

**ORDINANCE 2-2018  
OF THE GOVERNING BODY  
OF THE BOROUGH OF BLOOMINGDALE**

**AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY, AMENDING CHAPTER 32 “SOIL AND SOIL REMOVAL”, SECTION 32-2 “SOIL REMOVAL” OF THE CODE OF THE BOROUGH OF BLOOMINGDALE**

**WHEREAS**, the Borough Code currently sets forth certain definitions, standards and requirements as part of the ordinances governing soil removal; and

**WHEREAS**, the Borough Council and the Borough Ordinance Committee have reviewed the current Code and determined that it is necessary to amend the Code section to update and supplement the regulations relating to soil removal; and

**NOW THEREFORE BE IT ORDAINED**, by the Council of the Borough of Bloomingdale, in the County of Passaic, and State of New Jersey, as follows:

**SECTION 1.** Chapter 32 “Soil and Soil Removal”, Section 32-2 shall be amended to read as follows:

**32-2 SOIL REMOVAL.**

**32-2.1 Legislative Findings.**

The Borough Council finds and determines that the unregulated relocation, filling, excavation and removal of soil or minerals on a large scale has resulted in conditions detrimental to the public safety, health and welfare, substantially hampering and deterring the efforts of the Borough to effectuate the general purpose of municipal planning.

**32-2.2 Definitions.**

As used in this section:

*Applicant* shall mean a developer or excavator as defined below.

*Developer* shall mean any person who, either directly or through an agent or independent contractor, engages or intends to engage in soil moving as defined by this section.

*Excavator* shall mean any person who shall move or remove soil as the term is hereinafter defined in this section.

*Lot* shall mean any parcel of land or portion thereof, the boundary lines of which can be ascertained by reference to the maps and records, or either, in the office of the Assessor of the Borough or in the Office of the Register of Deeds, Passaic County.

*Major soil moving permit* or *major soil permit* shall mean a permit for the moving of five hundred (500) cubic yards or more of soil.

*Mine* shall mean to move soil or minerals.

*Minor soil moving permit* or *minor soil permit* shall mean a permit for the moving of more than one hundred (100) cubic yards and less than five hundred (500) cubic yards of soil.

*Move* shall mean to dig, to excavate, to remove, to deposit, to place, to fill, to grade, regrade, level or otherwise alter or change the location or contour, to transport or to supply. "Move" shall not be construed to include plowing, spading, cultivation, harrowing or discing of soil, or any other operation usually and ordinarily associated with the preparation of soil for agricultural or horticultural purposes.

*Owner* shall mean any person seized in fee simple of any lot or having such other interest or estate therein as will permit, exercise or effect possession thereof or dominion thereover.

*Soil* shall mean any earth, sand, clay, loam, gravel, humus, rock or dirt without regard to the presence or absence therein of organic matter.

*Soil fertility* shall refer to the ability of a soil to sustain agricultural plant growth, i.e. to provide plant habitat and result in sustained and consistent yields of high quality.

A fertile soil has the following properties: the ability to supply essential plant nutrients and soil water in adequate amounts and proportions for plant growth and reproduction; and the absence of toxic substances which may inhibit plant growth.

The following properties contribute to soil fertility in most situations: sufficient soil depth for adequate root growth and water retention; good internal drainage, allowing sufficient aeration for optimal root growth (although some plants, such as rice, tolerate waterlogging); topsoil with sufficient soil organic matter for healthy soil structure and moisture retention; soil PH in the range of 5.5 to 7.0 (suitable for most plants but some prefer or tolerate more acid or alkaline conditions); adequate concentrations of essential plant nutrients in plant-available forms; presence of a range of microorganisms that support plant growth.

*Topsoil* shall mean soil that, in its natural state, constitutes the top layer of earth and is composed of two (2%) percent or more, by weight, of organic matter and has the ability to support vegetation.

*Tree* shall mean any woody perennial plant with one (1) main trunk, such trunk having a diameter of at least eight (8) inches when measured four (4) feet above the level of the existing grade.

*Wooded area* shall mean an area of the property which is the subject of a soil moving permit application, the area consisting of at least one hundred (100) square feet, the surface of which is vegetated so as to form a visual screen.

### **32-2.3 Applicability; Exceptions; Approvals of Other Agencies.**

- a. The provisions of this section shall not apply to the following:
  1. Excavations for the construction or repair of individual subsurface sewage disposal systems (septic systems) when such construction or repair is performed pursuant to a permit duly issued by the Borough Health Department.
  2. The movement of less than one hundred (100) cubic yards of soil or four hundred (400) square feet of disturbed area, whichever amount is less.
  3. Site plans or subdivisions approved by the Board.
  4. Lake dredging, where approval is required by the Soil Conservation District, and New Jersey Department of Environmental Protection or any other governmental agency.
  5. The change in elevation is no more than two (2) feet at any point.
  6. Foundations, swimming pools and septics where the area of disturbance has a grade of fifteen percent (15%) or less.
- b. The Mayor and Council may, by resolution, waive any or all of the requirements of this section if the soil moving operation is proposed to take place upon lands dedicated to the conservation, development and regulation of potable water resources, upon the written request by the owner or applicant. Such written request shall state the exact purpose of the soil moving operation, location, commencement and completion dates and proposed routes of transportation of soil moving vehicles and equipment to be used in the Borough.
- c. If approval by either the Soil Conservation Service of the State of New Jersey Department of Environmental Protection or any other governmental agency is required, such approval shall be required as a condition of approval of the soil moving permit application, and no soil moving permit shall be issued until same has been obtained.

### **32-2.4 Permit Required; Transferability.**

- a. No person shall remove, move or cause, allow, permit or suffer to be removed or moved any soil from, in or upon any land in the Borough unless and until a soil permit shall first have been obtained, except as provided herein.
- b. No owner of any land in the Borough shall cause, allow, permit or suffer any soil from, in or upon such land to be received, removed or moved by any developer or excavator until such developer or excavator shall first have obtained a soil moving permit, except as provided herein.
- c. The soil moving permit shall not be assignable or transferable.
- d. Specific attention is made to excavation upon or within lands. Dredging excavation or clearing of such an area is within the scope of this section and a soil moving permit is required.

### **32-2.5 Approval of Application; Appeal.**

a. All applications for the issuance of major soil permits are hereby required to be submitted to the Board, which Board shall refer the application to the Board Engineer before considering such applications and make its report recommending the issuance or denial of such permit. No major soil permit approval shall be granted until the Board has submitted to the Mayor and Council, within the time period specified in subsection 32-2.9, its report and recommendations, or the Board has forfeited such right to review by its failure to do so within the time period specified.

b. All applications for minor soil permits are hereby referred to the Construction Official, and shall be approved, conditionally approved or denied by the Construction Official. The applicant shall have the right to appeal the decision of the Construction Official to the Mayor and Council within twenty-one (21) days of such conditional approval or denial. Such appeal shall be made in writing, sent by certified mail, addressed in care of the Municipal Clerk and shall include a copy of such conditional approval or denial and all information made available to the Construction Official, upon which his decision was made. The Mayor and Council shall, within thirty (30) days of receipt of the appeal, either affirm, modify or reverse the decision of the Construction Official and shall notify the applicant within seven (7) days of such decision. In all other respects, the hearing of appeals pursuant to this section shall be held in accordance with subsection 32-2.9.

#### **32-2.6 Reserved.**

#### **32-2.7 Contents of Major and Minor Soil Moving Application.**

a. Application for major and minor soil moving permits shall be made on forms prescribed and supplied by the Mayor and Council. The applicant shall set forth under oath, in duplicate, the following:

1. The name and address of the applicant.
2. The names and addresses of the owners of the premises.
3. The relationship between the applicant and the owners.
4. The interest that the applicant has in the lands in question.
5. The purpose or reason for moving the soil.
6. The kind and quantity, in cubic yards, of soil to be removed.
7. The proposed date of completion of the work, including hours and days of operation.
8. The name and address of the excavator, contractor or the person having express charge, supervision and control of the proposed excavation work.
9. The name and address of the person to have charge or control of the operation of the hauling away of the excavation material.
10. The number, capacity, type and description of each piece of equipment to be used in the operation and the number of truck loads to be removed.
11. The routes over which the material will be transported and the method of traffic control.
12. The method of abating noise and dust in the operation.
13. The means of assuring lateral support and preventing erosion, floods and washing of silt into streams.
14. The means of protecting downstream properties from the effects of the operation.

b. Accompanying the application for major and minor soil moving permit shall be eight (8) copies of a topographical map at a scale of not less than one inch equals fifty (1" = 50')

feet and showing contour intervals at five (5) feet for grades of ten (10%) percent or greater, and contour intervals at two (2) feet for grades of less than ten (10%) percent. The map shall be prepared and certified by a New Jersey licensed land surveyor or engineer and shall show:

1. The present grades on a one hundred (100) foot grid layout.
2. The proposed grades at the points when the work has been completed.
3. The quantity, in cubic yards, of soil involved in the work.
4. The grades of all abutting streets and lots.
5. Proposed slopes and lateral supports.
6. Present and proposed surface water drainage.
7. All areas within one hundred (100) feet of that portion of the property which will be involved in the soil moving activities, including trees and wooded areas therein.
8. Such other pertinent data as the Mayor and Council may hereafter by resolution require.

### **32-2.8 Application Fees; Resubmissions.**

a. Prior to the commencement of operations, a permit fee shall be paid to the Borough calculated in accordance with the following schedule:

1. More than one hundred (100) cubic yards and less than five hundred (500) cubic yards of soil to be removed, the fee shall be fifty (\$50.00) dollars, payable at the time of application.

2. Above five hundred (500) cubic yards and up to three hundred thousand (300,000) cubic yards, the fee shall be one hundred twenty-five (\$125.00) dollars plus the sum of five (\$0.05) cents per cubic yard for quantities in excess of two thousand five hundred (2,500) cubic yards up to and including three hundred thousand (300,000) cubic yards. The sum of one hundred twenty-five (\$125.00) dollars must be paid at the time of application with the remaining fees paid prior to issuance of permit, or quarterly in advance if greater than eight hundred (\$800.00) dollars.

3. For all quantities in excess of three hundred thousand (300,000) cubic yards, the fee shall be fifteen thousand (\$15,000.00) dollars per year. The sum of two thousand five hundred (\$2,500.00) dollars must be paid at the time of application with the remaining fees paid annually in advance, due on the anniversary date of the permit.

b. The major and minor soil moving application shall be submitted to the Construction Office with a topographical map and required filing fee of five hundred (\$500.00) dollars. The number of cubic yards of soil to be used in the compilation of the fee shall be as stated in the application and on the accompanying topographical map.

c. *Resubmission of Application; When Required.* Where substantial changes in the soil moving permit application have been required as a condition of approval the applicant may be required to resubmit an application with approved amendments to the Construction Office. The Borough Engineer shall review the resubmission with the terms and conditions of approval. The fee to be paid by the applicant for a resubmission shall be five hundred (\$500.00) dollars per resubmission.

**32-2.9 Consideration of Major Soil Moving Permit by Planning Board or Zoning Board; Hearing.**

a. Within forty-five (45) days after receipt of the application or within such further time as may be consented to by the applicant, the Board shall review and consider the same and render its report and recommendations to the Mayor and Council. Notice of the time and place for major soil permit shall be given by certified mail to the applicant.

b. The applicant shall cause notice of the hearing to be published in the official newspaper of the Borough at least ten (10) days prior to the date of the hearing by the Board. The applicant shall provide notice, by personal service or mail, within five (5) days of the date, to all of the owners of real property located within two hundred (200) feet in all directions, as their names appear on the municipal tax records of the time, date, location and subject matter of the hearing. The affidavits of publication and service shall be filed with the Board at the time of the hearing.

**32-2.10 Report of Board; Determination by Mayor and Council.**

The Board shall deliver its report and recommendations to the Mayor and Council at the next regular meeting of the Council following the expiration of the time period specified in subsection 32-2.9. The Mayor and Council, within forty-five (45) days after receipt of the report and recommendations of the Board, shall grant, conditionally grant or deny the application for major soil permit. The aforesaid shall be decided by resolution of the Mayor and Council.

**32-2.11 Notice of Consideration.**

Notice of the time and place of the Mayor and Council's consideration of the applicant for major soil permit and report and recommendations of the Board shall be given by certified mail to the applicant.

**32-2.12 Reserved.**

**32-2.13 Factors to Be Considered.**

In considering any application, the Borough Engineer or the Board and the Mayor and Council shall be guided by the general purpose of municipal planning and shall take into consideration the following:

- a. Soil erosion by water and wind.
- b. Surface water drainage.
- c. Soil fertility.
- d. Lateral support of abutting streets and lands.
- e. Public health and safety.
- f. Land values and uses.
- g. The general welfare of the Borough and its citizens.
- h. Whether the proposed work will create a nuisance.
- i. Whether the proposed work is necessary in connection with the development of the property.
- j. Traffic congestion or other nuisances.
- k. The effect that the proposed removal of soil would have on individual sanitary sewage disposal systems.

