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TOWNSHIP OF NORTH BERGEN

ZONING ORDINANCE

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ZONING ORDINANCE OF THE TOWNSHIP OF NORTH BERGEN

ARTICLE I

Title and Purpose

1. Title

This ordinance shall be known as the "Zoning Ordinance of the Township of North Bergen in the County of Hudson."

2. Purposes

The regulations established herein are deemed necessary to achieve the following purposes:

- a. To promote orderly development.
- b. To protect the character and maintain the stability of residential, business, and industrial areas within the Township and to promote orderly and beneficial development and redevelopment of such areas.
- c. To limit congestion in the public streets by providing for off-street parking of motor vehicles and for the loading and unloading of motor vehicles.
- d. To promote the public safety by providing protection against fire, explosion, noxious fumes and other hazards.
- e. To regulate the intensity of use of the land, and to determine the area of open spaces surrounding buildings, which spaces are necessary to provide adequate light, air, privacy and convenience of access to property and to protect the public health.
- f. To prohibit uses, buildings or structures which are incompatible with the character of development or the permitted uses within specified zoning districts.
- g. To prevent such additions to, and alterations or remodeling of existing buildings or structures as would not comply with the restrictions and limitations imposed hereunder.
- h. To conserve the taxable value of land and buildings throughout the Township.

ARTICLE II

ESTABLISHMENT OF DISTRICTS AND DISTRICT REGULATIONS

1. ESTABLISHMENT OF DISTRICTS

For the purpose of this ordinance, the Township of North Bergen is hereby divided into districts as follows:

R-1	:	Low Density Residential
R-2	:	High Density Residential
C-1	:	General Business
C-2	:	Highway Business
M-1	:	Light Industry
M-2	:	Heavy Industry
M-3	:	Special Development Area

2. ZONING MAP

The boundaries of each of these districts are hereby established as shown on a map entitled "Building Zone Map, Township of North Bergen," dated _____, which map accompanies and is hereby declared to be part of this ordinance.

3. INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the zoning map, the following rules shall apply.

herein specified for the district in which it is located.

a. No building or land shall hereafter be used or occupied and no building or part thereof shall be erected, moved or altered unless in conformity with the regulations

Except as hereinafter provided:

APPLICATION OF REGULATIONS

4.

by the use of the scale shown on said zoning map.

distance is given, such dimension shall be determined

tance therefrom as indicated on the zoning map if no

be construed as being parallel thereto and at such dis-

of-way lines of highways, such district boundaries shall

street lines of streets, or the center lines or right-

are approximately parallel to the center lines or

c. Where district boundaries are so indicated that they

shall be construed to be said boundaries.

approximately follow the lot lines, such lot lines

b. Where district boundaries are so indicated that they

boundaries.

rights-of-way lines shall be construed to be, such

highways, street lines, or highway or railroad

imately following the center lines of streets or

a. Where district boundaries are indicated as approx-

5. DISTRICT REGULATIONS

The restriction and controls intended to regulate development in each district are set forth in the attached Schedule I which is supplemented by other sections of this ordinance.

- b. No building shall hereafter be erected or altered to (1) exceed the height, (2) accommodate or house a greater number of families, (3) to occupy a greater percentage of lot area, or (4) have narrower or smaller rear yards, front yards, side yards, inner or outer courts other than is specified herein for the district in which such building is located.
- c. No part of a yard or other open space about any building required for the purpose of complying with the provisions of this ordinance shall be included as part of a yard or other open space similarly required for another building.

SCHEDULE I

SCHEDULE OF REGULATIONS

DISTRICT R-1

Principal permitted uses	One and two-family dwellings Public and private schools Parks and playgrounds Houses of worship and associated parish houses, youth centers, convents, mon- asteries and similar related uses.
Accessory uses	Off-street parking space or garages Home professions and occupations signs, but not including billboards
Special uses	Public utility installation More than two-family dwellings including row houses, garden apartments and high rise apartments
Minimum Lot Sizes	For one-family dwellings and parks and play- grounds, 2,500 square feet--minimum lot width 25 feet For two-family dwellings, 3,000 square feet-- minimum lot width, 30 feet For other principal permitted uses, 5,000 square feet--minimum lot width, 50 feet
Minimum Lot Depth	100 feet
Maximum Height	2½ stories or 30 feet, whichever is less
Maximum Lot Coverage	35 percent
Front One Side Other Side Rear	10 feet 4 feet 4 feet 10 feet for residential structures 10 feet for non-residential structures 30 feet

Minimum Yard Requirements

DISTRICT R-2

Principal Permitted Uses	Same as R-1 More than two-family dwellings including row houses, garden apartments and high rise apartments.
Accessory Uses	Same as R-1
Special Uses	Swimming pools Public utility installation Nursing home or home for the aged Philanthropic institutions Cemeteries
Minimum Lot Size	5000square feet-minimum lot width-50 feet. Rev. 11-21-74 #1759-74
Minimum Lot Depth	100 feet
Maximum Height	For dwellings, no limit except as restricted by other requirements of this ordinance For other uses, 2 1/2 stories or 30 feet, whichever is less
Maximum Lot Coverage	For dwellings, 65 percent For other uses, 100 percent Rev. 11-21-74 #1759-74
Minimum Yard Requirements	Rev. 11-21-74 #1759-74
Front	Except 7 feet for dwellings above garage level
One Side	0
Other Side	0
Rear	0

NOTE: When a multiple dwelling is combined with a commercial use, the height, coverage and yard requirements shall be applied at the roof level of the commercial use.

Principal Permitted Uses	Retail sales, but not including the sale of used cars
	Commercial and personal services
	Commercial and professional offices
	Multiple dwellings
	Commercial recreation, movie houses
	Eating and drinking places
	Governmental buildings
	Houses of worship and associated parish houses, youth centers, convents, monasteries and similar related uses
Accessory Uses	Off-street parking spaces or garages and loading
Special Uses	Gasoline service station, but not including motor vehicle repair shops
Minimum Lot Size	For multiple dwellings, as in R-2
	For other uses, no minimum
Maximum Height	For multiple dwellings, as in R-2
	For other uses unlimited
Maximum Lot Coverage	For multiple dwellings, as in R-2
	For other uses, 65 percent, other than garages
	Rev. 11-21-74 #1759-74
Front	For multiple dwellings, as in R-2
	For other uses, no minimum
One Side	For multiple dwellings, as in R-2
	For other uses, no minimum
Other Side	For multiple dwellings, as in R-2
	For other uses, no minimum
Rear	20 feet

Section 1: That the "Zoning Map" forming a part of the ordinance entitled as above be amended so that the following areas as shown on the tax map of North Bergen be designated as hereinafter set forth.

