

**BOROUGH OF EDGEWATER
ORDINANCE NO. 1522-2015**

:

AN ORDINANCE FIXING THE SALARIES OF THE POLICE DEPARTMENT OF THE BOROUGH OF EDGEWATER IN THE COUNTY OF BERGEN, AND THE STATE OF NEW JERSEY FOR THE FISCAL YEARS 2014, 2015 AND 2016

BE IT ORDAINED by the Mayor and Council of the Borough of Edgewater as follows:

The annual base salaries and wages of the officers and members of the Police Department of the Borough of Edgewater hereinafter listed shall be fixed in the amount opposite their respective titles for the periods indicated

EMPLOYEE SALARIES SCHEDULE A-1

	<u>EFFECTIVE</u> <u>7/1/2014</u>	<u>EFFECTIVE</u> <u>7/1/2015</u>	<u>EFFECTIVE</u> <u>7/1/2016</u>
CAPTAIN	\$148,696	\$151,521	\$154,400
LIEUTENANT	\$137,681	\$140,297	\$142,963
SERGEANT	\$127,482	\$129,904	\$132,372
PATROL			
FIRST STEP	\$118,039	\$120,282	\$122,567
(MAXIUM)			
SECOND STEP	\$107,740	\$109,787	\$111,873
THIRD STEP	\$97,444	\$99,295	\$101,182
FOURTH STEP	\$87,148	\$88,804	\$90,491
FIFTH STEP	\$76,851	\$78,311	\$79,799
SIXTH STEP	\$66,555	\$67,820	\$69,108
SEVENTH STEP			
(2 ND SIX MTHS)	\$46,083	\$46,083	\$46,083

SEVENTH STEP

(1ST SIX MTHS) \$37,649

\$37,649

\$37,649

Section 2.

All other payments and benefits to be received by members of the Police Department shall be set forth in the contract between the Borough of Edgewater and the Police Representative Unit, a copy of which is on file in the office of the Borough Clerk.

Section 3.

All ordinances or parts of ordinances inconsistent with the provisions of the ordinance are hereby repealed.

Michael Mc Partland, Mayor

ATTEST:

Annamarie O'Connor

Borough Clerk

INTRODUCED: _____

ADOPTED: _____

APPROVED: _____

**BOROUGH OF EDGEWATER
ORDINANCE NO.1523-2015**

AN ORDINANCE AMENDING CHAPTER 271,

SECTION 8-B (6) OF THE CODE OF THE BOROUGH OF EDGEWATER.

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Edgewater, County of Bergen, and State of New Jersey as follows:

Section 1. Chapter 271, Section 8 entitled "Prohibited acts; exemptions" Section B (6) is hereby amended to read as follows:

(6) Construction and demolition. Operating or permitting the operation of any tools or equipment used in construction, drilling, earthmoving excavation or demolition work between the hours of 6:00 p.m. and 7:00 a.m. the following day on weekdays and Saturdays or at any time on Sundays or legal holidays, provided that such equipment is equipped with a functioning muffler, except:

(a) Emergency work

(b) By variance issued pursuant to Section 271-10.

Section 2. Severability.

If any provision or portion of this ordinance is held to be unconstitutional, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated and shall remain in full force and effect.

Section 3. Effective Date.

This ordinance shall take effect immediately upon final publication as required by law.

Section 4. Repeal of Inconsistent Ordinances.

All ordinance and parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

MICHAEL MCPARTLAND, MAYOR

Attest:

ANNAMARIE O'CONNOR, BOROUGH CLERK

INTRODUCED:

ADOPTED:

APPROVED:

BOROUGH OF EDGEWATER

ORDINANCE NO. 2015-1524

AN ORDINANCE RAISING THE MINIMUM AGE FOR PURCHASE AND SALE OF TOBACCO PRODUCTS AND ELECTRONIC SMOKING DEVICES FROM 19 TO 21.

NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Edgewater, County of Bergen, and State of New Jersey as follows:

Section 1. A person 21 years of age or older who purchases a tobacco product for a person who is under 21 years of age is a petty disorderly person.

Section 2. No person, either directly or indirectly by an agent or employee, or by a vending machine owned by the person or located in the person's establishment, shall sell, offer for sale, distribute for commercial purpose, give or furnish to a person under 21 years of age:

(1) any cigarette made of tobacco or of any other matter or substance which can be smoked, or any cigarette paper or tobacco in any form, including smokeless tobacco; or

(2) any electronic smoking device that can be used to deliver nicotine or other substances to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, cigarillo, or pipe, or any cartridge or other component of the device or related product .

Section 3. (a) A person who sells or gives to a person under 21 years of age any cigarettes made of tobacco or of any other matter or substance which can be smoked, or any cigarette paper or tobacco in any form, including smokeless tobacco, or any electronic smoking device, that can be used to deliver nicotine or other substances to the person inhaling from the device, including but not limited to, an electronic cigarette, cigar, cigarillo, or pipe, or any cartridge or other component of the device or related product, including an employee of a retail dealer licensee under P.L. 1948, c. 65 (C.54:540A:-1 et seq.) who actually sells or otherwise provides a tobacco product or electronic smoking device to a person under 21 years of age, shall be punished by a fine as provided for a petty disorderly persons offense. A person who has been previously punished under this section and who commits another offense under it may be punishable by a fine of twice that provided for a petty disorderly persons offense.

