

2ND & FINAL READING:

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER II, ADMINISTRATION, OF AN ORDINANCE ENTITLED, "AN ORDINANCE ADOPTING AND ENACTING THE REVISED GENERAL ORDINANCES OF THE CITY OF LINDEN, 1999," PASSED NOVEMBER 23, 1999 AND APPROVED NOVEMBER 24, 1999, AND AS AMENDED AND SUPPLEMENTED

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LINDEN:

Section 1. That Chapter II, Administration, Article IV, Department Established, Section 2-27.2, Division of Municipal Garage, shall be and the same is hereby amended as follows:

DELETE SECTION 2-27.3, DIVISION OF PUBLIC WORKS,

ADD NEW SECTION 2-28, DEPARTMENT OF PUBLIC WORKS as follows:

2-28.1 Created.

a. Division Generally. There is hereby created a Department of Public Works, the Head of which shall be the Director of Public Works.

b. Reserved.

c. Reserved.

d. Reserved.

e. Bureau of Sewers. Within the Department of Public Works there shall be a Bureau of Sewers. Under the direction and supervision of the Director of Public Works, the Bureau shall operate, maintain and repair the City's sanitary and storm sewer system.

1. Fee Created.

(a) Fee. The City of Linden, through its Public Works Department, shall continue to offer sewer cleaning services to structures located within the City of Linden. Said services shall be limited to removing obstructions in sewer lines between the structure and the street.

(b) The fee for such services commencing upon passage of this paragraph shall be one hundred (\$100.00) dollars per call, to be paid to the City of Linden by personal check, bank check or cashier's check. Said payment shall be made to the Tax Collector not later than thirty (30) days from the completion of the service.

(1) If a homeowner requests the Bureau of Sewers more than once in a thirty (30) day period, said fee shall be waived.

(c) In the event said payment is not made within said thirty (30) day period, the City of Linden may pass an appropriate resolution placing a lien on the subject property until payment is in fact made.

(d) By seeking this service, the owner or other individual in custody or control of premises acknowledges, understands and agrees that the City of Linden, its employees, agents and servants shall be held harmless and released from any liability of any type whatsoever for any personal injury, property damage, or other losses or damages which may occur as a result of the rendition of such service. Prior to the performance of such service by the Department of Public Works, the homeowner or other individual in custody and control of said premises shall execute an appropriate hold harmless/release form approved by the City. The failure to execute such form will result in services being denied. The Department of Public Works be and is hereby empowered to initiate all appropriate administrative action necessary to effectuate the purposes of this paragraph.

2. Said sewer charge will be enforced in accordance with N.J.S.A. 40A:26A-10, N.J.S.A. 40:14B-42 and N.J.S.A. 40:48-2.12f. (Ord. No. 54-68; Ord. No. 55-52)

f. Reserved.

g. Bureau of Recycling.

1. Within the Department of Public Works, there shall be a Bureau of Recycling, under the direction of the Director of Public Works, which shall be responsible for the collection and processing of all recyclable materials pursuant to law.

2. Sanitation Inspector.

(a) There is hereby established with the Department of Public Works the position of Sanitation Inspector, who shall, under the direction of the Director of Public Works, inspect trash, garbage, and other refuse collections and containers used therefor to insure the proper collection and disposal of same in accordance with applicable law.

(b) The Sanitation Inspector(s) shall be empowered to issue summonses returnable in Linden Municipal Court for violations of any City ordinance relative to garbage and refuse disposal or recycling; and shall have any other powers, duties and responsibilities imposed on the position by statute, regulation and other applicable law. All supervisors designated by the Director of Public Works shall have the same enforcement powers, including the power to issue summonses, as Sanitation Inspectors, as hereinabove defined.

(c) The appointment of the Sanitation Inspector(s) shall be in accordance with the rules and regulations of the Department of Personnel, and the salary or such position shall be as provided by ordinance.

3. Recycling Coordinator. There is hereby created and established within the Department of Public Works the position of Recycling Coordinator.

h. Reserved.

Section 3. The remaining provisions of the Chapter hereby amended and supplemented shall continue in full force and effect to the same extent as if herein fully repeated.

Section 4. If any section, subsection, provision, clause, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, such adjudication shall not affect the remaining sections, subsections, provisions, clauses, or portions, which shall be deemed severable therefrom.

Section 5. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Section 6. This Ordinance shall take effect in the manner provided by law.

PASSED:

President of Council

APPROVED:

Mayor

ATTEST:

City Clerk