TO	FROM
R-1	Lots 95A to 109 inclusive in Block 254 and fronting on the northerly side of 74th Street between Cottage and Liberty Avenues
R-2	Lots 1 - 8 inclusive in Block 300
R-2	Lots 1 - 8 inclusive in Block 301
R-2	Lots 1 - 8 inclusive in Block 302
R-2	Lots 5-31 inclusive in Block 312
R-2	Lots 5-25 inclusive in Block 313
R-2	All Lots in Block 314
R-2	All Lots in Block 315
R-2	Lots 1-24 (portion presently zoned R-1) in Block 316
R-2	Lots 1-24 (portion presently zoned M-1) in Block 316
C-1	Rev. 11-21-74 #1759-74
R-2	Lots 3, 4 and 5B, 44 to 56 inclusive, 61 to 68 inclusive, 105 and 106, and Plot 6B, Plot 8, all in Block 208
R-2	M-1
R-2	M-1
R-2	M-1
	Rev. 5-6-76, #1811-76

Principal Permitted Uses
 Eating and drinking places
 Motels
 Gasoline service stations and motor vehicle repair shops
 New and used car and truck sales
 Public utility installations
 Wholesale business, storage, distribution and warehousing
 Truck terminals
 Commercial services and offices
 Lumber, wood and other similar storage yards
 but not salvage yards, coal yards or junk yards
 Uses of a light manufacturing nature, employing electricity or other unobjectionable machinery or process and free from objectionable odors, fumes, dirt, vibration or noise.

Accessory Uses
 Off-street parking and loading
 Dwelling for a watchman or caretaker
 Signs

Special Use
 Shopping centers

Minimum Lot Size
 10,000 square feet--minimum lot width 100 feet
 Maximum Height
 40 feet

Maximum Lot Coverage
 40 percent

Minimum Yard Requirements
 Front 15 feet
 One Side 10 feet
 Other Side 15 feet
 Rear 30 feet

Principal Permitted Uses	Wholesale business, storage, distribution and Truck terminal Lumber, wood and other similar storage yards but not salvage yards, coal yards or junk yards Uses of a light manufacturing nature, employing electricity or process and free from object- ionable odors, fumes, dirt, vibrations or noise Motor vehicle repairs	Accessory Uses	Off-street parking and loading Dwelling for a watchman or caretaker Signs	Special Uses	Shopping centers Motels	Minimum Lot Size	12,000 square feet--minimum lot width, 100 feet	Maximum Height	40 feet	Maximum Lot Coverage	40 Percent	Minimum Yard Requirements	Front 20 feet One Side 10 feet Other Side 15 feet Rear 40 feet
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Principal	Same as M-1	Permitted	Uses
Accessory	Same as M-1	Uses	
Special		Uses	The cooking, distillation, processing and incineration of animal and vegetable products, including, but not limited to brewery, distillery, slaughterhouse, stockyards, fat rendering, soap manufacture, glue manufacture, tannery and creosote and creosote products manufacture
			The smelting and reduction of metallic ores, including, but not limited to, blast furnace, open hearth and electric furnace, Bessemer converter and ferrous metal smelter
			The manufacture and storage of explosive products
			The production of materials by nuclear fission
Minimum Lot		Size	One acre - minimum lot width, 150 feet
Maximum Height			100 feet
Maximum Lot Coverage			30 percent
Minimum Yard Requirements			
Front			50 feet
One Side			30 feet
Other Side			30 feet
Rear			50 feet

DISTRICT M-3

Principal
Permitted
uses
Same as M-1
Marinas and boat clubs
Gasoline service stations

Accessory
uses
Same as M-1

Special
uses
Multiple family residences

Minimum
Lot Size
One acre--minimum lot width, 150 feet

Maximum
Height
40 feet

Maximum Lot
Coverage
30 percent

Minimum Yard Requirements

Front
40 feet
One Side
30 feet
Other Side
30 feet
Rear
40 feet

ARTICLE III

SUPPLEMENTARY LOT, HEIGHT, AND YARD REGULATIONS

LOT REGULATIONS

a. Lot Frontage

The minimum lot frontage of any lot shall be measured along the minimum building setback line as required for the district in which it is located.

b. Corner Lots

At all street intersections, no obstruction to vision (other than an existing building, post, column or tree) exceeding 30 inches in height to a plan not less than 12 feet above the established grade of the street at the property line shall be erected or maintained on any lot within the triangle formed by the street lines of such lot and a line drawn between points along such street lot lines 30 feet distant from their points of intersection.

c. Required Area or Space Cannot be Reduced

The area or dimension of any lot, yard, parking area or other space shall not be reduced to less than the minimum required by this ordinance; said area or dimension may be continued and shall not be further reduced.

d. Lot Frontage and Traffic Plan

Where a building lot has frontage upon a street which on the Traffic Plan or Official Map of the Township of North Bergen is designated for right-of-way widening,

the required front yard area shall be measured from such proposed future right-of-way line.

2. HEIGHT REGULATIONS

a. General Application

No building or structure shall have a greater number of stories or greater number of feet than are permitted in the district where such building is located.

b. Permitted Exceptions

Height limitations stipulated elsewhere in this ordinance shall not apply to church spires, belltowers, cupolas and domes, monuments, water towers, chimneys, smokestacks, flagpoles, radio and television towers, masts and aerials; or to parapet walls, except that no parapet wall may extend more than 4 feet above the limiting height of the building.

3. YARD REGULATIONS

a. Side Yard of Corner Lot

The side street setback line of any corner lot shall not be less than one-half of the depth of the minimum front yard required on any adjoining lot fronting on a side street. Any corner lot delineated by subdivision after the adoption of this ordinance shall provide a side street setback line which shall not be less than

The front yard of any corner lot shall be established on the wider of the two streets abutting said lot, except where the widths of the two abutting streets are equal, then the front yard may be established on either street.

d. Front Yard of Corner Lot

the otherwise required minimum width. side yard shall not be narrower at any point than one-half wise required minimum width; provided, however that such width of the side yard shall not be less than the other- the side yard may be varied. In such case the average the side lot line or is broken or otherwise irregular, where the side wall of a building is not parallel with

c. Side Yard Width May be Varied

- (1) Cornices, canopies, eaves or other similar architectural features may project into side yards.
- (2) Fire escapes may project into side and rear yard a distance not exceeding 5 feet.
- (3) Bay windows, balconies, fire places, uncovered stairways and necessary landings and chimneys. But may not conflict with set backs as set forth by the building code.
- (4) Terraces and open porches may be located in side and rear yards.

quired yards as follows:

Certain architectural features may project into re-

b. Projection Into Required Yards

fronting on the side street. the minimum front yard required on any adjoining lot

Buildings (1) No accessory building permitted by this ordinance

a. Location, Limitation and Coverage of Accessory Buildings

4. ACCESSORY STRUCTURES

building on any other lot.

shall be considered as providing a yard or open space for a other building, and no yard or other open space on another lot shall be considered as providing a yard or open space for any the purpose of complying with the provisions of the ordinance No yard or other open space provided about any buildings for

f. Provision of Yard or Other Open Space

and no inner court shall be shorter than twice its width.

feet. No outer court shall be longer than twice its width;

of 4 inches to each foot of its height, but not less than 8

but not less than 6 feet; and of an inner court, in the ratio

shall be in the ratio of 3 inches to each foot of its height,

Within any district the minimum width of any outer courts

rooms it is required to serve.

but no court need extend below the floor level of the room or

same lot to afford natural light and ventilation of such room,

lighted or ventilated directly from a street or a yard on the

which people live, sleep, work or congregate cannot be adequately

Within any district a court is required wherever any room in

e. Court Requirements

feet distant from any Residence-District.
a completely enclosed building shall be not less than 50
All industrial uses which are not conducted wholly within

b. Unenclosed Industrial Uses

any such lot shall in no case be less than 10 feet.
than 3 feet; and provided further that the rear yard of
any non-conforming lot there shall be a side yard no less
or more non-conforming lots, and provided further, that on
ownership shall hereafter be reduced so as to create one
zone lot, provided, however, that no lot or lots in single
all or part of said property were combined with subject
adjoining property which would create a conforming lot if
of its area or width, the owner of which does not own any
record at the effective date of this Ordinance irrespective
may be erected on a non-conforming zone lot of official
In any R-District only a single-family detached dwelling

a. Existing Lots of Record

5. MISCELLANEOUS REGULATIONS

- (3) No accessory building shall be located in the front yard.
 - (2) The aggregate ground area covered by any accessory buildings in any rear yards, including the ground area covered by any projections other than cornices and eaves, shall not exceed 20 percent of the rear yard area in any Residence District, or 40 percent of the rear yard area in any Commercial or Industrial District.
- shall be placed in any required side or front yard except as specified hereinafter in this Article.

ARTICLE IV

SUPPLEMENTARY REGULATIONS GOVERNING CERTAIN USES

1. SPECIAL USES

a. Required Findings By The Board of Adjustment

Prior to approving any special permit, the Board of Adjustment shall certify in writing that the use for which the special permit is requested meets the following general criteria:

- 1) The use is a special use as set forth in Schedule I.
- 2) The use will be compatible with adjoining development and the general character for the district in which it is to be located.
- 3) The use will not cause substantial injury to the value of property in the neighborhood in which it is to be located.
- 4) The use is so designed, located, and proposed to be operated that the public health, safety, welfare and morals will be protected.
- 5) Adequate off-street parking and/or loading as provided in compliance with the provisions of this ordinance, and ingress and egress are so designed as to cause a minimum of interference with traffic on abutting streets.
- 6) Adequate screening and landscaping are provided in compliance with the provisions of this ordinance.
- 7) The special use conforms to all applicable regulations governing the district in which it is to be located.

b. More Than Two-Family Dwelling Including Row Houses, Garden Apartments and High Rise Apartments

1) Row Housing

Attached single-family dwelling of the type commonly referred to as row houses or town houses are subject to the following conditions:

- 2) Garden Apartments and High Rise Apartments
- 1) The minimum row house shall consist of at least three units.
 - 2) The minimum row house site shall contain at least 7,500 square feet with a minimum frontage of 75 feet.
 - 3) The width of individual dwelling shall be not less than 20 feet.
 - 4) Side yard requirements, including special provision for corner lots shall apply to the end units of a row house project, front and rear yards, heights and coverage shall conform to the provisions of the district within which the project is to be constructed.

Garden apartments and high rise apartments are subject to the following general conditions:

- a) All proposed site traffic access ways are adequate, but not excessive in number, adequate in grade, width alignment and visibility, and not located too near street corners, entrances to schools or places of public assembly and other similar considerations.
- b) The interior circulation system is adequate and all required parking spaces are provided and are easily accessible.
- c) In accordance with the spirit and intent of this ordinance, wherever possible, usable open space is disposed of in such a way as to insure the safety and welfare of residents.
- d) Adequate provision is made for light, air, access and privacy in the arrangement of the buildings to each other.
- e) The proposed site is properly landscaped, the purpose of which is to further enhance the natural qualities of the land. Where adjacent land use dictates, proper screening and buffer zones may be required.
- f) No certificate of occupancy shall be issued for any such building unless the same conforms in all respects to such site plan and unless all facilities included in the site plan have been installed in accordance therein.

- (g) Each building shall be of fireproof construction. Garden apartment shall contain not more than 24 dwelling units, with no portion of the building below the first story used for dwelling purposes, except that a basement where the floor is not more than 3 feet below grade may contain living quarters for the building superintendent and his family. High rise apartments are not subject to the above maximum dwelling unit figures.

c. Hotels, Motor Courts, Motor Hotels and Similar Uses

- 1) Such uses shall have a minimum area for each unit of occupancy of 150 square feet and shall include a minimum of 1 bedroom and a shower or bathroom with toilet.

- 2) All such uses shall be located on lots of not less than 10,000 square feet with a minimum frontage of 100 feet.

d. Nursing Homes, Homes for the Aged, Philanthropic and Almsouse Uses

- 1) All such uses shall be located on lots of not less than 10,000 square feet, with a minimum frontage of not less than 80 feet.

- 2) Limited retail sales may be included for guests, patients and visitors only.

- 3) No required automobile parking area shall be located within any required setback area or within 10 feet of any property line.

e. Public Utility Installation

- 1) Such uses shall include electric substations, transformers, switches, auxiliary apparatus serving a distribution area, and water pumping stations and shall be subject to the following regulations:

- 2) Such facility shall not be located on a residential street (unless no other site is available), and shall be so located as to draw a minimum of vehicular traffic to and through such streets.

- 3) The location, design and operation of such facility may not adversely affect the character of the surrounding residential area.

- 5) Such use shall not adversely affect the character of any residential neighborhood;
 - 4) Such use shall be landscaped.
 - 3) The portion of the lot containing a swimming pool shall be enclosed by a wall or fence at least 6 feet high with a gate or other device which can be locked.
 - 2) May be erected only in the rear or side yard of such structure and shall be distant not less than 20 feet from front and rear lot lines, nor less than 10 feet from any side lot line, principal structure or accessory structure attached thereto.
 - 1) May be erected only on the same lot as the principal structure.
- Swimming pools which are accessory to a principal non-commercial dwelling use shall be regulated as follows: except that these regulations shall not apply to portable swimming pools which shall be not more than 3 feet in height nor more than 15 feet in length.

g. Swimming Pools

- 2) Location of Appliances of Pits. No gasoline filling station or parking garage shall be permitted where any gasoline or oil pump, or oil draining pit or visible appliance for any such purpose is located within 20 feet of any street lot line, except where such appliance or pit is within a building.
- 1) Location of Exits and Entrances. No gasoline filling station, or any vehicular access thereto, shall be located within 100 feet of the following uses if the property is owned or dedicated to such uses is located along the same street and on the same block: schools, playgrounds, churches, hospitals, public libraries, and institutions for dependents or for children.

f. Service Stations

- 4) Adequate fences, barriers, and other safety devices shall be provided, and shall be landscaped.

a. Off-Street Parking

In all districts, in connection with every manufacturing, business, institutional, recreational, residential or any other use, there shall be provided, at the time building or structure is erected, off-street parking spaces open to the public at no charge for automobiles in accordance with the requirements set forth herein.

- 1) Size and Access. Each off-street parking space shall have an area of not less than 180 square feet exclusive of access drives or aisles, and shall be of usable shape and condition. Except in the case of dwellings, no parking area provided hereunder shall be established for less than 5 spaces.

There shall be adequate provisions for ingress and egress to all parking spaces. Access to off-street parking areas shall be limited to several well-defined locations and in no case shall there be permitted unrestricted access along the length of the street or alley upon which the parking area abuts, except where a parking area shall be less than 35 feet in depth.

- 2) Number of Parking Spaces Required. The number of off-street parking spaces required shall be as set forth Table I below.

In the case of any building, structure or premises, the use of which is not specifically mentioned herein, the provisions for a use which is so mentioned and to which said use is similar, in the opinion of the Board of Adjustment shall apply.

TABLE I

REQUIRED PARKING SPACES

USES

1. Churches and Schools	1 for each 3.5 seats in an auditorium or 1 for each 17 classroom seats; whichever is greater.	1 for each 200 sq.ft. of floor area.	1 for each family or dwelling unit.	10 for each parlor.	1 for each 3 beds plus 1 for each employee.	1 for each 1,000 sq.ft. of floor area, plus 1 for each 4 employees in the maximum working shift; the total parking area shall be not less than 25 percent of the building floor area.	3 spaces for each doctor or dentist	7. Medical or Dental Clinics, or offices	8. Restaurants, Beer Parlors and Night Clubs	9. Retail Stores, store groups, shops	10. Wholesale Establishments or Warehouses	11. Residences
						1 for each 1,000 sq.ft. of floor area, plus 1 for each 4 employees in the maximum working shift; the total parking area shall be not less than 25 percent of the building floor area.			1 for each 2.5 seats.	1 for each 300 sq.ft. of floor area where the floor area shall exceed 1,000 sq. ft.	1 for each 2 employees in maximum shift; the total parking area shall not be less than 25 percent of the building floor area.	1 for each dwelling unit.

3) Off-Site Facilities. All permitted and required accessory off-street parking spaces, open or enclosed, shall be located on the same lot as the use to which such spaces are accessory.

b. Off-Street Loading

In any district, in connection with every building, or building group or part thereof hereafter erected and having a gross floor area of 10,000 square feet or more, which is to be occupied by manufacturing or commercial uses or distribution by vehicles of material or merchandise, there shall be provided and maintained, on the same zone lot with such building, off-street loading berths in accordance with the requirement of Table II following.

1) Size and Location. Each loading space shall be not less than 10 feet in width, 60 feet in length, and 14 feet in height, and may occupy all or any part of any required yard, except where located adjacent to any R-District, where they shall be set back a minimum of 6 feet from such property line.

TABLE II

Uses	Square Feet of Floor Area	Loading Berths
1. Hotels and Offices	From 10,000 or more	1
2. Retail, Commercial	From 10,000 - 25,000	1
Wholesale, Manufact-	From 25,001 - 40,000	2
uring, Storage and	From 40,001 - 60,000	3
Miscellaneous	From 60,001 - 100,000	4
	For each additional 50,000	
	or major fraction thereof	1 additional

c. Joint Facilities for Parking or Loading

Off-street parking and loading facilities for separate uses may be provided jointly if the total number of spaces so provided is not less than the sum of the separate requirements for each use and provided that all regulations governing the location of accessory space or portion thereof shall serve as a required space for more than one use unless otherwise approved by the Board of Adjustment in accordance with the purpose and procedures set forth herein.

d. Home Occupations

Permitted home occupation operated in any dwelling unit may be operated only if it complies with all of the following conditions:

- 1) Where Permitted. Within a single-family residence or other structures accessory to the residence and only by the person or persons maintaining a dwelling therein and not more than 2 additional persons shall be employed in the home occupation. In buildings containing more than one dwelling unit, home occupation is permitted in the ratio of one permitted home occupation for each 12 dwelling units.
- 2) Evidence of Use. Does not display or create outside the building any evidence of the home occupation, except that one unannounced, non-illuminated flat or window sign having an area of not more than 2 square feet shall be permitted on each street front of the zone lot on which the building is situated.
- 3) Extent of Use. Does not utilize more than 20 percent of the gross floor area of the dwelling unit (except foster family care), and except that medical and dental offices

may utilize not more than 50 percent of the gross floor area of the dwelling unit.

4) Permitted Uses. Includes not more than one of the following uses.

a) Medical and dental offices in accordance with provisions for off-street parking as required herein with not more than 2 non-resident assistants.

b) Rooming and/or boarding of not more than 2 persons except that the rooming and/or boarding diseased or mentally ill persons is prohibited.

c) Custom dressmaking.

d) Foster family care (for not more than 4 children simultaneously).

e) Tutoring for not more than 4 students simultaneously but not including music, dancing, or business schools, or similar activities. Is clearly incidental and secondary to the use of the dwelling unit for residential purposes.

e. Outdoor Storage Areas

Such uses shall not abut existing residential development, a residential street or any R-District and the operation thereof shall be governed by the following provisions and any other conditions as may be required by the Board of Adjustment to protect the public health, safety, comfort, convenience and general welfare and especially with regard to abutting properties and the occupants thereof.

1) Inflammable and Explosive Liquids. No highly inflammable or explosive liquids, solids or gases shall be stored in bulk above ground. Tanks or drums of fuel directly connecting with heating devices or appliances located on the same

premises as the tanks or drums of fuel are excluded from this provision.

- 2) Fencing and Setbacks. All outdoor storage facilities shall be enclosed by a fence or wall adequate to conceal such facilities and the contents thereof from adjacent property. Such walls and fences shall be distant not less than 20 feet from all property lines which abut an R-District or existing residential development, but in any other case shall be distant not less than 10 feet from any property line and shall be distant not less than 25 feet from any public street.

- 3) Deposit of Wastes. No materials or wastes shall be deposited on any premises in such form or manner that they may be transferred off such premises by natural causes or forces.

- 4) Other Hazardous Materials. All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible by or otherwise be attractive to rodents or insects shall be stored outdoors only in closed containers.

F. Signs

Signs may be erected and maintained only when in compliance with the following provisions:

- 1) Signs in Residential Districts. The following types of non-illuminated, non-advertising signs are permitted in all Residential Districts as follows:

- a) Nameplates and Identification Signs. Signs indicating the name or address of the occupant, or a permitted home occupation, provided that they shall not be larger than 2 square feet in area. Only one such sign per dwelling unit shall be permitted except in the case of corner lots where 2 such signs (one facing each street) shall be permitted for each dwelling unit.

- b) Sale or Rental Signs. Signs advertising the sale or rental of the premises upon which they are erected by the owner or broker or any person interested in the sale or rental of such premises, and signs bearing the word "sold" or "rented".

with the name of the persons effecting the sale or rental may be erected or maintained, provided:

(1) The size of any such sign is not in excess of 6 square feet; and

(2) Not more than 2 signs are placed upon any property unless such property fronts upon more than one street, in which event 2 more signs may be erected on each additional frontage.

c. Directional Signs. Signs indicating the location and direction of premises available for or in process of development, but not erected upon such premises, and having inscribed thereon the name of the owner, developer, builder, or agent, may be erected and maintained, provided:

(1) The size of any such sign is not in excess of 6 square feet, and not in excess of 4 feet in length; and

(2) Not more than 1 such sign is erected on each 500 feet of street frontage.

d. Artisans' Signs. Signs of mechanics, painters, and other artisans may be erected and maintained during the period such persons are performing work on the premises on which such signs are erected, provided:

(1) The size thereof is not in excess of 12 square feet; and

(2) Such signs are removed promptly upon completion of the work.

e. Height and Projection of Signs. No sign in an R-District shall project into the public way or project higher than one story or 20 feet, whichever is lower.