- l. The preservation of existing watercourses.
- m. The creation of sharp declivities, pits or depressions.
- n. Whether the proposed removal of soil constitutes a commercial activity.
- o. Such other factors as may bear or relate to the coordinated, adjusted and harmonious physical development of the Borough.
- p. Compatibility with the zoning scheme of the Borough.

**32-2.14 Performance Guaranty Required.**

a. No major soil permit shall be issued and no soil moving shall commence unless and until the applicant shall have posted with the Municipal Clerk a performance guaranty in form and with surety acceptable to the Borough, in an amount determined by resolution of the Mayor and Council. Such guaranty shall be posted, in favor of the Municipality, with the Municipal Clerk and shall assure faithful performance by the principal, within the time period specified in the major soil permit, that all proposed soil moving shall take place in accordance with the permit and all applicable Borough and other governmental approvals. Acceptable forms of surety shall include cash, certificate of deposit or other form approved by the Mayor and Council and shall be provided in the amount determined by resolution of the Mayor and Council in conformity with the provisions of paragraph b. below.

b. Any performance guaranty required pursuant to paragraph a. above shall be based upon an estimate prepared by the Borough Engineer, at the request of the Mayor and Council. The amount of the performance guaranty shall be in the amount required to restore all disturbed areas to a revegetated state, to restore interrupted drainage patterns and to generally provide moneys to repair that damage which has been caused by development which is not consistent with approvals therefor.

**32-2.15 Permit to Stipulate Conditions.**

The major soil moving permit shall set forth all of the conditions under which the same was granted and the time during which the soil removal shall be completed.

**32-2.16 Time Schedules; Reports on Progress.**

a. In the event that major soil removal is permitted, the applicant and owner shall proceed with the work within thirty (30) days after the resolution of the Mayor and Council authorizing the Municipal Clerk to issue the major soil moving permit.

b. The applicant or owner shall, within thirty (30) days from each three (3) month period following the date of the permit, furnish the Borough Engineer, certifying the amount of material removed during such three (3) month period, which certification shall be accompanied by a profile map and other engineering data in support of the certification.

**32-2.17 Revocation of Permit.**

In the event that the guaranty required by the Mayor and Council is not furnished within thirty (30) days from the resolution referred to in subsection 32-2.16a. or in the event that the work is not commenced within the time, the applicant or owner shall not have the right to remove any soil and the major soil moving permit shall be revoked.

**32-2.18 Consequences of Delay or Abandonment; Violation of Permit.**

In the event that in the opinion of the Borough Engineer the project or any part thereof has been abandoned, is unnecessarily delayed or cannot be completed at the rate of progress or within the time specified in the major soil moving permit, or there is a willful violation of any of the terms of the major soil moving permit, then the Borough Engineer may so certify in writing to the Mayor and Council, and the Mayor and Council may declare a default and notify the person having an interest in or in charge to discontinue the project. The Mayor and Council may, at its option, revoke the major soil moving permit or may call upon the surety on the performance guaranty to complete the project

**32-2.19 Removal or Fill of Material in Excess of Permitted Amount.**

a. In the event that the enforcing official determines that the amount of materials removed or filled exceeds the gross amount permitted to be removed or filled under the major soil moving permit, the applicant or owner shall immediately restore to or remove from the site under the direction of the Engineer the amount of material taken or filled in excess of the amount permitted to be removed or filled except that if rock is removed, it may be replaced by clean soil. The materials to be restored or removed shall be of the same type and quantity as the material removed or filled. The cost of restoring or removing such material shall be borne by the applicant or the owner. In the event that such excess material is not restored or removed, the Borough, at its option, shall restore or remove such material and the cost or expense shall be a lien upon the premises from which the excess is taken or placed, and the lien shall be enforced in the same manner that liens for nonpayment of real estate taxes are enforced.

b. In the event that the amount of material removed or filled is in excess of the amount of material permitted, the major soil moving permit will be revoked except to permit the applicant to restore or remove the excess material.

c. In the event that the amount of material removed or filled is more than as stated in the certification referred to in subsection 32-2.16b. and the owner or applicant has not removed or restored all the yardage permitted under the major soil moving permit, the permit shall be suspended until the owner or applicant pays to the Borough the amount it is entitled under the terms of subsection 32-2.8.

