

TOWNSHIP COUNCIL MEETING AGENDA

MONDAY, NOVEMBER 18, 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 OCTOBER 21, 2019,
AND THE WORKSHOP MEETING OF NOVEMBER 4, 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 OCTOBER 2019

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

TAX COLLECTOR'S REPORT FOR THE MONTH OF OCTOBER 2019

RECREATION CENTER REPORT FOR THE MONTH OF OCTOBER 2019

CIVIC CENTER REPORT FOR THE MONTH OF OCTOBER 2019

POLICE DEPARTMENT REPORT FOR THE MONTH OF OCTOBER 2019

APPLICATIONS

RAFFLE, THE DIANE D'APOLITO-MAY "BEYOND THE RAINBOW" CHARITABLE FOUNDATION, OFF-PREMISE 50/50, 03/28/20, 7PM - 11PM, 215 ROUTE 23

RAFFLE, THE DIANE D'APOLITO-MAY "BEYOND THE RAINBOW" CHARITABLE FOUNDATION, TRICKY TRAY, 03/28/20, 7PM - 11PM, 215 ROUTE 23

NJ STATE FIREMEN'S ASSOCIATION, RAPHAEL NUZZO, OAK TREE LANE, LITTLE FALLS, LITTLE FALLS FIRE DEPARTMENT

CORRESPONDENCE

REQUEST FROM SINGAC VOLUNTEER FIRE COMPANY NO. 3 FOR PERMISSION TO HOLD A BOOT DRIVE ON FRIDAY, NOVEMBER 29, 2019 AND SATURDAY, NOVEMBER 30, 2019 FROM 9:00 A.M. TO 6:00 P.M. AT THE INTERSECTION OF ROUTE 23 AND MAIN STREET, WITH RAIN DATES OF SATURDAY, DECEMBER 7, 2019 AND SUNDAY, DECEMBER 8, 2019.

RESOLUTIONS

RESOLUTION AUTHORIZING THE TREASURER TO ISSUE VARIOUS CHECKS TOTALING \$46,812.35 TO REFUND TAX OVERPAYMENTS IN THE YEARS 2017, 2018 & 2019 ON SEVERAL PROPERTIES DUE STATE TAX COURT JUDGMENTS [A]

RESOLUTION AUTHORIZING BUDGET TRANSFERS [B]

RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR PRIVATE ON-SITE ELEVATOR INSPECTION SERVICES TO MUNICIPAL INSPECTION, INC. [C]

RESOLUTION AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT FOR THE MAINTENANCE AND REPAIR OF MILITARY VEHICLES BY AND BETWEEN THE TOWNSHIP OF LITTLE FALLS AND THE BOROUGH OF PARAMUS [D]

BILL LIST [E]

NEW BUSINESS

SECOND READING AND PUBLIC HEARING OF ORDINANCE NO. 1371, AN ORDINANCE ENTITLED, "2019 LITTLE FALLS SALARY ORDINANCE".

SECOND READING AND PUBLIC HEARING OF ORDINANCE NO. 1372, AN ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE TOWNSHIP CODE OF LITTLE FALLS BY REPEALING, IN ITS ENTIRETY, CHAPTER 164 ENTITLED PROPERTY PENDING FORECLOSURE, REGISTRATION AND MAINTENANCE, AND REPLACING CHAPTER 164 WITH REGISTRATION OF FORECLOSURE MORTGAGES AND VACANT PROPERTY".

SECOND READING AND PUBLIC HEARING OF ORDINANCE NO. 1373, AN ORDINANCE ENTITLED, "ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY, AMENDING CHAPTER 126, LITTERING".

INTRODUCTION OF ORDINANCE NO. 1376, AN ORDINANCE ENTITLED, "AN AMENDING ORDINANCE OF THE TOWNSHIP OF LITTLE FALLS, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY, ENTITLED CHAPTER 3, ADMINISTRATION OF GOVERNMENT, IN THE CODE OF THE TOWNSHIP OF LITTLE FALLS", WITH A SECOND READING AND PUBLIC HEARING SCHEDULED FOR DECEMBER 16, 2019.

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) 19-11-18# _____

WHEREAS, the following property in the Township of Little Falls, New Jersey has overpaid real estate taxes in the Years 2017, 2018 and 2019 due to State Tax Court Judgments; and

WHEREAS, the Judgments were entered on 10/15/2019; and Stipulation of Settlement states no interest is to be paid on the refunds if taxpayer receives the refunds in a "timely manner" and

WHEREAS, the Tax Collector is requesting that the Township Council direct the Treasurer to refund said amounts 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 refunds be made by the Treasurer:

<u>Tax Year & Qtr.</u>	<u>Block Lot</u>	<u>Taxpayer/ Location</u>	<u>Payee</u>	<u>Reason</u>	<u>Amount</u>
2017/ 3&4	89/6	North Jersey District Water Supply Comm/ 115 Paterson Av	North Jersey District Water Supply Comm Ted Del Guercio, III, Esq McManimon, Scotland & Baumann, LLC 75 Livingston Av, 2 nd Fl Roseland NJ 07068	OP/ STCJ	\$ 9,767.34
2018/ 3&4	89/6	North Jersey District Water Supply Comm/ 115 Paterson Av	North Jersey District Water Supply Comm Ted Del Guercio, III, Esq McManimon, Scotland & Baumann, LLC 75 Livingston Av, 2 nd Fl Roseland NJ 07068	OP/ STCJ	14,498.08
2019/ 2, 3 & 4	89/6	North Jersey District Water Supply Comm/ 115 Paterson Av	North Jersey District Water Supply Comm Ted Del Guercio, III, Esq McManimon, Scotland & Baumann, LLC 75 Livingston Av, 2 nd Fl Roseland NJ 07068	OP/ STCJ	<u>22,546.93</u>

Total Refunds =

\$46,812.35

APPROVED: _____

**cc: Finance Dept.
Tax Collector
Dept.**

WHEREAS, Title 40:4-58 of the New Jersey Statutes provides that should it become necessary, during the last two months of the fiscal year to expend for any of the purposes specified in the budget an amount in excess of the respective sums appropriated therefore and there shall be an excess in any appropriation over and above the amount claimed to be necessary to fulfill the purpose of such appropriation, the Governing Body may by resolution setting forth the facts (adopted by not less than 2/3 vote of the full membership thereof), transfer the amount of such excess of those appropriations deemed to be insufficient.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Township of Little Falls, not less than 2/3 of the members thereof affirmatively concurring, that the Treasurer be and is authorized to make the attached transfers in the 2019 Budget Appropriations.

