

TOWNSHIP COUNCIL MEETING AGENDA

MONDAY, JANUARY 22, 2018

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, 2018. 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

OATH OF OFFICE administered by MAYOR JAMES BELFORD DAMIANO to Council President ANTHONY SGOBBA.

MINUTES

APPROVAL OF MINUTES FROM THE WORKSHOP MEETING OF JANUARY 8, 2018,
THE REGULAR MEETING OF DECEMBER 18, 2017 AND
THE REORGANIZATION MEETING ON JANUARY 1, 2018

REMARKS FROM THE CHAIR

MOTION TO RESCHEDULE THE SEPTEMBER 10, 2018
COUNCIL MEETING TO SEPTEMBER 17, 2018

COUNCIL MEMBER REPORTS

MAYOR'S REPORT

APPOINTMENT OF INTERIM MUNICIPAL COURT JUDGE for a Three-Year Term - MAYOR appoints with ADVICE and CONSENT of COUNCIL- JUDGE ERNEST P. FRONZUTO

PROCLAMATION OBSERVING YOUTH ART MONTH 2018

PROCLAMATION HONORING THE LFFPA PEE WEE JR HORNETS C SQUAD

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 DECEMBER 2017

MUNICIPAL CLERK'S DOG/CAT LICENSE REPORT FOR THE MONTH OF DECEMBER 2017

TAX COLLECTOR'S REPORT FOR THE MONTH OF DECEMBER 2017

RECREATION CENTER REPORT FOR THE MONTH OF DECEMBER 2017

CIVIC CENTER REPORT FOR THE MONTH OF DECEMBER 2017

CONSTRUCTION REPORT FOR THE MONTH OF DECEMBER 2017

APPLICATIONS

LITTLE FALLS SCHOOL #2 PTA, ON-PREMISE 50/50, 4/14/18, 6:00 PM TO 11:30 PM, 4-6 WOODHULL AVENUE, LITTLE FALLS

ST. CATHERINE OF SIENA CHURCH, ON-PREMISE 50/50, 4/13/18, 10:30 PM, 215 ROUTE 23, LITTLE FALLS

ST. CATHERINE OF SIENA CHURCH, CASINO NIGHT, 4/13/18, 7:00 PM TO 11:00 PM, 215 ROUTE 23, LITTLE FALLS

BLUE LIGHT PERMIT, ROBERT BROBECK, GARRABRANT AVENUE, LITTLE FALLS FIRE DEPARTMENT

LITTLE FALLS FIRE DEPARTMENT AUXILIARY APPLICATION, KEVIN SAYAD, GREENBRIAR ROAD, SINGAC FIRE CO. #3

NJ STATE FIREMEN'S ASSOCIATION, BRYAN SMITH, OVERLOOK AVENUE, LITTLE FALLS FIRE DEPARTMENT

NJ STATE FIREMEN'S ASSOCIATION, THOMAS R. SPADAFORA, DEWEY AVENUE, TOTOWA, LITTLE FALLS FIRE DEPARTMENT

NJ STATE FIREMEN'S ASSOCIATION, MARIO DIVJAKA, TAYLOR AVENUE, LITTLE FALLS FIRE DEPARTMENT

CORRESPONDENCE

REQUEST FROM KNIGHTS OF COLUMBUS FOR PERMISSION TO HOLD A CAN SHAKE FOR ANNUAL CITIZENS WITH DEVELOPMENTAL DISABILITIES DRIVE ON SATURDAY, APRIL 28,

2018 AND SUNDAY, APRIL 29, 2018 FROM 8:00 A.M. TO 6:00 P.M. AT THE INTERSECTIONS OF ROUTE 23 AND MAIN STREET AND MAIN STREET AND STEVENS AVENUE

RESOLUTIONS

RESOLUTION RATIFYING THE PUBLIC ASSISTANCE CHECKS ISSUED BY THE TOWNSHIP'S WELFARE DIRECTOR FOR THE PERIOD FROM 6/1/17 THROUGH 12/31/17 [A]

RESOLUTION RELEASING PSE&G GREAT NOTCH SUBSTATION PERFORMANCE BOND [B]

RESOLUTION AUTHORIZING THE AWARD OF A ONE-YEAR CONTRACT TO F. BASSO JR. RUBBISH REMOVAL SERVICES FOR SOLID WASTE/RECYCLABLE MATERIALS COLLECTION AND DISPOSAL [C]

NEW BUSINESS

INTRODUCTION OF ORDINANCE #1306, 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 ENTITLED TRAFFIC", WITH A SECOND READING AND PUBLIC HEARING SCHEDULED FOR FEBRUARY 26, 2018.

INTRODUCTION OF ORDINANCE #1307, AN ORDINANCE ENTITLED, "AN AMENDING ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LITTLE FALLS, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY, AS AMENDED AND INCORPORATED UNDER FLOOD CONTROL BOARD IN CHAPTER 85 OF THE CODE OF THE TOWNSHIP OF LITTLE FALLS", WITH A SECOND READING AND PUBLIC HEARING SCHEDULED FOR FEBRUARY 26, 2018.

INTRODUCTION OF ORDINANCE #1308, AN ORDINANCE ENTITLED, "AN ORDINANCE OF THE TOWNSHIP OF LITTLE FALLS AMENDING AND SUPPLEMENTING THE ZONING PROVISIONS OF THE TOWNSHIP CODE CHAPTER 280, ARTICLE XXII, FENCES", WITH A SECOND READING AND PUBLIC HEARING SCHEDULED FOR FEBRUARY 26, 2018.

INTRODUCTION OF ORDINANCE #1309, 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 71, FEES", WITH A SECOND READING AND PUBLIC HEARING SCHEDULED FOR FEBRUARY 26, 2018.

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] 18-01-22 - # _____

BE IT RESOLVED, by the Township Council of the Township of Little Falls, that Public Assistance checks totaling \$22,474.00 issued by the Township's Welfare Director in accordance with the public assistance program for the period June 1, 2017 through December 31, 2017 are hereby ratified and approved.

APPROVED: _____

cc: Finance Dept.
Dept.

RESOLUTION [B] 18-01-22 - # _____

RESOLUTION FOR RELEASE OF PERFORMANCE BOND

The Township Council hereby authorizes the release of the Performance bond for PSE&G Great Notch Substation in accordance with the recommendations of the Township Engineer as provided in correspondence dated February 23, 2017. The Township Council also authorizes, and requires, the submission of a maintenance bond for a period of two (2) years as recommended by the Township Engineer and in accordance with the Municipal Land Use Law (§40:44D-53.3 & 5).

Approved this 22nd day of January, 2018.

ATTEST:

Signature of Authorized Representative

Date

Printed Name of Authorized Representative

Telephone Number

RESOLUTION [C] 18-01-22 - # _____

ACCEPTING BID AND AWARDING CONTRACT
FOR SOLID WASTE DISPOSAL

WHEREAS, pursuant to advertising duly made, bids were received by the Township of Little Falls on December 27, 2017 for Solid Waste and Recyclable Materials Collection and Disposal Service, and the bids were opened and read publicly by the Township Administrator and Department of Public Works Superintendent as follows:

Gaeta Recycling Co., Inc. 278-282 West Railway Avenue Paterson, N.J. 07503 Bid Year 1: \$72.00 per ton Bid Year 2: \$72.50 per ton Bid Year 3: \$72.90 per ton	F. Basso Jr. Rubbish Removal, Inc. 55-93 S 20 th Street Irvington, NJ 07111 Bid Year 1: \$75.60 per ton Bid Year 2: \$77.11 per ton Bid Year 3: \$78.65 per ton
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Joseph Smentkowski, Inc.
P.O. Box 17398
Jersey City, NJ 07307
Bid Year 1: \$76.00 per ton
Bid Year 2: \$76.00 per ton
Bid Year 3: \$76.00 per ton

and, WHEREAS, the Department of Public Works Superintendent has reviewed the bids for technical sufficiency and the Township Attorney has reviewed the bids for legal sufficiency; and

WHEREAS, each bidder has been notified of the need to supply the appropriate form of proof of compliance with Affirmative Action requirements; and

WHEREAS, the award is subject to the Availability of Funds and certification of same in the 2018 budget for Solid Waste Disposal;

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

1) That the bid of

F. Basso Jr. Rubbish Removal, Inc.
55-93 S. 20th Street
Irvington, NJ 07111

in the amount of

\$75.60 per ton for the first year, \$77.11 per ton for the second year and
\$78.65 per ton for the third year

be and the same is hereby accepted for a three-year contract; 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 Dept.
DPW Supt.
Attorney
F. Basso Rubbish Removal, Inc.
Award File
Dept.