**32-2.20 Storage of Topsoil.**

If pursuant to a major soil permit, any person, owner, developer or excavator removes topsoil within any lot, or adds fill to any lot, provisions shall be made for the storage of the topsoil within the boundary lines of the lot. (Ord. No. 13-2005; Ord. No. 34-2013 § 1)

**32-2.21 Reserved.**

**32-2.22 Hours of Operation.**

There shall be no major soil moving operations, which term shall include loading or unloading, on Sundays, legal holidays or Saturdays after 12:00 noon, nor at any time between the hours of 5:00 p.m. and 8:00 a.m. following, prevailing time. Exceptions to the hours of operation shall only be allowed for State D.O.T. contracts. The owner must notify the Municipal

Clerk of the existence of a State contract. Operations shall not be permitted for more than one 24-hour period per week.

**32-2.23 Removal of Topsoil Prohibited; Exceptions.**

Where major soil moving is permitted under this section, no person, owner, developer or excavator shall remove to any part beyond the boundary lines of the lot any topsoil whatsoever, unless and until topsoil not inferior in quality to that which has been removed shall first have been replaced uniformly to a depth of not less than six (6) inches, measured from the proposed final grades as shown on the topographical map referred to in subsection 32-2.7b. over the entire disturbed area of the lot, excepting only such portions as shall be or shall have become, since the date of filing of such topographical map, permanently covered by a building or structure, street, pavement, curb, sidewalk or other paved area, or by any body of water or waterway. In no event shall the developer or excavator remove from the lot more topsoil than that comprising the surplus or excess remaining after the replacement of the topsoil as aforesaid.

**32-2.24 Conformance with Proposed Grades Required.**

a. Where major soil moving is permitted, no developer or excavator shall, at any time in the course of the work, excavate or fill more than six (6) inches below the proposed final grades as shown, unless:

1. The major soil permit specifies otherwise and the performance guaranty, referred to in subsection 32-2.14, makes specific provision for replacement, on or before the completion date set forth in the soil permit, of soil of sufficient quantity and kind to restore the final grades to those shown on the topographical map referred to in subsection 32-2.7b.; or

2. After issuance of the major soil permit, the developer or excavator, before digging or excavating below the minimum level shall apply to the Mayor and Council for an amendment to the application and topographical map then in effect, which amendment may be granted upon such terms and conditions as the Mayor and Council deem necessary to assure adherence to the purposes and objectives of this section.

b. Where the major soil moving is permitted, no person, owner, developer or excavator shall deposit soil upon, fill in or raise grade of any lot without first making provision for:

1. The use in the work of soil or such other materials as will not result in deviation from the proposed final grades or the uniformity thereof by reason of any abnormal shrinkage or settlement.

2. The collection and storage upon the lot of the original topsoil to the end that the topsoil shall not be buried beneath soil or other material of inferior quality, and the uniform replacement of the topsoil so stored over the entire area or surface of the fill soil so that the final grade or grades of the replaced topsoil shall be in accordance with the proposed final grade shown on the topographical map referred to in 32-2.7b.,2. In the event that such provision shall be not practicable, provision shall be made for the uniform placement over the entire area or surface of the fill soil, excepting only such portions thereof as shall become permanently covered by a building or structure, street, pavement, curb, sidewalk, driveway or other paved area or by any body of water or waterway, of a layer of topsoil not inferior in quality to that of the original topsoil, to a depth of not less than six (6) inches, measured from the proposed final grades as shown on the topographical map.

3. The preservation of existing watercourses.

**32-2.25 Preservation of Trees.**

In order to prevent erosion, any developer or excavator removing soil shall leave as many trees as practicable in all areas except where excavations are made for buildings, driveways and streets. The application map made by such developer or excavator shall show the trees to be left standing, for the consideration of the Mayor and Council. Where trees are removed or die, a sufficient number of new trees of evergreen species shall be planted around the perimeter of the excavated area to equal or exceed the number of trees that existed prior to the start of work. The tree count shall be based on trees two (2) inches in diameter or greater measured at four (4) feet above the ground. Replacement trees shall be a minimum of one and one-half (1 1/2) inches in diameter. Specific species selection shall be submitted to the Borough Engineer for approval.

**32-2.26 Transport of Materials; Covering.**

In order to prevent spillage, undue dust and dirt conditions, the holder of the major soil moving permit or his agents and servants shall be required to compel every vehicle transporting fill, dirt or other material under the major soil moving permit to be covered with a canvas or similar top covering so as to prevent the contents or any part thereof on the vehicle from being scattered or spilled while in the course of moving within the Borough. Any person owning or operating a vehicle without having or using such covering in the course of transporting material within the Borough shall be subject to the penalty provisions of 32-2.31a. In addition, the Mayor and Council shall have the right, on due notice to the permittee, to suspend or revoke the permit in the event that vehicles are used without such covering or transporting of material is made without the same being covered.

