the Director of Corrections and direction of the Superintendent, the Juvenile Detention Center's functions and responsibilities shall include:

- (1) Providing for the temporary care (detention), in a physically restricting facility, of juveniles awaiting court disposition, in accordance with state law and rules and regulations appertaining thereto.

§ 1-21 through § 1-22. (Reserved)

ARTICLE XXI, Department of Public Safety

[Amended 10-30-1985 by Ord. No. 232; 9-10-1987 by Ord. No. 275; 8-2-1988 by Ord. No. 300; 7-18-1991 by Ord. No. 337; 7-22-1999 by Ord. No. 503; 6-20-2002 by Ord. No. 553; 2-5-2004 by Ord. No. 587; 9-14-2006 by Ord. No. 636; 3-27-08 by Ord. No. 667; 7-19-2012 by Ord. 738; Amended 12-19-2013 by Ord. 2013-755; Amended 12-7-2017 by Ord. 2017-789; Amended 12-7-2017 by Ord. 2017-789]

§ 1-123. General purpose; departmental organization.

[Amended 11-12-1992 by Ord. No. 370; 4-14-1994 by Ord. No. 390; 8-21-1997 by Ord. No. 454; 12-11-1997 by Ord. No. 458; 9-14-2006 by Ord. No. 636]

- A. There shall be a Department of Public Safety for the purpose of planning and coordinating an effective administration of County safety and security operations. The Director of Public Safety shall be the head of the Department and shall be responsible to the County Manager for its operation. The office staff of the Director shall include, , criminal justice planning personnel.

[Added 9-14-2006 by Ord. No. 636; Amended 7-19-2012 by Ord. No. 738]

- B. The County of Union does hereby, pursuant to the provisions of *N.J.S.A. 26:3A2-35*, establish an Environmental Quality and Enforcement Fund (EQE Fund) to serve as a depository for any fees, fines or penalties collected pursuant to *N.J.S.A. 26:3A2-21 et seq.* The EQE Fund shall be dedicated to use in environmental enforcement, as specified under the CEHA. The Director of the Department of Public Safety shall be responsible for the management of the EQE Fund, to include all sub-accounts that are established.

[Added 9-14-2006 by Ord. No. 636]

- C. The Department of Public Safety shall include the following divisions:

- (1) The Division of Police.
- (2) The Division of Medical Examiner.
- (3) The Division of Weights and Measures.
- (4) The Division of Emergency Services.

§ 1-124. Division of Police.

[Amended 7-22-1999 by Ord. No. 503; Amended 12-19-2013 by Ord. 2013-755]

- A. Under the direction and supervision of the Director of Public Safety, the Division of Police functions and responsibilities shall include preserving order in County parks, facilities, parkways, and recreational places under its control and providing, pursuant to appropriate statutory authorization and approved requests, logistical support to the County Courts, County Prosecutor, County Sheriff and other law enforcement agencies throughout the County.

- B. The Division of Police's functions shall include:

- (1) Acting as the County law enforcement agency for all County parks and providing security for all County-owned property and having all the powers conferred by law on police officers or constables in the enforcement of laws in this state and the apprehension of violators thereof.
- (2) Arresting on view and without warrant and conducting before the municipal court of the municipality in which the arrest is made, or the municipal court of a neighboring

municipality, any person found violating County rules and regulations enacted for the protection, preservation, regulation and control of park, parkways, playgrounds, and recreation places and all property therein.

- (3) Maintaining the Union County Fire Investigation Task Force. The Union County Fire Investigation Task Force will provide assistance to local police and fire departments in determining the origin and cause of suspicious fires. The Union County Fire Investigation Task Force will consist of municipal police and firefighters assigned to the unit, as well as members of municipal volunteer fire departments assigned to the unit and retired members of municipal police or fire departments who have retired in good standing from their municipal agency and who are under the mandatory retirement age for municipal police and municipal firefighters.

C. Division head. The Chief of Police shall be the head of the Division and shall be responsible to the Director of Public Safety for its operation.

§ 1-124.1. Reserved.

[Division of Security - Added 7-22-1999 by Ord. No. 503; Deleted 2-5-2004 by Ord. No. 587]

§ 1-125. Division of Medical Examiner.

[Amended 9-23-1999 by Ord. No. 507]

A. Under the direction and supervision of the Director of Public Safety, the Division of Medical Examiner's functions and responsibilities shall include:

- (1) Determining the cause, manner and mechanism of death in the cases investigated by the Division (homicides, accidents, suicides, suspicious and unexpected deaths, threat to public health cases and death within 24 hours of admission to a hospital) and reporting the findings to the appropriate offices.
- (2) Performing autopsies and/or external examinations according to New Jersey medical examiner statutes.
- (3) Visiting and photographing the scenes of homicides, accidents, suicides, suspicious and unexpected deaths.
- (4) Supervising the operations of the County morgue.
- (5) Keeping appropriate files in all cases and reported to the Division.
- (6) Testifying in Superior Court as expert witnesses for the prosecution.
- (7) Making funeral arrangements for unclaimed bodies and indigent persons.

B. Division head. The Chief Medical Examiner shall be the head of the Division and shall be responsible to the Director of Public Safety for its operation, subject to the general supervision of the State Medical Examiner and the provisions of *N.J.S.A. 52:17B-78 et seq.*

§ 1-126. Division of Weights and Measures and Consumer Affairs.

[Amended 9-23-1999 by Ord. No. 507; Amended 7-19-2012 by Ord. No 738)

A. Under the direction and supervision of the Director of Public Safety, the Division of Weights and Measures and Consumer Affairs functions and responsibilities shall include:

(1) Protecting the consumer through:

(a) Calibration of commercial weighing and measuring devices.

(b) Weighing commodities in transit or exposed for sale.

(2) Investigating complaints.

(3) Enforcing Title 51, Chapter 1 of the Laws of the State of New Jersey.

(4) The Office of Consumer Affairs functions shall include:

(a) Investigating complaints of fraud in the marketplace on behalf of County residents.

(b) Mediating and resolving complaints and direct consumer complaints to the appropriate state and/or federal agencies.

(c) Monitoring and enforcing legislation to prevent fraud and insure consumer safety and satisfaction in the purchase and use of any product or service.

(d) Performing all functions relating to implementing a program design and suggested by the Division of Consumer Affairs of the State of New Jersey to provide aid and assistance to residents of the County of Union with respect to obtaining relief from fraudulent, deceptive or false business and/or commercial transactions.

(e) Providing a location for the public to contact to obtain advice and aid in matters relating to consumer fraud and other unlawful and/or unethical business or commercial practice.

(f) Maintaining liaison with various municipal offices and citizen groups within the County of Union for the purpose of disseminating all available information and material relating to the reduction and elimination of fraudulent, deceptive or false business and/or commercial transactions committed against residents of the County of Union.

B. Division head. The Superintendent of Weights and Measures and Consumer Affairs shall be the head of the Division and shall be responsible to the Director of Public Safety for its operation.

C. There shall be such Assistant Superintendents of Weights and Measures and Consumer Affairs as shall be appointed by the County Manager and authorized by resolution of the Board.

§ 1-127. Division of Emergency Services.

[Amended 8-21-1997 by Ord. No. 454; 7-23-1998 by Ord. No. 479; 1-21-1999 by Ord. No. 490; 9-23-1999 by Ord. No. 507; 9-14-2006 by Ord. No. 636; Amended 7-19-2012 by Ord. No 738.

A. There is hereby established the Division of Emergency Services whose functions and responsibilities shall include:

(1) Under the direction and supervision of the Director of Public Safety, the Division of Emergency Services functions and responsibilities shall include:

- (a) Planning, developing, coordinating and activating County-wide mutual aid and emergency management operations, to include preparedness and mitigation efforts and the integration of preparedness and response elements of the County Division of Health and Department of Human Services into the County Emergency Operations Plan.
- (b) Making available to the County and activating such emergency management facilities and services as are available from the resources of County government.
- (c) Keeping the County advised of current and potential disaster situations.
- (d) Coordinating and implementing all necessary response, assistance, training and related services for the identification of hazardous materials and appropriate cleanup and disposal of hazardous materials caused by accident or otherwise.
- (e) Providing for the appropriate training of fire personnel from the municipalities of the County of Union, continuing education in the field of fire science and such other assistance in fire-science-related matters that may be deemed appropriate through the Fire Service Training Academy.
- (f) Maintaining a fully certified and operable hazardous materials response team to serve as agents of the New Jersey Department of Environmental Protection for the purposes of investigating, mitigating and preventing releases, spills or other discharges into the air, water or soils within Union County. These procedures will be implemented according to the Union County Emergency Operations Plan and as required by CEHA performance standards, *N.J.A.C. 7:1H-3 et seq.*
- (g) Perform duties as assigned by the Director of Public Safety in the enforcement, collection and management of fees, fines or penalties pursuant to Environmental Quality and Enforcement Fund (EQE Fund) under the CEHA, *N.J.S.A. 26:3A2-21 et seq.* [Added 9-14-2006 by Ord. No. 636]
- (h) Performing the duties and the functions and responsibilities of the office in accordance with the rules and regulations promulgated by the Governor.

(2) Deputy Coordinator of Emergency Management. There shall be a Deputy Coordinator of Emergency Management appointed by the County Manager, subject to the approval

of the State Director of Emergency Management and subject to his orders, as required by law.

- (3) State Director to exercise supervision and control. The State Director of Emergency Management shall exercise supervision and control of the Coordinator of Emergency Management and Deputy, who may be removed by the State Director for cause. The Coordinator of Emergency Management and Deputy shall perform their duties in accordance with the provisions of Title App. A: Ch. 9, and rules and regulations promulgated by the Governor.

B. Division head. The Coordinator of Emergency Management shall be the head of the Division and shall be responsible to the Director of Public Safety for its operation, subject to the approval of the State Emergency Management Director and subject to his orders, as required by law.

C. Division organization. Within the Division there shall be the following Bureaus:

- (1) The Bureau of Operations.
- (2) The Bureau of Logistics.
- (3) The Bureau of Support.

[Added 9-14-2006 by Ord. No. 636]

D. The Bureau of Operations. Under the direction and supervision of the Director of Emergency Management, the Bureau of Operations functions and responsibilities shall include:

(1) Hazardous Materials

- a. Maintaining a fully certified and operable hazardous materials response team to serve as agents of the New Jersey Department of Environmental Protection for the purposes of investigating, mitigating and preventing releases, spills or other discharges into the air, water or soils within Union County. These procedures will be implemented according to the Union County Emergency Operations Plan and in compliance with CEHA performance standards, *N.J.A.C. 7:1H-3 et seq.*
- b. Coordinating and implementing all necessary response, assistance, training and related services for the identification of hazardous materials and appropriate cleanup and disposal of hazardous materials caused by an accident or otherwise.
- c. (3) Operating with federal, state and local authorities using a unified command structure, under the Incident Command System / National Incident Management System (ICS / NIMS).
- d. Maintaining capabilities as a Type 1 hazardous materials team as delineated by the U.S. Department of Homeland Security.

- e. Complying with the New Jersey State Police Hazardous Materials Response Unit Standards for Operations and Training.
- f. Preparing and Disseminating all mandated statistical programmatic reports to appropriate agencies and officials

(2) Emergency Medical Services

- a. Provide ambulance services throughout the county as needed or requested.
- b. Shall not fail to respond to an emergency call or refuse to provide emergency treatment and transportation to any person because of that person's race, sex, creed, national origin, sexual preference, age, disability, medical condition, or ability to pay.
- c. Adhere to all of the NJ Department of Health's licensing standards for Basic Life Support services.
- d. The day-to-day operation and management of Emergency Medical Services shall be under the supervision of the Division head or his or her designee
- e. Emergency Medical Services use rates shall be established on an annual basis in accordance with industry standards in similar service areas and in line with other service providers in the County's geographic location as determined between the County Manager, Director, Division of Emergency Services and the third party billing consultant retained for such purposes.

(3) Emergency Management

- a. Planning, developing, coordinating and activating County-wide mutual aid and emergency management operations, to include preparedness and mitigation efforts and the integration of preparedness and response elements of the County Division of Health and Department of Human Services into the County Emergency Operations Plan.
- b. Making available to the County and activating such emergency management facilities and services as are available from the resources of County government.
- c. Keeping the County advised of current and potential disaster situations.

Performing the duties and the functions and responsibilities of the office in accordance with the rules and regulations promulgated by the Governor[Added 9-14-2006 by Ord. No. 636; Amended 7-19-2012 by Ord. No. 738]

- E. . The Bureau Chief shall be a Certified Hazardous Materials Specialist pursuant to OSHA Regulations, 29 *C.F.R.* 1910.120-120.6(iii) – “Training”; and shall have a certification as a

Hazardous Materials On Scene Incident Commander pursuant to OSHA Regulations, 29 C.F.R. 1910.120-120.6 – “Training”; and shall be a certified New Jersey Emergency Medical Services technician. The Bureau Chief shall be the head of the Bureau and shall be responsible to the Director of the Division of Emergency Management for its operation.
[Added 9-14-2006 by Ord. No. 636]

F. Bureau of Logistics. Under the direction and supervision of the Director of the Division of Emergency Management, the Bureau of Domestic Preparedness’ functions and responsibilities shall include:

- (1) Management of the County’s Homeland Security Grant Program, Urban Area Security Initiative, Critical Infrastructure and other similar homeland security and domestic preparedness programs.
- (2) Staffing and assisting the Freeholder Committee on Homeland Security on domestic preparedness issues.
- (3) Providing technical assistance to the County Working Group, Urban Area Security Initiative Regional Working Group and other agencies/municipalities on applications and grant management pertaining to homeland security and domestic preparedness.
- (4) Providing support and assistance to all Departments and agencies concerning current Federal and State Homeland Security and Domestic Preparedness programs and regulations.
- (5) Maintaining a close liaison with the New Jersey Office of Homeland Security and Domestic Preparedness, State Police Office of Emergency Management and Domestic Preparedness and the Office of the Attorney General on issues relevant to homeland security and domestic preparedness grants and initiatives.
- (6) Monitoring Federal and State legislation relative to Homeland Security and Domestic Preparedness and recommending policies and procedures for compliance.

[Added 9-14-2006 by Ord. No. 636]

G. The Bureau of Logistics will have as its Bureau Chief the Domestic Preparedness Planner. The Bureau Chief shall head the Bureau and shall be responsible to the Director of the Division of Emergency Management for its operation.

[Added 9-14-2006 by Ord. No. 636]

H. The Bureau of Support

- a. Fire Science Training Academy. Providing for the appropriate training of fire personnel from the municipalities of the County of Union, continuing education in the field of fire science and such other assistance in fire-science-related matters that may be deemed appropriate through the Fire Service Training Academy.
- b. Communications. Maintain the radio communication capabilities for the County of Union.

[Added 7-19-2012 by Ord. No.738]

§ 1-128. Office of Health Management.

[Added 9-9-2007 by Ord. No. 655-2007; Amended by Ord. 2017-78]

A. There is hereby established the Office of Health Management, a certified local health agency pursuant to *N.J.S.A. 26:3A2-6(b)* for the purposes of serving as the certified local health agency that will receive delegated authority under the County Environmental Health Act (CEHA), *N.J.S.A. 26:3A2-21 et seq.*, the New Jersey Department of Environmental Protection (NJDEP) and the New Jersey Department of Health and Senior Services (NJDHSS).

(1) Under the direction and supervision of the Director of Public Safety, the Office of Health Management's functions and responsibilities shall include:

- (a) Overseeing the administration of the Office of Health Management in carrying out its duties as the environmental health department receiving delegated authority under the CEHA, *N.J.S.A. 26:3A2-21 et seq.*, the NJDEP and the NJDHSS.
- (b) Implement an air program concentrating on citizen's complaints and ensuring compliance with governing laws by all point source dischargers pursuant to the Air Pollution Control Act, *N.J.S.A. 26:2C-1 et seq.*
- (c) Execute an effective Solid Waste Enforcement Program, including illegal dumping. Union County's Solid Waste Control Program is established pursuant to the provisions of the Solid Waste Management Act, *N.J.S.A. 13:1E-1 et seq.*, the County Environmental Health Act, *N.J.S.A. 26:3A2-21 et seq.*, and the County Environmental Health Standards and Performance, *N.J.A.C. 7:1H-1.1 et seq.* The purpose of this enforcement program is to monitor compliance with the rules and regulations of the NJDEP concerning the operation of solid waste facilities and the activities of solid waste collectors and haulers in Union County. All enforcement efforts shall be done in cooperation with the NJDEP - Solid Waste Inspections and Compliance agency to obtain consistent enforcement and to preclude duplication of effort.
- (d) Oversee investigation of all water pollution complaints and assist the New Jersey Department of Environmental Protection with compliance monitoring of all point source discharges. Under the auspices of the Environmental Health Performance Standards for Potable Water Supply, *N.J.A.C. 7:1H-3.6*, Groundwater Pollution Control, *N.J.A.C. 7:1H-3.7*, and Surface Water Pollution Control, *N.J.A.C. 7:1H-3.8*, implement a comprehensive Water Pollution Control Program.
- (e) Work in conjunction with the County Bureau of GIS to develop and maintain geographic information systems (GIS) data relative to CEHA initiatives. The goal is to develop and implement a comprehensive County-wide geographic information system (GIS) database and mapping program incorporating information from local, County, state and federal agencies to serve local

municipalities, agencies and the County in making decisions which impact the environment of the area.

- (f) Ensure compliance and enforcement of applicable Recycling provisions under Union County's Solid Waste Control Program.
- (g) Ensure compliance with Noise Control Regulations pursuant to the Noise Pollution Control Act, *N.J.S.A. 13:1G-1 et seq*; *N.J.A.C. 7:29-1.1 et seq*. The Union County Office of Health Management, Office of Environmental Health will enforce the State Noise Control Regulations following the guidelines outlined in this section and the CEHA Work Program to control noise from commercial and industrial sources.
- (h) Providing administrative support and assistance to all Union County departments and agencies concerning the implementation of current federal and state environmental regulations.
- (i) Promoting environmental health and safety programs within the County, including but not limited to the provisions of the "New Jersey Worker and Community Right-to-Know Act", *N.J.S.A. 34:5A-1 et seq.*, hazardous waste, OSHA compliance and recycling regulations as specified in the Union County Solid Waste Management Plan.
- (j) Administer an effective Local Information Network Communications System (LINCS) operation to respond to public health threats and emergencies and provide central planning, coordination and delivery of specialized services within the County in partnership with all municipal health departments. Responsibilities will include establishing a public health surveillance and response network to ensure rapid detection and containment of conditions which threaten the public's health and safety, providing communications to key health and health-related participants, forming public-private partnerships for addressing health issues, and coordinating all relevant entities which support and contribute to the public's health, local and state health departments, managed care, medical providers, laboratories, and emergency responders.
- (k) Act as lead public health official under the provisions of the Emergency Health Powers Act.
- (l) Enhance and integrate local public health agencies' state of preparedness for, response to, and recovery from acts of terrorism and other public health emergencies by minimizing, to the fullest extent possible, the human health consequences associated with the emergence of a novel strain of influenza virus (Flu Pandemic Planning), and expanding capacity to expeditiously and efficiently distribute/administer antibiotics and/or vaccines to our entire population at community-based points of distribution or through other supplemental delivery modalities.

- (m) Work in conjunction with Union County OEM to enhance the existing Public Health Annex of the Emergency Operation Plan.
- (n) Participate as a member of the Local Emergency Planning Council (LEPC) in the periodic review of updates and modifications to the County Emergency Operation Plan.
- (o) Coordinate with representatives from all local health departments and acute-care facilities in Union County to establish and review protocols to ensure the mutual investigation of diseases of public health importance, including potential bioterrorism incidents.
- (p) Participate in increasing the availability of worker crisis counseling and mental health and substance abuse behavioral health support, in conjunction with the County OEM and the County Mental Health Administrator, and in collaboration with the New Jersey Division of Mental Health Services Disaster and Terrorism Branch as well as the New Jersey State Police's Disaster Critical Incident Response Program.
- (q) Participate, in conjunction with NJDHSS, County OEM and the Local Health Departments, in the development of a business continuity-planning element as a component of a county-level all-hazards preparedness plan.
- (r) Exercise plans to test horizontal and vertical integration with response partners at the State, County and Local level.
- (s) Perform duties as assigned by the Director of Public Safety in the enforcement, collection and management of fees, fines or penalties pursuant to Environmental Quality and Enforcement Fund (EQEF), under the CEHA, *N.J.S.A. 26:3A2-21 et seq.*, including the conduct of compliance hearings.
- (t) To administer and enforce the Local Health Services Act, *N.J.S.A. 26:3A2-1 et seq.* and *N.J.A.C. 8:24 et seq.*, the Sanitation in Retail Food Establishments and Food and Beverage Vending Machines regulations on County properties, including performing inspections and issuing permits to allow for retail food establishments.

i.) Inspections and Permits Fees

The Union County Board of Chosen Freeholders annually adopts a fee schedule for inspections and permits, performed by the Department of Public Safety, for all retail food establishments on County properties. The Clerk of the Board will publish the required notice in the appropriate newspaper of such introduction and public hearing for the Schedule of Fees. A copy of the currently effective Schedule of Fees ordinance is on file in the Clerk of the Board's office and is available for examination during office hours.

The Director of the Department of Public Safety is hereby authorized to set

fees and one time charges not specifically included in the Schedule of Fees. Subject to the written approval of the County Manager, the Director of the Department of Public Safety is hereby further authorized to amend or modify any fee set forth in the Schedule of Fees for special promotions and events up to twelve (12) times a year. In the event that the Director shall assess, amend or modify any fee he shall file a notice of said assessment, amendment or modification with the Clerk of the Board and the Director of the Department of Finance, no less than five (5) days prior to the effective date of the assessment, amendment or modification.

B. Office head. The Director of the Office of Health Management, will be a licensed full-time health officer, shall be the head of the Office and shall be responsible to the Director of Public Safety for its operation.

C. Office organization. Within the Office there shall be the following Offices:

- 1) The Office of Environmental Health.
- 2) The Office of Public Health.

D. The Office of Environmental Health. Under the direction and supervision of the Director of the Office of Health Management, the Office of Environmental Health's functions and responsibilities shall include:

- 1) Investigating all water pollution complaints and assist the NJDEP with compliance monitoring of all point source discharges. Under the auspices of the Environmental Health Performance Standards for Potable Water Supply, *N.J.A.C. 7:1H-3.6*, Groundwater Pollution Control, *N.J.A.C. 7:1H-3.7*, and Surface Water Pollution Control, *N.J.A.C. 7:1H-3.8*, implementing a comprehensive Water Pollution Control Program.
- 2) Responding to noise complaints and enforce State Noise Control Regulations pursuant to the Noise Pollution Control Act, *N.J.S.A. 13:1G-1 et seq*; *N.J.A.C. 7:29-1.1 et seq*. The Union County Office of Health Management will enforce the State Noise Control Regulations following the guidelines outlined in this section and the CEHA Work Program to control noise from commercial and industrial sources.
- 3) Providing information and technical assistance to municipalities, individuals and various agencies on environmental issues.
- 4) Promoting environmental health and safety programs within the County, including but not limited to the "Right-to-Know" law, safety, hazardous waste and OSHA compliance.
- 5) Implementing the provisions of the "New Jersey Worker and Community Right to Know Act", *N.J.S.A. 34:5A-1 et seq.*
- 6) Ensuring compliance with Recycling Regulations as stated in the Solid Waste Management Act.

- 7) Implementing an air program concentrating on citizens complaints and ensuring compliance with governing laws by all point source dischargers pursuant to the Air Pollution Control Act, *N.J.S.A. 26:2C-1 et seq.*
- E. The head of the Office of Environmental Health shall be responsible to the Director of the Office of Health Management for its operation.
- F. The Office of Public Health. Under the direction and supervision of the Director of the Office of Health Management, the Office of Public Health's functions and responsibilities shall include:
- 1) Providing guidance and support for the development of an "All Hazards Public Health Plan" for all local health agencies within their jurisdiction, in accordance with a NJDHSS template.
 - 2) Maintaining 24/7/365 communications capabilities in order to respond to infectious disease outbreaks and public health threats due to acts of terrorism and/or natural emergencies.
 - 3) Providing local and regionally generated disease data, such as the number of emergency department visits and admissions, sources and volume of influenza-like illness and other information that may be indicative of potential public health threats and/or emergencies to the NJDHSS.
 - 4) Conducting Hazard and Vulnerability Analysis and initiate a review and update of the county/municipal hazard vulnerability assessment, specific to chemical plants (SARA/TCPA), hazardous waste plants, retail establishments/businesses with chemical and pesticide supplies and sewer treatment plants.
 - 5) Collecting and analyzing communicable disease data from available surveillance systems to monitor disease trends and communicate any significant findings to NJDHSS and local public health partners within their jurisdiction.
 - 6) Establishing and reviewing protocols to ensure the investigation of diseases of public health importance, including potential bioterrorism incidents.
 - 7) Managing and operating the Public Health Emergency Communication System to ensure the timely dissemination and exchange of public health information to all key stakeholders within the LINCS agency region on a 24/7/365 basis.
 - 8) Developing and delivering risk communication resources for local public health agencies and elected officials.
 - 9) Reviewing procedures, protocols, statutes and regulations and other directives related to the Emergency Health Powers Act, in particular, as related to Isolation and Quarantine (Sections 14, 15 and 16 of the Act).
 - 10) Expanding the mass prophylaxis plan to include alternative methods of medication delivery based on NJDHSS guidelines (when available) and provide training, as required.

- 11) Identify, recruit and train a pool of volunteers and staff to assist with any public health threat/emergency, including but not limited to, conducting epidemiologic investigations and supporting mass prophylaxis activities.
- 12) Conducting a business continuity-planning element as a component of a county-level all-hazards preparedness plan; develop protocols to expedite the implementation of recovery risk communication plans; develop protocols to expedite the implementation of recovery risk communication plans.
- 13) Developing plans for the rapid distribution of medications for first responders, fixed facilities, and the public within 48 hours; develop a local SNS assessment tool and review and update SNS plans to ensure that the grantee can receive and distribute medications for all Union County jurisdictions.
- 14) Operating with federal, state and local authorities using a unified command structure, under the Incident Command System / National Incident Management System (ICS / NIMS).

G. The Office of Public Health will have as its Head the LINCS Coordinator. The Coordinator shall be the head of the Office and shall be responsible to the Director of the Office of Health Management for its operation.

§ 1-129. Prohibition of Unauthorized or Unpermitted Discharge of Hazardous Substances

[Added 12-17-2009 by Ord. No. 697]

- a. Authority; This Ordinance is enacted pursuant to and consistent with the County Environmental Health Act, N.J.S.A. 26:3A2-21 *et seq.*, and The Spill Compensation and Control Act N.J.S.A.58:10-23.11 *et seq.*, and the rules and regulations adopted thereunder.
- b. Purpose; This Ordinance serves to prohibit the unauthorized and/or unpermitted discharge of a hazardous substance within the jurisdiction of the County of Union. This Ordinance also authorizes the UCDES to conduct emergency response actions and establish procedures and protocols for such actions. This Ordinance further provides for the recovery of cost incurred by UCDES and/or its Agents in an emergency response action.
- c. Definitions; The words and terms used in this Ordinance shall have the following meanings:

“Accidental Discharge” shall mean those incidents which occurred unexpectedly and unintentionally, by chance or by an act of God.

“Agent’s of Certified Local Health Agency” shall include, for the purpose of this Ordinance, any Municipality or Public Health Entity which executes a Shared Service Agreement with the County of Union; pursuant to the Uniform Shared Services and Consolidation Act N.J.S.A. 40A:65-1 *et seq.*, or subcontracting units who agree to provide emergency response services within the geographical boundaries of the Municipality or geographical jurisdictional boundaries of the Local Certified Health Agency, provided such an Agreement is

incorporated into the Union County CEHA (County Environmental Health Act) Work Plan pursuant to N.J.S.A. 26:3A2-33.

“Certified Local Health Agency” means the Union County, Office of Health Management (UCOHM), or when appropriate, its designee.

“County” means the County of Union, its employees, its Agents, its Officers, and its Officials.

“Department” means the New Jersey Department of Environmental Protection.

“Discharge” means any intentional or unintentional act or omission, unless pursuant to, and in compliance with, a valid, State or Federal permit therefore, resulting in the releasing, spilling, pumping, pouring, emitting, emptying, or dumping of any amount of hazardous substance into the waters, or onto the land or into the air of the County, or into the waters, land or in the air outside the jurisdiction of the County when damage may result to the people, land, waters, air or natural resources within the jurisdiction of the County of Union. This definition does not include any “leak”.

“Leak” or “Leakage” means any escape of a hazardous substance from the ordinary container employed in the normal course of storage, transfer, processing, or use, into secondary containment or diversion system or onto a surface from which it is cleaned up and removed prior to its escape into the waters or onto the lands of the State.

“Emergency Response Action” means any action taken by the Certified Local Health Agency, its Employees, Agents, Contractors, or Municipal Agencies in response to a discharge or a threatened discharge of a hazardous substance for the purpose of:

- (1) Investigating its cause, source or affect.
- (2) Initiating any action to prevent or mitigate any risk or threat to public health, safety, or welfare arising out of the discharge. Preventing or mitigating any damage or injury to public or private property or natural resources, and
- (3) Conducting or overseeing a remedial action.

“Emergency Response Action Costs” means all costs incurred by Certified Local Health Agency, its Employees, its Agents, Contractors, or Municipal Agencies in connection with any emergency response action, including overtime costs for deployed emergency response personnel, medical, and hospital treatment for injuries incurred, expendable items, and all reasonable expenses associated with cost recovery process, including but not limited to, reasonable attorney fees, court costs, litigation costs, expert fees, investigation costs, depositions, tests, copying and all out of pocket costs, as well as cost of towing, rigging company, and technical assistance by the County. Excluded are costs to pay volunteer responders and costs associated with Class “A” fire fighting.

“Expendable Items” means any items used to prevent, mitigate, suppress, or contain any discharge or threatened discharge, which cannot be reused or replenished or replaced without cost after use or deployed in an emergency response action.

“Expendable Items” shall include: but are not limited to, chemical extinguishing agents, adsorbents and adsorbent materials; sand; drums; containers; protective equipment and clothing; including chemical protective suits; gloves; boots; and goggles.

“Hazardous Substances” means for the purpose of this Ordinance all substances included within the definition of “hazardous substance” under N.J.A.C.7:1E-1.7, including all amendments and supplements, thereto, all substances considered hazardous materials under 49 CFR 105 and all substances considered hazardous waste under N.J.A.C. 7:26-1.1 *et seq.*

“Municipal Agency” shall mean any Municipality which has a written Shared Service Agreement with the Certified Local Health Agency for cost recovery.

“Municipality” means any of the incorporated Municipalities within the County of Union, including their Employees, Officers, and Officials.

“Owner or Operator” means with respect to a vessel, any person owning or operating or chartering by demise such vessel; with respect to any facility or vehicle, any person owning or operating such facility or vehicle, whether by lease, contract or any other form of Agreement; with respect to abandoned facilities or vehicles, the person who owned or operated the facility or vehicle immediately prior to such abandonment; the owner or operator at the time of the discharge.

“Person” means any entity or natural person, including without limitation of the following: Public or Private Corporations, Officers, Directors, Shareholders of a Corporation/Company, Companies, Associations, Societies, Firms, Partnerships, Joint Stock Companies, Individuals, Interstate Subdivisions or Agents, the State of New Jersey and any of its Political Subdivisions or Agents; and any other State and any of its Political Sub-Divisions or Agents.

“Responsible Party” means a person who is in any way deemed responsible for a discharge of a hazardous substance, including each owner and operator and any other person obligated, without regard to fault, by law to clean up and remove a discharged hazardous substance.

- d. Regulations; The discharge of a hazardous substance is prohibited, except this prohibition shall not apply to discharges conducted in compliance with the conditions of a valid Federal or State permit or otherwise authorized by Law.
- e. Notification; Any person who is in any way responsible for, or has knowledge of a discharge of a hazardous substance which occurs after the effective date of this Ordinance shall immediately notify the Department of Environmental Protection “Hot Line” at (877) WARN DEP (927-6337) pursuant to N.J.A.C. 7:1E-5.3. **Notification not required for exempted hazardous substances pursuant to NJAC 7:1E-5.3(e).**
- f. Any Municipality having knowledge of a discharge for a hazardous substance shall in addition to notifying the Department “Hot Line” at (609) 292-7172 pursuant N.J.A.C. 7:1-5.3 shall notify the Union County Division of Emergency Management Dispatcher at (908) 654-9800.
- g. Liability Except as provided in Section D, any person who is in any way deemed responsible for the discharge of a hazardous substance shall be liable strictly,

jointly, and severally for all emergency response actions costs as defined in Section C, incurred by the County, as Certified Local Health Agency, their Agents, Employees, Contractors, or Municipal Agency, and any personal or property damage incurred by the County, the Certified Local Agency, their Agents, Employees, Contractors, and Municipal Agency.

- h. Emergency Response; The Certified Local Health Agency (UCOHM) may initiate and conduct an emergency response action in response to a discharge of a hazardous substance that has occurred, is occurring, or threatens to occur within the jurisdictional boundaries of the County of Union pursuant to N.J.S.A. 26:3A2-27.
 - i. The Certified Local Health Agency shall be the lead Agency in conducting emergency response actions and at the scene of a Hazardous Materials Incident, unless otherwise provided for in an Shared Service Agreement incorporated into the County's CEHA Work Program.
 - j. Inspection, Right of Entry Authorized representatives of the Certified Local Health Agency shall have the same right as an authorized representative of the Department to enter and inspect any premises, facility, site, tank, vessel, vehicle, structure, container, pipe, hose, or building for the purpose of ascertaining compliance or non-compliance with the provisions of this Ordinance and the provisions set forth in N.J.A.C.7:1E-1.1 *et seq.*
 - k. When a discharge of a hazardous substance has occurred, is occurring, or appears imminent from a facility, site, premise, vessel, vehicle, building, tank, structure, pipe, hose, or container at which no one is present, the Certified Health Agency shall take responsible steps to gain access to the facility in order to protect human health, safety, welfare, and the environment.
 - l. Cost of Recovery; This Certified Local Health Agency may recover all costs as defined above incurred by it, the county, its Employees, Agents, Contractors, and Municipal Agencies in connection with an emergency response action. Cost reimbursement shall be in accordance with the currently approved reimbursement rates as established by the Federal Emergency Management Agency (FEMA) and as set forth in Schedule "A" annexed hereto and made a part hereof, for costs not otherwise established by FEMA.
- 1) Whenever the Certified Local Health Agency seeks to recover costs the Certified Health Agency shall send, by certified mail, return receipt, a demand letter to the responsible party or parties, which shall contain:
- (a) The inclusive date(s) and time(s) of the discharge, if known;
 - (b) The basis for the charges/liability to the extent known and as may be duly amended upon investigation, discovery and verification;

- (c) An itemization of the costs incurred by the Certified Local Health Agency, the County, their Employees, Agents, Contractors, and authorized Municipal Agencies in responding to the discharge;
 - (d) A calculation sheet including hours and personnel charged, salary rates and any overhead rates; and
 - (e) An explanation of the procedure to be followed to pay the costs demanded and the process to appeal the demand. Failure to appeal will be interpreted as an acceptance of the cost recovery expenses. Payments shall be remitted within forty-five (45) of receipt of the demand letter.
 - 2) Whenever this Certified Local Health Agency issues a demand letter to a party deemed responsible and the responsible party fails to appeal or remit payment within forty-five (45) as prescribed herein, the Certified Local Health Agency may bring an action in a court of competent jurisdiction to recover the costs incurred in the emergency response action, as prescribed in Section C, under Emergency Response Action cost.
 - 3) The County Manager or his designee may compromise the costs to be recovered in an amount not to exceed 25% of the original demanded costs to be recovered.
 - 4) Failure to remit payment beyond the forty-sixth (46th) day shall also result in a late penalty fee of 8% per year of the outstanding amount due.
 - 5) In the event that the collecting Agency is not able to collect all or partial cost from the responsible party or the New Jersey State Spill Fund, the County or Certified Local Health Agency shall not be responsible to its Agents or political sub-divisions for the balance due of same.
- m. Penalties Pursuant to N.J.S.A. 26:3A2-25, N.J.S.A. 40:49-1 *et seq.* and N.J.S.A. 26:3-70, the State approved, Certified Local Health Agency Director or his/her designee, shall initiate legal proceedings for any violation of this Ordinance.
- 1) It shall be a violation of this Ordinance for any person to:
 - (a) Obstruct, hinder, delay or interfere by force or otherwise the Certified Local Health Agency, any authorized governmental unit, their Employees, Agents, or Contractors, in the exercise of any power, function, or duty under the provisions of this Ordinance.
 - (b) Prepare, utter, or render any false statement, pertaining to investigations, reports, documents, plans or specifications permitted or required under the provisions of this Ordinance.
 - (c) Render, ineffective or inoperative, or fail to properly maintain any protective equipment or system installed, or intended to be installed in any building, premise, facility, structure, site, tank, vessel, vehicle, pipe, hose, container, or

system which was intended to detect, sense, alarm, contain, prevent, suppress or control a discharge.

(d) Fail to properly maintain any equipment, vehicle, site, premise, facility, building, vessel, structure, storage container, cylinder, pipe, hose tank, or system which contains hazardous substance.

(e) Violate or cause to be violated any provisions of this Ordinance.

- 2) A person who violates or causes to be violated a provision of this Ordinance shall be subject to a penalty of not less than two hundred (\$200.00) or more than five hundred (\$500.00) for each violation. If a violation is of a continuous nature, each day during which the violation remains shall constitute an additional and separate violation and penalty.
- 3) A person who violates or causes to be violated a provision of this Ordinance shall also be subject to payment of reasonable litigation expenses, including but not limited to, court costs, attorney fees, investigation costs, expert expenses, depositions, tests, copying, and all out of pocket expenses.

n. Construction and Severability; This Ordinance is to be liberally construed to effectuate the purpose, herein, described. Nothing herein, is to be construed as repealing or abridging the emergency powers of any agency of government except to the extent expressly set forth within.

- 1) If any Section, Subsection, Paragraph, Sentence, Clause, Phrase, or Work contained in this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance which shall remain in full force and effect.

o. Repealer; Any Ordinance or portion, thereof, enacted by the County of Union, any Municipality, Board of Health, or other public entity within the County of Union that is inconsistent with or stands as an obstacle to the effective implementation of this Ordinance shall be superseded by this Ordinance and, hereby, repealed.

- 1) To the extent that any Municipality has adopted an Ordinance duly approved by the N.J.D.E.P. that provides for cost recovery of their own, this Ordinance does not supersede or obligate the Municipality/Political Sub-Division to utilize the County to obtain cost recovery.

p. Disposition of Monies; The collection of all emergency response cost and cost recovery expenses, fund monies, penalties, late fee(s), interest, , and expenses, shall be deposited within the established Environmental Quality and Enforcement Trust Fund of the Union County Division of Emergency Management. Said monies shall be dedicated to the use of the County or Certified

VEHICLE

Haz-Mat 10	\$90.00	per hr	HM-7 (F350 Pick Up)	\$35.00	per hr
Haz-Mat 11	\$75.00	per hr	HM-8 (Suburban)	\$20.00	per hr
HM-2 (Suburban)	\$20.00	per hr	Decon Trailer	\$14.00	per hr
HM-3 (Suburban)	\$20.00	per hr	Spill Trailer	\$14.00	per hr
HM-4 (Utility)	\$46.00	per hr	WMD Trailer	\$10.00	per hr
HM-5 (Utility)	\$46.00	per hr	Support Trailer	\$10.00	per hr
HM-6 (Utility)	\$46.00	per hr	Gray Trailer	\$10.00	per hr
HM-9 (Utility)	\$46.00	per hr	Command Post	\$105.00	per hr

PERSONAL PROTECTIVE EQUIPMENT

Level A ensemble	\$740.20	Level B ensemble (Tk165)	\$166.20
Level A ensemble w/ NFPA	\$2,240.20	Level B ensemble (Tyvek F)	\$62.35
Level C ensemble	\$37.35	Lanx Suits	\$125.00
Turn Out ensemble	\$55.00	Turn Out Gear (Replacement cost)	\$1,200.00
Turn out (no SCBA)	\$30.00	Haz-Mat Boots (replacement)	\$66.95
SCBA extra bottle refill fee	\$18.00		
Silver Shield Gloves (pair)	\$4.75	Disposable Booties (pair)	\$3.50
Nitrile Gloves (pair)	\$7.25	Inner Nitrile gloves	6.50/box
Butyl Over Boot	\$15.00	Butyl Gloves (pair)	\$20.30
		Neoprene Gloves (pair)	\$6.85

** Do not bill for these items if you used the ensemble price **

Local Health Agency in carrying out its responsibilities under this Ordinance and the County Environmental Health Act.

<u>EQUIPMENT</u>				
Lite Dri (per bag)	\$12.45		Duct Tape	\$5.35
Speedy Dri (per Bag)	\$5.50		Chemical Resistant Tape	\$17.00
Street sweeper	\$14.00	per hr	Barracade Tape (1 roll)	\$15.95
Hand held sweeper	\$6.50	per hr	Decon Pool	\$125.00
Brooms, replacement	\$15.00		Decon Brush	\$36.00
Manhole Hook	\$25.00		Siphon Pump	\$17.00
Skimming Sweep	\$39.00		PAPR w/ Filters	\$75.00
Absorbant Pillows (per pillow)	\$10.70		APR w/ Filters	\$50.00
Absorbant Pads (bag of 100)	\$59.00		Rehab Supplies	\$35.00
Boom (per bag, 4 boom per bag)	\$150.00		Hazmat Sked	\$50.00
Hard Containment Boom/100ft	\$1,242.00		Guzzler Pump	\$85.65
Plastic Shovel (replacement)	\$46.00		Rope	\$14.85
Trash Bags (roll)	\$9.15		Coliwasas Tubes (Per Tube)	\$15.20
Trash Bags (box)	\$25.00		Chemical Classifier Strips	\$7.36
Poly Drum	\$49.00		Sample Jars	\$5.00
Overpack Drum (65 gallon)	\$139.00		66 Gallon Spill Pool	\$85.70
Salvage Drum (85 gallon)	\$118.00		Ph Paper (per 100)	\$15.95

Steel Drum open head (55 gallon)	\$72.00	Vetter Bag Sealing Pad Replacement	\$2,000.00
Gap Seal	\$15.00	Drum Belly Patch (Strap & Pad)	\$139.00
Plug & Patch kit	\$228.00	Grounding & Bonding Equipment	\$150.00
Spill X (21/2 lb bottle)	\$10.83	Generator (Small)	\$1.20 per hr
Fuel Solidifier	\$15.30	Generator (Large)	\$4.10 per hr
Neutralizer, Acid (5 gal pail)	\$146.00	Generator (Light Tower)	\$10.25 per hr
Neutralizer, Caustic (5 gal pail)	\$238.00	Dome Clamp/Clamps	\$250.00 each
Klor-n-Oil Kit	\$17.00	Plastic Sheeting	\$36.95
Epoxy Repair Putty (per tube)	\$4.92	Throat Mics	\$50.00
Unmanned Monitor	\$250.00	Hard Hat (Replacement Only)	\$8.95

MONITORING

Micro-Max Meter	\$65.00	Gieger Counter	\$50.00
Mini Rae 2000	\$100.00	Radiation Meter 40 GL	\$100.00
Multi Rae	\$100.00	Radiation Dosimeter	\$50.00
Mini Rae PPB	\$100.00	Isotope Identifier	\$300.00
Area Rae Sytems	\$450.00	Draeger IMS	\$300.00
Wireless System for Meters	\$25.00 per meter	Industrial Gas Detector	\$100.00
Ammonia Detector	\$25.00	AP4C WMD Detector	\$100.00
Chlorine detector	\$25.00	Sabre 2000	\$300.00
Portable Entry Camera System	\$750.00	APD 2000	\$300.00
Thermal Imager	\$100.00	CAM	\$300.00
Sensir IR/Hazmat ID	\$1,000.00	Computer w/Wireless Internet	\$125.00
GAS ID	\$1,000.00	Digital Camera	\$10.00
Ahura	\$1,000.00	Haz-cat Field Identification Kit	\$250.00
Draeger Kit (not including tubes**)	\$50.00	Haz-cat White Powder Kit	\$125.00

Draeger tubes @ actual cost

ARTICLE XXII, Department of Runnells Specialized Hospital --Omitted

ARTICLE XXIII, Office of the County Counsel

[Amended 11-30-1985 by Ord. No. 232; 9-10-1987 by Ord. No. 275; 6-14-1988 by Ord. No. 297; 7-18-1991 by Ord. No. 337; 6-20-2002 by Ord. No 553]

§ 1-138. General purpose.

[Amended 5-26-1994 by Ord. No. 392; Amended 12-19-2013 by Ord. 2013-755]

There shall be an Office of County Counsel for the purpose of providing legal advice, representation and assistance to the Board, all departments of the County government and the County Manager, as required. The Office of County Counsel shall include County Counsel, County Adjuster and Office of Affirmative Action.

§ 1-139. Functions and responsibilities of the County Counsel.

- A. The County Counsel shall be the head of the Office of County Counsel and shall be responsible to the Board for its operation. He shall be appointed by the Board and shall serve for a term of three years. The County Counsel shall have at least five (5) years' experience as a practicing attorney licensed to practice in the State of New Jersey.
- B. The County Counsel shall be the chief legal advisor of the County government and the attorney of record in all proceedings wherein the County or any of its officers, employees, boards, commissions or other agency of the County government shall be a party, except as to any agency which is not supported in whole or in part from funds appropriated by the Board, and except in those proceedings wherein the County government is represented by insurance counsel or special counsel.
- C. The County Counsel shall devote full-time attention to the business and operations of the Office and may engage in the private practice of law only to the extent that the responsibilities and requirements of such practice do not conflict in any way with the primary and paramount duties, responsibilities and requirements of the full-time office of County Counsel.
- D. The County Counsel shall:
 - (1) Attend meetings of the Board and give opinions and rulings on questions of law which may arise at Board meetings.
 - (2) Advise the Board, the County Manager and all departments, when requested to do so, with respect to their official responsibilities.
 - (3) Supervise the legal form and sufficiency of all contracts, deeds and other documents and all statutes, ordinances and resolutions referred to the Office for preparation.
 - (4) Represent the County in all matters of litigation and appeals in the courts and before any administrative agency and recommend to the Board any appropriate settlement thereof.
 - (5) Maintain records of all actions, suits, proceedings and matters which relate to the County's interest and report thereon from time to time as the Board may require.

§ 1-140. Deputy and Assistant Counsel.

