

TOWNSHIP COUNCIL MEETING AGENDA

MONDAY, JULY 22, 2019

7:00 P.M.

SALUTE TO THE FLAG

STATEMENT OF PUBLIC NOTICE - TAKE NOTICE THAT ADEQUATE NOTICE OF THIS MEETING HAS BEEN PROVIDED IN ACCORDANCE WITH N.J.S.A. 10:4-8 AND N.J.S.A. 10:4-10 AS FOLLOWS: A NOTICE OF THE MEETING WAS PROMINENTLY POSTED ON THE BULLETIN BOARD AT THE MUNICIPAL BUILDING, LOCATED AT 225 MAIN STREET, LITTLE FALLS, N.J. ON JANUARY 2, 2019. A COPY OF THE NOTICE WAS MAILED TO THE NORTH JERSEY HERALD & NEWS AND THE RECORD ON THE SAME DATE. ADDITIONALLY, A COPY OF THE NOTICE WAS FILED IN THE OFFICE OF THE TOWNSHIP CLERK ON SAID DATE.

ROLL CALL

MINUTES

APPROVAL OF MINUTES FROM THE REGULAR MEETING OF JUNE 24, 2019,
AND THE WORKSHOP MEETING OF JULY 8, 2019

REMARKS FROM THE CHAIR

COUNCIL MEMBER REPORTS

MAYOR'S REPORT

ATTORNEY'S REPORT

PUBLIC COMMENT - AGENDA ITEMS ONLY

ANYONE WISHING TO ADDRESS THE TOWNSHIP COUNCIL MAY DO SO THROUGH THE COUNCIL PRESIDENT. PLEASE GIVE YOUR NAME AND ADDRESS FOR THE RECORD. COMMENTS ARE TO BE LIMITED TO THREE MINUTES, HOWEVER, IF APPROPRIATE, YOU MAY BE GRANTED ADDITIONAL TIME IN THE SOLE DISCRETION OF THE COUNCIL PRESIDENT.

CONSENT AGENDA

ALL ITEMS ON THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE AND WILL BE ENACTED WITH A SINGLE MOTION. FOR ANY ITEMS UNDER REQUISITIONS THE TREASURER HAS SUPPLIED A CERTIFICATION OF THE AVAILABILITY OF FUNDS.

REPORTS

MUNICIPAL CLERK'S REPORT FOR THE MONTH OF JUNE 2019

MUNICIPAL CLERK'S DOG/CAT LICENSE REPORT FOR THE MONTH OF JUNE 2019

TAX COLLECTOR'S REPORT FOR THE MONTH OF JUNE 2019

RECREATION CENTER REPORT FOR THE MONTH OF JUNE 2019

CIVIC CENTER REPORT FOR THE MONTH OF JUNE 2019

POLICE DEPARTMENT REPORT FOR THE MONTH OF JUNE 2019

CONSTRUCTION REPORT FOR THE MONTH OF JUNE 2019

CORRESPONDENCE

REQUEST FROM LITTLE FALLS FOOTBALL PARENTS ASSOCIATION FOR PERMISSION TO CONDUCT A CAN SHAKE ON SATURDAY, AUGUST 17, 2019 AND SUNDAY, AUGUST 18, 2019 FROM 9:00 AM UNTIL 5:00 PM. AT THE INTERSECTIONS OF STEVENS AVENUE/MAIN STREET AND NOTCH ROAD/LONG HILL ROAD.

REQUEST FROM LITTLE FALLS ATHLETIC CLUB FOR PERMISSION TO CONDUCT A CAN SHAKE ON SATURDAY, OCTOBER 12, 2019 AND SUNDAY, OCTOBER 13, 2019 AT THE INTERSECTIONS OF MAIN STREET/ROUTE 23 AND MAIN STREET/UNION BOULEVARD.

REQUEST FROM LITTLE FALLS BIZ FOR PERMISSION TO USE THE MORRIS CANAL AREA TO HOLD THE 7TH ANNUAL FALL FESTIVAL ON SUNDAY, SEPTEMBER 22, 2019 FROM 12:00 P.M. TO 5:00 P.M.

APPLICATIONS

RAFFLE, SONS OF THE AMERICAN LEGION POST #108, OFF-PREMISE 50/50, 10/12/19, 5:00 P.M., MAIN STREET, LITTLE FALLS

RAFFLE, HOLY CROSS CHURCH, OFF-PREMISE 50/50, 10/25/19, 6:00 P.M. - 10:00 P.M., 245 PATERSON AVENUE, LITTLE FALLS

RAFFLE, HOLY CROSS CHURCH, TRICKY TRAY, 10/25/19, 6:00 P.M. - 10:00 P.M., 245 PATERSON AVENUE, LITTLE FALLS

BLUE LIGHT PERMIT, KENNETH A. CICHY, LITTLE FALLS FIRE DEPARTMENT

RESOLUTIONS

RESOLUTION AUTHORIZING THE TREASURER TO ISSUE A CHECK IN THE AMOUNT OF \$2,014.41 TO REFUND SECOND QUARTER TAX OVERPAYMENTS IN THE YEAR 2019 FOR THE PROPERTY KNOWN AS BLOCK 88.05, LOT 1, C806 [A]

RESOLUTION APPROVING RENEWAL OF PLENARY RETAIL CONSUMPTION/PLENARY RETAIL DISTRIBUTION/CLUB LICENSE FOR THE PERIOD FROM JULY 1, 2019 THROUGH JUNE 30, 2020 [B]

RESOLUTION AUTHORIZING THE TOWNSHIP OF LITTLE FALLS TO ENTER INTO A COOPERATIVE PRICING AGREEMENT WITH HUNTERDON COUNTY EDUCATIONAL SERVICES COMMISSION COOPERATIVE [C]

RESOLUTION AWARING CONTRACT TO 4 CLEAN-UP, INC. FOR IMPROVEMENTS TO VERANDA AVENUE AND CONEY ROAD: \$238,027.70 [D]

BILL LIST [E]

NEW BUSINESS

SECOND READING AND PUBLIC HEARING OF ORDINANCE NO. 1363, AN ORDINANCE ENTITLED, "ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY, AMENDING THE TOWNSHIP CODE CHAPTER 136, NOISE".

SECOND READING AND PUBLIC HEARING OF ORDINANCE NO. 1364, AN ORDINANCE ENTITLED, "AN ORDINANCE AMENDING CHAPTER 280, ZONING, OF THE MUNICIPAL CODE OF THE TOWNSHIP OF LITTLE FALLS - CHAPTER 280, ARTICLE XX, USE, AREA AND BULK REGULATIONS".

SECOND READING AND PUBLIC HEARING OF ORDINANCE NO. 1365, AN ORDINANCE ENTITLED, "AN ORDINANCE AMENDING CHAPTER 231, SWIMMING POOLS, OF THE MUNICIPAL CODE OF THE TOWNSHIP OF LITTLE FALLS".

SECOND READING AND PUBLIC HEARING OF ORDINANCE NO. 1366, AN ORDINANCE ENTITLED, ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY, AMENDING THE TOWNSHIP CODE CHAPTER 147, PEACE AND GOOD ORDER".

SECOND READING AND PUBLIC HEARING OF ORDINANCE NO. 1367, AN ORDINANCE ENTITLED, "ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY, AMENDING THE TOWNSHIP CODE CHAPTER 7, TRAFFIC".

SECOND READING AND PUBLIC HEARING OF ORDINANCE NO. 1368, AN ORDINANCE ENTITLED, AN ORDINANCE OF THE TOWNSHIP OF LITTLE FALLS, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY, AMENDING CHAPTER 20 OF THE CODE ENTITLED FILMMAKING".

PUBLIC COMMENT - GENERAL MATTERS

ANYONE WISHING TO ADDRESS THE TOWNSHIP COUNCIL MAY DO SO THROUGH THE COUNCIL PRESIDENT. PLEASE GIVE YOUR NAME AND ADDRESS FOR THE RECORD. COMMENTS ARE TO BE LIMITED TO THREE MINUTES, HOWEVER, IF APPROPRIATE, YOU MAY BE GRANTED ADDITIONAL TIME IN THE SOLE DISCRETION OF THE COUNCIL PRESIDENT.