APPROVED: _____

cc: Finance Dept.
DLGS
Auditor
Budget File
Dept.

orted By
elect By Transfers

019 BUDGET TRANSFERS MEETING 11/18/2019

Date	From	Debit	Credit Account #	Is Journal	Trans #
11/06/19			4,500.00 01-2010-20-1050-244	NON-CASH	42678
11/06/19			5,000.00 01-2010-20-1652-228	NON-CASH	42678
11/06/19			4,000.00 01-2010-22-1951-010	NON-CASH	42678
11/06/19			10,000.00 01-2010-25-2662-273	NON-CASH	42678
11/06/19			5,000.00 01-2010-31-4402-276	NON-CASH	42678
11/06/19			10,000.00 01-2010-31-4472-274	NON-CASH	42678
11/06/19			4,000.00 01-2010-31-4592-223	NON-CASH	42678
11/06/19		1,000.00	01-2010-31-4582-222	NON-CASH	42678
11/06/19		3,000.00	01-2010-31-4572-221	NON-CASH	42678
11/06/19		15,000.00	01-2010-31-4462-271	NON-CASH	42678
11/06/19		1,500.00	01-2010-27-3702-220	NON-CASH	42678
11/06/19		5,000.00	01-2010-25-2522-226	NON-CASH	42678
11/06/19		5,000.00	01-2010-25-2402-258	NON-CASH	42678
11/06/19		1,000.00	01-2010-22-2002-010	NON-CASH	42678
11/06/19		1,000.00	01-2010-22-2001-010	NON-CASH	42678
11/06/19		2,000.00	01-2010-22-1952-258	NON-CASH	42678
11/06/19		5,000.00	01-2010-20-1552-228	NON-CASH	42678
11/06/19		2,000.00	01-2010-20-1202-220	NON-CASH	42678
11/06/19		1,000.00	01-2010-20-1102-220	NON-CASH	42678

End of report.
Total Debit: 42,500.00
Total Credit: 42,500.00

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS,
COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE AWARD OF A
CONTRACT FOR PRIVATE ON-SITE ELEVATOR INSPECTION SERVICES TO
MUNICIPAL INSPECTION, INC.**

WHEREAS, Municipal Inspection, Inc. provides private on-site elevator inspection and plan review agency services for the Township of Little Falls, as authorized by the New Jersey Department of Community Affairs and in accordance with the elevator safety sub-code N.J.A.C 5:23-12 and local requirements; and

WHEREAS, it is necessary to renew the contract with Municipal Inspection, Inc. to continue these services; and

WHEREAS, the Township desires to award a one-year contract to Municipal Inspection, Inc. in accordance with the Fee Schedule provided, which indicates that the Township will collect An administration fee of the fees collected by Municipal Inspection, Inc.; and

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS, PASSAIC COUNTY, NEW JERSEY, the Council hereby authorizes the award of a one-year contract to Municipal Inspection, Inc. for Private On-Site Elevator Inspection and Plan Review Agency Services.

APPROVED: _____

cc: Finance Dept.
Contractor
Construction Official
Contract File
Dept.

RESOLUTION AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT FOR THE MAINTENANCE AND REPAIR OF MILITARY VEHICLES BY AND BETWEEN THE TOWNSHIP OF LITTLE FALLS AND THE BOROUGH OF PARAMUS

WHEREAS, the Township of Little Falls and the Borough of Paramus seek to enter into an Interlocal Agreement wherein the Borough of Paramus will provide labor and maintenance services on military vehicles owned by the Township of Little Falls; and

WHEREAS, both of the parties to such an Agreement are authorized by law to enter into an agreement with one another to provide jointly for any lawful service to and for the residents of the respective municipalities pursuant to the provisions of the "Interlocal Services Act" NJSA 40:8A-1 et seq.; and

WHEREAS, the Governing Bodies of the Township of Little Falls and the Borough of Paramus recognize that the implementation of an Interlocal Agreement to provide labor and maintenance services is in the best interest of the taxpayers of the respective municipalities.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Township of Little Falls hereby authorizes the execution of an Interlocal Services Agreement with the Borough of Paramus commencing September 1, 2019 and end on December 31, 2020.

BE IT FURTHER RESOLVED, that the cost of same shall be set forth in the agreement, which is attached hereto.

BE IT FURTHER RESOLVED, that the Mayor and Council of the Township of Little Falls hereby authorize the execution of an Interlocal Services Agreement with the Borough of Paramus, subject to the approval of the Township Attorney.

BE IT FURTHER RESOLVED, that the agreement shall take effect upon the execution of same and adoption of Resolutions by both parties as provided by law.

BE IT FURTHER RESOLVED, that a copy of the agreement be maintained on file and open to public inspections at the office of the Township Clerk.

**TOWNSHIP OF LITTLE FALLS
COUNTY OF PASSAIC NEW JERSEY**

ORDINANCE NO. 1371

**2019 LITTLE FALLS SALARY ORDINANCE
SCHEDULE "A"**

Section I.-OFFICERS AND EMPLOYEES

Title

Full Time Employees:

Salary Range

Administrator/QPA	\$45,000 - \$109,000
Township Clerk/Assessment Search Officer/Reg. of Vital Statistics	\$55,000 - \$125,000
Township Clerk's Office/ Deputy Registrar/Bd. Of Health Secretary	\$33,000 - \$60,000
Deputy Clerk	\$55,000- \$65,000
Certified Municipal Finance Officer /Treasurer	\$75,000 - \$110,000
Assistant to the Chief Financial Officer	\$34,000 - \$65,000
Tax Collector /Tax Search Officer	\$58,541 - \$100,000
Tax Collector Office/ Clerk,	\$15,900 - \$39,945
Tax Assessor/Clerk Assessor Office	\$15,900 - \$40,000
Clerk, Fire Prevention Bureau	\$35,900 - \$50,900
Construction Code Official/Fire Sub-Code Official	\$75,000 - 110,000
Code Enforcement Officer	\$ 35,600 - \$47,500
Technical Assistant Construction Office	\$ 30,900 - \$48,400
Administrative Assistant Construction Office	\$39,000- \$46,000
Court Administrator/Deputy Violations Clerk	\$ 43,500 - \$72,500
Violations Clerk/Dep. Court Administrator	\$ 25,500 - \$42,500
Public Works Manager/Superintendent, DPW/Recycling Coordinator	\$79,700 - \$132,700
Safety Officer DPW	\$10,000- \$20,000
DPW Secretary/Assistant to Recycling Coordinator	\$25,000 - \$40,000
Police Chief	\$99,500 - \$175,500
Police Records Clerk/Administrative Clerk	\$30,600 - \$59,600
Communication Officers	\$31,750- \$75,000
Police Dispatcher	\$37,500 - \$56,500
Recreation Director	\$40,000 - \$65,000
Assistant Recreation Director	\$35,000 - \$65,000
Assistant to Recreation Director	\$25,000- \$45,000
Fire Dispatchers	\$31,750 - \$37,000

Permanent Part Time Salary Employees:

Mayor	\$3,500 - 10,000
Council Members	\$2,500 - 5,000
Fire Official, Bureau of Fire Prevention	\$9,100 - \$15,100
Emergency Management Coordinator	\$10,000.00 - \$11,000
Deputy Emergency Management Coordinator	\$5,000.00- \$7,500
EMS Coordinator	\$28,600- \$45,000
Tax Assessor	\$14,500 - \$28,000
Judge, Municipal Court	\$34,025 - \$56,700
Prosecutor	\$13,500 - \$22,250
Building Sub-Code Official	\$18,000 - \$30,000
Electrical Sub-Code Official	\$18,000 - \$30,000
Plumbing Sub-Code Official	\$18,000 - \$30,000
Director, Public Assistance	\$9,750 - \$15,450
Secretary to Shade Tree Commission	\$951 - \$1,585
Secretary, Planning Board	\$3,300 - \$5,400
Senior Citizen Bus Driver/Coordinator	\$17,500 - \$26,000
Municipal Alliance Coordinator	\$7,500 - \$12,500
Clean Communities Coordinator	\$7,500 - \$15,000

Permanent Part Time Hourly Employees:

Administrative Assistant/Payroll Supervisor	\$16.50 - \$25.00
Police Department Administrative Clerk	\$15.00 - \$20.00
Administrative Clerk	\$13.00- \$18.75

HOURLY EMPLOYEES

P/T Courtroom Security Attendant	\$13.00 - \$22.00
P/T Fire Prevention Inspector, Bureau of Fire Prevention	\$21.00 - \$35.00
P/T Laborer	\$15.00 - \$18.00
P/T Temporary Skilled Worker, depending on Qualifications	\$15.00 - \$50.00
P/T Temporary Unskilled Worker	\$15.00 - \$17.00
P/T Recreation Building Supervisors	\$15.00 - \$17.00
P/T Police Dispatcher	\$18.00 - \$24.00
P/T Fire Dispatchers	\$15.00 - \$18.00
P/T Clerical and Secretarial	\$15.00 - \$20.00
P/T EMT's	\$15.00- \$18.00
P/T School Crossing Guard	\$17.99 - \$22.00
Seasonal DPW Worker	\$15.00 - \$17.00
Cleaner - Recreation Buildings	\$15.00 - \$17.00
Parking Enforcement Officer	\$15.00 - \$18.00
Temporary Sub Code Inspector	\$35.00- \$48.00

Section 2. –COLLECTIVE BARGAINING AGREEMENTS

Salaries and compensation provisions negotiated through the current Collective Bargaining Agreements for the Teamsters Local 97 and the Little Falls PBA Local 346 and the Township of Little Falls are made apart of this ordinance. Employees covered by their respective Collective Bargaining Agreement shall be paid salary and compensation in accordance with those duly executed and approved agreements. All other provisions related to employees are incorporated herein from the Township's Personnel Policy Manual.

Section 3. –LONGEVITY

Longevity has been eliminated for all employees hired after January 1, 1997.

Section 4. OVERTIME and KEY EMPLOYEE VACATION

The following provisions of the within ordinance are subject to the provisions of any applicable Federal or State statute; and to the provisions of any applicable collective bargaining agreements.

- a. Key employees: The following employees, when employed full-time, are considered exempt key employees and designated management of their departments: Township Administrator, Township Clerk, Chief Municipal Finance Officer, Construction Code Official, Superintendent of Public Works, Deputy Superintendent of Public Works, Tax Collector, Tax Assessor, Court Administrator and Police Chief. Key employees shall not receive overtime, nor any regimented compensatory time off in lieu of overtime but shall be paid on an annual salary as authorized by the Mayor.
- b. In lieu of overtime or compensatory time off they shall receive an additional vacation week annually. Overtime may be paid to key employees if an emergency is declared and the Key Employee obtains authorization from the Mayor to work during the emergency.
- c. Non-key employees: Overtime pay may be paid to or compensatory time off may be given to non-key employees; however, compensatory time must be used within the same year and may not be carried over. Compensatory time shall commence only after the employee has worked the prescribed work week. Authorized compensatory time shall be computed at one and one-half (1½) times the hourly rate.

The hourly rate for overtime shall be computed by dividing the annual rate of pay by the number of hours in the employee's prescribed work year. In the case of a forty-hour work week, the employee shall be paid time and one-half after the full forty hours have been worked. For employees working a thirty-five-hour week, compensation shall be at straight time for the first five hours of overtime worked; the time and one-half provisions shall take effect only after the full forty hours have been worked.

- d. Part-time employees: Part-time employees shall be paid overtime only when in a particular week they work a number of hours which under provisions of Federal or State Law requires the payment of overtime.

Section 5.

Such deductions as may be required by law shall be made from the salaries and compensation as hereinabove set forth.

Section 6.

The Township Treasurer is hereby authorized to sign payroll checks. All Permanent employees shall be paid through the direct deposit payroll system established in the Township.

Section 7. HOLIDAYS

Permanent full-time officers and employees and permanent part-time Township officers and employees who are regularly scheduled to work twenty (20) hours or more weekly for twelve (12) months a year, whether paid on an annual salary basis or hourly basis, are entitled to the following paid Holidays:

- | | |
|---|------------------------|
| New Year's Day | General Election Day |
| President's Day | Columbus Day |
| Good Friday | Veterans' Day |
| Memorial Day | Thanksgiving Day |
| Independence Day | Day After Thanksgiving |
| Labor Day | Christmas Day |
| One-half of the last workday preceding New Year's Day and | |
| One-half of the last workday preceding Christmas Day | |

Permanent part-time Township officers and employees who are regularly scheduled to work less than twenty (20) hours or more weekly for twelve (12) months a year, whether paid on an annual salary basis or hourly basis, shall receive holiday leave on a prorated basis of ½ the full time accrual.

