

**BOROUGH OF WOODLAND PARK  
REGULAR MEETING OF THE MUNICIPAL COUNCIL  
HELD ON SEPTEMBER 19, 2012**

A Regular Meeting of the Municipal Council of the Borough of Woodland Park was held in the Council Chambers in the Municipal Building, 5 Brophy Lane, on September 19, 2012 and was called to order by Mayor Keith Kazmark at 7:00 p.m.

Present: Council President Gatti, Councilman Holloway, Councilman Spinelli, Councilman DiDomenico, Councilwoman Pascrell, Councilman DeCesare and Mayor Kazmark

Absent: None

Kevin Galland, Administrator, Nancy Ferrigno, Deputy Municipal Clerk and Albert Buglione, Municipal Attorney, were present.

The Mayor stated in accordance with the Open Public Meetings Law P.L. 1975 c.231, notice requirements for this meeting were set forth in the resolution adopted by the Municipal Council at the Reorganization Meeting of January 4, 2012 detailing the time and place, with notice given to the public by posting a copy thereof on the bulletin board in the Municipal Building and transmitting copies to the Mayor, members of the Council, Officers and to The Herald News.

**PRESENTATIONS:**

Mayor Kazmark read the following Proclamation given to the Borough of Woodland Park by Governor Chris Christie:

***WHEREAS**, on September 11, 2001, the United States was attacked by terrorists killing thousands of innocent citizens in New York, Washington DC and Pennsylvania; and*

***WHEREAS**, in the aftermath of these horrific attacks thousands of Americans displayed the highest levels of bravery and selflessness risking or sacrificing their own lives to save their fellow citizens; and*

***WHEREAS**, on the eleventh anniversary of that terrible day, a tribute to the police officers, firefighters, EMS responders, Federal Agents and ordinary citizens who performed extraordinary acts of courage and valor during our Nation's most dire moment of need; and*

***WHEREAS**, the tragic events of September 11, 2001 have unified our Nation against the forces of hatred and oppression and reaffirmed our dedication to the fundamental American ideals of freedom and liberty; and*

***WHEREAS**, as New Jersey residents gather at memorial ceremonies like this across the State, we are, once again, demonstrating their resiliency, determination, compassion, strength and patriotism that defines us as Americans;*

***NOW, THEREFORE**, I, Governor Chris Christie of the State of New Jersey do hereby proclaim September 11, 2012 as Patriot Day and a national day of service and remembrance.*

Angela Jones was sworn in as a Member of the Passaic Valley Regional Flood Control Board.

A certificate was presented to Joseph Lewicki of the West Paterson Fire Department for saving the life of a citizen in the Passaic River.

Plaques were presented to Joe Carriotti of McBride Auto and Berkeley College thanking them for the carvings of the Woodland Park logo which they had donated.

Certificates were presented to the West Paterson Soccer Association team.

## **PUBLIC HEARINGS:**

Mayor Kazmark opened the meeting to the public and asked if anyone wished to be heard.

There being no one wishing to be heard, the Public Hearing was closed.

## **MINUTES:**

Upon Motion by Councilman Spinelli, seconded by Councilman DeCesare, and passed on roll call vote, the Minutes of the Regular Meeting of September 5, 2012 and the Minutes of the Executive Session of September 5, 2012 were approved as submitted.

## **MAYOR'S REPORT:**

The Mayor clarified the three resolutions on the Consent Agenda dealing with grant applications. The Mayor announced that Woodland Park Day will be held on September 29, 2012 in front of Memorial School. The Mayor stated that he met with the three Home & School Association presidents to discuss a wide-range of topics. The Mayor thanked the Policeman's Benevolent Association for donating a new microphone system to the Senior Citizen Club. He stated that the renovations at the Boys & Girls Club are proceeding on schedule. The Mayor stated that Chief Galietti indicated that the speed trailer has arrived and will be placed on the Borough streets shortly. The Mayor announced that this month is "Library Card Month" and urged residents to sign up for a library card if you do not have one. The Mayor stated that the Overmount Avenue project is almost complete and there are a few minor details that will be taken care of regarding properties near the handicapped ramps. The Mayor wished the West Paterson Panthers and cheerleaders the best of luck on their upcoming football season.

## **CONFERENCE COMMITTEE REPORTS:**

- A. Administration & Finance – Council President Gatti stated that she would like to have our Borough Risk Manager attend the next committee meeting to discuss ways of savings on our next year's Budget.
- B. Buildings & Grounds/Public Works – Councilman DiDomenico stated that he had an opportunity to attend the Army Corps of Engineers and the New Jersey Department of Environmental Protection meeting with regard to the flooding issues. He discussed the various solutions that these two agencies had with regard to flooding in our area. A discussion was held between Councilman DiDomenico, Councilwoman Pascrell and the Mayor with regard to this matter.
- C. Public Safety – Councilman DeCesare stated that the school pedestrian signs have been put out near the schools. He spoke about the roads off of Old Rifle Camp Road and how to make it easier for our first responders to get to the homes in that area quickly. He stated that the next meeting will be held on September 24, 2012.
- D. Health & Senior Services – Councilman Spinelli announced that the Flu Clinic will be held on October 6, 2012 for all residents.
- E. Recreation & Community Relations – Councilwoman Pascrell stated that if anyone wants to participate in Woodland Park Day, they should call the recreation office to sign up.
- F. Laws & Ordinances – Councilman Holloway stated that they are working on numerous ordinances to be introduced in the near future. He stated that the Woodland Park Business Association asked if the Laws & Ordinance Committee would take a look at revising our sign ordinance to help the businesses get back on track after Hurricane Irene. Councilman Holloway stated that Berkeley College is adding a "community room" to their college and will welcome senior citizens to use same. He also stated that on October 6, 2012 two former Fire Chiefs will be honored by having streets named after them, namely, Jack Wittig and Joseph Macones.