ADJOURN

RESOLUTION (A) 19-07-22 # _____

WHEREAS, the following property in the Township of Little Falls, New Jersey has overpaid real estate taxes in 2019; and

WHEREAS, the Tax Collector is requesting that the Township Council direct the Treasurer to refund said amount overpaid listed below;

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Little Falls, County of Passaic, State of New Jersey that the following listed tax refund be made by the Township Treasurer:

<u>Tax Year & Qtr.</u>	<u>Block Lot/Q</u>	<u>Taxpayer/ Location</u>	<u>Payee</u>	<u>Reason</u>	<u>Amount</u>
2019/2	88.05/1 C806	Federal National Mtg Assoc/Panicoe 300 Main St. #806	Corelogic PO Box 9202 Coppell TX 75019	O/P	\$2,014.41
Total Refund					\$2,014.41

APPROVED: _____

cc: Finance Dept.
Tax Collector
Dept.

TOWNSHIP OF LITTLE FALLS
PASSAIC COUNTY NEW JERSEY

RESOLUTION **B** 19-07-22 - # _____

BE IT RESOLVED by the Little Falls Township Council as follows:

WHEREAS, an application for renewal of PLENARY RETAIL CONSUMPTION LICENSE has been filed as follows:

1605-33-008-041	Little Falls Beverage and Bar, Inc. t/a Little Falls Discount Liquors 315 Main Street	\$2,200.00
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and WHEREAS, it appears that said application is in satisfactory form; that the applicants have complied with all necessary requirements; that all applications are for renewals by the same persons for the same stands; and that no objections, in writing or otherwise, have been made or filed to any of said applications; and

WHEREAS, the Township Council is familiar with the aforementioned applicant and the place for which they apply and sees no objection;

NOW, THEREFORE, BE IT RESOLVED that the above-listed application be and the same is hereby granted; and

BE IT FURTHER RESOLVED that licenses be issued accordingly, to become effective on July 1, 2019 and expire on June 30, 2020.

APPROVED: _____

ccc: ABC
cc: ABC File
Dept.

RESOLUTION C 19-07-22 - # _____

A RESOLUTION AUTHORIZING THE TOWNSHIP OF LITTLE FALLS
TO ENTER INTO the New Jersey Cooperative Purchasing Alliance
COOPERATIVE PRICING AGREEMENT

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the Hunterdon County Educational Services Commission, hereinafter referred to as the "Lead Agency " has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services;

WHEREAS, on July 22, 2019 the governing body of the Township of Little Falls, County of Passaic, State of New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services;

NOW, THEREFORE BE IT RESOLVED as follows:

TITLE

This RESOLUTION shall be known and may be cited as the Cooperative Pricing Resolution of the Township of Little Falls.

AUTHORITY

Pursuant to the provisions of N.J.S.A. 40A:11-11(5), the Mayor is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.

CONTRACTING UNIT

The Lead Agency shall be responsible for complying with the provisions of the *Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.)* and all other provisions of the revised statutes of the State of New Jersey.

EFFECTIVE DATE

This resolution shall take effect immediately upon passage.

CERTIFICATION

BY: _____
(NAME AND TITLE)

ATTEST BY: _____
(NAME AND TITLE)

ACCEPTING BID AND AWARDING CONTRACT FOR IMPROVEMENTS TO VERANDA AVENUE AND CONEY ROAD

WHEREAS, pursuant to advertising duly made, bids were received by the Township of Little Falls on July 16, 2019 for Improvements to Veranda Avenue and Coney Road, and the bids were opened and read publicly as follows:

4 Clean-Up, Inc. Bid: \$238,027.70	AJM Contractors, Inc. Bid: \$251,487.00
Cifelli & Sons, Inc. Bid: \$326,656.00	DLS Contracting Bid: \$468,518.00

and, WHEREAS, the Township's Special Project Engineer has reviewed the bids for technical sufficiency and it has been determined that 4 Clean-Up, Inc. is the lowest bidder; and

WHEREAS, the award is subject to legal review by the Township Attorney and the Availability of Funds and certification of same in the 2019 budget; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Little Falls as follows:

- 1) That the bid of

4 Clean-Up, Inc.
P.O. Box 5098
North Bergen, NJ 07047

in the amount of \$238,027.70

be and the same is hereby accepted; and

- 2) That the Mayor and Clerk be and they are hereby authorized to execute a Contract in a form approved by the Township Attorney for the designated services at the bid price hereinabove cited, subject to the successful Contractor's filing the required form of Affirmative Action compliance and Payroll Certification for Public Works Projects; and

- 3) That the Clerk be and he is hereby authorized and directed to return to the unsuccessful bidder(s) any Certified checks and/or Bid Bonds received from them as surety, with the exception of the surety received from the second-lowest bidder, which shall be retained for a period not to exceed sixty (60) days or until a contract in a form satisfactory to the Township Attorney shall have been executed with the low bidder, whichever shall come first.

APPROVED: _____

cc: Finance; DPW Supt.; Special Project Engineer; 4 Clean-Up, Inc.; Project File

ORDINANCE NO. 1363

**ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS
IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY, AMENDING THE
TOWNSHIP CODE CHAPTER 136 NOISE**

WHEREAS, the Township of Little Falls ("Township") is a public body corporate and politic of the State of New Jersey; and

WHEREAS, the Township's Code of General Ordinances ("Code") currently provides for local ethics board in the Township;

WHEREAS, the municipal council ("Municipal Council") of the Township has determined to amend Chapter 136 of the Code entitled Noise; and

WHEREAS, the Municipal Council has determined to amend said Chapter of the Code as follows:

The existing Chapter 136 Noise is repealed in its entirety and replaced as follows by the new Chapter 136 Noise Regulations.

Noise Regulations:

136.I. Definitions

The following words and terms, when used in this ordinance, shall have the following meanings, unless the context clearly indicates otherwise. Terms not defined in this ordinance have the same meaning as those defined in N.J.A.C. 7:29.

"Construction" means any site preparation, assembly, erection, repair, alteration or similar action of buildings or structures.

"dBC" means the sound level as measured using the "C" weighting network with a sound level meter meeting the standards set forth in ANSI S1.4-1983 or its successors. The unit of reporting is dB(C). The "C" weighting network is more sensitive to low frequencies than is the "A" weighting network.

"Demolition" means any dismantling, destruction or removal of buildings, structures, or roadways.

"Department" means the New Jersey Department of Environmental Protection.

"Emergency work" means any work or action necessary at the site of an emergency to restore or deliver essential services including, but not limited to, repairing water, gas, electricity, telephone, sewer facilities, or public transportation facilities, removing fallen trees on public rights-of-way, dredging navigational waterways, or abating life-threatening conditions or a state of emergency declared by a governing agency.

"Impulsive sound" means either a single pressure peak or a single burst (multiple pressure peaks) that has a duration of less than one second.

"Minor Violation" means a violation that is not the result of the purposeful, reckless or criminally negligent conduct of the alleged violator; and/or the activity or condition constituting the violation has not been the subject of an enforcement action by any authorized local, county or state enforcement agency against the violator within the immediately preceding 12 months for the same or substantially similar violation.

"Motor vehicle" means any vehicle that is propelled other than by human or animal power on land.

"Muffler" means a properly functioning sound dissipative device or system for abating the sound on engines or equipment where such device is part of the normal configuration of the equipment.

"Multi-dwelling unit building" means any building comprising two or more dwelling units, including, but not limited to, apartments, condominiums, co-ops, multiple family houses, townhouses, and attached residences.

"Multi-use property" means any distinct parcel of land that is used for more than one category of activity. Examples include, but are not limited to:

1. A commercial, residential, industrial or public service property having boilers, incinerators, elevators, automatic garage doors, air conditioners, laundry rooms, utility provisions, or health and recreational facilities, or other similar devices or areas, either in the interior or on the exterior of the building, which may be a source of elevated

sound levels at another category on the same distinct parcel of land; or

2. A building, which is both commercial (usually on the ground floor) and residential property, located above, below or otherwise adjacent to.

"Noise Control Officer" (NCO) means an employee of a local, county or regional health agency which is certified pursuant to the County Environmental Health Act (N.J.S.A. 26:3A2-21 et seq.) to perform noise enforcement activities or an employee of a municipality with a Department-approved model noise control ordinance. All NCOs must receive noise enforcement training as specified by the Department in N.J.A.C. 7:29 and is currently certified in noise enforcement. The employee must be acting within his or her designated jurisdiction and must be authorized to issue a summons.

"Noise Control Investigator" (NCI) means an employee of a municipality, county or regional health commission that has a Department-approved model noise control ordinance and the employee has not received noise enforcement training as specified by the Department in N.J.A.C. 7:29. However, they are knowledgeable about their model noise ordinance and enforcement procedures. A Noise Control Investigator may only enforce sections of the ordinance that do not require the use of a sound level meter. The employee must be acting within his or her designated jurisdiction and must be authorized to issue a summons.

"Plainly audible" means any sound that can be detected by a NCO or an NCI using his or her unaided hearing faculties of normal acuity. As an example, if the sound source under investigation is a portable or vehicular sound amplification or reproduction device, the detection of the rhythmic bass component of the music is sufficient to verify plainly audible sound. The NCO or NCI need not determine the title, specific words, or the artist performing the song.

"Private right-of-way" means any street, avenue, boulevard, road, highway, sidewalk, alley or easement that is owned, leased, or controlled by a non-governmental entity.

"Public right-of-way" means any street, avenue, boulevard, road, highway, sidewalk, alley or easement that is owned, leased, or controlled by a governmental entity.

"Public space" means any real property or structures thereon that are owned, leased, or controlled by a governmental entity.

"Real property line" means either (a) the vertical boundary that separates one parcel of property (i.e., lot and block) from another residential or commercial property; (b) the vertical and horizontal boundaries of a dwelling unit that is part of a multi-dwelling unit building; or (c) on a multi-use property as defined herein, the vertical or horizontal boundaries between the two portions of the property on which different categories of activity are being performed (e.g., if the multi-use property is a building which is residential upstairs and commercial downstairs, then the real property line would be the interface between the residential area and the commercial area, or if there is an outdoor sound source such as an HVAC unit on the same parcel of property, the boundary line is the exterior wall of the receiving unit). Note- this definition shall not apply to a commercial source and a commercial receptor which are both located on the same parcel of property (e.g., a strip mall).

"Sound production device" means any device whose primary function is the production of sound, including, but not limited to any, musical instrument, loudspeaker, radio, television, digital or analog music player, public address system or sound-amplifying equipment.

"Sound reduction device" means any device, such as a muffler, baffle, shroud, jacket, enclosure, isolator, or dampener provided by the manufacturer with the equipment, or that is otherwise required, that mitigates the sound emissions of the equipment.

"Weekday" means any day that is not a federal holiday, and beginning on Monday at 7:00 a.m. and ending on the following Friday at 6:00 p.m.

"Weekends" means beginning on Friday at 6:00 p.m. and ending on the following Monday at 7:00 a.m.

136.II. Applicability

(A) This model noise ordinance applies to sound from the following property categories:

- Industrial facilities;
- Commercial facilities;
- Public service facilities;
- Community service facilities;
- Residential properties;
- Multi-use properties;
- Public and private right-of-ways;

- Public spaces; and
 - Multi-dwelling unit buildings.
- (B) This model noise ordinance applies to sound received at the following property categories:
- Commercial facilities;
 - Public service facilities;
 - Community service facilities (i.e. non-profits and/or religious facilities)
 - Residential properties;
 - Multi-use properties;
 - Multi-dwelling unit buildings.
- (C) Sound from stationary emergency signaling devices shall be regulated in accordance with N.J.A.C. 7:29-1.4, except that the testing of the electromechanical functioning of a stationary of emergency signaling device shall not meet or exceed 10 seconds.

136. III. Exemptions

(A) Except as provided in IX. and X. below, the provisions of this ordinance shall not apply to the exceptions listed at N.J.A.C. 7:29-1.5.

(B) Sound production devices required or sanctioned under the Americans with Disabilities Act (ADA), FEMA or other government agencies to the extent that they comply with the noise requirement of the enabling legislation or regulation. Devices which are exempted under N.J.A.C. 7:29-1.5 shall continue to be exempted.

(C) Construction and demolition activities are exempt from the sound level limits set forth in tables I and II and III except as provided for in IX. below.

136. IV. Enforcement Officers

(A) Noise Control Officers shall have the authority within their designated jurisdiction to investigate suspected violations of any section of this ordinance and pursue enforcement activities.

(B) Noise Control Investigators shall have the authority within their designated jurisdiction to investigate suspected violations of any section of this ordinance that do not require the use of a sound level meter (i.e., plainly audible, times of day and/or distance determinations) and pursue enforcement activities.

(C) Noise Control Officers and Investigators may cooperate with NCOs and NCIs of an adjacent municipality in enforcing one another's municipal noise ordinances.

136. V. Measurement Protocols

(A) Sound measurements made by a Noise Control Officer shall conform to the procedures set forth at N.J.A.C. 7:29-2, except that interior sound level measurements shall also conform with the procedures set forth in VIB of this ordinance and with the definition of "real property line" as contained herein.

(B) When conducting indoor sound level measurements across a real property line the measurements shall be taken at least three feet from any wall, floor or ceiling and all exterior doors and windows may, at the discretion of the investigator, be closed. The neighborhood residual sound level shall be measured in accordance with N.J.A.C. 7:29-2.9(b)2. When measuring total sound level, the configuration of the windows and doors shall be the same and all sound sources within the dwelling unit must be shut off (e.g., television, stereo). Measurements shall not be taken in areas which receive only casual use such as hallways, closets and bathrooms.

136. VI. Maximum Permissible Sound Levels

(A) No person shall cause, suffer, allow, or permit the operation of any source of sound on any source property listed in III. (A) above in such a manner as to create a sound level that equals or exceeds the sound level limits set forth in Tables I, II or III when measured at or within the real property line of any of the receiving properties listed in Tables I, II or III except as specified in VI (B).

(B) Impulsive Sound Between 7:00 a.m. and 10:00 p.m., impulsive sound shall not equal or exceed 80 decibels. Between 10:00 p.m. and 7:00 a.m., impulsive sound which occurs less than four times in any hour shall not equal or exceed 80 decibels. Impulsive sound which repeats four or more times in any hour shall be measured as continuous sound and shall meet the requirements as shown in Tables I and II.

**TABLE I
MAXIMUM PERMISSABLE A-WEIGHTED SOUND LEVELS WHEN MEASURED OUTDOORS**

	Receiving Property Category		
	Residential property or residential portion of a multi-use property		Commercial facility, public service facility, nonresidential portion of a multi-use property or community service facility
	7:00 a.m. to 10:00 p.m.	10:00 p.m. to 7:00 a.m.	24 hours
Maximum A-weighted sound level standard, dB	65	50	65

**TABLE II
MAXIMUM PERMISSABLE A-WEIGHTED SOUND LEVELS WHEN MEASURED INDOORS**

	Receiving Property Category		
	Residential property or residential portion of a multi-use property		Commercial facility ¹ or nonresidential portion of a multi-use property
	7:00 a.m. to 10:00 p.m.	10:00 p.m. to 7:00 a.m.	24 hours
Maximum A-weighted sound level standard, dB	55	40	55

Note: Table II shall only apply when the source and the receptor are separated by a real property line and they also share a common or abutting wall, floor or ceiling, or are on the same parcel of property.

**TABLE III
MAXIMUM PERMISSABLE OCTAVE BAND SOUND PRESSURE LEVELS IN DECIBELS**

Octave Band Center Frequency, Hz	Receiving Property Category					
	Residential property or residential portion of a multi-use property				Commercial facility, public service facility, nonresidential portion of a multi-use property or community service facility	Commercial facility ¹ or nonresidential portion of a multi-use property
	Outdoors		Indoors		Outdoors	Indoors
	Octave Band Sound Pressure Level, dB		Octave Band Sound Pressure Level, dB		Octave Band Sound Pressure Level, dB	Octave Band Sound Pressure Level, dB
	7:00 a.m. to 10:00 p.m.	10:00 p.m. to 7:00 a.m.	7:00 a.m. to 10:00 p.m.	10:00 p.m. to 7:00 a.m.	24 hours	24 hours
31.5	96	86	86	76	96	86
63	82	71	72	61	82	72
125	74	61	64	51	74	64
250	67	53	57	43	67	57
500	63	48	53	38	63	53
1,000	60	45	50	35	60	50
2,000	57	42	47	32	57	47
4,000	55	40	45	30	55	45
8,000	53	38	43	28	53	43

Note: When octave measurements are made, the sound from the source must be constant in level and character. If octave band sound pressure level variations exceed plus or minus 2 dB in the bands containing the principal source frequencies, discontinue the measurement.

