

ORDINANCE NO. 23-2019

**BOROUGH OF ROSELAND
COUNTY OF ESSEX, STATE OF NEW JERSEY**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XIX
OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH
OF ROSELAND ENTITLED “STREETS AND SIDEWALKS”**

WHEREAS, the Mayor and Council of the Borough of Roseland wish to amend section of Chapter XIX of the Revised General Ordinances of the Borough of Roseland entitled “Streets and Sidewalks”;

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Roseland that Chapter XIX of the Revised General Ordinances of the Borough of Roseland entitled “Streets and Sidewalks” shall be amended to add the following:

SECTION I

19-21 PLACEMENT OF BASKETBALL HOOP SYSTEMS

19-21.1 Prohibited Locations.

No portable or in-place private basketball hoop system may be temporarily or permanently placed within or so as to obstruct the public right-of-way. Such private systems may not be placed on public streets or sidewalks, at the edge of curblines so as to encroach or overhang public streets nor where vehicles may be parked on public streets and public parking lots.

19-21.2 Duty to Remove.

A notice to remove shall be provided to such persons owning or responsible for such basketball hoop systems that are impermissibly located within the public right-of-way. There shall be a presumption that the person(s) who have violated this provision are those who control the private property on which the system is situated, or if the system is in a public right-of-way, those who control the private property closest to the system. The notice shall be attached to and/or placed at the front door of the private property, together with a copy of this Ordinance. Persons owning or responsible for such systems shall remove the equipment from the impermissible location within five (5) days of the date of the notice, which date may be adjusted in the event an issue arises regarding identification of the owner. Such systems remaining in an impermissible location after the passing of the notice period shall be subject to forcible relocation and/or impoundment.

19-21.3 Enforcement.

The Police Department and the Department of Public Works shall enforce the provisions of this Ordinance.

19-21.4 *Violations and Penalties.*

Any person violating the provisions of this Ordinance shall, upon conviction, be liable to the penalty stated in penalty stated in Chapter 1, Section 1-5. A separate administrative fee of \$150 shall be paid to the Borough in order to retrieve any impounded basketball hoop system.

SECTION II

If any section or provision of this ordinance shall be invalid in any court the same shall not affect the other sections or provisions of this ordinance except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

SECTION III

All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION IV

This ordinance shall take effect in accordance with applicable law.

DATE OF INTRODUCTION: August 20, 2019

Motion to Introduce by: Councilman Bardi
 Motion Seconded by: Councilwoman Perrotti
 Introduction Approved: 5-0 voice vote (Councilwoman Fishman absent)

DATE OF ADOPTION:

COUNCIL	MOTION	SECOND	AYE	NAY	ABSTAIN	RECUSE	ABSENT
Councilman Bardi							
Councilwoman Fishman							
Councilman Freda							
Councilman Jacobs							
Councilwoman Perrotti							
Councilwoman Tolli							
Mayor Spango (In case of tie)							
			VOTE:				

I hereby certify that the above Ordinance was duly adopted by the Mayor and Council of the Borough of Roseland at a meeting of Borough Council held on the ____ day of _____, 2019.

 James R. Spango, Mayor

 Jock H. Watkins, Borough Clerk

Date of Publication: