

August 22, 2023
Sparta Council Meeting Agenda
and
Related Documents

1. TC_Agenda 08222023

Documents:

[TC_AGENDA - 08222023 - W.PDF](#)

2. 23-16 Amending Chapter 11-2 "Retail Food Establishment Code"

Documents:

[23-16 REVISED FOOD TRUCK ORDINANCE.CL - W.PDF](#)

3. 23-17 Ordinance Amending Salary For "Non-Union And Union" Employees

Documents:

[23-17 SALARY ORDINANCE- 2023 - W.PDF](#)

4. 23-18 Ordinance Requiring Installation Of A Key Lock Box

Documents:

[23-18- KEY LOCK BOX ORDINANCE.CL.W.PDF](#)



SPARTA TOWNSHIP COUNCIL

AGENDA

August 22, 2023

PLEASE TAKE NOTICE that action will be taken on the following items at the Regular Council meeting on Tuesday, August 22, 2023 in the Council Chambers, Sparta Township Municipal Building, 65 Main Street, Sparta, New Jersey.

TIME:

The Town Council Closed Executive Session is opened at 6:00 pm.

The Regular meeting begins at 7:00 pm.

All Council Meetings are now live streamed and can be viewed at the following link:

<https://www.youtube.com/@SpartaTwp/streams>

STATEMENT:

Adequate notice of this meeting was provided to the public and the press on June 14, 2023 by delivering to the press and posting on the Township website a copy of the notice.

1. ROLL CALL

Councilman Dean Blumetti, Mayor Dan Chiariello, Deputy Mayor Neill Clark, Councilman Josh Hertzberg, Councilwoman Christine Quinn, Township Manager, Attorney, Municipal Clerk

RESOLUTION

Open Public Meetings Act-Executive Session Motion _S_



SALUTE TO THE FLAG

PROCLAMATION

International Overdose day

2. MINUTES

None

3. MANAGER'S REPORT

APPROVAL OF MANAGER'S REPORT

4. OPEN TO THE PUBLIC

Items not on the Agenda

5. EXPENDITURES

August 22, 2023

6. INTRODUCTION OF ORDINANCE

None

7. HEARING OF ORDINANCE



- 23-16** THE TOWNSHIP OF SPARTA AMENDING CHAPTER 11-2 “RETAIL FOOD ESTABLISHMENT CODE” OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF SPARTA
- 23-17** AN ORDINANCE OF THE TOWNSHIP OF SPARTA AMENDING SALARY ORDINANCE FOR “NON-UNION AND UNION” EMPLOYEES
- 23-18** AN ORDINANCE REQUIRING THE INSTALLATION OF A KEY LOCK BOX EMERGENCY ACCESS SYSTEM FOR USE BY THE SPARTA TOWNSHIP FIRE DEPARTMENT DURING AN EMERGENCY OR ANY OTHER ACTION DEEMED NECESSARY BY THE SPARTA TOWNSHIP FIRE DEPARTMENT

8. OPEN TO THE PUBLIC

Resolutions

9. RESOLUTIONS

- 9-1** Township of Sparta- Emergency Resolution – NJS 40A:4-48
(Under 3% limitation)
- 9-2** Approving the Submission of a Minor Subdivision Application for Block 12001, Lots 4 And 5, And Conveyances of Property upon Approval of a Minor Subdivision Application to be Submitted to the Sparta Township Planning Board
- 9-3** Resolution of the Township Council of the Township of Sparta Authorizing the Award of Contract for Professional Services of Township Special Conflict Counsel
- 9-4** One-Day ABC Social Affairs Permit –William B Sanford, Memorial Post 7248
- 9-5** One-Day ABC Social Affairs Permit – Father Johns Animal House
- 9-6** Authorizing a Property Maintenance Agreement with Louis W. Cseh



- 9-7 Resolution Authorizing the Issuance of and Not Exceeding \$5,931,000 Bond Anticipation Notes of the Township of Sparta, in the County of Sussex, New Jersey
- 9-8 Resolution Authorizing the Displaying of Commemorative Flag on Township Owned Flagpoles - **Flag of the United States Air Force - September 18**
- 9-9 Resolution Authorizing the Displaying of Commemorative Flag on Township Owned Flagpoles - **Flag of the United States Navy - October 13**
- 9-10 Resolution Authorizing the Displaying of Commemorative Flag on Township Owned Flagpoles - **Flag of the United States Marine Corps - November 10**
- 9-11 Resolution Authorizing the Displaying of Commemorative Flag on Township Owned Flagpoles - **Flag of the United States National Guard - December 13**
- 9-12 Resolution Authorizing the Displaying of Commemorative Flag on Township Owned Flagpoles - **Flag of the United States Space Force - December 20**

10. **COUNCIL LIAISON' UPDATES**

11. **UNFINISHED BUSINESS**

12. **NEW BUSINESS**

13. **OPEN TO THE PUBLIC**

14. **ADJOURNMENT**



9-1 Township of Sparta- Emergency Resolution – NJS 40A:4-48
(Under 3% limitation)

WHEREAS, an emergency has arisen with respect to Reclassification Expense for Planning Board and, no adequate provision was made in the 2023 budget for the aforesaid purpose, and NJS 40A:4-46 provides for the creation on an emergency appropriation for the purpose mentioned above, and

WHEREAS, the total amount of the emergency appropriations created, including the appropriation to be created by this resolution is \$75,000.00 and three (3) percent of the total operating appropriations in the budget for 2023 is \$ 708,075.05 and

WHEREAS, the foregoing appropriation together with prior appropriations does not exceed three (3) percent of the total operating appropriations (including utility operation appropriations) in the budget for 2023,

NOW, THEREFORE, BE IT RESOLVED that in accordance with NJS 40A:4-48:

1. An emergency appropriation is hereby made for
 - a) Planning Board Other Expense Reclassification \$75,000.00.
2. That said emergency appropriation shall be provided for in full in the 2023 budget, and is requested to be excluded from CAPS, pursuant to NJS 40A:4-53.3c (1)
3. That two (2) certified copies of this resolution be filed with the Director of the Division of Local Government Services

9-2 Approving the Submission of a Minor Subdivision Application for Block 12001, Lots 4 And 5, And Conveyances of Property upon Approval of a Minor Subdivision Application to be Submitted to the Sparta Township Planning Board



WHEREAS, the Township Council of the Township of Sparta adopted Ordinance Number 21-14 adopting the 2021 Sparta Landfill Redevelopment Area Redevelopment Plan; and

WHEREAS, the Township Council of the Township of Sparta adopted Resolution Number 9-19 on June 14, 2022, designating CEP Renewables, LLC as Redeveloper for the Installation of a Solar Energy Facility and Authorizing a Long-Term Lease for the Property identified as Block 12001, Lot 4 on the Sparta Township Tax Map (the “Property”); and

WHEREAS, the Township Council of the Township of Sparta entered into a long-term lease with CEP Renewables, LLC, organized as Prices Land Solar Farm, LLC of Red Bank, New Jersey, as the Redeveloper for the Installation of a Solar Energy Facility, is hereby authorized for this Property; and

WHEREAS, East Coast Development Associates, LLC (“East Coast”) is the owner of adjacent property, Block 12001, Lot 5, an 0.587 acre portion of which property is necessary to acquire in order to locate all landfill and proposed solar operations within one lot, Lot 4, for the Sparta Landfill Redevelopment Area Redevelopment; and

WHEREAS, East Coast has agreed to deed the 0.587 acre portion of Lot 5 to the Township, as shown on the plan prepared by Dysktra Walker, entitled “Lot Line Adjustment/Minor Subdivision” dated July 14, 2023 (“Dykstra Plan”), in exchange for a conveyance of the same size of property from Lot 4 and the undeveloped Sustainable Way to East Coast; and

WHEREAS, the conveyance of property will require a minor subdivision and a drainage easement over Lot 4 for Lot 5, which the Township engineer has reviewed; and



WHEREAS, the subdivision of property will require review of the current zoning on Lots 4 and 5, as the ED and OSGU zones follow the boundaries of Block 12001, Lots 4 and 5.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Sparta as follows:

1. The Township of Sparta agrees to begin proceedings to vacate Sustainable Way, which property will become part of the adjacent Lot 5, if and upon approval of the minor subdivision application, as show on the Dykstra Plan, by the Sparta Township Planning Board;
2. The Township of Sparta shall review and adjust the boundary of the ED and OSGU zones to reflect the division of Lots 4 and 5, if and upon approval of the minor subdivision application, as show on the Dykstra Plan, by the Sparta Township Planning Board;
3. The Township of Sparta, as the owner of Block 12001, Lot 4, consents to the minor subdivision application of East Coast, as shown on the Dykstra Plan; and
4. If and upon approval of the minor subdivision application, as show on the Dykstra Plan, by the Sparta Township Planning Board, Sparta Township agrees to continue a drainage easement for Lot 5 over Lot 4, approximately 77' x 600' in size, on the southeast portion of Lot 4, allowing only for discharge and maintenance of the grade, subject to the Township engineer's approval.

A copy of this Resolution shall be placed on file with the Clerk of the Township.

This Resolution shall take effect immediately; however, it shall be void and of no effect in the event that East Coast does not receive minor subdivision approval from the Sparta Township Planning Board in accordance with the Dykstra Plan.



If any section, subsection, sentence, clause or phrase in this resolution is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this resolution.

9-3 Resolution of the Township Council of the Township of Sparta Authorizing the Award of Contract for Professional Services of Township Special Conflict Counsel

WHEREAS, the Township of Sparta has need for the professional services of a Special Conflict Counsel; and

WHEREAS, funds are available for this purpose; and

WHEREAS, N.J.S.A. 40A:11-1, *et seq.*, the "Local Public Contracts Law" permits governing bodies to contract for certain professional services without competitive bidding; and

WHEREAS, N.J.S.A. 40A:11-5 requires the award of contract for Professional Services be publicly advertised and the contract itself be available for public inspection:

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Sparta as follows:

1. The Township of Sparta hereby appoints Edward J. Buzak, Esq. of Surenian, Edwards, Buzak & Nolan LLC with offices located at 311 Broadway, Suite A, Point Pleasant, NJ 08742, as Special Conflict Counsel for the period September 1, 2023 to December 31, 2023, in accordance with the attached Contract.
2. This appointment is awarded without competitive bidding as a "Professional Service" pursuant to the Local Public Contracts Law as this is a professional service within the meaning of the law.



3. The Mayor and Township Clerk are hereby authorized and directed to execute the Contract with Edward J. Buzak, Esq., of Surenian, Edwards, Buzak & Nolan LLC on behalf of the Township.

4. A Notice in accordance with the Local Public Contracts Law shall be published in the New Jersey Herald as required by law.

5. A copy of this Resolution as well as the Contract shall be placed on file with the Clerk of the Township.

6. This resolution shall take effect immediately. However, it shall be void and of no effect in the event that Edward J. Buzak, Esq. of Surenian, Edwards, Buzak & Nolan LLC does not sign the Agreement.

7. If any section, subsection, sentence, clause or phrase in this resolution is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this resolution.

9-4 One-Day ABC Social Affairs Permit –William B Sanford, Memorial Post 7248

BE IT RESOLVED by the Township Council of the Township of Sparta that permission be granted to **William B Sanford, Memorial Post 7248** for a social affairs permit for a Clambake on September 9, 2023 from 2:00 p.m. to 7:00 p.m. at 66 Main Street, Sparta, NJ 07871.

9-5 One-Day ABC Social Affairs Permit – Father Johns Animal House

BE IT RESOLVED by the Township Council of the Township of Sparta that permission be granted to – Father Johns Animal House for a social affairs permit for the Happy Tails Dinner on September 23, 2023 from 6:00 p.m. to 10:00 p.m. at 28 Andover Road, Sparta, NJ 07871.

9-6 Authorizing a Property Maintenance Agreement with Louis W. Cseh



WHEREAS, the Township of Sparta (the "Township") has the need to enter into a contract for grass cutting on its property located at Block 14001, Lots 45 and 47 in Sparta Township; and

WHEREAS, the Township Purchasing Agent has determined that the value of the services is below the Township bid threshold and are not subject to the quotation requirements provided for in N.J.S.A. 40A:11-6.1; and

WHEREAS, the anticipated term of the contracts are set forth in the Agreement attached to this resolution as Exhibit A; and

WHEREAS, Louis W. Cseh has submitted a proposal indicating he will provide the services for the stated price of \$1,000 per year in said proposal; and

WHEREAS, the Chief Financial Officer of the Township of Sparta certifies that the appropriations specified within this resolution have been provided for within the Municipal Budget; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Sparta:

1. Authorizes the Mayor to execute the Agreement.
2. A copy of this Resolution shall be placed on file with the Clerk of the Township of Sparta.
3. This resolution shall take effect immediately. However, it shall be void and of no effect in the event that Louis W. Cseh fails to or refuses to sign the Agreement.

9-7 Resolution Authorizing the Issuance of not Exceeding \$5,931,000 Bond Anticipation Notes of the Township of Sparta, in the County of Sussex, New Jersey.

BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF SPARTA, IN THE COUNTY OF SUSSEX, NEW JERSEY, AS FOLLOWS:

Section 1. Pursuant to a bond ordinance of The Township of Sparta, in the County of Sussex, New Jersey (the "Township") entitled: "Bond ordinance providing



for the improvement of the sanitary sewerage system in and by The Township of Sparta, in the County of Sussex, New Jersey, appropriating \$95,000 therefor and authorizing the issuance of \$60,000 bonds or notes of the Township for financing such appropriation”, finally adopted on April 24, 2012 (#11-17) bond anticipation notes of the Township in a principal amount not exceeding \$6,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

Section 2. Pursuant to a bond ordinance of the Township, entitled: “Bond ordinance appropriating \$600,000, and authorizing the issuance of \$300,000 bonds or notes of the Township, for various water utility system improvements or purposes authorized to be undertaken by the Township of Sparta, in the County of Sussex, New Jersey” (#17-07/17-11), finally adopted on July 18, 2017, bond anticipation notes of the Township in a principal amount not exceeding \$120,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

Section 3. Pursuant to a bond ordinance of the Township, entitled: “Bond ordinance appropriating \$1,200,000, and authorizing the issuance of \$1,050,000 bonds or notes of the Township, for various improvements or purposes authorized to be undertaken by the Township of Sparta, in the County of Sussex, New Jersey” (#18-04), finally adopted on April 24, 2018, bond anticipation notes of the Township in a principal



amount not exceeding \$525,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

Section 4. Pursuant to a bond ordinance of the Township, entitled: “Bond ordinance appropriating \$510,000, and authorizing the issuance of \$410,000 bonds or notes of the Township, for various water utility system improvements or purposes authorized to be undertaken by the Township of Sparta, in the County of Sussex, New Jersey” (#18-09), finally adopted on July 10, 2018, bond anticipation notes of the Township in a principal amount not exceeding \$205,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

Section 5. Pursuant to a bond ordinance of the Township, entitled: “Bond ordinance providing for the improvement of the Department of Public Works facility in and by the Township of Sparta, in the County of Sussex, New Jersey, appropriating \$950,000 therefor and authorizing the issuance of \$902,500 bonds or notes of the Township for financing such appropriation” (#19-08), finally adopted on July 9, 2019, bond anticipation notes of the Township in a principal amount not exceeding \$541,200 shall be issued for the purpose of temporarily financing the improvement or purpose described in



Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

Section 6. Pursuant to a bond ordinance of the Township, entitled: “Bond ordinance providing for the conversion of the White Deer Plaza Sewer Plant into a pumping station in and by the Township of Sparta, in the County of Sussex, New Jersey, appropriating \$950,000 therefor and authorizing the issuance of \$950,000 bonds or notes of the Township for financing such appropriation” (#19-13), finally adopted on August 13, 2019, bond anticipation notes of the Township in a principal amount not exceeding \$901,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

Section 7. Pursuant to a bond ordinance of the Township, entitled: “Bond ordinance appropriating \$754,000, and authorizing the issuance of \$254,000 bonds or notes of the Township, for various water utility system improvements or purposes authorized to be undertaken by the Township of Sparta, in the County of Sussex, New Jersey” (#20-08), finally adopted on June 23, 2020, bond anticipation notes of the Township in a principal amount not exceeding \$177,800 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

Section 8. Pursuant to a bond ordinance of the Township, entitled: “Bond ordinance providing for the acquisition of a new and additional fire truck by the



Township of Sparta, in the County of Sussex, New Jersey, appropriating \$700,000 therefor and authorizing the issuance of \$665,000 bonds or notes of the Township for financing such appropriation” (#21-18), finally adopted on November 23, 2021, bond anticipation notes of the Township in a principal amount not exceeding \$665,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

Section 9. Pursuant to a bond ordinance of the Township, entitled: “Bond ordinance making a supplemental appropriation of \$700,000 for the conversion of the White Deer Plaza Sewer Plant into a pumping station and installation of pump station on Ceila Drive in and by the Township heretofore authorized to be undertaken by the Township of Sparta, in the County of Sussex, New Jersey, and authorizing the issuance of \$700,000 bonds or notes of the Township for financing such supplemental appropriation” (#22-18), finally adopted on December 13, 2022, bond anticipation notes of the Township in a principal amount not exceeding \$700,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

Section 10. Pursuant to a bond ordinance of the Township, entitled: “Bond ordinance providing for the construction of a salt shed in and by the Township of Sparta, in the County of Sussex, New Jersey, appropriating \$2,200,000 therefor and authorizing the issuance of \$2,090,000 bonds or notes of the Township for financing such



appropriation” (#23-04), finally adopted on March 14, 2023, bond anticipation notes of the Township in a principal amount not exceeding \$2,090,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

Section 11. All bond anticipation notes (the “notes”) issued hereunder shall mature at such times as may be determined by the treasurer, the chief financial officer or the acting chief financial officer of the Township (the “Chief Financial Officer”), provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer and shall be signed and sealed by officials and officers of the Township in any manner permitted by N.J.S.A. §40A:2-25. The Chief Financial Officer shall determine all matters in connection with the notes issued hereunder, and the Chief Financial Officer’s signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes at not less than par from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price. The Chief Financial Officer is directed to report in writing to the governing body of the Township at the meeting next succeeding the date when any sale or delivery of the notes hereunder is made. Such report



must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

Section 12. Any note issued pursuant to this resolution shall be a general obligation of the Township, and the Township's faith and credit are hereby pledged to the punctual payment of the principal of and interest on the notes and, unless otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.

Section 13. The Chief Financial Officer is hereby authorized and directed to do all other matters necessary, useful, convenient or desirable to accomplish the delivery of the notes to the purchasers thereof as promptly as possible, including (i) the preparation, execution and dissemination of a Preliminary Official Statement and Final Official Statement with respect to the notes, (ii) preparation, distribution and publication, if necessary, of a Notice of Sale with respect to the notes, (iii) execution of a Continuing Disclosure Undertaking, with respect to the notes in accordance with Rule 15c2-12 promulgated by the Securities and Exchange Commission and (iv) execution of an arbitrage and use of proceeds certificate certifying that, among other things, the Township, to the extent it is empowered and allowed under applicable law, will do and perform all acts and things necessary or desirable to assure that interest paid on the notes is not included in gross income under Section 103 of the Internal Revenue Code of 1986, as amended.

Section 14. All action heretofore taken by officials and professionals of the Township relating to the sale and award of the notes is hereby ratified, confirmed, adopted and approved.



Section 15. This resolution shall take effect immediately.

9-8 Resolution Authorizing the Displaying of Commemorative Flag on Township Owned Flagpoles – Flag of the United States Air Force - September 18

WHEREAS, the Government Speech Doctrine establishes that a government organization, such as the Township of Sparta, may advance its own expression without requiring viewpoint neutrality when the government itself is the speaker, so long as its expression does not show religious preference (See, *Matal v. Tam*, 137 S. Ct. 1744, 1757 (2017)); and

WHEREAS, the Township Council maintains flagpoles on its grounds and wishes to permit the display of commemorative flags upon Township owned flagpoles as a form of government expression; and

WHEREAS, the Sparta Township Council has passed Ordinance No. 23-03, permitting the display of commemorative flags upon Township owned flagpoles as a form of government expression and establishing a policy and procedure for displaying commemorative flags; and

WHEREAS, the Sparta Township Council has scheduled the display of a commemorative flag on **September 18**; and

NOW THEREFORE, BE IT RESOLVED by the Township Council of the Township of Sparta, in the County of Sussex, State of New Jersey, effective upon adoption of this Resolution, the Township will display a commemorative flag on **September 18, 2023**.



This Resolution shall take effect immediately.

A copy of this Resolution shall be placed on file with the Clerk of the Township.

If any section, subsection, sentence, clause or phrase in this resolution is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this resolution.

If any section, subsection, sentence, clause or phrase in this resolution is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this resolution.

9-9 Resolution Authorizing the Displaying of Commemorative Flag on Township Owned Flagpoles – Flag of the United States Navy - October 13

WHEREAS, the Government Speech Doctrine establishes that a government organization, such as the Township of Sparta, may advance its own expression without requiring viewpoint neutrality when the government itself is the speaker, so long as its expression does not show religious preference (See, *Matal v. Tam*, 137 S. Ct. 1744, 1757 (2017)); and

WHEREAS, the Township Council maintains flagpoles on its grounds and wishes to permit the display of commemorative flags upon Township owned flagpoles as a form of government expression; and

WHEREAS, the Sparta Township Council has passed Ordinance No. 23-03, permitting the display of commemorative flags upon Township owned flagpoles as a form of government expression and establishing a policy and procedure for displaying commemorative flags; and



WHEREAS, the Sparta Township Council has scheduled the display of a commemorative flag on **October 13**; and

NOW THEREFORE, BE IT RESOLVED by the Township Council of the Township of Sparta, in the County of Sussex, State of New Jersey, effective upon adoption of this Resolution, the Township will display a commemorative flag on **October 13, 2023**.

This Resolution shall take effect immediately.

A copy of this Resolution shall be placed on file with the Clerk of the Township.

If any section, subsection, sentence, clause or phrase in this resolution is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this resolution.

If any section, subsection, sentence, clause or phrase in this resolution is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this resolution.

9-10 Resolution Authorizing the Displaying of Commemorative Flag on Township Owned Flagpoles – Flag of the United States Marine Corps - November 10

WHEREAS, the Government Speech Doctrine establishes that a government organization, such as the Township of Sparta, may advance its own expression without requiring viewpoint neutrality when the government itself is the speaker, so long as its expression does not show religious preference (See, *Matal v. Tam*, 137 S. Ct. 1744, 1757 (2017)); and



WHEREAS, the Township Council maintains flagpoles on its grounds and wishes to permit the display of commemorative flags upon Township owned flagpoles as a form of government expression; and

WHEREAS, the Sparta Township Council has passed Ordinance No. 23-03, permitting the display of commemorative flags upon Township owned flagpoles as a form of government expression and establishing a policy and procedure for displaying commemorative flags; and

WHEREAS, the Sparta Township Council has scheduled the display of a commemorative flag on **November 10**; and

NOW THEREFORE, BE IT RESOLVED by the Township Council of the Township of Sparta, in the County of Sussex, State of New Jersey, effective upon adoption of this Resolution, the Township will display a commemorative flag on **November 10, 2023**.

This Resolution shall take effect immediately.

A copy of this Resolution shall be placed on file with the Clerk of the Township.

If any section, subsection, sentence, clause or phrase in this resolution is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this resolution.



If any section, subsection, sentence, clause or phrase in this resolution is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this resolution.

9-11 Resolution Authorizing the Displaying of Commemorative Flag on Township Owned Flagpoles – Flag of the United States National Guard - December 13

WHEREAS, the Government Speech Doctrine establishes that a government organization, such as the Township of Sparta, may advance its own expression without requiring viewpoint neutrality when the government itself is the speaker, so long as its expression does not show religious preference (See, *Matal v. Tam*, 137 S. Ct. 1744, 1757 (2017)); and

WHEREAS, the Township Council maintains flagpoles on its grounds and wishes to permit the display of commemorative flags upon Township owned flagpoles as a form of government expression; and

WHEREAS, the Sparta Township Council has passed Ordinance No. 23-03, permitting the display of commemorative flags upon Township owned flagpoles as a form of government expression and establishing a policy and procedure for displaying commemorative flags; and

WHEREAS, the Sparta Township Council has scheduled the display of a commemorative flag on **December 13**; and

NOW THEREFORE, BE IT RESOLVED by the Township Council of the Township of Sparta, in the County of Sussex, State of New Jersey, effective upon adoption of this Resolution, the Township will display a commemorative flag on **December 13, 2023**.



This Resolution shall take effect immediately.

A copy of this Resolution shall be placed on file with the Clerk of the Township.

If any section, subsection, sentence, clause or phrase in this resolution is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this resolution.

If any section, subsection, sentence, clause or phrase in this resolution is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this resolution.

9-12 Resolution Authorizing the Displaying of Commemorative Flag on Township Owned Flagpoles – Flag of the United States Space Force - December 20

WHEREAS, the Government Speech Doctrine establishes that a government organization, such as the Township of Sparta, may advance its own expression without requiring viewpoint neutrality when the government itself is the speaker, so long as its expression does not show religious preference (See, *Matal v. Tam*, 137 S. Ct. 1744, 1757 (2017)); and

WHEREAS, the Township Council maintains flagpoles on its grounds and wishes to permit the display of commemorative flags upon Township owned flagpoles as a form of government expression; and



WHEREAS, the Sparta Township Council has passed Ordinance No. 23-03, permitting the display of commemorative flags upon Township owned flagpoles as a form of government expression and establishing a policy and procedure for displaying commemorative flags; and

WHEREAS, the Sparta Township Council has scheduled the display of a commemorative flag on **December 20**; and

NOW THEREFORE, BE IT RESOLVED by the Township Council of the Township of Sparta, in the County of Sussex, State of New Jersey, effective upon adoption of this Resolution, the Township will display a commemorative flag on **December 20, 2023**.

This Resolution shall take effect immediately.

A copy of this Resolution shall be placed on file with the Clerk of the Township.

If any section, subsection, sentence, clause or phrase in this resolution is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this resolution.

If any section, subsection, sentence, clause or phrase in this resolution is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this resolution.



RESOLUTION – OPEN PUBLIC MEETINGS ACT – EXECUTIVE SESSION

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Sparta, County of Sussex, State of New Jersey, as follows:

The public shall be excluded from discussion of an action upon the hereinafter specified subject matters:

The general nature of the subject matter to be discussed is as follows:

- a. Litigation
- b. Personnel
- c. Contract Negotiations
- d. Miscellaneous Legal Advice

It is anticipated at this time that the above stated subject matter will be made public when deemed appropriate.

This resolution shall take effect immediately.

23-16

**THE TOWNSHIP OF SPARTA
AMENDING CHAPTER 11-2 “RETAIL FOOD ESTABLISHMENT CODE” OF THE
REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF SPARTA**

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Sparta, County of Sussex, State of New Jersey, as follows:

Section 1.

Chapter 11-2.2 “Definitions” of the Revised General Ordinances of the Township of Sparta is hereby deleted in its entirety and replaced with the following:

§ 11-2.2 Definitions.

CHAPTER 24

As referred to in this chapter shall be an abbreviated term referring to Chapter 24 of the State Sanitary Code, Sanitation in Retail Food Establishments and Food and Beverage Vending Machines, and Cottage Food Operations (N.J.A.C. 8:24-1.1 et seq.).