136. VII. Sound Production Devices

No person shall cause, suffer, allow, or permit the operation of any sound production device in such a manner that the sound crosses a property line and raises the total sound levels above the neighborhood residual sound level by more than the permissible sound level limits set forth in Table IV when measured within the residence of a complainant according to the measurement protocol in VI(B) of this ordinance. These sound level measurements shall be conducted with the sound level meter set for "C" weighting, "fast" response.

**TABLE IV
MAXIMUM PERMISSIBLE INCREASE IN TOTAL SOUND LEVELS WITHIN A RESIDENTIAL
PROPERTY**

Week nights 10:00 p.m. – 7:00 a.m. Weekend nights 11:00 p.m. – 9:00 a.m.	All Other Times
3 dB (C)	6 dB (C)

136. VIII. Restricted Uses and Activities:

The following standards shall apply to the activities or sources of sound set forth below:

A. Excluding emergency work, power tools, home maintenance tools, landscaping and/or yard maintenance equipment used by a residential property owner or tenant shall not be operated between the hours of 8:00 p.m. and 8:00 a.m., unless such activities can meet the applicable limits set forth in Tables I, II or III. At all other times the limits set forth in Tables I, II or III do not apply. All motorized equipment used in these activities shall be operated with a muffler and/or sound reduction device.

B. Excluding emergency work, power tools, landscaping and/or yard maintenance equipment used by nonresidential operators (e.g. commercial operators, public employees) shall not be operated on a residential, commercial, industrial or public (e.g. golf course, parks, athletic fields) property between the hours of 6:00 p.m. and 8:00 a.m. on weekdays, or between the hours of 6:00 p.m. and 9:00 a.m. on weekends or federal holidays, unless such activities can meet the limits set forth in Tables I, II or III. At all other times the limits set forth in Tables I, II or III do not apply. All motorized equipment used in these activities shall be operated with a muffler and/or sound reduction device.

C. All construction and demolition activity, excluding emergency work, shall not be performed between the hours of 6:00 p.m. and 7:00 a.m. on weekdays, or between the hours of 6:00 p.m. and 9:00 a.m. on weekends and federal holidays, unless such activities can meet the limits set forth in Tables I, II or III. At all other times the limits set forth in Tables I, II or III do not apply. All motorized equipment used in construction and demolition activity shall be operated with a muffler and/or sound reduction device.

D. Motorized snow removal equipment shall be operated with a muffler and/or a sound reduction device when being used for snow removal. At all other times the limits set forth in Tables I, II or III do not apply.

E. All interior and exterior burglar alarms of a building or motor vehicle must be activated in such a manner that the burglar alarm terminates its operation within five (5) minutes for continuous airborne sound and fifteen (15) minutes for intermittent sound after it has been activated. At all other times the limits set forth in Tables I, II or III do not apply.

F. Self-contained, portable, non-vehicular music or sound production devices shall not be operated on a public space or public right-of-way in such a manner as to be plainly audible at a distance of 50 feet in any direction from the operator between the hours of 8:00 a.m. and 10:00 p.m. Between the hours of 10:00 p.m. and 8:00 a.m., sound, operated on a public space or public right-of-way, from such equipment shall not be plainly audible at a distance of 25 feet in any direction from the operator;

G. It shall be unlawful for any property owner or tenant to allow any domesticated or caged animal to create a sound across a real property line which unreasonably disturbs or interferes with the peace, comfort, and repose of any resident, or to refuse or intentionally fail to cease the unreasonable noise when ordered to do so by a Noise Control Officer or Noise Control Investigator. Prima facie evidence of a violation of this section shall include but not be limited to:

(1) Vocalizing (howling, yelping, barking, squawking etc.) for five (5) minutes without interruption, defined as an average of four or more vocalizations per minute in that period; or,

(2) Vocalizing for twenty (20) minutes intermittently, defined as an average of two vocalizations or more per minute in that period.

It is an affirmative defense under this subsection that the dog or other animal was intentionally provoked to bark or make any other noise.

136. IX. Motor Vehicles

Violations of each paragraph of this section shall be considered purposeful and therefore non-minor violations.

(A) No person shall remove or render inoperative, or cause to be removed or rendered inoperative or less effective than originally equipped, other than for the purposes of maintenance, repair, or replacement, of any device or element of design incorporated in any motor vehicle for the purpose of noise control. No person shall operate a motor vehicle or motorcycle which has been so modified. A vehicle not meeting these requirements shall be deemed in violation of this provision if it is operated stationary or in motion in any public space or public right-of-way.

(B) No motorcycle shall be operated stationary or in motion unless it has a muffler that complies with and is labeled in accordance with the Federal Noise Regulations under 40 CFR Part 205.

(C) Personal or commercial vehicular music amplification or reproduction equipment shall not be operated in such a manner that it is plainly audible at distance of 25 feet in any direction from the operator between the hours of 10:00 p.m. and 8:00 a.m.

(D) Personal or commercial vehicular music amplification or reproduction equipment shall not be operated in such a manner that is plainly audible at a distance of 50 feet in any direction from the operator between the hours of 8:00 a.m. and 10:00 p.m.

136. X. Enforcement

(A) Violation of any provision of this ordinance shall be cause for a Notice of Violation (NOV) or a Notice of Penalty Assessment (NOPA) document to be issued to the violator by the Noise Control Officer or Noise Control Investigator.

(B) Any person who violates any provision of this ordinance shall be subject to a civil penalty for each offense of not more than the maximum penalty pursuant to N.J.S.A. 40:49-5, which is \$2,000 as of December 2014. If the violation is of a continuing nature, each day during which it occurs shall constitute an additional, separate, and distinct offense. A mandatory Municipal Court appearance is required for each offense.

(C) Upon identification of a violation of this Ordinance the Noise Control Officer or Noise Control Investigator shall issue an enforcement document to the violator. The enforcement document shall identify the condition or activity that constitutes the violation and the specific provision of this Ordinance that has been violated. It shall also indicate whether the violator has a period of time to correct the violation before a penalty is sought.

(D) If the violation is deemed by the Noise Control Officer or Noise Control Investigator to be a minor violation (as defined in Section II of this ordinance) a NOV shall be issued to the violator.

1. The document shall indicate that the purpose of the NOV is intended to serve as a notice to warn the responsible party/violator of the violation conditions in order to provide them with an opportunity to voluntarily investigate the matter and voluntarily take corrective action to address the identified violation.

2. The NOV shall identify the time period (up to 90 days), pursuant to the Grace Period Law, N.J.S.A. 13:1D-125 et seq. where the responsible party's/violator's voluntary action can prevent a formal enforcement action with penalties issued by the NCO or NCI. It shall be noted that the NOV does not constitute a formal enforcement action, a final agency action or a final legal determination that a violation has occurred. Therefore, the NOV may not be appealed or contested.

(E) If the violation is deemed by the Noise Control Officer or Noise Control Investigator to be a non-minor violation, the violator shall be notified that if the violation is not immediately corrected, a NOPA with a civil penalty of not more than the maximum penalty allowed pursuant to N.J.S.A. 40:49-5, which is \$2,000 as of December 2014, will be issued. If a non-minor violation is immediately corrected, a NOV without a civil penalty shall still be issued to document the violation. If the violation occurs again (within 12 months of the initial violation) a NOPA shall be issued regardless of whether the violation is immediately corrected or not.

(F) The violator may request from the Noise Control Officer or Noise Control Investigator, an extension of the compliance deadline in the enforcement action. The Noise Control Officer or Noise Control Investigator shall have the option to approve any reasonable request for an extension (not to exceed 180 days) if the violator can demonstrate that a good faith effort has been made to achieve compliance. If an extension is not granted and the violation continues to exist after the grace period ends, a NOPA shall be issued.

(G) The recipient of a NOPA shall be entitled to a hearing in a municipal court having jurisdiction to contest such action.

(H) The Noise Control Officer or Noise Control Investigator may seek injunctive relief if the responsible party does not remediate the violation within the period of time specified in the NOPA issued.