ORDINANCE NO. 1306

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 ENTITLED 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 provide for speed limits on various public streets in the Township; and

WHEREAS, the Municipal Council ("Municipal Council") of the Township has determined to amend Chapter 7 entitled Traffic, Section 7-28, Speed Limits, as follow:

7-28 Speed Limits

Speed limits for traffic along the following streets shall be established as follows:

Name of Street	Travel	Speed Limit
Canterbury Lane	Both Directions	15 MPH for entire length
Turnberry Road	Both Directions	15 MPH for entire length

1. A copy of this Ordinance shall be available for public inspection at the offices of the Township Clerk.
2. This Ordinance shall take effect upon its final passage by the Municipal Council, and approved by the Mayor and publication as required by law.

PASSED: _____

ATTEST:

APPROVE:

Cynthia Kraus, Municipal Clerk

James Belford Damiano, Mayor

ORDINANCE NO. 1307

AN AMENDING ORDINANCE OF THE TOWNSHIP OF LITTLE FALLS, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY, AS AMENDED AND INCORPORATED UNDER FLOOD CONTROL BOARD IN CHAPTER 85 OF THE CODE OF THE TOWNSHIP OF LITTLE FALLS.

WHEREAS, Code section 85 Entitled Flood Control Board (Passaic Valley Regional Flood Board) provided that the provision of Code are made in accordance with N.J.S.A. 40A:27-1 et. seq., the Township hereby amends and supplements the Little Falls Code; and

WHEREAS, the Township Council has determined that the structure of the Board will be better served by working directly with the Borough of Woodland Park; and

WHEREAS, the Board as originally constituted include The Township of Little Falls, the Borough of Woodland Park and the Township of Cedar Grove; and

WHEREAS, the Township of Cedar Grove has determined that since the impact of possible flooding on the Passaic River and the Peckman River have a much greater impact on the Township of Little Falls and the Borough of Woodland Park, it has by ordinance withdrawn from Passaic Valley Flood Board; and

WHEREAS, the Township of Little Falls recognizes the sage advice and contributions made by the Township of Cedar Grove and its members who served on the Passaic Valley Regional Flood Board. The Township of Little Falls will continue to work with the Township of Cedar Grove on matters effecting both municipalities; and

WHEREAS, it is in the best interest of the Township of Little Falls that the present Township Code section 85 entitled Flood Control Board be maintained as part of the Township Code and request that the Borough of Woodland Park amend their Borough Code to mirror the amendments 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 85 Entitled Flood Control Board be and is hereby amended as follows:

85-1. Title; findings.

A.

Pursuant to the Municipal and County Flood Control Act, N.J.S.A. 40A:27-1 et seq., the Township hereby amends and supplements the Little Falls Code to include the following, entitled "Ordinance to Form and Establish the Little Falls – West Paterson Passaic Valley Regional Flood Control Board" (hereinafter, the "Board").

B.

Findings:

(1)

The Mayor and Council of the Township of Little Falls conclude that the public health, safety and welfare can best be assured by the establishment of the Board, and its review of the potential acquisition, construction, financing, improvement, maintenance and operation of flood control facilities in cooperation with other local units, as set forth in N.J.S.A. 40A:27-4.

(2)

The Mayor and Council of the Township of Little Falls find that the Board will contribute to the overall management of the surface water of the Passaic River and the Peckman River basins, insofar as those basins impact upon the properties located within the Township of Little Falls.

§85-2. Definitions.

As used in this chapter, the following terms shall have meanings indicated:

CONTRACTING LOCAL UNIT

A municipality which enters into a contract with another municipality for the construction, maintenance, improvement, acquisition, or financing of a flood control facility for its own use.

CONTRACTOR

A local unit which enters into a contract with a contracting local unit to construct, maintain, improve, acquire or finance flood control facilities for the contracting local unit.