[Amended 5-16-1996 by Ord. No. 421; 8-21-1997 by Ord. No. 454; 6-10-1999 by Ord. No. 499]

- A. There shall be as many Deputy County Counsels as the County Counsel shall recommend and the Board shall approve. The Board may also appoint a number of Assistant County Counsels as required and recommended by the County Counsel. The Deputy and Assistant County Counsels shall serve at the pleasure of the Board. The Counsels shall, under the direction and supervision of the County Counsel, perform the functions and discharge such responsibilities as allocated to them by the County Counsel. They may be assigned by County Counsel to the Office of the County Counsel or Division of Social Services and reassigned, at discretion of County Counsel, to either based upon the volume and nature of the work and the best interests of the County. The funding for salary, benefits and other expenses of Counsels assigned to the Division of Social Services shall, during such period, be charged to the budget of the Division of Social Services under the Department of Human Services.
- B. During the absence or disability of the County Counsel, the Board shall appoint one of the Deputy County Counsels to serve as Acting County Counsel. Such person shall possess all of the powers and perform all of the duties of the County Counsel and, in the event of a vacancy in that Office, shall serve as Acting County Counsel until the appointment and qualification of a County Counsel.
- C. The above provision that the Deputy and Assistant County Counsels shall serve only at the pleasure of the Board shall not apply to Deputy and Assistant County Counsels who received an appointment for a term of office prior to November 1, 1998.

§ 1-141. Records and papers.

- A. Upon resignation or termination of office, the County Counsel shall forthwith surrender to his successor, or to the several County officers charged with the custody thereof, all deeds, leases, conveyances, obligations, bonds, contracts, agreements, maps, reports and other papers in his custody belonging to the County. He shall deliver to his successor in office all legal papers and documents relating to the business of the County, together with a written consent of substitution of his successor in all actions then pending and undetermined in which the County is a party.
- B. Upon resignation or termination of office, an Deputy or Assistant County Counsel shall forthwith surrender to the County Counsel all papers and documents relating to the business of the County.

§ 1-142. Special counsel.

- A. The County Counsel is authorized, with the approval of the Board and within available appropriations, to employ such special counsel to aid in the trial, argument or preparation of such cases or matters of importance in which the County may be a party or be interested as he may deem necessary. If the County Counsel should be disqualified with respect to any matter, the Board may appoint special counsel to represent the County for and with respect to such matters.

- B. In the event of a dispute or controversy between the Board and the County Manager which concerns or relates to their respective areas of power, duty and/or responsibility, which the County Manager identifies to the Board, in writing, and which the County Manager believes requires independent representation by counsel, the County Manager shall select and the Board shall appoint a special counsel to represent the County Manager with respect to the dispute, within the limits of available appropriations.

§ 1-143. (Reserved)

§ 1-144. County Adjuster.

Within the Office of County Counsel there shall be a County Adjuster.

- A. The functions and responsibilities of the County Adjuster are to:

- (1) Be in charge and supervise the preparation of papers relating to the civil commitment and voluntary admission of the mentally ill and developmentally disabled residents in the County and in cases arising in other counties in which legal settlement appears to be in this County.
- (2) Act as referee for the purpose of taking testimony bearing solely on the question of legal settlement and financial ability of the patient or his legally responsible relatives to pay the cost of maintenance, if appointed by the Judge of the Superior Court or County Court in the County to do so, and make return to the Court of the findings, conclusions and recommendations.
- (3) As such referee, subpoena witnesses and compel their attendance if necessary.
- (4) Enter court orders and file liens on behalf of state and County hospitals.
- (5) Collect delinquent accounts.
- (6) Assign and review investigations as required.
- (7) Cause the proper notices to be served upon mentally ill patients confined in an institution of the time and place of any judicial hearing to determine the patient's need for further psychiatric treatment.
- (8) Administer oaths to witnesses referred to the County Adjuster for examination.
- (9) Perform all the duties and responsibilities of office imposed by *N.J.S.A. 30:4-23 et seq.* and the New Jersey Supreme Court Rules in civil commitment cases, including the service of notice of court hearings and appearance therein, as required.
- (10) Represent the County at all involuntary civil commitment hearings.

- B. The County Adjuster shall be appointed by the Board of Chosen Freeholders from among the Deputy or Assistant County Counsels not designated as counsel to the Division of Social

Services to serve during his incumbency as a Deputy or Assistant County Counsel. He shall be responsible for the performance of his functions to the County Counsel.

- C. The County Adjuster shall devote full-time attention to the business and operations of the Division of County Adjuster and may engage in the practice of law only to the extent that the responsibilities and requirements of such practice do not conflict in any way with the primary and paramount duties, responsibilities and requirements of the full-time office of County Adjuster.

§ 1-145. Law Library.

[Amended 5-26-1994 by Ord. No. 392]

Pursuant to Chapter 275 of the Laws of 1993, the operations and functions of the Union County Law Library, including equipment and research materials, are transferred to the State Judicial System effective June 15, 1994.

§ 1-146 The Office of Affirmative Action.

[Added 12-19-2013 by Ord. 2013-755]

The Office of Affirmative Action shall be a subdivision within the Office of County Counsel and shall:

- (1) Develop a productive affirmative action program to meet federal compliance requirements.
- (2) Interpret and monitor the County's performance and progress relative to equal employment laws and regulations and implementation of the County's policy against discrimination.
- (3) Establish and monitor an effective and positive equal employment program with the public and enforcement agencies.
- (4) Prepare and submit the annual equal employment opportunity forms to federal authorities.
- (5) Perform all other duties as required under Chapter 6 of this Volume.
- (6) Perform such other duties as may be required by the County Counsel for the effective operation of the office.

§ 1-147 through 1-151. (Reserved)

ARTICLE XXIV, DEPARTMENT OF ECONOMIC DEVELOPMENT

[Added 12-19-2013 by Ord. 2013-755; Amended 4-30-2015 by Ord. 2015-764; Amended 7-20-2017 by Ord. 2017-785; Amended 12-7-2017 by Ord. 2017-789]

§ 1-152. Department established; purpose; organization.

A. General Purpose; Departmental organization. There shall be a Department of Economic Development for the purpose of promoting and developing the economic growth of the County of Union. The Director of Economic Development shall be the Head of the Department and shall be responsible to the County Manager for its operation. The Director shall be fully responsible for the implementation and coordination of all economic development plans and programs including matters affecting workforce investment, community development, and quality of housing.

B. There may be a Deputy Director who shall be responsible to the Director of the Department of Economic Development.

C. The Department of Economic Development shall consist of the following:

- (1). Workforce Development Board
- (2). Division of Strategic Planning and Intergovernmental Relations
- (3). Division of Community Services

D. The Department of Economic Development shall also have the Bureau of Information Technology which shall report to the Director of the Department of Economic Development.

§ 1-153 The Division of Strategic Planning and Intergovernmental Relations

A. Under the direction and supervision of the Director of Economic Development, the Division of Strategic Planning and Intergovernmental Relations functions and responsibilities shall include:

- (1) Strengthening Union County's economy and positioning the County to compete in a global marketplace by stimulating and creating new jobs, retaining existing businesses, and facilitating economic growth and development in partnership with the Union County Alliance, the Union County Economic Development Corporation and all other public/private partnerships.
- (2) Establish an ongoing program of legislative advocacy at the federal, state and/or local levels; lobby for and/or develop legislation as needed; provide analysis of legislation as needed; and act as liaison with municipal, state and federal levels of government.
- (3) Maximize federal, state and foundation grant dollars and reduce property tax burden by

increasing revenues into the County to fund existing and/or new programs and services as consistent with the needs of the County.

- (4) Developing and administering continuing shared service opportunities with other public entities throughout the County and State.
- (5) Facilitating intergovernmental relations on behalf of the County.
- (6) Researching and acquiring County grant opportunities programs for maximum effectiveness.

B. Division head. There may be a Director of the Division of Strategic Planning and Intergovernmental Relations who serves as the head of the Division and shall be responsible to the Director of the Department of Economic Development for its operation.

C. Subdivisions. Within the Division of Strategic Planning and Intergovernmental Relations shall be the following subdivisions:

- (1) Office of Community Engagement and Diversity
- (2) Bureau of Transportation Planning.
- (3) Bureau of Planning and Economic Development.

§ 1-153.1 Office of Community Engagement and Diversity

A. Under the direction and supervision of the Director of the Division of Strategic Planning & Intergovernmental Relations the functions and responsibilities shall include:

- (1) Provide outreach to local community based groups and volunteer organizations to create a network and directory of same.
- (2) Coordinate countywide community events and programs which foster and promote volunteerism in Union County.
- (3) Reinforce strategies for building relationships with the County's diverse communities to include culture, lifestyle, ethnicity, and race.
- (4) Bring communities together on issues important to them and find creative & innovative solutions to ensure inclusion and collaboration on a multi-faceted vision for the County's diverse communities.

§ 1-154. Bureau of Transportation Planning.

A. Under the direction and supervision of the Director of the Division of Strategic Planning and Intergovernmental Relations, the Bureau of Transportation Planning functions and responsibilities shall include:

- (1) Providing a balanced transportation system that most efficiently services the County.
- (2) Planning a coordinated intermodal transportation system.
- (3) Encouraging the improvement and extension of commuter rail and rapid transit into the

County.

(4) Providing a highway system of adequate capacity to accommodate present and anticipated traffic volumes safely and efficiently.

(5) Surveying and analyzing traffic conditions on County and local roads.

(6) Coordinating County, municipal, state and interstate facility planning.

(7) Rendering technical assistance and advice to public and private agencies involved in transportation planning.

B. Bureau Chief. There may be a Bureau Chief of the Bureau of Transportation Planning who shall be the Head of the Bureau and shall be responsible to the Director of the Division of Strategic Planning and Intergovernmental Relations for its operation.

§ 1-155. Bureau of Planning and Economic Development.

A. Under the direction and supervision of the Director of the Division of Strategic Planning and Intergovernmental Relations the Bureau of Planning and Economic Development functions and responsibilities shall include:

1. Preparing a Master Plan for the physical development of the County.

2. Preparing an Official County Map.

3. Coordinating, advising and consulting with municipal, state and regional planning agencies in regard to plans and programs affecting Union County.

4. Advising the County Manager and Board on matters of planning and policy evaluation.

5. Pursuing special studies when requested.

6. Reviewing and approving, where appropriate, applications for land development within the County. Serves as staff to the Union County Planning Board.

7. Assembling and distributing data on the County as part of the continuing planning process.

8. Being responsible for the development of data on the social planning needs and economic development of Union County.

A. Bureau Chief. There may be a Bureau Chief of the Bureau of Planning and Economic Development who shall be the Head of the Bureau and shall be responsible to the Director of the Division of Strategic Planning and Intergovernmental Relations for its operation.

§ 1-156. Division of Community Services.

A. Under the direction and supervision of the Director of the Department of Economic Development, the Division of Community Services' functions and responsibilities shall include:

1. Preparing, facilitating, and disseminating all matters relating to the planning and development of the County, including but not limited to those matters pertaining to planning, development, and community development mandated by federal or state government.
2. Performing all functions related to implementing a housing and community development program, as required by the Housing and Community Development Act of 1974 and any amendments thereto.
3. Providing technical assistance to the County Community Development Revenue Sharing Committee and other agencies and/or municipalities in preparing applications for the Housing and Community Development Program or other housing programs.
4. Conducting and annually updating a housing conditions analysis to determine Union County's housing needs as part of the required community development procedure.
5. Assisting Union County's municipalities, the Community Development Revenue Sharing Committee and housing agencies in identifying areas suitable for rehabilitation and in initiating housing programs in conformance with the Housing Assistance Plan when requested by the local municipalities.
6. Maintaining close liaison with the New Jersey Department of Community Affairs and the United States Department of Housing and Urban Development.
7. Preparing, facilitating and disseminating matters by federal and state government with reference to housing.
8. Performing all functions related to implementing a housing program, as required by the Housing and Community Development Act of 1974 and all amendments thereto.
9. Providing technical assistance to various agencies and municipalities in preparing applications for housing programs.
10. Conducting and annually updating housing conditions analysis to determine Union County's housing needs.
11. Maintaining close liaison with the New Jersey Department of Community Affairs (DCA) and the United States Department of Housing and Urban Development (HUD).
12. All aspects of Veteran's Affairs.

B. Division head. There may be a Director of the Division of Community Services who serves as the head of the Division and shall be responsible to the Director of the Department of Economic Development for its operation.

C. Subdivisions. Within the Division of Community Development shall be the following subdivisions:

- (1) Bureau of Community Development.
- (2) Bureau of Housing.
- (3) Office of Veteran's Affairs.

§ 1-156.1. Bureau of Community Development.

A. Under the direction and supervision of the Director of the Division of Community Services, the Bureau Division of Community Development's functions and responsibilities shall include:

1. Preparing, facilitating, and disseminating all matters relating to the planning and development of the County, including but not limited to those matters pertaining to planning, development, and community development mandated by federal or state government.
2. Performing all functions related to implementing a housing and community development program, as required by the Housing and Community Development Act of 1974 and any amendments thereto.
3. Providing technical assistance to the County Community Development Revenue Sharing Committee and other agencies and/or municipalities in preparing applications for the Housing and Community Development Program or other housing programs.
4. Conducting and annually updating a housing conditions analysis to determine Union County's housing needs as part of the required community development procedure.
5. Assisting Union County's municipalities, the Community Development Revenue Sharing Committee and housing agencies in identifying areas suitable for rehabilitation and in initiating housing programs in conformance with the Housing Assistance Plan when requested by the local municipalities.
6. Maintaining close liaison with the New Jersey Department of Community Affairs (DCA) and the United States Department of Housing and Urban Development (HUD).

B. Bureau Chief. There may be a Bureau Chief of the Bureau of Community Development who shall be the Head of the Bureau and shall be responsible to the Director of the Division of Community Services for its operation.

§ 1-156.2 Bureau of Housing.

A. Under the direction and supervision of the Director of the Division of Community Services, the Bureau of Housing's functions and responsibilities shall include:

1. Preparing, facilitating and disseminating matters by federal and state government with reference to housing.
2. Performing all functions related to implementing a housing program, as required by the Housing and Community Development Act of 1974 and all amendments thereto.

3. Providing technical assistance to various agencies and municipalities in preparing applications for housing programs.
4. Conducting and annually updating housing conditions analysis to determine Union County's housing needs.
5. Maintaining close liaison with the New Jersey Department of Community Affairs (DCA) and the United States Department of Housing and Urban Development (HUD).

B. Bureau Chief. There may be a Bureau Chief of the Bureau of Housing who shall be the Head of the Bureau and shall be responsible to the Director of the Division of Community Services for its operation.

§ 1-157. Office of Veteran's Services.

A. Under the direction and supervision of the Director of the Division of Community Services, the Office of Veteran's Services' functions and responsibilities shall include:

- (1) Providing information and advocacy for veterans and their families.
- (2) Coordinating flag placement on all veterans' graves.
- (3) Performing such other duties as may be required by the Director of the Department of Economic Development.

§ 1-158. Bureau of Information Technology

A. Under the direction and supervision of the Director of The Department of Economic Development, the Bureau of Information Technology's functions and responsibilities shall include:

1. Operating and maintaining all computer equipment and supporting devices in the data center to ensure that the computer output is accurate and on a timely basis.
2. Maintaining computer software which supports the successful operation of the data processing center.
3. Being responsible for the installation of management information systems.
4. Maintaining management information system modules and providing application support to the user departments and agencies.
5. Developing new management information system applications.
6. Being responsible for proper configuration and performance of centralized operating systems and local and wide area networks,
7. Being responsible for technical aspects of intersystem communication, including all levels of data processing protocols.
8. Being responsible for the continued support of departmental computer applications.

9. Being responsible for the implementation and maintenance of departmental systems and procedures.

10. Being responsible for the design and implementation of all new and changed reproducing equipment utilized by the County and handling planning and all related matters concerning the equipment.

B. Bureau Head. There may be a Bureau Head of the Bureau of Information Technology who serves as the head of the Bureau and shall be responsible to the Director of the Department of Economic Development for its operation.

ARTICLE XXV, (Reserved)

[Note: The former contents of this Article “Ethics In Government”, were moved to Chapter 45 on 4-10-2003 by Ord. No. 569]

ARTICLE XXVI, (Reserved)

[Note: The former contents of this Article “Affirmative Action”, were moved to Chapter 6 on 4-10-2003 by Ord. No. 569]

ARTICLE XXVII, (Reserved)

[Note: The former contents of this Article “Transitioanl Provisions”, were moved to Chapter 2, Article IX on 4-10-2003 by Ord. No. 569]

§ 1-186. (Reserved)

[Amended 4-10-2003 by Ord. No. 569]

§ 1-187. (Reserved)

[Amended 4-10-2003 by Ord. No. 569]

Chapter 2, ADMINISTRATIVE LEGISLATION

[HISTORY: This Chapter was added on 4-10-03 by Ord. No. 569]

ARTICLE I, Adoption of the *Laws of Union County*

[Adopted 8-19-1993 by Ord. No. 379; amended 4-10-2003 by Ord. No. 569]

§ 2-1. Adoption.

The legislative acts of a general and permanent nature, including the Administrative Code, Ordinances and Resolutions adopted by the Board of Chosen Freeholders, as revised, codified and consolidated, and consisting of Chapters 1 through 140, are hereby approved, adopted, ordained and enacted as the “Laws of Union County: Administrative Code and Policies & General Legislation.” (Hereafter the *Laws of Union County*).

§ 2-2. When effective.

This ordinance shall take effect immediately upon passage and publication according to law.

§ 2-3. Inclusion in *Laws of Union County*.

This ordinance shall, upon adoption, be included in the *Laws of Union County* as Chapter 2, Administrative Legislation, Article I.

§ 2-4. Copy on file.

A copy of the *Laws of Union County* in hard copy form shall be filed in the Office of the Clerk of the Board of Chosen Freeholders and shall remain there for use and examination by the public until final action is taken on this ordinance, and, if this ordinance shall be adopted, such copy shall be certified to by the Clerk of the Board of Chosen Freeholders by impressing thereon the Seal of the County, as provided by law, and such certified copy shall remain on file in the office of the Clerk of the Board of Chosen Freeholders, to be made available to persons desiring to examine the same during all times while the said Code is in effect.

§ 2-5. Publication; filing.

The Clerk of the Board of Chosen Freeholders, pursuant to law, shall cause to be published, in the manner required, a copy of this adopting ordinance in a newspaper of general circulation in the County. A copy of the *Laws of Union County* shall be maintained in the office of the Clerk for inspection by the public at all times during regular office hours. The enactment and publication of this adopting ordinance, coupled with availability of copies of the *Laws of Union County* for inspection by the public, shall be deemed held and considered to be due and legal publication of all provisions of the *Laws of Union County* for all purposes.

§ 2-6. Amendments to Laws of Union County.

Part 1, “Administrative Code”, of *The Laws of Union County* may be amended only by Ordinance, in accordance with Section 101 of the Optional County Charter Law, *N.J.S.A. 40:41A-101*. Any and all additions, amendments or supplements to the *Laws of Union County*, when passed and adopted in such form as to indicate the intent of the Board of Chosen Freeholders to make them a part hereof, shall be deemed to be incorporated into this Volume so that reference to the *Laws of Union County* shall be understood and intended to include such additions and amendments. Whenever such additions, amendments or supplements to the *Laws of Union County* shall be adopted, they shall thereafter be codified by the Office of County Counsel and placed therein.

§ 2-7. Inclusion of new legislation prior to adoption of Code.

All ordinances of a general and permanent nature adopted prior to the effective date of this ordinance given in § 2-3 are hereby deemed to be a part of the *Laws of Union County* and shall be included therein. Attested copies of all such legislation shall be temporarily placed on file until codified in the *Laws of Union County*.

§ 2-8. Code Book to be kept up-to-date.

It shall be the duty of the Clerk of the Board or someone authorized and directed by the Clerk, in concert with the Office of the County Counsel, to keep up-to-date the certified copy of the book containing the *Laws of Union County* which is required to be filed in this office for the use of the public. All changes in said *Laws of Union County* and all ordinances adopted subsequent to the effective date of this codification which shall be adopted specifically as part of the *Laws of Union County* shall, when finally adopted, be included therein by reference until such changes or new ordinances are codified into said Volume.

§ 2-9. Sale.

Copies of the *Laws of the Union County* may be purchased from the Clerk upon the payment of a fee to be set by resolution of the Board of Chosen Freeholders, which may also arrange, by resolution, for procedures for the periodic supplementation thereof.

§ 2-10. Severability.

- A. Severability of *Laws of Union County* provisions. Each sentence, paragraph, clause, or section of the *Laws of Union County* is an independent part thereof. The holding of any section or a part of the *Laws of Union County* to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.
- B. Severability of ordinance provisions. Each section of this ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or

ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

§ 2-11. Statutory definitions to apply.

Any words or terms used in the *Laws of Union County* which are not defined within this Volume but are defined in the New Jersey Statutes shall be deemed to have the meanings as set forth in said statutes.

§ 2-12. Changes in previously adopted ordinances.

In compiling, preparing and otherwise codifying the Ordinances and/or Resolutions for inclusion as a part of the *Laws of Union County*, as hereafter amended and supplemented, grammatical and other minor changes may be made to said Ordinances and/or Resolutions, as appropriate. It is the intention of the Board of Chosen Freeholders that all such changes be adopted as part of the *Laws of Union County* as if the modifications had been previously formally amended to read as such.

ARTICLE II, General Administrative Provisions

[Amended 4-10-2003 by Ord. No. 569]

§ 2-13. Executive management of County's affairs.

- A. The Board of Chosen Freeholders shall deal with County employees only through the County Manager, who is the official responsible for the overall executive management of the County's affairs. All contact with County employees and all actions or communications concerning the administration of Union County government or the provision of services shall be through the County Manager, except as otherwise provided herein. This prohibition shall not be deemed to preclude, limit or deny free and open communication, speech, or discussion relating to County business or affairs of a general or a public nature between any County employee and any member or group of members or the entire Board of Chosen Freeholders, except that communications relating to an individual employee's personnel grievance shall be handled through the usual and customary chain of command, and except as shall otherwise be provided herein or by appropriate law.
- B. Nothing in this Code shall be construed to prohibit the Board's inquiry into any act or problem of the County's administration. Any Freeholder may require a report on any aspect of the government of the County at any time by making a written request to the County Manager. The Board may, by majority vote of the whole number of its members, require the County Manager to appear before the Board sitting as a Committee of the Whole and to bring before the Board such records reports, officials, and employees of the County as the Board shall deem necessary to ensure clarification of the matter under study.

- C. The Board further may, by majority vote of the whole number of its members, delegate any number of its members as an ad hoc committee to consult with the County Manager to study any aspect of County government within the executive branch and to report to the Board thereon.
- D. It is the intent of this section to vest in the Board such general legislative and such investigative powers as are germane to the exercise of its legislative powers but to retain in the County Manager full control over the County administration and over the administration of County services.

§ 2-14. Appointments and dismissals.

No member of the Board shall individually or collectively seek to influence the County Manager to dismiss any person from or to appoint or to promote any person to any position in the executive branch of County government, except that the Board may, by a resolution of disapproval adopted by a two-thirds vote of the whole number of members of the Board, prevent the dismissal of certain employees under conditions as set forth in Section 87b of the Charter.

§ 2-15. Suspension procedures.

- A. Suspensions will take effect immediately upon personal service of notice setting forth the order of suspension or dismissal. Dismissal or suspension for a definite term shall occur automatically in 30 calendar days from receipt of notice. But, if the officer or employee requests a public hearing on his dismissal or suspension for a definite term, no action beyond temporary suspension may be taken until the individual to be suspended or dismissed is given a public hearing not fewer than 15 nor more than 30 days after personal service of written notice of contemplated action. A copy of such notice shall be filed with the Clerk of the Board immediately upon service of notice to the individual to be suspended or dismissed. In the event that, within 35 days of receiving such notice, the Board shall pass, by a two-thirds vote of the whole number of members of the Board, a resolution of disapproval, all proceedings and any suspension or dismissal of the individual shall be voided. In terms of recompense to the individual, a vote of disapproval shall be deemed to negate the suspension or dismissal order, and, for purposes of pay and civil service standing, the action shall be deemed never to have transpired.
- B. If, however, the suspension or dismissal order shall allege that the individual against whom action is contemplated or pending has committed a criminal act in the conduct of his public trust, no resolution of the Board shall stay proceedings, and the matter shall be brought to a public hearing in the manner prescribed above. If, at that hearing, probable cause for prosecution is found, all evidence shall immediately be forwarded to the County Prosecutor for further action.
- C. If any suspension or dismissal order is resolved upon hearing in favor of the officer or employee, he shall be restored to his original position without record of the action or prejudice therefrom and shall receive full compensation retroactive to the date of his suspension.

- D. If the individual to be suspended or removed submits a written waiver of public hearing and a request for a private hearing in lieu thereof, he shall be given a private hearing, with the same rights and privileges and subject to the same provisions, procedures and requirements.

§ 2-16. Publication of official notices.

[Amended 11-24-1981 by Ord. No. 154]

Whenever notice by publication is required under this act, the Clerk shall cause all such notices to be published in two newspapers qualified by law and designated by majority vote of the Board to publish the County's legal notices. The two newspapers designated by the annual resolution shall be:

- A. Both printed and published in the County, one of which shall be either a newspaper published at the County seat or a newspaper published in a municipality in the County having the largest population according to the last population estimate published by the New Jersey Department of Labor and Industry; or
- B. One printed and published in the County and one circulating in the County, if only one daily newspaper is printed and published in the County; or
- C. One published at the County seat and one circulating in the County, if no daily newspaper is published; or
- D. Both circulating in the County, if no newspapers are printed and published in the County.

§ 2-17. Dual office holding.

No County officer shall hold or retain any other incompatible office. Any person accepting an incompatible office shall be deemed thereby to have vacated any office previously held by him under the County government, except where the County Counsel has ruled that the offices are not incompatible and the Board has, by resolution, authorized the holding of such other office. For the purpose of this Code, it shall not be deemed incompatible for a person to serve as the head of two or more organizational units or components thereof.

§ 2-18. Vacancies, temporary vacancies and disabilities.

Unless otherwise provided in the Charter or this Code, in the event of the temporary absence or disability of any appointive officer or employee or in the event of a vacancy in any appointive office, the appointing authority may designate a qualified person to serve in such office temporarily in an acting capacity, and any such appointee shall have all the functions, powers and duties of an incumbent until such absence or disability terminates or such vacancy is filled by permanent appointment.

§ 2-19. Surety bonds.

- A. Every officer or employee of the County who, by virtue of his office or position, is entrusted with the receipt, custody or expenditure of public moneys or funds and any other officer or employee who may be required so to do by the Board shall, before entering upon the duties of his office or position, execute and deliver a surety bond in such amount as may be fixed by resolution of the Board, binding him to the County in its corporate name and conditioned upon the true and faithful performance of his duty. Each officer or employee required by law to give bond shall execute such bond with sufficient surety and deliver the same to the Clerk of the Board, except that the Clerk shall deliver his bond to the Department of Finance before entering upon the discharge of any of the duties of his office.
- B. If any officer or employee shall neglect to execute and deliver his bond as herein required within thirty (30) days after due notification of the obligation to do so, his office may be declared vacant by the Board.
- C. In every case in which any person is required by the Charter, the laws of the state or by any ordinance or resolution to give bond for the faithful performance of his duties, such bond shall be secured by a corporate surety authorized to do business in this state, and the premium therefor shall be paid by the County. Each such bond shall be approved by the County Counsel as to legal form and sufficiency, and nothing in this section shall be construed to prevent the use of one or more blanket bonds when so approved.

§ 2-20. Delivery of funds and records.

Upon the termination of the term of office or the employment of any officer or employee, he shall forthwith deliver to his successor or, if there is no successor, to the County Manager all moneys, papers, property, books, memoranda, accounts and data of any nature whatever pertaining to his office.

§ 2-21. Full-time service.

Every County officer and employee whose compensation is established on a full-time basis shall devote his entire time during business hours, except as otherwise provided at the time of employment, to the duties of the office, subject to the provisions of all negotiated labor contracts.

§ 2-22. Residency Policy.

[Added 10-27-1983 by Ord. No. 198; amended 9-12-1985 by Ord. No. 225]

- A. It shall be the policy of the County of Union that, except as hereinafter provided, preference in employment shall be given to residents of the County of Union. Pursuant to *N.J.S.A. 40A:9-1.3 et seq.*, all persons who shall be employed by the County of Union in a full-time capacity after November 10, 1983, the effective date of this section, in the classified or unclassified service shall, prior to employment, be and thereafter remain to be bona fide residents of the County of Union. A "bona fide resident," for the purpose of this article, is a person having a permanent domicile within the County of Union and one which has not been

adopted with the intention of again taking up or claiming a previous or other residence acquired outside the limits of Union County.

- B. It shall be the duty of the appointing authority to ensure that all full-time employees hired after November 10, 1983, are and remain bona fide residents of the County of Union during employment. Failure of any such employee to be a resident of the County of Union prior to employment or to maintain residency in the County of Union during employment shall be cause for removal or discharge from service.
- C. Whenever the appointing authority, with the consent and approval of the County Manager, shall determine that there cannot be recruited a sufficient number of qualified Union County residents for available full-time specific positions or employment, then and in that event the County shall advertise for other qualified applicants who shall be classified and appointed according to the following preferences:
 - (1) Residents of counties contiguous to the County of Union.
 - (2) Residents of other counties in the State of New Jersey.
 - (3) All other qualified applicants.
- D. Whenever the appointing authority, through the County Manager, advises the Board of Chosen Freeholders of the County of Union that there are specific positions and employments requiring special talents or skills which are necessary for the operations of the County, such positions or employment may be filled without reference to residency as follows:
 - (1) The County Manager shall apply to the Board of Chosen Freeholders for a blanket waiver setting forth, with appropriate documentation, the nature of the special talent or expertise required and the efforts made to recruit persons of said special talent or expertise from within the County.
 - (2) Thereafter, the Board of Chosen Freeholders may, in its discretion, adopt a resolution waiving the residency requirements of this article and shall advise the Clerk of the Board to file the same with civil service, if necessary.
- E. Whenever the appointing authority, through the County Manager, advises the Board of Chosen Freeholders of the County of Union that there are special reasons why a particular position or title should not require the person holding the same to comply with this article, the Board of Chosen Freeholders shall consider said reasons and may, in its discretion, waive the residency requirement for that position or person. Said waiver, if granted, must be obtained and filed with the Clerk of the Board prior to appointment, provisional or otherwise.
- F. A nonresident subsequently appointed to a position or employment shall become a bona fide resident of the County of Union within one year of his appointment, unless said requirement has been previously waived by the Board of Chosen Freeholders.
- G. This article does not apply to those full-time employees who were permanently employed prior to November 10, 1983, the effective date of this section.

ARTICLE III, Budgetary Process

[Amended 4-10-2003 by Ord. No. 569]

§ 2-23. Fiscal year.

The fiscal year of the County shall be the calendar year, except as may be otherwise provided by the “Local Budget Law”.

§ 2-24. Budget preparation.

- q. The budgetary process of the County shall be subject to all requirements of the Local Budget Law (*N.J.S.A. 40A:4-1 et seq.*), the Optional County Charter Law (*N.J.S.A. 40:41A-1 et seq.*) and the promulgations of the Division of Local Government Services and the Local Finance Board. On or before January 15th of each year, the County Manager shall submit to the Board a budget document consisting of his Budget Message and the proposed County Budget.
- r. On or before September 1 of each year, the County Manager shall establish the schedules and procedures to be followed by all County departments, offices and agencies to prepare the required budget documents for the following year. He may conduct such analyses or hearings as he deems necessary.

§ 2-25. Budget scope and message.

The budget document shall be prepared by the County Manager in such form as will comply with the “Local Budget Law”, together with such additional schedules and analyses as he deems desirable or as may be required or approved by the Board. The budget message shall explain the budget both in fiscal terms and in terms of work to be done. It shall outline the proposed financial policies of the County for the ensuing fiscal year, describe the important features of the budget plan and indicate its major objectives. It shall indicate any major changes in financial policies and in expenditures, appropriations and revenues as compared with the preceding fiscal year and shall set forth reasons for the changes.

§ 2-26. Board action upon County Manager's recommended budget.

The Board shall consider and act upon the County Manager's recommended budget in accordance with the requirements of the “Local Budget Law.”

§ 2-27. Appropriation requests; allotments.

- A. As part of the budget request submitted by each department, office and agency of the County to the County Manager, there shall be included a work program for the year, showing all requested appropriations broken down into monthly or quarterly allotments, as may be required by the County Manager. The County Manager shall review requested allotments in light of the work program of the department, office or agency concerned, and if he deems it necessary, may revise, alter or change them before the same are submitted to the Board. The aggregate of such allotments shall not exceed the total appropriation available to each department, office or agency for the fiscal year.
- B. The County Manager shall, where practicable, provide for the establishment and operation of a system of work programs and quarterly allotments for operation of the budget. It shall be the duty of the County Manager to develop and report appropriate unit costs of budgeted expenditures.

ARTICLE IV, Budget Provisions

[Adopted by the Board of Chosen Freeholders of the County of Union: 10-23-1980 as Res. No. 681-80; 10-12-1995 as Res. No. 909-95; 12-19-1984 as Res. No. 788-84. Amended 4-10-2003 by Ord. No. 569; Amended 12-11-2015 by Ord. 2014-761]

§ 2-28. County Manager's Report.

The Board of Chosen Freeholders of the County of Union establishes the following policy as relates to the process of adopting an Annual Budget:

- A. Concurrent with the submission of the Executive Budget to the Board, the County Manager shall submit a report indicating:
 - (1) All budgeted vacancies, specifying which ones, if any, are carried over from the preceding fiscal year and posting the salary of each.
 - (2) Any changes in any programs or projects, specifying what expansion, elimination or reduction is proposed and also indicating any new programs or projects.

§ 2-29. Mailing of the Annual Report.

It is declared that henceforth the annual report may be mailed to as many County addresses as is determined to be cost effective by the County Manager and consistent with budgetary constraints adopted by this Board.

§ 2-30. Master Position Control Schedule.

- A. In order to assist the Board of Chosen Freeholders and the County Manager in the Budget process, it shall be the policy of the County to utilize a system of internal position monitoring. The County Manager shall recommend to the Board of Chosen Freeholders

within each year's executive budget a schedule of authorized positions. Such schedule shall list each position by title, position control number and salary categorized by department and division. The County Manager, upon introduction of each year's budget by the Board of Chosen Freeholders, shall modify said schedule if and when necessary to meet departments' and divisions' salary and wage budgets as established by the Board. Upon adoption of the budget, this document shall be referred to as the "Master Position Control Schedule" and, in addition to listing each position by title, position control number and salary, shall include authorization dates for filling all vacant positions.

- B. Until such time as any current year's budget is introduced, the Master Position Control Schedule for the previous year shall remain in force.
- C. One copy of the Master Position Control Schedule shall be maintained in the Office of the Clerk of the Board for the examination and use of any member of the Board.
- D. The County Manager, through the Departments of Finance and Administrative Services, shall be responsible for the ongoing maintenance of the Schedule to ensure compliance with this Policy, budgetary constraints, New Jersey Department of Personnel Rules and Regulations, Collective Bargaining Agreements and the Noncontractual Employee Salary Administration Plan (Resolution No. 968-92).

§ 2-31. Review and approval of personnel actions.

The following types of personnel actions shall be submitted by the County Manager to the Board of Chosen Freeholders for its review and approval:

- A. Requests for creation of a new position, i.e., increasing the total number of positions contained in the Master Position Control Schedule.
- B. A proposed merger/consolidation of two or more positions resulting in a decrease in the total number of positions contained in the Schedule.
- C. A proposed bifurcation of a position thereby increasing the total number of positions contained in the Schedule, except where such bifurcation results in part-time positions that would not increase either a given department's or division's annualized salary account or the full-time equivalent of the total number of positions contained in the Schedule.
- D. Any request for either a new hire or promotion in a noncontractual position wherein the proposed salary exceeds the amount set forth in the Master Position Control Schedule of the Adopted Annual Budget .

§ 2-31.1. Exemptions.

There shall be exempt from the above procedures the following:

- A. All positions which are one-hundred-percent grant-funded (i.e., position for which no cost whatsoever is charged to or paid by the County of Union).

- B. All new hires to fill vacancies set forth in the Master Position Control Schedule.
- C. Any changes in the title for an existing position, provided that such title change does not establish a salary that would increase the total annualized salary account for a department or division as established in the budget.

§ 2-32. Summary of personnel actions.

The County Manager shall, on a monthly basis, prepare and distribute to the Board a summary of all personnel actions.

§ 2-33. Modifications to Schedule.

Any other changes or modifications to the Master Position Control Schedule shall be processed under the direction of the County Manager by appropriate methods as is deemed necessary.

§ 2-34. Repealer; effect on other provisions.

- A. All other resolutions, policy statements and/or personnel information affecting internal position monitoring procedures are hereby superseded by this Article.
- B. Nothing herein shall be deemed to limit or diminish the power or the authority of the Board of Chosen Freeholders as is set forth in *N.J.S.A. 40:41A-1 et seq.*

ARTICLE V, Fiscal Provisions

[Amended 4-10-2003 by Ord. No. 569]

§ 2-35. Payments and obligations; penalties.

No payment shall be authorized or made and no obligations shall be incurred against the County except in accordance with appropriations duly made. No obligation shall be paid against any allotment or appropriation unless the County Manager or his designee first certifies that there is a sufficient unencumbered balance in the allotment or appropriation and that sufficient funds therefrom will be available to meet the obligation concerned when it becomes due and payable. Any County officer or employee who knowingly authorizes or makes any payments in violation of the provisions of this article or takes part therein may, in addition to any other penalty provided by law, be removed from his office or employment.

§ 2-36. Vouchers and certifications.

[Amended 9-23-1999 by Ord. No. 507]

No bill, demand or claim shall be paid unless it contains a detailed statement of the terms or demands, specifying particularly how the bill or demand is made up, and certification of the party claiming payment that it is correct; nor shall any bill, claim or demand be paid unless the voucher on which it is presented carries a certification of the head of the department, office or agency or of his duly designated representative having personal knowledge of the facts that the goods have been received by or the services rendered to the County.

§ 2-37. Audit; warrant and payment of bills and claims.

- A. All bills, claims and demands against the County shall be deemed approved or disapproved by the Board (for the purposes of *N.J.S.A.* 40A:5-17) in accordance with the action of the Treasurer. A voucher on a form prescribed by the Department of Finance shall be presented for each bill, claim or demand and shall be paid only upon the audit, warrant and approval of the Treasurer.
- B. All disbursements shall be made by the voucher process as described in § 2-36. An annual resolution by the Board of Chosen Freeholders authorizes specific individuals who are authorized to sign all checks, approve all wire transfers and other disbursements of the County of Union. [Amended 9-23-1999 by Ord. No. 507]
- C. The Department of Finance shall prepare for each regular meeting of the Board a list of all bills, claims and vouchers which have been paid through the close of business two days before the meeting and since the last preceding list was compiled. Such list shall be filed with the Clerk of the Board as a public record.

§ 2-38. Central payroll.

[Amended 1-30-1992 by Ord. No. 358]

Salaries, wages and other compensation of exclusionary employees of the County shall be paid biweekly, i.e., payment to be made every two weeks. Salaries, wages and other compensation of members of collective bargaining units shall be paid as set forth in their respective negotiated agreements. The head of each department, office or agency shall certify to the Department of Finance, at such times and in such form as it shall prescribe, the names and positions of all persons employed in or by the department who are entitled to be paid in the next ensuing payroll for the County. The comptroller shall then complete a central payroll for the County.

ARTICLE VI, Advisory Board Provisions

[Amended 9-10-1987 by Ord. No. 275; 4-8-1998 by Ord. No. 469; 6-25-1998 by Ord. No. 478; 4-10-2003 by Ord. No 569]

§ 2-39. General provisions.

The Board may appoint advisory boards to assist it by providing County-wide and representative citizen participation and involvement in the policy and decision-making process of County government without diluting the authority, responsibility and effectiveness of the Board.

§ 2-40. Functions and responsibilities.

It shall be the function and responsibility of the advisory boards to:

- A. Study, consider and make recommendations to the Board, as and when requested, in their respective areas of training, education, interest, knowledge, concern and experience.
- B. Inform, advise and consult with the Board in said respective areas of study and expertise.
- C. Bring such matters to the attention of the Board as the advisory boards may deem proper.

§ 2-41. Membership; Freeholder member; appointment conditions.

- A. Members of the advisory boards shall be appointed by the Board and shall not receive compensation for their services, except as provided herein, or be entitled to pension or other retirement benefits for such service. They shall, however, be entitled to receive their actual and necessary expenses incurred in the performance of their duties of office, subject to prior approval of the Board.
- B. The Chairman of the Board of Chosen Freeholders shall annually appoint, where appropriate, a regular Freeholder liaison member and an alternate Freeholder liaison member to each advisory board. The alternate Freeholder liaison member shall attend the meetings of the advisory board in the absence of a regular Freeholder liaison member and shall possess all the rights and privileges of such regular member, when so sitting, including the right to vote, when appropriate.
- C. All members of advisory boards shall, by virtue of their appointment and during their incumbency, be considered citizen advisers.
- D. All members of the Board of Chosen Freeholders of the County shall be entitled to attend all meetings, including executive or so-called closed sessions of all advisory boards existing within the County of Union. Such *ex officio* members shall have no right to vote on any matter.
- E. Nothing in this article or other articles of the Administrative Code shall prevent or prohibit any person employed by the County of Union from accepting appointment by the Board of Chosen Freeholders to an advisory board; provided, however, that no such appointment or appointments shall be made by the Board of Chosen Freeholders or accepted by any employee of this County if the nature of the advisory board's functions and responsibilities shall be directly related to the nature of employment, notwithstanding the level or title thereof, of the County employee or employees so designated. It is the specific intention of this provision to allow, authorize and permit the appointment of any qualified and interested County employee or employees to advisory boards of the Board of Chosen Freeholders,

provided that there is no relationship between the administrative functions of said County employee or employees and the nature and purpose of the advisory board's work.

- F. Membership on the various boards and advisory boards to which the Board makes the appointments shall be limited to a term of no greater than three years duration, except where a state statute, or other requirement mandates a term of greater than three years. The term of any person appointed to any advisory board by virtue of his present service on another advisory board which has the power or obligation to name one of its members to said other board shall be concurrent with the term being presently served by the member so named on his or her primary board. Upon the expiration of the term of said member on the primary board, the term of said member on the secondary board shall also expire.
- G. Advisory Board members shall serve for a specified term of years. At the completion of the term, a member shall not have the right to hold over and shall not have the right to be counted in the quorum or to vote on any matters before the Advisory Board. This provision shall not affect the right of the Freeholder Board to reappoint a member for a new term of years.
- H. All appointments to advisory boards shall be residents of the County of Union, except under the following circumstances [Added 9-23-1999 by Ord. No. 507]:
 - (1) Where membership is required by state or federal law.
 - (2) Where membership on one advisory board is conditioned upon a specific office or position in a particular business, agency, service organization or governmental entity, said office or position being located in or serving the County of Union.
 - (3) Where a particular expertise or background is required or desired for the advisory board and no qualified County resident is available for appointment. In that event, a specific reference to and waiver of the residency policy shall be set forth in the appointing resolution.
- I. It is the policy of this Board to promote affirmative action, not only with respect to employment with the County of Union, but also with respect to its appointments to boards, advisory boards, commissions, agencies and any other bodies to which it has appointive power; and it is the desire of this Board to implement its policy of affirmative action with respect to the aforementioned boards, advisory boards, commissions, agencies and any other bodies to which it has appointive power, hereinafter referred to as "bodies". To ensure that such bodies are in compliance with this policy, the following shall be required of all bodies, save as excepted below [Added 9-23-1999 by Ord. No. 507]:
 - (1) Membership. All bodies shall have the following membership:
 - (a) Minority and nonminority.
 - (a) Male and female.
 - (2) Vacancies. Vacancies on bodies shall be filled in such manner as to ensure compliance with Subsection I(1) above.

- (3) Professionals. The above provisions shall apply to all citizen appointments to all bodies. The above provisions shall apply equally to members of professions appointed to the bodies in their professional capacities, save that if, after active effort for a “reasonable period of time,” defined as sixty (60) days, to recruit such qualified professional in compliance with Subsections I(1) and (2) above, it appears that such person is not available, the requirements may be waived for that specific appointment.
- (4) Appointment by reason of specific position. In those instances where an appointment to an advisory board or agency is to be made by virtue of the fact that the appointee holds another specific position, i.e., an officer, president or the like of a specific organization or entity; or liaison of another advisory board, then the requirements of this section may be waived since the qualifying factor for the appointment is the specific position.
- (5) Removal/reappointment. No present member of any body shall be removed or fail to be reappointed for the purpose of attaining such a goal.
- (6) Recruitment. The Board of Chosen Freeholders shall undertake and maintain active efforts to recruit qualified persons for such positions. In this connection, it shall continue to maintain a talent bank of qualified applicants.
- (7) Clerk of the Board. The Clerk of the Board annually, on October 1, shall submit a written report to the Board of Chosen Freeholders setting forth the membership of all such boards, indicating current members, expiration dates of terms and vacancies. The report shall also indicate any boards not in compliance with this policy.

§ 2-42. Vacancies.

Any vacancy in any advisory board shall be filled for the unexpired term in the same manner as provided for appointment thereto.

§ 2-43. Meetings; officers.

- A. Each advisory board shall hold regular monthly meetings and may hold more frequent meetings. Nothing in this section shall prevent or prohibit advisory boards from canceling a maximum of two monthly meetings during the months of July and August should said advisory boards determine that such action will not adversely affect their board business. For all advisory boards consisting of 15 or more members, their bylaws shall reflect that 40% of the appointed members shall constitute a quorum for the purposes of conducting a legal meeting. Each advisory board shall elect a Chairperson, Vice Chairperson, and Secretary and a Recording Secretary if desired, each of whom shall serve for one year and until a successor is chosen. Each advisory board may adopt bylaws and rules of order not inconsistent with this Code or law or the resolution of the Board creating such advisory board, subject to the approval of the Board.
- B. No advisory board, committee, commission, autonomous agency or other agency, council or other entity created by and/or funded through the Board of Chosen Freeholders shall hold

meetings on dates and times that conflict with regularly scheduled meetings of the Board of Chosen Freeholders, as promulgated at the annual organization meeting of the Board and from time to time amended.

§ 2-44. Budget.

Each advisory board shall submit, through the Department of Finance, its annual operating budget for funds which it deems necessary for the proper performance of its functions.