**MUNICIPAL ATTORNEY’S REPORT:**

Mr. Buglione stated that work is continuing on the projects that have been given to him.

**CONSENT AGENDA:**

All matters listed under the Consent Agenda are considered to be routine by the Council and will be enacted by one resolution. The items listed herein will be acted upon after having been read. Any item may be removed from the Consent Agenda by the request of any member of the Mayor and Council, and if so removed, will be acted upon as a separate matter.

- A. Resolution R12-270, a resolution approving the submission of a grant application with the New Jersey Department of Transportation for the McBride Avenue Safe Streets Project and authorizing the Mayor and the Municipal Clerk to execute said grant application on behalf of the Borough of Woodland Park.**

**WHEREAS**, the New Jersey Department of Transportation makes funds available to municipalities and counties for road improvement projects through the municipal aid portion of the New Jersey Transportation Trust Fund; and

**WHEREAS**, the Borough Engineer has recommended that the Borough’s Mayor and Council apply to the New Jersey Department of Transportation for funds that are available under the New Jersey Transportation Trust Fund Authority Act, Fiscal Year 2013 Safe Streets to Transit Program for the purpose of constructing the McBride Avenue Safe Streets to Transit Project; and

**WHEREAS**, the Borough’s Mayor and Council has considered this recommendation;

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Woodland Park, formally approves the grant application for the above stated project; and

**BE IT FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as SST-2013-Woodland Park Borough-00008 to the New Jersey Department of Transportation on behalf of the Borough of Woodland Park; and

**BE IT FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Woodland Park and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

- B. Resolution R12-271, a resolution approving the submission of a grant application with the New Jersey Department of Transportation for Phase 2 of the Overmount Avenue Roadway Project and authorizing the Mayor and the Municipal Clerk to execute said grant application on behalf of the Borough of Woodland Park.**

**WHEREAS**, the New Jersey Department of Transportation makes funds available to municipalities and counties for road improvement projects through the municipal aid portion of the New Jersey Transportation Trust Fund; and

**WHEREAS**, the Borough Engineer has recommended that the Borough's Mayor and Council apply to the New Jersey Department of Transportation for funds that are available under the New Jersey Transportation Trust Fund Authority Act, Fiscal Year 2013 Municipal Aid Program for the purpose of constructing Phase 2 of the Overmount Avenue Roadway Project; and

**WHEREAS**, the Borough's Mayor and Council has considered this recommendation; and

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Woodland Park, formally approves the grant application for the above stated project; and

**BE IT FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2013-Woodland Park Borough-00067 to the New Jersey Department of Transportation on behalf of the Borough of Woodland Park; and

**BE IT FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Woodland Park and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

**C. Resolution R12-272, a resolution approving the submission of a grant application with the New Jersey Department of Transportation for the McBride Avenue Bikeway Project and authorizing the Mayor and the Municipal Clerk to execute said grant application on behalf of the Borough of Woodland Park.**

**WHEREAS**, the New Jersey Department of Transportation makes funds available to municipalities and counties for road improvement projects through the municipal aid portion of the New Jersey Transportation Trust Fund; and

**WHEREAS**, the Borough Engineer has recommended that the Borough's Mayor and Council apply to the New Jersey Department of Transportation for funds that are available under the New Jersey Transportation Trust Fund Authority Act, Fiscal Year 2013 Bikeways Program for the purpose of constructing the McBride Avenue Bikeway Project; and

**WHEREAS**, the Borough's Mayor and Council has considered this recommendation;

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Woodland Park, formally approves the grant application for the above stated project; and

**BE IT FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as BIKE-2013-Woodland Park Borough-00008 to the New Jersey Department of Transportation on behalf of the Borough of Woodland Park; and

**BE IT FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Woodland Park and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

**D. Resolution R12-275, a resolution authorizing the Tax Collector of the Borough of Woodland Park to refund the total of \$3,448.77 for the overpayment of taxes to Anita DiRocco, 114 Quarry Drive, Woodland Park, Block 113, Lot 12.01, Qualifier C5702 and to adjust the books and records accordingly.**

**WHEREAS**, the Mayor and Council of the Borough of Woodland Park, County of Passaic and State of New Jersey have been informed by the Tax Collector of the Borough of Woodland Park that an overpayment of taxes, in the amount of \$3,448.77, was made by Anita DiRocco with reference to, Block 113, Lot 12.01, QC5702; and

**WHEREAS**, Anita DiRocco has requested, in writing, that this overpayment be returned to her; and

**WHEREAS**, the Tax Collector of the Borough of Woodland Park hereby requests a refund of said overpayment be made to Anita DiRocco;

**NOW, THEREFORE, BE IT RESOLVED** that the Tax Collector be and is hereby authorized to refund the total of \$3,448.77 for the overpayment of taxes to Anita DiRocco, 114 Quarry Drive, Woodland Park, Block 113, Lot 12.01, Qualifier C5702; and

**BE IT FURTHER RESOLVED** that the books and records of the Tax Collector will be adjusted accordingly.

**E. Resolution R12-276, a resolution authorizing the Tax Collector of the Borough of Woodland Park to refund the total of \$2,179.14 for the overpayment of taxes to QBE First, 210 Interstate North Parkway, Atlanta, Georgia in connection with property located at 76 Grandview Drive, Block 56.08, Lot 5 and to adjust the books and records accordingly.**

**WHEREAS**, the Mayor and Council of the Borough of Woodland Park, County of Passaic and State of New Jersey have been informed by the Tax Collector of the Borough of Woodland Park that an overpayment of taxes, in the amount of \$2,179.14, was made by QBE First with reference to 76 Grandview Drive, Block 56.08, Lot 5; and

**WHEREAS**, QBE First has requested, in writing, that this overpayment be returned to them; and

**WHEREAS**, the Tax Collector of the Borough of Woodland Park hereby requests a refund of said overpayment be made to QBE First;

**NOW, THEREFORE, BE IT RESOLVED** that the Tax Collector be and is hereby authorized to refund the total of \$2,179.14 for the overpayment of taxes to QBE First, 210 Interstate North Parkway, Atlanta, Georgia, with reference to 76 Grandview Drive, Block 56.08, Lot 5; and

**BE IT FURTHER RESOLVED** that the books and records of the Tax Collector will be adjusted accordingly.

**F. Resolution R12-277, a resolution authorizing St. Ann Melkite Catholic Church, 802 Rifle Camp Road, Woodland Park, to conduct Calendar Raffles on January 6, 2013, February 3, 2013 and March 3, 2013 at 802 Rifle Camp Road at 10:30 a.m.**

**WHEREAS**; St. Ann Melkite Catholic Church, 802 Rifle Camp Road, Woodland Park, New Jersey, is seeking approval to conduct Calendar Raffles on January 6, 2013, February 3, 2013 and March 3, 2013 at 802 Rifle Camp Road, Woodland Park, New Jersey at 10:30 a.m.; and

**WHEREAS**; the applicant has filed application with Legalized Games of Chance under the state of New Jersey; Regulations (N.J.A.C.13:47-6.4) as well as the Municipal Clerk's office of the Borough of Woodland Park; and

**NOW BE IT RESOLVED**, that the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey does hereby give authorization to St. Ann Melkite Catholic Church, 802 Rifle Camp Road, Woodland Park, New Jersey, to conduct Calendar Raffles on January 6, 2013, February 3, 2013 and March 3, 2013 at 802 Rifle Camp Road, Woodland Park, New Jersey at 10:30 a.m.

**G. Resolution R12-278, a resolution authorizing the Woodland Park Committee on Recreation and Community Relations to hold a fireworks display on September 29, 2012 at Woodland Park Day, under the supervision of the West Paterson Fire Department and West Paterson First Aid Squad.**

**WHEREAS**, the Committee on Recreation and Community Relations of the Borough of Woodland Park, County of Passaic, State of New Jersey is seeking approval and authorization to hold a fire works display at the annual “Woodland Park Day” which is to be held on Saturday, September 29, 2012; and

**WHEREAS**, this display will be held at dusk in coordination with the West Paterson Fire Department, the West Paterson First Aid Squad, and the Woodland Park Board of Education for the use of Memorial Field;

**WHEREAS**, this display will be funded by the Current Fund as well as donations from various businesses throughout the Borough;

**NOW, THEREFORE BE IT RESOLVED**, that the Mayor and Council of the Borough of Woodland Park, in the County of Passaic, State of New Jersey, does hereby grant their consent to hold a fireworks display, on September 29, 2012, under the supervision of the West Paterson Fire Department and West Paterson First Aid Squad.

**H. Resolution R12-280, a resolution adopting the policy that all elected officials shall attend, on an annual basis, at least one course offered by the Rutgers University Center for Government Services (or a similar education provider such as the NJ League of Municipalities) covering the responsibilities and obligations of elected officials as outlined in this resolution.**

**WHEREAS**, the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey are in receipt of the New Jersey State’s “2012 Best Practices Inventory; and

**WHEREAS**, one of the questions (#7) listed in the inventory, asks, “Does your municipality require its elected officials to attend on an annual basis at least one course offered by the Rutgers University Center for Government Services (or a similar education provider such as the NJ League of Municipalities) covering the responsibilities and obligations of elected officials (for example: ethics, municipal finance, labor relations, capital planning, shared services)?”; and

**WHEREAS**, the Borough of Woodland does not currently have such a policy requiring its elected officials to attend such courses; and

**WHEREAS**, the Governing Body has determined that a policy establishing the requirement of its elected officials to attend such courses would benefit both the elected officials and the Borough;

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Woodland Park, County of Passaic and State of New Jersey does hereby adopt the policy that all elected officials shall attend on an annual basis at least one course offered by the Rutgers University Center for Government Services (or a similar education provider such as the NJ League of Municipalities) covering the responsibilities and obligations of elected officials (for example: ethics, municipal finance, labor relations, capital planning, shared services); and

**I. Resolution R12-281 a resolution to approve the actions noted in the Consent Agenda, items A. through H., be and are hereby approved and the proper officers are directed to take necessary action on same.**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Woodland Park, that the actions noted in the Consent Agenda, items A. through H. be and are hereby approved and the proper officers are directed to take the necessary actions on same.