2. General Regulations. The following regulations shall apply to all permitted signs.

a) Maintenance. Signs must be constructed of durable materials, maintained in good condition and not allowed to become dilapidated.

b) Protection of Signs. Attached signs shall not project from any building more than 3 feet in the direction of the street public street or public sidewalk area.

- c) Height of Signs. No sign shall be higher than the height limit in the district where such sign is located nor shall any sign be located upon the roof of any building.
- d) Building Permits for Signs. Building permits shall be required for all signs except signs provided for home occupations and other accessory residential signs. For signs in the interest of the public information and convenience, the Building Inspector upon approval of the Board of Adjustment, may issue a temporary permit for a period to be designated by the said Board. Such temporary signs shall be removed by the property owner at the termination of any permit for the erection thereof.
- e) Fees. No fee shall be charged for any permit connected with the erection of a sign necessary to the public welfare.

ARTICLE V

NON-CONFORMING USES

1. CONTINUATION

A use or structure existing at the effective date of this ordinance which shall be non-conforming by the passage of this ordinance or of any amendments thereto may be continued subject to the conditions enumerated in this Section.

The provisions regarding non-conformity shall apply only to a use, building, or structure legally established or erected, but not to any use established or building or structure erected in violation of law, regardless of the time of establishment or erection.

2. REPAIR OR RECONSTRUCTION

A non-conforming use or structure or portion thereof declared unsafe by a proper authority may be restored to a safe condition. A non-conforming use or structure damaged by fire or other causes to the extent of less than 50 percent of its theoretical full value (based on application of the state equalization rate to the current assessed value) may be repaired or restored.

A non-conforming use or structure damaged by fire or other causes to the extent of 50 percent or more of its theoretical full value (based on application of the state equalization rate to the current assessed value) shall not be repaired or rebuilt except in conformity with the regulations of this ordinance.

3. ALTERATION OR EXTENSION

A non-conforming use or building may not be structurally altered during its life to an extent exceeding in aggregate cost 25 percent of the assessed value of the building, unless such building is changed to a conforming use.

A non-conforming use shall not be extended in any way, shape, or manner to displace a conforming use on the same lot or an adjoining lots.

4. CONSTRUCTION UNDER PERMIT GRANTED PRIOR TO PASSAGE

Nothing herein continued shall require any change in plans, construction, or designated use of a building for which a building

use.

A non-conforming use may be changed to a conforming use, but thereafter it shall not be permitted to revert to a non-conforming

use.

A non-conforming use may not be changed to another non-conforming

conformity with the provisions of this ordinance.

A non-conforming use that has been discontinued for a period of one year shall be considered to have been abandoned, and shall not thereafter be reestablished; any further use shall be in conformity with the provisions of this ordinance.

5. CHANGE OR DISCONTINUANCE OF USE

permit has been heretofore issued and the construction of which shall have been diligently prosecuted within three months of the date of such permit, and the ground story framework of which, including the second tier of beams, shall have been completed within six months of the date of such permit, and which entire building shall be completed according to such filed plans within one year from the effective date of this ordinance.

ARTICLE VI

PERFORMANCE STANDARDS

1. GENERAL APPLICATION

Permitted and special uses enumerated in Industrial Districts, and uses accessory thereto, are subject to the following performance standards and procedures. If the Building Inspector or Board of Adjustment has reasonable grounds for believing that any other use will violate these performance standards, such use, existing or proposed, shall also be subject to these performance standards.

2. PERFORMANCE STANDARDS PROCEDURE

a) Prior Construction and Operation

Any application for a building permit for a use which shall be subject to performance standards, shall be accompanied by a sworn statement by the owner of subject property that said use will be operated in accordance with the performance standards set forth therein.

b) Continued Compliance

Continued compliance with performance standards is required and enforcement of continued compliance with these performance standards shall be enforced by the Building Inspector or Board of Adjustment.

c) Determination of Violation

The Building Inspector shall investigate any purported violation of performance standards and, if there is reasonable ground for the same, shall notify the Board of Adjustment of

No land or building in any Industrial District which shall be used or occupied for manufacturing purposes shall be operated in such a manner so as to create any dangerous, injurious, noxious or otherwise objectionable fire, explosive or other hazard; noise or vibration, smoke dust dirt or other form of air pollution; electrical or other disturbance; glare; or other substance, condition or element in such amount as to adversely affect the surrounding

a) Definition of Elements

3. REGULATION OF NUISANCE ELEMENTS

by said Board.

a reasonable time in which to conform therewith as determined non-conforming as to performance standards shall be given lished before the effective date of this ordinance and fines as set forth herein, except that certain uses established as separate violation for each day following and subject to the decision of the Board of Adjustment or shall be deemed section (c) above, shall be terminated within 30 days of

All violations, as ascertained in accordance with Sub-

a) Termination of Violation

(d) following.

violation shall be terminated as provided in Subsection Board finds that a violation occurred or exists, such lation. If, after public hearing on due notice, said thereof. Said Board shall investigate the alleged violation the occurrence or existence of a probable violation

In all activities involving, and all storage of, inflammable and explosive materials, the owner or operator of such use shall provide adequate safety devices against the hazard of fire and explosion and adequate firefighting and fire suppression equipment and devices standard in this industry. Burning of waste materials in open fires is prohibited. The relevant provisions of state and local laws and regulations shall also apply.

a) Fire and Explosion Hazards

4. STANDARDS TO BE ENFORCED

- (1) The point or points where such elements shall be most apparent for fire and explosion hazards, for radio-activity and electrical disturbances, for smoke and other forms of air pollution.
 - (2) The property lines of the use creating such elements for noise, for vibration, for glare, and for odors.
- The determination of the existence of any dangerous and objectionable elements shall be made at:

b. Locations Where Determinations are to be Made for Enforcement of Performance Standards.

of their existence.

ments at the specified point or points of the determination the subsection limiting dangerous and objectionable elements at the specified point or points of the determination by this ordinance may be undertaken and maintained in any Industrial District if it conforms to the regulations of objectionable elements"; provided that any use permitted area or premises (referred to herein as "dangerous or objectionable elements") shall be made at:

b) Radioactivity or Electrical Disturbances

No activities shall be permitted which emit dangerous radioactivity or electrical disturbance adversely

affecting the operation of any equipment other than that of the creator of such disturbance.

c) Noise

At the points of measurement, the maximum sound pressure level radiated in each standard octave band by any use or facility (other than transportation facilities or temporary construction work) shall not exceed the values for octave bands lying within the several frequency limits given in Table III after applying the corrections shown in Table IV. The sound pressure level shall be measured with a Sound Level Meter and associated octave Band Analyzer conforming to standards prescribed by the American Standards Association. (American Standard Sound Level Meters for Measurements of Noise and Other Sounds, Z24.3-1944, American Standards Association, Inc., New York, N.Y. and American Standard Specification for Octave-Bank Filter Set for the Analysis of Noise and Other Sounds, Z24.10-1953, or latest approved revision thereof, American Standards Association, Inc., New York, N.Y. shall be used.)

*Apply one of these corrections only.

Type of Location of Operation or Character of Noise	Correction in Decibels
1. Daytime operation only	5
2. Noise source operates less than*	5
a. 20% of any one-hour period	
b. 5% of any one-hour period	10
3. Noise of impulsive character (Hammering, etc.)	-5
4. Noise of periodic character (hum, screech, etc.)	-5

TABLE IV

If the noise is not smooth and continuous and is not radiated between the hours of 10 p.m. and 7 a.m. one or more of the corrections in Table 4 shall be applied to the octave band levels given in Table 3.

Frequency Ranges Containing Standard Octave Bands in Cycles Per Second	Octave Band Sound Pressure Level in Decibels re 0.0002 dyne/cm ²
20 - 300	60
301 - 2400	40
above 2401	30

TABLE III

d) Vibration

No vibration shall be permitted which is detectable without instruments at the points of measurement.

e) Glare

No direct or sky-reflected glare, whether from flood-lights or from high-temperature processes such as combustion or welding or otherwise, so as to be visible at the points of measurement. This restriction shall not apply to signs otherwise permitted by the provisions of this ordinance.

f) Smoke

No emission shall be permitted from any chimney

or otherwise of visible grey smoke or a shade equal to or darker than No. 2 on the Power's Micro-Ringlemann

chart, published by McGraw-Hill Publishing Company, Inc., and copyright 1954 (being a direct facsimile reduction

of a standard Ringlemann chart as issued by the United

States Bureau of Mines), except that visible grey smoke of a shade equal to No. 3 on said chart may be emitted

for 4 minutes.

g) Odors

No emission shall be permitted of odorous gases or

other odorous matter in such quantities as to be

readily detectable at the property line of the zone

lot from which they are emitted without instruments.

h) Other Forms of Air Pollution

No emission of fly ash, dust, fumes, vapors, gases and

VI-7

other forms of air pollution shall be permitted
which can cause any damage to health, to animals,
vegetation, or other forms of property, or which
can cause any excessive soiling.

BOARD OF ADJUSTMENT

ARTICLE VII

Par. 1. A Board of Adjustment is hereby established in the Township of North Bergen in the County of Hudson, which Board shall perform all the duties and have all the powers and conduct its meetings as prescribed by statute and by this ordinance.

Par. 2. Said Board of Adjustment shall consist of five members to be appointed by the Board of Commissioners of the Township of North Bergen. Of the original appointees, of such Board, one member shall be appointed for a term of one year, two members for a term of two years, and two members for a term of three years. Annually, thereafter members shall be appointed by the said governing body for a term of three years. Vacancies shall be filled for unexpired terms.

Par. 3. A quorum shall consist of three (3) members, but the concurring vote of three (3) members shall be necessary to reverse any order, requirement, decision or determination of the building inspector or other administrative officer, or to decide in favor of any applicant upon any matter upon which it is required to pass under any such ordinance, or to affect or recommend any exceptions to, or variations from said ordinance.

Par. 4. The Board of Commissioners may appoint a clerk to the Board of Adjustment for a term of one year at an annual salary of \$600.00, payable quarterly. The said clerk shall perform such other duties as shall be assigned to him.

Par. 5. Applications for an exception or a variance made either to the building inspector or the Board of Adjustment as required by statute or this ordinance, may be made in the alternative. The proceedings on application for an exception shall be like that required by statute upon an application for a variance.

Par. 6. Upon request for any interested person, the Board of Adjustment may interpret the use district map and determine the true location of any district boundary lines.

Par. 7. Areas shown on the map which are strip-zoned for second residential, shall be deemed to extend 150 feet from the building line upon which they

BOARD OF ADJUSTMENT
Continued

front except, that whenever the uniform depth of the parcel or lots fronting or adjacent to said street, as shown on the Tax Map or North Bergen, dated October 1, 1964, are not more than 175 feet, nor less than 100 feet in depth, then such parcel or lot depth shall be deemed to be the extent of said second residential use.

Par. 8.

The Board of Adjustment may hear and decide appeals from decisions by the building inspector concerning setbacks, area requirements, yard space and side line clearances provided for by the ordinance entitled "The Building Code of the Township of North Bergen".

SECTION XIII-A
EXCEPTIONS

Par. 1.

The Board of Adjustment may hear and decide requests for special exceptions which power herein conferred shall be in addition to and an implementation of those expressly granted by statute in connection with variances in such instances and pursuant to such standards as hereafter set forth.

Par. 2.

The said Board shall also have original jurisdiction and power to recommend to the governing body that a permit be granted for special exception use on a particular site, in accordance with the provisions of this ordinance, without a finding of practical difficulty or undue hardship, but subject to the guiding principals, standards, conditions and safeguards as hereinafter set forth in this article.

Par. 3.

The powers above granted may be exercised in the following instances, to wit:

a.

To permit the extension of any existing building and the existing use thereof upon a lot or plot occupied by such building at the time of the passage of this ordinance, or permit the erection of an additional building upon a lot occupied at the time of the passage of this ordinance by a commercial or industrial establishment in which additional building is part of such an establishment.

EXCEPTIONS
Continued

- Such a permit for the extension of an existing building or use may include extension into a more restricted district, but only under such conditions as will safeguard the character of the more restricted district.
- b. Where the use district boundary line divides a lot in a single ownership at the time of the passage of this ordinance to permit a use authorized on either portion of such lot to extend to the entire lot, but not more than 25 feet beyond the boundary line of the district in which such use is authorized.
- c. Grant in undeveloped sections of the municipality temporary and condition permits for not more than two years, for structures and uses in contravention of the requirements of this article.
- d. Grant a permit in residential districts for a building or use for a clubhouse, public or quasi-public building, a building for the exclusive use of a non-profit organization serving the interests of such institution, a hospital, not conducted for gain and principally for other than contagious diseases and mental disorders, a private school, or private athletic field not conducted for profit.
- e. Grant a permit in a light industrial district for building, or use otherwise excluded from such district, provided such building or use is distinctly incidental and essential to a use of building or plant with a series of buildings permitted in said guard the public health, safety, convenience, and general welfare.
- f. To permit the erection of water tanks, or other auxiliary installations, when the same are necessary, or desirable, to increase fire protection, public health and safety.
- g. To permit accessory use of lot for parking purposes

EXCEPTIONS
Continued

if incidental to a non-conforming use to an extent reasonable necessary to such use.

h. To permit a change or enlargement of a non-conforming use.

i. To recommend to the governing body the rezoning of a particular lot or plot of vacant land, whenever efforts by the owners thereof, their privies, or any interested person or persons therein, to secure improvements thereon conforming to such use have been unavailable, because of the character of the neighborhood, as established by proofs indicating ten or more years of such effort.

j. To recommend to the governing body the elimination of string business frontage in favor of consolidated business districts with provisions for needed off-street parking, and the erection of modern, larger, deeper, retail shops, whenever vacant land for such purposes is available.

Par. 4. Standards for issuance of special exception uses shall be as follows:

a. A special exception use shall be one which is especially authorized as a special exception use in a district in which such particular site is located.

b. For every such special exception use, the Board shall make a specific findings, supported by evidence produced at a public hearing in the manner provided by law, that such use will not be prejudicial to the character of the neighborhood.

c. For every such special exception use, the Board shall determine that there is appropriate provisions for access facilities adequate for the estimated traffic from public streets and sidewalks so as to assure the public safety and to avoid traffic congestion.

d. For every such special exception use, the Board shall determine that there are fully adequate parking areas and off-street truck loading spaces in conformity with this ordinance and all other pertinent ordinances, for the anticipated number of occupants, employees and patrons, and that the layout of the parking spaces, truck loading

EXCEPTIONS
Continued

spaces, and interior driveways is convenient and conducive to safe operation.

- e. No special exception for accessory off-street parking in areas restricted against such use shall be granted for more than one parking space for every 400 square feet of following areas in structures to which the same is accessory.

- f. Upon an application for a special exception or a permit, pursuant to the provisions of Section XIII-A of this ordinance, the guiding principles, standards, conditions and safeguards shall not be concerned so much with the labels, describing such use, but rather with performance standards in terms of noise decibels, odor, smoke, vibration and the like as will or may emanate from a particular site beyond its confines, or in terms of fire or other hazards, vehicular traffic incident to such use and other concerns of public health and safety, and such regard for aesthetic considerations and general welfare as will conserve the value of other properties in the vicinity.

Par. 5. A special exception use, recommended by the Board of Adjustment to be granted pursuant to the provisions of this Article shall be construed to be a conforming use.

ARTICLE VIII

DEFINITIONS

Words used in the present tense include the future tense, the singular number includes the plural and the plural singular:

The word "lot" includes the word "plot" and "parcel".

The word "building" includes the word "structure", regardless of foundation, occupancy or use.

The word "occupied" includes the word "designed", or intended to be occupied".

The word "used" includes the words "arranged", "designed", or "intended to be used".

The word "person" includes a corporation as well as an individual.

The term "shall" is always mandatory.

The following words, terms and phrases shall be construed and defined as hereinafter set forth unless otherwise provided:

1. ACCESSORY USE OR STRUCTURE: A use or structure subordinate to the principal use of a building on the same lot and serving a purpose customarily incidental to the use of the principal building.

2. BUILDING: A structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals or property.

3. BUILDING ATTACHED: Two or more buildings showing a common unpierced wall or common stairwell.

4. BUILDING HEIGHT: The vertical distance measured from the mean level of the ground surrounding the building to a point midway between the highest and lowest point of the roof, but not including chimneys, spires, towers, tanks, and similar projections.

5. COURT: An unoccupied open space, other than a yard, on the same lot with a building, which is bounded on three or more sides by the wall of such building.

6. COVERAGE: That percentage of the plot or lot area covered by the building area.
7. GARAGE: A garage is a building for one or more motor vehicles. If it is maintained primarily for the convenience of the resident occupant of the premises and no service is rendered to the public or business conducted therein, it is a private garage. Any garage other than a private garage is a public garage.
8. HOME OCCUPATION: An occupation or a profession which:
 - a. Is customarily carried on in a dwelling unit or in a building or other structure accessory to a dwelling unit, and
 - b. Is carried on by a member of the family residing in the dwelling unit, and
 - c. Is clearly incidental and secondary to the use of dwelling unit for residential purposes.
9. JUNK YARD: An area of land, with or without buildings, primarily used for the storage outside of a completely enclosed building of used or discarded materials, including but not limited to waste paper, rags, metal, building materials, house furnishing, machinery, vehicles, or parts thereof, with or without the dismantling, processing, salvage, sale or other use or disposition of the same. The deposit or storage of three or more wrecked or broken vehicles, or the major parts of three or more such vehicles shall be deemed to make the lot a "junk" yard.
10. LOT: A lot is a parcel of land upon which a principal building and its accessories are, or may be placed, together with the required open spaces.
11. LOT CORNER: A corner lot is a lot at the junction of and abutting on two or more intersecting streets. The greatest frontage of a corner lot is its depth and its lesser frontage its width.
12. LOT DEPTH: The depth of a lot is the mean distance between its front street line and its rear line.
13. LOT LINE: A lot line is any boundary line of a lot.
14. LOT WIDTH: The width of a lot is its mean width measured substantially at right angles to its mean depth.

15. MOBILE HOME: Any vehicle so designed, constructed, reconstructed or added to by means of accessories, in such a manner as will permit the use and occupancy thereof as a dwelling structure for sleeping and/or living purposes, whether resting on wheels, jacks, or other support, and used or so constructed as to permit its use as a conveyance upon a street or highway. The term "trailer house" shall also mean "mobile home".
16. MOTEL: A building or group of buildings whether detached or in connected units used as individual sleeping or dwelling units designed primarily for transient automobile travelers and providing for accessory off-street parking facilities. The term "auto court" includes buildings designated as tourist courts, motor lodges, motels and by similar appellations.
17. SIGN: Any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge or insignia of any government or government agency, or of civic, charitable, religious, patriotic, fraternal or similar organization.
18. STRUCTURE: Anything that is built or constructed, including an edifice or building or sign of any kind and also including any piece of work artificially built up or composed of parts joined together in some definite manner.
19. USE, NON-COMFORMANCE: A non-conforming use is any use of a structure which does not conform with the provisions of this ordinance for the district in which it is located.
20. YARD, FRONT: A front yard is an open space, on the same lot with a building, situated between the street wall of the building and the street line of the lot, and extending the full width of the lot.
21. YARD, REAR: A rear yard is that portion of a plot lying between the rear lot line and the rear wall of a building and extending entirely across the lot to the side lot lines.
22. YARD, SIDE: A side yard is an open space lying between a side lot line and a side wall of a building and running from the front yard to the rear yard.

23. YARD: An open space, which lies between the principal building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward except as herein permitted.

ARTICLE IX

ADMINISTRATIVE AND ENFORCEMENT

1. The administration and enforcement of this ordinance is hereby vested in the Department of Public Works of the Township of North Bergen, including the Building Inspector thereof.

2. Every owner, contractor, architect or agent of the owner of any land or building upon which any construction, alteration or use is intended to be made shall, before commencing such construction, alteration or use, make application upon the forms to be furnished by the said Building, Housing and Land Use Division of the Department of Public Works for a permit therefor. Such forms shall be necessary to adequately inform the Building Inspector concerning the purpose for and which such application is made in order that he may approve or reject the same, with respect to the erection, alteration, or use of premises.

3. Nothing contained in this ordinance shall be construed to repeal the provisions of an ordinance entitled "The Building Code of the Township of North Bergen."

4. No land or any building hereafter erected or substantially altered, or any land or building which harbors a non-conforming use which is sought to be changed or extended, shall be occupied or used in whole or in part for any purpose whatsoever, until a certificate of occupancy shall have been issued by the Building Inspector stating that the premises or building or the use thereof complies with all the provisions of this ordinance and any variance or exception granted.

