

**ORDINANCE 18-2012
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 4, GENERAL LICENSING, OF "THE REVISED GENERAL
ORDINANCES OF THE BOROUGH OF BLOOMINGDALE, 2000"
TO ESTABLISH A NEW SECTION 4-4, SOIL/MULCH DELIVERY
PERMITS***

WHEREAS, the Borough of Bloomingdale currently makes free top soil and free mulch available to Borough residents at the Department of Public Works ("DPW") facilities, to be shoveled and transported by residents to their own homes within the Borough for their own personal use; and

WHEREAS, the Mayor and Borough Council would like to provide the opportunity to residents to receive the delivery of such free top soil and/or mulch at their homes within the Borough by the DPW; and

WHEREAS, the delivery of free top soil and/or mulch would be provided for a fee, creating a source of revenue for the municipality while providing a convenience for residents.

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

SECTION 1. Chapter 4, General Licensing, Section 4-4, Reserved, of "The Revised General Ordinances of the Borough of Bloomingdale, 2000" is hereby amended and supplemented to establish a new Section 4-4, Soil/Mulch Delivery Permits, to read in its entirety as follows:

"4-4 SOIL/MULCH DELIVERY PERMITS.

4-4.1 Soil/Mulch Delivery Permits Established. The Borough Clerk shall accept applications and issue permits for the delivery of free top soil and/or free mulch by the Borough Department of Public Works (“DPW”) to residences within the Borough. By submitting a permit application, each individual applicant certifies that he/she is a resident of the Borough of Bloomingdale, shall use the delivered materials solely for personal use in connection with the named residence address, and shall hold the Borough harmless from all claims for personal injury and/or property damage resulting from or arising out of the delivery of such materials by the Borough DPW. Permits shall be issued on a first come/first served basis provided that the requested materials are available for delivery. A soil/mulch delivery permit shall be valid for one delivery only.

4-4.2 Delivered Materials to be Used for Personal Purposes Only. The delivery of free top soil and/or mulch by the DPW is made available solely for Borough residents, and delivered top soil and/or mulch shall be used solely by the permit holder at the residence address named in the permit application. DPW personnel shall have the authority to exercise discretion in whether to complete a delivery of materials if it reasonably appears to such personnel that the delivered materials are intended for commercial use or resale. Where the DPW reasonably refuses to complete delivery under such circumstances, the permit fee shall be forfeited by the permit holder.

4-4.3 Delivery location. Free soil and/or mulch shall be delivered at the front property line of the delivery address named in the permit. The DPW shall not be required to perform any services in connection with the delivery of the top

soil and/or mulch other than to empty the materials from the truck in which they are transported and to deposit them in a location at the front (street) property line of the residence.

4-4.4 Permit Fee. The fee for a permit shall be paid in cash, in full, at the time the permit is applied for and issued. The permit fee shall be \$50.00 for a single delivery.”

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.

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN, that the above Ordinance was introduced and passed on the first reading at an Official Meeting of the Governing Body of the Borough of Bloomingdale, County of Passaic, State of New Jersey held in the Municipal Building on the 23rd day of October, 2012, and the same shall come up for final passage at an Official Meeting of the Mayor and Council to be held on the 27th day of, November 2012, at 7:30 P.M. at the Bloomingdale Municipal Building, at which time any persons interested shall be given the opportunity to be heard concerning said Ordinance.

**Jane McCarthy, RMC
Municipal Clerk**