Regular Meeting of the Mayor and Council of the Borough of Bogota, to be held at the Bogota Council Chambers, 375 Larch Avenue, Bogota, NJ, on Thursday, October 3, 2019 at 7:30pm.

Salute to the Flag

The notice requirements of the Open Public Meetings Law have been satisfied as notice was sent to two newspapers and posted on the Borough Hall bulletin board on December 23, 2018.

Roll Call: Mayor Kelemen, Councilmembers Carpenter, Gates-Ferris, Macfarlane, Murphy, Napolitano, and Robbins, Borough Attorney, Borough Administrator

Citizen Remarks: One Five (5) minute time limit per person

Discussion: Firehouse – Proceed to move forward with purchase of firehouse
Heater for Firehouse Hose #2
Fire Truck – Proceed to move forward to purchase fire truck

Consent Agenda:
19-121 Hiring a Part-time Crossing Guard Kathleen E. Burke 364 Elm Avenue Bogota
19-122 Authorization to Advertise for Bids for Preston Ave Wall Project
19-123 Emergency Repair on River Road and Roadway
19-124 Emergency Repair on West Fort Lee Road
19-126 Group Affidavit for 2018 Audit

Resolution to be voted on separately:
19-125 Corrective Action Plan for 2018 Audit
19-127 Resolution to form Stakeholder Committee for new Recreation/Community Center

Introduction of Ordinance:
#1534 An Ordinance Amending Chapter 4 of the Bogota Code, Entitled "Buildings and Housing"

Public Hearing on the following Ordinances:
#1532 Bond Ordinance to Authorize the Construction of a New Recreation/Community Center at Olsen Park
#1533 Ordinance Amending Chapter 3 of the Bogota code, Entitled "Police Regulations" (Noise)

Approval: Minutes August 15, 2019

Citizen Remarks: One Five (5) minute time limit per person

Reports: Mayor, Council Committees: Five (5) minute time limit per Council Member, Administrator, Attorney, Clerk

Closed Session: Personnel and Litigation

Adjournment

RESOLUTION # 19-121 DATE: 10/3/19

COUNCIL	YES	NO	ABSENT	ABSTAIN	MOTION	SECOND
C. Carpenter						
K. Gates-Ferris						
D. Macfarlane						
M Murphy						
T. Napolitano						
R. Robbins						

Hiring Part-Time Crossing Guard

WHEREAS, a need exists for part-time crossing guards due to the resignation and retirement of crossing guards; and

WHEREAS, the Police Chief interviewed the following candidate and a background investigation was conducted by the Police Department Detective Bureau;

WHEREAS the Police Chief requested that they be appointed a part-time crossing guard as soon as is practical:

Kathleen E. Burke, 364 Elm Avenue, Bogota

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Bogota that Kathleen E. Burke is hereby appointed as a part-time crossing guard.

BE IT FURTHER RESOLVED that the Borough Clerk shall forward a copy of this resolution if approved to the Chief of Police and CFO to ensure that any and all procedures are completed as required to enroll new employees.

RESOLUTION # 19-122 DATE: 10/3/19

COUNCIL	YES	NO	ABSENT	ABSTAIN	MOTION	SECOND
C. Carpenter						
K. Gates-Ferris						
D. Macfarlane						
M Murphy						
T. Napolitano						
R. Robbins						

RESOLUTION TO ADVERTISE FOR BIDS

BE IT RESOLVED by the Mayor and Council of the Borough of Bogota, Bergen County, New Jersey upon the recommendation of the Borough Engineer, Neglia Engineering Associates, that the plans & specifications for:

PRESTON STREET WALL PROJECT
BOROUGH OF BOGOTA
BERGEN COUNTY, NEW JERSEY

Are hereby approved and the Borough Clerk is hereby authorized to advertise for bids. This Resolution to take effect immediately.

Dated: Approved:_____
Mayor

CERTIFICATION

I, Jeanne M. Cook, Registered Municipal Clerk for the Borough of Bogota, Bergen County, New Jersey, do hereby certify that the foregoing resolution was adopted by the Mayor and Council of the Borough of Bogota at a regular meeting held _____, 2019.