(I) Any claim for a civil penalty may be compromised and settled based on the following factors:

- Mitigating or any other extenuating circumstances;
- The timely implementation by the violator of measures which lead to compliance;
- The conduct of the violator; and
- The compliance history of the violator.

(J) No provision of this chapter shall be construed to impair any common law or statutory cause of action, or legal remedy therefrom, of any person for injury or damage arising from any violation of this chapter or from other law.

136. XI. Consistency, Severability and Repealer

(A) If any provision or portion of a provision of this ordinance is held to be unconstitutional, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated.

(B) All ordinances or parts of ordinances, which are inconsistent with any provisions of this ordinance, are hereby repealed as to the extent of such inconsistencies.

(C) No provision of this ordinance shall be construed to impair any common law or statutory cause of action, or legal remedy there from, of any person for injury or damage arising from any violation of this ordinance or from other law.

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the Township of Little Falls, Passaic County, State of New Jersey, as follows:

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Municipal Council hereby amends Chapter 136 Noise Regulations of the Code of the Township of Little Falls.
 3. It is the intent of the Municipal Council to incorporate the additions and/or supplements contained in this Ordinance in to the Code. All of the remaining provisions in Chapter 136 Noise Regulations of the Code shall remain unchanged and have full force and legal effect. All other ordinances enacted and inconsistent herewith are hereby modified pursuant to the terms of this Ordinance.
 4. If any section, paragraph, subdivision, clause, sentence, phrase or provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.
 5. A copy of this Ordinance shall be available for public inspection at the offices of the Township Clerk.
 6. This Ordinance shall take effect after twenty (20) days of its final passage by the Municipal Council, upon approval by the Mayor and publication as required by law.

PASSED: _____

ATTEST:

APPROVE:

Cynthia Kraus, Municipal Clerk

James Damiano, Mayor

ORDINANCE NO. 1364

AN ORDINANCE AMENDING CHAPTER 280 ZONING OF THE MUNICIPAL CODE OF THE TOWNSHIP OF LITTLE FALLS CHAPTER 280 ARTICLE XX, USE, AREA AND BULK REGULATIONS

§ 280-149 Encroachments in required yards.

A. The space in any required yard shall be open and unobstructed except as follows:

(1) An awning or movable canopy shall be permitted to project not more than four feet into any yard whether or not such yard meets required setback requirements, but in no event shall be permitted to extend beyond the lot line.

(2) An arbor, open trellis, flagpole, unroofed steps, unroofed porch and recreation and drying yard equipment shall be permitted to encroach no closer than six feet to the property line.

(3) An awning or movable canopy shall be permitted to project not more than six feet into any required yard setback.

B. Accessory building defined as follows:

The term applied to a building or use which is clearly incidental or subordinate to the principal building or use and located on the same lot with such principal building or use. Any accessory building attached to a principal building is deemed to be part of such principal building in applying the bulk regulations to such accessory building. Accessory buildings are larger than 200 square feet and are less than 18 feet high require a building permit. Accessory buildings are calculated as part of the lot coverage.

No Accessory building in any district shall be located in any required front or side yard setback area.

C. An accessory building shall be permitted in any required rear yard subject to the following regulations:

(1) The aggregate ground area covered by any accessory buildings in any rear yard, including the ground area covered by any projections other than cornices and eaves, shall not exceed 15% of the rear yard area in any residence district, or 50% of the rear yard area in any business or industrial district.

(2) No accessory building within 50 feet of any lot line in any residence district shall be more than 18 feet high measured from the finished grade or the lowest floor, whichever is more restrictive. No accessory building in any residence district shall be nearer than six feet to a party lot line. No accessory building in a business or industrial district shall be more than two stories high if it is nearer than 20 feet to any party lot line or the boundary line of a residence district.

(3) On a corner lot in any residence district, an accessory building shall be located not less than 25 feet from the side street line. When the rear of a corner lot abuts a lot facing on the side street, an accessory building shall not be nearer the rear line of the lot on which it is erected than the distance required for side yard widths in that district.

(4) No accessory building shall be closer than 15 feet to any principal building unless it is attached to and is part of such principal building.

(5) Accessory Structures in excess of 200sq/ft shall be included in the lot coverage calculation.

D. Utility sheds less than 200sqft and less than 10 feet in height in any residential district

1. An application for a zoning permit shall be filed prior to installation.
2. Must be a required minimum 3 foot setback from the side yard and rear yard of the property lines and shall only be located in the rear yard.
3. Must be a required minimum of 10 feet from any other accessory structures, such as a detached garage or a pool surface and equipment.
4. Must be a required minimum of 15 feet away from the primary dwelling (including decks if applicable) on the property.
5. Utility Sheds are not calculated in lot coverage.

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the Township of Little Falls, Passaic County, State of New Jersey, as follows:

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Municipal Council hereby amends Chapter 280-149 of the Code of the Township of Little Falls.
3. It is the intent of the Municipal Council to incorporate the additions and/or supplements contained in this Ordinance in to the Code. All of the remaining provisions in Chapter 280 of the Code shall remain unchanged and have full force and legal effect. All other ordinances enacted and inconsistent herewith are hereby modified pursuant to the terms of this Ordinance.
4. If any section, paragraph, subdivision, clause, sentence, phrase or provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.
5. A copy of this Ordinance shall be available for public inspection at the offices of the Township Clerk.
6. This Ordinance shall take effect immediately on final passage by the Municipal Council, upon approval by the Mayor and publication as required by law.

PASSED: _____

ATTEST:

APPROVE:

Cynthia Kraus, Municipal Clerk

James B. Damiano, Mayor

ORDINANCE NO. 1365

AN ORDINANCE AMENDING CHAPTER 231 SWIMMING POOLS OF THE MUNICIPAL CODE OF THE TOWNSHIP OF LITTLE FALLS

§ 231-1 **Permit required.** No person shall construct, maintain or operate within the Township any private, open, permanently installed swimming pool except in accordance with the provisions of this chapter.

§ 231-2 **Application for permit.**

A. An application for a zoning and construction permit to construct a private, permanent or above ground swimming pool shall be made to the Construction Official and shall include final plans, specifications and reports as may be required including the following:

(1) A property survey not more than 20 years old, and a Detailed plot plan of the entire property showing existing buildings and proposed pool drawn to scale, with pertinent dimensions and grade elevations shown in figures at pool, building and property lines. The plot plan shall be signed by the owner or his agent or a duly licensed engineer or registered architect or land surveyor of New Jersey.

(2) Pool layout, construction and dimensions including piping arrangement pumps and all other pool appurtenances.

(3) Details of disposal facilities for filtering wastewater and provisions for emptying of pool.

B. Specifications for construction of the pool shall accompany all detailed plans and final reports as built and report shall be submitted upon completion of the project to the Construction Official.

§ 231-3 **Issuance of permit.**

Upon compliance with all provisions of this chapter and upon approval by the Construction Official of the final plans, specifications and reports together with the data contained therein, a permit shall be issued for the location and construction so requested upon payment of a fee as required by the Building Code of the Township.^[1]

[1]

Editor's Note: See Ch. 46, Construction Codes, Uniform.

§ 231-4 **Location and construction requirements.**

An open, permanent type of swimming pool shall not be located and constructed or altered by any person until a building permit for the pool shall be issued by the Construction Official and shall be subject to the following provisions:

- A. Conformity with zoning.** A swimming pool is a structure to be constructed in accordance with the terms of ~~Chapter 280, Zoning of the Code of the Township~~ below **Location and area.** The swimming pool shall not be closer than 10 feet to any side or rear lot lines of the property and shall not be closer than 15 feet to any principal building; provided, however, that no part of any pool shall be constructed within the front yard. Pools shall be constructed in rear yards only, and the water surface shall not exceed 15% of the total area of the rear yard. In the case of corner lots, the pool shall be located in a side yard area set back a minimum of 1.5 times the required front yard setback for the zoning district in which it is located, screened from view from the street, and its water surface shall not exceed 15% of the total area of the lot. The pool shall be calculated in the lot coverage calculation. Prior to receiving the certificate of occupancy an as built plan shall be submitted to the Construction official showing compliance with the setback calculations and the lot coverage calculation. The Construction Official may at his discretion inspect for compliance with the as built plan presented.
- B. Fence required; exceptions.** The exposed sides of a permanently installed swimming pools shall be completely enclosed by a fence of not less than 36 inches in height of durable construction with openings of no greater than six inches and having at least one gate. The type of proposed fence must be included in the application for the permit as provided in § 231-2. The gate or gates shall remain securely locked at all times when the pool is not being used. Nothing herein contained shall apply to permanently installed pools built above ground level to a height of at least 36 inches.
- C. Use of pool.** Use of the pool is for a single private family and the owner's social guest.
- D. Permanent construction required.** The pool must be of permanent-type construction. Uncovered sand or earth bottoms shall not be permitted.
- E. Drainage.** The immediate area surrounding the pool shall be designed to slope away from the pool so that all surface water will drain away from the pool.
- F. Ladder required.** From any nonpermanent installed pool needing a ladder for the use thereof, the ladder shall be removed when the pool is not in use.
- G. Bathhouse.** A bathhouse is not required. Any such construction including screened enclosure must conform to accessory building construction as defined and governed by Chapter 280, Zoning.
- H. Floodlights.** No floodlight or lights shall be maintained in such a manner that the source of light is visible from a public street or neighboring property.

I. Covering. The governing body recommends that at all times when a portable pool is not in use, the pool be covered by a cover of either canvas, plastic, rubber or other similar material permanently secured to the sides of the pool.

§ 231-5Registration; inspection.

All permanently installed swimming pools and portable swimming pools shall be registered with the Township Clerk without fee, and the Police Department shall be authorized to make periodic inspections of the location of the pools and to enforce the terms of this chapter. The Health Officers of the Township may inspect the pool area periodically at reasonable times. ⁽¹⁾

[1]

Editor's Note: Original Section 23-3.2, Use of Surface Streams or Brooks Prohibited for Bathing, and Section 23-3.3, Discharge of Collected Rain Water, which immediately followed this section, were deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

§ 231-6Nonapplicability to wading pools.

Nothing herein shall apply to a wading pool and all pools below the height of 12 inches shall be considered wading pools.

§ 231-7Violations and penalties.

Any person violating the provisions of this chapter shall, upon conviction, be liable to the penalty stated in Chapter 1, General Provisions, Article I.

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the Township of Little Falls, Passaic County, State of New Jersey, as follows:

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Municipal Council hereby amends Chapter 231 Swimming Pools of the Code of the Township of Little Falls.
3. It is the intent of the Municipal Council to incorporate the additions and/or supplements contained in this Ordinance in to the Code. All of the remaining provisions in Chapter 231 of the Code shall remain unchanged and have full force and legal effect. All other ordinances enacted and inconsistent herewith are hereby modified pursuant to the terms of this Ordinance.
4. If any section, paragraph, subdivision, clause, sentence, phrase or provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.
5. A copy of this Ordinance shall be available for public inspection at the offices of the Township Clerk.

6. This Ordinance shall take effect immediately on final passage by the Municipal Council, upon approval by the Mayor and publication as required by law.

PASSED: _____

ATTEST:

APPROVE:

Cynthia Kraus, Municipal Clerk

James B. Damiano, Mayor

ORDINANCE NO. 1366

**ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF
LITTLE FALLS IN THE COUNTY OF PASSAIC, STATE OF NEW
JERSEY, AMENDING THE TOWNSHIP CODE CHAPTER 147 PEACE
AND GOOD ORDER**

WHEREAS, the Township of Little Falls ("Township") is a public body corporate and politic of the State of New Jersey; and

WHEREAS, the Township's Code of General Ordinances ("Code") currently provides for rules and regulations for Township peace and good order, which includes all municipal facilities;

WHEREAS, the municipal council ("Municipal Council") of the Township has determined to amend Chapter 147, of the Code entitled Peace and Good Order; and

WHEREAS, the Municipal Council has determined to amend said Chapter 147 of the Code section Article I 142-B to read as follows:

**147-2 B.1 Tobacco Use
Prohibition.**

The Township of Little Falls does hereby specifically prohibit any tobacco use on any municipal facility, owned by or leased to the Township of Little Falls. Except in areas designated by the Township and marked by signage as a designated smoking area. For purposes of this article, "tobacco" shall mean any product that is made from the tobacco plant for the purpose of being smoked, inhaled or chewed by a person, including but not limited to cigars, chewing tobacco, pipe tobacco, snuff and cigarettes in any form. This prohibition includes the use of an electronic smoking device that can be used to deliver nicotine or other substances to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, cigarillo, hookah, pipe or any cartridge or other component of the device or related product.

147-2 B.2 Enforcement.

This article shall be enforced by any member of the Police Department of the Township of Little Falls.

147-2 B.3 Violation and penalties.

A violation of this article shall be punishable for each violation with a minimum fine of \$50 for each violation

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the Township of Little Falls, Passaic County, State of New Jersey, as follows:

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Municipal Council hereby amends Chapter 147-2 B of the Code of the Township of Little Falls.
3. It is the intent of the Municipal Council to incorporate the additions and/or supplements contained in this Ordinance in to the Code. All of the remaining provisions in Chapter 147 of the Code shall remain unchanged and have full force and legal effect. All other ordinances enacted and inconsistent herewith are hereby modified pursuant to the terms of this Ordinance.
4. If any section, paragraph, subdivision, clause, sentence, phrase or provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

5. A copy of this Ordinance shall be available for public inspection at the offices of the Township Clerk.

6. This Ordinance shall take effect immediately on final passage by the Municipal Council, upon approval by the Mayor and publication as required by law.

PASSED: _____

ATTEST:

APPROVE:

Cynthia Kraus, Municipal Clerk

James B. Damiano, Mayor

ORDINANCE NO. 1367

**ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF
LITTLE FALLS IN THE COUNTY OF PASSAIC, STATE OF NEW
JERSEY, AMENDING THE TOWNSHIP CODE CHAPTER 7 TRAFFIC**

WHEREAS, the Township of Little Falls ("Township") is a public body corporate and politic of the State of New Jersey; and

WHEREAS, the Township's Code of General Ordinances ("Code") currently provides for Traffic and Parking Regulations in the Township;

WHEREAS, the municipal council ("Municipal Council") of the Township has determined to amend Chapter 7 of the Code entitled Traffic; and

WHEREAS, the Municipal Council has determined to amend said Chapter of the Code as follows:

The existing Chapter 7 Traffic is hereby amended to create Article VI 7-80 **Payment in Lieu of Parking**.

Payment in Lieu of Parking Ordinance – Township of Little Falls

1. Purpose of parking improvement program.

When the proposed construction and use of any new building or structure or the proposed enlargement or increase in the capacity of new use of any existing building or structure results in practical difficulty or undue hardship in complying with the off-street parking requirements of the Township Zoning Ordinance, the Planning Board and/or Zoning Board of Adjustment, in its discretion, upon finding(s) that such difficulty or undue hardship exists, and if the applicant is otherwise in accord with the provisions of the Municipal Land Use Law, may permit the applicant to elect to contribute to the Township's Parking Improvement Program (PIP) Trust Fund in lieu of providing the total number of parking spaces required by Township ordinance.

2. Areas eligible for participating in parking improvement program.

- a. Pursuant to the Local Redevelopment and Housing Law ("LRHL"), [1] certain areas within the Township have been designated as areas in need of redevelopment or areas in need of rehabilitation. The designated areas are those most in need of additional off-street parking and most adversely affected by the granting of parking waiver variances. Construction of additional off-street parking by the Township will serve new and existing residents, and patrons and applicants requesting parking variances.

[1] Editor's Note: See N.J.S.A. 40A:12A-1 et seq.

- b. Projects submitted to the Planning Board and/or the Zoning Board of Adjustment that are sited within a duly designated area in need of redevelopment or area in need of rehabilitation will be eligible for participating in the parking improvement program.