**32-2.27 Responsibilities of Applicant.**

a. In order to prevent undue dust conditions, the holder of the major soil moving permit shall be required to water all roads or streets or areas, whether temporary or not, within the confines of the site where such holder's operations are carried on. The areas to be covered with water and the quantity and number of applications and the periods when such areas shall be covered shall be determined by the Mayor and Council, and stated in the resolution granting approval.

b. In order to prevent undue dust conditions, the areas where actual excavations are being carried out shall be watered in the manner prescribed by the Borough Engineer.

c. The Mayor and Council shall have the right, on due notice given to the permittee, to suspend or revoke the major soil moving permit in the event that the holder refuses or neglects to diligently execute the aforementioned orders of the Borough Engineer to prevent the undue disseminating of dirt and dust.

d. Where applicable, the holder of a soil moving permit shall obtain other local, State or Federal agency permits. These shall include, but not be limited to:

1. Site plan or subdivision approval.
2. Soil Conservation District approval.
3. State health and safety approval.

4. State Department of Environmental Protection approval.
5. United States Army Corps of Engineers approval.

e. If use of explosives is anticipated or required, approval in accordance with law shall be obtained. A copy of the approval shall be posted with the Borough. Prior to the use of any such devices, the Borough Police Department shall be notified twenty-four (24) hours in advance.

**32-2.28 Right of Inspection.**

For the purpose of administering and enforcing this section, the Enforcing Officer or designated assistant shall have the right to enter into and upon any lands in or upon which major soil moving operations are being conducted, to examine and inspect such lands.

**32-2.29 Enforcing Officer.**

The Construction Code Official is hereby designated as the officer whose duty it shall be to enforce the provisions of this section. He shall, whenever directed by the Mayor and Council or the Municipal Clerk or other officer so designated by resolution of the Mayor and Council, inspect the premises for which permits have been granted and ensure compliance with the terms of the major soil moving permit and of this section.

**32-2.30 Reserved.**

**32-2.31 Violations and Penalties.**

a. Any person who violates any provision of this section shall, upon conviction, be liable to the penalty stated in the Revised General Ordinances of the Borough of Bloomingdale Chapter I, Section 1-5.

b. The imposition of the penalty provided in paragraph a. of this section shall not be deemed to be in lieu of any other provision of this section for revocation or suspension of the major soil moving permit, and shall not constitute a bar to the collection by the Borough from the permittee of the costs of abating or correcting the violation.

**32-2.32 Statutory Authority.**

This section is subject to the provision of N.J.S.A. 40:55D-26b.

**32-2.33 Time Limit for Permit.**

No permit shall extend for a longer period than five (5) years. Any work not completed in accordance with the permit and in accordance with the time limit set in the permit shall not be completed unless and until a new permit is applied for and issued in accordance with the terms of this section.

All other portions of this Section of the Code remain unchanged.

**SECTION 2.** All ordinances or parts of ordinances of the Borough of Bloomingdale inconsistent herewith are repealed to the extent of such inconsistency.

**SECTION 3.** If any section, subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this Ordinance.

**SECTION 4.** This law shall take effect immediately upon final passage, approval and publication as required by law.

**NOTICE**

NOTICE IS HEREBY GIVEN, that the above Ordinance was introduced and passed on first reading at an Official Meeting of the Governing Body of the Borough of Bloomingdale held in the Municipal Building on the 2<sup>nd</sup> day of January, 2018, and the same shall come up for final passage at an Official Meeting of the Governing Body to be held on the 23<sup>rd</sup> day of January, 2018 at 7PM, at which time any persons interested shall be given the opportunity to be heard concerning said Ordinance. Copies of this Ordinance are available in the Clerk's Office located at 101 Hamburg Turnpike, Bloomingdale, New Jersey.

\_\_\_\_\_  
Breeanna Calabro, RMC  
Municipal Clerk

BOROUGH OF BLOOMINGDALE  
COUNTY OF PASSAIC  
STATE OF NEW JERSEY

ATTEST:

\_\_\_\_\_  
Breeanna Calabro, Clerk

By: \_\_\_\_\_  
Jonathan Dunleavy, Mayor