(b) The establishment of all of the following shall constitute a defense to any prosecution brought to subsection (a) of this section:

(1) that the purchaser or recipient of the tobacco product or electronic smoking device falsely represented, by producing either a driver's license or non-driver identification card issued by the New Jersey Motor Vehicle Commission, a similar card issued pursuant to the laws of another state or the federal government of Canada, or a photographic identification card issued by a county clerk, that the purchaser or recipient was of legal age to purchase or receive the tobacco product or electronic smoking device;

(2) that the appearance of the purchaser or recipient of the tobacco product or electronic smoking device was such that an ordinary prudent person would believe the purchaser or recipient to be of legal age to purchase or receive the tobacco product or electronic smoking device; and

(3) that the sale or distribution of the tobacco product or electronic smoking device was made in good faith, relying upon the production of the identification set forth in paragraph (1) of this subsection, the appearance of the purchaser or recipient, and in the reasonable belief that the purchaser or recipient was of legal age to purchase or receive the tobacco product or electronic smoking device.

Section 4. Notwithstanding any other provision of law to the contrary, a person to whom a license is issued pursuant to P.L. 1948, c.65 (C.54:40A:-1 et seq.) shall, as a condition of this license, conspicuously post a legible sign at the point of display of the tobacco products and at the point of sale. The sign, which also shall be posted conspicuously on any licensed cigarette vending machine, shall be at least six inches by three inches in bold letters at least one-quarter inch high and shall read as follows: "A person who sells or offers to sell a tobacco product to a person under 21 years of age, shall pay a penalty. Proof of age may be required for purchase."

A person shall not engage in a retail sale of cigarettes in this Borough unless the sale is a face-to-face sale, except that a person may engage in a non-face-to-face sale of cigarettes to a person in this Borough if the following conditions are met:

(a) The Seller has fully complied with all of the requirements of the Jenkins Act, 15 U.S.C. s.375 et seq. for shipments to this State;

(b) The Seller has verified payment of, paid or collected all applicable State taxes, including the cigarette taxes imposed by the "Cigarette Tax Act" P.L. 1948, c.65 (C.54:40A-1 et seq.) and the sales or use taxes imposed by the "Sales and Use Tax Act" P.L. 1966, c.30 (C.54:32B-1 et seq.) due on the cigarettes; and

(c) The Seller has, before mailing or shipping the cigarettes:

(1) obtained from the purchaser reliable confirmation that the purchaser is at least 21 years old and a statement by the purchaser under penalty of perjury certifying the purchaser's date of birth and address; and

(2) made good faith effort to verify the information contained in the certification provided by the purchaser against a commercially available database or has obtained a photocopy or other image of a government-issued identification bearing the purchaser's image and stating the date of birth or age of the purchaser.

Section 5. The establishment of all of the following shall constitute a defense to any prosecution brought pursuant to this Ordinance:

(1) that the purchaser of the tobacco product or electronic smoking device or the recipient of the promotional sample falsely represented, by producing either a driver's license or non-driver identification card issued by the New Jersey Motor Vehicle Commission, a similar card issued pursuant to the laws of another state or the federal government of Canada, or a photographic identification card issues by a county clerk, that the purchaser or recipient was of legal age to make the purchase or receive the sample;

(2) that the appearance of the purchase of the tobacco product or electronic smoking device or the recipient of the promotional sample was such that an ordinary prudent person would believe the purchaser or recipient to be of legal age to make the purchase or receive the sample; and

(3) that the sale and distribution of the tobacco product or electronic smoking device was made in good faith, relying upon the production of the identification set forth in paragraph (1) of this subsection, the appearance of the purchaser or recipient and in the reasonable belief that the purchaser or recipient was of legal age to make the purchase or receive the sample.

(4) a person who violates this Ordinance, including an employee of a retail dealer licensee under P.L. 1948, c.65 (C.54:40A-1 et seq.) who actually sells or otherwise provides a tobacco product to a person under 21 years of age, shall be liable to a civil penalty of not less than \$250 for the first violation, not less than \$500 for the second violation, and \$1,000 for the third and each subsequent violation. The civil penalty shall be collected pursuant to the "Penalty Enforcement Law of 1999" P.L. 1999, c.274 (C:2A:58-10 et seq.) in a summary proceeding before the municipal court having jurisdiction. An official authorized by statute or ordinance to enforce the State or local health codes or a law enforcement officer having enforcement authority in that municipality may issue a summons for a violation of the provisions of this Ordinance and may serve and execute all process with respect to the enforcement of this section

consistent with the Rules of Court. A penalty recovered under the provisions of this Ordinance shall be recovered by and in the name of the State by the local health agency. The penalty shall be paid into the treasury of the Borough for the general uses of the municipality.

Section 6. Severability.

If any provision or portion of this ordinance is held to be unconstitutional, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated and shall remain in full force and effect.

Section 7. Effective Date.

This ordinance shall take effect immediately upon final publication as required by law.

Section 8. Repeal of Inconsistent Ordinances.

All ordinance and parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

MICHAEL MC PARTLAND, MAYOR

Attest:

ANNAMARIE O'CONNOR, BOROUGH CLERK

INTRODUCED:

ADOPTED:

APPROVED: