

Intro: 2/10/14
Adopted: 2/24/14

**TOWNSHIP OF FAIRFIELD
ORDINANCE #2014-02**

AN ORDINANCE AMENDING THE TOWNSHIP CODE OF THE TOWNSHIP OF FAIRFIELD, CHAPTER III, ARTICLE ONE, SECTION SEVENTEEN, ENTITLED "POSTING NOTICES PROHIBITED."

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

SECTION 1. Chapter III, Article One, Section Seventeen of the Township Code of the Township of Fairfield is hereby amended to read in its entirety as follows:

§ 3-1.17 Posting Notices Prohibited.

- a. A person shall not post, affix or otherwise display any notice, poster or other paper or device, calculated to attract the attention of the public, to any public lamppost, public utility pole or shade tree, or upon any public structure or building, except as may be authorized or required by law. (Ord. No. 936 § 2417)
- b. A person shall not post, affix or otherwise display any temporary commercial handbill or advertisement, to induce directly or indirectly any person to enter into any obligation or acquire title or interest in any property, object, ware, good, commodity, or service, on any real property located within a municipality, or any building, pole, post or other structure on the property, without the prior written permission of the owner of record for the property, or the building or other structure thereon. This does not apply to a person posting or otherwise displaying a temporary advertisement containing information and directional indicators inviting the public to purchase or lease real property at a real estate open house or similar event for that property.
- c. Reporting violations. Any person or entity suspected of violating this section shall be reported to the Fairfield Township Police Department or the Fairfield Township Zoning Officer (collectively "Enforcement Officer") for further investigation. Any report to the Enforcement Officer shall include a statement by the owner of record for the subject property indicating the suspected violator does not have permission to post, affix or otherwise display any advertisement as provided for in subsections a. and b. of this section.
- d. Removal of advertisement. The Enforcement Officer shall have the power to remove or cause to be removed any advertisement posted or displayed in violation of subsection a. or b. of this section. Any such removal may be accomplished by any commercially reasonable means.

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- e. Cost of removal; reimbursement. Whenever the Township removes, or causes to be removed, an advertisement, the Township may present the person who posted or otherwise displayed the removed advertisement, or the business advertised in the removed advertisement, by certified and regular mail, a detailed itemization of the costs of removal incurred by the municipality, requiring reimbursement by that person or business of the removal costs. If the person or business does not provide reimbursement within 30 days of receipt of the municipal itemization, the Township may enforce the payment of these costs, together with interest and reasonable collection costs, by instituting an action at law for the collection thereof. The Superior Court or the Municipal Court shall have jurisdiction of any collection action.
- f. Establishment of Fund. Funds collected from the enforcement of this section shall be deposited in a dedicated Advertisement Removal Fund administered by the Chief Financial Officer of the Township. The funds shall be used exclusively to remove advertisements and otherwise enforce the provisions of this section, and to administer the fund.
- g. Report to the Division of Consumer Affairs. The Township may report to the Division of Consumer Affairs, in the Department of Law and Public Safety, for further investigation by the Division, any pattern or practice of advertisements posted or otherwise displayed in violation of subsection b. of this section, which reasonably appears to violate the provisions of P.L. 1960, c. 39 (C.56:8-1 et. seq.).
- h. Violations. In addition to the costs imposed in section e., any person convicted of violating this section shall be assessed a penalty as provided for in Chapter I, Section 1-5.

SECTION 2. This ordinance shall take effect after second reading and publication as required by law.

SECTION 3. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.



JAMES W. GASPARINI, MAYOR

ATTEST:



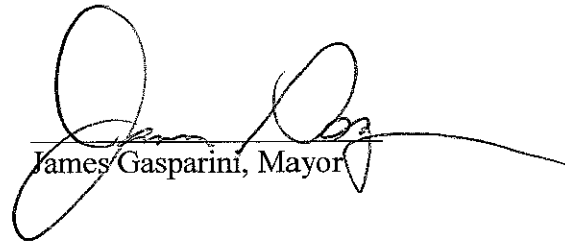
DENISE D. CAFONE, MUNICIPAL CLERK

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NOTICE

Notice is hereby given that the foregoing Ordinance was submitted in writing at a meeting of the Mayor and Council of the Township of Fairfield, County of Essex, State of New Jersey, held on **February 10, 2014**, introduced and read by title and passed first reading, and that said Governing Body will further consider the same for second reading and final passage thereof at a meeting to be held on **February 24, 2014** at 7:30 p.m. at the Municipal Building, 230 Fairfield Road, Fairfield, New Jersey, at which time and place a public hearing will be held thereon by the Governing Body and all persons and citizens of interest shall have an opportunity to be heard concerning same.


Denise D. Cafone, Municipal Clerk


James Gasparini, Mayor

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INTRODUCTION OF ORDINANCE FEBRUARY 10, 2014: ORDINANCE #2014-02, AN ORDINANCE AMENDING THE TOWNSHIP CODE OF THE TOWNSHIP OF FAIRFIELD, CHAPTER III, ARTICLE ONE, SECTION SEVENTEEN, ENTITLED "POSTING NOTICES PROHIBITED."

INTRODUCED BY: Councilman McGlynn
SECONDED BY: Councilman Cifelli
PUBLISHED: February 12, 2014

ROLL CALL VOTE

GOVERNING BODY	AYES	NAYS	ABSTAIN	ABSENT	NOT VOTING
COUNCIL PRESIDENT JOHN LAFORGIA	X				
COUNCILMAN THOMAS J. MORGAN	X				
COUNCILMAN MICHAEL B. MCGLYNN	X				
COUNCILMAN JOSEPH CIFELLI	X				
MAYOR JAMES GASPARINI				X	

2ND READING AND PUBLIC HEARING: FEBRUARY 24, 2014

INTRODUCED BY: Councilman Morgan
SECONDED BY: Councilman Cifelli
PUBLISHED: February 27, 2014

ROLL CALL VOTE

GOVERNING BODY	AYES	NAYS	ABSTAIN	ABSENT	NOT VOTING
COUNCIL PRESIDENT JOHN LAFORGIA	X				
COUNCILMAN THOMAS J. MORGAN	X				
COUNCILMAN MICHAEL B. MCGLYNN	X				
COUNCILMAN JOSEPH CIFELLI	X				
MAYOR JAMES GASPARINI	X				