Dated: _____
Clerk

RESOLUTION # 19-125 DATE: 10/3/19

COUNCIL	YES	NO	ABSENT	ABSTAIN	MOTION	SECOND
C. Carpenter						
K. Gates-Ferris						
D. Macfarlane						
M Murphy						
T. Napolitano						
R. Robbins						

CORRECTIVE ACTION PLAN
FOR COMMENTS AND RECOMMENDATIONS FROM
REPORT OF AUDIT FOR THE YEAR ENDED DECEMBER 31, 2018

Finance:
Finding/Condition #1:
*Technical Accounting Directive #2, codified as N.J.A.C 5:30-5.6, requires the Borough to place a value on all fixed assets put into service. The fixed asset report provided does not include Land and Building/Improvements and was not updated for 2018.

Recommendation:
*That the Fixed Asset Report be updated to include all eligible Borough owned assets.

Explanation and Corrective Action:
The Borough has hired a third party to compile a fixed asset inventory as of 12/31/2018. When the vendor compiles the report, the Borough will work closely with them to ensure that all items, including Land and Building/Improvements are included in the inventory.

Implementation Date: October 2019

Finding/Condition #2:
*The Reserve for Tax Title Lien Premiums and Redemptions within the Other Trust Fund does not agree to the analysis prepared for outside liens.

Recommendation:
*That the Reserve for Tax Title Lien Premiums and Redemptions within the Other Trust Fund be reviewed to ensure adequate funds are available to support all outstanding certificates.

Explanation and Corrective Action:
The tax collector has ensured that the Reserve for Tax Title Lien Premiums and Redemptions will be reviewed more closely so that adequate funds are available for all outstanding certificates.

Implementation Date: Ongoing

Finding/Condition #3:
The Borough is carrying old outstanding checks as reconciling items in the following accounts: Capital Fund, Other Trust Fund, Recreation Trust Fund, and Payroll Agency Fund.

19-125

Recommendation:
That all reconciling items be reviewed and cancelled as appropriate.

Explanation and Corrective Action:
A resolution will be prepared to cancel old outstanding checks as reconciling items.

Implementation Date: October 2019

Finding/Condition #4:
Petty cash funds were not returned at year end in accordance with N.J.S.A 40A:5-21.

Recommendation:
The Borough should return all petty cash funds at year-end in accordance with N.J.S.A 40A:5-21.

Explanation and Corrective Action:
All departments that have received petty cash will return those funds to the finance department so that they can be deposited by year end in accordance with N.J.S.A 40A:5-21.

Implementation Date: December 2019

Purchasing:
Finding/Condition #1:
*The awarding resolutions for Request for Qualifications do not include the required information such as the anticipated value of the contract or "not to exceed" cost language and a certification of availability of funds.

Recommendation:
*That resolutions awarding contracts for Request for Qualifications contain the required language in accordance with N.J.S.A. 19:44A-20.4.

Explanation and Corrective Action:
The finance office is working closely with the Clerk's office to ensure that the required language is on resolutions moving forward.

Implementation Date: Ongoing

Finding/Condition #2:
*There were instances in which the certification of available funds was not included in resolution awarding contracts resulting from bids requested by public advertising.

Recommendation:
*That a certification of available funds be included in all resolutions awarding contracts.

Explanation and Corrective Action:

19-125

The Clerk's office is working to add the required language on resolutions awarding contracts resulting from bids by public advertising moving forward.

Implementation Date: Ongoing

Finding/Condition #3:
*Documentation of formal evaluations for Request for Qualifications submissions were not available at the time of audit

Recommendation:
*That documentation of formal evaluations be prepared prior to awarding contracts resulting from Request for Qualifications.

Explanation and Corrective Action:
Formal evaluations will be prepared prior to awarding contracts and will be available at time of audit.

Implementation Date: October 2019

Finding/Condition #4:
Informal quotes were not obtained for purchases which exceeded 15% of the bid threshold as required by N.J.S.A 40A:11-6.1.

Recommendation:
That all purchases in excess of 15% of the bid threshold have informal quotes obtained as required by Local Public Contracts Law.

Explanation and Corrective Action:
There are a few instances in which departments have obtained purchases which have exceeded the 15% bid threshold. The Borough will institute additional internal controls to ensure that three quotes are obtained before making the purchase and provide additional training to departments to prevent this violation in the future.

Implementation Date: Ongoing

Finding/Condition #5:
Goods and services are being ordered prior to the execution of a purchase order in violation of Technical Accounting Directive #1.

Recommendation:
That all goods/services be encumbered prior to being ordered in accordance with Technical Accounting Directive #1.

Explanation and Corrective Action:

There have been a few instances where departments have not been compliant with the Borough's purchasing procedures making purchases prior to obtaining a purchase order. The Borough will institute additional internal controls to monitor such activity and provide training with employees to prevent such violations in the future.

Implementation Date: Ongoing

Finding/Condition #6:
There were several instances in which a valid New Jersey Business Registration Certificate for vendors doing business with the Borough could not be located for

Recommendation:
A valid New Jersey Business Registration Certificate be maintained on file for all vendors for which the Town does business with.

Explanation and Corrective Action:
The Borough will institute additional internal controls that will ensure that a Business Registration Certificate will be on file before a vendor will been utilized.

Implementation Date: Ongoing

Tax Collector:
Finding/Condition #1:
The listing of municipal liens per the Munidex System includes liens which are not valid.

Recommendation:
That all liens be reviewed and the system updated accordingly.

Explanation and Corrective Action:
The tax collector is going through the liens within Munidex System and have ensured that the liens which are not valid are updated and removed from the system.

Implementation Date: Ongoing

Payroll:
Finding/Condition #1:
There were instances in which detailed monthly health benefit rosters were not available for review.

Recommendation:
That detailed monthly health benefit rosters be maintained and available for audit.

Explanation and Corrective Action:

19-125

The Borough since the beginning of the year has printed out from the Division of Pensions and Benefits all reports related to health benefit to ensure that the proper employees are receiving health benefits and the Borough is not paying for anyone who no longer works for them.

Implementation Date: January 2019

Borough Clerk:
Finding/Condition #1:
There were instances in which Mayor and Council Meeting minutes were not signed by the Borough Clerk.

Recommendation:
That all Mayor and Council Meeting minutes be signed by the Borough Clerk.

Explanation and Corrective Action:
The Borough notified the Clerk of this finding and the Clerk has been cognizant of this and ensured that all minutes are signed before they are added to the minute book.

Implementation Date:
January 2019

Municipal Court:
Finding/Condition #1:
There are 17 tickets eligible for FTA over 14 days on the December Monthly Management Report

Recommendation:
That tickets Eligible for FTA over 14 Days be processed in a timely manner.

Explanation and Corrective Action:
The Borough contracted with the Borough of Little Ferry in 2011 to provide municipal court services. As part of its agreement, Little Ferry is required to operate the Borough's court in accordance with the laws and standards put forth by the State. The Borough has alerted the Court Administrator of this finding and she has ensured that this finding has been rectified.

Implementation Date: January 2019

Finding/Condition #2:
There are 35 tickets Eligible for Dismissal on the December Monthly Management Report

Recommendation:
That tickets Eligible for Dismissal be processed in a timely manner.

19-125

Explanation and Corrective Action:
The Borough has alerted the Court Administrator of this finding and she has ensured that this finding has been rectified.

Implementation Date: January 2019

Finding/Condition #3:
There are 47 tickets Eligible for Order of D/L Suspension on the December Monthly Management Report.

Recommendation:
That tickets Eligible for Order of D/L Suspension be processed in a timely manner.

Explanation and Corrective Action:
The Borough has alerted the Court Administrator of this finding and she has ensured that this finding has been rectified.

Implementation Date: January 2019

Finding/Condition #4:
There are 20 tickets in Other Case Statuses on the December Monthly Management Report.

Recommendation:
That tickets in Other Case Statuses be processed in a timely manner.

Explanation and Corrective Action:
The Borough has alerted the Court Administrator of this finding and she has ensured that this finding has been rectified.

Implementation Date: January 2019

Finding/Condition #5:
There are 17 tickets Assigned over 180 Days on the December Monthly Management Report.

Recommendation:
That tickets Assigned over 180 Days be recalled by the Court Administrator.

Explanation and Corrective Action:
The Borough has alerted the Court Administrator of this finding and she has ensured that this finding has been rectified.

Implementation Date: January 2019

Finding/Condition #6:
There are 36 tickets issued but not Assigned on the December Monthly Management Report.

19-125

Recommendation:
That all tickets be assigned prior to issuance by that Court Administrator.