A discussion was held between Councilman DiDomenico and the Mayor wherein Councilman DiDomenico requested that Resolution R12-280 be revised to include verbiage setting a monetary limit per year on the classes which the elected officials must attend.

The last paragraph, which was added to Resolution R12-280, is as follows:

**BE IT FURTHER RESOLVED**, that all costs associated with the elected official's attendance at such courses, in an annual amount not to exceed \$150.00, shall be borne by the municipality.

Upon Motion made by Councilman DeCesare, and seconded by Councilman Spinelli, the foregoing resolution was unanimously adopted on roll call vote.

**COLLECTOR/TREASURER REPORT:**

CFO, Frederick J. Tompkins recommends authorization for payment:

Upon Motion made by Councilman Pascrell, seconded by Councilman DeCesare and unanimously passed on roll call vote, the Council confirmed the payment of the 09/30/12 regular and miscellaneous payroll estimated at \$226,000.00.

Upon Motion made by Council President Gatti, seconded by Councilman Holloway and unanimously passed on roll call vote, the Council confirmed the payment of bills from voucher list of 09/14/12 totaling \$1,811,754.70.

**DEPARTMENT REPORTS:**

1. Police Report for August, 2012.
2. Fire Prevention Report for August, 2012.
3. Library Report for August, 2012.
4. Senior Bus Usage Report for August, 2012
5. Planning Board Minutes for June 11, 2012.
6. Summary Budget Status Report for September 14, 2012

**OLD BUSINESS:**

**A. Public Hearing on Ordinance 12-15**

Upon a Motion made by Councilman DeCesare seconded by Councilman Spinelli and passed on roll call vote, a public hearing was opened on Ordinance No. 12-15.

With no one wishing to be heard, upon a Motion made by Councilwoman Pascrell, seconded by Council President Gatti and passed on roll call vote, the public hearing was closed.

**B. Resolution R12-273, Adoption of Ordinance 12-15**

**WHEREAS**, the Borough of Woodland Park, County of Passaic, State of New Jersey, desires to adopt an ordinance entitled an Ordinance Establishing Minimum Standards Governing the Condition and Maintenance of all Vacant Property, all Commercial and Industrial Premises and Structures and all Residential Premises and Structures not Occupied by the Owner in Whole or in Part, Providing Penalties for Violations; and

**WHEREAS**, notice of introduction and passage on first reading was published in The Herald News dated September 8, 2012, setting the date of September 19, 2012 for the public hearing and consideration for final passage; and

**WHEREAS**, copies of the ordinance were posted on the Borough's official bulletin board and copies made available to all those desiring same; and

**WHEREAS**, in compliance with State Statute, a public hearing on the above referenced ordinance was conducted on September 19, 2012 at the regularly scheduled meeting of the Mayor and Council;

**NOW, THEREFORE BE IT RESOLVED**, that the ordinance entitled an Ordinance Establishing Minimum Standards Governing the Condition and Maintenance of all Vacant Property, all Commercial and Industrial Premises and Structures and all Residential Premises and Structures not Occupied by the Owner in Whole or in Part, Providing Penalties for Violations be and is hereby adopted as having been approved on second and final reading, and the Municipal Clerk be and he is hereby authorized and directed to publish said Ordinance according to law.

A discussion was held between Councilman DiDomenico, Councilman Holloway and the Mayor relative to this ordinance.

Upon Motion made by Councilman Holloway, and seconded by Councilman Spinelli, the foregoing resolution was unanimously adopted on roll call vote.

### **ORDINANCE NO. 12-15**

Be it ordained by the Mayor and Municipal Council of the Borough of Woodland Park, in the County of Passaic and State of New Jersey, hereby adopts this Ordinance to govern Property Maintenance, within the Borough of Woodland Park.

#### **1. TITLE; FINDINGS; PURPOSE**

- A.** Title. This chapter shall be known as the “Property Maintenance Code of the Borough of Woodland Park” and may be referred to in this chapter in the short form as the “code” or “chapter”.
- B.** Findings and declaration of policy. Experience and observations have shown that lack of maintenance of real property may lead to progressive deterioration and loss of property values. Through the establishment of the regulations and restrictions contained herein, the desirability of residential and nonresidential uses and the amenities of neighborhoods will be enhanced, and the general health, safety and welfare of all residents will be fostered and protected.
- C.** Purpose. The purpose of this chapter is to protect the public health, safety and welfare by establishing minimum standards governing the maintenance, appearance and condition of residential and nonresidential premises. It fixes certain responsibilities upon owners, operators, occupants and other persons. It authorizes and establishes procedures for the inspection of residential and nonresidential premises. It fixes penalties for the violations of this chapter and provides procedures for correcting violations in those cases requiring municipal action. This chapter is hereby declared to be protective, preventive and essential for the public interest, and it is intended that this chapter be liberally constructed to effectuate the purposes stated herein.

#### **2. DEFINITIONS; WORD USAGE**

- A.** Words and terms in this chapter which are defined in Chapter 2-3, the Zoning Ordinance of the Borough of Woodland Park are consistent in definition.
- B.** The following terms, wherever used herein or referred to in this code, shall have the respective meanings assigned to them, unless a different meaning clearly appears from the context:

**DETERIORATION** - The condition or appearance of a building or part thereof characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting or other evidence of physical decay or neglect, lack of maintenance or excessive use.

**EXPOSED TO PUBLIC VIEW** – Any premises, or any part of any premises, which may be lawfully viewed by the public or any member thereof.

EXTERIOR OF THE PREMISES – Those portions of a building which are exposed to public view and the open space of any premises outside of any building erected thereon.

EXTERMINATION – The control and elimination of insects, rodents and vermin.

FRONT YARD – That space on the same lot with a principal building situated between the front street line or lines and the front line of the building projected to the side property lines. The depth of the “front yard” shall be measured along a line perpendicular to the front street line from the point of the foundation of the structure or building farthest from such street line.

GARBAGE - Put in receptacle animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

INFESTATION - The presence of rodents, vermin or other pests on the premises which constitutes a health hazard.

NUISANCE:

(1) Any condition so defined by common law, the statutes of the State of New Jersey or the ordinances of the Borough of Woodland Park.

(2) Any condition which may prove attractive but detrimental to the health or safety of children, whether in a building, on the premises of a building or upon an unoccupied lot.

(3) Physical conditions dangerous to human life or detrimental to health or persons on or near the premises where the condition exists.

(4) Conditions which render air, food or drink unwholesome or detrimental to the health of human beings.

OCCUPANT - Any person having actual possession of a property (home, apartment, building, and/or lot.

OPERATOR - Any person who has charge, care or control of a dwelling or premises, or any part thereof, with or without the knowledge and/or consent of the owner.

OWNER - Any person or entity who, alone or jointly or severally with others, has legal or equitable title in any form to any premises, with or without actual possession thereof, or shall have charge, care or control of any dwelling or premises as owner or agent of the owner, including but not limited a fiduciary, executor, administrator, trustee, receiver or guardian of the estate or as a mortgagee in possession.

PREMISES - Is defined as possessing property, which shall include but not be limited to: a lot, plot or parcel of land, including the buildings or structures thereon. This definition shall include the possession of an apartment or home.

REFUSE - All nonputrescible solid wastes, including but not limited to abandoned vehicles and recreational devices and parts thereof, abandoned machinery and parts thereof, household furnishings, dead animals, debris, junk, appliances, rubbish, scrap lumber, stumps, tires, trash, grass and yard clippings. (See also “garbage.”)

### **3. APPLICABILITY**

All structures and premises, residential, commercial and industrial shall comply with the provisions of this chapter, whether or not those structures and premises have been constructed, altered or repaired before or after the enactment of this

chapter and irrespective of any permits or licenses which may have been issued for their use or occupancy prior to the effective date of this chapter. Vacant lots, lands and premises are also required to comply with the provisions of this chapter.

**4. HIGHER STANDARDS TO PREVAIL**

In any case where the provisions of this code impose a higher standard than set forth in any other ordinance of the Borough of Woodland Park or under the laws or regulations of the State of New Jersey, then the standards as set forth herein shall prevail. If the provisions of this code impose a lower standard than any other ordinance of the Borough of Woodland Park or of the laws and regulations of the State of New Jersey, then the higher standard contained in any such ordinance or law shall prevail.

**5. COMPLIANCE WITH OTHER ORDINANCES**

No certification of compliance with this code shall constitute a defense against any violation of any other ordinance of the Borough of Woodland Park applicable to any structure or premises.

**6. DUTIES AND RESPONSIBILITIES OF OWNERS, OPERATORS AND OCCUPANTS**

**A.** Owners and operators. Owners and operators shall have all the duties and responsibilities as prescribed in this code, and no owner and operator shall be relieved from any such duties and responsibilities nor be entitled to defend against any charge of violation thereof by reason of the fact that the occupant is also responsible therefore and in violation thereof.

**B.** Occupants. Occupants shall have all the responsibilities and duties as prescribed in this code, and the occupant shall not be relieved from any such duties and responsibilities nor be entitled to defend against any charge of violation thereof by reason of the fact that the owner or operator is also responsible therefore and in violation thereof.

**C.** Contract not to alter responsibilities. Unless expressly provided to the contrary in this code, the respective obligations and responsibilities of the owner and operator on the one hand and the occupant on the other shall not be altered or affected by any agreement or contract by and between any of the aforesaid or between them and other parties.

**7. MAINTENANCE**

**A.** It shall be the duty of the owner, operator and/or occupant to keep the exterior of the premises free of nuisance which include, but are not limited to, the following:

- (1) Garbage and/or refuse.
- (2) Natural growth, such as dead and dying or storm-damaged trees and limbs or other growth, which by reason of its condition or nature, constitutes a hazard to persons lawfully in the vicinity. Trees shall be kept pruned and trimmed to prevent such conditions. Owners of vacant premises must keep them free of nuisances.
- (3) Overhanging objects and accumulations of ice and/or snow which, by reason of their location above ground level, constitute a danger of falling on persons lawfully in the vicinity.
- (4) Ground surface hazards, such as holes, excavations, breaks and projections on residential premises within five (5) feet of an unfenced property line or on any part of a nonresidential premises to which the public has lawful access.

(5) Sources of infestation, including all environments and conditions conducive to the increase or spread of vermin.

**B.** It shall be the duty of the owner, operator and/or occupant to keep and maintain the exterior of the premises and structures so that the appearance of the same shall not constitute a blighting factor, including but not limited to the following:

(1) Storage of commercial and industrial material. The front, side and back yard, driveway, walks or other parts of the outside premises of any building or upon any lot on which no building is located shall not contain any boxes, barrels, sticks, stones, bricks, bottles, cans, metal drums, iron pipe, old scrap metal, old furniture, auto parts, old tires, unused lumber or any other equipment or materials relating to commercial or industrial uses, unless permitted under the Zoning Ordinance.

(2) Landscaping. Premises shall be kept from becoming overgrown and/or unsightly. Vegetation along the public right-of-way shall be kept from becoming a hazard to pedestrians and motorists.

(3) General maintenance. The exterior of every structure shall be maintained in good repair for purposes of preservation and appearance and free of conditions reflective of deterioration or inadequate maintenance, including but not limited to, broken glass, excessive peeling or deteriorated paint, loose shingles and crumbling stone or brick.

(4) Front yard parking; commercial vehicle parking.

(a) No person shall park any motor vehicle or boat in any front yard area except on driveways constructed and installed in compliance with Borough Ordinances, and no driveway shall be wider than 50% of the front yard width of any property.

(b) The Parking of Commercial Vehicles is prohibited in residential zones, except for the exemptions that are provided in other Borough Ordinances.

## **8. EXISTING REMEDIES**

Nothing in this chapter shall be deemed to abolish or impair existing remedies of the municipality or its officers or agencies relating to the removal or demolition of any building or structure which is deemed to be dangerous, unsafe or unsanitary.

## **9. ENFORCEMENT**

**A.** Enforcement Officer. The Municipal Administrator of the Borough of Woodland Park is hereby designated as the officer in charge with the enforcement of this code and is hereinafter referred to as the “enforcement officer.” The Construction Code Official of the Borough of Woodland Park, Building Subcode Official, Municipal Engineer, all members of the Police Department and authorized inspectors of the Fire Department and health officers of the Borough of Woodland Park are hereby designated as assistant enforcement officers for the purposes of the enforcement of this code.

**B.** The enforcement officer shall cause to be made such inspections of premises within the borough as he shall deem necessary to effect compliance with this chapter and shall have the authority to use the services of any public authority in the enforcement of this code.

**C.** Notice to owner, operator or occupant upon noncompliance. Following inspection, if the enforcement officer determines that the premises are not

in compliance with this chapter, he shall then issue and cause to be served upon the owner, operator and/or occupant of the premises a written notification that shall contain a description of the property affected, sufficiently definite in terms to identify it, the nature of the violation and the correction action sought allowing fifteen (15) days (exclusive of the day of service) for its correction. Where the violation or condition existing on the premises is of such a nature as to constitute an immediate threat to life and limb unless abated without delay, the Public Officer may either abate the violation or condition immediately or order the owner, operator or occupant to correct the violation or condition within a period of time not to exceed three (3) days, and upon failure to do so, the Public Officer shall abate the condition immediately thereafter

- D.** Service of notice. In the case of an owner or operator, the notice may be served personally upon him or by registered mail or certified mail, addressed to his last known address. If, after due diligence, the last known address cannot be ascertained, the notice may be posted on the outside front entrance of the structure. Personal service of the notice may be upon a member of the family or the owner or operator over fourteen (14) years of age, residing in the same dwelling unit with the owner or operator, as the case may be. In the case of the occupant, notice may be mailed or delivered to him at his place of business or posted to the door of the occupant's premises.

## **10. EMERGENCY SITUATIONS**

Where the violations or conditions existing on the premises are of such a nature as to constitute an immediate threat to life and limb unless abated without delay, the enforcement officer may either abate the violation or condition immediately or order the owner, occupant or operator to correct the violation or upon failure to do so, the enforcement officer shall abate the condition subject to the provisions of Section 11 of the within Ordinance.

## **11. ABATEMENT BY BOROUGH; EXPENSE**

Where abatement of any nuisance, as defined herein, correction of a defect in the premises or work necessary to place the premises in a proper condition so as to conform to ordinances of the borough or applicable laws of the State of New Jersey requires expending borough monies, the Construction Code Official and/or Superintendent of Public Works shall present a report of work proposed to be done to accomplish the foregoing to the Mayor and Municipal Council with an estimate of the cost, along with a summary of the proceeding undertaken by the enforcement officer to secure compliance, including notices served upon the occupants, owners, operators or their agents, as the case may be. The Mayor and Municipal Council may thereupon, by resolution, authorize the abatement of the nuisance, correction of the defect or work necessary to place the premises in proper condition and in compliance with the code. The Construction Code Official and/or Superintendent of Public Works shall thereafter proceed to have the work performed in accordance with the resolution at municipal expense, not to exceed the amount specified in the resolution, and shall, upon completion thereof, submit a report of the moneys expended and costs to the Mayor and Municipal Council. After review of the report, the Mayor and Municipal Council may approve the expenses and costs, whereupon the same shall become a lien against the premises, collectible as provided by law. A copy of the resolution approving the expenses and costs shall be certified by the Municipal Clerk and filed with the Tax Collector of the borough, who shall be responsible for the collection, and a copy of the report and resolution shall be sent by certified mail, return receipt requested, to the owner of the effected premises.

## **12. VIOLATIONS AND PENALTIES**

- A.** Where any owner, operator or occupant fails to comply with an order issued pursuant to this chapter, he shall be deemed in violation of this chapter and shall be subject to the penalties provided herein. It shall be the duty of the enforcement officer to cause a summons to be issued from

the Municipal Court for such violations, but nothing contained herein shall limit the power of the enforcement officer to take such further action under the criminal and civil laws of this state through any court of competent jurisdiction as may be necessary to remove or abate any nuisance.

- B. Each violation of any of the provisions of this chapter and each day that the violation exists shall constitute a separate and distinct offense and shall be punishable by a fine not to exceed five hundred dollars (\$500.) per day and per offense, levied against the owner, operator or occupant, with a minimum fine of \$100 per day.
- C. Where abatement of any nuisance, as defined herein was accomplished and premises brought into compliance with this chapter through the expenditures of borough funds, such costs shall be assessed against the premises cited as a lien in the same manner as real estate taxes.

### **13. COMPLIANCE INSPECTION**

Upon issuance of a notice of violation pursuant to this chapter, the property owner, operator or occupant shall correct the condition and notify the enforcement officer that said condition has been corrected. A compliance inspection shall then be made. Should full compliance not be achieved at the time of said inspection, the borough shall be reimbursed by the property owner for the cost of all re-inspections. Failure to reimburse the borough shall result in a lien for said cost being placed against the property in the same manner as real estate taxes.

### **14. FEES**

There shall be no fee for an initial compliance inspection made following the issuance of a notice of violation required pursuant to this chapter. Fees for subsequent inspections to determine compliance shall be twenty-five dollars (\$25.) for the first inspection and shall increase in increments of twenty-five (\$25.) for subsequent inspections.

### **15. SEVERABILITY**

Should any section, paragraph, sentence, clause or phrase of this chapter be declared unconstitutional or invalid for any reason, the remaining portions thereof shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this chapter are hereby declared to be severable.

- 16. All Ordinances or sections or provisions thereof which may be in conflict with this Ordinance are hereby repealed to the extent of such conflict.

### **C. Public Hearing on Ordinance 12-16**

Upon a Motion made by Councilwoman Pascrell seconded by Councilman Spinelli and passed on roll call vote, a public hearing was opened on Ordinance No. 12-16.

With no one wishing to be heard, upon a Motion made by Councilman Holloway, seconded by Councilman DeCesare and passed on roll call vote, the public hearing was closed.

### **D. Resolution R12-274, Adoption of Ordinance 12-16**

**WHEREAS**, the Borough of Woodland Park, County of Passaic, State of New Jersey, desires to adopt an ordinance entitled an Ordinance Regulating Litter, Waste and Outdoor Storage, for the Borough of Woodland Park; and

**WHEREAS**, notice of introduction and passage on first reading was published in The Herald News dated September 8, 2012, setting the date of September 19, 2012 for the public hearing and consideration for final passage; and

**WHEREAS**, copies of the ordinance were posted on the Borough's official bulletin board and copies made available to all those desiring same; and

**WHEREAS**, in compliance with State Statute, a public hearing on the above referenced ordinance was conducted on September 19, 2012 at the regularly scheduled meeting of the Mayor and Council;

**NOW, THEREFORE BE IT RESOLVED**, that the ordinance entitled an Ordinance Regulating Litter, Waste and Outdoor Storage, for the Borough of Woodland Park be and is hereby adopted as having been approved on second and final reading, and the Municipal Clerk be and he is hereby authorized and directed to publish said Ordinance according to law.

Councilman Holloway and Albert Buglione, Esq. clarified the reason for this ordinance.

Upon Motion made by Councilman DeCesare, and seconded by Councilman Spinelli, the foregoing resolution was unanimously adopted on roll call vote.

### **ORDINANCE NO. 12-16**

**BE IT ORDAINED**, by the Mayor and Municipal Council of the Borough of Woodland Park, in the County of Passaic and State of New Jersey, as follows:

#### **I. Littering Prohibited**

It shall be unlawful for any person to throw, drop, discard, or otherwise place litter of any nature upon any public or private property, other than a litter receptacle.

"Litter" means any used or unconsumed substance or waste material which has been discarded whether made of aluminum, glass, plastic, rubber, paper, or other natural or synthetic material, or any combination thereof including, but not limited to, any bottle, jar or can, or any top, cap, or detachable tab of any bottle, jar, or can, any unlighted cigarette, cigar, match or any flaming or glowing material or any garbage, trash, refuse, debris, rubbish, grass clippings or other lawn or garden waste, newspaper, magazines, glass metal, plastic or paper containers or other packaging or construction material, but does not include the waste of the primary processes of mining or other extraction processes, logging, sawmilling, farming or manufacturing.