Section 8.

In addition to the holidays set forth in Section 7, all full-time employees and part-time full-year employees paid by annual salary shall be entitled to two (2) personal days off each year, except as may be provided by collective bargaining contract.

Section 9.

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

Section 10.

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

INTRODUCED: _____

PASSED AND ADOPTED: _____

Mayor James B. Damiano

ATTEST: _____
Township Clerk

ORDINANCE NO. 1372

AN ORDINANCE, AMENDING THE TOWNSHIP CODE OF LITTLE FALLS BY REPEALING, IN ITS ENTIRETY, CHAPTER 164 ENTITLED "PROPERTY PENDING FORECLOSURE, REGISTRATION AND MAINTENANCE OF" AND REPLACING, IN ITS ENTIRETY, WITH CHAPTER ## TO BE ENTITLED, "REGISTRATION OF FORECLOSURE MORTGAGES AND VACANT PROPERTY"; PROVIDING FOR PURPOSE, INTENT AND APPLICABILITY OF THE ORDINANCE REQUIRING THE REGISTRATION AND MAINTENANCE OF CERTAIN REAL PROPERTY BY MORTGAGEES AND VACANT PROPERTY BY OWNERS; PROVIDING FOR PENALTIES AND ENFORCEMENT, AS WELL AS THE REGULATION, LIMITATION AND REDUCTION OF REGISTRABLE REAL PROPERTY WITHIN THE TOWNSHIP; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

(RECITALS)

WHEREAS, the Township Council desires to protect the public health, safety, and welfare of the citizens of the incorporated area of the Township of Little Falls and maintain a high quality of life for the citizens of the Township through the maintenance of structures and properties in the Township; and

WHEREAS, the Council recognizes properties subject to foreclosure action or foreclosed upon and vacant properties (hereinafter referred to as "Registrable Properties") located throughout the Township lead to a decline in community and property value; create nuisances; lead to a general decrease in neighborhood and community aesthetic; create conditions that invite criminal activity; and foster an unsafe and unhealthy environment; and

WHEREAS, the Council has already adopted property maintenance codes to regulate building standards for the exterior of structures and the condition of the property as a whole; and

WHEREAS, the Council recognizes in the best interest of the public health, safety, and welfare a more regulated method is needed to discourage Registrable Property Owners and Mortgagees from allowing their properties to be abandoned, neglected or left unsupervised; and

WHEREAS, the Council has a vested interest in protecting neighborhoods against decay caused by Registrable Property and concludes that it is in the best interests of the health, safety, and welfare of its citizens and residents to impose registration requirements of Registrable Property located within the Township to discourage Registrable Property Owners and Mortgagees from allowing their properties to be abandoned, neglected or left unsupervised.

(RESOLUTION)

NOW THEREFORE, BE IT RESOLVED BY THE TOWNSHIP:

The Council finds that the implementation of the following changes and additions will assist the Township in protecting neighborhoods from the negative impact and conditions that occur as a result of vacancy, absentee ownership, and lack of compliance with existing Township regulations and laws.

- (a) That the foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon the adoption hereof.
- (b) That the Council does hereby amend the Township Codified Ordinances by repealing, in its entirety, Chapter 164 entitled "Property Pending Foreclosure, Registration and Maintenance of" and replacing it, in its entirety, with Chapter ## entitled "Registration of Foreclosure Mortgages and Vacant Property" to read as follows.

TITLE ##. CHAPTER ##. REGISTRATION OF FORECLOSING MORTGAGES AND VACANT PROPERTY

Sec. <ORD. CHAP>.<ORD. SEC> PURPOSE AND INTENT.

It is the purpose and intent of the Council to establish a process to address the deterioration, crime, and decline in value of Township neighborhoods caused by property with foreclosing or foreclosed mortgages located within the Township, and to identify, regulate, limit and reduce the number of these properties located within the Township. It has been determined that Owner-occupied structures are generally better maintained when compared to vacant structures, even with a diligent off-site property Owner. Vacant structures or structures owned by individuals who are economically strained and unable to meet their mortgage obligations are often not properly or diligently maintained, which contribute to blight, declined property values, and have a negative impact on social perception of the residential areas where they are located. It is the Council's further intent to establish a registration program as a mechanism to help protect neighborhoods from becoming blighted through the lack of adequate maintenance of properties that are in

Foreclosure or Foreclosed, and to provide a mechanism to avert foreclosure actions through timely intervention, education, or counseling of property Owners.

Sec. <ORD. CHAP>.<ORD. SEC> DEFINITIONS

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Default shall mean that the mortgagor has not complied with the terms of the mortgage on the property, or the promissory note, or other evidence of the debt, referred to in the mortgage.

Enforcement Officer shall mean any law enforcement officer, building official, zoning inspector, code enforcement officer, fire inspector, building inspector, or other person authorized by the Township to enforce the applicable code(s).

Evidence of Vacancy shall mean any condition that on its own, or combined with other conditions present, would lead a reasonable person to believe that the property is vacant. Such conditions may include, but are not limited to: overgrown and/or dead vegetation; past due Utility notices and/or disconnected Utilities; accumulation of trash junk or debris; abandoned vehicles, auto parts and/or materials; the absence of furnishings and/or personal items consistent with habitation or occupancy; the presence of an unsanitary, stagnant swimming pool; the accumulation of newspapers, circulars, flyers and/or mail; statements by neighbors, passers-by, delivery agents or government agents; and/or the presence of boards over doors, windows or other openings in violation of applicable code.

Foreclosure or Foreclosure Action shall mean the legal process by which a Mortgagee, or other lien holder, terminates or attempts to terminate a property Owner's equitable right of redemption to obtain legal and equitable title to the Real Property pledged as security for a debt or the Real Property subject to the lien. The legal process is not concluded until the property obtained by the Mortgagee, lien holder, or their designee, by certificate of title, or any other means, is sold to a non-related bona fide purchaser in an arm's length transaction to satisfy the debt or lien.