Explanation and Corrective Action:
The Borough has alerted the Court Administrator of this finding and she has ensured that this finding has been rectified.

Implementation Date: January 2019

Finding/Condition #7:
There are 36 complaints Eligible for FTA over 14 days on the December Monthly Management Report.

Recommendation:
That all complaints Eligible for FTA over 17 Days be processed in a timely manner.

Explanation and Corrective Action:
The Borough has alerted the Court Administrator of this finding and she has ensured that this finding has been rectified.

Implementation Date: January 2019

Finding/Condition #8:
The reconciled cash balance in the Bail Account does not agree to the Bail on Account per the ATS/ACS System.

Recommendation:
Bail on Account must be reconciled to the Bail Account cash on a monthly basis.

Explanation and Corrective Action:
The Borough has alerted the Court Administrator of this finding and she has ensured that this finding has been rectified.

Implementation Date: January 2019

Finding/Condition #9:
There are bank service charges from prior years being carried as reconciling items in the Fines Account

Recommendation:
That all long outstanding reconciling items be reviewed and properly accounted for.

Explanation and Corrective Action:
The Borough has alerted the Court Administrator of this finding and she has ensured that this finding has been rectified.

19-125

Implementation Date: January 2019

Finding/Condition #10:
Deposits into the Bail Account are not being made in a timely manner.

Recommendation:
That all deposits be made within 48 hours of receipt in accordance with N.J.S.A. 40A:5

Explanation and Corrective Action:
The Borough has alerted the Court Administrator of this finding and she has ensured that this finding has been rectified.

Implementation Date: January 2019

Finding/Condition #11:
Overpayments are not being refunded in a timely manner.

Recommendation:
That all overpayments collected be refunded in a timely manner.

Explanation and Corrective Action:
The Borough has alerted the Court Administrator of this finding and she has ensured that this finding has been rectified.

Implementation Date: January 2019

Finding/Condition #12:
The Over/Under Payment List does not accurately reflect the outstanding balance as of December 31, 2018.

Recommendation:
That the Over/Under Payment List be reviewed and corrections made to accurately reflect balances.

Explanation and Corrective Action:
The Borough has alerted the Court Administrator of this finding and she has ensured that this finding has been rectified.

Implementation Date: January 2019

Borough of Bogota Resolution #19-126
October 3, 2019

NO PHOTO COPIES OF SIGNATURES
GROUP AFFIDAVIT FORM
CERTIFICATION OF GOVERNING BODY

STATE OF NEW JERSEY)
)SS.
COUNTY OF BERGEN)

We, members of the governing bod of the Borough of Bogota, County of Bergen, of full age, being duly sworn according to law, upon our oath depos and say:

1. We are duly elected members of the Mayor and Council of the Borough of Bogota.

2. In performance of our duties, and pursuant to the Local Finance Board Regulation, we have familiarized ourselves with the contents of the Annual Municipal Audit filed with the Clerk pursuant to N.J.S.A. 40A:5-6 for the year 2018.

3. We certify that we have personally reviewed and are familiar with, as a minimum, the sections of the Annual Report of Audit entitled:
GENERAL COMMENTS AND RECOMMENTATIONS

Governing body Signatures:

_____(L.S) _____(L.S.)

_____(L.S.) _____(L.S.)

_____(L.S.) _____(L.S.)

_____(L.S.) _____(L.S.)

The Municipal Clerk shall set forth the reason for the absence of signature of any members of the governing body.

IMPORTANT: This certificate must be sent to the Division of Local Government Services, P.O. Box 803, Trenton, NJ 08625.

RESOLUTION # 19-127 DATE: 10/3/19

COUNCIL	YES	NO	ABSENT	ABSTAIN	MOTION	SECOND
C. Carpenter						
K. Gates-Ferris						
D. Macfarlane						
M Murphy						
T. Napolitano						
R. Robbins						

WHEREAS, the Mayor and Council of the Borough of Bogota have retained the services of RSC Architects to develop construction drawings and specifications for the construction of a new recreation center within the Borough of Bogota, and;

WHEREAS, the Borough Council seeks to engage members of the community for their input in the design of the recreation center, and in the selection of features and amenities that would bring the most benefit and enjoyment to the residents of the Borough, and;

WHEREAS, the Borough Council seeks to obtain this input through the creation of a stakeholder committee (hereinafter the "Committee"), whose members will consist of representatives from the following groups:

2 Council Members
The Borough Administrator
The Recreation Director
1 Member of the Bogota Board of Education
1 Representative of the Bogota Public Library
1 Representative of the Bogota Senior Citizen's Center
2 Representatives from local community organizations
1 Local Business Owner
The Office of Emergency Management Coordinator or Deputy Coordinator

WHEREAS, it is the intention of the Governing Body that the Committee shall meet with RSC Architects to offer non-binding feedback and input in the design of the recreation center.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Bogota, that a stakeholder committee shall be formed within thirty (30) days comprising of members from the groups set forth herein, and;

BE IT FURTHER RESOLVED that upon being formed, the Committee shall meet with RSC Architects to provide non-binding feedback and input in the proposed design, features and amenities of the recreation center, and;

BE IT FURTHER RESOLVED, that the Committee members shall be appointed by the Mayor with the advice and consent of the Governing Body, and;

BE IT FURTHER RESOLVED, that should vacancies remain on the Committee after the expiration of thirty (30) days, said vacancies shall be filled by the Governing Body.

BOND ORDINANCE #1532

BOND ORDINANCE TO AUTHORIZE THE CONSTRUCTION OF A NEW RECREATION/COMMUNITY CENTER AT OLSEN PARK IN, BY AND FOR THE BOROUGH OF BOGOTA, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF $4,500,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

BE IT ORDAINED by the Borough Council of the Borough of Bogota, in the County of Bergen, State of New Jersey, as follows:

Section 1. The Borough of Bogota, in the County of Bergen, State of New Jersey (the "Borough") is hereby authorized to construct a new recreation/community center at Olsen Park, adjacent to the existing recreation building, in, by and for the Borough. Said improvement shall include site improvements, acquisition of original furnishings and equipment for the new building, and all work, materials and appurtenances necessary and suitable therefor. It is hereby determined and stated that said public building to be constructed will be of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law").

Section 2. The sum of $4,500,000 is hereby appropriated to the payment of the cost of making the

improvement described in Section 1 hereof (hereinafter referred to as "purpose"). Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the down payment appropriated by this ordinance. Said improvement shall be made as a general improvement and no part of the cost thereof shall be assessed against property specially benefited.

Section 3. It is hereby determined and stated that (1) said purpose is not a current expense of said Borough, and (2) it is necessary to finance said purpose by the issuance of obligations of said Borough pursuant to the Local Bond Law, and (3) the total estimated cost of said purpose is $4,500,000, and (4) $215,000 of said sum is to be provided by the down payment hereinafter appropriated to finance said purpose, and (5) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is $4,285,000, and (6) the cost of such purpose, as hereinbefore stated, includes the aggregate amount of $380,000 which is estimated to be necessary to finance the cost of such purpose, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 4. It is hereby determined and stated that the aggregate sum of $215,000 (consisting of (A) $125,000

received as a contribution from a developer and on deposit in the Borough's General Capital Fund and (B) $90,000 appropriated for down payments on capital improvements or for the capital improvement fund by an emergency appropriation) is now available to serve as the down payment on said purpose. The sum of $215,000 is hereby appropriated from such moneys to the payment of the cost of said purpose.

Section 5. To finance said purpose, bonds of said Borough of an aggregate principal amount not exceeding $4,285,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 6. To finance said purpose, bond anticipation notes of said Borough of an aggregate principal amount not exceeding $4,285,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of

outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 7. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said Borough and attested by the Borough Clerk or Deputy Borough Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 8. It is hereby determined and declared that the period of usefulness of said purpose, according to its reasonable life, is a period of thirty years computed from the date of said bonds.

Section 9. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk of said Borough, and that such statement so filed shows that the gross debt of said Borough, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by $4,285,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 10. Any funds received from private parties, the County of Bergen, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purpose, shall be applied to the payment of the cost of such purpose, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purpose shall be reduced accordingly.

Section 11. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of

any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Borough Clerk and is available for public inspection.

Section 12. The Borough intends to issue the bonds or notes to finance the cost of the improvement described in Section 1 of this bond ordinance. If the Borough incurs such costs prior to the issuance of the bonds or notes, the Borough expects to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 13. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Borough, and the Borough shall levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 14. This ordinance shall take effect twenty days after the first publication thereof after final passage.

BOROUGH OF BOGOTA

ORDINANCE NO. 1533

AN ORDINANCE AMENDING CHAPTER 3 OF THE BOGOTA CODE, ENTITLED "POLICE REGULATIONS"

WHEREAS, Chapter 3 of the Bogota Code sets forth the police regulations of the Borough of Bogota, and;

WHEREAS, among the provisions contained therein are the noise regulations that all property owners and their agents are required to adhere to, and;

WHEREAS, these regulations are specifically set forth in Article 3-10 of the Borough Code, entitled "Unnecessary Noise", and;

WHEREAS, the Bogota Mayor and Council seeks to amend Article 3-10 of the Borough Code to, *inter alia*, amend the time that the evening noise regulations shall take effect and to include additional regulations within its coverage.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Bogota, that Chapter 3 of the Bogota Code is hereby amended, revised and supplemented as follows:

SECTION 1: AMENDMENT TO SECTION 3-10, ENTITLED "UNNECESSARY NOISE".

Section 3-10, entitled "Unnecessary Noise" is hereby deleted in its entirety and replaced with the following:

3-10 UNNECESSARY NOISE.

3-10.1 Enforcement by Police Department.
It shall be the duty and responsibility of the Bogota Police Department to enforce the provisions of this Chapter.

3-10.2 Enforcement Procedure.
A violation of this Chapter shall be cause for a summons and complaint to be issued forthwith.

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3-10.3 Power of the Police Department.

In order to implement the purposes of this Chapter, the Bogota Police Department shall have the following powers:

a. Studies. Conduct, or cause to be conducted, studies, research and monitoring related to noise.

b. Education. Conduct programs of public education regarding the causes and effects of noise, but not giving specific advice for its abatement, and to encourage the participation of public interest groups and related public information efforts.

3-10.4 General Noise.

Whereas excessive sound or noise is a nuisance to the public health, welfare, safety and quality of life, it shall be unlawful for any person, firm, partnership, corporation or their agents or employees to commit any of the following acts in such a manner that any noise or sound is produced that is plainly audible across any real property boundary line, or through individual dwelling units, between the hours of 10:00 p.m. to 7:00 a.m.

A. Animal. The keeping of any animal (including dogs, cats or birds) which, by causing frequent or long continued noise, shall disturb the comfort or repose of persons in the vicinity. The provisions of this subsection shall also apply to all private or public facilities, including any animal pounds, which hold or treat animals.

B. Domestic Power Tool. The use of any domestic power tools, including but not limited to lawn mowers, chain saws, edger tools, leaf blowers, sanders, grinders, etc.

C. Motorized Vehicle Repair. Repairing, rebuilding, modifying or testing any motor vehicle, motorcycle or motorboat.

D. Radio, stereo, television set, musical instrument, phonograph and/or other device used for sound reproduction. The use of a radio, stereo, television set, musical instrument, phonograph or other machine or device used for the production or reproduction of sound, whether it is stationary, portable or in a motor vehicle. Nothing herein contained shall be construed to prohibit playing by a band or orchestra in a hall, building or in the open air, provided that permission from the Borough has been previously granted.

E. Vehicle use. Using any automobile, motorcycle or vehicle so out of repair, so loaded or in such manner as to create loud or unnecessary grating, grinding, rattling or other noise.

F. Yelling, shouting and similar acts. Yelling, shouting or any other like noises at any place so as to annoy or disturb the quiet, comfort or repose of any person in the vicinity.

G. Other Loud Noise. Any other loud, obnoxious or unreasonable noise which disturbs the quiet and repose of anyone in the vicinity.

3-10.5 Use of Loud Speakers.

It shall be unlawful for any person to use loud speakers for advertising purposes or for the purpose of attracting the attention of the passing public on the streets or public places of the

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Borough, or in any place where the sound therefrom is cast directly upon the streets or public places, or which is so placed and operated that the sound therefrom can be heard to the annoyance or inconvenience of travelers upon any street or public place, or of persons in neighboring premises.

3-10.6 Use of Sound Trucks; Amplification Systems.
Except as hereinafter provided it shall be unlawful for any person, either as principal agent or employee to play, use or operate for advertising purposes, whatsoever, on or upon the public streets, alleys or thoroughfare in the Borough any device known as a sound truck, loud speaker or sound amplifier, or radio or phonograph with a loud speaker or sound amplifier, or any other instrument known as a calliope or any instrument of any kind of character which emits therefrom loud and raucous noises and is attached to an upon any vehicle operated or standing upon any streets or public places aforementioned.

3-10.7 Use in Emergencies.
In times of emergency such as (but not limited to) strikes, wars, fires, storms, floods, epidemics, nothing contained in this section shall prohibit the use and operation by Borough officials and/or police and fire officers of sound trucks, loud speakers or sound amplifiers in connection with the emergency situations.

3-10.8 Commercial Noises.
Construction or repairing of buildings and landscaping or lawn service by contractors. The erection, excavation, demolition, alteration or repair of any building or structure and/or landscaping or lawn service noise is prohibited during the hours of 6:00 p.m. through 7:00 a.m.

3-10.9 Loading Operations.
Loading, unloading, opening or otherwise handling boxes, crates, containers, garbage cans or otherwise similar objects between the hours of 6:00 p.m. and 7:00 a.m. the following day, in such a manner as to cause a noise disturbance.

3-10.10 Unmuffled exhaust.
Discharging into the open air the exhaust of any automobile, motorcycle, steam or other engine except through a muffler or other device which effectively prevents loud or explosive noises therefrom is prohibited and constitutes a violation of this Chapter.

3-10.11 Horns and signaling devices.
The sounding of any horn or signaling device on any motor vehicle on any public right-of-way, except as a danger warning signal or as provided in the Vehicle Code of the State of New Jersey. No person shall sound any horn, warning device or vehicle alarm of any automobile, motorcycle, bus or other vehicle that emits an unreasonably loud or harsh sounds for an unnecessary or unreasonable period of time. For purposes of this Section, "unreasonable period of time" shall be defined as any period of time exceeding fifteen (15) minutes.

3-10.12 Exemptions:

a. Emergency exception. Noise caused in the performance of emergency work for the immediate safety, health or welfare of the community or individuals of the community, or to restore property to a safe condition following a public calamity, weather related

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conditions or power outages shall not be subject to the provisions of this Chapter. Nothing in this Chapter shall be construed to prohibit law enforcement, ambulance, fire, or other emergency personnel, railroad or public utility personnel to make necessary noise in the performance of their duties in response to any emergent condition or public safety drill.

b. Public celebrations as well as activities in public parks, the Bogota Swim Club, playgrounds or public buildings under permission and authority of Borough officials and school-sponsored activities.

c. Any public utility, as defined in Title 48 of the Revised Statutes of New Jersey, or to any employees of such public utility when such public utility or its employees shall be engaged in performing work to prevent the threatened interruption of its services or to terminate the interruption of its services rendered to its customers, as well as emergency energy release devices.

d. Any work performed by the Bogota Department of Public Works or other employees working on behalf of the Borough.

e. Solid waste collection.

3-10.11 Violations and Penalties

a. Any person, firm or corporation who shall be found guilty of violating any provision of this Chapter shall, for each offense, be fined a sum of not more than $200 or be imprisoned in the county jail for a period not exceeding 30 days, or both. Each day of such violation's continuance shall be considered as a separate offense and shall be separately punishable.

b. Any person, firm or corporation who shall be found guilty of violating any provision of this Chapter for a second time within a six-month period shall, for each offense, be fined a sum of not less than $200 and not more than $500 or be imprisoned in the county jail for a period not exceeding 90 days, or both.

3-10.12 Abatement of Violations

The operation or maintenance of any noise source in violation of any provision of this Chapter shall be deemed and is declared to be a public nuisance and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction or in any other manner available for the abatement of public nuisances.

3-10.15 Other Remedies.

a. Any remedy available pursuant to this Chapter shall be considered separate and not exclusive of any other remedy available hereunder.

b. Nothing in this chapter shall be construed to impair any cause of action, or legal remedy therefor, of any person for injury or damage arising from any violation of this Chapter.

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SECTION 2: SEVERABILITY.

If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of the Ordinance, which shall remain in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

SECTION 3: INCONSISTENCY.

Any and all ordinances, or parts thereof, in conflict or inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to such extent as they are so in conflict or inconsistent.

SECTION 4: EFFECTIVE DATE

This ordinance shall take effect twenty (20) days after the first publication thereof after final passage.