TOWNSHIP OF FAIRFIELD
ORDINANCE #2019-23

AN ORDINANCE ADDING CHAPTER 11, SECTION 6 TO THE TOWNSHIP CODE
OF THE TOWNSHIP OF FAIRFIELD ENTITLED
“PROHIBITION OF KEEPING OF
CONSTRUCTION OR DEMOLITION MATERIALS”

WHEREAS, the municipalities of the State of New Jersey are authorized to enact
appropriate measures to maintain the character of properties within municipal boundaries; and

WHEREAS, the Township of Fairfield finds it necessary to address the keeping of
material and debris related to construction and demolition projects in the Township when same
extends beyond the period within which the material is actively used during the approved scope
of work; and

WHEREAS, it is the desire of the Governing Body to add Chapter 11, Section 6 to
expand upon the Township’s Property Maintenance Regulations; and

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 11, Section 6, of the Township Code of the Township of Fairfield
entitled “Prohibition of Keeping of Construction or Demolition Materials” shall be added to read
in its entirety as follows:

11-6 PROHIBITION OF KEEPING OF CONSTRUCTION OR DEMOLITION
MATERIALS.

11-6.1 Purpose.

The Township Council has determined that a prohibition of the keeping of material and
debris related to construction and demolition projects within the Township of Fairfield beyond
the period within which the material is actively used during the approved scope of work will help
maintain the character of properties within the Township and promote the health, safety and
welfare of the public.
11-6.2 Definitions.

As used in this section:

*Construction materials* shall mean any material that is used in building or construction of a house, garage or other structure, used in building landscape features or is affixed to the house, garage or structure and shall include wood, stone, bricks, paneling, sheet rock, tiles, vanities, cabinetry, toilets, bath tubs, sinks, windows, doors, vinyl, roofing material,

*Demolition materials* shall mean all waste materials used in or generated by the demolition or modification of any structure or landscaping and shall include all asphalt, concrete, tree stumps, brush, land clearing debris, structural debris, pallets, waste lumber, scrap metal, metal appliances or other bulk material, and other materials generated from construction and demolition projects larger than one cubic foot and/or five pounds.

11-6.3 Prohibition of Unnecessary Keeping of Construction or Demolition Materials.

a. The keeping of construction materials or demolition materials on properties shall only be permitted so long as they are being actively used for construction, demolition, or landscaping for the property on which they are stored and for which Township approval has been granted.

b. There shall be a rebuttable presumption that construction materials or demolition materials that meet any of the following criteria are not being actively used and that the keeping thereof shall be unnecessary and in violation of this section:
   1. Construction materials that have been located on a property for more than two (2) weeks; or
   2. Demolition materials that have been located on a property for two (2) or more days; or
   3. Construction materials or demolition materials that are located on a property in a manner that violates the terms of any Township approval.

c. The property owner shall be responsible for ensuring compliance with the provisions of this section.

11-6.4 Exception to Prohibition.

Notwithstanding the prohibition set forth in Section 6.3, the following exceptions shall apply:

a. The keeping of construction materials or demolition materials shall be permitted on properties that have been approved for such use by the Township.

b. The keeping of construction materials or demolition materials shall be permitted if kept in a manner that is approved in writing in advance by the Township Administrator.

11-6.5 Violations.

Any violation of the provisions of this article shall constitute a violation punishable as provided in Chapter 1, Section 1-5, General Penalty, of the Code of the Township of Fairfield.

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SECTION 2. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3. If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to that section, paragraph, subdivision, clause or provision so adjudged, and the remainder of this ordinance shall be deemed to be valid and effective.

SECTION 4. This ordinance shall take effect thirty (30) days after final passage, approval and publication as required by law.

JAMES GASPARINI
Mayor

ATTEST:

DENISE D. CAFONE
Municipal Clerk

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 August 26, 2019 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 that is to be held on September 24, 2019 at 7:00 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

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INTRODUCTION OF ORDINANCE
ORDINANCE #2019-23 ~ AN ORDINANCE ADDING CHAPTER 11, SECTION 6 TO THE TOWNSHIP CODE OF THE TOWNSHIP OF FAIRFIELD ENTITLED "PROHIBITION OF UNNECESSARY KEEPING OF CONSTRUCTION OR DEMOLITION MATERIALS"

INTRODUCED BY: Councilman Cifelli
SECONDED BY: Councilman McGlynn
PUBLISHED: August 29, 2019

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2ND READING AND PUBLIC HEARING: September 24, 2019

INTRODUCED BY: Councilman McGlynn
SECONDED BY: Councilman LaForgia
PUBLISHED: October 3, 2019

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