COST

The cost of construction, reconstruction or maintenance and improvement, the cost of all labor, materials, machinery and equipment, the cost of all lands, property, rights and easements acquired, financing charges, interest on bonds issues to finance a facility prior to, during and after acquisition or construction, the cost of plans and specifications, surveys or estimates of costs and of revenues, the cost of engineering and legal services, and all other expenses necessary or incidental to determining the feasibility or practicability of the construction, reconstruction, improvement or maintenance of a facility, administrative expenses and such other expenses as may be necessary or incidental to the construction, maintenance or acquisition of a facility, and the financing herein authorized. Any obligation or expense incurred by a local unit in connection with any of the foregoing items of cost prior to the issuance of bonds or notes as authorized herein may be reimbursed to the local unit out of the proceeds of bonds issued under the provisions of this chapter.

FLOOD CONTROL FACILITIES

The dams, drainageways, structures and other real and personal property acquired, constructed, operated, financed, maintained or improved or to be acquired, constructed, operated, financed, maintained or improved by a local unit for the purposes of flood control, including storage reservoirs, dikes, divisions, dams, spillways, levees, revetments, drains, ditches or channel improvements, such as widening, deepening, straightening, clearing, desnagging, sloping, building and filling in, and other plants, structures, boats, conveyances and other real or personal property and rights therein, and appurtenances necessary for the control of flooding, the preservation of stream flow and the management of surface water and stormwater, including any storm sewers, storm drains, drainage facilities, and detention basins, and the dredging or desnagging of any drainageways.

LEAD AGENCY

The Township of Little Falls will function as Lead Agency for the Passaic Valley Flood Control Board. Improvements and or programs to protect the public health, safety and welfare proposed by the Board, including but not limited to; potential acquisition, construction, financing, improvement, maintenance and operation of flood control facilities will require each member municipality to authorize, and approve all projects and establish funding requirements prior to moving forward with said project and authorizing the appropriate documents for designation as Lead Agency.

LOCAL UNIT

A municipality of county.

MEMBER MUNICIPALITY-LOCAL UNITS

The Township of Little Falls, and the Borough of Woodland Park.

MUNICIPAL AND COUNTY FLOOD CONTROL ACT

N.J.S.A. 40A-27-1 et. seq.

§85-3. Purpose of the Board.

Once the Board is appointed pursuant to other provisions of this chapter, the Board may make, or cause to be made, any necessary surveys, investigations, studies, borings, maps, plans, drawings and estimates of costs and of revenues relating to the provision of flood control facilities on the Passaic River and the Peckman River; provided, however, the Board's recommendations are approved by the member municipalities and the Lead Agency first secures or approves the funding by way of grants for such surveys, investigations and the like.

§85-4. Interlocal contract provisions.

Upon the adoption of such necessary ordinances or resolutions of the Borough of Woodland Park, upon the passage in advance of a resolution adopted by the Mayor and Council of the Township of Little Falls and subject to the approval of the Little Falls Township Attorney as to the form of such contracts, the Township of Little Falls as Lead Agency shall enter into an interlocal contract with the local contracting units of the Borough of Woodland Park, to construct, maintain, improve, acquire, or finance a flood control facility for the benefit of the member municipalities. Such interlocal contract may address the following items: administrative organization; governance; election of officers; staffing and personnel; budget; funding by constituent municipalities; property arrangements; meetings; insurance; indemnification; community participation; and any other requirements pursuant to N.J.S.A. 40:7-8A-1 et. seq., or other applicable statutes.

§85-5. Creation of Board; membership; appointment of members.

A.

In order to effectuate the establishment of the Board, the Township of Little Falls authorizes, upon the adoption of requisite like ordinances and the execution of such required contracts by the local contracting units of the Borough of Woodland Park, the creation of the Board, as set forth below.

B.

The "Little Falls-Woodland Park Passaic Valley Regional Flood Control Board" shall consist of 9 members. Each municipality shall appoint to serve on the Passaic Valley Regional Flood Control Board; (1) Council member, appointed by Council, the Public Works Manager from each Municipality and (2) resident Members, appointed by the Mayor, with advice and consent of the Council. Each Mayor or his/her designee shall serve as chair of the Board in each alternating year, Woodland Park shall chair the Board in 2018. The duties of the Chair are to schedule meetings, chair the meetings and to vote in case of a tie when all seats on the board are full. A Vice Chair may be selected by vote of the Board Members. All terms are for one year. Appointments shall be made annually at the municipal reorganization meeting of each member municipality.