§ 2-45. Failure to attend meetings.

[Amended 9-23-1999 by Ord. No. 507]

Failure by a member to attend meetings of an advisory board, committee, commission or other entity subject to appointment by the Board for either eight consecutive weeks or four consecutive meetings, whichever period is longer in duration, shall cause a vacancy in that member's office, unless such absence is excused by formal action of the advisory board and duly noted in the minutes. The bylaws of all such boards, commissions, agencies, committees and offices shall be amended and are so deemed to be amended to reflect this policy. This policy is intended to conform to *N.J.S.A. 40A:9-12.1* (P.L. 1979, c. 302), effective January 17, 1980, and all contents of that Act are hereby adopted herein and made a part of this section.

§ 2-46. Removal.

Any member may be removed by a two-thirds majority vote of the Board of Chosen Freeholders for cause after opportunity to be heard.

§ 2-47. County Manager member *ex officio*.

The County Manager shall serve as *ex officio* nonvoting member of every advisory board and may delegate a representative to attend meetings.

§ 2-48. Staff services; property.

- A. The County Manager may assign County personnel to render staff services as reasonably requested by such advisory boards; provided, however, that such services shall not conflict or interfere with or adversely affect the effective and efficient performance of the executive or administrative duties and responsibilities assigned to such personnel as full-time County employees.
- B. The materials, supplies, records, reports and equipment of all advisory boards shall be the property of the County of Union and shall be released to the Board of Chosen Freeholders upon request.

§ 2-49. Robert's Rules of Order.

Any matters not specifically provided herein concerning the conduct of any advisory board shall be governed by the most current edition of Robert's Rules of Order.

ARTICLE VII, Recall: Elective Officers

[Amended 11-24-1981 by Ord. No. 154; 4-10-2003 by Ord. No. 569]

§ 2-50. Removal by recall petition and vote.

Any elective officer shall be subject to removal from office for cause connected with the office, after he has served at least one year, upon the filing of a recall petition and the affirmative vote of a majority of those voting on the question of removal at any general, regular or special County election.

§ 2-51. Procedures.

In the event that a recall petition has been filed, the proceedings shall be in accordance with Sections 90 through 98 of the Optional County Charter Law (*N.J.S.A. 40:41A-1 et seq.*).

ARTICLE VIII, Initiative and Referendum

[Amended 4-10-2003 by Ord. No. 569]

§ 2-52. Petition; percentage of registered voters required.

The voters of the County shall have the power of initiative and, pursuant thereto, may propose any ordinance and may adopt or reject the same at the polls. Any initiated ordinance may be submitted to the Board by a petition signed by a number of registered voters equal to 15% of the registered voters of the County as of forty (40) calendar days before the last most recent primary or general election.

§ 2-53. Power of referendum; time of filing petition.

The voters shall have the power of referendum and, pursuant thereto, may approve or reject at the polls any ordinance submitted by the Board against which a referendum petition has been filed as herein provided. No ordinance passed by the Board, except when otherwise required by general law or permitted by the provision of Section 116 or any other section of the Optional County Charter Law (*N.J.S.A. 40:41A-1 et seq.*), shall take effect earlier than 20 days from the time of its final passage. If, within 20 days after such final passage, a petition protesting against the passage

of such ordinance shall be filed with the County Clerk, and if the petition shall be signed by a percentage of the registered voters in numbers equal to 15% of the registered voters of the County as of 40 calendar days before the last most recent primary or general election, the ordinance shall be suspended from taking effect until proceedings are held as herein provided. The provisions of this section shall not apply to any ordinance which, by its terms or by law, cannot become effective in the County unless submitted to the voters or which, by its terms, authorizes a referendum in the County concerning the subject matter thereof.

§ 2-54. Initiative and referendum process.

The initiative and referendum process shall be governed by Sections 106 through 116 of the Optional County Charter Law (*N.J.S.A. 40:41A-1 et seq.*).

ARTICLE IX, Transitional Provisions

[Amended 4-10-2003 by Ord. No. 569]

§ 2-55. Transfer of functions.

The functions, powers and duties of the County government as of the effective date of the Code are allocated and assigned to, among and within the departments established hereinabove. Every department, through its department head, shall be responsible directly to and shall operate under the direction and supervision of the County Manager.

§ 2-56. Civil service.

All officers and employees who were in the classified civil service on the effective date of this Code are hereby transferred to the appropriate department, division or agency to which their respective functions, powers and duties are allocated and assigned by the Code, and they shall not, by such transfer, be adversely affected in civil service tenure, pension, seniority, promotional, suspension or removal rights.

§ 2-57. Offices and positions continued.

All offices, positions and employments which are continued or reestablished by this Code are transferred to the respective departments, offices and agencies to which their functions are allocated and assigned by the Code. The terms of all officers and employees heretofore appointed for a fixed term to such offices, positions and employments shall continue to the date of expiration thereof, unless otherwise expressly provided in this Code.

§ 2-58. Transfer of personnel, records and property.

As of the effective date of this Code, except as otherwise provided herein, all personnel and all records and property of the County are transferred to the respective departments, offices and agencies to which their administrative functions, powers and duties are allocated and assigned by the Code.

§ 2-59. Compensation.

Until otherwise provided, rates of compensation established for persons holding office or employment on the effective date of the Code shall be continued with respect to the office, position or employment to which they, respectively, may be transferred.

§ 2-60. Pension rights.

Pension Fund membership and rights of any officer or employee shall not, without his consent, be adversely affected by any transfer pursuant to the Code. The County Manager shall provide, by appropriate regulation, for necessary records, contribution controls and otherwise for the further protection of the Pension Fund membership and rights of officers and employees in accordance herewith as the need appears.

§ 2-61. Transfer of appropriations.

The various appropriations in the budget of the County for the fiscal year in which this Code takes effect are hereby transferred to the department, office or agency of the County government to which the functions, powers and duties for which such appropriations were made are transferred, and such appropriations shall continue to be available for the objects and purposes for which they respectively were made in said budget as adopted. As soon as practicable, the County Manager shall transmit to the Board an appropriate resolution in the form required by the Division of Finance of this state, pursuant to *N.J.S.A. 40A:4-85*, to make such correction of the title, text or amount of any item or appropriation appearing in the County Budget, as adopted, as may be necessary to make any or all of such items of appropriation conform with the organization of County government and the allocation of functions, powers and duties prescribed by or pursuant to the Code, provided that the available overall total of the budgeted expenditures shall not be increased thereby, nor shall any-item of appropriation required for debt services, contingent expenses, deferred charges, statutory expenditures, judgments or reserves be reduced or limited thereby.

§ 2-62. Effective date of Administrative Code.

- A. This Code shall enter into effect thirty (30) days after its adoption, but not later than May 2, 1976, at which time all theretofore existing agencies shall assume the form, perform the duties and exercise the powers granted them under the Code, in the manner prescribed therein.

- B. All appointments to any County office, employment or position made since November 10, 1975, except in the case of positions created by the Charter, shall terminate on the effective date of this Code. Such appointees may be reappointed thereafter.
- C. All actions and proceedings of a legislative, executive or judicial character which are pending upon the effective date of the Code may continue, and the appropriate officer or employee hereunder shall be substituted for the officer or employee theretofore exercising or discharging the function, power or duty involved in such action or proceeding.

§ 2-63. Existing resolutions.

Upon the effective date of the Code, all resolutions of the County, to the extent that they are not inconsistent with the provisions of this Code and the Charter, shall remain in full force and effect until modified or repealed as provided by law.

§ 2-64. County indebtedness.

The adoption of the Code shall not in any way impair the obligation of the County with respect to indebtedness or the debt service thereon heretofore incurred by any County board, commission or agency for County purposes. The County Manager is authorized and directed to enter into appropriate contractual and other arrangements to establish the obligation of the County and its assumption of any and all such debt, notwithstanding the abolition of any County board, commission or agency heretofore existing in and for the County.

§ 2-65. Abolition of certain County agencies.

Upon the effective date of this Code, all boards, committees, commissions and other County agencies theretofore established by the Board of Chosen Freeholders are hereby abolished, unless otherwise provided in this Code.

§ 2-66. Acting officials and staff members pending appointment.

The County Manager may appoint such acting department, division and bureau heads and staff members as he shall deem necessary for the orderly and effective administration of County government after the effective date of this Code and pending permanent appointments to such offices and positions.

PART II - POLICIES AND GENERAL LEGISLATION

Chapter 4, (RESERVED)

[HISTORY: “General Provisions” was re-located to Chapter 2, Article I, on 4-10-2003 by Ord. No. 569]

Chapter 6, AFFIRMATIVE ACTION

[HISTORY: Originally adopted by the Board of Chosen Freeholders of the County of Union as Ord. No. 245; amended 9-10-1987 by Ord. No. 275; Re-located to this chapter from Chapter 1, Article XVII, and amended 4-10-2003 by Ord. No. 569]

§ 6-1. Purpose.

Affirmative action ensures that all positive steps are taken to actively recruit, appoint, evaluate and promote employees without regard to race, sex, color, marital status, religion, age, physical disability, political affiliation, national origin or liability for service in the Armed Forces of the United States.

§ 6-2. Policy.

It is the policy of Union County government to provide equal employment opportunities. This policy shall apply to all phases of employment, including but not limited to recruitment, hiring, placement, promotion, transfer, layoff, recall or termination and rates of pay or other forms of compensation and selection for training. The County of Union shall not sponsor or appear to sponsor any event or happening in any private facilities that impose membership rules contrary to the County's Affirmative Action Plan.

§ 6-3. Application for employment.

- A. All persons, including individuals with disabilities and minority persons, applying to any department or instrumentality of the County for employment shall be required to file an application and to apply to take any test required for employment, regardless of whether vacancies exist at the time of the application. Such applications shall be reviewed periodically and whenever a vacancy occurs, and, before advertising the same to the public, applicants on file shall be contacted to determine if they are still desirous of filling such vacancy.
- B. Affirmative action shall be a constant and ongoing activity; therefore, plans, goals and statistics shall be under constant review.

§ 6-4. Affirmative Action Officer.

[Amended 4-14-1994 by Ord. No. 390; 4-10-2003 by Ord. No. 569]

A. There is hereby established the full-time position of Affirmative Action Officer, who shall be the head of the Office of Affirmative Action and shall:

- (1) Review any affirmative action plan submitted by County departments and instrumentalities, including their recruitment procedures and records.
- (2) Recommend, advise and/or develop programs to ensure upward mobility of all employees and those serving in appointive positions.
- (3) Recommend and develop relevant training programs.
- (4) Review and update statistics relating to affirmative action goals.
- (5) Be responsible for informing all employees of their rights and available remedies for redress of grievances.
- (6) Circulate all vacancies and new positions to all County employees prior to public advertising. Such advertising shall be made through minority as well as the regular news media and by notice to the major women's and minority organizations within the County. Such advertising shall be accompanied by the statement "Union County is an equal opportunity employer."
- (7) Be responsible for assuring that each department or instrumentality of the County is provided with a copy of the County's Affirmative Action Plan, which shall be updated at least every nine months, but not exceeding one year in time. Such plans shall include guidelines for upward mobility and personnel data identifying areas of underutilization of women, persons with disabilities and minorities, with specific goals for remedying such areas. Such updating shall contain a review of department employees, showing progressions in equal opportunity for their advancement in measure commensurate with their abilities. They shall also contain accurate up-to-date job descriptions for each position. The Affirmative Action Officer shall have available full job descriptions and salary ranges for each position in County government.
- (8) The Affirmative Action Officer shall be directly responsible to the County Counsel and the County Manager and, through him, to the Board in all matters relating to affirmative action.

§ 6-5. Grievance procedure.

[Amended 4-14-1994 by Ord. No. 390]

- A. County employees feeling discrimination or unfair treatment in areas of equal opportunity employment shall communicate the nature of their grievances immediately to the affirmative action representative in their respective department, who shall consult with the affected department head and/or the Affirmative Action Officer. If the grievance is not resolved satisfactorily, the employee shall have the right to appeal to the Affirmative Action Officer.

- B. If the matter is not resolved to the employee's satisfaction, the employee may resort to established grievance procedures and/or file a formal discrimination complaint. Access to such affirmative action procedures shall be limited to those persons having a legal right thereto. All affirmative action grievance proceedings shall be confidential.
- C. The Affirmative Action Officer shall apprise the Affirmative Action Review Board of each final disposition of matters coming before him and of each matter not resolved by him and requiring final disposition. The final disposition shall be made by the Affirmative Action Review Board, comprised of the County Manager, Director of Personnel and three Freeholders to be appointed annually by the Chairman of the Board. Final determination shall be made by a majority vote of the members of the Review Board.

Chapter 8, (RESERVED)

Chapter 12, (RESERVED)

Chapter 15, ALCOHOL AND CONTROLLED SUBSTANCES

[HISTORY: Originally adopted by the Board of Chosen Freeholders of the County of Union as Ord. No. 245. Amendments noted where applicable]

ARTICLE I, (Reserved)

ARTICLE II, Drug and Alcohol Abuse Policy

[The County of Union Drug and Alcohol Abuse Policy, Resolution No. 2013-814, adopted October 10, 2013, is on file in the office of the Clerk of the Board. A copy of the booklet entitled "County of Union Drug and Alcohol Abuse Policy" can be obtained by contacting the Union County Division of Personnel Management and Labor Relations.]

ARTICLE III, Alcohol/Drug Testing Procedures Pertaining to County Employees with Commercial Driver's Licenses

[Resolution No. 908-95, adopted 10-12-1995, sets forth the regulations of the United States Department of Transportation and the Federal Highway Administration relating to drug testing procedures for employees with commercial drivers' licenses. A complete copy of the regulations is on file in the Office of the Clerk of the Board.]

Chapter 20, AUTHORITIES

[HISTORY: Adopted by the Board of Chosen Freeholders of the County of Union: Art. I, 6-5-1986 by Ord. No. 246; Art II, 6-5-1986 by Ord. No. 245. Amendments noted where applicable.]

ARTICLE I, Utilities Authority

[Adopted 6-5-1986 by Ord No. 246]

§ 20-1. Findings declared.

It has been declared to be in the public interest and to be the policy of the State of New Jersey to foster and promote by all reasonable means the collection, disposal and recycling of solid waste in an environmentally sound manner, the relief of lands and waters in or bordering the state from pollution for domestic, industrial and other sources and thus the reduction and ultimate abatement of the menace to the public health resulting from such pollution.

§ 20-2. Statutory authority; program required.

The State of New Jersey and the United States of America have mandated pursuant to statutes, including the “Solid Waste Management Act” (Chapter 39 of the Pamphlet Laws of 1970 of the State of New Jersey, *N.J.S.A. 13:1E-1 et seq.*), regulations and rules and judicial proceedings that the County of Union undertake and complete a governmental program for solid waste management, control and disposal.

§ 20-3. Desire to create public body to implement program.

The County of Union now desires to create a public body corporate and politic pursuant to the “Municipal and County Utilities Authority Law” (Chapter 183 of the Pamphlet Laws of New Jersey of 1957), and the acts amendatory thereof and supplemental thereto, to implement such solid waste management, control and disposal program.

§ 20-4. Means determined to be efficient and feasible.

The Board of Chosen Freeholders of the County of Union has determined that this is the most efficient and feasible means of providing for solid waste disposal and management and will not create an undue financial burden to be placed upon the County of Union.

§ 20-5. Creation of Union County Utilities Authority.

Acting pursuant to Chapter 183 of the Pamphlet Laws of 1957 of New Jersey, and the acts amendatory thereof and supplemental thereto (the “Municipal and County Utilities Authorities Law”, *N.J.S.A. 40:14B-1 et seq.*), the County of Union, a County of the State of New Jersey, hereby creates a public body corporate and politic under the name and style of the “Union County Utilities Authority.” Such Authority shall constitute a utilities authority contemplated and provided for in the “Municipal and County Utilities Authorities Law” and shall be an agency and instrumentality of the County of Union and shall have the power and authority given to municipal utilities authorities by said law and the acts amendatory thereof and supplemental thereto.

§ 20-6. Membership; compensation.

[Amended 8-14-1986 by Ord. No. 253; 2-9-1988 by Ord. No. 288; 2-25-1999 by Ord. No. 493; amended 2-5-2004 by Ord. No. 587]

- A. Said Authority shall consist of nine members, who shall be appointed by the Board of Chosen Freeholders of the County of Union in the manner provided by *N.J.S.A. 40:14B-4*. The members of the Authority may receive as compensation for their services such annual sum as the Authority may determine within the following limits:

(1) Members of the Authority: the sum of \$4,000 per annum.

(2) The Chairman of the Authority: the sum of \$5,000 per annum.

- B. In addition to the regular members, there shall be appointed two alternate members who shall be designated as “Alternate No. 1” and “Alternate No. 2” who shall serve during the absence or disqualification of any regular member or members. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote. The initial term of Alternate No. 1 shall commence on the day of appointment and expire on the fourth January 31 ensuing after the date of said appointment. The term of Alternate No. 2 shall commence on the day of appointment and expire on the fifth January 31 next ensuing after the date of said appointment. All subsequent appointments or reappointments of alternates shall be for five years. Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member or members. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. The alternate members of the Authority may receive as compensation for their services such annual sum as the Authority may determine within the following limits:

(1) Alternate Members: the sum of \$1,500.00 per annum.

§ 20-7. Designation as agency to implement Solid Waste Management Plan.

[Amended 12-11-1986 by Ord. No. 261]

The Authority is hereby designated as the County agency empowered to supervise the implementation of the Union County District Solid Waste Management Plan and shall be

responsible for the financing, construction and operation of a resource recovery facility within the County of Union and all activities incident thereto, including but not limited to such matters as landfill development and regional recycling.

§ 20-8. Financing, borrowing and issuance of indebtedness subject to consent of Board.

[Amended 12-11-1986 by Ord. No. 261]

Actions by the Authority relating to financing, borrowing and issuance of indebtedness, including a bond issue or bond anticipation notes, shall be subject to the advice and consent of the Board of Chosen Freeholders, in such cases wherein the County will be called upon to execute a shortfall- or standby-type agreement. Such other major actions which relate to the planning, financing, construction or operation of solid waste facilities or programs shall receive the advice of the Board of Chosen Freeholders in accordance with regular reporting of such actions or proposed actions to the Board of Chosen Freeholders. In furtherance thereof, there shall be held quarterly, within each year, a joint meeting of the Board of Chosen Freeholders and the Union County Utilities Authority for the purpose of jointly reporting the activities undertaken in the previous quarter and those activities projected for the future relative to solid waste management. The first meeting shall be held on the fourth Thursday in January 1987 and on the fourth Thursdays in April, July and October and on such designated Thursdays each year thereafter. The meetings shall be held in the Freeholder Meeting Room at the County Administration Building at 7:00 p.m.

§ 20-9. Consultants, advisors and employees.

[Amended 12-11-1986 by Ord. No. 261]

Consultants, advisors and employees currently contracted or employed by the County of Union to implement the Solid Waste Management Plan will continue to be contracted or employed, and such contracts shall be assigned by the Board of Chosen Freeholders to the Authority. Transfers of the aforesaid employees from the County to the Authority shall be in accordance with the appropriate provisions of *N.J.S.A. 11:28-1 et seq.*, where applicable.

§ 20-10. Effectiveness of creating legislation.

This article creating said Authority shall not become effective until an application shall have been submitted to and approved by the Local Finance Board in the Department of Community Affairs of the State of New Jersey in accordance with *N.J.S.A. 40A:5A-4* of the Local Authorities Fiscal Control Law.

§ 20-11. Filing of copies.

A certified copy of this article, duly certified by the Clerk of the Board of Chosen Freeholders, shall be filed in the office of the Secretary of State of New Jersey and, within 10 days after such adoption, filed in the office of the Municipal Clerk of each municipality in the County of Union.

ARTICLE II, Improvement Authority

[Adopted 6-5-1986 by Ord. No. 245]

§ 20-12. Statutory authority.

“The County Improvement Authorities Law”, constituting Chapter 183 of the Laws of 1960 of the State of New Jersey, as amended (*N.J.S.A. 40:37A-44 et seq.*), the “Act,” provides for the creation of an improvement authority.

§ 20-13. Purpose.

The purposes of such an improvement authority as set forth in *N.J.S.A. 40:37A-54* include the low-cost financing of capital structures and facilities within the County of Union through the establishment of a pooled governmental loan program.

§ 20-14. Benefits of legislation determined.

The Board of Chosen Freeholders has determined that creation of an improvement authority is in the best interest of the citizens of Union County.

§ 20-15. Authority created.

There is hereby created a public body corporate and politic, pursuant to the Act, under the name of the “Union County Improvement Authority” (the “Authority”).

§ 20-16. Composition.

[Amended 2-26-1998 by Ord. No. 464]

Pursuant to the provisions of *N.J.S.A. 40:37A-48b* and *N.J.S.A. 40:41A-30*, the Union County Improvement Authority shall be reorganized so as to consist of nine members.

§ 20-17. Filing of certified copies.

Certified copies of this article shall be filed forthwith by the Clerk of the Board of Chosen Freeholders in the office of the Secretary of State and in the office of the Division of Local Government Services in the Department of Community Affairs.

Chapter 26, BENEFITS

[HISTORY: Adopted by the Board of Chosen Freeholders of the County of Union: Art. I, 5-14-1987 as Res. No. 396-1987; Art. II, 4-12-1973 as Res. No. 299-1973; Art. III, 6-28-1979 as Res.

No. 516-1979; Art. IV, 8-26-1982 as Res. No. 419-1982; Art. V, 11-25-1986 as Res. No. 845-1986; Art. VI, 4-11-2001 as Res. No. 391-2001; Art. VII, 2-13-2003 as Res. No. 153-2003. Amendments noted where applicable.]

GENERAL REFERENCES

Administrative Code -- See Ch. 1.

Authorities -- See Ch. 20.

Indemnification and defense -- See Ch. 68.

ARTICLE I, Noncontractual Employees & Division and Department Heads

[Adopted 5-14-1987 as Res. No. 396-87]

§ 26-1. Adoption of benefit policy.

The Board of Chosen Freeholders of the County of Union does hereby adopt the following policy regarding benefits for all noncontractual employees and division and department heads.

A. Additional benefits for noncontractual employees.

- (1) *Temporary Disability Plan.* All noncontractual employees, excluding elected officials, shall be entitled to benefits under a contributory temporary disability plan with such benefits and at such contributions as from time to time shall be determined as appropriate by the County Manager through the Division of Personnel Management and Labor Relations. Employee contributions shall be deducted from payroll. The County reserves the right to modify or terminate this benefit at any future date. [Amended 4-10-2003 by Ord. No. 569].
- (2) *Compensatory Time Policy.* All noncontractual employees, excluding elected officials, below the position of department and division head shall be entitled to the benefits of a compensatory time program. For purposes of this policy, "department head" shall include the County Manager, the Deputy County Manager and the Clerk of the Board of Chosen Freeholders. All noncontractual employees who are presently compensated for authorized overtime work performed shall continue to receive such compensation in accordance with existing policies and practices. All noncontractual employees who are not presently compensated for authorized overtime and who are required to work beyond their normal working hours for a minimum of at least one hour shall be entitled to receive compensatory time at the rate of one and one half (1 ½) hours for every hour of eligible time in excess of 40 hours in a week. Said compensatory time must be taken within one year of the occurrence of the overtime period. At the discretion of the County Manager, the employee may be allowed to carry over compensatory time into the next year. Any time carried over must be in an amount equal to or less than the employee's annual vacation time. The department head shall have discretion in scheduling such time, with due consideration to the needs of the department and the wishes of the employee. [Added by Res. No. 503-87; Amended 5-8-2003 by Res. No. 507-2003; amended 7-28-2005 by Ord. No. 614-2005].

(3) *Overtime Policy.* All noncontractual employees, excluding elected officials, below the position of department and division head in the following departments and/or divisions shall be entitled to the benefits of an overtime program as specified herein. [Added 6-22-1995 by Res. No. 576-95; amended 4-25-1996 by Res. No. 463A-1996; amended 2-10-2005 by Res. No. 188-2005; amended 7-28-2005 by Ord. No. 614-2005].

(a) A policy for payment of authorized overtime worked under conditions set forth herein is hereby established and shall be applicable to all noncontractual supervisory employees below the position of department head or division head in the following departments and/or divisions:

[1] Department of Engineering, Public Works and Facilities;

[2] Department of Parks and Recreation;

[3] Division of Emergency Management (Department of Public Safety);

[4] Division of Motor Vehicles (Department of Administrative Services);

(b) All eligible noncontractual employees who have accumulated a total of 50 hours of compensatory time in a calendar year and who are required to perform overtime work beyond the first 50 hours in connection with emergent conditions, as defined by the department or division head, shall be paid at the rate of 1 ½ times the hourly rate of such employee for every hour actually worked in excess of 40 hours in a week. All noncontractual employees who perform nonemergent overtime work shall continue to be entitled to receive compensatory time in accordance with the existing compensatory time policy.

B. *Annual leave: division heads and department heads.* All division heads and department heads, as herein defined, shall not be entitled to the benefits provided under the compensatory time program as outlined above. All such division and department heads, however, shall be entitled to a minimum of 20 days of annual paid vacation, adjusted as follows:

(1) Persons with eight completed years to 10 years of service will be entitled to 21 working days' vacation each year.

(2) Persons with 10 completed years to 15 years of service will be entitled to 24 working days' vacation each year.

(3) Persons with 15 completed years to 20 years of service will be entitled to 26 working days' vacation each year.

(4) Persons with 20 completed years to 25 years of service will be entitled to 28 working days' vacation each day.

(5) Persons with 25 completed years or more of service will be entitled to 33 working days' vacation each year.

C. *Annual leave: noncontractual employees below department and division heads.* All noncontractual employees below the position of department and division head, as herein defined, shall be entitled to annual paid vacation as follows [Added 6-25-1987 by Res. No. 503-87]:

- (1) Persons with less than one completed year of service will be entitled to one day per month of service.
- (2) Persons with one to eight completed years of service will be entitled to 13 days.
- (3) Persons with eight to 10 completed years of service will be entitled to 14 days.
- (4) Persons with 10 to 15 completed years of service will be entitled to 17 days.
- (5) Persons with 15 to 20 completed years of service will be entitled to 19 days.
- (6) Persons with 20 to 25 completed years of service will be entitled to 21 days.
- (7) Persons with 25 completed years will be entitled to one additional day of vacation per completed year of service above 25 completed years of service, to a maximum of 30 days of vacation per year.

ARTICLE II, Longevity Program

[Adopted 4-12-1973 as Res. No. 299-73]

§ 26-2. Termination of program.

The County Longevity Program shall be and it is hereby terminated as to all Union County employees engaged on and after January 1, 1973.

ARTICLE III, Mileage Reimbursement

[Adopted 6-28-1979 as Res. No. 516-79]

§ 26-3. Rate of reimbursement established.

[Amended 9-24-1992 by Res. No. 749A-92; amended 4-22-04 by Ord. No 596-04; amended 10-27-05 by Ord. No. 620-05]

The Board of Chosen Freeholders of the County of Union hereby establishes as policy of this County the payment of an amount equal to the standard mileage rate established by the Internal Revenue Code, as amended from time to time, as reimbursement to County employees using their own motor vehicles to conduct authorized County business.

§ 26-4. When available.

[Added 10-25-1984 by Res. No. 679-84]

No member of the Board shall be authorized to receive any reimbursement for mileage for the use of their personal vehicle for any mileage attributed to a trip to or from their homes to the County Administration Building for meetings of the Board of Chosen Freeholders. The Freeholders shall be authorized to receive reimbursement for mileage for use of their personal automobiles and for mileage attributed to all other County business performed by any Freeholder.

§ 26-5. Availability of funds.

[Amended 4-10-2003 by Ord. No. 569]

This policy is subject to the County Manager and the department heads ensuring that the total mileage be closely monitored to ensure availability of funds within the current Budget.

ARTICLE IV, Deferred Compensation Program

[Adopted 8-26-1982 as Res. No. 419-82; amended 4-10-2003 by Ord. No. 569]

§ 26-6. Adoption of plan.

The Board of Chosen Freeholders of the County of Union hereby adopts the deferred compensation program offered The Hartford Life Insurance Company and hereby re-establishes the County of Union Deferred Compensation Plan for the voluntary participation of all eligible County employees and elected officials.

§ 26-7. Implementation.

- A. The County Manager and Clerk of this Board are hereby authorized to execute for the County individual participation agreements with each employee and to execute such agreements and contracts as are necessary to implement the program; and it is implicitly understood that, other than the incidental expenses of collecting and disbursing of the employee deferrals and other minor administrative matters, there is to be no cost for contribution of the County to the program.
- B. The Director of the Department of Finance shall be the Local Plan Administrator of the County's Deferred Compensation Plan, pursuant to *N.J.A.C. 5:37-5.4*.

ARTICLE V, Retiree Health Insurance Benefits Package

[Adopted 11-25-1986 as Res. No. 845-86; Amended 12-20-2007 by Ord. No. 664; amended 3-27-08 by Ord. No. 667; amended 2-10-2011 by Ord. 716; 12-8-2016 by Ord. 2016-780]

§ 26-8. Retiree subsidy.

A) Accidental Disability Pension Retiree

Subject to eligibility criteria and conditions set forth below, the County shall remove the existing cap on the retiree health benefits for Accidental Disability Pension Retirees. The eligibility criteria and conditions are as follows:

- a. Eligibility is limited to individuals and their dependents who have retired from the County of Union on an Accidental Disability Pension authorized by the New Jersey Division of Pension & Benefits under either the Police and Firemen's Retirement System or the Public Employees Retirement System.
- b. The health benefit plan provided herein including co-pays and participant contribution toward premium shall be the same as the basic plan provided to active incumbent employees in any given year and is subject to amendment and change including changing the service provider, at the County's discretion.
- c. Prescription benefits shall be provided in a manner deemed most cost effective by the County at any given time based on existing market conditions and shall be subject to amendment and change including changing service provider, solely at the County's discretion.
- d. At such time as the eligible retiree becomes Medicare eligible, the eligible retiree will assume the cost of any Medicare Coverage; and it is expressly understood that the County will provide only supplemental coverage to Medicare.
- e. In order to maintain and/or continue eligibility for the health benefits contained herein, Accidental Disability Pension Retirees must:
 - i. Not receive payments or stipends of any kind for premiums, charges or the like for medical benefits coverage from any employer, or receive payments or stipends in lieu of health benefits;
 - ii. Not be eligible to receive fully paid active employee or retiree health benefits from any other Union County health benefit program or Collective Bargaining Agreement;

- iii. Not receive health benefits coverage from a source other than Union County;
- iv. Not be eligible to receive health benefits coverage from a source other than Union County expressly including eligibility for such coverage from another employer or a spouse's employer; and
- v. Provide an annual certification to the County verifying a) through d) above.

B) Constitutional Officers, Department Directors and Division Heads

- a. Consistent with the State of New Jersey's policy and criteria for health benefits for state employees who have served twenty-five years in the State pension system, the County shall remove the existing cap on the retiree health benefit subsidy excluding Medicare premiums, for all individuals holding the position of Constitutional Officer, Department Director or equivalent, or Division Head or equivalent at the time of retirement and who a) retire on a disability pension; b) retire on or after January 1, 2008 and have twenty-five (25) years or more of service in either the Police & Firemen's Retirement System or the Public Employees Retirement System with a minimum period of five (5) years of service with the County of Union with no age limitation; or c) retire on or after January 1, 2008 and have a minimum of twenty-five (25) years of service with the County of Union with no age limit; or d) retire on or after January 1, 2008 and reached the age of 62 years or older with at least 15 years of service in either the Police & Firemen's Retirement System or the Public Employees Retirement System with a minimum period of five (5) years of service with the County Union.

C) Exclusionary / Non – Contractual Employees

- a. There shall be provided a subsidy toward health benefits insurance premiums for all retirees who are exclusionary / non –contractual employees and who have retired from and after January 1, 1986 and before March 1, 2011 said subsidy to be consistent with the subsidy schedule for retirees as negotiated with Council No. 8 through the collective bargaining procedure.
- b. Consistent with the State of New Jersey's policy and criteria for health benefits for state employees who have served twenty-five years in the State pension system, the County shall remove the existing cap on the retiree health benefit subsidy excluding Medicare premiums, for all employees actively employed with the County of Union as of March 1, 2011 holding the status of exclusionary / non-contractual employee at the time of retirement who a) retire on a disability pension; b) retire on or after March 1, 2011 having reached the age of 55 years and have twenty-five (25) years or more of service with the County of Union or c) retire on or after March 1, 2011 having reached the age of 62 years or older with at least 15 years of service with the County of Union.

- c. There shall be provided a subsidy toward health benefits insurance premiums for all exclusionary / non-contractual employees hired after March 1, 2011, said subsidy to be consistent with the subsidy schedule for retirees as negotiated with Council No. 8 through the collective bargaining procedure.

ARTICLE VI, Emergency Closings – Effect on Benefits

[Added 4/11/2001 as Res. No. 391-2001]

§ 26-9. Adoption of Policy.

The County of Union adopts the following policy concerning a declared emergency day, not limited to snow, as it effects overtime, sick time, vacation time and compensatory time as follows:

A. 24 HOUR FACILITIES:

- (1) Employees who report and work between the hours of 12:00 a.m. and 11:59 p.m. shall receive one additional day's pay, or part thereof based upon actual hours worked, at straight time.
- (2) Employees who call in but do not report for work due to the emergency shall have no change or charge to sick time or personal time.
- (3) Employees who are on an approved leave of absence prior to the declared emergency day shall not receive any credit for additional time off.
- (4) Employees who call in sick on the emergency day shall not receive any credit for additional time off.
- (5) Employees who have a scheduled day off shall not receive any credit for additional time off.

B. NON 24 HOUR FACILITIES / REQUIRED TO WORK DUE TO THE EMERGENCY:

- (1) Employees who report and work between the hours of 12:00 a.m. and 11:59 p.m. shall receive one additional day's pay, or part thereof based upon actual hours worked, at straight time.
- (2) Employees who call in but do not report for work due to the emergency shall have no change or charge to sick time or personal time.
- (3) Employees who are on an approved leave of absence prior to the declared emergency day shall not receive any credit for additional time off.
- (4) Employees who call in sick on the emergency day shall not receive any credit for additional time off.

- (5) Employees who have a scheduled day off shall not receive any credit for additional time off.

C. NON 24 HOUR FACILITIES:

- (1) Employees who report and are required to work shall receive compensatory time for time actually worked.
 - (2) Employees who report to work and are subsequently sent home shall not receive any credit for additional time off.
 - (3) Employees who do not report for work due to the emergency shall have no charge to sick time or personal time.
 - (4) Employees who are on an approved leave of absence prior to the declared emergency day shall not receive any credit for additional time off.
 - (5) Employees who call in sick on the emergency day shall not receive any credit for additional time off.
 - (6) Employees who have a scheduled day off shall not receive any credit for additional time off.
- D. The Union County Board of Chosen Freeholders recognizes the importance of maintaining all County operations during severe snow and other emergency conditions, to the greatest extent possible.
- E. The County Manager shall only be authorized to declare a snow or other emergency closing in the future if the Governor declares a State of Emergency affecting the County of Union.

ARTICLE VII, Military Leave

[Added 2/13/2003 as Res. No. 153-2003; superceded 3/13/2003 by Res. No. 296-2003]

§ 26-10. Adoption of Policy.

The County of Union adopts the following policy concerning Military Leave for Union County employees who are part of the Reserve Components of the United States Military or a member of the National Guard when called into mandatory active duty as required under 10 *U.S.C.* §12301; 10 *U.S.C.* §12302; or 10 *U.S.C.* §12304:

- (1) Differential Pay – During active duty for the duration of their activation in this crisis, these employees shall be entitled to receive a salary equal to the difference between the employee's County salary and the employee's military base pay following the exhaustion of statutory entitlements to full pay.

- (2) Benefits – These employees will also continue to accrue seniority, sick, and vacation time as if they were on the job. Health benefits for employees and their eligible dependents will continue for the duration of active duty service
- (3) This resolution shall apply retroactively to all County employees who were placed on active duty on or after September 11, 2001.

Chapter 28, BIDDER QUALIFICATION

[HISTORY: Adopted by the Board of Chosen Freeholders of the County of Union on 9/5/02 as Ord. No. 557]

§ 28-1. Declaration of policy.

In accordance with the provisions of the Local Public Contracts Law, *N.J.S.A.* 40A:11-25, the Board of Chosen Freeholders of the County of Union adopts as policy that all prospective bidders for building construction projects be classified by the Department of Treasury – Division of Property Management and Construction, pursuant to *N.J.S.A.* 52:35-1 *et seq.* and *N.J.S.A.* 18A:18A-27 *et seq.*

§ 28-2. Classification of bidders.

The County of Union hereby adopts the classification of bidders by the New Jersey Department of Treasury – Division of Property Management and Construction as a reasonable regulation for controlling the qualifications of prospective bidders upon contracts to be awarded for construction on behalf of the County of Union.

Chapter 32, (Reserved)

[HISTORY: “Budget” was re-located to Chapter 2, Article IV on 4-10-2003 by Ord. No. 569]

Chapter 35, SMALL BUSINESS ENTERPRISES

[HISTORY: Adopted by the Board of Chosen Freeholders of the County of Union 9-10-1987 as Res. No. 676-87. Amended 8-19-2010 by Ord. 709-2010]

GENERAL REFERENCES

Affirmative action employment -- See Ch. 12.

§ 35-1. Declaration of policy.

The County declares that the existence of a strong and healthy free enterprise system is directly related to well-being and competitive strength of small business concerns and the opportunity for small businesses to have free entry into business, to grow and to expand, and finds that the County must attempt to ensure that a fair proportion of the County's total purchases and contracts for construction, property, supplies and services is placed with small business concerns.

§ 35-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

AGENT -- The Union County Director of the Division of Purchasing.

CONTRACTS -- All purchases of the County of Union, but not including the goods and services over which the County has no discretion as to the payee such as regulated utilities, maintenance of patients in state institutions and two-year out-of-County college reimbursement

DIVISION -- The Division of Purchasing.

SET-ASIDE CONTRACT:

- A. A contract for goods, equipment, construction or services which is designated as a contract for which bids are invited and accepted only from small businesses;
- B. A portion of a contract when that portion is so designated; or
- C. Any other purchase or procurement so designated.

SMALL BUSINESS--A business which has its principal place of business in the State, is independently owned and operated and meets all other qualifications as may be established in accordance with *N.J.S.A. 52:27H-21.8(g)* , *N.J.A.C. 17:13-1.2 and 17:14-1.2*

§ 35-3. Set-aside program.

- A. Notwithstanding the provisions of any County bidding or Local Public Contracts Law to the contrary, but subject to any superseding federal statutes or rules, the Division may designate a contract and/or a portion thereof for goods and services or construction to be awarded by the agent to a qualified small businesses pursuant to the goals and procedures established by this program whenever there is a reasonable expectation that bids may be obtained from at least two qualified small businesses capable of furnishing the desired goods and services or construction at a fair and reasonable price. The designation shall be made prior to the advertisement of bids.
- B. There is established a goal that the Division attempt to award at least 15% of the dollar value of its contracts to small businesses. This goal may, where appropriate, be attained by the direct designation of businesses by requiring that a portion of such a prime contract be

subcontracted to small businesses. The Division shall make a good faith effort to attain the goal established in this section.

- C. For purposes of obtaining the goal, the Division shall, when necessary, specifically set aside contracts or portions of contracts for which only small businesses may bid.
- D. The advertisement for bids on a set-aside contract shall indicate that the contract to be awarded is a qualified small business enterprise set-aside contract. The advertisement shall be in at least one newspaper which will best provide notice thereof to qualified small business enterprises sufficiently in advance of the date fixed for receiving the bids to promote competitive bidding among those businesses for whom the contract is being set aside, but said notice shall not be published less than 10 days prior to that date. The newspaper or newspapers in which the advertisement shall appear shall be selected by the Division of Purchasing. The advertisement shall designate the time and place at which sealed proposals shall be received and publicly opened and read, the amount of the cash or certified check, if any, which shall accompany each bid and such other items as the Division may deem proper. The advertisement shall be made by the Division pursuant to the procedure set forth in the law governing such contracts.
- E. The Division shall establish reasonable regulations appropriate for controlling the designation of prospective small business bidders according to the financial ability and experience of the bidders and the capital and equipment available to them pursuant to and reasonably related to the class or category of work to be performed or materials and supplies to be furnished or hired in the performance of any subcontract and may require each bidder to furnish a statement thereof.
- F. The Division shall establish a procedure whereby businesses may request inclusion on appropriate lists for small businesses.
- G. The Division shall establish a procedure annually reviewing the lists and determining whether the businesses on the lists shall continue to be designated as small businesses.
- H. When a contract or portion thereof has been designated as a qualified small business enterprise set-aside contract, invitations for bids shall be confined to qualified small businesses designated by the Division as appropriate for the set-aside, and bids from other bidders which are not qualified small business enterprises shall be rejected. The purchase, contract or expenditure of funds shall be awarded among the qualified small business enterprises in accordance with the statutes and rules governing purchases by the Division. The award shall be made within the time frame authorized statute.
- I. If the Division determines that the acceptance of the lowest responsible bid on a set-aside contract will result in the payment of unreasonable price, the Division shall reject all bids and withdraw the designation of the set-aside contract. Qualified small business enterprises shall be notified in writing of set-aside cancellation, the reasons for the rejection and the County's intent to resolicit bids on an unrestricted basis. The cancelled bid solicitation shall not be considered as a set-aside for the purposes of attaining established set-aside goal.

- J. If the Division determines that two bids from qualified small businesses cannot be obtained, the Division may withdraw the designation of the set-aside contract and resolicit bids on an unrestricted basis pursuant to the Local Public Contracts Law. The cancelled designation shall not be considered as a set-aside for the purposes of attaining established set-aside goal.

§ 35-4. Violations and penalties.

- A. Where the purchasing agent determines that a business has been classified as a qualified small business enterprise on the basis of false information knowingly supplied by the business and has been awarded a contract to which it would not otherwise have been entitled under this program, the purchasing agent shall have the authority to:
- (1) Assess against the business any difference between the contract and what the County's cost would have been if the contract had not been awarded in accordance with the provisions of this program.
 - (2) In addition to the amount due under Subsection A(1), assess against the business a penalty in an amount of not more than 10% of the amount of the contract involved.
 - (3) Order the business ineligible to transact any business with the County for a period to be determined by the purchasing agent.
- B. Prior to any final determination, assessment or order under this section, the purchasing agent shall afford the business an opportunity for a hearing on the reasons for the imposition of the penalties set forth in Subsection A(1), (2) or (3) of this section.

§ 35-5. Report to the Board of Chosen Freeholders.

The Division shall submit a report to the Board of Chosen Freeholders by January 31 of each year describing the County's efforts in attaining the set-aside goals and the percentage of the dollar value of total procurements awarded pursuant to this program.

The Board of Chosen Freeholders shall publish a list of the County's attainments in the immediately preceding local fiscal year, to include the County and local municipalities averages, in at least one newspaper circulating in the County by March 1 of each year.

§ 35-6. Construal; statutory authority.

- A. This program is to be liberally construed to effectuate the purpose herein described. Nothing herein is to be construed as repealing or abridging the emergency powers of any agency of government except to the extent expressly set forth herein.
- B. If any section, subsection, paragraph, sentence, clause, phrase or portion of this program shall be adjudged or declared invalid for any reason whatsoever, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof, which shall remain in full force and effect.

- C. All provisions of the Local Public Contracts Law, P.L. 1971, c. 198 (*N.J.S.A. 40A:11-1 et seq.*), and any supplements thereto, shall apply to purchases, contracts and agreements made pursuant to this program unless otherwise superseded by the provisions of this program.
- D. This program is promulgated and adopted in accordance with P.L. 1985, c. 482 (*N.J.S.A. 40A:11-41 et seq.*).

Chapter 36, (RESERVED)

Chapter 37, CELLULAR PHONE POLICY

[HISTORY: Adopted by the Board of Chosen Freeholders of the County of Union 6-17-2004 by Res. No. 632-2004]

§ 37-1. Legislative findings.

WHEREAS, Governor James E. McGreevey signed legislation on January 20, 2004, banning the use of hand-held cellular phones while operating a motor vehicle; and

WHEREAS, the new law, P.L.2003, c.310, allows drivers to use cell phones equipped with hands-free devices, provided the placement of the hands-free cell phone does not interfere with the operation of any required safety equipment on a vehicle; and

WHEREAS, the new law recognizes that a driver may use a hand-held cell phone in limited situations when the driver:

- a. has reason to fear for his/her life or safety;
- b. believes that a criminal act may be committed against him/her or another person;
- c. is reporting a fire, traffic or medical condition; or
- d. is reporting a reckless, careless or an unsafe driver who appears to be driving under the influence of drugs or alcohol; and

WHEREAS, the Board of Chosen Freeholders of the County of Union recognizes the new law and desires to notify all County employees of the new law; and

WHEREAS, the Board furthermore recognizes the insurance concerns and liability that may occur if an employee conducts County business on a cell phone while driving and desires to implement a policy requiring all County employees to either use a hands-free device if talking on a cell phone while driving, or pull off the road to a safe location before using their cell phone; and

WHEREAS, the aforementioned legislation shall take effect on July 1, 2004.

§ 37-2. Declaration of policy.

- s. All County employees are hereby advised of P.L. 2003, c.310, banning the use of hand-held cellular phones while operating a motor vehicle.
- t. It shall be the policy of this County for all County employees conducting County business to either use a hands-free device if talking on a cell phone while driving or pull off the road to a safe location before using their cell phone.
- u. All County employees who have been provided with cell phones shall also be provided with a hands-free device.

Chapter 39, CORRESPONDENCE TO FREEHOLDERS

[HISTORY: Adopted by the Board of Chosen Freeholders of the County of Union 1-1-1981 by Res. No. 18-81. Amendments noted where applicable.]

§ 39-1. Distribution of unsigned letters.

The Board of Chosen Freeholders of the County of Union hereby establishes as the policy of this Board that unsigned letters addressed to members of the Board of Chosen Freeholders be reproduced and distributed to each member of the Board for the member's information.

Chapter 41, (RESERVED)

Chapter 42, COUNTY MANAGER CANDIDATE SELECTION GUIDELINES

[HISTORY: Adopted by the Board of Chosen Freeholders of the County of Union 1-28-1988 by Res. No. 149-88. Re-located to this chapter on 4-10-2003 by Ord. No. 569. Amendments noted where applicable.]

GENERAL REFERENCES

Provisions of the Administrative Code relating to the position of County Manager -- See Ch. 1, Art. IV.
Affirmative action employment -- See Ch. 12.