Mortgagee shall mean the creditor, including but not limited to, trustees; mortgage servicing companies; lenders in a mortgage agreement; any agent, servant, or employee of the creditor; any successor in interest; or any assignee of the creditor's rights, interests or obligations under the mortgage agreement; or any other person or entity with the legal right to foreclose on the Real Property, excluding governmental entities.

Owner shall mean every person, entity, or Mortgagee, who alone or severally with others, has legal or equitable title to any Real Property as defined by this Chapter; has legal care, charge, or control of any such property; is in possession or control of any such property; and/or is vested with possession or control of any such property. The Property Manager shall not be considered the Owner.

Property Manager shall mean any party designated by the Owner as responsible for inspecting, maintaining and securing the property as required in this Chapter.

Real Property shall mean any residential or commercial land and/or buildings, leasehold improvements and anything affixed to the land, or portion thereof identified by a property parcel identification number, located in the Township limits.

Registrable Property shall mean:

- (a) Any Real Property located in the Township, whether vacant or occupied, that is encumbered by a mortgage subject to an ongoing Foreclosure Action by the Mortgagee or Trustee, has been the subject of a Foreclosure Action by a Mortgagee or Trustee and a Judgement has been entered, or has been the subject of a Foreclosure sale where the title was transferred to the beneficiary of a mortgage involved in the Foreclosure and any properties transferred under a deed in lieu of foreclosure/sale. The designation of a “foreclosure” property as “registrable” shall remain in place until such time as the property is sold to a non-related bona fide purchaser in an arm’s length transaction or the Foreclosure Action has been dismissed; or
- (b) Any property that is vacant for more than thirty (30) days or any cancellation of Utility or Service, whichever occurs first.

Registry shall mean a web-based electronic database of searchable Real Property records, used by the Township to allow Mortgagees and Owners the opportunity to register properties and pay applicable fees as required in this Chapter.

Semi-Annual Registration shall mean six (6) months from the date of the first action that requires registration, as determined by the Township, or its designee, and every subsequent six (6) months. The date of the initial registration may be different than the date of the first action that required registration.

Utilities and Services shall mean any utility and/or service that is essential for a building to be habitable and/or perform a service necessary to comply with all Township codes. This includes, but is not limited to, electrical, gas, water, sewer, lawn maintenance, pool maintenance, and snow removal.

Vacant shall mean any parcel of land in the Township that contains any building or structure that is not lawfully occupied.

Sec. <ORD. CHAP>.<ORD. SEC> APPLICABILITY AND JURISDICTION

This Chapter applies to Foreclosing, Foreclosed, and Vacant property within the Township.

Sec. <ORD. CHAP>.<ORD. SEC> ESTABLISHMENT OF A REGISTRY

Pursuant to the provisions of Section ## the Township, or its designee, shall establish a registry cataloging each Registrable Property within the Township, containing the information required by this Chapter.

Sec. <ORD. CHAP>.<ORD. SEC> INSPECTION AND REGISTRATION OF REAL PROPERTY UNDER FORECLOSURE

- (a) Any Mortgagee who holds a mortgage on Real Property located within the Township shall perform an inspection of the property upon default by the mortgagor as evidenced by the filing of a Foreclosure Action.
- (b) Property inspected pursuant to subsection (a) above that remains in Foreclosure shall be inspected every thirty (30) days by the Mortgagee or Mortgagee's designee. If an inspection shows a change in the property's occupancy status the Mortgagee shall, within ten (10) days of that inspection, update the occupancy status of the property registration.
- (c) Within ten (10) days of the date any Mortgagee files a Foreclosure Action, the Mortgagee shall register the Real Property with the Township Registry, and, at the time of registration, indicate whether the property is Vacant, and if so shall designate in writing a Property Manager to inspect, maintain, and secure the Real Property subject to the mortgage under a Foreclosure Action. A separate registration is required for each property under a Foreclosure Action, regardless of whether it is occupied or vacant.
- (d) Initial registration pursuant to this section shall contain at a minimum the name of the Mortgagee, the mailing address of the Mortgagee, e-mail address, telephone number and name of the Property Manager and said person's address, e-mail address, and telephone number.
- (e) At the time of initial registration each registrant shall pay a non-refundable Semi-Annual Registration fee of five hundred dollars (\$500.00) for each property. Subsequent non-refundable Semi-Annual renewal registrations of properties and fees in the amount of five hundred dollars (\$500.00) are due within ten (10) days of the expiration of the previous registration. Said fees shall be used to offset the costs of: (1) registration and registration enforcement, (2) code enforcement and mitigation related to Defaulted properties, (3) post-closing counseling and Foreclosure intervention limited to Owner-occupied persons in Default, which may not include cash and mortgage modification assistance, and (4) for any related purposes as may be adopted in the policy set forth in this Chapter. Said fees shall be deposited to a special account in the Township's Department dedicated to the cost of implementation and enforcement of this Ordinance, and fulfilling the purpose and intent of this Chapter. None of the funds provided for in this section shall be utilized for the legal defense of Foreclosure Actions.

- (f) If the mortgage and/or servicing on a Registrable Property is sold or transferred, the new Mortgagee is subject to all the terms of this Chapter. Within ten (10) days of the transfer, the new Mortgagee shall register the property or update the existing registration. The previous Mortgagee(s) will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that Mortgagee's involvement with the Registrable Property.
- (g) If the Mortgagee sells or transfers the Registrable Property in a non-arm's length transaction to a related entity or person, the transferee is subject to all the terms of this Chapter. Within ten (10) days of the transfer, the transferee shall register the property or update the existing registration. Any and all previous unpaid fees, fines, and penalties, regardless of who the Mortgagee was at the time registration was required, including, but not limited to, unregistered periods during the Foreclosure process, are the responsibility of the transferee and are due and payable with the updated registration. The previous Mortgagee will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that Mortgagee's involvement with the Foreclosed Property.
- (h) If the Foreclosing or Foreclosed Property is not registered, or the registration fee is not paid within thirty (30) days of when the registration or renewal is required pursuant to this section, a late fee equivalent to ten percent (10%) of the Semi-Annual Registration fee shall be charged for every thirty-day period (30), or portion thereof, the property is not registered and shall be due and payable with the registration.
- (i) This section shall also apply to properties that have been the subject of a foreclosure sale where title is transferred to the Mortgagee as well as any properties transferred to the Mortgagee under a deed in lieu of foreclosure or by any other legal means.
- (j) Properties subject to this section shall remain subject to the Semi-Annual Registration requirement, and the inspection, security, and maintenance standards of this section as long as the property remains Registrable Property.
- (k) Failure of the Mortgagee and/or property Owner of record to properly register or to modify the registration to reflect a change of circumstances as required by this ordinance is a violation of this Chapter and shall be subject to enforcement by any of the enforcement means available to the Township.
- (l) If any property is in violation of this Chapter the Township may take the necessary action to ensure compliance with and/or place a lien on the property for the cost of the outstanding obligation and any additional cost incurred to the property into compliance.

