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October 2, 2018

VIA E-MAIL

Kathrine Coviello, Clerk
Township of Mahwah
475 Corporate Drive
Mahwah, New Jersey 07430


RE: Attorney General Consent Order

Dear Ms. Coviello:

Enclosed please find revisions to Ordinance No. 1816, as required pursuant to the Consent Order which was filed by the Court on September 24, 2018. Specifically, paragraph 5 of the Consent Order requires the following: Within 30 days of the date of this Consent Order, Defendants agree to modify Ordinance 1816 at Section 9-1.4(a)(4) to include a statement as follows: "This provision is not intended to address the placement of materials on utility poles located within the Township's recreational facilities, which activity is governed by Chapter XV of the Mahwah Revised General Ordinances." I have prepared the appropriate modification and request that this matter be placed on the agenda for introduction in accordance with the terms of the Consent Order.

If there are any questions, please do not hesitate to contact me.

Very truly yours,


BRIAN M. CHEWCASKIE

BMC/cj
enclosure

cc: Mayor William Laforet
Quentin Wiest, Administrator
Matthew Giacobbe, Esq.

DRAFT

TOWNSHIP OF MAHWAH ORDINANCE NO.

AN ORDINANCE AMENDING AND SUPPLEMENTING ORDINANCE NO. 1816 OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF MAHWAH, SUBCHAPTER 9-1 "USE REGULATIONS"

WHEREAS, the Township of Mahwah desires to amend and supplement the provisions of Ordinance 1816 of the Mahwah Revised General Ordinances, Subchapter 9-1 "Use Regulations", §9-1.4 "Prohibited Activities".

NOW THEREFORE, BE IT ORDAINED by the Township Council of the Township of Mahwah as follows:

Section 1. Ordinance No. 1816, Subchapter 9-1 "Use Regulations" §9-1.4(a)(4) is hereby amended and supplemented in its entirety, as follows:

4. Construct or erect any building or structure of whatever kind, whether permanent or temporary, or run or string any public service utility into, upon, or across such lands, without written consent of the Municipality. This provision is not intended to address the placement of materials on utility poles located within the Township's recreational facilities, which activity is governed by Chapter XV of the Mahwah Revised General Ordinances.

Section 2. All other parts, portions and provisions of Ordinance No. 1816 of the Township of Mahwah Code, be and the same, are hereby ratified and confirmed, except where inconsistent with the terms thereof. In the event of any such inconsistency, the terms of this Ordinance shall be deemed to govern.

Section 3. If any section, paragraph, sub-section, clause or provision of this ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this ordinance as a whole or any part thereof.

Section 4. All ordinances or parts of ordinances of the Township heretofore adopted that are inconsistent with any of the terms and provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Section 5. This Ordinance shall take effect twenty (20) days after final passage, adoption and publication according to law.