#### **II. Use of Litter Receptacles**

Litter receptacles and their servicing are required at the following public places which exist in the municipality, including sidewalks used by pedestrians in active retail commercially zones areas, such that at a minimum there shall be no single linear quarter-mile without a receptacle; buildings held out for use by the public, including schools, government buildings, and railroad and bus stations; parks; drive-in restaurants; all street vendor locations; self-service islands; shopping centers; parking lots; campgrounds and trailer parks; marinas; boat moorage and fueling stations; boat launching areas; public and private piers operated for public use; beaches and bathing areas; and at special events to which the public is invited, including sporting events, parades, carnivals, circuses, and festivals. The proprietors of these places or the sponsors of these events shall be responsible for providing and servicing the receptacles such that adequate containerization is available.

Litter receptacle means a container suitable for the depositing of litter.

#### **III. Illegal Dumping**

It shall be unlawful for any person to discard or dump along any street or road, on or off any right-of-way, any household or commercial solid waste, rubbish, refuse, junk, vehicle or vehicle parts, rubber tires, appliances, furniture, or private property, except by written consent of the owner of said property, in any place not specifically designated for the purpose of solid waste storage or disposal.

#### **IV. Storage of Household Solid Waste**

It shall be unlawful for any residential property owner to store or permit storage of any bulky household waste, including household appliances, furniture and mattresses, in areas zoned residential, except in a fully enclosed structure or during days designated for the collection of bulky items.

#### **V. Storage of Tires**

It shall be unlawful for any residential property owner to store or permit storage of tires in areas zoned residential, except in a fully enclosed structure or on days designated for the collection of tires.

#### **VI. Storage of Vehicles**

It shall be unlawful for any residential property owner to park or permit the parking of any vehicle on his or her residential lawn.

#### **VII. Inoperable Vehicles**

It shall be unlawful for any person to keep or permit the keeping on streets, vacant lots, driveways, and residential lawns except in a fully enclosed structure, any motor vehicle, trailer or semi-trailer, and/or bus/busses, which is/are not capable of being used or operated, or is (a) missing tires, wheels, engine, or any essential parts; or (b) which displays extensive body damage or deterioration; or (c) which does not display a current valid state license; or (d) which is wrecked, disassembled or partially disassembled.

#### **VIII. Uncovered Vehicles**

It shall be unlawful for any vehicle to be driven, moved, stopped or parked, on any highway unless such a vehicle is constructed or loaded to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom. Any person operating a vehicle from which any glass or objects have fallen or escaped, which could cause an obstruction, damage a vehicle, or otherwise endanger travelers or public property, shall immediately cause the public property to be cleaned of all glass or objects and shall pay the costs thereof.

#### **IV. Construction Sites**

It shall be unlawful for any owner, agent, or contractor in charge of a construction or demolition site to permit the accumulation of litter before, during, or after completion of any construction or demolition project. It shall be the duty of the owner, agent, or contractor in charge of a construction site to furnish containers adequate to accommodate flyable or non-flyable debris or trash at areas convenient to construction areas, and to maintain and empty these receptacles in such a manner and with such a frequency as to prevent spillage of refuse.

#### **X. Open or Overflowing Waste Disposal Bins**

It shall be unlawful for any residential or commercial property owner to permit open or overflowing waste disposal bins on his or her property.

#### **XI. Commercial Establishments and Residences**

It shall be the duty of the owner, lessee, tenant, occupant or person in charge of any structure to keep and cause to be kept the sidewalk and curb abutting the building or structure free from obstruction or nuisances of every kind, and to keep sidewalks, areaways, backyards, courts and alleys free from litter and other offensive material. No person shall sweep into or deposit in any gutter, street, catch basin or other public place any accumulation of litter from any public or private sidewalk or driveway. Every person who owns or occupies property shall keep the sidewalk in front of his or her premises free of litter. All sweepings shall be collected and properly containerized for disposal.

**XII. Penalty**

Any person who violates any provision of this Ordinance shall, upon conviction thereof, be punished by a fine of \$100.00 for each violation. If the violation is of a continuing nature, each day during which it continues constitute a separate and distinct offense, and a summons need not be signed for each day of the continuing violation.

**XIII.** This Ordinance shall become effective upon adoption and publication according to law.

**XIV.** All Ordinances or parts thereof inconsistent of herewith are hereby repealed to the extent of such inconsistency.

**EXECUTIVE SESSION:**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey, that pursuant to the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., it is necessary to convene an executive session to discuss items authorized by N.J.S.A. 10:4-12 (b), specifically:

- Litigation
- Pending Litigation

**BE IT FURTHER RESOLVED**, that it is anticipated that the deliberation conducted in closed session may be disclosed to the public upon the determination by the Mayor and Council that the public interest will no longer be served by such confidentially and if not then legally privileged.

Upon Motion made by Councilman Spinelli, seconded by Councilman DeCesare and unanimously passed on roll call vote, the Mayor and Council moved into executive session at 8:30 p.m.

There being no further business to come before the Council, upon Motion by Councilman DeCesare, seconded by Councilman Spinelli and unanimously passed on roll call vote, the meeting was adjourned at 9:37 p.m.

Respectfully submitted,

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Kevin V. Galland  
Municipal Clerk

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Keith Kazmark  
Mayor