Sec. <ORD. CHAP>.<ORD. SEC> INSPECTION AND REGISTRATION OF REAL PROPERTY THAT IS NOT SUBJECT TO A MORTGAGE IN FORECLOSURE

- (a) Any Owner of Vacant property located within the Township shall within ten (10) days after the property becomes Vacant, register the Real Property with the Township Registry.

- (b) Initial registration pursuant to this section shall contain at a minimum the name of the Owner, the mailing address of the Owner, e-mail address, and telephone number of the Owner, and if applicable, the name and telephone number of the Property Manager and said person's address, e-mail address, and telephone number.
- (c) At the time of initial registration each registrant shall pay a non-refundable Semi-Annual Registration fee of five hundred dollars (\$500.00) for each Vacant property. Subsequent non-refundable Semi-Annual renewal registrations of Vacant properties and fees in the amount of five hundred dollars (\$500.00) are due within ten (10) days of the expiration of the previous registration. Said fees shall be used to offset the costs of: (1) registration and registration enforcement, (2) code enforcement and mitigation related to Vacant properties, and (3) for any related purposes as may be adopted in the policy set forth in this Chapter. Said fees shall be deposited to a special account in the Township's Department dedicated to the cost of implementation and enforcement of this Ordinance, and fulfilling the purpose and intent of this Chapter.
- (d) If the property is sold or transferred, the new Owner is subject to all the terms of this Chapter. Within ten (10) days of the transfer, the new Owner shall register the Vacant property or update the existing registration. The previous Owner(s) will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that Owner's involvement with the Vacant property.
- (e) If the Vacant property is not registered, or either the registration fee or the Semi-Annual Registration fee is not paid within thirty (30) days of when the registration or Semi-Annual Registration is required pursuant to this section, a late fee shall be equivalent to ten percent (10%) of the Semi-Annual Registration fee shall be charged for every thirty (30) day period, or portion thereof, the property is not registered and shall be due and payable with the registration. This section shall apply to the initial registration and registrations required by subsequent Owners of the Vacant property.
- (f) Properties subject to this section shall remain subject to the Semi-Annual Registration requirement, and the inspection, security, and maintenance standards of this section as long as the property is Vacant.
- (g) Failure of the Owner to properly register or to modify the registration to reflect a change of circumstances as required by this ordinance is a violation of this Chapter and shall be subject to enforcement by any of the enforcement means available to the Township.
- (h) If any property is in violation of this Chapter the Township may take the necessary action to ensure compliance with and place a lien on the property for the cost of the outstanding obligation and any additional cost incurred to the property into compliance.
- (i) Properties registered as a result of this section are not required to be registered again pursuant to the Foreclosure mortgage property section.

Sec. <ORD. CHAP>.<ORD. SEC> MAINTENANCE REQUIREMENTS

- (a) Properties subject to this chapter shall be kept free of weeds, overgrown brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspaper circulars, flyers, notices, except those required by federal, state or local law, discarded personal items including, but not limited to, furniture, clothing, large and small appliances, printed material, or any other items that give the appearance that the property is abandoned.
- (b) Registrable Property shall be maintained free of graffiti or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior structure.
- (c) Front, side, and rear yards, including landscaping, of Registrable Property shall be maintained in accordance with the applicable code(s) at the time registration is required.
- (d) Registrable yard maintenance shall include, but not be limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod. Acceptable maintenance of yards and/or landscape shall not include weeds, gravel, broken concrete, asphalt or similar material.
- (e) Maintenance shall include, but not be limited to, watering, irrigation, cutting and mowing of required ground cover or landscape and removal of all trimmings.
- (f) Pools and spas of shall be maintained so the water remains free and clear of pollutants and debris and shall comply with the regulations set forth in the applicable code(s).
- (g) Failure of the Mortgagee, Owner, and transferees to properly maintain the property as required by this Chapter may result in a violation of the applicable code(s) and issuance of a citation or notice of violation in accordance with the applicable code of the Township. Pursuant to a finding and determination by the Township Sheriff, Magistrate or a court of competent jurisdiction, the Township may take the necessary action to ensure compliance with this section.
- (h) In addition to the above, the property is required to be maintained in accordance with the applicable code(s) of the Township.

Sec. <ORD. CHAP>.<ORD. SEC> SECURITY REQUIREMENTS

- (a) Properties subject to these Sections shall be maintained in a secure manner so as not to be accessible to unauthorized persons.
- (b) A "secure manner" shall include, but not be limited to, the closure and locking of windows, doors, gates and other openings of such size that may allow a child to access the interior of the property or structure. Broken windows, doors, gates, and other openings of such size

that may allow a child to access the interior of the property or structure must be repaired. Broken windows shall be secured by re-glazing of the window.

- (c) If a property is Registrable, and the property has become vacant or blighted, a Property Manager shall be designated by the Mortgagee and/or Owner to perform the work necessary to bring the property into compliance with the applicable code(s), and the Property Manager must perform regular inspections to verify compliance with the requirements of this Chapter, and any other applicable laws.
- (d) In addition to the above, the property is required to be secured in accordance with the applicable code(s) of the Township.
- (e) When a property subject to this Chapter becomes Vacant, it shall be posted with the name and twenty-four (24) hour contact telephone number of the Property Manager. The Property Manager shall be available to be contacted by the Township Monday through Friday between 9:00 a.m. and 5:00 p.m., legal holidays excepted. The sign shall be placed in a window facing the street and shall be visible from the street. The posting shall be no less than eighteen (18) inches by twenty-four (24) inches and shall be of a font that is legible from a distance of forty-five (45) feet. The posting shall contain the following language with supporting information:

THIS PROPERTY IS MANAGED BY _____.
AND IS INSPECTED ON A REGULAR BASIS. _____.
THE PROPERTY MANAGER CAN BE CONTACTED _____.
BY TELEPHONE AT _____.
OR BY EMAIL AT _____.

- (f) The posting required in subsection (e) above shall be placed on the interior of a window facing the street to the front of the property so that it is visible from the street, or secured to the exterior of the building/structure facing the street to the front of the property so that it is visible from the street or if no such area exists, on a stake of sufficient size to support the posting in a location that is at all times visible from the street to the front of the property but not readily accessible to vandals. Exterior posting shall be constructed of and printed with weather-resistant materials.
- (g) Failure of the Mortgagee and/or property Owner of record to properly inspect and secure a property subject to this Chapter, and post and maintain the signage noted in this section, is a violation and shall be subject to enforcement by any of the enforcement means available to the Township. The Township may take the necessary action to ensure compliance with this section, and recover costs and expenses in support thereof.

Sec. <ORD. CHAP>.<ORD. SEC> PROVISIONS SUPPLEMENTAL

The provisions of this Chapter are cumulative with and in addition to other available remedies. Nothing contained in this Chapter shall prohibit the Township from collecting on fees, fines, and

penalties in any lawful manner; or enforcing its codes by any other means, including, but not limited to, injunction, abatement, or as otherwise provided by law or ordinance.

Sec. <ORD. CHAP>.<ORD. SEC> PUBLIC NUISANCE

All Registrable Property is at risk of being a public nuisance and if vacant or blighted can constitute a public nuisance, the abatement of which pursuant to the police power is hereby declared to be necessary for the health, welfare, and safety of the residents of the Township.

Sec. <ORD. CHAP>.<ORD. SEC> ADDITIONAL AUTHORITY

- (a) If the Enforcement Officer has reason to believe that a property subject to the provisions of this Chapter is posing a serious threat to the public health, safety, and welfare, the code Enforcement Officer may temporarily secure the property at the expense of the Mortgagee or Owner, and may bring the violations before the code enforcement, Council or special magistrate as soon as possible to address the conditions of the property. Nothing herein shall limit the Township from abating any nuisance or unsafe condition by any other legal means available to it.
- (b) The Sheriff, code enforcement, Council or special magistrate shall have the authority to require the Mortgagee or Owner affected by this section, to implement additional maintenance and/or security measures including, but not limited to, securing any and all doors, windows or other openings, employment of an on-site security guard or other measures as may be reasonably required to help prevent further decline of the property.
- (c) If there is a finding that the condition of the property is posing a serious threat to the public health, safety, and welfare, then the Sheriff, code enforcement, Council or special magistrate may direct the Township to abate the violations and charge the Mortgagee or Owner with the cost of the abatement.
- (d) If the Mortgagee or Owner does not reimburse the Township for the cost of temporarily securing the property, or of any abatement directed by the Sheriff, code enforcement officer, code enforcement, Council or special magistrate, within thirty (30) days of the Township sending the Mortgagee or Owner the invoice then the Township may lien the property with such cost, along with an administrative fee as determined in the Township's fee ordinance to recover the administrative personnel services. In addition to filing a lien the Township may pursue financial penalties against the Mortgagee or Owner.
- (e) The Township may contract with an entity to implement this Chapter, and, if so, any reference to the Enforcement Officer herein shall include the entity the Township contract with for that purpose.

Sec. <ORD. CHAP>.<ORD. SEC> OPPOSING, OBSTRUCTING ENFORCEMENT OFFICER; PENALTY

Whoever opposes obstructs or resists any Enforcement Officer or any person authorized by the enforcement office in the discharge of duties as provided in this chapter shall be punishable as provided in the applicable code(s) or a court of competent jurisdiction.

Sec. <ORD. CHAP>.<ORD. SEC> IMMUNITY OF ENFORCEMENT OFFICER

Any Enforcement Officer or any person authorized by the Township to enforce the sections here within shall be immune from prosecution, civil or criminal, for reasonable, good faith entry upon Real Property while in the discharge of duties imposed by this Chapter.

Sec. <ORD. CHAP>.<ORD. SEC> PENALTIES

Unless otherwise provided for in this Chapter, a violation of this Chapter is declared unlawful.

Sec. <ORD. CHAP>.<ORD. SEC> AMENDMENTS

Registration fees and penalties outlined in this Article may be modified by resolution, administrative order, or an amendment to this Article, passed and adopted by the Council.

Sec. <ORD. CHAP>.<ORD. SEC> SEVERABILITY

It is hereby declared to be the intention of the Township that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance.

Sec. <ORD. CHAP>.<ORD. SEC> REPEALER

All ordinances or parts of ordinances in conflict herewith, are hereby repealed and replaced.

Sec. <ORD. CHAP>.<ORD. SEC> CODIFICATION

It is the intention of the Council, that the provisions of this Ordinance shall become and be made a part of the Township Code of Ordinances; and that the sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed

to "section", "chapter", or such other appropriate word or phrase in order to accomplish such intentions.

Sec. <ORD. CHAP>.<ORD. SEC> EFFECTIVE DATE

This ordinance shall become effective immediately upon adoption.

ORDINANCE NO. 1373

**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 126,
LITTERING**

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 that No person shall throw, drop, discard, or otherwise put or place, or cause to be thrown, put or placed, into, upon or within any street, public place, parking lot or public building, litter of any nature or any substance, matter or thing whatsoever whereby the safe, free or unobstructed use of the same by the public may be in any way impeded or interfered with, or whereby the same may be detrimental to the health, safety or welfare of the public. Nothing in this section shall prohibit the deposit of any such material in any public or private receptacles approved by the Township for such purpose. Nothing contained in this section shall be construed to prohibit construction, repair or maintenance equipment, materials or machinery from being utilized on such street, public place, parking lot or public building;

WHEREAS, the municipal council ("Municipal Council") of the Township has determined to amend Chapter 126, of the Code entitled Littering; and

WHEREAS, the Municipal Council has determined to amend said Chapter 126 of the Code section 128-1 to read as follows:

§ 216-1 Purpose.

The purpose of this article is to prohibit the spilling, dumping or disposal of materials other than stormwater to the municipal separate storm sewer system (MS4) operated by the Township of Little Falls, and/ or natural waterways so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply; and

WHEREAS, the Municipal Council has determined to amend said Chapter 126 of the Code section 128-8 to read as follows:

§ 126-8 Litter in rivers and streams.