§ 42-1. Guidelines established.

[Amended 4-10-2003 by Ord. No. 569]

The Board of Chosen Freeholders of the County of Union hereby establishes the following guidelines as policy for recruiting candidates, selecting finalists and hiring a County Manager when the need arises due to the lack of an available candidate with appropriate qualifications:

A. County Manager Citizens Selection Committee appointments.

(1) Within 14 days of a vacancy or the announcement of an intention to resign, the Chairman of the Board of Chosen Freeholders shall appoint a County Manager Citizens Selection Committee (CMCSC), whose members shall include:

(a) Three members of the Board of Chosen Freeholders (“Board”), representing both political parties, two of whom shall be the Chairman and Vice Chairman of the Board.

(b) At least four citizen members who are Union County residents and who represent the following business, service and educational areas, if possible:

[1] A principal corporate officer of a major business corporation.

[2] An editor or publisher of a Union County circulated newspaper.

[3] A medical director or chief executive officer of a Union County hospital.

[4] A representative of a College Department of Public Administration.

[5] Human services administration.

[6] Personnel administration.

(2) If said representatives cannot be recruited within the period specified, then other citizens may be selected. The citizen members shall not hold any political party post, nor shall any have served as a member of any campaign staff, paid or volunteer, or any candidate for municipal, state, national or County office.

B. Chairman and Vice Chairman of Committee. The Chairman of the Union County Board of Chosen Freeholders shall, at the time of the appointment of the members of the CMCSC, designate a Chairman and Vice Chairman of the Committee, one of whom shall be a Freeholder and one of whom shall be a citizen member. The Committee members shall serve only until the submission of a list of finalists to the Board and shall, thereafter dissolve.

C. Advertisement for applications. The CMCSC shall, within budgetary funds, prepare and cause to be advertised, within a reasonable time after its appointment, appropriate notices soliciting letters of application, academic transcripts, copies of degrees, resumes and such other details as it deems appropriate from all prospective applicants. Such notices shall be placed in appropriate news media and professional publications, including those with a national circulation, and in such public places so as to reach as many people as reasonably expected. All such notices shall be in strict compliance with all affirmative action guidelines.

D. Submission of names for consideration. The CMCSC shall have as its final responsibility submission to the Board of the names and certified credentials of at least five finalists. Upon such submission, the Freeholder Chairman shall submit the list of said finalists and copies of

their credentials to the office of the Union County Prosecutor for the purpose of fully complying with the background check policy of the Board.

- E. Interviewing. Within 15 days of receiving the list and credentials of the finalists, the Board shall begin interviewing all or any of that number and may select one of the same as County Manager, such selection being made within 60 days of the submission of finalists by the CMCSC. Any person so hired shall be hired on the condition that he or she receives a favorable review on the background check and fully complies with all conditions of employment.

CHAPTER 43, RESERVED

Chapter 44, DEPARTMENT HEAD QUALIFICATIONS

[HISTORY: Adopted by the Board of Chosen Freeholders of the County of Union 8-26-1976 as Res. No. 472-76. Title amended 4-10-2003 by Ord No. 569; Other amendments noted where applicable]

§ 44-1. Enumeration of qualifications.

The Board of Chosen Freeholders of the County of Union hereby sets forth below the qualifications for persons to be appointed as department heads in the County of Union:

- A. *County Counsel.* The County Counsel shall be an attorney admitted to practice law in the State of New Jersey and shall have at least five years' experience in the practice of law in New Jersey.
- B. *Administrative Services.* The Director of the Department of Administrative Services shall have attained a degree from an accredited college institution in the field of personnel or public administration or a law degree or, in lieu thereof, shall have at least five years of responsible professional supervisory experience [amended 3-10-2016 by Ord. 2016-772]
- C. *Economic Development.* The Director of the Department of Economic Development shall have attained an educational equivalent of a bachelor's degree in economics, business, urban or regional planning, or a related field from an accredited college institution and shall be able to organize, develop, coordinate and administer the economic development and planning objectives and activities of the County. [Amended 9-9-1976 by Res. No. 534-76; 4-10-2003 by Ord. No. 569]
- D. *Corrections* The Director of the Department of Corrections shall have proven background in adult corrections with at least seven (7) years progressively responsible leadership, with at least four (4) of those years in a managerial or supervisory capacity. The Director of Corrections shall have attained a college or university degree in the areas of Criminal Justice, Social Science, Public or Business Administration or related areas from a recognized and accredited institution, or an equivalent combination of education and experience may be substituted. [added 3-10-2016 by Ord. 2016-772]

- E. *Human Services*. The Director of the Division of Human Services shall have attained a bachelor's degree from an accredited college institution in the field of psychology, sociology, social work, public administration or in any other field related to the administration of social service programs or shall have at least five years of commensurate experience in a supervisory capacity in related fields. [Amended 4-10-2003 by Ord. No. 569]
- F. *Finance*. The Director of the Department of Finance shall have attained a college degree from a recognized and accredited college institution and shall have at least five years' experience in which supervision of fiscal affairs shall have been his major responsibility and shall possess a Certified County Finance Officer's License. He shall likewise possess a working knowledge and understanding of modern accounting and auditing plans and the law relating to the budgetary process of government. [amended 3-10-2016 by Ord. 2015-772]
- G. *Engineering, Public Works and Facilities Management*. The Director of the Department of Engineering, Public Works and Facilities Management shall have attained a college degree from a recognized and accredited institution, or shall have had five years' management experience in this area, and shall have at least five years' supervisory experience in the function and operations of public works or be a registered professional engineer with at least three years' experience in such fields. [Amended 11-29-1984 by Res. No. 743-84; 4-10-2003 by Ord. No. 569; Amended 3-10-2016 by Ord. 2016-772]
- H. *Public Safety*. The Director of the Department of Public Safety shall have a college degree from a recognized accredited institution or, in lieu thereof, have at least five years' proven demonstrable ability in security, public safety, public works or building security, security systems or commensurate training and experience.
- I. *Parks and Recreation*. The Director of the Department of Parks and Recreation shall have attained a bachelor's degree from an accredited college or university in the field of public administration, recreational management or any other field related to the management of public park and recreation systems, and shall have at least five years of commensurate experience in a supervisory capacity. The Director shall have a thorough working knowledge and understanding of public park and recreational systems, supported by understanding of and training or education in related fields of business management, modern business practices and enterprise management. [Amended 6-24-1982 by Res. No. 349-82; 2-24-2000 by Ord. No. 511; amended 3-10-2005 by Ord. No. 611].

§ 44-2. Construal of provisions.

Any person currently possessed of any of the titles listed above who does not meet a part of these specifications may, at the discretion of the County Manager, be appointed to said positions. Any successors to said titles must meet, at a minimum, the criteria set forth above.

§ 44-3. Intent.

These qualifications are adopted with the specific intention of not being in violation of any New Jersey statutory requirements, and should it be determined that any such violation has occurred

by reason of the adoption of said qualifications, then the New Jersey statutory requirement shall prevail.

Chapter 45, ETHICS IN GOVERNMENT

[HISTORY: Amended 9-9-1976 by Ord. No. 9; 12-13-1979 by Ord. No. 106; 7-26-1984 by Ord. No. 211; 9-10-1987 by Ord. No. 275; 8-21-1997 by Ord. No. 454; Re-located to this chapter from Chapter 1, Article XXVI, on 4-10-2003 by Ord. No. 569]

§ 45-1. Declaration of policy.

- A. The people of Union County have a right to expect that all public officials and employees will conduct themselves in a manner that will tend to preserve public confidence in and respect for the government they represent. Such confidence and respect can best be promoted if every public official and employee, whether paid or unpaid, whether elected or appointed, will uniformly:
 - (1) Treat all citizens with courtesy, impartiality, fairness and equality under the law.
 - (2) Avoid actual and potential conflicts between private self-interest and the public interest.
- B. To help public officials and employees achieve these goals is one of the objectives of the Code.
- C. The other objective is based upon the philosophy that any person working for more than one employer or other person may be placed in a position of possible conflict of interest. Such conflict would include a situation in which any employee of the County of Union may be associated with any business, organization, association, individual and/or individuals that may be doing business with or competing with any project, program, policy, procedure and/or goal of the County of Union. Therefore, this article proposes to relieve an individual of the impossible task of judging oneself. Instead, that judgment is placed in the hands of the Local Finance Board in the Department of Community Affairs, which will review the facts and measure them by the yardstick of public morality established by this article.

§ 45-2. Statutory authority.

“The Local Government Ethics Law”, *N.J.S.A. 40A:9-22.1 et seq.*

§ 45-3. Legislative findings and declaration.

The Legislature finds and declares that:

- A. Public office and employment are a public trust;

- B. The vitality and stability of representative democracy depend upon the public's confidence in the integrity of its elected and appointed representatives;
- C. Whenever the public perceives a conflict between the private interests and the public duties of a government officer or employee, that confidence is imperiled;
- D. Governments have the duty both to provide their citizens with standards by which they may determine whether public duties are being faithfully performed, and to apprise their officers and employees of the behavior which is expected of them while conducting their public duties; and
- E. It is the purpose of this article to provide a method of assuring that standards of ethical conduct and financial disclosure requirements for local government officers and employees shall be clear, consistent, uniform in their application, and enforceable on a statewide basis, and to provide local officers or employees with advice and information concerning possible conflicts of interest which might arise in the conduct of their public duties.

§ 45-4. Definitions.

As used in this article, the following terms shall have the meanings indicated:

BOARD -- The Local Finance Board in the Division of Local Government Services in the Department of Community Affairs.

BUSINESS ORGANIZATION -- Any corporation, partnership, firm, enterprise, franchise, association, trust, sole proprietorship, union or other legal entity.

GOVERNING BODY -- In the case of a municipality, the commission, council, board or body, by whatever name it may be known, having charge of the finances of the municipality, and, in the case of a County, the Board of Chosen Freeholders or, in the case of a County having adopted the provisions of the "Optional County Charter Law," P.L. 1972, c. 154 (*N.J.S.A. 40:41A-1 et seq.*), as defined in the form of government adopted by the County under the act.

INTEREST -- The ownership or control of more than 10% of the profits, assets or stock of a business organization, but shall not include the control of assets in a nonprofit entity or labor union.

LOCAL GOVERNMENT AGENCY -- Any agency, board, governing body, including the chief executive officer, bureau, division, office, commission or other instrumentality within a County or municipality, and any independent local authority, including any entity created by more than one County or municipality, which performs functions other than of a purely advisory nature, but shall not include a school board.

LOCAL GOVERNMENT EMPLOYEE -- Any person, whether compensated or not, whether part-time or full-time, employed by or serving on a local government agency who is not a local government officer, but shall not mean any employee of a school district;

LOCAL GOVERNMENT OFFICER -- Any person whether compensated or not, whether part-time or full-time:

- A. Elected to any office of a local government agency;
- B. Serving on a local government agency which has the authority to enact ordinances, approve development applications or grant zoning variances;
- C. Who is a member of an independent municipal, County or regional authority; or
- D. Who is a managerial executive or confidential employee of a local government agency, as defined in Section 3 of the "New Jersey Employer-Employee Relations Act," P.L. 1941, c. 100 (*N.J.S.A.* 34:13A-3), but shall not mean any employee of a school district or member of a school board.

LOCAL GOVERNMENT OFFICER OR EMPLOYEE -- A local government officer or a local government employee.

MEMBER OF IMMEDIATE FAMILY -- The spouse or dependent child of a local government officer or employee residing in the same household.

§ 45-5. Local Finance Board; jurisdiction.

The Local Finance Board in the Division of Local Government Services in the Department of Community Affairs shall have jurisdiction to govern and guide the conduct of local government officers or employees regarding violations of the provisions of this article who are not otherwise regulated by a County or municipal Code of ethics promulgated by a County or municipal ethics board in accordance with the provisions of this article. Local government officers or employees serving a local government agency created by more than one County or municipality and officers or employees of County colleges established pursuant to *N.J.S.A.* 18A:64A-1 *et seq.* shall be under the jurisdiction of the Board. The Board, in interpreting and applying the provisions of this article, shall recognize that under the principles of democracy, public officers and employees cannot and should not be expected to be without any personal interest in the decisions and policies of government; that citizens who are government officers and employees have a right to private interests of a personal, financial and economic nature; and that standards of conduct shall distinguish between those conflicts of interest which are legitimate and unavoidable in a free society and those conflicts of interest which are prejudicial and material and are, therefore, corruptive of democracy and free society.

§ 45-6. Code of ethics for local government officers or employees.

Local government officers or employees under the jurisdiction of the Local Finance Board shall comply with the following provisions (The restrictions contained in this subsection shall also apply to any business organization in which the former authority member holds an interest.):

- A. No local government officer or employee or member of his immediate family shall have an interest in a business organization or engage in any business, transaction, or professional activity, which is in substantial conflict with the proper discharge of his duties in the public interest;

- B. No independent local authority shall, for a period of one year next subsequent to the termination of office of a member of that authority:
- (1) Award any contract which has not publicly bid to a former member of that authority.
 - (2) Allow a former member of that authority to represent, appear for or negotiate on behalf of any other party before that authority; or
 - (3) Employ for compensation, except pursuant to open competitive examination in accordance with Title 11A of the New Jersey Statutes and the rules and regulations promulgated pursuant thereto, any former member of that authority;
- C. No local government officer or employee shall use or attempt to use his official position to secure unwarranted privileges or advantages for himself or others;
- D. No local government officer or employee shall act in his official capacity in any matter where he, a member of his immediate family, or a business organization in which he has an interest, has a direct or indirect financial or personal involvement that might reasonably be expected to impair his objectivity or independence of judgment;
- E. No local government officer or employee shall undertake any employment or service, whether compensated or not, which might reasonably be expected to prejudice his independence of judgment in the exercise of his official duties;
- F. No local government officer or employee, member of his immediate family, or business organization in which he has an interest, shall solicit or accept any gift, favor, loan, political contribution, service, promise of future employment, or other thing of value based upon an understanding that the gift, favor, loan, contribution, service, promise, or other thing of value was given or offered for the purpose of influencing him, directly or indirectly, in the discharge of his official duties. The provision shall not apply to the solicitation or acceptance of contributions to the campaign of an announced candidate for elective public office, if the local government officer has no knowledge or reason to believe that the campaign contribution, if accepted, was given with the intent to influence the local government officer in the discharge of his official duties;
- G. No local government officer or employee shall use, or allow to be used, his public office or employment, or any information not generally available to the members of the public, which he receives or acquires in the course of and by reason of his office or employment, for the purpose of securing financial gain for himself, any member of his immediate family, or any business organization with which he is associated;
- H. No local government officer or employee or business organization in which he has an interest shall represent any person or party other than the local government in connection with any cause, proceeding, application or other matter pending before any agency in the local government in which he serves. This provision shall not be deemed to prohibit one local government employee from representing another local government employee where the local government agency is the employer and the representation is within the context of official labor union or similar representational responsibilities;

- I. No local government officer shall be deemed in conflict with these provisions if, by reason of his participation in the enactment of any ordinance, resolution or other matter required to be voted upon or which is subject to executive approval or veto, no material or monetary gain accrues to him as a member of any business, profession, occupation or group, to any greater extent than any gain could reasonably be expected to accrue to any other member of such business, profession, occupation or group;
- J. No elected local government officer shall be prohibited from making an inquiry for information on behalf of a constituent, if no fee, reward or other thing of value is promised to, given to or accepted by the officer or a member of his immediate family, whether directly or indirectly, in return therefor; and
- K. Nothing shall prohibit any local government officer or employee, or members of his immediate family, from representing himself, or themselves, in negotiations or proceedings concerning his, or their, own interests.

§ 45-7. Financial disclosure statement.

- A. Local government officers shall annually file a financial disclosure statement. All financial disclosure statements filed pursuant to this article shall include the following information which shall specify, where applicable, the name and address of each source and the local government officer's job title:
 - (1) Each source of income, earned or unearned, exceeding \$2,000 received by the local government officer or a member of his immediate family during the preceding calendar year. Individual client fees, customer receipts or commissions on transactions received through a business organization need not be separately reported as sources of income. If a publicly traded security is the source of income, the security need not be reported unless the local government officer or member of his immediate family has an interest in the business organization;
 - (2) Each source of fees and honoraria having an aggregate amount exceeding \$250 from any single source for personal appearances, speeches or writings received by the local government officer or a member of his immediate family during the preceding calendar year;
 - (3) Each source of gifts, reimbursements or prepaid expenses having an aggregate value exceeding \$400 from any single source, excluding relatives, received by the local government officer or a member of his immediate family during the preceding calendar year;
 - (4) The name and address of all business organizations in which the local government officer or a member of his immediate family had an interest during the preceding calendar year; and
 - (3) The address and brief description of all real property in the state in which the local government officer or a member of his immediate family held an interest during the preceding calendar year.

B. Filing.

- (1) The Local Finance Board shall prescribe a financial disclosure statement form for filing purposes. For counties which have not established ethics boards, the Board shall transmit sufficient copies of the forms to the county clerk in each county for filing in accordance with this article. The Union County Clerk shall make the forms available to the local government officers serving the County.
- (2) For local government officers serving the County, the original statement shall be filed with the Union County Clerk. A copy of the statement shall be filed with the Board. Local government officers shall file the initial financial disclosure statement within 90 days following the effective date of this article. Thereafter, statements shall be filed on or before April 30 each year. (Amended 4-10-2003 by Ord. No. 569)

C. All financial disclosure statements filed shall be public records.

§ 45-8. Powers of Local Finance Board.

With respect to its responsibilities for the implementation of the provisions of this article, the Local Finance Board shall have the following powers:

- A. To initiate, receive, hear and review complaints and hold hearings with regard to possible violations of this article;
- B. To issue subpoenas for the production of documents and the attendance of witnesses with respect to its investigation of any complaint or to the holding of a hearing;
- C. To hear and determine any appeal of a decision made by a County or municipal ethics board;
- D. To forward to the County prosecutor or the Attorney General or other governmental body any information concerning violations of this article which may become the subject of criminal prosecution or which may warrant the institution of other legal proceedings by the Attorney General;
- E. To render advisory opinions as to whether a given set of facts and circumstances would constitute a violation of this article;
- F. To enforce the provisions of this article and to impose penalties for the violation thereof as are authorized by this article; and
- G. To adopt rules and regulations pursuant to the Administrative Procedure Act, P. L. 1968, c. 410 (*N.J.S.A. 52:14B-1 et seq.*), and to do other things as are necessary to implement the purposes of this article.

§ 45-9. Advisory opinions of Local Finance Board.

A local government officer or employee not regulated by a County or municipal Code of ethics may request and obtain from the Local Finance Board an advisory opinion as to whether any

proposed activity or conduct would in its opinion constitute a violation of the provisions of this article. Advisory opinions of the Board shall not be made public, except when the Board by the vote of 2/3 of all its members directs the opinion be made public. Public advisory opinions shall not disclose the name of the local government officer or employee unless the Board in directing that the opinion be made public so determines.

§ 45-10. Complaints to Local Finance Board; notice; hearing; decision.

The Local Finance Board, upon receipt of a signed written complaint by any person alleging that the conduct of any local government officer or employee, not regulated by a County or municipal Code of ethics, is in conflict with the provisions of this article, shall acknowledge receipt of the complaint within thirty (30) days of receipt and initiate an investigation concerning the facts and circumstances set forth in the complaint. The Board shall make a determination as to whether the complaint is within its jurisdiction or frivolous or without any reasonable factual basis. If the Board shall conclude that the complaint is outside its jurisdiction, frivolous or without factual basis, it shall reduce that conclusion to writing and shall transmit a copy thereof to the complainant and the local government officer or employee against whom the complaint was filed. Otherwise the Board shall notify the local government officer or employee against whom the complaint was filed of the nature of the complaint and the facts and circumstances set forth therein. The officer or employee shall have the opportunity to present the Board with any statement or information concerning the complaint which he wishes. Thereafter, if the Board determines that a reasonable doubt exists as to whether the local government officer or employee is in conflict with the provisions of this article, the Board shall conduct a hearing in the manner prescribed by § 1-170.5 of this article, concerning the possible violation and any other facts and circumstances which may have come to the attention of the Board with respect to the conduct of the local government officer or employee. The Board shall render a decision as to whether the conduct of the officer or employee is in conflict with the provisions of this article. This decision shall be made by no less than 2/3 of all members of the Board. If the Board determines that the officer or employee is in conflict with the provisions of this article, it may impose any penalties which it believes appropriate within the limitations of this article. A final decision of the Board may be appealed in the same manner as any other final state agency decision.

§ 45-11. Violations and penalties.

- A. An appointed local government officer or employee found guilty by the Local Finance Board or a County or municipal ethics board of the violation of any provision of this article or of any Code of ethics in effect pursuant to this article, shall be fined not less than \$100 nor more than \$500, which penalty may be collected in a summary proceeding pursuant to the Penalty Enforcement Law (*N.J.S.A. 2A:58-1 et seq.*). The Board or a County or municipal ethics board shall report its findings to the office or agency having the power of removal or discipline of the appointed local government officer or employee and may recommend that further disciplinary action be taken.
- B. An elected local government officer or employee found guilty by the Local Finance Board or a County or municipal ethics board of the violation of any provision of this article or of any

Code of ethics in effect pursuant to this article, shall be fined not less than \$100 nor more than \$500, which penalty may be collected in a summary proceeding pursuant to the Penalty Enforcement Law (*N.J.S.A. 2A:58-1 et seq.*).

§ 45-12. Disciplinary action.

The finding by the Local Finance Board or a County or municipal ethics board that an appointed local government officer or employee is guilty of the violation of the provisions of this article, or of any Code of ethics in effect pursuant to this article, shall be sufficient cause for his removal, suspension, demotion or other disciplinary action by the officer or agency having the power of removal or discipline. When a person who is in the career service is charged with violating the provisions of this article or any Code of ethics in effect pursuant to this article, the procedure leading to removal, suspension, demotion or other disciplinary action shall be governed by the applicable procedures of Title 11A of the New Jersey Statutes and the rules promulgated pursuant thereto.

§ 45-13. Rules and procedures applicable to hearings.

All hearings required pursuant to this article shall be conducted in conformity with the rules and procedures, insofar as they may be applicable, provided for hearings by a state agency in contested cases under the Administrative Procedure Act, P.L. 1968, c. 410 (*N.J.S.A. 52:14B-1 et seq.*).

Chapter 46, EXCAVATIONS AND CONSTRUCTION PROJECTS

[Ordinance No. 450, adopted July 24, 1997, and amended 4-27-2006 by Ordinance No. 626, sets forth regulations and establishes fees for County road opening or excavation, bridge crossing, curb and driveway permits, protects County roads, curbs and bridges and provides penalties for violation thereof. Copies of *Policy and Procedures for Right of Way Excavation*, which includes the revised fees established by Ordinance 626, may be obtained through the Union County Division of Public Works, Bureau of Inspections.]

Chapter 47, (RESERVED)

Chapter 48, (RESERVED)

Chapter 49, FEES

[HISTORY: Adopted by the Board of Chosen Freeholders of the County of Union as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Records and document fees -- See Ch. 104, Art. II.

Recreation fees -- See Ch. 107, Art. IV.

Service charges for returned checks -- See Ch. 118, Art. I.

ARTICLE I, Inmate Processing

[Adopted 4-10-2003 by Ord. No. 572; amended 7-28-2005 by Ord. No. 614-2005]

§ 49-1. Inmate Processing Fee.

A fee of **\$50.00** per inmate is hereby established as the official Inmate Processing Fee by the Department of Public Safety, Division of Corrections.

§ 49-2. (Reserved)

ARTICLE II, Paratransit Service

[Adopted 2-11-1993 as Res. No. 156-93; amended by Ord. 2012-736 adopted June 14, 2012]

§ 49-3. Purpose.

It is the policy of the County of Union that a fare will be charged for transportation services provided by the Union County Paratransit System. The fares collected will be used to provide additional transportation opportunities for senior and disabled residents on Union County. Fares will not be used to exclude eligible residents from transportation services. A method is included that allows indigent and low income residents access to services with no fares or reduced payments.

§ 49-4. Fees for Services

-Individual Trips:

Fares will be charged to trips provided by the Union County Paratransit System to individual riders, during normal hours of operation of the Union County Paratransit System, at a rate of \$2.00 per one-way trip. Individual fares will be collected through monthly billing. The bill will be based on the number of one-way rides the passenger took from the previous month. County

staff will permit passengers of limited income to qualify for a “fare waiver” based on income eligibility and the federal poverty guidelines. No passenger will be refused a ride for inability to pay but may be suspended after 90 days for non-payment unless they can show proof of indigence and low income.

-Regular Group Trips:

The Union County Paratransit System also receives requests for group transportation during normal hours, from residential facilities such as nursing homes and senior housing complexes.

The Regular Group Fare will be charged to groups from residential facilities at a rate of \$45.00 per trip, per vehicle, during normal hours of operation the Union County Paratransit System.

-Special Group Trips:

The Union County Paratransit System is, on occasion, requested to provide transportation to elderly and/or disabled residents of the County of Union outside the normal working hours or on weekends. This requires that the driver of the vehicle be paid at an overtime rate or that a special driver be employed and compensated. The County of Union desires to offset such additional cost.

Special Group fares will be charged to groups at a rate of \$25.00 per vehicle, per hour. Group trips provided after normal business hours (after 5:30 pm & Saturday) will charge \$25.00 per hour pre and post trip. Special Group Trips will be delivered at the discretion of the Union County Paratransit Administrative Office. The agency/group will be billed at the conclusion of the trip based on the number of hours and vehicles utilized.

Article III, Fire Academy

[Adopted 4-10-2003 by Ord. No. 570; amended 7-28-2005 by Ord. No. 614-2005]

§ 49-5. Fees for the Union County Fire Academy.

The schedule of fees for the Union County Fire Academy was established pursuant to Ordinance 570, adopted April 10, 2003. A copy of the current fee schedule is on file in the Office of the Clerk of the Board. A copy of the current fee schedule may be obtained from the Division of Environmental Health and Emergency Management.

Article IV, Pistol Range

[Adopted 4-10-2003 by Ord. No. 571; amended 7-28-2005 by Ord. No. 614-2005; amended 4-14-2011 by Ord. 721-2011]

§ 49-6. Fees for the Union County Pistol Range.

A) The Fees for Mandatory Range Safety Course and Identification (ID) Card are as follows:

Union County Residents		Out-of-County
Adults	\$20.00	\$30.00
Seniors (55 and over)	\$10.00	\$15.00
Youth (17 and over)	\$10.00	\$10.00

Hourly Range Use Fee : \$10.00 per hour.

B) The Fees for Law Enforcement Officer Qualification are as follows:

In-County Officers -	\$5.00 per officer, per qualification.
Out-of-County Officers -	\$10.00 per officer, per qualification.

Article V, Engineering & Public Works Fees

[Adopted 4-27-2006 by Ord. No. 627. Amended 12-4-2008 by Ord. No. 676-2008; 6-25-2009 by Ord. No. 686-2009. Amended 7-20-2017 by Ord. 2017-785]

§ 49-7. Fees for Line Striping & Roadway Markings.

The following fees are hereby established for individual municipalities to be charged when the County of Union is requested to paint the centerline striping and other roadway markings of roads maintained by the municipality:

- A. Fee of ten Cents (**\$0.10**) per linear foot of four inch (4”) line for basic overspray, with an additional charge of two Cents (**\$0.02**) per linear foot of four inch (4”) line if layout is on an unmarked existing surface.

It is the intent of this Ordinance to supersede Resolution 571-1995, passed by the Board of Chosen Freeholders on June 22, 1995.

§ 49-8. Fees for Sign Fabrication and Vehicle Lettering.

The following fees are hereby established for individual municipalities to be charged when the County of Union is requested to fabricate signs and vehicle lettering to be used by the municipality:

- A. Fee of **\$9.75** per square foot for retro-reflective signage;

- B. Fee of **\$4.86** per square foot for non-reflective signage;
- C. Fee of **\$3.56** per square foot for basic lettering/decal service, with an additional charge of **\$0.38** per square foot if metallic foil is requested, or an additional charge of **\$1.98** per square foot if retro-reflective sheeting is requested.

§ 49-9. Tipping Fees Charged to Municipalities for Compost.

The following fees are hereby established for individual municipalities to be charged when utilizing the County of Union Compost Facility:

- A. Tipping Fee of **\$2.00** per cubic yard of un-compacted leaves accepted for composting at the County of Union Compost Facility;
- B. Tipping Fee of **\$4.00** per cubic yard of compacted leaves accepted for composting at the County of Union Compost Facility.

§ 49-10. Fees Charged for sale of Compost.

Purchasing of Raw Material (Compost) is open to Bulk Material Distributors , Municipalities, Counties or State Governments for pickup only. Delivery of Material will not be provided. Vehicles must be a minimum capacity of 20 cubic yards or larger. Any smaller vehicles must be approved through the Department of Engineering, Public Works and Facilities Management, Division of Public Works.

The Union County Board of Chosen Freeholders shall annually adopt a fee schedule for the sale of compost. The Clerk of the Board will publish the required notice in the appropriate newspaper of such introduction and public hearing for the Schedule of Fees. A copy of the currently effective Schedule of Fees is on file in the Clerk of the Board's office and is available for examination during office hours.

Article VI, Returned Check Fees

[Adopted 6-25-2009 by Ord. No. 685-2009; amended by Ord. No. 2016-780]

The following fees are hereby established for checks or other written instruments which are returned for insufficient funds.

- A. Any persons or entities tendering payment to the County by check or other written instruments, which are returned for insufficient funds, shall be charged a Service Fee of \$20.00 per item returned, in accordance with N.J.S.A. 40:5-19.
- B. Any persons or entities presenting a check or other written instruments which is returned for insufficient funds shall be responsible to reimburse the County for any and all service charges imposed upon the County by its Bank. The service charge imposed on the County by its bank,

for a check or for other written instrument returned for insufficient funds shall be added to the amount of the Service Fee imposed in Section A.

Chapter 50, (RESERVED)

Chapter 54, (RESERVED)

Chapter 64, (RESERVED)

[HISTORY: Adopted by the Board of Chosen Freeholders of the County of Union 9-10-1987 as Res. No. 701-87. Amended 3-10-2016 by Ord. 2016-772]

Chapter 66, (RESERVED)

Chapter 68, INDEMNIFICATION AND DEFENSE

[HISTORY: Adopted by the Board of Chosen Freeholders of the County of Union as indicated in article histories. Amendments noted where applicable.]

ARTICLE I, Fees For Legal Counsel -- Omitted

[Adopted 2-28-1980 by Res. No. 165-80; amended in its entirety 12-14-1989 by Res. No. 1138A-89; Amended 12-19-2013 by Ord. 2013-755]

§ 68-1 through 4. (Reserved)

ARTICLE II, County Narcotic Strike Force, Joint Auto Theft Task Force, County Emergency Response Team and County Fire Investigation Task Force

[Adopted 6-9-1983 by Res. No. 655-86, amended in its entirety 2-25-1999 by Ord. No. 493; amended 4-10-2003 by Ord. No. 569]

§ 68-5. Defense and indemnification authorized.

The County of Union shall indemnify and furnish counsel to all municipal officers serving with the Union County Narcotic Strike Force, Joint Auto Theft Task Force, Union County Emergency Response Team and to such municipal fire fighters and law enforcement officers on the Union County Fire Investigation Task Force, who are sued as a result of any conduct occurring while in the course and scope of their duties as members of the Narcotic Strike Force, Joint Auto Theft Task Force, Union County Emergency Response Team and to such municipal fire fighters and law enforcement officers on the Union County Fire Investigation Task Force.

§ 68-6. Effect on County employment.

Notwithstanding any of the provisions contained herein, the municipal law enforcement officers who are serving or who shall serve with the Union County Narcotics Strike Force, Joint Auto Theft Task Force, Union County Emergency Response Team, and to such municipal fire fighters and law enforcement officers on the Union County Fire Investigation Task Force shall not be deemed to be employees of the County of Union.

Chapter 71, INSURANCE CONTRACTS

[HISTORY. Adopted by the Board of Chosen Freeholders of the County of Union as indicated in article histories. Amendments noted where applicable.]

ARTICLE I, Payment of Insurance Premiums

[Adopted 3-10-1988 by Res. No. 269-88]

§ 71-1. Procedure established.

The Board of Chosen Freeholders of the County of Union does hereby concur and adopt as official policy of the County the following procedure for the payment of insurance premiums:

- A. The insurance broker shall forward in a timely fashion, prior to the policy billing and/or installment date for insurance premiums, all invoices and vouchers for insurance coverage payments.
- B. New and renewal billings will be sent after review and approval by the Citizens Insurance Review Committee and after it has recommended the awarding of said policy to the Board of Chosen Freeholders for the purpose of adopting an appropriate resolution.
- C. All vouchers will contain a statement setting forth the date payment is due the insurance carrier. They will also state the date the payment is to be received by the insurance broker seven days prior to the due date in order to allow for clearance of funds and mailing by the broker to the insurance carrier.

§ 71-2. (Reserved)

ARTICLE II, Interest on County Premium Payments

[Adopted 2-9-1988 by Res. No. 183A-88]

§ 71-3. Notice requesting disclosure and return of interest.

The Board of Chosen Freeholders of the County of Union hereby directs the County Manager to prepare a formulated letter to all insurance consultants, brokers, subbrokers or subagents who have served the County within an applicable period of limitations and request that they disclose all interest earned by them on County funds deposited with them for the benefit of premium payment expenses and return the same to the Treasurer of Union County.

§ 71-4. Return of interest required.

It shall be the policy of the Board that any interest earned on County premiums by any present or future broker, cobroker, subbroker or subcobroker or agent thereof shall be returned to the County of Union.

Chapter 74, INTERGOVERNMENTAL COOPERATION

[HISTORY: This chapter was re-located here from Chapter 1, Article VII, on 4-10-2003 by Ord. No. 569. Amendments are noted where applicable.]

§ 74-1. Municipal Advisory Council.

There is hereby established a Municipal Advisory Council consisting of the Mayors of all of the municipalities in the County. The Board shall meet periodically with the Advisory Council to discuss County and municipal problems, County-municipal relations, cooperation in service problems, coordination of operations and capital facilities development and other subjects of mutual interest in order to provide closer County-municipal liaison and cooperation. In addition, the Advisory Council may organize itself, appoint such officers, designate such committees and convene such meetings as it may deem advisable. It shall encourage cooperative action and solutions to area-wide problems and shall formulate and develop proposals for submission to the Board on request of the Board or on its own motion.

§ 74-2. Office of Intergovernmental Relations.

The County Manager may establish within his office an Office of Intergovernmental Relations. As established, the Office may:

- A. Maintain a regular inventory and review of federal and state grants, loans and other aids available to the County and its municipalities and assist the departments and municipalities, upon request, in identifying available aids and in the preparation, filing and follow-up of required applications.
- B. Coordinate and facilitate the relations of the County and its departments with state and federal agencies and with municipalities within the County.

Chapter 79, LAND DEVELOPMENT

[HISTORY: Ordinance No. 506, adopted 9-23-1999, as amended by Ordinance No. 558 (adopted 10/10/02), Ordinance No. 563 (adopted 2/13/03) and Ordinance No. 628, adopted 6/22/06 set forth the Land Development Standards of the County of Union. Resolution No. 539-80, adopted 8-14-1980, sets forth a requirement to give notice to property owners. A copy of these Ordinances and Resolutions are on file in the office of the Clerk of the Board and the Department of Economic Development, Division of Planning and Community Development, and may be obtained from the Division of Planning and Community Development at a cost of \$5.00 each]

§ 79-1. Notice to Property Owners.

The Board of Chosen Freeholders of the County of Union does hereby establish as a policy of the County that, when a public hearing is required concerning land use or improvement to land on County property, the County make personal service of notice of such public hearing to all residents within 200 feet of the land use or improvement, which personal notice may be made by regular mail.

Chapter 80, (RESERVED)

Chapter 84, (RESERVED)

Chapter 86, (RESERVED)

Chapter 87, LOGO - OFFICIAL

[HISTORY: Adopted by the Board of Chosen Freeholders of the County of Union 10-25-1984 as Res. No. 688-84. Amendments noted where applicable.]

§ 87-1. Adoption of symbol.

The Board of Chosen Freeholders of the County of Union does hereby adopt the logo included said Resolution as the official logo for the County of Union for use in its publications.

Chapter 90, (RESERVED)

[HISTORY: The former chapter regarding Selection of a County Manager has been re-located to Chapter 42 on 4-10-2003 by Ord. No. 569]

Chapter 91, MAPS - COUNTY

[HISTORY: Adopted by the Board of Chosen Freeholders of the County of Union 5-14-1981 as Res. No. 312-81. Amendments noted where applicable.]

§ 91-1. Availability; costs.

All County Maps prepared for dissemination by the County of Union shall be made available to any member of the public who desires the same, subject to the payment to the County for the actual cost of printing the same, as from time to time advised by the County Manager.

Chapter 92, MEALS-ON-WHEELS PROGRAM

[HISTORY: Adopted by the Board of Chosen Freeholders of the County of Union 3-11-1993 as Res. No. 240-93. Amendments noted where applicable.]

§ 92-1. Purpose.

- A. The County of Union presently conducts a County-wide Meals-on-Wheels Program which provides nutritious meals for home-bound senior citizens who are Union County residents.
- B. The County HIV Consortium has documented a clear demonstrated need to provide and, most importantly, deliver such meals to County residents who are infected with HIV and AIDS.

§ 92-2. Screening of potential recipients.

Potential recipients would be screened and introduced to the program through assessment and recommendation by a community-based agency, and the recipient's needs and eligibility data would be documented as well as the appropriate linkage made to the Meals-on-Wheels Program.

§ 92-3. Funding.

The cost of such expansion of the program would be fully funded by federal grant funds made available from the Ryan White Act for which an application will be made by the County Administration.

§ 92-4. Program expanded.

The Board of Chosen Freeholders of the County of Union hereby authorizes as policy that the County Meals-on-Wheels Program be expanded to serve those County residents with HIV and AIDS who are determined to be eligible for such assistance, and the source of the funding for such expansion shall be grant dollars from the Ryan White Act.

Chapter 93, MEETINGS

[HISTORY: Adopted by the Board of Chosen Freeholders of the County of Union as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Administrative Code -- See Ch. 1.

ARTICLE I, (Reserved)

§ 93-1 through 93-3. (Reserved)

ARTICLE II, Reimbursement for Attendance

[Adopted 6-9-1977 by Res. No. 296-77]

§ 93-4. Per diem rate established.

[Amended 5-10-1984 by Res. No. 344-84; amended 4-22-04 by Ord. No. 596-04]

A. The Board of Chosen Freeholders of the County of Union hereby establishes as policy the following rates:

- (1) Lodging: Up to the convention rate or prevailing rate in the area for a standard room, per day.

(2) Meals: The set price of a specific meal function which is part of the convention/meeting or up to a total of **\$45** per day, all under appropriate rules and regulations set forth by the County Manager for the implementation of this policy.

B. Copies of this article shall be forwarded to the County Manager, all department heads enumerated in the Administrative Code and all constitutional officers for their guidance and directions.

§ 93-5. Distribution of copies.

Copies of this article shall be forwarded to the County Manager, the Director of the Department of Finance and the department heads enumerated in the Administrative Code, for their guidance and direction.

§ 93-6. (Reserved)

ARTICLE III, Agenda for Swearing-In Ceremony

[Adopted 11-20-1979 by Res. No. 777-79]

§ 93-7. Format adopted.

The following agenda format developed by a committee consisting of Freeholders Seymour, Slomkowski and Dillon, as well as County Clerk Walter G. Halpin, be and the same is hereby adopted as the official method of conducting said meetings, said policy to be implemented at the 1980 Reorganization Meeting of this Board, it being the intention of this Board to streamline and professionalize the Reorganization Meeting proceedings while still affording Freeholders who have been elected and reelected a full opportunity for suitable swearing-in ceremonies.

§ 93-8. Agenda.

The agenda for the Swearing-In Ceremony shall be in the following format:

Swearing-In Ceremonies
Union County Board of Chosen Freeholders

Business

Designee

Call meeting to order

Clerk of the Board of Chosen Freeholders

Introduction of:

(To act as Master of Ceremonies)

Invocation	By: _____
Pledge of Allegiance	All present
Certification of Election	Clerk of the Board of Chosen Freeholders
Oath of Office by Judge _____	(For A Bible to be held by _____ (For B " " _____ (For C " " _____ (For D " " _____
Comments by elected officials	Maximum time: 2 minutes
Roll call by:	Clerk of the Board, to elect a temporary Chairperson for the purpose of electing a permanent Chairperson
Oath of Office of Chairperson: Administered by:	_____
Election of Vice Chairperson by Chairperson	
Oath of Office for Vice Chairperson Administered by:	_____
Annual message of Freeholder Chairperson	
Benediction:	
Ten-minute recess before business meeting.	

§ 93-9. Additional provisions.

[Added 12-21-1982 by Res. No. 610-82]

- A. Each elected official shall have the Oath of Office administered by the person of his or her choice.
- B. Each elected official shall be allowed, if he or she so chooses, to have one person speak on his or her behalf, for a maximum of five minutes.
- C. There shall be a five-minute limit for comments by the elected official.

Chapter 97, (RESERVED)

Chapter 98, OFFICIAL DESIGNATIONS

[HISTORY: Adopted by the Board of Chosen Freeholders of the County of Union: Art I, 2-25-1982 as Res. No. 122-82. Amendments noted where applicable.]

ARTICLE I, Kathy Linney Room

[Adopted 2-25-1982 as Res. No. 122-82]

§ 98-1. Designation.

It is hereby authorized and directed that the County Manager officially name the women's locker facilities at the Ashbrook Golf Course the “Kathy Linney Room” and to have prepared and affixed in a prominent place a plaque, together with a copy of this article, suitably prepared, appropriately commemorating this action.

Chapter 100, PERSONNEL

[HISTORY: Adopted by the Board of Chosen Freeholders of the County of Union as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Administrative Code -- See Part I.

Alcohol and controlled substances -- See Ch. 15.

Benefits -- See Ch. 26.

Qualifications for Department Heads -- See Ch. 44.

ARTICLE I, (Reserved)

§§ 100-1 through 100-2. (Reserved)

ARTICLE II, (Reserved)

§§ 100-3 through 100-4. (Reserved)

ARTICLE III, (Reserved)

§ 100-5. (Reserved)

ARTICLE IV, Acting Appointments

[Adopted 9-25-1984 by Res. No. 629-84]

§ 100-6. Appointment procedure.

[Amended 5-25-2000 by Ord. No. 514]

The County Manager may appoint any employee he deems appropriate to serve in an acting capacity for a position temporarily vacant for any reason.

§ 100-7. Salary.

[Amended 6-22-1995 by Res. No. 575-95]

When a person is named in an acting capacity for any position, from bureau chief through department head, upon the expiration of 30 calendar days in said position, the person so designated in an acting capacity shall be entitled to be compensated at a salary within the established grade level salary range for the position for which he/she is serving in an acting capacity for the balance of the time in which that person serves in an acting capacity, subject to sufficiency of appropriate funds. The specific salary shall be determined in accordance with the formula for the establishment of promotional salaries pursuant to Resolution No. 968-92.

§ 100-8. Exceptions.

[Added 3-26-1986 by Res. No. 294-86]

This article is not intended to apply to the case wherein an employee serving in a part-time position is transferred to an acting full-time position and that in such case the established salary for such acting position shall be, subject to the sufficiency of funds, paid from the effective date of the occupancy of the acting full-time position.

ARTICLE V, Background Investigations

[Adopted 10-11-1984 by Res. No. 646-84; amended 5-25-2000 by Ord. No. 514; amended 6-17-2004 by Res. No 654-04; amended 12-2-2004 by Res. No 1162-04]

§ 100-9. Positions requiring “four-way” investigation.

All persons considered for appointment to the offices of County Manager, Deputy County Manager and Department Head in the Administrative Code departments shall be required, as a prior condition of appointment, to consent and submit to a “four-way” background investigation in the same manner as utilized by the Governor in his high-level appointments and conducted by the New Jersey State Police, all as more specifically detailed in the “Guide for Confidential Background Investigations” (April 10, 1980 - as amended and supplemented).

§ 100-10. Positions requiring other type of investigation.

- A. **Division Heads.** All persons considered for appointment to the position of division head in Administrative Code departments shall be required, as a prior condition of appointment, to consent and submit to a comparable background investigation in the same manner as now conducted by the County Police in reviewing applicants for County Police positions, and the County Manager is hereby directed to provide for these investigations through the Department of Public Safety, Division of Police. [Amended 5-25-2000 by Ord. No. 514]
- B. **Condition of Employment.** All potential job applicants will be notified that they are subject to criminal history and related background checks, including fingerprinting, as a pre-condition of employment.
- C. **Background Checks.** The County of Union acknowledges the level of position of employment sought will dictate the level of non-criminal background checks to be conducted. At the direction of the Deputy County Manager, the level of investigation conducted by the County Police may include :
 - 1. Tier One – Criminal Background History. This is required of all new County employees.
 - 2. Tier Two – Criminal Background History, inquiry of references provided, inquiry of prior job experience, and judgment searches.
- D. **Review Conducted by County Police.** The Union County Police are the designated agency to conduct review of potential job applicants. The Chief of the Union County Police shall designate the specific individuals within all County Departments who shall be authorized to request the criminal background material provided by State and Federal agencies.

§ 100-11. Authorized Review (Confidentiality).

Background checks may only be authorized by the Deputy County Manager. The results shall be provided solely to the County Manager, Deputy County Manager and, at the discretion of the County Manager, to the Department Head of the potential job applicant. A determination as to whether to hire a job applicant based on information provided from a background check may be made in consultation with the County Counsel or his designee. The information gained from a background check will not become part of the permanent personnel file of the job applicant.

ARTICLE VI, (Reserved)

§§ 100-12 through 100-14. (Reserved)

ARTICLE VII, AIDS/HIV Policy

[Adopted 7-14-1988 by Res. No. 660-88]

§ 100-15. Adoption of policy.

The “Ten Principles for the Workplace,” are hereby adopted as official policy for the County of Union for its relationship with its employees and urges compliance herewith to the extent permissible under the law by all companies, organizations, agencies and businesses having a business relationship with the County of Union.

§ 100-16. Distribution of copies.

Copies of this article, together with the Ten Principles shall be forwarded to each department head of the County of Union for the purpose of dissemination among the various departments and agencies of the County in order to ensure their compliance with this stated policy.

§ 100-17. Ten principles for the workplace.