3. Number of parking spaces for which variance is requested.

- a. The Planning Board and/or Board of Adjustment, when reviewing an application for development which requests a parking space variance, shall determine the number of off-street parking spaces required for the application to conform to the requirements of the Township Zoning Ordinance, and then shall establish the number of parking spaces for which the applicant seeks a variance.
- b. The provisions of this section of the zoning ordinance creating the parking improvement program shall not allow the waiver of required off-street parking spaces or facilities, where they can be installed by the applicant without undue difficulty or hardship, unless the approving authority, by resolution, agrees in its sole discretion that it has an excess supply of available on or off-street parking in the area of the development project. **The Planning Board and/or Board of Adjustment is then authorized to permit a waiver of up to 10% of the applicant's overall parking requirement.**

- c. The contribution and payment of the PIP fee, in lieu of providing the required off-street parking spaces, shall only be made at the formal written request of an applicant, who would otherwise be required to install off-street parking based upon the applicant's proposed use, and is unable to do so in accordance with the requirements of the zoning ordinance.
4. PIP fee for off-tract parking improvements.
 - a. The applicant agrees, at its request, to be assessed a PIP fee for each parking space not otherwise provided by the applicant as required by the Township Zoning Ordinance.
 - b. The Township has determined 400 square feet to be the parking industry standard for a nine-foot-by-eighteen-foot parking stall, including drive aisles and other common areas associated with the development of a parking lot or parking garage.
 - c. The PIP fee to be assessed by the Township for each parking space for which the applicant seeks a waiver shall be calculated as follows, until otherwise amended or revised by ordinance: **\$5,000**
 - d. In addition to the per parking space PIP fee assessment, the applicant shall pay pursuant to N.J.S.A. 40:55-D-3.2 the reasonable fees assessed by the municipality or applicable land use board for review of the developer's application and supporting information as well as preparation of documents necessary to effectuate the purpose of this article, including but not limited to attorney review, parking consultant, engineering cost estimates and appraisal services.
 - e. In the event that the applicant has provided the Township with other payments, waived tax appeal rebates, deeded or contributed by nominal lease real property, constructed off-site improvements, constructed replacement parking facilities, etc., other than what may be negotiated as part of a Payment In Lieu of Taxes (PILOT) agreement, the Township Council in its sole discretion may credit the applicant with the reasonable value of such payment, contribution and/or improvements toward the PILOT required.
 - f. The PILOT shall not relieve the applicant or any users of the parking spaces covered under a PILOT agreement from paying any other required parking fees to the Township.
5. Payment of PIP fee by applicant.

The timing of the PIP fee payment shall be in the discretion of the approving authority. Payment by the applicant of the PIP fee assessed may be imposed as follows:

- a. Upon the granting of the variance by the Planning Board or Board of Adjustment.
 - b. In the case of a development project at the time that the applicant or the successor to the applicant's approvals secures their building permits.
 - c. Over a term of years, in the event the PIP payment exceeds \$250,000, to be authorized by resolution of the Township Council. The payment term shall not be in excess of five years, payable in yearly installments, with legal interest.
 - d. To secure payment of applicant's obligation to the PIP Trust Fund, a municipal assessment for a local improvement pursuant to N.J.S.A. 40:56 et seq. shall be placed upon applicant's real estate which was the subject of the parking variance.
 - e. The provisions of N.J.S.A. 40:56 et seq. shall apply in the event of a default or late payment.
6. Collection of PIP fee assessment.
 - a. In the event that the Planning Board or Zoning Board of Adjustment approves by resolution payment of the PIP fee by installment, a real estate assessment shall be collected by the municipal tax assessor's office in the manner proscribed by statute and the funds so collected shall be turned over to the Township Chief Financial Officer (CFO) for deposit into the Township's Parking Improvement Program Trust Fund.
 - b. In the event that the applicant is directed by the Planning Board or Zoning Board of Adjustment to pay the PIP fee assessment in a single lump sum, the assessment shall be collected by the Township's Chief Financial Officer for deposit into the Township's Parking Improvement Program Trust Fund.
7. Establishment of Parking Improvement Program Trust Fund.

To the extent required by law, the Township shall apply to the State of New Jersey, Department of Community Affairs, Local Finance Board pursuant to administrative rule, for its approval and establishment of a dedicated and restricted trust fund for deposit of the PIP fees assessed by the authority pursuant to the parking space variance, as determined by the Planning Board or Zoning Board of Adjustment.

8. Use of PIP Fee Assessment.

The assessed fees collected and deposited into the Parking Improvement Program Trust Fund shall be dedicated to provide for: planning, engineering and design; traffic and other feasibility studies; acquisition through purchase or condemnation; erection, construction of or installation of off-street parking facilities, parking structures, or equipment; and other associated parking project development costs. The expenditure of such funds for said purposes shall be made by the Township Manager or his or her designee at the time and in the manner determined by the Township to be in the best interests of the Township in managing parking. The proceeds of such fund shall not be considered a part of the municipal general fund.

9. Designation of other areas.

The Mayor and Council reserves the right to supplement this ordinance when it has deemed other areas of the Township are in the need of off-street parking.

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the Township of Little Falls, Passaic County, State of New Jersey, as follows:

1. The aforementioned recitals are incorporated herein as though fully set forth at length.

2. The Municipal Council hereby amends Chapter 7 Traffic of the Code of the Township of Little Falls.

3. It is the intent of the Municipal Council to incorporate the additions and/or supplements contained in this Ordinance into the Code. All of the remaining provisions in Chapter 7 Traffic of the Code shall remain unchanged and have full force and legal effect. All other ordinances enacted and inconsistent herewith are hereby modified pursuant to the terms of this Ordinance.

4. If any section, paragraph, subdivision, clause, sentence, phrase or provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

5. A copy of this Ordinance shall be available for public inspection at the offices of the Township Clerk.

6. This Ordinance shall take effect after twenty (20) days of its final passage by the Municipal Council, upon approval by the Mayor and publication as required by law.

PASSED: _____

ATTEST:

Cynthia Kraus, Municipal Clerk

APPROVE:

James Damiano, Mayor

ORDINANCE NO. 1368

**AN AMENDING ORDINANCE OF THE TOWNSHIP OF
LITTLE FALLS IN THE COUNTY OF PASSAIC, STATE OF
NEW JERSEY, CHAPTER 20 OF THE CODE OF THE
TOWNSHIP OF LITTLE FALLS ENTITLED FILM MAKING.**

WHEREAS, Code section 20 Entitled Film Making provided that the provisions of Code regarding Filming in the Township described as Photography (whether still or motion picture) and/or audio recording, that is recorded to film or any other medium: digital, analog, or otherwise, that has or has not been currently invented. hereby amends and supplements the Little Falls Code; and

WHEREAS, the Township Council has determined that this chapter does not seek to regulate, control or restrict any personal or family film making, videotaping or still photography; and

WHEREAS, it is in the best interest of the Township of Little Falls that the present Township Code section 20 entitled Film making be amended set forth herein;

NOW, THEREFORE BE IT ORDAINED by the Township Council of the Township of Little Falls in the County of Passaic and the State of New Jersey as follows:

The Code of the Township of Little Falls Section 20 Entitled Film Making be and is hereby amended in its entirety as follows:

Chapter 20. FILM MAKING

§ 20-1. Title.

This chapter shall be known and may be cited as the "Film Making" ordinance of the Township of Little Falls.

§ 20-2. Filing of copies.

Immediately upon adoption of this chapter, the Township Clerk shall file a copy of this chapter with the Passaic County Executive and the New Jersey Motion Picture and Television Commission.

§ 20-3. Establishment.

It is hereby established that all matters relating to film making in the Township of Little Falls will be heard and approved, waived and/or denied by the Township Administrator. Appeals from the Township Administrator's decision can be made to ~~Mayer~~ and Township Council of the Township of Little Falls by formal letter stating the objections to the Administrator's decision. Film making is defined as: Photography (whether still or motion picture) and/or audio recording, that is recorded to film or any other medium: digital, analog, or otherwise, that has or has not been currently invented. This chapter does not seek to regulate, control or restrict any personal or family film making, videotaping or still photography. Private wedding and family event productions are exempt, even when made on public property using professional photographers and videographers, so long as the final product is for personal use only. Weddings and events that will be used for any use other than distribution to family and friends (people who personally know the subjects) are not exempt (i.e. reality shows, etc.). Other exemptions on public property include news coverage and student productions. Permanent Commercial Film Production facilities which have met all Zoning and building codes requirements for certificates of occupancy are specifically exempt from the provisions of code section Chapter 20 Film Making, unless a specific production will impact outside of the facility. (Lighting, Sound, Off-site Parking, etc.)

§ 20-4. Experts and staff.

The Township Administrator or Council may employ or contract for the services of experts and other staff and services as it may deem necessary.