No person shall spill, dump, or dispose of any material other than storm water into the municipal separate storm sewer system (ms4) operated by the Township of Little Falls and / or natural water ways.

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 126-1 and Chapter 126-8 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 240 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. 1376

**AN AMENDING ORDINANCE OF THE TOWNSHIP OF LITTLE FALLS
IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY, ENTITLED
CHAPTER 3 ADMINISTRATION OF GOVERNMENT IN THE CODE OF
THE TOWNSHIP OF LITTLE FALLS.**

WHEREAS, Chapter 3 Entitled Administration of Government the Township establishes the structure of the Township's government and the Township Council wishes to amend and supplement Chapter 3 of the Little Falls Code; and

WHEREAS, the Township Council has determined that the structure of the Local Government will be better served by making the following amendments; and

WHEREAS, the Township Council recognizes that efficient government practices need to be amended from time to time to meet the needs of the Taxpayers and Residents; and

WHEREAS, it is in the best interest of the Township of Little Falls that the present Township Code Chapter 3 entitled Administration of Government be amended as 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 Chapter 3 Entitled Administration of Government be and is hereby amended as follows:

§ 3-2.9 Administrative organization generally.

The administrative functions, powers and duties of the Township are allocated and assigned among and within departments and offices established/constituted by this code as follows:

A.

Departments.

(1) Department of Finance.

(2) *Department of Police.* Removing Department of Public Works and replacing it with Department of Police

(3) Department of Administration.

B.

Separate offices, boards and commissions.

(1) Municipal Clerk.

(2) Municipal Court.

(3) Tax Assessor.

(4) Planning Board.

(5) Board of Health.

(6) Shade Tree Commission.

(7) Environmental Commission.

(8) Public Library.

(9) Library Board of Trustees.

(10) Local Assistance Board.

(11) Municipal Alliance on Alcoholism and Drug Abuse.

(12) ~~Municipal Ethics Board.~~

(13) Emergency Management Council.

(14) ~~Rent Leveling Board.~~

(15) Historic Preservation Commission.

§ 3-2.10 **Department heads generally.**

Department heads shall be appointed and removed as provided by the Charter and shall serve full time, except as otherwise provided herein. Under the supervision of the Mayor and subject to the Charter and this code, each department head shall:

A.

With the approval of the Mayor, appoint subordinate officers and employees within the department and may, with the approval of the Mayor, remove such officers and employees.

B.

Direct and supervise the work of the department and its employees through the divisions established by the code.

C.

Assign functions, powers and duties to subordinate officers and employees within the department and modify such assignments as need appears.

D.

Delegate to division heads such of his powers as he may deem necessary for efficient administration.

E.

Report at least annually to the Mayor and Council, in such form as shall be approved by the Business Administrator, on the work of the department during the preceding year.

F.

There is hereby established the right of the majority and the minority of the Township Council to individually request resolutions, ordinances and any other data, when information that he/she may need in the performance of their duty, from the Township Attorney, Township Engineer and the Municipal Registered Accountant.

§ 3-6.8 **Rent Control Leveling Board Attorney.**

~~[Amended 5-7-2012 by Ord. No. 1154]~~

~~When the Township is required to obtain the services of an attorney for rent leveling purposes under the provisions of Chapter 178 of the Code of the Township of Little Falls the Township Attorney will provide services as required.~~

~~**A.**~~

~~Position created. The position of Rent Leveling Board Attorney is hereby created.~~

~~**B.**~~

~~Appointment. A Rent Leveling Board Attorney may be appointed by the Mayor for a term ending the 31st day of December next following his appointment.~~

~~**C.**~~

~~Qualifications. The Rent Leveling Board Attorney shall be an attorney at law duly admitted to practice in the State of New Jersey.~~

~~**D.**~~

~~Compensation. The Rent Leveling Board Attorney shall receive such compensation as shall be provided by the Council.~~

~~**E.**~~

~~Duties. The Rent Leveling Board Attorney shall attend all meetings of the Rent Leveling Board, as required, and advise said Board on the interpretation of the Township's rent control ordinances.~~

§ 3-7.5 **Department of Public Works.**

[Amended 5-7-2012 by Ord. No. 1154]

A.

~~Department created. There shall be a department head for the Department of Public Works appointed by the Mayor, with advice and consent of the Council, who shall possess a current and valid New Jersey Certified Public Works Manager certificate.~~

Division created. Within the Department of Administration, there shall be a Division of Public Works. The Superintendent of Public Works shall be the Division Head and shall serve under the direction and supervision of the Business Administrator.

B.

Superintendent of Public Works.

(1)

Position created. The position of Superintendent of Public Works is hereby created.

(2)

Compensation. The Superintendent of Public Works shall receive as compensation such salary as is provided in the Salary Ordinance.^[1]

[1]

Editor's Note: The Annual Salary Ordinance is on file in the Township municipal offices.

(3)

Appointment. The Superintendent of Public Works shall be appointed by the Mayor and the term of his office shall be in accordance with the provisions of statute.

(4)

Qualifications. The Superintendent of Public Works shall be qualified by training, experience and shall possess a current and valid New Jersey Certified Public Works Manager certificate and such other certifications/licenses as required by statute for the duties of his office. ~~He may be required to hold a professional engineer's license in the State of New Jersey.~~

§ 3-7.7 **Police Division Department**

B.

Department created.

~~Division created. Within the Department of Administration, there is hereby created a Division of Police.~~

C. Chief of Police.

(1) Position created. The position of Chief of Police is hereby created. The Chief of Police shall be the Department Head. ~~head the Division of Police and serve under the direction and supervision of the Business Administrator.~~

(2) Compensation. The Chief of Police shall receive as compensation such salary as is provided in the Salary Ordinance.^[2]

(3) Appointment. The Chief of Police shall be appointed by the Mayor.

(4) Qualifications. The Chief of Police shall be qualified by training, experience and such certifications/licenses as required by statute for the duties of his office.

~~3-9.4 **Division personnel.**~~

~~In addition to the Tax Collector, the office may employ such other personnel, subject to the approval of the Mayor and Council and within the limits of available appropriations, to carry out the functions of the office.~~

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.

Upon its final passage by the Township Council, approval by the Mayor, and publication as required by law This ordinance shall take effect January 1, 2020.

Approved _____

ATTEST:

Cynthia Kraus, Township Clerk

James Belford Damiano, Mayor