CHAPTER 24, SANITATION IN RETAIL FOOD ESTABLISHMENTS AND FOOD AND BEVERAGE VENDING MACHINES, AND COTTAGE FOOD OPERATIONS

Shall mean and refer to that certain code approved by the State Department of Health (effective date November 17, 2021); for adoption by reference in accordance with law, being a code regulating retail food handling establishments, and food and beverage vending machines and providing for the inspection of such establishments and vending machines.

Section 2.

Chapter 11-2.3 “Adoption of Chapter XII, Sanitation in Retail Food Establishments and Food and Beverage Vending Machines” is hereby deleted in its entirety and replaced with the following:

§ 11-2.3 Adoption of Standards.

Chapter 24 of the New Jersey State Sanitary Code regulating the construction, operation and maintenance of retail food establishments is hereby adopted pursuant to N.J.S.A. 26:3-69.1 to 26:3-69.6. A copy of Chapter 24 is adopted by reference, and made a part hereof without the inclusion of the text herein, and three copies of Chapter 24 will remain on file with the Sparta Township Board of Health for use and examination by the public.

Section 3.

Chapter 11-2 “Retail Food Establishment Code” of the Revised General Ordinances of the Township of Sparta is hereby amended to add new subsection 11-10 “Mobile Food and Drink Vendors” as follows:

§ 11-10 Mobile Food and Drink Vendors.

§ 11-10.1 Title.

This section shall be known and may be cited as “Mobile Food and Drink Vendors”

§ 11-10.2 Definitions.

Except as otherwise modified by this Ordinance, the Definitions within Chapter 24 shall apply.

MOBILE FOOD VENDOR

Shall mean the operator of any mobile unit.

MOBILE UNIT

Shall mean any movable restaurant, truck, van or trailer in or on which food or beverage is transported, stored, or prepared for retail sale or given away at temporary locations.

§ 11-10.3 Class IV License Required; d.

a. Except as may otherwise be provided for within this Ordinance, no Person shall conduct, operate or maintain a Mobile Unit within Sparta Township without first obtaining a CLASS IV license (as defined in §11-2.4(c)) (“License”) from the Sparta Township Clerk’s Office.

- (i) For events open to the public, Mobile Food Vendors must first obtain a License for each Mobile Unit to be operated at the event(s). These Licenses shall be event specific and the applicant must specify the date(s) and events.
- (ii) A retail food establishment that desires to use Mobile Unit(s) at its place of business must obtain a License for each Mobile Unit(s) that will be used at its business location.

Licenses may be applied for annually specifying the date(s) of operation or events, as applicable, or may be applied for individually for use on specific dates or events, as applicable. Applications must be filed with the Township Clerk’s Office at least ten (10) business days prior to the date of the use or event. Sparta Township shall maintain a list of Mobile Unit Licenses issued by the Township.

b. Mobile Food Vendors shall affix to the Mobile Unit a copy of the License issued by Sparta Township, County Board of Health license or approval, the certificate of registration issued by the New Jersey Division of Taxation and shall have displayed prominently on or adjacent to the doors of the mobile unit a placard or lettering with the name and address of the owner, lessee and/or lessor of the Mobile Unit. Said information shall be in letters and numbers no less than three inches in height in accordance with N.J.S.A. 39:4-46.

§ 11-10.4 Application Process.

a. All applicants or licensees attempting to apply for a License must complete an application/reapplication form prescribed by Sparta Township, pay the license fee prescribed in §11-2.7 and provide proof of the following:

- 1. Proof of ownership or rental of an approved Mobile Unit;
- 2. Proof of general liability insurance providing a minimum of one million dollars (\$1,000,000.00) coverage for non-motorized mobile units;
- 3. Proof of motor vehicle insurance as per N.J.S.A. § 39:6B-1 if the mobile food vendor operates from a motor vehicle in addition to proof of general liability insurance providing a minimum of one million dollars (\$1,000,000.00) coverage;
- 4. A satisfactory inspection report issued by the Sussex County Health Department no more than 30 days prior to a license being issued or renewed.
- 5. Obtain all other local, state and federal permits, licenses and approvals, including but not limited to approval from the Sussex County Fire Marshal and Sparta Township zoning and land use approvals, if applicable.’
- 6. If the Mobile Unit will be used at public event, the Mobile Food Vendor must have written or electronically/digitally (e-mail or online form) transmitted permission from the property owner, the event organizer, and the Township, if applicable.

A Mobile Food Vendor seeking to obtain Township permission for a public event shall submit the request to the Township Clerk at least ten (10) business days in

advance. The request for permission shall include:

- i. The date of the event.
- ii. The location of the event.
- iii. Time of the event.
- iv. Parking location for patrons of the event.
- vi. Proposed location for the Mobile Unit(s).

§ 11-10.5 Mobile Food Vendor Locations

- a. Parked on private property to serve their own guests at a private event, including events sponsored, organized and/or conducted by a business: Township License is not required.
- b. Parked on private property to serve the public for a specific public event on a specific date: Township License is required.
- c. Parked on public property for a public event on a specific date: Township License is required.
- d. Parked on public property to serve the public in general:
 - i. This will be limited to White Lake Field and Station Park.
 - ii. The designated areas of operation within those parks will be determined by the Township Manager or designee.
 - iii. The Township Manager may set a limit on the number of Mobile Food Vendors who may operate in the location at the same time.
 - iv. The Mobile Food Vendor must have a Township License specifying the date(s) that it will be operating at the location.
- e. Retail food establishments. A Retail food establishment (as defined in Chapter 24) may use a Mobile Unit at its business location, provided that it has a Township License.

11-10.6 General Operational Requirements for Mobile Food Vendors.

- a. Mobile Food Vendors shall provide trash and recycling receptacles within ten (10) feet of their site and shall collect all trash and debris within 25 feet before leaving their site. Collected trash shall be properly disposed of by the Mobile Food Vendor, and must not be deposited in public trash receptacles.
- b. New or replacement Mobile Units shall be inspected before operating. No changes shall be made to approved Mobile Unit trucks, vans, pushcarts or vehicles without re- inspection by the Sussex County Health Department.
- c. No Mobile Food Vendor shall serve food or drink to a motorist or occupants of a vehicle blocking the passage of traffic.
- d. No Mobile Food Vendor shall occupy street space blocking the passage of traffic.
- e. Mobile Units shall be self-contained; no coolers to be placed on streets or sidewalks.
- f. No Mobile Food Vendor shall provide dining services inside the mobile unit or on sidewalk tables and chairs.
- g. Grills, generators, or other items related to the mobile food vending operation shall be physically attached to the mobile unit.
- h. All motorized vehicles must abide by all existing traffic and parking regulations.
- i. Unless operating at a specific event, no Mobile Food Vendor shall be permitted to operate outside of the hours of 9:00am and 8:00pm.

j. Mobile Units shall apply to and be inspected by the Sparta Township Fire Marshall as required by applicable ordinance, statutes, codes and regulations.

k. Obtain all other local, state and federal permits, licenses and approvals, including but not limited to approval from the Sussex County Fire Marshal and Sparta Township zoning and land use approvals, if applicable.

l. If the Mobile Food Vendor is legally parked on a public road, the concession window must face away from the public road.

m. If attending a public event, the time of operation is limited to the duration of the event with additional, reasonable time for setup before the event and cleanup after the event.

Section 4. Severability

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any 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 thereof.

Section 5. Repealer

All Ordinances or parts of ordinances inconsistent herewith are repealed as to such inconsistencies.

Section 6. Effective Date

This Ordinance shall take effect upon passage and publication as provided by law

NOTICE

PLEASE TAKE NOTICE that the above ordinance was introduced and passed upon first reading at a regular meeting of the Sparta Township Council held at the Municipal Building, 65 Main Street, Sparta, New Jersey on July 11, 2023, and will be considered for final passage and adoption at the regularly scheduled meeting of the Township Council of the Township of Sparta to be held at the Municipal Building, 65 Main Street, Sparta, New Jersey, on August 22, 2023 at 7:00 p.m., at which time and place all persons interested therein or affected thereby will be given an opportunity to be heard concerning the same.

BY ORDER OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF SPARTA.

ROXANNE LANDY, RMC
MUNICIPAL CLERK

NOTICE

NOTICE is hereby given that the above entitled ordinance was introduced and passed at a meeting of the Township Council of the Township of Sparta, held at the Municipal Building, 65 Main Street, Sparta, NJ on July 11, 2023. The same came up for final passage and adoption at a virtual meeting of the Township Council of the Township of Sparta, held on August 22, 2023 at 7:00 p.m., at the Municipal Building, 65 Main Street, Sparta, NJ and after all persons present were given an opportunity to be heard concerning the same, it was finally passed and adopted and will be in full force in the Township according to law.

ROXANNE LANDY, RMC
MUNICIPAL CLERK

**AN ORDINANCE OF THE TOWNSHIP OF SPARTA AMENDING THE SALARY
ORDINANCE FOR “NON-UNION AND UNION” EMPLOYEES**

WHEREAS, the Township Council has determined that the salary guidelines should be amended in order to establish salary ranges for non-union and union employees.

NOW, THEREFORE BE IT ORDAINED by the Township Council of the Township of Sparta in the County of Sussex, State of New Jersey as follows:

MAYOR AND COUNCIL

	<u>MINIMUM</u>	<u>MAXIMUM</u>
COUNCIL MEMBERS	\$3,000	\$7,500
MAYOR	\$3,500	\$8,000

MANAGEMENT, DIRECTORS, & DEPARTMENT HEADS

	<u>MINIMUM</u>	<u>MAXIMUM</u>
CHIEF FINANCIAL OFFICER	\$110,000	\$180,000
DEPUTY MANAGER	\$12,000	\$85,000
LIBRARY DIRECTOR	\$80,000	\$120,000
MUNICIPAL CLERK	\$60,000	\$100,000
MUNICIPAL COURT ADMINISTRATOR	\$60,000	\$100,000
MUNICIPAL DEPARTMENT HEAD	\$80,000	\$155,000
MUNICIPAL ENGINEER	\$80,000	\$120,000
MUNICIPAL MANAGER	\$140,000	\$225,000
POLICE CHIEF	\$135,000	\$225,000
RECREATION DIRECTOR	\$80,000	\$100,000

DIVISION HEADS

	<u>MINIMUM</u>	<u>MAXIMUM</u>
CONSTRUCTION OFFICIAL	\$85,000	\$120,000
TAX ASSESSOR	\$75,000	\$120,000
TAX COLLECTOR	\$65,000	\$100,000
MUNICIPAL JUDGE – P/T	\$40,000	\$60,000

OFFICE SUPPORT STAFF

	<u>MINIMUM</u>	<u>MAXIMUM</u>
ADMIN ASST. CLERK	\$50,000	\$75,000
ANIMAL CONTROL OFFICER	\$50,000	\$80,000
ASSESSING CLERK	\$50,000	70,000
ASSISTANT LIBRARY DIRECTOR	\$50,000	\$85,000
ASSISTANT MUNICIPAL CLERK	\$40,000	\$60,000
ASSISTANT MUNICIPAL TAX COLLECTOR	\$30,000	\$55,000
ASST. SUPERVISOR PUBLIC WORKS	\$60,000	\$88,000
ASST. SUPERVISOR WATER	\$60,000	\$77,000
BUILDING INSPECTOR	\$60,000	\$95,000
BLDG MAINT WORKER/MAINT REPAIRER	\$43,000	\$60,000
CLERK 1	\$30,000	\$50,000
CLERK 2	\$45,000	\$65,000
CODE ENFORCEMENT OFFICER	\$40,000	\$65,000
CODE ENFORCEMENT OFFICER MTG/ STIPEND	\$750	\$1,500
COMPUTER OPERATOR	\$25,000	\$80,000
CUSTODIAL WORKER	\$30,000	\$50,000
DEPUTY MUNICIPAL COURT ADMINISTRATOR	\$35,000	\$60,000
ELECTRICAL SUBCODE OFFICIAL	\$60,000	\$95,000

DIESEL MECHANIC	\$55,000	\$90,000
EQUIPMENT OPERATOR	\$60,000	\$82,000
GENERAL SUPERVISOR PUBLIC WORKS	\$70,000	\$124,000
LABORER 1	\$37,000	\$55,000
LABORER 2	\$56,000	\$65,000
LIBRARIAN 1	\$52,000	\$66,000
LIBRARIAN 2	\$66,000	\$85,000
LIBRARY ASSOCIATE	\$42,500	\$60,000
MAINTENANCE SUPERVISOR GROUNDS	\$70,000	\$113,000
MAINTENANCE WORKER 1 GROUNDS	\$40,000	\$64,000
MAINTENANCE WORKER 2 GROUNDS	\$45,000	\$74,000
MAINTENANCE WORKER 3 GROUNDS	\$50,000	\$88,000
MECHANIC	\$45,000	\$97,000
METER WORKER 1 /WATER METER REPAIR	\$45,000	\$70,000
MUNICIPAL REGISTRAR	\$45,000	\$55,000
MUNICIPAL TREASURER	\$65,000	\$95,000
OEM COORDINATOR STIPEND	\$2,500	\$10,000
OEM DEPUTY COORDINATOR STIPEND	\$2,500	\$7,500
PAYROLL CLERK	\$40,000	\$60,000
PLUMBING SUBCODE OFFICIAL	\$60,000	\$95,000
POLICE OFFICERS	\$45,000	\$150,000
POLICE CAPTAIN	\$140,000	\$200,000
POLICE LT.	\$130,000	\$160,000
POLICE SGT.	\$125,000	\$146,000
PRINCIPAL ACCOUNTING CLERK	\$45,000	\$75,000
PUBLIC SAFETY TELECOMMUNICATOR	\$45,000	\$100,000
QPA/PURCHASING AGENT	\$40,000	\$75,000
QPA/PURCHASING AGENT STIPEND	\$5,000	\$25,000
RADIO REPAIRER 1	\$30,000	\$70,000
RECREATION AIDE	\$25,000	\$45,000
RECREATION LEADER	\$40,000	\$60,000
RECREATION PROGRAM COORDINATOR	\$40,000	\$55,000
RECREATION PROGRAM SUPERVISOR	\$50,000	\$65,000
RECYCLING PROGRAM COORDINATOR	\$5,000	\$25,000
RECYCLING PROGRAM ASST./STIPEND	\$5,000	\$15,000
SECRETARY	\$45,000	\$90,000
SENIOR RADIO REPAIRER	\$50,000	\$80,000
SENIOR SEWER/WATER TREATMENT PLANT OPERATOR/REPAIRER	\$55,000	\$84,000
SEWER /WATER TREATMENT PLANT OPERATOR/REPAIRER	\$45,000	\$54,000
SEWER REPAIRER 1/WATER REPAIRER 1	\$45,000	\$70,000
SEWER REPAIRER 2/WATER REPAIRER 2	\$50,000	\$103,000
SEWER/WATER REPAIRER SUPERVISOR	\$70,000	\$100,000
SUPERVISING MECHANIC	\$55,000	\$106,000
TECHNICAL ASST. CONSTRUCTION OFFICIAL	\$40,000	\$60,000
TECHNICAL ASST. LAND USE	\$40,000	\$65,000
TECHNICAL ASST. LAND USE-MEETING STIPEND	\$5,000	\$7,500
TRUCK DRIVER	\$55,500	\$82,000
WATER REPAIRER 1	\$45,000	\$50,000
WATER REPAIRER 2	\$55,000	\$84,000

PART TIME-HOURLY

	<u>MINIMUM</u> <u>PER HOUR</u>	<u>MAXIMUM</u> <u>PER HOUR</u>
BUILDING INSPECTOR/CODE ENFORCEMENT	\$28	\$48
CAMP ASSISTANT DIRECTOR	\$15	\$25
CAMP DIRECTOR	\$15	\$30
CAMP COUNSELOR	\$15	\$20
CAMP INSTRUCTOR	\$15	\$20
CAMP SECTION LEADER	\$15	\$19
CASHIER	\$15	\$20
CLERK 1	\$15	\$29
DEPUTY MUNICIPAL COURT ADMIN	\$15	\$28
DPW SUMMER HELP	\$15	\$25
ENGINEER	\$75	\$175
EVENING SUPERVISOR	\$15	\$20
FIRE INSPECTOR	\$15	\$35
FIRE PROTECTION SUBCODE OFFICAL	\$20	\$45
PARKS SUMMER HELP	\$15	\$25
LIBRARY ASSISTANT	\$15	\$22
LIFEGUARD	\$15	\$20
PLUMBING SUBCODE OFFICIAL	\$28	\$48
PUBLIC SAFETY TELECOMMUNICATOR TRAINEE	\$15	\$23
PUBLIC SAFETY TELECOMMUNICATOR	\$17	\$30
RECREATION LEADER	\$15	\$25
RECREATION AIDE	\$15	\$20
RECREATION PROGRAM SPECIALIST	\$15	\$25
SNOW PLOWER	\$20	\$30
SPECIAL DUTY OFFICER	\$15	\$30
SUB SENIOR VAN DRIVER	\$15	\$25
VIOLATIONS CLERK	\$15	\$25
WATERFRONT DIRECTOR	\$15	\$20

NOTICE

NOTICE is hereby given that the above ordinance was introduced and passed at first reading at a meeting of the Township Council of the Township of Sparta held on Tuesday, August 8, 2023 at 7:00 p.m. at the Municipal Building, 65 Main Street, Sparta, NJ and will be considered for final passage at a meeting to be held on Tuesday, August 22, 2023 at which time and place all persons interested therein or affected thereby will be given an opportunity to be heard concerning the same.

BY ORDER OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF SPARTA.

ROXANNE LANDY, RMC
MUNICIPAL CLERK

NOTICE

NOTICE is hereby given that the above entitled ordinance was introduced and passed at a meeting of the Township Council of the Township of Sparta, held at the Municipal Building, 65 Main Street, Sparta, NJ on August 8, 2023. The same came up for final passage and adoption at a virtual meeting of the Township Council of the Township of Sparta, held on August 22, 2023 at 7:00 p.m., at the Municipal Building, 65 Main Street, Sparta, NJ and after all persons present were given an opportunity to be heard concerning the same, it was finally passed and adopted and will be in full force in the Township according to law.

ROXANNE LANDY, RMC
MUNICIPAL CLERK

**AN ORDINANCE REQUIRING THE INSTALLATION OF A
KEY BOX EMERGENCY ACCESS SYSTEM FOR USE BY THE
SPARTA TOWNSHIP FIRE DEPARTMENT DURING AN EMERGENCY
OR ANY OTHER ACTION DEEMED NECESSARY BY THE
SPARTA TOWNSHIP FIRE DEPARTMENT**

WHEREAS, the health, safety, and welfare of the citizens of the Sparta Township (“Township”) are promoted by requiring certain structures to have a key box installed on the exterior of the structure to aid the Township Fire Department in gaining access to the structure when responding to calls for emergency service; and

WHEREAS, many buildings are equipped with automatic systems that may cause the Township Fire Department to be summoned at a time of emergency when the building or business is not occupied or when the occupant is not available to provide the Township Fire Department entry into the building; and

WHEREAS, the key box emergency access system will eliminate costly damage from forcible entry into buildings equipped with automatic systems by the Township Fire Department checking for fire or other dangerous conditions; and

WHEREAS, the Township Fire Department can reduce the potential for rapid expansion of fire and other hazardous conditions by quick access and decrease dangers for firefighters; and

WHEREAS, the key box emergency access system has been adopted by Section 506 of the International Fire Code 2015 , New Jersey Edition; and

WHEREAS, the key box emergency access system will operate on a controlled master key basis by the Township Fire Department; and

WHEREAS, the Township is authorized to pass this Ordinance pursuant to N.J.S.A. 40:48-2, and pursuant to the Township’s police powers.

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Sparta in the County of Sussex and the State of New Jersey, that there should be created a Section of the Revised General Ordinances of the Township, entitled “Key Box Emergency Access System,” which shall provide as follows:

KEY BOX EMERGENCY ACCESS SYSTEM

Section I: Definitions

Automatic Dialer shall refer to a device that automatically dials and relays a prerecorded

message to a central station or the fire department.

Automatic Fire Suppression System refers to a system or assembly of piping, valves, controls, and sprinklers, which are designed and installed to comply with the National Fire Protection Association (NFPA) standards, which utilize water, foam, carbon dioxide, or other gas to automatically react to suppress fire.

Automatic Fire-Extinguishing System. An approved system of devices and equipment which automatically detects a fire and discharges an approved fire-extinguishing agent onto or in the area of a fire.