5. A record of all certificates shall be kept on file in the office of the Building Inspector and copies shall be furnished upon request to any persons having a proprietary or tenancy interest in the building affected. A fee of \$3.00 shall be charged for each original certificate and \$1.00 for each copy thereof.

For any and every violation of the provisions of this ordinance, the owner, agent or contractor of a building or premises where such violations have been committed or shall exist, and the lessee or tenant of an entire building or premises where such violation has been committed or shall exist, and the owner, agent, contractor, lessee or tenant of any part of a building or premises in which part said violation has been committed or shall exist, or any person, firm or corporation who commits, takes part in any violation or who maintains any buildings or premises

PENALTIES

- a. To prevent such unlawful erections, construction, alteration, repairs, conversion, maintenance or use.
- b. To restrain, correct or abate such violation.
- c. To prevent the occupancy of said building, structure or land.

1. In case any premises, building or structure is erected, constructed, altered, repaired, converted, maintained or used in violation of this ordinance, the Director of the Department of Public Works shall institute appropriate action at law or proceedings in equity, to wit:

REMEDIES FOR VIOLATIONS

6. All certificates of occupancy for other than one and two family dwellings shall have the following signatures of approval affixed thereto in the following order; 1. Building Inspector, 2. Electrical Inspector, 3. Fire Inspector, 4. Designated Police Official, 5. Plumbing Inspector, 6. Building Official, 7. Township Engineer.
7. All certificates of occupancy for one and two family dwellings shall have the following signatures of approval affixed thereto in the following order; 1. Building Inspector, 2. Electrical Inspector, 3. Plumbing Inspector, 4. Fire Inspector, 5. Township Engineer.
8. A fee of \$15.00 shall be charged for each application for variance from the provisions of the Zoning Ordinance.

ADMINISTRATION AND ENFORCEMENT

ARTICLE IX

ARTICLE IX

PENALTIES (Continued)

in which any violation shall exist shall for each and every day that such violation continues be subject to a fine of not more than Two Hundred Dollars (\$200.00) or be imprisoned in the County Jail for a term of not more than ninety days (90), or both.

1. All ordinances inconsistent with the provisions of this ordinance are repealed as to the inconsistent portions thereof.
2. This Ordinance shall take effect immediately upon adoption January 4th, 1973.

AMENDMENTS, VALIDITY, REPEALER
AND EFFECTIVE DATE

ARTICLE X

specified hours on any day or days whenever the preservation of the public safety, health and welfare of the Township of North Bergen.

WHEREAS, the Township of North Bergen is authorized pursuant to N.J.S.A. 40:67-16.9 to authorize the Mayor, the Chief Executive Officer of the Municipality, to charge him with the authority to regulate the closing of streets for the purposes stated above, in conjunction with the Department of Public Safety;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Board of Commissioners of the Township of North Bergen authorize pursuant to N.J.S.A. 40:67-16.9 the Mayor, the Chief Executive Officer of the Municipality, to provide by regulation for the closing of any street or portion thereof to motor vehicle traffic on any day or days or during specified hours on any day or days whenever he finds that such closing is necessary for the preservation of the public safety health and welfare in conjunction with the Department of Public Safety;

The Mayor shall authorize the posting of proper warning signs of such closing in any street or portion thereof during the time the same is closed and he shall be authorized to have placed appropriate barriers to maintain the closing.

Any person or persons violating this ordinance or not obeying the street closings or acting in violation of the executive orders regulating the street closing shall be punishable by a fine of \$250.00.

This ordinance shall take effect upon adoption and publication by law.

INTRODUCED: June 7th, 1973.

PUBLISHED: June 8th & June 22nd, 1973.

ADOPTED: June 21st, 1973.

ATTEST:

JOSEPH MOCCO, JR.
Township Clerk

ANTHONY P. VAININI

THOMAS LATEAN

WILLIAM A. RADDY

PETER M. MOCCO
(Mayor & President)

WHEREAS, all interested persons were afforded an opportunity to be heard concerning the proposed amendments; and

WHEREAS, this Board deems it in the public interest to adopt the amendments as proposed;

NOW, THEREFORE, BE IT RESOLVED that the amendments to the Sanitation Ordinance insofar as they relate to the separation, tying and bundling of newspapers and newsprint be and the same hereby are adopted by this Board, as more particularly described in the Notice hereinafter set forth; and

BE IT FURTHER RESOLVED that the Township Clerk be and he is hereby authorized and directed to publish notice of the adoption thereof as required by law, which Notice shall be in substantially the following form:

NOTICE OF ADOPTION

PLEASE TAKE NOTICE that the Mayor and Board of Commissioners of the Township of North Bergen at a regular public meeting of said Board held on the twenty-first day of June, 1973, at the Municipal Building, 4233 Kennedy Boulevard, North Bergen, duly adopted amendments to The Sanitation Ordinance.

PLEASE TAKE FURTHER NOTICE that the amendments adopted read as follows:

ARTICLE II

DEFINITIONS

Section 2. *****

g) "Rubbish". Non putrescible solid waste (excluding ashes) consisting of combustible waste such as wood, baled paper (excluding newspapers) and similar materials.

1) "Newspapers". Newspaper shall be deemed to be paper sold or distributed at stated intervals, usually daily or weekly to convey news, advocate opinions, containing advertisements and other matters of public interest, but excluding all magazines or other periodicals, as well as all other paper products of any nature whatsoever.

ARTICLE II-A

SEPARATION, BUNDLING, AND PICK-UP OF NEWSPAPERS FOR RECYCLING

Section 3-A. After adequate notice has been published, posted, and publicized for a garage and refuse district or for a particular collection area, it shall be mandatory for persons who are owners, lessees, or occupants of residential dwellings in the Township separately bundle newspapers for pickup collection and recycling.

Said newspaper shall be compacted and securely banded and tied in packages not exceeding fifty (50) pounds with a rope or cord, sufficient in strength to facilitate handling, and said packages shall be placed separately at the curb for collection on days specified by the Mayor of the Department of Public Affairs under the rules and regulations prescribed.

The Board of Commissioners of the Township of North Bergen in the County of Hudson, State of New Jersey, DO ORDAIN:

Section 1: That the line item hereinafter set forth on Schedule "D" annexed to this ordinance entitled as above and referred to in Section 2 hereof, be amended to read as follows:

DEPARTMENT OF PUBLIC AFFAIRS
Schedule "D"

Number of Positions	Position	Minimum	Maximum	Classification
1	Health officer	\$18,000.00	\$20,500.00	C

Section 2: If any part or parts of this ordinance are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3: All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed as to the conflicting portions thereof and this ordinance shall take effect upon adoption and publication as required by law.

INTRODUCED: June 21st, 1973.

PUBLISHED: June 22nd and July 6th, 1973.

ADOPTED: July 5th, 1973.

ATTEST:

JOSEPH MOCCO, JR.
Township Clerk

PETER M. MOCCO
(Mayor and President)
WILLIAM V. BRADY

ANTHONY P. VAINIERI