§ 20-5. Rules and regulations: powers and duties.

The Township Council shall adopt such rules and regulations as may be necessary to carry into effect the provisions and purpose of this chapter. Filmmaking on public property and filmmaking on private property that will be disruptive to the Township residents and businesses that are not part of the production shall be delineated in this code section. The determination between whether a production needs approval or permits will not be determined on a private vs professional basis but will be based on the size of the production.

§ 20-6. Application required.

Any one desiring to conduct film making on public property or a large production on private property shall submit an application to the Township Administrator the application instructions are set forth on the application document.

§ 20-7. Time for final approval.

- A. Application for final approval shall be granted or denied within 60 days of the submission of a complete application or within such further time as may be consented by the applicant.
- B. Final approval shall expire seven days from the designated start date established by the Township at the time of approval.
- C. Extensions will be considered based upon need and will not be unreasonably withheld.

§ 20-8. Application procedure.

- A. Applications for film making within the Township of Little Falls, shall be filed with the Township Administrator's office.
- B. The following shall be delivered to the Township Clerk for all large productions:
 - (1) A location map, including the nearest cross streets and 10 copies of the location map.
 - (2) The original application document and 10 copies of an application in a form for approval by the Township Administrator.
- (3) An administrative review of the application is to be completed by the Mayor, Administrator, Police Department, Fire Department, Zoning Officer and Emergency Management Coordinator, upon completion of the review the Township Administrator shall approve or deny the application within the time prescribed herein. The report shall contain, but not be limited to, the following:
 - (a) Traffic issues;
 - (b) Environmental issues;
 - (c) Use of Township resources;
 - (d) Related zoning issues;
 - (e) Fire related issues;
 - (f) On-site emergency medical issues.
 - (g) Other Township operational matters.
 - (h) Other Community Impacts

Said report shall be used as a basis to determine the need for Township involvement in the film making operation. All costs incurred by the Township of Little Falls for the health, safety, and welfare of residents and visitors will be borne by the applicant.

(4) Permit fees:

On public property:

- (a) Small Production – Less than 5 people on site involved in the production: \$10

(b) Medium Production – 5-20 people on site involved in production: \$100

Small or medium sized productions on private property, whether personal or professional, that do not disrupt the surrounding area, will not require a permit fee and no location fees will be charged. However, a disruption including but not be limited to: excess parking of vehicles in the area, visible lighting from inside that is greater than what is customary for a business or residence, external lighting that disrupts traffic, external lighting at night, public visibility of the action being filmed, loud or frequent noises related to the production, generators, etc. In cases where disruptions occur, location fees will be charged to mitigate those impacts.

(c) Large Production more than 20 people on site involved in production: \$1000

All large productions, even on private property, are required to apply for a permit and will be subject to applicable location fees.

Note: People involved in a production include: All individuals involved in the production whether paid or unpaid including, but not limited to: Crew, talent, interview subjects, craft services, medical personnel, publicists, production staff, media coverage of the production itself, interns, observers, guests, and onlookers.

Permits do not include exclusive access to an area unless expressed in the permit. Exclusive access requires a police presence and therefore, a location fee.

(5) Location fees:

Location fees may be applied to any size production noted above in (5) a, b, or c as needed whether they will take place on public or private land. Location fees shall be determined at the discretion of the Business Administrator with the Mayor's approval. Location fees shall be paid to the Township prior to the commencing any filming or production work.

The business administrator shall consult with the department designated in 20-8 (4) as necessary to determine the impact to the Township. Location fees will include, but not be limited to costs incurred by the Township because of the production such as: police, fire, or EMS personnel required on set, closing of streets, traffic concerns due to vehicles, infrastructure concerns, required presence of a utility, protection of neighboring properties.

§ 20-9. Hearings.

- A. Rules. Appeals from the Township Administrator's decision. The Township Council shall make rules governing the conduct of the hearings before it. A hearing shall be held for each application appeal submitted.
- B. Testimony. The testimony of all witnesses relating to the application for film making shall be taken by the Township Attorney, and the right of cross examination shall be permitted to all interested parties through their attorneys, if represented, or directly if not represented, subject to the discretion of the Township Attorney and to reasonable limitations as to time and number of witnesses.
- C. Evidence. Technical rules of evidence shall not be applicable to the hearing, but the Township Council may exclude irrelevant, immaterial or unduly repetitious evidence.

§ 20-10. Notice of hearing.

- A. The applicant shall give notice of the hearing as follows:
 - (1) Public notice shall be given by publication in the official newspaper of the Township of Little Falls at least 10 days prior to the date of the hearing.
 - (2) Notice shall be given to the owners of all real property, as shown on the current tax duplicate or duplicates, located within 500 feet in all directions of the property which is the

subject of such hearing and whether located within or without the Township of Little Falls in which the applicant wishes to conduct film making in accordance with this chapter. Such notice shall be given by serving a copy of the application on the owner as shown on said current tax duplicate, or his agent in charge of the property, or by mailing a copy thereof by certified mail to the property owner at the address as shown on said current tax duplicate. A return receipt is not required. Notice to a partnership owner may be made by service upon any partner. Notice to a corporate owner may be made by service upon its president, vice president, secretary, or other person authorized by appointment or by law to accept service on behalf of the corporation.

- (3) Notice shall be given by personal service or by certified mail to the Passaic County Freeholders and the New Jersey Motion Picture and Television Commission.
- B. All notices hereinabove specified in this section shall be given at least 10 days prior to the date fixed for hearing, and the applicant shall file an affidavit of proof of service with the Township Council.
- C. Any notice made by certified mail as hereinabove required shall be deemed to be complete upon mailing and the filing of domestic return receipt documents (PS Form 3811) with the Township Clerk.
- D. Form of notice. All notices required to be given pursuant to the terms of this chapter shall state the date, time and place of the hearing, the nature of the matter to be considered and identification of the property proposed to conduct film making by street address, if any, or by reference to lot and block numbers as shown on the current tax duplicate in the Township Tax Assessor's office and the location and times at which any maps and documents for which approval is sought are available as required by this chapter.

§ 20-11. List of property owners.

The Tax Assessor of the Township of Little Falls shall, within seven days after receipt of request therefor and upon receipt of payment of a fee of \$50 make and certify a list from the current tax duplicate of names and addresses of owners to whom the applicant is required to give notice pursuant to Section 20-9 of this chapter.

20-12. Decisions.

- A. Each decision on any application appeal for film making shall be set forth in writing as a resolution of the Township Council.
- B. A copy of the decision shall be mailed by the Township Clerk within 10 days of the date of decision to the applicant or, if represented, then to the attorney of record without separate charge. A copy of the decision shall also be mailed to all persons who have requested it and who have paid the fee of \$5 to the Township Clerk in advance of the decision. A copy of the decision shall also be filed with the Passaic County Executive and the New Jersey Motion Picture and Television Commission.

§ 20-13. Enforcement.

- A. The requirements of this chapter shall be enforced by the Little Falls Police Department. If the Police Department finds film making being conducted in the Township of Little Falls without the appropriate approval by the Township Administrator or Township Council, all activities relating to and in support of film making will cease immediately and summonses will be issued to the property owner and the film making company. Both the property owner and the film making company shall appear in the Township of Little Falls Township Municipal Court.
- B. Upon notice to cease, from the Little Falls Police Department, should film making activities continue both the property owner and the film making company shall be subject to per diem fines in accordance with Section 20-14 of this chapter.

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20-14. Violations and penalties.

Violations of the provisions of this chapter shall be punishable as follows:

Film making being conducted in the Township of Little Falls without the appropriate approval by the Township Administrator:

- Property owner- up to \$5,000
- Film making company- up to \$5,000

Failure to cease film making activities after being noticed by the Police Department:

- Property owner - for each day of violation- up to \$5,000
- Film making company - for each day of violation- up to \$5,000

Severability.

If any section, paragraph, subdivision, clause, sentence, phrase or provision of this ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

Repealer and Merger.

All Township ordinances and parts or ordinances inconsistent with this ordinance are hereby repealed.

Section 7 - Effective Date.

This ordinance shall take effect upon its final passage by the Township Council, approval by the Mayor, and publication as required by law.

Approved _____

ATTEST:

Cynthia Kraus, Township Clerk

James Belford Damiano, Mayor