Automatic Smoke Detection System. A fire alarm system that has initiation devices that utilize smoke detectors for protection of an area such as a room or space with detectors to provide early warning of fire.

Automatic Sprinkler system. An automatic sprinkler system, for fire protection purposes, is an integrated system of underground and overhead piping designed in accordance with fire protection engineering standards. The system includes a suitable water supply. The portion of the system above the ground is a network of specially sized or hydraulically designed piping installed in a structure or area, generally overhead, and to which automatic sprinklers are connected in a systematic pattern. They system is usually activated by heat from a fire and discharges water or the fire area.

Fire Official shall refer to the Fire Chief or his/her designee.

Fire Code Official. The fire official or fire inspector certified by the Commissioner of the Department of Community Affairs and appointed or designated to direct the enforcement of the code by the appointing authority of a local enforcing agency.

Central Station. A central office, connected to remote alarm and supervisory signaling devices, where personnel is in attendance at all times to monitor the system activity and investigate signals. The central-station personnel take immediate and appropriate action upon receipt of an alarm signal.

Key – hard cut physical key; electronic locking keys e.g. fobs, key cards, etc.

Key Box. A secure device with a lock operable only by a fire department master key, and containing building entry keys and other keys that may be required for access in an emergency. This box is usually mounted on the exterior of the building in a location that is specified by the Fire Official and Construction Official.

Fire Department Master Key. A limited issue key of special or controlled design to be carried by fire department officials in command which will open key boxes on specified properties.

Standpipe System shall refer to a wet or dry system of piping, valves, outlets and related equipment designed to provide water at specified pressures and installed exclusively for the fighting of fires.

Section II: Structures to Be Equipped with a Key Lock Box

Where required. Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a key box to be installed in an approved location. The key box shall be of an approved type listed in accordance with UL 1037, as same may be updated, amended or replaced, and shall contain keys to gain necessary access as required by the fire code official.

Unless otherwise determined in writing by the Fire Official, the following structures shall be equipped with a Key Lock Box of a type and size and at a location approved by the Fire Official and Construction Official:

- (a) All new commercial buildings shall be equipped with a Key Box prior to the issuance of the certificate of occupancy.
- (b) All existing commercial buildings constructing additions, major renovations, or changes of use that require Township Zoning or Planning Board approval, shall be equipped with a Key Box prior to the issuance of any necessary permits.
- (c) All existing commercial buildings with new occupancies by tenants shall be equipped with a Key Box prior to the issuance of a Certificate of Continued Occupancy.
- (d) Each building protected by an automatic fire suppression and/or standpipe system and not manned 24 hours a day, 7 days a week.
- (e) Each building protected by an automatic fire alarm system (automatic dialer, central station, external audible/visual alarm) and not manned 24 hours a day, 7 days a week.
- (f) Multi-family residential structures that have restricted access through locked doors but have a common corridor for access to the living units, including but not limited to condominium buildings.
- (g) Schools, whether public or private.
- (h) Governmental structures and nursing care facilities, unless the building is staffed or open 24 hours a day, 7 days a week.
- (i) Driveways to structures defined above with controlled access (fences, gates, etc) shall have a Key Box installed at the gate to facilitate entry in to the property.

Section III: Key Box Contents

The property owner is required at all times to keep a key(s) in the Key Box that will allow access to the structure. The Key Box shall contain, but not be limited to, the following items as designated by the Fire Official:

- (a) Labeled keys to locked points of ingress and egress, whether in interior or exterior of such buildings;
- (b) Labeled keys to the locked mechanical rooms;
- (c) Labeled keys to locked elevator rooms and controls;
- (d) Labeled keys to any fence or secured areas;
- (e) Labeled keys to areas of the building where fire alarm panels and fire protection systems are located;
- (f) Labeled keys and access codes to any other areas that may be required by the Fire Official;
- (g) A card containing the emergency contact names and phone numbers for such buildings;
- (h) Floor plans of the rooms within the building showing locations of shut-offs;
- (i) Hazardous materials information; and
- (j) An inventory of the keys.
- (k) Fire protection system reset codes and written instructions

The property owner shall notify the Township Fire Department when any or all of the locks or keys have been changed and shall keep the immediate area of the Key Box free and clear of any and all obstructions.

Key Box maintenance. The operator of the building shall immediately notify the fire code official and provide the new key where a lock is changed or rekeyed. The key to such lock shall be secured in the Key Box.

Section IV: Registration and Installation of Key Lock Boxes

The property owner shall apply for a registration for a Key Box on forms provided by and obtained from the Fire Official. A registration is required prior to the installation of a Key Box in order to verify the proper size, mounting location and installation of said Key Box. The Key Box shall be installed at a location approved by the Fire Official and the Construction Official. No Key Box shall be installed, voluntarily or otherwise, without first obtaining the approval of the Fire Official and the Construction Official. The property owner shall be responsible for the cost to purchase, install, and maintain the Key Box.

Section V: Compliance

All existing buildings required to have a Key Box shall comply with this Ordinance one (1) year from its effective date. All newly constructed buildings not yet occupied or buildings currently under construction and all buildings or businesses applying for a certificate of occupancy shall comply immediately upon passage of this Ordinance. In any event, the owner of any structure in the Township shall comply with this ordinance within sixty (60) days from receipt of written notice from the Fire Official. The cost of purchasing and installing, along with any cost associated with implementation of the program at a specific property, will be borne by the property owner.

Section VI: Penalties

Any property owner that fails to comply with this Ordinance shall be subject to the penalties and dedicated penalties as provided for under the New Jersey Fire Code, N.J.A.C. 5:70-2.12 and N.J.A.C. 5:70-2.12A.

Section VII. Severability

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any 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 thereof.

Section VIII. Repealer

All Ordinances or parts of ordinances inconsistent herewith are repealed as to such inconsistencies.

Section IX. Effective Date

NOTICE

PLEASE TAKE NOTICE that the above ordinance was introduced and passed upon first reading at a regular meeting of the Sparta Township Council held at the Municipal Building, 65 Main Street, Sparta, New Jersey on August 8, 2023, and will be considered for final passage and adoption at the regularly scheduled meeting of the Township Council of the Township of Sparta to be held at the Municipal Building, 65 Main Street, Sparta, New Jersey, on August 22, 2023 at 7:00 p.m., at which time and place all persons interested therein or affected thereby will be given an opportunity to be heard concerning the same.

BY ORDER OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF SPARTA.

ROXANNE LANDY, RMC
MUNICIPAL CLERK

NOTICE

PLEASE TAKE FURTHER NOTICE that notice is hereby given that the above ordinance was introduced and passed at the regular meeting of the Sparta Township Council held at the Municipal Building at 65 Main Street, Sparta, New Jersey, on August 8, 2023. The same came up for final adoption at a meeting of the Township Council of the Township of Sparta held on August 22, 2023 and after all persons present were given the opportunity to be heard concerning the same, it was finally passed, adopted and will be in full force and effect in the Township according to law.

BY ORDER OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF SPARTA.

ROXANNE LANDY, RMC
MUNICIPAL CLERK