The Board should meet once per quarter and only when matters defined in the code are to be addressed. Special meetings may be held if necessary and only by authorization of both Mayor's. The Township of Little Falls Clerk will post and make all meeting notices on behalf of the Board.

§85-6. Duties of the Board.

A.

The Little Falls-Woodland Park Passaic Valley Regional Flood Control Board may jointly recommend the purchase, construction, improvement, extension, enlargement or reconstruction of flood control facilities on behalf of its member local units subject to the approval of the council or governing body of each of the member local units.

B.

The Little Falls-Woodland Park Passaic Valley Regional Flood Control Board may request, on behalf of its member local units, to receive and accept, from the federal or state government or any agency thereof, grants for the planning, acquisition, purchase, construction, extension, enlargement, reconstruction, improvement or financing of any of these facilities and to receive and accept contributions from any source of either money, property, labor or other things of value to be held, used, and applied for the purposes for which these grants and contributions may be made, subject to the approval of the council or governing body of each of the member local units.

C.

All requests and recommendations of the Board shall be made in writing to the Mayor of each member municipality.

§85-7. Funding

Any budgetary funding provided by the Township of Little Falls for the operation of the Little Falls-Woodland Park Passaic Valley Regional Flood Control Board shall be subject to the annual availability and appropriation of sufficient funds.

§85-8. Enabling Ordinance.

A.

The creation of the Little Falls-Woodland Park Passaic Valley Regional Flood shall be subject to and contingent upon each of the member local units satisfying all of the terms and conditions precedent contained in this chapter. The within ordinance is only an enabling ordinance, subject to all of the various statutes and contingencies mentioned herein, and shall only become fully operative once an interlocal contract is executed among the municipalities and this regional flood board is compliant with the Interlocal Act, the Municipal Services Act, "Pay-to-Play Statute," Acquisition and Construction of Public Improvement Act and other such similar Acts.

B.

None the municipalities herein shall be required to expend any funds by virtue of this chapter. It is contemplated by this chapter that this is a joint undertaking between the Township of Little Falls and the Borough of Woodland Park to be separately funded by future grants and other such similar aid and funding as may be hereinafter designated by separate enactments. The Township of Little Falls will Function as the Lead Agency for all projects recommended and approved by the Board.

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, Municipal Clerk

James Belford Damiano, Mayor

ORDINANCE NO. 1308

AN ORDINANCE OF THE TOWNSHIP OF LITTLE FALLS AMENDING AND SUPPLEMENTING THE ZONING PROVISIONS OF THE TOWNSHIP CODE CHAPTER 280 ARTICLE XXII. FENCES

BE IT ORDAINED by the governing body of the Township of Little Falls, Passaic County, New Jersey, that the Zoning Ordinance of the Township of Little Falls Chapter 280 Zoning Article XXII Entitled Fences is hereby amended as follows:

WHEREAS, the Township has found that the current provisions of chapter 280 Zoning Article XXII Fences needs to be amended to address current standards and issues;

NOW, WHEREFORE, IT IS HEREBY ORDAINED by the Governing Body of the Township of Little Falls as follows:

Article 280-163, Compliance required
Article 280-164. Definitions
Article 280-165. Height Limitations; measurements
Article 280-166. Residential Districts
Article 280-167 Business and Industry districts.

The Current Articles listed above are hereby repealed and will be replaced with the Articles presented below:

Chapter 280 Zoning
Article XXII. Fences

280-163. Compliance required.

No fence, hedge or screen planting shall be permitted within the Township of Little Falls except in accordance with this chapter.

280-164. Definitions.

As used in this chapter, the following terms shall have the meanings indicated.

Height

Measured from the average natural elevation prior to any construction Three (3) feet either side of the proposed location of a fence, hedge or screen planting.

Solid Construction

Any fence that is less than 50% open space between the pickets, slats or crossbars of the fence.

280-165. Restrictions near intersection streets.

No fence, hedge or screen planting in excess of three (3) feet in height shall be permitted closer than twenty-five (25) feet from the point of intersection of the side lines of intersection streets so as to provide adequate sight clearance for vehicular, bicycle and pedestrian traffic.

280-166. Permitted Fences.

- A. Within any required front yard, no fence or wall used as a fence shall be erected and maintained over four (4) feet in height. Fences erected in the front yard shall be 50% clear. Within the required side or rear yard, no fence or wall used as a fence shall be erected on any lot in excess of six (6) feet in height. All fences constructed after March 31, 2018 shall comply with all the provisions of this chapter.
- B. The use of chain link fence of any kind is not permitted in the front of a principal building beyond the front building line.
- C. Fences shall not have any kind of razor wire, barbed wire or glass as a part of the fence structure.
- D. Pillars, piers, stanchions and cheek walls may be located in the front yard of a lot, provided that such structures are set back a minimum of five (5) feet from the property line.
- E. Hedge or screen planting in excess of three (3) feet in height may be located in the front yard of a lot, provided that such structures are set back a minimum of five (5) feet from the property line.
- F. Pillars, piers, gates and stanchions may not exceed five (5) feet in height, measured from the finished grade, except that up to two piers or stanchions and gates at a driveway entrance to a lot may be up to six (6) feet in height measured from grade to the topmost portion of the pier or stanchion.
- G. The entrance space created by the gates, posts, piers, stanchions, cheek walls and the like shall have a fifteen (15) feet of clear unobstructed space. This is established to allow emergency service vehicles clear access to the property.
- H. Cheek walls attached to gates, posts, piers, and/or stanchions may not be more than four (4) feet long and two (2) feet wide.
- I. A fence erected on top of a freestanding wall may not exceed three (3) feet in height.
- J. Fences for dog runs, animal runs, or pens of any kind may not exceed a height of six (6) feet. These structures may be enclosed on the top. All fences for these structures shall be screened and may not be visible from the street and or neighbors. All fences for these structures shall be set at least five (5) feet from the rear and side yard property line.
- K. Any legally existing nonconforming fence may be rebuilt or replaced in its existing location with no increase in height in the manner herein provided.

280-167. Decorative side to face outward.

The finished or decorative side of any fence, as determined by the Construction Code Official of the Township of Little Falls, shall face outward in the direction of the street or adjoining properties.

280-168. Permits, fees

Any person or business entity desiring to erect a fence on their property shall make application and provide a property survey thereof to the Construction Code Official of the Township of Little Falls and pay the required fee pursuant to Chapter 71 of the Code of the Township of Little Falls.

280-169. Appeals.

Any person or business who is denied a building permit for a fence may appeal the decision of the Construction Code official of the Township of Little Falls to the Township Land Use Board pursuant to the procedure set forth in Chapter 109 Land Use Procedures in the Code of the Township of Little Falls.

280-170. Maintenance.

It shall be the obligation of the owner or occupant of the property to maintain any fence, hedge, or screen planting so that it does not violate the terms or provisions of this chapter.

280-171. Administration.

The Construction Official of the Township of Little Falls shall administer and enforce this chapter and shall make the determination concerning compliance with this chapter and the issuance of construction or building permit.

280-172. Landscaping.

Nothing contained in this chapter shall be construed as prohibiting in any required front, rear or side yard decorative or landscape plantings, such as bushes, flowers, trees, and the like, which are not designed or intended as a fence.

280-173. Violations and penalties.

Violation of the provisions of this chapter shall be punishable as provided in Chapter 1, General Provisions, Article 1.

Severability. The provisions of this ordinance are severable, and the invalidity of any section, subdivision, paragraph, or other part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

This ordinance shall take effect upon adoption by the Township Council and publication by the Township Clerk in accordance with the law.

PASSED: _____

TOWNSHIP OF LITTLE FALLS
COUNTY OF PASSAIC
STATE OF NEW JERSEY

ATTEST:

Cynthia Kraus, Municipal Clerk

James Belford Damiano, Mayor

ORDINANCE NO. 1309

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 71 FEES

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 the regulation of its Fees in the Township; and

WHEREAS, the Municipal Council ("Municipal Council") of the Township has determined to amend Chapter 71 of the Code entitled Fees; and

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

71-2 Fee Schedule

Chapter 280 Article XXII Fences

280-168	Fence Permit	\$50.00
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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 71 of the Code entitled Fees 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 71 of the Code entitled Fees 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 Belford Damiano, Mayor