- A. People with Acquired Immune Deficiency Syndrome (AIDS) or Human Immunodeficiency Virus (HIV) infection are entitled to the same rights and opportunities as people with other serious or life-threatening illnesses.
- B. Employment policies must, at a minimum, comply with federal, state and local laws and regulations.
- C. Employment policies should be based on scientific and epidemiological evidence that people with AIDS or HIV infection do not pose a risk of transmission of the virus to coworkers through ordinary workplace contact.
- D. The highest level of management and union leadership should unequivocally endorse nondiscrimination employment policies and educational programs about AIDS.
- E. Employers and unions should communicate their support of these policies to workers in simple, clear and unambiguous terms.
- F. Employers should provide employees with sensitive, accurate and up-to-date education about risk reduction in their personal lives.
- G. Employers have a duty to protect the confidentiality of employees' medical information.

- H. To prevent work disruption and rejection by coworkers of an employee with AIDS or HIV infection, employers and unions should undertake education for all employees before such an incident occurs and as needed thereafter.
- I. Employers should not require HIV screening as part of general preemployment or workplace physical examinations.
- J. In those special occupational settings where there may be a potential risk of exposure to HIV (for example, in health care where workers may be exposed to blood or blood products), employers should provide specific, on-going education and training, as well as the necessary equipment, to reinforce appropriate infection control procedures and ensure that they are implemented.

ARTICLE VIII, Voluntary Leave Incentive Program

[The County of Union Voluntary Leave Incentive Program Policy, Resolution No. 1099-91, adopted 11-14-1991, is on file in the office of the Clerk of the Board and the Division of Personnel Management and Labor Relations.]

ARTICLE IX, Noncontractual Employee Compensation Plan

[The Noncontractual Employee Compensation Plan, Resolution No. 968-92, adopted 12-13-1992, is on file in the office of the Clerk of the Board. A copy of this policy can be obtained by contacting the Division of Personnel Management and Labor Relations.]

ARTICLE X, County Workspace Policy

[The County of Union Workspace Policy, Resolution No. 327-05, adopted 3-10-2005, is on file in the office of the Clerk of the Board. A copy of this policy can be obtained by contacting the Division of Personnel Management and Labor Relations.]

ARTICLE XI, Donated Leave Program

[The Donated Leave Program Policy, Resolution No. 681-99, adopted 4-29-1999, is on file in the office of the Clerk of the Board. A copy of this policy can be obtained by contacting the Division of Personnel Management and Labor Relations.]

ARTICLE XII, Workplace Discrimination and Harassment

[The Union County Policy Against Workplace Discrimination and Harassment, Resolution No. 378-05, adopted 3-31-2005, is on file in the office of the Clerk of the Board. A copy of this policy can be obtained by contacting the Division of Personnel Management and Labor Relations.]

ARTICLE XIII, Family Leave and Medical Leave Policy

[The County of Union Family Leave and Medical Leave Act Policy, Resolution No. 81-99, adopted 1-21-1999, is on file in the office of the Clerk of the Board. A copy of this policy can be obtained by contacting the Division of Personnel Management and Labor Relations.]

ARTICLE XIV, Policy on Workplace Violence

[The County of Union Policy on Workplace Violence, Resolution No. 77-99, adopted 1-21-1999, is on file in the office of the Clerk of the Board. A copy of this policy can be obtained by contacting the Division of Personnel Management and Labor Relations.]

ARTICLE XV, Disciplinary Action Manual

[The County of Union Disciplinary Action Manual, Resolution No. 79-99, adopted 1-21-1999, is on file in the office of the Clerk of the Board. A copy of this manual can be obtained by contacting the Division of Personnel Management and Labor Relations.]

ARTICLE XVI, Employee Handbook

[Amended 4-30-2015 by Ord. 2015-764; Amended 7-20-2017 by Ord. 2017-785]

[The County of Union Employee Handbook, Resolution No. 2013-2 adopted 1/6/2013, amended by Resolution 2017-785 adopted July 20, 2017, is on file in the office of the Clerk of the Board. A copy of this Handbook can be obtained by contacting the Division of Personnel Management and Labor Relations, and through the County's intranet.]

ARTICLE XVII, Drug and Alcohol Abuse Policy

[Adopted 1-4-2009 by Res. No. 680-2009]

The County of Union Drug and Alcohol Abuse Policy, Resolution No. 2009-32, adopted 1-4-2009, is on file in the office of the Clerk of the Board. A copy of this Policy can be obtained by contacting the Division of Personnel Management and Labor Relations.

ARTICLE XVIII, Work Product Protection Policy

[Added 4-30-2015 by Ord. 2015-764]

The County of Union Work Product Protection Policy, Resolution No. 2015-363, adopted 4-30-2015, is on file in the office of the Clerk of the Board. A copy of this Policy can be obtained by contacting the Division of Personnel Management and Labor Relations.

Chapter 102, PURCHASING AND CONTRACTS

[HISTORY: Adopted by the Board of Chosen Freeholders of the County of Union as indicated in article histories. Amendments noted where applicable.]

ARTICLE I, Nonprofit Businesses

[Adopted 5-13-1976 by Res. No. 283-76; amended in its entirety 5-25-2000 by Ord. No. 514]

§ 102-1. Establishment of policy.

A policy is hereby established not to require the submission of bid bonds or certified checks by nonprofit firms or corporations desiring to submit proposals for goods and services to the County of Union.

§ 102-2. (Reserved)

ARTICLE II, Procurement of Professional Services

[Adopted 6-22-1978 by Res. No. 420-78 ;amended 4-10-2003 by Ord. No. 569]

§ 102-3. Establishment of policy.

The Board of Chosen Freeholders of the County of Union hereby declares the policy of this County to negotiate agreements for professional services on the basis of demonstrated competence and qualification for the type of professional services required by the County at fair and reasonable fees.

§ 102-4. First consideration to resident firms.

It shall further be the policy of the County of Union to give first consideration to those firms or persons maintaining an office within the County of Union. Subsequent consideration shall be given to firms or persons maintaining an office in New Jersey.

ARTICLE III, Joint Purchasing Agreements/Cooperative Pricing Systems

[Adopted 8-24-1978 by Res. No. 507-78; amended in its entirety 5-25-2000 by Ord. No. 514]

§ 102-5. Joint purchasing agreements; authorization to participate.

The County Manager is hereby authorized to negotiate agreements for the joint purchase of work, materials and supplies with municipalities and Boards of Education in the County of Union which may be interested in such joint agreements.

§ 102-6. Cooperative pricing systems.

The Board of Chosen Freeholders hereby authorizes the creation of a cooperative pricing system to be known as the “Union County Cooperative Pricing System” with the County of Union serving as lead agency.

§ 102-7. Authorization.

The County Manager is hereby authorized to enter into separate cooperative pricing agreements with the participating governmental units, and said agreements shall be deemed a single agreement.

§§ 102-8 and 102-9. (Reserved)

ARTICLE IV, Emergency Purchases and Contracts

[Adopted 11-14-1985 by Res. No. 795-85; amended 9-24-1998 by Res. No. 1149-98; amended 9-23-1999 by Res. No. 1322-99]

§ 102-10. Policy Enumerated.

- A. Emergency contracts shall be confined to rectifying the emergency itself and any consequential problems associated with the emergency. Emergency purchases or contracts require delivery or performance within a reasonable time frame.
- B. All emergency contracts require:
 - 1. A written requisition by the Department Head; and
 - 2. Approval by the County Manager.
- C. The County Manager may, in his discretion, consult with the County Counsel if there is a question that the emergency is in accordance with *N.J.S.A. 40A:11-6*.
- D. The Department Head shall, whenever practical, prior to the award of any purchase, contract or agreement, solicit competitive quotations for the services to be rendered or items to be purchased.
- E. Written emergency contracts or agreements, including the amount of the award, shall be prepared as soon as possible. All data pertaining to emergency purchases and contracts shall be attached to the non-bid agreements.
- F. All emergency purchases and contracts shall be reported in writing as soon as possible to the Board of Chosen Freeholders. A follow-up written report shall be submitted to the Board detailing the cause of the emergency, the action taken, and what is being done to prevent future emergencies of a similar nature.
- G. All County departments are to be instructed in the need for adequate planning to minimize the need for emergency contracts.

§ 102-11. Award of emergency contracts; requirements.

In the event of an emergency requiring that a contract be awarded for immediate remedial action, the selection of the qualified contractor shall be based, not only upon the price quoted, but also on the following factors:

- A. The amount and depth of the required experience to perform the job.
- B. The immediate availability of the contractor and the workforce.
- C. A thoroughly qualified and competent workforce, preferably trained in a New Jersey State certified apprentice program.
- D. Full insurance coverage in all areas in place at the start of the job.
- E. The contractor must have an unblemished prior work record regarding performance and completion.
- F. No violations of the Prevailing Wage Act or other laws, rules and regulations of the State of New Jersey and/or the County of Union.

ARTICLE V, Insurance

[Adopted 7-12-1979 by Res. No. 538-79; amended in its entirety 5-25-2000 by Ord. No. 514]

§ 102-12. Liability insurance requirements.

The Board of Chosen Freeholders of the County of Union hereby establishes the following requirements for general liability insurance to be obtained and filed by vendors from which this County obtains goods or services:

A. Contracts where there is direct contact with the public in an uncontrolled environment limit of \$1,000,000 required for both bodily injury and property damage.

(1) The following is a list of contracts that fall under high-risk policy (\$1,000,000 CGL with products and/or completed operations: \$500,000 auto CSL workers compensation):

- (a) Ammunition.
- (b) Auto, truck, jeeps and vans.
- (c) Chemicals.
- (d) Cigarettes.
- (e) Clay targets.
- (f) Concessions (boats).
- (g) Electrical maintenance.
- (h) Exterminator..
- (i) Fertilizer.
- (j) Fuel oil.
- (k) Garbage.
- (l) Gasoline.
- (m) Hospital supplies.
- (n) Insecticides.
- (o) Kerosene.
- (p) Meals (kosher).
- (q) Medical services (laboratory).
- (r) Oxygen.
- (s) Reagents.

(t) Shotgun shells.

B. Contracts where there is direct contact with the public in a controlled environment: a \$500,000 limit requirement for bodily injury and a \$250,000 limit requirement for property damage.

(1) The following is a list of contracts that fall under medium-risk policy (\$500,000 CGL, including product/or completed operations; \$500,000 auto workers compensations):

(a) Antifreeze.

(b) Candy.

(c) Computer.

(d) Food products such as:

[1] Bread.

[2] Groceries.

[3] Milk.

(e) Milling of roads.

(f) Oil and greases.

(g) Pool parts.

(h) Preventative maintenance.

(i) Rock salt.

(j) Snowplow service.

(k) Telecomputer guard (wristlets).

(l) Tools.

C. Contracts having no direct effect on the public require a \$300,000 limit for bodily injury and a \$100,000 limit for property damage.

(1) The following is a list of contracts that fall under low-risk policy (\$300,000 combined single-limit CGL; \$500,000 auto C/SI) (Note: must include statement signed by one to indicate self-employed and not an employee of the County.):

(a) Air-conditioning maintenance.

(b) Binders.

(c) Cables and brooms (for machinery).

(d) Clay (baseball).

(e) Concrete and asphalt.

- (f) Copier paper.
- (g) Fairer.
- (h) Film.
- (i) Flags.
- (j) Golf course supplies (no chemicals).
- (k) Grass seed.
- (l) Hay.
- (m) Horse feed.
- (n) Janitorial service (no chemicals).
- (o) Kitchen utensils.
- (p) Laundry services.
- (q) Linens.
- (r) Lumber.
- (s) Masonry supplies.
- (t) Microfilm service.
- (u) Paint (various paints).
- (v) Paper and plastic.
- (w) Paper bond, etc.
- (x) Plant material (if it is dirt).
- (y) Plumbing maintenance.
- (z) Plumbing supplies (other than red label).
- (aa) Portable toilets.
- (bb) Printing supplies.
- (cc) Radio service parts.
- (dd) Raingear.
- (ee) Road stone.
- (ff) Shelves and dividers.
- (gg) Stable tack and supplies.

- (hh) Straw.
- (ii) Toiletry items.
- (jj) Top dressing material.
- (kk) Uniform/rental.
- (ll) Uniforms.
- (mm) White trap sand.
- (nn) Window cleaning (no chemicals).

- D. The County Purchasing Division and/or the County Counsel will, at all times, have the ability to include the additional coverage requirements in accordance with the content of the contract.
- E. With respect to automobile insurance, where such coverage is required, the limits shall be not less than \$500,000.

§ 102-13. (Reserved)

ARTICLE VI, Competitive Bidding Limit

[Adopted 4-23-1981 by Res. No. 273-81; amended 9-26-1985 by Res. No. 662-85; 6-25-1987 by Res. No. 476-87]

§ 102-14. Threshold amount established; changes.

Pursuant to *N.J.S.A.* 40A:11-3, as amended or supplemented, the Board of Chosen Freeholders does hereby authorize the threshold amount for the purchasing of goods and services by competitive bidding to be \$8,400, effective July 1, 1987, and to be annually adjusted automatically without further resolution of the Board, consistent with the provisions of *N.J.S.A.* 40A:11-3, as amended or supplemented (Presently set at \$25,000.00 – 7/8/2002).

§ 102-15. Monitoring of policy.

This article shall be monitored by the Director of Purchasing and the County Manager.

§ 102-16. Distribution of copies.

Copies of this article, and any changes to the bidding threshold, shall be forwarded to the Director of Purchasing and the County Manager.

ARTICLE VII, Performance Bonds

[Adopted 9-26-1985 by Res. No. 667-85; amended in its entirety 6-25-1987 by Res. No. 477-87]

§ 102-17. Filing requirements.

The Board of Chosen Freeholders of the County of Union does hereby authorize the Director of Purchasing and County Manager to require the filing of performance bonds from successful bidders if the amount of goods or services to be provided exceed \$8,400 effective July 1, 1987, and at such threshold amount as will be set annually for public bidding pursuant to *N.J.S.A.* 40A:11-3, as amended or supplemented.

§ 102-18. Effect on prior legislation.

In all other respects, the provisions of Resolution No. 635-78 shall remain in full force and effect.

ARTICLE VIII, Construction Change Orders

[Amended 4-10-2003 by Ord. No. 569]

The requirements and procedures to be followed for all change orders on County construction projects are set forth in the *New Jersey Administrative Code, N.J.A.C. 5:30-11.1 et seq.*

ARTICLE IX, Disposition of Property

[Added 5-25-2000 by Ord. No. 514]

§ 102-20. Policy; designation of local agent.

Pursuant to *N.J.S.A.* 40A:11-36, as amended or supplemented, the Board of Chosen Freeholders of the County of Union does hereby authorize and declare as policy the following:

- A. Personal property having a fair market value of \$2,500 or less may, depending upon the facts and in accordance with the best interests of the County of Union, be sold or discarded.
- B. The Director of the Division of Purchasing is hereby designated as the local agent to carry out the purposes herein set forth.

§ 102-21. Responsibility for supporting data.

The department or division seeking to dispose of the personal property shall have the obligation and responsibility to procure and obtain the supporting data by way of bona fide estimates or certification of department or division head as to no market value or other documentation that the

personal property has a fair market value of \$2,500 or less and which data shall be delivered to the Director of the Division of Purchasing. The Director shall then arrange for the disposition of the property as shall be in the best interests of the County of Union as set forth above.

§ 102-22. Records.

All such inventories, records, estimates and appraisals as to value shall be kept and maintained as a record of such disposition.

ARTICLE X, Participation in County Auctions

[Added 5-25-2000 by Ord. No. 514]

§ 102-23. Restrictions on participation by officers, employees and family members.

As a matter of policy, no County government officer, employee or immediate family member of such County officer or employee nor third party designated by an officer, employee or immediate family member shall at any time participate in an auction conducted by the County for the sale of County-owned vehicles or property.

Chapter 104, RECORDS AND DOCUMENTS

[HISTORY: Adopted by the Board of Chosen Freeholders of the County of Union as indicated in article histories. Amendments noted where applicable.]

ARTICLE I, Identification

[Adopted 3-23-1978 by Res. No. 227-78]

§ 104-1. Establishment of policy.

The Board of Chosen Freeholders of the County of Union hereby adopts the following recommendations of the Intergovernmental Committee as a statement of policy for the County of Union:

- A. Dating of all documents and information papers produced within County government;
- B. When a document concerns Freeholder policy, date of adoption must be included;
- C. Number pages on all documents;
- D. Table of contents or index when practical, as reference to page numbers;

- E. Glossary within all documents where practical; and
- F. Copy of Public Information Office releases, when practical, to be sent to Freeholders and departments concerned.

§ 104-2. Distribution of copies.

The County Manager is hereby requested to provide copies of this article to each department head and request his cooperation in implementing the recommendations herein.

ARTICLE II, Fees

[Adopted 7-10-1980 by Res. No. 485-80; amended 3-26-1992 by Res. No. 293-92; amended 4-10-2003 by Ord. No. 569; amended 10-11-2007 by Ord. No. 658-2007; amended by Ord. No. 710-2010]

§ 104-3. Copies of minutes and other government records.

- A. The Board of Chosen Freeholders of the County of Union hereby establishes the cost for copies of minutes of this Board's meetings and for all other government records maintained by the County in accordance with the New Jersey "Open Public Records Act" (OPRA) (*N.J.S.A. 47:1A-1 et seq.*) shall be as follows:
 - (1) First page to tenth page: No Charge.
 - (2) Eleventh page and every page thereafter:
 - (a) \$.050 per page per letter size page or smaller; and
 - (b) \$0.07 per legal size page or larger
- B. In accordance with the Open Public Records Act, whenever the nature, format, manner of collation, or volume of a government record embodied in the form of printed matter to be inspected, examined, or copied pursuant to this section is such that the record cannot be reproduced by ordinary document copying equipment in ordinary business size or involves an extraordinary expenditure of time and effort to accommodate the request, the County may charge, in addition to the actual cost of duplicating the record, a special service charge that shall be reasonable and shall be based upon the actual direct cost of providing the copy or copies.
- C. If an individual requestor seeks to have any government records delivered to them via facsimile, the following special service charge shall apply:
 - (1) First page to tenth page: No Charge.
 - (2) Eleventh page to thirtieth page: **\$0.05** per page.

There shall be a limit of thirty (30) pages forwarded via facsimile to any requestor, per request.

§ 104-4. Items supplied by Director of Public Safety.

[Added 6-27-1985 by Res. No. 495-85; amended 2-10-1987 by Res. No. 166-87; 4-10-2003 by Ord. No 569]

- A. Rate schedules for the items listed herein to be supplied by the Director of Public Safety to persons entitled to the same shall be as follows:

Item	Fee
Copies of photographs, each	
4 x 5	\$2.50
8 x 10	\$5.00
11 x 14	\$10.00
Black and white photographs, each 8 x 10	\$5.00
Color photographs, each 8 x 10	\$7.00
Videotape copies, VHS size, each	\$25.00
Reports for the Public Defender, per page	\$0.10

- B. A copy of this section shall be forwarded to the Director of Public Safety and to the Chief of the Union County Police for their use in this matter.

§ 104-5. Items supplied by the Division of Information Technologies.

[Added 2-9-1988 by Res. No. 193-88; amended 5-19-1988 by Res. No. 527-88; 5-19-1988 by Res. No. 528-88; 5-11-2000 by Res. No. 647A-00; 5-25-2000 by Ord. No. 514]

- A. There is hereby established the following procedure for obtaining information from the Union County Board of Taxation through the Division of Information Technologies and established, therefor, the fees for the specific items, effective immediately:
- (1) A written request must be presented to the Union County Board of Taxation stating the items requested and the reasons for the request, together with a deposit in the amount of \$25 payable to the "Union County Department of Economic Development."
 - (2) The Union County Board of Taxation, upon its authorization of such request, will forward the request to the Union County Division of Information Technologies for production. After the order is received and approved by the Board of Taxation, the order will be completed by the Division of Information Technologies within five working days.
 - (3) The requester will be notified by the Division of Information Technologies that the order is complete and ready to be picked up and the balance which is due. All orders must be paid for upon receipt.
 - (4) The following prices shall be effective immediately:

Item	Cost
------	------

List	\$.0175 per property
Labels (pressure sensitive)	\$.025 per label
Labels (Cheshire)	\$.020 per label
Media	\$50.00 per town; \$255.00 (Union County)
Minimum charge	\$25.00

§ 104-6. Items supplied by the Bureau of GIS.

[Added 1-31-2001 as Res. No 114-2002]

A. Rate schedules for the items listed herein to be supplied by the Bureau of GIS to persons entitled to the same shall be as follows:

Item	Cost per Tile (1-50 scale)
Ariel - Paper Print (color)	\$50.00
Vector - Paper Print (per vector layer)	\$10.00
Custom Requests	\$25.00 per half-hour additional

§ 104-7. Items supplied by the Division of Engineering.

[Added 7-22-2004 by Ord. No. 600-2004]

A. Rate schedules for the items listed herein to be supplied by the Director of the Division of Engineering to persons entitled to the same shall be as follows:

Item	Cost
11" x 17" Document	\$1.00 per sheet
24" x 36" Document	\$5.00 per sheet
Color Aerial Photo	\$2.50 per sheet
Soil Survey Map	\$2.50 per sheet
Flood Insurance Rate Map	\$2.50 per sheet

Chapter 105, RECORDS MANAGEMENT POLICY AND PROCEDURES

[HISTORY: Adopted by the Board of Chosen Freeholders of the County of Union 11-12-1987 as Res. No. 835-87. Amendments noted where applicable.]

GENERAL REFERENCES

Fees -- See Ch. 54.

ARTICLE I, Purpose; Objectives

§ 105-1. Purpose.

The records management policy will describe the role of the Records Management Director (RMD) and the Records Storage Center (RSC). It will describe departmental responsibilities for maintenance and periodic destruction of records and will outline procedures developed to provide sound records management practices within the County government.

§ 105-2. Objectives.

The objective of this policy is to comply with state regulations for the proper generation, filing, storage and destruction of County records in an effort to best utilize space, avoid duplication, preserve historical records and minimize costs.

§ 105.2.1. Office of Records Management

[Added 8-6-1987 by Ord. No. 274; re-located to this chapter 4-10-2003 by Ord. No. 569]

A. Functions and responsibilities. The Office of Records Management shall:

- (1) Develop an overall records management program in order to comply with appropriate statutes and regulations concerning the proper generation, filing, storage and destruction of County records in an effort to best utilize space, avoid duplication, preserve historical records and minimize costs.
- (2) Develop appropriate procedures for the maintenance and periodic destruction of records as required by law.
- (3) Establish and monitor an effective ongoing program for the maintenance and storage of records.
- (4) Review and recommend appropriate facilities for the storage and maintenance of government records.
- (5) Perform such other duties as may be required by the County Manager for the effective operation of the Office.

ARTICLE II, Responsibilities

§ 105-3. Enforcement of records, policies and procedures.

The RMD is authorized by the Board of Chosen Freeholders for the development and enforcement of records management policies and procedures.

§ 105-4. Responsibilities of department heads.

Department heads (DH) are responsible for the public documents generated, used and stored in their respective departments.

§ 105-5. Department Records Coordinators.

Each DH shall designate a staff member to serve as the Department Records Coordinator (DRC), or the DH may serve in this capacity. The name of this person shall be given to the RMD in writing. If the DRC should change, the RMD should be notified in writing.

§ 105-6. Representative for department records management.

The DRC shall be the department's authorized representative for department records management and must adhere to the regulations, policies and procedures set forth.

ARTICLE III, Records Retention Destruction Officer

[Amended 4-10-2003 by Ord. No. 569]

§ 105-7. Designated officer; responsibilities.

The RMD will serve as records retention destruction officer for the County of Union:

- A. To ensure compliance with state retention destruction schedules and regulations.
- B. To verify destruction of documents authorized to be destroyed and certify the same on appropriate documentation. Any department may designate a witness to destruction.
- C. To ensure accurate requesting, reporting and recording of the destruction of government records.

§ 105-8. Designation of Department Records Coordinator.

Each DH must designate a member to act as DRC (or him/herself) for the department.

- A. A representative should be chosen who has a working knowledge of the entire departments processes and records. In some it may be necessary to designate more than one person in a large department.
- B. The RMD will work with the DRC on a continuing basis, keeping him advised of procedural changes and new retention requirements and answering records management questions.

§ 105-9. Records Storage Center.

When the Records Storage Center is established, it will be the primary storage facility for County documents that are semicurrent (seldom used and/or waiting future destruction) or permanent. All departments may request storage of documents through the RMD.

- A. Procedures for use of the Records Storage Center (RSC) will be developed and enforced by the RMD.
- B. The RMD will take the necessary to ensure safety and security of stored documents.
- C. Access to documents will be during normal business hours by telephone or written request to the RMD. In the event that records are needed after working hours, the RMD or an authorized RM designee will come in to release them after receiving a call that records are needed for an emergency.
- D. Individuals wanting to access records must receive written permission from the owning department. Records may not be removed from the RSC except by department personnel with authorization.
- E. The DH should notify all members of the department staff of the policies and procedures.

§ 105-10. Storage through micrographic applications.

The Office of Records Management will provide microfilm services for County departments. To promote the use of micrographics and develop programs that will provide more economical and space-efficient use and storage of County documents and records through micrographic applications and arrange for the production of microfilm in various formats for use by County departments.

§ 105-11. Destruction of government records; notification.

No government records may be destroyed without first notifying the RMD, who will ensure that all requirements have been met and retention schedules have been complied with. All documents or records generated, processed and maintained by departments of County government are considered government records and are therefore subject to the laws governing their use and disposition.

ARTICLE IV, Process for Destruction of Government Records

[Amended 4-10-2003 by Ord. No. 569]

§ 105-12. Selection or determination of retention period for records.

- A. Records no longer used and having no legal, fiscal or historical significance will normally be granted immediate destruction.

- B. Records with a predetermined retention period require completion of that time period before destruction.
- C. Records designated permanent may not be destroyed.
- D. Departmental Records Coordinators should consult the RMD for assistance in determining retention requirements. For many departments, retention requirements can be found in state-published records retention schedules. These may be obtained from the Records Management Director.

§ 105-13. Permission to destroy records; procedure.

- A. By law, all government subdivisions in New Jersey must request and receive permission to destroy government records. This is done using a Request for Authorization for Records Disposal.
- B. Department Records Coordinators shall:
 - (1) Complete Block 1 with the department's mailing address.
 - (2) Complete Block 2 with the name of the person responsible for records, normally the department head or division head.
 - (3) Complete Block 3 with their own sequential number. For the first request of the year, use 85-1 as an example.
 - (4) Complete Block 5 with the date that the request is completed and sent.
 - (5) Complete Block 6 with the item number from the approved retention schedule. The item number is found in the left-handed column on the retention schedule.
 - (6) Complete Block 7 with the name of the record series document as it appears on the retention schedule. Use one space for each different record series.
 - (7) Complete Block 8 with the first and last date of that batch of records. The entry may often be more or less than a one-year period.
 - (8) Complete Block 9 with the retention period as it appears on the approved retention schedule. The number of years is sufficient here.
 - (9) Complete Block 10 with the Volumes of each kind of record to be destroyed. The Records Storage Center box is one cubic foot, and the file drawer is two cubic feet.
- C. If the form includes records of a financial nature, the Records Coordinator shall submit the form to the appropriate auditor for completion of Blocks 11A and 11B.
- D. When the form is complete, the Records Coordinator shall make a photocopy for department use until the original comes back. The completed form is then sent by the Records Coordinator to the Records Management Director.

- E. The RMD verifies the information and completes Block 4. The form is then sent by the RMD to the Division of Archives and Records Management in Trenton for its approval.
- F. When the form returns to the RMD with approval to destroy, the DRC will be notified so that arrangement for verification and destruction can be done. Destruction will normally be by incineration, recycling or shredding.
- G. After destruction, the Records Coordinator will submit a follow-up copy to the RMD for the purpose of sending it to the Division of Archives and Records Management in Trenton and retaining a photocopy. The Records Coordinator retains the file agency copy.

ARTICLE V, Storage of Records for Permanent Retention; Awaiting Destruction

§ 105-14. Criteria for storage.

The criteria for storage is as follows:

- A. Records are no longer needed for active use and have more than six months before destruction.
- B. Records must be stored permanently.

§ 105-15. Records transfer request/receipt (RMS-1).

The Records Coordinator shall complete a records transfer request/receipt (short name "RMS-1").

- A. Instructions are printed on back of the RMS-1 form.
- B. Attention is directed to item "Description of Box Contents."
 - (1) The name of the records series should appear as it appears on the retention schedule;
or
 - (2) The Department common name shall be used, if different from the retention schedule.

§ 105-16. Records to be picked up; notification.

The Records Coordinators shall send the complete RMS-1 form to the Records Management Director or call to notify him of records to be picked up.

§ 105-17. Forms annotated with shelf location Codes.

Records shall be shelved at RSC, and the RMS-1 form shall be annotated with shelf location Codes.

§ 105-18. Forms; initialing; location guides; destination.

The Records Management Director shall initial the form as receipt and return the original to the department. The form shall be retained as a location guide for needed records. When all items on the form have been destroyed, the form need not be retained.

ARTICLE VI, Packing and Movement of Records

§ 105-19. Instruction sheets distributed with boxes.

The instruction sheet distributed with boxes is reproduced here to allow widest dissemination of this information. Records Coordinators should ensure that staff members tasked with packing boxes are briefed on this information. See attached.

ARTICLE VII, Recall or Reference of Stored Records

§ 105-20. Control of access to records.

Records stored at RSC remain the property of the departments, and the departments control the access to the records. In order for records to be accessed, permission must be received by the Records Center staff from the department head or Records Coordinator. This permission must be telephonic or written and must specify which records are to be made available.

§ 105-21. Requests for retrieval.

Departments may request that either documents or entire boxes of records be retrieved and sent to the department. Requests may be telephonic or made through inside mail using a Request for Reference Service (short name "RMS-3").

§ 105-22. Request identification.

Request must include clear identification of the records to be retrieved and the Records Center location Code found on the returned RMS-1 form.

§ 105-23. Forms attached.

Records found and forwarded to the department will be sent with two copies (white and yellow) of the RMS-3 form attached.

§ 105-24. Record of withdrawal.

The Records Center will retain the pink copy as a record of withdrawal.

§ 105-25. Returns recorded.

Documents or boxes will be returned with the white copy attached. The return will be recorded, and the items will be reshelfed.

§ 105-26. Records Coordinator's copy of form.

The yellow copy may be retained by the Records Coordinator as a record of request and return or discarded.

§ 105-27. Frequent referencing of records.

If a record series is being referenced too frequently, the records may be returned to the department. The RM Director will make that decision on a case-by-case basis.

ARTICLE VIII, Destruction and Disposal of Records

§ 105-28. Disposition process.

When records stored at the RSC have reached their destruction date (month year), the RM Director will notify the department. The Records Coordinator will then begin the disposition process described above. No County records should be destroyed without a Request for Records Disposal.

§ 105-29. Changes in procedure.

Changes made to the above procedures will be disseminated to each Records Coordinator. Exceptions made to these procedures in special situations with coordination between the RM Director and a department will not change the procedures described above.

Forms and Diagrams

The following forms and diagrams can be found in the Code book immediately following Chapter 105, Records Management Policies and Procedures:

Request and Authorization for Records Disposal

Cubic Foot Storage Boxes

Records Transfer Request/Receipt Instructions

Requests for Record Services

Chapter 107, PARKS AND RECREATION

[HISTORY: Adopted by the Board of Chosen Freeholders of the County of Union as indicated in article histories. Amendments noted where applicable.]

ARTICLE I, Special Populations

[Adopted 10-30-1985 by Res. No. 764-85; amended in its entirety 9-23-1999 by Ord. No. 507]

§ 107-1. Establishment of policy.

The Board of Chosen Freeholders of the County of Union does hereby approve and adopt as policy the attached Policy on Recreation for Special Populations.

§ 107-2. Policy on Recreation for Special Populations.

[Amended 9-14-2000 by Ord. No. 515; 3-10-2005 by Ord. No. 611]

It is the policy of the Union County Department of Parks and Recreation to provide activity and passive recreational opportunities for all citizens of Union County. A major emphasis is being placed upon service delivery to those with special needs. People with special needs are those individuals with disabilities who cannot be integrated into existing non-disabled programs and who therefore require modified or specifically designed programs or environments to meet their recreational needs. Special populations include the senior citizens, the temporarily disabled and the permanently disabled. It is the intent of this Department to acquaint all of this citizenry with the offerings of our park system via special activities as well as leisure time pursuits for them and their families.

A. Statement of need.

- (1) There are limited opportunities on a municipal level for people with disabilities to enjoy recreational programs. The County can provide accessible programs and facilities to a broader base of the population through cooperative planning with many organizations that service the disabled. The County coordinates with many municipalities to present programs to the disabled and to service the recreational needs of all groups of people throughout the County.
- (2) Many cosponsors have requested that the County assist with planning and implementing special programs for people with special needs. Their constituencies are not restricted to a specific agency (i.e., ARC of Union County, United Cerebral Palsy,

etc.) or a single municipality. They wish to have their activities and programs open to their entire catchment area.

- (3) The family constellation can be best maintained as a unit when all family members can appreciate and enjoy participating in recreational activities.
- (4) There is a need to renovate existing County recreation and park facilities and to assure barrier-free construction of new facilities so that all segments of the population shall have equal opportunities for positive recreation experiences.

B. Goals and objectives. The goals and objectives of this policy are to:

- (1) Offer special events that can be enjoyed by the senior citizens and disabled citizens as well as the able-bodied within Union County.
- (2) Acquaint special populations with ways in which to use our County parks for leisure time activities through workshops, lessons and formal programs.
- (3) Mainstream individuals with disabilities into existing programs whenever possible.
- (4) Identify programs for people with disabilities operated by County and state nonprofit organizations and local municipalities.
- (5) Publicize special activities in County park facilities.
- (6) Expand recreational opportunities to be enjoyed by groups, families and individuals.
- (7) Provide technical assistance to County entities regarding program/facility adaptations to ensure that all Union County residents are given recreation experiences.
- (8) Encourage groups to view the Union County Department of Parks and Recreation as a potential cosponsor of special events for the disabled.

C. Expected benefits. The expected benefits of this policy are:

- (1) Increased recreational opportunities, active and passive, for special populations of Union County.
- (2) Increased use of our park facilities for leisure activities by the disabled and their families.

ARTICLE II, Senior Citizens Discount

[Adopted 2-13-1986 by Res. No. 149-86; amended 2-13-1992 by Res. No. 178-92]

§ 107-3. Discount established.

It shall be the policy of the County of Union to permit a minimum fifteen-percent senior citizen discount from admission fees at all recreational facilities of the County of Union to all resident

senior citizens who are 62 years of age or older and who have purchased the appropriate senior citizen identification card.

§ 107-4. Applicability of discount.

The minimum fifteen-percent senior citizen discount shall not apply to those fees which have already been ordained by ordinance as a senior citizen fee.

ARTICLE III, Athletic Field Reservation Fees

[Adopted 8-13-1987 by Res. No. 589-87; amended in its entirety 9-14-2000 by Ord. No. 515]

§ 107-5. Waivers.

[amended 3-10-2005 by Ord. No. 611]

The Board of Chosen Freeholders of the County of Union does hereby authorize and direct the Department of Parks and Recreation to waive the athletic field reservation fees for all Union County public and private schools and municipal recreation departments for all youth activities scheduled on County park fields.

ARTICLE IV, Fees for Recreation Facilities

[Amended 3-10-2005 by Ord. No. 611; Amended 2-16-2006 by Ord. No. 623-06; Amended 5-10-2007 by Ord. No. 649-2007; Amended 3-27-2008 by Ord. No. 666-2008; Amended 5-29-2008 by Ord. 668-2008; Amended 4-16-2009 by Ord. 683-2009; Amended 8-20-2009 by Ord. 689-2009; Amended 12-17-2009 by Ord. 697-2009; Amended 2-11-2010 by Ord. 701-2010; Amended 6-10-2010 by Ord. 704-2010; Amended 2-10-2011 by Ord. 716-2011; Amended 7-28-2011 by Ord. 722-2011; Amended 2-9-2012 by Ord. 727-2012; Amended 7-19-2012 by Ord. 738-2012; Amended 2-21-2013 by Ord. 744-2013; Amended 3-14-2013 by Ord. 2013-748; Amended 3-27-2014 by Ord. 2014-756; Amended 3-12-15 by Ord. 2015-763; Amended 12-7-2017 by Ord. 2017-789]

§ 107-6. Park Fees

The Union County Board of Chosen Freeholders annually adopts a fee schedule for all facilities and programs operated by the Department of Parks and Recreation. The Clerk of the Board will publish the required notice in the appropriate newspaper of such introduction and public hearing for the Schedule of Fees. A copy of the currently effective Schedule of Fees ordinance is on file in the Clerk of the Board's office and is available for examination during office hours.

The Director of the Department of Parks and Recreation is hereby authorized to set fees and one time charges not specifically included in the fee schedule. Subject to the written approval of the County Manager, the Director of the Department of Parks and Recreation is hereby further

authorized to amend or modify any fee set forth in the fee schedule for special promotions and events up to 12 times a year. In the event that the Director shall assess, amend or modify any fee he shall file a notice of said assessment, amendment or modification with the Clerk of the Board and the Director of the Department of Finance, no less than five days prior to the effective date of the assessment, amendment or modification.

§ 107-7 through § 107-9. (Reserved)

ARTICLE V, County of Union Policy of Protective Head Gear at County Skateboard Facilities

[Adopted 1-4-2009 by Ord. No. 680-2009]

§ 107-10. Findings & Establishment of Ordinance.

- A. Establishment. There is hereby established the County of Union Protective Head Gear Ordinance, which requires the use of protective Head Gear whenever utilizing a Skateboard Facility owned or operated by the County of Union, or maintained on County Park Property.
- B. Findings. The County of Union, through the Department of Parks and Recreation is the Owner, or Operator of skateboard facilities at County Parks. The Board is committed to sustaining the health and safety of its citizens and users and therefore declares the use of protective head gear whenever utilizing a Skateboard Facility owned or operated by the County of Union.

§ 107-11. Definitions.

For purposes of this ordinance, the following terms and phrases shall have the following meaning:

- A. “*Person*” shall mean the masculine or feminine or plural regardless of age.
- B. “*Utilization*” of a Skateboard Facility shall include any person inside the gated area of the Skateboard Facility

§ 107-12. Violation.

No person shall utilize a Skateboard Facility owned or operated by the County of Union, or maintained on County Park Property without wearing a properly fitted and fastened helmet which meets the standards of the American National Standards Institute (ANSI Z90.4 bicycle helmet standard), the Snell Memorial Foundation’s 1990 Standard for Protective Headgear for Use in

Bicycling, the American Society for Testing and Materials (ASTM) standard or other such standard, as appropriate..

§ 107-13. Penalties.

A person who violates any provision of this ordinance, for a first offense, shall be fined a sum of One hundred dollars (\$100.00) for each violation; for a second and subsequent offense shall be fined a sum of Two hundred dollars (\$200.00), for each violation, and revocation of the privilege to use any Skateboard Facility within the County.

§ 107-14. Enforcement.

The County of Union's Director of the Department of Parks and Recreation or his designees is hereby charged with the responsibility for the enforcement of this ordinance and may serve notice to any person in violation thereof; however, such notice shall not be a prerequisite for the issuance of a summons. The Director shall notify the Union County Police Department ("County Police") of any violation(s), who shall investigate said violation(s). The County Police is independently authorized to issue any summons for violations of this ordinance, as appropriate. The County Counsel and/or municipal prosecutors are hereby authorized to prosecute violators in any legal proceedings as may be required.

§ 107-15. Severability.

Should any part or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this ordinance as a whole or any remaining part thereof.

§ 107-16. Effective Date.

This ordinance shall take effect at the time and in the manner provided by law.

Chapter 109, (RESERVED)

Chapter 111, ROADS, BRIDGES AND FLOOD CONTROL

[HISTORY: Adopted by the Board of Chosen Freeholders of the County of Union as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Excavations and construction projects -- See Ch. 46.
Streets and sidewalks -- See Ch. 131.

ARTICLE I, County Participation in Regional Projects

[Adopted 5-9-1974 by Res. No. 433-74]

§ 111-1. Criteria for provision of construction cost.

[Amended 2-25-1999 by Ord. No. 493]

The Union County Board of Chosen Freeholders may provide a maximum of 50% of the construction cost of flood control projects, provided that:

- A. The proposed project is in accordance with the Union County Storm Drainage and Flood Control Plan, a municipal master storm drainage and flood control plan approved by the Union County Planning Board, an authorized United States Army Corps of Engineers flood control project for the same river or stream or a regional flood control plan prepared by a river basin or flood control commission or an authority recommended by the Director of Engineering and Public Works and Union County Planning Board and approved by the Board of Chosen Freeholders.
- B. The municipality or municipalities involved have demonstrated recognition of the flooding problem through adoption of a Master Storm Drainage and Flood Control Plan, or other appropriate engineering studies which have been recommended by the Director of Engineering and Public Works and the Union County Planning Board and approved by the Board of Chosen Freeholders.
- C. The municipality or municipalities involved have demonstrated or formally agreed to demonstrate that they are willing to expend local funds to help correct their flooding problems.
- D. The watercourse affected by the proposed project drains areas of more than one municipality, and the area of the drainage basin at the proposed project is 1/2 square mile or greater.
- E. The proposed project does not adversely affect any adjoining municipality.
- F. The municipality or municipalities involved provide without cost to the County all lands, rights-of-way and easements, including spoil areas, necessary for construction of the project.
- G. The municipality or municipalities involved are members of any existing drainage basin commission or authority for the river or stream involved.
- H. The proposed project is approved by the New Jersey Department of Environmental Protection, Division of Water Resources, pursuant to the New Jersey Stream Encroachment Law and, where applicable, a permit has been obtained from the United States Army Corps of Engineers.

- I. Engineering plans for the proposed project, prepared by a licensed professional engineer, are submitted to, reviewed and approved by the Union County Planning Board and the County Engineer.
- J. The request for County funds shall be by resolution of the governing body of the municipality or municipalities involved.
- K. The municipality or municipalities involved agree to maintain, operate and repair the proposed project without cost to the County.
- L. The municipality or municipalities involved have adopted floodplain land use regulations in accordance with standards promulgated by the New Jersey Department of Environmental Protection and have taken appropriate measures to control development of the areas outside of floodplains through requirement of on-site detention, groundwater recharge systems or other such stormwater retarding techniques in order to prevent an increase in the flood damage potential both in the municipality affected and downstream.
- M. The municipality or municipalities affected at least annually notify residents affected that the improvements will not provide complete protection from floods greater than those for which the project has been designed.
- N. The municipality or municipalities involved hold and save the County of Union, its officers, agents and employees harmless from liability of any nature or kind, from or on account of any claim for damages that may arise either before, during or after prosecution of the work.

§ 111-2. Effect of provisions on present policy.

This article shall in no way alter present County policy relative to drainage of County roads.

§ 111-3. Municipality to pursue all other sources.

The municipality or municipalities affected shall have pursued all other sources of funding, and the County share shall be no greater than 50% of the actual construction cost not covered by other funding sources.

§ 111-4. Joint financing formulas.

If a joint financing formula for a proposed flood control project is established by the County and two or more municipalities, the County share shall be based on the formula, except in no case shall the County share exceed 50% of the actual construction cost.

§ 111-5. Cost of bridges replaced to be included.

The County cost of any bridges replaced as part of the proposed project shall be included in the fifty-percent County share.

§ 111-6. Where County will not participate.

[Amended 2-25-1999 by Ord. No. 493]

The County shall not participate in local drainage or flood control projects, such as municipal storm sewer systems, which are the sole responsibility of the municipality involved, except where County roads drain into municipal stormwater systems.

§ 111-7. Copies to be distributed.

An attested copy of this article shall be sent to the Union County Planning Board, the governing bodies and planning boards of all Union County municipalities and the New Jersey legislative delegation.

§ 111-8. Administrative procedures.

[Added 1-10-1980 by Res. No. 21-80; Amended 2-25-1999 by Ord. No. 493]

- A. The Board of Chosen Freeholders may allocate funds each year in the capital improvement program for flood control projects.
- B. Municipalities shall demonstrate that every effort was made to obtain funding from other sources. County participation shall be considered only after applications for financial aid from outside sources have been granted or rejected.
- C. The County may participate in up to 50% of the cost of the project after all financial aid from other sources is deducted from the cost. The fifty-percent participation shall be determined on the basis of the initial cost estimates of the project. If costs should escalate due to bids being submitted in excess of the initial cost estimates or due to any subsequent change orders, the County may not be responsible for any additional funding beyond its original authorized level of 50% of the initial estimate.
- D. The cost of the replacement or modifications of any County bridges in conjunction with the eligible flood control project shall be included as a part of the County's share. When the project includes the replacement or modification of any County bridge, consideration should be given to the removal of unnecessary bridges in the project area.
- E. All requests and preliminary project plans for County participation in flood control projects shall be submitted to the Department of Engineering and Public Works, Division of Engineering on or before August 1 of each year for consideration of approval for the succeeding year.
- F. To promote the completion of projects, those authorized for funding must be completed within two years from the date of the County/municipal agreement. Projects not completed within the two-year period shall not be eligible for resubmittal until one year after the expiration of the original two-year authorization.

- G. One of the criteria upon which municipal eligibility for County funds is based is the adoption by the municipality of suitable land use regulations relating to stormwater control and floodplains, such as those contained in the County's model ordinance.

ARTICLE II, Relocation of Utility Services

[Adopted 1-23-1975 by Res. No. 163-75; Amended in its entirety 2-25-1999 by Ord. No. 493]

§ 111-9. Policy established.

It is established as a matter of policy that the County will under no circumstances absorb the cost of relocating utility service where such relocations are a necessary incident to the improvement, maintenance and/or construction of County roads or bridges. It is the determination of this Board that such costs of relocation are a proper expense to be borne by the respective utilities.

§ 111-10. (Reserved)

ARTICLE III, Bridge Weight Limits

[Adopted 10-28-1982 by Res. No. 525-82; Amended in its entirety 2-25-1999 by Ord. No. 493]

§ 111-11. Limits designated.

Signs shall be erected designating bridge weight limits for bridges having a weight limit of less than 20 tons for bridges capable of carrying maximum legal allowable loading capacity. Weight limit designation shall be established by resolution of the Board of Chosen Freeholders.

§ 111-12. Requirement not necessary after repair or replacement.

Upon the replacement or the rehabilitation of any of the said bridges, the need for such posting will no longer be required at the discretion of the Director of the Department of Engineering and Public Works.

§ 111-13. (Reserved)

ARTICLE IV, Funding Policy

[Adopted 6-9-1983 by Res. No. 389-83; Amended in its entirety 2-25-1999 by Ord. No. 493]

§ 111-14. Statement of Policy.

The policy on funding bridge and flood control projects shall be as follows:

- A. The Director of the Department of Engineering and Public Works shall regularly evaluate the need for bridge and flood control projects and present recommendations each year as part of the five-year capital improvement schedule included in the annual County budget.
- B. Projects involving the replacement or reconstruction of bridges shall be determined on the basis of structural and hydraulic deficiencies and traffic safety.
- C. Projects involving bridges or culverts at other than existing locations, such as on proposed roads, shall not be considered for approval by the Board of Chosen Freeholders until all governmental agencies and boards having jurisdiction over land use development, stream encroachment and environmental approvals shall have been received and the municipal governing body shall have adopted a resolution providing for the proposed roadway and requesting that the County maintain said bridge.
- D. Any new bridge that is requested by a municipality and is to be maintained by the County on a proposed road shall be designated and constructed by the municipality or the site developer at no cost to the County and in accordance with detailed plans approved by the County and prepared by a professional engineer licensed in the State of New Jersey.
- E. Bridges or culverts that are part of an enclosed municipal stormwater system that is a system which is enclosed upstream and downstream shall not be considered to be maintained by the County of Union, although the County may contribute to that part of the cost involving the crossing of the County road.
- F. The County shall not participate in the cost of any municipal stormwater sewer that is constructed longitudinally along a County road unless the sewer drains a County road.

Chapter 113, RUNNELS SPECIALIZED HOSPITAL --OMITTED

Chapter 115, SAFETY CODE

[HISTORY: Established by the Board of Chosen Freeholders of the County of Union on October 19, 1983 by Ordinance No. 195; Amended on October 29, 1987 by Ordinance No. 280. Amended in its entirety on June 30, 1999 by Ordinance No. 500; Amended on December 12, 2000 by Ordinance No. 521; Amended on March 29, 2001 by Ordinance No. 530; Amended on April 10, 2003 by Ordinance No. 569; Amended on December 4, 2003 by Ordinance No. 584 & 585; 5-25-2009 by Ord. No. 686]

ARTICLE I – General Provisions

§ 115-1. Short Title.

This Ordinance shall be known and may be cited as the “Union County Public Safety Code.”

§ 115-2. Construction, Scope, and Enforcement.

A. The provisions of this Ordinance shall be construed as follows:

- (1) Words and phrases shall be read and construed within their context, and shall, unless inconsistent with the manifest intent of the Board of Chosen Freeholders of the County of Union, or unless another or different meaning is expressly indicated be given their generally accepted meaning according to the approved usage of language. Technical words and phrases and words and phrases having a special or accepted meaning in the law shall be construed in accordance with such technical or special and accepted meaning.
- (2) Any term in the singular shall include the plural.
- (3) Any terms or words in the masculine shall include females as well as corporations, partnerships, associations, and other artificial persons.
- (4) Any requirement or prohibition of any act shall, respectively, extend to and include the causing or procuring, directly or indirectly, of such act.
- (5) No provision hereof shall make unlawful any act necessarily performed by any law enforcement officer, emergency personnel, or employee of the County of Union in the line of duty or work as such, or by any person, his agents, or employees, in the proper and necessary execution of the terms of any agreement with the County of Union. The County Manager is hereby empowered to waive any of the prohibitions contained in this Public Safety Code in the interest of the public health, safety or welfare.
- (6) Any act otherwise prohibited by this Ordinance or any other Ordinance adopted by the County of Union, provided it is not otherwise prohibited by law, shall be lawful if performed under, by virtue of, and strictly within the provisions of a permit so to do, and to the extent authorized thereby.

- B. **Jurisdictional applicability.** This Ordinance shall be effective within all the property, buildings, facilities, parks, parkways and playgrounds which are owned, leased, maintained, or otherwise under the control of the County of Union.
- C. **Complaints.** Complaints for the violation of any of the provisions of the within Ordinance shall be cognizable in the Superior Court or in the Municipal Court having jurisdiction over the territory wherein the violation shall have occurred. The provisions of this Ordinance shall be enforced by the Union County Police and by any other law enforcement officer having the powers of peace officers as defined by the laws of the State of New Jersey.
- D. If any section, article, or provision of this Ordinance, or the application thereof to any person or circumstances, shall be declared to be invalid or inoperative by any Court of competent jurisdiction, the remaining sections, articles, or provisions, to the extent that they are not

invalid or inoperative, shall not be affected nor invalidated thereby and shall be enforced and effectuated.

- E. All Ordinances, rules, or regulations promulgated during the existence of the Union County Park Commission are hereby repealed, except those that are specifically incorporated herein or incorporated in any other Ordinance. Any other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.
- F. **Penalties.** Any person who is found guilty of committing an act which is prohibited or which is declared to be unlawful or an offense, or is found guilty of the non-performance of an act which is required to be done by this Ordinance, or is found guilty of violating either a rule or regulation promulgated pursuant to this Ordinance, or any of the terms or conditions of any permit issued hereunder, and for which this Ordinance provides no specific penalty, shall be punished by a fine not less than twenty five dollars (\$25.00) nor more than two hundred dollars (\$200.00), and shall further be subject to the replacement, repair or restoration of any damaged County property, if the unlawful act or offense involved the damage or destruction of County property.

§ 115-3. Definitions.

Unless otherwise expressly provided, or unless there is something in the subject or context repugnant to such construction, or unless inconsistent with the manifest intent of the Board of Chosen Freeholders of the County of Union, the following words and phrases when used in this Ordinance shall have the meaning herein given:

- A. *“Beverage container”*: a container designed to contain beer, malt beverage, wine, distilled spirits, or other alcoholic beverages, mineral water, soda water, or other carbonated or non-carbonated drinks of any variety in liquid form, and intended for human consumption.
- B. *“Bicycle”*: any device or conveyance upon which a person may ride propelled wholly or in part by human muscular power and having one or more tandem wheels.
- C. *“Bridle Path”*: any path maintained for persons riding on horseback.
- D. *“Dog”*: shall mean any dog, bitch, or spayed bitch.
- E. *“Driver”* or *“Operator”*: as defined in Title 39 of the Revised Statutes of New Jersey.
- F. *“Litter”*: any refuse, garbage, rubbish, paper, metal, wood, beverage container, cans, glass, or other material or substance which is thrown, deposited or permitted to collect or remain in any place, on County property, which may affect the health, welfare or safety of the public or render the roadways, parks, playgrounds, or other County property unsightly.
- G. *“Loitering”*: the continued presence of any person, on or near property owned or controlled by the County of Union, which is deemed adverse to public health, safety, or peace by any police officer exercising reasonable judgment. Standing or speaking in a reasonable, orderly, lawful manner shall not be considered loitering.
- H. *“Motorcycle”*: as defined in Title 39 of the Revised Statutes of New Jersey.

- I. “*Motorized Bicycle*”: as defined Title 39 of the Revised Statutes of New Jersey.
- J. “*Motor Vehicle*”: as defined in Title 39 of the Revised Statutes of New Jersey.
- K. “*Owner*”: with respect to ownership of vehicles, as defined in Title 39 of the Revised Statutes of New Jersey. When applied to the proprietorship of a dog or other animal, owner shall mean and include every person having a right of property in such dog or other animal and every person who has such dog or other animal in his care, custody, control or keeping.
- L. “*Park*” any park, parkway, playground, reservation, or other recreational facility, owned, leased, maintained, or otherwise under the Control of the County of union, which is devoted to active or passive recreation.
- M. “*Path*”: any path, footpath, walk or walkway maintained for pedestrians.
- N. “*Pedestrian*”: as defined in Title 39 of the Revised Statutes of New Jersey.
- O. “*Permit*”: any written license issued by or under the authority of the County of Union permitting the performance of a specified act or acts.
- P. “*Person*”: any natural person, corporation, company, association, firm, or partnership.
- Q. “*Recreational motor vehicle*”: shall mean but is not expressly limited to motorcycles, motorized dirt bikes, motor bikes, mopeds, mini bikes, motor scooters, go-carts, motorized skate boards, dune buggies, swamp buggies, all terrain vehicles, and any other similar motor vehicle of the type that are normally used on land for recreation, entertainment or pleasure.
- R. “*Roadway*”: as defined in Title 39 of the Revised Statutes of New Jersey.
- S. “*Safety Zone*”: that area or space officially set aside for the exclusive use of pedestrians which is so plainly marked or indicated by proper signs as to be plainly visible at all times while set apart as a safety zone.
- T. “*Scooter*”: A vehicle that typically has two wheels with a low footboard between them, is steered by a handle bar, and is propelled by pushing one foot against the ground while resting the other on the footboard.
- U. “*Snowmobile*”: as defined in Title 39 of the Revised Statutes of New Jersey.
- V. “*Vehicle*”: any wheeled conveyance, except a baby carriage, including but not limited to bicycles, motorcycles, motorized bicycles, motor vehicles, push carts, sleds, sleighs or tricycles or any other conveyance whether motor powered, animal drawn or self propelled. The term shall also include any trailer in tow of any size, kind or description.

§115-4. Obedience to lawful instructions from a police officer.

No person shall fail to obey the lawful instructions of a Union County Police officer or interfere with an officer in any way, either directly or indirectly, in the proper performance of his duties. Any person who violates this subsection shall, upon conviction, be liable for a fine of not less

than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00) and up to thirty days imprisonment in the County jail.

ARTICLE II – Permits

§ 115-5. General Provisions.

[Amended 3-10-2005 by Ord. No. 611]

- A. Purpose of permit.** A permit to do any act shall authorize the same only in so far as it may be performed in strict accordance with its terms and conditions. Any violation by its holder or his agents, servants and/or employees of any term or condition thereof shall constitute grounds for its revocation by the County of Union or by its authorized representative, whose action shall be final.
- B. Revocation of permits.** In the event of the revocation of any permit or card issued hereunder, all monies paid for or on account thereof shall be forfeited and shall be retained by the County of Union and the holder of such permit or card together with his agents, servants and/or employees, who violated such terms and conditions, shall be jointly and severally liable to the County of Union for all damages and loss suffered by it in excess of the money so forfeited and retained. Such forfeiture and retention by the County of Union of the whole or any part of such monies or the collection of such damages or both shall not in any manner relieve such person or persons from liability or punishment for any violation of any provision of this Ordinance.
- C. Granting of permits; procedures.** The County Manager, through the Director of Parks and Recreation of the County of Union is hereby empowered to adopt and promulgate rules and regulations for the granting of permits and for the operation of all recreational facilities owned, leased or under the control of the County of Union, including the power to restrict or limit the use of certain recreational facilities or park lands for specific purposes, provided that said rules and regulations are not in conflict with this Ordinance, any other Ordinance adopted by the County of Union, or any State law, and provided further that same shall be posted in a conspicuous place.
- D. Conditions and terms of permits.** All rules and regulations adopted and promulgated by the County Manager or by the Director of Parks and Recreation, shall become the terms and conditions of each permit issued thereunder.
- E. Applications.** Applications for permits shall be made to the Director of Parks and Recreation and the decision whether or not to grant it shall rest within the Director's sound discretion. The granting of any application may be made subject to the imposition of terms and conditions.
- F. Authority to adopt and promulgate rules and regulations.** The County Manager, through the Director of the Department of Public Safety, is hereby empowered to adopt and promulgate rules and regulations for the parking of employee vehicles, provided that said

rules and regulations are not in conflict with this Ordinance or any other Ordinance adopted by the County of Union or any State law and provided further that county employees shall be notified of said rules and regulations.

§ 115-6. Alcoholic Beverages; use in County facilities.

[Amended 3-10-2005 by Ord. No. 611]

- A. No person shall buy, sell, offer for sale, possess, drink or consume any alcoholic beverage upon any property owned, leased or otherwise under the control of the County of Union.
- B. The purchase of beer from County approved vendors at certain designated golf course club houses owned and operated by the County of Union, providing it is consumed on the premises, is hereby excepted from the provisions of section 2(a), and is hereby permitted.
- C. Possession or consumption of alcoholic beverages in a designated park, playground or other facility owned or otherwise under the control of the County of Union at a designated time or times, in connection with any purpose or events which have been properly authorized, shall be permitted upon the granting of a permit by the Director of Parks and Recreation.

§ 115-7. Fires and Picnics.

[Amended 3-10-2005 by Ord. No. 611]

- A. **Kindling or building fires.** No person shall kindle, build, maintain, or use a fire in any park or other recreational facility owned or under the control of the County of Union, unless said fire is built, kindled or maintained in the fireplace structures designed for open fires. Charcoal grills and barbecues are permitted provided that they are of an approved type and used in areas designated for charcoal or barbecue cooking.
- B. **Location restrictions for fires, charcoal grills or barbecues.** No fire, charcoal grill or barbecue shall be built within ten (10) feet of any tree or building, or beneath the branches of any tree or in any underbrush.
- C. **Supervision of fires.** Every fire, charcoal grill, or barbecue shall be continuously under the care and direction of a competent person from the time it is kindled until the time it is extinguished. The person supervising the fire, charcoal grill, or barbecue shall completely extinguish it before leaving the area.
- D. **Discarding lighted matches, cigars or cigarettes.** No person shall throw away or discard any lighted match, cigar, or cigarette within or against any building, or under any tree or in any underbrush.
- E. **Orders to extinguish fires.** Whenever any Union County Police Officer shall, in the exercise of reasonable judgment, decide that a fire is dangerous or about to become so, he may order the person, building, maintaining or supervising the fire to immediately extinguish

it. Failure to do so shall constitute a violation of this Ordinance and revocation of any permit or permits issued to the person so refusing.

- F. **Permits for use of picnic groves.** The Director of Parks and Recreation is hereby empowered to grant permits for the use of picnic groves owned, or otherwise under the control of the County of Union. The granting of any permit for a picnic grove is separate and distinct from the granting of any permit to possess and consume alcoholic beverages.

§ 115-8. Boating.

[Amended 3-10-2005 by Ord. No. 611]

- A. **Permits; conspicuous display.** No person shall use or operate a boat, canoe, or raft in any park waters without first having obtained a permit from the Director of Parks and Recreation, except for those provided by the County of Union. All boats used under a permit shall be plainly marked with a permit number, and no permit shall be issued for boats that cannot be properly stored or removed from County property when not in use.
- B. **Rules and governing safety regulations; posting.** The County Manager, through the Director of Parks and Recreation, is hereby empowered to make such further rules and regulations pertaining to the safe operation of all watercraft, as he may deem necessary, provided that they are not in conflict with any Ordinances or State law. Any rules so promulgated shall be conspicuously posted.

ARTICLE III – Animals

§ 115-9. Dogs.

- A. **Defecating on thoroughfares and public places.** No person owning, or having a dog in his care, custody, or control shall cause, suffer, or allow such dog to soil, defile or defecate on any thoroughfare, sidewalk, passageway, play area, park or place where people congregate, unless that person shall immediately remove any feces deposited by the dog in a sanitary method. The feces so removed shall be disposed of in a sanitary manner.
- B. **Dogs at large.** No person shall cause or permit any dog or other animal owned by him or in his care, custody, or control to be at large or run free, and each dog or other animal so found at large may be seized and disposed of as provided for by law or Ordinance covering the disposal of stray animals.
- C. **Leash.** Every dog shall be restrained by a leash not exceeding six feet in length, and shall wear a collar with the appropriate license tag of the municipality wherein its owner resides affixed thereto.

§ 115-10. Horses.

- A. **Manner of riding.** No person shall ride a horse in a manner so as to endanger or be likely to endanger persons or property.
- B. **Unattended horses.** No person shall permit any horse owned by him, or in his care, custody or control to be left unattended in any unenclosed space.
- C. **Hitching horses to trees or plants.** No person shall tie or hitch a horse or other animal to any tree or plant.

§ 115-11. Hunting, trapping, fishing, releasing and feeding of wildlife.

- A. **Interfering with animals, reptiles, or birds.** No person shall molest, kill, wound, trap, hunt, chase, shoot or throw missiles at any animal, reptile, bird, bird's nest, or other animal's nest or remove the young of any such animal or the eggs of any such animal or bird. The above provisions shall not apply to those persons participating in organized, official deer population reduction hunt called for and approved by the Board of Chosen Freeholders as a component of a valid deer management plan.
- B. **Tobacco, alcohol, or other noxious substances.** No person shall give or offer or attempt to give or offer any animal or bird, any tobacco, alcohol or other known noxious substances.
- C. **Fishing.** It shall be unlawful for any person to fish in any of the park waters unless he has complied with all the requirements of Title 23 of the Revised Statutes of New Jersey. Ice fishing shall be prohibited on all lakes and streams owned or maintained by the County of Union.
- D. **Killing of fish.** No person shall kill, wound, discharge or throw missiles at any fish in such waters, or place therein any piscivorous fish, poison, or any other substance injurious to fish.
- E. **Traps.** No person shall at any time set or use a trap of any kind designed or intended to take, hold, capture, or kill any bird or animal. Whenever a trap, the use of which is prohibited, shall be found within the parks, it may be confiscated by any Union County Police Officer or other law enforcement officer, including New Jersey Fish and Game Wardens.
- F. **The feeding of wildlife.** The feeding of deer, geese, ducks, and all other wildlife on County Park property shall be prohibited, except as part of a county-sponsored education or wildlife management program.
- G. **The release of animals.** It is unlawful for any person to abandon a cat, dog or any other domesticated animal on County Park property. It is unlawful for any person to release onto County Park property any wild or semi-wild animals caught or raised on property other than County property.

§ 115-13. Animal Conduct.

- A. No person shall cause by inciting, urging, provoking, encouraging, ordering or issuing commands or permit any animal or creature owned by him/her or in his/her care, custody and control to attack any human being or any other animal on county property.

- B. **Penalty.** Unless another penalty is expressly provided by New Jersey Statutes, any person who shall violate any of the provisions of the above subsections or any supplement thereto shall be liable to a penalty in an amount not less than twenty five dollars (\$25.00) nor more than two hundred dollars (\$200.00) for each violation. In addition, if any person is found guilty of a second or subsequent offense under this Ordinance, the animal or animals in question shall be confiscated by the County of Union.

ARTICLE IV – Bicycles, Scooters, Recreational Vehicles and Snowmobiles

§ 115-14. Bicycles.

- A. **Registration requirement.** No person shall operate a bicycle upon any property owned or otherwise under the control of the County of Union unless such bicycle has first been registered with the municipality wherein the owner resides, as evidenced by a registration certificate, license plate, or decal from that municipality.
- B. **Renting and hiring business.** No person in the business of renting bicycles for hire on property owned or otherwise under the control of the County of Union shall rent or offer for rent any bicycle which has not been registered and which does not have attached thereto a valid license plate, pursuant to the Ordinances of the municipality in which the person resides, or the municipality in which the person's business is located.
- C. **Periodic inspections.** All bicycles which are operated on property owned or otherwise under the control of the County of Union shall be subject to inspection at anytime to ascertain whether the bicycle:
- (1) is properly registered in the owner's municipality;
 - (2) has the proper license plate attached in a conspicuous location;
 - (3) is in proper mechanical condition to be operated safely; or
 - (4) has an altered, mutilated, or destroyed serial number on its frame.
- D. **Impounding of altered or mutilated serial numbers.** In the event that a bicycle has an altered, mutilated, or destroyed serial number (except if altered by a municipal police department), or if the bicycle does not conform to any of the above requirements, the Union County Police may impound and confiscate said bicycle, and any expenses involved in the impoundment or storage of said bicycle shall be borne by the owner.
- E. **Redemption of confiscated bicycles.** The owner of any confiscated or impounded bicycle may redeem said bicycle provided that the necessary requirements listed above have been fulfilled and ownership has been proven.
- F. **Hindering or impeding pedestrian or vehicular traffic.** No operator of a bicycle shall leave a bicycle laying, or standing upon any sidewalk, footpath, footbridge, roadway, bridle path or any other public land or in any building owned by the County of Union which land is

commonly used for pedestrian or vehicular traffic, in such a manner as to hinder or impede pedestrian or vehicular traffic.

- G. **Operation in designated areas.** No person shall operate a bicycle on a roadway, except as a thoroughfare, and no person shall operate a bicycle upon any sidewalk, footpath, footbridge, or bridle path, except those that are specifically set aside and marked for bicycle use. No person shall operate a bicycle in such a manner as to impede vehicular traffic.
- H. **Use on roadways; bicycle paths.** Every person operating a bicycle on a roadway shall ride in the direction of traffic flow as near to the side of the roadway as practicable and persons riding bicycles upon a roadway shall ride no more than two abreast. When a usable path for bicycles has been provided, bicyclists shall use such path and shall not use the roadway.
- I. **Additional regulations; postings.** The County Manager, through the Director of the Department of Public Safety, is hereby empowered to make such further rules and regulations pertaining to the safe operation of bicycles, as he may deem necessary, provided that they are not in conflict with any Ordinances or State law. Any rules so promulgated shall be conspicuously posted.

§ 115-15. Scooters.

- A. **Helmet required.** No person shall operate or ride on a scooter unless that person is wearing a properly fitted and fastened helmet which meets the standards of the American National Standards Institute (ANSI Z90.4 bicycle helmet standard) or the Snell Memorial Foundation's 1990 Standard for protective Headgear for Use in Bicycling.
- B. **Applicability.** This requirement shall apply at all times while a scooter is operated on any County property, open to the public or used by the public for pedestrian and/or vehicular purposes.

§ 115-16. Recreational Vehicles.

It shall be unlawful for any person to operate or allow, permit or suffer another to operate a motor vehicle or recreational motor vehicle on any sidewalk, footpath, footbridge, bridle path, bicycle path, lawn, wooded area, park, playground or any other property, owned, leased or otherwise under the control of the County of Union, except that the operation of a motorized bicycle, shall be permitted while being operated on the public roadway or highway and only if in compliance with all the requirements of Title 39 of the Revised Statutes of New Jersey.

§ 115-17. Snowmobiles.

No person or persons shall operate a snowmobile on any property owned, leased or otherwise maintained by the County of Union, except a police officer actually on duty, other on-duty emergency personnel, and those persons directly involved with the repair and maintenance of any snowmobiles owned by the County of Union.

The Union County Police may impound and confiscate any such snowmobiles operated on county property and remove it to a suitable storage place, and any expenses involved in the impoundment or storage thereof shall be borne by the owner.

ARTICLE V – Noise

§ 115-19. Noise Prohibited.

It shall be unlawful for any person to make, continue or cause to be made or continued any loud, unnecessary or unusual noise, or any noise that annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others.

§ 115-20. Definition of Noise.

The following acts are hereby declared to be examples of loud, disturbing and unnecessary noise in violation of this ordinance:

- A. The using, operating, or permitting to be played, used or operated of any radio receiving set, television, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet and comfort of neighboring inhabitants, or with louder volume than is necessary for convenient hearing for the person or persons who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, loudspeaker, sound amplifier, machine or device in such manner as to be plainly audible at a distance of 25 feet from the place where it is located, shall be *prima facie* evidence of a violation of this ordinance.
- B. Yelling, shouting, hooting, whistling or singing at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in the vicinity.
- C. Excavation, demolition, construction, repair or alteration work in connection with any building, structure or other improvement other than between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday. If the County Manager, through the Director of the Department of Public Safety, shall determine that the public health or safety will not be impaired by the excavation, demolition, construction, repair or alteration work of any building, structure or other improvement during the hours prohibited above, he may issue a permit for such work to be done during the hours prohibited above.

§ 115-21. Sound Trucks.

Sound trucks are prohibited.

§ 115-22. Exceptions.

Nothing herein contained shall be construed to apply to church bells or chimes, or to prohibit playing by a band or orchestra in a hall or building or in the open air at County-authorized events.

ARTICLE VI - Disorderly Conduct

§ 115-24. Abandonment of Vehicles.

- A. **Abandonment or junked vehicles unlawful.** No person shall cause, allow or permit a motor vehicle to be abandoned or junked on any property owned, leased or otherwise under the control of the County of Union.
- B. **Presumption of abandonment.** A motor vehicle that has remained on County property without consent for a period of more than 48 hours, or for any period without current license plates, shall be presumed to be an abandoned motor vehicle.

§ 115-25. Aviation.

[Amended 3-10-2005 by Ord. No. 611]

- A. **Flying apparatus with or without motorized power restricted.** No person, except in an emergency, or except pursuant to a permit granted by the County Manager, through the Director of the Department of Public Safety, shall bring, land, or cause to descend or alight within or upon the parks, recreational facilities, or other property owned, leased or otherwise under the control of the County of Union, any airplane, helicopter, hot-air balloon, parachute, or other apparatus whether with or without motorized power used in aviation.
- B. **Nonapplicability.** The above Section shall not apply to the flying of kites, or model airplanes, when flown in areas designated for said use by the Director of Parks and Recreation.

§ 115-26. Barricades.

- A. **Interference with barricades prohibited.** No person shall fail to observe, remove or change any safety barricade, sign, or other road marking indicating that a road, drive or parkway is closed or otherwise restricted as to traffic.
- B. **Barricading roads, drives or parkways prohibited.** No person shall, without permission, except in the event of immediate emergency, barricade, close, or place any sign or marker on any road, drive or parkway indicating that said road, drive or parkway is closed or otherwise restricted as to traffic, nor shall any person place broken glass, nails, tacks or other substance upon any road, parkway, path, bridle path, or other recreational facility so as to render it dangerous or hazardous.

§ 115-27. Climbing.

No person shall climb or scale any cliff or escarpment or the exterior of any building owned, leased or otherwise under the control of the County of Union.

§ 115-28. Defacing County Property.

- A. **Willful destruction.** No person shall willfully mark, disfigure, tamper with, or deface any building, bridge, table, bench, fireplace, railing, sign, monument or plaque, stake, or other boundary marker, or any other structure or equipment owned, maintained or otherwise under the control of the County of Union.
- B. **Removing or destroying natural resources or beauty.** No person shall dig or remove any soil, rock, stones, trees, shrubs, grass, plants or artifacts, nor shall any person cut timber or other wood or make any excavation or in any other way remove, injure, impair or destroy the natural or cultural resources or impair the natural beauty, usefulness, or historic integrity of any area located in the parks or facilities maintained by the County of Union.
- C. **Public utility construction restricted.** No person shall construct or erect any building or structure of any kind, whether permanent or temporary in character, or run or string any public service utility into, upon or across such lands, except on special written permit issued by the County Manager, through the Director of the Department of Engineering and Public Works, on any property owned, or otherwise under the control of the County of Union.
- D. **Sanitary facilities.** No person using the rest room or wash room facilities owned, or maintained by the County of Union shall fail to cooperate in maintaining said rest room or wash room in a neat and sanitary condition.

§ 115-29. Explosives and Firearms.

[Amended 3-10-2005 by Ord. No. 611; 5-25-2009 by Ord. No. 686]

- A. **Possession or control of destructive devices or explosives.** No person shall bring into or have in his possession or control while on any property or in any park or recreational facility owned or under the control of the County of Union any “destructive device” or “explosive” as defined by *N.J.S.A. 2C:39-1 et seq.* Violations of this section shall be prosecuted in accordance with Title 2C, Chapter 39 (“Firearms, Other Dangerous Weapons and Instruments of Crime”) or Title 21, Chapter 1A (The “Explosives Act”) of the *Revised Statutes of New Jersey*.
- B. **Possession of weapons or firearms.** No person shall carry or have in his possession, while on any property owned, leased or otherwise under the control of the County of Union, any weapon or firearm in which or upon which loaded or blank cartridges may be used, except when authorized by law, or when travelling directly to or from any shooting range maintained by the County of Union. Violations of this section shall be prosecuted in accordance with Title 2C, Chapter 39 (“Firearms, Other Dangerous Weapons and Instruments of Crime”).

- C. **Discharge of firearms unlawful.** It shall be unlawful to discharge any firearm on any property owned, leased or otherwise under the control of the County of Union, except as authorized by law, and except for those obtaining permits to discharge firearms at a shooting range maintained by the County of Union. Notwithstanding the above provisions, it shall be lawful to utilize a starter's blank gun in County-authorized sporting events.
- D. **Fireworks.** No person shall bring into or have in his possession while on any property, or in any park or recreational facility owned or under the control of the County of Union any fireworks. However, An organized display of fireworks shall be permitted provided that the sponsor shall have first obtained a permit from the County Manager, through the Parks and Recreation, and provided further that the sponsor shall comply with all the requirements of Title 21 of the *Revised Statutes of New Jersey*.
- E. **Paintball Guns.** It shall be unlawful for any person to bring into or have in his possession while on any property, or in any park or recreational facility owned or under the control of the County of Union, a paintball gun, paintball markers, paintball grenades or any other “fire-arm type” device/weapon that is capable of releasing a non-traditional bullet such as a paintball, BB, or pellet by any means including gas, air or spring-loaded. A violation of this subsection shall, upon conviction, result in a fine of not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00).
- F. **Exceptions.** Notwithstanding the above, it shall not be a violation to possess or discharge any of the aforementioned devices at a County-approved event and in a County-approved and designated area.

§ 115-30. Littering.

[Amended 3-10-2005 by Ord. No. 611]

- A. **Deposit in County-owned property.** No person shall throw or deposit or permit any servant, agent or employee to throw or deposit any litter or beverage containers upon any street, roadway, park, playground or other facility owned or controlled by the County of Union except in public receptacles or in authorized private receptacles for collection.
- B. **Deposits in receptacles.** Persons placing litter or beverage containers in public receptacles or in authorized private receptacles shall do so in a manner so as to prevent it from being carried or deposited by the elements upon any street, roadway, park, playground or other facility owned or controlled by the County of Union.
- C. **Deposits of refuse as litter brought onto County property.** No person shall deposit in any county refuse container any garbage or garden litter that he has brought onto county property for the purpose of depositing in county refuse containers, whether said garbage or garden litter is bagged or not.
- D. **Deposits in sewers, fountains and other County facilities.** No person shall throw or deposit any litter or beverage containers in any sewer, fountain, pond, lake, stream or other body of water on property owned, maintained or otherwise under the control of the County of Union.

- E. **Use of trucks and vehicles on County property.** No person shall drive or remove any truck or other vehicle within property owned, or maintained by the County of Union unless such vehicle is so constructed or loaded as to prevent any load or contents of litter from being blown or deposited upon any roadway, park, playground or other facility owned or controlled by the County of Union.
- F. **Littering from aircraft.** No person while in an aircraft shall throw out, drop, or deposit upon land or facilities owned, leased, or otherwise under the control of the County of Union any litter, handbill or other object.
- G. **Littering from motor vehicles.** No person while a driver or passenger in a motor vehicle shall throw or deposit any litter or other object upon any property owned, or otherwise under the control of the County of Union.
- H. **Dumping on County property; penalty.**
 - (1) No person shall deposit or dump truck-loads or bagfuls of grass clippings, tree clippings, leaves, or other debris upon any roadway, park, playground or other facility owned or under the control of the County of Union, nor shall any person bring garbage from their home to be deposited in County refuse containers. Nor shall any person, corporation, partnership or association, permit any of its agents, servants and/or employees, to deposit or dump truck-loads or bagfuls of grass clippings, tree clippings, leaves or other debris upon any roadway, park, playground or other facility owned or under the control of the County of Union.
 - (2) Any person who is found guilty of violating any of the provisions of subsection (1) above, shall, upon conviction, be punished by a fine of not less than two hundred fifty dollars (\$250.00) for the first offense, and by a fine of not less than five hundred dollars (\$500.00) for the second and each subsequent offense thereafter, and shall further be subject to pay the costs of removing or cleaning said debris or litter from County property. The Director of Park Planning and Maintenance shall, upon request of the Municipal Court having jurisdiction over the territory wherein the violation shall have occurred, certify in writing the said costs of removal or cleaning.

§ 115-31. Loitering.

- A. **Orders to leave by a Union County Police officer.** In order to ensure safety or preserve the public peace, a person may be ordered to leave a location either on or near any property owned or controlled by the County of Union whenever any Union County Police officer, in the exercise of reasonable judgment, decides that the presence of such person is causing or likely to cause a violation of sub-sections (b) or (c) of this section. Any person who refuses to leave after being ordered to do so by a police officer shall be guilty of a violation of this section.
- B. **Causing excessive noise or disorder.** No person shall cause excessive noise or disorder so as to interfere with the sleep or peace and quiet of any person or neighborhood.
- C. **Remaining in vehicles at certain hours restricted.** No person shall, except where specifically permitted by the Traffic Ordinance of the County of Union, between one (1) hour

after sunset and 11:00 p.m., remain in any unlighted vehicle or otherwise at any place, or between 11:00 p.m. and sunrise or, except in emergency, cause or permit any vehicle, during any part of the period between one (1) hour after sunset and one-half (1/2) hour before sunrise, to remain standing for a longer period than thirty (30) minutes except when its occupants are attending a gathering or function held pursuant to a permit.

§ 115-32. Pedestrians.

- A. **Conduct of pedestrians.** No pedestrian shall walk or run in a roadway in a manner so as to impede the flow of traffic. Every pedestrian shall walk or run in single file as near to the right side of the roadway as practicable. When a recreational path has been provided for pedestrians, they shall use said path and shall not use the roadway.
- B. **Roller skates or skateboards.** No person shall roller skate or skateboard on the roadway or in any parking lot owned, leased, or otherwise under the control of the County of Union.

§ 115-33. Posting Bills and Soliciting.

- A. **Distribution.** No person shall hand out or distribute or sell any commercial handbill on any land owned, leased, maintained or otherwise under the control of the County of Union; however, it shall not be deemed unlawful for any person to hand out or distribute, without charge, to the receiver thereof, any non commercial handbill to any person willing to accept it.
- B. **Deposits.** No person shall throw or deposit any handbill, circular or advertisement in or upon any vehicle within the confines of property owned, maintained or otherwise under the control of the County of Union. It shall not be unlawful for a person to hand out or distribute without charge to the receiver thereof, a non-commercial handbill to any occupant in a vehicle who is willing to accept it.
- C. **Posting or affixing.** No person shall post or affix any notice, poster, or other paper or device, calculated to attract the attention of the public, to any lamppost, public utility pole, tree, or on any public structure or building owned, leased, maintained or otherwise under the control of the County of Union except as may be authorized or required by law or except pursuant to a permit issued by the County Manager or his designee.
- D. **Soliciting alms.** No person shall solicit alms or contribution for any purpose while on property owned, leased or otherwise under the control of the County of Union.
- E. **Commercial ventures.** No person, corporation, partnership or association, charitable or otherwise shall engage in any business or commercial venture or transaction whether or not for profit, on any property owned, leased or otherwise under the control of the County of Union without first having obtained a permit from the County Manager.

§ 115-34. Recreational Activities.

[Amended 3-10-2005 by Ord. No. 611]

- A. **Skating and walking on ice.** No person shall skate, sled, walk or go upon any ice, except at such times and upon such places as may be designated therefor, and until such ice is declared by, or under the authority of the County of Union to be in a safe condition therefor.
- B. **Use of ice deemed to be unsafe.** It shall be unlawful for any person to walk, run, or skate on ice which has been deemed to be unsafe by the Parks and Recreation which ice shall be properly marked in a conspicuous manner.
- C. **Bathing, swimming or wading.** No person shall bathe, wade, or swim in any park waters except at such times and in such places as designated by the Parks and Recreation, and unless covered with an appropriate bathing suit so as to prevent indecent exposure.
- D. **Coasting, sledding or tobogganing.** No person shall coast with sleds, toboggans, or other vehicles whether with or without runners or wheels, except at such places as may be designated therefor.
- E. **Playing of games in designated areas.** No person shall throw, catch, kick or strike any baseball, golf ball, football, basketball, or other object except in places designated therefore.

§ 115-35. Trespassing.

- A. **Trespassing unlawful.** No person shall remain without permission in any building or upon any land or recreational facility owned, leased or otherwise under the control of the County of Union after said building, land or recreational facility is closed.
- B. **Admission fees.** Whenever the County of Union has imposed a fee or charge for the admission into or the use of any of its facilities, no person shall fail to pay the fee or charge. Any person at any facility wherein a fee is charged shall, upon request of any County employee or official, provide proof of payment of said fee, and upon failure to provide proof of payment of said fee shall be deemed to be a trespasser subject to immediate removal from county property.

§ 115-36. Washing or Repairing Motor Vehicles.

No person shall wash or repair a motor vehicle in the park system or on other any property which is owned, leased, maintained or otherwise under the control of the County of Union, except for such repairs as are reasonable and necessary to repair a specific defect which has caused the vehicle to become immobilized and which will remove such impediment to permit removal of said vehicle.

ARTICLE VII – Tree Protection

§ 115-38. Findings & Establishment of Ordinance.

- A. **Establishment.** There is hereby established the County of Union Tree Protection Ordinance.
- B. **Findings.** The Union County Board of Chosen Freeholders (“the Board”) recognizes the numerous ways in which trees throughout Union County provide an essential benefit to the residents of Union County. Some examples of the benefits provided by trees include producing oxygen, cleaning our air, providing shade, protecting our streams and rivers, reducing soil erosion, and conserving energy resources. The Board is committed to sustaining the amount of tree cover on lands owned or maintained by the County of Union and ensuring their continued vitality. The Board desires to continue the maintenance of County trees in a healthy and safe condition through good forestry and arboriculture practices. This ordinance establishes policies, regulations, and standards necessary to ensure that the residents of the County of Union will continue to realize the benefits provided by our trees.

§ 115-39. Definitions.

For purposes of this ordinance, the following terms and phrases shall have the following meaning:

- A. “*Abuse*” shall mean the physical destruction or damage of any County-owned tree.
- B. “*Compaction*” shall mean the packing down of soil by means of stockpiling of debris within the root zone of any county-owned tree or shrub or passing over, or parking within, the root zone of any County-owned tree or shrub with heavy equipment, trucks or automobiles. Compaction of soil in the root zone of a tree or shrub causes suffocation.
- C. “*County-owned tree*” shall mean any tree growing in whole or in part on property owned or maintained by the County of Union.
- D. “*Destruction*” shall mean the rendering of any County-owned tree useless or ineffective. This definition shall also include the felling of any tree.
- E. “*Drip Line*” shall mean that area surrounding the tree or shrub to which the outer most leaves of the tree or shrub extend.
- F. “*Grading*”, “*Trenching*” or “*Compacting the Root Zone*” shall mean the damaging of the soil near any tree, such that the root structure or health of the tree may be negatively affected.
- G. “*Mutilation*” shall mean cutting off or destroying an essential part of a tree, such as a limb or the rendering of any tree imperfect by cutting up or altering any part of it.
- H. “*Person*” shall mean the masculine or feminine or plural and may include a partnership, firm, corporation, or other legal entity as circumstances dictate.
- I. “*Root Zone*” shall mean that part of the plant that is below the soil and the area surrounding it. Typically, the root zone is the area from the plants trunk out to the drip line of the plant.
- J. “*Shrub*” shall mean any woody plant with a caliper of less than one inch (1”).

- K. “*Suffocation*” shall mean the deprivation of essential oxygen to the roots of trees.
- L. “*Tree*” shall mean any woody plant with a caliper of one inch (1”) or greater.
- M. “*Trimming*” shall mean the removing of any leaves or branches by cutting or breaking.

§ 115-40. Ownership and Control of Trees on County Property.

The County of Union shall have exclusive control over all trees, shrubs, and other plantings now or hereafter located on any property owned or maintained by the County, including but not limited to, all parks, reservations, golf courses, and other recreational or conservation areas. The County maintains the exclusive right and power to plant, care for, maintain, remove, and replace such trees, shrubs, and other plantings as necessary in accordance with good forestry and arboriculture practices.

§ 115-41. Violations.

The following acts shall be considered a violation of this ordinance and subject to the penalties provided herein:

- A. The abuse, destruction, mutilation, cutting, or trimming of any County-owned tree or shrub;
or
- B. The removal of any tree from County property; or
- C. Attaching any rope, wire, signs, posters or any similar objects to County-owned trees; or
- D. Causing or permitting any substance that is harmful to trees or shrubs to come into contact with its roots, trunk or foliage; or
- E. Installing any concrete or pavement over tree or shrub root zones; or
- F. Grading, trenching, or compacting within the root zone or drip line of any county-owned tree.

It is a separate violation of this section for an action proscribed above as to each tree or shrub affected. It is also a separate violation of this section each day that a condition proscribed in section (a), (c), (d), (e) and (f) occurs or continues.

§ 115-42. Penalties.

A person who violates any provision of this ordinance, for a first offense, shall be fined a sum not to exceed five hundred dollars (\$500.00) for each violation; for a second and subsequent offense shall be fined a sum not to exceed five hundred dollars (\$500.00) and/or imprisonment in the county jail for a term not exceeding ninety (90) days for each violation. In lieu of imprisonment, the Court should consider requiring community service related to horticultural restoration and maintenance. Nothing contained herein shall prevent the County from seeking restitution, in a civil action, for the cost of repair or replacement, as appropriate, for any damaged trees or shrubs.

§ 115-42A. Enforcement.

[Amended 3-10-2005 by Ord. No. 611]

The County of Union's Director of the Department of Parks and Recreation is hereby charged with the responsibility for the enforcement of this ordinance and may serve notice to any person in violation thereof; however, such notice shall not be a prerequisite for the issuance of a summons. The Director will notify the Union County Police Department ("County Police") of any violation(s), who shall investigate said violation(s). The County Police is independently authorized to issue any summons for violations of this ordinance, as appropriate. The County Counsel and/or municipal prosecutors are hereby authorized to prosecute violators in any legal proceedings as may be required.

§ 115-43. Severability.

Should any part or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this ordinance as a whole or any remaining part thereof.

§ 115-44. Supersedes Prior Ordinance.

This ordinance is intended to supersede Ordinance 581-2003.

§ 115-45. Effective Date.

This ordinance shall take effect at the time and in the manner provided by law.

ARTICLE VIII– Encroachment of County Property

§ 115-46. Findings & Establishment of Ordinance.

A. **Establishment.** There is hereby established the County of Union Encroachment Ordinance.

B. **Findings.** Information obtained from the County of Union Department of Parks and Recreation has indicated an increase in the number of encroachment violations by residents bordering County-owned lands. The Union County Board of Chosen Freeholders has made it a priority to maintain the integrity of County-owned lands for the beneficial use of all residents. The Union County Board of Chosen Freeholders has furthermore made it a priority to maintain and preserve County-owned lands in a healthy and environmentally good condition. This ordinance establishes policies, regulations, and standards necessary to ensure that residents do not encroach upon County-owned lands.

§ 115-47. Definitions.

For purposes of this ordinance, the following terms and phrases shall have the following meaning:

- A. *“Encroachment”* shall mean either the advancement by any person on to County-owned lands for use other than its intended purpose; or advancement by any person on to County-owned lands to use the County-owned lands as their own; or advancement by any person on to County-owned lands for use other than an appropriate legal purpose. Encroachments range from the obvious, that is, the willing, knowing and improper use of County-owned lands as one’s own. However, it is also intended to encompass the dumping of grass and other vegetative and non-vegetative debris on County-owned lands.
- B. *“County-owned lands”* shall mean any land, in whole or in part, owned or maintained by the County of Union.
- C. *“Person”* shall mean the masculine or feminine or plural and may include a partnership, firm, corporation, or other legal entity as circumstances dictate.

§ 115-48. Ownership and Control of All County Property.

The County of Union shall have control of all County-owned lands, including but not limited to all parks, reservations, golf courses, and other recreational or conservation areas, and shall have the power to maintain and preserve all County-owned lands in a healthy and environmentally sound manner.

§ 115-49. Violations.

A person shall not cause, or through others cause, an encroachment of County-owned lands. An encroachment that continues shall be deemed a new encroachment each day it continues to exist.

§ 115-50. Penalties.

A person who violates any provision of this ordinance, for a first offense, shall be fined a sum not to exceed five hundred dollars (\$500.00); for a second and subsequent offense shall be fined a sum not to exceed five hundred dollars (\$500.00) and/or imprisonment in the county jail for a term not exceeding ninety (90) days. In lieu of imprisonment, the court should consider requiring community service related to horticultural restoration and maintenance. Nothing contained herein shall deprive the County from seeking restitution, in a civil action, for the cost or repair or replacement, as appropriate, for any damage of County-owned lands.

§ 115-51. Enforcement.

[Amended 3-10-2005 by Ord. No. 611; Amended 12-11-2014 by Ord. 2014-761]

The County of Union Bureau Chief of the Bureau of Inspections is hereby charged with the responsibility for the enforcement of this ordinance and may serve notice to any person in

violation thereof, however, such notice shall not be a prerequisite for an issuance of a summons. The Bureau Chief of the Bureau of Inspections may notify the County Police of any violations and the County Police shall investigate said violations. The County Police is independently authorized to issue any appropriate summonses for violations of this ordinance. The County Counsel and/or municipal prosecutors are hereby authorized to prosecute any legal proceedings as may be required.

§ 115-52. Severability.

Should any part or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof other than the part held to be invalid.

§ 115-53. Supersedes Prior Ordinance.

This ordinance is intended to supersede Ordinance No. 580-2003.

§ 115-54. Effective Date.

This ordinance shall take effect at the time and in the manner provided by law.

ARTICLE IX – Local Supplemental Violations Bureau Schedule

[Added 5-25-2009 by Ord. No. 686-2009]

The following Local Supplemental Violations Bureau Schedule for Non-Traffic matters shall be in effect for offenses committed on and after the effective date of this Amendment:

Non-Traffic Section

Ord. No.	Short Description	Payable Amount
115-6A	Buying/Selling Alcoholic Beverages	\$ 74.00
115-6C	Possession/Consumption of Alcoholic Beverages	\$ 74.00
115-7A	Kindling or Building Fires	\$ 74.00
115-7B	Location Restrictions for Fires	\$ 74.00
115-7C	Supervision of Fires	\$ 74.00
115-7D	Discarding Lighted Match, Cigars, Cigarette	\$ 74.00

115-7E	Order to Extinguish Fire	\$ 74.00
115-7F	Permit for Use of Picnic Grove	\$ 49.00
115-8A	Boating Permit	\$ 49.00
115-8B	Boating Safety Regulations	\$ 49.00
115-9A	Removing Animal Feces	\$ 49.00
115-9B	Dog or Other Animal Off Leash	\$ 49.00
115-9C	Dog Leash	\$ 49.00
115-10A	Manner of Riding Horses	\$ 49.00
115-10B	Unattended Horses	\$ 49.00
115-10C	Hitching of Horses	\$ 49.00
115-11A	Interfering with Animals, Reptiles, or Birds	\$ 49.00
115-11B	Tobacco, Alcohol, Noxious Substances – Given to Animals	\$ 49.00
115-11C	Fishing	\$ 49.00
115-11D	Killing of Fish	\$ 49.00
115-11E	Traps	\$ 49.00
115-11F	Feeding of Wildlife	\$ 30.00
115-11G	Release/Abandonment of Animals	\$ 49.00
115-13A	Conduct of Animals	\$ 74.00
115-13B	Animal Fighting	\$ 74.00
115-14A	Registration of Bicycles	\$ 30.00
115-14B	Renting Bicycles	\$ 30.00
115-14F	Bicycles – Impeding Pedestrian/Vehicular Traffic	\$ 30.00
115-14G	Operation of Bicycles in Designated Areas	\$ 30.00
115-15	Scooters – Helmet Required	\$ 30.00
115-16	Motor Vehicles/Recreational Vehicles – Unauthorized Areas	\$ 74.00
115-17	Snowmobiles on County Property	\$ 74.00
115-19	Noise Prohibited	\$ 49.00

115-20A	Disturbing the Peace – Electronic Noise	\$ 49.00
115-20B	Disturbing the Peace – Verbal Noise	\$ 49.00
115-20C	Construction, Etc. Prohibited During Certain Hours	\$ 49.00
115-21	Sound Trucks Prohibited	\$ 49.00
115-24	Abandonment of Vehicles	\$ 74.00
115-25A	Aviation Restrictions	\$ 74.00
115-27	Climbing Prohibited	\$ 74.00
115-28A	Willful Destruction of County Property	\$ 74.00
115-28B	Removing/Destroying Natural Resources of Beauty	\$ 74.00
115-28C	Construction Restricted	\$ 74.00
115-28D	Sanitary Facilities	\$ 49.00
115-30A	Littering	\$ 49.00
115-30B	Deposits in Receptacles	\$ 49.00
115-30C	Bringing Garbage Into Parks for Deposit Prohibited	\$ 49.00
115-30D	Deposits in Sewers, Fountains	\$ 49.00
115-30E	Use of Trucks and Vehicles on County Property	\$ 74.00
115-30F	Littering from Aircraft	\$ 74.00
115-30G	Littering from Motor Vehicle	\$ 74.00
115-31A	Loitering – Police Orders to Leave	\$ 49.00
115-31B	Loitering – Causing Excessive Noise or Disorder	\$ 49.00
115-31C	Loitering – Remaining in Vehicles During Certain Hours	\$ 49.00
115-32A	Conduct of Pedestrians	\$ 49.00
115-32B	Roller Skates or Skateboards Prohibited	\$ 49.00
115-33A	Posting Bills and Soliciting – Distribution	\$ 49.00
115-33B	Posting Bills and Soliciting – Deposits	\$ 49.00
115-33C	Posting Bills and Soliciting – Posting or Affixing	\$ 49.00
115-33D	Soliciting Alms	\$ 49.00

115-33E	Commercial Ventures	\$ 74.00
115-34A	Skating/Walking on Ice	\$ 49.00
115-34B	Unsafe Ice	\$ 49.00
115-34C	Bathing, Swimming, or Wading Prohibited	\$ 49.00
115-34D	Sledding Only in Designated Areas	\$ 49.00
115-34E	Playing Games only in Designated Areas	\$ 49.00
115-35A	Trespassing	\$ 49.00
115-35B	Failure to Pay Admission Fees	\$ 49.00
115-36	Washing or Repairing Motor Vehicles Prohibited	\$ 49.00

This ordinance shall take effect at the time and in the manner provided by law.

ARTICLE X – HYDRAULIC FRACTURING

[Added 12-11-2014 by Ord. 2014-761]

§ 115--55- Hydraulic Fracturing

A. Establishment. There is hereby established an Ordinance prohibiting hydraulic fracturing on County-owned property.

B. Findings. The Union County Board of Freeholders (“the Board”) recognizes that the exploratory, drilling and extraction operations incident to hydraulic fracturing pose significant risks to public health, safety and welfare, as well as the natural resources of the County of Union. Hydraulic fracturing or “fracking” is a drilling technique which uses vast quantities of water mixed with chemicals and solids pumped into shale formations at high pressure to fracture the shale formations. As a result, the water, known as wastewater, becomes contaminated with heavy metals that present a risk to the people and property of the County of Union.

C. Definitions. For purposes of this ordinance, the following terms shall have the following meaning:

1. “County-owned property” shall mean any property in whole or in part owned, maintained, or controlled by the County of Union.
2. “Hydraulic Fracturing” shall mean the drilling technique of expanding existing fractures or creating new fractures in rock by injecting water, often with chemicals, sand, or other substances, and often under pressure, into or underneath, the surface of the rock

for purposes including, but not limited to, well drilling and natural gas exploration and production. The term “hydraulic fracturing” shall include “fracking,” hydrofracking,” “hydrofracturing,” and other colloquial terms utilized to describe this drilling technique.

3. “Reconnaissance” shall mean the express definition as codified pursuant to N.J.S.A. 13:1M-18(a)(1), (2), (3) and (4).

D. Prohibition Of Hydraulic Fracturing On County-Owned Property. The County of Union, pursuant to N.J.S.A. 13:1M-18(a), hereby prohibits and bans any and all drilling for natural gas, and exploration of natural gas beyond the reconnaissance phase, on any and all County-owned property.

E. Severability. Should any part or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this ordinance as a whole or any remaining part thereof.

F. Effective Date. This ordinance shall take effect upon the approval or acquiescence of the Department of Environmental Protection as expressly provided for pursuant to N.J.S.A. 13:1M-18(b).

Chapter 116, SALARIES AND COMPENSATION

[The salaries and compensation of all officers and employees of the County of Union are set forth yearly by ordinance of the Board of Chosen Freeholders. A copy of the currently effective Salary Ordinance is on file in the office of the Board of Chosen Freeholders and available for examination during office hours.]

Chapter 118, SERVICE CHARGES

[HISTORY: Adopted by the Board of Chosen Freeholders of the County of Union: Art I, 2-27-1992 by Ord. No. 361. Amendments noted where applicable.]

ARTICLE I, Returned Checks

[Adopted 2-27-1992 by Ord. No. 361; Amended 6-25-2009 by Ord. No. 685-2009]

§ 118-1. Charge imposed.

A service charge shall be imposed in accordance with *N.J.S.A. 40:5-19* upon any account owing to the County if payment tendered on the account was made by check or other written instrument which was returned for insufficient funds.

§ 118-2. Amount of charge.

The service charge for a check or for other written instrument recorded for insufficient funds shall be in the same amount charged to the County by our bank per check or other written instrument.

Chapter 122, (RESERVED)

Chapter 128, SMOKING POLICY

[HISTORY: Adopted by the Board of Chosen Freeholders of the County of Union 9-23-1993 as Ord. No. 385. Amended 6-10-2010 by Ord. 704-2010. Amended 7-20-2017 by Ord. 2017-785]

§ 128- 1. Smoking defined.

For purposes of this policy, “smoking” means the burning of, inhaling from, exhaling the smoke from, or the possession of a lighted cigar, cigarette, pipe or any other matter or substance which contains tobacco or any other matter that can be smoked.

For purposes of this policy, “vaping” refers to the use of electronic nicotine delivery systems or electronic smoking devices. These are commonly called e-cigarettes, e-pipes, e-hookahs and e-cigars.

§ 128- 2. Smoking and Vaping prohibited.

- A.** (1) Smoking and vaping are prohibited in all areas of County buildings or structures. This includes but is not limited to all work areas, offices, conference rooms, hallways/vestibules, stairwells, rest rooms, elevators, cafeterias, lounges, garages, parking structures, parking lots, any other areas where vehicles and/or equipment are located and County-operated vehicles.

(2) Smoking and Vaping shall not be permitted within 25 feet of ingress or egress to any County-owned or leased buildings.

(3) No Change .
- B.** (1) Smoking and Vaping are prohibited in all County owned recreational areas/facilities including boating facilities (docks and structures), ice-skating facilities, playgrounds, running tracks, all snack bars, swimming pools, ball fields, tennis courts, Watchung Stables and restrooms which support County-owned recreational areas/facilities.

(2) Smoking and Vaping shall not be permitted within 50 feet of all recreational areas/facilities including boating facilities (docks and structures), ice-skating facilities, playgrounds, running tracks, snack bars, swimming pools, ball fields, tennis courts, Watchung Stables and restrooms which support County-owned recreational

areas/facilities.

(3) Appropriate signage will be created and displayed at all affected recreational areas/facilities.

C. (1) The County may prohibit smoking and vaping at County sponsored events, including concerts, fairs, festivals, movies and other such events, at the discretion of the County Manager and with the advise and consent of the Board of Chosen Freeholders.

(2) Appropriate signage will be created and displayed at all such events.

§ 128-3. Smoking outside of County buildings.

The time away from work for the purpose of smoking outside of County buildings and structures shall be limited to the scheduled and/or permitted break periods and meal breaks.

§ 128-4. Disposal of smoking products.

Employees and visitors/patrons shall make use of receptacles for the disposal of cigar or cigarette butts, or tobacco by-products and waste.

§ 128-5. Implementation of policy.

Department, Division Heads and Supervisors shall be directly responsible for the implementation of the policy and its enforcement within their areas of supervision and control.

§ 128-6. Policy questions.

Questions of interpretation or application of the policy shall be referred to the Office of the County Manager for response.

§ 128-7. Violations and penalties.

A. Members of the public who violate this policy shall first be ordered to comply with the policy. If the person continues to smoke or vape in violation of the policy, then a fine shall be imposed upon the person in accordance with *N.J.S.A. 26:3D-56 et seq.*

B. A person, after being so ordered, who smokes or vapes in violation of this Ordinance is subject to a fine of not less than \$250.00 for the first offense, \$500 for the second offense and \$1,000 for each subsequent offense. A penalty shall be recovered in accordance with the provisions of subsections c. and d. of *N.J.S.A. 26:3D-62.*

Chapter 129, SOLID WASTE

[HISTORY: Adopted by the Board of Chosen Freeholders of the County of Union as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Excavations and construction projects -- See Ch. 46.

ARTICLE I, Illegal Dumping

[Adopted 5-8-1997 by Ord. No. 447]

§ 129-1. Short title.

This article shall be known and cited as the “Union County Solid Waste Illegal Dumping Ordinance.”

§ 129-2. Scope.

Pursuant to *N.J.S.A.* 13:1E-9, all Codes, rules and regulations adopted by the Department of Environmental Protection (DEP) related to solid waste collection and disposal shall have the force and effect of law. Such Codes, rules and regulations shall be observed throughout the state and shall be enforced by the Union County Office of Emergency Management. This article sets forth the acts prohibited pursuant to *N.J.S.A.* 13:1E-1 *et seq.* and the Codes, rules and regulations adopted by the DEP thereunder and the enforcement procedures and penalties set forth in *N.J.S.A.* 13:1E-9.

§ 129-3. Definitions.

Unless otherwise expressly provided or unless there is something in the subject or context repugnant to such construction or unless inconsistent with the manifest intent of the Board of Chosen Freeholders of the County of Union, the following words and phrases when used in this article shall have the meaning herein given:

CONSTRUCTION WASTE -- Waste building material and refuse resulting from construction, remodeling and repair operations on houses, commercial buildings, pavements and other structures, and such waste is deemed included in the definition of “solid waste” set forth hereafter.

DISPOSAL -- The storage, treatment, utilization, processing, resource recovery of or the discharge, deposit, injection, dumping, spilling, leaking or placing of any solid waste into or on any land or water so that such solid waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

PERSON -- An individual, trust, firm, joint-stock company, corporation, corporate official, partnership or association.

SOLID WASTE -- Garbage, refuse and other discarded materials resulting from industrial, commercial and agricultural operations and from domestic and community activities and shall include all other waste materials, including construction waste and liquids, except for solid animal and vegetable wastes collected by swine producers licensed by the State Department of Agriculture to collect, prepare and feed such wastes to swine on their own farms.

SOLID WASTE COLLECTION -- The activity related to pickup and transportation of solid waste from its source or location to an authorized and registered disposal site or to a resource recovery facility.

§ 129-4. Construal of provisions; severability.

The provisions of this article shall be construed as follows:

- A. Words and phrases shall be read and construed within their context and shall, unless inconsistent with the manifest intent of the Board of Chosen Freeholders of the County of Union or unless another or different meaning is expressly indicated, be given their generally accepted meaning according to the approved usage of language. Technical words and phrases and words and phrases having a special or accepted meaning in the law shall be construed in accordance with such technical or special and accepted meaning.
- B. Any term in the singular shall include the plural.
- C. Any terms or words in the masculine shall include females as well as corporations, partnerships, associations and other artificial persons.
- D. Any requirement or prohibition or any act shall, respectively, extend to and include the causing or procuring, directly or indirectly, of such act.
- E. No provision hereof shall make unlawful any act necessarily performed by any law enforcement officer, emergency personnel or employee of the County of Union in the line of duty or work as such, or by a person, his agent or employees in the proper and necessary execution of the terms of any agreement with the County of Union.
- F. Complaints for the violation of any of the provisions of the within article shall be cognizable in the Superior Court or municipal court having jurisdiction over the territory wherein the violation shall have occurred, pursuant to *N.J.S.A. 13:1E-9*. The provisions of this article shall be enforced by the Union County Office of Emergency Management.
- G. If any section, article or provision of this article, or the application thereof to any person or circumstances shall be declared to be invalid or inoperative by any court of competent jurisdiction, the remaining sections, articles or provisions, to the extent that they are not invalid or inoperative, shall not be affected nor invalidated thereby and shall be enforced and effectuated.

§ 129-5. Prohibited acts.

- A. No person shall, regardless of intent, engage or be permitted to engage in the collection or disposal of solid waste in excess of 0.148 cubic yards of solids or 30 United States gallons of liquids, whether for profit or otherwise, except at a disposal site or any other place which has authorization from the Department of Environmental Protection or the Board of Public Utilities to accept solid waste. (See *N.J.S.A. 13:1E-9.3*.)
- B. No person shall, regardless of intent, transport or cause or permit to be transported any solid waste in excess of 0.148 cubic yards of solids or 30 United States gallons of liquids, whether for profit or otherwise, to a disposal site or any other place which does not have authorization from the Department of Environmental Protection or the Board of Public Utilities to accept solid waste. (See *N.J.S.A. 13:1E-9.3* and *N.J.A.C. 7:26-3.1* and *7:26-3.2*.)

§ 129-6. Enforcement; violations and penalties.

- A. The provisions of the within article and *N.J.S.A. 13:1E-1 et seq.* and any rule, regulation or Code adopted by the DEP thereunder shall be enforced by the Union County Office of Emergency Management pursuant to the provisions of *N.J.S.A. 13:1E-9* and *N.J.S.A. 26:3A2-27*.
- B. The Union County Office of Emergency Management may, in a civil action, seek a civil penalty of not more than \$50,000 a day for any violation of the provisions of this article or any rule, regulation or Code adopted by the Department of Environmental Protection pursuant to *N.J.S.A. 13:1E-1 et seq.* In addition, costs of investigation, inspection and any monitoring survey which led to establishment of a violation as well as reasonable costs of preparation and litigating the case may be assessed against the violator as well as costs of cleanup and remedial measures. Compensatory damages may also be sought and recovered for any actual damages caused by the violation. [See *N.J.S.A. 13:1E-9d (2), (3) and (4).*] Such civil penalty may be collected, with costs, in a summary proceeding pursuant to the Penalty Enforcement Law, *N.J.S.A. 2A:58-1 et seq.* Jurisdiction to enforce the provisions of the Penalty Enforcement Law shall lie both in the Superior Court and Municipal Court. (See *N.J.S.A. 13:1E-9*.)
- C. In addition, any person who violates the provisions of § 129-5A and B above commits a disorderly persons offense and, if convicted, shall be subject to a fine of not less than \$2,500 for the first offense, not more than \$5,000 for the second offense and not more than \$10,000 for a third and every subsequent offense. Each day during which the violation continues constitutes an additional, separate and distinct offense. (See *N.J.S.A. 13:1E-9.4*.)
- D. Each person shall, in addition to the aforesaid penalties, if convicted, pursuant to *N.J.S.A. 13:1E-9.4*, be required by the court to perform community service for a term of not more than 90 days, and the person shall forthwith forfeit his right to operate a motor vehicle over the highways of this state for a period of not less than six months and not more than one year. (See *N.J.S.A. 13:1 E-9.4*.)
- E. In addition, all conveyances used or intended for use in the unlawful transportation or disposal of solid waste in contravention of the provisions of *N.J.S.A. 13:1E-9.3* above are,

pursuant to *N.J.S.A.* 13:1E-9.4(d) and (e) and subject to forfeiture to the state, subject to the provisions of *N.J.S.A.* 13:1K-1.

§ 129-7. Distribution of penalties and fines collected.

Penalties and fines collected from the prosecution of such actions recovered in any court shall be shared one half to the County and one half to the municipality in which such violation occurred and was prosecuted. Costs recovered for investigation, litigation, cleanup and remedial or corrective measures and compensatory damages for actual damage shall be equitably apportioned.

§ 129-8. Rewards for information.

- A. A member of the public who supplies information to the Union County Office of Emergency Management or the County Police which proximately results in the imposition and collection of a civil penalty in an action brought pursuant to *N.J.S.A.* 13:1E-9(f), or any Code, rule or regulation promulgated, administrative order issued or assessment imposed pursuant thereto, shall be entitled to a reward of 10% of the civil penalty collected or \$250, whichever amount is greater.
- B. A member of the public who supplies information to the Union County Office of Emergency Management or the County Police which proximately results in the imposition and collection of a fine as a disorderly person in an action brought pursuant to *N.J.S.A.* 13:1E-9.3 shall be entitled to a reward of \$250.

§ 129-9. Notice.

The Clerk be and she is hereby authorized to publish a notice in the appropriate newspaper of such introduction and of a public hearing on May 8, 1997, and shall forward one certified copy, upon final passage, to each Clerk of all municipalities located within the County of Union.

ARTICLE II, Facilities

[Adopted 8-8-1991 as Res. No. 750A-91]

§ 129-10. Location of recycling facilities.

As a matter of policy, the Board hereby declares that it is opposed to the siting and location of recycling facilities in areas zoned for residential use.

§ 129-11. Solid waste processing facilities.

[Added 8-8-1991 by Res. No. 762A-91]

The Union County Utilities Authority is hereby respectfully advised that the Board of Chosen Freeholders, as a matter of policy, desires that in the siting of such facilities careful consideration and evaluation be given to a location within the County outside of the aforesaid specified municipalities in order that facility support for the Solid Waste Management Disposal Plan and scheme shall be equitably shared and assumed by all municipalities within the County of Union.

§ 129-12. Submission of documentation of adherence to policy.

[Added 8-8-1991 by Res. No. 762A-91]

In submitting a recommendation to the Board of Chosen Freeholders for an amendment to the Solid Waste Management Disposal Plan, the Union County Utilities Authority shall submit with such recommendation documentation which will demonstrate that the foregoing policy has been adhered to.

ARTICLE III, Out-of-County Solid Waste

[Adopted 1-27-1994 as Res. No. 80A-94]

§ 129-13. Establishment of policy.

Any out-of-County solid waste authorized to be processed in the Union County Resource Recovery Facility must be strictly subjected to and conform with Union County's Recycling Requirements and Standards.

§ 129-14. Distribution of copies.

Certified copies of this resolution shall be forwarded to the Union County Utilities Authority and the Union County Environmental Health Advisory Board.

ARTICLE IV, Resource Recovery Facility Designated Truck Route Enforcement

[Ordinance No. 399, adopted 3-9-1995, as Amended, provides for the issuance of a summons by the County police for deviation by solid waste vehicles from the designated solid waste vehicle routes which are set forth in the County Solid Waste Management Plan. It also contains the fines and penalties that may be imposed for such violations, all as set forth in *N.J.S.A. 13:1E-9*, Subdivision a, and *N.J.A.C. 7:26-3.1*. A complete copy of the ordinance is on file in the Office of Clerk to the Board and the Office of County Counsel.]

Chapter 130, (RESERVED)

Chapter 131, STREETS AND SIDEWALKS

[HISTORY: Adopted by the Board of Chosen Freeholders of the County of Union as indicated in article histories. Amendments noted where applicable.]

ARTICLE I, Trees Injuring Pavement

[Adopted 6-28-1979 by Res. No. 488-79; Amended in its entirety 9-14-2000 by Ord. No. 515]

§ 131-1. Establishment of policy.

If a responsible property owner should become aware that sidewalks or any other objects are being raised by the growth of a tree planted by Union County, such that it presents a dangerous condition to the public the owner shall then contact the Division of Public Works, Bureau of Shade Tree and Conservation. Once provided with a notice of the condition, the Bureau of Shade Tree and Conservation will be provided with a sufficient time to take measures to remedy the condition.

- A. If the sidewalk is under County control, the Bureau will then cut the roots in the necessary manner and replace the affected area so that it is no longer in dangerous condition to the public.
- B. Under all other circumstances, the Bureau will cut the roots in the necessary manner and notify the municipality to repair the affected area.

ARTICLE II, Diversion of Water on County Roads

[Adopted 3-8-1973 as Res. No. 248-73]

§ 131-3. Establishment of policy.

The installation of pumping devices whereby water is delivered onto County roads shall be and the same is absolutely prohibited.

§ 131-4. Distribution of copies.

Copies of this Article shall be forwarded to the Building Departments of every municipality within the County of Union with the direction that they take cognizance of same and take whatever steps are necessary to implement the County policy established hereby.

ARTICLE III, Storm Sewers

[Adopted 5/26/2005 by Ord. No. 613-2005]

§ 131-5. Purpose.

An ordinance to prohibit illicit connections to the municipal separate storm water system(s) operated by the County of Union, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

§ 131-6. Definitions.

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this ordinance clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory. Most of the definitions below are the same as or based on corresponding definitions in the New Jersey Pollutant Discharge Elimination System (NJPDES) rules at *N.J.A.C. 7:14A-1.2*.

- A. Domestic Sewage – waste and wastewater from humans or household operations.
- B. Illicit connection – any physical or non-physical connection that discharges domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than storm water) to the municipal separate storm sewer system operated by the COUNTY OF UNION, unless the discharge is authorized under a NJPDES permit other than the Public Complex Stormwater General Permit (NJPDES Permit Number NJ0141879) or the Highway Agency Municipal Stormwater General Permit (NJPDES Permit Number NJ0141887). Non-physical connections may include, but are not limited to, leaks, flows, or overflows into the municipal separate Storm sewer system.
- C. Industrial waste – non-domestic waste, including, but not limited to, those pollutants regulated under Section 307(a), (b), or (c) of the Federal Clean Water Act (33 *U.S.C.* § 1317(a), (b), or (c)).
- D. Municipal separate storm sewer system (MS4) – a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the COUNTY OF UNION or other public body, and is designed and used for collecting and conveying stormwater.

- E. NJPDES permit – a permit issued by the New Jersey department of Environmental Protection to implement the New Jersey Pollutant Discharge Elimination System (NJPDES) rules at *N.J.A.C. 7:14A*.
- F. Non-contact cooling water – water used to reduce temperature for the purpose of cooling. Such waters do not come into direct contact with any raw material, intermediate product (other than heat) or finished product. Non-contact cooling water may however contain algaecides, or biocides to control fouling of equipment such as heat exchangers, and/or corrosion inhibitors.
- G. Person – any individual (including but not limited to a COUNTY OF UNION officer, agent, professional staff member and other employee), corporation, company, partnership, firm, association, or political subdivision of this State, whose conduct on County property is subject to ordinance by the COUNTY OF UNION.
- H. Process wastewater - any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product. Process wastewater included, but is not limited to, leachate and cooling water other than non-contact cooling water.
- I. Stormwater – water resulting from precipitation (including rain and snow) that runs off the land surface is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.
- J. County – COUNTY OF UNION.
- K. County property – lands and buildings owned or controlled by the COUNTY OF UNION.
- L. County highway – any highway or thoroughfare operated by the COUNTY OF UNION (including a maintenance facility or rest area for such thoroughfare).

§ 131-7. Prohibited Conduct.

No person shall discharge or cause to be discharged, through and illicit connection to the municipal separate storm sewer system operated by the COUNTY OF UNION, any domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater).

§ 131-8. Enforcement.

For the purpose of this ordinance, the employees of the following COUNTY OF UNION Divisions and Bureaus shall be designated as enforcement officers:

- A. Division of Police
- B. Bureau of Inspections
- C. Bureau of Environmental Enforcement

§ 131-9. Violations.

- A. Any County officer, staff member, employee, or agent who is found to be in violation of this ordinance in addition to penalties set forth below may be subject to dismissal, removal, reduction of salary, suspension, demotion, or other disciplinary action in accordance with applicable New Jersey statutes and relevant contracts or agreements.
- B. Any person who has entered into a contract or agreement with the County to provide equipment, materials, supplies, or services on County property, and who is found to be in violation of this ordinance, shall also be subject to sanctions in accordance with the contract or agreement.
- C. Any other person or entity that violates this ordinance shall upon conviction thereof, be liable to a fine of not less than \$250.00, nor more than \$500.00 for each violation. Each day that a violation continues beyond a given deadline shall constitute a separate and distinct offense and additional penalties may be imposed, including 90 days imprisonment or 90 days community service, or both fines and penalties, at the discretion of any municipal or Superior Court Judge.
- D. Any person who violates this ordinance may also be subject to prosecution under applicable Federal or New Jersey statutes.

ARTICLE IV, Improper Disposal into Storm Sewers

[Adopted 5/26/2005 by Ord. No. 612-2005]

§ 131-10. Purpose.

An ordinance to prohibit the spilling, dumping, or disposal of materials other than stormwater to the municipal separate storm water system (MS4) at county highways and property, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

§ 131-11. Definitions.

- A. For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use for the purpose of this ordinance clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and the words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directly.
- B. County highway – any highway or other thoroughfare operated by the COUNTY OF UNION (including a maintenance facility or rest area for such a thoroughfare).
- C. Municipal separate storm sewer system (MS4) – a conveyance or system of conveyance (including roads with drainage systems, municipal streets, catch basins, curbs, gutters,

ditches, man-made channels, or storm drains) that is owned or operated by the COUNTY OF UNION or other public body, and is designed and used for collecting and conveying stormwater.

- D. Stormwater – water resulting from precipitation (including rain and snow) that runs off the land’s surface, is transmitted to the sub-service, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.
- E. Person – any individual (including but not limited to a County employee, officer or agent, corporation company, partnership, firm, association or political subdivision of this State whose conduct on County property or highways is subject to ordinance by the County.
- F. County – COUNT OF UNION.
- G. County property – lands and buildings owned or controlled by the County of Union.

§ 131-12. Pohibited Conduct.

All persons are prohibited from:

- A. Spilling, dumping, or disposing of materials other than stormwater to the municipal separate storm sewer system located at county highways and property.
- B. Spilling, dumping, or disposing of materials other than stormwater in such a manner as to cause the discharge of pollutants to the municipal separate storm sewer system located at county highways and property.

§ 131-13. Exceptions to Prohibition.

- A. Water line flushing and discharges from potable water sources;
- B. Uncontaminated ground water (e.g., infiltration, crawl space or basement sump pumps, foundation or footing drains, rising ground waters);
- C. Air conditioning condensate (excluding contact and non-contact cooling water);
- D. Irrigation water (including landscape and lawn watering runoff);
- E. Flows from springs, riparian habitats and wetlands, water reservoir discharges and diverted stream flows;
- F. Residential car washing water and residential swimming pool discharges;
- G. Sidewalk, driveway and street wash water;
- H. Flows from fire fighting activities;
- I. Flows from rinsing of the following equipment with clean water;

1. Equipment used in the application of salt and de-icing materials immediately following salt and de-icing material applications. Prior to rinsing with clean water, all residual salt and de-icing materials must be removed from equipment and vehicles to the maximum extent practicable using dry cleaning methods (e.g., shoveling and sweeping). Recovered materials are to be returned to storage for reuse or properly discarded. Rinsing of equipment in the above situations is limited to exterior, undercarriage, and exposed parts and does not apply to engines or other enclosed machinery.

§ 131-14. Violations.

- A. Any County Officer, staff member, employee, or agent who is found to be in violation of this ordinance in addition to the penalties set forth below may be subject to dismissal, removal, reduction of salary, suspension, demotion, or other disciplinary action in accordance with applicable New Jersey statutes and relevant contracts or agreements.
- B. Any person who has entered into a contract or agreement with the County to provide equipment, materials, supplies, or services on County property, and who is found to be in violation of this of this ordinance shall, in addition to any sanctions set forth below, also be subject to sanctions in accordance with the contract or agreement.
- C. Any other person or entity that violates this ordinance shall upon conviction thereof, be liable to a fine of not less than \$250.00, nor more than \$500.00 for each violation. Each day that a violation continues beyond a given deadline shall constitute a separate and distinct offense and additional penalties may be impose, including 90 days imprisonment or 90 days community service, or both fines and penalties, at the discretion of any municipal or Superior Court Judge.
- D. Any person who continues to be in violation of this ordinance, after being duly notified, is subject to ejection from County property and if the person refuses to leave after being asked to leave, to prosecution for criminal trespass under *N.J.S.A. 2C:18-3*.
- E. Any person who violates this ordinance may also be subject to prosecution under applicable Federal or New Jersey statutes.

ARTICLE V, DUMPSTERS AND OTHER REFUSE CONTAINERS

[Adopted 10/14/10 by Ord. No. 710-2010]

§ 131-15. Establishment. There is hereby established an ordinance requiring dumpsters and refuse containers to be covered at all times and prevented from discharging into the Municipal Separate Storm Sewer System of the County of Union and/or into State waters.

§ 131-16. Definitions. For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this

Ordinance clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory:

- a. Municipal separate storm sewer system (MS4) – a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by [insert name of municipality] or other public body, and is designed and used for collecting and conveying stormwater.
- b. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- c. Refuse container – any waste container that a person controls whether owned, leased, or operated, including dumpsters, trash cans, garbage pails, and plastic trash bags.
- d. Stormwater – means water resulting from precipitation (including rain and snow) that runs off the land’s surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.
- e. Waters of the State – means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

§ 131-17. Violations – Failure to abide by the following prescribed conduct will be a violation of this ordinance: Any person who controls, whether owned, leased, or operated, a refuse container or dumpster must ensure that such container or dumpster is covered at all times and shall prevent refuse from spilling out or overflowing. Any person who owns, leases or otherwise uses a refuse container or dumpster must ensure that such container or dumpster does not leak or otherwise discharge liquids, semi-liquids or solids to the municipal separate storm sewer system(s) operated by the County of Union.

§ 131-18. Exceptions: The following exceptions will not be considered to be a violation of this ordinance:

- a. Permitted temporary demolition containers
- b. Litter receptacles (other than dumpsters or other bulk containers)
- c. Individual homeowner trash and recycling containers
- d. Refuse containers at facilities authorized to discharge stormwater under a valid NJPDES permit

- e. Large bulky items (e.g., furniture, bound carpet and padding, white goods placed curbside for pickup).

§ 131-19. Enforcement. For the purpose of this ordinance, the employees of the following COUNTY OF UNION Divisions and Bureaus shall be designated as enforcement officers:

- D. Division of Police
- E. Bureau of Inspections
- F. Bureau of Environmental Enforcement

§ 131-20. Penalties. Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed **\$500.00 for each violation.**

§ 131-21. Severability. Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

Chapter 131A, TORT CLAIM FORM

[Resolution No. 431-95, adopted 4-27-1995, adopts and approves a tort claim notice form as the official form to be used by all claimants who seek to file a tort claim against the County. A complete copy of the form is on file in the Office of Clerk to the Board, as well as the Office of County Counsel.]

Chapter 132, TOWING

[Ordinance No. 393, adopted 8-11-1994, Amended by Ordinance 681-2009 adopted 2/26/2009; Amended 10-11-2012 by Ord. 2012-742]

Sets forth standards, regulations and rates for police-requested and nonpreference towing and storage services. A complete copy of this ordinance, all rules and regulations, and any future amendments, are on file in the Office of the Clerk of the Board and the headquarters of the County Police.

Chapter 133, TRANSPORTATION POLICY

[HISTORY: Adopted by the Board of Chosen Freeholders of the County of Union 12-22-1977 as Res. No. 574-77. Amendments noted where applicable.]

GENERAL REFERENCES

Land development -- See Ch. 80.
Land subdivision -- See Ch. 84.
County maps -- See Ch. 91.
Site plan review -- See Ch. 122.
Streets and sidewalks -- See Ch. 131.
Vehicles and traffic -- See Ch. 138.

ARTICLE I, Adoption of Standards

§ 133-1. Establishment of policy.

The Union County Board of Chosen Freeholders does establish all Union County policies and Union County traditions as listed in the December 1977, Current Freeholder Transportation Policy Report as established policies of the Union County Board of Chosen Freeholders on County road matters.

§ 133-2. Administration of policy.

The Union County Board of Chosen Freeholders does hereby notify all elected officials and residents of Union County that it will administer the County road policy as fairly as possible with the intention of giving paramount consideration to the wishes and desires of these locally elected officials and residents.

ARTICLE II, Freeholder's Transportation Policy

[Amended 4-10-2003 by Ord. No. 569]

§ 133-4. Introduction.

- A. This report is made up of a tabulation of policy and an appendix. Each separate tabulated policy item includes applicable state law and a follow-up comment where appropriate. Following is an appendix of Union County Board of Chosen Freeholder policy resolutions and the County Road Plan Cartway and Right-of-Way Width Requirements of the Planning Board's adopted Transportation Plan.
- B. The document which best conveys the current Freeholder outlook on transportation policy is Resolution No. 257-1976, passed April 22, 1976, which states the Board of Chosen Freeholders intention to give "paramount consideration to the wishes and desires of locally elected officials and residents." It is the intention of the Union County Board of Chosen Freeholders to honor home rule to the furthest extent possible with the exception of where the

individual community's home rule request unsatisfactorily affects the general public's interest in neighboring communities and throughout the County.

- C. It is the Freeholder's intent to serve the wishes of the elected municipal officials and residents of the County to the furthest extent possible to preserve residential areas, local commercial areas, parks and other recreation facilities and the environment in general. It is also the concern of the Union County Board of Chosen Freeholders to encourage, support and implement transportation improvements which give special attention to the transportation needs of the elderly and handicapped, to alternative transportation modes to reduce automotive usage in the County, to transportation improvements to reduce safety problems on the road system and to implement transportation improvements to reduce traffic congestion with its resulting increased air pollution and unwanted diversion through residential neighborhoods.

§ 133-5. Right-of-way acquisition.

- A. State law: The County is enabled to acquire right-of-way.
- B. Union County policy: Right-of-way acquisition is left to the municipalities.
- C. Comment: In most cases recently, right-of-way acquisition has been accomplished by the municipalities or the New Jersey Department of Transportation on County road projects through the Federal Aid Urban System program with municipal consent. The only exception in recent years was the acquisition of property from the Hudson City Savings Bank by the Union County Board of Chosen Freeholders to preserve the Five Points Intersection Plan in Union Township.

§ 133-6. County road construction.

- A. State law: The County is enabled to construct or reconstruct County roads.
- B. Union County policy: The County constructs or reconstructs County roads with municipal consent.
- C. Comment: Most significant County road reconstruction is now accomplished by the New Jersey Department of Transportation through the Federal Aid Urban System Program, with municipal consent.

§ 133-7. Sidewalks.

- A. State law: The County is enabled to construct sidewalks.
- B. Union County policy: Sidewalks on County property may be financed and installed by a municipality only after notifying the County Department of Engineering and Public Works.

- C. Comment: Some sidewalks are installed by the New Jersey Department of Transportation through the Federal Aid Urban System program with municipal consent in connection with road improvement projects.

§ 133-8. Reconstruction of curbing.

- A. State law: The County is enabled to reconstruct curbing.
- B. Union County policy: Curb reconstruction and repair on county property by a municipality may occur only after notifying the County Department of Engineering and Public Works.

§ 133-9. Widening required through site plan and subdivision review.

- A. Union County policy: The Union County Planning Board requires developers to provide curbing with widening in accordance with the Transportation Plan through the site plan and subdivision resolutions as adopted by the Union County Board of Chosen Freeholders on August 14, 1970. Approximately 17% of the current County road mileage requires no widening or curbing, according to the Plan. In all cases of required widening, paramount consideration will be given to the wishes and desires of locally elected officials and residents.
- B. Comments: Freeholders often give waivers to the municipalities and developers on this requirement after an appeal is taken from the Planning Board's decision on the matter. In addition, the Union County Department of Public Works has paved some shoulders in extenuating circumstances and single homes exempted from shoulder paving.

§ 133-10. Traffic ordinances.

- A. State law: The County is responsible.
- B. Union County policy: The County adopts consenting resolutions after enactment of local ordinances.
- C. Comment: The Freeholders have concurred with all municipal traffic ordinances on County roads with the exception of parking meter installation and regulation.

§ 133-11. Traffic signal maintenance.

- A. State law: The County is responsible for traffic signal maintenance on County roads.
- B. Union County policy: Signal maintenance is left to municipalities and newer signals are covered for maintenance in the November 23, 1971, resolution.

§ 133-12. Traffic signal installation.

- A. State law: The County is enabled to install signals.

- B. Union County policy: The municipality initiates a request for traffic signal installation pursuant to the requirements of the November 23, 1971, Freeholder resolution.
- C. Comment: Most new traffic signals in Union County are now installed by the New Jersey Department of Transportation under the Federal Aid Urban System program with municipal consent. However, the County will finance installation of new traffic signals under the provisions of the Union County Board of Chosen Freeholders resolution adopted on November 23, 1971, where applicable.

§ 133-13. Pavement markings.

- A. State law: The County is responsible for all pavement markings on County roads.
- B. Union County policy: The County paints longitudinal lines with municipal consent. The municipalities paint the remainder of the markings.

§ 133-14. Traffic signs.

- A. State law: The County is responsible for all traffic signs on all County roads.
- B. Union County policy: The municipality installs regulatory signs and school warning signs. The County provides directional signs and other warning signs with municipal consent.

§ 133-15. Trees.

- A. State law: The County is enabled to provide trees.
- B. Union County policy: The County takes responsibility for the trees on County roads and requires trees be provided by developers through the site plan and subdivision resolutions where not required by the municipality.
- C. Comment: Trees are replaced by the Department of Public Works where both requested and practical.

§ 133-16. Road drainage.

- A. State law: The County is enabled to make drainage improvements and also can require them through site plan and subdivision review procedures.

Chapter 135, TREE, OFFICIAL

[HISTORY: Adopted by the Board of Chosen Freeholders of the County of Union 7-13-1978 as Res. No. 454-78. Amendments noted where applicable.]

Whereas, the Union County Board of Chosen Freeholders (hereinafter referred to as the Freeholder Board) created by Resolution 197 on March 9, 1978, the Union County Tree Selection Advisory Committee (hereinafter referred to as the Tree Committee) “for the purpose of studying and recommending an official County tree, and further recommended to the Board of Chosen Freeholders a viable plan for the promotion of the importance, significance and preservation of said specimen and related specimens” and whose membership consisted of the persons selected as follows: one person from each of the 21 Union County municipalities as named by the respective governing bodies and one representative for each of the following groups as named by that organization: Freeholder Board, Union County Shade Tree Advisory Board, Union County Environmental Health Advisory Board and the Union County Cultural and Heritage Programs Advisory Board; and

Whereas, the Tree Committee held regularly scheduled meetings to fulfill its assigned purposes, all of which were attended by at least 2/3 of the membership; encouraged nominations for trees from the general public as well; reviewed approximately 100 tree nominations representing different trees and/or different tree species; photographed most of those submitted for consideration in both dormant and foliated stages; and

Whereas, the Tree Committee, through its officers: John Seager of Clark, Chairperson; Kay Marshall of Elizabeth, Vice Chairperson; and Frank Orleans of New Providence, Secretary and Archivist; and also through its advisor, C. Wyllys Cass of Clark, Vice President of the New Jersey Federation of Shade Trees, made a formal oral, written and visual aides presentation to the full Freeholder Board at the Thursday, July 6th, 1978, public agenda session of the Freeholder Board to which all Tree Committee members were invited to attend at the Union County Court House Annex; and

Whereas, it was demonstrated that the Tree Committee kept the selection process open and flexible by only limiting trees for consideration to those native to the Union County area; and

Whereas, at the June 26th, 1978, meeting of the Tree Committee, it was decided to select a tree species for consideration as the Official Union County Tree rather than one single tree in just one community, thereby enabling a County-wide pride to develop for the Official Union County Tree as expressed by the Tree Committee Chairperson during the July 6 presentation to the Freeholder Board; and

Whereas, the Tree Committee made numerous recommendations, all unanimously ratified at its June 26 meeting and are embodied in the following stipulations:

- A. That the tree species commonly known as the white oak (*Quercus alba*, scientifically) be named as the official County tree.
- B. That each municipal representative to the Tree Committee should cooperate with local authorities in selecting a white oak in their respective communities to receive a metal marker indicating that said white oak is an example of the official Union County tree and that said metal marker is to be provided by and installed by the County and that the white oak so selected and its exact location shall be reported to the Freeholder Board Chairman on or before August 31, 1978.

- C. That trees selected to receive such metal markers should take into account the following criteria:
- (1) Be readily accessible to the public by being on public property or in a public right-of-way.
 - (2) Be of general good form and health (prospect of lasting for a goodly number of future years).
 - (3) Be located in such a way that its future growth as pertains to the development of both its height and spread will not be unnaturally hampered.
- D. That Union County make available through the 1978 and/or 1979 budget of the Union County Shade Tree Bureau to those Union County municipalities requesting such, a white oak, B&B, for planting as part of a formal Arbor Day program in 1979 or some other County tree dedication program in 1978 or 1979, with the County delivering and planting the same; and that the officers of the Tree Committee, its advisor and Freeholder representative are authorized to tag a sufficient number of trees at a nursery with which the County transacts business to assure the setting aside, without financial obligation, of an adequate supply of the finest and hardiest specimens available.
- E. That the Union County Shade Tree Bureau cooperate with the appropriate municipal agencies responsible for shade trees and establish an ongoing maintenance and preservation program for the marked white oak in their respective communities as selected in Subsections A or D above or in Subsection I following; and that the Union County Shade Tree Bureau shall report annually in writing to the Freeholder Board and the County Manager as to the condition of the metal markers, the marked white oak and adherence to the ongoing maintenance and preservation program with recommendations for improvement if needed for same.
- F. That in the event that a marked white oak is destroyed or is appreciably damaged or is in a seriously diseased condition and upon request of the respective municipality or upon the advice of the Shade Tree Bureau and/or the Shade Tree Advisory Board and after notifying said community of such condition, the metal marker shall be removed by the County to another white oak specimen in that community and selected by the municipality based upon the provisions of Subsection C above; and should the metal marker be damaged, destroyed or vandalized, the County shall assume the responsibility of repairing or replacing such metal marker forthwith.
- G. That the Freeholder Board utilize, within its 1978 budget, from money set aside for advisory boards, a sum not to exceed \$100 for the purpose of having a silk screen prepared with the following wording in letters indicated, with an outline of the outer borders of Union County indicated on the sign with green lettering and a white or neutral background with the County outline in another color, if necessary, in the event that it cannot be artistically accomplished in the same color as the lettering; and that the labor and materials, including metal posts, traffic sign blanks [no smaller than eighteen by 18 by 24 inches and of the noncorrosive, reflective variety], paints and other paraphernalia necessary for the construction, labeling and installation of said tree markers, be supplied by the County in such quantity as to supply each

of the 21 municipalities and one additional for the Union County Court House Administration Building Complex and a supply of completed extras to serve as replacements as indicated in Subsection F above; and that said metal markers shall be installed only in conformity with all safety, traffic and insurance regulations, wherever applicable, as indicated in Subsections B and C above, and that forthwith the County Manager shall assure the assembling and construction of said metal markers making certain that all will be completed no later than sometime during the month of October 1978, and that provisions for installation, arranged with each community, with installation taking place before the expiration of this calendar year, except where a community wishes the metal marker installed in conjunction with a ceremony as outlined in Subsection D above.

- H. That the Union County Cultural and Heritage Programs Advisory Board shall be responsible for developing an ongoing educational program promoting the white oak as the official Union County tree with the continued assistance of the Office of Communications and Public Information and also promoting the importance, value and significance of the white oak and trees in general with such readied on or before Arbor Day, 1979, and that the Union County Cultural and Heritage Programs Advisory Board shall be the official archives for all photographs, slides, charts and other paraphernalia accumulated by the Tree Committee, as well as a full set of Tree Committee minutes and the appropriate Freeholder Board Resolutions.
- I. That in the event that a community does not designate a white oak to receive such a metal marker as in Subsections B or D above, it shall be assumed that if a white oak from that community was submitted for consideration that it is the intention of the community to have the metal marker placed at that tree site following the provisions of Subsection C above; if that possibility does not exist, then it shall be assumed that it was the intention of the community to have a representative of the Union County Shade Tree Bureau select a white oak to receive such a metal marker within the borders of that community on County land, preferably a County park; and

Whereas, it has also been brought to this Freeholder Board's attention that the white oak is referred to in tree professionals' reading material as the "king of the forest" and has attained ages in excess of 800 years, heights surpassing 150 feet, spreads broader than 100 feet and girth greater than 20 feet in circumference; and that the white oak is a symbol of strength, durability and beauty; and that the white oak is native to the United States, including Union County; and that the white oak exists in every Union County municipality and was submitted by more communities for consideration than any other species; and that oaks in general have played important roles in the history and culture of our state and nation, such as the Charter Oak, the Liberty Tree in Boston, the New Jersey State Tree (red oak species), the Kilmer Oak, the Salem Oak and the Basking Ridge Oak among others.

§ 135-1. Adoption of policy.

The Union County Board of Chosen Freeholders adopts as a matter of official policy, all of the previous recommendations designating and providing for the preservation, maintenance and

promotion of the white oak (*Quercus alba*) as the official Union County tree and does hereby authorize and direct the County Manager to forthwith implement the provisions of this policy.

§ 135-2. Distribution of copies.

A copy of this chapter shall be forwarded to the following: the members and representative groups composing the Union County Tree Selection Advisory Committee, the public libraries and schools and media of this County.

§ 135-3. Additional information.

Attached to every copy of this chapter shall be a listing of the Union County Tree Selection Advisory Board members; and the trees nominated for consideration be also attached and accorded honorable mentions; and that by a separate resolution of this Freeholder Board, the members of the Tree Committee shall be publicly commended.

List of Nominated Trees

The Union County Tree Selection Advisory Committee, appointed by the Union County Board of Chosen Freeholders, considered all of the following trees and/or tree species: The following is the official list of all trees nominated for consideration in the process of selecting an official tree for Union County. Asterisked specimens indicate those submitted for final consideration at the Tree Committee's June 26, 1978, meeting. The white oak, as a species, was ultimately selected. Asterisked trees were accorded honorable mentions.

Berkeley Heights - Donald A. Rudy

None submitted

Clark - Paul Okal

- *1. Weeping Willow 593 Madison Hill Road
- *2. Swamp Maple 593 Madison Hill Road
- *3. Apple 593 Madison Hill Road
- *4. White Ash 46 Wendell Place
- *5. Tulip
- *6. Pin Oak
- *7. Linden

Cranford - James Shaw

- *8. Pepperidge (Sour Gum) - The Cranford Township Tree-
- *9. White Oak
- 10. Tulip
- 11. Sycamore
- 12. Beech
- 13. Cuccumber Magnolia

Elizabeth - Kay Marshall

- *14. Beech First Presbyterian Church Yard, Broad Street
- *15. Tulip First Presbyterian Church Yard, Broad Street
- *16. Pin Oak Warinanco Park
- *17. Magnolia Warinanco Park

Fanwood - John G. Kalafat

*18. White Oak - The Fanwood Oak - 180 Martine Avenue

Garwood - Jake Schmidt

None submitted

Hillside - Pasquale Casale

*19. Magnolia

Kenilworth - Harry Grapenthin

*20. Sugar Maple Various locations along Boulevard

*21. Red Oak Boulevard and South 24th Street

22. Chestnut Boulevard and South 23rd Street (Front of Municipal Building)

23. Maple

24. Red Oak

Linden - Malvin Eckel

25. Linden Tree

Mountainside - Marjorie Kane

26. Copper Beech 731 Hillside Avenue

New Providence - Frank Orleans

*27. White Ash 117 Fairview Avenue

*28. Buttonwood (Sycamore) 50 Union Avenue

*29. American Elm 375 South Street (corner of South Gate Road)

*30. White Oak 471 Union Avenue

31. White Oak 64 Passaic Street (Presbyterian Church Manse)

32. White Oak 1002 Central Avenue

33. White Oak 43 Midvale Drive

34. Willow 1 First Street

35. Pin Oak 117 Fairview Avenue

36. Pin Oak 214 Sagamore Drive (Murray Hill)

37. Sycamore Corner Springfield Avenue and Passaic Street (Presbyterian Church)

38. Sycamore Corner Springfield Avenue and Passaic Street (Presbyterian Church)

39. Sycamore Corner Springfield Avenue and Passaic Street (Presbyterian Church)

Plainfield - Dominick W. Zampello

*40. Sugar Maple 1201 Central Avenue

*41. White Oak 1310 Central Avenue

*42. Tulip 69 Abbond Court

43. Tulip 68 Abbond Court

44. Beech Emerson Avenue

Rahway - Alex Shipley

*45. Beech St. George Avenue and Grand Avenue (Public Park)

*46. Buttonwood (Sycamore) Old Lake Avenue (Public Park)

*47. Hornbeam

48. White Oak

49. Beech

50. Beech

Roselle - George Baker

*51. White Ash Linden Road and East 2nd Avenue

52. American Ash

53. White Oak

Roselle Park - Fred Wacker

54. Beech

55. Bull Moose Bay Magnolia

Scotch Plains - Florence A. Clark

- *56. Red Oak Park Avenue and Mountain Avenue (Scotch Plains Baptist Church)
- *57. White Oak Union Avenue (adjacent to Park along the Green Brook)
- *58. Tulip 175 Union Avenue
- 59. White Oak Union Avenue (County Park)

Springfield - Mrs. Irma Chaiten

- *60. American Elm 560 Morris Avenue
- *61. Block Oak Baltusrol Way and corner of Troy Drive intersection
- *62. White Oak Mount View Road on ridge, 3/10 mile from Shunpike Road
- *63. Tulip Corner of Morris Avenue and Millburn Avenue
- 64. Tulip
- 65. Silver Maple
- 66. American Hornbeam

Summit - Susan A. Watts

- *67. Dogwood 165 Hobart Avenue (Reeves-Reed Aboretum)
- *68. Sugar Maple 165 Hobart Avenue (Reeves-Reed Aboretum)
- *69. White Oak Ashland Avenue (Memorial Park, behind backstop)
- *70. Tulip 165 Hobart Avenue (Reeves-Reed Aboretum)
- 71. Black Oak Hobart Avenue (opposite Reeves-Reed Aboretum)
- 72. White Oak 26 Henry Street
- 73. White Oak Corner of Fernwood and Whitridge

Union - Albert J. Burke

- *75. Beech
- *76. Tulip
- 77. Beech
- 78. Tulip
- 79. Horse Chestnut - Morris Avenue (Liberty Hall property)

Westfield - Noel A. Taylor

- *80. White Oak Corner of South Euclid and Fairmont Avenue
- 81. Purple Beech Park Street and Westfield Avenue
- 82. Purple Beech Hillside Avenue
- 83. White Oak Mountain Avenue near East Dudley

Winfield

None submitted

In addition, there were approximately one dozen species generally mentioned by the Tree Commission members, all of which are available in the formal submissions listed above.

Chapter 138, VEHICLES AND TRAFFIC

[HISTORY: Adopted by the Board of Chosen Freeholders of the County of Union: Part 1, 5-6-1982 by Ord. No. 160; Part 2, 11-23-1971 as Res. No. 690-71. Amendments noted where applicable.]

GENERAL REFERENCES

Safety standards -- See Ch. 115.
Transportation policy -- See Ch. 133.

Part 1, General Regulations

ARTICLE I, Definitions

§ 138-1. Words and phrases defined.

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

ARTICLE II, Prohibited Parking, Stopping and Standing; Time Limit Parking

§ 138-2. Regulations not exclusive.

The provisions of this article imposing a time limit on parking shall not relieve any person of the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles as set forth in *N.J.S.A.* 39:4-138 and any other New Jersey statute or as hereinafter provided.

§ 138-3. Parking prohibited at all times on certain streets.

No person shall park a vehicle at any time upon any of the streets or parts thereof or parking lots or parking areas thereof described in Schedule I (§ 138-31), attached to and made a part of this chapter.

§ 138-4. Parking prohibited during certain hours on certain streets.

No person shall park a vehicle between the hours specified in Schedule II (§ 138-32) of any day upon any of the streets or parts of streets or parking lots or parking areas described in said Schedule II (§ 138-32), attached to and made a part of this chapter.

§ 138-5. Stopping or standing prohibited during specified times on certain streets.

No person shall stop or stand a vehicle for the times specified in Schedule III (§ 138-33) of any day upon any of the streets or parts of streets or parking lots or parking areas described in said Schedule III (§ 138-33), attached to and made a part of this chapter.

§ 138-6. Parking time limited on certain streets.

No person shall park a vehicle for longer than the time limit shown in Schedule IV (§ 138-34) at any time between the hours listed in said Schedule IV of any day upon any of the street or parts of streets or parking lots or parking areas described in said Schedule IV (§ 138-34), attached to and made a part of this chapter.

§ 138-7. Reserved parking.

[Amended 12-10-1992 by Ord. No. 371; Amended 1-28-2009 by Ord. No 681-2009; Amended 3-10-2016 by Ord. 2016-772]

A. The locations as provided for in Schedule V (§ 138-35) are hereby designated as reserved parking spaces. Reserved parking spaces as may be established by the Department of Public Safety shall be used only by persons who have been issued special vehicle identification cards. No other person shall be permitted to park in these spaces as shown on the sketches attached to and made a part of this chapter.

B. Unauthorized parking; restricted access.

B1. The practice of persons parking in spaces under the Union County Administration Building produces the potential for a most serious safety hazard in the event of a fire or accident in this area. This location is hereby designated as an area which may be used only by persons who have been issued special vehicle identification cards issued by the Department of Public Safety and/or Clerk of the Board, No other persons are authorized to utilize such area. Any person who shall violate the provisions of this section shall, upon conviction, be punished by a fine not to exceed \$100 for each and every offense. [Added 6-25-1998 by Ord. No. 474]

ARTICLE III, Limiting Use of Streets to Certain Classes of Vehicles; Truck Routes

§ 138-8. Vehicle weight limits.

Trucks over four tons' gross weight are hereby excluded from the streets or parts of streets described in Schedule VI (§ 138-36), except for the pickup and delivery of materials on such streets, said Schedule VI (§ 138-36) being attached to and made a part of this chapter.

§ 138-9. Truck routes.

Pursuant to *N.J.S.A.* 40:67-16.1, the streets or parts of streets described in Schedule VII (§ 138-37), attached to and made a part of this chapter, are hereby designated as routes for trucks over four tons. All trucks having a total combined gross weight of vehicle plus load in excess of four tons shall be excluded from all streets except from those streets which form a part of the system of truck routes.

ARTICLE IV, Speed Limits; One-Way Streets

§ 138-10. Speed Limits.

- A. The speed limits for both directions of traffic along the streets or parts thereof described in Schedule VIII (§ 138-38), attached to and made a part of this chapter, is hereby established at the rate of speed indicated.
- B. Regulatory and warning signs shall be erected and maintained to effect the above-designated speed limits.

§ 138-11. One-way streets designated.

The streets or parts of streets described in Schedule IX (§ 138-39), attached to and made a part of this chapter, are hereby designated as one-way streets in the direction indicated.

ARTICLE V, Through Streets; Stop and Yield Intersections: No-Passing Zones

§ 138-12. Through streets designated.

Pursuant to the provisions of *N.J.S.A.* 39:4-140, the streets or parts of streets described in Schedule X (§ 138-40), attached to and made a part of this chapter, are hereby designated as through streets. Stop signs shall be installed on the near right side of each street intersecting the through street, except where yield signs are provided for in the designation.

§ 138-13. No-passing zones.

No-passing zones are hereby established and shall be maintained along those streets or parts of streets described in Schedule XI (§ 138-41), attached to and made a part of this chapter, as authorized by the New Jersey Department of Transportation in accordance with the sketch dated and recorded as indicated.

§ 138-14. Stop intersections designated.

Pursuant to the provisions of *N.J.S.A.* 39:4-140, the intersections described in Schedule XII (§ 138-42) attached to and made a part of this chapter, are hereby designated as stop intersections. Stop signs shall be installed as provided therein.

§ 138-15. Yield intersections.

Pursuant to the provisions of *N.J.S.A.* 39:4-140, the intersections described in Schedule XIII (§ 138-43), attached to and made a part of this chapter, are hereby designated as yield intersections. Yield signs shall be installed as provided therein.

ARTICLE VI, Loading Zones

§ 138-16. Loading zones designated.

The locations described in Schedule XIV (§ 138-44), attached to and made a part of this chapter, are hereby designated as loading zones.

ARTICLE VII, Handicapped Parking

[Amended 5-25-2009 by Ord. No 686]

§ 138-17. Handicapped parking.

The locations described in Schedule XV (§ 138-45), attached to and made a part of this chapter, are hereby designated as parking for handicapped persons only. Any person who violates the provisions of this subsection shall, upon conviction be liable for a fine of not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00).

ARTICLE VIII, Bus Stops

§ 138-18. Bus stops designated.

The locations described in Schedule XVI (§ 138-46), attached to and made a part of this chapter, are hereby designated as bus stops.

ARTICLE IX, Turns

§ 138-19. Left-turn prohibitions.

No person shall make a left turn at any of the locations described in Schedule XVII (§ 138-47), attached to and made a part of this chapter.

§ 138-20. U-turn prohibitions.

No person shall make a U-turn at any of the locations described in Schedule XVIII (§ 138-48), attached to and made a part of this chapter.

§ 138-21. No-turn prohibitions.

No person shall make a turn at any of the locations described in Schedule XIX (§ 138-49), attached to and made a part of this chapter.

ARTICLE X, Lane Use

§ 138-22. Lane use reservations.

The lane locations described in Schedule XX (§ 138-50), attached to and made a part of this chapter, are designated as lane use reservations, and traffic shall move only as indicated.

ARTICLE XI, Emergency No Parking

§ 138-23. Declaration of emergency.

Upon the declaration of an emergency, there shall be no parking upon streets or sections of streets where temporary emergency no-parking signs are displayed. The Chief of Police or, in his absence, the ranking police officer is authorized to declare an emergency and to direct the posting of said emergency no-parking signs when weather conditions, accidents, fires or public celebrations dictate or require the avoidance of hazards or other conditions which interfere with the free flow of traffic.

§ 138-24. Emergency no-parking signs.

Notification that the emergency no-parking signs are being or will be posted shall be given to the operator or owner of any vehicle which has been parked prior to the posting of the signs.

§ 138-25. Removal of unoccupied vehicles parked in violation.

Any unoccupied vehicle parked or standing in violation of this article shall be deemed a nuisance and a menace to the safe and proper regulation of traffic, and any police officer may provide for the removal of such vehicle. The owner shall pay the reasonable costs of the removal and storage which may result from such removal before regaining possession of the vehicle.

§ 138-26. Effectiveness contingent upon erection of signs.

The effectiveness of this article is contingent on signs being erected as required by law.

ARTICLE XII, Penalties

§ 138-27. Violations and penalties.

[Amended 6-25-1998 by Ord. No. 474]

Unless another penalty is expressly provided by New Jersey statute or the Union County Administrative Code pursuant to *N.J.S.A.* 40:41A-101, every person convicted of a violation of a provision of this chapter or any supplement thereto shall be liable to a penalty of not more than \$50 or imprisonment for a term not exceeding 15 days, or both.

ARTICLE XIII, When Effective; Repealer; Title

§ 138-28. Severability.

If any part or parts of this chapter are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this chapter.

§ 138-29. Repealer.

All former traffic ordinances of the Union County Park Commission are hereby repealed, and all ordinances or parts of ordinances in conflict with or inconsistent with the provisions of this chapter are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this chapter.

§ 138-30. Short title.

This chapter may be known and cited as the “Traffic Ordinance.”

ARTICLE XIV, Schedules

§ 138-31. Schedule I: Parking Prohibited at All Times.

- A. In accordance with the provisions of § 138-3, no person shall park a vehicle at any time upon any roadway, except in designated areas and between the painted white lines, on all County properties, including parks and parking lots, and/or as shown on the sketches attached to and made a part of this chapter. All vehicles so parked shall be properly identified.
- B. In accordance with the provisions of § 138-3, no person shall park a vehicle at any time upon any of the following streets or parts thereof or parking lots or parking areas thereof [Added 3-13-1997 by Ord. No. 439]:

Name of Street	Location
<u>ELIZABETHTOWN PLAZA</u>	Designated fire lanes

§ 138-32. Schedule II: Parking Prohibited During Certain Hours.

In accordance with the provisions of § 138-4, no person shall park a vehicle between the hours specified upon any of the following described parking lots or any of the described entire County parks:

Location

ASHBROOK GOLF COURSE AND RESERVATION

No parking from 9:00 p.m. to 5:00 a.m.

CEDAR BROOK PARK

No parking from 11:00 p.m. to 5:00 a.m. in Parking Lot A and Parking Lot B, and no parking from 9:00 p.m. to 6:00 a.m. in the entire remainder of Cedar Brook Park as shown on the map dated July 17, 1980

ECHO LAKE PARK

No parking from 11:00 p.m. to 5:00 a.m. in Parking Lot A, Parking Lot B, Parking Lot C and Parking Lot D, and no parking from 9:00 p.m. to 6:00 a.m. anywhere in the remainder of Echo Lake Park as shown on the plan dated July 17, 1980

ELIZABETH RIVER PARKWAY

No parking from 9:00 p.m. to 6:00 a.m.

GALLOPING HILL GOLF COURSE

No parking from 11:00 a.m. to 5:00 p.m. anywhere in Galloping Hill Golf Course as shown on the plan dated July 17, 1980

GREEN BROOK PARK

No parking from 11:00 p.m. to 5:00 a.m. in Parking Lot A, and no parking from 9:00 p.m. to 6:00 a.m. in the remainder of Green Brook Park as shown on the plan dated July 17, 1980

JOHN RUSSELL WHEELER PARK

No parking from 9:00 p.m. to 6:00 a.m. within the borders of John Russell Wheeler Park on the map dated July 17, 1980

LENAPE PARK

No parking from 9:00 p.m. to 6:00 a.m. anywhere in Lenape Park as shown on the plan dated July 17, 1980

MATTANO PARK

No parking from 11:00 p.m. to 6:00 a.m. Mattano Park as outlined on the plan dated July 17, 1980

NOMAHEGAN PARK

No parking from 9:00 p.m. to 6:00 a.m.

OAK RIDGE GOLF COURSE

No parking from 9:00 p.m. to 5:00 a.m.

PASSAIC RIVER PARKWAY

No parking from 9:00 p.m. to 6:00 a.m.

RAHWAY RIVER PARK

No parking from 11:00 p.m. to 5:00 a.m. in Parking Lot A and Parking Area B in Rahway River Park, and no parking from 9:00 p.m. to 6:00 a.m. within the remaining area of Rahway River Park as outlined on the plan dated July 17, 1980

RAHWAY RIVER PARKWAY

No parking from 9:00 p.m. to 6:00 a.m.

UNAMI PARK

No parking from 9:00 p.m. to 6:00 a.m. anywhere in Unami Park as outlined on the map dated July 17, 1980

WARINANCO PARK

No parking from 11:00 p.m. to 5:00 a.m. in Parking Lot A, Parking Area B, Parking Lot D and Parking Lot E, and no parking from 9:00 p.m. to 6:00 a.m. in the remainder of Warinanco Park within borders as shown on the map dated July 17, 1980, except that parking shall be allowed from 11:00 p.m. to 5:00 a.m. in Loading Zone C

WATCHUNG RESERVATION

No parking from 11:00 p.m. to 5:00 a.m. in Parking Area A or Parking Area B, and no parking from 9:00 p.m. to 6:00 a.m. in the remainder of the Watchung Reservation as outlined on the map dated July 17, 1980

§ 138-33. Schedule III: Stopping and Standing.

[Added 12-21-1982 by Ord. No. 176]

In accordance with the provisions of § 138-5, no person shall stop or stand a vehicle for the time specified upon any of the following streets or parts of streets or parking lots or parking areas:

Name of Street	Hours	Location
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(Reserved)

§ 138-34. Schedule IV: Parking Time Limit

[Amended 3-12-1987 by Ord. No. 265]

In accordance with the provisions of § 138-6, no person shall park a vehicle for longer than the time limit shown upon any of the following streets or parts of streets:

Name of

Street	Side	Limit	Hours	Location
<u>NOMAHEGAN PARK</u> <i>Park Drive</i>	Both	2 hrs.	9:00 a.m. to 5:00 p.m., Mon. to Fri.	Beginning 130 feet from the easterly curbline of Springfield Avenue to a point 35 feet west of the westerly curbline of Romore Place
<i>Park Drive</i>	Both	2 hrs.	9:00 a.m. to 5:00 p.m., Mon. to Fri.	Between Romore Place and the easterly end of Park Drive

§ 138-35. (Reserved)

[Amended 12-10-1992 by Ord. No. 371; Amended 3-10-2016 by Ord. 2016-772]

§ 138-36. Schedule VI: Vehicle Weight Limits.

In accordance with the provisions of § 138-8, trucks over four tons' gross weight are hereby excluded from all streets in the Union County park system except for the pickup and delivery of materials as excepted:

Location

ASH BROOK GOLF COURSE
All streets

ASH BROOK RESERVATION
All streets

BRIANT PARK
All streets

BLACK BROOK PARK
All streets

CEDAR BROOK PARK
All streets

ECHO LAKE PARK
All streets

ELIZABETH RIVER PARKWAY

All streets

GALLOPING HILL GOLF COURSE

All streets

GREEN BROOK PARK

All streets

HIDDEN VALLEY PARK

All streets

MATTANO PARK

All streets

NOMAHEGAN PARK

All streets

OAK RIDGE GOLF COURSE

All streets

PASSAIC RIVER PARKWAY

All streets

RAHWAY PARK

All streets

RAHWAY RIVER PARKWAY

All streets

UNAMI PARK

All streets

WARINANCO PARK [Added 12-21-1982 by Ord. No. 176]

All streets

WATCHUNG RESERVATION

Cataract Hollow Road: entire length

Sky Top Drive: entire length

Wood Road: between Valley Road (Berkely Heights) and Glenside Avenue (Scotch Plains)

WHEELER PARK

All streets

§ 138-37. Schedule VII: Truck Routes.

In accordance with the provisions of § 138-9 the following streets or parts of streets are hereby designated as routes for trucks over four tons:

Name of Street

Location

(Reserved)

§ 138-38. Schedule VIII: Speed Limits.

In accordance with the provisions of § 138-10, speed limits for both directions of traffic are established in the following parks as follows:

Location

CEDAR BROOK PARK

Park Drive:

The speed limit for both directions of traffic along Park Drive, which extends in a west to east direction, is established at 30 miles per hour, and Park Drive, which extends in a south to north direction, is established at 20 miles per hour.

ECHO LAKE PARK

Park Drive - Mill Lane:

The speed limit for both directions of traffic along Park Drive - Mill Lane is established at 25 miles per hour.

GREEN BROOK PARK

Park Drive:

The speed limit for both directions of traffic along Park Drive is established at 25 miles per hour.

RAHWAY RIVER PARK

Circular Park Drive:

The speed limit for the one-way counterclockwise direction of traffic along the circular park drive and for both directions of traffic along other drives is established at 25 miles per hour.

WARINANCO PARK

Circular Park Drives:

The speed limit for the one-way counterclockwise direction of traffic along the circular park drives and for both directions of traffic along all other drives is established at 25 miles per hour.

WATCHUNG RESERVATION

Wood Road - Sky Top Drive - Coles Avenue - New Providence Road - Summit Lane:

The speed limit for both directions of traffic along Wood Road -- Sky Top Drive -- Coles Avenue -- New Providence Road -- Summit Lane in the Township of Scotch Plains and the Borough of Mountainside is established as follows:

Zone 1:

25 miles per hour in the Watchung Reservation from the intersection of Valley Road and Glenside Avenue (County Road 527) to 3,015 feet west of the intersection of Sky Top Drive and Glenside Avenue.

Zone 2:

35 miles per hour in the Watchung Reservation to the intersection of Sky Top Drive and Glenside Avenue.

Sylvan Lane

The speed limit of both directions of traffic along Sylvan Lane is established at 25 miles per hour.

Tracy Drive - Park Drive

The speed limit for both directions of traffic along Tracy Drive -- Park Drive is established at 25 miles per hour.

§ 138-39. Schedule IX: One-Way Streets.

[Amended 3-12-1987 by Ord. No. 265]

In accordance with the provisions of § 138-11, the following streets or parts of streets are designated as one-way streets in the direction indicated:

Name of Street	Direction of Travel	Limits
<u>ASH BROOK GOLF COURSE</u> Parking lot entrance and exit	Counter-clockwise	Entire length
<u>CEDAR BROOK PARK</u> <i>Matthewson Drive</i> between <i>Park Drive</i> and <i>Randolph Road</i>	North	Entire length
<u>ELIZABETHTOWN PLAZA</u>	South	Caldwell Place to Rahway Avenue
<u>RAHWAY RIVER PARK</u> <i>Park Drive</i>	Counter-clockwise	Entire length of Loop Drive
<u>WARINANCO PARK</u> <i>Loop Drive</i> opposite skating center	Counter-clockwise	Entire length
<i>Loop Drive</i> in-northeast sector	Clockwise	Entire length
Loading area in front of skating rink	South-bound	Entire length
<i>Park Drive</i>	Counter-clockwise	Entire length
<u>WATCHUNG RESERVATION</u> <i>Park Drive</i> between <i>W.R. Tracy Drive</i> and <i>Loop Park Drive</i>	South bound	Entire Length
<i>W.R. Tracy Drive</i> and <i>Loop Park Drive</i> area	Counter-clockwise	From the northerly intersection with <i>W. R. Tracy Drive</i> counter-clockwise to the southerly intersection with <i>W. R. Tracy Drive</i>

§ 138-40. Schedule X: Through Streets.

In accordance with the provisions of § 138-12, the following described streets or parts of streets are hereby designated as through streets. Stop signs shall be installed on the near right side of

each street intersecting the through street, except where yield signs are provided for in the designation:

Location

CEDAR BROOK PARK

Matthewson Drive:

Between Park Drive and Randolph Road. A yield sign shall be installed on the Rose Street entrance.

Park Drive:

Between Pemberton Avenue and Park Avenue.

ECHO LAKE PARK

Park Drive:

Between Mountain Avenue and Springfield Avenue.

GREEN BROOK PARK

Park Drive:

Between Clinton Avenue and West End Avenue.

RAHWAY RIVER PARK

Park Drive:

Counterclockwise loop shall be a circular through street. Yield signs shall be installed on the entrances from St. Georges Avenue and from Valley Road.

RAHWAY RIVER PARKWAY

Park Drive (around Winfield Township):

Between Raritan Road in Linden and Lake Drive (Union County Parkway) in Clark.

WARINANCO PARK

The counterclockwise *Park Drive Loop*:

The entire loop will be a through street. A yield sign shall be installed on the Linden Avenue entrance. A yield sign shall be installed on the Park Avenue entrance. A yield sign shall be installed on the Linden Road entrance. A yield sign shall be installed on the 7th Avenue entrance.

WATCHUNG RESERVATION

Glenside Avenue:

Between Valley Road and Morris Avenue.

Valley Road - Sky Top Drive - Coles Avenue - New Providence Road - Summit Lane:

Between Diamond Hill Road and Summit Road.

W. R. Tracy Drive:

Between Deer Path and Glenside Avenue. A yield sign shall be installed on Loop Drive at W. R. Tracy Drive facing eastbound traffic.

§ 138-41. Schedule XI: No-Passing Zones.

A. In accordance with the provisions of § 138-13, the following no-passing zones are established and maintained along the following streets and roads in the Union County park system:

Location

CEDAR BROOK PARK:

Arlington Avenue entrance in the City of Plainfield as authorized by the New Jersey Department of Transportation in accordance with a sketch dated June 8, 1973, and bearing Drawing Number NPZ-529

Pemberton Avenue entrance in the City of Plainfield as authorized by the New Jersey Department of Transportation with a sketch dated June 8, 1973, and bearing Drawing Number NPZ-527

Randolph Road entrance in the City of Plainfield as authorized by the New Jersey Department of Transportation in accordance with a sketch dated June 8, 1973, and bearing Drawing Number NPZ-530

Rose Street entrance in the City of Plainfield as authorized by the New Jersey Department of Transportation with a sketch dated June 8, 1973, and bearing Drawing Number NPZ-528

ECHO LAKE PARK:

Park Drive in the Borough of Mountainside and the Town of Westfield as authorized by the New Jersey Department of Transportation in accordance with a sketch dated November 30, 1973, and bearing Drawing Number NPZ-734

JOHN RUSSELL WHEELER PARK:

West Stimpson Avenue entrance in the City of Linden as authorized by the New Jersey Department of Transportation in accordance with a sketch dated July 11, 1973, and bearing Drawing Number NPZ-538

LENAPE PARK:

Westerly Kenilworth Boulevard entrance in the Township of Cranford as authorized by the New Jersey Department of Transportation in accordance with a sketch dated June 8, 1973, and bearing Drawing Number NPZ-531

NOMAHEGAN PARK:

Springfield Avenue entrance in the Township of Cranford as authorized by the New Jersey Department of Transportation in accordance with a sketch dated February 7, 1974, and bearing Drawing Number NPZ-906

RAHWAY RIVER PARK:

Parkway Drive entrance in the Township of Clark as authorized by the New Jersey Department of Transportation in accordance with a sketch dated November 30, 1973, and bearing Drawing Number NPZ-735

RAHWAY RIVER PARKWAY:

Park Drive - Union County Parkway in the Township of Clark and City of Linden as authorized by the New Jersey Department of Transportation in accordance with a sketch dated February 26, 1974, and bearing Drawing Number NPZ-933

Stiles Street - Raritan Road entrance around Winfield in the Township of Clark and City of Linden as authorized by the New Jersey Department of Transportation in accordance with a sketch dated February 26, 1974, and bearing Drawing Number NPZ-932

WARINANCO PARK:

Acme Street - Linden Drive entrance in the City of Elizabeth as authorized by the New Jersey Department of Transportation in accordance with a sketch dated June 11, 1973, and bearing Drawing Number NPZ-537

Linden Road entrance in the Borough of Roselle as authorized by the New Jersey Department of Transportation in accordance with a sketch dated June 8, 1973, and bearing Drawing Number NPZ-533

Park Avenue entrance in the Borough of Roselle as authorized by the New Jersey Department of Transportation in accordance with a sketch dated June 11, 1973, and bearing Drawing Number NPZ-535

Seventh Avenue entrance in the Borough of Roselle as authorized by the New Jersey Department of Transportation in accordance with a sketch dated June 11, 1973, and bearing Drawing Number NPZ-534

WATCHUNG RESERVATION:

Summit Lane in the Borough of Mountainside as authorized by the New Jersey Department of Transportation in accordance with a sketch dated October 13, 1972, and bearing Drawing Number NPZ-287

Sky Top Drive - Coles Avenue - New Providence Road in the Borough of Mountainside and the Township of Scotch Plains as authorized by the New Jersey Department of Transportation in accordance with a sketch dated October 16, 1972, and bearing Drawing Number NPZ-288

Wood Road (Sky Top Drive) in the Township of Berkeley Heights and the Township of Scotch Plains as authorized by the New Jersey Department of Transportation in accordance with a sketch dated October 19, 1972, and bearing Drawing Number NPZ-292

W. R. Tracy Drive in the Borough of Mountainside and the City of Summit as authorized by the New Jersey Department of Transportation in accordance with a sketch dated November 30, 1973, and bearing Drawing Number NPZ-732

- B. In accordance with the provisions of § 138-13, the following no-passing zones are established and maintained along the following streets and roads:

Location

Route 6 (Morris Avenue, Springfield Avenue, Chatham Road, River Road, Passaic Avenue, Constantine Place), Springfield and Summit, County of Union, as authorized by the New Jersey Department of Transportation, from Morris Turnpike (S.H. Rt. 24) to New Providence line, 300 feet south of Beech Spring Drive (31,210 feet) [Added 4-23-1992 by Res. No. 374-92]

Route 7 (Springfield Avenue), Summit, New Providence and Berkeley Heights, County of Union, as authorized by the New Jersey Department of Transportation, from Morris Avenue to Morris County line, Passaic River (29,100 feet) [Added 4-23-1992 by Res. No. 372-92]

Route 22 (Mountain Avenue) Westfield and Mountainside, County of Union, as authorized by the New Jersey Department of Transportation, from East Broad Street to U.S. Route 22 (8,050 feet) [Added 4-23-1992 by Res. No. 372-92]

Route 30 (Burnet Avenue, Vauxhall Road), Union, County of Union, as authorized by the New Jersey Department of Transportation, from Morris Avenue (S.H. Rt. 82) to Essex County line, East Branch of Rahway River (27,575 feet) [Added 4-23-1992 by Res. No. 371-92]

Route 34 (Passaic Street, South Street, New Providence Road, Deer Path, Tanager Way, Ackerman Avenue), New Providence and Mountainside, County of Union, as authorized by the New Jersey Department of Transportation, from Mountain Avenue to Coles Avenue (22,775 feet) [Added 4-23-1992 by Res. No. 370-92]

Route 36 (Glenside Avenue, Valley Road, McMane Avenue), Summit and Berkeley Heights, County of Union as authorized by the New Jersey Department of Transportation from Morris Avenue to Diamond Hill Road (26,625 feet) [Added 4-23-1992 by Res. No. 369-92]

Route 38 (Ashland Road, Mountain Avenue), Summit, New Providence and Berkeley Heights, County of Union, as authorized by the New Jersey Department of Transportation, from Morris Avenue to Somerset County line, 300 feet West of Park Avenue (34,800 feet) [Added 4-23-1992 by Res. No. 368-92]

Route 39 (Diamond Hill Road), Berkeley Heights and New Providence, County of Union, as authorized by the New Jersey Department of Transportation, from Mountain Avenue to Watchung Line, Greenbrook (5,500 feet) [Added 4-23-1992 by Res. No. 367-92]

Route 43 (Horseshoe Road), Berkeley Heights, County of Union, as authorized by the New Jersey Department of Transportation, from Mountain Avenue to Plainfield Avenue (3,225 feet) [Added 4-23-1992 by Res. No. 366-92]

Route 46 (Sky Top Drive, Coles Avenue, New Providence Road, Summit Lane), Berkeley Heights, Scotch Plains and Mountainside, County of Union, as authorized by the New Jersey Department of Transportation, from Glenside Avenue to Summit Road (22,150 feet) [Added 4-23-1992 by Res. No. 365-92]

Route 48 (Baltusrol Road, Summit Road), Summit, Springfield and Mountainside, County of Union, as authorized by the New Jersey Department of Transportation, from Glenside Avenue to U.S. Route 22 (12,625 feet) [Added 4-23-1992 by Res. No. 364-92]

Route 52 (Summit Avenue), Summit, County of Union, as authorized by the New Jersey Department of Transportation, from Morris Avenue to Morris Turnpike (S.H. Rt. 124) (8,025 feet) [Added 4-23-1992 by Res. No. 363-92]

§ 138-42. Schedule XII: Stop Intersections.

In accordance with the provisions of § 138-14, the following described intersections are hereby designated as stop intersections:

Stop Sign on	Direction of Travel	At Intersection of
<u>WARINANCO PARK</u> <i>Acme Street</i> entrance	n/a	Linden Avenue entrance

§ 138-43. Schedule XIII: Yield Intersections.

In accordance with the provisions of § 138-15, the following intersections are hereby designated as yield intersections:

Yield Sign on	Direction of Travel	At Intersection of
(Reserved)		

§ 138-44. Schedule XIV: Loading Zones.

In accordance with provisions of § 138-16, the following locations are hereby designated as loading zones:

Location

WARINANCO PARK:

Loading Zone C as shown on the map dated July 17, 1980, shall be in effect between 5:00 a.m. and 11:00 p.m.

§ 138-45. Schedule XV: Handicapped Parking.

In accordance with the provisions of § 138-17, the following locations are hereby designated as parking for handicapped persons only:

Location

(Reserved)

§ 138-46. Schedule XVI: Bus Stops.

In accordance with the provisions of § 138-18, the following described locations are hereby designated as bus stops:

Name of Street

Location

(Reserved)

§ 138-47. Schedule XVII: Left-Turn Prohibitions.

In accordance with the provisions of § 138-19, no person shall make a left turn at any of the following locations:

Name of Street

Location

(Reserved)

§ 138-48. Schedule XVIII: U-Turn Prohibitions.

In accordance with the provisions of § 138-20, no person shall make a U-turn at any of the following locations:

Name of Street

Location

(Reserved)

§ 138-49. Schedule XIX: No Turns.

In accordance with the provisions of § 138-21, no person shall make a turn of the kind designated below at any of the following locations:

Name of Street Travel	Direction of Turn	Prohibited Hours	At Intersection of
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(Reserved)

§ 138-50. Schedule XX: Lane Use Reservations.

In accordance with the provisions of § 138-22, all vehicles shall move as described below:

Intersection (Location)	Reserved	Purpose	Lane
(Reserved)			

Part 2, County Policy

[Adopted 11-23-1971 as Res. No. 690-71]

ARTICLE XV, Traffic Control Signals

§ 138-51. Conditions for installation.

The Union County Board of Chosen Freeholders will install traffic signals on County roads provided that:

- A. The traffic signal is officially requested by resolution of the governing body of the affected municipality or municipalities.
- B. Plans for the intersection improvements and traffic signals have been approved by the Union County Planning Board, the Union County Department of Roads and Bridges and the New Jersey Department of Transportation.
- C. All intersection approach widening, channelization and realignment are implemented and coordinated with the installation of the traffic signals, including the fulfillment of all municipal responsibilities such as widening street intersection approaches.
- D. The municipality or municipalities and County have utilized all available federal aid, state local government aid and/or TOPICS aid for the project.
- E. The affected municipality or municipalities agree to maintain the traffic signal installation, including utility expenses, bulb replacement and all other maintenance.

ARTICLE XVI, Local Supplemental Violations Bureau Schedule

[Added 6-25-2009 by Ord. No. 686]

The following Local Supplemental Violations Bureau Schedule for Traffic matters shall be in effect for offenses committed on and after the effective date of this Amendment.

Part I

Traffic Section

Ord. No.	Short Description	Payable Amount
138-3	Parking Prohibited at all times	\$ 30.00
138-4	Parking Prohibited certain hours	\$ 30.00
138-5	Stopping or Standing Prohibited	\$ 30.00
138-6	Parking Time Limited	\$ 30.00
138-7	Reserved Parking	\$ 40.00
138-8	Trucks over 4 Tons	\$ 40.00
138-9	Routes, Trucks over 4 Tons	\$ 40.00
138-16	Loading Zone	\$ 40.00
138-17	Handicap Parking	\$100.00
138-18	Bus Stops	\$ 40.00
138-23	Emergency No Parking	\$ 30.00

This ordinance shall take effect at the time and in the manner provided by law.

Chapter 139, VEHICLES, COUNTY-OWNED

[HISTORY: Adopted by the Board of Chosen Freeholders of the County of Union as indicated in article histories. Amendments noted where applicable.]

ARTICLE I, Assignment and Use Guidelines

[Adopted 9-11-1975 by Res. No. 806-75; Amended 1-26-1978 by Res. No. 79-78]

§ 139-1. Establishment of policy.

The Board of Chosen Freeholders of the County of Union hereby reaffirms and adopts the contents of Resolution No. 806 dated September 11, 1975, as the policy of this Board with respect to vehicles owned by the County of Union, with the following amendments.

§ 139-2. Guidelines enumerated.

The following plan will be implemented by the Division of Motor Vehicles of the Department of Administrative Services in accordance with the Administrative Code of the County of Union [Amended 9-14-2000 by Ord. No. 515; Amended 6/20/02 by Ord. No. 553; Amended 3/27/08 by Ord. No. 667; Amended 4-19-2012 by Ordinance 2012-731]:

- (1) When an individual leaves the employment of Union County, the motor vehicle will not be automatically reissued to his/her replacement; at that particular time, the Division of Motor Vehicles will determine the merits of reassigning the vehicle.
 - (2) When an individual who is assigned a motor vehicle requests that his/her vehicle should be replaced, he/she must apply to the Division of Motor Vehicles for reconsideration of the assignment of the motor vehicle.
- A. The entire motor pool management will be assigned to the Division of Motor Vehicles of the Department of Administrative Services in accordance with the Administrative Code of the County of Union (i.e., insurance, license plates, maintenance, assignment of motor pool vehicles and replacement plan). [Amended 9-14-2000 by Ord. No. 515; Amended 6/20/02 by Ord. No. 553; Amended 3/27/08 by Ord. No. 667]
 - B. All presently issued and valid gasoline credit cards shall be immediately recalled by the Division of Motor Vehicles and, where approved, reissued with the specific license plate number embossed onto said gasoline credit card, for the purpose of permitting examinations of charges thereon by license number and driver assigned and to prevent any abuses thereof. [Amended 9-14-2000 by Ord. No. 515; Amended 3/27/08 by Ord. No. 667]
 - C. Where determined by the Division of Motor Vehicles to be appropriate, economy cars will be utilized by the County of Union. [Amended 9-14-2000 by Ord. No. 515; Amended 3/27/08 by Ord. No. 667]
 - D. It shall be the policy of the County of Union that, excluding assignments set forth in § 139-12, the use of a County-assigned vehicle by an employee shall be limited to official County business, and said vehicle shall not be used for personal purposes with the exception of authorized commuting use to and from the employee's workstation. [Added 1-23-1986 by Res. No. 69-86]
 - E. No more than 20% of the total motor vehicle pool, excluding law enforcement vehicles, shall be assigned for portal-to-portal use. [Added 9-14-2000 by Ord. No. 515]

ARTICLE II, (Reserved)

§§ 139-3 through 139-5. (Reserved)

ARTICLE III, Reciprocal Assistance

[Adopted 3-24-1983 by Res. No. 226-83]

§ 139-6. Agreements authorized.

The County Manager and Clerk of this Board are hereby authorized and directed to execute and deliver any appropriate agreement for reciprocal assistance to vehicles of other counties who may participate in the program and which may require emergency repair services while within the boundaries of the County of Union.

§ 139-7. (Reserved)

ARTICLE IV, Use of Seized Vehicles

[Adopted 7-17-1986 by Res. No. 574-86]

§ 139-8. Use authorized.

The County Manager is hereby authorized to consent to the use of seized vehicles by local municipalities with the consent of the Prosecutor's Office during the pendency of forfeiture proceedings.

§ 139-9. Agreement to be prepared.

The County Counsel shall prepare an appropriate agreement for this purpose so that the same can be handled administratively in the future.

ARTICLE V, Motor Vehicle Fleet

[Adopted 3-24-1988 as Res. No. 393-88]

§ 139-10. Policy adopted.

The Board of Chosen Freeholders of the County of Union does hereby adopt the following policy with respect to the Union County motor vehicle fleet, passenger cars.

- A. The passenger car motor vehicle fleet shall be limited to a maximum of 230 vehicles, which limit can only be increased by specific Freeholder resolution based upon adequate justification by the requesting entity.
- B. Upon assignment of a new motor vehicle to any person entitled thereto the older vehicle shall be turned in for disposition to the Fleet Manager.
- C. A Vehicle Distribution Committee shall be established which shall include the County Manager, Bureau Chief of Motor Vehicles and other appropriate individuals as determined by

the County Manager and the Bureau Chief of Motor Vehicles. [Amended 9-14-2000 by Ord. No. 515]

- D. The County Manager shall implement this policy by revision and dissemination of new policies and procedures concerning motor vehicles within 60 days of the effective date of this article.

§ 139-11. (Reserved)

ARTICLE VI, Motor Pool and Nonmotor Pool Vehicles

[Adopted 9-24-1992 by Res. No. 749A-92]

§ 139-12. Assignment of nonmotor pool vehicles.

[Amended 9-14-2000 by Ord. No. 515; 6-20-02 by Ord. No. 553; 3-10-2005 by Ord. No. 611; Amended 4-19-2012 by Ordinance 2012-731]

- A. Assignment shall be to the County Manager; Deputy County Manager; County Counsel; Department Directors; Constitutional Officers; First Assistant Prosecutor; Undersheriffs; County Police Chief; OEM Coordinator; Superintendent Juvenile Detention Center and Medical Examiners .
- B. Assignments may also be made by the County Manager based upon review and approval by the County Manager of a written statement of justification. Such statement shall set forth in detail the regular requirement of vehicle usage outside of normal working hours and on weekends.
- C. The assignments of such vehicles shall at all times be on the basis of the position and not individuals.

§ 139-13. Criteria for use of motor pool vehicles.

The criteria for use of motor pool vehicles by County employees for the conduct of County business shall be restricted to the following:

- A. Law enforcement purposes.
- B. Client transportation and visits.
- C. Construction site visits.
- D. All duly authorized County business.

Visits to areas with high rate of vehicle theft/break in.

CHAPTER 140, CONTRACTED OFF-DUTY EMPLOYMENT OF LAW ENFORCEMENT OFFICERS

[Adopted 3-10-2016 by Ord. No. 2016-772]

§ 140 OFF-DUTY WORK BY LAW ENFORCEMENT OFFICERS

The County of Union (“County”) establishes the following policy and procedures relating to the performance of services by off-duty law enforcement officers at events held on County Property.

A. General Provisions

1. Officers shall be permitted to perform police-related services for private entities or persons (“applicants”) at events held on County property during off-duty hours and at such times that such services will not interfere with the efficient performance of regularly scheduled or emergency duties for the County.
2. All services performed by off-duty officers serving in the Union County Police, the Union County Sheriff’s Office, or the Union County Department of Corrections shall be in his/her official capacity as an employee of the County and shall be subject to the control and supervision of the Director of Public Safety, the Union County Sheriff, or the Director of Correctional Services, or their designees, as applicable.
3. Officers performing off-duty police-related services shall be in full uniform unless otherwise approved by the Director of Public Safety, the Union County Sheriff, or the Director of Correctional Services, or their designees, as applicable.
4. The Director of Public Safety, the Union County Sheriff, or the Director of Correctional Services, or their designees, may preclude any officer in his or her charge from working any such off-duty assignment. The Director of Public Safety, the Union County Sheriff, or the Director of Correctional Services, or their designees, shall also have the right to order any off-duty assignment to be terminated.

B. Costs and Fees

1. To assure the timely payment of wages to officers who perform off-duty services, the Director of the Department of Finance shall establish a trust fund known as the “Jobs in Blue Employment Trust Account,” which trust fund shall be dedicated for the receipt of costs and fees collected from applicants. The Jobs in Blue Employment Trust Account (“Trust Account”) shall be administered by the Department of Finance.
2. Applicants shall estimate the number of hours of service required, which estimate must be approved or disapproved in writing by the Director of Public Safety, the Union County Sheriff, or the Director of Correctional Services, or their designees. A copy of said approval or disapproval shall be forwarded to the Director of the Department of Finance. If services are approved, the applicant shall forward payment to the Department of

Finance for the total estimated hours of service prior to the commencement of any work. The Director of the Department of Finance shall deposit said payment into the Trust Account. Any unused portion of the deposit shall be returned or credited. Any amounts owed for services in excess of the estimate shall be paid within 48 hours of the event.

3. No officer shall provide any services for more hours than are estimated without the prior approval of the Director of Public Safety, the Union County Sheriff, or the Director of Correctional Services, or their designees, as applicable.
4. Services shall be performed, and officers shall be paid, at a rate of \$55 per hour. Payment shall be made through the County's payroll process in accordance with its regular practices. No officer shall be paid directly by any applicant.
5. The County shall charge an additional 10% administrative fee for such work performed by its employees.
6. County vehicles shall not be used during the performance of off-duty police-related services unless authorized by the Director of Public Safety, the Union County Sheriff, or the Director of Correctional Services, or their designees. The County shall impose a vehicle use fee of \$50 for a patrol vehicle and \$100 for an ambulance.

C. Public Emergency

The Director of Public Safety, the Union County Sheriff, or the Director of Correctional Services, or their designees, shall have the authority to order any officer engaged in off-duty assignments within the County to respond to an emergency situation within the County. In the event that an officer is assigned to an emergency situation in the County, the applicant shall not be responsible for the payment of the officer's hourly rate, administrative fee or any other fees to the County until such time as said officer returns to the off-duty assignment.

D. Indemnification

To the fullest extent permitted by law, the applicant shall indemnify, defend, and hold harmless the County, its agents and employees, from and against all claims, damages, losses, liabilities, and expenses, including but not limited to attorney's fees and court costs arising out of, resulting from or in any way relating to either directly or indirectly the services of the officer.